



FEM-UNITED

united to prevent femicide in europe

FEM-UNITED ACTION PLAN: SPAIN

Context and needs analysis

As part of the EU-funded project "**FEM-UNITED - United to prevent IPV/DV Femicide in Europe**", the University of Zaragoza (UNIZAR), organised three stakeholder meetings held on 30 June 2021, 28 October 2021 and 17 March 2022 via online. These meetings were attended by people involved in three key areas for the prevention of femicide in Spain: social, judicial and law enforcement, as well as members of the three State bodies. Stakeholders were invited to discuss the current challenges in preventing and combating gender-based violence and femicide, and how to improve the responses of the different agencies, and to propose concrete proposals for policy change.

Despite the acknowledgement of progress in this area in Spain, a number of gaps and challenges in the prevention of gender-based violence and femicide were identified during the discussions with stakeholders, as well as recommendations for improving system-wide responses.

This Action Plan presents six key dimensions to work on and ten concrete proposals defined on the basis of the conclusions drawn from the three stakeholder meetings, as well as the recommendations offered by practitioners at the four training workshops held between April and September 2022.

Gaps in gender-based violence intervention: six dimensions of action

- **Regulatory framework:** While Law 1/2004 was a milestone for intervention in cases of gender-based violence, some aspects of the law need to be fine-tuned, which reality has shown deserve to be addressed. For example, the inclusion of the term femicide or other forms of violence against women beyond the intimate partner relationship, in line with the Istanbul Convention. In order for the law to be effectively extended in its full application, it is still necessary to address the structural situation of gender-based violence and to adopt social measures, support programmes, and effective guarantees of equal opportunities. Criminal law alone is not an adequate instrument to solve the problem of gender inequality.
- **The structure of specialised services:** While the development of a specific structure to deal with cases of gender-based violence has been very important, there is still a need to strengthen these services to reach all territories and to be able to provide more effective responses to women. Fundamentally, it is necessary to improve the judicial response with specific training for Judges and Prosecutors, with a greater number of public defenders in the judicial districts that require it and with the adaptation of the spaces frequented by the victims towards a gender perspective. Special consideration should be given to the health sector, where the development of a specialised service/unit for cases of gender violence, as already exists in the basic social services or in police stations, is still urgent. Specialized services still do not contemplate strategies for intervention with male aggressors.



- **Primary prevention in GbV:** In addition to training, awareness-raising and sensitisation are central elements in terms of primary prevention. Although many institutional campaigns have been developed, there is still a need to design these messages with new approaches, for example by targeting men or defining victims as actors of change. According to the law, primary prevention should be carried out in different areas, such as education, health and the media, based on the recommendations collected, it is necessary to influence that in these surroundings the efforts are more forceful. The variables time of exposure of a news about femicide and size of the medium seem to condition the form and quality of the information that is given in relation to the cases, this together with the stereotyping of the victims and the aggressors is detrimental both for those possible women who have not made their situation of violence visible as for the secondary victims of those who have already done so or of those who have been murdered.
- **Data complexity:** In relation to the data, and recognizing that the collection and transparency effort in Spain is noteworthy, after two decades it seems necessary to make the collection somewhat more complex. The recent incorporation of non-intimate femicides in the official data is progress, but there are still aspects to improve such as data collection in relation to men or the incorporation of an intersectional approach in data processing that allows knowing the particular characteristics of victims and aggressors. The specific studies¹ funded by the Ministry of Equality yield rich and useful information that should be reflected in the reports and summaries of the Observatory on domestic and gender-based violence of the General Council of the Judiciary and ensure that the dissemination/dissemination of these data and findings is more widely covered.
- **Risk assessment and management:** Despite the constant debates and criticisms to which the risk assessment and management instruments used in Spain are exposed (fundamentally Viogén), their use is increasingly widespread in the police field. The biggest problem it presents is that the risk assessment is associated with a complaint, so its use is limited and involves a legal proceeding, and the only source of information is the woman at a very delicate time. The judges do not give it the value they could and it is not complemented by other reports associated with the case. Therefore, its use is limited to the police field. Some professionals are not sufficiently trained to use it and, in some regions, the resources that would be required to manage the stipulated risk are scarce. In relation to the presence of children as risk factors being considered by the law as direct victims, no specific protection strategies have been developed to protect them. The legislative modification² in relation to custody has been a great advance in relation to this.
- **Compensation & reparation:** Providing compensation to victims remains a major challenge. Economic compensation is not equitable throughout the State, it requires a long

¹ Studies can be found on reparation, women, disability and gender violence, sexual violence, violence against women and the media, among many others. For more details, please visit the web portal of the Government Delegation against Gender Violence [Estudios e investigaciones - Delegación del Gobierno contra la Violencia de Género \(igualdad.gob.es\)](https://www.gob.es/estudios-e-investigaciones-delegacion-del-gobierno-contra-la-violencia-de-genero)

² In accordance with Law 8/2021 of June 2, the old wording of article 94 of the Civil Code was modified, introducing the following paragraph: "The establishment of a visit or stay regime will not proceed, and if it exists, it will be suspended, with respect to the parent who is involved in a criminal proceeding initiated for attempting against life, physical integrity, freedom, moral integrity or freedom and sexual indemnity of the other spouse or their children. Nor will it proceed when the judicial authority notices, from the allegations of the parties and the evidence taken, the existence of well-founded indications of domestic or gender violence."



and complex procedure and payment is not guaranteed in all cases and for all victims. In most cases the aggressors declare themselves insolvent and the State assumes this responsibility. Public reparations are nonexistent, only a few private and local experiences can be documented, and public support and recovery programs for victims of femicide are scarce and ineffective.

How could we improve institutional responses to prevent femicide?

- **Revising and ensuring compliance with Law 1/2004:** Extending the concept of gender violence to all forms of violence to align the regulations with the Istanbul Convention is imperative in Spain. From then on, guarantee that in all cases of femicide the aggravating circumstance of gender is proven and that the persecution and sentencing are carried out with a gender perspective and with the participation of specialized Units. Guaranteeing that in cases of gender-based violence, shared custody regimes are not established if the parents so prefer, and that in cases of femicide, minors are not forced to maintain contact with their fathers.

This implies compliance with Articles 31, 45 and 46 of the Istanbul Convention (2011).

- **Improvement and extensive use of risk assessment tools:** It is necessary to ensure that the design of the tools is carried out with a gender and intersectional perspective, that the versions are updated and the algorithms incorporate "new" risk factors (cultural issues, technological violence, minor children, psychological violence) that are increasingly relevant in the reality of the victims. Moreover, professionals need to be trained and updated to be able to use the tools and be committed to incorporate their subjective point of view in the assessments; the result of an actuarial tool should not be enough. The resources associated with each level of risk must be increased and the results of this assessment must be complemented with reports from social services, judicial records, and even with the risk assessment carried out in other areas in order to provide a dynamic, comprehensive and multi-agency response to guarantee the protection of victims.

This implies compliance with Articles 18, 19, 20, 22, 23, 24 and 51 of the Istanbul Convention (2011).

- **Consolidation and effective monitoring of comprehensive primary and secondary prevention measures:** Comprehensive prevention should be strengthened. This involves developing primary prevention strategies of sensitisation and awareness-raising targeting men, women victims and society as a whole as agents of change. Extending campaigns beyond the victims helps to alleviate victimisation for them. In terms of primary prevention, there is also a need to strengthen the training of frontline professionals, especially in relation to risk detection, assessment and management. Comprehensive prevention measures should be permanent and need to be closely monitored, the use of electronic devices that contribute to the protection of women should be increased and extended to their children, compliance with protection orders should be ensured and multi-agency cooperation (social, health, judicial, police, educational) should be strengthened to ensure effective protection.



This implies compliance with Articles 12, 13, 14, 15 and 17 of the Istanbul Convention (2011).

- **Review, reinforce and rethink the strategies of specialised services:** Accountability mechanisms must be established that allow the degree of effectiveness of the actions carried out by specialised services, both in the police/judicial sphere (investigation, prosecution and sentencing) and in the social sphere (victim support and recovery) to be known. To this end, it is still necessary to reinforce budgets to guarantee more and better resources throughout the territory. And the fields of action must be rethought, specific interventions must be designed for target groups, addressing vulnerabilities with non-homogeneous responses: implementing treatments with male aggressors, redesigning strategies with migrant, rural or disabled women.

This implies compliance with Articles 16, 20 and 59 (in the case of migrant women) of the Istanbul Convention (2011).

- **Case-by-case follow-up and incorporation of new data:** Data collection and processing must continue to be transparent and up-to-date. All state agencies should handle consolidated data, which requires cooperation between different levels and areas of administration to facilitate the monitoring of cases. All types of femicides should be counted and this should be reflected in future reports analysing data from the Observatory against domestic and gender-based violence. The collection should also be more comprehensive, especially incorporating information from perpetrators in order to be able to cross-check data (between Viogén, Public Prosecutor's Office, Government Delegation against Gender Violence, Observatory-CGPJ) and encourage investigations linked to femicide. It must be ensured that the results and findings of research and studies carried out and funded by the state are effectively disseminated and achieve maximum coverage.

This implies compliance with Articles 11 and 15 of the Istanbul Convention (2011).

- **Control of compensation and promotion of the right of victims to reparation:** Mechanisms to ensure the recovery of compensation for victims should be strengthened. The specialised prosecutor's office for gender-based violence should be able to intervene when defendants fail to comply with their duty. The State needs to speed up and facilitate collection procedures in cases of femicide and that the accreditation of victims is extensive and according to each particular case. The Spanish State should identify good practices of comprehensive reparation, make proposals that place the victims at the centre and implement measures that guarantee their right to reparation.

This implies compliance with Article 5 of the Istanbul Convention (2011), entitled "Obligation of the State and due diligence". The obligation of due diligence is part of the obligations that States have regarding the protection, promotion and application of human rights, this includes reparation.



Based on the above, the following Action Plan is proposed, which takes into consideration the articles of the Istanbul Convention mentioned in previous paragraphs, provisions that could be fulfilled through the implementation of the 46 activities described below:

Revising and ensuring compliance with Law 1/2004		
	Activity	Stakeholders involved
1.	<ul style="list-style-type: none"> ➤ Legislative amendments: <ul style="list-style-type: none"> ○ Eliminate the extenuating circumstance of confession in crimes of gender violence, when the circumstances of the facts allow for reliable attribution of the perpetrator. ○ Amend the Penal Code so that the mitigating circumstance of financial reparation of the damage cannot be applied in cases of gender-based violence. ○ Expansion of the concept of gender violence: This would entail applying the aggravating circumstance of Art. 22.4 PC in crimes where violent conduct is exercised in which a woman is the victim, for example, crimes against sexual freedom. ○ Include femicide as a type of crime: This avoids the need to prove the intention of domination. 	Ministry of Justice Spanish parliament Ministry of Equality Experts, legislative advisers. General Council of the Judiciary Secretary of State for Equality
2.	<ul style="list-style-type: none"> ➤ Regular monitoring of the planned specialised intervention: <ul style="list-style-type: none"> ○ Provision of free legal aid. ○ Not granting custody in cases of gender-based violence, deprivation of parental rights in cases of femicide. ○ Application of the gender aggravating circumstance of Art. 22.4 Penal Code in all cases of femicide. 	Observatory against Domestic and Gender Violence Government Delegation against Gender Violence Supreme Court (Criminal Chamber, Civil Chamber) Provincial Courts Office of the Public Prosecutor for Violence against Women Professional Bar Associations



	<ul style="list-style-type: none"> ○ Equalisation by Autonomous Communities of the scales for financial compensation. ○ Expansion of the number of public defenders and the implementation of duty guards in the judicial and social services spheres. For the latter, extension of opening hours to nights and weekends. ○ Post-crime police investigation with a gender perspective. 	State and regional security forces and bodies.
Improvement and extensive use of risk assessment tools		
3.	<ul style="list-style-type: none"> ○ Creation of a multidisciplinary body at local level to channel risk assessments made by the various systems: social, police, judicial. Develop within this body a common language for understanding, communicating and managing risk between all frontline services in a coordinated way. ○ Establish a central register of the assessments made, the updating of the risk and the type of resources associated with the management. ○ Establish action protocols for the State Security Forces and Corps with regard to investigation measures and police protection without a complaint from the victim. 	National Police Basque Autonomous Police: Ertzaintza Catalan Autonomous Police: Mossos de Esquadra Local police Civil Guard Women's Institute (of each Autonomous Community) Casa de la Mujer (of each Municipality) Observatory against Domestic Violence and Gender Violence Delegated Prosecutor for Gender Violence (by provinces)
4.	<ul style="list-style-type: none"> ○ Mandatory and specialised training for all professionals involved in risk assessment. Special emphasis on the specific risk factors associated with the particularities of each victim. ○ Provide greater resources to the psycho-social teams so 	Ministry of Justice Secretary of State for Equality and against Gender Violence Secretary of State for Security Ministry of the Interior Ministry of Equality



	that judges can have, without delay, the relevant reports, thus avoiding the reports without delay, thus avoiding the collapse of the courts.	Observatory against Domestic and Gender Violence Government Delegation against Gender Violence Ministry of Social Rights and Agenda 2030
5.	<ul style="list-style-type: none"> ○ Continuous evaluation and, where appropriate, renewal of police risk assessment protocols. ○ Monitoring and promoting the use of assessment protocols in the judicial area. ○ Standardisation of the tools used by the social system. 	National, regional and local security forces and bodies. State Secretariat for Security Ministry of the Interior Ministry of Justice General Council of the Judiciary Ministry of Social Rights and Agenda 2030
Consolidation and effective monitoring of comprehensive primary and secondary prevention measures		
6.	<ul style="list-style-type: none"> ➤ On primary prevention <ul style="list-style-type: none"> ○ Develop and implement at the school level a regular, mandatory and systematised gender-based violence awareness programme for adolescents. ○ Develop parallel awareness and sensitisation campaigns with different targets: one for men, one for women victims and one for the victims' close circle. ○ Implement in those media that do not have the decalogue for the information/dissemination of news related to violence and femicide. ○ Creation of the Media Observatory on Gender Violence and Femicide. The Observatory should review, evaluate and recommend, 	Ministry of Education and Vocational Training Sectorial Conference on Education Regional Ministries of Education (Autonomous Communities) Government Delegation against Gender Violence Ministry of Equality FAPE: Federation of Spanish Journalists Associations The Association of Women Filmmakers and Audiovisual Media Public Television Corporation Audiovisual Council or Associations of Journalists of the Autonomous Communities. FAPE's Professional and Deontological Affairs Committee



	<p>taking as a framework the multiple documents already produced by journalistic entities and women's associations.</p>	
7.	<p>➤ On secondary prevention:</p> <ul style="list-style-type: none"> ○ Systematically evaluate the use and impact of telematic monitoring devices for monitoring, measures and restraining sentences. ○ Revise judicial protocols so that the Courts communicate to the Coordination Points for ○ Review judicial protocols so that courts communicate to the Coordination Points for Protection Orders the orders of provisional dismissal, acquittals and acquittals, and the acquittals and judgments modifying measures in cases of gender violence. ○ Improve the technical system of electronic surveillance instruments, involving the Ministries of Justice and the Interior, and urge the General Council of the Judiciary to promote their use at least in cases of "medium risk". 	<p>COMETA Control Centre</p> <p>Ministry of Justice</p> <p>Ministry of Equality</p> <p>Ministry of the Interior</p> <p>Security Forces and Corps</p> <p>General Council of the Judiciary</p>
8.	<ul style="list-style-type: none"> ○ Design a risk assessment tool for health professionals (especially in primary care) or adapt a short version of one that is already in use. ○ Training in gender perspective, violence and use of the instrument for health professionals in primary care and family doctors. 	<p>Autonomous Health Agencies</p> <p>Ministry of Health</p> <p>Regional Health Departments</p> <p>Public Hospitals</p> <p>State Secretariat (Viogen)</p> <p>Government Delegation against Gender Violence</p>



Review, reinforce and rethink the strategies of specialised services

<p>9.</p>	<ul style="list-style-type: none"> ○ Promote the implementation of exclusive and specialised Family Meeting Points to deal with cases of gender-based violence and, failing that, draw up and apply specific protocols. Where this is not possible, promote the specialisation of the Family Meeting Points for cases related to cases related to gender violence. ○ Promote the Crime Victim Assistance Offices as an access point for victim care or redirection to specialised services. Strengthen the Victims' Assistance Offices to protect the rights of victims of Gender Violence, as well as promoting their coordination through the Victims' Advisory Council. <p>In the OAVs, establish a specific protocol for minors in the Victims' Assistance Offices and guarantee intervention with a gender perspective.</p>	<p>Territorial Council of Social Services Ministry of Justice</p> <p>Ministry of Social Rights and Agenda 2030</p> <p>Commissioner for Children's Rights</p> <p>Sectorial Conference on Equality</p> <p>Government Delegation against Gender Violence</p> <p>Victim Support Offices</p>
<p>10.</p>	<ul style="list-style-type: none"> ○ Design and implement a systematic intervention programme for male perpetrators. With special emphasis and mandatory focus on men at high risk of re-offending. ○ Establish and expand effective early crime prevention work. 	<p>Institute for Social Reinsertion Foundation</p> <p>Government Delegation against Gender Violence</p> <p>Ministry of Equality</p> <p>CONEXUS Association Psychosocial Care, Training and Research</p>
<p>Case-by-case follow-up and incorporation of new data</p>		
<p>11.</p>	<ul style="list-style-type: none"> ○ Strengthen the mandatory collection of reliable and regularly updated administrative and statistical data on victims. ○ Incorporate data on perpetrators of all forms of 	<p>Observatory against Domestic and Gender-based Violence</p> <p>Ministry of Justice</p> <p>Ministry of Equality</p>



	<p>violence against women and femicide, disaggregated by sex, age and victim-perpetrator relationship.</p> <ul style="list-style-type: none"> ○ Activate databases so that all relevant stakeholders and frontline services can provide data and updates from the various areas involved. ○ Include attempted homicides and associated consequences in official statistical data. ○ Carry out specific data processing for migrants, people with disabilities, people over 65 years old and rural people. ○ Include all types of femicides in the reports of the Observatory of Violence of the CGPJ. 	<p>Government Delegation on Gender Violence</p> <p>Departments of Health of the Autonomous Communities</p>
12.	<ul style="list-style-type: none"> ○ Follow up on a case-by-case basis: Primarily when there are minor children. Develop tertiary prevention strategies in specialised basic social services. ○ Incorporate the intersectional perspective and reinforce help and support mechanisms in cases of special vulnerability. 	<p>Government Delegation Against Gender Violence</p> <p>Ministry of Social Rights and Agenda 2030</p> <p>Women's Institutes of the Autonomous Communities and Women's Centres in the municipalities.</p>
Control of compensation and promotion of the right of victims to reparation		
13.	<ul style="list-style-type: none"> ○ Establish a specific system of pedagogical and educational care for the children of victims of gender violence, through the designation, when necessary, of support teachers for educational reinforcement. ○ Incorporate as beneficiaries of rights (preferential access 	<p>Ministry of Social Rights and Agenda 2030</p> <p>Ministry of Equality</p> <p>Government Delegation against Gender Violence</p> <p>Spanish Parliament</p> <p>Chamber of Senators</p>



	<p>to subsidised housing, tax relief for the so-called personal and family minimum and other tax benefits in the field of Personal Income Tax) those who assume parental authority, guardianship or permanent foster care of the minor orphaned by gender violence.</p> <ul style="list-style-type: none"> ○ Recognition of the effective right to reparation of damages. The State should assume the financial reparation of the damage in cases where judicial negligence is proven and the investigation so that it does not happen again. ○ Design and implement actions of public and symbolic reparation of harm in cases of femicide. 	<p>Administration of the Autonomous Communities (CCAA)</p> <p>Local Corporations (City Councils)</p> <p>Soledad Cazorla Scholarship Fund</p>
14.	<ul style="list-style-type: none"> ○ Adapt the legislation on compensation for cases of femicide: extend application deadlines, eliminate the hierarchy between victims and contemplate collateral victims (mother, sisters) and not only those who are economically dependent, grant the Prosecutor's Office the power to review assets in cases where the aggressor declares insolvency. ○ Equalise the amounts of compensation granted to victims of gender-based violence and victims of terrorism. 	<p>Chamber of Deputies</p> <p>Chamber of Senators</p> <p>Ministry of Equality</p> <p>Ministry of Justice</p> <p>Prosecutor's Office specialised in gender-based violence (state and provincial)</p>



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