

MALE VIOLENCE AGAINST WOMEN WITHIN COUPLES

Ajuntament de
Barcelona



YES IT IS VIOLENCE WHEN YOUR PARTNER

- insults you and displays contempt for you;
- threatens you;
- controls you;
- hurts you physically or psychologically;
- controls what you do and tells you who you can talk to and who not;
- controls you economically and threatens to hurt you or people close to you or the children;
- puts you down in front of others;
- makes you do things you do not want to do, for example, having sex;
- breaks things around the house to intimidate you by fear.

MBER:

IT IS **NOT** VIOLENCE WHEN YOUR PARTNER

- treats you with respect;
- supports you in your projects;
- makes you feel free to be yourself;
- gives you freedom to decide what relationship you want to have;
- values you;
- gives you freedom to express your opinions and feelings;
- respects your social and family relationships;
- accepts a no answer.



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What do I have to do? What are my rights? Where can I go if I suffer male violence? What happens if I report? What if I do not report? What will be the consequences of the report for my children?

WHAT IS
BASED VIC

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Am I eligible for a protective order?
I do not have a residence permit and suffer male violence within the couple, what will be the consequences of the report in my situation?

GENDER-
VIOLENCE?



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WHAT IS GENDER-BASED VIOLENCE?

The **Organic Law 1/2004 of 28 December on Comprehensive Protection Measures against Gender-based Violence** defines **gender-based violence**: violence, which “as a manifestation of discrimination, of the inequality and power relations of men over women, is exerted on them by those who are or have been their spouses or those who are or have been linked to them by similar relationships of affection, even without cohabitation” (Art. 1.1).

You are living a situation of gender-based violence when you suffer **physical and / or psychological violence**, including attacks against sexual freedom, threats, coercion or arbitrary deprivation of liberty.

The forms of violence covered by the Organic Law 1/2004 on Comprehensive Protection Measures against Gender-based Violence are the physical, psychological and sexual forms of violence exerted by the man who is or was your spouse or who is or has been connected to you by similar affective relations.

¿QUÉ ES LA VIOLENCIA MACHISTA?

Law 5/2008, of 24 April, on the right of women to eradicate male violence defines male violence as follows “violence that is exerted against women as a manifestation of unequal power relations between men and women, which have led to domination over and discrimination against women by men and is produced by physical, economic or psychological means, including threats, intimidation and coercion. It results in physical, sexual or psychological harm or suffering to women, whether occurring in public or in private life.” (Art. 3a).

Male violence is the term used to characterize the scope of the regulation:

“The Law uses the expression male violence because it is the concept that generally defines behaviours of domination, control and abuse of power of men over women and that, in turn, has imposed a model of masculinity which is still valued as superior by a part of society “(Preamble).

Male violence against women, unlike gender-based violence, can manifest itself in different areas: within the **couple**, in the **family**, in the **workplace** and in **social** or **community life**.



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WHAT ARE THE FORMS OF VIOLENCE INCLUDED IN THE LAW 5/2008? (AUTONOMOUS GOVERNMENT OF CATALONIA)

- **Physical violence:** it includes any act or omission against the body of a woman, with the result or risk of causing physical injury or damage to her.
- **Psychological violence:** it includes any behaviour or intentional omission that produces suffering in a woman, by threat, humiliation, harassment, demand for obedience or submission, verbal coercion, insults, isolation or any other deprivation of liberty.
- **Sexual violence and sexual abuse:** it includes any act of a sexual nature not consented by women, including exposure, observation and imposition of sexual relations by force, intimidation, or emotional manipulation, regardless of whether the offender has any kind of relationship (marital relationship, couple, emotional or family relationship) with the woman or minor.
- **Economic violence:** it is the deliberate and unjustified deprivation of resources for the physical or psychological well-being of a woman and, if applicable, their children, as well as limiting the availability of her own or shared resources within the family or couple.

SOME MANIFESTATIONS OF VIOLENCE, ABUSE AND CONTROL:

- **Abuse / economic violence:** do not allow women to work or to keep their jobs; force women to borrow money; not provide information on family income or not allow women to manage that income.
- **Using coercion and threats:** to scare with threats of harm (also through messages, email, phone, Whatsapp, Facebook and other social networks); threatening suicide or false allegations; force to withdraw charges against him; forcing to commit illegal acts.
- **Intimidation:** to cause fear through gestures and actions; breaking things; to intimidate by breaking personal items; animal abuse; to show a gun, etc.
- **Emotional abuse:** humiliating; making people believe that the woman is crazy; make the woman feel guilty; insult the woman with offensive words.
- **Isolation:** exercise control over what the woman does, who she can see, who she can talk to, where she can go... Limiting her social life and using jealousy to justify his actions.



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- **Minimizing, denying, blaming:** minimize or deny the abuse, make the other person feel responsible for abusive behaviour.
- **Manipulating children:** making the other person feel guilty for the misbehaviour of children; using children as intermediaries to maintain control; using visitation with the children to coerce; threatening to take the children back.

MALE VIOLENCE WITHIN COUPLES

The Cycle Theory of Violence¹

The cycle of violence reflects the way the aggressor behaves in each of the stages of violence.

Love, hope and fear: three emotions that keep moving the cycle of violence and that hinder the breakup of a violent relationship.

¹ Teoría del Ciclo de la Violencia formulada por Leonor Walker en 1979 en su libro *The Battered Women*.



TENSION-BUILDING PHASE

There is a gradual escalation of tension displayed by discrete acts causing increased friction such as name-calling, other mean intentional behaviours, and/or physical abuse. The woman attempts to placate the batterer, and often she succeeds for a little while which reinforces her unrealistic belief that she can control this man.

LOVING CONTRITION PHASE

The batterer may apologize profusely, try to assist his victim, show kindness and remorse, and shower her with gifts and/or promises. The batterer himself may believe at this point that he will never allow himself to be violent again.

ACUTE BATTERING INCIDENT PHASE

Uncontrollable discharge of the tensions that have built up during phase one. The batterer unleashes a barrage of verbal and physical aggression that can leave the woman severely shaken and injured.



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RECOMMENDATIONS FOR WOMEN LIVING WITH GENDER-BASED VIOLENCE

Remember that you can take legal action or not but it is always advisable to seek advice and share the situation with others in order to have tools and be aware of the resources available.

If you are afraid of suffering further violent situations and you decide to leave your home...

Before you leave your home, make sure you collect some important personal items and documents (savings books, identity cards and passports (yours and your children's), social security card, contracts, medical certificates, etc.).

Remember that **you have the right to get help** to stop domestic violence.

▪ **Psychological violence**

Insults, threats and humiliation are also ill-treatment and are reportable. If you want to file a report, **you should store all messages**, Whatsapp, emails, voice messages and any evidence of threats and humiliation.

It is recommended that you request a visit at the **Information Desk and Care Services for Women (PIAD)** in order to assess what municipal service can assist you more adequately on your situation.

▪ **Physical or sexual violence**

If you have been attacked and want to file a report, **you can go to a health centre** (you should not wash or change clothes). In the medical centre you must ask for a medical certificate of injury to describe the wounds that require treatment and predictable healing time. You must also specify who carried out the assault.

After completing the medical certificate, you can go to the police and file a report.



WHAT DO YOU HAVE TO DO? WHAT ARE YOUR RIGHTS?

IF YOU DECIDE TO **REPORT** THE FACTS, PLEASE BEAR IN MIND THAT

- We advise you to go to the police station, **accompanied** by relatives or friends².
 - You have the right to a **public defender** specializing in gender-based violence. The lawyer must report to the *Mossos d'Esquadra* as soon as possible (he/she will deal with all criminal and civil proceedings for divorce / separation or custody, if applicable).
 - It is important that the report contains as much detail as possible about the situations of violence: **data**, facts and all available evidence.
 - If there are **witnesses** to the events, it is advisable to be accompanied by some of them.
 - You are entitled to **legal aid**.
 - You have the right to request a **protection order** and to be informed by the police about it.
 - You have the right to **be informed** about the support that the Victim's Assistance Office of the Department of Justice can offer you. Make sure you read the petition carefully before signing it and make sure it conforms to what you said. Ask for a copy of it.
- 2 In the event that no relative or friend can help you, the PIADS (Information Desks and Care Services for Women) can inform you about women's associations that can accompany you on a voluntary basis.

- If you are not fluent in the language, you are entitled to a **translation** or interpretation service.

IN THE GENDER-BASED VIOLENCE COURT

If you have reported the facts - or any witnesses have filed the report in your place, or you have been summoned to testify at the request of the Prosecutor as a victim of gender-based violence- you should know that:

- You have the right to be informed of the proceedings, and of the legal situation of the aggressor.
- You have the right to attend the hearing and to know that if you do not want to accuse the aggressor, the Prosecutor will take legal action accordingly. You should know that if you don't attend the hearing, you will have no right to a lawyer.
- You have the right not to testify in court against your husband or intimate partner.



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- In any case, in the event you decide not to attend the hearing, you will always have the right to be notified of the following information:
 1. Dismissal of the proceedings, if applicable.
 2. Date and place of the trial (you must appear as a witness in court).
 3. Judgments.

When you get to the Gender-based Violence Court you are likely to be invited to enter a “protective room” (designed to avoid your bumping into the aggressor).

Your lawyer will inform you of all matters that concern the trial within that room. It may be the case that other women who have suffered violence are in this room too.

In court you can also seek help from professionals from the Victim’s Assistance Office.

What
should
you do?



CRIMINAL AND CIVIL PRECAUTIONARY MEASURES

If you decide to attend the hearing, the judge will take statements from you and your aggressor, but you will not see him in any moment. However, if you have requested a restraining order, the judge, at the request of your lawyer or the Prosecutor, will assess whether to grant the order on the basis of the actually existing danger.

The protection order allows the judge of the gender-based violence court to adopt criminal and civil precautionary measures and other protective measures. Among the criminal precautionary measures is the restraining order prohibiting the aggressor from approaching the woman or contacting her.

If your lawyer has requested civil precautionary measures, the judge will also regulate the following aspects on a precautionary basis:

- Custody of children and parental rights.
- Visitation.
- Assignment of the family home.
- Provision of food.
- Child protection, if necessary, to avoid dangerous situations.



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Note that these civil measures are just precautionary and will be valid for only 30 days. Your attorney should start the trial process within that time (in order to regulate the custody of children, the divorce application, etc.).

Usually it is the court that regulates divorce, custody of children, provision of food and other related issues.

Please note that if you decide to leave the home, you can request emergency shelter at the SARA service (C. Marie Curie, 16) between 9 A.M. and 5 P.M. and, outside these hours, at the CUESB (C. Llacuna, 25). In any case the filing of the report will be required to apply for an emergency shelter.

It is also important for you to know that the Family code of Catalonia (Art. 233.11.3) establishes that custody cannot be granted to the parent against whom a final judgment has been issued for acts of domestic violence of which the children have been direct or indirect victims.

The custody cannot be granted to the parent if there is evidence that he has committed acts of domestic violence of which the children were direct or indirect victims.

IF YOU CHOOSE NOT TO FILE A REPORT

In case you do not want to file a report and have to leave the family home with your children, it is important to send a burofax, indicating the reasons thereof and have an attorney contact with your partner to take measures concerning the children.

You have to appoint a lawyer (can be a public defender if you qualify for legal aid). The aim will be to bring civil proceedings for separation / divorce or custody to establish measures in the event that children are involved.

If you decide not to report, bear in mind that there may be witnesses to the events who might have already filed a report. Besides, if the *Mossos d'Esquadra* have intervened, you can be called to testify in court at the request of the prosecution.



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OTHER RELEVANT RIGHTS:

Rights that are generated from the granting of a protective order or favourable report by the Prosecutor:

- Economic rights: You are entitled to the Active Insertion Income for victims of gender-based violence (RAI).
- Labour and Social Security Rights:
 - Reduction or rearrangement of working hours.
 - Geographical mobility.
 - Changing the workplace.
 - Suspension of the employment contract/relationship - ensuring preservation of the workplace (position)-.
 - Termination of the employment contract.

Both the suspension and termination of the employment contract will result in legal unemployment. Absences and lateness to work caused by the violence are considered justified when so determined by social health services. In any case, they shall be communicated to the company.

If you are a **newly arrived immigrant** woman or are in an irregular administrative situation or have arrived via family reunification promoted by your aggressor, you are entitled to:

- Obtain autonomous residence and work permits independent of that of your husband, given exceptional circumstances.
- The authorization request will be processed on a preferential basis.
- Administrative disciplinary proceedings for irregular administrative situation will not be initiated. In the event an expulsion process has been initiated, it will be stopped.



**For further information
please contact**

900 900 120

**Against male violence
to women**

**24 hours
attention**



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You can also,
go personally to the
**Information Desks and Care
Services for Women (PIAD)
in Barcelona.**

You will find our contact
details on our website:
www.bcn.cat/dones

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