



LGBTI RIGHTS: THE CATALAN OMBUDSMAN'S ROLE

EXECUTIVE SUMMARY

MARCH 2017

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EL DEFENSOR
DE LES
PERSONES

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On 18th October 2014 the Law 11/2014, of 10th October, to guarantee the rights of lesbian, gay, bisexual, transgender and intersexual people and to eradicate homophobia, biphobia transphobia came into force. The Act is a step towards equality and real rights of the LGBTI people and has an innovative and transversal approach involving all public Catalan authorities in the awareness, prevention and detection of discrimination.

The Act grants the Ombudsman, in the third additional provision, the role of defending rights and freedoms in the field of non discrimination of LGBTI people that may have been harmed by the actions of public Administration.

In applying this provision, on 11th May 2016 a co-operation agreement between the Ombudsman and the Department of Labour, Social Welfare and Families of the Government was signed to streamline and coordinate the complaints filed to the Ombudsman on this matter. The monitoring committee set up under this agreement met on several occasions. Furthermore, the Ombudsman has held several meetings with representatives of the associations of LGBTI's rights, particularly the Observatory Against Homophobia.

The report is divided into two parts. In the first one, there is an analysis of data on actions undertaken during the period from the entry into force of the Act until 31 December 2016. The second part is focused on some actions and resolutions issued during this period that are particularly relevant.

Type of affected groups

	Queixes	Actuacions d'ofici	Consultes	Total	%
LGTBI	1	1	-	2	3,45
Homosexualitat	17	7	9	33	56,90
Bisexualitat	1	-	-	1	1,72
Transgènere	14	1	7	22	37,93
Intersexual	-	-	-	-	0,00
Total	33	9	16	58	100

Taking into account the analysis throughout the report, the following conclusions can be drawn:

- From a quantitative point of view, there has been a sustained growth over time of actions carried out by the institution of the Ombudsman. However, the number of actions in the field LGBTI is still quite small in comparison with the global number. The public may not still be sufficiently aware of the Law 11/2014 or the role of the Ombudsman in its application, although the growth of complaints recorded in 2016 to 2015 is a positive trend.

- Regarding affected groups the homosexual collective represents more than half of the reported cases. Secondly, it must be highlighted the increase in complaints by the transgender group, growth that can be attributed to the movement and the work of the supporting platforms.

- As for the areas in which the violation occurred, the largest number of actions relates to health issues, mainly regarding issues of waiting lists for sex reassignment and access of lesbians to assisted reproduction techniques. Also there is a number of important actions in the field of education and leisure. Regarding education, it should be noted that LGTBiphobia results in verbal or physical aggressions.

- The Catalan Ombudsman, beyond the function of overseeing the government actions, has a role in protecting the human rights of this group by means of awareness and promotion measures.

	Total
Education	8
Lack of principle of coeducation	3
Homophobic school material	1
Verbal or physical agressions	4
Culture, leisure and sports	8
Access to sports facilities	1
Materials with homophobic content	7
Media and social networks	1
Articles with homophobic contents	1
Health	13
Integrated care for transgender people	7
Equal access to assisted reproductive technologies	4
Refusal to provide information of a minor to a woman because she is not considered formally their mother	1
Blood donating ban	1
Social action	2
Social isolation	2
Public order and deprivation of liberty	3
Treatment not corresponding with the gender with which the person identifies his/herself	2
Verbal or physical agressions	1
Participation and solidarity	1
Denial of demonstration	1
Labour market	3
Verbal or physical agressions	3
Measures and actions for employment	2
Verbal or physical agressions	2
Families	6
Change of name in the civil registry	1
Civil registry in the case of children in gay families	5
Right of admission to premises	2
Access and retention in premises	2
Right to a real, comprehensive and effective protection by public administrations	5
Other	4
Total	58

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