



GEMMA Against Violence!

Gender based Empowerment of Migrants through a multiagency
Approach

Context Analysis¹

Contenido

1. Introduction	3
-----------------------	---

¹ DISCALIMER: *GEMMA Against violence!* has received the financial support of the Rights, Equality and Citizenship Programme (2014-2020) of the European Union. The contents of this document and project related publications are the sole responsibility of FARAPI & SOS Racismo and can in no way be taken to reflect the views of the European Commission



2. Migrant/ethnic minority women/girls survivors of violence in close or intimate relationships in the Spanish State and the Basque Autonomous Community (quantification and statistics based on demography and ethnic origin)	3
2.1. Migrant/ethnic minority women facing gender violence: Spanish state statistics ...	3
2.2. Migrant/ethnic minority women facing gender violence: Basque Autonomous Community (CAPV) statistics.....	5
3. Migrant/ethnic minority women/girls survivor protection laws and protection measures (in relation to their dual vulnerability as women and migrants).	6
3.1. National Legal Framework - The national legal framework for the protection of women's rights with a focus on protection from violence in the family (focus on migrant/ethnic communities)	6
a) Legal framework relating to gender equity	6
b) Legal framework related to Gender-based violence	7
c) Specific codes related to the protection of the victims of GBV.....	11
d) At local level.....	12
e) Other	13
3.2. Summary of legislation concerning migrants	13
3.3. Summary of the legislation concerning ethnic minority.....	14
4. Migrant/ethnic minority women - level of prevalence/vulnerability related to cultural identity .	15
4.1. Multiple discrimination: intersectionality.....	15
4.2. Global factors: global care crisis	15
4.3. Indicators for the assessment of situations involving vulnerability	16
a) Administrative Situation	16
b) Situation in the labour market.....	16
c) Degree and nature of needs covered:	17
5. Migrant/ethnic minority women: nature and prevalence of violence experienced in relation to their ethnic/cultural identity	18
5.1. Psychological Violence	18
5.2. Physical Violence.....	19
5.3. Sexual Violence	19
5.4. Economic/Financial Violence	19
5.5. Institutional Violence	19
5.6. Social and Spiritual Violence	20
6. Conclusion.....	20
7. Bibliography	23
7.1 Used bibliography	23



7.2. Suggested bibliography.....	25
8. Initials.....	26
9. Appendices.....	26

1. Introduction

The aim of the present document is to present the general picture of the situation of the migrated women facing Gender-Based Violence (GBV) in the Spanish state and in the Basque Autonomous Community (CAPV) since it is the geographical reference point we will work on for the development and test of the intervention model. This picture will be drawn based on three perspective. The first one, quantitative, will help us to understand the global picture as at the Spanish state level as at the CAPV level of the migration flow in the past years until today, the provenance of the migrated women and their reality in relation with the GBV. The second perspective will bring up an overview of legal framework starting analysing the legal situation related to the equity laws and going afterwards through the laws linked to GBV violence specifically. To complete the global overview, another section will analyse the legal framework related to the immigration and ethnic minority. In the last section we will go deeper into the bibliographical overview and the studies that have been carried out trying to understand which are the vulnerabilities of immigrant women in the Spanish State, how they are constructed and in which kind of violence they are translated. The conclusion will bring up some contributions and elements to take into account when designing protocols. These are based on the present analysis itself and on evaluations that have been made by specific Spanish and Basque institutions.

2. Migrant/ethnic minority women/girls survivors of violence in close or intimate relationships in the Spanish State and the Basque Autonomous Community (quantification and statistics based on demography and ethnic origin)

This section has the aim of drawing a general picture of, in the first place, the Spanish situation concerning the immigration situation in the last years and the statistic data of the Gender-Based Violence (GBV) in relation with the migration situation. In the second place, the specific situation of the Basque Autonomous Community will be pictured since this is the reality in which the qualitative approach will be carried out and in which the established intervention model will be developed and tested.

2.1. Migrant/ethnic minority women facing gender violence: Spanish state statistics

According to the National Statistics Institute (INE) and the immigration flow of 2014, the number of foreign women coming to Spain that year was 153.505. Most of them proceeds from the next ten nationalities: 1) 9,67% from Rumania, 2) 5,77% from Morocco, 3) 4,36% from the UK, 4) 4,23% from Italy, 5) 3,38% from China, 6) 3,18% from Russia, 7) 3,10% from Colombia, 8) 2,74% from Honduras, 9) 2,73% from Dominican Republic, and 10) 2,63% from Venezuela.²

² <http://www.ine.es/jaxi/Tabla.htm?path=/t20/p277/prov/e01/10/&file=01003.px&L=0>



In the approximation to reality made by the Ministry of Health, Social Services and Equality (MSSSI) in the definition of the "National Strategy for the eradication of the violence against women (2013-2016)", they affirm that in the period between the 1st of January of 2003 and the 31st of December of 2012, 658 women were killed due to GBV which means an average of 65.8 women a year and 5, 5 women a month. (MSSI 2012)

From the data gathered by the same Institution which appears in Table 1 in the appendix, showing the numbers of deaths caused by GBV in Spain over the previous ten years, we can see that the number of foreign victims was quite high when compared to Spanish-born victims (36.7% were foreign in 2015). Furthermore, if we look at the data for the overall Spanish population in 2015, we can see that only 9.58% of the total population were foreign, something that allows us to state that, in proportion, the number of foreign deaths was very high. Therefore, foreign women are at greater risk of dying than Spanish-born women. We should point out that the reference made by the Institute to the "foreign-born women" collective is a fairly broad category that refers to all women who were born outside of Spain. Nevertheless, and based on the analysis made by the MSSSI (2012) in the earlier mentioned National Strategy, it seems that even if the foreigner women are, proportionally a higher number of GBV victims, those are also the one making a higher use of the resources created for the victim's assistance and they also make a higher use of the specific rights that are recognized for them by the law.³

According to the Annual Report of the Spanish Observatory for violence against women for 2013 (MSSI 2013), when referring to the nationality of the foreign dead we can see that for the years 2003-2013, 47% of the foreign victims were Ibero-American. As for their administrative status, 14% were legal residents, 2.7% illegal residents, 2.4% tourists and 11.2% were of unknown status.

The figures for women victims of violence receiving the Active Insertion Income (AII) from 2006-2013 show that the number of foreign women receiving said income grew to reach 26.6% of all recipients in 2011, falling to 24.8% in 2013. As regards recipients of the financial assistance laid down in Article 27 of the relevant Law, in 2013 only 17.1% were foreign women and 40.2% of these were Ibero-American.

As the National Strategy (MSSI 2012) outlines based on the data of the Macrosurvey on Gender-based violence published in 2011: 14,5% of the women that declared to have been mistreated during the last year (2011) are foreigners; 20,9% of the survey respondent foreign-born women had suffered gender based violence once in their lives versus 10,9% of all the survey respondent women; 5,8% of the respondent foreign-born women were suffering violence during the last year (2011) versus the 3% of all the survey respondent women. In this sense, they conclude that the proportion of women that has at least once suffered GBV are foreign-born. With regard to the national helpline (016), from 2008-2013, of the women who called and mentioned their nationality, 21.8% stated that they were foreign. To be exact, 46.5% were Ibero-American. On the other hand, if we analyse the users of ATENPRO (Telephone Protection Hotline for victims of gender-based violence), in 2013 16.8% were foreign-born and, of those, 45% were Ibero-American, followed by those from the European Community (26%) and Africa (21.6%).

We will now consider the "Macro survey of Gender-Based Violence" published by the MSSSI in 2015, to see the different kinds of violence that can be suffered by women in their relationships with their partners throughout their lives in relation to their country of origin.

³ http://www.ine.es/inebaseDYN/cp30321/cp_inicio.htm



These are: 1) physical violence, 2) sexual violence, 3) psychological or emotional violence, 4) control by their partner, and 5) economic violence (not allowing the woman to enjoy economic autonomy). We also differentiate as to whether the aggressor is the current partner or others they may have had throughout their lives. From that data in Table 2 of the Appendix we can see that foreign women suffer the five above-mentioned types of violence and, in addition, they also suffer more from violence from their current partners and all other partners they may have had throughout their lives. If we focus on physical violence, this study indicates that 14.1% of foreign-born women have suffered the most serious kinds of violence, compared with 5.8% of Spanish-born women.

If we look at the specific nationalities of the women who most suffer from gender violence in Spain, we can see that Colombian-born women head the tables in general, except for control violence, where those born in Morocco are slightly ahead (45.3%), and economic violence, where Ecuadorian women are ahead (24.1%). With physical (24.3%), sexual (17.8%), and emotional (39.1%) and fear (29.6%), Colombian-born women show the highest figures.

Not only are immigrant women most likely to have suffered from one or more of these types of violence, but they are also most likely to suffer a repeat of violent behaviour with different partners. 42.7% of foreign-born women who have suffered psychological, control or emotional violence from their partners in past relationships have suffered it again, while the figure for those born in Spain is 32.0%.

With regard to the consequences for health and well-being of the woman, we can see that foreign-born women suffer more serious injuries (30.7% compared to 17.6% for Spanish-born women).

It is also relevant to be aware of how women react to the violence they suffer. Here we can see that those born abroad have a greater tendency to seek support from the police and/or courts, through official complaints (33.2% compared with 27.6% for Spanish-born women), although they are less likely to seek support from the health and social services (psychologists, doctors, lawyers, gender violence hotlines, etc.), with 40.2% compared to 46.2% for Spanish-born women. As for the support received from acquaintances, friends and family, the figures are similar for both groups.

2.2. Migrant/ethnic minority women facing gender violence: Basque Autonomous Community (CAPV) statistics

According to the Emakunde (2014) study "Analysis and interpretation of statistical data concerning violence against women in the CAPV", from 2002 to 2014, seven out of every ten women attacked (69.14%) had been born in the CAPV or other autonomous region, while 30.86% had been born abroad.

Insofar as foreign-born women made up 6.21% of all women residing in the CAPV, these figures indicate a higher degree of violence against foreign-born women. Indeed, according to the same report, in 2014, 2.69 of every 1,000 Basque women suffered violence, compared with 18.11 foreign women of every 1,000. Cases of violence inflicted by the partner or ex-partner are more common than those involving other kinds of violence, independently of the birthplace of the women, although this kind of violence is more common than intra-family or sexual violence among foreign women. Eight out of every ten (82.88%) foreign women who had suffered from violence were victims of either their partner or ex-partner in 2014 and this percentage fell to 66.69% among those born in Spain. Six of every ten women of foreign origin were from America - 99% from Latin America. 17.19% were from European



countries – from the European Union in 88.37% of the cases. Another 16.88% were from Africa – 64.50% from the Maghreb, and 1.90% were born in Asia.

If we look solely at the figures for murdered women, we can see that 37.14% of those murdered over the last 12 years (from 2002 to 2014) were born in the CAPV, 34.29% were born in another Spanish region and the remainder, almost three out of every ten (28.57%), were of foreign origin.

3. Migrant/ethnic minority women/girls survivor protection laws and protection measures (in relation to their dual vulnerability as women and migrants).⁴

In this section, the National Legal Framework describing the protection laws and measures will be described. In general, the national and general protocols will be exposed and shortly explained. Nevertheless, the decision has been taken to only expose the specific regional legal framework related to the CAPV since it is, as explained in the introduction, the space in which the intervention model will be defined and established. The legal framework will be divided onto Gender Equity, Gender-based Violence, specific laws concerning migrants and ethnic minority. The laws has been structured by theme and level. In this sense, behind the national level comes the regional legal framework and/or mechanism that were defined as a consequence of the national framework.

3.1. National Legal Framework - The national legal framework for the protection of women's rights with a focus on protection from violence in the family (focus on migrant/ethnic communities)

a) Legal framework relating to gender equity

i. **Name:** *Organic Law 3/2007 for effective equality of women and men - Ley Orgánica 3/2007 para la igualdad efectiva de mujeres y hombres.*

Level: National

Description: This Law is designed to ensure the effectiveness of the right to equal treatment and opportunities of both women and men, particularly by eliminating discrimination of women, in whatever situation or condition, in all areas of life and particularly in the political, civil, labour, economic social and cultural fields in order to, in accordance with Articles 9.2 and 14 of the Constitution, achieve a more democratic, just and supportive society, laying down the principles for action by Government Bodies, regulating the rights and duties of natural and legal individuals and bodies, while foreseeing measures designed to eliminate and correct all kinds of sexual discrimination in both the public and private sectors.

With regard to the field of application of this Law, is specified that all natural and legal individuals and bodies present in Spanish territory, whatever their nationality, domicile or residence, shall enjoy the rights deriving from the principle of equality of treatment and the prohibition of discrimination on the grounds of gender.

ii. **Name:** *Law 4/2005 for the Equality of Women and Men in Euskadi- Ley 4/2005 para la Igualdad de Mujeres y Hombres en Euskadi*

Level: Regional

⁴ All the exposed contents are extracted from the official documents they refer to nevertheless something else is indicated.



Description: This Law is designed to lay down the general principles ruling government power as regards equality between women and men, as well as regulating a set of measures aimed at promoting and guaranteeing the equality of treatment and opportunities of women and men in all spheres of life and, in particular, promoting self-reliance and strengthening the social, economic and political situation of the former. This Law is applicable to all Basque government bodies.

The origin of women faced with violence must not be a hindrance in approaching the public defender, nor the nationality, domicile, age or legal incapacity of the individual in question. In this sense, Basque public institutions shall guarantee the effective exercise of their public rights by those women or groups of women who suffer multiple discrimination as a result of a combination of other factors that may lead to situations of discrimination, such as for example ethnic origin or belonging to a national minority.

No special reference is made in relation with minor girls facing GBV which makes us conclude that in this sense, they receive the same treatment as women facing GBV. Even though in the *Law 26/2015, of modification of the childhood and adolescence protection system - Ley 26/2015, de modificación del sistema de protección a la infancia y a la adolescencia*, the mention the GBV as one of the violence against which the children have to be protected.

iii: **Name:** *6th Plan for the equality of women and men in the CAE (Basque Autonomous Community) - VI Plan para la igualdad de mujeres y hombres en la CAE (2014)*

Level: Regional

Description: The 6th Plan for the Equality of Women and Men in the CAE is fundamentally designed to establish the policies for intervention and directives that Basque public institutions should adopt as regards the equality of women and men. The Plan is divided into two broad sections: measures to improve governance in favour of equality and three pillars regarding intervention to favour equality. These are: promote the necessary change in values and personal, collective and social empowerment of women; progress in the corresponding social organisation, and; eliminate violence against women.

There is no specific reference to migrant and/or ethnic minority women.

b) Legal framework related to Gender-based violence

i. **Name:** *Law 27/2003 regulating the Protection Order of victims of domestic violence - Ley 27/2003 reguladora de la Orden de Protección de las víctimas de la violencia doméstica*

Level: National

Description: The protection order for victims of domestic violence brings together the different tools for protecting and tutelage of victims of these crimes and misdemeanours. It intends to ensure a fast and simple legal procedure in the magistrate's courts to provide victims with a comprehensive statute for their protection that coordinates civil and penal precautionary action. No specific reference is made either to the specific case of migrant women or those belonging to ethnic minorities.

The effectiveness of the precautionary measures making up the new protection order for victims of domestic violence is implemented through a *single central record* based on Royal Decree 355/2004, dated March 5th.

Two protocols have been laid down within its framework to put the Law into practice:

- *The Protocol to implant the protection order for victims of domestic violence.*
- *The Protocol for coordinating the penal and civil jurisdiction orders for the protection of victims of domestic violence.* - 2003



ii. **Name:** *ORGANIC LAW 1/2004 referring to Comprehensive Protection Measures against Gender Violence.- LEY ORGÁNICA 1/2004 de Medidas de Protección Integral contra la Violencia de Género.*

Level: National

Description: This Law deals with preventive, educational, social, welfare and later care aspects relating to victims, as well as the civil regulations affecting the family or cohabitation environment where the aggressions normally take place and the principle of subsidiarity affecting Public Administrations.

The Law deals with gender violence in a comprehensive and multidisciplinary fashion, starting with the process of socialisation and education. The Law lays down measures for raising awareness and intervention in the field of education. It reinforces, with reference to the advertising field, an image that respects the equality and dignity of women. Women are supported by recognising such rights as those of information, free legal aid and others concerning social protection and financial support. Measures are also implemented dealing with the raising of awareness and intervention in the field of health care so as to optimise early detection of and physical and psychological assistance for victims, in coordination with other support measures. In 2012 these led to the *Common protocol for health care action regarding gender violence - Protocolo común para la actuación sanitaria ante la violencia de género*, where both internal, national and international migration is seen as a situation that increases vulnerability due to its special circumstances. No reference is made to ethnic minorities.

In addition, measures for social protection are also implemented by modifying Legislative Royal Decree 1/1995, dated March 24th, approving the revised text of the *Statute of Workers' Rights - la Ley del Estatuto de los Trabajadores*, that justifies the absence from work by victims of gender violence, their geographical mobility, temporary suspension of and cancellation of their contracts. As regards public sector employees, 2015 saw the adoption of the *Resolution dated November 25th 2015, by the Secretary of State for Public Administration, establishing the procedure for the mobility of public employees suffering gender violence - Resolución de 25 de noviembre de 2015, de la Secretaría de Estado de Administraciones Públicas, por la que se establece el procedimiento de movilidad de las empleadas públicas víctimas de violencia de género*, was recognised in Article 82 of Law 7/2007 dated April 12th, approving the *Basic Statute of Public Employees - Estatuto Básico del Empleado Público*, to implement their protection or right to comprehensive social integration. There is no specific mention of migrant women.

Measures for financial assistance are also regulated in Legislative Royal Decree 1/1994, dated June 20th, approving the revised text of the *General Social Security Law- la Ley General de la Seguridad Social*, so that victims of gender violence acquire the right to be legally regarded as unemployed when they cancel or suspend their work contract voluntarily. In this sense, in 2008, *Royal Decree 1917/2008*, dated November 21st saw approval of the *programme for social-labour insertion for women gender violence victims - el programa de inserción sociolaboral para mujeres víctimas de violencia de género*, laying down active policies for employment, regulating specific grants and assistance. As regards migrant women, any specific needs they may have are taken into account, including their language.

Two administrative bodies are created. Firstly, the *Special Government Department for Violence against Women*, at the *Ministry of Employment and Social Services - Delegación Especial del Gobierno contra la Violencia sobre la Mujer*, en el *Ministerio de Trabajo y Asuntos Sociales*.. The *National Observatory for Violence against Women - Observatorio Estatal de Violencia sobre la Mujer*, introducing criminal protocols, setting up the a Judicial Guardianship to guarantee the effective and appropriate treatment of the legal, family and social situation of victims of



gender violence in intra-family relationships, while creating the *Prosecutor for Violence against Women - Fiscal contra la Violencia sobre la Mujer*.

Migrant women and those belonging to minorities are regarded as especially vulnerable groups.

iii. **Name:** *Plan for attention to and prevention of gender violence in the foreign immigrant population - Plan de atención y prevención de la violencia de género en población extranjera inmigrante - 2009-2012*

Level: National

Description: The creation of the appropriate conditions to approach the problem of Gender Violence, paying attention to the specific circumstances of the foreign population in order to improve the existing attention from a comprehensive perspective. In order to achieve this goal, these initiatives take as their reference the correction of the two basic factors, on the one hand the cultural error, through information and the raising of awareness and, on the other hand, external assistance by attention, counselling and aid to reinforce women's rights. To this end, information channels adapted to the specific needs of the foreign population are created (including them in other channels or spaces where immigrants seek information and/or initiate procedures); and, among others, attention tailored to the circumstances of foreign women victims of gender violence. This tailored attention takes into account the rights of foreign citizens and the language of the victims, as well as ensuring that the forensic medicine specialists are appropriately trained in equality, gender perspectives and are aware of the specific cultural and religious characteristics of the foreign victim that may affect their being able to carry out their functions.

iv. **Name:** *National Strategy for the eradication of gender-based violence 2013-2016 - Estrategia - Nacional de Erradicación de la Violencia de Género 2013-2016*

Level: National

Description: The objectives and measure that the National Strategy is pursuing are: The rupture of the silence which is considered as an accomplice of the mistreatment; Improve the institutional response, personalized plans and progresses towards a "one and only window"; work on the visibility and attention towards different forms of violence against women, and; provide special attention to the minors and women that could be especially vulnerable towards GBV. Being a foreigner woman is one of the vulnerability and the special attention is provided at three levels. 1) On the communication level: include the possibility to get the information and receive the services in their own languages; include in the sensitization actions foreign population' specificities; provide the information to immigrant's associations and involve them to carry out the information's actions. 2) On the health level: consider the migrant women in the "Protocol of sanitary actuation regarding GBV. 3) On the socioasistencial level: promote the training related to GBV in the different administrative levels in which the immigrant woman facing GBV will/could be involved; support initiatives that could help/support to improve the existing mechanism to fight against GBV specially in migrant women; improve the access to the ATENPRO service. 4) On the security and justice level: promote the specialized training of GBV form a intercultural perspective for the people working in the justice departments and in the security corps.

The three transversal axis that supported this National Strategy are: 1) The training and sensitization of the agents; 2) Coordination, network, excellence and functionality; 3) Quality, evaluation; knowledge and continuous improvement.

v. **Name:** *II Inter-institutional Agreement to improve the attention to women victims of gender violence in the domestic environment and of sexual violence - II Acuerdo*



Interinstitucional para la mejora en la atención a las mujeres víctimas de maltrato en el ámbito doméstico y de violencia sexual - 2009

Level: Regional

Description: This Agreement is designed to improve the coordination between the institutions of the Basque Autonomous Community involved in assisting women victims of abuse in the domestic environment and of sexual violence, so as to guarantee them comprehensive protection and attention by the police, judiciary, social and educational services.

With regard to foreign women, measures will be taken to overcome or minimise language barriers. They will be reminded of the importance of registering with the Town Hall as the means of accessing the basic services of the protection and guidance network of social protection and will be encouraged to get in touch with *Heldude*, the immigrant advice and guidance service. Ethnic minority women may not be discriminated for that reason. Other prevention measures include: defence of the interests of minors, empowerment and normalisation, effectiveness and flexibility, and minimum victimisation.

vi. **Name:** *Government action plan against Gender Violence - CAPV - Plan de actuación del gobierno contra la violencia de Género - CAPV - 2010*

Level: Regional

Description: This Plan reinforces the role of the Basque Government in general and of the *Department of Attention to Victims of Gender Violence - Dirección de Atención a las Víctimas de la Violencia de Género* as the competent body on the subject in particular. The latter coordinates all the efforts that the executive body wishes to develop and is going to develop in this field and operates as a Unified Attention Channel solely aimed at preventing the bureaucratic process from becoming a “second victimisation”.

The fact that one is a immigrant woman is regarded as a specific additional problem and the person is therefore regarded as more vulnerable. No particular reference is made to belonging to an ethnic minority.

Decree 29/2011 regarding mechanisms for coordinating attention to victims of gender violence - mecanismos de coordinación de la atención a las víctimas de la violencia de género - within the General Administration of the Basque Autonomous Community divides said attention into the following areas for action: a) Information, advice and referral, and b) Integrated processing and management.

No mention is made of the availability of translation or other services for foreign victims, although it is mentioned that said services will be tailored to the requirements or situation of the victims.

vii. **Name:** *Decree 264/2011 creating the Basque Observatory of Male Chauvinist Violence against Women and defining its operation and composition. - Observatorio Vasco de la Violencia Machista contra las Mujeres*

Level: Regional (Also in Madrid). At national level: the State Observatory of Violence Against Women since 2006 - *Observatorio Estatal de Violencia contra la Mujer*

Description: It is a collegiate consultation body designed to advise the Department of Attention to Victims of Gender violence for researching, analysing and disseminating the characteristics, causes and consequences of the different types of male chauvinist violence against women in the Basque Autonomous Community, as well as carrying out diagnostic studies of the same. Said reports and studies will take into account those women who, for their especially vulnerable situation including their status as immigrants, are more likely to suffer male chauvinist violence against women.



To this end, it will collaborate with all institutions, associations and professionals in the Basque Autonomous Community who work to help victims of this kind of violence. The members of the Observatory must include a representative of immigrant women and one of gypsy women.

There are also Municipal Observation Points, such as those in Torreldones, Tres Cantos, etc. in the Madrid Autonomous Community.

viii. **Name:** *Organic Law 1/2015, modifying Organic Law 10/1995, dated November 23rd, of the Penal Code. - Ley Orgánica 1/2015, por la que se modifica la Ley Orgánica 10/1995, de 23 de Noviembre, del Código Penal*

Level: National

Description: This Law makes changes that reinforce the specific protection currently provided by the Penal Code to victims of gender violence and people trafficking. No specific mention is made of female migrants. When the perpetrator is a foreign citizen and receives a sentence of over one year, the sentence is replaced by expulsion from Spain.

ix. **Name:** *DECREE 148/2007, regulating the social insertion resources for female victims of domestic abuse - DECRETO 148/2007, regulador de los recursos de acogida para mujeres víctimas de maltrato en el ámbito doméstico.*

Level: Regional

Description: This Decree is designed to set out the minimum criteria and conditions for the quality and operation of the social insertion resources for female domestic abuse victims in the CAPV, whatever their official status. It does not specify whether illegal female migrants can access these resources or if there will be someone to translate the information on how to access said resources.

x. **Name:** *Guide for the criteria of judicial action on gender violence - Guía de criterios de actuación judicial frente a la violencia de género - 2013*

Level: National

Description: This guide is designed to standardise the criteria for action of the judicial institutions dealing with women faced with violence. It states that "If the victim is foreign and present illegally in the country, the information that legislation in force does not necessarily dictate their expulsion and the possibility of legalising their situation once their status as a victim has been confirmed."

x. **Name:** *Law 12/2009, regulating the asylum right and the subsidiary protection - Ley 12/2009, , reguladora del derecho de asilo y de la protección subsidiaria.*

Level: National

Description: This law includes the violence-based violence as a reason for which to consent the asylum to a woman.

c) Specific codes related to the protection of the victims of GBV.

i. **Name:** *Protocol for action by the police forces and coordination with judicial bodies to protect victims of domestic and gender violence - Protocolo de acción de las fuerzas y cuerpos de seguridad y de coordinación con los órganos judiciales para la protección de las víctimas de violencia doméstica y de género*

Level: National

Description: This protocol was approved by the Technical Commission of the National Judicial Police Coordination Committee on June 28th 2005.



It considers several areas for action: 1) Occasions when the police forces act: the judicial investigation stage, receipt of the complaint and action taken when controlling and monitoring the judicial measures for protection and assurance; 2) Effective compliance with the restraining order; 3) communications between judicial bodies and the police forces; 4) the action of the Ministry of Fiscal Affairs, and; 5) The communication of statistical data. This protocol stipulates the freedom to establish concrete proposals for action in the autonomous communities. One of the established tools is the "Comprehensive Follow-up System in the cases of GBV" - VioGEN System which has been developed during 2007. This tool helps the coordination of the different institutions involved in some part of the report of GBV giving the possibility to each part to access to all the useful information and give some evaluation elements to police agents to know better the further intentions of the perpetrator⁵. Female migrants are given information about their right to legalise their situation for humanitarian reasons, in the terms laid down in Articles 45.4.a) and 46.3 of the Aliens Act. Despite underlining the importance of providing correct information to women faced with violence and the importance of allowing them to describe their situation as freely as possible, no explicit reference is made to the figure of translator if the woman is foreign. The data recording the victim and the aggressor does not include their nationality. No reference is made to women belonging to ethnic minorities.

The following was laid down in 2007 on the basis of this Protocol:

The protocol for action and coordination of Police Forces and Lawyers in cases of gender violence regulated in Organic Law 1/2004, regarding comprehensive measures of protection against gender violence - Protocolo de actuación y coordinación de Fuerzas y Cuerpos de Seguridad del Estado y Abogados ante la violencia de género regulada en la Ley Orgánica 1/2004, de medidas de protección integral contra la violencia de género

This formalises the same observation as for the 2005 protocol in cases concerning illegally resident foreign women. No particular mention is made of the ethnic minority factor.

Other related protocols include the *Protocol for police assessment of the degree of risk of violence against women in the circumstances stated in Organic Law 1/2004*. A specific questionnaire for the evaluation of the degree of risk exists in the CAPV and in CAC to be used by their specific police corps. Furthermore, the *Protocol for action within prison of the remote system for monitoring compliance with the measures and restraining orders associated with gender violence* (National Level), the *Protocol for action relating to the remote system for monitoring compliance with the measures and restraining orders associated with gender violence* (National Level), the *Electronic monitoring devices for those convicted of gender violence* (National Level).

ii. **Name:** *Medical-forensic protocol for the urgent assessment of the risk of gender violence - Protocolo médico-forense de valoración urgente del riesgo de violencia de género.*

Description: This is a **National Protocol** which specifies that the foreign origin of the aggressor is an aggravating risk factor. - 2011

d) At local level

Attention has been focused on the actions/protocols implanted in the provinces making up the CAPV. The province with more protocols aimed at Attention to Female Victims of Domestic Abuse and Sexual Aggressions is Bizkaia with 15, followed by Gipuzkoa with 6 and Araba with 2. These protocols mainly focus on improving attention and inter-institutional coordination to improve said attention.

⁵ Major description of this tool in González J.L., Garrido, M.J. (2015) *Satisfacción de las víctimas de violencia de género con la actuación policial en España. Validación del Sistema VioGen*. Anuario de Psicología Jurídica 25 (2015) Pp. 29-38



2006 saw the creation of the Basque Municipality Network in favour of Equality and Against Violence against Women/Berdinsarea. In 2012, 3 municipalities were part of Berdinsarea in Araba, 38 in Bizkaia and 16 in Gipuzkoa. Their action guidelines are based on "*Guide for action against domestic abuse and sexual violence against women for social services professionals*", published in 2006, and the 2006 Guide for adopting Local Protocols provided by Eudel. (Emakunde 2012)

e) Other

Name: *Joint Instruction from the Ministries of Justice, Home Office, Inland Revenue and public Administrations, Employment and Social Security and Health, Social Services and Equality concerning the operation of the Coordination Units for Violence against Women of the Government Departments, Delegations and offshore Sections making up the National Network of Units against Violence against Women.* - 2012

Description: This document describes the organisations, operation and functions of the national Network of Units of Violence against Women. With regard to our target population, being a foreign immigrant and/or belonging to an ethnic minority are seen as factors involving special vulnerability.

3.2. Summary of legislation concerning migrants

i. **Name:** *Organic Law 4/2000 concerning the rights and freedoms enjoyed by foreigners in Spain and their social integration - Ley Orgánica 4/2000 sobre derechos y libertades de los extranjeros en España y su integración social*

Level: National

Description: For the purpose of this Law, a foreigner is regarded as someone not possessing Spanish nationality. Citizens of Member States of the European Union and those subject to the EC regime are governed by European Community legislation, with only those aspects of this Law that are more favourable being applicable to them.

This Law is divided into several sections: 1) the rights and freedoms enjoyed by foreigners, further subdivided into chapters dealing with the following subjects: the rights and freedoms of the foreigners themselves, family regrouping, Judicial Guarantees, anti-discrimination measures: Definition of discriminatory acts; 2) The judicial regime of foreigners with regard to entry to and exit from the Spanish State, the situation of foreigners in Spanish territory, their work permits and related taxes; 3) Infractions foreign citizen law and the corresponding sanctions, and; 4) Coordination of public bodies as regards immigration.

There is no mention of any question relating to gender violence in this Law. However, *Organic Law 10/2011*, modifies Articles 31-2 and 59-2 of the same and accepts the automatic, non-potestative concession of provisional residence permits and work to foreign women illegally resident in Spain who make a formal complaint of abuse, who have been granted a protection order or are the subject of a report by the Ministry of Fiscal Affairs that indicates potential gender violence, extending this right to their children until a legal decision has been reached with regard to the official complaint filed.

ii. **Name:** *Royal Decree 576/2013*, establishing the basic requirements of the *special health care agreement* applicable to those who are either uninsured or beneficiaries of the National Health Service.

Level: National

Description: Taking advantage of to this special agreement allows the above benefits to be obtained on payment of a certain sum that covers the average real cost of the same and



which is regarded as public income by the corresponding Health Service. No reference is made to additional special arrangements for migrant women or those belonging to ethnic minorities facing violence. However, they do exist for those seeking international protection and victims of human trafficking.

iii. **Name:** *Organic Law 11/2003 concerning specific measures for public safety, domestic violence and the social integration of foreigner - Ley Orgánica 11/2003 de medidas concretas en materia de seguridad ciudadana, violencia doméstica e integración social de los extranjeros.*

Level: National

Description: This Organic Law completes the set of legislative measures that develop the Anti-Delinquency Plan and should not therefore be taken in isolation, but as part of all the initiatives taken by the Government to enhance the protection of citizen's rights, especially when faced with aggression due to delinquency. Measures of special interest to us include⁶, is the fact that the reform has been designed on the basis of recognition that the social integration of foreigners in Spain leads to the appearance of new situations that law needs to respond to adequately. Another equally interesting new point is that genital mutilation or ablation is regarded as a crime. This is because genital mutilation of women and girls is a practice that should be fought against firmly and cannot under any circumstances be justified for religious and/or cultural reasons.

It also deals with adapting civil institutions to the new cultures that coexist in our country. In order to improve the social integration of immigrants in Spain and guarantee that they enjoy the same rights as those born here, it is proposed to reform the Legal Code with regard to separation and divorce to guarantee that women are protected in the face of the new social realities that have appeared with the phenomenon of immigration.

iv. **Name:** *Royal Decree 3/2006, regulating the composition, competences and operating regime of the Committee for the social integration of immigrant - Real Decreto 3/2006, por el que se regula la composición, competencias y régimen de funcionamiento del Foro para la integración social de los inmigrantes*

Level: National

Description: This Royal Decree aims to regulate the Committee for the social integration of legally resident immigrants in order to ensure that they participate and are integrated in Spanish society. It is a collegiate body for consultation, information and counselling, affiliated to the Ministry of Employment and Social Affairs, by means of the Department of Immigrant Integration.

The functions of the Committee do not include any dealing specifically with situations of vulnerability and/or violence experienced by foreigners.

3.3. Summary of the legislation concerning ethnic minority

i. **Name:** *Royal Decree 891/2005, creating and regulating the National Committee for the Gypsy Nation - Real Decreto 891/2005, por el que se crea y regula el Consejo Estatal del Pueblo Gitano*

Level: National

Description: The National Committee for the Gypsy Nation is a consultative collegiate body aimed at formalising the participation and collaboration of those organisations related to the gypsy nation in the field of social welfare and is promoted by the Ministry of Employment and Social Affairs. This new consultative body intends to provide a space for reflection and coordination of the different social players, gypsy NGOs and Central government. It is also

⁶ We only mention those elements directly linked to the subject of our study.



designed to gather aspirations, demands and proposals aimed at ensuring comprehensive promotion of gypsies and provide advice when planning actions proposed by the Government (general and specific public policies that lead to the comprehensive development of gypsies in Spain). The Committee will also ensure equal opportunities, equal treatment, gender equality and non-discrimination of the gypsy population.

4. Migrant/ethnic minority women - level of prevalence/vulnerability related to cultural identity

Although it is true that ten years ago the role of an immigrant woman was associated with a traditional image of passive migration, in most cases linked to family regrouping, this role far from represents current immigrant women. These women play a vital part in the social and economic life of our society.

Latin America is the continent with most female migration movement and, according to electoral roll figures, 60% of foreign women in Spain are Latin American. However, more and more women are crossing the Straits of Gibraltar in migrant boats. Something that seemed unthinkable just a short time ago.

4.1. Multiple discrimination: intersectionality

The different kinds of discrimination suffered by women are those created both socially and culturally, interacting on multiple and often simultaneous levels, thus contributing towards systemic social inequality. Intersectionality suggests that classical models of oppression in society do not act independently of each other: on the contrary, these kinds of oppression interrelate to create a system of oppression that reflects the “intersection” of multiple types of discrimination, placing women in an especially vulnerable position.

4.2. Global factors: global care crisis

When we talk about the feminization of migration, we cannot forget that its reason is in many cases linked with the global crisis of cares lived in Europe and the relationship with the need of labor for this purpose. In this sense, we appreciate that within all the foreign women residents in the Spanish state and in working age, the 10,69 % are affiliated to the Household regime in the Social Security regulation, representing the 44,90 % of all women affiliated to this regime (foreign + native). This data only takes into account the women who have an employment contract, being only a part of all foreign women engaged in care work. It doesn't take into account the illegal work.⁷

The care crisis is a result of changes in the traditional structures that care in the role attributed to women in the home was based on. The care crisis exacerbated social inequalities. Social obligations and reproduction were based on hierarchies of class, race, ethnicity and gender, embedded in a global economy and migratory contexts (Orozco, 2007).

At the same time, the advance of neoliberal policies has led to a reconfiguration of the relationship between production and reproduction. On the one hand, austerity measures have been applied to lessen the economic and financial crisis and as a way of controlling the accumulation of capital. In addition, social reproduction has been reorganized, reducing the services provided by the state and transferring them to the family. This has been reflected in

⁷ <http://www.ine.es/jaxi/menu.do?type=pcaxis&path=%2Ft20%2Ft245&file=inebase&L=0>
http://www.seg-social.es/Internet_1/Estadistica/Est/AfiliacionAltaTrabajadores/SeriesDeAfiliacionPublicadasDesde1999/EstAf2014/2014UD/2014UltExtRegGen/index.htm



Spain not only by cuts in public spending but also by changes in the nature of policies that opt for market expansion instead of public responsibility.

One of the most important social changes that has taken place in Spain in recent decades is the transformation and feminization of migration flows, principally for work, being basically concentrated on those to do with caring tasks. This makes it vital to see the care crisis as a framework that is an integral part of the reality experienced by migrant women, placing them in the very heart of multiple types of discrimination that have a direct effect on their vulnerability.

4.3. Indicators for the assessment of situations involving vulnerability

a) Administrative Situation

Amongst other factors, intersectionality analyses how the administrative situation of women affects them in their daily lives. The linking of basic rights to citizenship of a given country radically restricts the rights of all those women who are in an irregular administrative situation, such as access to housing and the right to health, placing them in a seriously vulnerable position.

b) Situation in the labour market

A very high percentage of female immigrants work in irregular conditions, meaning “no papers”, so that they have to accept precarious work, much longer working days than legally allowed and earning less than the minimum wage.

Women migrating in search of work, generally domestic work and caring, enter into the private-domestic field of work, a field where labour rights (and others) are most abused. Nogueira and Zalakain (2014) affirm that multiple studies dealing with the situations of inequality experiences by female immigrants working in caring look at this question by taking into account at least three variables: migration, gender and care work.

They are exposed to situations involving unstable work, low pay, lack of social benefits, marginalization and long, exhausting working days, social isolation, with few opportunities for education and training in their jobs. These factors are aggravated by them having no Social Security benefits and, in the particular case of immigrants, by their status as immigrants.

Although different rights are recognized, such as the right to make an official complaint, dispose of a professional interpreter, obtain free legal assistance, request they be made legal residents for reasons of violence, be given temporary resident status independently of their spouse when regrouped by the same, request a protection order, medical assistance, etc., their “irregular” situation means that they are subject to restrictive measures that impact on their decisions, as they have to reveal that they are indeed in an irregular situation (Nogueira and Zalakain, 2014).

At the same time, the fact of living without official documents defines the complex and confusing process of deciding to make an official complaint about the aggressor and face up to their real situation. They take into account several factors, such as the legal position of the couple. They do not want banning orders, protection measures or expulsions but want to continue in a loving relationship without violence. There is also the fear that, once they have started the regrouping process for themselves and their children, their request for family regrouping may be turned down (Gascón and Gracia 2004).

For those women who live with their male partners, different power dynamics can be identified within the home. Not all members of the home possess the same negotiating power: power relationships within the home have a negative impact on their chances of economic empowerment and create a relationship of dependency on the aggressor (Gascón and Gracia 2004).



All these factors make it difficult to acquire economic independence from the partner, something that is essential if the circle of violence has to be broken. In fact, as outlined in the National Strategy for the Eradication of GBV (MSSSI 2012), one of the reasons why a woman facing violence doesn't report it is due, in the 8.4% to the economical dependency; in the 36,3% to the lack of importance they attribute to it and in the 18% to the because of the fear they feel towards the perpetrator.

c) Degree and nature of needs covered:

- **Housing:**

Together with the high cost of buying or renting a house, their precarious economic situation makes obtaining housing difficult. The most common alternative is renting - 57%, compared with 18.3% who live in their own properties and 16% who share rented accommodation.

In addition, there is increasing resistance to renting accommodation to migrants in general, something that is discriminatory and can lead to a significantly vulnerable situation (Nogueira and Zalakain 2015).

- **Social Environment:**

The publications studied indicate that migratory patterns have been feminized in recent years. In this way, we know that most women arriving in Euskadi travel alone, something new in migratory patterns, where males have been leading players up to now, deciding the destiny of their families, but also in the traditional family structure and its allocation of responsibilities. There are also those who arrive as part of family regrouping to join their partners and/or other family members that have already settled here, those who are fleeing dramatic situations such as war, hunger or extreme gender discrimination in their countries. Finally, there are foreign women who come to study, finalize their studies or improve their professional qualifications (Nogueira and Zalakain, 2015).

52% of these women live in single-parent homes. With them, long working days combine with caring for their children and families, leading them to face serious difficulties as could be: a shortage of day care centers for their children, after-school activities and difficulty in obtaining grants for school meals (Nogueira and Zalakain 2015).

As regards social interaction with native inhabitants, we should remember that female immigrants make up a very diverse, complex and heterogeneous group: they come from different countries and cultures, emigrate in different ways and have many different personal and subjective characteristics. However, it is very common to come across homogenous and stereotyped concepts of them (Naredo Molero 2013)

In the current crisis, the immigrant population is the target of the frustration and anger caused by cuts to social services and increased unemployment (Juliano 2012). The problem is that the groups “bridging the gap” between them and external environments are currently very weak, meaning that they are currently little integrated in our society, although it appears to be open to positive development.

- **Identity**

The role attributed to the women is that of carriers of the ethnic identity and social indicators of the values of the culture. The male members of the group are responsible for defining the social norms. This characteristic may be threatened in other cultures, something that can make the men violent, especially in times of economic stress or social tension. At the same time, it makes the process of adapting to the rights of women in host countries more difficult as they do not coincide with the laws of the society of origin.



Different perceptions of gender violence also have an influence when it comes to facing the violence they suffer: they do not face up to something that they do not see themselves as receiving. As observed in 4.3.2, one of the reasons why a woman facing violence doesn't report it, is because she doesn't consider it as such in the first place. Other facts include a feeling of shame and being stigmatized, things that are powerful factors that hold these women back from seeking help: when violence transcends the strictly private setting, it is often hidden. Silence is the best accomplice of abuse because it makes it impossible to deal with and leave behind. Hiding violence makes it difficult to find out the real size of the problem and its characteristics. It also makes it difficult to get the message that abuse can be beaten across to society at large. This means that an active social network is of vital importance as one of the factors for reducing the risk of suffering from violence. As well as that, there is a need to make society aware of the situation to deal with violence, develop prevention and detection and show support for those women involved (Naredo Molero 2013)

We should also take into account the language problems that women arriving from countries where they do not speak the language of the host country, not to mention the prejudices, discriminatory attitudes and lack of trust shown by professionals in different fields.

5. Migrant/ethnic minority women: nature and prevalence of violence experienced in relation to their ethnic/cultural identity

We understand that different kinds of violence offer reciprocal feedback, as they do not act independently. We usually see that the different kinds of violence are highly interlinked, multiplying their negative impact on women and making their situation even more complicated, if that were possible.

5.1. Psychological Violence

The immediate effects of psychological abuse are more difficult to assess, in contrast to the immediate visibility of most types of physical violence, meaning that those suffering from it can find it more difficult to recognize and express, in addition to the fact that the aggressor does not accept responsibility for said aggressions but accuses the victim of being responsible for his behavior.

We should describe, in general terms, the areas where women can suffer from violence: at home in the family, at work and in public. As regards the domestic-family environment, this is the scene of different situations of vulnerability, as the cultural differences between the society of origin and the host society and the process of adapting to the laws of the latter, amongst others, can bring with them psychological violence as a weapon for maintaining order in the home. At the same time, the workspace can also be somewhere that psychological violence can occur as result of the possible irregular administrative situation of the woman, as well as the nature of the work, such as caring and domestic tasks (Montañés and Moyano 2005). Home as a workspace is a private area, where it is much easier to break employment laws and create situations of psychological violence. In the public area, the possible stigmatization by the host society through ethnocentric and prejudiced attitudes carried with it violent situations. All these personal conditions hinder the psychological independence of female immigrants who are victims of gender violence and it is therefore difficult to break the vicious circle of abuse (Cea and Majón 2012).

We are aware that the violent situations we have mentioned are not exclusively related to female migrants, but their characteristics can make them more vulnerable when it comes to being on the receiving end of violence and can also hinder those processes designed to deal with them.



We should also point out that psychological violence is implicit in other types of violence against women, as they lead to psychological situations and damage affecting the women on the receiving end.

5.2. Physical Violence

To the definition of physical violence as an intentional act involving damage and/or risk for the physical integrity of the victim, with the arm used being an object, weapon, dangerous substance or the body of the aggressor, resulting in slight or severe injury, we have to add that physical abuse is always accompanied by psychological abuse.

We understand that the areas defined in the previous section can also be scenarios for physical violence. The domestic-family setting stands out as the place where most physical violence is received by migrant women. In the case of women working as prostitutes, the workplace is where most brutal physical violence occurs.

5.3. Sexual Violence

Social prejudices and stereotypes exacerbate the sexual conception of migrant women, especially Latin Americans. As a result, especially for those women working as prostitutes, public spaces and workplaces are where cases of sexual violence are very frequent. (Naredo Molero 2013). The irregular administrative or work situation, precarious economic situation, etc. are factors that lead migrant women into situations where they are subject of this kind of violence, something that is also accompanied by psychological violence.

5.4. Economic/Financial Violence

Economic/financial violence is directly linked to the actions or omissions designed to control the actions, behavior and decisions of the victim as regards aspects of her life through control of the material and economic resources. Broadly speaking, the origin of the women above all affects their economic dependence/independence. The cultural values of the country of origin can make impossible for women to work outside the family home, something that would break the traditional sharing of roles where men are the sole economic providers for the domestic economy. Therefore, economic-financial management is the sole responsibility of the men, leading them to exercise economic-financial violence on their partners (Diputación Foral de Gipuzkoa 2015).

In addition, the changes taking place in recent times have broken the traditional sharing of roles in the family home, as it is usual for women to make a financial contribution. These evolving roles involve changing the traditional unity and break with economic dependence on men, something that can lead to situations of both physical and psychological violence stemming from frustration.

Another scenario is when we have a financial crisis like the present one, where precarious employment leads to stress and psychological vulnerability, something that can trigger physical aggression and psychological violence.

5.5. Institutional Violence

The study of current legislation that we carried out in the first section reveals a panorama where institutional prejudices, the characteristics of the procedures, etc. in themselves demonstrate a certain institutional violence. The non-recognition of citizenship takes away fundamental rights, lending a precarious nature to any support coming from the institutions, such as health care. And, besides the fact that in the case of foreign women facing GBV the access to these rights is made easier, it could still be considered as complicated.



In addition, the recognized economic crisis that society is submerged in perpetuates and accentuates institutional discrimination.

One's relationship with the institutions, as regards language, disposes of very few personalized resources, which are usually precarious, while the language services such as translation are not professionalized.

The situation of vulnerability caused by the lack of assistance or understanding by the institutions can contribute towards women not being aware of how and where to make an official complaint about the abuse situations they are suffering. Or they simply do not believe that they will receive the support they need to solve their problems from the institutions.

In addition, the administrative procedures do not take into account the family situations and structures that migrant women experience by, for example, demanding "impossible" requirements to be able to make the complaint and/or receive the institutional support involved, as the official complaint process gives rise to difficulties due to the multiple procedures required, the fact of facing this alone and the lack of time due to pressure of work.

5.6. Social and Spiritual Violence

As we have already mentioned, social prejudices such as those about spirituality and religion lead to the different stereotypes that end up accentuating what may be social and/or spiritual violence.

The context of the current economic crisis brings upon the immigrant population, especially migrant women, the frustration and anger caused by cuts in social services and increasing levels of unemployment. (Juliano 2012).

When these prejudices are aimed at a particular origin, they can create isolation and marginalization, leading to a situation where those affected need external emotional support. This can lead to greater difficulty in dealing with said violence by breaking the relationship with the aggressor and perpetuating both psychological and physical violence.

6. Conclusion

As observed in both, the legal and the bibliographical overview, if in general being a foreigner (out of EU) in the Spanish State can situate a person in a higher vulnerability position, this situation increases when being women. This condition, brings up the foreign-born women as one of the specific collective to consider as needed of special measures when considering laws, protocols, guides, ... regarding the way of facing the GBV.

As described in the context analysis, the vulnerability can be due to the administrative situation, the working situation occupied, the housing situation, the social environment and the identity situation. As observed in the revision of the legal framework, these vulnerabilities are taken into account and specific documents are contemplating these aspects with the aim of protecting the foreign-born women facing GBV. Here comes out one of the highest challenges of the diversity that characterized the foreign women and the designing and application of law towards this collective. As indicated in the bibliographical and quantitative sections, the diversity of origin of the immigrated women can be an issue to perform the best assistance since it is considered difficult to be able to personalize and adapt the offered service (language, socio-cultural perception of violence, ...), to the particularities of such a big diversity of origin. This no adjustment to specific realities can have as a consequence that immigrant women facing GBV don't turn to specific services (police, 016, ATENPRO ...) and/or don't request specific regulation (the consent of temporary residence and work authorization in the case that the woman facing GBV is in an irregular situation,



the programme for social-labour insertion for women gender violence victims, the procedure for the mobility of public employees suffering gender violence, ...) that could provide them more safety. In general- not only the foreign women- the women facing GBV are valuing the most the public administration resources (economical and psychological support and the protected housing) they can have access to. (MSSSI 2012)

A second difficulty faced and addressed in the legal framework is the coordination of the different kind of institution that has to be involved in the establishment and execution of the foreseen processes and/or actions that should find place. Just to name some of them: The General Direction of Opportunities Equality (Dirección General de Igualdad de Oportunidades); General Direction of services for the Family and Childhood (Dirección General de Servicios para la Familia e Infancia); Governmental Delegation for Gender Based Violence (Delegación del Gobierno para la Violencia De Género); Ministry of Defense (Ministerio de Defensa); Ministry of Employment and Social Affairs (Ministerio de Empleo y Seguridad Social); Ministry of Justice (Ministerio de Justicia); Ministry of Health, Social Services and Equality (Ministerio de Sanidad Servicios Sociales e Igualdad),

...

This fact goes over the coordination of the different entities there selves, it's important to take into account that some of the decision taken in one branch of action, could cancel another one related to the protection of GBV which could be very problematic.

In the third place, when consulting documents evaluating the different laws, mechanism and protocols that are used in the process of eradication of GBV (MSSSI 2008; Emakunde 2012), one of the sure facts pointed out is that there is a lack of evaluation of the situations in which those have been used and how they have been useful; of the situation itself. This kind of information would be interesting to follow up the situation and to improve the existing processes. Understanding well which are the causes that leads to GBV, which is its detonator, could also help to start acting before the violence starts.

Let's go deeper into the what has been achieved by the different, laws and protocols.

In 2008, the MSSSI carried out an evaluation of the four first years of the *ORGANIC LAW 1/2004 referring to Comprehensive Protection Measures against Gender Violence*. During this period, a high use of the different created mechanism has been used by the institution and women facing GBV as could be the substitution's contracts, the measure applied for the work insertion, the Program of Active Insertion Income, the temporal residency request, among others.

In relation with the reporting of GBV, when consulting the facts, the number of them has increased as for the National as for the foreign women.

A very important information that came out of this evaluation is the percentage of sensitivity amongst the population related to GBV. In 2004, year that the OL came out, the sensitivity raised by 6.7%. This is explained by the MSSSI by the fact that the publication of this law has raised an important debate amongst the population. It's a very important element since, they understand that this doesn't bring a passive attitude based on empathy and solidarity towards who suffers this problem but that it help the people to act, overtake the problem reaching to come out of it or avoid it.

This part is a very important element contemplated in different established protocol, strategic plan, etc. Nevertheless, it seems to be one of the parts that is less carried out, losing



in some way the possibility to act directly from the roots of the problem. This lack of sensitivity and prevention could be the fourth issue that would have to be improved.

As observed in the legal framework one important tool established to battle GBV is the VioGen System. González J.L , Garrido, M.J. (2015) pointed out in their evaluation of this system carried out in the second trimester of 2013 that, in general as at the Spanish State level as in the CAPV level, the satisfaction degree of this system is very high. One very important aspect that would have to be improved based on the victim's opinion is the need of feeling safe, not only oneself but all the family unit; almost 50% of the respondents was not satisfied with the protection that their family had received in the process.

This leads us to another very important element to take into account when considering the improvements and recommendation to make based on the existent processes: the children. Those have to also start to be considered as GBV victims. As presented in the legal framework, those have recently enter into consideration as victims, but it seems that there is still a lot of work to do in this sense and that this is a very important point to take into account when defining new processes linked to GBV prevention and action.

As pointed out by Echeburúa, Amor, Loina y de Corral (2010) in this case of evaluation it is important to take into account that the obtained data comes from the women that suffer GBV and have reported it. This means that an important number of people stays out of the sample, and so, their voice and opinion. (Echeburúa, Amor, Loina, de Corral 2010)

In the case of the local protocols, their evaluation carried out by Emakunde in 2012 lines out the following elements. On one side, they consider that an important work has been done in relation with the efficiency and quality of the action, the training of the professional and the better information given to the women. On the other side the major challenges detected are the assistance of the minors; this consideration brings us back to the concerns already mentioned earlier in the text. Other challenges would be the need to carry out some improvements in the detection and attention from the diversity perspective, the early detection in the healthcare system and education and the major integration of the gender perspective in the battle against violence. Another specific difficulty lined out in this report is important for us here since it points out the difficulty of coordination between different agents working at different levels of the process. Sometimes the problems to solve get bigger because of, as they point out, the deficiency in the function definition, the definition and legitimacy of the responsibilities, the well-divide split of technical and political spaces, ... This fact points out the importance of bring up a well-defined, clear, definition of the function, responsibilities, etc. when defining protocols in which different kind of institutions, organization, association are present. Based on this point, we can observe that the difficulty of coordination and organization between different institutions is not only an issue at the State level but also at local level. Another pain point is the deficient participation of the judicial and educative environment.

At this point, it is important to line out the recommendation made by Emakunde (2012) since they give a good picture of what is working, what is not and what to improve and how. So, this institution consider that to be able to get a well defined range of action, provide a training on GBV to everyone that's going to play a role in the protocol is very important. From their point of view, to carry out a participative diagnosis of the situation to work on would be the best manner to start involving all the agents and could be seen as a strategic action. It is also important to guarantee the same services/tools to all the victims, to do so, carry out a diagnose of the difficulties that certain collective could face is important to be able to establish the tools/mechanism that would enable them to get the same access as



everyone to these elements. Taking into consideration the European diversity considered in the GEMMA project, this is a very important point to take into account. It also came out from this analysis, the importance of trying to build up the protocol of action with an important institutional support trying to get them lasting in time and not so dependent on political changes. They also emphasize on the importance to consider the children also as victims of GBV. As last, they outline the importance of define a way to systematize the data obtained by the different agents involved in the process and a way to communicate them to the other actors. To do so a well defined methodology is needed.

7. Bibliography

7.1 Used bibliography

Cea P. and Majón M.D. (2012). "Violencia de Género contra mujeres inmigradas en España: aproximaciones desde una mirada psicosocial". Revista MIME.SIS y Revista de la Facultad de Ciencias Sociales UDLA vol.1 núm.1:32-47.

Available on 7/03/2016:

http://www.academia.edu/2401828/Violencia_de_G%C3%A9nero_contra_mujeres_inmigradas_en_Espa%C3%B1a_aproximaciones_desde_una_mirada_psicosocial

Diputación Foral de Gipuzkoa (2015). "Documento sobre la violencia machista, la terminología utilizada por la DFG y el análisis que la sustenta". Available on 15/03/2016:

<http://berdintasuna.gipuzkoa.net/documents/73267/73649/Terminolog%C3%ADa-+Indarkeria+matxistaren+arloko+kontzeptuak/e3735ecc-9da2-413f-a476-f930a8bfc6f1>

Domingo Pérez C. (2008) "Inmigración femenina en España y relaciones de género". Universitat de València. SEMATA Ciencias Sociales y Humanidades. Vol. 20: 71-92.

Available on 5-04-2016: https://minerva.usc.es/bitstream/10347/4521/1/pg_071-092_semata20.pdf

Echeburúa, e.; Amor, p.J.; Loina, I.; de Corral, P. 2010 (2010) "Escala de Predicción del Riesgo de Violencia Grave contra la pareja". Universidad del País Vasco y UNED - Psichotema 2010. vol. 22, nº4, pp. 1054-1060.

Available on 30/03/2016: <http://www.psicothema.com/pdf/3840.pdf>

Emakunde (2012) "Evaluación de los protocolos locales para la atención a las mujeres víctimas de maltrato doméstico y agresiones sexuales". Infopolis 200. Available on 30/03/2016:

http://www.emakunde.euskadi.eus/contenidos/informacion/pub_informes/es_emakunde/adjuntos/Informe_Protocolos_Locales_es.pdf

Emakunde (2014) "Análisis e interpretación de datos estadísticos sobre violencia contra las mujeres en la CAPV. Datos estadísticos 2014". Gobierno Vasco. Available on 11-03-2016:

http://www.emakunde.euskadi.eus/contenidos/informacion/violencia_evaluacion_informes/es_def/adjuntos/violencia_datos_estadisticos_2014.cas

Gascón Sorribas, E., Gracia Ibáñez, J. (2004) "La problemática específica de las mujeres inmigrantes en procesos de violencia familiar de género". Laboratorio de Sociología Jurídica, Universidad de Zaragoza.

Available on 21/03/2016: http://www.unizar.es/sociologia_juridica/jornadas/comunic/viogeneroinmi.pdf

Goicoechea Gaona, M.A. y Clavo Sebastián, M.J. (Coord.) (2014) "Mujeres que miran a mujeres. La comunidad pakistaní." Universidad de la Rioja. Servicio de Publicaciones. Available on 25/03/2016:

<https://dialnet.unirioja.es/servlet/libro?codigo=501051>

González J.L , Garrido, M.J. (2015) "Satisfacción de las víctimas de violencia de género con la actuación policial en España. Validación del Sistema VioGen". Anuario de Psicología Jurídica 25 (2015) Pp. 29-38



Available on 25/03/2016: <http://www.interior.gob.es/documents/642012/4920911/Satisfaccion+victimas+VdG+con+policia.pdf/369d4529-5f04-41fb-96ef-9c68a21c8f4c>

Iglesias, J., Botella, T., Rua, A., Mielgo, C., y Caro, R. "Estudio sobre la situación laboral de la mujer inmigrante en España. Análisis y proposiciones para la igualdad de trato y la lucha para la discriminación. Organización Internacional para las Migraciones (OIM), Representación en España." Available on 30/03/2016: <http://www.spain.iom.int/sites/default/files/Estudio%20Sobre%20la%20Situaci%C3%B3n%20Laboral%20de%20la%20Mujer%20Inmigrante.%20OIM%202015.pdf>

Instituto de la mujer para la Igualdad de Oportunidades. "Víctimas mortales según nacionalidad de la víctima y según nacionalidad del agresor" (1999-2016). Available on 31-03-2016: <http://www.inmujer.gob.es/estadisticas/consulta.do?area=10>

Juliano Corregido, D. (2012). "Género y trayectorias migratorias en época de crisis." Available on 22/03/2016: https://ddd.uab.cat/pub/papers/papers_a2012m7-9v97n3/papers_a2012m7-9v97n3p523.pdf

Ministerio de Sanidad, Servicios Sociales e Igualdad: Madrid (2008) "Evaluación de la aplicación de la Ley Orgánica 1/2004, de 28 de Diciembre, de medidas de protección integral contra la violencia de género". Informe Ejecutivo. Available on 27/03/16: http://www.fademur.es/documentos/INFORME_EJECUTIVO-14_JULIO_2008def.pdf

Ministerio de Sanidad, Servicios Sociales e Igualdad: Madrid (2012). "Estrategia nacional para la erradicación de la violencia contra la mujer 2013-2016". Available on 27-03-2016: <http://www.violenciagenero.msssi.gob.es/planActuacion/estrategiaNacional/docs/EstrategiaNacionalCastellano.pdf>

Ministerio de Sanidad, Servicios Sociales e Igualdad: Madrid (2015) "Macro encuesta de violencia contra la mujer 2015". Available on 11-03-2016: http://www.violenciagenero.msssi.gob.es/violenciaEnCifras/estudios/colecciones/pdf/Libro_22_Macroencuesta2015.pdf

Ministerio de Sanidad, Servicios Sociales e Igualdad: Madrid (2013) "VII Informe Anual del Observatorio Estatal de Violencia Sobre la Mujer 2013" Ministerio de Sanidad, Servicios Sociales e Igualdad. Available on 11-03-2016: http://www.violenciagenero.msssi.gob.es/violenciaEnCifras/observatorio/informesAnuales/docs/Libro_21_VII_Informe.pdf

Montañés, P. and Moyano, M. (2005). "Violencia de género sobre inmigrantes en España. Un análisis psicosocial". Pensamiento Psicológico, Vol.2, Nº6, 2006, pp.21-32 Available on 17/03/2016: <https://dialnet.unirioja.es/servlet/articulo?codigo=2756550>

Naredo Molero, M.(2013). "Violadas y expulsadas: mujeres víctimas de violencia sexual en situación administrativa irregular." Fundación Aspacia. Available on 30/03/2016: <http://violadasyexpulsadas.org/>

Nogueira Domínguez, J., Zalakain Hernández, J. (2015) " La discriminación múltiple de las mujeres inmigrantes trabajadoras en servicios domésticos y de cuidado en la Comunidad Autónoma de Euskadi". Emakunde. Available on 22/03/2016: http://www.emakunde.euskadi.eus/contenidos/informacion/publicaciones_subvencionadas2/es_def/adjuntos/be-ca.2014.2.mujeres.inmigrantes.trabajadoras.servicios.domesticos.pdf

Orozco, A. (2007). "Cadenas globales de cuidados. Instituto Internacional de Investigación y Capacitación de las Naciones Unidas para la Promoción de la Mujer". Available on 23/03/2016: http://mueveteporlaigualdad.org/publicaciones/cadenasglobalesdecuidado_orozco.pdf



Setién M.L., Vicente T.L., Arriola M.J. y Segú M. (2011) "Redes transnacionales de los inmigrantes ecuatorianos". Universidad de Deusto, Bilbao. Available on 27-03-2016: <http://www.deusto-publicaciones.es/deusto/pdfs/migraciones/migraciones07.pdf>

Tapia Ladino M. (2011) "Las relaciones de pareja entre migrantes bolivianos/as en Madrid: ¿cambios, resistencias o continuidades?" AIBR Revista de Antropología Iberoamericana, vol. 6 núm. 3:341-371 Universidad Arturo Prat. Madrid: Antropólogos Iberoamericanos en Red. Available on 27-03-2016: <https://dialnet.unirioja.es/servlet/articulo?codigo=4646894>

7.2. Suggested bibliography

Aparicio, R and Tornos, A. (2005) "Las redes sociales de los inmigrantes extranjeros en España: un estudio sobre el terreno", Madrid: Ministerio de Trabajo y Asuntos Sociales

Carrizo, S., Luberiaga, J. & Ronquillo, S. (2006) "Mujeres Inmigrantes: de la invisibilidad a la presencia. Primer aporte a la reflexión desde la Asociación Malen Etxea", Zumaia: Malen Etxea

Dacouagna Minkette J. R. & Téllez Infantes, A. (2015) "Cartografía de una migración. Mujeres africanas en Euskadi: identidades y empoderamiento", Elche: Universidad Miguel Hernández, Grupo de Investigación *Economía, Cultura y Género*

Estepa, L. G., Bahillo, E. L. & Cabrera M. S. (d.g.) "Las asociaciones de mujeres migrantes en Bizkaia: herramientas para la lucha contra las desigualdades múltiples", Universidad de Deusto

Gandarias Goikoetxea, I. & Pujol Tarrés, J. (2013) "De las Otras al No(s)otras: encuentros, tensiones y retos en el tejido de articulaciones entre colectivos de mujeres migradas y feministas locales en el País Vasco" In: *Encrucijadas. Revista Crítica de Ciencias Sociales*, 5. 77-91

Grupo de análisis y trabajo sobre violencia de género en mujeres inmigrantes. (2003) "Informe Multidisciplinar sobre la Violencia de Género en Mujeres Inmigrantes". Available on 08/04/2016: <http://www.amo.org.es/documento/Informe.pdf>

Juliano, D. (2004) "Excluidas y marginales: una aproximación antropológica", Madrid: Cátedra

Martín Pérez, A. (2004) "Las asociaciones de inmigrantes en el debate sobre las nuevas formas de participación política y de ciudadanía: reflexiones sobre algunas experiencias en España" In: *Migraciones*, 15. 113-143

Moncusí Ferré, A. & Albert Rodrigo, M. (2013) "El rol del asociacionismo de inmigrantes africanos en la construcción de la cohesión social y la convivencia en Cataluña, Navarra y la Comunidad Valenciana. Miradas cruzadas" In: *Revista Internacional de Sociología*, Bol. 71. Extra. 1. 39-65

Morel Blanch, A. (2005) "El papel de las asociaciones de inmigrantes en la sociedad de acogida: cuestiones teóricas y evidencia empírica" In: *Migraciones*, 17. 111-142



Rodríguez Martínez, P. (2002) “Mujeres, feminismos y ciudadanías” In: Gregorio Gil, C. & Agrela Romero, B. *Mujeres de un sólo mundo: globalización y multiculturalismo*, Granada: Universidad de Granada

Pérez Canto, P. (ed.) (2004) “También somos ciudadanas” Universidad Autónoma de Madrid: Madrid

8. Initials

GBV - Gender-Based Violence

INE - National Statistics Institute

MSSSI - Ministry of Health, Social Services and Equality

ATENPRO - Telephone Protection Hotline for victims of gender violence

RAI – Minimum Insertion Income

AII- Active Insertion Income

CAPV/CAE – Basque Autonomous Community

CAC - Catalonia Autonomous Community

9. Appendices

Table 1. Deaths according to nationality of victim

	2016 (23- feb)	2015	2014	2013	2012	2011	2010	2009	2008	2007
TOTAL	11	60	54	54	52	61	73	56	76	71
Spanish	7	38	36	38	41	40	45	36	43	43
Foreign	4	22	18	16	11	21	28	20	33	28
% Foreign victims per total victims of known nationality	36.4	36.7	33.3	29.6	21.2	34.4	38.4	35.7	43.4	39.4

Source: Own data based on figures obtained from the MSSSI website:
<http://www.violenciagenero.msssi.gob.es>

Table 2. Percentage of woman who have suffered violence from their current or previous partners in the last twelve months, by place of birth and type of violence

		% women suffering violence	
		Current partner	Any partner
PHYSICAL	Spain	0.9	1.7
	Other country	2.4	3.4
SEXUAL	Spain	0.9	1.3
	Other country	2.4	3.1
CONTROL	Spain	8.3	8.5
	Other country	18.9	17.8
EMOTONAL	Spain	6.9	7.6
	Other country	11.3	12.0



ECONOMIC	Spain	1.7	2.1
	Other country	6.4	6.2

Source: Own data according to figures obtained in the 2015 Macro Survey