
Act 5/2008, of 24 April, on the right of women to eradicate sexist violence
200-00022/08

Adoption

Plenary Assembly of the Parliament of Catalonia

Sitting 34, 16.04.2008, DSPC-P 48

Publication: BOPC 251; DOGC, 5123, del 02.05.2008

Plenary Assembly of Parliament

The Plenary Assembly of Parliament, in its session held on 16 April 2008, debated the Final Report of the Committee on Welfare and Immigration on the Bill on the rights of women for the eradication of sexist violence (200-00022/08) and the amendments reserved by the parliamentary groups.

Finally, in accordance with article 55.2 of the Statute of Autonomy and articles 112 and 113 of the Rules of Procedure of the Parliament, it has approved the following Act:

Act on the right of women to eradicate sexist violence

Preamble

I. Women have played an essential part in the construction and the defence of rights and freedoms throughout history. However, most of our societies have failed to recognise the historic role of women and have failed to guarantee their rights.

The Act on the right of women to eradicate sexist violence is founded on the premise that women's rights are human rights. Sexist violence is a serious breach of those rights and an obstacle for women in achieving full citizenship, independence and freedom.

The objective of this act is to establish mechanisms that contribute to the eradication of the sexist violence from which women suffer, and recognise and move forward in the area of guarantees concerning the basic right of women to live free from any form of this violence.

The struggle against sexist violence forms part of the process by which women confer effectiveness on their rights and to build an environment that allows for free development. Due to the long history of this process in our country, and in spite of adverse situations, women have developed their own spheres of independence.

In the first place, this act is founded on a recognition of the first hand experiences of women who have lived through various situations of violence, and who are considered active agents in the process of individual and collective transformation of our society with regard to awareness of and overcoming this conflict.

This act is also founded on the recognition of the historical, pioneering role of the feminist movements. The value and the wealth of knowledge, and the tools for analysis and action developed by feminists are fundamental to understanding the origin of sexist violence and being able to eliminate it. Similarly, the women's movement in Catalonia has played an essential role in the development of rights and in the creation of free spaces for women in our country.

Consequently, the contributions made by those women who have suffered violence and by those women's groups who have worked and are working against violence, as well as feminist practice in defence of the rights of women have both been of vital importance in the drafting of this act. The demands for the right of women to live free from sexist violence are the result of the efforts of thousands of women who have denounced the various forms of this violence and have thereby made it possible for this right to finally be incorporated into our juridical structure.

Turning to public responsibility, the historical importance and the innovative and exemplary nature of the political conduct of local government bodies in confronting the phenomenon must be recognised. Local government bodies and supra-municipal bodies have been pioneers in putting into practice measures such as information services, attention and support for women in situations of violence, they have created an ambit for co-ordination with like-minded associations and have established protocols for co-ordinated action which have inspired a great deal of the content of this legal text.

This act brings together all these experiences and aims to become an active, effective instrument in guaranteeing women's rights and providing the juridical tools for the expulsion of sexist violence from our society. The Act is not an end, but a beginning, one part of the process that will need to be completed with best practice in all the spheres involved.

The types of violence exercised against women have been defined in different ways: sexist violence, patriarchal violence, virile violence or gender violence, among others. In all cases the terminology indicates that this is a phenomenon whose characteristics are different from other forms of violence. It is a violence suffered by women for the simple reason of being female, within the framework of unequal power relations between women and men. This act recognises the specific and differentiated nature of this violence as well as the need to widen the scope of women's rights so as to include needs in the social sphere.

The Act uses the expression *sexist violence*, since sexism is the concept that generally defines behaviours of domination, control and abuse of power of men over women and which has also imposed a male model still considered by part of society to be superior. Violence against women is the most serious and devastating expression of this culture, which not only destroys lives, but also impedes the exercise of rights, equality of opportunity and freedom for women. For this reason the Act cannot treat this social problem from a falsely neutral perspective; rather, legal instruments have to recognise this reality in order to eliminate the social inequality it generates. In order to achieve material equality and not lead to a double discrimination, the starting point has to be the existing social inequality.

This act is born in the context of a transformation of public policy whose aim is to provide a legal framework for the transversality of the gender perspective in all spheres, and will contribute to making the exercise of full democracy possible. In other words, the task is to focus the phenomenon of sexist violence as a problem linked to the social and juridical recognition of women.

Sexist violence manifests itself in a range of abuses suffered by women. Different forms of violence can be identified: physical, psychological, sexual and economic, which take place in specific spheres, in the framework of affective and sexual relationships, be they in the spheres of couple, family, work and socio-community. This act deals with the specific manifestations of this violence, already identified by women's movements and included in international, European and state acts.

II. International, European, national, regional and local regulations have implemented a wide range of rights and measures to eradicate violence in all its forms against women.

Reference must be made, among others, to the Convention on the elimination of all forms of discrimination against women (CEDAW), of 1979, and the non-binding corresponding Protocol, of 1999. The Convention expressly recognises the need to change attitudes, by means of education of men and women, so that they grasp inequality of rights and overcome practices and prejudices based on stereotyped roles. The Protocol establishes the right of women to demand redress for violation of their rights.

The Conference on Human Rights, in Vienna, in 1993, declared that women's and children's human rights are an integral part of universal human rights, and stressed the importance of moves that aim to eliminate violence against women in public and private life.

The Beijing Declaration, of 1995, which came out of the Fourth World Conference on Women, is the fullest document produced by a United Nations conference with respect to the rights of women, since it incorporates the results obtained at previous conferences and treaties, amongst them the CEDAW and the Vienna Declaration. It made the Declaration on the elimination of violence against women, in which for the first time it was recognised that the causes of violence are structural, and it defined "gender violence" (article 113): "the expression *violence against women* refers to any act of violence based on gender which results in, or is likely to result in, physical sexual or psychological harm or suffering for women, including the threat of such acts, coercion or arbitrary deprivation of freedom, both in public life and in private". The Revision of the Beijing Action Platform, held in New York in June 2000, reinforced the commitments previously agreed upon to achieve the empowerment of women and gender equality.

The Resolution of the United Nations Commission on Human Rights in 1997 condemns all acts of sexist violence against women, demands the elimination of sexist violence in the family and in the community, and exhorts governments to act to prevent, investigate and punish acts of violence and to provide women with fair redress and specialist help.

Resolution 2001/49 of United Nations Commission on Human Rights condemns all acts of sexist violence against women, and particularly violence against women in situations of armed conflict.

In Europe, it is worth mentioning, among others, the European Parliament Resolution of September 1997, known as "Zero tolerance for violence against women", which came into force in 1999, and the Framework decision of the Council of Europe of 15 March 2001, on the Statute of the victim in the penal process, which stresses the importance of preventing secondary victimisation processes, and the need for

specialist services and victim support organisations.

Directive 2006/54/CE of the European Parliament and the Council, of 5 July 2006, regarding application of the principle of equal opportunity and equality of treatment for men and women in the vocational domain (recast text), highlights the significance of taking steps to combat all kinds of discrimination on grounds of gender in the domains under this Directive, and particularly, to put into place effective measures to prevent harassment and sexual harassment in the workplace.

Over recent years, in Spain there has been legislative progress in the struggle against sexist violence: Organic Act 11/2003, of 29 September, with concrete measures in the area of public safety, domestic violence and the social integration of foreign nationals; Organic Act 15/2003, of 25 November, which modifies Organic Act 10/1995, of 23 November, of the Penal Code, and Act 27/2003, of 31 July, regulating the Order of protection of victims of domestic violence. This latter act is a landmark among steps taken by public powers to regulate special preventive measures, unprecedented in juridical penal ordinance in Spain. Organic Act 1/2004, of 28 December, on integrated protection measures against gender violence, constitutes the first complete European act to provide a comprehensive response to all types of violence against women by their partner, with the inclusion of preventive, educational, social, vocational, social services, health and penal aspects. In addition, mention must be made of the acts passed by the governments of various autonomous regions within their respective areas of responsibility, enabling them to act in the area of violence against women.

In addition, plans specifically against sexist violence appeared in the late 1990s, first at a national level and afterwards at regional and local ones. Other regulatory instruments, such as the protocols and inter-institutional agreements have also come into existence. Thus, 1998 saw the passing of the first National Action Plan against domestic violence (1998-2000), which stipulated measures in six large areas, followed by the Second Integrated Plan against domestic violence (2001-2004), the main contribution of which was the establishment of penal and legal proceedings that gave rise to changes in penal legislation.

In Catalonia, Act 11/1989, of 10 July, modified by Act 11/2005, of 7 July, created the Catalan Women's Institute, through which several action plans for equal opportunity for women and prevention of sexist violence have been set in motion, and the Integrated plan for prevention of gender violence and support for women who are victims of it (2002-2004), the first of this nature in Catalonia. With regard to this, it should be stated that this experience marked the first interdepartmental protocol for providing support for women mistreated in the home (1998), which despite gaps in conceptual definition and effectiveness, was nevertheless an attempt to establish guidelines to facilitate action in the field of violence against women, which meant that later projects did not have to start from scratch.

The sixth axis of the Action and development plan for women's policies in Catalonia (2005-2007), which carries out the Programme for the comprehensive tackling of violence against women, explicitly recognises the rights of women as citizens, highlights the patriarchal system as sustaining and legitimising violence, and establishes co-ordinated measures between different departments and public bodies.

At a local level, some town councils in Catalonia have set up specific plans or programmes against sexist violence. In addition, local and county councils have accords with public bodies and institutions to put in place efficient action plans to combat sexist violence.

The Statute of Catalonia treats the issue of women with great sensitivity, specifically dealing with women's rights with regard to sexist violence. Thus, article 19 states the right of women to free development of personality and personal ability, to live in dignity, safety and independence, free from exploitation, maltreatment and all types of discrimination. Further on, article 41.3 establishes one of the keystones of public policy in the obligation to guarantee that all kinds of violence against women, as well as acts of a sexist and discriminatory nature, will be tackled head-on and comprehensively, and at the same time establishes an obligation to promote recognition of the role of women in the cultural, historical, social and economic fields, and to encourage the participation of women's groups and associations in the drafting and evaluation of the aforesaid policies. Moreover, article 153 deals with gender policies, stating that the Generalitat holds exclusive powers in the regulation of measures and tools to raise awareness on gender violence, as well as detecting and preventing it, as well as regulations for its own services and resources tasked with achieving full protection of women who have suffered or suffer from this kind of violence. From this, together with the powers of the Generalitat de Catalunya (Catalan Government) in the field of preservation, modification and application of Catalan civil act, legal and administrative procedure deriving from the nature of substantive act of Catalonia, or from the organisational responsibilities of the Catalan Government, comes the need to pass the present legal undertaking.

With respect to civil rights in Catalonia, the Catalan Government, through the Observatory of Private Act of Catalonia, as the organ responsible for tracking the application of the development of juridical-civil

ordinance, in order to proceed to the amendment of the Family code, will proceed to the addition of the necessary amendments so as to safeguard the objectives of this act. In this framework, the 30 of January 2007 saw the passing of the Bill of the fourth book of the Civil code of Catalonia, relating to inheritance, adding a new regulation in the act of inheritance so as to include cases of domestic violence as causes of loss of rights to inherit from one's partner.

III. The Act consists of four titles, eleven additional provisions, six transitional provisions, one repealing provision and five final provisions.

Title I brings together the general regulations of the Act, in which the basic questions on sexist violence are defined; the object, the objectives and the scope of application of the Act, and the concept, the ways it is exercised and the spheres, both public and private, where sexist violence manifests itself. This deals with the idea that there are multiple types of sexist violence, from direct, humiliating violence, such as maltreatment, which may include aggression of a physical, psychological and sexual nature, to economic violence and the exploitation of women, among others. This title states the principles that must guide the actions of public powers to eradicate such violence, and which have driven the drafting of the text, namely: among others, comprehensiveness, transversality and the commitment of all public powers involved to respond firmly and forcefully, and guaranteeing adequate and effective treatment of the right of women to be free from discrimination and to live freely in independence and liberty, going beyond a merely social welfare or help-giving concept.

It is necessary to confront sexist violence as an infringement of human rights, bearing in mind its multi-causal and multi-dimensional nature. Therefore the response needs to be all embracing and bring together all systems. Similarly, the comprehensive and transversal natures of the measures demand that every stakeholder defines specific actions from their respective field, in line with the stated action model. To achieve this, the Act establishes that all actions carried out to guarantee rights take into account the territorial, cultural, religious, personal, socio-economic and sexual characteristics of the diversity of women who they will be dealing with, on the understanding that no special case justifies the infringement of women's fundamental rights. In consequence, the complexity of the strategies necessary to combat sexist violence require the setting up of mechanisms of collaboration and co-operation between the various public bodies involved, along with promoting the participation and collaboration of other bodies and social organisations, particularly those offering counselling, and women's associations.

Title II regulates the prevention, detection and eradication of sexist violence. Chapter 1 describes research as a basic action tool, and requires the Catalan Government to guarantee sufficient resources to ensure that it is carried out in all fields related to sexist violence. This research has to be led and promoted transversally by the Catalan Women's Institute. With regard to social awareness-raising, chapter 2 specifies the steps that have to be taken periodically in order to optimise the package of measures and resources established by the Act; chapter 3 places an obligation upon public powers to take the steps necessary to detect and identify situations of risk, as well as intervening through the specific protocols for action. In this area of detection, the Act requires all professionals, especially those in Public Health, Social Services and Education, to act when they have knowledge of a situation of risk or solid evidence of sexist violence, in line with the specific protocols and in co-ordination with services from the Help and Recovery Network (Xarxa d'Atenció i Recuperació Integral). Chapter 4 regulates public policy steps in the field of education, incorporating co-education as a key element in the prevention of sexist violence. The fundamental objective of education is to provide a comprehensive training that leads to a reduction of sexism and male-centredness and which highlights female knowledge hitherto-excluded from the curriculum and day-to-day school life, encompassing the whole student body. Chapter 5 defines obligatory training for all professionals who act directly or indirectly in legal proceedings in cases of violence, and requires public bodies in Catalonia to devise training programmes with this in mind. Chapter 6 contains specific measures aimed at the media, which in the field of advertising are placed under an obligation to respect the dignity of women, and to ban the creation or broadcasting of content that justify or trivialise sexist violence, or incite its practice, in both public and private media. These measures encompass institutional and dynamic advertising in Catalonia. Finally, chapter 7 includes measures in society at large to combat sexual harassment and harassment for reasons of gender in recruitment and the workplace.

Title III regulates all of the right of women to full prevention, assistance, support, protection, recovery and redress, which is the keystone of women's rights in situations of sexist violence. Chapter 1 determines the right to effective protection, which is linked to police bodies at a local and regional level, as they are responsible for ensuring and overseeing full compliance with the measures decreed by judicial bodies. In the area of health, chapter 2 recognises the right to specialist health care and assistance through

the public network, as well as the application of a care and assistance protocol at different levels and from different services, which must contain a specific protocol for women who have suffered sexual aggression. Chapter 3 brings together the rights to assistance and redress in different areas of housing, work and training, juridical assistance and economic support. Mention must be made of the mechanisms foreseen to enable access to the rights of redress established in this chapter. Numerous studies have shown that many women who suffer this violence are not able to fully exercise their rights without penal accreditation of the violence. For this reason, the text widens the scope of identification of sexist violence.

With regard to rights of redress, the right to have access to housing is demonstrated in priority access to public-funded housing. Another important measure is the right to work and training, and in this area the Act lists a series of measures, such as providing grants for employers who take on women who fall into this category. In the economic ambit, various forms of support have been included in this chapter, since they are considered to be essential for women at an extreme social and economic disadvantage, as they should not be conceived as an isolated element, but as another tool for women to exercise their rights. Financial support needs to be sufficient to re-establish a dignified life for women, and needs to be long enough to enable recovery and integration into the world of work, allowing them to resume their rightful place in society. The recovery process –which includes the women’s children– is long and costly. Recovery goes beyond separation from the aggressor, a return to work and regained self-esteem. Recovery is a personal and social process undergone by a woman, including redress, through which the areas harmed by the situation experienced are fully restored, in order to re-establish the full capacity and potential that this violence has taken from her.

The Act similarly includes the right to have access to juridical assistance, to receive the minimum income for integration and school fee support, taking into account exclusively each woman’s individual income, within the limits established by the applicable legislation.

Another important aspect of this act is the setting up of a fund to guarantee maintenance and provision to ensure cover for defaulting on maintenance and redress payments, introduced by article 44 of Act 18/2003, of 4 July, on support for families. This fund, which must operate as an advance on payments due, must come into play when there is judicial proof of defaulting on the duty to provide maintenance payments, leading to a situation of financial hardship.

Mention must be made of chapter 4 of this title III, requiring the Catalan Government to devise comprehensive models of action across Catalonia, through a network of quality services in all ambits that are able to provide adequate, agile, appropriate and co-ordinated responses to the needs of women in situations of sexist violence. This chapter, then, regulates the Help and Recovery Network for women in situations of sexist violence, and establishes the resources and the services that they must consist of as well as the personnel who must be deployed, depending on the specific nature of the sexist violence. All resources and public services included in article 54.2 are provided free of charge. Finally, it details the creation and management of the Network’s services depending on the respective powers of public bodies in Catalonia.

Chapter 5 lists the actions to be taken by public powers according to the situation. In this way the Act sets out to eliminate obstacles to access to services and provisions for women who find themselves in such situations. Specific measures are thus set out for women in a wide range of situations or ambits: immigration, prostitution, rural environments, old age, trans-sexuality, disability, HIV-positive, ethnic Roma (or gypsy), and those in penitentiary centres. Deserving special mention is the requirement upon the Catalan Government to promote specific community mediation in families where there is a risk of genital mutilation. In such cases, public health mechanisms including surgical resources must be made available in order to meet the demands of women who wish to reverse the effects of the mutilation practised, along with resources providing psychological, family and community support.

Title IV, under the rubric “Concerning the competences, organisation and comprehensive intervention against sexist violence”, delimits the general regulations in chapter 1 on political responsibility questions along with inter-administrative co-ordination and co-operation, and in chapter 2 details the powers of regional and local bodies. At the same time, the Act states that the Catalan Women’s Institute, in addition carrying out all the tasks attributed to it under current legislation, is tasked with a central role in confronting sexist violence. This institute has thus to drive Government policies against sexist violence; it has to devise them and promote them, together with the other departments involved and, to sum up, must ensure that the plans and the programmes carried out are appropriate by co-ordinating and guaranteeing transversal work in all spheres. To this end, the Centre for Studies, Research and Empowerment on Sexist Violence is to be set up as a body dependent on the Catalan Women’s Institute, and whose role is to be a permanent instrument for studies and research into sexist violence, as well as for the training and empowerment of staff. The National Commission for Co-ordinated action against Sexist Violence is also

to be set up, as a specific body of institutional co-ordination to promote, follow up, oversee and evaluate the steps taken to confront sexist violence.

In line with article 41.3 of the Statute of autonomy of Catalonia, which establishes as a governing principle of the actions of public powers of Catalonia, the need to guarantee that all forms of violence against women are comprehensively confronted, chapter 3 of the Act sets out that the Catalan Women's Institute should devise the programmes of comprehensive action against sexist violence as planning instruments that draw together the package of objectives and measures that the Government must put into practice in the eradication of such violence, and should come under the general framework of women's policy. Sexist violence is deeply rooted in social structures, making it necessary to start from consideration of the structural and multi-dimensional nature of such violence. These programmes require Government approval and have four-year validity. Local bodies and women's organisations should take part in the devising, following up and evaluation of programmes. The protocols for co-ordinated action against sexist violence are thus mechanisms for support and co-ordination on the part of institutions and the various stakeholders in this issue. Finally, they bring together the specific details regarding participation and promotion among local government bodies, boards and women's associations.

The additional provisions list the various amendments of precepts of acts in force necessary to bring them into line with the demands and the regulations of the present act, as well as the revision of educational curricula in the framework of co-educational action, established by the Act. Together with these amendments to the ordinance, also included are specific regulations relating to the responsibility of the Generalitat Administration to guarantee the resources needed to ensure adequate compliance with the ordinance, along with the provision for the actions and services established by this act, and provide a special annual funding for local government bodies.

The transitional provisions establish that the social impact of the Act has to be evaluated, along with the authority of the Catalan Government to update the services of the Network.

The final provisions authorise the procedural development of the precepts of the Act and establish that the Government must manage and regulate the Fund guaranteeing maintenance and provisions in order to cover payment defaults for maintenance and redress, and must undertake the budgetary allowances necessary to cover the financial provisions and the provisions of recognised services, and, finally, the coming into force of the Act.

Title I. General regulations

Article 1. Objective of the Act

1. The objective of this act is to eradicate sexist violence and to uproot it from the social structures and cultural stereotypes that perpetuate it, with the aim of recognising and fully guaranteeing the inalienable right of all women to lead their own lives without any of the forms or spheres in which this violence can manifest itself.

2. This act establishes comprehensive measures regarding the prevention and the detection of sexist violence and to awareness raising with respect to this violence, with the aim of eradicating it from society, as well as recognising the rights of women who suffer from it to support, assistance, protection, recovery and full redress.

Article 2. Guarantee of the rights of women

1. All women who find themselves in situations of sexist violence, along with their dependent children, who live or work in Catalonia, and independently of marital status, civil residence, nationality or administrative and personal situation, are guaranteed the rights that this act recognises for them, notwithstanding what is established by legislation concerning foreign nationals and the demand for certain requisites for different provisions and services.

2. The references to women in this act are understood to extend to girls and adolescents, unless otherwise specified.

Article 3. Definitions

For the purposes of this Act, the following definitions are applied:

a) *Sexist violence*: violence that is perpetrated against women as a manifestation of discrimination and the situation of inequality in the framework of a system of power relations of men over women and which, produced by physical, economic or psychological means, including threats, intimidation and coercion, results in physical, sexual or psychological harm or suffering, whether it is produced in the public or private spheres.

b) *Awareness-raising*: the set of educational and communicative actions aimed at bringing about changes

and modifications in the social mind that enhance progress in the eradication of sexist violence.

c) *Prevention*: the set of actions aimed at avoiding or reducing the incidence of the problem of sexist violence by means of reducing the risk factors, and impeding any impression of normality, as well as those actions aiming at raising awareness among the population, in particular women, stressing that no form of violence is justifiable or acceptable.

d) *Detection*: the putting into practice of various theoretical and technical instruments that allow for the identification and visibility of the problem area of sexist violence, whether it appears in its early stages or is already stable, and which create knowledge of the situations in which intervention is necessary, so as to arrest its development and becoming habitual.

e) *Support*: the set of actions provided for a person to allow her to overcome the situations and the consequences created by abuse in the personal, family and social spheres, along with guaranteeing her safety and providing her with the necessary information concerning resources and procedures to enable her to resolve the situation.

f) *Recovery*: the stage in the personal and social cycle of a woman who has experienced situations of violence, which produces recuperation in all the areas harmed by the situation experienced.

g) *Compensation*: the set of measures of a juridical, economic, social, vocational, public health, educational nature, and others undertaken by various organisms and social agents responsible for actions in the field of sexist violence, which contribute to the re-establishment of all the areas harmed by the situation experienced.

h) *Secondary victimisation or re-victimisation*: additional maltreatment exercised against women who find themselves in situations of sexist violence as a direct or indirect consequence of the deficits – quantitative and qualitative– of the actions carried out by the responsible organisms, as well as of inappropriate actions by other agents involved.

i) *Economic precariousness*: situation of a person whose income is equal to or less than the indicator of minimum survival income in Catalonia, which is calculated annually.

Article 4. Forms of sexist violence

1. For the purposes of this act, sexist violence can be exercised in some of the following forms:

a) Physical violence: covers any act or omission of force against a woman's body, with the result or risk of causing her physical injury or harm.

b) Psychological violence: covers any behaviour or intentional omission that produces a loss of esteem or suffering in a woman, by means of threats, humiliation, extreme irritation, demands for obedience or submission, verbal coercion, insults, isolation or any other limitation of her sphere of freedom.

c) Sexual violence and sexual abuse: covers any act of a sexual nature without consent of women, including exhibitionism, observation and imposition, by means of violence, intimidation, taking advantage or emotional manipulation, of sexual relations, independently of whether the aggressor may be in a relationship of spouse, partner, emotional closeness or family with the woman or minor.

d) Economic violence: consists of intentional or unintentional, and unjustified deprivation of resources for the physical or psychological well-being of a woman and, where applicable, her children, and the limitation of availability of her own or shared resources in relationships of family or couple.

2. Sexist violence may be exercised occasionally or frequently.

Article 5. Spheres of sexist violence

Sexist violence can manifest itself in some of the following spheres:

First. Violence in the sphere of the couple: consists of physical, psychological, sexual or economical violence exercised against a woman and perpetrated by the man who is or has been her husband or partner or by the person who has or has had similar affective relations.

Second. Violence in the family sphere: consists of physical, sexual, psychological or economical violence exercised against women and minors in the heart of the family and perpetrated by members of the same family, in the framework of the affective relations and the ties of the family environment. This does not include violence exercised in the sphere of the couple, defined in the first paragraph.

Third. Violence in the workplace: consists of physical, sexual, or psychological or violence that may occur in the workplace and during the working day, or outside the workplace and the working day if it is related to work, and may be of two types:

a) Harassment on sexual grounds: constitutes undesired behaviour related to the gender of a person on the occasion of access to paid employment, promotion in the workplace, occupation or training, which sets out to or produces the effect of an assault on the dignity of women and creates an environment that is intimidating, hostile, degrading, humiliating or offensive to them.

b) Sexual harassment: constitutes any undesired verbal, non-verbal or physical behaviour of a sexual nature which sets out to or produces the effect of an assault on the dignity of women and to create an environment that is intimidating, hostile, degrading, humiliating, offensive or upsetting to them.

Fourth. Violence in the social or community sphere: covers the following manifestations:

a) Sexual aggression: constitutes the use of physical and sexual violence exercised against women and minors determined by the premeditated use of sex as a weapon to demonstrate power and abuse it.

b) Sexual harassment.

c) Trafficking of and sexual exploitation of women and children.

d) Female genital mutilation or the risk of suffering it: includes any procedure that involves or could involve a full or partial elimination of female genitals or produces injury there, even if there is express or tacit consent on the woman's part.

e) Forced marriages.

f) Violence deriving from armed conflict: includes all forms of violence against women that may take place in these situations, such as murder, rape, sexual slavery, forced pregnancy, forced abortion, forced sterilisation, intentional infection with disease, torture or sexual abuse.

g) Violence against the sexual and reproductive rights of women, such as selective abortion and forced sterilisation.

Fifth. Any other comparable forms that injure, or are likely to injure, the dignity, personal safety or the freedom of women.

Article 6. Aims

The measures established by this act have the following aims:

a) To facilitate equality of opportunity among women and men, and the independence and freedom of women.

b) To establish mechanisms to carry out research into sexist violence and to disseminate the results, together with social awareness raising and information intended for women.

c) To provide the public powers of Catalonia with effective tools to eradicate sexist violence in the preventative, educational, training, media, vocational and social spheres.

d) To establish the rights of women who find themselves in situations of sexist violence, to which public bodies must respond, and for their children, as well as assuring them free access to the public services established for that purpose.

e) To guarantee the economic rights of women who find themselves in situations of sexist violence, with the aim of facilitating them a process of recovery and redress.

f) To create the Help and Recovery Network for women who suffer from sexist violence, made up of a cluster of resources and public services for support, assistance, protection, recovery and redress.

g) To establish mechanisms for comprehensive and co-ordinated actions against sexist violence, through the collaboration of the public bodies of Catalonia, as well as participation by women's associations, professionals and citizens' organisations that act against sexist violence.

h) To set up measures to introduce specialized skills for all professional groups who play a part in support, assistance, protection, recovery and redress for women and other victims of sexist violence.

i) To safeguard the principle of appropriacy of measures, so that their application takes into account the needs and the specific requirements of every woman who suffers sexist violence.

Article 7. Guiding principles in the actions of public powers

Public powers of Catalonia, in order to reach the objectives established by article 6, must follow these criteria for action:

a) Commitment to effectiveness in the right of women to be free from discrimination.

b) Due consideration of the structural and multi-dimensional nature of sexist violence, especially with

regard to the involvement of all the support and redress systems.

- c) Due consideration of the comprehensive nature of the measures, which need to take into account all the pain that women and minors suffer as a result of sexist violence, along with the social and economic injuries, and the effects of this violence on the community.
- d) The transversal nature of the measures, resulting in each public power involved needing to define specific actions from its own field of action, according to models of comprehensive action, in the framework of four-yearly programmes of comprehensive action against sexist violence in Catalonia.
- e) Due consideration of the special territorial, cultural, religious, personal, socio-economic and sexual cases of the range of women in situations of sexist violence, as well as their specific needs, on the understanding that no special case justifies the infringement of women's fundamental rights.
- f) The proximity and the balance of actions across the territory, with special attention to rural areas.
- g) A commitment to the building of responses to sexist violence must come from the specific needs and the experiences of women in situations of violence, based on the methodologies and the practices that have been defined by civil and academic society and feminist organisations in particular, given their experience.
- h) Due consideration of the particular difficulties experienced by women of certain groups in specific situations, in line with chapter 5 of title III.
- i) An active commitment to safeguard the privacy of personal data of women in a situation of violence, as well as other stakeholders or witnesses, in line with applicable legislation.
- j) To avoid secondary victimisation of women, and the establishment of measures that impede the reproduction or the perpetuation of stereotypes of women and of sexist violence.
- k) The commitment to the need for all professionals who deal with women in situations of violence be equipped with the right skills and have specialised training.
- l) The promoting of tools for collaboration and co-operation among the various public bodies on all public policy concerning the eradication of sexist violence and, in particular, drawing up, following up and evaluating measures and resources to be deployed.
- m) The promoting of tools for participation and collaboration with social organisations, especially those of women, such as women's councils, the women's movement and groups of women pertaining to social and union movements in drawing up, following up and evaluating public policy on eradicating sexist violence.
- n) Professional and social participation, which involves the availability of all professionals from the different fields who may need to deal with the complexity of the forms of sexist violence, and with the criteria and the participation of the affected groups.
- o) The need for promptness in actions, so as to enable adequate attention and avoid any increase in the victimisation.
- p) The limitation on mediation, with the interruption or, if necessary the suspension of the start of any process of family mediation if one of the involved parties is a woman who suffers or has suffered any form of sexist violence in the sphere of the couple or the family that is object of the mediation.
- q) The link of the Catalan Government with the rights of women and in compliance with the principle of equality for all people who live in Catalonia, in line with article 37 of the Statute.

Title II. On the prevention, detection and the eradication of sexist violence

Chapter 1. Research into sexist violence

Article 8. Fomentation, scope and dissemination of the research

1. The Government must provide the necessary means to ensure that research is carried out in the academic and specialised fields of all subjects related to sexist violence, with the aim of enhancing prevention, attention and the effectiveness of recovery in situations of sexist violence and of achieving its eradication.
2. Research must take in all the manifestations of sexist violence, along with the different impact that this violence has on specific groups of women and on minors who indirectly or directly suffer from it. At the same time, research has to devise innovative programmes whose objective is to define, trial and evaluate proactive and preventative strategies with regard to the perpetrators of sexist violence.

3. Promotion of the research must be led transversally by the Catalan Women's Institute, which has set up the necessary accord for collaboration with academic and specialised spheres to conduct it.
4. The dissemination of knowledge about sexist violence must be carried out in all social spheres, and very importantly, among professionals who work with women in situations of violence, and through all available media.

Chapter 2. Awareness raising and information to prevent and eliminate sexist violence

Article 9. informative and awareness-raising actions

1. The public bodies of Catalonia have to periodically set up and carry out informative strategic actions to raise social awareness, aimed at preventing and eliminating sexist violence.
2. The objective of informative actions is to make known:
 - a) The rights of women who suffer from situations of sexist violence or who are at risk of suffering from them, as defined by this act and all applicable legislation, as well as the means for identification of such situations.
 - b) The support and protection services available and those for recovery and redress, provided for women who suffer or have suffered from sexist violence.
 - c) The civic duty, for staff in the public administration services of Catalonia and social agents who have knowledge or risk of situations of violence in the spheres of family, work, education, neighbourhood and social, in general.
3. In order to devise and disseminate the information that this article makes reference to, the territorial, cultural, religious, economic, sexual and personal features of the population must be taken into account.
4. Informative and awareness-raising actions against sexist violence have to be carried out in such a way as to guarantee universal access to such actions, taking into account the personal and social situations that could hinder access. Such actions have to be offered in a format that is accessible and comprehensible and must guarantee the use of necessary modalities and communication options.
5. Awareness-raising actions are aimed at changing myths, models, prejudices and behaviours related to women and sexist violence, and must include the following elements:
 - a) Presenting the phenomenon as multi-dimensional.
 - b) Situating the phenomenon in the framework of unequal distribution of power between women and men.
 - c) Highlighting the aggressive models associated with traditional masculinity and passive or subordinate behaviours traditionally associated with female values.
 - d) Differentiating the origin and the causes of sexist violence from the added concrete problems that may affect aggressors, such as mental alterations, substance-dependency and alcoholism, and of certain educational levels, socio-economic status and cultural origins.
 - e) Presenting women who have suffered from sexist violence as people who have been able to activate their own resources and overcome situations of violence.

Chapter 3. Detection of sexist violence

Article 10. Actions of public administrations

1. The public administrations of Catalonia must take the steps necessary to detect and identify situations of risk or the existence of sexist violence.
2. The public administrations of Catalonia must set up support lines for the organisation and execution of the prevention activities established by this act.

Article 11. The obligation to act and to communicate

1. All professionals, in particular those in public health, social services and education, are obliged to take action when they have knowledge of a situation of risk or hard evidence of sexist violence, according to the specific protocols and in co-ordination with the services of the Help and Recovery Network.
2. Contracts held by public bodies of Catalonia with private individuals or companies that provide services in the professional fields referred to in paragraph 1 must expressly include the obligations to take action.
3. The obligations referred to in paragraphs 1 and 2 are understood not to replace the duty to

communicate the facts to the police forces or State Prosecution Services.

Chapter 4. The educational sphere

Article 12. Co-education

1. Co-education, as far as this act is concerned, is educative action that places equal value on the experience, abilities and social and cultural contribution of women and men, in equality of rights, free of sexist and male-centric stereotypes, or discriminatory attitudes, in order to achieve the aim of building a society free of cultural or social subordinations between women and men. The principle of co-education is a fundamental element in the prevention of sexist violence.

2. The values of co-education and the principle of inclusive schooling, in order to reach the objective referred to in paragraph 1, must be of a permanent nature and transversal in the action of the department responsible for educational matters.

Article 13. Educational curricula

Curricular contents must apply the principle of co-education at all levels of education, under the terms established by the regulations.

Article 14. Supervision of text books and other educational material

The department of the Catalan Government responsible for educational material must supervise text books and other curricular material, as part of the standard inspection process exercised by educational authorities on all the elements that make up the process of teaching and learning, so as to guarantee that content respects the principle of co-education.

Article 15. Training and empowerment of teachers

1. The Catalan Government must provide specific training and ongoing empowerment for teaching staff in the area of sexist violence and the recognition of the rights of women.

2. The department responsible for educational material must include specific training for teachers in the area of co-education in all initial and ongoing training plans. Similarly, it must facilitate methodological action tools when faced with concrete situations of sexist violence.

Article 16. Analysis and interpretation of the culture of violence

The Government must ensure that teaching staffs are given specific training in the area of analysis and interpretation of the cultural constructs that consider the use of violence natural, with special reference to sexist violence.

Article 17. The university education sphere

The administrations responsible for the area of universities must provide assurance that training content in compliance with the objective and the ends of this act is included in the curricular framework of disciplines related to the field of this act, pertaining to university-level studies at bachelor's, master's and doctorate levels.

Chapter 5. Training and empowerment of professionals

Article 18. Programmes for specific training on sexist violence

Specific training programmes on the issue of sexist violence must be devised by the public administrations of Catalonia, in collaboration with other bodies and with professionals who have expertise in this issue, and if necessary also from the academic world. Such specific training must be on two levels:

- a) The basic level of training, for all professionals who act indirectly in processes of violence.
- b) The empowering level of training, for all professionals who act directly in processes of violence. This level has to define and determine specific ways of treating different groups of women and for various types of violence.

Article 19. Training of professionals

1. The Government must guarantee empowerment training for all professionals who work in prevention, detection, support, assistance, recovery and redress in situations of sexist violence.

2. The Government must promote specific empowerment training for personnel on Work inspection and for judicial and non-judicial personnel in the service of Administration of justice and the Public Prosecutor's Office in Catalonia who intervene in judicial processes related to sexist violence.

3. Professional associations, union and organisations and employers' associations and public bodies responsible must ensure that the specific training and empowerment referred to in this article are

incorporated into the corresponding training programmes.

4. Training must include programmes of support and care for the professionals involved in dealing with sexist violence, so as to prevent and avoid situations of exhaustion and professional burnout.

5. The training courses referred to in this article must include female diversity, in particular the specific women's groups referred to in chapter 5 of title III.

Chapter 6. Mass communication media

Article 20. Attributes of the Catalan Audiovisual Council

The Catalan Audiovisual Council, as the regulatory authority, must guarantee compliance with the obligations of the providers of audiovisual communication services related to assuring a treatment of women that is in accordance with the principles and the values established by this act.

Article 21. Media protocols

1. The Catalan Audiovisual Council must promote accords and self-regulatory or co-regulatory agreements in all mass communication media, which must incorporate guideline criteria concerning the conduct of programmes dealing with sexist violence and the depiction of women.

2. The self-regulatory rules referred to in paragraph 1 must be codes of ethics and function as guidelines of conduct for the media and as an *a posteriori* model of control.

Article 22. Content and advertising related to sexist violence

1. In the media of mass communication that fall within the sphere of responsibility of the Catalan Government, the following are banned:

a) The creation or the dissemination of content and advertising which, by means of treatment or staging, incite sexist violence or justify it or trivialise it, or which tacitly or implicitly convey sexist and misogynist messages.

b) Systematic re-iteration in the profusion or dissemination of messages that discredit women, slight them or treat them as objects.

2. Institutional advertising and dynamic advertising in Catalonia must respect the regulations established on advertising and must be vigilant above all with respect to the principles specified by paragraph 1, notwithstanding the powers of the Catalan Audiovisual Council in this ambit.

Article 23. The treatment of information

Within the framework of the exercise of the rights to freedom of expression and of information, media of mass communication managed or financed by the public administrations of Catalonia must treat the information that they offer in accordance with the following criteria:

a) Use language that is neither sexist nor male-centred, and encourage a balanced presence and a plural image of both genders contrasting with canons of beauty and sexist stereotypes. Disseminate male images that differ markedly from male stereotypes.

b) Be vigilant to ensure that, in all elements of staging or in the treatment of information, women are presented with full authority and respect, highlighting the contributions made by them in all spheres of society and considering their experience as a documentary source of prime importance.

c) Promote and favour content in which the effective rights of women are apparent.

d) Broadcast or publish news items concerning events related with sexist violence, excluding from them elements that could lend them a morbid air and that contravene the principles of the journalistic profession in Catalonia.

Article 24. Obligations of public service

The Catalan Broadcasting Corporation and local operators must include, amongst the obligations of public service, the obligation to promote awareness in Catalan society with respect to and in recognition of the wisdom and the contributions made by women, and against any form of sexist violence.

Article 25. Authorisations for the provision of audiovisual communication services

The stipulations of administrative clauses for the adjudication of entitlement to provide audiovisual communication services of radio and television that according to the corresponding regulations are awarded by public competition, must include evaluation of a moral code on the adequate treatment of sexist violence as one of the criteria for adjudication.

Article 26. Support and grants

1. The rules of competitions for financial assistance and grants whose beneficiaries are communications

media must include their commitment to fomenting the rights of women and their rejection of discrimination against women.

2. Non-compliance with the commitment established by paragraph 1 constitutes cause for revision and, if deemed necessary, revocation of financial assistance or the subsidy.

Chapter 7. Sexual harassment and harassment for reasons of gender in work and social situations

Article 27. Training and awareness initiatives

The Catalan Government, through the use of existing legal instruments, must promote and carry out training and awareness raising actions for working men and women, workers' representatives, unions, companies and employers' associations with the goal of communicating the right of all working women to be treated with dignity and not to tolerate sexual harassment or harassment for reasons of gender, and to encourage an attitude of solidarity and help towards women and a rejection of harassment.

Article 28. Negotiations and sectorial agreements

1. The Catalan Government must, with the agreement of its social partners, encourage companies based in Catalonia, or who have interests there, to establish concrete measures and working procedures with the aim of preventing, recovering from and punishing cases of sexual harassment and harassment for reasons of gender.

2. The Catalan Government must establish social dialogue in the struggle against sexual harassment and harassment for reasons of gender by monitoring workplace practices, sector agreements, codes of conduct, research and the interchange of experiences and good practice or by any other means.

Article 29. Grants for companies

1. The regulatory basis for grants whose beneficiaries are companies with a staff of twenty-five or more must include the requirement, with the agreement of the social partners, to identify the measures that will be used to prevent, detect and intervene in cases of sexual harassment and harassment for reasons of gender in the workplace.

2. The lack of use or improper use of the measures referred to in paragraph 1 constitute justified cause for the non-concession or, if appropriate the revocation of the subsidy.

Title III. On the rights of women in situations of sexist violence to full prevention, assistance, support, protection, recovery and redress

Chapter 1. The right to effective protection

Article 30. Contents of the right to effective protection

1. Women who find themselves at risk or in a situation of sexist violence have the right to the immediate provision of full, real and effective protection from the public services of Catalonia.

2. Guarantees of protection must be ensured, both by technological means and policing services, as well as by any other means that may ensure the protection of women.

3. The objectives of the systems of protection designed for women at risk or in situations of sexist violence are:

- a) To facilitate whereabouts and set up permanent communication.
- b) To provide immediate assistance at a distance.
- c) To facilitate immediate and sufficient protection in the face of emergency situations.

Article 31. Enforcement agencies

1. The Generalitat Police Force - Mossos d'Esquadra must monitor and control precise compliance with the measures agreed by legal bodies. Within the framework of co-operation established with the act and order forces, the local police force of Catalonia must work to ensure compliance with the measures agreed by legal bodies.

2. The public services of Catalonia must guarantee that the autonomous and local police forces give

specific attention to the protection of women suffering any of the forms of violence covered by this act.

3. The public services of Catalonia must guarantee that the police forces have received adequate basic training in sexist violence and specific and ongoing training and enabling in the matter of prevention, aid and protection of women who suffer violence.

Chapter 2. Right to specific medical help and attention

Article 32. Contents of the right to specific medical help and attention

1. Women who have suffered from any form of sexist violence have the right to specialised medical help and attention. The Catalan Government, by means of the public hospital network, guarantees the application of an assistance and attention protocol for all aspects of sexist violence, at different levels and across services. This protocol must contain a specific protocol for women who have suffered sexual assault.

2. The Catalan Government must guarantee that the professional health personnel have received appropriate specific training to carry out the tasks referred to in this article. With this in mind, it is the responsibility of The Institute of Health Studies, answering to the relevant department in matters of health, to provide the specific training required.

3. In all the measures established by this article, female diversity must be taken into account, especially the specific nature of the groups of women referred to in chapter 5 of title III.

4. The Catalan Government must promote the adoption of a help and assistance protocol in relation to all manifestations of sexist violence by publicly supported and private health services.

Chapter 3. Right to attention and redress

Article 33. Identification of situations of sexist violence

1. With respect to access to the rights of redress established in this Chapter, the following are considered qualified means of proof for the identification of situations of sexist violence:

a) The sentence of any court order, even if not yet binding, that declares that the woman has suffered any of the forms of this violence.

b) A valid protection order.

c) A report from the Labour Inspectorate and Social Security.

2. In the absence of one of the means established by paragraph 1, the following are specific means of identifying situations of sexist violence, provided that they express the existence of indications that a woman has suffered or is in reasonable risk of suffering it:

a) Any current provisional legal protection, security or assurance order.

b) An opinion drafted by the police forces or bodies that have directly witnessed a form of sexist violence.

c) A report of the *Ministeri Fiscal* (Fiscal Ministry)

d) A medical or psychological report drafted by a qualified professional, in which they state that the woman has received attention in a health centre as a result of male maltreatment or aggression.

e) A report by the public services with the capability to identify situations of sexist violence. This capacity is recognised in the case of the Accident and Emergency services, shelter and recovery services, specialised intervention services and specialised units within the act and order forces.

f) A report from the Catalan Women's Institute.

g) Any other means set up by legal resolution.

3. The resolutions regulating the recognition of the rights and access to the provisions that this act refers to, establish in each case, where necessary, ways of identifying sexist violence.

First section. Rights in the area of access to housing

Article 34. The granting of help to ensure access to housing

1. The Catalan Government must promote measures that aid access to housing for women that suffer any form of sexist violence in the sphere of the couple, the family or a social or community sphere, including sexual trafficking or exploitation, and are in a situation of financial vulnerability as a result of this violence or when access to housing is necessary for recovery.

2. The situations of violence that lead to the recognition of this right are identified by any of the means

established by article 33.

Article 35. Priority access to publicly provided housing

1. In the reserves required in the pool of publicly funded housing, the Catalan Government must be able to guarantee access to housing for all women who find themselves in a situation of sexist violence, or having come through such a situation in the sphere of the couple, the family or a social or community sphere, including sexual trafficking or exploitation, and are in a situation of financial vulnerability as a result of this violence or when access to housing is necessary for recovery.
2. Reserves made must take into account the number of women who are in the situations described by paragraph 1 together with women with a disability, and must be taken into consideration as a priority group for access to housing reserved for disabled persons by act.
3. The situations of violence that lead to the recognition of this right are identified by any of the means set out in article 33.1.

Article 36. public accomodation

1. Women above the age of sixty-five and disabled women who suffer sexist violence and are in a situation of financial vulnerability must be considered as a preferential group where access to a place in an public accommodation is concerned, provided that this is the option chosen by the women in question.
2. Access to public accommodation for the women referred to in paragraph 1 has the status of a social emergency.
3. The situations of violence that give rise to the recognition of the right established by this article can be identified by any of the means established by article 33.1.

Article 37. funding for the functional adaptation of the home

Where access to public funding for the functional adaptation of the home is concerned, government bodies must give preference to disabled women suffering from sexist violence.

Second section. Right to work and to work training

Article 38. Right to work and to work training

1. The Catalan Government must guarantee, via the previous authorisation of the requirements established by the corresponding development regulation, the work training of women who find themselves in any form of sexist violence in the sphere of the couple, the family, the workplace or a social or community sphere, including sexual trafficking or exploitation, and must particularly study cases of violence in a work context. The Catalan Government must adopt the necessary measures to provide work for women who are victims of sexist violence, when necessary for them to be able to recover financially.
2. The competent public authority, to the effect that this article establishes, must:
 - a) Give information, orientation and support to women who suffer sexist violence, including information and support derived from rights recognised by current legislation, and also to detect situations of sexist violence in the framework of the services offered by Catalan Government job centres and protocols of action and co-ordination.
 - b) Set up subsidies for the employment of the group of women in the cases referred to in paragraph 1.
 - c) Promote the signing of agreements with companies and employment organisations to assist in their re-integration into the world of work.
 - d) Set up direct grants and support measures for women who decide to become self-employed, with a personalised tutorial follow-up of their projects.

Article 39. Training programmes

1. All work training and work re-integration programmes run by the Catalan Government must include as a matter of priority women who suffer or have suffered sexist violence.
2. Training programmes run by the Catalan public authorities must set up specific projects that include access to information and communications technologies and subjects necessary for the employment of women who suffer or have suffered violence, taking into account the diversity of situations and needs.

Article 40. The obligation of confidentiality

Employers, union representatives, competent bodies in work-related matters and training entities are

required to maintain confidentiality concerning the personal circumstances of women who suffer or have suffered sexist violence.

Third section. Right to legal advice and assistance

Article 41. Right to legal advice

1. All women, especially those who suffer any of the forms of sexist violence specified by this act, have the right to receive all legal information related to the situation of this type of violence.
2. The Dedicated Telephone Hotline must guarantee in all circumstances permanent legal service in cases of sexist violence.
3. The legal advice services offered to the public must guarantee, in all circumstances, permanent legal advice, in cases of sexist violence.
4. Professionals who provide the Dedicated Telephone Hotline and the permanent legal service must either complete specialised training courses in these subjects as pre-requisites to being able to offer these services or demonstrate professional experience in dealing with these matters. The Centre of Legal Studies and Specialised Training of the department with authority in matter of justice is the reference body responsible for carrying out the specific training of professionals in the legal area, to make possible the right to legal advice to women who are in a situation of sexist violence. In this training area, the Centre referred to must act in co-ordination with the Centre for Studies, Research and Empowerment on Sexist Violence created by this act, and with the professional associations.

Article 42. Right to free legal advice

1. Women who suffer or have suffered any of the forms of violence covered by this act have the right to free legal advice in the manner established by current legislation.
2. In the case of violence in the sphere of the couple and the family, in order for the right to free legal advice to be recognised, only the income and earnings of the women who are victims of sexist violence should be taken into account, with the limits established by the applicable legislation.

Article 43. Twenty-four hour services and specialised duty shifts

1. The department of the Catalan Government responsible for justice must set up a system for the provision of actyer service for women who have suffered sexist violence, so that this advice service can be offered on a twenty-four hour basis across the whole of Catalonia.
2. The Catalan Government must guarantee that every woman who is a victim of sexist violence is attended to by male or female actyer or, if necessary a male or female legal clerk, and that these professionals have received specialised training in this area.

Article 44. The rights of minors

Female minors and male minors affected by the death of the mother as a consequence of sexist violence or affected by other circumstances that prevent the mother from exercising the legal authority that is hers with respect to said minors, have the right to legal attention under the terms expressed in this act.

Fourth section. Catalan government taking direct legal action

Article 45. Instances in which the Catalan Government would take legal action

1. The Catalan Government may take a matter concerning sexist violence to court in cases involving death or serious injury to women, in the manner and under the conditions established by procedural act.
2. If another governmental body takes the matter to court, the Catalan Government at its discretion may also do so.
3. The Catalan Government may appear in court for reasons other than those specified in paragraph 1 and that are of special relevance, with the previous analysis of the facts by the Catalan Women's Institute.
4. The appearance in court of the Catalan Government may only occur with the consent of the woman concerned or of her family, if possible.

Fifth section. Rights to financial support

Article 46. Minimum income, financial assistance and other allowances

1. In order to encourage the independence of women in situations of sexist violence and in terms of the right to receive a minimum income, it is only the income and earnings of the woman in question that must be taken into account, given that the requirements established by Act 10/1997, of 3 July, of minimum are met.

2. In order to determine the shortfall in income that may lead to entitlement to other financial assistance established by this act, it is only the income and earnings of the woman in question that may be taken into account

3. Where socially urgent assistance is concerned, women who are victims of sexist violence have the rights established by article 30 of Act 13/2006, of 27 July, concerning social assistance of a financial nature.

4. The Catalan Government may grant extraordinary financial assistance to women who have suffered sexist violence, identified through any of the means established by article 33. This assistance must go towards the alleviation of situations of personal need that it is possible to evaluate and verify, with a previous report from the competent authorities on the non-existence or insufficiency of ordinary allowances to meet these situations.

Article 47. Indemnifications

1. Women who, as a result of the forms of sexist violence specified by this act, suffer after-effects, bodily injuries or seriously impaired physical or mental well-being have the right to receive a one-off financial payment from the Catalan Government, under the conditions and with the requirements established by the regulations.

2. The amount referred to in paragraph 1 is compatible with the indemnifications established by court sentence or with other economic assistance, either public or private that may be legally payable.

3. Should the victim be a minor, the author or instigator of the violence may not administer the financial assistance.

4. The children of victims who die as a result of any of the forms of sexist violence specified by this act, and who are under twenty-five years old and who were financially dependent on the victim at the time of the mother's death have the right to receive a one-off payment of a sum of money, under the conditions and with the requirements established by the regulations.

Article 48. Educational subsidies

1. The educational authorities must take into account the identifications of sexist violence carried out under the auspices of this act as a qualitative factor to regulate and establish subsidies made available to families or units of coexistence with limited financial means. In order to calculate the requirements of financial need, only the investment and work-related income that the applicant has access to may be taken into account.

2. The educational authorities must plan for the immediate schooling of the children in the event of a change of residence as a consequence of the acts of violence.

3. The situations of violence that lead to the recognition of this right may be identified by any of the means established by article 33.

Article 49. Guarantee fund for pensions and allowances

1. The Catalan Government must create a guarantee fund to cover the non-payment of child or maintenance support. This fund must be used if there is legal confirmation of non-compliance with the duty to provide support and this non-compliance constitutes a situation of financial hardship, in the terms described by article 4.1.d and in accordance with the limits and conditions fixed by regulation.

2. The allowances established by this article are of a supplementary nature or, if applicable, complementary to those that the state may recognize as chargeable to the child support guarantee fund, with the limits and the conditions fixed by regulation.

Article 50. Right to allowances from the Guarantee fund for pensions and allowances

1. People with a legally recognised right to receive child and maintenance support have the right to receive the corresponding allowance from the Guarantee fund for pensions and allowances, if they meet the criteria and requirements fixed by regulations.

2. In the event that the people referred to in paragraph 1 are minors or disabled, this entitlement passes to those people who have them in their charge.

3. To be a beneficiary of the Fund, the holder of the pension or their representative must have exercised the corresponding legal entitlement that recognises the right to receive the pension granted.

4. The right of beneficiaries of the Fund to receive the allowance arises at the moment that an executive payment demand is lodged and it has not been possible to collect payment, within the time frame established by regulation, and in the event that non-collection of payment cannot be attributed to the beneficiary.

Article 51. Accountancy for allowances

Allowances derived from the Guarantee fund for pensions and allowances are compatible with other allowances that may be granted by the public administration of Catalonia, provided that the criteria used in the granting of these other allowances has not been the non-payment of child or maintenance support.

Article 52. Right of recovery

1. The Catalan government reserves the right of recovery of pensions paid by the Guarantee fund for pensions and allowances against persons who have not complied with the court decision regarding pension payment. The amounts claimed by the Catalan Government for this concept will be treated as public revenue.

2. Notwithstanding the right of recovery, beneficiaries of the Guarantee fund for pensions and allowances are required to continue the procedures for the process of execution of the legal title that recognises the right to receive child and maintenance support. In the event that payment of unpaid allowances is obtained, the beneficiary of the fund is obliged to return the amounts paid and charged to the fund.

Chapter 4. The Help and Recovery Network for women in situations of sexist violence

Article 53. Models of intervention and public policies

1. The Catalan Government must devise models for comprehensive intervention for the whole of Catalonia via a network of quality services in all areas, that are able to provide adequate, rapid, local and coordinated responses to the needs and processes of women who suffer or have suffered situations of sexist violence, and also to their children when they are either witnesses or victims.

2. The models of intervention must include as essential elements primary care and specialised attention.

3. The public authorities of Catalonia must create the services set out in this Chapter according to the recommendations that, per population, are established by the European Union. Services and resources that international organisations have not specified ratios for must be provided by regulation.

4. The actions of the public authorities in the area of the services of help and recovery for women who suffer sexist violence must have as their primary objectives:

a) To provide women with the tools they need to know the rights that they have and the services that are available.

b) To lessen the personal and community impact of sexist violence.

c) To carry out acts of prevention and social awareness raising on the causes and consequences of sexist violence.

d) To go into greater depth in the research and knowledge of the causes and consequences of sexist violence from a multi-disciplinary perspective.

Article 54. Definition and structure of the network

1. The Attention and Full Recovery Network for women who suffer sexist violence is the coordinated collection of resources and free public services for the attention, help, protection, recovery and redress of women who have suffered or suffer sexist violence, in the Catalonia, that are specified in this act.

2. The network is made up of the following services:

a) Dedicated Telephone Hotline Service.

b) Information and attention services for women.

c) Attention and emergency shelter services.

d) Shelter and recovery services.

e) Substitute home shelter services.

f) Specialised intervention services.

g) Meeting point technical services.

h) Crime victim attention services

i) Police attention services.

j) Other services that the Government of Catalonia deems necessary.

3. The organisation of the services referred to in paragraph 2 must be regulated by regulation by the Catalan Government, or if appropriate by local authorities and must be made up of multi-disciplinary teams and personnel with specific training.

Article 55. Dedicated Telephone Hotline Service

1. The Dedicated Telephone Hotline Service is a universal service for immediate orientation and advice offering comprehensive attention and information on public and private resources available to all those to whom this act is applicable.

2. The Dedicated Telephone Hotline Service must be available 24 hours a day, every day of the year, and will be co-ordinated with the emergency services whenever necessary. In specific terms it must guarantee the complete and efficient co-ordination with the Service of Emergency Calls 112 Catalonia, in conformity with what is set out in article 3.1.j of Act 9/2007, of 30 July, of the Attention Centre and Management of Emergency Calls 112 Catalonia.

Article 56. Information and attention services for women

1. The information and attention services for women are services of information, advice, primary care and accompaniment, if appropriate, in relation to the exercise of women's rights in all areas related their work, social, personal or family lives.

2. The information and attention services for women, in all cases, must co-ordinate with the specialised attention services and must stimulate and promote the co-ordination and collaboration with all community players, especially with women's groups and organisations.

3. The information and attention services for women are aimed at all women, especially those who suffer situations of sexist violence.

Article 57. Attention and emergency shelter services

1. The attention and emergency shelter services are specialised services that must provide temporary, short term shelter to women who are or have been subjected to situations of sexist violence and, if the case, their children, in order to guarantee their personal safety. In the same way they must provide personal and social resources that enable the situation of crisis to be resolved.

2. The attention and emergency shelter services must be available 24 hours a day, every day of the year. Stays in these services may only last the minimum time necessary to activate stable resources, and in any event may not exceed two weeks.

3. The attention and emergency shelter services are aimed at women who suffer any form of sexist violence in the sphere of the couple, the family or a social or community sphere in the manifestation of sexual attacks, trafficking or sexual exploitation, female genital mutilation or risk of the same or forced marriage.

Article 58. Shelter and recovery services

1. The shelter and recovery services are specialised services that are residential and temporary, and that offer shelter and comprehensive attention to enable the recovery process and redress for women and their dependent children, who need a protected space due to the situation of risk caused by sexist violence, while still maintaining their independence.

2. The shelter and recovery services are aimed at women who find themselves in any form of sexist violence in the sphere of the couple, the family or a social or community sphere in the form of female genital mutilation or risk of the same or forced marriage.

3. The Catalan Government must guarantee access to places provided by the service to which this article refers for all women and their children who can demonstrate that they are victims of sexist violence and who need them.

Article 59. Substitute home shelter services

1. The substitute home shelter services are temporary services that act as a substitution for the home and must have personal, psychological, medical, social, legal and leisure support, provided by specialised professionals, to bring about the full social and work integration of women who suffer situations of violence.

2. The substitute home shelter services are provided, in all cases for women who find themselves in any form of sexist violence in the sphere of the couple, the family or a social or community sphere in the form of female genital mutilation or risk of the same or forced marriage.

3. The Catalan Government, with the purpose established in this article, must guarantee access to a place

on the service referred to by this article for all women and their children who can demonstrate being victims of sexist violence and who request it.

Article 60. Specialised intervention services

The specialised intervention services are specialised services that offer comprehensive attention and resources in the process of recovery and redress for women who have suffered or suffer a situation of violence, and their children. Similarly, the aforementioned services must also contribute to the prevention, awareness raising and community involvement.

Article 61. Meeting point technical services

The meeting point technical services are services aimed at attending and preventing, in a neutral and temporary place, in the presence of qualified personnel, the difficulties that arise in the processes of family conflict and, specifically, in the carrying out of the programme of child visits set up in the cases of separation or divorce of the parents or in the cases where the local government holds the custody, with the aim of ensuring the protection of the minors.

2. The professionals that work in the meeting point technical services should not use mediation techniques in cases where any form of sexist violence has been demonstrated in the sphere of the couple or family.

Article 62. Crime victim attention services

The crime victim attention services aim, amongst other things, to offer women information and support through the legal procedures that are related to the exercise of the rights conferred on them by current legislation.

Article 63. Police attention services

The police attention services are the specialised resources of the Catalan Government Police Force whose task is to guarantee the rights of women who are in situations of sexist violence, and their dependent children, to specialised attention, to protection and to safety when faced with sexist violence.

Article 64. The creation and management of the services of the Help and Recovery Network

1. The Catalan Government is responsible for the creation, ownership, competence, programming, offering of services and the management of all the services set out by article 54.2, in co-operation with local bodies, with the exception of the women's attention and information services. The basic criteria for the general programming of the services of the network are an analysis of needs and the social demand for services, the coverage objectives and the introduction of the services and the regional planning and fair distribution of the available resources. The procedure for the drawing up of the programme must guarantee the participation of the competent authorities, of the consultative bodies of the Catalan Government and the participative bodies established by this act.

2. Municipal authorities have the authority to create, programme, provide and manage the women's attention and information services. They may also provide and manage services that are the competence of the Catalan Government in accordance with the instruments and in the terms established by the revised text of the municipal and local government act of Catalonia, passed by legislative Decree 2/2003, of 28 April. Municipal authorities must establish by regulation the territorial distribution, the benefit system, the organisation and the endowment level of the services.

3. The services that make up the network may be provided indirectly, in accordance to what is established the legislation governing public sector contracts, under the inspection, control and registration of the Catalan Government. To this end, the registry of network services and collaborating bodies must be created and governed by regulation.

4. Any body taking on provision of a service that is part of the Network must commit to a policy of non-discrimination, permanence, professionalization and incorporation of clauses against sexual harassment as well as the drawing up of an intervention protocol in the event of harassment.

5. The Catalan Government must establish measures of support and care for active professionals working with situations of violence, in order to prevent the onset of exhaustion, confusion or professional burnout.

6. The contents of this article must be understood notwithstanding what is set out in the municipal Charter of Barcelona.

Chapter 5. The actions of public authorities in specific situations

Article 65. Measures to facilitate the detection of sexist violence

The Catalan Government must promote efficient measures to eliminate the barriers that hinder the detection sexist violence in specific situations and that can prevent access to the services and provisions

established by this act.

Article 66. Immigration

The Catalan Government must undertake the actions necessary in consular bodies, embassies, diplomatic offices and any other body with the objective of obtaining documentation to establish the personal and family circumstances of women immigrants and also of legislation in the country of origin.

Article 67. Prostitution

1. The Catalan Government must guarantee the right of access to services and provisions for women who practice prostitution, by means of specific programmes both to prevent and to eliminate the various forms of sexist violence.

2. The Catalan Government must develop adequate structures and mechanisms to protect and attend women affected by trafficking and sexual exploitation.

Article 68. Rural environments

The attention, help and protection services that this act establishes by this act establish in title III must provide access to women in rural environments and areas of difficult access to centres that are sufficiently distant from their places of origin and residence to guarantee the anonymity of these women.

Article 69. Old age

The Catalan Government must promote efficient awareness-raising strategies aimed at older women, to familiarise them with the resources and strategies to confront violence against women and allow them to adopt an active stance when faced with these situations.

Article 70. Transsexuality

1. All measures and the recognition of rights indicated by this act must respect transsexual diversity.

2. Transsexuals who suffer sexist violence are comparable to women who have suffered this violence, in terms of the rights established by this act, provided that gender dysphoria has been diagnosed, accredited by a qualified doctor, or has been medically treated for at least two years to adapt their physical characteristics to those corresponding to the gender claimed, certified by a medical report drafted by a qualified doctor under whose direction the treatment has been carried out.

Article 71. Disability

1. The Catalan Government must guarantee that the exercise of the rights and access to the resources and services regulated by this title are not obstructed or impeded by the existence of barriers that prevent access and must guarantee the safety of the access environment.

2. Women with a degree of disability equal to or greater than 33% and who suffer sexist violence have the right to greater financial support or temporary improvement of established financial support established in this title, in accordance with the requirements and conditions established by regulation to assist in the process of recovery and repair.

Article 72. Human immunodeficiency virus

The rights established by article 71.2 are considered extensive to HIV-positive women with respect to the human immunodeficiency virus, who suffer sexist violence.

Article 73. Ethnic gypsies (Roma)

The Catalan Government must design specific awareness raising strategies aimed at ethnic gypsy (or Roma) women, designed and agreed with the associations of gypsy women, to familiarise them with the resources and strategies to confront the social pressure or cultural legitimisation with regard to violence against women and that will enable them to adopt an active stance when faced with such a situation.

Article 74. Penitentiary centres

1. Women serving prison sentences or the like in penitentiary centres, both for adults or minors, have right of access to the resources and services established in title III, provided that the provision is compatible with this situation.

2. The Catalan Government must provide teams involved with those service prison sentences with personnel specialised in the area of sexist violence, specifically in psychological, legal and socio-labour aspects. These specialised teams must carry out the following functions:

- a) Identification of the situation of violence that the woman has suffered or is suffering.
- b) Check this situation of violence in the prison report of the woman.
- c) Draw up an appropriate prison treatment in collaboration with the Network.

3. The Catalan Government must guarantee spaces for transsexual people that are sufficient to preserve their rights.

Article 75. Female genital mutilation

The Catalan Government, in addition to observing current legislation, must adopt whatever measures are necessary to:

- a) Promote community mediation among families where there is a risk of genital mutilation. In these cases, they must ensure that experts can take part in the negotiation as well as people from the communities affected by these practices, and ensure the involvement of primary care personnel.
- b) Guarantee specific measures to prevent and eradicate female genital mutilation, setting up activities to promote women from countries where these practices are common and training professionals who have to intervene.
- c) Act in the area of international co-operation to work from within the countries of origin to eradicate these practices.
- d) Have at their disposal the medical means for surgical intervention to attend to the requests of women wanting to reverse the effects of the mutilation carried out, as well as the psychological, family and community support systems. In cases of health risk for minors, professionals must have the means to enable them to carry out a surgical operation available.

Title IV. Concerning the competences, organisation and comprehensive intervention against sexist violence

Chapter I. General dispositions concerning the competence system

Article 76. Public responsibilities

1. The Catalan Government and municipal authorities of Catalonia are the competent government bodies with reference to the services of the Help and Recovery Network as well as of the provisions established by this act, in accordance with what is determined by this title and, if appropriate, the legislation covering territorial organisation and local systems.

2. Notwithstanding the competences that are theirs in accordance with the act, municipal authorities may also assume responsibilities proper to the Catalan Government by means of delegation or joint management agreements.

Article 77. Inter-administrative coordination and assistance

1. The competent government bodies, amongst others, must co-ordinate:

- a) Public policies in the area of the struggle against sexist violence.
- b) Public policies in the area of sexist violence with educational, health, employment, research and media policies as well as any other policy involved in the struggle against this violence.
- c) The attention, assistance, protection, recovery and redress resources with the jurisdictional organs and act and order forces.
- d) Municipal attention and information resources with the centres of specialised intervention that are responsible to the Catalan Government.
- e) The resources regulated by this act with the resources of the government bodies of Catalonia with authority to provide educational, employment, health, social services and other services involved in the struggle against sexist violence.

2. The governmental bodies of Catalonia must work together in the exercise of their respective competences to guarantee the exercise of the rights that this act recognizes.

Article 78. Data transfer

The competent public bodies must share the data of a personal nature required to be able to manage the services of the Help and Recovery Network and the financial provisions made under this act as well as others established by act and related to sexist violence in an appropriate way. To this effect a specific registry must be created, and which must be controlled by regulation.

Chapter 2. Powers of government bodies

Article 79. Powers of the Catalan Government

It is the responsibility of the Catalan Government to:

- a) Set out the general policy to fight against and eradicate sexist violence, and create the corresponding

instruments for planning, as well as the services of the Help and Recovery Network notwithstanding the powers of municipal authorities.

- b) Co-ordinate all actions in the area of prevention, detection, attention, assistance, protection, recovery and redress of women who suffer sexist violence, together with the resources that they offer.
- c) Determine the form and the procedure for granting financial assistance and the provision of services and other resources that this act establishes.
- d) Regulate the training of the personnel involved in the fight against sexist violence for its eradication and, specifically, that of the people who have to manage, if appropriate, the resources that this act sets up.
- e) Work to establish effective co-ordination with the national government and set up mechanisms for two-way collaboration, co-operation and information needed to guarantee the rights established by this act.
- f) Develop collaboration and co-operation with other autonomous regional communities to guarantee the rights established in this act.
- g) Carry out all the other functions expressly attributed to it by this act and other act in the same area.

Article 80. The Catalan Women's Institute

1. The Catalan Women's Institute, in addition to carrying out all the functions accorded to it under current legislation, is the organisation that shapes the fight against sexist violence.

2. The following are the functions of the Catalan Women's Institute in relation to the objectives of this act:

- a) Set up and co-ordinate policies against sexist violence that must then be passed by the Catalan Government.
- b) Design and promote policies against sexist violence in collaboration with local government bodies, social organisations, expert bodies and the women's associations that work in this area.
- c) Work to adapt the plans and programmes carried out by the various government bodies of Catalonia to the programmes of the Catalan Government in the area of sexist violence.
- d) Co-ordinate and guarantee transversal work in all areas.
- e) Initiate the drawing up and signing of collective co-operation accords between public bodies and the organisation involved in the fight against sexist violence for its eradication.
- f) Propose the programming, provision, management and co-ordination of the various services that make up the Network, working with the town councils, with the exception of the information and attention services for women that are the responsibility of local bodies in the terms specified by this act.

Article 81. Centre for Study, Research and Training into Sexist Violence

1. The Centre for Study, Research and Training into Sexist Violence is created as a dependent body of the Catalan Women's Institute and is designed to be a permanent study and research tool into sexist violence as well as training and educating professionals who come into contact with this type of violence.

2. The make up, working, competences and co-ordination of the Centre for Study, Research and Training into Sexist Violence with other organisations and government bodies has to be established by regulation.

Article 82. National Commission for a Co-ordinated Response against Sexist Violence

1. The National Commission for a Co-ordinated Response against Sexist Violence shall be created as a dependent body of the Catalan Women's Institute, as organisation specifically dedicated to institutional co-ordination to establish, follow up and evaluate actions in the campaign against sexist violence, notwithstanding the powers of initiative, oversight and control by departments of the Catalan Government.

2. The composition, working practices, powers and co-ordination of the National Commission must be set up by regulation for a Co-ordinated Response against sexist violence, together with other bodies.

Article 83. Powers of municipal government

1. It is the responsibility of the Municipal Governments to:

- a) Programme, provide and manage the services of information and attention to women and refer to the various services the matters specified in this act.
- b) Provide or manage other services of the Help and Recovery Network, in accordance with what is established in the overall agreement reached with the Catalan Government

- c) Assist in the management of the financial provisions and subsidies established by this act.
 - d) Carry out all other functions established in this act which, depending on the respective powers, are their responsibility in relation to women who suffer or have suffered sexist violence.
 - e) Discharge other responsibilities attributed to them by legal disposition.
2. Municipalities with a population of fewer than 20,000 inhabitants may delegate their powers to an association of municipalities or to other local bodies.

Chapter 3. Comprehensive intervention against sexist violence

Article 84. Programmes of comprehensive intervention against sexist violence

1. Programmes of comprehensive intervention against sexist violence are the planning instruments that have to be endorsed by the Catalan Government. They have a validity of four years and are drawn up by the Catalan Women's Institute, together with the relevant department in each case. These instruments draw together the range of objectives and measures to eradicate sexist violence and also establish, in a coordinated, global and participative manner, the lines of action and directives that will orientate the activity of the public authorities.
2. The programmes referred to in paragraph 1 must set out measures that involve other administrative areas, local bodies, social partners, women's and professional organisations.
3. The programmes of comprehensive intervention against sexist violence must also develop coordination and cooperation strategies, as well as research into and knowledge of reality, and must include a financial report.
4. For the drawing up, control and evaluation of the programmes of comprehensive intervention, the Catalan Women's Institute must set up the necessary mechanisms to guarantee the participation of local bodies, women's organisations, social partners as well as people or bodies with expert knowledge of the area of sexist violence.

Article 85. Protocols for co-ordinated action against sexist violence

1. Protocols for co-ordinated action against sexist violence must include a group of support, co-ordination and co-operation measures and mechanisms aimed at the public bodies and other stakeholders, which determine the formalities and the series of actions that must be followed to carry them out correctly.
2. The objectives of the protocols for co-ordinated action against sexist violence must:
 - a) Guarantee the co-ordinated attention of the various departments of the Catalan Government, local bodies and social partners and their services, and define the areas in which they may intervene across the range of situations of sexist violence.
 - b) Establish mechanisms of co-ordination and co-operation that permit a continuous and smooth flow of information between the organisations involved.
 - c) Use methods of intervention that avoid re-victimising the women affected.
 - d) Guarantee the resources needed for the carrying out and continuation of the protocol.
 - e) Design care cycles that are appropriate to the various situations of violence and the specific needs arising from these situations.
 - f) Set up a single, agreed model for the collection of data to guarantee knowledge of reality.
3. The protocols must set up the participation of the ambits directly related to the treatment of sexist violence, such as the bodies and women's associations that work in the different regions based on a model of intervention that is compatible with this act.
4. The process of drawing up the protocols must be led by the Catalan Women's Institute in each of the regional areas of the delegations of the Catalan Government or, if appropriate and approved by the Catalan Government, in the areas of regional structure that may be set up by act.
5. The protocols must set out the specifics and the procedure of the actions as well as the responsibilities of the sectors involved in the treatment of sexist violence, with the objective of guaranteeing the prevention, efficient and personalised care and the recovery of women who are in situations of risk or victims of sexist violence.

Article 86. Participation and development of local entities

1. The Catalan Government, in accordance with its policies of the eradication of sexist violence, must be able to count on the participation of local entities.

2. The programmes and actions that spring from the application of this act must establish measures that encourage local entities to develop programmes and activities designed to eradicate sexist violence or palliate its effects.

Article 87. Participation and development of women's groups and associations

1. Government bodies, in the pursuit of their policies for the eradication of sexist violence, must work preferentially with women's groups or other women's entities that are or form part of a union or business group, with respect to the corresponding institutional policies.

2. The programmes and actions that spring from the application of this act must establish measures that encourage the entities referred to in paragraph 1 to develop programmes and activities designed to eradicate sexist violence or palliate its effects.

Additional provisions

First. Financial resources

1. The Catalan Government is responsible for providing the necessary resources to bring about a suitable fulfilment of the organisation and provision of the actions and services established by this act.

2. The Catalan Government must set aside in its budgets the necessary credits for the financing of all the provisions guaranteed, of the provision of services, of resources, of programmes, of projects and of other actions included in the Act, in accordance with the powers attributed by the same.

3. The Catalan Government must provide local entities with a specific annual fund to guarantee that the provision of information and attention services for women are sufficient, in accordance with the terms specified by this act. The distribution of these funds amongst local entities must be made in accordance with objective criteria that must be agreed twice a year with the interested entities and which must be based on the number of inhabitants, the principle of territorial balance and available budget, and must take into account the characteristics of the area and the needs of the women, to achieve the effective implementation of the rights that this act set out, notwithstanding the fact that municipal authorities and other local bodies may dedicate the funds necessary to finance the services within their respective areas of authority over their own budgets.

4. The Catalan Government must finance the cost of the information and attention services for women provided by towns or villages with populations of fewer than 20,000 inhabitants, notwithstanding other forms of mixed finance with the involvement of public funds, with the specific financial fund set up by paragraph 3.

5. The Catalan Government may set up co-operation agreements with local governments in accordance with article 83.1.b, to reformulate the management of the services specialised in sexist violence already in existence, prior to the enactment of this act, in accordance with the powers and characteristics of the services established.

Second. Revision of educational curricula

The department with authority in educational matters must carry out a revision of the educational curricula with the objective of detecting any sexist or other content that favours sexual discrimination, the breach of women's rights and sexist violence.

Third. Amendment of Legislative Decree 1/1997, concerning public service

A new letter, *u*, is added to article 116 of the Act on public service of the Catalan Government, passed by Legislative Decree 1/1997, of 31 October, with the following wording:

"u) The committing of acts of sexual harassment or harassment for reasons of gender, classified by article 5.third of the Act on the right of women to eradicate sexist violence, and actions that could constitute harassment for reasons of gender or sexual harassment and that do not constitute a very serious infringement."

Fourth. Amendment of Act 10/1997, on minimum income

Letter *e* of article 6.1 of Act 10/1997, of 3 July, on minimum income, is amended to read as follows:

"e) In the case of women who suffer sexist violence or who have come through a situation of sexist violence and who meet the requirements set out by this act, only investment or work-related income that the applicant has or may have access to may be taken into consideration, and in these cases the investment or work-related income of other members of the cohabiting family unit will not be considered."

Fifth. Amendment of Act 18/2003, on support for families

Article 44.1 of Act 18/2003, of 4 July, on support for families, is amended to read as follows:

“1. The Catalan Government must create a guarantee fund to cover the non-payment of child support and the non-payment of compensatory support. This fund must be drawn upon when there is legal confirmation of non-compliance with the duty to pay and this non-compliance leads to a situation of financial need, in accordance with the limits and conditions fixed by regulation.”

Sixth. Amendment of Act 22/2005, on audiovisual communication in Catalonia

Act 22/2005, of 29 December, on audiovisual communication in Catalonia, is amended to read as follows:

a) A new letter, *f*, is added to article 132, very serious offences, with the following wording:

“f) The creation or broadcasting of content that justifies or trivialises sexist violence.”

b) A second paragraph is added to article 9, with the following wording:

“These services must also respect the duties imposed in this area by the Act on the right of women to eradicate sexist violence.”

Seventh. Amendment of Legislative Decree 3/2002, on public finance of Catalonia

1. A new paragraph, number 7, is added to article 92 of the revised text of the Act on public finance of Catalonia, passed by legislative Decree 3/2002, of 24 December, with the following wording:

“7. The regulatory bases of subsidies that are granted to companies with workforces equal to or larger than twenty-five people must include the obligation of these companies, in co-operation with social partners, to indicate the means used to prevent and detect cases of sexual harassment and harassment for reasons of gender and intervene in the workplace.”

2. A new letter, *f*, is added to article 99.1 of the revised text of the Act on public finance of Catalonia, with the following wording:

“The non-inclusion or inappropriate use of the means indicated by article 92.7.”

Eighth. Amendment of Act 1/2001, on family mediation of Catalonia

A new article, the 22 bis, is added to Act 1/2001, of 15 March, on family mediation of Catalonia, with the following wording:

“Article 22 bis. Limit to mediation

“Any process of mediation involving the couple or family in which a woman who has suffered or is suffering physical, mental or sexual violence within the couple must be broken off or, if appropriate not started.”

Ninth. Amendment of Act 11/1989, on the creation of the Catalan Women's Institute

Articles 4 and 5 of Act 11/1999, of 10 July, on the creation of the Catalan Women's Institute, modified by Act 7/2004, of 16 July, on taxation and administrative measures, are amended to read as follows:

“Article 4

“The Catalan Women's Institute is governed by the following bodies:

“a) *La Junta de Govern* (Governing Body)

“b) *La Direcció Executiva* (The Executive Council).”

“Article 5

“1. The composition of the *Junta de Govern* is determined by regulation. The Executive Council has the rank of directorate general and is a member of the Governing Body and is nominated by the Catalan Government.

“2. People who are members of the Governing Body must be recognised for their work in favour of equality and in favour of women

Tenth. Prison administration

The Catalan Government must set up the necessary mechanisms to ensure that prior to the concession of any prison privileges, a report is issued on the situation of the victim by the prison authorities.

Eleventh. Annual information on the programme of comprehensive intervention against sexist violence

The Catalan Government must report annually to parliament to inform on the state of the Programme of comprehensive intervention against sexist violence.

Transitional provisions

First. Social impact of the Act

Within the term of three years of this act coming into effect, the department responsible for Women's policy, through The Catalan Institute of Women, must commission an evaluation of the social impact of the Act. The National Council of Catalan Women, along with expert professionals in this field, shall take part in this evaluation.

Second. Updating of the comprehensive network of support and recovery

Every two years during the first six years following the passing of this act, the Catalan Government may update the Help and Recovery Network for women who suffer sexist violence, in order to make adjustments to it with maximum promptness and flexibility, so as to meet the needs of the population of Catalonia, in accordance with what is established by corresponding acts and budgets.

Third. Application of the fund guaranteeing pensions and allowances

Until the full regulatory deployment of this act, the Catalan Government, during the year 2008, shall carry out the diagnosis and assessment of the needs, the resources and the services necessary to apply the Fund guaranteeing pensions and allowances, established by article 49. Providing for the Fund shall be carried out in accordance with what is stipulated in the respective budgetary acts of the Catalan Government.

Fourth. Endorsement of the models for comprehensive action

The Government shall endorse, within one year, the models for comprehensive action and the services established by articles 53.1 and 3.

Fifth. Endorsement of the Comprehensive Action Programme

The Government shall endorse during the year 2008 the Comprehensive Action Programme against sexist violence 2008-2011, established by article 84, which shall include the actions stated by articles 43, 65, 66 and 67 and the second additional regulation.

Sixth. Transitional law

Until the full regulatory deployment of the resources and the services that make up the Network, established by article 54, the rules stated on deployment and execution of Act 12/2007, of 11 October, on social services, with relation to the deployment measures of the social services Charter shall be applied.

Repealing provision

Any rules of equal or inferior rank to this act that oppose or contradict it are repealed.

Final provisions

First. Regulatory authorisation.

The Government is authorised, in the ambit of its powers, to pronounce on the regulations necessary to enforce and deploy this act.

Second. Additional regulations

In all matters not expressly regulated by this act on the subject of services, what will be applied additionally is Act 12/2007, of 11 October, on social services, and its rules of deployment, as well as the legislation applicable to each public administration responsible.

Third. Regulation of the fund guaranteeing pensions and allowances

Within one year of this act coming into effect, the Government shall provide and regulate the Fund guaranteeing pensions and allowances to cover defaulted payment of maintenance pensions and defaulted payment of compensatory allowances, of an additional or if deemed necessary complementary nature, of the Fund guaranteeing maintenance payments, whose expenses are to be met by the State, in order to be executable within the term of one year after this act comes into effect.

Fourth. Budgetary forecasts

The Government must effect the necessary budgeting to be able to meet the economic provisions and provisions for services recognised by this act.

Fifth. Coming into force

This act will come into force the day following its publication in the *Diari Oficial de la Generalitat de Catalunya*.