



SPAIN

ACCESS TO GOODS AND SERVICES

A gay couple was told to stop displaying affection in a San Sebastian bar in July.

ASYLUM

The situation of LGBTI asylum seekers did not improve this year. The NGO Kifkif warned about a new rise in HIV infections among trans asylum seekers, the underreporting of discrimination and violence that LGBTI asylum seekers must endure, and a lack of access to social and healthcare services. Kifkif and many other NGOs also criticised the draft legal gender recognition (LGR) law (see under **Legal Gender Recognition**), which does not include migrants, asylum seekers, and refugees in its scope.

BIAS-MOTIVATED SPEECH

Anti-trans rhetoric continued to gain more ground in Spain as the negotiations about the legal gender recognition law (see below) resumed this year. In January, the Observatory Against Homophobia of Catalonia (OCH) filed a complaint against the historic feminist leader Lidia Falcón for linking homosexuality with pedophilia. In March, the Women's Day poster of 8M and its creator, were targeted by transphobic speech and harassment in Zaragoza. In April, trans organisations called for the resignation of Deputy Prime Minister Carmen Calvo, who made anti-trans statements in relation to the trans law (see under **Legal Gender Recognition**). In July, Calvo was one of seven ministers removed from office, but it is not known whether her removal was connected to her anti-trans stance.

As a positive development, over 500 women and 80 feminist organizations published a manifesto in January to stand in support of trans people.

An alarming video emerged in July, where four young people are talking about how they would kill and hurt LGBT people.

A neo-Nazi demonstration was held in September in Madrid's Chueca district, supposedly to protest against the Government's 2030 and 2050 Agenda, but featuring homophobic and racist chants.

Lambda launched the AI Loro page, where online hate speech incidents can be reported.

Two police officers were convicted of homophobia by the

Supreme Court, and one will serve three years and five months in prison.

BIAS-MOTIVATED VIOLENCE

Hate crimes continued to be a serious issue in Spain this year.

The annual report of the Ministry of Interior documented 277 anti-LGBT hate crimes in 2020 (2019: 278), while NGOs continued calling for comprehensive hate crime legislation that protects LGBTI people. The Ministry published a guide on good practises in the fight against hate crimes.

Coruña's Observatory against LGBTI-phobia published its third annual report, finding an increase in cases.

Several hate crimes took place again this year in Madrid, Vitoria, A Coruña, Alicante, and Barcelona.

A young gay man, Samuel Luiz was brutally murdered by a group of seven in A Coruña in July. The homophobic murder sparked demonstrations and public outcry across the country, some of which were met with police violence. Following the murder, the office of the HIV Committee of A Coruña was attacked during the local Pride celebrations. The anti-LGBTI murals and graffiti were also common this year. Several benches painted with the LGBTI flag colours were vandalised in small villages.

The police arrested parents in Valencia after they threatened to kill their daughter's girlfriend, a minor.

A 20-year-old girl committed suicide in December, after facing continued homophobic cyberbullying and having filed the first police report in August.

DATA COLLECTION

In March, Catalonia's Parliament included for the first time four gender options in the registration form of new deputies. These options were 'man', 'woman', 'non-binary' and 'prefer not to answer'. The move is to implement the Gender Equality Plan, which sets out the inclusion of a gender perspective in data collection efforts.

EDUCATION

In January, the NGO Chrysallis published "Guide for Teachers: Education in Diversity and Equality", focusing on creating a safe and inclusive school environment for trans youth.



Thanks to Chrysalis's continued advocacy, Andalusia's online school platform finally provides recognition for trans students, who can enter the name and gender that corresponds to their identity.

Students taking university entrance exams are now able to use their social name on their application form.

Chrysalis, FELGTBI+ and Fundación Triángulo urged the Minister of Equality to ensure students' rights to relationship and sex education and to prevent the parental veto, as proposed by the far-right Vox party, from being introduced.

The University of Barcelona Faculty of Medicine introduced a new subject this year on the provision of healthcare services to trans people.

A Castellón substitute judge ordered the removal of 32 LGBTI-themed books from libraries and educational centres, following the request of an ultra-conservative association. The ruling was overturned a few days later. FELGTBI+ and others are filing a complaint to the General Council of the Spanish judicial authority.

EMPLOYMENT

On International Lesbian Visibility Day in April, FELGTBI+ published a study finding that one in ten had left their jobs because of discrimination and that one in every four LBTQ women were discriminated against at work.

The City of Madrid, in cooperation with the trans NGO Transexualia published guidelines for employers on trans inclusion in May.

FELGTBI+ launched a nationwide trans-focused job inclusion program called 'YesWeTrans', which aims to reduce the alarming unemployment rates amongst trans people and raise awareness of the problem with the 30 or so companies involved in the program.

On 2 June, the Supreme Court ruled in favor of sex workers and affirmed their right to form unions.

EQUALITY AND NON-DISCRIMINATION

FELGTBI+ welcomed the overruling of a problematic judgment in June, which imposed a fine on a man who hid his sexual orientation from his wife.

FOREIGN POLICY

In January, the government presented its 2021-2024 Foreign Action Strategy and Feminist Foreign Action Strategy, which mainstreams gender and LGBTI issues in its actions.

FREEDOM OF EXPRESSION

Legal rows over the display of rainbow flags continued this year. Courts in Zaragoza and Sevilla ruled that the municipalities cannot raise the rainbow flag. Using the Supreme Court's ruling as an excuse, the City of Madrid did not display the flag at the city hall this year and did not use the 700-metre rainbow flag the municipality purchased in 2020.

HEALTH

The mental health toll of the COVID-19 pandemic continued to be concerning and the poor state of mental healthcare was debated widely this year. FELGTBI+'s helpline reported a 266% increase in the number of trans people, especially youth and elderly, calling in for help during the COVID-19 pandemic and supported 7,153 in 2020.

FELGTBI+'s study found that only 12% of people living with HIV were open about their HIV status in all areas of their life, and that the most common reason for non-disclosure was fear of rejection.

In January, FELGTBI+ published a comprehensive report about the experiences of trans women in accessing trans healthcare services.

Hormone shortages have caused problems in several European countries this year, including in Spain. Trans organisations called on the Ministry of Health to urgently remedy the shortage.

Even though there are several regional laws in Spain that depathologise 'homosexuality' and being trans, in the absence of a comprehensive law, pathologisation is ongoing. For instance, a gynecologist in Murcia diagnosed a patient with 'homosexuality' this year.

Conversion therapies continued to be reported.



HUMAN RIGHTS DEFENDERS

Civil society reported the harsh impact of the COVID-19 pandemic on LGBTI people and particularly trans people, in terms of loss of income, isolation, and loneliness. LGBTI helplines reported an increase in the number of those reaching out for support.

In March, the Madrid headquarters of the LGBTI group COGAM were vandalised with transphobic slurs.

LEGAL GENDER RECOGNITION

In January, the Equality Minister presented a new government draft of a federal LGR law, which was backed by civil society. Nonetheless, the process was stalled afterwards, and a group of trans activists and their families went on hunger strike until another draft bill was finally registered in March by a group of regional political parties. This draft bill, which included non-binary markers in identity cards, was rejected on May 18th.

The socialist party proposed to require witnesses, reports, documentation and the approval of a civil servant. These limitations were criticised by civil society in April. Countless demonstrations took place demanding a human rights-based LGR law. The campaign Exigimos la igualdad trans, to circulate the trans flag across the 17 autonomous regions continued and was signed by representatives of more than 30 public institutions, including regional parliaments and governments.

Eventually, the government draft bill was adopted on 29 June, setting out self-determination for those 16 or over. Trans people will have to register their application, wait for up to three months, and then re-affirm their desire for LGR. Trans youth between 14-15 will need to apply with their legal guardians present and a judicial process is proposed for those aged 12-13. LGR will not be available to those under 12. Migrants residing in Spain and non-binary people will also be unable to access LGR. These limitations were highlighted by civil society as a failure of the government.

In May, the Canary Islands joined nine other Spanish regions that have a self-determination model in place.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

A street in Sevilla will be named after Mar Cambrollé, a famous trans activist in Andalusia. Similarly, the outstanding trans activist and first trans woman working as a member of a regional parliament in Spain, Carla Antonelli, also had a street named after her in her hometown, Güímar (Tenerife).

In April, the Swimming Federation suspended a waterpolo player for calling an opponent “fag”. This was the first such suspension. The new draft Sports Law sets out that discrimination against LGBTI people in sports is prohibited. Víctor Gutiérrez, the openly gay waterpolo player who suffered the insults and reported them to the federation, was appointed as LGBTI Secretary within the executive board of the socialist party (PSOE).

POLICE AND LAW ENFORCEMENT

A military court in A Coruña has ruled against four members of the Guardia Civil, a police force which is part of the military, for slandering and humiliating a gay colleague for four years.

Following the brutal murder of Samuel Luiz, the Ministry of Interior called the Monitoring Committee for the Action Plan against Hate Crimes, chaired this time by the Prime Minister. As an outcome, two hate crime groups were set up in the civil guard and the police, Spain's two law enforcement bodies.

SEXUAL AND REPRODUCTIVE RIGHTS

In November, the Health Ministry extended access to IVF treatments for single, lesbian and bisexual women and trans people.



SPAIN WEB PAGE
MORE INFORMATION ON WWW.RAINBOW-EUROPE.ORG