

*Building trust  
by delivering support,  
protection and justice*

# Spain

First thematic  
evaluation report

## GREVIO

Group of Experts  
on Action against Violence  
against Women and  
Domestic Violence



Council of Europe Convention  
on preventing and combating  
violence against women  
and domestic violence  
(Istanbul Convention)

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## Executive summary

This evaluation report addresses progress made in bringing support, protection and justice to victims of violence against women and domestic violence under selected provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). It offers an assessment made by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO's findings identify developments that have taken place since the publication of its baseline evaluation report on Spain on 25 November 2020 and are based on the information obtained during its first thematic evaluation procedure as set out in Article 68 of the convention. These include written reports (a state report submitted by the Spanish authorities and additional information submitted by: the "Cedaw-Istanbul-Beijing Shadow Platform", an umbrella organisation providing shadow reports under international treaties; AIETI (an organisation carrying out research on themes related to Latin-America), the network of Caribbean and Latin-American Women and the Aspacia Foundation; a group of academics; and the Spanish Federation of Lesbian, Gay, Trans, Bisexual and Intersex People + (FELGBTI+) as well as a six-day evaluation visit to Spain. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the Spanish authorities to prevent violence against women and domestic violence and to deliver protection, support and justice for victims – the theme chosen by GREVIO for its first thematic evaluation report. In identifying emerging trends in preventing and combating violence against women and domestic violence, GREVIO shines a light on laudable efforts made for the implementation of this convention. Moreover, it provides in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution as building blocks for a comprehensive response to the different forms of violence against women that instils trust in victims.

In this regard GREVIO welcomes the fact that the Spanish authorities continued to expand the legislative and policy framework to prevent and combat violence against women, in particular by adopting, in 2022, a groundbreaking law on sexual violence criminalising all sexual acts with a person who has not given free consent. Additionally, a Multi-Annual Joint Plan on Violence against Women (2023-2027) was adopted with the aim of ensuring a sustainable and co-ordinated response of all the relevant institutions and administrations in the implementation of the State Pact against Gender-based Violence. Substantial measures have also been taken to widen the scope of policies and services to other forms of violence against women than intimate partner violence and the authorities have taken measures to set up 24-hour comprehensive assistance centres for victims of sexual violence across the country. Moreover, the allocation of funds for preventing and combating violence against women has continued to steadily increase.

Additionally, the authorities have taken important steps to enhance the safety of children and their mothers in decisions regarding custody and visitation rights in cases with a history of domestic violence by introducing the principle of suspension of custody and visitation rights in cases in which children have been exposed to domestic violence. A legal ban on the use of the so-called parental alienation syndrome has also been introduced.

An overall substantial improvement in the approach of law-enforcement agencies to women victims of violence has taken place, especially among specialised units.

Beyond the progress made in Spain to implement the convention, GREVIO has identified areas which require urgent action by the authorities to comply fully with the convention's provisions. The Spanish authorities should in particular improve the training of all professionals dealing with victims and perpetrators of violence against women, including in the judiciary, on all forms of violence covered by the Istanbul Convention, and on the specific needs of women belonging to vulnerable groups. They should also take further measures to simplify and harmonise the process of official recognition of victims of all forms of violence against women in order to ensure their swift and effective access, across the country, to protection and support services.

Additionally, GREVIO expressed concern about the system of family co-ordination set up in several regions to provide support to families considered to be in a “high conflict separation process” in the implementation of judicial decisions. The authorities should ensure that this system is not mandated in cases with a history of intimate partner violence. Moreover, it is essential to identify and address legislative and procedural factors that contribute to secondary victimisation of women victims of violence during investigations and to undertake research into factors leading to attrition in cases of gender-based violence.

Finally, measures should be taken to ensure that the authorities have access to emergency barring orders to ensure the safety of women victims and their children in their own home. An analysis of the reasons for the significantly higher rates of rejection of protection orders in some parts of the country should also be carried out.

GREVIO has identified a number of additional issues that require sustained action in order to effectively build trust by delivering protection, support and justice for acts of violence against women. These relate to the need to:

- step up efforts to ensure consistent and co-ordinated implementation of existing policies to prevent and combat gender-based violence against women across national, regional and local levels;
- further improve data collection on violence against women, in particular by harmonising data collection between law-enforcement agencies and the judiciary to enable an assessment of conviction, attrition and recidivism rates;
- increase efforts to teach children about the notion of freely given consent in sexual relations and raise their awareness of the harmful effects of violent pornography;
- ensure that perpetrator programmes are implemented in close co-operation with victim support services;
- set up, across the country, multi-agency co-operation mechanisms covering all forms of violence against women and involving all the relevant agencies, including NGOs providing specialist support services;
- ensure that all victims of sexual violence have access to support services, the collection and storing of forensic evidence free of charge and without any obligation to press charges;
- pursue efforts to ensure the safety of victims and their children by carrying out a review of the judicial practice regarding the legal provisions requiring judges to withdraw custody and visitation rights in cases of parental separation with a history of violence; ensure that supervised visitation facilities are adequately resourced and focus on the safety of women and their children;
- address factors preventing women and girls from reporting their experiences of violence against women to law-enforcement agencies and ensure that all law-enforcement authorities have the resources, knowledge and powers to respond promptly and with a gender-sensitive perspective to all forms of violence against women.

Additionally, GREVIO has identified further areas in which improvements are required in order to comply fully with the obligations of the convention under this round’s theme. These relate, among others, to the need to strengthen the guidance provided to local and regional authorities on the use of funds received for the implementation of the State Pact against Gender-based Violence and to ensure sustainable funding for women’s NGOs that run specialist support services for women victims of all forms of violence. It is also essential to take swift measures to fully implement the provisions of Organic Law 10/2022 on Sexual Freedom and to ensure that the specialised courts on gender-based violence and other judicial bodies are allocated the necessary resources to be able to investigate and prosecute all forms of sexual violence. Furthermore, the authorities should take additional steps to ensure that women victims of all forms of violence covered by the Istanbul Convention, including FGM and forced marriage, have effective access to accessible and quality specialist support services.

Lastly, GREVIO points to several emerging trends, among which the rise of discourse denying the existence of violence against women and calling into question the need for policies to promote gender equality and to combat violence against women, that are impacting negatively on gender equality gains in Spain.

## Introduction

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) is the most far-reaching international treaty to tackle violence against women and domestic violence.

It sets up a two-pillar monitoring mechanism to assess the level of implementation by its parties: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention. In line with Article 68 of the convention, GREVIO has been providing country-based monitoring reports under its baseline evaluation procedure since 2017. Its baseline evaluation report on Spain, offering a comprehensive assessment of the convention’s implementation in its entirety, was published on 25 November 2020, following Spain’s ratification of the Istanbul Convention on 10 April 2014. Spain did not enter any reservation upon the deposit of its instrument of ratification of the convention.

This report was drawn up under GREVIO’s first thematic evaluation round launched in 2023 focusing on the theme of building trust by delivering support, protection and justice. To address this overarching theme, it describes emerging trends in the areas of preventing and combating violence against women and domestic violence in the country. Section two aims to identify developments in key areas such as comprehensive and co-ordinated policies, funding and data collection that have ensued following the completion of the baseline evaluation procedure. Section three presents more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution, in light of significant challenges and the need for further action revealed by the baseline evaluation procedures and the conclusions on the implementation of recommendations from the Committee of the Parties to the Istanbul Convention.

In respect of Spain, the first thematic evaluation procedure was initiated in accordance with Article 68 of the convention by letter and transmission of GREVIO’s first thematic questionnaire on 4 July 2023. The Spanish authorities subsequently submitted their state report on 12 February 2024. Following a preliminary examination of Spain’s state report, GREVIO carried out an evaluation visit to Spain, which took place from 24 February to 1 March 2024. The delegation was composed of:

- Laura Albu, member of GREVIO
- Ivo Holc, member of GREVIO
- Anna Matteoli, international expert, France
- Françoise Kempf, administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. GREVIO wishes to highlight its constructive exchanges with the Spanish authorities, in particular Aina Calvo Sastre, Secretary of State on Equality and Gender-Based Violence, Carmen Martinez Perza, Government Delegate against Gender-Based Violence, and Tània Verge I Mestre, Councillor for Equality and Feminism of the Catalan regional government. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them. For the co-operation and support provided throughout the entire evaluation procedure, it wishes to extend its gratitude to Daniela Rodriguez-Salinas and Paula Roche Paredes, who were appointed as contact persons. The state report and the written contributions submitted by civil society are available on the country monitoring website of the Istanbul Convention.<sup>1</sup>

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1. See [www.coe.int/en/web/istanbul-convention/spain](http://www.coe.int/en/web/istanbul-convention/spain).



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The present assessment was drawn up under the exclusive responsibility of GREVIO and is based on the information collected during the various steps of the evaluation procedure. In keeping with the approach adopted in its baseline evaluation reports, the findings reflect different levels of urgency, indicated in order of priority by the following verbs: “urges”, “strongly encourages”, “encourages” and “invites”.

Resulting from a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement within the national context of the party under review, this report describes the situation as observed by GREVIO up until 21 June 2024. Where applicable, relevant developments up until 18 October 2024 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations that work in the field of violence against women.

## **I. Emerging trends in the areas of violence against women and domestic violence**

1. In the period following the adoption of its baseline evaluation report, GREVIO identified several trends in Spain in the area of preventing and combating violence against women. Some of these trends were related to legislative developments prompted by broader societal movements, while others pertained to shifts in attitudes and approaches to addressing violence against women.

### **Expanding the legal framework to further the prevention and fight against violence against women**

2. Spain has been a pioneer in adopting comprehensive laws and policies to prevent and combat violence against women, since the adoption in 2004 of Organic Law 1/2004 on Integrated Protection Measures against Gender-based Violence (hereinafter referred to as “Organic Law 1/2004 on Gender-based Violence”) and is continually expanding the legislative and policy framework to increase compliance with the Istanbul Convention. The approach taken continues to be comprehensive, gender-sensitive and victim-centred, in line with the principles of the Istanbul Convention, which GREVIO notes with satisfaction.

3. Among the legislative developments that have taken place since GREVIO’s baseline evaluation of Spain in 2020, GREVIO welcomes in particular the introduction of Organic Law 2/2020 eradicating forced or non-consensual sterilisation of persons with disabilities who are legally incapacitated, Organic Law 3/2020 on Education, providing a framework for enhanced prevention of violence against women in the field of education, and Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence (hereinafter referred to as “Organic Law 8/2021 on Child Protection”, also known as “LOPIVI”) that introduced several important changes aimed at increasing the protection of children exposed to violence against women.<sup>2</sup>

4. Furthermore, following a widespread societal movement demanding more protection for women against sexual violence, Spain adopted a groundbreaking law on sexual violence (Organic Law 10/2022 on the Comprehensive Guarantee of Sexual Freedom, hereinafter referred to as “Organic Law 10/2022 on Sexual Freedom”) criminalising all sexual acts with a person who has not given free consent, a development also praised by the Committee of the Parties to the Istanbul Convention in its conclusions on the implementation of recommendations adopted in respect of Spain.<sup>3</sup> The law covers rape and sexual violence, as well as female genital mutilation (FGM), forced marriage, sexual harassment, sexual violence against children, trafficking in human beings for the purpose of sexual exploitation and sexual violence against women committed in the digital sphere. It creates the offence of “sexual femicide”. In addition to introducing a paradigm shift in the definition and legal approach to sexual violence, the law offers a comprehensive framework for preventing and combating sexual violence and providing protection and redress to victims of sexual violence.

5. Additionally, GREVIO notes with interest the ongoing efforts to expand existing definitions of violence against women. Some regional laws have been amended to include more forms of gender-based violence against women, such as institutional violence, obstetric violence, second-order violence,<sup>4</sup> violence against women in politics or the violation of sexual and reproductive health and rights of women. Ongoing debates around the notion of institutional violence in particular aim at capturing the range of factors that can lead to women’s secondary victimisation when in

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2. The law also foresees inter alia that the authorities should pay specific attention and provide support to children exposed to intimate partner violence, that protocols should be elaborated for educational professionals to deal with abuse, mistreatment, gender-based and sexual violence and that services for women victims of violence should be involved in cases of suspicion of violence against children.

3. Conclusions on the implementation of recommendations adopted in respect of Spain of the Committee of the Parties to the Istanbul Convention, adopted on 31 May 2024.

4. Law 5/2018 of Catalonia defines second-order violence as “physical or psychological violence, reprisals, humiliations and persecution exercised against people who support victims of gender-based violence. It includes the acts that prevent the prevention, detection, care and recovery of women in situations of gender-based violence”.

contact with the authorities, from service providers to law-enforcement authorities and the judiciary, and at unveiling ways in which a system designed to protect women can at times turn against them and subject them to further violence.<sup>5</sup>

6. These legislative developments demonstrate the continued will of the Spanish authorities to further their action to prevent and combat violence against women and engage with the core principles of the Istanbul Convention. Nevertheless, GREVIO considers that it is essential to focus on the full implementation of the existing extensive legal and policy framework and to give practical meaning to the rights and protection afforded to all women and girls by the existing laws and protective system developed over the last two decades.

### **The rise of discourse objecting to the promotion of gender equality and denying violence against women**

7. Discourse denying the existence of violence against women and calling into question the need for policies to promote gender equality and to combat violence against women are growing in Spain – a phenomenon that can be witnessed in the context of wider attempts to roll back on women’s rights in many countries, but that GREVIO has observed as impacting negatively on gender equality gains in Spain. Information brought to its attention indicates that such discourses have had a particular impact on young men.<sup>6</sup> An opinion survey of 2023 revealed that 65% of young men aged 18-24 believed that gender inequalities were small or non-existent and 52% of them considered that gender equality policies had gone too far and discriminated against men.<sup>7</sup>

8. GREVIO is concerned that the prevalence of such views among young people constitutes a threat to the achievements of the last two decades in the field of promotion of gender equality and the prevention and combating of violence against women. It considers it essential to reign in the spread of attitudes that create a sense of superiority and entitlement that may ultimately serve as a breeding ground for sexual offences, perpetrated increasingly by young men and boys.

### **Gang rapes and sexual violence against young women and the role of violent pornography**

9. In recent years, several high-profile cases of sexual violence committed by two or more men against young women have been reported. While available data indicate an increase in the number of such cases, especially rapes committed by two or more perpetrators, the share of such offences as part of the overall number of sexual violence offences appears not to have significantly evolved.<sup>8</sup> However, GREVIO notes with concern that both perpetrators and victims of gang rapes and gang sexual assaults are frequently very young, often minors, and that such offences frequently involve the use of physical violence.<sup>9</sup> This trend occurs in a context marked by an overall increase in sexual offences committed by minors and sexual violence committed in the digital sphere.<sup>10</sup> In reaction to this situation, the authorities prepared, in 2024, a draft law on the protection of minors in digital environments.<sup>11</sup>

10. The impact of violent pornography on young men committing such crimes is increasingly being emphasised in Spain and elsewhere. The consumption of (violent) pornography by children and young adults is more and more often being linked to the growing rates of sexual violence against girls and young women. Children and young adults watching and sharing pornography without the ability to contextualise or comprehend what they see is a phenomenon that GREVIO has also been

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5. See also Article 31, Custody, visitation rights and safety.

6. Information received during the evaluation visit. See also Article 12, General obligations in the field of prevention.

7. Centre for Sociological Investigations (Centro de Investigaciones Sociológicas, CIS), “Percepciones sobre la igualdad entre hombres y mujeres y estereotipos de género”, November 2023, published in April 2024.

8. From 371 group rapes in 2016 to 632 in 2022. See Ministry of Interior, “Report on offences against sexual freedom in Spain”, 2022.

9. See Ministry of the Interior, “Violencia sexual ejercida en grupo, Análisis epidemiológico y aspectos criminológicos en España”, 2023.

10. See RTVE: “La Fiscalía alerta de un ‘preocupante’ aumento, del 45%, de las agresiones sexuales de menores en 2022”, 7 September 2023.

11. Draft Organic Law for the Protection of Minors in Digital Environments, Official Journal Resolution of February 10, 2024.

observing in other parties to the convention.<sup>12</sup> Research confirms that pornography can have devastating effects on children's minds and makes the link to harmful sexual behaviour of children.<sup>13</sup> This is exacerbated where access to contextualised discussions around sexuality, gender equality, non-stereotyped gender roles, mutual respect, gender-based violence against women and the right to personal integrity is limited.

11. As more and more children, adolescents and young adults consume pornography, including violent pornography, safeguarding measures and awareness among parents about the accessibility of pornography online, its harmful effect on children's minds and its detrimental impact on their ability to establish healthy and consent-based sexual relations are vital. GREVIO is concerned by the harm to girls and boys and their ability to form healthy relationships stemming from their exposure to pornography and considers it of great importance to address the linkages in wider strategies for the prevention of sexual violence.

### **Challenges related to the increasing number of arrivals of asylum seekers to Spain**

12. Spain has received an unprecedented number of asylum applications in recent years, exacerbating existing challenges.<sup>14</sup> These include, in particular, women's access to the asylum procedure and to safe accommodation and the identification of asylum-seeking women in need of protection from gender-based violence against women.<sup>15</sup> In addition to the growing number of asylum seekers, the country has also granted temporary protection to around 200 000 people fleeing Russia's war of aggression against Ukraine,<sup>16</sup> which GREVIO commends. Almost half of those arriving from Ukraine were women. A specific recognition procedure was devised for persons who might have been victims of sexual violence or trafficking in human beings, enabling their access to support services.

13. GREVIO notes with concern that long delays in accessing the asylum procedure continue to deprive asylum-seeking women of support services and renders them highly vulnerable to gender-based violence against women.<sup>17</sup> Serious gaps continue to be reported concerning accommodation facilities, which often do not provide adequate protection from violence against women, in particular following increasing arrivals by sea. The screening for vulnerabilities is another area of concern, including with respect to the identification of victims of gender-based violence. Two protocols to improve the identification of and support to women victims of gender-based violence have been adopted, respectively in 2021 for intimate partner violence in asylum reception facilities and, in 2023, for all forms of gender-based violence in first-line reception facilities for sea and land arrivals. GREVIO acknowledges the challenges faced by Spain as a country of first arrival for asylum seekers and the efforts undertaken to deal with this situation. It considers nevertheless that it is essential to implement effective and gender-sensitive identification proceedings and referral mechanisms for women victims of all forms of gender-based violence to services providing them with effective protection and support.

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12. See, for example, GREVIO's first thematic report on Austria, adopted on 21 June 2024. See also the UK Children's Commissioner, "Evidence on pornography's influence on harmful sexual behaviour among children" (2023), available at: <https://assets.childrenscommissioner.gov.uk/wpuploads/2023/05/Evidence-on-pornographys-influence-on-harmful-sexual-behaviour-among-children.pdf>.

13. Ibid., UK Children's Commissioner.

14. 163 220 persons applied for asylum in Spain in 2023, an increase of 37% compared to 2022 and the highest ever number of asylum applications registered; see Asylum and Refugee Office, Statistical data and information: <https://proteccion-asilo.interior.gob.es/es/datos-e-informacion-estadistica/ultimos-datos/>.

15. Conclusions on the implementation of recommendations adopted in respect of Spain of the Committee of the Parties to the Istanbul Convention, adopted on 31 May 2024.

16. 194 953 since March 2022; see: <https://proteccion-asilo.interior.gob.es/es/datos-e-informacion-estadistica/informacion-estadistica-en-formato-reutilizable/>.

17. See also Article 20, General support services.

## **II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence**

14. Chapter I of the Istanbul Convention sets out general principles that apply to all the substantive articles contained in Chapters II to VII and therefore lay the foundation for a comprehensive and adequate response that ensures the delivery of support, protection and justice for all women and girls at risk of or who have experienced gender-based violence. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground, and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies, sustained by the necessary institutional, financial and organisational structures.

### **A. Definitions (Article 3)**

15. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. “Violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” provided in paragraph *d* of Article 3 seeks to ensure more clarity about the nature of the violence covered, by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

16. As observed by GREVIO in its baseline evaluation report, several regional laws on violence against women coexist in Spain, covering different forms of violence against women in each region,<sup>18</sup> in addition to two state-level organic laws, Organic Law 1/2004 on Gender-based Violence and the recently adopted Organic Law 10/2022 on Sexual Freedom, which provide definitions of, respectively, intimate partner violence and sexual violence. GREVIO notes with interest that some regional laws have been amended to include new forms of gender-based violence, beyond domestic violence.<sup>19</sup>

17. However, GREVIO observes that the coexistence of different laws addressing different forms of violence against women at state and regional levels and different regulatory frameworks and policies continues to result in discrepancies in the implementation of the Istanbul Convention across the territory.<sup>20</sup> It notes with concern that the persisting differences between autonomous communities result in varying degrees of protection and support for women victims of violence, depending on their place of residence. GREVIO was informed by the Spanish authorities that, due to the system of division of legislative competences, harmonisation of existing definitions is not foreseen.

18. GREVIO notes with concern that this can have serious ramifications for victims of domestic violence. Some regions, for instance, include in their official definitions economic violence, while

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18. All autonomous communities have adopted regional laws on gender equality and violence against women.

19. See for instance Law 17/2020, of 22 December, amending Law 5/2008, on the right of women to eradicate gender-based violence of the autonomous region of Catalonia.

20. See Article 7, Comprehensive and co-ordinated policies, and Article 18, Protection and support, General obligations.

others do not.<sup>21</sup> While GREVIO welcomes the fact that this is a concept that is increasingly being taken into account in court decisions on intimate partner violence, it notes the importance of harmonisation of definitions and approaches in order to ensure consistent levels of protection and support throughout the country.<sup>22</sup> In this context, GREVIO welcomes the fact that the State Strategy to Combat Male Violence (2022-2025) contains several working definitions, including of forms of violence such as economic violence, vicarious violence, institutional violence or technology-facilitated violence. It considers it important to ensure their consistent use across the country.

19. In view of the growing discourse denying the gendered nature of violence against women and calling into question the need for specific policies to prevent and combat violence against women, a solid legislative and policy framework on the basis of a gendered understanding of violence against women, as espoused by the Istanbul Convention, is all the more important.<sup>23</sup> The pioneering approach to preventing and combating gender-based violence adopted by Spain two decades ago has led to substantial steps forward in protecting women against gender-based violence. It is crucial to further consolidate these achievements and protect them against any regression.

**20. Recognising the ongoing progress made in aligning definitions with the requirements of the Istanbul Convention but noting the persistent variations across regions, GREVIO encourages the Spanish authorities to take further legislative or other measures to ensure greater alignment of definitions of forms of violence against women covered by the Istanbul Convention in use in Spain with the definitions provided in Article 3 of the convention.**

## **B. Comprehensive and co-ordinated policies (Article 7)**

21. Article 7 of the Istanbul Convention requires parties to take co-ordinated and comprehensive measures to prevent and combat all forms of violence against women. Policies must ensure effective co-operation and place the rights of victims at their centre. This includes taking into account and addressing the specific circumstances and barriers experienced by women exposed to or at risk of multiple forms of discrimination,<sup>24</sup> in line with Article 4, paragraph 3, of the convention. Ensuring service delivery, effective protection and justice with a comprehensive understanding of intersecting forms of discrimination is a fundamental element in building trust among all women and girls.

22. GREVIO notes with satisfaction that since the baseline evaluation report the Spanish authorities have continued to develop policies to prevent and combat violence against women, including during the Covid-19 pandemic. In 2021, in response to a spike in cases of violence against women following the pandemic, the authorities adopted a series of urgent measures as part of the plan to improve and modernise their response to gender-based violence.

23. In 2021, the commitment to the objectives of the 2017 State Pact against Gender-based Violence was reaffirmed by most political parties represented in parliament. The renewal of the State Pact was accompanied by the adoption, in 2022, of the Multi-Annual Joint Plan on Violence against Women (2023-2027) aimed at establishing a stable co-operation framework between the national and regional levels for the implementation of the State Pact, and at ensuring a sustainable and co-ordinated response of all the relevant institutions and administrations. GREVIO welcomes in particular the adoption, as part of the Multi-Annual Joint Plan, of a reference catalogue of policies

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21. Eleven regional laws on violence against women include a definition of economic violence; see “Violencia económica contra las mujeres en sus relaciones de pareja o expareja”, Ministry of Equality, 2023.

22. See for instance Supreme Court Judgement 914/2021, of 17 March 2021, in which the Supreme Court considered that the non-payment of alimonies amounted to a form of economic violence against the former spouse and her children.

23. Information obtained during the evaluation visit. See also Chapter I above, paragraphs 2 to 6.

24. These include, but are not limited to, women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues.

and services on violence against women, with the aim of guaranteeing a set of minimum services to be provided by all the administrative levels concerned.

24. GREVIO especially welcomes the substantial measures taken to widen the scope of policies and services to other forms of violence against women than intimate partner violence, in particular sexual violence. In response to the concerns expressed by GREVIO in its baseline evaluation report concerning the fact that the previous state strategy mostly dealt with intimate partner violence, the new State Strategy to Combat Male Violence for 2022-2025 explicitly deals with all forms of gender-based violence covered by the Istanbul Convention. Moreover, a Strategic Plan for the Prevention of Sexual Violence for 2023-2027, prepared by the Ministry of the Interior and covering all levels of administration, was adopted following the entry into force of Organic Law 10/2022 on Sexual Freedom In June 2024, the National Office against Sexual Violence (ONVIOS) was set up to implement, coordinate and monitor the implementation of the measures contained in the Strategic Plan for the Prevention of Sexual Violence. Existing services such as the 016 telephone helpline and key institutional tools such as the State Observatory of Violence against Women have also expanded their remit to cover all forms of violence against women.

25. Furthermore, GREVIO welcomes the fact that, since 2020, the Spanish authorities have strengthened their approach to ensuring protection and support for women and girl victims at risk of intersecting forms of discrimination. Several laws and policies fully enshrine the principle of intersectionality in preventing and combating violence against women. This is in particular the case for the State Strategy to Combat Male Violence for 2022-2025, which acknowledges as a key concept the need to tailor the response of the authorities to the specific needs of women exposed to or at risk of intersectional discrimination. Moreover, GREVIO notes with satisfaction that national strategies targeting specific population groups, such as the National Strategy for Roma Equality, Inclusion and Participation (2021-2030) and the Spanish Disability Strategy (2022-2030), the Strategy for the Eradication of Violence against Children and Adolescents and the National Strategy for the Fight against Homelessness in Spain 2023-2030 all include a specific focus on combating violence against women belonging to these population groups.<sup>25</sup>

26. In practice, however, GREVIO notes that women victims of gender-based violence and those exposed to intersectional discrimination continue to face substantial obstacles to accessing protection and support, an issue also raised by the Committee of the Parties to the Istanbul Convention in its conclusions on the implementation of recommendations adopted in respect of Spain.<sup>26</sup> GREVIO observes with particular concern that migrant women and women with disabilities are disproportionately represented among victims of gender-based violence, including related killings.<sup>27</sup> Women living in rural areas also feature disproportionately among women victims of gender-based violence.<sup>28</sup> Representatives of NGOs working with these groups of women expressed concerns about the lack of full implementation of existing policies across all populations and demographics. Moreover, many professionals seem to display an understanding of only one aspect of intersectionality, which reduces the focus on a single factor of discrimination rather than addressing, in their responses to individual cases, the multiple and intersecting forms of discrimination that many women experience or are exposed to.<sup>29</sup> This is particularly pronounced for migrant women, women in prostitution, LGBTI women or women with disabilities who are victims of gender-based violence and affected by more than one aspect of discrimination. GREVIO therefore

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25. The National Strategy against Homelessness (2022-2030) also highlights the link between gender-based violence.

26. Conclusions on the implementation of recommendations adopted in respect of Spain of the Committee of the Parties to the Istanbul Convention, adopted on 31 May 2024.

27. Women born in another country represented 43% of the victims of gender-based killings in 2023, 32.7% of them in 2022 and 45% of them in 2021 (Statistics of the Government Delegation on Gender-based Violence). In 2023, 35% of proceedings dealt with by specialised courts on gender-based violence concerned foreign women (General Council of the Judiciary, Annual Report on Gender-based Violence 2023). For women with disabilities, see "Informe sobre violencia contra las mujeres con discapacidad a partir de la explotación de los datos de la macroencuesta de violencia contra la mujer 2019 de la DGVG", CERMI Women Foundation, 2022.

28. Of the 50 femicides recorded in 2022, 15 were committed against women living in cities and villages of fewer than 20 000 inhabitants, General Prosecutor Office, Report for the Government of 2023.

29. Information obtained during the evaluation visit. See also Article 22, Specialised support services.

calls for recognition of the multiple and intersecting forms of discrimination women of various backgrounds may be exposed to in order to ensure access to protection and support.<sup>30</sup>

27. Despite efforts to improve the co-ordination of the response to violence against women at national level, GREVIO notes a persisting lack of co-ordination between the national, regional and local levels and between autonomous communities. Several interlocutors representing civil society organisations that met with GREVIO have highlighted the lack of priorities in the implementation of the State Pact as one of the reasons for unequal and incomplete application of the pact in different regions. Moreover, it appears that the 19 Co-ordination Units against Violence against Women (UCVMs), which play a key role in co-ordinating the state authorities' action at the level of each autonomous community, would require further resources to be able to carry out their task more effectively.<sup>31</sup>

28. In sum, GREVIO is concerned that despite the far-reaching policies on different forms of violence against women in place, the individual responses to women victims of violence may be lacking effectiveness, as they vary across regions and are affected by insufficient co-ordination.

29. Another issue of concern brought to GREVIO's attention is the persisting lack of evaluation of the many important policies and programmes adopted and implemented in Spain over the last two decades. GREVIO notes in this context that, in 2023, the implementation of the State Pact against Gender-based Violence for 2018-2022 was the subject of an evaluation by the Government Delegation on Gender-based Violence.<sup>32</sup> This was the first evaluation carried out since the adoption of the State Pact in 2017 as, in the absence of indicators and allocation of responsibilities to different stakeholders, the parliamentary commission in charge of supervising and evaluating its implementation had been unable to comprehensively fulfil this task. GREVIO therefore welcomes the fact that the new State Strategy to Combat Male Violence (2022-2025) includes indicators and a system of regular evaluation. It also notes with interest the setting up by the Ministry of Equality of a computerised system for the evaluation of the implementation of the State Pact and of the reference catalogue of public policies and services common to all the relevant levels of authority.<sup>33</sup> Despite these positive developments, GREVIO is concerned that the lack of systematic, thorough and independent evaluation of laws, policies and measures to combat violence against women appears to be a substantial challenge across the country, making it difficult to obtain an overview of their effectiveness and of any difficulties that need to be remedied – a concern also highlighted by the Spanish Court of Audits in 2023.<sup>34</sup>

30. Moreover, GREVIO wishes to emphasise the important contribution civil society organisations involved in preventing and combating violence against women can make to the evaluation of existing policies, as well as in policy making, due to their expertise and experience of working with women victims of gender-based violence. Representatives of women's rights NGOs conveyed to GREVIO concerns regarding their limited possibilities to co-operate with the authorities on these matters, highlighting a lack of institutionalised channels for their regular involvement. This was particularly stressed in respect of NGOs working directly with women victims exposed to intersecting forms of discrimination.

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30. See also: Lorena Sosa and Ruth M. Mestre I Mestre, Ensuring the non-discrimination implementation of measures against violence against women and domestic violence: Article 4, paragraph 3, of the Istanbul Convention, Council of Europe, 2022.

31. Spanish Court of Audits, Report No. 1536, 2023, II.1.4.

32. See <https://violenciagenero.igualdad.gob.es/pacto-de-estado-contra-la-violencia-de-genero-2/informe-de-evaluacion-del-pacto-de-estado-contra-la-violencia-de-genero/>.

33. See Article 18, Protection and support, General principles.

34. Spanish Court of Audits, Report No. 1536 (Informe de fiscalización de las actuaciones para la prevención integral de la violencia de género, 2018-2022, 2023, Recommendation 4.



31. **GREVIO strongly encourages the Spanish authorities to step up efforts to ensure consistent implementation of existing policies to prevent and combat gender-based violence against women across national, regional and local levels, in particular by:**

- a. **ensuring the implementation of policies and measures aimed at meeting the specific needs of women victims of violence exposed to intersectional discrimination;**
- b. **evaluating, on a regular basis, their policies aiming to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data;**
- c. **ensuring the involvement, on a regular basis, of NGOs working with women victims of gender-based violence, in policy making as well as in the monitoring and evaluation of policies and measures.**

### **C. Financial resources (Article 8)**

32. Article 8 of the Istanbul Convention aims to ensure the allocation of appropriate financial and human resources for activities carried out by public authorities and by relevant non-governmental and civil society organisations.<sup>35</sup>

33. GREVIO especially welcomes the fact that since its baseline evaluation report the allocation of funds for preventing and combating violence against women has continued to steadily increase. The share of the budget of the Ministry of Equality allocated to combating violence against women rose from €160 million to €320 million between 2020 and 2023. Funds allocated to the autonomous communities to implement the State Pact against Gender-based Violence increased from €200 million per year to €240 million in 2023 and a total of €2 308 million has been earmarked for the implementation of the State Strategy to Combat Male Violence, a substantial increase from the previous national strategy to combat gender-based violence.<sup>36</sup> Moreover, GREVIO welcomes the fact that Spain devoted part of the EU funds allocated to post-Covid-19 recovery measures to specific actions on gender-based violence.<sup>37</sup> Additionally, it notes with satisfaction that, since 2022, gender budgeting has been used in the preparation of the state budget.<sup>38</sup>

34. GREVIO nonetheless notes with regret that the impact in practice of the substantial investment by the Spanish authorities in responding to violence against women has been limited by the lack of prioritisation in the use of funds devoted to the implementation of the State Pact. As already highlighted in GREVIO's baseline evaluation, this gap resulted in fragmented measures and uneven levels of protection and rendered accountability for the use of funds difficult, in particular those transferred to the regional and local authorities.<sup>39</sup> These issues regrettably remain. Furthermore, information brought to GREVIO's attention indicates that while funding from the state authorities has increased, some regional authorities have reduced their own financial investment in action to combat violence against women.<sup>40</sup> GREVIO considers it essential to ensure that further guidance be provided to the regional and local authorities, combining the need to establish priority action and spending in line with the State Pact and the Istanbul Convention and aiming to meet the specific needs of different regions.<sup>41</sup>

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35. Explanatory Report to the Istanbul Convention, paragraph 66.

36. See the state report, pp. 23-24.

37. Through the programme "Spain protects you against male violence".

38. Law 11/2020 on the general state budget introduced the requirement to report on the gender impact.

39. See Article 7, Comprehensive and co-ordinated policies.

40. Information obtained during the evaluation visit.

41. A guide for regional and local authorities on how to apply for funds under the State Pact was issued in 2022. It is, however, limited to the technical aspects of the procedure; see Ministry of Equality, Guidance for the presentation and justification of financial transfers to local entities for the development of the State Pact against Gender-based Violence, 2022.

35. Regarding funds allocated to NGOs working in the field of violence against women, GREVIO is concerned that despite an overall increase in subsidies granted to NGOs, the system continues to favour larger organisations over smaller, community-based NGOs that have direct experience of working with women victims of violence.<sup>42</sup> This impacts particularly on organisations working with migrant and refugee women, women from rural areas, LGBTI women and those working on forms of violence such as forced marriage and FGM. Additionally, GREVIO is concerned that because there are often delays in funds from the State Pact reaching regional and local authorities, the sub-contracting of service-providing NGOs through public procurements occurs very late in the year, resulting in serious practical difficulties for these NGOs in terms of ensuring continuity in the services they provide. This challenge is compounded by the fact that funding is often granted for short durations (one year), even though some regions have expanded the length of grants.<sup>43</sup>

36. As underlined in GREVIO's baseline evaluation report, specialist services continue to be mostly provided through NGOs, based on public procurement. GREVIO notes with concern that the working conditions of the staff of such services are often precarious. This seems to result largely from the fact that public tenders continue to favour lower bidders, obliging service providers to lower staff costs as well as the quality of the services proposed. As underlined in GREVIO's baseline evaluation report, this approach also often leads to favouring non-specialist organisations over organisations with in-depth knowledge and experience of working with women victims of violence.<sup>44</sup> While qualitative requirements are prioritised in public procurements in several regions, this is not the case in all regions.

37. Last, GREVIO notes with concern information brought to its attention pointing to a decrease, in some regions, in funds allocated to women's rights organisations, including organisations providing essential specialist support services. The reasons cited are linked to the discourse denying the gendered nature of violence against women and thus the need for such services.<sup>45</sup>

**38. While acknowledging the substantial allocation of funds to prevent and combat violence against women in Spain, GREVIO encourages the Spanish authorities to take measures to set spending priorities and targets, notably by:**

- a. strengthening the guidance provided to local and regional authorities on the use of funds received for the implementation of the State Pact against Gender-based Violence;**
- b. ensuring appropriate and sustainable funding for women's NGOs that run specialist support services for women victims of all forms of violence, including smaller community-based NGOs, through funding opportunities that allow for continuous service provision, such as long-term grants. Procurement procedures for such services should include, as selection criteria, qualitative requirements such as the need to ensure a gender-sensitive approach to violence against women and domestic violence as well as experience in the provision of services.**

#### **D. Data collection (Article 11)**

39. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

40. Since the baseline evaluation procedure, Spain has continued to collect and publish a wide range of data on violence against women, which GREVIO commends. The wealth of data available

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42. An increase of 7.7% between 2022 and 2023; see the state report, p. 48.

43. Information obtained during the evaluation visit. In Catalonia, GREVIO was informed that funds are now granted for two-year periods.

44. Information obtained during the evaluation visit.

45. See the NGO submission by the Plataforma CEB Sombra Cedaw-Estambul-Beijing, December 2023, pp. 29-30.

is key to analysing the impact of laws and policies to combat violence against women and their constant improvement. Providing such data also plays a crucial role in raising the awareness of society about this issue. GREVIO notes with particular interest the use since 2022 of the term “femicide”, which widens the previously used definition of gender-related killings of women, a term that GREVIO also uses. GREVIO welcomes the developments in the past few years that have led to a widening of this definition to now include murders committed by intimate partners and family members and those committed outside such contexts, murders connected with sexual violence and “vicarious” femicides,<sup>46</sup> including of children.<sup>47</sup> GREVIO also notes with satisfaction information indicating a decreasing number of femicides, from 71 in 2003 to 49 in 2021 and 2022. In 2023, however, 58 femicides were recorded.<sup>48</sup>

41. While there is increasing information on the number of victims of sexual violence,<sup>49</sup> GREVIO notes that data on FGM and forced marriage are still unavailable to the public.<sup>50</sup> FGM and forced marriage are offences covered by Organic Law 10/2022 on Sexual Freedom, regarding which further data collection should be undertaken.<sup>51</sup>

## 1. Law-enforcement agencies and the justice sector

42. As observed by GREVIO in its baseline evaluation report, the law-enforcement and judicial sectors have been collecting a wide range of information on violence against women. This includes, since 2023, children exposed to gender-based violence.<sup>52</sup> The General Council of the Judiciary (Consejo General del Poder Judicial, CGPJ) also continues to provide updated information on intimate partner violence. The data available include prosecution and conviction rates, the number of emergency barring and protection orders issued, the sanctions imposed for breaches of orders and information on the number of protection measures that have resulted in suspending custody and/or visitation rights. Information is also available on the number of women victims of gender-based killings who had been granted a protection order. Moreover, the Prosecutor’s Office collects and publishes data on a regular basis, which include data on femicides and attempted femicides, sexual violence in intimate partner relations and collateral victims who were killed (relatives or friends of the victim). These data are disaggregated by disability and the origin of the victim. A web portal presenting official data on gender-based violence against women was also created in 2022.<sup>53</sup> While welcoming this wealth of data on the judicial procedure, GREVIO regrets that it remains nonetheless impossible to track cases of violence against women from reporting to the law-enforcement authorities to judicial decision, except in the case of femicides. GREVIO also observes that the fragmentation of data collection between several institutions makes it difficult to obtain a comprehensive overview of the situation regarding violence against women, including on issues such as attrition rates.<sup>54</sup>

43. The VioGén system (Integrated Monitoring System for Cases of Gender-based Violence) of the Ministry of the Interior, which compiles information on cases of intimate partner violence, publishes on a monthly basis statistics on reported cases of intimate partner violence, classified by level of risk, including regarding children exposed to gender-based violence. GREVIO notes with interest the information provided by the authorities on the ongoing work to set up a system to register,

46. “Vicarious” violence is defined as a form of violence against women committed against their family members, in particular children, in order to cause them harm. It includes murders of children or other relatives. See the National Strategy to Combat Male Violence, 2022-2025, Appendix 3.

47. “Vicarious” femicides include murders of a woman and/or of children by a perpetrator in order to harm another woman, see: [www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/igualdad/Paginas/2021/201221-femicidios\\_contabilizacion.aspx](http://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/igualdad/Paginas/2021/201221-femicidios_contabilizacion.aspx).

48. Government Delegation on Gender-based Violence, Monthly statistical bulletin, December 2023. Data on femicides are also collected by NGOs, which provide higher figures than official statistics as they include killings of women who are in prostitution; see <https://femicidio.net/>.

49. See in particular “Macroencuesta sobre violencia contra la mujer” (Macro investigation on violence against women), 2019.

50. The Spanish authorities indicated that data on these forms of violence are collected and recorded but not published in a disaggregated manner.

51. Organic Law 10/2022 on Sexual Freedom, Article 4.1.

52. In the context of intimate partner violence and in other circumstances.

53. See <https://datos.justicia.es/analisis-violencia-de-genero>.

54. See also Article 50, Immediate response, prevention and protection.

monitor and prevent cases of sexual violence and carry out risk evaluations, following the adoption of Organic Law 10/2022 on Sexual Freedom.

44. Despite the substantial amount of data made available by law-enforcement agencies and the judiciary on intimate partner violence, GREVIO regrets that information on sexual violence remains limited to the number of cases recorded by the law-enforcement authorities and statistics of persons convicted for sexual offences disaggregated by nationality, sex and age and on sentences for sexual offences.<sup>55</sup> The authorities have informed GREVIO that information on the treatment of sexual offences at different stages of the judicial procedure is recorded in the system of administrative support records (SIRAJ). However, this information does not appear to be available for public discussions and evidence-based policy-making. In particular, no information on the number of reported cases leading to judgments and on the outcome of court proceedings in this regard appears to be publicly available, making it difficult to evaluate the response of the judiciary to sexual violence and to identify existing gaps. GREVIO understands that the full implementation of Organic Law 10/2022 on Sexual Freedom, including its provision on research and data collection,<sup>56</sup> should make it possible to fill this gap. It is hopeful that steps will be taken to swiftly implement the relevant provisions of Organic Law 10/2022 and develop data collection on sexual violence.

## 2. Healthcare sector

45. Since 2020, the Spanish authorities have continued to collect information on cases of gender-based violence detected in the healthcare system, which GREVIO welcomes. However, as already underlined in its baseline evaluation report, GREVIO understands that it remains difficult to ensure comparability of the data collected by the autonomous communities, despite efforts to improve standardisation. Moreover, the information collected is still not disaggregated on all forms of violence covered by the Istanbul Convention. Data on FGM remain particularly scarce.

## 3. Social services

46. The Government Delegation on Gender-based Violence regularly collects and publishes regular information on the use of certain specialist services, in particular helplines and services providing information to victims. Additionally, it provides information on the use by victims of gender-based violence of the ATENPRO service providing emergency phone assistance for victims of violence, on electronic monitoring of protection orders<sup>57</sup> and on specialist services, such as the number of places available in shelters, although the information appears not to be always up to date.

47. However, data collected on the number of users of social services do not provide information on the use of services by women victims of gender-based violence.

48. **Recalling the findings issued in the GREVIO baseline evaluation report, and bearing in mind the need for data-collection endeavours to extend to all forms of violence covered by the Istanbul Convention, notably sexual violence, female genital mutilation and forced marriage, GREVIO strongly encourages the Spanish authorities to pursue their efforts to:**

- a. **ensure that data collected by law-enforcement agencies, judicial authorities and health services are disaggregated with regard to the sex and age of victim and perpetrator, type of violence, the relation of the perpetrator to the victim, the geographical location and other factors deemed relevant;**

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55. See annual statistical reports of the Ministry of the Interior at: [www.interior.gob.es/opencms/es/archivos-y-documentacion/documentacion-y-publicaciones/anuarios-y-estadisticas/anuarios-estadisticos-anteriores/](http://www.interior.gob.es/opencms/es/archivos-y-documentacion/documentacion-y-publicaciones/anuarios-y-estadisticas/anuarios-estadisticos-anteriores/); and data provided by the National Statistical Office at: [www.ine.es/](http://www.ine.es/).

56. Organic Law 10/2022 on Sexual Freedom, Article 4.1.

57. Government Delegation on Gender-based Violence, monthly statistical bulletins. The ATENPRO service is provided to victims by social services. Victims are provided with a mobile phone with technology enabling immediate and remote attention 24 hours a day and all year round.

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- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim of allowing for the tracking of a case across the different stages of the criminal justice system and thus enabling an assessment of, *inter alia*, conviction, attrition and recidivism rates;**
  - c. take measures to harmonise data-collection efforts by the health sector across the country and ensure that data collected by public and private healthcare providers encompass instances of contact made by victims of violence against women with primary healthcare and perinatal service providers;**
  - d. introduce data collection by social services in relation to all forms of violence against women, including female genital mutilation, forced abortion and forced sterilisation.**

### **III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution**

#### **A. Prevention**

49. Chapter III of the Istanbul Convention contains a number of general and more specific obligations in the area of prevention. This section analyses the progress made since the baseline evaluation monitoring procedure towards the implementation of early preventive measures. It also analyses progress made with regard to the adoption of the more specific preventive measures provided under this chapter in the area of education and training of all relevant professionals, and with regard to perpetrator programmes aimed at preventing further victimisation. Ensuring the effective prevention of all forms of violence against women and domestic violence is an important step in rendering it unacceptable and reducing levels of perpetration.<sup>58</sup> In turn, it empowers women and girls to speak out about their experiences and seek support and protection.

#### **1. General obligations (Article 12)**

50. Article 12 sets out a number of general preventive measures that represent the overarching principles of the parties' duty to prevent violence against women. These include the requirement to promote changes in the social and cultural patterns of behaviour of women and men, with a view to eradicating prejudices, customs, traditions and all other practices based on the idea of the inferiority of women or on stereotyped roles for women and men. A positive contribution to achieving such change can be made by men and boys acting as role models and advocating equality between women and men and mutual respect, including by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 further requires that parties adopt specific measures to empower women in order to enable them to recognise and reject discrimination, unequal power relations and, ultimately, reduce women's vulnerability to violence and achieve greater gender equality.

51. Since the baseline evaluation report, the Spanish authorities have continued to implement awareness-raising campaigns aimed at preventing violence against women and sexism and at promoting gender equality. These measures form part of the State Pact against Gender-based Violence and the 2021 catalogue of urgent measures to improve and update the fight against gender-based violence.<sup>59</sup> Moreover, both the Third Strategic Plan for Gender Equality (2022-2025), the National Strategy against Male Violence (2022-2025) and the National Strategy for the Eradication of Violence against Children and Adolescents include prevention and awareness-raising measures among their priorities. Prevention initiatives have also been prioritised in the policies to combat gender-based violence carried out in some regions.<sup>60</sup> GREVIO welcomes this firm anchoring of preventive measures in policy documents and notes with satisfaction that the campaigns that have been brought to its attention follow a gender-sensitive approach and aim at tackling patriarchal norms and prejudices and hence seek to address the root causes of violence against women.<sup>61</sup> It also praises the fact that the authorities commission regular opinion surveys on gender-based violence against women, which help identify trends in this regard and adjust prevention policies.

52. However, despite the recognition by the authorities of the crucial importance of preventive work, representatives of civil society organisations involved in this area reported to GREVIO a lack of continuity in prevention work, a fragmentation of efforts and a lack of evaluation of the impact of prevention campaigns.<sup>62</sup> In particular, they highlighted a lack of sustainable funding for this work and

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58. The importance of this endeavour has been reiterated and strengthened through the Dublin Declaration on the Prevention of Domestic, Sexual and Gender-Based Violence, adopted in 2022 in Dublin, Ireland, by 38 member states of the Council of Europe.

59. Catálogo de medidas urgentes del Plan de Mejora y Modernización contra la Violencia de Género, 2021, see: [www.igualdad.gob.es/comunicacion/notasprensa/consejo-ministras-catalogo-medidas-violencia/](http://www.igualdad.gob.es/comunicacion/notasprensa/consejo-ministras-catalogo-medidas-violencia/).

60. See in particular the National Plan for the Prevention of Gender-based Violence (2023-2025) of Catalonia.

61. See <https://violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/campañas/violenciaGobierno/home.htm> and <https://violenciagenero.igualdad.gob.es/informacionUtil/PuntoVioleta/home.htm>.

62. Information obtained during the evaluation visit.



a lack of consultation of civil society in the preparation of official prevention programmes and campaigns. Moreover, GREVIO notes from information brought to its attention that, as already highlighted in its baseline evaluation report, more should be done to prevent violence against migrant women, on the basis of a sustainable, community-based approach.<sup>63</sup> It underlines that these women are at the intersection of gender-based and racist stereotypes and prejudices and are, therefore, highly vulnerable to violence. It is therefore important to debunk prevailing myths and stereotypes about migrant women and to raise their awareness about their rights and existing support available for experiences of violence. GREVIO notes with satisfaction that new calls for prevention projects have been opened to NGOs in 2024 by the Ministry of Equality and by some regional authorities. It hopes that this will contribute to filling any gaps in this respect.

53. Organic Law 10/2022 on Sexual Freedom includes a duty for the authorities to implement measures to prevent sexual violence, including in the digital sphere and through awareness raising of media professionals and the advertising sector. Steps have consequently been taken by the central and regional authorities to increase awareness raising in this field, in particular as regards the notion of consent to sexual acts, which GREVIO welcomes.<sup>64</sup> It also notes the current campaign against the use of date rape drugs to commit sexual violence. It is nonetheless concerned by the persistent lack of measures to raise awareness of FGM and forced marriage, as well as any forms of violence in the name of so-called honour. GREVIO notes with particular interest the focus recently put on reaching out to men and boys and involving them in ongoing efforts to prevent and combat violence against women.<sup>65</sup> Work on masculinity has been undertaken in several regions.<sup>66</sup> Measures to tackle the digital dimension of violence against women committed, especially among young people, have also been taken.<sup>67</sup> However, several of GREVIO's interlocutors indicated that more needs to be done to raise awareness of young people about violence against women, in the digital sphere and offline, in a context marked, on the one hand, by the increase in discourse denying the existence of violence against women and normalising it and, on the other hand, increasing violence against women and girls committed in the digital sphere.<sup>68</sup> In this respect, it notes with grave concern the results of a survey of 2023 indicating that 23% of boys and young men (15-29) believed gender-based violence was an ideological fiction and 19% of them thought violence was not a problem if it was of low intensity.<sup>69</sup> These figures are on the rise compared to previous comparable studies. GREVIO acknowledges the importance of the awareness-raising work on gender-based violence carried out by the Spanish authorities since the adoption of Organic Law 1/2004 on Gender-based Violence. It has led to an important evolution in societal perceptions of violence against women and equality between women and men. Therefore, it considers it of utmost importance to continue and further expand this work in order to consolidate past achievements, adapt work to the evolving context and guard against any pushbacks against the principle of equality between women and men and women's human right to protection from gender-based violence.

**54. Welcoming the firm anchoring of preventive measures in policy documents and national strategies, GREVIO encourages the Spanish authorities to:**

63. Information obtained during the evaluation visit.

64. See for example the Strategic Plan for the Prevention of Sexual Violence for 2023-2027, and the campaign "Sex means only yes" ("El sexo sólo es un sí"):

<https://violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/campannas/violenciaGobierno/EISexoEsunSi/home.htm>.

65. See for example:

<https://violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/campannas/violenciaGobierno/entoncesqui/vgenero.htm>. See also State Strategy to Combat Male Violence, Strategic Line 2.7.

66. See Article 16, Preventive intervention and treatment programmes. See also for example the programme Gizonduz, run in the Basque Country: [www.emakunde.euskadi.eus/informacion/gizonduz-intro/webema01-contentproyect/es/](http://www.emakunde.euskadi.eus/informacion/gizonduz-intro/webema01-contentproyect/es/).

67. The Ministry of the Interior is currently carrying out research on violence against women in the digital sphere; information provided by the Spanish authorities.

68. Information obtained during the evaluation visit. See also section I, Emerging trends in violence against women.

69. Queen Sofia Foundation, FAD Juventud, 2023: [www.centroreinasofia.org/publicacion/resultados-violencia-genero-barometro-juventud-genero-2023/](http://www.centroreinasofia.org/publicacion/resultados-violencia-genero-barometro-juventud-genero-2023/).

- a. **step up efforts to ensure the practical implementation of preventive measures on all forms of violence against women, including sexual violence, FGM, forced marriage, violence in the name of so-called honour and any digital manifestations of violence against women, involving specialist women's rights organisation in such efforts;**
- b. **ensure that more preventive work is carried out addressing specifically gender-based violence against women and girls experienced by women with disabilities and other women at risk of intersectional discrimination, including, in particular, migrant and asylum-seeking women;**
- c. **continue to involve young men and boys in preventive measures and roll out existing preventive measures for this group;**
- d. **regularly carry out impact assessments of any awareness-raising campaigns and primary prevention measures taken.**

## 2. Education (Article 14)

55. The drafters of the convention recognised the important role that formal and informal educational settings play in addressing the root causes of violence against women and girls. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity and informs learners of the different forms of gender-based violence against women, adapted to the age and capacity of learners and where parties deem appropriate. The obligation to promote these principles extends to informal educational facilities as well as any sports, cultural and leisure facilities. In this context, GREVIO underlines the importance of informing parents on the content of related courses, the qualifications of the persons providing the courses; and to whom any questions can be directed.

56. Since GREVIO's baseline evaluation, legislative developments have further strengthened the duty to include a gender perspective in formal education and education on sexual and reproductive health and rights and prevention of gender-based violence.<sup>70</sup> Moreover, Organic Law 10/2022 on Sexual Freedom, like Organic Law 1/2004 on Gender-based Violence, enshrines the principle that comprehensive sexuality education and education for gender equality, taught from a feminist perspective, should form part of the curriculum. These subjects are to be taught in a transversal manner. Additionally, a new law on universities of 2023 requires the drawing up of comprehensive equality plans as a condition for creating a new university.<sup>71</sup>

57. GREVIO commends these legislative developments. However, it observes that it remains difficult to assess the extent to which the legal framework is implemented at the level of schools as education falls largely within the competence of regional authorities. While comprehensive sexuality education has been made compulsory in some autonomous communities,<sup>72</sup> courses devoted to the issues listed in Article 14 of the convention appear to be mostly optional and are taught on an irregular basis.<sup>73</sup> Similarly, GREVIO is not in a position to assess whether the new legislative framework is reflected in the teaching material in use. While training on education for equality is promoted at national level,<sup>74</sup> teacher training also appears to vary from region to region. A study from 2020 indicated that teachers wished to be better trained on how to deal with subjects such as gender-based violence, sexuality education or violence in the digital sphere.<sup>75</sup> GREVIO takes note of the fact that the State Strategy to Combat Male Violence emphasises the need to develop teaching

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70. Including Organic Law 3/2020, amending Organic Law 2/2006, on Education; and Organic Law 1/2023, amending Organic Law 2/2010 on sexual and reproductive health and voluntary termination of pregnancy.

71. Organic Law 2/2023 on the University System.

72. Such as Navarra.

73. Such as the course on ethical values.

74. See in particular training provided by the Women's Institute:

[www.inmujeres.gob.es/areasTematicas/AreaEducacion/Programas/EducarEnIgualdad.htm](http://www.inmujeres.gob.es/areasTematicas/AreaEducacion/Programas/EducarEnIgualdad.htm).

75. Menores y violencia de género, Government Delegation against gender-based violence, 2020, Chapter 4.



material on topics such as equality and ending gender-based violence.<sup>76</sup> It hopes that such plans will swiftly translate into practical measures.

58. Additionally, GREVIO is concerned about information brought to its attention indicating that while a substantial share of teaching on the issues covered by Article 14 of the convention appears to be delivered by NGOs,<sup>77</sup> the opportunities for them, including for women's rights NGOs, to run courses in classrooms on subjects related to gender equality, gender-based violence and sexuality education have, in some regions, been limited. The growing sentiment fed by political discourse questioning the existence of gender inequalities and gender-based violence against women is resulting in reduced attention being given to the importance of ensuring comprehensive education on the matters listed in Article 14. Notably, some regions have introduced the possibility for pupils to opt out from classes in which these subjects are addressed.<sup>78</sup>

59. Since 2021, reference persons to deal with all forms of violence, beyond gender-based violence against women, have been set up in schools. These "well-being" units are also responsible for identifying pupils experiencing or affected by gender-based violence, including domestic violence. Guidance appears to be available in several regions to help detect cases of gender-based violence at school. Nonetheless, stark disparities in the implementation of identification measures between different regions and schools have been reported to GREVIO, as well as a lack of resources and training of school staff to carry out their duties in this regard.<sup>79</sup> At the level of universities, GREVIO praises the setting up of equality units in several regions, which can contribute to preventing violence against female students, detect cases of violence and refer them to specialist services.<sup>80</sup>

**60. Recalling the findings issued in its baseline evaluation report, GREVIO encourages the Spanish authorities to further promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships through adequate teaching material and to monitor how teachers make use of such material, and where necessary, to include programmes on the topics listed in Article 14 of the Istanbul Convention as mandatory subjects in the formal curriculum.**

**61. GREVIO further strongly encourages the Spanish authorities to increase their efforts to teach children, in an age-appropriate manner, about the notion of freely given consent in sexual relations, raise their awareness of the harmful effects of violent pornography and the implications of sharing intimate images of oneself and others.**

### **3. Training of professionals (Article 15)**

62. Building society's trust by delivering support, protection and justice to women and girls with experiences of gender-based violence requires well-trained professionals across a wide spectrum of fields. The standard set by the Istanbul Convention in its Article 15 is that of systematic initial and in-service training of all those who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

63. In its baseline evaluation report, GREVIO noted that while training on gender-based violence and gender equality had been made available to several groups of professionals, and for some categories mandated by law, discrepancies in the training levels of members of different professionals had been identified and training had focused primarily on intimate partner violence. Since 2020, GREVIO has noted that legislative developments, and the State Strategy against Male

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76. State Strategy to Combat Male Violence, Strategic Line 2.5.

77. Information obtained during the evaluation visit. Law-enforcement authorities also deliver training in schools on violence against women, gender-based cyber-violence, trafficking and exploitation of human beings and the prevention of sexual crimes; information provided by the authorities.

78. Information obtained during the evaluation visit.

79. Information obtained during the evaluation visit. See also the ombudsman's annual report for 2023, pp. 53-59.

80. See for example the programmes run by the NGO Conexus: <https://conexus.cat/es/atencion/programa-para-universidades-adolescentes-y-jovenes-para-la-prevencion-y-atencion-de-relaciones-abusivas-puja/>.

Violence (2022-2025), have generated new obligations as regards the training of professionals dealing with victims of violence against women, in particular regarding sexual violence and the need to take into account the child's perspective and well-being.<sup>81</sup> The training on sexual violence mandated under Law 10/2022 on Sexual Freedom, however, is yet to be rolled out.<sup>82</sup>

64. GREVIO commends the important role played by the Government Delegation on Gender-based Violence in initiating new training, including in co-operation with the CGPJ and the Centre for Legal Studies of the Ministry of the Presidency, Justice and Relations with the Parliament. This work also includes co-operation with the Spanish Association of Municipalities to create a national training plan on equality and non-discrimination for the staff of public administrations<sup>83</sup> and to design training for professionals working in rural areas. GREVIO notes with interest that all new civil servants must undergo a compulsory module on gender-based violence provided by the Government Delegation on Gender-based Violence. It remains, however, difficult to assess the extent to which new training has reached public administration staff across the country. It appears that in some regions, only a few public officials have completed it, while awareness of existing protocols and their application remains low.<sup>84</sup>

65. Training of members of the judiciary has continued to expand since GREVIO's baseline evaluation. The CGPJ, in charge of initial and in-service training of judges, reports a stark increase since 2020 in the participation of judges in voluntary, in-service courses on gender-based violence and gender equality, which GREVIO welcomes.<sup>85</sup> However, while initial training on violence against women and on gender bias and stereotypes is mandatory, in-service training on this topic remains optional, except in case of change of judicial function to a specialised court for violence against women. The Centre for Legal Studies has the responsibility to train all other legal professionals and has developed a comprehensive training plan on matters related to equality, inclusion and violence against women, in close co-operation with the Government Delegation on Gender-based Violence.<sup>86</sup> Moreover, since 2020, the initial training of prosecutors has included mandatory courses on integrating a gender perspective, equality and responding effectively to gender-based violence against women. Forensic doctors also receive a six-hour initial training module on violence against women and in-service specialisation is available to them, on a voluntary basis. As for professionals from the penal administration, initial training is limited (2-4 hours) to general issues of gender equality, and specific training on violence against women is lacking, including among staff working in programmes for perpetrators of domestic violence.<sup>87</sup> A lack of intersectional perspective and knowledge of different forms of violence against women among staff of Crime Victims Assistance Offices operated by the Ministry of the Presidency, Justice and Relations with the Parliament was also reported to GREVIO.

66. Despite measures to expand training on gender-based violence against women, GREVIO is concerned that, as already observed in its baseline evaluation, judges not serving on specialised gender-based violence courts are still not systematically trained on topics related to violence against women. Information brought to its attention indicates that many judges still lack a victim-centred and trauma-informed approach, and awareness of issues faced by women exposed to intersectional discrimination, such as migrant and refugee women or women with disabilities.<sup>88</sup> Challenges have in particular been reported in relation to a lack of understanding among judges, staff in the Forensic Evaluation Units and other professionals in charge of providing expertise to courts of the impact of violence against women, notably domestic violence, on children exposed to it, the risks of increased violence against women and children in post-separation situations and the unchecked resorting to concepts such as the so-called parental alienation syndrome.<sup>89</sup> Gaps have also been brought

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81. Respectively through Organic Law 10/2022 on Sexual Freedom and Organic Law 8/2021 on Child Protection.

82. Information obtained during the evaluation visit.

83. As part of the Third Plan for Gender Equality in the General State Administration.

84. See the NGO submission by the Plataforma CEB Sombra Cedaw-Estambul-Beijing, December 2023, p. 27.

85. Information obtained during the evaluation visit.

86. The Centre for Legal Studies is responsible for the training of members of the Public Prosecutor's Office, lawyers and other personnel of the Administration of Justice, including forensic medicine professionals.

87. See Article 16, Preventive intervention and treatment programmes.

88. Information obtained during the evaluation visit.

89. See Article 31, Custody, visitation rights and safety.

to GREVIO's attention regarding training of the judiciary on sexual violence.<sup>90</sup> Furthermore, GREVIO notes that training of the judiciary is mostly delivered by professionals belonging to the judiciary and that specialised NGOs, which are well placed to provide a perspective on victims' challenges and needs, have limited possibility to impart their knowledge and expertise.<sup>91</sup>

67. While GREVIO underscores its full respect for the essential principle of independence of the judiciary and judicial autonomy in the organisation of training, it notes, at the same time, the unique and essential role the judiciary plays in applying the Istanbul Convention and its principles incorporated into national legislation. By virtue of this essential role, their decisions may directly engage states' responsibility.<sup>92</sup> When it comes to the training of judges, the growing corpus of baseline and thematic evaluation reports have consistently pointed to shortcomings at the level of the courts, including in Spain, notably due to insufficient knowledge about the nature and dynamics of violence against women among many judges, and, as a result, low conviction rates for all forms of violence against women. It is therefore of paramount importance that, when adjudicating cases in criminal and civil law pertaining to violence against women, such decisions are informed and based on appropriate, specialist knowledge, addressing, *inter alia*, gender stereotyping. Indeed, this requires expertise on very complex phenomena – such as trauma-induced victim behaviour; the freeze, flop and befriend reactions of victims of rape; and the long-term harm and consequences of witnessing domestic violence on children – and in-depth knowledge of the standards of the Istanbul Convention. Such training needs cannot be sufficiently addressed by ad hoc, optional courses, but require mandatory and in-depth training of judges on relevant issues. It is encouraging that this is increasingly being recognised and that judicial training academies are moving towards mandatory training on violence against women to address the complex nature of these offences. This is supported by the information collected by the Council of Europe European Commission for the Efficiency of Justice (CEPEJ) in 2020 showing that 24 member states of the Council of Europe require some form of compulsory in-service training for judges, and the complex nature of violence against women would merit inclusion of these topics.<sup>93</sup> Ways must be found, therefore, to ensure that members of the judiciary are equipped with the necessary knowledge to respond to women victims of violence and their children in a manner that instils their trust in the judiciary and provides an adequate sense of justice. This is of acute relevance not only in the context of criminal proceedings but also in relation to family law cases, where judicial decisions on custody and visitation often do not give sufficient consideration to the safety concerns and needs of women and children leaving abusive relationships, frequently ignoring allegations of domestic violence and/or accepting agreements despite a history of domestic violence.

68. Law-enforcement officials (from the National Police, Civil Guard and autonomous police forces) receive initial compulsory training and in-service training on equality and gender-based violence against women. In addition, GREVIO is informed that all police officers receive initial and in-service training on the use of the VioGén system of risk assessment.<sup>94</sup> Specific training, initial and in-service, is widely available to officers working in the existing specialised units (EMUMES and UFAM),<sup>95</sup> including on issues such as addiction and violence against women, violence against transgender women and women with disabilities. Moreover, GREVIO notes with satisfaction the introduction in 2024 of mandatory training on sexual violence for staff of the UFAM. Last, since 2021, the Civil Guard has been offering a three-month university course on gender-based violence open not only to members of the Civil Guard but also to other professionals from the judiciary, lawyers and members of NGOs.

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90. See Article 50, Immediate response, prevention and protection.

91. Information obtained during the evaluation visit.

92. The following are examples among the many cases in the area of violence against women in which decisions by judge(s) have engaged states' responsibility under the European Convention on Human Rights and led to a finding of violation of the Convention: *Vuckovic v. Croatia* (Application No. 15798/20, 12 December 2023), *J.L. v. Italy* (Application No. 5671/16, 27 May 2021) and *Carvalho Pinto de Sousa Morais v. Portugal* (Application No. 17484/15, 25 July 2017).

93. Council of Europe European Commission for the Efficiency of Justice (CEPEJ), Qualitative Data on European Judicial Systems, 2020, available at: <https://public.tableau.com/app/profile/cepej/viz/QualitativeDataEN/QualitativeData>.

94. See Article 51, Risk assessment and risk management.

95. Units for women and children (EMUMES) of the Civil Guard and Units for women and families (UFAM) of the National Police.

69. GREVIO commends the emphasis put on the training of law-enforcement officials on violence against women, and the high degree of specialisation of the UFAM, EMUMES and other specialised police units.<sup>96</sup> However, it notes that further training on all forms of gender-based violence against women of police officers is needed, in particular in rural areas, where it is especially challenging for victims to report. NGOs working with migrant and Roma women, women with disabilities and other women exposed to intersectional discrimination also report a frequent lack of understanding among police officers of the difficulties faced by these women and gaps in practical skills on how to deal with reports from women from these groups, despite efforts recently made to improve training of law-enforcement officials in this respect.<sup>97</sup> Additionally, information available to GREVIO does not indicate to what extent existing training follows a trauma-informed approach.

70. As regards the healthcare sector, training on violence against women continues to be provided, including on existing protocols to detect and refer victims of different forms of violence against women. The Ministry of Health has also carried out training across the country to improve the detection of violence against women. Additionally, social welfare professionals receive basic initial training on gender equality and gender-based violence (2-5 hours). In-service courses specialising in gender-based violence are available, on a voluntary basis, and, reportedly, often outside working hours.<sup>98</sup> GREVIO notes that in practice the detection skills of health professionals remain nevertheless limited, especially concerning forms of violence such as FGM and forced marriage, regarding which limited training is available. Awareness among these professionals of intersectional discrimination is reportedly also lacking and the involvement of NGOs working with migrant women, women with disabilities, Roma women or LGBTI women in training of professionals appears to be limited. Those NGOs that have provided training report scarce funding for this purpose.<sup>99</sup> GREVIO hopes that recent calls for funding of NGO projects will help increase the involvement of experienced and/or community-based women's rights NGOs in the training of professionals.

71. Professionals working for specialist services such as the national helpline 016 and the ATENPRO service have also received additional training on other forms of violence than intimate partner violence.<sup>100</sup> However, NGOs working with women victims of violence reported to GREVIO persisting gaps in training on sexual violence, FGM, violence in the digital sphere or forced marriage, and on the needs of women exposed to intersectional discrimination.

72. Serious gaps in the training of the staff in charge of the supervised visits facilities and the family co-ordinators on gender-based violence and the harmful impact on children of being exposed to such violence have been reported to GREVIO.<sup>101</sup>

73. Last, GREVIO observes that it remains difficult to obtain an overview of existing training on violence against women programmes for different professionals, of its compulsory nature and of the quality of the courses imparted due to the multiplicity of initiatives at different levels of authority and also because of the lack of systematic evaluation of existing training programmes.

**74. Recalling the findings issued in its baseline evaluation report and in view of persisting gaps in the field of training of professionals, whose contribution to a trust-based system of support, protection and justice is vital, GREVIO urges the Spanish authorities to step up the training of all professionals dealing with victims and perpetrators of violence against women on all forms of violence covered by the Istanbul Convention, and the specific needs of women belonging to vulnerable groups. Such training must be accompanied by standardised protocols aimed at identifying, providing support to and further referring victims to other services and it should be regularly evaluated. It should focus on the victims' human rights, safety, individual needs and empowerment, the prevention of secondary victimisation**

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96. Such as within the Catalan Mossos d'Esquadra.

97. Information obtained during the evaluation visit.

98. Information obtained during the evaluation visit.

99. Information obtained during the evaluation visit.

100. See also Article 22, Specialist support services.

101. See Article 31, Custody, visitation rights and safety, and Article 48, Prohibition of mandatory alternative dispute resolution processes or sentencing.

through a victim-centred and trauma-informed approach and be provided to all those in the justice, law-enforcement, social welfare, healthcare and education sectors. The impact of such training efforts should be maximised by drawing on the expertise of women's rights organisations and providers of specialist services.

75. **GREVIO further urges the Spanish authorities to ensure mandatory training of judges presiding over cases involving custody and visitation rights on:**

- a. **the negative effects that witnessing violence against women has on children and the importance of taking into account such instances when reaching a decision and/or agreeing to or promoting mediation in such cases;**
- b. **the nature and dynamics of domestic violence, including the unequal power relations between the parties, as opposed to a mere conflictual relationship between spouses.**

#### **4. Preventive intervention and treatment programmes (Article 16)**

76. Perpetrator programmes are important elements of an integrated and comprehensive approach to preventing and combating violence against women. Under Article 16 of the Istanbul Convention, parties are required to set up or support programmes that prevent perpetrators of domestic violence and of sexual violence from reoffending and support them in adopting non-violent behavioural strategies. Making the safety of, support for and the human rights of victims a primary concern, these programmes are key elements in ensuring women's safety from known perpetrators. The convention requires their close co-ordination with specialist support services for victims.

##### **a. Programmes for perpetrators of domestic violence**

77. As underlined in GREVIO's baseline evaluation report, a range of voluntary programmes for perpetrators of gender-based violence have been running in Spain since the adoption of Law 1/2004 on Gender-based Violence. Most of them are delivered in the context of the criminal justice system, in prisons or as alternatives to criminal sanctions,<sup>102</sup> directly by the penal administration or by NGOs accredited by the administration.<sup>103</sup> In 2022, such treatment programmes were available in 56 penal centres.<sup>104</sup> Perpetrator programmes are included in the State Strategy to Combat Male Violence as an element of prevention.<sup>105</sup> GREVIO also notes with interest that pilot projects are being tested involving the use of virtual reality to improve perpetrators' empathy towards victims.

78. While commending the long-standing emphasis placed by the Spanish authorities on perpetrator programmes, GREVIO observes, however, the persistence of some of the gaps identified in its baseline evaluation that limit the impact of existing programmes. In particular, it is concerned that most perpetrator programmes do not include co-operation with victim support services and that there seems to be no joint risk-assessment and safety management plans, thus precluding any possibility of taking an approach centred on victim safety and support. GREVIO wishes to reiterate the importance for perpetrator programmes to prioritise the safety of the victims and to avoid providing them with a false sense of security.

79. Interlocutors representing civil society organisations also highlighted to GREVIO that not all the professionals in charge of delivering treatment programmes, whether belonging to the penal administration or to NGOs, are specifically trained on gender-based violence against women.<sup>106</sup> GREVIO also notes that updated quality standards of work with perpetrators are lacking, which does

102. PRIA-MA and reGEN@r programmes.

103. Such as the programme Fenix in Castilla and Leon.

104. See the state report, p. 55. Catalonia and the Basque Country run their own programmes as competences in this area are devolved to these two autonomous communities.

105. State Strategy to Combat Male Violence, Strategic Line 2.7.

106. See Article 15, Training of professionals.

not contribute to building consistent victim safety-oriented practices across the country.<sup>107</sup> Another concern brought to GREVIO's attention relates to the fact that the number of sentences mandating participation in a perpetrator programme as an alternative to prison remains limited to about 30% of such court decisions.<sup>108</sup> Additionally, while GREVIO notes with satisfaction that evaluations of existing programmes have been carried out and that there is evidence of low rates of reoffending, it appears that, in general, these studies do not include the perspective of the victim, her safety and that of her children.<sup>109</sup>

80. Last, GREVIO regrets that only a few preventive programmes seem to be in place for work with perpetrators of violence against women who have not been reported to the law-enforcement authorities or have not been convicted, mostly due to limited funding for such programmes.<sup>110</sup>

**81. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Spanish authorities to improve the compliance of existing perpetrator programmes with Article 16, paragraph 3, of the Istanbul Convention by ensuring that they include an approach centred on the victim's safety and support and are implemented in close co-operation with victim support services.**

**82. GREVIO also encourages the Spanish authorities to update existing quality standards of work with perpetrators and ensure that they are consistently applied across the country.**

**83. Moreover, GREVIO encourages the Spanish authorities to consider supporting and promoting further the development of preventive programmes of work with perpetrators of gender-based violence.**

#### **b. Programmes for perpetrators of sexual violence**

84. In 2022, 43 penal centres were delivering the Sexual Assault Control Programme, in place since 1999 and described in GREVIO's baseline evaluation.<sup>111</sup> GREVIO praises the continuity in the work with perpetrators of sexual violence. Moreover, it welcomes the development of innovative programmes, such as the "Circles of Support and Accountability", which started as a pilot project in Catalonia and has now been rolled out to several other regions, with the support of the penal administration.<sup>112</sup> The project aims to prevent reoffending and the social reintegration of sexual violence perpetrators through community-based support.<sup>113</sup>

### **B. Protection and support**

85. Chapter IV of the Istanbul Convention requires a multifaceted, professional and victim-oriented support structure for any woman or girl who has experienced any of the forms of violence covered by the convention. General and specialist support services that are victim-oriented, accessible to all and adequate in numbers greatly facilitate recovery by offering support, protection and assistance to overcome the multiple consequences of such violence. As such, they play a key role in offering a comprehensive and adequate response to the different forms of violence covered by the convention.

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107. Information obtained during the evaluation visit.

108. Information obtained during the evaluation visit.

109. See, for instance, Lúcar Vidal F. and Quintana Peña A. (2021), "Eficacia de un programa cognitivo-conductual para hombres maltratadores en la relación de pareja" *Revista de investigación en psicología*, 24(1), 137-157: <https://dialnet.unirioja.es/descarga/articulo/8162661.pdf>; Arias E., Fernández R. A., Vázquez M. J. and Marcos V. (2020), "Treatment efficacy on the cognitive competence of convicted intimate partner violence offenders", *Anales de Psicología/Annals of Psychology*, 36(3), Article 3. <https://doi.org/10.6018/analesps.428771>.

110. One such programme is the centre "Plural", run by the Barcelona City Council.

111. See the state report, p. 55.

112. Madrid, Valencia and Alicante.

113. See: [www.fsysc.org/proyectos/circulos-de-apoyo-y-responsabilidad-circulos-espana-madrid-valencia-y-alicante/](http://www.fsysc.org/proyectos/circulos-de-apoyo-y-responsabilidad-circulos-espana-madrid-valencia-y-alicante/).



## 1. General obligations (Article 18)

86. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and support services for women victims of violence. One of these principles is the need for services to act in a concerted and co-ordinated manner, with the involvement of all the agencies concerned. More specifically, Article 18, paragraph 2, of the convention requires parties to put in place appropriate co-ordination mechanisms that can ensure effective co-operation among, *inter alia*, the judiciary, public prosecutors, law-enforcement agencies, local and regional authorities, NGOs and other relevant entities and organisations. In this regard, women's rights NGOs and specialist women's support services play an important role in guaranteeing that the rights of victims are safeguarded in multi-agency co-operation. Other general principles established under this article include the need for measures of protection and support to be based on a gendered understanding of violence against women and to focus on women's safety and human rights, taking into account the relationship between victims, perpetrators, children and their wider environment, and addressing their needs holistically. Specialist support services must aim to ensure the empowerment and economic independence of women victims of violence and avoid their secondary victimisation. This provision equally stresses the importance of ensuring that access to services is not subject to the victim's willingness to press charges or testify against the perpetrator.

87. GREVIO welcomes the adoption, in 2023, of a reference catalogue of policies and services on violence against women, comprising minimum standards to be complied with by all authorities in policies and services, in the fields of data collection, prevention, protection services, access to justice and the co-ordination of policies. It responds to the need to level out the considerable variations in the quality and availability of services and approaches to service provision identified in GREVIO's baseline evaluation report. The catalogue, aimed at regional and local authorities, notably includes recommendations with a view to increasing co-ordination of the response and support provided to victims of violence against women on the basis of formalised co-operation protocols between all the relevant institutions (law-enforcement authorities, justice, social and health services, specialist services) and the relevant civil society organisations.<sup>114</sup>

88. GREVIO praises the long-standing existence, in many regions and municipalities across the country, of co-ordination mechanisms involving public services, the co-ordination units on violence against women,<sup>115</sup> law-enforcement authorities (including the co-ordination units for protection orders) and other relevant services, as provided for by Organic Law 1/2004 on Gender-based Violence.<sup>116</sup> Such mechanisms enable the sharing of respective risk-assessment reports and a more co-ordinated response to the victims' needs. For example, GREVIO was informed of co-operation protocols between the law-enforcement authorities and social services aimed at systematically informing the latter about cases in which a high-risk situation has been identified by law-enforcement authorities, so that support services can automatically be offered to the women concerned.<sup>117</sup> Co-ordination structures at the level of autonomous communities have also been set up.<sup>118</sup>

89. Nonetheless, despite the existence of many such co-ordination mechanisms, information brought to GREVIO's attention indicates that these tools are not in place everywhere. Local authorities reportedly often lack resources to set up such mechanisms. Where they are in place, they are not always based on formalised protocols, which does not contribute to ensuring their sustainability and creates uncertainties as to the roles and responsibilities of each party involved. Moreover, women's rights NGOs, including those running specialist services, are not systematically involved in this co-ordination work. GREVIO is also concerned about the lack of evaluation of the

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114. Reference catalogue of policies and services on violence against women in line with international human rights standards, Area 4.

115. Operating under the auspices of the Government Delegation on Gender-based Violence.

116. These mechanisms are known as "co-ordination round tables" (*mesas de coordinación*).

117. For instance, in Castilla and Leon. Information obtained during the evaluation visit.

118. For example, the National Committee for Co-ordinated Action against Gender-based Violence in Catalonia, which establishes the co-ordination and co-operation mechanisms among all relevant agencies and NGOs/support services to protect and support women victims of violence.

functioning of existing co-ordination mechanisms, which makes it difficult to obtain an overview of where such tools are in place and of the challenges they face.<sup>119</sup> Finally, as already highlighted in GREVIO's baseline evaluation, it appears that existing co-ordination tools continue to focus, in most places, on intimate partner violence. GREVIO hopes that the guidance provided in the reference catalogue of services will effectively be implemented at all authority levels so that women victims of violence are provided with timely support that meets their needs and is aimed at empowering them, and that they are not exposed to secondary victimisation.

90. GREVIO notes that services for women victims of violence do not appear to be delivered on a one-stop-shop basis, as provided for by Law 1/2004 on Gender-based Violence and the 2021 catalogue of urgent measures to improve and update the fight against gender-based violence.<sup>120</sup> It hopes that the authorities will be able to translate this goal into practice, making use of existing good practices at international level.

91. Another persisting concern already underlined by GREVIO in its baseline evaluation report relates to the continued existence of different approaches to the official recognition of victims of gender-based violence (often referred to as the "accreditation system"), which is a condition for any access to support services and social rights. In 2021, an agreement of the Sectoral Conference on Equality was adopted that aimed to set up minimum requirements in this regard.<sup>121</sup> Despite this development, GREVIO notes the persistence of different official recognition standards to access services provided by regional authorities. These variations are caused primarily by the fact that the respective laws, each focusing on a specific form of violence against women, establish different recognition requirements. In particular, stark differences are reported between the requirements for victims of intimate partner violence, regarding which requirements for official recognition are listed in Organic Law 1/2004 on Gender-based Violence, and those for victims of sexual violence outside the context of intimate relationships. Moreover, GREVIO was informed that regional authorities often impose additional requirements to the above-mentioned agreement on minimum standards for official recognition.<sup>122</sup> Difficulties have, for instance, been brought to GREVIO's attention concerning administrative requirements for accessing the special measures set out for women victims of violence in the area of unemployment benefits or social housing.<sup>123</sup> GREVIO notes with concern that, in practice, this situation can significantly delay, and even hamper, access to essential support services, and may result in substantial secondary victimisation, thereby jeopardising the confidence victims have in the support system.

92. **GREVIO strongly encourages the Spanish authorities to:**

- a. **pursue their efforts to set up, across the country, multi-agency co-operation mechanisms involving all the relevant statutory and other agencies, including NGOs providing specialist support services. Such co-ordination mechanisms should extend to all forms of violence covered by the Istanbul Convention, such as rape and sexual violence, digital manifestations of violence against women, forced marriage and FGM, and should be adequately resourced;**
- b. **map existing co-ordination mechanisms and ensure regular monitoring of their operation.**

93. **Moreover, GREVIO urges the Spanish authorities to take measures to simplify and harmonise the process of official recognition of victims of all forms of violence against women in order to ensure swift and effective access, across the country, to protection and support services for all victims of violence against women, irrespective of the form of violence they have been suffered, and to set up, where appropriate, counselling and support in the form of one-stop-shop services.**

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119. Information obtained during the evaluation visit.

120. Catalogue of urgent measures to improve and update the fight against gender-based violence, point 6.

121. The Sectoral Conference on Equality gathers, several times a year, representatives of the general state administration and their counterparts in autonomous communities to ensure political co-ordination of policies on violence against women between all levels of authority.

122. Information obtained during the evaluation visit. See also the ombudsman's annual report for 2023, pp. 82-87.

123. Ibid.



## 2. General support services (Article 20)

94. General support services, such as social services, health services and housing or employment services, must be equipped to offer support and protection to women victims of gender-based violence of all ages and backgrounds. Article 20 of the convention requires parties to ensure that these services are adequately resourced and that the staff are adequately trained on the different forms of violence against women and are able to respond to victims in a supportive manner, in particular those that women and girls turn to first (health and social services).<sup>124</sup> Their interventions are often decisive for victims' onward journey towards a life free from violence and thus a core element of a trust-based system of protection and support.

### a. Social services

95. GREVIO welcomes the fact that since the baseline evaluation further measures have been taken by the Spanish authorities to expand the range of services and measures women victims of violence can access and use to support their economic empowerment. These measures include exemptions from certain requirements set out in the 2021 law on the minimum income to benefit from this support for women victims of intimate partner violence.<sup>125</sup> Additionally, in 2022, the benefits available to victims of violent crimes and sexual offences were increased by 25% where such cases affect women victims of sexual or intimate partner violence.<sup>126</sup> Moreover, measures have been taken to ensure access of victims of intimate partner violence to a widow's pension in case of separation or divorce, and to broaden the access of orphans of women victims of gender-based killings to the orphan's pension. GREVIO also notes with interest that victims of sexual violence should, under Organic Law 10/2022 on Sexual Freedom, have the costs of therapeutic mental health support covered. However, to be effective, this measure requires secondary legislation, which has yet to be passed. Commendable measures have also been taken to ease the access of victims of violence to employment, including the prioritisation of women victims of intimate partner violence and their descendants in employment policies and the availability to employers of recruitment incentives.<sup>127</sup> Additionally, the 2020 Law on Education prioritises the access to school of children of victims of intimate partner violence who have been forced to change their residence.<sup>128</sup>

96. Moreover, GREVIO commends the availability of a wide range of additional support services and measures at regional level, such as tax reductions, housing support and financial support, for victims wishing to pursue their studies or claim child benefits.<sup>129</sup> GREVIO notes with satisfaction that these measures aim to respond to the comprehensive needs of women victims who have experienced intimate partner violence and/or sexual violence in a holistic manner and thereby help send a message of empowerment. In order to fully develop their potential and instil trust among women and girls in need of such support, their full implementation is required across the country. As referred to above, access to the described measures depends on the type of violence suffered and the official recognition system in place at regional level.<sup>130</sup> Moreover, despite the adoption of the 2023 reference catalogue of policies and services on violence against women, access to support services and the quality of the services provided remain uneven.<sup>131</sup>

97. Moreover, representatives of civil society indicated to GREVIO that access to social services for women exposed to intersectional discrimination is often hampered by the persisting inability among professionals to apply an intersectional perspective to effectively meet the needs of these

124. Explanatory Report to the Istanbul Convention, paragraph 127.

125. Law 19/2021 establishing the minimum vital income. Exemptions cover the minimum age, residency requirements, the condition of cohabitation and the existence of divorce or separation proceedings.

126. Law 35/1995 on support and assistance to victims of violence crimes and crimes against sexual freedom, Article 6, paragraph 2c.

127. Law 3/2023 on Employment.

128. Organic Law 3/2020 amending Organic Law 2/2006, on Education, Article 84, paragraph 2.

129. Social service provision is a regional competence. For an overview of existing services as of 2020, see: <https://violenciagenero.igualdad.gob.es/violenciaencifras/recursos-autonomicos/datos-estadisticos/dera2020/>.

130. See Article 18, Protection and support, General obligations.

131. Information obtained during the evaluation visit. See also Article 3, Definitions.

women. Consequently, many Roma women lack trust in general support services in Spain. Women with disabilities are often faced with a lack of accessibility to many such services.<sup>132</sup> Women with irregular migration status are frequently denied access due to their administrative status. Moreover, GREVIO is concerned about the information brought to its attention indicating that the process of registration of an asylum claim can take up to several months, during which refugee women have very limited access to general services, while their vulnerability to gender-based violence is heightened. In this context, it considers that additional measures should be taken to inform women at risk of or exposed to intersectional discrimination of their rights, ensure that social workers have the necessary resources to tackle the multiplicity of challenges they are confronted with and ensure wider availability of interpreters. It also stresses the important role that cultural mediators and community workers can play in these circumstances. Against this background, GREVIO wishes to draw attention to existing promising practices at regional level, including specific protocols addressing the needs of women exposed to intersectional discrimination.<sup>133</sup>

98. Furthermore, GREVIO has been informed about the persistent difficulties that women from rural areas face in accessing general services, due to the scarcity and lack of co-ordination of services in rural areas and geographical isolation. GREVIO notes that the authorities are trying to identify ways of better meeting the needs of these women, for instance by using telematic services,<sup>134</sup> and hopes that these efforts will be intensified, so as to bring effective support closer to women living in such regions.

99. **Recalling the findings issued in its baseline evaluation report, GREVIO encourages the Spanish authorities to improve measures to ensure adequate access of all women and girls to general support services and to pursue their efforts to reduce regional disparities in the quality of services provided. In doing so, additional measures must be taken to devise more effective responses to the needs of women and girls at risk of or exposed to intersectional discrimination, including by ensuring recognition in the existing protocols of their specific needs.**

#### **b. Healthcare services**

100. GREVIO welcomes the adoption in 2023 of a standard protocol on sexual violence for the attention of all healthcare professionals within the national health system.<sup>135</sup> This development fills a gap identified by GREVIO in its baseline evaluation report and is all the more necessary as not all regional authorities have, in recent years, put in place protocols to support victims of sexual violence from a medical perspective. New guidance for the health sector on how to respond to violence against children and adolescents was also adopted in 2023.<sup>136</sup> Furthermore, information brought to GREVIO's attention indicates that awareness and training of health professionals on violence against women has improved, although situations can still vary greatly between different regions. Some hospitals have set up specialised units on gender-based violence and in some regions efforts have been made to expand the training of medical professionals, including in emergency units. In other regions though, a persisting lack of capacity to detect victims of violence against women within the healthcare system and a lack of training on existing protocols have been reported to GREVIO.<sup>137</sup> Moreover, while cases of FGM are increasingly being detected in public hospitals, many health professionals still lack awareness of existing protocols in this regard and are not sufficiently trained to detect and provide adequate support and care to victims of FGM.<sup>138</sup> Last, GREVIO regrets that protocols regarding forced marriage are still missing.

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132. Information obtained during the evaluation visit.

133. See the protocol for the specific care of Roma women victims of gender-based violence, developed by the Institute for Women of Andalusia in 2022:

[www.juntadeandalucia.es/institutodelamujer/index.php/publicaciones/novedades/mujeres-gitanas-victimas-de-violencia-de-genero-protocolo-para-la-atencion-especifica](http://www.juntadeandalucia.es/institutodelamujer/index.php/publicaciones/novedades/mujeres-gitanas-victimas-de-violencia-de-genero-protocolo-para-la-atencion-especifica).

134. Including through research activities, information provided by the Spanish authorities.

135. Protocolo Común del SNS para la Actuación Sanitaria ante la Violencia Sexual, 2023.

136. Protocolo común de Actuación Sanitaria frente a la Violencia en la Infancia y Adolescencia, 2023.

137. Information obtained during the evaluation visit.

138. Information obtained during the evaluation visit. One national protocol and 12 regional protocols on FGM are in place.

101. GREVIO welcomes the existence of a multiplicity of protocols for healthcare workers. However, it notes with concern that no effort is currently made to assess and ensure alignment of the various protocols in place with national protocols and the standards of the Istanbul Convention. Moreover, it was brought to GREVIO's attention that their level of implementation is not assessed, which prevents holding professionals to account in cases of non-compliance and also hinders the improvement of professional skills, which ultimately jeopardises the quality of care provided.<sup>139</sup>

102. Despite the reintroduction in 2018 of universal access to public healthcare in Spain, GREVIO is concerned that migrant women victims of violence in an irregular situation remain frequently confronted with difficulties or delays in accessing health services due to requirements established by regional governments and to different interpretations of the decree of 2018 re-establishing universal access.<sup>140</sup> In this context, GREVIO welcomes the fact that Organic Law 10/2022 on Sexual Freedom provides for access of all women victims of sexual violence, irrespective of their residence status, to support services. However, it understands that it can still be difficult for women in such a situation to overcome the fear of deportation as, according to Organic Law 10/2022, they can access a residence permit only if they benefit from a protection order or if the perpetrator of violence is sentenced.

103. GREVIO welcomes the adoption of a series of protocols for, inter alia, the urgent assessment of the risks of intimate partner violence (2020), for forensic doctors facing situations of sexual violence (2021) and for situations in which crimes have been committed under the influence of psychoactive substances (2022).<sup>141</sup> It also notes that training of forensic doctors on sexual violence is under way. Additionally, since the adoption of Organic Law 10/2022 on Sexual Freedom, victims of violence against women have access to the collection and storing of evidence for free and irrespective of whether they have reported the violence to law-enforcement authorities. However, despite this commendable development, it remains unclear whether victims willing to have forensic evidence collected and stored are systematically informed of the fact that reporting to the police is no longer a requirement.<sup>142</sup> Organic Law 10/2022 also foresees that medical professionals other than forensic doctors can collect forensic evidence in case of need and guidance has consequently been issued to health professionals and forensic institutions.<sup>143</sup> However, it is unclear whether judges take into account evidence that has not been collected by a forensic doctor. Moreover, information brought to GREVIO's attention indicates that the collection of forensic evidence and support to victims provided by these other health professionals is not always adequate, despite the publication of guidelines in this regard.<sup>144</sup> Last, GREVIO learned with concern of cases in which women victims of sexual violence, including asylum-seeking women, migrant women in an irregular situation and foreign students, have been requested to pay for services received in hospital.<sup>145</sup> GREVIO praises the inclusion in the 2023 law on sexual and reproductive health of a care path for victims of forced sterilisation, forced contraception and forced abortion aimed at their comprehensive recovery.<sup>146</sup>

139. Information obtained during the evaluation visit.

140. Information obtained during the evaluation visit. See also Council of Europe Commissioner for Human Rights, Dunja Mijatović, Report following her visit to Spain from 21 to 25 November 2022, 13 April 2023.

141. Ministry of the Presidency, Justice and Relations with the Parliament, Protocolo de actuación médico-forense ante la violencia sexual en los Institutos de Medicina Legal y Ciencias Forenses, 2021; Ministry of Health, Pautas básicas comunes del SNS para la actuación sanitaria ante casos de agresión a mujeres por objeto punzante ("pinchazo") en contextos de ocio, 2022.

142. Information obtained during the evaluation visit.

143. Ministry of the Presidency, Justice and Relations with the Parliament, Guía de recomendaciones de actuación de los Institutos de Medicina Legal y Ciencias Forenses con las muestras biológicas y evidencias que se recojan y remitan por los centros sanitarios en el contexto de la Ley Orgánica 10/2022, de 6 de septiembre, de Garantía Integral de la Libertad Sexual, 2024.

144. Information obtained during the evaluation visit. See Ministry of Health, Guía de Pautas Básicas Comunes del SNS para la actuación sanitaria ante Violencia Sexual, 2023. See also the protocol VISEM, in use in the autonomous region of Madrid since 2022.

145. Information obtained during the evaluation visit.

146. Organic Law 1/2023, amending Organic Law 2/2010 on sexual and reproductive health and the voluntary termination of pregnancy.

104. **GREVIO encourages the Spanish authorities to further implement standardised care paths in the public and private healthcare sectors, based on a gender-sensitive and non-judgmental approach, in order to ensure the identification of victims, their diagnosis, treatment, documentation of the type of violence suffered (including photographs of injuries) and resulting health problems, and referral to appropriate specialist support.**

105. **GREVIO encourages the Spanish authorities to regularly assess the implementation of existing protocols by healthcare providers and to ensure their adaptation to the needs of women and girls at risk of intersectional discrimination.**

106. **Furthermore, GREVIO strongly encourages the Spanish authorities to ensure that all victims of sexual violence have access to support services, including the collection and storing of forensic evidence free of charge and without any obligation to press charges.**

### **3. Specialist support services (Article 22)**

107. Specialist support services ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs and are an equally important cornerstone of a trust-based system of protection and support. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. They need to be able to address the different types of violence covered by the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

108. In its baseline evaluation, GREVIO had commended the Spanish authorities for the extensive network of specialist services for victims of intimate partner violence but had regretted the lack of services to meet the needs of women victims of other forms of violence. Since the baseline evaluation, the network of services seems to have expanded, which GREVIO welcomes, although it remains difficult to obtain a comprehensive overview of the existing specialist support services.<sup>147</sup> Additionally, GREVIO notes with satisfaction that, in response to its finding at the time, some specialist services now cover all forms of violence against women. This is in particular the case for the national helpline 016 and the ATENPRO service, which since 2023 has also been made available to women victims of sexual violence.<sup>148</sup> However, it is concerned by the persistently limited number of services providing support to victims of forced marriage and FGM outside services provided by NGOs, which are limited in terms of number and geographical spread.

109. Another concern GREVIO had raised in its baseline evaluation report is the discrepancy in the requirements to access domestic violence shelters. Information provided to GREVIO indicates that in some regions this continues to depend on the victims' willingness to press charges, which is not in line with Article 18, paragraph 3, of the Istanbul Convention. Moreover, limits seem to be placed on the admission of children together with their mother, with some shelters refusing to accommodate boys older than 14. Reportedly, access is being denied in some instances to migrant women victims of violence on account of their residence status or because their level of victimisation is questioned.<sup>149</sup> In addition, Roma women and LGBTI women have reported harassment and mistreatment in some shelters, and a lack of understanding of their specific needs.<sup>150</sup> Last, the co-operation protocol between autonomous communities allowing a victim to move from one region to another, in case of high risk or lack of places in shelters, appears not to be always activated when required.<sup>151</sup>

110. NGOs working with women with disabilities, LGBTI women, Roma women, migrant and refugee women and women in prostitution who have experienced gender-based violence have underlined an overall lack of specialist services capable of adequately meeting the needs of these

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147. Data on services available at regional level are collected in the DERA system, which was last updated in 2020.

148. See also Article 15, Training of professionals.

149. Information obtained during the evaluation visit.

150. Information obtained during the evaluation visit.

151. Information obtained during the evaluation visit.

women.<sup>152</sup> This gap results from a range of factors, among which are the lack of resources, staff training on intersectionality, interpretation and cultural mediators. Another obstacle hampering access of women belonging to these groups to specialist services is the fact that they are often primarily referred to services catering for one of the discrimination grounds, such as disability, sexual orientation or their status as refugee, without due consideration for their needs as victims of violence against women. In particular, GREVIO received information indicating that asylum-seeking and refugee women are rarely referred to specialist services for women victims of violence when they face gender-based violence. This is worrisome, as services for refugees appear to lack the capacity to detect violence against women and to provide these women with adequate specialist support.<sup>153</sup>

111. GREVIO notes with satisfaction that victims of violence against women have access to legal counselling, either in the context of specialist services, or through the Crime Victims Assistance Offices, which are responsible for providing information and legal counselling to victims throughout the procedure, even if the victim has not pressed charges. GREVIO welcomes the publication in 2022 of a protocol for the care and referral of victims of gender-based violence by the Crime Victims Assistance Offices to regional social and specialised services.<sup>154</sup>

**112. GREVIO encourages the Spanish authorities to take additional steps to ensure that women victims of all forms of violence covered by the Istanbul Convention, including FGM and forced marriage, have effective access to accessible and quality specialist support services. In doing so, specific measures should be taken to ensure that women and girls at risk of or exposed to intersectional discrimination are systematically referred to specialist support services meeting their needs as victims of violence against women and have access to domestic violence shelters.**

#### **4. Support for victims of sexual violence (Article 25)**

113. Under Article 25 of the Istanbul Convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support, combined with forensic examinations, as well as short and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number throughout the country to ensure their easy access. The recommendation is to set up one of the above-mentioned centres per every 200 000 inhabitants.<sup>155</sup>

114. As already noted in GREVIO's baseline evaluation report, for several years Spain has had sexual violence referral and rape crisis centres in a few regions while services aimed at victims of intimate partner violence had also been providing support to victims of sexual violence. In its baseline evaluation report, GREVIO had, however, expressed concerns about the limited number of sexual violence referral centres and rape crisis centres. Therefore, it strongly welcomes the national authorities' plan, announced in 2021, to set up 24-hour comprehensive assistance centres for victims of sexual violence in all regions and provinces.<sup>156</sup> GREVIO is informed that such centres, for which funding has been allocated from European Union post-Covid recovery funds, are to be set up by the end of 2024. The services for women and girls over 16 will provide in-person and online/phone psychological, legal and social support to victims of sexual violence, on the model of some of the existing sexual violence referral centres.<sup>157</sup> Referrals to other professionals, based on co-operation protocols, are to form an important part of these services, although the details are yet to be developed. GREVIO notes with interest that such centres have already been set up in 2023 in some regions.<sup>158</sup>

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152. Information obtained during the evaluation visit.

153. Information obtained during the evaluation visit.

154. See [www.mjusticia.gob.es/es/ciudadania/victimas/oficinas-asistencia-victimas](http://www.mjusticia.gob.es/es/ciudadania/victimas/oficinas-asistencia-victimas).

155. Explanatory Report to the Istanbul Convention, paragraph 142.

156. Fifty-two centres are to be set up as part of the plan "Spain protects you".

157. Such as the centre Pilar Estebañez in Madrid.

158. Cantabria and the Basque Country.



115. GREVIO notes that the regional authorities in the process of setting up the centres are confronted with a number of important questions, including the need to co-ordinate services provided by the new centres with existing support services and to adapt services to territorial specificities such as rural areas with low population density. Additionally, GREVIO understands that, according to Organic Law 10/2022 on Sexual Freedom, specialist support centres for sexual violence should mainly provide emergency support while services aimed at the comprehensive recovery of victims should allow for mid and long-term support. It wishes to recall the importance of granting victims of sexual violence access to short and long-term psychological counselling and support. GREVIO therefore considers it important to incorporate into the centres to be newly established longer-term support following the examples of existing promising practices.<sup>159</sup> Where this is not the case, it points to the importance of ensuring access to longer-term support, including psychological and trauma support, through co-operation agreements with entities that offer such services.

116. Furthermore, GREVIO is informed that a system for officially recognising victims of sexual violence under Organic Law 10/2022 on Sexual Freedom has yet to be introduced. Another element of Organic Law 10/2022 that requires further legislative measures is the provision of access to free legal aid for victims of sexual violence. According to Organic Law 10/2022, this is to be provided from the beginning of the procedure, and the new rape crisis centres are tasked with providing information. GREVIO considers it essential that co-operation protocols with hospitals, on-call medical and surgical services, pharmacies and the law-enforcement authorities are designed in order to ensure immediate referral of women victims of sexual violence to the rape crisis centres. Last, it underscores the importance of ensuring that such centres have the resources and capacity to provide adequate support to women exposed to intersectional discrimination, in particular women with physical or intellectual disabilities, migrant and refugee women or women in prostitution, who are highly vulnerable to sexual violence.

117. **Welcoming the efforts made to set up a comprehensive network of specialist support for victims of sexual violence, GREVIO encourages the Spanish authorities to ensure that:**

- a. all victims of sexual violence have access to medical care and immediate and long-term counselling and psychological support delivered by qualified professionals who provide victim-sensitive and trauma-informed support;**
- b. an accessible and harmonised system for officially recognising victims of sexual violence is devised;**
- c. the particular needs of women exposed to intersectional discrimination are fully taken into account and that women living in rural areas have effective access to such services.**

## **C. Substantive law**

118. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law, which aim to create the necessary legislative framework to prevent further victimisation of women and girls and to ensure robust intervention and prosecution by law-enforcement agencies. This section focuses on progress made with respect to selected provisions of the convention in the area of substantive law, notably Article 31 on custody, visitation rights and safety and Article 48 on the prohibition of mandatory alternative dispute resolution processes or sentencing in cases of violence against women.

### **1. Custody, visitation rights and safety (Article 31)**

119. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights, to ensure that the exercise of these rights does

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159. For instance, the crisis centres for victims of sexual assault in Asturias: <https://iam.asturias.es/violencia-de-genero/centro-de-crisis-para-victimas-de-agresiones-sexuales>.

not harm the rights and safety of the victim or children. This provision contributes directly to their trust in the authorities because it offers essential protection from post-separation abuse.<sup>160</sup>

120. In its baseline evaluation report, GREVIO had observed that although the Spanish legal system had offered a wide range of possibilities to suspend, limit or regulate the exercise of parental rights of abusive parents, their use in practice had been limited. It also expressed serious concerns about the frequent use of the so-called parental alienation syndrome in judicial proceedings. GREVIO therefore notes with satisfaction the fact that, since its baseline evaluation report, the authorities have taken additional steps to enhance the safety of children and their mothers in decisions regarding custody and visitation rights in cases with a history of domestic violence. It welcomes in particular the provisions of Organic Law 8/2021 on Child Protection introducing the principle of suspension of custody and visitation rights in cases in which children have been exposed to domestic violence, where criminal proceedings have been initiated or in the presence of well-founded indications of such violence, unless the child's best interests require maintaining custody and visitation rights.<sup>161</sup> In practice, this legislative amendment implies that judges must justify any decision not to suspend custody and visitation rights in cases where children have been exposed to violence by one parent against the other. Moreover, the law foresees that children will have to be heard by the judge regarding all issues, including custody and visitation issues.<sup>162</sup>

121. GREVIO notes with satisfaction that since the entry into force of these law amendments, the number of decisions suspending custody and visitation rights in the context of protection orders has substantially increased. Figures provided by the CGPJ indicate that, in 2023, 4 026 decisions suspending visitation rights were issued, compared to 2 008 in 2021, and that 2 411 decisions ordered the suspension of custody, compared to 1 470 in 2021.<sup>163</sup> To GREVIO's knowledge, there are no data on the number of decisions leading to a suspension of custody and visitation rights taken in the context of civil procedures.

122. Several of GREVIO's interlocutors underlined, however, that despite the change in paradigm introduced by Organic Law 8/2021 on child protection, visitation rights are still frequently mandated, in particular by civil courts, despite a history of violence by one parent against the other. In practice, they appear to be suspended mostly in cases in which women have initiated parallel criminal proceedings for intimate partner violence but less so in situations in which no criminal complaint has been filed, but where a history of domestic violence is still disclosed or alleged, for instance in the context of divorce proceedings.<sup>164</sup> GREVIO is particularly concerned about information indicating that visitation rights are sometimes imposed by civil judges where protection orders are in place or a conviction of a violent parent has been obtained.<sup>165</sup> In this context, GREVIO notes with grave concern that between January and May 2024, seven children were killed in Spain in the context of gender-based violence against their mother, compared to two in 2022 and two in 2023.<sup>166</sup>

160. It is noteworthy that in the case of *Bîzdîga v. the Republic of Moldova* (Application No. 15646/18, 17 October 2023), the European Court of Human Rights held that in proceedings concerning the custody and visitation rights regarding children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment therefore has to form an integral part of such proceedings. For this reason, it found that an alleged history of domestic violence was a relevant and even mandatory factor to be considered in the assessment made by the domestic authorities when deciding on contact rights (§ 62). In the recent case of *Luca v. the Republic of Moldova* (Application No. 55351/17, 17 October 2023), the Court found a violation of Article 8 of the European Convention on Human Rights on account of the failure of the Moldovan authorities to take into account incidents of domestic violence in the determination of child contact rights.

161. Upon request of one of the parties to proceedings. See Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence, amending Article 94 of the Civil Code and Article 544 *ter* of the Law on Criminal Procedure.

162. Article 11 of Organic Law 8/2021 on Child Protection.

163. Annual statistical reports of the CGPD for 2021 and 2023, see: [www.poderjudicial.es/cgpj/es/Temas/Violencia-domestica-y-de-genero/Actividad-del-Observatorio/Datos-estadisticos/](http://www.poderjudicial.es/cgpj/es/Temas/Violencia-domestica-y-de-genero/Actividad-del-Observatorio/Datos-estadisticos/).

164. See Themis, Estudio del tratamiento judicial dado a las mujeres y a sus hijas e hijos menores de edad en los procedimientos de familia en los que se constata la existencia de violencia de género, 2021.

165. Information received during the evaluation visit. See also, Público, "Un juez ordena a una mujer que regrese a la ciudad de su maltratador para cumplir con el régimen de visitas de sus hijos", 1 February 2024 and "El juzgado otorgó el régimen de visitas para el asesino de las dos niñas de Almería pese a lo que dicta la ley", 18 March 2024.

166. Government Delegation on Gender-based Violence, Statistics on minors killed in the context of gender-based violence, 2024. In two of the murders committed in 2024, protective measures against the perpetrator had been in place.

123. Lawyers and civil society organisations working with women victims of violence have indicated to GREVIO that several reasons can explain the fact that many court decisions still uphold custody and visitation rights in cases with a history of violence, including, in some cases, violence directly perpetrated against the children. One element repeatedly brought to GREVIO's attention is the persisting lack of training among judges, especially civil judges, on the negative impact on children of being exposed to such violence. They also often lack awareness of the fact that the exercise of joint parenting may be a means for a perpetrator of domestic violence to continue to maintain control and domination over the mother and her children and that intimate partner violence should therefore be an essential factor in determining child custody and other parental rights. Moreover, family judges frequently appear to be unaware of proceedings initiated in parallel, such as criminal proceedings or proceedings before specialised courts for gender-based violence, limiting their ability to fully take into account violence against women in their decisions regarding custody and visitation rights. GREVIO notes that in 2022 the Centre for Legal Studies of the Ministry of the Presidency, Justice and Relations with the Parliament issued a guide to improve co-ordination in the field of criminal and civil proceedings in matters of violence against women, and that the Ministry of Justice published a circular requesting all legal professionals, especially in family courts, to make full use of the SIRAJ system in order to be informed of the existence of any measures related to incidents of gender-based violence possibly ordered by another court.<sup>167</sup> Nonetheless, it is unclear whether this recommendation is systematically implemented by all courts and whether the current system enables the automatic detection of decisions related to domestic violence incidents.<sup>168</sup>

124. On the other hand, GREVIO welcomes the ban on the use of the so-called parental alienation syndrome introduced by Organic Law 8/2021 on Child Protection. This legislative measure represents an important step forward to ensure that this and related concepts are no longer used to grant custody and visitation rights to perpetrators of violence and deprive the non-violent parent of such custody.<sup>169</sup>

125. Despite these important measures, GREVIO remains concerned about persistent reports indicating that this so-called syndrome continues to be frequently referred to as an explanation for children refusing contact with their (violent) fathers. Where no direct reference is made, similar notions are resorted to, positioning mothers as manipulative, over-protective or jealous, or citing their instrumentalisation of children or their "exaggerated perception of sexual violence".<sup>170</sup> Furthermore, judges often take decisions on the grounds of expert reports, including psychological evaluations and reports brought to their attention by the staff of organisations responsible for implementing supervised visits, psycho-social experts and parental co-ordinators.<sup>171</sup> Lawyers working with women victims of violence informed GREVIO that such reports frequently refer to notions akin to the so-called parental alienation syndrome.

126. Consequently, GREVIO observes with grave concern that judges often argue that it is in the child's best interests to maintain a relationship with the violent parent and that this interest may prevail over the possible risks to the child's safety. It was informed of cases in which the exercise of custody has been granted to the violent parent or in which children have been placed in care institutions in order to separate them from the influence of mothers allegedly hampering the father-child relationship.<sup>172</sup> In other cases, the fact that the mother was a victim of intimate partner violence has been used to discredit her parental skills, dismiss her testimony and deprive her of the

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167. Ministry of Justice, Guide on co-ordination criteria in the field of criminal and civil proceedings in matters of violence against women, May 2022. The SIRAJ system is a nationwide database fed by lawyers from the justice administration that allows the co-ordination and exchange of information between all legal professionals and law enforcement to indicate if there are any records of or proceedings for gender-based violence.

168. See the ombudsman's annual report for 2022, p. 41. See also the annual report for 2023 of the Office of the General Prosecutor.

169. Several regional laws also ban the use of the so-called parental alienation syndrome, such as the laws on gender-based violence in the Basque Country, Castilla-La-Mancha, Catalonia and La Rioja.

170. See the NGO report submitted by a group of academics, "Institutional violence against mothers and children; application of the false parental alienation syndrome in Spain", 2024. GREVIO also had access to several domestic judicial decisions making use of such concepts.

171. See also Article 48, Prohibition of mandatory alternative dispute resolution processes or sentencing.

172. Information obtained during the evaluation visit. See also, Público, "Una niña de diez años de Pontevedra, arrancada de los brazos de su madre por el falso Síndrome de Alienación Parental", 8 April 2024.



exercise of her parental rights.<sup>173</sup> GREVIO is deeply concerned that such practices turn protection mechanisms against violence against the victims themselves and expose them to secondary victimisation, by restricting the exercise of their parental rights.<sup>174</sup> In some cases reported to GREVIO, women who tried to keep their children safe and protect them from paternal violence, in the absence of suitable protective measures provided by the authorities, risked being sentenced for jeopardising the exercise of visitation rights.<sup>175</sup>

127. Against this background, GREVIO welcomes the setting up by the national authorities of a working group on “institutional violence” against women to deal with the above-mentioned issues, which demonstrates a growing understanding of the comprehensive nature of intimate partner violence. GREVIO wishes to draw attention to the fact that family law proceedings after separation may be used for further perpetration of abuse, which is increasingly being referred to as litigation abuse. This is an aspect of the continuum of domestic violence that is important to address, uniting the knowledge and expertise of all stakeholders, including women’s rights NGOs, those providing specialist support organisations and lawyers with experience in this field.

128. Additionally, GREVIO received worrying information concerning the functioning of facilities for supervised visitation (also known as “family meeting points”), a concern already highlighted in its baseline evaluation.<sup>176</sup> These facilities are mostly managed by NGOs whose staff continue to lack training on essential aspects, such as the dynamics of intimate partner violence, the possible misuse by perpetrators of visitation rights in order to continue to exercise control and violence over the mothers and children, and the unsuitability and the lack of scientific basis for concepts such as so-called parental alienation syndrome to explain children’s reluctance to engage with or fear of their fathers. As already stressed in GREVIO’s baseline evaluation report, co-ordination and exchanges with specialist support services for women victims of violence is continually lacking, leaving staff in supervised visitation facilities unaware of developments in particular cases and excluded from any dynamic risk-assessment procedures. Moreover, GREVIO was informed of a lack of judicial oversight of the implementation by family meeting points of court decisions, including on visitation rights, due to a lack of regulation in several regions of the communication between these bodies and courts.<sup>177</sup> Last, information brought to GREVIO’s attention indicates that they are often underfunded and overwhelmed, notably as a result of the substantial increase in decisions ordering supervised visits following the entry into force of Organic Law 8/2021 on Child Protection. This situation generates long waiting lists to access supervised visits. In rural areas, the scarcity of family meeting points can also result in women and children having to travel long distances to comply with judicial decisions ordering such visits.

129. GREVIO considers that ordering custody and visitation rights without taking sufficient account of the background of domestic violence, and without sufficient evaluation of the safety risks for children and their mothers, falls short of the requirements of Article 31 of the Istanbul Convention. It recalls that incidents of violence by one parent against the other have a severe impact on children. Exposure to such violence breeds fear, causes trauma, adversely affects children’s development and is recognised as a form of psychological violence.<sup>178</sup> It also wishes to underline that the persisting use of the so-called parental alienation syndrome increases the risk of violence against women and their children being concealed and going undetected, since it ignores the gender-based nature of domestic violence and the essential aspects of child welfare. It considers that such continued practice goes against the important efforts made by the Spanish authorities in the past years to prevent and combat violence against women, and in particular, against efforts made to increase the trust of women victims of violence in the judicial system. Therefore, while praising the steps taken since 2020 by the Spanish authorities to ensure that incidents of violence against women are more effectively taken into account in the context of decisions on custody and visitation rights, it considers it crucial to carry out a thorough evaluation of the implementation of the new legislative provisions

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173. Information received during the evaluation visit.

174. See also European Court of Human Rights, *I.M. and Others v. Italy* (Application No. 25426/20, 10 November 2022).

175. See the NGO report submitted by a group of academics, 2024.

176. The organisation of supervised visits is a regional competence.

177. Information received during the evaluation visit. See also the ombudsman’s annual report 2023, p. 198.

178. See UN Committee on the Rights for the Child, General Comment No. 13, adopted on 18 April 2011, paragraph 21 e, CRC/C/GC/13.

mentioned above, including by civil judges, with a view to identifying gaps in practice and ways of ensuring full compliance with the law.<sup>179</sup>

**130. Welcoming the substantial legislative steps taken by the Spanish authorities in the area of custody and visitation rights, GREVIO strongly encourages them to pursue their efforts to ensure the safety of victims and their children by:**

- a. carrying out a thorough review of the judicial practice regarding the legal provisions requiring judges to withdraw custody and visitation rights in cases of parental separation with a history of violence, in order to determine whether the current practice complies with the provisions of Article 31 of the Istanbul Convention;**
- b. stepping up efforts to prevent secondary victimisation of women victims of violence, by avoiding victim blaming, discrediting and/or over-emphasising their responsibilities and by ending the practice of removing children from or limiting parental rights of non-abusive parents on grounds of the so-called parental alienation syndrome or related concepts;**
- c. stepping up measures to strengthen interinstitutional co-operation and information exchange between civil courts and criminal courts;**
- d. taking resolute measures to ensure that supervised visitation facilities are adequately resourced, focus on the safety of children and their mothers and avoid the secondary victimisation of women.**

## **2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

131. Article 48, paragraph 1, of the Istanbul Convention requires parties to prohibit the mandatory participation in any alternative dispute resolution processes, including mediation and conciliation, in relation to cases of all forms of violence against women covered by the convention. This provision stems from the principle that violence against women is a manifestation of unequal power relations and that victims of such violence can never enter the alternative dispute resolution processes on an equal footing with the perpetrator. To avoid the re-privatisation of such violence and to enable the victim to seek justice, it is the responsibility of the state to provide access to adversarial court proceedings on the basis of robust criminal and civil law provisions.

132. In its baseline evaluation report, GREVIO had praised the fact that mediation was explicitly prohibited in cases of intimate partner violence, both in civil and criminal proceedings, provided a criminal investigation was under way or a criminal judgment had been issued. However, it had hinted at the risks involved in mediation in family law, which could be proposed in cases of divorce and could result in women who had not disclosed their experience of intimate partner violence being involved in mediation without any examination of the history of domination and abuse in the relationship. GREVIO notes with regret that this concern persists, due to a reported lack of systematic screening procedures for domestic violence cases in family law proceedings. Women in this situation may also be involved in informal agreement processes even though they are not in a position to enter a mediation process on a par with the perpetrator.<sup>180</sup> GREVIO recalls that practices that suggest reaching agreements or amicable settlements between victims and abusers, with refusals carrying the potential for negative outcomes for the victims, may be tantamount to mandatory mediation (quasi-mandatory mediation).<sup>181</sup> Moreover, while recognising the importance of ensuring viable solutions for civil matters after separation, and that mutually acceptable solutions reached jointly may be preferable to lengthy court proceedings, GREVIO emphasises the fact that women victims of domestic violence do not enter mediation processes on an equal footing with their abusers. It therefore points to the need to ensure that any offers of mediation in civil law proceedings

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179. A first evaluation of the implementation of the new legislative framework covering 1 060 protection orders ordered in the second half of 2021 was carried out by the Co-ordinating Unit for Violence against Women.

180. Information received during the evaluation visit.

181. Mid-term Horizontal Review of GREVIO baseline evaluation reports, paragraphs 411-412 and GREVIO baseline evaluation report on Germany, paragraph 286.

made by judges are done after a robust screening process for a history of violence, and with the full and informed consent of the victims concerned.

133. Moreover, GREVIO is concerned about the increasing use of the system of parental co-ordinators that have in many regions been set up by regional authorities to provide support to families considered to be in a “high conflict separation process” in the implementation of judicial decisions. While this process is not regulated by law, its aim appears to be to supervise the execution of judicial measures, issuing recommendations and taking measures to implement judicial decisions in a spirit of concord, with the aim of mitigating the impact of conflict situations on children.<sup>182</sup> GREVIO notes that judicial decisions frequently mandate parental co-ordination, including regarding the implementation of custody and visitation decisions.<sup>183</sup> It wishes to stress that relationships perceived as “highly conflictual” often hide unreported intimate partner violence. As many parental co-ordinators appear to lack training on violence against women, they are therefore often unable to detect situations of abuse and unequal power relations. In addition, GREVIO was informed about the frequent use of notions akin to the so-called parental alienation syndrome by parental co-ordinators.<sup>184</sup> As family co-ordination appears to be regularly proposed, GREVIO is concerned that many women victims of unreported or undetected intimate partner violence can be brought into such processes without their full and informed consent and that this can amount to quasi-mandatory mediation being imposed on them as part of the execution of judicial decisions. This process not being regulated by law does not provide women victims of violence with any guarantees that their rights will be respected and that the general principle, firmly established in Spanish law, of prohibition of the use of mediation in situations of intimate partner violence will be applied. Moreover, there appears to be no evaluation of the work of parental co-ordinators.

134. GREVIO notes with grave concern this development, which goes against the efforts made otherwise by the Spanish authorities to reduce secondary victimisation. Therefore, it considers it essential that the use of parental co-ordination be regulated with a view to ensuring that families with a history of violence against women cannot be mandated to take part in such processes. It is equally important to ensure systematic and adequate training of family co-ordinators on violence against women-related issues. Such training should cover issues such as the nature and dynamics of domestic violence, the unequal power relations between the parties as opposed to a mere conflictual relationship between spouses and the negative effects that witnessing violence against women has on children. It should aim to increase their capacity to detect situations of abuse.<sup>185</sup>

**135. GREVIO strongly encourages the Spanish authorities to take all necessary measures to ensure that mediation procedures carried out in family law proceedings do not constitute quasi-mandatory mediation in cases with a history of domestic violence. To do so, they should, *inter alia*:**

- a. **set up screening mechanisms to ensure the systematic detection of domestic violence by judges and mediators in family law proceedings;**
- b. **put in place adequate safeguards to ensure freely given and informed consent of women victims of violence throughout voluntary family mediation processes and that such processes fully respect the rights, needs and safety of victims.**

**136. Moreover, GREVIO urges the Spanish authorities to take steps to regulate the system of family co-ordination, in particular to ensure that it is not mandated in cases with a history of intimate partner violence, and to set up a system of regular evaluation of family co-ordination processes.**

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182. See CGPJ Press release of 8 June 2022: “Estudian implementar el coordinador parental en los juzgados de Familia de la Región”.

183. It is enshrined in law only in the autonomous community of Navarra.

184. Information received during the evaluation visit.

185. See also Article 15, Training of professionals.

## **D. Investigation, prosecution, procedural law and protective measures**

137. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions in a manner that validates women's and girls' experiences of violence, that avoids their secondary victimisation and that offers protection throughout the different stages of proceedings. The provisions covered in this section are fundamental to the delivery of protection and justice for all women and girls at risk of or who have experienced gender-based violence.

### **1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)**

138. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages. Those in law enforcement or the judiciary often do not prioritise incidents of violence against women and domestic violence, thereby contributing to the impunity of perpetrators and reinforcing the misconception that this type of violence is "acceptable" in society.<sup>186</sup> A consequence of assigning low priority to incidents of violence against women and domestic violence are delays in initiating investigations and judicial processes, which in turn may lead to the loss of vital evidence and to an increased risk for the victim of repeated violence. For these reasons, Article 49 of the convention requires parties to ensure that investigations and judicial proceedings are conducted without undue delay, while at the same time respecting the rights of victims during each stage of these processes. Article 50 further reinforces these obligations by requiring that law-enforcement agencies react promptly and appropriately in cases of violence against women, including by offering victims immediate protection and by engaging in the prevention of violence. GREVIO reports focus on the application of Article 50 at key stages of the criminal justice process, notably reporting, investigation, prosecution and conviction, all of which are key contributors to victims' sense of support, protection and justice.

#### **a. Reporting to, immediate response and investigations by law-enforcement agencies**

139. GREVIO notes with satisfaction that the gender-based violence units operating within the different law-enforcement agencies in Spain have expanded further their training and specialisation, which had already been praised in GREVIO's baseline evaluation.<sup>187</sup> In its report at the time, however, GREVIO had deplored gaps as regards their ability to attend to cases of sexual violence. It is therefore promising that, following the adoption of Organic Law 10/2022 on Sexual Freedom, further training on sexual violence started to be carried out among law-enforcement officials. Standard operating procedures on sexual violence were adopted in 2022. According to the authorities, victims of sexual violence are to be systematically received by trained police officers from the criminal investigation police.

140. An overall substantial improvement in the approach of law-enforcement agencies to victims of violence against women, especially among specialised units, and truly promising practices in some places have been noted by representatives of civil society and experts in the field, which GREVIO welcomes. However, concerns persist regarding unequal responses of police officers in some places, in particular among those not belonging to the specialised units. Awareness of less frequently reported forms of violence, such as forced marriage or FGM, appears still to be limited despite recent efforts to increase training of all law-enforcement authorities on sexual violence.

141. GREVIO notes that the number of reported cases of intimate partner violence has steadily been rising, from 162 848 cases reported in 2021, to 182 065 in 2022 and 199 282 in 2023, which

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186. Explanatory Report to the Istanbul Convention, paragraph 255.

187. Among which the National Police (one specialised central unit and 173 territorial units, UFAM) and the Civil Guard (one specialised centralised unit and 269 territorial units, EMUMES).

can indicate an increase in cases of violence against women but also greater trust in the judicial system.<sup>188</sup> Reporting of sexual violence is also on the rise, although it remains overall very low, a serious concern already identified in GREVIO's baseline evaluation.<sup>189</sup> Despite these rising reporting rates, GREVIO reiterates a concern raised in its baseline evaluation report that a substantial number of cases of violence against women, in particular of sexual violence, are dismissed or closed, mostly as a result of insufficient investigations being carried out.<sup>190</sup>

142. Steps have been taken to increase levels of reporting of violence against women to law-enforcement authorities even further. For instance, specific units have been set up within the Civil Guard and the Catalan regional police to receive complaints from women with disabilities who are victims of violence and the provision of information in sign language has been promoted. To encourage reporting by migrant women, information has been disseminated in foreign consulates on the protection available in cases of violence against women. A protocol to enhance reporting of intimate partner violence among asylum-seeking and refugee women has also been put in place.<sup>191</sup> Other tools are available for victims to contact the police, such as the AlertCops app, which provides a direct channel to law-enforcement agencies to report incidents and an SOS button in case of emergency. Additionally, GREVIO is pleased to note that women victims of intimate partner violence and of sexual violence can file a complaint directly from hospitals.

143. Despite these ongoing efforts, GREVIO notes the persistent obstacles for women wishing to report violence to the law-enforcement authorities, especially among women at risk of or exposed to intersectional discrimination. Women with disabilities still face accessibility problems and, despite the availability of new guidance for police officers, officers are often unable to communicate in an inclusive manner or are unaware of how to respond to reports where the abuser is the carer.<sup>192</sup> Roma women report a persisting lack of trust in the police due to long-standing bias and prejudices towards them.<sup>193</sup>

144. Moreover, several groups of women identified in the baseline evaluation report as facing barriers to reporting their experiences of violence against women continue to face difficulties and attitudes that prevent their access to justice. For example, migrant women in an irregular situation continue to fear deportation, as they will only be spared from such a step if their case leads to a conviction or the granting of a protection order. Organic Law 10/2022 on Sexual Freedom sets the same requirement, despite the concerns expressed by GREVIO about tying exemptions from deportation to a successful outcome of the reporting, which may depend on many factors beyond the control of the individual wishing to report. Moreover, prejudice among some law-enforcement officers continues to exist, including the widespread perception that reporting is done in order to obtain a residence permit.<sup>194</sup> In view of the large share of migrant women among victims of gender-based killings,<sup>195</sup> GREVIO considers that additional emphasis should be put on enabling migrant women, irrespective of their legal status in the country, to access law enforcement protection and support. Last, women and girls in rural areas continue to face substantial obstacles to reporting and subsequently accessing law enforcement protection because of geographical isolation and the fear of stigmatisation. GREVIO notes that the Spanish authorities are aware of these challenges and that they are working on finding ways of reaching out to these women. For instance, specific digital tools have been put in place for the law-enforcement authorities to reach out to such women.

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188. Data provided by the CGPJ. See, in particular, press release regarding the 2023 report on gender-based violence, 20 March 2024.

189. 13 174 cases were recorded in 2020 compared to 19 013 in 2022. See the annual statistical report of the Ministry of the Interior, 2022. Only 1.3% of all cases of gender-based violence investigated by the courts in 2023 related to sexual violence; see CGPJ annual report 2023.

190. A 2023 submission by Amnesty International to CEDAW estimated that 42% of the cases of gender-based violence between 2017 and 2022 were closed or dismissed by the judiciary due to a lack of investigation. See Amnesty International, Submission to the UN Committee on the Elimination of Discrimination Against Women, 85th session, 8-26 May 2023.

191. Protocol of 2021 against gender-based violence in the asylum reception system. The implementation of this protocol is supported by UNHCR through the SEMilla 2022 project.

192. Information obtained during the evaluation visit.

193. Information obtained during the evaluation visit.

194. See the NGO submission by AIETI, the network of Caribbean and Latin-American Women and the Aspacia Foundation, January 2024, pp. 17-18.

195. See Article 11, Data collection.

145. **Welcoming the ongoing efforts to improve the police response to violence against women, GREVIO strongly encourages the Spanish authorities to pursue measures aimed at ensuring that all law-enforcement authorities have the resources, knowledge and powers to respond promptly, appropriately and with a gender-sensitive perspective to all forms of violence covered by the Istanbul Convention, including sexual violence, FGM, forced marriage and stalking.**

146. **Furthermore, GREVIO strongly encourages the Spanish authorities to identify and address any factors preventing women and girls from reporting their experiences of violence against women to law-enforcement agencies, focusing particularly on the experiences of migrant women, asylum-seeking women and women with an irregular migration status, as well as rural women.**

#### **b. Effective investigation and prosecution**

147. In its baseline evaluation report, GREVIO had regretted the over-reliance in investigations on the victim's statement, which is one of the factors leading to cases of violence against women being dismissed on grounds of lack of evidence. It therefore notes with satisfaction that a new protocol for police action during contact with victims of gender-based violence was issued in 2021, also known as "protocol zero".<sup>196</sup> This new tool aims at reinforcing the capacity of police officers to detect situations of intimate partner violence and at collecting evidence in order to be able to pursue criminal proceedings even though the victim may not file a complaint or withdraws one.<sup>197</sup> Police officers are required to proactively seek all sources of evidence, including testimonies of other persons and less visible signs of violence. The aim is also to provide adequate protection to victims irrespective of whether they file a complaint. While welcoming this important development, GREVIO nonetheless regrets that, according to information brought to its attention by lawyers working with women victims of violence, the protocol is yet to be systematically implemented by all police officers.<sup>198</sup> Additionally, GREVIO is concerned about persisting challenges arising from the process of collecting forensic evidence.<sup>199</sup>

148. As underlined in its baseline evaluation report, GREVIO notes with satisfaction that the special courts on gender-based violence and the special units on violence against women within the Prosecutor's Office have continued to play an important role in improving the effectiveness of prosecution of violence against women and in enhancing conviction rates.

149. In its baseline evaluation report, GREVIO had stressed that the possibility provided for by Article 416 of the Criminal Procedure Act for women victims to refrain from testifying against the perpetrator in certain conditions had been standing in the way of convictions for gender-based violence.<sup>200</sup> GREVIO notes with concern that the dispensation continues to be a major ground for dismissal of cases of violence against women and acquittals of perpetrators.<sup>201</sup> Despite a reform introduced by Organic Law 8/2021 on Child Protection aimed at limiting possibilities for victims of gender-based violence to be exempted from testifying,<sup>202</sup> around 10% of the victims continue to invoke this right at different procedural stages. However, at the stage of the final testimony in court, a decrease in the percentage of women refusing to testify was observed between 2021 and 2022. According to professionals, this decrease is attributable to the legal reform.<sup>203</sup> In this context, GREVIO notes with concern that the continued use by victims of the dispensation results from several factors, including fear of the perpetrator and pressure exercised on them, but also the

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196. Instruction 5/2021 of the Ministry of the Interior establishing a protocol for first police contact with victims of gender-based violence lacking protection ("zero protocol").

197. Intimate partner violence can be investigated *ex officio* in Spain.

198. Information received during the evaluation visit.

199. See Article 20, General support services, and Article 51, Risk-assessment and risk-management.

200. Referred to as "dispensation".

201. General Prosecutor's Office, annual report 2023.

202. Organic Law 8/2021 on Child Protection excludes the possibility of being exempted from testifying in several circumstances with a view to ensuring the protection of children and of children with disabilities in criminal proceedings. See first final provision amending the Criminal Procedure Act, of 14 September 1882.

203. From 10% to 5.5%; figures provided by the Prosecutor on Gender-based Violence.

requirement to reiterate their statement several times during lengthy proceedings. Moreover, it notes with grave concern indications it received of women changing their initial statement by providing self-accusations or invoking psychological issues where their testimony can no longer legally be dispensed.<sup>204</sup> Exposing themselves to proceedings for false testimony, such experiences will seriously undermine victims' trust in the criminal justice system and the confidence that they can achieve justice and reparation. In this context, GREVIO acknowledges the prosecutorial authorities' awareness of this concern and the efforts made to tackle it. It shares the prosecution authorities' view that solutions must be found to remedy this situation, including through adequate legislative or other measures. These could involve improving the collection of evidence to enable prosecution even in the absence of the victim's testimony as well as the provision of effective protection measures to women testifying during court proceedings.<sup>205</sup>

150. GREVIO also regrets the limited percentage of cases prosecuted for "habitual use of violence"<sup>206</sup> in intimate partner relations, which covers repeated acts of psychological or physical abuse, reportedly due to the difficulties in gathering evidence for such offences. It acknowledges the awareness of the authorities of the need to improve investigation and prosecution of such offences, which is a first step requiring follow-up in order to improve the response to this form of violence, which is at the core of domestic violence.<sup>207</sup>

151. Last, GREVIO notes with interest information brought to its attention on measures taken to bring specialised courts on gender-based violence and specialised prosecutorial units, which are mostly located in cities, closer to women victims of violence living in rural areas.<sup>208</sup>

152. **GREVIO urges the Spanish authorities to take further steps to:**

- a. **identify and address legislative and procedural factors that contribute to secondary victimisation during investigation;**
- b. **undertake comprehensive research into factors leading to attrition in cases of gender-based violence.**

153. **GREVIO also encourages the Spanish authorities to ensure full implementation of existing tools to improve the collection of evidence during investigations, remove the centrality of the victim's statement in criminal proceedings and enhance the victim's protection against all forms of violence against women covered by the Istanbul Convention.**

#### **c. Conviction rates**

154. GREVIO welcomes the steadily rising rate of convictions, reaching about 80% in cases of intimate partner violence in 2023.<sup>209</sup> While detailed data on sexual violence are lacking, GREVIO notes with concern that the number of sentences for sexual violence remains low.<sup>210</sup> As already mentioned, the paradigm shift introduced by Organic Law 10/2022 on Sexual Freedom is yet to translate into an increase in reporting, prosecution and conviction rates of cases of sexual violence. GREVIO is concerned that despite the groundbreaking changes introduced by the law, victims of sexual violence continue to experience secondary victimisation in judicial proceedings, due to persisting challenges to their credibility, stereotypes about victims of rape among the judiciary, the need for repeated statements and non-respect for victim's privacy as part of the proceedings.<sup>211</sup>

204. General Prosecutor's Office, annual report 2023.

205. See Article 56, Measures of protection.

206. Article 173, paragraph 2, of the Criminal Code. Such cases represented only 5.34% of the offences prosecuted in 2022. See General Prosecutor's Office, annual report 2023.

207. See in particular the Conclusions of the 17<sup>th</sup> seminar of specialised prosecutors on violence against women for 2022 (Spanish only).

208. GREVIO points for instance to a pilot project carried out in Extremadura through which women can testify before a specialised court by video link from the Civil Guard offices. Similar projects are in place in 22 cities.

209. CGPJ press release regarding the 2023 report on gender-based violence, 20 March 2024. The rate was 72% in 2020.

210. Information obtained during the evaluation visit.

211. See also Article 56, Measures of protection.



155. GREVIO notes that the specialised courts on gender-based violence will also be adjudicating on sexual violence offences but that the bylaws required to implement this provision of Organic Law 10/2022 have not yet been passed. Concerns from both NGOs and legal professionals were brought to GREVIO's attention regarding the need for the allocation of cases of sexual violence to specialised courts to be matched with adequate training and financial and human resources.

156. GREVIO observes with concern that, following the entry into force of Organic Law 10/2022 on Sexual Freedom and the merging of the offences of sexual assault and sexual abuse, the range of sanctions was enlarged, allowing for the lowering of several hundreds of sentences handed down to perpetrators of sexual violence after the entry into force of the law. This regrettable development could not but contribute to strengthening the feeling of impunity for sexual violence and harm the victims' trust in the judicial system. Organic Law 10/2022 was consequently amended, setting out two different types of sexual offences, including sexual acts committed with the use of force or violence.

157. Despite these developments, GREVIO considers that the full implementation of Organic Law 10/2022 has the potential to significantly reduce the level of impunity for sexual violence, by triggering increased reporting and more effective investigations into and prosecution of sexual violence. For the law to translate into an effective shift in the way sexual violence is dealt with and into changes for victims in judicial proceedings, GREVIO underlines the importance of carrying out substantial awareness-raising work among judges and other legal professionals on the new approach regarding freely given consent and the need to move away from rape myths and other stereotypes.<sup>212</sup>

158. **GREVIO encourages the Spanish authorities to:**

- a. take swift legislative and other measures to fully implement the provisions of Organic Law 10/2022 on Sexual Freedom and to ensure that perpetrators of sexual violence are held fully accountable for their acts;**
- b. ensure that the specialised courts on gender-based violence and other specialised judicial bodies are allocated the necessary resources to be able to investigate and prosecute all forms of sexual violence adequately.**

## **2. Risk assessment and risk management (Article 51)**

159. Many perpetrators of domestic violence, rape, stalking, sexual harassment, forced marriage and other forms of violence covered by the Istanbul Convention threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past, including non-fatal strangulation. The growing digital dimension of such violence further exacerbates women's and girls' sense of fear. Article 51 thus places concern for their safety at the heart of any intervention in such cases by requiring the establishment of a multi-agency network of professionals to protect high-risk victims without aggravating the harm experienced. It sets out the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces, on a case-by-case basis, according to standardised procedures and in co-operation with each other.

160. In its baseline evaluation report, GREVIO had praised the standardised and professional use of the Integrated Monitoring System for Cases of Gender-based Violence (VioGén) in place since 2007 but had nonetheless deplored the fact that it had been fed exclusively with information collected by law-enforcement officials and that there had been a lack of detection of high levels of risks, leading to fatal outcomes. GREVIO therefore welcomes the fact that information from other entities, such as social services and regional equality bodies, can now be entered into VioGén, provided the victim consents to data sharing.

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212. See the 4th General activity report on GREVIO's activities, from January to December 2022, focus section on approaches taken in states parties to the Istanbul Convention on the criminalisation and prosecution of sexual violence, including rape, pp. 26-54.

161. Increased interoperability of VioGén with the SIRAJ system has been achieved in order to maximise the exchange of information between the law-enforcement authorities and the judiciary and to enhance the safety of victims. Several new protocols have also been designed since 2020 to update existing tools and improve risk assessment through the use of VioGén.<sup>213</sup> GREVIO appreciates that VioGén includes an extensive list of “red flags”, including non-fatal strangulation, a particularly dangerous form of physical violence, which is known to greatly increase the risk of physical escalation and lethal violence. However, information brought to its attention indicates that law-enforcement officers do not always use the possibility provided by VioGén to include additional input relevant for risk evaluation, which can lead to inaccurate and under-estimated assessments.<sup>214</sup> In this context, GREVIO notes that among the women victims of gender-based killings in 2023, 24% had previously reported violence to the law-enforcement authorities, compared to 40% in 2022 and 20% in 2021.<sup>215</sup> This seems to indicate that some of the concerns expressed in GREVIO’s baseline evaluation report regarding the reliability of risk assessment persist.

162. Individual safety plans for victims are designed based on risk assessment. They can cover the victim’s children, including when they are at school. Their implementation is supervised by law-enforcement agencies. GREVIO was nonetheless informed that in some cases they are systematically implemented only with regard to women for whom the risk is adjudged to be very high.<sup>216</sup> At the same time, GREVIO appreciates the additional measures taken since 2020 to enhance protection and support to women at risk. In particular, since 2023 law-enforcement officers have been under an obligation to inform the victim of the perpetrator’s background in cases in which other women have filed complaints against him. GREVIO considers this measure to be an important tool for improving the safety of women victims of violence.

163. Risk-assessment reports carried out under the VioGén system are shared with prosecutors and judges. The fact that the latter receive initial and further risk assessments can prompt judicial action in cases where greater risks are identified following a review of the initial assessment. However, they are not obliged to act upon these reports. Courts may require a separate forensic evaluation, which, as already highlighted by GREVIO in its baseline evaluation, is a lengthy process because the Comprehensive Forensic Evaluation Units lack resources and are not available in all regions.<sup>217</sup> Consequently, prosecutors and judges, especially duty courts and those operating in rural areas, often have to take decisions on protection orders without a risk assessment provided by a forensic unit. This situation can contribute to the reported discrepancies between regions in the number of protection orders granted.<sup>218</sup>

164. GREVIO notes with interest that a new risk-assessment tool on sexual violence is under construction as VioGén only deals with intimate partner violence. The aim of this new tool will be to register, monitor and prevent sexual violence.

165. Additionally, GREVIO welcomes measures taken in 2022 to set up a system of retrospective analysis of cases of gender-based killings of women through crisis committees that are convened when five or more gender-based killings occur within one month. The crisis committees involve the Ministry of Equality, the authorities of the relevant autonomous communities and judges and prosecutors from these regions and aim to identify and remedy possible gaps that have led to the fatal outcome. Since 2022, eight crisis committee meetings have been convened.

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213. See the state report, pp. 96 and 97.

214. Information received during the evaluation visit.

215. Government Delegation on Gender-based Violence, monthly bulletins on women victims of gender-based killings by partners or ex-partners.

216. Information obtained during the evaluation visit.

217. See General Prosecutor’s Office, report for 2023.

218. Information obtained during the evaluation visit.

166. **GREVIO welcomes the continuous efforts of the Spanish authorities to improve risk assessment and enhance the safety of victims of intimate partner violence and encourages them to pursue efforts to increase the accuracy of these assessments and to extend them to all forms of violence against women covered by the Istanbul Convention.**

### **3. Emergency barring orders (Article 52)**

167. Under Article 52 of the Istanbul Convention, in situations of immediate danger, the authorities are granted the power to issue an emergency barring order, ordering the perpetrator to leave the residence of the victim or person at risk for a specific period of time, and prohibiting the perpetrator from entering the residence or contacting the victim or person at risk. Emergency barring orders are tools intended to prevent a crime and to put safety first.<sup>219</sup> They should therefore be time-bound and incident-based, with the possibility of renewal in case of continued danger. Longer-term protection should, however, be granted by a court by means of a protection order, upon application by the victim. An emergency barring order should in principle extend to children in need of protection and should have immediate effect.

168. In its baseline evaluation report, GREVIO had observed that the available protection orders, including the prohibition of contact and access to the shared residence, did not qualify as emergency barring orders as required by Article 52 of the Istanbul Convention. GREVIO regrets that since its baseline evaluation report, no measure has been taken to fill this gap. It underlines the importance for victims of violence and their children to have the possibility, in situations of immediate danger, to stay safe in their home without having to undergo a lengthy procedure, and not to have to hurriedly seek safety in a shelter or elsewhere.<sup>220</sup> Moreover, GREVIO underlines that emergency barring orders are a short-term measure that is much less restrictive than other types of measures separating the victim and the perpetrator, such as arrest and detention. Under the existing legislation, protection measures, often delivered in the form of precautionary measures, can take up to 72 hours to be issued, which is too long to qualify as an emergency barring order as defined under Article 52 of the convention.<sup>221</sup> Additionally, GREVIO received indications that decisions to evict the perpetrator from the home are rarely taken by judges and that the preferred option in most cases is to provide safety to the victim outside her home.<sup>222</sup> Against this background, it reiterates that emergency barring orders are in line with the requirements of the convention and should therefore form an integral part of the toolkit available to the criminal justice authorities to protect victims.

169. **GREVIO urges the Spanish authorities to take legal or other measures to ensure that the competent authorities have access to emergency barring orders meeting the requirements of Article 52 of the Istanbul Convention to ensure the safety of women victims and their children in their own home.**

170. **Furthermore, GREVIO strongly encourages the Spanish authorities to ensure the effective monitoring of all types of emergency barring orders and to effectively enforce sanctions for any breaches of these orders.**

### **4. Restraining or protection orders (Article 53)**

171. Restraining and protection orders are designed to prolong the protection afforded to the victim and her children by emergency barring orders and may be considered complementary to the protection offered by the latter. Under Article 53 of the Istanbul Convention, victims of all forms of violence against women should be able to obtain a protection order for immediate protection – without undue financial or administrative burden being placed on the victim and irrespective of whether or not they choose to set in motion any other legal proceedings.

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219. See GREVIO's baseline evaluation reports on Denmark, paragraph 207, and Malta, paragraph 218.

220. Explanatory Report to the Istanbul Convention, paragraph 264.

221. Article 544 *bis* and *ter* of the Criminal Procedure Act.

222. Information obtained during the evaluation visit.

172. GREVIO notes that the number of protection orders granted to victims of gender-based violence and the rate of rejection of requests for protection orders have remained stable since its baseline evaluation report.<sup>223</sup> However, as already underlined in 2020, GREVIO notes with grave concern the persisting stark discrepancies across the different regions of Spain in the rates of such rejections. In 2022, 83% of the requested protection orders were granted in the regions of La Rioja, Aragon and Valencia, whereas this rate was 48% in the regions of Madrid and Catalonia.<sup>224</sup> GREVIO regrets that since 2020 no specific research has been undertaken to better understand the reasons behind such differences.

173. Another persisting concern relates to the access of migrant women in an irregular situation to protection orders, to which they are entitled by law but which appear to be more difficult to obtain in practice because of their legal status.<sup>225</sup> In 2023, foreign women represented around 30% of those requesting a protection order.<sup>226</sup> No information is available on the number of orders granted by nationality. GREVIO nonetheless reiterates its concern previously expressed in its baseline evaluation report that in the regions hosting large migrant communities, the low rates of granting protection orders might have a particularly negative impact on these women, also taking into account the fact that a protection order is necessary to access many of the support services and that expulsion proceedings are to be undertaken in cases where a protection order has been denied.

174. GREVIO welcomes the fact that in Spain protection orders can apply to children of victims of intimate partner violence, including when they are at school or in other premises outside the home. It also welcomes the fact that they can be granted for digital manifestations of violence against women. While information available to GREVIO does not indicate the number of protection orders applied in cases of violence against women other than intimate partner violence, it is nonetheless informed that it is less frequent that a protection order is granted in cases involving psychological violence and, therefore, in cases involving violence committed online.<sup>227</sup>

175. GREVIO notes that 92% of the protection orders granted in 2023 were requested by the victims themselves. Only 2% were granted by a judge *ex officio* and 5% by prosecutors.<sup>228</sup> The reasons for this low rate of protection orders granted upon the initiative of judges and prosecutors are unclear and should be analysed.

176. Regarding monitoring of the implementation of protection orders, GREVIO welcomes the fact that protection orders are swiftly communicated by judges to other relevant stakeholders, including social services, and that the information is fed into the SIRAJ system within a maximum of 24 hours. These steps are essential for the victim's safety. GREVIO also notes with appreciation that the use of electronic devices to monitor the movement of perpetrators has expanded to cover perpetrators of sexual offences.<sup>229</sup> However, it understands that protection orders continue to be frequently breached, even though an increasing number of breaches are investigated by courts.<sup>230</sup> The law-enforcement authorities appears to lack resources to ensure systematic control of the implementation of such orders.<sup>231</sup> GREVIO reiterates that breaches of protection orders have been associated with a high risk of death.<sup>232</sup>

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223. 33 687 protection orders were granted in 2019 and 35 551 in 2023. Since 2017, protection orders have been granted in around 70% of the requests. Data provided by the CGPJ.

224. Data provided by the CGPJ. See also El diario.es, "España protege de forma desigual a las víctimas de violencia de género: algunos juzgados rechazan el 70% de las órdenes", 1 December 2023.

225. Organic Law 4/2000 on the Rights and Freedoms of Foreigners in Spain. See also Article 50, Immediate response, prevention and protection.

226. CGPJ press release regarding the 2023 report on gender-based violence, 20 March 2024.

227. Information obtained during the evaluation visit. See also GREVIO's General Recommendation No. 1 on the digital dimension of violence against women, 2021.

228. Information provided by the CGPJ.

229. Electronic bracelets and the ATENPRO service. See Organic Law 10/2022 on Sexual Freedom, final provision 1.3 amending Article 544 *bis* of the Criminal Procedure Act.

230. In 2023, there were 19 798 offences of breach of protection orders (which represents about 55% of the total number of protection orders granted). Information provided by the Ministry of the Presidency, Justice and Relations with the Parliament. The number of breaches investigated by specialised courts on gender-based violence increased from 29 508 in 2020 to 44 162 in 2023.

231. Information obtained during the evaluation visit.

232. GREVIO baseline evaluation report, paragraph 269.

**177. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Spanish authorities to carry out an analysis of the reasons for the significantly higher rates of rejection of protection orders in some parts of the country and to increase measures to address breaches of protection orders by perpetrators of violence against women.**

## **5. Measures of protection (Article 56)**

178. Article 56 of the Istanbul Convention is a key provision for building trust at the level of judicial proceedings for women and girls who have experienced or who are witness to any of the forms of violence covered by the convention. It sets forth a non-exhaustive list of procedures designed to protect victims of violence from intimidation, retaliation and secondary victimisation at all stages of proceedings, during investigations and at trial. The drafters intended this list to be indicative, and parties may adopt additional protection measures that are more favourable than those provided in the convention. Moreover, intimidation and secondary victimisation can occur not only at the hands of perpetrators but also when investigations and judicial proceedings are not based on a gendered understanding of violence against women, which is why the practical application of measures of protection should be firmly anchored in such an understanding.

179. In its baseline evaluation report, GREVIO had welcomed the work carried out by the network of Victim Support Offices providing support and legal and psychological counselling to women victims of violence, thereby contributing to enhancing the trust of victims in the legal system. GREVIO welcomes the role these offices play in informing victims of any change in the execution of the perpetrator's sentence or in case of release or anticipated release, in line with Article 56, paragraph 1*b*, of the Istanbul Convention.<sup>233</sup> Moreover, it welcomes the fact that Organic Law 10/2022 on Sexual Freedom foresees that these entities will be provided with specific training and support in order to be able to support victims of sexual violence. In this context, GREVIO points to the need to ensure sufficient resources for these offices in order to be able to effectively carry out their duties and for specific measures to be taken so that they can reach out to victims residing in rural areas.<sup>234</sup>

180. The right for the victim to avoid contact with the perpetrator in court proceedings is provided for by law.<sup>235</sup> Moreover, victims of domestic violence and sexual violence are to be protected against secondary victimisation in judicial proceedings by using technological tools to record their testimonies.<sup>236</sup> In practice, it appears that these rights are not always effectively implemented and that women victims of violence do not always have access to adequate facilities that would prevent them from entering into contact with the perpetrator or to the use of technical means so that they can be heard without being present in the courtroom.<sup>237</sup> GREVIO understands that this situation is often connected with courts lacking the means and, sometimes, a lack of awareness among legal professionals of the need to avoid secondary victimisation.<sup>238</sup> It also notes that the possibility of recording evidentiary testimonies of child victims and of vulnerable victims with disabilities is available in Spanish law<sup>239</sup> but that it does not apply to vulnerable adult victims of gender-based or sexual violence.<sup>240</sup> Finally, GREVIO notes that although Organic Law 10/2022 on Sexual Freedom

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233. In line with Article 7 of Law 4/2015 on the Statute of Victims of Crime.

234. See General Prosecutor's Office, annual report 2023.

235. Article 20 of Law 4/2015 on the Statute of Victims of Crime and Article 26 of Organic Law 10/2022 on Sexual Freedom.

236. First final provision of Organic Law 10/2022 on Sexual Freedom amending the Criminal Procedure Act, approved by Royal Decree of 14 September 1882. See also Article 137 *bis* of Royal Decree 6/2023 approving urgent measures for the execution of the Recovery, Transformation and Resilience Plan in the field of public-service justice, public service, local regime and patronage.

237. See ombudsman's annual report 2022, p. 190.

238. Information obtained during the evaluation visit.

239. Known as "pre-constituted evidence". See first final provision of Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence amending the Criminal Procedure Act, approved by Royal Decree of 14 September 1882, Article 449 *bis*.

240. Information obtained during the evaluation visit. See also Themis, Estudio comparado de la regulación del consentimiento en los delitos contra la libertad e indemnidad sexual, Buenas prácticas y estrategia para combatir la violencia sexual desde la perspectiva de género, 2023.

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provides for the right of victims of sexual violence to protection of their private life, concerns in this respect continue to be reported by lawyers working with women victims of violence.<sup>241</sup>

181. Last, GREVIO takes note with interest of the current process of setting-up “Barnahus” centres to better respond to the needs of children who are victims of sexual violence while protecting them from secondary victimisation.

182. **While welcoming the existing safeguards to protect women victims of violence in court proceedings, GREVIO encourages the Spanish authorities to ensure their systematic implementation for victims of all forms of violence against women.**

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241. Information obtained during the evaluation visit. See also Article 50, Immediate response, prevention and protection.

## **Appendix I**

### **List of proposals and suggestions by GREVIO**

#### **II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence**

##### **A. Definitions (Article 3)**

1. Recognising the ongoing progress made in aligning definitions with the requirements of the Istanbul Convention but noting the persistent variations across regions, GREVIO encourages the Spanish authorities to take further legislative or other measures to ensure greater alignment of definitions of forms of violence against women covered by the Istanbul Convention in use in Spain with the definitions provided in Article 3 of the convention. (paragraph 20)

##### **B. Comprehensive and co-ordinated policies (Article 7)**

2. GREVIO strongly encourages the Spanish authorities to step up efforts to ensure consistent implementation of existing policies to prevent and combat gender-based violence against women across national, regional and local levels, in particular by:

- a. ensuring the implementation of policies and measures aimed at meeting the specific needs of women victims of violence exposed to intersectional discrimination;
- b. evaluating, on a regular basis, their policies aiming to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data;
- c. ensuring the involvement, on a regular basis, of NGOs working with women victims of gender-based violence, in policy making as well as in the monitoring and evaluation of policies and measures. (paragraph 31)

##### **C. Financial resources (Article 8)**

3. While acknowledging the substantial allocation of funds to prevent and combat violence against women in Spain, GREVIO encourages the Spanish authorities to take measures to set spending priorities and targets, notably by:

- a. strengthening the guidance provided to local and regional authorities on the use of funds received for the implementation of the State Pact against Gender based Violence;
- b. ensuring appropriate and sustainable funding for women's NGOs that run specialist support services for women victims of all forms of violence, including smaller community-based NGOs, through funding opportunities that allow for continuous service provision, such as long-term grants. Procurement procedures for such services should include, as selection criteria, qualitative requirements such as the need to ensure a gender-sensitive approach to violence against women and domestic violence as well as experience in the provision of services. (paragraph 38)

##### **D. Data collection (Article 11)**

#### **3. Social services**

4. Recalling the findings issued in the GREVIO baseline evaluation report, and bearing in mind the need for data-collection endeavours to extend to all forms of violence covered by the Istanbul Convention, notably sexual violence, female genital mutilation and forced marriage, GREVIO strongly encourages the Spanish authorities to pursue their efforts to:



- a. ensure that data collected by law-enforcement agencies, judicial authorities and health services are disaggregated with regard to the sex and age of victim and perpetrator, type of violence, the relation of the perpetrator to the victim, the geographical location and other factors deemed relevant;
- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim of allowing for the tracking of a case across the different stages of the criminal justice system and thus enabling an assessment of, inter alia, conviction, attrition and recidivism rates;
- c. take measures to harmonise data-collection efforts by the health sector across the country and ensure that data collected by public and private healthcare providers encompass instances of contact made by victims of violence against women with primary healthcare and perinatal service providers;
- d. introduce data collection by social services in relation to all forms of violence against women, including female genital mutilation, forced abortion and forced sterilisation. (paragraph 48)

### **III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution**

#### **A. Prevention**

##### **1. General obligations (Article 12)**

5. Welcoming the firm anchoring of preventive measures in policy documents and national strategies, GREVIO encourages the Spanish authorities to:

- a. step up efforts to ensure the practical implementation of preventive measures on all forms of violence against women, including sexual violence, FGM, forced marriage, violence in the name of so-called honour and any digital manifestations of violence against women, involving specialist women's rights organisation in such efforts;
- b. ensure that more preventive work is carried out addressing specifically gender based violence against women and girls experienced by women with disabilities and other women at risk of intersectional discrimination, including, in particular, migrant and asylum-seeking women;
- c. continue to involve young men and boys in preventive measures and roll out existing preventive measures for this group;
- d. regularly carry out impact assessments of any awareness-raising campaigns and primary prevention measures taken. (paragraph 54)

##### **2. Education (Article 14)**

6. Recalling the findings issued in its baseline evaluation report, GREVIO encourages the Spanish authorities to further promote the principles of equality between women and men, non stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships through adequate teaching material and to monitor how teachers make use of such material, and where necessary, to include programmes on the topics listed in Article 14 of the Istanbul Convention as mandatory subjects in the formal curriculum. (paragraph 60)

7. GREVIO further strongly encourages the Spanish authorities to increase their efforts to teach children, in an age-appropriate manner, about the notion of freely given consent in sexual relations, raise their awareness of the harmful effects of violent pornography and the implications of sharing intimate images of oneself and others. (paragraph 61)

##### **3. Training of professionals (Article 15)**

8. Recalling the findings issued in its baseline evaluation report and in view of persisting gaps in the field of training of professionals, whose contribution to a trust-based system of support,

protection and justice is vital, GREVIO urges the Spanish authorities to step up the training of all professionals dealing with victims and perpetrators of violence against women on all forms of violence covered by the Istanbul Convention, and the specific needs of women belonging to vulnerable groups. Such training must be accompanied by standardised protocols aimed at identifying, providing support to and further referring victims to other services and it should be regularly evaluated. It should focus on the victims' human rights, safety, individual needs and empowerment, the prevention of secondary victimisation through a victim-centred and trauma-informed approach and be provided to all those in the justice, law-enforcement, social welfare, healthcare and education sectors. The impact of such training efforts should be maximised by drawing on the expertise of women's rights organisations and providers of specialist services. (paragraph 74)

9. GREVIO further urges the Spanish authorities to ensure mandatory training of judges presiding over cases involving custody and visitation rights on:

- a. the negative effects that witnessing violence against women has on children and the importance of taking into account such instances when reaching a decision and/or agreeing to or promoting mediation in such cases;
- b. the nature and dynamics of domestic violence, including the unequal power relations between the parties, as opposed to a mere conflictual relationship between spouses. (paragraph 75)

#### **4. Preventive intervention and treatment programmes (Article 16)**

##### **a. Programmes for perpetrators of domestic violence**

10. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Spanish authorities to improve the compliance of existing perpetrator programmes with Article 16, paragraph 3, of the Istanbul Convention by ensuring that they include an approach centred on the victim's safety and support and are implemented in close co-operation with victim support services. (paragraph 81)

11. GREVIO also encourages the Spanish authorities to update existing quality standards of work with perpetrators and ensure that they are consistently applied across the country. (paragraph 82)

12. Moreover, GREVIO encourages the Spanish authorities to consider supporting and promoting further the development of preventive programmes of work with perpetrators of gender-based violence. (paragraph 83)

#### **B. Protection and support**

##### **1. General obligations (Article 18)**

13. GREVIO strongly encourages the Spanish authorities to:

- a. pursue their efforts to set up, across the country, multi-agency co-operation mechanisms involving all the relevant statutory and other agencies, including NGOs providing specialist support services. Such co-ordination mechanisms should extend to all forms of violence covered by the Istanbul Convention, such as rape and sexual violence, digital manifestations of violence against women, forced marriage and FGM, and should be adequately resourced;
- b. map existing co-ordination mechanisms and ensure regular monitoring of their operation. (paragraph 92)

14. Moreover, GREVIO urges the Spanish authorities to take measures to simplify and harmonise the process of official recognition of victims of all forms of violence against women in order to ensure swift and effective access, across the country, to protection and support services for

all victims of violence against women, irrespective of the form of violence they have been suffered, and to set up, where appropriate, counselling and support in the form of one-stop-shop services. (paragraph 93)

## **2. General support services (Article 20)**

### **a. Social services**

15. Recalling the findings issued in its baseline evaluation report, GREVIO encourages the Spanish authorities to improve measures to ensure adequate access of all women and girls to general support services and to pursue their efforts to reduce regional disparities in the quality of services provided. In doing so, additional measures must be taken to devise more effective responses to the needs of women and girls at risk of or exposed to intersectional discrimination, including by ensuring recognition in the existing protocols of their specific needs. (paragraph 99)

### **b. Healthcare services**

16. GREVIO encourages the Spanish authorities to further implement standardised care paths in the public and private healthcare sectors, based on a gender-sensitive and non judgmental approach, in order to ensure the identification of victims, their diagnosis, treatment, documentation of the type of violence suffered (including photographs of injuries) and resulting health problems, and referral to appropriate specialist support. (paragraph 104)

17. GREVIO encourages the Spanish authorities to regularly assess the implementation of existing protocols by healthcare providers and to ensure their adaptation to the needs of women and girls at risk of intersectional discrimination. (paragraph 105)

18. Furthermore, GREVIO strongly encourages the Spanish authorities to ensure that all victims of sexual violence have access to support services, including the collection and storing of forensic evidence free of charge and without any obligation to press charges. (paragraph 106)

## **3. Specialist support services (Article 22)**

19. GREVIO encourages the Spanish authorities to take additional steps to ensure that women victims of all forms of violence covered by the Istanbul Convention, including FGM and forced marriage, have effective access to accessible and quality specialist support services. In doing so, specific measures should be taken to ensure that women and girls at risk of or exposed to intersectional discrimination are systematically referred to specialist support services meeting their needs as victims of violence against women and have access to domestic violence shelters. (paragraph 112)

## **4. Support for victims of sexual violence (Article 25)**

20. Welcoming the efforts made to set up a comprehensive network of specialist support for victims of sexual violence, GREVIO encourages the Spanish authorities to ensure that:

- a. all victims of sexual violence have access to medical care and immediate and long-term counselling and psychological support delivered by qualified professionals who provide victim-sensitive and trauma-informed support;
- b. an accessible and harmonised system for officially recognising victims of sexual violence is devised;
- c. the particular needs of women exposed to intersectional discrimination are fully taken into account and that women living in rural areas have effective access to such services. (paragraph 117)

## **C. Substantive law**

### **1. Custody, visitation rights and safety (Article 31)**

21. Welcoming the substantial legislative steps taken by the Spanish authorities in the area of custody and visitation rights, GREVIO strongly encourages them to pursue their efforts to ensure the safety of victims and their children by:

- a. carrying out a thorough review of the judicial practice regarding the legal provisions requiring judges to withdraw custody and visitation rights in cases of parental separation with a history of violence, in order to determine whether the current practice complies with the provisions of Article 31 of the Istanbul Convention;
- b. stepping up efforts to prevent secondary victimisation of women victims of violence, by avoiding victim blaming, discrediting and/or over-emphasising their responsibilities and by ending the practice of removing children from or limiting parental rights of non-abusive parents on grounds of the so-called parental alienation syndrome or related concepts;
- c. stepping up measures to strengthen interinstitutional co-operation and information exchange between civil courts and criminal courts;
- d. taking resolute measures to ensure that supervised visitation facilities are adequately resourced, focus on the safety of children and their mothers and avoid the secondary victimisation of women. (paragraph 130)

## **2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

22. GREVIO strongly encourages the Spanish authorities to take all necessary measures to ensure that mediation procedures carried out in family law proceedings do not constitute quasi-mandatory mediation in cases with a history of domestic violence. To do so, they should, *inter alia*:

- a. set up screening mechanisms to ensure the systematic detection of domestic violence by judges and mediators in family law proceedings;
- b. put in place adequate safeguards to ensure freely given and informed consent of women victims of violence throughout voluntary family mediation processes and that such processes fully respect the rights, needs and safety of victims. (paragraph 135)

23. Moreover, GREVIO urges the Spanish authorities to take steps to regulate the system of family co-ordination, in particular to ensure that it is not mandated in cases with a history of intimate partner violence, and to set up a system of regular evaluation of family co-ordination processes. (paragraph 136)

## **D. Investigation, prosecution, procedural law and protective measures**

### **1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)**

#### **a. Reporting to, immediate response and investigations by law-enforcement agencies**

24. Welcoming the ongoing efforts to improve the police response to violence against women, GREVIO strongly encourages the Spanish authorities to pursue measures aimed at ensuring that all law-enforcement authorities have the resources, knowledge and powers to respond promptly, appropriately and with a gender-sensitive perspective to all forms of violence covered by the Istanbul Convention, including sexual violence, FGM, forced marriage and stalking. (paragraph 145)

25. Furthermore, GREVIO strongly encourages the Spanish authorities to identify and address any factors preventing women and girls from reporting their experiences of violence against women to law-enforcement agencies, focusing particularly on the experiences of migrant women, asylum-seeking women and women with an irregular migration status, as well as rural women. (paragraph 146)

**b. Effective investigation and prosecution**

26. GREVIO urges the Spanish authorities to take further steps to:

- a. identify and address legislative and procedural factors that contribute to secondary victimisation during investigation;
- b. undertake comprehensive research into factors leading to attrition in cases of gender-based violence. (paragraph 152)

27. GREVIO also encourages the Spanish authorities to ensure full implementation of existing tools to improve the collection of evidence during investigations, remove the centrality of the victim's statement in criminal proceedings and enhance the victim's protection against all forms of violence against women covered by the Istanbul Convention. (paragraph 153)

**c. Conviction rates**

28. GREVIO encourages the Spanish authorities to:

- a. take swift legislative and other measures to fully implement the provisions of Organic Law 10/2022 on Sexual Freedom and to ensure that perpetrators of sexual violence are held fully accountable for their acts;
- b. ensure that the specialised courts on gender-based violence and other specialised judicial bodies are allocated the necessary resources to be able to investigate and prosecute all forms of sexual violence adequately. (paragraph 158)

**2. Risk assessment and risk management (Article 51)**

29. GREVIO welcomes the continuous efforts of the Spanish authorities to improve risk assessment and enhance the safety of victims of intimate partner violence and encourages them to pursue efforts to increase the accuracy of these assessments and to extend them to all forms of violence against women covered by the Istanbul Convention. (paragraph 166)

**3. Emergency barring orders (Article 52)**

30. GREVIO urges the Spanish authorities to take legal or other measures to ensure that the competent authorities have access to emergency barring orders meeting the requirements of Article 52 of the Istanbul Convention to ensure the safety of women victims and their children in their own home. (paragraph 169)

31. Furthermore, GREVIO strongly encourages the Spanish authorities to ensure the effective monitoring of all types of emergency barring orders and to effectively enforce sanctions for any breaches of these orders. (paragraph 170)

**4. Restraining or protection orders (Article 53)**

32. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Spanish authorities to carry out an analysis of the reasons for the significantly higher rates of rejection of protection orders in some parts of the country and to increase measures to address breaches of protection orders by perpetrators of violence against women. (paragraph 177)

**5. Measures of protection (Article 56)**

33. While welcoming the existing safeguards to protect women victims of violence in court proceedings, GREVIO encourages the Spanish authorities to ensure their systematic implementation for victims of all forms of violence against women. (paragraph 182)

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## **Appendix II**

### **List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations**

#### **National authorities**

Ministry of Education, Vocational Training and Sports  
Ministry of Equality  
Ministry of Health  
Ministry of Inclusion, Social Security and Migrations  
Ministry of Interior  
Ministry of Labour and Social Economy  
Ministry of Science, Innovation and Universities  
Ministry of the Presidency, Justice and Relations with the Parliament  
Ministry of Social Rights, Consumption and Agenda 2030  
Ministry of Youth and Childhood

#### **Castilla and Leon:**

Department of Education  
Department of Family and Equal Opportunities  
Government Delegation to Castilla and Leon/Civil Guard and National Police

#### **Catalonia:**

Department of Education and Health  
Department of Equality and Feminism  
Department of Interior  
Department of Justice  
Department for Social Rights

#### **Public institutions**

General Council of the Judiciary  
Defensor del Pueblo (High Commissioner for Fundamental Rights and Civil liberties of the Parliament)

#### **Non-governmental organisations**

AIETI – organisation carrying out research on themes related to Latin-America  
Amnesty International, Spain  
ASPACIA Foundation – organisation providing support services to women victims of violence  
Association “Artemisa” Migrant and Refugee Women  
Association “Gitanas Feministas por la Diversidad”  
Association for the support to victims of sexual assault and other ill-treatment (ADAVASYMT),  
Valladolid  
Association of Women Lawyers Themis  
CERMI Women Foundation – organisation supporting women with disabilities  
Doctors of the World, Spain  
Eurocentralasian Lesbian\*Community  
Federation of Progressist Women of Castilla and Leon

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Federation of the Artemisa Network supporting Roma women  
Federation of Young Women  
Feminists for Social Change  
Karibu – organisation providing support to migrant women from Africa  
LesWorking – international professional network for lesbian women  
Madrid Feminist Forum  
Mujeres Supervivientes - supporting women survivors of gender-based violence  
Network of Latin-American and Caribbean Women  
Cedaw-Istanbul-Beijing Shadow – umbrella organisation providing shadow reports to international treaty bodies  
Plataforma Impacto de Género Ya – Platform promoting gender-sensitive budgeting  
Platform against the Ill-treatment of Women “Violencia zero” (Zero violence)  
Plataforma YO SÍ TE CREO #StopSAP – organisation dealing with custody and visitation rights in situations of gender-based violence  
Red de Madres Protectoras – organisation dealing with custody and visitation rights in situations of gender-based violence  
National Network “Free from female genital mutilation”  
Save a Girl Save a Generation  
Spanish Commission for the Support of Refugees (CEAR)  
Spanish Federation of Lesbian, Gay, Trans, Bisexual and Intersex people + (FELGBTI+)  
Trabe Association – organisation dealing with gender-based violence and prostitution  
Union of Family Support Organisations (UNAF)  
Valladolid Bar Association/Women Lawyers’ Grouping  
Women’s Support Association “Plaza Mayor », Salamanca

**Civil society representatives:**

Débora Ávila Canto, Madrid Complutense University, Centre for Studies and Research on Women  
María del Carmen Peñaranda, Madrid Complutense University  
Helena Soletó Muñoz, Director of the Alonso Martínez Institute  
Tania Sordo Ruz, lawyer and researcher



**G**REVIO, the Group of Experts on Action against Violence against Women and Domestic Violence, is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by the parties.

Following the comprehensive stocktaking exercise set out in its baseline evaluation reports, GREVIO's first thematic evaluation round identifies progress made in building trust among women and girls by delivering support, protection and justice for any of the forms of violence against women covered by the Istanbul Convention. This report contains an analysis of developments in law and policy in respect of provisions of the convention relating to victim support and protection, criminal investigation and prosecution of acts of violence. It also covers developments in the determination of child custody and visitation rights in cases with a history of violence and wider preventive measures.

[www.coe.int/conventionviolence](http://www.coe.int/conventionviolence)

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.