

Observatori  
contra  
~~l'homofòbia~~



Observatori Contra l'Homofòbia / Observatory Against Homophobia. Report

**THE STATE OF  
LGBTI-PHOBIA  
IN CATALUNYA 2017**

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This report makes use of expressions and concepts related to different fields. An introduction to the main ones follows so that they become clear prior to its reading.

Given the complexity of the report, the glossary is structured according to different fields or spheres, which are: type of discrimination, rights, sexual-affective diversity and gender identity and expression, and other concepts related to LGBTI-phobia and the activities carried out by the Observatori Contra l'Homofòbia, OCH (Observatory Against Homophobia).

## Types of Discrimination

- **Discrimination based on an erroneous perception:** Situation in which a person or group of people are the object of discrimination because of their sexual orientation, gender identity or gender expression derived from an erroneous appreciation.
- **Discrimination by association:** Situation where a person is the object of discrimination because of their sexual orientation, gender identity or gender expression as a consequence of their relationship with an LGBTI person or group.
- **Harassment because of sexual orientation, gender identity or gender expression:** Any kind of behaviour based on the sexual orientation, gender identity or gender expression of a person with the aim or result of attempting against their dignity or their physical or psychological integrity, or of creating an environment which is intimidating, hostile, degrading, humiliating, offensive or disturbing.
- **Vexation:** According to the Spanish regulation in force, an infraction punished as an offence and which consists in threatening, prosecuting, harming or distressing somebody.
- **Bullying:** Harassment among peers within a school environment.

## Rights

- **Law 11/2014:** Law 11/2014, of 10 October, for guaranteeing the rights of lesbian, gay, bisexual, transgender and intersex people and eradicating homophobia, biphobia and transphobia. Also known as Law Against LGBTI-phobia.
- **Sexual and Reproductive Rights:** Use of Human Rights to promote sexual and reproductive health. After Beijing's World Conference on Women in 1995, an indissoluble part of Human Rights.
- **Duty to take action:** A duty alluded to in articles 10 and 11 of Law 11/2014. Article 10 of Chapter 1, Title II, on "public policies for promoting real equality for LGBTI people", states that those professionals working in sensitive areas have the duty to inform the law enforcement agencies and the competent body if they become aware of a situation of risk or have reason to suspect a case of discrimination or violence on the grounds of sexual orientation, gender identity or gender expression. Regulated by the new *Agreement GOV / 147/2017, dated October 17, which approves the protocol that establishes the duty of intervention of people working in the public administrations of Catalunya to address homophobia, biphobia and Transphobia in Catalonia effectively, adopted in October, 2017*

## Sexual-affective, gender identity and expression diversities

- **LGBTI:** Relative to lesbian, gay, bisexual, trans people and people born with intersex genitals. From now on LGBTI.
- **LGBTI-phobia:** Concept which groups together lesbophobia, homophobia, biphobia transphobia and interphobia.
- **Gender identity:** Sense of belonging to a specific gender.

- **Gender reassignment:** Process by which Transgender people can modify their sexual anatomic characteristics to adjust them to those of the gender with which they identify themselves.
- **Gender dysphoria:** Concept used by the *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* and the *International Statistical Classification of Diseases and Related Health Problems (ICD-10)* to classify trans reality as a mental disorder.
- **Trans\*:** Umbrella term which embodies all people who identify with a sex different from the one assigned at birth or who express their gender identity in a non-normative way.
- **Cissexual/Cisgender:** Having a gender identity which matches one's own birth sex.
- **Intersexuality:** Set of conditions related to an atypical development of sexual and physical traits.
- **Homosexual:** Person who only feels attraction for or only has sexual-affective practices with people of the same sex.
- **Bisexuality/Plurisexuality:** Those sexual-affective identities/orientations characterized by the capacity to feel sexual and/or affective attraction towards people of more than one gender, not necessarily at the same time, in the same way or with the same intensity.

## Other concepts

- **LGBT Area:** Area responsible for LGBTI issues which was part of the Secretariat of Family of the Department of Social Welfare and Family of Generalitat de Catalunya.
- **Prosecution Office for Discrimination and Hate Crimes:** Barcelona's Prosecution Office which deals with discrimination and hate crimes. From now on Prosecution Office.



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# 1. INTRODUCTION



The present report portrays the state of LGBTI-phobia in Catalunya in 2017 and is the result of the monitoring tasks carried out by the Observatori contra l'Homofòbia (Observatory Against Homophobia), from now on OCH.

This is the third full report after Law 11/2014 came into force and it is made using a completely scientific methodology, both as regards registration and collection of incidents as well as its processing and analysis.

It is, therefore, the 2017 antidiscrimination report, in the sense that it collects, documents and analyses those LGBTI-phobia incidents in Catalunya reported to the OCH, as well as other incidents the organization has had direct knowledge of, even if they have not been filed as a complaint.

The report depicts the reality of the LGBTI community and LGBTI-phobia in Catalunya and it is made from the association movement. 2017 has been a year in which many steps have been taken towards an effective implementation of Law 11/2014, but in which there has also been a significant increase in the amount of physical and verbal aggressions, threats and harassment. The increase in verbal aggressions (from 10 incidents reported in 2016 to 20 in 2017) and physical aggressions (from 15 in 2016 to 19 in 2017) is especially remarkable. Many of the aggressions have been made visible via the mass media. As will be later observed in the analysis of quantitative data, the percentage of aggressions has gone from 30.9% in 2015 and 2016 to 47.7% in 2017 so that they represent almost half of the total number of registered incidents.

This situation has led the OCH to focus this year's report on aggressions, especially of a physical kind due to its seriousness and the severe effects on victims, just like on last year's report the focus was placed on the reality of trans people and on LGBTI-phobic bullying.

In this sense, the focus on aggressions helps us gain an insight which aims to analyse and provide data on the LGBTI-phobia this type of aggressions reflect. More specifically, some of the aspects this report pretends to gain insight into are issues like: What are they exactly? What are the implications for victims? What assistance do victims get? What use can be Law 11/2014 in these cases? That's why a special emphasis has been placed on the analysis of quantitative data, on its qualitative analysis, on the social narrative of LGBTI-phobia in the interviews and, finally, on the good practice of a specific case described in section 7 of the report and the OCH's role in this particular aggression. Finally, the conclusions include a global analysis based on the quantitative and qualitative analysis and the good practice.

On the other hand, some of the issues addressed in 2016 report have been satisfactorily tackled and this fact has made possible to focus our attention on other issues. In this sense, in 2017, a new model for health assistance to trans people in Catalunya and a specific protocol on how to respond to LGBTI-phobic bullying situations have been passed. Obviously, these tools do not make related problems disappear, but they can help minimize them, or, in some cases, even solve them. Nevertheless, and as it will be seen in the quantitative analysis and qualitative analysis of highlighted cases, LGBTI-phobic bullying keeps taking place, just as we keep finding situations which cause significant difficulties to trans people in their assistance in transition processes.

2017 is the third year in which we have counted with a stable and comparable collection and analysis of data, a fact which will afford a more global and stable insight of the reported incidents. On the other hand, it is also true that, as suggested by data from the European Agency for Fundamental Rights on LGBTI population in Europe, only 10% of LGBTI people from EU countries and Croatia reported discrimination incidents to administrations and governments. Data on Spain displayed this very same percentage: 10% of people interviewed reported incidents of LGBTI-phobia to public administrations and governments.

Having stable data allows for the incorporation of new data. Therefore, this report includes for the first time data on the temporal distribution of incidents along the year: distribution of incidents per months during 2017 is included within the analysis of quantitative data. These newly incorporated data will provide information on LGBTI-phobia which will be very helpful in future comparative analyses.

This is the second year the report includes a good practice case study. This year, it describes the assistance received by two people who suffered from an LGBTI-phobic situation. On this occasion the OCH has been working throughout the year on the case of an aggression against two men in a leisure space in a town in the province of Barcelona which had an important emotional and psychological impact on the victims. Legal advice to the victims was also provided. The good practice case study, therefore, is useful insofar it can outline which interventions have been useful and necessary regarding a comprehensive assistance service from the OCH's Victim Assistance Unit

Indeed, the OCH's Victim Assistance Unit makes assistance possible to whoever contacts the OCH and it is made up of professionals from many fields, including psychology, social psychology, sociology, law, journalism and public administration and it is endowed with the necessary graphic support to communicate information and other services.

As to the remaining part of the report the collection, study and analysis of data – based on scientific methodology, supervised by the Department of Social Psychology of Universitat Autònoma de Barcelona and initiated in 2015 –, has been maintained in 2017. In this sense, the qualitative analysis section of this report includes a comparative analysis of data in the period 2015–2017.

During 2017 a lot of work has been made in cooperation with a great number of administrations, entities and other organizations. Such cooperation has afforded the gathering of the vast majority of the complaints reported and to put other incidents on record which, despite not having been officially filed as a complaint, remain nevertheless on record for its public knowledge.

The OCH has worked with all agents involved in the complaints filed, especially in those cases where a report has been officially filed, addressing them to the corresponding administrations and/or institutions, which include: LGBTI Area, the Secretariat of Equality of Labour, Social Affairs and Family of the Generalitat de Catalunya, Mossos d'Esquadra (Catalan Police Force), Barcelona City Council, the Barcelona Office for Non-Discrimination, the Prosecution Office for Hate and Discrimination Crimes of Barcelona, the Catalan Ombudsman and the Barcelona Ombudswoman, different local organizations from all over Catalunya, especially city councils and unions engaged in LGBTI-phobia issues.

Finally, we should note that, even if the OCH focuses its activity on Catalunya, cases from other areas of the nation, including the Balearic Islands, have also reached the OCH. Nevertheless, data included in this 2017 report allude exclusively to Catalunya.

## 2. AIMS AND METHODOLOGY



### 2.1 AIMS

The report on the *State of LGBTI-Phobia in Catalunya 2017* aims to reach three main objectives: to closely monitor the application of the legal framework in Catalunya and its effects on LGBTI-phobia, to obtain a quantitative diagnosis through the quantification and classification of the reported complaints and finally, to obtain a qualitative orientation diagnosis via the analysis of documentation and research through interviews. All of this with the additional aim of providing a set of conclusions and recommendations which close this document.

#### **Legal framework in Catalunya:**

Despite this report not being a legal document, it is already the third report that examines the legal framework and its effects on the incidents registered in relation to LGBTI-phobia in Catalunya. Chapter 3 of this report includes a description of the main elements of Law 11/2014 and of other regulation relative to the social situation of LGBTI people in Catalunya. It also includes a summary of legal aspects, an analysis of the social dimension of the law and, finally, an explanation of the relationship between this report and the mentioned legal text.

In this sense, the report has been made paying special attention to the current legal body in its attempt to offer a transversal perspective which facilitates a practical understanding and to correctly contextualise the legal framework in which LGBTI people live.

#### **Quantitative diagnosis- 2017 Report**

This section of the report includes an account of collected data regarding the reception and classification of complaints by the OCH during 2017. This year we highlight the methodology employed in the compilation of data, its classification and its analysis, with the aim of obtaining an objective view of the state of LGBTI-phobia in Catalunya during 2017.

In 2017, the collection, treatment and analysis of data follow the methodology initiated in 2015. For this reason, the report includes comparison of 2015, 2016 and 2017 data in almost all items: global data, according to environments, groups of people and provinces.

Data on the age of people who reported incidents was included for the first time in 2016, and they are compared with 2017 data in this report. Nevertheless, data regarding age are not highly consistent, since only 50% of reported complaints contain information on age. Being so limited, they should only be considered from an informative standpoint and not as the analysis of a reality.

2017 is the first year which includes information on the time when incidents were reported throughout the year. This info has been displayed by months and percentages. Therefore, this analysis is again only of an informative kind, but will most likely throw light on LGBTI-phobia in the following years when new data from future reports are added up.

Finally, we must add that this report offers data corresponding to those incidents registered during 2017 only in Catalunya. We must say, however, that incidents on the Internet and social networks can on many occasions involve people beyond Catalan territory. Nevertheless, this report only deals with those incidents where the concerned people lived in Catalunya.

The report's quantitative analysis provides data according to different classification criteria which reflect a very interesting in-depth analysis that will allow for having a close portrait of LGBTI-phobia in Catalunya today.

### **Social diagnosis: qualitative analysis**

In order to facilitate a more comprehensive perspective regarding the implications of LGBTI-phobia for people in Catalunya, this report includes a small qualitative analysis.

Firstly, and as a way to present the precedents that account for this research, Chapter 5 includes a selection of twenty incidents collected by the OCH during 2017. This section is included in the report with the aim of showing how the collected reported incidents constitute only a fraction of the LGBTI-phobia currently existing in our community.

In former reports, 10 or 15 case studies were analysed, a figure which has increased to 20 in the present report. The diversity and intensity of the incidents demanded this widening of scope in order to give full coverage to all the diversity of affected groups and subgroups of people, the environments where LGBTI-phobia takes place, the itineraries followed by the different complaints and relevant and/or strategic incidents regarding the reality of LGBTI people and of LGBTI-phobia in Catalunya.

Moving on into the report, we give way to the research analysis. Personal interviews have been done to LGBTI people with the aim to get to know, through their narratives, the actual state of LGBTI-phobia and its effects on ordinary people, whether lesbian, gay, transexual, bisexual or born with intersex genitals. As the 2017 report focuses on aggressions, it includes four interviews to people belonging to different subgroups and territories who have suffered physical aggressions. Interviews include a young gay man attacked in Barcelona, a couple of two young women who suffered an aggression in village in Lleida, another to a young gay man in a small town in the province of Girona and a fourth one to a young trans woman who was attacked in Barcelona.

Thanks to this multiple reflection which makes use of both quantitative and qualitative tools, the report can give an accurate and comprehensive diagnosis of the situation. All of this with the aim of offering a truthful and well-founded view of what the report's title announces: the state of LGBTI-phobia in Catalunya in 2017.

## 2.2 METHODOLOGY

Each incident is filed according to the description provided by the victim and, therefore, data focus on the incident, not on the victim. For this reason, the analysis by groups of people is based on the facts reported and not on the victim's self-reported identity. Therefore, bearing in mind sexual, affective and gender identity diversities, as well as the different discrimination typologies, the described groups are: general (when it affects all of the LGBTI community or a significant part of it), *gay/bisexual man*; *lesbian/bisexual woman*, *bisexual person*, *trans person*, and *heterosexual person*.

Those cases related to the Internet and the media have an effect on all the territory and cannot be assigned to any specific area. Therefore, they remain outside the scope of the territorial analysis of incidents.

In the case of the quantitative section of the report, the implemented method has been that of the written reception and registration of complaints as recorded in a filing card created on the basis of standardized criteria.

### **Filing card**

Via the filing card, the OCH gathers as much data as possible of every reported aggression, always using a written medium (Observatory's web app or e-mail [och.observatori@gmail.com](mailto:och.observatori@gmail.com).)

Data collected in the cards is used to keep a complete and ordered record of every complaint and to analyse, in later stages, the situation of LGBTI-phobia within Catalan territory. These cards allow for an

overall analysis on the basis of population, affected groups of people or environments.

The first section gathers data of the reporting person or organization as well as data regarding the victim (they can be the same or not): name, address and contacts of both, date of registration of the complaint, and group to which the person belongs, as well as the victim's age.

A second section consists in a summary of the incident, which includes a complete description of the events. It also gathers data on the place, the date and time when the events took place, as well as data on the aggressor (an individual, a company, an organization, a private institution, a public institution or others).

After this, the emotional state of the person after having suffered an aggression is also recorded and classified by our team from non-existent to very serious. This information can be directly provided by the affected person or can be evaluated by the OCH team of psychologists in those cases where the incident has been reported in person. This allows the OCH team of psychologists to have important information when preparing adequate psychological support in case the victim requests it.

Next, information is gathered on evidence supplied (pictures, e-mails, medical reports, etc). In the case of medical reports, the OCH recommends that the attacked person go to A&E after having suffered an aggression so that the person's physical and psychological state can be evaluated and the information recorded on the medical report. All this evidence will be useful if the case is to reach court.

Once all information on the incident has been collected, the OCH decides whether it is filed as an LGBTI-phobic aggression or not, since some of them, despite being discrimination situations, might not comply OCH standards. Such cases can be, for example, an aggression due to personal reasons or an aggression to a LGBTI person for reasons alien to LGBTI-phobia.

Sometimes, a non-LGBTI person can be the object of an aggression or of discrimination based on an erroneous perception and/or by association. In other words, the aggressor would discriminate somebody thinking the person belongs to the LGBTI community and would act with hate and discrimination independently of the victim's orientation or gender identity. In these cases, the incident is recorded as LGBTI-phobic.

Finally, the victim's intention to file a case is also registered. This is often recommended by the OCH, even though the decision always depends on the victim's free will. A reported aggression which follows legal proceedings does not mean that it is more serious and an aggression which is not taken to court does not mean it is less serious.

The OCH also offers counselling and advice to initiate criminal proceedings. There are different possible itineraries:

- Penal: this course of action is taken when a Criminal Code law has been violated. It is the most known proceeding and it involves reporting, trials and all potential appeals.
- Catalan Ombudsman: in those cases where a public administration is involved.
- Administrative: where the corresponding administration, such as a City Council or some other territorial entity (Consell Comarcal, Diputació) is informed on the occurrence of a situation of infringement of rights within its territory.
- Law 11/2014: under the protection of its Title IV, Chapter 4, "on the regulation of infringements and penalties".
- Duty to take action: Article 11 of Law 11/2014
- Other channels

Finally, the OCH's filing card also details the current stage of the incident: dismissed, in process, answered or ruled (favourably or not), in order to carry out an adequate monitoring of cases, and

records whether any other kind of measures have been implemented, such as a political intervention or a public announcement.

This card is a useful tool which helps to provide more adequate and close support, assessment and accompaniment to the victim during all the process.

### **Data handling and analysis**

Once all 2017 data have been collected, they are grouped and classified into different categories for its analysis. These categories are: *group, territory, environment and itinerary* followed.

**Group:** Complaints are registered according to groups of people according to the description of the incident, not according to the group or person who reports it, since sometimes the incident is not reported by the victims themselves. For this reason, this year's classification has been accurately redefined bearing in mind that the attacked person might not report their sexual-affective orientation or their specific gender identity. These are: *gay/bisexual man, lesbian/bisexual woman, bisexual person, trans person and heterosexual person*.

**Environment:** This year great efforts have been made to adjust the different environments to those tackled by Law 11/2014, but also paying attention to the description of incidents and the issues involved. Thus, there are environments perfectly adjusted to Law 11/2014 and there are others more in accordance with other social and civil rights spheres.

**Territory:** The locations where the incidents have taken place have been recorded and later classified according to provinces in order to obtain territorial data which can reflect the real state of LGBTI-phobia in Catalunya. In this sense, two kinds of analyses have been made in relation to territorial data: a percentage distribution by provinces and a territorial prospection of LGBTI-phobia real incidence by provinces.

Data on the victim's age are included in the card, but figures showed represent a very small sample and, therefore, the information they can provide is very limited. The analysis distributes age by segments and shows statistical averages

This 2017 report, like last year's, analyses data relative to victimization in relation to the Psychological Accompaniment Service of the OCH's Office of Victim Assistance.

This year, the report also includes data on the time reported incidents took place, that is, a temporal distribution by months in percentages of incidences reported throughout the year.

Once all this criteria have been clearly defined, the necessary calculations have been made in order to obtain definite results.

### **Qualitative research**

An in-depth analysis of a significant number of cases has been made using documentation techniques

In the section specially dedicated to qualitative research, the report makes use of semi-structured interviews, with the aim of obtaining a perspective of the social experience surrounding LGBTI-phobia through the personal views of the people interviewed. Qualitative interviews aim to obtain data through questioning and can be defined as a question-answer guided conversation with subjects chosen on the basis of a research scheme and in a sufficient number, which has cognitive aims and which is guided by a flexible questioning scheme <sup>1</sup>.

In the case of semi-structured interviews, the interviewer follows a set of issues to be treated during the interview, which is not rigid and which allows for insight on different issues and the possibility to incorporate new questions during the conversation. This interview format grants a high degree of freedom both to the interviewer and the interviewee, and at the same time guarantees that all relevant issues can be discussed and all necessary information can be gathered <sup>2</sup>.

Parting from the convention that discursive frameworks of a community have a reflection at a microsocial level <sup>3</sup>, the grouping of all testimonies make up a collective narrative which results in a discursive corpus.

Once the interviews have concluded, the next step is to analyse them. The results are shown in the narratives collected in Chapter 5. Afterwards, a new comparative analysis is carried out, which allows for examining the different features of each narrative. The most remarkable issues derived from this comparative analysis are incorporated into the section dedicated to conclusions and recommendations of the report.

### Introduction to the sampling design

This year, interviews have focused on the most remarkable issues and realities during 2017, that is, aggressions and, more specifically, physical aggressions. Many aggressions of this kind also include some other type of aggressions, namely verbal, threats or harassment. The reality of the different subgroups is analysed, as well as incidences by territories, that is why the interviews chosen feature a gay man in Barcelona, a gay man in a small town in the province of Girona, a couple of two women in a village in the province of Lleida and a trans woman in Barcelona.

The interviews took place between 8 February and 6 March 2017 in Barcelona, Girona, Lleida and Hospitalet del Llobregat, and had the participants' consent to be recorded and publicized for professional uses. At the same time, the report fully guarantees anonymity of the interviewed people.

In section 5, dedicated to the analysis of qualitative interviews, more details are provided in relation to the sampling design and other particularly relevant aspects of the interviews.

## 3. LEGAL FRAMEWORK



### 3.1 LEGAL CONTEXT

In 2017 the legal framework which regulates discrimination relative to sexual-affective, identity and gender expression diversities is contained in different legal vehicles: Spanish Constitution, Criminal Code, Catalan Statute of Autonomy and Law 11/2014.

- **Spanish Constitution:** It is the main norm, above any other law, decree or regulation. LGBTI-phobia cases are regulated in article 14, on the right not to be discriminated against. It is, therefore, a fundamental right. Incidents related to this type of violations usually result in labour or penal processes.

<sup>1</sup> Corbetta, P. (2003) "Metodología y técnicas de Investigación Social".

<sup>2</sup> Canales Cerón, M (2006) "Metodologías de investigación social".

<sup>3</sup> Tarres, M.L. (2001) "Observar, Escuchar y Comprender: sobre la Tradición Cualitativa en la Investigación Social".

- **Criminal Code:** Spain's 1995 Criminal Code defines the following as aggravating circumstances: "committing the offence for racist or anti-Semitic reasons, or any other kind of discrimination related to ideology, religion or belief of the victim, ethnicity, race or nation to which he belongs, his gender, sexual orientation or identity, illness suffered or disability". Article 22.4 establishes an aggravating circumstance relative to discrimination for sexual orientation or identity reasons and Article 510 typifies the exaltation of homophobia. Consequently, those criminal reports that take place in Catalunya follow the path set up by the Criminal Code.
- **Catalan Statute of Autonomy (*Estatut d'Autonomia*):** It is Catalunya's main norm. Article 15 contemplates the right of every person to live with dignity, security and autonomy, free of exploitation, abuse and any kind of discrimination, and establishes that every person has the right to freely develop their personality and personal abilities. Promotion of equality for all and eradication of homophobia are contemplated in articles 40.7 and 40.8 respectively.
- **Law 11/2014:** An administrative law which regulates and guarantees the rights of LGBTI people. It includes its own infringements and penalties regulation. Application of this law is monitored by the LGBTI policies coordinating body, which, in 2015, 2016 and 2017 has been the LGBTI Area of the Department of Social Welfare and Family of the Generalitat de Catalunya.

#### **Development of Law 11/2014 sets up a new legal framework: Protocols which establish a new legal framework, new regulation regarding infringements and penalties.**

Law 11/2014 is probably the most important bill that concerns LGBTI people, since it sets up specific protective, preventive and punishing measures in relation to LGBTI issues.

Although most parts of Law 11/2014 are not being fully applied yet, between 2016 and 2017 important aspects have been developed concerning many of the rights acknowledged by the legal body. In 2017 five rulings have been issued in compliance with the regulation provided by this Law, which add up the one issued in 2016.

On the other hand, further regulation has been developed that allow for the application of some of the points provided by Law 11/2014. Indeed, and after a two-year period of intensive collaboration between the community of trans people and Generalitat de Catalunya's Department of Health, a new Model for the health assistance to transgender people has been passed . This Model implies a change in relation to previous protocols, mainly because it eliminates the need of a diagnosis to be able to have access to any service, assistance or treatment.

This Model moves in a more complicated circuit which, at the same time, will have to develop protocols specific to different issues. Nevertheless, it is a de-pathologizing model which is not based on a gender dysphoria diagnosis but which aims to give support based on the needs of the user person and a personalised accompaniment and support to their process. It is also clearly inspired by the recognition of transgender people's sexual rights and their capacity to decide over their own body and identity. Monitoring its development and implementation from the LGBTI community will therefore be fundamental from now on.

We must also highlight the approval of a protocol for the prevention, detection and intervention in cases of school bullying to LGBTI people, and of a protocol which displays the duty to take action of the staff working for Catalan public administrations in order to deal with cases of homophobia, bi-phobia and trans-phobia.

Law 11/2014, therefore, far from being just a law, is also modifying other specific legal and regulation frameworks and making gender and affective and sexual diversity a more transversal reality, as well as it is giving response to the specific needs of the group.

## 3.2 ITINEARIES FOLLOWED BY THE INCIDENTS

An incident is any written communication sent by a person, organization or institution reporting a possibly LGBTI-phobic situation (an aggression to an LGBTI person for the mere fact of being so or when LGBTI people's rights might have been violated) or on which the OCH acts *sua sponte*. Incidents reach the OCH and are recorded in a written form. This year, the OCH has filed 111 incidents, which have followed diverse itineraries. Once the incident has been received, the OCH's legal advisors evaluate it and propose a specific itinerary to the affected person.

In 2017, there were eight main itineraries followed by the 111 recorded incidents: *Law 11/2014, duty to take action, Ombudsman/woman, Criminal Proceedings, OCH Mediation, Complaints, Public Announcement and Absence of Complaint*.

Incidents which are under the protection of Law 11/2014, are filed via a written document that must be registered at the Department of Social Welfare and Family so that it can reach the LGBTI policy coordinating body, that is, the LGBTI Area. Any person, organization or institution, with or without a lawyer or legal advisor, can write and register the incident.

**Duty to take action:** Articles 10 and 11 of Law 11/2014, are specially designed to guide interventions of public administration staff so that they can give an appropriate response when faced with situations which can possibly violate Law 11/2014. Currently, and from October 2017, it complies with the protocol passed by Generalitat de Catalunya for its specific development according to what is provided by Law 11/2014.

**Criminal proceedings:** This route corresponds to the Criminal Code, specifically, to the aggravating circumstance of homophobia. Incidents which have followed this itinerary are those already initiated by the victim or those which were especially serious. It is a low frequency route given the high cost it can have for the concerned person, especially when the process takes a long time to be ruled. It is, therefore, an itinerary with limited access it can be long and expensive and, on many occasions, it can only be taken when it is very clear that there is legal liability.

**Ombudsman/woman:** Used in incidents where public administrations are involved which cannot be addressed to the current LGBTI policy coordinating body (the LGBTI Area), but must be sent to the Ombudsman/woman instead.

**UCH Mediation:** Situations where the will of the affected people (attacked and aggressor) has been made manifest.

**Complaints:** This itinerary responds to the consumers' right to make suggestions and complaints to companies. It can be useful in some cases in order to improve attention and adjust it to the needs of LGBTI people.

**Public announcement:** This is the first year this itinerary has been used and it responds to the need to give a public response to statements which the OCH considers can hinder the tasks carried out to eradicate LGBTI-phobia.

**Absence of a complaint:** Those incidents which have not followed any other itinerary, which have only been put on record or in which only the victim has been assisted. Many people decide not to go on with criminal or administrative proceedings for its strong implications at a personal, emotional, economic level or any other kind of reason. Assistance to the victim, or **victimisation**, takes place when the affected people find themselves in an aggressive environment. It must be made via a public administration, with a comprehensive assistance service to the victim and by specially trained people, as indicated by Law 11/2014. At this moment,

this service is not being provided as contemplated by Law 11/2014. The OCH makes a first intervention with a psychologist and tries to reroute victims to this service, but, since it has not been fully developed yet, they have been transferred to the Office of Victim Assistance of the autonomous government's Interior Ministry, a generic service that does not count with specifically trained staff to deal with situations of LGBTI-phobia..

Data relative to itineraries of incidents reported show the main itinerary followed by each incident. In this sense, for example, a specific incident can follow duty to take action as its main itinerary, but, later on, it can also follow other itineraries, such as the Ombudsman/woman, which is very commonly used in many cases to reinforce tasks related to the implementation of Law 11/2014.

**The two main itineraries in 2017 are application of Law 11/2014 and those not reported (absence of a complaint) with 27.9% each.**

Even though the penalties regulation system is pending of approval, the fact that some work has been done to display it has made possible to begin application of the Law's contents. Nevertheless, duty to take action keeps having a significant occurrence, being the third most followed itinerary (19.9%)

On the other hand, a significant number of people does not file a complaint, but only want to put the incident or situation on record (23.4%). Section 5.2 of this report, *Social Narrative on LGBTI-phobia*, includes an interview to the victim of a transphobic and trans-misogynistic aggression who explicitly declares that despite her initial intention to sue, she finally ruled out this option because she did not find the place or the necessary assistance to do it.

**As will be seen in the display of data according to environments, the amount of aggressions has significantly increased in 2017. This explains the fact that *criminal proceedings* is the fourth most used itinerary (16.2%).**

As regards the remaining itineraries, we must highlight that this is the first year where the *public announcement* has been used as an itinerary. From the OCH, as a key organization for the eradication of LGBTI-phobia, the inclusion of this itinerary has been considered necessary to give response to situations where socially relevant public figures involve a risk to the task carried out against discrimination and aggressions suffered by LGBTI people.

**Table 1: Description of itineraries of incidents, 2017. Absolute figures and percentages**

Main Itinerari	Incidents		Incidents		
	Number	%	Itinerary sub-class	Number	%
Law11/2014	31	27,9			
Duty to take action	22	19,9	Prosecution Office	1	0,9
			Social Affairs, LGTB Area	21	19,0
Ombudsman/woman	2	1,8			
Criminal Proceedings	18	16,2			
OCH Mediation	3	2,7			
Complaints	3	2,7			
Public Announcement	1	0,9			
No suing	31	27,9	Report	26	23,4
			No itinerary	3	2,7
			Victimization	2	1,8
Total	111	100,0			

**In comparison with previous years, we can highlight the displacement of duty to take action itineraries in favour of the application of Law 11/2014.** That is to say, in 2017 27.9% of incidents followed the Law 11/2014 itinerary (it was 0.0% in 2016). The percentage of those that followed duty to take action decreased from 59.5% in 2016 to 19.9% in 2017. As previously explained in past reports, this itinerary was overused due to a lack of infringements and penalties regulation. Now that a penalties regulation is being worked upon in application of that provided by Law 11/2014, many incidents can follow this more adequate itinerary. Furthermore, the display of a protocol for the application of the duty to take action principle has facilitated a better implementation by administrations and other organizations.

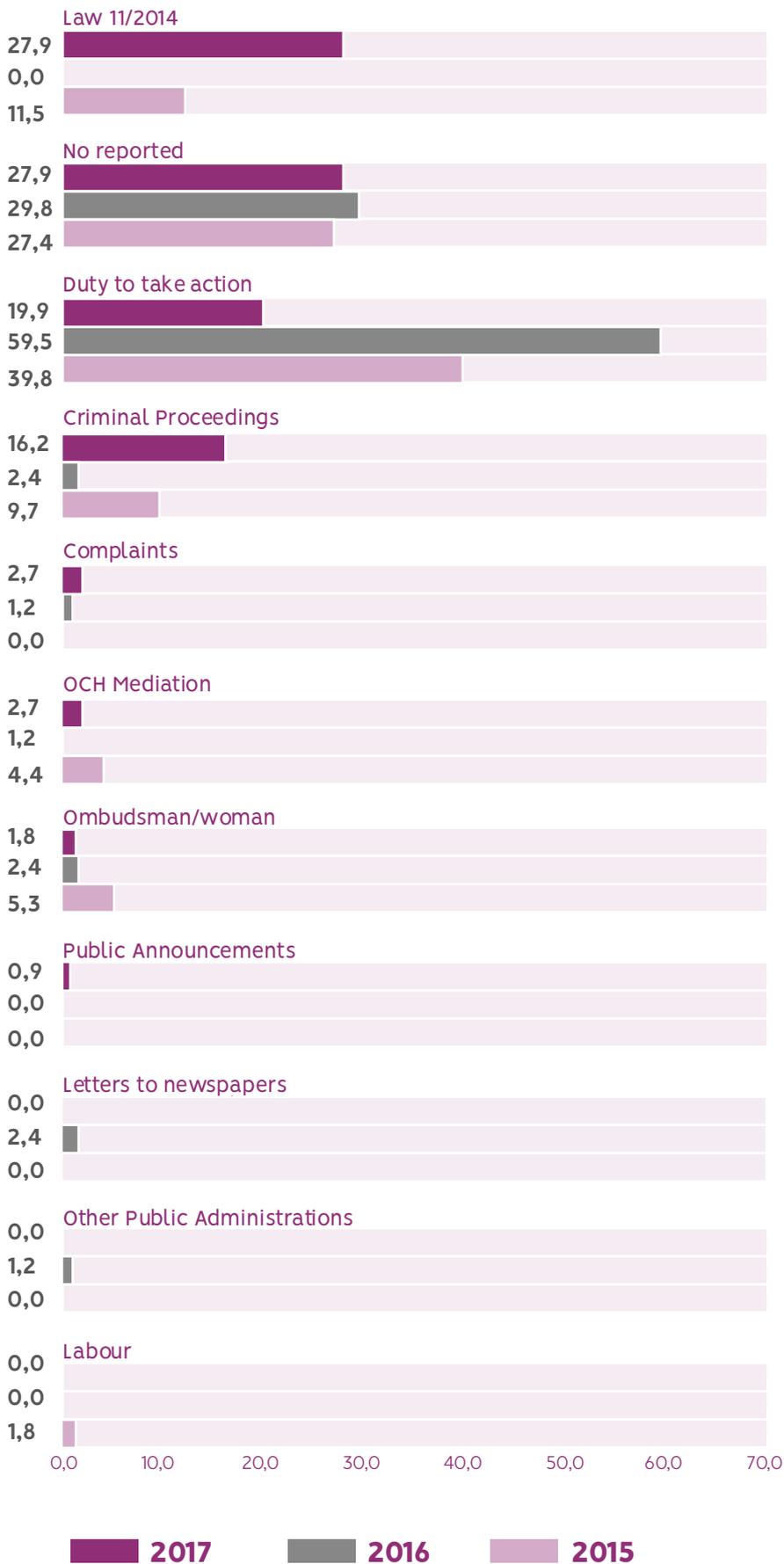
**The increase of incidents which follow Criminal Proceedings in relation to last year** (9.7% in 2015, 2.4% in 2016 and 16.2% in 2017) must also be highlighted, a fact probably related to the increase in the number of reported physical and verbal aggressions, harassment and vexations. Nevertheless, we must bear in mind that verbal aggressions have ceased to be classified in the Criminal Code in 2017, except when they have a component of threat or harassment.

The second most common itinerary keeps being the same as in previous years, that is, the Absence of a Complaint (27.4% in 2015, 29.8% in 2016 and 27.9% in 2017) with very similar figures of a bit over a fourth of all incidents recorded.

Finally, we must also highlight the decrease in the number of incidents which follow the itinerary of the Ombudsman/woman (5.3% in 2015, 2.4% in 2016 and 1.8% in 2017). In this case, time will tell whether this is merely a trend or not, but we must say that two of the most important issues which followed this itinerary – health assistance to trans people and the access to assisted reproductive techniques to couples of women – have had a response from the Public Administration with inclusive protocols.

**As a conclusion, we can point out that, both in 2016 and 2017, the diversity of itineraries followed by the incidents remains stable,** in agreement with the diversity of environments in which LGBTI-phobic situations take place.

**Chart 1: Itineraries of incidents registered 2015–2017. Percentages**



Base: 111 incidents (2017), 84 (2016), 113 (2015).

# 4. ANALYSIS OF QUANTITATIVE DATA



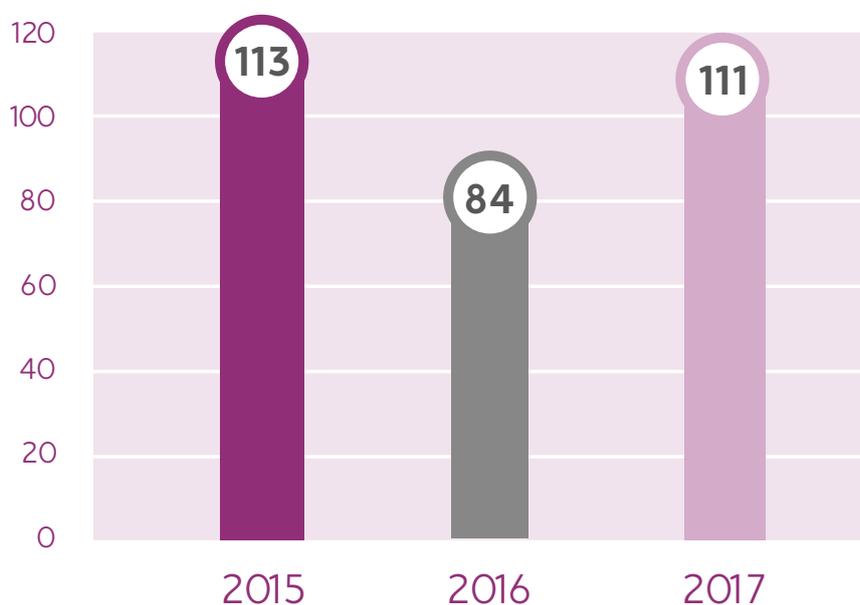
## 4.1 ANNUAL COMPARATIVE

### 111 incidents were reported to the OCH in 2017

Although the amount incidents is very similar to last years, figures are closer to those in 2015 than in 2016, a year where numbers decreased due to reasons alien to the OCH and which forced the organization's headquarters to close up for two months.

According to the LGBTI report made by the European Union Agency for Fundamental rights only 10% of LGBTI people from the European nations and Croatia reported discrimination incidents to administrations or governments. LGBTI-phobia reality is, therefore, wide and complex.

Chart 2: Total number of incidents, 2016–2017. Percentages

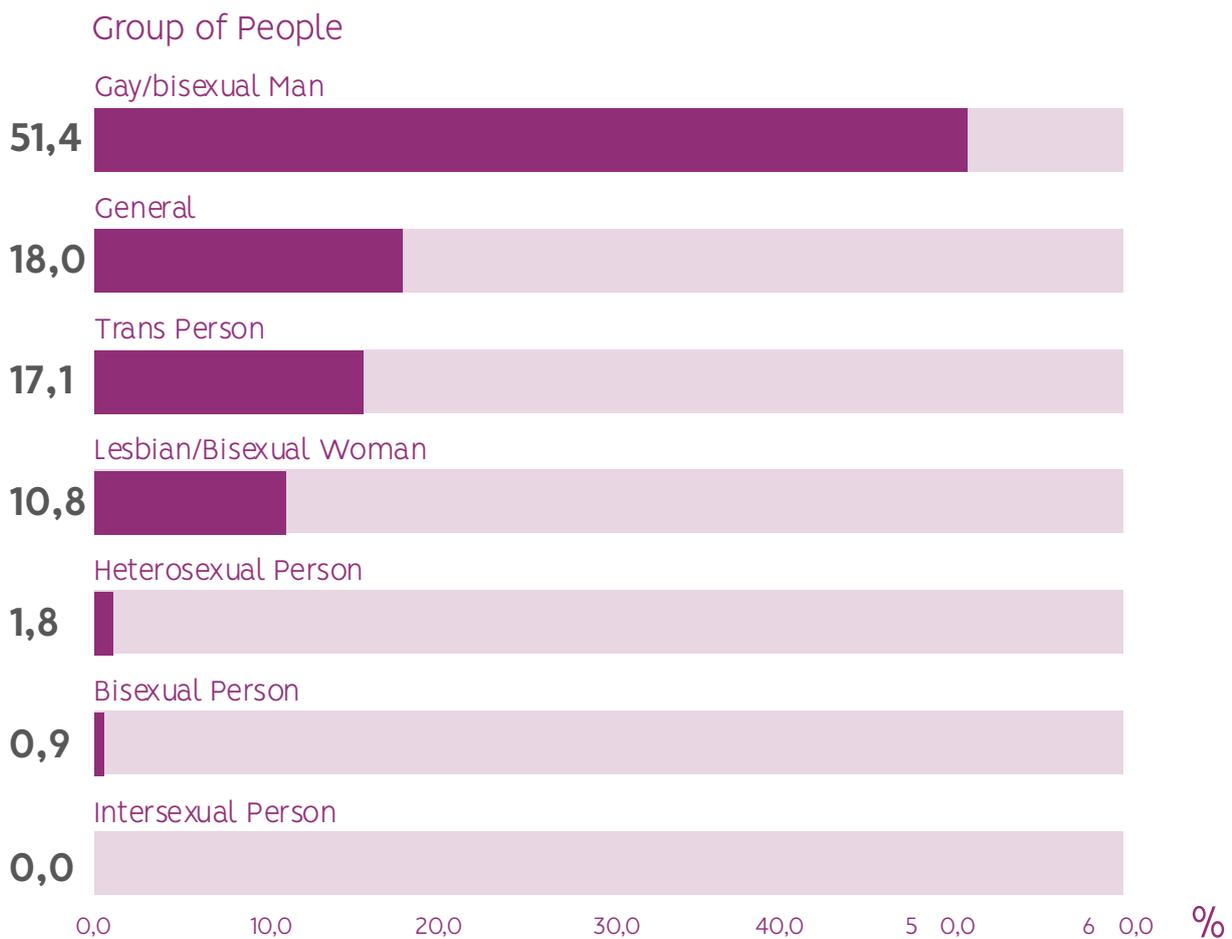


## 4.2 GROUPS OF PEOPLE

### By groups, gay and bisexual men were the ones who registered the highest number of incidents (51.4%)

This type of incidents was followed by those which affect all the LGBTI community, that is, those which we call general (18%). Those registered by trans people (17.1%), ranked third place, while lesbian and bisexual women registered about one out of ten incidents (10.8%).

In 2017, there have been two cases of incidents suffered by heterosexual people (1.8%) who were associated to the LGBTI community.

**Chart 3: Distribution of incidents by groups, 2017. Percentages**

Base: 111 incidents.

No incidents affecting intersex people were reported in 2017.

**Table 2: Description of incidents by groups. 2017. Absolute figures and percentages.**

Groups	Number of incidents	Percentages
Gay/bisexual Man	57	51,4
General	20	18,0
Trans Person	19	17,1
Lesbian/Bisexual Woman	12	10,8
Heterosexual Person	2	1,8
Bisexual Person	1	0,9
Intersexual Person	0	0,0
<b>Total</b>	<b>111</b>	<b>100,0</b>

A comparative with incidents registered in the last three years show a regular and stable pattern.

Most incidents reported were suffered by gay or bisexual men (55.7% in 2015, 46.4% in 2016 and 51.4% in 2017). Indeed, this percentage is 5 percentage points higher in 2017 than in 2016.

General incidents consolidate as the second most recorded (16.8% in 2015, 19.0% in 2016 and 18.0% in 2017).

Incidents registered by trans people keep being the third most frequent, but much closer to the percentage reached by the group of general incidents than the lesbian and bisexual women group (13.3% in 2015, 15.5% in 2016 and 17.1% in 2017).

The percentage of incidents registered by lesbian and bisexual people decreased significantly with respect to the previous year, when they had increased in relation to 2015 (11.5% in 2015, 13.1% in 2016 and 10.8% in 2017). This group's reporting seems to be, therefore, slightly unstable.

The percentage of incidents reported by bisexual people, already low in previous years, decreased significantly also in 2017, with only one incident registered and figures become similar to those of 2015 (0.9% in 2015, 3.6% in 2016 and 10.9 in 2017).

Finally, those incidents reported by intersex people have always been almost non-existent, and this year none has been recorded (two were registered in 2016 (0,0% in 2015, 2,4% in 2016, and 0.0% in 2017).

**Chart 4: Distribution of incidents by groups, 2017. Percentages**



Base: 111 incidents (2017), 84 (2016), 113 (2015).

## 4.3 ENVIRONMENTS

**As to environment, almost half of all collected incidents are aggressions (47.7%).** This datum includes physical and verbal aggressions and harassment, threats and vexations.

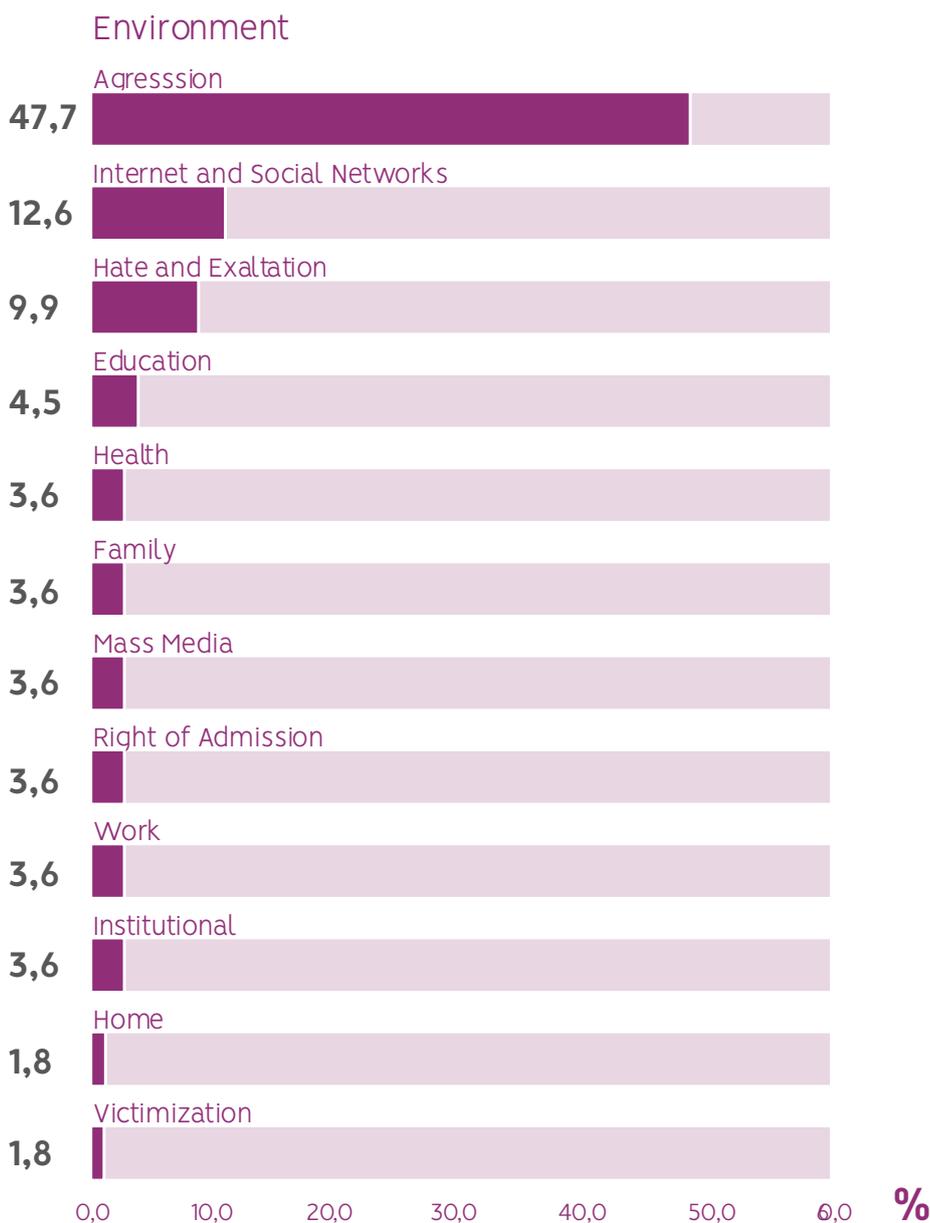
Incidents on the Internet and social networks represent over 10%, despite the difficulties involved in the reporting of this kind of incidents (12.6%). They are followed by those related to discourses of hate and exaltation of LGBTI-phobia (9.9%).

Incidents related to the educational environment represent less than 5% of the total (4.5%) and include situations of LGBTI-phobic bullying (1.8%).

There were four incidents recorded in each of the following environments: health, family, mass media, right of admission, working and institutional (3.6% each).

Situations of discrimination related to homes and victimization rank last in the list, with two incidents registered in each environment (1.8% each).

**Chart 5: Incidents by environment, 2017. Percentages**



Base: 111 incidents.

As to the psychological support service 21 people 15 were assisted in relation to the 15 incidents reported in 2017. 47 sessions were carried out, which gives an average of 2.2 visits per person. The range was between one and five visits per person.

**Figure 1: Psychological Accompaniment Service, 2017.**

**2017 has been the year with a higher number of reported aggressions**, representing almost half of the total number, while in previous year figures did not reach a third of the total number (30.9% in 2015 and 2016, 47.7% in 2017). These figures have been decisive to focus this year's report on aggressions.

Incidents on the Internet and social networks rank second and figures are similar to those of 2015 (13.3% in 2015, 4.8% in 2016 and 12.6% in 2017). We must bear in mind that 2017 has been a politically intense year, which has resulted in a lot of activity on the networks, especially political conflicts which have made many LGBTI-phobic situations visible.

The discourse of hate and exaltation of LGBTI-phobia keeps ranking third in the list of most registered environments, even if percentages are slightly lower in relation to those of last year (11.5% in 2015, 13.1% in 2016 and 12.6% in 2017).

Importance of institutional environments has significantly decreased in 2017 with respect to previous years (10.6% in 2015, 11.9% in 2016 and 5.6% in 2017). This year, a series of regulations and directives have been passed which have possibly favoured this decrease, such as the Generalitat de Catalunya's new model of health assistance to trans people, the possibility to change names in the sanitary card or the passing of a new protocol specific for LGBTI-phobic bullying situations.

Regarding those items related to situations of LGBTI-phobia within the family environment, the right of admission and to mass media, percentages are similar to those of 2015, even if a little higher than that year but still lower than 2016 percentages.

Percentages reached within a working environment have, on the contrary, decreased progressively from 2015 (8.0% in 2015, 6.0% in 2016 and 3.6% in 2017). This fact, nevertheless, does not necessarily involve a decrease of discrimination within this environment: it simply means they are not recorded, either because they are not made visible or because people take measures addressed to reduce the risk of suffering from discrimination by hiding their reality, or to other reasons.

There is a slight increase in the number of incidents that took place within a health environment, both in relation to 2016 and 2015 (1.8% in 2015, 0.0% in 2016 and 3.6% in 2017). In previous years many of these situations were included in what we labelled as a sexual and reproductive rights environment, but situations have been more diverse in 2017 and, therefore, a wider category was necessary. There is indeed one situation related to these rights, but the fact of having a new model for the assistance to trans people and the existence for over a year of the new protocol of access to assisted reproductive techniques have resulted in a more complex reality.

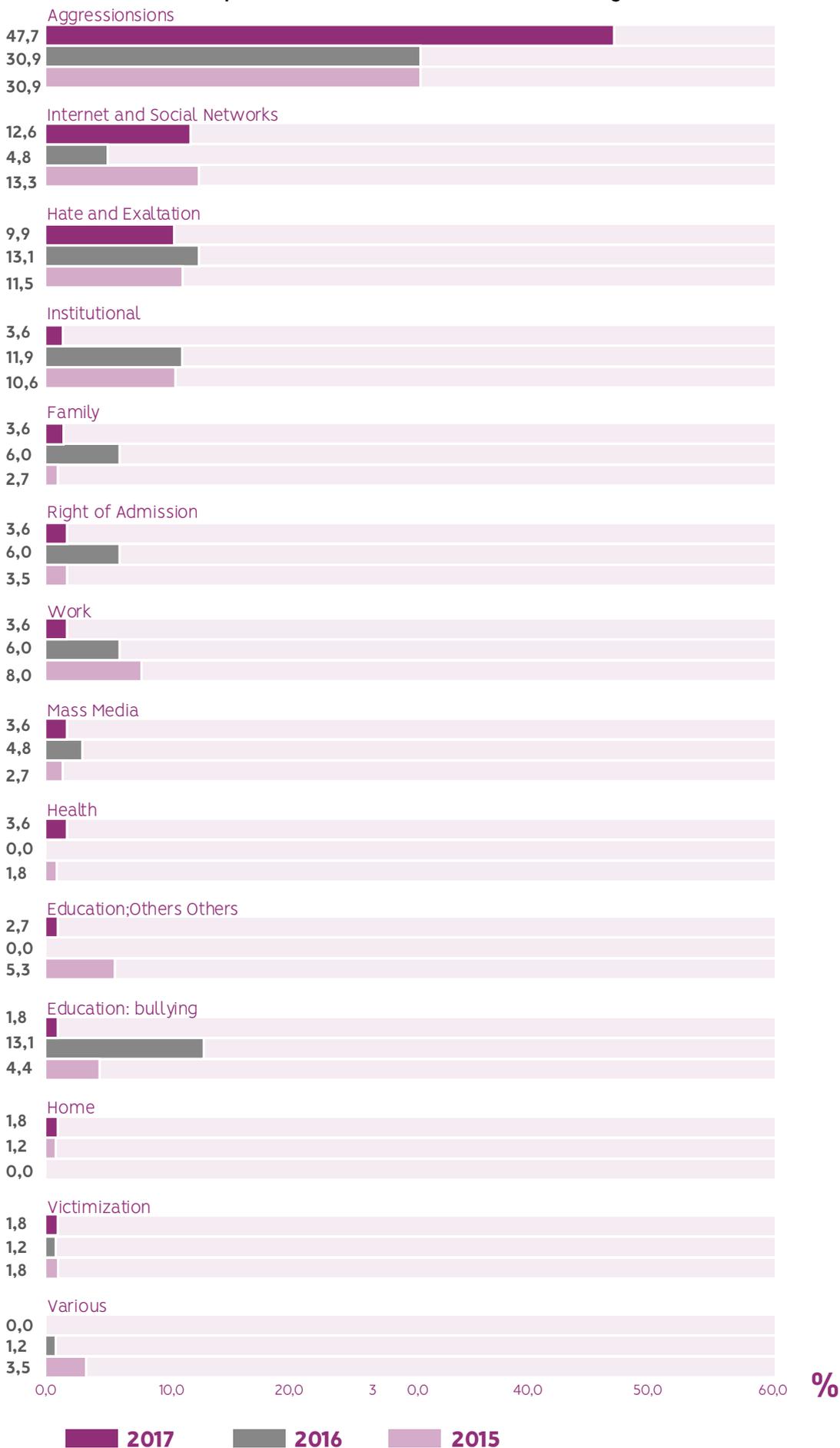
There are two items regarding the educational environment: one specific for LGBTI-phobic bullying situations and another for other kind of situations. LGBTI-phobic bullying percentages are clearly down with respect to 2016 and 2015 (3.3% in 2015, 13.1% in 2016 and 1.8% in 2017). The item on other type of situations shows lower

figures with respect to 2015 but higher than those of 2016 (5.3% in 2015, 0.0% in 2016 and 2.7% in 2017). In the case of bullying, the 2016 report already explained that cases reached the OCH because other paths had not been effective, and it is therefore possible that the new protocol on bullying specifically related to LGBTI-phobia might be currently giving results and, as a consequence, not as many cases as in 2016 reached the OCH.

Percentages related to access to homes remain similar to those of 2016 and cases keep taking place (0.0% in 2015, 1.2% in 2016 and 1.8% in 2107). It is worth saying that this item is specific to access to homes or to the maintenance related to one's own home. Situations of harassment or aggression by neighbours are registered in the item dedicated to aggressions.

Finally, the percentage of situations related to victimisation remains stable every year (1.8% in 2015, 1.2% in 2016 and 1.8% in 2017).

**Chart 6: Incidents as per environments 2015–2017. Percentages**



Base: 111 incidents (2017), 84 (2016), 113 (2015).

**When we contrast incidents by groups against the environment where they took place, we will be able to get a closer insight into each sub-group's reality.**

Verbal and physical aggressions, as well as harassment situations were mainly reported by gay and bisexual men (75.0%, 73.7% and 81.8%). In the case of harassment, the 9.1% of incidents reported by bisexual people must be highlighted: the only incident among all caused for bi-phobic reasons. As to vexations, there is also a single case, but in this case it was suffered by a trans person (100.0%). We must also note that it is within the group of verbal aggressions where we find the incidents reported by heterosexual people (10.0%).

Regarding incidents on the Internet and social networks, most correspond to the groups of gay and bisexual men and general (42.9% each). Nevertheless, we must emphasize the fact of being tagged as general, since the number of incidents reported within this environment are lower and therefore, an important part of them are related to this environment. Another important stake corresponds to discourse of hate and exaltation of LGBTI-phobia (72.7%), as it happened in previous years, a fact that makes sense if we consider they are discourses addressed to the group of LGBTI people as a whole.

In the institutional environment, incidences distribute themselves between trans people and lesbian and bisexual women (50.0% each). The percentage of lesbian and bisexual women is an especially significant percentage given the lower number of incidents registered in this environment.

In relation to the right of admission, trans people are mostly the ones who report this kind of incidents (75.0%), just as it happened in previous years.

In the work environment, it is gay and bisexual men (100.0) who report, just as in the home and victimization environments.

Finally, we can highlight that all incidents registered in the environment Others are of a general kind (100.0), while in the bullying environment incidents are split between gay and bisexual men and trans people (50.0% each).

**Table 3.: Incidents by environments and groups, 2016**

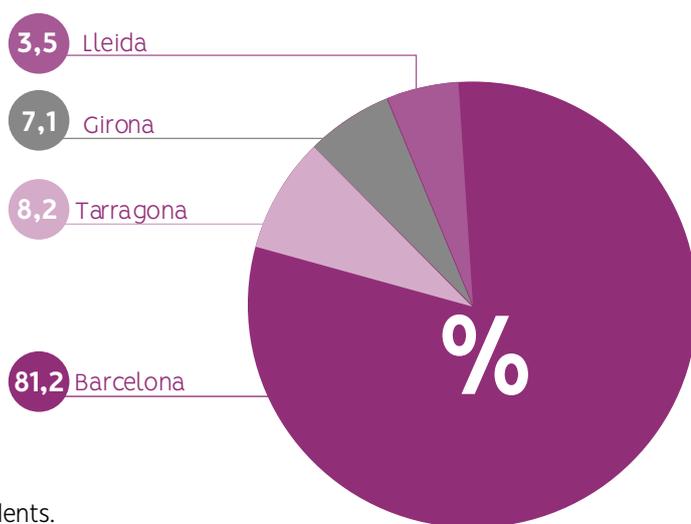
Groups	Verbal agg	Physical agg	Harassment	Vexation	Threat	Internet and social networks	Hate & Exaltation	Institutional	Family	Right of admission	Work	Media	Health	Education: Others	Education: Bullying	Home	Victimization	Total
General	0,0%	0,0%	0,0%	0,0%	0,0%	42,9%	72,7%	0,0%	0,0%	25,0%	0,0%	50,0%	0,0%	100,0%	0,0%	0,0%	0,0%	18,0%
Gay/bisexual man	75,0%	73,7%	81,8%	0,0%	100,0%	42,9%	0,0%	0,0%	50,0%	0,0%	100,0%	0,0%	0,0%	0,0%	50,0%	100,0%	100,0%	51,4%
Lesbian/bisexual women	10,0%	10,5%	0,0%	0,0%	0,0%	7,1%	0,0%	50,0%	50,0%	0,0%	0,0%	0,0%	75,0%	0,0%	0,0%	0,0%	0,0%	10,8%
Bisexual Person	0,0%	0,0%	9,1%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	,9%
Trans Person	5,0%	15,8%	9,1%	100,0%	0,0%	7,1%	27,3%	50,0%	0,0%	75,0%	0,0%	50,0%	25,0%	0,0%	50,0%	0,0%	0,0%	17,1%
Heterosexual Person	10,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	1,8%
Total	20	19	11	1	2	14	11	4	4	4	4	4	4	3	2	2	2	111

## 4.4 TERRITORY

Data in relation to the territory, just like last year, are analysed in two charts: one shows the distribution of incidents by provinces and the other the territorial projection of real LGBTI-phobia incidence in relation to the demographic weight of each province.

As to the territorial distribution, it was Barcelona the province that registered a higher number of incidents (81.2%), Tarragona (8.2%) and Girona (7.1) score higher than 5% while Lleida rates under this threshold (3.5%).

**Chart 7: Distribution of incidents per province, 2017. Percentages**

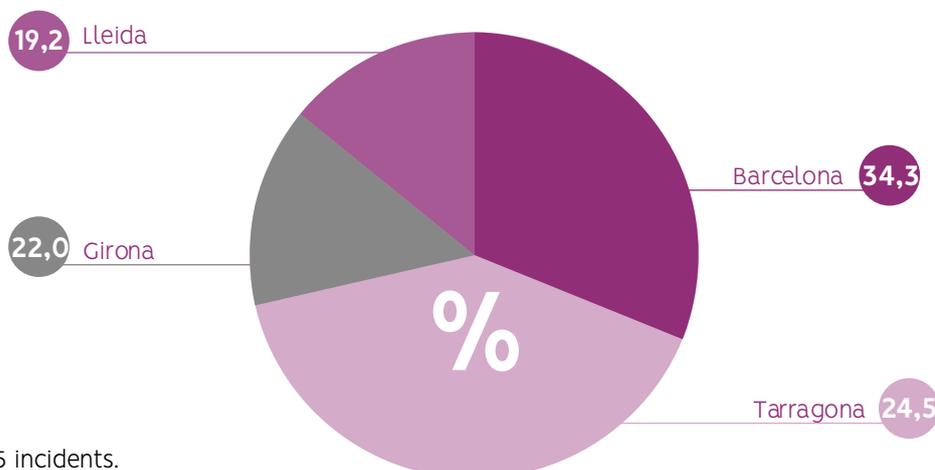


Base: 85 incidents.

On the other hand, regarding territorial projection, Barcelona keeps being the province which registers most incidents, about a third of the total number (43.3%). Tarragona registers almost a fourth (24.5%), closely followed by Girona (22.0%), while Lleida represents almost a fifth part (19.2%).

These percentages are more adjusted to the proportion of each province's population and indicate incidents registered are progressively levelling as far as territorial scale is concerned.

**Chart 8: Territorial projection of real LGBTI-phobia incidence, 2017. Percentages**



Base: 85 incidents.

**When comparing territorial projections in the last three years, several changes can be observed.**

Firstly, the province of Barcelona is losing pre-eminence in favour of the remaining provinces, even if with a slight decrease in relation to last year (51.7% in 2015, 32.7% in 2016 and 34.3% in 2017).

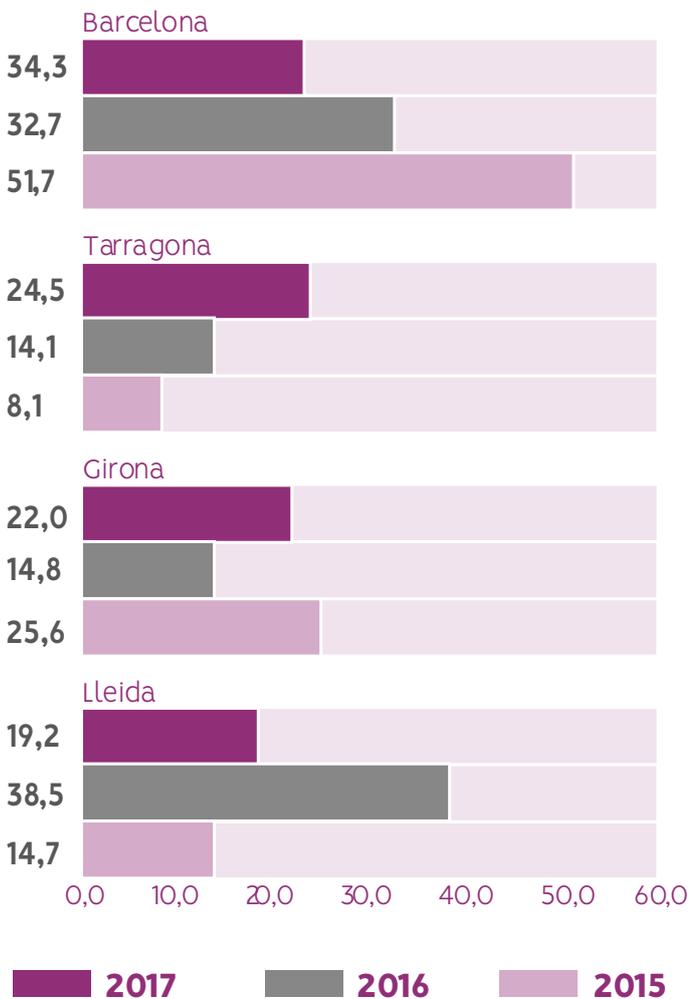
For the first time, Tarragona stands out from the rest and has progressively increased percentage in the last years (8.1% in 2015, 14.1% in 2016 and 24.5% in 2017).

Girona increased its incidence percentage in relation to previous years, even if it still shows slightly lower rates than in 2015 (25.6% in 2015, 14.8% in 2016 and 22.0% in 2017).

Finally, the province of Lleida, which surprisingly increased its stake in 2016 incidents, has been the province with less incidents this year, even though the rate is higher than in 2015 (14.7% in 2015, 38.8 in 2016 and 19.2 in 2017).

It seems that every year that a province increases figures, numbers drop; this is what happened with Girona last year and with Lleida this 2017.

**Chart 9: Territorial projection of real LGBTI-phobia incidence, 2015–2016. Percentages**

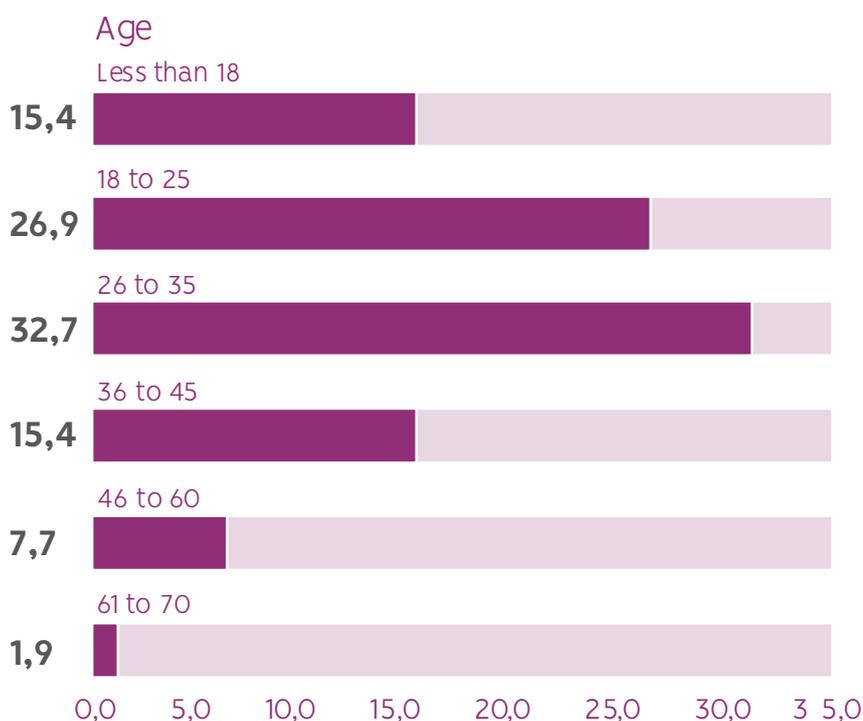


Base: 111 incidents (2017), 84 (2016), 113 (2015).

## 4.5 AGE

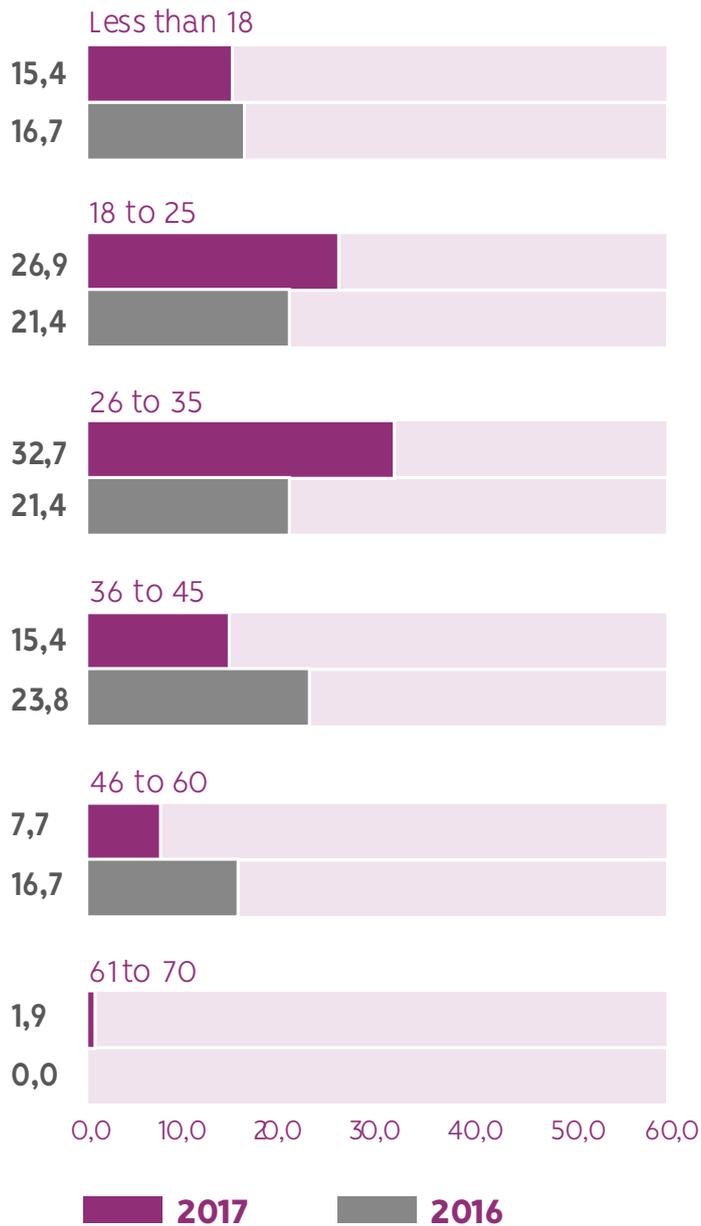
The average age of people who registered incidents is 30.2, (31.7 in 2016) which matches with the percentages by intervals, being that interval between 26 and 45 the most frequent (32.7%), followed by people aged 18 –15 (26.9%). We must bear in mind that only 52 people of all those who reported an incident disclosed their age (46.8% of all incidents), and these data, therefore, might not be fully consistent.

Chart 10: Distribution of incidents by age, 2017. Percentages



Base: 52 incidents.

In fact, the most frequent age interval in 2016 was that of between 36 and 45 years old (23.8%), while in 2017 it is the one between 26 and 35 (32.7%). We must also point out that in 2016 there was nobody aged over 60 who registered an incident and in 2017 there has been only one (1.9%).

**Chart 11: Incidents by age, 2016–2017. Percentages**

Base: 52 incidents (2017), 42 incidents 2016).

## 4.6 DISTRIBUTION BY DATES

Finally, this year we incorporate a temporal distribution of reported incidents by months. As it can be seen in the chart, there are months with higher reporting rates than others. July, then, is the month with the highest number (12.65%), followed by April (11.7%) and September (10.8%).

March and May show rates of nearly 10% each (9.9%), followed by October (9.0%) and June (8.1%).

The remaining months show rates of over 5% each, except February (4.6%), which shows the lowest rate.

Chart 12: Monthly distribution of incidents, 2017. Percentages



Base: 111 incidents.

## 5. QUALITATIVE ANALYSIS



### 5.1 PRECEDENT CLASES: HIGHLIGHTS

A brief description and analysis follows which will afford readers of this report to gain a closer insight into the reality of trans people and the different situations in which their rights might have been violated.

The selection of cases described tries to be representative of the existing diversity surrounding LGBTI-phobia in relation to environments, itineraries, territories and other aspects. In order to do so, the number of cases analysed has increased for the second consecutive year.

Apart from showing as much diversity as possible surrounding LGBTI-phobia, the sample of incidents described is considered by the OCH as strategic for the achievement of LGBTI-rights and the eradication of LGBTI-phobia. In this sense, 2017 has been the year in which HazteOir has been travelling with its transphobic bus around Spain, including Catalunya. It has also been an intense year regarding discourses against LGBTI people's rights and also regarding verbal and physical aggressions.

We cannot forget other cases, maybe not so frequent but also relevant, related to the work environment, the right of admission or the health environment.

## Case number 1: *A trans woman who has not been allowed to try clothes on at a shop.*

**Affected person/people:** Trans woman, right of admission.

**Description:** A trans woman at a clothes store wants to try a dress on. The shop assistant tells her that according to the law “men cannot be dressed as women”. In response, the woman asks for the complaint sheet but the assistant refuses to give it to her on the basis that she’s not a customer and, therefore, has no right to complain. The victim communicates the facts to OCH, but finally does not file a complaint.

**Analysis:** This was the first incident registered in 2017. It is a case of trans-phobia against a potential consumer at a retail store. Refusing to assist any person on the grounds of their gender identity violates Law 11/2014 and, which protects any person’s right to flick through, try on and purchase any desired garment, independently of its kind or of the fact that the garment is socially linked to a specific (legally accepted) gender.

To this incident we must add up the fact that the person has been denied access to a complaint sheet on the basis of not having made any purchase. According to the *Law for the defence of consumers and users*, any business which provides goods or services must have complaint sheets available to customers and must provide them when required.

According to the quantitative analysis of this report, the percentage of incidents related to the right of admission to trans people is significant. Visibility, especially via organizations and associations, helps trans people speak out and denounce trans-phobic attitudes. Nevertheless, society keeps imposing a cis-heteronormative pattern which hinders and sometimes makes it impossible to lead everyday life in normal conditions. Those spaces considered to be more private are traditionally perceived as spaces where particular ideas or beliefs can be imposed, when they must never become discrimination spaces for any person.

## Case number 2: *Circulation of LGBTI-phobic messages in school centres in a town in the province of Barcelona.*

**Affected people:** General, education.

**Description:** On 3 February 2018, Ripollet’s Council, together with the town’s Municipal School Council, which groups together the town’s educational network, denounces the delivery at schools and parent’s associations of a guide titled *¿Sabes lo que quieren enseñarle a tu hijo en el colegio? Las leyes de adoctrinamiento sexual* (Do you know what are your children going to be taught at school? Laws for Sexual Indoctrination) edited by HazteOír and Citizen Go. The same day, duty to take action is activated which results in Ripollet’s Council sending a communication condemning the facts and announcing the initiation of an administrative sanctioning filing from the Department of Labour, Social Affairs and Family.

**Analysis:** Integration of affective, sexual and gender diversities as well as of family diversity in school centres and other educational environments is essential and provided by Law 11/2014. Inclusion of a co-educational perspective in school environments is also provided by other laws, including Law on Education of Generalitat de Catalunya or Law for an Effective Equality between Men and Women. This reality will have to keep moving ahead and developing in order reach a more fair and inclusive society to all environments. Unfortunately, the burden of patriarchal society affects all spheres of life and is deeply rooted in our educational system, where it is still widely present, as this kind of situations demonstrate.

### Case number 3: *LGBTI-phobic event broadcasted by social networks.*

**Affected person/people:** general, discourse of hate and exaltation of LGBTI-phobia.

**Description:** Two related events that took place in February and March 2018, both of them directly or indirectly organized by Barcelona's Archdiocese and which challenged affective, sexual and gender diversities. One of the events featured a child and teenager psychiatrist and the other is a lecture by Philippe Ariño, author of *L'homosexualité en vérité* where he claims that homosexuals should not have sexual relations nor partners, among other tenets. Duty to take action is activated by Generalitat de Catalunya and both events were reported to the Catalan Ombudsman. Ariño's conference is also the object of a Parliamentary resolution by the Commission for Equality which sought to clarify the facts. Barcelona's Archdiocese claimed the lecturer was only talking about his life experience in his speech. Eventually, the department of Labour, Social Affairs and Family did not see evidence of LGBTI-phobia and dismissed the case.

**Analysis:** The two incidents relate to public discourses which contest the rights and lives of LGBTI people, who need to have positive referents in order to develop a healthy and full life. That is why visibility and inclusion of affective, sexual and gender diversity is basic. Even if freedom of expression is a fundamental right, so it is the right not to be discriminated against and, above it, the right to life, both of them acknowledged as fundamental human rights. The balance between expressing oneself and discriminating others should be considered before we produce any communicative act. This kind of incidents have opened or re-opened the debate on freedom of expression, the right not to be discriminated against and the discourse of hate and exaltation of, in this case, LGBTI-phobia.

### Case number 4: *violation of the right to privacy when made to disclose serologic condition at plane boarding.*

**Affected person/people:** Gay man, harassment

**Description:** A HIV- positive gay man is compulsorily made to publicly disclose his serologic condition when he is queuing to board a plane at a Catalan airport. The victim requests to be granted discretion but the attendant responds intransigently to the request. The victim files a complaint both to the airline and the airport's management board.

**Analysis:** This is a case where a person's right to privacy might have been violated, since, in Spain, this right is contemplated by law and no person can be obliged to communicate any circumstance which affects their privacy, including health.

Serophobia, the hate and rejection of people with HIV or AIDS, involves a double violation when the person belongs to the LGBTI group. Even though Law 11/2014 does not include serophobia explicitly, it does acknowledge the right to health and to an adequate standard of living for LGBTI people. Furthermore, and just as epidemiologic data show, HIV has an important prevalence rate among gay, bisexual men and among men who have sex with other men. Therefore, the connection between serophobia and LGBT-phobia should not remain unnoticed.

### Case number 5: *Dissemination of trans-phobic messages from a circulating bus.*

**Affected person/people:** trans people, discourse of hate and exaltation of LGBTI-phobia.

**Description:** In February 2017 a bus of organization HazteOir circulates around different Spanish towns with the message: "Boys have a penis, girls have a vulva, don't be fooled". A few days later they announce

their intention to travel around Catalunya.

On 27 February duty to take action is activated by Generalitat de Catalunya under the protection of article 11 of law 11/2014. The next day, 28 February, the LGBTI Area of Generalitat de Catalunya communicates the OCH the opening of an informative inquiry and of preliminary actions addressed to determine those facts susceptible of motivating a possible initiation of proceedings.

On 7 March Tiana's Council approves a motion that rejects the presence of HazteOir's bus.

On 17 March HazteOir resumes circulation of the bus and announces the bus is heading towards Barcelona. The Department of Labour, Social Affairs and Families initiates a sanctioning file, sets a fine and requests for precautionary measures addressed to ensure the bus immediate cessation of circulation. The file is sent to the Interior Department and to the councils of the towns where the bus is expected to circulate in order to proceed to the adoption of the "necessary precautionary measures to ensure an immediate halt of the bus circulation" by the competent institutions.

The same day, the Mossos d'Esquadra (Catalan Police Force) stop the bus at Martorell's tollbooth and it is taken to a warehouse in the province of Barcelona. The Council of Barcelona points out that in case the bus circulated around the town, it could be halted if it was considered that this circulation violated current regulation on advertising in the public space.

Concurrently, people express their massive support to the trans and all LGBTI community, especially in social networks, rejecting the bus's arrival to Catalunya.

Finally, the bus is compelled to leave Catalunya without having displayed its transphobic message and in 27 November 2017 the secretary-general of the Department of Work, Social Affairs and Families declares association HazteOir liable for a minor infraction as provided by article 34.3 c) of Law 11/2014. A EUR 1,707 sanction is imposed in compliance with article 35 of this law.

**Analysis:** HazteOir bus has possibly inaugurated new kind of demonstrations against the rights of LGBTI people and of people's sexual and reproductive rights. In this case, and contrary to what has been invoked by several archbishopric conferences, freedom of speech was limited by the prevalence of LGBTI people's rights, especially transsexuals and intersex. A penalty is important in this case, since it acknowledges that the rights of these communities have been violated and it implies, therefore, recognition to their dignity.

It must also be highlighted that this case raised a great deal of rejection within Catalan and Spanish society, especially visible in social networks and in some other public demonstrations in the streets, a fact that reflects a sensitization towards trans and intersex realities probably absent in our community a few years ago.

## Case number 6: *Physical aggression at Sitges Carnival.*

**Affected person/people:** Gay man, physical aggression.

**Description:** The victim was celebrating Carnival in a bar in Sitges with some friends when an argument started with two other people who became aggressive to the point they were thrown out by the bar's security staff. An hour later the victim and his friends left the venue and, while saying goodbyes a man came and physically attacked the victim with an expandable baton while shouting homophobic insults at him. Meanwhile, other people were preventing the victim's friend from aiding him. The victim went to a hospital and, provided with the medical report, filed a complaint to the Mossos d'Escquadra. We have no further knowledge on the itinerary followed by this complaint.

**Analysis:** As repeatedly highlighted by this report, aggressions (physical, verbal, threats, harassment and vexations) have increased in relation to previous years. This case reports one of the first aggressions that took

place in 2017. As will be seen throughout this report, aggressions in a leisure context are fairly common, even when it is not the only context where these aggressions take place. The aggression is clearly homophobic as could be deduced from the insults the victim was receiving during the aggression. It must also be highlighted that the aggressors chose to go to a place where they knew a great number of gay and bisexual people gathered, and, nevertheless, they carried out the aggression.

### **Case number 7:** *Underage gay boy abandonment.*

**Affected person/people:** gay man, family.

**Description:** The victim is a minor gay boy who feels compelled to abandon his home due to the conflicts with his family, where he finds no support whatsoever. Both school and social services suggest that he abandon his gender expression and adopt a more normative behaviour. The OCH communicated the situation to the feminist and LGBTI areas of the town Council where the boy lives.

**Analysis:** Even if little known, the truth is this kind of situations keep taking place. The vulnerability of under aged people manifests itself in the abandonment they suffer by families who do not accept them. School and the community do not provide for any real solution. Asking a child to change their gender expression can lead to a situation of further emotional and psychological vulnerability. Minors lack resources and are, therefore, defenceless and can feel forced to live in a way different from what they really feel.

### **Case number 8:** *Verbal aggression to a couple of lesbian women at Barcelona underground.*

**Affected person/people:** Lesbian women, verbal aggression.

**Description:** A couple of lesbian women are insulted and humiliated by a group of male tourists. When the women fight them off and warn them they are going to call the police, all the members of the group stop mockeries except one, who even posed for the women when they were taking pictures of what was happening. The two women explained later that they had been scared and that they reported the facts to the police so that this group wouldn't keep behaving the same way with other women. Both of them reported the aggressors, who had been previously identified, but the case was finally dismissed because the aggression was just verbal and no threats were uttered. The case reached Generalitat de Catalunya's LGBTI Area, which asked the victims to provide evidence of the facts, but they were unable to provide such evidence.

**Analysis:** Verbal aggressions and harassment in public spaces are rather common. In this case, the victims were scolded for the mere fact of publicly showing their affective and sexual relationship which annoyed the group of men, who did not want to see such expression displayed. Identification of aggressors is usually difficult in these cases, even if it wasn't in this specific case. Up to 2017, verbal aggressions were typified as possible offences, but they were not any more at the time these events took place and, for this reason, the case was dismissed. Even though the aggressors had been identified, no penalty could be imposed because no investigation was carried out. It is difficult for the victims of aggressions to provide evidence if their physical integrity or their life isn't at stake, since they lack the tools or the resources to do it effectively.

### **Case number 9:** *Harassment in social networks to a woman due to her affective and sexual condition.*

**Affected person/people:** Lesbian woman, social networks.

**Description:** The victim works at a club, which receives critical comments about her, her job, her lesbianism and her gender expression on its Facebook page. Apparently, the profiles from which the messages are sent are fake and do not correspond with the people who are really sending them. Some of the aggressive comments might be due to personal reasons: the aggressors are having problems with some of her relatives and they use the woman's lesbianism to attack them.. The incident reached the OCH, from where it was communicated to the LGBTI Area of Generalitat de Catalunya.

**Analysis:** It is a situation of harassment and vexation via social networks to a lesbian woman using her sexual condition and gender expression to attack her, a fact which shows that these non-normative realities are still identified as uncommon and disgraceful, as something humiliating which should be hidden. The use of social networks endows people with an anonymity which facilitates the creation of fake profiles from which they can attack any other person freely and with impunity. The reality and management of social networks keeps being problematic due to the obstacles to take action and to identify, investigate and punish aggressors, since we are dealing with foreign companies regulated by the law of the countries where they have their corporate headquarters.

**Case number 10:** *Access to assisted reproductive techniques denied by medical insurance company.*

**Affected person/people:** Lesbian woman, health.

**Description:** A couple of two women wish to have access to human assisted reproductive techniques. Given the high prices of these methods at private institutions, they decide to take a private insurance policy. After a year and a half holding the policy, they ask to have certain medical tests done. The gynaecologist of the company tells them the policy does not cover this kind of trials when couples are made up of two women but only to those couples made up of a man and a woman. The couple considers this is a situation of discrimination for sexual orientation. What's more, when they initially contacted the company, they already explained the main reason for taking the policy was to have a baby. Finally, the victims did not go ahead with the proceedings suggested by the OCH.

**Analysis:** Even if the public health system in Catalunya has its own protocol for access to assisted human reproductive techniques which guarantees access to any person, private sectors do not respond in the same way to this situation. Being a private contract, both parties are considered to be legitimated to act freely, even if in this case information was not provided at the moment of contracting the policy. On the other hand, we could wonder whether, in spite of being a private contractual agreement, denegation of a service for sexual and affective orientation reasons should not be considered as a discrimination act. Finally, we must highlight the difficulty of carrying out legal measures in relation to this kind of incidents due to the situation of vulnerability and stress that victims are undergoing: deciding on the possibility to have children, the method to be used, coming to terms with the time it will pass before methods can succeed, etc. Adding legal proceedings to all these situations is not an easy task.

**Case number 11:** *Dissemination of an LGBTI-phobic message from a religious representative at a place of worship.*

**Affected person/people:** general, discourse of hate and exaltation of LGBTI-phobia.

**Description:** On 21 May 2017, the Bishop of Solsona made a sermon on the family in which he related homosexuality to the absence of a paternal role. The sermon was denounced by organization Colors de Ponent to the OCH and Mossos d'Esquadra. The councils of Cervera and Solsona condemned the sermon, expressed their support to the LGBTI community and passed a motion declaring the Bishop as persona non-

grata and urging the Parliament of Catalunya to do the same. All these facts were communicated to the press, which echoed the case.

Finally the Bishop released an announcement where he claimed it had not been his intention to cause offence to anybody and that he had not meant this relationship should be exclusive, but he reasserted his right to teach the catholic doctrine and that he would keep sharing his Christian views on people.

**Analysis:** This is the second case in 2017 of a discourse from a member of the catholic community in Catalunya. In this case, unlike the other one, the discourse had already been produced. Some local administrations had a supportive response towards LGBTI people and against the Bishop's message. It was probably due to this circumstance that the Bishop responded with a public announcement in which he apologized.

## **Case number 12:** *Physical aggression to a man at a local sports centre.*

**Affected person/people:** Gay man, physical aggression.

**Description:** The victim was at a spa bath at Bernat Picornell public swimming-pool in Barcelona when a person imperatively addressed to him and told him to leave the bath immediately and go out of the centre. The victim asked for an explanation and the aggressor threatened to beat him up if he didn't do what he was told. The victim refused to do so and the aggressor responded violently, attacking the victim and beating his face up. The victim was thrown to the floor and the aggressor sunk his face into the water. The aggressor told him he was not allowed to share the public space with him nor anybody else because he was gay. During the aggression, he shouted insults like "faggot", "son of a bitch" and "you have to die because you're a faggot". At the moment of the aggression, the aggressor's mates tried to stop him; nevertheless, they later scorned the victim too and made fun of what had happened. Finally, the victim could escape and reach the premises' hall to ask for help, but the staff in charge said they had to communicate the facts to the managers before they called the police and they denied the victim's request to be taken a picture of his injuries. A witness of the aggression did call the Mossos d'Esquadra, who came a while later together with a paramedical ambulance that evaluated the damages and took the victim to a hospital, where he spent the day and was discharged the next day. He then filed a report to the Mossos d'Esquadra.

The victim had already been threatened and insulted by the aggressor on previous occasions, but none of those incidents had resulted in a physical aggression.

OCH gives legal and psychological advice and emotional damage is diagnosed. The aggression and the law suit are communicated to Barcelona City Council but, as a result of inactivity on their part, after five months a complaint is filed to the Ombudsman. Finally, OCH can grant a meeting between the management of the sports centre and members of the council's Area of Sport. As a result, it is agreed to train the centre's staff and to elaborate a protocol for possible LGBTI-phobic cases as well as a meeting between the management team and the victim. Finally, the Barcelona Office for Non-Discrimination also takes an interest in the case and volunteers to help monitoring the actions implemented by the sports centre. The case is currently ongoing.

**Analysis:** This is a clearly homophobic situation. The victim had been repeatedly insulted by the aggressor who, at a given point, decided to move ahead and carry out a physical aggression. In this case, the violence used in the aggression must be highlighted, and the fact that this kind of incidents can take place at a municipal facility underscores the need for action protocols and, above all, for training and sensitization of staff and managers of such facilities. Indeed, the case proves a homophobic aggression can be suffered at almost any place and evidences the urgency to set up mechanisms to prevent them from happening and to give support to victims. Likewise, the case also shows the difficulties of setting up such mechanisms and reflects the victim's vulnerable, unprotected position.

### Case number 13: *Trans-phobic comments to a video by a trans people organization.*

**Affected person/people:** trans people, discourse of hate and exaltation of homophobia.

**Description:** Trans-phobic comments addressed to a video recording from platform TransForma la Salut which can be seen on Youtube. This platform is working on a model of health assistance to trans people which is depathologizing and adjusted to their needs. The video shows the testimonies of trans people in relation to the treatment received by the Gender Identity Unit of Hospital Clinic of Barcelona. One of the comments goes: “what an ugly bunch of bastards [...] That’s what happens when the dictatorship of what’s politically correct stunts their brains [...] probably nobody told them they’re a bunch of disgusting faggots, especially the one with the deep sissy voice, and who very well could be a sumo fighter” Platform TransForma la Salut denounces the existence of the video to the OCH and Youtube is also informed about its inadequate content, but the video can still be seen today.

**Analysis:** Apart from being an audio visual platform, Youtube is also a social network and, therefore, we are facing again a case of impunity of discourses against the dignity of people and their rights in social networks: in this case, a clearly trans-phobic discourse. This trans-phobic discourse clearly attacks the gender identities of those who appear in the video. Moreover, the video was made by an organization that fights for trans people rights and the people who take part in it exposed themselves in order to make visible the pathologizing policy of the health system in Catalunya at that moment, which means the aggressor’s aim was not only to attack people but also the message of the video in order to hamper visibility of trans people.

### Case number 14: *Dissemination in social networks of a video with a LGBTI-phobic message from a religious leader.*

**Affected person/people:** General, discourse of hate and exaltation of LGBTI-phobia.

**Description:** The OCH is alerted on the existence of a video in Youtube in which the priest of a parish in Hospitalet del Llobregat is preaching a clearly homophobic and sexist sermon where he claims, among other issues, that “homosexuality is an extremely serious sin. Very few people talk about the abominable crime which is abortion. If you want, you can have an abortion and they pay for it with everybody’s money”. In the same sermon, the priest says the world is “rotten and perverted” and that, if priests do not speak the truth out, society will end up believing that “being gay is cool and all right”. The discourse emphasizes that “homosexuality keeps being a sin, no matter how much it is being promoted by public authorities” and charges at laws against homophobia because “they lead to a dictatorship which admits no discrepancies”.

The priest goes on talking about LGBTI liberation celebrations and refers derogatorily to Madrid World Pride and Barcelona Pride festivals. “Next week, homosexuals will show their disgrace publicly in Madrid and the following weekend they will do the same in Barcelona”.

The OCH communicates the facts to Hospitalet Council and demands political parties make a public statement to condemn the facts, a petition which is accepted and the statement is issued. Concurrently, duty to take action is activated by the LGBTI Area of Generalitat de Catalunya.

**Analysis:** This is the third case in 2017 where OCH has detected a homophobic discourse. In this case the discourse is perhaps even more aggressive than in the two previous cases, since it explicitly condemns the life and practices of LGBTI people as well as the public policies addressed to protect their rights. In this case there was a positive response by the Council and political parties, but that discourse had already been made and, what’s worse, it had been publicly broadcasted. These kind of discourses, when pronounced by people highly valued by the community, not only hint at a possible discourse of hate but also have a damaging effect on all members of the community, their families and relations.

**Case number 15:** *Unfair dismissal in relation to the affective and sexual orientation of a staff member.*

**Affected person/people:** Gay men, work.

**Description:** The victim is a gay man who works at a retail store. A workmate tells him she has heard the shop's manager telling another member of the staff that she "couldn't work with gay people". The victim communicates the fact to human resources and is told the facts are indeed punishable, provided there is evidence. The victim then confronts the manager, who confirms the facts but does not consider them to be serious. When the victim says they are in fact punishable, the manager shrinks back, claims the utterance has been taken out of context and that she has no problems with gay people and, to prove her right, says she has sent on other occasions reports to human resources showing her satisfaction with the victim's work.

Next day, AIG, aware that without material evidence to verify this conversation it will be more difficult to file a complaint, wants to talk again with the manager with the intention to record the conversation. The complainant begins his 17:00 shift and both the manager and the above mentioned member of the staff show their concern for him: "Are you feeling better?" they ask him since the day before he left his workplace in an altered state, a sign of disbelief regarding what was happening. At 19:30 the victim has a chance to have a conversation with the manager: they talk in the warehouse and the manager admits to having made a comment which was "out of place". The victim provides the OCH with the tape recording, dated on 8 July and 15 minutes 44 second long, in which the manager resumes his defensive attitude and plays down what she considers to have been an unfortunate comment. The situation causes the victim to fall in to an anguished state to the point that one day he must go to emergency healthcare services. The victim has to request for a work leave and a few days later he receives a dismissal notice.

The case was transferred to the LGBTI area of labour union CCOO via the Employment Relations Authority. Finally, and due to the long time elapsed after the facts took place, it was decided not to file a formal complaint to the Mossos d'Esquadra. Nevertheless, on May 2018 the Employment Relations Authority of Generalitat de Catalunya decided to settle the case in the victim's favour. The decision compels to take precautionary measures in order to avoid sex discrimination, in compliance with Law 3/2007, for the effective equality between men and women.

**Analysis:** This is, indeed, a case of harassment at the workplace on the grounds of affective and sexual orientation. In this case, as in others related to the work environment and which have been explained in previous reports, the psychological and emotional effects are so severe that victims rarely file law suits. In this case, the victim was on work leave and undergoing symptoms of severe anxiety which made difficult to follow a legal process. This situation shows the importance providing a safety zone that allows victim to file a report, but also to apply other supportive and protective measures in order not to compromise the psychological and emotional state of the victim,. Finally, we must point out that application of Law 3/2007 in this case calls for the need to develop a proper legal body which gives support in cases of harassment on the grounds of affective and sexual orientation and gender identity or expression, as provided by the proposed bill on LGBTI equality at a national level.

**Case number 16:** *LGBTI-phobic messages from a teacher to his pupils in a secondary school class.*

**Affected person/people:** General, education.

**Description:** Lleida-based organization Colors de Ponent reports an incident in a 4th ESO (secondary school) philosophy class at a public school where a teacher disclosed LGBTI-phobic comments. The teacher, answering a pupil's question, said that "to be a homosexual is not natural, it's like being a cripple or a one-eyed person, it's something unjustifiable". Faced with this comments, the pupils stood up and left the classroom.

Later, two of the pupils reported the comments to the school managers, who communicated the facts to the Department of Education for their evaluation. The territorial services of the mentioned department held a meeting with the teacher, who apologised for the comments. Next day, almost two hundred pupils gathered in front of the school in protestation for the teacher's comments.

The news reached the media, since some pupils recorded the teacher's comments and uploaded them onto social networks.

Finally, on December 2017, the general secretary of the Department of Social Affairs and Family declared the teacher responsible for committing a minor infraction typified by Law 11/2014, and imposed a EUR 417.34 fine on him in application of the penalties system established by this law.

**Analysis:** This is one of the six cases in which a penalty has been imposed in application of Law 11/2014 in 2017. It is a case of LGBTI-phobic comments made within a public, educational environment in front of underage people, a fact which can generate high levels of vulnerability. The intervention of the centre and the pupils, aware of the seriousness of the comments, was spotless. Even if a penalty was imposed on the teacher, the events were considered just as a minor infraction. In this sense, we believe in the need for interventions beyond the scope of a penalties system in order to prevent a teacher from uttering this kind of statements in a classroom.

**Case number 17:** *Gender Identity Unit's refusal to communicate the date of provision of a vaginoplasty to a trans woman.*

**Affected person/people:** Trans woman, health.

**Description:** The victim is a trans woman who has been undergoing guided hormonal treatment for the last three years and who, from the beginning of the treatment, expressed her will to have access to reassignment surgery, more specifically, a vaginoplasty. She was told she was on a waiting list but was not given further details on possible dates or waiting times. The 60 year old victim filed a complaint to the Ombudsman on January 2017 and requested to be given an approximate date for the expected procedure.

Hospital Clinic only confirmed that she was on the waiting list and she was told dates were assigned by CatSalut, an organism which follows its own internal regulation. Faced with this situation, the victim tried to contact a CatSalut representative and the president of the Health Committee of Generalitat de Catalunya.

Finally, OCH works jointly with Fundació Enllaç and files a new complaint to the Ombudsman, who urges a response from CatSalut. Finally CatSalut replies the procedure will be carried out in 2018, but does not give more details in relation to the exact date.

**Analysis:** This might be a case of indirect transphobia. On the one hand, there is the issue of access to information and transparency of information given from public administrations. On the other, not giving explanations to expectant people who are waiting to undergo surgical procedure evidences the lack of concern for LGBTI policies, especially for specific mechanisms aimed at providing health assistance to trans people. Even if a change towards a highly needed depathologizing model has been achieved, it is also true that this model should be the first of a series of protocols, instructions and mechanisms to make it feasible and to protect trans people's interests.

**Case number 18:** *Trans-phobic bullying in a secondary school in Barcelona.*

**Affected person/people:** Trans person, bullying.

**Description:** A 14 year old trans boy suffers a trans-phobic bullying incident at his school centre. Everything starts at first course of ESO (secondary school), where other boys insult him, but at that moment the centre responds and handles the different situations satisfactorily. Next school year, the boys who insulted him are not in his class, but other pupils bully him, and, in this case, the centre does not respond, neither the teaching staff nor the school's management team, except for one single teacher.

The victim's position is unsustainable and begins to miss classes and to suffer from serious psychological stress, to the point that one day he has to be hospitalised.

The victim does not want to go back to school and, together with organization NACE (No al Acoso Escolar), he tries to find a centre which is well aware of school bullying issues and can provide for safe areas to LGBTI people.

**Analysis:** This is a case of transphobic bullying which started even before the victim's transition process. Bullying came from different children every school year. This fact evidences the need for working on prevention and on visibility of affective, sexual, and gender diversity with all the school community. On the other hand, even when at first all the teaching staff and the management team gave an appropriate response, the time came when this response was not provided anymore and only specialized organisations did. It is important to have a protocol to respond to trans-phobic bullying, but prevention and specific training on affective, sexual and gender diversities are also essential in order to provide an appropriate response and to apply protocols correctly.

**Case number 19:** *Verbal aggression at a Segunda Division (2<sup>nd</sup> tier) basketball match in the Catalan league.*

**Affected person/people:** gay man, verbal aggression.

**Description:** At a basketball match of the Catalan League's Segunda Division, a player of the rival team argues with the victim in relation to a move. When the victim tells him to shut up, the player replies "You shut up, faggot". The victim tells the referee, who has not heard it. The victim writes later to the Basketball Catalan Federation and the Sports Federation to request that LGBTI-phobic aggressions during matches can be put on record and punished. OCH communicates the incident to the LGBTI Area of Generalitat de Catalunya.

On December 2017 the Catalan Federation resolves to caution the player who insulted the complainant.

**Analysis:** It is quite common to shout homo and LGBTI-phobic insults during sport matches. In this case, the victim was assertive and able to complain. However, in many other instances victims have not been so resourceful and have had to suffer this kind of situations.

**Case number 20:** *Aphysical aggression to two gay boys at Mar Bella beach in Barcelona.*

**Affected person/people:** Gay men, physical aggression.

**Description:** Two young men were rebuked by a group of around five people when going back home after a party night in an area close to Mar Bella beach. The aggressors were inside a car that stopped by the victims and insulted and threatened them simply because one of them was holding his arm around the other's shoulders. The aggressors shouted insults like "Fucking faggots". The aggressors got off the car and attacked the victims physically, to the point of breaking the nose of one of them. The aggression only stopped when one of the victims shouted the police was coming, even if it was not true. They could catch a taxi, whose driver called the Mossos d'Esquadra. The case is currently undergoing legal proceedings.

**Analysis:** We finish this selection of cases with a homophobic physical aggression, a very common type of incident in 2017. As in other type of aggressions, it took place in a leisure area. It is also common that physical aggressions are preceded by verbal aggressions and threats. Since this was one of the last incidents reported in 2017, so far we only know the case is undergoing court proceedings. The aggression was also reported by the media.

## 5.2 SOCIAL NARRATIVES ON LGBTI-PHOBIA: QUALITATIVE INTERVIEWS

In the previous section twenty cases were analysed which illustrate the roughness of reported LGBTI-phobia. Nevertheless, it is only a little sample of all the situations and minor and serious incidents known by the OCH.

Unfortunately, it is not possible for us to halt and dedicate the attention most part of incidents deserve. However, we wanted to gain insight into the implications of some of the incidents that took place in 2017.

As explained in the analysis of qualitative data, the increase of reported aggressions has been significant and focuses the analysis of this report. That is why interviews have been done to people who have suffered from physical LGBTI-phobic aggressions. They took place mainly in leisure areas, a fact that illustrates the vulnerability involved when partying, of which attackers take advantage. On the other hand, we have tried to reflect the most number of sub-groups possible and that is why we include interviews to two gay men, a couple of two women, and a trans woman. Moreover, we have also wanted different territories to be represented: two of the aggressions were in Barcelona, another in Girona and another in Lleida.

Firstly, we include an interview to a gay man who suffered a physical aggression in a park in Barcelona. In this case, we must highlight that, even though the aggression was serious, the attacked person reported the aggression in social networks before he filed a complaint to the administrations or police forces. He did so in order to make LGBTI-phobia visible. Social networks provided him with a supportive platform, but also put him under an important degree of exposure that made him the object of verbal aggressions and threats via these same networks. This was the fact that made him decide to denounce this situation. The emotional stress caused by repeated aggressions has been very serious for the attacked person, who emphasizes the importance of training, education, visibility and the imposition of penalties to attackers.

The second aggression was to two married women in a village in the province of Lleida with the additional circumstance that their child was present during the aggression. In this case, the fact that the victims were publicly expressing their affection raised comments, mockeries and insults by a group of people who were at the same place. This situation of constant insults lasted a good while, until one of the two women asked them what they were laughing at. The blunt response was a physical aggression, which only stopped when the attackers wished to. The security forces assisted the victims as if dealing with a simple fight and, therefore, they did not receive an appropriate assistance. As in the previous case, the women made the facts public via the social networks, and then they got in touch with LGBTI organizations. The emotional stress has been very intense, since they have a child and have been the object of threats after the aggression. For them, a comprehensive assistance to the victim is essential. In their case, support from LGBTI organizations has been a decisive factor in their decision to file a case.

Thirdly, another gay young man talks about the aggression he suffered, in this case in a town in the province of Girona. Contrast with urban reality makes a difference, but aggressions also do happen. What is different is the response. In this case, the aggression was also consequence of a public expression of affection and, at the moment of being assisted by the Mossos d'Esquadra, the police force considered they were dealing with a simple fight between two young men. They never considered what had happened as an LGBTI-phobic aggression. The victim finally reported the facts because he considered it was a necessary step

before explaining what had happened to the media. The assistance received at the first moment not only did not persuade the victim to complain, but had discouraging effects.

Finally, the fourth interview is to a trans woman who suffered an aggression in the city of Barcelona. In this case, the aggression was preceded by a verbal aggression of a sexist kind from two men. After a while, the attacker identified the woman as trans and insulted and vexed her, until the woman, overwhelmed by what was happening, punched one of the attackers. This was the perfect excuse for a physical aggression to the victim, who was thrown to the floor. The fight was stopped by a victim's friend, who protected the victim with her own body. In this case, a lack of identification of the facts and of the attackers by the police made filing a legal complaint complicated, to the point that the victim gave up. Medical assistance was also difficult logistically because of the treatment received by some professionals who, without considering the fact that the victim had been the object of an aggression, were more focused on her status as a trans woman.

Finally, a chart shows the consensus and dissents surrounding LGBTI-phobic incidents tackled in the interviews.

### Interview 1: Physical aggression to a young gay man in Barcelona

It is an interview to a young gay man who suffered a physical aggression in the city of Barcelona and who later made it public in social networks. The interview focuses on the facts, the legal process that followed and the personal sphere, especially the impact of the aggression on the social networks and on his life.

The victim begins by contextualizing the place where the aggression took place.

*It was around three in the morning, I was hanging around a park in Barcelona and another boy came out of the blue, as an apparition. The guy got closer and shouted "Fucking faggots". All the people around started leaving and I, who was at the back, didn't have enough time to get out. He cornered me and beat me up. A boy who happened to be near there – I didn't see him or anything – shouted at him: "Hey, you, stop it". The man turned around and I took the chance to get out, and that's it. I went home, took the bus with a bleeding face and went to sleep. The next day [...] the next morning at eight o'clock I had to go to work and I was still bleeding [...] and it was like: "Well, I should be going to the doctor to get something sewed up"*

*I went to the doctor. I was sewed and so on. And I was, well, like very outraged with what had happened to me and so on, so I took work leave and uploaded a picture of my face after the aggression on Twitter, great idea (ironically). And it started to go round and round, and everything was like a mess because the media started to call me [...] very weird the whole thing., they wanted interviews. The day after I uploaded the picture on Twitter, I started to receive death threats, with pictures of guns and messages like "We're gonna kill you, faggot" It was then [...] when I decided to file a complaint, because I hadn't even thought about it before. I thought, "Look, just another aggression, that's all" But after I saw all he threats I decided to report".*

*And, well, that was about it. I went to a police station and filed a complaint. Two or three days later they summoned me to give statement again. About a month later they called me for the proceedings prior to an identification parade. Because everything was like very strange, the police called me once to tell me they had found him, then again that they hadn't, then that they had let him go because they couldn't do anything, I don't know how many more strange things. First he had been identified, later he hadn't.... They summoned me for an identification parade with six people who didn't have any of the physical traits I had described [...] I told them none of those people was my attacker. And everything stopped, they haven't called me anymore, there's no trial yet, nothing. Everything is still stopped.*

The victim explains why he takes the decision to file a case after receiving threats in social networks and not before:

*The thing about the threats and so on did make me think I was in danger. I also gave so many interviews and so on because I thought "If they see me, they might be more careful when it comes to hurt me [...] and maybe that's it, maybe everything is over.. With the threats it was, well, "when is this going to end, I have*

*to go back to my daily routine, I work [...] there's people I'm responsible for". I was scared, I was really scared, like psychologically scared, I thought "something is going to happen to me, at any time". After the aggression I was scared they beat me up again, but I... I bought an anti-rape spray [...] to be prepared. But, not knowing when something is going to happen, who were those people who were threatening me [...]. Why are they threatening me, if they don't know me? I was really scared, I mean, a psychological fear, like, I don't know what's going to happen to me.*

What personal and emotional effects have you gone through?

*It certainly has affected my work, from the moment I had to ask for a work leave. And I'm still on leave. Not only because of this, but also because of other things I was going through at the time, but I'm still on leave. It has affected me, I'm gonna lose my job, I'll be fired for being on leave for so long.*

*I haven't been back to the place where the aggression took place, and I'm not planning to.*

And the thing about the social networks, when did it stop?

*It stopped after a month or so, it was a month [...], well, it was like crazy at the beginning and after a while I was getting like one threat every three days or so [...]. And, I had not used Twitter very much, I had like seventy followers and it was like, well, this is nuts. I uploaded it for my relations, my friends, for people in Barcelona. But I received calls from Argentina, from I-don't-know-who that took my photo, edited it and then uploaded it again [...] and I "Come on, at least ask me for my permission, don't you think?" At that moment, I was being threatened and it was like, "I think this might be getting too big" or "Am I doing the right thing?", maybe not, always with this doubt: "What can I do? Let it go unnoticed?" Or, on the contrary "Should I give it a try? I don't know".*

Next, the victim talks about the identification of the attackers, both in person and in social networks.

*This whole thing is more difficult in the social networks, the anonymity, the identification.*

*One of the measures, in every place there has been an aggression, I would place... I would place an information stand explaining an aggression has taken place there. If you have been the object of an aggression, you can do this or that, and so on.*

*I don't understand this thing that they have not been identified, and still more when the attacker told me that he lived in the park [...] what he said was "Faggots, get out of here, this is my home, fucking faggots" [...].*

*I didn't announce it on Twitter, I mean, I told the people who used the photo; let's see, I mean, people usually asked if they could use the photo, except for two or three groups, who didn't ask. What happened is, I was, when everything happened, in a situation like, everything or nothing at the same time. Neither the threats, only to the police, I printed them and took them to the police station [...] I didn't say anything on Twitter, I didn't denounce the accounts or anything, I was just beginning to use Twitter, I didn't even know how it really worked.*

Did you get any response from the administration?

*The Mayor of my town and the Mayor of Barcelona got in touch with me. From the Barcelona City Council they offered themselves to be part of the prosecution, but I didn't want to have anything to do with political parties. Everybody offered me free legal advice.... I am grateful, that's great, people got quite involved. In the end I told them I didn't want them to be part of the prosecution, so we lost contact, we didn't get in touch again.*

*I think that there's no training, the police have no training or sensitivity for the issue [...], no matter how many laws...., or that they do things, if there's nobody to give support or accompaniment during the process, to see what they are doing well and what they aren't [...]*

Had you suffered LGBTI-phobia before?

*Situations, loads; physical, not that I remember, no. It was more like, discrimination, insults, walking in*

*the street with my partner or in the metro and being scorned. But not physically, I had never got involved in physical fight before.*

*Insults are more like undergoing a psychological drama, constantly having to put up with that, and the physical aggression... it's a feeling like, well "Right here there's a cliff, what do I do? I throw them down, do I throw myself down? Do I kill them or are they going to kill me? Is anybody going to help me? What can I do? [...] Physical was the moment of saying "Is my life in danger?" Psychologically, it was more hedged, more indirect, I don't know if it's going to happen today, tomorrow my mother, if they see me with my mother [...] 'cause it was like: "We're gonna kill your mother, your family, we know where you live". At that moment, it's all very strong, a big level of stress. I know it's all past, and that's it [...]. Psychologically, it's that you don't know when it's going to finish, it's like a self-imposed psychological torture that [...] How long will I have to be doing this or that? When can I leave home? Can I go out at night? [...] And I had a still worse time with this damn thing on the networks [...] If it was for me, the whole thing would have stopped two, three days later.*

What do you think about the current state of LGBTI-phobia?

*I have always been aware LGBTI-phobia exists, and that I suffer it myself [...]. It is true that, parting from this premise, I have set myself to know more things about gender and I have become aware of violence and of things I didn't think about before. And now, I have also known a lot of people and now, also, every time an aggression has taken place I get to know about it, not like before. Now I'm more aware. You find a web that gives advice, I don't know how to put it .It is nice when you get support, and it helps you. When it happens it's like it only happens to you, that's all, I felt it like it was something social, public, that I had to make it public [...] and this is what I wanted when I uploaded it on Twitter, to show that these things keep happening, that they do not come out publicly, but they keep happening.*

To finish, what do you think about Law 11/2014?

*I knew there was a Law against LGBTI-phobia, I didn't know it was being applied, that it had been passed. I knew it was on project. I don't think the law has been useful to me so far, let's hope it will be useful in the future. I don't know if what is lacking is budget or more resources, training or economical resources in order to be able to do something when something happens, to make aggressions visible, there are loads of them, actually. What has helped me is the network that has sprung out.*

*We must sensitize schools, and all educational centres, every kind of education should be aware of gender diversities, from a very young age, so that the community keeps moving forward and the point comes when [...] people who care are working on it. There are generations of people who are already doing it, who are not going to change, let's start from very young ages then, to see what we can do.*

## Interview 2: Physical aggression to a couple of two women in a small town in the province of Lleida.

This interview is to a couple of two women who suffered a physical aggression in a small town in Lleida. The victims filed a legal complaint but fear is still present in many spheres of their everyday life. The victims talk about the aggression, the process that followed and the consequences the aggression had on their lives as well as of the reality of small, non-metropolitan towns.

The victims begin by describing the aggression.

*It all happened very fast, you never expect something like this. One day my sister-in-law calls me and tells me "We're going to town, they are having their local festivities, and, since your wife is working, she can join us later. There will be an outdoor bar, a dinner, you can sing on a stand" 'Cause I sing, you know.... I almost didn't go, I wish I hadn't. We all had a great time, I mean, before my wife arrived... and no problem whatsoever... nobody paid the slightest attention to me [...]*

*Now, when my wife arrived we were suddenly under everybody's scrutiny. A woman comes and kisses me, as any other common person. And there it started, some glances here, I don't know what else there. And we were putting up with it, over an hour. Until we hear "Ha, ha, ha, look at them, disgusting, blah, blah." In the end I turned around and said "What's so funny?" [...] He came by and bumped our heads against each other, he grabbed our heads, mine and my wife's and, whang. And you don't expect it, you're not ready to respond, because you're talking just like any other person, you can shout a little 'cause you're angry, but you're talking[...] because you know you're going to have a row and you can fight back, no, no, you never expect it. And then I freaked out, because you can hurt me, but not my wife or mi child. [...] I mean, my child was two steps away, he was right there and he was three years old [...] and somebody is attacking his mums right in front of his nose. Luckily, somebody could get hold of him and take him a little away, but he was seeing it all [...]*

*You never know what the consequences will be for your son. [...] While I was on the floor and they were choking me with both hands I could hear: "Mum, mum!" What if my son got closer to the crowd and somebody hit him or something? [...]*

*Well the aggression lasted quite a long time. The police came.*

*I1: Somebody called (the police). Not even then, because when it was all over, [...] it took a long time to kick them out, they didn't want to go.*

*I2: It was not a simple aggression, I mean, my wife, my sister-in-law, or other guys who were around couldn't keep the attacker away from me: they kicked him in the face, in the chest, so that he let me go and stopped choking me, but, nothing. I don't remember, she told me I was semiconscious, but I don't remember anything. I only remember being choked and hearing my child in the background and my wife who was freaking out. As per today, she still cries when she remembers my face then.*

*I1: The Mossos came and we didn't want to file a complaint at the moment. We said it didn't matter, but, of course, you are nervous, what you want is to relax and be left alone.*

*I2: We didn't even know how to get home. [...] [The Mossos said] if we wanted to report we could file a legal complaint and so on. But to them [the attackers], they only told them "Come on, get out, now!" Or something like that, they didn't take their personal details, or anything. Nobody knew who they were, we found out... via Facebook. Actually, we did all the work for the police, and they had them right there [...]. On record, it had only been a fight in town, nothing else.*

The victims explain that when they were able to get home they felt outraged and needed to channel this rage by writing about what had happened:

*I2: I got home and, well, what hurt me most was that I lost the engagement ring that my wife gave me when she asked me to marry her. And that's a huge loss, more than a broken face, his hands around my neck and everything.*

*And, enraged, I began writing like mad to Bollo Informe (1). And a then, it all rocketed, everybody was commenting, everybody was sharing, I don't know, like over a thousand comments, three thousand shares, something amazing. Then they got in touch with us. And we said we didn't want to file a report. Until one*

day, we said why it has to be us the ones who have to hide, and they're going to get away with it. [...]

Now, it was hard. We have been staying in, without leaving home. [...] At home everything was dark, the only light came from lamps and lights. Ten in the morning and no sunlight. We considered the possibility of shopping online. People calling us every 5 seconds, she went to work and I sent her messages to see if she had reached work safe. If she didn't answer, I called her, anxious.

[...]

When we called the police and they told us "This is not a film, nothing is going to happen to you! And I burst out crying.

The president of Colors de Ponent was very helpful, he was a key person to help us decide to file a report, [...]. I harped on and on sending her whatsapp messages, but it was because I was so scared. [...]. We haven't been a little better until very recently.

My wife said we should go to live somewhere else. I told her no, why should we leave everything because some guys decided they could be like God and beat up whoever they wanted at will. Sorry, but no, we're going to fight.

And the police response?

I2: Victim Assistance used to call us every two months to check up how we were doing, "Well, if you want we can give you a telephone number so that the police can know where you are at any time, but it's supposed to be for victims of abuse". We were afraid for our lives.

I get up very early and completely alone, those first weeks, you can't imagine how they were. Lock the car, look everywhere [...] anguished, and the mini journey to work, the worst time of my life.

(1) Social network of lesbian women

[...]

You're not only afraid of those people, that they come, but also of any other person who gets close to you. And those people threatened us.

[...]

I1: apart from the threats, they told my sister, who lives in the village: "For your information, be careful, tell your sister and her wife to be careful, 'cause I know them and things are not going to stay like this", The message came directly from a member of their family.

I2: The three guys who testified [...] We saw the girl who helped us and who testified coming into (the court room) and she said she didn't know anything. And that scared us [...] because my wife and me were alone in this.

And now, a month and a half after the trial, a resolution is still pending, when legally it's fifteen days.

[...]

I1: At the trial, what had happened was very clear. Fake witnesses, who contradicted themselves and one another, [...], the witnesses, shitless scared, trembling.

[...]

The only thing we know is each has been imposed a EUR 900 fine. To us, it depends on the damage, but, what's this?. I left the place with an amazing contusion on my head, a meter and a half bump, the eye, the neck, and so on, and they reported minor injuries, everything minor [...], in the medical report [...] My wife's vertebrae hurt her so much she couldn't move her neck, and they still hurt today.

One of the interviewees recalls the medical attention she received in order to have a report with which to file a legal complaint:

I2: The doctor came in, looked at me. I told him: "Well, I came here because I have to report, because it has been a homophobic aggression", and he tells me "Do not tell me, I'm not interested, I don't want to know about it, I'll write what you have and that will be it". He said this when he heard the words "homophobic

aggression”: up to that point he had been listening [...] I was shocked.

I1: When I went to the doctor I told him “I’m here because I have suffered ... on X day”. “Where do you feel pain?” I said: “On my neck vertebra, I can barely move” [and the doctor said] “OK, pain in the neck vertebra, I’ll prescribe Ibuprofen, you can go now”. He didn’t even have a look, like “Turn your neck around, look downward”, they didn’t even touch me. Hence the medical reports with minor injuries.

[...]

Do you think this is easier to happen in small towns, big ones?

I2: No, it doesn’t have anything to do. It will happen in Barcelona, in Cancun, in a town with twenty inhabitants, wherever, it doesn’t matter.

I1: It’s true that in big cities you are not so visible, because it is more common. But, when it comes to being observed, looked down on, say “This is not your mother, isn’t she the other one? Ah, no, you’re two, amazing!”, this happens everywhere.

I2: We have been in Barcelona and they have done the same to us, and in Lleida, in a small town and in a big city. It’s going to happen anywhere.

The victims explain they do have felt a difference when it comes to age: more tolerance among older people.

I2: I have found older people more tolerant than younger people. [...] And also, more respectful: ‘cause I have always said “I can understand that you don’t understand me and you can talk as you wish at home, but don’t show contempt or lack of respect to me.

[...]

And how do you evaluate current homophobia? Do you think something is being done?

I went to the OCH because I saw in an article on the newspaper that they had helped a boy in a similar situation.

I2: No, we are doing something, but others aren’t. Other people react, but only when something bad happens. People are not going to risk themselves because of you. There are wonderful people, but they are kind of hidden, I thing because they are afraid others tell or do something to them.

[...]

I2: I don’t think this is going to change, what’s more, I think it’s getting worse. Every time people manipulate more their children: conditioning them, indoctrinating them with things like “This is correct, this isn’t”. You can give them an education and teach them that something is not good, but you should also teach them to be respectful, if not, what? Will they hang around beating other people up?

It’s all a big, nonsense lie of worthless prejudice, but, of course, they tell you: “I have been educated like this at home” No, sorry, but your grandpa does not stare at me and when I pass by he respects me, and it is you who comes and tells me bad things.

Once a year, I take all kind of medical tests, of sexually transmitted diseases. Last time I went to do some tests the doctor asked me: “What kind of sex do you have?” and I said that I have a wife and the doctor asked me “Do you use any kind of contraceptive method?” and I said “We’re two women, actually”. “Ah, you’re two women, so, how do you do it? And what do you do?” I think the doctor was getting horny, in the end, I had to say: “Well I don’t think this is relevant for the tests; just make me the test and leave me alone”.

I2: But it’s not only with LGBTI.phobia, there’s also the issue of discrimination, to a lot of people “To you because you’re black, to you because you’re poor” [...] There’s a lot of... hate.

I2: A whole life of suffering and now I’m free at last you decide to break my face for it. It’s been a great effort to become what I am now and accept myself the way I am. Why do you have to break my face because of what I am? Or make me feel as a weirdo because I am the way I am?

Finally, the victims point out how devastating was their participation in the trial, where they were exposed to their attackers:

*I1: When we went to the courtroom, we asked for a room divider so that so that they couldn't see us, because some time had passed, they had been drinking, they might have a blurred image of us, they might not remember well. They put nothing, we were face to face. And later they told us "We can place a folding screen, but bear in mind that there will come the time when you'll have to stand in front of these people, stare at them and say: This person did this to me, or that..." If I have already said who they were, I have identified them, I have even sent you pictures of them, then why? They said: "Imagine we made a mistake and caught the wrong person" and I told them "But, who is going to come here to be tried in the name of somebody else?"*

*I2: While we were identifying them, we were trembling, crying. Well, even my mouth was trembling. The trial had to be halted, the lawyer told me "Relax, we'll continue when you feel better".*

*I1: Why can't we be protected from people who we only saw once and we wish not to see ever again because we don't want to be recognized?*

To conclude, the victims highlight:

*E2: We're a very common family, and they make us feel like shit in many aspects of our lives, day after day, and this stresses us psychologically. It affects you even as a partner, it causes you a lot of trouble.*

*When my son's turn comes, in a few years, when he is hurt at school, then we really are going to have a hard time [...] and I know it is going to happen, and I am preparing mentally, my son is only three years old, [...] everything is more painful when you have a child.*

### Interview 3: Physical aggression to a young gay man in a small town in the province of Girona.

It is an interview to a young gay man who suffered a physical aggression in a small population in the province of Girona. The victim reported the aggression but it did not prevail, no statement has taken place and the attackers have not been identified. Nevertheless, the complaint was useful to make the aggression visible via the social networks. The victim talks about the aggression, the process that followed and his opinion regarding the reality of gay men and LGBTI people within a rural environment or/and in small villages.

The victim begins by contextualizing the place where the aggression took place.

*We were in this village in Girona, where the year before, actually, I had already suffered a homophobic aggression that almost ended up in a physical fight. My girl friends stood in the way, then, and I don't like to get into rows, I had never got involved in a fight before, so I left.*

The victim focuses on the aggression suffered in 2016:

*There was a party during the local festivities, and, well, we were chatting with a friend, and, well, what happened is like one of these "men" things, that they like to mess up when nobody has asked them to, so three men, younger than us, passed by and asked us "Are you arguing because of a girl?". Well, it was like funny, and I said "No, I'm gay and so is he" They were puzzled, and, well, they wouldn't believe it. "I don't believe it, I don't believe you" [the guys said to the victim]. "You don't, eh?" So we kissed right there in front of them [...] And then it all started, like "Fucking faggots" [...] but I didn't want to keep it going so I said "Well, let's go" [...], I mean, I already argue with my friends, every day, so the last thing I wanted was to argue with somebody I don't know. But my partner, who does not usually act as a gay socially, this day he took out the gay streak, answered back with a "You, homophobic bunch of people" [...] They turned around, they shoved him, I stood in the way and, bang, a punch in my face, and they left. Then I called the police [...]. They were already, kind of patrolling at the party, they always are, keeping an eye. They asked me what I wanted them to do and told me I should go to the nearest station and report [the victim says the police officers told them the name of a nearby town]. I went like "Well, I don't know, I have just been attacked, maybe you see them hanging around at the party. I went to the ambulance and asked if they could make a medical report in order to file a report on the aggression, and they told me no, that I could go to the bar to get some ice. So I went to get some ice and I had to spend the rest of the night pressing a glass with ice against my face. It was a little frustrating, to tell you the truth. It was all very complicated.*

*I recall my friends' reaction, really interesting [...]. I have told them many times about this reality, about our hard and tough daily life, and when I told them "I have just been smacked", a situation some of them had already witnessed the year before, they were a little puzzled: "Does this really still exist?". And, well, they don't realize, but they are a little homophobic themselves. But it was hard for me, especially this unexpected reaction from the Mossos, the local police and the ambulance.*

*[...]*

*The next day I went to report; my partner didn't want to go with me. I went to have the medical report taken and, in addition, I talked with an organization that told me "Write this e-mail and log onto this web [OCH's]. And I reported.*

After the attack, the victim contacted the mass media.

*The Catalan News Agency got in touch with me and interviewed me, and TV3 also interviewed me.*

*And, then, as a result, the Mayor of the village also called me to give me all his support and told me if I needed anything, I just had to say it. And this was the general situation [...]. It didn't go on because when I went to report the police officer didn't quite understand what the situation was.*

We ask him what he means when he says the police officer didn't quite understand what the situation was:

*I mean that, well..., it might be something similar when a Nazi beats you up, it's like you want to report something that could very well be like a crime of hate, but [the police] are unable to consider it in these terms, you know?. It's like: "well, but you were partying, weren't you? You had drunk, right?" And it's like they*

*always get you to that point where you do not want to get, because the whole thing is pointless [...] but, well. We end up blaming others, and that's it.*

And how did it affect your relations: family, friends...?

*Let's see, at home is a bit more complicated, my stepfather doesn't talk about it; nobody talks about it at home, usually. Well, among siblings we do, we have for many years. But it's funny because it's an issue that can't be talked about, it does not exist for him [his stepfather], and if it doesn't exist it's not necessary to talk about it.*

*My mother, of course, when I got home it was eight in the morning, I was half-drunk and I told her the whole story, crying. And, of course, poor her, she was sorry, but she was also like "Why have you done this? Why do you provoke these things? She tries, but it's difficult for her. But, to my stepfather, it doesn't exist, and that's it.*

Talking about his family, he recalls how he told them about his sexual and affective orientation.

*When I told them, they asked me... I remember a boy had been home, I had never told them about it, I just hanged around with everybody socially, except with them, I guess. And the next morning, when we got up, there was an argument, I told my parents, and when the conversation was over, my stepfather asked me how came both of us had a love bite, had we been whoring? And ... well, I know him, it was all quite funny.*

What about your friends?

*For the last two or three years I have been socializing as a gay; I started to behave this way socially I had very hard conflicts, especially with people of my village. Here, in the city of Girona, it's a different world, because when you go to University you group up with whoever you identify with and with whoever is willing to accept you, and that's all. But it is true that for your lifelong friends it is, today still, hard to accept, maybe because of this constant conflict between you socializing as gay and them. I have progressively vindicated myself though, and then, they always go like: "Why do you have to be reasserting yourself all the time?" I need to, because if I don't you step on me all the time. It was very easy with girls, they were the first ones to know about it and, everything very nice, but with men... well, some of them even define themselves as sexists; it's a very interesting debate. But, I mean, at first it's always that kind of support, you know, but it seems that when you end up, a few months later, discussing about other aggressions, about specific forms of oppression, then they do not remember the aggression you suffered six months ago, nor any other. And, it is this forgetfulness... you have to be reminding them once in a while, because they forget things very quickly.*

Do you think new generations see things the same way?

*No [he laughs], I don't think so, not really. I mean, I think the ways in which homophobia manifests itself are changing. I mean, I guess everything is like more complicated in rural areas, I have been through it, actually; I guess things are different in university environments than out. [...]. There are things that are not accepted the same way among young people, I think it's more or less the same as twenty years ago, everything is the same. I mean [...] rights can improve, but if there are no preventive policies, [...] the law doesn't protect everything in the end. I think we're in a quite complicated situation, but because we can't create an identity, we don't have referents on TV or ... The fact of not being able to create an identity from something or somebody already existing, already there, having to build something brand new, out of nothing... well, this is a form of oppression, from my point of view. And, obviously, if you can't build up such identity, because you don't know it exists and other people don't know it exists, there will always be a conflict in that.*

*What I sometimes don't understand is why hegemonic maleness clashes with these other different forms of living sexuality. It's something I just don't quite understand, but I guess I live things differently too.*

We ask the victim about smaller towns and villages:

*Basically, I think the problem is, especially in the towns in the province of Girona, a question of segregation. I mean, segregation exerted by the more central and centric neighbourhoods of towns, traditionally inhabited by Catalan upper and middle classes with a high standard of living. This segregation is reinforced*

at schools, too. Therefore, immigrants who came from other parts of Spain in the sixties and the eighties now live in the outskirts of the town; it happens exactly the same in Figueres, And then, new ways of doing things are promoted from certain schools, that is, there is no real social interchange among people in town, there's no multiculturalism, inter-culturalism.

On the one hand, this kind of racism generates bigotry in both sides. That is, not only in those parts where people with lower purchasing power live, who probably behave more accordingly to certain religious beliefs, probably catholic, here at least, and those who live in more central areas. I mean, they create an anti-identity, like: "I vindicate myself from my hegemonic masculine forms of socialization", which is the Catalan type. And then, there's the other type, the Spanish one. And one group can be more violent physically and the others can be more violent psychologically. But, in the end, I think in rural areas we find this masculinity of work, the strain of raising a family on the one hand, on the other there is that masculinity of occupying the space, especially the streets, to be able to go out partying or to clubs. This open conflict exists, from my point of view [...]

And this is something that strikes my friends from rural areas. It's hard for them to come to terms with it. You can talk about it with the others, the urban friends, but these ones will never talk to you about it, they won't ask you anything related to the issue. The others will ask questions to pester you, to bother you or because it's an issue that surprises them, that they don't know about, either, and it's like an odd, funny thing.

[...]

Then, you also ask yourself what would be the best way to let people be at ease and socialize with their own identities, their sexuality. If this is not achieved in theoretically more revolutionary spheres so, if you can't have it in these places, so idyllic and cool in theory, then in other areas is still even more complicated.

How do you think we could create a safer community?

I think there are two important issues which have to be worked on, from my point of view. They stem from a central pillar which is the conquering of political power, I mean, the power to control the creation of laws, education, the mass media. This is the key factor for me because I consider masculinity has reinforced itself within a framework of referents that make this reassertion possible. I mean, we see constantly on television what it's like to be a man. You can reinforce yourself constantly as a man. Precisely, from my point of view, 50% of TV series should feature people with non hetero sexual sexualities or people with other gender identities, not because they are half of the population or something but because we have no referents and the only way to have them is to make things visible.

On the other hand, education is paramount, from my point of view, primary school and even kinder garden, even more than secondary education. Even tale-telling is important. That is, all the spaces of ideological hegemony, to completely conquer them, probably via political power, in order to create new narratives about stories, legends, the lives of people who preceded us [...], so that we can have at least an option to identify ourselves with certain people and to create new roles, new lifestyles But I'm so pessimistic about it, I wouldn't even know how to begin.

To conclude, how do you evaluate the aggression and the process that followed?

Rather than the aggression itself, what affected me most was the general reaction to it, which didn't surprise me but it certainly hurt me. The fact that there is no real will to protect, to prevent these things from happening, to understand them. [...] And it's this indifference from institutions towards people what shocked me. And, on the other hand, there's the questioning, I mean, the "Well, but you had drunk", and not only from institutional environments, people [...] who are not your direct relations and from friends as well: "Why do you provoke...?" "But, why did you kiss?" or "What did you expect then?" [...]

It's this feeling... like... "How can I explain people who have never experienced anything like this that these things do exist, that they are real? We also happen to have feelings, and feelings affect us" This is not just a cold, impartial fact [...] To them, impartiality is to look at a fact objectively, weighing up what is good and what is bad [...]. It's very hard for them to understand, because it is radical for them [...] Impartiality is seen as a middle way: I am between the victim and the executioner, But other things are not considered this way, for example, when somebody kills another person, there is no justification whatsoever. [...]

The victim talks about making the aggression public in the media:

*If I hadn't been told that if I wanted to explain what had happened to the media I had to file a report first, I probably wouldn't have reported. Because, if only I had been able to talk to the media directly; I had the feeling reporting would be useless. You have to have filed a complaint in order to have some kind of credibility, that's why I reported, probably.*

[...]

*From the moment you need to create a narrative to be able to obtain some justice, maybe the narrative itself is more important than the legal report, then.*

Finally, how did you get to know about Law 11/2013, how do you think about its application, about the Law itself...?

*It's the same problem with laws in general, nobody knows a law exists if there is not a visibility campaign, and therefore it is not applied in practice. It is also a problem of legality, in general, it is thought that everything can be solved with regulations. [...] The law does not reach everywhere, and, if it is not visible, nobody knows about it and you cannot make use of it. I knew this law existed, but not how it was displayed, or the means it can dispose of, or its budget... I also didn't know that some verbal and physical aggressions, when reiterated, can also be reported. Or I don't know what I have to tell the police if I want to file a case.*

[...]

*What's necessary is a specific kind of legal education in general, and on this law in particular, for everybody [...] to make the law visible, the conflict. If you educate young people and they are aware the law exists, then this is also prevention: "There's this law, I better don't do this or I'll get in trouble", May be it would help people have a healthier and freer socialization".*

#### Interview 4: Physical aggression to a trans woman in Barcelona.

It is an interview to a trans woman who was attacked in the streets of Barcelona at around 3 in the morning. The victim talks about the aggression, how she got in touch with OCH and how she tried to file a report, something she finally did not do. The victim also talks about the emotional stress and about the discrimination suffered by trans women daily.

The victim begins by contextualizing where the aggression took place.

*The incident happened in Barcelona, at night, it was about three in the morning. We had gone out to have something to drink. On our way home we stopped to have a kebab. We were four girls eating and heading for the underground, when two men and a girl came to us and made the typical comments to a woman who is eating something with a phallic shape, you know? And he started: "You like it, don't you?" One of the girls in my group reprimanded him and told him not to bother us anymore. Another man in their group took the chance to get a little cocky and played around, because to them this is like a game.*

*Seeing that this was dragging on, I tried to stand up for my friend, who was getting upset. Then, when I got closer to them, they... I guess they mentally connected me with a man and thought: "Hey, we can pick on this one". Then they became a little more aggressive, verbally. When they ascribed me the wrong gender, we said: "This is also an aggression, you see, go away now because you are really upsetting us." And when they found out I was a trans woman they told me: "We can really hurt here, but we're leaving". They started with all the scope of trans misogynistic insults you can imagine: "Little male, faggot" and anything which can be used to punish femininity and reinforce masculinity, to hurt me more.*

*When everything heated up, we insisted like a thousand times that they left, but nothing. I felt so nervous and so imprisoned, we couldn't run away, either. Then I had the brilliant idea of defending myself with a punch, the first one I have ever given, and I'm not very good at punching, either.... Then we had it, it was all a mess and the next I remember is being on the floor, being kicked at. But everything was really out of all proportion. I didn't feel the blows then, the thing was I was lying on the floor, trying to protect my face and getting blows all over. I'm not aware of the time I spent there like this, but it wasn't 30 seconds. And he was yelling at me the same things he had said before, shouting those things while he was beating me up.*

*Everything stopped when one of my friends threw herself over me to protect me, she received quite a few blows also, and then they left. At that moment, two people got closer and it was then when I began to be aware of what had happened, we were very scared. One of the two people ran after the two attackers and the other stayed with us to check if we needed any kind of assistance, and we called the Mossos.*

*When I was able to stand up, I wasn't bleeding, it was later that I realized that I had an injury here, that I felt a lot of pain here [she points to her hand and face], they really smacked my face, but luckily I was able to protect it to a certain extent, but I didn't realize about the real extent of all this until a couple of days later. [...] When I could come around a bit, about a quarter later, perhaps, we joined the person who had tried to help us and another person, the one who was preventing the two attackers from leaving a building's hallway where they had taken refuge [...] The Mossos came, but, since we were not at the exact point we had told them we would be, they went past. They didn't get off the car to have a look or ask some questions. The thing is it took them 45 minutes to find us. I'm talking by heart, it could have been 45, 30 or 50m, I don't remember exactly, but it was a long time.*

*Since they were not coming, we headed to the place of the aggression, about 100 or 150 meters away. [...] When we got there we saw an paramedical ambulance and the Mossos. I had lost track of about everything, by then.*

*I sat in the ambulance and they started asking me questions on what had happened, and I explained. Then, I heard that my friend, the one who had thrown herself over me to protect me, was telling them they were right there, inside the hallway. The police came back a while later and I asked them: "But, did you catch them?" and they said, "no", and I said, "but can't you get in?" and they told me what had happened was not a crime and therefore they couldn't get in. I asked "It is NOT a crime? And they said "No, since you are not injured" The paramedics staff asked me if I felt pain and I said "I can't move my arm" and they told me "Ok, we'll take you to the healthcare centre", but they didn't take a closer look on me, nor they checked whether there was any blood around, nothing, and everything was like this. After telling me this, the Mosso officer asked me "Do you want to file a complaint?" and I told one of the witnesses who was next to me:*

*“Come on, if you’re telling me that what has happened is not a crime, why should I report, I’m only going to get in trouble and will get nothing out of it, still more when I don’t know who were the people, or anything else”*

*Apparently, they had got in the hallway at first, but later they had got into one of the flats, probably theirs, I guess. Therefore, the Mossos couldn’t get inside the flat.*

*I told them filing a report was pointless because I didn’t want to get in trouble. They said OK and the witness left, a little upset, like, “Well, you should have reported, after all the mess” [...] The driver of the paramedical ambulance told me, once everything was over, “I suggest you go to the health care centre, have an medical report of the injuries taken, and that you file a report, because you probably won’t get anything but at least the incident will be on record.” And I thought, “Well that sounds quite reasonable”. It was a pity Ithe witness was gone, but at least...*

*We went to a nearby health care centre, they gave us a ride. There, they told me the X-ray equipment was not working, so I walked to another one, I think the one in Manso Street*

*I had radiography and several other trials made to check everything was working properly, it was concussions mainly [---]. I had to wear a sling and I took two sick-leave days. In the end, between one thing and the other, everything ended up at about eight in the morning, so, it started at three, it ended at eight.*

The victim talks about filing the report:

*After that, I got in touch with OCH and they told me they would register the incident, but that it would be a good idea to file report of the aggression to the Mossos also. When I went to the Mossos station, they told me they had no knowledge of any aggression that day. That’s why I say I’m not so sure they took my personal details, there’s no record of the incident, nor of any witness, I only have the people who was with me, who saw everything, but that’s all.*

*The Mossos met me at the counter window, they didn’t offer me to go in or anything, everything was a little cold. You get into a Mossos station and they treat you as if you went to report someone has stolen your mobile. What’s more, and as an anecdote, they were more concerned about the fact that the glass panel at the counter was not sliding properly. There were three Mossos officers there, like “This is not working”. After the experience, I said “Well, I won’t report” After the effort I made to give statement, and they completely ignored me... so, that was it.*

The victim recalls the emotional and psychological stress resulting from the aggression:

*[...] What scared me most was the feeling of having a phobia to some places or the typical aftereffects you might have. But, since it was a thing that had happened progressively, step by step, I mean, it wasn’t like somebody comes up from behind you and beats you up I haven’t really gone through this stage of fear.*

*But it is true that I feel more sensitive in relation to other daily violence, both as regards intentional aggressions and those which are not intended or to some kind of discourses from certain spheres, like feminist spheres, and so on. In this sense, I am more sensitive, and I am doing therapy; this thing happened in November and I had been doing therapy (for other reasons) since August, so I could find some tools to help me manage the whole thing.*

What has been the response from public administrations?

*I got an e-mail from the LGBTI Area to tell me they wanted to do two things: put the aggression on record so that the case could be seen ex-officio and to put the Mossos performance also on record, especially the fact that I was somehow discouraged from reporting. At that moment, I had no knowledge of the laws that could protect me.....*

*At that moment you don’t think about it, you’re in a stressful situation...; I lost a lot of hair, I lost a whole lock of hair, I got really scared.*

And how were you treated at the health care centres?

*I do remember that, when it comes to trans issues, the staff is very badly trained... insufficiently or poorly trained.*

*I remember the only person of all the staff who assisted me, who respected my request to be addressed by my female's name. It was a nurse, a nurse who just started asking me questions, out of good will, but questions like: "And how long have you been taking hormones?" And I, "I have never taken hormones", and she "You look very much like a man" and I "Well, I am a trans woman". She asked me casually, like just to chat, but, please, not these questions!; ask me "how was your day?" instead.*

*I have been offered psychological support from OCH, but not from the administration.*

And how are you now?

*Now I'm quite worse emotionally. It is true I was undergoing a quite difficult situation at the time in many aspects of my life because of this issue [being a trans woman] and one of the most difficult ones was the family, especially the nuclear family: father, mother, brother. I had been living for a week or two with them by then, because I lost the flat I had been living before for other reasons.*

*[...] And suddenly, everything was like going back, living with my parents again; they didn't understand, they were in a denying stage, they didn't want to understand. [...] and, of course to get home with a sling, at nine in the morning, to sit them and tell them: ""Look, this and this has happened to me, because of this, and I want you to understand that what hurts me most is to get home and not find myself in a safety zone." They said, I guess because of the shock and everything: "Ok, we will have to change and that's it. We will understand, first we have to accept it". It was useful, somehow. It was like undergoing a very hard situation, and that made other little problems seem smaller and I could start to sort them out; small in comparison with the aggression.*

*This was a little like a rush, but it is true that all the situations I undergo where I suffer from other type of aggressions, severe or minor affect me more, and I don't know to what extent it is related to having suffered from a traumatic experience. [...] Conflicts affect me quite a lot more, now.*

Had you ever suffered any other transphobic, trans-misogynist aggressions before?

*I have only suffered one aggression, but it is true that a few months ago, around April or May I suffered massive cyber harassment from people who use the web to get to my Facebook wall and reject my identity. This fact caused me a clear trauma, very easy to relate...*

*One morning I published an article on the issue of my identity, and when I got home in the evening I had 300 comments where I was insulted. From that moment, everything that before only affected me relatively, for example the issue of the pronouns, that people do not address to you with the correct pronoun or all these other little things a trans person goes through daily.... That was a very strong turning point, because I even developed a social phobia, of not being able to get out of my bedroom in case my flat mate should unintentionally address me with a masculine pronoun. And, as she worked in the mornings, I had breakfast and lunch in the dining room or the kitchen but when she got home in the evening I didn't get out of the room until next morning: maybe I spent 14 or 15 hours without eating anything, it was a physical thing in the end. This lasted for a little more than a month, until I went ... to therapy.*

Did you know about Law 11/2014, did you know how it works?

*No, I didn't.*

On the cyber harassment:

*When all this happened, the same day some activist feminist got in touch with me and told me they had an eye on these people [the attackers] and that they were trying to find out about more aggressions of this kind. They said if they could prove they had done this more than I-don't-know-how-many-times then we had a case. They searched for them but they couldn't find anything else.*

What do you think of Law 11/2014

*I think that to me, it is of little use a law that tries to protect me, but at the same time says “This is all there is”. So I think that the penalties issue is important. I think penalties should have a weight, I mean, if you do something wrong, well, that can bring consequences. I don’t mean compensation, but at least a penalty.*

How do you think the Law could help in the eradication of LGBTI-phobia, trans-phobia or trans misogyny?

*Mainly through education. I think there’s some degree of structural hate that we won’t be able to change no matter how aware people are. But most of the aggressions I suffer are not intentional, they come from people who just don’t have a proper education or training [...] Educating people who are part of this violence. I am visiting two psychologists, one of them at the health care centre told me her training was focused on trans issues, and she said jewels like “to feel like a woman” or “the wrong body” [...] I think they need to be trained, even the trainers need, if not, something is missing.*

*Training and education above all. Regulation on penalties can come later, but if they don’t go together, I don’t really see the point. I think there is little assistance and little effective communication in this assistance. They told me that once a month OCH made assistance tasks in Ripollet; I had no idea. And I move in this world, so if I don’t know about it, imagine a 16 year old trans girl who is abused by her parents. There are a few places to turn to, but they are not very well known. It is necessary to make them visible and to find the people who need them.*

### 5.3 Consensus and dissension chart

#### CONSENSUS

- All interviews reveal a state of institutional abandonment:
  - Little or no support at all when filing a report.
  - Discouraging attitude from police forces, which consider the incident as a mere glitch and not as an LGBTI-phobic attack.
  - Victims do not receive comprehensive assistance.
- This situation causes a re-victimization on the part of victim which results in:
  - An increase of fear and of psychological and emotional stress.
  - Difficulties to report the facts, to the point of finally not reporting, as a trans woman explains in one of the interviews.
- Three of the interviews coincide in the need, not so much of filing a report, but of making these incidents visible in order to raise awareness, provide support and prevent this kind of incidents from going unpunished. Visibility can be promoted from:
  - Social Networks: in two of the interviews the victims are given support via social networks, but on the other hand exposure is higher and in one of the cases tackled it led to harassment.
  - Mass Media: One of the victims interviewed said he led a case as a means to make it public and explain it to the media.
- All interviewees agree that training, education, and a comprehensive assistance to victims are essential for the eradication of LGBTI-phobia.

#### DISSENSION

- Emotional stress is directly related to the degree of the exposure. The greater the exposure, the greater the stress. Indeed, when interviewee 1 went online via Twitter he was the object of several threats which caused him great stress. Likewise, in interview 2, the fact that the incident was being witnessed by a child increased the degree of emotional exposure.
- Interviews 2 and 3 report facts that took place in non-urban areas. When asked about the differences among the two realities, interviewees said they didn’t think big cities protect people from aggressions but they did believe they offer the possibility of living one’s own affective and sexual orientation more freely. Interviewee number 3 does reflect on the different way of life and the different kinds of discrimination in more rural areas. This discrimination has its origins in the fact that victims do not perform the traditional male role, while in more urban areas affective and sexual diversities are lived more privately.
- In relation to LGBTI-phobia and generational differences, some of the interviewees said in the future LGBTI-phobia could decrease if we educate on diversity. Other interviewees, however, see no differences among ages and generations. Finally, in interview 2, the fact that the victims had a child, made them receive more respect, tolerance and support from older people, while they received a lot more aggressiveness from young and middle aged people.

# 6. CONCLUSIONS AND RECOMMENDATIONS

## 6.1 GENERAL CONCLUSIONS



**In 2017 111 incidents were registered, 32.2% up in relation to 2016.**

This year the OCH has been able to identify some of the patterns which have an incidence on the current situation of our LGBTI-phobia.

Firstly, LGBTI-phobic incidents reported reflect wide variety regarding both the environments and the places where they take place. Consequently the legal and administrative itineraries followed by incidents are also very diverse.

A little more than a quarter of the incidents on record do not lead to filing a report or complaint to administrations or police forces (27.9%).

2017 experienced the highest increase of aggressions after the passing of Law 11/2014: from 30.9% in 2015 and 2016 to the current 47.7%. In this case, the aggressions item details whether they were physical or verbal aggressions, threats, or harassment. The discourse of hate and exaltation of homophobia consolidates as the third most reported item (11.5% in 2015, 13.1% in 2016 and 19.9% in 2017).

**On the whole, more than half of the incidents were reported by gay and bisexual men (51.4%).**

Incidents directly related to the LGBTI community, which we label as general, consolidate as the second most reported kind of incident (16.8% in 2015, 19.0% in 2016 and 18.0% in 2017).

The percentage of incidents reported by trans people remains relatively stable, experiencing only a slight increase in the last three years, reaching 17.1% in 2017.

On the contrary, the percentage of incidents reported by lesbian and bisexual women is quite unstable, 2017 showing the lowest percentage of the last three years (10.8%). Figures of reports by bisexual people of situations of possible biphobia have dropped to 0.9%.

In 2017, two incidents suffered by heterosexual people were reported, both of them because the victims were erroneously identified as belonging to the LGBTI community. No incidents have been reported by intersex people.

**These figures show the need for interventions that reach the more invisible communities, such as those of lesbian and bisexual women, bisexual and intersex people.**

In order to be able to carry out a deeper analysis of all incidents and especially of the reality of trans people, we considered it was important to raise the issue of having a record on the gender identity of victims.

In the analysis of the environments where possible situations of discrimination take place, some of the situations have remained stable during the last three years:

**Aggressions are much more frequently reported by gay and bisexual men** than by other groups.

Regarding **right of admission complaints**, and incidents within institutional environments, they **are mostly reported by trans people. The institutional environment, together with health and family environments, also register a high number of complaints from lesbian and bisexual women.**

As regards **LGBTI-phobic bullying, it is mostly reported by gay and bisexual boys and by trans people.**

Finally, both **those incidents on the Internet and social networks and those related to the discourse of hate and exaltation of LGBTI-phobia affect all groups**, that is, they are considered as *general*.

In relation to the itineraries, **an important part of incidents reported in 2017 followed the directives established by Law 11/2014. Consequently, the number of incidents activated by the duty to take action principle has decreased.** This principle is now applied, in compliance with the law, as an emergency response and/or when the intervention of public administrations is necessary to guarantee LGBTI people's dignity. This has been possible thanks to the development of a regulation in relation to the application of the infractions and penalties system provided by the law, even if it has not been sanctioned yet. Its approval is expected by 2018 and, consequently, its use will presumably increase.

In accordance with the increase in the number of aggressions recorded, in 2017 there has been a significant rise in the number of incidents which followed a penal process. On the other hand, those incidents which followed the Ombudsman itinerary have decreased, in accordance with the drop in the percentage of incidents reported within an institutional environment.

**In 2017, percentages of territorial projection of LGBTI phobia are in accordance with the population of the provinces: Barcelona is the one with the highest percentage followed by Tarragona, Girona and, finally, Lleida.** Nevertheless, percentage differences among them are not as big as in previous years.

We wonder whether the decreasing percentage experienced in the last two years by the provinces of Girona and Lleida will continue in 2018 or we have reached the point where incidents are reaching a territorial equilibrium.

As the qualitative analysis and the good practice sections illustrate, the 2017 report has focused on aggressions, especially of a physical nature. That is why we have considered it important to keep following this perspective in the conclusions and in the qualitative analysis.

Many of the aggressions analysed in the case analysis section and in the interviews took place in leisure areas although aggressions also took place in other places: local sport centres, parks, public transport or other public areas. We could also highlight the dehumanizing process suffered by the victim by which the aggressor usually insults and threatens the victim before the aggression finally takes place.

Some of the cases dealt with in the report were denounced or made public via the Internet, social networks or other media before they were formally reported. Almost all victims interviewed agree on the importance of making LGBTI-phobia visible, a fact they consider to be even more important than the fact of reporting itself.

On many instances a lack of knowledge on LGBTI-phobia and/or Law 4/2011 results in victims receiving discouraging messages which make them decide not to file a complaint. The main reasoning is that, since the events happened in a leisure area, they are to be considered as mere fights and not as the LGBTI-phobic incidents they are. This situation generates a double victimization or re-victimization which makes more difficult for victims to report or file legal suits. This state also causes victims to drop out from assistance programs, and therefore the emotional and psychological stress increases, sometimes dramatically. In those cases where victims have not been properly assisted, there is the additional difficulty in identifying aggressors

In some cases, victims used the social networks to make the attack visible, and, despite their aim being to get support and to set up support networks, on many cases they ended up suffering from a higher exposure and from further aggressions. In fact, many of the incidents reported took place in social networks, an environment where penalties are difficult to be imposed, given the obstacles posed by legislations of the countries where these social networks have their headquarters, but also due to the fact that it is very easy for

aggressors to create fake profiles. Therefore, even if it is true that the identification of attackers is never easy, in the case of the social networks anonymity aggravates the situation.

**In 2017, many incidents relating to the discourse of hate and exaltation of LGBTI-phobia have also been reported, a fact which has opened the public debate**, to this reality, specially intensified by the current political situation in Catalunya. In fact, reports of this kind of discourses have had longer itineraries in those cases where the reported event had already taken place. On many occasions where a LGBTI-phobic incident was announced and therefore expected, reports have not been successful and the event has taken place.

Finally, we must highlight that, in relation to other situations of possible LGBTI-phobia, some have taken place in private contexts, eg private companies at the moment of providing a service or delivering goods (a retail, an airline or a health insurance company for instance). These private environments can be the perfect place to exert discrimination on LGBTI people since it is difficult to reinforce certain regulations. This is, therefore a difficult environment and working upon it is one of the tasks which will deserve more attention in the future. In this sense, the implementation of an infractions and penalties system can be helpful.

## Law 11/2014

**2017 has been the year with the highest number of penalties imposed in application of Law 11/2014 since its approval, five years ago.** We highlight the fines to HazteOir bus and the fine to a teacher in Lleida, since they had a great impact on the media and in both cases the fine was imposed in compliance with article 34.3 c) of Law 11/2014, which establishes as punishable those acts which involve public isolation, evident and explicit rejection or contempt towards people because of their sexual orientation, gender identity or gender expression. This has been made possible thanks to the elaboration of a specific infractions and penalties system provided by Law 11/2014, even if it's still pending of approval. It is expectable, therefore, that after its passing these figures will increase.

The fact of having a specific regulation to develop a plan of infractions and penalties is something very necessary and demanded for a long time. We hope the approval of such regulation can be announced in 2018.

Approval of the specific protocol for the development of duty to take action provided by Law 11/2014 is also absolutely necessary, especially for local entities, so that they can handle LGBTI-phobic situations in the best way possible and can develop more suitable policies, especially if we bear in mind that units of comprehensive assistance to LGBTI victims have been concurrently created by many local entities.

The specific protocol for LGBTI-phobic bullying, so heartedly demanded in last year's report, has been finally achieved this 2017

Finally, and as regards policies specifically addressed to trans people, a model for the health assistance to trans people has been passed in 2017. This should be useful for the implementation of depathologizing assistance but also to keep letting trans people participate in the development of the model, and therefore avoid situations like that analysed in case number 17, where the victim had no access to information on the waiting periods to have a vaginoplasty practiced.

## Perception of LGBTI-phobia

This section basically relates to the interviews carried out and to what people have been reporting about their experiences and exposure to LGBTI-phobic situations.

The victims are well aware that LGBTI-phobia exists and that it is actually a quite common and normalized

reality. Indeed, many of the victims were not considering the possibility to report the incident until they did not find themselves in a situation that led them to do so, as the case of interviewee number 1 in the qualitative contrast section of this report.

Many of the victims had already been involved in situations of discrimination or even aggressions. Inaction, a poor response or inadequate assistance from security forces and other public services like medical services not only hamper the possibility of filing a report but also can become dissuasive factors, as seen in interview number 4. We should wonder whether this discouraging effect can result in the affected people deciding not to communicate further possible LGBTI-phobic incidents. All interviewees said they did not expect to receive such discouraging responses as the ones they received. It is important, therefore, to keep working on the development of suitable mechanisms of comprehensive assistance to victims of possible LGBTI-phobic situations.

As victims point out, training, awareness and education are essential in order to be able to eradicate LGBTI-phobia, but also in order to receive proper assistance.

Finally, visibility of aggressions suffered by victims is one of the issues dealt with in the interviews. In the third interview, the victim ends up reporting the facts in order to make it public on the media and interviews 1 and 2 feature victims who made the events visible via the social networks, given their need to express what they went through and to find support.

Even if it is true that this visibility is essential during the period immediately following an aggression, reparation is also important, especially in order to struggle with the emotional and psychological stress suffered by the victims. In this sense, penalties and sentences are also very important to the victims, especially when legal processes are so long and hard. In fact, during the making of this report, the couple of two women in the second interview received the ruling of their case, which was a EUR 300 fine and 6 a month long restraining order of not getting closer than a 100 metres to the victims. It was not a fair sentence according to the victims, especially because the same ruling considers that the fact that one of the victims asked the attackers what they were laughing about was a provocation, and therefore considers the cause of the attack as was provoked by the victims themselves. In this sense, the sentence does not seem to identify the attack as a crime of hate on the grounds of the sexual and affective orientation of the victims. We should wonder whether we are ready as a community to identify crimes of hate: how they are perpetrated and how they are handled.

This report, focused on the increase of attacks against sexual and affective orientations, gender identities or gender expressions, illustrates the need for an adequate, comprehensive and specific assistance to victims of LGBTI-phobia and concludes this must be achieved through proper training and sensitization, as well as proper mechanisms of prevention, detection and intervention.

## 6.2 RECOMMENDATIONS

**1.** The prevalence of physical aggressions and vexations as the first environment of reported incidents urges for the implementation of specific policies which can help stop violence towards LGBTI people, especially gay and bisexual men. It is vital to guarantee the integrity and the accompaniment to victims throughout their itineraries. The following aspects should be considered:

- a.** Application of a protocol which provides comprehensive and appropriate assistance to victims of aggressions against their affective and sexual orientation, gender identity and gender expression (article 18.f of Law 11/2014).

- b. Development of an effective system of identification and detention of attackers, preventing the itinerary followed by the complaint from being blocked because of this pending identification.
- c. The work group composed of members of the Mossos d'Esquadra and OCH should resume its activities in order to carry out proper monitoring tasks of LGBTI-phobic incidents that can reach both entities.

**2.** Any LGBTI-phobic incident should be able to be reported at any police station of the Mossos d'Esquadra independently of its further classification (criminal, administrative...). There should be a coordinating body of LGBTI policies designed to collect communications of those complaints received by the Mossos d'Esquadra and classified as being of an administrative nature.

**3.** Creation of the coordinating body of LGBTI policies as contemplated by article 8 of Law 11/2014. This body should coordinate the implementation of LGBTI policies from the different departments of Generalitat de Catalunya.

**4.** Regulations of the penalty system should facilitate and accelerate pre-trial and sanction procedures. The regulation should apply throughout sanction procedures and should dispose of all the necessary means to achieve a proper and full development and implementation.

**5.** As suggested in the 2016 report, a protocol on the duty to take action has been approved by Generalitat de Catalunya. We consider this protocol should include monitoring and evaluation committees of LGBTI organizations.

**6.** We urge the Generalitat de Catalunya to implement the recommendations of the Catalan Ombudsman on 22 July 2017, registration number S-37886/2017 to the Department of Labour, Social Affairs and Family, on the need to recognize OCH as an interested party in those administrative proceedings which affect LGBTI people's rights and on the need to take a stand on situations of discrimination as established by Law 11/2014, of 10 October.

**7.** 42 months after the passing of Law 11/2016 by the Parliament of Catalunya, full implementation remains to be achieved. Granting of the necessary economic and material resources and of the necessary trained staff, adequate and sufficient to carry out the different measures and services established by Law 11/2014 and developing the different proposals and interventions on LGBTI policies are among of the most urging priorities.

**8.** Need to supervise the new protocol of access to human assisted reproductive techniques passed in August 2016 and to provide the necessary means for its correct implementation. To make this possible, participation of all parties involved – Department of Health, LGBTI Areas, health professionals and other concerned entities – is essential. It is imperative that informative campaigns be launched and widely spread across the territory.

**9.** Safeguarding of personal freedoms of lesbian women, eliminating attitudes which make their affective and sexual expressions invisible. Need to fight against impunity of aggressions and discriminations. Need to promote LGBTI historical memory via the recognition of the contribution made by lesbian women and fields of arts, music, politics, science, social activism, etc.

**10.** We urge administrations to launch informative and raise-awareness campaigns addressed to bisexual people and the general population in order to let their specific and invisible kind of discrimination be known.

**11.** Need for specific services and assistance programs to trans people including:

- a. The activation of specific interventions addressed to prevent situations which can violate the rights and freedoms of trans people, with special emphasis placed on minors.
- b. To guarantee an equalitarian access to the labour market for trans people, to work against transphobia in working environments and to render support with specific resources for trans people, both as regards access to the labour market and work promotion.

**12.** Implementations of the measures adopted by the Nacional Agreement in order to face the VIH epidemics in Catalunya. People with VIH/AIDS must be protected and the stigma they suffer from must be fought against. The necessary budget must be awarded in order to be able to carry out the most efficient preventive policies possible and to develop the Social Covenant against the associated stigma.

**13.** Monitoring due fulfilment of political asylum and/or refuge applications from LGBTI people prosecuted in their countries of origin.

**14.** Promoting approval of a Law against discrimination for reasons of sexual orientation, gender identity or expression and sexual traits, and for the social equality of lesbian, gay, bisexual, transsexual, transgender and intersex people signed by the Congress and currently under parliamentary procedures.

**15.** Urgency for setting up specific plans addressed to LGBTI people which can guarantee the full development of their rights and freedoms, which are violated on too many occasions because of the lack of resources and awareness of their needs and the discrimination they suffer.

**16.** Need to safeguard and guarantee, with the necessary resources, the free affective and sexual development of young LGBTI people, with special emphasis placed on the protection of minors who are undergoing situations of vulnerability or violence.

**17.** Development and diffusion of protocols for the prevention of specifically LGBTI phobic bullying within educational environments. Forceful policies must be carried out which can put a stop to violence suffered by minors. Need for a full development of Article 12 of Law 11/2014, on education. Measures aimed at incorporating a coeducational perspective into all educational environments which contemplates all kind of family units must be fully displayed. Participation of LGBTI organizations in the monitoring and evaluation of protocols must be promoted.

**18.** Promotion of town councils -- the administration which is closest to citizens --, as developers of specific policies addressed to the LGBTI community. It is important to implement specific measures and interventions within local environments which facilitate the visibility and safety of LGBTI people.

**19.** Implementation, elaboration and development of LGBTI policies from the different administrations is paramount to achieve a proactive participation of LGBTI organizations. LGBTI organizations and, in each case, local or national councils must be able to have a say and take part in processes which concern the rights and freedoms of this community.

**20.** The different administrations should promote research and investigation on LGBTI environments and realities.

**21.** Advocate the safeguarding of sexual and reproductive rights of LGBTI people.

**22.** Need to guarantee the rights and freedoms of all communities and organizations of intersex people via the promotion of measures addressed to make their realities visible.

# 7. GOOD PRACTICE



## 7.1 COMPREHENSIVE ASSISTANCE TO VICTIMS OF HOMOPHOBIC AGGRESSIONS

### **Brief description of the events:**

On the early morning of 12 March 2017, a couple of two young men were enjoying a party night in the surroundings of a disco. At around 4:00 a young man reproached them for expressing their affectivity in public (they were kissing each other). The couple's response was clear: they kissed each other to make clear that any kind of affective and sexual affection can be publicly expressed at any place without having to suffer from discrimination. At this moment, the young man approached and hit both of them, who were not expecting such violent response. Right after the attack, a group of between four and six people shouted discriminatory comments at them in reference to their sexual and affective orientation.

A paramedical ambulance arrived to the place and drove the couple, who presented visible injuries (especially in the face) to the nearest hospital. They report the facts to the Mossos d'Esquadra on Sunday morning. Physical sequels were obvious and long-lasting, to the point that a week after the attack one of the victims had to go to the emergency unit of Hospital Clinic because he was feeling severe pain in his dentition.

### **The report and the intervention of the Local Administration:**

One of the two members of the couple denounced the facts via the social networks. It was at this moment when the situations started going viral, and the victims received a comprehensive support in rejection to this homophobic attack. This rejection was also expressed in a rally in the square where the City Council is located on Monday afternoon, a demonstration where the victims received warm support. Members of different political parties with representation in the Council attended the rally, as well as the president of the Observatory Against Homophobia (from now on OCH), who took part in the public interventions and speeches together with the Mayor of the town.

The first intervention from the Council was to coordinate itself with OCH in order to protect and assist the victims and to set up a unit to gather all the necessary information to carry out the pertinent proceedings. OCH made available legal advice and psychological assistance to the victims. The City Council got in touch with the aggressor and found out that he suffered from a mental disorder. OCH's priority is the welfare of victims and its interventions are addressed at guaranteeing their well-being. Nevertheless the organization had this circumstance in mind during the complex situations which took place in the following weeks. Given the context, OCH decided to have a meeting with Obertament, an organization that fights against the stigmatization and discrimination of people who might be undergoing some kind of mental disorder, in order to be as careful and tactful as possible.

### **OCH's assistance to the victims:**

The OCH provided legal advice to the young couple and they got in touch with a lawyer to protect their interests. The case is currently in pre-trial stages. Concurrently, they began a therapeutic process of psychological and emotional support which took into account the specific needs of the two people. One of the main issues was to separate the two processes: one the one hand, there was the legal process, which on many occasions are long and confusing and, on the other, the victim's psychological welfare which was tried to be safeguarded by means of cooperating efforts which could result in an improvement of the quality of their everyday lives. We are aware, however, that the two processes feed on each other.

After the first exploratory session, the young men's troubled emotional stress was considered to be severe, so by the end of March they began a psychological assistance program. The exploratory session was based on observation and conversation, and focused on the main variables of cognitive and emotional functioning and the victim's social context. A descriptive analysis was also carried out in this first session, based on the gathering of descriptive information relevant to the matter. This exploration was used to determine a set of problematic issues. By problematic, we understand an individual-environment transaction (social context) which causes discomfort and involves interference in everyday activities and/or is harmful to the health and psycho-social welfare of the person. After problems were identified, we talked to the victims and suggested they followed an intervention scheme to be implemented along the psychological accompaniment process.

After the initial evaluation, the two young men showed clear evidence they might be undergoing post-traumatic stress disorder (a type of anxiety disorder) within the context of an experiential stress, severe and recent, with nightmares and insomnia, hypervigilance, re-experimentation of stress with flash-backs, as well as pervasive irascibility as a reaction to crowds of people, darkness and circumstances similar to those of the night they were attacked (party, loud environments). In addition, one of them reported how exhausting it was to keep a stoical attitude regarding the experience suffered. At the moment of beginning their therapeutic process the young men were prescribed psychopharmacological treatment. Our task was to provide the necessary mechanisms and resources to safeguard their welfare.

As has been previously mentioned, the case reached the media: several local, regional and national media echoed the news and spread the incident as a sample of the LGBTI-phobia still present in our streets, in this case, a physical aggression in a public space. The first measure agreed mass to stop attending mass media and gather more information on the event. This overexposure in the media (even if aware of their role as news transmitters) was not advisable to the victims, since they were not emotionally prepared to manage the fact of being constantly narrating the events, a circumstance which made them vividly recall the fatidic events of the night in question.

The therapy process consisted in four sessions which took place during a month and a half (ending by mid-May). The main symptoms detected were insomnia, irascibility, fear to suffer another attack, and the stressing exposure to apparently neutral stimulus. The appropriate mechanisms and resources were made available in order to alleviate the symptoms detected in the victims. OCH perspective regarding psychological assistance is eclectic. It focuses on an emotion management paradigm in order to be able to come to terms with the problems which have an effect on the psychosocial welfare and offer cognitive and behavioural resources to keep up with the process, which comes to an end when changes in their everyday lives are effectively achieved.

The victims were provided with relaxation and emotional management techniques focused on the narrative of the case in order to treat the diagnosed emotions (rage, fear, helplessness). Systematic de-sensitization techniques, aimed to reduce anxiety when faced against certain stimuli were also carried out. As anxiety was recurring, they agreed to the construction of an anxiety hierarchy where victims choose 10 situations which can generate stress, organized and calibrated according to their intensity. During the therapeutic treatment, the situations were experienced, firstly only through simulations and lately in the form of an actual exposure, in person, until they could stop feeling the initial stress suffered.

After the different methods and techniques had been worked upon and experienced in the therapy sessions, they could finally reach a psychosocial welfare similar to the one they enjoyed before the attack. This way, the therapy process heads towards the integration of the event into their lives.

Once the assistance stage ended, the two young men worked actively on social pedagogy as a characteristic element for social transformation, to advance towards LGBTI-phobia free spaces. Both participated in the events scheduled, some of which also with the participation of OCH (training, debates or public performances) in which their narrative was an experiential referent of what homophobic discrimination involves. Life is made up of narratives and the two young men contributed to sensitization and pedagogy with theirs.

To conclude, safeguarding the rights and freedoms of all LGBTI people or of those who do not conform to hegemonic patterns regarding sexuality is a social responsibility that affects every person as belonging to a community. In this particular case, we tried to normalize the expression of one's gender in a public space, in order to be able to do it safely and without fear of being attacked.

### **Narrative of victims on the assistance received at the OCH:**

We have to say we were not aware of the existence of the Observatory Against Homophobia, but, after the attack we suffered we got in contact with all the team and thanks to all the areas of the OCH we were able to know about the legal proceedings to follow in cases of physical aggressions for reasons of sexual orientation. We must also highlight Cristian (OCH psychologist)'s monitoring. He was of great help to be able to verbalize what had happened and in the first stages of the proceedings, apart from setting up the guidelines to overcome fears and irascibility. All of it was very useful and helped us resume our everyday lives with normality.

Likewise, we were provided with the tools and chances to be able to help the community become aware of the issue (via debates, roundtables...) by using our experience and providing useful insight into prospective cases and the great problem that homophobia is for our towns and cities.

We would also like to highlight that, not only professionally, but also at a personal level, we have felt we have received great support and, still ,today, OCH keeps monitoring our case, legally and personally.

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# THE STATE OF LGBTI-PHOBIA IN CATALUNYA 2017

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