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Spain will now fine companies that don't reveal gender pay gap data

Ministers say closing the gap is crucial to COVID-19 economic recovery.

By Erica Sanchez & Leah Rodriguez

Global Citizen (14.10.2020) - <https://bit.ly/3jnE3I5> - Spain is starting to take steps to hold companies accountable for contributing to the gender pay gap.

The Spanish government enacted measures on Tuesday requiring that companies release employee salary information or pay a fine, according to the Associated Press (AP).

The regulation, approved earlier this year, will fine companies €187,000 (\$220,000) if they do not share how they decide base salaries and other benefits with employees.

Under the new law, companies that employ more than 50 people also have to file their four-year strategy for balancing the number of male and female employees at their workplace.

"The message is very clear: women must be paid the same as men for doing the same jobs," Equality Minister Irene Montero said at a news conference after a weekly cabinet meeting, according to Reuters.

Montero went on to warn that the government needs to take action and help prevent the gender pay gap from worsening due to the COVID-19 pandemic. Ending the pay gap will be crucial to economic recovery, she added.

Women were one of the groups hit hardest by unemployment during the pandemic, according to government data.

The regulations aim to "bring to the surface labor inequalities and give workers the tools to eliminate them," Labor Minister Yolanda Díaz said, according to the AP.

Díaz also called the gender pay gap a "democratic aberration," at a press conference, according to the AP.

Although Spain is one of the top 10 countries for gender equality, women in the country still earn 22% less than their male colleagues, the Spanish government reports. What's more, nearly 27% of people living in poverty are women — 2% more than the number of men living in poverty.

The overrepresentation of women in low-paying industries, the imbalanced care burden placed on women, discrimination, and lack of female representation in executive positions all contribute to the pay gap across the European Union.

Spain's new gender pay gap laws are part of the country's left-wing coalition government's efforts to protect women's rights since coming into power in January, according to Reuters. The government also cracked down on sexual violence laws in March, deeming all non-consensual sex as rape.

"You can't play around with fundamental rights," Díaz said.

Spain toughens law against sexual violence

All non-consensual sex will be regarded as rape, with tougher sentences available to judges.

By Graham Keeley

Al Jazeera (03.03.2020) - <https://bit.ly/39xBhf0> - Spain is set to toughen legislation against sexual violence in the wake of a notorious alleged gang rape at the world-famous bull-running festival in Pamplona.

The left-wing coalition government, comprised of the Socialists (PSOE) and the far-left Unidas Podemos (UP), on Tuesday, approved a draft bill to change the penal code to classify all non-consensual sex as rape.

Under Spain's current legislation, the perpetrator must have used intimidation or violence against the victim for the offence to be classed as rape.

Under the new Sexual Freedom Law, sentences for rape will be increased from between four and 10 years to up to 15 years if there are aggravating factors.

Judges will be able to pass tougher sentences if violence or drugs are used to incapacitate the victim, or if she is the wife or a former partner of the rapist.

Under the terms of the legislation, special courts will hear cases involving sexual violence cases. This is already the case with domestic violence cases.

After the bill's cabinet approval on Tuesday, it must be examined by two state commissions before being voted on by Parliament. It is not expected to become law for at least six months.

'Wolf-pack'

The ambitious law was the brainchild of Irene Montero, the minister for equality who is a leading member of UP, and its introduction comes just days before Spain marks International Women's Day on March 8.

Calls to reform the criminal law concerning sexual offences have been mounting after a series of high-profile trials, including the so-called "Wolf Pack" case, in which an 18-year-old woman was gang-raped during the Pamplona bull-running festival in 2016.

In 2018, the conviction of five men on the lesser charge of sexual abuse - not rape - sparked protests across Spain and demands to change the law.

The men, known as the "Wolf Pack" after the name of the WhatsApp group in which they shared a video and images of the attack, had their sentences increased from nine to 15 years in June last year after prosecutors appealed to the Supreme Court.

In a separate case in November, five men were cleared of raping a 14-year-old girl, but jailed for the lesser charge of sexual abuse in a case which reignited protests against Spain's controversial sex offence laws.

Those men, aged 18 to 21, were jailed for between 10 and 12 years, but avoided conviction for the more serious charge of sexual assault or rape because the court ruled that the men did not use violence against the child.

The men had taken turns to have sex with the girl after a party in Manresa, about 45 miles north from Barcelona in October 2016.

After this case, a survey for La Vanguardia newspaper found 97 percent of respondents wanted tougher laws regarding sexual offences, while 3 percent were content with the current legislation.

Maria Alvarez, of the commission for International Women's Day in Spain, said the law change was a first step towards combating sexual violence.

"This is an important move to change the criminal law, but more must be done in education to teach boys and girls to respect each other," she told Al Jazeera.

"Courts have also handed down some shameful sentences which have reflected whether women were drinking or what they were wearing. That must stop."

However, the law change has prompted criticism from the conservative right in Spain.

Cayetana Alvarez de Toledo, spokesman for the conservative Popular Party in the Spanish parliament, said: "In reality, are we going to convert sexual relations into a process of interrogation? A 'no' is a no, obviously. But is a silence also a 'no' or a 'yes'?"

Jorge Buxade, an MEP for the right-wing Vox party, told Al Jazeera: "This law discriminates unfairly in favour of women and against men. We want to defend women and men equally from sexual violence."

Spanish court acquits 5 men of rape on grounds that 14-year-old victim was unconscious

CBS News (01.11.2019) - <https://cbsn.ws/2qgpakX> - Spaniards are voicing outrage after five men were acquitted of rape on the grounds that their 14-year-old victim had been unconscious at the time. The Barcelona-based court ruled Thursday that the men were guilty of the lesser crime of sexual abuse and sentenced them to 10-12 years and fined them 12,000 euros.

It ruled that their act could not be considered sexual assault since the girl was unconscious after consuming alcohol and drugs. That meant they did not need to use violence or intimidation, a requirement for a rape conviction in Spain, the court said.

Spain's deputy prime minister, Carmen Calvo, said that while her government does not comment on court decisions it has set as a priority a modification in the law to make clear that consent is necessary for sexual relations to occur legally.

On Twitter, Barcelona's Mayor Ada Colau slammed the "outrageous sentence," BBC News reported. "I am not a judge and I do not know how many years in prison they deserve, what I do know is that it is not abuse, it is rape!"

The attack occurred in the town of Manresa, near Barcelona, in 2016 when the girl and the men went into an abandoned factory to drink.

The court said that since the victim was unconscious during the attack, she "could not accept or reject the sexual relations" and that the men "could carry out those sexual relations without the use of violence or intimidation."

Barcelona Mayor Ada Colau and other left-wing politicians and feminist groups have condemned the ruling, as well as clamoring for the law to be strengthened in the victims' favor.

"Another senseless verdict by the patriarchal Justice that doesn't want to understand that only a Yes means Yes," Colau wrote on Twitter. "An unconscious 14-year-old girl was gang raped. I am not a judge and I don't know how many years of prison they deserve, (but) what I do know is that this is not abuse, it is rape!"

Marisa Soletó, of the feminist group Fundación Mujeres, said that "this is just one more piece of proof for the necessity to change the penal code."

A similar 2017 ruling sparked widespread protests when five men were found guilty of sexually abusing a woman but acquitted of rape for an attack in Pamplona. Spain's Supreme Court later overruled the lower court and convicted them of rape. BBC News reports the new case is known as the "Manada de Manresa" - Manresa Wolf Pack - for its similarities to that case.
