



## FORMULARIO DE DENUNCIA POR DISCRIMINACIÓN POR RAZÓN DE SEXO

### DATOS DE LA PERSONA DENUNCIANTE

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### DATOS DE LA PERSONA FÍSICA, JURÍDICA U ORGANISMO PÚBLICO DENUNCIADO

*Nombre o Razón Social:	Juzgado de Mostoles primera instancia #2		
*Domicilio	c/ Luis de Asua s/n		
*Localidad:	Mostoles		
*Provincia	Madrid	Código Postal:	28931

### HECHOS DENUNCIADOS

*(Se concretará el motivo de la denuncia, aportando, en su caso, documentación justificativa)*

I, Quenby Wilcox, hereby present my complaint against the juzgado de Mostoles in regards to the following:

- primera instancia # 2, las medias a la previa 1140/2007 and divorce 1143/07, 439/2.008, 476/2.008, 689/2.008 y medidas cautelares previas no. 453/2.008. presiding judge, Sra. Pilar Saldaña Cuesta, my lawyers Señora Belen García Martin (procuradora Maria Pilar Lantero) Señor José Manuel Hernández Jiménez, Señor Jorge Capell of the law firm Cuarto Casas,
- Rollo no. 771/09 Autos no. 1143/07, Sentencia no. 1079 Sr. D. Francisco Javier Correas González, Sr. D. Ángel Sánchez Franco, Sra. Rosario Hernández Hernández and my abogado Señor Alberto Fontes
- Juzgado de instrucción no. 4, Auto no. 609/07 Presiding judge Sra. Ana Maria Garcia Alvarez, mi abogado Gonzalo Martínez de Haro de Vinander, Carlos y Asociados, y procurador Juan Bosco Hornedo Muguero
- The police of Villanueva de la Cañada in relation to the juico oral no. 278 and juicio oral no. 226/2008



- The Domestic Violence Center of Villanueva de la Canada and the abogado de turno del colegio de abogados.
- And other State and non-State actors implicated *de jure* and *de facto* discriminacion (CEDAW and the Equalit Act 3/2007) and human, civil, and constitutional rights violations for the lack due diligence under *A vs. UK (European Courts of Human Rights) Velasquez vs. Honduras* and *Gonzales vs. USA (Inter-American Courts on Human Rights)*.

\*All documents cited within can be found on <http://worldpulse.com/node/50602>

**I present this complaint in protest to the discriminatory traditions and customs in family courts that result in the violation of human, civil and constitutional rights of millions of women, the surrender of millones of children to abusive parents, inestimable suffering and economic damage, and the murder of women and children because of the lack of due diligence of State and non-State actors in judicial systems.**

From the beginning, I wish to call attention to the **Equality Act 3/2007, calling particular attention to the fact that the burden of proof of the lack of discrimination falls upon the defendant.**

#### ***“Article 13. Burden of proof***

***1. Pursuant to procedural law, in proceedings in which the plaintiff alleges discriminatory conduct on the grounds of sex, it will be incumbent upon the defendant to prove the absence of discrimination in the measures adopted and their proportionality”.***

#### ***Article 6. Direct and indirect discrimination***

***1. Direct discrimination is regarded to be a situation where one person is treated less favourably on the grounds of sex than another is, has been or would be treated in a comparable situation.***

***2. Indirect discrimination is regarded to be a situation where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.***

***3. In whatsoever event, instructions to directly or indirectly discriminate on the grounds of sex will be regarded to be discriminatory.***

#### ***Article 8. Discrimination on the grounds of pregnancy or maternity***

***Any less favourable treatment of women relating to pregnancy or maternity constitutes direct discrimination on the grounds of sex.***

#### ***Article 9. Indemnity to reprisal***

***Discrimination on the grounds of sex is also regarded to exist in the event of any adverse***



**treatment of or negative effect suffered by persons owing to the lodging of a complaint, claim, accusation, suit or appeal of any nature intended to prevent their discrimination or demand effective compliance with the principle of equal treatment for women and men.**

*Article 10. Legal consequences of discriminatory conduct*

**Any act or clause in legal transactions constituting or causing discrimination on the grounds of sex will be considered to be null and void** and will give rise to liability both through a system of redress or indemnity that will be real, effective and proportional to the injury suffered and, as appropriate, through an effective system of deterrents consisting in penalties to prevent discriminatory conduct.

*Article 14. General criteria governing public authority action*

For the intents and purposes of this Act, the general criteria governing public authority action will be:

1. Commitment to the **effectiveness of constitutional law on equality between women and men.**
2. Integration of the principle of equal treatment and opportunities in economic, labour, social, cultural and artistic policy as a whole to prevent occupational segregation and eliminate differences in remuneration, as well **as to fuel female entrepreneurial growth in all the domains** covered by such policies as a whole, and reevaluate women's work, **including housework**".

The majority of discrimination in my case is indirect and "invisible" (as defined by *Integrating Human Rights in an Agenda of Anti-corruption: Challenges, Possibilities, and Opportunities* by the International Council on Human Rights Policy "invisible power" is even more insidious.<sup>17</sup> It occurs when people fail to recognise their real interests because they have internalised values that in fact benefit others. This form of power is exemplified in gender relations... carefully analyse the interests and tensions in a community and, at the very least, should ensure that in their own actions and judgements they do not, themselves, reproduce or legitimise forms of invisible power that are discriminatory". It also defines abuse of functions or position as "**the performance of, or failure to perform, an act, in violation of the law, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity**" in Corruption and Human Rights: Making the Connection.

It should be noted that my complaint involves three different but related issues within divorce courts and discriminatory practices against women.

1. Judicial practices which ignore, suppress, and/or punish victims for denouncing their abuse or that of their children encourage and sustain domestic abuse rather than combating it.

As demonstrated in the *domestic Abuse and Discrimination Against Women in the Courts* –



*Violations of Human and Civil Rights – Case Study in Spain.* The prejudices, traditions and customs which dictate a “code of silence” for all forms of abuses of power are deeply entrenched within families, communities and professions. As long as social mores dictate that protecting the “honor” of a family member, colleague, or compatriot is more important than the right of any one individual particularly an “outsider”, systematic rights violations within the courts and re-victimization of victims will continue to prevail. Much of the escalation of abuse and murders during the time of separation is due to the message sent to the abuser that his abuse will be tolerated.

2. Financial and custodial decisions which not only discriminate against women, but fail to recognize and compensate the work of the homemaker/primary care-giver, in terms of contribution to their family as well as to society at large. The widespread belief that homemakers “do not do anything” and are nothing more than “parasite” living off of their husband’s hard work and money is deeply instilled in the cultural biases of lawyers, judges and society at large. It is used to justify the widespread customs in judicial proceeding that in effect defraud women of their rightful assets during divorce and which explains low alimony rates and amount awarded, as well as the extreme difficulty women have in ever collecting these awards.

Whatever arguments based on traditions or laws that do not permit women to access information and/or documentation of financial common property assets is completely discriminatory against women. In my own case, I do not understand what is so difficult, and that in 4 years not one single lawyer has done. All that is needed is to petition the presiding judge to issue a subpoena ordering BBVA to surrender all information, documents, bank statements and salary in the name of Javier Gonzalez de Alcala, from August 1991 until the date of our divorce decree, and in that way I can examine them and present my lawyer with a complete financial analysis with supporting documentation.

It should be noted that the women’s feminist movement of the past 40-50 years has created a “backlash” in attitudes towards “Stay-at-home Moms”. While I whole heartedly support women working outside of the home, choosing if and how many children she will have, the attitude today is that women should somehow be “ashamed” of staying at home and being fulfilled with their role as a homemaker. Study after study by those in the global mobility industry demonstrates that the adaptation and emotional equilibrium of the family is attributed to the mother and caregiver within the home, as well as the productivity of the employee. (Black & Gregersen 1991, Black 1992, Shaffer et al. 1999, Riusala 2000) The failure to recognize and compensate women for their years of hardwork without compensation during divorce proceedings is clearly discriminatory.

3. In my case, one of the precipitating factors of the exponential rise of abuse and violence was my desire to develop a career and financial independence for me and my children. And when my “company” was going to start to generate revenues, my ex husband started his “judicial war”, with the explicit object of preventing me from developing the project.

All judicial decisions, as well as the lack of due diligence of State and non-State actors that



have prevented me from creating said company (Global Expats) are violating my constitutional right to work, chose my profession and enjoy the fruits of my labor. I had an idea that allowed me to remain in my home with my children, earn more than I ever could in the labor market, and do something that I loved; assisting other people, providing support to families and defending and promoting the rights of women and children. And, at the same time provide a solution to the biggest problem companies and governments have in sending their employees abroad, the adaptation and integration of the expatriated family.

The Project has received an extra-ordinary interest from the global mobility industry and potential sponsors and advertisers, but the idea that women, particularly homemakers, are “stupid” and incapable of working outside of the home is ingrained in the minds of people (Coltrane 1998), **that judicial actors in my case could not even fathom that a woman/homemaker could develop a successful organization, or that an intelligent entrepreneur could be happy taking care of her home, raising her children, and working within her communities. In the minds of all too many people the modern world that is only concerned with money, it “looks bad” if a woman does not want to work in the “rat race” scratching her way up the ladder in her quest for money and/or power. (But, there are more and more women (and men) who are choosing this road and from whom Global Expats is constructed, see *Global Expats – Market Analysis – Profile of the Trailing Spouse and Expat Family* -- [www.worldpulse.com/node/44543](http://www.worldpulse.com/node/44543)).**

In the divorce decree 1143/2007 Doña Pilar Saldaña Cuesta declares “*worthy efforts to develop a job without any results*” assuming that since I am a woman/homemaker, I could not successfully develop a company. She jumped to the conclusion that [www.global-expats.com](http://www.global-expats.com) was not producing any money because the idea came from a “stupid” woman/homemaker (Coltrane 1998), and **not for the real reason, that the web designer had disabled user registration, banner advertising uploading, and content management, all for greed and efforts to extract more money from a client.** In order to verify the veracity of these problems it is no more difficult than to go to the website and attempt to register oneself. Also, one can see that none of the banner ad spaces have any advertisements even though I have advertisers contacting me regarding buying said spaces.

**Línea de tiempo desde junio 2007 hasta el presente**  
**en relatado de divorcio 1143/2007 Javier González de Alcalá vs. Quenby Wilcox**

\*Senor Gonzalez de Alcala and Senor Gonzalez are one and the same - in Spain the first last name is the last name

In the following section are examples of discriminatory ideas and decisions but for all details regarding my case and discriminatory practices that result in the violations of my human, civil and constitutional rights, you may consult the attached document *González de Alcalá vs. Wilcox – A case study on discrimination in courts and the lack of due diligence* and the report regarding the situation in Spain and family courts in western countries *Domestic Abuse and discrimination Against Women in the Courts – Human and Civil Rights Violations – Case Study of Spain*

**Junio 2007** – My ex husband, Senor Gonzalez, threatened to take away my children, all of my money and assets, and throw me out onto the street with nothing, if I did not stop working on Global Expats ([www.global-expats.com](http://www.global-expats.com)). Assuring me that everything had been planned and the he



could, and would, do exactly as he said. At the time I said “Don’t be ridiculous, Spain is a democracy, you cannot do that”! Since then I have learned that not only could he do as he said, but that my case is not as uncommon as one might think; with reports by Amnesty International<sup>1</sup> showing that the problems that I have encountered in the Spanish system are quite common in cases of domestic abuse. (As the potential success of Global Expats is essential in understanding the motivation of Señor González in prohibiting me from accessing any and all assets so that I may develop my company, I introduce *Global Expats – The Concept, Executive Summary and Financial Projection; Global Expats – Business Plan; Global Expats – Market Analysis of Sponsors and Advertisers; Global Expats – Market Analysis of the Expat Family; Global Expats - Presentation for Advertisers; Global Expats – Presentation for Sponsors; Global Expats - Presentation for Investors* that explains all about Global Expats and his potential financial projects - posted on <http://worldpulse.com/node/44543> ).

**July 2007** – I found bank statements indicating that my ex-husband was irresponsibly invested in the stock market. He had lost all of the family savings 10 years before in reckless investments, wiping us out financially. Once again he was risking not only all of our liquid capital, but our home. I knew that the financial market collapse was inevitable and that it would be globally felt. I instructed my ex-husband to get out of the market and even proposed investing in short positions, but as usual he ignored my advice and wishes. I was panicked; until Global Expats started producing an income for me and my children we were totally dependent on my husband, whose behavior was becoming increasingly erratic and violent. I consulted several lawyers who assured me that my only recourse in protecting the family assets was through a divorce.

**August 2007** – EVERYTHING in Europe closes in August, so I spent the entire month waiting and writing. My writing, my children, the support of a few friends, and hours in the gym are the only thing that has kept me going in the past years.

**September 2007** – My ex-husband’s violent out-breaks escalated to the point that he spent an entire day pursuing me and threatening to kill me before ever letting me leave him. I knew the violence would just escalate in the ensuing months, and that in one of his violent rages he was capable of carrying out his threats.

My husband moved out of our home that day as he also realized that he was completely out of control. The next day I filed a formal complaint against him for his threats in hopes that someone might finally start listening to me. I had repeatedly requested that members of his family, our marriage counselor, and even some long-time friends speak with him about seeking help for his emotional problems, but no one wanted to become involved.

A Spanish lawyer, found on the American Embassy’s website, Señor Gonzalo Martinez de Haro of Vinander, Carlos y Asociados, and with whom I had met in July “defended” me in the trial the next day. Upon leaving the court house he informed me that I would lose custody of my children, because my husband had accused me of being an alcoholic and drug addict. I found this ridiculous

<sup>1</sup>By Amnesty International - *More Rights, The Same Obstacles* – 2006; *HAY QUE ACTUAR A TIEMPO DETECCIÓN DE LA*



and knew I had to look for a new lawyer.

**September – November 2007** - I visited the local Domestic Abuse Crisis Center, requesting assistance. For 3 months the civil servants of this Center sent me to meeting after meeting with everyone “reading me my rights” and quoting law after law, but failed to offer any concrete assistance in obtaining a lawyer. I also asked anyone and everyone I knew if they could recommend a lawyer from the private sector; all to no avail.

I presented myself 3 times to the American and French Consulates requesting assistance under The Convention of Consular Affairs, but was told that it was not their job to assist me.

As I refused to renounce my quest for a lawyer and initiate divorce proceedings in October 2007 my husband filed for divorce, and in his petition he accused me of being a drug-addict and alcoholic. The petition was filled with “testimonies” from friends of my husband who barely knew me, a neighbor, and our Brazilian maid with whom I have reason to believe he was having an affair. I was later to learn that he had gone to absolutely everyone in the neighborhood asking for letters defaming me.

The petition was also filled with references to 20 different divorce cases of institutionalized drug-addicts and psychotics, which had no bearing or similarity to my own case or divorce. As I examined it, I thought “This is ridiculous. It is just more proof of how abusive and deranged my husband is!!!!”

My immediate concern, however, was that it stated that if I did not present myself to the courts in the presence of a defending lawyer, I was in effect admitting to being a drug-addict and alcoholic, and in contempt of court.

Not only had I not been able to find a lawyer in the past 6 months, but I had no funds with which to pay them. My husband had cancelled all of my credit cards, and had set up all of our bank accounts, so that I could not access any of our funds. This fact is more than substantial proof of abuse. Financial control is THE first sign of an abusive relationship.

In my desperation, I returned to the list of lawyers from the American Embassy website and called the only American name on the list. He did not handle divorce cases, but recommended a lawyer, Señora Belen Garcia Martin, who specialized in international divorce. I sold everything of value I owned to pay her retainer fee.

I was informed that during the *medias a la previa* my lawyer would solicit temporary alimony and sufficient funds to cover future legal expenses. I produced bank statements, monthly bills and prepared a detailed financial analysis of household expenses for this lawyer.

The day before the hearing my lawyer presented me with the *contestacion* (document #1) which she would be presenting to the courts, and which explained the facts of the case as they were. However, during the hearing my lawyer failed to present all of the facts of the case. She established that there was no evidence or basis to me being a drug-addict or alcoholic, but failed to establish any abuse on



the part of my husband. I did not expect her to depose all evidence during a pre-trial hearing, but I did expect her to establish the fact.

**January 2008-** My lawyer refused to return my repeated phone calls, requesting when I could expect a decision from the judge. Luckily, I called the court asking when the courts resumed after the holidays, and could expect a decision from the judge. I was informed that my lawyer had already been served with the judge's decision. I subsequently went down to the court house to obtain a copy of the decision. I learned that the *contestacion* from my lawyer had not been drafted in a legal form, and therefore was inadmissible, basically leaving me with no defense to the accusations of my husband or request for transference of funds with which I could pay future legal fees.

In the hearing decision, the judge granted me a living allowance of €500/month with responsibility for all of the household expenses (€3-4,000/month) even though my husband recognized that his monthly income was apx. €8,200. Under common property law, ½ of my husband's income is mine; therefore this judge and lawyer effectively misappropriated €41,000 (€4,100/month) of my money during 2008. I was awarded custody of my children, but was not enough funds with which to pay for their daily expenses.

I informed the courts that I was dismissing my present lawyer and petitioning a court-appointed lawyer as well as a "stay" on the legal proceedings.

The file clerk handling my case repeatedly produced incorrect paperwork, and provided false information as to clerical procedures for the stay. My petition for a court appointed lawyer was refused by the local *colegio de abogados*, under the false contention that it was not complete. It was not accepted until presented in the presence of 2 witnesses and at 2 different offices in Madrid.

I was then presented with incorrect paperwork for the stay on my case by the file clerk handling my case in the local courthouse (*juzgado de Mostoles*). Additionally, my petition for a court-appointed lawyer was not properly registered with *colegio de abogados* in Madrid until I returned insisting that it be done properly. It was only due to my diligence in reading all of the fine print, double checking all procedures, and my repeated insistence, that I was finally granted a court-appointed lawyer within the time limit under the law.

If I was not fluent in Spanish and do not allow civil servants to give me the run around, my paperwork would have never been processed in the time allotted. Once again, I would have been without legal representation for my divorce, and in effect admitting to being a drug-addict/alcoholic and in contempt of court.

During all of these months my husband was stalking me and constantly screaming threats of incarceration. "You'll see we are going to lock you up and dope you up for the rest of your life!!! "It's all been planned! We do this all of the time....!!!" After 17 years of marriage I know my ex-husband and his ranting and raving; these were not idle threats. (Unfortunately, testimonies in *Abbott vs. Abbott*, Amnesty International, inter alia, demonstrate that my case is far from unique).

**February 2008** –I could not understand why I was having so many problems within the entire



judicial system until a local lawyer unwittingly told me that the *juzgado de Mostoles* works under a tight-knit, nepotistic, networking system. Within this jurisdiction corruption scandals are a daily occurrence involving local government officials, law enforcement and judicial civil servants.

My ex-husband's cousin is a member of the police force of Mostoles, ex-military, and whose wife divorced him for his violence and abuse of her many years ago. He would truly enjoy using his influence to hurt me as I am the only woman in the family who has ever dared to stand up to the degrading way that he treats the immigrant woman that lives with him.

At this point I realized that my husband's had the power to carry out his repeated threats of the past 8 months. I had found that no one in Spain, including my Consulates (I have dual American/French nationality), were ever going to help me, and I would be forced to return to the USA in order to continue by battles. I also knew that I could not leave Spain until the courts literally threw me out onto the streets with nothing. If I left before then I would have be accused of abandoning my children, and if I attempted to leave with them, I would have ended up in prison under international child abduction charges.

As to why my lawyers had consistently failed to protect my interests, and that of my children, is a matter of speculation, and a question that only they can answer.

**March – June 2008** During those months the stalking and threats of my husband continued to escalate; I was harassed by local police, and custody of my children was illegally taken from me. I filed official complaints against all of my husband's infractions of the law, but they were always absolved in sub sequential judicial proceedings.

Additionally, I received repeated reports from friends and family around the world of phone calls and emails from my husband accusing me of psychosis, alcoholism, drug-addiction, and suicidal tendencies. (My husband "rantings and ravings" at the time included "It's not my fault if you have an accident or commit suicide.") They all told me that his dialogues were obsessive and so well rehearsed that they would have believed him if they had not known me all of these years. I even learned that he had been spreading these rumors to anyone who would listen since our arrival in Spain.

**June 2008** – By this time my neighbors and friends finally recognized that my case was not "normal" and recommended a lawyer, Señor Jorge Capell of the law firm Cuatro Casas, even offering to loan me the money to hire him. As I walked into my first meeting, I learned that this lawyer had gotten custody of his own children and could not help thinking "Did he play this same game with his ex-wife?" (Statistics demonstrate that 70+% of abusive men who seek custody of their children obtain it, with the percentage being even higher with those who work within the judicial system).

I had no choice, but to accept his services. If I had refused this new lawyer's services, under the contention that I could not trust him, I would have appeared to have been the paranoid idiot that my husband was trying to make everyone believe.



Also, this new lawyer is a partner in one of the most prestigious and expensive international law firms in Madrid. I thought he would hardly jeopardize his and the law firms' reputation over a simple divorce and a possible international scandal.

**July 2008** - His negligence's in my divorce proceedings were as follows:

1. He informed me that there exists a special domestic abuse court in Mostoles, but failed to petition a transfer for my case.
2. When I insisted on presenting drug-tests as part of my defense, he informed me that tests for drugs or dopage do not exist. Anyone who owns a TV or reads tabloids knows that this is not true.
3. He did not appeal the interview of the presiding judge, Señora Pilar Sandaña Cuesta with my sons (see attached Interview with minor children in divorce 1143/2007) which was clearly discriminatory against me and in favor of Senor Gonzalez (see. P. 16-18 in the analysis of judicial decisions).
4. He failed to inform my forensic psychiatrist as to the date of my hearing. It was only by chance that I called this doctor 3 days before my hearing, and he was flabbergast, informing that he would not have time to properly prepare his report. His testimony and several articles written by me in 2006 more than clearly document the abuse of my ex-husband and his family. The failure to present Dr. Orengo's oral and written testimony (see document # 5) were essential as they were key to my defense.
5. Senor Capell admitted (in an email) that he had not even received the report by the psico-social team that was very, very defamatory and discriminatory against me and favored Senor Gonzalez. **A detailed and complete revocation of the accusations of the psico-social team was absolutely essential in preparing my defense**, but Senor Capell did not even take the time to read the psico-social report.

**The level of professional negligence and failure to act in the interest of his client is incredible and very disconcerting considering that Senor Capell manages important financial and commercial cases and any negligence by him could have very serious consequences for multinational clients and international business relations for Spain. As demonstrated in the report *Domestic Abuse and Discrimination Against Women in the Courts – Human and Civil Rights Violations* one reason that impeccable integrity and total transparency of a judicial system is necessary, is the con fiance (or lack of confidence) that foreign investors will have over their investments in said country. In my own case Senor Capell knew that my own case not only involved my well-being of my children and the family patrimony, but a company with potential revenues of millions of euros, thousands of employees and which would have been headquarterd in Spain if I had not been obliged to leave the country as a direct result of his negligence.**



6. In March my court appointed lawyer, Señor José Manuel Hernández Jiménez, refused to introduce testimony from Atrid Betancourt (sister of Ingrid Betancourt, Colombian presidential candidate and former FARC captive), (see document #3) and her written testimony as well as that of another long-time friend and pschiatrist Doctor Piedad Rojas Gil, documented my excellence as a mother and person as well as her preoccupation for my security and Senor Gonzlaez's extensive, world wide defamation campaign against me that was totally unfounded (see document #2). Señor Capell told me he would introduce these letters into the court documents as well as in the verbal audience as part of my defense but failed to do so.

(Also, at the time Señor Hernández refused, per my instructions, to make a conter proposal (which I knew would not be accepted) but in this way the conditions that Senor Gonzalez was offering and which were clearly intended to defraud me would be introduced into court documents, (see document #12). This agreement show not only Senor Gonzalez's attempt to defraud me of my assets but is proof as to his abusive nature – another negligence of Senor Hernandez was that he refused, per my instruction to petition the courts to subpeano all financial records under the name of Senor Gonazalez).

7. The judge refused to allow introduction of testimonies from my neighbors and friends during the divorce hearing, but my lawyer failed to protest to this violation of my rights under due process.

8. From the beginning I was more than clear if custody of my children was awarded to my husband, I would appeal the decision. My lawyer refused to appeal and when I insisted, he sent me a bill for €5,800 (plus the €3.000), refusing to proceed with any further action until the bill was paid (see document #8). From what I understand, a lawyer cannot refuse to defend a client because the client owes them money? And, refusal to defend said client under this basis is it not a case of serious professional negligence?

Additionally, he sent me the email proposing said appeal on November 14, 2008, when in fact he had recived the court decision on November 5, 2008 with 5 days to appeal it. Even, if I had been able to come up with the money and send it to him, the time to appeal had already expired. **Is it possible that Senor Capell did not, and does not know, that one cannot file an appeal after the time accorded to appeal it has expired? Is it possible that he would be unaware of something so basic in terms of court procedure?**

**Whether Senor Capell's negligence was intentional or not is unimportant under the principle of due diligence. The result of his actions ended in discrimination against me in judicial procedures and decisions, as well as what resulted in a defamatory judicial decision against my character.**

9. He had refused to initiate liquidation of my assets from the onset, as provided for under the law, and is also why I lacked funds to pay him and proceed with my appeal.



**10.** I would find out 1 ½ years after my divorce decree, and 2 lawyers later, that I am responsible for the mortgage on our home. Effectively, **after 17 years of marriage, and having given up a career to follow my husband around the world, I was thrown on the street with nothing and a court order to pay €2,100/month to my ex-husband. Yet my lawyer did not believe this decision should be appealed?**

**At the time my lawyer informed me that he had filed an appeal for my alimony, but not the custody of my children. It is my understanding that he never filed any appeal what-so-ever. Since this time access to court documents pertaining to my case has been denied to me by legal counsel, therefore, I am unaware of what has transpired.**

**Septiembre – Octubre 2008** – I was without legal representation and some one recommended another lawyer, Senor Alberto Fontes, who agreed to represent me. He told me that the case was “under appeal” (see document #9). I gave him instructions to initiate liquidation of joint assets and assure that my ex husband pay the alimony on a timely basis.

**November 2008 – February 2009** - I hired Señor Alberto Fontes, arranged my affairs in Spain, and told my children that I was obligated to return to the USA for a little while, but would return to Spain as soon as possible. My children are totally unaware of the circumstances surrounding my case, other than their parents have gotten a divorce and all of a sudden they are not allowed to see their mother.

I further explained to them that I would do everything in my power to assure that what happened to us would not happen to other women and children. One of the few things that has sustained me in the past years, is that my children, more than anyone in this world, know who I am, what I stand for, to what extent they are the center of my existence, and how deep and undying my love for them is. At present all I live for is the day that I might once again be re-united with them; they have always been the greatest joy of my life.

I went to the USA with the intention of initiating legal proceeding against my web designers, liberate my website, return to the promotion of Global Expats, and then return to Spain and my children. In July 2007, my web designers had disabled user registration, uploading of banner ads, as well as content management, but because of my on going legal problems in Spain, I could not do any of it. I have reason to believe that Senor Gonzalez is implicated in the contractual problems with my web designer, but I will only know for sure through pending litigation against them, which I cannot initiate at present without any funds.

**2009** - During 2009 my lawyer consistently failed to inform the courts of my ex-husband’s refusal to pay alimony and initiate liquidation of my assets. I have provided him with all pertinent documentation necessary to do this. His only response was been “send me money!” and “bank statements are not admissible evidence in Spanish judicial proceedings.” I have repeatedly requested a detailed billing for services rendered, informing him that I could not pay a debt for which I have no receipt or explanation of services.



**June 2009** – I requested that the Spanish Consulate assist me in procuring a court-appointed lawyer, as well as assistance from the US State Department in assuring that the Spanish Consulate complies with their legal obligations, as defined under the Spanish Constitution and Convention of Consular Affairs. The Spanish Consulate has returned my petition unread, and the US State Department has failed to respond to my correspondence.

**August 2009** - I noticed that liens of €800 were ordered against my bank account in Spain by the courts. The only logical explanation is that my ex-husband had informed the courts that I have failed to pay him child support; a criminal offense. I immediately transferred funds into my Spanish bank account and sent instructions to pay this lien. The debt was never paid and now the lien no longer exists on my account. Once again speculation on my part, but this appears to me to be improper procedure.

During several months, my lawyer has insisted that I must present myself IMMEDIATELY to his office; otherwise he will renounce my case. Once again only speculation, but is it possible that he is unaware of my possible incarceration if I return to Spain, under present circumstances?

Everyone tells me that normally people are not jailed for not paying child support, but admit that it is possible. After all of the testimonies I have heard and cases that I have come across in the last 4 years, similar to María José Carrascosa in New Jersey, I know that anything is possible with divorce courts and in order to survive one must prepare for absolutely anything.

**November 2009** - The American Overseas Domestic Crisis Center contacted the State Department in my behalf, but to date I have not received any concrete assistance in procuring a lawyer in Spain.

My ex-husband petitioned the courts to remove his alimony responsibility to me under the contention that he was fired from his job. The judge reduced my monthly alimony payments to €350 /month, stating that I am in **perfect mental and physical health**, therefore, capable of supporting myself financially. Once again, my lawyer failed to appeal this decision, asking for proof as to my ex-husband's unemployed status as well as presenting evidence as to my own precarious employment and financial situation in the USA.

The veracity of my ex-husband unemployment has yet to be proved. In Europe it is only under extreme cases of incompetence, negligence, or illegal activity that a life-long employee could be fired without an extremely generous severance package. If he was fired after more than 25 years of employment with the same European bank, within the year following our divorce and without substantial financial benefits, this constitutes further proof as to his unstable emotional state and capacity to care for our children.

Additionally, does this judicial decision not once again put into question the impartiality of judicial decisions during my entire divorce? Is it reasonable to believe that before and during my divorce, my alleged precarious mental state and substance abuse constituted an imminent danger to my children, yet now I am of **perfect mental and physical health**? Logic and reason would dictate that after the extreme emotional strains under which I have lived for the past 4 years, my



psychological and physical state would have deteriorated rather than “miraculously” disappeared.

Señor Fontes sent me the judicial decisión 5 days after he had received it, therefore, too late to appeal it.

**December 2009 – February 2010** – Since the Spanish Consulate refused to comply with their obligation under the Spanish Constitution to assist me in procuring a court-appointed lawyer in Spain, I finally found yet another lawyer, Señor Ignacio Gonzalez Martinez and his partner Señor Miguel Martinez Lopez de Asiain, in Spain to take my case.

It took the entire year for paperwork transfers, petitions, etc. to occur and for my lawyer in Spain to inform me that he finally had received all necessary documents.

**February 2010 – February 2011** - Since 2008 I have been investigating the realities of judicial systems, divorce courts, and domestic abuse. I have read through thousands and thousands of pages of reports, statistics, amicus briefs, advocacy group websites, national and international legislation, constitutions, civil codes, penal codes, human rights law, UN recommendations, government agency websites, personal testimonies on the Internet, etc., etc. examining every single aspect of how our systems (and societies) are failing to protect victims of domestic abuse. (See [www.worldpulse.com/node/36851](http://www.worldpulse.com/node/36851) for the results of my research).

Also, since I was receiving very little effective assistance or communication from my present lawyers in Spain as to what was occurring in my case or how they proposed to defend me, I prepared a proposal for them. While my proposal is admittedly “non-traditional,” it is primarily based on recommendations laid down in *Project on a Mechanism to Address Laws that Discriminate Against Women*, by the Women and Gender Rights Unit of the United Nations as well as international law precedents set by *Velasquez vs. Honduras* and *A vs. UK*, international treaties (particularly Convention on Elimination of Discrimination Against Women (CEDAW)), and the newly passed Spanish *Acto de Igualdad 2007*. (See <http://www.worldpulse.com/node/18196> for said proposal).

In February 2011, I sent this proposal to my lawyers in Spain, but have yet to hear from them in spite of numerous emails and telephone calls requesting a response.

**February 2011 - Present** – I was finally able to return to the creation of Global Expats / [www.global-expats.com](http://www.global-expats.com), and develop a promotional campaign on LinkedIn and Facebook in preparation for the “inauguration” of my new website. The response from those in the global mobility industry (executive and HR directors of multinationals, relocations companies, cross-cultural coaches, “trailing spouses,” members of “Expats wives associations,” etc.) has been absolutely spectacular, showing great interest and praise for the project.

The new website will cost approximately \$20,000 to build, and in order to cover these expenses I have repeatedly requested that my lawyers in Spain reclaim back alimony from my ex-husband (\$20,000+). These monies are the only portion of funds owed to me that cannot be contested and/or tied up in litigation for years to come, but my lawyers have refused to comply with my instructions.



Other venues that I am pursuing in order to procure the funds necessary are as follows:

1. A micro-loan through the Washington Women's Business Center, operated by the National Community Reinvestment Coalition. (I have no credit history in the USA and all of my assets are in Spain, so traditional loans are unavailable to me).
2. "Seed money" from prospective sponsors (See Business Plan and Presentation for Sponsors <http://www.worldpulse.com/node/44543>).
3. Prospective investors.

At the end of November 2011 my lawyer Senor Miguel Martínez López de Asiain and Ignacio González Martínez initiated the liquidation of common assets with the court date set for May 11, 2012.

**"AL JUZGADO DE PRIMERA INSTANCIA**

*DOÑA M<sup>a</sup> PILAR POVEDA GUERRA, Procuradora de los Tribunales, y de DOÑA QUENBY ANN WILCOX, según consta ya acreditado en el procedimiento arriba referenciado, y asistida por el Letrado Don Miguel Martínez López de Asiain, colegiado n<sup>o</sup> 51.298, ante el Juzgado comparezco y, como mejor proceda en Derecho, DIGO:*

*Que al amparo de lo dispuesto en el artículo 808 de la LEC, por medio de este escrito vengo a SOLICITAR LA FORMACIÓN DE INVENTARIO de los bienes integrantes de la sociedad de gananciales existente entre mi representada y Don Javier González de Alcalá, con domicilio en calle Castillo de Malpica n<sup>o</sup> 132, Urb. Villafranca del Castillo, de Villanueva de la Cañada. Para ello, procedo a efectuar la siguiente PROPUESTA DE BIENES A INCLUIR EN EL INVENTARIO a la que se acompaña la documentación justificativa de los mismos.*

**I. ACTIVO:**

**A) INMUEBLES:**

*1. FINCA n<sup>o</sup> 3.027 de Villanueva de la Cañada, inscrita en el Registro de la Propiedad n<sup>o</sup> 2 de Navalcarnero, sita en la calle Castillo de Malpica n<sup>o</sup> XXX Urb. Villafranca del Castillo. Se adjunta como documento n<sup>o</sup> 1 nota simple registral donde consta la misma a nombre de mi representada y Don Javier González de Alcalá, con carácter ganancial.*

**B) CUENTAS BANCARIAS:**

- 2.- Depósito en la cuenta del BBVA n<sup>o</sup> XXXX con saldo de 13.000 euros a fecha 17-7-2007.*
- 3.- Depósito en la cuenta del BBVA n<sup>o</sup> XXXX con saldo de 94.000 euros a fecha 17-7-2007.*
- 4.- Cuenta de BBVA n<sup>o</sup> XXXX, con saldo de 3.156,99 euros a fecha 25-10-2007.*
- 5.- Depósito en la cuenta de BBVA Miami Branch n<sup>o</sup> XXXX, con saldo de 403,84 dólares USA, a 31-10-2007.*
- 6.- Depósito en la cuenta de BBVA Miami Branch n<sup>o</sup> XXXX, con saldo de 3.678,45 euros, a 31-10-2007.*
- 7.- Depósito a plazo en la cuenta de BBVA Miami Branch n<sup>o</sup> XXX, con saldo de 89.312,63 euros, a 31-10-2007.*
- 8.- Cartera de renta variable en BBVA Miami Branch, de 4.917 acciones de Telefónica S.A., a 31-10-2007.*
- 9.- Cartera de renta variable en BBVA Miami Branch, de 66 acciones de Antena 3 Televisión. Se adjunta como documento n<sup>o</sup> 2 copia de la documentación bancaria que fue aportada en el procedimiento de divorcio, y donde constan los datos reseñados.*

**D) OTROS BIENES MUEBLES:**

*10.- Mobiliario y ajuar de la vivienda familiar*

**II. PASIVO:**

*No se conoce que haya pasivo. Y por lo expuesto,*

*SUPLICO AL JUZGADO que tenga por presentado este escrito junto con los documentos acompañados, y por solicitada la formación de inventario para la liquidación de la sociedad de gananciales de Doña Quenby Ann Wilcox y Don Javier González de Alcalá, y tras los trámites procesales oportunos, dicte resolución aprobando el inventario propuesto por esta parte. Es Justicia que pido en Móstoles a 21 de noviembre de 2011.*

**"En cuanto a la duración del procedimiento, depende mucho de cada Juzgado, pero los pasos que hay que dar son los siguientes:**



*1.- Fijación del inventario: para ello se convoca a las partes en el Juzgado para fijar los bienes que se incluyen, así como las deudas de haberlas. Si hay acuerdo se pasa a la siguiente fase, si no lo hay, entonces se celebra después un juicio para que el juez resuelva.*

*2.- Una vez fijado el inventario, debe procederse a su valoración y formación de lotes. Se puede hacer también por acuerdo, o si no, se nombra a un contador-partidor, que es una persona independiente del juzgado (normalmente un abogado, que se elige por sorteo por el propio Juzgado). Este lo que hace es valorar los bienes (puede ser necesario también el nombramiento de un perito para ello) y hace las dos partes para repartir.*

*3.- Una vez que el contador-partidor presenta su propuesta de lotes para el reparto, puede haber acuerdo al respecto, y si no lo hay, se celebra un nuevo juicio para que se decida sobre ello.*

*Por tanto, puede durar desde unos pocos meses hasta varios años, ya que cada juicio tiene su consiguiente recurso ante un tribunal superior. Todo depende de si es posible llegar a acuerdos en alguna de las fases.*

*Mi idea es que una vez que sepamos que le ha llegado nuestra solicitud al demandado, ponerme en contacto con su abogado (lo normal sería que me llamase él a mí) para intentar negociar al respecto. En caso de que me llame y antes de tomar ninguna decisión le consultaré a Ud.” Saludo Miguel Martínez López de Asiain*

My claims to assets in Spain amount to \$1-2 million (see the attached financial resolution, offered in February 2010), but I have lost all confidence in the Spanish judicial system and I imagine that these funds will never be awarded me.

But, I know I am lucky, I am still alive and I have an idea for a company that will assure me and my children's future. It is only a question of time until Senor Gonzalez loses all of the family assets (if this has not already happened) the house included and my family will be left with nothing.

All that I have desired since the beginning, and continue to desire, is the possibility to develop my project, work and live in peace, and take care of my children. I believe this is a fundamental right, which not only is the Spanish judicial system denying me, but is being denied many women around the world.

### **Discrimination Decision in González de Alcalá vs. Wilcox**

Below are detailed examples of discriminatory beliefs, ideas, and decisions within judicial decisions, but for a complete detailed analysis about my case and all of the discrimination that occurred as a result of the human, civil and constitutional rights violations, please consult the attached report *González de Alcalá vs. Wilcox – Case study on discrimination within the courts and the lack of due diligence* as well as a report on the situation in Spain and family courts in western countries *Domestic Abuse and Discrimination Against Women in the Courts – Human and Civil Rights Violations – Case Study of Spain*

1. Juzgado de instrucción no. 4, auto no. 609/07, presiding judge Sra. Ana Maria Garcia Alvarez, my lawyer Gonzalo Martinez de Haro de Vinander, Carlos y Asociados, procurador Juan Bosco Hornedo Muguiro. – The judge found Senor Gonzalez innocent, refused the protection order as well as a pension for me and my children. During the proceedings Senor Gonzalez's lawyer was disrespectful to me without either my lawyer or the presiding judge protesting. And, at one point the



judge (when I let out a sigh) said to me “If you don’t be quiet, I am going to throw you out of the court!” In the trial it was demonstrated that my Senor Gonzalez had total control of the family money and assets, that he was not listening to me about its management, and that he was obsessive about having all control of everything; proof of his abuse, but the judge absolved him.

The presiding judge showed discrimination against me and favoritism for Senor Gonzalez in believing him even in spite of his aggressive behaviour in court and his demonstrated controlling manners. During the trial my Senor Gonzalez’s lawyer asked me if I ever consumed alcohol or cannabis. I did not understand the relevance of the question as to the aggressive behavior of my ex husband, and I do not understand why Senor de Haro did not protest to the question as irrelevant to the allegations against my Senor Gonzalez.

In relation to the juicio rápido 607/2007 I never received a bill from the procurador, Juan Bosco Hornedo Muguero. The civil servant file clerk handling the case later insisted and insisted that there had not been a civil servant handling the case in the court and until today I do not understand why no one wanted me knowing that there was a procurador y the name of said procurador. It should also be noted that Senor de Haro sent me the court decision by mail after the time limit for an appeal had expired, and failed to explain to me the contents of the sentencia or the necessity of an appeal.

2. *Medias a la previa* 1140/2007- While Senor Gonzalez recognized that his salary was € 8.185,41/month, and therefore under the civil code and common property law, €4.100, was mine, but Doña Pilar Saldaña Cuesta only awarded me €500/month with responsibility for the house which was €6.000. Additionally, the failure to award me enough money to cover daily expenses as well as future *litis expensas*, as provided for under art. 103-3<sup>a</sup> of the Spanish civil code was in violation of art. 33.3 of the Spanish Constitution. Not only did this decision assure that I would not be able to cover future legal expenses but assured that Senor Gonzalez had more than €7.000/months during 7 months with which to manipulate our children with presents and expensive vacations in order to convince them that they wished to live with him, clearly favoring Senor Gonzalez.

Also, my lawyer, Senora Belen Garcia Martin, failed to petition the courts to subpoena all financial records under the name of Senor Gonzalez as well as a court order to block all financial accounts so that Senor Gonzalez could not transfer funds into untraceable accounts. Once again favoring Senor Gonzalez, giving him the opportunity to “make disappear” the funds in all of the accounts, and is exactly what he did. It should be noted that Senor Gonzalez has worked in the treasury department of BBVA (where all accounts were held) for 25 años and knows all of the manipulations that exist in international transfers of funds. I am still trying to obtain all of the financial records from August 1991 until October 2008, in order to examine the exact financial position of the family assets and patrimony. It should be noted that I work in the financial market many years ago and I am perfectly capable of analyzing the accounts without any assistance. I really do not understand how in 4 years, I have not been able to access documents which are without a doubt mine, and my property. That this fact is due to faulty procedural laws or negligence of my lawyers is still unknown to me, regardless it is clearly *de jure* and *de facto* discrimination.

THE FIRST thing that is necessary in order to do something to assure equality for men and women



in cases of divorce is to examine and reform all laws and regulations that do not permit women from accessing ALL information and ALL financial records.

3. In the divorce decree 1143/2007 Doña Pilar Saldaña Cuesta, **shows a clear prejudice for Señor González, as a man and Spaniard, and prejudice against me as a woman and foreigner.** In her erroneous interpretation of the family situation, she supported the **false accusations** of Señor González (which he clearly had made in order to avoid and deter attention away from the real problem in our home). This long time abuse and violence is documented by the testimony of Dr. Francisco Orengo<sup>2</sup> (document #5) as well as by our marriage counselor Señora Joaquina Pérez (document #4) in reports presented to the courts and within court records, but these reports and testimonies were all completely discounted by Doña Pilar Saldaña Cuesta. She also discounted the report by Dr. Orengo under the contention that it did not include an interview with Señor González nor the minor children. **There had not been a interview with Señor González because he had refused to present himself and our children for fear that he would not be able to trick, manipúlate an lie to a forensic pschiatrist trained in detecting abuse and psychopathic personalities. The fact the he was not interviewed is more proof of the abusive nature and abuse of Señor Gonzalez, not the inverse as the judge interpreted.**

There are no oficial transcripts of the interview with the minor children and Señora Pilar Sandaña Cuesta which contents show a clear discrimination against me and in favor of Señor González. The fact that the believed accusations that were so absurd for no other reason that Senor Gonzalez said so shows a prejudice for him and discrimination against me.

The interview was conducted on the July 18, 2008 and it should be noted that from February 2008, I was unable to spend more than a couple of hours with my children, due to the fact that Senor Gonzalez had refused to respect the court ordered custody decision of the judge in las medias a la previa. Then at the end of April the fiscal de menor illegally removed custody of my children after wich I had no contact with them. I filed a complaint against the failure of Senor Gonzalez to respect the court ordered visitations, but in the ensuing audience the judge threatened to call my children in as witness if I refused to remover my complaint. I removed the complaint because my children had said on many occasions that they did not want to be put in the middle of the divorce, and were extremely upset every time they were called to appear in court/interviews, etc. **The manner in which my children were used and put in the middle of the divorce by Señor González and the courts, and the extent to which it has hurt them emotionally as a result is the most horrible**

<sup>2</sup> (Licenciado en Medicina y Cirugía por la Universidad Complutense de Madrid (1976). Especialista en Psiquiatría por la Universidad Complutense de Madrid y la Universidad de Mainz, Alemania (Annerkennung als Facharzt),1984.Colegiado nº 28-43576 del Colegio Oficial de Médicos de Madrid. Especialización en trastornos disociativos y trauma en: Unit on Dissociative Disorders, National Institute of Mental Health, Bethesda, MD (U.S.A.). Doctorado por la Universidad de Mainz (Alemania), 1984 (título convalidado en España). Especialista en Psiquiatría Legal por la Universidad Complutense de Madrid y perito acreditado ante la Administración de Justicia por el Ilustre Colegio Oficial de Médicos de Madrid. Título de Psicoterapia emitido por la Federación Española de Asociaciones de Psicoterapeutas (FEAP). Profesor acreditado por la European Society for Traumatic Stress Studies (E.S.T.S.S.) para impartir el título de especialista en Psicotraumatología. Asociaciones a las que pertenece: - Presidente de la Sociedad Española de Psicotraumatología y Estrés Traumático (S.E.P.E.T.), [www.sepetyd.org](http://www.sepetyd.org). - Sociedad Española de Psiquiatría Legal. - Sociedad Española de Neurociencia. - Sociedad Española de Psicoterapia. - International Society for Traumatic Stress Studies. - European Society for Traumatic Stress Studies. - Fellow member de la International Society for Dissociation.)



### human rights violation of the entire affair.

Interview with the younger minor:

*“He finished school. Studied 4th of ESO. He passed all subjects. He gets along well with his mother, but prefers to be outside of the house. His mother gets angry with his father. He has seen his mother drink on various occasions, and when this happens he is doing other things. He prefers to live with his father. He has seen his mother very little. When he sees his mother her speaks about his father.”*

Interview with the eldest son:

*“He studied 1 bachillerato specializing in science. He indicates that he is fine with his father, better than with his mother, because he does more activities (with his father). Indicates that his mother does not pay much attention to him. He was alone the day of the alcoholemia incident. Indicating that it had disturbed him. He has seen his mother drink on several occasions; he went to friend’s hous or was alone at home. When she drank she lost her attention. Wants to live with father. Wants to see mother on over night visits with (elle) I say no says nothing. Wants to live in the house of Villafranca.”*

Just the few words written by the judge it is difficult to know exactly what her questions were and for that it would be necessary to listen to the recording of said interviews. But, in response to these lines I present the following:

- It should be noted that the the youngest minor **had passed all of his subjects** in the school year 2007-2008, while in my home there was terrible violence and horrific scenes on the part of Señor González, I feared for my life every single day (and worse the future of my children should something happen to me), the judicial system/my lawyers/ect. Were giving me such the run around for papers and forms that the chaos was unbearable, I was trying to understand a judicial system in a foreign language with lawyers whose negligence was absolutely incredible with absolutely no support or help, each time I went to the free legal clinics (run by the Spanish Bar Association/ *colegio de abogados*) I was told “I do not know, that is not my specialy” in response to my questions regarding legal procedures and regulations, my Global Expats Project was completely on hold and perhaps destroyed (as was the objective of Senro Gonzalez), I did not have enough Money to cover even the basic necessities (heat, electricity, wáter, food, transportation, etc.) and even less so for legal expenses which were mounting every day and for which I had to sell everything of value to cover. But, my youngest (and eldest son) passed all of there subjects at school because I MADE THE GREATEST EFFORT OF MY LIFE TRYING TO KEEP SOME SEMBLANCE OF SANITY IN THEIR LIFES WHILE SENOR GONZALEZ WAS DOING EVERYTHING IN HIS POWER TO DESTORY ME AND HIS FAMILY.
- *“the relationship with his mother is good, but he wishes to be outside of the home”*– Of course the boy wishes to be outside of the home. He was 14 ½ years old, and like any normal boy of that age prefers to be out with his friends than couped up in the house doing homework or nothing at all.



- *“Has seen his mother drink on several occasions, and when this happens he is doing other things.”* – As already indicated in other presented documents, we had continual lunches, dinners, and parties of 10-30 people in our home with guests invited by Senor Gonzalez. For these parties I bought all of the food, prepared the food, served all of the guests, cleaned our home (450m2) and kitchen before and after the parties without any assistance from Senor Gonzalez or anyone else. While I was working he was amusing himself with the guests and drinking. During the occasions when I sat down at the table to eat or talk with the guests, I had a few glasses of wine, while our children were playing with the invited children *“doing other things”*. It should be noted that there were always invited children in said parties, and I would serve two services, and at times 2 different menus, one for the children and the other for the adults.

The fact that the judge only asked about whether I ever drank, but no asked in what circumstances nor is whether their father ever drank clearly discriminatory against me. In a country where the wine consumption is amongst the highest in the world, it is even more discriminatory to consider a woman an “alcoholic” because she has a few drinks at parties. It should be noted that with so many accusations against me, I asked my children if they thought that I had a problem with alcohol (in February 2008) and they responded *“Of course not Mom”*. I have always had a spectacular relationship with my children based on mutual respect, and absolute and total honesty, and if they thought I had a problem they would have said so.

At this point it should be added that during my entire marriage Senor Gonzalez would often go out to restaurants and discotheques with friends while I stayed home with our children. When Senor Gonzalez filed for divorce he introduced falsified bank statements which indicated that all of HIS SPENDING IN RESTAURANTS AND NIGHTCLUBS (as well as all his spending) WERE UNDER MY NAME. I CAN ONLY ASSUME THAT THIS WAS DONE IN ORDER TO FOOL THE COURTS INTO BELIEVING THAT THESE WERE MY SPENDING.

- *“Prefers to live with the father”* – During 2007-2008 Señor González was doing everything in his power to convince the children that they wished to live with him, buying them presents, expensive vacations, letting them do whatever they wished, and at times threatening them (and me) that if they chose to live with their mother they would be out on the street with her with nothing. On the other hand I said nothing to them as I did not want to put them into an emotionally stressful and hurtful situation. It should be noted that upon one occasion at the insistence of Senor Gonzalez, my youngest son said he wished to live with his father and I asked him why he said that and he responded *“I do not know Mama”*. The emotional manipulations of Senor Gonzalez children in order to obtain financial advantages in our divorce shows to what extent he is egotistical, putting his own interests before the interests and well-being of his children.

- *“He has seen very little of his mother”* - OF COURSE. From September 2007 until February 2008 the judicial system was giving me such a run-around and was exhausting so much of my energy in just trying to assure my own survival as well as that of my children, that I had little time to spend with them. Also, from February 2008 until my divorce (and after) Señor González would not let me see them, **and so of course they did not see much of their mother.**

- *“When they see their mother she speaks poorly of the father”* – I have no idea where this comment comes from, but it is not true, except to ask *“How is your father?”* I have been



extremely concerned about my ex husband's mental and emotional state since 2003, when all of his work related problems with the BBVA started, and have with each passing day saw his mental state getting worse and worse, and farther and farther from reality. In my report *Domestic Abuse and Discrimination against Women in the Courts – Violaciones of Human and Civil Rights* shows how abusers and psychopaths are manipulators and our divorce is just one more example of a lifetime of his manipulations.<sup>3</sup> Señor Gonzalez does not know any other way to relate with people other than manipulations because that is all that his parents ever taught he and his brother.

It should be noted that it was Señor González that was speaking derogatorily about me to anyone who would listen as demonstrated in the letter from Dr. Piedad Rojas Gil (document #2). And, the fact the judge only asked whether I spoke badly about their father is discriminatory against me and favoritism for Señor González.

In relation to the interview with the older son:

- “*indicates that he is good with his father, better than his mother, because he does more activities*” – First, it is not clear whether the judge interpreted that he is better with the father because he does more activities with him or if he is better with the father than the mother. I doubt very much that my eldest son would say that he was better with one parent than the other. When my children were young they would always ask me “Mama, isn't it true that you love me more than you love my brother?” and I would always answer “Don't be ridiculous, I love you both equally and as much as eternity. That's like asking who do you love more Mama or Papa? That question makes no sense!”

Second, of course he did more activities with his father, because he had not seen his mother for the past 6 months and for the 6 months preceding that his father had all of the family money for “playing” while I hardly had enough money to survive.

- “*Indicates that his mother did not pay much attention to him*”- Under what conditions this makes reference is very vague and open to whatever interpretation the judge wished to attribute. There are very few mothers that I know (literally around the world) that are as dedicated to their children, or who have always (since their birth) spent as much time and have dedicated themselves so completely to their education and needs; and has done so with great joy and

<sup>3</sup> “*Externalizando la culpabilidad protege al individuo de sentir el mismo vergüenza.*”.....Granos de sensibilidad de vergüenza normalmente vienen de eventos de vergüenza cuando éramos pequeños. **La vergüenza puede ser muy poderoso cuando vienen de interacciones con miembros de la familia, abandono, rechazo o situaciones estresante... con problemas financieros o infidelidades sexuales.** ....Echando la culpa a otros o encontrando un chivo expiatorio es una manera de encontrar un culpable o grupo de culpables para una variedad de problemas. **La motivación por lo cual puede ser distracción. Un bateador hace la culpa a su esposa para no mirar problemas actuales ... Proyección refiere al costumbre cognitiva de acusar otro persona de hacer exactamente lo que el esta haciendo.... su objeto es siempre distraer la gente y impedirlos de focalizando sobre la verdadero problemas... Los PSICÓPATAS CARISMÁTICOS: Este subtipo llega a menudo a creerse sus propias ficciones. Son irresistibles... El psicópata es un manipulador, que sabe exactamente lo que nos mueve y cómo manipular e influenciar nuestros sentimientos.... su comportamiento sirve para confundir y para reprimir a sus víctimas, o para influenciar a cualquier persona que llegue a escuchar la versión del psicópata sobre la historia. La manipulación es la clave de sus conquistas, y la mentira es una forma de alcanzar esto.....**



personal fulfillment (vea documento #2).

- *“He was alone the day of the alcoholemia incident. Indicate that it was very bad.”* - On that night my son (of 15 years and 11 months) was invited to go to a restaurant with a friend near our home, and since he had not made as many friends in Spain as he had had in Colombia I was always encouraging his friends to come over to the house or him to go out with them. It was because he had gone out that when my ex husband called to remind me about the neighbors birthday party I went to “saludar” my friends. And, of course he said that he had a very bad time. His father woke him up at 4am screaming at him to pack his stuff and took him to my ex husband’s parents house where he had been living since septiembre 2007, when I had originally filed my complaint against him for his abuse.
- *“I saw my mother drink various times, and I went with my friends or was alone in the house. He wants to live with his father.”* – The responses are the same as those above.
- *“Wants to see mother on over night visits with (elle) I say no says nothing.”* – The sentence is rather non-sensical and I am not sure what the judge is trying to say.
- *“He wants to live in the house in Villafranca”* – These lines are very important and why Señor González was threatening to throw me out on the street with nothing (with my children if they chose to live with me). I was afraid of being in the street with no money, no job, without anything, and with two children starting university it would have been worse. Therefore, of course my children wished to live in their home in Villafranca and as such had to choose to live with their father.

While every detail and interpretation of the judge Señor González and discriminated against me, what is flagrante es the idea that is a woman has a few glasses of wine she is an alcoholic, but one does not even ask if a man drinks, or how much. **Worse is that the judge does not even ask about the violence of Señor González en general or towards his wife or children.**

The fact that the judge awarded the custody of two minors Señor González, giving me hardly any visitation rights and assuring that I would not be able to stay in Spain, showed favoritism for Señor González and discrimination against me. This decision was based on ONE recommendation of a psico-social team that under the reasonable person principle who demonstrated not only favoritism for Señor González but whose consider of such violent and aggressive actions as “normal” is extremely worrisome. Such attitudes toward violence and prejudice toward patriarchal prerogative puts the life and security of women and children that fall under their power. Authorities should take very hard line investigating their qualifications, competence and any other cases in which they have been involved.

The traditions and recommendations against women and the support of patriarchal prerogative are well documented for psico-social teams based on said recommendations. El Estudio Jurisprudencial sobre el Impacto del SAP en los Tribunales Asturianos (<http://www.mujeresjuristasthemis.org/EstudioSAP.pdf>) demonstrates not only discrimination against women and favoritism for men but a 85-88% reliance upon the recommendations of the judges, even when faced with evidence of violence towards women and/or children.

A resume of my interview with the psychologist of the juzgado de Mostoles is as follows, and under the reasonable person principle one cannot imagine that such the actions of Señor Gonzalez were



not violent and abusive. In addition to the interview itself, I presented a copy of letters from Dr. Piedad Rojas Gil (document #2), Astrid Betancourt (document #3) and a copy of the letter I had sent to the American Embassy in Madrid requesting their assistance under the Convention of Consular Affairs (document #9), and are more proof of abuse, violence, and difamation of character campaign against me that Señor González had been carrying out for quite some time.

### **Questions and Answers During the Interview with the Court Psychologists**

“When the court psychologist asked me if I had put bolts on bedroom doors I responded:

*“Yes, but it didn’t do any good because he (my ex) has already busted through several in his efforts to attack me. I am not afraid of anyone or anything in this world, but I am not stupid. My husband weighs twice what I do and in a physical fight with him enraged and in a mad fury, I WOULD lose!”*

*“His grandfather, just before his death, gashed holes in a bedroom door with a kitchen knife in his efforts to kill his grandmother. All of the men in his family, are abusive; they just now wear a suit and tie and abuse their wives behind closed doors, playing the caring, concerned husband in public. My husband’s mother has been in treatment for depression and medicated for the past 15 years, result of the abusive manner su husband and sons treat her.”*

The court psychologists also stated in his report that I had once locked my eldest son and myself in my bedroom because I did not want him to go to see a futbol game. First, he never asked me about this episode and second it is completely untrue.

*I locked my son and me in my bedroom because my ex-husband was completely crazy with anger and charging up the stairs to attack me. He almost broke through a door in front of which I had bolted down my 200kg+ jewellery press in my anticipation of such outbreaks. I called the police who after 20 minutes, presented themselves at our home and advised me not to denounce my husband. When I showed them all of the damage to my home, they said any judge would just say “It’s his home he can break whatever he wants.” I had taped the entire episode, but no one was interested.*

*It was on another occasion my ex husband called the police making a hysterical scene, because I did not want my children going to a bar in Madrid (on a school night) at 10:30 PM to watch a futbol game. Two of the biggest reasons for children’s failure in school is that they are not eating correctly or getting enough sleep at night; just ask any dedicated teacher. I was not being unreasonable; I was just being a good mother and doing my job. It was his behaviour that was unreasonable, irresponsible and “crazy.”*

*He also asked me about the letter of October 28, 2007 (days before my ex-husband filed for divorce and medias a la previa) that I sent to the American Embassy requesting assistance here in Spain under the Convention of Consular Affairs, as I was receiving no assistance from Spanish social services. I provided them with a copy of the letter for their files.*

The contention that this letter was “proof” of my paranoia on my part is ridiculous. The fact that my husband, thereby the court psychologist, was aware of this letter is PROOF that he



has been “cyber-stalking” me. He left our home in September 2007 and had no physical access to my computer or my files, so how would he, and therefore the psychologists know that I had written a letter to the American Embassy, and what the contents of that letter were unless he could access the files in my computer?

*I also told them how “my ex-husband was always putting his children (and me) in “dangerous” situations; the worst and most frightening for me was in the jungles of Colombia for a week-end “paseo” to “tierra caliente,” right in the middle of guerrilla territory.” During our marriage there is example after example of his irresponsibility and reckless behaviour, but this psychologist found all of these examples “normal.”*

*Once, when my youngest son was two, his father locked him in a totally dark closet as punishment. Luckily, I was present and immediately “liberated” my child saying “Are you crazy?!”*

*When asked whether I feared for my children’s safety I honestly responded “Yes, he drives like a total maniac and once almost killed several people in a car accident at 270 km (170miles)/hour; permanently losing his French drivers license as consequence. Of course I am concerned when they are in the car with their father”*

*Additionally, the court psychologist claims that I was “confused” because when asked if I “worked,” I told them that if they wanted to know if I was gainfully employed the answer was no. But, that I had always “worked” first in raising my children and the past few years on a website/association,” producing documents regarding my work.*

*And, finally when asked if I was remorseful about my having been arrested for driving under the influence, I responded “Sir, I drove a few blocks at 15 km/hour after having had a few glasses of wine at a neighbors birthday party. What I did was illegal, but it was not immoral, infringed on anyone’s rights, or dangerous for anyone. The ones who should be ashamed and remorseful here are my husband, members of his family and anyone else who have broken more laws than I can count in their efforts to defame me and protect the “image” of my husband as an abuser. Not only what he is doing is illegal, but absolutely amoral. Additionally, if he had to go to such Macchiavello lengths, corrupting policemen, in order to invent “proof” against me, **THIS IS PROOF THAT ACCUSATIONS AGAINST ME ARE NOTHING MORE THAN LIES AND MANIPULATIONS.***

*(It should be noted that the customs most used in domestic violence and abuse are efforts to instill sentiments of culpability and shame in the victim. But, what is the most hypocritical is those who have broken laws and violated rights, things that are truly shameful and amoral and done openly and without shame, in order to instill shame and fear in their victim with any small infraction invented by the abuser.)*

It should be duly noted that the fact that interviews with court psico-social teams are in total violation of due process as they are conducted without an official transcripts, recording and without the presence of legal counsel or any witnesses. Under this fact alone, I contest the admisibility of court psico-social team’s evaluations and recommendations, particularly in consideration of the well documented discrimination against women and favoritism for men shown during their evaluations as stated above.



Also, the decision of the judge was based on an incident with the police which constituted police harassment on April 22, 2008 (see Juicio oral nº226/2008 y p. 12 *González de Alcalá vs. Wilcox – Case Study on Discrimination in the Courts – Lack of Due Diligence*). It should be noted that when the police detained me on the night en question, without any infraction by me, I indicated that this detainment was in violation of my rights and I would not submit to any examination (that was in violation to my right to privacy) without the presence of a lawyer, representative of the American and French Consulate, and translator in accord with my rights. In the divorce decree 1143/2007 (and juicio no. 226/2008) the opinion that I refused to submit to an examination without the above cited, producing a second penal infraction is another example of an opinion based on prejudice and is also erroneous. Not only is detainment by law enforcement officials without motive anti-constitutional, but as a foreigner I was totally in my rights to have a representative of my Consulate present for any interrogation or examination.

The fact that the police can retain people without any cause in a country where it is demonstrated there is a high level of discrimination and corruption “opens the door” to police harassment and violation of the rights of its people (see Beauty Solomon c. España Tribunal Europea de Derechos Humanos [www.womenslinkworldwide.org/wlw/new.php?modo=detalle\\_proyectos&dc=26](http://www.womenslinkworldwide.org/wlw/new.php?modo=detalle_proyectos&dc=26) and reports and statistics in *Domestic Abuse and Discrimination Against Women in the Courts – Violations of Human and Civil Rights – Case Study Spain*, calling particular attention to studies by Amnesty International regarding police harassment and the failure of the Spanish governments failure to investigate and punish said harassment and human rights violations.

Also, it should be noted that the contention that Señor González called 112 is logistically impossible, due to the time it took for the police to arrive at my domicile (less than 4 minutes) and the only logical explanation is that Señor González called the arresting officers were prepared in advance to detain me. Calling particular attention to the fact that 4 police officers in 2 police cars, responded to the call; giving much attention and importance (discriminatory) to a woman who drove a few hundred meters in Villafranca del Castillo after having had a few glasses of wine in a birthday party of a neighbor. It should be noted that it is VERY frequent for the residents of this urbanization to drive home after from a neighbors home after attending a dinner or party on the weekends, but VERY, VERY infrequent that the police stops people within the urbanization, electing to locate their retentions of alcohol test on M-503 and M-509, local highways where serious accidents by drunk drivers are common due to drunk and dangerous driving.

**My particular case raises legal questions not only the constitutionality of retention of people, by law enforcement officials, who have not committed an infraction of the law, but also whether said retention is in the protection of the public or is a punitive and intimidating action (or possible action) by State actors, especially in cases of abuses of their power and official functions.**

Also, it should be noted that Señor González was present at all moments at said retention and in order to have arrived (from the same party) and in order to arrive he was obligated to drive at 60-80km/hour in a 20km/hour zone (where accidents for speeding are frequent – see document #7 punto C) under the influence of alcohol influence of alcohol, (a fact that the police could not help



but - see attached documento *Juicio oral no. 2262008* and document #7 with the map of the trajectory of night in question), but at no moment did the police request Señor González submit to an alcoholemia test. Once again demonstrating favoritism for Señor González and discrimination against me.

Also, it should be noted that I made an oficial request for the recording of incoming calls at the policie station of Villanueva de la Cañada of the night in question, in order to demonstrate that Señor Gonzalez did not in fact call any central number, but rather directly to the pólíce in question. En reality this petition should have been done Señor Capell (as well as records out going calls of Señor Gonzalez's mobile pone on the night in question), needed to be approved by the chief of police, and which was subsequentially denied. If in reality Señor González called a central number, then why was access to official records denied to me? **Additionally, it should be noted that this is just another example of Senor Jorge Capell's negligence in my case, as I expressly asked him to obtain said records. He was privy to all facts of my explanation above and should have presented this explation to the presiding judge in divorcio 1143/2007, and his failure to do so is an another example of his negligence with resulted in discrimination against me. Otro vez insisto que es imposible que la policía pueden contestar a una llamada hecho a uno numero de policía central en menos que 4 minutos, sobre todo cuando tardan 1/2-3 horas para contestar a llamadas cuando la vida de mujeres están en peligro. Si eso es la norma y prioridades de la policía en España es claramente discriminatorio contra mujeres.**

4. In the divorce decree 1143/2007 Doña Pilar Saldaña Cuesta, accorded me alimony of €1.000/mes, minus €150/mes (child support), but also the responsibility for a mortgage of €2.300/mes, **which effectively means that after 20 years of having renounced my career and opportunities for higher education studies, dedicating my time and efforts to my family and Senor Gonzalez's career as an expatriated employee of BBVA, with 8 internacional movers, I had to pay €1.450/mes to Señor González without any income or job to cover this sum.**

The income of Señor González de Alcalá in 2007 was €15.000/mes (as recognized by the presiding judge in the divorce decree 1143/2007). An alimony award of €1.000 fails to recognize tha work that homakers do and shows a total ignorance on the part of Dona Pilar Saldana Cuesta as to the important contribution that mothers and homemakers make to their family and society (Black & Gregersen 1991, Black 1992, Shaffer et al. 1999, Riusala 2000), but the fact that I had top pay my ex husband pero **€1.450/month turns the homemaker into a slave, who much pay for her "liberation"**.

**Western countries use that fact that in Muslim countries men can throw their wives onto the street with nothing, not even the right to see their children as "proof" of the oppression and domination of these women, as is the reality of the case. But, what conclusions should be drawn in spanish courts where women are treated the same, particulary as under the Spanish Constitution, Spanish Civil Code, and Equality Act 2007, women are accorded more rights that perhaps any other country in the world? My case is a perfect demonstration how without changing discriminatory customs and traditions amongst lawyers and judges, the rights of women cannot, and will not, be**



### **advance in a real and effective way.**

It should be noted that the judicial decision of **Doña Pilar Saldaña Cuesta** shows a “**confused state**”, because in the “fundamentos jurídicos segundo” (p.6 of divorcio 1143-2007) states that “Javier González de Alcalá will continue to pay the totality of the mortgage of the family home” but in the “fallo tercero” (p.8) says that “Quenby Ann Wilcox will continue to pay the totality of the mortgage of the family home”. I have been told that what is indicated in the “fallo” is what is the most important.

In the judicial decision no.1079 dictated by Sr. D. Francisco Javier Correas González, Sr. D. Ángel Sánchez Franco, Sra. Doña Rosario Hernández Hernández, the alimony is reduced to €500/month because of the following:

- **that Quenby Wilcox “is of perfect state of health”**

The fact that I am “**in a perfect state of health**” completely and totally contradicts the **Doña Pilar Saldaña Cuesta in 1143/2007** who removed custody of my children and effectively barring me from seeing them as I was forced to go to the USA because of in order to survive because of financial conditions, for my supposed “**problemas de salud**”. That a court would declare me “incapacitated” when it relates to a job I have done with excellence, integrity and extra-ordinary results for 17 years, but in order to work I am outside the home I am “**of perfect health**” is clearly discriminatory against me and favors Señor González. And, under the reason person principle is incredible.

- *“Showing that there was no activity remunerated realized during the marriage, but in no moment it shows that this was at the imposition of the husband, and was completely and totally due to the lack of aspiration and intention of hers to not work outside of the home,*

As already stated earlier, the idea that if a woman decides to stay in the home, she is by definition lazy, shameful and/or a parasite is completely discriminatory and degrading to the hard and important work that women do in their homes. One of the greatest problems that is arising in societies where women have entered the work force and both partners work outside of the home, is that children do not have enough structure and care-giving in their lives. As studies demonstrate, children who grow up in excessively strict or at the other extreme excessively lack homes, become violent or “problematic”, often with drug or alcohol abuse problems, criminal tendencies, etc. Due to my work in my children’s schools over the years, my work with abandoned and street children in Bogota, etc. I understand all too well the serious consequences that a lack of dedication on the education and raising of future generations creates within a society. **It is for this reason that Global Expats is dedicated to providing support and remunerated employment opportunities, from the home with flexible working hours, to expatriated unemployed mothers (and increasing fathers) who are sacrificing their careers, dedicating their time and energy to their children, with the objective of offering support to these families as well as families within local communities.**

**If our societies do not stop valuing people by the money that they**



**earn and or manage, and not for the contribution towards humanity that they make within a society, the level of violence, and the social and economic problems produced, will continue to increase.**

Also these lines demonstrate a total lack of understanding of the reality of the life of expatriates. In the case of expatriates, the wife (or male homemaker) is obligated to renounce their career in order to follow the “bread-winner” to a foreign country where it is extremely difficult if not imposible to obtain a work permit and/or job. **In my case I did not work (outside of the home) during my marriage not because I did not want to, but because I was unable to.** I sacrificed my career and higher education opportunities in deference to my ex husband’s job in foreign countries, **making 8 international moves in 20 ears, and in the majority of cases I could not work in said countries.**

**It should be noted that the juzgado de Mostoles has jurisdiction over Villafranca del Castillo, Villanueva de la Canada, Valdemorillo, and Boadilla del Monte, which comprise a ery large portion of the expatriate communities of Madrid, and judges should be well aware of and versed in the particular circumstances and challenges of expatriate families and work situations.**

- *“In these lines we have not noted any signs of merit in efforts to find any work since the medidas provisionales, as in the investigaciones she has not even signed up with the INEM looking for work, showing a complete and total disinterest in obtaining a job, and whiere in two years she has not been able to obtain a job it is exclusively due to her lack desire and efforts to do so,”*

First, I was not registered with the INEM in 2009, because I was in the USA, homeless and barely surviving financially. The fact that the judges “jumped to the conclusión” that since I was not registered with the INEM shows once again how judicial decisions are based on prejudicial opinions and supositions instead of facts and logic.

**At the end of 2008 I was out in the street in Spain, without any money, without any job, and at 47 years old (with 20 years out of the labor force) it was impossible for me to find work, particularly in light of the present economic crisis. And, during 2009-2012 in the USA I have only been able to find temporary jobs, 2 times having to collect unemployment, and eligble for welfare, but unable to collect as I had no official address. I am very lucky that I was not restricted to the labor market in Spain wher discrimination against “older” women is so open that in employment annoucements it is frequently noted that “older that 30 years old need not apply...”**

**It should be noted that on one occasion I was fired from a job because my “situation as a victim of domestic violence and my legal problems in relation to my divorce in Spain mad eth poeple in the office uncomfortable” (as I was contextually told). The attitude of discomfort, dugsust and ostracization for women who dare to denounce domestic**



**violence and any abuses of power against her is ver ingrained in our societies;** and explains why man lawyers, judges, and psycho-social teams of the courts, divorce mediators etc. are “covering up” and supressing evidence of abuse and violence in the home with contentions and “diagnosis” of Parental Alienation Syndrome (PAS). Until these traditions, prejudices, and people who protect abusers in the society are exposed and denounced, the courts will continue to favor abusers.

More empical studies are neede regarding the prejudices, traditions and dynamics of these attitudes, but their existence are well documented and demonstrated in studies (see attached report – *Domestic Abuse and Discrimination Against Women in the Courts – Volations of Human and Civil Rights*).

It should also be noted that en 2008, I was looking for work in Spain but it was imposible to find anything. Also, my lawyers advised me not to look for work until after the divorce decree because, not only would I not be accorded custody of my children but I would not receive any alimony. Any judicial consideration that did not grant me custody of my children because I worked outside of the home, but did consider that the labor status of a man is completely and undoubtably discriminatory against women.

**Also, in relation to the aforementioned, the National Institute of Statistics (Spain) (see document #10), states that only 11% of separated and divorced women receive alimony awards (and at sums that leave them in poverty levels). This means that in 2010 in Spain only 12.135 women with an average age of 42 years old received alimony awards. But, if 1 year after the divorce the aliminoy can be reduced and/or terminated under the contention that the woman has not made enough effort to find employment (with no supporting evidence), or to the contrary alimony awards are removed if she has found employment the rate of alimony awarded, who have ENORMOUS difficulty in finding a job at decent salary levels) approaches 0%; leaving women who have passed their lives dedicated to their families in a state of terrible poverty after a divorce (see documento #10). These statistics CLEARLY SHOW THAT WOMEN IN SPAIN ARE NOT ONLY DISCRIMINATED IN CASE OF DIVORCE, BUT HOMEMAKERS RECEIVE EVEN MORE DISCRIMINATION.**

The idea that judges have about the work market and possibilities of homemakers in finding employment that have been out of the work-force for many years, **shows a lack of understanding of the reality of the modern world, and is very preoccupying as the decisions of these judges have such a huge impact on the lives of so many women and children, AS WELL AS WHETHER STATE ACTORS ARE VIOLATING HUMAN AND CIVIL RIGHTS.**

- “given her age and real possibilities in labor markets the real dedication to the family in the past, entrusted to the homemaker, considering that it was the father who help both children with their homework, and the inexistence of necessity of present and future participation (of the mother)”.



These lines son perhaps the most discriminatory against homemakers of all as they demonstrate a complete lack of understanding and appreciation for the work that women and mothers do in the home. **And, the idea that when one no longer feels the need for the mother or wife, she is thrown out on the street with nothing, not financial recognition, nor emotional recognition is extremely discriminatory and worrisome in considering the level of esteem and respect for the institution of motherhood in Spain.**

Also, whoever who believes that the only responsibility or work in bringing up children is helping children with their homework (WHICH HAD ALWAYS BEEN ME AND NOT THEIR FATHER) is very, very worrisome. **As the founder of an organization/company dedicated to helping families and children in being equilibrated and productive members of a society this is EXTREMELY worrisome. The complete lack of understanding about the realities of raising and educating children to be well-adapted, responsible, educated, equilibrated, etc. in order to become adults that are prepared to contribute in a positive and constructive manner to a society is once again VERY worrisome and discriminatory regarding homemakers status as “workers” within a society.**

Additionally, in relation to their prejudice against women against the woman/homemaker one should consider Art. 97 1<sup>a</sup> *the agreement that the partners have arrived upon*. The agreement and therefore the contract that I had with my ex husband, fixed by 20 years of customary actions and under article 2 of *The Principles of Contract Law 1999*, was that I would renounce my career, professional perspectives and higher education studies in deference to his career as an expatriated executive of BBVA. I dedicated my time to the education and personal development of our children, and family home. I executed all of my obligations and responsibilities above and beyond the call of duty, and the career advancement of Senor Gonzalez was greatly influenced by my “social” contributions within the expatriate communities (see document #11 – CV de Quenby Wilcox), particularly my efforts amongst the other expatriated families of BBVA, as well as ENORMOUS emotional support to Senor Gonzalez, during an extremely difficult times of work related problems with BBVA in Bogota, Colombia. Additionally, after my children started school, I spent many hours working in my communities, and thereby contributing to the honorable reputation of my family.

In exchange for all of this he would assume responsibility of the the financial security of me and our children. Under common property law and Spanish laws relating to marriage and its dissolution, I had reason to believe that the customs regarding the care of our children and financial maintenance would continue even in the case of dissolution of our marriage.

I was developing a company from our home in order to participate in the financial security of the family when our children were older, and we were in a difficult financial situation, but under the reasonable person principle if a woman renounces her career in deference to her husband’s and the well-being of her family, there is a moral and legal obligation that the husband must assure that she lives with dignity and comfort within his possibilities, even in case of divorce. **It should be noted that under European contract law, the parties of an**



employment contract are afforded certain rights of employment security, financial compensation, health insurance, safe working conditions, unemployment insurance, pensions, etc. and under the reasonable person principle homemakers should be accorded the same rights as any other worker/job in a society.

The fact that divorce courts do not recognize marriage as a contract nor a legitimate job, with the same rights afforded any other job is discriminatory, and relegates homemakers to a situation of servitude; in violation of article 4 of the Declaration of Human Rights, inter alía.

• “enough time has elapse in order for the effective disequilibrium that the ruptura of the marriage has caused... having passed a sufficient period to adapt herself to the obligations of the real labor market, if she has shown due diligence in her attitude and enough efforts on her part, and which would have required great lack of effort considering her education level... We reiterate, in the space of two years..., we consider that enough time has transpired for her undeniable skills and qualities to find (a job) that will adequately cover her own basic necessities, without having to have any aid from her husband, in full disposition of enough time to have prepared herself for insertion into the labor forcé, in a manner that compensates for the time during her marriage that she was out of the work-force,.... In an equal situation of employment that she was in when she entered into marriage... considering that at the momento to enter into marriage Doña Quenby had not just finished her studies ... the right to be not be in an inferior posición economically that she enjoyed before entering into marriage...until the momento she finds a job, and in whatever case, in the máximo of two years, starting from the momento of this decree, alimony payments will cease automatically, without the necessity for a new declaration.

Once again very worrisome these sentences that show a total lack of understanding of the reality and logic about homemakers that return to the work-force after so many years outside, as well as the discriminatory ideas. The idea that a woman who has been out of the work-force for 20 years in only 2 years can reintegrate herself into the labor market and rise to the managerial and financial level she had if she had never stop working is incredilbe and can only be attributed to the idea that a woman is unable to advance and rise in the work-force on an equal level as men; clearly discriminatory against women. Then that after 2 ½ years after a divorce the husband is not required to pay any alimony what-so-ever, which he has not been paying anyway is clearly favoritism for husbands.

It should be noted that in 1987 with the same age as my ex husband, a little less level of studies, and in the same financial profession, was earning substantiall more than Señor González, and if I had stayed in the labor market, or even could access the back alimony that Senor Gonzalez owes me so that I could start my company, I would be earning a salary much higher that him. **And, this is exactly why he is, and has always been, so desperate that I not work outside of the home; the shame of having a wife that is more successful in the work forcé, particularly after he had destroyed his career, would be for his egostical machismo the worst disgrace of all.**

• “...it should be taken into account that the major parts of separations have a negative



*impact in the economic level of both partners”.*

In declaring that divorces that have a negative incidents in the economics of both partners shows a complete lack of understanding of the reality in regards to the level of discrimination in divorce courts. Studies show that “the revenue of men increase 120% after divorce, while the revenues of women decrease b 33% (Wishik, 1986), the standards of women decline 73% in the year following a divorce, while men rise 42% (Weitzman, 1985).

- *“That we may consider that the loss of the employment of [de Javier González de Alcalá] ... is not his responsibility or fault, when it refers to his unjustified work absentism...”*

The attitude of Sr. D. Francisco Javier Correas González, Sr. D. Ángel Sánchez Franco, Sra. And Doña Rosario Hernández Hernández that when the woman has been out of the work forced for 20 years she cannot find a job due to bad faith on her part, but when a man is fired after 25 years in the same company it is because of the bad faith of the company is clearly discriminatory against women and favoring men. This attitude clearly demonstrates a flagrante double standard.

Also, if Señor González had lost his job for “*unjustified work absentism*” son after his divorce shows HIS INCAPACITY to manage a home, maintain a job and take care of his children all at the same time. During 17 years I did all of this, without any remunerations, and without and problem. This clearly demonstrates a serious professional error on the part of Doña Pilar Saldaña Cuesta in according the custody of the minor children to the father.

It should be noted that not only did she commit a serious error in according custody to Señor González, but also in according all financial resources and family patrimony to Senor Gonzalez. He has always been irresponsible with managing money. It is for this reason that I was trying to start a company that would eventually assume the financial security of my family. And, if it had not been for a lack of due diligence of everyone involved in this divorce, the little amount of family patrimony that I was attempting to save es lost forever.

Not only has the failures of lawyers to understand judicial manipulations responsible for defrauding me and my childrens of our patrimony, but when my ex husband finishes losing all of the family assets, I will be responsible of taking care of him. Even after everything that has transpired, he is the father of my children and was my husband for many years, and I take my responsibilities and obligations of being a parent and spouse (even ex spouse) very seriously. These are true family values, not the archaic ideas that I have encountered in the last 4 years in regards to marriage, and women and men.

The facts and infractions of my rights in relation to my divorce are many and various, and in order to understand the dynamics and all of the discriminatory events that have occurred in the past 4 years please consult *González de Alcalá vs. Wilcox – Case Stud of Discrimination in the Courts and Lack of Due Diligence*, where the details of violations and the implications of Constitutional, civil code and international conventions are enumerated.



In order to prevent the problems cited in my complaint o the various reports presented from continuing, the first step is to castigate and sanction all judicial actors that have been responsible for said violations as provided for in various international conventions and international tribunals and organizations.

Governments and judicial systems always claim that they lack enough resources and funds in order to comply with their obligations to promote and defend the interests of their people. But, while men (or women), with the assistance of lawyers act outside of the law or in violations of the rights of others, using judicial systems for their personal amusement and/or financial profit, harassing and abusing their former partners, without any consequences, this excuse does not have any basis.

To this end I am asking the Instituto de la Mujer, as well as the Colegio de Abogados de Madrid, the Defensor del Pueblo, Ministerio de la Justicia, inter alia to examine and investigate not only my own case but also the problems within family courts, especially in cases of gender violence, taking positive action in order to prevent them in the future. Statistics, reports and testimonies show that my case is not isolated o infrequent, but is quite common, destroying so many lives and perpetuating violence in our societies.

In presenting my complaint to the Spanish authorities I am acting in the interest of all victims of discrimination against women within the courts, and acting in respect to my obligations as a citizen and my preoccupations for the violence within our societies as well as all of the traditions that support, encourage and sustain this violence.

As such I am at the entire disposition to all authorities in Spain (and any other country) in developing solutions in front of this very serious and harmful problem for governments around the world and their people.

As Spanish is not my maternal language, I hope that I have clearly explained my position and contentions, but I rest at your disposition for any questions or doubts and can be contacted at my email address [quenbywilcox2@gmail.com](mailto:quenbywilcox2@gmail.com).

Atentamente,

Quenby Wilcox  
Fundadora – Global Expats  
[www.global-expats.com](http://www.global-expats.com)

De conformidad con lo establecido en el artículo 2.12 de la Ley 16/1983, de 24 de octubre, de creación del Instituto de la Mujer, solicito que el Instituto de la Mujer canalice, exclusivamente en el orden administrativo, la presente denuncia a los organismos que, en su caso, se consideren pertinentes, autorizando con esa finalidad la correspondiente cesión de los datos del presente formulario.

**FIRMA DE LA PERSONA DENUNCIANTE**



Firmado.....

**INSTRUCCIONES DE CUMPLIMENTACIÓN DEL FORMULARIO**

- Los campos marcados con asterisco deben cumplimentarse obligatoriamente
- La firma es obligatoria

A los efectos previstos en el artículo 5 de la Ley Orgánica 15/1999, de 13 de diciembre, de Protección de Datos de Carácter Personal, se informa que los datos consignados en el presente modelo serán incorporados al Fichero General del Área Jurídica IMUJER, responsabilidad de la Secretaría General del Instituto de la Mujer, regulado por la Orden TAS/326/2008, de 30 de enero. Respecto de los citados datos podrá ejercitar los derechos de acceso, rectificación y cancelación, en los términos previstos en la indicada Ley Orgánica 15/1999. Atendiendo a lo señalado en el artículo 21 de la citada Ley, y en los casos en que proceda, la comunicación de los datos de la denuncia a otras Administraciones Públicas se efectuará al amparo de la previsión establecida en el artículo 2.12 de la Ley 16/1983, de 24 de octubre, de creación del Instituto de la Mujer.