



### LEGAL AND POLICY FRAMEWORK

In July 1980 Spain signed the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was then ratified in January 1984, accepting its Optional Protocol in July 2001. In May 2011 Spain signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and ratified it in April 2014.

The Organic Law 1/2004 of 28 December, on Integrated Protection Measures against Gender Violence approaches gendered violence (directed against women for the fact of being women) from an integrated point of view considering it the most brutal symbol of inequality and one of the most blatant attacks on women's fundamental rights and modified articles of several Spanish laws such as the Criminal Law, the Employment Act, the Workers' Statute Act, the Organic Judiciary Act, the Civil Service Reform Act and the General Social Security Act.<sup>1</sup>

In 2007 the Organic Act 3/2007, March 22, for the Effective Equality between Women and Men (the Equality Act) was passed and as a result central, regional and local governments have to actively mainstream the principle of equal treatment and opportunities for women and men in the adoption and implementation of their legislative provisions, budgeting, policy making, implementation and evaluation in all areas of public policy. Furthermore, in November 2008 both the Action Plan to Tackle and Prevent Gender-Based Violence in Foreign and Immigrant Population 2009-2012 and the Specific Employment Programme for Gender-Based Violence Victims were passed.

Since the Istanbul Convention came into force in 2014, Spain has made a series of important advances (including legislative reforms) such as the adoption of the State Pact against Gender-based Violence in 2017 and in 2018 the assumption by the Government Vice-presidency of responsibility for questions of equality, including public policies for combating violence against women.<sup>2</sup>

Spanish law differentiates between gender-based violence (GBV), (committed by the male partner or ex-partner of the woman victim against her or her minor children) and domestic violence (committed in the home by any member of the family according to Article 173.2 of Spanish Criminal Law). However, Autonomous

Community legislation has extended the concept of GBV, considering any form of violence against women as GBV, including that which occurs outside the context of partners and ex-partners.

In 2020, Law 17/2020 amended the Law 5/2008 on the right of women to eradicate GBV and new forms of GBV were incorporated, such as vicarious violence and second-order violence (Art. 4). Both forms of violence refer to violence perpetrated against the woman's environment (children, family, friends, professional network), as a way to consistently cause her harm and suffering, punishing her network of support and isolating her.<sup>3</sup> Vicarious violence is particularly applied when children are instrumentalized by the abuser to harm the mother.

More recently, as of May 2022, the government sponsored a new law against sexual violence of the Organic Law for the Comprehensive Guarantee of Sexual Freedom, known as the "Yes is Yes Law". This law comprehensively addresses sexual violence, including prevention, care, and protection of victims, and places consent at the centre stage, as recommended by the Istanbul Convention. It also guarantees specialized and accessible comprehensive assistance through the creation of Crisis Centres available 24 hours a day to attend to women, girls and children who suffer this type of aggression. It also promotes gender responsive training to all parties involved who may come into contact with victims (police, health and justice personnel, forensics) to avoid any kind of gender stereotypes and prejudices with women who decide to report aggression.

Regarding the achievement of rights, Spain has incorporated ILO Convention 189 into its legislation (2022), essential for domestic workers to push for their rights and justice.

In February 2023, the government in Spain decided to pass new reforms and laws in favour of LGBTQ+ people. The country allows now trans people from the age of 16 to self-identify as trans. They no longer require a psychological or medical diagnosis.

## FACTS

According to the XIII Annual Report of the State Observatory on Violence against Women, the number of female fatalities during 2019 (latest report published in 2022)<sup>4</sup> was 55 and the total number of female fatalities from 2003 to 2019 was 1.035.

In 2019, two out of three women (66.1%) were living with their killer. Of the 55 female fatalities in 2019, 20% (11) had reported their attacker. Seven of these women were granted restraining orders, which were still in force in four of the cases at the time of the murder. By age, more than half of the fatal victims of gender-based violence in 2019 (58.4%) were between 20 and 39 years old. With regard to legal proceedings brought before the courts prior to the murder of the women, it is worth noting that of the 835 female fatalities recorded since information on institutional guardianship became available (1 January 2006 to 31 December 2019), only 217 cases (26%) had been reported for GBV.

During 2019, a total of 168.057 complaints of GBV reached the courts, which implies a monthly average of 14.005 complaints and a daily average of 460 complaints. This represents an increase of 0.7% in the number of GBV complaints compared to the previous year.

In the same year, 85.3% of the crimes against sexual freedom and indemnity were committed against women and 96.9% of those responsible for crimes against sexual freedom and indemnity were men. The most frequent crime (47.6%, 6.368 women) was sexual abuse followed by sexual assaults (14.3%, 1.918 women) and penetrative sexual assaults (12%, 1.609 women).

In 2019 there were 10.155 (75.9%) victimizations of Spanish women and 3.226 of women from other nationalities. Among the foreigners, women of nationality from the American continent (11.1%) were the most numerous (1.486).

Sexual abuse is the most frequent crime in all age groups. Crimes against sexual freedom are not just physically committed. They are also committed through new technologies. Of the 905 crimes against sexual freedom and indemnity that took place in 2019, 384 cases originated in contacts through technology with children under 16 years of age. In 2022 the report 'Apps without violence'<sup>5</sup> based on almost a thousand surveys of Tinder users, displayed that 57.9% of the interviewees have felt pressured to have sex with the men they met, and 22% suffered rape.

Since 2013 children<sup>6</sup> victims of GBV have been counted in Spain. Until summer 2021, 41 have been murdered, in most cases due to vicarious violence, either by the partners or ex-partners of their mothers or, in the case of teenage girls, by their own partner.

## WOMEN'S CSOs LANDSCAPE - Challenges and Needs

Over the last decade, Spain became known for social movement contestation. The emergence of the 15M movement<sup>7</sup> gave rise to the longest wave of mobilisation since the transition to democracy, transforming social mobilisation on a global scale. Civil society organisations (CSOs) are strong in Spain and key supporters of democratic structures and rights. Spain is the OECD DAC member that channels the highest share of its ODA through CSOs (56.4% in 2020)<sup>8</sup> with the highest share of interventions that target gender equality as their principal objective (18.4% in 2020).

Women's CSOs are key actors in advancing gender equality in Spain and combating and preventing GBV. Their combined actions have had a significant impact on public policies, norms and representations. Despite the lack of financial resources directed at women's CSOs they are consistently supporting women victims/survivors of GBV in their recovery and empowerment processes, offering comprehensive, specialized and accessible care.



<sup>1</sup> Constitutional Act 1/2004 of 28 December, on Integrated Protection Measures against Gender Violence. Retrieved, March 21, 2023 from <https://evaw-global-database.unwomen.org/fr/countries/europe/spain/2004/constitutional-act-1-2004-of-28-december-on-integrated-protection-measures-against-gender-violence>

<sup>2</sup> GREVIO report submitted by Spain 2019. Retrieved March 21, 2023 from <https://rm.coe.int/state-report-from-spain/16809313e0>

<sup>3</sup> Retrieved March 21, 2023 from <https://revistadees.cat/en/vicarious-violence-and-second-order-violence/>

<sup>4</sup> XIII ANNUAL REPORT OF THE STATE OBSERVATORY FOR VIOLENCE AGAINST WOMEN. Retrieved March 23, 2023 from [https://violenciagenero.igualdad.gob.es/violenciaEnCifras/observatorio/informesEjecutivos/docs/2019/EN\\_Resumen\\_ejecutivo\\_2019.pdf](https://violenciagenero.igualdad.gob.es/violenciaEnCifras/observatorio/informesEjecutivos/docs/2019/EN_Resumen_ejecutivo_2019.pdf)

<sup>5</sup> Federación Mujeres Jóvenes (2022) Apps sin violencia. Retrieved March, 23, 2023 from <https://mujeresjovenes.org/wp-content/uploads/2023/03/informe-app-sin-violencia-sexual.pdf>

<sup>6</sup> Retrieved March 24, 2023 from <https://www.savethechildren.es/barometro-infancia/violencia-genero>

<sup>7</sup> Social protest movement launched 15th of May 2011 against austerity and corruption.

<sup>8</sup> The OECD (Organisation for Economic Co-operation and Development) Development Assistance Committee (DAC) is an international forum of many of the largest providers of Official Development Assistance (ODA).

For this purpose, they collaborate closely with public institutions that are an integral part of the fight against GBV.

The historical difficult situation in accessing resources has been aggravated by the COVID-19 pandemic, despite the fact that many women's CSOs were the only accessible support for the increasing number of victims of GBV during restrictions.

### **NEEDS identified in the area of Direct Victim Support Activities:**

Women's CSO are at the forefront offering specialized care for women victims/survivors of GBV. There is an ongoing need for financial resources to **provide counselling and psychological support** to victims of GBV to overcome the trauma and recover their self-esteem. This may include individual and group therapy, psychological counselling, and support programs for personal empowerment. For this purpose, the need for better coordination with the public institutions of the *Circuit against GBV* has been identified (For more detail see below in Outreach and Community Building).

Along with it, another priority is to provide victims of GBV (particularly migrant women) with **legal advice and assistance**. This may include information about legal proceedings, protective/restraining orders, safety measures, injunctive relief and the possibility of filing a formal complaint against the abuser.

In the victim recovery process, women's CSOs offer **support groups for victims and families** to guarantee everyday direct support working with the victim's direct environment. Since migrant women usually don't have direct family members with them and often suffer from isolation, the labour and neighbour environments are key factors in their recovery process. Thus, women's CSOs provide them with access to support groups and collective care activities.

Additionally, support against cyber bullying in networks is also a pressing need as GVB is ever more present in digital environments. Therefore, CSO's require specific training to guarantee adequate interventions in digital violence. There is a need for networking, generating support practices in prevention, response and reparation of digital violence.

### **NEEDS identified in the area of indirect Victim Support Activities:**

Women's CSOs are strong in providing **activities aimed to prevent GBV** offering workshops and training for women at risk and /or victims of GBV as well as for the people around them and for the volunteers and employees of different stakeholder groups. In this the need to support the *community promoter figure* has been identified as important. (For more detail see below in Outreach and Community Building).

Despite the fact that the entire network of women's organizations is mostly made up of small low-budget entities their capacity to influence **policy and decision-making processes** through **watchdog and monitoring activities on EU and international policies**, particularly through the Istanbul Convention, is significant and an integral part of the work of women's CSOs. Women's rights would not be recognized at the level they are without their relentless work and financial resources are urgently needed to support these activities that build and sustain the country's democracy and are often done on non-remunerated basis in addition to the full work schedule of many activists.



Lobbying and advocacy work needs urgently **research into new forms of GVB**, including violence against LGBTIQ groups and the normalization of all forms of violence, including GBV in the younger population. Additionally, it is needed to carry out studies both at a quantitative and qualitative level to know the **true effectiveness** of every single way to deal with GBV and to address GBV from an **intersectional perspective**, including all women in Spain, regardless of their origin. Furthermore, there is a need to develop standards and procedures **to repair the damage** caused to women by GBV.

There is a new approach aiming to establish links with men and boys who collaborate **in tackling and overcoming gender stereotypes as a root cause of GBV**. There is a need to support actions addressing fragile masculinities with specialized personnel to address the deteriorating social pressure on particularly young men, motivating normalized violent attitudes and behaviours meant to restore the threatened status of being a 'real' man.

### **NEEDS identified in the area of Community Building and Outreach Activities**

Spain counts on a unified public structure against GBV (the so-called "Circuits") which are present in most Spanish territories. Circuits are an area of ►

inter-institutional cooperation aimed to deal with the prevention and detection of GBV, as well as with the attention, recovery and reparation of women and their children affected by GBV in a comprehensive, multidisciplinary and transversal way.

There is a need to improve these public circuits through professional training of staff, increase of vacancies and flexibility of resources to address the diversity of needs. The services offered also need to be reinforced, particularly primary health care with a focus on mental health, the reparation for victims, the care of women in the judicial system and the provision of GBV prevention courses addressing men and adolescents.

The associative network of small low-budget women's CSOs are mostly the first contact points for women victims/survivors of GBV and their support and care facilitate then the access to the public circuit. Victims/survivors of GBV may be reluctant to present themselves to a public institution due to legal and administrative irregularities causing fear of being arrested or due to their overall difficult situation. The women's CSOs are also providing a very beholding environment as they assist women on a daily basis and provide them with contacts in their community and safe spaces. Hence, well **established coordination and collaboration between all stakeholders is very much needed** and in this specifically the recognition of the foundational work women's CSOs are doing and the provision of resources.

Overall, community building is a key priority supported through the **community promoter figure** (women who a) accompany other women in situations of GBV; b) raise awareness about vulnerabilities; c) take leadership in the neighbourhood and communities; d) build alliances with other women and organizations). Therefore, the need to increase resources for that role, involving specialized personnel, has been identified.

## NEEDS identified in the area of CSO Competency Building

Support with **fundraising and achieving financial sustainability** is urgently needed for women's CSOs in Spain. Many organisations are made up of a large number of members and are sustained by activism and volunteering with most of them working unpaid. The lack of time and economic resources, full time work and family responsibilities are having an impact on the capacities of many CSOs to access the needed funding. The total annual budget of 54% of these organisations is below 20,000 € per year and not guaranteed, varying from one year to another. This also leads to the lack of structural funds needed to participate in projects, as the percentage of own contribution is not guaranteed. There is also an urgent need to gain **capacities for grant application, training personnel in project**

**design, monitoring, evaluation and reporting** not only before and during, but also after project implementation.

Training on **dissemination and communication strategies** to effectively present their activities, goals and results is also urgently needed.

To strengthen women's CSOs sustainability the need to improve **leadership and management skills** has been clearly identified, specifically considering the high amount of volunteer-based work the organisations rely on.

## ABOUT THE STUDY

This study analyses the women's CSO landscape in Albania, Bosnia-Herzegovina, Croatia, Cyprus, France, Greece, Italy, Kosovo, Montenegro, Serbia and Spain. It identifies the challenges women's CSOs face and their needs to prevent and combat GBV. The study was carried out by INDERA SL at the request of **Calala Women's Fund** jointly with the **Mediterranean Women's Fund (MedWF)** and **Ecumenical Women's Initiative (EWI)**.

### Methodology:

Based on a review of the current initiatives at grass-roots level in the 11 countries and the project portfolio of EU supported initiatives, a model of activities was created comprising the following four areas: 1) Direct Victim Support Activities: services and activities which are provided directly to the victims of GBV; 2) Indirect Victim Support Activities: monitoring, advocacy, and watch dog activities regarding the adoption and implementation of laws and policies to combat and prevent GBV as well as research, awareness raising and preventative activities. 3) Community and Outreach: activities to strengthen stakeholders' collaboration, networking and community building; 4) CSO Competency Building: activities to strengthen women's CSOs structural, technical, financial and operational capacities.

Stakeholder interviews with women's CSOs and experts from the 11 countries, together with desk research provided information and data about legal and policy frameworks, actors, tools and methods in the area of GBV and VAWG to identify needs to support actions with potential in prevention, protection, prosecution, service provisions, partnership building and prevalence.

The data provided in this study was collected in March 2023. More information at: [www.calala.org](http://www.calala.org)

