

INSTITUTO NACIONAL DE ESTADISTICA



Statistics on Annulments, Separations and Divorces

Methodology

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1 Introduction

The *Statistics on Annulments, Separations and Divorces* is statistical research of an annual nature, whose objective is to ascertain the number of annulment, separation or divorce judgments passed or considered in the judicial sphere.

The *Statistics on Annulments, Separations and Divorces* are performed by the National Statistics Institute (INE) by virtue of the Agreement signed with the General Council of the Judiciary Branch (GCJB) of 14 of February 1995. An addendum has allowed for implementation since 1 January 2007 of a new continuous information collection system for statistical bulletins via online forms.

Results have been available online since 1998.

2 Framework research

The Statistics on Annulments, Separations and Divorces are compiled from the information on judgments supplied by the different judicial bodies with competence on the subject.

The objective of these statistics is to ascertain the number of judgments on annulments, separations and divorces passed during the reference year, and to supply information on some of the main socio-demographic features of spouses involved (sex, age, nationality, number of children), regarding the type of separation or divorce (by mutual agreement or contested) and regarding other variables of social relevance associated with the legal process (maintenance and support, custody, duration of the procedure, etc.).

The basic statistical unit is the annulment, separation or divorce judgment passed by the corresponding judicial body.

The reference period is the calendar year, for which the date of passing each judgment is taken into account. Information is obtained continuously during the actual reference period (year t) and the first four months of the following year (year t+1). This data is published annually.

From a geographical point of view, the statistics cover the whole of national territory.

The legal standards regarding annulments, separations and divorces appear in the Civil Code as well as in the Civil Procedure Act.

The current standards are basically governed by Law 15/2005 of 8 July, whereby the Civil Code and the Civil Procedure Act are modified regarding separation and divorce. This law amends the previously prevailing law 30/1981 of 7 July, which was the one to re-introduce the issue of divorce into Spanish legislation.

Current law 15/2005, compared with that of 1981, broadens the scope of freedom of spouses in relation to the exercising of the power to request dissolution of the marriage. Thus, the right to no longer remain married is not dependent on demonstrating the occurrence of any reason, since the determining reason is the actual wish of the person to no longer be involved with his or her spouse.

The new standards, unlike the previous law, allows for divorce without requiring de facto or legal separation beforehand. Nevertheless, the latter is upheld independently for cases whereby the spouses, where they have their reasons, decide not to opt for dissolution of their marriage.

3 Concepts and variables

The variables researched in these statistics are as follows:

Target study variables:

Annulment: Legal ruling that declares a marriage null and void. Marriages held without marital consent, those entered into without the intervention of the Judge, Mayor or civil servant before whom it must be held, or without witnesses, those held due to an error in the identity of the contracting party, or those entered into under duress or through grave fear are null and void. Application for annulment of a marriage is to be made by the spouses, the Public Prosecutor and any person of direct and legitimate relevance therein, save for exceptions provided for in law.

Separation: Legal ruling resulting in discontinuation of the living together of the spouses and renouncing of the possibility of linking property of the other spouse when exercising domestic authority. The application for separation may be made by both spouses, or by one of them (with or without the other's consent) and three months must have elapsed since the marriage was held, except in the event of it being proven that the life, physical integrity, freedom, etc. of the applicant spouse is at risk.

Divorce: Marriage dissolution entailing loss of obligations and rights arising between the spouses at the time of entering into marriage. Divorce does not annul obligations regarding possible children, since the latter derive from family relationship rather than from marriage.

Variables classification:

Type of separation: Distinction is made between

Separation by mutual agreement: This is where the spouses agree to separate. The claim may be brought by a single spouse with the other's consent, or jointly by both spouses. A regulatory agreement must be established whereby the consequences of the divorce are set out (apportionment of property, obligations with regard to children etc.) and more than three months must have elapsed since the date on which marriage was entered into. The procedure in this type of separation is more straightforward.

Litigious separation: This is where an application is made by one of the spouses without the other's consent, who is summonsed by means of bringing the corresponding claim. In this case there is no regulatory agreement.

Type of divorce: Distinction is made between

Divorce by mutual agreement or by consent: This is where the spouses agree to divorce. The claim may be brought by a single spouse with the other's consent, or jointly by both spouses. A regulatory agreement must be established whereby the consequences of the divorce are set out (apportionment of property, obligations with regard to children etc.) and more than three months must have elapsed since the date on which marriage was entered into. The procedure in this type of divorce is more straightforward.

Divorce without consent: This is where an application is made by one of the spouses without the other's consent, who is summoned by means of bringing the corresponding claim. In this case there is no regulatory agreement, and it is the Judge who, on passing judgment, sets the details and the situation in which each spouse finds him or herself in relation to common property, obligations with regard to children, etc.

Autonomous Community (or City) and Province: These concepts refer to the Autonomous Community (or City) and to the province to which the judicial body passing judgment belongs. For the purposes of these statistics, assignment of annulment, separation or divorce to a specific Autonomous Community (or City) or to a province, is carried out by taking as a reference the place of the judicial body passing judgment and not the place of birth or residence of the spouses.

Age of the spouses: This concept refers to the age of each spouse on the date corresponding to the annulment, separation or divorce judgment.

Nationality of the spouses: This concept refers to the nationality of each spouse on the date corresponding to the annulment, separation or divorce judgment.

Marital status of the spouses: This concept refers to the marital status of each spouse on the date corresponding to the holding of the marriage regarding which the corresponding annulment, separation or divorce judgment is passed.

4 System information: the Neutral Judicial Point

The collection of the bulletins corresponding to these statistics is carried out in an on-going manner throughout the year by means of the corresponding online forms.

An information collection system has been implemented via the Neutral Judicial Point platform, the integrated services network on the GCJB website. This information collection system enables the data requests put forth to the different courts to be managed more efficiently, taking advantage to this end of the new information technologies and telecommunications made available to users of the GCJB web.

The Neutral Judicial Point is a network of services that the GCJB offers to the different judicial organs since more than ten years, and that makes easy the direct access to the different applications and databases of both the Council, and the organs of the General State Administration and other institutions. The GCJB decided to motivate the projects orientated to the use of computers and communications within the Justice Administration, and within this, the activity framework of the NJP was designed with the aim of making easy and reducing the processing time, increasing the security and improving the satisfaction of the users of this platform. The main objectives of the application are to support the management of the judicial organs, to provide help services to the Judge, to automate the management of the organs of the government and to make the compatibility and the interoperability among the computer systems easier to the service of the Justice administration.

Access to the NJP is via a gateway that facilitates navigation between the different departments and offers very diverse information to its users.

The INE is one of the institutions of the general state administration integrated with the NJP, via which it is possible to access both completion of INE bulletins on annulment, separation or divorce judgments, and querying auxiliary information aiding the collection process (user manuals). The management of the collection process via the web not only allows users to enter new bulletins, but also includes options concerning enquiries, modifications and delisting, which enables each court to review, where necessary, the information recorded, correct errors detected in entering the data, and delist specific bulletins where necessary (detection of duplicates, etc.).

5 Processing of the information

In the initial information processing phase the first controls are put into place, essentially aimed at assessing the level of coverage of the information received. After that, an initial claims process is initiated, re-contacting the respondent units, which focuses on the need to complete this information, the end objective of which is to significantly reduce the rate of non-response. The purpose herein is to attain a level of information of a significant magnitude so as to guarantee the precision and reliability of the statistical input and adjustment procedures that must be applied for the purposes of obtaining the final research results.

During the information publishing and filtering process, completeness and consistency of the content of the different recorded registers is studied, the first indicators and rates regarding national, Autonomous Community and provincial coverage are obtained, and the first tabulations are generated for the main variables.

The essential part of the information filtering and treatment of invalid values and inconsistencies process is performed via DIA (Automatic Detection and Input), a generalised publishing and input system developed by the INE and broadly applicable in different surveys over time.

DIA is based on the Fellegi and Holt filtering and input methodology, and on the associated mathematical model that guarantees compliance with the basic principles of the system:

- a) Minimum change principle: All errors must be deleted (edits) from the registers by amending the smallest possible number of fields.
- b) Input is automated by the actual system, taking the previously established editing rules.
- c) Automatic input must maintain, wherever possible, the marginal frequency distributions (and preferably even joint distributions) of the different variables corresponding to error-free registers.

Once the edits are completed, calculation is then made of the adjustment factors and the results are tabulated. The last stage prior to dissemination of information is geared towards analysing aggregated information and to verifying the consistency of information provided. It is necessary to specify that the availability of new auxiliary sources of information in the judicial area has improved the processes of estimation and elevation of results for this survey in 2013. As a result, data provided this year (regarding the absolute values of each type of judgment) is not directly comparable to data obtained in the previous year.

6 Tabulation plan and dissemination of the results

These statistics are disseminated annually.

Tabulation of results is structured into eight different blocks of information.

Initially (1) summary tables are shown relating to annulments, separations and divorces, including information corresponding to different reference periods of the survey (chronological series) and data by Autonomous Community and by province.

Below, blocks 2, 3 and 4 present tables of divorces, differentiating between national results (2), results by Autonomous Community (3) and provincial results (4).

Immediately after, and similarly, tables of separations are shown, differentiating between national results (5), results by Autonomous Community (6) and provincial results (7).

The last block of information (8) includes the tables relating to annulments.

ANNEX – LIST OF TABLES

1. SUMMARY TABLES

- 1.1 Annulments, separations and divorces. Chronological series (2004-2013)
- 1.2 Annulments, separations and divorces by Autonomous Community
- 1.3 Annulments, separations and divorces by Autonomous Community. Chronological series. Rates per 1,000 inhabitants (2004-2013)
- 1.4 Annulments, separations and divorces by province

2. DIVORCES: NATIONAL RESULTS

Total Divorces

- 2.1 Divorces according to type of divorce and sex of the spouses
- 2.2 Divorces according to age of the spouses
- 2.3 Divorces according to nationality of the spouses
- 2.4 Divorces according to marital status of the spouses when getting married
- 2.5 Divorces according to duration of the marriage
- 2.6 Divorces according to duration of the procedure and type of divorce
- 2.7 Divorces according to the number of children of the spouses

Divorces between different-sex spouses

- 2.8 Divorces between different-sex spouses according to age of the spouses
- 2.9 Divorces between different-sex spouses according to nationality of the spouses
- 2.10 Divorces between different-sex spouses according to marital status of the spouses when getting married
- 2.11 Divorces between different-sex spouses by nationality and age of the husband
- 2.12 Divorces between different-sex spouses by nationality and age of the wife
- 2.13 Divorces between different-sex spouses according to duration of the marriage and age of the husband
- 2.14 Divorces between different-sex spouses according to duration of the marriage and age of the wife
- 2.15 Divorces between different-sex spouses according to duration of the marriage and nationality of the husband
- 2.16 Divorces between different-sex spouses according to duration of the marriage and nationality of the wife
- 2.17 Divorces between different-sex spouses according to age of the husband

- and marital status when getting married
- 2.18 Divorces between different-sex spouses according to age of the wife and marital status when getting married
- 2.19 Divorces between different-sex spouses according to type of divorce and the spouse who makes the application
- 2.20 Divorces between different-sex spouses according to type of divorce and spouse that must pay compensatory maintenance
- 2.21 Divorces between different-sex spouses according to type of divorce and spouse that must pay children support
- 2.22 Divorces between different-sex spouses according to type of divorce and spouse that must have child custody

Divorces between same-sex spouses

- 2.23 Divorces between same-sex spouses according to type of divorce and sex of the spouses
- 2.24 Divorces between same-sex spouses according to age and sex of the spouses
- 2.25 Divorces between same-sex spouses according to nationality and sex of the spouses
- 2.26 Divorces between same-sex spouses according to duration of the marriage and sex of the spouses

3. DIVORCES: RESULTS BY AUTONOMOUS CITY AND COMMUNITY

Total Divorces

- 3.1 Divorces according to type of divorce
- 3.2 Divorces according to duration of the marriage
- 3.3 Divorces according to the number of children of the spouses
- 3.4 Divorces according to whether there was a previous separation

Divorces between different-sex spouses

- 3.5 Divorces between different-sex spouses according to age of the husband
- 3.6 Divorces between different-sex spouses according to age of the wife
- 3.7 Divorces between different-sex spouses according to nationality of the husband
- 3.8 Divorces between different-sex spouses according to nationality of the wife
- 3.9 Divorces between different-sex spouses according to marital status of the husband when getting married
- 3.10 Divorces between different-sex spouses according to marital status of the wife when getting married

- 3.11 Divorces between different-sex spouses according to the spouse who makes the application
- 3.12 Divorces between different-sex spouses according to spouse that must pay compensatory maintenance
- 3.13 Divorces between different-sex spouses according to the spouse that must pay children support
- 3.14 Divorces between different-sex spouses according to the spouse that must have child custody

4. DIVORCES: PROVINCIAL RESULTS

Total Divorces

- 4.1 Divorces according to type of divorce
- 4.2 Divorces according to duration of the marriage
- 4.3 Divorces according to the number of children of the spouses
- 4.4 Divorces according to whether there was a previous separation

Divorces between different-sex spouses

- 4.5 Divorces between different-sex spouses according to age of the husband
- 4.6 Divorces between different-sex spouses according to age of the wife
- 4.7 Divorces between different-sex spouses according to nationality of the husband
- 4.8 Divorces between different-sex spouses according to nationality of the wife
- 4.9 Divorces between different-sex spouses according to marital status of the husband when getting married
- 4.10 Divorces between different-sex spouses according to marital status of the wife when getting married
- 4.11 Divorces between different-sex spouses according to the spouse who makes the application
- 4.12 Divorces between different-sex spouses according to the spouse that must pay compensatory maintenance
- 4.13 Divorces between different-sex spouses according to the spouse that must pay children support
- 4.14 Divorces between different-sex spouses according to the spouse that must have child custody

5. SEPARATIONS: NATIONAL RESULTS

Total Separations

- 5.1 Separations according to type of separation and sex of the spouses

- 5.2 Separations according to age of the spouses
- 5.3 Separations according to nationality of the spouses
- 5.4 Separations according to marital status of the spouses when getting married
- 5.5 Separations according to duration of the marriage
- 5.6 Separations according to duration of the procedure and type of divorce
- 5.7 Separations according to the number of children of the spouses

Separations between different-sex spouses

- 5.8 Separations between different-sex spouses according to age of the spouses
- 5.9 Separations between different-sex spouses according to nationality of the spouses
- 5.10 Separations between different-sex spouses according to marital status of the spouses when getting married
- 5.11 Separations between different-sex spouses by nationality and age of the husband
- 5.12 Separations between different-sex spouses by nationality and age of the wife
- 5.13 Separations between different-sex spouses according to duration of the marriage and age of the husband
- 5.14 Separations between different-sex spouses according to duration of the marriage and age of the wife
- 5.15 Separations between different-sex spouses according to duration of the marriage and nationality of the husband
- 5.16 Separations between different-sex spouses according to duration of the marriage and nationality of the wife
- 5.17 Separations between different-sex spouses according to age of the husband and marital status when getting married
- 5.18 Separations between different-sex spouses according to age of the wife and marital status when getting married
- 5.19 Separations between different-sex spouses according to type of separation and the spouse who makes the application
- 5.20 Separations between different-sex spouses according to type of separation and spouse that must pay compensatory maintenance
- 5.21 Separations between different-sex spouses according to type of separation and spouse that must pay children support
- 5.22 Separations between different-sex spouses according to type of separation and spouse that must have child custody

6. SEPARATIONS: RESULTS BY AUTONOMOUS CITY AND COMMUNITY

Total Separations

- 6.1 Separations according to type of separation
- 6.2 Separations according to duration of the marriage

6.3 Separations according to the number of children of the spouses

Separations between different-sex spouses

6.4 Separations between different-sex spouses according to age of the husband

6.5 Separations between different-sex spouses according to age of the wife

6.6 Separations between different-sex spouses according to nationality of the husband

6.7 Separations between different-sex spouses according to nationality of the wife

6.8 Separations between different-sex spouses according to marital status of the husband when getting married

6.9 Separations between different-sex spouses according to marital status of the wife when getting married

6.10 Separations between different-sex spouses according to the spouse who makes the application

6.11 Separations between different-sex spouses according to the spouse that must pay compensatory maintenance

6.12 Separations between different-sex spouses according to the spouse that must pay children support

6.13 Separations between different-sex spouses according to the spouse that must have child custody

7. SEPARATIONS: PROVINCIAL RESULTS

Total Separations

7.1 Separations according to type of separation

7.2 Separations according to duration of the marriage

7.3 Separations according to the number of children of the spouses

Separations between different-sex spouses

7.4 Separations between different-sex spouses according to age of the husband

7.5 Separations between different-sex spouses according to age of the wife

7.6 Separations between different-sex spouses according to nationality of the husband

7.7 Separations between different-sex spouses according to nationality of the wife

7.8 Separations between different-sex spouses according to marital status of the husband when getting married

7.9 Separations between different-sex spouses according to marital status of the wife when getting married

- 7.10 Separations between different-sex spouses according to the spouse who makes the application
- 7.11 Separations between different-sex spouses according to the spouse that must pay compensatory maintenance
- 7.12 Separations between different-sex spouses according to the spouse that must pay children support
- 7.13 Separations between different-sex spouses according to the spouse that must have child custody

8. ANNULMENTS: NATIONAL RESULTS

Total Annulments

- 8.1 Annulments according to sex of the spouses
- 8.2 Annulments according to age of the spouses
- 8.3 Annulments according to nationality of the spouses
- 8.4 Annulments according to marital status of the spouses when getting married
- 8.5 Annulments according to duration of the marriage
- 8.6 Annulments according to duration of the procedure and type of divorce

Annulments between different-sex spouses

- 8.7 Annulments between different-sex spouses according to nationality and age of the husband
- 8.8 Annulments between different-sex spouses by nationality and age of the wife
- 8.9 Annulments between different-sex spouses according to duration of the marriage and age of the husband
- 8.10 Annulments between different-sex spouses according to duration of the marriage and age of the wife
- 8.11 Annulments between different-sex spouses according to duration of the marriage and nationality of husband
- 8.12 Annulments between different-sex spouses according to duration of the marriage and nationality of the wife