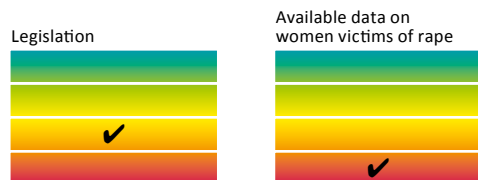


NATIONAL ANALYSIS

Spain



Expert
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Legislation

In Spain, criminal acts against sexual freedom are regulated in Title VIII of Book II of the Penal Code. Spain distinguishes between the following types of crimes:

- **Sexual Assault:** Sexual assault against the freedom of another person, using violence or intimidation. This is punished with imprisonment of one to five years. Under sexual assaults, rape includes vaginal intercourse, anal or oral sex, or the insertion of body parts or objects. In this case a prison sentence of 6-12 years is imposed.
- **Sexual abuse:** An attack on the sexual freedom and integrity of another person without consent but without violence or intimidation. It is considered that there isn't consent in the case of persons who are mentally incapacitated or disabled, and crimes committed overriding the will of the victim by using drugs or other substances. It is also considered sexual abuse when consent is obtained by using a position of power that limits the freedom of the victim.

Available data on women victims of rape

All the sources consulted agree that there is a huge discrepancy between the number of assaults that are reported relative to those that occur. The statistics from official sources (Attorney General) don't show the reality.

However, the latest data shows an increase in this type of crime. The Attorney General's Report noted, in relation to crimes against sexual integrity and freedom, provided in Title VIII of Book II of the Penal Code, an increase of 6.58% (from 13,266 lawsuits initiated in 2010 to 14,139 lawsuits in 2011).

On the other hand there is a disparity between the statistics provided by the Ministry of Justice through of the Attorney General's Office and those facilitated by the Spanish Institute for Women's Affairs, which also are not up to date because they only provide data until 2009 (and don't include important areas such as the Basque Country and Catalonia).

The Spanish Institute for Women's Affairs gives data on all reported crimes against sexual freedom and integrity: 6,798 in 2006, 6,845 in 2007, 7,591 in 2008 and ,6562 in 2009, the last year reported in this source. www.inmujer.es/estadisticas/consulta.do?area=10 Specific data on rape are: 2006, 1,481 cases; in 2007, 1,573; 1,469 in 2008 and 1,315 in 2009.

For a country like Spain with a population of 47 million, these numbers are extremely low.



Spain relies on women's organisations that provide information and assistance to victims, such as FAMUVI (Federación de Asistencia a Víctimas de Agresiones Sexuales) and ADAVAS (Asociación de Ayuda a Víctimas de Agresiones Sexuales). These organisations have centres and websites that offer information and free psychological and legal assistance to victims of rape, sexual abuse and domestic violence.

FAMUVI- www.violacion.org/quienes/default.html

ADAVAS- www.adavas.org

In conclusion, rape is a crime almost hidden in Spain, because a very small number of cases are reported. In addition, the statistics collected are not consistent with each other.

Useful Contact

FAMUVI Phone (free): 0034 91 574 01 10

Emergency Phone : 112

The National Police, SAM (Servicio de Atención a la Mujer) : 0034 91 582 25 32 / 41 25

