



# Spain



Overall, 2015 was a positive year for LGBTI people in Spain. The general public's acceptance and support for LGBTI people remained high. Former opponent of marriage equality Prime Minister Rajoy attended his colleague's wedding and judges in Madrid handed down their decision in a case involving a lesbian couple who were denied publicly funded IVF treatment. However, the year was marred by several tragic events; the country mourned the loss of well-known LGBTI activist Pedro Zerolo and a trans person was murdered in Alicante.

## Access to goods and services

- Madrid metro staff received an internal memo warning them to be vigilant when checking LGBTI customers' tickets. The note urged staff to exercise particular caution when inspecting the tickets of "musicians, beggars and gays" as they may not have paid the correct fare. In February, the memo was leaked and the metro authorities launched an investigation.

## Asylum

- A 29 year old woman from Cameroon applied for asylum in March as she feared persecution on the grounds of sexual orientation. Her picture had been published in a local Cameroonian newspaper under the headline "Wanted: leader of a group of lesbians". Her application was initially refused but an appeal to the ECtHR delayed her deportation. National LGBTI NGO FELTGB launched an online petition in support of the woman in April which collected over 45,000 signatures in 24 hours. She was granted the right to remain in Spain on humanitarian grounds later in April after several MP's from various political parties met with asylum authorities.

## Bias-motivated speech

- On 15 January, singing duo Los Chunguitos were removed from the reality programme Big Brother by the Mediaset Spain TV network after they made homophobic statements, including saying that they would prefer a "deformed or diseased child to a faggot".
- In August, bullring owner Carlos Zúñiga said that watching a Pride parade would be more harmful for children than attending a bullfight. In an interview with the *Europa Press* news agency, he said "I don't particularly like fiestas that stand up for people like gay pride...that is what is harmful for children to watch".
- In an interview with *La Vanguardia* newspaper on 10 December, interior minister Jorge Fernandez Diaz said that he would "be very upset" if his son ever told him he was gay.

## Bias-motivated violence

- In February, Cristina Cifuentes (Peoples' Party, PP; centre-right), the central government's Madrid delegate, launched an information campaign, urging victims of homophobic hate crime in the city to contact the police.

- According to a report released by the Ministry of the Interior in April, 40% of hate crimes reported in the previous 12 months were related to sexual orientation.

- On 22 March, a 49 year-old trans woman was attacked in a bar in Seville. The first bias-motivated attack in Cantabria in 21 years was reported in June, after a lesbian couple were assaulted. The Court of First Instance in Torrevega was examining the case at the end of the year. A trans person, originally from Brazil, was killed in Alicante in July; two French men on holiday in the area were arrested on suspicion of beating them to death. A gay man visiting from England was attacked in Sitges in August. Also in August, a group of LGBTI people were beaten by neo-Nazi assailants in the city of Alcala de Henares. On 31 August, there were reports of two homophobic attacks in Salamanca.

## Equality and non-discrimination

- On 19 March, the Extremadura regional parliament unanimously passed an LGBTI social equality law and policies against homophobic and transphobic discrimination. The law includes a health protocol for trans people, publicly funded reproductive treatments for lesbian and bisexual women and care for victims of violence and hate crime.
- In the decade since marriage equality was introduced, 31,610 same-sex couples married, according to figures released by the national statistics institute, Instituto nacional de Estadística (INE), in June.
- A final report under the UN's Universal Periodic Review process was adopted for Spain in 2015 (see **United Nations**).

## Freedom of assembly

- For the first time ever, the rainbow flag flew from Madrid City Hall during Pride celebrations in July; Manuela Carmena (Ahora Madrid, citizen platform; left-wing) also became the first mayor of Madrid to attend Pride events in the city. The parade was broadcast live on Telemadrid TV for the first time.

## Human rights defenders

- On 9 June, LGBTI activist Pedro Zerolo died aged 55. A lawyer and former politician, he served as president of FELGTB from 1998-2003. He also served as president of the LGBT Collective of Madrid (COGAM).

## Participation in public, cultural and political life

- Following the death of Pedro Zerolo (see **Human rights defenders**), a square in the centre of Madrid in was renamed in his honour. Plaza Vázquez de Mella, at the heart of the city's gay district, was renamed Plaza Pedro Zerolo after more than 84,000 supporters signed an online petition in June calling for the gesture, set up by LGBTI organisations FELTGB and COGAM.
- On 28 November, writer and socialist politician José María Mendiluce, one of the first politicians to come out publicly, died aged 64.
- Football teams Rayo Vallecano and Deportivo Guadalajara launched new kits that featured rainbow stripes. FC Barcelona signed an anti-homophobia protocol to mark IDAHOT in May.
- In September, Prime Minister Mariano Rajoy (People's Party, PP, Christian-democratic) attended the wedding of his party colleague Javier Maroto, who married his partner, Josema Rodríguez. Rajoy had firmly opposed equal marriage and launched a constitutional challenge following the law's introduction in 2005.

## Police and law enforcement

- On 8 January, the police protocol for collection and responding to hate crime entered into force. It is a protocol for the national law enforcement bodies (National Police and the Civil Guard). The protocol containing an explanation of criminal behaviours, indicators for hate crime and guidelines for victim support. The protocol was drafted by the interior ministry and was praised by CoE Human Rights Commissioner Nils Muiznieks during a country visit in the same month.
- Local police officers in Fuenlabrada took part in the city's pride events for the first time in June.

## Public opinion

- According to Eurobarometer 2015, 56% of people surveyed in Spain believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 66% felt discrimination on this ground was widespread (EU 28 average was 56%). 90% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average

was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 81% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 78% said they would be comfortable or moderately comfortable (EU28 average was 67%).

## Sexual and reproductive rights

- In October, a Madrid court ruled that a lesbian couple who were denied publicly funded fertility treatment should be compensated by their hospital. The judge stated that the Madrid hospital infringed their "fundamental right not to be discriminated (against) for their sexual orientation" as it banned women without male partners from availing of medically assisted insemination. According to a recent directive from the ministry of health, only women who had been unsuccessful in conceiving after sexual intercourse could receive publicly funded treatment, thereby excluding lesbian couples. The hospital was ordered to pay EUR 4,875 in damages to the couple.