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XII LEGISLATURE

SERIE B: LAW PROPOSALS of the 12th May 2017 No. 122-Page 1

OFFICIAL BULLETIN OF THE GENERAL COURTS

DRAFT BILL 122/000097

A proposed law against discrimination on the basis of sexual orientation, identity, gender expression, grounds of sexual characteristics, and in favor of the social equality of lesbians, gays, bisexuals, transsexuals, transgendered and inter-sexual people.

Presented by the Parliamentary Confederate Group of Unidos Podemos-En Comú Podem-En Marea.

STRUCTURE OF THE LAW

PRELIMINARY TITLE: General dispositions.

TITLE I: Chapter I. Administrative organization.

TITLE II. Public policy to guarantee social equality and non-discrimination due to sexual orientation, identity or gender expression or sexual characteristics of LGTBI people.

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Article 1. Purpose.

1. The purpose of this bill is to establish and regulate the principles, measures and resources to fully guarantee the right to real and effective equality of gay people, lesbians, bisexuals, transsexuals, transgender and intersexuals, as well as their descendants, through the prevention, correction and elimination of all discrimination on grounds of sexual orientation, expression and gender identity, and sexual characteristics, in the public and private sectors, in whatever stage of life and within any sphere, in particular in the civil sphere, as well as work, social, health, education, economic and cultural environments.

2. The aim of this bill is to establish adequate conditions whereby the rights of lesbians, gays, bisexuals, transsexuals, transgender and intersexuals, as well as those of their descendants, and groups into which they might integrate, will be real and effective; to facilitate their participation and representation in all spheres of social life, and to contribute to overcoming the stereotypes that affect negatively upon the social perception of these groups of people.

Article 2. Scope of application.

1. This law shall apply to any person, natural or legal, under public or private law, regardless of the administrative or personal situation in which the person is found, without prejudice of what has been established by the legislation on issues of foreign affairs, international treaties that may be applicable, and any other current legislation.

2. Public Administration must guarantee the fulfillment and compliance of this law, and promote the conditions to make it fully effective within its sphere of competence.

Article 3. Definitions.

1. For the purposes of this law, certain terms are defined as follows:

a) «Sexual Orientation»: The faculty to feel desire, affection, attraction (physical or affective) for another person, independently of having sexual practices with people of another gender (heterosexual sexual orientation), of the same gender (homosexual sexual orientation), or independently of one's gender (bisexual sexual orientation).

b) «Gender Identity»: The internal and individual experience of gender according to the way a person may feel it, including the personal experience of the body and other expressions of gender, such as dress, manner of speech and manners. Such experience can involve the modification of the appearance or the bodily functions through medical or surgical alteration, and of other natures, as long as these are freely chosen by the interested person.

c) «Transsexual»: Any person whose gender identity does not correspond to the gender they were assigned at the moment of birth.

d) «Intersexuality»: The condition whereby a person is born with a sexual anatomy, or reproductive organs, or a chromosomal pattern, that does not fit the socially established concept of man and woman.

e) «LGTBI»: An acronym referring to Lesbians, Gays, Transsexuals, Bisexuals and Intersexuals. The offspring of people in this group are also included in this group, as well as anyone not necessarily identified as heterosexual or bisexual.

f) «LGTBI phobia»: Rejection, repudiation, prejudice or discrimination towards lesbians, gays, , bisexuals, transsexuals, transgendered and intersexual persons.

g) «Gender Expression»: Exteriorization of the gender identity of a person, including expression of identity or personality through language, appearance, election of one's name, as well as other expressions of desire for intimacy towards a specific gender.

h) «Transgender reality»: A global term that defines a person whose gender identity, gender expression and conduct does not adjust socially with the gender with which they were born. In contrast to what occurs with transsexuals, these people do not have a binary gender identity, and do not need to adequate their identity and social expectations. This term encompasses those who identify themselves as transvestites, cross-dressers, queers, gender queers, drag kings, drag queens and any gender among others identified as non-normative.

i) «Cisexual people»: Those who identify themselves with the gender that was assigned to them when they were born.

j) «Children or persons with non-normative gender behavior»: Minors (or anyone of any age) whose behavior, manner of dress, and manner of identifying themselves, etc., does not correspond to that which is culturally expected of the gender to which they have been assigned. They can be transsexuals or transgender, or not.

k) «LGTBI Families»: Gays, lesbians, transsexuals, bisexuals and intersexuals with children or minors in their custody. These are also included in the LGTB collective and they are susceptible to experience similar discriminations.

Article 7.3. Guiding principles within the Health sector.

b) No one will be obliged to undergo a treatment, medical procedure or psychological test that will restrict their freedom in self-determination of their gender. Health service to transsexuals and transgenders will be performed from the despatologization (?) and is based on the principles of co-decision and informed consent.

c) Any health professional who offers services in this area of public health is obligated to offer equality of treatment to LGBTI people.

d) Therapies intending to reverse the sexual orientation, or the gender identity, of a person are prohibited, even when the interested individual, or their legal representatives, have given consent.

e) The Public Health Administration will promote the training of professionals in matters of diversity and nondiscrimination, and must take into account the specific public health needs of LGTBI people, including their sexual and reproductive rights. In addition, they must adapt their forms to reflect the existing diversity of affective-sexual diversity in gender and family.

CHAPTER I

On Administrative Organization

Article 8. State Agency against discrimination on the basis of sexual orientation, gender identity, gender expression and sexual characteristics.

1. The State Agency against discrimination on the basis of sexual orientation, gender identity, gender expression, and sexual characteristics will be constituted as an entity of public law, with its own legal identity, and with full power within public, private and national spheres, and will act independently of Public Administration in the exercise of its functions.

2.b. It will be guided by that which is written in its law and its own statutes, which will be approved by the government through a Royal Decree. This organism will have as its objective the non-discrimination of people on the basis of their sexual orientation or gender identity.

4. Functions:

It will be the State Agency's responsibility to initiate proceedings, at its own decision or at the request of a third party, to inspect, instruct, resolve and execute disciplinary proceedings for infringement contained in this Law.

The Agency will collaborate with the Fiscal Ministry, the Public Defender and other public organisms.

The Agency will write a mandatory consent concerning the regulations that will be developed from this Law.

The Agency is obligated to inform about the National Plan for the equality of treatment of LGTBI people.

Article 9. Interministerial Commission of LGTBI policies.

1. The Government will create an interministerial commission on LGTBI policies, for the purpose of coordinating their executing in the sphere of LGTBI politics with the various public institutions. This Commission will form part of the Ministry of Health, and Social Services and Equality.

CHAPTER III

Measures for the Health sector.

Article 16. The General Administration of the State and the Regional Governments of the different Autonomous Communities of Spain, within their respective competences will:

a) See to it that public health policies will be respectful of LGTBI people, and will not treat the conditions of these people directly or indirectly, as though they are a pathology.

d) Create mechanisms of participation of LGTBI people, entities and associations within the politics that are related to sexual and reproductive health.

e) Guarantee the study, research, investigation and development of specific health policies for LGTBI people.

f) Promote among the different health stratum of health institutions the establishment of health and psychological practices that are lawful and respectful, and in no case aversive, regarding sexual orientation, gender identity, gender expression and sexual characteristics.

g) Recognize the right of access to preventative methods that guarantee safer sexual practices, and that avoid sexually transmitted diseases and their consequent treatment, and foster the use of such methods.

h) Recognize the right to prevention, effective detection and integrated treatment according to the scope of services available, having in consideration their review, according to the latest scientific research.

i) Expressly include the reality of the LGTBI collective in the campaigns of sexual education and prevention of sexual transmitting diseases, with special consideration to HIV in sexual relations. There will be campaigns of information about prophylaxis.

j) Guarantee that health professionals have the necessary and adequate training in matters of sexual diversity and gender diversity, family diversity and the specific health care needs of of LGTBI persons.

k) Create coordinated teams of experienced professionals that will guarantee non-discriminatory treatment of LGTBI persons who are users of the public health care system, with special attention towards transsexual, transgender and intersexual persons.

l) Health care professionals that detect any situation of discriminatory violence exercised towards a person for reasons of sexual orientation, identity, gender expression, or sexual characteristics, will inform of such to the competent authorities. To do this, a specific protocol of action will be developed.

Article 18. Health attention to lesbian women and bisexuals.

1. The General Administration of the State and Autonomous Communities, within their respective competencies, will promote the execution of programs and specific protocols that will respond to the needs of lesbian women, bisexuals and transsexuals, in particular to sexual and reproductive health.

2. All women will be guaranteed access to the techniques of assisted reproduction in all health centers and hospitals of the Spanish State with a human reproduction unit, this will be independent of their sexual orientation, gender identity or gender expression.

Article 19. Sexual and reproductive rights.

1.b. Medical and gynecological care will include in all cases the organs which are the result of the surgical interventions of transsexual and transgender persons.

3. In the case of transsexuals and transgender persons, they may have access to the freezing techniques of the gonadal tissue and reproductive cells for their possible retrieval, under the same condition as other users, before the beginning of any treatment that could compromise their reproductive capacity.

Article 20. Guiding principles in health care of transsexual and transgender persons.

3. Health care will be based on a non-pathological point of view, that is, in the consideration that the transsexual and transgender experience is not an illness, an anomaly or a disorder, but that which part of human diversity. Health professionals will follow up with the person in the development of their felt identity. Any test, exploration or psychological test in order to determine the condition of the person that is transsexual, transgender or any medical practice that will limit or restrict this freedom will be vetoed.

8. No one will have to go under a treatment, medical procedure, psychological or psychiatrist exam that they do not desire, or which limits or restricts their free auto determination of gender.

9. The follow-up of health care of transsexuals and transgender will include the creation of indicators of such follow up and the results of treatments, interventions that may

have been done, with detail of the techniques employed, complications and reclamations that may have arisen, as well as the evaluation of the quality of assistance. In order to elaborate these statistics, an automatized file will be created, whose authorship will be the correspondent Health Care Service, in the terms that are held in the application normative.

Article 20 bis. Included benefits.

1. The General Administration of the State and Autonomous Communities, within their respective competencies will guarantee the inclusion the attention and care within their scope of health services to transsexuals and transgender.

2. Within their respective competencies, they will provide insurance and coverage relating the sexual reassignment process according to their scope of services in each of them. Transsexuals and transgenders above 16 years-old, will be able to provide their informed consent on their own, in order to access to surgical sexual reassignment. From the moment of puberty they will allowed to give their informed consent to access hormonal blockers and hormonal crossed treatment.

3. According to their respective competences all health services will include the necessary interventions and the existence of enough specialists to achieve the process transition, including surgical interventions. In the case of minors, it will include the hormonal treatment at the beginning of puberty in order to avoid the development of secondary sexual traits not desired, and through the crossed hormonal treatment whenever there is evidence that their bodily development does not correspond to those of their age, in order to help the desired development of secondary traits.

4. Transsexuals and transgender who wish to do so will be able to access the services and psychological help in primary attention or any specialized services, without having to undergo any previous psychological exam.

CHAPTER IV

Measures for the Family environment.

Article 24. Protection of family diversity.

3. The Public Administrations must establish the necessary mechanisms so that administrative documentation will be adequate and adapt to the affectionate relationships of LGTBI people and to the heterogeneity of the family.

Article 25. Promotion and support to the LGTBI families.

1. Information programs will be established from the Public Administrations towards educational centers/schools with the goal of spreading the different affective and

gender realities and combat the discrimination on the basis of sexual reasons, gender identity, gender expression or sexual characteristics.

CHAPTER VI

Of the Administration of Justice and legal protection.

Article. 31. Guiding principles and alignment of written and telematic procedures.

1. The Government, the General Council of the Judicial Power of the Autonomous Communities, within their respective competencies will adopt the necessary measures to ensure the respect of sexual and gender diversity.

2. Judges, Magistrates, Attorneys, and Lawyers of the Administration of Justice, Doctors, Forensics, Psychologists, Social workers and technical teams, civil servants and rest of personnel in service of the Administration of Justice, as well as the agents of Security Forces of the State will profess a treatment to transsexual and transgender person accordingly to their felt identity.

3. In the cases in which the applied is gender-differentiated, its determination will be decided based on the felt gender identity, for example in the case of male violence, even when the process of rectification of sex has not been done yet before the Civil Registry.

4. Documents, questionnaires and forms to fill in will have to aim for the due respect to the sexual and gender diversity.

Article 32. Training.

1. The Government and the General Council of the Judicial Power of the Autonomous Communities, within their respective competencies will ensure an obligatory training with a specific emphasis on sexual and gender diversity, intragender violence, violence and hate crimes motivated by sexual orientation, expression or gender identity or sexual characteristics in the training courses for Judges, Magistrates, Attorneys, and Lawyers of the Administration of Justice, Doctors, Forensics, Psychologists, Social workers and technical teams, civil servants and rest of personal in service of the Administration of Justice, as well as the agents of Security Forces of the State.

2. The same training must be ensured for private security agents.

3. The General Council of the Spanish Law Association, the Autonomous Councils of the Law Associations and the Professional Lawyers networks which facilitate free legal services and assist persons that have been arrested, will ensure that lawyers which offer these services have the specific training relating the sexual and gender diversity which will ensure a professional and efficient work in matters of intragender violence and hate crimes.

CHAPTER VII

Measures for the Education sector.

Article 40. Comprehensive plan on education and diversity

1. The General Administration of the State and Autonomous Communities, within the framework of their respective competencies, will have to draw a comprehensive plan on education in which non-discrimination is fostered and respect for sexual, gender and family diversity are protected in a cross-disciplinary manner in all subjects.
2. For the implementation of these plans, the appropriate Administration will offer courses to raise awareness to all teaching staff in the permanent training centers for teachers. The LGTBI reality and family diversity will be applied regularly to their study programs.
3. As a minimum, the comprehensive plan will include the following points:
 - a) In general terms, in all subjects and levels, the adoption of exercises and examples that include sexual and gender diversity, as well as family diversity.
 - b) The inclusion of family diversity in children's education.
 - c) An attention to sexual, gender and family diversity in subjects like "Conocimiento del Medio"¹ in primary education.
 - d) The study of the LGTBI movement in history subject in secondary education.
4. Coordination programs will be created and promoted between sanitary, social and education systems for the detection and intervention in risk situations where the comprehensive development of transgender minors or minors with a non-normative gender expressions is endangered.

Article 41. Training of the teachers

1. The General Administration of the State and Autonomous Communities, within the framework of their respective competencies, will offer training that guarantees the adequate awareness and intervention for the professionals in the area of education, so that they are able to develop education plans that are based on respect for sexual and gender diversity.
2. Attention to sexual, gender and family diversity will be evaluated in the examinations to access teaching bodies.

¹ Note of the translator: The full name of this subject is "Conocimiento del medio natural, cultural y social", which literally means "Knowledge of the environment, culture and society". However, a more precise translation would be "Learning about the World". This subject is a hotchpotch that covers the topics of social and natural sciences and was introduced in 2007 to "secure the basis of a universal, caring, participatory, democratic and intercultural citizenship". Source: <http://www.e-torredebabel.com/leyes/Primaria-Loe-Madrid/Conocimiento-Medio-Primaria-Loe-Madrid.htm>

Article 42. Awareness actions on sexual, gender and family diversity to fathers and mothers of students.

Seminaries and awareness campaigns will be promoted by education centers regarding sexual and gender diversity, both for students and respective parents and/or tutors.

Article 44. Right to sexual and gender identity.

The student body, as well as teaching and non-teaching staff, that turns to a center of the national education system, public or subsidised education center, training center or any training, sports or leisure activity associated to them, has the right to:

- a) Exteriorize his/her gender identity. His/her physical appearance, his/her choice of attire and the access and use of the center facilities according to his/her sensed gender will be respected.
- b) Freely use the name they have chosen, which will be reflected in the administration documents of the center, especially those that have public exposure, such as student lists, grades or electoral census for union elections or administrative elections.

Artículo 45. Didactical material respectful towards sexual diversity, gender and family.

1. The General Administration of the State and Autonomous Communities, within the framework of their respective competencies, will guarantee the presentation of positive LGTBI references in the school materials in a manner that is natural, respectful and cross-curricular within all grades and levels of the educational system and according to subjects and ages.
2. Libraries in schools will contain book on LGTBI themes suited to all student ages.

Article 46. Of universities.

1. In-depth theoretical research on gender identity and on sexual and gender diversity will be promoted
2. Specific services equipped with staff, spaces and sufficient economic resources will be created to guarantee the respect for sexual diversity and gender identity in all the campuses and university spaces.
3. Specific subject and courses on the LGTBI reality will be added to the official curricula.
4. Universities will train all the faculty, staff and students in sexual diversity and gender identity.

CHAPTER VIII

Measures within Labor Work.

Article 49. On the promotion of employment for transexual and transgender people.

2. Tax credits, grants and subsidies will be added in all the employment contracts that contain some type of criteria for equality of opportunities. The discounts will include direct measures, such as the reduction of personal income tax; or indirect measures, such as the reduction of personal income tax deducted at source in the first 5 years of the contract, among other measures.

CHAPTER IX

Measures for Children and Youth.

Article 57. Training on sexual, gender and family diversity for children and youth instructors will be fostered.

CHAPTER X

Measures in the area of leisure, culture, leisure time education and sports

Article 58. On culture and leisure

1. Sexual diversity, gender identity and expression must be part of an inclusive and diverse culture that defends the rights of every individual. Measures will be adopted to guarantee the non-discrimination on sexual orientation, on gender identity or expression, or on sexual characteristics grounds in the area of culture and leisure.

2. The General Administration of the State and Autonomous Communities, within the framework of their respective competencies, will adopt measures to highlight and to promote sexual diversity, gender identity and expression in the areas of culture and leisure through:

- a) Shows and culture productions for all ages
- b) Cultural competitions and expositions
- c) Sports events
- d) Documentary collections
- e) Projects related to the recovery of the Historical Memory
- f) Learning materials in non-formal education
- g) Recreational and leisure activities
- h) The celebration of commemorative dates

i) Shows and folk and traditional celebrations

3. The General Administration of the State and Autonomous Communities, within the framework of their respective competencies, will guarantee the existence of a library fund on the LGTBI subject that promotes and disseminates sexual diversity and gender identity. In the libraries of towns of more than 20,000 residents, this funds will be mandatory and will be regulated by the National Centre for LGTBI Historical Memory regulated in this same law.

4. The General Administration of the State, the Autonomous Communities and the local authorities, within the framework of their respective competencies, will adopt the necessary measures to prevent discriminatory acts on sexual orientation, on gender identity or expression, or on sexual characteristic grounds in shows and cultural activities.

5. The General Administration of the State, the Autonomous Communities and the local authorities will promote LGTBI visibility in public space by placing monuments or naming streets after it.

6. The General Administration of the State, the Autonomous Communities and the local authorities will promote the knowledge and the correct application of the right of admission in restaurant and leisure businesses so that this right is not applied with discriminatory purposes against LGTBI people.

CHAPTER XII

National Center for the Historical Memory of LGTBI

Article 62. National Center for the Historical Memory of LGTBI

1. The National Center for LGTBI Historical Memory will be created.
2. The National Center for LGTBI Historical Memory will be coordinated with the Spanish System of Libraries and the National Film Archive.
3. The National Center for LGTBI Historical Memory will be home to the archives, records and documents, including audiovisual documents, of the LGTBI organizations and LGTBI sectors and Historical Memory documentation and the history of the repression of LGTBI people in Spain.
4. The Documentary funds that will be kept in the National Center for LGTBI Historical Memory will be open access for all the citizens.
5. The National Center for LGTBI Historical Memory will promote dissemination and research activities related to the recovery of LGTBI Historical Memory and will publish materials related to the same Historical Memory.

6. The National Center for LGTBI Historical Memory will be able to agree with the Ministry of Culture the publishing of specific books related to LGTBI.

7. The National Center for LGTBI Historical Memory will be able to establish collaboration agreements with Historical Memory organizations in Spain and with LGTBI film festivals in all the national territory.

CHAPTER XIV

Media and communication

Article 65. Equal treatment of information and communication.

1. The General Administration of the State and Autonomous Communities, within the framework of their respective competencies will foster in all their media and public communications and those which receive financial aid or public financing of the Administration, the awareness and dissemination and transmission regarding sexual diversity, identity and gender expression broadcasting contents that will help towards a perception of this group free from stereotypes as well as to the knowledge and diffusion of the needs and realities of LGTBI persons.

2. Recommendations on the linguistics terms and wording will be established as well as on the treatment and use of images and pictures in relation to sexual orientation, identity and gender expression.

3. Broadcasted contents and advertisements will be watched over so that they are respectful towards LGTBI persons.

4. Media and communication will be watched over so that they include in their programs for all ages, the diversity of sexual orientation, identity and gender expression including the family diversity of LGTBI.

Article 66. Deontological Code.

The General Administration of the State and Autonomous Communities, within the framework of their respective competencies will foster that their deontological codes of media and communications will include sex and gender diversity which will not contradict this Law.

CHAPTER XV

Public order and deprivation of liberty

Article 67. In the sphere of public order, The General Administration of the State and Autonomous Communities, within the framework of their respective competencies will:

1. Ensure a specific obligatory training, related to sexual and gender diversity, on intragender violence and violence on hate crimes caused by LGTBiphobia, during the ongoing training of the members of the Bodies and Forces of Security of the State.
4. Transsexuals and transgender persons will receive a treatment according to their felt identity, including the determination of cells where they must stay. Whilst they are deprived of freedom, the continuation of the treatment of any hormonal or medical treatment must be guaranteed or that of any treatment which they may wish to begin.
5. Procedures on personal registration and identification for transsexual and transgender persons will be established according to their felt identity in order to guarantee their dignity. For persons who do not identify with either gender, the possibility to opt for a different police agent of either sex will be available while the police intervention is taking place.
6. Documents, forms and questionnaires and other instances used by the Body and Security Forces of the State will respect sexual and gender diversity.

CHAPTER XVI

On Armed Forces

Article 68. The Government will guarantee the real and effective and equality and the non discrimination of LGTBI persons that are part of the Armed Forces. In order to do so they will:

3. Guarantee the right to intimacy of the LGTBI persons that are part of the Armed Forces.
4. Carry out, in a compulsory manner, sensibilization actions towards sexual and gender diversity directed towards the personnel of the Armed Forces.
5. Include sexual orientation and gender identity, in a compulsory way, within the training study plans of the Armed Forces.
6. Guarantee to all transsexuals and transgender, during their stay within the Armed Forces, the imitation or continuation of any medical and hormonal treatment, including surgeries of reassignment.
7. Observe a treatment towards transsexuals or intersexuals a treatment according to their felt identity.

CHAPTER XVII

On Public Administrations

Article 74. On the reversal of the burden of proof

1. According to what is established by procedural and regulatory laws of administrative procedures, when the plaintiff or the concerned person pleads discrimination on

grounds of sexual orientation, gender expression or identity, or sexual characteristics and provides grounded suspicion, the defending party or whomever has been charged with this discriminatory situation will have to provide a well-proved, objective and reasonable justification of the measures taken and their proportionality.

2. The facts and suspicions from which the existence of discrimination can be presumed on grounds of sexual orientation, gender identity or expression, or sexual characteristics, can be proven by any kind of evidence, provided that it is lawful; without prejudice to the proceedings and the measures taken under the rules of organization, coexistence or discipline of the institutions and public services. Account can also be taken of statistical evidence and situation tests.

3. The sanctioning administrative body, at its own initiative or at the request of either party, can request reports or opinions from the appropriate bodies specialized in gender equality.

4. The provision of Section 1 cannot be applied to criminal proceedings nor to administrative sanctioning procedures.

CHAPTER XVIII

On transidentity and intersexuality

Article 77.

Every person will have the right to the recognition of their gender identity freely determined and to be treated according to it, independently of whether it has obtained or not its legal recognition.

CHAPTER XIX

Rules of infringement and penalties.

Article 90. Regime of infractions and sanctions.

1. The infractions categorised as minor on the current Law expire after six months. The ones categorised as serious, after one year. And the ones categorised as very serious, after three years.

2. The sanctions imposed under the protection of the current Law expire after three months if they are minor; after six months if they are serious; and after one year if they are very serious.

3. The limitation period of the infractions will start counting from the day after the infraction was made.

4. The count of the expiration of sanctions will start from the moment the resolution that imposes the sanction is firm.

Article 92. Procedure.

10. The following provisional measures can be adopted:

- a) Temporary cancellation of activities or services.
- b) Cancellation of the corresponding license or authorization.
- c) Cancellation or banning of the public show or leisure activity.
- d) Temporary closing down of the premises open to the public by sealing them.
- e) Deposit loans.
- f) Preventative attachment of goods, rents, and fungible things eligible in cash by application of accurate prices.
- g) Deposit, retention, or immobilization of properties.
- h) Supervision and deposit of income obtained through an activity considered illicit and that should be banned or ceased.
- i) Order or constitution of deposits of the claimed quantities.
- j) Other measures which, for the protection of the applicant's rights, are planned specifically by the laws, or are considered necessary to ensure the effectiveness of the resolution.

Article 94. Infractions.

1. Infractions established on the current Law are qualified as minor, serious and very serious, according to the nature of the breached obligation and the magnitude of the affected right, as long as they do not constitute a felony.

2. Minor infractions are:

- a) Uttering, by any means or method, expressions, images of graphic contents of any kind which are offensive or degrading by reason of sexual orientations, identity, or gender expression or sexual characteristics against LGTBI people or their families.
- b) Not facilitating the work or partially refuse to collaborate with the investigative work of the examining body of the infractions categorised by this Law.
- c) Detracting personal assets or real state by reason of sexual orientations, identity, or gender expression or sexual characteristics against LGTBI people or their families.

3. Serious infractions are:

b) Repeating the uttering of expressions, images of graphic content of any kind that is offensive or degrading by reason of sexual orientations, identity, or gender expression or sexual characteristics against LGBTBI people or their families.

c) Repeating the publication on the internet or social media of expressions, images of graphic content of any kind that are offensive or degrading by reason of sexual orientations, identity, or gender expression or sexual characteristics against LGBTBI people or their families.

d) When the owner and the service provider or the information society do not remove expressions, images of graphic content of any kind that is offensive or degrading by reason of sexual orientations, identity, or gender expression or sexual characteristics contained on web sites or social media, when their existence is certain.

f) Spreading over the internet or social media any kind of expression, images of graphic content of any kind that are offensive or degrading by reason of sexual orientation, identity, or gender expression or sexual characteristics against LGBTBI people or their families.

g) Preventing, hindering, or obstructing by a public servant or an individual in charge of a public service, access to a benefit entitled to by reason of sexual orientations, identity, or gender expression or sexual characteristics, or belonging to a LGBTBI family (complement to Article 511, Penal Code), or imposing more cumbersome conditions in its practice or enjoyment.

h) Preventing, hindering, or obstructing by a professional or entrepreneur, access to benefits, goods or services entitled to, when this is caused by sexual orientation, identity, or gender expression or sexual characteristics, or belonging to a LGBTBI family (complement to Article 511, Penal Code), or imposing more cumbersome conditions in its practice or enjoyment.

n) Producing, using or spreading in schools under the General State Administration text books and educational materials which infringe upon the dignity of LGBTBI people.

4. Very serious infractions are:

e) Calling for public acts by any means or procedures of any kind that have as their objective to promote, encourage, or incite, directly or indirectly, discrimination, hate or violence against people by reason of sexual orientation, identity, or gender expression or sexual characteristics.

h) Reoffending by publication on the Internet or social media of expressions, images of graphic content of any kind that is offensive or degrading by reason of sexual orientation, identity, or gender expression or sexual characteristics against LGBTBI people or their families.

Article 96. Sanctions.

1. Minor infractions will be penalized with a warning or a fine up to 3,000 euros.
2. Serious infractions will be penalized with a fine of 3,001 to 20,000 euros. In addition, some of the following can be imposed as secondary penalties:
 - a) Prohibition to access to any kind of public assistance from the Administration for a period of up to one year.
 - b) Prohibition to be hired with the Administration, its autonomous bodies, or public entities for a period of up to one year.
3. Very serious infractions will be penalized with a fine of 20,001 to 45,000 euros. In addition, some of the following can be imposed as secondary penalties:
 - a) Cancellation of activities or services for a maximum time period of 2 years.
 - b) Deprivation of the corresponding license or authorization.
 - c) Closing of the premises open to the public for a maximum period of 2 years.
 - d) Prohibition to have access to any kind of public assistance from the Administration a time period of up to 2 years. In case of relapse or reiteration, it can reach as far as a maximum time period of 5 years.
 - e) Prohibition to hire with the Administration, its autonomous bodies, or public entities up for a period of up to 2 years. In case of relapse or reiteration, it can reach as far as a maximum time period of 5 years.
 - f) Temporary disqualification for a period of up to 2 years for the provision of public services. In case of relapse or reiteration, it can reach as far as a maximum time period of 5 years.
4. In the event of any infraction, whatever its nature, there will be a seizure and destruction, erasing or disablement of books, files, documents, articles, and any kind of format that is the object of the administrative infractions set forth in the current Law or the means to commit the infraction. When the felony was committed through information and communication technology, the withdrawal will be agreed. In the event that through Internet websites or service of the information society, the contents referred to in the previous section are spread exclusively or principally, the access will be blocked or the provision of the access will be interrupted.
5. When imposing sanctions, when they are not very serious and the wronged person consents, the economic sanction can be replaced by the offenders non-remunerated personal cooperation in activities of public profit, social interest or educational value, or in reparation of damages assignments or support of the wronged people by the acts of discrimination; attending to a training or awareness course with the aim to make the offender aware about equal treatment and non-discrimination, and to repair the moral damage to the victims and the people affected.