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# TACTICS

Regional Report on existing Domestic  
Violence Response System between police  
and professionals

Spain

Commission for the Investigation of Gender Based Violence

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## Overview of the GBV response system

### Introduction

#### 1.1.1. Commission for the Investigation of Gender Based Violence (CIMTM)

The [CIMTM](#), the organisation responsible for this regional report, has worked for the eradication of all forms of gender-based violence since 1977 being its priority areas the following: gender-based violence within intimate relationships and sexual exploitation.

Our present and our future continues to be the fight for the eradication of all forms of violence against women, and among our primary objectives, the achievement of greater coordination of resources and strategies aimed at achieving the prevention and protection of women who are victims of any form of gender-based violence.

Given that the object of this study reaches the field of work with aggressors, the information regarding this area, is based on the contributions of professionals from public and private specialised entities, who have collaborated by providing data and experiences.

#### 1.1.2 Use of the term "gender-based violence"

All references in relation to legislation, regulations, procedures, etc. as well as recommendations drawn from this project in the Spanish context will refer to the term "gender-based violence (GBV)" or "violence against women (VAW)". Never to "domestic violence".

This is outlined in the main legislative reference in this context: **Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender-based Violence**. It is also reflected in protocols and other official documentation in the police field, and, finally, it is fully integrated into common language.

We will therefore use the term "gender-based violence" to refer to violence suffered by women simply because they are women, which can be not only physical but, as the aforementioned Organic Law states, "all acts of physical and psychological violence, including aggression against sexual freedom, threats, coercion or arbitrary deprivation of liberty".

In addition to women, according to the Law, victims of GBV are considered to be "their minor children and minors subject to their guardianship or custody, victims of this violence"<sup>1</sup>.

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<sup>1</sup> A more extensive discussion of the use of the term gender-based violence, both nationally and internationally, can be found in Annex I of this report.

### 1.1.3 Overview of the GBV Response System

Spain's gender-based violence intervention system is designed to address violence against women with the aim of prevention, protection of victims and punishment of perpetrators.

The fight against GBV is tackled through a multidisciplinary approach involving different institutions and professionals. Some key aspects of the intervention system are:

- **Specific laws** on GBV.
- **Courts specialised** in GBV.
- **Specific police units** in charge of dealing with these cases.
- **Immediate protection measures for victims**, such as restraining orders.
- **Violence against Women Units** that perform support functions to ensure the full protection of victims, as well as to coordinate and follow up on situations of violence that arise in each region through, among other means, inter-institutional collaboration.
- **Emergency telephone line**: in Spain, there is an emergency telephone number, 016, which offers free and confidential legal and psychological counselling to GBV victims.
- **Awareness-raising and prevention programmes**, including educational activities in schools and actions to promote gender equality.
- **multi-agency coordination**: to ensure a comprehensive and effective response, there is an effort to coordinate actions between different institutions, such as social services, police, health professionals and judicial services.

### 1.1.4 National regulations on gender-based violence

In Spain, as stated in the **Law on Comprehensive Protection Measures against GBV 1/2004**, in its Explanatory Memorandum, GBV is manifested as:

*"The most brutal symbol of the existing inequality in our society. It is a violence that is directed against women for the very fact of being women, for being considered, by their aggressors, as lacking the minimum rights of freedom, respect and decision-making capacity.*

*Article 15 of our Constitution incorporates the right of everyone to life and to physical and moral integrity, without in any case being subjected to torture or inhuman or degrading treatment or punishment. Furthermore, our Magna Carta continues, these rights are binding on all public authorities and their exercise can only be regulated by law.*

*The United Nations at the Fourth World Conference in 1995 already recognised that violence against women is an obstacle to achieving the goals of equality, development and peace and violates and undermines the enjoyment of human rights and fundamental freedoms. Moreover, it defines it broadly as a manifestation of historically unequal power relations between women and men. (...)*

*In the Spanish reality, aggression against women has a special incidence, and today there is a greater awareness of it than in previous times, thanks, to a large extent, to the efforts made by women's organisations in their fight against all forms of GBV. It is no longer an "invisible crime", but one that produces collective rejection and evident social alarm".*

It is for this reason that Spain currently has a wide range of legislation that addresses GBV, both specifically, through regulations directly aimed at protecting women against the various forms of inequality and violence, and through specific regulations introduced in broader legislation, such as the Criminal Code, the Criminal Procedure Act, the Civil Code and the Civil Procedure Act, to name but a few, which logically, insofar as they include legislation that affects criminal or civil family regulations, must take into account the effects of violence in these spheres.

In this sense, in order to frame this report, we will make a brief reference to the most important laws on this matter, without prejudice to other Autonomous Community legislation or regulations which, in line with the above, develop them more specifically at regional or corporate level.

### **Organic Law 1/2004 of 28 Dec. 2004 on Comprehensive Protection Measures against GBV**

GBV is approached by this law in a comprehensive and multidisciplinary way, starting with the process of socialisation and education.

The scope of the Law covers preventive, educational, social, welfare and aftercare aspects for victims, as well as the civil regulations that affect the family or cohabitation environment where aggressions mainly occur, and the principle of subsidiarity in Public Administrations. It also deals decisively with the punitive response that must be given to all manifestations of violence that this Law regulates.

Likewise, the right to free legal aid is recognised, with the aim of guaranteeing victims with insufficient resources to litigate legal assistance in all processes and procedures related to GBV in which they are a party, with the same legal department providing assistance in all processes. The measure is extended to injured parties in the event of the victim's death.

With regard to the legal measures taken to guarantee adequate and effective treatment of the legal, family and social situation of the victims of violence against women in intra-family relationships, the following measures have been adopted: in accordance with Spanish legal tradition, a formula of specialisation has been adopted within the criminal justice system, with the creation of the Courts for Violence against Women, excluding the possibility of creating a new jurisdictional order or the assumption of criminal jurisdiction by the Civil Courts. These Courts will be responsible for the investigation and, where appropriate, the adjudication of criminal cases involving VAW, as well as related civil cases, in such a way that both are dealt with in the first instance before the same court. This ensures the guaranteeing mediation of due criminal process in the intervention of the fundamental rights of the alleged aggressor, without reducing in the least the legal possibilities that this law provides for the greater, more immediate and effective protection of the victim, as well as the resources to avoid repetition of the aggression or the escalation of the violence.

### **Organic Law 3/2007, of 22 March, for the effective equality of women and men**

The main novelty of this law lies in the prevention of such discriminatory behaviour and in the provision of active policies to give effect to the principle of equality.

Such an option necessarily implies a projection of the principle of equality on the various areas of the social, cultural and artistic reality in which inequality can be generated or perpetuated. Hence the

consideration of the cross-cutting dimension of equality, the hallmark of modern anti-discrimination law, as a fundamental principle of this text.

The Law refers to the generality of public policies in Spain, national, regional and local. It does so under the constitutional attribution to the State of the competence to regulate the basic conditions that guarantee the equality of all Spaniards in the exercise of constitutional rights, although it contains a more detailed regulation in those areas of basic or full legislative competence of the State.

### **Royal Decree-Law on measures to implement the State Pact against GBV**

The National Covenant against GBV adopted in the Congress of Deputies and the Senate, whose approval culminated in December 2017 with the agreements reached between the Government and the rest of the regional and local administrations, recognised the magnitude of the challenges for the prevention and adequate response to the different forms of violence against women, including sexual violence.

### **Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom**

Sexual violence is perhaps one of the most common and hidden human rights violations in Spanish society, specifically and disproportionately affecting women and girls.

This law considers sexual violence to be acts of a sexual nature that are not consensual or that condition the free development of sexual life in any public or private sphere, including sexual assault, sexual harassment and the exploitation of the prostitution of others, as well as all other crimes specifically aimed at protecting minors.

It also aims to respond to sexual violence committed in the digital sphere, which includes the dissemination of sexual violence through technological means, non-consensual pornography and sexual extortion. Also, among behaviours with an impact on sexual life, female genital mutilation, forced marriage, harassment with sexual connotations and trafficking for the purpose of sexual exploitation are considered sexual violence. Finally, in coherence with the recommendations of the United Nations Special Rapporteur on violence against women, its causes and consequences, the homicide of women linked to sexual violence, or sexual femicide, is included as the most serious violation of human rights linked to sexual violence, which must be made visible and to which a specific response must be given.

In recent years, thanks to the mobilisations and public actions promoted by the feminist movement, sexual violence has gained greater social visibility and the scale of the challenges faced by public authorities in preventing and eradicating it has become clear.

### **Complementary measures**

#### **Protection Order**

**Law regulating the Protection Order for victims of domestic violence. Law 27/2003, of 31 July, regulating the Protection Order for victims of domestic violence.**

The protection order for victims of domestic violence unifies the different instruments of protection and protection for victims of these crimes and misdemeanours. It aims to ensure that through a quick and simple judicial procedure, brought before the court that was previously the investigating court (now the court for violence against women), the victim can obtain a comprehensive protection statute that concentrates in a coordinated manner a precautionary action of a civil and criminal nature.

That is to say, a single judicial decision that jointly incorporates both the measures restricting the aggressor's freedom of movement to prevent him from approaching the victim again, and those aimed at providing security, stability and legal protection to the person assaulted and her family, without the need to wait for the formalisation of the corresponding civil marriage proceedings. The judicial protection order will, in turn, mean that the different public administrations, state, regional and local, will immediately activate the instruments of social protection established in their respective legal systems. This is precisely its most innovative element.

In order to make the measures incorporated in the protection order effective, a particularly simple procedure has been designed, accessible to all victims of domestic violence, so that they and their legal representatives or people in their immediate family environment can apply for it without technical formalities or added costs.

Likewise, the new protection order must be obtained quickly (72 hours), as there will be no real protection for the victim if it is not activated as quickly as possible. To this end, continuing in the line inaugurated by Law 38/2002, of 24 October, which regulates the procedure for the rapid prosecution of certain crimes and misdemeanours, the present regulation opts for attributing the competence to adopt the protection order to the Examining Magistrate on duty. The judicial decision must be substantiated in the least disruptive manner within the criminal proceedings in progress, whatever their nature and characteristics.

In addition to the above, we have, as mentioned, specific regulations introduced in broader norms, such as the Criminal Code, the Criminal Procedure Act, the Civil Code and the Civil Procedure Act, to name but a few, which logically, insofar as they include regulations that affect criminal or civil family regulations, have to contemplate the effects of violence in these areas.

This is why we consider Spain to be a country that is undoubtedly advanced in terms of the recognition of GBV as an unacceptable scourge in a democratic State under the rule of law and in terms of legislation and regulations, although the formal reality is not always accompanied by the material reality and the adequate application of the laws, For this reason, we consider the TACTICS project to be essential, in order to promote an exchange of experiences, good practices and standardisation of guidelines for action with other countries in an area as fundamental as the actions of the State Security Forces and Corps, due to their involvement at all levels in the process of prevention, protection and eradication of GBV.

It is therefore essential, both in this field and in all those related to women's equality, to always work with a gender approach based on the understanding of stereotypes and gender relations, their roots and their consequences.



### 1.1.5 Structure of the Police and Civil Guard in Spain

In Spain, the structure of the Police and Civil Guard is diverse and responds to different functions and competences.

The "Protocol for Collaboration and Coordination between the State Security Forces and Corps and Local Police Forces for the Protection of Victims of Domestic and GBV", signed between the Spanish Federation of Municipalities and regions and the Ministry of the Interior in 2006, governs the collaboration between the different police forces in this area.

#### Local level:

**Local Police:** each municipality in Spain has its own Local Police, a body in charge of maintaining public order and citizen security at the local level. Their jurisdiction is limited to the municipality to which they belong.

Local or municipal police forces are armed civilian entities with a hierarchical organisational structure. Their regulatory framework is governed by the general principles established in Chapters II and III of Title I, as well as by the fourth section of Chapter IV of Title II of Organic Law 2/86 of 13 March on Security Forces and Corps. These bodies comply with the provisions established by the Autonomous Communities and the specific regulations of each police entity, in addition to complying with the regulations issued by the respective town councils and the corresponding administration unit.

#### State level:

**National Police:** armed institution of a civilian nature, organised in a hierarchical manner, which is responsible for public security and the investigation of crimes at the national level. Its jurisdiction covers the entire Spanish territory. The highest authority of the National Police is vested in the Minister of the Interior, through the Secretary of State for Security. Direct leadership is provided by the General Director of the Police.

Within the National Police there are specialised units. Given the subject that concerns us, we will focus on the **Family and Women's Unit (UFAM)**. UFAM specialises in the prevention and investigation of crimes related to gender, domestic and sexual violence.

With the aim of prioritising the well-being of victims and offering them complete police attention, this unit integrates into its responsibilities, under a unified management, both the tasks of investigation and assistance and protection, coordinating with other institutions involved in this field.

**The Civil Guard** is a nationwide security force whose main mission is to guarantee public order and security in rural areas. It is also involved in the investigation of crimes.

Although both bodies are defined as "armed institutes", the National Police is of a civilian nature and reports to the Ministry of the Interior, while the Civil Guard is of a military nature and reports to the Ministry of Defence as well as the Ministry of the Interior.



The Civil Guard also has personnel specialised in GBV grouped in the [Women and Minors Team \(EMUME\)](#).

The EMUME Specialists are responsible for investigating crimes perpetrated against minors, as well as those in which they participate as perpetrators, providing them with specialised attention during police intervention.

The scope of action of the Civil Guard's EMUME therefore covers violence in the family environment in all its manifestations, crimes against sexual freedom, both within and outside the family environment, crimes linked to juvenile delinquency, trafficking in human beings and child pornography.

The Local Police, the National Police and the Civil Guard are all competent in cases of GBV, so their collaboration and coordination is essential.

## Indicators

### 1.1.1 Proportion of GBV cases reported to the police that are investigated and prosecuted

“Organic Law 5/2018, which reforms the LO of the Judiciary, includes specific subjects in the selection tests and continuous training of the Judicial and Prosecutorial careers, and specialisation tests to access Courts competent in violence against women, which are insufficient in quantity and quality. **The JVM continue to file too many complaints of GBV as recognised by the TC (2020), an average of 36.5% between 2015-2021.** 2015-2021: protection orders or precautionary measures were granted in only 19% of the complaints and convictions account for almost 22% of the cases. Convictions account for almost 22% of the complaints (CGPJ, table 1). Out of 55 women victims of femicide intimate in 2019 there were prior complaints in 11 cases (20%) and only 5 had protective measures. In 2021, out of 44 cases, in 9 cases there was a prior complaint and measures were requested in 4 cases. official intimate femicides without prior complaint were 74.13%<sup>2</sup>.”

**1.2.2 Proportion of survivors of GBV who report improved satisfaction with quality and safety of police services** - No data.

**1.2.3 Proportion of survivors of gender-based violence using police services**

[According to data from the Government Delegation against GBV](#), 41 of the 56 fatal victims of GBV in 2023 had not reported their aggressor. That is to say, only 26.8% of the fatal victims of GBV had resorted to the police services.

According to the [Macro-survey on Violence against Women 2019](#), 21.7% of women who have suffered physical, sexual or emotional violence or who have felt fear from a current or former

<sup>2</sup> [Comments to List of issues and questions prior to the submission of the ninth periodic report of CEDAW/C/ESP/QPR/9 of Spain](#). Elaborated by Plataforma Cedaw-Estambul-Beijing (CEB) Sombra España.

partners have reported (by the woman herself or by another person or institution) any of these aggressions to the police or to the court.

## Data

### 1.3.1 Police use of risk assessment tools

All police units (National Police, Local Police and Civil Guard) use the VioGén tool for risk assessment in cases of GBV (except in the Basque Country and Catalonia where they use their own tool). In 2023, up to the month of October, the most updated data at the time of writing this report, a total of 82,649<sup>3</sup> risk assessments were carried out in cases of GBV.

### 1.3.2 Police use of case management flowcharts/maps/diagrams

No alternative flow charts are used, the VioGen tool is used for both risk assessment and case management.

### 1.3.3 Police number of referrals to victim services

After risk assessment, except for malpractice, all police officers inform victims of the existing care services. According to the interviews conducted, the level of actual coordination with other services, and in particular direct referrals to them, depends on the police station. In places with less saturation of cases, with lower population density, there is, in general, more coordination between police and victim services. In most cases, however, the referrals that do take place are not recorded.

### 1.3.4 Police number of referrals to perpetrator services

There are no records of police referrals to perpetrator services.

### 1.3.5 Police number of referrals to other services, e.g. social workers.

There is no record of the number of police referrals to other services. However, following the risk assessment, officers inform the woman of existing specialised local services to which she can turn. In addition to this, victim protection officers are in contact with women's services so that they can provide support during the process.

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<sup>3</sup> Data extracted from the table on page 45 of the Monthly Statistical Bulletin on GBV updated to 31 October 2023, of the Secretary of State for Equality and Against GBV, Government Delegation against GBV of the Ministry of Equality.

### 1.3.6 Police ability to share data on victims and perpetrators with other professionals.

Through the VioGén risk assessment and case management tool, data is shared between the different bodies with competence in the area of GBV. However, there is a call for greater coordination between institutions that can provide information in cases of GBV, and the possibility of health and social services being able to feed the platform when incidents or data relevant to the case are detected.

### 1.3.7 Other relevant data:

#### Number of victims reporting being a victim of gender-based violence

Number of victims who have filed a complaint for gender-based violence in Spain between January 2023 and October 2023<sup>4</sup> :

	Spanish	Foreign	Total
Children under 18 years of age	932	106	1.038
From 18 to 30 years old	14.586	7.059	21.645
From 31 to 45 years old	23.160	12.847	36.007
From 46 to 64 years old	15.714	6.369	22.083
Older than 65 years old	1.675	201	1.876
<b>TOTAL</b>	<b>56.067</b>	<b>26.582</b>	<b>82.649</b>

Furthermore, in Spain, 55 women were murdered by their partners or ex-partners in 2023, leaving 56 children orphaned by their mothers. Since 2003, 1,238 women have been murdered in our country<sup>5</sup>.

#### Number of police-recorded GBV crimes in 2022

In the year 2022, a total of 182,065 reports of gender-based violence were filed. Of these, 158,180 were made through police reports:

- 128,102 with the victim's complaint
- 2,981 with a family report
- 27,097 through direct police intervention

<sup>4</sup> Data extracted from the Monthly Statistical Bulletin on GBV updated until 31 October 2023, from the Secretary of State for Equality and Against GBV, Government Delegation against GBV (DGVG) of the Ministry of Equality.

<sup>5</sup> Statistical file on fatal victims of GBV. Year 2023. From the DGVG, Spanish Ministry of Equality.

### Peak times for calls to police relating to GBV

No records have been found, however, according to interviews with the police, most reports of GBV are made on holidays and weekends, especially in the evening and at night.

### Number of specialty trained police officers in conducting investigation of GBV cases

The system, under the Ministry of Interior, has 2,839 officers who have undergone specialised training and provide protection to more than 73,000 women and their children.<sup>6</sup>

### Number of bail conditions for perpetrators of GBV in order to protect victims

According to the Statistics on Domestic Violence and GBV obtained from the statistical exploitation of the Central Register for the Protection of Victims of Domestic and GBV carried out by the INE (National Statistics Institute) by virtue of a collaboration agreement signed with the Ministry of Justice, the body in charge of this Register, during the year 2021, 68 probation sentences were handed down to convicted perpetrators of GBV of legal age.

### Number of victims that withdraw their case from police

Since the reform of article 416 of the Criminal Procedure Act (Lecrim) in 2021, which allows GBV victims not to testify against a family member being prosecuted, they cannot withdraw their complaints and are obliged to testify, provided that the victim is a minor or a person with a disability, or if they had previously agreed to testify in the proceedings<sup>7</sup>.

That said, 16,900 women took advantage of the witness waiver in 2022.<sup>8</sup>

### Number of GBV protection orders granted

39,909 protection orders and measures were initiated in 2022, which is 7.2% more than the protection orders initiated in 2021.<sup>9</sup>

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<sup>6</sup> Data from the Observatory against domestic and gender-based violence - 2022.  
file:///C:/Users/Usuario/Downloads/Violencia%20sobre%20la%20mujer%20-%20A%C3%B1o%202022%20(1).pdf

<sup>7</sup> More information in Annex III

<sup>8</sup> Data from the Observatory against domestic and gender-based violence - 2022.  
file:///C:/Users/Usuario/Downloads/Violencia%20sobre%20la%20mujer%20-%20A%C3%B1o%202022%20(1).pdf

<sup>9</sup> Data from the Ministry of the Interior. 2022.

<https://www.interior.gob.es/opencms/eu/detalle/articulo/VioGen-cumple-15-anos-con-mas-700.000-casos-analizados-y-54-millones-de-valoraciones-de-riesgo-realizadas/#::~:~:text=The%20system%2C%20depending%20on%20the%20Ministry%20and%20their%20children%20and%20daughters.>

There are studies that show the differences in the granting of protection orders and measures depending on the court, which shows that it is not the same to report and declare in one place as in another. This can be seen in the analysis carried out by elDiario.es based on data from the General Council of the Judiciary (CGPJ)<sup>10</sup> entitled "Spain unequally protects victims of gender violence: some courts reject 70% of orders".

**Number of referrals to other resources such as health, social and legal services - No data.**

**Number of multi-agency risk assessment conferences held in 2022 for police and partner organisations to discuss high-risk GBV cases - No data.**

**Use of question prompts or checklists to help police in handling GBV calls, e.g. make sure that police staff allocate the case to specialist teams when involving vulnerable people.**

The police units are familiar with the specific protocols for handling GBV cases. These cases are referred to the specialised units of each police station whenever they are available, otherwise they are dealt with by other units and then referred.

**Use of risk assessment tools or guidelines, if yes, provide a copy of the tool or guideline.**

The **VioGén system** is used for risk assessment. Instruction 4/2019: Protocol for the police assessment of the level of risk of GBV (in the cases of Organic Law 1/2004, of 28 December) and for the management of the safety of victims and monitoring of cases through the comprehensive monitoring system for GBV cases.

**Number of repeated calls to the police as victims of gender-based violence - No data.**

**Supervision of police officers handling GBV calls**

In the units there are people responsible for supervising the work of victim care and for answering questions arising in these cases, for instance, about the VioGén system on risk assessment.

**Average police response time to a case of gender-based violence:**

As reported in interviews with National Police, the average response time is less than 5 minutes from the time the victim (of any crime) calls the 091 emergency number until a police officer arrives on the scene. At night it decreases to less than 3 minutes.

**Number of police officers receiving training and professional development on responding to cases of gender-based violence:**

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<sup>10</sup> Article from eldiario.es that shows the differences that filing a complaint for gender violence entails depending on the court where it is made, in relation to the granting of protection orders and measures: [https://www.eldiario.es/sociedad/espana-protege-forma-desigual-victimas-violencia-genero-juzgados-rechazan-70-ordenes\\_1\\_10727651.html](https://www.eldiario.es/sociedad/espana-protege-forma-desigual-victimas-violencia-genero-juzgados-rechazan-70-ordenes_1_10727651.html)

Basic training in GBV is part of the curricula that all future local or national police officers, as well as Civil Guards, must pass in order to be able to work.

## Overview of the Advisory Groups held

The interview modality for the different people participating in the study was adapted both to their own needs and to what was considered to be most useful for obtaining the required information.

Interviews with women survivors of GBV were conducted individually to preserve their privacy.

The interviews with police officers and other professionals were carried out individually or in small groups, according to their preferences: individually due to timetables and therefore the impossibility of coinciding with other colleagues, and in small groups at their own request, understanding the convenience of answering the questions in the company of colleagues from the same service.

Some of the meetings could be conducted in person, but most of them were conducted online, as people were interviewed from different parts of the country.

A total of 42 people participated in the interviews/focus groups of which 17 were women survivors (one of them is also a Civil Guard and responded to both the victim and police interviews), 13 were police officers, 7 were professionals specialised in working with victims and 5 were professionals specialised in working with perpetrators.

## Summary of the Victims Advisory Group

A total of 17 women were interviewed, contacted through the coordinators of two of the headquarters of the CIMTM. Specifically, 13 came from the organisation's headquarters in Seville and 4 from the headquarters in Madrid.

All of them are being or have been assisted by this entity, either socially, psychologically and/or legally. All have been in contact with police. In the majority of cases, as a result of the complaint against their aggressor, made by the women themselves or ex officio by the police.

### What works well

The following are the actions or attitudes of the police officers with whom they have come into contact, and which the interviewees reported as positive.

#### During the complaint:

- Receiving sufficient information and having time to process it.
- Receiving indications on how to structure the complaint for it to be effective.

- Friendly, correct and close attention, taking into account the state of nervousness of the woman at that moment and trying to transmit security.
- Repetition of their own declaration before signing.
- Information on existing services for emergency and long-term psychological care for both the woman and her children.
- Being referred to health services.
- Immediately after the complaint, being accompanied to collect personal belongings at home.

### **During risk assessment:**

- A large proportion of women say they agree with the result of the risk assessment.

### **During trials:**

- Call from the police to summon the woman before the trial.
- Accompanying during the trial.

### **During the victim follow up:**

- A contact telephone number so that the woman can have direct access to the police officer or team who was involved in the report in case of an emergency.
- Proximity, personal treatment.
- Regular and frequent follow-up calls to the victim.
- Follow-up in person, either through an appointment at the police station or a home visit.
- Monitoring not only of the woman, but also of her children.
- Patrol car passing by the victim's home on a regular basis depending on the level of risk.
- Patrol car passing by the children's school on a regular basis if required and coordination with the school to share information.
- Taking into account specific situations/needs, such as the victim being in charge of a dependent family member other than her children.
- Calling to the perpetrator, both as a preventive measure to explain that the woman is being protected and, where appropriate, what a restraining order entails<sup>11</sup>, and in situations where the man continues to exert some kind of pressure on the woman.
- Coordination between bodies for the continuation of protection in case of change of address.
- Police protection measures despite not having a restraining order when officers consider that they are still in need of protection.
- Follow-up after the end of the restraining order.
- Explanation of the availability of agents after the end of monitoring.

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<sup>11</sup> Precautionary prohibition decreed against the accused with the aim of protecting the victim and which prohibits him from residing or going to a certain place or approaching or communicating with the victim. (Pan-Hispanic Dictionary of Legal Spanish).



## What are the challenges?

### During the complaint:

- **There have been cases where the woman is asked to come back at a later time because the officers are busy at the time.**

Women refer to the need for more dedicated and trained staff to deal with GBV cases and to avoid situations like this, as the decision-making process for women to reach this point is extremely complex, and receiving an outright refusal like the one described can lead to the abandonment of the initiative to leave the abusive relationship. It should be noted that this issue was mentioned only residually by the interviewees.

- **Sometimes, the complaint is taken in a space with little privacy, next to people who are filing complaints of any other nature.**

When the complaint is not made in a specialised unit, it is usually carried out in ODACs (complaints offices) where the complainant often lacks privacy. This depends on the infrastructure of the police stations.

- **Some women report that the officer who takes the complaint questions the relevance of it, questioning the victim's decision to report.**

In particular when the complaint has been lodged with non-specialised services, some women report little empathy on the part of the officers, feeling misunderstood and judged. They are aware of the need for officers to receive more training, as they often put this down to a lack of knowledge. On some occasions they even refer to sexist attitudes, and feel that the officer is being led by his or her own ideas and personal experiences.

They reported feeling that the officer questioned the motive of the complaint, explaining that they did not see the threat or the chances of the complaint being successful in court. In those cases in which more than one complaint has been made, they refer to different attitudes, different ways of acting, depending on the officer who dealt with them. They call for uniformity in the actions, "knowing what to expect".

- **Lack of advice on how to file a complaint in order to make it effective.**

Women generally have no legal knowledge of what a complaint should look like or what kind of information is necessary for it to be successful. They ask for guidance on how to make it effective.

- **The officer's margin for interpretation in the filing of the complaint.**

Women sometimes report feeling that their words are interpreted by the officer rather than simply reflected in the complaint. After reading the document containing the written complaint, they perceive

the absence of information given to the officer, or even the inclusion of issues that they themselves have not mentioned.

They claim that, after giving instructions on how to make the complaint to be effective, the officers should limit themselves to reflecting what the victim says.

On some occasions they say they regret having gone to the police station to file a complaint, instead of going to court, where the procedure does not involve the direct intervention of anyone other than the complainant, but only a form to be filled in.

- **The victim does not receive sufficient information about the next steps and the services available to her or her children.**

Some interviewees say that they did not receive any information about what was going to happen next or about possible services to access afterwards.

On other occasions, they claim to have been informed, but explain that the level of nervousness in which they found themselves did not allow them to assimilate the verbal information received.

As for the information they were given on paper, in general, they say they did not review it afterwards, arguing that they were given such a volume of documents that they would not have known how to locate what they needed.

They demand basic information about how the process works once they file a complaint, including what will happen to their aggressor, what steps will be taken at the judicial level and information about deadlines, at least approximately.

Regarding services for victims, in addition to residential resources, they demand to be directed to legal counselling and psychological assistance services.

Although most of them do report having received contact details of municipal resources, they say that they lacked information about services offered by NGOs in the area. It should be noted that most survivors have experienced group therapy as one of the most useful tools in their recovery process and ask for information about available resources in this regard.

Only in some cases are they informed of resources related to psychological assistance for their minor children. This is something that they demand on a very regular basis and in many cases they report not having obtained it, either through the police or by other means, having encountered many obstacles along the way.

In some cases, they say that they needed an explanation from the officers about their own reality as GBV victims, as they did not perceive themselves as such, and therefore were not aware of the repercussions of it.

Most would welcome the provision of a plain language guide in which they could find all this information, together with basic safety advice.

- **They ask for a support figure to accompany them in the process and facilitate it.**

The interviewees reported feeling lost and distressed during the reporting process and called for on-site assistance from a support figure to accompany them in the process. They define this desired figure as a psychologist, a social worker, or even a volunteer who has been through a similar situation and can therefore empathise with their own feelings.

- **They ask to be informed in cases where the police file an ex officio complaint.**

Police officers have the obligation to report ex officio those cases of GBV of which they are aware; if the victim decides not to do so, they have instructions and indications on how to do so in the "Protocol ZERO"<sup>12</sup>. Some of the women interviewed said that they had not been informed about this ex officio reporting and asked that this be taken into account in order to minimise as much as possible the psychological impact that this issue, although very necessary, can have.

#### During risk assessment:

- **Risk assessment is not carried out at the time of the complaint.**

Some interviewees explained the officer who took their complaint did not carry out the risk assessment immediately due to technical problems with the VioGén system. Compliance with protocols in this respect must always be scrupulous, as it is the risk assessment that produces the protection measures that are consistent with the result of the same.

- **Sometimes the assessment result does not correspond to the self-perceived risk.**

Interviewees report the difficulty they felt in communicating their situation and the frustration of being informed of the level of risk reported by the system.

- **Personal judgements and impartiality.**

It is important that actors are as neutral and objective as possible. Sometimes this doesn't happen, with the consequent influence on the outcome of the risk assessment.

#### During trials:

- **Accompaniment by the protective agent from the complaint moment, especially if the aggressor is not remanded in custody, and to the trial.**

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<sup>12</sup> ANNEX 1: Instruction 5/2021, of the Secretary of State for Security, which establishes the Protocol for first police contact with victims of GBV in a situation of lack of protection (PROTOCOL ZERO).

The interviewees, in general terms, describe the moment of the trial as a particularly hard and distressing one. Despite the fact that the protocols state that sufficient means must be put in place to prevent the victim and offender from seeing each other (separate waiting rooms, use of partitions, etc.), it is relatively common for women to report seeing their offender face to face.

On the other hand, both the arrival at court and the way back home are systematically mentioned as two particularly key moments in terms of the victims' self-perceived risk. They claim to be accompanied by their protective officer at these moments or by another officer in the absence of the former, as well as to receive protection from the moment of the complaint to the moment of the hearing in those cases where the perpetrator has not been imprisoned as a precautionary measure after being reported.

### During monitoring:

The subsequent follow-up measures, as we have already outlined, are determined by what the VioGén system shows<sup>13</sup>, according to the level of particular risk, as well as by what is stipulated in the restraining order, in the event that it exists.

The women interviewed reported the following in this regard:

- **The woman is not informed enough about the way in which this follow-up will be carried out and about the means of protection that the protective agent can apply with her.**

The women interviewed often report the feeling of not knowing whether the measures they have been given are due to regulations, or to the "good will" or in some cases "laziness" of the officer in question. They demand to be informed about what protection measures they will receive, for how long and from which officer(s).

This first issue is most clearly evident in cases where, for whatever reason, there has been a change of protective agent, as sometimes, in practice, the protective actions change, to the surprise of the victim.

In cases in which, for one reason or another, there is no restraining order, but the victim is afraid of the aggressor's approach, cases have been reported in which, due to malpractice, the officer's response has been limited to saying that "there is nothing they can do about it".

- **In general terms, women say that they perceive both the frequency and the intensity and duration of protection measures as insufficient.**

In this respect, they explain that the telephone follow-up, which they generally report to have been "every three or four weeks", is limited to asking if there have been any new incidents with the aggressor. Most of them say that they are aware of the lack of sufficient means in the police to provide

<sup>13</sup> Annex II: Instruction 4/2019 of the Secretary of State for Security, which establishes a Protocol for the police assessment of the level of risk of gender-based violence (Organic Law 1/2004), the security management of victims and the monitoring of cases through the comprehensive monitoring system for gender-based violence cases (VioGén System).

more in-depth follow-up. Those who have not received face-to-face care, report feeling the need to see their protective officers in person.

- **They claim that the victim's self-perceived sense of danger should always be taken into account.**

In this respect, situations are mentioned in which, when the victim is alarmed by actions carried out by her aggressor, the police response has not been perceived as sufficient. Some of the women interviewed referred to situations such as repeated calls from the aggressor, or finding him nearby even though they had a restraining order. Although in these situations, the aggressor did not threaten the victim, his simple presence caused extreme stress and fear to the victim.

- **They demand more facilities to directly contact their protective agent if necessary.**

In this respect, those who have not had one, say that they would have needed a direct telephone number, as well as the assurance that they would get a response regardless of the time of day or the time of year (referring for example to holiday periods).

Some interviewees explained that, having been assessed as at high risk, the police officer who was assigned to them, did not contact them and they couldn't manage to contact their protective agent easily.

- **They demand more monitoring and protection for their sons, daughters or other dependents.**
- **Women themselves perceive the saturation of the protection system.**

The interviewees explained it would be necessary to have more staff dedicated to the care of GBV victims.

- **Women often report that they are the ones who have to take extra precautions to avoid being at risk, even though he is the one with the restraining order.**

### 3.1 Conclusions

References to a lack of empathy on the part of the officers are made, above all, in cases where the woman has reported to non-specialised police services. In these cases, they often say they feel judged and unsupported at the time of reporting.

In the cases in which they have approached specialised police services, most of them report that they were treated in an appropriate, close and patient way when the complaint was taken. Likewise, they say that they were mainly informed about the municipal services for victims.

Regarding the risk assessment, they are generally satisfied with VioGen's results.

Women are aware of the limitations of the system, mentioning the need for police and civil guards to receive more training and access to more resources.

With regard to the agents who have played the role of protective agent and who have therefore been in charge of monitoring the victims, either by complying with protection measures taken by the courts or with police protection measures, most of them say that they have felt listened to, defining the agent as someone close, friendly and empathetic. However, they do refer to the lack of resources which prevents them from receiving a more exhaustive follow-up.

In-person visits, being aware that there are patrol cars near the home and/or workplace, the monitoring of their children, as well as calls to the aggressor by the officers, are issues particularly valued by women as these actions reinforce their self-perception of safety.

They also insist on the lack of resources for their children. On the positive side, they point out that there is usually good coordination between the protection officer and the children's school. The fact that, after going through the judicial process, parents usually regain permission to see their children, even in cases where the minors themselves have suffered violence, is experienced and reported with great suffering by the women, who say that they feel very helpless in such circumstances.

Finally, it should be noted that, with regard to the functioning of the system as a whole, rather than the actions of the agents, they explain that the process is frustrating, long and tedious. A high percentage of women say that they regret having reported and that they would not dare to do so again in the future.

### 3.2 Quotations

"I had to explain to the officer at the door why I was going in, he asked me a series of questions that made me feel uncomfortable because the people passing by heard everything".

"Whenever I've gone to the police I've always come out crying, with the feeling that they don't believe you".

"I'm afraid of what will happen when the restraining order is over."

"At the time I filed the complaint, I was told that it was not going to get anywhere".

"The policeman who attended me, told me that this wasn't going anywhere, that I was going to be there for four hours, that I could either report it or leave".

"When you report your aggressor, it is not the end but the beginning of another ordeal. Psychologically, you're in deep shit and you need support that you often can't find. Why did I report if I didn't get anything in the end?"

"I think that I should have been monitored by the police for longer, I still have the impression today that I am at risk. I believe, according to my experience, that there are few police officers assigned to monitoring and caring for women".

## Summary of the Police Advisory Group

The interviewees in this context, all of whom are specialised, come from three areas: **Local Police, National Police and Civil Guard**. All three bodies have competences regarding GBV cases and coordinate with each other in the management of those.

### What works well

The following is what the officers, in their first-person handling of GBV cases, assess as positive.

#### During the complaint:

They value very positively the instructions indicated in the ZERO protocol<sup>14</sup>. This protocol is aimed at channelling information in an appropriate manner to minimise the risk of victims in a situation of possible lack of protection and who express their wish not to report events that may constitute a crime in the context of GBV. If the victim does not want to report and the police consider that there is a risk, the police authorities report ex officio, notifying the victim of this action.

Officers usually give the victim enough time to explain what happened, being empathetic and supportive. Where facilities allow it, reports are made in a private and safe space. In addition, the victim is informed if the perpetrator is a persistent aggressor, i.e. with a previous GBV history (Instruction 1/2023)<sup>15</sup>.

#### During risk assessment:

All agents use the same tool for risk assessment: VioGén<sup>16</sup> (except Mossos d'Esquadra in Catalonia and Ertzaintza in the Basque Country). This is a very complete tool which, after completing the standardised questions for measuring, dictates the level of risk and the proceedings.

<sup>14</sup> Instruction 5/2021, of the Secretary of State for Security, establishing the Protocol for first police contact with victims of GBV in a situation of lack of protection (PROTOCOL ZERO).

<sup>15</sup> Annex IX.

<sup>16</sup> The Ministry of the Interior, on which this tool depends, describes it as follows: *The Integral Monitoring System in cases of GBV (VioGén System), of the Secretary of State for Security of the Ministry of the Interior, was put into operation on 26 July 2007, in compliance with the provisions of Organic Law 1/2004, of 28 December, "on Integral Protection Measures against GBV", its objectives being:*

*To bring together the different public institutions with competences in the area of GBV; to integrate all the information of interest deemed necessary; to make **risk predictions**; to monitor and protect victims throughout the national territory, depending on the level of risk; to carry out preventive work, issuing*



The VioGén tool is very positively valued by the agents of all corps. Although improvements could be made in terms of format and usability, it is very useful for standardising risk assessment and making it as objective as possible. Furthermore, the fact that it indicates to the officer the procedures to be followed, is also a very positive point in order to ensure that the measures taken are appropriate.

Through this computer application, the officers assess the risk situation in which the woman finds herself in their first contact with her, generally at the time the complaint is made. The woman is asked about her housing situation, employment, children or other dependents, etc., and especially about her contact or possible contact with her aggressor.

The levels of risk that may appear in the computer system each entail specific protection measures, being noteworthy that when it is determined that the risk is extreme, the victim is given 24-hour physical protection until the risk decreases. This assessment is governed by Instruction 4/2019 of the Secretary of State for Security, which establishes a new protocol for the police assessment of the level of risk of GBV (Organic Law 1/2004), the security management of victims and the monitoring of cases through the comprehensive monitoring system for GBV cases (VioGén System).

After carrying out the assessment, the programme itself issues the level of risk and the steps to be taken by the agent. In addition, this system records the victim's information, the follow-up that is carried out and the different changes that the case undergoes.

An initial assessment is made at the first contact at the time of the complaint, whether it is made by the woman herself or by the public prosecutor. After the first judicial process, a "fast track hearing" the day after the complaint, another assessment is carried out, and thereafter, other assessments are carried out when the circumstances, and therefore potentially the level of risk, are considered to have changed.

As a complement to the VioGén tool for risk assessment: the criminal record of the perpetrator is consulted by the officers<sup>17</sup> and when appropriate, the victim is informed, as mentioned above. Neighbourhood reports are also carried out in order to gather evidence.

According to protocol, a victim is not allowed to leave police premises without having been assessed and assigned the appropriate police protection measures according to the resulting level of risk.

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*warnings, alerts and alarms, through the "Automated Notification Subsystem", when any incident or event is detected that could endanger the integrity of the victim;*

Finally, the aim is to establish a dense network that allows for the rapid, comprehensive and effective monitoring and protection of battered women and their children anywhere in the country.

<sup>17</sup> Instruction 1/2023, of the Secretary of State for Security, which develops the obligation to inform the victim of the aggressor's background in the so-called "Persistent Aggressors" cases and other protection measures in cases of GBV.

### **Regarding the provision of information:**

Generally, the specific characteristics of each woman are taken into account. If she is over 65 years old, if she is a minor, if there are minor children, etc. For example, with young girls, a lot of emphasis is placed on explaining harassment through social networks.

Women are informed of the municipal resources they can turn to for support for themselves and their children and are given a personalised protection plan.

### **During monitoring:**

The involvement of agents specialised in GBV cases is very good. When women have the opportunity to be accompanied and monitored, they feel safer. Despite the limited resources, in general, they are involved and do everything possible to provide security, protect the woman and try to ensure that the judicial process goes ahead.

The officers, when they consider that the woman needs it, maintain the police protection measures, even if the judicial system does not establish a restraining order.

### **Multi-sectoral coordination:**

There is coordination between the different police forces in the state. In addition, within each police force, there is coordination between the specialised units and the public safety mechanisms in order to manage the high volume of victims that the protection units are responsible for.

### **Training:**

All officers receive basic training on gender-based violence. All specialised officers are familiar with GBV protocols. However, depending on the corps, they have access to one type of training or another.

For example, in the Civil Guard it is regulated by NTF 12/2022, dated 30 December 2022, on "Procedure for action by Civil Guard units in matters of gender-based violence, victim safety management and monitoring of cases through the Comprehensive Monitoring System for gender-based violence cases (VioGen System)" and they have several training and improvement centres, adapting the content to the different levels of responsibility and assigned knowledge.

## What are the challenges?

Promote awareness of police protocols regarding responses to GBV, as well as the homogenisation of these processes (especially between rural and urban areas and between different regions).

### **Regarding the provision of information:**

The FCSE should be aware of the entities, social resources and victim care offices (social and legal) that are available in their respective areas of competence, in order to be able to facilitate access to the support resources they may need.

### **During complaint taking / risk assessment**

Agents refer to the fact that VioGén is a somewhat tedious tool and that they are sometimes not informed of changes and updates in a timely manner. Some interviewees reported that they had not received sufficient training in its correct use.

### **During monitoring:**

Officers are fully aware of the need for more resources in order to be effective in protection. There are not enough agents for the volume of victims they have to deal with. Nor are there enough vehicles to be able to monitor, protect and accompany them according to the risk identified by the system.

The fact that the allocation of cases per officer does not exceed 50 women, which is already a high number and implies an overload of work, is a real challenge and essential for proper monitoring and effective protection.

### **Multi-sectoral coordination/challenges to share data:**

The agents interviewed agree on the need to intensify police coordination with other basic sectors in the care of victims, such as health, judicial, social and specialised psychological care services. Coordination with other actors is highly dependent on each specialised intervention mechanism and its environment. Some police officers report a great lack in this aspect and others have good coordination with all the services that attend to women victims of GBV in their territory.

On the other hand, with regard to the VioGén system as a means of sharing data on victims and perpetrators, it is mainly fed by the police forces. The interviewees mentioned how enriching it would be if other sectors, such as health and social services, could also share data in order to register possible assaults or relevant changes in the victim's situation.

Within the scope of VioGén, officers refer to two issues that are not operational. Specifically, the delay in notifying protective agents of changes in the victim's or perpetrator's situation, as well as the use of alternative programmes for risk assessment in two Autonomous Communities in Spain: the Basque Country and Catalonia. Agents in the rest of the country do not have access to them and, in the event that the victim's follow-up must be carried out, from a certain point onwards, outside the place of departure, the information must be entered into VioGén, leading not only to an inefficient use of the agents' available time, but also to the re-victimisation of the woman, who often has to re-report the events so that her level of risk can be reassessed.

Regarding this last point, it should be noted that the algorithms of the regional and national programmes are not exactly the same, so that a 'medium' or 'high' risk level, for example, may entail somewhat different measures depending on the woman's location.

Outside the context of VioGén, officers particularly point to the obstacles encountered in the exchange of data with the health system. They refer to the reluctance of health personnel to provide the police with medical reports that can be decisive in certain cases of gender-based violence.

### Training:

In different interviews, national and local police officers explained that specialised training does not reach all officers. The offer for specialised police officers exists, but it is limited. Moreover, in general terms, it is not a requirement to obtain a position in specialised units.

Police forces are calling for more in-depth training for specialist officers and more basic training on gender-based violence for all officers.

Respondents pointed out as particularly relevant that non-specialised police officers who are likely to receive GBV cases, for example in the complaints office (ODAC), or public safety officers, should have up-to-date training on the matter.

### Conclusions

The specialised units of the different police forces in Spain - National Police, Local Police and Civil Guard - are highly committed to intervening in GBV cases and protecting the victims of this violence. In general, these forces have agents with knowledge in the field and a great deal of professional and personal involvement.

It should be pointed out that, in most cases, the knowledge that the agents have on this field has been acquired thanks to their own interest, as the specialised training offered in a systematised way does not cover all the staff, nor does it allow for a periodic updating of content.

Furthermore, it should also be highlighted that the agents have limited resources, often clearly insufficient, to carry out their work. This means that in places where there is a higher population density, protective agents have an overload of work that prevents good case management. More densely populated areas tend to coincide with places where there is a larger population with socio-economic problems, which sometimes makes cases even more complex, with a higher number of cases than in places with a smaller population. However, in these areas with greater vulnerability there are not enough specialised agents, making it impossible to monitor and protect them properly.

It is essential that the specialised services are provided with more officers, as this type of crime requires professionals who know very well how to handle cases and considerable dedication.

On the other hand, although in recent years the attention given to cases of gender-based violence by non-specialised police services has been improving, we still identify bad practices that can condition the future of women victims. It is essential that we continue to insist on training and awareness-raising for all agents, especially those who are likely to deal with these cases, such as those who work in complaints offices or public safety offices.

#### 4.4 Quotes

"In my opinion, there is good theoretical training, but there is a lack of psychological training for professionals so that there is good interaction with women and greater awareness. It would be good for professionals to see the work that women victims have to do".

"(VioGen) gives us officers security, the system is imperative when it comes to protection."

"More troops, more training and more means are needed".

"I hope that gender-based violence is given the importance it deserves".

"One protection officer can have more than 100 victims to care for".

## Summary of the Advisory Groups of other professionals

### Professionals in contact with victims

#### 5.1.1 What works well

The following is a summary of contributions from workers, psychologists and lawyers in direct contact with victims of gender-based violence, all of them from the NGO field.

#### Risk assessment/case management protocols

- NGOs are able to offer alternative services to women who have not filed a complaint.
- The NGO Sector allows for more immediacy in the attention given to women. It is also flexible enough to adapt to the frequency and duration of care, according to the needs of the user.
- Psychological accompaniment to facilitate decision-making, even if the main demand is not psychological, has proven to be very positive for victims of gender-based violence.
- The multidisciplinary approach offered within the same entity avoids re-victimisation and allows for more agile and comprehensive care.
- Psychological group therapy has proven to be particularly helpful in the recovery of victims. The value of intergenerational groups that encourage learning and introspection from different points of view is emphasised.
- The trauma-focused approach is taken into account in all interventions.
- The risk assessment is mainly based on professional experience, the woman's normalisation of violence and the context within which she is at the moment of the intervention.
- Generally NGOs do not work with standardised risk assessment protocols, but they do have specialised staff that allows them to assess the cases and propose a personalised route for each victim according to her circumstances. Individualised emergency plans are developed with the women, especially in cases where there is cohabitation.
- Psychological reports are carried out and court proceedings are attended if requested.

#### Actions in high-risk cases

- Risk assessment scales are applied when the victim lives with the offender.

- If it is detected that the woman is at risk or she herself verbalises it, coordination and accompaniment to the municipal emergency resources is carried out.
- Housing resources are arranged before the woman files a complaint.
- If the risk is immediate, the organisation contacts the police directly.

### Multiagency collaboration

#### **With the police**

- Contact between third sector organisations and the police is generally made through specialised units. In general, the perception of the professionals regarding the involvement and collaboration of these agents is positive.
- Specialised actors turn to third sector entities for information about available services for victims.

#### **With all entities involved in the intervention of gender-based violence cases**

- Third sector entities are in relatively fluid contact with each other, which facilitates the exchange of information about procedures and resources, their rapid management, referrals and collaboration in general.
- Professionals working in non-governmental organisations generally have extensive knowledge of public services, which makes it easier for them to inform women of the steps to follow and where to go if they need the intervention of professionals from other institutions: Medical Centres, Police Stations, Social Services, etc.
- Although they say that these are not sufficient, the professionals interviewed affirm that they do hold meetings with the broad network of victim assistance, including the police and the public prosecutor's office, among others.

### **5.1.2 What are the challenges?**

#### Risk assessment/case management protocols

- Lack of resources: the dependence of the majority of third sector organisations on subsidies to guarantee their services limits their scope. Subsidies, which are generally annual, hinder the stability of the staff and therefore the stability of the services. This fact favours the creation of undesirable waiting lists.
- As in the women's advisory group, the group of professionals refers to the need to create more specialised services for the care of minors who are GBV victims.

#### Actions in high-risk cases

- The lack of resources in general, and of housing resources in particular, makes it difficult to provide accommodation for victims who need it to ensure their safety before filing a complaint.



### Multiagency collaboration

The professionals consulted strongly emphasise the need to improve inter-institutional collaboration.

They consider the need to create a resource guide that includes NGOs, addressed to the police, so that referrals to this sector are more agile. Also for women who have not filed a complaint, as the municipal and state services usually require it in order to attend them.

#### **With the police**

- In the accompaniment provided by professionals to women who wish to file a complaint, especially in the case of non-specialised staff, a lack of empathy is perceived, as well as insufficient information about the resources available and subsequent steps, such as the operation and possible duration of the restraining order. Likewise, especially in cases involving minors, the professionals reported having perceived, on some occasions, a certain partiality from the officers taking the complaint.
- From the third sector, there is a demand for greater knowledge of resources on the part of the police. In general, the professionals report that they perceive that they are mostly aware of the residential resources, but not so much of the psychosocial or legal resources.
- To ensure the transparency of the processes, professionals recommend that the procedures for lodging complaints in cases of malpractice be facilitated if the woman or her companion, if any, so requires.

#### **With all entities involved in the intervention of gender-based violence cases**

- The professionals consider it important to have follow-up meetings on the cases from the different resources that assist the victim.
- Also the improvement of the coordination of the different entities working on GBV.
- There is a call for greater agility in jointly managing cases where multi-sectoral collaboration is necessary.

#### **5.1.3 Conclusions**

The professionals from specialised services for GBV victims share the concerns expressed by victims regarding the treatment offered in some cases by the police, especially when it comes to non-specialised reporting points. They call for more awareness-raising among police officers, as well as more inter-institutional work (both in terms of referral and information exchange and joint case management) among all victim services to ensure more agile and efficient care.

#### **5.1.4 Quotes**

"Every woman has a different life experience, every case is different, so they have to have personalised care".

"Of the groups I have worked with, those who have been most aware, those who have been most concerned about training and caring for women have been the Security Forces and Corps."



"As far as we can see on a professional level, the police officers are very available, but there is a lack of manpower".

"The women victims of GBV are always questioned when they report. However, with reports of other crimes there is no such questioning."

"We consider children to be direct GBV victims. As such, we give them priority in care alongside their mothers."

"From what some women tell us, many times when they decide to report their partner or ex-partner, they feel questioned by the professionals who attend them, and some women have even been advised not to file a complaint".

"We believe that more training and awareness raising for professionals working with GBV victims are needed."

## Professionals in contact with perpetrators

The professionals specialised in working with perpetrators interviewed come from two areas: intervention programmes in the context of the prison environment and intervention programmes outside the prison environment, carried out by independent entities.

With regard to the former, it should be pointed out that with the approval of the aforementioned Organic Law 1/2004, changes were made in reference to the treatment of aggressors: tougher sentences goes hand in hand with the inclusion of the need for convicted perpetrators to receive treatment. In addition, the suspension of custodial sentences is included for cases in which the convicted person has committed a crime for the first time, the sentence or sum of sentences imposed does not exceed two years, and satisfaction of civil liability has been made.

Suspensions or substitutions of custodial sentences entail the obligation to participate in specific programmes of intervention with aggressors in the context of GBV. The Prison Administration, according to current legislation, is in charge of this programme called "Intervention programme for aggressors of GBV in alternative measures" (PRIA-MA ).<sup>18</sup>

The ultimate goal of these programmes is always to protect the victim. With this aim, interventions are made to reduce the violent behaviour of perpetrators and the level of recidivism, to modify the

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<sup>18</sup><https://www.interior.gob.es/opencms/pdf/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones-descargables/instituciones-penitenciarias/Violencia-de-genero-Programa-de-Intervencion-para-Agresores-PRIA-NIPO-126-10-079-4.pdf>

identified risk factors and to introduce improvements in the psychological functioning of the participants.

Those perpetrators whose custodial sentence has not been replaced by alternative measures, and who are therefore in prison, are offered the possibility of voluntarily undertaking a programme of intervention with perpetrators equivalent to the previous one. If they duly comply with this programme, they may receive prison benefits.

In these programmes, which take place over a period of 8 to 10 months, perpetrators work on the following issues: emotional intelligence, gender and new masculinities, anger management, empathy, jealousy, psychological violence, relationships and healthy break-ups, minors, planning for the future, taking into account self-management of situations of risk of recidivism.

In open intervention, the offender's participation is linked to a restraining order. In case of non-compliance, the alternative measures are revoked.

There are studies<sup>19</sup> that put the percentage of users who are repeat perpetrators after the end of treatment at 4.6 percent, which is several points below the data provided by several national and international studies on the recidivism of perpetrators of gender-based violence who do not participate in programmes of similar characteristics, although it is still a significant percentage.

On the other hand, services for intervention with perpetrators of gender-based violence outside the prison setting are scarce, little known, and often questioned by the rest of the system.

### 5.2.1 What works well

#### Risk assessment/case management protocols

#### Re-education programmes

- Alternative to imprisonment programmes show positive data in terms of reducing recidivism.
- The professionals interviewed refer to the fact that, in the voluntary programmes with perpetrators in prison, although participation is initially motivated by possible prison benefits, it does end up producing changes in the perception of the participants.
- The professionals interviewed from voluntary intervention programmes that are not linked to penalties, value the experience as a positive method for changing attitudes when prevention has not existed or has been insufficient.
- With regard to group work, the professionals refer to the group's own capacity to repress impulsive attitudes of the members as positive.

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<sup>19</sup> Studies and research on prison and preventive measures by the Ministry of the Interior. Point 5.3 Recidivism. [https://www.institucionpenitenciaria.es/documents/20126/72836/Doc\\_Penit\\_25\\_Estudios\\_investigaciones\\_prision\\_medidas\\_alternativas.pdf](https://www.institucionpenitenciaria.es/documents/20126/72836/Doc_Penit_25_Estudios_investigaciones_prision_medidas_alternativas.pdf)

- While well aware of both the complexity and the limitations of the task, practitioners value as positive the focus on dismantling the roots of the toxic and violent masculinity that characterises perpetrators and whose germ is to be found in the prevailing patriarchal model.
- Intergenerational group intervention in which perpetrators can learn to identify GBV through experiences that are diverse and different in appearance, but similar in substance.

## Risk assessment

- The constant contact of the professionals with the offender during the programmes allows the competent authorities to be alerted of any relevant change perceived in the offender that could lead to a new aggression.
- In addition to professional judgement, standardised risk assessment scales are used, the result of which is also communicated to the offender.
- Access to VioGén, although limited, does allow Prison Institutions to include incidents that can complete the assessment of the victim's risk at different times.

## Actions in high-risk cases

- In high-risk cases, the professionals working for Penitentiary Institutions, in addition to being able to report through VioGén, can do so quickly and directly to the agent in charge of the case.
- Direct contact with specific agents reduces the reaction time in case of emergency intervention.

## Multiagency collaboration

### With the police

- Strict formal reporting in VioGén works well. Furthermore, in all cases, II.PP<sup>20</sup> informs the Security Forces and Corps of any incident in the enforcement of custodial sentences, such as departures from a prison on leave to prepare for life in freedom, extraordinary leave for other reasons, the start of parole and the end of the sentence, always with the ultimate aim of safeguarding the safety of the victims.
- In addition, police are contacted when any important information or change of circumstance is detected and could affect the victim's safety.

### With all entities involved in the intervention of gender-based violence cases

- Contact with the courts to assess how the programme has been carried out and whether or not objectives have been achieved.

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<sup>20</sup> Penitentiary Institutions.

## 5.2 2 What are the challenges?

### Risk assessment/case management protocols

#### Re-education programmes/ voluntary intervention programmes not linked to penalties

- Low motivation to change among perpetrators of gender-based violence.
- Lack of resources to implement re-education programmes in a more extensive and intensive manner, outside the context of penitentiary institutions.
- Lack of awareness in society in general, and in those involved in case management in particular, of the need to intervene with regard to the consequences of toxic gender identities in male perpetrators.
- Lack of resources to work on the early detection of risk situations through information from contact with a potential aggressor.

### Risk assessment

- Professionals in contact with perpetrators underline the need for risk assessment not to be limited exclusively to the information provided by the woman, but to maximise the opportunity that direct contact with the perpetrator can provide in terms of predicting the risk of a new aggression, whether towards the original victim or another.
- More intensive use of VioGen by penitentiary institutions, beyond the mere reporting of incidents.

### Multiagency collaboration

#### With the police

- Professionals affirm that collaboration with the police should be intensified, especially in order to have the opportunity to provide information beyond that relating to prison leave or the completion of sentences. They strongly insist on the valuable information that they obtain from continued contact with perpetrators and that, without this collaboration, it cannot be invested in more immediate victim protection.
- Professionals who work with perpetrators, beyond the penitentiary institutions, demand more visibility so that the police are aware of them and can make the appropriate referrals.

#### With all entities involved in the intervention of gender-based violence cases

- The professionals from independent organisations demand an institutional framework that gives them a place in the system, ultimately recognising their value as agents in the fight against all forms of male violence and the protection of victims.
- Like all the other professionals interviewed, the professionals in contact with perpetrators call for an inter-institutional approach to deal with possible cases by articulating, in addition to information exchange contexts, crisis committees of multi-institutional composition that can address, from different angles, those cases that require it.

- Prison Institutions consider it very positive to have up-to-date information on intervention services for perpetrators beyond those linked to court rulings. They report having been asked about this type of service by perpetrators who, for one reason or another, had not been able to access programs in the prison institutions context.
- The multiagency collaboration expressed as desirable by these professionals includes mutual learning with victim support services.

### 5.2.3 Conclusions

The intervention programmes for perpetrators are little known by the other key actors working with cases of gender-based violence.

This field's professionals argue that it is a missed opportunity not to be further involved in the risk assessment process, which is now almost exclusively confined to the victim's statement and the victim's circumstances.

They claim that this broader perspective of risk assessment would directly result in a more effective protection of victims and their immediate environment.

### 5.2.4 Quotations

"The perception that the aggressor has: presumption of innocence, the laws are made for women, jail, men treated unfairly, false accusations, I am not a sexist..."

"There is still no awareness that men have a "gender problem".

"We have to work on early detection, the detection of risk situations".

"It seems that violence is tolerated unless there is a judge or a policeman involved, this is a societal problem."

"Women minimise risk, so risk assessment by interviewing women alone is sometimes not complete, you also have to look at the man."

"For this kind of support to be positive, there should be an institutional and legal framework that supports the work of these organisations with the police, with social services or even with women's centres."

It is necessary to anticipate the most serious situations and to do so it is necessary to work with the abusers".

"What often happens in perpetrators is victimhood, rather than acknowledging their guilt."

"We must continue to work with the current tools, perfect them, create new ones, and commit all social, educational, and family levels to effective equality, with conscious and responsible respect for human rights, for all men and women."

"The time spent in the offender intervention programme is essential for good results."

"They usually start out of instrumental interest, but as they do so, they show interest in the programme."

"They are made to see reality from a point of view that they had not before."

## Recommendations for improvement

This section contains recommendations for improvement by subject area, taking into account the contributions of all the people interviewed, as well as the existing protocols and regulations.

Issues relating to women's specific needs according to their circumstances are added, as well as a final section of recommendations regarding the judicial system which, although strictly beyond the scope of this study, has been called for by participants from all the groups consulted.

It should be noted that some of these issues are already included in police protocols. The reason why they appear as a recommendation is that, during the interviews carried out, it has become clear that they need to be addressed, as, although they are very relevant, they are sometimes not complied with in their entirety.

### **6.1 Recommendations for police intervention in relation to victims**

#### **6.1.1 Prior to complaint**

- It would be ideal to create two figures who can attend to the complainant before she is faced with filing a complaint: A professional specifically trained in trauma (social worker, psychologist...) who can accompany the woman during those particularly complicated moments that she has decided to face, sometimes after many years of abusive relationship.

A lawyer who can inform<sup>21</sup> on how reporting works, the possibility of applying for a restraining order, as well as what the victim can expect, both at the police and judicial level after reporting.

At present, if a woman requests it, she can be assisted by a court-appointed lawyer, but this takes a long time to arrive, so that in many cases they renounce it, as they run risks if they wait to file a complaint. Free legal aid must be fast and specialised.

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<sup>21</sup> A study by the Antigona research group of the University of Barcelona on the granting of protection orders in Catalonia shows that the lack of legal assistance to victims when they file a complaint leads to stories that are often disorganised, omitting part of the violence they suffer, resulting in inconsistent police and judicial statements, with the content of the complaint being a fundamental element for what happens later, as well as the subsequent appearance.

If the woman so wishes, she will be accompanied, also during the taking of the complaint, by this figure.

- If the complainant is accompanied by someone close to her, she should be offered to have this person accompany her during the taking of the complaint.

### 6.1.2 Taking of complaints

- In GBV cases, reporting should take place in objectively and subjectively safe spaces, where there is no possibility for the victim to see the perpetrator and where she can express herself freely and without fear of being heard by third parties.
- The space where the complaint is taken should be friendly and pleasant. The person taking the complaint should preferably not wear a uniform.
- As for the time devoted to taking the complaint, it should be sufficient for the woman to be able to tell everything she deems necessary, sufficiently contextualising the issue to be reported.
- Whenever possible, the complaint should be taken by specialised personnel, preferably women.
- It is highly recommended that, in a systematic way, the officer gives the complainant the relevant indications on how to structure the complaint in order for it to be effective, as well as facilitating the complainant to be able to relate the history of violence that could determine the existence of habitual abuse.
- The police should collect and attach to the report as much evidence as the victim can provide, whether physical or digital. The reports should identify all persons who may have any information, evidence or knowledge about the violence that occurred so that the story does not depend solely on the victim, since due to the complexity of this type of violence, the victim may minimise what happened or omit facts due to fear or threats, as has been demonstrated on many occasions.
- The questions to be asked should be as standardised as possible, avoiding subjective or biased questions.
- In case of malpractice and upon request of the affected person, complaint forms should be made available at police stations, as well as the possibility to make complaints online. Some respondents reported that they were not provided with the possibility to file a complaint, or the officer's badge number was not shared, in case of malpractice.
- Before signing the report, the woman should have sufficient time, and if necessary, the necessary legal assistance, to review in detail the information collected by the officer.
- Similarly, the victim should be informed of the obligation of the officers to report ex officio, if they consider that there may be GBV, in those situations where the woman decides not to report.

### 6.1.3 Risk assessment

- Risk assessment should be carried out every time a complaint is made, even if it is not the first complaint made by a particular victim to a particular offender.



- To ensure that the risk assessment is always carried out, and in anticipation that there may be some kind of computer failure in the system, there will be an analogue alternative that will be subsequently, and as soon as possible, dumped into the networked system. Once the information is in the networked system, and it has shown a certain level of risk, all the protection measures associated with it will be implemented, after notifying the victim.
- The risk assessment must be extremely objective, avoiding value judgements and the officer answering questions from the system without first checking with the woman and/or without the woman having been able to express herself sufficiently.

#### 6.1.4 Providing information to women

- It is recommended that *ad hoc* guides are created in plain language, thus avoiding technicalities, in which both state, regional and municipal resources and independent victim support organisations in the area are present. Attention should also be paid to those services that cater to specific profiles, whether due to age, language, family circumstances, etc. A specific section should be dedicated to the care of minors. Similarly, the guide should contain self-protection measures, as well as a step-by-step explanation of the reporting process, and what the woman can expect afterwards, in relation to the police and the courts.

#### 6.1.5 Police assistance in the context of the court

- Whenever the defendant is still at liberty after the complaint has been filed, it is recommended that the woman be accompanied by a protective officer to her usual or alternative home when leaving the police station, as well as to the court for the first hearing, and thereafter when leaving the court.

In those cases in which the situation requires it, due to threats from the environment, even when the perpetrator is not at liberty, the accompaniment described above should be provided.

- Whenever possible, the protective officer shall accompany the victim to court and during the hearing or trial, as well as on her/his way back home.

#### 6.1.6 Victim tracking

- The woman must be informed in detail what protective measures she will receive, how often and for how long.
- Whenever possible, follow-up, even routine follow-up, should be done in person, either at the police station or at the woman's home.
- For the follow-up of each woman, it is recommended that two agents are designated, so that it can be guaranteed that one of the two is always available to attend to her, thus avoiding that people unknown to the victim are the ones who respond in case of emergency, as well as carrying out the usual follow-up work.
- Given the state of nervousness in which the woman usually finds herself at the time of the complaint, it is highly recommended that, in the first follow-up contact initiated by the protective agent, preferably in person, she is reminded of the information offered to the

woman at the time of the complaint: available resources, self-protection measures, as well as about the subsequent phases to which, from a police and judicial point of view, she is going to be exposed.

- It is highly recommended that the woman is informed of the phone number of her protective agent(s).
- For proper monitoring, the number of victims assigned per officer needs to be limited to a maximum of 50.
- Similarly, the resources available to officers must be guaranteed. For example, the number of vehicles available, specifically in the judicial police unit on which the police officers for the protection and investigation of gender-based violence depend, should always be at least two, so that, in the event of having to assign a vehicle to the permanent surveillance of a victim due to the level of risk, there is another vehicle available for other purposes.
- If there is a risk, police protection measures must be guaranteed, even if there is no court protection order or if the order has expired.

### 6.1.7 Victims' needs according to their profile

In order to intervene appropriately, officers need to take into account the circumstances of the victim. A number of specific recommendations are made below depending on the profile of the survivor. A general recommendation is the need for officers to be aware of specific care services to which to direct women with specific and differentiating circumstances.

#### 6.1.7.1 Victims between 16 and 18 years of age

In the [2019 Gender-Based Violence Macro-Survey](#), a specific section is dedicated to women between 16 and 24 years of age, as they are considered to be at special risk.

In this age group, it is important to take into account the incidence of digital violence in the form of control of devices and access to passwords, as well as the use of social networks to threaten and blackmail the victim.

In offering security advice, officers should take these issues into account and report on the need to privatise networks and avoid digital control.

Explaining to the woman that what she is experiencing is a case of gender-based violence is particularly relevant for this age group<sup>22</sup>.

The fact that issues that are commonly understood as GBV do not appear in the majority of abusive relationships between very young people can be misleading. For example, it should be taken into

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<sup>22</sup> According to the [report 'Vivencias, actitudes y percepciones sobre la violencia de género en adolescentes de la Comunidad de Madrid' \(p.75\)](#), by the Comisión para la Investigación de Malos Tratos a Mujeres, "five out of seven participants define GBV as being of one gender against another, without specifying or identifying victims or perpetrators, that is, it is suffered by women and men indistinctly".

account that, due to their age, these couples do not generally live together, and therefore the isolation to which the victim is subjected is not so evident.

However, there are other factors that do manifest themselves to a greater degree. According to the aforementioned survey "the prevalence of stalking or repeated harassment among women aged 16 to 24 is higher than among women aged 25 and over: 26.2% have suffered it on some occasion and 13.0% before the age of 15 compared to 13.9% and 2.6% respectively among women aged 25 and over".

All areas of care must work to increase awareness of the fact that GBV is violence that women receive simply because they are women, as a first step towards its identification and subsequent eradication.

### 6.1.7.2 Victims with under-age children exposed to male violence

Where a woman survivor of gender-based violence has children who are minors, the safety of the children should be considered by officers as much as the safety of the woman herself.

It is highly recommended that agents be aware of Organic Law 8/2021 of 4 June on the Comprehensive Protection of Children and Adolescents against Violence, as well as the resources to which they can turn, not only for the mother, but also for her descendants. In this sense, in general terms, all children and adolescents must be guaranteed the rights<sup>23</sup> recognised in LOPIVI, and public administrations must provide them with the necessary means for their effective exercise (article 9.1 and 2 LOPIVI).

As a general rule, the defence of these rights shall be carried out through their legal representatives or through legal counsel appointed by the court when there is a conflict of interest (Article 13).

In order to guarantee the adequate exercise of the rights provided for in the law, child and adolescent victims of violence have the assistance and support of the Victims' Assistance Offices, which will act as a coordination mechanism for the rest of the resources and services for the protection of minors.

Psychological assistance for minors exposed in one way or another to GBV is repeatedly called for. It is of paramount importance for women victims who are about to make a complaint to be able to give clear information at the time of the complaint about the services to which they can accompany their children to ensure that they receive the necessary support.

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<sup>23</sup> These rights, recognised in the law, include, among others, the following: Right to **information and advice** on the measures contemplated in the LOPIVI and on the existing information or complaint mechanisms or channels (article 10 LOPIVI); Right of victims to be **heard with all guarantees and without age limit** in administrative, judicial and any other procedures related to the accreditation of violence and reparation of victims (article 11 LOPIVI); Right to **comprehensive care**, which will include the following measures: (a) information and psychosocial, social and educational accompaniment for victims; (b) follow-up of complaints or claims; (c) therapeutic care of a health, psychiatric and psychological nature for the victim and, where appropriate, the family unit; (d) training support, especially on equality, solidarity and diversity; (e) information and support for families and, if necessary and objectively necessary, psychosocial, social and educational monitoring of the family unit; (f) facilitation of access to public networks and services; (g) support for education and job placement; (h) accompaniment and advice in legal proceedings in which it must intervene if necessary (art. 12). 12).

Providing children with psychological assistance is a key measure, not only to guarantee their well-being and mental health, but also to reduce the impact that, especially in those cases in which, to a greater or lesser extent, they are still in contact with the father, the manipulation that he may be exercising on them and which, ultimately, is another weapon against the victim, is minimised. This possible manipulation, especially if the children do not have psychological help, is a way of encouraging the children's violence towards the mother, as well as the aggressor's control of her through the children.

In this respect, it is necessary for actors to be aware of vicarious violence and how it is deeply related to mothers' fear of, for example, joint custody. Thus, it is important to underline that the fact that the father is not exercising violence directly on his offspring is not a reason not to put in place the relevant protection and care systems.

Regarding protection measures, they should be extended to the complainant's children, whether or not there is a restraining order. Issues such as accompaniment to school are repeatedly demanded by victims.

#### 6.1.7.3 Victims over 65 years of age

The [2019 Gender-Based Violence Macro-Survey](#) also looks at older women like a particularly vulnerable group.

When dealing with older women, officers must take into account that they may well be dealing with a person who, after a lifetime of abuse, has finally made the decision to report it.

In fact, according to data from the aforementioned survey "women aged 65 and over have broken off a relationship with a past partner as a result of violence to a much lesser extent (49.9%) than women aged 16-64 (81.4%)".

This reality highlights the even greater need to prevent the woman from regretting having filed the complaint, thus making it more difficult for the process to go ahead.

It is highly recommended that officers take into account the specific needs of this age group, usually related to the need for financial support, accompanied by psychological support, to ensure that the victim does not remain tied to the aggressor as a matter of resources.

The process can be particularly difficult and lonely in these cases, due to the tendency of this age group not to share the violence experienced. According to the 2019 macro-survey, "older women have told people around them about the violence they have suffered to a lesser extent than other women: 54.5% of women aged 65 and over have told people around them about the violence suffered of one of their partners compared to 81.3% of women aged 16 to 64 who have suffered GBV".

Finally, it is also advisable to take into account the possible lack of digital skills, which can make it difficult to search for information independently, as well as to carry out online procedures.

#### 6.1.7.4 Victims residing in small and/or rural localities

In rural contexts or in small localities, it should be taken into account that the likelihood that the officer who takes the complaint and/or follows up the case and the women reporting and/or the perpetrator, know each other, is very high.

To prevent the victim from feeling that she is exposing issues relating to her private life to someone who cannot guarantee her anonymity, and to prevent the complainant from living with the added fear that, due to malpractice, the officer in question may inform or benefit her aggressor in some way, it is advisable to facilitate the lodging of the complaint at another Civil Guard facility far from the home.

Similarly, in the event that the victim decides to make a report at the nearest Civil Guard station, it is recommended that the possibility of requesting another officer to take the report, if the victim deems it necessary, be facilitated.

On the other hand, in order for the attention that complainants can expect to receive to be homogeneous wherever they are, it is necessary that information and training reaches all officers to the same extent, regardless of the force and location.

## **6.2 Recommendations for police intervention in relation to perpetrators**

It is recommended that, always putting the safeguarding of the victim's safety first, a rehabilitative approach to perpetrators should be taken by the police. To this end, training for officers should include issues in this regard, and multi-sectoral collaboration should include service providers specialised in working with perpetrators, i.e. entities dedicated to raising awareness and providing counselling for perpetrators.

In addition, it would be highly advisable to expand the system of measuring victim risk through perpetrator testing.

### **6.2.1 Information and resources provided**

Police need to be aware of the services available to deal with perpetrators and offer access to them whenever they come into contact with an alleged perpetrator in the context of gender-based violence.

Programmes aimed at rehabilitating perpetrators should be standardised beyond those carried out in the prison setting.

### **6.2.3 Police monitoring**

During the follow-up of the victim, it is recommended that protection officers make contact with the perpetrator, explaining that the victim is being protected and, if necessary, reminding him of the restraining order, as well as of the fact that in case of a breach of the order, new criminal proceedings will be initiated.

### **6.2.4 Risk assessment from the perpetrator side**

Professionals in contact with victims underline the need for risk assessment not to be limited exclusively to the information provided by the woman, but to maximise the opportunity that direct

contact with the perpetrator can provide in terms of predicting the risk of a new aggression, whether towards the original victim or another.

In this same line, more intensive use of VioGén by penitentiary institutions, beyond the mere reporting of incidents, would be desirable.

### **6.3 Recommendations for the training of officers**

- **Common training** for all future trainee officers, whether in the context of Local Police, National Police or Civil Guard.

This initial training should cover basic issues related to GBV: issues related to the incidence of GBV in society, psychological aspects to be taken into account when dealing with potential victims, as well as with potential perpetrators, and issues related to the application of specific laws, regulations and protocols.

In the same way, specific training on the collection of reports of GBV is appropriate, as well as on the indications that should be given to the woman prior to the filing of the report. This training is essential, as well as for specialised personnel, for those police or civil guards who are in the non-specialised complaint offices, as the correct drafting of the complaint and the subsequent preparation of a complete and exhaustive report can determine the satisfactory outcome of the criminal proceedings.

It is also recommended to provide training on the use of the standardised risk assessment system, VioGén, so that officers are familiar with its use from the outset. As changes and updates are introduced on a regular basis, it is essential that officers are informed of any changes that may occur.

In the same way, the specific indications of the protocols for the collection of evidence in those cases in which the officers go to the home or other scenarios in which an aggression is taking place or has taken place must be known and applied.

- Access to jobs in special GBV services should require **specialised and continuous training**, expanding on the above with issues related to the approach and follow-up of victims according to the trauma-focused approach, as well as the needs of the victims according to their profile and context.

Similarly, training on the rehabilitative approach to perpetrators is recommended. Even if the work of specialised services is focused on the protection of the victim, it is positive that they are sensitised to this approach, in order to ensure adequate multi-agency collaboration.

To ensure that daily practice is carried out correctly, sufficient knowledge of the victim care system must also be provided, as well as the relevance of multidisciplinary and multi-agency work (i.e. coordination with resources and other bodies, such as associations or health centres).

- **Refresher training** should be compulsory and regular for all actors, so that the updating of their knowledge of the subject is guaranteed.



- **Occasional training and communications** to inform about innovative issues such as the implementation of new protocols, changes in the VioGén risk assessment system, etc., ensuring that all agents, whether specialised or not, are aware of all changes that may directly or indirectly affect their daily practice in relation to gender-based violence.

#### **6.4 Recommendations for multi-sectoral collaboration**

Multi-sectoral collaboration is key to ensure that all areas involved in the management of gender-based violence cases are moving in the same direction.

Collaboration between Local Police, National Police and Civil Guard is essential to be able to properly attend to women victims of gender-based violence. The specialised protection services are generally saturated with cases, depending on being able to coordinate with other bodies in order to be able to provide due protection to the victims. In addition, collaboration and coordination to be able to homogenise the type of care given is very necessary, with women reporting having received very different care depending on the body that attended them.

Communication between police, social services, health services, victim services and services specialised in working with perpetrators should be intensified and standardised. This communication must be regular so that coordination between the different resources is effective.

The pressure of care leaves little room for such meetings. However, all parties interviewed agree that regular meetings in which information flows in all directions, and in which all those present can be made aware of doubts about specific cases, as well as information about new services, new regulations, etc. would be of great benefit to the victims.

It is recommended that such meetings be held, either in person or online, at least quarterly.

Communication between specialised services and the police, either in these forums or in ad hoc meetings, would make it easier for officers to learn about victims' needs for assistance, as well as their perceptions and expectations of police intervention.

Conversely, the police can inform specialised services of procedures related to reporting and victim protection, so that they, in turn, can pass this information on to the women they serve.

#### **6.5 Recommendations regarding the judicial field**

The mentions of the judicial sphere by all the groups interviewed oblige us to reflect, albeit succinctly, those issues that have been repeatedly mentioned as points for improvement.

One of the most reiterated issues is the need to intensify training and awareness-raising on gender-based violence for all actors involved in judicial proceedings. Police, victims and other professionals therefore insist on the following issues:

- Basic rules such as the provision of measures to ensure that the victim and offender do not see each other at any time in court or during the hearing are repeatedly violated, exposing the victim and preventing her from expressing herself properly during the trial.



- The treatment of public defenders sometimes does not meet the expectations of the victims or the good practices that they should have. They demand more training in GBV and greater involvement in the cases they handle. Victims request that there should be prior and joint preparation of the case between the lawyer and the victim, based on two-way communication, which gives solidity to the argumentation in court and peace of mind to the victim. In addition, the lawyer should not make value judgements or treat the case as a "mere discussion" in order to solve it as soon as possible (several women have referred this type of situation to us), as this type of bad practice can pose a serious danger to the victims.
- The treatment of victims by judges often lacks the empathy necessary to ensure that women feel respected, listened to and safe during the process to enable them to make a full and effective statement.
- The judge's questioning of the woman about the case is often aimed at elucidating extremely specific data, such as dates and times of the events reported. All the groups interviewed emphasise the need to take into account the facts as a whole, as it is common that the trigger for the complaint is not an isolated event, but a mere example of what the woman wants to report: an abusive relationship in which violence is present in practically all areas of life together with the aggressor.
- The lack of time dedicated to the trials implies a rush in what the woman needs to explain, preventing her from expressing herself in a calm manner, making sure that everything that is necessary is told.
- The slowness of the system re-victimises the woman, trapping her in a loop that sometimes lasts for years. This fact is sometimes a reason for the victim to renounce the option of reporting her abuser, for fear of finding herself trapped in a complex, unpleasant and lengthy situation, which can be detrimental to her own recovery.
- The fact that in many cases the father's visits with the children are maintained, despite the complaints of GBV, is another of the reasons that women argue to avoid reporting.

With regard to the children: police forces point out that judges sometimes do not take into account the situation of violence that they also live with the mother. As a result, on many occasions, after the mothers have filed a complaint, they continue to allow visits to<sup>24</sup> with the children even though they have suffered violence directly, even though in many cases the agents who have made the VioGén assessment expose the situation of the risk that they also suffer. This is done under the umbrella of

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<sup>24</sup> **Article 92.7 of the Civil Code** prevents joint custody from being attributed to a parent who is involved in criminal proceedings for attempting to harm the life, physical integrity, freedom, moral integrity or sexual freedom and indemnity of the other spouse or of the children who live with both of them. Nor shall it be applicable when the judge notices, from the allegations of the parties and the evidence, the existence of well-founded indications of domestic or gender-based violence. The existence of mistreatment of animals, or the threat to cause it, as a means of controlling or victimising any of these persons, shall also be considered for these purposes.

the interpretation of article 66<sup>25</sup> of Law 1/2004, which allows for maintaining the visiting regime, stay, relationship or communication with minors when it is considered to be in the best interests of the minor. For this reason, there is case law that understands that the fact that there is a complaint does not mean that joint custody cannot be attributed.

- Another point that would be advisable, and which would be valued by police forces and women victims, is that the agents could have more participation in the judicial process through testimonies (not only when requested by the lawyer), as well as providing their assessment of the level of risk.

### Women's judicial appointments:

"After three hours of testimony, what was in the complaint was only superficial. The judge said that there were not enough grounds for a restraining order".

"The judge who dealt with me treated me quite badly, she questioned me all the time, it seemed that I was the one who had committed the crime".

"In the courts I have suffered aberrations, they have not taken into account what the officers brought in my case. They have not protected me or my children. They have not taken into account the reports that have been provided."

"In my case, the judge questioned me continuously, she asked me to detail violent episodes with the exact day on which they occurred, I felt pressured".

### Quotes from professionals specialised in working with women survivors:

"The main difficulty women face is at the judicial level".

"The biggest problem is in the courts specialised in GBV, they are not sensitised and possibly not trained".

### Appointments of police officers with regard to the judicial sphere:

"Judges are very much looking for immediacy, that doesn't exist in GBV. They don't take into account the length of time the woman has been suffering violence. You can't expect her to be able to express

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<sup>25</sup> **Article 66 of Law 1/2004** of 28 December, on Comprehensive Protection Measures against GBV. On the measure of suspension of the visiting regime, stay, relationship or communication with minors.

The judge shall order the suspension of the visiting, stay, relationship or communication regime of the defendant for GBV with respect to the minors who depend on him/her. If, in the best interests of the minor, the judge does not order the suspension, the judge must in any case rule on the way in which the regime of stay, relationship or communication of the defendant for GBV will be exercised with respect to the minors who depend on him/her. Likewise, he shall adopt the necessary measures to guarantee the safety, integrity and recovery of the minors and the woman, through specialised care services, and shall periodically monitor their evolution, in coordination with said services.

everything she has experienced in such a short time in a trial. Many women are questioned in court: "Why didn't you report it before?"

## Summary of WP2 activities

For this report, a search and analysis of related legislation, police protocols, national and regional studies and statistics have been carried out. In addition, police officers from different police forces, victims of gender-based violence, professionals in contact with victims and professionals in contact with aggressors have been interviewed.

## Appendix

### Appendix 1: Guide to Interviews/Group Discussions used or Presentations

In Spain, the guide for interviews has been the proposed for the WP2 leader.

### Appendix 2: National statistics and reports on police response to gender-based violence and multi-agency collaboration

#### Statistics, surveys, studies and official research. Government Delegation against Gender Violence

Statistical portal, statistical bulletins, macro-surveys on violence against women, data from other national bodies...:

<https://violenciagenero.igualdad.gob.es/violenciaEnCifras/home.htm>

#### Annual report on gender-based violence. Observatory against domestic and gender-based violence

2022: [file:///C:/Users/Usuario/Downloads/Violencia%20sobre%20la%20mujer%20-%20A%C3%B1o%202022%20\(1\).pdf](file:///C:/Users/Usuario/Downloads/Violencia%20sobre%20la%20mujer%20-%20A%C3%B1o%202022%20(1).pdf)

2007 – 2021:

<https://violenciagenero.igualdad.gob.es/violenciaEnCifras/observatorio/informesAnuales/home.htm>

#### Violence Against Women: Macro-Survey 2019

<https://violenciagenero.igualdad.gob.es/violenciaEnCifras/macroencuesta2019/Macroencuesta2019/home.htm>

"This publication contains the results of the analysis of the Macro-survey on Violence against Women 2019 carried out on a sample of 9,568 women, representative of the female population resident in Spain aged 16 years and over. The study is divided into four large blocks:

- The first block is aimed at the analysis of violence in current or past intimate partner violence.
- The second block focuses on the analysis of physical and sexual violence outside the couple.

- The third block studies sexual harassment and repeated harassment.
- The fourth section returns to all the previous sections to analyse in detail what happens to women who may be especially vulnerable to violence: women with disabilities, young women aged 16 to 24, women aged 65 and over, women who were born abroad, and women who live in small municipalities.

In short, this work aims to provide a detailed and up-to-date overview of the extent and forms of violence against women, as well as various aspects related to it.

\*Executive summary in English:

[https://violenciagenero.igualdad.gob.es/violenciaEnCifras/macroencuesta2015/pdf/RE\\_Macroencuesta2019\\_EN.pdf](https://violenciagenero.igualdad.gob.es/violenciaEnCifras/macroencuesta2015/pdf/RE_Macroencuesta2019_EN.pdf)

Subdirectorato General for Awareness Raising, Prevention and Studies on Gender Violence. GOVERNMENT DELEGATION AGAINST GENDER VIOLENCE. SECRETARY OF STATE FOR EQUALITY AND AGAINST GENDER VIOLENCE.

## Annexes

### Annex I

#### Use of the term gender-based violence

### Annex II

#### The probative value of the police report

### Annex III

#### Exemption from the obligation to report

### Annex IV

**Instruction 5/2021, of the Secretary of State for Security, which establishes the Protocol for first police contact with victims of GBV in a situation of lack of protection (PROTOCOL ZERO):** this is a protocol aimed at improving the actions of police officers at the scene of the crime and especially indicated for cases of police action with victims of an alleged crime of GBV in which, due to different circumstances, there is a suspicion that the victim does not come to give a statement at police stations.

### Annex V

**Instruction 4/2019:** Protocol for the police assessment of the level of risk of gender-based violence and for the management of the safety of victims and monitoring of cases through the comprehensive monitoring system for cases of gender-based violence (VIOGÉN system).

### Annex VI

**Protocol of action of the telephone service of attention and protection for victims of GBV (ATENPRO):** The telephone service of attention and protection for victims of GBV (ATENPRO) is a type

of service that, with the appropriate technology, offers victims of GBV immediate and remote attention, ensuring a rapid response to the eventualities that may arise, 24 hours a day, 365 days a year and wherever they may be. This care is not limited to specific moments, but is also a means of monitoring the situation of the woman victim of GBV.

#### Annex VII

**Instruction 1/2023**, of the Secretary of State for Security, which develops the obligation to inform the victims of the aggressor's background in the so-called cases of "persistente aggressors" and other protection and security measures in cases of gender violence.

#### ANNEX VIII

#### PROTECTION ORDER