



Spain
**Stakeholder Report for the United Nations Universal Periodic Review: Institutional
Gender-Based Violence**

Presented by The Advocates for Human Rights,
Non-governmental organization with special consultative status
and
Women's Link Worldwide

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Women's Link Worldwide (WLW) was founded in 2001 and is an intersectional, feminist, anti-racist, anti-ableist, anti-colonialist and anti-racist human rights organization. It focuses on the Global South and works in Latin America, the Caribbean, East Africa, and Europe. In collaboration with others, WLW strives to bring justice to women, girls, and gender-diverse people by dismantling structural barriers to their right to access rights. WLW employs legal, alliance, and communication strategies to advance the rights of women, girls, and gender-diverse people. WLW strengthens the feminist ecosystem by transforming the face of those engaged in strategic litigation in a way that decolonizes legal strategies and disrupts power imbalances, breaking down the walls of the legal sphere and incorporating those left out of legal processes. WLW focuses its work on ending gender-based violence and advancing sexual and reproductive rights, racial justice, and climate change. <https://womenslinkworldwide.org/>.

I. INTRODUCTION¹

1. The purpose of this report is to present the gender-based and/or sexual violence that women and their children experience in Spain, as well as the institutional violence they suffer as a result of the use of gender and racial stereotypes by different public officials who, far from protecting them, subject them to more violence with serious consequences and violations of their rights. This report will also present the deficiencies and challenges present in the Spanish system in the treatment of separation and divorce conflicts when a woman denounces gender violence or abuse of her children.
2. This report will consist of two sections. The first will address how the concept of Parental Alienation Syndrome (PAS) persists in Spain as a method of gender-based institutional violence against women and their children when accessing justice. The second addresses the shortcomings of the State in guaranteeing the sexual and reproductive rights of people in its jurisdiction, in particular, access to legal and safe abortion.
3. This report benefited from the testimonies, experiences, and guidance of expert researchers in the application of the false PAS and of activist mothers who are survivors of such violence. Specifically, the report relied on the expertise of Débora Ávila, Adela Franzé and Marta Pérez, professors and researchers at the Complutense University of Madrid. The report, “*Violencia institucional contra las madres y la infancia. Aplicación del falso síndrome de alienación parental en España*” ([Institutional violence against mothers and children: application of the false parental alienation syndrome in Spain](#)) (2022), co-authored by the researchers (alongside M^a Carmen Peñaranda) was a fundamental source for the information presented in this report. Leaders of the organization *Madres Protectoras* (Protective Mothers), Silvia Aquiles, Maria Isabel Martínez, and Patricia González shared their experience, expertise and struggles intending to unveil the human rights violations experienced by women in Spain when they interact with judicial bodies and in general public officers in their role as mothers.

Implementation of international obligations by Spain

II. Childhood, general principles and protection; Childhood, family environment and alternative care; Access to justice and reparation; Gender-Based violence; Domestic violence; Violence against women; Discrimination against women

Status of implementation: partially implemented

Applicable regulations

4. Spain has enjoyed a notable legislative development aiming at eliminating and protecting gender-based violence against women and children. However, there are important gaps in its legislation and shortcomings in its implementation that have led to serious violations of the rights of women and their children to live free from violence and to be protected from it.

¹ The current report version is a translation of the original stakeholder report drafted in Spanish.

5. The Organic Law 8/2021, of June 4, on the comprehensive protection of children and adolescents against violence is notable regarding essential protections. Another relevant legislation is the Organic Law 1/2004, of December 28, on Comprehensive Protection Measures against Gender Violence; the Organic Law 10/2022, of September 6, on the comprehensive guarantee of sexual freedom. Spain has also adopted a National Plan Against Gender Violence,¹ which establishes in its Axis 2.6 (measure 12): to carry out defined actions to prevent the courts from using PAS in custody matters. The State Strategy to Combat Male Violence 2022-2025 also establishes in its Axis 2.12 (measure 53) the “publication of research for the analysis and improvement of knowledge on the application of the false parental alienation syndrome (PAS) in judicial judgments, in accordance with the recommendations made by the United Nations Rapporteur to Spain, as well as the unregulated figure of parental coordination.”² The mentioned Strategy also enshrined in its Axis 2.8.2 (measure 157) the “Strengthen in the syllabus for access to the Judicial and Prosecutorial Careers, as well as to the Corps of Lawyers of the Administration of Justice and other personnel in the service of the Administration of Justice” with gender and intersectional trainings, with an emphasis on the eradication of the false PAS.³
6. Spanish Organic Law 8/2021, of June 4, on the comprehensive protection of children and adolescents against violence, recognizes the potential negative impacts of applying PAS. This Law recognizes in its Article 11 the right of children to be heard and establishes a duty for public authorities to guarantee this right. In particular, section 11(3) specifies that the public authorities must take “(...) *the necessary measures to prevent theoretical approaches or criteria without scientific support that presume adult interference or manipulation, such as the so-called parental alienation syndrome, from being taken into consideration.*”⁴
7. Despite significant progress in the codification of the right of children to be heard and the duty to take measures to prevent the taking into consideration of concepts such as PAS, these regulations have significant shortcomings that impede their substantive application, such as the lack of identification of mechanisms, procedures and actors in charge of implementing such duty, as well as the lack of monitoring, accountability and sanction mechanisms in case of non-compliance.⁵

The application of PAS is still prevalent in Spain by different judicial and non-judicial actors.

8. Different United Nations human rights mechanisms have expressed concern about the existence of gender stereotypes, including the application of PAS in justice systems. For example, the CEDAW Committee noted inadequacies in legislation to combat gender-based violence,⁶ the absence of specific structures to support child witnesses of such gender-based violence,⁷ and recommended the reevaluation of the child protection policy.⁸ The Special Rapporteur on violence against women, its causes and consequences, has also raised alerts about the tendency to apply PAS in the Spanish justice system, both by justice operators and social workers, who attribute a lower value to the testimony or arguments of women and their children due to existing gender prejudices and stereotypes.⁹
9. The Prosecutor General's Office has recognized the current dynamic; nevertheless, its application remains a persistent problem despite the duty not to apply it as established in Organic Law 8/2021. The State Attorney General's Office, in its conclusions on the 2022

Delegated Prosecutors Seminar, noted that PAS is still prevalent in “judicial practice [that] continues to appear through different nomenclatures such as ‘parental interference,’ ‘conflict of loyalties,’ or ‘gatekeeping,’ ‘family conflicts’, among others.”¹⁰ Interviews with expert researchers reaffirmed that PAS is still prevalent and often expressed under figures such as “morbid preoccupation” and “parental interference, among others.”¹¹ Other stereotypical expressions that reveal the application of PAS and help identify it include that the mother is jealous, lying, and vindictive; she is overprotective, exaggerates, revictimizes, and has morbid preoccupations; she is manipulative and obstructs the *filio-parental* relationship; she has problems with her mental health; among others.

10. According to expert evaluation done by our interviewees, judicial instances in Spain incorporate an amalgam of stereotypical views on sexual violence, the family and the ties between fathers and their children that negatively impact the rights of mothers and children. The experts explained the phenomenon as “*a set of stereotypes that pervade the work of professionals from the beginning of the interventions and assessments and then transverses the whole judicial procedure.*”¹² The application of PAS by the different actors sabotages the process and reverses any other argument used by other specialists or by the mothers, “*becoming the first and only argument.*”¹³
11. According to estimates made by the interviewed researchers, since Organic Law 8/2021 was passed, there are at least 15 cases with judicial sentences in which PAS or similar concepts have been applied in cases of sexual abuse of children by their fathers.¹⁴ This is an updated estimate following their initial report to the Ministry of Equality. The report presented that of the 40 sentences studied, they identified that at least 50% of the rulings presented evidence of the alleged crimes of sexual violence by the father against his child and in which PAS or a similar concept is applied. The rulings corresponded to the civil regime linked with criminal proceedings involving allegations of sexual violence in the family environment for the years 2021 and 2022.¹⁵
12. After conducting the report interviews, it can be concluded that PAS is widely applied by judges in criminal and civil jurisdictions, with serious consequences in the rights fulfillment of mothers and their children. Expert researchers have identified that judges and prosecutors have engaged in a practice of “undue diligence,” in which they investigate potential violence under the erroneous assumption that children are easily manipulable and women are bad mothers.¹⁶ When assuming the false existence and application of PAS, judicial officials do not take all the necessary measures to protect the best interests of the child, even when there are indications that they have suffered violence by their father, since “it is better to imagine that the child is not abused and that the child is manipulable.”¹⁷
13. PAS is prevalent in civil jurisdictions, where some testimonies show that judges change custody regimes, and even grant sole custody to denounced aggressors based on the gender stereotypes materialized by PAS.¹⁸ One of the ‘*Madres Protectors*’ activists (*hereinafter*, activist mothers) interviewed commented that the PAS ideology is so ingrained in the system that judicial and social workers focus on proving its existence rather than investigating allegations of violence against the father.¹⁹ Mothers with lived experience expertise (*hereinafter*, expert mothers) also denounced officials’ lack of cooperation and information when they access institutions seeking protection for themselves and their children.²⁰

14. Judges lack a gender and childhood lens when interpreting the principle of the best interest of the child, as judges often restrict such principle to maintaining the paternal-filial relationship. According to information provided in the interviews, there are known cases of judges who have justified hypersexualized behaviors in children of around 3 years of age under the perception that these are “normal” childhood behaviors —prejudices that judges fail to support under evidence or legal grounds.²¹ Judicial actors have also restricted the possibility of hearing a child's testimony up to the age of 12, even though some have verbalized abuse since the ages of 3-4.²² Among the various omissions identified by interviewed experts, there also exists a lack or improper collection of evidentiary material, the lack of motive in sentences, and the failure to study evidentiary material in judicial decisions.²³
15. There are also allegations of judges ignoring criminal complaints and rulings proving abuse by fathers and then proceeding to nonetheless award the father custody of the children.²⁴ The lack of a gender lens and a trauma-informed approach also materializes in judges who have pulled mothers out of hearings for crying.²⁵ Judges have also ignored the existence of protection orders in favor of the mother at the time of granting custody to a father accused of abuse.²⁶ According to interviewees, there are reports of judges assessing the existence of protection orders in favor of mothers and children as an element that proves the claim that the mother is applying PAS.²⁷ The activist mothers identify these as instances of patriarchal violence and point out that the father's claims against them usually go to trial. In contrast, public officers dismiss in an “express” speed the initial claims on their part for abuse and violence against their children.²⁸ This happens not only in the courts but also in police stations.²⁹

Non-Judicial Officials

16. Different judicial and psychosocial officials ignore and discredit children’s explicit and repeated verbalizations regarding the violence they have experienced. If testimonies and verbalizations are included in the evaluations, such are frequently dismissed by judges under the argument that children are moldable and manipulable by their mothers.³⁰ Direct verbalizations such as “*but I don't want to say anything, because my dad is on the other side and he's looking at me... and then I'm going home with him,*” have not been considered or investigated by the officials.³¹ In other cases, forensic psychologists and social workers do not even ask about the father in their psychological and social evaluations.³²
17. Expert researchers have identified practices against the child's best interest, such as allowing the accused father to accompany and be present at the child’s psychosocial and forensic evaluation or conducting proceedings to obtain a child's testimony in a sealed chamber with the alleged father behind the mirror and witnessing the interview.³³ When mothers present alternative expert opinions or reports from health authorities and psychosocial and forensic professionals, these reports are not considered or accredited into the process due to biases from legal operators about their veracity.³⁴
18. The child welfare system lacks appropriate monitoring for psychologists and social workers, as well as a deficiency in adequate protocols with a gender and child lens to evaluate potential violence.³⁵ Social workers are among the civil servants who have the PAS most deeply rooted in their work.³⁶ There are also reports of psychosocial teams that

are not specialized and submit deficient reports.³⁷ Expert lawyers have denounced that these reports “*are all similar because they use **whole paragraphs that are [gender] stereotypes.***”³⁸ Testimonies warn of cases in which psychologists have told judges that mothers “*are like a sect that must be nipped in the bud.*”³⁹

19. Expert researchers state that “*at the judicial level, what we observe is a battle being waged in the courts with people fighting in favor of the application of PAS. We can trace who they are, and what connections they have ... and we are no longer talking about stereotypes that are in the environment, or a lack of training. We are talking about true advocates of PAS who continue to give talks, training ... they even have a network so that a parent knows which experts to turn to for reports arguing the existence of PAS.*”⁴⁰
20. The authors of this report gathered information that identifies networks such as the ‘Plataforma Derecho y Familia’ (Law and Family Network) as an exemplification of this public commitment by officials to implementing PAS in the Spanish legal system.⁴¹ The ‘Plataforma *Derecho y Familia*’ website identifies magistrates, lawyers, prosecutors, psychologists and social workers, mediators, and parental coordinators as founding members.⁴² According to information obtained by the report’s authors, these officials enjoy impunity for continuing to implement the false PAS.⁴³
21. In Spain, judges decree the use of *puntos de encuentro familiar o centros de coordinación parental* (parental family meeting points or parental coordination centers).⁴⁴ These centers are private institutions aimed to protect the paternal-filial bond, even if the father is accused of abuse; and despite the judges’ lack of legal mandate or power to order such measures.⁴⁵ Women are victims of threats and degrading treatment by officials of these facilities.⁴⁶ In these spaces, the staff constantly watch mothers and are restricted from being affectionate to their children.⁴⁷ Staff harasses mothers with threats of reports to judges and thus restrictions on mothers’ visitation rights.⁴⁸ These services constitute an additional cost for mothers whom judges require to use such services, with the penalty of fines and sanctions in case of non-compliance.⁴⁹ According to reliable information, criminal and family judges inclined to apply PAS would have financial gains in recommending these parental coordination centers.⁵⁰
22. In conclusion, the experts report that there is “a denial of child abuse, total invisibility, incest and abuse are covered up.” Experts also concluded that the relationship between father and child is protected above all else, rooted in the practice of prioritizing shared custody.⁵¹

Inexistence of accountability mechanisms regarding the application of the PAS

23. The interviewees agreed that there are no judicial or non-judicial instances for the accountability of these officials applying the false PAS.⁵²
24. Complaints to prosecutors, judges and other non-judicial officials are ineffective in the country.⁵³ The Ombudsman’s Office is investigating different irregularities; however, potential findings do not have the necessary bindingness and accountability to deter existing violence.⁵⁴ This was reiterated by the Mothers Activists, who indicated to be extremely concerned about the absence of sanctions for any of the legal actors who apply PAS; which means that there is also no way to regulate their influence in the judicial process.⁵⁵

25. Mothers Activists have approached the *Consejo General del Poder Judicial* (General Council of the Judiciary-CGPJ) with a request for specific data and statistics to determine how many cases with potential PAS application count with prior complaints of parental sexual violence and how many of these cases end up archived in the criminal system; as well as the number of subsequent separations that occur in family courts. The Mothers Activists report that in all years requesting this information, they have not received an affirmative response from the CGPJ regarding their repeated requests for definitive data.⁵⁶ The mothers stressed that, in their experience, if these figures were made public, they would show the gravity of the situation surrounding the application of PAS in Spain.⁵⁷

Gender-based institutional violence due to the application of PAS by judicial and non-judicial officials generates serious and continuous violations of the rights of children and their mothers.

26. Although some of the criminal cases are closed, mothers survive continuous suffering amounting to torture.⁵⁸ Mothers also incur excessive expenses for their legal representation and collection of evidence due to the magnitude of the legal proceedings.⁵⁹ Mothers Activists also report serious harms to their mental and physical health as a result of the violence they have endured over the years.⁶⁰ The mothers described: “*We have psychological, emotional and health problems. Why are your children taken away from you after violence, in our case sexual violence, and you continue to be criminalized. You are powerless because you can't help your son or daughter, these are processes that you don't get out of until they are 18.*”⁶¹
27. Judges do not respect the mothers’ right to due process in custody and family proceedings. Accounts describe cases where family judges have granted sole custody to the father accused of abuse without even formally notifying the mother. In such cases, the mothers did not know the whereabouts of their children for long periods of time and were denied visitation rights of their children, even for years—the latest under the argument that a meeting point must be first designated.⁶² Mother activists report periods as long as five years without having contact with their children.⁶³ Mother activists also denounce cases in which they have been denied the exercise of parental guardianship over medical matters, psychosocial care, and even schooling for their children.⁶⁴
28. Mothers experience arbitrary and PAS-based removal by social services, decisions that are very difficult to reverse. The family court judge subsequently endorsed such actions.⁶⁵ Mother activists denounce the existence of cases in which children have been sent to foster care or juvenile centers after their mothers have been denied custody.⁶⁶ In such cases, siblings are separated, with one being sent to a juvenile center while the other is in the custody of the alleged offending parent.⁶⁷ The described case is not an isolated one.⁶⁸ Some of the consequences reported by both experts and mothers activists indicate that children suffer from abrupt separations from their mothers, the awarding of custody to potential abusers, and the lack of reparations and protection from public authorities.⁶⁹
29. Racialized mothers in Spain endure exponential violence due to the prejudices they face as mothers and migrants, including a greater likelihood of having their children taken away when the father is Spanish, and the mother has a different nationality.⁷⁰ In addition to a judicial process that functions as the “enforcement arm” of the *patriarchal* violence, racialized mothers are additionally subjected to a system rooted in racist and classist

stereotypes. In one of the cases described in the interviews, in a judicial process father was referred to as “a law graduate,” while the racialized mother is referred to as “alleges to be a law graduate.”⁷¹

30. Therefore, Women survivors lack trust in the judicial and child welfare and protection systems. Women who have suffered gender-based violence are deterred from seeking protection and help due to the systemic deficiencies of the judicial system in the country.⁷²

Mothers are criminalized as a consequence of institutional violence through the application of PAS and the persistence of gender stereotypes by state officials.

31. Officials in Spain have criminalized mothers for their exercise of protective strategies against fathers denounced for abuse. In addition to permeating the civil jurisdiction and hindering access to justice for child survivors of violence, ongoing institutional violence and the use of false PAS have resulted in the criminalization of mothers who take action to protect their children from their alleged abusers.
32. Judges and prosecutors have often punished mothers through administrative sanctions, rulings disregarding the relationship between mothers and their children, and even criminal charges. Interviewees have identified common institutional violence occurrences mothers survive because of the application of the false PAS, such as granting visitation rights to the father accused of abuse, restricting mothers’ visitation rights, denying custody of children to their mothers, ordering mandatory therapy,⁷³ and imposing high administrative fines.⁷⁴
33. Criminalization, far from being an isolated event in Spain, is a structural and discriminatory practice against mothers in the face of the protection practices they carry out in the face of the inaction of the public authorities.⁷⁵ Mothers have been denounced, charged and even punished under criminal offenses such as child abduction, false claims, disclosure of secrets,² crimes against honor, child abuse, among others.⁷⁶ Mothers have faced sentences of up to 4 years in prison.⁷⁷ Expert mothers warn that women have been charged with child abduction even when they have sole custody of their children.⁷⁸ Gender bias and stereotypes have often permeated appellate courts, which uphold case decisions by the lower courts that criminalize mothers.⁷⁹
34. Silvia Aquiles was charged with child abduction by the Public Prosecutor's Office. The Office requested two years in prison due to her delay of 14 days on the delivery of her children to her ex-partner, who had been denounced for their sexual abuse.⁸⁰ In Silvia’s case, the false PAS was used in judicial instances to dismiss the investigations on the reported aggressor while serious legal consequences were imposed on the mother.⁸¹ The lack of gender lens from the Public Prosecutor's Office and judges is evident as Silvia is one of the few mothers recognized as a victim of institutional violence by a provincial authority.⁸²
35. Expert mothers denounce that legal, psychosocial, and health professionals who have supported mothers in their legal proceedings have received threats, denunciations, sanctions and criminalization linked to their support.⁸³
36. Judges have used rulings with high political symbolism to demonstrate their support in favor of the PAS. Interviewees recounted how an important ruling regarding an impacted

² Criminal offenses in Spain under articles 197 and 201 of the Criminal Code.

mother was delayed and published on March 8, International Women's Day, as an exemplary ruling in favor of false PAS.⁸⁴

37. Civil society organizations have mobilized against institutional and gender-based violence, including the application of the false PAS.⁸⁵ Several interviewed expert mothers were detained and criminalized since 2019 after advocating against institutional violence at the national level. Their criminalization is connected to activities related to their role as protective mother like reporting the sexual abuse of their children.⁸⁶ An expert mother recounted that: “We four women went to that children's convention to report what was happening in the Spanish courts, what PAS is, the violation of rights that we are experiencing, and above all, our children’s situation. From there, persecution began, which ended with a cascade of arrests of the activists. The accusation of the organization of being a criminal organization was ultimately dropped because they had nothing to fundament it on.”⁸⁷ There has been, and there still exists, a real persecution of the “Protective Mothers” group.

III. Access to sexual and reproductive health services; Discrimination against women

Status of implementation: Partially implemented.

Distance and Costs

38. Spain has significant deficiencies in the availability of sexual and reproductive health services, as not all Spanish provinces have clinics where voluntary terminations of pregnancy (VTP) can be performed.⁸⁸ Although not all provinces offer *public* abortion services, some provinces do have *private* clinics that offer abortion services.⁸⁹ Due to the public-private divide, accessing an abortion clinic often incurs added costs as the patient sometimes has to cover the cost of travel, stay, and/or expenses for accessing a private service.⁹⁰ In 2021, news outlets reported that 4,258 women had to travel outside their province to voluntarily terminate their pregnancy.⁹¹
39. To address this problem, a reform to Organic Law 1/2023 came into force in 2023, requiring the existence of at least one public hospital per province offering abortion services.⁹² This reform was adopted with the intention of increasing the availability of hospitals and public health centers where abortion is performed in the country, as private services can typically cost between €300 and €700.⁹³ The reform also intends to close the public and private spheres gap. In 2021, only 14% of abortions in Spain were performed by the public health system.⁹⁴ By 2024, news outlets reported that more than 80% of abortions are still occurring in private clinics.⁹⁵

Conscientious objections

40. There are reasonable doubts that the reform of Organic Law 1/2023 will have the desired effect due to the existence of conscientious objections; a significant barrier to access to abortion. Even if a public clinic does offer abortion services, often, the attending physician may refuse to perform the procedure due to conscientious objections.⁹⁶ The unavailability of other physicians constitutes a material barrier to exercising women’s rights.⁹⁷

41. The conscientious objection conflict was addressed in Organic Law 1/2023, which requires objecting physicians to register their objection in advance and in writing.⁹⁸ Thus, the legislation creates the duty of having a list of registered objecting physicians so health services can ensure that sufficient physicians are available in public hospitals.⁹⁹
42. Organic Law 1/2023 has not been effectively implemented.¹⁰⁰ As of August 20, 2024, only 5 of the 17 autonomous communities have a registry of objecting physicians.¹⁰¹ Of these, the autonomous community of La Rioja reports that 23 out of 26 physicians are objectors, which means that, with a population of 160,000 women, only three physicians are available to perform abortions.¹⁰² One year after the legislation's enactment, cases of institutional conscientious objection are still a reality in Spain.¹⁰³
43. News outlets have reported cases of doctors registered as conscious objectors threatening, hindering, and harassing patients when they seek to terminate their pregnancy.¹⁰⁴ In a series of interviews, a Spanish gynecologist stated³ that she told a patient who wanted an abortion that accessing abortion care “would terminate the patient's pregnancy, but the patient would have to keep her conscience.”¹⁰⁵
44. A large percentage of patient harassment occurs outside clinics where the abortion is performed. Even though obstruction of a woman seeking an abortion is a criminal offense in Spain, reports present that police infrequently arrest protesters on the grounds that they are outside the protection zone, or under the belief that they do not pose a “real” threat to the patient.¹⁰⁶

Medical Training

45. Organic Law 1/2023 has shortcomings that make it precarious regarding the protecting the right to voluntarily terminate a pregnancy. For example, the list of objecting physicians can be a source of stigmatization against physicians, for both conscientious objectors and non-objecting physicians.¹⁰⁷ A physician interviewed in a media outlet commented that most of her colleagues preferred to declare themselves objectors so as not to be labeled as the only “abortionist” in the hospitals, and thus “avoid trouble” with other personnel.¹⁰⁸
46. The absence of education on sexual and reproductive rights in the country, particularly during medical education, roots abortion stigma. News outlets have identified that there is a lack of training and information on abortion during gynecologists’ residency training.¹⁰⁹ Currently, no medical program among Spanish public universities has a curriculum that deals with abortion and, therefore, its appropriate procedures.¹¹⁰ This may be creating a “generational” problem, as recently graduated physicians do not have adequate training to deal with patients seeking an abortion.¹¹¹

Access for Migrant Women

47. Migrant women in Spain face exacerbated violations of their sexual and reproductive rights. Migrants are frequently told that they “do not have the right” to go to the public

³ The following statement was translated from the original Spanish version, which stated “*quitaría el embarazo a la paciente, pero se tendría que quedar con la conciencia.*”

system to obtain an abortion.¹¹² Access to the public abortion system is also subject to delays and arbitrary restrictions.¹¹³

48. According to the current regulations (Royal Decree-Law 7/2018), migrants must have resided for at least 90 days in Spain to access the public health system.¹¹⁴ Proof of residency is additionally required to register on a municipality, a step required to receive a health care document (DAR). However, the current law states that in cases of emergency, pregnancy, and postpartum, migrants, irrespective of their immigration status in Spain, have the right to access the public health system.¹¹⁵
49. Although the law anticipates such situations, in reality, the described exceptional regime for emergencies and pregnancies is not always respected by health personnel. In a case reported by Women's Link Worldwide, there are several instances following the entry into force of this law that show that several migrant women with irregular status, many of them in situations of human trafficking and/or sexual abuse, were denied the DAR they required to obtain an abortion care. Although these women were assisted by a non-profit organization, in the reported cases, the women were repeatedly turned away before being able to access an abortion and, in some cases, received racist or derogatory treatment by health personnel.¹¹⁶
50. The financial aspect also plays an important factor for migrant women, as most abortions in Spain are performed through private clinics.¹¹⁷

IV. RECOMMENDATIONS

51. This report suggests the following recommendations¹¹⁸ to the Spanish government:
 - Recognize at the national level the existence of institutional violence based on the gender of mothers who have been affected and criminalized because of parental alienation syndrome and similar figures.
 - Implement measures to retroactively repair and readdress the harm to the victims of the false PAS. The measures must be consulted and agreed upon with mothers and the affected children.
 - Amend national legislation that discourages the use of PAS and introduce accountability mechanisms, investigation protocols and specific sanctions for judicial and non-judicial officials who apply PAS or any gender stereotype or pseudo-concept against mothers, whether in administrative or judicial proceedings.
 - Undertake substantive measures to assure that in family proceedings, when there are indications of gender violence in parallel criminal proceedings, immediate protective measures must be taken to stop this situation.
 - Ensure through binding regulations and protocols that the children's right to be heard is respected, and that the principle of the best interest of the child and their right to be heard is reinterpreted in a way that complies with international standards for the protection of children's rights.
 - Prohibit the arbitrary removal of children by child protective services and instead develop guidance to regulate how such cases are handled.
 - Collect the necessary data, including statistics, to identify all cases in which PAS has been applied, including jurisdiction, perpetrator and actors involved, and undertake all

- necessary actions to investigate, punish those responsible, and provide reparations to the victims.
- Undertake mandatory training in child sexual violence, gender-based violence and human rights for all judicial and non-judicial operators who encounter decisions about family and civil legal matters, and/or the protection of mothers and children from violence.
 - Guarantee that women have the right to make their own informed decisions regarding sexual and reproductive health rights, free from discrimination, coercion, and violence.
 - Ensure compliance with laws that protect the right to voluntary termination of a pregnancy and remove all material and legal barriers to abortion.
 - Implement mandatory training programs for healthcare personnel focused on providing best practices to perform safe, bias-free, and trauma-informed abortion and reproductive services.
 - Allocate sufficient public funds to support abortion services, making them accessible to all women regardless of their economic status.
 - Adopt substantive measures to regulate conscientious objection.
 - Ensure that the provinces implement the registration of lists of conscientious objectors to ensure that enough public health centers can offer abortion services.
 - Ensure that there is a straightforward procedure with accountability and sanctions for public health personnel to respect women's reproductive rights, such as a guide on how to refer patients to doctors providing sexual and reproductive care.
 - Strengthen awareness campaigns aimed at society as a whole, to address the social and cultural patterns and stereotypes that facilitate the tolerance of gender violence.

¹ Débora Ávila, Adela Franzé, María Carmen Peñaranda, Marta Pérez, Patricia González Prado, *Violencia Institucional Contra las Madres y la Infancia: Aplicación del falso síndrome de alienación parental en España*, (Madrid, Ministerio de Igualdad Centro de Publicaciones, 2022), https://violenciagenero.igualdad.gob.es/wp-content/uploads/Violencia_institucional_madres_infancia_SAP.pdf

² Ministerio de la Igualdad. Delegación del Gobierno contra la Violencia de Género. *State Strategy to Combat Male Violence 2022– 2025 (EEVM)*, (Madrid, Ministerio de la Igualdad Centro de Publicaciones, 2022) https://violenciagenero.igualdad.gob.es/wp-content/uploads/EN_EEVM_2022_2025.pdf

³ Ministerio de la Igualdad. Delegación del Gobierno contra la Violencia de Género. *State Strategy to Combat Male Violence 2022– 2025 (EEVM)*, (Madrid, Ministerio de la Igualdad Centro de Publicaciones, 2022) https://violenciagenero.igualdad.gob.es/wp-content/uploads/EN_EEVM_2022_2025.pdf

⁴ *Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente la violencia*, Boletín Oficial del Estado, Spain, núm. 134, BOE-A-2021-9347, jun. 05, 2021, <https://www.boe.es/buscar/act.php?id=BOE-A-2021-9347>

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¹¹⁴ Ana Baéz, *De boca en boca: así abortan las mujeres migrantes en España*, efeminista, Sep. 1, 2023, <https://efeminista.com/de-boca-en-boca-aborto-mujeres-migrantes-espana/>; Yo Sí: Sanidad Universal, *Valoración de las recomendaciones enviadas a las comunidades autónomas para la implementación del RDL 7/2018*, Jul. 9, 2019, <https://yosisanidaduniversal.net/noticias/valoracion-de-las-recomendaciones-del-rdl-7-2018>

¹¹⁵ *Real Decreto-Ley 7/2018 de 17 de julio*, sobre acceso universal al Sistema Nacional de Salud, Spain, Boletín Oficial del Estado, no. 183, Jul. 30, 2018, p. 1.

¹¹⁶ Information is confidential and on file with the authors of this report.

¹¹⁷ Sofía García Senso, Marta Cara Rodríguez, María Ángeles Rodríguez-Arenas, *Factors Related to the Voluntary Interruption of Pregnancy in Spain*, 63 J PREV Medical Hygiene E69 (2022), <https://doi.org/10.15167/2421-4248/jpmh2021.62.4.1578>, p. E 73.

¹¹⁸ The recommendations are in accordance with and based on the report: *Violencia Institucional Contra las Madres y la Infancia: Aplicación del falso síndrome de alienación parental en España*, by Débora Ávila, Adela Franzé, María Carmen Peñaranda, Marta Pérez, Patricia González Prado, 93 (Madrid, Ministerio de Igualdad Centro de Publicaciones, 2022), https://violenciagenero.igualdad.gob.es/wp-content/uploads/Violencia_institucional_madres_infancia_SAP.pdf