



## A FEMINIST LGTBIQ+ PERSPECTIVE ON THE LEGISLATIVE PROCESS THAT GUARANTEES THE FUNDAMENTAL RIGHTS AND FREEDOMS OF AFFECTIVE-SEXUAL DIVERSITY, GENDER IDENTITY AND OTHER MANIFESTATIONS IN SPAIN AND ANDALUSIA

Belén Ríos-Vizcaíno <sup>1</sup>  
Alfonso Chaves-Montero <sup>\*2</sup>  
Pilar Blanco-Miguel <sup>3</sup>  
Yolanda Navarro-Abal <sup>4</sup>

### ABSTRACT

**Objective:** This study investigates the legislative development in Spain and Andalusia regarding the rights and freedoms of affective-sexual diversity, gender identity, and other manifestations, from a gender and feminist perspective. It analyzes historical advances and setbacks in the protection of the LGTBIQ+ community, with special attention to the role of women and the impact of legal frameworks on daily life and social justice.

**Theoretical Framework:** The research is based on concepts of human diversity, gender perspective, feminist and queer theory. It considers national and international normative frameworks, democratic memory, and the construction of an inclusive society. The distinction between law and justice is emphasized, and a SWOT analysis is applied to understand the position of the LGTBIQ+ community.

**Method:** A descriptive and explanatory approach is adopted, focused on documentary and legislative analysis. Scientific publications and legal databases such as BOE, DOUE, Constitutional Court, CGPJ, Westlaw, and Aranzadi are reviewed, selecting up-to-date and relevant texts. The real impact of legislation and its relationship with feminist and social movements are critically analyzed.

**Results and Discussion:** The study shows a history marked by progress and setbacks, from Francoist repression to the expansion of rights after the 1978 Constitution and European integration. Andalusia stands out for pioneering laws, though challenges such as economic crises and exclusionary discourses persist. The importance of women's participation and strengthening the social and democratic state is highlighted.

**Implications of the Research:** The results are relevant for public policy, education, human rights advocacy, and the promotion of equality, contributing to a more inclusive society.

**Originality/Value:** This study offers an integral and critical vision, highlighting the relationship between legal norms and daily life, providing tools to advance toward real and effective equality.

**Keywords:** Feminist Perspective, LGTBIQ+, Legislative History, Affective-sexual Diversity, Gender Identity, Spain, Andalusia.

<sup>1</sup> Departamento de Sociología, Trabajo Social y Salud Pública, Universidad de Huelva, Huelva, España.

E-mail: [belen.rios@dstso.uhu.es](mailto:belen.rios@dstso.uhu.es) Orcid: <https://orcid.org/0000-0002-7300-8156>

<sup>\*2</sup> Departamento de Sociología, Trabajo Social y Salud Pública, Facultad de Trabajo Social, Grupo de Investigación Epidemiología Clínica, Ambiental y Transformación Social (EPICAS). Centro de Investigación COIDESO, Pensamiento Contemporáneo e Innovación para el Desarrollo Social, Universidad de Huelva, Huelva, España.

E-mail: [alfonso.chaves@dstso.uhu.es](mailto:alfonso.chaves@dstso.uhu.es) Orcid: <https://orcid.org/0000-0001-5861-3414>

<sup>3</sup> Departamento de Sociología, Trabajo Social y Salud Pública, Facultad de Trabajo Social, Grupo de Investigación ESEIS: Estudios Sociales e Intervención Social, Universidad de Huelva, Huelva, España.

E-mail: [pblanco@uhu.es](mailto:pblanco@uhu.es) Orcid: <https://orcid.org/0000-0001-9928-8486>

<sup>4</sup> Departamento de Psicología Social, Evolutiva y de la Educación, Facultad de Ciencias del Trabajo, Centro de Investigación COIDESO, Pensamiento Contemporáneo e Innovación para el Desarrollo Social, Universidad de Huelva, Huelva, España. E-mail: [yolanda.navarro@dpsi.uhu.es](mailto:yolanda.navarro@dpsi.uhu.es) Orcid: <https://orcid.org/0000-0002-0438-844X>



## PERSPECTIVA FEMINISTA LGBTQI+ SOBRE O PERCURSO LEGISLATIVO GARANTIDOR DOS DIREITOS E LIBERDADES FUNDAMENTAIS NA ESPANHA E ANDALUZIA DA DIVERSIDADE AFETIVO-SEXUAL, IDENTIDADE DE GÊNERO E OUTRAS MANIFESTAÇÕES

### RESUMO

**Objetivo:** Este estudo investiga o desenvolvimento legislativo na Espanha e na Andaluzia em relação aos direitos e liberdades da diversidade afetivo-sexual, identidade de gênero e outras manifestações, a partir de uma perspectiva de gênero e feminista. Analisa avanços e retrocessos históricos na proteção da comunidade LGBTQI+, com especial atenção ao papel das mulheres e ao impacto dos marcos legais na vida cotidiana e na justiça social.

**Referencial Teórico:** A pesquisa baseia-se em conceitos de diversidade humana, perspectiva de gênero, teoria feminista e queer. Considera marcos normativos nacionais e internacionais, a memória democrática e a construção de uma sociedade inclusiva. Destaca-se a distinção entre lei e justiça, e aplica-se a análise SWOT para compreender a posição da comunidade LGBTQI+.

**Método:** Adota-se uma abordagem descritiva e explicativa, com foco na análise documental e legislativa. São revisadas publicações científicas e bases jurídicas como BOE, DOUE, Tribunal Constitucional, CGPJ, Westlaw e Aranzadi, selecionando textos atuais e relevantes. Analisa-se criticamente o impacto real da legislação e sua relação com movimentos feministas e sociais.

**Resultados e Discussão:** O estudo revela uma trajetória marcada por avanços e retrocessos, desde a repressão franquista até a ampliação de direitos após a Constituição de 1978 e a integração europeia. A Andaluzia destaca-se por leis pioneiras, embora persistam desafios como crises econômicas e discursos excludentes. Ressalta-se a importância da participação das mulheres e do fortalecimento do Estado social e democrático.

**Implicações da Pesquisa:** Os resultados são relevantes para políticas públicas, educação, defesa dos direitos humanos e promoção da igualdade, contribuindo para uma sociedade mais inclusiva.

**Originalidade/Valor:** O estudo oferece uma visão integral e crítica, destacando a relação entre normas legais e vida cotidiana, fornecendo ferramentas para avançar em direção à igualdade real e efetiva.

**Palavras-chave:** Perspectiva Feminista, LGBTQI+, História Legislativa, Diversidade Afetivo-Sexual, Identidade de Gênero, Espanha, Andaluzia.

## PERSPECTIVA FEMINISTA LGBTQI+ SOBRE EL RECORRIDO LEGISLATIVO GARANTE DE LOS DERECHOS Y LIBERTADES FUNDAMENTALES EN ESPAÑA Y ANDALUCÍA DE LA DIVERSIDAD AFECTIVO-SEXUAL, IDENTIDAD DE GÉNERO Y OTRAS MANIFESTACIONES

### RESUMEN

**Objetivo:** Este estudio investiga el desarrollo legislativo en España y Andalucía sobre los derechos y libertades de la diversidad afectivo-sexual, la identidad de género y otras manifestaciones, desde una perspectiva de género y feminista. Analiza avances y retrocesos históricos en la protección del colectivo LGBTQI+, con especial atención al papel de las mujeres y el impacto de los marcos normativos en la vida cotidiana y la justicia social.

**Marco Teórico:** La investigación se apoya en conceptos de diversidad humana, perspectiva de género, teoría feminista y queer. Considera marcos normativos nacionales e internacionales, la memoria democrática y la construcción de una sociedad inclusiva. Se diferencia entre ley y justicia, y se aplica el análisis DAFO para comprender la posición del colectivo LGBTQI+.

**Método:** Se adopta un enfoque descriptivo y explicativo, basado en el análisis documental y legislativo. Se revisan fuentes científicas y bases jurídicas como BOE, DOUE, Tribunal Constitucional, CGPJ, Westlaw y Aranzadi, seleccionando textos actuales y relevantes. Se analiza críticamente el impacto de la legislación en la vida cotidiana y su relación con movimientos feministas y sociales.

**Resultados y Discusión:** El estudio muestra una evolución marcada por avances y retrocesos, desde la represión franquista hasta la ampliación de derechos tras la Constitución de 1978 y la integración europea. Andalucía destaca



por leyes pioneras, aunque persisten desafíos como crisis económicas y discursos excluyentes. Se subraya la importancia de la participación de las mujeres y el fortalecimiento del Estado social y democrático.

**Implicaciones de la investigación:** Los resultados son relevantes para políticas públicas, educación, defensa de derechos humanos y promoción de la igualdad, contribuyendo a una sociedad más inclusiva.

**Originalidad/Valor:** El estudio aporta una visión integral y crítica, destacando la relación entre normas y vida cotidiana, y ofreciendo herramientas para avanzar hacia la igualdad real y efectiva.

**Palabras clave:** Perspectiva Feminista, LGTBIQ+, Recorrido Histórico Legislativo, Diversidad Afectivo-Sexual, Identidad de Género, España, Andalucía.

RGSA adota a Licença de Atribuição CC BY do Creative Commons (<https://creativecommons.org/licenses/by/4.0/>).



## 1 INTRODUCTION

The research interest that has led us to address the social facts that we develop here, would be symbolic and visually expressed in the meaning of the mandorla, in this case, of the human and the cohabitational. The person, in the totality of its meaning, as a unit and as a whole, as an axis and movement, is imposed on us and questioned. It stands as the centre of the universe of our own and of the making. In the dynamic continuum of mankind, every life experience becomes an agent that transmits and receives what happens. In action and reaction circles, the potential of quality of life is facilitated or hindered. Thus, it is essential, in order to advance towards the desirability of socio-human realities, to turn what concerns us, from the niche that welcomes us, into an experience to share, debate, refute and build from consensus.

We have made a diachronic reading around an incontrovertible social fact, human diversity, illuminating the plot referred to the Sexogenetic Diversity extracting from this reality, the variables referred to the Normative Frameworks. It seems to us to be a definitive choice, by definition of the exchanges that take place in a given society at a given historical moment. We are guided by an ultimate goal, to contribute as far as possible to redirect or strengthen the path towards respect, equality and social justice. So, we only understand, you can sustain a healthy ecosystem, then, possible.

The Principle of Uncertainty has always been the inseparable companion of history. Going through the legislative coordinates and the measures focused on both the persecution and the protection of the LGTBIQ+ Collective, shows the chiaroscuro of a country that transited between Republics and Coups d'État that finally ended up with a bloody confrontation, which part of the historiography calls Civil War and the long dictatorship that closed the cycle in 1975.



It was therefore four decades before democracy was established. The Constitution of 1978 and the incorporation into the so-called European Union put Spain on the road to a new National Legal Order and European Rights. To finish outlining the axes in which we will move, it will be necessary to consider, also, the continuous and cyclical crises of the Welfare State and recently, the Socio-sanitary Pandemic declared politically on our borders on March 14, 2020, which forced the decree of a State of Alarm, which as we will point out constituted a worsening of certain situations of the Collective, including the increase of family conflicts, the return to isolation and economic dependence.

We cannot address the issue at hand without mentioning the fact that, before the approval of the Spanish Constitution, and as a preliminary framework for subsequent actions, the so-called Amnesty Law (1977) was approved, which came to clearly favour former leaders, rooted in Autarky, closing or hindering historical memory and social justice towards the victims of Franco's regime, many of them still in mass graves.

Making an Andalusian geospatial reading, we will advance that the province of Huelva stands out not only for the number of people of the LGTBIQ+ Collective affected but also for the virulence in which the acts of persecution occurred, integral violation of their rights, exile and disappearance of those who showed dissent in the Dictatorship. At this point, it should be emphasised that, although sociologically positioning towards “forgetting” can be a positive exercise with what generates social stress, from the point of view of those who are affected, it clearly constitutes a revictimisation. It can be a way to “sociopathological positions”, especially when it refers to collective history, leading to a non-humanising reading and to reject the knowledge of violent and degrading events.

This “oblivion” has given way, slowly, to the vindication of democratic memory... Andalusia has been “spearhead”, in ensuring normatively, the recovery of the Historical and Democratic Memory (Law 2/2017) and also in other social rights, such as, for example, in situations of Civil and Criminal Law, such as Factual Couples; Equal Opportunities between women and men; Prevention and Comprehensive Protection of Victims of Gender Violence; and most prominently, in the Rights to Gender Identity (Law 2/2014) and the LGTBIQ+ and Family Collective (Law 8/2017), object of approach and reflection in this article. To this end, this Autonomous Community has also created institutional structures with exclusive competences in these matters, framed and supported by the Reform of its Statute of Autonomy (Organic Law 2/2007).

On this initial path, of progress and setbacks, our country has suffered another cyclical crisis of capital, which has been the most widespread over time and has the greatest socio-



economic and political repercussions at the international level. To this must be added, the transit through a pandemic situation (Covid 19, 2020-2023) that has slowed down the recovery and growth.

This concatenation of facts has impacted the “waterline” of the legitimacy of political structures, and their legal correlation. The current state administrative system (central, autonomous and local) has been questioned, due to multiple issues. Among them, a budget and financial deficit that has led to permanent cuts in the Public Protection Systems, increased unemployment, the deterioration of social and labour rights, and the loss of public confidence in the institutions of the three branches of the State. Political disaffection, which followed citizen mobilisations and the emergence of political programmes questioning the status quo, erupted in repeated General Elections (without achieving the necessary social consensus). All this revealed the “hidden political agendas” of far-right factions, which have proposed the radical breakdown of the Social Pact and plurality in all orders. The lack of reason for non-inclusive and pseudo-democratic discourses was first evident in the Andalusian Elections in its XI Legislature (2018) and subsequently at the national level, showing the need to strengthen our “Social and Democratic State of Rights”. (ART.1.1 EC). Unfortunately, the European Union presents a picture that is not entirely different.

You cannot close this introduction without mentioning the “elephant in the room”. Capitalism, as a hegemonic economic system and its proposals of eco-human-social relations, unbalanced in exchanges, remains the unaddressed, forcefully and consensually in the goal towards real and effective equality that must be global or will not be. In fact, when he decides to opt out of the indispensable “social pact,” he supports and displays a disruptive political ideology, and the future becomes uncertain. Once again, in all its rawness, the search for homogenisation versus diversity, the deterioration of values and ethical principles that inspired the creation and maintenance of our democracy are appreciated. Without the oxygen of the characteristics and inherent requirements of this, comes the tanathos, apology fruit of the anaideia of violence, hatred of differences, xenophobia, racism, etc. In general, a comprehensive reification and commodification of the contributions of people beyond their diversity. Likewise, the old approaches try again to relegate women to private and domestic spaces, sweeping the feminist praxis, always participatory and subversive.

From a counter-hegemonic dynamic with a Gender Perspective, we emphasise the idea that it should not be surprising that, at the heart of this legislative journey, the role that women, in their fight for equality, have had in defending respect for diversity is evident, in the case that we are dealing with gender diversity. The feminine claim itself will radiate its strength towards



respect for the potential of diversity. It is revealed as a centripetal force towards equality in the rights of people, beyond the reductionist categories.

## 2 THEORETICAL FRAMEWORK

### 2.1. OBJECTIVES

- 1.- To show within a historical continuum, temporarily significant, 19th-21st centuries the importance of normative frameworks as an expression of the rights of citizenship in its general and/or specific diversity.
- 2.- To point out progress and setbacks in the expansion of human rights with emphasis on those applicable to the LGTBIQ+ Collective and with a Gender Perspective within the Spanish State.
- 3.- To establish some socio-political coordinates that generate conditions of undesirability/desirability for the construction of an inclusive society.

### 2.2 NOVELTY AND ORIGINALITY

This work involves an effort to establish the interrelationships between the normative frameworks and the daily lives of the people to whom they are referred. The transcendence of legal norms, as a result or not, of the citizen consensus. So that the meaning is shown, not always coincident between law and justice. The first is a finished product that is not necessarily immediately applicable, interpretable, manipulable, and a still photo that is only energised in the presence of the actions that derive from the will of its application, that is, subject to interests that are not always balanced. The second, value and goal that calls society as a whole to contribute, being timeless, objectionable and transversal to the community that points.

We present the complexity of defending human rights in SWOT mode, with its strengths and opportunities, its threats and weaknesses. We see represented in its “windows” the gradients in which a society can place its members, dividing them into categories, accumulating intentions based on prejudice, stigma and discrimination. The LGTBIQ+ Collective is within the human universe, which suffers the consequences of unbalanced power dynamics, without the ability to exchange, to configure subjective identities, subordinated to pyramidal structures of submission and discrimination. The Collective is located in a social position to remove, necessarily, but not as a minority but because it faces interests not always declared. In that



regard, its diversity should be seen only as part of human diversity.

We wanted to present the reality of gender diversity and gender identity subject to the complexity of social facts. Complexity where, inevitably, elements that represent permanence coexist, the tendency to resist changes, stopping the necessary contributions to promote the improvement of cohabitational frameworks. All members of a human community inevitably make their contribution. These, at each moment will be reflected in the historical facts, legitimised by the legal norms in force. The theoretical framework in a study comprises a critical and organised analysis of the relevant literature, providing a theoretical contextualisation and defining the key concepts. It must contain in a comprehensive way previous theories, models and research, identifying gaps, contradictions and consensus in the literature that are important for the approach of the work that is developed.

### 3 METHODOLOGY

This research is based on a descriptive and explanatory approach (Guevara *et al.*, 2020), orientated to the analysis of the legislative development in Spain and Andalusia in relation to the fundamental rights and freedoms of affective-sexual diversity, gender identity and other manifestations, from a gender and/or feminist perspective.

For its development, a review of sources available on the network is carried out, prioritising those published in scientific journals and databases specialised in legislation and jurisprudence, such as the Official Gazette of the State (BOE), the Official Journal of the European Union (OJEU), the Constitutional Court, the General Council of the Judiciary (CGPJ) and the legal databases Westlaw and Aranzadi. Relevant and updated texts that provide a solid theoretical and legal framework are selected in order to contextualise the normative advances and pending challenges in the protection of the LGBTBIQ+ community.

The study also offers a critical analysis that makes visible the impact of these laws on the daily lives of people with affective-sexual and gender diversity, as well as their relationship with feminist struggles and social movements. Finally, the bibliography compiled constitutes a reference for future research in the field.

The data collection of this research refers, among others, to the period 1939-2025, following a documentary and legislative approach. The regulations that regulate the rights and freedoms of the LGBTBIQ+ Collective in Spain and Andalusia, from the Franco dictatorship to the present, are reviewed in order to analyse their evolution and their impact on society.



To ensure the reliability of the information, various sources are compared, cross-checking data and checking its consistency. Subsequently, all the collected documentation is organised and structured according to its historical and legal relevance, allowing a detailed analysis from the feminist perspective.

This procedure offers a rigorous study on the legislative development and its influence on the protection of LGTBQ+ rights in Spain and Andalusia.

## **4 RESULTS AND DISCUSSIONS**

### **4.1 PRE-CONSTITUTIONAL BACKGROUND**

#### **4.1.1 Social movements and regulatory developments**

It is pertinent to intertwine the ideological and sociocultural reality of the "route" begun, bordering on the end of the 19th century, increasing the "brushstrokes" in the 20th century to the present.

It is 1812, the historical moment that marks the line of departure. Although its existence and viability is marked by its liberalism and its abrupt interruptions, by brevity and turmoil, the Constitution emerged in Cádiz, on March 19, which was a significant advance, blocking the institutional backbone of the Old Regime. It gives way to National Sovereignty, the promulgation of individual rights and a Constitutional Monarchy, which eliminated the corseted and unequal system of government based on feudalism, among other significant bets (Constitution 1812). However, it must be noted that the opportunity was lost to establish itself as a truly significant framework for the equality and recognition of women as autonomous and independent citizens, with rights and not only with obligations, as the League of Women in France would later claim on 8 January 1885: "Outlaws. Minors, but responsible. Without rights, but in thrall to all duties; without protection, without defence, women must defend themselves." We see here, the collective force that drives change, and starts the pathways.

From this time, it should be noted, female referents who had to pose as "men" or use "pseudonyms" to reach the channels of knowledge or raise their "hidden voices". From Literature and Didactic Pedagogy, to Cecilia Böhl de Faber (1786 – 1877), daughter of the famous Frasquita Larrea. She began her career as a writer with the alias of Fernán Caballero. Although she is a writer advanced to her context, and is knowledgeable and a follower of Mary Wollstonecraft's *A Vindication of the Rights of Woman*, her works are rooted in costumbrism,



the conservative and folkloric environment and the analysis of oral tradition. In her heterogeneous literary contributions, she did not allow herself or contribute directly to the defence of women's rights, including equal, not inferiority, access to education, training and recognition.

In the plots previously named, it becomes impossible to advance, without pointing out the intellectual and socio-political heritage of two women precursors and pioneers of feminism in Spain, influenced by Krausismo and by the backing of the Free Institution of Education (1970s). We talk, on the one hand, and following Capilla, A.F (2004) in *The Pioneers of Social Work: A Bet to Discover Them*, by Concepción Arenal Ponte (1820-1893) and on the other hand, by Emilia Pardo Bazán (1851-1921). The first, he initially accessed university training in law, resorting to external “transvestism”, or masculinized gender expression, as well as his Parisian contemporary, the writer and journalist, Aurore Dupin (1804-1876) best known for *George Sand*. In the breadth of his writings, underlies the overcoming of a society fragmented in a lacerating bipolarity, to improve the existential conditions of the most vulnerable individuals, groups and groups and the promulgation of social justice from the Social Doctrine of the Church. The autonomy and emancipation of women is especially highlighted in *The Woman of the Future* (1869); *The Education of Women* (1882); *The Woman in her House* (1883); *The Work of Women* (1891); *The Current State of Women in Spain* (1895). Emilia Pardo Bazán, aristocrat, first Professor of Literature at the Central University of Madrid, President of the Literature Section of the Ateneo de Madrid, was also a press correspondent in other countries. Representative of what we would currently call “Gender Perspective”, her essays, such as *La Mujer Española* and other writings (1916) and her support for the *Revista cultural España Moderna* (1889-1914), are a showcase to promote equal opportunities in all areas for women and men.

In the 19th century, the National Association of Spanish Women (1918-1936) emerged, the longest-standing association in Madrid but which was projected throughout the country, seeking the equality of civil, political, social and cultural rights of the same. Notable and recognised are María de la O Lejárraga (1874-1974), Clara Campoamor (1888-1972) and Victoria Kent (1891-1987). From their professional and political positions, they were tireless activists in the establishment of extensive social justice, freedom and equality for and by women. They were forerunners and still standard bearers for the present generations, probably remaining, also in the coming ones (Capel, 2004).

Sketching by naming some of the pioneers and feminist references, serves to explain the enormous difficulties that women have had, who were denied the status of “citizen”, their



visibility and participation. There is no doubt that, for the majority of the female population, the serious socio-political intrusions caused by the outbreak of the Civil War (1936-1939) and the experience of a post-war settled in the Franco dictatorship that lasted until 1975, annihilated the libertarian aspirations and the emancipation of women to a set of tractions that only confined them to private spaces, assuming the obligations of imposed roles as “normalised and appropriate” for them. Even following Gil, J. (2024), a mandatory space, in which the Women's Section became a specific branch of the Spanish Phalanx, would not be a respite. Quite the opposite. Since its constitution, in June 1934, by Pilar Primo de Rivera, it would be an institution of control, ideological manipulation, propelling prejudices about female capabilities and feedback of objectified stereotypes.

The required paradigm would be that, faced with the supposed fragility, weakness and vulnerability, women needed different “guardians or guardians of fact”, who would become responsible for physical and spiritual decorum, submission and protection to the innumerable existing “dangers” that could represent a deviation from the precepts framed in the national Catholicism.

Women locked in their own “disguises.” No options or alternatives for decision-making. And indeed, with the same invisibility as the minors. For, for his everyday life, he needed male protection, which, in many cases, would be paradoxically, the autolysis of his own identity and vital destiny as a human being, autonomous and free.

#### **4.1.2 The scope of general repressive legislation**

If there is a biased historical interpretation, which has spread with the ease of rumour-mongering, it is the identification of the Law of Vagrants and Wanderers (1934) as the cornerstone of discrimination and persecution of Affective-Sexual Diversity and Gender Identity in Spain. His enactment was Manuel Azaña. He was a member of the First Reformist or Transformist Biennium and President of the Second Republic. The final document was prepared by two of his friends, socialists and krausistas, Mariano Ruíz Funes and Luís Jiménez de Asúa. The first is a criminal, renowned criminalist, university professor and deputy of Republican Action and Republican Left. The second, also, jurist, university professor, politician and Vice President of the Congress of Deputies. In whose work, *The Dangerous State. New Formula for Criminal and Preventive Treatment* (1922) deals with the “dangerous state” with preventive insurance measures against convictions or classic penalties, in addition to the relevance of individualised treatment for persons subject to the regulations. It reflects another



aspect far from classic criminological theories, where the well-known right to punish or *ius punendi*, established on the pillars of free will and moral imputability, is not considered. The latter, well explained by Cayetano Rodríguez (2009) in his Study Brief Introduction to Criminological Theories, in the Classical School, led by Marqués de Beccaria, Francisco Carrara, and in Spain, De las Casas and Manuel de Lardizábal. Crimes are “those actions that offend the right of others [...] that necessarily implies a free and intelligent will and an external act, harmful to rights, dangerous for the same. And base imputability on free will” (p. 34).

From this point of view, the penalty has the function of preserving the legal system, entailing a “retributive character for the damage that the individual caused to society” (p. 30) but that the objective of prevention through education must be preserved to reduce criminal acts (p. 35).

For the approval process of the Law of Vagos and Maleantes, this document suffered from nuances and amendments, to achieve the unanimity of the Parliament, despite the resistance and contraindications of the authors of the same. This regulation, known as the “Gandula”, of criminal nature, was approved by the Court of the Second Republic on August 4, 1933, prior to its debate and ratification of the bill published in the Madrid Gazette.

It was an unprecedented regulation, as stated in the Technical Journal of the Civil Guard (1933) in its Preamble: “It has no equivalent in any other promulgated until the present time [...] In the case of an exception law it is not susceptible to extensive interpretations, either by analogy or by any other reason.” (p. 2) In the same statement, it makes a statement: “It reaches equally individuals of one sex or another, over eighteen years of age” (p. 2) but the categorisations that it makes explicit, in no case, alludes to people with affective-sexual diversity and gender identity: “They cannot, therefore, declare themselves dangerous more than those subjects whose circumstances fit perfectly in the previously and exhaustively defined states in the Law” (p. 2).

In Article 2, it does mention those who practised vagrancy, begging, ruthlessness, pimping, or illegal exploitation; those who succumbed to addiction, “drunk or drug addicts” or supplied “wines or spirits to minors under fourteen years of age” in “public establishments or educational and educational institutions”; “traffickers”; those who falsified their identity or “concealed their true name and their personality or falsified their home [...] who used or had false documents or concealed their own”; “foreigners who violate an expulsion order”, (pp. 3-4). And in its article 3, those who were “repeat offenders and repetitive of all kinds of crimes”; “those criminally responsible for a crime” (p. 4).



The Judge of First Instance and Instruction, Álvarez Jusué (1933), faithfully breaks it down in his Law of Vagos and Maleantes. Historical Exposition of Spanish Legislation. Parliamentary Precedent. The current law and its procedure. Manual essential, for its exhaustive compilation from the “laws on vague and gypsies, from Henry II of Castile to the Second Republic (1369 – 1933)” (p. 9). The author insists on the Second Part of the work, in its “preventative” nature, which gathers the fundamental lines of those historical repressive laws to adapt them to modern legal conceptions [...] It starts from the consideration of danger in the subject. It is a law of social prophylaxis and presupposes in the pathological picture of the subjects sufficient capabilities of crime a priori, derived from the background and circumstances of the individual; others in consideration of the *fait accompli*. [...] It is an avant-garde law that embraces in its spirit the meaning of modern criminal guidelines” (pp. 50-51).

Subsequently, the Regulation of 3 May 1935 for the application of the Law of Wanderers is published in the Madrid Gazette, where the groups inserted in each categorisation are specified in detail. There is no mention of the people who are focused on this study. And so it says, the Magazine of the Courts. (II) Supplementary Additions (1935) in Title I, Chapter I, of Articles 1-2 (p. 129-130), although it does incorporate, with a procedure that violated the legal systems, by including new headings in the interpretation of Article 2, increasing the categories of “object of examination and consideration of dangerous status” (p. 131) in which were responsible for “illegal immigration or emigration” (p. 130) smuggling or who by their “habitual way of life, dedicated to immoral activities, demonstrate a state of danger by analogy with those provided for in the Law” (p. 131).

The Regulation also incorporated another paragraph in the article cited, where it indicated “perpetrators of acts that do not constitute an offence due to the suitability of the means, the lack of the object, the lack of acceptance of the mandate or the withdrawal of the action taken, even if an order of discontinuance or acquittal has been issued...” (p. 131).

These incidents gave rise to adverse and contrary reactions in the criminal, legal and other intellectual areas, not only because of the inherent irregularity of the same, but also because of its gaps and contradictions in the procedure, its low funding and the misguided and abusive application of sentences and sanctions. In the 1930s, two minor regulations within the normative hierarchy will be significant, which do not come to break the list of groups indicated. In 1935, the Order of 12 November (Gazette of the 21st) will establish a budget envelope for “clothing and clothing, health and hygiene and utensils” for the Section of Wanderers and Tricksters in prison services. And with the Order of 24 February 1937 (Official Gazette of 20)



it is urged that the Central Registry of Wanderers and Offenders, submit to the guidelines of the Central Registry of Penitentiaries and Rebels.

In that time frame, events will change Spain's historical course. The Democratic Elections where the Second Republic triumphs and the military uprising led by two generals, Emilio Mola and Francisco Franco. The devastating effect erupts on July 17, 1937, and lasts until April 1, 1939. The "Nationalist Side", nourished by the Carlist, Phalangist, Conservative currents and with the support of the Arab troops of Morocco, rose with a triumph that stole through the "coup d'état" the democratic essence of the citizenship and the aspirations of the republican movement. This war decimated Spain and only caused mass murder, imprisonment, violation of all rights, extreme poverty, persecution and exile.

The women would be subjected to brutal harassment, both the survivors and those who were ultimately horribly killed. For them, rape, humiliation, torture and detention centres or, as Sánchez, P. (2018), "reform" centres, such as the Patronatos de Protección a Mujer. These developments are crippling the country in a suffocating dictatorial post-war that will last for decades. As the interesting work, *Women under Suspicion: Memory and Sexuality 1930/1980*, by Osborne, R. (2018), expresses, in this context, women were imposed an "excess of virtue, embodying a model of decency and chastity that would "cleanse" the Republican "moral degradation." [...] Listed as individuals of dubious morals, their access to citizenship was exemplarily punished during the dictatorship through prison, violence, exile, silence or uniformity [...]. Nuns and phalangists from the Women's Section tried to domesticate women to fit the model of mothers and sacrificed wives. His weapons, National Catholicism and the strict discipline imposed on bodies. Advertising, fashion, or spectacle were all about building decent women. [...] It was not always achieved and through the interstices of a purportedly monolithic culture unforeseen ideas and imaginative reinterpretations emerged: some sexual dissidents created spaces of freedom."

#### **4.1.3 Definitive framing of the control and repression rule**

It will be in this Francoist Regime, and as stated in the Journal of the Courts. (III) Supplementary Additions, where not only is this Central Registry reorganised (1945) and proliferate the Special Courts of Vagos and Maleantes, established in Las Palmas de Gran Canaria (1953) (p. 191), San Roque (1954) (p. 192). or Madrid and Barcelona (1958) (p. 197). In this period, the amendment of the Law of Vagrants and Malefactors that includes homosexual



people arises. From that normative milestone in the 20th century, the crusade in Spain against what is currently called, LGBTBIQ+ Collective begins.

The Act of 15 July 1954 amending articles 2 and 6 of the Act of 4 August 1933 (BOE 198, 17 July 1954) justifies its purpose by the gestation of actions that “offend the healthy morals of our country for the insult they cause to the traditional acquis of good customs, faithfully maintained in Spanish society, justify the adaptation of measures to prevent its dissemination” preserving “social peace and public tranquillity”.

It continues its introduction, with the modifications and contributions, which considers that they are not properly “penalties, but security measures, imposed with a doubly preventive purpose, with the purpose of collective guarantee and with the aspiration of correcting fallen subjects at the lowest moral level. This law is not about punishing, but protecting and reforming.” The new wording of Article 2 would add in its Second Number the persons “Homosexuals, ruffians and pimps” (p. 4862).

Article 6.2 will be worded to include that on the one hand “homosexuals” would have to be confined in “a work establishment or agricultural colony” or in “special centres and, in any case, with absolute separation from others” in addition to being forbidden to reside in a specific geographical area with the “obligation to declare their domicile” and the absolute subjection “to the supervision of the delegates” (p. 4862).

Three years later, the Supreme Court (Public Prosecutor's Office), published the Circular giving guidelines for proceeding in cases in which conduct contrary to the normal social coexistence of the Department of the Ministry of Justice (BOE No. 54, of 23 February 1957) is reported such allocation to the Courts is explicitly defended because it is not only "advised by a reason of judicial preference, but also because its sanctions, on having greater corrective effectiveness, can serve as a basis for other measures of even greater effectiveness, such as the security measures provided for in the Law of 4 August 1933" called without criteria, of Vagos and Maleantes. This Circular defines the priority of acting in the face of facts that hurt and “offend feelings of solid morality” in turn shows the double-headed interpretation of the regulation, on the one hand, prevention and on the other hand, punitive punishment: “The public interest is not satisfied only with judicial action, as it correctly and correctly applies punitive rules. Therefore, when the subject persists in antisocial behaviour, despite the repetition of sanctions, it reveals a danger, which both for the collective security and for the protection of the offender must be treated so that security measures can be agreed.” (p. 1166).

And urges the collection of data on daily complaints, extracted from the Municipal, District and Peace Courts, sent weekly to the Courts of Investigation, and these monthly to the



Audiencia and the latter to the "Inspection of Courts in order to adopt the measures conducive to prevent the municipal justice neglect of such interesting matter" (pp. 1166-1167).

The Law of April 24, 1958, approves the creation of two Special Courts of Madrid and Barcelona and complementary rules to the one of Vagos and Maleantes, coming to emphasise that the perspective of the criminal sociology of the moment intended to give preference to the "security measures over the penalties, because they produce, the effect that most interests to the social peace, which is the prevention of crime" (p. 749).

Abella and Abella (1965) in his work Penal Code Revised Text of 1963. Supreme Court jurisprudence. The Law on Wanderers and Maleantes, make a legislative balance, and specifically in Title I, Chapter I, Article 1 establish that the age at which the Law on Wanderers and Maleantes begins to apply is to the "sixteen years" due to the modification provided by Article 4 of Decree 168/1963 of 24 January (p. 465).

It will not be until the approval of Law 16/1970, of 4 August, on Dangerousness and Social Rehabilitation (BOE No. 187, 6 August 1970) when the First Law on Wanderers and Malefactors and its subsequent amendments of 1935, 1948, 1954 and 1958 will be repealed with its Final Provision. In his explanatory memorandum, he mentioned that previously "security measures tended to temporarily remove the dangerous from social life, but in order to provide education and readapt them to society, conferring intervention to the courts in verifying the results of the treatment imposed". Thus, it is considered pertinent and necessary the legislative reform for the adaptation to the permanent sociocultural fluctuations, technological ... establishing nine purposes. From the terminological and word change of the regulations, focussing more on reeducation and social reintegration; the provision of knowledge of the "psychopathological personality of the alleged danger and its possibility of crime"; elimination of the duplications and overlaps of "penalties and security measures"; establishment of other categories of danger states; modification and updating of custodial sentences of "detention in custody establishments", fines and security measures; eradication of the jurisdiction of the courts; Criminality of the constitution of dangerous states; creation of "system based on uniqueness, continuity and diligence" based on "prophylaxis and social reintegration.

However, emphasis must be placed on the 4th and 9th objectives. The first, because it mentions the change of states, "such as those referring to those who carry out acts of homosexuality [...] nuanced with tweaks that will make the appreciation of these figures more demanding, while eliminating any possible ambiguity in them." The second, because it shows the impulse of new "specialised establishments [...] equipped with the necessary qualified personnel" for the execution and full compliance of the aforementioned security measures,



combining those established previously with the nuance of prevention and re-education that would support the “reform and social rehabilitation of the dangerous, with means of the most refined technique and through the active and precise intervention of the specialised judicial authority” (pp. 12551-12557).

In Article 2.3, it states “Those who carry out acts of homosexuality”. And in Chapter III of the Application of the Security Measures, Article 6.3 “Those who carry out acts of homosexuality and those who habitually engage in prostitution shall be imposed, for their successive fulfilment, the measures:

- Placement in a re-education institution.
- Prohibition on residing in the designated place or territory or visiting certain public places or establishments, and subject to the supervision of delegates.
- Where the dangerous persons referred to in Article 2.4 (engage in prostitution) are male, the following shall be imposed on them for subsequent performance:
  - Placement in a workplace and a fine.
  - Prohibition to reside in the designated place or territory and submission to the surveillance of delegates” (pp. 12551-12557).

That law entered into force on 6 February 1971, and in the same year, on 13 May, Decree 1144/1971 was adopted, developing its regulations to regulate not only establishments for the implementation of security measures but also for the appointment of staff. It should be noted that there are detention measures that can be carried out in “temperance houses or private preservation centres with due precautions and guarantees. Others, such as those concerning women under the age of twenty-five, will be carried out with the services and experience of the Patronato de Protección a la Mujer” (p. 8895).

This Law was amended by provisions referred to in Law 43/1974, of 28 November (BOE 287, of 30 November 1974) due to the descriptive deficiencies of what was understood as danger, the inadequacy of the specialised enforcement bodies, the slowdowns of procedures and the lack of “new specialised establishments where security measures are complied with with effective reeducation methods and suitable personnel that guarantee the reform and social rehabilitation of the dangerous, maintaining the active and indispensable intervention of the qualified judicial authority” (p. 24369). Paragraphs of certain articles are repealed by Law 77/1978 of 26 December (BOE No. 10, of 11 January 1979) “leaving blank” and eliminating, as mentioned in Article 1.1.a, the cases that pointed out to ruffians, pimps, homosexuals, those who engaged in dangerous driving, people under “twenty-one years old abandoned by the



family or rebels of it who are morally perverted” and those who demonstrated criminal inclination for proximity to criminals and criminals (p. 658).

This progress, in the full government of Adolfo Suárez, with 284 votes cast by the deputies, only 6 abstentions compared to 278 in favour of eliminating certain crimes, although homosexuality is not expressly mentioned, was heard and respected the infinite citizen proclamations and the pressure before the portico of the democratic path. Homosexual and transsexual persons, after the death of dictator Francisco Franco on November 20, 1975, will not be covered by Decree 2940/1975, of November 25, which granted the general pardon on the occasion of the proclamation of His Majesty Don Juan Carlos de Borbón as King of Spain. Nor with two norms, Law 1/1977, of January 4, for Political Reform (BOE No. 4, January 5, 1977) despite underscoring that the “fundamental rights of the person are inviolable and bind all organs of the State” (p. 170) and Law 46/1977, October 15, on Amnesty, maintaining its status of social danger.

#### 4.2 THE DEMOCRATIC SCENARIO: STATE RULES

The Spanish Constitution (1978), becomes the Supreme Rule of the Spanish State. A document that is characterised by being the guarantor of a country that stands as a “Social and Democratic State of Law” inspired by the fundamental values of freedom, justice, equality and the right to political and ideological pluralism. (Preliminary Title. Article 1), which calls on the public authorities to ensure, in particular, such freedom and equality for all citizens, by seeking to reduce the difficulties that prevent access to comprehensive well-being in all sectors of life. (Art. 9.2).

In the heterogeneity of fundamental rights and freedoms, the following stand out:

- First, respect for the “dignity of the person, the inherent inviolable rights, the free development of the personality, respect for the law and the rights of others are the foundation of the political order and social peace” based on ratified supranational regulations, such as the Declaration of Human Rights, International Conventions and Treaties (Art. 10).
- Secondly, the principle of equality and non-discrimination for all persons, without exceptions, both those expressed tacitly and those implied since Article 14 ends with “any other personal or social condition or circumstance”.
- Thirdly, the express prohibition of justifying or using torture, degrading punishments that may threaten or violate the integrity (physical, psychological or emotional...) of the



- person, the death penalty being eliminated except in exceptional circumstances such as war conflicts. It is therefore a defence of the right to life, which is protected by Art. 15.
- Fourth, then, Art. 16, 17 and 18 establish freedom (ideological, religious, spiritual...) and state non-confessionality. The security and establishment of Habeas Corpus, as well as the inviolability of the home.
  - Fifth, the right to association is constituted, transcendent, for the unification of strengths and for the promotion of proactive citizen participation. (Art.22) And although it only confines itself to the possibility of “full legal equality” in marriage between a woman and a man (Art.32), there is already an advance in the field of Gender Perspective that will not be accelerated until the Fourth World Conference on Women (1995), held in Beijing (Beijing), from which the Beijing Platform will be born and from which we have inherited the implementation, among other challenges, of Gender Mainstreaming or Gender Transversality. And that it will be the engine of global equality to date.

After decades of axiological oppression, persecution of difference, imposition of National Catholicism, discrimination and violence against women and groups in situations of socio-economic vulnerability, these and the rest of the Fundamental Rights and Freedoms were established. Even so, people belonging to the LGTBIQ+ Collective remained in the crosshairs of a morality buried in discriminatory norms that threw those who championed the Right to Diversity to the peripheries of marginalisation and exclusion.

With the approval of Organic Law 10/1995, of 23 November, of the Criminal Code (BOE No. 281, 24 November 1995), stipulating in its Explanatory Memorandum, the crimes and misdemeanours constituting the “presuppositions for the application of the supreme form that the coercive power of the State may take: criminal punishment”, regulating the progress towards achieving the path of real and effective equality, making a “specific protection against activities aimed at discrimination, the new regulation of crimes against sexual freedom [...] to adapt the criminal types to the protected legal good, which is no longer, as it was historically, the honesty of women, but the sexual freedom all. Under the guardianship of women's honesty, there was an intolerable situation of grievance, which the proposed regulation completely eliminates” (p. 33987).

In its Single Repeal Provision, it eliminates in its point 1.c, the “Law on Dangerousness and Social Rehabilitation with its subsequent amendments and complementary provisions” (p. 34057).

Starting from the Spanish Constitution, with the ratification of supranational norms (Universal Declaration of Human Rights, 1948), the signature on June 12, 1985 to the Treaty



of Accession and its definitive entry as a Member State of the “European Communities” on January 1, 1986 and all the progress, staggered, in the fight against Discrimination by Sexual Orientation and Gender Identity in different areas. These promoted by international organisations, such as the United Nations (WHO), World Health Organisation (WHO), International Labour Organisation (ILO), Organisation of American States (OAS), the institutions of the European Union and the specific in Jurisprudence, have been laying the foundations in Spain (Treaty on European Union and Treaty on the Functioning of the European Union, 2010), for the modification of regulations that persecuted or threatened the rights of the LGBTBIQ+ Collective or that have been gradually established, at unbalanced rates, and not without the interference of certain positions of political parties and religious sectors.

Spain is entering the 21st century, with two transcendental organic laws, which aim to combat gender violence with specific measures from a perspective of comprehensive protection of victims (LO 1/2004, of 28 December) and the implementation of real and effective equality between women and men (LO 3/2007, of 22 March).

It is worth mentioning, the risk of biasing some transcendent area when presenting some regulations and not selecting others, at the national level. However, it is necessary, since it would be difficult to detail it exhaustively in an article the length of which is previously limited. For this reason, there will be no extension of the criminal ones, nor will mention those that affect the labour area; education; Armed Forces - State Security Corps and Forces; Fiscal, Administrative and Financial Measures; Right of asylum and refugee status; Assisted Reproductive Techniques, among others.

There are regulations at the state level, which have penetrated the public because they have been expected rights and of great media impact, inside and outside our borders. The first, Law 13/2005, of 1 July, amending the Civil Code on the right to marry (BOE No. 157, 2 July 2005), independently that since the 1990s, different Autonomous Communities, made use of their exclusive competence to legislate in matters of cohabiting couples, not being possible the marriage because it is exclusive to the State as stated in the Spanish Constitution in its Art. 149.1.8a.

In the Preamble of that Law, it already defines marriage as a “legal institution of social importance that allows the couple to live together” that must be adapted because “society evolves in the way of conforming and recognising the various models of coexistence”. Consequently, the establishment and emotional coexistence between people of the same sex is also the subject of “growing social recognition and acceptance, and has overcome deep-rooted prejudices and stigmatisations”. (p. 23632) To reinforce its justification, it emphasises the



European Parliament's reference to the resolution of 8 February 1994, in which it asks the European Commission for a recommendation to gradually eliminate the prohibition on same-sex couples marrying, giving effect to all the rights, interests and advantages of same-sex couples. The relevance focuses on the fact that this institution has identical effects, requirements and responsibilities in “both spouses are of the same or different sex”. And it exchanges the classic designation of “sexes,” female and male, for “spouses,” and mothers and fathers for “parents.” The result is the amendment of articles 44, 66, 67, 154, 160, 164, 175, 178, 637, 1323, 1344, 1348, 1351, 1361, 1365, 1404, 1458 and by its First Additional Provision (DF1a) the applicability of it to all “laws and regulations containing any reference to marriage regardless of the sex of its members”. The corresponding amendment to the Law of 8 June 1957 on the Civil Registry (pp. 23632-23634) is also indicated.

The achievement of equal marriage for people of the same sex and the right to adoption was part of the electoral aspirations of the Spanish Socialist Workers Party (PSOE) headed by José Luis Rodríguez Zapatero, who won the Presidency of the Government from 2004 to 2011. It should be noted that the Senate vetoed the proposal that protected this right, but finally it was achieved, obtaining an absolute majority in Congress by 187 votes in favour of PSOE; United Left-Greens; Esquerra Republica de Catalunya (ERC); Navarra Yes Coalition (Nafarroa Bai); Basque Nationalist Party (EAJ PNV); Galician Nationalist Bloc (BNG); Canary Coalition (CC); Chunta Aragonesista (CHA); 2 votes of Democratic Convergence of Catalonia and 1 of the Popular Party (PP). Against 147 votes, with 4 abstentions.

The strong opposition would come from the hand of the PP and the Democratic Union of Catalonia. Institutions allied to the public confrontation to denial were mainly the Spanish Episcopal Conference, the Council of the Family of the Catholic Church and the Spanish Forum of the Family. The PP then filed an appeal with the Constitutional Court to stop this decision.

In November 2012, the court would endorse the approval of same-sex marriage and the adoption of same-sex couples.

The second Law, Law 3/2007, of 15 March, regulates the rectification of the entry relating to the sex of persons. Significant progress to ensure and protect the sexual identity of transgender people and recognition of gender reassignment from a legal perspective. Thus, in its Explanatory Memorandum, it states the need for the transsexual person “properly diagnosed, to see corrected the initial registration assignment of his sex, contradictory to his gender identity” and adopt a name “not discordant with his identity” and that the procedure be duly accredited according to the “governmental files of the Civil Registry”.



Initially, it was restricted to those who had Spanish nationality, who were over 18 years of age and who were able to make such a decision. Recently, its Article 1 has been repealed by the Judgement 99/2019, of July 2019, on the grounds of unconstitutionality brought by the Civil Chamber of the Supreme Court, for alleged violation of Articles 15, 18.1 and 43.1 EC, in conjunction with Article 10.1 EC (p. 89782). And it does so, stating that “only to the extent that it includes in the subjective scope of the prohibition minors with sufficient maturity and who are in a stable situation of transsexuality” (p. 89807).

Law 14/2006, of 26 May, on Assisted Reproductive Techniques (BOE 126, 27 May 2006), which was amended by the regulations cited above by the First Additional Provision (DA1<sup>a</sup>), incorporating paragraph 3 in Article 7, on the “Affiliation of children born through assisted reproductive techniques”, being worded as follows: “When the woman is married, and not legally or de facto separated, to another woman, the latter may express before the person in charge of the Civil Registry of the marital home, who consents that when the child of her spouse is born, the filiation in respect of the born child is determined in her favour”, and it can be found in the text Consolidated dated dated 14 July 2015 (p. 9).

More recently, mention was made of the adoption of Law 15/2022 of 12 July, Integral for equal treatment and non-discrimination, which gave a reformed scope to certain articles of the Criminal Code and is supplemented on the same day, with Organic Law 6/2022 of 12 July. Its purpose (Art. 1) is, on the one hand, to extend the rights of freedom and equal treatment, addressed in the Preliminary and First Title of the EC. On the other hand, to eradicate, with preventive and intervention actions, the different discriminations (direct and indirect; by association or error; multiple and intersectional; harassment; retaliation and segregation in the educational field) to which people are subjected because of their “sexual orientation or identity, gender expression” (Art. 2) regardless of their age or administrative situation and/or nationality. The extension of rights is provided for employment (general, autonomous and applied to collective bargaining); social partners (trade unions, employers, professionals, economic organisations...); in education (formal and non-formal); in the provision of social services and health care; in the administration of justice; in citizen security; in housing; public goods, services, spaces and shows; in the media and social networks; in cultural and sports activities, and even in the avoidance of the “discriminatory bias” of artificial intelligence and its mechanisms (Art. 23).



In the enthronement of the second decade, a divergent dialogue has also opened between parties of the left-wing coalition, especially led by PSOE and Unidas Podemos, and the confrontation of PP and Vox, on the issue of recognising the rights of trans people.

Let us briefly address this issue. At the governmental level, with the alliance of the left-wing parties, the Ministry of Equality (2020) is created for the second time, but its institutional structure would be innovated with the General Directorate of Sexual Diversity and LGBTI Rights. The appropriateness of certain aspects of the extension of terminology and the right to gender self-determination was also discussed.

Once that initial position has been overcome, and with the retaining wall of right-wing, far-right and neoconservative parties, the draft law for the real and effective equality of transgender people and the guarantee of LGTBQ+ rights is approved on June 29, 2021. But until its approval, with Law 4/2023, of 28 February, for the real and effective equality of trans people and for the guarantee of the rights of LGBTI people, ideological and political fractures have been evident that have also had an impact on the manifestations of feminist movements and platforms.

Feminisms, always plural, have therefore reflected their affinity in the general rights to the Collective, but have been especially confronted with the so-called “radical transexclusionary feminists” (TERF) who consider that including trans women, led to the annulment and “erasure” of cisgender women.

Notably, the adoption of Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom. And more recently, Law 4/2023, of February 28, which is part of our national anti-discrimination law, after the Plenary of the Congress of Deputies, voted, supporting it with 185 votes, compared to 154 against and 3 abstentions. This rule is structured, with an Explanatory Memorandum, 1 Preliminary Title, 4 Titles, 82 Articles and 27 Provisions, which revolve around the general pillars on which this legislation is based. In addition, the action of public authorities is regulated with specific policies on rights for the LGTBQ+ Collective with a cluster of measures in a wide range of areas (administrative; labour; health; education; culture, leisure and sport; advertising, the media and the internet; family, children and youth; external action and international protection) and the approach to care for those who, in addition to their membership of the collective, may be in other cross-cutting situations (migration, disability, dependency, those who suffer homelessness ...) or have other personal or social conditions (minors, older and intersex). It outlines strategies to ensure real and effective equality for Trans People; effective protection and redress against discrimination and violence due to LGTBphobia and the corresponding Offences and Sanctions. To that end, it



entails the amendment and repeal of the provisions, in whole or in part, of other specific legislative frameworks.

#### 4.3 DEMOCRATIC SCENARIO: RULES OF THE ANDALUSIAN AUTONOMOUS COMMUNITY

Regarding the regulations of the Autonomous Community of Andalusia, highlight that, in the Reform of its Statute of Autonomy, by Organic Law 2/2007, of March 19 (BOJA No. 56 of March 20, 2007) its Preamble anticipates us an evidence to be inspired by the values of justice, freedom and security, "enshrined in the Constitution of 1978, bulwark of the rights and freedoms of all the peoples of Spain" that are not universal and "never exclusive" based on the "irrevocable principles of equality, democracy and peaceful and just coexistence". The most relevant articles that refer explicitly or implicitly to this topic are 1.2; 1.4; 9; 10.1; 10.19; 14; 15; 17; 18; 37; 52; 55; 73; 134; 167; 169; 207.2; 208; and 245.

Special reference to the Principle of Equality and Non-Discrimination (Art. 14) which does mention: "sexual orientation or any other personal or social condition or circumstance. The prohibition of discrimination will not prevent positive actions for the benefit of disadvantaged sectors, groups or persons" (p. 5) and absolute respect for such sexual orientation and gender identity (Art. 35) urging public authorities to guarantee and protect them (p. 7).

In the Protection of the Family (Art. 17.1) the "access to public aid to address the situations of the various forms of family existing under civil legislation" and with respect to Minors (Art. 18.1) its protection and comprehensive care "for the development of personality and welfare in the family, school and social environment" (p. 5).

With regard to its Guiding Principles (Art. 37.1.2), it considers the frontal confrontation with "homophobia [...] especially through education in values that promote equality, tolerance, freedom and solidarity" in its paragraph 1. 7 in the promotion of "social care for people who suffer marginalisation, poverty or social exclusion and discrimination" since later, Art. 37.2 cites that they can be derived by "personal and social circumstances" and it is necessary to overcome this inequality (p. 8).

As part of the promotion of actions, it should be noted that certain sectors of the LGBTBIQ+ Collective, such as transgender and/or transgender people, do require specific and positive measures, therefore point out Art.169.3, regarding the role of public authorities in the design and establishment of "concrete policies for the insertion into the labour market of groups



with special difficulty in accessing employment, paying special attention to groups in situation or at risk of social exclusion” (p. 27).

The Andalusian audiovisual media (Art. 208), public and private, are subject to the protection of ethical values and principles and therefore, it is within its objectives "the elimination of all forms of discrimination" (p. 32). Its action is not only confined within the autonomous geographical limits, within its external action, the Principle of Solidarity (Art. 245) stipulates the protection of “human rights and the promotion of peace and democratic values, particularly in Latin America, the Maghreb and the whole of Africa” (p. 35). The reform of the Statute of Autonomy led to the launch of Law 12/2007, of 26 November, for the Promotion of Gender Equality in Andalusia (BOJA No. 247, 18 December 2007) amended by Law 9/2018, of 8 October. There would be a lot of articles to review, both of them, but, if it is necessary to introduce in this article, the changes of the latter.

For example, the relevant Article 3, which adds among other issues intersectionality, defining it as the "situation of multiple discrimination in which a woman suffers aggravated and specific forms of discrimination based on class, ethnicity, religion, sexual orientation or identity, or disability" (p. 59) In the Promotion of Gender Equality in educational institutions (Art. 15) a nuance, which points to the elimination of violence and manifestations of discrimination, which can be transmitted in sociocultural codes, prejudices and stereotypes and which can be eradicated through coeducation, new models of coexistence, in education in values, including "diversity, tolerance and respect". Significant, the contribution of Art.15.3. k when specifying in the aforementioned respect to “gender identity, sexual orientation, or gender expression, the value of diversity and the rejection of any action that involves hatred or discrimination” (p. 64).

This implies that teachers at all stages and levels have Initial and Specific Training (Art. 17.1) in “gender equality, coeducation and prevention of gender violence, sexual and affective education and family diversity” (p. 65).

In Employment Policies (Art. 23) and from the Gender Transversality, special attention is given to "women who present a greater vulnerability and discrimination" through active employment plans and policies (Art. 32) improving the integration of women and responding to family diversity. And although it does not quote the women of this LGBTBIQ+ Collective verbatim, if in the appendix “among others” transsexual and/or transgender women can be considered (p. 67), due to the enormous difficulty in insertion and maintenance in the labour market. For this reason, it is essential that the public authorities stop attempts or findings of employment discrimination, on the basis of it, through the monitoring and control of the



Autonomous Operative Commission of the Labour and Social Security Inspectorate, among one of the purposes that can be extracted from Article 23.9. In the Health Policies, and continuing with this branch of the Collective, it mentions the promotion of concrete measures for the “physical and psychological integrity of women and girls, preventing the realisation of medical or surgical practices that threaten this integrity”. This issue is addressed in the 2014 Andalusian legislation for non-discrimination on the basis of gender identity and recognition of the rights of transgender people.

In the Social Policies (Art. 43.2), precise actions are proposed to eradicate the Discrimination by Sexual Orientation and Gender Identity adapting to the regulations approved in our Autonomous Community for transsexual people, and to guarantee the rights, equal treatment and non-discrimination of LGBTI people and their families in Andalusia (p. 73). It insists on the training of professionals through “specialised and continuous training plans and programmes”. Affective and sexual education for young women is regulated in Art. 52.bis 2.b. It also establishes powers for institutional bodies such as the Andalusian Institute for Women, provincial centres, municipal women's information centres and gender equality units.

The regulation concludes with a new Title: Offences and Sanctions, for actions or omissions, which by their graduation and consequences affect women, by their sexist, discriminatory, vexatious or that threaten their integrity. This Law 9/2018, being subsequent to the legislation on LGBTI people (2017) amends it with its First Final Provision, specifically in Article 70 on “Jurisdiction” regarding the sanctioning procedure by pointing out to “minor and serious” infringements to the person who is the head of the Ministry competent in this matter in the imposition of sanctions and to the “very serious” ones to the Governing Council of the Government of the Government of Andalusia (p. 86).

Andalusia, therefore, is a pioneer and referent at the national level with its Law 2/2014, of 8 July, Integral for non-discrimination on grounds of gender identity and recognition of the rights of transgender people and also with Law 8/2017, of 28 December, to guarantee the rights, equal treatment and non-discrimination of LGBTI people and their families. This double-headed evolution has allowed to be a reflection to solve the concerns and needs of other Autonomous Communities in these issues and have been used as clarifying support to make rights effective as is the case of the Judgement 99/2019, to which it has been referred previously.

Andalusia, echoes the essential transformation with the "new international manual DSM-V and the latest reports and resolutions of the United Nations" when considering that transsexuality is not a "gender dysphoria", it is not a pathology that should be addressed from the exclusively medical and/or psychological perspective, but from a psychosocial vision, so



that the "free self-determination of gender of each person must be affirmed as a fundamental human right" (p. 9). For this, it is based on Yogyakarta Principle 18, defending that they should not be "treated, cured or suppressed" (p. 10). In her Explanatory Memorandum, she recalls that she was the first to provide medical care and assistance to transgender people, but that it was necessary to continue expanding coverage in all areas, hence, the very purpose of the same mentioned in Art.1 is the regulation of "powers and duties that make up the aforementioned right to gender self-determination, as well as the necessary actions that correspond to the Administration of the Government of Andalusia to make it effective" (p. 12).

It develops the construct of Gender Identity, the right to self-determination, the principles of non-discrimination, specific measures against Transphobia, casuistics regarding administrative documentation and actions in health, labour, education, and social care matters in the different population sectors (minors, youth, elderly, victims of gender violence).

It concludes, in its provisions, with the need to create Units of Care for Transgender People of a decentralised nature, Specific Protocols of Professional Care, in addition to monitoring and evaluating its applicability and achievement of objectives. In order to deepen the educational measures, the Order of 28 April 2015 was approved, which regulated the Protocol on Gender Identity in the Education System of Andalusia and also marked the premises of coeducation and education in values in the II Strategic Plan for Gender Equality (2016-2021).

Three years later, Decree 175/2017, of 31 October, agreed on the content and procedure of the Biennial Report of the regulation, reflecting the result of actions in all areas, thus limiting Transphobia and its harmful effects. The report must involve not only the Equality Counselling Department, but also the Third Sector and other transgender entities within a defined time frame.

Law 8/2017, of 28 December, to guarantee the rights, equal treatment and non-discrimination of LGBTI people and their families (BOJA No. 10, of 15 January 2018) which was born according to its Explanatory Memorandum for implementing its "general anti-discrimination clause to deepen in an intersectional way the guarantee of rights and the prevention of LGBTI-phobic attitudes" in all areas (family, socio-educational, health, sports, leisure, among others. It promotes the suitability of defending not only the civil and social rights of the collective but also the visibility of lesbian, gay, transgender, bisexual and intersex people, against "conduct of hatred, violence and discrimination" (p. 12). It makes a brief overview of the national legislation that has pursued during the 20th century affective-sexual diversity and gender identity, explaining the countless violations of human rights of this group. To do this, in Spain are designed, apart from specific modules of imprisonment for homosexuals and



transsexuals in other cities (Barcelona, Madrid...) concentration camps are established, as is the example of the Agricultural Colony of Tefia (Fuerteventura) that applied from 1954 to 1966, all kinds of abuses to those who were identified as homosexuals. Also, two Spanish penitentiaries, posing as Rehabilitation and Reeducation Centres of social nature, one located in Extremadura (Badajoz) and another in Andalusia (Huelva).

In the latter, 200 people have been reported to have been imprisoned and subjected to torture (conversion therapies, electric shocks, extreme physical and psychological violence, forced labour, etc.) from 1968 to 1979. That is why the prison, currently without functionality and in a dilapidated state, was declared in 2013 as “Place of Historical Memory of Andalusia” (p. 13).

This law breaks down the specific terminology; the typologies of discrimination (direct, indirect, multiple, by association, by mistake...), the Principles; the Rights in matters of Equal Treatment and Non-Discrimination; the Public Policies to make it effective and real, projecting the Interdepartmental Action Plan (Art. 10) and the creation of the Andalusian LGBTI Council (Art. 11); the design and implementation of actions (educational, social, family, health, labour, culture, leisure, tourism and sport) and actions focused on International Cooperation for Development, in the Media and Advertising and in the field of Justice and Interior. It establishes, in addition to the rights of admission, care and reparation, the importance of statistical information and administrative protection.

In the last Title, the Infringements (minor, serious and very serious), the Sanctions and Prescriptions are regulated, setting out the principles on which the sanctioning procedure must be based, that is, the “legality, competence, non-retroactivity, typicity, responsibility, proportionality, prescription and prohibition of double punishment” (p. 41).

In the provisions, it set the deadlines from the entry into force of the creation of the Andalusian LGBTI Council (1 year) and the Plans and Protocols (maximum 18 months). The first was created by Decree 9/2020 of 30 January, stipulating not only its definition, but also its organisational structure and functioning. It is proposed as the joint body in charge of the consultative, advisory, participatory and promotive functions of studies, actions, proposals and mandatory reports, among others, in the defence of the rights of the LGBTIQ+ community and their families. In addition to diagnostic, monitoring and evaluation activities, also with the aim of preventing and eradicating inequalities that exist in all areas.

Finally, in Andalusia, with the Agreement of 2 March 2021, the need to formulate the bases for the I Strategy for Equal Treatment and Non-Discrimination of LGBTI People and their Families in Andalusia is reflected.



Its structure is based on an exhaustive analysis of the Andalusian reality in this matter; the detection of the problems, shortcomings and demands of the collective; the axes of intervention with their corresponding objectives to be achieved; the monitoring guidelines and the evaluative actions to measure the results and the degree of achievement of the planned objectives, which revolve around the central themes of information, awareness and awareness to avoid prejudices and LGBTI-phobic manifestations. Also, for the recognition of rights and freedoms, social inclusion and respect for diversity.

When this first strategy is finally adopted, it will last for four years (paragraph 5).

## 5 CONCLUSION

This historical journey in terms of legislation and civil, political and social achievements, has allowed us to draw and confront scenarios where, one, the most serious attacks on the dignity and integrity of people occur and two, glimpse what are the indicators that allow us to maintain that the construction of society runs through inclusive channels.

In the first half of the twentieth century, our country was hit by two large-scale wars and unbearable human losses, even if they were not repaired. The Spanish Civil War (1936-1939) and World War II (1942-1945), are in the collective imagination of the present generations and unfortunately in the indelible memory of those who suffered them. LGBTIQ+ people were one of the collectives hit by the unreason and barbarism of fascism and its most significant and significant supports. This is what the socialist deputy Nelken, M. (1936) says in Response to a Catholic Friend published in the Claridad newspaper, referring to National Catholicism: “They confuse the intransigence, the inexorability that they have to maintain in front of the enemy with a sectarianism of primaries. Its leaders have an obligation to make it clear that a religious belief must not be confused with the unapprehensive and anti-religious behaviour of those who use religion as a dog of prey for banks and estates [...] If the people of Spain had not always seen religion in the service of those who exploited and despised them, they would not have been accustomed to considering everything that relates to religion as something intended to strengthen their servitude”

We have tried to establish the total universe of unreason, to identify, each and every one of the “social stones” that can appear, because they are already historical facts, before the reality of the sexogeneric diversity. Extermination, persecution, conversion therapies, incarceration in detention centres or houses, concentration camps and prisons, public harassment, rejection of informal networks, imposition of physical and psychological penalties that violated all



fundamental rights and freedoms (electric shocks, medical and psychiatric experimentation, corrective rape, extreme physical and emotional violence, bullying...) and even suicide, as a way out of the existential crisis, mourning, fears and insecurities. After all, they are the aftermath of the painfully internalised LGTBIQ-phobia outside. In front of which, only the commitment to the value of dignity and respect, social echo, will keep them “at bay”. When we do not read the past, nor do we keep in mind the memory of history, the odds of repeating these episodes increase. And in the face of a series of precipitating events, everything human rights have achieved so far has become fragile and vulnerable again.

We have appreciated that, in the recent history of our country, elements of permanence and change coexist structurally, the balance or counterweight of one over the other, are of diverse and conjunctural nature. Thus, within a counterbalanced social dynamic we appreciate that legislative advances have occurred, regarding the LGTBIQ+ Collective at certain times of specific political and social activity. There have also been setbacks, not in the elimination of regulatory protection, but, for example, in the absence of the necessary budgetary support. Or the difficulties of reaching state political pacts in these matters.

Of special relevance has been the bet in the regulations of the Andalusian regional administration to transcend its action in the geospatial. The strength of local construction is underpinned by the contribution to the defence of LGTBIQ+ rights globally, for other latitudes very close to our history. Statutory contributions are provided for within the External Action, under the umbrella of the Solidarity Principle (Art. 245). As we hope in a social and democratic state governed by the rule of law, the framework of protection through legislation is configured in a systemic way, the different policies to which the competence of guaranteeing rights is attributed. We believe it is appropriate to reinforce our conclusions with a significant synthesis of the commitment to the construction of our society within the parameters not only of the law but also of social justice. As examples, in the Education Policies actions to ensure “gender equality, coeducation and prevention of gender-based violence, sexual and affective education and family diversity”. In the Employment Policies (Art. 23) and from the Gender Transversality, it marks the special attention to the "women who present a greater vulnerability and discrimination" through plans and policies to eradicate the typologies of discrimination (direct, indirect, multiple, by association, by mistake...) etc. In Interdepartmental Action Plans (Art. 10) guaranteeing the reinforcement of action through administrative co-responsibility and under the principle of citizen participation, the creation of the Andalusian LGTBI Council was proposed (Art. 11).



Our commitment to add the Gender Perspective to the examination of normative references in the protection of the LGTBIQ+ Collective has been supported by the findings of highly significant contributions of women. Awareness of the vital experience of gender marginalisation and discrimination throughout history has activated positions in all branches of “human culture”, within our borders and in the geospatial space that we share. A pioneering example saved from the “gaps of history” is the denunciation of the League of Women in France (1889): “Puestas outside the Law. Minors, but responsible. Without rights, but in thrall to all duties; without protection, without defence, women must defend themselves.” Hence, the collective force that drives change, and initiates paths. Suffice it to outline the rich humus facilitator of rights and freedoms produced by the contributions of women referents, in the construction of the best of our recent history, in defence of the rights and freedoms of women in general, of the LGTBIQ+ Collective in particular and of the totality of “the nobodies”. We've tried to put black on white what we know. It is perhaps a valuable display of positive action, despite the obstacles, of the denial of the status of “citizen”, of its visibility and participation. It is important, among other issues, to address intersectionality, defining it as the “situation of multiple discrimination in which a woman suffers aggravated and specific forms of discrimination based on class, ethnicity, religion, sexual orientation or identity, or disability” (art. 9, Law 9/2018, of October 8, amending Law 12/2007, of November 26).

We have travelled the classic path of the scientific bet in the approach of social facts. We have tracked, collected, interrelated in a complex way the facts that attracted our attention. From the co-responsibility we have decided to finish these concluding paragraphs, with a reflection on recent social dynamics, not strange, ahistorical, but urgent to attend and deconstruct.

Although significant progress has been made in Spain in protecting the LGTBIQ+ community, there are still sectors of society that reject gender diversity. There are sectors and movements that continue to deny this reality and promote attitudes and discourses of intolerance and discrimination towards gays, lesbians, transsexuals, bisexuals, intergender, non-binary, queer and other diverse identities and orientations (Rivera *et al.*, 2022)

Economic, political, and social swings constitute democracy’s “Achilles heel,” in the face of extremist ideologies. Europe, and therefore Spain, is seeing the resurgence of far-right parties and movements, where their precepts exclude minorities from citizenship status, even though the discourse is cheered even, paradoxically, by the majorities. These factions shout with their public and media speeches, the expulsion of “otherness”; the maintenance of machismo and heteronormativity, eliminating any dissident sexuality; the pathologisation of



diversity; the non-egalitarian reductionism of the Patriarchate or “government of the parents”; the supremacy and categorisation of social classes; the meritocracy that always ends up pointing out those who did not know how to overcome their limitations without contemplating the “starting points” or socioeconomic conditions... Their messages, some impregnated with inexcusable discrimination, cause an axiological pollution contrary to respect, to peaceful coexistence, to social peace and to integral progress. They remain anchored in totalitarianism, based on supremacist, xenophobic, racist and LGBTI-phobic ideas. The reasons? As we have seen, plural and complex. It is a multi-causal problem, but special attention would require the sordid echo of his speeches and slogans, which, using populism in the media and social networks, are generating fake news (fake news) whose censorship is left without effect neither moral nor punitive sanction, remaining in the collective imagination, as a falsehood that, repeated again and again, becomes a pseudo-truth.

Spain must continue to guarantee the essence of democracy, through the purification and persecution of discourses and crimes and hatred towards the LGTBIQ+ Collective, which far from being diminished seems to be fuelled by interests of political factions that are acquiring greater prominence. The antidote: protecting human rights and respect for diversity as essential components of an inclusive society. The transition from a representative democracy to a participatory one, as a guarantor of the values embodied in effective legislation.

## REFERENCES

- Abella, R. y Abella, M. (1965). Código Penal “Texto Revisado de 1963” Jurisprudencia del Tribunal Supremo. Ley de Vagos y Maleantes. Editorial Publicaciones Abella. 2ª Edición.
- Álvarez, A. (1933). Ley de vagos y maleantes. Exposición histórica de la legislación española. Precedentes parlamentarios. La Ley actual y su procedimiento. Editorial Góngora. Primera Edición. Núm. 40.
- Capel, R.M. (Coord.) (2004). Mujeres para la Historia. Figuras destacadas del primer feminismo. Madrid: Abada editores.
- Capilla, A.F. (2004). Los Pioneros del Trabajo Social: Una Apuesta por descubrirlos. Escuela de Trabajo Social. Universidad de Huelva. Servicio de Publicaciones. pp.79-95.
- Gil, J. (2024). María del Pilar Primo de Rivera y Sáenz de Heredia. Real Academia de la Historia. D.B.E. <https://goo.su/yYaedlK>
- Guevara, G. P., Verdesoto, A. E., y Castro Molina, N. E. (2020). Metodologías de investigación educativa (descriptivas, experimentales, participativas, y de investigación-acción). *RECIMUNDO*, 4(3), 163–173. [https://doi.org/10.26820/recimundo/4.\(3\).julio.2020.163-173](https://doi.org/10.26820/recimundo/4.(3).julio.2020.163-173)



- Jiménez de Asúa, L. (1922). *El Estado Peligroso*. Nueva fórmula para el tratamiento penal y preventivo. Madrid. Pueyo.
- Jiménez de Asúa, L. (1933). *Ley de Vagos y Maleantes*. Un ensayo legislativo sobre peligrosidad sin delito. *Revista General de Legislación y Jurisprudencia*. Año LXXXII, Tomo 163, P.577-635.
- Osborne, R. (Ed.) (2018). *Mujeres bajo sospecha. Memoria y Sexualidad 1930-1980*. Madrid. Editorial Fundamentos. Colección Ciencia. 4ª Edición.
- Revista Técnica de la Guardia Civil*. (1933). *Vagos y Maleantes*. *Revista Técnica de la Guardia Civil*. Suplemento al N° 284. Publicación Mensual.
- Rivera, B., Martínez de Bartolomé, I., y López, P. J. (2022). Discurso de odio hacia las personas LGTBIQ+: medios y audiencia social. *Revista Prisma Social*, (39), 213–233.
- Rodríguez, C. (2009). *Introducción a las Teorías Criminológicas*. Madrid: Reus.
- Sánchez, P. (2018). Individuas de dudosa moral. En R. Osborne, (ed.) *Mujeres bajo sospecha. Memoria y Sexualidad 1930-1980*. II Parte. Femeineidad y represión. pp. 103 a 119. Editorial Fundamentos. Colección Ciencia. 4ª Edición.
- Segura, C. (1998). *Diccionario de mujeres en la historia*. Barcelona: Espasa.

## **REGULATORY REFERENCES**

- Acuerdo de 2 de marzo de 2021, por el que se aprueba la formulación de la I Estrategia para la Igualdad de Trato y No Discriminación de las Personas LGTBI y sus Familiares en Andalucía. Consejo de Gobierno de la Junta de Andalucía. BOJA núm. 43 de 5 de marzo de 2021. <https://bit.ly/3A7G21o>
- Constitución 1812. <https://bit.ly/409ZYeN>
- Constitución Española. (1978). Boletín Oficial del Estado núm. 311, de 29 de diciembre de 1978. Madrid. <https://bit.ly/40dmDa7>
- Declaración Universal de Derechos Humanos. Resolución 217 A (III). (1948). Asamblea General de las Naciones Unidas. <https://bit.ly/4fauJV4>
- Decreto del Reglamento, que se inserta, para la aplicación de la ley de Vagos y Maleantes. Gaceta de Madrid núm. 125, de 5 de mayo de 1935, páginas 1044 a 1053 Referencia: BOE-A-1935-4282. <https://bit.ly/4fgAYa5>
- Decreto 1144/1971, de 13 de mayo, por el que se aprueba el Reglamento para la aplicación de la Ley 16/1970, de 4 de agosto, sobre peligrosidad y rehabilitación social. (Vigencia agotada) BOE núm. 132, de 3 de junio de 1971, páginas 8895 a 8903 (9 págs.) Referencia BOE-A-1971-711. <https://bit.ly/3BUIQzs>
- Decreto 2940/1975, de 25 de noviembre, por el que se concede indulto general con motivo de la proclamación de Su Majestad don Juan Carlos de Borbón como Rey de España. BOE núm. 284, de 26 de noviembre de 1975, páginas 24666 a 24666 (1 págs.) Referencia BOE-A-1975-24188. <https://bit.ly/4eRQNnM>



- Decreto núm. 175/2017 de Consejería de Igualdad y Políticas Sociales, de 31 octubre. Regula el contenido y procedimiento de elaboración del Informe Bienal de la Ley 2/2014, de 8 de julio (LAN 2014\237), integral para la no discriminación por motivos de identidad de género y reconocimiento de los derechos de las personas transexuales de Andalucía BOJA núm. 213 de 7/11/2017. <https://bit.ly/3A6YKpX>
- Decreto 9/2020, de 30 de enero, por el que se regula la organización y funcionamiento del Consejo Andaluz LGTBI. BOJA núm. 25 de 6 de febrero de 2020. <https://bit.ly/3Yx5tCT>
- Ley de 4 de agosto de 1933. Ley de Vagos y Maleantes. Ley y Reglamento vigentes sobre Organización y Atribuciones de los Tribunales Tutelares de Menores. Gaceta N<sup>a</sup> 217.
- Ley de 15 julio de 1954 sobre protección de "viviendas de renta limitada". BOE núm. 197, de 16 de julio de 1954, páginas 4834 a 4841 Referencia BOE-A-1954-10883. <https://bit.ly/4fgAYa5>
- Ley de 8 de junio de 1957, sobre el Registro Civil. BOE núm. 151 de 10 de junio de 1957. <https://bit.ly/3BPxkpc>
- Ley de 24 de abril de 1958 por la que se modifican determinados artículos del Código civil. BOE núm. 99, de 25 de abril de 1958, páginas 730 a 738 Referencia: BOE-A-1958-6677. <https://bit.ly/3BX8qUI>
- Ley 16/1970, de 4 de agosto, sobre Peligrosidad y Rehabilitación Social. BOE núm. 187, de 6 de agosto de 1970, páginas 12551 a 12557. Madrid. <https://bit.ly/40870AF>
- Ley 43/1974, de 28 de noviembre, sobre modificación de determinados artículos de la Ley de Peligrosidad y Rehabilitación Social. [Disposición derogada] BOE núm. 287, de 30 de noviembre de 1974, páginas 24369 a 24373 (5 págs.) Referencia BOE-A-1974-1919. <https://bit.ly/3C5od3u>
- Ley 1/1977, de 4 de enero, para la Reforma Política. BOE núm. 4, de 5 de enero de 1977, páginas 170 a 171. Madrid. <https://bit.ly/3NxfERR>
- Ley 46/1977, de 15 de octubre, de Amnistía. BOE núm. 248, de 17 de octubre de 1977, páginas 22765 a 22766 (2 págs.). <https://bit.ly/48iT6NW>
- Ley 77/1978, de 26 de diciembre, de modificación de la Ley de Peligrosidad y Rehabilitación Social y de su Reglamento. (Disposición derogada) BOE núm. 10, de 11 de enero de 1979, páginas 658 a 659 (2 págs.) Referencia BOE-A-1979-700. <https://bit.ly/4hg9XVL>
- Ley 13/2005, de 1 de julio, por la que se modifica el Código Civil en materia de derecho a contraer matrimonio. BOE núm. 157, de 2 de julio de 2005, páginas 23632 a 23634. <https://bit.ly/3Ye45Uu>
- Ley 14/2006, de 26 de mayo, sobre técnicas de reproducción humana asistida. BOE núm. 126, de 27/05/2006. <https://bit.ly/3Nx1HmK>
- Ley 12/2007, de 26 de noviembre, para la Promoción de la Igualdad de Género en Andalucía. BOJA núm. 247, de 18 de diciembre de 2007. BOE núm. 38, de 13 de febrero de 2008. <https://bit.ly/4dPQ8So>



- Ley 13/2007, de 26 de noviembre, de medidas de prevención y protección integral contra la violencia de género. BOJA núm. 247, de 18/12/2007, «BOE» núm. 38, de 13/02/2008 Referencia BOE-A-2008-249 Última actualización publicada el 24/11/2023. <https://bit.ly/4hga7fP>
- Ley 2/2014, de 8 de julio, integral para la no discriminación por motivos de Identidad de Género y reconocimiento de los derechos de las personas transexuales de Andalucía. BOJA núm. 139, de 18 de julio de 2014. BOE núm. 193, de 9 de agosto de 2014. <https://bit.ly/4hhfE5M>
- Ley 9/2016, de 27 de diciembre, de Servicios Sociales de Andalucía. BOJA núm. 248, de 29 de diciembre de 2016. BOE núm. 18, de 21 de enero de 2017. <https://bit.ly/3BQB2id>
- Ley 2/2017, de 28 de marzo, de Memoria Histórica y Democrática de Andalucía. BOJA núm. 63, de 3 de abril de 2017 BOE núm. 95, de 21 de abril de 2017. <https://bit.ly/40deNgx>
- Ley 8/2017, de 28 de diciembre, para garantizar los Derechos, la Igualdad de trato y no discriminación de las personas LGTBI y sus familiares en Andalucía. BOJA núm.10, de 15 de enero de 2018. Sevilla. BOE núm. 33, 6 de febrero de 2018. <https://bit.ly/3UgcyVO>
- Ley 9/2018, de 8 de octubre, por la que se modifica la Ley 12/2007, de 26 de noviembre, para la promoción de la igualdad de género en Andalucía. BOE núm. 269, de 7 de noviembre de 2018. <https://bit.ly/48o9htx>
- Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación. BOE» núm. 167, de 13/07/2022. <https://bit.ly/40kxjU6>
- Ley 10/2022, de 6 de septiembre, de Garantía Integral de la Libertad Sexual. BOE, núm. 215, de 7 de septiembre de 2022, pp. 124199 a 124269. <https://goo.su/Adu1>
- Ley 4/2023, de 28 de febrero, para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGTBI. BOE núm. 51, de 1 de marzo de 2023 Madrid. <https://bit.ly/40dUaAN>
- Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal. BOE núm. 281, de 24 de noviembre de 1995. <https://bit.ly/3BQoLdN>
- Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género. BOE núm. 313, de 29 de diciembre de 2004 Referencia BOE-A-2004-21760 páginas 42166 a 4219. <https://bit.ly/4heHUPF>
- Ley Orgánica 2/2007, de 19 de marzo, de Reforma del Estatuto de Autonomía para Andalucía. Boletín Oficial del Estado núm. 68, 20 de marzo de 2007. Madrid. <https://bit.ly/3Yw0fXX>. BOJA 56 20 de marzo de 2007. <https://bit.ly/4faKNpH>
- Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres. BOE» núm. 71, de 23 de marzo de 2007. Referencia BOE-A-2007-6115 páginas 12611 a 12645. <https://bit.ly/3YfEJFR>
- Ley Orgánica 6/2022, de 12 de julio, complementaria de la Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación, de modificación de la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal. BOE núm. 167, de 13/07/2022. <https://bit.ly/4097vdN>



Sentencia 99/2019, de 18 de julio de 2019. Cuestión de inconstitucionalidad 1595-2016. Planteada por la Sala de lo Civil del Tribunal Supremo respecto al artículo 1 de la Ley 3/2007, de 15 de marzo... BOE núm. 192, de 12 de agosto de 2019, páginas 89782 a 89810. <https://bit.ly/40ckfQG>

Tratado de la Unión Europea y Tratado de Funcionamiento de la Unión Europea. (2010). Versiones consolidadas. Protocolos. Anexos. Declaraciones anejas al Acta Final de la Conferencia intergubernamental que ha adoptado el Tratado de Lisboa DOUE núm. 83, de 30 de marzo de 2010. <https://bit.ly/4fdF15v>