

Study on the needs and demands of
NON-BINARY PEOPLE in Spain.

EXECUTIVE SUMMARY

March 2022



4MOTION SYSTEMIC RESEARCH TEAM

Isabel López Gómez

Gorka Tobalina Pardo

INDEX

	1
INTRODUCTION	4
CONCEPTUALISATION AND THE EMERGENCE OF NON-BINARY IDENTIFICATION IN SPAIN	5
NON-BINARY PEOPLE IN SPAIN	6
CONCLUSIONS, CHALLENGES AND RECOMMENDATIONS	7
Challenges	8
Recommendations	9

INTRODUCTION

Following the guidelines established by the Directorate General for Sexual Diversity and LGBTBI Rights for the preparation of reports and studies regarding issues which potentially affect a person's right to equal treatment or which concern the prevention of discrimination on the grounds of their sexual orientation or gender identity, the **general objective** of this exploratory study is to get an initial overview to understand the main reasons why people who identify as non-binary in Spain are currently being prevented from fully benefitting from social rights and opportunities. To this end, the demands, needs and problems of non-binary people have been analysed within the scope of different basic social conditions in their daily lives.

The main objective of providing an initial institutional approach to the needs and demands of non-binary people was addressed using a **mixed methodological design**. The methodology included a sequence of qualitative techniques, which would make it possible to create knowledge from the experience of non-binary and professional people, and an online questionnaire designed to get a broader overview of this knowledge, collecting data from a more comprehensive sample group. A more detailed description of the methodology is provided in the report.

The information collected in the study was split into two main content blocks and a final block of conclusions:

The first section, entitled "**Conceptualisations and the emergence of non-binary identification in Spain**", is divided into two further sections. The first reflects non-binary people's own understanding of the following concepts: *gender non-binarism, non-binary person and non-binary experience*. The second section analyses the conditions, agents and environments that are key to the emergence of non-binarism in Spain.

The second block, entitled "**Non-binary people in Spain**", is divided into three sections. The first covers key transversal elements regarding how non-binary people interact with the context that appear in the narratives about different areas of their lives. The second section identifies the primary needs and demands of non-binary people in various public and private spheres, such as healthcare, administration and public places, work, family and sex-affective relationships, education and leisure. Finally, the third section includes relevant data to help us analyse non-binary people's perceptions of the main policy and regulatory challenges.

In both content blocks, the information collected using qualitative tools is combined with the quantitative data obtained from the online questionnaire. In addition, the questionnaire also incorporated the main understandings, needs and demands found in the focus groups and interviews to provide information on the dimension or relative weight of these over a larger sample. Throughout the report, this will be referred to as "sizing".

The final section contains the **main conclusions, challenges and recommendations** arising from the analysis of the needs and demands of non-binary people within the framework of public response to their vulnerability.

CONCEPTUALISATION AND THE EMERGENCE OF NON-BINARY IDENTIFICATION IN SPAIN

Metaphorical use of the term "umbrella". This term is used in the definitions of *gender non-binary* and a *non-binary person* to describe the unifying nature of the plurality of ideals and principles produced by the people and experiences that do not fit into binary gender categories.

Strategic use of the *non-binary* label. This term is considered the most widespread and therefore helps social identification. 70% of respondents use it, but only 15% use it exclusively. Moreover, there is no standardised view on whether the trans category is inherent to the non-binary category.

Discussion on the use of gender-neutral language. There are no unified criteria regarding preference for its use. In terms of the use of pronouns, 35% of the people sampled indicated that they use pronouns "indifferently", while 19% use the pronouns "she" and "they" ("ella" and "elle" in Spanish) alternately and 15% use "he" and "they" ("él" and "elle" in Spanish), yet only 9% claim to use the pronoun "they" ("elle") exclusively.

Gender non-binarism as an emerging social phenomenon. Gender non-binarism is becoming visible and has increased over the last eight years. 95% of those identifying as non-binary are under 35 years old, and 75% state that they were between 15 and 25 years old when they first encountered the non-binary gender label.

There is a lack of referents outside specific non-binary environments and people who do not conform to binary gender norms.

Those undergoing gender transition or evolution mainly find material and affective resources for this in their friendship groups, peer groups and online. Meanwhile, the family environment, educational, healthcare and professional settings are identified as the most insecure environments and those which impose the most significant limitations, preventing non-binary people from accessing material and affective resources to assist with their gender transition or evolution.

NON-BINARY PEOPLE IN SPAIN

Existing models of defining and applying gender result in responses and expectations of people that reject any gender identification, transit, and expression that doesn't fit into established binary categories.

Invisibility, ignorance, hateful responses, and discretion render non-binary people vulnerable and make it harder for them to access social opportunities.

Most describe this vulnerability through experiences such as avoiding public places and services, fearing the consequences if others were to become aware of their non-binary identification, uncertainty during social interactions, isolation and loneliness, or feelings of distress.

We find that 55% of the respondents have refused or postponed access to health services, 65% have experienced discrimination when attempting to access public spaces, and 80% have experienced this in the context of their family relationships or activities.

Furthermore, 97% of the participants in this study were transversally identified as using *passing* strategies in at least one area of their lives. Around 60% are using *passing* in most areas of their lives. This is reflected in specific scenarios: for example, the fear of losing employment, which would potentially result in returning to the family home and losing material independence, which in many cases is fundamental to their visibility and general well-being.

60% consider that rethinking gender registration models for public purposes and addressing the recognition of non-binary people are challenges which should be a priority at the moment.

When analysing public policies, beyond the consensus on the need to make non-binary realities visible and to raise awareness of the possibilities of breaking binary gender norms, we can see that critical debates are taking place.

CONCLUSIONS, CHALLENGES AND RECOMMENDATIONS

Global northern societies have been built on a binary principle of differentiation and power based on gender differences. This cultural mechanism gives a differentiating meaning to bodies and social roles, establishing two rigid, exclusive, complementary, and hierarchical categories: women and men. This binary structure produces structural conditions of inequality that mainly affect women and has meant that some realities have historically experienced a higher incidence of exclusion, violence and lack of visibility when accessing opportunities and social resources.

Some of these realities are characterised by identities and experiences, originally diverse in the way they break with gender norms, which converge in the constitution of a critical and creative space where binary logics are questioned. These ruptures in gender norms, but above all the new meanings associated with these experiences, are producing a cultural change that, although it is a minority, has particular characteristics that are worth studying and considering. These displacements, while liberating, make people socially vulnerable due to the disruptive nature of their life choices. In Spain, this has become visible over the last decade, and it is made possible by the impact that certain civil society movements have had on living conditions in interaction with the effects of broader social changes including globalisation, digitalisation, social transformations around social roles and greater acceptance of non-traditional sexuality.

In this study, we found that there is no single or homogeneous profile of the people who challenge this critical and creative notion of gender, which we globally define using the term *gender non-binarism*. The participants in this study choose the metaphorical term *umbrella* to describe the unifying character of the *non-binary* label because of the plurality that it refers to. Similarly, the strategies used to adapt to and transform the individual and collective discrimination and inequality conditions identified in this study are also not based on shared principles and ideas about how changes to improve them should operate.

This recognition of plurality and heterogeneity in non-binary people's terms explains tensions concerning dynamics that establish certain requirements and fixed conceptions of their identities and experiences, whether these notions come from the more hegemonic social system or from the non-binary environment itself.

The conditions, agents and environments which facilitate the emergence of the non-binary phenomenon coexist in this context with the guarantors of the *status quo*, which establishes limits and imposes obstacles to the vital performance of the people who are involved in it. This ambivalent social response is tinged with curiosity but also discredits, often taking the form of denial, delegitimation, ignorance and ridicule, thus exposing these people to high levels of vulnerability. This vulnerability results in them prioritising their security over the optimal and free development of their personalities in various key areas of life.

With this in mind, this study provides information on the difficulties experienced by non-binary people to live their lives by their gender identity based on social equity and without risking their general well-being. We, therefore, find that non-binary people have to adopt *passing* strategies to try to avoid discrimination in fundamental areas of life, representing significant violations of the principles of equality and free access to social opportunities, as well as the freedom to adopt their chosen models of living together.

In fact, this study points out that the current model of defining and applying gender identity in terms of access to resources and public policies produces particular inequality and specific barriers due to the lack of attention given to gender possibilities that break the norm. Non-binary people are also frequently subject to hostile reactions. These exclusions materialise specifically as avoidance and mistrust of basic public institutions and services, fear of the consequences should their gender identity become public, uncertainty about social relationships and the precariousness of the conditions governing their lives.

In this sense, amidst the noise and dynamics of polarization, there is an evident lack of serious, respectful, and rigorous social debate, which includes complex questions that add richness to the answers that society wants to give to the challenges that these non-binary experiences pose (Serra, Garaizábal and Macaya, 2021). This study, therefore, aims to point out some of the challenges identified, acting as a supportive resource that can shed some light on the specific barriers faced by non-binary people and contribute to the implementation of inclusive public policies.

Challenges

There is a false social belief that addressing the particular conditions of inequality affecting one group makes the conditions worse for the rest of society. However, consideration should be given to the possibility that, by addressing the realities of the people who suffer the most

exclusion and violence, responses are created that improve the general conditions of access to social opportunities and resources. The challenge is, therefore, not to hierarchise people's suffering and vulnerability in a competition that we could call "Oppression Olympics" (Martinez, 1998; Hangcock, 2011) but to investigate inequalities in order to create responses that improve our models of coexistence, while being aware of the changing conditions of the context which we live in and which generate inequalities based on gender relations and identities.

In this framework, fundamental challenges are identified regarding the rigorous need to understand the specific conditions of inequality in the lives of those who break binary gender norms. It is necessary to socially and institutionally recognise the existence and legitimacy of the way these people identify themselves and to include the possibilities to deviate from the binary model socially. This requires resources and spaces that effectively reach out to people who suffer the most violent manifestations of rejection and discrimination.

This need for recognition requires a response to the challenge of promoting participation and making it easier for these people to have agency over their lives in research and social debate, as they experience a high incidence of social delegitimisation and mistrust of public institutions. In this sense, we face the challenge of creating knowledge without essentialising and homogenising non-binary people under rigid structures that only entrench "symbolic measures" (Spade, 2011).

Finally, there is a fundamental challenge in terms of which policies and decisions public institutions intend to implement in the framework of the social transformation of gender inequalities, which have real and significant effects on the living conditions of non-binary people.

Recommendations

Combining the urgent need to make political and social decisions with the task of doing so in an informed and consistent manner is key when it comes to implementing measures that respond to violations of equality and free access to social resources, as well as to the basic coexistence of non-binary people in Spain. Moreover, this strategy is fundamental for achieving the intended social transformation effects of improving the lives of people who fall outside binary gender categories while avoiding the unintentional worsening of existing vulnerabilities.

It is essential to **identify precisely and rigorously what information needs to be known** to develop measures that align with the available resources and allow consistent steps to achieve the established objectives and bring about change. This framework also makes it possible to tweak goals to achieve a feasible and sustainable sequence in the short, medium, and long term.

After fulfilling the objective of approaching the living conditions of non-binary people in Spain, this study has made evident the convenience of **adding more work to generate theoretical and applied knowledge**, as well as analysis at different levels and on different areas of content, in order to make political decisions that contribute to eradicating conditions of inequality and violations of rights. It also means **facilitating the involvement of civil society in the reflection** on the type of responses to be given to the challenges that changes in the conceptions and experiences of gender are posing for our model of coexistence.

In order to ensure that a calm and rigorous social debate can take place, enabling us as a society to develop responses to the challenges posed by these changes in the conceptions of the gender model, it is essential to **articulate tasks of visibility, awareness-raising, and information**.

The fact that the state can take responsibility for these measures contributes toward legitimising non-binary realities, which has a significant effect on progress in improving their living conditions and the ability to evolve as a democratic society.

In the short term, the study also identifies the need to design plans that articulate public resources for information and attention for social agents who already recognise the social legitimacy of non-binary realities and who wish to respond to the needs of their environment from critical, affirmative, and inclusive approaches. Accordingly, it is proposed **to create public resources that facilitate procedures and spaces that affirm and include possibilities of displacing binary logics**, as well as to support with public resources projects in different social spheres that make these realities visible and in which non-binary people intervene.

On the other hand, **designing effective measures to help inform and raise awareness among** people unaware of non-binary realities or assuming gender binarity is recommended. We find that much of the social response identified by non-binary people is related to a lack of sensitivity and up-to-date knowledge in dealing with people who adopt diverse gender identities. Creating public resources within cultural transformation strategies with a long-term

perspective, reaching out to professionals, families and other agents involved in the daily lives of non-binary people is, therefore, a priority. Furthermore, drafting these awareness-raising plans should also include, on the one hand, a complex intersectional analysis of non-binary realities and, on the other hand, the effective participation of the non-binary population.

While it is true that the primary responses stem from a lack of public resources and consistent knowledge, relevant incidences of hate, violence, and exclusion have been identified. It is, therefore, necessary to **make progress in terms of access to public services and spaces, guaranteeing equal treatment. Creating measures that transform the regulatory and procedural frameworks that impose binary requirements on accessing, or** at least ensure non-binary people are protected from the discrimination that the application of these requirements involves is suggested. In addition, it highlights the need to **propose measures to protect against discretionary applications of existing regulations and protocols** against gender discrimination.

It must therefore be a priority to **address existing models and tools for recording and applying gender for public purposes.** Firstly, opening up the analysis of the public utility of gender identification, based on certain primary conditions: on the one hand, the impact of gender identification on norms and policies that currently respond to gender inequalities, as well as the implications for research and evaluation of inequalities; on the other, respect for privacy and data protection that can lead to significant breaches in the non-discrimination of individuals.

Simultaneously, in a context in which gender identity is indispensable for access to public resources, **opening the reflection on the definition of gender for administrative purposes is recommended**, taking several precautions into account. On the one hand, it should be noted that the analysis of the actual effects of a change to the definition of gender (e.g., adding an identifying box or the possibility of leaving the box blank), and especially its risks, are beyond the scope of this study. For this reason and given that non-binary people describe important debates concerning this notion, is recommended to approach this analysis as part of broader frameworks, which prioritise making non-binary realities visible in the socio-cultural space and the development of specific training plans, which contribute to raise awareness among different social agents about the conditions of inequality and violation of rights.

Finally, **the social and institutional approach to non-binary realities should transcend the biomedical analysis framework.** This does not mean discarding the improvement of health care conditions, informed consent, or the findings of research in health sciences, which

non-binary people themselves support and demand from the analysis, but rather using as a starting point key questions about their realities from the field of social, labour, or educational inequalities; community structures and values and coexistence; and cultural transformations.