

THE STATE OF LGBTI-PHOBIA IN CATALUNYA 2016



**Observatori
Contra
l'Homofòbia**



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GLOSSARY

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, identity and gender expression diversities and other concepts related to LGBTI-phobia and the activity of Observatori Contra l'Homofòbia, OCH (Observatory Against Homophobia).

Types of Discrimination

- **Discrimination by 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 behavior 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, consisting on threatening, prosecuting, harming or distressing somebody
- **Bullying:** Harassment among peers within the school environment.

Rights

- **Law 11/2014:** Law 11/2014, of 10 October, for guaranteeing the rights of lesbian, gay, bisexual, transgender man 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 favour 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.

Sexual-affective, identity and gender expression diversities

- **LGBTI:** Relative to lesbian, gay, trans, bisexual people and people born with intersex genitals. From now on LGBTI.

- **LGBTI-phobia:** Concept which groups together lesbophobia, homophobia, transphobia, biphobia and interphobia.
- **Gender identity:** Sense of belonging to a specific gender.
- **Gender reassignment:** Process by which transgender man 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 that embodies transexual and transgender man people.
- **Cissexual:** Having a gender identity which matches one's birth sex.
- **Homosexuality:** 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 LGBT issues which, in relation to this report, was part of the Secretary of Families of the the Generalitat de Catalunya's Department of Social Welfare and Families.
- **Prosecution Office for Discrimination and Hate Crimes:** Barcelona's Prosecution Office which deals with discrimination and hate crimes. In the report, it will be referred to as Prosecution Office.

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1. INTRODUCTION

The present report shows the state of LGBTI-phobia in Catalunya in 2016 according to monitoring work performed by the Observatori contra l'Homofòbia (OCH).

This is the second complete report made after the passing and coming into force of Law 11/2014 and which is made with a completely scientific methodology, both as regards registration and collection of incidents as well as its processing and analysis.

It is, therefore, the antidiscrimination report of 2016, to the extent that it collects, documents and analyses those LGBTI-phobia incidents in Catalunya communicated to the OCH, as well as other incidents the organization has had direct knowledge of, even if they have not been reported through the filing of a complaint.

This report portrays the reality of LGBTI people and of LGBTI-phobia in Catalunya and is made from the association movement and other non-institutional environments. In 2015, the OCH carried out important tasks in relation to sexual and reproductive rights of LGBTI people, including follow-up of cases like the one in which access to vaginoplasty was denied to a trans woman or the case of a lesbian couple who was denied access to assisted reproductive technologies, despite the fact that Law 11/2014 had already come into force. In 2016 important steps have been made to this respect which include the approval of a new Protocol on access to assisted reproductive technologies and the initial stages of the elaboration of a new health care model for transgender man people by the the Generalitat de Catalunya's Department of Health (Conselleria de Salut de la the Generalitat de Catalunya). Other issues have been worked on, including the development of a Protocol on bullying to be applied within the educational environment in Catalunya. In relation to childhood, new measures have begun to be implemented with the aim of guaranteeing trans children's rights, such as the development of regulation that will enable the use of the persons's chosen name or that, in schools, the name and identity of a trans person is respected and used as official in all documentation relative to the child.

2016 has also been a year in which the reality of LGBTI-phobic bullying has begun to surface, with a lot of incidents reported that have made LGBTI children's needs within the educational environment visible and which open the door to work for LGBTI children's rights in the schools of Catalunya.

That is why the present report has widely focused on the changes and the reality of transgender man people and on reflecting the state of LGBTI-phobic bullying in Catalunya. The report has been made with the views set on some thematic spheres and the aim is to give continuity to this perspective in further reports. Carrying out a report with one or another perspective entails investigating and /or making visible the reality of a specific environment or subject using the tools provided by the report itself. In 2016, this closer analysis has focused on the reality of transgender man people and LGBTI-phobic bullying using of some specific tools, specially as regards the qualitative comparative analysis carried out by the report, which includes specific interviews related to the issue and an interview with the Catalan Ombudsman (Sindic de Greuges). He report also allows to reflect on the work made by the OCH during 2016, exemplified in the presentation of a good practice case. For the first time, then, this new perspective is incorporated into the report which allows for an assessment and visibilization of the task made from the Office for Victim Assistance and the psychological and social accompaniment given to people victim of LGBTI-phobia. In this sense, and given the thematic perspective adopted, the report presents a good practice case of accompaniment of a trans minor during their self-acceptance process and the initiation of their transition by the OCH's social and psychological support team.

As to the remaining part of the report, the system of data collection, study and analysis, based on scientific methodology, supervised by the Department of Social Psychology of Universitat Autònoma

de Barcelona and initiated last year, has continued in 2016. In this sense, the report includes a qualitative comparative analysis between 2015 and 2016 data.

It is also important to say that during 2016 the OCH had to remain closed for a period of almost four months for reasons beyond its control, a situation that has hindered assistance to people who would have been attended otherwise.

This 2016 report includes new data for analysis. On the one hand, age has been registered when collecting data. This information has been gathered in 50% of incidents reported. On the other hand, the OCH has been able to provide psychological accompaniment to victims all year long for the first time, which has made possible the collection of very useful data relative to this service. In both cases, the aim is to keep collecting and analysing data in following years and further reports. Details on these data will be displayed in the section on methodology in this same report.

During 2016 a lot of work has been made in cooperation with a great number of administrations, entities and other organizations, which has allowed for the gathering of the vast majority of the complaints reported and the awareness of other incidents that, despite not being reported, remain nevertheless registered for its public knowledge.

The OCH has worked with all agents involved in the complaints registered, especially in those cases where a report has been filed, addressing them to the corresponding administrations and/or institutions which include: LGTB Area and Department of Equality of the Autonomous Ministry of labour, Social Affairs and Families of the Generalitat de Catalunya, Mossos d'Esquadra (Catalan police force), Barcelona City Council - which this year has given additional support to the task made by the OCH with a funding agreement -, the Office for Non-Discrimination of Barcelona, the Prosecution Office for Hate and Discrimination Crimes of Barcelona, the Catalan Ombudsman and Barcelona Ombudswoman (Síndica), different local organizations from all over Catalunya, especially city councils, and unions engaged with LGBTI-phobia.

Finally, we should note that, even if the OCH focuses its activity on Catalunya, cases from other territories of the state, including Illes Balears, have also reached the OCH. Nevertheless, the present report alludes exclusively to Catalunya.

2. AIMS AND METHODOLOGY

2.1 AIMS

The report on the State of LGBTI-Phobia in Catalunya 2016 aims to reach three main objectives: to closely follow 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 through the analysis and research of documentation and interviews. All of it with the additional aim of providing a series of conclusions and recommendations which, together with the annex, close this document.

Legal framework in Catalunya

Despite this document not being a legal document, it is indeed the second 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 which 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 framework.

This way, the legal framework has been taken into consideration throughout the report, offering a transversal perspective with the aim of facilitating its practical understanding and of correctly contextualising the legal framework in which LGBTI people develop.

Quantitative diagnosis- 2016 Report

This section of the report includes an account of collected data regarding the reception and classification of complaints by the OCH during 2016. This year we highlight the methodology 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 2016.

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

Moreover, in 2016 we have begun to collect data on the age of people who reported incidents, obtaining the age of 50% of those people who filled in the file card used to report a possible LGBTI-phobia situation. Despite being a limited register of only 42 people, it has been considered that the information was important enough to be communicated in this report. Nevertheless, we must point out that it is data with very limited information which, at the moment, can only be considered from an informative standpoint and not as the analysis of a reality.

Other data incorporated this year for the first time is data relative to victimization. In this sense, 2016 has been the first year with a service of psychological accompaniment, which has allowed the OCH to provide a response as a unit for integral assistance to victims. It is for this reason that we wanted to make this task visible from a quantitative perspective, but also because it supplies information on the importance of this type of accompaniment to many victims, both in those cases where there is a report and in those cases where there is a situation of victimization.

Finally, we must add that this report offers data corresponding to those incidents registered during 2016 only in Catalan territory. We must say, however, that incidents on the Internet and social networks can in many occasions affect people beyond Catalan territory. Nevertheless, only those incidents where the affected people lived in Catalunya have been recorded in this report.

The report's quantitative analysis offers data according to different classification criteria which reflect a very interesting in-depth analysis that allows 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 expose the antecedents that justify this research, Chapter 5 includes fifteen remarkable incidents collected by the OCH during 2016.

This section is included in the report with the aim of exposing how the collection of reported incidents constitute only a fraction of current LGBTI-phobia in our society.

In former reports, 10 case studies were analysed, a figure which has increased to 15 in the present report. Even though the total amount of incidents registered is smaller than last year, the diversity and intensity of the incidents demanded this widening of the scope in order to give coverage to all the diversity of affected groups and subgroups, the environments where LGBTI-phobia takes place, the itineraries followed by the different complaints and relevant and/or strategic cases regarding the reality of LGBTI people and 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. In addition, an interview to the Deputy General to the Catalan Ombudsman and to the Deputy General for the Defence of Children's Rights of the the Generalitat de Catalunya is included in order to analyse the implementation of Law 11/2014 two years and a half after its passing and its commitment with the observance of the law, considering the institution has, among other functions, the obligation of guaranteeing compliance with the law and the rights of LGBTI people.

Thanks to this multiple reflection which makes use of both quantitative and qualitative tools, the result of the report is an accurate and comprehensive diagnosis of the situation. All of this with the aim of offering a truthful and well founded view of what its title announces: the state of LGBTI-phobia in Catalunya in 2016.

2.2 METHODOLOGY

Each complaint is filed according to the description provided by the victim and, therefore, data focuses on the complaint, 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 diversity, as well as the different discrimination typologies, the described groups are: generalist (when it affects all the LGBTI group 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 territory. Therefore, they remain outside the scope of the territorial analysis of incidents.

In the case of the quantitative section of the report, the applied 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 which is later used to keep a record of complaints, always using a written medium (Observatori's web application or e-mail och.observatori@gmail.com.)

Data collected in the cards is used to keep a complete and ordered register 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 collectives or scope of incidence.

The first section registers 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 registered, which is classified by our team from nonexistent to very serious. This information can be directly given by the affected person or can be evaluated by the OCH team of psychologists in those cases where the incident has been personally reported. 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 the 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 registered in 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 with the 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 by erroneous perception and/or by association. In other words, the aggressor would discriminate somebody thinking the person belongs to the LGBTI group and would act with hate and discrimination independent of the victim's orientation or gender identity. In these cases, the incident is registered as LGBTI-phobic.

Finally, the victim's intention to sue 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 imply that it is more serious and an aggression which is taken to court does not mean it is less serious.

The OCH also offers counselling and help to start criminal proceedings. There are different 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 suing, trials and 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 also registers the current stage of the incident: dismissed, on tramitation, answered or resolved (favourably or not), in order to execute an efficient follow-up of the cases. At the same time, the report also registers 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 and accompaniment to the victim during all the process.

Data handling and analysis

Once all 2016 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 following the given description of the incident, not according to the group of the person who reports it, since sometimes the incident is not reported by the victim. For this reason, this year's classifications have 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 treated by Law 11/1014, 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 social and civil rights criteria, such as the environment relative to sexual and reproductive rights.

Territory: The locations where the incidents have taken place have been registered, and, afterwards, they have been 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 kind of analyses have been made in relation to territorial data: it's percentual distribution per provinces and a territorial prospection of LGBTI-phobia's real incidence by provinces.

This year, additional data is included regarding the victim's age and on victimization in relation to the psychological accompaniment service of OCH's Office for Victim Assistance.

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

Qualitative research

As a transitiional stage towards the qualitative part of this study, an in-depth analysis of a significative number of cases has been made through the use of documentation techniques.

In the section specially dedicated to qualitative research, the report has made 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 ¹.

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 subjects 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 interviewed, and at the same time guarantees that all relevant issues can be discussed and all necessary information can be gathered ².

Parting from the convention that discourse frameworks of a society have a reflection at a microsocial level ³, the grouping of all testimonies obtained conform a collective narrative that 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 2016. On the one hand, we wanted to give more importance to LGBTI-phobic bullying situations/realities, given that there has been an increase in the number of complaints reported during 2016 and its importance in the social and political agenda of LGBTI people in 2016. On the other hand, the reality of transgender man people is also represented by one interview. In this case, the interview shows an adult person's reality, since the reality of minors is dealt with in the Good Practice section of this report.

Lesbian and bisexual women's reality is commonly invisibilized and, given the high rate of incidence registered among this group, an LGBTI-phobia view from this perspective has also been included.

Finally, this report includes a last, atypical interview which is not related to a first-person narrative of an LGBTI-phobia incident but to an institution that has been crucial to guarantee LGBTI rights and for the enforcement of some points of Law 11/1014, such as the devising of a new Model for the health care assistance to trans people and of a new Protocol on assisted reproductive technologies by the Department of Health of the Generalitat de Catalunya.

The interviews took place between 10 and 18 March 2016 in Barcelona and had the participants' consent to be recorded and publicized for professional uses. At the same time, this study fully guarantees anonymity for 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.

¹ Corbetta, P. (2003) "Metodología y técnicas de Investigación Social".

² Canales Cerón, M (2006) "Metodologías de investigación social".

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

3. CATALUNYA'S LEGAL FRAMEWORK

In 2016 the legal framework which regulates discrimination relative to sexual-affective, gender identity and gender expression diversities is contained in different legal tools: 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. In LGBTI-phobia cases, article 14, on the right not to be discriminated against is applied. It is, therefore, a fundamental right. Incidents in which this type of violations take place are basically related to labour or penal processes.

Criminal Code: Spain's 1995 Criminal Code defines in its Article 22.4 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 510 deals with exaltation of homophobia. Consequently, those criminal complaints 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 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 that regulates and guarantees the rights of LGBTI people. It contemplates its own infringements and penalties regulation. Application of this law is carried out by LGBTI policy coordinating body, which in 2015 it has been the LGBTI Area of the Department of Social Welfare and Families of the Generalitat de Catalunya (Departament de Benestar Social i Família).

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

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

Even though some aspects of Law 11/2014 are not being fully applied yet, 2016 has seen the first stages of development. Firstly, the first penalty for LGBTI phobia has been imposed in compliance with Law 11/2014 regarding a 2015 case on the verbal aggression to an employee of an old people's residential home due to his affective and sexual orientation. The penalty consisted on a EUR 300 fine for the person who verbalised the insults. Nevertheless, the infraction and penalties regulation scheme foreseen by Law 11/2014 has not been specifically applied in 2016 yet, a situation that has had an influence on the itineraries followed by complaints in 2016.

During 2016, on the other hand, some regulations have been developed that allow for the application of some of the points foreseen by Law 11/2014, such as the approval of a new Protocol on assisted human reproductive technologies⁴ and the devising of a new Model for the health care assistance to transgender man people⁵.

⁴ Link to the new Protocol on assisted human reproductive technologies of the Department of Health's web: http://canalsalut.gencat.cat/ca/detalls/article/Reproduccio_assistida

⁵ ELink to news item on the presentation of the new Model for the health care assistance to transgender man people: http://premsa.gencat.cat/pres_fsvp/AppJava/salut/notapremsavw/296347/ca/salut-presenta-nou-model-datencio-deixa-considerar-transsexualitat-malaltia.do

The new Protocol on assisted human reproductive technologies grants access to assisted reproductive technologies in Catalunya's public health care system network to any woman with a wish to become pregnant, independent of her sexual-affective orientation and gender identity, with criteria which are homogenous to all the population, without discrimination of any kind and also recognizing women's sexual and reproductive rights and, therefore, their right to decide over their own bodies.

As to the new Model for the health care assistance to transgender man people, it moves in a more complicated circuit which, at the same time, will have to develop protocols specific to different issues. Nevertheless, it is a depathologizing 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 man people's sexual rights and their capacity to decide over their own body and identity.

Both cases have to do with a development of Law 11/2014 within the health care environment which has been historically demanded by LGBTI groups and people, as could be observed in incidents related to these matters recorded in the 2015 report.

Therefore, Law 11/2014, far from being just a text, is at the same time modifying other specific legal and regulatory frameworks, making sexual-affective and gender diversity a more transversal reality which can give an answer to the specific needs of the group.

2016 itineraries of 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 writing. This year, the OCH has filed 84 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 2016, there were eight main itineraries followed by the 84 recorded incidents: duty to take action, Catalan Ombudsman, criminal proceedings, letters to newspapers, OCH mediation, complaints, other public administrations 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 Families 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. 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 given that the regulation on infringements and penalties foreseen by Law 11/2014 has not yet been developed and, therefore, a follow-up of these incidents did not prevail, it has been deemed necessary to deal with such incidents as if they were under the protection of the duty to take action. Duty to take action is an automatic intervention contemplated for those situations where a fast actuation is considered essential. This intervention is carried out through the Mossos d'Esquadra police force, the prosecution office or any other way that is considered suitable (such as the application of an administrative penalty through the Department of Social Welfare and Families itself). The prosecution office must determine whether the incident complies with the standards and can continue this track, and in the case it does, it will be sent to the judge. In those cases where Mossos d'Esquadra intervene, they inform the OCH on the investigation

of such cases. In this sense, therefore, duty to take action is being applied to almost every situation when, actually, Law 11/2014 itself foresees application of these articles in urgent or serious situations and, therefore, the infringements and penalties regulation foreseen by Law 11/2014 is not being properly implemented.

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 affected person, especially when the process takes a long time to be resolved. It is, therefore, an itinerary with limited access, it can be long and expensive and, on many occasions, it can only be followed when it is very clear that there is legal liability.

Letters to newspapers: This itinerary is used this year for the first time and it is used in those cases where some news item is published whose content could infringe law 11/2014 or which could be offensive to the LGBTI group.

Catalan Ombudsman: Used in incidents where public administrations are involved and, therefore, cannot be addressed to the current LGBTI policy coordinating body, the LGBTI Area, and are sent to the Catalan Ombudsman instead.

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

Complaints: This is also the first year this itinerary has been included and 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.

Absence of a complaint: Those incidents which have not followed any other itinerary, have only been registered or in which a victim has been assisted. 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 an integral 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 foreseen by the Law. The OCH makes a first intervention with a psychologist and tries to reroute the victim to this service, but, since it has not been developed, they have been transferred to the Office for Victim Assistance of the Autonomuos Ministry of Interior, a generic service that has no specifically trained staff to deal with LGBTI-phobia situations.

Data relative to itineraries of incidents registered 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 depending on the incident, such as the Ombudsman, which is very commonly used in many cases to reinforce tasks related to the implementation of Law 11/2014.

Almost 60% of incidents registered in 2016 have followed the duty to take action itinerary (59.5%). Nearly half of them were submitted to the LGBTI area of the Department of Labour, Social Affairs and Families of the Generalitat de Catalunya (27,4%).

Almost 30% of the incidents registered were not judicially reported (29.8%) some of them because there was no case and others because the affected person did not want to sue.

As regards the remaining incidents, they are split among several itineraries: Catalan Ombudsman, criminal proceedings and letters to newspapers (2.4% each), OCH mediation or complaints and other public administrations (1.2% each). In the case of the Ombudsman, it is necessary to indicate that it has received many other incidents from the OCH, but they are situations in which it is not the main

itinerary, so they have not been recorded in this analysis.

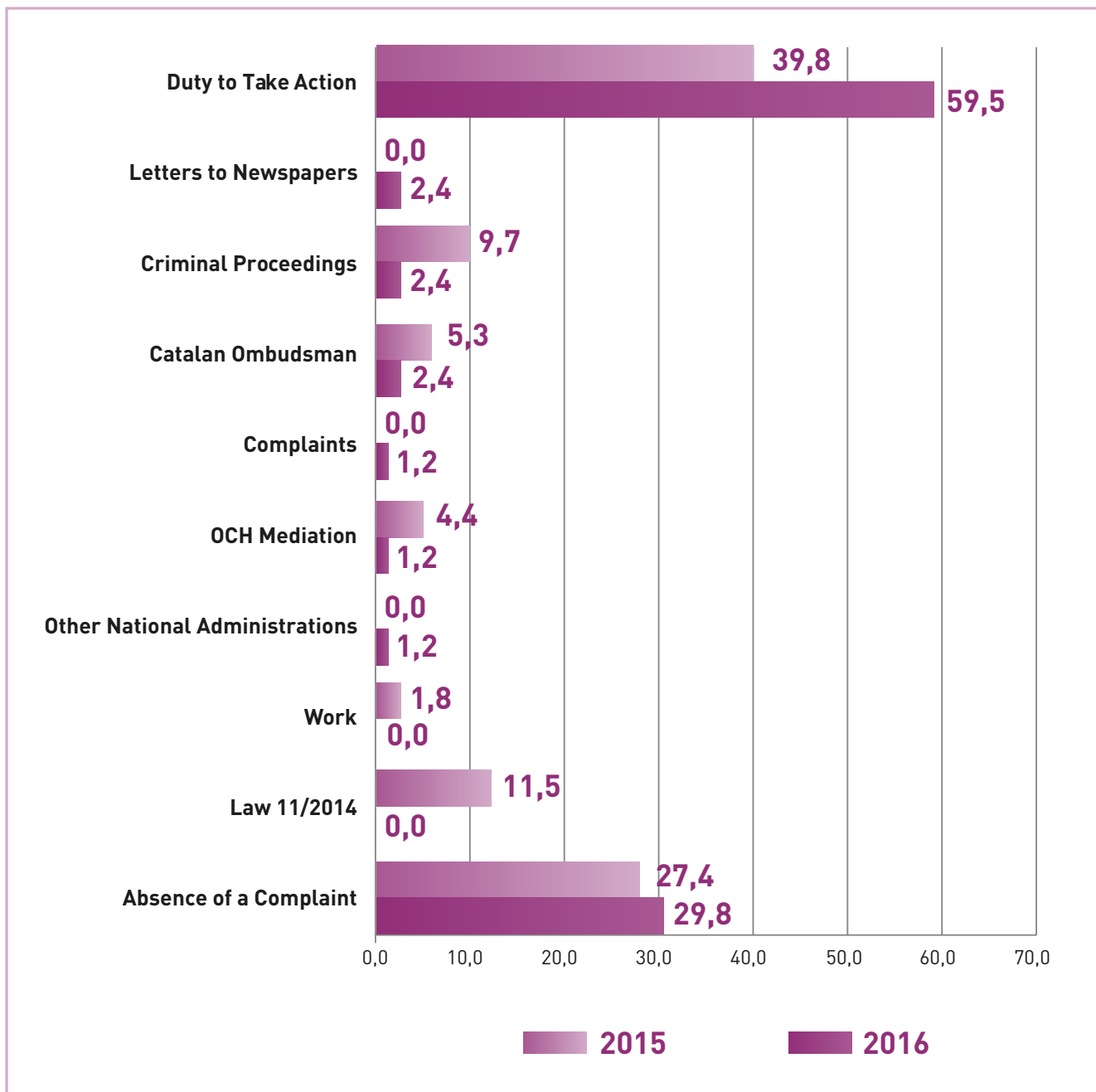
Table 1: Description of itineraries of incidents. Absolute numbers and percentages.

Main itinerary	Incidents		Incidents		
	Number	%	Itinerary sub-group	Number	%
Duty to take action	50	59,5	Duty to take action: Prosecution office	3	3,6
			Duty to take action: Police	13	15,5
			Duty to take action: Social Affairs	23	27,4
			Duty to take action: Local entities (city councils, etc)	10	11,9
			Duty to take action: Office for Non-Discrimination of Barcelona City Council	1	1,2
Catalan Ombudsman	2	2,4		2	2,4
Criminal Proceedings	2	2,4		2	2,4
Letters to newspapers	2	2,4		2	2,4
OCH Mediation	1	1,2		1	1,2
Complaints	1	1,2		1	1,2
Other national administrations	1	1,2		1	1,2
Absence of a complaint	25	29,8	Memory	19	22,6
			Victimization	6	7,1
Total	84	100,0		84	100,0

During 2016 the number of incidents that followed the duty to take action itinerary increased with respect to 2015 (59,5% in 2016 and 39.8% in 2015). This fact is due to a lack of infringements and penalties regulation. In this case, therefore, many of these incidents should follow the itinerary established by Law 11/2014, but the fact that the infringements and penalties regulation has not come into force yet in 2016 has made necessary its rerouting to the Duty to take action principle which compels public administrations to provide a response to, in this case, a situation of discrimination.

Given that approval of the regulation of infringements and penalties is expected for 2017, these data should be reflected in the 2017 report, thus decreasing the percentage of incidents that have followed a duty to take action itinerary.

Graphic 1. Itineraries of incidents reported 2015-2016. Percentages [labor]



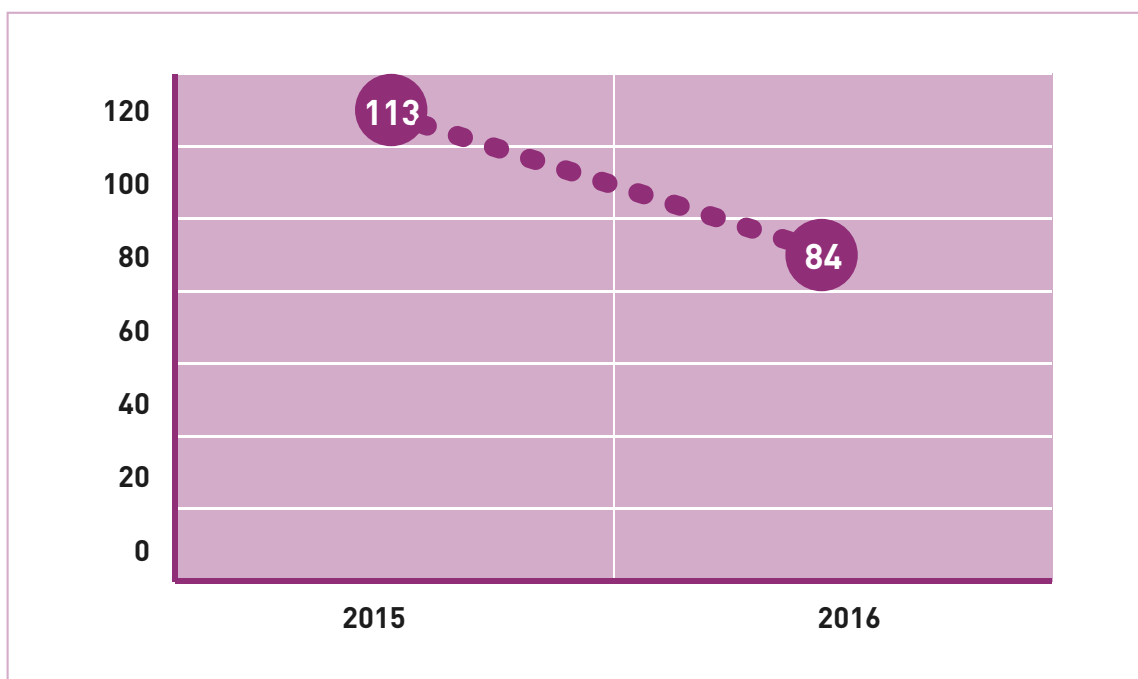
Base: 84 [2016] and 113 [2015].

4. ANALYSIS OF QUANTITATIVE DATA

The Observatory Against Homophobia has registered 84 incidents in 2016, still a very high figure.

In 2016 the figure is 25.7% lower with respect to 2015. In this sense, it is important to highlight that, due to reasons beyond the OCH control, the entity was closed during four months, from June to September. During these four months, OCH's activity remained halted, a fact that made its capacity to respond diminish.

Graphic 2: Total number of incidents, 2015-2016



By groups, gay and bisexual men were the ones who registered the highest number of incidents in 2016 (46.4%).

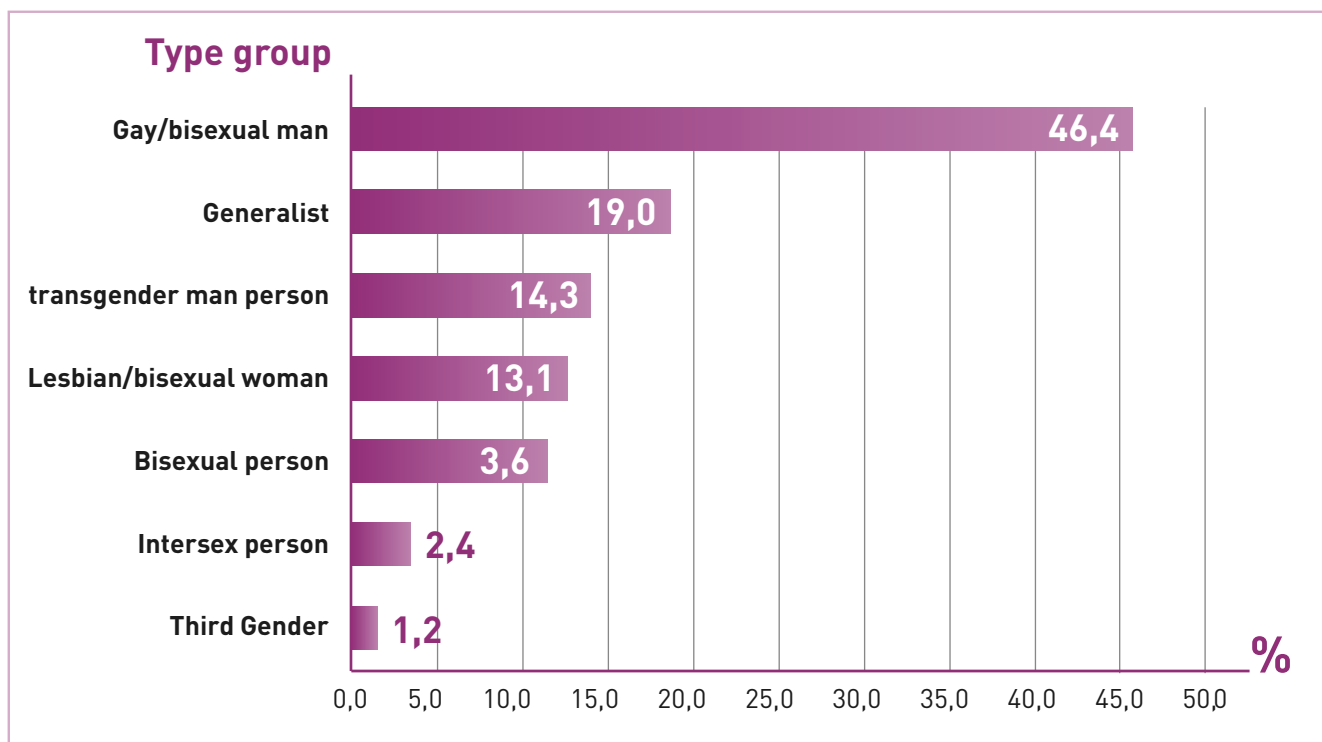
This type of incidents were followed by those incidents which affect all the LGBTI group, that is, those which we call Generalist (19%).

Above 10% of all the registered incidents we find those of transgender man people (14.3%) and the group of lesbian and bisexual women (13.1%) in third and fourth position.

Those incidents directly related to the group of bisexual people (3.6%) rated below 5%, reflecting its still low visibility.

Finally, the first cases of intersex people who have suffered interphobia situations have been filed in 2016 (2.4%). And, finally, there is one case of a person who identifies themselves as third gender (1.2%) and which could be included within the reality of transgender man people but, since this person vindicated this reality, the incident has been registered as a separate case.

Graphic 3. Incidents by groups of people, 2016. Percentages



Base: 84 incidents

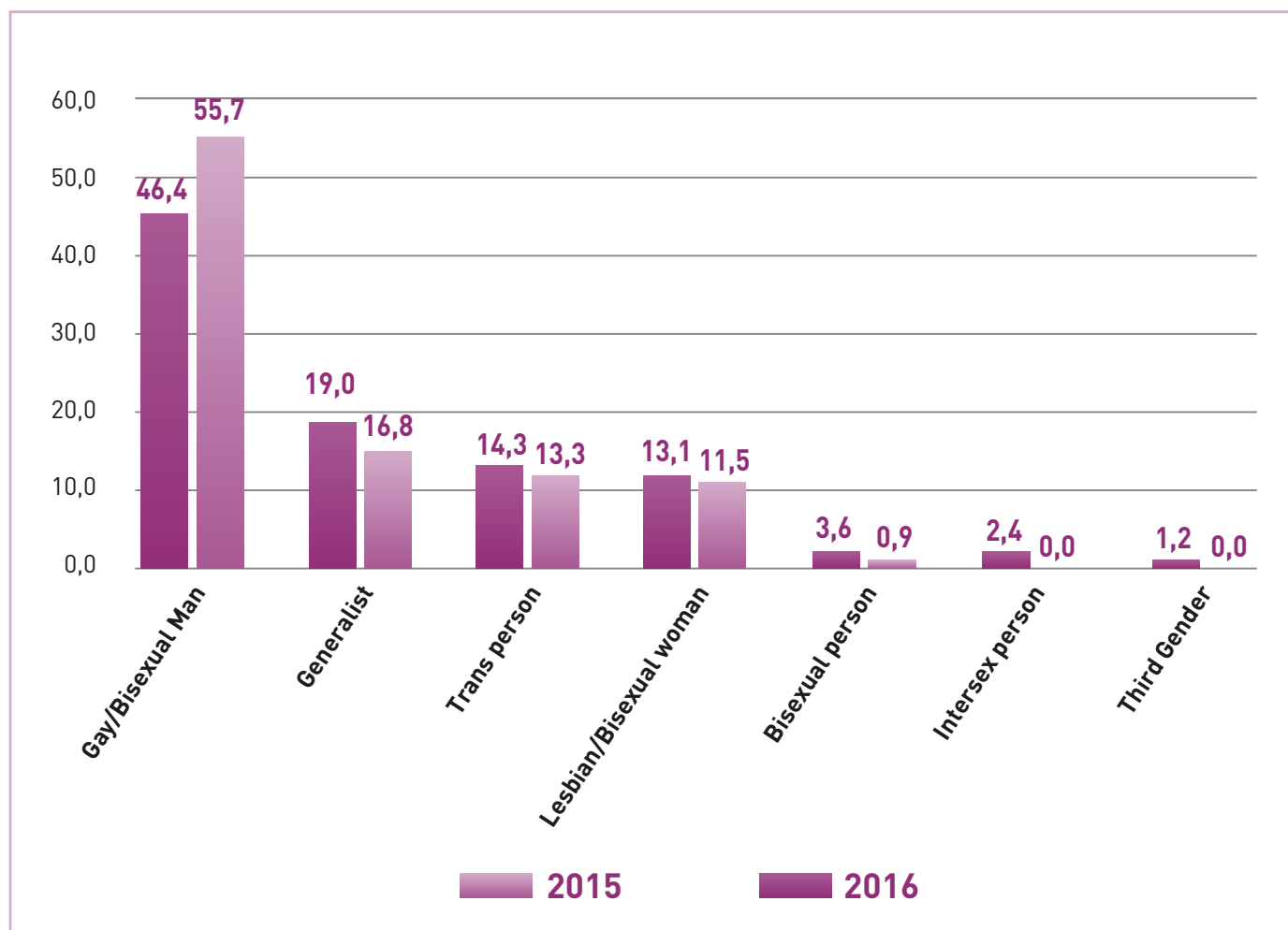
Table 2: Description of incidents by groups, 2016. Absolute numbers and percentages.

Groups	Number of incidents	Percentages
Gay/Bisexual Man	39	46,4
Generalist	16	19,0
Trans Person	12	14,3
Lesbian/Bisexual Woman	11	13,1
Bisexual person	3	3,6
Intersex person	2	2,4
Third Gender	1	1,2
Total	84	100,0

Although the group of gay and bisexual men keeps being the group that files more complaints, their proportion in 2016 decreased with respect to other groups (from 55.7%, to less than 50%)

In this sense, therefore, we can observe an increase in the percentage of the rest of groups. Thus, percentages of generalist incidents increased (from 16.8% in 2015 to 19% in 2016), while those of transgender man people increased from 13.3% in 2015 to 14.3% in 2016. Incidents affecting lesbian and bisexual women increased from 11.5% in 2015 to 13.1% in 2016 and those affecting bisexual people rose from 0.9% in 2015 to 3.6% in 2016. Incidents affecting intersex people were registered this year for the first time (2.4%). There was also one case affecting a person of the third gender (1.2%).

Graphic 4: incidents by groups, 2015-2016. Percentages



Base: 84 (2016) and 113 (2015).

As to environments, aggressions are the sphere with a higher number of registered complaints (30.9%). Here, physical and verbal aggressions and harassment situations are included.

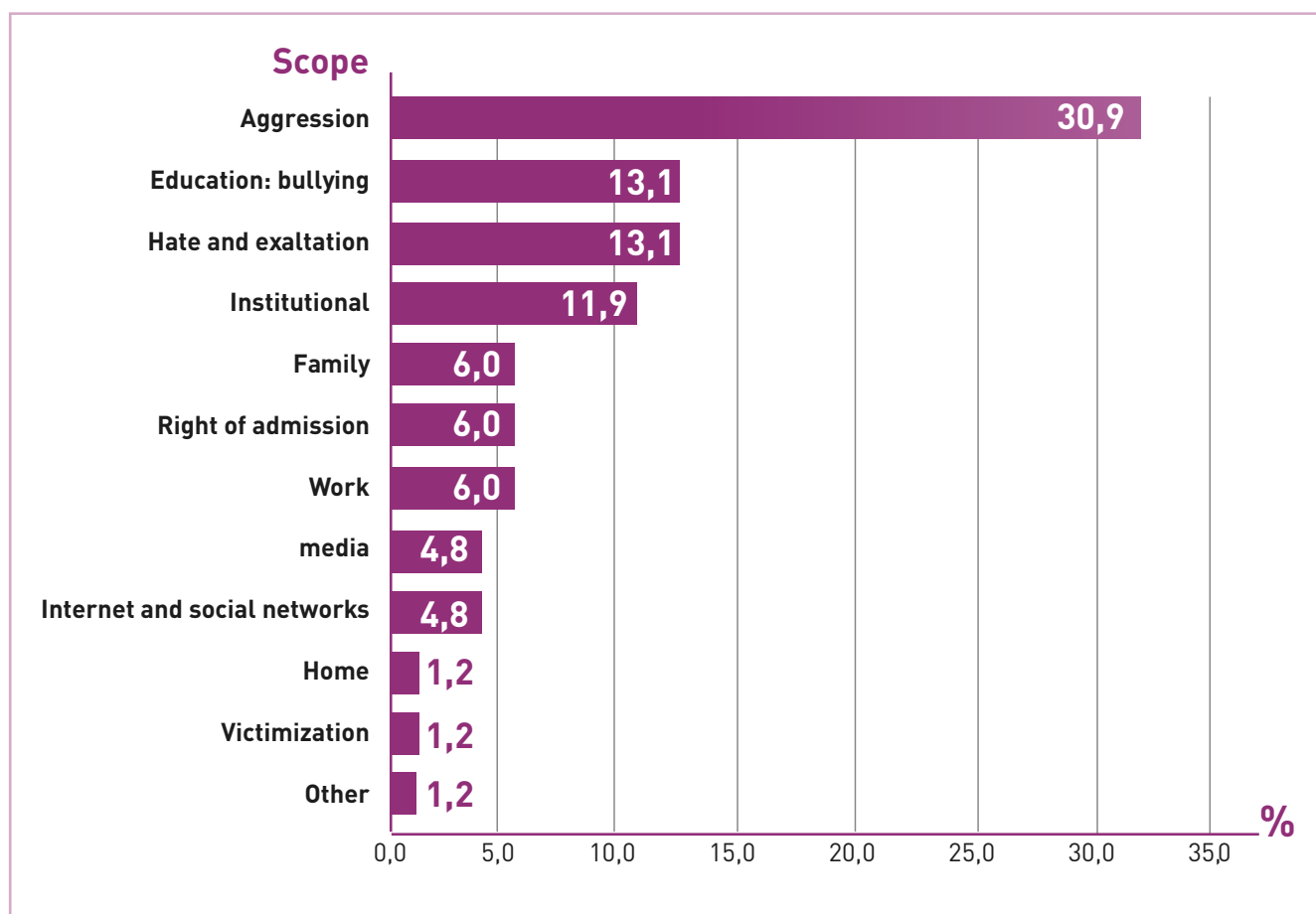
In second place we find the educational environment which, this year, is exclusively related to LGBTI phobic bullying within the school environment (13.1%), with the same incidence rate as in those cases related to discourse of hate and exaltation of LGBTI-phobia (13.1%).

There is one more environment where incidents registered were higher than 10% of total incidents, those which took place within an institutional environment (11.9%).

Three environments registered incidents above 5%: family (6%), in reference to those which took place within the family itself, the right of admission (6%) and the work environment (6%).

Media (4.8%) and Internet and social networks environments (4,8%) were slightly under the 5% threshold. The remaining involved one single complaint per environment: discrimination in the acces to a home (1.2%), self-victimization (1.2%), and 'other' (1.2%), which makes reference to situations that could not be included within other environments.

Graphic 5: incidents by environments, 2016. Percentages



Base: 84 incidents

2016 has been the first year in which the OCH has had a psychological support service all throughout the year, a service which began in 2015 but which was not operative the entire year. For this reason this is the first year in which we can provide a full account regarding this kind of service.

Obviously, the OCH carries out a follow-up for all victims of LGBTI-phobia but there are cases when a person needs additional psychological accompaniment by a specialist. The following data refers to this second kind of service.

In 2016, the Psychological Accompaniment Service assisted 7 people, who have received support from one to up to 14 times, setting an average of 3.6 visits per person during the year.

Illustration 2: Psychological Accompaniment Service, 2016.

If we compare incidents by environments registered in 2016 with those of 2015, the first data to highlight is the stabilisation of aggressions reported (30.9% in 2015 and 2016).

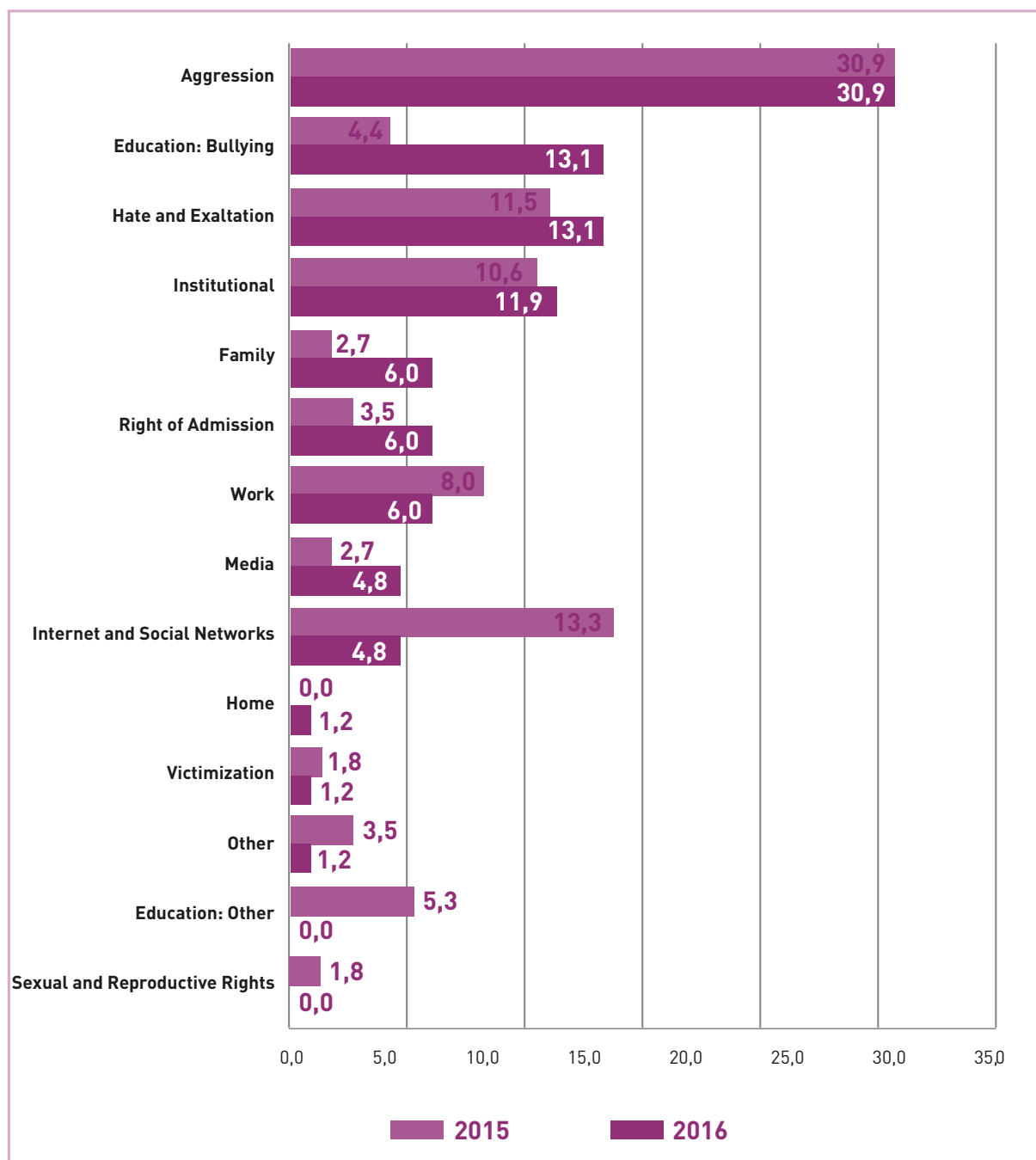
We must also note that **the number of incidents reported related to LGBTI-phobic bullying increased** (from 4.4% in 2015 to 13.1% in 2016). On the other hand, other complaints related to the educational environments present in 2015 (5.3%) disappear in 2016. Incidents related in the environments of Internet and social networks also decreased from 13.3% in 2015 to 4.8% in 2016.

The other environments remain a little more stable. Thus, incidents related to the discourse of hate and exaltation of LGBTI-phobia (11.5% in 2015 and 13.1% in 2016) and those related to institutional environments (10.6% in 2015 and 11.6% in 2016) remain above 10%.

Family (2.7% in 2015 and 6.0% in 2016) and right of admission (3.5% in 2015 and 6.0% in 2016) environments are now above 5%, together with those related to the work environment, which already surpassed this percentage in 2015 (8.0% in 2015 and 6.0% in 2016).

Other environments that remain under the 5% threshold, or which were not present last year are: media (2.7% in 2015 and 4.8% in 2016), home (1.2% in 2016, non-existent in 2015), victimization (1.8% in 2015 and 1.2% in 2016) and 'other' (3.5% in 2015 and 3.2% in 2016). It must be said that in 2016 there were no complaints relative to sexual and reproductive rights.

Graphic 6: Itineraries of registered incidents 2015-2016. Percentages



Base: 84 (2016) and 113 (2015)

When we examine **incidents by environments and groups**, we must highlight that physical aggressions were mainly reported by gay and bisexual men (86.7%), while verbal aggressions were more evenly distributed among gay and bisexual men (50%) and lesbian and bisexual women (30.0%).

On the other hand, while incidents on the Internet and social networks were reported by several groups, especially gay and bisexual men (50%), lesbian and bisexual women (25%) and generalist (25%), those incidents related to the discourse of hate and exaltation of homophobia and media were more frequent within the generalist environment (63.6% and 75% respectively).

Regarding bullying, it increased in 2016, and the incidents reported mainly affected groups of gay and bisexual men (36.4%) and transgender man people (36.4%).

Table 3.: incidents by environments and groups, 2016

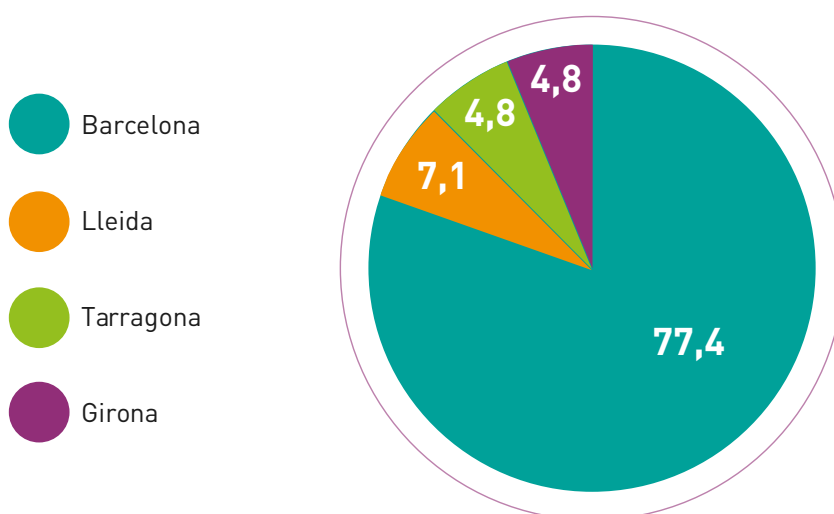
Groups	Verbal Agression (Insults)	Physical Agression	Agression Harassment	Internet and Social Networks	Hate and Exaltation	Institutional	Educational: Bullying	Work	Right of Admission	Media	Family	Victimization	Other	Home	Total
Generalist	0,0%	0,0%	0,0%	25,0%	63,6%	40,0%	9,1%	0,0%	0,0%	75,0%	0,0%	0,0%	0,0%	0,0%	19,0%
Gay/Bisexual Man	50,0%	86,7%	100,0%	50,0%	27,3%	40,0%	36,4%	20,0%	40,0%	0,0%	40,0%	100,0%	0,0%	100,0%	46,4%
Lesbian/Bisexual Woman	30,0%	6,7%	0,0%	25,0%	9,1%	0,0%	18,2%	40,0%	20,0%	0,0%	0,0%	0,0%	0,0%	0,0%	13,1%
Bisexual Persona	10,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	20,0%	0,0%	0,0%	20,0%	0,0%	0,0%	0,0%	3,6%
Trans Persona	0,0%	6,7%	0,0%	0,0%	0,0%	10,0%	36,4%	20,0%	40,0%	0,0%	40,0%	0,0%	100,0%	0,0%	14,3%
Intersexual Persona	10,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	25,0%	0,0%	0,0%	0,0%	0,0%	2,4%
Third Gender	0,0%	0,0%	0,0%	0,0%	0,0%	10,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	1,2%
Total	10	15	1	4	11	10	11	5	5	4	5	1	1	1	84

In relation to the territory, Graphic 7 shows, just like last year, the distribution of incidents by provinces and the territorial projection of real LGBTI-phobia incidence in relation to the demographic weight of each province.

In this sense, distribution by provinces shows that it was Barcelona the province that registered a higher number of incidents, while Lleida was the province where there was higher real percentual incidence regarding LGBTI-phobia (38.5%), closely followed by the province of Barcelona (32.7%).

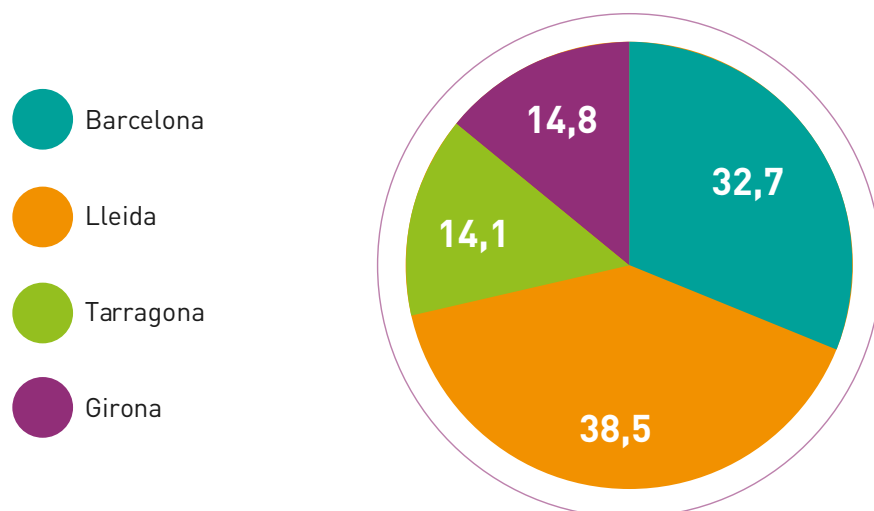
In the cases of Girona and Tarragona, the percentual distribution was the same in both of them (4.8%), while Girona scored slightly higher (14.8%) than Tarragona (14.1%) as far as the territorial projection is concerned.

Graphic 7: Distribution of incidents by provinces, 2016. Percentages



Base: 79 incidents

Graphic 8: Territorial projection of real LGBTI-phobia incidence, 2016. Percentages

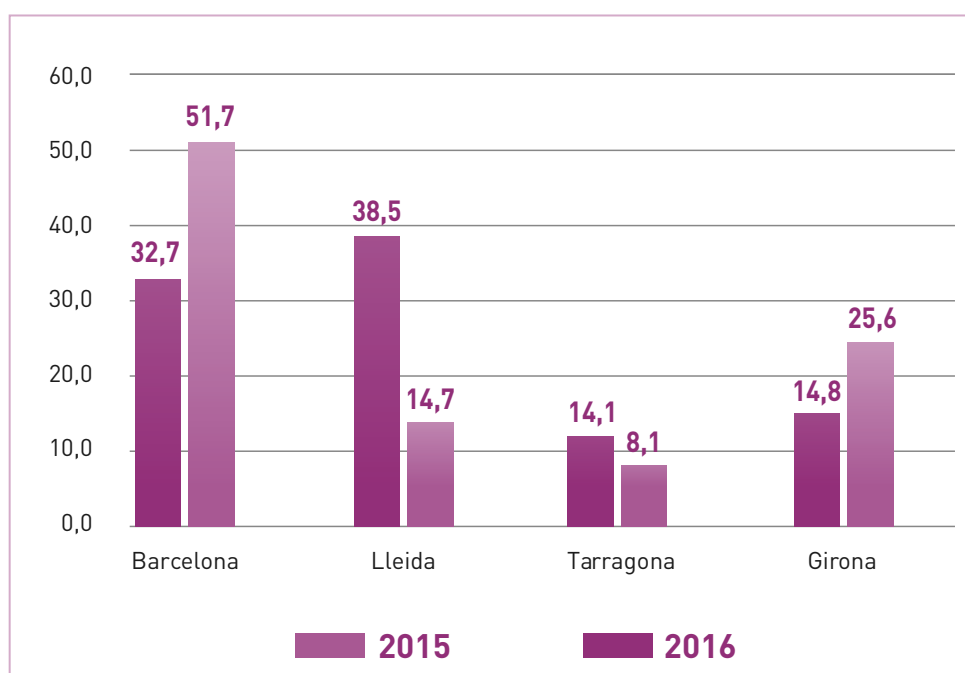


Base: 79 incidents

Analysing territorial projections per year, the province of Barcelona had a higher rate of real LGBTI-phobia incidence in 2015 (51.7%) than in 2016 (32.7%). Lleida was the province with higher incidence in 2016 (38.5%), a considerable increase with respect to 2015 (14.7%).

Girona reduced its real incidence (25.6% in 2015 vs 14.8% in 2016). In 2016 the number of incidents decreased significantly in Girona, especially if we consider its demographic weight. Conversely, Tarragona went from an incidence rate below 10% to having practically the same incidence rate as Girona (8.1% in 2015 vs 34.8% in 2016).

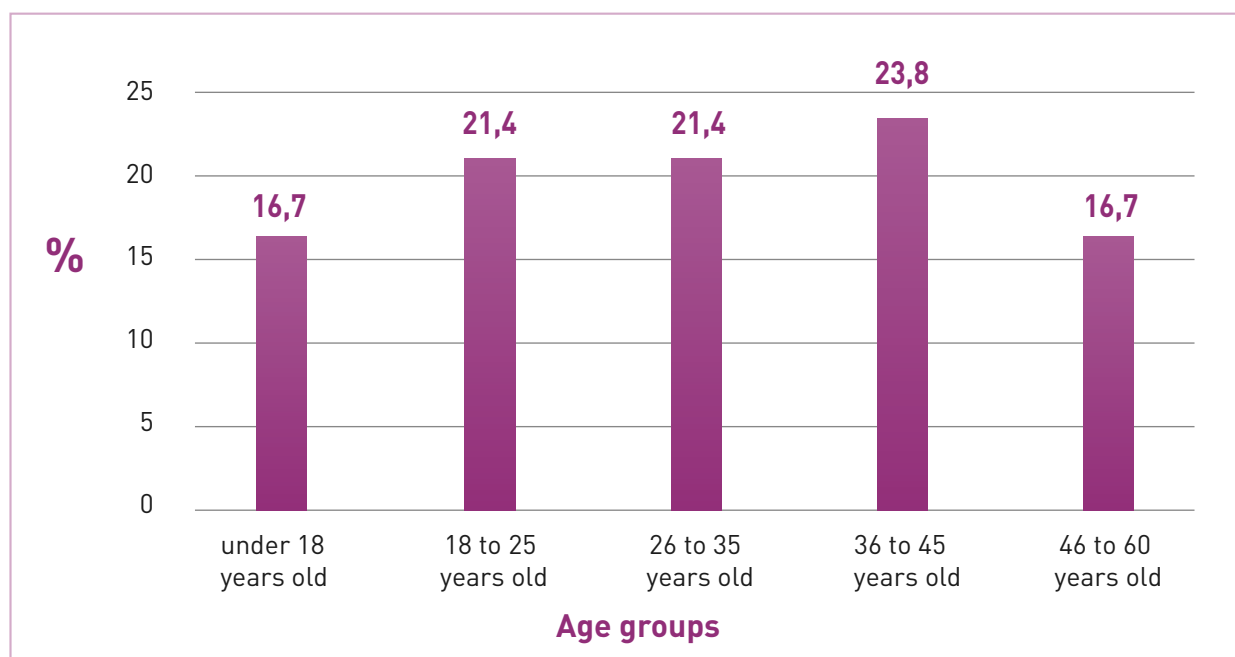
Graphic 9: Territorial projection of real LGBTI-phobia incidence, 2015-2016. Percentages



Base: 79 (2016) and 99 (2015).

To close this quantitative analysis, we must highlight that in 2016 new data has been incorporated into the report which allows for having a closer insight of LGBTI-phobia and its effects on people who suffered from it, which is the age of people who experienced incidents. In 2016, only 42 people indicated their age, that is 50% of the total amount. Therefore, it must be considered that this is just a first approximation to a reality and it will be necessary to follow its development in the next years. In this sense, 66.6% of people who reported a complaint and also indicated their age were between 18 and 45 years old. Those people younger than 18 and older than 46 were 33.4% (16.7% for each age group).

Graphic 10: Distribution of incidents by age, 2016. Percentages



Base: 42 incidents

Average age of people who filed complaints and indicated their age was of 31.67. There were registered incidents of people between 8 and 60 years old, whereas none of the people who reported were older than 60.

Illustration 2: Age, 2016



5. QUALITATIVE CONTRAST

5.1 REMARKABLE CASES

Next, we offer a brief description and analysis of cases that will allow for a closer insight of the reality of LGBTI people and the situations in which their rights might have been violated.

The cases described aim to offer a closer picture of the existing diversity involved in LGBTI-phobia regarding groups of population, environments, itineraries, territories and other issues. In fact, the two previous reports described a total of 10 cases, but in 2016, given the huge diversity and implications of many incidents, this analysis has been widened to include 15 cases.

Apart from trying to show all possible diversity surrounding LGBTI-phobia, we have also wanted to show some of the incidents that have proved to be strategic from the OCH perspective regarding the achievement of LGBTI rights and the eradication of LGBTI-phobia. Some examples would be case 1, on homophobic insults at FC Barcelona's football stadium, cases 2 and 5 on LGBTI phobic bullying, case 12 on LGBTI phobic materials in school centres or case number 13 on the video distribution of messages that constitute an incitement of hatred and violence towards LGBTI people.

Case number 1: *Homophobic insults to a Real Madrid football player at Barça's stadium*

Affected person: Gay man, hate and exaltation.

Description: On 2 April 2016 and during a Barça vs Real Madrid match at Camp Nou, part of the spectators shouted homophobic insults to player Cristiano Ronaldo: "Cristiano maricón" ("fag") and "Putxa Madrid" ("Madrid, whore"). The OCH denounced the facts to the Department of Labour, Social Affairs and Families of the Generalitat de Catalunya, which opened an investigation on 6 April 2016.

After this complaint, the Professional Football League also filed a complaint to the Anti-Violence Commission (Comisión Antiviolença) and the Competition Committee of the Spanish Football Federation (Comité de Competición de la Real Federación Española de Fútbol).

Analysis: This is a case of homophobia via a discourse that can incite attitudes of hatred, since derogative words such as "fag" or "whore" are used as an insult, which results in a devaluation of the words and groups identified with them. It is very common to use words like this in a derogatory way in our culture and they are said with a clearly scornful intention. The fact that organizations with responsibility in the world of professional football reacted to these events is important. Nevertheless, LGBTI-phobia in the world of sport is an important issue that is becoming more visible every day and which requires the application of specific measures.

Case number 2: *School bullying to an under age boy in a small village*

Affected person: An under age boy, homophobic bullying within the school environment.

Description: Primary school boy in a small population. On 31 March, a complaint is filed regarding the graffiti on a wall with the name of the minor followed by the word "Maricón" ("fag"). On 22 December another complaint is made denouncing a painting on a car with the minor's name followed by the word "is a girl". The mother reports the insults and harassment that the minor is suffering. The school does not take any kind of action after the mother's complaint. The facts are communicated to the Department of Equality and the LGBTI Area of the Labour, Social Affairs and Families Department of

the Generalitat de Catalunya and also to the Catalan Ombudsman, who issued a resolution asking for the implication and responsibility of the Department of Education. The boy ends up changing schools.

Analysis: we are dealing with an under age boy who is suffering from school bullying and who does not receive any kind of response from the school. Bullying to LGBTI people is becoming more common. Many schools do not react to this situation, and, as a consequence, many affected children end up changing schools, while similar cases can keep taking place at the same school centre and the minor might suffer from more bullying at the new school.

Case Number 3: *Possible homophobic insults from a Renfe (Spanish national railway company) employee to a passenger*

Affected person: Gay man, institutional.

Description: On 25 May 2016 a gay man suffered an homophobic verbal aggression by a Renfe ticket collector. The victim was travelling in a train from Barcelona to Tortosa at night. The employee called the victim “princess Sissi” and later on in the conversation he shouted “maricón de mierda” (“fucking fag”) at him. The facts are communicated to the Department of Equality and on 2 June he is summoned by the LGBTI Area of the Labour, Social Affairs and Families Department of the Generalitat de Catalunya to make a statement. Finally, the LGBTI Area files an administrative complaint to Renfe. An official communication has also been filed to the Parliament of Catalunya from the Department of Equality.

Analysis: This is a clear case of homophobia exerted by a person employed in a public institution. Since the organism is dependent on the Spanish central government, the complaint was not addressed to the Catalan Ombudsman but the Catalan government’s duty to act was activated instead. Nevertheless, this case could have been filed via Law 11/2014, but this was finally not possible since the development of an infractions and penalties regulation was still in process of elaboration. Institutional LGBTI-phobia is a situation which poses the need to provide public staff with specific training, and in this case this should be made from the central government, since institutions and administrations can be a referent against LGBTI-phobia and in the protection of LGBTI people’s rights.

Case number 4: *Verbal and physical aggression to a couple of two boys during the Circuit Festival of Barcelona.*

Affected person: Two gay young men, verbal aggression in Barcelona.

Description: During the celebration of Festival Circuit de Barcelona, in August 2016, the victims were walking in Llançà Street, very near shopping centre Las Arenas. Three other boys started to insult them because they were holding hands. One of the three boys who were insulting them came a little closer to the couple and told them they should be ashamed, that with these attitudes the human race would end up disappearing and that they were sick to see Barcelona full of homosexuals like them on occasions like that (the celebration of one of the festivals which attract more tourists and render more economic benefits to the city).

Faced with this situation, a member of the couple told them to be left alone, that they were causing no harm to anybody and that they were displaying a disgusting and homophobic attitude. At that point, one of boys of the group hit the 24 year old young man with his fist. When the young man tried to defend himself from the attack, he was kicked. Shortly afterwards another member of the

group began to join in the fight, while the third one was watching out nobody else got closer. When he tried to help his partner, the 22 year old young man received two more blows in his face. News of the attack reached the OCH via the media, and the Observatory brought the facts to the LGBTI Area of the Department of Labour, Social Affairs and Families of the Generalitat de Catalunya.

Analysis: Physical and verbal attacks keep being the most common LGBTI- phobia situations registered, especially among gay and bisexual men. Attacking two men who are holding hands during the celebration of a festival - one of the most important LGBT festivals in the world - is not casual, but indeed shows that hatred towards LGBTI people actually exists and, seeing the city full of visible LGBTI people can arouse in some people a feeling of hatred and repulse which becomes evident in similar situations. Aggressions have been and keep being the most reported type of incident partly because it is the most obvious and can be reported as an aggression, LGBTI phobic or not. The problem is that most times homophobia as an aggravating circumstance contemplated in the Spanish Criminal Code is not applied, and attacks and their motivations remain to a great extent unpunished. In this case, the victims reaffirmed themselves in their intention to report, but the OCH is not aware of the itinerary followed by the incident.

Case number 5: *Bullying to an under age trans in a village school*

Affected: Under age trans boy, bullying

Description: Under age trans boy who suffers from bullying and harassment in the school environment. The OCH provides psychological support and accompaniment to the minor, the family and the City Council. The OCH reports the facts to the Labour, Social Affairs and Family Department of the the Generalitat de Catalunya. The boy has to change schools.

Analysis: This is another case of transphobic bullying in the school environment. In this particular case, the minor received support from the family, from the City Council and from the OCH, but despite all this support, the boy had to change schools. Lack of protocols and scant application of Law 11/2014 make of the school environment a hostile environment for LGBTI people, especially for transgender man people.

Case number 6: *Harassment at work to a transgender man*

Affected: Transgender man man, harassment at work environment.

Description: The victim has been working in the company for 11 years and two years ago he started his transition. From mid 2015 he begins to be the object of comments and jokes related to his transition, such as sarcastic questions regarding his name change in the civil register. The victim reports having been punished by the company on two occasions, the second time unfairly. This penalty is appealed via a union's legal office. The victim reports the OCH that he needed psychiatric treatment due to a depression.

Analysis: Harassment at work is still probably a very invisible reality suffered by the general population and still more when it is on the grounds of the gender identity or the sexual-affective orientation of the victim. It is very complicated for the victim to denounce such situations, which many times are also difficult to identify. Difficulties for transgender man people at the workplace take place not only in their access to the job but also when it comes to working in a safe environment, free of discrimination and aggressions.

Case number 7: *Insults to two women in the centre of Barcelona.*

Affected: A couple of two women, verbal and physical aggression.

Description: Two women kiss each other in a bar in Plaça Urquinaona, in the centre of Barcelona, and a boy calls their attention. A few minutes later, another boy, friend of the first one, shows off his genitals. The women call his attention and he hits them and runs away. They follow him, the police arrests one of them and the other escapes through the metro station of Tetuan.

Analysis: The situation reaches the OCH via GayLes TV, a LGBTI media. It is a lesbophobic verbal and physical aggression by a group of men. Attacks to women have also a sexist motivation, given that they are usually inflicted by men and, on many occasions, they have a component of sexual harassment, like in the present case, where, according to the victims report, one of the aggressors exposed his genitals. When they confront him, a physical aggression takes place as an improvised response to an apparently unexpected reaction, which could have been considered as a threat by the aggressors. In this case, the police was able to make an immediate intervention, following duty to take action and the intervention ended up with the arrest of one of them.

Case number 8: *Harassment at work to a civil servant woman because of her sexual-affective orientation and her gender expression*

Affected: Lesbian or bisexual woman, work environment.

Description: Civil servant woman reports that she is suffering harassment at her workplace due to her sexual-affective orientation and gender expression for, at least, the last two months. The woman reports that the harassment is inflicted by several workmates and it involves insults, intimidation, scorn and shoves which have affected her at all levels. The victim states she has reported the facts via the criminal code. At her workplace, she receives no support whatsoever and no measures are taken.

Analysis: This is a clear case of LGBTI harassment at workplace. In this case, the harassment is inflicted by several workmates and this makes it very difficult for the victim to find support. Also, she finds herself in a hostile work environment, where there is a high degree of overtolerance on the part of the people responsible at the workplace. The existence of a law of equal opportunities for men and women and the equality framework provided by it, as well as the existence of Law 11/2014, has yet not resulted in adequate training in all work environments nor in the development of prevention or intervention protocols regarding harassment and, therefore, the working environment becomes hostile and this behaviour remains unpunished. In this case, the victim was able to report and the case went to court, but, examining the peculiarities of this type of harassment, we might be tempted to believe that many other people are not in a situation to report these situations and, therefore, it is very complicated to be fully aware of the real situation of LGBTI people at their workplaces.

Case number 9: *Harassment to a bisexual man by his ex-partner*

Affected: Bisexual man, harassment in a family environment.

Description: A bisexual man in separation proceedings notes how his ex-wife is trying to petition withdrawal of their children's guardianship pleading his bisexual condition. The victim reports the situation he is undergoing to the city council of the population where the facts are taking place, and the city council transfers the case to the OCH, with which it has a collaboration agreement.

Analysis: Biphobia complaints have increased in 2016 with respect to 2015, from one to three cases. Biphobia is, per se, one of the most invisibilized and less treated types of LGBTI phobic discrimination. This fact makes difficult the identification of a possible biphobic situation. Casting doubts on a person's ability, for the mere reason of being bisexual, to take care of their children constitutes a biphobic prejudice. Some of the most common prejudices against bisexual people question their reality, claiming they are not able to make a decision and are therefore confused. Other times the argument is that, feeling attracted to different genders as they are, they are promiscuous and unable to have a completely rewarding sexual-affective life, assuming that this promiscuity involves an unhealthy lifestyle. This reality can result in a lack of trust towards bisexual people, apart from their criminalization and culpabilization.

Case number 10: *Trans-phobic, non-inclusive official documentation*

Affected: Person who identifies themselves as third gender, institutional.

Description: The affected person informs the OCH on the existence of a pre-registration form of the Department of Education which asks to identify one's own gender as either "man" or "woman". The affected person communicates the case to the staff in charge, who responds the form will be amended, but it isn't. The incident is communicated by the OCH to the LGBTI Area of the Labour, Social Affairs and Family Department of the Generalitat de Catalunya in May 2016. Finally, a communication is also addressed to the Department of Equality, thus activating Law 11/2014's duty to take action.

Analysis: This kind of attitude on the part of the public administration staff is, directly or indirectly, an example of the importance of training personnel who is in contact with the public and who is also involved in one way or another to a public administration.

Case number 11: *Offensive comments towards intersex people on a radio program.*

Affected: Intersex people, media.

Description: On 18 October 2016 an information reaches the OCH via Twitter regarding the contents of a radio program which could violate Law 11/2014, since they can be contemptuous towards intersex people. In the program, opinions are given regarding a TV program where a participant explains their narrative as an intersex person who has undergone a gender transition process because as a child he/she was identified as belonging to the incorrect gender. In the radio program, intersexuality is then compared to hermaphroditism and the person is told that he/she could have sexual intercourse with themselves, and that it could be a good idea to have sexual affective relations with other intersex or transsexual people. The affected person sent a letter to the media corporation involved and from the OCH the incident was denounced to the Department of Equality of the Generalitat de Catalunya on 19 October 2016.

Analysis: It is the first time that a complaint for possible interphobia reaches the OCH. It is already quite complicated for intersex people to identify themselves as such, since there is very little knowledge of their reality and because this nomenclature is object of debate among the group of intersex people. It is therefore also very difficult to identify possible discrimination situations. In this case, it is the reality of intersex people which is affected and despised due to a lack of awareness and existing prejudices surrounding this reality. Intersexuality today is very little known and little work has been made on it. Mocking and misinforming about this reality, however, means a violation of the rights and dignity of intersex people. This situation might recall the initial stages of LGBTI visibilization in our society if we consider the lack of awareness that also surrounded it. However,

⁷ Pla Municipal per la Diversitat Sexual i de Gènere. Ajuntament de Barcelona. Octubre de 2016.

this does not exempt us from the responsibility and the duty to search for information on the matter, and still more in the case of media, since they have a responsibility derived from their role model as opinion generators.

Case number 12: *Distribution of LGBTI phobic materials in several schools*

Affected: Generalist, hate and exaltation.

Description: Last November 2016 a leaflet reached schools all over Catalunya and Spain from an association against LGBTI people's rights and which questioned the educational work regarding sexual-affective and gender diversity at schools as well as of local laws that promoted this kind of work. They claimed that these laws promote homosexuality and involve "sexual indoctrination". This leaflet reached OCH through many different vehicles, especially social networks, and the OCH acted automatically, transferring the complaint to the LGBTI Area of the Labour, Social Affairs and Families Department of the Generalitat de Catalunya invoking the duty to take action.

Analysis: In this case, all the LGBTI group is affected, hence its classification as generalist. Not only it affects all LGBTI group but, actually, all the educational community who works for a qualified development of all children, whether they be LGBTI or not. This kind of behaviours can endanger many LGBTI children and their environment, since they question their diversity and their reality, promoting its invisibility and feelings of guilt and unhappiness. They also spread the message that what LGBTI children live and feel is not right, a fact which can result in conflictivity within the school environment and obstruction in the children's development. Moreover, in this case, it should be examined whether this incident does not also imply a questioning of other Catalan laws such as Law 17/22015 for effective equality for men and women or the LEC (Law 12/2009, of 10 July, on education).

Case number 13: *Distribution of videos with LGBTI phobic content in social networks which incite hate.*

Affected: Generalist, hate and exaltation.

Description: On 3 August 2016 the OCH informs the LGTB area of the Labour, Social Affairs and Families Department of the the Generalitat de Catalunya on the existence of a video and a Youtube channel associated to a specific website, in which a man sends a message which incites hate and violence against LGBTI people. This situation is denounced appealing to article 34.4 of Law 11/2014 on the deliberate and reiterative broadcasting in media, public interventions or speeches of vexing expressions which suppose an incitement to violence and which have LGBTI phobic connotations. The aggressor manages different social networks (Youtube, Facebook and web) with sexist and LGBTI phobic messages. The LGBTI Area transfers the case to the Mossos d'Esquadra police force. At the same time, other associations from all over the nation, such as Madrid entity Arcópoli, also report the situation to different police forces. The Policia Nacional intervenes on 2 September 2016 and finally, on 6 September, Minister of Catalan government Dolors Bassa announces via twitter that the Ministry will be part of the private prosecution.

Analysis: This video, which encouraged shooting homosexual people or using the Circuit Festival in Barcelona to make a massacre against LGBTI people was detected only two months after the attack perpetrated in LGBTI disco Pulse Club in Orlando, USA. Threats of a massacre or incitements to kill LGBTI people in such an outrageous and public manner had never been detected before. The occurrence of the Orlando massacre possibly promoted public exhibition of hate towards LGBTI people. This is possibly the most serious incident in 2016 for its public implications and its threat of violence and death towards the LGBTI group. It is not only promoting incitement to violence what is at stake, but

addressing it towards a specific group. There is also the risk that these threats materialize and the possibility that other people with similar feelings of hatred can carry out acts of violence against LGBTI people.

Case number 14: *Lleida newspaper headline with homophobic message*

Affected: Generalist, media.

Description: An organization called Colors de Ponent informs the OCH that newspaper La Mañana, published on 6 March 2016 a news item under the headline “Neighbours fear Grenyana becomes a refuge for homosexual prostitution” on its first page and also on page 3 of the paper. The organization released an announcement denouncing the facts. The item’s text makes evident the fact that the existence of prostitution cannot be proved. The first page headline, however, explicitly mentions “homosexual prostitution”. Faced with this announcement, La Mañana’s editor apologises on 7 March in the social networks and publishes an article with the organization’s announcement and adds that it had not been the intention of the paper to be disrespectful.

Analysis: Myths and prejudices surrounding LGBTI group and in this case, especially regarding gay and bisexual men, are still present in our society. Sexuality of men with other men has been considered as an illness for many years in our history and it still is in other territories and societies worldwide. But in our society, this perspective is not only unacceptable but it is a refuted perspective which can be punished by Law 11/2014. That is why it is so important that, in this case, the newspaper amended itself and publicly apologised. Prejudices towards LGBTI people must be eradicated and sexual-affective and gender diversity must be treated with respect and accuracy.

Case number 15: *Homophobic content in a book on penitentiary law*

Affected: Generalist, institutional.

Description: A book on penitentiary law recommended by Universitat de Barcelona makes use of clearly homophobic expressions, relating homosexuality to the negative effects of imprisonment, saying that “release on licence has also been an adequate solution to the convicts’ sexual problems, when visits or intimate communications that currently perform this role for those who can not enjoy release on licence did not exist (art. 45.5 RP), and which alliviate the negative effects that forced abstinence causes in the convicts, promoting homosexuality”. A complaint was sent to the Ombudsman and the LGTB Area of the Labour, Social Affairs and Families Department of the the Generalitat de Catalunya . The OCH is informed by the LGBTI Area that the book was published before the entry into force of Law 11/2014 and therefore, the Law can not be applied. Meanwhile, the Catalan Ombudsman appeals to academic freedom. Finally, the case has also been worked on with teaching staff and members of the Commission on Equality of Universitat de Barcelona’s Faculty of Law.

Analysis: Almost every year there is some complaint about books with LGBTI phobic content, but in most cases the book can not be withdrawn from sale points and when it is, it is thanks to the free will of the staff where the book is available or by the printing house, but not as a consequence of Law 11/2014. This book was published before the Law was passed, but reinforces the view that relations between people of the same sex are something negative, a perspective that can have an effect on any person who reads the book. Despite the fact that publication was prior to the law, its reading is currently recommended in a faculty of law, a place where rights and duties of our citizens are studied and worked on.

5.2 SOCIAL NARRATIVE OF HOMOPHOBIA: QUALITATIVE INTERVIEWS

In the previous part of this report several cases have been displayed which manifest the hardness of LGBTI-phobia situations registered. However, it only represents a little sample of all minor and serious situations and incidents that have reached the OCH.

Unfortunately, it is not possible to examine all incidents with the detail they probably deserve, but it has been considered important to know the implications of some of the incidents reported during 2016.

As already seen in the quantitative analysis, bullying in the school environment is the second most frequent item in the registration of incidents in 2016. On the other hand, the transgender man group of people keeps being the third most affected group and has been central during 2016 in the political debate in Catalunya in reference to the efforts to offer a new depathologizing model of attention to transgender man people in concordance with these people's needs. Finally, incidents affecting transgender man people and the group of lesbian and bisexual women have increased and show very similar percentages. This framework has been decisive in the selection of interviews made this 2016.

Firstly, an interview is presented which portrays a transgender man man in a situation of harassment at work, a harassment which was initiated at the same time as his transition began. Difficulties of transgender man people to access and initiate their transition process, or simply to keep being part of the labour market are one of the main concerns of the group and of the organizations and administrations that deal with their situations. In this case, the man was initiating his transition, without being able to change his name, and he was the object of mocking remarks by a head manager of the company he was working for, with the complicity of other workmates. This situation, added to his personal reality at the moment, had very negative consequences on his life, one of them being a depression he developed.

Secondly, an interview to the parents of an under age boy victim of homophobic bullying is presented. A bullying that went on for years and which, together with the absence of any measures by the school's teaching staff, forced the child to change schools. This change has greatly improved the boy's life, exposing the importance of the educational community's role in the prevention and treatment of LGBTI-phobia and bullying.

Next, a lesbian woman has been interviewed who reported some poems which could be considered as lesbophobic and which were addressed to her in the local festivities of the location where she was working. In 2016, the number of incidents registered by lesbian and bisexual women in Catalunya increased slightly. In this case, social prejudices against lesbian women gain prominence via the presentation of a folk culture event held in a public space. This fact allows us for analysing how prejudices against lesbian women and lesbianism are still very present and are the object of scorn in public spaces.

And finally, there is an interview with the Deputy General of the Catalan Ombudsman in order to analyse its role in relation to LGBTI-phobia, especially as regards the trans group and the reality of LGBTI bullying in the school environment. The first, the trans group, has been central all throughout 2016, mainly due to the efforts made to create a new Model for health care assistance to transgender man people which rejects pathologizing definitions found in international manuals of mental illnesses like DSM and CIE and to offer a support based on the accompaniment to victims and the real needs of people. In the second, LGBTI bullying has changed its position in the list of environments with more filed complaints, going from sixth place in 2015 to second place in 2016. However, measures foreseen by article 12 of Law 11/2104, on education, have not been fully developed yet.

Finally, a series of consensus and dissensus regarding the LGBTI-phobia situations observed in the interviews is presented.

Interview 1: Transsexual man who suffers from a harassment at work situation during his transitional stage.

In 2016, a new Model for assistance to transgender man people was passed in Catalunya which represents a first step towards their depathologization and focuses on the needs of the group. However, there are still a lot of environments where they still suffer from discrimination and/or pathologization. In this case, a man who had just started his transition was the victim of harassment at workplace by one of the heads of the company he was working for, since, despite in transition, he still couldn't change his name, since Law 3/2007 of 15 March, regulating rectification of the register in relation to people's sex, establishes that two years of hormone treatment must pass before being able to register a change of name and sex in the civil register. In addition, people at his workplace environment did not accept this change and used feminine pronouns and not his chosen name when they addressed to him.

The affected person explains how the situation started:

It started in a silly way, to give it a name. It was with the head of human resources. He was a person who started at my workplace, he was new. From the beginning our relationship was not good. At first sight that kind of [...] I didn't like this person, it was reciprocal.

Time passed by and he kept picking on me, but it was about work issues. I was putting up with the situation while things were happening.

He introduces the first harassment situations:

It all reached a point when he started to mess up with the issue of what is transsexuality [...]. Obviously, he found out [about my transition] because I had to change my name, then, because he was the one in charge of stuff related to staff, he was the one who had to know better.

He made comments on the issue that were not pertinent, I didn't say anything. I consider myself to be a strong person [...] it's not easy to offend me, I have always protected myself [...]

The affected person explains that he was going through a difficult situation at a personal level too.

But, of course, what happened, well, I was going through a separation process and when the issue with this person started, well, everything came together, and here I said, well, I can't cope with this. Work had been my refuge, and now I had no refuge anymore. I got home and felt bad, and it was like this everytime I got to work.

He explains there was nobody there to hear the harassing comments:

The bad thing is that he always said these things to me when we were alone, he never said them, of course, in front of other people. It was my word against his in this case. If I had said something at that moment, just like I did when everything exploded [...] they wouldn't have believed me, why say anything if they won't believe me. That's why I kept letting it pass.

The victim talks about the first penalty:

Then, as he couldn't... , as I tried him to see that I was not hurt, he punished me, with two weeks's work and salary. It was his way of saying, as I can't bug you with this, I'll bug you with that.

I was off for two weeks. The week I came back, that was the week when I said, well, not any more. I worked

that week, and then I was off on leave. Because that week he started again and kept on and on with the same thing.

Finally, he accused me of stealing, not directly, but there were things that made me think that he thought I was stealing. Actually, just a few weeks ago somebody told me, they were looking for an excuse to fire me. That week I worked from Monday to Friday and on Saturday didn't go to work anymore.

He explains that when he was on leave he received a second penalty:

While I was on leave, I received a second penalty, three weeks of work and salary this time, apparently because of recurrence, for having made the same mistake as in the first one. And that one is the one I'm appealing now.

It is a lie that I made the same mistake, that is why I had to sue the company. Because, of course, if he couldn't fuck me up for this he would do it for that.

And he explains how it affected his personal life:

When I received the punishment I didn't know what to do, I burst out crying, I said, this can't be happening to me, because, I said, if a third one comes then they'll sack me. I talked to my boss and asked her what was all that about, I mean, this person was one of the people who knew how important it was for me, the fact that, she knew about the money I needed for my separation, what it meant [...] She was a person who was aware of my situation, but she punished me anyway: the first time with two weeks [...] the second with three weeks, which is almost a whole month.

No matter how much people knew [...] maybe if I had had a witness who could testify that none of that had happened the second time, but nobody said anything, and I understand, because nowadays nobody risks anything to help other people.

Then, when I was on leave, I learnt he had been transferred from his post at work. [...] I was six months on leave for depression. I didn't leave home, I have a little dog and I barely took her for walks. I got completely down, because I already saw myself out of there. There, the hardest thing for me was the money issue, more than the transphobia I had suffered. I saw myself like... what am I gonna do now?.

The affected person talks about his comeback to work:

Six months passed and I talked to my boss again and with the person in charge at human resources and they promised me that he was not going back to the shop. I got scared of going to work, I couldn't go to work. I was in a state of anxiety, I got so scared 'cause I said, he will go through this door at any moment. And the comments they made me, it was like: if you make one more like that... I'll just shoot myself.

We tried to appeal the penalty, the company didn't want to conciliate, so we had to confront. As it was a work issue, I affiliated the union and they are bringing my case.

The affected person explains how he takes the decision to report the incident to the OCH:

I did this one week before I started work again. I took the decision to report because I have a friend who insisted. He told me, if nobody stops him he'll keep doing it. I don't want that other people end up like me, either. I have never been on leave so long and with a depression, never, never. I used to spend the whole day at home, I barely ate, I didn't do anything.

This friend told me about this place [the OCH], and with the psychologist, two or three months, they were quite of a help. It also came a point when I said I can't go on like this. This person is nothing to me and I'm fucked up here and this person is going on and about so happy as if nothing had happened.

He explains how he came out of his depression:

It was hard, but I started going out little by little, I went to the park with my little dog. I didn't meet anybody, because it was, well, the usual story, how are you, how are you coping with it all, and I didn't want to talk

about it. And... well, I started to go out again.

He talks about application of Law 11/2014:

I was really down. I didn't want to give it too much importance 'cause somehow it was painful for me too. I'm gonna think this has not happened to me, that it's all been a dream. This person is not there anymore, the problem is not there any more so I kept postponing it.

He talks about LGBTI phobia and about the reality of LGBTI people:

All this issue about transexuality, it's not that I feel excluded, it's like.. like I don't want to identify myself with it. I'm not a boy and I'm a boy and that's it. All this thing, before, maybe didn't exist, I mean it was not visible, for a long time, but since then people are more liberal, but still I don't see any progress. I see that there's still a lot of people with a closed mind. And I think things will keep like this now and always, maybe something will change a little but I think all this will never end.

Finally, he reflects on what has happened to him and how he sees the future:

I did suffer quite a lot, in the sense that I felt rejected by some people. People told me you have nothing in common with him, you only see him once in a while. Yes, but once in a while hurts anyway. And... I'm a person who's not easily offended.

Talking about the church, because religion has a lot to do with it. Whether you like it or not, the Church has a lot of power and that's something difficult to confront. I think the Church is stronger nowadays.

When I began with the transition process and so forth, I was, more aware of [...] when I began I did think maybe this or that will happen to me, because people know me in a certain way. Until we did not step forward and said "we're like this", we were treated as lesbians. I was going through a change and this change, whether you like it or not, is also difficult for other people. Because they know you one way and now they see you in a different way. In fact, at work, they know me both as I was before physically, there I have made a complete change. And it's been hard for people, and I have a partner... and it's hard for her too. And that makes me think [...] they don't think, well, maybe I'm hurting you if I keep calling you in a certain way. And then they answer you, "fuck, I'm sorry", yes, but you get a little fed up, always with the "fuck, I'm sorry" everyday. Other mates ask her, "how do you see this person?" She says, "as a man", but, of course, she still remembers how I was when she met me. But I also think, is it really that hard for her, or is it simply that she doesn't want to...?. That's something we'll never know, either, because we're not inside other people's minds. Maybe there's people who do it just to fuck up. Things are great with customers, because they have known me for years, they accept me, they call me as I want them to call me... and I don't have any problem. Family? Yes, it's also difficult but, well, that's it. As I always say, be patient, some day everything will come out right.

Interview 2: Parents of an under age boy who suffers from homophobic bullying at school.

The interview is to the parents of an under age boy who suffers from homophobic bullying at a school, without the child even being aware of his own sexual-affective orientation. The situation went on for four years and did not finish until the minor changed schools. In this case, additionally, we find a situation taking place in a non-metropolitan location and, therefore, access to some resources is limited. In this sense, changing schools is not easy in many villages and sometimes this change is not even an option. Consequently, the fact that the situation took place in a village made the situation and its solution much more difficult.

Firstly, the parents explain how was the homophobic bullying situation their son was suffering at school:

What happened is that my son suffered from a situation of harassment, of bullying. They called him "maricón" ("fag") and I can't tell you if he is gay or not, because he is very young, he has not developed sexually yet. As far as his identity, yes, he is really sure of his identity, he is a boy, that's how he expresses himself. He has a sister, he has a lot of things that [...] being both educated the same way, one day, he might say "I like Frozen very much" and put on some Frozen attire, and another day, well, "I like this about Star Wars", and put on some Star Wars garments. Both of them have this kind of freedom.

They started calling him "fag" , because he's a boy with... [...] we have not educated him following any stereotypes, we're not like if you're a boy you have to like color blue..., no, if you like pink, then you like pink and that's it. After this, they began to use his name in its female version, as an insult. The thing is they did it to insult, to hurt. He took it as an insult. They started like this when he was very little.

The mother tells us of the relationship with the school when she and the father started detecting the bullying situation:

At the beginning we talked to them, we told the teachers. Always trying to be on good terms with the school. Then they told me, "well, do you really think it's that much", and I told them, "well, outside school, in the street, when they meet in the street, they already call him that, how can it be that here, inside the school grounds...?" "Ah, but we haven't heard anything..., ok, we'll be more observant from now on, we'll watch out". Well the "we'll watch out" lasted quite a long time.

The parents explain how the bullying situation kept on and how it developed:

It was a ball that began to get bigger and bigger [...] Then, as time went by, he had a hairdo they started telling him he had to change it because that was a girl's hairdo and he couldn't have it. He told them no, he liked it and he said no. They began to insist, until they told him that if he didn't change his hairdo they would throw stones at him.

The mother talks about how the whole thing continued and about the response at school, where they did not believe it until a physical aggression happened:

Then he started to explain us about it and we went to talk with the teachers. And they told us: "Are you sure they call him that?" "Yes, that's what the boy says" and they said, "ok, but we haven't heard anything". And then one day he got home with a blow from a stone on his head, a good blow it sure was. And I asked him, "what happened?" And he told me, "they throw stones at me", he said, "today it hit me, but it's been quite a few days already that they've been throwing stones at me, only that I dodged them the other times". And I asked him, "and why do they throw stones at you", "because I haven't changed my hairdo".

I talked to the school and they told me "no, we're sure it's been an accident, because, maybe some child threw stones and, unluckily, one of them hit him on his head." The next day he came with a blow from another stone on his leg and then I freaked out. Apparently, at the moment they solved the issue, they made one of the children admit the facts, and then they made this child apologise [...] and this brought two or three months of peace.

Two or three months later, here we are again with the appellation, afterwards they started with the insults.

There was an older boy that was punished with the little ones and, when he heard the others calling him with a feminine name, well, he had the brilliant idea of pulling his pants down to check if he was a boy or a girl. When the rest saw this, they also began to do it to him

A year later things continued the same way and the mother explains how the situation developed into other harassment situations and how the school started to cast doubts on her version and gave not any kind of response:

A year later he started saying he didn't want to change clothes in the changing rooms at school or at the swimming pool, any changing rooms, he didn't want anybody to see him naked and I told him, "well, why, what's wrong?", and he told me they were telling him he had women's teets and that he felt embarrassed for this reason. And, well, I kept talking with the teachers and they told me, "don't worry, we'll do something about it"-

And he started with he wasn't invited to birthday parties and, actually, they even told him "I have invited all the class except you", they told him that to hurt him, and you could hear him saying "I have no friends, nobody likes me". Everything was getting more difficult and at the beginning he felt very depressed, but a moment came when I saw it and warned the school, but they didn't pay much attention. He changed his attitude. "Up to here, this is the line, it's finished, now I'll begin to defend myself", and self-defense means hitting others, and then he began to misbehave, because he was defending himself from a situation where nobody was helping him, because nobody was stopping the other kids when they insulted him, when they called him names, and he told me "they don't tell them anything, nobody says anything here".

One day the person in charge of the cafeteria called me and told me "your son has freaked out, he started screaming and then threw himself onto the floor saying he didn't want to move" and I said, "of course, because he didn't want to go into the classroom, has he told you anything?, did you ask him?" And he told me: "the boy says that he doesn't want to go in because he will be hurt" and I say, "have you considered the possibility that maybe some other kids told him they were going to hurt him?" And the person said "they won't hurt him here, actually, nobody will hurt him here, we're here to protect him". They didn't even questioned about it [...] at no moment did they think about why the boy was doing that that".

They tell us about when a graffiti appeared at school:

Until a day came when there appeared a graffiti at school with my son's name and the word "fag" next to it. And then I told the boy, "did you talk about it with the teacher?" "Yes, and she told me the boy who did it has been punished". And I told him "don't get obsessed with this". I do not want to put all the blame on the boy who did it, because he was new at school, he was becoming aware of a situation, he was new at school, maybe the other kids also teased him and maybe he did it out of self-defense, so that they noticed the other boy more and then they would leave him alone. I told him, "talk with this boy, try to make friends with him, try to get things a little smoother". A few days later I saw the kid in a very altered state, but he didn't tell me anything. A month later I asked him "what's wrong?" and he told me "nobody has erased the painting from the wall" [...] and I asked him "are you sure it's the same graffiti?" And he answered, "yes, mum, I see it everyday" and I said "ok, after school you tell me where the painting is and if it's still there I'll talk to the teacher and to whoever is necessary".

When the first graffiti appeared I sent a mail to the school. After school, the boy took me where the painting was and, indeed, there it was, and I took a picture of the graffiti [...]. At that moment, the school's director was leaving the school, and I told her "come here" and made a scandal in front of the painting, I think she will remember this moment for the rest of her life. She told me she didn't know the painting was there and I told her, "sorry but I sent you an e-mail a month ago explaining about the painting, how is it possible nobody has taken it out!" [...] "I think it's not necessary to say the painting has to be erased" [...] she took me to her office and told me "your son is not the only one who is suffering from a situation like this" and she took out a pile of papers from a drawer with notes addressed to other children and I told her "you have a problem with this school, and the only think you're doing is to cover it, you're not solving it" and she told me, "Oh, well, I don't think it's that serious" and I told her "insulting is not so serious?". For them, the idea is that it's nothing serious because we're only talking about insults. [...]

The parents explain how they solved the school centre issue:

We had to change schools. He's at another school now, and he's very happy, very joyful. He's having a

great time with the other children, who invite him to their homes to play, an astonishing improvement in his school grades, from D's to A's.

The mother reflects on the school environment and coeducational values in relation to the situation her son went through:

We are supposed to be educating our kids in values, equality, respect values... they're basic. He told me there were parents who had banned his kids from playing with him because he was a "faggot". Some other parents had told me, in relation to the way I was educating mine, that I was "faggoting" the boy. [...] I know where the problem comes from, from stereotyping, from education, ideas, a clash of concepts.

When and how did you decide to communicate the facts to the OCH?

I went to the OCH because I had seen a newspaper item where it said that they had helped another boy in a similar situation [...] we were a little desperate. The change of schools was already decided on, we still hadn't been allocated another school because we were out of time. What we were sure of was that something had to be done. Psychologists had recommended not to sue while the boy was attending the school, especially because there could be reprisals. When I knew what his new school was going to be and everything, they told me to go to the Ombudsman, who, casually came to the village one day and I took the opportunity.

The Ombudsman issued a resolution very much to our benefit and calling for application of Law 11/2014. They also requested an examination of the school's proceedings and there were a couple of points in the resolution that were quite... [...].

The Inspection Office of the Education Department was the one which helped us with the changing of centres. The inspector told me, "I will make sure this whole thing is solved before the kid leaves the centre", but it couldn't be.

The parents talk about when and how the kid felt he was being helped within a leisure- educational environment:

The ones who did something for the kid were the leisure time monitors at summer camps. He happened to meet two of the kids who had been attacking him at school. The monitors called me a few times and told me they had seen things, that they had heard things, until one day they also found another graffiti. Then, they called me right after they found it and told me, "we've found this painting, we have erased it ourselves, but there's a problem here and we're gonna do somethin' about it" and told me they would do an activity in which different labels would be attached to the kids and would swap roles. They did it and told me to make the kid write a letter and he read it in front of all the other kids, and it was very liberating for the boy. When he left, he thanked the monitors, who told me they almost burst out crying when he told them they had been the only ones who had helped him.

The mother continues:

We didn't think about why things happened, they just happened, and it was a bad behaviour and it had to be punished. I'm not saying my son has behaved well, but we have to look for the reasons, because he has not done it out of nowhere. When they insulted him, their behaviour had no consequences whatsoever.

What's your situation now?

Obviously, our relationship with the school is zero now, except for some kids and parents with whom we have some kind of relationship. And, as for the Ombudsman, well, that will go on [...]. We're waiting for some response from the Department of Education to see what happens.

He seems another boy now, it seems they've changed him, and it's not that he has changed, it's only that now he's his real him.

The parents express their concern and anxiety during all the process:

[...] We were getting news on TV about one twelve year old who had committed suicide, another eleven

year old who had been killed, this is very common nowadays. It's all beginning to be very serious, really strong.

And, emotionally, what if he does like that other kid who jumped out from a window, because he couldn't stand it any longer? And my son told me "I can't stand it any more", with these same words, "I don't want to go back to school, I don't." What's more, they told me "try to calm him down" I felt as if my son was a criminal and the rest were saints and because my son was the criminal then I couldn't listen to him because all he said were lies.

The mother reflects on the situation and says she would have never thought she would ever undergo a situation like this before she had children:

Really and honestly, I had always moved in an environment... honestly, before I had my children, I thought these things were over with. But, after seeing so many stereotypes with children [...] pink for girls, blue for boys, and don't move an inch from this, because if you do you become a weirdo, and you say to yourself, how is it possible that these stereotypes still exist?

What advice would you give?

From a personal pride point of view I would tell you my son should have never been forced to leave the school, [...], those who should have left are the ones who were doing all this. But you end up seeing that it's either this or that your son ends up with a stress episode so strong that you even think he might jump out of a window and you say, then you say, first comes my son. I would tell other parents, do what your kid asks you to, because after all it's him who you have to protect. To the administration, that they should set themselves to the task and do not allow these things to happen, they shouldn't look the other way.

Will LGBTI phobia be over some day?

From the moment the attitude changes, I mean, when we start educating those who come after us with the correct values.

We're all in the same place, we are not instilling values or the values we do instill are not the right values.

Interview 3: Lesbian woman living in a small village who reports the content of some verses.

The interviewed is a woman who works in the public administration in a small location in Tarragona, who was the victim of some satirical verses during the local festivities. The verses were satyiric rhymed texts related to the political or public life of the population where they were recited. In this case, the scornful verses were related to the people's private life more than their public life, and included the publicizing of the sexual-affective orientation of the victim.

The woman explains the facts, which refer to the public recitation of certain verses during the local festivities, in the village's main square and which made reference to her post and her workmates, using mocking terms to allude to their attributes and with a derogatory tone:

There are always recitations of verses during the local festivities in Alcover [...] many times aimed at City Council members some way or another. This year they made a satire on Snowwhite and the Seven Dwarfs [...]. In the satire, they said "the one with the big boobs", "the lesbian" or "the sourpuss one" That they say this in a square packed with 500 people, and also write it down[...] I think they shouldn't mock other people's private lives, whether they are in the closet or not. Being a rural town, where people is more closed, [...] if they know about my sexual condition, they can add up a little more hatred towards us.

Basically, they have never told me anything [...]. But I think that one thing is that they make fun of our work and the other is that they do it of our personal life. I'm out of the closet, but what about if my mother doesn't know about it, or if the rest of my family don't know about it?

They filed complaint to the City Council with denouncing the verses and they requested that the organization responsible for it were not awarded any grants with public funds. We also asked for an apology via a gathering of signatures. The results, however, were not the expected ones:

After that, we gathered signatures at the Town Hall because they had scorned women workers at the Town Hall far too much, and they were very sexist, very sexist were the verses indeed [...]. The Mayor did nothing about it, when he is... well, we could say he's like the manager of the company, he should protect the workers and he didn't, he sure didn't. The people who had made the verses wanted to talk with us but we didn't because a lot of months had gone by. They wanted to talk about it, when we were gathering signatures, because we requested they be left with no grants and that they apologised publicly, and they said no, that that was against freedom of expression and that they would be more respectful in forthcoming verses. The Mayor refered to the issue in the Council's plenary session, and the only thing he said was that they were against any homophobic or sexist behaviour and so on, but that was all, and things remained like that. This happened in October last year, and, since then, nothing. Except me, who reported what had happened to the OCH, this is the only thing that has been made.

The other female workmates thought about going to the Observatory on Women because of the sexist implications, but then they said, well... let's wait a bit, and I told them, it's the same every year, you will see what you do.

The woman explains that, even when in her case the verses had no bigger consequences, there can be in other cases, like when it happened to a friend of hers:

Me, and this girl, we did suffer a disagreeable experience because last year they dedicated some verses to her, specially dedicated to her [...] and in the street they told her things, and we had a very big confrontation with two guys, but she didn't file a complaint or anything, so I've been the only one.

The affected person explains what is her evaluation of the application of Law 11/2014 regarding her case, especially as far as it affects a work environment, and, more specifically, a public administration:

In this case, the Mayor should have had another kind of response. He facilitated them a venue, a sound system, microphones, the village square, the money, they had their photocopies paid to distribute the verses [...] I know this law strongly protects LGBTI rights and so on, but, sometimes, especially at work, if your head does not support you, well, it's complicated then [...] there's still a long way to go, there's still a lot of indefence people, a lot of people who needs an improvement, and still more at their workplace.

Luckily, the other day I saw it in a police association in Spain [...] they are trying to provide more protection. Here, we have unions, police unions, but they act more upon interventions, complaints, things like that, they do not deal so much with the protection of one's own private life...

The victim explains she didn't feel backed up and that more interventions are necessary, and she proposes specific training to public administration staff:

The government of the the Generalitat could promote the implementation of training courses, especially to heads of City Councils, on mobbing within the work environment in public administrations because it's a really big and complicated issue, like sexism and LGBTI-phobia. I think that if we feel that somebody from the administration is telling you: "we're observing such and such things happening and you have to be careful, you have to watch out", I think with meetings and things like that everything would improve.

As a Mayor, when you take an oath, you get certain responsibilities and obligations, if you don't comply with them or don't know about them or you don't comply with them because you don't know about them, really, well... [...] they have no training. If they had the awareness, the Mayor wouldn't allow them to go over the thin line that there is between freedom of expression and being offensive or scornful, or mocking people's private lives.

The woman evaluates the content of the verses:

I think that, more than because of lesbophobia, it's more a matter of privacy, it's my life [...] that they air something they shouldn't be airing [...]. To say lesbian, well, I am lesbian, but it's hard, because they say it in a derogative way, and they air something which is part of my private life, even if they don't say my name everybody knows who we are, where we live... they know everything about us.

They usually dedicate generic verses to us, they call some other mate "the handsome", another "the one with a beard", or "the angel" to another, but that's nothing compared to what they call us.

The woman evaluates the aggression in relation to lesbophobia, homophobia and sexism:

Usually..., one can't usually tell about me, and when I've told about it to my workmates they've said "you don't look like one, the thing is, you have not tried it with a good cock", and it's a real sexist comment, not homophobic, from my point of view [...] and then there's the people who think the old way, with young people it's more a sexist issue when it comes to lesbians, as regards gay people it's more about hatred..., towards homosexuality, more specifically lesbianism or bisexuality..., I think in these cases sexism has more to do with it.

As to LGBTI phobia, the affected person considers that some things can be improved, especially regarding the support given by organizations specifically focused on LGBTI issues (associations, spaces for leisure, etc.):

I think certain aspects will improve, will get better every time [...] but there will always be people who won't accept it, just like in the case of racism or other phobias. Unfortunately there's people who will have a phobia against these people, but they will become more normalised and things will be better, every time there are more associations, more groups, more normality, there's a better environment.

You become stronger when you see there are associations, that there are groups, that there are clubs and that there are heteros in these clubs as well, because they like the atmosphere and the..., I believe you feel more supported, stronger, better, and that also as regards telling other people freely.

What always happens is, and not only in this issue, always there will be people who don't want it, who won't accept it. For example, the thing that happened to those boys the other day, who were beaten up. Fortunately, you can see in the video that there's still good people who prevented the aggressor from keeping beating them.

She adds a reflection on the differences in territories, whether it affects big cities, medium size cities or small locations in relation to LGBTI people:

There's a big difference. Here, in the closest big town there were three gay clubs, one next to each other, about ten years ago, and now they all seem to be hiding, there's nothing, we have to go to Barcelona where it's all very normalised and there's a lot of variety. So then it's more difficult to find this kind of normality here now.

I don't hide myself, I've gone out to the place I work with my ex-partner and I've been having a drink, people knew about it, but the thing is that what hurts me is that nobody has to say what I am or not, which is different, but you can see they did because all the town talked about it afterwards. You go shopping or whatever and, without even thinking about it, you kiss your partner and... there's always somebody who is looking.

In Barcelona it's more.. like... mind your own business and let others do whatever they want to. There are lots of clubs, more associations, there are meetings, there are psychologists, writers, bookshops, there's the PRIDE festival.... Here, there's nothing here, one gay party once in a while and when they do it the place is packed.

To finish, she explains the difference between the location where she lives and the one where she works, emphasising she has had no problem in the first of them:

In my home town I've never had any problem, the whole town knows about me and I've never had any problem.

Interview 4: Deputy General to Catalan Ombudsman Jaume Saura i Estapà, Deputy General to Catalan Ombudsman for the Defence of Children's Rights Maria José Larios and Ombudsman Advisor in LGBTI issues Mar Torrecillas.

They reflect on the Catalan Ombudsman's task regarding LGBTI rights in relation to the recognition of these rights by Law 11/2014. According to this law, the Catalan Ombudsman's intervention responds to the application of its third additional provision on Cooperation and collaboration between institutions, where it is made explicit that the Catalan Ombudsman, in compliance with the attributions awarded by the Statute of Autonomy and Law 24/2009, of 23 December, exercises the functions related to the defense of rights regarding the non-discrimination of LGBTI people which might have been violated by institutions, whether public or private.

As a consequence of what is established by this article, the Catalan Ombudsman has been one of the most appealed institutions by LGBTI people. Indeed, according to data from the Catalan Ombudsman which refer to the total amount of complaints registered by this institution, 96% of these complaints are reported by private people, and 4% by associations, companies or other organizations, while 25% of complaints related to LGBTI issues are reported by associations.

Both Jaume Serra and Mar Torrecillas highlight the good relationship and communication between the LGBTI collective and the institution of the Catalan Ombudsman. Mar points out: *"at the beginning, we thought complaints would flood in, and it hasn't been like that. If it hadn't been for the association movement we would have barely had any complaints"*.

In fact, the Deputy General notes that this has been very positive for the institution in order to get experience and insight *"It's important that LGBTI people identify us as a possible warrant of their rights"*.

It's been two and a half years since the law was passed and, even though complaints from the LGBTI group *"keep not being a great part of those received on qualitative terms, they are certainly very significant"*. since they affect *"groups with a great number of members"*. According to Jaume Serra, *"this law has made us acquire some degree of specialisation on the issue"*.

Jaume Serra expresses his concern in relation to the absence of the Catalan Ombudsman figure from the general antidiscrimination law which is expected to be passed soon, and he says *"we are not there. We let the Minister know that we should be treated in the same conditions as in Law 11/2014"*.

Des que es va aprovar la Llei 11/2014, el Síndic ha fet un total de 58 actuacions relacionades específicament amb l'aplicació d'aquesta llei. Entre aquestes actuacions hi ha queixes, actuacions d'ofici i consultes. Segons dades del Síndic, les queixes han anat augmentant de manera progressiva amb el temps, passant de 6 els dos mesos d'aplicació de la Llei del 2014 a 9 el 2015 i a 18 el 2016. El Jaume Saura aclareix que *"malgrat que els nombres no són espectaculars, són grans temes"*. Per tant, el tema quantitatiu no és tan important, sinó que potser caldria preguntar-se *"si els casos que ens arriben són males praxis puntuals [...] o casos individuals que són exemple d'una pràctica estructural"*. Finalment, sembla que també hi pot haver hagut una evolució en el tipus de queixa que es fa i, mentre que el 2015 arribaven queixes relacionades directament amb la possible vulneració de drets de les persones LGTBI, el 2016 es pot haver afegit, també, la *"supervisió de l'Administració en l'aplicació de la Llei"* a la tipologia de queixes rebudes.

In 2016, two of the most central issues which have been the focus of attention within the school environment are related to rights of transgender man people and the surfacing of LGBTI phobic bullying reality: *"even if we haven't seen as much progress as we had wished, we do have seen significant steps forward taking place: such as the department of health starting to work for a new transgender man model, for example. Bullying is a more complex issue, but it has seen a great improvement toward the recognition of gender identity of children at school, especially primary school"*. Two issues which have

experienced very significant progress.

Mar Torrecillas clarifies that one of the most complicated issues concerns the need for training professionals and the existing lack of awareness regarding LGBTI reality: *“the issue of training and the lack of knowledge regarding this reality, mainly on the part of those professionals who are in daily contact with the public”*.

Nevertheless, both of them highlight the quick response the Generalitat is giving to the Catalan Ombudsman when it comes to transferring complaints: *“they have always been fast and, in this sense, they are sensitized”*.

Apart from complaints, however, the Catalan Ombudsman also acts ex-officio when there is some kind of alert or an atypical situation, as in the case *“of the aggressions that have been taking place recently and which have caused great alarm. As a result, we have focused on matters such as police protocols, attention to the victim etc. Sometimes, as a result of a specific complaint, we might detect a problem which affects a lot of people”*. In this sense, they made 1 intervention in 2014, 6 in 2015 and 2 in 2016. They point out there was a great incidence within the health care environment in 2015, especially as regards health care assistance to transgender man people and access to assisted reproductive technologies in the public health system, but there were also other complaints related to discourse of hate such as books, manuals or games. The difference between 2015 and 2016 might be motivated by the fact that Law 11/2014 was passed at the end of 2014 and the first complaints of incidents that took place in those dates were filed at the beginning of 2015, while in 2016 these figures become steady.

Generally speaking, however, the Catalan Ombudsman's task remains quite unknown to both the LGBTI collective and the general population. Indeed, and according to the Deputy, *“30% of population in Catalunya does not know what the Ombudsman is”*, and, among those who do know it, it is considered to be an institution which works within the most classic spheres of the administration and, therefore, *“there is great need to make the Catalan Ombudsman be known as a guarantor for rights”*. Mar Torrecillas further explains: *“we do not have legal authority to punish nor coercive capacity. This is a limitation, the biggest one, probably”* and she points out: *“It's not only about filing a complaint, it's about what happens afterwards [...] We do accompany people, but it is not the same”*.

Next, we present part of the interview to Maria Jesús Larios, Catalan Ombudsman Deputy for the Defence of Children's Rights.

The Catalan Ombudsman Deputy for the Defence of Children's Rights deals with all those issues related to childhood, also with LGBTI children, from the recognition of their identity to their rights and protection in all environments. The recognition of children's rights is not always an easy task, and assuming children have also rights as LGBTI people sometimes represents an additional difficulty: *“.. it is already hard to accept considering children as subjects with rights [...] society feels entitled to impose certain orientations to LGBTI children, or to make them behave according to a specific normative sexual orientation”*.

As regards the task made by the Catalan Ombudsman with children, it started with *“a very clear intervention in the sense that they should be guaranteed their right to use a name according to their sexual identity”* after a complaint filed by an association of families of under age trans children.

When asked about the increase in the number of complaints filed by the OCH in 2016 regarding LGBTI phobic bullying, she claims that they have not detected such increase, but that it is nevertheless a crucial issue for the Catalan Ombudsman: *“We know about the problem and we have concerns about it because we know it is an especially invisible issue. If harassment and bullying are already a hidden phenomena, because they are not always publicly exposed, the case of homophobic bullying is still more serious, because on the one hand we have the usual suffering of a child who is undergoing a harassment situation and on the other we have the additional specific suffering of a LGBTI child. [...] We believe these kind of situations can be very hard to cope with. To the inherent invisibility of the collective, we add up the*

specific invisibility related to homophobic bullying”.

Interventions from the Catalan Ombudsman do not only work as a response against a specific bullying situation that might be taking place, but also deals with those preventive aspects which can avoid this situation from happening. *“Whenever we have carried out an intervention, we have put great emphasis in the preventive aspects. Preventive from the same moment the children starts going to school. The Law must be fully developed. Coeducation must be developed at school, it must be present in the very essence of the school. This means a lot of training to teachers, but it also means that school contents have to reflect reality: books, materials, teachers...”*

“When children begin going to school they live with normality things that later, when they grow up, are not felt as normal. Here we are failing [...] Preventive measures are basic and must, therefore, be reinforced”.

But, obviously, we mustn't forget about implementing the necessary measures to detect bullying situations. The Deputy evaluates as very positive the elaboration of a protocol on LGBTI phobic bullying situations and points out that, at the moment, *“its effective reinforcement is missing: effective knowledge and continuous training is necessary.”* In order to function correctly it is very important *“to be able to detect it in time”* and, to achieve this *“a better coordination among institutions and services is also crucial”*. This kind of training is necessary not only for teachers, but also for leisure time monitors, administrative staff and for all people within the school environment, since *“is outside classrooms where these situations take place, there is less presence of teachers, so everybody, including administration staff, must be trained in these matters”*. Moreover, she adds, *“the atmosphere in the classroom allows for a verbalization of these situations on the part of children”*.

“In Catalunya a lot of effort has been made regarding this issue, the movement is very active in this sense, a lot of things have been made from the administrations: the health care card, identification protocols at schools...”. Maria Jesús Larios insists on the importance of prevention policies, because they would render application of certain protocols unnecessary: *“Prevention is fundamental for the system [...] It's a change of paradigm. It involves changing lots of things, from gender roles to perspectives of reality [...]. Detection protocols are fine, but if there were more prevention, detection protocols would be less necessary”*.

As regards children's rights, she explains that *“training on children's rights is usually at fault”* and *“training addressed to the children themselves is also necessary, there is a lack of specific education on these rights, on their rights as members of the LGBTI collective”*.

Maria Jesús Larios summarizes the key points for a recognition of LGBTI children's rights in the school environment: *“Prevention, reaction and coeducation are the key points”*.

And, finally, she adds that media and social networks have also an important role in the children's environment, and in this sense, their contribution to this perspective is also important.

5.3 CONSENSUS AND DISSENSUS CHART

CONSENSUS

- Specific training to professionals is essential, especially as regards educational and public administration staff.
- Being aware of the existence of organizations and associations that provide help and support in LGBTI cases is what makes possible for people to report and find support.
- Attention and support to the victim all along the legal process is essential.
- Support to the victims from LGBTI organizations, institutions and public administrations is crucial to be able to report and provide legal support to victims.
- It's difficult to eradicate LGBTI phobia. There will always be people with phobias towards LGBTI people, despite the protection of their rights and an apparent normalization.
- Affected people usually have the perception that sexual-affective and gender diversity has become normalized, until the moment they undergo some LGBTI phobic situation.
- Law 11/2014 has been not fully applied to most LGBTI phobic incidents and, in this sense, it has not been really useful to prevent these kind of situations.
- LGBTI phobia can have important consequences in the lives of people in all cases.
- When it takes place in non-metropolitan and/or small locations, it represents added difficulty.

DISSENSUS

- Possible eradication of LGBTI-phobia is lived and perceived from different perspectives: some views consider advances are significative, while for others there is no improvement.
- Identification according to specific classifications (e.g. as belonging to a specific group such as transgender man or lesbian) is not always feasible and viable, since people do not always feel comfortable with them.
- One of the cases dealt with in this report emphasizes the need to work with the media, especially as regards the language used and the messages sent.
- Another case shows how the effects of LGBTI-phobia in a victim make it very difficult for this victim to report.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 CONCLUSIONS

General Conclusions

Diversification observed in 2016 regarding environments and itineraries is maintained this 2016 and is widened as regards groups or collectives.

In 2016 Law 11/2014 has begun to be applied with the implication of LGBTI organizations and the support and monitoring of the Observatory Against Homophobia.

2016 has also been a year in which the group of transgender man people and their reality has gained visibility and the first steps have been taken towards their depathologization. In 2016 there has also been a surfacing of LGBTI phobic bullying reality and their particularities, which, as the Deputy General to the Catalan Ombudsman for the Defence of Children's Rights highlights, can involve a double invisibility: the harassment situation proper and the sexual-affective and gender diversity invisibility.

As regards quantitative data, **aggressions keep being the most reported incidents**, whether physical, verbal or related to harassment. **We must highlight the increase of complaints related to LGBTI phobic bullying** and the maintenance of a high percentage of those situations related to the discourse of hate and exaltation of LGBTI-phobia.

As for itineraries, lack of development of an infringements and penalties regulation as foreseen by Law 11/2014 has boosted **the amount of complaints which have followed duty to take action as its main itinerary.**

The group which registers the greatest number of incidents is that of gay and bisexual men, especially as far as aggressions is concerned. Nevertheless, **percentages affecting the remaining groups have increased considerably, especially generalist, transgender man people, lesbian and bisexual women and bisexual people.** It is necessary to highlight the two incidents reported by intersex people, because they help to raise awareness of their reality and of the task that needs to be developed surrounding this collective.

Finally, in relation to the territory, Lleida is the province which scores a higher number of LGBTI phobic incidents. Although closely followed by Barcelona, Lleida is the province with higher LGBTI-phobia rates considering its demographic weight. In this sense, there currently exists an LGBTI Municipal Council in its capital city, Lleida, which also counts with an organization which has worked very thoroughly for visibilization in its two first years of existence. There keeps being a high level of incidence in Barcelona, but it has slightly decreased with respect to the previous year if we consider its demographic weight. Even though Girona also counts with an LGBTI Municipal Council, incidence has slightly decreased there. Tarragona keeps being the territory with the lowest incidence rate.

Law 11/2014

Implementation of the law started this year, specially in the health care environment, with the elaboration of a new Protocol on assisted reproductive technologies in the public health care system, which includes all women with a wish to become pregnant independent of their sexual-affective orientation or their marital status. 2016 has also seen the initial stages of the development of a Model for health care assistance to transgender man people, based on depathologization and the

accompaniment and support to transgender man people during their transitional processes.

The whole organised trans community in Catalunya has been involved in the elaboration of this new model, which has helped to their visibilization, reaching the general population. This cooperation has also contributed to the implementation of other measures specially designed for trans children, such as the use of the chosen name in the health care card and at school.

Nevertheless, these are the only measures specifically addressed to LGBTI population as far **as the educational environment is concerned**, where an action protocol for harassment at school or general bullying has been developed. For all this, both the parents of the under age boy victim of homophobic bullying and the Deputy General for the Defence of Children's Rights express in their interviews **the need to take specific measures, especially preventive ones, such as a fully coeducational school system which can work on gender roles, the promotion of LGBTI children's rights, and a specific training to members of all the school community.**

All along this application itinerary, the OCH has been accompanying and participating in the different initiatives, receiving support from other institutions, such as the Catalan Ombudsman, an institution acknowledged by Law 11/2014 as guarantor of LGBTI people's rights and which has been continuously involved in this task from the same moment the Law was passed, managing a total of 58 complaints, ex-officio interventions and queries during this 30 month period. According to the Ombudsman, most complaints affecting the LGBTI environment are received via organizations, contrary to what happens in the remaining environments. Therefore, without support and accompaniment for victims carried out by organizations, it would have been more difficult for these reports to have been filed.

On the other hand, **despite the fact that transgender man people have become more visible and works is being made for a new model of health care assistance, violations of rights keep taking place in other environments, such as the working and the educational environments, which need to be worked on.** Relatedly, another of the interviews here published shows a situation of lack of protection in the work environment, in this case in the public administration. Even when there are not a great number of registered complaints, this doesn't mean that violations of LGBTI people's rights do not exist.

Finally, in 2016 the first penalty, and the only one so far, in application of Law 11/2014 has been imposed. This fact reveals the need to develop a regulation of infringements and penalties relative to the Law.

Perception of LGBTI-phobia

Interviews reveal that, in many cases **the affected people did not expect to have been involved in discrimination or aggression situations on the grounds of their sexual- affective orientation or gender identity.**

It might also be that LGBTI people perceive their reality as being more normalised than it really is. Lack of surrounding references, environment's resistance to change and questioning of the existing sex- gender system seem to have motivated the LGBTI phobic situations suffered by the interviewed.

In all the cases examined, especially in the interview with the Deputy Generals, **the need for specific training to professionals, especially within the educational and public administration environments, as well as the need to raise awareness among the general population have been highlighted.**

On the other hand, **every sub-group interviewed manifests different specificities according to their reality.** Within the transgender man people group, transition is perceived as the main difficulty and a lack of knowledge regarding this reality makes of the support to this environment a difficult task. In the case of lesbian and bisexual women, the existing lesbophobic reality is manifested as a sexist and homophobic practice, intersectioning their reality as women and as lesbian. In relation to under aged, even if the kid has not questioned his or her own orientation, the mere fact of having an attitude which involves a break-up with the male assigned gender role is enough to suffer from homophobic harassment.

Interviews also show the added difficulties of living in non metropolitan and/or small sized locations, such as in the case of changing schools, because the offer is more limited in these locations. Additional difficulties are the fact that victims are living in the same surrounding as harassers or discriminators, the lack of places which can offer support and help, and the circumstance that resources like the OCH are less known or are more difficult to access.

Finally, **the importance of offering support and accompaniment to victims of LGBTI-phobia based on an integral assistance is crucial in order to make visible, report and make a follow-up of the possible complaint,** as could already be seen in the 2015 report. **The perception of the victims that they are being supported and accompanied all along their precesses has been decisive** to be able to grant a continuity of the itinerary and their incidents. Assistance to victims is, therefore, a relevant issue in relation to possible LGBTI phobic incidents.

6.2 RECOMMENDATIONS

1. Law 11/2014 has not been fully implemented 30 months after being passed by the Parlament de Catalunya. We point out the following priorities:

- a. Implementation, before June 2017, of the motion passed by the Parlament de Catalunya on 9 March 2017 which mandates the government to fully develop the Law in its full dimension and, more specifically, the different protocols and regulations crucial to make it effective. We highlight protocols on bullying and the duty to take action, the necessary decrees to set up regulation of penalties and regulation of an LGBTI National Council. It is also necessary to develop an integral assistance service which must safeguard and assist victims within all the territory.
- b. Creation, as foreseen by Law 11/2014, of an LGBTI policy coordinating body.
- c. Provision of adequate economic, material and staff resources necessary to implement those measures and services already foreseen by Law 11/2014 and to develop the different proposals and interventions regarding LGBTI policies.

2. The protocol on duty to take action must be the tool which supervises coordination of possible social alarm situations generated by LGBTI phobic attacks and/or aggressions, severe discrimination and exaltation of hate and LFTBI-phobia. It must also supervise interventions and itineraries to be followed in cases of violation of LGBTI people's rights.

3. EPenalty regulation must facilitate and speed up instruction proceedings and penalties derived from the complaints received in relation to possible infringements of this law. This regulation must be incorporated into all the penalty process and would require the adequate and necessary resources to guarantee its full development.

4. It is an absolute priority to destine all the necessary resources to achieve an effective and adequate implementation of the new Model of health care assistance to transgender man people. Specific protocols and instructions must be developed, and the necessary resources must be granted so that it develops appropriately, guaranteeing universal and equal access to specific services within all the territory.
5. Special assistance to transgender man people must include:
 - a. The activation of specific interventions addressed to the prevention of situations where rights and freedoms of transgender man people might be violated, with special emphasis on minors.
 - b. To guarantee an equalitarian access to the labour market for transgender man people, by working on the prevention of transphobia within the work environment and supporting transgender man people with specific resources, both as regards access to the labour market and support at working environments.
6. The 2016 protocol on assisted reproduction to lesbian and bisexual women needs a defined plan which facilitates its publicitation and implementation by all health and public professionals and public administrations involved in its application. There is an urge for divulgation campaigns to make its content known to possible recipients. Necessary means must be granted to facilitate its implementation all over the territory.
7. The fact that physical and verbal aggressions keep ranking first place among the complaints received calls for the immediate implementation of specific policies which can stop violence suffered by LGBTI people, especially gay and bisexual men. It's crucial to guarantee their integrity and to accompany victims all along their itinerary.
8. Protection of public rights of lesbian women, preventing attitudes that invisibilize their sexual-affective expressions. Eradication of impunity to aggressions and discrimination. Promotion of LGBTI historic and social memory must be strengthened via the recognition of contributions of lesbian women to the arts, music, politics, science, and social activism.
9. Activation of a protocol to render integral and adequate assistance to victims of aggressions on the grounds of their sexual-affective orientation, gender identity or gender expression.
10. Effective application of article 24 of the Law, on legal and administrative protection of the right to equality for LGBTI people, as a tool against violations of LGBTI people's right to equality.
11. Service for an integral assistance to the victim must be the backbone in all the territory as regards support, accompaniment, assessment and assistance to LGBTI people victim of LGBTI phobic aggressions and/or discriminations or to those in risk of suffering them. Situations of vulnerability and victimization must also be attended to.
12. Implementation of all the resolutions taken by the Acord Nacional to face VHI epidemics in Catalunya. Rights of HIV/AIDS people must be protected and the stigmatisation they suffer as a result of persisting discriminations must be fought against. Budget must be granted in order to be able to implement more effective prevention policies and to develop the Pacte Social against the associated stigmatisation.
13. Making sure that all LGBTI people can receive all the benefits and resources established by the

Law all over the territory with a proximity perspective. Specialist professionals should be available within all the territory, with a location known by each one of the different territorial delegations.

14. It is crucial that the elaboration, implementation and development of LGBTI policies by the different administrations count with a pro-active participation of LGBTI organizations. LGBTI organizations and, in its case, municipal or national LGBTI councils must be able to have an effective influence and participation in all proceedings related to the group's liberties and rights.

15. Promotion of LGBTI municipal councils as a tool for visibility and participation. The existence of these spaces is very important as a tool against LGBTI-phobia.

16. The necessary resources to facilitate different activities and services managed by LGBTI organizations must be guaranteed by public administrations.

17. Promotion of City Councils, as representative of proximity administration, as developers of specific policies addressed to the LGBTI group. It is very important to develop specific measures and actions within the local environment that facilitate and boost visibility and security for LGBTI people.

18. Elaboration of protocols that specifically contemplate LGBTI bullying in the school environment. Forceful measures are needed in order to put an end to this form of violence to minors. Article 12 of Law 11/2014 must be fully developed and measures must be taken which incorporate the coeducational perspective in all the educational and school environments, and which take into account all the different types of families. This protocol must be elaborated in cooperation with LGBTI organizations and specialists.

19. Promotion of an LGBTI national law and a specific law on gender identity which is depathologizing and focused on the needs of transgender man people.

20. We urge the different governmental administrations to carry out information and sensibilisation campaigns addressed to bisexual people and the general population as well, in order to make their discrimination visible. Campaigns addressed to the eradication of lesbophobia are crucial.

21. Implementation of programs specially addressed to guarantee LGBTI elderly people a complete development of their rights and liberties, which are on many occasions violated as a result of the lack of resources and of awareness regarding their needs and discriminations.

22. We urge all public institutions of the country to work for the promotion in international organizations of measures to prevent the violation of human rights towards LGBTI people, especially regarding the death penalty.

23. To fight against discrimination of LGBTI people within the work environment, guaranteeing their rights and establishing the necessary mechanisms to facilitate reporting LGBTI-phobia situations.

24. Protection and safeguarding with the necessary resources of free sexual-affective development of LGBTI young people, especially of those minors who find themselves in situations of vulnerability or who suffer from violence.

25. Working for the elaboration of reliable indicators related to LGBTI-phobia.

26. Safeguarding political and/or refugee asylum of LGBTI people who are being persecuted in their countries of origin.
27. Promotion of research and studies related to the different LGBTI realities and environments by the different administrations.
28. Effective protection of LGBTI people's sexual and reproductive rights.

7 GOOD PRACTICE

Example of Good Practice: Bullying and gender transition of an under age trans person.

Case description: An under age transexual person from the Valles area with a background of harassment initially due to lesbophobia and later to transphobia.

The minor begins to suffer harassment at school on the grounds of her sexual orientation, since she originally identifies herself as a lesbian woman. In the transition period between two school years, the minor feels the need to identify herself as a man and decides to use her gender chosen name at school, a fact which is not well accepted by some teachers and mates, perpetuating the minor's victimization. The minor suffers from a double discrimination: on the one hand, his identity is not recognised and on the other he suffers from harassment because of his transexuality.

The minor begins a record of disruptive behaviour at class, which aggravates with his lack of adaptation to school. This results in an expulsion from school, which lasts three months if we count the vacational period.

Simultaneously, a member of the nuclear family finds a series of messages to another person where he exposes his anxiety and his refusal to go back to school, as well as autolitic thoughts as a way to escape. Consequently, the relative exposes the case to the City Council.

The City Council initiates proceedings to enable the victim a change of schools and also contacts the OCH, which begins working with the minor and the family on a social and psychological accompaniment and also offers support during all the gender transition process of the minor.

Intervention:

An intervention for the protection and accompaniment of the victim is activated from the City Council. The first step is a change of schools before the school year ends in order to guarantee the continuity of the minor's socio educational insertion. Simultaneously, an accompanying process is opened which attends to the specific needs of the two members of the family who will be assisted. We find necessary to start a process of psychotherapy for the victim and a social accompaniment for the mother. Different interventions are considered: school, family, sports, friends... In a coordinated way, common objectives are worked on in order to improve communication within the family environment, depathologization of transexuality and the identity process as an experience which is unique and individual.

When we begin exploring the possibility to initiate intaking of hormones we observe there is a clash of different perspectives regarding the gender transition process.

Within the health care environment, there are currently two different models that tackle transexuality. On the one hand, there is the clinic paradigm that understands transexuality as a gender disphoria which must be diagnosed by a psychiatric unit, specifically the Gender Identity Unit, GIU (Unitat d'Identitat de Gènere UIG), formerly known as Gender Identity Disorder Unit (Unitat de Transtorn de la Identitat de Gènere UTIG) of the Hospital Clinic of Barcelona. Anybody who requested initiation of a hormonal process had to attend this unit. It is since 2012 when we count with medical resources such as Transit, which deals with transexuality as an own and non-measurable identity experience. Transit considers there are no diagnosis proceedings which can allow for the confirmation of transexuality, and that it is the person's vital narrative and their wish, maintained in time, to belong to a gender different from the assigned, what must prevail.

In the case we are examining, a medical attention service is preferred which makes a diagnosis of the minor in order “to be certain regarding their transexuality”, which the minor rejects. We offer training on the sex-gender-sexuality system and both approaches get finally closer. Therefore, a change of views is possible in relation to the initial belief on transexuality and the doubts and fears regarding the initiation of a gender transition process. We go from a belief in the gender dysphoria diagnosis to an understanding of transexuality as a unique, individual experience which is part of identity of expression diversity, beyond the existing normalised view of what a woman has to be like, and what a man has to be like.

The family finally decides to implement an accompaniment via non pathologizing medical assistance, offered in this case by Transit. Interviews are done to the minor, to the accompanying guardian, and to both of them together. Contrary to other medical services, the non hierarchical relationship between gynaecologist and the person user of the service allows for the last one of them to decide on the process tempo and when to initiate the hormone intake.

During the different psychological accompaniment sessions that take place at the Observatory Against Homophobia, the concepts of gender, sex and identity are treated and the family gains insight on other similar realities, a crucial fact in order to make them realise theirs is not an only and isolated situation but transphobia is a social problematic which must be framed within a specific and special context. This enables the family to voluntarily decide to initiate hormone treatment.

A key factor in this situation has been the connection of the family to group Transfamilies, where they have met other people who have lived or are living similar processes and where they have a place to freely express their feelings, doubts and fears.

The minor is currently following supervised hormone treatment. The intervention has always been non-invasive in relation to the family, supplying a place, information and connecting them to services, respecting their own pace and carrying out an empowering task in relation to both the person who is transitioning genders and the surrounding environment.

All this would not have been possible without the corresponding derivations, which allow for a handling of the situation having in mind the rights of transgender people.

Conclusions:

Detection and intervention on cases of bullying to minors is a social issue and a collective responsibility of all society. At present, institutions do not count with the proper protocols to afford a quick and fair response to people who undergo this kind of violence produced by discrimination. For this reason, in this specific, but not isolated case, a forced change of schools had to be made. We must point out, however, that this change of centers has benefited the minor's acceptance process and identity expression.

On the other hand, a proper intervention by local organizations favours inclusive processes, independently of the person's sexual-affective orientation, their chosen gender identity and/or gender expression. On the other hand, there is an urgent need for formation in issues related to gender to professional staff in the compulsory education system.

An accompaniment by specialised personnel allows for sharing experiences and reducing situations of inequality.

Guaranteeing all LGBTI people's rights is a social responsibility which falls on every sphere and vital stage of a person's life. Also, the right of every transgender man person to decide over their own body, with dignity and security, and guaranteeing their fundamental rights is a responsibility of society as a whole. That is why the existence of programmes and schemes that guarantee a public access are fundamental and strategic.

It is of vital importance to gain an understanding of sexual, identity and gender expression diversity as human kind expressions that are not pathologic but different forms of expression and feeling. Medical health care is of crucial importance here. Currently, transexuality is still framed within a medical clinic model based on a diagnosis (gender disphoria) which defines and determines whether the person can have access to the use of hormones in order to have an integral transition to the felt sex, that is, to make the pertinent body modifications and to have access to the legal recognition of their gender identity. This, not only involves a questioning of the person's identity, with a set of psychological implications, but which also determines whether the person really is what he or she feels they are, resulting in guilt and shame situations which hamper the transition process. That is why it is so important to make visible the task of those services that understand transexuality from an inclusive and integrating perspective.

Finally, it is important to reinforce the need to supply non-judgmental spaces where minors can express themselves and identify their own emotions, so that they can be later managed in an adaptive and inclusive way. This can be made by creating spaces of interchange, support, assessment, detection and intervention adequate to the changing reality of transgender man minors. The Observatory Against Homophobia's Office for Victim Assistance aims to offer such spaces which, together with Transit and Transfamilies have provided minors and families with a place of confidence which is non-judgmental and reinforcing of the autonomy in order to help these people have control of their own destiny.

On the other hand, we have detected the need to create a network which can get people closer to culture and which offers a quality service in which to carry out pertinent and optimal derivations in order not to perpetuate situations of hate and discrimination suffered by transgender man people.

Acknowledgements:

Our most special thanks to the task done by some local organizations and for their trust in the services rendered by the OCH and for making their resources available to all citizens, to Transit for their collaboration, and to Carmen and the Grup de Transfamilies for lending their time to us and helping us contact their organizations, which have been of so much help to us.

Tania Marin Lorca and Mireia Navarro Martínez
OCH psychologist and educator

Office for Victim Assistance, a tool at the service of LGBTI people

In 2016, the Office for Victim Assistance of the Observatory Against Homophobia has grown and has continued with its task of offering a free and specialised assistance to victims. In its beginnings, it only offered a free psychotherapy session, which functioned as an emergency intervention. This year, the service has widened to include longer accompanying processes to those people who need them. Good practice cases presented in this report such as the accompaniment to a transexual minor and his affective environment during his transition process, are a good example. In order to carry out this accompaniment in the most reliable way, he have incorporated the figure of the social counselor, who, apart from carrying out accompanying tasks when they are required by families, also works to coordinate a net of LGBTI organizations in order to be able to make the correspondig derivations in those cases which are beyond our possibilities.

The report on the state of LGBTI-phobia adopts a trans perspective this year. While visibilization of the group is mainly taking place through the media, there is still considerable lack of awareness as to what means being a trans person and how to deal with this reality. We advocate for a depathologization of transexuality, siding for transgender man people's physical and emotional welfare.

In the case of aggressions, we keep offering psychological support, an indispensable tool to empower victims and to help them overcome post-thraumatic stress situations which can have an effect on a person's identity and generate self-concept disturbances resulting in loss of social skills and feelings of defenselessness. One of the strongest points of therapy, therefore, is the focus on self-knowledge and self-concept which strengthens a person's identity and helps them to re-start a normal daily life which has been broken as a consequence of an aggression.

I want to thank the efforts and courage of all those people who have made use of this service. They are doing a great job by getting emotionally engaged with themselves and fighting their way out of the victimization suffered. We keep working in order to offer a better quality service, to confront LGBTI-phobia and be able, some day, to score zero on the victim's board.

Mireia Navarro i Martínez
OCH psychologyst

OCH, observant of duty to take action

On 10 October 2014, the Catalan Parliament passed Law 11/2014, of 10 October, for guaranteeing the rights of lesbian, gay, bisexual, transgender man and intersex people and eradicating homophobia, biphobia and transphobia. This is something practically everybody knows. A different thing is how many of all these people know its content or that the Government had a year to develop, apply and implement the Law as foreseen by its First Final Provision.

Even though some protocols and cooperation agreements have been passed, after two and a half years of its entry into force the Law against homophobia has not been fully and effectively implemented yet. This lack of activity and development makes us wonder whether one of the most advanced laws on LGBTI issues in the world will end up being no more than wishful thinking.

This fears are supported by the lack of initiative and activity shown by the Government regarding penalty provisions. It is true that the most effective way to change people's mind and morality and produce a break-up with hetero-patriarchy is to work on pedagogical, educational or preventive measures. But it is also important to make clear that LGBTI phobic attitudes are not to remain unpunished. This fight against impunity can only be carried out using the punishing tools which are currently in force, from the regulation of infringements and penalties foreseen by the Law to Decree 278/1993 on the penalty provisions of the the Generalitat, or the forthcoming decree which will regulate penalty provisions on LGBTI-phobia.

From October 2014, the Observatory has been receiving and giving assistance to those people who reported an LGBTI phobic aggression while at the same time it closely examined the task made by the Government. At first, we recommended to victims that they filed a complaint as private citizens, who could additionally count with the OCH's support and assessment. Nevertheless, and seeing that investigation processes carried out by the Generalitat dragged on and on, we considered a change of strategy and proposed complaints were directly filed by the OCH as an LGBTI organization, in order to be able to give support to victims during the investigation and monitor its evolution more closely.

These complaints are filed under the protection of article 11 of the Law, which provides for duty to take action which falls on the professionals of Catalan public administrations when they have knowledge of a risk situation or a founded suspicion of discrimination or violence due to sexual orientation, gender identity or gender expression. Duty to take action invokes the duty to communicate these events or suspicions to the police forces and the corresponding competent body.

Therefore, aggressions and events that could generate situations of discrimination have been communicated to the LGBTI Area of the Generalitat, the main function of which is to carry out interventions for the non-discrimination of LGBTI people, thus contributing to achieve complete equal legal and social rights for this collective and to prevent any discriminatory act, regulation or attitude.

Despite this change of strategy, which involves an appeal to duty to take action from the Area, investigation, resolution and penalty enforcement processes have not gained speed. Indeed, in two and a half years the government has only imposed a single penalty, of an amount of EUR 300. Faced with this situation, OCH has combined critical and constructive attitudes, proposing to improve communication between the Government and the OCH as regards investigation and filing of reports, advocating for a joint and close follow-up of cases which considered as strategic, as well as the presentation of a regulation Protocol on duty to take action and emergency situations that could cause social alarm, such as the homophobic episode in Mataró.

To keep working for implementation of the Law in its full dimension and seeking to verify the Government's diligent performance, the OCH has requested the intervention of the Catalan

Ombudsman, in charge of supervising Catalan public administrations performance and entitled to urge competent organisms to impose penalties or initiate disciplinary proceedings for infringement of this law due to acts of omission or commission by public administrations.

Finally, the OCH is also working for its recognition as interested party in administrative proceedings as a legally constituted organization, with the defence and protection of human rights as one of its tenants (as established by article 25 of Law 11/2014 and article 4 Law 39/2015). We have been denied this recognition in communications with the Government, a recognition which would allow us to have access to the present state of proceedings at any given time as well as to have access and obtain a copy of documentation contained in disciplinary files.

All in all, we have worked and keep working to not let aggressions and discriminatory situations remain unpunished and for an agile and safeguarded implementation of penalty proceedings and to avoid that the administration's inactivity can result in a secondary victimization for those victims of reported aggressions.

*Victor Hierro
OCH legal advisor*

Social Pedagogy as a transforming tool

Law 11/2014, of 10 October, for guaranteeing the rights of lesbian, gay, bisexual, transgender man and intersex people and eradicating homophobia, biphobia and transphobia has three main tenets: (1) assistance and protection, ((2) punitive action and (3) pedagogical intervention. This article deals with this third aspect.

The pedagogical aspect is present all throughout the narrative corpus of the law. As examples we can highlight Article 10, with specific references to an adequate training and sensitization to professionals who work in different spheres of social life; Article 12.7, on education, where sexual-affective diversity is considered as fundamental; or Article 13.2, on Universities, which puts great emphasis on the promotion of research in areas related to LGBTI people's visibility.

At the OCH we consider that in order to fight for the eradication of discrimination, emphasis must be placed on information and on raising awareness of LGBTI reality. That is why we created the Training and Research Area, whose main aim is to provide information and knowledge of LGBTI reality and different forms of discrimination, to fight against prejudices and stigmatization of the collective and to obtain quantitative and qualitative data which can help us reflecting on which are the most effective interventions to fight against LGBTI-phobia.

Academic work and its divulgation via training and research studies allows the OCH to have an influence on the distribution of discourses of diversity and zero tolerance towards homophobia, biphobia and transphobia, and to provide public and private organizations with tools and resources to fight against discrimination due to sexual orientation, gender identity and/or gender expression.

The OCH signed a collaboration and training agreement with the Department of Social Psychology of Universitat Autònoma de Barcelona, UAB, and the Faculty of Law of the Universitat de Barcelona, working with psychology and law undergraduates and students of a master on psychosocial intervention and research, who contributed with their technical knowledge to the daily tasks of our organization.

As regards the specific sections surrounding the Area, we can highlight four main sections: (1) current legal framework – Law 11/2014; (2) sexual-affective and gender identity; (3) crimes of hate and intervention strategies and (4) homophobic and transphobic bullying at school (from now on HTBS).

Lectures and workshops are aimed at multiple agents: civil servants and administration staff of City Councils, experts on social services, police and security forces, education and social work professionals, members of the educational community (teachers, administration, assistance and service personnel, family associations at schools, the pupils and students themselves), universities and collectives from other social fields.

We have had an active presence in different parts of Catalunya, where we have carried out multiple training activities. Some of the places we have been are Hospitalet de Llobregat, Esplugues de Llobregat, La Bisbal de l'Empordà, Navàs, Vilafranca de Penedès, Girona, Manresa, Mataró, Gavà and Barcelona.

As regards research, we want to point out that the OCH, with the support of the Department of Social Psychology of UAB, carried out a Study on the impact of bullying on LGBTI-phobia in an Hospitalet del Llobregat public high school. We want to thank their willingness to treat this issue and the help they rendered to carry out this project. Its aim was to explore attitudes, beliefs and prejudices surrounding LGBTI people and to examine the presence and expression of HTBS. The results of the study were presented at Hospitalet City Council and at the high school, where different reflections

and recommendations to deal with this topic were presented. The OCH is currently carrying out a similar study in other schools in Manresa.

The objectives of the Area for 2017 are to continue with the promotion of training and investigation of issues related to sexual-affective and gender expression diversity and the expressions of discrimination on the grounds of sexual orientation, gender identity and gender expression which can provide the OCH with new experiences as well as with conceptual and procedural tools which can contribute to the eradication of the social scourge which is LGBTI-phobia. We also advocate for sensitization and social pedagogy as a fundamental perspective and a tool to change society, a society free of discrimination.

Finally, we would like to thank all those people who have trusted the OCH as an organization which is entitled to carry out this crucial task of spreading a discourse based on diversity and non-discrimination. To all of them, thank you!.

*Francisca Cifuentes and Cristian Carrer
OCH Coordinator of Training and Research Area and OCH technical coordinator*

LGBTI-phobia: Punishment or trivialisation?

The lack of a specific regulation which establishes adequate criteria to initiate penalty proceedings has resulted in the complete blocking of one of the most powerful punitive mechanisms of Law 11/2014 to achieve an eventual eradication of LGBTI-phobia.

Proceedings and circuits to make a punishable incident reach Generalitat de Catalunya are not known and this results in victims not reporting if they are not helped by organizations. Punitive measures set up by Law 11/2014 are of an administrative kind, that is, penalties imposed are mainly monetary. The circuit to make the incident reach the competent bodies is not fully regulated. Complaints should reach the LGBTI Area of Generalitat de Catalunya via an official record. The OCH has requested that complaints can also be filed to the Mossos d'Esquadra (Catalan police force), a possibility which is currently being studied.

There has not been real and necessary political will to facilitate filing of complaints. On the contrary, filing has been undermined with strategies based on making violence against LGBTI people invisible. On too many occasions, the arguments used by institutions feed from their own inactivity. Because complaints do not reach them or, when they do, they do not comply with standards, they end up fading or are ruled out.

Organizations, and especially the OCH, have reacted to this situation, activating duty to intervene or appealing to the Catalan Ombudsman. In these cases, the LGBTI Area counts with a great variety of derivations which hardly ever involve taking cases to the Department of Equality.

By 17 March, only one penalty had been imposed: a complaint for harassment which ended up with a EUR 300 fine.

Surprised has come when the protective measures foreseen by Article 24 of Law 11/2014 were able to stop the notorious so-called "transphobic bus".

We do not want to trivialise the impact LGBTI-phobia has on our lives and, in order to be able to confront this violence, political courage, willingness and commitment are absolutely crucial.

*Eugeni Rodriguez
President of Observatory Against Homophobia*

END

This report has been made by the OCH team, under the direction of Elena Longares. All people who has participated are members of the organization, either volunteers, professionals or/and people from activist movements.

The OCH is a non-profit, non-governmental organization, organically independent of any official institution. The OCH wishes to enhance the task made by LGBTI organizations all over Catalunya, especially the Plataforma LGTBI.Cat, promoter of Law 11/2014; the 28 June Unitarian Commission, organiser of International Day Against LGBTI-phobia; and the Madrid Observatory Against Homophobia, with which we jointly and closely collaborate.

THE STATE OF LGBTI-PHOBIA IN CATALUNYA 2016



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