Spain

Bias-motivated speech
In December, the police arrested a neo-nazi who ran a website featuring racist, xenophobic and homophobic content.

Bias-motivated violence
In February, Najzuath Zahell, a 35-year-old gay man, was stabbed to death in his own apartment after arranging a Grindr date. The police failed to establish a homophobic motive. In September, La Ely, a well-known gay man, was brutally attacked by a minor in Valladolid and later found unconscious. He died in hospital a few days later. Police are investigating if this was a hate crime.

In February, the European Commission Against Racism and Intolerance (ECRI) called on the government to record and effectively investigate hate crimes against LGBT people.

Bodily integrity
In February, the UN Committee on the Rights of the Child issued its concluding observations on Spain, calling for a ban on non-consensual and medically unnecessary surgeries on intersex children, for the provision of counselling and support for intersex children and their families.

Employment
In May, a measure was adopted in Andalusia to support the integration of trans people into the labor market, granting tax benefits to companies that hire trans people.

Equality and non-discrimination
ECRI (see more under Bias-motivated violence), called on the government to “urgently” create an independent equality body, as with the exception of Spain and San Marino, all 47 Council of Europe states have one.

María Elósegui was appointed as a judge at the European Court of Human Rights. Elósegui widely published homophobic and transphobic opinions, including stating that homosexuality causes diseases and that trans people should go into therapy instead of receiving trans healthcare. She is also a strong opponent of same-sex marriage. Elósegui has been a member of ECRI since 2013. Local LGBTI civil society condemned her appointment.

National legislation
The LGBTI Equality Law, which was drafted in May 2017, is currently undergoing the parliamentary procedure. Civil society has criticised the government for significantly delaying the adoption. In October 2018, 50 NGOs held press conferences to call for the speedy adoption of the law.

Regional legislation
In March, the draft LGBTI equality law entered the parliamentary procedure in Castilla y León. In April, Aragon amended its anti-discrimination legislation to be inclusive of gender identity and sex characteristics. In January, Andalusia added sex characteristics to its law this year. In November, Valencia passed an LGBTI equality law.

Family
Law 7/2018 introducing civil partnerships entered into force on 3 July in Murcia.

Freedom of assembly
In November, around 100 people held a protest in Murcia against an anti-LGBTI meeting held by Hazteoir. Two protesters were arrested.

Health
In February, a law banning conversion therapies in Andalusia entered into force. In December, Murcia assumed competence in providing trans healthcare. Previously, all trans people were referred to Málaga.

Human rights defenders
In December, Fernando Lumbreras, the first president of LGBT NGO Lambda in Valencia, was found dead with his hands tied and wounds all over his body.

Legal gender recognition
National level
In February, a draft law, including the recognition of non-binary people, depathologisation of trans identities, anti-discrimination in health, education, and labor fields, prepared by the Platform for Trans Rights, was registered by the Parliament. The draft was presented by the Confederal Parliamentary Group of Unidos
Podemos-En Comú Podem-En Marea. The parliamentary process had still not begun by October, prompting 17 people to go on hunger strike. As a response, the Confederal Parliamentary Group of Unidos Podemos made a commitment to discuss the draft at the plenary session of Spanish Congress before August 2019.

In March, the draft amendment of Law 3/2007 was registered in the Spanish Congress, regulating name and gender marker change for minors. The draft was presented by the Socialist Parliamentary Group, but is stalled in Parliament.

On 23 October, the Ministry of Justice, through the General Directorate of Registries and Notaries, issued a recommendation to all civil registries to facilitate name change of trans minors, if requested. The temporary measure is to aid trans minors and their families while the decision about Law 3/2007 is pending.

**Regional level**

In March, the draft law on LGBT equality entered the parliamentary procedure. The law sets out the right to self-determination of gender, depathologisation of trans identities and the prohibition of conversion therapy. It provides protection to trans minors in educational, social and family environments.

On 19 April, Aragón approved Law 4/2018, recognising trans people’s right to self-determination and establishing social, educational and health measures against discrimination.

**Participation in public, cultural and political life**

In September, Tomás Marcos (Ciudadanos) was the first senator to come out as bisexual.

After more than three decades in power, the Spanish Socialist Workers Party (PSOE) collapsed in Andalucia. In December, the far-right party VOX gained parliamentary seats in the regional election, entering the parliament for the first time. VOX wants to forbid adoption for same-sex couples and restrict marriage to a union between a man a woman.

**Police and law enforcement**

In December, the Home Office presented a new plan against hate crime.

**Public opinion**

Pope Francis and members of the Spanish Catholic Church made negative statements about LGBTI people this year. Both the Pope and Spanish bishop Argüello expressed concern that homosexuality would “increase in the Church”. The Church also spoke out against “gender ideology”. FELGTB responded that LGBTI people of faith also want to participate in Church life.

**Social security and social protection**

Authorities in Madrid approved plans for an LGBT friendly retirement home, funded by the regional government. There are over 160,000 people identifying as LGBT and over 65 in the country, who have expressed they would want to live in a safe home.

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