

ADOLESCENTS AND GENDER BASED VIOLENCE IN SPAIN

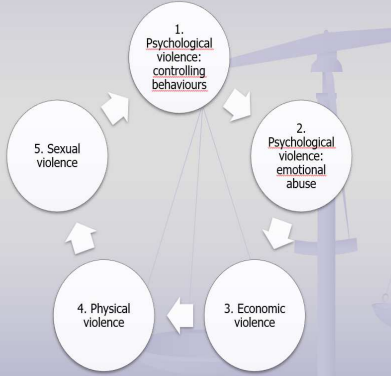
EUROPEAN NETWORK ON GENDER VIOLENCE

July 17th-19th 2019
Social Science Research Institute on Gender Issues
Universität Freiburg

Poster presented in the Framework of the following Research Projects: 1-La tutela procesal de las víctimas de violencia de género: El Estatuto de la víctima del delito (DER2015-64506-C2-2-R), Ministerio de Economía y competitividad. 2-Trata de seres humanos y esclavitud: investigación, enjuiciamiento y protección procesal de las víctimas (RTI2018-094686-B-C22), Ministerio de Economía y competitividad. 3-INNOCRIM, "Víctimas de la justicia: Recursos docentes para mejorar su situación en el proceso II", Programa Proyecto de Mejora Educativa, Unidad de Soporte Educativo UJI (3663/18), 2018-2019.

FACTS

FIGURES



Sources:
www.poderjudicial.es
www.fiscal.es

27.4 % YOUNG PEOPLE (15-29 YEARS) BELIEVE THAT GENDER VIOLENCE IS "NORMAL BEHAVIOR" IN A COUPLE

↑ 25 % REPORTING GENDER VIOLENCE YOUNG GIRLS
21% WOMEN (16-24 years) has suffered controlling behaviours (9,6% other ages)

50 % ↑ VICTIMS (14-18 years) psychological assistance

SURVEY ON VIOLENCE AGAINST WOMEN 2015

MAIN RESULTS

Figure 20: Young women aged 16-24 and controlling behaviours by a (current/former) partner in the 12 months prior to the interview

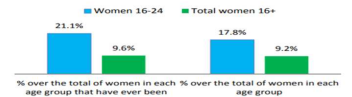
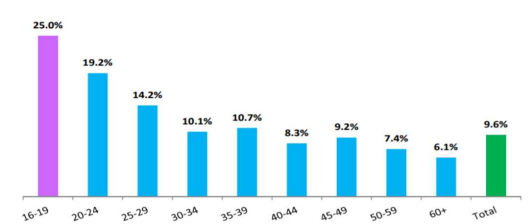


Figure 21: Psychological violence (controlling behaviours) in the last 12 months by age group (5 years) Percentages over the total of women of each age group that have ever been partnered



LEGAL FRAMEWORK

PROTECTION MEASURES AGAINST GENDER VIOLENCE

JUDICIAL MEASURES

ORGANIC ACT REGULATING THE CRIMINAL RESPONSIBILITY OF MINORS,
5/2000, January 12th

ORGANIC ACT OF PROTECTION MEASURES AGAINST GENDER VIOLENCE,
1/2004, December 28th

LAW 4/2015, of 27 APRIL, ON THE STANDING OF VICTIMS OF CRIME

EXTRAJUDICIAL MEASURES

- Education
- Advertising+ Media
- Health Measures (Doctors+ Nurses)

JUDICIAL MEASURES

- Penal Code
- Procedural Issues:
 - Violence Against Women Court (civil+ criminal jurisdiction matters)
 - Juvenile Courts

COURT PROCEEDINGS

OUT-OF COURT PROCEEDINGS

- Gender Violence ≠ Mediation (adults)
- Practical Guide for Intra-Judicial Mediation 2016, *General Council of Judicial Power*
- Juvenile System, between (14-18 years)

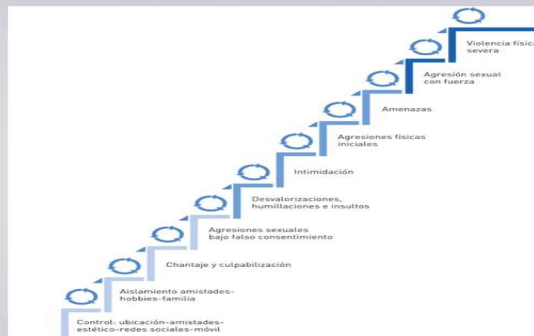
VICTIM TESTIMONY

A) GUIDING CRITERIA

- Absence of Subjective Incredibility
- Persistence in the Incrimination
- Testimony must be plausible

B) Art 416 Criminal Procedure Act (testimonial privilege)

Cyclical Ladder of Gender Violence in Adolescents



Source: Escalera cíclica de la violencia de género en los adolescentes, study 'Voces tras los datos: una mirada cualitativa a la violencia de género en adolescentes', de Carmen Ruiz Repullo and Instituto Andaluz de la Mujer (2016) "La historia de Pepa y Pepe"

Severe Physical violence

Sexual assault

Threats

Initial physical assault

Intimidating

Despising, humiliating treatment and insulting

Sexual aggression under false consent

Emotional blackmail+ Blaming

Isolation -Friends, Hobbies, Family

Control- Friends, aesthetics (dressing), social networks, mobile phone

OFFENSES

A) OUT-OF-COURT PROCEEDINGS (Art. 19 LO 5/2000)

B) POST-JUDGEMENT (Art. 51 LO 5/2000)

STALKING
(Art. 172 ter PC)

PRIVACY
(Art. 197.1 PC)

SEXTING
(Art. 197.7 PC)

PROSECUTOR DISMISSAL

- Facts
- Offender's Personal circumstances (age, offense, etc)

CONDITIONS:

- No violence offense
- Offender acknowledgement + Apology
- Victim's Reparation

MEDIATION: TECHNICAL YOUTH PROSECUTION TEAM

AGREEMENT ENFORCEMENT

- + No trial
- - Trial

JUVENILE JUDGE:

- REPLACEMENT OF PENALTY
- OTHER POSSIBILITIES

CONDITIONS:

- LISTEN PROSECUTION, TECHNICAL TEAM+OTHER PARTIES INVOLVED
- JUDICIAL DECISION

THREATENING
(Art. 171.4 PC)

ABUSE (Art. 153.1 PC)