



F&M GLOBAL
BAROMETERS

SPAIN



LGBTQI Human Rights Report Card

Prepared for the Summit for Democracy

SPAIN

2021

FRANKLIN & MARSHALL
COLLEGE

The Council for

Global Equality



Advancing an American Foreign Policy
Inclusive of Sexual Orientation and Gender Identity



© F&M Global Barometers & Council for Global Equality

Spain

Report Card on the Human Rights of LGBTQI Peoples

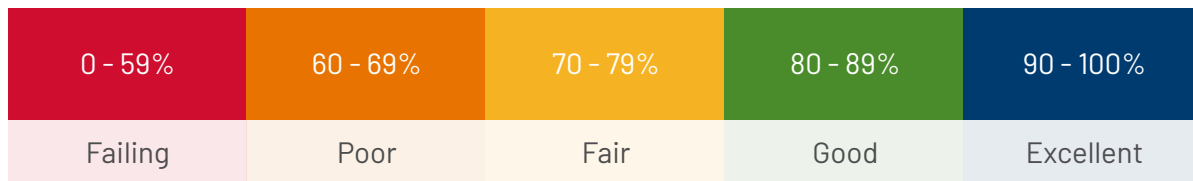
OVERVIEW

Inclusive democracies value the democratic, economic, and social contributions of *all* citizens. Indeed, democracy itself cannot thrive unless the human rights of all people are protected, and this must include protections for often marginalized lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) peoples. Advancing rights for the protection of LGBTQI people is also closely correlated to broader democratic dividends, including efforts to address democratic backsliding, fight corruption, and build resilient movements to fight authoritarianism. These themes of the Summit for Democracy are also themes of LGBTQI movements around the world.

This report card provides a concise measurement of the attainment of core human rights protections for LGBTQI individuals. It sets the collective standard for participating states' core legal obligations toward LGBTQI peoples and consequently the ability of LGBTQI citizens to contribute to and benefit from democratic institutions. Countries are graded on three dimensions: Basic Rights, Protection from Violence, and Socio-economic rights. Only one state has achieved all benchmarks. The Summit for Democracy signals the start of a year of action when all states will have an opportunity to demonstrate progress in advancing the human rights and democratic participation of LGBTQI peoples.

The report card is based on **2020** baseline data and will be updated during the year of action to reflect advances over the coming year, culminating in a 2022 report at the end of the Summit process.

REPORT CARD SCALE



ADDITIONAL DEMOCRACY INDICATORS

Democracy Index Full Democracy 8-10 Flawed Democracy 6-8 Hybrid Democracy 4-6 Authoritarian 0-4	2020	8.12/10
Freedom House Freedom in the World Free 70-100 Partly Free 40-69 Not Free 0-39	2020	92/100
Corruption Perceptions Index Very Clean 100/100 Highly Corrupt 0/100	2020	62/100
Global Acceptance Index High Acceptance 10 Low Acceptance 0	2017-20	8.77/10
Fragile States Index Sustainable 0-30 Stable 30-60 Warning 60-90 Alert 90-100	2020	40.4/100
UNDP Gender Inequality Index Very High 0.0 Low 1.0	2019	0.07/1



The report card items are based on 2020 baseline data.

80%

DIMENSION 1: BASIC HUMAN RIGHTS

	YES	NO
1 No criminalization of sexual orientation	●	●
2 No criminalization of gender identity or expression	●	●
3 Freedom from arbitrary arrest based on sexual orientation	●	●
4 Freedom from arbitrary arrest based on gender identity	●	●
5 Legal recognition of gender identity	●	●
6 No physiological alteration requirement for legal gender recognition	●	●
7 No psychiatric diagnosis requirement for legal gender recognition	●	●
8 LGBTQI organizations are allowed to legally register	●	●
9 LGBTQI organizations are able to peacefully and safely assemble	●	●
10 Security forces provide protection to LGBTQI pride participants	●	●

50%

DIMENSION 2: PROTECTION FROM VIOLENCE

	YES	NO
11 Ban on gay conversion therapy	●	●
12 Hate crimes legislation includes sexual orientation	●	●
13 Hate crimes legislation includes gender identity	●	●
14 Hate crimes legislation includes sex characteristics	●	●
15 Hate speech laws include sexual orientation	●	●
16 Hate speech laws include gender identity	●	●
17 Equality body mandate exists	●	●
18 Prohibition of medically-unnecessary non-consensual medical interventions on intersex individuals	●	●
19 Gender affirming prison accommodations	●	●
20 Asylum for LGBTQI individuals is available within the country	●	●

60%

DIMENSION 3: SOCIO-ECONOMIC RIGHTS

	YES	NO
21 Workplace non-discrimination laws include sexual orientation	●	●
22 Workplace non-discrimination laws include gender identity	●	●
23 Workplace non-discrimination laws include sex characteristics	●	●
24 Fair housing non-discrimination laws include sexual orientation	●	●
25 Fair housing non-discrimination laws include gender identity	●	●
26 Head of state supports marriage equality	●	●
27 State allows for marriage equality	●	●
28 State prohibits discrimination in healthcare based on sexual orientation	●	●
29 State prohibits discrimination in health care based on gender identity	●	●
30 Legal classifications (such as an X sex or gender marker) universally available	●	●

METHODOLOGY

The LGBTQI Human Rights Report Card measures the extent to which countries attending the 2021 Summit for Democracy protect the human rights of lesbian, gay, bisexual, transgender, queer, and intersex people.

The report card tracks 30 items, divided into three dimensions representing fundamental human rights:

Dimension I: Basic Rights

Dimension II: Protection from Violence

Dimension III: Socio-Economic Rights

The report card utilizes the same methodology as the Franklin and Marshall Global Barometers: Items are scored on a binary scale, assigned a "1" or "0" based on a country's positive or negative performance on each item. To receive credit, protections must be secured at the national level; partial protections in a limited number of states, cities, or sub-national jurisdictions will not receive credit.

Countries are assigned three subscores based on their performance on each dimension and are graded on a 5-point scale: Excellent, Good, Fair, Poor, and Failing.

The binary scale enables consistent comparison between countries on a broad scale. Feedback is welcome and encouraged.

The report card items are based on 2020 baseline data.

Sources for related democracy indicators:

Corruption Perceptions Index 2020: *Transparency International*, <https://www.transparency.org/en/about>

Global Freedom in the World 2020: *Freedom House*, <https://freedomhouse.org/>

Fragile States Index 2020: *Fund for Peace*, <https://fragilestatesindex.org/>

Global Acceptance Index 2017-2020: *Williams Institute*, <https://williamsinstitute.law.ucla.edu/projects/gai/>

Democracy Index 2020: *Economist Intelligence Unit*, <https://www.eiu.com/n/campaigns/democracy-index-2020/>

Data reused with permission of the Economist Intelligence Unit.

Gender Inequality Index 2020: *United Nations Development Program*, <http://hdr.undp.org/en/content/gender-inequality-index-gii>

Queries:

Council for Global Equality:

Mark Bromley
Council Chair

Julie Dorf
Senior Advisor

info@globalequality.org

F&M Global Barometers:

Susan Dicklitch-Nelson, Ph.D.
Professor of Government & Founder of the F&M Global Barometers

Indira Rahman
Project Manager and Research Associate

For more information, contact gbgr@fandm.edu or visit fandmglobalbarometers.org.

Acknowledgements

Research assistance: Erin Maxwell, Indira Rahman, Scottie Thompson Buckland, Amy R. Moreno, Cuong Nguyen

Graphic design & data visualization: Tower Marketing