

Domestic Abuse as a Human Rights Violation and the Principle of Due Diligence: An Intersectional Approach

***Human, Civil & Constitutional Rights Violations,
Discrimination,
Lack of Due Diligence,
Corruption & Criminal Liability,
in Cases of Domestic Abuse
within Family Courts & Family Law***



By Quenby Wilcox

Founder – Global Expats / www.global-expats.com

Founder – Safe Child International / www.causes.com/causes/497298

Email: quenbywilcox2@gmail.com

Denuncia Contra el Juzgado de Mostoles, Primera Instancia #2

González de Alcalá vs. Wilcox

Introduction

In presenting my complaint against the *juzgado* of Mostoles *primera instancia* #2, my legal counsel, and all State and non-State actors implicated, for their lack of due diligence in violations of my (Quenby Wilcox) and my children's human, civil and constitutional rights, and for discrimination against me as a woman and foreigner, I hope that the Spanish authorities will accord it the importance it merits.

While my complaint is against the *juzgado* de Mostoles, my grievance is against all tribunals and judicial systems in Europe, North America, Oceania, inter alia, that are violating the rights of their citizens, encouraging and participating in discrimination against women, and failing to protect victims of gender violence and domestic abuse. And, in presenting my case to the Spanish authorities, international tribunals, inter alia, as well as all forms of media communication at my disposal, I am exercising my right to freedom of expression and thought.

It should be noted that the lack of due process and violation of rights can, and does, happen to all citizens in judicial systems, but women, foreigners, the poor, minorities and children are more exposed to these abuses of powers due to discriminatory customs, traditions and beliefs of judicial actors, as well as within the general population. While these problems are inter-related, discrimination and violations of rights should not be seen as problems that are contingent or causal, but rather problems that co-exist within a much greater arena; **the failure of the democratic process.**

It is for this reason that in efforts to prevent the violations of rights and discrimination, and as we shall see corruption and negligence, as well as assure successful legislative reform, and accountability and transparency within the judiciary; the real challenge comes in defying and changing the antiquated norms, beliefs and customs which permeate and guide judicial procedures and decisions.

While the issues presented in my case happened within a divorce court, and for many nothing more than a "private affair", the following should be noted.

Divorce, whether it involves gender violence or not, happens within a judicial system, under laws and judicial procedures, and as such reflects upon the integrity and honor of the fundamentals upon

which democracies are based. I cite art. 1.1 and 1.2 of the Spanish Constitution. *“Spain is hereby established as a social and democratic State, subject to the rule of law, which advocates freedom, justice, equality and political pluralism as highest values of its legal system. National sovereignty belongs to the Spanish people, from whom all state powers emanate;* as well art. 9, 10, 13, 14, 15, 18, 19, 20, 24, 27, 33, 35, 38, 40, 41, 45, 47 and 51. Any acts, opinions, or decisions by State or non-State actors that infringe upon the rights and liberties of any citizen (of Spanish or foreign nationality, and feminine or masculine sex), are participating in the corruption of said democracy, and principles upon which they are founded.

A true democracy is not founded upon a simple piece of paper where these articles and principles are written, but in the dignity and honor that every person possesses, and in their responsibility and obligation to respect, as well as defend the dignity and honor all other persons living within his or her community or country. As guardians of the Constitution and its principles, judicial actors, be they State or non-State actors, possess an even higher responsibility and obligation to defend these principles.

These are not principles that human beings have or understand at birth, but are based upon beliefs, customs, traditions and behavior that are learned, and determined by those people who care for, educate and relate with them during their entire life, especially the first 20 years.

It is for this reason, and in light of the fact that 3 out of 4, or 75% of marriages/civil partnerships in Spain end in separation and/or divorce, that the decisions by tribunals regarding custody or financial considerations, are not, nor cannot be considered a “private affair” or “civil dispute”, particularly within the political arena.

The education and well-being of our young, of today as well as future generations, should be, **and must be**, the **NUMBER ONE** preoccupation, of governments around the world, as well as the **defense of their rights and liberties at all levels of society, above all in our judicial systems.**

As demonstrated in the report (posted on <http://worldpulse.com/user/2759/journal>) *Domestic Abuse as a Human Rights Violations and the Principle of Due Diligence - An Intersectional Approach*, the economic and social well-being of a country depends directly upon the health and well-being of its people. The problems associates with the psychological and physical well-being of a nation; be they economic, educative, social, health-related, criminality etc., etc., problems which all of our countries are facing, are the direct result of the antiquated socialization of our young, which is based upon abuses of power, excessive discipline or excessive permissiveness. Socialization techniques of “civilizations” have been developed over thousands of years and have taught domination of the strong over the weak, tyranny, hate, discrimination, but all too rarely the principles of conviviality, dignity, respect or equality.

If we wish to create a world where we can all live in peace and prosperity, we must radically change the way that we relate to each other. In order to achieve this goal we must start with the way in which we nurture and education our children, as well as the morals and values that we transmit and teach them.

In considering my case and complaint, particular attention should be afforded the damages which are caused by the lack of integrity and wide-spread corruption¹ within judicial system and the negative impact on an economy, particularly in light of the present global economic crisis.

It is well demonstrated that corruption has a negative impact on the development of new businesses, the development of free commerce, the development of infra-structures, the confidence of foreign investors, and promotes political corruption at all levels. I cite *The Relationship between Human Rights and Corruption: the Impact of Corruption on the Rights to Equal Access to Justice and Effective Remedy* by Victoria Jennett²

“Corruption in the judicial system undermines democracy and human rights as well as diminishing economic growth and human development. The judicial system is the cornerstone of democracy: the enforcer and interpreter of the law passed by the legislature and implemented by the executive. It is also the final arbiter of disputes between parties. If a justice system is corrupt public officials and special interest groups can act in the knowledge that, if exposed, their corrupt and illegal acts will go unpunished. Public confidence in governance and the institutions of state is eroded as judicial corruption facilitates corruption across all sectors of government and society. Human rights are debased as citizens are not afforded their rights of equal access to the courts, nor are they treated equally by the courts. The international business community is reluctant to invest in countries – often developing countries that most need investment – where there is no certainty in the rule of law and no guarantee that contracts will be respected because the judicial system is in the service of those in power or with the deepest pockets rather than in service to the rule of law.”

My own case exposes not only how corruption acts within the judicial process, its consequences from a human, civil and constitutional rights perspective, and the criminal liabilities produced by actors of said corruption, but also the consequences that it has on the development of a commercial entity within a country.

¹ In this official complaint the definition of corruption used is that of Amnesty International; Transparency International; The Internacional 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 alía.

² The Relationship between Human Rights and Corruption: The Impact of Corruption on the Rights to Equal Justice and Effective Remedy, by Victoria Jennett, THE INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY, Review Meeting, Corruption and Human Rights, Geneva, 28-29 July 2007

My company, Global Expats³/www.global-expats.com, would have generated €100+ millions in revenues in the past 4 years, as well as thousands of jobs, and at present would be headquartered in Spain, (paying substantial taxes) if it had not been for the misappropriation of all of my assets by the Spanish judicial system.

In considering my case, and complaint, the Spanish authorities should look at the problems presented as representative of what is occurring in family courts, particularly in cases of gender violence and domestic abuse. The traditions that cover-up abuses of power, whether within the family, community, or tribunals, all utilize the same tactics and have the same objectives (intimidate and dominate the victim), but are so ingrained in our customs and minds that the majority of people do not even recognize their existence.

Therefore, while customs, traditions and laws that I am challenging and defying might be considered “normal”, for the simple reason that they have always existed, they cannot be defended or maintained under this principle. It is in this spirit and under art. 1, 2, 3, 4 and 5 of the *Convention on the Elimination of All Forms of Discrimination Against Women*, art. 1, 2, 3, 4, 6, 8, 10, 11, 12, 13 and 14 of the *Equality Act 3/2007* and the principle of “positive action” in the elimination of discrimination against women, I am asking the Spanish authorities, to **accord partners in marriage** (Señor González de Alcalá and I, Señora Quenby Wilcox), and **the State and non-State actors implicated, the same rights and liabilities, and with the same rigor, as any other contractual situation under the Spanish civil and penal code, as well as Spanish and international law.**

The democratic structure offered under the Spanish Constitution, its civil and criminal code, and its organic laws, designed to promote the rights of women (particularly the *Equality Act* and *Protection Measures Against Gender Violence*), and signatures to international conventions and pacts (particularly the *Convention on the Elimination of All forms of Discrimination Against Women*), **is admirable and offers the entire world an exemplary democratic model.** However, **as long as the rights of citizens that pass through its judicial systems are infringed upon with such facility and so overtly, the survival of the principles of democracy within its borders are in serious danger.**

If the Spanish State, and all societies, have any hope of transforming the ideas and political promises of the last 200 years into reality, we must pass from rhetoric to reality and action. And, in this there is no secret; it will be day-by-day, person-by-person, and case-by-case, holding all

³ See Document #19 (Global Expats – Executive summary, Concept, and Financial Projections) and <http://worldpulse.com/node/44543>

persons that violate the rights of others responsible for his or her actions, without regard for his or her station in life or power within the society.

In this complaint I introduce *Good Practices in Combating and Eliminating Violence Against Women* by the United Nations Division for the Advancement of Women 2005, as well as *Broken Bodies, Shattered Minds* by Amnesty International, in recalling **the principle of due diligence and the obligation of the State to protect victims from all forms of violence and torture, whether they be physical or emotional; and/or all forms of de jure and de facto discrimination; and/or violation of human, civil, and constitutional rights** under the Spanish Constitution, Spanish civil and penal code and national laws, as well as international conventions, at the hands of State or non-State actors.

*"Good Practices in Combating and Eliminating Violence Against Women" ⁴
by the United Nations Division for the Advancement of Women 2005*

"The failure of justice systems across the globe to effectively charge, investigate and prosecute human rights violations against women and girls has resulted in a system of global impunity for perpetrators, which must be urgently addressed.... Law and legal systems reflect wider cultural values, and in this respect they have been implicated as structures that have not only reflected, but also re-created, gender-based power relations. As a consequence, legal reform has been a core strategy in efforts to create gender equality. Legal strategies with respect to violence against women need to take account of the explicit and implicit ways law and its implementation has failed women, leaving them unprotected and with no route to redress and justice....

*Discrimination is a cause of, and makes women more vulnerable to, violence. A form of protection, therefore, is the repeal of all types of **discriminatory laws** including those relating to inheritance rights, **divorce**, citizenship, sexual and reproductive rights, **division of matrimonial property and employment**....*

Once laws have been enacted there is a need for ongoing independent institutional mechanisms for oversight. These can take the form of an ombudsperson, a national rapporteur or gender equality machinery. The fact that violence against women occurs in cross-border contexts also invites the development of cross-border cooperation....

⁴ See Documento #30 - *Good Practices in Combating and Eliminating Violence Against Women* by UN Division for the Advancement of Women

Too often inter-agency work at local levels is little more than "window-dressing" meetings, roundtables and even entire projects which result in reports, workshops or conferences, but create minimal change in the support, safety and services provided for victims/survivors, the sanctions applied to perpetrators or the efforts aimed at prevention.

A clear leadership role for women's specialist services should be built into all inter-agency projects alongside a linked reference group of survivors, or another feedback mechanism, to ensure accountability and monitoring...

Human rights standards are the bare minimum of what every human being should expect to enjoy in their daily lives. They provide internationally recognized and legally enforceable benchmarks.... Adherence to international human rights instruments, without reservations, strengthens women's enjoyment of human rights and fundamental freedoms, including protection from gender-based violence. Such instruments include:

- *International Covenant on Civil and Political Rights;*
- *International Covenant on Economic, Social and Cultural Rights;*
- *Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol*
- *International Convention on the Elimination of All Forms of Racial Discrimination;*
- *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;*
- *Convention on the Rights of the Child;*
- *The gender provisions of the Rome Statute of the International Criminal Code*
- *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;*
- *Convention relating to the Status of Refugees and the protocol relating to the Status of Refugees;*
- *United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especial and Women and Children;*
- *Security Council Resolution 1325 (2000) on women, peace and security;*
- *Declaration on the Elimination of Violence against Women;*

Broken Bodies, Shattered Minds
Torture and Abuse of Women
 by Amnesty International 2001

Torture by private individuals

International human rights treaties not only regulate the conduct of states and set limits on the exercise of state power, they also require states to take action to prevent abuses of human rights. States have a duty under international law to take positive measures to prohibit and prevent torture and to respond to instances of torture, regardless of where the torture takes place and whether the perpetrator is an agent of the state or a private individual.

The International Covenant on Civil and Political Rights requires states to "ensure" freedom from torture or ill-treatment. The UN Human Rights Committee, the expert body that monitors implementation of the Covenant, has stated: "It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7 [torture and ill-treatment], whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity".⁴

UN Convention against Torture

Article 1: "For the purposes of this Convention, the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

The UN Convention against Torture establishes the responsibility of the state for acts of torture inflicted "at the instigation of or with the consent or acquiescence of a public official". The European Court of Human Rights has affirmed that states are required to take measures to ensure that individuals are not subjected to torture or ill-treatment, including by private individuals.

In 1998, the Court found that the United Kingdom had violated Article 3 of the European Convention on Human Rights prohibiting torture and ill-treatment, because its domestic law did not provide adequate protection to a nine-year-old boy beaten with a cane by his stepfather.⁵ Human rights treaties are "living instruments", which evolve and develop over time. Decisions by the inter-governmental bodies which monitor states' compliance with international treaties, as well as by national courts, continually refine and develop the interpretation of what constitutes torture.⁶

Largely thanks to the efforts of the worldwide women's movement, there is wider understanding that torture includes acts of violence by private individuals in certain circumstances.

Acts of violence against women constitute torture for which the state is accountable when they are of the nature and severity envisaged by the concept of torture in international standards and the state has failed to fulfil its obligation to provide effective protection.

Severity of the harm

The severity of the harm inflicted upon women by private individuals can be as damaging as that inflicted on women who are tortured by agents of the state. The long-term effects of repeated battering in the home are physically and psychologically devastating. Women are traumatized and injured by rape, wherever the crime takes place. The medical consequences include psychological trauma, wounds, unwanted pregnancies, infertility and life-threatening diseases.

Intentionally inflicted

Many abuses in the family or community are intentionally inflicted. In addition, such abuses are often inflicted for similar reasons to torture in custody. Torture in custody is often used not only to extract confessions but also to instil profound dread into victims, to break their will, to punish them and to demonstrate the power of the perpetrators. Similar purposes characterize acts of torture in the family or the community. The perpetrators may seek to intimidate women into obedience or to punish women for allegedly bringing shame on relatives by their disobedience.

State responsibility

The perpetrators of violence against women in the home and community are private individuals, but this does not necessarily mean that the state escapes responsibility for their actions. Under international law, the state has clear responsibility for human rights abuses committed by non-state actors — people and organizations acting outside the state and its organs.

Internationally, the state is accountable in a number of specific ways. It can be deemed responsible for carrying out the human rights violation because of a connection with the non-state actors, or it can be responsible for its failures to take reasonable steps to prevent or respond to an abuse. The way in which the state is responsible is categorized in different ways. These include complicity, consent or acquiescence, and failure to exercise due diligence and to provide equal protection in preventing and punishing such abuses by private individuals. In all these circumstances, the state is allowing violence against women to continue, and in this report the term "failure of state protection" is used to cover complicity, consent, acquiescence and lack of due diligence.

Due diligence

The concept of due diligence describes the threshold of effort which a state must undertake to fulfil its responsibility to protect individuals from abuses of their rights. The Special Rapporteur on violence against women has held that "...a State can be held complicit where it fails systematically to provide protection from private actors who deprive any person of his/her human rights."⁷ Due diligence includes taking effective steps to prevent abuses, to investigate them when they occur, to prosecute the alleged perpetrator and bring them to justice in fair proceedings, and to ensure adequate reparation, including compensation and redress. It also means ensuring that justice is dispensed without discrimination of any kind.

The standard of due diligence was articulated and applied by a regional human rights court, the Inter-American Court of Human Rights. The Court stated: "An illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention [American Convention on Human Rights]."⁸ The Court stated: "The State has a legal duty to take reasonable steps to prevent human rights violations and to use the means at its disposal to carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation."⁹

...State inaction can be seen in a range of different areas. These include inadequate preventive measures; police indifference to abuses; failure to define abuses as criminal offences; gender bias in the court system; and legal procedures which hamper fair criminal prosecution. Many women victims of violence find access to legal redress and reparations difficult, if not impossible. Impunity and indifference habitually surround many acts of violence against women. Focusing on when the state fails to protect people from harm by others, and how it can be held to share responsibility for the harm, does not ignore the original abuser's responsibility.

In every case, the direct perpetrators must be fairly tried and punished for their crimes. AI considers that acts of violence against women in the home or the community constitute torture for which the state is accountable when they are of the nature and severity envisaged by the concept of torture in international standards and the state has failed to fulfil its obligation to provide effective protection.

Also, in considering my case it should be noted that an important issue within is my "right to work, to the free choice of profession or trade, to advancement through work, and to a sufficient remuneration for the satisfaction of (my) needs and those of (my) family. Under no circumstances may they be discriminated on account of their sex." (art. 35.1 of the Spanish Constitution).

However, in my case, this article of the Constitution covers different but related issues. The first is **my right to work out-side the home and/or develop entrepreneurial efforts**, the second **is my right as a homemaker to have my work and contribution to society recognized as such**.

In the first case in point, the manipulations and maneuvers of Señor González de Alcalá have been with the expressed object of preventing me from working, developing a business and becoming financially independent. His obsessive actions and demented manipulations to impede me from working and/or “making a living” have transgressed our entire marriage, and is the reason that Señor González de Alcalá always looked for expatriated posts within BBVA.

With 8 international relocations in 20 years, it was completely impossible for me to develop or maintain a professional career, pursue educational opportunities, or develop entrepreneurial opportunities that arose during our stance abroad. Paradoxically, it is our nomadic life that prevented me from working outside of the home that also gave me the idea to start a business for expatriated homemakers. This project provides me with the opportunity to utilize my expert experience and knowledge in the necessities and challenges of the expatriate family, my innate aptitude in helping other people, as well as create a profession/business that I could develop from my home and “transport” with me anywhere in the world.

State and non-State actors that have knowingly or unknowingly, assisted Señor González de Alcalá in preventing me from accessing my funds and/or assets in Spain, and whose intention from the beginning has been to impede me from creating and developing Global Expats (violation of art. 1390 and 1391 of the *civil code* and art. 22, 252, 250.7 and 172 of the *penal code*), are responsible for all violations of my right to work, inter alia⁵, and are liable for **all monetary and moral damages**⁶ that have been produced by said violations.

⁵ *Spanish Constitution* – art. 1, 9, 10, 13, 14, 20, 33.3, 35, 38, 40, 45 and 121; *Equality Act 3/2007* – art. 1, 2, 3, 4, 5, 6, 9, 10, 12, 14, 15, 42, 44 and 45; *Convention on the Elimination of All Forms of Discrimination Against Women* – art. 3, 4, 11, 13, 15 and 16; *Convention on Economic, Social and Cultural Rights* – art. 6, 7 and 15; *International Convention on Civil and Political Rights* – art. 5 and 26; *Spanish civil code* – art. 1254, 1256, 1258, 1274, 1277, 1279, 1280, 1282, 1288, 1088, 1089, 1091, 1092, 1094, **1098, 1101, 1102, 1902 and 1902** ; *Spanish penal code* – art. 10, 11, 17, 22, 23, 24, 26, 27, 28, 29, 31, 31 bis, 109, 110, 112, 113, 116, 117, 118, 119, 120.4, 121, 122, 124, 125, 126, 127, 129, 169, 172, 173, 177, 195, 243, 248, 250, 252 510, and 512.

⁶ Para blogs, etc. Documenting the emotional damages see <http://stopthetortureandgenocide.blogspot.com/2009/07/domestic-abuse-cancer-within.html/> <http://stopthetortureandgenocide.blogspot.com/2009/07/end-domestic-abuse-through-actions-not.html/> <http://stopthetortureandgenocide.blogspot.com/search?updated-min=2009-01-01T00:00:00-08:00&updated-max=2010-01-01T00:00:00-08:00&max-results=7>

Another important consideration in examining my “*right to work, to the free choice of profession or trade, to advancement through work, and to a sufficient remuneration for the satisfaction of (my) needs and those of (my) family. Under no circumstances may they be discriminated on account of their sex.*” (art. 35.1 of the *Spanish Constitution*), is **the homemakers right to have her work and the important contribution she (or he) makes to her family, community and society recognized by governments, in the case in hand, by the juzgado de Mostoles and implicated judges.**

My own experience as a homemaker and trailing spouse, as well as my participation in the communities in which I have lived, has shown me the important role homemakers play in a society. This vital role is further documented in extensive research within the global mobility industry, which clearly demonstrates that the successful development of the family unit, as well as a productive and industrious employee, is determined by the homemaker/spouse. Their importance is also documented in studies and research within the micro-finance industry showing to what extent empowered women are a positive, driving force within their family, community and the economic development of a country.

The work executed by homemakers, if remunerated at comparable labor market wages would amount to a salary of €30.000/month. These women work tirelessly, are on call 24/7 with no vacations, receiving no financial remuneration or social benefits or recognition for their work⁷. Societies are increasingly acknowledging the valuable contribution of homemakers, even becoming a political issue in the present American presidential campaigns. As President Obama stated “*There's no tougher job than being a Mom...That's work, so anyone who would argue otherwise needs to rethink their statement.*”⁸

The failure of judicial actors, and as we shall see my legal representation, to recognize the work of homemakers, particularly during divorce proceedings, relegated my position as homemakers to one of servitude and/or slave.

While women customarily obtain custody of child in cases of divorce, this is due to agreements between the partners and not traditions within the courts. Fathers, who seek custody of children in divorce courts, are **awarded said custody at a rate of 94%, and in cases of documented sexual**

⁷ LA CUENTA SATÉLITE DEL TRABAJO NO REMUNERADO EN LA COMUNIDAD de MADRID por María-Ángeles Durán Heras.

⁸ <http://www.freep.com/article/20120413/NEWS07/204130368/President-steps-into-mom-is-a-job-fray-after-Mitt-Romney-s-wife-is-criticized>

and physical abuse at a rate of 70%⁹, even in cases where the mothers have been primary care givers.

In Spain only **11% of women are awarded alimony** (often at €500/year, 67% of the minimum salary), with no legal recourse in reclaiming said alimony. The average age of woman who divorce in Spain is 42 years old, after 15.6 years of matrimony, leaving **divorced homemakers condemned to a life of extreme poverty**¹⁰. Due to age and gender discrimination in the work-force it is impossible for a woman over the age of 40-45 years old to develop a career, leaving her with no option than to accept menial or low-level administrative jobs, at lower than competitive wages. It should also be noted that upon divorce homemakers have no rights to unemployment benefits, social security coverage, or right to pensions, etc. further contributing to their perpetual state of poverty.

Even though under common property law, women are entitled to half of all assets and income as well as equal rights in its management, antiquated ideas and customs regarding patriarchal prerogative¹¹ and the idea that homemakers “do not work” and “live off the sweat of their husbands brow”¹², are so prevalent amongst judicial actors, women are divested of all of their assets during divorce proceedings. This is accomplished, as we shall see during my entire case, through illegal manipulations by legal counsel, judicial decisions that violate women’s rights, and through antiquated, discriminatory laws and legal precedents, instead of application of progressive laws designed to promote the rights of women, and protection of rights and interests. This is why progressive laws, without accountability and transparency of judicial procedures, are totally ineffective in defending victims of domestic abuse and gender violence.

⁹ See Document #20 - *Sexual Abuse in the Family Courts and the Failure of Family Courts to Protect Them* p. 19-20.

¹⁰ See Document #10 – Statistics on Annulments, Separations and Divorces Year 2010 por el Instituto Nacional de Estadísticas

¹¹ “both laws and practices still tend to make divorce easier to access for men than it is for women, and to make life tougher for women than for men in the post-divorce period. That this is true for both systems based on Muslim law and for those based on other sources reflects a commonality of patriarchal control asserted through laws, practices and social attitudes.”⁵⁴⁹ Laws that Discriminate Against Women p. 95 – Document #23

¹² “This points to a common difficulty experienced by women, many of whom do not participate in the paid labour market and who are therefore unable to contribute in monetary terms to the acquisition of family assets. The non-recognition or minimisation of the unpaid work done by women in the home and community results in legal disenfranchisement. ... She then cites the case of *Tabitha Wangeci Nderitu v. Simon Nderitu Kariuki*⁵⁷² where a judge described a stay at home wife who was seeking to claim a share of matrimonial assets after divorce as “sitting on her husband’s back with her hands in his pocket” seemingly forgetting that the “cock bird can feather his nest because he does not have to spend all day sitting on it” or put differently, that a man is enabled to go out into the paid workforce because his wife is taking care of hearth and home for him.⁵⁷³... some legal systems may see the husband’s duty to give dower for the wife and to maintain her during the course of the marriage as entitling him to unilaterally divorce her and also to keep the matrimonial assets on the dissolution of the marriage.⁵⁷⁴... Operating on the principle of “take what you have paid for” negates a woman’s domestic contribution, for all she is able to point to, are the clothes on her back and maybe a few pots and pans. Laws that Discriminate Against Women p. 98-110 – Document #23

In my own case, it still remains unclear to what extent my legal counsel is responsible for my failure to access financial information, records, and assets under common property law and to what extent discriminatory procedural laws in Spain is responsible. However, what is clear is that failure to access this information and property directly and/or indirectly have violated my rights under art. 1, 9, 10, 14 and 33.3 of the *Spanish Constitution*; art. 1, 2, 3, 4, 5, 6, 10, 11, **12**, 14, **15**, 42, 44 and 45 of the *Equality Act 3/2007*; art. 11, 22, 28, 29 195, 250.7 and 450 of the penal code; art. 1088, 1089, 1090, 1093, 1094, 1100 1254, 1255 and 1262 of the *civil code*; art. 2, 3, 4, 5, 11 and 12 of the *Convention on the Elimination of All Forms of Discrimination Against Women*; art. 1, 2 and 3 of the *International Covenant on Civil and Political Rights*; art.1, 2, 3, 10 and 11 of the *International Covenant on Economical, Social and Cultural Rights*.

Perhaps of greatest interest in examining the rights of homemakers, and violation of those rights by divorce courts, is the Equality Act 3/2007. Art. 1, 2, 3, 4, 6, 7 and 8 provide for equality of men and women, with protection of women against discrimination, with art. 14 providing additional obligations of public authorities and officials to promote equality and positive action in cases of *de facto* discrimination against women. Art. 9, 10, 11 and 12 (strengthen by art. 1101 of the civil code and art. 109, 11, 111, 112, 113, 116 and 118 of the penal code) provide legal redress and monetary reparations for women in cases of discrimination, with art. 13 providing that the burden of proof of non-discrimination against women fall upon the defendant(s); in this case my legal counsel as well as implicated judges and civil servants of the juzgado de Mostoles.

Of additional consideration is art. 14.5, which strengthens public authority's responsibility to eradicate gender and domestic violence, placing a particularly high burden upon divorce courts, and all and any civil servants (under art. 24.2 of the *penal code*), who participate in said proceedings. Since court psico-social teams and their recommendations play a particularly elevated role, 85-88% reliance rates¹³ in custody determinations, discriminatory practices and opinions which promote patriarchal prerogative and/or gender and domestic violence by them, should be given particularly high consideration in examination of my case and complaint.

The contention of judicial actors that my accusation/complaints of violence and abuse at the hands of Senor Gonzalez de Alcala are manifestations of schizophrenic paranoia and/or substance abuse is guided by nothing more than antiquated customs used to justify abusive actions and deviate attention away from the abuse and abuser onto the victim.¹⁴ Studies in the past 20 years into domestic abuse and violence and its consequences, clearly demonstrate that attitudes of the past

¹³ Estudio Jurisprudencial sobre el Impacto del SAP en los Tribunales Asturianos (vea Documento #24)

¹⁴ See Document #31 – Domestic Abuse as a Human Rights Violation & the Principle of Due Diligence: An Intersectional Approach by Quenby Wilcox, Founder, Global Expats p. 43-71.

towards parental and patriarchal prerogative promote and sustain traditions of abuse¹⁵, and that mental disorders and substance abuse are caused by said abuse, rather than a “weakness of character”¹⁶.

And, finally in consideration of my case, and governments obligation and commitment to “positive action”, particular attention should be afforded the objectives and goals of Global Expats, which is designed to not only provide much needed support to the family unit (expatriates¹⁷, specifically) by offering extensive information and emotional support to the *trailing spouse*, homemaker, but also provide her (or him) with the possibility to maintain her career and financial independence while abroad.

With the modernization of our societies women are increasingly moving into the remunerated labor-force outside the home; however this has created a situation where they are surcharged with a disproportionate amount of work. Not only are they expected to perform at par, or better, than their male counter-parts in the work-force, but are expected to execute all of the work and roles they have traditionally played within the home. Additionally, it has created a situation where in the case of both parents working outside the home, children are not afforded with the structure and direction they need in becoming responsible, productive members of our societies; a fact that governments are neither recognizing nor addressing in their public policies or legislation.

It is for these two reasons that many women, and increasingly men, are giving up their careers and financial independence to follow their partners abroad, but are then faced with the desire to utilize their professional knowledge and skills. This labor market is composed of an estimated 5-10 million women around the world, with a wealth of resources, just waiting to be utilized to their full potential.¹⁸ Global Expats is modeled after the “tried and true” trailing spouse, philanthropic associations, but turns the concept into a revenue-producing entity in order to assure its long-term survival and success.

The bulk of initial revenues will be generated from advertising to a present Internet audience of 20-25 million page views per month. Expatriates markets around the world are composed of 50

¹⁵ Ibid, p. 104-150.

¹⁶ Ibid, p. 226-234

¹⁷ Cultural Adjustment of the expatriated family is the determining factor in a successful expatriation experience, with the expat homemaker instrumental in assuring that adjustment. Since, multinationals, and other expat employers, spend billions of dollars (euros) each year to expatriate their employees, the adjustment of the expat family, particularly the expat homemaker and her (or his) desire to maintain a career, is increasingly becoming a focus of multinational and foreign service HR departments. See Family In Global Transition <http://www.fgt.org/bibliography>

¹⁸ See Document # 25 - *Global Expats - Market Analysis - Profile of the Trailing Spouse and the Expat Family*

million people who collectively generate \$14.8 trillion usd in spending per year. Advertising revenues of comparable websites, such as www.citysearch.com, www.yelp.com, www.about.com, are generating \$100+ million/year, and as such, reasonable and justifiable revenue targets for www.global-expats.com¹⁹ **The lost profits, and monetary damages of Global Expats from 2007- 2012, due to la negligencia of the Spanish judicial system, are estimated at \$15 million usd.**

It should be noted that in addition to the responsibility and liability for monetary damages of lawyers implicated in my case, the Spanish government can also be held responsible for financial damages suffered under art. 10, 109, 111, 113, 116, 121, 122, 123 and 124 of the *penal code* for acts, or omissions of acts by civil servants (as defined by art. 24.2 of the penal code) under art. 413, 414, 428, 429, 451, 22, 27, 28 and 29 of the penal code.

Discriminatory Actions in Juicio 607/2007

On September 4, 2007 I filed a complaint against my husband for his threats upon my life and person. These intimidations began in June 2007, with threats to take away my children, all of my money, and throw me out on the street if I did not stop working on my project/business, Global Expats – www.global-expats.com. But, on September 3, 2007 the violence lasted all day long at levels much higher than usual. I was convinced that the next time his violent rage occurred he would kill me.

Juicio Rapido 607-2007 – The presiding judge refused to accept my petition for a restraining order (stating that said order could not be petitioned after the initial complaint, contradicting what the guardia civil had told me the day before) and refused to accord a pension for me and my children, in violation of my rights under art. 1318, 1319, 1347, 1362, 1375, 1382, 1386, 1390, 1391, 142, 143, 144 and 154 of the *civil code*. During the hearing Señor de Gonzalez de Alcalá's lawyer was disrespectful to me, as was the judge. When I made a sigh, the judge said to me in a menacing way "*If you do not keep quiet, I am going to throw you out of the court!*" in violation of art. 9 of the *Rights of the Citizen*, *inter alia*.

In the hearing it was demonstrated that Señor González de Alcalá had total control of all money and assets, was not listening to me about their management, and was obsessive in his control; proof of his abuse, and in violation of my rights under art. 32 and 33 of the Spanish Constitution; art. 1316, 1347, 1322, 1362, 1375, 1376, 1377, 1383, 1390 and 1391 of the Spanish civil code, but everything was discounted by the judge.

¹⁹ See Document #19 - Global Expats - Executive Summary, Concept and Financial Projections

During the proceedings he alleged that I was an alcoholic and drug-addict. An accusation rather ridiculous in light of the fact that during our marriage it was Señor González de Alcalá that was always going out to discotheques and restaurants, etc. with his friends, leaving me at home to take care of our children, cleaning, cooking and working in philanthropic efforts during my free time (or on www.global-expats.com) (see documents #3, #4, and #11). It should be noted that during the hearing no one asked Señor González de Alcalá about his consumption of alcohol, or other substance, or his frequent evenings out and parties, in violation of art. 14 and 24 of the *Spanish Constitution*; art. 2(c), 2(d), 2(f), 5(a) and 15 of the *Convention on the Elimination of All Forms of Discrimination Against Women*; art. 2, 14.1, the *International Convention on the Civil and Political Rights*; art. 2, 4 and 6 the *Equality Act 3/2007*, inter alía.

In this hearing, and in all judicial proceedings afterwards, judicial actors believed the fantastic accusations of Señor González de Alcalá, even in front of proof and evidence to the contrary. But, the proof and evidence of abuse, illegal manipulations and bad faith on the part of Senor Gonzalez de Alcala were not only discounted when brought up, but judicial actors, including my own legal representation, cover-up said abuse, as we shall see during the case presented herein.

The continual favoritism towards Señor González de Alcalá, and discrimination against me were in violation of art. 14 and 24 of the *Spanish Constitution*; art. 2, 3, 4, 6, 7, 9, 10, 11, 12 and 13 of the *Ley de Igualdad 3/2007*; art. 2(c), 2(d), 2(f), 5(a) and 15 *Convention on the Elimination of All Forms of Discrimination Against Women*; art. 2, 5 and 6 of the *International Convention on the Elimination of All Forms of Racial Discrimination*; and art. 2, and 14.1, the *International Convention on the Civil and Political Rights*, inter alía.

I denied his allegations, recognizing social consumption (**in a country where wine consumption is part of the culinary patrimony**) but I did not understand the relevance of the questions. My lawyer, Senor Gonzalo Martinez de Haro de Vinander, Carlos and Asociados, who came recommended on the website of the American Embassy in Madrid, and with whom I consulted in July 2007 about initiating a divorce and litigation against my web designers in Florida (Arnima Web Design, www.arnima.com) for breach of contract, did not protest against such questions, as irrelevant to the complaint and in violation of my rights under 24.2 of the Spanish Constitution, and his “omission of act” was in violation of art. 4 and 5 of the *Deontological code 658/2001, june 22*, and art. 512 of the *penal code*, inter alia.

Then, Senor de Haro, did not inform me about the judge’s decision, that in effect declared me a drug-addict and alcoholic, nor the necessity to appeal such decision or the process to do so; once again in violation of his obligations under art. 4, 5 and 13 of the *CODIGO DEONTOLÓGICO, 658/2001, de 22 de junio* and art. 467 and 512 of the código penal española, inter alía. It should be noted that I never received a bill from the procurador, Señor Juan Bosco Hornedo Muguero, and

that the civil servant/file clerk handling the case insisted and insisted that there had not been a procurador until I found a document signed by him within the documents (see document #13). I do not know why I never received a bill, nor why the civil servant did not want me to know the name of the procurador, or even if this is relevant to the failure of Senor de Haro to appeal the court decision, but it seems to be an irregularity worth noting. (I still do not fully understand the responsibilities and obligation of a procurador).

I was later told that it is “unseemly” in Spain for a woman to consume any alcohol, tobacco or other “substances” (minus pharmaceuticals) and that my testimony was considered “inadmissible” because of my “bad character”.

The antiquated notion that abstinence (alcohol, sex, etc.) is a sign of respectability, integrity or morality, and its prevalence in judicial considerations, is one of the most detrimental factors in defending the rights of victims of domestic abuse. True “morality” is not linked to antiquated Victorian and puritan norms, but in the respect of the rights and “privacy” of others, as well as the integrity in the execution of your work and profession and/or your relation with, and behavior towards, other people.

In addition, the use, and abuse of “drugs” (pharmaceutical, illegal, and legal) as well as emotional and/or psychotic disorders, are caused by the stress related to domestic abuse; a fact demonstrated in report after report and statistics around the world. **Accusations and/or problems associated with “substance abuse” or “strange behavior” should be seen as “proof” of gender violence or domestic abuse, and not the contrary!**

Art. 66-68 ²⁰ of the Spanish civil code clearly defines the responsibilities and obligations of partners within a marriage, and this should be the concentration of the courts in cases of divorce; and not defamation of character campaigns. The failure of courts and judicial actors to present and examine evidence and proof instead of participating in “witch-hunts” based on rumors and innuendos is the reason that abusers are being awarded custody of children at alarming rates.

For example, in my case there is quite a bit of evidence that Señor González de Alcalá had an intimate relationship with the Brazilian woman who rented a room in our home from the beginning of 2007 until September 4, 2007, the day after Señor González de Alcalá left our domicile. But, any sexual infidelity on his part during our marriage is without any importance in divorce

²⁰ Article 66. The spouses are equal in rights and duties. Article 67. The spouses must respect and assist each other and act in the family interest. Article 68. The spouses are obliged to live together, to be faithful to one another and to come to one another’s aid. They must, furthermore, share domestic responsibilities and the care and attendance of parents and descendants and other dependents in their charge.

proceedings. (**THIS is a private affair between Senor Gonzalez de Alcala and me, and no one else**). What is, and was, important, and that the judge completely discounted, was the “infidelity” of Senor Gonzalez de Alcala towards his family in risking their financial security; his defamation of character campaign against his spouse and mother of his children (started in 2004 and our arrival in Spain in his efforts to “cover-up” his emotional problems²¹); his incredible efforts to prevent me from creating a business; his efforts to defraud me of all of my assets; **and worst of all have been his efforts to prevent me from being with our children. Of all of his crimes, and the crimes of everyone implicated, that is the most heinous and wicked of all**.

These things are not only immoral, but also illegal (art. 226, 208 and 252, inter alia of the *penal code*) and should be what is important in determining the custody of minor children; not some archaic ideas about what constitutes “una Senora” or “immoral” behavior under Puritan and Medieval ideas.

Social norms that accord importance about antiquated ideas of morality (sexual activities or sexual orientation; drug, alcohol or tobacco consumption; dress-codes; manners of speaking; socio-economic levels, etc.) should not only be irrelevant in divorce proceedings (and electoral campaigns, I might add) in today’s world, but are anti-constitutional under art. 14 of the Spanish Constitution in light of the double standards that have always existed regarding “acceptable” behavior” for women and “acceptable” behavior for men. Also, these considerations are anti-constitutional under art. 10, 15 and 18 del *Spanish Constitution*, inter alía, under the “right to privacy”.

The Machiavellian, illegal and immoral maneuvers of Señor González de Alcalá (and other members of his family) are unpardonable, but he could not have accomplished them, with such

²¹ As demonstrated in document #1- contestacion de Senora Garcia Martin, the emotional problems of Senor Gonzalez de Alcala arose after his work related problems in Bogota, Colombia as Executive Director of the Treasury Department of Banco Ganadero/BBVA, and when his functions were removed during 9 months in regards to irregularities in his department. This was very traumatic for Senor Gonzalez, and I (as was my obligation as his wife) gave him all of my support and encouragement in Bogota, as well as upon our arrival in Madrid en September 2004. But, these work related problems were nothing new, and I had spent our entire marriage managing the consequences of his erratic behavior and resulting problems. Upon our arrival in Madrid in September 2004, I gave him an ultimatum, that he confront his psychological problems or our marriage would be over. Instead of facing his problems, Senor Gonzalez de Alcala decided to start a defamation of character and destruction campaign against me. Within the understanding of gender violence, his behavior is quite “normal”, and is exactly this behavior and its roots that judicial actors need to understand and detect (and not cover-up as they are doing) in order to defend victims of gender violence and domestic abuse. Other problems related, and that need reforms, are psychiatrist and psychologists that find it easier to proscribe pharmaceutical drugs to victims of abuse instead of confronting the abuser in order for him (or her) to change their behavior.

facility and so overtly, if it had not been for such an elevated lack of integrity and due diligence for all actors (State and non-State) implicated. As demonstrated during this case, new progressive laws in democratic countries cannot advance, nor assure, the rights of citizens without a total competence and integrity of State and non-State actors in their professional functions. This is where the real problems lays in protecting the rights of women, children and victims of all forms of abuse and violence, and where governments and tribunals should be concentrating their efforts.

As demonstrated in *Domestic Abuse as a Human Rights Violations and the Principle of Due Diligence - An Intersectional Approach*, as well as case studies such as María José Carrascosa in New Jersey, Dr. Lori Handrahan in Maine, and many other examined by organizations such as the Legal Clinic “DV Leap” of George Washington University, the Hague Convention Domestic Violence Project, the American Supreme Court case *Abbott vs. Abbott*, inter alía, abusers are utilizing the tribunals in order to sanction, as well as continue their abuse of victims with litigations and judicial maneuvers.

Until governments are ready to examine their judicial systems from an “intersectional” perspective, with objectivity, recognizing that antiquated norms and laws in judicial systems are encouraging and sustaining gender violence and domestic abuse, the human rights violations of victims will continue under their jurisdictions.

September – October 2007

In the following months the threats of Señor González de Alcalá escalated, including threats to “incarcerate” and “drug me up” for the rest of my life, assuring me he had all of the power to do as he promised. These threats are a tactic often used by abusers in their efforts to silence their victims, and work quite well due to the lack of understanding by judicial actors, as well as the general public, about the signs of gender violence and domestic abuse (see *Domestic Abuse and Domestic Abuse as a Human Rights Violations and the Principle of Due Diligence - An Intersectional Approach*, p. 47-150).

Also, during these months Señor González de Alcalá blocked my access to all our funds, leaving me without money to cover basic necessities for me and our children. This was in violation of art. 39 of the *Spanish Constitution*, art.143 of the *civil code* and art. 226 of the *penal code* clearly proof of his abuse, but never at any moment did my legal counsel introduce these facts as evidence during divorce proceedings. Also, at the time Señor González de Alcalá stole the passports of our children, my passport, my *tarjeta de residencia*, registration documents of my car, expensive jewelry/precious stones, etc. for which I filed an official complaint, but these facts were never presented during divorce proceeding by my lawyers.

Upon several occasions the police were obliged to present themselves at my home due to the violence of Señor González de Alcalá, but upon their recommendations and the degrading manner I had been treated by the judge in 607/2007, I dared not file another complaint. My legal counsel did not present these facts as evidence as to the erratic behavior of Señor González de Alcalá in the divorce proceedings.

The failure (by omission of act) of my lawyers to act in my interests and present proof to the tribunals as to the abuse of Señor González de Alcalá was in violation of art. 3 and 4 del *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 512 and 22 of the *penal code*; art. 3, 4, 6, 7 and 9 the *Equality Act* 3/2007; and art. 4 of the *Declaration on the Elimination of Violence Against Women*.

Centro de Género de Villanueva de la Canadá

From September 5, 2007 until the end of October, I requested the assistance in obtaining a court-appointed lawyer and initiating divorce proceeding at the Domestic Crisis Center, but **they were of absolutely no help what-so-ever**. In all of my meeting with them I always asked the same question “*What do I have to do to get a lawyer?*” and the response was always the same “*In the next meeting they will tell you*”. Until the last meeting they told me to “*Go to the colegio de abogados in the c/ Serrano and ask them there*”.

Additionally, I asked for social services for me and my children, but they were never given. I asked if they organized support groups or self-defense classes (basic programs for such centers) but was told the “*Spanish women don’t want any of that*”. Eventually, I found an academy of martial arts in Majadahonda, where they told me they had offered to give specialized defense classes for women in the Domestic Crisis Center, but had always been told “*not interested*”. Also, in all of my interviews during these months, with hundreds of people, I asked if the judge could not obligate Senor Gonzalez de Alcala to attend “anger management” classes and was always told “*that does not exist in Spain*”. The lack of assistance and diligence of the Domestic Violence Center of Villanueva de la Canada in executing its functions was in violation of art. 13, 14, 15, and 16 of the Organic Act of Protection Measures Against Gender Violence (núm. expte. 121/000002), art. 512, 510 and 195 of the *penal code*, **and a total waste of the tax payer’s money**.

I was given so much of the bureaucratic run-a-round during those months, interviews with people, waiting in lines, etc. that I did not know what was up, down, right or left, **and all for nothing**. **Testimonies in reports by Amnesty International²² demonstrates that my experience is very**

²² More Rights, The Same Obstacles – 2006; HAY QUE ACTUAR A TIEMPO DETECCIÓN DE LA VIOLENCIA DE GÉNERO and ATENCIÓN A LAS VÍCTIMAS EN EL ÁMBITO SANITARIO ESPAÑOL- 2006; The Law Against Gender Violence: Two Years After Victims Continue to Encounter Obstacles – 2007; MÁS RIESGOS and

commune for victims of gender violence in Spain (as is the case in all countries). Until governments take care of the enormous amount of bureaucracy, and sanction civil servants who do not execute their jobs with efficiency and integrity, the re-victimization of victims by judicial systems will continue.

It should be noted that victims of gender violence normally put up with the abuse for many years before filing formal complaints and attempt to escape. When they enter into the judicial process they are already suffering from post-traumatic stress disorders, and other emotional and physical problems, and the chaos and bureaucracy within the judicial systems only serves to augment the stress of victims and the reason why victims are re-victimized.

The lack of due diligence by State and non-State actors in protecting the rights of victims of gender violence is in violation of the following:

- *Spanish Constitution*— art. 14, 15, 17.1, 24, 35, 39, 45.1 and 53.1
- *Convention on the Elimination of All Forms of Discrimination Against Women* – art. 1, 2, 3, 4, 5, 11.1d, 11.1e, 11.1f, 11.2c, 13, 15 and 16
- *Convention on the Elimination of Violence Against Women* – art. 2, 3 and 4
- *Convention on the Elimination of All Forms of Racial Discrimination* – art. 5
- *International Convention on Economic, Social and Cultural Rights* – art. 1, 2, 3, 6, 7, 10.1, 11.1, 12.1, 15,
- *International Convention on Civil and Political Rights* – art. 1, 2, 3, 6, 7, 17, 23, 24 and 26
- *Convention of the Rights of the Child* – art. 2, 3, 5, 6, 8, 9 and 18

Additionally, I went to my Consulates (American and French) requesting assistance (3 times each one and under the Convention of Consular Affairs art. 5), with basically answers to the effect of ***“He is your husband he can do whatever he wants”*** and ***“This is a private/civil matter”***.

Since I would not renounce my efforts to find a lawyer and initiate divorce proceedings, at the end of October 2007 Señor González de Alcalá initiated the divorce with the *medias a la previa* 1140/2007, filling his petition with false allegations of alcoholism and drug-addiction on my part. The petition was filled with citations of drug-addict, psychotic women, etc. that did not have any bearings on our case or divorce. These allegations of “crazy” and “witch-hunt” tactics are only more proof of Señor González de Alcalá’s unstable emotional state, and the fact that the judge, or

other judicial actor, would even consider this “proof” or “evidence” is nothing less than incredible. **(As incredible as if I attempted to make people believe that since Señor González de Alcalá is a man, was born in Morocco and is Spanish, this constitutes “proof” as to his violence or abuse. This problem exists in all countries around the world, is linked to the abusive and antiquated manner that children are raised and does not have anything to do with anyone’s nationality, races, religion, sex, DNA, genes, etc., etc.).**

Also in his petition Señor González de Alcalá falsified a bank statement, covering his name as title holder with mine (hand-written). The falsification of the document was so evident that I could not believe that his lawyer had introduced it in a divorce petition; in violation of art. 3 *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio and un violación, and art. 393 and 396 of the *penal code española*. **The falsification of “evidence” in his petition (and in almost all judicial proceedings thereafter), as well as repeated perjury, does not put in doubt the integrity and veracity of Señor González de Alcalá, and all of his contentions about me, from the very beginning?**

But, at the time in reading the petition what most worried me was that the petition stipulated that if I did not present myself to the courts in the presence of a lawyer to defend me, **I in essence admitted to the allegations of Señor González de Alcalá and in contempt of court.**

Ley de Enjuiciamiento Civil, Article 771. Provisional measures prior to a claim for nullity, separation or divorce. Application, hearing and decision. 1. A spouse aiming to bring a claim for nullity, separation or divorce of his matrimony may seek the effects and measures referred to in Articles 102 and 103 of the Civil Code before the court of his domicile. The involvement of a court representative and attorney shall not be required to file such application, but their involvement shall be necessary for any subsequent written statements or procedures.... The failure of any of the spouses to attend such hearing may lead to the facts alleged by the spouse who has attended being admitted to ground his petitions for provisional measures concerning assets.

When I read the stipulation that I needed a lawyer **NOW**, and any lawyer, I returned to the American Embassy website and called the only American listed there. He recommended a lawyer that specialized in international divorces, Senora Belen Garcia Martin. I contracted her with money obtained from the only valuable things I possessed.

This stipulation in the civil code in effect removes the presumption of innocence and is in violation of due process and art. 24 of the *Spanish Constitution*.

Additionally, this stipulation is not only anti-constitutional, but discriminates against homemakers and for women at various levels. My own experience, that Amnesty International confirms is frequent, shows the reality of the situation and its consequences:

- Lawyers from the private sector require advances of money before accepting a client. If a woman does not have access to money, things of value to sell, or family or friends that can lend them money, hiring a lawyer from the private sector is almost impossible.
- One of the most common criticisms of lawyers is their lack of ability to develop a defense for their client and the presentation of said defense to tribunals. Additionally, sanctions for negligent lawyers are almost non-existent within regulatory agencies. Statistics in the USA show only a 2-2.5% discipline rate for complaints filed, while the level of negligence is estimated to be at 70-75%.²³
- The time necessary to file for all of the necessary forms to obtain a court-appointed lawyer can exceed the time limit in order to respond to a judicial petition. Without a lawyer one is left without a defense, at times with very serious consequences. One of the documents necessary to obtain a court-appointed lawyer, documentation of unemployment, does not exist for homemakers. In my case in order to obtain one I was obliged to return 3 times to the unemployment office, and finally upon my insistence was given a hand-written note.
- **Foreign women are more open to discrimination than Spanish women** because they lack family networks or friends who can help them find a competent lawyer, as well as problems with the language and/or knowledge of laws and judicial customs.

Centers for judicial advice serviced by local bar associations and public lawyers, as my case demonstrates, are not familiar with procedural laws and judicial processes in cases of divorce. Between September 2007 and October 2008 I consulted with these services about 20 times (Villanueva de la Cañada, Majadahonda, c/ Serrano, c/ Capitán Haya, c/ Barbara de Branganza) and the responses to my questions were always the same “*I do not know, I am not a lawyer*” or “*I do not know, that is not my specialty*”. As so concisely stated in *Good Practices in Combating and Eliminating Violence Against Women* by the United Nations Division for the Advancement of Women 2005, these “advice centers” are nothing more than a façade.

- Also, I went to consult all of the centers and associations of women and victims of gender violence in Madrid and while some of them told me my lawyers where not fulfilling their obligations, no one could give me a name of a lawyer who could defend me, nor where they able to concretely tell me what I could do so that the lawyers would fulfill their obligation.

²³ See Documento #21 - Domestic Violence and Abuse in Our Societies and Court Systems p. 35

It should be noted that conventional wisdom believes that “racism” only exists against Africans (or of their descent), South Americans, Asians, and/or Arabs, but as defined by the Convention on the Elimination Against All Forms of Racial Discrimination “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin”.

The prevalence of anti-Americanism in Europe (and all over the world) is so extensive that Americans are particularly exposed to discrimination within judicial systems for the simple reason that no organization or association exists that will defend their rights and interests abroad.

Civil servants of Domestic Abuse Centers, Bar Associations, court-houses, or law enforcement officials, as well as lawyers from the private sector, that do not execute their jobs with competence and integrity, or even fail to obey laws are absolved of all responsibility and liability because victims do not have any effective recourses within judicial systems, nor the right of reparations for damages.

There are more and more reports that demonstrate that women victims of gender violence lose custody of their children, at times ending up in prisons in their efforts to protect them(see the case of María José Carrascosa <http://www.mariajosecarrascosa.es>), or even involuntarily committed to psychiatric hospitals. No statistics exist about the phenomenon of incarceration during custody battles, but reports and testimonies on networks on the Internet show a necessity for such statistics.

One of the saddest stories I found on the Internet was the following:

(<http://news-spain.euroresidentes.com/2004/06/disagreement-over-future-law-to-tackle.html>)

Anonymous said...

I am a female that has been in a violent marriage in Spain, and I'll tell there is no help from the Guardia Civil, Police, Social Services or the courts. There are no investigations carried out so you are sentenced according to denuncias, anyone from the street that you never met can be a testigo. If you do not speak the language they do not offer a translator for your statement only for the courts questions to you and your answers. Then you sign maybe 10 papers or more of the legal documents and that is in a language you do not understand. You are not given a choice you have to sign and nothing is explained even when you are sent to prison as was in my case. I'm still waiting to hear from someone out there why I was sent to prison but unfortunately all the forms I signed is proof I'm guilty. Wish I knew what crime I committed to be collected from my house and not read my rights, even at the courts, forced to sign a document and that was that. If there is help out there I would appreciate it. Thank youv

I responded to the post, instructing her to contact me so that I might at least notify her Consulate, but never heard from her. To this day I wonder what happened. Did she survive, or become just another cadaver and statistic?

November 2007- January 2008
Discrimination in Alimony Considerations
Medias a la Previa 1140/2007

- *Article 103 of the Spanish Civil Code states “ In admitting the petition, the judge, in the case that the spouses cannot arrive at an agreement, will adopt, in this hearing, the following measures: 3a fixing of contributions of each spouse to family expenses, including if necessary legal expenses, established on basis of quantities and guarantees at the disposition of each partner, retention and other temporary measures, in order to determine what one spouse must give to the other. It will be considered the contribution of the work that one spouse dedicates to the raising of common children.”*

For the *medias a la previa* my lawyer, Senora Garcia Martin, failed to draft and/or depose my *contestacion* in conformity with legal standards, and therefore it was not accepted by the courts. She is now communicating to me that on the day of the trial the judge decided not to accept the written contestation (see document #1), declaring that the hearing would only be verbal.

I still do not know if Senora Garcia Martin did not correctly introduce document #1 into court proceedings, or if it was the judge who refused to accept it, or if Senora Garcia Martin knew before hand that they hearing would only be verbal.

What, I do know, and is clear is that in the verbal hearing Senora Garcia Martin did not make any reference to the violence or abuse of Señor González de Alcalá, his emotional problems or the fact that they had been occurring for many years and were a result of his work related problems in Bogota, Colombia during 2003. In the written contestation that explained the facts of the case, but she did not present these facts in her verbal presentation. If she knew that only her verbal presentation would be permitted, which she now claims was ordered by the judge at the beginning of the proceedings²⁴, why did she fail to introduce evidence as to the abuse of Señor González de Alcalá in the verbal hearing? Her omission to introduce these facts, in effect covered-up the abuse and violence of Señor González de Alcalá, in the recorded transcripts of the tribunal as well as what was heard by the judge.

Other grave errors of Senora Garcia Martin were her failure to ask for “litis expensas”, as well as block bank accounts (art. 1389 of the civil code) in order to protect the family patrimony.

²⁴ While during the legal process and hearing I understood most of the Spanish dialogue, I did not understand a Word of their Spanish legal jargón, and I have absolutely no idea what the judge said during the first 5-10 minutes of this hearing, and in all hearings afterwards.

These acts, and omission of acts, were in violation art. 1, 3 and 4 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio and art. 252, 460, 467, 451, 467.2 and 512 of the *penal code*; art. 1347, 1365, 1366, 1369, 1375, 1378 349, 398 and 471 del *código civil española*; and art. 3, 4, 6, 10, 11 and 12 of the *Equality Act* 3/2007.

It should be noted that under art. 1390 and 1391 of the *civil code*, art. 10 of the *Equality Act* 3/2007, and art. 252 of the *penal code* Señor González de Alcalá has an obligation to return these funds and/or for an equal value as well as all costs associated with the recuperation of said funds.

Also, Señor González de Alcalá, Señor García Martin (art. 1, 3, 4 del *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio and 512 of the *penal code*, *inter alia*) and any other State or non-State actor (art. 17, 22, 23 of the *penal code*) that have incurred a criminal liability due to their acts, or omissions therein, are financially liable for funds losts under art. 249 and 251 of the *penal code* and art. 1908, 1101, 1106, 1124 and 1295 of the *civil code*.

It should further be noted that the transfer of €94.000 from BBVA nº 0182-4000-0411563734 in joint name account, Javier González de Alcalá and Quenby Wilcox, to the BBVA nº 0182-4000-0411563727, single name account of Javier González de Alcalá, is in violaci3n of art. 33.3 del *Spanish Constitution* and art. 1767 and 1772 of the *civil code* with an obligation on the part of BBVA to return to me half of those funds (as well as all information, financial accounts, revenues, salary, etc. in the name of Javier González de Alcalá (from August 1991 to November 2008, under art. 1347 of the *civil code*) with the failure of BBVA to return these funds in violation of art. 254 of the *penal code*; art. 1089, 1098, 1101, 1107 and 1108 of the *civil code*; and art. 10 of the *Equality Act* 3/2007.

Perhaps, my manner to terminate Señora García Martin was precipitated and not in accord with judicial norms, but I was very concerned about the complete lack of competence and bad faith of Senora Garcia Martin, and above all her intentions in the future. She was playing with my life, and the life and security of my children, as well as the patrimony of my family. Under what motive? I would be interested in knowing, even today.

The failure of lawyers, as well as judicial actors, to appreciate the very serious situation and danger that victims of gender violence are living under during a divorce, is exactly why women (and children) are dying every day, without even mentioning the physical and emotional suffering survivors are experiencing. This suffering, as well as the failure of authorities to protect victims has very serious economical and social consequences that are extensive within our societies as demonstrated in the report *Domestic Abuse as a Human Rights Violations and the Principle of Due Diligence - An Intersectional Approach*. Authorities do not have the right to, and can no longer, treat these cases with such ambivalence.

In light of the very serious economic situation in which Senora Garcia Martin put me, my actions were not erratic or hysterical, but completely normal in view of my necessity to assure that she could not do any further damage to my case and situation.

In her correspondence with the juzgado de Mostoles de primera instancia #2, renouncing her representation (see document #14), Senora Garcia Martin contends that on January 2, 2008 she communicated to me by telephone the conditions of the medias provisionales. Her contention is completely false. During that time, for several days, I was calling Senora Garcia Martin, leaving messages in order to find out if she had heard from the courts. After several calls I finally spoke with her and she informed me that she had not yet received notice from the courts (due to the Christmas/New Year's Holidays). Therefore, I called the *juzgado* of Mostoles in order to find out when the vacations would be over and could expect a decision from the courts. I was told that Senora Garcia Martin had already received the court decision.

After all of the problems that I had experienced with previous lawyers and the Domestic Crisis Center, above all my experience with Senor de Haro in relation to the juicio rapido 607/2007, I was very concerned that Senora Garcia Martin wished to hide the fact that she already received notice from the courts, therefore I personally went to the courts in order to consult the court document. When I read that Senora Garcia Martin had not “introduced the *contestacion* in a legal form”, that she had not requested funds to cover future legal expenses, nor had she requested that bank accounts be blocked or a subpoena for financial records in the name of Senor Gonzalez de Alcala, and that the judge had accorded me €500/month with responsibility for all household expenses, and not sufficient pension for my children to cover their expenses, I lost all confidence in Senora Garcia Martin and her good faith in defending my interest.

In the correspondence Senora Garcia Martin contends the following:

- “on January 8 I was unable to speak with her until 9h30 at night at her home” was at her choosing. At all times I had my mobile phone with me and was very attentive to telephone calls, particularly those from my lawyer.
- that “her voice and manner to communicate was very altered and bizarre” ... “her erratic behavior caused a rupture in the judicial process” are remarks that have absolutely no foundation or veracity and can only be attributed to her attempt to deviate attention away from the real problem, her failure to defend my interests (in violation of art. 208 of the penal code, inter alia).
- “she has not solicited a new court-appointed lawyer or procurador (if she is even entitled to one) as a consequence of the renouncement of legal representation and defense to date” – I had not solicited a court-appointed lawyer in the juzgado de Mostoles, because I understood that I was suppose to solicit one in with the *oficio de turno* of the colegio de abogados in Villanueva de la Canada/Centro de Genero, from whom I had been requesting

information since September 2007, to no avail. If the civil servant of this center had assisted me from the beginning (and in an effective and real way) I would not have been in such a “crisis” situation.

Also, Senora Garcia Martin said “(if she is even entitled to one)” and “*The reason that dona Quenby has not solicited, nor surely will not solicit a court-appointed lawyer, is due to the fact that she is conscious that her financial situation does not permit her to access one, and thereby obtain free representation and defense*”. Senora Garcia Martin knew very well that Senor Gonzalez de Alcala had blocked all of the bank accounts, that I did not have any money from any other source, nor any money in any accounts.

I can only believe that she insisted so much over the fact that I was not eligible for a court-appointed lawyer in order to deter attention away from the truth of the situation; the dire straits in which her negligence had put me, and my children.

- “without the knowledge of la Letrado Sra. García Martín she sent a fax to the other lawyer with an account number, and that in the juzgado had been served personally.”— It was Señor González de Alcalá that had called me telling me that I was obligated to send a fax to his lawyer with the account number where he should send the monthly payments which I desperately needed, even if the *juzgado* already had this information. (The judge had not awarded me enough money to cover all of the household expenses and those of my children and while I am VERY GOOD at managing money, I am not a magician. I know of absolutely no one who is capable of covering all of the cost of a 450m2 home and personal expenses; electricity, heat, water, insurance, food, gas, transportation, etc., etc. on nothing more than €500/month).

I can only conclude that if Senor Gonzalez de Alcala provided me with false information, it was just another “maneuver” in his games designed to make my actions and behavior appear “erratic” and illogical to the courts.

Once again since I had absolutely NO ONE who was providing me with accurate, complete and correct information at the time, nor since, under the reasonable person principle all of my actions and decisions, given the limited and conflicting information that I was constantly given, were perfectly rational and logical.

It should be noted that I am foreigner and while I speak Spanish well enough, I have had great difficulty in understanding all of the legal words and terminology as well as judicial procedures that I have had to confront with no assistance or anyone to answer my questions. I always believed it was the job of a lawyer to watch out for the interests of his/her clients and explain to their clients what was happening in regards to their case, and what options were available in their defense

without thinking that I would need a defense against such ridiculous and fantastic accusations from an obviously very disturbed man, Senor Gonzalez de Alcala, in a simple divorce.

Civil servants are always complaining that the courts are over-loaded with work, but if judicial actors were not so occupied with maneuvers like those we have seen with Senora Garcia Martin and Senor de Haro, and as we shall see with other lawyers in my case, the courts would not be so “over-loaded” and “turned-around” with inane cases.

The first step in assuring a competent and honorable justice system, is that authorities should send a very strong message to lawyers that the courts are not a place where they can play with the lives of their clients.

- *“Disobeying all of the advice given by her lawyer, dona Quenby Wilcox went to the court house on a daily basis”.* – This is completely false. She was not giving me any information or instructions, and I have no idea where she came up with the contention that I was going to the court-house every day. I can only assume that once again Senora Garcia Martin was attempting to discredit me with the judge, and deviate attention away from the true problem at hand, her incompetence and **her manipulations**.
- *“We must inform the Juzgado that, as she has now done with the Sra. García Martín, doña Quenby has been the author of similar “maneuvers” with two other lawyers in the past, to who she owes fees in the entirety.”* – Surely the “maneuvers” to which she refers were fees owed to Senor de Haro in regards to his negligent actions and “defense”, leaving his client “hanging” with a court decision that accused me of being an “alcoholic and drug-addict”. Senora Garcia Martin was well aware of the “maneuver” of Senor de Haro, even herself telling me that he had been negligent in his representation of me in 607/2007.

It should be noted that Senor de Haro took me to court requesting the fees which I owed him. I recognized the debt without any problem, stating that I was unable to pay him due to the fact that I was unable to access any of my funds, **due to his negligence, as well as the negligence of other lawyers**.

The other bill to which Senor Garcia Martin refers is with Señora María Fernanda Guerrero Guerrero for €348. **But, once again the “maneuver” was on the part of Señora Guerrero, and not I.** In September, in a meeting with her, (and after my negative response to her question asking if “my husband was of THE Francisco Gonzalez family – President of BBVA”), she instructed me to go to the juzgado de Mostoles in order to “recurrir las sentencias de juicio rápido 607/2007”. The next day I went to the juzgado de Mostoles in order to “recurrir” the “sentencia”. Of course the civil servants at the juzgado looked at me as if I were crazy, telling me that I could not “recurrir” a “sentencia” without a lawyer. Before this day I had never even heard of the word “recurrir” or “sentencia”, or any other legal/judicial terms and was completely ignorant to any judicial processes in Spain. **I was**

ignorant, but not stupid, nor “crazy”. I would still be interested in knowing why Señora Guerrero sent me on a “wild goose chase” that day; but only a question that she can answer.

Señora García Martin was well aware of the “maneuvers” of her colleagues and **her contention that it was I the author** of “maneuvers” and acting in bad faith, **once again can only be attributed to her intentions to deviate attention away from her negligence, and discredit me with the presiding judge in my case; aggravating her previous professional negligence and in violation of art. 3, 4 and 5 of CODIGO DEONTOLÓGICO, 658/2001, de 22 de junio; in violati6n of art. 173, 199, 208, 450, 451, 456, 461, 464, 467.2, 510 and 512 of the penal code; art. 1, 9, 10, 14, 18 and 24 of the Spanish Constitution; art. 3, 4, 6, 7.2 and 9 the Equality Act3/2007; art. 2, 5, 13, 15 and 16 del Convention on the Elimination of All Forms of Discrimination Against Women; art. 17, 23 and 26 the International Convention on the Civil and Political Rights.**

It should be noted that also in July 2007 before my meetings with Señora Guerrero and Señor de Haro, I met with two other law firms. One of which told me that since the common nationality between Señor González de Alcalá and I was French, the divorce would fall under French law, and therefore everything would needed to be translated into French, a service which their office would be happy to provide (for a price of course). The other lawyer with whom I met said to me “*Your husband is an alta-executive for BBVA? We have to get a lot of money out of him!!And, it will cost you lots of money!!*” I left the meeting thinking “*This man is absolutely crazy!! I want a divorce not a war!!*”

It should be noted that in the past 4 years, the only lawyers that have acted with any semblance of professionalism, integrity, and confidence have been court-appointed lawyers, and I cannot even begin to express to what extent I have appreciated their integrity. If all lawyers from the private sector in my case had shown the same level of professionalism, my case would not have become so complicated and exhausting.

My only complaint with court-appointed lawyers has been with Señor José Manuel Hernández Jiménez who refused to request a subpoena for all financial records of Senor Gonzalez de Alcala (August 1991 and November 2008), so that I might examine them and present a financial analysis to the courts in the liquidation of common assets.

To this day, I do not understand how in 4 years none of my lawyers have done something as simple, and necessary, as petitioning financial records, and in violation of art. 33.3 of the *Spanish Constitution*; art. 252, 510 and 512 of the *penal code española*; art. 1347, 1365, 1366, 1369, 1375, 1378 349, 398 and 471 of the *código civil española*; and art. 3, 4, 6, 10, 11 and 12 of the *Equality Act3/2007*. **After having worked in the financial markets for quite a few years, and managing**

our family finances for many years, I am quite adept at preparing financial analysis, but do need financial records and numbers in order to prepare an analysis! Under the reasonable person principle, it is “normal” that in a divorce lawyers would requests financial records under common property in order to find out what the financial situation of the family is?!

As previously stated, I still have many questions about judicial process and Spanish procedural laws, and I have surely made mistakes in the past years, but under the reasonable person principle, and the level and quantity of negligence and lack of due diligence on the part of judicial actors that I have been obliged to deal with since September 2007, my lack of confidence in Señora García Martin and her good faith in January 2008 was completely justified.

While the actions of Señora Garcia Martin were contrary to my interests, the presiding judge also had an obligation under the principle of due diligence and art. 24.1 of the Spanish Constitution to assure that my rights were respected and defended in her court. Within any judicial procedure the judge has the ultimate responsibility of assuring that the rights of the accused are respected and that due process is accorded in conformity with art. 5, 6, 7, 8, and 11 of the *Ley Orgánica 6/1985, 1 de julio, Poder Judicial*.

Even if Señora García Martin had not asked for “litis expensas” nor enough funds for me to cover me and my children’s needs, in the verbal hearing Señor Gonzalez de Alcalá recognized that his salary was €8.185,41/month (in 2006). The judge’s decision that granted me only €500/month, and responsibility for all household expenses, were discriminatory and in violation of my rights. My portion of Senor Gonzalez de Alcala’s salary under artículo 1347.1 of the civil code was €7.500/month (in 2007). The fact that I was not accorded half of his salary during 2008 was in violation of art. 33.3 of the *Spanish Constitution*, art. 1408, 1362, 1365, 1368, 1369 and 1382 of the *código civil española*; art. 446, 447 and 450 of the *penal code*; art. 3, 4, 6, 10, 11, 12 and 14 del *Equality Act 3/2007*; art. 2, 3, 4, 5, 13, 15 and 16 del *Convention on the Elimination of All Forms of Discrimination Against Women*; and art. 23 of the *International Convention on the Civil and Political Rights*²⁵.

²⁵ Senor Gonzalez de Alcala’s salary in 2007 was €181.000 (see document #19) and under art. 1347.1 and art. 1392.1 of the civil code. While 1392.3 contradicts 1392.1, setting the date of termination of the common property regime in November 2007 (medias a la previa) I contest this date as termination of common property under two contentions: 1) Senor Gonzalez de Alcala acted in bad faith during all judicial proceedings and with a clear intention of defrauding me of my assets, therefore, under art. 1391 (and 1390), inter alia, the date of dissolution of the marriage art. 1392.1 should apply, and 2) since I was instructed by my lawyers in 2008 to “not look for gainful employment until after the divorce decree, as it would nullify my rights to alimony” (judicial biases confirmed in sentencia #1079- oct 2009), thereby unable to work (discrimination under art. 1, 9, 10, 13, and 14 of the Spanish Constitution; and art. 3, 4, 5, 6, 8, 9, 10, 11, 13 and 14 of the Equality Act 3/2007, inter alia) art. 1392.1 should again apply to date of termination of common property.

In effect the judge's decision misappropriated €75.000 of my funds during 2008, with which I could have been able to assume living expenses and "liberation" of my website, and Global Expats today would be generating more than sufficient income today for me to live comfortably with no need for any alimony or other common property funds. A lawyer told me that these monies would be reclaimed during liquidation of common assets; but in 2012 these monies have not been included in the inventory by my present lawyers. (?)

In regards to advancement of provisions for future legal expenses, Ms. Martin's contended that "in Spain men are not obligated to pay the legal expenses of their spouses during divorce," which was later affirmed in all judicial decisions, "*there is no reason as to the imposition of charges. In light of legal precedents cited and other general and pertinent application.*" **These contentions and decisions demonstrate to what extent actors within the judicial system fail to completely understand and grasp the concept of common property law, and how discriminatory laws are applied in violation of women's rights.**

At no time have I been requesting my husband's money or other funds to pay my legal expenses, I have been requesting MY MONEY to pay my legal expenses. MY EX-HUSBAND'S LEGAL EXPENSES WERE PAID WITH COMMON PROPERTY ASSET, AND TO NOT ACCORD ME WITH THE SAME CONSIDERATION IS CLEARLY DISCRIMINATORY, and solely based on antiquated norms and legal precedents within judicial customs rather than legitimate legal principles under a constitutional democracy.

The most powerful instrument that an abuser has over his victim is the retention of money. Judicial decisions that do not provide access to common property assets and funds in cases of divorce not only support and encourage domestic abuse, but participate in the subjugation and oppression of women.

The role that homemakers and women play in our societies is essential to its well-being and functioning of its economy, and judicial systems and decisions that do not recognize this importance are completely discriminatory against women and violate the following: art. 1, 9, 10, 13, 14, 15, 17, 18, 24, 33.3, 35,39 and 45.1 of the *Spanish Constitution*; art. 2, 3, 4, 5, 11, 13, 15.1, 15.2, 15.3, 16.1(c), 16.1(d), 16.1(f), 16.1(g) of the *Convention on the Elimination of All Forms of Discrimination Against Women*; art. 2(c), 3 and 4 of the *Convention on the Elimination of Violence Against Women*; art. 1, 2, 3, 6.1, 7(a), 7(b), 7(c), 7(d), 9, 11.1 and 12.1 *Convention on Economic, Social and Cultural Rights*; art. 2, 3 and 6 of the *Convention on the Rights of Children*.

The retention of my assets by judicial decree while discriminatory in and of itself, was discriminatory at a second level. During divorce proceedings adolescent children are consulted in regards to custodial decisions. Unfortunately, due to convenience this legal stipulation has transformed into the common practice that adolescent children are the ones who effectively make

the custodial decision. As concisely stated by one of the myriad of lawyer with whom I consulted, I had to “buy my children, and convince them that they wanted to live with me.”

This common practice and its obvious consequences are not only discriminatory against women, but extremely detrimental to a society at large, particularly given the increasing rates of divorce around the world. In order to understand the complexity of this discrimination it must be examined from an “intersectional” perspective.

1. Ask any adolescent with whom they wish to live, the parent who buys them everything they want, skip school when they want, go to bed when they want, etc. Or the parent who sets rules and guidelines to which children must adhere? Obviously they will choose the former.
2. Since access to the assets of Stay-at-Home Moms can be severely restricted during and after a divorce, as my case, inter alia, demonstrates, they are at a distinct disadvantage financially in “buying” their children.
3. Since winning the custody of children implicates a financial advantage as well as physical possession of the family domicile, egoistic, unscrupulous parents are naturally tempted to seek custody of children for whom they are later not prepared to assume responsibility. How many juvenile delinquents, at all socio-economic levels, are created by uncaring, egotistical parents who have no idea where or with whom their children are associating?
4. Adolescent children are easily influenced and susceptible to manipulation by adults, particularly their parents who they naturally wish to please.
5. An ethical and principled parent will not be willing or able to manipulate and lie to their child in order to obtain personal or financial benefits.

All of the aforementioned factors create a situation whereas conscientious parents are put at a distinct disadvantage in custodial decisions. Additionally, in cases of domestic abuse, particularly psychological abuse, children are exposed to manipulations and threatening behavior from the abuser which, as seen in reports, court personnel are not equipped to detect or understand.

In my own case, by awarding me €500/month with responsibility for household expenses (normally €6000/month,) the judge created a situation that was clearly discriminatory against me as it provided my ex-husband who was residing in his parents’ home completely free of charge, with €5500/month leisure expenses. With €500/month, I was barely able to assure basics such as electricity, water, gas, food for our home, much less “compete” with my ex-husband in “buying” my children with gifts, restaurants, outings, expensive vacations, etc.

January – February 2008

In my ensuing efforts to procure a court-appointed lawyer the following irregularities occurred:

- The file clerk handling my case in the *juzgado de Mostoles* consistently presented me with documents petitioning a court-appointed lawyer for the *medias a la previa* (1140/2007) and not my divorce hearing (1143/2007.) Upon questioning this irregularity she assured me that this was correct judicial procedure. It was only upon my repeated and adamant insistence that she produced documents pertaining to 1143/07.

Additionally, she and a co-worker provided me with false information regarding how one obtains a “stay” in judicial proceedings, until I was granted a lawyer. They informed me that a “stay” would be automatically granted upon the deposition of documents requesting a court-appointed lawyer with the *colegio de abogados*. The fine print of the petition for a court-appointed lawyer clearly states that this is not correct procedure and that a stay is only accorded after the petition has been delivered to and stamped by the *juzgado/instancia* in question.

- After previous repeated irregularities, I had little confidence in the competency of the file clerk handling my case. I, therefore, tried to present my petition for a court-appointed lawyer to the *abogado de turno* in the *Centro de Violencia de Genero de Villanueva de la Canada*, but was refused under the contention that I was missing a necessary document. When I returned to the *Ayuntamiento* of *Villanueva de la Canada* requesting the document in question, they assured me that the document that the *abogado de turno* was asking for did not exist, and that I was in possession of the correct documentation.
- I was then obligated to present my petition to 2 different offices of the *Colegio de Abogados* in Madrid, **in the presence of two witnesses**, before it was accepted.
- I was then obliged to return 3 times to the *juzgado de Mostoles*, **with witnesses**, insisting that the file clerk stamp and process documents for 1143/2007, as well as she continually processed documents pertaining to 1140/2007 and not 1143/2007.
- The next day I returned to the central office of the *Colegio de Abogados* (c/ Serrano) and was informed that my petition had not been correctly entered into the system. I returned to the office where my petition had been deposited, requesting that it be correctly processed while I waited.

Once again if I had not been able to obtain a court-appointed lawyer and obtain a stay of legal proceedings, I would have in effect admitted to the allegations of alcoholism and drug-addiction, and have been held in contempt of court as stated in the petition for divorce.

All of these acts, or omissions of acts, are in violation of art. 413 of the *penal code española*.

If I had not been able to obtain a court-appointed lawyer, I would once again have been recognizing the allegations of Senor Gonzalez de Alcala and in competent of court.

At the time I could not understand why I was having such problems with judicial civil servants with simple bureaucratic paperwork, until a lawyer informed me that “everyone knows everyone” in the courthouse of Mostoles with a very “pueblo” mentality.

My ex husband’s cousin, Victor (first last name unknown) Lamata has worked for over 30 years for the guardia civil of Mostoles and knows everyone in the court house. His wife divorced him years ago for his abuse and violence, has always been extremely degrading towards women, and there is no “love lost” between us. He would be more than happy to use his influence and contacts within the entire jurisdiction of Mostoles to my disadvantage, as I am the only person in the family who has ever dare to stand-up to the degrading way he treats the immigrant “concubine” that lives with him.

If Senor Victor (...) Lamata utilized his connections, or other means, to influence any State or non-State actor in the exercise of their duties or decisions, as well as any judicial actor who has let themselves be influenced in their duties or decisions, etc. are in, or could be in violation of art. 419, 418, 420, 421, 422, 423, 424, 425, 428, 429, 430, 439, 442, 446, 447, 450, 451, 458, 460, 461, 464, 465, 467, 510 and 512 of the *penal code* and can be held responsible for all damages suffered under art. 10, 109, 111, 113, 116, 121, 122, 123 and 124 of the *penal code*.

Regardless, if the ignorance or negligence of civil servants regarding basic administrative procedures and information was intentional or not, is irrelevant under the principle of due diligence. The Spanish State and government has a responsibility to assure that its civil servants, and all those who provide public services (under art. 24.4 of the penal code) execute said duties with the utmost integrity and and competence.

Examining the Link Between Organized Crime and Corruption

By the Center for Democratic Studies

4.5.2 Vulnerability factors and corruption mechanisms

The factors that render the judiciary more or less vulnerable to outside influence and corruption vary widely across the EU. They include complex cultural, institutional, historical and socio-economic factors that explain why and how corruption exists.

Salary levels: *interviewees have pointed to salary levels as an explanation as to why corruption is more (PL, SP) or less likely (UK). Often, members of the judiciary compare salaries with neighbouring countries (ES) or civil servants.*

Cultural setting: the cultural and social factors that make members of the judiciary vulnerable to corruption or make society sensitive to judicial corruption are the most complex.

In areas with significant **mafia influence** the social setting and informal networks allow for pressures to be exerted on judges (IT, CS-FR). Tourist coastal areas (CS-ES, BG) and border areas (PL, BG) with significant concentration of criminal activities (e.g. Costa del Sol, external Eastern EU borders), as well as local communities dependent on illegal economic activity, create similar pressures.

Favours: The cultural concept of 'favour' takes on a different meaning in some Member States where it is an accepted and even expected way of working. As one interviewee stated, "You ask them a favour basically. This works with anything and anybody, it doesn't necessarily have to relate to organised crime" (EL).

Nepotistic relations and family pressures are stronger in some Member States than others. Small towns could serve as catalyser to corruption, as informal relations and favours are considered socially acceptable (ES, PL, BG, EL). In many Northern European countries, where such values are not tolerated, small towns could even have a reverse effect.

Public tolerance: In some Member States alleged corruption does not upset public opinion too much, and the judges are kept in their posts until a sentence is issued (SP, FR).

CASE STUDY: SPAIN

1. Background: corruption in Spain

According to the 2008 Corruption Perception Index published by Transparency International, Spain fell from 23rd to the 28th position worldwide compared to the previous year. Spain is still ahead of other European countries such as Portugal, Czech Republic, Slovakia, Greece or Italy.⁸⁹

Corruption seems to be a comprehensive term combining a lot of different connotations to different people; to date, the Spanish legal system has not defined it... When any of the corruption related offences are committed in an organised manner, the offence of "unlawful association" (Article 515) also comes into play.⁹⁰ Broader social concepts, such as clientelism, nepotism, cronyism, patronage, discrimination, lack of transparency, "capture" of institutions by interest groups (Rose-Ackerman 2004) remain largely outside these narrow legal definitions. Understanding how governance operates and how it is organised becomes indispensable to getting the picture of why corruption and organized crime opportunities seem to be so favourable in Spain. Nieto (1996, 2005, 2008)⁹¹ has published extensively on the issue of the ungovernance⁹² of the Spanish public institutions. He analyses the impact that the law has on the behaviour of citizens, public officials, the administration and the judges. With regard to the impact on public administration, he argues that non-performance of bureaucrats does not usually carry a personal responsibility

but a disciplinary action with no serious consequences. He also criticizes that judges often pass legally correct yet contradictory sentences without consequences.

5.1 Police corruption

Law-enforcement corruption is generally related to lower-level organised crime including drug trafficking, organized robbery, human smuggling and trafficking or trafficking of vehicles. Most of the media cases reported have involved **police officers from the Civil Guard arrested for links to drug trafficking networks**. This is understandable given the fact that the Civil Guard is charged with controlling the ports of entry. However, there have also been cases of National Police and Local Police officers, along with members of the military,⁹³ who have been linked to drug trafficking.

Nevertheless, a few recent examples of corrupt practices in law enforcement institutions which have been uncovered by internal affairs units, point to levels of police corruption that have not been observed recently in most EU-15 Member States.

5.1.1 Operation Block: the Coslada police corruption ring⁹⁴

Following complaints from victims of extortion, on May 8, 2008, the chief of the local police⁹⁵ of Coslada (a Madrid suburb) and another twenty- six local police officers were arrested on suspicion of involvement in a corruption ring that involved extortion from prostitutes, bars and local businesses. On May 14, a judge authorized detention without bail for thirteen of the arrested officers. Trial proceedings have not begun yet.

According to some police officers working in Coslada, the so-called "Sheriff" of the town, Gines Jimenez Buendia, was the only one in charge of the local police corps. He liked to surround himself with people he trusted but if anyone opposed his orders, they would be quickly replaced. That is how he managed to build his core group which was known as The Block.

Gines Jimenez Buendia told the investigative judge that he was innocent and had just gotten caught up in political in-fighting. The name of Gines Jimenez has also been allegedly linked to extortion rackets of Madrid nightclubs (made public under the Operation Guateque) and of some brothels in Barcelona.

It has been claimed that Jimenez protected Bulgarian organised crime groups involved in prostitution and that he in turn has always enjoyed protection from Coslada Mayors since the early 1990s, while he also managed to befriend several judges. In fact, Judge Carlos Nogada from Coslada, was suspended temporarily by the General Council of the Judicial Power (CGPJ) after some wiretapped conversations between him and the Sheriff were made public.

5.1.3 The Costa del Sol "Drug and Organised Crime Unit" (UDYCO)

The Malaga Provincial Court sentenced, on 21 April, 2009, two former UDYCO⁹⁷ officers (the former head of UDYCO - Costa del Sol, Superintendent Valentin Bahut, and former chief of the Organised Crime Section, Chief Inspector Alfredo Marijuan) to eighteen months in prison and to an eleven-month-prohibition from holding public office for revealing secrets and failing to counteract crimes. A third defendant, also a police officer, was acquitted of the charges.

The charges related to the cover provided to an Italian protected witness who was allowed to travel freely between Spain and Morocco despite being the subject of a European arrest warrant. The police officers have appealed the sentence.

Other cases include the arrest of a lieutenant colonel of the Civil Guard,⁹⁸ the dismantling of the Santa Pola anti-drug unit,⁹⁹ or the theft of 400 kilograms of cocaine in the Port of Barcelona.¹⁰⁰

5.4.1 Corruption in the courts

This type has to do with corruption occurring in the courts which is usually perpetrated by civil servants (not necessarily judges) who abuse their positions in order to prioritise certain files/cases over others. In Spain, this type of corruption was rather common some years ago. Today, it has practically disappeared, due in large part to the implementation and management of computer-based information systems, particularly software applications and computer hardware. Nevertheless, the corruption that occurs in courts is not only connected to the speeding up or delay of proceedings but also to evidence that goes missing¹⁰³ or to the removal of judicial records.¹⁰⁴

It should be noted that the same corruption that has occurred in Coslada and Marbella is rampant in southern suburbs of Madrid, Mostoles and towns under the jurisdiction of Mostoles included. In 2007, Carlos G. L “El Armario” the head of the anti-drug division was arrested for drug-trafficking, involvement in prostitution and “protection” rings, and the fifth member of law enforcement of Mostoles in the past 4 years to be detained in connection with illegal activity. Additionally, local politicians from Brunete, Navalcarnero, Quijorna, Villanueva de la Canada, and Boadilla del Monte, all under the jurisdiction of Mostoles, have been implicated in real estate scandals involving corruption in the past years.

To believe that “cultures of corruption” would not translate into judicial proceedings during divorce is naïve to say the least.

While there are not any studies, or statistics, that have been conducted regarding corruption or “intentional negligence” in divorce courts, there are more and more studies being conducted about institutionalized judicial corruption. If one examines cases of domestic abuse, and failures to protect victims; when the abuser are law enforcement officials, judicial civil servants, politicians or influential businessmen, irregularities in judicial process and decisions are quite common. The

possible irregularities are identified in the *Report About Judicial Corruption 2007* by Transparency International.

- Judicial civil servants can manipulate the dates of hearings in order to favor one party over another
- Judge can make inexact summary decision or distort the testimonies of witnesses before handing down a sentence
- Judges can refuse the introduction of evidence or testimonies in order to favor one party over another
- Civil servants can “lose” a document
- Prosecutors can block avenue of legal reparation

In this same report it says that corruption is more likely in judicial procedure where journalist do not have free access to all fact or lack of activist groups who push for reform. **In order to push for reform, accountability and transparency within family law COMPREHENSIVE MEDIA COVERAGE AND RESPONSIBLE ACTIVISM IS VITAL.**

It should be noted that these acts by civil servants or any person who executes a public function (art. 24.2 of the *penal code*), are in violation of 413, 414, 428, 429, 451, 22, 27, 28, 29 of the *penal code* and can be held responsible for all damages under art. 10, 109, 111, 113, 116, 121, 122, 123 and 124 of the *penal code*.

In the report *Study about the Link between Corruption and Organized Crime* by The Center of Democratic Studies states that corruption is more probable in judicial process where journalists do not have free access to the facts and/or the lack of activists who push for reform; fundamental problems in cases of divorce and gender violence. In the USA activists groups “protective mothers” for more than 10 years have been trying to expose the corruption in divorce courts and the failure of these courts to protect victims of gender violence and domestic abuse.

The story of Maria Jose Carrascosa in New Jersey is only one amongst thousands per year in the USA. But, even worse is that what is happening in the USA, and the reasons it is occurring, are the same reasons that it is occurring in countries around the world, see the report *Domestic Abuse and Discrimination Against Mujer –Human, Civil and Constitutional Rights Violations*.

What part of my case is due to intentional negligence and which part is due to incompetence or antiquated, discriminatory norms of judicial actors is still to be determined, and I hope that an investigation by Spanish authorities will clarify exactly what happened. But, what is the most important is that the problems that identified in my case and *Domestic Abuse and Discrimination Against Women – Human, Civil and Constitutional Rights Violations*, do not repeat themselves.

I was finally accorded a court-appointed lawyer, Mr. Jose Manuel Jiménez Hernandez, however, during the ensuing months he repeatedly showed himself negligent in preparing my defense.

His negligence was as follows:

- Refused, per my instructions, to respond to my ex-husband's proposed *convenio reglador*. This document clearly demonstrated my ex-husband's intent to defraud me, and is why I instructed it to be introduced into court records. The agreement declared that family asset equaled €256,000 when in reality they were €1,700,000, underestimating them by €1,444,000.

Value of Principle Residence – In the proposed agreement my ex-husband valued our home in Villafranca del Castillo at €450,000 with a mortgage of €292,000. The property's market value is €950,000, and no mortgage exists on the home, as my ex-husband is well aware. In 2010 (3 years later) my ex-husband is alleging in court documents that the mortgage is €397,642.

Investments and Savings – In the proposed agreement these are valued at €88,000 while bank statements from BBVA Madrid and Miami (2007) show deposits and positions of €256,048.97.

Household furniture and contents – In the proposed statement these items are valued at €10,000 while they were insured in our move from Bogota to Madrid (2004) at \$450,000 (€340,000.)

My husband's efforts to defraud me not only constitute a criminal offense but are once again proof of his psychological abuse, and should have been introduced by my lawyer as proof of this abusive. Any attitude that finds falsification of legal document or intent to defraud one's spouse during divorce as something "normal," only demonstrates the necessity for reforms in customs and norms within our societies and judicial systems.

It should be noted that one lawyer that I met with in my quest for an honest, competent, dignified professional said to me "we have to get lots of money out of your husband!" I left his office thinking "this man is crazy; I want a divorce not a war!" Unfortunately, I have come to the conclusion that divorce courts are ruled by "destroy or be destroyed" and as long as this is the reality, unscrupulous, manipulative, dishonest, abusive people will always have the upper-hand.

- Refused, per my instructions and proper judicial procedure, to initiate liquidation of my assets.
- Refused, per my instructions, to introduce written testimonies of Astrid Betancourt on my behalf
- Instructed me to obtain unnecessary documents, wasting my time, money and adding to emotional stress.

Additionally, this Señor Jiménez Hernández advised me **NOT** to seek employment in Spain until **AFTER** my divorce decree was pronounced as it would have a detrimental effect upon custodial decisions and render me ineligible for alimony from my husband.²⁶ Essentially, custody of my children would be awarded to my husband under the contention that if I was working outside of the home I would be incapable of assuming my parental responsibilities. But, the capacity of Senor Gonzalez de Alcala to assume both responsibilities was never put into question. I cannot complain that he advised this, as other lawyers confirmed that this discriminatory norm is common in divorce courts, and in violation of art. **art. 1, 9, 14, 32, 35 and 39 of the *Spanish Constitution*; art. 3, 4, 5, 6, 8, 10, 11, 12 and 14 of the *Equality Act*3/2007; art. 2, 4, 5, 11, 15 and 16 of the *Convention on the Elimination of All Forms of Discrimination Against Women*; and art. 6, 7 and 10 of the *International Convention on Economic, Social and Cultural Rights*, inter alía.**

These two reasoning are yet more examples of **de facto discriminatory policies against women within divorce courts** .

1. **Alimony** - If I had remained in the remunerated work force during the preceding 20 years, my income would have been in the hundreds of thousands of euros. However, due to the large gap in my work experience, my age, and limited skills in written Spanish, my prospective before tax income level in Spain was €15-20,000/year. In essence my hard work of 17 years, and my dedication to and sacrifices for my family and husband's career were considered null.

Homemakers in modern societies are educators, nannies, secretaries, managers, chefs, gardeners, housekeepers, sports trainers, social escorts, and any other thing that they must handle, with a market value of €30.000/month, and have the right that their work is recognizes under **art. 35 of the *Spanish Constitution*, art. 7(a)(i), 7(a)(ii), 7(b), 7(c), 7(d), 10, 11 of the *International Convention on Economic, Social and Cultural Rights*; art. 2, 3, 4 and 11 of the *Convention on the Elimination of All Forms of Discrimination Against Women*, inter alía.**

*All of this work is done without any financial remuneration, pension, unemployment insurance, social services or health insurance. The lack of consideration by the courts or governments to accord and recognize the contributions that homemakers make to a society with their years of dedication, love and care, relegates them to the statute of servitude: in violation of art. **8.2 del Convenio de derechos civiles and políticos**, inter alía.*

2. **Custodial decisions** - My husband working hours obligated him to be away from the home from 8:00 am to 8-9:30 pm, but were irrelevant to **HIS** capacity to assume parental responsibilities.

This is in violation of **art. 14 del Spanish Constitution; art. 23 of the International Convention on Economic, Social and Cultural Rights; art. 2, 3, 4, 5, 11, and 13 of the Convention on the Elimination of All Forms of Discrimination Against Women, inter alia.**

Statistics show a 70% discrimination rate in American court systems. While statistical research does not exist in Spain the *Women and Gender Rights Unit of the High Commission on Human Rights* concur with reports on the American judicial system. Additionally, the norms, customs and beliefs that discriminate, cited below, are even more prevalent in Spain than in the USA. In the USA women's rights movement has been in existence for many more years than in Spain, resulting in less discrimination in norms and customs in the USA.

March 2008

Senor Gonzalez de Alcala refused to respect the visitation rights set down by the courts, thereby denying me contact with my children for almost 2 months. When I filed a complaint against his non-compliance, the presiding judge threatened to bring my children in for questioning if I did not withdraw my complaint, in violation of art. 464 of the *penal code*.

I removed my complaint refusing to use my children, knowing from their own words, to what point they were upset when they had to present themselves to the courts.

From the beginning of my divorce proceedings my children expressed their desire that they not be "put into the middle" as well as their desire to not choose with which parent they would reside. The worst emotional distress that I have suffered in the past 6 years has been my appreciation of the detrimental impact the emotional turmoil and chaos my divorce has had on my children. **The failure of EVERYONE involved to consider or protect my children's rights or think about their well-being, has been the greatest atrocity and HUMAN RIGHTS VIOLATION of the entire nightmare, and in violation of art. 1, 9, 10, 18, 24 and 32 of the Spanish Constitution; art. 3, 4, 5, 9, 10, 16, 18, 19, 24, 29, 36, 37 and 39 of the Convention on the Rights of the Child; art. 23 of the International Convention on the Civil and Political Rights.**

As declared in the Gender Review, Social Policies and Law, vol. 17.2, *Abuse and Discretion – Evaluating Custody Decisions in Divorce Courts*, "Given the imprecise rules associated with the best interest of the child standard, Steven N. Peskind says that it has produced a situation in custody cases have become "a combination of beauty contest and a circus side show where two parent try to sway the judge with their respective strengths while demonstrating concurring weaknesses of their spouse." The fact that divorce courts have become a "circus" once again work in favor of the abusive parent, discriminates against women, and almost assures that in cases of international divorce the parent with the local nationality will be favored in judicial decisions.

April 2008

On the night of April 19, 2008 I was at home preparing for the annual Easter Egg Hunt/Lunch which I organize every year for my children and neighbors. My ex-husband called me at 10:30 pm asking me if I had forgotten about our friend and neighbor's birthday party. I said I had, called my neighbor and told her I would be over as soon as I finished. I was exhausted as for the preceding 8 months I had not been able to sleep for more than 2-3 hours per night due to extreme emotional stress.

Upon my return home from the party, 1.3km and less than 4 minute drive from my home, my husband and 4 police officers were waiting in front of my house. I parked in front of a neighbor's house to request their assistance and to act as witnesses to my detainment. The police detained me before arriving at my neighbor's doorstep and requested an *alcoholemia* test; **in violation of art. 174, 175, 176 and 177 of the penal code.**

I informed the police that this constituted entrapment, with clear intention to defame my character (violación of art. 208 and 429 of the penal code and aggravating the criminal responsibility of Señor González de Alcalá for art. 22, 23 and 17 of the penal code española) and remove custody of my children from me. I was logistically impossible that the police officers were answering a call from the "central", their presences was not a coincidence, and they had specifically stationed themselves in front of my home in order to assist Senor Gonzalez de Alcala in his illegal maneuvers. Without any witnesses and/or legal representation the police were at liberty to falsify the results of the alcoholemia test.

Therefore, I informed them that before submitting to any investigation on my person, I wanted the presence of a lawyer, translator and representatives of my Consulates (French and American), as was my right under art. 9.3, 17.3, 20.4 and 24.2 of the *Spanish Constitution*; art. 428 and 429 del *código civil española*; art. 537 of the *penal code*; art. 9.1, 14.3.2, 14.3.4, 14.3.6, 14.3.7, 17.1, 17.3 of the *International Civil and Political Rights*; art. 3(b), 3(c), 3(d), 3(e) and 3(h) of the Declaration on the Elimination of Violence Against Women; art. 2(d) of the *Convention on the Elimination of Discrimination Against Women*; and art. 5 del *Convention on Consular Affairs*.

It should be noted that not only did I have the right to request legal representation during my retention, but also under art. 537 of the *penal code*, **the police officers that tried to prevent me from exercise this right were committing a criminal act under art. 537 of the penal code.** I cite art. 537 "*The authority or public officer who prevents or hinders a detainee or prisoner in the exercise of his right to legal counsel, who attempts or favours his renunciation to such counsel, or does not immediately inform him of his rights and of the reasons for his arrest in an*

understandable way, shall be punished with the penalty of a fine from four to ten months and special barring from public employment and office of two to four years.”

It should be noted that at all times of the retention Señor González de Alcalá was present, had been consuming wine at the same birthday party, and had left immediately after I (confirmed in testimony during the trial.) In order to arrive at our home before me (2-3 minutes), he had been obliged to speed (while under the influence of alcohol) at approximately 60-80 km/hour in a 20km/hour zone, which the arresting officers could not have failed to observe (see document #7B). However, Senor Gonzalez de Alcala was not requested to submit to the same *alcoholemia* test as I; clearly discriminatory.

If the police’s only interest in detaining me was to uphold the law against “drunk driving,” as they contended, then they would have stopped everyone, including Señor González de Alcalá , leaving the party. The fact they singled only me out for an *alcoholemia* test, abstaining from requesting the same from my husband is highly suspicious, and clearly discriminatory.

I was taken to the local police station and provided with a lawyer, but no translator and neither the French nor American Consulates were informed of my detention.

Also, it should be noted that the four arresting police officers failed to present themselves at the ensuing trial and as such the judge attempted to intimidate me into renouncing my right to a fair and public trial, and plead guilty, in violation of art. 464 of the *penal code*. Also, it should be noted that in said trial the arresting police gave false and contradicting testimonies in violation of art. 458 of the *penal code*.

Perhaps if judicial actors and law enforcement officials were not permitted to utilize the judicial systems for maneuvers designed to intimidate victims of domestic abuse, the courts might not be so over-burdened with work.

In the ensuing judicial decision, as well as the divorce decision 1143/2007 (and *juicio* no. 226/2007) the opinion that I refused to submit to a police examine producing a second criminal offence is once again an example of judicial opinions based on prejudices and erroneous opinions (as already cited art. 537 of the penal code). Additionally, it is anti-constitutional (under art. 1, 9, 10, 14, 17, 19, 24, 53 and 103 of the *Spanish Constitution*) that law enforcement officials retain a person without any reason, try to prevent them from obtaining legal assistance, or deny the right to have Consulate representatives present for any interrogation or judicial examines.

The fact that police can retain people without any cause in countries where a high level of corruption and discrimination is demonstrated “opens the doors” to police harassment and the violations of the rights of its people (with said corruption and discrimination shown in *Beauty Solomon vs. Spain* by the European Courts on Human Rights www.womenslinkworldwide.org/wlw/new.php?modo=detalle_proyectos&dc=26, as well as

reports and statistics presented in Domestic Abuse and Discrimination Against Women – Violation of Human, Civil and Constitutional Rights, calling attention special attention to the studies by Amnesty International cited within regarding police harassment and the failure of the Spanish State to investigate and sanction said harassment and violation of human rights – p. 185 - *Espana: Sal en la herida Impunidad policial dos anos despues* by Amnesty Internacional 2009).

My case brings up legal questions not only about the constitutionality of police retention of people who have not committed an offense, but also whether police retention in such cases is really in the in protection of public interest and safety, or is it an action (or potentially and action) that is retaliatory and/or with the intent to intimidate by State actors, particularly in cases motivated by discrimination and/or corruption and are in violation of art. 428, 450 and 451 of the *penal code*.

Additionally, it should be noted that the contention that Señor González de Alcalá called 112 is logistically impossible. In light of the speed at which the police officers responded to the call to the residence in question (less than 4 minutes) the only logical explanation is that Señor González de Alcalá called the police officer(s) directly and/or said officer(s) were expecting and waiting for the call with the express objective of retaining me.

Calling attention to the fact that the 4 police officers with 2 police cars responded to the call, according a lot of (discriminatory) attention and importance to a woman driving a few hundred meters within Villafranca del Castillo after having had a few glasses of wine at the birthday party of a neighbor. It should be noted that it is VERY frequent for the residence of the *urbanization* to go from house-to-house after dinners or parties on the week-ends, but the police NEVER retain them inside of the urbanization, opting to station themselves on the M-503 and M-509 for “alcohol retention” operations on the week-ends where serious and dangerous accidents due to drunk-driving are frequently caused by speeding and unsafe driving.

The only logical explanation is that Señor González de Alcalá was in direct contact with the said police officers, assumingly through his cousin who works at the *guardia civil*. Later I officially requested a transcript of all incoming calls of the night in question in order to demonstrate that Señor González de Alcalá did not call the central number, but rather directly to the police officers in question, but my request was denied, once again violating my rights to access to public documents and evidence to defend myself, in violation of art. 451 of the *penal code*.

It should also be noted that in the preceding months police officers of Villanueva de la Canada took 20-30 minutes to respond to calls to my home for domestic violence (and in the case of Sylvina Bassani - <http://worldpulse.com/node/13171> /report from Amnesty International, who had a protection order, they took 3 hours to respond to the ex-husband’s call stating “there are 2 dead bodies here, perhaps 3” after having killed Ms. Bassani and her new partner, before committing suicide in front of their 2 year old son).

These facts put into question what are the priorities of police officers in Spain; the protection of citizens and victims of gender violence, or the intimidation of women in process of divorce and/or foreigners?

Decision of Fiscal de Menores - Custody April 2008

On the morning of April 20, 2008 my husband entered our home, and woke my eldest son (almost 16 years old) at 3:00 am and removed him from our home. He later retained my youngest son and took him to his parent's home, where he himself had been residing for the past 9 months. It took me several days, and an emotionally stressful scene for my children in front of their school and in the presence of the local police, before I recuperated my children. The abduction of the minors from their legal domicile by Señor González de Alcalá was in violation of art. 224 and 225 of the *penal code*.

During those days Señor González de Alcalá insisted that I had lost custody of my children, and that he had documentation to prove it. The next day, April 25, 2008 my lawyer informed me that the Fiscal de Minores had removed custody of my children from me with no visitation rights. During all judicial procedures Señor González de Alcalá knew about judicial decisions before they were handed down. How, and through whom, he was consistently aware of judicial decisions in the past months before they had been handed down would be speculation on my part.

The fact to remove custody of my children from me without notification, not the opportunity to be present during the process, nor respond to any accusations, was in violation of my rights under art. 24 and 39 of the *Spanish Constitution*; art. 9 of the *Convention on the Rights of the Child*; art. 14 and 17 of the *Convention on Civil and Political Rights*.

If every parent in Villafranco del Castillo, or Spain, who drove home from a neighbor's party on a Saturday night after drinking a few glasses of wine was declared an alcoholic and a danger to their children, losing custody of their children in the process, then there would be no more children living with their parents in the neighborhood. The Child Protection Services decision was discriminatory towards me as a women and mother in process of divorce.

My arrest under such Machiavellian and suspect circumstances **PROVES** that my husband's allegations are totally unfounded, and nothing more than a ploy to obtain custody of my children and financial benefits.

Between 2004-2009, 8:30 h – 21h, every day of the week, at the same hours of the day, I drove approximately 100 km on M-508, chauffeuring my children, trips to the gym, and running errands for my family. If my husband's unfounded and fantastic contention were true, then the police could

have detained me on my daily runs. But, since my ex-husband knows his contentions are false and fabrications of his imagination, he came up with this ridiculous, illegal scheme. His false allegations and defamation of character campaign are in violation of my constitutional rights under art. 10, 15, and 18 as well as desecrate of the principles and sanctity of marriage.

My ex-husband also knows that the worst thing that he could do to me is to deprive me contact with my children, and why he has gone to such extremes to do so. It is his way to continue with his abuse after our divorce. My worst distress over the past years has been my inability to be and communicate with my children and assure that he is not mistreating them.

In addition to reports from friends around the world as to hysterical phone calls at all hours of the day and night during 2008 from my ex-husband desperately trying to convince everyone as to my “deteriorating state” he sent the following email to my sister’s ex-husband on May 15, 2008, also documenting his desperation, manipulations and pathological lying.

“Hi Peter, Thanks for your messages, calls and hopes. I know it is impossible to find her (Quenby) because she never answers or returns her phone calls due to her physical and mental state. Tell Doranne that yesterday between 6:45 and 7:30 am, I was calling her to give her news of Quenby, but no one answered. She can call me at my cel. Phone 00.34.618.157185 when she wants. “Minor Child 1” and “Minor Child 2” are better since the 3 weeks, they have been with me in my parent’s house, although sad to see their mother worse each time, continuing with her “war of complaints” (all will be lost) in the courts and now taking anti-depressants, which makes her even worse. The children wish to return home, but for the moment Quenby is prolonging the process, even though in the end the children will return to our home with me, as since September 2, 2007 they have declared with the guardia civil, local police and courts on various occasions that they wish to live with their father. Quenby is waiting to be condemned to prison for 6-12 months and 1-4 years loss of her driver’s license. Last Thursday after her criminal trial, the prosecutor asked for the maximum penalty which will be declared in 20 days...”

Followed by an email on June 3, 2008

“Subject: WHEN CAN YOU CALL ME AT CEL. 618.157185 THEY HAVE DECLARED QUENBY INCAPACITATED FOR CUSTODY AND HAVE PROHIBITED ALL VISITS WITH THE CHILDREN UNTIL SHE STARTS A TREATMENT FOR HER MENTAL DISORDERS OF PARANOIA AND ADDICTION TO ALCOHOL AND DRUGS...”

Contentious Divorce Hearing 1143/2007

At least after Señor González de Alcalá 's Machiavellan manipulations, friends and neighbors started believing that behind his caring and concerned façade for his “poor wife” with so many “emotional problems” lay a very disturbed man. I also learned during this time from friends to what point my ex-husband had been obsessively carrying out a campaign of defamation against me, within Villafranca, his family, BBVA and friends around the world.

As already indicated the tactic most used by abusers is the defamation of their victims with allegations of psychological problems, or alcohol and drug abuse. Once again it should be noted that how societies are so easily manipulated by their antiquated prejudices and ideas about women as mentally weak and hysterical. **It shows that with nothing more than a match and a lot of manure, one can produce a lot of smoke!**

Psychologist like Daniel Goleman in *Emotional Intelligence* and *Social , Intelligence* and psychiatrists like Justin Frank, Phd in *Bush on the Couch*, explain and explore the mind of the narcissist/psychopath and how they manage to manipulate others, with nothing more than fervent rhetoric, as well as the bio-chemical reaction which reward and reinforce sadistic behavior (see Domestic Abuse and Discrimination Against Women – Violations of Human, Civil and constitutional Rights p. 110-141).

It should be note that contrary to antiquated norms and beliefs, domestic abuse is not about the physical violence. It is about power and control, the physical violence erupts when the abuser loses that control, and why abuse increase during and after divorce. As stated in the following:

UNDERSTANDING THE BATTERER IN CUSTODY AND VISITATION DISPUTES

by R. Lundy Bancroft, c 1998

...The batterer is controlling; he insists on having the last word in arguments and decision making, he may control how the family's money is spent, and he may make rules for the victim about her movements and personal contacts, such as forbidding her to use the telephone or to see certain friends.

He is entitled; he considers himself to have special rights and privileges not applicable to other family members. He believes that his needs should be at the center of the family's agenda, and that everyone should focus on keeping him happy...He usually believes that housework and childcare should be done for him, and that any contributions he makes to those efforts should earn him special appreciation and deference. He is highly demanding.

He is disrespectful; he considers his partner less competent, sensitive, and intelligent than he is, often treating her as though she were an inanimate object. He communicates his sense of superiority around the house in various ways.

The unifying principle is his attitude of ownership. The batterer believes that once you are in a committed relationship with him, you belong to him. This possessiveness in batterers is the reason why killings of battered women so commonly happen when victims are attempting to leave the relationship; a batterer does not believe that his partner has the right to end a relationship until he is ready to end it...

*...Battering is a learned behavior, with its roots in attitudes and belief-systems that are reinforced by the batterer's social world. The problem is specifically linked to how the abuser formulates the concepts of relationship and family; in other words, within those realms he believes in his right to have his needs come first, and to be in control of the conduct (and often even of the feelings) of others. A recent research study showed that two factors, **the belief that battering is justified and the presence of peers who support abusiveness**, are the single greatest predictors of which men will batter; these two had a considerably greater impact than whether or not the man was exposed to domestic violence as a child (Silverman and Williamson)...*

....An abuser's desire for control intensifies as he senses the relationship slipping away from him. He focuses on the debt he feels his victim owes him, and his outrage at her growing independence. (This dynamic is often misread as evidence that batterers have an inordinate "fear of abandonment.") He is likely to increase his level of intimidation and manipulation at this point; he may, for example, promise to change while simultaneously frightening his victim including using threats to take custody of the children legally or by kidnapping.

Those abusers who accept the end of the relationship can still be dangerous to their victims and children, because of their determination to maintain control over their children and to punish their victims for perceived transgressions. They are also, as we will see later, much more likely than non-batterers to be abusive physically, sexually, and psychologically to their children....

The propensity of a batterer to see his partner as a personal possession commonly extends to his children, helping to explain the overlap between battering and child abuse...

*Court personnel and other service providers look skeptically at allegations of abuse that arise during custody and visitation battles. Batterers try to feed these doubts by saying, "She never said I was abusive before; **she's just using this accusation to get the upper hand.**" In fact, there is no evidence that false allegations rise substantially at this time, and there are many reasons why an abused woman may not have made prior reports. Judges, mediators, and court investigators need to*

*take each allegation on its own terms and **examine the evidence** without assumptions about the timing.*

It is not at all uncommon for a battered woman to tell no one about the abuse prior to separation because of her shame, fear, and desire to help the abuser change. Many victims quietly hope that ending the relationship will solve the problem, a myth that most professionals share; when she discovers that his abuse is continuing or even escalating after separation, she finds herself forced to discuss the history of abuse in hopes of protecting herself and her children. It is not uncommon for an abuser to be more frightening after separation than he was before, and to increase his manipulation and psychological abuse of the children, for reasons covered above...

Finally, because an abuser creates a pervasive atmosphere of crisis in his home, victims and children have difficulty naming or describing what is happening to them until they get respite from the fear and anxiety...Batterers can use any misunderstanding of this process to gain sympathy from evaluators.

Lundy Bancroft identifies an important element in understanding psychological abuse and the effects on victims; “creating an atmosphere of crisis, chaos and anarchy” is very important in the success of the abuser in controlling his victim. A continual and perpetual state of chaos by abusers, and then the perpetuation of this chaos by judicial systems, has been the most emotionally draining and stressful of all.

My neighbors offered me practical and financial assistance in procuring yet another lawyer, Senor Jorge Capell of Cuatro Casas, Gonçalves Pereira in Madrid; a friend of a neighbor. In the following months, Senor Capell also failed to defend my interests. Upon entering the first meeting with him, I learned he had obtained custody of his sons and I could not help asking myself if he had been involved in the same type of manipulations during his divorce with his ex wife. It is demonstrated that abusers are much more likely to seek custody of their children, and are successful 70% of the time, with statistics much higher amongst those who work within judicial systems.

His negligence was as follows:

1. Senor Capell informed me that a specialized court on domestic abuse existed in Mostoles, but failed to initiate a transfer of my divorce proceedings, in violation of art. 9, 10 and 14 of the *Constitucion Espanola*; art. 4, 11 and 13 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 1094, 1097 of the civil code; art. 10, 11, 22 and 512 of the penal code; art. 4 and 6 of the *Equality Act*; art. 3 and 4 *Declaracion sobre la eliminacion de violencia contra la mujer*; art. 4 and 6 annex of the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*

2. When I insisted that we present drug tests as part of my defense Senor Capell told me that drug-testing does not exist. Anyone who owns a television, or reads has read a tabloid knows this is completely false.

With all of the accusations from Señor González de Alcalá , the accusations of Senora Garcia Martin of my “strange behavior”, the removal of the custody of my children, introduction of drug-test was well merited, as was an explanation to the judge of the circumstances surrounding these events. However, Senor Capell never offered any explanation or even attempted to broach the subject in his oral defense during the trial, nor in his written response to the courts. His “omission” to address these issues in effect, inferred that I was an alcoholic, drug-addict, and/or psychotic, and in violation of art. 9, 10 and 14 of the *Constitucion Espanola*; art. 4, 11 and 13 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 1094, 1097 of the *civil code*; art. 10, 11, 22 and 512 of the *penal code*;

3. He did not appeal the decision of Senora Pilar Sandana Cuesta in regards to her intervies with my children that was clearly discriminatory against me and favored Señor González de Alcalá (see below the discriminatory interviews with the “minors” below)ⁱⁱ, and in violation of art. 9, 10 and 14 of the *Spanish Constitution*; art. 4, 11 and 13 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 1094, 1097 of the *civil code*; art. 10, 11, 22 and 512 of the *penal code*; and art. 2, 3, 5, 8, 9 and 12 of the *Rights of the Child*.

4. He did not inform my forensic psychiatrist as to the date and time of the divorce hearing. I was only by chance that I called the doctor 3 days before the hearing, and he was shocked, saying he knew nothing about the upcoming hearing, and would not have time to properly prepare his reports. His testimony and various articles that I wrote in 2006 (published on www.global-expats.com) clearly demonstrated the abuse of Señor González de Alcalá and his family. Dr. Orengo’s testimony (vea document #5) was essential to my defense and failure to have presented his oral as well as written testimony to the courts would have left me WITH ABSOLUTELY NO DEFENSE against the accusations of Señor González de Alcalá , in violation of art. 9, 10 and 14 of the *Constitucion Espanola*; and art. 4, 11 and 13 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 1094, 1097 of the *civil code*; art. 10, 11, 22 and 512 of the *penal code*.

Senor Jorge Capell admitted to me in writing (in an email) that he never even received a copy of the psico-social teams report that was extremely defamatory and discriminatory against me, and favored Señor González de Alcalá . It was extremely important to completely repudiate and rebut this report accusation-by-accusation in the oral hearing as well as the written *contestation*, but Senor Capell did not even take the time to read it, in violation of art. 9, 10 and 14 of the *Constitucion Espanola*; art. 4, 11 and 13 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 1094 and 1097 of the *civil code*; art. 10, 11, 22 and 512 of the *penal code*.

5. In march my court-appointed lawyer, Señor José Manuel Hernández Jiménez, had refused to introduce testimonies from Astrid Betancourt (sister of Ingrid Betancourt, Colombian

presidential candidate and FARC captive) (vea documento #3), and the testimony of another long time friend and psychiatrist, Doctora Piedad Rojas Gil, documenting not only my excellence as a mother and person, as well as my preoccupation for my security and the defamation of character campaign that Senor Gonzlaez de Alcala was waging against me, that was completely without any base or veracity (vea documento #2). Señor Capell told me he would introduce these letters into my defense during the divorce hearing, but did not introduce them during the verbal hearing or as part of his *contestacion* in writing, in violation of art. 9, 10 and 14 of the *Spanish Constitution*; art. 4, 11 and 13 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 1094 and 1097 of the *civil code*; art. 10, 11, 22 and 512 of the *penal code*

7. The judge refused to permit the introduction of the testimonies of my neighbors and friends during the verbal hearing, but Senor Capell did not protest to this as violation of my rights, nor did Senor Capell introduce any testimony from them during his written *contestacion* in violation of art. 9, 10 and 14 of the *Constitucion Espanola*; art. 4, 11 and 13 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 1094 and 1097 of the *civil code*; art. 10, 11, 22 and 512 of the *penal code*

8. Failed to initiate liquidation of my assets according to proper judicial procedure. As previously stated the fact that in 4 years no lawyer has been able to access any of my assets or file a simple petition through the courts in order that I might obtain complete financial records during my marriage defies the imagination. Either procedural laws in Spain regarding women's access to financial records have not progressed since the time of Franco or my lawyers have consistently been criminally negligent, in violation of art. 9, 10, 14 and 33.3 of the *Constitucion Espanola*; art. 4, 11 and 13 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 1094, 1097 of the *civil code*; art. 10, 11, 22 and 512 of the *penal code*

Refused, per my instructions, to appeal the divorce decree which awarded full custody of my children to my ex-husband, in effect declared me a drug-addict, alcoholic, and paranoid schizophrenic with effectively no visitation rights with my children, and a financial settlement in which **I WAS TO PAY MY EX-HUSBAND €1.546/month (€18.552/year)**, with no revenues with which to do so.

From the beginning I was very clear that if I did not receive custody of my children I would appeal the decision. Senor Capell refused to appeal the decision and when I insisted, he sent me a bill for €5.800 (in addition to the initial deposit €3.000), indicating that he would not continue with any action until I sent him the money. (vea documento #8), in violation of art. 9, 10 and 14 of the *Constitucion Espanola*; art. 4, 11 and 13 of the *CODIGO DEONTOLÓGICO*, 658/2001, de 22 de junio; art. 1094, 1097 of the *civil code*; art. 10, 11, 22 and 512 of the *penal code*

Además, me mandó este email el 14 noviembre 2008 proponiendo dicho apelación, cuando el recibió la sentencia el 5 noviembre 2008 con 5 días para recurrirlo (vea documento #8B). Mismo, si yo he podido conseguir el dinero and pagarlo, el tiempo de apelación ya estaba vencido. ¿Es

posible que Señor Capell no sabe que no se puede apelar una sentencia después del tiempo acordado por el tribunal; una cosa tan básica sobre procesos judiciales? (art. 448 del ley de Enjuiciamiento civil).

The fact that Mr. Capell refused to appeal the divorce decision assured that:

- I could never recuperate the custody of my children, or hardly ever see them
- The facts of my case, and violations of my rights would never be examined by another tribunal
- Condemned me to alimony that depreciated my years of dedication and sacrifice to my family, forcing me to leave Spain and my children in order to look for a job
- There exists a court decision, based on lies and perjury, which attack my character, honor and dignity.

Whether or not the failure of Señor Capell to protect my rights and interests were intentional, or not is of no important under the principle of due diligence. His acts, or omissions of acts, resulted in discrimination against me, defamation of my character, emotional pain and suffering, and financial damages to my personal assets as well as failure to produce revenues during four years for www.global-expats.com and Global Expats.

The level of professional negligence and the failure to act in the interest of his client is very troublesome when one considers that Senor Capell handles very complex and important cases of international commerce and finance for multinationals and important clients with large sums of money at stake. Any negligence on his part in relation to these cases could have very serious consequences for clients of Cuatro Casas, Gonçalves Pereira as well as international trade agreements. His inability to manage a simple divorce and petition a subpoena for financial records, which cover a few bank accounts (domiciled in Spain) should be very worrisome for potential clients of Cuatro Casas, Gonçalves Pereira.

The negligence on the part of Senor Capell to defend me, my interests and those of my children are in violation of art. 1, 9, 10, 14, 18, 24, 32 and 33 of the *Spanish Constitution*; art. 3, 4, 6, 8, 9, 10, 11, 12 and 14 the *Equality Act 3/2007*; art. 11, 110, 173, 195, 208, 250, 450, 451, 465, 467 and 512 of the *penal code*; art. 1089, 1091, 1098, 1101, 1107, 1254, 1256, 1258, 1278, 1365, 1369 and 1375 del *civil code*; and art. 3 and 13 de *CODIGO DEONTOLÓGICO, 658/2001, de 22 de junio*; art. 17, 23 and 26 dthe *International Convention on the Civil and Political Rights*; art. 6, 7, 10 and 11 of the *International Convention on Economic, Social and Cultural Rights*, inter alia.

Also, his acts, and/or omissions of acts, produced a financial responsibility, of Senor Capell as well as Cuatro Casas, Gonçalves Pereira, for damages incurred under art. 110, 111, 112, 113, 116, 117 and 120 of the *penal code*; art. 1098, 1101 and 1102 of the *civil code*; art. 9 of the *Equality Act*

3/2007; art. 8 annex *Declaration of the Basic Principles of Justice of the Victims of Abuses of Power*.

Discrimination in Alimony and Custody Considerations of 1143/2007

Article 97 of the Spanish civil code states “*The spouse to whom the separation or divorce produces an economic imbalance in relation to the position of the other, which involves a worsening of the situation he or she had during the marriage, has a right to maintenance which shall be fixed in the judicial decree, taking into account, among other, the following circumstances:*

1a - The agreements that the spouses may have reached.

2a - Their age and state of health.

3a - Professional qualifications and the probabilities of gaining employment.

4a - Past and future dedication to the family.

5a - Collaboration, by his or her own labour, with the commercial, industrial, or professional activities of the other spouse.

6a - The duration of the marriage and their marital life.

7a - The eventual loss of a right to a pension

8a - The wealth and economic means and necessities of both spouses”

9a - The agreements that the spouses may have reached

1a - The agreements that the spouses may have reached

A contractual agreement, after almost 20 years of customary actions and in accord with articles 2 of *The Principles of European Contract Law 1999*, art 1088, 1019, 1254, 1255, 1256, 1257, 1258, 1262, 1271, 1274, 1278, 1281, 1282, 1283, 1288, 1294 and 1887 of the *civil code*; art. 3, 4, 5, 6, 8, 10, 11, 12, and 14 the *Equality Act 3/2007*; art. 2, 3, 4, 5, 6, and 11 of the *Convention on Elimination of All Forms of Discrimination Against Women*, was that I renounced my career and higher educational opportunities in deference my husband’s employment as an expatriated manager of BBVA. I dedicated my time to the education and personal development of our children, as well as to our home and family. I executed these obligations and duties above and beyond the call of duty (vea documento #2, #3 and #11).

Additionally, after my children entered school, I spent their school hours working in the community, thereby contributing to the family social standing and respectability. I introduce as evidence relevant portions of my *curriculum vitae*:

Quenby Wilcox – Volunteer Employment

2005-2007

Global-Expats Foundation and www.global-expats.com Madrid, Spain – Founder

- handled all R&D, administrative duties, and marketing of Global Expats (see <http://worldpulse.com/node/44543>)

1999-2004

Bogotá Accueil (FIAFE) Bogotá, Colombia - Président

- directed the management team and monthly board meetings
- represented the French community of Bogotá at official functions and Embassies
- organized monthly cultural visits, educational seminars, guided tours of museums and art expositions, dinners and formal functions, parties and manual arts classes for children, and English classes
- organized a conference for Ingrid Betancourt, Colombian Presidential candidate for 2001, within the French community of Bogotá

International Group of Bogotá – Bogotá, Colombia - Secretary

- assisted in the formation and development of this cross-cultural group whose mission was to coordinate communication and cooperation between the various expatriate clubs and communities in Bogotá

Niñas de Vera Cruz - Bogotá, Colombia - Volunteer English Teacher in school
for abandoned girls

Bogotá Accueil (FIAFE) – Bogotá, Columbia - Membre du Bureau

American Women's Club of Bogotá (FAWCO)-Bogotá, Colombia- Secretary to
Board of Directors

Gourmet Chef and Party Organizer

- organized and prepared receptions for up to 200 people as well as conducted cooking demonstrations

Special Projects – El Hogar de Padre Nicolo/niños de la calle de Bogotá, and Fundación Canguro/cuidado de bebés prematuros

In exchange for all of this my husband would assume responsibility for the financial necessities and security of me and my children. Under common property law and Spanish law pertaining to marriage and its dissolution, I had every reason to believe that customs established in regards to childcare and financial maintenance would continue even upon dissolution of our marriage.

It should be noted that under contract and employment law, parties to a contract and/or employees are afforded certain rights in terms of job security, financial compensation, healthcare, favorable working conditions, unemployment benefits, pension, etc.

Under the reasonable person principle, the same considerations should be afforded to unemployed, homemakers. Failure of divorce courts to appreciate the contractual nature of marriage is discriminatory, and **relegates homemaking women to a situation of servitude; in violation of art. 4 of the Declaration of Human Rights, and art. 8 of the *International Convention on Civil and Political Rights*, inter alia.**

2a - Age and state of health

Age - In Spain it is difficult for a women to compete in the labor market for professional positions in their 20's and 30's. However, for a 45 year old woman, reinsertion into the labor force and development of a career at a managerial level is impossible. The contention that I would be able to return to the work force after 20 years, at a comparable salary level of a professional woman who had never left the work force, is discriminatory. It based on the **assumption that a woman is not capable of advancing professionally or monetarily within labor markets equal to men and capable of nothing more than menial or clerical work**. This is in violation of art. 14 and art. 35 of the *Spanish Constitution*; art. 3, 4, 5, 6, 8, 10, 11, 12, and 14 of the *Equality Act 3/2007*; art. 5(a), 5(b), 2 and 11 of the *Convention on the Elimination of All Forms of Discrimination Against Women*; art. 7 of the *International Convention Economic, Social and Cultural Rights*.

State of health – The fact that the judicial decisions found me in perfect health when it concerned my possible employment opportunities, but found me incompetent concerning custodial and visitation rights with my children, is contradictory and irrational.

I call attention to the fact that the finding of the court psychologist/social worker as to my “incompetence/paranoia” was based on nothing more than hearsay of Señor González de Alcalá , and completely refuted by Dr. Francisco Orengo. In examination of the contents of my interview with him, contents of letters from Astrid Betancourt and Piedad Rojas, Phd (documento # 2 y3), given to him during our interview (see below,) and reports from Joaquina Perez (see document #4 –which documents long-standing abuse in our home, and my complaints regarding said abuse) his conclusion finding me paranoid is illogical and clearly biased in favor of Señor González de Alcalá, as a man and Spaniard.

Furthermore, I provided him with the url of my website, www.global-expats.com, indicating that the enormous amount of work that I had been doing on this project was proof that Señor González de Alcalá's allegations of alcoholism and substance abuse were logically and logistically impossible and nothing more than a guise to obtain custody of my children and benefit monetarily. I also indicated that he could consult several articles that I had written in November 2006, and posted on my website, were more than proof of the long standing abuse at the hands of Señor González de Alcalá and his family (see).

It should also be noted that while waiting for the interview in question, when the court psychologist passed by, Señor González de Alcalá stood up, and in the manner in which greeted him was obvious that they knew each other quite well. Whether Señor González de Alcalá's prior acquaintance with this man was through his cousin, is immaterial and constitutes a “conflict of interest” in their evaluation.

The fact that their evaluation favored Señor González de Alcalá, sanctioning his violence and abuse, and was discriminatory against me as a woman and/or foreigner, is in violation of art. 7, 8, 10, 11, 12, 14, 15, 17, 24, 25 and 44 del *Código Deontológico del Psicólogo*; art. 1, 9, 10, 14, 15, 18, 24, 39, 53 and 103 of the *Spanish Constitution*; art. 1088, 1089 and 1094 del *código civil*; art. 11, 17, 22, 23 con 27, 28/29, 458, 459, 460, 461 and 510 of the penal code; art. 3, 4, 5, 6, 9, 11.1, 13, 14.1, 14.5, 14.6, 14.8, 14.10, 15, 27.2, 27.3b and 27.3d the Equality Act3/2007; art. 1, 2, 3, 4, 5, 11, 15 and 16 del *Convenio sobre la eliminación de discriminación contra la mujer*; art. 1, 2, 3 and 4 of the Declaration on the Elimination of Violence Against Women; art. 2, 7, 10 del *Convenio internacional de derechos económicos, sociales and culturales*; art. 2, 3, 17, 23, 26 dthe International Convention on the Civil and Political Rights; art. 2, 3, 5, 8, 9, 10, 16, 18 and 19 del *Convenio sobre los derechos del niño* art. Annex 1, 2, 5, 6, 14, 16, 18, 19 and 21 del *Declaración de principios de justicia por víctimas de crímenes and abusos de poder*, inter alía.

The court psychologist and social worker (civil servants of the State under art. 24.2 of the penal code) as well as the State are responsible for damages (monetary and moral) produced by said violations under art. 1101, 1902 and 1903 del *código civil*; art. 109, 110, 112, 113, 116, 117, 121, 122, 125 and 127 of the penal code; art. 8, 11 and 12a of the *Declaración of the Principles of Justice for Victims of the Abuses of Power*, inter alía

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.

As already indicated I presented letters from Piedad Rojas Gil (document #2) and Astrid Betancourt (document #3,) testimony to my character and impeccable integrity, as well as the

abuse of my ex-husband, and his obsessive campaign to convince everyone as to his false accusations.

Piedad Rojas Gil, Phd has been a friend of mine since 1998. Not only have I always stayed in touch with her after our living in Bogota, but she stayed for one month at my house in Spain in 2006, while on vacation with her mother and sister. She is also a professor/doctor of psychiatry specializing in therapy of abused and children in difficulty. For many years I have followed her work and research with much interest.

Astrid Betancourt, sister of Ingrid Betancourt, presidential candidate in Colombia (2001,) kidnapped by the guerrilla group FARC 2002-2008, recipient of the French Legion of Honor, and the Concorde Prize of the Prince of Asturias, and activist against political and judicial corruption and for peace.

There are also the reports of our marriage counselor Joaquina Perez (Documento #4) that documents my complaints of abuse, my intelligence, level-headedness and clarity in evaluating situations, and that the accusations of alcoholism and drug-addiction lack any foundation.

Under the reasonable person principle the testimony of these people should have carried much more weight than that of a Brazilian maid who had a questionable personal relationship with Señor González de Alcalá , some French people of dubious honesty and decency that I hardly knew, a old man in the neighbor who I do not know at all....

The preference and partiality given to the outrageous testimonies of Señor González de Alcalá 's questionable "witnesses," against my honorable and distinguished "witnesses" is nothing more than incredible. It shows once again to what point evidence and facts can so easily be disregarded and ignored in judicial considerations.

At the same time, the psychological report of the juzgado finding me paranoid and declaring me a drug-addict was repudiated in the verbal hearing 1143/2007 as well as in the written report of Dr. Orengo, forensic psychiatrist with the following credentials:

M. Medicine and Surgery Degree, Madrid Complutense University (1976).

Specialist in Psychiatry (1984), at the University Complutense of Madrid and University of Mainz, Germany (Annerkennung als Facharzt, Ärztekammer Rheinhessen).

Guest researcher (1989-1990) at the Unit on Dissociative Disorders, National Institute of Mental Health, Bethesda, MD (U.S.A.) Expertise in: Treatment of Trauma based and dissociative disorders and mobbing. Psychotherapy of Physic sequels of domestic violence. General Psychiatric and neuropsychiatric conditions, also derived from neurological and neurosurgical problems. Psychopharmacology. Forensic Psychiatry.

Expert works in Spanish, English and German.

Asociaciones a las que pertenece: Presidente de la Sociedad Española de Psicotraumatología and Estrés Traumático (S.E.P.E.T.), www.sepet.org, Sociedad Española de Psiquiatría Legal, Sociedad Española de Neurociencia, Sociedad Española de Vigilia and Sueño, Sociedad Española de Psicoterapia, International Society for Traumatic Stress Studies, European Society for Traumatic Stress Studies, Fellow member de la International Society for Dissociation.,

His expert forensic psychiatrist's opinion and found me in perfect mental health and confirmed long-standing abuse from Señor González de Alcalá **vea documento #5**. The fact that the judge chose to disqualify his testimony and give preference to the psychologist's testimony, someone not trained in psychiatric diagnosis or in detecting cases of abuse, over that of a top Anglophone forensic psychiatrist was clearly discriminatory.

The lack of due process, impartiality, prejudice towards paternal prerogative, and discriminatory decisions against women by the psico-social team of the juzgado merits an examination particularly rigorous, as their recommendations become "gospel truth" and are followed 85-88% of the time by judges of family courts, even in cases of testimonies from forensic psychiatrist that documents the contrary.

First it should be noted that interviews with psico-social teams of juzgados are not recorded and they are carried out without legal assistance or representation. **Also, psychologist and social workers are not trained nor qualified to diagnose psychiatric problems.** Under these facts interviews and recommendations of psico-social teams in family courts are in violation of art. 9, 10, 14 and 24 of the *Spanish Constitution*; art. 3, 4, 6, 8, 11, 12, and 14 the Equality Act3/2007; art. 17, 19, 23, 24 and 26 of the *Convention on Civil and Political Rights*; art. 3, 10, *International Convention on Economic, Social and Cultural Rights*; art. 2, 3, 5, 11, 13, 15 and 16 of the *Convention on the Elimination of All Forms of Discrimination Against Women*; art. 2, 3, 5, 6, 7, 9, 10, 12, 14, 16, 18, 19, 27, 29, 33, 34, 35, 36, 37, 38 and 39 of the *Convention on the Rights of the Child*.

***Jurispudence Study on the Impact of PAS in
Asturian Courts Institute of Asturian Women
Institute for Women of Asturias
Lawyers for Equality***

2 The psychosocial report as an absolute truth

... it is important to make a distinction between professionals licensed by forensic clinics, that are licensed and regulated by norms dictated in the Organic Judicial Law and professionals that are members of psycho-social groups, that are not "funcionarial" but

employees, lacking a specific status and whose activities are not duly regulated, going further than deontological norms that regulate the activities of psychologists and social work and their criteria of actuation with an obligation of professional ethics.

But, what is the role of these teams? What capacity do they possess to carry out this role? We have only found "procedural protocol" or "good practice guides" in certain CCAA, but never in any case specific norms, nor a reference to their professional qualifications of the person within these teams, nor specific knowledge of psychology or social work.

For this reason the work of these professionals has been polemic. There have been complaints about the work and reports of these psycho-social teams from a variety of sources. The Association of Women Themis Jurists in this jurisprudence on the Law 15/2005 published in 2005, calls to attention the necessity for the creation of regulatory norms for these professionals, psychologists and social workers that advise judges and courts in the course of family procedures.

Calling for norms that regulate tests, especially regarding minor children, disciplinary procedures, comparison with expert opinions, with the same application of norms found in the Law of Civil Judicial Procedures and of course a code of ethics in methods of reporting by technical teams, among other norms the necessity to tape and transcribe interviews.

Also the Defensor of the Pueblo Andaluz in their report in 2008 signaled that "In the daily work of this Defensor of the Pueblo in examining the complaints of gender violence, we have found cases that have violated the rights of women victims (...) These violations are produced in the majority of cases during judicial procedures and on occasions by psycho-social teams during their examinations and who lack training in gender violence and do not have sufficient resources to carry out investigations or inquiries to understand the conflict between the two parties."

Once the situation of the psycho-social teams, in relation to this jurisprudence study...

...In all of the cases analyzed, except two (recurso 346/08 -ficha 18; recurso 360/08 -ficha 21), the intervention of psycho-social teams was accepted by the court as an irrefutable conclusion in the reports by the psycho-social teams in

....En todas las Sentencias analizadas, en las que interviene el equipo psico-social, qualifying them as objective and impartial. The courts consider the technical teams as such for the simple fact that they have obtained this position.

We can see the appeal 469/05, ficha 8, in which the court affirmed that "one cannot question the legal aptitude of the psycho-technical team of professionals assigned to this

court...even if it is only because one or other had passed all of the official exams necessary to obtain such a post."

Equally in the appeal 368/06, ficha 13, the Court finds the professionalism and objectivity, saying contextually: "The psychologist and social worker assigned to the Courts of Oviedo, whose qualifications and objectivity, inherent in their post, is not questionable..." However, it is a fact that one can confirm that a large majority of decisions which are over-turned are based on mala praxis of psycho-social teams assigned to the Courts and their lack of specialization in child psychology, deficiencies in the methodology used in their reports, and in many cases in violation of principles of ethics, breaking deontological codes...

Expert Opinions of the Party

In the twenty cases mentioned, in twelve of them, there does not exist any expert report by parties (recurso 275/03, ficha 1; 23/04, ficha 2; 170/04, ficha 3; 434/04, ficha 4; 823/05, ficha 9; 241/06, ficha 11; 397/06, ficha 12; 343/07, ficha 15; 494/07, ficha 16; 452/08, ficha 17; 286/08, ficha 20; 360/08, ficha 21;) However, in nine of the cases analyzed (Recurso 493/05, ficha 5; Sentencia 81/05, ficha 6; Recurso 364/05, ficha 7; 469/05, ficha 8; 311/06, ficha 10; 368/06, ficha 13; 138/07, ficha 14; 221/07, ficha 16; 346/08, ficha 18) reports are filed in the process: even though we have been able to observe that they are invalidated, precisely because they are introduced by one of the parties, disqualifying professionals that do their job with the same dedication and objectivity attributed to the technical teams of the Courts. On several occasions the Courts do not consider the reports, in some cases criticizing and throwing them out....

...From the preceding facts we can conclude that in 85% of cases studied where there have been the intervention of psycho-social teams or a expert psychologist assigned by the courts, the Courts follow dutifully the recommendations of those reports. The percentage increases to 88.24% of the resolutions analyzed when the intervention comes from the psycho-social team. In regards to this criteria, the rulings and indications of the team become dogma of faith, absolute truths moulded into court decisions without any more reason than those given by the technical teams, without any value, consideration of proof, and analysis of the circumstances of the case or of the minor. Forgetting that this reports demonstrates, as the professionals included are no more than technical advisors, that should contribute and assist the Court to arrive at decisions that impart justice.

As jurists we aspire that representatives of Tribunals would administer their functions in the hope of discovering an effective justice. For this reason it is essential that judges acquire the necessary training in the difficult job of imparting justice, above all involving

complicated technical questions, and that they let themselves be guided by scientific criteria, demanding that professionals collaborate in these areas to arrive at solid and rigorous conclusions. In this respect, we illustrate a document titled "Breaking the Silence" in which frightening testimonies about real situations. In this document - which has been subtitled by the association of Madrid "Growing Up Without Violence" - the victims, after they have become adults, express sentiments of fear, helplessness, impotence... have suffered from the incapacity of anyone to understand why no one listened to them or protected them from situations that they were enduring.

Studies have shown that these children have tendencies to self mutilation, and in some cases suicide. We should not only "import" this type of "creations" but also learn from the experiences of other countries and avoid making the same errors.....

....In second place, we would like to focus directly on the children and their rights. We have commented in this study on the many times the fact of being a child, converts them into simple object utilized by parties for their own benefits.

Here we denounce the banalization of examination of children by the tribunals or psycho-social teams. Calling attention to the custom of family courts, by both parties, to lightly and without necessity, examine children by technical teams of the courts in generic closing of "as if they would be affected emotionally." Even more surprising is the ease with which these tests are accorded, not only out of lack of necessity, but for the lack of reflection and necessity in sacrificing fundamental rights, under the contention of supposedly superior interests.

*That a child or adolescent is not only heard, but listened to in family court is a right, never an obligation. **We believe it is not correct to transfer the responsibility to children situations that adults have not been able to resolve, additionally in their presence.** If these situations are absolutely necessary, we should assure that they are carried out in the best conditions possible for these children, preserving their interest and intimacy. **For this, we once more ask that lawyers that participate in these processes to adequate evaluate the necessity to submit these children to interminable tests, far from making the situation easier deepens their emotional trauma.***

From "Lawyers for Equality" we hope that these lines will make all people think about customs in family courts, and ask ourselves if we are really acting in the "best interest of the child," as claimed.

In addition to the rights of children being consistently violated in judicial proceedings, women's right are equally disregarded by tribunals, and rampant due to the failure of governments to punish or prosecute gender bias, with victims paying the highest price.

Broken Bodies, Shattered Minds

by Amnesty International

Failure to prosecute and punish: gender bias of courts

Judges are part of the society in which they live, reflecting its cultural values, moral norms and its prejudices. Rising above prejudice is a prerequisite of judicial office, but discrimination against women and lack of understanding of violence against women as a human rights issue frequently lead to bias in the way trials are conducted and in decisions and rulings....p. 18

...In many countries, women seeking justice face insuperable economic obstacles. Lack of money, as well as educational deprivation, militate against women seeking and obtaining legal redress for abuses they suffer. Rights awareness programs and legal aid are sorely lacking where they are needed most. In some countries corruption permeates the judiciary, and more men than women are in a position to offer financial inducements to obtain the outcome they want.

While judges often take a lenient view of men abusing women, many have failed to consider severe domestic violence suffered by women as relevant when assessing women's responsibility for offences committed by them.... P. 19

Mas Alla de Papel

by Amnesty International

...As far as the conduct of the authorities is concerned, the survivors' stories reveal a worrying picture of discriminatory treatment, action and failings amounting to a secondary form of victimization that is just as abusive in that it inflicts additional suffering and exposes them to further ill-treatment and serious risk, including death.....

... many of those who decided to report the violence were treated with callousness and indifference by the authorities or were accused of lying or inventing or exaggerating their stories... The risks and devastating effects of the abuse were not taken into account by those who had it within their power to protect and help the survivors, investigate and prosecute the offences in question, punish the person responsible and determine the level

of reparation. The testimonies of the survivors interviewed by Amnesty International frequently refer to actions, and even court rulings, that were motivated by prejudice....

**THE PSYCHOLOGISTS OF THE CRIMINAL CASE OF
ALOVERA HAS A RECORD OF COMPLAINTS
THE CIVIL SERVANT CRITICIZED THE WOMAN OF "INCOHERENCE" AND
NEGATED THAT THE SARGEANT WAS ABUSIVE
El Pais, April 14, 2008**

The psychologist that examined Sylvina Bassani, the Argentinian woman assassinated on Thursday by her ex husband in front of her 4 year old son, testified before the women's violence court of Torrejon de Ardoz "that from a psychological point of view" one cannot "talk about abuse within the family." One cannot believe the woman, as she is full of contradictions and incoherence and recommend psychological treatment " in order to adequately deal with spousal conflicts and learn to open herself up to paternofilial relationships."On the other hand the man, Javier Lacasa, who had tried to commit suicide when the Guardia Civil detained him - as stated in the testimony of the armed institute- and that in the same report stated that he had thrown a television set on the floor when his wife wished to travel to Boston, was a normal person. The psychologist only received a verbal admonishment from the counsel for having said that the man was normal even though he had tried to commit suicide.

The psychologist, Maria Isabel Tagle, employed by the Justice Counsel by the Community of Madrid, has received more than one complaint in the Association of Psychologist of the región, nine. At least six have been pardoned by the Counsel. The first, in November 2006, with 3 negative reports indicated that she had violated deontological principles in her reports. The only response of the regional government was a verbal admonishment in autumn of 2007 in which she was asked to "moderate hers forms" and that she "continue with her exquisite procedures in her work."

"Without a doubt it was known that their was a problema with this psychologist," said the Dean of the Psychological Association of Madrid. " Her case was known, as no one had as many complaints as she. If we had not thought that the case was important, we would not have filed the report with the Counsel. Now we will always be left with the doubt that we might have been able to do something more to have avoided the death of this woman."

The report of the case of Sylvina Bassani and Javier Lacasa, signed by Tagle and a social worker, is the only one issued in the penal and civil procedures pending after having

accorded the protection order in September 2006. A first judge to open the hearing, asked for a psychological evaluation of Lacasa, due to his suicide attempt the day of his arrest. But, in all of the procedures the report of the psychosocial for the divorce is found. The lawyer of the victim in criminal proceedings, Robert Garcia, had also requested a psychiatric report of Lacasa, noting that he had been convicted of puncturing the tires of several neighbors who had testified in favor of Sylvina. The magistrate Gemma Fernandez denied this petition in April 2007.

A spokesperson for the Counsel of Justice of Madrid confirmed the existence of various complaints about this psychologist, but no disciplinary measures were taken against her because they had understood that the complaints were not sufficient.

In one of the negative reports to the Psychological Association of Madrid related that, in family cases, Tagle contended that the son be placed with his father because the mother had been raped at 14 by a school mate. The psychologist concluded that, since the boy was male he would have a certain rejection for his mother, and that the son would be better with the father. In another case she diagnosed paranoid schizophrenia, recommending that the person in question be involuntarily committed to a psychiatric hospital, "without indicating the methodology used," findings of the deontological commission of the Psychological Association. The commission identified in various occasions the lack of argumentation and basis of findings by the evaluators. All of the complaints had been filed by women.

On February 13, 2007, Tagle membership was revoked by the Psychological Association after several negative complaints about her professionalism. At present she is not a member of the Association. Psychologists working in the private sector must be registered with the association, but it is not so clear for those working within government institutions. It is not clear either, according to the Dean of the Association of Madrid, Fernando Chacon, if these cases can be sanctioned through disciplinary action. There are other complaints, not yet transmitted to the Counsel, and which the Psychological Association of Madrid are investigating in this case. This newspaper tried on Friday, with no success, to localize the psychologist Tagle at the courthouse of Torrejon for an interview.

Whatever the case may be, it seems that various institution have failed in there diligence in this tragic case. The president of the Observatory on Domestic Violence of the Counsel of Judicial Power, Montserrat Comas, requested a reunion with the representatives of the Minister of the Interior and Justice of the General State Prosecutor to see if "the mechanics of coordination had functioned correctly."

Another element that must be investigated is the diligence of the prosecutor. The trial was concluded in the summer of 2007 and since then several accusations are still pending. The lawyer of the victim, Roberto Garcia, said that the judge sent the case to the prosecutor, with no "sign of life" from him seven months later.

http://www.elpais.com/articulo/sociedad/psicologa/caso/crimen/Alovera/tiene/record/que.jas/elpepisoc/20080414elpepisoc_3/Tes

3a - Professional qualifications and the probabilities of gaining employment.

The judges decisions that I would easily find a well remunerated position demonstrates a total lack of awareness of my personal situation as well as the economic crisis in Spain and around the world.

New England Law Review: Gender Bias Study of the Court System in Massachusetts Volume 24, Spring 1990

Financial Considerations

...In the area of alimony, the Committee found that very few women receive alimony awards, while even fewer women receive awards that are adequate. While many alimony awards undervalue the contributions of the homemaker to the family, they also overvalue the earning potential of homemakers who have long been out of the labor market. Further, only a minority of the alimony awards ordered ever get collected... ... women who have postponed their careers to raise children or to work in the family business are often economically disadvantaged, both at the time of their divorce and for many years to come....

** "The human cost of the recent global crisis is reflected in its impact on the labor market. With 210 million people currently out of work worldwide, official unemployment has reached its highest level in history...Spain had the worst employment performance among OECD economies during the crisis." **Cross-Cutting Themes in Employment Experiences during the Crisis**, International Monetary (IMF) Staff Position Notes 2010.*

My accessibility to employment in Spain was diminished by the economic crisis, as was my status as a foreigner and my limited proficiency in written Spanish. In order to provide for my basic necessities, I was obligated to leave my children and return to the USA in search of work.

And, if had not been for the fact that none of my lawyers, inter alia, had left me access my funds in Spain, and thereby create Global Expats, I would have returned to Spain many years ago to be with my children.

In the last 3 years, I have only been able to find temporary work and my only hope for a correct salary, professional job and future retirement rests with my Global Expats / www.global-expats.com. If I did not have this possibility I would be condemned to a future of poverty and total misery.

Western countries always use the example that in Muslim countries men can throw their wives onto the street with nothing under sharia law as proof that they are violent and abusive. But, what conclusion can arrive at about western countries where the same can be done in total violation of laws, constitutions and international treaties, without any consequence for the authors of said violations or reparations for victims?

Also, the fact that all access to all of my funds and assets in Spain since the beginning and assure that I could not create Global Expats and/or defend myself in this judicial battle is in violation of art. 1, 9, 10, 14, 15, 24, 32, 33.3, 35.1, 38, 39.1 of the *Spanish Constitution*; art. 1316, 1318, 1319, 1344, 1345, 1347, 1361, 1362, 1366, 1369, 1375, 1376, 1377, 1383, 1384, 1386, 1390, 1391, 1392, 1393, 1397, 1398, 1399, 1411, 1412, 1413, 1414, 1416, 1417, 1418, 1421, 1422, 1424, 1425, 1427, 1429, 1431 and 1433 of the *código civil española*; art. 3, 4, 6, 8, 10, 11, 12, and 14 the Equality Act3/2007; art. 1, 2, 3, 23, 24, 26, of the *Convention on Civil and Political Rights*; art. 1, 2, 3, 6, 7, 9, 10, 11 and 15 of the *International Convention on Economic, Social, and Cultural Rights*; art. 2, 3 and 4 of the *Declaration on the Elimination of Violence Against Women*; art. 2, 3, 4, 5, 11, 12, 13, 15 and 16 of the *Declaration of the Elimination of Discrimination Against Women*.

4a - Past and Future Dedication to the Family

For the 17 years of my marriage, and 2 years prior, I made 6 international moves in deference to my husband's career, I fulfilled my "social" obligations in regards to his career and family, I gave up a degree in international law, a MBA, a diploma in gemology and jewelry design, as well as a lucrative career in the financial markets.

In regards to my children, I dedicated myself 24/7 to their care and upbringing, with little outside help. I maintained homes of 450-500 sq. mts. with little to no domestic help; entertaining extensively, doing all of the preparation, cooking, serving and cleaning myself, with little help from my husband or domestic services.

My husband never assisted with any of the daily chores, our children's upbringing, family errands, or the unpacking, arrangement and decoration of 8 different homes.

Additionally, from 2005 to 2007, I spent an enormous amount of time and energy in researching and developing a career for myself and a second income for my family, all the while enabling me to remain at home and attend to my children and families needs.

Señor González de Alcalá never helped with any of the domestic chores, with the care of our children, daily family chores, or even unpack, organize and decorate 8 homes/international moves in 20 years. Nor did I ever receive any assistance in relocation from the Spanish multinational employer BBVA of Señor González de Alcalá, which is normally the case for most expatriated spouses whose husband's work for American, British, French, multinationals, etc. The phenomenon of the multinational is quite recent amongst Spanish companies and the attitudes and services offered to spouses of expatriated employees resembles that of American multinationals of the 1950's, (*Zvonkovic, Greaves et al. 1996; Brescoll and Uhlmann 2005*); which essentially means nothing. In 17 years as a Spanish expat trailing spouse, I was offered 6 months of language classes.

It is exactly my appreciation of being a "trailing spouses" without any assistance or support of my expat husband, his employer or even from the other Spanish expat spouses (as I was American and considered an "outsider"), that permitted me to become familiar with ALL of the challenges and problems that trailing spouse women can be faced with during their life abroad and as such develop an organization that is ready and able to offer ALL of the information, services and support that these women and families need.

Also, it should be mentioned that from 2005 to 2007, I spent an enormous amount of time and energy investigating and developing a career and eventually a second income for my family (with Global Expats), that would have permitted me to stay at home with my children and be financially independent. **And, is exactly why Señor González de Alcalá started this "judicial war" bring in everyone, my lawyers included, into illegal acts; all because he did not want his wife "working".**

Judicial decisions that did not even bother to look at or consider my efforts and contributions to the career of Señor González de Alcalá and/or my family and personal, academic, and psychological development of our children is in violation of art. 1, 9, 10, 14, 24, 32, 35, 39, 40, 45, 50 and 52 of the *Spanish Constitution*; art. 3, 4, 5, 6, 8, 10, 11, 12, and 14 the *Equality Act* 3/2007; art. 66, 67, 68, 97 and 98 of the *civil code*; art. 1, 2, 3, 8, 23, 24 and 26 of the *Convention of Civil and Political Rights*; art. 1, 2, 3, 6, 7, 10, 11 and 15 of the *International Convention on the Economic, Social and Cultural Rights*; art. 2, 3, 4, 5, 11, 13 and 15 of the *Convention on the Elimination of All Forms of Discrimination Against Women*.

5a - Collaboration, by his or her own labour, with the commercial, industrial, or professional activities of the other spouse.

An expat career by definition demands that one of the spouses renounces their career, something that I did for 20 years. Without my sacrifice Señor González de Alcalá would never have been able to accept positions in other countries.

Not only is it my professional sacrifice that the judge should have looked at and considered in my divorce (and not some ridiculous accusations from Señor González de Alcalá), but also the efforts and illegal act that Señor González de Alcalá was involved in his efforts to prevent me from starting a company from the home.

Art. 66 (the husband and wife are equal in rights and responsibilities) 67 (they must respect and assist each other mutually and act in the interest of the family) and 68 (fidelity and help each other) of the civil code clearly defines the rights and responsibilities of the partners, and the obligation of Señor González de Alcalá to support and assist me in my entrepreneurial efforts. But, these issues were not even a consideration or “question” in the divorce of liquidation of common property.

While State and non-State actors of family courts continue with traditions and beliefs based on the inferior position of the woman within the home, as well as her obligations to respect the rights of the husband (Coltrane 1998; Zvonkovic, Greaves et al. 1996; Brescoll and Uhlmann 2005) the violations of her rights in the process of divorce as well as cases of gender violence will continue.

The failure of the judge to consider the sacrifices that I made in deference to Señor González de Alcalá 's profesional career is in violation of art. 1, 9, 10, 14, 24, 32, 35, 39, 40, 45, 50 and 52 of the *Spanish Constitution*, art. 66, 67, 68, 97 and 98 of the *código civil española*; art. 3, 4, 5, 6, 8, 10, 11, 12, and 14 the *Equality Act 3/2007*; art. 1, 2, 3, 8, 23, 24 and 26 of the *Convention of Civil and Political Rights*; art. 1, 2, 3, 6, 7, 10, 11 and 15 of the *International Convention on the Economic, Social and Cultural Rights*; art. 2, 3, 4, 5, 11, 13 and 15 of the *Convention on the Elimination of All Forms of Discrimination Against Women*.

6a - The duration of the marriage and their marital life

The duration of our marriage was 17 years, with 2 years of prior communal life, which means 20 years, which the average marriage of divorcees in Spain is 15 ½ years.

7a - The eventual loss of a right to a pension

It should be noted that not only did I lose rights to any accrued or future pension, but rights to private and public health insurance, unemployment insurance and any and all social benefits in Spain or elsewhere.

Given the fact that ½ of income tax, social security tax and unemployment tax, etc. of the “breadwinning spouse” belongs to the homemakers under common property law, upon divorce the fact that she is not provided with unemployment benefits, access to health care, or any social benefits is an **example of de facto discrimination and violates art. 41 and 43.1 of the Spanish Constitution; art. 11.1 e and 12.1 of the CEDAW; art. 9 of the International Covenant on Economic, Social and Cultural Rights; and 8.1c of the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live.**

8a - The wealth and economic means and necessities of both spouses

Upon our divorce my husband’s monthly income was €15.000/month (€181.000/yr.) while mine was non-existent.

A decree which ordered alimony of €1.000, minus €150, for a monthly income of €850, against my husband’s income of €15.000/month (€181.000/year) is discriminatory in itself. However, the stipulation that I would assume responsibility for an outstanding mortgage of €2.396/month **in effect ordering ME TO PAY €1.546/month (€18.552/year) TO MY EX-HUSBAND with no revenues, income or access to my assets is punitive.**

Under what law or legal precedent this decision was based is a mystery.

The stipulation regarding responsibility for mortgage is mute, as no mortgage exists. But, this decision was made under the belief that said mortgage did in fact exist. It should be noted that failure for me to assume this debt would have denied me my portion of the proceeds on our home, upon its sale.

“In the judicial resolution it will fix the base to actualize the pension and guarantee its effectiveness” – Nothing is mentioned in the divorce decree about a pension, nor in the liquidation of common assets. Once again if I could access this money, then I could pay for the reconstruction of my website, www.global-expats.com, and thereby move forward with the entire project, and would not need any of my other assets in Spain.

Additionally, the provisions of financial consideration in my divorce decree were in violation of art. 14, 32.2, 33.3 and 35.1 of the *Spanish Constitution*; art. 1, 2, 3, 4, 5, 11, 13, 14, 15, and 16 of *CEDAW*; art. 3, 4, of the *Declaration on Elimination of Violence Against Women*; art. 1, 7, 9, 10 and 11 of the *International Covenant on Economic, Social and Cultural Rights*; art. 1, 2, 3, 7, 8,

12, 17, 19, 23 and 26, of the *Covenant on Civil and Political Rights*; art. 5, 8 and 9 of the *Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live*; art. 1, 2, 3, 4, 5, 7 and 10, of the *Declaration of Human Rights*.

The recognition that stipulations such as those in my divorce decree **ARE HUMAN RIGHTS VIOLATIONS** are expressed in

October 2008 – November 2008

The divorce decree 1143/2007 was obviously detrimental to me not only financial, but was an attack upon my honor, integrity and good character as it in effect provided confirmation by judicial decree as to Señor González de Alcalá 's false allegations of alcoholism, drug-addiction and psychosis.

I instructed my lawyer, Senor Jorge Capell, to initiate an appeal. He refused, even upon my repeated insistence. Later he told me that he had appealed the financial considerations of the *sentencia*, but not the custodial decision. However, to date I have not been provided with any documentation as to any said appeal. Also, as already stated Senor Capell sent me an email on November 14, 2008 when he had received the divorce decree on November 5, 2008 with 5 days to appeal (see document #8B). Even if I had been able to obtain the money (€5,800 that Senor Capell was requesting in order to file the appeal), the time limit for filing the appeal had already past and the money I would have paid to Cuatro Casas, Gonçalves Pereira would have been for nothing.

Not only was it important to contest the custodial and financial decision from a personal standpoint, but from a professional one as well. In spring-summer 2007, my Global Expats project was receiving great praise and interest from many “players” in the expatriation/international relocation industry in the USA. Obviously the fact that my website has been “sitting” on the Internet, in front of the entire global mobility industry and an audience of 50 million people around the world has “raised some eye-brows”.

One of the primary “assets” and “capital” of my project is my extensive knowledge about expatriation and expat associations, my global network of friends/acquaintances and my reputation as an honest, honorable, hard-working and dependable person of the highest integrity. Failure to contest and challenge a judicial decision that was clearly bias and defamatory was in essence admitting to guilt by default, and detrimental to my personal and “professional” reputation.

Mr. Capell's failure to act in good faith and the interests of his client were in violation of my rights under art. 10, 14, 15, 18, and 24 of the *Spanish Constitution*; art. 173, 208, 243, 267, 467.2 and 512 of the penal code *española*; art. 3, 4, 6, 8, 10, 11, 12, and 14 the Equality Act 3/2007; art. 3 and 4 *Código Deontológico 658/2001 de 22 de junio*; art. 1, 2, 8, 17, 23 and 26 of the *International Convention on Civil and Political Rights*; art. 1, 2, 3, 6, 7, 10, 11 and 15 of the

International Convention on Economic, Social and Cultural Rights; art. 2, 3, 4, 5, 11, 13 and 15 of the *Convention on the Elimination of All Forms of Discrimination Against Women*.

También, Señor Capell tuvo que notificar el juez de todos hechos bajo art. 11 *Código Deontológico 658/2001 de 22 de junio* and art. 451 of the *penal code española*.

November 2008 to February 2010

Since, Mr. Capell had failed to act in my best interests, I hired yet another lawyer, Mr. Alberto Fontes, to ensure that my ex-husband paid monthly alimony and initiate liquidation of my assets in Spain. In February 2009 I left Spain returning to the USA, with the intention was to initiate legal proceedings against my web designers in Florida (www.arnima.com) for their breach of contract (dating to 2006-2007,) liberate my website, and return to Spain and my children, resuming my work on Global Expats.

Unfortunately, due to the failure of Senor Fontes to do his job with due diligence, (who continually refused to the liquidation of common property nor reclaim non-payment of alimony (minus child support) that Señor González de Alcalá owes me), I did not have funds with which to pay legal expenses in Spain nor funds necessary to recuperate control of my website (or create a new one), and return to Spain and my children.

Once again the question arises as to whether the failure of my lawyer, this time Senor Fontes, to reclaim my assets (alimony owed and/or a court order requesting that BBVA deliver all and any information regarding salary income and financial records in the name of Javier/Xavier Gonzalez de Alcala from August 1991 until October 22, 2008) is due to his gross negligence or discriminatory procedural laws in Spain which prevent women from accessing financial information and/or assets which are their property.

Due to the negligence of my lawyers and the lack of due diligence of State and non-State actors since September 2007 I have lived in total poverty, during 2009 officially homeless, without a permanent job and while I have been eligible for welfare benefits and food stamps from the American, French, and/or Spanish government, I could not reclaim them because I had no domicile; in violation de art. 19, 24, 33, 40, 41, 43, 45, 47 and 51 of the *Spanish Constitution*; art.11 of the *Convention on the Elimination of Discrimination Against Women*; art. 10, 14, 15, 18, and 24 of the *Spanish Constitution*; art. 173, 208, 243, 267, 467.2 and 512 of the *penal code*; art. 3, 4, 6, 8, 10, 11, 12, and 14 the *Equality Act 3/2007*; art. 3 and 4 *Código Deontológico 658/2001 de 22 de junio*; art. 1, 2, 8, 17, 23 and 26 of the *International Convention on Civil and Political Rights*; art. 1, 2, 3, 6, 7, 10, 11 and 15 of the *International Convention on Economic, Social and*

Cultural Rights; art. 2, 3, 4, 5, 11, 13 and 15 of the *Convention on the Elimination of All Forms of Discrimination Against Women*.

It should be noted that the Spanish State is responsible for any Spanish procedural laws which are directly or indirectly responsible for my failure to access information regarding and/or actual assets, funds and property that belong to me (whether under the name of Javier/Xavier Gonzalez de Alcala or my name) under common property laws (rather than negligence of my lawyers), directly and/or indirectly violate my rights under art. 1, 9, 10, 14 and 33.3 of the *Spanish Constitution*; art. 1, 2, 3, 4, 5, 6, 10, 11, 12, 14, 15, 42, 44 and 45 of the *Equality Act 3/2007*; art. 11, 22, 28, 29 195, 250.7 and 450 of the *penal code*; art. 1088, 1089, 1090, 1093, 1094, 1100 1254, 1255 and 1262 of the *civil code*; art. 2, 3, 4, 5, 11 and 12 of the *Convention on the Elimination of All Forms of Discrimination Against Women*; art. 1, 2 and 3 of the *Convention of Civil and Political Rights*; art.1, 2, 3, 10 and 11 of the *International Covenant on Economical, Social and Cultural Rights*.

In August 2009, I noticed that liens against my bank account in Spain, for €305,47 and €487,20, by the juzgado de Mostoles 1st instruccion. I transferred the necessary funds to the bank account with instructions to cover the embargo GE-20030225-92959 (vea documento #26A and #26B). The bank did not respect my instructions to pay the embargo. Also, I contacted Senor Fontes asking why he had not notified me about the embargo, and all litigation in relation to said embargo, asking for a copy of ALL documents that he had handled in my case and name and bill detailing all of his actions and documents in relation to my case. He responded that it was not in the habit of his office to give information and documents to his clients regarding their cases, and he never sent me a detailed bill.

At the end of October Senor Fontes sent me an email with the sentencia #1079 (see all discriminatory considerations detailed in the *sentencia* belowⁱⁱⁱ). Señor González de Alcalá had petitioned the courts to remove alimony under the contention that he had been fired from his job. The judges reduced the alimony to €350 net/month, declaring in the *sentencia* that **I was of a perfect mental and physical health**, and therefore capable of earning a living. Once again my lawyer did not appeal the decisión, or asked for proof regarding the unemployed status of Señor González de Alcalá, nor did he present evidence as to my precarious state of employment and financial situation in the USA, nor did he notify of the said petition in the first place.

His actions were in violation of art. 9, 10, 13, 14, 24, 35, 38, 39 and 40 of the *Spanish Constitution*; art. 3, 4, 6, 8, 10, 11, 12, and 14 the *Equality Act 3/2007*; art. 3, 4, 5, 6, 8, 10, 11, 12, and 14 the *Equality Act3/2007*; art. 250.7, 267, 267, 467.2 and 512 of the *penal code*; art. 3, 4, and 11 *Código Deontológico 658/2001 de 22 de junio*; art. 2, 3, 26 de *Convention of Civil and Political Rights*; art. 1, 2, 6, 8 and 15 *Convention on Economic, Social and Cultural Rights*.

February 2010 – May 2012

Once again I was looking for a lawyer that would do something that should be quite simple; liquidate my assets. In February 2010, finally I found other lawyers, Miguel Martínez López de Asiain e Ignacio Gonzalez-Martínez, that I believed were truly going to help me. It took the entire 2010 in order to transfer my case and begin liquidation of assets and a final financial resolution.

As I saw it was taking so much time for something that should be rather simple, I prepared a resume of my case with all facts, violations of my rights and a petition for reparations of damages suffered under the Spanish civil code, inter alia, so that my lawyers could the pertinent facts and events, my complaints and demands to the courts, if Señor González de Alcalá was not willing to arrive at an agreement and avoid further litigation.

In February 2011 I sent my proposed financial agreement/resolution^{iv} so that Señor Martínez López de Asiain and Señor González-Martínez could offer it to Señor Gonzalez de Alcalá. Between February 2011 and September 2011 I sent various emails and made several calls to Señor Gonzalez-Martínez in order to find out if he had transmitted my proposition to Señor Gonzalez de Alcalá and whether he had responded to my offer. Senor Gonzalez Martinez never responded to any of my emails or telephone calls. To my knowledge Señor Martínez and Señor Gonzalez-Martínez never sent my offer to Señor Gonzalez de Alcalá's lawyer.

Therefore, in September 2011 I sent a message to Señor Martínez López de Asiain in order to find out what was happening with my case, and if they had contacted Señor Gonzalez de Alcalá's lawyer with my offer. In November 22, 2011 Señor Martínez López de Asiain sent me an email notifying me that he had unilaterally initiated liquidation of my assets for €200.000+ (documento # 16).

There is a hearing for May 11, 2012 in order to set the inventory in the *juzgado* de Mostoles, to which Señor Martínez López de Asiain has informed me that the judge had agreed that my presence will not be necessary. I have several preoccupations regarding the hearing which are as follows:

- At the beginning of 2011 Señor González-Martínez informed me that the bank statements that had been introduced with the divorce petition were no longer within the court dockets, and it would be necessary to request new account statements from BBVA. Since that time, I have repeatedly told Señor González-Martínez and Señor Martínez López de Asiain that I could go to the Spanish Consulate here in Washington, DC in order to sign any power of attorney necessary. My concern at present is that bank statements, and therefore proof as to said accounts are not to be found in court records

and our petition for an inventory will be rejected by the judge under art. 808 of the *Ley de enjuiciamiento civil*.

- In his petition for the hearing May 11, 2012 Señor Martínez López de Asiain indicates that there are no liabilities. But, there are €30.000+ of pending liabilities in Spain for litigation expenses in connection to the divorce (art. 1398 and 1403 of the *código civil española*), plus the 20% of the legal fees of recuperated assets of Señor Martínez López de Asiain and Señor González-Martínez (art. 1347 of the *código civil española*) illegally retained (art. 252 of the penal code) by Señor González de Alcalá, with the consideration noted below²⁷.

In his email of March 28, 2011 Señor Gonzalez Martínez López de Asiain indicates that “the petition for divorce was presented October 25, 2007 and is taken as reference for the date of liquidation” (documento #17 p.6 comentario M8). But, art. 1392.1 of the Spanish civil code indicates that common property end upon the dissolution of the marriage,²⁸ and under art. 1365²⁹ and art. 4 of the *Código Deontológico 658/2001 de 22 de junio* Señor Martínez López de Asiain and Señor González-Martínez are obligated to act in my interests. In which case it is clearly in my interests to use October 22, 2008 (and not October 25, 2007). Additionally, they can defend using the date of October 22, 2008 under art. 1390 and

²⁷ Bajo art. 1390 and 1391 del *código civil española*, art. 10 del *Acto de Igualdad 3/2007*, and art. 252 del *código penal española* Señor González de Alcalá tiene el obligación de volver estés fondos y/o el valor igual tanto que cualquier gastos incurrido en el recuperación de dichos fondos. También, Señor González de Alcalá, Señora García Martin, Señor Hernandez Jiménez, Señor Capell/Cuatro Casas, Gonçalves Pereira, Señor Martínez and Señor Gonzalez-Martinez (art. 1, 3, 4 del *CODIGO DEONTOLÓGICO, 658/2001, de 22 de junio* and 512 del *código penal española, inter alía*) and cualquier otro actor estatal y/o non estatal (art. 17, 22, 23 del *código penal española*) han incurriendo un responsabilidad penal, and responsabilidad por daños financieros bajo art. 249 and 251 del *código penal española* and art. 1908, 1101, 1106, 1124 and 1295 del *código civil española*. También, se debe notar que la transferencia de la suma de €94.000 (BBVA nº 0182-4000-0411563734 de titulo conjunto: Javier González de Alcalá and Quenby Wilcox) al cuenta BBVA nº 0182-4000-0411563727 (de titulo singular: Javier González de Alcalá) es en violación del art. 33.3 del *Constitución Española* and art. 1767 and 1772 del *código civil española* con el obligación de la parte del BBVA de volverme el mitad de dichos fondos (tanto que todo información financiero, ingresos, sueldos, inter alía en el nombre de Javier González de Alcalá bajo art. 1347 del *código civil española*) and el fallo del BBVA de volver estés fondos será en violación del art. 254 del *código penal española*; art. 1089, 1098, 1101, 1107 and 1108 del *código civil española*; and art. 10 del *Acto de Igualdad 3/2007*.

²⁸ Art. 1392.3 - The community of joint assets shall end by operation of law: 1. When the marriage is dissolved. art. 1392.1.

²⁹ Article 1,365 - The common property shall be directly liable to the creditor for debts contracted by a spouse: 1. In the exercise of domestic powers or the management or disposal of common property to which he is entitled pursuant to the law or to marriage articles.

1391 of the Spanish civil code; art. 11 the Equality Act 3/2007 and art. 2 and 4 of the *Convention on the Elimination of Discrimination Against Women*. Not only is there the sum of €41.000 of the salary of Señor Gonzalez de Alcalá during 2008 that belongs to me and that the decisión of 1140/2007 (according me a pension of €500/month) misappropriated (under art. 252 and 250.7 of the *penal code*), but also all of the legal fees associated with my divorce, which are €30.000+.

The failure to defend my interests is in violation of art. 1254, 1256, 1258, 1088, 1091, 1094, 1097 and 1100 *civil code*; art. 512 and 510 of the *penal code*, and implicates a financial liability for actors of said violations under art. 1089, 1092, 1098, 1101, 1102, 1106 and 1107 of the *civil code*.

Also, it should be noted that under art. 3, 4 and 11 of the *Código Deontológico 658/2001 de 22 de junio* Señor Martínez López de Asiain and Señor González-Martínez are obligated to notify the presiding judge of all acts and information regarding criminal negligence of the preceding lawyers in my case under art. 450, 451, 467 and 512 of the *penal code*, and 1098 and 1101 *civil code* as well as Señor González de Alcalá's efforts to defraud me and his psychological abuse in violation of art. 22, 23, 173, 208, 248, 252 *penal code*; with my right to receive reparations for these criminal acts (€ 1.786.268 see endnote # v), under art. 109, 110, 111, 112, 113 of the *penal code* as well as art. 9 de *Spanish Constitution*; art. 9 the *Equality Act 3/2007* and art. 8 Annex of the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

I still have many questions in determining if my inability to access my assets from September 2007 to present be they funds or financial information that belongs to me under art. 1347 of the Spanish civil code, inter alia, is due to the incompetence and negligence of lawyers cited herein, or the failure of procedural laws in Spain which do not permit women within marriage and/or in process of divorce to access information and/or manage common property assets; as well as defend her life and the life of her children. However, what is clear is that the violations of these rights are in violation of the following:

- *Spanish Constitution*
- *Spanish civil code*
- *Spanish penal code*
- *Equality Act 3/2007*
- *Ley orgánico contra la violencia de género*
- *Convention on Human Rights*
- *Convention on the Elimination of All Forms of Discrimination Against Women*
- *Convention on the Elimination of Violence Against Women*
- *International Convention on Civil and Political Rights*
- *International Convention on Economic, Social and Cultural Rights*
- *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*

For the afore mentioned violations of State and non-State actors in all judicial proceedings, and actions related hereto, I am seeking a full investigation into my case by the Spanish authorities, with reparations for **personal monetary damages of common property for €827.132;** monetary damages for **lost salary as Managing Director of Global Expats since 2007 for €1.200.000,00** and **monetary damages of lost net profit of Global Expats since 2007 for €13.470.000,00; totaling €15.497.132,00** divided amongst all implicated parties.

CONCLUSION

While domestic abuse and violence as human rights violations and the obligation of State and non-State actors to protect victims under the principle of due diligence is recent within international law and legal precedents, cases such as *A vs. UK*, *Velázquez vs. Honduras*, and *Gonzales vs. USA*, are important steps forward in promoting the rights of victims of domestic abuse and violence.

However, in order to assure that the rights of victims are defended on a systematic basis within judicial systems, the failure of States to defend victims needs to be examined from an intersectional perspective, thoroughly investigating the relationship between corruption, discrimination, negligence, the failure of legislative reform, and judicial accountability.

Additionally, in order for governments to effectively and competently protect victims they must assure efficiency, transparency, and inter-connectivity in all areas.

Social and public services that contribute to the prevention of domestic abuse and violence, as well as protection of victims, with competent legal counsel and dissemination of factual information, during the entire judicial process.

Public services, including judicial systems, that through positive action, protect and defend the rights, liberties and interests of the victims of violence and abuse in an effective manner, including, but not limited to due process under the law.

Public services, including judicial systems, which through positive action rescind laws, practices and traditions that contribute to discrimination, in all its forms.

Effective mechanisms and procedures that permit reparations for victims of abuse and violence at the hands of their abusers, as well as effective and real sanctions for State and non-State actors that have failed to demonstrate due diligence in the prevention of said abuses, or worse contributed to the abuse through their discriminatory and/or incompetent practices and actions.

But, perhaps the most important in promoting and assuring the rights of victims is to understand that **behind each story, each life, there are many actors and many actions that have contributed to the pain and suffering of these women, children, and at times men.**

Abuses of power, within the home, family or community, are not static, isolated incidents, but rather part of a dynamic cultural machine which is designed to maintain a status quo of abuse and violence. **Until the cycle of abuse in our societies and communities is dismantled through the efforts and actions of every single member, denouncing and sanctioning all forms of abuses of power, in our personal as well as professional lives, this “war on the terror” will never be won.**

While the past years have been very difficult, the separation from my children the hardest of all. My own battles have shown to me the extent that the apathy of people, particularly civil servants and judicial actors, are encouraging, promoting and supporting human and civil rights violations within their own borders.

Within the past few decades women’s rights groups have made enormous strides in advancing the rights of women within the labor force, and other issues surrounding their ability to contribute monetarily to societies. However, while these groups have been vociferous regarding abuse and violence against women within Muslim and African communities and the way that that abuse is sanctioned by the community and governments, they have remained all too silent about these same traditions and customs which sanction abuse and violence within their own communities.

My grandfather, Curtis Paul Wilcox, a lawyer in the early 20th century, fought for the rights of black people in the courts of the Deep South, during a time where racism and discrimination was seen as something “normal”. At a time when black people were considered second-class citizens to be exploited, and used as scapegoat in protecting the honor of the community or group.

These same prejudices and discriminatory traditions persist today against women, and children, within the home and family.

In my grandfather’s first case, in 1909 in Butler, Alabama, he confronted and vanquished the same beliefs attitudes, traditions and customs as those exposed in the American literary work *To Kill a Mockingbird* by Harper Lee. All of his life he fought against racism and discrimination, standing up to bullies and tyrants within the judicial system as well as the community, promoting the rights of people who were unable to defend themselves. What I

am defending here is no different than what he was defending over a hundred years ago, and for which many of my ancestors have defended over many centuries³⁰.

Modern democratic models and principles began over 200 years ago, with an increasing number of countries adopting democratic structures within the past 50 years. However, in the past decade more and more people, even those amongst our ruling-classes and status quo intellectuals are questioning the existence and very survival of the democratic process by present governments, mainly due to the widespread erosion of human and civil rights within their borders. However, as two great statesman of our time so eloquently stated:

“It has been said that democracy is the worst form of government except all the others that have been tried.”

Winston Churchill

“In a democracy, dissent is an act of faith.”

Senator William J. Fulbright

In the past hundred years many wars have been waged, many lives have been lost, and much blood has been shed in the name and defense of the rights and liberties of people. However, if mankind has any hope of turning the ideals and principles of democracy into a reality, we must put down our arms, at our borders as well as within our homes, and learn to live in peace and prosperity.

“If the human race wishes to have a prolonged and indefinite period of material prosperity, they have only to behave in a peaceful and helpful way toward one another.”

Winston Churchill

This is the true challenge of the 21st century, and why my complaint is not a simple “dispute” of no consequence or importance.

³⁰ Others in my family tree instrumental in developing and promoting the ideas of democracy and human and civil rights were Winston Churchill (distant cousin), John Paul Jones (great-great-great-grand uncle), Thomas Wilcox author of Admonitions to Parliament (1572), and my father, William C. Wilcox, MD **who taught me that democracy, honor, dignity and respect are more than simple words and rhetoric.**

ENDNOTES

ⁱ ABUSE AND TORTURE GO FAR BEYOND BROKEN BONES, IT BREAKS THE HEART AND SPIRIT AND IS SO DESIGNED

*In 2001 I attended the inauguration of the Spanish version of Ingrid's Betancourt's book *La Rage au Coeur*, in Bogota, Colombia, and her ensuing presidential campaign speeches. While I was impressed with her convictions, enthusiasm, and desire for peace and change for her country, I felt that she could never achieve in Colombia what is unattainable in the United States and Europe. I followed her 6 years of captivity in the Colombian, Spanish, French and American press closely and admired Astrid and her family's never ending persistent, to liberate Ingrid. I know enough about the dynamics and political backdrop of her liberation to know that without the efforts of Ingrid's family, she, and those freed with her, would have been left to die in the jungles of Colombia by the "important" people of this world.*

*However, it was upon reading the following passage in her book *Letter to My Mother* that was published during her captivity, that I thought to myself; "This is exactly the torment and fear that I have lived for the past 3 years, and that all too many women and children around the world live for an entire lifetime. And, no one really cares, as I have learned the hard way! "*

This is where the true battle lies for peace and democracies, not in political campaigns and politically correct rhetoric!

I owe an enormous amount of gratitude to Ingrid and Astrid. At the end of 2007 I realized that my children would end up under the custody of their emotionally unstable father, and his and his family's influence and mercy. In my desperation, I contacted every association whose mission is to help women in my situation and anyone and everyone I have known during my life-time, who have any kind of "power," asking for their assistance. THE ONLY person who provided any assistance was Astrid Betancourt.

The amount of people who provided me with empty rhetoric and promises, ignored me, or slammed the proverbial door in my face was amazing. The apathy and indifference of people over the life of a woman and her children stunned and disillusioned me more than I had even been in my entire life, and is precisely why what happened to me and my children occurs every day, everywhere.

*Additionally, for the first time in my life I was presented with a problem that I did not know how to handle or confront, and had no one to turn to for advice. It was in re-reading Ingrid's book *La Rage au Coeur* that she gave me the advice and answer that I needed.*

I will be indebted to these two women for the rest of my life, not only did they assist me in a practical way, but they have given me the strength to continue fighting day after day, by observing the courage and force that they had shown in face of horrifying challenges and adversities. After 6 years of living in Colombia with security concerns of my own children and

family, witnessing kidnappings, homicide and terrorist attacks, I can appreciate the emotional strain that Ingrid's captivity was for the entire family.

The entire world would do well to look to these two women, their mother, their children and family to see where true values lay, whether it be of a family or nation. True values, morals and integrity are not to be found on a slip of paper, whether they be on marriage certificates, birth certificates, constitutions, declarations of rights, or legal codes, but rather through love, honor and dignity. And, I have observed Ingrid and Astrid demonstrate all three of these on various occasions over very many years.

LETTER TO MY MOTHER by Ingrid Betancourt.

This is a very dense jungle where sunlight scarcely ever penetrates, and it is barren of affection, sympathy, or tenderness.

They separated me from the people with whom I had a good rapport and affection and put me in with a very difficult group. I am tired, Mamita, tired of suffering. I have been, or tried to be, strong. These nearly six years of captivity have proven that I am not as resistant, not as brave, not as intelligent, not as strong as I thought. I have put up many battles, have tried to escape several times, have tried to keep up hope like one keeps one's head above water. But, Mamita darling, I give up. I would like to think that one day I will get out of here, but I realize that what happened to the congressmen which affected me so deeply-could happen to me at any moment. I believe it would be a relief for everybody.

I keep thinking that at last I am going to cry no more, that it has now healed over. But the pain starts up again and attacks me like a vicious dog, and I again feel my heart breaking into pieces. I am tired of suffering, of bearing it all inside me all the time, of lying to myself, of believing that this will soon end and finding that every new day is the same hell as the one before. I think of my children... We have gone through so much together, have lived our lives so intensely that terra firma seems to have disappeared in the distance. They are the same, and yet they have changed, and with every second of absence, of my inability to be there for them, to assuage their pain, to be able to advise them or give them strength and patience and humility in the face of life's blows, all the lost opportunities to be their Mama, poison these moments of infinite loneliness for me, as if I were given an intravenous injection of cyanide.

Mamita darling, this is a very difficult moment for me. They demand a proof of life and here I am pouring my heart out to you on this sheet of paper, I am in poor physical condition. I haven't been eating; my appetite has shut down; my hear is falling out in clumps; I have no desire for anything. And I think the latter is the only thing that is right-having no desire for anything. Because here in this jungle the only answer to everything is "No." It is better not to want anything so as to be free, at least, of desires....

I would like to ask you, Mamita darling, to tell the children that I want them to send me three messages a week, on Mondays, Wednesdays, and Fridays. Ask them to send you a couple of lines to your e-mail address so that you can read them to me. Nothing world-shaking, just whatever they can think of to write, such as "Mamita, today is a marvelous day" or "I'm having lunch with Maria; I love her very much and I know you are going to be pleased with her" or "I am exhausted but I learned a lot today in class about new filming techniques that I'm excited about." I don't need anything more, but I do need to be in contact with them. In fact, everyday I wait anxiously to see if you are going to mention them or if you talked with them. That is what makes me happy, the

only thing I care about knowing, the only vital, significant, indispensable information. All the rest doesn't matter to me.....

Well as I was telling you, life here is no life; it is a gruesome waste of time. I live, or survive, in a hammock strung between two poles, covered with mosquito netting and a canvas that acts as a roof, which to keep my belongings, that is to say, the knapsack with my clothes and a bible my only luxury. Everything is prepared for leaving on the run. Here, nothing is one's own, nothing lasts; uncertainty and precariousness are the only constant.....

Everyday less and less of myself remains..... Everything is hard. That's the reality. It is important that I dedicate these lines to those who are my oxygen, my life-to those who keep my head above water, who do not let me drown into oblivion, emptiness, and despair. They are you my children.....Tell them that they have never ceased to be my source of joy in this harsh, captivity. Everything here has two sides, joy comes with pain, happiness is sad, love cures and opens new wounds; to remember is to live and to die anew.....

I was telling you that for years I was unable to think of the children because of the dreadful pain it cause me not being with them. Now I can hear them and feel more joy than pain. I seek them in my remembrances and sustain myself with the images I keep in my memory of the ages of each. I sing "Happy birthday" to them on every birthday I celebrate their birthdays in my heart.... And, if I were to die today, I would go satisfied with life, thanking God for my children.....

For a long time, we have been the lepers that mar the ball, we captives are not a politically correct topic..... We must think of where we come from, who we are, and where we want to go. I aspire to our having that thirst for greatness one day that makes people rise up from nothingness to the sun. When we are unconditional vis-avis the defense of the life and liberty of our own, that is, when we are less individualistic and more committed to the common good, less indifferent and more involved, less intolerant and more compassionate, then at that time we will be the great nation (world) that all of us would like to be. That greatness is there asleep in our hearts. But hearts have hardened and weigh so heavily that no elevated sentiments are permitted....

„The wars waged against the freedom of a handful of forgotten ones are like a hurricane seeking to bring down everything. It is of no interest. His intelligence, his nobility, and his devotion have given pause to many, and here, more than the freedom of some poor crackpots chained up in the jungle, it is a matter of taking stock of what it means to defend human dignity.

Ingrid Betancourt

Until human dignity, honor and peace exist within our hearts and our homes, it will never exist within our communities, societies and this world. Quenby Wilcox

ⁱⁱ 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 Orengo² (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 an interview with Señor González because he had refused to present himself and our children for fear that he would not be able to trick, manipulate and lie to a forensic psychiatrist trained in detecting abuse and psychopathic personalities.

The fact that 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 official 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 they believed accusations that were so absurd, for no other reason that Señor Gonzalez de Alcala 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 Señor Gonzalez de Alcala 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 minor illegally removed custody of my children after which I had no contact with them. I filed a complaint against the failure of Señor Gonzalez de Alcala 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 remove 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, **is the most horrible 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 he 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 house or was alone at home. When she drank she lost her attention. Wants to live with father. Wants to see mother on overnight visits with (elle) I say no says nothing. Wants to live in the house of Villafranca.” Just these 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 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/etc. 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 abogado) I was told “I do not know, that is not my specialty” 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 Señor Gonzalez de Alcala), I did not have enough Money to cover even the basic necessities (heat, electricity, water, 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 LIVES WHILE SENOR GONZALEZ DE ALCALA WAS DOING EVERYTHING IN HIS POWER TO DESTROY 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 cooped 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 de Alcala. 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 de Alcala 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 base 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 de Alcala would often go out to restaurants and discotheques with friends while I stayed home with our children. When Senor Gonzalez de Alcala 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 SPENDINGS.
- “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 time 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 de Alcala, 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 runs round 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 as a Human Rights Violations and the Principle of Due Diligence - An Intersectional Approach* shows how abusers and psychopaths are manipulators and our divorce is just one more example of a lifetime of his manipulations.³ Senor Gonzalez de Alcala 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 the 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 make refers 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 dedicate 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 personal fulfillment (vea documento #2).
 - “He was alone the day of the alcoholemia incident, and indicates 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 Senor 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.
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En sentencia no.1079 dictado por Sr. D. Francisco Javier Correas González, Sr. D. Ángel Sánchez Franco, Sra. Doña Rosario Hernández Hernández, se reduce el pensión compensatorio al €500/mes debido que al siguiente:

- que Quenby Wilcox “goza de una perfecta estado de salud” Que se dicen que yo “goza de una perfecta estado de salud” se contradice totalmente Doña Pilar Saldaña Cuesta en 1143/2007 que me quita la custodia de mis hijos and efectivamente impidiéndome verlos debido a mi obligación de irse al EE.UU para sobrevivir debido al consideraciones financieros, por unos supuestos

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- “problemas de salud”. Que los tribunales me declaran una persona “incapacitada” cuando está relacionado con el trabajo que he hecho desde 17 años con una integridad, capacidad and resultados extraordinario, pero para trabajar fuera de la casa *gozo de una perfecta estado de salud* es claramente discriminatorio contra mí and favorece Señor González. Y, bajo del principio razonable es increíble.
- “Viene aludiendo a la no realización de actividad retribuida constante el matrimonio, pero en ningún momento nos dice que sea ello imputable a la imposición del marido, pareciendo desprenderse su intención de desempañar un empleo,” Como ya señalado anteriormente, la idea que si una mujer que se elige de quedarse en la casa ella es por definición perezosa, vergonzosa y/o una parasita está completamente discriminatorio and despreciando a la amas de casas and el trabajo sumamente importante and duro que hacen. Unas de los problemas más grandes que están surgiendo en nuestras sociedades viene de situaciones donde los dos parientes trabajando fuera de la casa, and los niños que no tienen bastante estructura o acogimiento en sus vidas. Como se vea en estudios, niños que crecen en ambientes demasiado estricta, o al otro extremo sin ningún estructura, vuelven violentos o “problemáticos”, tienen problemas de abuso de drogas o alcohol, tendencias criminales, etc. Debido a mis trabajados en el colegio de mis hijos, con niñas abandonadas and de la calle en Bogotá, etc. entiendo muy bien la falta de dedicación que existe sobre la educación and preparación de generaciones futuros. Es por este razón que Global Expats está dedicado de promover soporte and oportunidades de empleos remunerados, desde sus casa con horarios suples, a las mujeres (y hombres) expatriadas sin empleos que han sacrificado sus carreras, dedicando sus esfuerzos and energía su a sus hijos, con el objetivo de ofrecer soporte a estés familias tanto que familias dentro de comunidades locales. Si nuestras sociedades no paran de valorar la gente por el dinero que gana y/o dirige, and no por el contribución humano que uno hace en la sociedad, el nivel de violencia, and las problemas sociales and económicos que producen, va a continuar de subir. También, estés líneas demuestran uno desconocimiento total de la realidad de la vida de expatriados. En los casos de expatriación, la esposa está obligada de renunciar su trabajo and carrera para seguir sus maridos a los países extranjeros donde es imposible o muy difícil de obtener un permiso de trabajo y/o puesto de trabajo. En mi caso yo no trabajé (fuera de la casa) durante mi matrimonio porque yo no podía trabajar al extranjero and no porque yo no quise trabajar fuera de la casa. Yo sacrifiqué mi carrera and oportunidades por estudios superiores en deferencia del trabajo mi ex marido al extranjero, haciendo 8 mudanzas internacionales en los 20 anos, and en la mayoría de casos no tuve permiso de trabajo en dicho países. Se debe notar que el juzgado de Mostoles tiene jurisdicción sobre Villafranca del Castillo, Villanueva de la Cañada, Valdemorillo, and Boadilla del Monte, que tiene comunidades de expatriados dentro del mas muy grande de Madrid and entonces jueces deben ser muy familiar and consiente de las circunstancias particulares de las familias expatriadas que viven allá and sus condiciones and desaffos laborales.
 - “En esta líneas destacamos que preguntada en meritada vista por cambios en su situación laboral desde la celebrada en medidas provisionales en el propio interrogatorio que ninguna, **no habiéndose de hecho siquiera inscrito en el INEM como demandante de empleo, mostrando así desinterés en la obtención de trabajo, de donde, si en el periodo de los dos anos que fijamos, no accede al mundo laboral, será por causas en exclusiva de su voluntad,**” En primera línea yo no estaba inscrito en el INEM en 2009 porque me encontraba en EE.UU sin domicilio fijo and apenas sobreviviendo. El hecho que los jueces “saltaba al conclusión” que yo no estaba buscando trabajo solamente porque no estaba inscrito en el INEM demuestra otro vez como opiniones judiciales estaban basado sobre prejuicios and suposiciones en lugar de los hechos and lógica. **Al final de 2008 yo estaba en la calle en España, sin dinero, sin trabajo, and al 47 año (con 20 años fuera del mercado laboral) era imposible de encontrar un trabajo, sobre todo con él crisis económica.** Durante 2009-2012 en EE.UU. solamente yo **he podido encontrar trabajos temporarios, dos veces recurriendo al seguro de desempleo, and tuve el derecho de cobrar “welfare” pero no podida porque yo era sin domicilio fijo.** Yo tuve suerte que no estaba restringida al mundo laboral en España donde la discriminación por mujeres “mayores” es tan abierta hasta que en anuncios de trabajo abiertamente dice **“mayores de 30 anos no deben contactarnos...”** También, se debe notar que sobre un ocasión **yo era despidida de uno trabajo en EE.UU. porque “mi situación como víctima de violencia de**

género and problemas legales relatado con mi divorcio en España, volvieron la gente en la oficina uncomfortable” (así me han dicho contextualmente). Todavía el actitud de molestia, disgusto and ostracización hacia la mujer que atreva de denunciar la violencia de género o cualquier abuso de poder contra ella está muy arraigado en nuestras sociedades; and se explica mucho porque abogados, jueces, equipo psico-sociales de tribunales, mediadores de divorcios, etc. Están “tapando” and suprimiendo evidencia de abuso and violencia en la casa con contenciones and “diagnosis” de síndrome de alienación parental (SAP) and denuncias falsas. Hasta que exponemos and denunciamos las tradiciones, prejuicios and personas que protegen los abusadores en las sociedades, los tribunales continuaran de favorecer abusadores. Se hace falta más estudios empíricos sobre las prejuicios, tradiciones and dinámicos de estas actitudes, pero sus existencia son bien demostrados en estudios (vea el reporte ajuntado Abuso domestico and discriminación contra la mujer en los tribunales - violaciones de derechos humanos and civiles). Se debe notar que en 2008, yo busque un trabajo en España pero era imposible de encontrar algo. También, mi abogado me aconsejó de no buscar un trabajo hasta que el divorcio era declarado, porque no solamente yo no seré acordado la custodia de mis hijos pero no recibirá ningún pensión compensatorio. Cualquier decisión judicial que no acordara la custodia a una mujer porque trabaja, pero que no considera el estado laboral del hombre en decisiones custodiales es completamente discriminatorio contra la mujer. **También, en relación del anteriormente dicho, el Instituto Nacional de Estadísticas (vea documento #10) dice que solamente 11% de mujeres separadas/divorciadas reciben pensiones compensatorias. Lo que quiere decir que en 2010 en España solamente 12.135 mujeres del edad promedio de 42 años recibieron pensiones compensatorias (y a sumas que le dejen en pobreza terrible). Pero, si después un año después del divorcio se pueden quitar el pensión a la mujer porque considera que no ha hecho bastante esfuerzos de encontrar trabajo (sin ningún evidencia) o al reverse se quita el pensión porque ha conseguido un trabajo, la tasa de pensión compensatoria de mujeres, que tienen MUCHAS dificultades de encontrar trabajos con sueldos decentes, se acerca al 0%; dejando mujeres que han pasado sus vidas dedicadas a sus familias en un estado de pobreza horrible después del divorcio (vea documento #10). Estas estadísticas DEMUESTRA CLARAMENTE QUE MUJERES EN ESPAÑA SON DISCRIMINADAS EN EL DIVORCIO PERO SON LAS AMAS DE CASAS QUE SON MAS DISCRIMINADAS. Las ideas que tienen los jueces sobre el mundo laboral and las posibilidades de empleo de amas de casas que han sido fuera del mercado laboral durante muchos años, **demuestran una falta de entendimiento total sobre las realidades del mundo moderno, and muy preocupante por gente que decisiones tiene un impacto tan importante sobre la vida de tantas mujeres and niños. TANTO QUE SI ACTORES ESTATALES SON RESPONSABLES DE VIOLACIONES DE DERECHOS HUMANOS and CIVILES.****

- “dado su edad las reales posibilidades de acceso al mercado laboral la verdadera dedicación pasada a la familia, confiada a empleada de hogar, siendo el progenitor masculino el que ha apoyado a los hijos comunes en las tareas escolares, e inexistente la necesidad de dedicación presente and futura” Estas líneas son quizá el más discriminatorio a las amas de casas como se demuestra una falta de entendimiento and apreciación por el trabajo de la mujer and madre dentro de la casa. and la idea que cuando ya no se necesita más a la esposa and madre, se lo tira a la calle sin nada, ni reconocimiento financiero, ni reconocimiento emocional es muy discriminatorio and preocupante sobre la estima en el cual se considera la mujer en España. También, cualquier que se puede creer que la sola responsabilidad o trabajo de una pariente es ayudando hijos en tareas escolares (QUE SIEMPRE HA SIDO YO and NO SU PADRE) es muy, muy preocupante. Como fundadora de una organización/empresa dedicada a ayudar familias and niños para que sean bien equilibrados and productivos en la sociedad es muy preocupante. La falta de entendimiento total sobre las realidades de creer and educar niños bien adaptados, responsables, educados, bien equilibrados, etc. para ser adultos preparados para contribuir de una manera positiva and constructiva a la sociedad es otra vez muy preocupante and discriminatorio sobre las amas de casas/madres como “trabajadores” dentro de una sociedad. Además, en relación de este prejuicio contra la mujer/ama de casa se debe considerar Art. 97
- 1ª *Los acuerdos a que hubieren llegado los cónyuges.* El acuerdo and así contrato que yo tuve con mi ex marido, figado por 20 años de acciones acostumbrados and en acuerdo con artículo 2 de *Los*

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- Principios del Ley Contractual 1999*, era que yo renuncié mi carrera, perspectivas profesionales and estudios superiores en deferencia del empleo de mi marido como ejecutivo expatriado del BBVA. Yo dedique mi tiempo a la educación and desarrollo personal de nuestros hijos, and nuestro hogar and familia. Yo ejecuté todas éstas obligaciones and deberes mucho más allá de mi deber, and el subida profesional de Señor González tuvo mucho a ver con mis contribuciones “sociales” dentro de las comunidades expatriados (vea documento #11 – CV de Quenby Wilcox), sobre todo dentro de las familias expatriadas del BBVA, tanto que mi apoyo emocional ENORME a Señor González, sobre todo durante un tiempo supremamente difícil para él en relación de su trabajo con el BBVA en Bogotá, Colombia. Además, después que mis hijos empezaron el colegio, he pasado las horas escolares trabajando en la comunidad, así contribuyendo de la reputación de la familia. En cambio por todo eso mi ex marido asumirá la responsabilidad and seguridad financiero de mí and nuestros hijos. Bajo el ley de ganancias and leyes españolas sobre el matrimonio and su disolución, yo tuvo razón de creer que los costumbres sobre cuidado de los niños and manteamiento financiero seguirá mismo en el caso de disolución de nuestra matrimonio. Yo estaba desarrollando un negocio desde la casa para participar financieramente a la familia como mis hijos eran más mayor, and estábamos en una situación preocupante financieramente, pero bajo el principio de persona razonable si una mujer renuncia a su carrera en deferencia de la carrera de su marido and bienestar de la familia, hay una obligación moral and legal que el marido tiene que asegurar que vive con dignidad and confortablemente dentro de sus posibilidades, mismo en caso de divorcio. **Debe notar que bajo el ley de contrato europeo, los partidos a un contrato de empleo son acudido unos derechos sobre seguridad de empleo, compensación financiero, seguro de salud, condiciones de trabajo seguros, seguro de desempleo, derechos de pensiones, etc., and bajo el principio de la persona razonable amas de casas deben ser acordado de los mismos derechos que cualquier empleo en la sociedad.** El hecho que tribunales del divorcio no reconoce el matrimonio como contractual ni un trabajo, con los mismos derechos del cual quiere otro trabajo es discriminatorio, and relega las amas de casas al situación de servidumbre; en violación del artículo 4 del Declaración de Derechos Humanos, inter alía.
- “se habrá enjugado and subsumido por completo el desequilibrio efectivo que le ocasiono la ruptura de su matrimonio... , siendo este periodo suficiente a adaptarse a las exigencias del mundo laboral actual, si muestra al respecto la debida actitud and adecuado esfuerzo, lo que ha lo va requerir grandes sacrificios por su parte en razón de la formación con la que cuenta...Reiterarnos, en el plaza de dos anos, computados en los términos dichos, se considera que la recurrida se encontrara por su indudable aptitud and cualidades, en situación de satisfacer con autonomía sus necesidades básicas, sin precisar de prestación del marido, en plena disposición de tiempo para su preparación e inserción al empleo, de modo que si transcurrido el periodo que matrimonio a la quiebra del mismo, sino a factores ajenos a estos por completo, como pueden ser el tiempo de dedicación al trabajo, el sector seleccionado para prestar los servicios, la características actuales del mercado, al esfuerzo personal que se demuestre en ello, a la propia actitud, al azar.... en igual situación frente al empleo que se encontraba antes de contraerlo, advirtiéndolo por cierto en este punto, que al momento de contraerlo Doña Quenby no pasaba de estudiante... pues el que postula tal derecho da de estar en posición de inferioridad económica respecto de la que disfruta antes en el matrimonio...hasta el momento en que aquella acceda a un empleo, en todo caso, en el periodo máximo de dos anos, computados desde la fecha de la sentencia de instancia, transcurrido en cual se extinguirá automáticamente, de no hállese obtenido trabajo antes, and sin necesidad de nueva declaración. Otra vez es muy preocupante en éstas líneas la falta de entendimiento de la realidad and lógica sobre amas de casas que vuelven al mercado laboral después de estar fuera muchos años, tanto que las ideas discriminatorios. La idea que una mujer que lleva 20 años fuera del mundo laboral and en dos años se puede reintegrarse and subir al nivel de responsabilidad and sueldo que hubiese tenido si jamás ha dejado de trabajar es alucinante and solamente se puede justificar con la creencia que mujeres son incapaz de avanzar and subir en el trabajo igual que los hombres; claramente discriminatorio contra la mujer. Luego el hecho que después 2 años and medios de divorcio él no tiene que pagar ningún pensión compensatorio, que de todos modos no estaba pagando casi desde el principio, and claramente favorece al hombre. Se debe notar que en el año 1987 yo, con el mismo edad de mi ex marido, menos estudios and en el mismo profesión de finanzas, ganaba bastante más que Señor González, and si yo hubiese quedado en el mundo

laboral, o podía acceder a los fondos de pensión compensatorio que me debe Señor González para montar mi negocio, yo será ganando un sueldo más elevado que él. and es exactamente porque él esta, and siempre ha sido, tan desesperado que yo no trabaja fuera de la casa; la vergüenza de tener una mujer exitoso en el mundo laboral, sobre todo después que él ha destruido su carrera, será por su ego machista el peor de todo.

- ..hay que tener en cuenta que la mayor parte de las separaciones and los divorcios tienen ***una incidencia negativa en la económica de ambos cónyuges***” El declaración que los divorcios tiene una incidencia negativa en la económica de ambos cónyuges también demuestra la falta de entendimiento de la realidad sobre el discriminación en los tribunales de divorcio. Estudios demuestra que “los ingreso del hombre suben a 120% después del divorcio, mientras que los ingresos de la mujer bajan por 33% (Wishik, 1986), los estándares de la mujer decline 73% en el ano después del divorcio, mientras que lo del hombre subió 42% (Weitzman, 1985).
 - “Que nos permita considerar que la pérdida de empleo [de Javier González de Alcalá] es a estas efectos relevante, como ajena a la voluntad del actor recurrente, cuando refiere que se debe a absentismo laboral injustificado, sin indicar siquiera haber impugnado el despido en el marco de la jurisdicción laboral.” La actitud de Sr. D. Francisco Javier Correias González, Sr. D. Ángel Sánchez Franco, Sra. Doña Rosario Hernández Hernández que cuando es la mujer que ha sido fuera del mundo laboral durante 20 años, ella no puede encontrar trabajo por mala fe de su parte, pero cuando el hombre esta despedido después de 25 anos en el mismo empresas es por mala fe de parte de la empresa es claramente discriminatorio contra la mujer and favorece al hombre. Estés actitudes demuestra una doble estándar flagrante. También, si Señor González ha perdido su trabajo por “absentismo laboral injustificado” poco después del divorcio se demuestra SU INCAPACIDEZ de gestión una casa, mantener un trabajo and cuidar a nuestros hijos todo a la vez. Durante 17 años yo he hecho todo eso, sin remuneración, and sin ningún problema. Eso demuestra claramente un error profesional muy grave de la parte de Doña Pilar Saldaña Cuesta en acordando la custodia de los niños al padre. Se debe notar que ella no solamente ha hecho un error grave en acordando la custodia al Señor González, pero también en entregándolo todos los recursos financieros and patrimonio familiar. El siempre ha sido completamente irresponsable con la gestión del dinero. Es por esta razón que yo tuve que encontrar and montar un negocio que eventualmente podía asumir la seguridad financiero de mi familia. and por la falta de debido diligencia de la parte de todo el mundo implicado en este divorcio, el poco patrimonio que yo estaba intentando de salvar esta perdido para siempre. No solamente la falta de abogados de entender manipulaciones judiciales defraudó mí and mis hijos de nuestra patrimonio, pero cuando mi ex marido terminará perdiendo todo soy yo que será encargado de mantener a él. Pero, mismo después todo lo que me ha hecho, es el padre de mis hijos, era mi marido durante muchos años, and yo tomo las responsabilidades and obligaciones de ser pariente and esposa (mismo ex esposa) muy enserio. Eso son los verdaderos valores de “familia”, no las ideas arcaicas que yo he encontrado en los últimos 4 años sobre el matrimonio, la mujer and el hombre.
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iv **PROPOSED FINANCIAL SETTLEMENT**
JAVIER GONZALEZ DE ALCALA VS. QUENBY WILCOX

I am requesting financial settlement and liquidation of assets in consideration of the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* and the *Equality Act 3-2007*.

***Declaration of Basic Principles of Justice for
Victims of Crime and Abuse of Power***

- Art. B 18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, **economic loss** or substantial **impairment of their**

fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

- *Art. 19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.”*

Equality Act 3 – 2007

- *Article 11. Positive action*
“In order to ensure the effectiveness of the constitutional right to equality, public authorities will adopt specific measures favouring women to correct situations of obvious de facto inequality with respect to men. Such measures, which will be applicable while the situation subsists, must be reasonable and proportional to the objective pursued in each case.”
- *Article 13. Burden of proof*
“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.
For the intents and purposes of the provisions of the preceding paragraph, where deemed useful or relevant, judicial bodies may request a report or opinion from the competent public bodies, ex parte.”

In consideration of the following financial settlement it should be noted that since 2007 I have been asking (and asking) that my legal counsel petition the courts a subpoena requesting that BBVA deliver all financial information regarding salaries, bank statements, deposits, and any and all assets and/or liabilities in the name of Javier Gonzalez de Alcala under common property law (as defined by art. 1316, 1318, 1319, 1322, 1328, 1344, 1345, 1346, 1351, 1361, 1371, 1375, 1376, 1377 and 1390, inter alía of the civil code) during our marriage (1991 until October 2008), under art. 33.3 of the Spanish Constitution, art. 23 *International Pact of Civil and Political Rights*, art.15 and 16 the *Convention on the Elimination of Discrimination of Women*, inter alia. **The failure of my lawyers and the presiding judge to access this information as well as all funds and assets that belong to me under common property law are in violation of art. 252, 250.7, 267, 512, 29, 17.2, 22.1, 22.2, 22.4, 22.5, and 22.6 of the penal code.**

And, since these acts have been due to discriminatory traditions and customs (see Instituto de Mujer Denuncia - Quenby Wilcox – Discrimination against Women by the Courts) and constitutes indirect discrimination under art. 6 of the Equality Act, the burden of proof of the inexistence of the following assets, liabilities and/or financial reparations fall on Senor Gonzalez de Alcala (or any other person who has incurred a financial liability for damages caused under art. 17, 22, 28 and 29 of the Spanish penal code) under art. 10, 11 and 13 of the Equality Act.

1. **€ 1,200,000 for lost net profits of Global Expats in the past 2007 – 2012 (Salary of €200,000/year).**

In July of 2007 my ex-husband threatened to take away my children, all of my assets and throw me on the street with nothing, if I did not stop working on this project. Additionally, these threats continued into 2008, escalating to threats on my life, assuring me that he had the power and connections to do as he promised.

Everything that occurred in the past years has been with the expressed intention of preventing me from creating and developing my company; or more concisely under terminology of the UN Commission on Human Rights reports “punishment” for my “disobedience.”

Project on a Mechanism to Address Laws that Discriminate Against Women
-Office of the High Commissioner for Human Rights - Women's Rights and Gender Unit

Obedience Laws - Husband's marital power

... All States include leaving the home without permission or disobeying instructions about working or not working outside the home as conditions likely to lead to a wife being said to be disobedient.⁴⁸⁹ This denial of a woman's independent or unfettered right to work outside the home may be because the husband is supposed to support her. However, the effect is to create dependence....

The obvious question is to why? The response is simply. Abuse of power whether it be in the home or community at large is about control, domination, and submission. And, the greatest weapons abusers have are the ignorance, misinformation, short-sightedness, and prejudice of people as well as the network the abuser has at his disposal.

Additionally, my ex-husband's efforts to prevent me from creating Global Expats violate his duties and responsibilities to me under art. 67 and 68 of the Spanish civil code, and should be held financially answerable for his failure to live up to these obligations.

Whether any public or private authority (s) intentionally or unintentionally, knowingly or unknowingly, participated in actions that infringed upon my rights under Spanish or international law is immaterial. The State has an obligation of due diligence in assuring that my rights are protected. I cite the following:

Spanish Constitution

- Art. 35.1 "All Spaniards (and aliens under art. 13.1) have the duty to work and the right to employment, to free choice of profession or trade, to advancement through their work, and to sufficient remuneration for the satisfaction of their needs and those of their families; moreover, under no circumstances may they be discriminated against on account of their gender," and*
- Art. 38 "Free enterprise is recognised within the framework of a market economy. The public authorities shall guarantee and protect its exercise and the safeguarding of productivity in accordance with the demands of the economy in general and, as the case may be, of its planning."*

Declaration of Human Rights

- Art. 5 "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."*

- Art. 7 "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

Convention on the Elimination of Discrimination Against Women (CEDAW)

- Article 2 "States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;"
- Art. 11.1. "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings; (c) The right to free choice of profession and employment,"
- Art. 15. 1. "States Parties shall accord to women equality with men before the law."
- Art. 15.2. "States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals. (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration."

Covenant on Civil and Political Rights

Art 2.3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

International Covenant on Economic, Social and Cultural Rights

- Art. 6.1 "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right."
- Art. 15.1 "The States Parties to the present Covenant recognize the right of everyone: (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

The target market of Global Expats

- Consists of 50 million expatriated families around the world
- Expatriated families generate spending of €11,5 trillion/year, enabling advertisers on Global expats website to reach these markets

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- At present, Global Expat audiences produce 20-25 million page views/month on expat websites, with www.global-expats.com (with total inability to develop the product) consistently generating 75,000 page views per month since its inception. Target “page view/months” by FY2-3 of new website is estimated at 10-20 million page view/months.
 - Global Expats LinkedIn.com and Facebook.com social media campaign in 2011-2012 has generate almost 2000 members and much interest from companies within the global mobility industry, HR department of multinationals, US State Department – Foreign Service HR Division, members of Family in Global Transitions (FIGT – www.figt.org), and trailing spouses around the world.

Additionally, the project will generate hundred of employment opportunities for unemployed, expatriated homemakers in the first 5-10 years, and thousands thereafter (see prospectus on www.global-expats.com/expat.aspx?section=english/about-company.)

Not only has my ex-husband, and person or persons implicated, denied me my right to free choice of employment, and any and all fruits of my labors, but have hampered my ability to produce gainful employment for many other women.

2. €450.000 of lost savings and investment capital during the marriage

Under Art. 1371, 1375, 1376, 1377 and 1390 of the Spanish civil code during our marriage not only was my ex-husband obligated to consult me and respect my wishes in regards to the management of family assets and savings, but he can be held financially responsible for my portion of losses.

Under the aforementioned articles of the Spanish civil code as well as CEDAW, Article 16.1. (h) “*States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*”

I am asking for damages and financial reparations for the extraordinarily irresponsible trading loss incurred by my ex-husband in 1997-98. He bought and lost €450.000 (the family savings in its entirety) of new-issue stock in a highly volatile speculative industry. Not only was this done without my consent, but was done against my expressed instructions. It should be noted that the two low risk/moderate return investment options that I had proposed to him at the time would be worth €1.285.700 or €2.791.800 today.

Under the reasonable person principle it is impossible to consider that his actions were in any way shape or form, investing. They broke every single basic rule of investing and

financial management, and for a **currency trader of 20 years/Director of the Treasury Department of an international bank**, it is absolutely **inexcusable**.

Initial investment of €450.000 and at a compounded interest of 4.5% (average of certificates of deposit in past 12 years) it would be worth today **€763.146,64 ÷ 2 = €381.573**

3. As mentioned before under Art. 1375, 1376, and 1377 of the Spanish civil code not only was my ex-husband obligated to consult me and respect my wishes in regards to the management of family assets and savings, under art. 67 he was obligated to act in the best interest of his family.

In June 2007 I found bank statements indicating that my husband was once again irresponsibly invested in the stock market.

In the ensuing months, by every means, I tried to impress upon him the inevitability of a market crash, and the riskiness of his stock position. He adamantly refused to listen to me, even threatening to take all of our saving and “lose it all on purpose.” Under the reasonable person principle, purposely losing all family savings, or threatening to do so, is not in the best interest of one’s family.

I sent him a certified letter, through his lawyer in early 2008, requesting that he liquidate his long position and that we start examining global options markets in order to invest € 20.000 (7% of savings and .7% of assets,) in a variety of derivative, short positions. It is difficult to calculate the lost opportunity cost, but **the return on investment could have easily reached €1.000.000 or more**. Financiers who went “short” before the 2008 crash made literally a fortune.

I abstain from including lost opportunity costs of 2008 in my calculations, as they are speculative, but would like to introduce them as evidence to as to my ex-husband’s continual refusal to respect my wishes in investment decisions, which even before my marriage were always based on principles of responsible financial management. = **€0.0**

4. €175.000 - Renounced higher education opportunities in deference to my ex-husband’s career.

In addition to sacrifices to my career and financial benefits during my marriage, I sacrificed educational opportunities. If I had possessed these degrees at the time of my divorce, then my marketability and income level would have been substantially higher than my present income of \$24,000/ year. I am requesting replacement value of lost educational opportunities.

- Law degree in international law, renounced in 1989 (Miami) - \$150.000 usd **€120.000**

- MBA, renounced in 1993-1994 (Brussels) (in court documents there is reference to my “masters in GMAT.” GMAT’s is the entrance exam into an American MBA programs NOT a degree or diploma! \$70.000 usd **€55.000**

- Master in Jewelry Design and Fabrication, renounced in 1996 (Paris) - \$44.000 usd **€33.000**

TOTAL = €175.000

5. Sept 2007 – Dec 2008 – Retention of ½ of my husband’s income, which under art. 1347 of the Spanish civil code belonged to me. (During these months my ex-husband cancelled my credit cards on 3 occasions in violation of art. 1318, 1319, 1362, 1366, 1368*, 1369, 1374, 142, 143 and 154 of the civil code). This information should have been introduced as evidence as to his abuse during judicial proceedings, but my lawyers failed to include it. = (€155.000 annual salary ÷ 12) X 14 months ÷ 2 = **€90.400 (minus €500 alimony paid X 10 = €5000 and minus €1.500 X 10 child support = €15.000) = €90.400 – €20.000 = €70.400**

*art. 1368 - Common property shall also be liable for obligations entered into by only one of the spouses, in the event of de facto separation, to attend to maintenance, insurance and education expenses of the children for whom the community of joint assets is responsible.

Income withheld from me September 2007 – October 2008 = €70.400

6. Dec 2008 – April 2012 – Back alimony minus child support payments as agreed upon in December 2008. **€ 15.200**

7. **€256.045 of stocks and time deposit in single and joint name accounts plus compound interest of 3% 2007-2010**

It should be noted that the joint name account was opened in May 2007, and in July 2007 I attempted to withdraw funds from it as consequence to my husband’s repeated threats to purposely lose all of our savings. The bank denied me access to these funds as they contended that the joint account was dependent on my husband’s single name account; therefore, no funds could be withdrawn without his authorization. However, after our divorce the bank allowed him to withdraw all funds from this joint name account without my authorization.

Why after 17 years of marriage, keeping all bank and investment accounts under his name, he chose to open a “false” joint account is a matter of speculation. And, it is a question my lawyers should have raised during divorce proceedings. Additionally, the possible existence of such account in Spain is in violation of:

- Spanish Constitution Article 33. 3. *“No one may be deprived of his or her property and rights, except on justified grounds of public utility or social interest and with a proper compensation in accordance with the provisions of the law.”*
- CEDAW Arts. 15.3 and 3. *“States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.”*

Additionally, under art. 3 of the Spanish Equality Act. 3- 2007 I deserve to be compensated for any discriminatory actions or consequences therein that were a direct or indirect result (art. 6.2 of Equality Act 3-2007) of the existence of said bank account and whose legality is dubious. If the bank had provided me access to my funds of said account in July 2007 not only would I have had provided monies with which to cover legal fees for my divorce, but also funds with which to initiate legal proceedings in Florida against my web designers (www.global-expats.com) and their ongoing breach of contract.

- Equality Act 3-2007 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.”*

8. **€ 200.000** - One half of €400.000 legal expenses incurred during divorce proceeding, including 20% of liquidation of final property settlement. As all legal expenses of my ex-husband were paid with from common property funds, and as Senor Gonzalez de Alcala is, and has, illegally retained my funds since September 2007, under art. 1390, 1391, 1766, 1767, 1094, 1098, 1101, 1102, 1106, inter alia of the civil code, and art. 11, 12, 15, 17, 21, 22, 23 250.7 and 252, inter alia of the penal code. I request equal treatment and compensation for damages under articles 9, 10, and 11 of the Equality Act 3-2007.

- | | |
|----|-------------|
| 1. | € 1.200.000 |
| 2. | € 381.573 |
| 3. | € 0.0 |
| 4. | € 175.000 |
| 5. | € 70.400 |
| 6. | € 15.200 |
| 7. | € 144.095 |
| 8. | € 200.000 |

TOTAL € 2.027.132

Additionally, as no mortgage exists on our home, nor is there any legal justification as to why I should have been held 100% responsible for any alleged mortgage, I will retain 50% equity, and ½ of the proceeds upon the sale of our home at fair market value. Market value in 2012 is €950.000

It still remains unclear to me exactly where any loan or credit is held in my ex-husband's name, or even if said loan, amortized at €2,150/month in salary deduction for the past 5 years, exists. However, under art 1385 of the Spanish civil code my ex-husband will assume this debt in its entirety, regardless of whether it exists in fact or on paper.

If Javier González de Alcalá is unable to pay the € **2.027.132** up front, I will accept a payment of € 800.000 in cash, with monthly installments of € 5.113 over 20 years. Upon failure to comply with monthly payments, Xavier Gonzalez de Alcala will be held responsible for all and any legal costs associated with their reclamation. Inability to conclude full payment will cause full equity of our home to revert to me, and Xavier Gonzalez de Alcala will vacate the premises, forfeiting all and any rights to proceeds upon its sale.

However, in order to avoid any further litigation in Spain, AND ABOVE ALL IN INTEREST OF OUR CHILDREN, I will accept the following:

- Settlement of € 850.000 that Javier González de Alcalá shall pay to Quenby Wilcox, to be paid € 600.000 in cash and monthly payments of € 5000/month for the next 5 years. I will be willing to waive these payments and forgive any pending debt when my company starts generating financial independence and security for me and my children. This is contingent upon his abstinence from aggression, harassment or any other form of abuse towards me and our children. Failure to comply in the next 10 years will be grounds for my reclamation of any pending debt and payments.
- Both parents will be responsible for assuming the financial needs of our children until they have finished any and all studies. However, during the time it takes to create my business and generate revenues, I will be responsible for child support payments at a rate of €75/month per child.
- I will reside in Spain as long as my children wish to continue their studies and/or live there. But, I retain the right to travel outside of Spain with them with no reprisal or retention of financial support from their father in case of such trips. Failure to comply will result in modification of this agreement.
- If need be, upon my return to Spain in 2012, I will reside in the pool house for the period it takes me to find and rent proper accommodations in Villafranca del Castillo/Villanueva del Pardillo/Majadahonda area. This period will not exceed 6 months. I promise that I will not have any over-night guests, other than perhaps members of my immediate family (ie. niece, nephew, sister, brother, etc.) During this time, my ex-husband will refrain from any harassment, aggression, or any other form of abuse towards me or our children. Failure to comply will result in modification of this agreement.

It should be noted that I will do everything possible to minimize the amount of time of residence in the pool house. I intend on staying with friends upon my immediate arrival in Spain, and depending on the ease and rapidity of finding rental accommodations, my residence in the pool house may not be necessary.

If my ex-husband threatens, bullies, or uses any coercive forces on our children, or if I believe that their safety or well-being is in jeopardy, I will solicit sole custody and domicile of our home from the courts, until which time they have finished their studies.

- Javier may continue to reside in our home for as long as he wishes, but will refrain from using it as collateral in any loan application. Additionally, he will assume all costs in regards to its proper maintenance and repairs and failure to do so will be grounds for modification of this agreement. No reforms or modification to the home will be made without my written consent.

As long as I have no financial need for my portion of the equity of this home, I agree that it will remain common property of my family and not be sold, and the principle residence of Javier Gonzalez de Alcala. It has always been my desire that a residence in Spain, as my desire for one in the USA, be maintained for the use of my children and their future families.

- One half of the furniture and household items of our home will be made available to me upon my installation in proper housing in Spain. All of my jewelry making equipment and machines as well as the 3 lots of emeralds, and personal objects remove from me by my husband in 2007-2008 shall also be returned. Replacement value of these goods, €70,000, will be added to the financial settlement, if they are not returned.
- The VW Golf 1989, matriculation M 5087 MM, will be awarded to me, with any damages to its interior or exterior repaired before delivery, the cost of which will be assumed by Javier. It was in perfect working condition in January 2009, with only a few “cosmetic” wear-and-tears. Additionally, all cost associated with its maintenance, taxes, etc., from 2009 until delivery will be assumed by Xavier Gonzalez de Alcala.
- Additionally, Xavier Gonzalez de Alcala will agree to withdraw any judicial proceedings against me and refrain from initiating new ones in the future. He will also cease and desist his harassment and stalking of me in all forms. Failure to do so will result in modification of this agreement.
- I will be provided with all tax return information and pertaining documentation from 1990 -2008 in the name of Xavier Gonzalez de Alcala. *(This is based on the assumption that any monies received by me in Spain from my ex-husband, will be considered revenue and produce a tax liability. Since these monies are just a transfer of title of assets under common property law, and which have already been taxed as income revenue, I intend on contesting any tax liability generated. I, therefore, will require appropriate documentation of income and corresponding tax payments. If my assumption is erroneous, I will not require tax returns, etc.)*
- While I will not include as stipulation to the agreement, I hope that Xavier will seek help for his anger management issues. If he is willing to seek COMPETENT professional help we might one day be able to have a cordial relationship. One of my greatest regrets is the degree to which gross incompetence and negligence of marriage

counselors in Colombia and then Madrid, contributed to the demise of our marriage. One of the projects I am involved in at present is in the area of prevention of domestic abuse, rather than crisis management after the fact; THE PRIMARY REASON SO MANY WOMEN AND CHILDREN ARE BEING KILLED EACH YEAR.

If Javier does not wish to accept the €850.000 agreement, nor does the judge's decision comply with the conditions set forth in my proposed settlement and € 2.027.132 financial settlement, I wish to exercise my rights to file a *recurso de amparo* with the Constitutional Courts of Spain under art 12 of the Spanish Equality Act 3 -2007. I do realize only violations of articles under section 1 of Chapter 2 of the Spanish Constitution (excluding section 2) are admissible in *recurso de amparo* may but I do intend on citing violations under section 1 in conformity with international treaties, particularly the CEDAW, as well as the homemakers right to recognition as a "legitimate job" and right to work under art. 35 of the Spanish Constitution.

If I am unable to arrive at an equitable financial settlement with Senor Javier Gonzalez de Alcala, and/or liabilities incurred by negligent legal counsel in Spain, I will be seeking reparations within international tribunals for personal financial and moral damages, as well as financial damages incurred by Global Expats (lost income and profits) from 2007 until which time a settlement is reached.