Profesionales por la Ética has coordinated the preparation of this Shadow Report, involving several civil society organizations, to participate in the review that will be carried out by the Committee on the Elimination of Discrimination against Women (CEDAW) during its Sixty-First session. This report describes the actions implemented by Spain over the recent years. This document is intended to provide some considerations about the state of play regarding the discrimination against women in Spain and the results of the implementation of some laws which try to favour women, and to propose new action plans to improve the status of women and their position in society so that, thanks to the Committee’s recommendations, women will be taken into account in Spanish political actions in the coming years.

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- APFS CATALUÑA
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- ASOCIACIÓN DE FAMILIAS NUMEROSAS MADRID
INDEX

1. Introduction.

   2.1. The need to decrease the number of abortions.
   2.2. Structural violence against women who do not want to have an abortion.
   2.3. Physical and psychological effects of abortion for women.
   2.4. Respect for women’s autonomy.
   2.5. Protection of particularly vulnerable young women.

3. Education Laws and Sex Education Programmes (LOE, LOMCE, LOSSRIVE, in its Spanish acronym)
   3.1. Inalienable right of parents to educate their children in conformity with their own convictions. Citizenship education (known in Spanish as EpC).
   3.2. Sex education in schools.


5. Organic Law 1/2004 on Comprehensive Protection Measures Against Gender-Based Violence (LIVG, in its Spanish acronym)
   5.1. Equality between men and women.
   5.2. The common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases (Article 5 b).

6. Importance of the contribution of civil society to the CEDAW shadow reports and of its involvement in public life through associations.

7. Overall conclusion


Appendix II. Individual cases. Testimonies. Expertise.
1. Introduction.

The situation of women has substantially improved in Western Countries since the inception of the CEDAW, the CEDAW itself having contributed to this improvement through its articles and recommendations.

Nevertheless, the situation within the States parties of CEDAW is highly diverse so that certain guidelines, beneficial in those countries where practices with negative impact on women’s equality exist (dowries, female genital mutilation, different legal status for women, arranged marriages, insufficient sanitary conditions...), may be detrimental in countries where legal equality and equal rights and dignity has been enshrined throughout the existing legislation. This is the case with radical affirmative action laws or with the establishment of new rights which collide with some of the existing ones. This report will try to explain some extremist laws that have been implemented in Spain and, far from improving the status of women, have had undesirable effects, and have even been counterproductive.

The comments and recommendations CEDAW has issued since its creation show a set of essential goals to improve the status of women and to eradicate any form of discrimination. Among these, there are three specific goals that Spanish policy does not achieve in many areas:

1° Achieving a society in which men and women are equal in terms of dignity and rights. To achieve this objective, CEDAW considers appropriate the adoption of affirmative action measures for women. Nevertheless, it is emphasised on several points that these measures should only be implemented when circumstances require it given the flagrant injustice it entails and always as a temporary measure. This is clear from a series of comments and recommendations.

2° Achieving that women play their legitimate social role, both in political life and the labour market, and enjoy rights and protection of the law on equal terms with men without forgoing maternity. It also mentions that the desire to be a mother must be protected and covered and it should not be considered as a cause for discrimination nor should result in any situation of discrimination for women.

3° Implementing the principles set out in CEDAW’s recommendations, that implies taking all the measures needed to eradicate all forms and manifestations of discrimination against women while avoiding the violation of any basic human rights, or in any case, taking temporary measures to be eliminated as soon as the situation of discrimination disappears.

These three goals, which are basic articles for CEDAW, are being flouted in Spain by socially controversial laws which have produced a great social divide and opposition and under conditions in terms of women’s rights and dignity which by no means justify nor advise such extremist and radical measures. In addition, the results that have been achieved are null, disproportionately scanty or even harmful to women’s health, dignity and well-being to whom they are supposedly intended to benefit.

Moreover, there is not always a straightforward proportionate link between women’s well-being and their status as a full member of society and the public funds invested and no country should enter in an “expansion-to-infinity” dynamic of public funding. It could be expect that such investment will improve the conditions so the funds can be gradually reduced to address other situations of injustice. On the contrary, if it is needed to spend increasing amount of public resources, it means that either is a misuse of those funds or the policies financed from those funds are inadequate and must be changed.

This report will develop five points in order to establish why the policies which have been implemented, far from benefitting women and the society they live in, are degrading basic freedoms and undermining fundamental axes of human rights. And the continued implementation of this kind of policies will only aggravate the situation of lack of freedom, injustice and gender inequality without improving the condition of women.

Articles 4b), 5b) and 12.2 of CEDAW on maternity protection and protection of women during pregnancy, childbirth and postpartum are NOT FULFILLED. Basic human rights are violated. Organic Law 2/2010 of 3 March on Sexual and Reproductive Health and the Voluntary Interruption of Pregnancy (LOOSSRIVE, in its Spanish acronym), currently in force in Spain, was promulgated WITHOUT BEING LISTED in the electoral program of the then ruling party (PSOE) and without a social demand for such a questionable and controversial law. That is why:

1. It has proven to be disappointing for many voters who did not expect this.
2. It has entailed a violation of basic and fundamental human rights (the right to life, to conscientious objection, to non discrimination on the grounds of disability or the right of parents to educate their children in conformity with their own convictions, among others)
3. It has led to increased discrimination against women since, far from reducing the number of abortions, that number has been increased.
4. It has led to social division (with dozens of massive demonstrations since the submission of the draft bill) amongst citizens that did not demand this CONTROVERSIAL abortion legislation which VIOLATES BASIC RIGHTS. There was not social demand for such a questionable law for many reasons.

2.1. The need to decrease the number of abortions.

One of the goals of the United Nations is decreasing the number of abortions, and one of the objections CEDAW has repeatedly expressed towards Spanish policies is the excessive number of abortions, likewise, the WHO recommendations suggest the establishment of policies aimed at decreasing the number of women who have abortions.

There is a generally negative opinion of the increase in the number of abortions because it is deemed an undesirable situation for women. Nevertheless, it is an evil that must be reduced to a minimum because of the physical and psychological consequences for women and because it is crystal clear that many women would not opt for this dangerous and painful procedure if they receive support to continue the pregnancy.

After the implementation of this Act, the number of abortions in Spain has not decreased but, on the contrary, has increased even though the dispensing of the "morning after pill" to prevent pregnancy (known in Spain as PDD) - high dose levonorgestrel - without medical prescription was enacted, in the previous months to the implementation of the abortion law (LOSSRIVE) expecting this would reduce the number of induced abortions. After so many years using the same strategies to improve the status of women without success, A CHANGE OF STRATEGY is needed to meet the real demands of many women and to address the PROTECTION OF WOMEN and therefore, their biological condition: maternity.

Recommendations for decreasing the number of abortions by protecting the willingness of women to maternity:

2.1.1. Removing the category of “right” to abortion, a procedure unanimously considered an undesirable drama,
   - which is not recognized in any international law,
   - and makes it difficult for public institutions to support pregnant women, doctors confining themselves to inform about abortion and leaving the woman alone to solve the problem.
2.1.2. Specifying and detailing measures to support pregnant women, financial assistance to vulnerable mothers and future mothers so that their needs and those of their child are covered.

2.2. Structural violence against women who do not want to have an abortion.

Moreover, one of the CEDAW’s main objectives is the protection of women against all forms of violence against their will\(^{(1)}\). Numerous cases of women who don’t want an abortion but are forced into it by lack of support, social pressure or imposition by their partners against the will of the mother have been detected and it is a new and terrible violation of the rights of women. The lack of support has to be mitigated by the measures recommended in the previous section and by social and labour benefits.

Social pressure and the imposition by the partner, who usually does not want to take on family responsibilities, are situations of violence with terrible consequences\(^{(8)}\). These cases should be detected and treated by the health and social systems because these women are prone to the many psychological disorders which obviously to have an abortion produces. The 2010 Act has worsened and increased the number of such cases. Civil society demands truly supportive legislation for women and not a law which actually does not protect them.

**Recommendations to avoid these situations of oppression on women.**

2.2.1. To create help, attention and advice centres at the autonomous regions and municipalities to foster effective conflict resolution through a policy of social benefits for women. General practitioners would derive women with an unplanned pregnancy to these facilities for comprehensive care; from these centres they would be derived directly to the specialists who must issue the relevant reports; these specialists must work for the National Health System as in any process of diagnosis or treatment and should be independent from any pressure or ideology.

2.2.2. To create centralized and interdisciplinary committees to take the final decision whether to admit or deny the option to abortion in the decriminalized cases, taking into account the certificates provided by two specialists to detect cases of structural violence against women and mitigate the psychological problems of those women resorting to abortion against their will or moral values.

2.3. Physical and psychological consequences of abortion for women

Many women who have resorted to abortion suffer a set of symptoms that appears more frequently and more severely in women who were pushed to abort against their will. This is called Post Abortion Syndrome (PAS). Its detection is supported in CEDAW’s General Recommendation nº 19, Article 16, point 22, which states: “Compulsory sterilization or abortion adversely affects women’s physical and mental health ...”

An extensive literature\(^{(9)}\) exists on this subject and the symptoms described range from avoidance, guilt, depression and low self-esteem to dreams and nightmares, self destructive- behaviour and even thoughts of suicide. The fact that PAS is not described in WHO’s ICD-10 or the DSM5 does not mean it is not documented and there are numerous cases and testimonies from women with these symptoms.

To comply with the resolution of Brussels stressing that “abortion should not be promoted as a method of family planning” and “in all cases provide for the humane treatment and counselling of women who have had recourse to abortion” to the consequences thereof\(^{(10)}\), it is essential to provide specific support and attention to these cases, more frequent than expected, but the law does not provide for .

**Recommendation to help women experiencing side effects after undergoing an abortion**

2.3.1, Create help centres that treat the psychological consequences of the set of recurring symptoms known as Post Abortion Syndrome (PAS).
2.4. Respect for women’s autonomy.

There is a lack of comprehensive and rigorous medical information on what is an abortion and its possible effects. Unfortunately, this situation is denounced by many women who had not been informed of important data such as the actual risk of physical side-effects even if the procedure occurs in specialized clinics. Nor they had been informed that the procedure causes pain to the woman and the foetus, that they may suffer out of endogenous depression owing to the abrupt termination of the physiological process where hormones are involved, that the methods used are very invasive to the foetus.... Nevertheless, even though various regulations recommend and demand to inform patients of any effect which may affect them owing to any treatment(12), no information is currently provided in Spain in the case of abortion.

Recommendations to respect the right to information of women as patients

2.4.1. To give complete information, not a partial or biased one, as it is done with any other surgery. It should be noted that abortion carries many risks, both physical and psychological, despite the attempts to present it as “a safe surgery”. Women should be informed of the kind of intervention abortion is and its potential physical and psychological effects, and pregnant woman should not be treated as a minor unable to deal with her own problems but decide about them in a fully informed manner. The requirement of INFORMED CONSENT following the multiple international recommendations provides a higher decision-making capacity, giving its role to the patient’s opinion, respecting their autonomy which can only be met with complete and accurate information.

2.4.2. To unify all professional information on foetal development and potential risks and effects of abortion instigating the information to enter in a protocol in collaboration with the Colleges of Physicians and Ethics Committees.

2.5. Protection of particularly vulnerable young women.

The current law allows practice of abortion for women under 18 without permission or knowledge of their parents. This law empowers minors with an autonomy that is not covered by any legislation, leaving them to the manipulation by strangers and their advices when being in a situation of extreme vulnerability such as unexpected pregnancy, allows them to undergo a risky surgical procedure with neither information nor parental or guardian permission, and parental rights are violated.

Recommendations to protect young women

2.5.1. To repeal a law that violates basic human rights, such as parental right to protect and the right of the minor to be protected by her parents, and leaves young women helpless in a situation of extreme vulnerability.

2.5.2. To design specific support programmes for pregnant teenagers to deal with the inherent problems that pregnancy can raise in this particularly vulnerable group, always with their parent’s knowledge, support and protection.

2.5.3. To increase the age of sexual consent in the Penal Code, currently in 13 years, age at which women are too young and causes numerous pregnancies and sexual abuse of teenagers taking advantage of the lack of maturity of the child.

2.6. “Double discrimination” faced by disabled girls and women

The Organic Law currently in force in Spain violates the Convention on the Rights of Persons with Disabilities of the UN(13) which ruled that there can’t be given less favourable unequal treatment, under any regulatory framework, including pregnancy termination, based on disability because it would be a violation of the rights of these people. Similarly, CEDAW recommends the adoption of measures to address their particular situation. However, these measures “to address their particular situation”
cannot be interpreted as “their elimination”, although the law discriminates the disabled women in such a way that allows to eliminate them at any stage of pregnancy and uses the current technological means to discover and kill them as unwanted beings.

**Recommendations for the protection of disabled woman**

2.6.1. To eliminate discrimination against fetuses with congenital malformations as established by the Convention of Persons with Disabilities of the UN.

2.6.2. To promote psycho-emotional support and a network of specific support in collaboration with the Spanish Committee of Representatives of Disabled (CERMI, in its Spanish acronym) when a possible disability is diagnosed.

2.6.3. To prescribe and provide preferential treatment in centers of reference in intrauterine treatment for cases that need it.

**Final recommendation to prevent further abuse and discrimination against women**

To promote the inspection and controls of clinics where abortions are performed to prevent abuse, malpractice, risky or overly invasive procedures for mother and foetus, pressures on the women who hesitate, among other malpractices. It is unfortunate that the economic benefit and the fear of losing the associated revenues can justify treating women like merchandise and breaching the law.

**Conclusion 1: A CHANGE OF STRATEGY IS NEEDED TO IMPROVE HEALTH AND RIGHTS OF WOMEN AND REDUCE THE NUMBER OF ABORTIONS.**

SEE APPENDIX II: Individual cases. Testimonies. Expertise.

**3. Education Laws and Sex Education Programmes (LOE, LOMCE, LOSSRIVE, in their Spanish acronyms)**

CEDAW General Recommendation nº 3 on the effective adoption of education and public information programmes, which will help to eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women¹³ IS NOT BEING OBSERVED. Fundamental rights are violated.

Despite all youth receive the same academic guidance for future, access to the same curricula, choose under the same conditions to scholarships and grants in Spain, nowadays the school drop-out rates are higher in men than in women¹⁴, women outnumber men in universities¹⁵, although the figures by sex vary from college to college depending on the tastes and personal wishes. All the education programmes include education on equal rights and dignity of men and women as a cross curricular subject. During the last 40 years, the idea of the equality of the sexes has become part of the moral values of a majority of the population and nowadays is internalized, which is the best way for equality to exist “de facto”. The laws that equal rights of men and women perform their function equating in a progressive and irreversible way to both sexes without trauma or unhappiness. Any action that results in the violation of a basic human right in order to impose equality, virtually assumed and internalized by all, only causes violence and injustice.
3.1. Inalienable right of parents to educate their children in conformity with their own convictions\(^{(16)}\). Citizenship education (known in Spanish as EpC)

The Organic Law of Education 2/2006 (LOE) under a European recommendation which called for inclusion into the educational system a set of universal values and knowledge of the democratic system, devised a course that does not exist in many EU countries. The way of addressing these issues in this course was not impartial but ideological and led to a civil society movement without parallel in Spain: 55,000 conscientious objectors refused to enter the classroom. These objectors were the tip of a much broader social opposition movement. It is worth reflecting on the reasons why, in a country where all legislation is egalitarian, almost all schools follow the model of coeducation and all young men and women have equal access to all levels of education, rights and dignity, the discontent of the population led to an unprecedented objector movement. The ideology in the course, the moral relativism, the teaching of controversial values not shared by the whole population, violate the right of parents to educate their children in conformity with their own convictions, a right protected under several laws. On the other hand, some of the contents created new prejudices about women presenting as real facts unverified information or directly refuted by biology, neurophysiology and aetiology.

Recommendation for women and society achieve greater acceptance of women’s role and basic rights are respected

3.1.1. To remove this controversial compulsory course, which divides society and the cause of women does not profit from it for three reasons:

1. It bases equality between men and women on controversial criteria presenting as unquestionable truth sex equality, not only in dignity and rights, but in biological areas and is totally unscientific. Science has shown differences between sexes which do not imply the superiority of one sex over another and enrich society. In other words, this course introduces ideological issues in the education of children outside the sciences and conveys a false image of women refused by several scientists.

2. False biological equality makes it extremely difficult for real women extremely to fit in society, as male behaviours are demanded of them in various fields and their tastes, perceptions, desires, skills and behaviours of women are denied as a result of a stereotype, imposing tastes, perceptions, desires, skills and behaviours of men as good and desirable.

3. The course and the law violate fundamental rights so CEDAW recommends its temporary application.

The removal of the course Education for Citizenship is a request by much of the civil society that the Organic Law 8/2013 of 9 December for the Improvement of Educational Quality (LOMCE) will perform eventually. The Spanish society believes teaching social values should be a cross-cutting element as ideologically objective as possible, while observing disgusted that, to instil in children an ideology with the dubious argument to improve the situation of women, fundamental human rights are violated.

3.2. Sex education in schools.

The Organic Law on Sexual and Reproductive Health and Gender Violence seeks to impose a mandatory planned emotional and sexual education in schools that has not proved to be effective. On the contrary, in countries where it has been taught, it has entailed some incentive to early sex and it has been a “risk equalisation” element which has increased the spread of sexually transmitted diseases in children and the rates of unwanted pregnancies\(^{(17)}\). Moreover, it does not respect the different degree of maturity of teenagers since it is taught according to age regardless of their different physical and psychological development.
Recommendation to improve sexual health and freedom of young women

3.2.1 To remove the early and universal sexual education for children because health and freedom of women do not profit from it at all but fosters an early sexual activity implying unplanned pregnancies due to their extreme youth and irresponsibility. Instead. To teach instead this subject as a service request from parents, or young adults, leaving this type of education to parents, guardians or their designees.

Conclusion 2: DISCUSSION OF THE RESULTS AND IMPLEMENTATION OF NEW STRATEGIES WHERE THE OLD ONES HAD FAILURE ARE NEEDED.


CEDAW’s Article 11.f.(18) on the safeguarding of the function of reproduction, freely chosen by women, IS NOT FULFILLED.

4.1. Maternity discrimination and scarce social recognition of women as mothers.

Women are perfectly integrated in society in equal conditions as men in Spain currently. There are no discriminatory laws on political participation, education, in any area of civil life ((inheritances, property rights, voting rights, access to education...) as it is set out in CEDAW’s articles. Their appearance in public sphere is similar to men’s, and in various fields the figures of men and women acting will depend on the many different and varied personal circumstances of any free and modern society (personal tastes and desires, interests, skills, hobbies ...). Accounting for women’s presence in each of these areas (politics, art, culture...) is a matter of approach because equality of men and women in a society with equality laws which foster free access of women to all areas is just a matter of time and, that is, the lack of women’s presence in some areas is not due to the existence of discrimination against women.

In addition to a greater proportion of women in academic spheres, there is a much higher proportion of women in civil service (exceeding 69%, and in the case of Madrid, 71%). Women are present in greater percentage in some engineering (biomedical, chemical) and in very different university degrees in all branches of knowledge. There is a contradiction in encouraging similar ratios in some areas where men are the majority and there is no policy of reducing female ratios and increasing male ratios in areas where women reach 90%. This will eventually lead to a percentage of women in university much higher than men, and this could lead to an unequal society.

Moreover, women appear in the media in similar rates as men. There is only one thing that leads to discrimination and there, the conditions necessary for its compliance are not met although it is mentioned in Article 11.f: the no discrimination against women because of their reproductive function.

Even though the various actions taken to eradicate discrimination against women at work are effective, we are surprised that no further measures are implemented regarding the major cause of discrimination against women, because it is not social but biological and that neither society nor women neither can nor want to give up: maternity.
**Woman has the biological (not social) role of maternity.** Contrary to what numerous studies based on gender ideology say, many women want to be mothers and find personal fulfilment in a role that biology is responsible for making it desirable. However, to take a maternity leave or withdraw from the labour market temporarily is an economic loss for employers and an obstacle for women’s further professional carrier. In this situation, women face two choices: to abandon either maternity or work. There can be no greater injustice and discrimination, so we think work must be done to eliminate this dilemma so that women can choose freely to find their personal fulfilment in both functions without affecting their working prospects or their personal life.

Similarly, displaying the successful and modern woman based on her work and professional future as the only recommended option is social discrimination and contempt of women who choose to engage freely in the care of their children because this means to them a personal growth and an emotional compensation. **The role of woman as mother has being despised, undermined and discriminated against for years,** diminishing, denigrating and discriminating the biological role of women, their essence and one of the ways to their personal fulfilment. **The claim and rehabilitation of the essential work of women dedicated to their families is being needed.**

Contempt for the traditional social role of women and its consideration as being discriminatory and shameful has meant **contempt for millions of women who voluntarily and consciously chose such social functions** as their form of human fulfilment. The massive incorporation of women into the labour market during the three decades has not been accompanied by effective policies for a real and positive family-work balance. This has had side effects such as the forced resignation of women to maternity in favour of a professional project, reflected in the steady decline in the birth rate, which in Spain and throughout Europe can no longer be afforded because their consequences are very negative, irreversible in some cases.

**Mobbing** against mothers in their workplace— the harassment, discrimination, violence and abuse suffered by women that decide to be mothers – starts when a young woman, in her area of employment **undergoes situations such as not being hired, become degraded in her functions, reduction of wages, pressure to resign voluntary, non-renewal of contract, dismissal, etc... because she is in childbearing age, pregnant or has young children,** and continues with intimidation to abandon her job or blatant discrimination if she requests reduced hours or more flexible working.

The economic crisis, the elimination of benefits for women-mother, the lack of a positive social and work culture in Spain in favour of maternity **generate a decrease in true maternity-employment balance. Therefore, the Organic Law 3/2007 of 22 March for the effective equality of women and men is not enough to solve this problem** and this calls, as a matter of urgency, for effective and positive measures for women, family and the whole society.

To a greater or lesser extent, mothers who stop working because they choose voluntarily and freely to devote themselves exclusively to their family suffer social death and discrimination and are considered useless and second class citizens. Returning to the serious problem of the demographic winter Western society is undergoing, it is important to develop policies for family and for women as mothers because it is a social need.

**Recommendations to help women mother and women mother and worker**

4.1.1. To facilitate the work of the mothers with measures including real flexible working hours tailored to the needs of the working mothers, and **promoting the teleworking and the professional responsibilities by objectives,** extending the right to reduced working hours for working mothers.

4.1.2. Public investments in family support policies including measures such as expanding the 100 € a month pay to all mothers with children under 3 years and percentages of tax relief favouring the economic effort of raising children.

4.1.3. Social benefits and laws that **encourage the recruiting of mothers** by implementing aids so that employers are not harmed by their female worker’s familiar condition.
Awareness campaigns on the social role of mothers and policies to dignify the work at home freely chosen. (Consider “full time mother” as employment status with access to employee benefits and special allowances).

4.1.5. New social and labour benefits that facilitate mothers staying in the labor market.

**Conclusion 3: FOR FULL EQUALITY BETWEEN MEN AND WOMEN SUPPORT POLICIES FOR WOMEN WHO FREELY CHOOSE TO BE FULL TIME MOTHERS OR WORKING MOTHERS ARE NEEDED.**

SEE APPENDIX II: Cases of family mothers and their difficulties in reintegrating into the labor market.

5. Organic Law 1/2004 on Comprehensive Protection Measures against Gender-Based Violence (LIVG, in its Spanish acronym)

CEDAW’s Preamble and Articles 2a) and 4b) on the equality of men and women and Article 5b) on shared responsibility for women and men for their children’s education and the prevalent and fundamental interest of the children (19) ARE NOT FULFILLED. Basic human rights are violated.

5.1. Equality between men and women

In its articles and various recommendations, CEDAW has advocated affirmative action policies to improve the situation of women in various fields on a temporary basis, but discouraging inequality between women and men (20).

In the case of the Organic Law 1/2004 on Comprehensive Protection Measures against Gender-Based Violence (LIVG) in force in Spain, its implementation has not meant a decrease in violence against women or the number of deaths and, yet, it is prejudicial to basic rights, Human Rights established by de UN, Spanish Constitution and even against CEDAW’s own recommendations on gender equality.

In the case of violence against women, Spain has some of the lowest rates in the EU, compared to countries whose affirmative action policies for women have not yet been implemented or have been in force for a short time. However, countries with highly discriminatory laws in favour of women or pioneering in them, have much higher rates (21). On the other hand, “gender” violence is not seen in Spain as a social problem since in the reports of the Centre for Sociological Research (CIS, in its Spanish acronym) it is far down the list of citizens’ concerns, with an index between 0.1 and 2.4 (22).

In the case of deaths of women from domestic violence, the average of the figures for recent years places us in an average about 60 annual deaths of women by men and 20 men by their feminine partners (23). In the case of the dead men by their feminine partners, the data mentioned above are compiled from news reports since there is a surprising statistical vacuum on the issue.

These figures can be compared to medical malpractice cases, ranging in 500 annual deaths, or fatal industrial accidents, an average of 1,000 cases every year of which the vast majority occurs in males. The low proportion of cases of crimes of gender-based violence per million population would explain the lack of concern of Spanish citizens about a problem that is unfortunate and, although it is amplified by the media reporting every case exhaustively, reaches minimum figures compared to other problems.

Regarding the protection of special groups, it is illogical to legislate in favour of women and not to protect the elderly and children, for example, whose rates of abuse are much higher (24). In case of positive discriminatory treatment, conflicts arise with other types of violence, such as the violence exerted by women against children or elderly men or the one perpetrated between women who are
living together. **Violence is a disease that affects all social groups and must be treated with general laws** except in cases of true social alarm caused by discrimination against women. IT IS NOT the case of Spain.

Nor do these figures justify the disproportionate investment of public funds in only one type of violence. Moreover, statistics on the incidence of violence against women indicate that the percentage of deaths of women by their partners, Spanish or foreign, is proportionally much higher in foreign communities, which means that people with traditions and education outside the Spanish society increase these figures\(^{(29)}\). If it is determined which are the most affected groups, specific measures should be applied instead of global laws and campaigns.

Therefore, and despite the existence of some unfortunate cases, **there is not reason to apply special laws that violate fundamental rights**, especially if they produce counterproductive effects.

An analysis shows that the LIVG is a sexist and discriminatory law because:

1. **It punishes as a crime any** complaint of a woman against a man, and **condemns more harshly the same offense by perpetrator’s** sex assuming sexist cultural reasons that are not to be proven necessarily in each individual trial. Any outsider could indicate that there is not the required equality before the law when the same crime gets a harder punishment if committed by a man.
2. **It does away with the presumption of innocence** creating “de auteur” crimes by the fact that it is committed by a man. The declaration by female prosecution, without evidence, is sufficient. **There are NO procedural guarantees and presumption of innocence is violated.**
3. **The complaint of abuse, however false, means the arrest of the defendant** and the restraining order from his children, even without injury report or even if a medical report stating ABSENCE OF INJURIES exists.
4. **False accusations are not prosecuted**, despite being an offense and throw the man in utter defencelessness.

The perversion of the mechanism is as follows: **women seeking advice for a divorce are recommended to denounce their partner for abuse, even though abuses have not existed**, saying that it will help the financial claims of women in the process and in obtaining the custody of the children, if there are any. This mechanism, which in some English speaking countries is called “silver bullet”, gets many benefits if only as a threat, and executed, despite the falsehood, brings very negative and unfair consequences to the man on whom falls the burden of proof and must prove his innocence: **immediate arrest**, restraining orders from **women and children**, and **prison sentences ranging from several months to years**.

Moreover, state and European funds have been used fraudulently, and there are reports of the Court of Auditors denouncing it, **to remunerate legal advice centres of feminists groups that filed complaints even if they were false**. Each complaint was subsidized regardless of its veracity. This affords a double benefit: the economic benefit to the group litigating the complaint and the increase in complaints with a **huge percentage of false allegations which experts and judicial associations believe may reach 90% of the total**. There are reports by chief judges, boards of judges, the Chief Prosecutor of Catalonia, the Congress of Forensic Psychiatry, institutes of legal medicine... However, the increase in false figures seeks to give an image that, according to these figures, violence against women is a widespread and serious social problem. There are also several complaints by the most various groups that warn of the perversion of a mechanism that feeds and enriches economically on complaints and, therefore, encourage them.

Unlike the social perception of gender violence as a problem, that is minimal, there is a widespread social concern about the existence of false allegations and negative discrimination law to the man as the survey conducted by DYM Market Research has shown\(^{(26)}\). The evidence and social alarm on this issue led to produce a report on it with reliable data extracted from official statistics\(^{(27)}\).

In fact, all the groups that benefit from it try to reinterpret as new injustices the **large amount of superseded complaints or withdrawn by the plaintiffs, sorry to see the extremely unfair consequences brought about to their ex partner due to their false allegations of violence**. The irregularities revealed
by judges and lawyers are silenced by the groups who profit and benefit from these false allegations, especially feminist groups that offer women to initiate processes. In fact, in a survey conducted among professionals, led by the General Council of Advocates, one of the issues listed as top concern is the apparent false reports that collapse the courts and cause the injustice, lack of presumption of innocence and defencelessness for men reported of violence against women (29).

Only the decrease in funding has achieved a parallel decrease of abuse complaints which shows the perversion of the mechanism and the link between public investment in litigation on gender violence and the number of complaints.

Finally this influx of false allegations of violence against women is beneficial to demonstrate that such a serious problem exists and create social alarm. Thus, there is a justification for more affirmative action policies and funds to eradicate this alleged problem, but it does not imply in any way an improvement in the status of women. There has been, for a long time an expression in Spain to describe this situation, “the industry of gender violence”. It arose when it became clear to society that raising funds to prevent and reduce violence had given way to “use fake violence” to raise funds.

**Recommendations to benefit women and society**

5.1.1. It is vital to repeal this sexist law and equality of sexes to be strictly applied for six reasons:

1. It produces a situation of injustice and structural and institutional violence to the man, beset by a legislation that condemns him “a priori”, can be pushed to an individual revenge against the woman, that would have not occurred in case of being protected by laws on equal terms with the woman, a reason that could explain in part the results of the survey by the European Union Agency for Fundamental Rights (FRA).

2. It undermines the credibility of real allegations which is prejudicial to the real victims. Moreover, these false allegations of women can have such serious effects as if they were true, since some cases cannot be stopped even if the woman retracts.

3. It subtracts expenses funds and judicial structures, apart from the “economic incentives” to get complaints, albeit false, that could be applied to assist in real violence cases.

4. It is NOT demonstrable that it has managed to lower the figures of violence against women. On the contrary, because of the perversion of the system, they have increased, causing it is also impossible to know the real situation.

5. Is violates the basic human right of equality between men and women, although there is no social alarm or circumstances that justify the legal inequality.

6. It is a measure of affirmative action that violates basic rights, so CEDAW recommends using it on temporary basis. It is time to repeal this law and normalize the situation.

Moreover, the possibility of courts, public officials or specific judges for hearing gender-based violence cases can lead to this kind of complaints, false in many cases, are handled by ideological judges aimed to believe that there is a culprit “a priori” because of his sex. So denounce various civil groups, some innocent victims of the law (grandparents separated from their grandchildren, fathers separated from their children...) and other people involved, but that are neutral, such as groups related to the judiciary.

Furthermore, it is evident that, as the largest number of complaints even if false, enriches and justifies itself to the groups involved in the fraud, the need for the existence of these groups is based on the high number of convictions for gender-based violence, discarding impartiality. This eliminates any possibility of impartial and unbiased agencies. The bias of the Observatory on Gender Violence, an organization created to confirm the existence of violence and that bases its rationale on its existence, is also denounced. And the more gender-based violence exists, the better. Moreover, there have been
numerous complaints against these organisms to manipulate and distort the numbers of women murdered by hand of their husbands and vice versa, depending on their own interests.

Finally, regarding male suicide in divorce processes, extremely high, as in other countries, in the case of Spain, since 2004 the suicide rates with the variable “marital status” are no longer published, though following the entry into force of the LIVG, there is evidence of an exponential increase of these suicides. It would be necessary to include again this information, inexplicably hidden to citizens, in the National Statistical Institute statistics.

5.2. The common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases (Article 5 b).

CEDAW, in its Article 5, recommends implementing measures to ensure the shared responsibility of men and women in childcare and family burden to be carried by both. That way modifies the traditional roles of men and women, both in society as in the family so that full equality becomes effective. However, in Spain, 87% of women get custody of their children even though the more advisable way to change these social roles is the joint custody. Therefore, the recommendation of common responsibility of men and women in the upbringing of children is not fulfilled.

This circumstance is another perversion of the law since, false allegations of abuse, improving the conditions of women in the divorce agreements, drive to the restraining order and the loss of custody by the defendant. As custody involves staying in the family home (another advantage of getting custody) to the least harm to minors and not be forced to change home, friends, school and environment, that allows women to enjoy the home while men have to leave home and lose not only this, but also and more important, the responsibility for the education of their children. These advantages comes along with the use of children as a weapon and as a way to hurt or take revenge against the spouse, and represent a breach of the division of responsibilities in the custody of children. On the advice of women lawyers who claim to defend women’s rights, separated and divorced women assume full education and care of children, and this makes it difficult to share roles as well as to change stereotypes.

Thus, the child is also deprived of the figure of the father. This lack of a father figure added to the suffering of children in separation and divorce and the judicial processes, which are traumatic events, damages for minors can be severe and irreversible. Unfortunately, none of this concerns people who benefit from conflict and an unfair and discriminatory legislation.

Moreover, despite the interest of some groups to deny the existence of a kind of manipulation of the mind of children by the parent that retain the custody, the PAS (Parental Alienation Syndrome), a set of recurrent symptoms in child, exists and is well documented and tested.

The ability of people to make their own judgments, draw their own conclusions and to have their own independent views is associated with progressive maturity and analytical skills. Manipulating a child is an easy task especially if the person has moral influence over the child and is emotionally attached to him. For spouses with guardianship, minor negative bias towards the other parent reaches pathological levels and shows the desire to use the child as a weapon against real or figurative offenses. This syndrome is a source of pain in the child and in the parent against whom this is addressed as shown by numerous testimonies that are attached to this report. In some cases, the capacity for judgment gained with maturity added to equanimity and the desire to know the truth, make some children suffering from PAS discover their own alienation by the views of the guardian parent. The alienation of the child may come from father or mother, though, given the vast number of cases where it is the woman who retains custody, manipulation comes mostly from women, a reason for its denial by some groups.
Recommendation for the promotion of joint custody and child protection

5.2.1. **Generalization of joint custody**, except in those cases of proven abuse, for enabling both parents share responsibility for the education of their children, change traditional stereotypes, and prevent the child from losing one of the family members.

**Conclusion 4.** The LIVG DOES NOT REDUCE THE DISCRIMINATION AGAINST WOMAN, DAMAGES THE BATTERED WOMAN AND THREATENS FUNDAMENTAL RIGHTS.

SEE APPENDIX II: Individual cases. Testimonies. Expertise.

6. **The importance of the contribution of civil society to the CEDAW shadow reports and its involvement in public life through associations.**

Various recommendations of States parties concerning to encourage civil society participation in CEDAW ARE NOT FULFILLED.

In various recommendations, CEDAW (29) urges the participation of social associations and NGOs to work in committees and present reports on the social reality closer to the public perception than the states’ ones. Governments are also encouraged to support these interventions.

However, in Spain there is only support, information and assistance to a type of profile of civil society. A large part of society has been deprived of its voice and its right to be represented. In fact, this report is an example of what is reported. No association of the undersigned has received from government agencies any information on CEDAW, information on the possibility of preparing and presenting a shadow report complementary of government, support to prepare the report, government support, technical advice or subsidies. By contrast, this SHADOW REPORT, regardless of other heavily subsidized reports and protected by lobbies and government authorities, is the voice, muted so far, of a large part of Spanish society that has never been invited to participate.

Furthermore, in 2009 the point 14 of the concluding observations of the CEDAW Committee to Spain (CEDAW/C/ESP/6) urged the State to implement the Participation Council of Women, created by the Equality Law 3/2007, for the important role of NGOs in promoting equality. Today the Council has still not provided actual channel for the participation of NGOs as it excludes a large part of civil society including only representatives of a kind of feminism that is increasingly dissociated from real women, their concerns and their real and common problems.

**Recommendation to improve the participation of women in public life**

6.1. Giving voice to all women, not just some, in national and international forums, so that all views and sensitivities are heard, especially when a large part of society proposes different solutions to the same and entrenched problems or different views of the same realities.

7. **Overall conclusion**

The signatory civil organizations hope that CEDAW’s sincere and tireless struggle against all forms of discrimination against women will act against the reported situations so that Spanish women achieve equality in all spheres.
This equality with men in the exercise of their rights and fundamental freedoms and the full development of their capacities in the political, economic, social, cultural and civil sphere has to be accompanied by legal equality. Legal discrimination against men or women will never generate a just and equalitarian society.

Similarly, the necessary change of the traditional roles of men and women to achieve equality has to be accompanied by a fair sharing of family responsibilities. The responsibility for the care of the children should be shared in all situations. Similarly, under any circumstance the responsibility of man should be avoided by unwanted abortion by women.

However, maternity, the biological role of the woman, which cannot be shared must be approached from the aid and support perspectives, so that it does not constitute a socio-economic ground for discrimination. The woman neither is, not to be, nor can be, a imitation of man, so it is essential to alleviate as much as possible the socio-economic that biological differences produce.

“The full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields” (CEDAW)

To achieve the goal of women participation, on equal terms with men, in the political, social, economic and cultural life of their countries, “the full development of the potentialities of women” is needed (CEDAW)

“Legal discrimination against men or of women will never generate the just and equalitarian society” women need to achieve their full development and welfare (Point 5. of this Report).

For women to reach the full development of their potentialities is essential to understand and respect and accept their biology (Points 2, 3, 4 of this Report)

For a better society the voices of ALL women must be heard (Point 6 of this Report)
APPENDIX I

Acts. Statistical data.


(1) Article 4 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5 b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 12 2 Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

(2) UN and Women, 2010: “In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and nongovernmental organizations are urged to strengthen their commitment to women’s health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion”

UN, The Millennium Development Goals 2000, Report 2011, objective 5: “Improve maternal health”, but to study and monitor the indicators used, abortion is not included as maternal health indicator.

(3) Concluding observations of the Committee on the Elimination of Discrimination against Women (44th Session, 20 July - 7 August 2009) [This document refers to the sixth periodic report of Spain, the last to be presented and defended]. Principal areas of concern and recommendations: Health

25. The Committee is concerned at the high rates of unwanted pregnancies and voluntary interruptions of pregnancy, as well as increasing rates of HIV/AIDS among women.

26. The Committee urges the State party to continue its efforts to lower the rate of unwanted pregnancies, including through improvements in the availability and affordability of sexual and reproductive health services, as well as family planning information and services.

(4) The WHO Strategic Approach

Paragraph four of the introduction of the Report states that “decision-makers and programme managers responsible for sexual and reproductive health ask how they can reduce the recourse to abortion (…/…)”; They leave each country to establish what the appropriate measures should be to carry out these goals stated in this plan.

(5) Number of abortions, number of births and abortion ratio in Spain.

2008: Total of abortions: 115,812. Total of births: 518,503. Number of abortions per 100 pregnancies: 18.3%
2009: Total of abortions: 111,482. Total of births: 493,717. Number of abortions per 100 pregnancies: 18.4%
2010: Total of abortions: 110,966. Total of births: 485,252. Number of abortions per 100 pregnancies: 18.6%
2011: Total of abortions: 116,358. Total of births: 470,553. Number of abortions per 100 pregnancies: 19.8%
2012: Total of abortions: 110,349. Total of births: 453,348. Number of abortions per 100 pregnancies: 19.6%

The slight decrease in abortion ratio in the last year is mainly due to the decrease in the number of pregnancies and childbearing population in the wake of the economic crisis that has caused large numbers of immigrant women return to their countries of origin. For the first time in Spain, INE 2012 (a publication by the Instituto Nacional de Estadística = National Statistics Institute) showed a decrease of immigrants.
(6) On 10 December 2013, the European Parliament rejected the so-called Estrela-Report on sexual and reproductive rights and health and related rights, a report aimed at ensuring the "right to abortion" in all EU Member States in cases of foetal impairment and rape.

(7) CEDAW's General Recommendation No. 12 (eighth session, 1989). Considering that articles 2, 5, 11, 12 and 16 of the Convention require the States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life...


22. Compulsory sterilization or abortion adversely affects women's physical and mental health, and infringes the right of women to decide on the number and spacing of their children.

23. Family violence is one of the most insidious forms of violence against women... Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.

(9) About the set of symptoms that occur after having an abortion.

“It is scientifically proven that pregnancy improves mental health and abortion causes up to fourteen psychiatric disorders, including direct posttraumatic stress and brain disorders = Está científicamente demostrado que el embarazo mejora la salud mental y que el aborto produce hasta catorce patologías psiquiátricas, entre ellas el estrés posttraumático y afecciones directas al cerebro” (Natalia López Moratalla, president of the Spanish Association of Bioethics = Asociación Española de Bioética (AEBI, in its Spanish acronym). Diario Médico 2/26/2010).

Knowledge of these symptoms should prompt additional duty to inform women requesting an abortion on the existence of risks.


Macro Study published in 2011 in the British Journal of Psychiatry in which nearly 900,000 women participated, and about 164,000 of them had had abortions. Available here.

The results indicate that “women who had undergone an abortion experienced an 81% increased risk of suffering mental disorders”. This study provides a review of all published literature on abortion between 1999 and 2009 (meta-analysis), offering the largest quantitative estimation of the environmental health risks related to abortion available in world literature.

The author of the report states that “in line with the principles of evidence-based medicine, this information should be given to abortion services”.


It is one of the world-renowned study on the psychological effects of induced abortion on the health of young women and girls, a longitudinal study of a cohort of 492 women.

The main results were that young women who had an abortion suffered an increased risk of different mental disorders compared to girls who carried their pregnancies to term.

Specifically, women who had an abortion prior to the age of 21 compared with those who had their children, at the age of 25 had a statistically significant higher incidence of major depressive and anxiety disorders, suicidal thoughts and alcoholism.


Longitudinal study, carried over 30 years, which shows an increased risk of psychiatric disorders (depressive and anxiety disorders, suicidal thoughts, substance abuse) in young women (15-25 years) who had abortions compared to those who had not been pregnant or carried their pregnancies to term.

The evidence, as reflected by the authors, consistently shows the association between induced abortion and the risk of mental disorders. Women with other health problems in pregnancy showed no increased risk of
mental disorders.


Rigorous and definitive study showing increased risk in 15 disorders caused by abortion.


A longitudinal study of a sample of 768 women of the general public between the ages of 15 and 27 years has been conducted in Norway.

Women who had had an induced abortion after age 20 showed statistically significant pathological scores in the diagnosis of depression after controlling for all the variables (OR 2.9; 95% IC 1.7-5.6)


In this study carried out by the University of Oslo, Norway, women who had had an abortion showed psychological distress up to five years after the procedure. The effects of avoidance, grief, anguish and anxiety were statistically significant higher for voluntary abortions than for miscarriages.


A public inquiry, held at the National Research and Development Centre of Welfare and Health in Finland.


The journal Public Health reports that abortion causes many conflicts within couples. 2009

Many women have abortions to keep their partner; but doing so increases the risk of rupture and sexual problems, according to the study.

In many cases, women abort pressured by their partner or to prevent the man leaves them, or for “there is less pressure on our relationship”. The study suggests that abortion increases the risk of arguments and violence within couples.

- The medical journal Public Health (peer-reviewed), published in March 2009, a detailed study based on data from more than 1,500 interviews (658 men and y 906 women), carried with rigorous methodology and contrasted with public health statistics.

The study reflects that abortion is related to increased risk of sexual dysfunctions in women, compared to women who had not aborted. Moreover, the results of the study show after abortion:

- Increased risk of conflict with the partner’s family (80%)
- Increased risk of arguing over the partner’s family (99%)
- Increased risk of arguing over children with the partner

- Moreover, nuclear magnetic resonance has objectified data regarding organic brain damage after abortion:

¿Cómo cambia el cerebro un aborto inducido? (2012)

- More literature on this issue of brain damage objectified by imaging tests:

http://www.abortoinformacionmedica.es/2009/03/09/aborto-y-lesiones-anatomicas-cerebrales-neuroimagen/#more-17

And yet, it has been shown that pregnancy is good for women’s health:


National Research and Development Centre of Welfare and Health in Finland.

It is also known that psychiatric disorders such as schizophrenia or bipolar disorder often improve during pregnancy (vDebech et al. 1995, Williams et al. 1996, Kullkarni et al. 2011, Riecher-Rossler et al. 2012). Even the use of psychototropic drugs should not be excluded, assessing the risk-benefit relation, and can be safe for
The foetus.

(10) The European Parliament resolution of 25 February 2010 on Beijing +15 (UN Platform for Action for Gender Equality), on the occasion of the 15th anniversary, stresses that abortion should not be promoted as a method of family planning and calls for the establishment of care services for women suffering distress caused by abortion.

11. “Stresses that abortion should not be promoted as a method of family planning and that provision should be made in all cases for the humane treatment and counselling of women who have had recourse to abortion”.

(11) A distinguishing feature of great importance in recent years is the growing role of the patient. Compared to the paternalistic and hierarchical previous model, patients and healthcare professionals are brought together on an equal footing, thereby giving the patient a greater role. Respect for patient autonomy involves considering his consent once he has received all the relevant information.

Convention on Human Rights and Biomedicine (Oviedo, 2005). Chapter II. Article 5: An intervention in the health field may only be carried out after the person concerned has given free and informed consent to it. This person shall beforehand be given appropriate information as to the purpose and nature of the intervention as well as on its consequences and risks. The person concerned may freely withdraw consent at any time.

Chapter III. Article 10.1. Everyone has the right to respect for private life in relation to information about his or her health.

2. Everyone is entitled to know any information collected about his or her health. However, the wishes of individuals not to be so informed shall be observed.

3. In exceptional cases, restrictions may be placed by law on the exercise of the rights contained in paragraph 2 in the interests of the patient.

Universal Declaration on Bioethics and Human Rights, adopted by the UNESCO General Conference, by acclamation, on 19 October 2005. 33th session. Article 5: Autonomy and individual responsibility. The autonomy of persons to make decisions, while taking responsibility for those decisions and respecting the autonomy of others, is to be respected. For persons who are not capable of exercising autonomy, special measures are to be taken to protect their rights and interests.

Article 6: Consent. 1. Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice.

In “The UN WOMEN” 2010, the UN expressly mentions what the orientation of abortion in the Member States should be: “Women who have unwanted pregnancies should have ready access to reliable information and compassionate counselling”.

CEDAW General Recommendation No. 24 (20th session, 1999). Article 20: Women have the right to be fully informed, by properly trained personnel, of their options in agreeing to treatment or research, including likely benefits and potential adverse effects of proposed procedures and available alternatives.

(12) CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (UN, 2006). Article 10: Right to life. States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

The Committee on the Rights of Persons with Disabilities, after considering the report of Spain in September 2011, in which the actions of the country to implement the Disability Convention in its first two years of operation (2008-2010) were reviewed, recommended that the State party abolish the distinction made in the act on abortion (Organic Law 2/2010 of 3 March) in the period allowed under law within which a pregnancy can be terminated based solely on disability.

This means that, under the Convention on the Rights of Persons with Disabilities, an international treaty on human rights incorporated to the national legal system, in full force and enforceable, there can’t be given less
favourable unequal treatment, under any regulatory framework, including pregnancy termination, based on disability because it would be a violation of the rights of these people.

CEDAW General Recommendation No. 18 (tenth session, 1991). Recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation.

3. Education Laws and Sex Education Programmes (LOE, LOMCE, LOSSRIVE).

(13) General Recommendation No. 3 (sixth session, 1987). Urges all States parties effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women.

(14) School dropout rates in Spain (Valencia Institute of Economic Research = Instituto Valenciano de Investigaciones Económicas). “School dropout is a predominantly male trait = El abandono temprano de los estudios es un rasgo predominantemente masculino”. Sex differences in school drop-out rates, which in Europe are down to 4 percentage points, in Spain are the farthest away by some 10 points to the detriment of boys.

Dropping out of school before completing the compulsory education
- 2008 (31.9%; 38% boys, 25% girls)
- 2009 (31.2%; 37.4% boys, 24.7% girls)
- 2010 (28.4%; 33.5% boys, 23.1% girls)
- 2011 (26.5%; 31% boys, 19.9% girls)
- 2012 (24.9%; 28.8% hombres, 20.8% girls)
- 2013 (23.7%; 27.5% boys, 20.2% girls)

The mean of boys and girls who do not complete the Compulsory Secondary Education (ESO in its Spanish acronym) is equal to 65% of male students and 35% of female students. The incidence of dropouts is related to sex (to the detriment of boys), the educational level of the parents (parents with a higher educational level schooling are less likely to have children drop out of school), parents socioeconomic status (low socioeconomic status directly correlates with high school dropout) and the origin, Spanish or foreign-born, of students who drop out (foreign-born youth or children born to foreign-born parents are more likely to drop out). The crisis has decreased school dropout rates because the number of immigrants residing in Spain has declined, and the school dropout rate of immigrants was double the rate of native-born youth.

Colección Estudios Sociales. Fracaso y abandono escolar en España (Mariano Fernández Enguita y otros) Obra social La Caixa:

School dropout. An analysis of the Spanish case = El abandono educativo temprano Análisis del caso español IVIE:
https://www.mecd.gob.es/dctm/inee/documentos/abandono-educativo-temprano.pdf?documentId=0901e72b8173034a

(15) Graduation rates in tertiary education by sex:
- Data for 2010 (the rate is similar every year): 54.1% female students / 59.9% women graduating this year / 56.6% women attending postgraduate studies / 51.9% women undertaking doctoral studies / 38% female teachers.

The incorporation of women into the university is taking place progressively and unstoppably and equality of ratios is a matter of time.

http://www.ine.es/prensa/np655.pdf Source INE

(16) The Universal Declaration on Human Rights, Article 26.3, states that «Parents have a prior right to choose the kind of education that shall be given to their children».

The Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2, declares that «No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions». 
The International Covenant on Civil and Political Rights, Article 18.4, states that “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions”.

The Charter of fundamental rights of the European Union, Article 14.3, declares that “The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right”.

(17) Data on sexually transmitted diseases.


Graphics and clarifying tables: p. 82, syphilis (evolution 2005-2011); p. 85, gonococcal infections; p. 87, Chlamydial infections.


(18) CEDAW. Article 11: States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular.

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

5. Organic Law 1/2004 on Comprehensive Protection Measures against Gender-Based Violence (LIVG)

(19) Article 2a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle.

Article 4.1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

Article 5 b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

(20) GENERAL RECOMMENDATION No. 5 (seventh session, 1988): Recommends that States Parties make more use of temporary special measures such as positive action, preferential treatment or quota systems to advance women’s integration into education, the economy, politics and employment.

GENERAL RECOMMENDATION No. 21. Article 44: States parties should resolutely discourage any notions of inequality of women and men which are affirmed by laws, or by religious or private law or by custom.


(22) Source: CIS (Centro de Investigaciones Sociológicas = Sociological Research Centre). Data regarding the Spanish society concerns

(23) Data on domestic violence related deaths, men and women:

- 2008: 76 women / 6 men
- 2009: 56 women / 10-26 men
- 2010: 71 women / ? men
- 2011: 61 women / 7 men
- 2012: 46 women / 26 men
- 2013: 54 women / 13 men

It is impossible to find the number of men killed by their female partners. There are many complaints about the concealment of these facts and figures and are believed to be even twice than expected.

(24) The annual number of reported cases of child abuse is within a range of 1,000 to 1,200 cases per million inhabitants, but the actual number is estimated to be much higher. If we are to believe the latest information from the Spanish Federation of Associations for Prevention of Child Mistreatment = Federación de Asociaciones para la Prevención del Maltrato Infantil which states that only 20% of actual cases is reported, figures would rise to 5,000-6,000 cases per million inhabitants. Elderly abuse, which nobody seems to be interested in, can range from 14,000 cases per million inhabitants (according to two studies by Fundación Reina Sofía) to 40,000 (according to Spanish and international sources). The conclusions of the 30th Congress of the Spanish Society for Family and Community Medicine = Sociedad Española de Medicina Familiar y Comunitaria, the estimated prevalence of this abuses was 50,000 cases per million inhabitants. The estimated prevalence of abuse of women is 2,100 cases per million inhabitants.

(25) Origin of the murderers of women, Spanish or foreign:

- 2008 (76 victims, 48 Spanish murderers, 28 foreign murderers)
- 2009 (56 victims, 32 Spanish murderers, 24 foreign murderers)
- 2010 (73 victims, 44 Spanish murderers, 29 foreign murderers)
- 2011 (61 victims, 42 Spanish murderers, 19 foreign murderers)
- 2012 (52 victims, 39 Spanish murderers, 13 foreign murderers)
- 2013 (54 victims, 37 Spanish murderers, 17 foreign murderers)

The mean is 65% Spanish murderers and 35% foreign murderers.

Given that the population of Spanish origin is about 90%, the rates per million inhabitants are minimal. Applying Baye’s theorem, femicide is 5 times more frequent among foreign population than among native-born population.


Data from the study by the Observatory on Gender-based Violence of CGPJ = Observatorio de la Violencia de Género del CIPJ 2005 – 2010:

- Judgments 2007 a 2010: 78,423
- Felony trials 2007 – 2010: 40,081
- Final judgments 2007 – 2010: 58,880
- Convictions: 5,184 (1.10%)

Accepted appeals resulting in men’s acquittal:
• Convictions 4,002
• Accepted appeals 1,512
• Men actually convicted 2,489
• Men ruled innocent (first and second instance) 24,061

Percentage of total convictions (2010):
• Citizens reported 25,574 (100.0%)
• Citizens convicted 2,489 (9.73%)
• Citizens acquitted 23,085 (90.20%)

‘Trap’ convictions:
• Appealable judgments 1,525 (61.29%)
• Final judgments 963 (38.71%)

Current LVG “success” (2010) according to CGPJ:
• Reported men 25,574
• Convicted men with 100% procedural guarantees 1,525 (5.96%)
(Each conviction has cost about €423,000)

Violation of fundamental rights by LVG 2004:
• Presumption of innocence.
• Inviolability of the home
• Right to actual legal aid.
• Justice without delay.
• Right to an effective remedy.
• Right to medical care.
• Right to be informed of charges.
• Right to Habeas Corpus.

EU aids for domestic violence to the Spanish State:
• Per complaint presented 3,200 €
• Per conviction 0 €
(From €3,200 to €6,100 per complaint for costs incurred by services against gender-based violence in Spain).

Where do the 3.200 € per complaint go?
• Courts for VSLM costs.
• New women protection services in security forces costs.
• Creation of new jobs in PIM, CIM, woman agencies, etc...
• Creation of new jobs in councils and autonomous communities.
• Subsidies to women only associations.
• Funds for bar and psychologists associations.
• Studies in universities, foundations, etc...
• 15% aids for battered women (social security, supervised apartments, etc.).

Global data on CGPJ funds
€650,000 complaints since the enforcement of the law in 2004
€3,200 per complaint = €2,080,000,000 from EU

Gender-based violence in the budgets of the State and the autonomous communities
• The State has allocated a total of €12,125 billion since 2004 (*)
(**) Source: Ministry of Equality.

What happens if the judgment is acquittal? Everybody still earn, less women who reported the complaint.

Comparative figures to ponder
Deaths of women from gender-based violence in 2009: 59
Fatal industrial accidents in 2009: 4,651
Violent deaths of children in 2009: 212
Deaths of men from gender-based violence in 2009: 26

Source: CIS comparative 2009 Budget Law.

(28) Report by the Ombudsman for Children of the Community of Madrid = Comunidad Autónoma de Madrid where it is reported that 40% of child abuse is caused by the Parental Alienation Syndrome.

http://www.projusticia.es/sindrome%20de%20alienacion%20parental/documentos/sindrome_alienacion_parenntal.pdf

Although PAS is not included in the DSM IV, like the Battered Woman syndrome and Stockholm syndrome, the American Psychological Association (APA) has no official position on the issue. However, it has guidelines for assessing the custody of children in divorce proceedings. The guidelines refer to three books by Dr. Gardner as “relevant literature”. One of these books is totally dedicated to PAS and the other two refer to this disorder.

Gardner, R.A. (1989), Family evaluation in child custody mediation, Arbitration and Litigation: Creative Therapeutics Cresskill, NJ.,


Furthermore, the APA has provided a workshop for its members psychologists that have included a definition and an identification of PAS in recent years, and has published a book with a new chapter devoted to PAS: Divorce Wars: Interventions with Families in Conflict , Elizabeth Ellis PdH ,May 2000 (Ch. 8: A new challenge for family courts).

PAS is recognized as a problem in Spain and its existence is accepted by several judgments, and even by the Coordinator of Legal Psychology of the General Council of Official Colleges of Psychologists of Spain = Coordinadora de Psicología Jurídica del Consejo General de Colegios Oficiales de Psicólogos de España:

http://www.infocop.es/view_article.asp?id=1942

Statement of the Coordinadora de Psicología Jurídica del consejo General de Colegios Oficiales de Psicólogos de España, 18/06/2008:

“The Coordinadora de Psicología Jurídica del Consejo General de Colegios Oficiales de Psicólogos de España, wish to endorse the suitability of the analysis of the disorder known as Parental Alienation Syndrome in psychological assessment, both within the forensic field of family law and related issues. Researches and psychologists show strong consensus to consider it as a cognitive, behavioural and emotional disturbance why the child despises and criticizes a parent. This behaviour and attitude of rejection and underestimation is unjustified or responds to a clear exaggeration of alleged defects of the parent rejected. To speak of this syndrome the existence of any form of abuse or negligence in the care of the child must be excluded completely, ensuring that the criticism do not refer to behaviour or attitudes reprehensible by the rejected parent. Like all scientific and professional development, it is subject to continuous review, but it cannot be denied “a priori”, since there is scientific literature and professional activity that describe it and recognize its usefulness”.

(29) General recommendations of the Convention on the Elimination of All Forms of Discrimination against Women

GENERAL RECOMMENDATION No. 10 (eighth session, 1989) 1. Undertaking programmes including conferences and seminars to publicize the Convention on the Elimination of All Forms of Discrimination against Women in the main languages of and providing information on the Convention in their respective countries

2. Inviting their national women’s organizations to cooperate in the publicity campaigns regarding the Convention and its implementation and encouraging non-governmental organizations at the national, regional and international levels to publicize the Convention and its implementation.
GENERAL RECOMMENDATION No. 11 (eighth session, 1989). Recommends to States parties that they should encourage, support and co-operate in projects for technical advisory services, including training seminars, to assist States parties on their request in fulfilling their reporting obligations under article 18 of the Convention.

GENERAL RECOMMENDATION No. 23 (16th session, 1997) Art. 48 f) Under article 7, paragraph (c), describe the extent to which women participate in non-governmental organizations in their countries, including in women’s organizations.

(g) Analyse the extent to which the State party ensures that those organizations are consulted and the impact of their advice on all levels of government policy formulation and implementation.

Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.
APPENDIX II
Individual cases. Testimonies. Expertise.


There are many thousands of cases because abortion has become a form of violence against women pushed to it by social pressure, parents, husbands... There is no real aid for pregnant women or for victims of abortion, nor full information on the procedure. Some texts are written in first person to respect and convey the feelings of the women concerned.

1° Cristina Bote. She is a victim of post abortion syndrome and of lack of information on abortion. She requires women to be well informed.

Cristina lost two children by abortion: the first one had Trisomy 20. This family mother from Madrid had an abortion under the third condition (congenital malformations). The second one died after an amniocentesis which proved he was healthy. When she lost her second baby, she became depressed and began to suffer very strong nightmares. She received psychological treatment.

“I, I had my first abortion with my eyes closed because I had no information on Trisomy 20, and I still have none. If someone had explained to me what an abortion is, what its side effects are... No, no one told me anything. If for any other procedure you have a pre-operative and a post-operative assessment, why they cannot give you a pre and a post-abortion assessment? Didn’t they want to become physicians to help cure people? Furthermore, it does not seem reasonable that the only solution they find when you have a special needs baby is abortion. Just, they do not tell you about any other alternative. They tell you straight away: “It’s better for you to abort, and you will have one less problem”. But abortions leave a mark on you for the rest of your life. We are told that after an abortion, we forget about the issue. But it is not truth. You can’t forget it. It is much harder. You don’t know which is worst: having the baby or having the abortion? They do not put these two solutions on the table, they only put one: It’s better for you to abort and end of deal!”

“Even my partner wasn’t sharing my grief because he did not feel as a sorrow. In fact, within the fifteen days of losing my second baby he told me it was time to stop mourning. He didn’t see it as something serious to keep crying. That is the reality of it. Even your partner doesn’t get to understand you”.

“I wish my daughters, if they ever have to go through a similar situation, have all the information they need so they can decide. I wish they have all the options. Today we have all the options except one: continuing our pregnancy. I cannot say I’m against abortion, because I decided to have an abortion, although I was pressured by society and by everything around me, because I had no information. I am convinced that today I would not have had an abortion because today I feel supported. At the time I had my abortion, I had nobody. When I said I have been told something is wrong with my baby, everyone told me: ‘Cristina, abort, do not make your life complicated’. That’s all I heard”.

“The freedom that exists today allows the woman who wants it to abort. But the woman who wants to do it must know first what an abortion is, what will happen. She must know she is going to feel that baby they are killing. She must know in advance that it is a baby, it is not a lettuce. Because they say it is not a living being. It is a living being from the very moment it is conceived! That is the reality of it. Moreover, when she actually has the abortion because she wants to terminate her pregnancy, she
must know the consequences she might suffer on post-abortion. If she already has all that information on the table and decides to go ahead, she will go ahead prepared to face the full consequences. Afterwards it’s too late for repentance or for saying ‘it is that they didn’t say this or that’, or ‘I did not know’” There are many women who end up having an abortion for what they have around, for fear, for society, for thousand of different reasons”.

“It is that abortion is now being used as a contraceptive. It is a reality. If it is true that equality is sought, equality begins with doctors following the same protocol for abortion that for any other disease; that anyone who arrives to any clinic to have an abortion is told what come next, with written information; that there is a psychologist from the first day for what may come next. Today a psychologist is offered for anything except for something as important as an abortion is”.

Cristina encourages other women to talk about their abortions because she is convinced that telling and hearing these testimonies is a way out of a drama that hundreds of thousands of women suffer in silence.

2º Marina C., 34. She is a victim of abortion and its psychological and physical consequences. She was forced to abort by her partner. She demands accurate information on abortion and professional support to both continue pregnancy and overcome the PAS.

Marina was forced to abort by her boyfriend and his father at the age of 19. She was a Journalism student. Her boyfriend could not manage the withdrawal and became pregnant.

“It was horrible. We loved each other, but this destroyed our relationship and our lives. When I found out I was pregnant my boyfriend told his father, a man of many resources who just needed to pick up the phone to solve ‘the problem’. I wanted to tell my sisters and my mother, but I had neither the courage nor the opportunity. I was really scared and my boyfriend did nothing but tell me that his father was going to solve everything. At six weeks we took the car towards the capital. In a clinic, coolly, as the one who is waiting his turn at the butchery, I aborted my baby. Everything was fast, I was dispatched soon. My boyfriend and I never talked about this again. Eventually, we broke up because we had changed. I have lost my taste for life”.

“For years, my life has been a torment. Without knowing why, I left Journalism and began a career in nursing. When there were classes on foetuses, babies or abortions I had to get out and vomit. Each T.V. advertisement, baby products from a supermarket or Mother’s Day, remind me what I did. And I also became a very promiscuous woman”.

“I’m married now. I suffer so serious mental consequences that I am unable to get pregnant. My cycles are anovulatory by block. I have had depression, anxiety, panic attacks, and recurring nightmares about drowning children. Today my baby would be 14 years old, I would be a mother, I would be fair”. “Thanks to a friend I met Proyecto Raquel and they are helping me a lot. I’m starting to forgive myself. So, I demand the right to information and counsel about abortion and its physical and mental consequences and the right to receive psychological care both to accompany women who choose to have their baby and women who suffer grief after the abortion of their child”.

3º Laura L. She is a victim of the physical consequences of abortion. She lost her uterus and nearly life after an abortion at a licensed clinic.

“I thought that abortion is good for women, that when women are overwhelmed and find out that they are bringing a child into the world and can’t bear it, they can abort because they have no other alternatives. I never thought it could do any damage”

“I had an abortion out of desperation because I had debts, I could not get my two girls ahead. I was after the date to have an abortion but they say they could do it. But they did not do it well. They broke my uterus and had to refer me to another hospital where they saved my life removing it. They have destroyed me, my body and my soul. Every time I see a pregnant woman I have to restrain myself from mourning. It’s very hard to me”.

“They broke my uterus and did not remember me again. I have saved my life, but other women do not. A legal abortion centre is not safe. Politicians do not care about the people in my situation. Social workers do not pay any attention to us”.

If I had had any help, if I had known places where I could go for help, I would never have had an abortion; I would have had my baby”.
4º Martha P. S., 15. She is a victim of abortion and its consequences. She was forced to abort by her parents.

She lives with her parents and has a boyfriend since a year ago. When she found out she was pregnant, she was shocked. Eventually, she told her mother. She said she could not destroy her life; she had to abort and devote to her studies. Her boyfriend and his parents said the same thing and added they could not raise the child at that age.

What hurts her most is that her parents did not think to help her raise the child. “I do not understand why my parents and my boyfriends’ ones talk to us as if they were not around to help, that would make sense. However, they are here to say that I will not be able to raise the baby alone. I grieve to think I’m alone when it comes to helping me to have my baby, but I’m very well accompanied to have an abortion I do not want. I felt alone. I can’t understand why they didn’t want to listen to me, why they didn’t care how I felt”.

She knows she is too young, she would not know what to do if she was alone, but she doesn’t understand why they didn’t want to help her. She ended up having the abortion under their pressure.

“Now, they don’t want to hear me either when I can’t stop mourning, or when I want to talk about what happened. They say that I must forget, that it was nothing, that it is done, that I must continue my life… but I can’t, I want to die, I want them to give me back my child… I have to live with this in my heart and nobody understands me. I have no desire to live”.

5º Cecilia H. R., 18, adopted. She is a victim of abortion and its psychological consequences. She was forced to abort by her parents.

Cecilia was a good student, from an upper-middle class family, a child with university-educated parents. She had a happy and stable life. One day she got home saying she was pregnant. Despite being adopted, she always felt loved, so the aggressive and violent reaction of her parents, who insult, contempt and humiliate her, caused her confusion, disappointment and pain. She felt that her parents denied others the opportunity they had to adopt her because if her biological mother had not being brave enough to have her, those parents had not had her. Cecilia accepted the help some associations offered her and went into a shelter flat for destitute pregnant women or expelled from their home environment because they have decided to continue their unplanned pregnancy.

A few days later, the parents went to the shelter flat and proposed their daughter to go with them, saying they were going to respect and help her. The coordinator of the flat fondly told her to wait a while before she went back home. It was very important for Cecilia that her parents love her and accept her son, so she decided to go with them.

They took her on holiday to the other end of the country, took her mobile phone and force her to have an abortion. She was not granted any opportunity to ask for help and her life is destroyed. She left her studies, spent more than three months without leaving her room, eating alone in the kitchen when her parents were out of home, until one day left with her groom and his family. Today she has another child but hardly speaks to her parents. She says that if they have helped her, or have let other people to help her, her life would probably be much happier.

6º Carmen G. C., 40, married woman. She is a victim of abortion and its psychological consequences. Due to a possible Down syndrome, she had an abortion under social pressure.

She faced her third pregnancy. Initially, they found it hard to accept, but they decided to go ahead and tell the news to the family. Everything was fine until they started with prenatal diagnostic tests: baby with Down syndrome. Everything changed. The doctors pressured them to abort because “the child would suffer a lot”. The family told them: “how could they have such a child and what would become of him when they are missing”. Even someone said that having him was a selfish act.

Carmen could not handle the pressure she was receiving from her environment and doctors and ended up having an abortion.

“It was very hard being alone to defend my son. It was even harder to see how those who are supposed to love me, stayed in the waiting room while I walked my way to the “scaffold” but in this case I was the executioner and the convict was the more innocent among the innocents, the one who need me most and I could not protect him. I will never know if my child had any disability or not”.

Carmen’s life, and that of all her family, changed. She does not stop mourning, “especially in the shower – says – so no one notices it. I feel around me that everyone is satisfied, that for my family is as if the child were different from others, that for having a disability it was justified that he died in that cruel way, that nobody cares about how do I feel, nobody accompanies me in my sorrow for the loss. I have killed the one that needed me most”. Her children have not received a caress from her mother since that fatal day. She barely speaks to her husband. She has not gone to any family party since then. Sometimes, her family looks at her with angry faces, she feels absolutely misunderstood. But above all, she feels she does not know how to endure this burden in silence and solitude.

7º Esperanza Puente Moreno. A single mother. She is a victim of abortion and its psychological consequences. She claims for information on abortion, some different options and a treatment to PAS.

She was a single mother at the age of 18 in a small town in Castilla and lived a hell for it. Three years later she went to work in Madrid and found out a second pregnancy. The father left her saying it was best to abort because it is easy, painless and nothing happens. Unable to face her family and believing she could not get two children ahead alone, she was offered the abortion in 24 hours as the only solution. “Twenty-four hours is too little time to make such a decision”.

“Nobody told me how does the procedure work, not the side effects I might suffer, and nobody told me that there were institutions that could have helped me to carry the pregnancy to term. I went there like a lamb to the slaughter. As women continue to go because there is a huge interest, not only ideological but especially an economical one, in hiding the information and other options to which we are entitled”.

“I had bad luck, like many other women, and the guy that did my abortion left the remains of my child in a tray and told me they were only a few tissues. They weren’t tissues at all; my son was just like me, but smaller… and cut into pieces, torn apart. I will never forget that image that caused me suffocation and insomnia for a long time, until I asked for help”.

“My life changed completely. I lost the joy; I began to suffer anxiety attacks; guilt is so deep that ends up turning into violence against those you love or even self-harm; there are so many ways for a woman to self-harm after an abortion!: alcohol, drugs, promiscuity, feeling that you do not deserve anything good in life. There are women who suffer recurrent nightmares, insomnia, depression, anorexia, bulimia, agoraphobia and other kinds of phobias, even suicide attempts”.

“Today I devote myself to bear testimony of this reality we, women, live before and after having an abortion, a reality that is being hidden for so long”.


1) Paloma San Miguel Moreno, DNI: 53234594, promotora comercial y jefa de ventas de una conocida empresa de telefonía móvil (Vodafone) Her boss made her feel that she couldn’t be such a good worker because of her motherhood. From 2010 till 2012 she tolerated many dreadful comparisons. Her boss told her that she wasn’t as good as her male colleagues who didn’t cause as many problems as she did. Her mental health and family logistics led her to make reduced working day. This was such a revolution for her company and ever since she took it, many other mothers started taking it too.

2) Alejandra Font Álvarez, DNI: 45303061F

It took her boss two days to make her quit since she found out that she was pregnant. Since that was illegal, they went on trial, but she was finally readmitted. Nevertheless, she ended up being dismissed again when her maternity leave and holidays were over. This same boss who had been wanting to become a mother for a long time, got pregnant when Alejandra hadn’t given birth yet. How ironic...
The consequences of the LIVG: there are thousands of cases because it is not an individual and unfortunate discriminatory situation but the result of structural violence that generates thousands of victims. Regardless of the injustices done, judicial helplessness of man can bring him to commit dramatic and thoughtless acts on seeing neither a way out nor the support of justice.

1º Case of Toni Domenech (Palma de Mallorca). His wife was convicted of false allegations. He lives on the street in a car. He had six complaints of abuse and his ex-partner was sentenced to prison when the falsehood was proven. No woman has entered prison for such sentences, although there are many. Expelled from home, without a job because his computer company was a home-based business, separated from his five-year-old son, he lives on the street in a car. With no family, since his parents died, a friend helps him. “You value the little things when you do not have any: shaving, having a hot breakfast, taking a shower in your bathroom, watching a movie in your living room with your child”. For him, the most important thing is his child, Toni, to whom he tries to hide in their visiting hours the sad situation he is going through.

2º Case of Juan Campos, 37. He was acquitted of twelve false allegations. He is unemployed. He receives a benefit of €800 and has to pay €700 to his ex-partner. His nightmare began two months after the separation from his former partner, when the first complaint was presented and he was arrested and placed in a cell without evidence or presumption of innocence. Although the courts have acquitted him of twelve allegations of abuse, his life has become a hell of hearings, recourses and appeals. One of the allegations has hurt him most was when his former partner and her lawyer told that the day before he assaulted his ex-partner in front of their children. On sick leave due to depression, he receives a benefit of €800 and has to pay €700 to his ex-partner. With €100 per month and 37 years, the only solution he has been offered is to enter into a centre for abusers what he refuses because “he is not an abuser”.

3º Case of Francisco Aroca. Reversed the burden of proof, he had to record conversations with his ex-wife to prove his innocence. After thirty years of marriage, his wife asked for divorce while she reported abuse to the Guardia Civil. Two years later this was proved to be false and he was acquitted. He had to record conversations with his ex-wife to prove his innocence. “For a person who has never set foot in a courtroom or had problems with the law, the world crashes down on him when he is put in jail. It’s a nightmare. You go crazy”. Victim of an immediate restraining order he had to rush out of his home and go to live in an industrial building.

4º Case of Jesús Muñoz. He spent six years and ten days fighting to get acquittal. The complaints were presented to get custody.

“Mine is one of the many cases in which a woman makes fraudulent use of law to take profit and get custody of the children”.
He reveals the ordeal he was subjected by his ex-partner, Beatriz, and the “professional” network that attended her during the years of the procedure. During those years, there were assaults, harassment, breach of custody, slander, threats from his ex-partner Beatriz (all this proved in convictions) and, in short, continued harassment, not only by Beatriz, but by the professional network that attended her. “My ex-partner’s women lawyers – Jesús explains – belonged to institutions specializing in gender-based violence; they are legal directors in the area of gender-based violence of the Federation on Progressive Women = Federación de Mujeres Progresistas. They recommended Beatriz to lodge complaints of abuse, which were later proven false like many of the documents Beatriz used and many of her statements”.
But that’s not all. Two Social Security female doctors belonging to the network also provided documents on abuse that, throughout the proceedings, were declared false.
After a very lengthy legal action, in which they made life a misery for Jesús, he was acquitted while many plaintiff’s statements and documents were proven false, and convictions were imposed on her.
Meanwhile, Jesús has not seen his son since 2008, despite he is fighting to get joint custody. His son suffers from PAS (Parental Alienation Syndrome).

His ex-wife lodged twenty-three false complaints (only seven were admitted) and has been convicted three times in connection with them. Jesús has also won a criminal complaint against the feminist lawyers by manipulation of documents and evidence.

He regrets the hundreds of thousands of public resources spent on their false allegations rather than on helping the real battered women.

“My ex-wife has used all available means in this Genre-based Violence Act, to tear me down as much as she could. But not only me; she has also dragged my son down, a boy whom I have not seen since he was three years old and who is growing up without a father. The end result is that I have not seen my son for five years, the poor boy is psychologically disturbed by the emotional abuse he suffers in his maternal environment, as reported by the Comunidad de Madrid - Madrid Community’s ATIENDE programme for abused children, and he had suffered physical abuse as reflected by many paediatric reports. I wish and hope to get justice to be done. All children of parents falsely accused deserve it”.

5º Case of José Antonio Santos Barragán (Sevilla.) He served eleven months in prison without presumption of innocence. The plaintiff admitted to be guilty of the offence of false testimony. He was held in pre-trial detention for eleven months without any charges by a false complaint. He was later acquitted when forensic confirmed the falsity of the facts which he was accused of. The plaintiff admitted to be guilty of the offence of false testimony arguing that she had been advised by feminist groups. Before that, she had lodged 100 complaints and only 4 were admitted. Once, she injured herself with a cutter, but it became clear to forensic that those injuries could not have been made by any other person and by a violent outburst.

After his stay in prison, and being acquitted, she lodged new complaints that sent José Antonio back to the cell. The police officers, who were aware of his case, recommended him to spend one more day in prison to make his hearing to coincide with the on-call duty of a prosecutor that, like the police officers, also knew his case, as with any other judge or prosecutor he might be locked in prison once more despite his earlier acquittal. He became unemployed due to his unfair imprisonment. His reputation has been also sullied by his stay in prison and his presumption of abuse.

For him, the most important thing is his son, Samuel, who suffers PAS (Parental Alienation Syndrome) and, due to the influence of his mother, does not want to see his father. Although he could, José Antonio does not want to denounce the mother by the false complaint to do no more harm to the boy.

The CGPJ has denied him a compensation for the miscarriage of justice of his 11 months in prison “because there is a possibility that he had acted to go to detention with the intention to apply for that compensation”.

6º Case of Dolores Martín, her husband’s murderer. Her daughter is a victim of the Parental Alienation Syndrome. Dolores Martín hired men to murder her husband. Convicted of it, her 13 years old daughter remains in a supervised flat. She refuses to meet the family of her father by the manipulation of her mother.

7º Case of José González Medina. Sentenced to six years in prison and deprived of seeing his children. He was acquitted when the plaintiff acknowledged the falsity of the complaint.

José González Medina, Sevillian, was falsely accused of rape by his ex-wife in 2003 and acquitted by the Supreme Court in 2009. He claims a compensation of €2,734,000 to the State for “abnormal functioning of justice” due to the moral and psychological damage suffered by “losing my two children”. A concatenation of irregularities – “the story could be the plot of a horror movie”, according to his lawyers, based on “the presumption of innocence became in his case a presumption of guilt” – has made it possible that for almost eight years he has seen them only “two or three minutes” on one occasion in which the children told him “he was not their father and they did not want anything more to do with him”.

When he was charged, his eldest son was ten, and the youngest daughter two years old. He was separated from them from this very moment. In April 2005 a court ruled that he could meet them half an hour each month in a meeting point, in the presence of a psychologist and a social worker, although applications were delayed by the “saturation” of the meeting point. Thus, the first visit should have occurred in October 2006 but the children refused and the social workers in the centre, run by an
association of defence to raped and battered women, did nothing to facilitate communication. That same year, in December, the temporary visitation scheme was cancelled “until the criminal proceedings ended” despite the various recourses and alternatives proposed by José González to not lose touch.

In April 2008 the Audiencia Provincial of Sevilla sentenced him to six years of prison for raping his ex-wife after threatening her with a knife, although the Supreme Court acquitted him in November 2009 alleging that the plaintiff, according to some witnesses, had denied the assault and acknowledged she thought separate from his husband because “he was a bastard who would not see their children more”. Once free, his situation has not improved as the two children are victims of PAS (Parental Alienation Syndrome), according to his lawyers.

José González, who said he “felt alone and abandoned by the judicial system” assumes he has lost his son, now 18, and fears that his daughter, 10, “follow her brother’s footsteps”. The claim against the Ministry of Justice, that will be expanded with the latest developments, require the payment of €2,194,000 for the “break with the children for 90 months” and €540,000 for the “destruction” of his right to be presumed of innocence.

8º Case of José Luis Gómez (Aróna, Tenerife). He was on a thirty-day hunger strike outside the courthouse.

José Luis went on a hunger strike for thirty days outside the courthouse to complain about a false complaint of abuse. He was acquitted. However, he reveals to feel defenceless by the law since there is no punishment for false allegations. “My ex-partner can lodge again her false complaint with impunity because nothing has happened or will happen. For her, it was a just a story; for me it was hell”.

Their young daughters also suffered a lot because his ex-partner presented them as witnesses of the false abuse but, eventually, they did not want to testify.

He wants to bring criminal proceedings against his ex-partner for the false allegations and another one for defamation in a public medium. He is trying to form an Association of Victims of the LIVG to help the victims of the legislative injustice and he believes this “not only harms those falsely accused of abuse but also the real battered women that don’t receive actually help”. To collect his things from the family home he requested the presence of the Guardia Civil as witnesses to avoid another false accusation.

Expertise

José Luis Sariego (lawyer and family mediator) a former General Judicial Council = Consejo General del Poder Judicial (CGPJ) advisor.

“Since the coming into force of the LVSM (Violence against Women Act) in 2004, I have met hundreds of women who have come to our office, who have felt cheated by the system of industry of abuse in Spain, I mean, centres for women, women’s associations, women’s institutes, etc., as they were to ask for support and help for their divorce and were convinced that it was better to report abuse because it was faster and more efficient, because in less than 24 hours the husband was arrested and thrown from the family home”.

María Pérez Galván (Zarraluqui Abogados de Familia – Family Law Advocates).

“So much protection to the woman is resulting in a rebound effect. There is an abuse and misuse of law. Women’s lawyers tell us: “either we reach a negotiated solution to the amounts (maintenance allowance, flat, custody...) or we lodge a complaint of abuse with restraining order”.
Mario Garrido (Genre-based violence duty counsel)

“The crimes of false claims of gender-based violence are becoming more frequent. There are serious cases that are driving the man to the brink of madness”.

“There are no aids for the victims of false allegations. There are no punishments for false plaintiffs. Lawyers acknowledge that lying in a case of gender-based violence comes for free. There is impunity”.

While writing this report, two other victims of LIVG committed suicide. Their death, widely reported because they were two persons very involved in the struggle against the LIVG, joins hundreds of lesser-known cases of men who helplessness and structural injustice push to death.

Carlos Molero Vera (2-6-2014). Fatal victim of the LIVG.

Carlos Molero was a divorced man who had lost his family home, owned by his parents, along with custody of his 11 year old daughter because it had been awarded to his ex-wife. Although having initially received a broad visitation scheme, he finally was imposed a restraining order that ended up breaking by entering a news-stand where he used to go and that was less than 300m from the family home, a property of his parents. Convicted of breaching in that absolutely harmless way the restraining order, he committed suicide at his imminent entry into prison and the sense of injustice and defenceless he felt.

His acquaintances report that his idea of justice betrayed him, that Carlos was a peaceful man who never responded with violence, as his own suicide shows because, incapable of causing harm to others, he applied it to himself.

An Internet campaign has been launched with messages of support from thousands of men who, like Carlos, feel alone in the face of injustice, for after losing their children, their homes, even in many cases their jobs, they have nothing left to lose but life. Last Wednesday several associations of victims of LIVG demonstrated outside the Courts of the city of Sagunto. Once again, the system that tries to avoid unjust violence against women leads to more violence than the one it manages to avoid. That’s why the protesters claimed for a professional and non-ideological approach to domestic violence.

José Alfredo VSG (13-6-2014). Fatal victim of the LIVG.

A Portuguese national, he married a Spaniard and went through the ordeal of unfair LIVG. He had been four years fighting against the law and its consequences and informing his countrymen about the risk of marrying a Spanish woman. He had spent his last months translating all articles on what happens in Spain to his native language and speaking from newspapers and media about the social scourge which is the law in Spain and the injustice it leads to. On Friday 13 committed suicide, leaving a letter talking about all this.