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IMPROVING GENDER-BASED VIOLENCE VICTIMS
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**TRAUMA INFORMED CARE IN GENDER BASED
VIOLENCE SERVICE PROVISION**

STATE OF THE ART IN SPAIN

PROJECT CARE 4 TRAUMA



November 2022

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Introduction

Gender based violence (GBV) in Spain has been subject of concern from the part of public policy since the reinstatement of democracy in the country, in 1975, but it was only comprehensively legislated in 2004.

With over 1160 women killed at the hands of their partner or ex-partner since Spain started recounting these numbers in 2003, and many more having suffered all forms of violence, GBV still affects thousands of women each year in this country. The inferences of the Francoist regime, which enforced much differentiated roles for men and women in society and clearly normalized their social oppression, are not the only justification found for the prevalence of GBV. Also, young generations are continuing to perpetuate practices, both symbolic and material, which enforce the dominance of men towards women to its latest consequences: the use of violence in its several forms.

In the first part of the current report, we will address the reality of GBV in Spain from a legislative standpoint, and the access to rights for victims of this crime. In the second part, several documents will be analysed from the perspective of Trauma Informed Care (TIC) in order to better understand if such principles and practices are legislated, recommended and applied in service provision for the victims.

Before entering this subject, however, it is pertinent to clarify that the elaboration and understanding of this report is particularly complex due to the geopolitical configuration of the country: the kingdom of Spain is composed of 17 autonomous communities and 2 autonomous cities, with their own Government and Parliament and, therefore, their own liberty to approve laws regarding all sorts of topics, among which, GBV. The first challenge refers to the fact that, even if at a state level there is a clear legal definition of GBV, at the level of each Autonomous Community the concept- and even the way of naming it- is different. For example, as seen below:

Forms of addressing GBV in each Autonomous Community ¹	
Gender based violence	Spanish Law 01/2005, Canary Islands, Madrid, Galicia, Murcia, Andalusia, Castilla y León, Extremadura.
Violence against or towards women	Cantabria, Valencia, Balearic Islands, Aragon, La Rioja
Battered women	Castilla la Mancha
Victims of domestic abuse and sexual assault	Basque Country
Sexist violence	Navarra.
<i>Machismo</i> violence	Catalonia

This leads to the second challenge found: although in Spain there is a comprehensive law to address GBV² that establishes its definition and the legal measures and procedures to address it, each Autonomous Community may develop their own laws regarding GBV, establishing specific rights for victims and circuits for social, legal and psychological care, among others. These laws can never provide less rights than the Spanish law, but they may establish different definitions, approaches, priorities and even identify different forms of GBV, which generates a challenge in service provision.

This also leads to relevant legal challenges since both the Spanish Penal Code and Civil Code do not adapt to each Autonomous Communities' laws and respond only to the Spanish law of 2004 in which GBV is defined. This means that a certain behaviour may be considered a form of GBV in a specific Autonomous Community

¹ Estévez Crespo, M.D., (2012)

² Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género

but because it is not understood like GBV by the Spanish Law, it cannot be legally prosecuted as GBV and will have to be framed under another generic law.

Another implication of this legal diversity is the work developed by law professionals on each Autonomous Community. Often, because the form of GBV suffered by the victims is not recognized in the Penal Code, the lawyers' task consists in *translating* the violent event into another category of event that is typified on the Penal Code, understanding that many GBV acts are never judged as GBV but as generic violence, generic harassment, etc.

There is, though, an article in the Spanish Penal Code (Art. 22, 4th) which enforces that any crime is aggravated if it is motivated by reasons of discrimination, among them, gender discrimination. This aggravating circumstance is a modifying circumstance of the responsibility that determines an increase in the penalty corresponding to the crime for assuming a greater dangerousness of the subject or a greater unlawfulness of his conduct.

Although the introduction of the aggravating circumstance of gender as a reason for discrimination against women in the Penal Code was published on March 31, 2015 in Organic Law 1/2015, in article 22, it is not until a few years ago that the Supreme Court has determined that in order to apply it, it is not necessary for a previous relationship between the victim and the aggressor to exist. This is significant because, under the Spanish law, GBV is understood as the violence exerted by men on women "by those who are or have been their spouses or by those who are or have been linked to them by similar affective relationships, even without living together"³.

Limiting the legal definition of GBV to men and women who are or were in an affective relationship is understood by experts interviewed for this report as going against the CEDAW Convention⁴, which establishes that "the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, *irrespective of their marital status*, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

It is also understood as going against the definition of the Fourth World Conference of Women held in Beijing in 1995, where violence against women is defined as "all acts of violence based on gender", not specifying the need for any previous or current affective relationship.

The Spanish Penal Code follows this same logic of relating GBV to the existence of an affective relationship and in its article 173.2 establishes: "Anyone who habitually exercises physical or mental violence on someone who is or has been their spouse or on a person who is or has been linked to him by a similar affective relationship even without living together, will be punished with a prison sentence of six months to three years (...)".

Given the previous, and because this report will focus in Spain and the Autonomous regions of Madrid and Catalonia, we represent this information in the following table to provide a clearer understanding⁵

³ Idem, Art.1 a)

⁴ UN General Assembly (1979)

⁵ This table does not represent all the differences between these 3 laws, as they are many and would entail a much more complex approach, but the ones that seem more relevant for the purposes of this report. It also does not detail each law for the same reasons.

Differences between GBV violence laws in Spain, Autonomous Community of Madrid and Autonomous Community of Catalonia

	Spanish Law 01/2004	Catalan Law 17/2020	Madrid Law 5/2005
Concept	The law defines GBV as: <i>Any act of physical and psychological violence, including assaults on sexual freedom, threats, coercion or arbitrary deprivation of liberty. It also includes violence that, with the aim of causing harm or damage to women, is exercised on their relatives or minor relatives by the persons indicated in the first section (men who are or have been their spouses or of those who are or are have been linked to them by similar affective relationships, even without living together).</i>	The law defines GBV as: <i>A violation of human rights through violence against women as a manifestation of discrimination and a situation of inequality within the framework of a system of power relations of men over women and that, produced by physical means, economic or psychological, including threats, intimidation and coercion, results in physical, sexual or psychological harm or suffering, whether it occurs in the public or private sphere</i>	The law defines GBV as: <i>any physical or psychological aggression against a woman, which is likely to cause her to undermine her health, her bodily integrity, her sexual freedom, or any other situation of anguish or fear that restricts her freedom. Likewise, Gender Violence is considered to be that exerted on minors and dependents of a woman when they are attacked with the intention of causing harm to her. Also included in the scope of application of this Law are behaviours that are intended to keep women in submission, either by forcing their will and consent or by preventing the exercise of their legitimate freedom of decision in any area of their lives.</i>
Relationship	The existence of an affective relationship is required to determine GBV. If there is no affective relationship involved, it is considered only as a generic violence, although aggravated for motivations of Gender discrimination.	It is not required that there is or was any type of affective relationship between a man and a woman or transgender woman to establish the existence of GBV. All forms of violence from a man towards a woman can be considered GBV.	It is not required that there is or was any type of affective relationship between a man and a woman to establish the existence of GBV, although the law understands as GBV: <i>physical or psychological attacks on women by whoever is or has been her spouse or by whoever is or has been linked to her by a similar affective relationship even without living together.</i> Nevertheless, other forms of violence do not request a relationship link.
Forms of GBV	The law establishes that GBV takes two main forms : physical and psychological	The law establishes that GBV takes eight main forms : physical, psychological, economic, sexual, vicarious, obstetric and sexual and reproductive rights, second order and digital.	The law establishes that GBV takes seven main forms : Physical or psychological attacks on women by whoever is or has been her spouse or by whoever is or has been linked to her by an analogous affective relationship even without living together; Assaults and sexual abuse against women; Female genital mutilation; The induction of a woman to engage in prostitution, using violence, intimidation or deception, or with abuse of the victim's situation of inferiority, need or vulnerability; Sexual harassment in the workplace.; Illegal arrests, threats and coercion; Trafficking or facilitating the clandestine immigration of women for the purpose of sexual exploitation.

Areas of GBV	The law does not clearly establish the areas in which GBV can take place	The law establishes eight areas in which GBV can take place: sphere of the couple; family sphere; labour sphere; social or community sphere; digital realm; institutional field; sphere of political life and the public sphere of women; educational field.	The law does not clearly establish the areas in which GBV can take place.
Assistance rights	<p>Right to information, comprehensive social assistance and free legal assistance;</p> <p>Right to information.</p> <p>Right to comprehensive care. (Information to the victims; Psychological care; Social support; Follow-up of women's rights claims; Educational support for the family unit; Preventive training in the values of equality aimed at their personal development and the acquisition of skills in the resolution non-violent conflict resolution; Support for training and job placement.)</p> <p>Right to health care.</p> <p>Legal assistance.</p> <p>Labor and Social Security rights.</p>	<p>Women who are at risk or in a situation of sexist violence have the right to immediately receive comprehensive, real and effective protection from the public administrations of Catalonia. Protection guarantees must be ensured both by technological means and by police services, as well as by any other means that ensure the protection of women.</p> <p>Right to specific health care and assistance. Rights of attention and reparation (Housing; occupational training; legal attention and assistance; Appearance of the administration of the generality in criminal proceedings; economic benefits). Access to the services of the network of attention to sexist violence.</p>	<p>1. Comprehensive assistance measures will include all those actions provided for in this Law and aimed at:</p> <p>a) Inform and guide victims about their rights and existing resources.</p> <p>b) Address the physical and mental health of the victims, promoting recovery from the consequences of violence.</p> <p>c) Attend to the special economic, labor, legal, educational, cultural and social needs of the victims derived from the situation of violence.</p> <p>d) Attend to the needs of temporary foster care, guaranteeing their maintenance, accommodation, accessibility and safety in the cases in which it proceeds.</p> <p>e) Provide security to the victim through the possible technical means.</p> <p>In order to have the assistance and economic rights included in this Law, it will be necessary for women victims to have a qualifying title that will be accredited with the corresponding protection order, conviction or precautionary measure. There are some exceptions to this requisite.</p>

Table 1: Differences between GBV violence laws in Spain, Autonomous Community of Madrid and Autonomous Community of Catalonia

PART I – Overview: State of the art in Spain, Catalonia and Madrid Autonomous Communities

1. Gender-based-violence in Spain, especially in Catalonia and Madrid Autonomous Communities: national background information

1.1 Spain

The first laws to tackle GBV in Spain date from 1989 when the LO 3/1989, of June 21st, updating the Penal Code, introduced art. 425 by which the crime of domestic violence was typified for the first time. Said crime was defined by three characteristics: (i) the passive subject must be a “spouse or person to whom he was linked by analogous relationship of affectivity, as well as on the children subject to parental authority, or ward, minor or incapable subject to their guardianship or de facto custody”, (ii) habituality and (iii) physical violence. This criminal type constitutes the basis on which the current system of effective protection for GBV survivors was built.

In 1998, the First Action Plan against GBV in the domestic sphere was developed in Spain and, in 1999, a series of procedural reforms were introduced to prosecute domestic violence ex officio, thus acquiring an institutional and public perspective. Among others: psychological violence as a crime; the elimination of the prior complaint as a requirement for the prosecution of violence; the penalty of prohibition of approaching the victim; and constant information flow to the victim if any change in procedural action was made that might pose a danger.

In 2001, the II Comprehensive Plan against Domestic Violence (2001-2004) was launched, which maintains the lines of action of the previous one, and in 2003 Organic Law 11/2003, of September 29th was approved, on specific measures in matters of citizen security, domestic violence and social integration of foreigners.

The most significant law that is the basis for the current system is the LO 1/2004, of December 28th, on comprehensive protection measures against GBV. This law meant a shift in criminal policy by introducing aggravated types for gender reasons (man against woman), understanding that GBV is “the most brutal symbol of inequality existing in our society”. The scope of the Law covers both the preventive, educational, social, assistance and aftercare aspects for survivors, as well as the civil regulations that affect the family and coexistence environment where the aggressions mainly occur, as well as the principle of subsidiarity in Public Administrations.

Finally, in the end of 2022, the Organic Law 10/2022, of September 6, on comprehensive guarantee of sexual freedom was approved. This law regulates crimes against sexual freedom and constitutes a great step to guarantee women's rights- Some of the main changes have to do with:

- The elimination of the distinction between assault and sexual abuse: all those behaviours that violate sexual freedom without the consent of the other person are now called sexual assaults (in the new articles 178 to 180 CP);
- The so-called “chemical submission” or through the use of substances and psychotropic drugs that annul the will of the victim is expressly introduced as a form of commission of sexual assault (new art. 180.1.7º CP). This reform includes the possibility of also punishing the person who has taken advantage of this situation of the victim, known as “chemical submission”, even if it was not the person who supplied the drugs, such as a sexual assault of article 178.2 CP;
- Also, aggressive behaviours through the Internet and social networks such as child grooming are incorporated, with the intention of expanding in terms of custodial sentences. With this novelty, it is intended to respond especially to sexual violence committed in the digital sphere.

All Autonomous Communities include in their Statutes of Autonomy the principles of equality between women and men as well as the obligation of the public powers to ensure and guarantee their constitutional rights, the adoption of the necessary measures to achieve real and effective equality between individuals, and guarantee participation in community, social, political, economic and cultural life for all.

1.2 Autonomous Community of Catalonia

Catalonia is known to have some of the most progressive laws in terms of the approach to GBV, rooted on a strong feminist movement and on the commitment of professionals and politicians. Since 2008, Catalonia developed a strong network of over 150 public services distributed through the whole territory and fulfilling different functions in order to ensure the prevention, care, assistance, protection, recovery and comprehensive repair of women and children victims of this crime. Also, since the first Catalan law against GBV from 2008, there has been a law update to take into account added forms on GBV and bring up to date some of the concepts established in 2008.

The development of the first legislation at Catalan level regarding gender-based violence goes back to the 80's: in Catalonia, the Interdepartmental Commission for the Promotion of Women was created in 1987, by Decree 25/1987, on January 29th. The objectives of this Commission were to promote equal rights and non-discrimination between men and women and to advocate for the equitable participation of women in the social, cultural, economic and political life. This Commission promoted, in 1989, the creation of the Catalan Women's Institute, with the aim of "facilitating and strengthening the role of guarantor of compliance with the Law on Effective Equality between women and men and the application of its transversality" and "to elaborate and execute all the projects and proposals related to the promotion of women, in order to make effective the principle of equality within the area of competence of the Generalitat".⁶

Since then, the following have been approved:

- › Seven Action Plans for Equal Opportunities for Women (1989-1992, 1994-1996, 1998-2000, 2001-2003, 2005-2007, 2008-2011, 2012-2015);
- › A comprehensive plan for the prevention of gender-based violence and care for women victims of violence (2002-2004);
- › the Gender Equity Training Master Plan for Catalonia 2017-2020

In 2008, **Law 5/2008, of 24 April, on the right of women to eradicate sexist violence** was approved, which marks a fundamental step in tackling violence in the territory and represents a qualitative improvement in relation to the Organic Law of Comprehensive Protection Measures against Gender Violence approved by the Spanish Congress of Deputies in December 2004. While this state law recognizes the rights of women affected by gender-based violence strictly within the framework of the couple or ex-partner, the Catalan law expands the scope to incorporate all forms of violence against women because of being women, calling it sexist violence and thus abandoning the exclusive scope of the couple. In addition, this is the law that defines and structures the Network for Attention to Gender-Based Violence in Catalonia, which will be explained in point 3 of this first part of the report.

In 2020, **Law 17/2020, of December 22nd, amending the so-called Law 5/2008, on the right of women to eradicate sexist violence**, was approved. This law aims to expand, strengthen and update the Law 5/2008, as well as to protect the rights of transgender women and non-binary people, in order to respect gender diversity. The highlights of this law are:

- the regulation of institutional violence as a specific area, with the definition of due diligence and the specification that such violence can be caused by both action and omission;
- the regulation of digital violence;
- the inclusion of a definition of sexual consent, which sets out the need for express free will as an essential requirement;
- the inclusion of discrimination on grounds of maternity as a specific form of GBV in the labour sphere;
- the provision that for any woman when attending a police station to file a complaint as a result of having experienced any of the manifestations of sexist violence, the Catalan Police (Mossos d'Esquadra) must require the Bar Association for the presence of a lawyer to guarantee her legal assistance from the initial moment of the complaint;
- the expansion of the types of violence in the social and community sphere and the forms of sexist violence;
- the need for professional training at all levels.

⁶ *Generalitat* is the name of the Catalan Government

This law also updated the **forms of violence** that were established in 2008 to contemplate the following:

- a) Psychological violence
- b) Physical violence
- c) Sexual violence
- d) Economic violence
- e) Obstetric violence and the vulnerability of sexual and reproductive rights
- f) Digital violence
- g) Second order violence
- h) Vicarious violence

1.3 Autonomous Community of Madrid

The Community of Madrid has been a pioneer in the fight against Gender-based Violence, implementing the necessary care services since 1984, when the first women's shelter was opened. From that moment on, the Community of Madrid has been strongly and actively committed to the fight against GBV, materializing its first actions through the Equal Opportunities Plans, which included “specific measures aimed at assisting female victims of Gender-based Violence. In 2001, the Program of Actions against Gender-based Violence (2001-2004) was approved, which constituted an advance of one of the objectives of the IV Plan for Equal Opportunities for Women and Men and developed important actions in the areas of prevention, care and support for victims and institutional and social cooperation and coordination, laying the foundations for a network of assistance and protection for women victims of gender-based violence.”⁷

In 2003 and under Decree 256/2003, of November 27, the Regional Observatory of GBV was created, as an integrating body of policies against GBV that are carried out in the Autonomous Community. Since the year 2005, the Autonomous Community of Madrid has a comprehensive law to tackle GBV, the Law 5/2005, of December 20th, of comprehensive action against gender violence, which represents a new step to prevent and combat this type of violence in a broad and comprehensive sense, attending to all possible situations in which GBV exercised by men towards women is manifested, as an expression of inequality.

The law focuses on the one hand, on **awareness and prevention actions**, among which are included: measures in the field of advertising and the media; measures to detect situations of risk; prevention in the educational field, and in the workplace, training of health personnel, teachers, social services and other professionals.

On the other hand, the law also focuses on **actions of protection and care**, among which: Special systems of protection; information and legal guidance; right to free legal assistance and popular action. Regarding **actions for the comprehensive recovery of women**, the Law establishes temporary shelter strategies; access to housing with public protection; a system of economic aid; psychological and social care; measures in the educational field; measures in the health field and measures in the workplace and employment.

Finally, it establishes **actions for institutional coordination and cooperation** such as coordination with Security Forces; the principles and circuits that govern the action of the Community of Madrid; the coordination with local entities; the Regional Observatory for GBV; it establishes the Autonomous System of Assistance to Victims of Gender Violence and the collaboration with private entities and non-profit associations.⁸

⁷ Ley 5/2005, de 20 de diciembre, integral contra la violencia de género de la Comunidad de Madrid.

⁸ Cabrera Mercado, R. & Carazo Liébana, M.J. (2010)

Another important guideline is the **Madrid Strategy against Gender Violence (2016-2021)**⁹, which reflects the commitment of the regional government in the fight against GBV. It is structured in axes, objectives and measures, which include the priority issues in terms of gender violence to be developed in the 2016-2021 period:

Axis I: Awareness and prevention.

- › Awareness and publicity campaigns.
- › Preventive and denouncing work of the media regarding violence against women.
- › Prevention actions in the educational system.
- › Prevention of sexual harassment at work.
- › Training for professionals.

Axis II: Comprehensive care.

- › Information and orientation.
- › Care and protection for victims.
- › Guidance and specialized legal assistance.
- › Social and labor insertion of the victims.
- › Economic aid and social benefits.
- › Access to housing.
- › Professional reports.
- › Institutional collaboration.
- › Rehabilitation of abusers

Axis III: Coordination, monitoring and evaluation.

- › Coordination between professionals.
- › Studies and research.
- › Monitoring and evaluation of the actions carried out.

2. Most important national statistical data and legislation concerning gender-based violence in Spain, Catalonia and Madrid Autonomous Community

2.1 Spain¹⁰

- The rate of women victims of gender-based violence per 10 000 women was 66 throughout Spain in 2021.
- The Balearic Islands were above the national average, with a ratio of 103; Murcia, 88,9; Valencian Community, 86,6; Canary Islands, 81; Andalusia, 74,7, and Madrid, 70,7. The lowest rates were found in Castilla y León, where 42,6 victims were recorded for every 10 000 women; Galicia, with 44,5 and the Basque Country, with 47,1.
- During the year 2021, the Spanish courts received a total of 162 848 complaints of gender-based violence, a figure that shows an average of 446 daily complaints and represents 8% more than in the previous year, in which 150 785 complaints were registered;
- Two out of every three female victims (66,87%) had Spanish nationality.
- 73,08% of the complaints were filed by the victim herself, directly in court or through police reports.
- Complaints due to direct intervention by the police stood at 13,72% of the cases.
- The number of complaints filed by relatives of the victim remained at very low levels for another year (1,56%), while reports of injuries received directly in court represented 8,38% of the complaints.
- In 2021, in 15 720 cases the victim of GBV availed herself of the exemption from the legal obligation to testify, which represents a percentage of 9,86% in relation to the total number of women victims of GBV;
- During 2021, a total of 43 736 protection orders were requested in the judicial bodies and seven out of ten orders have been granted (71,36%)
- Two out of every three women (67,2%) who applied for protection were Spanish and 1,6% of the total (both Spanish and foreign) were minors.

⁹ Dirección General de la Mujer (2016)

¹⁰ Retrieved from <https://poderjudicial.es>

- In 2021, there was a total of 54 318 judgements, which resulted in a new annual historical maximum of convictions handed down by Spanish judicial bodies (courts for violence against women, criminal courts and provincial hearings) in processes related to GBV, reaching 75,62% of the total.

The **fatalities due to gender-based violence** in 2021 were 47 women, taking only into account the women who were in a relationship with the aggressor, as by definition of GBV in Spain¹¹. Other sources which take into account the women who were murdered by a man with whom they did not have a previous or existing relationship mention that the number of victims is 78¹².

In 2022, until September 2022 the fatal victims amounted to 31, leaving 20 underage children without one or both of their parents.

It is impossible to know the total number of victims who attend public services and NGOs and never make a formal complaint, which, according to experts, is more than the double of the ones who file a complaint.

2.2 Madrid Autonomous Community

The data regarding the Madrid Autonomous Community is not collected under one single statistical report and the information found is scattered under several documents and much shorter than the data regarding Spain and regarding Catalonia. The following information was found:

- In the year 2021 there were a total of **7 femicides** in the Autonomous Community of Madrid¹³;
- In 2021, **25 454 complaints were filed** in the Community of Madrid regarding GBV;
- There were **864 convictions and 314 acquittals** during 2021¹⁴;
- There have been 1 187 people prosecuted throughout the year of 2021¹⁵;
- The Community of Madrid offered information and assistance to more than 13 000 women at the 54 Municipal Points of the Regional Observatory on Gender Violence;
- Regarding **Protection Orders and Protection and Safety Measures** for victims, 5 482 have been admitted in the Community of Madrid, of which 2 812 have been accepted (51%) and 2 668 have been denied (49%)¹⁶.

2.3 Catalonia Autonomous Community¹⁷

- According to published data from the last **2019 Macrosurvey** of male violence, **41,4% of the women surveyed in Catalonia have been victims of male violence in the sphere of their partner throughout their lives**. 63% of these women have stated that they have been victims of psychological violence, of which 34,9% psychological control violence and 28,10% emotional psychological violence. Physical and/or sexual violence was reported by 18% of women and economic violence by 15,4%.
- Regarding the victimization of women by male violence in the sphere of the couple (collected in the Penal Code as gender violence) and for male violence in the family sphere (collected as domestic violence, according to the Penal Code), **between January and September 2021, 10 201 complaints were filed in the sphere of the couple and 2 459 in the family sphere;**

¹¹ Retrieved from <https://violenciagenero.igualdad.gob.es/>

¹² Retrieved from <https://feminicidio.net/>

¹³ Retrieved from <https://www.epdata.es/>

¹⁴ Retrieved from <https://poderjudicial.es>

¹⁵ Idem

¹⁶ Idem

¹⁷ Institut Català de les Dones (2021)

- Between January and September 2021, **5 444 men of legal age have been arrested** and **13 508 victims have been assisted**;
- In 2021 there were **14 femicides in Catalonia**, and 1 linked femicide (the son of a woman). 10 of the femicides (71,4%) were perpetrated by the partner or ex-partner and 4 in the family/domestic environment. In 21,4% of the cases there was a previous report to the police from previous GBV but 100% of the victims had no restraining order at the moment of the femicide¹⁸.
- The average age of women killed as a result of GBV in the partner sphere is 40 years;
- During the first semester of 2021, a total of **1 297 protection orders were accepted** for processing, of which **47% (605) were adopted and 53% (692) were denied**;
- Until September 2021, the Catalan telephone number 900 900 120, **hotline against sexist violence, has received 10 329 calls**, 8797 of which were due to sexist violence. 88,08% of the consultations due to violence have been in the area of the couple, 6,85% in the family area, 4,36% in the socio-community area and 0,63% in the labour sphere;
- During the first semester of 2021, a total of **63 079 visits were made to the Women's Information and Care Services in Catalonia** (SIAD and the Women's Information and Care Offices of the ICD), and attended to 15 595 women, of which 4 213 were in a situation of gender-based violence;
- The main area of consultation for women at SIAD in Catalonia is **psychological counselling (29%)**, followed by **counselling due to gender-based violence (25%)** and **legal counselling (17%)**;
- According to data from the Catalan Government¹⁹, Catalonia is in the queue for protection orders accepted by judges: during 2018, 5 252 requests for protection orders were made, of which judges and **magistrates accepted less than half**, 2 680 requests.

3. Access to justice, healthcare and social care in Spain, Catalonia and Madrid Autonomous Communities²⁰

3.1 Spain

In Spain, Autonomous Communities are responsible for the access to justice, healthcare and social care for victims of GBV. According to the Art. 19th of the Organic Law 1/2004, of December 28th, on Comprehensive Protection Measures against gender-based violence:

“1. Women victims of gender-based violence have the right to care, emergency, support and shelter and comprehensive recovery social services. The organization of these services by the autonomous communities and the Local Corporations will respond to the principles of permanent attention, urgent action, specialization of benefits and professional multidisciplinary.

2. Multidisciplinary care will especially involve:

- a) Information to the victims.
- b) Psychological attention.
- c) Social support.
- d) Monitoring of women's rights claims.
- e) Educational support for the family unit.
- f) Preventive training in the values of equality aimed at their personal development and the acquisition of skills in non-violent conflict resolution.
- g) Support for training and job placement.”

¹⁸ Idem

¹⁹ Available at <https://govern.cat/salaprensa/notes-premsa/362162/catalunya-se-situa-cua-ordres-proteccio-acceptades-pels-jutges>

²⁰ Although the provided Guidelines for the elaboration of this report suggested a chapter on *Access to justice* and another one on *Access to health and social care*, in Spain these 3 scopes are completely interconnected, reason why they are explained in chapter 3 as a whole and chapter 4 (foreseen in the guidelines) is erased as it would result in a repetition of chapter 3.

3.2 Catalonia

In **Catalonia**, the Framework Protocol for a coordinated intervention against gender-based violence, approved in 2008 by Law 5/2008, of April 24th, on the right of women to eradicate gender-based violence, establishes the basis on which a model of approach and intervention, through the Catalan Women's Institute. It also promotes the development of various territorial circuits for tackling gender-based violence in Catalonia in order to establish a territorial and coordinated network that ensures the deployment and improvement of a comprehensive intervention model. The goals of this network are:

- › “To ensure that the resources made available to women affected by gender-based violence enhance their autonomy and do not create new dependencies for them.
- › To generate a shared language and promote a common understanding and approach to the phenomenon of gender-based violence by the various interdisciplinary agents.
- › To actively involve all the institutions, bodies and social agents in the territory that are relevant to the active approach to gender-based violence.
- › To implement a model that facilitates the emergence of various intervention itineraries adapted to the needs of each woman and the specificities of each professional and each territory. This model must include prevention, detection, care and recovery strategies.
- › To define the functions of the services, the coordination circuits and the referral criteria, and make them public for the whole network, establishing the mechanisms of coordination and cooperation that allow the deployment of joint and effective actions by the various bodies and social agents involved.
- › To provide all professionals with specific and diverse training on the phenomenon of gender-based violence”

According to art. 54 of Law 5/2008, on April 24th, on the right of women to eradicate gender-based violence, the Network of Services for the Prevention, Treatment and Recovery of gender-Based Violence is made up of a set of 8 types of services. These services can be grouped under their main functions within the network, which complement each other to achieve a comprehensive approach to gender-based violence, with some services focusing mainly on one of the axes of attention and others having a broader spectrum of intervention.

	Prevention	Detection	Assistance	Recuperation
1. Specialised Telephone Assistance Service	✓	✓		
2. SIAD: Information and care services for women	✓	✓	✓	
3. SIE: Specialised Intervention Services in Sexist Violence		✓	✓	✓
4. SAS: Home Substitute Reception Services			✓	
5. SAR: Reception and Recovery Services			✓	✓
6. STPT: Meeting Point Technical Services			✓	✓
7. OAVD: Crime Victim Care Offices			✓	
8. MMEE - Victim Support Groups (Catalan Police)			✓	

Below, an explanation is provided containing the details of each of these services which constitute the Catalan network of assistance to GBV survivors:

1. Specialized Telephone Assistance Service (Servei d'Atenció Telefònica Especialitzada)

This Service consists of a free and confidential telephone number (+34 900 900 120) and e-mail, which operate every day of the year, 24 hours a day and responds to requests related to any form of situation of violence against women such as requests for information from women living in situations of violence, on the existing resources in Catalonia in terms of assistance to violence against women, requests for advice on possible actions to be taken in the

event of a situation of violence against women, from individuals and / or professionals. It incorporates professionals, lawyers and psychologists who can contact emergency services, if necessary. People accessing the service can speak 124 languages.

2. SIAD: Information and care services for women (SIAD: Serveis d'informació i atenció a les dones)

There are 103 SIAD in the catalan territory. SIADs are not exclusive resources for intervention in gender-based violence as they fulfil other functions in the territory, but they make a special impact on this issue, which they prioritise. The work of the SIADs focuses on: (1) general care, guidance and counselling for women (with special emphasis on the detection and first care of women in situations of gender-based violence) and (2) raising awareness of equality between men and women.

SIADs report on any subject, such as health, work, housing, services and resources for women, and, where appropriate, refer to the entities and bodies responsible for it. They also work to raise community awareness for effective equality between women and men.

3. SIE: Specialized Intervention Services in Sexist Violence (SIE: Serveis d'Intervenció Especialitzada en violència masclista)

In 2022 there are 17 SIE in the Catalan territory. These services provide comprehensive care and resources in the process of recovery and reparation to women who have suffered or are suffering from GBV, as well as to their daughters and sons. These services also have an impact on prevention, awareness-raising and community involvement. The specific objectives of the SIE are: To provide specialised and ongoing social and therapeutic care in relation to the process of violence experienced; To adapt the model of social, legal and therapeutic intervention to the process of women who have suffered or are suffering violence; To work in coordination with external services, attending to the specific process of each of the women.

4. SLL: Home Substitute Service (Servei Substitutori de la Llar)

Reception and recovery services are specialised services, residential and temporary, which offer comprehensive care and assistance to enable the process of recovery and repair to women and their dependent daughters and sons, who require a space of protection due to the risk situation motivated by gender-based violence, while ensuring their autonomy.

These services are intended, in any case, for women who are immersed in any form of gender-based violence within the couple, the family or at social or community level, including the form of female genital mutilation or risk to suffer it, as well as forced marriages.

5. SAR: Reception and Recovery Services (Serveis d'Acolliment i Recuperació)

The functions of these services are temporary residential care and comprehensive care to make possible the process of recovery and repair of women with their dependent daughters and sons who require a space of protection due to the risk situation motivated by the sexist violence.

In relation to women, the main objectives are: To guarantee women and their children a space of security and quality support by giving them the opportunity to move away from the focus of violence in order to protect their physical and mental integrity; To provide a space and time of their own for reflection, awareness and emotional recovery from the pain and abuse suffered, so that they can mark a decisive turning point in the cycle of violence; To promote autonomy, independence and responsibility so that every woman is the real agent of her changes; To facilitate and promote decisions and actions aimed at reformulating the life project of women and their daughters and sons; To develop daily life in the Service, throughout the reception, in a group and solidarity framework, seeking the participation of women in the resolution of all situations that arise in group life and finally, to provide tools for labour and social integration.

6. Meeting Point Technical Services (STPT Serveis Tècnics de Punts de Trobada)

There are 23 Meeting Point Technical Services throughout Catalonia. The main objectives and functions of the Meeting Points are: To initiate, maintain or re-establish links between the child and his / her parent or other significant family members in a relationship-friendly environment, safe for the child and with the intervention of a qualified technical team; To work to promote the improvement of the relationship between the child and his / her non-custodial parent or other relatives with the right to visit; To allow the child to know and be in touch with their origins; To

facilitate the improvement of the relationship between both parents regarding parents in order to progressively achieve a detachment from the Service and to prevent new disputes or situations of violence in the visits and in the deliveries and collections of minors.

7. Crime Victim Assistance Offices (Oficines d'Atenció a la Victima del Delicte OAVD)

These are police services that offer telephone and face-to-face care and advice in court to victims of crime and, in particular, to women victims of domestic violence, as they are the coordinating point for protection orders and other judicial protection measures.

The main objectives of the Offices for Victims of Crime are: To provide comprehensive care to all victims of any crime and to ensure that the rights of all of them are respected. According to the legislative reforms in the matter of judicial measures of protection to the victims (Law 27/2003 and Organic Law 1/2004), the Offices of Attention to the victim are the point of coordination of all the measures of security and protection directed to all the victims of the Catalan territory and that are dictated by the judicial organs.

8. Victim Support police Groups (Grups d'Atenció a la Victima GAV)

Specialised resources of the Generalitat Police (Mossos d'Esquadra) for the care and follow-up of women and their children in situations of gender-based violence, with the aim of guaranteeing the rights of women in situations of sexist violence, as well as that of their dependent sons and daughters.

3.3 Autonomous Community of Madrid

The Comprehensive Care Network for gender-based Violence of the Community of Madrid is made up of the centres for victims of gender-based violence and the 54 municipal points of the Regional Observatory of GBV . Through this network, various counselling and care services are offered to victims and their families. These points offer:

- Legal advice, individualized psychological and social care for victims and monitoring of protection orders or court decisions.
- Provide information and guidance to victims of GBV.
- Carry out the referral and accompaniment of the victims who request it to the different specialized services.
- Provide individualized psychosocial care to women victims of GBV as well as their children and dependents.
- Preventive and awareness actions.

Besides these services, we find the following resources:

a) Residential Centres

They provide temporary accommodation and support for both women and their sons and daughters, while developing support programs, specialized advice and help in the search for stable alternatives.

1. Emergency Centres: They are intended to provide safe and immediate accommodation, as well as food and other expenses to women and minors in their care, for a limited time.

2. Reception Centres: The objective of these Centres is to provide protection, as well as comprehensive care, to women victims of gender-based violence and their children in different situations of need and when their admission to a residential resource is recommended. They serve as temporary accommodation while a comprehensive care plan is carried out aimed at facilitating the normalization of the lives of women victims of violence. These Centres have multidisciplinary teams made up of social professionals, lawyers and psychologists, who support both women and their sons and daughters.

3. Protected flats: Sheltered flats are used as an exit from the shelters, in those cases in which, according to the situation of the women, it is considered necessary to support them as a continuation of the process initiated in them. Its objective is to achieve personal and family autonomy without the need for protection as broad as that provided in the Centres.

4. Centres for women victims of trafficking for the purpose of sexual exploitation and who wish to leave the practice of prostitution: They are Centres that care for women of legal age who want to leave the practice of prostitution and women who are victims of trafficking for the purpose of sexual exploitation, offering temporary residential care and an individual intervention plan.

5. Centres for young women victims of violence: These Centres serve young women victims of violence with personal, family and/or social breakdown problems, who lack family support and/or economic resources. All Centres offer temporary accommodation and an individualized intervention plan.

6. Centre for women prisoners and ex-prisoners: The objective of this Centre is to provide a reception and comprehensive care service to women prisoners and former prisoners, victims of gender violence with or without children, lacking family support and economic resources, in different penitentiary situations (third degree, probation, women without access to prison permits, etc.)

b) Non-residential Centres

These are specialized intervention Centres for the recovery of the consequences suffered by victims of gender-based violence, whether it is intimate partner violence or sexual violence.

1. Psychosocial Care Centre. MIRA Program: It is a specialized psychosocial care resource whose objective is the emotional and social recovery of women, their children and dependents, victims of gender violence.

2. Centre for Comprehensive Care for women victims of sexual assault (CIMASCAM): Its objective is to provide psychological treatment, guidance, support, assistance and legal defence to women victims of harassment, abuse and sexual assault and to members of their family environment. In addition to direct assistance, prevention, dissemination, awareness and training activities are carried out by holding conferences, seminars, etc. The Comprehensive Care Centre for Women Victims of Sexual Violence intends to coordinate the resources of the comprehensive care network for gender-based violence in the Community of Madrid, dependent on the General Directorate for Equality, as well as with the rest of the care areas region of.

3. Project Hope: Its objective is to provide psychological treatment, guidance and legal support to women who are victims of human trafficking for the purpose of sexual exploitation. In addition to direct assistance, awareness and training actions are carried out for society in general and for the main agents involved.

4. Ayaan Hirsi Ali Women's Day Centre: Its objective is to care for Spanish and immigrant women (especially North Africans) who are in a situation of conflict due to gender-based violence, due to personal, family or social circumstances. They offer psychosocial and legal information and guidance, promote personal autonomy and responsibility, encouraging mutual help. They have a toy library and mediation service.

5. Pachamama Day Centre for Women: Its objective is to care for Spanish and immigrant women (especially Latin American) who are in a situation of conflict due to gender-based violence, due to personal, family or social circumstances. They offer psychosocial and legal information and guidance, promote personal autonomy and responsibility, encouraging mutual help. They have a toy library and mediation service.

Besides the previous, other loose services are offered, about which there is no in-depth information available. These other services can be found in the following official webpage:
<https://www.comunidad.madrid/servicios/asuntos-sociales/red-atencion-integral-violencia-genero#>

PART II Documental analysis

1. Introduction, method and procedure

The following section of this report develops a content analysis of 21 documents found at a national, autonomous community and municipal level, directly related to the care and support of victims of GBV, with the intent of identifying the presence of principles of Trauma Informed Care (TIC) throughout these documents.

The selection of the documents was done under the following criteria:

- Main legislation concerning care and support of victims of GBV at a national and autonomous community level: these documents were retrieved from the official governmental websites, both at a national level and autonomous community level;
- Main documents developed by public institutions regarding care and support of victims of GBV, mainly from judicial and psychosocial services, especially those that are more recent, available online and recurrently being showed when searching for key words: These documents were retrieved from official government websites, specifically in the feminism departments of public institutions where resources such as reports and recommendations are available, both at a national level and autonomous community level;
- Main action protocols existing in the autonomous communities studied (Madrid and Catalonia), retrieved both from official websites as well as through Google search, in the languages of the autonomous communities;
- Best-practices and guidelines at national and autonomous communities level, retrieved both from official websites as well as through Google search, in the languages of the autonomous communities.

Many more documents could be analysed from a national level perspective if the scope of this research included the whole of the autonomous communities of Spain but, given that its scope is limited to the autonomous communities of Madrid and Catalonia, the current selection is considered to be representative of these territories.

After the selection was done, the documents were analysed in the following manner:

1. Analysis of the context of the document to confirm its validity and usefulness for the current report: who wrote it? What for? How is it used?
2. Confirmation that the document is less than 10 years old and that there isn't a more recent version of the document (except for the case of fundamental legislation that is still in use);
3. Comprehensive reading of each document and identification of key aspects that can respond to the indicators of TIC;
4. Search for key words on each document that correspond to the indicators of TIC, directly or indirectly, explicitly and implicitly, such as: *trauma; retraumatize; revictimization; emotional; safety; connection; culture/cultural; nationality; empower; control; resilience; impact; choice; independence; autonomy; recognition/recognizing;*
5. Identification and collection of examples (sentences and paragraphs) that demonstrate the presence of indicators of TIC on each document;
6. Reporting.

As will become clear in the following pages, most of the documents analysed did not fully include principles of TIC and the principles found are scattered along the different documents. It also became clear that the use of the word trauma is found to be rare, even among documents from the area of psychological care.

It is also noticeable that a vast number of documents, mainly those that constitute legislation or public institutions documents, focus more on the circuits of support than on the form and content of such support. There is a prevalent victim's rights approach focusing on the right to have a comprehensive support but the way under which this must be

developed is left quite in the open or comprises simply a few modest guidelines with no in-depth content, such as loose short sentences under bullet points.

The focus on the coordination circuits and on the roles of every professional and public service seem to constitute the major area of interest, which is aligned with the complexities described in the introduction of the current report: the geopolitical organization of Spain under several layers of responsibility and power often leads to challenges establishing the adequate circuits through which the victim must follow in order to receive the required support and clearly diminishes, in some territories/autonomous communities, the attention given to the form of support.

2. Selected documents

The Spanish dataset consisted mainly of legislation (35%), best-practices and guidelines (25%), protocols and policy documents (25%), municipal documents (10%), and reports (5%), as detailed below.

Document type	Total of documents	% of the total number of documents	Document numbers
National Legislation	6	28,7%	1, 6, 9, 10, 11, 21
Autonomous Region legislation	2	9,5%	7, 8,
Municipal Documents	2	9,5%	5, 12
Best-practices and Guidelines,	5	23,8%	2, 15, 16, 17, 18,
Protocols and policy documents	5	23,8%	3, 13, 14, 19, 20
Reports	1	4,7%	4

Table 1: Types of Documents analysed

The documents selected were the following:

Document (In original version, with link, and translated)	Trauma
1. Law 4/2015, of April 27, on the Statute of the victim of crime (Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito)	Yes
2. Guide to Good Practices for Taking Statements from Victims of gender-based Violence (Guía de Buenas Prácticas para la Toma de Declaración de Víctimas de Violencia de Género)	No
3. Protocol for care and referral of victims of gender-based violence between victim assistance offices and social services and specialized services of the autonomous communities (Protocolo de atención y derivación de las víctimas de violencia de género entre las oficinas de asistencia a las víctimas y los servicios sociales y los servicios especializados de las comunidades autónomas)	No
4. 1st report on the periodic evaluation of the care system for crime victims (2017) (Informe sobre la evaluación periódica del sistema de atención a las víctimas del delito (2017))	No
5. Recovery of women in situations of sexist partner violence - Description and instrumentation (Recuperació de les dones en situació de violència masclista de parella - Descripció i instrumentació)	Yes
6. Organic Law 1/2004, of December 28, on Comprehensive Protection Measures against gender violence (Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género)	No
7. Law 5/2005, of December 20, comprehensive against gender violence of the Community of Madrid. (Ley 5/2005, de 20 de diciembre, integral contra la violencia de género de la Comunidad de Madrid)	No

<p>8. Law 17/2020, of December 22, amending Law 5/2008, on the right of women to eradicate sexist violence and Law 5/2008, on the right of women to eradicate sexist violence (Ley 17/2020, de 22 de diciembre, de modificación de la Ley 5/2008, del derecho de las mujeres a erradicar la violencia machista y ley 5/2008, del derecho de las mujeres a erradicar la violencia machista)</p>	No
<p>9. Resolution of July 28, 2021, of the Undersecretariat, publishing the Agreement of the Council of Ministers of July 27, 2021, approving the Catalog of Urgent Measures of the Plan for Improvement and Modernization against gender Violence (Resolución de 28 de julio de 2021, de la Subsecretaría, por la que se publica el Acuerdo del Consejo de Ministros de 27 de julio de 2021, por el que se aprueba el Catálogo de Medidas Urgentes del Plan de Mejora y Modernización contra la Violencia de Género)</p>	No
<p>10. Law 27/2003, of July 31, regulating the Protection Order for victims of domestic violence. (Ley 27/2003, de 31 de julio, reguladora de la Orden de protección de las víctimas de la violencia doméstica)</p>	No
<p>11. Royal Decree 1109/2015, of December 11, which develops Law 4/2015, of April 27, on the Statute of the victim of crime, and regulates the Assistance Offices for Victims of Crime. (Real Decreto 1109/2015, de 11 de diciembre, por el que se desarrolla la Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito, y se regulan las Oficinas de Asistencia a las Víctimas del Delito)</p>	Yes
<p>12. Local protocol for the comprehensive approach to violence against women in Santa Coloma de Gramenet (Catalonia) (Protocolo local para el abordaje integral de la violencia contra las mujeres de Santa Coloma de Gramenet)</p>	Yes
<p>13. Protocol for the Coordination of Professional Action in Situations of gender Violence in Pozuelo de Alarcón (Autonomous Community of Madrid). Protocolo de Coordinación de la Actuación Profesional ante Situaciones de Violencia de Género de Pozuelo de Alarcón (Comunidad de Madrid)</p>	No
<p>14. Model of care for the health of women who live or have experienced situations of gender-based violence and that of their sons and daughters (Modelo de atención a la salud de las mujeres que viven o han vivido situaciones de violencias machistas y la de sus hijos e hijas)</p>	Yes
<p>15. Comprehensive care for women and sons and daughters who are victims of gender based violence (Atención integral a mujeres e hijos e hijas víctimas de violencia de género)</p>	No
<p>16. Manual of recommendations of good practices for working with women, daughters and sons who are victims of gender-based violence of the General Council of Official Associations of Psychologists (Manual de recomendaciones de buenas prácticas para el trabajo con mujeres, hijas e hijos víctimas de la violencia de género del Consejo General de Colegios Oficiales de Psicólogos)</p>	No
<p>17. Guide to best-practices for lawyers and women victims of gender-based violence of the subcommittee on violence against women of the general council of spanish lawyers (2017) (Guía de buenas prácticas de la abogada/o de la mujer víctima de violencia de género de la subcomisión de violencia sobre la mujer del consejo general de la abogacía española (2017))</p>	No
<p>18. Practical guide for legal advice to victims of gender-based violence (Guía práctica para el asesoramiento legal a víctimas de violencia de género)</p>	No
<p>19. Common protocol for health action in the face of gender Violence (2012) (Protocolo común para la actuación sanitaria ante la Violencia de Género. 2012)</p>	Yes
<p>20. Referral Protocol between shelters for women victims of gender-based violence and their sons and daughters.(Protocolo de Derivación entre centros de acogida para las mujeres víctimas de violencia de género y sus hijos e hijas.)</p>	No
<p>21. Organic Law 10/2022, of September 6, on the comprehensive guarantee of sexual freedom Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual.</p>	Yes

3. Documents' approach to Trauma

Before the content analysis of the previous documents, a search on each document was made to find the word trauma, which, in itself, is not necessarily an indicator about the use of TIC principles on the document, although it constitutes a first filter for analysis.

As can be seen on the table below, **66,6% of the documents did not include the word trauma** in them and 33,3% of the documents analysed did. Of all the documents that included the word trauma, this word was not necessarily present very often in the document and, in some cases, it was only mentioned once. The times that the word trauma was included in the document corresponding to bibliography were not included.

Document	Trauma	Document	Trauma
1.	Yes	11.	Yes
2.	No	12.	Yes
3.	No	13.	No
4.	No	14.	Yes
5.	Yes	15.	No
6.	No	16.	No
7.	No	17.	No
8.	No	18.	No
9.	No	19.	Yes
10.	No	20.	No
		21.	Yes

Table 2: Presence of the word 'trauma' on the documents analysed

4. Documents' content analysis

Following the guidelines provided for the current analysis, the documents were selected and analysed with the intent to identify those which contain a **clear indicator**, a **partial indicator**, or **no indicator at all**. A clear indicator refers to the presence of chapters, sentences, articles (in the case of legislation) or explicit references to the target indicator. A partial indicator refers to a superficial mention of a TIC indicator, with no in-depth explanation about it and no description on how this indicator establishes a type of intervention or support. No indicator would refer to the total absence of any reference to the indicator.

The analysis consisted of the reading of the 21 selected documents and the identification of the themes that might contain these indicators and that are detailed in the table found on the page. For matters of space saving in the document, the indicators and the register of the presence of the indicator were codified as follows:

Caption of the Trauma Informed Principles/indicators Analysis table

P: Partially C: Clearly N: Not observed	Principles	
	a) Recognition	e) Avoiding re-traumatization
	b) Establishing emotional safety	f) Cultural Competence
	c) Restoring choice and control	g) Avoiding secondary trauma
	d) Facilitating connection	

After the table of register of indicators, a statistical analysis is developed and the most important examples of the presence of the indicator are presented.

Trauma Informed Principles/indicators Analysis	Principles						
	a)	b)	c)	d)	e)	f)	g)
1. Law 4/2015, of April 27th, on the Statute of the victim of crime	N	N	N	N	N	N	N
2. Guide to Good Practices for Taking Statements from Victims of gender-based Violence	C	C	N	N	N	N	N
3. Protocol for care and referral of victims of gender-based violence between victim assistance offices and social services and specialized services of the autonomous communities	N	P	N	N	N	N	N
4. 1st report on the periodic evaluation of the care system for crime victims (2017)	N	N	N	N	N	N	N
5. Recovery of women in situations of sexist partner violence - Description and instrumentation	C	C	P	P	N	N	N
6. Organic Law 1/2004, of December 28th, on Comprehensive Protection Measures against gender violence	N	N	N	N	N	N	N
7. Law 5/2005, of December 20th, comprehensive against gender violence of the Community of Madrid.	N	N	N	N	N	N	N
8. Law 17/2020, of December 22nd, amending Law 5/2008, on the right of women to eradicate sexist violence and Law 5/2008, on the right of women to eradicate sexist violence	P	N	N	P	N	N	N
9. Resolution of July 28th, 2021, of the Undersecretariat, publishing the Agreement of the Council of Ministers of July 27th, 2021, approving the Catalogue of Urgent Measures of the Plan for Improvement and Modernization against gender violence	N	N	N	N	N	N	N
10. Law 27/2003, of July 31st, regulating the Protection Order for victims of domestic violence	N	N	N	N	N	N	N
11. Royal Decree 1109/2015, of December 11th, which develops Law 4/2015, of April 27th, on the Statute of the victim of crime, and regulates the Assistance Offices for Victims of Crime	P	C	P	N	P	N	N
12. Local protocol for the comprehensive approach to violence against women in Santa Coloma de Gramenet	C	P	P	N	N	N	P
13. Protocol for the Coordination of Professional Action in Situations of gender Violence in Pozuelo de Alarcón	P	P	N	N	P	N	P
14. Model of care for the health of women who live or have experienced situations of gender-based violence and that of their sons and daughters	C	C	P	N	P	N	N
15. Comprehensive care for women and sons and daughters who are victims of gender-based violence.	C	P	P	P	N	C	N
16. Manual of recommendations of best practices for working with women, daughters and sons who are victims of gender-based violence of the General Council of Official Associations of Psychologists	P	C	P	N	N	P	N
17. Guide to best-practices for lawyers and women victims of gender-based violence of the subcommittee on violence against women of the general council of Spanish lawyers (2017)	N	N	N	N	N	N	N
18. Practical guide for legal advice to victims of gender-based violence	C	C	P	N	P	C	P
19. Common protocol for health action in the face of gender violence (2012)	C	P	P	C	N	P	N
20. Referral Protocol between shelters for women victims of gender-based violence and their sons and daughters.	N	N	N	N	N	N	N
21. Organic Law 10/2022, of September 6, on the comprehensive guarantee of sexual freedom.	P	N	P	N	N	P	N

Table 3: Trauma informed principles analysis

In total, **38% of all selected documents reflected no trauma-informed indicators** (8 documents), of which 1 is a protocol, 1 is a guide for best practices to lawyers assisting victims of GBV, 5 are legislation concerning the support to victims of GBV and 1 is a report concerning GBV data and methodological approach.

Only 9 documents (43%) reflected, at least, one complete indicator. Of these 9 documents, 3 had only 1 complete indicator, 3 had 2 complete indicators and 3 had 3 complete indicators. **No document had more than 3 indicators.**

The most common complete indicator found was Recognition, present in 7 documents and **the least found complete indicator was Restoring choice and control**, which was never found completely, only partially.

Finally, **the following indicators were the least observed, with more than 80% of absence:** facilitating connection, cultural competence, avoiding retraumatization and secondary trauma.

Presence of indicator	Recognition	Establishing emotional safety	Restoring choice & control	Facilitating connection	Avoiding re-traumatization	Cultural competence	Secondary trauma
Complete	7	6	0	1	0	2	0
Partial	5	5	9	3	4	3	3
Not present	9	10	12	17	17	16	19

Table 4: Presence of TIC indicators

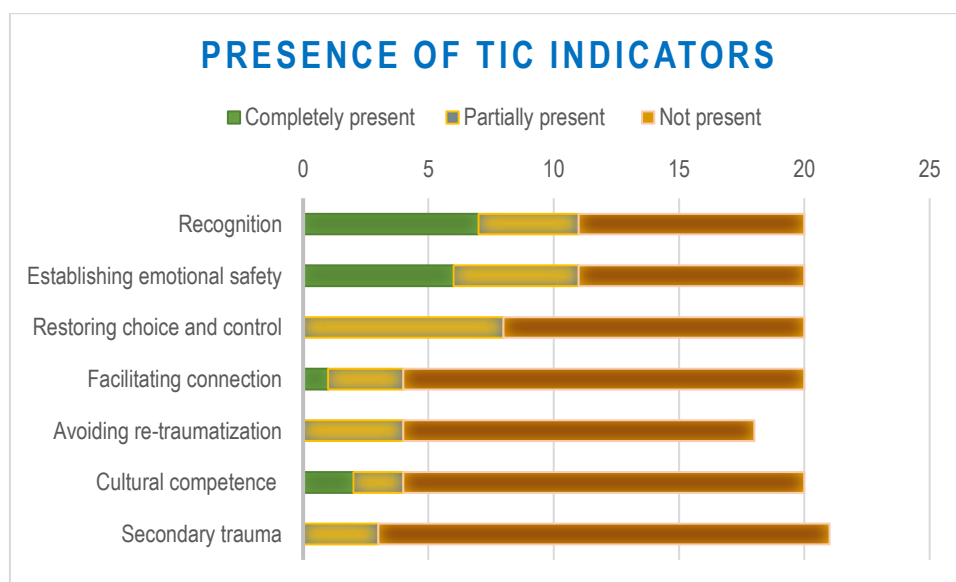


Figure 1: Presence of TIC indicators

In the following pages, we will explore some relevant examples that reflect how the indicators are found in the documents analysed.

Regarding the indicator Recognition, which was only found completely present in 33,3% of the documents analysed, it was found in several types of documents, from legislation to protocols and best-practices, without a tendency for concentration in a specific type of document. In the [Guide to good practices for taking statements from victims of gender-based violence](#) (document 2), we find the following statement, which clearly reflects a concern about making victims' voices heard and recognized.

“The victim impact statement gives crime victims a voice in the criminal justice system. It allows victims to explain to the Court in the presence of the offender, in her own words, how the crime has affected them. And this is highly relevant for the court when making the decision, analysing in that context whether that statement is true or not, and, above all, how the crime affected her.”

The Local protocol for the comprehensive approach to violence against women in Santa Coloma de Gramenet (document 12) understands the impact of GBV as an indicator for the identification of victims, as can be seen below:

Among the indicators of gender-based violence, some indicators related to the impact of violence on women are identified, such as:

1. Impact of GBV on the emotional condition of women towards themselves and in relation to other people: Lack of confidence in themselves and in other people; Loss of self-esteem; Feeling of shame (towards themselves and towards other people); Feeling of guilt; Feeling of loneliness; Fear of rejection

Regarding the indicator Establishing emotional safety, which was only found clearly in 30% of the documents, the guide to good practices for taking statements from victims of gender-based violence (document 2) clearly states that:

The anxiety of the victims cannot be increased with more anxiety with institutional abuse. Victims come to the police and justice with a logical anxiety caused by what they have suffered, so good treatment and care measures must be taken to reduce their level of anxiety. It will be tried to avoid by all possible means the visual confrontation between the victim and the abuser in the Court, in case of not having effective mechanisms for this purpose, it is recommended to bring this circumstance to the attention of the corresponding Benefit Administration.

This sentence constitutes an example of an expected attitude or behaviour from the professional side in order to establish emotional safety. Also, the Manual of recommendations of best practices for working with women, daughters and sons who are victims of gender-based violence of the General Council of Official Associations of Psychologists (document 16), establishes that:

Therefore, immediate emphasis should be placed on establishing an environment of safety and tranquillity, expressing support for her and that our goal is to help her overcome the problems that now seem insurmountable to her and create a space where she feels accepted, her rhythm is respected and she doesn't feel guilty at all.

Even if these two examples are useful to understand the presence of this indicator, it is also important to mention that these sentences do not expand much more than what is stated, not revealing concrete strategies or recommendations on how to implement these principles.

On the Practical guide for legal advice to victims of gender-based violence (document 18) we find a clearer reference regarding the attitudes of professionals:

Sometimes, in our interventions, we question women, their behaviours or their attitudes, which reflects the ignorance of the process of mistreatment and the social devaluation of women. It is true that sometimes the behaviour of battered women from the outside is difficult to understand, questions can be raised such as why they endure so many years of abuse and do not separate by breaking that relationship, why they excuse or justify them, why they denounce and then they try to withdraw the complaint, or even separate leaving the family home and then return with them, with all that this means for us, lawyers, to redo briefs, to withdraw the private accusation, that our client does not testify in court to trying to obtain an acquittal from the aggressor... All of this makes us feel in some way that the lawyer's effort in the procedure has been of little or no use, which

generates great frustration and impotence in us.

Regarding the indicator [Restoring choice and control](#), which was not found clearly in any of the documents, it was only found a loose references that may underlyingly indicate this perspective, although with no expansion or in-depth analysis. In document 5, [Recovery of women in situations of sexist partner violence - Description and instrumentation](#), we can find:

We understand recovery from the situation of sexist partner violence in a broad sense, as a process in which two main phenomena occur. On the one hand, liberation from a situation of violent subordination in the sense of restoring freedom as a fundamental condition of life, restoring control of one's life without receiving any kind of violence, in this case, from the partner.

Regarding the indicator [Facilitating connection](#), which was only found clearly in 5% of the documents and partially in 15% of the documents, most references concern the support to victims through group therapy and other types of group support. No other examples of strategies to promote connection were found. One example of group support can be found on the [Common protocol for health action in the face of gender violence \(2012\)](#) (Document 19):

Group work as a methodological tool incorporating the gender perspective has proven to be one of the most effective and satisfactory ways to recover the physical, mental and social health of women in situations of violence. The women's groups coordinated by professionals specialized in the subject, are a space for listening, reflection, relationship, support, and company in the processes of change in a protected and safe environment.

The [Law 17/2020, of December 22nd, amending Law 5/2008, on the right of women to eradicate sexist violence and Law 5/2008, on the right of women to eradicate sexist violence](#) (document 8) also states the importance of:

The promotion of instruments for participation and collaboration with social organizations, especially women's organizations, such as women's councils, the women's association movement and women's groups belonging to social movements and trade unions, in the design, monitoring and the evaluation of public policies to eradicate sexist violence.

Regarding the indicator [Avoiding re-traumatization](#), which was not found clearly in any of the documents and was found partially in 20% of the documents. Given the fact that 70% of the documents do not even include the word *trauma*, it revealed difficult to find any sort of examples. It was more common to find references to avoiding revictimization than to re-traumatization. Although these may seem equivalent concepts, such understanding was not taken into account in the current report. We understand revictimization as the act to "harm someone again in an unfair way after they have been harmed in the past; to treat someone as a victim again"²¹. On the other hand, re-traumatization is understood as: one's reaction to a traumatic exposure that is colored, intensified, amplified, or shaped by one's reactions and adaptation style to previous traumatic experiences" (Danieli, 2010, p. 195)²². Given these definitions, the first would constitute mainly a legal definition which may or may not imply trauma, whereas the second definition falls under the scope of psychiatric and psychological consequences of the exposure to traumatic events of which the person may or may not be victim.

Given the above, we can provide an example that may entail a concern about re-traumatization, although not in a clear way. On document 14, [Model of care for the health of women who live or have experienced situations of gender-based violence and that of their sons and daughters](#), we find:

²¹ Cambridge dictionary online

²² Danieli, Y. (2010).

The normalization of this violence means that women and their children have to survive its effects without the health system providing them with resources to treat the traumatic experience, because professionals, faced with non-specific symptoms or somatic complaints, have difficulty identifying male violence as the origin of this illness.”

Regarding the indicator Cultural competence, which was found clearly in 10% of the documents and was found partially in 14% of the documents, it became clear that key words such as *cultural competence* or *transcultural approach/competence* were never present. Nevertheless, in the 10% of documents that were found to clearly reveal this perspective it became obvious that the surrounding principles of cultural competence were present under different phrasing. For example, on document 18, Practical guide for legal advice to victims of gender-based violence, we find a long chapter on the cultural differences that can be found regarding minority cultures and their understanding of GBV, with several examples such as those regarding Roma women (*gitanas*) or older women. We can find an example below:

The existing ignorance of the majority culture towards the gypsy culture limits women's access to standardized care resources for victims of gender violence. And another of the reasons why few women have access to these resources is the fact that in most cases this access is conditioned by filing a complaint.

For many Roma, denouncing the aggressor means acknowledging that the internal resources of the community itself have not worked to solve the problem, in addition to denouncing a member of their own community before a non-Roma institution, which may imply a rejection or break with their community, and few people are willing to give up their ties and group membership. It is therefore necessary to take these difficulties into account and try to adapt these services to the needs of Roma women, since the absence of these measures at present leaves them unanswered.

Finally, women over sixty-five represent a particularly vulnerable group in which situations of prolonged coexistence with the aggressor lead to the chronification and normalization of gender-based violence against them. The data shows that the group of women of this age and older is significantly the one that reports the least, according to the General Council of the Judiciary, considering the years 2009, 2010 and 2011. Reporting is not always easy in these situations. The breaking of the silence for these women is opposed by their isolation, the sometimes lack of support from the environment and the greater economic dependence on the aggressor. Age makes it difficult for them to rebuild their lives, free from violence. These factors also require special attention.

The socialization of these women within the framework of a very different society, in which violence against women was an issue that until very recently was considered a private matter that should remain within the family, also makes it especially complex for these older women.

Finally, **regarding the indicator Secondary trauma, which was found clearly only in 5% of the documents and was found partially in 10% of the documents**, it is paramount to recall what was mentioned in indicator re-traumatization: given the fact that 70% of the documents do not even include the word *trauma*, it is difficult to find any sort of examples to illustrate mentions to this indicator. On document 5, Recovery of women in situations of sexist partner violence - Description and instrumentation, we can partially interpret a concern about secondary trauma when, addressing risk evaluation, it is mentioned that:

What is of interest is the intensity and quality of the contact, both because of the risk it may have, as well as because of the fear and pressure that this contact exerts on the woman, because of the sense of control she can still maintain in the woman or because of the possibility or impossibility to close the traumatic experience.

Part III Conclusions

Current legislation and practice implementation and impact:

a) Current strengths and positive aspects of the legislation and policy regarding the inclusion of TIC principles

The current legislation and best-practices identified clearly have a victim's rights approach, with a particular concern for the detection, intervention, and recuperation of victims in a formal real. There is a strong focus on the identification of the public agents responsible for this process and a tight connection to the restoration of the rights of women, as can be seen in the title of document 8.

The theoretical framework under which most documents are constructed is solid and coherent with the international recommendations regarding the reasons behind GBV: the historical power imbalance between men and women and the use of violence to perpetuate women's subordination seems to be present in most of the documents analysed, and even in much of the legislation.

Although often not expressed, there is an underlying concern regarding the effects and consequences of GBV, not only on the direct victims but also in the children who are, directly or indirectly, exposed to this type of violence in their family environment. Actually, although not requested in the current study, the identification of specific best-practices and actions regarding the protection of the victim's children would be an interesting complementary research line to pursue.

b) Current concerns and negative aspects of the legislation and policy regarding the inclusion of TIC principles

As mentioned in the introduction of this report, the existing legislation in Spain provides a framework that is applied differently on each Autonomous Community, leading to overlapping of the definitions and of the forms of violence recognized.

Technically, this is considered to be a weakness for the protection of the victims since it makes it very difficult to establish a national level model of intervention with GBV victims that takes into account all the necessary perspectives such as TIC, Transcultural approach, Intersectional, approach, etc.

This geopolitical organization also entails a heterogeneous politization of the importance given to GBV as a social problem: nowadays in certain autonomous regions of Spain like Castilla and Leon, GBV is being considered as an irrelevant matter and the parties in power aim at eliminating the aid to victims of gender violence or to companies that include aids to these women among their criteria for the next budgets of 2023. This political view trumps over basic Human Rights and internationally recognized women's rights, generating a discrimination that affects women in this particular autonomous region, which shows a clear example of this heterogeneity. Basically, this can lead to a GBV victims' rights for support to depend on the geographical territory of Spain where violence occurred.

Another problematic aspect, already mentioned, is the fact that GBV in Spain is understood as being only the type of violence that happens between a man and a woman who are or were in an affective relationship, misrepresenting other types of relations between men and women, and contexts on which GBV occurs like in the public space, night life, school grounds, labour settings, etc. This aspect is understood as incoherent when noticed that each autonomous community understands different ways of conceptualizing and addressing GBV, making it, once again, very difficult to create a model of intervention valid for all women in Spain and guaranteeing equality of rights.

Regarding specifically trauma-informed care, as it became patent throughout this report, there were no documents found which clearly entailed this perspective and even the ones which included any indicator did not expand much on it. It became clear that such principles are not yet entirely incorporated in the Spanish legislation, judicial practices, or other comprehensive practices.

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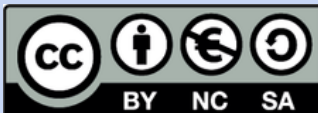


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