



# Country report Spain

Responding to Child to Parent Violence:  
European Perspectives

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## Country Reports on Child to Parent Violence - Spain

compiled by Maite Ferrando - covering time period 1 Feb 2013 to 12th January 2015



Source of Map: BBC News Online <http://www.bbc.co.uk/news/world-europe-17941641>

### Introduction

Unlike other European countries Spain has a record of working on child to parent violence (CPV) since 1990s. The awareness and/or attention to this specific form of violence were initially lead by relevant experts on the youth justice scene. As an example, one of the key professionals on this matter, Javier Urra (see for instance 1995, 2006), published books and media releases about an increasing phenomenon reported in the Court system, where young boys and girls were being prosecuted because of the damage caused to their parents. Along the same lines, several other authors have disseminated the topic in Spain in the last decades with significant expert and research-led publications on child to parent violence, to the extent that it has become quite an open topic in social and media debates. As a result, there has also been a specific TV show (Hermano Mayor) directly addressing child to parent violence (this is a prime-time reality show ongoing since 2009, with more than 2,000,000 viewers). However, in spite of the awareness and openness over this problem, families and society as a whole are still struggling with the difficulties found in coping with this complex and multi-faceted situation.

There are several definitions of CPV used in the Spanish research and professional context. Among them, the most frequently (and recently) referred are those proposed by Aroca (2010, p.136) "*The child-parent violence is where the son/daughter acts intentionally and consciously with the desire to cause harm, injury and/or suffering to their parents, repeatedly over time, and with the immediate aim of gaining power, control and dominance over their victims to get what you want, through the psychological, economic and/or physical*" and Perez and Pereira (2006, p.9): "*Repeated behaviours of physical violence (assault, hitting, shoving, throwing objects), verbal (repeated insults, threats) or nonverbal (gestures threatening, breaking objects dear) aimed at parents or adults who take care of them*", respectively. However, the already mentioned definition proposed by Cottrell (2001), lately reviewed by Cottrell and Monk (2004): "*Set of verbal violence, emotional and / or physical children of repeatedly committed against one or against the two parents*" are also of common use in the Spain research and practice context.

### Political, Social and Cultural Contexts

Spain has a population close to 47 million, which is mainly represented by Spaniards (close to 90%). There are minority groups including a number of descendants of populations from former colonies, especially Latin America and North Africa, smaller numbers of immigrants from several Sub-Saharan countries have recently been settling in Spain, few Asian immigrants, most of whom are of Middle Eastern, South Asian and Chinese origin. The single largest group of immigrants are European; represented by large numbers of British, German, French and others. In addition, estimation of gitanos (Roma) population fluctuate around 700,000.

Concerning the religious context, Roman Catholicism has long been the main religion of Spain, and although it no longer has official status by law, it has a relevant influence in education settings. Culturally, Spain is a Western country, with many Mediterranean and Latin influences on many aspects of life, from art and architecture to cuisine and music.

Spain's capitalist mixed economy is the 14th largest worldwide and the 5th largest in the European Union, as well as the Eurozone's 4th largest. However, the crisis suffered in the last 5 years has had an enormously negative impact on employment, economic and education opportunities and social coverage, with direct consequences in the family environment.

Finally, the Spanish Constitution of 1978, in its second article, recognises historic entities and regions (Basques, Catalans, Galicians, Cantabrians, Castilians, Andalusians, etc.), which implies distinct regional Administrations in charge of the provision of welfare resources and services, such as the Health or the Social systems. This also has an impact on the different approaches taken by regions when coping with CPV.

## Statistics on Family Violence

According to the National Institute of Statistics, in 2013, the number of victims of gender violence with protection measures reported was 27,122, which is 6.9% less than in 2012; this figure represents 132, 6 per 100.000 women. Analysing the age, almost half of the victims (49.9%) were between 25 and 39 years old, with an average of age of 36.2. Attending to the perpetrator of such violence, 27,017 men were prosecuted in 2013, 7.0% less than in the previous year. From them, 50.1% were between 30 and 44 years old, with an average age of 39.2.

When referring to domestic violence (excepting gender violence), 7,060 victims with legal protection measures taken were reported in 2013, 3,3% less than in 2012. From them, 62.7% were women and 37.3% men. A total of 194 were reported to be both victims and perpetrator at the same time.

Domestic violence was represented equally in all the ages, with a slightly larger incidence in the youngest group (under 18 years old). The average age of the victims was 43.4 years old.

## Statistics on Child to Parent Violence

According to the INE 2012 (National Statistics on legal/justice matters) a total of 3,003 parents were victims of violence (court report only) caused by their daughter/son (903 men and 2,100 women). Communities with higher percentages are Andalusia (740 cases), Valencia Region (745) and Cataluña (742).

Recent data from the Fiscalía General del Estado, registered 4,659 cases concerning prosecuted adolescents because of violent behaviour against their parents in 2013

([https://www.fiscal.es/fiscal/PA\\_WebApp\\_SGNTJ\\_NFIS/descarga/MEMFIS14.pdf?idFile=dd3ff8fc-d0c5-472e-84d2-231be24bc4b2](https://www.fiscal.es/fiscal/PA_WebApp_SGNTJ_NFIS/descarga/MEMFIS14.pdf?idFile=dd3ff8fc-d0c5-472e-84d2-231be24bc4b2)), which means 16% of those court procedures involved those under 18 years old.

Unfortunately, although some prevalence studies have tried to provide CPV data in the general population, there is no consensus on the Spanish prevalence of this phenomenon. The different criteria and/or definitions used to consider the existence of CPV is a key element to provide more accurate data on the dimension of CPV.

## Legislation and Policies

The Organic Law 5/2000 of January 12 (LORPM), is the regulating criminal law about the responsibility of children who are between the ages 14 and 18, which include different in two age groups, from 14 to 16 correspond the first one, and 17-18 years, respectively, the latter having an aggravating factor in violent crime specific, intimidation or serious danger to others.

The Organic Law 8/2006 (LORPM) substantially modifies the previously cited, and specifically includes violence-related measures that, up to date did not exist.

Among the measures to be taken as part of the legal process:

- Precautionary/protection measures: The risk of attacks and violence increase as a result of the legal complaint of the parents is very high, so the initial protective measures are essential. At this concern, these measures will be selected to respond to the needs of protection of victims and pursuing the interests of the child (probation, withdrawal, interim placement or living with family or educational group).
- Restorative Justice: In mild forms of abuse and non-physical violence, and when a controlled and calm environment is possible, an alternative measure could be taken. This option requires the child accepts his/her commitments and the termination of violence or intimidation behaviour.

- **Taxable Measures:** the basis of the measures that are applied to children who have committed crimes of child-parent violence, is educational, in terms of learning the respect for the legal rights of their relatives/parents and the total elimination of violence and intimidation as a way to resolve conflicts.

The measures imposed are personalized in all cases through an individualized program, taking into account personal circumstances and family variables. In most cases, children accused of violent behaviour towards their parents had no other criminal cases outside the family, so it is recommendable to avoid custodial measures, providing them with their freedom but with a complementary intervention aimed at restoration of the normal family relationships.

- **Execution of the measures:** The process must be inherently dynamic, always bearing in mind the evolution of the child during the execution of the measure, based on the principle of flexibility, in order to modify, shorten or cancel. The answer should be from the court system must be focused on instructional leadership, allowing the restoration of family unity and avoiding the purely punitive.

## New procedures

Because of the relevance of child to parent violence cases, the State Chief prosecutor and the Regional Chief Prosecutors sent a specific document in 2010 (Circular 1/2010), which established the following requirements in order to effectively address the problems arising from crimes committed by children having violent behaviour towards their relatives:

- **Differentiation of assumptions:** to distinguish those cases in which the child engages in criminal behaviour from those that, although including behavioural problems at risk, are not susceptible to criminalization.
- **Principle of speed:** taking into account the characteristics of the recipients, the process should be quick and brief. Links between the crime/criminal behaviour and the legal consequence should be reinforced, following the learning/education principle; otherwise the legal punishment could lead to useless or even counterproductive interventions. It is important to keep in mind that usually the legal complaint is preceded by a long process of family suffering and needs an immediate response.

If the complaint, for example, is a serious matter the Juvenile court can immediately order the child's arrest, with the consequent protective-precautionary measure. From this moment, as soon as the technical team writes the report about the child's situation the trial will take place, all this within one month and half (T. Gisbert, personal interview, April 24, 2013)

## Referral pathways when CPV is reported

In most cases the procedure starts with the complaint, usually by parents, before the State Lawyer acts (judicial/legal pathway); other representative cases start with police interventions, neighbours who hear screaming, hitting, slamming, or the family calling the police when the child is out of control, breaking windows and doors, hitting, kicks, etc, then it is the police who send an official report to the State Lawyer. Very few cases start with injuries reported by a doctor or nurse, because when a person has a wound that has been inflicted by another, then it is required to make a legal report, and because of that report, if the individual responsible for the wound is a child, she/he can be prosecuted (T. Gisbert, personal interview, April 24, 2013).

In addition to the regulation, there is a non-legal agency, established by the above mentioned law called the technical team consisting of psychologists and social workers, depending on the Children Public Prosecutor's Office, in charge of providing expert advice to their own office and the Juvenile/Children's Court. Its functions are defined in Article 27 of the LORPM, consisting mainly in writing a report on the child's psychosocial situation and different options they consider appropriate for the intervention, based on each individual case, analysing not only the child but also the family, environment, etc. The Law also gives them the possibility of blocking the court procedure, through the intervention of the technical team by proposing a repair activity or conciliation and mediating between the child and the victim or injured; mediation is understood as "a form of intervention within a conflict, with a method which is basically to facilitate communication between the parties involved allowing for the adoption of an agreement between them" (Ruiz and Navarro, 2004, p. 635).

To carry out these measures, Article 19 of the LORPM establishes two requirements for the prosecutor to authorize the mediation:

- That the fact/behaviour made by the child is not considered a serious crime that involves violence or intimidation.
- That the child recognizes the damage caused, apologize to the victim and he/she accepts such apologies, assuming also the commitment to repair the damage caused to the victim or to meet specific educational/interventional activity by the technical team's report.

When there is reasonable suspicion of the existence of violence (before legal procedures are taken), the Public/State prosecutor can ask the technical team for a report on the benefits of adopting a precautionary measure, as shown in the cases provided in Article 28, paragraph 1 of LORPM. "The Public/state prosecutor, when there are reasonable grounds for the commission of a crime or the risk of escape or obstruction of the course of justice by the child, may ask the juvenile/child court, at any time, for precautionary measures for the defence and custody of the child. These measures may include placement in a specialized centre (in the appropriate regime), on probation or in cohabitation with another person, family or educational group. The judge must issue the resolution on the proposal of precautionary measures with special consideration to the child's interest, but having analysed the case the child's lawyer, as well as the technical team and the representation of the public entity responsible for the protection of the child, must report especially on the existing options for the precautionary measures".

## Participation in previous Daphne Projects

In Spain, Child to Parent Violence has been already part of a Daphne project (REF006-1/264/WY Family violence – Minors who assault their parents) coordinated by ALTEA (Spain) and with several Eu partners: PARITÄTISCHES BILDUNGSWERK (Germany); ASSOCIATION EMAUS (Spain) ; ASSOCIATION LOS ARCOS DE ALTEA (Spain) ; UNIVERSITY OF ALICANTE (Spain); BIENESTAR SOCIAL. Generalitat Valenciana (Spain) ; ASSOCIATION DE LA SAUVEGARDE DE LA CORREZE - ASEAC (France) ; SOCIETÀ COOPERATIVA CESRE (Italy); LA CREMERIA (Italy); KAFOS (Poland); QUESTAO DE EQUILIBRIO (Portugal); CANTERBURY CHRIST CHURCH UNIVERSITY COLLEGE (UK).

A Conference was organised to promote awareness on the topic in Spain ([http://www.altea-europa.org/documentos/jornadasdaphneenero\\_2010.pdf](http://www.altea-europa.org/documentos/jornadasdaphneenero_2010.pdf)), and some publications on the topic were promoted, oriented to provide a better understanding of the factors behind the increasing progression of this violence. Some guidelines for the prevention and intervention were also provided ([http://www.emausong.es/documentos/Publicacion\\_Daphne\\_Violencia\\_Intrafamiliar\\_%20Menores\\_que\\_%20agreden\\_a\\_sus\\_%20padres\\_II.pdf](http://www.emausong.es/documentos/Publicacion_Daphne_Violencia_Intrafamiliar_%20Menores_que_%20agreden_a_sus_%20padres_II.pdf)).

## Institutions concerned with CPV and family violence

Apart from the court (or preventive mediation measures), several institutions are concerned with CPV, including:

### **A. Referral by Social Services (child protection/family protection)**

Some interventional processes are initiated by Local or Municipal services that identify the problem and referral the families to the existing resources (see B, C and referral pathway)

### **B. Private sector resources**

The **recURRA** program (<http://www.recurra.com>) is a pioneering initiative in Spain specialised in Children to Parent violence, providing residential therapeutic intervention mainly by voluntary internment of the children. This is a private initiative with the collaboration of the Association for Social Integration Management (GINSO) and the Urria Infancia S.L (private company) in response to the deficiency that exists in the Spanish healthcare setting in "the treatment and support for youth in conflict within the home tyrannize parents, brothers / sisters or other family members". They provide a comprehensive network of therapeutic specialised resources, including the residential therapeutic resource Campus States, where children live while the violent behaviour is still there, to receive intervention and education programme.

**Amalgama-7** (<http://amalgama7.com>) is a private institution specializing in preventive work, educational and therapy with adolescents and youth and their families, with specialised programme in CPV.

## **C. Religious facilities or NGOs**

Some have a long history – focus on children who misbehave- tends to emerge in context of other work. Some examples below:

**Amigo Foundation** (<http://www.fundacionamigo.org>) is a private non-profit organization that works in the socio-educational intervention for children and young people and their families, in a situation of lack of adaptation and/or social exclusion, especially with behavioural problems, promoting their social reintegration and progressive freedom within a comprehensive development as individuals.

**The Social Response XXI Century Foundation** (<http://www.respuestasocial.org>) conducts social integration initiatives in collaboration with public administrations and third sector, develops programs and conducts research in the field of prevention and care of children, including a wide range of educational resources. Among them, the PIMFA program is aimed at children and youth involved in incidents of disruption in the family, usually aggressive or threatening behaviour toward the parent (or to those with this role).

**Afasc** (<http://afasc.org>) was born from a group of parents concerned about a common problem, teenagers and children who do not accept rules inside or out, with the motivation to share experiences seeking help and solutions to improve relationships with their childre

**Adi Egon Bilbao** (<http://www.adiegon.es>) is a non-profit association formed by professionals from the social and health field promoting psychosocial wellbeing. They have a program called Nerabe-ekin, for the prevention of domestic violence of adolescents toward their parents. Its main goal is to avoid the use of the court system against their children and the last consequences of the child is separated from their family.

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