



# **Convention on the Elimination of All Forms of Discrimination against Women**

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## **Committee on the Elimination of Discrimination against Women**

### **Ninth periodic report submitted by Spain under article 18 of the Convention, due in 2020\*\*\***

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document are available on the Committee's website.



## Introduction and process for the preparation of the report

1. The Convention on the Elimination of All Forms of Discrimination against Women is an essential instrument for advancing gender equality and the promotion and protection of the rights of women and girls in Spain. By ratifying it in 1984, Spain undertook to develop and apply its provisions.
2. Spain submitted its combined seventh and eighth reports to the Committee on the Elimination of Discrimination against Women in 2013, and they were submitted for review in 2015. For the ninth report, Spain has made use of the simplified reporting procedure and has included the actions carried out from 2015 to March 2022.
3. The report was prepared by the Ministry of Foreign Affairs, European Union and Cooperation. The various competent ministries, coordinated by that Ministry, provided information and contributed to the preparation of the report, complemented by the views expressed by civil society. Owing to the considerable amount of information prepared by each ministry, some annexes had to be included to complement the main part of the report.<sup>1</sup>

## Monitoring the implementation of the Convention: Disaggregated data and information

### Normative framework

4. Organic Act 3/2007 of 22 March on effective equality for men and women (LOIEMH) presents a regulatory framework for collecting and analysing gender-disaggregated data.<sup>2</sup> Article 20 thereof establishes the systematic inclusion of the gender variable and the development of indicators to improve knowledge of the real and potential inequalities between women and men. Currently, almost all official statistics and surveys are disaggregated by gender.

### Instruments

5. Regarding the collection and analysis of data related to the areas covered by the Convention, the Regulatory Impact Analysis (RIA) of the National Statistics Plan (NSP) 2017–2020 included a mandatory gender impact report, in which 191 statistical operations were identified, with results disaggregated by sex. The NSP 2021–2024, approved in March 2021, establishes that whenever the operation permits, the gender variable must be incorporated as a strategic line.<sup>3</sup> Likewise, section 8 of the RIA of the NSP 2021–2024 includes a detailed report on gender impact.
6. The Third Gender Equality Plan for the National Administration, approved in December 2020, consolidates equal treatment and opportunities and focuses on cultural change and gender mainstreaming, promotes co-responsibility, including 68 cross-cutting measures to ensure common criteria and actions, and contains impact indicators.<sup>4</sup>
7. On the other hand, the LOIEMH requires the periodic approval of a strategic plan for equal opportunities (PEIO). The Third Strategic Plan for the Effective

<sup>1</sup> Annex VI, for example, covers development policy and humanitarian action.

<sup>2</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-2007-6115>.

<sup>3</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2021-3987>.

<sup>4</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2021-2>.

Equality of Women and Men (PEIEMH) 2022–2025 was approved on 8 March 2022, following input from the ministerial departments and a favourable report from the Council on Women's Participation. The Strategic Plan involves the incorporation of the gender perspective using a mainstreaming strategy in public policies and work procedures, with four themes, 20 lines of work, 49 specific objectives and 143 operational objectives.

## Visibility of the Convention

### Normative framework

8. The Convention, the Optional Protocol and the Committee's general recommendations are disseminated through the websites of the Institute of Women, the Delegation of the Government against Gender Violence (DGVG), the Ministry of Equality, the Ministry of Social Rights and the 2030 Agenda and the Ministry of Foreign Affairs, European Union and Cooperation, among others.<sup>5,6</sup>

9. This dissemination is complemented by the promotion and visibility of actions organized by the ministries and their entities, the State security bodies and forces and civil society organizations.

10. The application of the Convention by the judiciary, together with its judicial decisions, are set out in annex I.

### Instruments

11. To ensure that the public authorities implement the provisions of the Convention, they are introduced in:

- (a) First Human Rights Plan;
- (b) Strategic Plan for Equal Opportunities (PEIO) 2014–2016 and PEIEMH 2022–2025;
- (c) Master Plan for Decent Work 2018–2020;<sup>7</sup>
- (d) Strategic Plan of the Labour and Social Security Inspectorate Service 2021–2023;<sup>8</sup>
- (e) National Strategy for the Prevention and Combating of Poverty and Social Exclusion 2019–2023;
- (f) Plan for the promotion of socially responsible public procurement;
- (g) The Observatory on Women, Science and Innovation (OMCI).

12. To spread knowledge about the Convention, it is introduced in:

- (a) National Strategy for the Eradication of Violence against Women (2013-2016);
- (b) *The draft 2015–2018 Integrated Plan against Trafficking of Women and Girls for Purposes of Sexual Exploitation*
- (c) Plan for the Support of Rural Women (2015–2018);

<sup>5</sup> <http://www.inmujer.gob.es/areasTematicas/Internacional/CEDAW.htm>.

<sup>6</sup> <http://www.violenciagenero.igualdad.mpr.gob.es/>.

<sup>7</sup> <https://www.mites.gob.es/ficheros/ministerio/plan-director/plan-director-por-un-trabajo-digno.pdf>.

<sup>8</sup> [https://www.boe.es/eli/es/res/2021/11/29/\(1\)](https://www.boe.es/eli/es/res/2021/11/29/(1)).

- (d) *Plan for Gender Equality in the Fishing and Aquaculture Sector 2021-2027*;
- (e) *State Pact against Gender Violence (2017); and its continuity opinion of 25 November 2021*;
- (f) *Fourth Master Plan of the Spanish Cooperation 2013–2016 and Fifth Master Plan 2018–2021*;<sup>9</sup>
- (g) The Strategic Partnership Framework between the Government of the Kingdom of Spain and UN Women (2019–2021).

## Measures to disseminate awareness of women's rights

13. The National Administration (AGE) organizes dissemination activities, such as the Justice and Equality Days in 2019, 2020, 2021 and 2022, which deal with the Convention and women's rights.
14. Also noteworthy is the training conducted by the Virtual School for Equality, which offers free online programmes aimed at training in gender equality.<sup>10</sup>
15. With respect to women in rural areas, the content of the Convention is disseminated through the Rural and Interior Women's Centres and the Network of Women's Centres, General established in different territories.
16. Informative and training talks on equality and women's rights are given at the refugee reception centres (CAR) and temporary immigrant shelters (CETI).
17. The Catalogue of Urgent Measures set out in the Improvement and Modernization Plan against Gender Violence, approved in July 2021, launched a campaign about the rights and resources available to victims.
18. In 2020, the Ministry of Equality updated the "Guide on the rights of women victims of gender-based violence".

## Training measures for judicial and civil servant personnel

19. The LOIEMH includes the principle of equality between women and men in all public employment entrance exams and establishes training actions for AGE personnel on equal treatment, equal opportunities and prevention of gender violence in accordance with the content of the Convention and the Protocol.<sup>11</sup>
20. Training measures related to the Convention and the Protocol are also being developed and offered to staff members in the following areas:

## Administration of justice

21. Organic Act 5/2018 of 28 December, reforming Organic Act 6/1985 of 1 July 1985 on the judiciary, concerning urgent measures in application of the State Pact against Gender Violence, ensures continued training on equality, gender-based discrimination, multiple discrimination and violence against women, trafficking and

<sup>9</sup> Extended until 2017 inclusive.

<sup>10</sup> See: <https://www.escuelavirtualigualdad.es/>.

<sup>11</sup> Article 61: <https://www.boe.es/eli/es/lo/2007/02/22/3>.

the implementation of the gender perspective in the interpretation and application of the law;<sup>12</sup>

22. Training is provided to justice personnel in the following areas:

### **Advocacy**

23. Organic Act 1/2004 of 28 December 2004 on comprehensive protection measures against gender violence requires that potential public defenders in the Special Office on Gender Violence receive specialized training.<sup>13</sup>

24. The Spanish network of bar associations offers a training programme on structural causes of violence and on women victims of violence,<sup>14</sup> which is recommended for the courses offered by the bar associations on access to the specialized public defender's office for assistance to victims of gender-based violence.

25. The Subcommittee on Violence against Women provides training and guidance through the Guide to Good Practices for Lawyers for Women Victims of Gender Violence.<sup>15,16</sup>

### **Judicial and prosecutorial careers**

26. The In-service Training Programme for the Judicial Profession and the Training Programme for Prosecutors incorporate a cross-cutting gender perspective. The Centre for Legal Studies (CEJ) also provides continuing education for lawyers in the administration of justice. The Government Delegation against Gender Violence (DGVG) and the Centre for Legal Studies have signed a collaboration agreement for the joint development of actions in the field of prevention, awareness and training in violence against women through the training of legal practitioners.<sup>17</sup>

27. The selective and entrance examinations for the judicial profession include in their syllabus the study of the Convention, the Optional Protocol and the CEDAW Committee.

28. The Judicial School provides training on equality, gender-based violence, gender stereotypes, trafficking, simulated statements of victims of gender-based violence, the Convention and the Committee.

29. In the CEJ training programmes for 2022, training activities on equality, inclusion and the fight against gender violence account for 20 per cent and 30 per cent of the specific training for future prosecutors or the body of counsel for the administration of justice and for forensic doctors, respectively. Likewise, in 2022, the CEJ approved, for the first time, a cross-cutting training plan based on common competencies for all judicial bodies, where equality issues are incorporated.

30. From the Ministry of Justice, the First, Second, Third and Fourth Multidisciplinary Conferences on Gender Violence were organized from 2018 to

<sup>12</sup> <https://www.boe.es/eli/es/lo/2018/12/28/5>.

<sup>13</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-2004-21760>.

<sup>14</sup> <https://www.abogacia.es/wp-content/uploads/2013/08/PROGRAMA-DE-FORMACION-TOVG-actualizado-en-febrero-2017.pdf>.

<sup>15</sup> <https://www.abogacia.es/conocenos/consejo-general/organigrama/comision-de-asistencia-juridica-gratuita/subcomision-de-violencia-sobre-la-mujer/>.

<sup>16</sup> <https://www.abogacia.es/wp-content/uploads/2013/08/GUIA-DE-BUENAS-PRACTICAS-DEL-ABOGADO-Y-ABOGADA-DE-LA-MUJER-VICTIMA-DE-VIOLENCIA-DE-GENERO.pdf>.

<sup>17</sup> Undersecretariat resolution of 7 December 2021 published the Agreement between the Centre for Legal Studies and the Special Government Delegation on Gender-based Violence, on prevention, awareness-raising and training concerning violence against women.

2021, complying with the measures of the State Pact against Gender Violence (PEVG) and aimed at the public defender service, and including the Convention, its Optional Protocol and the Committee's recommendations.

## Staff

31. The National Institute of Public Administration (INAP), in its Training Plan 2021, includes training in gender equality and prevention of violence against women, introduces a module on gender equality, including gender violence, in each INAP selective course and increases the number of teaching hours.<sup>18</sup>

32. In 2019, INAP created a working group to promote equality training and, in 2020, published the INAP Equality and Non-Discrimination Training Plan 2020-2022. It includes 15 activities open to the participation of public employees of the different public administrations (AGE, Autonomous Communities, local entities and other bodies), which will be developed in the successive annual training plans of INAP.

33. The Ministry of Territorial Policy has promoted training activities on gender equality in ministerial departments and self-governing bodies and inter-agency workshops on equality.

34. The Ministry of Agriculture, Fisheries and Food includes training on gender violence and equality in the selective courses for all the assigned professions and grades of public service positions and in the Ministry's annual training plans.

35. The Training Itinerary on Gender Equality in R+D+I, of the Ministry of Science and Innovation, covers the Convention and provides scientific, research and management personnel with training on equality, gender mainstreaming and sexual harassment and harassment on grounds of sex, in order to train the equality commissions.

36. The Labour and Social Security Inspectorate School provides training on equality and non-discrimination to labour and social security inspectors.

37. Since 2018, courses on human trafficking, gender-based violence, women's rights and equality, and vulnerable groups have also been included in the annual in-service training programme for the staff of the State Secretariat for Migration.

38. The principle of equality and the prevention of gender violence are priorities on the agenda of public employment competitions.

39. To move forward in the training of civil servants in the specific field of gender equality and violence against women, the DGVG and the Institute of Women have developed the workshops on equality and justice in 2019, 2020 and 2021, among other training activities.

40. The Prison Administration has a comprehensive and cross-cutting Equality Training Plan, with emphasis on training the staff of prisons having a female population.

41. The Institute for the Ageing and Social Services annually incorporates a course on gender equality policies in public administrations in the in-house training programme for public employees.

42. As part of the in-service training system for inspectors-auditors, the Personnel and Security Services Inspectorate (IPSS) of the Ministry of the Interior has

<sup>18</sup> See annex IV.

introduced several workshops focused on updating and improving the tracking of gender violence, known as the VioGén System.

### **Training measures aimed at defence personnel and State security bodies and forces**

43. For the security forces, training is a pillar of all grades and categories. The Ministry of Defence organizes courses on gender issues (Gender in operations course at the European Union level; Gender in peace support operations: A comprehensive approach at United States Africa Command; and Gender adviser in operations).

44. Through the Protocol on collaboration between the Ministry of Defence and the Institute of Women for the period 2019–2022, courses are being planned on harassment prevention or training in gender counselling in international operations.

45. Spain also defines gender training for military personnel to be deployed in Common Security and Defence Policy missions, having been appointed as Discipline Leader in the European Union for military training in gender operations by the European Union Military Committee.

46. The National Police Corps (CPN) and Civil Guard personnel are trained, among others, through the Virtual School for Equality, which offers courses specifically aimed at the staff of State security bodies and forces, regional and local police.

47. In the National Police Corps, the National Office for Gender Equality (ONIG) and the Central Unit for Family and Women's Services provide training and awareness-raising on gender-based violence.

48. The Human Rights and Equality Area of the National Police Corps, through ONIG and the Human Rights Office, has a comprehensive plan for in-service training and awareness-raising in these matters, aimed at National Police personnel through annual workshops, training courses, conferences or participation in forums, both national and international. Decentralized training is also provided through the contact points of the Human Rights and Equality Area, distributed throughout the country.

49. The Civil Guard has a permanent Equality and Diversity Commission and a Women and Equality Area. This Area drafted the First Civil Guard Equality Plan, published in 2019, which specifically mentions equality awareness and training. Training on equality, combating violence against women, and diversity awareness is provided in the curricula of Civil Guard training centres. There are also courses for trainers of trainers in Equality and Diversity that allow a continuous updating of these curricula to the personnel who provide services. It also organizes an annual Equality Day, participates in national and international forums and gives lectures on equality and combating violence against women. For deployments abroad, the Civil Guard participates in gender courses in operations with the Ministry of Defence.

50. Other specialized training activities are conducted in the Civil Guard: VioGén seminars; courses on procedures for Sigo and the System for Comprehensive Monitoring of Cases of Gender-based Violence; and, on an annual basis, the course for Civil Guard teams for women and children (EMUME) and the course on human trafficking.

## Measures relating to the González Carreño v. Spain case

51. The judgment of the Administrative Division Fourth Section 1263/2018, dated 17 July 2018, recognizes the State's pecuniary liability for moral damages to the plaintiff, based on the binding nature of the CEDAW Committee's views.<sup>19</sup>

52. Communication No. 47/2012, González Carreño v. Spain, was included in the "Guía de criterios de actuación judicial en materia de custodia" (Custody Criteria Guide for the Judiciary), prepared by the General Council of the Judiciary (CGPJ) and published in 2020.<sup>20</sup>

53. The Catalogue of Urgent Measures set out in the Improvement and Modernization Plan against Gender Violence includes the preparation of a plan of action and development of the rights of children as direct victims of gender violence, aimed at the judicial, family, social services and specialized services.

54. In April 2021, the draft Comprehensive Protection of Children and Adolescents against Violence Organic Act (LOPVI) and Act 8/2021, of 2 June, reforming civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity, were approved. Both norms establish consistent protection obligations in the areas of paternal-filial relations and gender violence.

## Reservations and declarations

55. The order of succession to the Crown is regulated by the Spanish Constitution. Article 57.1 is part of Title II of the Constitution, and its eventual revision requires the use of the aggravated constitutional amendment procedure set out in article 168; hence no initiative in this respect is currently foreseen in the parliamentary sphere.

## National machinery for the advancement of women

### Institutional structure

56. In 2020, the Ministry of Equality was restored as a government department in its own right, giving equality policies a priority place. The Institute of Women is an autonomous agency attached to the Ministry.

57. *(Royal Decree 455/2020 of 10 March sets up the basic organic structure of the Ministry of Equality and establishes the Secretariat of State for Equality and against Gender Violence, which oversees the DGVG, the Directorate General on Equal Treatment and Ethno-Racial Diversity and the Directorate General on Sexual Diversity and LGBTI Rights).*

58. Article 29 of Organic Act 1/2004 of 28 December, on comprehensive protection measures against gender violence, created the DGVG, which is responsible for formulating public policies and coordinating and promoting actions with regard to gender violence.<sup>21</sup> The Observatory on Domestic and Gender-based Violence, the Social Forum against Trafficking of Human Beings for Sexual Exploitation, the Coordination Units to Combat Violence against Women and the Violence against Women Units are under the DGVG.

<sup>19</sup> (REC.11.A.i).

<sup>20</sup> <https://www.poderjudicial.es/cgpj/es/Temas/Igualdad-de-Genero/Estadisticas--estudios-e-informes/Estudios/Guia-de-criterios-de-actuacion-judicial-en-materia-de-custodia-compartida>.

<sup>21</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2018-9464>.



59. The budget allocated to the Ministry of Equality by the General State Budget Act is added to the budget of the Institute of Women and the DGVG. In 2021, equality budgets increased substantially and, in particular, those of the Institute of Women, which rose by 10 per cent over the previous year. That of the DGVG has increased by 57 per cent in accordance with the commitments acquired with the State Pact against Gender Violence (PEVG) (table).<sup>22</sup> This allocation of resources is complemented by the 22 ministerial departments responsible for cross-cutting equality actions.

60. In order to introduce the principle of equal treatment and opportunities in a coordinated and cross-cutting manner at ministerial level, the LOIEMH created the Interministerial Commission for Equality between Women and Men – and the ministerial Equality Units to ensure effective gender mainstreaming and to monitor the application of equality legislation.<sup>23</sup> Royal Decree 259/2019, of 12 April 2019, develops and strengthens the regulation and role of the Equality Units.

61. To follow up on the integration of the principle of equality at the ministerial level, the Women's Health Observatory was set up;<sup>24</sup> the Observatory on Gender Equality in the field of Culture, the Observatory on Women, Science and Innovation and the Military Observatory on equality between women and men in the Armed Forces, among others.<sup>25</sup>

62. The National Police has a Human Rights and Equality Area, created in 2020, which coordinates the Human Rights Office (2019), and the National Office for Gender Equality (2018). In order to disseminate the activities and implement the objectives of the Area, a network of central and peripheral human rights and equality contact points has been designed, through which to collect and facilitate the exchange of information and good practices, but also to establish contacts at regional level with relevant public or private entities.

63. Since June 2021, the Civil Guard Council has a Standing Committee on Equality and Diversity. In addition, since 2018, the Civil Guard has had an Equality and Diversity Area focused on increasing the number of women in the institution and encouraging the development of their professional careers. This area prepares a biannual report on compliance with the Equality Plan.

64. The CGPJ has an Equality Commission (which advises the CGPJ plenary, prepares prior reports on the gender impact of regulations and proposes measures to

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<i>Year</i>	<i>DGVG Budget</i>	<i>Institute of Women Budget</i>	<i>Total State budget</i>
<b>2015</b>	23 728.18	20 829.00	440 076 475.52
<b>2016</b>	25 228.18	19 741.80	436 372 818.40
<b>2017</b>	31 728.18	19 741.80	443 133 329.50
<b>2018</b>	39 536.10	19 838.90	449 785 083.97
<b>2019 (2018-P)</b>	39 538.50	18 439.40	449 785 083.97
<b>2020 (2018-P)</b>	39 538.50	19 672.50	449 785 083.97
<b>2021</b>	60 1121.020	20 442.12	456 073 237.41

*Source:* Ministry of Equality.

*Note:* The total State budget includes the budget of the State, autonomous agencies, other entities and Social Security. In 2019 and 2020, the 2018 budget was extended.

<sup>23</sup> Royal Decree 259/2019, of 12 April, regulating the Equality Units of the General State Administration: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2019-5569](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-5569).

<sup>24</sup> This Observatory had been founded in 2003 but had been closed down as a result of Act 15/2014 of 16 September, on the rationalization of the public sector.

<sup>25</sup> <https://www.boe.es/buscar/pdf/2019/BOE-A-2019-1785-consolidado.pdf>.

improve equality in the judicial career) and the Second Judicial Career Equality Plan 2020, to guarantee a balanced representation of women and men at the various levels of the judicial profession and to ensure that the entire judiciary is adequately trained in equality, gender-sensitive prosecution and violence against women. As for the Public Prosecutor's Office, within the Public Prosecutor's Council, there is an Equality Commission for the study of the improvement of equality parameters in the prosecution career. It has prepared an Equality Plan and follow-up measures.

65. The Working Group on Equality of the Social Security Management Entities monitors the Third Equality Plan of the National Administration (AGE) and has promoted the creation of the Equality Committee of the Social Security Administration's Executive Committee, which, among other things, adopts agreements to implement and extend equal treatment and opportunities.

66. In May 2021, an Equality Department was set up within the Prison Administration with the aim of promoting and ensuring the effective application of the principle of equality between women and men both to the prison staff and to those who are deprived of liberty or subject to an alternative measure to prison.

67. In September 2021, the Equality and Young Women's Unit of the Institute of Youth (INJUVE) was launched to provide resources against harassment and gender-based violence on the institution's intranet and an Equality Plan, and to participate in the Standing Committee of the Observatory on Domestic and Gender-based Violence.

#### **Self-governing bodies and interterritorial cooperation**

68. The autonomous administrations have their own equality bodies, cross-cutting equality structures and gender impact reports (see annex II).

69. Act 40/2015 of 1 October, on the legal regime of the public sector, includes bodies for cooperation between administrative officials, such as the Sectoral Conference on Equality, and for the coordination and implementation of equality policies between the national Government and the Autonomous Communities.<sup>26</sup> Since 2007, the Coordination Units to combat violence against women and the Violence against Women Units located in government delegations and government subdelegations, respectively, have been in operation.

70. The Sectoral Conference on Equality is the standing coordination and co-governance mechanism between the Ministry of Equality and the equality representatives of the Autonomous Communities and the Spanish Federation of Municipalities and Provinces.

#### **Incorporation of a gender perspective in legislation and programmes**

71. Royal Decree 931/2017 of 27 October governs the Regulatory Impact Analysis report and incorporates the gender perspective in the Regulatory Impact Analysis reports under draft royal decree-laws, royal legislative decrees and regulatory standards.<sup>27</sup>

72. The General Budget Act establishes the obligation to prepare a gender impact report. The latest is Order HAC/669/2021 (General State Budget for 2022).

73. The revised text of the Workers' Statute, approved by Royal Legislative Decree 2/2015 of 23 October, maintains that workers have the right not to be targets of discrimination, directly or indirectly, for reasons of gender, disability, marital status,

<sup>26</sup> The Sectoral Conference, chaired by the Minister of Equality, meets in ordinary session at least once every six months.

<sup>27</sup> <https://boe.es/boe/dias/2017/11/14/pdfs/BOE-A-2017-13065.pdf>.

age, racial or ethnic origin, social status, religion or convictions, political ideas, sexual orientation or affiliation on the basis of language.

### **Measures for the advancement of women in specific thematic areas**

#### *Regulatory framework and structures*

##### *Rural women*

74. Spain has asked the European Commission to include the gender perspective in the common agricultural policy (CAP) for the period 2021–2027 in order to respond to the added difficulties faced by women in rural areas; to allow the design of interventions aimed at women without such interventions being considered discriminatory by CAP; and to promote gender equality in both the first and second pillars of the CAP.

75. Since 2015, the Ministry of Agriculture, Fisheries and Food (MAPA) has been developing measures aimed at strengthening and evaluating Act 35/2011 of 4 October, on shared ownership of farms, in order to alleviate the inequality and invisibility of rural women in the agricultural sector.<sup>28</sup> For the control of these regulations, Spain has a Register of Shared Ownership of Agricultural Holdings (RETICOM).

76. To promote inter-institutional coordination, propose amendments and clarify issues concerning Act 35/2011, two working groups were created in 2017: one group composed of managers from Autonomous Communities, and the other composed of national rural women's associations and other social stakeholders.

77. Inter-institutional coordination with other ministries involved in the law on shared ownership has driven the Interministerial Roundtable on Shared Ownership, which met for the first time in 2019, and which promotes actions to increase the momentum of shared ownership.

#### *Instruments*

78. The draft Equality Strategy for Rural Women being prepared by MAPA's Directorate General on Rural Development, Innovation and Agrifood Training includes information on rural women and proposes measures to support women in the future national strategic plan for the CAP (2023–2027).

79. The Directorate General conducts studies to update and analyse statistical sources to obtain and generate gender-disaggregated data on women in rural areas and in the agricultural sector.

80. For rural women, in 2015 the Plan for the Support of Women in the Rural Environment 2015–2018 was approved, and the AURORA and CERES Programmes were developed.

81. Each year, MAPA offers a line of support to national entities that promote the role of rural women. Since 2015, grants have increased to rural women's associations to disseminate information about shared ownership and the incorporation of women into agricultural professions.

82. To promote Act 35/2011, informative workshops have been organized since 2017 for the technical staff of autonomous administrations and agricultural

<sup>28</sup> <https://www.boe.es/eli/es/l/2011/10/04/35>.

organizations. In 2018, an explanatory manual on the Shared Ownership Act was published, and a quarterly newsletter on shared ownership is also being published.<sup>29,30</sup>

83. Other noteworthy projects in rural areas are the Awards for Excellence in Innovation for Rural Women, the National Cycle of Cinema and Rural Women and grants for multiregional programmes on training in rural areas.

84. There are two studies on the participation of women in local action groups (LAG): Study of equality in governance and management bodies of local action groups associated with the State Network for Rural Development (REDER); and “The future is written in feminine”. The magazine “Desarrollo Rural y Sostenible” (Rural and Sustainable Development) reports on updates in rural areas.

85. In 2020, the DGVG promoted and financed the study “Women victims of gender-based violence in the rural world”, which analyses awareness of gender-based violence and care services among women, professional groups and the victims of gender-based violence themselves in rural areas.

86. The call for grants to conduct activities of general interest charged to the 2020 individual income tax system (IRPF) awarded subsidies to 168 entities, for the groups “Women and equality”, “Gender violence”, and “Equal treatment and non-discrimination”.

87. The Institute of Women grants a direct grant to Cooperativas Agroalimentarias de España (Agri-food Cooperatives in Spain) to increase the participation of women in positions of responsibility.

#### *Women in the public sector*

88. In the fisheries sector, equality is ensured by article 3 bis, on Equal Treatment and Opportunities, of Act 33/2014 of 26 December, amending Act 3/2001 of 26 March, on State Maritime Fisheries.<sup>31</sup> The current draft bill on sustainable fisheries and fisheries research includes this principle of equality in article 5. The General Secretariat of Fisheries (SGP) developed the Plan for Gender Equality in the Fisheries and Aquaculture Sector (2015–2020) and has recently published the plan for 2021–2027.<sup>32</sup> Gender equality aspects have also been introduced in the Operational Programme for Spain of the European Maritime and Fisheries Fund (EMFF) 2014–2020 and in the new Operational Programme European Maritime Fisheries and Aquaculture Fund (EMFAF) 2021–2027. Between 2010 and 2019, six sessions of the Congress of the Spanish Network of Women in the Fishing Sector (REMSP) have been held. The seventh session of “Women Seafarers, for a Sustainable Future” will be held in June 2022. In 2016, the National Association of Women in Fisheries (ANMUPESCA) was created to help defend women’s rights in this field.<sup>33</sup> Since 2019, ANMUPESCA has been a member of the Monitoring Committee of the EMFF Operational Programme, as a social partner, to follow and evaluate the integration of the principle of equality.

<sup>29</sup> [https://www.mapa.gob.es/es/desarrollo\\_rural/temas/igualdad\\_genero\\_y\\_des\\_sostenible/manual\\_titularidad\\_compartida\\_web\\_tcm30-451533.PDF](https://www.mapa.gob.es/es/desarrollo_rural/temas/igualdad_genero_y_des_sostenible/manual_titularidad_compartida_web_tcm30-451533.PDF).

<sup>30</sup> [https://www.mapa.gob.es/es/desarrollo\\_rural/temas/igualdad\\_genero\\_y\\_des\\_sostenible/shared\\_ownership/](https://www.mapa.gob.es/es/desarrollo_rural/temas/igualdad_genero_y_des_sostenible/shared_ownership/).

<sup>31</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2014-13516](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2014-13516).

<sup>32</sup> [https://www.mapa.gob.es/es/pesca/temas/redmujeres/plandeigualdad\\_y\\_diagnostico\\_encifras\\_agosto\\_2017\\_tcm30-425319.pdf](https://www.mapa.gob.es/es/pesca/temas/redmujeres/plandeigualdad_y_diagnostico_encifras_agosto_2017_tcm30-425319.pdf).

<sup>33</sup> <http://www.anmupesca.org/>.

89. In 2018, the First International Conference of Women in Fisheries adopted the Santiago de Compostela Declaration for Equal Opportunities in the Fishing Sector and Aquaculture, which alludes to CEDAW.<sup>34</sup>

90. The Programme Management System of the Ministry of Agriculture, Fisheries and Food (MAPA), through REMSP, updates statistics on female employment in the sector and develops diagnoses on the socio-labour situation of the various professionals in the fishing and aquaculture activity. Two best practice guides for women in the sector have been published, as well as bulletins, newsletters and other publications on gender issues, such as the story “A sea of stories with a woman’s name” and the collection of testimonies “Women seafarers, inspiring vocations”. It has also promoted the development of its own web page and social networks.

91. Subsidies are granted for the promotion of associations in the fisheries sector, from which national associations of women seafarers can benefit. A working group has also been created with women’s associations in the sector to promote their leadership and the coordination of gender-related actions.

#### *Women at risk of exclusion and disability*

92. For women at risk of exclusion and in situations of vulnerability, there is a national Sara Programme for social and employment inclusion.

93. For women with disabilities, there is an incentive to expand quotas in public employment offers. The “Empowering Women in Action” initiative offers professional and training tools to women with disabilities.

94. INJUVE signed agreements with the Royal Board on Disability (RPD) in 2018, and the CERMI Women’s Foundation, in 2019, promoted the advancement of the rights of women and girls with disabilities.

95. Women with disabilities can benefit from the “Empléate desde la igualdad” programme (Be employed on an equal footing), aimed at women with special difficulties in being incorporated socially and on the job market. The “Empowering women in action” initiative offers professional and training tools to women with disabilities.

96. The Directorate General on Self-Employment, Social Economy and Corporate Social Responsibility manages subsidies for activities related to equality, elimination of the wage gap and promotion of the inclusion of women and vulnerable groups in management positions, among others.

97. The Labour and Social Security Inspectorate Service (ITSS) includes anti-discrimination campaigns related to the labour integration of people with disabilities and immigrant workers.

#### *Migrant, asylum-seeking and refugee women*

98. For migrant women, the Directorate General for International Protection Programmes and Humanitarian Aid (DGPPIAH) annually awards grants for social cohesion and coexistence projects, with the support of the Asylum, Migration and Integration Fund.

99. For refugee and asylum-seeking women, the annual call for grants funded by DGPPIAH prioritizes projects on gender-based violence, trafficking and women’s

<sup>34</sup> It was signed by the Governments of Spain, France, Portugal and Morocco; organizations such as the United Nations, Food and Agriculture Organization of the United Nations (FAO), International Labour Organization (ILO) and the European Commission; and professional associations of women in the fisheries sector on five continents.

rights. These actions include: 100 shelters for victims of trafficking (housing and specialized care for women and their children), social integration of women victims of trafficking, mobile units to combat prostitution and trafficking, 24-hour hotlines for victims of trafficking, social and labour integration for victims of trafficking and women victims of gender violence.

100. The Permanent Observatory on Immigration (OPI) includes the gender variable in all the statistics it produces and publishes, thereby making it possible to obtain an accurate x-ray of migrant women in Spain.

#### *Lesbian, bisexual and transgender women*

101. The call for grants to conduct activities of general interest charged to the 2020 IRPF tax allocation resulted in grants to three entities for the development of projects aimed at lesbian, gay, bisexual, transgender and intersex persons (LGTBI), two of them specifically to lesbian, bisexual and trans women.

### **Temporary special measures**

#### *Normative framework*

102. In accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation No. 25 2004 (regarding the concept of temporary special measures, article 11 of the LOIEMH urges the public authorities to adopt specific measures in favour of women to correct patent situations of de facto inequality with respect to men. *Such measures are to be applied for as long as those situations exist, and they must be reasonable and proportionate to the objective pursued in each case.*

103. Royal Legislative Decree 2/2015 of 23 October, which approves the revised text of the Workers' Statute, makes it possible to establish temporary special measures, through collective bargaining, to promote women's access to all professions.<sup>35,36</sup> In addition, it is worth mentioning that there are, in certain cases, bonuses/reductions in company contributions for the temporary or permanent hiring of women.

104. Royal Decree-Law 3/2021, of 2 February, adopting measures to reduce the gender gap and other matters concerning social security and economic matters, regulates the supplement to contributory pensions aimed at narrowing the gender gap as a corrective structural measure for childcare tasks that are generally assumed by women and that may have a possible impact, among others, on their pensions.

105. The Government of Spain, in its Annual Regulatory Plan 2022, has included the proposed Organic Act against Racism, Racial Discrimination and Related Forms of Intolerance, which incorporates the gender mainstreaming approach as a central element in combating discrimination against women belonging to certain ethnic or national groups.

#### *Instruments*

106. Within the framework of the Second National Government Equality Plan, informative activities were designed to familiarize civil servants and relevant policy makers with the concept of temporary special measures.<sup>37</sup>

107. The National Plan for Social Inclusion 2013–2016 promoted the socio-labour inclusion of vulnerable people and included temporary special measures to strengthen

<sup>35</sup> <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-11430-consolidado.pdf>.

<sup>36</sup> In equal conditions of suitability, preference in hiring shall be given to persons of the underrepresented gender in question.

<sup>37</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-13387](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-13387).

equal opportunities in employment; it is extended by the National Strategy to Prevent and Combat Poverty and Social Exclusion (2019–2023).

108. The “Plan de Choque por el Empleo Joven” (Urgent Action Plan for Youth Employment) 2019–2021 includes temporary measures for young women who are victims of gender violence, women with disabilities, female heads of single-parent families and women in rural areas.

109. As for measures aimed at women, the Recovery, Transformation and Resilience Plan, approved in April 2021, highlights in its Component 23 the investment in women’s employment and gender mainstreaming in policies to support employment actions.

## **Stereotypes<sup>38</sup>**

### **General strategy for eliminating discriminatory gender stereotypes**

110. In accordance with the LOIEMH, the measures to achieve the gender equality objective are articulated through the Strategic Plan for Equal Opportunities (PEIO). The PEIO 2014–2016 included, among its objectives, “to work for the elimination of stereotypes that may affect the choice of studies and professions, teaching and management of educational centres.” The Final Implementation and Evaluation Report of the PEIO 2014–2016 recommended increasing coordination, communication and monitoring.<sup>39</sup> The Strategic Plan for the Effective Equality of Women and Men (PEIEMH) 2022–2025 includes the prevention and elimination of sexism and stereotypes as one of its areas of work.

### **Measures to combat stereotypes and promote equality in education**

#### *Normative framework*

111. Organic Act 2/2006, of 3 May 2006, on education, emphasized effective equality between women and men, rejecting discriminatory stereotypes. Currently, Organic Act 3/2020 (LOMLOE), of 29 December, amending Organic Act 2/2006, of 3 May, promotes effective equality between women and men, respect, coeducation, non-discrimination, human rights and equal treatment, the elimination of gender stereotypes and, in turn, introduces measures against discriminatory stereotypes in the curricula.

112. The LOMLOE promotes educational material without sexist or discriminatory stereotypes, and its twenty-fifth additional provision establishes that public administrations shall promote curricula, textbooks and other educational materials that foster equality without sexist or discriminatory stereotypes.

113. In addition, in Spain, at the Autonomous Community level, measures have been developed to promote coeducation and make progress towards the elimination of stereotypes (see annex II).<sup>40</sup>

#### *Instruments*

114. With regard to training, the Institute of Women, the Ministry of Education and Vocational Training (MEFP) and the administrations of the Autonomous Communities have been developing programmes for teachers, such as the Relación

<sup>38</sup> See sections A, B and C of annex V.

<sup>39</sup> [http://www.inmujer.gob.es/areasTematicas/AreaPlanificacionEvaluacion/docs/PlanesEstrategicos/Informe\\_evaluacion\\_y\\_ejecucion\\_PEIO\\_2014\\_2016\\_v.19.01.pdf](http://www.inmujer.gob.es/areasTematicas/AreaPlanificacionEvaluacion/docs/PlanesEstrategicos/Informe_evaluacion_y_ejecucion_PEIO_2014_2016_v.19.01.pdf).

<sup>40</sup> In Spain, the competences in education are transferred to the Autonomous Communities, and they develop the government regulations.



Programme or the Intercambia Network, in which experiences, innovative projects and educational materials are shared. Also, from 2017 to 2021, the massive open online course (MOOC) “Educating in Equality” was developed and organized by the Institute of Women and the National Agency for Educational Technology and Teacher Development (INTEF).

115. To monitor and review the effects of educational initiatives and measures, the Ministry of Education and Vocational Training (MEFP) conducts various statistical studies and reports and creates educational web portals such as the Science, Technology, Engineering, Art and Math (STEAM) Alliance, Intercambia and Espacio de Igualdad) and other digital media.

116. The Institute of Women collaborates in equality training for public administrations.

### **Measures to combat stereotypes and promote equality in the field of communication**

117. The State Pact against Gender Violence (PEVG) includes measures to eliminate sexist stereotypes, mainly in the audiovisual field and in the media.<sup>41</sup>

#### *Institutional structure*

118. Spain has an Observatory on Women’s Image, which receives complaints and claims from citizens regarding sexism in advertising and the media.<sup>42</sup>

119. In compliance with the provisions of the PEVG, the Equality Observatory was set up in 2017 at the Spanish Radio and Television Corporation (RTVE), to advise on equality in RTVE as a media outlet.

#### *Instruments*

120. The National Commission for Markets and Competition (CNMC) supervises audiovisual content. In 2019, it collaborated with the Institute of Women on the preparation of the European Regulators Group for Audiovisual Media Services (ERGA) report, which compiles information on equality and gender violence in RTVE, Atresmedia and Medias Ecnmc.<sup>43</sup> In 2018, at the international level, CNMC contributed to the Mediterranean Network of Regulatory Authorities’ working group for the audiovisual sector on gender-based violence in audiovisual media. The CNMC participated in the sixty-second session of the Commission on the Status of Women (CSW) and in the Working Group on Gender Stereotypes of the Ibero-American Platform of Audiovisual Regulators (PRAI).

121. The Institute of Women collaborated in 2019, in the publications “#Over” and “Hello, you don’t know me”. In 2020, the Institute published two media research studies, “Stereotypes, roles and gender relations in nationally produced television series” and “Christmas toy advertising and campaigns: promoting or breaking stereotypes and gender roles?”<sup>44</sup> as well as a study on the sexualization of girls in advertising between 2010 and 2020.<sup>45</sup> The DGVG promoted and financed the publication “Violencia contra las mujeres y medios de comunicación” (Violence

<sup>41</sup> <https://violenciagenero.igualdad.gob.es/pactoEstado/home.htm>.

<sup>42</sup> <http://www.inmujer.gob.es/observatorios/observimg/informes/home.htm>.

<sup>43</sup> [https://erga-online.eu/wp-content/uploads/2020/01/ERGA\\_2019\\_SG4\\_Report.pdf](https://erga-online.eu/wp-content/uploads/2020/01/ERGA_2019_SG4_Report.pdf).

<sup>44</sup> [https://www.inmujer.gob.es/areasTematicas/AreaEstudiosInvestigacion/docs/Estudios/Estereotipos\\_gender\\_roles\\_and\\_relationships\\_Series\\_TV2020.pdf](https://www.inmujer.gob.es/areasTematicas/AreaEstudiosInvestigacion/docs/Estudios/Estereotipos_gender_roles_and_relationships_Series_TV2020.pdf).

<sup>45</sup> <https://www.inmujer.gob.es/actualidad/noticias/2020/Octubre/juguetesnosexistas.htm>.



against women and the media), which covers the treatment of male violence by the Spanish media.

122. The Lili Álvarez awards, organized by the Institute of Women and the High Council for Sports in 2016, highlight the journalistic works that have best contributed to the dissemination and defence of equality in sports and to the promotion of women's sports in Spain.<sup>46</sup>

123. At the regional level, the Basque Country approved a code of ethics and self-regulation for non-sexist advertising and communication.<sup>47</sup> In 2019, Extremadura launched the manual “Palabra de Mujer” (Women's Words) for professional journalists and a Directory of professional women experts in communication.<sup>48,49</sup> In 2020, a collaboration agreement was signed between the Institute of Women of Castilla La Mancha and the Public Television of Castilla La Mancha.<sup>50</sup>

### **Measures to combat stereotypes that affect lesbian, bisexual, trans and intersex people**

124. The LOMLOE promotes respect for affective-sexual diversity and non-discrimination based on sexual orientation or identity.

#### *Instruments and structures*

125. The Directorate General for Sexual Diversity and LGTBI Rights of the Ministry of Equality promoted a draft bill for the real and effective equality of trans people and for the guarantee of the rights of LGTBI people, which was approved in June 2021.<sup>51</sup>

126. Since 2021, the Directorate General has been collaborating with the General Secretariat of Prisons in training prison staff in psychosexual and psycho-affective diversity.

127. Likewise, the Third National Government Equality Plan includes a line of intersectional diversity to raise awareness and inform the staff of public administrations.

128. To combat LGTBI phobia, prevent homophobia and transphobia, workshops on embracing diversity: an educational responsibility have been organized. The first national study on the situation of LGTBI older persons and their right to healthy ageing is planned.

129. The training programme of the Central Unit for Family and Women's Services (UFAM) of the National Police includes content on sexual diversity and police assistance, as well as a chapter on LGTBI people in its work manual. For its part, the Civil Guard holds an annual Civil Guard Diversity Day, with the aim of complementing the training, enhanced awareness and sensitivity of personnel and contributing to the visibility of LGTBI people.

<sup>46</sup> <https://www.inmujer.gob.es/servRecursos/convocatorias/2020/IVPremiosLiliAlvarez.htm>.

<sup>47</sup> [http://www.emakunde.euskadi.eus/contenidos/informacion/temas\\_medios\\_intro/es\\_def/adjuntos/begir\\_a.deontological.code.pdf](http://www.emakunde.euskadi.eus/contenidos/informacion/temas_medios_intro/es_def/adjuntos/begir_a.deontological.code.pdf).

<sup>48</sup> <https://fape.es/wp-content/uploads/2020/02/Manual-con-enfoque-de-ge%CC%81nero-para-periodistas.pdf>.

<sup>49</sup> <https://mujeresexpertasextremadura.es/>.

<sup>50</sup> [https://institutomujer.castillalamancha.es/sites/institutomujer.castillalamancha.es/files/documentos/paginas/archivos/2020\\_2\\_21\\_convenio\\_de\\_colaboracion\\_cmm\\_-\\_im\\_clm.pdf](https://institutomujer.castillalamancha.es/sites/institutomujer.castillalamancha.es/files/documentos/paginas/archivos/2020_2_21_convenio_de_colaboracion_cmm_-_im_clm.pdf).

<sup>51</sup> <https://www.igualdad.gob.es/ministerio/dgltbi/Paginas/index.aspx>.

## **Tools that combat traditional stereotypes in the family and in society**

130. Spain is developing measures to improve the reconciliation of work, personal and family life. In 2021, paternity and maternity leave was set at 16 weeks for both women and men, becoming a single benefit for birth and child care, including for same-sex domestic partners.<sup>52</sup>

131. The Co-Responsibility Plan guarantees care as a right. To develop the provisions of article 44 of the LOIEMH on work-life balance, professional care exchanges will be organized, either at home or in designated spaces, for families with children under 14 years of age. The Advisory Board for Care has been set up to advise the Ministry of Equality on the design, proposal and promotion of regulatory frameworks and public policies on care.

## **Gender-based violence against women**

### **Normative framework<sup>53</sup>**

132. The Spanish Criminal Code classifies as a crime all forms of violence against women, as set forth in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). With reference to general recommendation No. 35 (2017), although there is Organic Act 1/2004, of December 28, on comprehensive protection measures against gender-based violence, Spain has developed its regulatory framework and measures under the existing law on gender-based violence.<sup>54</sup>

133. Organic Act 1/2015 of 30 March, amending Organic Act 10/1995 of 23 November, on the Criminal Code, introduced, among others, the aggravating circumstance of gender-based discrimination and the classification of new crimes, such as forced marriage, harassment and non-consensual dissemination of intimate images or recordings. It also criminalized offences against gender identity, raised the age of sexual consent from 13 to 16, toughened criminal sanctions related to sexual rights and addressed various aspects of child pornography.

134. Act 4/2015 of 27 April, on the rules governing the status of crime victims, brings together procedural and extra-procedural rights of all crime victims, transposes the corresponding European Union directives and guarantees the right to protection, information, support and respectful, professional, individualized and non-discriminatory treatment; assistance and attention to all victims; and their active participation in criminal proceedings.<sup>55</sup>

135. To avoid secondary victimization during the proceedings, proposals are made to obtain the victim's statement without delay after the complaint; reduce the number of statements and medical examinations to the minimum necessary; and guarantee the victim's right to be accompanied by a legal representative and another person of his or her choice, unless there is a reasoned decision otherwise.

136. Organic Act 1/2004 provided for the Government to organize comprehensive forensic assessment units, which were integrated into the Institutes of Legal Medicine and Forensic Sciences in 2015.

<sup>52</sup> See annex III on the progress of the equalization of paternity and maternity leave. See sections 7, 8 and 11 of the report.

<sup>53</sup> Annex II.

<sup>54</sup> <https://www.boe.es/eli/es/lo/2004/12/28/1/con>.

<sup>55</sup> Article 3.1.

137. Chapter IV of Organic Act 8/2021 of 4 June completes the framework established in article 124 of Organic Act 2/2006 of 3 May, on education, and establishes protocols for dealing with signs of abuse and mistreatment, bullying (school, sexual, cyberbullying), gender-based violence, domestic violence, suicide and self-harm.

138. Organic Act 7/2015 of 21 July, which amends Organic Act 6/1985 of 1 July, on the judiciary, contains improvements relating to the protection of women victims of gender violence and their children.

139. Article 1 of Organic Act 8/2015 of 22 July, on modification of the system for the protection of children and adolescents, which amends Organic Act 1/2004 of 28 December, considers women, their minor children and minors under their guardianship or custody as victims of this kind of violence.

140. Act 15/2015 of 2 July, on voluntary jurisdiction, contains innovations on exclusion from succession and requirements to enter into marriage, related to cases of gender violence.

141. Royal Legislative Decree 2/2015 of 23 October, which approves the revised text of the Workers' Statute, expressly includes the situation of gender-based violence for certain issues and includes specific measures for workers who are considered victims of gender-based violence.

142. Royal Decree Law 28/2018 of 28 December, on the revaluation of public pensions and other urgent measures in social, labour and employment matters, amended Act 20/2007 of 11 July on the Self-Employed Workers' Statute, updating the regulations on self-employment and the specially protected flat rate to victims of gender violence.

143. Act 42/2015 of 5 October, amending Act 1/2000 of 7 January, on civil procedure, among other things, continues to recognize the right to free legal aid to victims of gender violence and trafficking, and to their successors in case of death of the victim in the terms introduced by Royal Decree-Law 3/2013, of 22 February, amending the system of fees in the administration of justice and the system of free legal aid.

144. Organic Act 5/2018 includes the gender perspective and special legislation against gender violence in the tests for selection and specialized training of the Judicial Training College, in continuing education in the judicial and prosecutorial professions and in the specific examinations to access judicial bodies specialized in violence against women.

145. Act 6/2018 of 3 July, on the general State budget, includes improvements to the conditions of access to certain aid for victims who are considered victims of gender-based violence.

146. Act 3/2019 of 1 March, on improving the orphan status of children of victims of gender violence and other forms of violence against women, amends the revised text of the General Social Security Act, approved by Royal Legislative Decree 8/2015 of 30 October, on the revised text of the General Social Security Act that provides new benefits for orphans of victims of gender violence.

147. Royal Decree-Law 9/2018 of 3 August, on urgent measures for the development of the State Pact against Gender Violence, introduces regulatory amendments that comply with various PEVG measures:

(a) It modifies the competences of the municipalities, returning to local governments the authority to promote equality and take action against gender violence;<sup>56</sup>

(b) It amends articles 20 and 23 of Organic Act 1/2004, to strengthen the victim in criminal proceedings and to expand the titles accrediting the status of victims of gender violence;

(c) It amends article 156 of the Civil Code, to dissociate parental authority from psychological assistance, by eliminating the express consent of the abusive parent so that the minor child can receive psychological treatment.

148. Royal Decree Law 12/2020 of 31 March, on urgent measures for the protection and support of victims of gender violence in the face of the COVID-19 pandemic, implements the Contingency Plan against gender violence and establishes the following:

(a) Specialized services, which are declared essential services, for the protection and assistance of victims of gender violence, as well as their children;

(b) A new 24/7 instant messaging service via WhatsApp: (+34) 682916136 and (+34) 682508507;<sup>57</sup>

(c) The campaign “We are with you; we stop gender violence together”: against gender violence during confinement;<sup>58</sup>

(d) The publication of the “Action guide for women who are suffering from gender-based violence while being confined to home during the COVID state of alert”;<sup>59</sup>

(e) The dissemination of the note “Protection of the rights of children victims of gender violence during the state of alert”.<sup>60</sup>

149. Organic Act 3/2020 of 29 December, amending Organic Act 2/2006 of 3 May on education (LOMLOE), addresses violence in schools and is developed through the Master Plan for Coexistence and Improvement of Safety in Schools and their Environments.

150. Act 1/2021 of 24 March, on urgent measures for the protection and support of victims of gender violence, replaced the previous Royal Decree Law 12/2020.

151. LOPIVI addresses gender-based violence by advocating that children and adolescents should remain with their mother, if it is in their best interest. It also introduces modifications with regard to the following:

(a) The concept of direct victim of gender violence includes violence, with the objective of causing harm or damage to women, against their family members or close relatives who are minors;<sup>61</sup>

(b) Article 416 of the Criminal Procedure Act establishes exceptions to the obligation to testify.

<sup>56</sup> Act 7/1985 of 2 April 1985, on local administration, article 25, paragraph 2.

<sup>57</sup> <https://violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/campannas/violenciaGobierno/todoSaldrBien/img/rectificaciones/CARTEL01 TELEFONOSalta.pdf>.

<sup>58</sup> <https://violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/campannas/violenciaGobierno/todoSaldrBien/home.htm>.

<sup>59</sup> <https://violenciagenero.igualdad.gob.es/informacionUtil/covid19/GuiaVictimasVGCovid19.pdf>.

<sup>60</sup> [https://www.msbs.gob.es/ssi/familiasInfancia/docs/Documento\\_tecnico\\_recomendacion\\_actuaciones\\_covid-19.pdf](https://www.msbs.gob.es/ssi/familiasInfancia/docs/Documento_tecnico_recomendacion_actuaciones_covid-19.pdf).

<sup>61</sup> Regarding article 1 of Organic Act 1/2004.

152. On 6 July 2021, the Council of Ministers approved the Draft Organic Act on Comprehensive Guarantee of Sexual Freedom, which eliminates the distinction between sexual abuse and sexual assault, puts the focus on victims and consent, employs a progressive, proportional and dissuasive criminal system, creates a new criminal offence to punish those who use real estate or premises to promote the sexual exploitation of another person, and includes the right to comprehensive specialized assistance for all victims.

153. The purpose of Organic Act 2/2022 of 21 March, on improving the protection of orphans who are victims of gender violence, is to eliminate some uncertainties and obstacles faced by orphaned victims of gender violence, in order to alleviate, at least in part, the situation of extreme vulnerability resulting from their status as victims of gender violence.

#### *Institutional structure*

154. The specialized courts consist of the gender violence courts, which were also created by Organic Act 1/2004, together with the specialized sections of the Public Prosecutor's Office. There are currently 106 exclusive gender violence courts and 352 courts dealing with similar matters, 32 specialized criminal courts, 70 specialized sections of the provincial courts and two groups of judicial districts, depending on the reasonable proximity of the victim to the court and specialization.

155. The Forensic Medical Council approved the Protocol for Forensic Assessment of the Risk of Gender Violence in 2020, which aims to prepare assessment reports within 72 hours to ensure that the prosecutorial and judicial authorities have greater certainty in their decisions.<sup>62</sup> These reports constitute a complementary test to the forensic risk assessment scale contained in the VioGén System.

156. In addition, the National Police has 173 Family and Women's Units (UFAM), specialized in gender, domestic and sexual violence, with 1,470 members. The Civil Guard has 269 specialized focal points, integrated with the Judicial Police units, with 728 teams for women and children (EMUME), agents specialized in the care and protection of victims of gender violence, minors and sexual violence, and, in general, vulnerable victims, guaranteeing that this body can specifically attend to the most serious and complex cases in this area and provide support and advice to the territorial posts and units.

157. Organic Act 5/2018 provides that the General Council of the Judiciary (CGPJ) should entrust the Observatory on Domestic and Gender-based Violence with the collection and evaluation of data from gender violence courts, as well as matters related to this topic in non-specific courts.<sup>63</sup> An annual report on data related to gender violence and sexual violence is drafted, published and submitted to the PEVG monitoring committees of the Congress of Deputies and the Senate.<sup>64</sup>

#### *Instruments*

### **State Pact against Gender Violence (PEVG)**

158. The PEVG has been implemented by Spain since 2018. In 2018 and 2019, its financial endowment was €200 million, as follows: €80 million for the State Administration, €100 million for the Autonomous Communities and €20 million for

<sup>62</sup> [https://www.mjusticia.gob.es/es/ElMinisterio/OrganismosMinisterio/Documents/Protocolo\\_urgente\\_forensic\\_risk\\_assessment\\_VdG\\_2020.pdf](https://www.mjusticia.gob.es/es/ElMinisterio/OrganismosMinisterio/Documents/Protocolo_urgente_forensic_risk_assessment_VdG_2020.pdf).

<sup>63</sup> <http://www.poderjudicial.es/cgpj/es/Temas/Violencia-domestica-y-de-genero/Actividad-del-Observatorio/Datos-estadisticos/>.

<sup>64</sup> Art. 87 quater, Judiciary Organic Act (LOPJ).

the municipalities. In 2020 the amounts were updated, following the PEVG Implementation Plan.<sup>65</sup> On 25 November 2021, the Courts agreed to extend the term of the PEVG.<sup>66</sup>

(a) For coordination and follow-up purposes, the DGVG has systematized the PEVG measures and distributed them to the administrations and institutions responsible for their implementation. The DGVG has also created a working group with the Autonomous Communities to design monitoring indicators to ensure that the measures are consistent with the 2030 Agenda for Sustainable Development. The Congress of Deputies has created the State Pact Follow-up Commission;<sup>67</sup>

(b) For the implementation of PEVG measures in the judicial sphere, the CGPJ participates in several measures: it ensures the protection of personal data by guaranteeing that the victim's data is not included in the judicial file, and has promoted coordination protocols between judicial bodies and other public administration bodies;

(c) The CGPJ created a specific subunit specialized in gender violence, in the Inspectorate Service of the CGPJ for the gender violence courts and within the Criminal Unit of the Inspectorate Service of Courts and Tribunals, The CGPJ evaluates the workload of the gender violence courts;

(d) In 2018, the CGPJ approved the "Practical guide for taking the statements of victims of gender violence" and facilitates the formulation of complaints by women victims of gender-based violence and professionals regarding irregularities or judicial anomalies.

#### Other instruments

159. In 2021, the development of the State Strategy against Gender Violence 2022–2025 was launched. It is a state-wide instrument, formulated in a coordinated and collaborative manner with the autonomous and local administrations and with civil society as a whole.

160. Awareness-raising campaigns to increase public knowledge about violence against women and involve citizens in stopping it. The DGVG website collects information on activities related to public policies on violence against women.<sup>68</sup>

161. Women victims of gender violence can benefit from the basic minimum income. Those who were not previously employed are given access to a specific socio-labour job programme and social assistance. Another initiative is called "Enterprises for a society free of gender violence".

162. The "Guide on the action and coordination system in cases of gender violence in Spain" is aimed at women, professionals and public administrations that accompany women victims and/or survivors of gender violence.<sup>69</sup> There is also an expert group on domestic and gender violence.

163. In April 2021, the report "Sexual harassment and harassment on grounds of sex in the workplace in Spain" was presented. The Labour and Safety Inspectorate Mailbox is available, protecting anonymity in cases of discrimination in access to employment and sexual or gender-based harassment.<sup>70</sup> It is also possible to file

<sup>65</sup> <https://www.boe.es/boe/dias/2020/12/12/pdfs/BOE-A-2020-16069.pdf>.

<sup>66</sup> <https://www.boe.es/boe/dias/2020/12/12/pdfs/BOE-A-2020-16069.pdf>.

<sup>67</sup> [https://www.congreso.es/web/guest/comisiones?p\\_p\\_id=organos&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&\\_organs\\_selectedLegislature=XIV&\\_organs\\_codCommission=338](https://www.congreso.es/web/guest/comisiones?p_p_id=organos&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_organs_selectedLegislature=XIV&_organs_codCommission=338).

<sup>68</sup> <http://www.violenciagenero.igualdad.gob.es/>.

<sup>69</sup> <https://violenciagenero.igualdad.gob.es/informacionUtil/guia/home.htm>.

<sup>70</sup> <https://expinterweb.miramiss.gob.es/buzonfraude/>.

complaints with the Labour and Social Security Inspectorate Service (ITSS) on the right to equality and non-discrimination on the basis of gender in the workplace.

164. In 2015, the Secretary of State for Public Administrations published a mobility protocol for female public employees who are victims of gender-based violence. In 2018, the Sectoral Conference on Public Administration approved the Agreement to promote the inter-administrative mobility of female public employees who are victims of gender-based violence.<sup>71</sup>

165. The resolution adapting the General Protocol of Action against sexual harassment and harassment on the grounds of sex in the State Administration to the Ministry of Science, Innovation and Universities was also adopted in September 2019.

166. The Protocol of Action in cases of gender violence within the National Police, dated February 2021, which was drawn up by the Human Rights and Equality Area, is monitored by a Central Monitoring Commission and various territorial commissions. Within the framework of the VioGén System, Instruction 4/2019 approved a new protocol including “Police protection measures to be adopted for each level of risk” and the “Personalized security plan for each victim with self-protection measures”.

167. The National Police, through the UFAM, encourages citizen involvement by developing informative and awareness-raising material against gender violence. The UFAM adapts police premises and facilities that assist victims and witnesses to avoid secondary victimization.

168. The Civil Guard’s Action Plan to Combat Violence against Women, approved in November 2020, is aligned with national and international commitments made by Spain and includes institutional measures to combat gender violence, human trafficking for sexual exploitation and sexual assault, forced marriages, forced abortions and female genital mutilation (FGM).

169. The Civil Guard developed a basic guide for psychological first aid in gender violence cases and has done studies on protection measures, on the degree of satisfaction of victims with police treatment and protection, and on the analysis of criminal behaviour in cases of gender violence.

170. The Civil Guard approved a protocol for action against sexual harassment and harassment on grounds of sex in the Civil Guard in July 2019. In addition, in order to protect victims of gender violence, the Operational Protocol for collaboration and action between the General Directorate of the Civil Guard and the Federación Asociada de Mujeres Rurales (Federation of Rural Women’s Associations) (FADEMUR) is pending approval. On 6 July 2021, it approved a protocol for action in situations of violence against women affecting Civil Guard personnel.

171. The Prison Administration, in collaboration with the Institute of Women, has developed the “Sermujer.es” programme for the prevention of gender-based violence against women in prisons. In 2021, it also approved an action protocol for the prevention of sexual and gender-based harassment in the prison workplace.

172. In 2020 the Standing Commission of the CGPJ agreed, at the request of the Observatory on Domestic and Gender Violence, to enable 33 criminal courts to specialize in matters of violence against women.

<sup>71</sup> [https://www.boe.es/eli/es/res/2018/11/16/\(4\)](https://www.boe.es/eli/es/res/2018/11/16/(4)).

173. In 2020, INJUVE's Youth Observatory prepared a study on gender violence among young people, presenting an overview of gender violence as applied to young people in Spain.

174. Since 2020, INJUVE has included a link on gender violence on its website. The report "Minors and gender violence" was also presented in 2020. In February 2021, "The situation of violence against adolescent women in Spain" was published.

175. In 2015, a protocol between the Ministry of Foreign Affairs and Cooperation, the Ministry of Employment and Social Security and the Ministry of Health, Social Services and Equality for the care of Spanish women victims of gender violence abroad was approved. It is currently undergoing ratification procedures.

176. On 24 September 2019, an agreement was signed between the Ministry of the Presidency, Relations with the Cortes and Democratic Memory and the Spanish Data Protection Agency (AEPD) for collaboration on the topic of gender-based violence against women, which included the creation of a priority channel for data protection in cases of violence against women and a reinforcement of collaboration between the AEPD and the DGVG.

#### **Measures to eliminate female genital mutilation (FGM)**

177. Spain criminalizes FGM in article 149.2 of the Criminal Code; it is punishable by a prison sentence of six to twelve years. If the victim is a minor or a disabled person in need of special protection, the penalty of special disqualification from exercising parental authority, guardianship, curatorship, custody or foster care shall be applicable for a period of four to ten years if the judicial authority deems it appropriate to the interests of the victim.

178. The National Strategy for the Eradication of Violence against Women 2013–2016, disseminates the need to eradicate FGM.<sup>72</sup>

179. The Common Protocol for a Healthcare Response to Female Genital Mutilation (FGM) was approved in 2015 by the Plenary of the Interterritorial Council of the National Health System.<sup>73</sup>

180. In 2015 DGVG published the study "Female genital mutilation in Spain" and contributed to the study "Female Genital Mutilation in Spain:<sup>74</sup> Situation in 2019", published in 2020.<sup>75</sup>

181. At the regional level, protocols were approved to combat FGM.<sup>76</sup> In addition, Catalonia has promoted local FGM prevention roundtables.

182. Spain collaborated in the study "Estimation of girls at risk of female genital mutilation in the European Union: Denmark, Spain, Luxembourg and Austria: Raising the voice of communities", developed jointly with the European Institute for Gender Equality (EIGE).

183. Specific content on FGM and forced marriages has been incorporated into the training of UFAM personnel of the National Police.

<sup>72</sup> <https://violenciagenero.igualdad.gob.es/planActuacion/estrategiaNacional/home.htm>.

<sup>73</sup> [http://www.violenciagenero.igualdad.gob.es/otrasFormas/mutilacion/protocolos/protocolo/pdf/Protocolo\\_MGF\\_vers5feb2015.pdf](http://www.violenciagenero.igualdad.gob.es/otrasFormas/mutilacion/protocolos/protocolo/pdf/Protocolo_MGF_vers5feb2015.pdf).

<sup>74</sup> <http://www.violenciagenero.igualdad.gob.es/violenciaEnCifras/estudios/investigaciones/2015/estudio/mutilacion.htm>.

<sup>75</sup> [https://violenciagenero.igualdad.gob.es/violenciaEnCifras/estudios/investigaciones/2020/estudio\\_mgf.htm](https://violenciagenero.igualdad.gob.es/violenciaEnCifras/estudios/investigaciones/2020/estudio_mgf.htm).

<sup>76</sup> <https://violenciagenero.igualdad.gob.es/otrasFormas/mutilacion/protocolos/protocolo/home.htm>.



## **Protection of women victims of violence and prosecution of perpetrators**

### *Normative framework*

184. Act 1/1996 of 10 January, on free legal aid, facilitates access to justice, particularly for: victims of human trafficking, women victims of gender violence or terrorism, minors and persons with intellectual disabilities or mental illness and victims of abuse or mistreatment, regardless of the existence of resources for litigation, in proceedings related to or as a consequence of their status as victims.

185. Act 4/2015 of 27 April, on the status of victims of crime, extends protection to all victims, regardless of their nationality, of crimes that were committed in Spain or that may be prosecuted in Spain. The law does the following:

- (a) Includes a catalogue of rights for women and girls who are victims of crime;
- (b) Establishes measures to avoid secondary victimization in criminal proceedings;
- (c) Provides for the organization of Crime Victims Assistance Offices (OAVD), which offer free and confidential assistance to crime victims and victims of gender violence, without the need for a prior complaint. The OAVDs are made up of multidisciplinary teams of managers and psychologists who offer comprehensive, specialized and coordinated assistance and develop psychological support programmes;
- (d) Establishes that the bar associations must guarantee an on-call service to deal with gender violence issues.

186. The modification of this act by Act 42/2015 of 5 October 5, amending Act 1/2000 of 7 January on civil procedure, requires that, in the different proceedings that may be initiated because of the status of the victim of the crimes referred to above, it must be the same lawyer who assists the former, provided that this duly guarantees the victim's right to defence.

### **Assistance and protection for women victims of violence**

187. The competencies in protection and comprehensive assistance to women victims of gender violence correspond to the Autonomous Communities and Cities. Thus, the Autonomous Communities coordinate through inter-institutional protocols.<sup>77</sup> All of them have assistance, counselling and support centres for victims of violence against women, as well as residential resources. These services are co-financed by the State.

188. Of special note is the creation, announced in 2021, of crisis centres open 24 hours a day and located in all provinces, which are dedicated to victims of sexual violence. The DGVG has available for its use the "Statistics on regional resources on gender violence in 2017".<sup>78</sup>

### **Data on gender violence**

189. The DGVG Statistical Portal has been recording fatalities of female victims of gender violence since 2003.<sup>79</sup> The CGPJ website offers statistical information on the

<sup>77</sup> <http://www.violenciagenero.igualdad.gob.es/profesionalesInvestigacion/protocolosAmbitoAutonomico/home.htm>.

<sup>78</sup> [http://www.violenciagenero.igualdad.gob.es/violenciaEnCifras/Recursos\\_Autonomicos/Datos\\_Estadisticos/home.htm](http://www.violenciagenero.igualdad.gob.es/violenciaEnCifras/Recursos_Autonomicos/Datos_Estadisticos/home.htm).

<sup>79</sup> <http://estadisticasviolenciagenero.igualdad.mpr.gob.es/>.

Comprehensive Monitoring System in cases of Gender Violence (VioGén System).<sup>80</sup> The latest statistical report is dated 31 March 2022.<sup>81</sup> The “Macro-survey on violence against Women 2019” incorporates improvements to meet the statistical requirements of the Istanbul Convention and the PEVG.

190. In addition, the DGVG has a website of resources for support and prevention in cases of gender violence (WRAP).<sup>82</sup> The statistical information disseminated on gender violence can be found in the Monthly Bulletins, the Statistical Portal, and the Fatal Victim Files.

191. We are participating in the European Union Survey on gender-based violence against women and are expanding the statistics on regional resources for gender violence to include all resources concerning violence against women.

### Complaints

192. The Observatory on Domestic and Gender-based Violence, under the rubric “Gender-based violence in 10 indicators/Year 2020”, collects statistical information on complaints (Table).<sup>83,84</sup>

193. The Report of the Attorney General’s Office (FGE) presented in 2021 indicated that in 2020 there was a slight decrease in the number of complaints compared to 2019, by 0.89 per cent. A total of 150,785 complaints were registered, motivated by the exceptional circumstances caused by the COVID-19 pandemic.

194. The statistical data on crime associated with gender and domestic violence are collected by the General Directorate for Coordination and Studies of the Secretariat of State for Security, through the Crime Statistics System (SEC).

<sup>80</sup> <https://www.poderjudicial.es/cgpj/es/Temas/Estadística-Judicial/Estadística-por-temas/Datos-penales--civiles-y-laborales/Violencia-domestica-y-Violencia-de-genero/Sistema-de-Seguimiento-Integral-en-los-casos-de-Violencia-de-Genero--Sistema-VioGen-/>.

<sup>81</sup> <http://www.interior.gob.es/web/servicios-al-ciudadano/violencia-contra-la-mujer/estadisticas>.

<sup>82</sup> <http://www.violenciagenero.igualdad.gob.es/violenciaEnCifras/home.htm> and <http://www.interior.gob.es/documents/10180/8736571/INFORME+DELICTS+AGAINST+FREE+DOM+AND+SEXUAL+INDEMNITY+2018.pdf/72779215-38b4-4bb3-bb45-d03029739f5c>.

<sup>83</sup> Data according to the CGPJ statistical bulletins, which incorporate data related to domestic and gender violence proceedings.

	2019	2020
Women and gender violence	56	45
Complaints processed in the gender violence courts	168 057	150 785
Women victims of gender-based violence (data since 2015).	161 378	145 731
Victims who availed themselves of the exemption provided for in article 416 of the Criminal Procedure Act (LECrim), consisting of not testifying against the aggressor.	12.5%	11.4%
Offences prosecuted	52 497	42 158
Conviction rates	70.1%	72.5%
Protection orders and measures adopted (article 544 ter and bis LECrim)	33 687	30 471
Ratio of protection orders and measures adopted out of total number requested	71.3%	71.5%
Minors killed by gender violence:		
Percentage of murders committed by men out of the total number of murders in the intimate partner or ex-partner setting.	91.7%	86.5%

195. To encourage women to submit reports, there is the Guide to the rights of women victims of gender-based violence, updated in 2020, and the Guide to good practices to ensure the privacy and safety of victims in the police and judicial sphere. In 2020, an “SOS” alert button was added to enable urgent requests for help from the National Police and Civil Guard, through the free AlertCorps application.

196. On 27 July 2021, Instruction 5/2021 of the Secretary of State for Security was published, establishing a protocol for first police contact with victims of gender violence in a vulnerable situation (Protocol Zero) as an essential part of the procedures aimed at regulating the coordination of police measures for women victims of violence, as well as for minors in their care.

197. Within the scope of the Secretariat of State for Security, the Inspectorate for Security Personnel and Services (IPSS) has established as a strategic objective, within its Annual Action Plan for 2022, to promote and analyse the management and processing of complaints and investigations into gender-based violence.

#### **Specific instruments relating to gender-based violence and women with disabilities**

198. The DGVG statistical bulletins include the variable “recognized disability” for fatal victims of gender-based violence.

199. For the first time, the Macro-survey on violence against women 2019 consults women who report having a disability caused by violence against them.<sup>85</sup> Thus, 17.5 per cent of women with disabilities who have suffered violence (physical, sexual or emotional) from a partner say that their disability is a consequence of their partner’s violence. Likewise, of the women with disabilities who have suffered sexual violence outside the couple, 14.3 per cent state that the disability was caused by this sexual violence.

200. The 016 telephone hotline provides information and legal advice on gender violence in 53 languages and is accessible to people with hearing and/or speech disabilities. “Easy-to-read,” sign language, captioning and voice-over, and Braille (including VioGén’s self-protection measures) are also provided for victims of crime. As a result of the PEVG, in 2018, a call button to the 091 police emergency telephone number was enabled through the SVIsual application, which has been extended to ID card issuing offices and complaints and citizen support offices.

201. The National Police and the Civil Guard have “Police care guides for people with intellectual disabilities”, including victims of gender-based violence, together with courses, documents and proceedings to inform victims of their rights in an easy-to-read format. In addition, the UFAM of the National Police receives training to assist people with intellectual disabilities, and the Judicial Police Technical Unit (UTPJ) of the Civil Guard has a section (SACD) composed of personnel with degrees in psychology and criminology and specialized in vulnerable victims, including people with intellectual disabilities.

202. The National Police headquarters have a magnetic loop system to eliminate hearing barriers.

203. The following projects were developed in 2020 to address gender-based violence, especially in relation to women with disabilities:

<sup>85</sup> [https://violenciagenero.igualdad.gob.es/violenciaEnCifras/macroencuesta2015/pdf/Macroencuesta\\_2019\\_study\\_research.pdf](https://violenciagenero.igualdad.gob.es/violenciaEnCifras/macroencuesta2015/pdf/Macroencuesta_2019_study_research.pdf).

- (a) A programme for supporting women with intellectual disabilities and promoting their equality and citizenship, implemented by the Confederación Plena Inclusión España (Spanish Confederation for Full Inclusion);
- (b) Unit for Attention to Victims with Intellectual Disabilities (UAVDI), by A LA PAR Foundation;
- (c) Workshops on gender violence and disability, with the COAMIFIC OA Federation;
- (d) National strategic programme to combat discrimination and violence against women with physical and organic disabilities, with the Confederación Española de Personas con Discapacidad Física y Orgánica COCEMFE;
- (e) Project ALBA-Service, providing deaf women with attention and counselling concerning gender violence, with the State Confederation of Deaf People;
- (f) Promotion of gender equality and prevention of violence against women with autism spectrum disorder (ASD), with the Autism Confederation of Spain;
- (g) Access to justice for people with intellectual or developmental disabilities, with the Spanish Association of Guardianship Foundations.

204. The study “Women, disability and gender-based violence”, promoted and funded in 2020 by the DGVG, shows that 64.4 per cent of the women surveyed had been verbally insulted or ridiculed. Of these cases, 38.5 per cent of the offenders were friends, acquaintances, companions or caregivers in the family, educational, work and health (nursing home or day care centre) environments; and 7.7 per cent were unknown men in the street and in any other place. In 2020, the DGVG also published the study “Sexual violence against women with intellectual disabilities”.

## Trafficking for sexual exploitation

### Regulatory framework and legislation

205. The current Spanish government is committed to drafting a comprehensive anti-trafficking law, as foreseen in the PEVG. The preliminary draft law is being prepared jointly by several ministries.

206. Spain is committed to the Council of Europe Convention on Action against Trafficking in Human Beings, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Organized Crime, and Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

207. The National Strategy against Organized Crime and Serious Crime (2019–2023) prioritizes combating trafficking, and accordingly the National Strategic Plan against Trafficking and Exploitation of Human Beings was presented on 18 March 2021, which is currently in the implementation phase.<sup>86</sup> The Plan has been prepared by the Secretary of State for Security, through the Intelligence Centre against Terrorism and Organized Crime (CITCO), with the participation of the ILO, UNHCR, IOM and specialized civil society organizations.

208. The 2010 reform of the Criminal Code introduced a chapter dedicated to human trafficking, differentiating it from crimes related to irregular immigration. In 2015,

<sup>86</sup> <https://www.dsn.gob.es/es/documento/estrategia-nacional-contr-crime-organizado-delincuencia-grave>.

human trafficking for the purpose of forced marriage and for the commission of criminal acts was included. Organic Act 1/2015 of 30 March, amending Organic Act 10/1995 of 23 November, on the Criminal Code, toughened the criminal penalties for the sexual exploitation of minors, the inducement, promotion or favouring of prostitution of minors, and the solicitation, acceptance or obtaining, in exchange for remuneration or promise, of a sexual relationship with a minor.

209. Organic Act 8/2021 of 4 June, on the comprehensive protection of children and adolescents against violence (LOPIVI), includes human trafficking as violence against children and reinforces the protection of minors against possible cases of abuse, sexual exploitation and trafficking. It also amends Organic Act 10/1995 of 23 November, on the Criminal Code, and requires negative certification from the Central Registry of Sex Offenders and Trafficking in Human Beings, in order to access and exercise professions, trades or activities involving regular and direct contact with minors.

210. Child protection centres must apply the protocols of the Public Entity for Child Protection while taking “specific actions” to prevent, detect and intervene in possible cases of abuse, sexual exploitation and trafficking.

211. By virtue of Organic Act 2/2009 of 11 December, amending Organic Act 4/2000 of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, article 59 bis provides that foreigners in an irregular situation identified as victims of human trafficking are declared “exempt” from administrative liability. A period of reinstatement and reflection is established to decide whether the person will cooperate in the investigation of the crime and in the criminal proceedings, and he or she may exceptionally obtain a residence and work permit.

212. Act 4/2015 of 27 April, on the status of the crime victim, includes procedural and extra-procedural rights and provides legal and social responses to victims and their families, and caters to the most vulnerable victims, such as minors and victims of trafficking.

213. Royal Decree 1109/2015 of 11 December develops Act 4/2015 of 27 April, on the status of crime victims, and regulates units providing assistance to victims.

214. Royal Decree Law 12/2020 includes victims of trafficking and sexual exploitation in the shelter system.

215. Act 19/2021 of 20 December establishes the minimum living income and recognizes victims of trafficking and sexual exploitation as groups with preferential access.

216. The National Police and the Civil Guard, in application of Secretary of State for Security Instruction 6/2016, on actions of the FCSE in the fight against human trafficking and in collaboration with organizations and entities with accredited experience in assisting victims, have established the post of social partner in human trafficking (at central and territorial level), who coordinates the actions of the FCSE with agencies, social entities and NGOs specialized in victims of trafficking. Only police units trained in preventing and combating trafficking may identify victims.

217. The Civil Guard has issued Service Directive 40/2009 and Technical Instruction UT-10/2009, on action against human trafficking.

218. Royal Decree-Law 6/2022 of 29 March, adopting urgent measures within the framework of the National Plan of response to the economic and social consequences of the war in Ukraine, extends the accreditation of the status of victim of human trafficking or sexual exploitation.

## Institutional structure

219. The DGVG, under Royal Decree 455/2020, promotes and coordinates institutions in the field of trafficking in women and girls for sexual exploitation.

220. In April 2014, the position of National Rapporteur against Trafficking in Human Beings was established, and a focal point located at Intelligence Centre against Terrorism and Organized Crime (CITCO) was designated to support the Rapporteur. The tasks of the Rapporteur and the focal point have been endorsed by Royal Decree 146/2021 of 9 March.

221. These include measures to investigate cases of trafficking in women and girls, and to inform and assist victims of trafficking:

(a) The National Rapporteur against Trafficking in Human Beings works closely with Instruction 6/2016 and with the Spanish Network against Trafficking in Persons;

(b) The Trafficking Database of CITCO collects data on the prevention and prosecution of trafficking, as well as on sexual and labour exploitation;

(c) The DGVG includes data on trafficking in women and girls for the purpose of sexual exploitation in the Annual Statistical Bulletin on Gender Violence, and the Coordination and Violence against Women Units participate in the follow-up of cases;

(d) The National Police Service for Victims of Trafficking, created in 2013, follows the investigations on trafficking in persons.<sup>87</sup>

222. In addition, following article 11 of the Regulation on the organization and operation of the Sectoral Conference on Equality, it was agreed in 2019 to create a working group on trafficking in women and girls for the purpose of sexual exploitation that incorporates recommendations for the future comprehensive anti-trafficking law and analyses State and autonomous competencies in the area of trafficking.

223. To finance the expansion of service centres at regional and Autonomous Community level, guaranteed by the DGVG, funds amounting to €120,000,000 are transferred to Autonomous Communities and local entities under the PEVG.

224. DGPPIAH manages the Framework of the national system for the reception of applicants and beneficiaries of international protection and the Framework of the humanitarian care programme; specialized shelters are available to provide comprehensive care to the following:

(a) Women victims or potential victims, together with their children, of trafficking for the purpose of sexual exploitation by providing them with housing, maintenance, health, psychological, legal and social assistance, and access to their basic human rights. There are currently 34 places within the international protection shelter system and 268 places in the humanitarian assistance programme, with an emergency provision of 140 additional places;

(b) Women victims of gender violence, 55 places;

<sup>87</sup> Period 2015 to 31 May 2021:

Number of communications received at the Service for Victims of Trafficking in Human Beings (SAVTSH) (calls and emails): 14334.

Number of files generated with operational information: 3617.

Number of operations operated: 87.

Number of potential victims released: 526.

Number of detainees: 374.

(c) Other vulnerable women, such as single-parent women, victims of FGM, and (pregnant women, 54 places under the Reception System for International Protection and 40 places under the humanitarian assistance programme.

### **Civil society participation**

225. The DGVG finances projects of non-profit organizations specialized in assisting victims of trafficking for sexual exploitation and their minor or disabled children (€4,000,000 per year in 2020 and previous years, distributed among more than 50 specialized organizations, and €6,000,000 in 2021 and 2022). The DGVG is also developing a call for applications from the individual income tax system (IRPF) for social purposes of the Secretary of State for Social Rights, to assist victims of trafficking. In 2021, of the €5.3 million allocated to combating violence against women, approximately €1.6 million went entirely to programmes for the prevention and care of victims of trafficking in women and girls.

226. Civil society also participates through the position of “social partner” and the Social Forum to Combat Trafficking in Human Beings for Sexual Exploitation, as mentioned above.

227. The Citizen Advice Bureau and the “Citizen Collaboration” website of the Civil Guard handle communications on alleged cases of trafficking. The Civil Guard’s social partners in the field of trafficking hold an annual eight-hour day of exchange and experience sharing with civil society.

### **Measures supporting service centres at the regional and Autonomous Community level**

228. The Ministry of the Interior has a network of advisers and attachés who deal with the needs of the FCSE, such as the central Unit of the National Police against Immigration Networks and Documentary Fraud (UCRIF Central), providing Spanish police representation in countries of origin, transit and exploitation.

229. Since 2019, UCRIF has co-directed the Human Trafficking Priority in the European Multidisciplinary Platform against Criminal Threats (EMPACT) and is in charge of its Annual Operational Plan concerning cooperation with third States related to human trafficking. The Civil Guard also participates in the operational actions of this Platform.

230. UCRIF publicized the “No to Modern Slavery” police campaign in 2018. Likewise, in 2018, UCRIF collaborated with the International Air Transport Association (IATA) in its “Eyes Open” campaign. In 2019, it actively participated in the European Crime Prevention Network’s anti-trafficking campaign, which was financed by EMPACT Platform funds.

231. The Central UCRIF and the territorial UCRIFs of Madrid and Barcelona have participated in Turquesa I (2019) and Turquesa II (2020). Operation Turquesa, led by INTERPOL, combats organized crime in human trafficking and illegal immigration and related crimes such as document fraud and money-laundering, originating and/or transiting in Latin American countries.<sup>88</sup>

232. Spain participates in specific programmes in some countries of origin of human trafficking:

(a) In Nigeria, Spain has participated in the Etutu Group to combat trafficking of Nigerian origin. It also hosts a Nigerian liaison magistrate in Madrid, who helps investigate trafficking in Nigeria. To combat human trafficking and illegal

<sup>88</sup> [http://www.interior.gob.es/prensa/noticias/-/asset\\_publisher/GHU8Ap6ztgsg/content/id/12664846](http://www.interior.gob.es/prensa/noticias/-/asset_publisher/GHU8Ap6ztgsg/content/id/12664846).

immigration in Nigeria, Spain collaborates, through the National Police, with the European Union in the development of the A-TIPSOM Project (2018–2022);<sup>89</sup>

(b) The General Commissariat of Immigration and Borders of the National Police participated in several Common Operational Partnerships (COP) against human trafficking and smuggling in Senegal, Gambia and Mali;

(c) Through the Joint Investigation Team (JIT), it has deployed experts from the National Police in Mauritania and Niger.

233. Spain contributed to the Serious and Organized Crime Threat Assessment (SOCTA) and participates in the Joint Action Days (JAD) on Inspectorates likely to detect trafficking. The Civil Guard collaborates with the United Nations and INTERPOL on procedural and action guides with the European Border and Coast Guard Agency (Frontex), the Europe-Latin America Assistance Programme against Transnational Organized Crime (EL PacCTo) and the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP).

234. The ITSS and the FCSE work with entities specialized in assisting victims, following Directive 2009/52/EC of the European Parliament and of the Council.

235. There is a National Police and Civil Guard Liaison Officer working in coordination with the Attorney General's Office.

#### **Instruments on trafficking and sexual exploitation**

236. The draft 2015–2018 Comprehensive Plan against Trafficking of Women and Girls for Purposes of Sexual Exploitation<sup>90</sup> was published.

237. The National Police prioritizes the fight against human trafficking in its Strategic Plan (2017–2021).

238. The current Strategic Plan of the Civil Guard (2021–2024) includes combating violence against women and protecting vulnerable groups in one of its main lines of action.

239. The Guide to Criteria for Judicial Action against Human Trafficking was published in 2018.<sup>91</sup>

240. The DERA tool is a pioneer in gathering statistical data on autonomous resources related to victims of sexual exploitation or trafficking for sexual exploitation.

241. The DGVG develops surveys on the demand for prostitution, the clients, and social views on the matter.<sup>92</sup> Prostitution use by young people was surveyed in the 2020 Youth in Spain Report.

242. The DGVG prepared the Resource Guide for the Care of Victims of Trafficking for Sexual Exploitation, promoted by the National Rapporteur against Trafficking.<sup>93</sup>

<sup>89</sup> [https://www.fiiapp.org/proyectos\\_fiiapp/lucha-contra-la-trata-de-personas-y-migracion-irregular-en-nigeria/](https://www.fiiapp.org/proyectos_fiiapp/lucha-contra-la-trata-de-personas-y-migracion-irregular-en-nigeria/).

<sup>90</sup> [https://violenciagenero.igualdad.gob.es/planActuacion/planContraExplotacionSexual/docs/Plan\\_Integral\\_Trata\\_18\\_Septiembre2015\\_2018.pdf](https://violenciagenero.igualdad.gob.es/planActuacion/planContraExplotacionSexual/docs/Plan_Integral_Trata_18_Septiembre2015_2018.pdf).

<sup>91</sup> <http://www.poderjudicial.es/cgpj/es/Temas/Igualdad-de-Genero/Estadisticas--estudios-e-informes/Estudios/Guia-de-criterios-de-actuacion-judicial-frente-a-la-trata-de-seres-humanos>.

<sup>92</sup> <http://www.violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/campanas/violenceGovernment/noTrates/home.htm>. and <https://www.mscbs.gob.es/campanas/campanas17/contraTrataMujeres.htm>.

<sup>93</sup> <http://www.violenciagenero.igualdad.gob.es/otrasFormas/trata/normativaProtocolo/marco/docs/ResumenGuiaWebMapasJulio2018.pdf>.



243. The Contingency Plan against Gender Violence targets women victims of trafficking, sexual exploitation and prostitution and those in situations of economic vulnerability; it includes a programme of measures to guarantee comprehensive assistance, safe shelters, housing solutions and financial aid.<sup>94</sup> This Plan promotes collaboration between the FCSE, non-governmental organizations and public services. Thanks to the dissemination of 24-hour hotlines (062 for the Civil Guard and 900 10 50 90 for the National Police) and email addresses ([trata@policia.es](mailto:trata@policia.es) and [trata@guardiacivil.es](mailto:trata@guardiacivil.es)), the right of victims to information is guaranteed.

244. The 2015 Protocol for detection and action in possible cases of human trafficking for sexual exploitation applies to the Network of Migration Centres of the Ministry of Inclusion, Social Security and Migration (MISSM), which includes four refugee reception centres (CAR) and temporary immigrant shelters (CETI). It is also applied by the Social Work Unit of DGPPIAH and the centres and mechanisms subsidized by it.

245. In addition, the Labour and Social Security Inspectorate Service (ITSS) collaborates with the FGE and the FCSE to combat human trafficking for labour exploitation. Thus, between 2015 and 2019, they accumulated 17,000 joint actions annually. ITSS contributes to the development of a National Action Plan against forced labour and other forced human activities and provides training to its staff on trafficking.

246. To provide information, assistance, protection and support, there is a Framework Protocol for the protection of victims of human trafficking and sectoral protocols for the detection and care of victims of trafficking. The Framework Protocol has a monitoring commission. In 2017, the Children's Rights Observatory approved the annex to the Framework Protocol, "Actions for the detection and care of underage victims of human trafficking".

247. The National Statistics Institute (INE) conducts a survey on centres and services for the homeless at the national and regional levels, which serve homeless women who are victims of trafficking and/or prostitution.<sup>95</sup> In 2018, 24 centres were made available to women victims of trafficking/prostitution, and 19 of the 24 indicated that they were also focused on other types of groups. Regarding occupancy, in June 2018, 220 of 306 places corresponded to women; in December 2018, 189 out of 274 places were occupied by women.

248. In October 2019, the Procedure for Referral of Potential Human Trafficking Victims Seeking International Protection at Adolfo Suárez Madrid-Barajas Airport came into force; it establishes the proper procedure when there is suspicion about possible human trafficking situations.

249. The Reception System for International Protection has a Protocol for action in cases of gender-based violence against women, approved in June 2021.

250. Of particular note are the informative, awareness-raising and preventive campaigns on trafficking, #contralatrata, launched in 2018 by the National Police; #trabajoforzoso campaign; and the "Passport to indicators of trafficking" campaign.<sup>96</sup>

<sup>94</sup> <https://violenciagenero.igualdad.gob.es/sensibilizacion/Concienciacion/campanas/violencia-Gobierno/todoSaldráBien/RsumenEjecutivoPlanContigenciaAMPLIACIONAbril2020.pdf.htm>.

<sup>95</sup> Centres nationwide:

<https://www.ine.es/jaxi/Datos.htm?path=/t25/p454/e01/a2018/10/&file=01003.px>.

Centres at the regional level:

<http://www.ine.es/jaxi/Tabla.htm?path=/t25/p454/e01/a2018/10/&file=06004.px&L=0>.

<sup>96</sup> <https://www.guardiacivil.es/web/web/documentos/pdfs/2019/Passport-to-indicators-of-trafficking.pdf>.

251. In addition, five Autonomous Communities have prepared their autonomous protocols for the protection of victims of human trafficking and are implementing the Framework Protocol for the Protection of Victims of Trafficking.<sup>97</sup>

## Participation in political and public life

### Areas in which women's participation has increased

252. The percentage of women in the Spanish Government has increased from 28.6 per cent (2015) to 60.9 per cent (2021);<sup>98</sup> in the Congress of Deputies, it rose from 39.4 per cent (between 2016 and 2019) to the current 43 per cent. In the European Parliament, it has gone from 41 per cent in the 2014 elections to 47.1 per cent in the 2019 elections. In the Autonomous Communities there are 47.2 per cent of women in the regional parliaments and 47.2 per cent in the regional councils; at the local level, 40.8 per cent of city council members and 22 per cent of mayors are women.

253. The percentage of women holding positions in higher bodies and senior positions in the national Government has grown from 29.4 per cent (in 2015) to 43.57 per cent (in 2021).

254. In the corporate sphere, the participation of women in IBEX 35 companies reached 30.7 per cent in 2021, having increased from 18 per cent in 2015.

255. In the judicial sphere, there have been three female State Attorneys General.

### Measures to increase women's participation in political and public life

256. The Third National Government Equality Plan for Women and Men includes 14 measures to prevent gender discrimination in accessing, attracting and retaining female talent and to analyse the wage gap. In addition, through ministerial departments, the national Government provides training for access to managerial or pre-managerial positions.

257. Organic Act 4/2018 of 28 December, on the reform of Organic Act 6/1985 of 1 July on the judiciary, stipulated that the proposals for the filling of judicial appointments would be subject to assessment by LOIEMH, according to the parity presence of the 20 members of the General Council of the Judiciary (CGPJ).<sup>99</sup> Thus, from 2019, the bases of all public calls aimed at filling these positions of responsibility in the judiciary must include, in their weighting of merits, the circumstances and case law of the LOIEMH, the Supreme Court and Constitutional Court Order 119/2018 of 14 December.

258. The First Equality Plan of the Cortes Generales (Spanish Parliament) of 2020 contains measures related to access to public employment and professional careers;

<sup>97</sup> <http://www.violenciagenero.igualdad.gob.es/otrasFormas/trata/normativaProtocolo/marco/home.htm>.

<sup>98</sup>

	2015	2016	2017	2018	2019	2020	2021
Both sexes	14	14	14	18	16	22	23
% women	28.6	35.7	35.7	16.1	62.5	50	60.9

*Prepared by:* Institute of Women and Ministry of Equality.

*Note:* New data are collected following each cabinet reshuffle. They refer to the composition of the Government in December of each year.

<sup>99</sup> <https://www.boe.es/boe/dias/2018/12/29/pdfs/BOE-A-2018-17987.pdf>.

representativeness; work-life balance; prevention of harassment; and inclusive language, among others.<sup>100</sup>

259. The Civil Guard, through its 2019 First Civil Guard Equality Plan, aims to increase the visibility of women and provide them with tools to augment the number of women in decision-making positions. In 2020, 25 per cent of those admitted were women.

260. The National Police, in its first Diagnosis of the Situation of Women in the National Police, analyses the period 2015–2019.

261. The Institute of Women develops programmes to promote the participation of women in the “Women, Talent and Leadership” Network aimed at raising the visibility of women managers, the network of companies with the “Equality in Business” label (Red Distintivo de Igualdad en la Empresa or Red DIE Network), the REA Programme, the ATENEA programme to improve women’s digital skills.<sup>101</sup> The Canary Islands are developing the Equality Programme SI for the same purpose. In addition, the “Mujeres en Cifras” (Women in Figures) website is designed to raise awareness of women’s participation in decision-making positions.<sup>102</sup>

262. The participation of women’s civil society organizations is channelled through the Women’s Participation Council. This participation is also promoted through the annual call for grants from the Institute of Women, and the call for grants from the IRPF tax allocation to develop programs aimed at women.

## Nationality

263. The Spanish Civil Code and the Spanish Constitution guarantee that Spanish women transmit their nationality to their children at the moment of birth or adoption, if they are under 18 years of age.<sup>103,104</sup> Children can obtain Spanish nationality when they are over 18 years of age, and their children have the option to acquire Spanish nationality within certain time limits and/or by residing in Spain.<sup>105,106</sup>

264. The Civil Code guarantees that Spanish women can transmit Spanish nationality to their spouse, as it establishes a reduced period of residence in Spain to acquire nationality by residence for the spouse or widower of a Spanish woman.<sup>107</sup>

265. Spanish women have several possibilities to change their nationality voluntarily. If they wish to possess the nationality of another State, Spanish women are guided by the rules of that State regarding nationality. They will retain Spanish nationality if, within three years of acquiring foreign nationality, they declare that they wish to keep Spanish nationality in accordance with the Civil Code.<sup>108</sup> With respect to dual nationality, it is not necessary for nationals of Latin American countries, Andorra, Equatorial Guinea, the Philippines or Portugal to renounce their nationality. Thus, women from these countries can preserve their Spanish nationality and their other nationality, without renouncing either nationality.

<sup>100</sup> [http://www.congreso.es/docu/igualdad/Plan\\_Igualdad\\_Cortes\\_Generales.pdf](http://www.congreso.es/docu/igualdad/Plan_Igualdad_Cortes_Generales.pdf).

<sup>101</sup> <https://www.inmujer.gob.es/areasTematicas/PromProfesional/RedMujeresTalentoLiderazgo.htm>.

<sup>102</sup> <https://www.inmujer.gob.es/MujerCifras/Home.htm>.

<sup>103</sup> The acquisition of Spanish nationality is regulated in the Civil Code in articles 17.1 and 19.1.

<sup>104</sup> Article 11 of the Constitution.

<sup>105</sup> Article 19.2 of the Civil Code.

<sup>106</sup> Article 22 of the Civil Code.

<sup>107</sup> Article 22.2 (d) and (e) of the Civil Code.

<sup>108</sup> See article 22 of the Civil Code.

## Education

266. Organic Act 3/2020 of 29 December (LOMLOE), amending Organic Act 2/2006 of 3 May, on education, recognizes the effective fulfilment of children's rights, the best interests of the child, the right to education and the right not to be discriminated against.<sup>109</sup> It also includes the principle of equity and adheres to the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs), establishing mandatory measures related to the promotion of equality at all educational stages and introducing the gender perspective in education.

## Instruments

267. In 2021, the Equality in Figures report on "Classrooms for equality" was published, which shows that women are less represented in the science baccalaureate (47.3 per cent) and in vocational training, although they are in the majority among university students (56 per cent).<sup>110</sup> This report shows that 66.9 per cent of the total teaching staff are women, with 66.3 per cent of school management positions held by women, and that the female school dropout rate has fallen over the last 10 years to 48.7 per cent in 2020.

### Measures aimed at eliminating the gap between women and men in training and career paths

268. The LOMLOE establishes that vocational training will favour all professional options, thus promoting effective equality between women and men, and it incorporates the gender perspective in the educational and professional orientation of students during compulsory secondary education.

269. The new curricula contemplate the teaching of civic and ethical values in primary and secondary education and the inclusion of the history of the struggle for women's rights. In high school, topics such as personal, affective-sexual and social maturity are included, in order to detect and resolve possible situations of violence and teach the role of women in history.

270. A balanced presence of women and men in the governing and coordinating bodies of the school environment is promoted; and measures are incorporated to develop effective equality in the tutorial action and coexistence plans, and in the elaboration of educational projects.

### Tools that promote science, technology, engineering and mathematics (STEM) fields of study among women and girls

271. Within the framework of the STEAM (science, technology, engineering, arts and mathematics) Alliance for Female Talent, "Girls Stand Up for Science", in February 2022 the report on "Radiography of the gender gap in STEAM training" was published with the aim of showing the presence of girls and women in studies related to scientific-technological disciplines in Spain. An observatory has been created to analyse the digital and technological gender gap with data that will be updated periodically. In addition, there is a portal aimed at the entire educational community, and prizes will be awarded to all schools in the country.

272. Training measures for teachers in STEM disciplines include a number of programmes. In 2017, the ChicaSTEM programme was organized. In 2019, the

<sup>109</sup> <https://www.educacionyfp.gob.es/destacados/lomloe.html>.

<sup>110</sup> [www.Igualdad en Cifraseducacionyfp.gob.es/dam/jcr:8d11c459-d25f-4113-a53b5b97a91dd8cb/cifrasmefp2021.pdf](http://www.Igualdad en Cifraseducacionyfp.gob.es/dam/jcr:8d11c459-d25f-4113-a53b5b97a91dd8cb/cifrasmefp2021.pdf).

Second National SCIENTIX Congress was organized, addressing gender and STEM, and the course “Classrooms for equality: the value of co-educating”, which promoted STEM vocations for women and girls, together with a course on tools for the improvement of STEM in diverse classrooms and the network of exchanges and educational portal “INTERCAMBIA, the value of co-educating”, which allows for the sharing of knowledge and resources.<sup>111</sup>

273. In February 2021, the Women and Science Unit of the Ministry of Science and Innovation launched, together with the Spanish Foundation for Science and Innovation (FECYT), the platform Scientists and Innovators 2020 to give visibility to Spanish women researchers and innovators and their contribution in these disciplines.<sup>112</sup> From this Unit and together with the Observatory on Women, Science and Innovation (OMCI), the following reports were published: “Women and innovation”, in 2020; “Situation of young female researchers in Spain”, in 2021, which contains recommendations for attracting young talent to STEM disciplines; and “Women scientists in figures 2021”, which identifies the persistent gender gaps in this field and provides recommendations to address them. OMCI, in its work programme 2021-2022, seeks to make women more visible in the fields of science, technology and innovation.

274. Activities are organized on the occasion of the International Day of Women and Girls in Science,<sup>113</sup> including providing information on awareness-raising campaigns such as “Girls in Science Stand Up for Science”; the International Congress on Coeducation and Gender on coeducation in the classroom, or gender stereotypes in STEM education; the “STEM Alliance for Female Talent: Girls Stand Up for Science”, presented by the MEFP.

275. The Spanish National Research Council (CSIC) carries out mentoring and open days with educational centres to promote the participation of women and girls in science. It has also published reports on women in science; organized the exhibition “Girls are warriors”, the exhibition “Ingenious women: engineering for women” and the “Now you” programme to promote the leadership and entrepreneurship of women who have already graduated.<sup>114</sup>

276. The Institute of Women conducts activities to foster scientific and technological vocations among girls and young women. In collaboration with the Autonomous Communities, it develops the “ADA” Programme, the “DIANA” Programme, and the “I want to be an engineer” Programme.<sup>115,116,117</sup>

### **Sexual and reproductive health and rights education**

277. The LOMLOE incorporates “affective-sexual education, adapted to the maturity level”.

278. In 2019, the Ministry of Health established a Collaboration Agreement with the Ministry of Education and Vocational Training (MEFP) for education and health

<sup>111</sup> <https://www.educacionyfp.gob.es/mc/intercambia/presentacion.html>.

<sup>112</sup> <https://cientificasinovadoras.fecyt.es/>.

<sup>113</sup> For more information on the latest activities in 2021: <https://www.ciencia.gob.es/portal/site/MICINN/menuitem.edc7f2029a2be27d7010721001432ea0/?vgnextoid=80c03ebff4d67710VgnVCM1000001d04140aRCRD#:~:text=La%20Asamblea%20General%20de%20la,comunidad%20cient%C3%ADfica%20y%20la%20tecnolog%C3%ADa>.

<sup>114</sup> <https://www.inmujer.gob.es/servRecursos/convocatorias/2018/ProgramaAhoraTu.htm>.

<sup>115</sup> <https://www.inmujer.gob.es/areasTematicas/SocInfo/Programas/Ada.htm>.

<sup>116</sup> <https://www.inmujer.gob.es/areasTematicas/SocInfo/Programas/Diana.htm>.

<sup>117</sup> <https://quieroseringenieraupct.es/#objetivos>.

promotion at school, to prevent violence and bullying, and to promote egalitarian relationships and healthy lifestyles, including comprehensive sexuality education.

279. The Ministry of Health conducted the international study Health Behaviour in School-aged Children or HBSC, 2018 edition, in collaboration with the World Health Organization, collecting information on lifestyles of schoolchildren between the ages of 11 and 18 and obtaining useful results to promote health in adolescents and to combat discrimination against women.<sup>118</sup>

280. The Operational Plan of the Sexual Health Strategy 2019–2020 has promoted education on sexual health throughout all educational stages.<sup>119</sup>

#### **Inclusive measures for students with disabilities**

281. Spain guarantees attention to the individual needs of students with disabilities in its educational centres. LOMLOE measures are adapted to the specific needs of minors with disabilities and ensure the right to education, autonomy and participation of minors with disabilities.

282. In 2016, the report “The education of girls with disabilities” was prepared, organized with the CERMI Women’s Foundation. In 2017, “Educational intervention in students with deafblindness” was organized, And two editions of the “Queen Letizia Program for Inclusion” (2019 and 2021).<sup>120</sup>

#### **Educational measures for Roma girls<sup>121</sup>**

283. In 2021, the National Strategy for Roma Equality, Inclusion and Participation 2021–2030 was approved, which includes the gender approach as a cross-cutting principle and specific measures to combat discrimination and gender-based violence against Roma women.

284. The percentage of uneducated Roma women decreased from 58 per cent in 2011 to 41.2 per cent in 2018. The percentage of women with primary education has also increased, from 30.9 per cent in 2011 to 43.4 per cent in 2018; the percentage of women with secondary or higher education, from 11 per cent in 2011 to 15.5 per cent in 2018.

285. The LOMLOE promotes the study of the Roma population in the educational curriculum. Likewise, in 2020, the “Education Working Group of the State Council of the Roma People” promoted the Guiding Protocol for the inclusion of Roma history and culture in the school curriculum and teaching practice.<sup>122</sup> The guide “Educational materials for teaching Roma history and culture in primary and secondary schools” has been published.

286. In addition, in 2017, the First Strategic Plan for School Coexistence was designed, providing specific measures to improve the school situation of Roma students.<sup>123</sup>

<sup>118</sup> In Spain, four editions were issued: 2002, 2006, 2010, 2014 and 2018: <https://www.msbs.gob.es/profesionales/saludPublica/prevPromocion/promocion/saludJovenes/estudioHBSC/home.htm>.

<sup>119</sup> [https://www.msbs.gob.es/organizacion/sns/planCalidadSNS/pdf/equidad/Plan\\_Operativo\\_ENSS\\_2019\\_20.pdf](https://www.msbs.gob.es/organizacion/sns/planCalidadSNS/pdf/equidad/Plan_Operativo_ENSS_2019_20.pdf).

<sup>120</sup> <https://www.rpdiscapacidad.gob.es/actividades/prli/programa.htm>.

<sup>121</sup> See annex V, section D.

<sup>122</sup> [https://sede.educacion.gob.es/publiventa/descarga.action?f\\_codigo\\_agc=20229](https://sede.educacion.gob.es/publiventa/descarga.action?f_codigo_agc=20229).

<sup>123</sup> <https://sede.educacion.gob.es/publiventa/plan-estrategico-de-convivencia-escolar/convivencia-escolar-espana-politica-educativa/21878>.

287. The “Guidance and Reinforcement Programme for Advancement and Support in Education”, developed in 2018, focuses on especially vulnerable groups, including Roma students. It is planned for the 2020–2021 period and is being monitored.

288. The study “Map of school segregation of Roma students in Spain”, started in November 2019, delivered a first report of results in 2021.

## Employment and economic empowerment

### Measures relating to equal opportunity and equal treatment and elimination of discrimination

#### Normative framework

289. Act 20/2007 of 11 July, on the status of independent workers, facilitates the work-life balance of self-employed workers, improving the allowances during maternity and paternity leave, adoption, foster care, risk during pregnancy or breastfeeding;<sup>124</sup> moreover, bonuses were established for self-employed women who return to work in certain cases. Special attention is given to this area in compliance with the LOIEMH and its development through the PEIEMH and other measures contained in national strategies and plans.

290. Act 1/2020 of 15 July repealed the objective dismissal for absenteeism, which affected women in greater numbers;<sup>125</sup> it promotes equality between women and men in access to employment, as well as the reconciliation of personal, family and work life, promoting employment for women victims of gender violence.

291. Royal Decree-Law 6/2019 of 1 March, on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation, incorporates the following:<sup>126</sup>

- (a) The concept of “work of equal value” in the Spanish legal system;
- (b) Companies must make a “register” of average wages;
- (c) Companies with 50 or more employees will present equality plans that must be recorded in the register of their equality plans;
- (d) Addresses a company’s failure to comply with equality plans;<sup>127</sup>
- (e) Emphasizes equal pay;<sup>128</sup>
- (f) Avoids contractual discrimination;<sup>129</sup>
- (g) Stimulates flexibility and balance in personal, work and family life;

<sup>124</sup> Amended by: Act 25/2015 of 28 July, Act 31/2015 of 9 September and Act 6/2017 of 24 October.

<sup>125</sup> Established in article 52(d) of the revised text of the Workers’ Statute, approved by Royal Legislative Decree 2/2015, of October 23: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2020-7937](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-7937).

<sup>126</sup> <https://www.boe.es/eli/es/rdl/2019/03/01/6/con>.

<sup>127</sup> Article 6 of the Royal-Decree-Law amends paragraph 13 of article 7 of the revised text of the Infractions and Penalties in the Social Order Act, approved by Royal Legislative Decree 5/2000 of 4 August.

<sup>128</sup> Amendment to Royal Legislative Decree 2/2015 of 23 October: <https://www.boe.es/eli/es/rdlg/2015/10/23/2/con>.

<sup>129</sup> It is an amendment to the Workers’ Statute.



(h) Equalizes paternity and maternity leave (to 16 weeks). Replaces the social security economic benefits for maternity and paternity with a single benefit called “birth and care of a child”;

(i) Introduces an allowance for self-employed workers during periods of rest due to birth, adoption, foster care, risk during pregnancy or breastfeeding;

(j) Introduces a bonus for self-employed women who return to work;

(k) Creates an economic benefit for co-responsible infant care;

(l) Recovers the financing of contributions under the special agreement with the social security administration for non-professional caregivers, mostly women, of dependants of the national Government.

292. Royal Decree-Law 3/2019 of 8 February, on urgent measures with regard to science, technology, innovation and the university, eliminates the penalty for the time elapsed in situations of temporary disability, risk during pregnancy, maternity, guardianship for adoption purposes, foster care, risk during breastfeeding and paternity.<sup>130</sup>

293. Measures to favour conciliation of the Ministry of Science and Innovation (MCINN): Order CNU/320/2019, and Order CNU/692/2019.<sup>131,132</sup>

294. Royal Decree 902/2020 of 13 October, on equal pay for men and women, develops the obligation of equal pay for work of equal value and regulates the principle of pay transparency and its instruments. To facilitate wage registration for companies, a wage registration tool has been developed, agreed with the social partners and elaborated by the Ministry of Labour and Social Economy and the Institute of Women of the Ministry of Equality.

295. Royal Decree 901/2020 of 13 October, which regulates equality plans and their registration and amends Royal Decree 713/2010 of 28 May, on the registration and deposit of collective bargaining agreements.<sup>133</sup>

296. At the national level, the “pay gap self-diagnosis tool” and a “job evaluation system with a gender perspective” have been implemented, and the “Equal Pay Day” continues to be celebrated;<sup>134</sup> at the regional level, mention should be made of initiatives such as the Asturian Strategy against the Wage Gap (2016–2018) and the First Action Plan against Wage Inequality between Women and Men, in Andalusia.

297. Act 10/2021 of 9 July, on telecommuting, recognizes equality in the exercise of work-life balance between employees who work in person and those who work remotely.

### Instruments

298. To combat horizontal and vertical segregation, the Institute of Women promotes measures in the business sphere, such as the free advisory service for companies, providing tools to prepare plans, protocols or measures to combat sexual and gender-based harassment; it has called for grants to companies until 2019; to draw up equality

<sup>130</sup> It introduces a new paragraph in section 4 of the thirteenth additional provision of Act 14/2011 of 1 June, on science, technology and innovation.

<sup>131</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2019-4147>

<sup>132</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2019-9533>.

<sup>133</sup> It contains the regulatory development of the obligation described in articles 45 and 46 of the LOIEMH, regarding the adoption of equality plans.

<sup>134</sup> [www.igualdadnlaempresa.es](http://www.igualdadnlaempresa.es).



plans; it awards the “Equality in the Company” label; and it raises awareness through the Equality in Business bulletin (BIE).

299. Measures to favour women’s equality in access to employment are reflected in the Spanish Strategy to Stimulate Employment 2017–2020;<sup>135</sup> in the new Spanish Active Employment Support Strategy (2021–2024);<sup>136</sup> in the specific measures aimed at women and included in the “Plan de Choque por el Empleo Joven” (Urgent Action Plan for Youth Employment) 2019–2021; the 2019–2021 “Back to Work” plan to prevent and reduce long-term unemployment; and in component 23 of the Recovery, Transformation and Resilience Plan, approved by the Council of Ministers on 27 April 2021.

300. The hiring of women with disabilities is encouraged through State subsidies, such as the Programme of attention, information and orientation for the training and social and labour insertion of women with disabilities and the Network of Women with Disabilities, both of the Association of Women with Disabilities XARXA FP.

### **Measures relating to the participation of women in decision-making positions in the corporate sphere**

301. Act 11/2018 of 28 December establishes the obligation to specify the impact of a company’s activity with respect to personnel, encourages the decision-making participation of women in management positions in large companies and obliges large companies and groups to adopt measures that favour equal treatment and opportunities.<sup>137</sup>

302. In 2015, the National Securities Market Commission (CNMV) approved the new “Good Governance Code of Listed Companies”, which calls for the number of female directors to represent at least 30 per cent of the total by 2020.

303. The Institute of Women develops the initiative “More women, better companies”, which includes:

(a) Collaboration agreements/protocols, tools to promote the balanced participation of women and men in business and economic decision-making, and activities to identify unconscious gender biases;

(b) Women, Talent and Leadership Network to make women managers more visible;

(c) The *Promociona* project seeks to improve women’s access to management positions;

(d) The *Progresia* project for “emerging leaders”, developed with the Spanish Confederation of Business Organizations (CEOE);

(e) *Talentia 360” Programme*. “Women managers”, developed together with the Escuela de Organización Industrial (EOI).

304. The Master Plan for Decent Work 2018–2020 develops measures such as the training of specialized discrimination inspectors at the provincial level, as well as verifying actions for companies to arbitrate a specific procedure for sexual and gender-based harassment. The Anti-Discrimination Unit is responsible for monitoring equal treatment, gender equality and the reconciliation of personal, work and family life in companies, and it uses the Anti-Fraud Tool to detect corporate wage

<sup>135</sup> <https://www.boe.es/eli/es/rd/2017/12/15/1032>.

<sup>136</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2021-20185](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-20185).

<sup>137</sup> <https://www.boe.es/boe/dias/2018/12/29/pdfs/BOE-A-2018-17989.pdf>.

discrimination. The Strategic Plan of the Labour and Social Security Inspectorate Service 2021–2023, which includes a segment with specific objectives and actions in the area of equality and non-discrimination in the workplace, implements the effective creation of the State Office to Combat Discrimination, in charge of promoting Inspectorate activities with a gender perspective.

## Health

305. Spain offers universal public health coverage through the National Health System (SNS) to both Spanish nationals and foreigners through Royal Decree-Law 7/2018 of 27 July, on universal access to the National Health System, which amended Royal Decree-Law 16/2012, of 20 April. Assistance is also provided by the regional health services.

306. The SNS Catalogue of Good Practices has been expanded in the following SNS Strategies: Sexual Health, Childbirth Care and Reproductive Health and Health Actions against Gender Violence.

307. Work has been done on the preparation of the Common Protocol for Health Care Action in the SNS against sexual violence.

308. The preparation of the Health and Gender Report, which the Women's Health Observatory (OSM) had been issuing periodically, has been resumed. The main focus is to review various aspects of the health impact, from a gender perspective, of the COVID-19 pandemic.

309. A webinar series on COVID-19: gender and health impacts is being conducted; it is recorded and freely accessible on the OSM website.

310. The Inter-Territorial Council of the National Health System (CISNS) has approved a common standardized instrument for the early detection of gender violence in the SNS.

311. The document "Proposed set of common SNS indicators for the evaluation of the reproductive health strategy" has been presented to the Institutional Committee of the Reproductive Health Strategy. Work has been done on the first collection of core indicators to update the latest existing data report as of 2018.

312. Organic Act 2/2010 of 3 March, on sexual and reproductive health and the voluntary interruption of pregnancy, guarantees all women the right to their reproductive health, including abortion, and ensures the availability of information and counselling so that women can choose between different options.

313. Accessibility to contraceptive methods: since November 2019, state-of-the-art contraceptives are financed by the SNS.

314. The training of health personnel was strengthened through the Framework Collaboration Agreement signed in 2016 between the Institute of Women and the Carlos III Health Institute for training in public health and gender, through the specialist diploma on health and gender.<sup>138</sup> The Ministry of Equality and the Institute of Women are promoting the reform of this Organic Act to guarantee and consolidate women's rights in this area.

315. The Institute of Women, together with the regional health departments and regional health services of the Autonomous Communities, has also provided training

<sup>138</sup> <https://www.inmujer.gob.es/areasTematicas/AreaSalud/ProgramasActividades/EspecializacionSaludGenero.htm>.

and awareness-raising courses for health care personnel. The Sexual Health Strategy Operational Plan 2019–2020 addressed sexual health education.

### **Measures relating to the health care of women with disabilities**

316. The General Disability Act respects the inherent dignity, individual autonomy, freedom of choice and independence of all persons. Spain amended the Criminal Code in 2015 regarding sterilization.<sup>139</sup> The 2014–2020 Action Plan of the Spanish Disability Strategy introduces the gender approach in socio-health policies, detects violence or abuse against women with disabilities and trains health care personnel regarding the specific needs of people with disabilities.

### **Health care for women living with human immunodeficiency virus (HIV)**

317. Universal access to health care in Spain guarantees that people living with HIV are entitled to free antiretroviral treatment.

318. Spain announces annual grants to entities involved in prevention and control of HIV infection.

319. In 2018, “Epidemiology of HIV and other sexually transmitted infections in women”, “Infographics on HIV and sexually transmitted diseases (STDs) in women” and a consensus document for the follow-up of HIV infection in relation to reproduction, pregnancy, childbirth and prophylaxis of vertical transmission of the exposed child were published.<sup>140,141,142</sup> In 2019, trans women were included for the first time in a document on women and HIV, which deploys a comprehensive approach to health care for women with HIV. In 2020, “Violence towards women in the field of HIV” was published.

320. The Secretariat of the National AIDS Plan (SPNS) is working on training professionals and non-governmental organizations to raise awareness about women living with HIV.

321. To monitor pregnant women living with HIV and their children, a contract was signed in 2020 between the Spanish Association of Paediatrics (AEP) and the Ministry of Health.

## **Asylum-seeking and refugee women**

### **Normative framework**

322. With respect to the Convention and general recommendation No. 32 of the CEDAW Committee, Act 12/2009 of 30 October, regulating the right to asylum and subsidiary protection, specifically protects girls and women by providing them with differentiated treatment in formalization interviews and in cases of vulnerable applicants, including women and girls seeking asylum, unaccompanied minors, pregnant women, single-parent families with minors, persons who have suffered

<sup>139</sup> Amended by Organic Act 1/2015 of 30 March, which amends Organic Act 10/1995 of 23 November, on the Criminal Code.

<sup>140</sup> <https://www.msbs.gob.es/ciudadanos/enfLesiones/enfTransmisibles/sida/vigilancia/doc/InformeMujeres2018.pdf>.

<sup>141</sup> [https://www.msbs.gob.es/ciudadanos/enfLesiones/enfTransmisibles/sida/vigilancia/doc/Infografia ITS\\_13 Dicbre18.pdf](https://www.msbs.gob.es/ciudadanos/enfLesiones/enfTransmisibles/sida/vigilancia/doc/Infografia ITS_13 Dicbre18.pdf) and <https://www.msbs.gob.es/ciudadanos/enfLesiones/enfTransmisibles/sida/vigilancia/doc/Infografia VIH.pdf>.

<sup>142</sup> [https://www.msbs.gob.es/ciudadanos/enfLesiones/enfTransmisibles/sida/publicaciones/profSanitarios/docConsensoSgtoVIHReproduccion\\_23May18.pdf](https://www.msbs.gob.es/ciudadanos/enfLesiones/enfTransmisibles/sida/publicaciones/profSanitarios/docConsensoSgtoVIHReproduccion_23May18.pdf).

torture, rape or other serious forms of psychological, physical or sexual violence, and victims of trafficking.<sup>143</sup>

323. The Office for Asylum and Refugees has guidelines for dealing with gender-specific persecution, including FGM, forced marriage, sexual violence, trafficking and sexual exploitation, honour crimes, domestic violence, forced sterilization or abortion, and discrimination.

### **Instruments**

324. The Interministerial Commission on Asylum and Refugees (CIAR) proposes the resolution of international protection cases and ensures the application of the gender perspective in all cases, especially those involving women and girls subjected to violence because they are women. In general, and provided that the files do not contain sufficient information for the adoption of the criterion, the possibility has been established of conducting a second interview or requesting an extension of the allegations.

325. DGPPIAH manages the national comprehensive reception and inclusion system for asylum seekers, refugees and other beneficiaries of international protection; ensures individualized itineraries and provides specific shelters for trafficked women and their children.

326. Grants from the international protection and reception system finance the needs of the most vulnerable applicants for international protection. Entities with more than 100 places must have at least two places adapted for people with disabilities.

327. The Office for Asylum and Refugees (OAR) staff are trained in international law and protection, vulnerable profiles and gender perspective. The National Police provides specialized courses on asylum and refugees at borders to ensure the application of the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

328. Psychological care is provided in collaboration with the psychological and psychiatric services of public administrations and private entities. During the integration process, individual and group interventions are provided to reduce stress and emotional suffering.

329. Legal assistance and legal advice is offered on applications for international protection, immigration and statelessness, along with specific activities aimed at women in cases of separation or divorce, physical, psychological or sexual violence and possible cases of trafficking.

330. On 30 April 2021, the “Instructions for the formalization of applications for international protection” were approved in order to strengthen the guarantees for applicants; they make special mention in cases of people who may require exceptional care and support measures, such as pregnant women, single-parent families, victims of trafficking or victims of torture, sexual assault or other serious forms of psychological or physical violence.

331. The bidding documents for the contracting of interpretation and translation services for the OAR stipulate that the persons providing the service must be competent in interpreting for vulnerable persons such as minors, the elderly, victims of psychological, physical or sexual violence or persons with mental disorders.

332. The aforementioned Royal Decree-Law 6/2022 of 29 March includes specific measures for displaced women.

<sup>143</sup> <https://www.boe.es/eli/es/l/2009/10/30/12/con>.

## Marriage and family relations

### Measures relating to custody situations

#### Normative framework

333. Criminal law establishes that, if the victim of domestic violence is a minor, the convicted parent is disqualified from exercising parental authority. In the most serious cases, according to article 33 of the Criminal Code, parental rights could be denied in the case of, among other things, FGM, physical or psychological injuries, threats and coercion against a person who is or has been the spouse; against a person who is or has been linked to the perpetrator by an analogous relationship of affection, even without cohabitation; or against his or her offspring; child pornography; prostitution (art. 192); false declaration of birth; child abduction; or abandonment of the family.

334. Organic Act 8/2015 of 22 July, modifying the child and adolescent protection system, together with Act 26/2015 of 28 July, also modifying the child and adolescent protection system, amended Organic Act 1/1996 of 15 January, on the legal protection of minors.<sup>144</sup>

(a) It assesses the situation of gender violence when regulating the exercise of parental authority and guardianship and visitation rights;

(b) It considers as direct victims of gender-based violence boys and girls who grow up in environments where gender-based violence occurs;

(c) It improves visitation rules;

(d) It emphasizes the obligation of judicial bodies to rule on precautionary and security measures;

(e) It responds to the wishes of the minor;

(f) Joint guardianship may not be granted when either parent is involved in criminal proceedings initiated for an attempt against the life, physical integrity, freedom, moral integrity or sexual freedom and inviolability of the other spouse or of the children living with both, and when there are well-founded indications of domestic or gender-based violence.<sup>145</sup>

335. In situations of domestic violence, the following protection measures of the aforementioned LOPIVI stand out:

(a) Deprivation of parental rights of a parent who has been the perpetrator of a crime, when the victim is the son or daughter of the perpetrator, with respect to other sons and daughters, if any, or when the victim and the perpetrator of the crimes of homicide or murder have a child in common;

(b) In order to remove the minor from danger or to avoid harm to him or her in the family environment or to third parties, the judicial authority shall suspend, as a precautionary measure, the exercise of parental authority and/or custody or the visiting and communication arrangement established in a judicial decision or a judicially approved agreement; and other appropriate provisions;<sup>146</sup>

(c) LOPIVI completes and revises the 2015 child and adolescent protection system by describing indicators to assess the risk situation and establishes a set of guarantees for the protection of children and adolescents in vulnerable situations;

<sup>144</sup> <https://www.boe.es/boe/dias/2015/07/23/pdfs/BOE-A-2015-8222.pdf>.

<sup>145</sup> Article 927 of the Civil Code.

<sup>146</sup> Civil Code, article 158, paragraph 6.

(d) When there are well-founded indications that the minor children have witnessed, suffered or coexisted with domestic or gender violence, the judicial authority will suspend the visiting regime, stay, relationship or communication of the accused with respect to the minors dependent on him or her, except in the best interest of the minor child and after evaluation of the situation of the paternal-filial relationship.<sup>147</sup>

336. Pursuant to Act 8/2021 of 2 June, which reforms civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity, amending article 94 of the Civil Code:<sup>148</sup>

(a) No visiting or living arrangements shall be established with respect to a parent involved in criminal proceedings for violating the life, physical integrity, liberty, moral integrity or sexual liberty and inviolability of the other spouse or their children; or when the judge discovers that there are well-founded indications of domestic or gender violence, except in the best interests of the minor;

(b) No visiting arrangements will be established with respect to the parent in provisional detention or under a final sentence agreed in criminal proceedings for the offences referred to in the preceding paragraph.

337. Article 156 of the Civil Code is amended to ensure that the consent of both parents is not required if there are indications that the child lives in an environment of gender violence, even without a prior complaint, if the woman receives assistance from a specialized gender violence service that issues a report accrediting the situation.

338. Since 2018, the Attorney General's Office has been coordinating with the civil and gender violence sections to gather complete information about violence in the family environment when deciding custody and visitation.

### Instruments

339. The State Pact against Gender Violence (PEVG) has plans to prevent the imposition of shared custody with respect to the paternal-filial relationship in cases of gender violence. It also provides for a very restrictive visiting regime in such situations, including supervised visits at family meeting points as a precautionary measure.

340. The Attorney General's report collects and analyses statistical data related to the protection of minors and stresses the importance of prosecutors requesting civil measures for their protection and that of the mother, taking into account the best interests of the minor.

341. The FGE signed a Framework Agreement in 2018 with the Spanish Society for the Study of Child-to-Parent Violence (SEVIFIP) that intensifies mutual collaboration, establishing lines of work on the causes of such violence and its sequelae.<sup>149,150</sup>

342. In order to improve and standardize the judicial response, in June 2020 a "Guide to criteria for judicial action in matters of shared custody" was prepared.

<sup>147</sup> Law of Criminal Procedure, article 544 ter, paragraphs 6 and 7.

<sup>148</sup> <https://www.boe.es/boe/dias/2021/06/03/pdfs/BOE-A-2021-9233.pdf>.

<sup>149</sup> <https://www.fiscal.es/documents/20142/119628/Convenio+marco+de+colaboraci%C3%B3n+entre+la+Fiscal%C3%ADa+General+del+Estado+y+la+Sociedad+Espa%C3%B1ola+para+el+Estudio+de+la+Violencia+FilioParetal+%28SEVIFIP%29%2C+firmado+el+20+de+noviembre+de+2018.pdf/01df719c-8de3-0ab1-6542-770b11be1258?version=1.1&t=1542716310483>.

<sup>150</sup> <https://www.poderjudicial.es/cgpj/ca/Poder-Judicial/Consell-General-del-Poder-Judicial/En-Portada/Actividades-of-the-CGPJ-Continuing-Training-Service-in-the-Month-of-February-2018>.

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## Additional Information

### Measures in response to the COVID-19 pandemic situation

343. Royal Decree-Law 11/2020 of 31 March, adopting urgent complementary social and economic measures to address COVID-19, created a temporary extraordinary allowance for domestic employees.<sup>151</sup> Royal Decree-Law 12/2020 of 31 March provided urgent measures for the protection and assistance to victims of gender violence.<sup>152</sup>

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<sup>151</sup> Article 30.

<sup>152</sup> <https://www.mptfp.gob.es/portal/funcionpublica/funcion-publica/dialogo-social/Actuaciones-relacionadas-con-el-COVID-19.html>.