



# SPAIN

## ASYLUM

The new LGBTI law, adopted by the Lower House in December, is set to bring developments for trans migrants.

Civil society organised support for LGBTI people fleeing Ukraine.

## BIAS-MOTIVATED SPEECH

Anti-trans rhetoric continued to gain more ground in Spain as the negotiations about the legal gender recognition law resumed this year (*see below*). Civil society launched a website to tackle misinformation about the law.

In February, civil society organisations launched a joint initiative to tackle hate speech against vulnerable groups.

For the first time ever, the Women's Day March was divided and went on two separate routes. Groups against sex work and the self-determination law marched on alternative routes in roughly 20 cities.

## BIAS-MOTIVATED VIOLENCE

Hate crimes continued to be a serious issue in Spain this year. The annual report of the Ministry of Interior documented a record number of 466 anti-LGBT hate crimes in 2021 (2020: 277), with one in every four hate crimes targeting LGBT people. This is a 68% increase in one year. NGOs continued calling for comprehensive hate crime legislation that protects LGBTI people and launched an awareness-raising campaign to 'stop the hate'.

Coruña's Observatory against LGBTI-phobia published its fourth annual report, finding a 71% increase in cases compared to 2021.

Several hate crimes took place again this year in Madrid, Girona, Barcelona, and near Barcelona.

In Bilbao, a man turned himself in for murdering at least four gay men after luring them on dates and extorting money from them.

Two perpetrators in the 2021 brutal murder of Samuel Luiz were sentenced to three and a half years in juvenile detention.

Anti-LGBTI murals and graffiti were also common this year. Several rainbow-coloured benches were vandalised in small towns again this year (see here and here).

One of four perpetrators in a 2019 homophobic attack in Barcelona was sentenced to three and a half years in prison after the court considered the homophobic motif as an aggravating circumstance. The perpetrator in a 2020 murder of a migrant trans woman was found guilty by a jury in Tenerife and faces over 12 years in prison. The perpetrator in a cyberhate case from seven years ago was sentenced to nine months in prison and a mandatory seminar on equality issues.

## BODILY INTEGRITY

So-called 'conversion therapies' continued to be reported this year. In April, Madrid decided not to press charges against the Bishop of Alcala for the administration of so-called 'conversion therapies' uncovered back in 2019.

The LGBTI law, which includes a ban on so-called 'conversion therapies' and non-consensual surgeries performed on intersex children under the age of 12, was passed by the Lower House on 22 December, it is now at the Senate.

## EDUCATION

The tension between two groups of students escalated in Valencia in February. The group with an anti-LGBTI stance physically attacked their teacher due to his sexual orientation - more than ten students were expelled.

After the outcome of the regional election in Castilla y León in February, the president of the region stated that they would implement the parental veto regarding relationship and sex education.

The Valencia Supreme Court struck down the appeal of an ultra-conservative association that challenged a 2021 court decision refusing to remove 32 LGBTI-themed books from libraries and educational centres. The association said they would take the case to the European Court of Human Rights.



In September, FELGTBI+ launched a campaign encouraging LGBTI teachers to set an example to young people and be open about their SOGI.

## EMPLOYMENT

In July, the Constitutional Court passed a landmark judgement establishing for the first time that gender identity is a protected ground under the Constitution.

Over 30 businesses have joined FELGTBI+'s nationwide trans-focused job inclusion program 'YesWeTrans', launched in 2020. 15% of trans participants have increased their employability through the program.

## EQUALITY AND NON-DISCRIMINATION

One in three discrimination complaints in Barcelona concerned SOGIESC grounds in 2021 - the rate doubled since 2018.

Castilla-La Mancha adopted a regional LGBTI law in May, which provides access to LGR for minors on the basis of self-determination, bans so-called 'conversion therapies', and depathologises trans identities.

A village with 700 inhabitants in Extremadura lit up the church tower in rainbow colours during Pride month. The action was not welcomed by the regional Church.

## FAMILY

In January, a lesbian couple was denied birth registration for their child by a hospital, whose staff said they only do that "for normal couples". The hospital issued an apology.

The number of different-gender marriages per year has decreased and same-gender marriages have increased since 2007.

The LGBTI law which allows same-gender female couples to both be automatically recognised as parents, without having to be married and go through adoption, was passed by the Lower House on 22 December, and is now at the Senate.

## FOREIGN POLICY

Late last year, the Spanish government released its 2021-2024 Foreign Action Strategy, which states the promotion and defence of LGBTI diversity as a key asset of Spanish foreign policy.

## FREEDOM OF ASSEMBLY

Over 20,000 people joined Madrid's Critical Pride in late June under the motto 'no Pride without papers', demanding papers for undocumented migrants, social rights for sex workers, and self-determination for trans people.

Over 600,000 participated in Madrid Pride, held on 9 July under the motto 'Facing hate: Visibility, Pride and Resilience'. The event was joined by the EU Commissioner for Equality, Helena Dalli.

## FREEDOM OF EXPRESSION

Legal rows over the display of rainbow flags continued this year. Sevilla raised the flag this year after court proceedings in 2021. A regional court also overturned the ban on the flag in Zaragoza. Madrid refused to fly the flag again this year.

## HEALTH

Several regions decided that specialised STI clinics would close and services would move to general healthcare facilities - a move firmly criticised by civil society.

KifKif's study documented systemic discrimination against asylum seekers and undocumented migrants in their access to antiretroviral treatment and PrEP.

FELGTBI+ helpline supported 1,995 people with health information and legal counselling. The number of requests has decreased since it peaked during the COVID-19 pandemic.

Spain recorded the largest number of monkeypox cases in Europe, but the government failed to acquire enough vaccines. FELGTBI+ strongly criticised WHO for its messaging stigmatising LGBTI+ people.



## HUMAN RIGHTS DEFENDERS

FELGTBI+ celebrated its 30th anniversary this year.

## LEGAL GENDER RECOGNITION

After years of delays and obstacles, the legislation process of the federal legal gender recognition law started in June. In the following months, the law was stalled and in October, far-right parties tabled an amendment which would have practically annulled the law. Parliament rejected the move. PSOE later proposed to amend the law and impose a court procedure on all minors aged 14-15, which civil society condemned. The June draft already barred children under 12, migrants residing in Spain and non-binary people from accessing LGR. These limitations were previously highlighted by civil society as a failure of the government. EU Commissioner for Human Rights Helena Dalli stood in support of self-determination during her June visit.

On 22 December, the Lower House passed the law with a vote of 188-150, and it is now up to the Senate to adopt it. The law sets out self-determination for those 16 or over, parental consent for those 14-15, and court authorisation for those aged 12-13. All applicants will however have to register their application, wait for up to three months, and then re-affirm their desire for LGR. Eventually, LGR will be accessible for asylum seekers and residents who come from countries where LGR is not available. Non-binary recognition is not included.

In February, La Rioja introduced a self-determination model.

## PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

The draft Sports Law, which sets out that discrimination against LGBTI people in sports is prohibited, was passed by the Lower House and is currently at the Senate.

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