



Violence against women Information guide

1

Introducing the guide

page 3

2

What is gender violence?

page 5

3

**Legal rights of women
victims of gender violence**

page 11

4

**What to do in a situation of
gender violence**

page 19

5

**What to do if the
restraining order is breached**

page 27

6

**What phone numbers
and institutions do you need to know?**

page 29



1

Presentation guide

Violence against women is an affront to the person's dignity, her physical integrity, her honour and freedom, as well as a violation of human rights recognised in the Universal Declaration which proclaims that all human beings are born free and equal in dignity and rights.

On this basis, the protection of women's right to live safe from violence, both in the public and private spheres, is a matter of public safety and therefore State responsibility.

In this sense, the State Pact against Gender-based Violence highlights the need for a political and social consensus, and the commitment of all institutions in Spanish society to reach agreements to eradicate violence against women.

Assistance, accompaniment and support for women subjected to abuse is the primary objective of relief resources. For this, it is essential that women dispose of accurate information when making decisions, helping them to assess their strategic options to regain control of their lives.

Women's right to information in a situation of gender violence is recognised as such, both in the State-level Integrated Protection Measures Act, and in the Law of the Valencian Community. To this end, this guide aims at providing first-hand information on women's protection and safety, their economic and social rights as well as the police, judicial and welfare resources at their disposal in Alicante city.



Department of Equality
Alicante City Council

2

What is Gender violence?

Gender violence is one of the cruellest and most inhumane social phenomena. It derives from the inequality between women and men.

It has existed throughout history and it needs to be fought using all possible means.

It constitutes a violation of human rights and fundamental freedoms.

Gender violence is suffered by women of all ages, in all countries, whether they are educated or not, and whether or not they dispose of financial resources.

The risk of being subject to this type of violence can be higher for women in a vulnerable situation: women with functional diversity, migrant women, with low-income, homeless women or women belonging to different ethnicities.

What is violence against women?

- “Violence against women is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” ((*Council of Europe Convention on preventing and combating violence against women and domestic violence. Article 3 Istanbul Convention*)).
- Spain’s Organic Law 1/2004, of 28 of December, on Integrated Protection Measures Against Gender Violence**, considers gender-based violence as any act of physical and psychological violence, including attacks on freedom, threats, coercion or arbitrary deprivation of freedom when it is exercised by whoever has been or is the women’s partner, or whoever is or has been linked to her through any similar relationship of affectivity, even when not having cohabitated with her.

What types of violence against women do we know about?

Physical violence.

- Any conduct that aims, directly or indirectly, at causing women physical harm or suffering and that may lead to injuries such as erythema, erosions, injury, bruising, burns, sprains, dislocations, fractures or any other abuse that threatens her physical integrity, resulting in, or risking, injury or death.

Psychological violence.

- Any conduct that violates women’s psychic and emotional integrity via threats, insults, humiliations, coercion, contempt for personal worth or dignity, demands of obedience, social isolation, blame, and deprivation of liberty. Psychological violence also includes any behaviour directed towards causing damage to the victim’s property, seeking to inflict fear, as well as sexual harassment.

Because women often do not perceive direct aggression in the message, many remain unaware of being abused and do not take action against the aggressor.

Sexual violence.

- Occurs when a woman is forced or coerced into sexual activities against her will. Penetration need not to have taken place nor the sexual act. It includes, among others: rape within the couple, prostitution and the trafficking of women and girls for the purpose of sexual exploitation, forced conception, abortion, genital mutilation, sexual harassment or unwanted touching.

Economic violence.

- Any limitation, non-legally justified deprivation, or discrimination in the disposal of belongings, property resources or economic rights included within the sphere of cohabitation with the partner or in cases of relationship break-up. These include situations where the woman is forced to be financially reliant on the aggressor, being prevented access to the labour market through threats, coercion or physical aggression.

Material violence.

- Deprivation or destruction of the victim's objects, belongings and property in order to exercise control over her or to cause psychological harm.

Social violence.

- Social violence occurs when the aggressor limits, controls, and induces his partner towards social isolation, separating her from family members and friends with the intent of moving her away from her usual environment and leaving her without any support or resources.



3

Legal rights of women victims of gender violence

Knowing one's legal rights allows obtaining clear and valuable information to deal with gender violence. This guide details the rights of women victims of gender violence and the rights of their children.

1. Right to file a complaint.

Women have the right to report situations of violence and to inform the authorities that they are subjected to abuse.

The complaint leads to court proceedings before the Court of Violence against Women to investigate the facts and, where appropriate, criminally sanction the guilty party.

It is essential that before making the complaint, you obtain the necessary information about the judicial proceedings that are starting. You must also request the assistance of a lawyer specialised in gender violence to file the complaint.

2. Right to free legal aid.

Women victims of gender violence are entitled to legal aid from the moment the complaint is made, and in all procedures linked to the situation of violence (separation, divorce, care and custody of minors, alimony request).

Free legal aid is granted independently of the women's available financial resources, and will be provided by the same lawyer throughout the process, from the filing of the complaint until the end of the proceedings.

3. Right to apply for a restraining order.

Women having suffered gender violence can apply for a restraining order when filing the complaint.

Once granted by the Judicial Authority, the Mobile Teleassistance Service can be requested from Alicante City's Department of Equality.

The service is free of charge and offers Assistance 24 hours a day, 365 days a year, from anywhere. The system allows you to contact, in situations of emergency, the centre of assistance and speak with staff purposefully trained to provide an adequate response, whether by themselves or by mobilising other resources.

Exceptionally, in cases of imminent risk or extremely serious situations, this resource can be requested even in the absence of a restraining order.

4. Right to information.

Victims of gender violence have the right to know about all the issues related to the proceedings, from the very moment prior to filing a Complaint. They must especially be given any information related to their safety and the situation of the aggressor (trial location and date, the aggressor's release, and a copy of all documents).

5. Right to be accompanied.

By a trusted family member or person throughout the proceedings.

6. Right to an interpreter, free of charge.

Independently of the victim's available financial resources.

7. Right to personal data protection both of the interested party and her children.

Right to intimacy, privacy and confidentiality of the personal data that could lead to her identification and localisation, especially with respect to the aggressor and his circle.

8. Right to specialised, comprehensive assistance.

To regain self-esteem, emotional well-being and to make the right decisions to leave the cycle of violence. Alicante City's Department of Equality, via its the Integrated Assistance Unit for victims of gender violence, provides assistance, support and accompaniment to women victims of gender violence as well as to their children. It operates through a multidisciplinary team specialised in gender-based violence: female Social Workers, Psychologists and Lawyers.

9. Labour rights.

They are directed towards preventing women from abandoning the labour market due to gender violence. To this end, the following rights are recognised:

- Right to a reduction in working hours with a proportionate decrease in wages or a reorganisation of working time.
- Right to geographical mobility.
- Right to suspend the employment contract while reserving the work post and to unemployment benefits if the general requirements are met.
- Right to terminate the contract with a right to unemployment benefits if the general requirements are met.
- Work absences or lack of punctuality, are deemed justified as long as they are due to a physical or psychological situation resulting from gender violence accredited by professional services specialised in gender violence.
- Nullity of dismissal if the dismissal occurs during the exercise of the rights above.

10. Economic Rights.

These rights aim at giving women the financial means to meet their basic needs when they lack resources. The following rights are recognised:

A. Specific financial aid to women victims of gender violence who have particular difficulties in obtaining work. A single payment is made, provided the following requirements are met:

- Not receiving monthly income above 75% of the current interprofessional minimum wage, excluding the proportional share of two salary bonuses.
- Having particular difficulties in obtaining employment, due to age, lack of general or specialised training, or social circumstances, accredited by a report issued by the relevant Public Employment Service.

B. Active insertion income. To receive this income, the following requirements must be met:

- Accreditation of a situation of gender violence.
- Registration as a jobseeker (uninterrupted 12-month jobseeker registration is not required).

- Not cohabitating with the aggressor.

- Being under 65 years of age.

- Absence of monthly income of any kind over 75 per cent of the current interprofessional minimum wage, excluding the proportional share of two salary bonuses.

C. Guarantee Fund for unpaid alimony: Advances for unpaid alimony. The payment of recognised alimony and unpaid amounts, established in a court-approved agreement or in court rulings on separation, divorce, marriage annulment, filiation or maintenance, is guaranteed via the settling of an amount regarded as an advance payment.

D. Priority of access to protected housing and public rest homes for seniors. Women victims of gender violence constitute a collective with the right to preferential protection in access to housing.

They can also be granted the suspension of evictions from main residence homes, agreed in judicial or out-of-court foreclosure procedures.

11. Rights of the victim's children.

They have the right to be sheltered together with their mother in a residential centre, a right to immediate schooling in the case of the mother's

change of address due to this type of violence and to rehabilitating psychological treatment if necessary. They have a preferential right of access to positions available in socio-educational care centres for children aged under three years.

Today, it is not only the women who are considered victims but also the daughters and sons of these women subject to this type of violence, as well as other dependent persons.

4

What to do in a situation of gender violence

This chapter gives a practical overview and answers essential questions such as where to file the complaint, how, and who can file one. In addition, we explain how to apply for a restraining order and the consequences in case of non-compliance. Useful phone numbers and institutions of interest are listed at the end.

1. Where should you file the complaint?



The complaint can be filed at the offices or quarters of the following entities:

- The National Police.
- The Local Police.
- The *Guardia Civil* (Civil guard)
- The *Juzgado de Guardia* (Duty Court).

2. Who can file the complaint?



The complaint may be filed by:

- The victim.
- Her children or a family member.
- Her representative if she is a minor.
- Anyone aware of the facts.
- Health, social or educational professionals social.

3. How to file the complaint?

The facts must be told and described accurately. You must indicate any witnesses and evidence in support of the reported facts (photographs, emails, WhatsApp captures, medical records, psychological reports, etc.).

Any records of injuries must be kept. The medical centre can also send injury reports directly to the Court.

When filing the complaint, it is essential to be assisted by a lawyer/ to be suitably informed and to receive advice. A court-appointed lawyer or a professional specialised in gender violence is required.

It is not recommended to file a complaint without legal assistance, given the importance of this first statement in the outcome of the proceedings.



4. How to apply for protection?

Victim protection is very important to ensure the woman's safety. It must be requested at the time of the complaint via a restraining order.

The restraining order is a court ruling recognising that the victim is subject to an objective risk, instructing her protection via the adoption of civil and social criminal measures.

It is dictated by the Judicial Authority within a maximum period of 72 hours after listening to the different parties separately: victim, aggressor and the prosecution service.

Criminal, civil or social measures that may be adopted as a result of the restraining order in favour of the victim and, where appropriate, of her children, are as follow:



Criminal measures:



- Prohibition of the aggressor to approach his victim.
- Prohibition to communicate by any means.
- Prohibition to reside in certain locations, for example at the scene of the aggression or the victim's residence.
- Suspension of the right, in its case, to carry or use weapons.
- Deprivation of liberty (pre-trial detention).

Measures taken in the restraining order are maintained throughout the criminal proceedings.

Civil measures:



- Use of family home.
- Care and custody of children, if they are minors.
- Alimony for children, if they are minors.
- Suspension of parental authority or custody of minors.
- Suspension of the visitation regime.

Civil measures last for 30 days and can be maintained if civil family proceedings (separation, divorce, care and custody) are initiated during this period.

Social measures:



- Economic rights. Active Income Insertion/Aid to women victims of gender violence with particular difficulties in obtaining employment.
- Labour and Social Security rights.
- Residential resources.
- Protection devices and geographical location, as well as immediate assistance in situations of real, serious or imminent risk.

5

How to act if the restraining order is breached

The aggressor's failure to comply with the restraining order must be denounced. He will be tried for a criminal offence called "breach of the precautionary measure" punishable by a term of imprisonment from six months to a year.

What phone numbers and institutions must you know?

Alicante City Council

Gender Violence
Victim Assistance Unit
Department of Equality.

Tel. (+34) 965 10 50 86

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Security Bodies and Forces

**National Police. UFAM.
Family and Women
Assistance Units**

Tel. (+34) 965 14 88 95

*Guardia Civil. EMUME.
Teams for Women and
Minors.*

Tel. (+34) 965 14 56 60
Ext: 414

**Alicante Local Police.
GAVID. Office of Assistance
to Victims of Domestic
Violence**

Tel. (+34) 965 14 95 01 /
(+34) 965 14 95 00

**Gender Violence
Government Delegation**

Phone service: 016
Online 016 service:

016-online@igualdad.gob.es



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