

AGREEMENT

In Madrid, on 26 September 2002,

ASSEMBLED

On the one hand, the Honorary Francisco José Hernando Santiago, President of the Supreme Court and the General Council of the Judiciary, in accordance with the General Council of the Judiciary, in compliance with the Plenary Agreement of 5 June 2002.

On the other hand, the Honorary José María Michavila Núñez, Minister of Justice, representing the Ministry of Justice.

And on the other, the Honorary Eduardo Zaplana Hernández-Soro, Minister of Labour and Social Affairs, representing the Ministry of Labour and Social Affairs.

DECLARE

I) Domestic violence constitutes one of the most pressing problems in society today. In this sense, figures demonstrate that domestic violence continues to be deeply entrenched in society and the number of mortal victims as a consequence of same has not abated, although formal complaints of abuse have increased.

II) The gravity of the problem of domestic violence led the General Council of the Judiciary, in its meeting of 21 March 2001, to approve the "Practical Guide of Conduct against Domestic Violence", in which criteria of the jurisdictional actions envisaged in the legislation currently in force were gathered in a systematic way with the aim of strengthening the effectiveness of the jurisdictional bodies in this matter, beginning with respect for the full

independence of said bodies to exercise their powers within the framework envisaged by the Constitution and laws.

III) The Council of Ministers, in its meeting of 11 May 2001, approved the *II Action Plan against Domestic Violence*", in force until 2004. In the aforesaid Plan, and within its 2nd area of action concerning "legislative and procedural measures", the ordinal number 10 stipulates the following: "*Propose and collaborate with the General Council of the Judiciary on carrying out a monitoring of the proceedings initiated by abuse and the rulings issued by the courts since the approval of the modifications to the Penal Code and the Law of Criminal Procedure.*"

IV) The Institute for Women is the organ of the General Administration of the State that has been assigned competence for promoting and coordinating the actions envisaged in the action plan against domestic violence. The General Council of the Judiciary, while it did not intervene in the drawing up of the plan against domestic violence, assumes and makes its own the proposal transcribed in the preceding declaration.

Each having the legal capacity required for signing the present Agreement, the participating Parties,

AGREE

FIRST.- The object of the Agreement is mutual collaboration regarding the purposes established in declaration III), agreeing that monitoring of the actions and rulings referred to in said declaration must start with the entrance into effect of Organic Law 14/1999, of 9 June, in modification of the Penal Code and the Law of Criminal Procedure regarding protection of victims of physical abuse.

SECOND.- For the declared purposes, a Committee will be formed which under the name "Observatory on Domestic Violence" will consist of the following:

- The President of the General Council of the Judiciary, who will act as chairman of the Committee.

- The Minister of Justice.

- The Minister of Labour and Social Affairs.

- Two members of the General Council of the Judiciary.

The President of the General Council of the Judiciary will be able to delegate his attendance on the Committee to the member of the General Council of the Judiciary of his choice, without affecting the attendance of the other two members of the Council on the Committee.

In case of the absence of the Chairman, chairmanship of the Committee will be exercised by the member of the Committee designated by the Chairman.

The Ministers of Justice and of Labour and Social Affairs will be able to delegate their attendance on the Committee to holders of offices in their respective departments with a rank, no less, of Director-General.

A lawyer from the General Council of the Judiciary will perform the duties of secretary of the Committee, without a right to vote.

The functioning of the Committee will conform with the provisions which are contained in Law 30/1992 regarding collegial bodies, of 26 November, of the Legal System of Public Administration and Common Administrative Procedure.

The seat of the Committee will be the General Council of the Judiciary, and its meetings will be held, at the least, on a bimonthly basis.

THIRD.- The meetings of the Observatory may include, when the majority of its members deems it convenient, and without a right to vote:

- One or more members of the Judicial Career, of which one must be senior judge of the Supreme Court of Justice, designated by the Advisory Council of the General Council of the Judiciary or, when appropriate, by its President with subsequent ratification by the Advisory Council.
- A public prosecutor, designated by the Director of Public Prosecutions.
- A lawyer, designated by the General Council of Spanish Advocates.
- A representative from the Institute for Women
- A representative of the group of associations of persons affected by domestic violence designated by these associations or, when appropriate, by the Ministry of Labour and Social Affairs.
- Other natural persons or representatives of legal persons, especially from the group of abused women, whose attendance at the meetings of the Committee is considered advisable.

FOURTH.- The Observatory referred to in the second clause will have the following objectives:

- a) Receive all warrants issued by courts of law and tribunals in matters relating to domestic violence, which will be passed on to the Observatory through the Centre of Judicial Documentation (CENDOJ).
- b) Analyze the warrants which are issued in the aforesaid proceedings.
- c) Draw up, in light of the monitoring of the proceedings related to domestic violence and the examination of the warrants issued in this matter, corresponding proposals of action, including legislative suggestions considered advisable, which will be directed to the bodies that have competence in the matter.

- d) Monitoring of the application and, when appropriate, updating of the practical action guide against domestic violence mentioned in declaration II) of this Agreement.
- e) Establish criteria so that the Judicial Statistic will allow for monitoring of the proceedings related to this matter.
- f) Propose specialization courses in domestic violence aimed mainly at members of the Judicial and Public Prosecutor Careers and other staff in the service of the Justice Administration, intervening through appropriate recommendations in the elaboration of the content of aforesaid courses.
- g) Analyze the sociological reality of the phenomenon of domestic violence, encouraging, when appropriate, the execution of corresponding studies and surveys. The diffusion of the results will be carried out through publications in collaboration with the signing bodies when the results prove of interest to them.
- h) Study the advisability of having the General Council of the Judiciary have, when appropriate, the competence envisaged in article 98.1 of the Organic Law of the Judiciary (LOPJ), with the aim that determined courts exclusively hear matters concerning domestic violence.
- i) Report on the content of the Agreements and Protocols signed by the signing bodies in regard to domestic violence.
- j) Gather information for the courts, tribunals, and government bodies of the Judiciary regarding the measures adopted in the course of the proceedings on domestic violence.
- k) Provide information annually to the Observatory for Equality between women and men of the Institute for Women regarding actions taken.

FIFTH.- The General Council of the Judiciary, through the Centre of Judicial Documentation (CENDOJ), will supply the Observatory on Domestic Violence copies of warrants in its possession in the period referred to in the first clause and others that it receives from then on. These aforesaid warrants will be provided respecting the regulatory scheme regarding protection of information of a personal nature.

SIXTH.- The Agreement will be in force indefinitely, though any of the signing Parties will be able to rescind it at least two months in advance, without affecting the completion of those activities that had been agreed upon under its protection, unless something else is decided upon by common agreement.

In witness whereof, the Parties have entered into the present agreement in three originals on the place and date above mentioned