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Gap and good practices of the systems to respond to gender-based violence on LGBTIQ+ people and the needs of the LGBTIQ+ communities

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# STATE OF THE ART REPORT

Greece, Italy and Spain



**FREE ALL Inclusive services for All LGBTIQ people**

Project funded by the European Union



LET'S REWRITE THE PRESENT TO SEEK A BETTER FUTURE FOR EVERYONE



Call: CERV-PJG — CERV-2021-DAPHNE

Citizens, Equality, Rights and Values Programme (CERV)

## Free All - Inclusive services for All LGBTIQ people

Project number: 101049610

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# Introduction





# 1 Introduction

The recent pandemic situation of COVID-19 (declared worldwide in March 2020) has aggravated inequalities in society, a fact that represents a challenge to be faced jointly. Considering data from the IE SOGI (2020)<sup>1</sup>, it was stated that the pandemic has had a negative impact on LGBTQIA+ people, generating a high rate of social exclusion and violence.

This fact, together with the lack of protection of LGBTQIA+ people or failures in its implementation, gave rise to the European project FREE-ALL in order to make visible the current situation of LGBTQIA+ survivors of gender-based violence (considering the intersectionality of risk factors, such as being young, migrant, woman, and/or trans) and to respond to their needs. To achieve these goals the project focuses on improving the response to LGBTQIA+ people's needs in different areas such as health, education, legal and social. In addition, another fundamental pillar in the project is to increase the awareness, welfare, and training regarding the intervention through the different activities that are developed.

Some of the fundamental actions of the project are aimed at achieving networking for inclusive services. For this, the activities are directed at (i) strengthening existing networks of institutions and service providers at the national and international levels to improve the protection and social response to gender-based violence (GBV) survivors among LGBTQIA+ people; (ii) and exchanging good practices and inclusive approaches among relevant health, judicial, social, and educational services in relation to protection and support for LGBTQIA+ persons at risk or victims of GBV. One of these activities is the present document, the State-of-the-Art Report.

The State-of-the-Art Report provides a stakeholders' analysis at the national level, the ways of working and the identified areas of improvement and will guide the organisation of the inclusive networking meetings to address the gaps of the protection system for LGBTQIA+ victims of GBV. The report combines the results of a desk analysis on national and international laws and conventions for the protection and rehabilitation of GBV victims among the LGBTQIA+ community, good practices in their protection and existing services available, as well as the research findings, that emerged from the focus groups implemented (Figure 1), to analyse the gaps and the good practices of the systems in the participating countries to respond to GBV against LGBTQIA+ people and the needs of the LGBTQIA+ communities.



Figure 1. Focus group moment with LGBTQIA+ associations.

<sup>1</sup> IE SOGI (2020). *Protection against violence and discrimination based on sexual orientation sexual orientation or gender identity. Main results report.* <https://acortar.link/EBq64x>





The State-of-the-Art Report is structured in sections. After the introduction, the legal and protection framework at the international and national levels is provided. This serves to contextualize the formal situation of the rights of LGBTQIA+ people and makes a critical analysis of its weaknesses and gaps. This allows, firstly, to support the good practices analysed and proposed for implementation in a legal framework that strengthens them and, secondly, justifies the need to create this document as a tool to articulate the standards set at a formal level, and cover its gaps.

In the following section, data on LGBTQIA+ people in vulnerable situations and needs analysis are provided. The section informs about the results of the desk analyses and focus groups specifically related to aggression-hate crimes, gender-based violence, and multiple vulnerabilities (migration situations, request for asylum, etc.).

Considering the previous information, a review of the protection systems in Greece, Italy, and Spain for LGBTQIA+ people has been done. This allows us to see the gaps in the systems that attend to LGBTQIA+ people, especially those in vulnerable situations.

Next, in the "good practices of the systems in Greece, Italy, and Spain for LGBTQIA+" section we offer a list of recommendations (based on real experiences) for improving existing resources and increasing mutual cooperation in order to ensure the most appropriate interventions with the target group. These proposals are based on methodologies that consider gender issues in providing effective and inclusive services to support LGBTQIA+ victims/survivors of GVB.

Moreover, the impact of COVID-19 pandemic on the protection systems of LGBTQIA+ people was analysed. The section addresses how the pandemic has influenced LGBTQIA+ people in several spheres (health, discrimination, violence, etc.), and whether the protection systems have also been influenced, and how their needs have been met. Finally, the main conclusions reached after the elaboration of this transnational report are presented.



# National and international laws and conventions related to LGBTQIA+ people

Historical perspective and current situation in Greece, Italy, and Spain



(\*) Note: The sentences are part of the results of the focus groups in Greece, Italy and Spain with representatives and key figures in the attention to LGBTQIA+ people.





## 2 National and international laws

As background in the exploration of the legal framework for the protection of LGBTQIA+ people, and specifically of those victims of GBV, it is necessary to consider the laws and regulations regarding gender-based violence.

In an attempt to map the international conventions and EU legislations for the **protection and rehabilitation of GBV victims**, it should be noted that in the majority of these pieces of legislation, gender-based violence is treated as a breach of human rights and an extreme case of gender-based discrimination. The Covid-19 pandemic and the related mobility restrictions exacerbated an already bad situation disclosing the true extent to which gender-based violence is pervasive in the EU.

Even though there is a lack of data and the number of under-reported cases seems to be quite high, the 2014 EU Agency for Fundamental Rights (FRA)<sup>2</sup> survey, the first of its kind on violence against women across the 28 Member States of the European Union, paints a bleak picture that corresponds to their experiences of physical, sexual and psychological violence, including incidents of intimate partner violence (“domestic violence”), of 42,000 women across the EU (FRA - European Union Agency for Fundamental Rights, 2014).

Eight years later, on 8 March 2022, the European Commission presented a proposal for a directive combating violence against women and domestic violence following a request to act by the European Parliament (European Commission, 2022)<sup>3</sup>. The main objective of the directive is to render violence against women and domestic violence a crime under Article 83 of the Treaty on the Functioning of the European Union, along with already criminalised conduct such as cybercrime, sexual exploitation, and money laundering. Among the acts to be criminalised the following are proposed: rape based on lack of consent, female genital mutilation, and cyber violence, which includes non-consensual sharing of intimate images, cyberstalking, cyber harassment, and cyber incitement to violence or hatred.

Historically, the 1993 UN Declaration on the Elimination of Violence against Women (DEVAW) (UN. General Assembly, 1993)<sup>4</sup> was the first international text to tackle exclusively the issue of violence against women and -even though it was not binding- it paved the way for future international laws on the matter, such as the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (United Nations General Assembly, 1981)<sup>5</sup> and the 2019 Violence and

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<sup>2</sup> FRA - European Union Agency for Fundamental Rights. (2014). *Violence against women: an EU-wide survey. Main results report*. <https://acortar.link/c6sx0s>

<sup>3</sup> European Commission. (2022). *Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence*. <https://acortar.link/e8sQpA>

<sup>4</sup> UN. General Assembly (1993). *Declaration on the Elimination of Violence against Women : resolution / adopted by the General Assembly*. <https://acortar.link/5Jh7OF>

<sup>5</sup> United Nations General Assembly (1981). *Convention on the Elimination of All Forms of Discrimination against Women*. <https://acortar.link/frF4fK>





Harassment Convention by the International Labour Organization (International Labour Organization, 2019)<sup>6</sup>.

In the European context, the most recent and influential legal text on the matter is the **Convention on Preventing and Combating Violence Against Women and Domestic Violence** (better known as the Istanbul Convention) (Council of Europe, 2014)<sup>7</sup> adopted by the Council of Europe in 2011 and constituting the first and most comprehensive and binding framework in Europe. It should also be noted that as of June 2022, all EU Member States had signed the convention and 21 had ratified it, although it has not been ratified by the European Union as a whole yet, and thus certain kinds of processes in the fight against GBV remain blocked or under the competence of the member states. An emphasis should be put on the fact that, despite its title, the Convention **does include a specific mention of sexual orientation and gender identity** as two of the protected grounds. In particular, Article 4 paragraph 3, also asks state parties to implement all measures in the Convention without discrimination on grounds of sexual orientation or gender identity. The explanatory report, which constituted an invaluable interpretative tool and practical road map of its application, clearly states that *“transgender or transsexual persons, cross-dressers, transvestites and other groups of persons that do not correspond to what society has established as belonging to “male” or “female” categories”* are covered by the same non-discrimination provision. There is also a specific mention of migrant and refugee women and those being affected by multiple discriminations.

In addition, an analysis of the guidelines from the Directive of the European Parliament and from the Council on Combating Violence Against Women and Domestic Violence<sup>8</sup> reveals a series of proposals to be taken into account in order to combat this type of violence. The proposals favour the establishment of a context of freedom, security, and justice which, in this area, makes the current legal instruments of the European Union more effective in combating violence against women and domestic violence.

In this sense, as a novel aspect, this proposal addresses cyber-violence against women, an item that is not included in any specific EU legislative act in an exhaustive manner in relation to violence against women and domestic violence. Specifically, the following measures are formulated:

- Classify as a crime certain forms of violence that arise disproportionately against women, based on the existing legal bases. These are the criminalization of rape based on lack of consent, female genital mutilation, and certain forms of cyberviolence.
- Strengthen victims' access to justice and the right to adequate protection, providing support tailored to the specific needs of victims of violence against women or domestic violence (cases of sexual violence and female genital mutilation, refugees and women fleeing armed conflict).

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<sup>6</sup> International Labour Organization (2019). *Violence and Harassment Convention*. <https://acortar.link/67Q5SX>

<sup>7</sup> Council of Europe (2014). *Council of Europe Convention on preventing and combating violence against women and domestic violence*. <https://acortar.link/n9cYel>

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022PC0105&from=EN>





- Prevent this type of violence, by raising awareness and training the professionals who intervene with the victims and work with the aggressors.

- Strengthen coordination and cooperation at national and EU levels, ensuring multi-institutional guidance and better data collection on the aforementioned violence.

From the above, it follows that the **EU currently lacks a piece of legislation and the legal instruments to address effectively and comprehensively the phenomenon of gender-based violence, and specifically when the sufferers are LGBTQIA+ people**. In the face of such an absence, the member-states tend to resort to their national laws that treat the same crimes differently as they adopt diverse definitions and punishments as well as uncoordinated social policies. The common - yet inadequate- legislative ground among the member-states is formed by the following EU directives complemented by the Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters:

- Directive 2006/54/EC concerning equal treatment in regard to access to employment and working conditions.
- Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity.
- Directive 2004/113/EC on equal treatment in the access to and supply of goods and services.
- Directive 2011/36/EU on combating trafficking in human beings.
- Directive 2004/81/EC on residence permits issued to third-country nationals who are victims of trafficking.
- Directive 2012/29/EU on the rights and protection of victims of crime.
- Directive 2011/99/EU on the European protection order in criminal matters.

In addition, besides this common framework at European level, Spain, Italy, and Greece have particular legislative and organisational developments adapted to their political and social contexts, as follows.

## Greece

When it comes to the landscape of **LGBTQIA+ rights in Greece**, this has been in a state of flux during the last decade as we have witnessed a series of legislative steps toward protecting LGBTQIA+ persons and granting them a series of rights:

- Law 3304/2005, any discrimination on the basis of sexual orientation is prohibited in the workplace.
- Law 3896/2011, all the laws banning discrimination on the basis of gender identity are considered to cover equally any discrimination on the basis of sexual orientation expanding their protective extent.





- Law 4285/2014, Against Racism and Xenophobia was amended stipulating that hate speech and violence against LGBT individuals or groups is considered a punishable crime with imprisonment and fines.
- Law 4356/2015, cohabitation agreement legislation was introduced for same-sex couples without granting parental rights.
- Law 4491/2017, the Legal Gender Recognition Law was passed by the Greek parliament in the midst of great controversy.
- Law 4443/2016, which is an incorporation of European Directives for the implementation of equal treatment.
- Law 4538/2018, Child Adoption, legalizes the right to foster care for same-sex couples.
- Joint Ministerial Decision 900, lift on the ban of blood donations by people who have had at least one same-sex intimate relationship.
- Law 4931/2022, ban on conversion therapies, excluding however adults from its protective scope under the pretence that they may consent to be subjected to this.
- Law 4958/2022, ban of medical interventions that aim to partially or totally change the sex characteristics of intersex minors under the age of 15, without their free and informed consent.

## Italy

Italy's slow progress compared to other European nations is primarily due to the country's Christian-Catholic religious background, which characterises the country, and because of the proximity and the influence of the Vatican City, informed the cultural development and makes progress slower compared to other EU countries, regardless of people's religious belief.

- Law 164/1982, the provision on gender reassignment recognised the dignity for trans people that had long been unrecognised. Subsequently, the decision of the Court of Cassation No. 15138 of 2015 and the Decision of the Constitutional Court No. 221 of 2015 removed the compulsory nature of the surgery but left a great deal of ambiguity about the legal procedure for the rectification of the sex in the civil registry; the legislator has not intervened so far to reform this matter.
- Law No. 76/2016 (so-called "Cirinnà Law") introduced for the first time and regulates "civil unions between persons of the same sex, without allowing the right to adopt the stepchild".
- On 4 July 2018, a bill was introduced aimed at amending Article 604-bis of the Criminal Code, which punishes the instigation or commission of discrimination and violence on ethnic, racial, or religious grounds, as to integrate with other grounds of discrimination, namely sexual orientation, gender identity and disability. An addition to Article 604-ter of the Penal Code was also planned. The aim was to prohibit any form of organisation, association, movement,





or group whose purposes include discrimination or violence based on transphobia, lesbophobia, homophobia, and ableism. The parliamentary discussion of this Bill was suspended in October 2021, due to the opposition of the majority of the Italian Senate.

## Spain

In Spain, currently, there is a proposal for a national law that addresses the overall rights of all LGBTQIA+ people and specifically some more explicit needs of transgender people. The law calls for the full and effective equality of transgender people and for the guarantee of LGBTQIA+ rights (Council of Ministers, 2021)<sup>9</sup>:

- Law 13/2005, of 1 July, amends the Civil Code on the right to marry.
- Law 3/2007, of 15 March, regulates the rectification of the registration related to the sex of persons.
- Law 15/2022, of 12 July, addresses equal treatment and non-discrimination.

But the rights of LGBTQIA+ people are not equal in each territory. This occurs because Spain has recognised the political autonomy of its regions (15 autonomous regions and two autonomous cities) and each one has different legislation regarding the rights of LGBTQIA+ people. The regions have the power to make and approve laws for their jurisdiction. For example, in Madrid, Valencia, Navarra and Andalusia each of these regions have two separate laws. One referring to the protection of rights and anti-discrimination for the LGBTQIA+ community, and another one specifically addressing protection and rights for transgender people. These laws, within these regions, recognise the rights for LGBTQIA+ people and protection against discrimination or assault for reasons of sexual identity or orientation. Within these, there is reference to the need for training personnel in all sectors of society from healthcare and education to security forces and people in the judicial system in working with the LGBTQIA+ community, with special attention to those who work with adolescents and anyone who has been a victim of abuse or discrimination for their gender identity and/or orientation, including migrants and refugees (Córdoba, 2021)<sup>10</sup>.

<sup>9</sup> Council of Ministers (2021, June 29). *The Government of Spain presents the law for the full and effective equality of transgender people and for the guarantee of LGBTI rights*. La Moncloa. <https://cutt.ly/nNXI5Jw>

<sup>10</sup> Córdoba, Cristina R. (2021, July). Current Situation of LGBTI Community in Spain. *Equidae International Welfare Policies and Social Work Journal*, (16), 141-164. <https://doi.org/10.15257/ehquidad.2021.0017>







### Main milestones in Spain

The political, social, and legal recognition of the LGBTQIA+ people was not complete until the 2000s. There were two events in this recognition of LGBTQIA+ people's right, the first one, in July 2005 when marriage between people of the same sex was approved and the second was in 2007, when the law of sexual identity allowed trans people to change their identity and legal name without requiring a sex change intervention. These two milestones helped to move towards a country with greater freedoms, breaking with a past where the collective was criminalized up until 1978 under the law of *Social Danger and Rehabilitation*.

### Main milestones in Greece

When it comes to the landscape of LGBTQIA+ rights in Greece, this is in a state of flux during the last decade as we have witnessed a series of legislative steps toward protecting LGBTQIA+ persons and granting them a series of rights, such as the 2005 anti-discrimination laws in employment, the 2014 hate speech and hate crime laws, the 2015 same-sex cohabitation agreement law, the 2017 legal gender recognition law, the 2018 right to foster care law, and this year's lifting of the ban on blood donation, among others. In addition, Greece has a long history of LGBTQIA+ organizations since the 1970s and 1980s that have favoured the struggle for community rights in Greece.

### Main milestones in Italy

The influence of the Vatican City on the Italian socio-political context has had a strong impact on the slow progress of rights of the LGTBIQ+ community in Italy. In fact, according to the International Lesbian and Gay Association (ILGA) Europe 2020 report, between discrimination and new rights, Italy ranks 35th out of the 49 European countries taken into consideration regarding the rights of LGBTQIA+ people. In 2018, a bill was introduced which aimed to amend Article 364-ter of the Criminal Code, with the purpose of prohibiting any form of organization, association, movement or group whose objectives include discrimination or violence based on transphobia or homophobia. The Bill was not approved by the Parliament, though, leaving Italy without a legislative framework tackling discriminations targeting LGBTQIA+ people.



# Data on LGBTQIA+ people in vulnerable situations and need analysis

What expect to find in Greece, Italy, and Spain

What is the situation in each country?

“ ”

*The increase in needs and the situation of vulnerability in which LGBTQIA+ people find themselves highlights the need to draw up a common plan of action.*

(Greek national report: focus groups result and desk analysis).



- In *Italy*, according to Omofobia.org<sup>13</sup> from May of 2021 to April of 2022, 148 people, the majority young males under the age of 30, reported suffering homophobic violence. There were peaks in June-July and October when the Zan bill (government bill about LGBTQIA+ -phobia) was in the limelight which suggests a politicization of the phenomena. Of the 148, 72% were males and 24% female; there was a rise in the percentage of females reporting violence because of their sexual orientation and/or gender identity. The average age of who experiences these incidences is falling. In the age group of 21-30-year-olds there were more incidences of physically aggressive violence. In addition, all trans people have experienced transphobia at least once in their lives.
- In *Spain*, in 2019 there were a total of 278 hate crimes committed for reasons of sexual orientation and/or gender identity, up by 8.6% from 2018 where 256 incidences were reported. Data are quite similar in 2020. In consequence, sexual orientation and gender identity was consistently one of the top 3 reasons and men were reported more to be the victims and aggressors of these crimes. However, the type of discrimination or violence (physical violence, sexual violence, harassment, etc.) is not shown in detail (Spanish Ministry of the Interior, 2020<sup>14</sup>). However, there are discrepancies in reporting of incidences of GBV. For example, the Spanish Ministry reported 278 incidences of hate crimes committed in Spain whereas with the Andalusian Observatory against Homophobia, Biphobia and Transphobia (Observatorio Andaluz contra la Homofobia, Bifobia, y Transfobia), 349 incidences were reported for Andalusia alone (one region of Spain).

### What is the situation for LGBTQIA+ migrants and refugees

**In the three countries**, the difficulty of gathering data on LGBTQIA+ asylum seekers was pointed out, because many of the institutions that work with this target group do not collect relevant information, hence it is impossible to track. LGBTQIA+ asylum seekers can experience double prejudice in their country of refuge, although they may not be imprisoned or criminalized in their new country. Thus, they could experience discrimination from people in the refugee country for being a refugee (racism) and on top of that from those from their culture of origin because of the sexual orientation and/or identity (LGBTQIA+ -phobia). Moreover, LGBTQIA+ asylum applicants are regularly returned to their countries where they have well-founded fears of being imprisoned or sentenced to death for engaging in sexual activities with a person of the same gender.

- In *Greece*, the informants have seen an increase in applications on the basis of sexual orientation and/or gender identity, characteristics or expression over the last years. However, the total number of people who have suffered sexual violence in refugee centres remains unknown

<sup>13</sup> <https://www.omofobia.org/>

<sup>14</sup> Ministry of Interior (2020). Report on the evolution of hate crimes In Spain. <https://cutt.ly/PNXOala>





because such cases are often under-reported for various reasons, such as feelings shame or guilt and the fear of being stigmatized or marginalised by their own ethnic group. A comprehensive way to report the abuse does not exist, there is a mistrust towards the aid workers, and in many cases the camps are not adequately staffed with specialized and experienced personnel qualified to work with survivors of gender-based violence or persons at risk of it. Additionally, if a person wants to file a complaint, they usually have to go to a local police station with an interpreter of the same ethnic group since many times at the refugee centres there is no way of doing this. When there are alternative accommodations that could ensure the protection of the victims, these are not adequate, and people usually have to wait for long periods of time to be moved or they are never relocated. Only since 2008 has an international organisation (ORAM) existed for LGBTQIA+ refugees, asylum seekers, and migrants.

- ➔ In *Italy*, migrants and refugees may be exposed to additional and ongoing dangers both during the journey and in the country of asylum. Many times, people may hide their identity or orientation to avoid abuse, but this can make it difficult to be identified and given asylum and humanitarian service. LGBTQIA+ asylum seekers may need more specific protection and support such as protection from physical or sexual violence in general and during detention, legal protection and assistance, safe housing, psychosocial support, medical assistance, etc. They could be exposed to violence such as social exclusion, sexual abuse and exploitation, domestic violence, denial of services, sexual harassment, or rape as a form of punishment for their sexual orientation. They may be denied services like housing, job opportunities, healthcare, etc. In addition, trans people can experience exclusion from gender-segregated shelters, bathrooms, and health facilities. Furthermore, they may experience social isolation or rejection from their family and/or community which could push them into homelessness or involvement in unsafe livelihood activities.
  
- ➔ In *Spain*, the asylum and refugee applications on grounds of violence and persecution due to gender identity or sexual orientation are increasing. However, there are still many negative resolutions, especially due to reductionist and cis-heteronormative approaches that tend to make homosexuality and transsexuality invisible. The pathologization of their needs, especially from a moral and medico-psychological point of view, is still very much in force. Many applications are handled through NGOs in a formal way and most times this information is not reported. In addition, authorities question the credibility of the applicants and there are no unified assessment criteria to use. The training of professionals related to the asylum system on gender diversity remains a pending task.



# Protection systems in Greece, Italy, Spain for LGBTQIA+ people

Resources, services and projects in Greece, Italy, and Spain

“ ”

*There is still a long way to go towards the effective protection and support of LGBTQIA+ people, but the first steps start with the training and information of the organisations and the improvement of communication and collaboration between them.*

(Italian national report: focus groups result and desk analysis).





## 4 Protection systems

In addition to the protection systems provided or required by laws and regulations, there is an increased number of institutions focusing on responding to LGBTQIA+ people's needs, especially those arising from experiencing GBV. In the three partner-countries of the FreeAll project (Italy, Spain, and Greece) there are public and private entities that work with and for LGBTQIA+ people at national and regional levels.

### National and regional NGOs and associations defenders of the LGBTQIA+ people rights

- In **Spain**. There are organisations such as *Federación Estatal LGTBI+<sup>15</sup>*, which is a national group that works to promote equality for LGBTQIA+ people at the national level, specialized, among other aspects, in the defence of the rights on sexual-affective diversity and gender identification. Others like *Colectivo LGTBI de Madrid<sup>16</sup>*, *Diversitat<sup>17</sup>*, *Federación Andaluza Arco Iris<sup>18</sup>*, focus their projects and actions in autonomous regions such as Madrid, Valencia, and Andalusia.
- In **Italy**. Organisations that offer a shelter are *Ong Oikos<sup>19</sup>* and *Arcigay<sup>20</sup>*, in Friuli Venezia Giulia region, that opened Villa Carrà thanks to the support of UNAR; the *Consultorio Transgenere<sup>21</sup>*, chosen by the Tuscan region to coordinate the shelter Marcella Di Folco, the first one dedicated exclusively to trans people; *Antinoo Arcigay Napoli<sup>22</sup>*, the association that coordinates the "Casa delle culture dell'accoglienza di Napoli". *Gay centre<sup>23</sup>*, for instance, was created as a place to gather LGBTQIA+ people and to promote associative work from different entities. It manages Gay Help Line, the national anti-homophobia and anti-transphobia toll number, and has opened the first shelter for survivors of violence in collaboration with the Red Cross and the Lazio region. *Gruppo Trans Bologna<sup>24</sup>*, one of the Italian associations providing support to trans people, has established a phone number open for discussion and talks among experts and users that allows dialogue with a trans operator or with a trained counsellor. Moreover, the association is offering the following services: (a) training for medical and social staff on the best approaches to care and support trans patients, (b) implementing workshops in schools against homo-transphobic bullying, (c)

<sup>15</sup> <https://felgtb.org/>

<sup>16</sup> <https://cogam.es/>

<sup>17</sup> <https://www.diversitat.es/>

<sup>18</sup> <https://www.federacionarcoiris.com/>

<sup>19</sup> <https://www.oikosonlus.net/>

<sup>20</sup> <https://www.arcigay.it/>

<sup>21</sup> <http://www.consultoriotransgenere.it/>

<sup>22</sup> <https://www.arcigaynapoli.org/>

<sup>23</sup> <https://gaycenter.it/>

<sup>24</sup> <https://gruppotrans.it/>





offering job support both in searching for a job for trans people and in promotion of diversity management within enterprises, (d) providing a legal help desk to support trans people against discrimination and violence. *SAT Pink* tries to facilitate the process of transition of trans people. To this end, the associations created partnerships with psychologists, medical staff and legal officers.

- In **Greece**. *Colour Youth*<sup>25</sup> has run many projects since the founding of the organisation, such as the 'Tell us' project ('Πες το σε μας' in Greek) that aspires to record incidents of homophobic, biphobic, and transphobic violence and discrimination, face their consequences, inform, and sensitise society on the issue. The *Transgender Support Association*<sup>26</sup> promotes the equal treatment of all Greek people based on their gender identity and gender expression or characteristics and the abolition of all forms of discrimination that trans or intersex people face on a daily basis.

### National and regional NGOs and associations attending to high-vulnerable LGBTQIA+ people

- In **Spain**. Organisations like *Chrysallis*<sup>27</sup>, *KifKif*<sup>28</sup> or *Fundación Eddy.G*<sup>29</sup> are focused on attending to people especially at risk and in situations of vulnerability. *Chrysallis* is an association of families of transgender children who were formed, establishing dialogues with trans adults in order to generate their own resources and protocols for action, establishing connections between professionals from all fields and with other collectives or social movements. *Kifkif* is an association of LGBTQIA+ migrants and refugees that works to promote the rights and inclusion of LGBTQIA+ migrants and refugees, and those in need of international protection in Spain. *Fundación Eddy.G* focuses on helping LGBTQIA+ youth who need a safe place to stay because they have suffered GBV in their family, bullying, or any other type of LGBTfobia.
- In **Italy**. The *Pink Refugees group*<sup>30</sup> helps LGBTQIA+ migrants to improve their awareness of their rights. The strength of this community accompanies them in a process to be free and visible. In cases where in Italy they find themselves discriminated against and threatened, thanks to this group, migrants and refugee find solidarity and the ability to act. The group of activists, *I Conigli Bianchi*<sup>31</sup> fights against the stereotypes and stigmas surrounding people living with HIV, the civil society is still far behind and people living with HIV, especially if part of the LGBTQIA+ community, needs to be supported by organisations like this for the

<sup>25</sup> <https://www.colouryouth.gr/en/>

<sup>26</sup> <https://tgender.gr/>

<sup>27</sup> <https://chrysallis.org/>

<sup>28</sup> <https://kifkif.info/>

<sup>29</sup> <https://fundacioneddy.org/>

<sup>30</sup> <http://www.circolopink.it/cases/pink-refugees/>

<sup>31</sup> <https://coniglibianchi.it/about-us.html>





fulfilment of their rights and social opportunities. ASGI, the *Association for Legal Studies on Immigration*<sup>32</sup>, provides legal support also to LGBTQIA+ migrant and refugee people, accompanying them in the process to obtain the international protection considering GBV and persecution experienced in the country of origin and during migration.

- In **Greece**. *Positive Voice*<sup>33</sup>, the Greek Association of People Living with HIV/AIDS is an association which aims at securing better prevention and counselling practices, healthcare services, and social care for seropositive people and groups vulnerable to HIV. *Red Umbrella*<sup>34</sup>, which is affiliated with *Positive Voice*, offers a range of empowering services to sex workers, such as legal and health counselling and sexual health testing, and advocates for their rights and the reformation of the sex work legal framework in Greece. *Emantes - International LGBTQIA+ Solidarity*<sup>35</sup> is a Social Cooperative Enterprise that was founded by experienced volunteers in the LGBTQIA+ refugee field based in Athens, Greece. They provide psychosocial support to LGBTQIA+ refugees, migrants, and asylum seekers. Moreover, they raise awareness for the issues the LGBTQIA+ refugee/migrant community faces, by highlighting the multiple repressions posed by its dual identity and its invisibility within the general refugee/migrant population. *Proud Seniors Greece*<sup>36</sup> and *Rainbow Seniors*<sup>37</sup> are two organisations that act as networks of support and solidarity for LGBTQIA+ people that are over 50 years old. They also facilitate the coordination between public and private service providers and their users, while they create safe spaces for their senior members to socialize. *Greek LGBT People with Disabilities* is an association that inspires to defend, to demand and to promote the rights of Greek LGBTQIA+ people with disabilities in order to ensure that they have equal opportunities and access to every aspect of social life.

### Government entities aiming to promote and develop actions for equal treatment and non-discrimination of LGBTQIA+ people

- In **Spain**. Since 2020 at a state public level, the *Spanish Ministry of Equality has a General Directorate of Sexual Diversity and LGBTQIA+ rights* for coordinating, promoting, and developing measures aiming at and guaranteeing the right to equal treatment and non-discrimination of LGBTQIA+ people. At the regional level, the Junta de Andalucía has the Directorate General for Gender Violence, Equal Treatment and Diversity.

<sup>32</sup> <http://old.asgi.it/>

<sup>33</sup> <https://greekpatient.gr/en/meli/thetiki-foni/>

<sup>34</sup> <https://www.redumbrellafund.org/es/>

<sup>35</sup> <https://www.emantes.com/>

<sup>36</sup> <https://proudseniors.gr/>

<sup>37</sup> <https://rainbowseniors.org/>





- In **Italy**. UNAR (*National Anti-Racial Discrimination Office*) was established in 2003 by the president of the cabinet with the objective of guaranteeing equal treatment for all people, regardless of their ethnic or racial origin, age, religious belief, sexual orientation, gender identity, or the fact that they are persons with disabilities. UNAR has promoted and supported the establishment of “Anti-discrimination regional centres” all over the country. These offices are present in all Italian regions and coordinate those established at the local level.
- In Greece. There are no government entities aiming exclusively and primarily at promoting the rights of LGBTQIA+ persons and developing policies for their equal treatment and non-discrimination, as we speak. However, there are two recent developments initiated by the current administration towards this direction crystallized in two key texts: the first one is the National Strategy for the Equality of LGBTIQ+ Persons, and the second one is the memorandum by the National Committee for Human Rights addressed to the Drafting Committee of the former Strategy appointed in March 2021 by the Prime Minister, Kyriakos Mitsotakis. These two reports conclude that the already established LGBTQIA+ rights provide an incomplete, partial, and fragmentary legal protection and regulation. Additionally, as an initiative of the Ministry of Public Order & Citizen Protection, racist violence prevention services have been established throughout Greece. The purpose of the establishment of these offices is to effectively and efficiently combat violence against individuals or groups with racist motives and backgrounds, among them motives regarding gender characteristics. Also, the National Council against Racism was established by the same law, Law 4356/2015, which is a collective advisory body on issues of racism and xenophobia operating under the General Secretariat for Transparency and Human Rights.

### Organizations of monitoring actions against LGBTQIA+ people and promoting networks

- In **Spain**. At the national level we have the Spanish Observatory of Racism and Xenophobia (OBERAXE), in the Spanish Government, the Ministry of Inclusion, Social Security and Migration, where hate crimes related to diversity are included. At the regional level, and specifically related to crimes against persons, we can find the *Valencia observatory against LGBTfobia*<sup>38</sup>, *Madrid observatory against homophobia*<sup>39</sup>, and *Andalusian Observatory Against Homophobia, Biphobia and Transphobia*<sup>40</sup>. Many of these websites have in their opening page a way for someone to report an incident and ask for help, for example, the Madrid

<sup>38</sup> <http://contralalgtbifobia.es/>

<sup>39</sup> <https://contraelodio.org/wp/>

<sup>40</sup> <https://observatorioandaluzlgbt.org/>





Observatory Against Homophobia, Lesbophobia, Transphobia and Biphobia offers help depending on the need or attention they require. Also, the Andalusian Observatory Against Homophobia, Biphobia and Transphobia offers a map of the Autonomous Community of Andalusia showing the resources and groups that fight against LGBTIphobia in each province.

- In **Italy**. *RE.A.DY*<sup>41</sup> is a national network of regions and local authorities to prevent and overcome homo-transphobia. The objective of this network is to strengthen a system between public institutions, including regional administrations and local authorities throughout Italy.
- In **Greece**. The National Council against Racism and Intolerance, established in 2015, is in charge of the designing of policies for the prevention and tackling of racism and intolerance on the basis of, amongst others, SOGISC; the monitoring of the application of the relevant legislation; and the promotion and coordination of the different actors' initiatives. Furthermore, the Racist Violence Recording Network is an initiative of the Greek National Commission for Human Rights (GNCHR) and the Office of the United Nations High Commissioner for Refugees in Greece (UNHCR) and is responsible for the recording of relevant incidents.

### Specialized public and private care resources that work in different areas and needs

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- In **Spain**. There are Mental Health Units for children and adolescents in the different regions within the public health system (Servicio Andaluz de Salud, in Andalusia). Prevention and social awareness activities have been carried out, whether organized by public administrations (such as schools, institutes, or universities) or at the request of NGOs themselves, such as the *Andalusian Youth Association Enfys*. The activities focus on raising awareness, deconstructing stereotypes, and preventing bullying and cyberbullying, among others. There are psychological and emotional support services, as well as mediation services, between people, families, and public entities, which are carried out by the association *Familias por la diversidad*. In addition, *CHRYSTALLIS*, among other tasks, provides legal advice services, especially focused on the processing of complaints of hate crimes and violence.
- In **Italy**. *Gruppo trans Bologna* offers services like (a) training medical and social staff on the best approach to care and support trans patients, (b) implementing laboratories in the school against homo-transphobic bullying, (c) offering job support both in the search for a job by trans people and in the promotion of diversity management within enterprises, (d) providing a legal help desk to support trans people against discrimination and violence. The *Gay Centre* is a place to gather LGBTQIA+ people and to promote associative work from different

<sup>41</sup> <https://www.reteready.org/>







entities. Gay Centre Gay has opened the first shelter for survivors of violence in collaboration with the Red Cross in the Lazio region. Other organisations that offer a shelter are *Ong Oikos and Arcigay*, in Friuli Venezia Giulia region, that opened Villa Carrà thanks to the support of UNAR; the *Consultorio Transgenere* coordinates the shelter Marcella Di Folco, the first one dedicated exclusively to trans people.

- In **Greece**. *Rainbow School* is an NGO created by educators, social workers and mental health professionals that aims at advocating on issues of gender and sexual identity and expression in the domain of the Greek educational system according to the principles of inclusive education teaching model. *Orlando LGBT+* is a scientific entity specialized in the mental health of LGBTQIA+ people. They fight for the complete depathologization of sexual orientation and gender identity, while following and disseminating internationally recognised good practices.



# Gaps in the systems in Greece, Italy, and Spain for LGBTQIA+ people

What needs are not being covered or are poorly addressed?

“ ”

*“The excessive centralization of the needs of LGBTQIA+ people in the third sector, where much of the work is done through volunteering, generates a lack of financial resources and specialized training for professionals working in public administration”*

(LGBTQIA+ association. Spain).



## 5 Gaps of the systems

The results of the desk analyses and comments from participants in the FreeAll focus groups reported different gaps in the protection systems for LGBTQIA+ people:

**1. The lack of training in specific matters** regarding affective-sexual diversity and gender identity has been one of the main limitations pointed out in the three texts (Spain, Italy and Greece). They emphasized the need to upgrade knowledge on these issues. Local courts, hospitals, law enforcement, primary and secondary schools, and companies are often not prepared to listen to and deal with LGBTQIA+ people's needs. Consequently, care is provided by generalist teams with few professionally specialized members. There is a generalist versus professional specialization. In all spheres and areas of intervention, but especially in education, healthcare, and law enforcement, we have been told that professional teams have only general training and experience, making it difficult to attend to very specific needs related to LGBTQIA+ people, especially those at high-risk. This restriction is observed at all levels and in almost all professional sectors, as well as society in general. It provokes ignorance and therefore more incidents of violence. Also, as consequence of this lack of training, LGBTQIA+ victims do not report incidents of violence.

- ➔ In the *Spanish* context, professionals in the **administration of justice** emphasized that, both during their training stage and in their professional stage, they detected several factors that could contribute to and trigger disadvantageous situations for LGBTQIA+ people. Some of these are difficulties in understanding, interpreting, and naming the specific violence within the framework of the law on gender-based violence. One of the most important difficulties in this context is the fact that the interpretation of the regulation's rests on moral issues and freedom of thought that are often formulated against the transsexual law or approaches to gender and feminism. This supposes an arbitrary interpretation of the regulations that will depend on ethical variables of each magistrate.
- ➔ In particular, key informants of *Greece* and *Spain* focused on the **lack of training for teaching staff in the educational field**. It makes it difficult to apply existing regulations and protocols on this matter. This means that the transmission of negative models and stereotypes that reinforce discrimination against LGBTQIA+ people occurs within the school environment and reduces the possibility of countering many forms of violence against queer persons. Regarding the curriculum, there is a tangential incorporation of affective-sexual content and gender identity. There is no approach to the subject in a consolidated and transversal way, which incorporates these contents in the classroom in a comprehensive way.

**2. Gaps related to weakness in the networks among services and lack of synergies.** This need is evidenced both in the Spanish and Italian context. In this sense, Spanish participants revealed the need to develop a double strategy: preventive and reactive. According to their experience, preventive work falls mainly on associations and specialized NGOs (via awareness activities and collaboration with schools and educational media). On the contrary, public administrations present





reactive work since they act only when there are problems in very advanced stages. In this sense, associations are very committed in supporting the different target groups and they do not have time and resources to create synergies and continuative interactions among them. Better coordination and a real support network between public and NGOs are needed.

**3. Persistence of barriers and discrimination** that limits the feeling of freedom. People suffering discrimination on the grounds of sexual orientation and gender identity are excluded from the protective scope of certain laws that cover specific areas in life. Participants underlined the importance of being able to manifest their own identities without running the risk of threats, abuse, violence, and discrimination. The freedom to be themselves also implies the right to confidentiality, privacy, and the possibility of having access to work, education, health and social care without barriers and discrimination. The incorporation of the needs of LGBTQIA+ people in equality plans or workplace harassment prevention plans is lacking in the workplace. Besides, there is evidence of discrimination in leisure spaces. People tend to forget that leisure and playful expressions are a right that must be guaranteed. According to the speeches analysed, in the three contexts (*Spain, Greece and Italy*) discrimination is still present and there is an increasing percentage of violence that occurs through social networks, so it is invisible and difficult to be detected and addressed by families and teaching teams. Additionally, the legislation and procedures to address hate crimes are not always clear to the authorities.

- ➔ According to the participants in the focus groups developed in the *Spanish* context, the regulations related to equality, diversity, and the fight against violence (especially gender violence) are focused more on punishment than on prevention.
- ➔ In *Greece*, participants reported a lack of access to means of communication, especially in the cases of minors that are under the legal guardianship of their parents and young adults who depend on them financially or for housing.

#### **4. Difficulties of the LGBTQIA+ associations**

- ➔ *Italian* participants identified a lack of recognition of the role, competences, and engagement of LGBTQIA+ associations by institutions and public services. In this sense, they deal with numerous obstacles in developing and implementing their activities. Associations and organisations in the private sector are the main stakeholders involved in the protection of LGBTQIA+ people. They work to overcome the numerous gaps and to guarantee the full respect of human rights and access to public services. They often provide legal, social and education support for LGBTQIA+ people. While some of them work only on specific topics (i.e., education) or with some specific collectives affected by intersectoral exclusion (i.e., LGBTQIA+ migrant and refugee people), others are involved in all services and with the whole LGBTQIA+ community. However, these associations are not officially recognised, and this limits their power of action.
- ➔ In *Spain*, participants pointed out a significant lack of financial resources and budgets allocated by public administrations to publicise the few existing programmes or services.





Access to information is a labyrinth and the contents are widely dispersed. Social care is mostly supported by the Third Sector on a voluntary and free basis, which makes it precarious and creates unequal conditions in the recognition of rights and provision of services.

- In Greece, funding difficulties were pinpointed as one of the challenges for organisations and professionals, which also affects their day-to-day work, as there are cases when services cannot be provided at all due to this reason.

**5. There is no effective incorporation of intersectionality in spaces, movements and political groups** that are considered *per excellence* inclusive (such as fourth wave feminism, transfeminism, or queer feminism), and in practice there are numerous gaps and uncovered areas. Only LGBTQIA+ associations respond to this requirement. This is signalled as a general gap in the three countries, while *Greek* participants point out more specifically an inadequate and ineffective protection system for LGBTQIA+ refugees and migrants.

**6. Lack of instruments, protocols and monitoring bodies** for the implementation of the protection systems for LGBTQIA+ people. A gap has been identified in the three countries studied. Focusing on education, it is common that no protocol exists for attending to the needs of LGBTQIA+ people. A common gap highlighted is the lack of statistical data.

- In *Spain*, the closest protocol reference is that of the "Equality Plan", but they lack guidelines to interpret how to adapt it to the more specific situations of people with affective-sexual and gender diversity issues. The second reference in the Spanish regulation in educational centres refers to the activation of the *School Harassment Protocol*, which should be applied to any situation of bullying regardless of the cause of its origin. However, in both cases, the application of the plans and the activation of the protocol depend on the culture established in the centre, sensitivity, knowledge, and involvement of educational agents at all levels (teachers, centre management, families, educational inspections). And often in the process there is concealment, avoidance, or denial of certain facts (either intentionally or not) because they minimise them by not having the tools to understand what has happened and the extent of the damage caused. There is also a lack of statistical data.

**7. Differences in resources and assistance to LGBTQIA+ people between territories of the same country.** An unbalanced distribution of resources has been detected depending on the regions of Italy, Greece, and Spain.

- In the Spanish context, stakeholders also revealed a clear territorial inequality that leaves those who reside in rural contexts on the margins. Accessibility for the management of procedures, as well as the offer of services from health centres, social services, the educational system, or psychological care services, among others, differ enormously depending on the municipality of residence. In practice, the principle of universal recognition of rights and equal treatment is not fulfilled. A significant marginalisation and redistribution





of services in the spaces farthest from the capital (and even within the Autonomous Community itself) is evident, both for the public administration and of NGOs and the formation of social networks.

**8. There are not effective participatory models implemented.** The social services, local courts and residential services for minors do not cooperate with LGBTQIA+ associations in order to take care of these cases with a participatory methodology. One of the main gaps pointed out in *Italy* is the absence of associations at the round table with political institutions and social, legal and health services.

**9.** In the *Spanish* case, informants also identified a **misuse of language** (which denotes ignorance or malicious use with the aim of harming) around affective-sexual diversity. Although there is a development of theories at the academic level and of militant groups, there are certain imbalances between the discursive level and the empirical level. Ignorance of important concepts by professionals makes it difficult to follow up.

**In conclusion...**

**Gaps in Spain**  
 Lack of protocols: educative  
 Lack of statistical data  
 Territorial inequality  
 Misuse of language

**Gaps in Italy**  
 There are not effective participatory models  
 Lack of recognition of associations

**Gaps in Greece**  
 Lack of a clear reference to the prohibition of discrimination  
 Lack of monitoring bodies

**Gaps in common**  
 There is not an intersectional response  
 Persistence of barriers and discrimination  
 High percentage of violence that occurs through social networks  
 There is not a preventive approach  
 Lack of training in specific matters  
 Professional teams have only general training. As a consequence, victims do not report violence.  
 LGBTQIA+ associations are overloaded  
 Lack of financial resources and budgets  
 Lack of statistical data



# Good practices of the protection system for LGBTQIA+ people

Good practices in Greece, Italy, and Spain: actions, projects, services, resources.



*The detection of the needs of LGBTQIA+ people must be the starting point to propose and promote good practices.*

*The path to opportunities and protection must start from good practices that take into account all the needs of LGBTQIA+ people.*

(Italian national report: focus groups result and desk analysis).





## 6 Good practices

This section is focused on the description of good practices based on real scenarios and experiences. Several social agents (participants of the focus-group research and members of a network aiming at improving the current services) from NGOs, LGBTQIA+ associations and the public sector (social, judicial, healthcare, educational areas) provided a list of actions that have been positive in the attention to LGBTQIA+ people and their needs. These practices, taken on by the organisations, improve procedures and victims' protection and support.

As a common framework, some actions are mentioned as good practices in the context of the three countries, Greece, Italy, and Spain. In some cases, these **cross-cutting actions** take the form of **specific actions** depending on the country.

**1. Acceptance of individuals.** A key practice is concerned with the acceptance of the identity of the beneficiary when accessing an organisation. The main need for an LGBTQIA+ person who has experienced gender-based violence is for them to feel that they are accepted as an LGBTQIA+ person. While this might be self-evident, there are instances of homo/bi/transphobia that take place even when a person reaches out to a service provider that is supposed to be supportive.

**2. Training of professionals and authorities.** Specific training is a vital prerequisite for service providers to adopt an inclusive approach and acknowledge the problem, as well as to enable them to develop a trusting relationship with beneficiaries.

→ In *Greece*, an international programme was explicitly mentioned by our informants aiming at the provision of training. This training was designed for professionals working in the initial reception of refugees and regarded matters such as trafficking.

→ In *Italy*: Implementation of training courses, awareness raising activities and advocacy campaigns aimed at promoting diversity and inclusion practices for public services and institutions exist (including training conducted for the Faculty of Medicine of the University of Padua on gender fluidity, how to conduct gender-sensitive gynaecological and andrological visits).

There is ongoing self-training to understand the continuous evolution of LGBTQIA+ people. The participation in continuous training processes, both theoretical and practical, helps to stay updated and competent to respond to the social, health, legal and economic needs of LGBTQIA+ people.

**3. Avoiding secondary victimization.** Considering that secondary victimization due to multiple narratives of the victim's story may also take place within the organisation - that is, the victim may have to narrate their story to different professionals working in the same organisation - interdisciplinary meetings and interviews are encouraged, in order to collect information in a single session and avoid repetition. This is also useful to have a more holistic approach to the assessment of the victim's needs as well as the response to the individual case; different perspectives can also lead to more holistic results.





**4. Building a relationship of trust and detecting the real needs.** In this regard, it is essential to accept and understand each individual's dilemma in order to identify the needs of the individual. This is very useful, as people may approach the service/organisation with a request that totally differs from their real needs, even in legal matters. Therefore, trying to grow a trust relationship between professionals and beneficiaries is needed.

**5. Consolidation and visibility of school counsellors as key figures in the attention to LGBTQIA+ diversity.** Also teachers sensitized and trained in the matter who operate as specialized personnel are a channel for the application of multiple good practices: 1) to establish links between adolescents, teachers and families; 2) to foster relationships of empathy and proximity to generate trust; 3) to enable the organisation of awareness-raising activities inside and outside the classroom; and 4) to mediate between students in possible situations of conflict and harassment due to gender identity or expression and sexual orientation.

→ In *Spain*: "Safe spaces" have been created, free of LGTBIQ-phobia, in educative centres. This is achieved not only with the existence of protocols and awareness-raising actions, but also with the placement of signs on the doors indicating the possibility of social attention to problems or situations related to affective-sexual diversity. The existence of signs saying "here is a free space for diversity" is mentioned as a good practice, together with what has been done for gender violence, signs saying "spaces free of gender violence".

In addition to the above actions, there are also a series of **projects, resources or services that respond specifically and effectively to the needs detected in LGBTQIA+ people**, especially those in situations of vulnerability (e.g., young people, migrants, victims of gender-based violence).

→ In *Italy*, it is possible to find the following resources:

- Helpline services to support LGBTQIA+ survivors of violence, abuse, and discrimination.
- Helpdesks at the regional level to detect and respond to the needs of LGBTQIA+ people through the promotion of initiatives aimed at cultural change in communities and public campaigns. Also disseminating the voices of LGBTQI + people who have survived violence to raise awareness of the phenomenon and continue to strengthen activism and protagonist of survivors from an intersectional perspective.
- Safe shelter programmes.
- Family homes for minors who have run away from their families due to their gender identity and sexual orientation.
- Specific health and social services for trans people, refugees, etc.
- UNHCR and other international agencies promote programmes for early identification of the needs of LGBTQIA+ survivors of gender-based violence among asylum seekers and refugees. In the Tuscany "MEDU", a national NGO specialized in health support and social protection, carries out a project to respond to the needs of the most vulnerable among migrants and refugees (especially those living in slums and without legal documents).





- The "Sprint programme" (Interdisciplinary System for Mental Health Protection of Asylum Seekers and Refugees) for psychological care and legal support for survivors of violence and torture among asylum seekers and refugees (including LGBTQIA+ persons). This network is mainly composed of private social organisations cooperating with public health and social services.
- The "Vivian love support service" offers 360-degree care to trans people. It provides health and legal information to sex workers on the street and in their homes. This service was activated during the Coronavirus emergency, when sex workers were isolated and without any social support and income.
- The "Safiya Anti-Violence Centre and Safe Haven" serves heterosexual women and lesbians who have survived domestic violence. The association is actively working to increase staff's skills and competencies to serve all survivors. In addition, Safiya aims to strengthen the regional and national network of the anti-violence system to improve the competencies and methodologies of more partners (Red Di.RE - Women in Network against Violence).

→ In *Spain*, concrete services or resources exist:

- Within the framework of associations and NGOs, support projects stand out (such as the "Candela" project or the "Jaén, open city" network) for the management of different administrative procedures or access to different services. These practices respond to psychological needs, but also to everyday needs (displacement, lack of knowledge of the language or use of time, among many others) that are essential for problem solving.
- Psychological practices with universal and free access in the different work and educational spaces (such as the one at the University of Jaén) that can receive and orient specific cases (especially in the first moments of expression and self-recognition of the affective-sexual identity).
- In some municipalities, visibility practices are activated, such as the raising of the flag of the LGBTQIA+ movement by the City Council, thus contributing to the demonstration of institutional support and recognition of rights.

A positive aspect that emerged from the analysis is related to the **jurisprudence for the protection of LGBTQIA+ people's rights**. These actions highlight how Italian laws are still discriminatory against LGBTQIA+ people and attempt to change the legal practice of the social protection system. These cases, could lead to the transformation of the laws through good practices and their implementation, such as:

→ In *Italy*,

- The recognition of the rights of LGBTQIA+ families and their children, considering both parents as legal guardians of the children.
- The use of aliases and the permanent change of the registry office for trans people, as already applied in many Italian universities and in increasing number of high schools.





- Activation of transition processes attentive to the psychophysical needs of people: for example, SatPink develops a specific programme in Padova in which medical staff is trained on the needs of trans people and people undergoing hormone therapies and/or surgical transition are supported by psychologists trained in these delicate processes.
- Mandatory training of public service personnel (health, legal, and social) working with LGBTQIA+ people to foster relationships of trust and inclusion: Gruppo Trans APS is an association that works for the protection of the rights of trans people; activists are engaged in the training of professionals on the rights and needs of LGBTQIA+ people. These trainings are aimed at teachers, social workers, medical personnel, and human resources managers.

→ In Spain,

- The implementation of the next education law incorporates affective-sexual education as a core subject in educational plans, whose contents will be included in compulsory subjects (and not as extracurricular activities and dependent on the authorisations of legal guardians).

#### In conclusion...

Implementing good practices is an essential way to respond adequately and sensitively to the reality of LGBTQIA+ people, especially those in situations of vulnerability.

Specialized training at all levels is an essential and transversal practice to guarantee the success of other actions.

It is necessary to institutionalize good practices so that they cease to be, in some cases, the responsibility of specific people or institutions.



# Influence of COVID-19 pandemic in the protection system of LGBTQIA+ people

Consequences of the pandemic on LGBTQIA+ people's needs and responses to address them

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*The growing discrimination, exclusion, lack of resources of LGBTQIA+ people that has been revealed as a result of the pandemic must serve to achieve a common goal, promote the defence of the rights of LGBTQIA+ people and improve their living conditions in society.*

(Italian national report: focus groups result and desk analysis).



## 7 COVID influence

COVID-19 has had a direct impact on society and especially among those individuals in vulnerable situations (Ministry of Equality, 2021<sup>42</sup>). According to Kline<sup>43</sup> (2020), LGBTQIA+ people have been negatively affected, particularly those in situations of previous risk or with other vulnerability factors (young people, migrants, victims of violence, etc.). This impact has required a response of the protection systems to minimise the consequences of the pandemic among LGBTQIA+ people. In this regard, analysing the specific actions and resources, as well as their capacity to cover the needs is essential to consolidate the good practices and reflect on the failures or gaps.

### What is the situation? Synthesizing the data

Analysing the effects of the COVID-19 pandemic on LGBTQIA+ people from a global perspective, a series of common intersections can be observed in *Spain*, *Greece* and *Italy*. It can be seen that since the pandemic, discrimination in the three countries towards LGBTQIA+ people has increased considerably in the social sphere, generating **negative attitudes and social exclusion**. In *Italy*, a discourse of rejection and hatred was promulgated by different political and religious parties, focusing the blame for the pandemic on LGBTQIA+ people. In addition, data revealed that these situations are aggravated when intersectionalities such as disability, age, ethnicity/racial origin, gender, minority group membership, socioeconomic status, migration status, language, religion belief, political opinion, national origin, or health status occur.

The rates of violence against LGBTQIA+ people before and after the pandemic differ depending on the space in which such incidents occurred. In this regard, **the rate of domestic and online violence against LGBTQIA+ people increased** due to restrictive measures during the pandemic, while the rate of incidents of violence taking place in public spaces has increased after the pandemic and the lifting of **mobility restrictions** (Racist Violence Recording Network, 2022<sup>44</sup>). Faced with this situation, many LGBTQIA+ people wanted to flee their countries due to the situations of violence and discrimination they were experiencing, but they could not due to the restrictions imposed by the pandemic and, faced with this fact, on repeated occasions the reception of asylum seekers and refugees in the three countries was paralyzed due to LGBTQIA+ phobia.

In the **family context**, in *Spain*, *Italy* and *Greece*, an increase in cases of gender-based violence and domestic violence can be glimpsed, mainly due to the situation of forced confinement brought

<sup>42</sup> Ministry of Equality (2021). *Plan of Measures to Protect the Rights of LGTBI People in the Face of the Impacts of the Covid-19 Crisis*. Government of Spain. <https://cutt.ly/VNXOI2C>

<sup>43</sup> Kline, N. S. (2020). Rethinking COVID-19 vulnerability: a call for LGBTQ+ in/migrant health equity in the United States during and after a pandemic. *Health Equity*, 4(1), 239–242. <https://doi.org/10.1089/heq.2020.0012>

<sup>44</sup> Racist Violence Recording Network (2022). *Annual Report 2021*. <https://rvrn.org/el/etisia-ekthesi-2021/>





about by the pandemic. Moreover, in this context, LGBTQIA+ people had to live with attitudes of discrimination, lack of acceptance and rejection.

In the **educational context**, it was observed that new avenues of discrimination have been opened, violence and rejection towards LGBTQIA+ people, including cyberbullying, in *Italy*, *Spain* and *Greece*.

In *Spain*, LGBTQIA+ people used to be overrepresented in the informal work environment and the **underground economy**. The stoppage of these activities during the pandemic, together with difficulties in accessing social services, have contributed to LGBTQIA+ people being particularly vulnerable to loss of income and, hence, social exclusion. In line with the above, if we analyse the **social policies** that have emerged in the three countries to try to alleviate the effects of the pandemic, we can observe that LGBTQIA+ people are clearly affected. In *Spain* the economic crisis generated cutbacks which has mainly affected LGBTQIA+ people; in *Italy* LGBTQIA+ people have been excluded from aid and subsistence and in *Greece* LGBTQIA+ people, especially refugees, had serious difficulties in accessing public services. Specifically, in *Italy*, measures were adopted for heteronormative families without mentioning LGBTQIA+ people.

In *Italy*, as a result of the pandemic, the mandatory **use of the Covid-19 certificate** was imposed for the use of public transport, access to public places, among others. This fact generated a barrier for trans people because the COVID-19 certificate, *green pass in Italy*, was issued with the name registered at the civil registry which - in the case of trans people who had not chosen/completed the legal gender recognition process - did not match the chosen name and gender identity of the subjects, leading to repeated outing in public spaces.

Referring to **transgender sex workers**, in *Italy*, *Greece* and *Spain*, the pandemic has caused them to be further marginalised and excluded from having their means at their disposal, due to restrictive measures for the prevention of the spread of the Covid-19 virus. Focusing on the ILGA Europe report, it can be seen that in health and access to healthcare there were a number of delays or postponements in transition-related medical care for transgender people and in access to sexual health and HIV services.

During the pandemic, many of the "transitional" **surgical and hormonal treatments** were delayed as they were considered non-urgent. This has been especially problematic for trans people. Delays or interruptions in hormone therapy and surgical care following previously performed surgeries can lead to infections, chronic pain, and hormonal imbalances (United Nations, 2020<sup>45</sup>).

All of the above undoubtedly has an impact on the **mental health** of LGBTQIA+ people, which has as a direct consequence the need for greater psychological support from specialists. However, due to the pandemic in Italy the lack of personnel leads to a scarce intervention in mental health and

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<sup>45</sup> United Nations. General Assembly (2020). *Protection against violence and discrimination based on sexual orientation and gender identity*. <https://digitallibrary.un.org/record/1639754?ln=es>







in *Spain* this fact leads to an inexorable need to intervene at a psychological level due to the considerable increase in suicides.

## What were the solutions?

The most immediate measure in all the countries was **to adapt the services, resources and actions to a virtual format**. This was crucial in order to continue with the protection systems for LGBTQIA+ people. Moreover, the digitalization brought with it positive aspects such as the ability to reach and help a greater number of users. However, the quality of the service worsened as a relationship of trust could not be built and could not cover all their needs. In addition, the virtualization of the services increased the digital gap, producing an imbalance among those without access to digital tools. This was a common situation in *Spain, Italy* and *Greece*.

In addition, other specific measures were carried out in each country.

### → In *Italy*

- As a response of the mandatory use of the green card, Arcigay and other CSOs drew up recommendations addressed to the Italian Parliament inviting policy makers to take the necessary measures to ensure the privacy of people in any situation in public places.
- Good practices were promoted to minimise cases of domestic violence with the proposal to open safe houses for LGBTQIA+ people during the pandemic.

### → In *Spain*

- In Spain throughout the pandemic many of the LGBTQIA+ associations put aside the tasks and projects they were working on to take on other responsibilities such as providing food, shelter and access to medical tests, as well as responding to mental health needs.
- Specialized associations made available to LGBTQIA+ people the so-called "phones of hope".
- The *General Directorate of Sexual Diversity and LGTBI Rights* developed some resources (or adapted some existing ones) aimed at responding to LGBTQIA+ people in a situation of vulnerability. These resources include "The Quick Guide for victims of intra-gender violence during the State of Alarm" ("Guía rápida para víctimas de violencia intragénero durante la vigencia del Estado de Alarma"), the "Resource Guide to deal with exclusion and discrimination based on sexual orientation and gender identity during the COVID-19 crisis" ("Guía de recursos para hacer frente a la exclusión y las discriminaciones por orientación sexual e identidad de género durante la crisis por COVID-19"), and the "Plan of Measures to protect the rights of LGTBI people against the impacts of the COVID-19 crisis" ("Plan de Medidas de protección de los derechos de las personas LGTBI frente a los impactos de la crisis de la COVID-19").





- Among the measures promoted are the following (Boira Santo & Cebrián Rodríguez, 2020<sup>46</sup>):
  - (I) Urge trans women who are suffering gender-based violence in their home stay situation stemming from the state of alarm by COVID -19 to take advantage of the recommendations and measures put in place and included in the Action Guide for women published by the Government Delegation against Gender Violence.
  - (II) Help victims of intra-gender violence during the confinement period through the publication of a Quick Guide for victims of intra-gender violence during the extent of the state of alarm.
  - (III) Help against Hate Crimes based on sexual orientation or gender identity through the publication of a Quick Guide for victims of LGTBI-phobia hate crimes.
  - (IV) Compile information, resources, aid, and recommendations to facilitate access for LGTBI people and entities in the guide "Opening Doors. The LGTBI collective against COVID-19".

→ In Greece

- In Greece legal professionals had to aid beneficiaries in booking an appointment with the Asylum Services, and train their beneficiaries to be able to do it by themselves.

The high impact of the pandemic, together with the speed of the changes occurred, made it difficult or impossible to adapt all services and resources to the new reality, and the provision of new actions aimed at covering all the emerging needs. In this regard, professionals of Greece and Spain mentioned that they had to take responsibility for other minor tasks related to the digitalization, leaving less time for direct care.

**In summary...**

The pandemic has had a negative impact worldwide, with particularly serious consequences that affect people in vulnerable situations such as LGBTQIA+ people. The impact of the pandemic is reflected in various areas of society. As result of the analysis of the stakeholders' reflections in focus group research together with a desk analysis allowed us to establish the main needs that arose during the pandemic and the responses implemented in *Greece, Spain, and Italy*.

**Needs arisen from COVID-19**

**Responding to the needs**

<sup>46</sup> Boira, S., & Cebrián, J. (2020). *Violence and COVID 19: Violence Against Women and LGBITQ+ Groups*. Zaragoza: University of Zaragoza. <https://cutt.ly/DNXOcHa>





Spain	Increase in cases of gender-based violence against trans women during the period of confinement.	Recommendations and measures were developed and implemented and included in the "Action Guide for Women" published by the Government Delegation against Gender-Based Violence.
	Increase in cases of intragender violence during confinement	Victims of intra-gender violence could avail themselves of the guidelines of the Quick Guide for victims of intra-gender violence during the state of alarm.
	Increase in hate crimes based on sexual orientation or gender identity	Victims of hate crime cases based on sexual orientation or gender identity could access the Quick Guide for victims of LGBTI-phobic hate crimes.
	Need to compile information, resources, support, and recommendations to facilitate access for LGBTIQ+ individuals and organisations.	In response to this need, the guides "Abriendo Puertas" and "El colectivo LGBTI contra el COVID-19" (The LGBTI collective against COVID-19) were published.
Italy	Increased protection due to the increase in cases of violence and discrimination against LGBTIQ+ people.	The Gay Helpline and the UNAR have a number dedicated for reporting such cases.
	The mandatory use of the Covid-19 certificate for access to public places was not updated with the real gender identity, which in many cases prevented them from accessing these places.	Arcigay, among others, communicated a series of recommendations to those responsible to adopt the necessary measures to guarantee the privacy of individuals in any situation.
Greece	Higher rate of gender-based violence and domestic violence against LGBTIQ+ people.	The online provision of services was carried out although it turns out that fewer people sought help through online means.
	Higher rate of discrimination against LGBTIQ+ people.	Unmet need
Spain Italy Greece	New forms of discrimination and violence in the educational context through social networks, cyberbullying.	Unmet need





	Increased needs of psychological intervention due to a lack of resources and specialized personnel.	Unmet need
	Increase in the number of delays or postponements in transition-related medical care for trans people and in access to sexual health and HIV services.	Unmet need
Spain Greece	Lack of personnel to meet the needs of LGBTIQ+ people.	Professionals had to take responsibility for other minor tasks to try to meet the needs of LGBTIQ+ people.



## 8 Conclusions

Data provided for the desk analysis and focus groups results with relevant representatives of LGBTQIA+ associations and public stakeholders revealed some key ideas.

### What is the situation? Synthesising the data

1. **Few systematised data on the phenomenon of gender-based violence against LGBTQIA+ people are available** in the three countries, this is due to:

- lack of official cases recorded by public services
- underreporting of the phenomenon due to unprepared personnel and fear and mistrust of survivors
- a legislative system which does not completely protect LGBTQIA+ survivors

2. There are relevant **differences in the protection system both among countries and among areas/regions within the same country**. This produces an imbalance in attention to the needs of LGBTQIA+ people, leading to marginalisation and increasing vulnerability of LGBTQIA+ survivors.

3. There are some **people** who are especially **vulnerable and at risk of suffering GBV**: trans people, LGBTQIA+ children, LGBTQIA+ people with pathologies, LGBTQIA+ migrants and refugees.

4. From the analysis of the **legislative system**, there are still **numerous gaps** that enhance discrimination and abuse against LGBTQIA+ people, especially those in the transition process, those who have children, in accessing the labour market and education, social and health services.

5. Institutions and services for the protection of survivors of violence reveal that they have few tools and skills to meet the needs of LGBTQIA+ people, especially those who are most vulnerable. **LGBTQIA+ associations are the main stakeholders for the identification and management of GBV cases.**

6. Because organisations survive financially, mostly on state aid, their actions are tied to the guidelines to which they are subjected, which is an obstacle to the creation of good practices. There is a **lack of staff and resources** to establish the minimum conditions for the development of mechanisms to curb these consequences

7. Everything continues under the political will of the governments in power, which increases the **instability and limitation to achieve stable and diverse policies** that could provide an overarching panorama from which to act with greater solvency and efficiency, meeting the needs and addressing the situations suffered by the different people who make up the collective. These people are so diverse and different that they require not only collective or group actions, but also individualised actions that intersectionally address their particular circumstances.





8. **The COVID-19 pandemic has aggravated the situation for LGBTQIA+ people in the participating countries and caused setbacks.** One has been with the increase of social networks as a means of communication and information. This has increased a digital pressure on the collective, as they have seen how hate messages are published by these networks without any filter, also becoming another means of persecution towards them. Another problem, at the healthcare level, is that COVID-19 has delayed the medical management of trans cases because of a shortage of hormonal drugs, which again set back their transitions, causing for many of them personal damage at a psychological level. A situation that has once again increased a social and even economic imbalance that has reduced, on occasions, the spaces and scenarios of equality.

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### What are the solutions?

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1. **Training activities** to update social, health and legal services are fundamental. LGBTQIA+ associations and activists should play an integral role in training courses to provide the necessary competences and knowledge of good practices and lack of the protection system. Their role in **cooperation** with other CSOs and institutions will be to raise awareness and advance on the theme of fundamental rights with a diverse and inclusive perspective.
2. It is essential that **public services also develop competences** of listening, inclusion, and promotion of rights for all LGBTQIA+ people.
3. The approval and **application of laws** that identify hate crimes against LGBTQIA+ people and outlines forms of punishment and protection for these same crimes (currently stopped in the Italian Senate, already approved in Spain).
4. The **promotion** of diversity and inclusion management policies for the private and public sectors in order to foster the promotion of all people's **rights at the workplace**.
5. Strengthening the **network of LGBTQIA+ associations** (cooperation, resources, and structured procedures for case management) and supporting their collaboration with public institutions and services to develop harmonious protective actions (referrals, case management etc.).
6. Promotion of initiatives aimed at cultural change in schools, communities and public campaigns also disseminating the voices of LGBTQIA+ people who have survived violence to raise awareness of the phenomenon and continue to strengthen activism and protagonist of survivors from an intersectional perspective. The big step towards the construction of a society that reduces hate speech, and in which the needs of this group are understood as a political, social, and legal problem, is the **prevention and raising of awareness among the new generations**. Education, from schools and colleges to universities, is essential. It is one of the main agents of socialisation and, therefore, its role in prevention is crucial, essential, and determining, as it acts as a link between other spheres such as the family, social services, healthcare, etc.





7. The research findings show that during the **pandemic**, service providers and respective organisations needed to adapt to a new reality, manifesting particularly through the shift to the exploitation of **online means and alternative methods**, professionals focused on the provision of effective services, meeting the victims' needs. Concurrently, despite the existing gaps in terms of the establishment of a common procedure for the handling of cases and the deployment of holistic practices, existing practices implemented by the organisations were identified to have a positive impact on the effective service provision.

#### In summary...

Admittedly, there is a long way to go towards the effective protection and support of LGBTQIA+ victims of gender-based violence. Nonetheless, initial steps can be taken towards this goal, with training and informing public and private organisations and competent authorities, enhancing existing communication and cooperation bridges amongst service providers, establishing a rigid referral pathway mechanism, and sharing experience and knowledge. Collaboration amongst the different stakeholders who are directly or indirectly involved in the protection and support of this population can lead a better future for the provision of holistic and comprehensive services.

