



**FEM-UNITED**

united to prevent femicide in europe

**POLICY BRIEF ON FEMICIDE  
PREVENTION: SPAIN**

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## Introduction

Femicide – the gender-motivated intentional killing of women – is not only the most extreme manifestation of gender-based violence against women but also the most violent manifestation of discrimination against them and their inequality.

Despite the magnitude of the problem, and calls by the UN Special Rapporteur on Violence against Women, data on femicide was not officially and systematically collected in the EU and there was a lack of transnational tools for the study of femicide, before the European Observatory on Femicide began to develop an internationally comparable data base. Nevertheless, femicide is a notably under-researched subject. A common definition of femicide does not exist. Furthermore, harmful attitudes, behaviours and stereotypes, as well as a lack of understanding of the gendered dynamics of intimate partner femicides, impede prevention measures, including early and effective intervention.

This policy brief consists of a summing up of the findings and outcomes of the research, capacity-building trainings and multi-stakeholder meetings conducted within the framework of the EU-funded project '**FEM-UNITED - United to prevent IPV/DV Femicide in Europe**'.

## The FEM-UNITED Project

The FEM-UnitED project aims to improve responses to intimate partner violence (IPV) and domestic violence (DV) in order to reduce harm to women and children, and prevent femicide. The project aims to develop system-wide responses to IPV by creating an evidence base for raising public awareness and fostering multidisciplinary cooperation and capacity-building, adopting a gender-specific, victim-centred approach. In other words, FEM-UnitED is about creating evidence for collaborative policy change.

FEM-UnitED seeks to reinforce and contribute to international efforts – such as Femi(ni)cide Watch Platform<sup>1</sup> and the European Observatory on Femicide (EOF)<sup>2</sup> – by a) further developing quantitative and qualitative tools dealing with transnational and applied femicide data that measure the prevalence of femicide and related risk factors; b) identifying gaps in system responses to IPV/DV across partner countries; and c) initiating change through systematic stakeholder engagement that will result in specific commitments for action for femicide prevention based on the project's findings and results.

The FEM-UnitED partnership spans five EU countries and includes the University of Malta, the Cyprus University of Technology, the Institute for Empirical Sociology (IfeS) at the Friedrich-Alexander University Erlangen-Nürnberg in Germany, the University of Zaragoza in Spain, and the University of Porto in Portugal. The project team also includes women's rights and gender equality NGOs, such as the Mediterranean Institute of Gender Studies (Cyprus), the Women's Rights Foundation (Malta), and the UMAR – União de Mulheres Alternativa e Resposta (Portugal).

This project builds on the work of the EU-funded project COST Action on Femicide across Europe (2014-2017)<sup>3</sup> that resulted in the establishment of the European Observatory on Femicide (EOF),<sup>4</sup> the first European-wide network monitoring cases of femicide and contributing to the prevention of femicide. The EOF has been systematically collecting data on femicide in Europe since 2020.<sup>5</sup>

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<sup>1</sup> Femi(ni)cide Watch Platform: <https://femicide-watch.org/>.

<sup>2</sup> <http://eof.cut.ac.cy/>

<sup>3</sup> COST Action IS1206: Femicide across Europe (2014-2017): <https://www.cost.eu/actions/IS1206/>.

<sup>4</sup> European Observatory on Femicide (EOF): <http://eof.cut.ac.cy/>

<sup>5</sup> Germany as project partner in this project has been participating also in the EOF network research group since 2018; the researchers collect statistical data and in-depth case information on the extent of femicide in Germany as well as analyse the findings in order to recommend ways to prevent femicides.

## Prevalence of Femicide

According to official data up to July 2022, 23 women have been murdered by their partners or ex-partners in Spain. If this figure is added to the number of murders of women because they are women that have taken place outside the couple's sphere, the number rises to 57.

Official statistics on gender-related deaths of women are collected by the Observatory against Domestic and Gender Violence of the General Council of the Judiciary. Following the legal definitions of Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender Violence, the Observatory collects the cases of gender violence resulting in death in the context of the relationship of a partner or ex-partner and, therefore, other manifestations of violence against women resulting in death, which are included in both the Istanbul Convention and the State Pact against Violence, are not counted.

The Observatory against Domestic and Gender Violence publishes an annual report on the number of victims, the main characteristics of victims and perpetrators and the circumstances of the murder.

In this sense, the report is structured under the following headings: Number of cases, Characteristics of the victims, Children in a situation of orphanhood, Circumstances of the aggression, Characteristics of the aggressors, Previous complaints, Protection measures, Cases with multiple victims.

This report also includes deaths in the area of domestic violence, which includes deaths due to gender violence of minor children in the context of intimate partner or ex-partner violence and cases of intimate domestic violence. In this case, all cases of violence in the sphere of the partner or ex-partner are included, except for cases of violence exercised by a man against a woman. This section would include acts of violence resulting in death directed by a woman against a man as well as those occurring in the sphere of so-called intra-gender violence.

In the case of Spain, the statistics of the Observatory against Domestic and Gender Violence do not offer data on non-intimate family femicides where the aggressor has another type of relationship with the victim (son, brother, father, son-in-law, etc.).

In order to try to correct this information and follow the indications, this report has been drawn up using the register kept by [femicidio.net](http://femicidio.net), an organisation that systematically collects the information on the cases of femicide in Spain and which include a category for family femicides.

As a consequence of the above, the data sources to be used for the elaboration of this report are, for IPFs, the official data of the Observatory against Domestic and Gender Violence and for family femicides, the data provided by [Femicidio.net](http://Femicidio.net), who collect data from the media on all murders of women.

## Gaps & Challenges

Organic Law 1/2004 was a step forward in the treatment of gender violence. Despite this, although it is true that formal equality is a fact and the general discourse shows a high degree of social intolerance towards violence, women continue to be delineated as a structurally different other, exposed, mostly with fewer resources, to multiple risks, the most notorious evidence of which is the stable and unacceptable number of femicides per year, which for the last decade has remained at an average of 50 women murdered by their partners or ex-partners.

It is also relevant to say that Spain has a light decrease of femicides as the only European country and it might have to do with active policies, systematic and reliable methods of data collection, publicly available annual reports and annual reports, review and amendment of laws and increasing economic budget, aimed at combating violence against women.

The daily life of women victims of violence is based on a network of interpersonal relationships where the weakening of formal and informal institutions facilitates, to a certain extent, isolation and the process of individualisation of problems, conditioning the perception of risk and security.

Although femicides have common patterns, it is necessary to continue investigating and promoting preventive strategies that address cases of violence from a holistic perspective including a wider set of actors in the prevention system and improving the forms of alert to the risk of femicide. Mainly actors from the social system and the community, given that most of the murdered women had not filed a complaint of gender-based violence and therefore the institutional response had not been activated, which was largely contingent on the filing of a complaint (mainly in terms of protection, restraining orders or electronic devices).

The violence against women also responds to other factors that should not be subjugated to mono-causal explanations for preventive intervention. Without observing and incorporating other variables besides gender into the diagnosis, preventive policies are proving to be discriminatory and ineffective. These factors must include cultural elements and, as well as generational aspects or social class conditions.

It is relevant to recognise the ability of risk forecasting tools to reduce risk factors at all levels and to increase protective factors for victims and perpetrators, as well as to improve the environmental conditions that might be associated with violent actions, needs to be recognised. These tools should be constantly reviewed and, as far as possible, new items should be added to incorporate not only the physical dimension of violence but also the psychological, structural and environmental dimensions. It is also to be hoped that they can be used by a growing number of professionals in different areas (social system, health system).

Considering the Spanish experience of risk assessment, it allows professionals (mainly police officers) to address the situation specifically and dynamically, and thus to make gradual and above all re-evaluated decisions in each of the systems involved.

Prediction has meant a qualitative leap, both internationally and in our country, by allowing professionals to know the level of risk of recidivism, to design and implement strategies that benefit the subjects involved and, above all, to make better use of resources. In this way, the possibilities of intervention have gained specificity and have made it possible to adjust risk control and minimisation procedures to different levels: individual and contextual.

In relation to risk assessment and risk management, the main stumbling block is in the judicial sphere. Judicial decision-makers rarely take into consideration information provided by other professionals in the police or social sphere, and even more rarely ask for it. Between suspicion, disbelief and the principle of hierarchy that governs the judicial system, clinical judgement continues to prevail as the most reliable diagnosis.

The risk or needs reports provided by the police or social services are considered as an "accessory" element for the judge when making a decision, despite the fact that reality itself has shown that the account of the facts at a specific moment in time means dealing with the risk as a static element, which does not allow an accurate response to be offered.

The prevention of gender-based violence is presented as an inexactly defined scenario where diverse epistemologies converge: legal constructs and forensic practices, police strategies and social interventions, all with their own relatively independent approach to risk assessment and management.

The low number of complaints among murdered women is a cause for concern, as is the low number of protection orders or measures to guarantee the safety of those women who had dared to report; one of the problems is how to get ahead of the "toxic relationship". This is one of the difficulties in preventing violent deaths and daily violence.

The distance between women and institutions is a disadvantage. In many cases, victims perceive themselves in the opposite way to how they are perceived by the system from which they expect a response, and this often leads to confusion, unease and anguish.

Finally, and regardless of the relevance or not of criminalising the concept of femicide (an open debate in the country, although not widespread), the professionals believe that it is necessary to broaden the concept of gender violence in the terms set out in the Istanbul Convention and to give cases of murder and special treatment, both in relation to primary, secondary and tertiary prevention (care for orphaned children and collateral victims - compensation and reparation measures, which are still lacking in Spain).

While statistics, data and reports are complete and transparent, it is still important to collect specific data for murder cases, mainly on the aggressor. In this sense, the work of the media, as data collectors and communicators, is particularly relevant. Despite the progress made in this area, further training and awareness-raising work with journalists and editors is needed.

## **Legal & Policy**

In Spain, Organic Law 3/1989 is the first to classify physical violence in the family nucleus, establishing punishment of sexist behaviour. During the years 1998 and 1999, women's organizations that worked on the study of gender violence and care for victims, raised the need for a more Comprehensive Law. Parallel to this political process, other components of the legal framework on gender violence were articulated, including Law 14/1999 for precautionary measures for the acute defense of women who are victims of mistreatment from the aggressor. In 2002, Law 38/2002 was established, referring to the fact that there should be a rapid procedure for certain crimes, specifically, family violence, consolidating steps for a more comprehensive organic law.

The Organic Law of Comprehensive Protection Measures Against Gender Violence was passed in 2004 and was a milestone in the fight against gender-based violence and femicide.

Spanish national law does not expressly define femicide, though the Organic Law 1/2004, of December 28, 2004, on Integral Protection Measures against Gender Violence (hereinafter, L.O. 1/2004) was drafted to address the historic inequality between women and men. The national law defines it as murder / homicide of women and is part of the "gender violence" legislation. But it is worth mentioning that some regional laws such as those of Navarra, the Canary Islands, Castilla y Leon and Andalusia already make mention of this specific definition. Organic Law 1/20152, of March 30, introduces modifications to strengthen the protection of victims of gender violence, incorporating gender as a reason for discrimination in the aggravating circumstance of committing the crime.

It does not apply only to homicide, it may be applicable to all those cases in which a subjection to the victim is appreciated due to the fact of being a woman, without any consideration of the circumstances related to coexistence or romantic relationships (attack on legal assets based on gender, murder and homicide, attempt to homicide / murder, sexual assault, illegal detention, aggravated injuries, threats and crimes against privacy, damages, breaking and entering and arson).

Since 2004 it has been modified in order to provide a more realistic response. In addition, each Autonomous Community now has its own law against violence, policies and action plans. Even so, what is considered "the public policy par excellence" in this field was approved in 2017. The so-called State Pact against gender violence defines in 212 measures the framework for action in relation to primary, secondary and tertiary prevention, at all levels and fields of action (educational, social, health, media, police, judicial).

## Policy Recommendations for Effective Prevention & Intervention

Given that the legal framework in Spain, as well as the structure (institutions, resources, agents - policies, plans and programmes) is certainly extensive, the professionals understand that it is necessary to focus efforts on early action by institutions to prevent cases of femicide. It is necessary to be aware of cases of violence before the murder takes place. In Spain, the focus on the legal response may have neglected other fundamental instances for the early detection of violence and the management of risk when it becomes known.

Many of the intervention instruments are conditional on women filing a complaint, which "leaves" many non-institutionalised cases on the sidelines; thus, when analysing the data, we observe that only a low percentage of murdered women had filed a complaint.

Risk assessment and management can contribute in multiple ways to the transformation of subjectivities and gender positions, but its applicability cannot be carried out automatically or unquestionably; we must appeal to the reflexivity of those who design and those who implement, in order to guarantee this transformation.

Although the legal framework provides a defined scenario in which to act, daily practice shapes its own dynamics and rules, which are constituted precisely on the basis of the different realities faced by professionals. In this sense, we believe it is necessary to direct efforts towards the development and evaluation of judicial, police and social practices in order to ensure that, in each of the instances, the particularities of the cases are sufficiently investigated and recognised among the different types of violence. Only then can the appropriate crime, risk management strategies, and safety and recovery plans be implemented on a case-by-case basis.

We consider that the creation of a multidisciplinary body to deal with cases of gender violence is a real and urgent need.

We refer to an autonomous body, detached from the strategies already existing in the formal systems (judicial, police, social) but made up of professionals from these same fields, capable of bringing together data and information from other fields, with the aim of cross-referencing them in order to design primary, secondary and tertiary prevention strategies at different levels and as personalised as possible.

This could be carried out at the local level, which would, at the same time, allow for the strengthening of municipal networks for attention to gender violence. Local bodies, because of their proximity to the people, are a very good place for early detection, first steps and accompaniment. Therefore, well-equipped grassroots social services could be a very effective way of preventing risk.

If we assume that risk has to be assessed from various perspectives, professionals from the different systems should be incorporated into a comprehensive care network, where it would not be necessary to use a single tool to assess risk, but rather a common approach to each case. This requires the involvement of the different services and sectors, coordination, collaboration and cooperation, with the understanding that this implies assimilating the fact that the ways of conceiving risk are different and complementary, and that it is precisely in this difference that the usefulness lies.

Multi-agency prevention implies real accompaniment and the development of a comprehensive preventive policy capable of articulating channels that allow for the design of a system with a greater capacity to respond to the needs of victims.

Efforts to prevent gender-based violence are nowadays presented as a strategic value of developed societies, because equality is a reliable sign of how a society. In the cases analysed in depth, the need to activate protection mechanisms and institutional responses independently of the complaint and to promote the involvement (through complaints, referrals to specialised services, testimonies or accompaniment) of friends, family and neighbours in order to avoid fatal outcomes is also evident. One of the strategies implemented in some



regions, which it would be desirable to expand throughout the territory, has to do with the elaboration and implementation of protocols for action for neighbourhood communities in each residential building. Bearing in mind that most murders are committed in the home, the involvement of the closest neighbours could be of great help.

In addition to risk assessment and risk management, based on the material analysed in this report, we believe it is essential to work on the following dimensions:

1. Mandatory, systematic and cross-cutting training and awareness-raising in all areas (judicial, social, police, health, media). In Spain, much progress has been made in specialisation, but it is necessary to include the gender perspective in other areas such as child protection systems. It seems relevant to raise awareness, not only through institutional campaigns but also as a possible focus of audiovisual productions (fiction series, TV programmes, film production, documentaries).
2. Reinforcement of support/protection systems. It would be interesting to reinforce the use of electronic devices as a protection mechanism or other strategies such as the training of protection dogs (as is already being done in collaboration with the Security-Police Corps). Of primary importance is the protection of children. To this end, strategies already in place should be strengthened, specific strategies for minor children should be developed, and the appropriateness of custody and access arrangements should be consciously discussed among judicial and social professionals, academics and other actors.
3. Legislation (review and extension in terms of the Istanbul Convention) and research. Particularly important on male aggressors: risk factors, cycle and escalation of violence in cases of femicide; and on the particularities of murdered women. It is essential not to treat them as a whole and to define institutional responses according to their particularities (age, rurality, substance use, disability, migratory status, socio-labour situation, motherhood).
4. Data collection (regular, standardised and available to the general public). While statistics, data and reports are complete and transparent, it is still important to collect specific data for murder cases, mainly on the perpetrator (characteristics and circumstances).
5. Given the evidence that a person's history of violence can operate as a risk factor, in addition to primary and secondary prevention, it is necessary to design and implement tertiary prevention strategies, as a way to avoid future violence. Furthermore, it should be understood as a state obligation to reinforce care for orphaned children and collateral victims, to contribute to alleviating the consequences of the murder, to publicise the convictions, and mainly to activate compensation and reparation measures; something that has not yet been developed in Spain.