

## Annex 2: Notes

**NOTE 1:** All of the data sources on gender-based violence refer to an annual period although their update does not necessarily take place in year following the collection of data. Below are listed the publications and the date of their last update.

| Responsible Entity   | Publication  | Completion date                      | Publication date                 |
|--|--|--------------------------------------|----------------------------------|
| Government Delegation on Gender Violence. Ministry of Health, Social Services and Equality (MHSSE)   | State Observatory Report VIII on Violence Against Women  | 2014                                 | 2016                             |
|  | Macrosurvey of Violence Against Women (conducted every four years since 1999)  | 2015                                 | 2015                             |
| Ministry of the Interior   | Annual Statistics  | 2015                                 | 2016                             |
| Interterritorial Council of the National Health System, MHSSE  | Annual Report from the National Health System on the subject of Actions Against Gender Violence  | 2014                                 | 2015                             |
| Observatory Against Domestic and Gender Violence. General Council of the Judiciary   | Quarterly statistical bulletins / Annual reports that incorporate data on complaints, protection orders, and manner of termination of proceedings, based on information from gender violence courts. | 1st trim 17<br>Annual report<br>2016 | 2nd trim 17<br>Published<br>2017 |
|  | Report on victim fatalities resulting from Gender-based violence and Domestic Violence in the partner/ex-partner context   | 2014                                 | 2016                             |
| National Institute for Statistics in collaboration with the Central Registry for the Protection of Victims of Domestic and Gender Violence | Data on victims and reported people, analyzing their socio-demographic characteristics, and on charged criminal offenses and preventive measures issued.   | 2016                                 | 2017                             |

**NOTE 2:** The most recent data on gender violence comes from the Statistics on Domestic and Gender Violence conducted by the National Statistics Institute, using data from the Ministry of Justice's Central Registry for the protection of victims (on proceedings instituted and final judgments). The victims are broken down by sex, age, origin and relationship with the assailant, which in the case of domestic violence refers to persons enumerated in article 173.2 of the Penal Code (descendants, ancestors, married couples, siblings, etc.) with the exception of specific gender violence cases.

The annual report from the National Observatory on Violence Against Women gives multiple data on assailants, allowing focus to rest on them. This includes, for example, the type of offense committed, length of sentence, type of offense committed for which they are in pre-trial detention, nationality of the assailant, cultural origin (so that cases which involve a change of nationality are not omitted), age of the assailants, etc.

The Annual Statistics from the Ministry of the Interior is based on data from the Statistical System of criminality, which registers victimizations by grave criminal acts on the family level. This sums up victimizations from gender violence (committed by spouse, separate/divorced, significant other, ex-significant other, boyfriend, ex-boyfriend), with victimizations committed by those who are or have formed part of the family context (parent, child or other relative). The data from 2015 show 60,044 victimizations from gender violence (with 60 women deceased), to which must be added those victimizations in the family level, which accounted for 82,188 cases. There are no figures for victimizations by people outside the family level and/or unknown.

The Reports on Gender Violence from the Interterritorial Council of the National Health System (MHSSE) are based on gender violence as defined by the Common Health Protocol, which outlines all the forms of GV which can be attended to in the health

services, not only that of partner or ex-partner. It collects the cases detected by the health system, either at the level of Primary Care (PC) or Specialized Care (SC), through the Clinical History (CH) or Reports of Injuries (RI).

The data referring to 2014 (last report) assumes 98% population coverage, which is to say, there still is not total coverage at the State level, and the data is not homogenous in origin. There are A.C. which use as a major source of data CHs (73.5%), others which use exclusively RIs (24.1%), and others that use both sources (23.1%).

The detection of the type of mistreatment depends on the source that the data come from, the most frequent being physical mistreatment when the source is the RI. When the source is the CH, above all in PC, physical and psychological mistreatment are perceived in greater amounts. Sexual mistreatment continues to be the least reported, with higher percentages reported in SC. However, the data lose relevance due to the large number of data missing in almost all indicators. The indicator of relationship of the mistreated woman with the assailant is not of a good quality, in addition being biased towards the partner and ex-partner, as the information system itself conditions the non-emergence of other types of assailants.

**NOTE 3:** The implementation of Comprehensive Plan II to Combat the Trafficking in Women and Girls for Purposes of Sexual Exploitation, finally approved for the 2015-2018 period, has been delayed since 2013 due to the political situation and economic crisis. Regarding the different measures of the aforementioned Plan, it should be noted there is: a lack of clarity about the resources and budgets that will be available to each institution to carry out the measures and a lack of communication and coordination with consular authorities of the countries of both victims and traffickers, with the end of carrying out pertinent measures in accordance with the fulfillment of the Palermo Protocol and the Warsaw Convention.

There is an absence of special mention to differently-abled victims, even though the law applies to these persons as to minors, where there do not exist adequate resources or politics for reintegration for these people. With respect to the impact of Organic Act 4/2015, for the Protection of Citizen Security, progress has been scarce. Some data are known at the regional level, but this does not account for all of the information necessary to establish a state of play.

The situation is worrisome in the Centers for Temporary Stay of Immigrants (CTSI) that are found in the Autonomous Cities of Ceuta and Melilla. These centers are spaces of heightened vulnerability, given that potential victims are living there alongside their exploiters.

**NOTE 4:** The European Commission committed itself in June 2015 to relocate, in the period from 2015 to 2017, 160,000 asylum applicants that were already in the EU and to resettle 22,504 of those in refugee camps, with “solidarity quotas” for each of the 28 Member States.

In May 2017, four months before the deadline, the EU had only received 16% of the 182,504, and in Spain only 1,292 of its 17,337 quota, 5.6% of the relocation of 15,888 coming from Greece and Italy and 28% of the resettlement of 1,449 coming from Lebanon and Turkey.

In addition to the EU 2015-17 program, application for asylum and refuge in Spain offers the following data on applicants: 14,887 in 2015, 39% of which are women and 15,755 in 2016. This constitutes the highest ever recorded figure in Spain, but only represents 1% of those received by the 28 EU countries, despite the fact that Spain accounts for 9% of the EU population.

At the close of this report and two months before the expiration of the deadline, in September 2017, the OAR still has not published the 2016 data. Furthermore, in the statistics and in the report “Asylum in numbers 2015,” only 4 of 22 data tables are broken down by sex, failing to abide by Spanish law as well as the CEDAW Convention itself in that regard. One of the few pieces of data that can be pulled out about female refugees reveals that 40% of applications and decisions correspond to women. It is important to remark that the majority of data about refugees provided in the present report come from the document prepared by CEAR Spanish Refugee Aid Commission a civil society organization with extensive experience on the subject (“2017 Report: Refugees in Spain and Europe).

This lack of information has prompted the Ombudsperson to request greater publicity of data, including a disaggregation of refugees that includes not only the variable of gender but also membership in vulnerable populations and the time it takes to resolve applications. Furthermore, this almost total lack of official data has led to us relying on only the information provided by the

**NOTE 5:** In the 2016 State Budget, the Ministry of the Interior Program 131P, “Right of Asylum and Statelessness,” has €6.2 million. Of this, 48.4% is for the program of resettlement and relocation to the EU, 33.5% for personnel and €270,850, or 4.4%, for contributions to the UNHCR to issue only 300 (out of 10,250) assessment reports on the subject of asylum. In the Ministry of Employment and Social Security, program 321H “Actions in favor of immigrants,” has €321.7 million, 90% for

grants and subsidies to 7000 immigrants and refugees, a subsidy of €2 million to Red Cross for care of immigrants arriving to Spanish coasts and settlements, and €3.4 million to A.C. for the social integration of immigrants.

In the 2017 Budget there is €102 million for the EU Fund for European Aid to the Most Deprived (FEAD), for food aid and for the fight against childhood poverty, of food surpluses distributed in previous years in the same quantity. There is €140 million for attention to families with children for the program of resettlement and relocation of refugees, funds which during the year of 2016 was not spent, given that refugees were not received.

The Spanish Official Development Assistance has decreased from 0.4% of the GNI in 2009 to 0.14% in 2014 and 0.21% in 2017, 2,450 million euros, and is reoriented to strengthen armies and borders to the detriment of the goal of the eradication of poverty and inequality between countries, social classes and gender.

**NOTE 6:** In relation with the OAR functioning, the Supreme Court notes the following in the sentence of February 18, 2014, seventh legal basis: *“There is no indication that the Administration took into account that which is outlined by the UNCHR in its reports dated February 15 and 18, 2011, in which it recommended the admission for processing of the petition. There does not appear any mention or reasoning, which entails an evident infraction of Act 12/2009, which attributes to this organization a key role in the investigation of asylum applications, just as is emphasized in the explanatory preamble itself, which indicates: ‘Specific mention should be made at this point to the United Nations High Commissioner for Refugees (UNHCR), which is recognized in the important role that it carries out in the processing of asylum applications in Spain, in this way reinforcing the procedural guarantees.’”*

**NOTE 7:** This resolution recounts, in 65 articles in total, various issues for improvement of the situation of refugees, relating to general questions (as it relates to the need for women to apply individually and have the right to freedom of movement) and to four specific questions, which are:

- *the gender dimension to refugee status*, highlighting, among other issues, that the forms of violence and discrimination based on sex (including female genital mutilation, forced marriage, domestic violence, so-called honor crimes and sex discrimination permitted by the State) constitute persecution and should be valid motives to request asylum in the EU, which must be reflected in new guidelines on gender.
- *specific needs of women in asylum proceedings*, among which are included the investigation of all reports of sexual abuse and gender violence in Immigrant Detention Centers or in border posts, and the eradication of the confinement of migrants or asylum seekers.
- *reception and confinement*, a sphere which results in the revictimization that imprisonment entails for refugees, gives rise to the urgent need that this be put to an end immediately, in all Member States, as regards imprisonment of children or pregnant/nursing women or those that have been the victims of rape, sexual violence or human trafficking, and necessitates that they be afforded adequate psychological support;
- *inclusion and social integration*, this last dimension requests, among other issues, that the State Members elaborate and apply specific measures that will facilitate the participation of refugees and asylum seekers in the job market, emphasizing the relevant role that regional and local authorities play in the integration of refugee women and asylum seekers, in particular relating to their insertion into the job market, and encourages these authorities to promote dialogue and contact between refugee and native women.