

**Convenio
Estambul**
contra
la violencia
de género

**Informe Sombra
al GREVIO 2018**

Spanish Istanbul Shadow Platform

22nd October 2018

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ABOUT US

Spanish Istanbul Shadow Platform comprises a diverse set of feminist, international cooperation and human rights organizations that started working together in April 2018, in order to participate in the evaluation process of the fulfillments of the Istanbul Convention by Spain.

Drawing on the collective expertise of the Shadow Report submitted to CEDAW and the initiatives and participation of NGOs as established by Art 68.5 of the Convention, after six months of work and a State meeting held on October 6, 2018, the signatories below present this *Spanish Shadow Report* to GREVIO examination process as well as to the Spanish State institutions and parties, complemented by the *Shadow Reports of Autonomous Regions*¹, in accordance with the responsibilities assigned to the regional and local bodies in Arts 7.3 and 18.2 of the Convention.

The following organizations are Signatories to this shadow report (252 organizations up to 17th February 2019):

	Organization	Territorial Scope
1	AAMM Feministas Marcela Lagarde	Madrid, Comunidad de
2	Acción Contra la Trata - ACT	Navarra, Comunidad Foral de
3	Acción en Red Madrid	Madrid, Comunidad de
4	Acción para el Desarrollo y la Igualdad	Estatal
5	ActivaT. Red de abogad@s	Estatal
6	ADAVAS – León (Asociación de asistencia a víctimas de agresiones sexuales y malos tratos de León)	Castilla y León
7	ADAVAS (Asociación de asistencia a víctimas de agresiones sexuales y violencia de género de Salamanca)	Castilla y León
8	Agencia Comunicación y Género	Estatal
9	AIETI (Asociación de Investigación y Especialización sobre Temas Latinoamericanos)	Estatal
10	ALIA. Asociación por la igualdad de oportunidades entre mujeres y varones	Estatal
11	Alianza por la Solidaridad	Estatal
12	Almena Cooperativa Feminista	Estatal
13	Alquimia Feminista de Fuenlabrada	Madrid, Comunidad de
14	Amabizia	Navarra, Comunidad Foral de
15	AMAFE (Asociación Madrileña de Amigos y Familiares de Enfermos con Esquizofrenia)	Estatal
16	AMAGINTZA GRUPO DE APOYO PAMPLONA	Navarra, Comunidad Foral de
17	AMALGAMA (Asociación de Mujeres Latinoamericanas)	Madrid, Comunidad de
18	AMECO (Asociación Española de Mujeres de los Medios de Comunicación)	Estatal
19	AMILIPS (Asociación de Mujeres Integradoras para Lograr la Igualdad Psicosocial)	Navarra, Comunidad Foral de
20	AMJE Asociación de Mujeres Juezas de España	Estatal
21	Andrea/ Lunes Lilas	Navarra, Comunidad Foral de
22	Antígona. Grupo de investigación sobre género y derecho. Universitat Autònoma de Barcelona	Cataluña
23	APAIOGA - Asociación Profesional de Axentes de Igualdade de Oportunidades Galega	Galicia
24	Área de la Mujer. Asociación Libre de Abogadas y Abogados	Madrid, Comunidad de
25	Asamblea Feminista de Madrid	Madrid, Comunidad de
26	Asociación "Igualmente"	Andalucía
27	Asociación Alanna	Comunitat Valenciana
28	Asociación Amigas Supervivientes	Comunitat Valenciana
29	Asociación Azul Violeta	Andalucía
30	Asociación Bekoz Beko	País Vasco
31	Asociación Casa de Colombia en España	Estatal
32	Asociación Colectivo Soleares	Madrid, Comunidad de
33	Asociación con la A	Estatal
34	Asociación Contramarea	Canarias

¹ The reports of the following Autonomous Regions are available in our web page (<https://plataformaestambulombra.wordpress.com/>): Valencian / Canary Islands /Community of Madrid / Navarra / Catalonia / Andalusia / Castile and Leon / Basque Country/ Region of Murcia / Galicia / Extremadura

35	Asociación Damos la cara contra la violencia de género.	Andalucía
36	Asociación de Asistencia a Víctimas de Agresiones Sexuales y Malos Tratos de Valladolid (ADAVASYMT)	Castilla y León
37	Asociación de Fibromialgia de la Ribera ADAFIR	Comunitat Valenciana
38	Asociación de Mujeres "La Rondilla"	Castilla y León
39	Asociación de Mujeres Amanecer de Fuente de Piedra	Andalucía
40	Asociación de Mujeres Amatista	Andalucía
41	Asociación de Mujeres AREMOGA	Canarias
42	Asociación de Mujeres Clara Campoamor, Coslada	Madrid, Comunidad de
43	Asociación de Mujeres Contra Los Malos Tratos de Granada (Arcoiris)	Andalucía
44	Asociación de Mujeres Eleanor Roosevelt	Estatal
45	Asociación de Mujeres Fasnieras	Canarias
46	Asociación de Mujeres Feminista Puntos Subversivos	Andalucía
47	Asociación de Mujeres Feministas Tomando Partido	Andalucía
48	Asociación de Mujeres Gara	Estatal
49	Asociación de Mujeres Juristas THEMIS	Estatal
50	Asociación de Mujeres La Yedra de Benamejí	Andalucía
51	Asociación de Mujeres Malvaluna	Extremadura
52	Asociación de Mujeres Montserrat Roig	Madrid, Comunidad de
53	Asociación de Mujeres Nerea	Andalucía
54	Asociación de Mujeres PARA TODAS	Murcia, Región de
55	Asociación de Mujeres Progresistas Bercianas	Castilla y León
56	Asociación de Mujeres Progresistas de Retiro	Madrid, Comunidad de
57	Asociación de Mujeres Separadas y Divorciadas de Valencia	Comunitat Valenciana
58	Asociación de Mujeres Valdés Siglo XXI	Asturias, Principado de
59	Asociación E-Mujeres	Estatal
60	Asociación Endo	Madrid, Comunidad de
61	Asociación Feminista Leonesa "Flora Tristán"	Castilla y León
62	Asociación Feminista Tiemar	Canarias
63	Asociación Grupo Mujeres Carabanchel	Madrid, Comunidad de
64	Asociación Leonesa Simone de Beauvoir	Castilla y León
65	Asociación Mararúa	Canarias
66	Asociación Marbella Feminista	Andalucía
67	Asociación Mercedes Machado para el desarrollo integral de las mujeres	Canarias
68	Asociación Mujeres por la Igualdad Clp	Comunitat Valenciana
69	Asociación Mujeres Progresistas de Alcalá	Madrid, Comunidad de
70	Asociación Mujeres Progresistas La Mitad del Cielo	Andalucía
71	Asociación Mujeres que Aman Demasiado	País Vasco
72	Asociación Mujeres y Niñas con Discapacidad AMUDIS	Castilla y León
73	Asociación Otro Tiempo	Estatal
74	Asociación para la Defensa de la Mujer "La Rueda"	Castilla y León
75	Asociación para la Integración Laboral de la Mujer CAMINAR	Andalucía
76	Asociación por ti mujer	Comunitat Valenciana
77	Asociación Pro casa de la Dona de Bétera	Comunitat Valenciana
78	Asociación Social y Cultural para las mujeres, Mararúa	Canarias
79	Asociación socioeducativa y cultural de mujeres Diversa	Murcia, Región de
80	Asociación Teenses Pola Igualdade	Galicia
81	Asociación Terapia y Género	País Vasco
82	Asociación TRABE	Estatal
83	Associació de Dones Antígona	Comunitat Valenciana
84	Associació de Dones d'Inca	Balears, Illes
85	Associació de Dones de les Illes Balears per a la Salut (ADIBS)	Balears, Illes

86	Associació de Dones de Valls	Cataluña
87	Associació de Dones Jubilades i Pensionistes de Tarragona	Cataluña
88	Associació Dones Educadores Illes Balears	Balears, Illes
89	Associació Hèlia, de suport a les dones que pateixen violència de gènere	Cataluña
90	ATU (Asociación Transparencia Universitaria)	Estatal
91	Balloona Matata	Estatal
92	Brujas Migrantes	Madrid, Comunidad de
93	Calala Fondo de Mujeres	Estatal
94	Casa de la Dona de Silla	Comunitat Valenciana
95	Castelló LGTBI	Comunitat Valenciana
96	CEAR (Comité Español de Ayuda al Refugiado)	Estatal
97	CEIPAZ (Centro de Educación e Investigación para la Paz)	Estatal
98	Centro de Atención a Víctimas de Agresiones Sexuales y Malos Tratos (CAVASYM)	Asturias, Principado de
99	Centro de Estudios e Investigación sobre Mujeres (CEIM)	Estatal
100	Club de Lectura Feminista	Comunitat Valenciana
101	Col·lectiu 8 de Març de l'Alcoià i el Comtat	Comunitat Valenciana
102	Colaboratorias	Estatal
103	Colectiva de Mujeres Refugiadas, Exiliadas y Migradas	Estatal
104	Colectivo de Mujeres por la salud Nielda	Asturias, Principado de
105	Colectivo Ecofeminista Las Garbancitas	Madrid, Comunidad de
106	Colectivo Feminista Las Quijotas. Villarrobledo	Castilla - La Mancha
107	Colectivo Feminista Las Tejedoras	Madrid, Comunidad de
108	Colectivo Feminista Trece Rosas	Castilla y León
109	Colectivo Hiparquía	Comunitat Valenciana
110	Colectivo Independiente de Mujeres de Granada	Andalucía
111	Colectivo Tren de la Libertad Morado	Extremadura
112	Colectivo Urbanas	Navarra, Comunidad Foral de
113	Colegio Oficial de Educadoras Sociales de la Comunidad Valenciana	Comunitat Valenciana
114	Col·lectiu de Dones feministes de Montcada	Comunitat Valenciana
115	Col·lectiu Dones Malva	Comunitat Valenciana
116	Col·lectiu Feminista Victoria Sau	Comunitat Valenciana
117	Comisión para la Investigación de Malos Tratos a Mujeres	Estatal
118	Comité de Culturas Lesbianas (Crecul Madrid)	Madrid, Comunidad de
119	Comité Reivindicativo y Cultural de Lesbianas (CRECUL)	Estatal
120	COMPI (Coordinadora de Organizaciones de Mujeres para la Participación y la Igualdad)	Estatal
121	Confederación de Asociaciones de Mujeres del Medio Rural (CERES)	Estatal
122	Confederación Nacional de Mujeres en Igualdad	Estatal
123	Consejo de las Mujeres del Municipio de Madrid	Madrid, Comunidad de
124	Consell Nacional de Dones d' Espanya	Estatal
125	Coordinadora de Mujeres de Valladolid	Castilla y León
126	Coordinadora de ONG para el Desarrollo-España	Estatal
127	Coordinadora de Organizaciones de Mujeres (COMFIN)	Navarra, Comunidad Foral de
128	Creación Positiva	Estatal
129	Custodia en positivo	Estatal
130	Dekumas LBT	Navarra, Comunidad Foral de
131	Derechos Humanos de las Mujeres y Desarrollo (DEHMUDE)	Estatal
132	Dones de Xirivella en Acció	Comunitat Valenciana
133	El Parto es Nuestro	Estatal
134	Federació Dones de l'Alt Camp	Cataluña
135	Federación de Asociaciones de Asistencia a Víctimas de Violencia Sexual y de Género. (FAMUVI)	Estatal
136	Federación de Asociaciones de Lesbianas, Gays, Bisexuales y Transexuales "ANDALUCÍA DIVERSIDAD LGBT"	Andalucía

137	Federación de Asociaciones de Mujeres Arena y Laurisilva	Estatal
138	Federación de Asociaciones de Mujeres María Laffitte	Andalucía
139	Federación de Mujeres de la Comunidad de Madrid (FAMCM)	Madrid, Comunidad de
140	Federación de Mujeres Progresistas	Estatal
141	Federación de Organizaciones de Mujeres de Lorca	Estatal
142	Federación Estatal de Lesbianas, Gais, Trans y Bisexuales	Estatal
143	Federación Feminista Gloria Arenas	Andalucía
144	Federación Guadalhorce Equilibra	Andalucía
145	Federación Mujeres Jóvenes	Estatal
146	Federación Nacional de Asociaciones de Mujeres Separadas y Divorciadas	Estatal
147	Federación Planificación Familiar Estatal	Estatal
148	Federación Provincial de Asociaciones de mujeres. Ágora-Málaga	Andalucía
149	FEMEN España	Estatal
150	Feminicidio.net-Asociación La Sur	Estatal
151	Feminismos Entrepueblos	Estatal
152	Feministes en Acció	Balears, Illes
153	FEVIMI (Federación para la Erradicación de la Violencia contra las Mujeres y la Infancia)	Castilla y León
154	Foro de Madrid contra la Violencia a las Mujeres	Madrid, Comunidad de
155	Foro de mujeres MIRaN	Navarra, Comunidad Foral de
156	Foro Feminista de Castilla y León	Castilla y León
157	Fórum de Política Feminista	Estatal
158	Fórum de Política Feminista de Córdoba	Andalucía
159	Fórum de Política Feminista de Granada	Andalucía
160	Fórum de Política Feminista de Murcia	Murcia, Región de
161	Fórum de Política Feminista Málaga	Andalucía
162	Fórum Feminista de Madrid	Madrid, Comunidad de
163	Frente de Lucha Feminista	Estatal
164	Fundación InteRed	Estatal
165	Fundación para la Convivencia Aspacia	Estatal
166	Gaurko Andreak Berdintasunaren Aldeko ElkarteA	País Vasco
167	Grup de Debat per la Igualtat, Alzira	Comunitat Valenciana
168	Grupo de investigación de Estudios de Género de la Universidad de las Islas Baleares	Balears, Illes
169	Grupo de Mujeres de Asociación Vecinal de Zarzaquemada	Madrid, Comunidad de
170	Haurralde Fundazioa	País Vasco
171	Idealogia, s. coop. mad.	Madrid, Comunidad de
172	INCIDE (Inclusión, Ciudadanía, Diversidad y Educación)	Estatal
173	Iniciativas de Cooperación Internacional para el Desarrollo - ICID	Estatal
174	L'Associació. Drets Sexuals i Reproductius	Cataluña
175	La Volaera	Andalucía
176	Lilith. Asociación de mujeres	Canarias
177	Malen Etxea, mujeres inmigrantes	País Vasco
178	Médicos del Mundo España	Estatal
179	Médicos del Mundo Navarra	Navarra, Comunidad Foral de
180	Mercedes Machado La Palma	Canarias
181	Mesa de Igualdad del Distrito de Arganzuela (Madrid)	Madrid, Comunidad de
182	Mesa de Igualdad del Distrito de Retiro (Madrid)	Madrid, Comunidad de
183	Mexicanas en Madrid	Madrid, Comunidad de
184	Movimiento Democrático de Mujeres	Estatal
185	Movimiento por la Dignidad de la Mujer-DigniMujer	Madrid, Comunidad de
186	Movimiento social cultural y político Recortes Cero	Estatal
187	Muchas Más	Estatal

188	Mugarik Gabe	País Vasco
189	Mujeres de Negro contra la Guerra. Madrid	Madrid, Comunidad de
190	Mujeres de Valdeserrano	Madrid, Comunidad de
191	Mujeres en RE_BELDÍA	Rioja, La
192	Mujeres Jóvenes de Gran Canaria - Ágora Violeta	Canarias
193	Mujeres Libres-Extremadura	Extremadura
194	Mujeres Marianne de Córdoba	Andalucía
195	Mujeres para la Salud	Estatal
196	Mujeres por la Abolición	Estatal
197	Mujeres Progresistas de Navarra	Navarra, Comunidad Foral de
198	Mujeres Supervivientes	Estatal
199	Mujeres Supervivientes de violencias de género.	Andalucía
200	Mulheres Nacionalistas Galegas	Galicia
201	Nación Mujeres	Estatal
202	Noestasola, Associació Dones Supervivents de Violència Masclista	Cataluña
203	Nosotras Mismas	Madrid, Comunidad de
204	O.M. STEM (Sindicato de Trabajadoras/es de la Enseñanza de Madrid)	Madrid, Comunidad de
205	Observatorio Coeducativo-LGBTI	Estatal
206	Observatorio Ético Internacional (OBETI)	Estatal
207	Organización de Mujeres. Confederación Intersindical (CI)	Estatal
208	Organización de Mujeres de la Intersindical de la Región Murciana	Murcia, Región de
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214	Plataforma cordobesa contra la violencia a las mujeres	Andalucía
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217	Plataforma Impacto de Género Ya	Estatal
218	Plataforma Internacional de Víctimas por Sustracciones Forzadas Infantiles.Te Estamos Buscando	Estatal
219	Plataforma Mujeres Contra la Violencia de Género de Granada. 25 de Noviembre	Andalucía
220	Plataforma Unitària contra les violències de gènere	Cataluña
221	Plazandreak	País Vasco
222	Programa VioPet	Estatal
223	Psicólogas y Psicólogos sin Fronteras	Estatal
224	RAC	Balears, Illes
225	Red AMINVI (Apoyo a la Mujer Inmigrante Víctima de la Violencia de Género)	Comunitat Valenciana
226	Red Canaria en Defensa de los Servicios Sociales	Canarias
227	Red Ecofeminista	Estatal
228	Red Feminista de Albacete	Castilla - La Mancha
229	Red Feminista de Derecho Constitucional	Estatal
230	Red Feminista de Profesionales del Trabajo Social en España-TRASFEM	Estatal
231	Red de Mujeres de América Latina y del Caribe	Estatal
232	Rede Galega pola Igualdade	Galicia
233	Save a Girl. Save a Generation	Estatal
234	Secretaría Confederal de Mujeres e Igualdad de Comisiones Obreras	Estatal
235	Secretaría de Genero e Igualdad: Espacio Feminista (USTEA)	Andalucía
236	Secretaria de Igualdad Unión Sindical Obrera (USO)-MADRID	Madrid, Comunidad de
237	SEDOAC (Asociación Servicio Doméstico Activo)	Estatal
238	Señoras Feministas en Fuerteventura	Canarias

239	Sociedade Galega de Sexoloxia	Galicia
240	SOS Racismo Madrid	Madrid, Comunidad de
241	STEI (Sindicat de Treballadores i Treballadors) Intersindical	Balears, Illes
242	Stop Vientres de Alquiler	Estatal
243	TAMAIA Viure sense violència.sccl	Cataluña
244	Tertulia Alternativas Insólitas	Madrid, Comunidad de
245	Trabajo Social sin Fronteras- TSSF	Estatal
246	Unión Sindical Obrera (USO)	Estatal
247	Vicesecretaría General-Dpto Mujer- Unión General de Trabajadores (UGT)	Estatal
248	Women's International League for Peace and Freedom (WILPF)- España	Estatal
249	Xarxa de Dones de la Marina Alta	Comunitat Valenciana
250	Xarxa Europea de Dones Periodistes	Cataluña
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252	Xateba Por los Derechos de la Mujer	Comunitat Valenciana

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This report is structured according to the Istanbul Convention's chapters and the questionnaire approved by GREVIO on February 11, 2016. A specific chapter on Sexual Violence, Harassment at work and other forms of violence is added

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Insufficient protection for violence other than intimate partner violence as well as lack of due diligence

In Spain, Organic Act 1/2004, on Integrated Protection Measures against Gender Violence, only considers gender violence against women (GV) perpetrated by their present or former spouse or partner. Section 86.3 of the 2017 State Pact against GV says that acts of violence included in the Istanbul Convention, and not foreseen in the OAGV will be ruled by specific and comprehensive laws. Until this new legal development is implemented the other forms of gender violence acknowledged in the Istanbul Convention, will be covered by means of preventive measures as well as will be statistically registered. These acts have not been passed.

Spain is not complying with the due diligence principle. Ángela González Carreño needed 15 years of lawsuits, including the CEDAW 47/2012 decision of August, 15, 2008 in order to obtain a national favorable judgement by the Supreme Court (Case 1263/2018) that acknowledged that her daughter of 7 years was murdered in 2003 partly due to the fact that Spanish authorities did not consider the risk of giving visitation rights to her abusive father.

The existing integrated policies lack of funding, data and NGO's participation (Art 7 to 11)

At the state level we highlight the following strategies or interventions:

- ***1/2004 Organic Act of Protection on Integrated Protection Measures against Gender Violence (hereinafter OAGV):*** It is very important but is limited to judicial and social protection from partner or former partner violence. It is guided towards legal complaints and until 2018 its assigned funds were less than 40 million € for the rest of the measures.
- ***The National Strategy for the Eradication of Violence against Women 2013-2016*** has 4 goals: 1. The breakdown of complicit silence, 2. Institutional response, personalized plans and “one stop” contact point, 3. Special attention to minors and especially vulnerable women and 4. Greater visibility of other forms of violence against women. The 1,200 million € needed for the past four years have not been included in the State Budget.
- ***Strategic Plans for Equality have even less human and material resources.*** They are sporadic (2008-2011), (2014-2016) and at present there are none.
- ***State Pact Against Gender Violence 2017-2021.*** On August 28, 2017, the Spanish Parliament approved 214 measures to apply within 5 years. Feminists organizations only had a minor participatory role in its drafting, and we have little involvement in its application and monitoring, but we still demand its compliance. On May 16, 2017 we took the streets in 75 cities to request the Parliament to put an end to the Government's non-compliance of the increase by 200 million of the miserly budget of 27,7 million euros assigned to the Government Delegation Against Gender Violence (GDGV). Spain's new government with the 9/2018 Law Decree, has implemented 7 of these 214 measures, particularly measures 61, 62, 63, 87, 127, 148, and most of all measure 207, releasing 12, million to the regions and local entities who deal with prevention and the social support networks. This act gives back to local entities competences over equality and gender Violence (approximately 8.000 local authorities) which is vital for social attention, legal and psychological assistance within the victims' proximity.

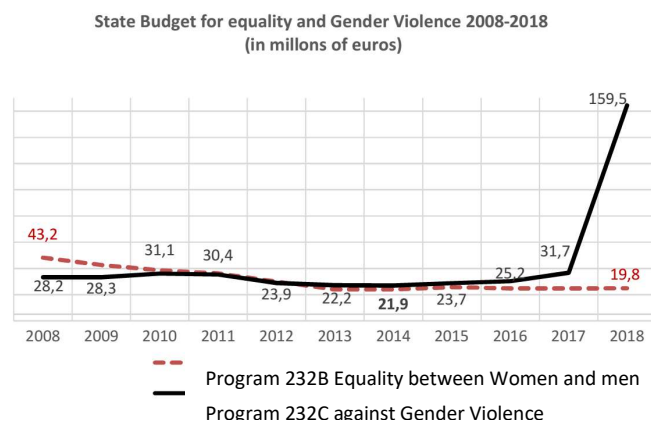
At the Autonomous Regions level:

Nearly all 17 Autonomous Regions have acts and plans that go beyond the scope of OAGV and cover different forms of GV (See Annex 1 and regional governments reports) and 7 amongst them have amended their acts after the ratification of the Istanbul Convention. Some like Valencia and Murcia have adopted since 2015 pacts involving several administrations, parliaments and civil society. The articulation between the State, the regional governments and local authorities depend on agreements that are signed and funded late and yearly. And thus, they do not allow for the maintenance of a stable network of services.

State allocations to regional governments local authorities and others for GV social services (Assigned revenue in million euro / year)					
	2014	2015	2016	2017	2018
For social assistance to women victims (Art19 OAGV)	4	4	5	5,7	6,5
For personalized plans and other types of violence		1	1	1	1
Support for victims of sexual assaults,			2	2	2
To Canary Islands for a Plan Against Gender Violence A				2	
Social aids for Women (art 27 LO 1/04)	1	1	1,7	1,7	3,7
Other allocations to Regional Governments, (State Pact)					100
Allocations to local authorities (State Pact)					20
Agreement with local authorities for teleservice wristbands.	5,5	3,6	3,6	3,6	4
Care for victims of trafficking by private organization	1,5	2	2	2	4
Total	12	11,6	15,3	18	141,2
Source: State Budget					

The Ratification of the Istanbul Convention did not increase the financial resources until 2018 (Art 8)

In 2014 we had the largest cut of the budget and services related to equality and GV. This situation improved in the second half of 2018 when increase foreseen in the Pact was applied.



Reduction of cooperation and the promotion of the work of women’s organizations (Art 8 and 9) There are channels of engagement such as the State Observatory Centre of Violence against Women. Created by Royal Decree 253/2006 it has 13 speak persons from the government and 13 non-governmental named by the government, of whom 5 are from women’s organizations (of the 3.000 existing women’s groups, 200 are nationwide). The government has not convened a meeting from November 2014 till May 2016. The funding of the GV programs managed by NGOs through the 7% of the Personal Income Tax decreased when it was decentralized in 2017.

Insufficient data for social awareness as well as for planning and evaluation policies (Art 11) The data used by media to inform of each murder consists of: the official figure of women murdered by their partner or former partner since 2003; the figures of each murdered or orphaned child since 2013; whether the victim had filed a complaint or had a protection order. The authorities and the media do not publicly explain why the system of protection fails and what is being done to improve it.

There are no complete statistics on the prevention, assistance, protection, justice and reparation system as a whole, while the partial ones are not harmonized in relation to concepts or methodology (they generally just refer to the violence committed by partners or ex-partners) and there is no updating. They are difficult to access and lack data of Autonomous Regions as was reported in the CEDAW Shadow Report in July 2017. These are not connected with the figures of women in situations of violence according to the Macro-survey.

Statistics of the Government Delegation Against Gender Violence (GDAGV) do not show a comprehensive view of the public policies, nor are these updated regularly for evaluation and improvement. Its Statistical site presents updated figures that are broken down by Autonomous Regions and others variables. As an example for 2017 we had the following data: 51 mortal victims, 166.260 criminal complaints, 38.488 requests for protection orders and 26.044 granted, 54.793 cases were followed up, 27.607 with police protection, 765 with financial aid according to Art 27 and 31.398 with Active Insertion Income, 77.796 calls to the toll number 016, 675 resident permits granted due to, Gender Violence. Despite all this information, these statistics don’t provide information neither about the legal, psychological and social services nor the number of lodgings available (Art 20, 22 and 23 of the Convention and 19 of the OAGV).

The Yearly Report of the State Observatory on Violence against Women publishes—two years behind schedule— legal data (type of crime, time of sentence) focusing on the perpetrator (age, preventive prison, nationality, country of origin, etc.). Its yearly statistics bulletin, present, since 2015, data on legal, psychological, social and residence services.

The Statistics on Domestic and Gender Violence of the National Institute of Statistics are based on the Ministry for Justice’s General Registry for the protection of victims (initiated proceedings and final judgements) collecting information on victims of gender violence by partner by gender, age, origin and relationship with the perpetrator and of domestic Violence (Art 173.2 of the Criminal Code) inflicted by ascendants, descendants, siblings amongst others.

The Yearly Report on Gender Violence of the Ministry of Health’s (The Interterritorial Council of the National Health System) collects data of women who declare to a professional of the Health Service to be suffering violence (Primary or Specialized Care) through reports of injuries or clinical records.

The Yearly Statistics from the Ministry of the Interior are based on the Statistics System of Criminality for serious crimes of GV (of the spouse, separated /divorced, partner, ex-partner, boyfriend, former boyfriend), or by people belonging to the family environment (father/mother, son /daughter or other relative). In 2017 they are 63.375 victims of GV (with 51 women dead) together with 88.122 within their family environment. It does not provide figures of violence committed by people outside of the family or unknown to the victim.

Responsible Official Body	Data Publication	Latest data	Date of publication
Government Delegation for Gender Violence (GDVG) Attached until June 2018 to the Ministry of Health Social Services and Equality and now attached to the Ministry of the Presidency, Relations hip with the Courts and Equality.	Statistical sheet of mortal victims of Gender Violence.	daily	daily
	IX Report on State Observatory on Violence against Women	2015	2017
	Macro surveys of Violence against Women (quarterly since 1999)	2015	2015
	Monthly Statistics Bulletin	August 18	2018
	Annual Statistics Bulletin	2016	2017
Council of The Judiciary. Monitoring board against Domestic Violence and Gender in general.	Trimestral Statistic Bulletin.	2nd trim 18	3rd trim 18
	Yearly report on mortality due to Gender Violence and domestic Violence by partners or ex-partners (complaints, protection orders, protective measure and the conclusion of the processes)	2015	2017
	Analysis on sentences passed in homicide and /or murders among the members of a couple or former partner and of minors at the hand of their parents.	2016	2018
Supreme Cassation Prosecution Office	Annual Report, chapter III.I	2017	2018
National Institute of Statistics in collaboration with the Central Registry for the protection of victims of domestic Violence and Gender.	Data on victims and people reported for those crimes; their social and demographic features; on criminal offences sentences, precautionary measures and sentences passed.	2017	2018
Interterritorial Council for the National Health System, MSSSI	Annual Report of the National Health System on Initiatives against Gender Violence.	2016	2017
Ministry for the Interior.	Statistics Year Book	2017	2018

CHAPTER III PREVENTION IN EDUCATION, HEALTH AND COMMUNICATION (ART 12 TO 17)

Awareness-Raising (Art 13) Since 2004 the GDVG has promoted some awareness campaigns on television or targeting young people on social networks. Its 2017 campaign on sexual violence was more concerned about young women being vigilant than about fighting attitudes and violent acts of men. These campaigns were done without the collaboration of civil organizations, more specifically, of women’s groups.

The Education System does not comply with Art 14, as it does not include programs against discrimination and GV. In Spain there are over 8 million students (6.6 million in Pre-school, Primary and Secondary education, in 19.031 public schools and 9.282 private ones, plus 1, 6 million at Universities) who do not benefit from Art 14 of the Convention, or Arts 4 and 6 to 9 of OAGBV, nor measures 1 to 22 and 170 of the State Pact. The same applies to Art 5.9 and 10 of the 2010 Organic Act 2 on Sexual and reproductive health and abortion. The central government hasn’t

assigned to date any human resources or specific materials. The Special Prosecutor for Violence Against Women (the 2017 General Attorney's Report, p.451) asks for those preventives measures to be applied.

Although the Autonomous Communities have the competences of education transferred, there is an Act that entails a common education framework for the whole country, called the LOMCE (Organic Act 8/2013 for the improvement of the quality of education). This Act does not require to educate in gender equality and in the eradication of gender violence. The approval of this law in 2013 has meant a backlash in equality, in comparison to the LOE law of 2006 which included the subject of Education for Citizenship in the 5th year of primary school and in the second year of secondary school to cover sexual education, diversity, GV, etc., and also in comparison to the LOGSE law of 1990, that developed cross-disciplinary compulsory contents in sexual education and equality in all schools with specific curriculum. The present LOMCE law has allowed the state, with the support of judgement 31/2018 of the Constitutional Court, to grant funding to private centers that segregate their pupils according to their gender. The 2006 LOE law had compulsory teaching of Catholic religion within schools' timetable although it was not graded, while in the LOMCE it is graded and has a disproportionate weight in detriment of subjects such as philosophy or ethics. Only students that do not study religion in secondary school have a subject called Ethical Values which includes equality and GV.

Although municipalities have very little leeway in relation to curricula, some of them like Andalusia, Asturias, Canary Islands, Valencia, Castile-La Mancha, the Balearic Islands and the Spanish Basque country have general rulings, and their own contents development, educational plans and teaching materials for equality as well as training for teachers, families and students. They also have budgets, human resources and/or materials for the prevention and treatment of GV. Others, like that of Madrid due to its Decree 9/2018, impose the compulsory subject of religion not only in secondary education but also in its pre-university year. However, there are a few positive extracurricular interventions set up by the local administrations and private non-profit organizations with local public funds.

There are no compulsory subjects on equality and against GV and feminism in teachers initial and ongoing training, contravening Art 15 of the Convention, and yet there is a hidden agenda of "male" values and there are teachers that consider natural the fact that boys harass girls. In "The Figures of Education in Spain" published every academic year by Spain's Ministry of Education there is not even a hint about education for equality and GV.

Teachers training in GV in the project "Link" of the Women's Institute funded by the European Social Fund only covers one per thousand of the 28.313 education centers of pre-school, primary and Secondary; 28 centers of 12 of the 17 local governments, according to Spain's State Report on the Education System during the 2015-2016 academic/school year.

One of the State failures is the early dropout of roma girls or girls of foreign origin. Internet and the social networks have become a new mechanism that increases the risk of minors being bullied or sexually harassed (cyberbullying, sextortion, sexting and grooming). Between 2013 and 2015 36,5% of harassment cases took place by means of this technology. 70% of cyberbullying victims were girls, this percentage decreases until 42% in cases of harassment in the classrooms (data from Study on Cyberbullying by the Foundation ANAR). Most local governments have documents (guide of resources and/or protocols) to combat bullying at school and it is compulsory for schools to have an intervention protocol in their rules. The Observatory of Information Security, belonging to INTECO (National Institute for Communication Technologies), edits the Legal Guide on cyberbullying and grooming. It states that 62% of girls said they had been warned of the risk of suffering harassment online compared to 39,7% of boys. There is a big amount of prevention initiatives stemming from public and private universities but this does not correspond with unchanging/constant amount of gender stereotypes in the media.

We demand a sexual and affective education as well as an equality one with its own curricula at all stages and levels of education. We also request the elimination of all gender stereotypes from the curricula, teaching materials, school books, educational practices and the acknowledgment of feminist training for teachers. We demand a substantial change within the general laws of education in such a way that equality is the basis of system.

State and Regional protocols for assistance and training within the health system. There is a common intervention protocol in the health services against GV (2012), and by agreement of the Sectoral Conference on Equality, another one for referrals between regions to shelters for women victims and their sons and daughters. In 2017 an appendix was added about sex trafficking. The other kinds of violence covered by the Istanbul Convention are not addressed.

The Yearly Report on GV published by Spain's Ministry of Health (Interterritorial Council of the National Health System) quantifies that 17.479 Women in 2016 declared to a public health professional having suffered abuse, 5,3% more than in 2015. The cases included Primary Care (PC) and Specialized Care (SC). There are some Regions that only include Injury Reports (IR) that mainly show physical abuse (67% in PC and 89% in SC), but within those governments that also

use medical records (MR) in 54% of the cases the abuse is physical, 52 % psychological and the remaining 8 are sexual among those who declared in SC. Although the Common Health Protocol does not only consider partner or former partners' violence, these are 64% and 20% of the cases respectively, few are related to other types of perpetrators, and in 15% there is no record.

The reports on injuries were received directly in the courts as a complaint in 14.501 cases, which were 8.7% of those made in 2016 and 9,7% in 2017.

Thanks to its early detection and intervention program, the Public Health of Valencia registered 2.423 cases of GV in 2017 -91% psychological, 47% physical and 7 % sexual- which means that 2,6% of 93.959 Women (over 14% more than in 2016), producing 4.617 medical reports (16% more) and other medical records of injuries.

Several Regions included in their Health Protocols chapters on Sexual Violence and on female genital mutilation -FGM (See appendix II), although they aren't totally adapted to the Istanbul Convention.

Autonomous Regions Health Intervention Protocols on Gender Violence				
	GV (partner/ ex)	Sexual V (Outside of the couple)	FGM	Others
Andalusia	Yes (2008) (2015)	Independent chapter in GV	Specific chapter in GV and the awareness guide (2016)	Specific Chapter in GV of other groups of especially vulnerable Women.
Aragon	Yes (2005)	Yes (2018?)	Yes (2011) (2016)	Interinstitutional Coordination plans
Asturias	Yes (2005) (2016)	Inside GV	Inside GV	Inter departmental Protocols
Balearic Islands	Yes (2009) (2017)	Yes (2009)*; and inside GV	Yes (2017);	* Interinstitutional
Canary Islands	Yes (2003)	Yes, in Gran Canaria (2013)	No	Interinstitutional Coordination
Cantabria	Yes (2005) (2007)	Yes (2007) (2017)	No	
Catalonia	Yes (2009)	Yes(2010)	Yes (2007)	Argentona 2014
Castile La Mancha	Yes (2005) (2008)	Inside GV	Yes (2017)	
Castile and Leon	Yes(2008) (2017)	Inside GV	No	
Extremadura	Yes (2016)	Inside GV	Yes (2017)	Epidemiological Watch on GV (2010); Victim Protection Protocol (2014)
Galicia	Yes (2009)	No	No	Coordination against GV (2017)
Community of Madrid	Yes (2008)	Yes, to people with a disability (2013)	Yes (2015)	Coord. Interv.Prot. of Sexual aggressions. Madrid City Council 2008)
Region of Murcia	Yes (2007)	Inside GV	Yes (2017)	Interinstitutional Prot. against VG (2012)
Navarre	Yes (2005)* (2010)*	Yes (2005)* Against trafficking (2016)	Yes (2013)	* Interinstitutional Agreement * Coord. & Intervention with Women and Children against sex trafficking,
Basque Country	Yes (2008)	Yes (2008)	Yes (2016)	
La Rioja	Yes (2010)	Against trafficking (2018)	Against trafficking (2016)	
Valencian Community	Yes (2008)	Against trafficking. City Hall Valencia (2017)	Yes (2016)	Interinstitutional in GV (2016)
Ceuta	No	No	No	
Melilla	No	No	No	

Migrant women and men with no residence permit were excluded from Spain's health system by the Decrees 16/2012 and 1192/2012. Although exceptions were made for pregnant women, minors, asylum seekers, trafficking victims with recovery and reflection periods, cases of accident or "emergency", in fact many of these women especially vulnerable to GV have been excluded from the prevention and health care. These conditions worsen in the Centers for Foreigners where there is no specialized care for pregnant women, and there are cases of interruption and denial of treatments and discrimination due to sexual orientation and identity. These decrees have been repealed by the Decree of the Law 7/2018 that reinstated universal health care although there are still complaints of discrimination, mostly due to sexual orientation or identity and ethnic origin.

The State Health Protocol against Female Genital Mutilation (Ministry of Health, Social Services and Equality -MSSSI 2015) and its introduction into the Criminal Code (Organic Act 3/2005), doesn't come with enough resources or school protocols to detect it, nor does it have integrated socioeconomic interventions.

Personnel trained in Gender Violence within the National Health System (NHS) in 2016													
	Medicine		Nursing		Matrons		Pediatrics		Social Workers		Other Health Personnel		Total
	Total	% Women	Total	% Women	Total	% Women	Total	% Women	Total	% Women	Total	% Women	
Andalusia	772	62,6	642	72,6	24	95,8	0		44	88,6	281	79,7	1.763
Aragón	199	72,4	108	88,9	7	100	18	100	18	100	60	73,3	410
Asturias	400	60	409	80,7	18	100	23	82,6	31	96,8	67	68,7	948
Balears, Illes	40	87,5	40	100	5	100	3	66,7	3	100	1	100	92
Canarias	15	66,7	9	66,7	3	66,7	0		2	50	4	100	33
Cantabria	49	61,2	32	93,8	8	100	6	100	15	100	11	90,9	121
Castile & León	103	72,8	122	93,4	52	94,2	49	83,7	65	100	49	69,4	440
Castile-La Mancha	1	100	6	66,7	5	80	0		0		13	100	25
Catalonia	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Valencian Community	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Extremadura	61	72,1	26	53,8	2	100	2	100	0		2	0	93
Galicia	77	88,3	10	100	14	92,9	0		6	100	2	50	109
Community of Madrid	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Region of Murcia	49	81,6	28	75	2	50	5	100	3	100	11	100	98
Navarre	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Basque Country	167	79,2	265	92,8	69	98,6	35	71,4	33	90,9	231	94,4	800
La Rioja	39	76,9	66	87,9	8	100	0		38	97,4	18	94,4	169
Ceuta	18	61,1	29	89,7	3	100	8	62,5	1	100	3	100	62
Melilla	18	33,3	24	87,5	0		0		3	100	0		45
TOTAL	2.008	67,2	1.816	81,6	220	95,9	149	82,6	262	95,8	753	83,1	5.208
Total in NHS	116.711		169.233		Source: Yearly Report on Gender Violence. Interterritorial Council of the National Health System								
% trained in GV	1,7		1,1										

Regarding the training of health care workers, the Yearly Report on GV 2017 (MISSS) recommends to *promote the training in Gender Violence within the curricular contents of health professionals within their specialized training of clinical specialties, with a special emphasis in medicine and nursing, family doctors, pediatrics, psychiatric, psychology, gynecology and obstetrics, matrons and traumatology*. But the Nursing degree is the only one that names specific competences (Spanish State Official Bulletin of July 19, 2008 by the Ministry of Science and Innovation): *To learn to identify the psychological problems and physical ones derived of GV in order to equip the student with the prevention, early detection, assistance, and rehabilitation of the victims of this type of violence*.

Despite there is no data for four of the Regions (42% of Spain's population), these shows that less than 3% of the National Health System personnel is trained in Gender Violence.

The National Health System hasn't applied the National Strategy for Sexual and Reproductive Health, since it hasn't been assigned any budget. Regarding elective abortion, Law 11/2015 demands that people under 18 years must have the authorization of their parents or guardians, despite point 31 of the Observation of the CEDAW Committee in 2015. The 2/2010 Act includes voluntary termination of pregnancy in the common services of the National Health System, but in 2016 only 11,7% of the pregnancy terminations took place within public health service, and in Extremadura, Castile La Mancha, Aragon and the Region of Murcia there are no public facilities that carry out terminations. In Andalusia it was 90% while in the Community of Madrid only 68,6% were done in public facilities.

In the National Health System there is still an overuse of instruments at delivery, according to the WHO recommendations. One of every four deliveries are done with caesarean section- 37% of deliveries take place in private hospitals and 22% in public ones- with a variation from 13% in Basque Country and 27,5% in Extremadura.

We consider institutional violence the Ministry of Interior's reversal of the declaration that proclaimed that the State Federation for Family Planning was an organization of public interest. This reversal is due to their defense of the right to pregnancy termination and entailed harassment and sanctions to the clinics that carried them out. The implementation of the right to conscientious objection in relation to abortions goes against the report of the "Working Group on the issue of discrimination against women in law and in practice" of the UN 2015, Art 12 of the CEDAW Convention and 11 of its General Recommendations, that consider discriminatory to prevail the right to conscientious objection over the right of women to access pregnancy termination.

In October 2016 the Administrative Court nº2 in Lugo condemned the Galician Health Service to pay 270.000 € to a patient who had lost her uterus and fertility for being referred by conscientious objector to a private clinic in Madrid, 500 kilometers away.

Psychotherapeutic treatment for perpetrators of domestic Violence and Sexual offences (Art 16.1)

In 2016, 3.395 men went to prison for GV crimes. Since 2012 it has been the third reason for imprisonment, and 26.190 (88%) were condemned to alternative measures different to incarceration. Judgements that do not include incarceration are on the increase and the number of perpetrators that are having counselling have decreased. The availability of these therapies is compulsory in prisons according to Art 42 of OAGV and is optional for the courts according to Art 35.

They intend to eliminate the exclusively punitive nature of these convictions, to improve their self-esteem and control, to reduce the recidivism (estimated at 20%) and thus protect the direct or indirect victims and their children and relatives. There are three types of programs:

- Re-training in prison facilities of inmates condemned for GV against their partner or former partner. In most prison facilities, there is a weekly group session of one year's duration. In order to re-insert perpetrators of sexual aggression there are courses on how to "live without Violence" and to prepare for exit permits, inadequate when confronted with beliefs such as "children also want sexual relations", "even if a women is forced, she surely enjoys it".
- Alternative therapies or suspension of prison judgments. If the judgement is under 2 years of imprisonment and the perpetrator has no prior convictions, the courts will send him to a psychological group or individual therapy for 10 months to a year, which is recognized by the State Penitentiary Institutions (in Catalonia by the Department of Justice of the Catalanian Government) so they can learn to control impulses, reduce their anger and learn how to empathize with women. In 2016, 7.659 men enrolled into the intervention program for perpetrators (called PRIA-MA). 29% of the 26.190 had been sentenced to alternatives measures to prison (in 2015 there were 8.135 registered, 33% of the 24.681 who were condemned). Only 358 (4,7%) enrolled by court order and to avoid prison.

The social services of the Penitentiary institutions manage approx. 50 services of their own and have agreements with universities, NGO, Autonomous Regions Governments and Professional Schools of Psychology (several including training for professionals). In the State Pact against Gender Violence, Spain's Senate proposed to create enough to cover needs, to make it compulsory and to ensure therapists training.

- Volunteer programs for non-incarcerated perpetrators of violence depend on local authorities, Autonomous Regions, NGO's and others. They are not directly associated with the judicial system. They are workshops for men who admit being violent, but are not forced by any judgement or judicial order. There is no data on the participants. There is no evaluation data, there is an estimated high rate of dropout or rejection. Feminist organizations ask that resources for the victims do not depend on the perpetrator's attendance.

In general social services and in those specialized in the elderly, disability, migrants or children, there are no state or regional protocols for prevention, intervention or referral to specialized services in GV (Art 18.2 and 20.2). There is a significant lack of data on detections and on professional training in GV.

In spite of the current legislation, the results are clear: advertising still boosts stereotypes, gender roles and women's sexualization. Public media play an essential role in the prevention and awareness, but, according to the evaluation of the Equality Plan of the state's Corporation Radio and Television 2012-2016 no heed has been paid to the "use of women's image and nonsexist language be it within an internal or external scope." There are no data related to minutes spend in campaigns or programs about equality. According to Global Media Monitoring Project 2015, women are only 28% of the subjects and sources of news in the written press, a minority, except for those related to crime and violence, dealt with a moralizing tone, with no context or data (beyond that of the number of victims) that present GV as a social problem and not as an individual tragedy.

In order to reverse this situation, there is a need for public awareness and training with a gender perspective for journalists and journalism and communications students.

The State Pact has devoted 8 measures, focusing on Art 45, to recover the State Council of Audiovisual Media as an independent authority to warn and require the cessation according to the model of European Directive 201/13/UE and of some Regional Governments. Only Art 47 has been applied, creating in March 2018 the Observatory of Equality of Spanish Radio and Television, that has not made any reports, data or public interventions.

Despite these acts, advertising stills boosts stereotypes and relegates women to fashion, cosmetics and hygiene, as sexualized and consumption objects. The Observatory of Women’s Image at the Institute for Women received in 2017, 1.027 complaints, 91,3% from private citizens and 60% were against advertising campaigns. It answered to 19% with 198 interventions (139 complaints, 26 recommendations, 2 interventions of the State Attorneys, 6 press releases and other 25): neither advertisers, nor the public authorities have taken the Act seriously and they have not assumed their commitment to eradicate inequality. They have not determined which agencies assume these competencies. Currently np administration applies the sanctions prescribed by OAGV, while 70% of the students accept sexist stereotypes (Studies on Sexism in the Autonomous Region of Euskadi-Basque Country, 2014)

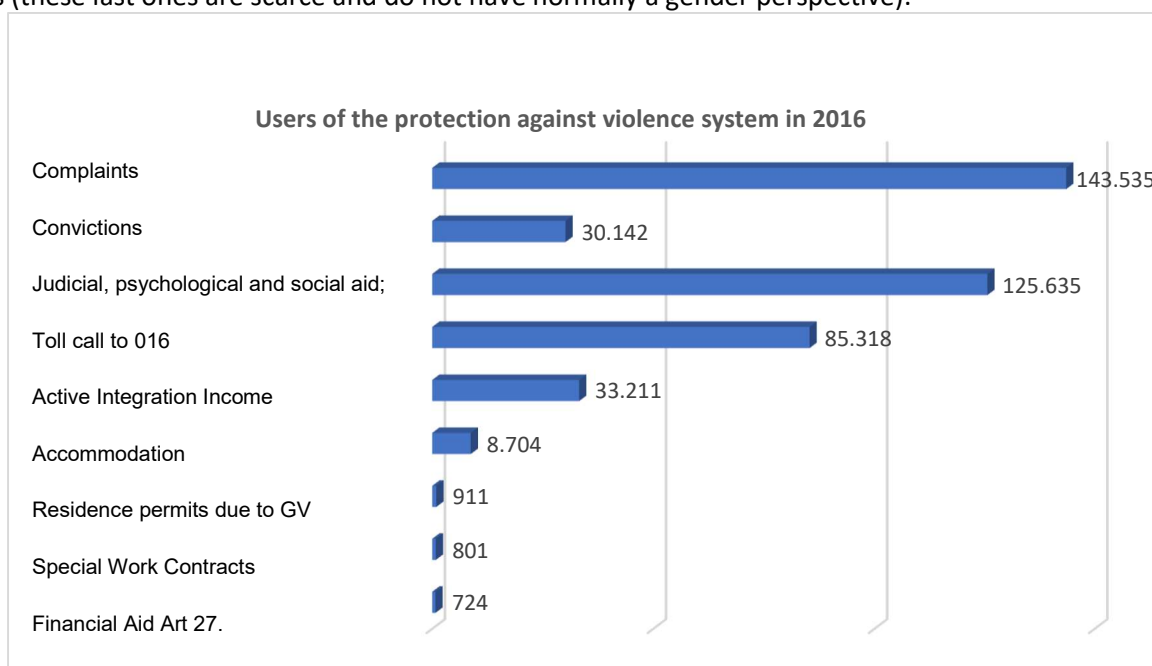
CHAPTER IV PROTECTION: FINANCIAL, JUDICIAL, PSYCHOLOGICAL; AND ACCOMMODATION (ART 18 TO 28)

Social, judicial and psychological assistance as stated in title II of Law 1/200 is only for GV committed by f partners and former partners, *it does not protect victims from other forms of Violence* as agreed in Arts 1 and 2 of the Istanbul Convention.

Most measures are dependent upon the criminal complaint, contravening Art 18.4 of the Convention, as well as on the fact that courts do not close the case and grant a protection order. There is a will to eliminate this kind of requirement with Decree 9/12018 of urgent measures against GV, applying thus points 62 and 63 of the State Pact, that amends Art 23 of 1/2004 Act. This would allow proving the situation of GV to access services or social aids through the reports of social services, specialized services or public services who oversee providing shelter for victims. This will not be possible until the Sectorial Conference on Equality approves the procedure.

Funding is scarce and with no stable interinstitutional cooperation. The Central State determines that information, legal psychological and social assistance (Art 19 of OAGV) corresponds to the Regions and municipalities. They are transferred between 4 and 6,5 million € in total which do not cover a basic minimum. This amount means between 217.00 and 542.000 hours of professional care: between 1,7 and 3/3 hours per year for every woman that files a complaint. It instable due to the fact that it depends of agreements that are signed annually between the State and the Regions and between the Regions and the municipalities who, from Act 27/2013 until the Royal Law Decree 9/2018 had their competences in equality and GV withdrawn.

Judicial, psychological and social support is less extensive. It is generally granted only after a criminal complaint has been filed. Until 2015 the follow up data of OAGV published by the GDGV did not include these services, although “they were guaranteed” by Art 19. The 2015 Bulletin of Statistics (pages 56 and following) began to include them: 411 specialized centers with psychological, judicial, social, labor and economic support to 77.772 Women and 3.867 minors; 552 short term lodgings for women and minors **in emergency centers**; 1.457 lodging in medium term **shelters**; 359 lodgings in 81 **supervised housing; family meeting points** to monitor families in difficult situations (these last ones are scarce and do not have normally a gender perspective).



In 2017 data of 2016 was published in more detail (those of Castile and Leon were missing). Those about information services and care of proximity provided under Art 19 of Act 1/2014 reveal an average use of 625.000 women per center in Valencia, or 532.000 in Andalusia and 12.000 in Castile La Mancha. And the proportion of users varies from 2.2% of women's population in Extremadura and 1,98 % in La Mancha, with less than 0,1 % in Valencia, Galicia and Basque Country. These are official data, but the accuracy and comparability is doubtful regarding the quantity and quality of the services, ratios of population covered. There is no data on the personnel of the center, the time spent by each professional with the users, and the percentage of funding by the State, the Regions and local authorities.

Centers for information, judicial, psychological and social proximity for women and minors victims of gender violence 2016.								
	Nº of centers	Women in population	Women per center	Women users	% of Women	Gender Violence complaints	% Users/ Official complaints	Minor Users
Andalusia	8	4.252.805	531.601	22.356	0,53	29.412	76,01	655
Aragon	40	665.263	16.632	2.554	0,38	3.162	80,77	164
Asturias	15	539.745	35.983	2.122	0,39	2.747	77,25	15
Balearic Islands	5	575.631	115.126	1.823	0,32	5.268	34,61	68
Canary Islands	35	1.084.309	30.980	8.040	0,74	9.404	85,50	1.171
Cantabria	1	297.510	297.510	439	0,15	1.507	29,13	87
Castile and Leon	0	1.231.933		0	0,00	4.633	0,00	0
Castile- La Mancha	84	1.015.680	12.091	20.130	1,98	4.731	425,49	
Catalonia	118	3.801.166	32.213	35.675	0,94	19.546	182,52	
Valencian Community	4	2.500.343	625.086	2.055	0,08	19.431	10,58	67
Extremadura	36	542.019	15.056	11.960	2,21	2.633	454,23	316
Galicia	82	1.400.681	17.081	1.336	0,10	5.683	23,51	55
Community of Madrid	60	3.367.894	56.132	13.997	0,42	21.535	65,00	801
Region of Murcia	33	734.993	22.273		0,00	6.302	0,00	571
Navarre	5	323.346	64.669	592	0,18	1.502	39,41	95
Basque Country	4	1.117.475	279.369	1.084	0,10	4.764	22,75	616
La Rioja	4	158.330	39.583	534	0,34	690	77,39	72
Ceuta	1	41.825	41.825	692	1,65	174	397,70	57
Melilla	1	41.865	41.865	246	0,59	411	59,85	
TOTAL	536	23.692.813	44.203	125.635	0,53	143.535	87,53	4.810

Source: Prepared by the authors based on data from support centers and integral Care Annual Statistics Bulletin 2016 GV. p.66

Art 27 of OAGV grants aids to 0,5% of those who file criminal complaints to courts and the active insertion income to 23% The State grants an aid equivalent to 6 months of unemployment benefits (6x 430,27 €) in one payment to GV victims who have an income below 552€ per month (75% of the minimum wage) “always taking into account that due to her age, lack of specialized or general training and social circumstances it would be difficult for her to find employment”. This aid is consistent with that granted under Act 35/1995 targeting Victims of Violent Crimes and Against Sexual Freedom. This amount is doubled in cases of disabilities (33% or higher) and can be multiplied by threefold or fourfold for family responsibilities. It is funded by the State budgets (DGVG), but can be managed by regional and local social services with a report if the National Public Service of Employment. The budgets ranges between 1 million € in 2014-2015 and 3,7 in 2018.

The right to obtain the Active Insertion Income (All) has more impact. Certain requirements must be met: victims of gender or domestic violence (by partner former partner, father or sons); judicial recognition of the violence; cohabitation with the perpetrator is not possible; must be under the age of 65; have an income lower than 75% of the minimum wage; registered as employment seekers and sign an agreement of activity (*see figure a below*)

Employment support for victims with and without employment (Art 18.3 and 20) For employed women and civil servants whose employment is affected by GV, Art 21 to 26 of the OAGBV establishes the right to absences or lateness, to a reduction or re organisation of their working hours, geographical mobility, change of workplace, the suspension of employment with their post reserved, and the termination of their employment contract. The suspension or termination of employment contracts entail a legal situation of unemployment. The time employment is suspended is considered an effective contribution period for the purposes of unemployment and Social Security benefits. Self-employed workers who are the victims of gender violence and stop working in the interests of protection or to exercise

their right to integrated social assistance are released from paying Social Security contributions for six months, which count in full towards future Social Security benefits. They receive the same consideration as if they were active. The situations of violence activating these rights must be accredited by the protection order in the victim's name and exceptionally, a report of the Public Prosecutor's Office stating that evidence exists that the claimant is a victim of gender violence may suffice as accreditation until a protection order is issued (Art 23 and 26 OAGV). This contravenes art 18.4 of the Istanbul Convention. Some Regions accept reports of social services and specialized organizations. This administrative certification (Law Decree 9/2018) requires the approval of a procedure.

In 10 years barely 653 women have applied for the suspension or annulment of their labor relation in exchange for unemployment subsidies, and even less (257) have applied for unemployment benefits, according to State Observatory of Violence Against Women.

The Public Service of State Employment (SEPE) estimates 24.978 women started to use a service due to their condition of GV victim in 2015 and 28.852 with finalized services (p.261 of Report IX) but the service does not break down the amount of women who reduced their working hours (nor into how many hours), changed their work location or work place, or used the training service, aids, counselling, travel funds, incentives to compensate wage gaps because of geographical mobility, care of minors and dependent relatives. The data breakdown in comparison to other reports about voluntary suspension and contract termination is even less and should be recovered.

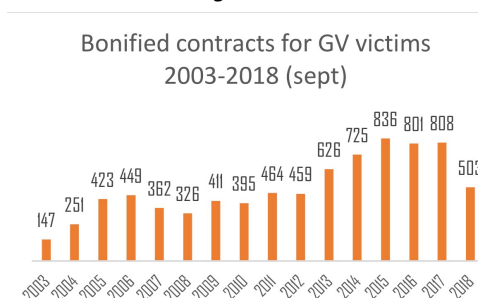
This data breakdown is necessary in order to apply measure 128 of Spain's Pact with the State: to promote the employment and social insertion for victims of GV as ruled by Royal Decree 1917/2008, to expand their intervention measures, to adapt them to individual needs, to connect them with exiting financial aid and simplify access to the latter.

Subsidized contracts for GV victims reach only 0,6% of the complainants (Art 20.1) 2015 was the year with more recipients: 836 contracts (169 long term and 667 short term, 80%), a very low figure considering women's unemployment rate, the number of GV plaintiffs (129.193), and the number of protection orders (20.827). They represent a 0,58% of the contracts that were issued with benefits, even though in GV cases employers have a 100% discount of their social security obligations. 49,3% were companies of under 25 workers and 30% of over 500. Even less are the contracts with social security benefits in cases of replacement of GV workers: 171. (*see fig b. below*)

Fig a.

Year	Number of Aids granted by Art 27	Beneficiaries All- GV
2013	483	32.312
2014	606	34.221
2015	679	34.363
2016	724	33.211
2017	754	31.058
2018 (sept)	214	24.243

Fig b.



The Commission for the follow up of the social and work insertion Program has not met since 2013. In the Observatory, the trade unions have presented proposals for the improvement of GV victims:

- To expand the conditions of unfair dismissal of Art 108 of The Labor jurisdiction Act to trial periods and temporary disability due to illness or accident caused by GV.
- To ensure 100% of their insurance contributions in cases of illness or accident.
- To compensate the decrease of salary due to the reduction of working hours proportionally with the unemployment benefit
- To detect the causes of ignorance or lack of access that explain the little use of their labor and financial rights (transfers, suspension or extinction of contracts, financial aid, etc.).

There is no support for collective complaints at a regional or international level (Art 21) / Specialized support services to all women victims and her children (Art 22, 23 y 25) / 2.707 lodgings in the Network of Shelter Resources

According to Art 28 of OAGBV, women victims of GV are a priority group to access shelters and public residences for the elderly, belonging to the local or regional authorities. It does not guarantee access to shelter, but grants points, as is the case of belonging to large-families group, being a person with a disability or being in a situation of poverty.

But in Spain only 2,5% of lodgings are public, in comparison to the European average of 11%. Added to this scarcity there is an additionally requirement: obtaining a certificate of being a GV victim depends on having a protection order

(after having filed a criminal complaint), which contravenes Art 18.4 of the Istanbul Convention. We are awaiting the approval of the administrative procedure of Royal Law Decree 97/2018. Also, the delay of the procedures hinders the access to shelter, and there is even disparity of criteria regarding whether the judgements are a means of certification. Madrid's regional government has amended in 2018 the "certification" to access shelter, and Madrid's local authority has a care protocol without prior complaint.

There are no specific resources for women victims of GV over 64, not even when they are 13% of mortal victim since 2003, according to the data of GV Observatory in its 2015 yearly Report. There are 610 beds in emergency centers, 1.654 in shelters homes and 443 in supervised apartments.

Residential Centers and Beds for Women and Minors Victims of Gender Violence In 2016														
	EMERGENCY CENTERS						SHELTER HOMES				SUPERVISED APPARTMENTS			
	Centers	Beds	Users		Beds / 100.000 inhab	Beds/ complaints	Homes	Beds	User		App.	Beds	Users	
			Women	Children					Women	Children			Women	Children
Andalusia	9	146	873	755	3,4	2,97	8	234		345	17	91	27	28
Aragon	3	22	109	87	3,3	3,45	4	53	86	41	9	12	31	27
Asturias	3	10	107	105	1,9	3,9	3	49	287	268	20	20	21	17
Balearic Islands	1	24	15	10	4,2	0,28	4	157	196	79	2	2	4	4
Canary Islands	13	81	561	333	7,5	5,97	9	137	109	100	5	55	32	35
Cantabria	1	7	20	19	2,4	1,33	1	7	19	22	3	9	4	5
Castile and Leon	3	38	137	96	3,1	2,96	14	160	91	88	0	0	0	0
Castile- La Mancha	2	28	52	56	2,8	1,1	12	228	202	258	0	0	0	0
Catalonia							6	50	50	74	11	38	38	55
Valencian Community	1	12	64	55	0,5	0,33	10	228	242		9	85	43	
Extremadura	2	44	37	30	8,1	1,41	2	44	37	30	22	22	0	0
Galicia	1	20	50	47	1,4	0,88	3	45	65	64	2	23	15	14
Community of Madrid	5	73	196	188	2,2	0,91	6	111	127	102	7	47	24	33
Region of Murcia	1	30	97	100	4,1	1,54	4	42	20	39	1	7	4	0
Navarre	1	12	80	96	3,7	5,33	1	12	12	17	5	5	8	19
Basque Country	1	15	87	75	1,3	1,83	7	49	111	213	..			
La Rioja	1	24	23	16	15,2	3,33	1	24	18	6	0	0	0	0
Ceuta	1	8	17	25	19,1	9,77	1	8	12	18	1	10	8	19
Melilla	1	16	22	27	38,2	5,35	1	16	22	27	1	17	8	17
TOTAL	50	610	2.547	2.120	2,6	1,77	97	1.654	1.706	1.791	115	443	267	273

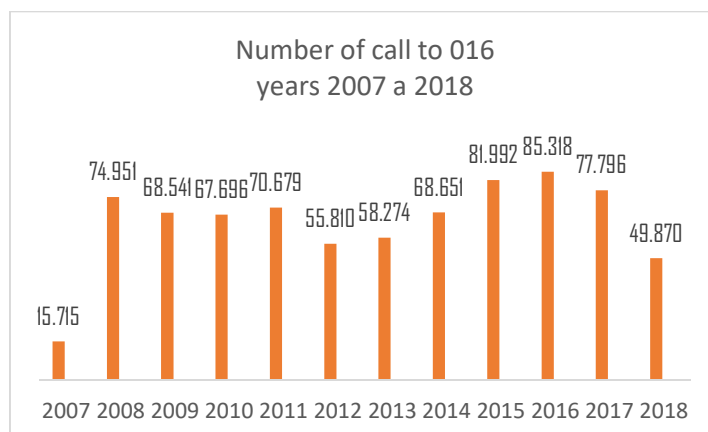
Source: Bulletin of Statistics 2016 of GV, 63 to 65, regarding the population registered at National Institute of Statistics and official complaints according to GGDV Statistics web.

Scope and fragility of 016 phone number, to help women and minors (Art 24) The State resource is a toll-free number 016, managed by professionals to give support all over Spain 24 hours a day and every day of the year. It is accessible in sign language, has other communication modalities, and augmentative and alternative communication systems for people with hearing or speech disabilities through text telephone (DTS number 900116016), an online help web called *Telesor* at <https://www.telesor.es> (requires internet connectivity), mobile phone or PDA by installing a free app. There is also a service for video interpretation called SVIvisual which can be downloaded at <http://www.svisual.org>.

It is not accessible to people with intellectual disabilities. It guarantees confidentiality as it leaves no trace on phone bills, but it does remain on the list of calls, which is a source of anxiety and worry for its users.

It is advertised on television and radio when there is news of women murdered in cases of GV. Its existence is known by 48% of women (increasing to 64% among those who are identified as GV victims) and 38% of men. Nevertheless, 1 out of every 4 victims are unaware of the number's existence, so it still necessary to advertise it.

It offers information to women victims of GV and their environment on: what to do when there is violence; referral of emergency calls to 112, and of call made by minors to toll number 900 202 010 to Help Children and Teenagers; information of number 900105090 of Spain's Ministry of Interior to help victims of trafficking for sexual exploitation; coordination of similar services provided by Regional governments; information on resources and labor rights, social services, financial aid, information resources, help and location of shelters. The phone line offers help in 52 languages: Spanish, Catalan, Basque, Gallaecian, English, French, German, Portuguese, Mandarin Chinese, Russian, Arabic, Rumanian, Bulgarian, Berber language and other 38 languages through a tele-translation service.



There is a 24-hour access to information on all available resources, but specialized legal aid is available from 9 to 21 hours from Monday to Friday and from 12 to 20 hours on Saturdays, Sundays and holidays. It doesn't provide comprehensive care, psychological or social support. It is possible to find administrative resources (police, judiciary, information, care and assessment) and of social facilities available to the public and to GV victims on interactive maps of the following web: <http://wrap.seigualdad.gob.es/recursos/search/SearchForm.action>

The outsourcing of the telephone line by the GDGV has put the service at risk. It was tended for 1 million € in January 2018, it management was awarded for 865.000€ to the only competing company, who, months after, hadn't started working allegedly due to lack of resources, which meant the service had to be kept on by the previous company without specialized personnel. Also, 24 workers have sued the company for the worsening of their working conditions, non-compliance of their contract, working in unsafe locations, in isolation and at risk of suffering sexual aggressions.

Autonomous Regions emergency number is 112 and in some of them there are other specific emergency numbers. There is no breakdown of phone calls data.

Outsourcing or indirect management, temporality as a main feature of GV services network The GDGV, the body in charge of leading the state's policy and to coordinate it with the public policies of the Regions has for 2018 only 1,05% of their budget out of 159,5 million to spend on staff, compared to the 89.87% that has to be transferred to public and private entities, which also depends on annual decisions. This renders impossible the stability and quality of the services.

Public services for GV established by the Istanbul Convention and OAGV 1/2004						
Istanbul Convention Art	Protection social/service	OAGV art	Protection social/service	2015	2016	2017
				Number of users		
19	Information services	19	Information	81.634	125.635	
20	Legal and psychological advice		Legal, psychological and social aid.			
	Support services specialized immediate, short or long term		Follow up of complaints			
24	Telephone 24 h support		Toll free number 016	81.992	85.318	77.796
20	Shelter services		Emergency lodging, shelter, support, and recovery (Women +minors)	2.368	8.704	
23	Shelters					
20	Lodging services	28	Lodgings and residences for the elderly.	0	0	
20	Financial aid	27	Financial aid	679	724	754
			Subsidized employment	34.363	33.211	31.058
20	Employment	21 22	Unemployment due to GV			
			Contracts with bonus	836	801	808
57	Free legal aid	20	Free financial aid at trials			
26	Psychosocial support for children witnesses of GV	19.5	Care for minors	3.867		

The financial and personnel instability, as well infrastructures instability has affected all services established 14 years ago under OAGV, with the exception of the judicial ones. These are the 536 centers for legal, psychological and social support of proximity, the 262 shelters and other residential centers, the management of financial aid, the coordination of territorial and inter institutional and the cooperation with women's organizations and society in general. In addition to the cutbacks and the prohibition by the State budgets since 2011 of creating public posts, a need has emerged to

hire private entities for no more than 5 years, in accordance with Art 29 of Public procurement Act. Companies themselves hire on a part time basis with low wages for psychologists, social or legal specialists which affects negatively the victims they support and thus, also contravening a judgements of European Union’s Tribunal of Justice (September 14, 2016) that declares illegal linking temporary contracts to cover permanent public services.

Protection and support to minors exposed to GV and appropriate counselling due to their age (Art 26) There is a generalized social conception that in childhood there is no gender inequality unlike in adulthood, but women under 18 years, little girls, are also submitted to stereotypes and gender mandates in relation to the way of dressing, sports, behavior and orientation within education that reproduce inequality and stunts the development of their personality. They are also more exposed to violence.

The II Strategic National Plan for Childhood and Adolescence (PENIA 2013-2016) is directed to ensure and promote the implementation of the Convention of the Rights of Children and other standard rulings. Although it includes among its basic principles the prohibition of discrimination, of its 144 measures of intervention there are only three referred to GV and one of them only deals with that committed against girls, mistakenly taking for granted that GV only concerns women over the age of 18.

Complaints about failure to provide care, abandonment or physical, psychological violence within the family impinges by two thirds on girls. And one must take into account the occurrence of sexual violence, early marriage and child pregnancy.

The 2015 Macro survey of the GDGV admits that 1.447.687 women (7,2% of them over 16 years old and residents in Spain) have suffered sexual violence from people that are not their partners. Among them, 120.641 in the last year and 40% were raped (of whom only 2,1% started official complaints.) 8,6% of those raped were under 13 years of age and 19% were between 14 to 17 years of age. 83% were raped by acquaintances.

Incidence on girls of family and sexual violence as well as early maternity and marriage in Spain in 2016				
	Boys	Girls	Total	% Girls
Victims of Violence within the family 2016	1.786	3.737	5.523	67,7
Victims under 18 years of crimes against sexual freedom	1.026	3.362	4.388	76,6
Minors married under 18 years of age	6	54	60	90,0
Mothers under 18 years of age (0,7%)		2.680		

Source: National Institute of Statistics and Report on the Application of the Convention of Children Rights (Ministry of Health, Social Services and Equality)

According to Save The Children’s survey (2017) one out of every four minors between 14 to 17 years of age recognize having noticed gender violence in their environment and half of the children have suffered some type of violence or humiliation at school, especially if they are overweight, wear glasses, suffer some sort of problem, have a physical disability or a different sexual orientation.

During 2016, 80% of the calls made to Foundation ANAR (Aid for Children and Adolescents at risk) on GV were by adolescents between 15 and 17 years old and 14,4% of girls between 12 to 14; the perpetrator is in 71,1% of the cases the boyfriend or partner and in 28,9% of the case the ex-boyfriend or former partner. In over 20% of the cases the girls that have been attacked are of foreign origin or foreign nationals.

Child marriage is the one that takes place before they turns 18. In 80% of the cases, the victim is a girl, although these have decreased from 137 in 2013 to 55 in 2017. In Spain, it is legal for girls to marry at 16 with parental consent. There is no data about arranged and forced marriages.

According to the 2015 Macro survey in more than half of the homes in which the woman had been victim of physical (52%), financial (51%9) or psychological (44%) violence, there were children. But only 4.810 of them received psychological care in GV’s specialized services in 2016.

In 2017, 8 boys and girls were murdered in cases of GV against their mothers, 24 become orphans and many more suffered psychological harm which is sometimes irreparable due to the fact that they are witnesses and direct victims of ongoing blows, shouts, insults or threats.

Psychosocial teams working in courts are not always qualified personnel. On some occasions there is a hierarchical dependency within the judicial body that hinders the independence of these reports. It is necessary to build up psychosocial comprised by clinical psychologists and child psychiatrists specialized in GV that can produce accurate and impartial reports. There are no calls for public tenders of professionals of the psychosocial teams with state examinations that include GV detection, prevention and damage control.

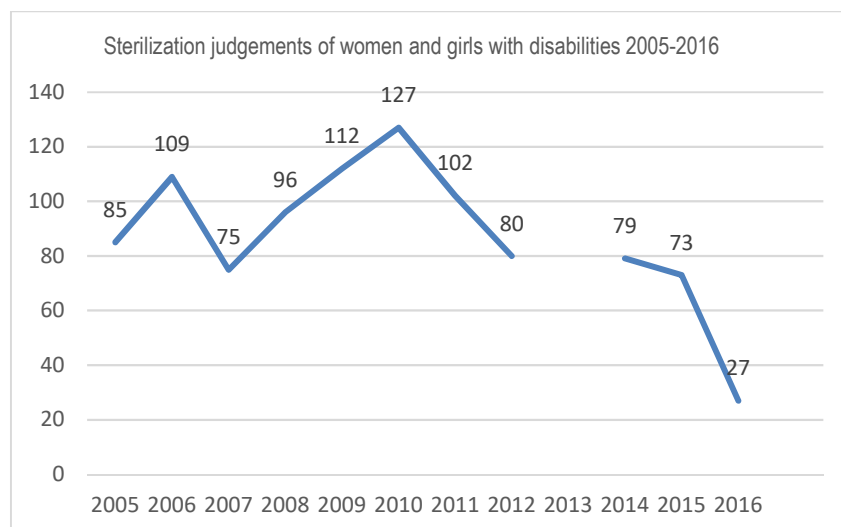
Reporting (Art 27) Children victims of violence should be protected as much as possible, keeping them away from the diagnosis process and if an examination of the child is needed, it should be done without having to ask permission from the alleged perpetrator. It should be done within their environment or family home, so that in addition to humanizing the process, the child is not put at risk by the fact that the perpetrator takes part of the procedure.

Reporting by professionals (Art 28) Social services, family support centers, medical center for primary care, schools, public centers for mediation, are directly in touch with situations of GV against women and children. Nevertheless, judicial statistics reveal that no judicial process is started by these bodies.

Violence towards women with disabilities and their sexual and reproductive rights In Spain 3,85 million people have a functional diversity (physical, intellectual, sensorial or several mental illness) and among them 60% are women. Women with a functional disability are a heterogeneous group. The II Plan for Women and Girls with Disabilities highlights that in cases of violence they have less self-esteem, dependency on assistance and care from other people and fear that if they complain about the abuse they may lose the bonds and care provisions. They have more difficulties in complaining and in being believed, and even lack access to information and counselling centers. Only in Andalusia and Murcia they count with protocols of gynecological accessibility. Women who suffer from frequent and severe assaults are those who have multiple disabilities, mental development or communication issues or disabilities since birth.

CERMI Women's Foundation and the European Forum to prevent and put an end to forced sterilization of women and girls with functional disabilities wrote a report that pointed out that forced sterilization is part of a wider pattern of denial of their human rights, systematic exclusion from the reproductive and sexual care systems and from the choice of contraception, and focus on the suppression of menstrual cycles, insufficient attention during pregnancy and in labor, unwanted abortions and denial of the possibility to be a mother.

In order to proceed to the sterilization with the agreement of the mother, the father or legal tutor it is a requirement a previous judicial statement. Although it is not specified in the report, it is likely that those statements are based on their intellectual disability or mental illness. In little more than a decade, 1.044 women with functional diversity have been sterilized. In 2016, with the amendment of the Criminal Code, sterilization procedures have shifted from a non-contentious proceeding to contradictory ones.



CHAPTER V.-SUBSTANTIVE LAW (ARTS 29 TO 48)

Legislation on Gender Violence (Art 29.1) Besides OAGV, 14 Autonomous Regions have acts against gender violence. The Basque Country and the Balearic Islands have their own acts on equality between men and women with GV provisions included. La Rioja has an act on violence that includes violence against women as well as interfamily violence (see table in Annex I)

Civil remedies against public authorities for the omission of preventive or protection measures (Art 29.2)

There are no statistics, but we perceive a lot of corporatism and institutional road blocks which hinder individual or women's associations appeals against the state.

Compensation for victims of gender violence, specially orphan children (Art 30) Act 35/1995 of aid to victims of violent crimes and crimes against sexual freedom, establishes a system of public aid for direct or indirect victims of intentional and violent crimes resulting in death, serious injuries or physical or mental harm and in favor of direct victims of crimes against sexual freedom, even when these are perpetrated without violence.

Regarding orphan children of mothers murdered in cases of GV, there were 194 children between 2013 (year in which the register began) and 2018. From January to September 2018 they were 27, but it is estimated that since 2004 (year in which OAGV was passed), there have been around 500 children. Those who are murdered by their fathers are usually killed after the divorce, in order to harm the mother.

In spite of the fact that all political parties supported the proposal of an act that guarantees that orphan children in cases of GV would receive a pension even if their mothers had not paid enough contributions to the social security system, the proposal hasn't been approved and no one of them is receiving the 677€ per month prescribed.

Aids to *victims of violent crimes and crimes against sexual freedom* covered by Act 35/1995 and its Ruling Royal Decree 738/1997, are smaller in quantity and more restrictive than those given to victims of terrorism in cases with similar damages. In the first case it is required to have a temporal incapacity of more than six months (during which they have no aid) or a permanent one of at least 33% or higher. The amount of the aid varies from 21.513 € in case of a permanent partial incapacity to 64.540 € for decease and 69.919 for severe disability, and 69.226€ if they have four dependents persons and incomes under the Public Indicator of Multiple Effect Incomes. The process to obtain it is difficult and not sensitive with the victims. Victims of terrorism have more material, social and political recognition. Compensations for personal injuries vary from 75.000 to 125.000€ for permanent partial incapacity; 500.000 and 750.000€ for severe disability and 250.000 to 500.000€ in case of decease. They can be retroactive, are tax free and do not have educational fees. They also have extraordinary and lifetime pensions.

Incidents of violence are not taken into account when custody and visitation rights have to be determined (Art 31) The CEDAW Committee in its Judgement 47/2012 acknowledged a bad judicial practice in the murder of 7 years old Angela G. Carreño's daughter during a visit to her father. At the same time it showed concern in the 2015's Concluding Observations to Spain (CEDAW/C/ESP/CO/7-8, paragraph 20.c) for the amount of children murdered by their fathers while exercising their visiting rights. Therefore point 39 recommended that the state does not grant visitation rights to fathers without supervision in the cases that endanger the rights, wellbeing and security of the children; that it does not pass acts establishing joint custody as a general rule and that measures are taken to address the specific needs of women and children when ruling on the custody of children in cases of GV.

In spite of having amended Art 65 and 66 of OAGV to give judges the possibility to cancel parental authority and visiting rights in cases of GV, and to compel them to supervise them, the General Director of Relations with the Justice Administration, in a hearing of the Sub-commission of the State Pact on March 7 2017 admitted that "the reality is that these provisions are not applied sufficiently". The Observatory against Domestic and Gender Violence highlights that in 2015, only 3% of the judgements of the Courts of Violence against Women had canceled visitation rights, and only 0, 4% had suspended the parental authority.

Women and minors' risks are intensified when the joint custody has been judicially imposed without the agreement of the parents, in cases in which there is gender violence. Art 92.8 of Spain's Civil Code regulates this possibility only for exceptional cases and in the best interest of the minor, but the Supreme Court (SC) since 2013 in its jurisprudence presents it as "a desirable and preferable" option- in contravention with the CEDAW's recommendations , Art 31 of the Istanbul Convention and measure 143 of the State Pact- thus minimizing the violence and allowing in sentences a "reasonable unrest" which has brought on an increase in the cases from 10,5% in 2010 to 39,2% in 2017. It is being imposed without taking into account a case by case analysis, even to nursing babies against the World Health Organization recommendations, and in cases of violence, generating a serious social problem.

Hence, we ask that shared custody is forbidden when there is no agreement between parents, and in the cases in which there is gender violence and therefore, point 8 of Art 92 of the Civil Code should be removed, since this jurisprudential drifting of the Supreme Court is invading legal competences.

Consequently, we call for the prohibition of the use of the "Parental Alienation Syndrome" (PAS) in courts, as well as its apology or any teaching in relation to it, and to be considered as institutional violence against women and children. In point 38 of the CEDAW Concluding observations it was revealed that the PAS was still being applied in judicial decisions. The PAS is being reintroduced through parental coordinators. It is also alleged in some reports of the "meeting points", thus contributing to the give custodies to perpetrators of violence and sexual abusers, in spite of the guide of the General Council of the Judiciary in 2013. Recommendations are not enough; its use or apology should be banned.

Psychological violence has been criminalized and surveyed, but it is not condemned judicially (Art. 33) There is a contrast between the psychological violence detected in the Macro Survey (1,6 million victims) and the minimum percentage of judgements that recognize it, although it is criminalized in Art 153.1 of the Criminal Code (mental damage) and in Art 173 (frequent mental violence). The State Attorney Memorandum of 2017 notes “the importance to have all the criminal records and background information generated by other institutions or professions (doctors, psychologists, social services, education centers, women’s centers...) before making an official complaint, which demands a bigger coordination effort” to detect and investigate and urgently implement in all regional Forensic Assessment Units with specialized personnel to draft expert reports.

Sanctions and measures (Art 45) The loss of parental authority as a criminal procedure associated to the behavior of the accused is not always adopted by the courts, even in the most severe cases of violence against the mother by the father, considering that it depends on the judges’ decision and that it is not an obligation for them.

Aggravating circumstances (Art 46) An aggravating circumstance based on gender was introduced together with that of sexual orientation or sexual identity in Act 1/2015, which amended the Criminal Code (Art 22.4). This was done to comply with Art 46 of the Istanbul Convention and the CEDAW’s Concluding Observations. Although judgements 18/2017 of the Provincial Court of Asturias and 64/2017 of the Provincial Court of Santa Cruz de Tenerife have implemented it, these are seldom applied and are limited to cases of murder by the partner or ex-partner.

The Observatory on Gender Violence of the General Council of the Judiciary deems that, bearing in mind the difficulty in determining the gender motivation in cases of sexual violence (and in other gender-based violence cases such as femicides of women in prostitution) it is necessary to, “ go further into the patterns of the facts, the motivations and the simultaneous circumstances in order to offer some indicators that facilitate the appreciation of the aggravating circumstance based on gender”.

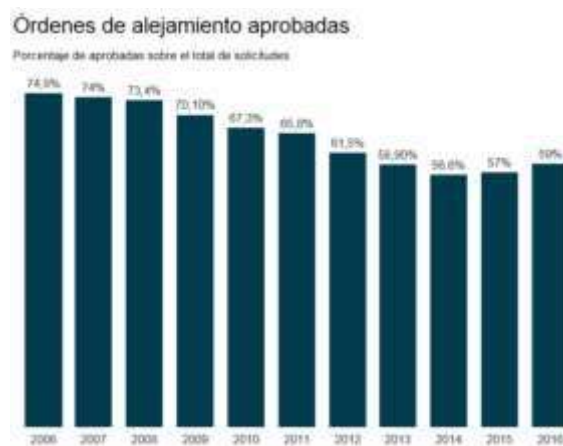
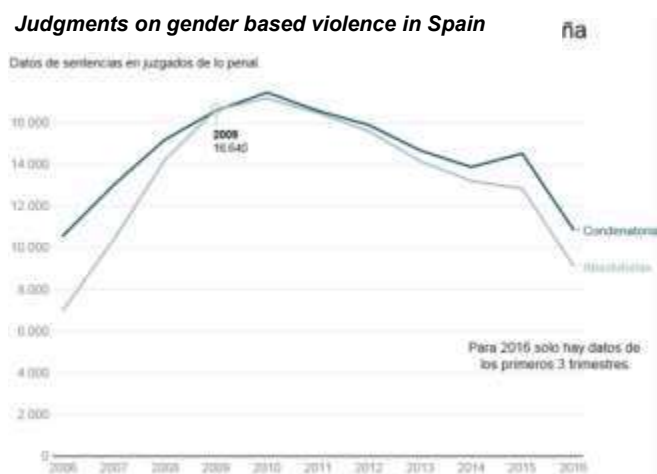
It is important to obtain official statistics disaggregated into types of crimes which include the implementation (or lack of implementation) of the aggravating circumstance based on gender.

Prohibition of mandatory alternative processes of conflicts-resolution (Art 48) Although mediation is contraindicated in cases of gender based violence, it is still being recommended by public bodies, especially in the cases that get to social affairs, civil courts and family support centers.

CHAPTER VI. INVESTIGATION, PROSECUTION, PROCEDURAL LAW AND PROTECTIVE MEASURES (ARTS. 49 TO 58)

We are concerned with the noncompliance of the general responsibilities established in Art 18.3 of the Convention within the judicial sphere: be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim; be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment; aim at avoiding secondary victimization; address the specific needs of vulnerable persons, including child victims, and be made available to them.

Approved restraining orders



In many cases women’s testimonies are undermined due to the fact that they are women and the same happens with their children. Witnesses who are specialized professionals and who work for the local authority centers that support women are not granted the presumption of veracity that is applied to other bodies of the Administration.

There are other examples of gender stereotypes perpetrated by partners or former partners. For example, regarding sexual violence, a woman judge recently asked a victim if “she closed her legs properly” (El País, 27.07.17). We are also worried about the fact that complaints and claims about this issue are being dismissed.

There is still no complete evaluation of the OAGV.

General obligations and immediate response, prevention and protection (Art 49 and 50) The delays of cases with “a complex cause” in many cases do not depend so much on the complexity but on the delays in collecting proofs: the reports of bodies that collaborate with courts, the reports of psychologists and forensic teams, and of specialized units of the police.

In spite of Art 62 to 64 of the Convention, the delay becomes longer when there is a need to ask for international aid, when the crimes are committed via Internet with servers abroad, when the minors are detained in other countries or when the process of separation, divorce or custody takes place in a foreign country.

There are no measures to guarantee that investigation and prosecution are done from a gender perspective due to a lack of training, monitoring and will to do so. Also, many of the courts are not adapted for gender cases, generating re-victimization. For example, women run involuntarily into their aggressors in the court’s corridors.

Measure 104 of Spain’s State Pact reinforces the need of gender expertise within the criminal courts which are the ones that have most of the cases, and measure 106 states that measures have to be taken “to avoid secondary victimization, to prioritize the adaptation of gender-based violence and other specialized courts, with rooms that avoid confrontations of victim/aggressor with audiovisual equipment so that victims do not have to repeat their statements, as well as providing them with qualified interpreters. These same rooms could be used for cases of sexual aggression and trafficking of human beings for sexual exploitation.”

Risk assessment and management. Comprehensive Forensic Evaluation Units and VioGen (Spain’s follow up of gender violence cases). Article 51 The comprehensive follow up system of gender violence (VioGen), regulated in Instruction 7/2016 of the State Secretariat of Security of the Ministry of Interior, started in 2007, in accordance with OAGV. The results of this computer-based assessment are often mistaken. Not only because there aren’t enough questions but also because they are also out of focus. Additionally, even though the level of risk can be modified by the agents in case of error, they do not usually amend it, creating inaccurate evaluations.

Only in cases where the victim has filed a complaint, her case is recorded in the Police Risk Assessment (PRA), in contravention of Art 18.4 of the Convention.

The Royal Law Decree 9/2018 of urgent measures for the development of a State Pact against Gender Violence, amends Art 23 of OAGV: a situation of gender violence can be accredited by a written report of social services, by specialized services or by the public shelters; or by any other title, in so far as it is encompassed in sectoral regulatory provisions referred to the access to each of the rights and services. But none of this can applied until the process has been approved.

Although some progress has been made in the past few years regarding risk management and assessment within the police environment, there are still a few important challenges since children have been excluded from assessments and because there have been many women who have been murdered after having been considered low risk cases.

At the same time, we consider that measures 119 and subsequent, of the State Pact are of the utmost importance:

- To establish 24/7 police units trained in gender-based violence.
- To implement within the Ministry of Interior a Plan that adapts police buildings to assist victims and witnesses, in order to avoid secondary victimization.
- To include daughters and sons in the risk assessment of victims.
- To improve the technical system of electronic surveillance, thus implicating the Ministries of Justice and Interior and to urge the General Council of the Judiciary to promote the use of this equipment at least in cases of “medium risk”.
- To produce protocols on how to behave in situations in which the victim shares spaces with her aggressor (at work, in training centers...)
- To promote the signing of protocols between the Ministry of Interior and the local authorities so that the local police can protect the victim, once the National State police assessed her level of risk.

It is also of concern that gender stereotypes are influencing risk assessment. Ongoing training in this subject is vital.

It is also urgent that Comprehensive Forensic Evaluation Units are comprised by forensic physicians, psychologists and social workers and that they are distributed throughout the whole country. After fourteen years of implementation of

Law 1/ 2004, there are still Units missing in Girona, Tarragona, Zaragoza, Asturias or Madrid, and the existing ones are lacking of human resources and materials. This body is essential for underage children and in cases of habitual physical violence and psychological violence.

Emergency protection orders in 4,63% of legal complaints (Art 52) Between 2015 and 2017 20.278 precautionary measures consisting of restraining orders (4,63% of the complaints) have been given. Precautionary measures to protect current victims or potential ones (those who are offended or injured parties [...], their relatives or other people), can be the measures under Art 544bis of the Criminal Procedure Act (in “crimes of homicide, abortion, injuries, against freedom, tortures and against moral integrity, trafficking of human beings, against freedom and sexual indemnity, intimacy, the right to one’s own image and the inviolability of the home, honor, patrimony and socioeconomic order, taking into account the gravity of the facts or to that danger the felon represents”) or the restraining order of Art 544 ter (in GV and domestic Violence)

Protection orders in 16% and judgements in 21% of the judicial complaints of intimate partner violence (Art 53) Protection orders are only granted to women victims of violence committed by their partners or former partners, or to victims of domestic violence, not to other forms of violence included in the Istanbul Convention.

Protection orders and protection measures granted/requested in courts o violence against women 2015-2017 (%) *			
2015	2016	2017	Measures
20.827 / 36.292 (57,38%)	24.367 / 37.956 (64,20%)	26.044 / 38.501 (67,64%)	71.238 / 112.749 (63,18%)

Source: Yearly statistics on gender violence by the General Council of the Judiciary. (CGPJ)

Until 2014 only protection orders requested under Art 544.ter of the Criminal Procedure Act were included in the statistics. From the first trimester of 2015 protection measures encompassed in Art 544 bis are also included. In other words, specialized courts in violence against women denied 1 of every 2 protection orders that were requested between 2014 and 2015, 1 out of every 3 in 2016 and 2017, although the statistics vary a lot according to each region. From 2015 to 2017, the Courts of Violence against Women have dealt with 438.346 official complaints. The yearly rate of official complaints is on the increase since 2014, at the same time as the feminist movement in Spain is also growing. Nearly 39% of all complaints were dismissed. The victims withdraw their complaints in 10,93 % of cases. 16.25% of the complaints were granted protective and restraining orders (slightly over 63% of petitioners). Only 21, 11% of judgements were guilty verdicts, including the GV and Criminal courts. For different reasons, 79 women out of 100 who submitted an official complaint were unable to get the courts to recognize the violence.

Judicial treatment of gender violence in Spain: Evolution of the main indicators 2015-2017						
Year	Off. Complaints (rate 10.000 Women)	Withdrawal GVC (% /complaints)	Dismissed (% complaints)	Restraining orders, 544 ter (% /complaints)	Restraining order in as measures in 544 bis (% /complaints)	Condemned(men) GVC+Criminal C. (% /complaints)
2015	129.193 (54,43)	15.321 (11,86%)	51.768 (40,07%)	15.844 (12,26%)	5.945 (4,60%)	28.650 (22,18%)
2016	142.893 (60,24)	16.118 (11,28%)	58.299 (40,80%)	16.675 (11,67%)	7.692 (5,38%)	30.998 (21,69%)
2017	166.260 (70,04)	16.464 (9,90%)	60.186 (36,20%)	17.233 (10,36%)	6.641 (3,99%)	32.876 (19,50%)
Sum/ average	438.346 (61,57)	47.903 (10,93%)	170.253 (38,84%)	71.237 (16,25%)	20.278 (4,63%)	92.524 (21,11%)

Source: Yearly statistic data on Gender Violence by the Council of General Council of the Judiciary

Murdered Women who had a restraining order Intimate femicide with restraining orders in force 2015-2017 [figure/total (percentage)]			
2015	2016	2017	Media
4/64 (6,25%)	6/57 (10,53%)	6/53 (11,32%)	16/174 (9,19%)

Sources: Sheets of mortal victims of MSSSI and Geofeminicde <https://geo.feminicidio.net/> [8]

Although access to data on restraining orders is public, like all other data on the judicial treatment of gender violence collected by the General Council of the Judiciary, it is cumbersome. We obtain our specific data thanks to feminist organizations, like [Femicidio.net](https://bit.ly/2tW5TDv) (the data analysis of the General Council can be found at <https://bit.ly/2tW5TDv> (2015 preview) and <https://bit.ly/2k0y172> (2015 preview)) who take on the task of interpreting the data from a gender perspective.

Since 2006, 24,5% of femicide victims had made official complaints. The criminality rate seemed to have decreased in 2016 (62,2%, 16,1 point lower than in 2015), but it raised again in 2017 and at present, is over 70%. According to official data from 2015 to 2017, 72,7% of femicides were perpetrated with no prior official complaint recorded: 21,4% of the victims had made official complaints and 5,9% of the cases the complaint had been made by a third party. In the cases of intimate femicides registered by [Femicidio.net](https://bit.ly/2k0y172), which include those that are doubtful for the Ministry of Social Security and Health Services (murdered women who had no clear link of affection with the perpetrator), the percentage of official complaints are even lower.

Prior official complaint in cases of intimate femicides 2015-2017								
Year	2015		2016		2017		Media	
Prior complaint	13 / 64	20,31%	17 / 57	29,82%	12 / 53	22,64%	42 / 174	24,14%
Complaint by the victim	9 / 64	14,06%	13 / 57	22,81%	11 / 53	20,75%	33 / 174	18,96%
Complaint by a third party	4 / 64	6,25%	4 / 57	7,02%	1 / 53	1,89%	9 / 174	5,17%

Investigation and evidence (Art. 54)

Cases of sexual abuse, sexual aggression or abuse of women and children are not investigated when the facts are stated, especially within the civil framework.

Ex parte and ex officio proceedings (Art. 55)

According to Art 191.1 of the Criminal Code, prosecution of felonies of sexual assault, harassment or abuse require this to be reported by the victim, her/his legal representative or a suit to be filed by the Public Prosecutor, who has to act in line with the lawful interests concerned. When the victim is a children, or person with a disability, the report by the Public Prosecutor is enough. In these felonies, forgiveness by the victim or legal representative does not extinguish the criminal action or the criminal liability. In most cases, if the minor doesn't make an official complaint the prosecutor's office doesn't file a suit.

Women's organizations can be part of a free popular accusatory process, even if the victim withdraws her official complaint or hasn't made one out of fear. This process is used a measure of solidarity and control.

Protection measures (Art 56)

Interviews with child victims and or witnesses should be done in places designed or adapted for such proceedings by professionals who have been properly trained to do so; the number of statements should be the minimum possible and it should allow for video recording in such a way that the recording is admissible within the criminal process as "pre-constitutive proof".

Although this recommendation is already included in the EU Directive 2012/29/UE establishing minimum standards on the rights, support and protection of victims of crime and in Spain's legal framework (Art 433 and 488 of the Spanish Criminal Procedural Law and the State's Prosecutor Office Circular 3/2009 on the protection of child victims and witnesses), the truth is that statements of underage victims and/or witness are not always used as pre constituted proof, but rather in person during the trial, which constitutes re-victimization. This is due to a lack of resource in the courts. For example, in the courts of Madrid there is only one technician to do recordings and one psychologist.

Legal aid (Art 57)

According to the Free Judicial Assistance Act, regardless the existence of resources to litigate, women will have access to the processes/procedures that are linked to, derived from or are the consequence of their condition of victim of gender violence (also in the case of trafficking). Also, Art 20 of the Act against gender violence grants the right to access free judicial counsel in the moment prior to the official complaint as well as to be defended and represented free of charge by a Lawyer or Court Representative in all administrative processes and proceedings that ensue directly or

indirectly from the violence suffered. However, it is under the condition that she is or will make an official complaint. There is no right to counsel dissociated of a legal proceeding.

The training of public defenders is still insufficient. They are trained in substantive issues and procedural law related to gender violence, but the focus on gender is not presented in a serious and thorough way, and this has a negative impact on the attention to women victims. On the other hand, their training does not include international and regional law on women's rights.

Most lawyers who sign up as public defenders are specialized in Family Law or Criminal Law, two branches within Law Studies that to date have remained clearly separate, so they normally have insufficient knowledge of one of the branches in the gender violence procedures.

Statute of limitation (Art 58)

The statute of limitation in Spain is insufficient. It goes from 5 to 15 years for sexual crimes, and if the victim is a minor, when they reach the age of 18. Since it favors impunity, we consider that there should not be a statute of limitation for sex crimes, or if there is to be one, it should be of 30 years.

CHAPTER VII. MIGRATION, ASYLUM AND INTERNATIONAL PROTECTION (ART 44 AND 59 TO 65)

Here we analyze Spain's implementation of Art 1.1 of the Convention to protect all victims:

- That are based on Spain regardless of their nationality or administrative situation.
- Of Spanish nationality but who are in another state be it of the EU or not.

We call for the ratification of the Istanbul Convention by the Council of the European Union to improve its global implementation

Taking into account the obstruction by the successive 6 month EU presidencies since the signature on June 13, 2017, we agree with the report COM(2016)0109 – 2016/0062 (NLE) of the European Parliament of September, 12, 2017 and its recommendations to no longer delay it, to avoid limiting it to judicial cooperation regarding criminal, asylum and non-devolution regulations/policies, and to take into account the custodial and visitation rights and to fully implement directives 2011/99/UE (European order of protection), 2012/29UE (protection of victims), 2011/36/UE (trafficking), 2011/92/UE (Sexual abuse and exploitation of minors) and the Rules of mutual recognition in matters of civil protection (except family).

Insufficient judicial diligence in protecting gender violence victims whose aggressors are of a different nationality or country of residence (Art 44 of the Convention)

We estimate that in Spain 1 of out of every 7 couples are affected by the legislation and/or jurisdiction of two countries, due to nationality or residency, due to the fact that, according to the National Institute of Statistics, in 2017 14% of marriages, 11% of birth and 16% of divorces were of couples of different nationalities, and 19,3% of births were of a foreign mother.

17% of the 22.967 GV victims who had police protection by December 31, 2016 were abroad.

According to Memory 2017 of the General Prosecution Office, in 2016 only three petitions of European Protection Order were communicated to the Coordinating Unit against Violence on Women. All of them were issued from Spain to other countries by Spanish courts, two of them were specialized in violence against woman and the other one was criminal (DP 62/16 of the Court of Violence against Women 1 of Barcelona; Executory 336/15 of Criminal Court 1 of Orense and in Summary/case nº399/16 of the Court of Violence against Women in Pontevedra).

Art 44.1 of the Istanbul Convention establishes that all courts or tribunals in Spain will have the jurisdiction/power when a GV crime is committed in their territory; or on board a ship flying their flag; or on board an aircraft registered under their laws; or by one of their nationals; or by a person who has her or his habitual residence in their territory.

Art 44.2 states: "Parties shall endeavor to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory."

The new Art 23.4.I of the Organic Act of the Judiciary attributes Spanish jurisdiction to crimes regulated in the Istanbul Convention, in so far as the proceeding is against:

- 1- A Spanish national
- 2- Or a foreigner who usually resides in Spain;
- 3- Or the victim at that moment has Spanish nationality or her usual place of residency in Spain, in so far as the alleged criminal is in Spain.

That is to say, judicial protection is subordinated for Spanish Women or women residents in Spain and their children to their “aggressor being in Spain” which we consider an insufficient effort.

Therefore, the official complaint is not immediately submitted to the country where the crime was committed in cases where the victim is living in Spain and the crime is committed in other states of the European Union, communicating to the victim that the court decides not to investigate the case due to lack of jurisdiction, as established in Art 17 of the status of the victim.

Art 140.2 of Act 23/2014 of mutual acknowledgements of criminal resolutions within the European Union, states that any Spanish judicial authority that denies the acknowledgement of a European protection order will have to notify the decision and the reasoning not only to the authority of the State that issues it, but also to the protected person, thus informing, if it is the case, of the possibility to ask for another protection order in accordance with the national legislation and of the appeal procedures.

The civil servants of embassies and consulates of Spain lack the knowledge and sufficient resources to implement the protocol of attention to Spanish women victims of gender violence abroad.

Custody, visitation rights and safety

Art 32 of the Istanbul Convention establishes that “parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence by the scope of this Convention are taken into account.” At the same time, paragraph 31.ii of the General Recommendation 35 of the CEDAW Committee states that the rights or pleas of the authors or alleged authors during and after the judicial proceedings, specifically regarding property, privacy, children’s custody, access, contacts and visits, should be determined according to the human rights of women and children to life and to physical, sexual and psychological integrity and has to be in the best interest of the child.

Neither the Hague Convention on Civil Aspects of International Child Abduction of 1980, or the EU Regulation (EC) 2201/2003 of the Council mentions it within the context of GV, although the first one, in its Art 13, says that the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.

There is no regulation compelling to take into consideration gender violence especially in the cases of child abduction, and it is not mentioned in the child abduction protocol that the Ministry of Justice published on its web page, where statistics with a GV break down allegations do not exist. There are many cases that have been broadcasted by media due to the harshness of the cases, but they have not provoked any institutional answer.

As Spain’s Association of Women Judges has noted: “Legal tools so necessary and relevant as the Hague Convention on Civil Aspects of International Child Abduction of 1980 (specially its Art 13) or the EU Regulation 2201/2003 of the Council, on November 27, 2003 are at risk of being undermined and of leading to unjust situations if in the text and its implementation the context and the reality of gender violence are not taken into account as has been stated in other legal frameworks such as the Istanbul Convention or the CEDAW Convention whose committee has addressed some specific recommendations to Spain to fight effectively against women’s discrimination.”

Measure 153 of Spain’s State Pact establishes that there is a need to “Study the necessary legislative modifications to grant protection to victims that find themselves involved in a situation of international abduction of children, when it is originated in a situation of gender violence.”

Juana Rivas’ case: more than 2 years waiting for her official complaint of gender violence to be heard either in Spain or in Italy, meanwhile she was condemned for international child abduction

Art 31 of the Convention, on custody and visits in a gender violence context, was not implemented in her case, nor was Art 44.2 of Spanish jurisdiction when the victims, woman and children, are nationals (Spanish).

On July 12, 2016 Juana Rivas submitted an official complaint in Spain for physical and psychological abuse, committed habitually in Italy by her former partner and the father of her two children, Francesco Arcuri (who was previously sentenced for bad treatment and deprived of his eldest son’s custody in 2009).

On July 20, 2016 Court of Violence Against Woman nº2 of Granada declared it had no jurisdiction. The complaint was reactivated again on March 3, 2017 by the Women Center of the Local Government of Macarena before the Unit against violence on women of the General Prosecutor’s Office. A year later, on August 3, 2017 the Minister for Justice referred the case to the Italian authorities.

Two years later, no court- Spanish or Italian-had started investigating and prosecuting her case.

While her complaint was not being dealt with, another complaint was filed, in this case by the father of her children, accusing her of international abduction, ignoring the context of violence and suspending her eldest son's declaration. On October 14, 2016 the Court of First Instance nº3 of Granada gave judgement 754/16 ordering the immediate return of the children to Italy with their father. On April 18, 2017 judgment 152/2017 of the Provincial Court of Granada dismissed the mother's appeal, with reference to a different case of 2013, before the implementation of the Istanbul Convention, Organic Act 8/2015 of protection of children and adolescents (Additional provision 3ª, 3 and 4 amending Art 65 and 66 of OAGV) and Art 17 of Act 4/2015 on the standing of a victim of a crime which transposes EU Directives 2012/29 and 2011/92/UE, and thus confirmed the return of the children to their father in Italy.

On December 5, 2017, 71 Women's associations asked the General Council of the Judiciary to investigate these events but it dismissed the case arguing (page 12, last paragraph) that the delay of one year to translate and send the complaint to Italy was not the responsibility of the court, but of the company that the court had hired to do the translations.

On July 27, 2018 judgement 257/18 was issued by the Criminal Court nº1 of Granada, full of sexist stereotypes regarding GV and Juana was condemned to five years of prison and six years with no parental authority over her children. She also had to compensate Francesco with 30.000€. The judgement accused her of "haranguing a visceral and unthinking crowd", in reference to feminist demonstrations supporting Juana and her children in 2017 and 2018.

Discrimination in the protection of women and children due to their nationality or administrative situation.

Theoretically, OAGV is also applicable to women of any nationality or origin that are in the Spanish territory, regardless of their administrative situation, but in fact they are less protected. The incidence of gender violence in women who are not Spanish increases five times its presence, less than 10% of the population. They are 30% of the victims that have made official complaints and 43% of mortal victims.

	2015	2016	2017
Complaints by foreign women	37.261	40.168	48.110
withdrawals of foreign women	5.680	5.691	6.252
Ratio of complaints	15%	14.2%	13%

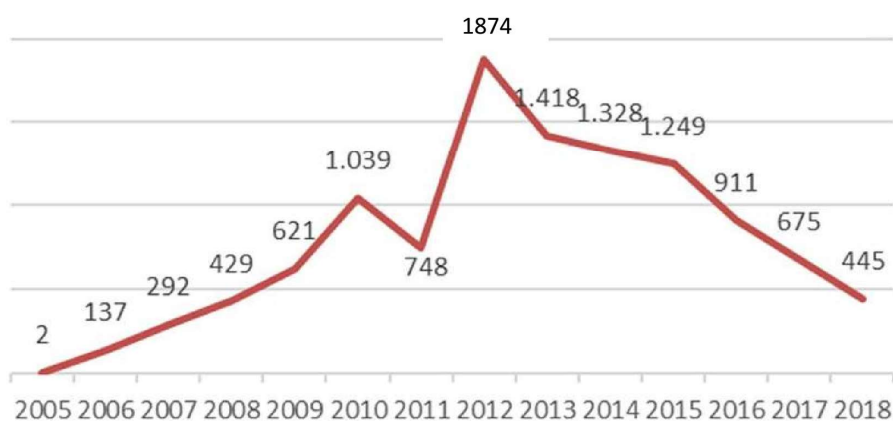
46,5 million people live in Spain. 4,4 million (9,6%) do not have Spanish nationality, 4,1% are from other EU countries, 0,5% other European countries, 2,1% are from Latin America and the Caribbean, 2% from Africa and 0,8% from Asia. 12,8% of men and 13,3% of women were born abroad.

The statistics of the Government Delegation Against Gender Violence are not disaggregated in relation to nationality and country of origin of the victims and perpetrators, therefore it is difficult to determine where the protection is failing. The General Council of the Judiciary shows that, of the 142.893 legal complaints made in 2017, in 48.110 (33,7%) cases the victims were foreign women. 13% (6.252) invoked their right not to declare (n Art 416 of the Criminal Procedure Act), and 13% withdrew the official complaint.

Decrease in granting resident permits in cases of violence inflicted by their partner (Art 59.1)

Part-time work and residence permits are regulated under Art 19.2 of Organic Act 4/2000 on Aliens, and 59.2b of the regulation that develops Royal Decree 557/2011. It states that in cases where the spouse was reunited with her husband, if she is a victim of gender based violence, an even if she does not have economic resources, can obtain the permit if she has a protection order or a Prosecutor's report (an administrative report is not enough), which means she has to submit the complaint (contravening Art 18.4 of the Convention).

Number of resident and work permits granted to foreign Women victims of Gender Violence 2005-2018



Source: Statistics Website of the Government Delegation Against Gender Violence

These figures are questioned by NGOs specialized in GV, since they suggest that all women having asylum status seekers or subsidiary protection have it because of the fact that they are victims of GV.

These permits were granted in 2017 to 1,4% of the 48.000 foreigner women with complaints, while 8% of petitions were denied (Monitoring Report 2015, p.307) and the granting of the permits has been decreasing in number since 2012.

For foreigner women whose partners are citizen from a EU country or the Economic European Area, if there is a dissolution of the marriage or of the relationship, Art 9.4 of the Royal Decree 240/2007 grants the right to keep the right of residence even if the three years that are required have not passed, if they can prove “especially difficult circumstances” of GV with a judgement, a restraining order or a prosecutor’s report, to trafficking of human being by the spouse or registered partner, or the right to visit a child that lives in Spain.

Temporary residence permit for victims of trafficking during an investigation or criminal process (Art 59.3b)

This is very relevant for the prosecution of trafficking of women, but the results are scarce for the pimps are closer to the victims than the institutions that are supposed to protect them. Art 59 bis of Spain’s Organic Act 4/2000, has added to comply with the Convention of the Council of Europe against trafficking humans of 2005, and Art 140 to 146 of the Royal Decree 557/2011 provide for the possibility of granting a 5 years temporary residence and work (permit which may be extended) due to exceptional causes to victims of human trafficking. According to Art 177 of RD 557/2011 this cause may be the collaboration of the victim with the investigation of a crime or her own situation.

According to the United Nations 63.251 victims of trafficking in 106 countries were detected. 70% were women and girls. Spain is the third country in demand of prostitution, after Thailand and Puerto Rico, and one of the countries with more transits and destinations of trafficking. According to the Government Delegation Against Gender Violence in 2016, organizations caring for victims have observed signs of sexual exploitation in 20.245 women and girls of which 19% (3.858) present signs of trafficking. 30% are from Nigeria and 23% from Romania. Only 1,1% (41) have Spanish nationality.

The diagnosis of “Madrid’s Strategy against trafficking of human beings for Sexual exploitation 2016-2021” says that 65 % of the victims come from the EU, particularly from Bulgaria, Romania, Holland, Poland and Hungary, or from Nigeria, Brazil, China, Vietnam and Russia. Girls who are victims have increased from 10% in 2004 to 21%.

In 2016 the Center of Intelligence Against Terrorism and Organized Crime (Ministry of the Interior) opened 69 initial assessments of trafficking in women and girls for sexual exploitation, investigating 36 criminal organizations and 375 people. According to the Alien Prosecutor there were 393 victims (57% Africans and 25 of them (6,45) minors. About 250 judicial processes were initiated and 13 judgements for trafficking crimes were given, 5 of them of acquittal, and another 5 judgements (2 acquittals) for crimes committed prior to the entry into force of Art 177 bis of Spain’s Criminal Code (Yearly Statistics Bulletin of 2016 of the Government’s Delegation, p.83). In 2015 the Center of Intelligence against Terrorism and organized Crime) of the Ministry of Interior dismantled 15 organizations of labor and sexual trafficking. Victims of trafficking for sexual exploitation are women in 96% of the cases.

Most trafficking processes are initiated because of police statements after inspections of premises where prostitution takes place and the cases are dismissed when constraint or abuse of the victims cannot be proven. Women are then

denied a resident permit and are left defenseless, although they have cooperated with the investigation. If they are mothers, they are deprived from the tutelage of their children. They should have the right to reunite with their children or direct family from their countries of origins, thus avoiding being blackmailed because of that. They are frequently expelled from Spain while pimps are not criminalized, contravening Palermo protocol.

It is imperative to adequate the alien's legislation to GV legislation in order to grant work and resident permits, access to social services and the protection of migrant women's rights that are in an irregular administrative situation.

At the same time, 13 initial assessments have been initiated for crimes of qualified prostitution (for its special importance) of 60 women, 8 of them minors, investigating 65 people (47 men and 18 Women), most of them of Nigerian and Romanian nationalities. There is no economic, psychosocial, labor support system for women and girls who leave prostitution.

The Comprehensive Plan to fight against trafficking of women and girls for sexual exploitation 2015-2018 has only 4 million € from the Government Delegation Against Gender Violence in 2018, and its management is completely externalized to NGOs.

The State Pact includes 9 measures against trafficking that still haven't been implemented: to pass a comprehensive and multidisciplinary act with adequate prevention measures, to eliminate all sexual content from advertising and launch social protection services and complete recovery of the victims (189), to make follow up reports of the Plan with verifiable indicators (190), to amend Organic Act 19/1994 to improve the protection of victims, witnesses and plaintiffs (191), to increase international cooperation to improve the detection and support of the returnee victims (192), to continue publishing information and data on the Ministry of Interior's website and to incorporate it in the Government Delegation Against Gender Violence's website as a way to combat Violence against Women (193), to reinforce the persecution *ex officio* of the crime of trafficking, to set up services of social protection and complete recovery of the exploited people (194), to offer medical care to victims in spite of their irregular status (195), to draft an in depth study of the new realities of trafficking and the police answers(196) and to deactivate the demand for prostitution(197).

Although we have the Convention against trafficking people and the Group of Experts (GRETA) of the Council of Europe, it would be very useful if GREVIO identifies it as a form of gender violence.

Gender Persecution as condition for asylum Art 60.

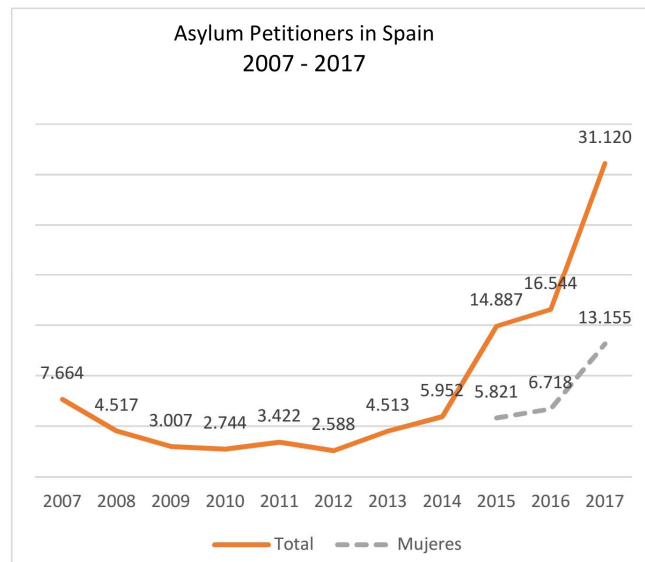
Trafficking isn't usually identified as persecution for gender reasons (point 45 of General Recommendation 32 of the CEDAW Committee). CEAR (p.54) highlights the recognition at the end of 2016 of the status of refugees to 12 women victims of trafficking for purposes of sexual exploitation and their under age children, and the opening of lodgings taking into account their needs: protection from pimps, privacy, gender perspective, space for minors and maternal care, psycho-sanitation adapted, empowerment for their autonomy in daily life and financial sustainability.

52.872 women in a situation of prostitution have been contacted, of whom approximately 43,1% (22.784 contacts) have taken place in apartments, venue and clubs, the most significant ones being the contacts with 10.672 Women made by organizations in private places inaccessible for inspections.

In Spain 69.086 women and girls come from countries where female genital mutilation is practiced, but according to ACNUR ,asylum for this reason has only been granted to about 20 women in the past 5 years.

An increase in demands for international protection for sexual identity reasons has been registered, as well as for having been or being victims of forced marriages, sexual violence, genital mutilation or trafficking. An example of this can be seen in countries like Cameroun where in 2016 120 petitions were registered, increasing to 720 in 2017.

The figures of asylum seekers increases exponentially, and the number of women to a lesser extent do too. Of the 31.120 people asking for international protection in Spain in 2017, 42% were women (13.155). 51% were between 18 and 34 years of age and 24 % were under age (26% in 2016) with a notable increase of non-accompanied minors arriving to Spain's coasts. 13.350 asylum petitions were processed, two thirds (65%) were denied and a third (35%) were positive, although only 595 obtained a refugee status (mainly nationals from Palestine, Eritrea and Morocco),1,9% of petitioners, and to 4.080 were granted subsidiary protection (mainly those from Syria, Ukraine and Palestine.). The gender factor has not been taken into account.



Regarding women migrants who come by sea, many are pregnant and with signs of travelling under trafficking conditions. They all have made reference to suffering physical and/or sexual violence during the travel. CEAR, in its 2017 report, explains that it has provided care for women who suffered sexual violence by police and security forces in Morocco and by their travel companions. Their profile is one of the most vulnerable from a psychosocial point of view, not only because of the violence they have suffered (and that they have often not verbalized, until they feel safe and with a social and legal support), but also due to their cultural level and social abilities, which requires a lot of support while they go through their integration process. The experience of persecution and exile, as well as the uncertainty while they wait for the resolution of their cases, has a very negative impact on their mental health.

People from Venezuela, who currently outnumber those from Syria as the main asylum seekers in Spain, are submitting petitions mainly for political reason, but there are also many people who claim to be allegedly persecuted for being LGBTI, and HIV positives who say that do not have access to medical treatment in their country of origin. Nevertheless, of the 10.350 petitions from that country, 1530 have been denied and only 15 have been granted a refugee status.

In the Spain's CEDAW Intermediate report of July 2017, the Shadow Report of NGOs noted in relation to women and girls petitioners of asylum:

- That Spain had only fulfilled 7% of its commitment of 17.337 refugees (40% are women).
- Lack of data provided by the Office for Asylum and Refugees (OAR) which does not break down its data by sex.
- Specific needs are not recognized, and attention is not adequate because Art 17.5 and 46 of the Asylum Act do not have a regulation development.
- In 2015 and 2016 solidarity with refugees and gender perspective has increased, although only 0,4% of the population declare being concerned for them (CIS, May 2016)
- To our knowledge there is no mechanism in place to identify, nor any positive action for Women with specific needs (disability, unaccompanied girls, victims of traumas, trafficking, forced prostitution, sexual violence, torture or mistreatment)
- The CEDAW's General Recommendation nº 32 isn't applied nor are the Gender Guidelines of ACNUR on health, judicial, social and safety strategies against gender violence.
- The lodgings, training, language classes, medical aid to people who manage to enter into the asylum circuit are have gender stereotypes and identify women victims with passive roles.
- There are complaint mechanisms in the services, but these are not used due to fear and cultural barriers.

There are women testimonies, including pregnant ones, who are detained in centers for foreigners, that have suffered gender violence and sexual exploitation, with no psychosocial resources or judicial aid. Law 12/2009 that regulates the right to asylum and subsidiary protection, not only ignores female genital mutilation, but also doesn't guarantee distinctive "policy treatments".

The lack of legal and secure ways to request political asylum condemns women to remain suffering violence or to risk their lives on increasingly dangerous and deadly routes, where they become the main target of trafficking and /or sexual exploitation networks. Also, in spite of all legislative reforms, only a few women request help due to the lack of

information and translation services and to the mistrust of foreign authorities and institutions. Sometimes they do not want to make public the violence, rape, sexual harassment, labour and sexual exploitation they have suffered. In this regard, Spain's official representatives abroad are not helpful.

Regarding reception and support processes, there is a lack of coordination between the government's authorities and the judicial guarantees in some seaports. There is no unified protocol and each woman may have a different process in response to her situation. Detention is a common tool, and port units do not have the necessary conditions. The same applies for the facilities and cells where these people are detained. But these are the same difficulties we find in airports and in Centers for Foreigners, where the infrastructures and the conditions are not adequate for child care, for pregnant women or sick people. Upon seeking asylum, the person is interviewed by a civil servant who is not trained from a gender perspective, and whose decision on whether the interviewee is credible or not, is decisive.

Current legislation in Spain forbids international protection asylum seekers from working until six months have passed after the admissibility of their petition. If the final resolution is denied, all efforts of training, adaptation, job seeking and achieving jobs will be useless, since they are forced to leave Spain within fifteen days or to remain in an irregular administrative situation.

Non-refoulement (Art 61)

"Summary" deportation of migrants are a common practice to date, although there have been judicial and NGO's complaints about this practice since it contravenes the non-refoulement principle, and the return of migrant people.

Therefore, civil society is requesting a state action plan that includes a unified protocol to improve the management of arrivals of migrant people and refugees by sea; to identify the needs of international protection and to refer them to the adequate channels. All this with a budget that allows for the increase of material and human resources, as well as to ensure judicial assistance, interpreters and permanent ongoing training for police officers and others to identify those who have special needs, like women victims of gender-based violence, and to include the gender perspective in the asylum procedure and also resources so that regional and local authorities promote political, social and labor integration of refugee women, as well as contact with local women and care for children.

The obscurity and lack of statistical data and indicators on asylum for gender reasons, as well as sex, age, waiting time, country of origin, reasons for seeking asylum and reasons given for which international protection is either granted or denied, do not help migrant people nor the social debate.

The Convention is also against forced marriages which take place outside of the country of residence of the women, but this is not the case under the protection of OAGV or of the Organic Act 4/2000. Since the 2015 Criminal Code describes forced marriages in its Art 177.bis.1.e as a type of human trafficking but only if it takes place within "Spain's national territory, from Spain, in transit or as a destination country". Art 172, bis considers intimidation and violent to get married as a crime, establishing that the marriage is null if it proven that there was a lack of consent or constraint or grave fear. The State Pact includes measures in its points 68, 199 and 200, but these have not been legally developed. In the absence of regulation, it is not possible to find data on the amount of official complaints (400 cases a year, according to ABC newspaper of March 9, 2017) and on the number of women who have recovered their resident status after a forced marriage or in cases detected by health, educational or social care providers.

Cuts backs in International Cooperation to eliminate Violence against Women (Art 1.1.d and 62).

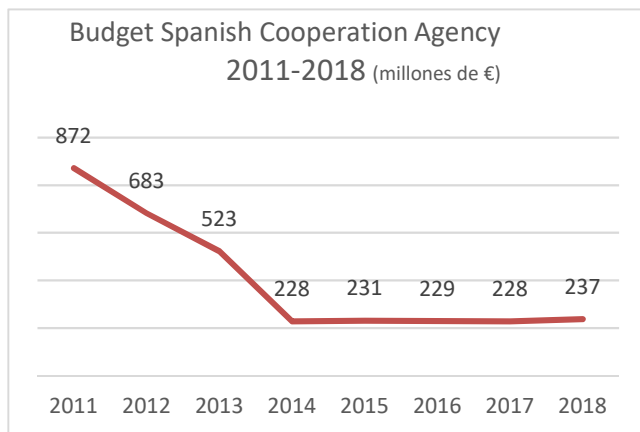
Gender focus has been inserted in the latest Master plans for Cooperation of Spain's Government (CE) as a sectoral cross-cutting priority. Nevertheless, the specific guidelines on how to mitigate all forms of violence and discrimination against women and girls are only mentioned as a side issue. The biggest hurdle for its implementation, has been not only the lack of political will but also the economic cuts suffered during the crisis of 2004 and the world's financial reduction of development funds.

In the first report on the gender approach of Spanish Cooperation, approved by the Council of Development Cooperation (May 17,2018) it is highlighted the difficulties disaggregating data, the lack of goals and specific results within gender areas, the decrease of budgets, the inadequate application and assessment of gender indicators and the decrease of support for women's organization and feminist movements. Because of this, there have been constraints in the implementation of gender in specific actions as well as in the process of mainstreaming.

Although Spanish cooperation has expressed its will to consider women's rights and gender equality as a priority, as well as its commitment with institutions like the UN Women, the weight of both areas has dropped significantly and specifically in terms of budget and official aid for development (AOD). The Budget assigned to orientation 5 "Promote the rights of Women and Gender equality"- established in the 4th Master Plan 2013-2016 is the smallest in 2013 and 2014 (21 million euros,1,64% of the total AOD).

The CE mandate of sectoral concentration and the joint identification of priorities with the country partner has resulted in incorporating gender within other sectors and in not prioritizing it as a separate sector. There is no effective integration of this approach. Also, there are no preventive protocols against aggressions to women who work in International Cooperation.

The funding of AOD is 0.21% of the Gross National Income, which is far from Spain’s international commitment of 0.7%, and continues to stagnate after another 74% cut between 2011 and 2014. The State Budget for 2017 increased it in comparison to 2016 by 54 million euros, that is 2.3%. Spanish International Cooperation Agency hasn’t recovered: its 2018 budget is 1% lower than that of 2017. Of the 237 million euros available for the Spanish International Agency for the Development only 49,8millions (17,8%) are devoted to violence against Women.



CHAPTER VIII SEXUAL VIOLENCE, HARASSMENT AT WORK, FEMALE GENITAL MUTILATION, INTERSECTIONALITY

This chapter deals with forms of gender violence against women that are not committed by husbands or partners (and therefore that do not fall under the scope of OAGV) including Arts 1 and 3 of the Convention. We also consider violence against sexual and reproductive rights and femicide, not specifically recognized in the Convention.

Gender perspective in judicial and social handling of sexual violence

In 2017 and 2018 the feminist movement in Spain summoned demonstrations hundreds of thousands of people to protest not only against judgement 38/2018 of the Provincial Court of Navarre for the rape of a 18-year-old woman by five men called The Pack (*La Manada*) during the Run of the Bulls Feast (*San Fermín*) of 2016, but also against the culture of rape. Over 750 judges reacted in July 2018 and addressed the Consultative Council of European Judges complaining of “social pressure” and “public lynching”. In May the Ministry for Justice included women into the Criminal Section of the Commission for Codification to debate in relation to the term of non-consent and use of violence and/or intimidation in sexual crimes, since the current definition of sexual assault and abuse (Art 178 to 183 bis) of Spain’s Criminal Code does not adjust to the definition of rape of the Istanbul Convention based on the lack of contentment of the victim. Impunity of sexual violence is much extended. Complaints are scarce and, when the victim decides to file a complaint, revictimization by the judicial system, society and the media is frequent.

In the State Pact, the Spanish Parliament acknowledges that “the concept of Gender Violence has to be extended to all types of Violence against Women according to the Istanbul Convention” (measure 84) and recognizes the need “To declare that physical, psychological and sexual violence, including rape, female genital mutilation, forced marriage, sexual harassment and harassment for gender reasons, forced abortion and forced sterilization (including when there is no relationship with the aggressor), are also forms of violence against women. Therefore, the attention and recovery, with a recognition of specific rights for women victims of any act of violence included in the Istanbul Convention and that do not fall under the scope of OAGV, should be regulated in specific and comprehensive laws adapted to each type of violence. While the legislation is passed, a preventive and statistical treatment in the terms of OAGV should be enforced. Likewise, the criminal response in these cases will be governed by the provisions of the Criminal Code and the special criminal laws.

On July 17, 2018 the Parliament processed a legislative proposal of an Act of Comprehensive Protection of Sexual freedom and for the eradication of sexual violence, that not only has amendments of the Criminal code, but also goes beyond the criminal approach with prevention, awareness and training measures, recognition of rights to the victims such as information, free judicial assistance and integral social aid. To date, October 22, there is no date set for the debate of this proposal in the Parliament.

Other measures of this Pact which have not been implemented are measure 77 (anti-harassment measures at the work place), 107 (use of violence against women courts for cases of sexual assault and trafficking), 183 (table on sexual violence), 185 (comprehensive care program for sexual assault cases), 189 (comprehensive act against trafficking).

Statistical analysis of sexual violence has been reduced to a Macro Survey every 5 years, that does not break down data of sexual harassment at work or others, as well as the police and judicial information, and there is no monthly or annual follow up, thus contravening Art 11 of the Convention. The 2015 Macro Survey states that 1,5 million women (7,2% of women over the age of 16 residents in Spain) have suffered sexual violence committed by someone different from their husband or partners, 120.641 in this last year, of whom 40% were raped. Statistics only distinguish between sexual assaults and other crimes against freedom and sexual indemnity, except for cases of corruption of children and persons with disabilities and child pornography. The Public Prosecutor's Report only gathers the number of indictments for crimes against sexual freedom or indemnity, there is no record of the number of judgements and of victims. The Observatory of Gender Violence of the general Council of the Judiciary announced in February 2018 that it would begin to consider all forms of gender violence, but its May 2018 reports only registers femicides regardless of the relationship with the aggressor. As the 2017 follow up CEDAW Shadow Report notices: "It is necessary to have a structure to collect data, with a shared methodology between the Central State and the Regions that allows for comparisons and global visions, and also enables us to know the victims and to help and protect them."

Definitions of sexual violence- assault, abuse and harassment- within the criminal, civil, labor or administrative legislation, do not address it as "a violation of human rights and a form of discrimination against women", nor those it have a comprehensive framework with acts and public policies to prevent and combat it.

social services) or shared. Criminal and procedural regulations belong to the exclusive competence of the state, but regarding prevention and care, there are some areas that fall within regional competence, as it is the case with education or health. Considering the lack of a state framework, this has entailed territorial inequalities and differences. As we said before, most regions, perhaps except for La Rioja, have comprehensive laws on gender violence or on equality including gender violence, and most have widened their scope of action to incorporate *sexual violence* and other forms of gender-based violence, although in a heterogeneous way, not complying with the Convention and not necessarily guaranteeing care services.

Some public institutions have created specialized units on sexual violence (police, prosecutors, etc.) but it does not cater for all general public services nor for all forms of violence against women, for there is a general lack of specialized training, a lack of gender perspective when confronted with these situations and the nonexistence of comprehensive and coordinated protocols. There are no 24-hour specialized emergency centers. According to data of 2017 only 9 of the 17 Regions (Andalusia, Aragon, Cantabria, Castile and Leon, Catalonia, Valencia, Extremadura and Madrid) have specialized care centers for victims of sexual violence, but they are not open for 24 hours, they are not adequate, or easily accessible, and are not enough as established by Art 25 of the Convention. For example, in Complete Care Center of Madrid (CIMASCAM) received in 2017, 746 Women with 1044 visits (0,02% of Women of the region with 1,4 consults per Women). They provide general counselling and legal assistance during the judicial procedures, psychological care and treatment for complete recovery, training and awareness activities. These services in many cases depend on public subsidies.

The Delegation against Gender Violence allocates 2 million euros per year for the application of Art 25 of the Convention. The territorial distribution was published in the State Bulletin (BOE) of December 1, 2017 and in that of August 8, 2018. In 2017 it transferred 1.200 and 17.800 € to public and private projects. In 2018 all the regions (except for the Basque Country and Navarra due to their financial system) received economic resources explicitly for the creation of emergency centers according to Art 25 of the Convention, but with amounts between 180.100€ to Catalonia and 76.00 to Ceuta and Melilla, that do not cover the investment nor the human and material resources need to maintain them.

Sexual harassment. Going from "me too" in the networks to a social change requires public policies.

Organic Act 3/2007 for the effective equality of women and men defines in its Art 7 sexual harassment (without prejudice of Art 184 of the Criminal Code) "is any form of verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, degrading, or offensive environment", and harassment on the grounds of sex as "any behaviour prompted by a person's sex with the purpose or effect of violating his or her dignity, creating an intimidating, degrading or offensive environment". Sexual harassment and harassment on the grounds of sex are considered to constitute discrimination under any and all circumstances as well as the conditioning of a right or expectation of a right to the acceptance of a situation constituting sexual harassment or harassment on the grounds of sex.

Art 12.3 states that only the person subject to sexual harassment or harassment on the grounds of sex will be legally capacitated to institute the respective legal action, and Art 46 and 48 urge employers and workers' representatives to pass equality plans that include harassment prevention and to report to company management any conduct or behaviour coming to their attention that might favour harassment. Also, Art 62 encompasses the negotiation of a protocol to prevent sexual harassment and harassment on the grounds of sex creation by the central, regional and local governments and workers' legal representatives.

Most of the provisions of this Act are considered "soft law". A study on the application of Spain's Organic Act 3/2007 drafted by the Commission for Equality of the General Council of the Judiciary in cooperation with the Catalan Government, published in 2011, showed a small number of judgements (132 for sexual harassment and 25 for harassment on the grounds of sex in Spain between 2008 and 2009). Since the burden of proof is placed on the victim of harassment (Art 96 and 179. 2 of Act on Social Jurisdiction), most labor courts consider it insufficient: they have excessive standards to prove intimidation and they revictimize the victim.

The report of the EU agency for Fundamental Rights in 2014 revealed that in Europe a third of sexual harassment cases takes place at work and that migrant women are the most vulnerable. The Eurofound² report "Violence and harassment at work in Europe" published in 2015, states that in Spain only 8% of mobbing cases were officially reported, while the European average is 14,9 %. The Labour Inspection reported that between 2010 and 2015 it initiated only 3,472 proceedings for sexual harassment in relation to 2,994 workers and issued 42 infringement notices (7 per year in the whole country). From 2008 to 2015 there were only 49 guilty judgments.

In the summer of 2018 media reported on the working conditions of hundreds of Moroccan women picking strawberries in Huelva. These included sexual abuses at work and it was said that several had to undergo abortions, There has been only three arrests, 400 women went to the Police, but most of these Moroccan women workers were not able to confront the labor retaliation, nor the social and family stigmatizing and other costs of the judicial procedures of Court number 5 in Huelva.

22% of foreign women working as domestic worker acknowledge having suffered harassment at work (16% touching), 27% unwanted proposals on the streets and 45% when they offered their services, according to the study "Sexual harassment and migrant women" (2014) drafted by Sortzen among 122 migrants who were domestic workers in Euskadi. "The man who hired me to clean his house offered to pay me more if I stayed with him", "The grandfather whom I took care of spoke of my body with morbidity", "The son of the house where I worked even came into my room", "I received sexual advances all the time". These situations can be extrapolated to over 600.000 domestic workers in the whole State, of which 412.200 are registered in the Social Security system (August 2018). Nearly a third of them are migrants in an irregular administrative situation and are waiting to get a resident permit."

Female Genital Mutilation committed in Spain or abroad when affecting women living in Spain was introduced as a crime in 2015 in Art 149 of the Criminal Code with sanctions between 6 to 12 years imprisonment and disqualification of 4 to 10 years to exercise parental rights, tutelage, curatorship, guard or fostering. There are not enough resources, beyond the sanitary protocols, to detect and address it not only from a punitive approach but also from a preventive, reparative one that does not revictimize the children's mothers. With insufficient official data, there is an estimate that 18.400 girls (under 14) are at risk. The Wassu Foundation of the Autonomous University of Barcelona published a map in 2016 that detected a 63,8% increase of girls at risk since 2008. Most of them come from Nigeria, Senegal, Gambia and Mali. 34% (6.295 girls) live in Catalonia (in 2012; 6.699), 2.128 in Madrid and 1.741 in Andalusia.

10 regions include FGM in their laws, 4 include forced marriages (highlighting the Prevention and attention police Protocol of Catalonia in 2009) and only Andalusia has an Act against crimes of honor. Other acts refer to traditional and cultural practices that are damaging or harmful for women and girls, which could be the case of FGM and forced marriages, but without mentioning them specifically. Nevertheless, there are few regions that implement specific measures to prevent, create awareness or eradicate sexual violence and other forms of violence within the education, health, equality or social services systems in order to provide comprehensive care for victims and to coordinate all agencies involved.

There are also health protocols and action guides in several regions, all with scarce funds which makes their implementation difficult. They do not include the reconstruction of the harmed and mutilated organs in nearly any public hospital. In Canary Islands in 2016 there was a campaign targeting citizens in several languages and in 2018 there were some training courses for teachers. In some areas of Extremadura there have also been some campaigns.

² European Foundation for the Improvement of Living and Working Conditions

In relation to intersectionality. Regional acts encompass information measures, but do not do so with women with disabilities, elderly or migrants. Thus it is necessary:

- To review the GV register system to include acts that do not fall under the scope of OAGV (within the workplace, prostitution, trafficking and hate crimes), racial profiling and other forms of discrimination.
- To document GV cases against migrant women analyzing the obstacles they face to protect their rights considering the intersectionality of gender, ethnicity, diversity and social class.
- To unify the definition of forms of sexual violence and the type of care provided by regional administrations.
- To obtain comprehensive prevention and protection against all types of gender violence with adequate and sufficient human and material resources.
- To apply a gender, intersectional perspective to migrants women's rights in acts and national and regional plans.
- To review Spain's alien's legislation and to articulate it with the GV legislation (women with no work or residence permit).
- To have access to services and rights regardless their migration status.
- To grant financial aid for migrant women victims of crime.
- To improve the regulations related to interpreters.
- To provide a welcoming and trusting atmosphere in the police stations and courts.
- To provide open and flexible schedules as well as cultural mediation in the attention services.
- To promote supportive networks and groups during the whole legal process.
- To tackle revictimization and institutional violence as well as structural violence in acts, plans and programs.
- To ensure the right of victims to reunite with their children (sons and daughters) and relatives while avoiding the separation as a tool against the victim.

ANNEX I

REGIONAL ACTS AND BUDGETS FOR EQUALITY AND AGAINST GENDER VIOLENCE

- 1 Andalusia. Organic Act 13/2007, November 26, on Prevention and protection measures against gender violence, amended by Act 7/2018
- 2 Aragon. Act 4/2007, March 22, on Comprehensive prevention and protection of women victims of violence. Supplemented by Act 7/2018, June 28, on Equality.
- 3 Cantabria. OAGV, April 1, on Comprehensive prevention of violence against women and protection of its victims.
- 4 Castile-La Mancha. Act 5/2001, May 17, on Prevention of ill treatment and protection of battered women.
- 5 Castile and León. Act 13/2010, December 9, against gender Violence.
- 6 Catalonia. Act 5/2008, April 24, on the right of women to eradicate gender violence.
- 7 Valencian Community. Act 7/2012, November 23, comprehensive against violence towards women.
- 8 Extremadura. Act 8/2011, March 23, on Equality between women and men and against gender violence.
- 9 Galicia. Act 11/2007, July 27, for the Prevention and comprehensive approach of gender violence, modified by Legislative Decree 2/2015, February 12.
- 10 Balearic Islands. Act 11/2016, July 28, on Equality between women and men, specifically its Title V, on Gender violence.
- 11 Canary Islands. Act 16/2003, April 8, on Comprehensive prevention and protection of women against Gender Violence. Modified by Law 1/2017, March 17.
- 12 La Rioja. Act 3/2011, March 1, on Institutional prevention, protection and coordination with regards to violence. It is generic and includes domestic violence.
- 13 Community of Madrid. Act 5/2005, December 20, Comprehensive legislation against gender violence, amended by Act 3/2018, June 22.
- 14 Navarre. Act 14/2015, April 10, to take actions on violence against women.
- 15 Asturias. Act 2/2011, March 11, on Equality of women and men and for the eradication of gender violence.
- 16 Region of Murcia. Act 7/2007, April 4, on Equality between women and men and for the protection against gender violence, amended by Law 3/2008, July 3.
- 17 Basque Country, Law 4/2005, February 18, on Equality between women and men, chapter VII on violence against women.

Budgets for Equality and Gender Violence (2008 - 2018)								
Autonomous Regions	Population 2018	Equality Agency	2008	2013	2018	2018	/2008	State Treaty Transfers
						€/hab	2018%	
Andalusia	8.409.738	Andalusian Institute for Women	40.157.879	40.560.147	47.132.138	5,6	117,4	16.411.593
Aragon	1.313.463	Aragonese Institute for Women	4.225.004	3.170.676	4.194.067	3,19	99,3	5.237.770
Asturias	1.027.659	Asturian Institute for Women	5.133.452	2.284.267	5.075.517	4,94	98,9	3.253.898
Balearic Islands	1.166.603	Balearic Institute for Women	3.773.604	2.190.811	3.474.195	2,98	92,1	4.442.332
Canary Islands	2.177.155	Canarian Institute for Equality	11.513.123	7.018.682	9.312.753	4,28	80,9	6.389.428
Cantabria	581.403	General Directorate for Equality and Women	4.447.097	1.490.862	1.855.723	3,19	41,7	1.889.236
Castile and León	2.418.694	General Directorate for Women	13.249.453	7.053.437	4.053.912	1,68	30,6	8.097.039
Castile-La Mancha	2.033.169	Institute for Women of Castile-La Mancha	25.967.200	14.107.310	18.067.220	8,89	69,6	6.876.822
Catalonia	7.488.207	Catalonian Institute for Women	12.260.000	9.704.860	8.011.945	1,07	65,4	13.866.787
Valencian Community	4.946.020	Valencian Institute for Gender Equality	14.573.970	15.278.250	21.837.060	4,42	149,8	9.698.422
Extremadura	1.070.586	Extremaduran Institute for Women	3.868.666	5.189.589	8.777.536	8,2	226,9	5.099.498
Galicia	2.703.290	General Secretariat for Equality	10.838.616	3.524.510	16.138.090	5,97	148,9	8.541.116
Community of Madrid	6.549.979	General Directorate for Women	44.806.447	22.705.132	23.722.547	3,62	52,9	11.194.551
Region of Murcia	1.475.568	General Directorate for W.and Equal Opp.	11.793.521	3.059.838	4.034.881	2,73	34,2	3.890.358
Navarre	643.864	Gender Equality Institute of Navarre	2.794.533	1.807.286	4.166.938	6,47	149,1	0
Basque Country	2.171.131	Emakunde. Basque Institute for Women	6.613.000	6.543.000	5.817.000	2,68	88	0
La Rioja	312.830	General Directorate for Social Services			1.970.231	6,3		1.867.166
Ceuta	85.219	Advising Center for Women		347.120	248.000	2,91		1.367.759
Melilla	84.721	ViceCouncil for Women			281.100	3,32		1.376.222
Total Autonomous Regions	46.659.299	TOTAL/Average	216.015.565	145.743.657	188.170.853	4,03	82,2	109.499.998
Spanish State		Spanish Institute for Women + Government Delegation Against Gender Violence	71.400.000	41.200.000	179.345.090	3,84	251,2	
TOTAL			287.415.565	186.943.657	367.515.943	7,88	127,9	

ANNEX II REGIONAL HEALTH PROTOCOLS OF GENDER VIOLENCE

- Andalusia: Andalusian Protocol for Health Intervention against Gender Violence (2008); Andalusian Protocol for Health Intervention against Gender Violence (2015), with an independent chapter on Female Genital Mutilation Prevention; Guide for the Awareness of Female Genital Mutilation (2016);
- Aragon: Guide for Health Care for Women Victims of Domestic Violence within Aragon's Health Care System (2005); Interinstitutional Coordination Protocol for the Prevention of Gender Violence and Care of victims in Aragon (2008); Coordination FGM Protocol (2011); Protocol for the Prevention and Intervention on FGM (2015); Intervention Protocol against Sexual Violence (2018)
- Asturias: Health Protocol to improve Care for Women victims of Gender Violence (2005); Interdepartmental Protocol to Improve the attention of Victims of Gender Violence (2015).
- Balearic Islands: Health Intervention Recommendation against Gender Violence (2009); Protocol of Health Intervention in the Balearic Islands (2017); Prevention and Care Protocols for Women and Girls facing Genital Mutilation (2017) https://www.caib.es/sites/salutigenere/ca/mutilacio_genital_femenina-86. Protocol for Interinstitutional Detection, Prevention and Care after gender violence and in cases of Sexual attacks in the Balers Isles (2009)
- Canary Islands: Intervention Protocol against Gender Violence in the Domestic Environment (2003); Care Protocol for Women Victims of Sexual Aggression in Gran Canarias (2013); Interinstitutional Protocol Coordination for the Care of GV Victims. (2018).
- Cantabria: Health Intervention Protocol in ill treatment cases (2005); Care Protocol for Health to Victims of Sexual Abuse /Aggressions (2007); Care Protocol for Health to Victims of Sexual Abuse /Aggressions (2017);
- Catalonia: Protocol to intervene against gender violence within the Health Environment of Catalonia (2009); Protocol of Interventions to Prevent Female Genital Mutilation of the Regional Government of Catalonia (2007); Protocol for the intervention of Gender violence within the Health Environment. Operative documents on Sexual Violence (2010); Protocol for the Complete Intervention Against Gender Violence in Argentona (2014);
- Castile and Leon: Framework Protocol for Professional Intervention in cases of Gender Violence (2008); Clinic Guide for Health Intervention in Gender Violence cases (2017);
- Castile-La Mancha: Intervention Protocol for Primary Care for Women victims of ill treatment (2005); Health Care Protocol for Women victims of ill-treatment (2008); Protocol for the Prevention of Female Genital Mutilation in Castile-La Mancha (2017);
- Extremadura: Epidemiological Watch Protocol of Gender Violence in Extremadura (2010); Intervention Protocol between The government of Extremadura, the Government Delegation of Extremadura and the Federation of local Authorities in Extremadura for the following and protection of Gender Violence cases in the Government of Extremadura (2014); Health Intervention Protocol for Gender Violence in Extremadura (2016); Protocol of Intervention and Prevention of Female Genital Mutilation of Extremadura (2017). Interdepartmental Protocol for the Eradication and Prevention of Violence against Women.
- Galicia: Technical Guide of the Procedures for Women in a Gender Violence situation (2009); Institutional Coordination and Cooperation against Gender Violence (2017);
- Community of Madrid: Support Guide For Primary Health to Address Violence against women by their partners (2008); Intervention Guide for Specialized Care to Address Violence against women by their partners (2008); Protocol to coordinate actions of the competent bodies in matters of sexual assault (2008); Intervention Protocol Against Sexual Abuse and Domestic and Gender Violence of people with Intellectual Disabilities (2013); Guide of Health Interventions Against Female Genital Mutilation (2015).
- Region of Murcia: Protocol for the detection and attention of Gender Violence in Primary Attention (2007); Protocol for an Inter Institutional Coordination in Gender Violence (2012); Protocol for Health Prevention and Intervention For Female Genital Mutilation in the Region of Murcia (2017).
- Navarre: Coordination Protocol Against FGM in Navarra (2013); Coordination and Intervention Protocol with Women and girls victims of trafficking for Sexual exploitation (2016); Inter institutional Agreement for the coordination against Violence to Women.
- Basque Country: Health Protocol for ill treatment in a domestic environment and sexual violence against women (2008); Health Protocol in cases of Domestic Ill treatment; Female Genital Mutilation. Recommended Intervention Guide in Basque Country's Health System (2016).
- La Rioja: Protocol to detect and address domestic Violence in the Public Health System of La Rioja; Health Intervention Protocol of Violence Against Women (2010); Rioja's Protocol For Health Intervention Against FGM (2016); Institutional intervention Protocol and fight against trafficking of people for sexual, labor and other crimes and exploitation (2018)
- Valencian Community: Protocol for the Health Care of Gender Violence (2008); Health Intervention Protocol of FGM in Valencia (2016), Intervention Protocol for Women victims of Gender Violence; Protocol to coordinate interventions in gender violence in the Valencia (2016); intervention Protocol for Victims of Trafficking for Sexual Exploitation in the City of Valencia (2017).