



CSW Communications Procedure
Human Rights Section
UN Women
220 East 42nd Street, 17th floor,
New York, NY 10017
USA

July 24, 2012

Dear Members of the Commission on the Status of Women;

I am here by submitting a complaint to the *United Nations Entity for Gender Equality and the Empowerment of Women – Commission on the Status of Women* against the Spanish government, for the following violations:

- their failure to protect victims of gender violence
- failure to assure due process and prevent discrimination against women within judicial proceeding pertaining to divorce, custodial decisions, and liquidation of common assets
- application of discriminatory norms against and stereotypes of women during judicial proceedings and decisions
- the failure of government regulatory agencies to duly investigate complaints of lack of due process, discrimination, and negligence/corruption of State and non-State judicial actors

Briefly, my case began in 2007 when my husband of that time, Javier Gonzalez de Alcala, threatened to take away my children, all of my assets and throw me on the street with nothing if I did not renounce my efforts to create, Global Expats – www.global-expats.com, a project/business that I had been developing for the preceding year. This business venture would not only provide gainful employment for me but for thousands of other unemployed, expatriated homemakers around the world, while providing comprehensive assistance to millions of expatriated families around the globe. See enclosed, Global Expats – Concept and Structure¹. (Document #1).

His threats eventually escalated to repeated threats upon my life and person, becoming so violent that I was obligated to file an official complaint with appropriate Spanish authorities. In

¹ Supplementary information is available on <http://worldpulse.com/node/44543>

subsequent judicial proceeding he was absolved of all wrong-doing. During subsequent divorce proceedings:

- I was continually denied all access to my assets and funds (thereby hampering my ability to effectively defend my rights as well as those of my children)
- I was harassed and arbitrarily arrested by local police
- I was denied assistance from the local domestic violence assistance center (Villanueva de la Canada) and women's rights associations in Madrid
- custody of my children was illegally removed from me, with the courts effectively preventing my contact with them for the past 5 years
- my legal counsel were continually negligent in defending my interests and rights, constantly acting in the interests of my ex-husband rather than mine (their client)
- I was forced to leave Spain, and my children, due to on-going threats of my ex-husband of incarceration (prison and/or psychiatric facilities), repeated stalking and threats upon my life by him and third parties, as well as my inability to find gainful employment and/or access my funds and assets in Spain. (My present lawyer's stance to said threats is "Lady, it's not my problem.")

Financial claims against my ex-husband amount to approximately €2 million, but due to the repeated refusal of my legal counsel to reclaim said assets and financial compensation(s), as well as rampant corruption² of judicial proceedings, I have been left destitute, officially homeless, and unable to find long-term, stable employment for the past 4 years. (If my assets had been made available to me, my website would have been reconstructed and I would have been financially self-sufficient during all of this time; a fact of which my lawyers have been well aware from the beginning). Please find enclosed a detailed time-line of said events.

I have already filed complaints with the *Instituto de la Mujer*, *Consejo General del Poder Judicial*, and *Defensor del Pueblo*, but they have refused to investigate my allegations and/or take any action against the perpetrators of said violations. Please find enclosed a copy of my complaint for discrimination against women filed with the *Instituto de Mujer* (Document #2), my complaint for lack of due process to the *Consejo General del Poder Judicial* (Document #3), with both complaints being presented to the *Defensor del Pueblo*³. For your convenience I have enclosed a copy of their responses (Document #4).

I have also repeatedly requested assistance from my Consulates in Spain (American and French, as I and my children possess both nationalities), requesting assistance under the Convention of

² The definition of corruption used is that of Amnesty International; Transparency International; The International Council on Human Rights Policy; Edgardo Buscaglia and Jan van Dijk, Crime Prevention and Criminal Justice Officer and Officer-in-Charge, Human Security Branch, United Nations Office on Drugs and Crime in CONTROLLING ORGANIZED CRIME AND CORRUPTION IN THE PUBLIC SECTOR; inter alia.

³ The enclosed documents are in English, however, the complaints filed with said agencies were in Spanish; copies of which can be found on <http://worldpulse.com/node/52011> and <http://worldpulse.com/node/50602>

Consular Affairs, but have been denied assistance upon all occasions. Please find copies of my correspondence with US State Department officials since 2007 (Document #5).

The democratic model offered by the Spanish nation and its people is a truly exemplary structure in advancing the principles of democracy as well as advancing the rights of women. However, as shown in my case, the failure of judicial actors (State and non-State) to uphold and promote these principles and laws show that the true challenge in developing democracies, and eliminating discrimination and violence against women, which in turn produces economically and socially prosperous societies, **is dependent not upon progressive constitutions and legislation, but rather upon governments and their regulatory agencies in assuring that judicial actors utilize and apply these laws and principles during judicial proceedings and decisions.** (Please see my report *Domestic Abuse as a Human Rights Violations and the Principle of Due Diligence – Spain a Case Study* posted on <http://worldpulse.com/node/55730>).

In the coming months, and in my efforts to exhaust all remedies at my disposal within the Spanish judicial system, I will be filing the following:

- complaints against my legal representatives with the *Colegio de Abogados* and *Colegio de Procuradores* for their professional and criminal negligence in regards to my case
- complaints against the psico-social team of the *juzgado de Mostoles* assigned to my case with the *Colegio de Psicólogos*
- re-petitioning the *Instituto de Mujer*, *Consejo General del Poder de Judicial* and *Defensor del Pueblo* to investigate, prosecute, and punish any and all State and non-State actors who have violated my and my children's rights, or abused their power and authority in any way, resulting in mental duress to me and my children, as well as financial losses to me and my company.

Unfortunately, my case is not an isolated one, but rather occurring at a rate of 70% amongst women within western democratic nations, approaching a rate of 95% within minority/foreign national populations.

With the globalization of our world, and an increasing number of cross-national marriages, the failure of judicial actors to protect victims of domestic violence is also creating an increasing problem within the international arena, namely international child abduction under the Hague Convention. See reports by *The Hague Convention Domestic Violence Project* <http://www.haguedv.org/> (noting the *Recent Reports* section of their website). As shown in these reports approximately 70% of women involved in international child abduction cases are fleeing domestic abuse, and the failure of judicial systems to protect them.

Additionally, we are seeing and increasing awareness and recognition of the obligation of governments to protect victims of gender-based violence and abuse as human rights violations, under the principle of due diligence, within international human rights courts; calling attention to

Velasquez vs. Honduras, A vs. UK, (European Courts of Human Rights) and more recently *Gonzales vs. USA* (Inter-American Courts on Human Rights).

In filing my complaint with the UN, I would like to take the opportunity to add that the same problems that I and other women, are experiencing within the Spanish judicial system are occurring in judicial systems around the world. However, not only are these problems preventing the advancement of women's rights and elimination of gender-based violence, but are also perpetuating violence and abuse amongst future generations.

Statistics show that in 70% of custodial decisions involving sexual and physical abuse of children (excluding cases of psychological abuse), the abuser is awarded partial or full custody, with the protective parents being threatened with incarceration and/or loss of custodial rights if further complaints are filed for alleged abuse.

The rampant failure of judicial systems to protect victims of abuse, translates into 58,000 children in the USA each year being awarded custody to their abusers (for periods of 14-16 years); meaning that close to 1 million children each year in the USA alone are being sexually or physically abused by a custodial parent, with said abuse being sanctioned and encouraged by the court systems entrusted with the duty and obligation to protect these children⁴. Statistical data is sorely lacking in other western democratic nations, however, based on statistical data in the USA, this means that globally the rape and torture of tens of millions of children each year by a member of their immediate family is being sanctioned and encouraged by negligent judicial systems.

I hope that in bringing these issues and problems to the attention of the *United Nations Entity for Gender Equality and the Empowerment of Women – Commission on the Status of Women*, governments and their regulatory agencies will be propelled to take positive action in addressing horrific human rights violations that are occurring on a daily basis within their borders, and which is within their power as well as their duty to address, prevent and sanction.

I thank you in advance for your consideration and remain at the disposition of the *Commission on the Status of Women* to answer any questions that might arise. Additionally, I give my permission to communicate my identity to any government agencies or their representatives.

Sincerely,



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⁴ See REPORT – *Sexual Abuse of Children and the Failure of Family Courts to Protect* posted on <http://worldpulse.com/node/55730>