



HASP – Honour Ambassadors against Shame Practices

Honour Related Violence in Spain

National Report



Output code: O 1.1

Responsible: (Name of the Partner Organization in charge of the Deliverable)

Version: 2.0

Versions history

Version n°	Date	Authors	Quality check
v. 1.0	31/12/2016	PLV Team	Fabrizio Paloni (Sapienza)
v. 2.0	03/05/2017	PLV Team	Fabrizio Paloni (Sapienza)



The HASP Honour Ambassadors against Shame Practices has been granted by the European Union represented by the European Commission - DG Justice -Grant agreement JUST/2014/RDAP/AG/HARM/7973

This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of the HASP project partnership and can in no way be taken to reflect the views of the European Union.

This publication is available on the website www.hasp-project.eu

Table of Content

<u>1. Introduction. Overview of the general situation on violence against women /VAW/ and situation and concept of honour related violence /HRV/ practices against women</u>	4
<u>2. Analysis of the situation in major groups at risk of HRV</u>	7
<u>3. Analysis of the national legal framework</u>	11
<u>3.1. Legislation at the national level for protection from violence, gender-based violence and HRV in Spain.</u>	11
<u>3.2. Legislation at the regional and local level for protection from violence, gender-based violence and HRV in the Valencian Community.</u>	27
<u>3.3. Other legislation for protection against violence- Equality, Gender equality legislation, legal aid for victims of violence.</u>	30
<u>3.4. Legislation and structure of social services with relation to Gender-based violence and HRV.</u>	..31
<u>3.5. Adherence to international and European standards related to protection from GBV and HRV.</u>	32
<u>3.6. Gaps in legislation and implementation. Good practices.</u>	33
<u>4. Institutional and policy framework and responses in relation to HRV.</u>	34
<u>5. Brief analysis of role and responses to HRV. Role of NGOs and prevention programmes</u>	42
<u>5.1. Responses of Institutions.</u>	42
<u>5.2. Role of NGOs.</u>	46
<u>5.3. Good practices.</u>	47
<u>6. General Recommendations based on the specific recommendations in the different sections</u>	50
<u>References</u>	52
<u>Annex 1 – Research workshop questionnaire</u>	54
<u>Annex 2 – Interview questionnaire with victim of forced marriage</u>	56

1. Introduction. Overview of the general situation on violence against women /VAW/ and situation and concept of honour related violence /HRV/ practices against women.

Violence against women is one of the most common human rights violations affecting a larger number of people. Millions of women and girls around the world are victims of violence because of their gender.

In Spain, since 1st January 2003 to 25th November 2015 and according to official data, 814 women have been murdered. In addition to this, the number of minors murdered by their fathers in the exercise of their visitation rights was 20 between 2008 and 2014 according to the data collected by the CEDAW (Committee on the Elimination of Discrimination against Women).

The European Council, following the established in the UN declaration on the elimination of violence against women (1993) and the Action Platform adopted in the IV World Conference on Women (Beijing 1995), has defined “violence against women” as:

“...any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

- 1) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non- spousal violence and violence related to exploitation;
- 2) Crimes perpetrated in the name of honour, female genital mutilation and other traditional practices harmful to women, such as forced marriages;
- 3) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- 4) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs;

- 5) Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy...”

Crimes committed in the name of honour are manifestations of a cruel and inhuman control and obedience exerted by men over women in context of patriarchal societies. Female genital mutilation (FGM), forced marriages, and forced suicides are the most common practices imposed by these societies.

Patriarchy is a social system where the main role in all social sectors is given to men, keeping women in a subordinate position. Patriarchal society is distinguished by male hegemony where men have the power and control over the community. Control constitutes a fundamental value in patriarchal societies over which social life and relationships among the members of the society are established. It is commonly expressed with violence and creates structural inequalities that impact all fields in women's life, including their sexuality.

Women's sexuality constitutes a basic element for honour-based cultures. The sexual behaviour of the female members of the family represents the honour of the family. Men have full authority over the body of their daughters, sisters, wives or even cousins or more extended family members.

Hundreds of women of all ages are assassinated because of the different interpretations of honour. Most common punishments among others are stoning, strangulations, throat cuttings and acid attacks. Traditions against human rights, religion interpretations and tribal law have certainly a very strong influence over the population.

Leading causes of gender violence, among others, are:

- Violence defined as a social control mechanism over women, which serves to preserve the status quo of male domination. Societies or groups dominated by “male ideas” have higher incidence of aggression against women. Cultural and legal mandate concerning the rights and privileges of husbands have historically legitimized the power and domination over women, promoting her economic dependence while authorizing men the use of violence and threats in order to control women.
- Violent behavior against women is passed down as learned patterns of behavior from generation to generation. Transmission is primarily performed in usual relationship environments.

- ⊖ Social standards minimize the damage inflicted and justify men's violent behavior. It is explained through men's disorders, diseases and addictions. The guilt is also usually attributed to women, although they are the main victims.

Alcohol that in many occasions is put forward as responsible or precipitant of abuse has been removed as a direct etiologic violence factor. Its role as a violence un-inhibitor is already verified and works as an excuse for the aggressor's behavior.

- ⊖ The androcentric sexual model conditioned by gender roles also promotes the violence against women. Among the factors are: pattern of hyper-masculine behavior and the current sexual models that hold an inherent tension between men and women. These can cause communication *failures* that would lead to violent behavior against the women.

The International Child Development Centre of UNICEF refers to the following factors as main causes¹ that enable the perpetuation of gender violence:

- **Cultural:**

- Separate socialization depending on gender.
- Cultural definition of adequate gender roles.
- Expectations assigned to the different roles regarding relationships.
- Belief in the innate superiority of men.
- Systems of values that give men the right of property over women and girls.
- Conception of the family as a private sphere under the control of the male.
- Marriage traditions (bride price, dowry).
- Acceptance of violence as a means of resolving conflicts.
- Economic dependence of women on men.
- Restrictions on access to cash and credit.
- Discriminatory laws on inheritance, property rights, use of public land, and payment of alimony to divorced and widowed women.
- Restrictions on access to employment in formal and informal sectors.
- Restrictions on women's access to education and training.

- **Legal**

¹ Source: UNICEF "Domestic violence against women"

- Legal inferiority of women, whether underwritten law or under customary law and its practical implementation.
- Divorce, childcare, alimony and inheritance laws.
- Legal definitions of rape and domestic abuse.
- Low level of legal literacy among women.
- Lack of tact in the treatment of women and girls by police and judicial staff.
- **Political**
 - Insufficient representation of women in the spheres of power, politics, the media, as well as in medical and legal professions.
 - Lack of serious treatment of domestic violence.
 - Conception of family life as a private matter and beyond the reach of State control.
 - Risk of defying the status quo or religious doctrines.
 - Restrictions in organization of women as a political force.
 - Restrictions on women's participation in the organized political system.

It is hard to delimit the exact number of crimes committed in the name of honour happening around the world. Many of them occur in rural areas of occidental countries and it is impossible to define an exact number. Nevertheless, the UN estimates that around five thousand women and girls are murdered every year in the name of honour by their husbands, fathers or brothers. Among the victims around the world there are girls and women of all ages and civil status.

Forced marriage is a phenomenon hard to quantify due to the lack of official data and to the difficult access to covered cases. The fact that these practices are usually carried out in the domestic environment or in the family, frequently in third countries and in many cases among members of minority cultural groups that can be more reluctant to turn to the penal system, can make the unawareness situation worse, obstructing the development of strategies to appropriately detect, attend and protect the victims.

2. Analysis of the situation in major groups at risk of HRV.

Although In Spain we don't have statistics on the incidence of forced marriage yet, we have elements allowing the deduction of the presence of this practice in our country. The Statistical Year Book 2015 presented by the Ministry of the Interior², regarding crimes against freedom such as regular maltreatment in family environment and other crimes against freedom (including forced marriages from

² Statistical Year Book 2015 presented by the Ministry of the Interior.

July 1st 2015, date of approval of the Criminal Code's reform), had the following incidence:

CRIMES AGAINST FREEDOM – WOMEN VICTIMS (YEAR 2015)		
REPORTED INCIDENTS		
Crimes against freedom	Total population	Persons under 18
Regular maltreatment in family environment	8730	390
Other crimes against freedom	24039	1505
TOTAL	32769	1895

In reference to cases of gender-based violence that are subject of police attention (called active cases), 8266 are located in the Valencian Community, of which 3762 correspond to Valencia city, out of the total of 52005 active cases located within national territory.

Trafficking of human beings, among which forced marriages are a modality of exploitation of persons, according to data published by the Ministry of the Interior in the framework of the Comprehensive Plan to Fight Trafficking in Women and Girls for Sexual Exploitation Purpose 2015-2018, approved by the Council of Ministers on September 18th 2015, has led to the following police actions during the year 2015:

POLICE INTERVENTIONS	
Administrative inspections	3007
People at risk detected	13879
Police reports	2145

The victims' profile relates to women, aged between 23 and 27 years, whose origin country is Romania, with legal status in Spain.

VICTIMS		
CRIME	CASES	ORIGIN COUNTRY
Trafficking of human beings for sexual exploitation purpose	133	<ul style="list-style-type: none"> ▪ Romania ▪ Nigeria ▪ Spain
Sexual exploitation	615	<ul style="list-style-type: none"> ▪ Romania ▪ Spain

At the crime rates set out, we must add two other elements of analysis related to forced marriages: the existence of original population of countries in which the studied practices are carried

out, and marriage rates. In this regard, according to the information provided by the National Institute of Statistics in Spain, on January 1st 2016, it can be verified that Spain is a country with a significant migratory flow. There are 4,418,898 foreign people currently residing, who represent a 14.6% of the population in the Valencian Community.

As for marriages, from 2011 to 2015, a total of 85 little boys and 343 girls, under the age of 18, have been married in Spain.

Through the Department³ of the Interior, the Generalitat de Catalunya annually publishes statistical data on domestic and gender violence. It includes sexist violence within the couple, the family, and the social sphere, including in the latter section, crimes against freedom and sexual indemnity, female genital mutilation (FGM) and forced marriages. Statistics show that from 2011 to the first half of 2016, there have been ninety-five cases of forced marriages, fifty-nine of them underage.

Due to the recent incorporation of forced marriages as an independent crime in the Criminal Code, the lack of global official data hinders both the visibility and identification of the phenomenon, as the development of strategies and action plans to deal with it from the different social subsystems. When it comes to crimes motivated by honour, women are considered to be victims of specific criminal acts (homicide, injuries, etc.) These crimes will be aggrieved if they are gender-based but they won't be conceptualized as gender violence crimes. Forced marriages, for instance, are considered as domestic, not gender violence.

It is the invisibility or concealment of honour-based violence, understood as gender violence, the main topic of the communications that have become evident from the social actors involved. In this regard, the General Council of the Judiciary, as provided in the Practical Guide to Organic Law 1/2004 of December 28th, on Comprehensive Measures against Gender Violence⁴, approved on October 18th 2016, aimed at updating the criteria applied in daily judicial work in official bodies with competence in gender matters, considers that it is necessary to include in the Integral Law other forms of gender violence that are different from the violent manifestations of men towards women in scope of an affection relationship, thus complying with the Istanbul Convention, published in BOE on June 6th 2014.

The distribution of competences among the different administrations, according to territorial criteria, has also been subject of controversy when it comes to the appropriateness of designing and carrying out comprehensive interventions. While the responsibility in matters of immigration corresponds exclusively to the State, the Autonomous Communities deal with education, integration, housing and employment matters.

³ Source: Program for Security against Male Violence. Forced Marriages. Generalitat de Catalunya.

⁴ Source: Practical Guide to Organic Law 1/2004 of December 28th, on Comprehensive Measures against Gender Violence.

On the other hand, mediation and negotiation, as a frequently used tool for problem solving and decision-making is expressly prohibited in Spanish legislation for both judicial and police spheres, as established in Article 44.5 Law 1/2004, cited above.

Discrimination and possible stigmatization of minority communities is also part of the statement used by entities and organizations designed to take care of people at risk. These try to encourage social cohesion in which there is bi-directionality. The imposition of social organization models in which integration implies the loss of identity and cultural self-references, could be a risk factor for the reproduction of harmful practices as a way of expressing someone's traditions in order to maintain the bonds with the origin communities.

Una visión descontextualizada y reduccionista desde las culturas mayoritarias contribuye a enjuiciar y sancionar socialmente tradiciones que favorecen la identificación de grupos extensos con prácticas que, en algunas ocasiones, obedecen más a circunstancias personales que a rasgos a través de las cuales identificar al conjunto de la población, en la que sus miembros tienen como único elemento común su país de origen.

A decontextualized and reductionist point of view from the majority cultures contributes to socially prosecute and sanction traditions that favor the identification of large groups with practices that, in some cases, are more due to personal circumstances than to traits through which to identify the population as a whole. This population's only common element could be the origin country. However, excessive cultural relativism can lead to justification of prohibited, unlawful behavior. This is why the limit must be established in the unflinching line of respect for human rights, intervening in those cases in which the individual's freedom is restricted, as well as the right to decide on their own life.

3. Analysis of the national legal framework.

3.1. Legislation at the national level for protection from violence, gender-based violence and HRV in Spain.

- **Law 27/2003, 31st July, on the regulation of the order of protection of the victims of domestic violence.**

The protection order gives victims a comprehensive protection status that may include precautionary measures of a civil and criminal order and other measures of assistance and social protection established in the legal system, these being:

- **Criminal measures:**

- a. Prison
- b. Restraining order
- c. Prohibition to communicate
- d. Prohibition to return to the scene of crime or the victim's residence
- e. Withdrawal of weapons or other dangerous objects

- **Civil measures:**

Civil measures should be requested either by the victim or her legal representative or the Public Prosecutor when there are minors or disabled children. Civil measures will expire in 30 days. If within this period the victim or her legal representative initiates a family legal process before civil jurisdiction, the adopted measures will remain in force 30 days following the presentation of the request. For this matter, measures should be ratified, modified or revoked by the Judge of first instance or the appropriate Judge of Violence against women.

Among civil measures are:

- a. Award of use and enjoyment of the dwelling
- b. Conditions of custody, visitation, communication with children
- c. Provision of food
- d. Child protection measure to avoid danger or injury

- **Assistance and protection measures:**

Assistance and protection measures are established in law, both at state or autonomic level. The protection order confers to the victim a comprehensive protection statute that allows the victim the access to the established assistance and social protection measures:

- Active Insertion Income that includes an aid in case of change of residence and it is handled by the Public Employment Services.
- Economic aids established in the article 27 in the Organic Law 1/2004, 28th December, on the Comprehensive Protection Measures against Gender Violence, handled by the correspondent bodies of the Autonomous Communities.
- Access to social housing and residences for the elderly.
- Employment rights and social security benefits.

- Application for residence authorization under exceptional circumstances that will be granted only after the condemnatory sentence has been made and application for independent residence authorization for regrouped family members.

➤ **Organic Law 1/2004, December 28th, de Integral Protection Measures against Gender Violence.**

According to the Organic Law 1/2004, of December 28th on Integral Protection Measures against Gender Violence, public authorities must not ignore gender violence. In accordance with Article 9.2 of the Constitution, these public authorities must adopt positive measures and remove obstacles that could prevent the fulfillment of such rights in order to make them real and effective.

The Law covers preventive, educational, social, welfare and victims' aftercare aspects, including civil legislation that affects the family or coexistence where attacks normally occur, as much as the principle of subsidiarity in Public Administrations. It also includes the punitive response to all violence manifestations regulated by this Law.

Through socialization and education, the Law focuses on gender violence integrally and multidisciplinary.

An image that respects the equality and dignity of women is particularly strengthened by the advertising field. It supports victims through the recognition of rights such as information, legal assistance and other social protection and economic support. Thus it provides an integral legal response that includes both procedural rules (creating new instances), and criminal and civil substantive rules, including adequate training for health personnel, police and legal entity responsible for obtaining evidence and law implementation.

In coordination with other support measures, awareness and intervention measures are also established in the health sector in order to optimize victim's early detection, its physical and psychological care.

Violence against women also affects youngsters who are direct or indirect victims of this violence environment. The Law provides their protection too concerning not only the custody, but also ensuring effective protection measures regarding the women.

The creation of the Courts of Violence against Women, by Organic Law 1/2004 of 28 December on comprehensive protection measures against gender violence is a reaction of society to the phenomenon of violence against women.

In Valencia we have 4 Courts of Violence against Women:

- Court of violence against women No. 1 Valencia
- Court of violence against women No. 2 Valencia
- Court of violence against women No. 3 Valencia
- Court of violence against women No. 4 Valencia

- **Article 44 Competence.**

An article 87 is added in the Organic Law 6/1985 of July 1st, the Judiciary, as follows:

1. Within the sphere of criminal matters, the Courts for Violence against Women, with the procedures and appeals outlined in the Law of Criminal Procedure in all cases, shall hear:

a) The examination within proceedings to demand responsibility for the crimes outlined in the titles of the Criminal Code relating to homicide, abortion, injuries, injuries to foetuses, crimes against freedom, crimes against moral integrity, crimes against sexual freedom and indemnity or any other crimes committed with violence or intimidation, where committed against the individual who is or has been the alleged perpetrator's wife, or a woman linked to him by a similar close relationship, even where they do not live together, or where committed against the offspring, either his own or those of his wife or cohabiter, or against minors or incapable persons living with the perpetrator or who find themselves under his custody, tutelage or care or under the de facto guardianship of the spouse or cohabiter, where an act of gender-based violence has also been perpetrated.

b) The examination within proceedings to demand responsibility for any crime against family rights and duties, where the victim numbers amongst the individuals indicated as such in the previous point

c) The adoption of the corresponding protection orders for victims, notwithstanding the competencies attributed to the Judge on police duty.

d) Misdemeanor hearings, issuing a sentence, in relation to the misdemeanors outlined in Titles I and II of Book III of the Criminal Code, where the victim numbers amongst the individuals indicated as such in point a) of this paragraph.

2. Within the sphere of criminal matters, the Courts for Violence against Women, with the procedures and appeals outlined in the Law of Criminal Procedure in all cases, shall hear the following matters:

a) Matters relating to filiation, maternity and paternity.

b) Matters relating to marriage annulment, separation and divorce.

c) Matters relating to parent-child contact.

d) Matters relating to the adoption or modification of measures that have bearing on the family.

e) Matters exclusively relating to the guardianship and custody of minor offspring or to alimony claimed from one parent by the other on behalf of offspring who are minors.

f) Matters relating to the need for authorization within adoption.

g) Matters entailing a challenge to administrative rulings in the sphere of the protection of minors.

3. Courts for Violence against Women have exclusive and exclusionary competence in the sphere of civil matters where the following requisites are simultaneously met:

a) Where we are dealing with a civil procedure for the purposes outlined in point 2 of this article.

b) Where any of the parties in the civil procedure are victims of gender-based violence, in the terms outlined in paragraph 1 a) of this article.

c) Where any of the parties in the civil procedure are accused as the perpetrator, instigator or essential collaborator in relation to acts of gender-based violence.

d) Where criminal proceedings for a crime or misdemeanor as a result of an act of violence against a woman have commenced before a Judge for Violence against Women, or a protection order has been adopted in relation to a victim of gender-based violence.

4. Where the Judge deems that the events that he or she is to ponder blatantly do not entail gender-based violence, the claim can be declared inadmissible and referred to the competent judicial body.

5. In all cases, mediation is prohibited.

- **Article 45 Remedy in criminal proceedings.**

A new ordinal 4th to Article 82.1 of the Organic Law 6/1985 of July 1st is added, the Judiciary, as follows:

«Appeals established by law against the rulings in criminal matters issued by Courts for Violence against Women within the province. In order to facilitate the hearing of these appeals and in view of the number of existing cases, one or more of the sections must specialize in this area, in accordance with the stipulations of article 98 of this Organic Law. This specialization will extend to those cases wherein it falls to the Provincial Court to try, in first instance, cases examined by the Courts for

Violence against Women within the province. »

- **Article 46 Remedies in civil proceedings.**

A new paragraph to Article 82.4 of the Organic Law 6/1985 of July 1st is added, the Judiciary, as follows:

«Appeals established by law against the first-instance rulings issued by Commercial Courts, except those issued in bankruptcy procedures that resolve employment related questions, to which end one or more Sections should specialize, in accordance with the stipulations of article 98 of this Organic Law.»

- **Protection and safety judicial measures for the victims:**

- ✓ On the protection order.
- ✓ On data protection and publicity restrictions.
- ✓ On the exclusion and restraining orders and prohibition of contact.
- ✓ On measures to suspend parental authority or legal custody of minors.
- ✓ On suspension of visiting rights.
- ✓ On suspension of the right to possess, carry or use weapons.

➤ **Organic Law 6/1985 of July 1st, of the Judicial Authority.**

The reform amending the Organic Law of the Judiciary (OLJ) regarding Spanish citizens or foreign citizens normally resident in Spain, or whose extradition has been denied, only allows investigation of genocide crimes and crimes against humanity.

Crimes of universal jurisdiction will be persecuted as long as the criminally responsible are Spanish or foreigners who have acquired Spanish nationality subsequent to the perpetration of the act, and only if the victim or the prosecutors have filed a complaint in court.

The principle of universal jurisdiction consists in the recognition of the courts' competence of a country to persecute determined crimes against particularly protected legal interests by the international community, completely independent of the place of commission of the act and the nationality or residence of the perpetrators or victims. Summarizing, outside and independently of the judicial body created by the community itself for that purpose, with unavoidable limitations (ratification,

media, international cooperation, etc.), it recognizes the courts of the country as cooperative with putting into practice the international declaration agreements of human rights with maximum efficiency.

Thus, as provided in Article 23 of Organic Law 6/1985 of July 1st, of the Judicial Authority:

1. In the criminal sphere, Spanish jurisdiction involves the hearing of proceedings relating to crimes and misdemeanors perpetrated on Spanish territory or on board Spanish vessels or aircraft, notwithstanding the stipulations of international treaties to which Spain is a signatory.

2. Crimes committed outside Spanish territory also fall under Spanish jurisdiction providing that those held criminally responsible are Spanish or are foreigners who have acquired Spanish nationality subsequent to the perpetration of the act and where the following requisites are met:

a) The act must be punishable in the place where it was perpetrated, save where, by virtue of an international Treaty or the legislative act of an international Organization of which Spain is a member, this requisite does not prove necessary, notwithstanding the stipulations of the following paragraphs.

b) The affected party or the State Prosecutor must file a lawsuit before the Spanish courts.

c) The offender must not have been acquitted, pardoned or convicted abroad or, in the latter case, must not have served the sentence. If only part of the sentence has been served, this shall be borne in mind in order to decrease the corresponding sentence by the appropriate amount.

4. (*) In the circumstances outlined below, the trying of acts perpetrated by Spanish citizens or foreigners outside Spanish territory will also fall under Spanish jurisdiction where they can be categorized as any of the following crimes, in accordance with Spanish law:

a) Genocide, crimes against humanity or against persons and property protected in the event of armed conflict, providing the proceedings are brought against a Spaniard citizen or a foreigner whose habitual place of residence is in Spain, or a foreigner who is in Spain and whose extradition has been refused by the Spanish authorities.

b) Crimes of torture and against moral integrity, as outlined in articles 174-177 of the Criminal Code, where:

1. The proceedings are brought against a Spanish citizen; or

2. The victim held Spanish nationality at the time when the offences were committed and the individual accused of committing the offence is on Spanish territory.

c) Crimes of enforced disappearance included in the International Convention for the Protection of

All Persons from Enforced Disappearance, signed in New York on 20 December 2006, where:

1. The proceedings are brought against a Spanish citizen; or
2. The victim held Spanish nationality at the time when the offences were committed and the individual accused of committing the offence is on Spanish territory.

d) Crimes of piracy, terrorism, the illegal trafficking of toxic drugs, narcotic drugs and psychotropic substances, trafficking in human beings, crimes against the rights of foreign citizens and crimes against shipping safety perpetrated at sea, in those cases envisaged in the treaties ratified by Spain or in the regulatory acts of an International Organization of which Spain is a member.

e) Terrorism, where it entails any of the following circumstances:

1. The proceedings are brought against a Spanish citizen;
2. The proceedings are brought against a foreigner whose habitual place of residence is in Spain, or, alternately, a foreigner who colludes with a Spanish citizen or a foreigner residing or located in Spain in order to perpetrate a terrorist crime;
3. The crime is perpetrated by a legal entity with a registered address in Spain;
4. The victim possesses Spanish nationality at the time when the acts were perpetrated;
5. The crime is committed to influence or illicitly condition the actions of any Spanish authority;
6. The crime is perpetrated against an institution or body of the European Union based in Spain;
7. The crime is perpetrated against a vessel or aircraft bearing the Spanish flag; or,
8. The crime is perpetrated against official Spanish installations, including embassies and consulates.

To this end, official Spanish installations are understood to refer to any permanent or provisional installation wherein the functions of public authorities or Spanish public servants are carried out.

f) Crimes outlined in the Convention for the Suppression of Unlawful Seizure of Aircraft, signed in The Hague on 16 December 1970, where:

1. The crime has been perpetrated by a Spanish citizen; or
2. The crime has been perpetrated against an aircraft flying under the Spanish flag.

g) Crimes outlined in the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on 23 September 1971, and in its supplementary Protocol, signed in Montreal on 24 February 1988, in the authorized cases therein detailed.

h) Crimes outlined in the Convention on the Physical Protection of Nuclear Material, signed in Vienna and New York on 3 March 1980, where the crime has been perpetrated by a Spanish citizen.

- i) Illegal trafficking of toxic drugs, narcotics or psychotropic substances, where:
1. The proceedings are brought against a Spanish citizen; or
 2. We are dealing with acts to perpetrate one of these crimes or to set up a criminal group or organization with a view to perpetrating such crimes on Spanish territory.
- j) Crimes of setting up, financing or belonging to a criminal group or organization or crimes perpetrated within such associations, where we are dealing with groups or organizations that act for the purpose of perpetrating a crime in Spain that is sanctioned with a maximum sentence equal to or greater than three years of imprisonment.
- k) Crimes against sexual freedom and indemnity, perpetrated against victims who are minors, where:
1. The proceedings are brought against a Spanish citizen.
 2. The proceedings are brought against a foreign citizen whose habitual place of residence is in Spain.
 3. The proceedings are brought against a legal entity, undertaking, organization, groups or any other nature of body or association of people that is based or has a registered address in Spain.
 4. The crime is perpetrated against a victim who, when the acts took place, possessed Spanish nationality or a habitual place of residence in Spain.
- l) Crimes regulated in the Council of Europe Convention on preventing and combating violence against women and domestic violence, where:
1. The proceedings are brought against a Spanish citizen.
 2. The proceedings are brought against a foreign citizen whose habitual place of residence is in Spain.
 3. The crime was perpetrated against a victim who, when the acts took place, possessed Spanish nationality or a habitual place of residence in Spain, providing that the individual against whom the charge of committing the crime is levelled is in Spain.
- m) Trafficking in human beings, where:
1. The proceedings are brought against a Spanish citizen.
 2. The proceedings are brought against a foreign citizen whose habitual place of residence is in Spain.
 3. The proceedings are brought against a legal entity, undertaking, organization, groups or any other nature of body or association of people that is based or has a registered address in Spain.
 4. The crime was perpetrated against a victim who, when the acts took place, possessed Spanish nationality or a habitual place of residence in Spain, providing that the individual against whom the charge of committing the crime is levelled is in Spain.

- n) Crimes of corruption between individuals or within international economic transactions, where:
1. The proceedings are brought against a Spanish citizen.
 2. The proceedings are brought against a foreign citizen whose habitual place of residence is in Spain.
 3. The crime was perpetrated by a director, administrator, employee or collaborator of a commercial undertaking, company, association, foundation or organization based in Spain or with a registered address in Spain.
 4. The proceedings are brought against a legal entity, undertaking, organization, groups or any other nature of body or association of people that is based or has a registered address in Spain.
- o) Crimes regulated in the Council of Europe Convention of 28 October 2011 on the counterfeiting of medical products and similar crimes involving threats to public health, where:
1. The proceedings are brought against a Spanish citizen.
 2. The proceedings are brought against a foreign citizen whose habitual place of residence is in Spain.
 3. The proceedings are brought against a legal entity, undertaking, organization, groups or any other nature of body or association of people that is based or has a registered address in Spain.
 4. The victim possesses Spanish nationality at the time when the acts were perpetrated.
 5. The crime was perpetrated against an individual whose habitual place of residence was in Spain when the acts took place.
- p) Any other crime entailing mandatory prosecution under a Treaty that is in force in Spain, or other regulatory acts of an international organization of which Spain is a member, in the cases and under the conditions therein stipulated.

Furthermore, Spanish jurisdiction will also have competence to try the aforementioned crimes where they are perpetrated outside Spanish territory by foreign citizens who are in Spain and whose extradition has been refused by the Spanish authorities, where this is stipulated by a Treaty that is in force in Spain.

5. The crimes referred to in the preceding paragraph will not be prosecuted in Spain in the following cases:

- a) Where proceedings to investigate and try a crime have been initiated in an International Court constituted according to Treaties and Conventions to which Spain is a party.
- b) Where proceedings to investigate and try a crime have been initiated in the State where the acts

took place, or in the State of which the individual against whom the charge of perpetration is leveled is a national, where:

1. The individual charged with perpetrating the crime is not in Spanish territory.
2. Proceedings have been initiated to extradite the individual in question to the country where the crimes were committed, or of which the victims are nationals, or to bring this individual to trial before an International Court, save where the extradition is not authorized.

The stipulations of paragraph b) will not apply where the State that exercises its jurisdiction is unwilling or genuinely unable to carry out the investigation, and this circumstance is recognized by the Second Chamber of the Supreme Court, to which the Judge or Court will provide grounds.

In order to determine whether unwillingness exists within a particular case, having regard to the principles of due process recognized by international law, ponderation of whether one or more of the following circumstances exist will be carried out, as applicable:

- a) The proceedings were initiated or are now underway or the national decision was made for the purpose of shielding the person concerned from criminal responsibility.
- b) There has been an unjustified delay in the proceedings which, in view of the circumstances, is inconsistent with the intent to bring the person concerned to justice.
- c) The proceedings were not or are not being conducted independently or impartially, and they were or are being conducted in a manner which, in view of the circumstances, is inconsistent with the intent to bring the person concerned before justice.

In order to determine incapacity to investigate or try a given case, attention will focus on whether the State, as a result of the complete or substantial collapse of its national administration, or in view of its lack thereof, is unable to make the accused appear, lacks the necessary evidence and testimony or, for other motives, is ill-equipped to carry out the trial.

6. (*) The crimes referred to in paragraphs 3 and 4 shall only be subject to prosecution in Spain where action has been brought by the injured party or the State Prosecutor's Office.

Positive and negative limits of the possible extension of Spanish jurisdiction are set out through this reform: according to the international treaties, the legislator must establish which crimes committed aboard can be prosecuted by the Spanish justice, as well as their circumstances and

conditions.

The prosecution of crimes committed outside Spain also has an exceptional nature: the initiation of proceedings should be conditional on the submission of a complaint by the Prosecuting Authority or the person aggrieved. Clearly defining the subsidiarity principle, the competence of the Spanish courts is also negatively delimited. In that regard, the competence of Spanish courts is excluded when a proceeding is already initiated in an International Court or by the jurisdiction of the country where the crime is committed, or the nationality of the person to whom the commission is imputed. In the latter two cases, on the terms and conditions laid down, provided that the individual accused is not in Spain or while in Spain is going to be extradited to another country or transferred to an International Court.

In any case, Spanish judges and courts hold the possibility to keep performing its jurisdiction in case the State is unwilling or unable to perform it.

The assessment of the circumstances will be carried out according to the criteria set out in the Statute of the International Criminal Court, which in view of its relevance corresponds to Room 2 of Supreme Court.

➤ **Organic Law 10/1995 of 23 November of the Criminal Code.**

In our legislation, specifically in the Criminal Code, the following terms are defined:

● **Forced marriage (Art. 172 bis).**

1. Whoever were to use violence or serious intimidation to force another to get married shall be punished with a sentence of imprisonment of six months to three years and six months or with a fine of twelve to twenty-four months, in view of the severity of coercion or the means used.
2. The same punishment shall be imposed on whoever uses violence, serious intimidation or deception to force another to leave the Spanish territory or to not come back with the same purposes as the above mentioned.
3. The punishment shall be imposed in the upper half when the victim is a minor.

● **Human trafficking (Art. 177 bis).**

1. Whoever, using violence, intimidation or deceit, or abusing a situation of superiority or need, other vulnerability of a national or alien victim, were to induce, transport, transfer, receive or house such a victim for any of the purposes described below, within Spain, from Spain, in transit or with destination therein, shall be convicted of human trafficking and punished with the penalty of five to eight years

imprisonment:

- a) Imposing on the victim forced work or services, slavery or practices similar to slavery or servitude or begging;
- b) Sexual exploitation, including pornography;
- c) Exploitation to commit crimes;
- d) Extraction of their bodily organs;
- e) Force marriage.

There is a situation of need or vulnerability when the person in question has no alternative, real or acceptable, to submit to abuse.

2. Even when not resorting to any of the means listed in the preceding Section, the actions stated in the preceding Section shall be deemed human trafficking when perpetrated with minors for the purposes of exploitation.

3. The consent of a victim of human trafficking shall be irrelevant when any of the means stated in Section one of this Article has been resorted to.

4. A higher degree punishment than that foreseen in Section 1 of this Article shall be applied when:

- a) The trafficking puts the victim in serious danger;
- b) The victim is especially vulnerable due to illness, disability or his situation.

Should more than one circumstance concur, the punishment shall be imposed in its upper half.

5. A punishment higher in one degree than that foreseen in Section 1 of this Article shall be imposed, and absolute barring from six to twelve years for those who perpetrate such acts availing themselves of their status as an authority due to being agent or public officer there. If any of the circumstances also foreseen in Section 4 of this Article should also concur, the penalties shall be imposed in the upper half.

6. A punishment higher in one degree than foreseen in Section 1 of this Article shall be imposed and special barring from profession, trade, industry or commerce for the time of the sentence, when the offender belongs to an organization or assembly of more than two persons, even if transitory in nature, which perpetrates such activities. Should any of the circumstances foreseen in Section 4 of this Article concur, the penalties imposed shall be in the upper half. If the circumstance foreseen in Section 5 of this Article concurs, the penalties imposed shall be those stated the upper half thereof. In the case of the managers, directors or persons in charge of such organizations or assemblies, the upper half of the punishment shall be applied, which may raise to the one immediately above it in degree.

In all cases, the punishment shall be raised to the one immediately above in degree if any of the circumstances foreseen in Section 4 or the circumstance foreseen in Section 5 of this Article concurs.

7. When, pursuant to the terms established in Article 31 bis, a legal person is responsible for the offences described in the Article, the punishment imposed thereon shall be a fine from three to five times the profit obtained. Pursuant to the rules established in Article 66 bis, the Judges and Courts of Law may also impose the penalties established in Sub-Sections b) to g) of Section 7 of Article 33.

8. Provocation, conspiracy and solicitation to commit the offence of trafficking in human beings shall be punished with the penalty lower by one or two degrees to that of the relevant offence.

9. In all cases, the penalties foreseen in this Article shall be imposed without prejudice to the relevant one, as appropriate, for the offence of Article 318 bis of this Code and other offences effectively committed, including those related to the relevant exploitation.

10. Sentences by foreign Judges or Courts of Law for offences of the same kind as those foreseen in this Article shall have the effect of recidivism, except if the criminal record has been cancelled or may be, pursuant to Spanish Law.

11. Without prejudice to application of the general rules of this Code, the victims of trafficking in human beings shall be exempt of punishment for the criminal offences that might have been committed while suffering exploitation, as long as participation therein has been a direct consequence of the situation of violence, intimidation, deceit or abuse to which they may have been subjected to and provided there is an adequate proportionality between that situation and the criminal act perpetrated.

- **Hate crimes (Art. 510).**

1. Punishment with a sentence of imprisonment of one to four years and a fine of six to twelve months shall be imposed on:

a) Whoever publicly fosters, promotes or provokes directly or indirectly hate, hostility, discrimination or violence against a group or a part of a group or against a particular individual due to their belonging to that group, racist or anti-Semitic reasons or any other related to ideology, religion or belief, family situation, belonging to an ethnic group or race, national origin, gender, sexual preference, illness or handicap.

b) Whoever produces, elaborates, possesses with the purpose of distributing, favours the access to third parties, distributes, disseminates or sells papers or any other material or support that for its content could provoke hate, hostility, discrimination or violence against a group or a part of a group or against a particular individual due to their belonging to that group, racist or anti-Semitic reasons or any other related to ideology, religion or belief, family situation, belonging to an ethnic group or race, national origin, gender, sexual preference, illness or handicap.

c) Whoever publicly denies, seriously trivializes or glorifies crimes of genocide, against humanity or against people and protected properties in case of armed conflict, or glorifies their perpetrators, when the crimes were committed against a group or a part of a group or against a particular individual due to their belonging to that group, racist or anti-Semitic reasons or any other related to ideology, religion or belief, family situation, belonging to an ethnic group or race, national origin, gender, sexual preference, illness or handicap, thus promoting and favouring a climate of violence, hostility, hate or discrimination against them.

2. Punishment with a sentence of imprisonment of six months to two years and a fine of six to twelve months shall be imposed on:

a) Whoever injures the dignity of some people through actions of humiliation, scorn or discredit towards some groups mentioned on the above section, or a part of a group, or any specific individual due to their belonging to that group, racist or anti-Semitic reasons or any other related to ideology, religion or belief, family situation, belonging to an ethnic group or race, national origin, gender, sexual preference, illness or handicap, or produces, elaborates, possesses with the purpose of distributing, favours the access to third parties, distributes, disseminates or sells papers or any other material or support that due to its content could represent a serious humiliation, scorn or discredit of any of the groups mentioned, a part of them or any specific individual due to their belonging to those groups.

b) Whoever glorifies or justifies by any public means or mass media crimes committed against a group or a part of a group or against a particular individual due to their belonging to that group, racist or anti-Semitic reasons or any other related to ideology, religion or belief, family situation, belonging to an ethnic group or race, national origin, gender, sexual preference, illness or handicap, or those who had participated in the crime.

- **Female genital mutilation (Art. 149.2).**

1. Whoever causes to another person, by any means or procedure, to forfeit or lose the use of a major organ or limb, or a sense, or sexual impotence, sterility, serious deformity or to suffer a serious physical or mental illness, shall be punished with a sentence of imprisonment from six to twelve years.

2. Whoever causes to another person a genital mutilation in any form shall be punished with a sentence of imprisonment from six to twelve years. Should the victim be a minor or incapacitated, the punishment of special barring from exercise of parents rights, guardianship, care, safekeeping or

fostering shall be applicable for a term from four to ten years, should the Judge deem it appropriate in the interest of the minor or incapacitated person.

➤ **Act 26/2015, of 28 July 2015, modifying the system for the protection of children and adolescents.**

The reform introduces changes on gender violence recognizing the children of those women who have suffered gender violence as direct victims and it also reminds that the judges must pronounce the precautionary measures affecting them. It also finds the children of the victims as beneficiaries of the protection law protecting their mothers, but also in domestic violence: a reform of the pension system that will stop people who have killed a family member from receiving the pension that their death had generated, whatever it is.

The children of a marriage whose spouse kills the other could also receive the full orphan's pension although the murder father or mother is still alive, and this will be higher since the 100 % of the regulatory base will be recognize and not only a percentage as it happened until now.

Minor's position in front of crimes against freedom and sexual indemnity, trafficking in human beings and minors exploitation has been strengthened establishing the duty of all people knowing about an event that may constitute an offense of this kind to inform about it to the prosecution service. Furthermore, it is a requisite to not have been condemned for one of these crimes if you are going to work with minors.

A guiding principle for the administration is to protect them against any kind of violence, whether it is on their family environment, gender violence, trafficking in human beings or female genital mutilation, among others. The *needed support* is guaranteed so the minors under parental authority, custody, guardianship or foster care of a victim of gender or domestic violence could stay with the victim. Furthermore, *underage status presumption* of a person whose legal age could not be certainly established is introduced until it could be determined.

➤ **Law 4/15 of April of the Statute of the Victim.**

This Statute is a pioneering initiative in the European Union. Our legislator, in line with the community regulations, expects to give an answer, as comprehensive as possible, not only related to legal aspects but also to social aspects, for the victims and that goes beyond the reparation of damages in the framework of the penal process, looking for minimizing any traumatic effect that the victims might suffer and regardless their procedural situation.

- **Concept of victim (Art. 2):**

The law applies to both direct and indirect victims. In cases of death or disappearance, the law defines as indirect victims the following persons:

- ✓ To his or her spouse not legally or *de facto* separated and to the children of the victim or spouse not legally or *de facto* separated who lived with them at the time of death or disappearance of the victim
- ✓ To the person who until the moment of death or disappearance had been united to her or his by an analogous relationship of affection and the children of her or his whom at the time of death or disappearance of the victim lived with her or his.
- ✓ To their parents and relatives in a straight or collateral line within the third degree that they are under their guard and to the people subject to their guardianship or curate or that they are under their familiar shelter.

In the absence of the above, the other relatives in a straight line and their siblings who had legal representation of the victim preferably, among them, **Rights of the victims (Art. 3):**

Every victim has the right to protection, information, support, assistance and care, as well as to active participation in criminal proceedings and to respectful, professional, individualized and non-discriminatory treatment throughout the criminal proceedings, regardless of whether it is known or not and the result of the process.

- **Functions of Victim Assistance Offices (Art. 28):**

The Victim Assistance Offices shall provide assistance which shall include at least the following:

- o General information on their rights.
- o Information on available specialist services.
- o Emotional support.
- o Advice on economic rights.
- o Advice on risk and how to prevent secondary or repeated victimization.
- o Coordination of the victim support services.
- o Coordination with judges, courts and public Pprosecutor for the provision of support services to victims.

The Victim Assistance Offices will make an assessment of their particular circumstances in order to determine what assistance and support measures should be provided to the victim, which may include:

- ✓ The provision of psychological support or assistance.
- ✓ The accompaniment to trial.

- ✓ Information on available psychosocial and care resources.
- ✓ Special support measures that may be necessary in the case of a victim with special protection needs.
- ✓ Referral to specialized support services.

The victim will not be required to file a complaint to access the help services.

Victims with disabilities or special protection needs as well as their families will receive the assistance and support that may be necessary.

3.2. Legislation at the regional and local level for protection from violence, gender-based violence and HRV in the Valencian Community.

➤ Comprehensive Law 7/2012, 23th November, of the Valencian Government, on Violence against Women in the Valencian Community.

- **Article 3. Expressions of violence against women:**

- Female genital mutilation or other traditional and/or cultural practices harmful or damaging for women and girls.
- Trafficking in women and girls: understood as the recruitment, transport, move, acceptance or reception of women under threat or the use of force or other ways of coercion for purposes of sexual exploitation.

- **Article 10. Right to information:**

Public administration of the Valencian Community will provide information on the existing resources and services they could need for the victims of violence against women to ensure their protection, support and recovery.

- **Article 11. Right to effective protection:**

Public administrations in the Valencian Community guarantee comprehensive and immediate protection for the victims being at risk through the activation of all available resources

- **Article 12. Right to comprehensive and specialized assistance:**

1. Public administrations in the Valencian Community will guarantee to the victims of this kind of violence social services of assistance, emergency, support and comprehensive shelter and recovery.

2. Victims of violence against women will have the right to recover their integrity, autonomy and personal development and to this purpose they need to be assisted by social assistance network established in the Title III of this act.

- **Article 13. Right to free legal assistance:**

Victims of violence against women will have the right to receive information and free legal assistance in the terms developed on chapter VI of Title III of this act.

- **Article 14. Right to medical assistance:**

Victims of violence against women will have the right to medical assistance in coordination with the rest of the workers intervening in the process of attending the victims.

- **Article 15. Right to privacy and intimacy:**

In compliance with the current legislation in terms of personal data protection, the confidentiality of personal data that may lead to their identification and localization, especially by the aggressor and their environment, will be guaranteed.

- **Article 16. Right to compensation for death:**

Underage children under custody or fostered or, in their absence, the ascendants of the gender violence death victims that are economically dependent on her at the time of the death will have the right to perceive an amount of money in a single payment under the terms and conditions legally established.

- **Article 17. Right to housing:**

Valencia regional government will guarantee to the victims of violence exerted by their spouses or ex-spouses or by those who have had that kind of relationship with them, even without cohabitation, the access to housing and to economic aids in the cases and terms established on the article 57 of this act and in the regulatory development regulations established.

- **Article 18. Employment rights:**

Valencia regional government will guarantee to the victims of violence against women training and assistance to make their labour integration easier, fostering agreements and conventions with social agents.

Others autonomous communities in Spain have laws for protection from violence, gender-based violence and HRV:

- Act 12/2007, 26th November, on the promotion of gender equality in Andalusia.
- Act 4/2007, 22nd May, on Full Prevention and Protection to women victims of violence in Aragon.
- Act of Cantabria 1/2004, 1st April, on the prevention of violence against women and the protection of the victims.
- Act 13/2010, 9th December, against Gender Violence in Castilla y León.
- Comprehensive Act 5/2005, 20th December, against Gender Violence in the Community of Madrid.
- Law of the Cortes of Navarre 12/2003, 7th March, amending the Law of the Cortes of Navarre 22/2002, of 2nd July, on the adoption of comprehensive measures against gender violence.
- Comprehensive Act 7/2012, 23rd November, against gender violence in the Valencian Community.
- Act 8/2011, 23rd March, on Equality between Women and Men and against Gender Violence in Extremadura.
- Galician Act 11/2007, 27th July, on the prevention and comprehensive treatment of gender violence.
- Act 2/2007, 28th March on the work on equality of women in Galicia.
- Act 3/2011, 1st March, on prevention, protection and institutional coordination in terms of violence in La Rioja.
- Act 2/2011 in the Principado de Asturias, 11th March, on the equality between Women and Men

and the eradication of gender violence.

- o Act 7/2007, 4th April, on the Equality of Women and Men and the protection against Gender Violence in Murcia.

3.3. Other legislation for protection against violence- Equality, Gender equality legislation, legal aid for victims of violence.

➤ Anti-discriminatory legislation and specific on gender equality:

- In the article 14, the Spanish Constitution of 1978 proclaims the equality before the law and establishes the prohibition of any discrimination on account of sex.
- With the approval of the Order PRE/525/2005, March 7th, promoting the Agreement of the Council of Ministers of March 4th 2005, adopting measures to favour the equality between women and men, actions to reduce the inequality in all of the areas of daily life has been established: work, business, work-life balance, research, solidarity, sports, gender violence, etc.
- Order APU/526/2005 of March 7th disposing the publication of the Agreement of the Council of Ministers of March 4th 2005 approving the Plan for Gender Equality in the General Administration of the State establishes a set of measures to eliminate the existing obstacles and to assure the real equality of opportunities between men and women in the access to and performance of the public service.
- Organic Act 3/2007 of March 22nd on the effective equality between women and men supports active policies that remove, in an integral and coordinated way, the obstacles stopping or hindering gender equality in the Spanish society.

According to the Article 77 in this Organic Act 3/2007, all ministries will entrust one of its management bodies with the duties related to the principle of equality between women and men within their areas of responsibility.

- According to the Agreement of the Council of Ministers of April 27th of 2007, the directive bodies of the different ministerial departments that will develop the functions of the Equality Units planned in the Organic Act 3/2007 will be established. In our department, the General Technical Secretariat was entrusted with the development of these functions.
- The Agreement of the Council of Ministers approves the Strategic Plan for Equal Opportunities 2008-2011. The Plan is inspired by two principles: non-discrimination and equality. It also

develops four guiding principles: the redefinition of the citizenship model, empowerment of women, gender mainstreaming and science and technology innovation.

- Resolution of May 20th 2011 of the State Secretariat on the Public Service, publishing the Agreement of the Council of Ministers on January 28th 2011, approving the First Plan for Equality between men and women in the Spanish Administration and in its public bodies has followed up the Article 64 of the Organic Act 3/2007 establishing that the Government will approve at the beginning of each legislature a Plan for Equality between women and men establishing the objectives regarding the promotion of equal treatment and opportunities in the public service as well as the adoption of strategies or measures for its realization.
- Resolution of July 28th 2011 of the State Secretariat on the Public Service approving the Agreement of July 27th 2011 by the General Negotiating Table of the General Administration of the State on the Action protocol to face sexual harassment and harassment based on sex in the sphere of the General administration of the State and the Public services. The article 62 of the Organic Act 3/2007 establishes that the public administrations will negotiate with the worker's legal representative, an action protocol that will have among other principles the commitment of the Public Administration and the public services in preventing and not tolerating sexual harassment and harassment based on sex.

3.4. Legislation and structure of social services with relation to Gender-based violence and HRV.

According to the Generalitat Valenciana's law 5/1997, of 25 June, structures the System of Social Services in the Region of Valencia.

The law establishes as objectives to be achieved:

- a) The prevention, treatment and elimination of any cause or situation of marginalization or social inequality.
- b) The coordination of resources and public and private initiatives, as well as the social aspects of educational and health systems.
- c) The full development of the person in the heart of society and the promotion of solidarity and citizen participation in the field of social services.

They are holders of the Valencian's rights as well as passers-by in the field of the Valencian Community. In the territory of the Valencian Community, foreigners, exiles, refugees and stateless persons, men and women, shall also be beneficiaries of such services and benefits, in accordance with the rules and international treaties and conventions.

The main theses that guide the practice of social services are the principles of action, public responsibility, equality, universality, totality and integration.

The social services in the field of the Valencian Community are structured in general or community social services and specialized in social services.

3.5. Adherence to international and European standards related to protection from GBV and HRV.

The Committee on the Elimination of Discrimination against Women (**CEDAW**) is one of the most operational and international treatments of the human rights of the UN on the achievement of equality of opportunities between women and men, being considered as the international bill of women's human rights.

CEDAW was adopted by the UN in 1979 and the 187 states that have ratified it condemn the discrimination against women in all its forms. Therefore they are engaged in creating and following, by all means and without delay, the policies destined to eliminate any kind of discrimination against women, taking all measures needed at all state levels. In Spain it was ratified in 1984. The article 7 obliges the States Parties to assure women's right "to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government".

In August 1st 2014, more than three years after being agreed, came into force the "Council of Europe Convention on preventing and combating violence against women and domestic violence" – known as the **ISTANBUL CONVENTION** (into force in Spain since June 6th 2014). It is the first European treatment that specifically addresses violence against women, including sexual, physical, psychological and economic violence, female genital mutilation and harassment, establishing minimum standards of prevention, protection, penal prosecution.

The Istanbul Convention requires that its parties improve the protection of victims of violence and ensure the prosecution of offenders on the following aspects:

- Criminalising violence against women.
- Empowering the police to remove a perpetrator of domestic violence from their home.
- Access to shelters.
- Support through telephone helplines.
- Availability of help centres.
- Understandable information.

Directive 2012/29 is a regulatory benchmark adopted in terms of protection of victims of crime

in the European Union. Its main goal is to assure that the victims receive appropriate information, support and protection and to allow them to participating in criminal proceedings. Its immediate purpose is to establish minimum standards on the rights, support and protection of the victims of crime. The establishment of these minimum standards does not stop the state members to strengthen the rights established on it, giving more protection in their territories. Ultimately it is about establishing a framework of reference from which any victim of crime could benefit in any state of the European Union, regardless of their nationality and residence.

The required incorporation of the dispositions of the Directive 2012/29/UE to our legal system is going to give us the opportunity to take a step forward in the consolidation of the rights in our legal system through the elaboration of a new statute on the victim of crime, specifically the Law 4/15 of April of the Statute of the Victim.

3.6. Gaps in legislation and implementation. Good practices.

In spite of the extensive legislation that has been adopted and forced marriages have been criminalized in a recent reform of the Criminal Code, which criminalizes crimes committed on the basis of gender (Article 22.4 of the Criminal Code), protection measures mentioned in the reference standard, Law 1/004 do not consider situations of gender violence other than those established in a relationship of affectivity.

On the other hand, after presenting a complaint, women are obligated to testify in court, and they must verbally state the facts. Their refuse to that may cause the dismissal and filing of the proceedings, leading to subsequent cancellation of the protection measures.

On other hand, minors must be direct victims of this abuse, in order to be considered as such. Since their status is seen as victims of domestic violence, parents are allowed to have visiting regime without prior recognition or supervision.

Access to justice is free for all victims of gender violence.

Good practices are considered to be based on networking and interrelationships with all institutions (public and private) struggling to eradicate the phenomenon, with the conviction that unilateral protocols or work can't function, dismembering the person himself, who must be the focus of attention and who really is a "whole."

In this line of work, we have practical experience with victims of gender violence, mainly cases of man towards the woman "for the very fact of being a woman", in a relationship of affectivity. We have sat down with the rest of public institutions such as: Health, Courts, Social Services, rest of FFCCSS, etc., with the purpose of creating circuits of derivation that would avoid, as far as possible,

secondary victimization. Otherwise, there are gaps and problems that we won't be able to detect if we are not interrelated.

In this framework we have several examples:

- Inter-institutional protocol for the coordination of actions on gender violence in the Valencian community.

Inter-institutional protocol VG of Valencian Community

- Protocol of action in situations of violence against women in the city of Valencia.

Protocol VG city of Valencia

- Pilot project of referrals with reference people Health/GAMA that we began implementing in December 2016.

In this pilot project, we will work with personnel of reference in both Institutions to create a circuit of professionals of mutual derivation, all of them sensitized and formed in the phenomenon.

Regarding the work with NGOs and private institutions, we believe that the best way to understand the real problems is facing these women and knowing their concerns and needs closely.

We, public institutions tend to disconnect from the problems of day to day, fulfilling our part, forgetting about what is behind or what prevents them from starting the Institutional circuit. We are sure that communication, organization of working groups, conferences with civil institutions linked to the phenomenon, will prevent us from ignoring the real problems that these women face in their social context and help us to understand their reality better and therefore, to formulate circuits more reliable and safe for them. On the other hand, the fact of being close references, especially an institution such as the Police, helps them to see us in a different way (not as a police that imposes, supervises and forces, but as an institution that wants to know, understand and learn, always close to the people it serves).

4. Institutional and policy framework and responses in relation to HRV.

- **Valencian Community:**

The Sector Conference on Equality, in the meeting of June 17th 2013, approved the joint proposal to improve the institutional coordination and to launch a tailored plan on the assistance to the victims of gender violence, as well as a working group to monitor its implementation.

INSTITUTIONAL COORDINATION	ACTION'S IMPLEMENTATION STATUS	PLANNED ACTIONS 2015
Interagency coordination protocol.	Interagency agreement approving the Protocol on the coordination of actions in terms of gender violence in the Valencian Community of November 21 st 2014.	
Coordination protocol at a local level.	Valencia City Council made a Coordination Protocol with the different action environments involved on gender violence.	
Action protocol at an autonomous community level developing and specifying the provisions contained in the existing protocols at a state level.	Action protocol on the assistance to the victims of gender violence and/or in a situation of social exclusion.	

RESOURCES	ACTION'S IMPLEMENTATION	PLANNED ACTIONS 2015
Resources maps and services on the assistance to the victims of gender violence at autonomic level.	There is a map at the Autonomous Community level with all the existing resources in the territory regardless its ownership.	
Autonomous network of resources and services with itineraries and specific derivative arrangements		

MANAGEMENT	ACTION'S IMPLEMENTATION STATUS	PLANNED ACTIONS 2015
Shared data system for personalized attention (at an autonomous level with the local entities)	There is not any computer application with all information on the cases available	Creation of a common database
Interconnection with the state data systems	<ul style="list-style-type: none"> - Access to SIRAJ* - Access to VIOGEN* - Control centre COMETA* 	

**SIRAJ*: system of Administrative Records to support the Administration of Justice that allows the connection among the different records making the work in Courts and Tribunals of the country easier.

**VIOGEN*: the Comprehensive Monitoring System for cases of gender violence from the Secretariat of State for Security, Spanish Interior Ministry, became fully operational on July 26th 2007, in compliance with the requirements established on the Organic Act 1/2004, December 28th, on Comprehensive Protection Measures against Gender Violence, following its objectives:

- To bring the different public institutions together having competences in terms of gender violence
- To include all relevant information considered as necessary.
- To predict risks
- Depending on the risk level, to monitor and protect the victims throughout the national territory
- To carry out a preventive work, sending warnings, alerts and alarms through the Automated Notifications Subsystem when any incident or event that may put at risk the integrity of the victim is detected.

**ATENPRO*: This Helpline service to assist and protect the victims of gender violence consists on delivering a mobile device allowing the victims of gender violence to getting in touch at any time with a specialized centre on gender violence. Furthermore, in an emergency situation, the staff of the centre is ready to appropriately respond to the crisis by themselves or mobilizing other human or material

resources. The Centre of Assistance also gets in touch regularly with the users in order to permanently monitor their situation and to join them in the process of comprehensive recovery.

**COMETA*: The Monitoring System of Restraining order Measures and sentences via telematics within gender violence allows the verification of the compliance with measures and sentences stopping the aggressor to get close to the victim, imposed in the proceeding related to gender violence where the Judicial Authority agrees on its use. The system also provides updated and permanent information on the incidents affecting the compliance or breach of measures or sentences, as well as potential incidents, whether they are accidental or intentional, on the functioning of the electronic device used. Once an alarm occurs, the COMETA Control Centre makes the communications planned in the action protocol for each type of alarm and also elaborates a report that will be submitted to the police unit responsible for the protection of the victim, to the Judicial Authority and to the Prosecution Service.

- **Actions for the institutional coordination and cooperation:**

✓ Through the Collaboration Agreement between the Counselling on social welfare (now called the Counselling on Equality and Inclusive Policies) and the Valencian Community Foundation on the Studies of Violence, actions to promote activities analysing and investigating gender violence have been carried out.

✓ The Collaboration Agreement between the Counselling on Social Welfare and the Valencian Community Foundation against discrimination and abuse “Zero Tolerance” in terms of awareness and prevention against gender violence.

- **Actions to protect and assist:**

✓ In the Valencian Community we have 35 INFODONAS Centres throughout the most relevant cities in the territory, with the purpose of making women’s access to public resources destined, among other issues, to gender violence easier. As an institutionalized resource responsible for the comprehensive assistance to women victims of gender violence there are the Women Centres 24 hours in Castellon, Valencia and Alicante. We would like to point out that, on the last few years, a helpline for deaf women has been installed and flyers and guides in Braille have been published in order to approach this resource to all women. Furthermore, information leaflets have been translated into different languages (English, French, Romanian and Arabic). We would also like to mention the 24 hours Itinerant Women Centre, a resource established by the Valencian Government to fight violence against women.

✓ There are also 39 assistance facilities for the victims of crime (2007) affiliated to the Justice Council and the Public Administrations, with the objective of offering a global and coordinated answer to the women victims of gender violence.

- ✓ With regard to legal assistance, the Decree 28/2003, April 1st, of the Government of Valencia establishes that, in criminal proceedings related to gender violence, the victims and their legal representatives and de facto guardians will have the right to access to free legal assistance, including the defense and free representation in court and barrister even when the private prosecution is required to be present or the reported facts do not constitute a crime and it must be solved through a process of minor-offense trial.
- ✓ There is a specialised shift on gender violence in the Bar Association. Law 9/2003 establishes the power to the correspondent body related to women, proposing public interest action to the Government of Valencia in the cases of deaths or serious injuries caused by gender violence.

In the last years, the Spanish Cooperation, through the Spanish Agency for Cooperation (AECID), has been supporting different actions to prevent and promote comprehensive assistance for women and girls victims of gender violence in coordination with international organizations, institutions and mechanisms related to gender equality in the member countries as well as women organizations, feminist groups and civil society in general.

One of the main members of the Spanish Cooperation on fighting to eradicate gender violence is **UN Women**, the organization of the United Nations destined to promote gender equality and women empowerment.

Spain's commitment to eradicate gender violence has been proven, among other actions, with the contribution of 20 million of euros to the UN Trust Fund for the eradication of violence, managed by UN Women and one of the main global mechanisms to grant funds dedicated exclusively to address violence against women and girls in all its forms.

The Spanish Agency for Cooperation also participates in the **Safe Cities Global Initiative**, the first global programme – started in Latin America through the Cities Free of Violence Programme of 2006 supported by Spain – with a comparative approach among regions developing, implementing and assessing tools, policies and comprehensive approaches to prevent and respond to sexual harassment and other forms of sexual violence against women and girls in different urban environments. In 2013, Spain contributed with 1 500 000 euros to intervene in the cities of El Cairo, Marrakech and Quito.

Another example of the Spanish Cooperation's actions for the eradication of violence is the **Virtual Knowledge Centre to End Violence against Women and Girls**; a unique global initiative of knowledge that helps in the design of programmes against gender violence, offering resources on

health, work with the police or monitoring and assessment, among others.

Spain also works supporting and assisting women and girls affected by the conflict and on the **participation of women in the process of peace-building in Mali**; an initiative starting now and that will favour the participation of women solving conflicts and restoring peace, the access to information and gender violence assisting services, psychosocial and economic assistance to displaced women and girls and raising the representation of women in Mali's post-transition bodies.

Spanish Cooperation has also work against violence in countries such as Morocco, Bangladesh, Timor Oriental, Namibia or Palestinian territories through the Millennium Development Goals Achievement Fund (MDG-F) Spain – United Nations Development Programme (UNPD). This commitment with the UNPD will be renewed in the new **Sustainable Development Goals Fund (SDGF)**, as the first fund specifically created to accomplish the Sustainable Development Goals that will determine the way of the new agenda of cooperation for development since 2015 to 2030.

In the same way, through the **NEPAD Spanish Fund for African Women's Empowerment**, processes such as the National Plan against Gender Violence in Cabo Verde have been supported and capacities of the Ministry of Women in Angola in terms of gender violence have been strengthened.

Another Spanish work tool related to gender and development is the **Masar Programme – supporting the democratic governance processes in the Arab World** – carrying out projects such as the “Promotion of women's rights in Morocco through social dialogue: fight against gender violence”, where the visits of the official delegations from Arab countries to Spain are accompanied to get to know the assistance and protection system for the victims of gender violence, the elaboration and implementation of public policies to promote health focused on fighting against gender violence are supported and there are training workshops. In the case of Palestinian territories, Spanish Cooperation funds different actions destined to fight against gender violence and promote the participation of Palestinian women in politics.

At a bilateral level, country to country, Spanish cooperation has supported the processes against violence, especially in Latin America (Ecuador, Uruguay, Nicaragua or Peru) but also countries such as Tunisia, Vietnam or Philippines, promoting legal processes to fight against gender violence and strengthening the institutions, national plans and comprehensive assistance models in gender violence.

Spanish Cooperation also has the NGO for Development, another set of associated entities working with public funds in projects and agreements funded in countries such as Bolivia, Ecuador,

Peru, El Salvador, Guatemala, Honduras, Nicaragua, Colombia, Cabo Verde, Namibia, Cambodia, Bangladesh or Maghreb. Their interventions are, in general, addressed to the prevention and awareness of the population, the comprehensive assistance for girls and women and the strengthening of the capacities of the requests of the government and the civil society.

Response and cooperation mechanisms among institutions:

Articles 71 and 72 of the Law 7/2012 of the Valencian Government establishes the opportunity to endorse collaboration and coordination agreements among all the administrations and institutions involved in the eradication of gender violence.

The National Strategy to Eradicate Violence against Women 2013-2016 approved by the Council of Ministers, 26th July 2013, establishes as one of its transverse axis the coordination and networking.

In Spain, an interinstitutional agreement approving the **Protocol for the coordination of actions related to gender violence in the Valencian Community** was approved. This agreement is endorsed by the public administration at three levels – state, autonomous and local – and by the intervening agents in terms of gender violence in the Valencian Community.

Actions to eradicate gender violence and to meet the needs of the victims and their children involve the three territorial levels where the State is structured as well as different functional areas where the administrative activity is organized. That is why it will be necessary to create coordinating bodies among all the agents intervening in order to avoid duplications and re-victimization.

Non-governmental organizations operating in Spain and in particular in the city of Valencia, aimed at the care of victims of gender violence and honour-based violence, are part of the network of social resources for the care and assistance of victims of this type of crime. These play a fundamental role both in identifying cases and in referral to specialized services that offer a particular attention to women who haven't lodged a complaint or especially vulnerable women (immigrant women, disabled women, etc.)

In most cases, women go to organizations, associations or foundations as claimants of services that aren't aimed at the care of victims, such as career guidance and job placement organizations, employment training, documentation processing organizations, etc. Violence cases are identified after the user has repeatedly gone there.

There are spaces dedicated to women and adapted to their availability, that through workshops (not exclusively focused on violence) allow women to share their experiences in a safe environment controlled by a professional in the field. These activities contribute to their empowerment for possible future decision-making regarding their own life as autonomous women.

Measures to deal with gender-based violence in general and honor-based crimes and forced marriages in particular, are generally considered to be insufficient. The generalization of a gender perspective in recognition of the origin of the problem is proposed as the central axis: patriarchy as a system of social organization.

The main prevention challenges should be designed to:

- ✓ Sensitize the population, offering understandable and practical information through visual dissemination campaigns that allow affected people to identify and recognize harmful practices and provide them with basic information about their rights and available resources.
- ✓ Develop training programs on equality, human rights and intercultural competence. Implement them from childhood, in schools, as a compulsory subject in the school curriculum, including content on gender roles and stereotypes. From the health area, training in sexual and reproductive health is also proposed by trained health workers belonging to communities at risk.
- ✓ Creation of cooperation projects in order to work in origin countries in a coordinate way.
- ✓ Create spaces for heterogeneous meetings, especially among women, adapted to their needs, in which they can share experiences in a safe way through an experiential methodology.

From the police field:

- ✓ Include questions of contrast on the phenomenon in the protocols for detection, reporting and assessment of the police.
- ✓ Create detection and derivation items for use also by non-expert personnel, creating referral mechanisms for specialized agents.
- ✓ Apply the Statute of the Victim, focusing on the role of the Offices of Attention to Victims of Crime, regarding the accompaniment, declarations, interviews, etc.
- ✓ Have trained interpreter with gender education to assist women.
- ✓ Know the phenomenon directly, willing to learn and not to judge and to assess possible strategies for change: with its specificities and complications.

- ✓ Avoid the view of agents as external operators that modifying their culture and customs, make the work on the phenomenon more difficult.
- ✓ Foster adaptive capacity: Have a fluid, direct and habitual communication with all the public and private institutions that work on the phenomenon. Those who are intending to learn, to innovate and to modify processes that do not work; to know the real pulse of the phenomenon in an updated way.

5. Brief analysis of role and responses to HRV. Role of NGOs and prevention programmes.

5.1. Responses of Institutions.

- **The Social System Services in the Valencian Community:**

- **General Social Services** constitute the basis of the Public System of Social Services through a comprehensive and versatile assistance addressed to all citizens and articulated through universal and free actions to prevent, assist and recover at a basic level.

Its goal is to promote full development of the integrated individuals and groups, promoting their participation in the research of resources and prioritizing the most urgent and basic needs.

General Social Services will be integrated in different services and programmes, and one of them is:

- ✓ Prevention and social reintegration programmes that will develop social reintegration for individuals or groups at high risk that need help to prevent their conflicts and in the personal reintegration in the social environment.
- **Specialized social services** are those addressing population sectors that, because of their conditions, age, sex, disabilities, origin or other circumstances related to social, cultural or economic issues, require a specified technical and professional assistance rather than the assistance provided by the General social services.
 - ✓ Article 24: appropriate assistance will be provided for those women at risk due to abuse, lack of family support or personal resources or other circumstances.

- Valencia City Council has services such as **CMIO** (Women's Municipal Centre). It is a gender specialized resource addressed to women, professionals and women's associations in Valencia.

Its mission is to inform, orient and advise women, professionals and women's associations in Valencia about the existing resources for them in order to reach full participation of women in society.

- **Women Centre 24 hours** does not require a formal report and has:
 - ✓ Free helpline (900 580 888) for women that, after being abused, ask for help, information or orientation, and for those women that need to get rid of the anxiousness through this helpline. This is also for women and professionals that need concrete information on this problem.
 - ✓ Direct Assistance Service. There are individual and group assistances in order to reduce the levels of angst, anxiety and insecurity in order to promote self-esteem and personal autonomy.
 - ✓ Accompaniment to hospital, court or to file a complaint or a protection order.
 - ✓ Processing an urgent shelter.
 - ✓ A protection programme through mobile phones directly connected to 112.
- **The public prosecutor's office** must have a fluent relation with this autonomous institution in order to send women at imminent risk when they are filing a report. This resource also must, in case the public prosecutor's office request it, inform about the social, economic and psychological evolution of the women assisted for all intents and purposes estimated as necessary for the criminal proceeding in motion.

In the same way the prosecutor's office will always be informed in case the victims of gender violence and their minor children have been sent to a protection centre and about their evolution. The prosecutor's office must have knowledge about those women victims of gender violence that are provided with teleassistance, as well as the cancellations to this service and the reasons of both situations.

- We can also find the service of **CAI (Centre to Support Immigration)**. This is a specialized local resource complementing the network of general social services to assist immigrants living in Valencia. The management of the centre is carried out together with the entities of the social initiative working with immigrants. Its mission is to support immigrants and the entities representing them in the process of their social integration in Valencia. This mission consists in:

- ✓ Fomenting and coordinating the actions in the different local areas involved in the execution of the Immigration Programme.
 - ✓ Complementing the intervention of the teams of the general social services through the promotion of specialized actions monitoring the migratory phenomenon and actions related to information, legal advice and sociocultural and socio-occupational mediation.
 - ✓ Facilitating the coordination of the actions of the different public administrations and entities of the social initiative in Valencia.
- The Valencian Community has a network of **specialized centres** to assist women victims of gender violence.
 - The residential facilities are services specialized on the comprehensive assistance to women victims of gender violence where they take in abused women, whether they are alone or with children, in order to provide psychological and social help for them, providing the basic means to help them to get over the situation of violence suffered.
 - Women Centre 24 hours. This is a public and free resource whose objective is to provide comprehensive assistance for women victims of physical and psychological abuse, sexual aggressions, sexual abuse and sexual harassment.
 - Regarding the specialized police units on gender violence, there is the **GAMA group (group of attention to the abuse)** in the Valencia Local Police. Their function is to protect and advise the victims of gender and domestic violence having a protection or restraining order. They also assist those women looking for advice before they file a report in the different dependencies of the Local Police.

At a national level there is the **UFAM (Family and Woman Unit)**, conceived as a comprehensive police service, providing a specialized and personalized assistance to the victims of gender and domestic violence as well as any other victim of sexual violence regardless of their sex and age, since the moment they are aware of the “notitia criminis”, to assist, investigate and prevent the crime, as well as to protect the victim.

These police force bodies have services specialized on violence against women whose duties are:

- ✓ To provide for the victims an efficient police response as soon as possible in risk situations.

- ✓ To provide a sensitive and efficient police response of high quality in assisting and protecting the victims and to avoid the actions meaning an increment of victimization, especially the duplicity of the interventions.
- ✓ To provide for the victim clear and accessible information on the rights established on the Organic Law 1/2004 and the existing resources for the effectiveness of these rights in the corresponding territorial scope.
- ✓ To facilitate the transmission of all relevant information between the LEAs and the judicial bodies to protect the victim.
- ✓ To assure the police coordination and collaboration with public and non-governmental resources destined to legal and psychosocial support to the victims.
- ✓ To watch and monitor the protection and restraining orders.
- ✓ To protect the victim and her family.
- ✓ To accompany the women to different institutions: National Police Station, courts, social services, health centre, etc.

They are also in charge of the preventive activities: visits before filling a report at the request of other professionals or police officers not working in GAMA, for example, the community policing. This task is only carried out by the Local Police (GAMA group).

- In **health sector**, the main challenge is to detect cases of abuse and provide support and monitoring with strengthening and coordination of available resources.

The target of this action process are women who are hospitalized or treated in emergency or outpatient clinics who are suspected of suffering abuse.

The objective is to give each victim of violence the psychosocial support to face the situation and act in order to recover her confidence and welfare. It is also to ensure the further implementation of social, legal and health care needs after leaving the hospital.

These are the steps:

- ✓ After detecting the case, it will be communicated to the social worker who will carry out an assessment interview.
 - ✓ An intervention plan will be set: it will be performed based on the identified needs, it will include security plan and it will always be performed in company of the affected person.
- **Academic institutions** are promoting integrated measures in order to raise awareness and prevent gender violence.

The Organic Law 10/2002 of December 23th concerning Quality of Education

formulating in its Preliminary Title the basic principles of the education systems' quality highlights: "The ability to transmit values that favor personal freedom, social responsibility, consistency and improvement of societies and equal rights between genders, to help overcome any kind of discrimination and the practice of solidarity by boosting civic participation of students in volunteer activities", and adds "the ability to act as compensating element of personal and social inequalities".

There are preventive campaigns in school centers involving violence against women. They are enhanced with lectures, talks, public space takings, sport activities and social conferences designed to make participants consider and promote the prevention of violence against women in all its forms.

5.2. Role of NGOs.

Non-governmental organizations play a key role in protecting victims or potential victims of violence related to honor and forced marriages, especially in the case of the most vulnerable groups.

At the institutional level, the criteria for accessing assistance programs are sometimes excessively rigid. Having a valid document that proves the identity and being registered in the city of Valencia are conditions usually demanded to the users of the official care services. Moreover, the access to residential protection resources for women affected by gender-based violence that have not reported their aggressor is very limited, especially in situations in which the victim suffers, in turn, some type of illness or mental disorder.

The response by the public institutions to a situation of violence is materialized in standardized actions that, in certain circumstances, do not attend to the diversity of factors implicit in the violent incidents, not intervening immediately if the appreciated risk is not imminent and urgent. Therefore it is necessary to improve coordination among the resources of the different levels of administration since there are sometimes barriers in communication that hinder the transfer of relevant information in the evaluation and follow-up of cases. In many cases, the NGOs attend to the needs of the official assistance services, providing health care, counseling and legal and social counseling, housing, financial assistance, support, training and employment, etc. These constitute a very necessary support resource.

The city of Valencia has an up-to-date resource guide which lists the social resources in the city as well as municipal social resources. The social resources of the city of Valencia are organized for consultation through the website of the City of Valencia in the following areas:

- Addictions.

- International cooperation.
- Disabled.
- Family, minor and adoptions.
- Youth.
- Elders.
- Migrants.
- Ethnic minorities.
- Women.
- Prisoners and ex-offenders.
- Homeless.
- The entire population.

In terms of municipal social resources, they are structured in the following centers, offices and services:

- Immigration support center.
- Municipal centers of activities for the elderly.
- Municipal centers for the care of the intellectually disabled.
- Municipal care centers for the elderly.
- Municipal centers for the care of the homeless.
- Municipal child care centers.
- Municipal social service centers.
- Women's municipal centers and equality.
- Municipal Bureau of Solidarity Information.

The guide provides information about the name of the entity, the address and contact details, the services and the activities, including an observation section as well as other relevant information. It is possible to locate the resources using a map according to the following areas:

- ✓ Education.
- ✓ General information.
- ✓ Justice.
- ✓ Health.
- ✓ Social services.
- ✓ Work.
- ✓ Living place.

5.3. Good practices.

▪ **Measures and plans on violence against women:**

- National strategy to eradicate violence against women 2013-2016.
- Comprehensive plan on fighting against trafficking in women and girls for sexual exploitation purposes 2015-2018.
- Referral protocol among the Autonomous Communities to coordinate their network of shelters for women victims of gender violence and their children (2014).
- Design of steps to follow for the comprehensive and individual intervention of women victims of gender violence, their children and other dependant persons (2014).
- Joint proposal to improve the institutional coordination and the launch of a tailored plan to assist the victims of gender violence (2013).
- Assistance and prevention plan on gender violence in the immigrant population (2009 – 2012).
- National plan of awareness and prevention on gender violence (2007 – 2008).
- Assessment report ten years after the entry into force of the Organic Law 1/2004 at the autonomous level (2015).
- Follow-up report of the joint proposal (2015).

(Link: http://www.aulaviolenciadegeneroenlocal.es/documentacion_interes/documentacion.html)

The Council of Ministers in Spain adopts an agreement for the International day on the elimination of violence against women (November 20th 2015).

Link:

<http://www.aecid.pe/noticias/genero/1305-consejo-de-ministros-de-espana-adopta-acuerdo-en-dia-internacional-para-la-eliminacion-de-la-violencia-contra-la-mujer#.V6xO2FuLTcs>

Spain is committed to strengthen the protocols to get better coordinated responses facing gender violence and to involve private sector companies on prevention.

Spanish Government is committed to strengthen protocols to improve the coordinating response facing gender violence through the implementation of appropriate communicative and referral models in hospitals and other health centres with the police and other law enforcement agencies and all legal systems including the prosecutors. This commitment will be guided through the Coordinated Action Protocol against Gender Violence, recently updated and strengthened. This

protocol also offers appropriate answers to the specific needs of marginalized women and women suffering several forms of discrimination, including migrant, disabled, living in rural areas, elder, suffering from HIV and suffering from social exclusion. The protocol also includes regulations to address other forms of violence outside the couple and domestic violence including trafficking in human and female genital mutilation.

Awareness and association with private sector companies are also fundamental elements showing the commitment of Spain to end violence against women and girls. In 2012, an initiative of corporate social responsibility, "Corporations for a society free of gender violence", started to mobilise more than 34 of the most relevant business groups in Spain. Through this initiative, the companies committed to raise awareness among their staff and to carry out specific measures to facilitate occupational mobility and flexibility of survivors of gender violence.

(Link:<http://www.unwomen.org/es/what-we-do/ending-violence-against-women/take-action/commit/government-commitments#sthash.gldJ3I2y.dpuf>)

Other countries are already taking measures on prevention and elimination of violence against women through campaigns. Some examples related to forced marriage and child marriage are:

- Afghanistan: The Afghanistan Independent Human Rights Commission celebrated the International Day on The Elimination of Violence against Women in 2007 with a campaign called "Don't Destroy the Future of your Children by Forced Marriages". This day was celebrated with conferences, meetings, mass gatherings and broadcasting programmes in mass media. National and private television channels in Kabul broadcasted messages of the president of the judiciary, the president of the Parliament, the attorney general, the chief of the Committee for Peace and Stability and people in the audience condemning forced marriages. There were also billboards with messages about forced marriages and child marriage in five main squares in Kabul.
- Benin (West Africa): The project about Legal Rights of Women, of the United States Agency for International Development (USAID), carried out a campaign on education related to the new Family Law in Benin that has raised the minimum age to get married. The project gathered key groups of the civil society to work in cooperation on the development of materials that could help making the Family Law understandable at a local level. The groups designed a simple version of the law that was translated into 5 different languages. All the organizations involved in the design agreed to use the materials to get a coherent message in all regions. Together with information in mass media, special acts and shirts promoting the new age to get marriage, the simplified version of the law was transmitted through workshops throughout the country addressed by local people using the local language. The leaflet was so easy to read that the

organizations started to use it also in their literacy workshops. The educational programme also incorporated traditional cultural practices and counted on the participation of local leaders.

Regarding the crimes committed in the name of honour, here is an example:

- Syria: In 2008, after a homicide committed in the name of honour in Damascus that attracted the attention of media, the Syrian Commission on Family Affairs call the first National Conference on Honour Crimes to raise awareness and promote the dialogue on this issue among civil servants and religious leaders. Representatives of civil society and legislators also attended the meeting. The result of the meeting was the recommendation of the abolishment of some regulations of the Syrian legislation allowing the impunity of crimes committed in the name of “honour”.

6. General Recommendations based on the specific recommendations in the different sections.

- Nowadays, the legislation in 147 countries has exceptions allowing the marriage of minors under 18 and, even when the legislation is in accordance with the international regulations, it is not easy to forbid child and forced marriage due to the cultural attitudes supporting them, among other reasons.
- We need broad and coordinated approaches to address child and forced marriage efficiently. The elaboration and execution of national policies and strategies is recommended along with the participation of the governmental departments competent at a national and local level, the organizations of civil society including groups of women, religious and community leaders, national institutions on human rights and other appropriate interested parties such as legislators and judges.
- Political and protection measures and strategies must act for the interest of the children, be adapted to the context and follow the international regulations on human rights. They should take part on a broader task to promote equality and to end the discrimination against women and girls, not just on the access to education but also on other issues such as work, political participation, health, right to inheritance, land and productive resources. These plans and policies should include the following areas when needed:
 - o To guarantee a national legal framework according to the international regulations of human rights, especially regarding the age of majority and the minimum age to get

married for children of both sex, the prohibition of forced marriage and the inscription on the registry of births and marriages.

- o To harmonize the national legislation on marriage through the elimination of the existing laws, among other actions, to end the legal obstacles the girls face when searching for the compliance with the national laws on the prevention and prohibition of child marriage and for legal resources, to eliminate the excessive legal requirements to officially end a child marriage and to provide access to those resources for those abandoning a marriage.
- To promote the access of girls to high quality education according to the appropriate international regulations, including reintegration programmes adapted for girls forced to abandon school in order to get married or to have children. Providing economic support and incentives for girls enrolled in schools and their families have shown their efficiency so they can receive higher education and delay the marriage.
- To promote women economic empowerment and to allow the access to productive resources, especially addressing the discriminatory rules and practices in this regard.
- To face general cultural and social acceptance of forced child marriage, for example, by raising awareness about the damages for the victims and the cost for society in general, providing platforms and opportunities to discuss, in the communities and families, the benefits of postponing marriage and to ensure girls get their education. It is essential the participation of elder women, religious and community leaders and men and boys as key participants in this task.
- To provide proper global education for women and girls, depending on their age and appropriate from a cultural point of view and based on empirical data on sexuality, sexual and reproductive health, gender equality and readiness for life, and to assure they know their rights related to marriage and that they have the capacity necessary to demand them and to use them.
- To support the establishment of networks in order to facilitate the exchange of information, among girls and young women, on child and forced marriage through an innovative use of technology.
- To deliver training programmes to civil servants, members of the judiciary, LEAs and other state civil servants, teachers, health workers and other type of workers, professionals working with immigrants and asylum seekers and pertinent sectors and professionals on the proper way to identify girls in a risk situation or real victims, and the applicable legislation and the preventive and assistance measures.

- To provide appropriate economic resources and support for global programmes fighting child and forced marriages, programmes destined to married girls and women belonging to indigenous and rural communities, in cooperation with the organizations of the United Nations, regional organizations, organizations of the civil society and other pertinent stakeholders.
- To improve the collection of data, the research and the dissemination of the existing best practices and to assure clear analysis and assessment on the impact of the existing policies and programmes in order to strengthen them, assure they are efficient and supervise their application.

References

- National Plan on Awareness and Prevention of Gender-Based Violence, http://www.observatorioviolencia.org/upload_images/File/DOC_169397048_Plan%20Nacional%2015%20dic.pdf.
- Organic Act 1/2004, 28th December, on Integral Protection Measures against Gender Violence, BOE No. 313, 29th December 2004.
- Organic Act 6/1985 by the Judiciary, to extraterritorially condemn the practice of female genital mutilation, BOE No. 163, 9th July 2005.
- Organic Act 11/2003, 29th September, on concrete measures in terms of public safety, domestic violence and social integration of foreigners, B.O.E. No. 234, 30th September 2003.
- Act 27/2003, 31st July, regulating the Order of protection of the victims of gender violence, BOE No. 183, de 1st August 2003.
- Act 13/2007, 26th November, on preventive and full protection measures against gender violence, BOJA No. 247, 18th December 2007.
- Act 12/2007, 26th November, on the promotion of gender equality in Andalusia, BOJA No. 247, de 18th December 2007.
- Act 4/2007, 22nd May, on Full Prevention and Protection to women victims of violence in Aragon, BOA No. 41, 9th April 2007.
- Act 16/2003, 8th April, on Full Prevention and Protection of women against Gender Violence, BOIC No. 86, 7th May 2003.
- Act of Cantabria 1/2004, 1st April, on the prevention of violence against women and the protection of the victims, BOC No. 70, 12th April 2004.
- Act 5/2001, 17th May 2001, on prevention of abuse and protection to abused women, Ley 5/2001, de 17-05-2001, DOCM No. 61, 22nd May 2001.

- Decree 38/2002, 12th March 2002, on the Departments of Social welfare, Industry and work, for the application of the Act 5/2001, 17th May on the prevention of abuse and protection to abused women, DOCM No. 32, 15th March 2002.
- Act 13/2010, 9th December, against Gender Violence in Castilla y León, BOCYL No. 243, 20th December 2010.
- Act 5/2008, 24th April, on women's right to eradicate chauvinist violence, DOGC No. 5123, 2nd May 2008.
- Comprehensive Act 5/2005, 20th December, against Gender Violence in the Community of Madrid, BOCM No. 310, 29th December 2005.
- Law of the Cortes of Navarre 12/2003, 7th March, amending the Law of the Cortes of Navarre 22/2002, of 2nd July, on the adoption of comprehensive measures against gender violence, BON No. 32, 14th March 2003.
- Comprehensive Act 7/2012, 23rd November, against gender violence in the Valencian Community, DOCV No. 6912, 28th November 2012.
- Act 8/2011, 23rd March, on Equality between Women and Men and against Gender Violence in Extremadura, DOE No. 59, 25th March 2011.
- Galician Act 11/2007, 27th July, on the prevention and comprehensive treatment of gender violence, DOG No. 152, 7th August 2007.
- Act 2/2007, 28th March on the work on equality of women in Galicia, published in DOG No. 72, 13th April 2007.
- Act 12/2006, 20th September, on women, BOIB No. 135, 26th September 2006.
- Act 3/2011, 1st March, on prevention, protection and institutional coordination in terms of violence in La Rioja, BOLR No. 31, 7th March 2011.
- Act 4/2005, 18th February, on Equality between Women and Men, BOPV No. 42, 2nd March 2005.
- Act 2/2011 in the Principado de Asturias, 11th March, on the equality between Women and Men and the eradication of gender violence, BOPA No. 64, 18th March 2011.
- Act 7/2007, 4th April, on the Equality of Women and Men and the protection against Gender Violence in Murcia, BORM No. 91, 21st April 2007.

Annex 1 – Research workshop questionnaire

1. What are the problems of discrimination and stigmatization in communities where honor crimes occur?
2. Report on the existence of violence related to honor in non-risk communities.
3. Are there alternative forms of justice in some communities in relation to honor crimes?
4. Assess the effectiveness of protection and compliance with regional, international and EU legislation. Report on compliance with the state and / or non-compliance with the provisions of EU legislation, with special attention to Directive 2012/29 / EU. Assess the application of laws derived from this Directive.
5. Assess civil and criminal protection measures against honor crimes in national legislation.
6. Evaluate the functioning of the administrations and institutions involved as well as the resources allocated to deal with this type of violent practices.
7. What is your assessment of the institutional and political framework, the deficiencies in implementation and their effectiveness? Provide examples of good practice and recommendations.
8. Analyze the roles and response of law enforcement officials: access of the victim to the protection system, problems in referral, support and guidance to the victim on the grounds of honor, from the point of view of access to justice and during proceedings.
9. Explain and analyze the role of non-governmental organizations operating in your country for the identification and support of victims of gender-based violence / honor violence and as service providers.
10. Provide information on the role of NGOs in the defense of women's rights, as well as the rights of ethnic, religious, migrant and other community groups and / or NGOs that address the specific problem of harmful practices and violence on honor.
11. What is the attitude and response of NGOs about the role they should play?
12. Do NGOs receive financial support from national / regional / local authorities for their work on gender-based violence and violence based on honor?
13. Evaluate the level of stereotyping by institutions, communities and risk groups of violence related to honor, focusing on stereotypes by the police and the judiciary.
14. Assess opportunities, challenges and gaps in response to violence related to honor. Evaluate the effectiveness and quality of responses against honor violence.

15. Provide examples of good practices and also of your own practice. Provide examples of cooperation and partnership agreements as well as media coverage of cases and issues of violence related to honor. Provide information on their recommendations.
16. Provide information on programs focused on working with perpetrators of honor violence.
17. Provide information on initiatives targeting men and boys in at-risk communities, also targeted at community leaders and leadership structures.
18. Mention the programs and educational initiatives of key actors in the responses to violence against women and violence on the basis of honor developed by the State, non-governmental organizations and others.
19. Evaluate the quality and effectiveness of prevention programs and initiatives.
20. What do you consider the main challenges in preventing and eliminating violence related to honor?

Annex 2 – Interview questionnaire with victim of forced marriage

1. When did the marriage take place? Did your family remember your rejection of it?
2. Do you know more women, who have suffered this situation, specifically, someone in your family?
3. Which member of your family organized the marriage?
4. How old were you when you were forced to marry?
5. Did you know the person you were forced to marry?
6. How did you feel when you had notion about forced marriage?
7. Did you have support from a family member, friend or institution?
8. Did you have someone close to you who shared your refusal to marry you and motivated you not to get married?
9. Do you know the causes that led to forced marriage?
10. If you had not got married, what do you think would have happened?
11. After the entire situation you live, do you keep in touch with your family?
12. Do you think this problem is becoming more common? Or on the contrary, are these cases declining?
13. Does your stay in Spain give you more security in order not to be a victim of forced marriage or do you think you have the same risk as in your country of origin?
14. In your opinion, where do you think these practices come from?
15. In your opinion, what measures do you consider to be optimal to eradicate these practices?
16. Do you consider that there are safe alternatives to these practices? Does rejection of these practices leave you helpless?