



Spain

ASYLUM

The situation of LGBTI asylum seekers in temporary reception centres continued to be untenable, with anti-LGBTI attacks reported and the spread of COVID-19 infection difficult to halt. Civil society urged the Ministry of Interior and Labour to immediately remedy the situation.

Kifkif, Association of LGTBI Migrants and Refugees, and Red Acoge opened the 'Pedro Zerolo' Reception Centre in November, which will accommodate 20 LGBTI asylum seekers and refugees.

BIAS-MOTIVATED SPEECH

Anti-trans rhetoric continued to gain more ground in Spain. The Feminist Party and its prominent members made several transphobic statements again this year. A section of Spain's Socialist Workers' Party (PSOE) also joined the anti-trans discourse, claiming that "queer theory" and the self-determination of gender may be a threat to feminism. PSOE had previously positioned itself as an ally to the LGBTI community. In the past two years, such attacks have resulted in the postponement of law reform that civil society had been advocating for.

Trans associations launched the #AMiNoMeBorraNadie (#NoOneErasesMe) campaign this year, responding to anti-gender movement attacks, asking cis allies to show their support for the trans community.

In May, two police officers were suspended and placed under disciplinary investigation for insulting and humiliating a trans woman. The Ministry of Equality and the Ministry of Justice are both investigating the case.

In June, far-right organisers held a "straight Pride" in Valencia, which was strongly criticised by the local LGBTI community.

BIAS-MOTIVATED VIOLENCE

The annual report of the Ministry of Interior documented 278 anti-LGBT hate crimes in 2019 (2018: 271), while NGOs continued calling for comprehensive hate crime legislation that protects LGBTI people. The Ministry of Equality published a resource for LGBTQI victims of hate crimes in October.

The EU FRA LGBTI Survey II found that in Spain, only 16% of hate crime victims reported hate crimes to any organisation or the police.

Hate crimes took place in Madrid (see here and here), in Malaga's suburb Torremolinos, and in Barcelona (see here and here).

Two trans women were reported murdered this year, both in the region of Asturias. The State Federation of Lesbians, Gays, Transsexuals and Bisexuals (FELGTB)'s helpline reported a 266% increase in the number of trans people calling in for help during the COVID-19 pandemic.

In November an 11-year-old boy was hospitalised in Murcia, after suffering homophobic physical assault by a teenager.

In October, a 17-year-old girl committed suicide having suffered long-term lesbophobic bullying.

In October, three teenagers vandalised rainbow benches in Cambados.

Several courts sentenced perpetrators of previous hate crimes against gay men. Barcelona's courts sentenced a young man to 12 years for the attempted murder of a gay man in Sitges in 2016, and a neo-Nazi to 15 years for a brutal attack in Barcelona 20 years ago. Other court cases are ongoing.

EDUCATION

In September, FELGBT launched a report comparing levels of protection for trans children and youth in education in the 17 Spanish regions. The report found that Navarra, Valencia, and Aragón had the highest level of protection, and that in Cantabria, Castilla-La Mancha, Castilla y León, La Rioja, Asturias and Ceuta and Melilla, trans minors have no legal protection.

EMPLOYMENT

Aragón introduced new selection procedures in November for permanent staff of primary healthcare centres. Of the 106 positions, two will be allocated to trans people and three to victims of gender-based violence.

In January, the first employment office for trans people was opened in Madrid, funded by the municipality.

EQUALITY AND NON-DISCRIMINATION

In January, the Ministry of Equality announced that it would set up a department focusing on LGBTI issues, to be led by Boti García Rodrigo, a renowned activist and former president of FELGTB.

The region of Cantabria adopted a new law on the rights of LGBTI people in November. Vox was the only party voting against the law.

FREEDOM OF ASSEMBLY

For the first time in 40 years, no Pride events took place in Spain - due to the COVID-19 pandemic. Pride events moved online. This year's Pride focused on the rights of women, with the slogan: "Sorority and feminism to TRANSform. Lesbian, trans and bisexual women in action! For the most vulnerable", demanding rights for the most vulnerable and state-wide protection to trans women in particular, among other issues.

FREEDOM OF ASSOCIATION

The Madrid City Council withdrew funding from LGBTI organisations that it had supported since 2016.

FREEDOM OF EXPRESSION

Police ordered the mayor of the Southern town of Villanueva de Algaidas to take down a rainbow flag he had put up to celebrate Pride two days earlier. The basis of the police's argument is the June Supreme Court's ruling, which states that only Spanish or EU flags can be displayed on public buildings. In response, hundreds of households put up rainbow flags in the town, joined by public institutions all across Spain. In June, the Ombudsman established that the Court ruling did not ban the display of rainbow flags.

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.

INSTITUTIONAL SUPPORT

Two well-known LGBTI activists are now leading equality institutions. Beatriz Gimeno is the director of the Women's Institute and Boti García is responsible for the newly created LGBTI and Sexual Diversity Directorate-General in the Ministry for Equality, led by Irene Montero since early 2020.

The Minister for Equality launched a campaign (#AbriendoPuertas or #OpeningDoors) and a guide with resources addressing discrimination against LGBTI people during the COVID-19 pandemic. A plan was published aimed at the protection of LGBTI rights during the crisis that included concrete measures. The LGBTI and Sexual Diversity Directorate-General also launched the call for the first National LGBTI Council to further promote the participation of civil society.

LEGAL GENDER RECOGNITION

In January, following five years of legal battle, the first minor

managed to change his gender marker and receive his new national ID card. The Constitutional Court lifted the age limit in Law 3/2007 in 2019, making it possible for trans youth under 18 to change their gender marker the same way that adults can. Previously, trans minors had to go to court. Young trans people however continued to face obstacles in their access to legal gender recognition (LGR), as the process remains psychopathologised, requiring minors to acquire a diagnosis and be on hormones for two years. Legal gender recognition in Spain has two components: the federal responsibility for birth certificates, passports, and national ID cards, and the regional authority for school IDs and healthcare cards. Only 9 of the 17 Spanish regions have a self-determination model in place for the items within their competence. Trans and LGBTI organisations continued their advocacy work this year to increase that number to 17, through meetings, statements, and campaigns.

During the continued campaigning for self-determination, the government restarted negotiations from scratch and created a new working group, which includes civil society.

In December, Minister of Equality Irene Montero announced that 96% of the respondents, who participated in the public consultation on the 'trans law' supported full equality for trans people. The draft law establishes the right to gender self-determination. The consultation was launched in October and gathered 96,000 responses.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Singer Pablo Alborán's coming out this year had a hugely positive impact.

The city of Valencia is a candidate to host the Gay Games in 2026.

Spain's only LGBTI+ sports club, Diversport launched an awareness raising campaign called "Know your rights".

SEXUAL AND REPRODUCTIVE RIGHTS

A number of transmasculine people were open and public about their pregnancies this year.



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