



Spain



The main positive measures were adopted by regional level authorities. The Constitutional Court delivered a positive decision in a case challenging the constitutionality of marriage equality for same-sex partners introduced in 2005, ruling that the law was indeed constitutional. This eased the growing fears of LGBTI people and their supporters that the right to equal marriage could be rolled back along with a number of other rights. On the downside, some programmes were cut, including: (i) the *Education to citizenship and human rights* module in the curriculum; and (ii) an HIV prevention campaign targeting men who have sex with men.

Bias motivated violence

- In May, the NGO COGAM published figures regarding the calls received by its SOS Homofobia hotline. It emerged that in 72% of cases of homophobic and transphobic assaults, the victims did not dare to report it to the police; 43% of the victims said that reporting would be useless and that they did not feel comfortable with the idea of the police registering their personal data.
- ILGA-Europe collected information on seven hate crimes perpetrated during the year. This includes cases of extremely violent homophobic, lesbophobic and transphobic assaults, including in family contexts. This information was collected as part of ILGA-Europe's documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

Education

- In September, the NGOs FELGTB and COGAM published a study on homophobic bullying in schools, based on interviews with students under the age of 25. According to the study, 43% of the victims of bullying have considered suicide, and 17% had already attempted it. The study also showed that in 90% of the documented cases, the perpetrators of bullying were other male students.
- In September, the Minister of Education presented a reform of the education system whereby the *Education to citizenship and human rights* module was removed from primary and secondary school curricula. This module had been created following the *Recommendation (2002)12 of the Committee of Ministers of the Council of Europe on education for democratic citizenship*. Teaching content relating to gender, family diversity and the prevention of homophobia and transphobia was thus removed as it had been part of this module. Some regions decided to maintain the content as part of the curricula regional governments have the competence to adopt.

Employment

- In May, CCOO, the largest trade union confederation of Spain, presented guidelines on the elimination of

discrimination on grounds of sexual orientation and gender identity in the workplace. The guidelines include recommendations on bargaining on workers' rights, reaction to real cases of discrimination, as well as practical guidance on the use of appropriate language in working with LGBT people.

Equality and non-discrimination

- In June, the Catalanian Parliament approved a *Declaration against all forms of prejudice, hostility and discrimination against gays, lesbians, bisexuals and trans people*. The Declaration was intended to be both a driver for prevention activities against homophobia and transphobia in Catalonia, and a statement against persecution on grounds of sexual orientation and gender identity in many countries in the world. The Catalanian Parliament also called on the World Health Organization for the depathologisation of trans identities in the next *International Classification of Diseases*.
- In June, Iñaki Oyarzábal, the secretary of the right-wing governing party in charge of rights and freedoms, came out of the closet in the national media. It is the first time that such a high ranking official in this particular party has come out. Mr Oyarzábal is also the deputy leader of his party in the Basque Country.

Family

- In April, Barcelona hosted the second European Conference on LGBT families, organised by the Network of European LGBT Families Associations (NELFA). More than 700 participants, mostly families, took part in workshops, discussed social change strategies and shared life experiences.
- In November, the Constitutional Tribunal published a decision confirming the constitutionality of the marriage equality law approved in 2005. This decision had been awaited for seven years, and had been requested by the People's Party, the current ruling party, which claimed that same-sex marriages violated the Constitution. However, this party had announced it

would not seek to change the law if the Tribunal's decision was positive.

Health

- In April, the Ministry of Health announced that free gender reassignment surgery would not be banned in the public health system. Access to such surgeries free of charge had been put under threat in the context of severe budgetary cuts decided by the government as part of their austerity policy. However, the public health system being in large part the responsibility of the regional autonomous governments, threats on free access to gender reassignment surgeries continued at the regional level, in spite of the fact that not one region modified its policies in 2012.
- In June, the Ministry of Health announced cuts targeting an HIV prevention campaign aimed at men who have sex with men. The campaign included the distribution of 100,000 packages of prevention leaflets, testing kits, condoms and lubricant at gay festivals and Pride events. Following the Ministry's decision, the condoms and lubricants were removed from the packages. The LGBTI organisations initially involved announced their decision to stop cooperation with the Ministry and to withdraw from this campaign.

Legal gender recognition

- In June, the Parliament of the Basque Country adopted a law on non-discrimination against trans people and the recognition of their rights. This new legislation implements the principle of self-determination of one's gender identity with no need for medical or psychological expertise, and covers minors and foreign residents. It also provides protection against discrimination in all social and labour relations, as well as in access to healthcare. The law includes the endorsement of the *Yogyakarta Principles* by the autonomous Basque government.

Public opinion

- According to Eurobarometer 2012, 44% of Spaniards believe sexual orientation discrimination is widespread.

This is slightly below the EU27 average (46%). 53% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). Spaniards scored 7.9 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). Spaniards scored 7.1 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly above the EU27 average (5.7).

Member organisations of ILGA-Europe

ASECAL
www.asecal.org

Asociacion Catalana para la Integracion de Homosexuales Bisexuales y Transexuales Inmigrantes – ACATHI
www.acathi.org

Asociación Española de Transexuales
www.transexualia.org

Asociación Internacional de Familias por la Diversidad Sexual
www.familiasporladiversidad.org

Asociacion Reacciona!
www.asociacionreacciona.tk3.net

Associació de Famílies Lesbianes i Gais
www.familieslg.org

Barcelona International Lesbian and Gay Film Festival
www.barcelonafilmfestival.org

Casal Lambda
www.lambda.cat

Col·lectiu Lambda de València
www.lambdavalencia.org

Colectivo de Lesbianas, Gays, Transexuales y Bisexuales de Madrid
www.cogam.es

COLEGAS
www.colegaweb.org

Coordinadora de Lesbianes Gais Transsexuals i Bisexuals de Catalunya
www.cogails.org

FELGTB - State Federation of Lesbian, Gays, Transgender and Bisexual people
www.felgtb.org

Fundación Triángulo
www.fundaciontriangulo.org

GEHITU
www.gehitu.net

Grupo Lesbianas, Gays, Transexuales y Bisexuales del PSOE
www.psoe.es/ambito/lgtb

Orgullo Gay Madrid
www.orgullogaymadrid.com

Plataforma Popular Gay

SOM COM SOM, Collectiu per l'Alliberament Sexual del Valles
www.somcomsomlgtb.es.tl