

## ADVICE FOR LGBTI PEOPLE WHO ARE VICTIMS OF HATE CRIME

If you are physically or verbally attacked or threatened, or your belongings or property are damaged because you are an LGBTI person (or people think you are, although you are not), then you are the victim of crime. This type of crime is termed hate crime, because it is based on your real or perceived sexual orientation or gender identity.

With a view to providing advice to LGBTI people who are the victims of hate crime, the Regional Government of Andalusia Department of Equality, Social Policies and Conciliation has published a **comprehensive guide** that you can download here:



“Working to consolidate the full and effective social equality of LGBTI people and their family members”.

## TERMINOLOGY



### LGBTI

The acronym used to refer to lesbian, gay, bisexual, trans and intersex people.



### SEXUAL ORIENTATION

A person's erotic attraction to persons of the other sex (heterosexual) or the same sex (homosexual), or to both sexes (bisexual). It also includes the need to establish romantic/sexual bonds.



### LESBIAN

A homosexual woman who prefers erotic and romantic relationships with other women.



### GAY

A homosexual man who prefers erotic and romantic relationships with other men.



### BISEXUAL

Men and women who have erotic and romantic relationships with persons of both their own and the opposite sex.



### GENDER EXPRESSION

The set of codes, symbols and appearances, such as our clothing, accessories and/or gender roles, that position us within the masculine/feminine binary.



### SEXUAL IDENTITY

Our perception of our own identity that defines us as a man, a woman or a non-binary person.



### CISEXUAL PERSON

A person whose sexual identity aligns with the sex they were assigned at birth.



### TRANS PERSON

A person whose sexual identity does not align with the sex they were assigned at birth.



### NON-BINARY PERSON

A person whose identity does not align with what is culturally considered as being a man or a woman, and that may change over time.



### INTERSEX PERSON

A person who is born with reproductive organs not distinct to either a male or female.



## RIGHTS OF INDIVIDUALS IN RELATION TO SEXUAL AND GENDER DIVERSITY AND PREVENTION OF HATE CRIMES

### Diversity perspective

Lesbian, gay, bisexual, trans and intersex people have historically suffered discrimination due to their sexual orientation, gender identity and expression and bodily diversity, and continue to suffer discrimination, violence, persecution and other kinds of abuse; this is a violation of their human rights.



# RIGHTS OF LGBTI PEOPLE

## All individuals are entitled:

- To equality, dignity and privacy, in public and private spheres alike.
- To construct their own definition as regards their body, sexual identity, gender and sexual orientation.
- To enjoy their freedoms and rights without suffering discrimination due to their sexual orientation, gender identity or expression.
- To have their sexual orientation and gender identity respected.
- To be protected from reprisals due to their sexual orientation, gender identity or sex.

## And therefore:

- Public authorities must promote the conditions for and remove the obstacles to LGBTI people enjoying real and effective equality.
- Any act of direct or indirect discrimination due to sexual orientation or identity, or to belonging to an LGBTI household, is prohibited.
- Trans people have the right freely to develop their personality during childhood and adolescence in accordance with their sexual identity, and to enjoy proper healthcare.
- LGBTI people may not be pressured, coerced or obliged to hide, suppress or deny their sexual orientation or gender identity, nor to undergo hormonal, surgical, psychiatric or any other type of treatment intended to modify their sexual identity or orientation.

- LGBTI people are entitled to education based on the values of equality and diversity, without any discrimination whatsoever based on their sexual orientation, gender identity, gender expression or belonging to an LGBTI household.
- LGBTI people who are victims of hate crime due to their sexual identity or gender expression are entitled to report such crime, to be given protection, assistance, information and legal advice, to take the appropriate legal actions, and to receive medical care, including specialist care. Furthermore, they enjoy all the rights laid down in the Charter for victims of crime.
- LGBTI households are entitled to equality and non-discrimination.
- LGBTI people are entitled to enjoy optimum physical and mental health, including sexual and reproductive health, without any discrimination whatsoever due to their sexual orientation or gender identity.
- LGBTI people are entitled to have their sexual orientation or gender identity respected in the workplace. They may not be discriminated against due to their sexual orientation or gender identity either when applying for a job or in the course of performing their job.
- LGBTI people are entitled to practise any type of sport without being discriminated against due to their sexual orientation or gender identity.
- The media must treat LGBTI people and their family members with respect.
- Administrative documentation must respect sexual, gender and family diversity.



# LEGISLATION ON DISCRIMINATION AGAINST LGBTI PEOPLE

## THE SPANISH CONSTITUTION ENSHRINES

- Equality as a supreme value of the legal system. Article 1.1.
- The real and effective freedom and equality of individuals and the groups to which they belong. Article 9.2.
- Individual dignity and the right to develop personality freely. Article 10.1.
- The principle of equality and non-discrimination. Article 14.

## THE PENAL CODE COVERS

- Generic aggravating circumstance. Article 22.4.
- The crime of issuing threats intended to intimidate ethnic, cultural or religious groups, social or professional groups, or any other group of people. Article 170.1.
- Crimes against moral integrity. Article 173
- The crime of torture. Article 174.1
- The crime of revealing secrets. Article 197.5.
- The crime of discrimination in the workplace. Article 314.
- The crime of inciting hatred, hostility, discrimination or violence. Article 510.
- The crime of discrimination as regards public benefits or services. Article 511.
- The crime of discrimination in the workplace and in the business environment. Article 512.
- The crime of unlawful association to incite hatred, hostility, discrimination or violence. Article 515.4.

## LAWS ON LGBTI EQUALITY IN ANDALUSIA

- Comprehensive Law 2/2014 of 8 July on non-discrimination based on gender identity, and on the recognition of the rights of trans people in Andalusia.
- Law 8/2017 of 28 December guaranteeing the rights, equal treatment and non-discrimination of LGBTI people and their family members in Andalusia.

