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**ECOVIO**

**Economic violence: opening pathways across an unexplored gender-based violence issue for guaranteeing the women and children's fundamental rights**

# **Training materials for professionals in the legal field and authorities**

## **Block no. 2: Analysis of judicial processes. Field work**

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author:**



**Collaborators:**



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# 1

## INTRODUCTION

In separation processes, if an attempt has been made to reach an agreement out of court and it has not been possible, claiming alimony through the ordinary civil procedure is the fastest, most efficient, and simplest way.

Alimony is a right of the minor child and it is INDISPONBILE, in no case can I exempt the person obliged to do so from paying said support.

But the children must receive it, since it is a right, and the parent in charge almost always decides to claim the pension from his ex-partner. It is convenient to try to solve it out of court and to know the reasons why the debtor defaults, in order to try to reach an agreement. But if this option is neither possible nor satisfactory, it is necessary to resort to judicial means.

The ways to claim alimony are the following:

#### A) CIVIL WAY:

This option is quite simple and fast and although it does not present too much complexity, to claim alimony through the civil route it is necessary to have a lawyer and a solicitor.

If the alimony debtor has sufficient economic capacity, payment is required by means of a demand for the compulsory execution of an agreement or judgment, and in case of not opposing or not paying in a voluntary period, the seizure is made to pay off the debt immediately. The claim must state that the other parent was obliged to pay alimony, indicate the amount of the same and refer to the date from which the payment has been defaulted.

If the obligor has a payroll, assets or rights that can be executed or seized, this is quick.

#### B) CRIMINAL WAY:

Failure to pay alimony, or not paying it in full, may constitute a crime that is typified in the Penal Code in its articles 226 et seq. According to this article, it is a crime "to stop paying alimony for two consecutive months or four non-consecutive months."

For it to be a crime, the following must be fulfilled:

There must be a firm judicial resolution that requires food to be given.

The pension may have been established in the judgment of divorce, separation, annulment, filiation or in a procedure of parental measures.

It can also be established by a regulatory agreement signed by the parents, ratified in court, and judicially approved.

A malicious omission must be carried out, that is, non-compliance with the payment to which reference has already been made, typified in the Penal Code.

It must be appreciated wilfulness in non-compliance, malicious conduct. This means that the parent must know this obligation and that, despite this and voluntarily, decides not to pay.



<http://economic-genderviolence.eu/>

To assess the effect that these judicial processes have on women, we conducted a survey, the results of which are shown below.

This survey has been carried out on women both in Italy and in Spain and has been carried out both on women who have not reported gender-based violence and on others who have reported it.



## 2

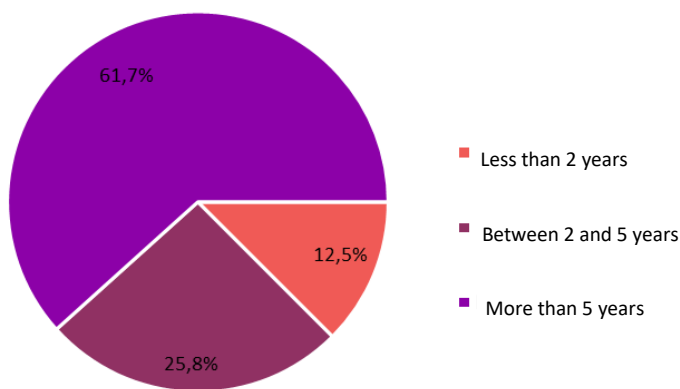
## FIELD WORK

## 1.1 FIELD WORK WITH WOMEN WHO HAVE NOT REPORTED GENDER VIOLENCE.

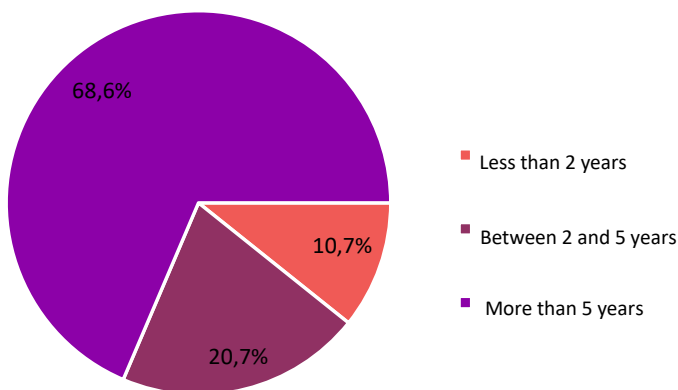
The survey was carried out for a total of 240 women, 120 from Spain and 120 from Italy. The results are shown below.

### Question 1. How long has it been since your separation (physical or legal) or divorce?

This question aims at gathering information about the time elapsed since the separation. This information is important and we must obtain information in our work from all different situations. It is expected that the first years after separation are a time for adaptation and reorganisation of the economic sphere, since the situation changes from a joint expenditure and revenue structure to a separate structure. Time is also important in terms of judicial resolution processes; and even regarding the behaviour of individuals and the emergence of economic violence behaviours. It is also worth highlighting the interest of the perspective given by temporal distance from the separation.



**Graph 1. Spain: How long has it been since your separation (physical or legal) or divorce?**



**Graph 2. Italy: How long has it been since your separation (physical or legal) or divorce?**

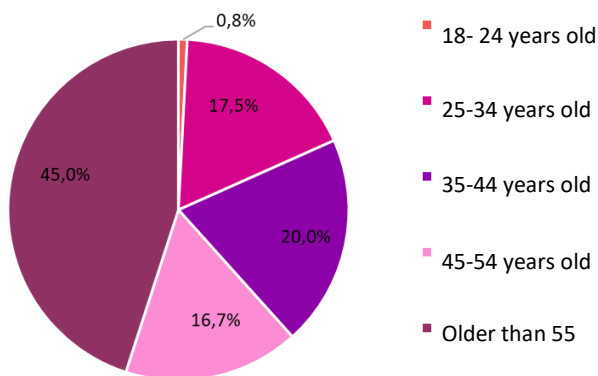
In the case of Spain, 61.7% of the women participating in the survey have been separated for more than 5 years and 12.5% less than 2 years (Graph 1)

In the case of Italy, the percentage of women participating in the survey who have been separated or divorced for less than 2 years is 10.7%, being the women who have been separated for more than 5 years a 68.6% from the participants in that country (Graph 2).

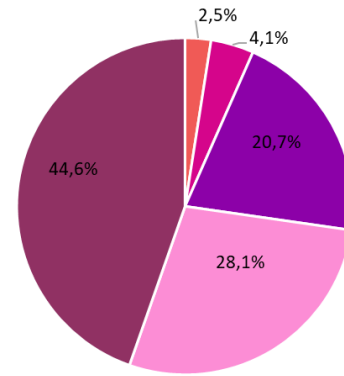
## Question 2. ¿How old are you now?

The age of the person is also important, as well as the economic context, since these factors may determine the access to the labour market.

In Spain, the sample considered is composed of 55% of women under the age of 55, being the age distribution shown in Graph 3.



Graph 3. Spain



Graph 4. Italy

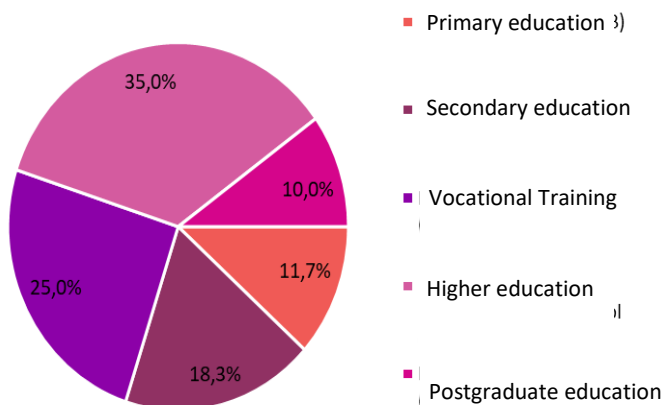
In Italy, the sample included 44.6% of women over the age of 55, with an age distribution following Graph 4.

## Question 3. What is your educational level?

Qualifications and education are essential when it comes to having a job and an external source of income.

Hence the interest in analyzing different outcome levels of women with different educational levels.

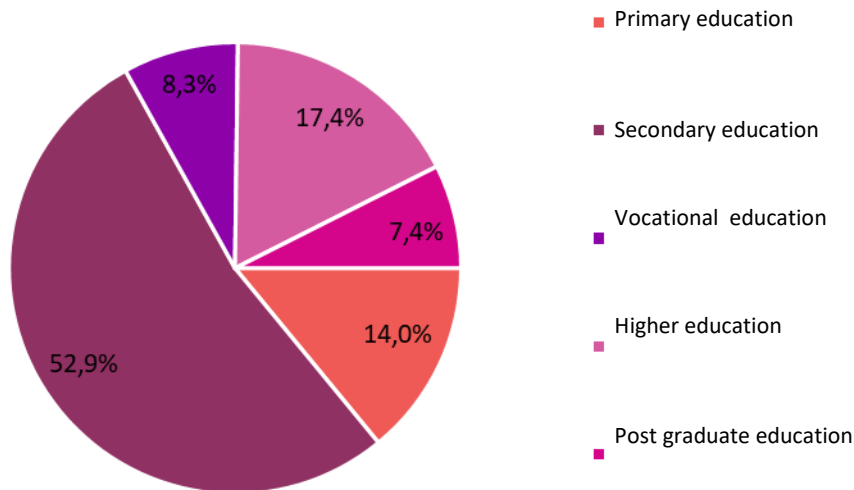
In Spain, the sample considered consists of 35% of women with higher education, while 11.7% reached primary education (Graph 5).



Graph 5. Spain: What is your educational level?



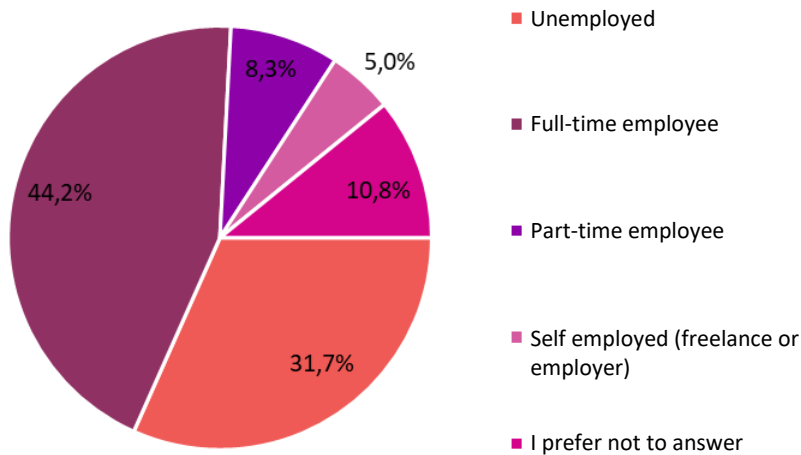
In the case of Italy (Graph 6) the highest percentage of women participating in the survey, have an educational level of secondary education, representing 52.9% of the total.



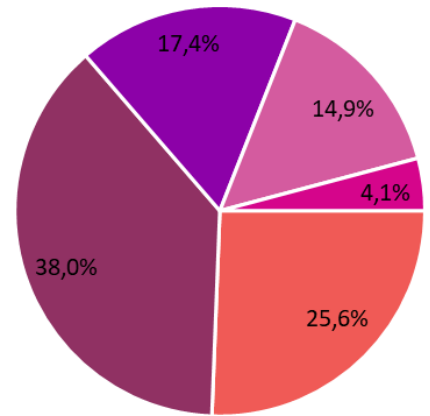
Graph 6. Italy. What is your educational level?

#### Question 4: What is your employment situation?

We consider the fact that women are working outside can be a contributing factor in reducing economic violence. Women's empowerment is an important factor in reducing and even eliminating economic violence, at least after separation. If women have economic independence, even if there are defaults and non-compliances, they do not generate the same violence as if the woman is financially dependent on her ex-partner. Therefore, it is of great to know if women are working, although this information needs to be supplemented by the available economic resources.



Graph 7. Spain



Graph 8. Italy

In the case of Spain (Graph 7), 44.2% of women participating in the survey are employed full-time; 31.7% are unemployed.

The analysis in Italy (Graph 8) indicates that 38% of the women participating in the survey are employed full-time; 25.6% are unemployed.

**Question 5 to 8: How many children of the following age ranges do you have the relationship with your ex-partner?**

How many children under the age of 3 do you have from your relationship with your ex-partner?

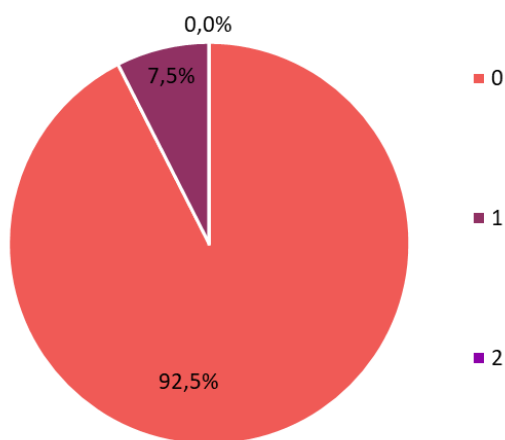
How many children between the ages of 4 and 12 do you have from your relationship with your ex-partner?

How many children between the ages of 12 and 18 do you have from the relationship with your ex-partner?

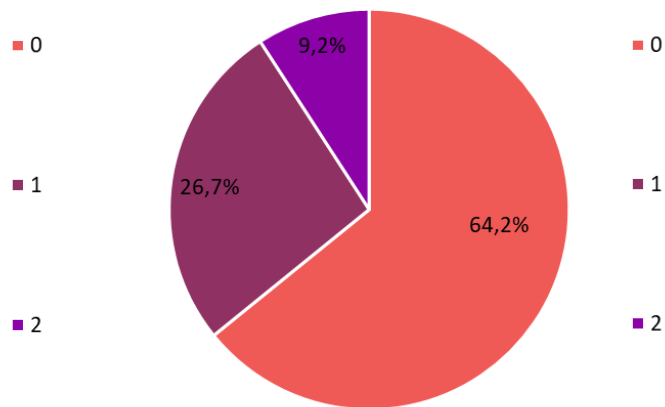
How many children over the age of 18 do you have from your relationship with your ex-partner?

For the current study, it is important to consider women who have children, and therefore all surveys have been conducted on women with children. The age of these children has been shown a relevant variable in previously conducted personal interviews. Having children over the age of 12, who enjoy greater independence and do not limit women's capacity to fulfill their working hours without needing help for caregiving, or at least requiring less help, is relevant information. Questions 5 through 8 collect information about the number of children per age ranges.

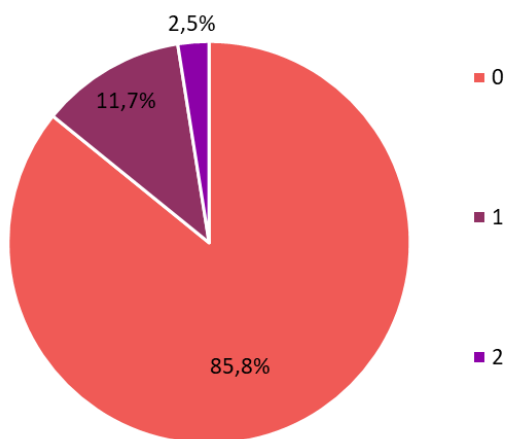
The results for the case of Spain are reflected in Graph 9, Graph 10, Graph 11 and Graph 12, where it can be seen that 7.5% of the women surveyed have children under the age of 3; while 27.6% have a child between the age of 4 and 12; 11.7% between the age of 12 and 18; and 60% had more than one child over the age of 18.



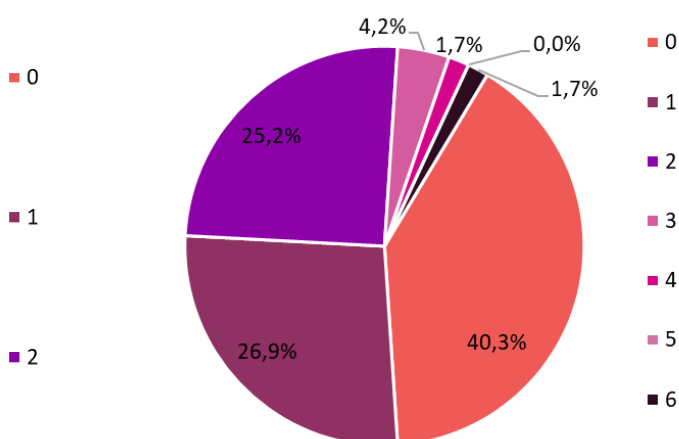
Graph 9. Spain: Children 3 years old or younger



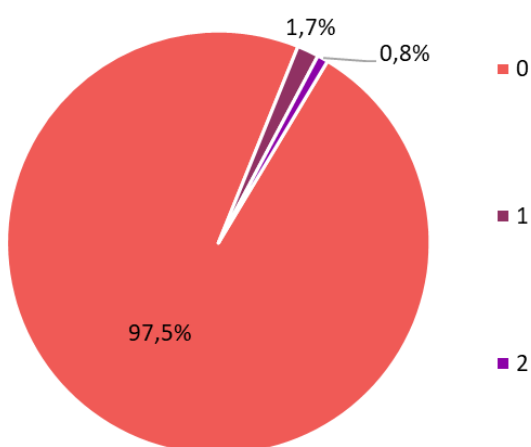
Graph 10. Spain: Children from 4 to 12 years old



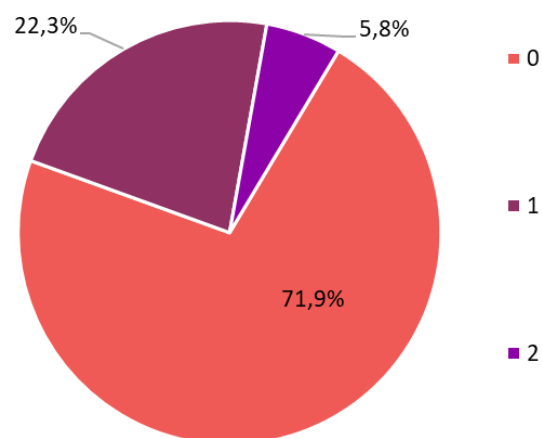
Graph 11. Spain: Children between 12 and 18 years old



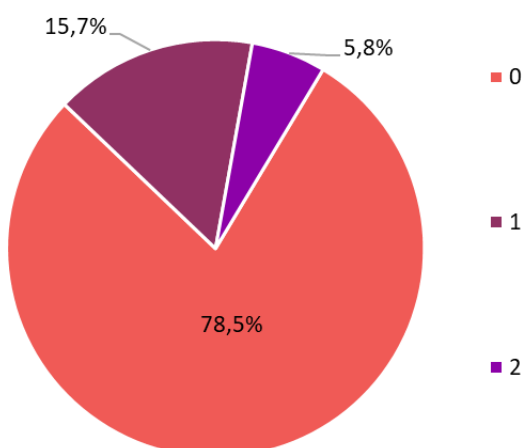
Graph 12. Spain: Children over 18 years old



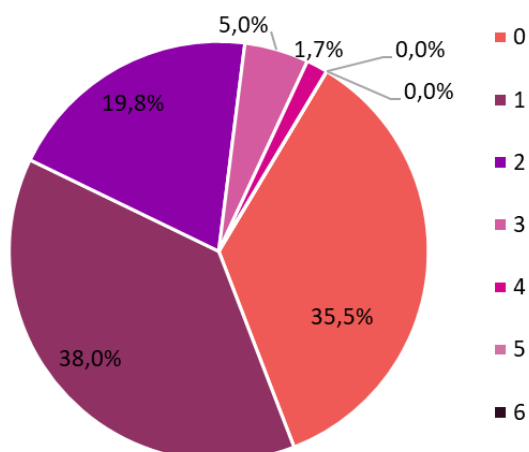
Graph 13. Italy: Children 3 years or younger



Graph 14. Italy: Children from 4 to 12 years old



Graph 15 Italy: Children between 12 and 18 years old

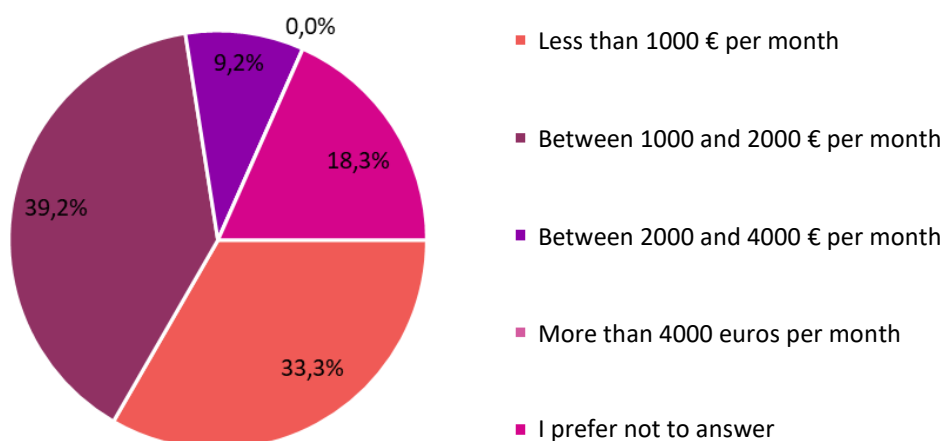


Graph 16. Italy: Children over 18 years of age

The results for the case of Italy are reflected in Graph 13, Graph 14, Graph 15, Graph 16 where it can be seen that 1.7% of the women surveyed have children under the age of 3; while 22.3% have a child between the age of 4 and 12; 15.7% between the age of 12 and 18; and 62% have more than one child over the age of 18.

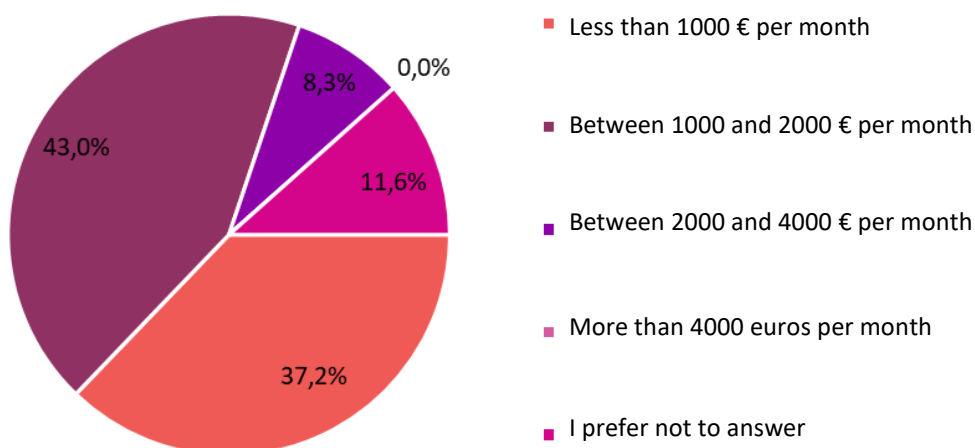
**Question 9: Regarding your current income level, could you tell us what the approximate monthly amount of your household income is, adding up all sources of income and deducting withholdings from taxes, social contributions, etc.?**

Women's income level is critical in the analysis intended for this project. In the case of Spain 33.3% have monthly incomes less than 1,000 euros, as it is shown in Graph 17.



**Graph 17. Spain. Current incomes level**

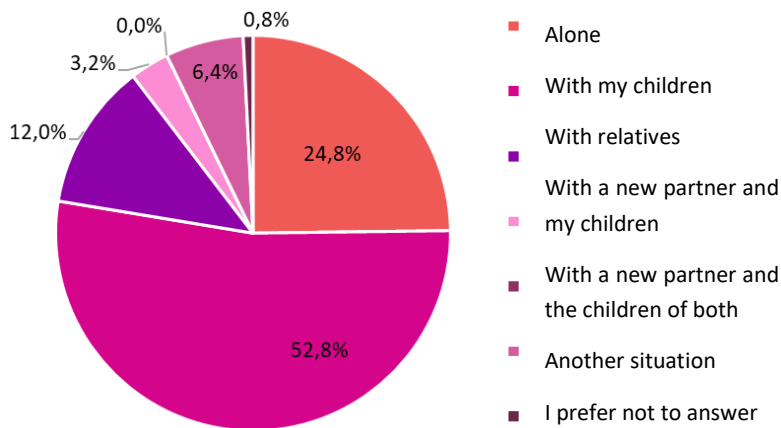
In the case of Italy, Graph 18 shows that 37.2% of the women interviewed have monthly incomes below 1.000 euros. The proportion of women who declared earning between 1000 and 2000 euros per month was also higher. It should also be noted that a proportion of women refused to answer this question, something that did not happen in Spain.



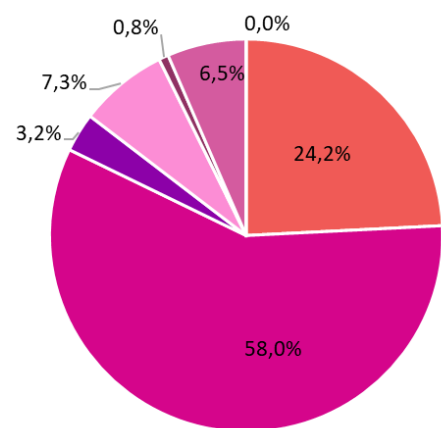
**Graph 18. Italy. Current incomes level**

**Question 10: Regarding the current circumstances about your coexistence: Who do you live with? You can respond by pointing out more than one option**

According to Graph 19 Just over half of the Spanish women interviewed said they were living with their children (52.8%) and a quarter of them live alone. Concerning the other 25%, most of them (12%) lived with relatives, 3.2% with their children and a new partner, 6.4% are in a different situation and 0.8% did not respond. No one claimed to live with friends, nor with their new partner and the children of their new partner.



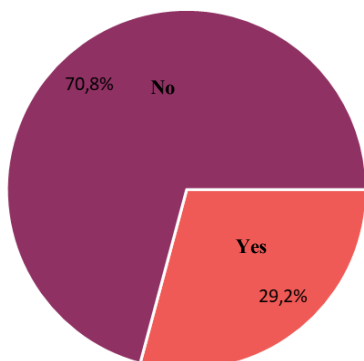
Graph 19. Spain: Current coexistence



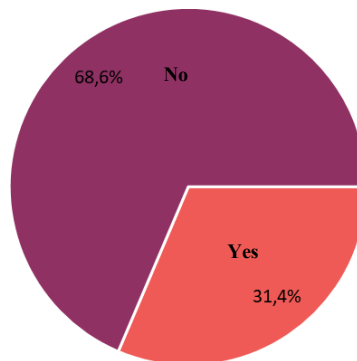
Graph 20. Italy: current coexistence

In **Italy**, Graph 20 shows that 58.1% of women (6 points more than in Spain) stated that they live with their children and also about a quarter live alone. The rest is divided among those who live with relatives with 3.2% (almost 9 points less than in Spain), those who live with their children and a new partner with 7.3% (four more points than in Spain), 6.5% (practically the same as in the case of Spain) is in a different situation and 0.8% lives with their new partner and their children. No one claims to live with friends, as was the place with the Spanish ones and finally none prefer not to answer.

**Question 11: During the relationship, have you ever suffered physical violence?**



**Graph 21. Spain: ¿Did you ever suffer physical violence during your relationship?**

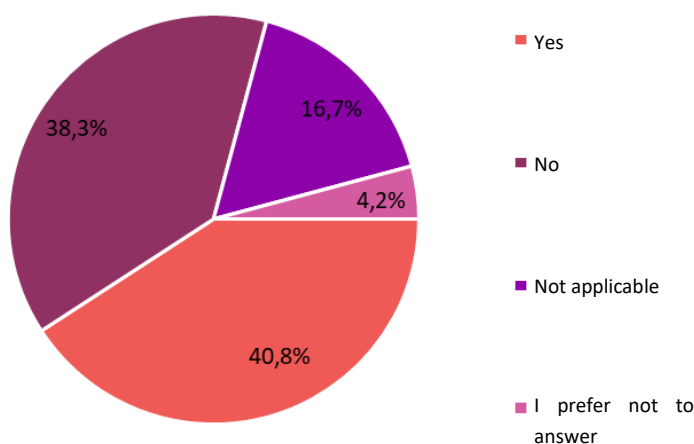


**Graph 22 Italy: ¿Did you ever suffer physical violence during your relationship?**

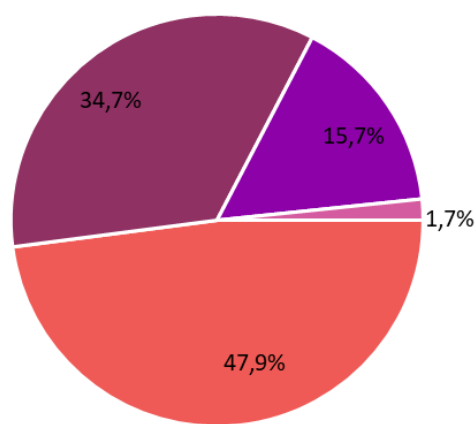
The vast majority of women surveyed in **Spain** (70.8%) stated that they had never experienced physical violence, while 29.2% claim to have experienced it, as it is shown in Graph 21.

The results for women surveyed in Italy are very similar (Graph 22) since 68.6% said they have never experienced physical violence and 31.4% have experienced it at some time (2 points more than in Spain).

**Question 12: After separation or divorce, is your ex-partner delayed or not paying what was agreed in the separation agreement?**



**Graph 23. Spain. Delays in the payment of the separation agreement**



**Graph 24. Italy. Delays in the payment of the separation agreement**

In Spain (Graph 23), 40.8% of women report that their ex-partners are late or do not pay what was agreed in the separation agreement, compared to 38.3% who report that they do comply with their payment obligations. The rest either do not have to pay anything (16.7%) or prefer not to answer (4.2%).

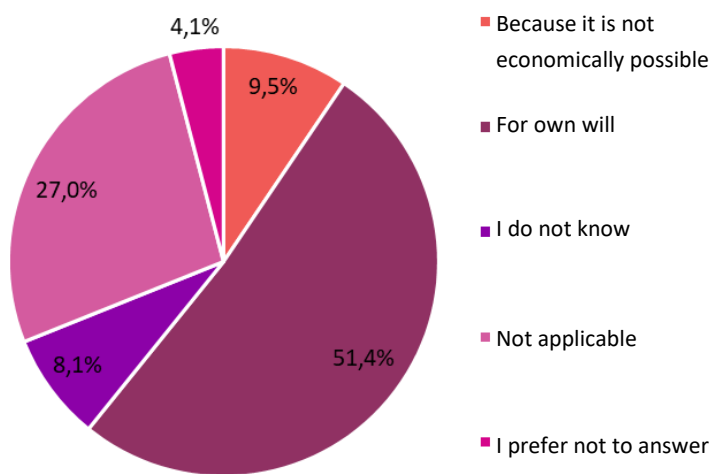
In Italy (Graph 24), the situation is worse than in Spain, since the percentage of women who declare delays or defaults is 47.9% (7 points higher than Spain) compared to 34.7% who declare not to suffer delays or defaults (4 points less than in Spain).

**Question 13: Do you consider that the agreement is delayed or not paid because it is not financially possible for you to pay it or of your own free will?**

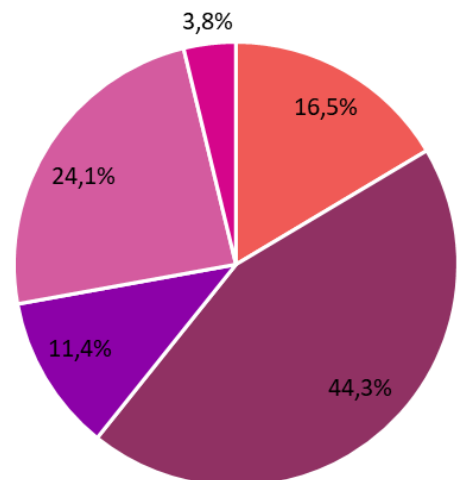
Regarding the reasons for the delays or non-payments, as indicated in Graph 25, more than half of the women surveyed in Spain (51.4%) consider that it is the will of their ex-partners compared to 9.5% who consider who cannot afford such payment for financial reasons. The rest of the women declare that there have been no non-compliances (27%), that they do not know the reason (8.1%) or prefer not to answer (4.1%).

In Italy, despite having declared more non-compliances (Graph 26), the reasons stands out that a greater extent than in Spain to economic reasons (16.5%) and less than in Spain to the ex-partner's own will (44.3% ), despite the fact that this answer option is still the majority. As in Spain, around 40% declare that there have been no breaches, that they do not know the reason or that they prefer not to answer.

**Do you consider that the agreement is delayed or not paid because it is not financially possible for you to pay it or of your own free will?**



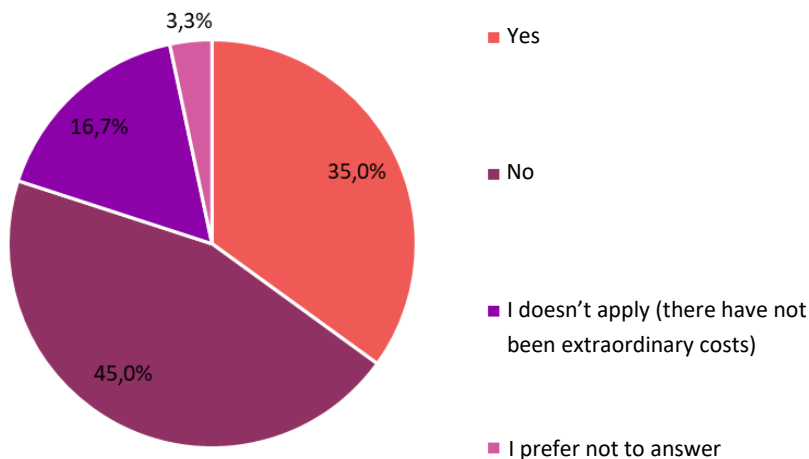
Graph 25. Spain



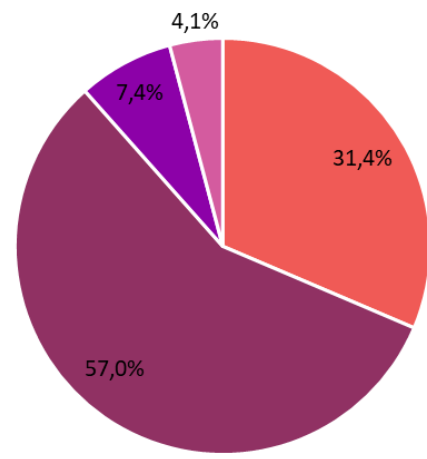
Graph 26. Italy



**Question 14: After the separation or divorce, does your ex-partner bear the part of extraordinary expenses that corresponds to him?**



**Graph 27. Spain**



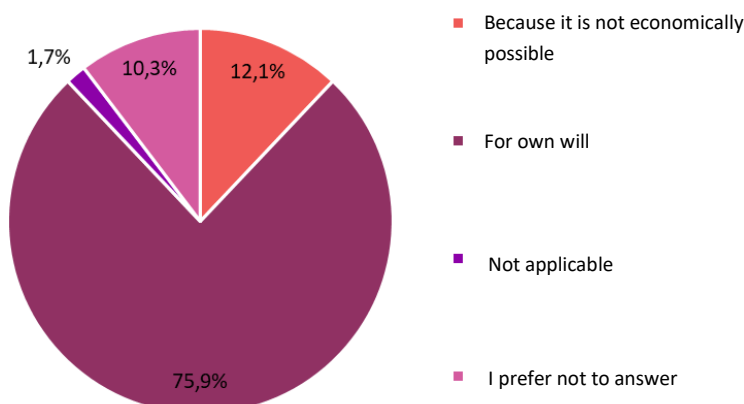
**Graph 28. Italy**

Regarding extraordinary expenses, according to Graph 27 in Spain, more women declare that their ex-partners do not take care of their part (45%) than those who declare that they do (35%). 16.7% have not yet had extraordinary expenses and 3.3% prefer not to answer.

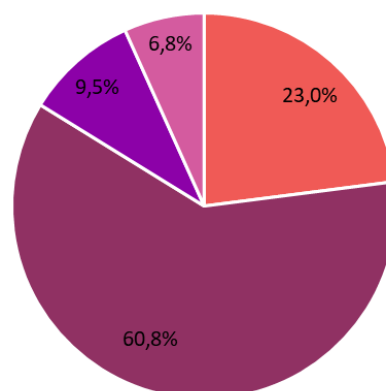
In Italy, the situation regarding the payment of extraordinary expenses is more painful for women than in Spain (Graph 28), and 31.4% answered that their ex-partners take care of their part and 57 % those who answered that they did not take charge, 12 points more than in Spain.

**Question 15: In case of non-compliance of your ex-partner in the payment of extraordinary expenses, do you consider that he / she does so because it is not financially possible for him to pay them or of his own free will?**

Among women who have reported non-compliance with the payment of extraordinary expenses in Spain (Graph 29), the main reason they point to is the ex-partner's own will with 75.9%, while only 12.1% admit that the reason is the financial difficulty of the ex-partner.



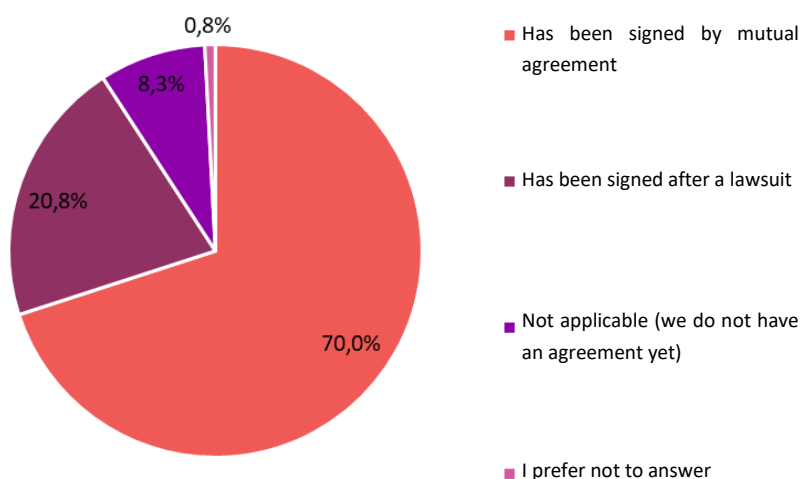
Graph 29. Spain



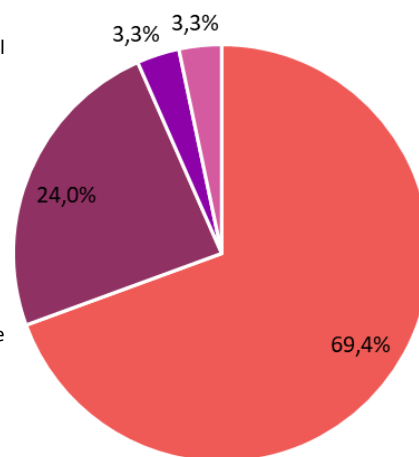
Graph 30. Italy

Women in Italy also see the ex-partner's own will as the main reason for not paying their part of the extraordinary expenses (Graph 30), 60.8%, although to a lesser extent than in Spain, 15 points less. The economic difficulty in meeting these expenses is the reason for 23% of women, twice as much as in Spain. These differences between Spain and Italy when explaining the reasons for defaults also occurred with normal expenses.

#### Question 16: The separation or divorce agreement...



Graph 31. Spain



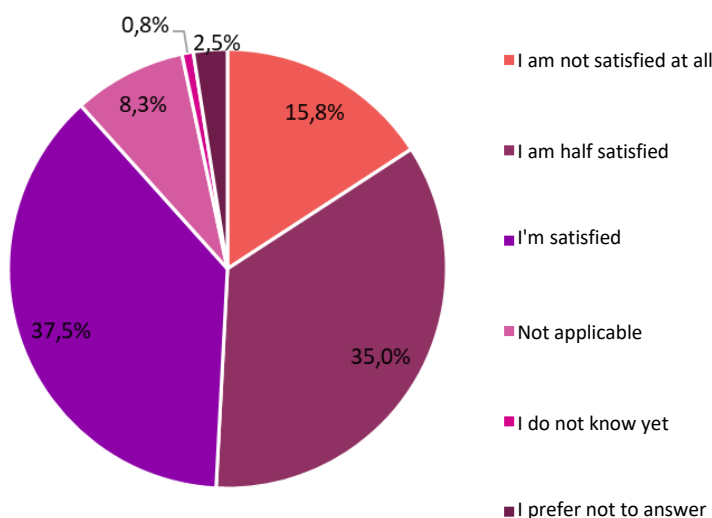
Graph 32. Italy

In **Spain**, 17.6%, of women in this group has signed the separation agreement by mutual agreement, compared to 50% signed after a lawsuit. The rest of the women interviewed still had no agreement (17.6%) or prefer not to answer (14.7%), as shown in Graph 31.

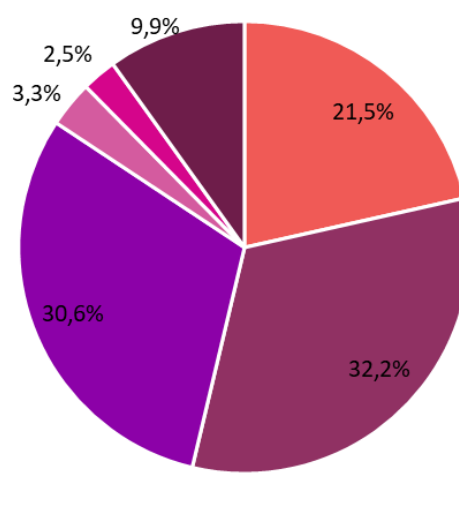
As in Spain, almost half women in Italy (48.1%) have signed the separation agreement after lawsuit, although the percentage of agreements by mutual agreement is significantly higher than in Spain (34.2%). All other women interviewed or have no agreement yet (8.9%) or did not answer the question (8.9%), as it is shown in Graph 32.

### Question 17: Are you satisfied with the conditions of the separation or divorce agreement?

The opinion of women in Spain about their separation agreement is, in general, of moderate satisfaction, as can be seen in Graph 33, with 37.5% being satisfied and 35% half satisfied. 15.8% are not satisfied at all and 11.6% do not have an opinion on the matter (which includes women who still do not have an agreement and those who do not know if they are satisfied).



Graph 33. Spain

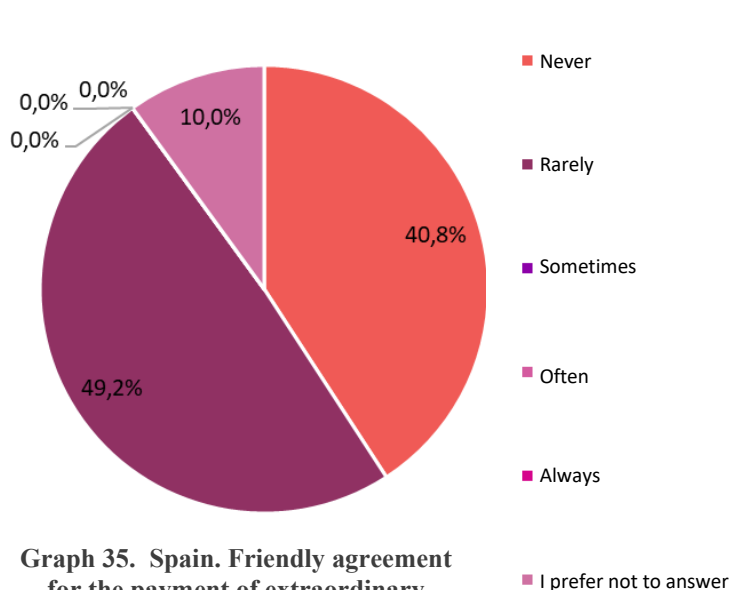


Graph 34. Italy

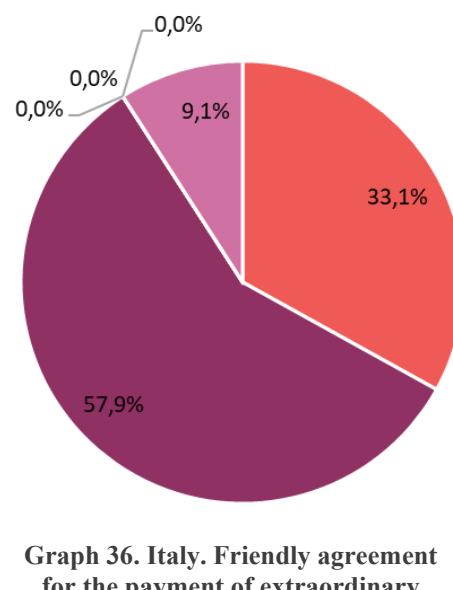
In Italy (Graph 34), the percentages of satisfaction with the agreement for women are worse than Spain. The sum of those who declare to be satisfied (30.6%) or half satisfied (32.2%) is 10 points lower than in Spain, while 21.5%, 6 points more than in Spain, declare not to be nothing satisfied.

### Question 18: When an extraordinary expense arises, is it agreed amicably with your ex-partner?

Almost half (49.2%) of those surveyed in Spain (Graph 35) answered that the payment of extraordinary expenses is rarely agreed amicably, while 40.8% say never. Therefore, the sum of these two elements gives us the result that the 90% of women confess serious problems to reach agreements on this issue, but that it reaches 100% if we discount those who prefer not to answer (10%). Emphasize in this question that there is no woman who indicates that she often or always has reached an amicable agreement.

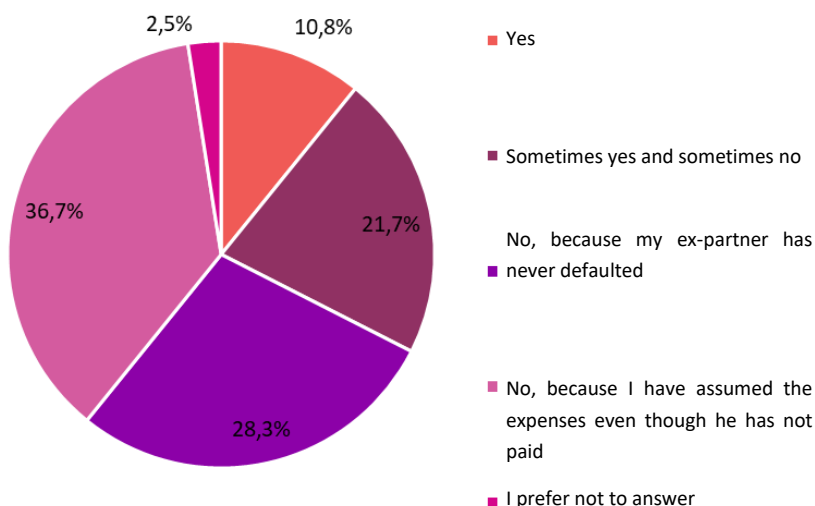


Graph 35. Spain. Friendly agreement for the payment of extraordinary expenses

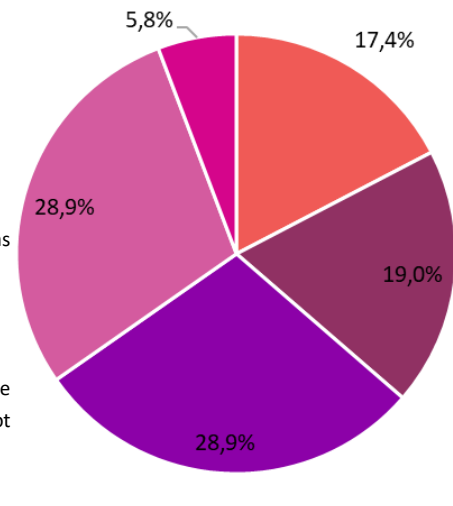


Graph 36. Italy. Friendly agreement for the payment of extraordinary expenses

**Question 19: Have your children had to give up activities that they carried out before the separation, due to the defaults of your ex-partner?**



Graph 37. Spain

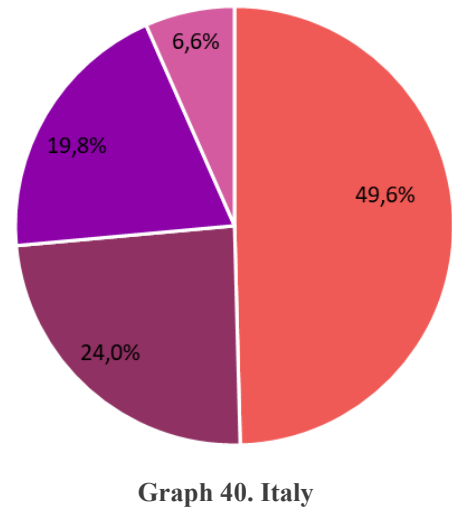
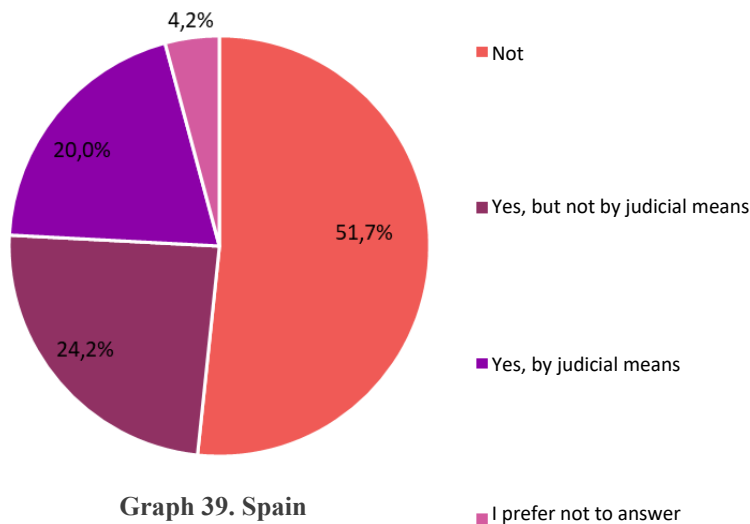


Graph 38. Italy

In the case of Spain, as shown in Graph 37, most of the women (65%) answered that their children had not had to give up their activities, although 36.7% was due to the fact that the expenses were the woman has assumed, while 28.3% is due to the fact that her ex-partner has never defaulted. Only 10.8% of women affirm that their children have had to give up activities; while in 21.7% of the cases they are not defined exhaustively, but they affirm that sometimes they have been able to carry out the activities and sometimes not.

In the case of Italy (Graph 38), most of the women (57.8%, somewhat lower than in the case of Spain, where this percentage is 65%) have answered that their children have not had to give up to their activities, dividing equally (28.9%) those that are due to the fact that the expenses have been assumed by the woman, and those due to the fact that her ex-partner has never defaulted. The percentage of women who affirm that their children have had to give up activities is 17.4% much higher than in the Spanish case (10.8%). In 19% of the cases, they affirm that sometimes they have been able to carry out the activities and sometimes not; results somewhat lower than that of Spain (21.7%). The percentage of women who prefer not to answer has been almost 6%, more than double that in Spain (2.5%).

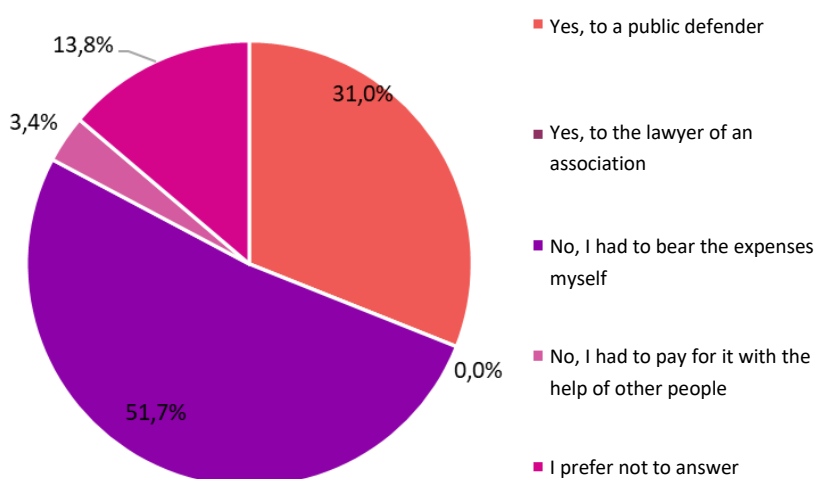
**Question 20: Have you ever had to claim the breaches or defaults of the agreement?**



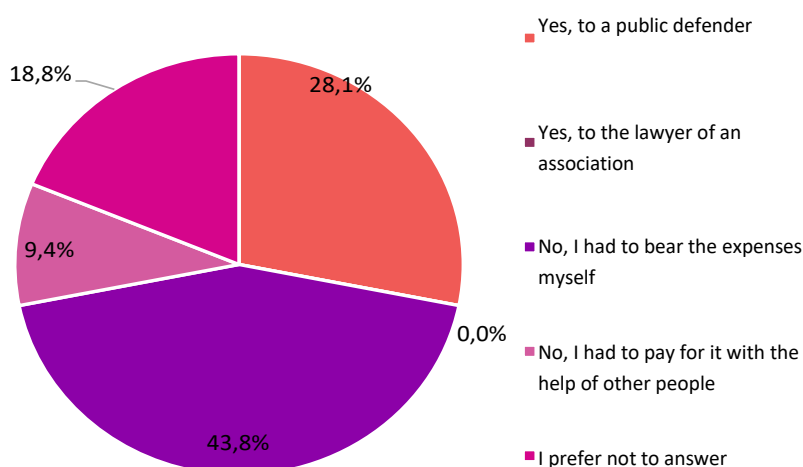
In the case of Spain (Graph 39), slightly more than half of the women surveyed (51.7%) have not had to claim breaches or non-payments of the agreement. 44.2% did have to complain, although by judicial means it has been somewhat lower (20%) than by non-judicial means (24.2%). Only 4.2% prefer not to answer.

In the case of Italy (Graph 40), slightly less than half (49.6%) have not had to claim breaches or defaults of the agreement, a figure very similar to the Spanish case. 43.8% did have to complain, although through the courts it has been somewhat lower (19.8%) than through non-judicial channels (24%); figures similar to the results in Spain. 6.6% prefer not to answer, a percentage slightly higher than in Spain (4.2%).

**Question 21: In the event of having had to claim defaults and / or judicial breaches, have you had access to a public defender or free lawyer?**



**Graph 41. Spain: In the case of having had to claim defaults and / or judicial breaches, have you had access to a public defender or free lawyer?**



**Graph 42. Italy: In the event of having had to claim defaults and / or judicial breaches, have you had access to a public defender or free lawyer?**

As shown in Graph 41, 55.1% of women in Spain have not had access to a public defender, having to pay for it themselves in 51.7% of the total, while 3.4% have needed help from other persons. 31% of the women have had access to a public defender's lawyer and none of the surveyed women has used a lawyer from an association. The percentage of women who prefer not to answer has been quite high, 13.8% of the total. If we discount those who prefer not to answer, the percentage of those who have had the right to a lawyer is 36%. In the case of Italy (Graph 42), 53.2% of women (compared to 55.1% in Spain) have not had access to a public defender, having to pay for it themselves in 43.8% of the total, while 9.4% have needed help from other people. This distribution is somewhat different from the Spanish case. 28.1% of the women did have access to a public defender's attorney and none of the surveyed women had resorted to a lawyer from an association. The percentage of women who prefer not to answer has been quite high, 18.8% of the total; 5 points above the case of Spain. If we discount

those who prefer not to answer, the percentage of those who have had the right to a lawyer is 34.6%, quite close to that of the Spanish case.

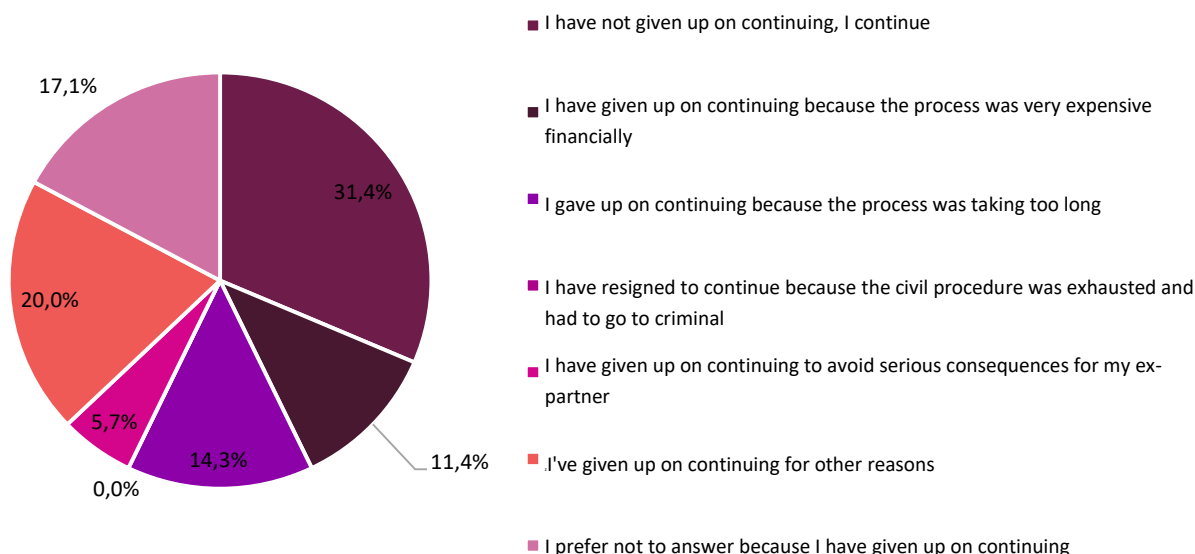
**Question 22: Many women decide, at some point in the process, not to continue with the judicial process that they have initiated against their ex-partner, due to non-payment or breach of the agreement, for different reasons. Please check the options that best suit your case.**

As shown in Graph 43, a high percentage (58.6%) of women in Spain have not given up on continuing the process. 13.8% preferred not to answer, the same percentage as in the previous question. The rest, 27.4% of the total, have resigned to continue, highlighting with 13.8% the women who declared to resign for reasons other than: high cost, long duration, to avoid going to criminal procedure or to avoid serious consequences to your couple. If we discount those who have preferred not to answer, 68% have not given up on continuing the process.



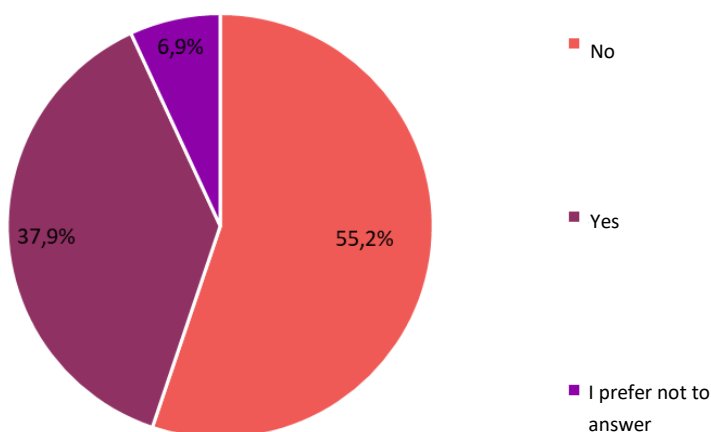
**Graph 43. Spain: Reasons for waiving the legal process against the couple for non-payment or breach of agreement.**

In the case of Italy (Graph 44), the percentage of women who have not given up on continuing the process is much lower, 31.4%, compared to the case of Spain, 58.6%. 17.1% preferred not to answer, a somewhat lower percentage than the previous question. The rest is more distributed than in the Spanish case. 14.3% resign for the duration of the process; 11.4% do so due to the economic cost; 5.7% for serious consequences for their ex-partner; while 20% attribute it to other reasons. If we discount those who have preferred not to answer, 38% have not given up on continuing the process, still very far from the case of Spain.

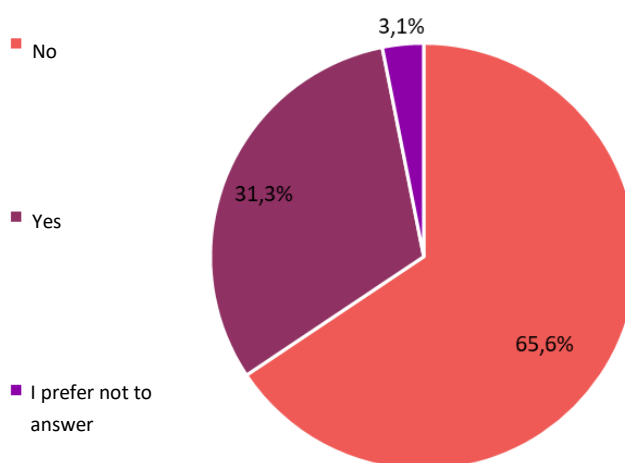


**Graph 44. Italy: Reasons for waiving the judicial process against the couple for non-payment or breach of agreement.**

**Question 23: Have you resorted to criminal proceedings against your partner for non-payment or breach of the separation agreement?**



**Graph 45. Spain**



**Graph 46. Italy**

In Spain (Graph 45), the majority response, with 55.2% of women, have not resorted to criminal proceedings for non-payment or non-compliance. 37.95% have done so and only 6.9% prefer not to answer. If we eliminate the cases of those who prefer not to answer, 40.7% have resorted to criminal proceedings.



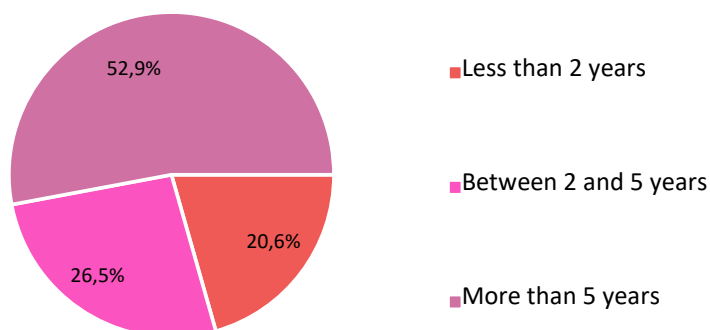
In the case of Italy (Graph 46), the percentage of women who have not resorted to criminal proceedings has been almost two thirds (65.6%) compared to 55.2% in the Spanish case. 31.3%, Compared to 37.9% in Spain, they have appealed and only 3.1% prefer not to answer. If we eliminate the cases of those who prefer not to answer, 32.3% have resorted to criminal proceedings, a percentage not very close to that of the Spanish case.

## 1.2 FIELD WORK WITH WOMEN WHO HAVE REPORTED GENDER VIOLENCE.

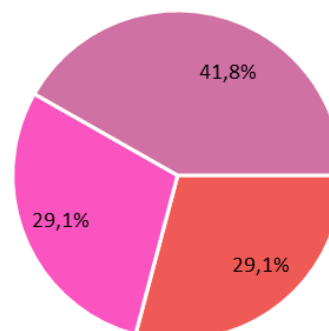
The survey was carried out for a total of 240 women, 120 from Spain and 120 from Italy. The results are shown below.

### Question 1. How long has it been since your separation (physical or legal) or divorce?

With this question we want to have information about how long it has been since the separation. This information is important, and in our work, information should be gathered from all different situations. It is foreseeable that the first years of the separation will undoubtedly be of adaptation and organization in the economic sphere since there is a change from a joint expense and income structure to another one that is separated. Time is also important in terms of judicial resolution processes, and even for the behavior of individuals and the appearance of behaviors of economic violence. The perspective provided by the temporal distancing from separation is also of interest.



Graph 47. Spain



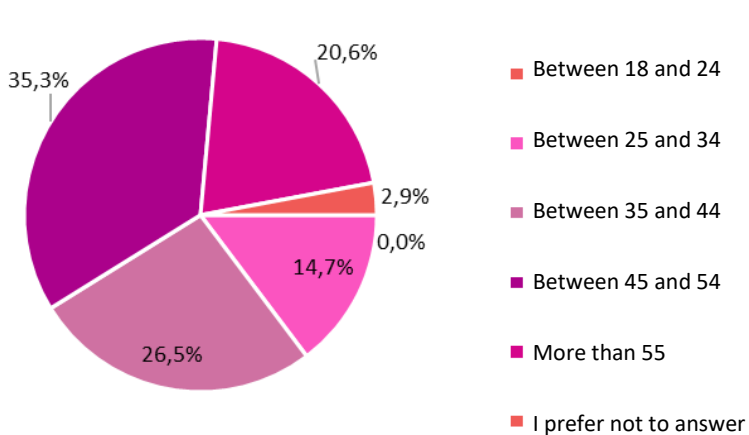
Graph 48. Italy

In the case of Spain, 53% of the women surveyed have been separated for more than 5 years and 20% for less than 2 years (Graph 47).

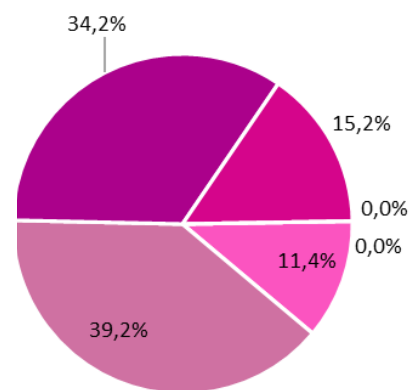
In the case of Italy (Graph 48) the percentage of women participating in the survey who have been separated or divorced for less than 2 years is 30%, with 42% being the percentage of women who have been separated for more than 5 years.

## Question 2. How old are you?

The age of the person is also important, also for socioeconomical analysis, since it can determine the access to the labor market.



Graph 49. Spain: current age

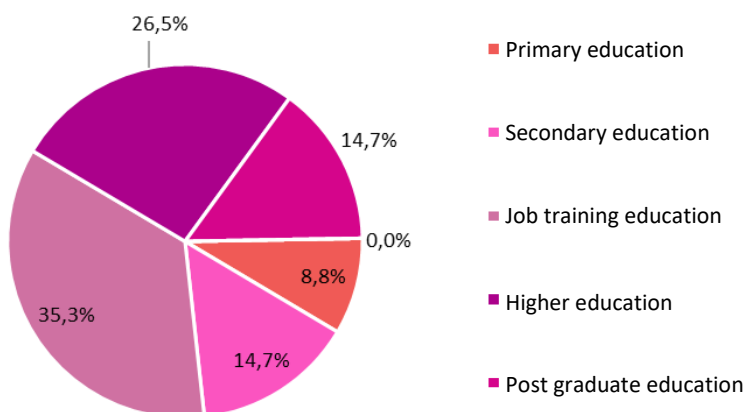


Graph 50. Italy: Current age

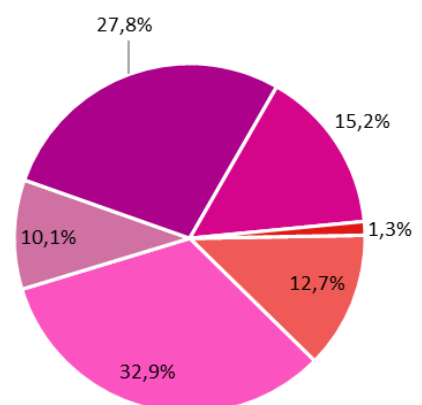
In Spain, 41% of the sample is made up of women under the age of 55, with the age distribution shown in Graph 49.

In Italy, the sample includes 15.2% of women over the age of 55 %, being the distribution detailed in Graph 50.

## Question 3. What is your educational level?



Graph 51. Spain: Educational level



Graph 52. Italy: Educational level

Qualification and educational level are essential when it comes to having a job and an external source of income. Hence the interest in analysing different results of women with different educational levels.

In Spain, the considered sample is made up of 26.5% of women with higher education, while 8.8% only have a primary education level Graph 51.

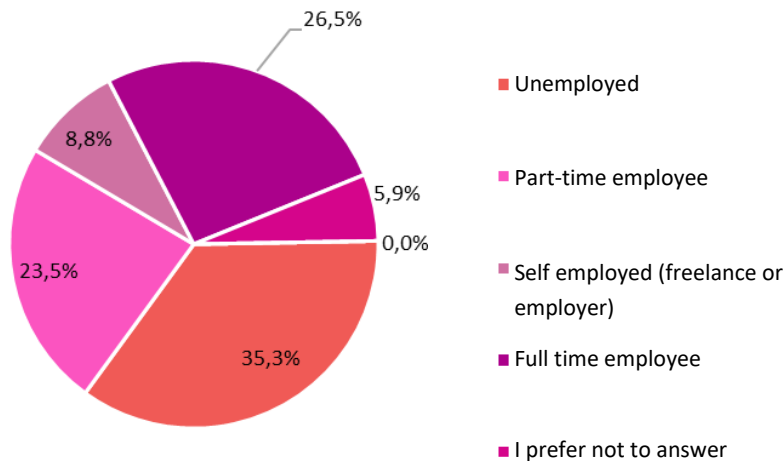
In the case of Italy, the highest percentage of women analysed, 32.9%, has an educational level of secondary education; and almost 30% has higher education (Graph 52).

#### Question 4: What is your current employment situation?

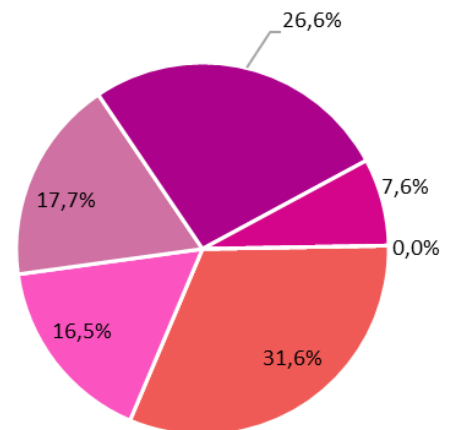
The fact that the woman is working outside the home could be considered a factor that may contribute to the reduction of economic violence. The empowerment of women is an important factor in reducing and even eliminating economic violence, at least after separation. If the woman is financially independent, even if there are non-payments and noncompliance and, these do not generate the same violence as if the woman is financially dependent on her ex-partner. Therefore, it is of interest to know whether or not women are working; although this information must be completed with the financial resources available.

In the case of Spain, 26.5% of the women participating in the survey are employed full-time; 35.3% are unemployed (Graph 53).

#### What is your current employment situation?



Graph 53. Spain. What is your current employment situation?



Graph 54. Italy:. What is your current employment situation?

The analysis in Italy indicates that 31,6% of the women participating in the survey are unemployed, while 26,6% are employed full-time.

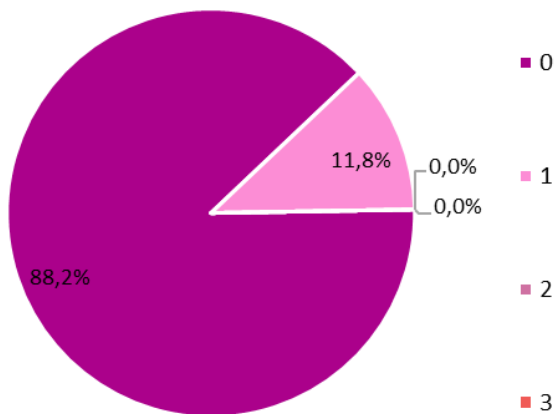
**Question 5 to 8: How many children of the following age ranges do you have the relationship with your ex-partner?**

How many children under the age of 3 do you have from your relationship with your ex-partner?

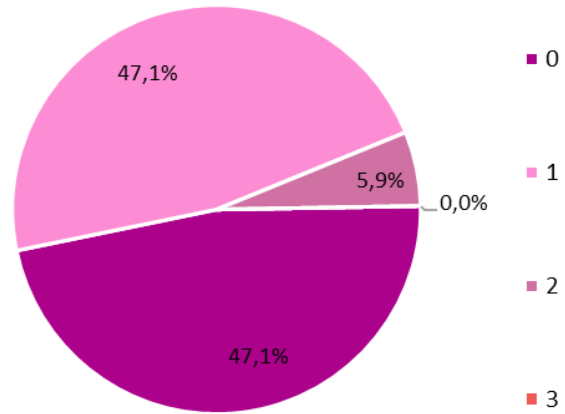
How many children between the ages of 4 and 12 do you have from your relationship with your ex-partner?

How many children between the ages of 12 and 18 do you have from the relationship with your ex-partner?

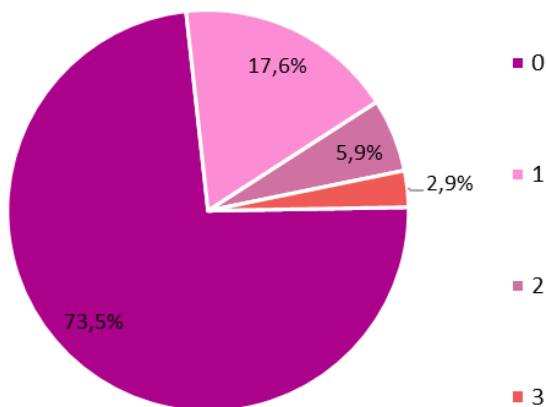
How many children over the age of 18 do you have from your relationship with your ex-partner?



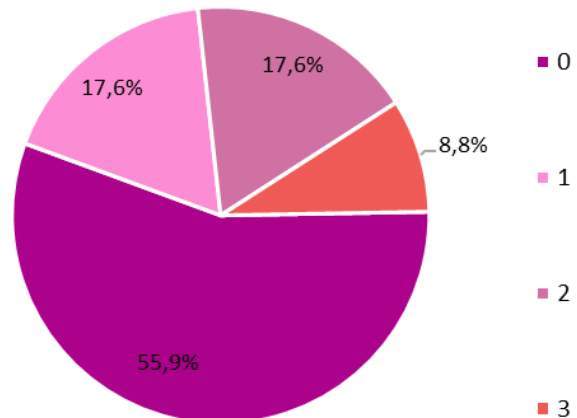
**Graph 55. Spain: Children under the age of 3**



**Graph 56. Spain: Children between 4 and 12**



**Graph 57. Spain: Children between 12 and 18**



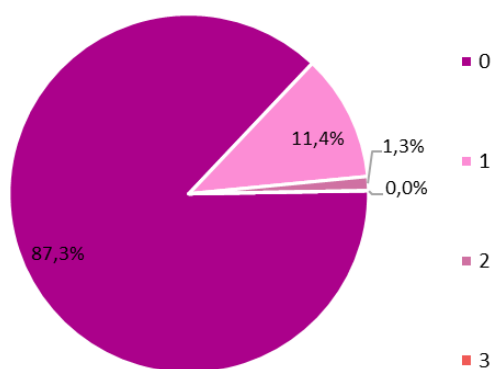
**Graph 58. Spain: Children over the age of 18**

It is important for the study to consider women who have children, and for this reason all the surveys have been carried out with women with children. The age of these children has been shown to be a relevant variable

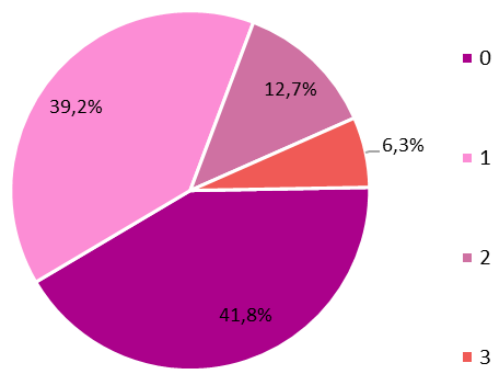
in personal interviews previously carried out. It is also a relevant information the fact of having children over the age of 12, who enjoy greater independence, and do not limit women from being able to fulfill working hours without the need for help or with less help.

The results for the case of Spain are collected in the following four graphs collected as, where it can be seen that 11.8% of the women surveyed have children under the age of 3; while 53% have a child between the ages of 4 and 12; 26% between the ages of 12 and 18; and 44% have more than one child over the age of 18.

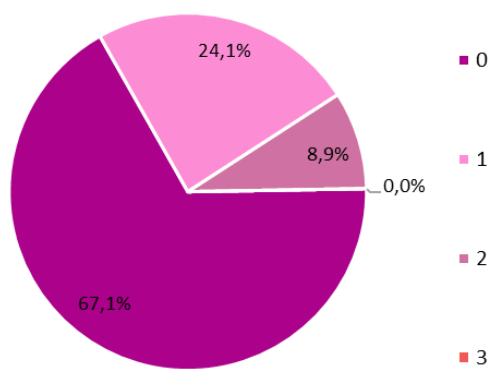
The results for the case of Italy are collected in the following four graphs, where we can see that 13% of the women surveyed have children under the age of 3; while 40% have a child between the ages of 4 and 12; 25% between the ages of 12 and 18; and 31.6% have more than one child over the age of 18.



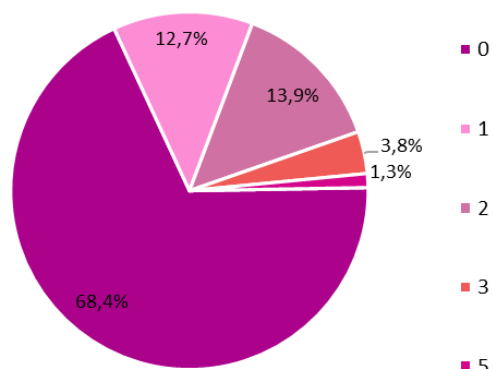
Graph 59. Italy: Children under the age of 3



Graph 60. Italy: Children between 4 and 12



Graph 61. Italy: Children between 12 and 18

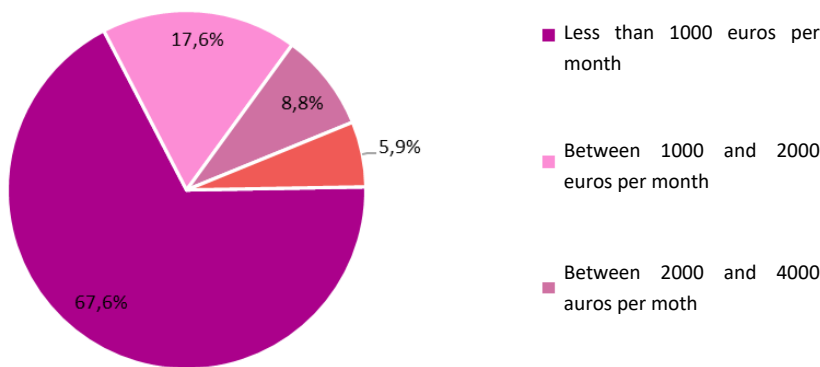


Graph 62. Children older than 18 years

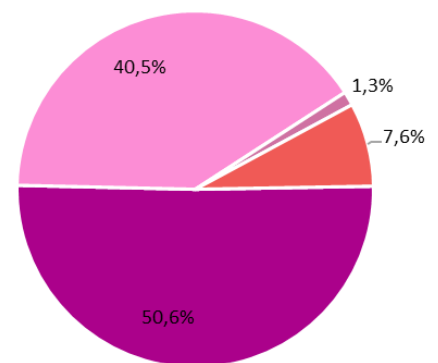
**Question 9: Your current level of income, could you tell us what the approximate monthly amount of your household income is, adding all sources of income and discounting withholdings for taxes, social contributions, etc.?**

The income level of women is fundamental in the analysis we want to carry out. In the case of Spain, most women, 67.6% have a monthly income lower than 1,000 euros. 17.6% have incomes between 1,000 and 2,000 and only 8.8% earn more than 2,000 euros. 5.9% prefer not to answer, as it is shown in Graph 63.

In Italy, the income level of the women surveyed is higher than that of Spanish women, as it is reflected in Graph 64 50.6% have a monthly income below 1000 euros. 40.5% have incomes between 1000 and 2000 euros, and only 1.3% earn more than 2000 euros. The rest, 7.6%, which is a percentage slightly higher than Spain, prefer not to answer.

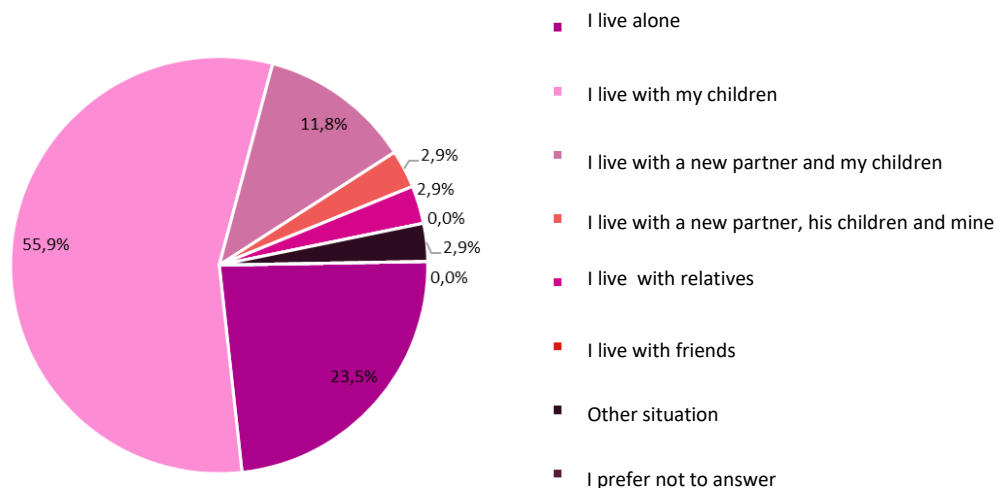


Graph 63. Spain: Income level



Graph 64. Italy: Income level

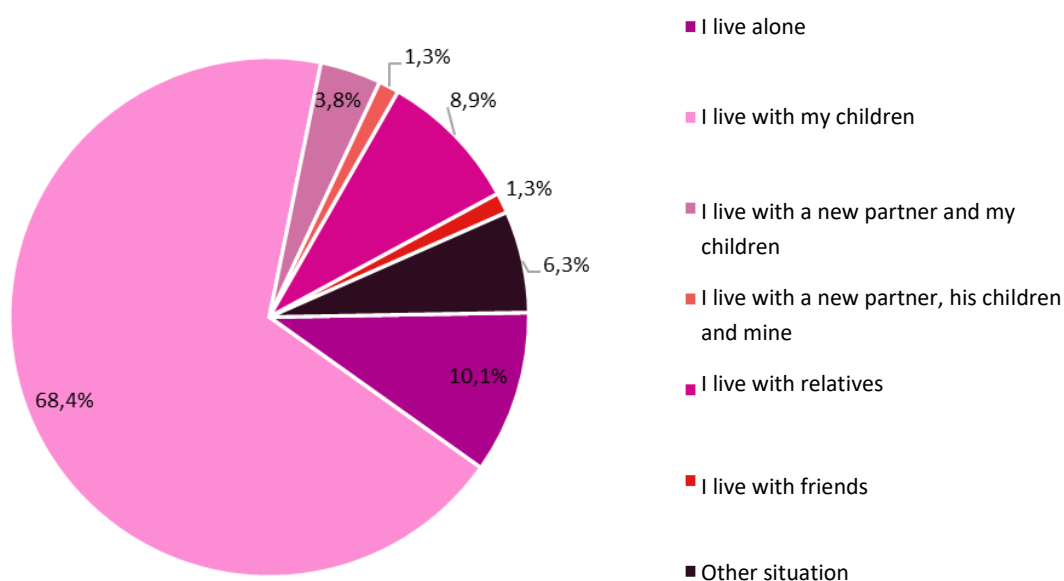
**Question 10: Regarding the current circumstances about your coexistence: Whom do you live with? You can answer by indicating more than one option.**



Graph 65. Spain: Regarding the current circumstances about your coexistence, whom do you live with?

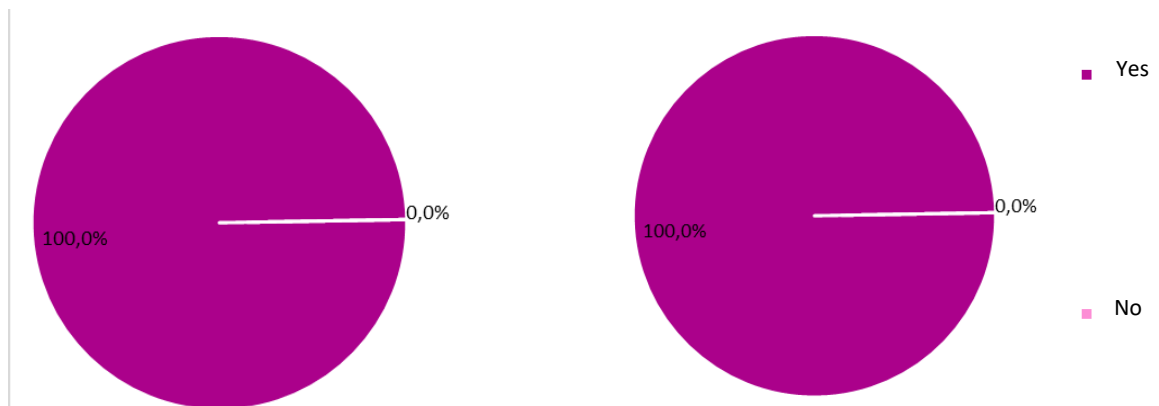
As shown in Graph 65 slightly more than half of the Spanish women interviewed say they live with their children (55.9%) and almost a quarter live alone. Regarding the remaining 20%, the majority (11.8%) live with their children and a new partner, while the rest is equally divided between those who live with relatives, those who live with a new partner and the children of both, and those who are in a different situation. Nobody claims to live with friends.

Regarding in Italy, 68.4% (12 points more than in Spain) say that they live with their children, and 10% live alone. The rest is divided between those who live with relatives (8.9%), those who live with their children and a new partner (3.8%), those who live in a different situation (6.3%), and 1.3% live with their new partner and the children of both. 1.3% live with friends.



Graph 66. Italy. Regarding the current circumstances about your coexistence: Whom do you live with?

**Question 11: During the relationship, did you ever suffered physical violence?**



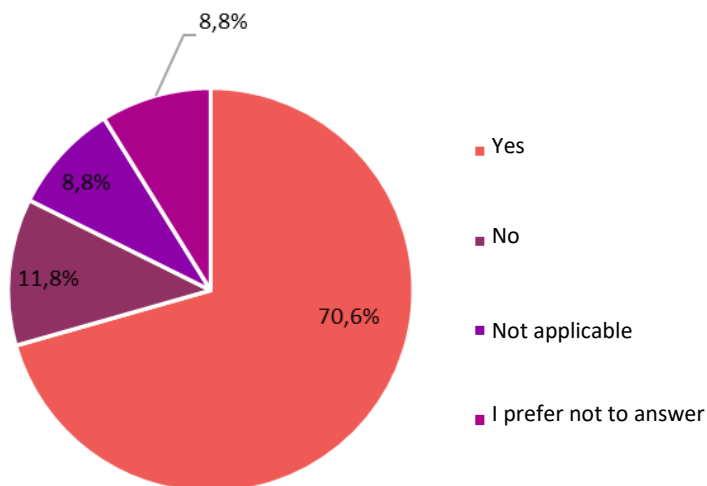
Graph 67. Spain: During the relationship, have you ever suffered from physical violence

Graph 68. Italy: During the relationship, have you ever suffered from physical violence

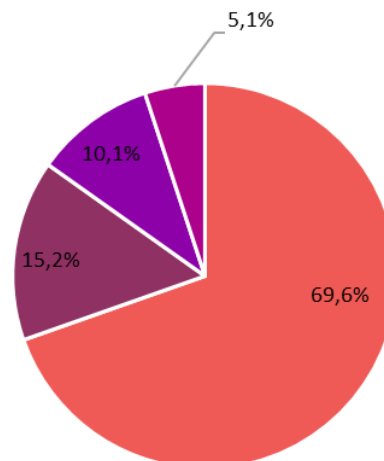
This part of the sample was composed by women who had gone through physical violence judicial processes, so in **both** Spain and **Italy**, 100% of women have experienced physical violence.



**Question 12: After separation or divorce, is your ex-partner late or not paying what was agreed in the separation agreement?**

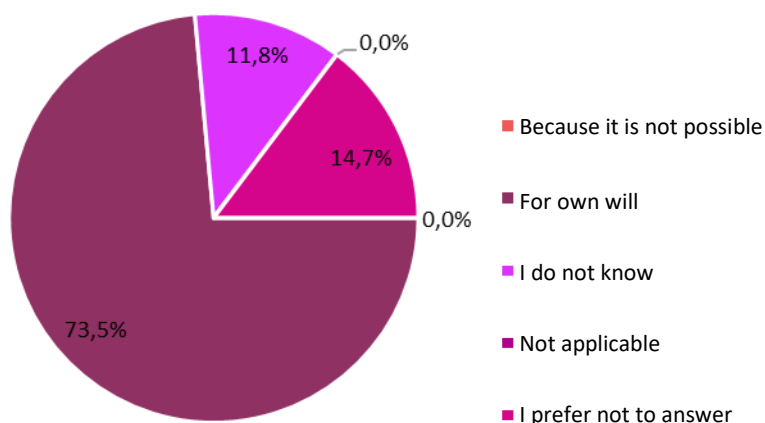


**Graph 69. Spain: Delays or defaults in the separation agreement**

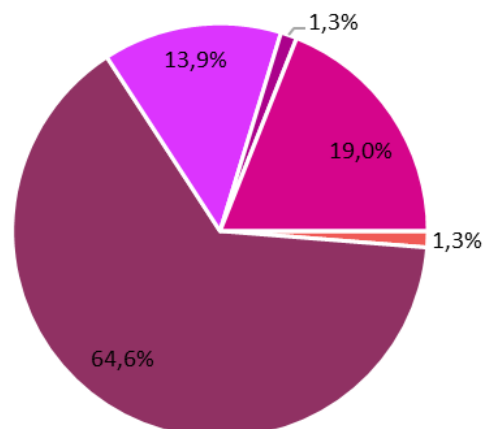


**Graph 70. Italy: Delays or defaults in the separation agreement**

In Spain, 70.6% of women report that their ex-partners are late or do not pay what was agreed in the separation agreement, compared to 11.8% who report that they do comply with their payment obligations. The rest either do not have to pay anything (8.8%) or prefer not to answer (8.8%), as indicated in Graph 69.



**Graph 71. Spain: Causes of delays or non-payments in the separation agreement**



**Graph 72. Italy: Causes of delays or non-payments in the separation agreement**

In Italy, the situation is similar to that of Spain, since the percentage of women who declare delays or defaults is 69.6% compared to 15.2% who declare not to be delayed or defaulted, as indicated in Graph 70.

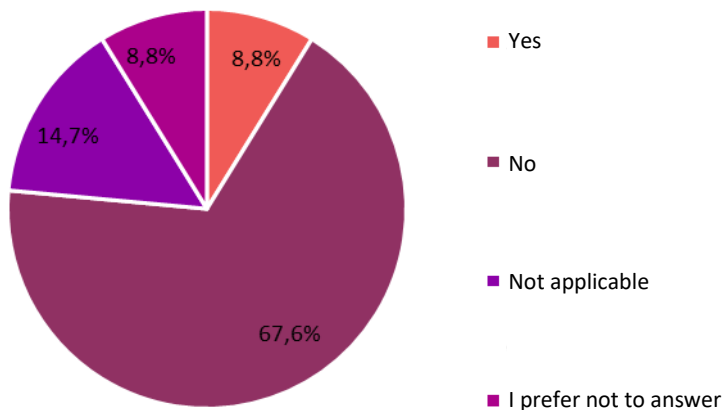
**Question 13: Do you consider that the agreement is delayed or not paid because it is not financially possible for you to pay it or of your own free will?**

Regarding the reasons for the delays or non-payments, as shown in Graph 71, 3 out of 4 women surveyed in Spain (73.5%) consider that it is the will of their ex-partners, while no woman considers that it is not they can face such payment for financial reasons. The rest of the women state that they do not know the reason (11.8%) or prefer not to answer (14.7%).

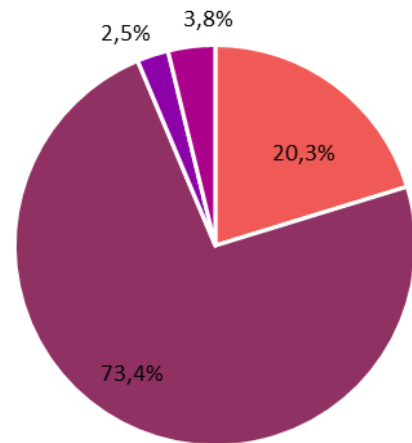
In Italy (Graph 72), the reasons point to a lesser extent than in Spain at the ex-partner's own will (64.6%). The high percentage of responses that prefer not to answer is noteworthy (19%).

**Question 14: After the separation or divorce, does your ex-partner bear the part of extraordinary expenses that corresponds to him?**

Regarding extraordinary expenses, Graph 73 shows that in Spain two thirds of women declare that their ex-partners do not take care of the part that corresponds to them (67.6%) compared to less than 10% who declare that they do (8.8%). 14.7% have not yet had extraordinary expenses and 8.8% prefer not to answer.



**Graph 73. Spain: Delays or defaults on extraordinary expenses**



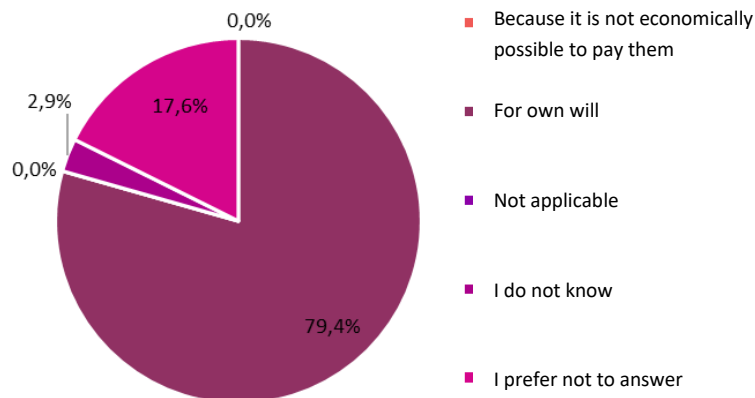
**Graph 74. Italy: Delays or defaults on extraordinary expenses**

In Italy, the situation regarding the payment of extraordinary expenses is more polarized than in Spain (Graph 74) since there are more who answer that their ex-partners take care of the part that corresponds to them (20.3%) and also the who answered that they did not take charge (73.4%). Just over 6% compared to 23.5% in Spain answered that it was not applicable or did not answer.

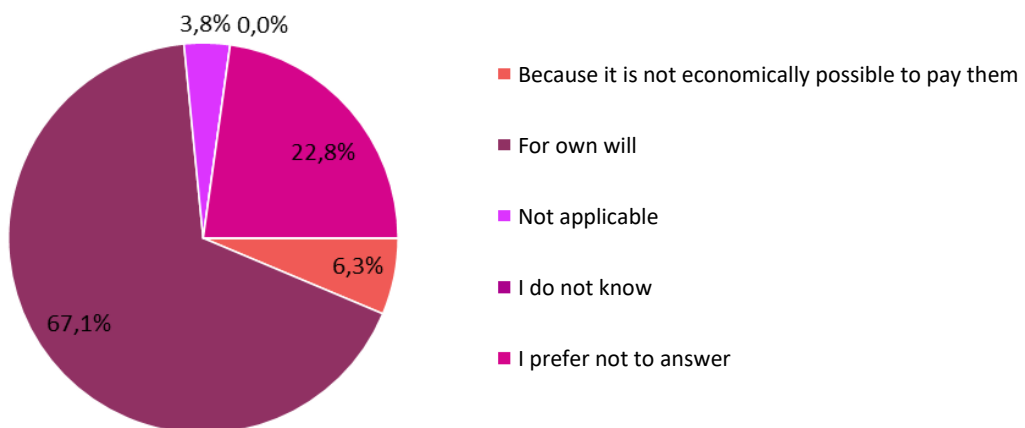
**Question 15: In case of non-compliance of your ex-partner in the payment of extraordinary expenses, do you consider that he / she does so because it is not financially possible for him to pay them or of his own free will?**

Among the women who have shown non-compliance in the payment of extraordinary expenses in Spain according to Graph 75, the main reason they point out is the will of the ex-partner with 79.4%, while none admit that the reason is the difficulty ex-partner's economic.

Women in Italy also see the ex-partner's own will as the main reason for not paying their share of extraordinary expenses (Graph 76), 67.1%, although to a lesser extent than in Spain, 12 points less. The economic difficulty to meet these expenses is the reason for 6.3% of women. These differences between Spain and Italy when explaining the reasons for defaults also occurred with normal expenses.



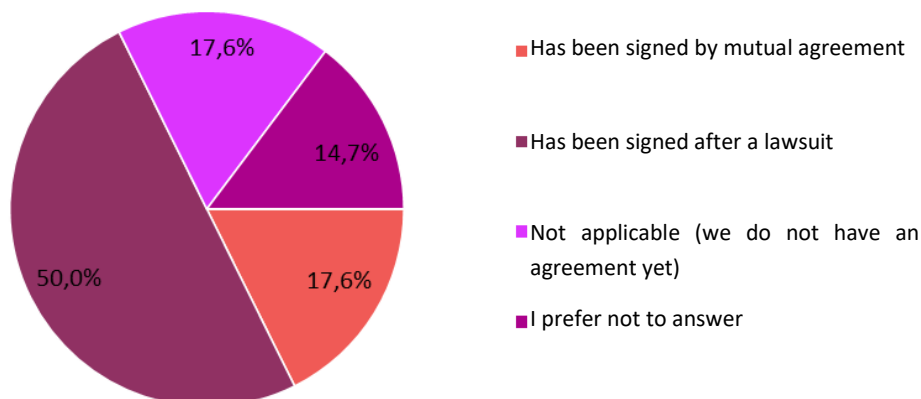
**Graph 75. . Spain: In case of non-compliance of your ex-partner in the payment of extraordinary expenses, do you consider that you are doing it because you are economically unable to pay them or of your own free will?**



**Graph 76. Italy: In case of non-compliance of your ex-partner in the payment of extraordinary expenses, do you consider that you are doing it because you are economically unable to pay them or of your own free will?**

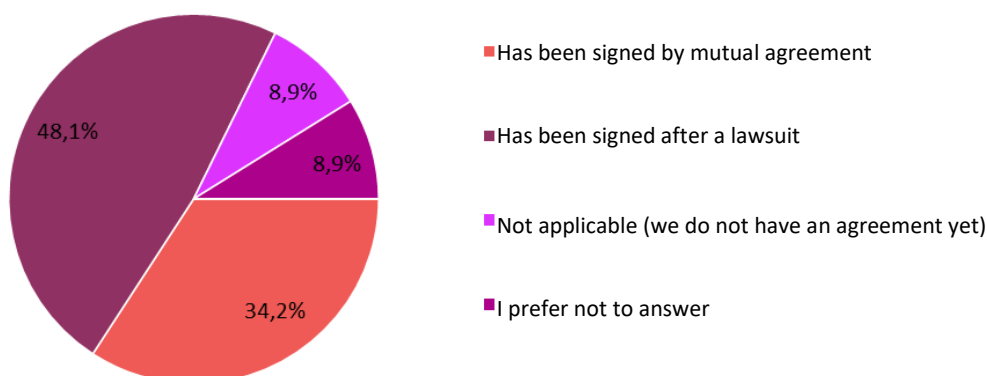
### Question 16: The separation or divorce agreement:

The situation regarding the separation or divorce agreement has been summarized in **¡Error! No se encuentra el origen de la referencia.**, to compare both countries. In Spain, the separation agreement has been mostly signed by mutual consent (70%) compared to 20.8% who signed after a lawsuit. The rest of the women interviewed still did not have an agreement.



Graph 77. Spain: Signature of the separation or divorce agreement

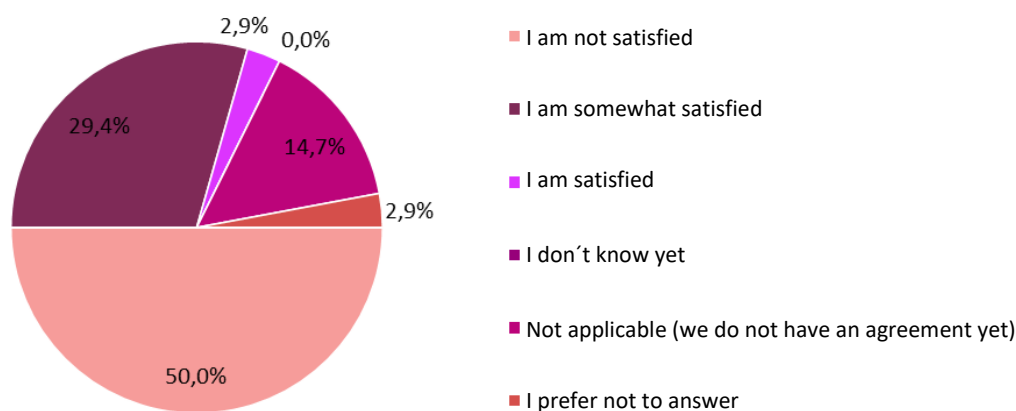
As in Spain, in Italy the separation agreement has been mostly signed by mutual agreement, 69.4%, compared to 24% signed after a lawsuit, with few differences with respect to Spain. The rest of the women interviewed either did not have an agreement yet or did not answer the question.



Graph 78. Italy: Signature of the separation or divorce agreement

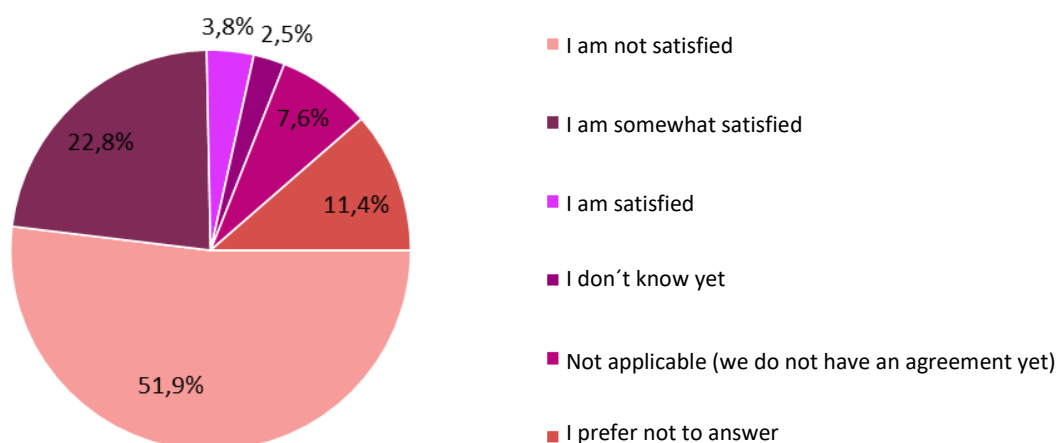
### Question 17: Are you satisfied with the terms of the separation or divorce agreement?

The opinion of women in Spain about their separation agreement is, in general, one of dissatisfaction (Graph 79), with 50% not being satisfied at all and 29.4% being half satisfied. Only 2.9% are satisfied.



**Graph 79. Spain: Are you satisfied with the conditions of the separation or divorce agreement?**

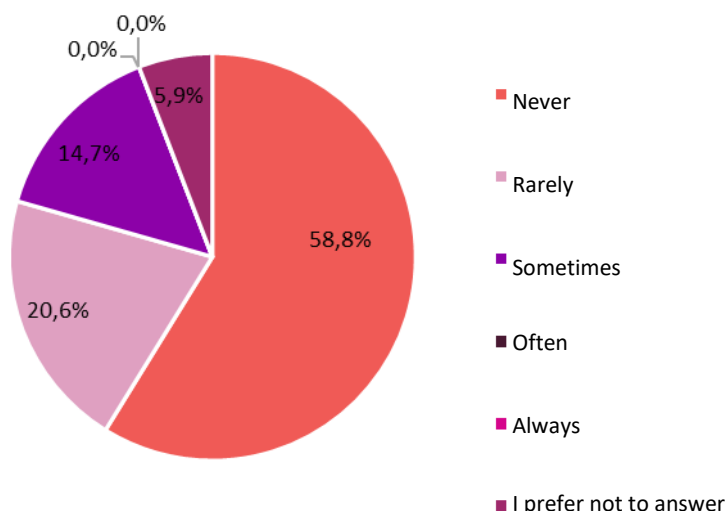
In **Italy**, the women's satisfaction levels with the separation agreement are worse than in Spain, as shown in Graph 80. The sum of those who claim to be satisfied (30.6%) or half-satisfied (32.2%) is 10 points lower than in Spain, while 21.5%, 6 points more than in Spain, declare that they are not satisfied at all.



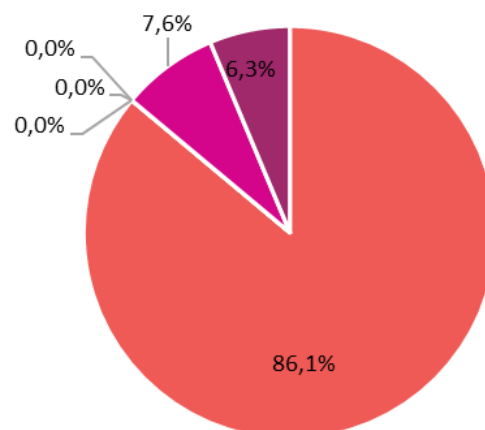
**Graph 80. Italy: Are you satisfied with the conditions of the separation or divorce agreement?**

**Question 19: When an extraordinary expense arises, is it agreed in a friendly way with your ex-partner?**

Nearly half of the surveyed women in this group (49.2%) in Spain **have** replied that the payment of extraordinary expenses is rarely agreed in a friendly way, furthermore, 40.8% of them claimed that it is never agreed in friendly terms. Therefore, as reflected in Graph 81, the sum of these two elements results in 90% confessing serious conflicts in reaching agreements on this issue, but that it reaches 100% if we discount those who prefer not to answer (10%). And there is no woman who indicates that she has always or often reached a friendly agreement.



**Graph 81. Spain: When an extraordinary expense arises, is it agreed in a friendly way with your ex-partner?**

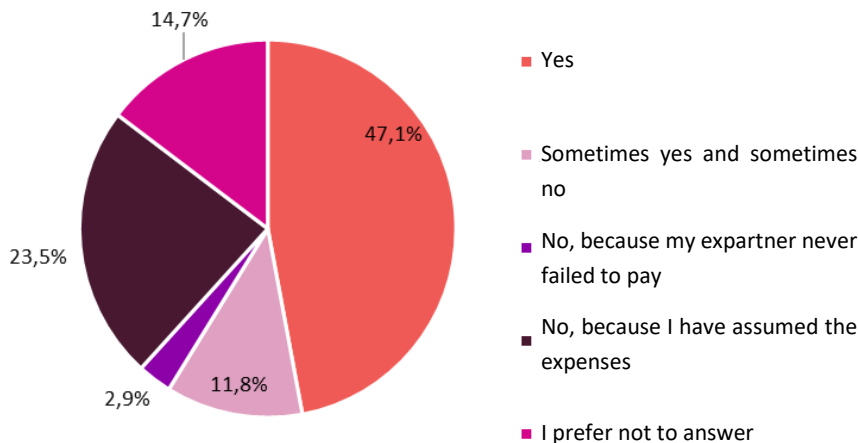


**Graph 82. Italy: When an extraordinary expense arises, is it agreed in a friendly way with your ex-partner?**

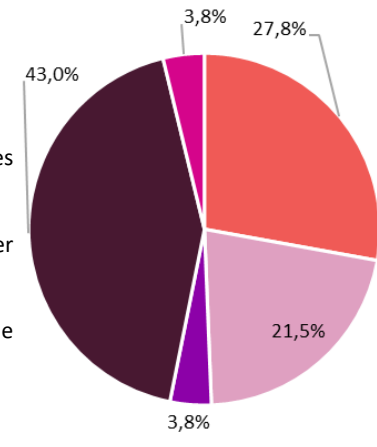
In **Italy**, the results are similar to those in Spain, where the sum of women who never or rarely agreed amicably to the payment of extraordinary expenses is 91%, although the percentage of those who have never reached a friendly agreement is only 33.1%, compared to 40.8% in Spain. In this case, 9.1% prefer not to answer. In the same way as in Spain, discounting those who prefer not to answer, all women indicate that they have problems paying extraordinary expenses.

It is important to note in this question that the options were different in both countries, as indicated. The "Yes" of Italy is equivalent to the "Always" of Spain. The "No" of Italy is equal to "Never" of Spain.

**Question 20: Did your children have to give up activities, which they carried out before the separation, due to your partner's delays or non-payments?**



**Graph 83. Spain: Give up activities due to non-payments**



**Graph 84. Italy: Give up activities due to non-payments**

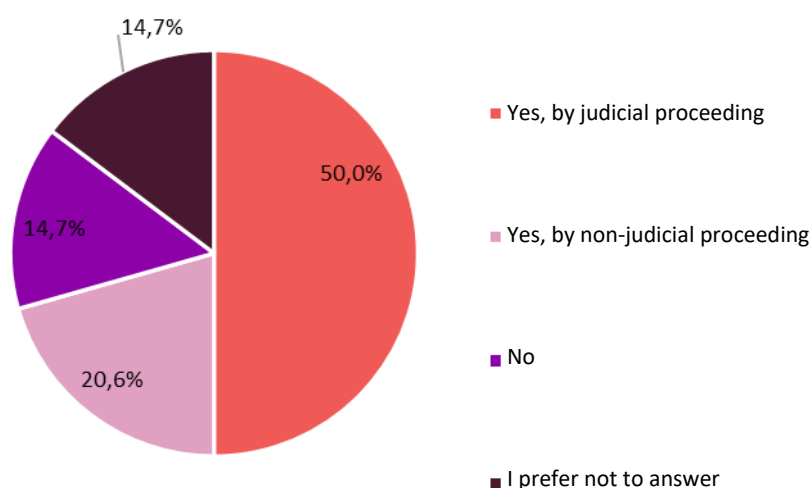
In the case of Spain, most of the surveyed women (65%) replied that their children did not have to give up their activities, although this result must be qualified as it is reflected in Graph 83, since in the case of 36.7% of the women, this is because the expenses have been borne by them, while in 28.3% of the cases this is because their expartner has contributed to pay. Only 10.8% of women say their children have had to give up activities; while in 21.7% of cases, women have not answered taxatively, but claimed that sometimes their children have been able to carry out the activities and sometimes not.

Only 2.9% indicate that their ex-partner has paid. The high percentage is also noticeable, 14.7% who prefer not to answer.

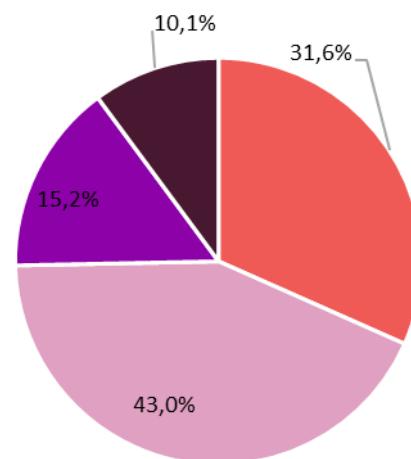
As shown in Graph 84, in the case of Italy, most women (57.8%) replied that their children did not have to give up their activities, which represents a lower percentage than in Spain (65%); from this group of women, half of them (28.9%) stated that they had borne the costs, while the remaining 28.9% answered that her expartner had always shared the expenses. The percentage of women claiming that their children have had to give up activities is 17.4% is significantly higher than in the Spanish case (10.8%). In 19% of cases, surveyed women said that sometimes they have been able to carry out the activities and sometimes not, which represents a lower sum than in Spain (21.7%). The percentage of women who prefer not to answer has been almost 6%, more than double that in Spain (2.5%)

### Question 21: Have you ever had to claim noncompliance or non-payment of the agreement?

In the case of **Spain**, Graph 85 shows that just over half of the surveyed women (51.7%) had not to claim breaches or non-payments of the Separation Agreement. On the contrary, 44.2% had to claim, although those doing it by court were fewer (20%) compared to the women who claimed by a non-judicial process (24.2%). Only 4.2% preferred not to answer this question



Graph 85. **Spain** Have you ever had to claim noncompliance or non-payment of the agreement?



Graph 86. **Italy** Have you ever had to claim noncompliance or non-payment of the agreement?

In **Italy**, just under half (49.6%) have not had to claim non-compliance or non-payment of the agreement, a figure very similar to the Spanish case. On the contrary, 43.8% have had to claim, although the number that had to go to judicial proceeding is lower (19.8%) compared to the women that resorted to non-judicial processes (24%); as shown in Graph 86, the situations is similar to the results obtained in Spain, although the percentage of women that prefer not to answer (6.6%) is higher than Spain (4.2%).

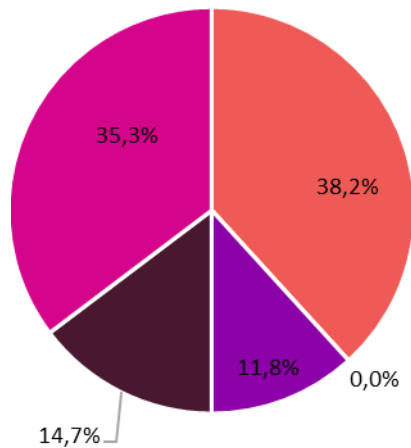
### Question 22: In the case of having been compelled to take legal action for non-payments and/or noncompliance, have you had access to a public defender or free lawyer?

55.1% of women in **Spain** have not had access to a public defender or free-lawyer (Graph 87), having to pay for it to court-appointed lawyers themselves by 51.7% of the total, while in 3.4% they have needed help from others. 31% of women have had access to a court-appointed lawyers, and none of the respondents have turned to a lawyer from any association. The percentage of women who prefer not to answer has been quite high, 13.8% of the total. If we discount those who prefer not to answer, the percentage of those who have been entitled to a free attorney is 36%.

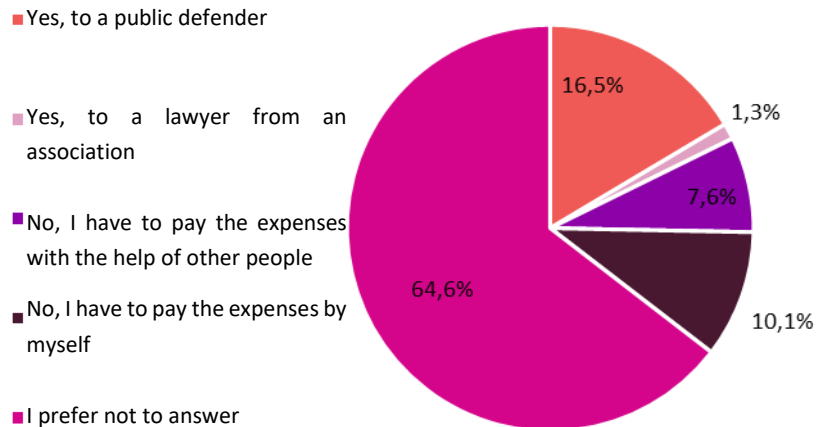
53.2% of women in Italy (compared to 55.1% in Spain) have not had access to a public defender, with 43.8% having to pay for it by themselves, while 9.4 % has needed help from other people. This distribution, shown in Graph 88, is somewhat different from the Spanish case. 28.1% of the women did have access to a public defender and none of the surveyed have used a lawyer from an association. The percentage of women who prefer not to



answer has been quite high, 18.8% of the total; 5 points above the case of Spain. If we discount those who prefer not to answer, the percentage of those who have had the right to a lawyer is 34.6%, quite close to the Spanish case.



Graph 87. Spain: Access to free lawyer

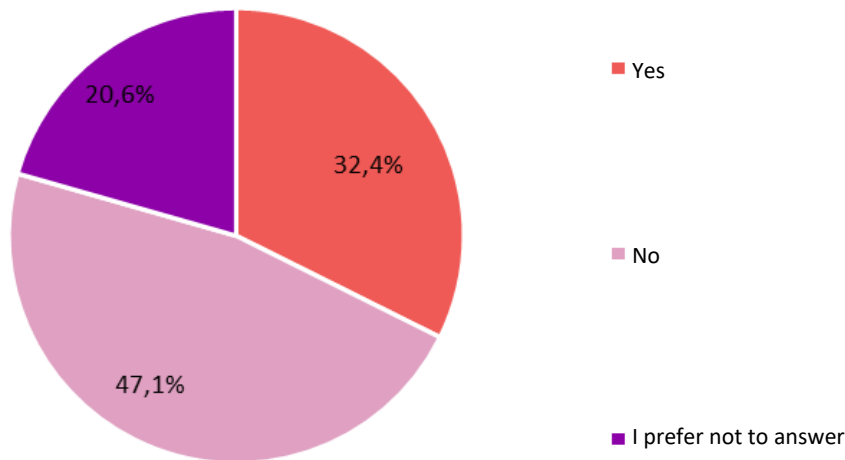


Graph 88. Italy: Access to free lawyer

**Question 23: Have you resorted to criminal proceedings against your partner for non-payment or breach of the separation agreement?**

As shown in Graph 89, in Spain 47.1% of women have not resorted to criminal proceedings for non-payment or non-compliance, which represents the majority response, while 32.4% have. There is a high percentage, 20.6%, who have preferred not to answer.

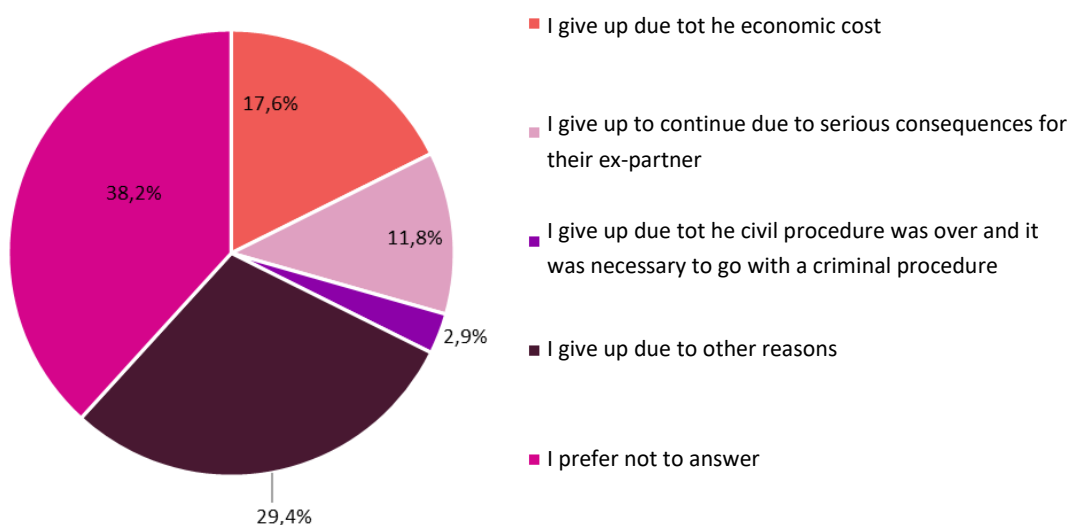
In the case of Italy, this question was not asked, as there was a different legal context.



**Graph 89. Spain: Have you resorted to criminal proceedings against your partner for non-payment or breach of the separation agreement?**

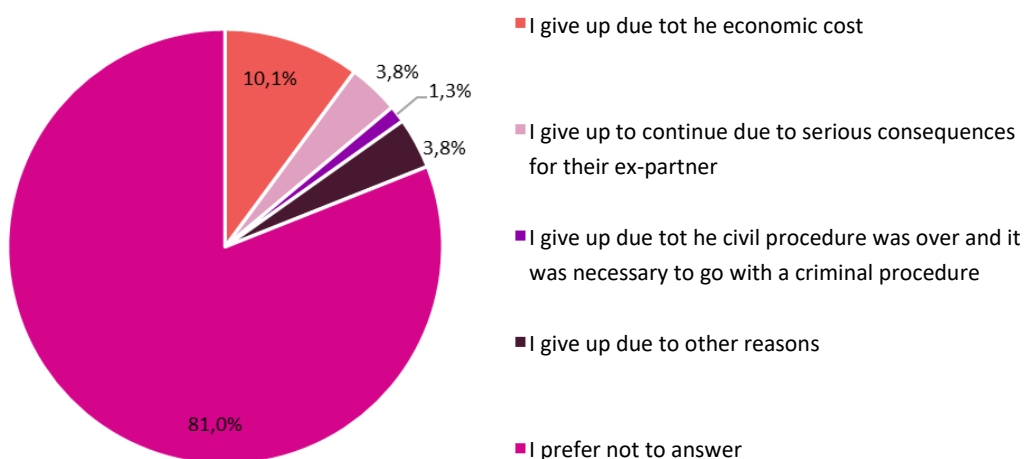
**Question 24: Many women decide, at some point in the process, not to continue with the judicial proceeding that they have initiated against their ex-partner, due to non-payment or noncompliance of the agreement, for different reasons. Please check the options that best suit your case.**

As shown in Graph 90, 58.6% of women in Spain have not given up on continuing the process. 13.8% preferred not to answer, the same percentage as in the previous question. The rest, 27.4% of the total, have given up continuing, standing out at 13.8% for reasons other than: high cost, long duration, to avoid going to a criminal procedure or to avoid serious consequences for their partner. If we discount those who have preferred not to answer, 68% have not given up on continuing the process.



**Graph 90. Spain: Women that decide not to continue with the judicial proceeding that they have initiated against their ex-partner.**

In the case of Italy, the percentage of women who have not given up on continuing the process is much lower, 31.4%, compared to the case of Spain, 58.6%. 17.1% preferred not to answer, a somewhat lower percentage than the previous question. The rest is more distributed than in the Spanish case. 14.3% give up due to the duration of the process; 11.4% due to the economic cost; 5.7% for serious consequences for their ex-partner; while 20% for other reasons. If we discount those who have preferred not to answer, 38% have not given up on continuing the process, still very far from the case of Spain.

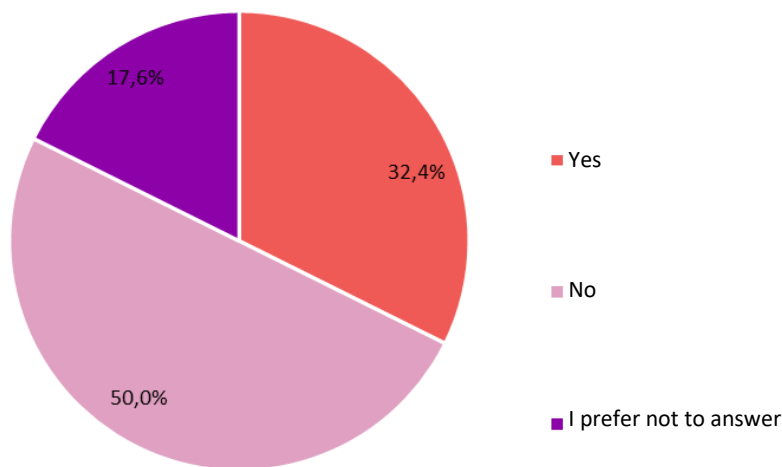


**Graph 91. Italy: Women that decide not to continue with the judicial proceeding that they have initiated against their ex-partner.**

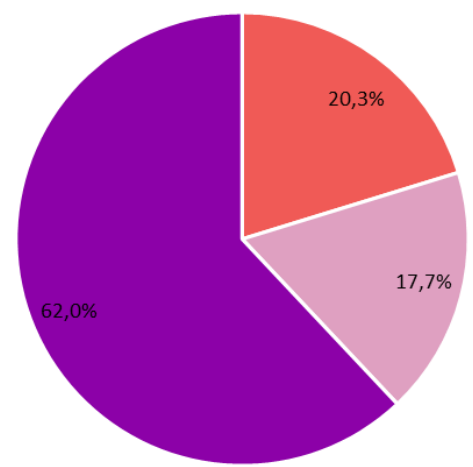
**Question 25: Have you resorted to a criminal proceeding against your partner for non-payment or noncompliance of the separation agreement?**

In **Spain**, the majority of women (55.2%) have not resorted to criminal proceedings for non-payment or non-compliance. 37.95% have done it so and only 6.9% prefer not to answer, as shown in Graph 92. If we eliminate cases that they prefer not to answer, 40.7% have resorted to criminal proceedings.

**Have you resorted to a criminal proceeding against your partner for non-payment or noncompliance of the separation agreement?**



**Graph 92. Spain: Have you resorted to a criminal proceeding against your partner for non-payment or noncompliance of the separation agreement?**



**Graph 93. Italy: Have you resorted to a criminal proceeding against your partner for non-payment or noncompliance of the separation agreement?**

In the case of **Italy**, the percentage of women who have not resorted to criminal proceedings has been almost two-thirds (65.6%) compared to 55.2% of the Spanish case. 31.3%, compared to 37.9% in Spain, have resorted and only 3.1% prefer not to answer. If we eliminate cases that they prefer not to answer, 32.3% have resorted to criminal proceedings, a percentage not very close to that of the Spanish case.



CONCLUSIONS

3

**CONCLUSIONS**

## 2.1 SPAIN

The main field work conclusions are listed below:

- **Regarding what was agreed in the separation agreement:**
  - 41% of ex-partners are late or do not pay what was agreed in the separation agreement, and this percentage increases to 70% when there is a history of gender violence.
  - 52% of women consider that the delay or non-payment is produced voluntarily by the ex-partner. In the case of victims of gender violence, this percentage is 73.5%.
- **Regarding the delay or non-payment of Extraordinary Expenses:**
  - 45% of the women state that their ex-partners do not bear the extraordinary expenses that correspond to them. In the case of victims of gender violence, this percentage increases to 67.6%.
  - 76% of women consider that the non-payment occurs voluntarily by the ex-partner, and in the case of women victims of gender violence the percentage increases to 80%.
- **Regarding the Separation Agreement:**
  - 70% of the women affirm that they have reached it with an agreement; although in the case of victims of gender violence, only 17% gets it by agreement.
  - In relation to the satisfaction of the aforementioned agreement, we find that women have a moderate satisfaction with it, being 37.5% satisfied and 35% half satisfied. In the case of victims of gender violence, only 3% are satisfied and 50% are not at all satisfied with it.
- **Regarding the agreement when a new Extraordinary Expense occurs:**
  - 50% affirm that these expenses are rarely agreed on amicably and 40% affirm that they never agree on it amicably. In the case of victims of gender violence, the disagreement is 100%.
  - 11% of the children have had to give up the Extraordinary Expense activity, because it has not been possible for the woman to afford this expense. In the case of women victims of gender violence, the percentage is 50%.
- **Regarding the judicial claim of defaults:**
  - 52% have not had to claim defaults in court, although this percentage is reduced to 30% in the case of women victims of gender violence.
  - 55% of women have not had access to a public defender, and in the case of being a victim of gender violence, 62% of them have had access.

➤ **Regarding criminal proceedings for non-payment:**

- 55% of women have not resorted to criminal proceedings for non-payment, while 47% of those who have suffered gender-based violence are those who have not resorted to this type of process.

➤ **Reasons why the judicial process has been abandoned:**

- 27.4% of women renounce to continue the judicial process, motivated by its high cost, its long duration and because they do not take the decision to go to criminal proceedings after a civil process.
- Women who suffer gender-based violence give up processes to a lesser extent, and when they do it is mostly due to the economic cost of the process.

## 2.2 ITALY

➤ **Regarding the payment of what was agreed in the separation agreement:**

- 48% of ex-partners are late or do not pay what was agreed in the separation agreement, and this percentage increases to 70% when there is a history of gender violence.
- 44% of women consider that the delay or non-payment is produced voluntarily by the ex-partner. In the case of victims of gender violence, this percentage is 65%.

➤ **Regarding the delay or non-payment of Extraordinary Expenses:**

- 57% of women state that their ex-partners do not bear the extraordinary expenses that correspond to them. In the case of victims of gender violence, this percentage increases to 74%.
- 60% of women consider that the non-payment occurs voluntarily by the ex-partner, and in the case of women victims of gender violence the percentage increases to 67%.

➤ **Regarding the Separation Agreement:**

- 70% of the women affirm that they have reached an agreement; although in the case of victims of gender violence, only 34% sign it by agreement.
- In relation to the satisfaction of the aforementioned agreement, we find that women have a moderate satisfaction with it, being 30% satisfied and 32% half satisfied. In the case of victims of gender violence, only 4% are satisfied and 52% are not at all satisfied with it.

➤ **Regarding the agreement when a new Extraordinary Expense occurs:**

- 41% affirm that these expenses are rarely agreed in a friendly way and 33% affirm that they never agree on them in a friendly way. In the case of victims of gender violence, the disagreement is 100%.

- 18% of the children have had to give up the Extraordinary Expense activity, because it has not been possible for the woman to cover this expense. In the case of women victims of gender violence, the percentage is 28%.
- **Regarding the judicial claim of defaults:**
  - 52% have not had to claim defaults in court; Although this percentage is reduced to 26% in the case of women victims of gender violence.
  - 53% of the women have not had access to a public defender, and in the case of being a victim of gender violence there has not been a significant response in this regard, because the majority have preferred not to answer.
- **Reasons why the judicial process has been abandoned:**
  - 70% of women renounce to continue the judicial process, motivated by the high cost of the process, the long duration of the process and because they do not make the decision to proceed to a criminal process after a civil process.
  - Women who suffer gender-based violence give up processes to a lesser extent, and when they do it is mostly due to the economic cost of the process.





# ANNEXES

## Annex A. History

Document History	
Versions	<p>V1. ECOVIO LOGO UPDATED</p> <p>V2. Revisión</p>
Contributions	<p>SEAS: Dr. Arantzazu Blanco</p> <p>GruppoR: Giorgia Caramma, Laura Celso</p>

## Annex B: References

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# ECOVIO

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