

## THE IMPRISONMENT OF HOMOSEXUALS DURING THE FRANCO REGIME AND THEIR COVERAGE BY THE SOCIAL SECURITY SYSTEM

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### *Abstract*

According to Law 18/1984, people who were imprisoned during the Franco regime due to the cases provided for in the Amnesty Law of 1977, meaning for political reasons, could calculate the time spent in prison as time covered by the Social Security system. However, the imprisonment of homosexuals simply for being homosexual, as a form of repression by the Franco regime due to their sexual orientation, has not been treated as time covered. We argue that it would be fair for lawmakers to consider the time that homosexuals were imprisoned during the Franco regime as time covered by the Social Security system, just like political prisoners.

*Title: The imprisonment of homosexuals during the Franco regime and their coverage by the Social Security system*

*Keywords: homosexuality, Franco regime, repression, Social Security*

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The Franco regime created many unfair situations whose remedy as proposed by democratic lawmakers has not always been better, fairer or more efficient. In fact, for many of these situations, a remedy has not even been suggested.

In our previous article on the legal criterion that views the time spent by women in the Franco regime's Social Service as covered for the purpose of calculating payments made,<sup>1</sup> we briefly exposed the situation of women under the Franco regime and their obligation to participate in the Social Service. We also saw how the lawmakers who enacted Law 16/1976, of 8 April, on Labour Relations, understood that this situation deserved to be equated with men's military service for the purpose of calculating payments made, and how democratic lawmakers erred when they did away with that comparison by repealing Law 16/1976 en masse. As we explained in that article, it was the courts that rectified that mistake.

We now aim to expose how the Spanish government has tried to remedy the situation experienced by homosexuals during the Franco regime and how this solution may seem insufficient if we compare it with action taken for people imprisoned by the Franco regime for political reasons. In view of this insufficiency, we propose an improvement for homosexuals who were victims of state reprisals.

## 1. Homosexuality during the Franco regime

The Franco regime's view of gender upheld a reductionist ideal of women as submissive to men, undervalued and dependent,<sup>2</sup> while the idealised man<sup>3</sup> was based on the cult of violence stemming from the primacy of the army in society, exalting those who were virile, strong and essentially masculine.<sup>4</sup>

But how did the Franco regime view homosexuality? And how did it treat homosexuals? The Franco regime postulated (its) cleansing of the race,<sup>5</sup> in which homosexuals were viewed as

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<sup>1</sup> VALLÈS MUÑÍO, D., "Situaciones asimiladas al alta en supuestos relacionados con el franquismo: el Servicio Social. Comentario de la Sentencia no. 1950/2016 del Tribunal Superior de Justicia del País Vasco", *IusLabor* 3/2016.

<sup>2</sup> GARCÍA MOYA, M., "Las purgas silenciadas del franquismo y estalinismo"; *Hispania Nova. Revista de Historia Contemporánea*, no. 11, 2013, p. 3.

<sup>3</sup> GONZÁLEZ AJA, T., "Monje y soldado. La imagen masculina durante el Franquismo", *Revista Internacional de Ciencias del Deporte*, volume 1, Year 1, from p. 73 on.

<sup>4</sup> PÉREZ SÁNCHEZ, G., "El franquismo, ¿un régimen homosexual?", *Orientaciones: revista de homosexualidades*, no. 7, 2004, from p. 33 on.

<sup>5</sup> CAMPOS, R., "La construcción psiquiátrica del sujeto peligroso y la Ley de Vagos y Maleantes en la España franquista (1939-1970)", *Revista Culturas Psi*, no. 7, Buenos Aires, September 2016, from p. 13 on. See also ADAM DONAT, A. and MARTÍNEZ VIDAL, À., "'Infanticidas, violadores, homosexuales y pervertidos de todas las categorías'. La homosexualidad en la psiquiatría del franquismo", in UGARTE PÉREZ, J. (editor); *Una discriminación universal. La homosexualidad bajo el franquismo y la transición*, Egales Editorial, Barcelona-Madrid, 2008, p. 69.

sick and immoral.<sup>6</sup> And from the beginning, the way they were treated was a product of repression.<sup>7</sup>

The Law of 15 July 1954, which modifies Articles 2 and 6 of the Law of Vagrants and Criminals of 4 August 1933 (BOE no. 198, of 17 July), included homosexuals on the list of dangerous persons. It also agreed that internment measures would be applied in working establishments and farming settlements “and, in any case, with absolute separation from the other” inmates, in keeping with the letter of the law. According to Campos,<sup>8</sup> they were included due to the Franco regime’s intention to prosecute and punish behaviour not aimed at reproduction, as well as the end of the financial crisis resulting from the economic and political opening of the regime.

This situation changed, though not for the better,<sup>9</sup> by means of Law 16/1970, of 4 August, on social danger and rehabilitation (BOE no. 187, of 6 August). Article 1 of this law describes as dangerous those who “perform acts of homosexuality” and Article 6.3 establishes internment in a re-education establishment, a ban on residing in the place designated by the judge and monitoring as applicable security measures.

The situation of homosexual prisoners did not differ<sup>10</sup> excessively from that of common prisoners, both in inhumane treatment<sup>11</sup> and the obligation to perform forced labour.<sup>12</sup> In fact, their “internment” was still imprisonment due to their sexual orientation, though they were

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<sup>6</sup> UGARTE PÉREZ, J., “Las bases ideológicas de la represión”, in UGARTE PÉREZ, J. (editor); *Una discriminación universal. La homosexualidad bajo el franquismo y la transición*, Egales Editorial, Barcelona-Madrid, 2008, p. 69.

<sup>7</sup> For more on repressive legislation, see TERRASA MATEU, J., “La legislación represiva”, in UGARTE PÉREZ, J. (editor), *Una discriminación universal. La homosexualidad bajo el franquismo y la transición*, Egales Editorial, Barcelona-Madrid, 2008, from p. 79 on.

<sup>8</sup> CAMPOS, op. cit., p. 31. GARCIA MOYA holds the same view, op. cit., p. 10.

<sup>9</sup> For A. Adam Donat and À. Martínez Vidal, this law established the pre-existing stigma on homosexuality and reinforced its social exclusion. See ADAM DONAT, A. and MARTÍNEZ VIDAL, À., “Homosexualitat i perillositat social: bases mèdiques i científiques d’una llei tardofranquista”, *Actes d’Història de la Ciència i de la Tècnica; Nova època*, volume 1, no. 1, 2008, p. 280. Very interesting in this regard is the article by TERRASA MATEU, J., “Estudio jurídico de la legislación represiva franquista”, *Orientaciones. Revista de Homosexualidades*, no. 7, Fundación Triángulo, first semester of 2004, pp. 83 to 100, which summarises the formation of the Franco regime’s repressive legislation against homosexuality.

<sup>10</sup> ARNALTE, A., “Galería de invertidos. Vida cotidiana de los homosexuales en las cárceles de Franco”, *Orientaciones. Revista de Homosexualidades*, no. 7, Fundación Triángulo, first semester of 2004, p. 104. An extensive explanation of the life of homosexuals during the Franco regime and their repression can be found in ARNALTE, A., *Redada de violetas. La represión de los homosexuales durante el franquismo*, La esfera de los libros, Madrid, 2003.

<sup>11</sup> CAMPOS, op. cit., p. 32, explains that in early 1954, the Tefia aerodrome (Fuerteventura) was transformed into a farming settlement for vagrants and criminals. One third of the people interned at that settlement were classified as homosexuals. This settlement was created in accordance with the Order of the Ministry of Justice of 15 January 1954 (BOE no. 30, of 30 January). It was struck down by the Order of the Ministry of Justice on 21 July 1966 (BOE no. 201, of 23 August) and its inmates were transferred to the Central Prison of Santa Cruz de la Palma.

<sup>12</sup> The testimony of jailed homosexual Octavio García explains how he was forced to break stone and lived in truly deplorable conditions. *Interviú* magazine, 5 February 2007.

not considered common prisoners,<sup>13</sup> but rather sick people who had to be re-educated and did not enjoy the rights and benefits inherent in penal law.<sup>14</sup>

Thus, we can conclude that homosexuals were persecuted for their sexual orientation during the Franco regime. One of the punishments they suffered was the deprivation of their freedom, or imprisonment, just like political prisoners.

In fact, just as republican women suffered two forms of repression (both as republicans and as women), repression on the basis of sex<sup>15</sup>, homosexual prisoners also suffered two forms of repression: they were deprived of their freedom just like political prisoners, but they were also stigmatised for their sexual orientation, humiliated, raped and tortured, both inside and outside the prison.

## **2. Spanish transitional justice: reparations for political prisoners and reparations for homosexual prisoners—differences and dissonance**

In order to analyse the corrections made by the Spanish transitional judiciary with respect to both victim groups, we must first start with the fact that both groups were imprisoned, as we have seen, which is the only thing they share in common. For example, the sexual repression of homosexuals, which not even male political prisoners had to suffer, has not been remedied. As such, we can only ask about action taken on reparations for the imprisonment of both groups.

As we will see, the most remarkable similarity in the reparations policies for both groups is the payment of a lump sum, based solely on the time spent incarcerated. There are no other criteria, such as whether the former prisoner suffered harassment or torture. Thus, the longer the imprisonment, the greater the amount of compensation.

### **2.1. Differences**

However, different amounts are established to compensate political prisoners and homosexual prisoners for their imprisonment.

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<sup>13</sup> In fact, the Regulation for the development of the Law of Vagrants and Criminals, of 3 May 1935 (Gaceta, no. 125, of 5 May), is extensive (128 articles) in detailing the ‘legal’ (not real) situation in which vagrants and criminals were to be interned in application of said law. What is striking is the arbitrariness of the system detailed in the Regulation.

<sup>14</sup> DE LA ROSA FERNÁNDEZ, R., “El tractament legal de l’homosexualitat pel règim franquista”, in ERES RIGUEIRA, J. B. and VILLAGRASA ALCAIDE, C. (Coord.), *Homosexuals i transsexuals: els altres represaliats i discriminats del franquisme, des de la memòria històrica*, Edicions Bellaterra, Barcelona, 2008, p. 121.

<sup>15</sup> ABAD, I.; “Las dimensiones de la ‘represión sexual’ durante la dictadura franquista”; in RODRIGO, J. and RUIZ CARNICER, M. A. (coords.), *Dossier: Guerra Civil: las representaciones de la violencia*, *Revista de Historia Jerónimo Zurita*, no. 84, 2009.

- a) Regarding political prisoners, Provision 18 of Law 4/1990, of 29 June, on the General State Budgets for 1990 (BOE no. 156, of 30 June),<sup>16</sup> established €6,012 of compensation for “those who prove that they have been deprived of their freedom in penal establishments or in Disciplinary Battalions, under any category, for three years or longer, as a consequence of the cases provided in Law 46/1977, of 15 October, and had reached the age of 60 by 31 December 1990”, as well as €1,202.02 for every three additional years completed.

According to the General Report of the Inter-ministerial Commission for the Study of the Situation of the Victims of the Civil War and the Franco Regime,<sup>17</sup> of 28 July 2006, approximately 103,000 applications were submitted, of which 60,479 were awarded some type of compensation, for a total amount of €391 million.

Ninety-two per cent of the 41,162 rejected applications were denied due to a failure to prove the three-year minimum period of internment.

Interestingly, according to Judgment no. 361/1993 of the Constitutional Court, of 3 December, these amounts “cannot technically be classified as compensation for damages due to the abnormal functioning of the Public Administration, the Justice system or judicial error (Art. 121 CE). Rather, they are benefits freely established by lawmakers, according to a political decision that, as suggested by the State Attorney, must be related to legislation on amnesty, despite the different meaning of both laws”. In other words, we could conclude that if these amounts are not considered compensation, the deprivation of freedom is not seen as caused by unlawful damage. The inconsistency of this argument is beyond the scope of this article.

- b) To this law must be counterposed Additional Provision 18 of Law 2/2008, of the General State Budgets for the year 2009 (BOE no. 309, of 24 December), article 1,<sup>18</sup> which regulated compensation in favour of the so-called “former social prisoners” of the Franco regime:

“Compensation will be granted to those who have been interned due to their status as homosexuals in application of the Law of 15 July 1954, which modifies the Law of Vagrants and Criminals of 4 August 1933, or of Law

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<sup>16</sup> Let us set aside all the regional regulations that governed compensation for internment for less than three years, which completed the aforementioned state regulations. Said regulations do not mention homosexual prisoners at all. Moreover, each Autonomous Community has granted a different form of compensation for time spent in internment.

<sup>17</sup> Report drafted by the commission created by Royal Decree 1891/2004, 10 September (BOE no. 227 of 20 September), and accessible on the Internet (March 2017) in <http://www.memoriahistorica.gob.es/es-es/LaLey/Documents/InformeVictimas.pdf>, from p. 47 on.

<sup>18</sup> Developed from Articles 17 on of Royal Decree 710/2009, of 17 April, which develops the provisions of Law 2/2008, of 23 December, on General State Budgets for 2009, regarding Passive Class pensions and certain types of social compensation (BOE no. 105, of 30 April).

16/1970, of 4 August, on Social Danger and Rehabilitation, modified by Law 43/1974, of 28 November, for the following amounts:

- From one month to six months: €4,000
- From six months and one day to less than three years: €8,000
- Three years or more: €12,010.12
- For every three full additional years from three years on: €2,402.02”

To receive said compensation, the applicants were required to have been admitted to a centre due to their sexual orientation. Thus, the Superior Court of Justice of Madrid, no. 648/2014, Administrative Chamber, Section 8, of 14 November (JUR 2015\36584), understood that “taking into account that their sexual condition/orientation was used as a differentiating and discriminatory element in the Law of Vagrants and Criminals, the compensation recognised in Additional Provision 18 of Law 2/2008 constitutes positive discrimination aimed at compensating homosexuals for the unjustified and discriminatory treatment they suffered, who by the simple fact of being homosexual, were subject to the Law of Vagrants and Criminals...”.

According to the Spanish government,<sup>19</sup> there are 116 forms of compensation, the amounts of which are as follows:

<i>Social compensation expressed in euros</i>	
2009	€224,000
2010	€240,000
2011	€76,000
2012	€56,000
2013	€28,000
<b>Total</b>	<b>€624,000</b>

So far, we can see a clear difference in the amount of compensation, either due to the marginal value granted by each for a year of internment, or because of the total amount that the state had to pay for both types of compensation (€391 million for political prisoners and €624,000 for prisoners due to their sexual orientation).

As we can see, merely from a numerical point of view, reparations for homosexual prisoners have been negligible compared to reparations for political prisoners, since the repression of the former is ‘recognised’ much less than the repression of the latter. As such, a boost to reparations for homosexual prisoners could not be considered a great public expense.

Yet we do find another difference, this time related to the workplace.

<sup>19</sup> Government response to a written question, *Boletín Oficial de las Cortes Generales*, Congreso de los Diputados no. D-88 of 18 January 2017.

## 2.2 Dissonance and a suggestion: considering homosexual prisoners as covered by the Social Security system

Law 18/1984, of 8 June, on the recognition of time imprisoned as years worked for purposes of Social Security,<sup>20</sup> suffered as a consequence of the assumptions laid out in Law 46/1977 on Amnesty of 15 October 1977 (BOE no. 140, of 12 June),<sup>21</sup> was based on the existence of a clear problem for “people who, due to their stay in prison for acts of political intent, have not been able to establish their right to all or some of the benefits granted by the Social Security system or have done so for a minimal amount”. The proposed solution was to “equate periods of imprisonment with periods paid to Social Security, without putting either the philosophy or the financial balance of the system at risk” (Preamble).

Said solution was specified (Article 1) in that “periods of imprisonment suffered as a result of the assumptions laid out in Law 46/1977, of 15 October, on amnesty, will be considered periods of payment for the expired Old Age Subsidy and Obligatory Old Age and Disability Insurance if they occurred prior to 1 January 1967, and periods covered by the General Social Security Scheme as of said date”.<sup>22</sup>

In other words, the implementation of the Amnesty Law is understood as a necessary requirement for calculating periods of imprisonment for the purposes of early retirement (as is the Supreme Court Judgment of 7 March 1994, RJ 1994\2207). The political motives of the crime for which they were imprisoned are also an essential requirement (Judgment of the Superior Court of Justice of Catalonia, of 13 October 1992, AS 1992\5101; Judgment of the Superior Court of Justice of Galicia, of 27 July 1999, AS 1999\2209; Judgment of the Superior Court of Justice of Extremadura no. 56/2007, of 30 January, AS 2007\2314).

The burden assumed by the state has also been significant:<sup>23</sup> from 1979 to March 2005, 4,734 people benefitted from this Law and Social Security paid out a total of €5,140,345.82.

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<sup>20</sup> We should bear in mind that Article 25.2 of the Spanish Constitution of 1978 recognises that those sentenced to prison will have the right to paid work and the corresponding Social Security benefits. However, the involuntary unemployment suffered by prisoners confined in prison does not take penal work into account, meaning that their unemployment is involuntary, in accordance with the doctrine established by the Judgment of the Supreme Court, Social Chamber, of 12 November 1996, pronounced by the Honourable Antonio Martín Valverde (RJ 1996\8556). This is reported by BARRIOS BAUDOR, G. L., “Supuesto de relativización del requisito del alta en relación a la permanencia en prisión”, *Aranzadi Social*, volume 1, presentation, 1998 (BIB 1998\388).

<sup>21</sup> Developed by Order of the Ministry of Labour and Social Security of 1 October 1984 (BOE no. 236, of 2 October).

<sup>22</sup> The previous article was interpreted by Sentence no. 502/2015, of the Superior Court of Justice of Extremadura, Social Chamber, Section 1, of 27 October [AS 2015 \ 2522], when it was understood that said computation was not applicable to cases of imprisonment for common crimes, such as “crimes of robbery and theft, in which of course it is simply not possible to discern any kind of political intent”.

<sup>23</sup> Report drafted by the commission created by Royal Decree 1891/2004, op. cit. p. 49.

It is absurd to criticise, *ex ante*, the justice of Law 18/1984, of 8 June.

Yet what appears to us now, and forms the core of our work, is possible discriminatory treatment against “social prisoners” with regard to the possibility of those who benefit from Law 18/1984, imprisoned under the circumstances of the Amnesty Law, to increase their Social Security payments for retirement purposes with time spent in prison.

The truth, as we have seen, is that Law 18/1984 refers to the assumptions laid out in Law 46/1977 on Amnesty, and these assumptions poorly serve those who have been imprisoned for homosexuality. One’s sexual orientation could hardly be considered a political act (in the sense included in Law 46/1977 of Amnesty)<sup>24</sup> unless, for example, the homosexuals had been imprisoned as a result of some action to demand their rights from the Franco regime or as members of the incipient gay movement during the dictatorship.<sup>25</sup>

Based on the foregoing, it would be interesting to ask whether it would be lawful to think that homosexual prisoners imprisoned just for being homosexual should have the same benefits regulated under Law 18/1984, as compared to prisoners granted amnesty by Law 46/1977 on Amnesty.

The only discernible reason to deny this possibility is that these are political prisoners and homosexual prisoners would not be, strictly speaking. However, if we accept this argument, would it not fossilise the sexual orientation-based discrimination that they already suffered during the Franco regime?

If the state grants Social Security coverage (rooted in jurisprudence) for women’s involvement in the Social Service, based on its similarity to the provision of military service, could we equate the coverage of homosexuals for time spent in prison in view of its similarity to the imprisonment of political prisoners, recognised as covered in the aforementioned Law 18/1984?

Furthermore, if the Franco regime assumed and promoted such a sexist, homophobic and ‘legally’ repressed homosexuality, we could ask ourselves if all this was not also a political characteristic of the regime. In fact, we have seen how the Franco regime specifically regulated the repressive treatment of homosexuals by imposing certain political, social and cultural conceptions and conditions.

If in its day we conclude that the situation of discrimination between women who provided Social Service and men who performed military service was resolved well by jurisprudence,

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<sup>24</sup> VALLÈS MUÑIO, D., “Amnistía y responsabilidad civil”, *InDret*, no. 1, 2004, working paper no. 185, from p. 6 on.

<sup>25</sup> DE FLUVIÀ, A., “El moviment gai durant la dictadura franquista”, in ERES RIGUEIRA, J. B. and VILLAGRASA ALCAIDE, C. (Coord.), *Homosexuals i transsexuals: els altres represaliats i discriminats del franquisme, des de la memòria històrica*, Edicions Bellaterra, Barcelona, 2008, from p. 145 on.



with regard to coverage under the Social Security system for the purpose of calculating payments, it would be difficult for us to deny that homosexual prisoners may have the rights recognised in Law 18/1984 just because they are homosexuals and not political prisoners.

In fact, although Law 52/2007, of 26 December, on Historical Memory (BOE no. 310, of 27 December), does not expressly recognise the repression of homosexuality, it does declare as illegitimate (Article 3.3) sentences and punishments “dictated for political, ideological or belief-related reasons” against those who “tried to live according to choices protected by rights and freedoms now recognised by the Constitution”.

To this day, sex-based discrimination is expressly prohibited in the Spanish Constitution (Article 14). It could be argued that convictions for homosexuality have been declared illegitimate, which could lead to accepting the idea that people imprisoned for their homosexuality enjoy the same benefits as prisoners granted amnesty.

Surely, we should establish the difference between common prisoners and uncommon prisoners to determine who should be beneficiaries of Law 18/194. Therefore, we propose that the time of internment suffered by people just because they were homosexual should be covered under the Social Security system, just like the time spent providing Social Service and just like the time that political prisoners were imprisoned during the Franco regime.

### 3. Bibliography

ABAD, I., “Las dimensiones de la ‘represión sexual’ durante la dictadura franquista”; in RODRIGO, J. and RUIZ CARNICER, M. A., (coords.), *Dossier: Guerra Civil: las representaciones de la violencia; Revista de Historia Jerónimo Zurita*, no. 84, 2009.

ADAM DONAT, A. and MARTÍNEZ VIDAL, À., “‘Infanticidas, violadores, homosexuales y pervertidos de todas las categorías’. La homosexualidad en la psiquiatría del franquismo”, in UGARTE PÉREZ, J. (editor), *Una discriminación universal. La homosexualidad bajo el franquismo y la transición*, Egales Editorial; Barcelona-Madrid, 2008.

ADAM DONAT, A. and MARTÍNEZ VIDAL, A., “Homosexualitat i perillositat social: bases mèdiques i científiques d’una llei tardofranquista”, *Actes d’Història de la Ciència i de la Tècnica; Nova època*, volume 1, no. 1, 2008.

ARNALTE, A., *Redada de violetas. La represión de los homosexuales durante el franquismo*, La esfera de los libros, Madrid, 2003.

ARNALTE, A., “Galería de invertidos. Vida cotidiana de los homosexuales en las cárceles de Franco”, *Orientaciones. Revista de Homosexualidades*, no. 7, Fundación Triángulo, first semester of 2004.

BARRIOS BAUDOR, G. L., “Supuesto de relativización del requisito del alta en relación a la permanencia en prisión”, *Aranzadi Social*, volume 1, presentation, 1998 (BIB 1998\388)

CAMPOS, R., “La construcción psiquiátrica del sujeto peligroso y la Ley de Vagos y Maleantes en la España franquista (1939-1970)”, *Revista Culturas Psi*, no. 7, Buenos Aires, September 2016.

DE LA ROSA FERNÁNDEZ, R., “El tractament legal de l’homosexualitat pel règim franquista”, in ERES RIGUEIRA, J. B. and VILLAGRASA ALCAIDE, C. (Coord.), *Homosexuals i transsexuals: els altres represaliats i discriminats del franquisme, des de la memòria històrica*, Edicions Bellaterra, Barcelona, 2008.

DE FLUVIÀ, A., “El moviment gai durant la dictadura franquista”, in ERES RIGUEIRA, J. B. and VILLAGRASA ALCAIDE, C. (Coord.), *Homosexuals i transsexuals: els altres represaliats i discriminats del franquisme, des de la memòria històrica*, Edicions Bellaterra, Barcelona, 2008.

GARCÍA MOYA, M., “Las purgas silenciadas del franquismo y estalinismo”, *Hispania Nova. Revista de Historia Contemporánea*, no. 11, 2013.

GONZÁLEZ AJA, T., “Monje y soldado. La imagen masculina durante el Franquismo”; *Revista Internacional de Ciencias del Deporte*, volume 1, Year 1.

Report drafted by the commission created by Royal Decree 1891/2004, of 10 September, in <http://www.memoriahistorica.gob.es/es-es/LaLey/Documents/InformeVictimas.pdf>, viewed in March 2017.

PÉREZ SÁNCHEZ, G., “El franquismo, ¿un régimen homosexual?”, *Orientaciones: revista de homosexualidades*, no. 7, 2004.

TERRASA MATEU, J., “Estudio jurídico de la legislación represiva franquista”, *Orientaciones. Revista de Homosexualidades*, no. 7, Fundación Triángulo, first semester of 2004.

TERRASA MATEU, J., “La legislación represiva”, in UGARTE PÉREZ, J. (editor); *Una discriminación universal. La homosexualidad bajo el franquismo y la transición*, Egales Editorial, Barcelona-Madrid, 2008.

UGARTE PÉREZ, J., “Las bases ideológicas de la represión”, in UGARTE PÉREZ, J. (editor); *Una discriminación universal. La homosexualidad bajo el franquismo y la transición*, Egales Editorial, Barcelona-Madrid, 2008.

VALLÈS MUÑÍO, D., “Amnistía y responsabilidad civil”, *InDret*, no 1, 2004, working paper no. 185.

VALLÈS MUÑÍO, D., “Situaciones asimiladas al alta en supuestos relacionados con el franquismo: el Servicio Social. Comentario de la Sentencia nº 1950/2016 del Tribunal Superior de Justicia del País Vasco”, *IusLabor* 3/2016.