

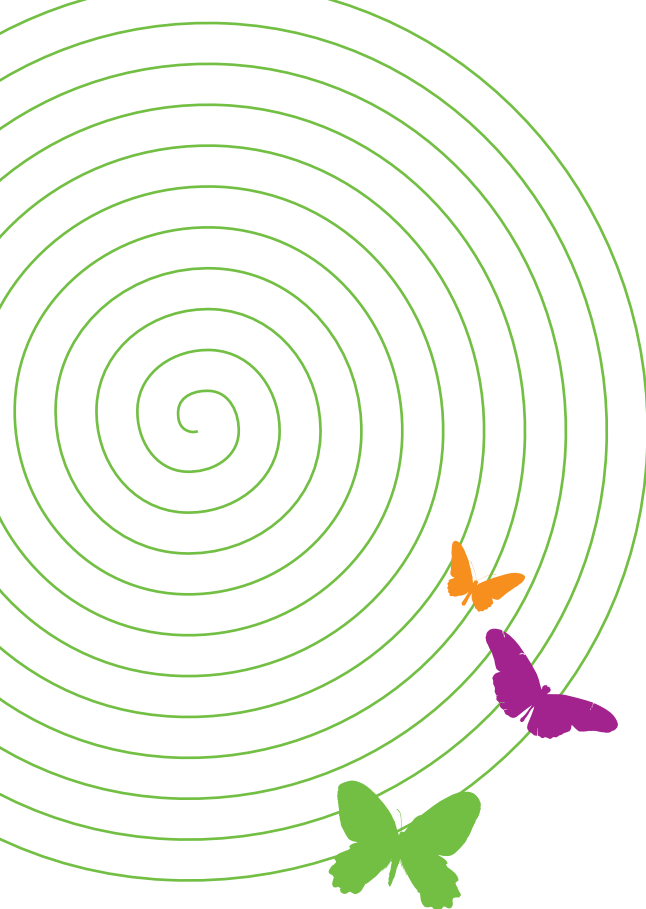
# INFORMATION GUIDE

ON WELFARE RIGHTS  
FOR VICTIMS OF  
GENDER-BASED  
VIOLENCE



DIPUTACIÓN  
DE ALICANTE





# INFORMATION GUIDE

## ON WELFARE RIGHTS FOR VICTIMS OF GENDER-BASED VIOLENCE

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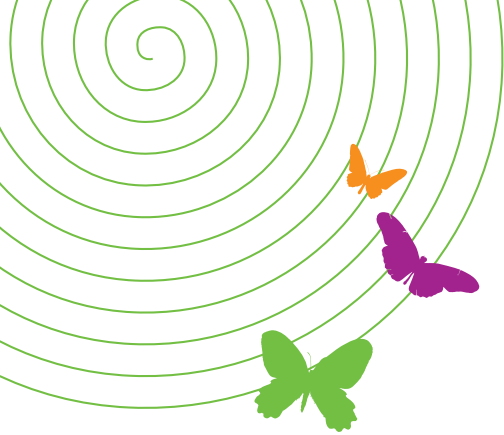
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The Provincial Plan for Gender Equality (2009-2011) responds to the need to generate measures that encourage the development of the equality policies that are currently in force, focusing particularly on preventing and eradicating gender-based violence which is, without a doubt, a colossal problem that requires our utmost effort.

Therefore, in accordance with our plan, and aware that this social reality requires strong and effective measures to counter violence against women, Diputación de Alicante (Provincial Council) has several initiatives –some new and others still in progress–, which aim to support, protect and care for the victims.

This guide falls within the range of new proposals. It is a handbook that includes relevant information on the rights and capacities that assist female victims of gender-based violence, after filing an abuse report. Furthermore, it also features other relevant data such as the main resources that are available on a provincial level.

I hope that the readers find the content of this guide extremely useful, and can communicate the information it contains so that, as a team, we can send female victims of gender-based violence a message that is filled with hope and our greatest support, based on the full recognition of their legal rights.

Mr. José Joaquín Ripoll Serrano  
*President of Diputación de Alicante*



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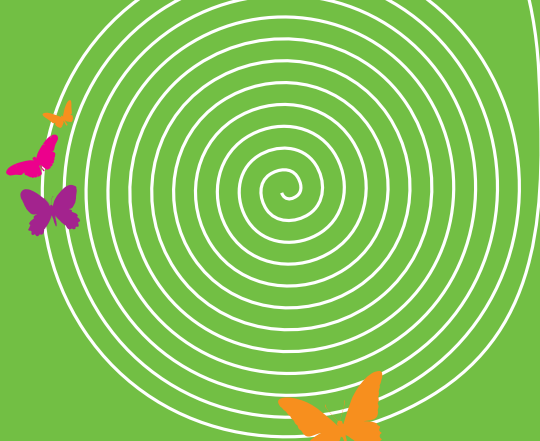


The fight against gender-based violence is one of the main lines of action that we, regularly, deal with at the Department for Women of Diputación de Alicante. We do so with the conviction that it is an achievable goal and that we are working in the right direction. Furthermore, we firmly believe that –although the figures and data still show a brutal and cruel reality– citizens and institutions have doubled their efforts, involvement and commitment, and have channelled their energy into conquering the war against this form of violence that claims the lives of innumerable women worldwide.

It is precisely to support those efforts that Diputación de Alicante publishes this guide, so as to respond to the right to information that protects all victims of gender-based violence. We want to inform, clearly and concisely, on the rights and resources that victims of gender-based violence are entitled to, focusing particularly on our province. This handbook contains advice on how to handle the difficult task of getting out of a cycle of violence and, above all, outlines the reality that takes shape after filing a report and the capacities of the victims. Truth be told, after leaving a violent relationship, you have to “return” to the world, resettle in society, make up for the time lost... That is, precisely, what institutions are, and should be, there for. We are here to support, counsel, inform, guide and, above all, to procure the wellbeing of the victims. They are our driving force. We work with them in mind and double our efforts to assist them. I hope you find this guide useful and constructive, since that is its purpose, and I trust that its contents will help victims, professionals, citizens, and society as a whole, given that we all need to work together to eradicate this terrible blight.

You're not alone.

Mª Asunción Prieto Candela  
*Councillor for the Department for Women*



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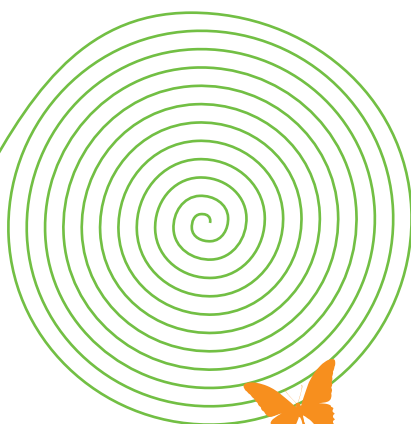
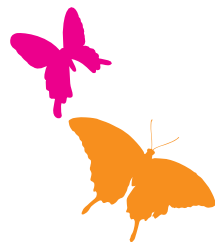




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# Introduction



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Female victims of gender-based violence, or women in situations of risk, and children that witness this terrible situation directly or indirectly, or suffer it to any extent, have the right to access all available channels to obtain the support and encouragement required to escape and overcome the feeling that life is meaningless and worthless after experiencing an abusive relationship.

Sometimes, women don't leave their violent partners because they think the alternatives are worse than their current situation. They bring themselves to believe that things aren't so bad and they also think that they are, somehow, responsible for the violence... They think it's their fault because they spoke out of line, because they didn't do something the minute their husband or partner told them to, or because of any other false pretence that will generate a suffocating feeling of guilt and self-censure.

In order to understand this complex psychological mechanism, it is important to focus primarily on the learned helplessness syndrome, because abuse is never caused by a specific reason or motive... In fact, there are never grounds to justify abuse. However, female victims of gender-based violence—generally overwhelmed by a feeling of guilt that makes them believe that they will be able to get themselves out of the violent situation—, when they dramatically realize, day after day, that they will never achieve their goal and, therefore, understand how mistaken they were, are left in a state of bewilderment, disenchantment and disappointment and become emotionally blocked and existentially paralyzed. Consequently, from the outside, it may, falsely, seem that these women do not want to put an end to the problem.

Those of us who are aware of the bleak reality of abuse know that violence appears progressively, often because women think it is up to them to keep the relationship in good running order, and that it depends on their ability to avoid conflicts, violent situations and break ups. Furthermore, we also know that the reasons that primarily delay or prevent women from escaping an abusive relationship are fear of retaliation, economic dependence and the fear of losing her children.

The families of female victims of abuse, as well as friends and acquaintances often silently witness the suffocating reality the victims are subject to. These people's timely intervention can play a pivotal role in helping victims break away, and the people who work with the victims know that, often, without their support, abused women may never escape the cycle of violence.

Thus, this Guide has been designed for democratic society as a whole, particularly for the men and women who wish to contribute daily to building a fairer and more equal society.

# 01

## Speaking straight

Working in direct contact with women who have suffered abuse provides insight into how extremely difficult it is for victims to realise they are suffering abuse. Some are “used to” being abused, others think their partner’s attitude is “normal” in all men, others think their situation is typical and do not see it as a problem...

It is a proven fact that most abused women develop a feeling of guilt that leads them to believe they deserved the “punishment” that they are subjected to by their husbands or

partners, who reproach a behaviour, gesture, attitude (“being late,” “not having taken a call immediately,” “wearing something he does not approve of”...), by using and expressing that violence –which comprises multiple violences<sup>2</sup>–, to destruct their self-esteem and render them helpless and unable to respond to aggressions.

Therefore, before filing a report, female victims of gender-based violence must realize that the perpetrator is always to blame. These women need to know that it is never their fault.

### Helplessness and dependence

There is a strong likelihood that victims of gender-based violence, PARTICULARLY WHEN SUBJECTED TO PSYCHOLOGICAL VIOLENCE, perhaps due to fear, shame, helplessness, dependence or others, MAY OFTEN NOT REPORT THE ABUSE, and will suffer the situation in silence, waiting for the day when the perpetrator will finally change...

### Realizing you’re suffering abuse: the first step towards freedom

Victims must recognise they are suffering abuse. There is no point in deceiving yourself and being lenient.

➔ ... because “of what other people will say,” because you’re ashamed, because you’re emotionally and/or financially attached to the perpetrator, because you grant priority to keeping your marriage or family “together,” because you’re scared of how your partner will react if you face up to him, report him or break up with him.

## “Denying the evidence will only make things worse.”

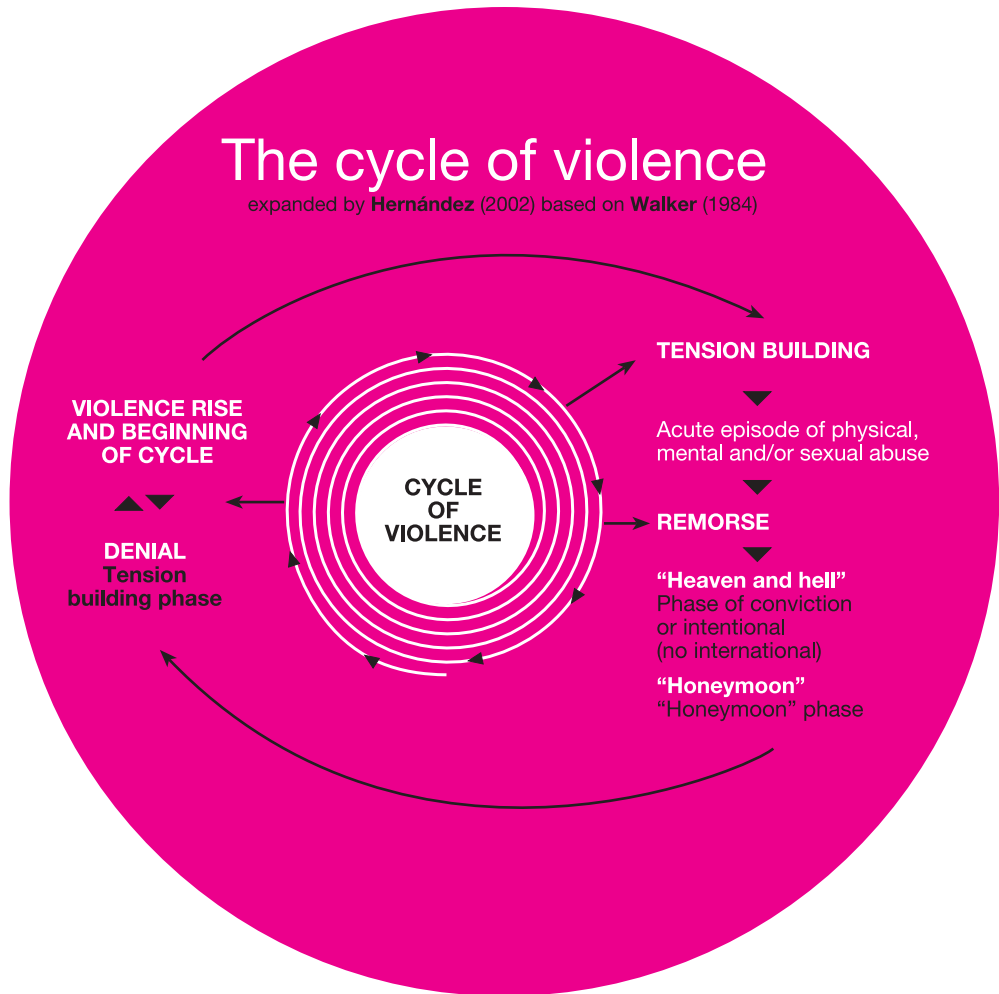
1 The aforementioned “learned helplessness” that we referred to in the presentation of the Guide.

2 Physical, psychological, sexual and financial.

## IT WILL NEVER HAPPEN AGAIN...

When a pattern of abuse starts to appear regularly in a relationship, after each aggression or violent action the perpetrator will frequently seem remorseful and promise **“it will never happen again,”** he will never attack again... However, in most cases, the exact opposite will occur: violence will resurface **CYCLICALLY** during the couple's everyday life, until it becomes a chronic and permanent part of the relationship.

Regular abuse, alongside insults, threats and humiliation, will leave the victims with a low level of self-esteem, and contribute other physical and psychological symptoms, which will prevent the victim from completely fulfilling herself as a woman, professional, worker and/or mother.



### ***Learn to identify regular behaviours and attitudes that lead to a violent relationship***


Recognize if you are inside a **CYCLE OF VIOLENCE**. The pattern starts with tension appearing/building-up, followed by a violent outburst and a “momentary” feeling of remorse in the perpetrator, before returning to the first stage of the Cycle.

# 02

## What can be reported as an abuse?

### PHYSICAL abuse


This includes any demonstration of violence that is commonly referred to as “hitting”: slapping, shaking, pushing, kicking, punching, etc.




***You MUST be examined by an official doctor and provide an INJURY REPORT (parte de lesiones) when reporting the abuse to prove the aggression.***

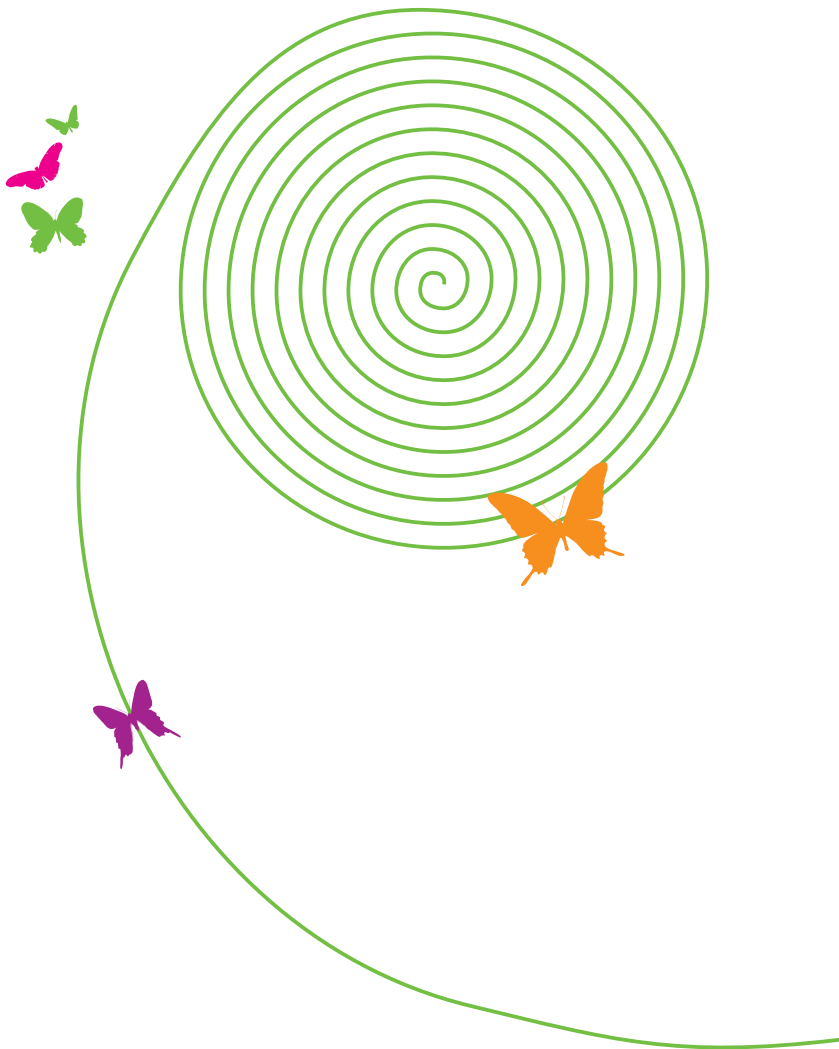
### PSYCHOLOGICAL abuse

They consist of threats, coercion, humiliation, insults, constant putting down or indifference, destruction of belongings that have symbolic value for the victim and any other sort of emotional abuse.



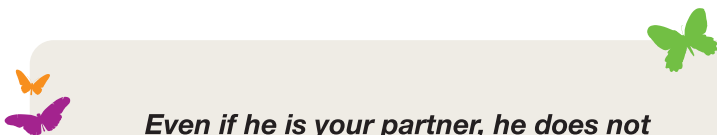
***Words can hurt more than actions: defamatory remarks made by men about women can be perceived not only in the intimate world of the couple, but also in her social environment.***





## SEXUAL abuse

They include any type of abuse or aggression that involves forced sexual relationships, i.e. sex without the woman's consent <sup>3</sup>.



***Even if he is your partner, he does not have the right to force you to have sex without your consent or full and free participation<sup>4</sup>.***

<sup>3</sup> Including forced prostitution, which is one of the most extreme expressions of this type of violence.

<sup>4</sup> Or to force you to have sex with other people.

# 03

## Who can I report?

It is our obligation to take a stand against the violence that women are subjected to, which demonstrates the **discrimination**, lack of equality and the power that men have over women. Violence can be perpetrated by:

**Men that have been or are their spouses or partners, regardless of whether or not they have lived together.**



***Any man that acts violently towards his partner, regardless of their relationship (husband, partner, boyfriend...), the duration of their relationship, or whether the relationship has ended or the couple is breaking up, can be reported after committing a crime related to gender-based violence.***





## How to initiate a criminal procedure for gender-based violence...

Reports can be filed by the victim herself, by a family member, neighbour or acquaintance who is aware of the abusive situation.

If the police know that a gender-based violence crime has been committed –either because they witness the event or are alerted by a third party or by the victim herself–, they are required to intervene and, if

need be, to report the events, drawing up the corresponding police statement.

If the victim goes to a primary care centre or to ER after suffering an aggression, the doctor is required to send the corresponding injury report to the Court and, if necessary, to request police protection for the injured victim.



***Gender-based violence is considered a subject of public interest which is not only detrimental to the victim herself, but also to society as a whole.***

***Therefore, AFTER FILING A REPORT, the Police and the Legal Authorities will intervene EX OFFICIO, to punish the guilty party regardless of the will of the victim.***

***Consequently, even if the victim were to withdraw the report or statement, the criminal procedure will continue, in the interest of the abused woman and the State of Law.***



# 04

## Where can I file a report?

**Before filing a report, female victims of gender-based violence can access advice:**

At the Generalitat Valenciana's 24 Hour Woman's Centre. (Centros de Mujer).

At the Court Office for Victims of Crime (OAVD). Oficina de Ayuda a la Víctima del Delito en los Juzgados (OAVD).

At Municipal Social Services. (Servicios Sociales).

At the Generalitat Valenciana's Infodona Centres.

At the Alicante Provincial Court's Judicial Office for Institutional Coordination. (Oficina Judicial de Coordinación Institucional de la Audiencia Provincial de Alicante)

At the permanent helplines:

**016**

Hotline for gender-based violence.  
**If the caller requests urgent assistance or is being attacked, the call is diverted to 112.**

**900 58 08 88**

24 hour Woman's Centre

**062**

Civil Guard  
Guardia Civil

**900 19 10 10**

Woman's Institute  
Spanish Ministry for Social Issues

**091**

National Police

**All these centres are staffed by qualified professionals including:**

lawyers, psychologists and social workers, who provide advice and information for women to sort out their ideas and, consequently, make the best decision, safely and effectively, **to put an end to the abuse.**



## ***Reports can be filed subsequently:***

- ➔ ***At the (National or Local) Police Station or in the Civil Guard Station*** *(the National Police, the Civil Guard and many Local Police Forces in the Province have a range of services and groups specialising in gender-based and domestic violence).*
- ➔ ***At the Court for Violence Against Women in your locality or judicial district*** <sup>5</sup> *(exclusive or semi-exclusive* <sup>6</sup> *).*

<sup>5</sup> The duty Magistrates' Court will handle emergency procedures, particularly when the Court for Violence Against Women is closed to the public due to office hours.

<sup>6</sup> See ANNEX.



# 05

## What consequences are derived from filing a report?

**BEFORE FILING A REPORT** (DENUNCIA), you must know the **consequences** that can be derived from the action and the subsequent **stages of the legal procedure** that will commence thereafter.

Filing a **REPORT** initiates a legal procedure, whereby the Judge, after examining the events, may agree to **pursue** the corresponding court proceedings which will, generally, lead to a **sentence** and a possible conviction, depending on the accusations.

From the moment the report reaches the Court, the

judge may issue a **PROTECTION ORDER** which will, immediately, protect the victim until the final sentence is passed in a subsequent trial.

Among other measures, this Protection Order can establish a restraining order for the aggressor, allocate the family home to the woman and, in some cases, enforce direct police protection and a GPS device to inform the Police immediately when the aggressor approaches the victim and, therefore, violates the **restraining order** (orden de alejamiento).



*Once the report has been filed, the State Law Enforcement Services and Agencies will implement all necessary measures to guarantee the physical integrity of the victim, even to the point of accompanying her or, if need be, of sending her to a Shelter or Emergency Centre to ensure her safety.*



## *Filing a report can*

Activate the legal mechanisms required to **PROTECT** the victim.

**Put an END** to the violence perpetrated by the aggressor.

**Put an END** to an intolerable and very dangerous situation for the woman and children.

## *The report shall bear the full consequences of the Law for the presumed aggressor*

It will lead to his arrest.

It will lead to the opening of court proceedings and police action.

It will lead to the implementation of specific measures that will have a direct effect, albeit with different consequences, on the victim and the aggressor.

# 06



## What rights assist the victim throughout the hearing?

**Victims of gender-based violence qualify for a series of rights, which are usually exercised under the advice of professionals:**

### Right to file a report and intervene in the hearing

**By reporting the aggressor**, the victim has the right to appear as a party in the hearing. In other words, the victim has the right to participate actively, and to be assisted by a lawyer, in each and every one of the stages of the legal procedure <sup>7</sup>.

### Right to immediate and free legal assistance

The victim is entitled to **specialised** legal assistance provided by a Lawyer<sup>8</sup> throughout the trial.

This legal representation will include all the hearings and administrative proceedings that are directly or indirectly related to the gender-based violence suffered by the female victim.

Lawyer's Bars organize rosters of ex officio solicitors specialising in Gender-Based Violence so as to offer victims the support of professionals that have been fully trained to help them effectively.

This **immediate assistance will only be provided free of charge<sup>9</sup> for victims** that meet the general income parameters established by law: their wage cannot exceed<sup>10</sup> double the minimum inter-professional salary.

In the event that the victim were not to appear in court with a Lawyer, **the Public Prosecution Service**, as the guarantor of the law, **will act as the accusation** on behalf of the State. Therefore, not having a Lawyer does not mean that the accused will go unpunished or that the victim will go unprotected.

### Right to receive information on proceedings that may affect the victim's safety

Regardless of whether or not the victim appears in court with a Lawyer, the victim will be informed of the status of the accused, at all times<sup>11</sup>.

Furthermore, the victim will be informed personally of all proceedings and sentences issued during the trial.

## Right to information on court proceedings

The victim herself, without requiring a Lawyer, can examine the case file, and request copies of and statements pursuant to the documents included. The victim will also be notified of the Sentence, or Sentences in cases when an Appeal is lodged before the Provincial Court to counter the sentence passed by the Criminal Court.

## Right to privacy regarding the victim's personal data and current address

All actions and proceedings will protect the privacy of the victim, particularly her personal data<sup>12</sup> and that of their offspring and all other people under their charge and custody.

## Right to not face the aggressor when testifying and during the trial

The victim may testify without facing the aggressor to avoid the fear, anxiety and other adverse reactions this may cause.

Video conferences have been formally recognized in the Province of Alicante by the Provincial Court<sup>14</sup>. The jury can also agree on celebrating a closed-door trial.

Victims will be allowed to testify in an office or private room, using an effective barrier between the victim and the aggressor<sup>13</sup>, or by video conference.

## Right to take civil action alongside criminal action

The victim is entitled to compensation for damages, in the cases when the aggression has caused injuries of any type, and also in the cases when objects or assets have been damaged or destroyed.

## Right to information on the penitentiary status of the aggressor, when sent to prison

As a pioneer initiative in Spain, Alicante has set up a specific penitentiary unit<sup>15</sup> that provides this information to victims<sup>16</sup>, **in the offices of the Alicante Courts located at C/ Pardo Jimeno, 4th floor, telephone number 965936133.**

## Right to obtain protection during the trial

From the moment the victim files a report to the day the trial ends, or until the Final sentence is heard, if an appeal is lodged against an initial sentence, the plaintiff is entitled to **injunctive relief for protection**, which will essentially ban the aggressor from approaching, communicating with or residing near the victim. This, obviously, forces the aggressor to leave the family home.

**Provisional measures** can also be granted for a period during which the victim may file for separation or divorce. Furthermore, special measures may be adopted regarding offspring when the couple is not legally married, which can include granting the family home to the victim and establishing provisional alimony for the children, among others.

## Right to obtain benefits for victims of violent crimes and crimes against sexual freedom

If the victims of gender-based violence suffer serious consequences, and the convicted party is insolvent, the victim is entitled to compensation from the State.

Applications must be sent to the Spanish Ministry of Economy, and information regarding requirements and processing is available at the Offices for Victims of Crime.

7 Witness procedures, presentation of documents and appeals, request of evidentiary hearings

8 Also applicable to the defendant.

9 With expenses fronted by the State Administration. This stipulation is governed by the amendment of the Regulation on Free Legal Assistance in Royal Decree 1455/2005.

10 Approximately.

11 If released, remanded in custody until the hearing, if released from the jail, etc.

12 Particularly regarding location or whereabouts.

13 In these cases, screens or any other similar device can be used.

14 Protocol developed and implemented by the Chair, Mr. Vicente MAGRO.

15 Penitentiary Office for Institutional Coordination, opened alongside the Alicante

Provincial Court's Judicial Office for Institutional Coordination, in September 2006.

16 Data includes exact information on the penitentiary centre in which the aggressor is jailed, information on leaves and the date of release.

# 07

## What is a protection order?

### When can a protection order (orden de protección) be requested?

When there are sufficient grounds to prove that a crime has been committed, and there is an objective risk for the victim that requires the implementation of this type of measures.

### Where can a protection order be requested?

Directly at the Court (Juzgado) or the Prosecutor's Office (Fiscalía), or before the Law Enforcement Authorities, Offices for Victims of Crime, or before social services or care institutions answerable to the Public Administrations. Said request will be sent immediately to the competent judge.

### Who fills in the request for the protection order?

The competent professionals that staff the different Administrations to help victims of gender-based violence<sup>17</sup> can, and will, fill in the application. The application is a standard form that is common to the whole of the Spanish State.

### What rights does the Protection Order grant the victim?

The Protection Order grants comprehensive protection, qualifying victims for injunctive relief regarding all legally established civil, criminal and other assistance and social protection measures. Thus, the protection order will stand before any authority and Public Administration.

### Who has competence to grant the Order?

The Protection Order will be granted by the competent Court for Violence against Women. It can also be granted by the Court in the location where the events have occurred and by the duty Magistrate's Court, outside CFVW<sup>18</sup> office hours, or when the latter is not competent when the plaintiffs address is registered outside the judicial district.

<sup>17</sup> Police force, Social Workers from Municipal Services, competent health staff, competent government officials in the actual Court, and staff from Offices for Victims of Crime.

<sup>18</sup> CFVW = Court for Violence against Women



**The Protection Order can be used effectively  
to provide immediate safety for the victim.**

# 08

## What rights are derived from the Comprehensive Law on Victims of Gender-Based Violence?

**The Organic Law on Comprehensive Protection Measures against Gender-Based Violence** enshrines a series of rights for female victims of gender-based violence with a view to conferring comprehensive protection for women against this type of violence.

**Said rights are grouped as follows:**

- The first block of rights comprises the right to **information**, the right to comprehensive **social assistance** and the right to free legal assistance.
- The second section comprises rights to employment and Social Security, as well as the rights for female government officials.
- Lastly, the Law focuses on economic rights, which encompass rights **to social benefits, to housing and public residences**.

The right to free legal assistance is explained in the section of this Guide that refers to court proceedings. All other rights are explained below.

### The right to information for victims of gender-based violence

The Comprehensive Law considers this right as the umbrella that structures all other rights, i.e. rights referred to court proceedings and to the so-called social, work and economic rights.

It is of utmost importance that the female victim knows how to access these rights in order to exercise them in the future.

Consequently, the Comprehensive Law (**Article 18**) establishes that **victims will receive thorough information and appropriate advice regarding their personal situation**, based on the supporting documentation, without requiring them to make a huge effort to understand their rights and how to access them effectively.

**Any advice given should always take into account the victim's personal, social, work conditions, etc., given that this can affect her ability to access the information, particularly in cases of disability.**





## The information provided to the victim must fulfil the following goals:

- ✈ The female victim will receive general information on each and every one of the police actions and **legal proceedings** initiated after reporting a case of gender-based violence, especially regarding the stages of the Court hearing and the legal procedure.
- ✈ This information will be provided to the female victim by her lawyer, by professionals from the Court Offices for Victims of Crime or by the technicians staffing municipal care services or other administrations.
- ✈ The information provided must advise women on how to exercise the corresponding **labour, economic or social rights**, which include requesting leave, transferring to another work centre, filing for unemployment benefits, financial assistance, housing benefits, etc.

## The right to comprehensive social assistance for victims of gender-based violence

The Law envisages **coordinated multi-disciplinary** assistance for the victims, i.e. assistance that is provided by specialists in each matter. This assistance can be broken down as follows

- **Information for the Victim**, as mentioned above.
- **Psychological assistance**, for the victim to overcome the violence entirely.
- **Social support**, to ensure the female victim understands that the aggressor is always to blame, and that it is never her fault.
- **Follow-up service**: What to do after reporting the crime. The day after filing the report, the female victim should try to organize her life with the abuser out of the picture.
- **Educational support** for the family unit to avoid uprooting the children.
- **Preventive training** focusing on the values of equality to ensure the personal development of the victim and the acquisition of skills for non-violent conflict-solving.
- **Support for vocational training and labour market integration**.



# 09

## Labour, civil and social security rights

These rights allow female victims of gender-based violence that are going through the tough experience of a court hearing, to qualify for flexibility at work that allows them to keep their job by ensuring that they will not have to resign, or lose their job, as a consequence of the horrible experience of an abuse.

By implementing these rights in the work place, the Government aims to grant preference to female victims of gender-based violence and to contribute, from this perspective, to make their experience less difficult.

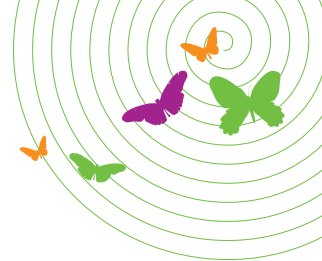


***Female workers victim of gender-based violence can suffer high levels of stress which may prevent them from following the normal work rhythm or complete a full work day.***

***Female workers victim of gender-based violence may, therefore, need to put their professional activity on hold, since it may be extremely difficult to escape from an abusive situation whilst maintaining a normal work rhythm.***

***Unfortunately, sometimes female workers victim of gender-based violence feel that the only way out is to give up their job permanently. If this should occur, the situation will not be considered a voluntary resign, given that it is forced by circumstances derived from the abusive relationship.***





## Cutting down and reorganising working hours


Based on the right to protection and **to comprehensive social assistance**, female workers victim of gender-based violence are entitled to cut down their work day -with a **proportional reduction in wages or to reorganize the working hours** (using **flexitime** or other methods designed by the company to organize number of hours worked a day).

### How do I exercise these rights?


As established in **collective labour agreements** signed between the company and the workers' representatives (many companies already envisage these cases in their agreements) or in accordance with the agreement between the company and the worker in question (usually in small companies).

### What if the company does not come to an agreement?

If an agreement is not reached between the company and the employee, these rights will be specified by the female worker victim of gender-based violence. In this case, if necessary, the female worker may require advice or assistance from legal or union representatives or associations, or from associations that the worker may have joined.



*A reduction of the working hours may involve a reduction of wages. (This is not the case in the reorganization of the working day, since in these cases employees work the same number of hours, albeit distributed in a more convenient manner).*



## Change of work centre in the same locality or transfer to another work centre in a different locality

Based on the right to protection and to comprehensive social assistance, and in order to effectively help victims escape the, current or past, situation of abuse, the female worker victim of gender-based violence that **is forced to abandon a position** in the locality where she works will be granted preference to occupy another work position, in the **same professional group or equivalent category**, that the company has vacant in any other work centre.

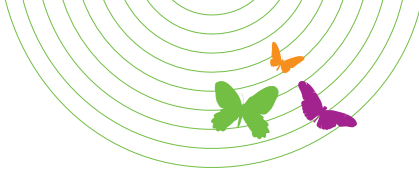
### Corporate obligations

In these cases, the company is required to inform the worker of the vacancies existing at the time or in the foreseeable future.

This transfer or change of work centre will have an initial six-month duration. Over this time the company is required to keep the employee's previous position open. After this period, the worker will have to choose whether to return to the previous position or continue in the new position.

### How do I request this right?

This right will be granted directly by the company. The right does NOT need to be established by contract or agreement. If the company were to object, the employee can and should resort to legal or trade union representatives since the company is legally bound to grant the transfer.



## Suspension of the Contract of Employment and Right to receive unemployment benefits

There are legal grounds to **suspend the contract of employment** of a female worker who is forced to resign from her job post as a result of gender-based violence.

### How long can I exercise this right?

The suspension will have an initial duration of no longer than six months, although the Judge may grant three-month extensions, up to a maximum of eighteen months.

### What happens to the suspended contract of employment?

The female worker victim of gender-based violence that is temporarily forced to abandon her work position, and suspend her contract of employment, will be entitled to unemployment benefits. The period during which the contract is suspended will be considered a contributory period and will be included when calculating Social Security benefits.

### Where do I request this right?

Directly from the company, or the INEM (Spanish Public Employment Service), which grants unemployment benefits.

*This right allows the worker to put her job on hold temporarily and offers two main advantages: the victim can return to her job after recovering from the abuse and, furthermore, the victim can receive unemployment benefits during the period.*

## Termination of the contract of employment with right to unemployment benefits

**Female workers that are forced to abandon their work position permanently as a consequence of gender-based violence** are entitled to unemployment benefits. In these cases, resigning is not classed as a voluntary termination of the contract of employment, whereby the employee would not be entitled to the benefit.

Therefore, female workers victim of gender-based violence that voluntarily terminate their contract of employment are considered legally unemployed.

### Where do I request this right?

Directly from the company, or the INEM (Spanish Public Employment Service), which grants unemployment benefits.

## Absenteeism and tardiness

Absenteeism and tardiness at work will be considered justified in the cases of female workers victim of gender-based violence, when accredited by the corresponding social services or health services.

## Redundancy of a female worker victim of gender-based violence

**If a female worker victim of gender-based violence is fired** for exercising her rights to cut down her work hours, reorganise her work hours, apply for geographical mobility, for a transfer to another position or for the suspension of her contract of employment, her **redundancy** will be considered **null** and void and the company will be sentenced to readmitting the worker.



**Absenteeism** arising from physical or psychological situations caused by gender-based violence, and proven by Social Care Services or Health Services, cannot be used to justify the redundancy of a worker.

## Specific employment programme

The Comprehensive Law requires the Public Administrations, and particularly the INEM, which is answerable to the Spanish Ministry of Labour, to develop a specific programme for victims of gender-based violence. This programme establishes **bonuses** in terms of Social Security contributions for companies that hire female victims of gender-based violence.

Major companies have agreements that favour hiring female victims of gender-based violence.

### Where can I apply for the right?

Victims can go to Trade Unions (sindicatos) or Associations, Social Services or the Office for Victims of Crime. Furthermore, the **INEM** offers advice and counselling on the existing programmes and contracts in force. These institutions will also provide the required forms.

## No costs for companies

It is important to prevent companies, either directly or indirectly, stigmatising female workers victim of gender-based violence because of the misconception that the abusive situation can make them costly or cumbersome employees, or wrongly believing that the rights expounded in this section involve financial expenses to be fronted by the company.

So as to prevent these situations, the Comprehensive Law establishes that when a **company** subscribes a temporary contract to replace a female worker victim of gender-based violence who has suspended her contract of employment or exercised her right to geographic mobility or transferred to another work centre, said company will be entitled to a **100% discount on contributions** for common contingencies during the whole of the period of the suspension of the contract of the replaced employee, or during six months in cases of geographic mobility or transfer to another work centre.

## Rights of freelance workers

### Suspension of the obligation of contribution

The Comprehensive Law establishes that freelance female workers victim of gender-based violence who put their activity on hold to exercise their right to protection or comprehensive social assistance **will be relieved of the obligation to contribute for a six-month period**, which will, nevertheless, be considered a contributory period with valid Social Security benefits.

Over that six month period, freelance workers will not be required to pay Social Security contributions and will, in all cases, be entitled to health care.

### Benefits for the promotion of freelance employment

The Comprehensive Law envisages measures to encourage female workers victim of gender-based violence to become freelance workers.

Consequently, the subsidy for female workers victim of gender-based violence becoming freelancers will increase.

### Where can I apply for this right?

INEM and SERVEF offices have specific information on the subject. They also provide original leaflets and forms.

## Rights applicable to female civil servants

According to the Comprehensive Law, female civil servants that are trying to get out of an abusive situation are entitled to rights similar to those set out above for employees and freelancers.

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## Financial rights

The Comprehensive Law enforces active mechanisms to grant female victims of gender-based violence financial autonomy by means of two channels:

**The first** is available to unemployed women that –given their characteristics or circumstances– may want to access the labour market. These women are entitled to **Jobseekers Income (RAI)**<sup>19</sup>, which is akin to unemployment benefits and entitles women to receive income whilst looking for a job.

**The second** is for women that –given their characteristics or circumstances (age, education, etc.)– will not be able to access the labour market. These women will receive a **single payment** consisting of a lump sum for their subsistence.

Both are **financial benefits** and have been conceived to reduce the victim's potential economic dependence on the aggressor, and, therefore, favour the victim's personal autonomy.

### Jobseekers Income (RAI)

#### Requirements

*The following requirements are needed in order to qualify for the **RAI**:*

- You cannot receive income, of any kind, that exceeds a monthly total of 75 % of the Minimum Inter-Professional Salary, excluding the proportional part corresponding to two annual bonuses.
- You cannot have been entitled to three RAI programmes.
- You must be recognised by the competent Administration as a victim of domestic or gender-based violence, except when living with the aggressor, and be registered as a job-seeker.

#### Amount

The RAI **amounts** to 80% of the valid monthly Public Revenue Index (IPREM- Indicador Público de Renta de Efectos Múltiples) (In 2008 it amounted to 413.52 Euros/month).

<sup>19</sup> RAI. Renta Activa de Inserción (RAI- Spanish acronym)

## Duration, Incompatibility and Supplements

The maximum **duration** of each Benefit Programme is eleven months. Beneficiaries are only entitled to access three RAI Programmes. This benefit is incompatible with the lump sum payment option. Exceptionally, it may be established that victims of gender-based violence that can prove they are forced

to change their residence in the 12 months prior to applying for the Jobseekers Income programme or during its duration can receive a lump sum consisting of a **supplementary benefit** amounting to three months of Jobseekers Income, as of the day after placing the request.

## Lump sum benefit

This benefit will only apply in cases in which the female victim cannot –at least given present circumstances– access the labour market and is, consequently, not eligible for the Jobseekers Income.

### Requirements

Female victims of gender-based violence whose income does not exceed 75% of the minimum inter-professional salary, excluding the proportional part corresponding to bonuses, will receive a lump sum benefit in cases when their age, lack of general or specialised education and social circumstances make finding a job a particularly difficult task. Therefore, these women will not participate in employment programmes established for labour market incorporation.

### Amount

The lump sum will amount to 6 months of unemployment benefit, which can be extended if the victim presents specific conditions (disability, family responsibilities, etc.).

### How to apply

This benefit must be requested at the Territorial offices of the Social Welfare Department (Direcciones Territoriales de la Consellería de Bienestar Social), which provide information on the requirements, documentation and sum of the benefits, and will answer any queries that may arise during the procedure.

## Access to housing and state-owned old people's homes

Female victims of gender-based violence are granted priority when accessing subsidised housing and state-owned old people's homes, as established in the applicable legislation.

As regards the **Comunidad Valenciana specifically, Article 38 of Valencian Law 9/2003, of April 2, on Equality between Men and Women** establishes that female victims of gender-based violence that have to abandon the family home will be granted **priority access to subsidised housing** or, in its

case, priority in receiving a **specific financial benefit for renting a place to live** if they do not have sufficient resources to do so.

At present, an agreement has been signed by the Social Welfare Department and the Territory and Housing Department (Consellería de Territorio y Vivienda) which allocates a percentage of housing for recognised female victims of abuse. Furthermore, female victims are also eligible for rent benefits for underprivileged social groups.



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## Other rights that assist victims of gender-based violence

### Rights specific to foreign migrant women

**As well as the aforementioned general rights, foreign migrant women also qualify for the following rights:**

Foreign female victims of gender-based violence may be residing in Spain with a temporary residence authorisation for family **reunification**, which was, in fact, obtained by an abusive spouse who is a legal resident. In these cases, and **to avoid** dependence on the perpetrator, the victim can apply for an independent residence and work permit.

Foreign female victims of gender-based violence who are in Spain illegally can obtain **a residence and work permit (first temporary and then permanent)**.

In these cases, administrative proceedings pursuant to their irregular situation may be suspended.

Said temporary residence permit will be valid for a year and does not qualify as a work permit. Nevertheless, work permits can be requested simultaneously for exceptional circumstances or during the validity of the residence permit.

Lastly, foreign women that flee their country may be granted the condition of **refugees** in cases **when there is a justified fear of gender-based persecution**.

### Right to immediate schooling for **children**



**Children of victims** of gender-based violence affected by a change of residence caused by gender-based violence are entitled to immediate schooling in the new place of residence.



## Right to apply for the urgent allocation of advances from the Food Guarantee Fund<sup>20</sup>



The Comprehensive Law establishes a Guarantee Fund that allows the State to advance sums in cases when men are not paying alimony –despite having legal sentences that require the father to pay his children’s child support–, thus placing the women and the minors in a very difficult financial situation.

The effectiveness of this Fund is limited given that beneficiaries with underage children must fall within specific income thresholds, and the benefit amounts to a maximum of 100 Euros a month over a course of 18 months.

Advance applications will be processed urgently when the guardian of the minor is a victim of gender-based violence.

Applications for urgent advances will be settled in a maximum of two months.

### ***How do I apply for these rights?***

The application is processed and the right granted by the Spanish Ministry of Economy and Treasury. Therefore, applications should be sent to the offices of the **Tax Revenue Agency**.

These offices will also inform on the requirements and documentation needed, and provide the corresponding official forms.



<sup>20</sup> Royal Decree 1618/2007, of December 7, on the Organisation and Operation of the Food Guarantee Fund (Fondo de Garantía del Pago de Alimentos).

## 12 Resources

### TOWN COUNCILS IN THE PROVINCE OF ALICANTE

The Council is the most accessible resource for female victims. It can be accessed through the Department for Social Services, the Department for Equality or the Department for Women. Details on the 141 Town Councils in the province of Alicante are available on the website of Diputación de Alicante (Provincial Council): [www.ladipu.com](http://www.ladipu.com)

### COURTS FOR VIOLENCE AGAINST WOMEN

#### EXCLUSIVE

<b>Alicante 1</b>	Av. Aguilera, 53. CP 03007	<b>965 935 742</b>
<b>Alicante 2</b>	Av. Aguilera, 53. CP 03007	<b>965 936 023</b>
<b>Elche</b>	Pl. Reyes Católicos, S/N. CP 03204	<b>966 657 139</b>
<b>Benidorm</b>	Av. Comunidades Europeas, S/N. CP 03502	<b>966 878 872</b>
<b>Orihuela</b>	Pl. Santa Lucía, S/N. CP 03300	<b>965 359 551</b>
<b>Dénia</b>	Pl. Jaime I, 23. CP 03700	<b>966 428 339</b>
<b>Torrevieja</b>	Patricio Zammit, 50. CP 03180	<b>965 708 190 / 965 708 290</b>

#### SEMI-EXCLUSIVE

<b>San Vicente del Raspeig</b>	Av. del País Valencià, S/N. CP 03690	<b>965 677 430 / 2934</b>
<b>Novelda</b>	Av. de La Constitución, 84. CP 03660	<b>965 626 929 / 30 / 31/ 32</b>
<b>Alcoy</b>	Pl. Al-Azraq, S/N. CP 03800	<b>966 522 566 / 965 332 488</b>
<b>Villena</b>	Sancho Medina, 13. CP 03400	<b>965 800 591</b>
<b>Elda</b>	San Francisco, 3. CP 03600	<b>965 390 562</b>
<b>Ibi</b>	C/ 9 D'Octubre, 1. CP 03440	<b>965 552 443</b>
<b>Villajoyosa</b>	C/ Constitución, 35. CP 03570	<b>965 891 929 / 965 892 450</b>

### OAVD OFFICES IN THE PROVINCE OF ALICANTE

<b>OAVD ALICANTE</b>	<b>965 935 714</b>
<b>OAVD ALCOY</b>	<b>965 549 052</b>
<b>OAVD BENIDORM</b>	<b>966 878 822</b>
<b>OAVD BENISSA</b>	<b>965 730 442</b>
<b>OAVD DÉNIA</b>	<b>966 428 319</b>
<b>OAVD ELCHE</b>	<b>966 657 161</b>
<b>OAVD ELDA</b>	<b>966 989 250</b>
<b>OAVD IBI</b>	<b>965 552 435</b>
<b>OAVD NOVELDA</b>	<b>965 626 910</b>
<b>OAVD ORIHUELA</b>	<b>965 359 590</b>
<b>OAVD SAN VTE DEL RASPEIG</b>	<b>965 677 410</b>
<b>OAVD TORREVIEJA</b>	<b>966 926 520</b>
<b>OAVD VILLAJOYOSA</b>	<b>966 810 985</b>
<b>OAVD VILLENA</b>	<b>965 800 393</b>

### INFODONA CENTRES IN THE PROVINCE OF ALICANTE

**Opening hours:** mornings 9am to 2pm, and one afternoon a week from 4.30pm to 6pm.

<b>ALICANTE</b>	<b>Av. Óscar Esplá, 33. Entlo. CP 03007</b>	<b>965 929 747</b>
<b>ALCOY</b>	<b>C/ Major, 10. CP 03801</b>	<b>965 537 100 ext.1412</b>
<b>ALMORADÍ</b>	<b>Pl. de España s/n. CP 03160</b>	<b>965 702 382</b>
<b>BENIDORM</b>	<b>C/ Gerona, 42. Edif Anna 1. CP 03503</b>	<b>966 830 041</b>
<b>DÉNIA</b>	<b>C/ Hermanos Gavilá Ferrer, 1. Planta baja. CP 03700</b>	<b>966 425 742</b>
<b>ELDA</b>	<b>C/ Nueva, 23 bajo. CP 03600</b>	<b>966 980 304</b>
<b>ELCHE</b>	<b>C. Social Pza. Barcelona,</b>	
	<b>C/ Mario Pastor Sempere, 43. CP 03206</b>	<b>965 441 175</b>
<b>ORIHUELA</b>	<b>Edifici PROP (López Pozas, s/n). CP 03300</b>	<b>965 359 623</b>
<b>SANTA POLA</b>	<b>Pl. Constitución, 1. CP 03130</b>	<b>965 411 100 ext. 102</b>
<b>TORREVIEJA</b>	<b>C/ Torrevejenes Ausentes, 39, bajo. CP 03180</b>	<b>965 707 325</b>
<b>VILLENA</b>	<b>C/ El Hilo, 26 A bajo. CP 03400</b>	<b>965 348 128</b>



## OTHER IMPORTANT ADDRESSES

### **Municipal Social Centres in Alicante**

**902 122 080** (appointments: from Monday to Friday, from midday to 2pm)

### **General Department for Women and Equality**

**961 971 600**

e mail: [mujer\\_web@gva.es](mailto:mujer_web@gva.es)

### **Fundación Favide**

[www.favide.es](http://www.favide.es)

### **Judicial Office for Institutional Coordination\_**Provincial Court (Audiencia Provincial)

**965 935 923** (appointments: Thursdays and Fridays from 10 to 1pm)

### **Directorate General of the Civil Guard**

C/ San Vicente, 52. CP 03004 Alicante

**965 921 100**

<http://www.guardiacivil.org/mujer/domestic.jsp>

## POLICE STATIONS ANSWERABLE TO THE SPANISH HOME OFFICE

### **ALICANTE-NORTE POLICE STATION**

C/ Batalla de Otumba, 2. Postcode 03014. **T 965 185 068** F 965127101

### **ALICANTE POLICE STATION**

C/ Médico Pascual Pérez, 33. Postcode 03001. **T 965 148 888** F 965216591

### **ELCHE POLICE STATION**

C/ Abeto, 1. Postcode 03202. **T 966 613 940** F 966613971

### **ORIHUELA POLICE STATION**

C/ El Sol, 34. Postcode 03300. **T 965 300 082** F 966737279

### **BENIDORM POLICE STATION**

C/ Apolo XI, 36. Postcode 03500. **T 966 831 930** F 966831972

### **ELDA-PETRE R POLICE STATION**

C/ Lamberto Amat, 26. Postcode 03600. **T 966 980 101** F 966980947

### **DENIA POLICE STATION**

C/ Castell D'Olimbroi, 5. Postcode 03700. **T 965 783 851** F 966432296

### **ALCOY POLICE STATION**

C/ Perú, 10. Postcode 03800. **T 965 330 428** F 966526454







DIPUTACIÓN  
DE ALICANTE