

Barcelona Discrimination Observatory Report 2023



Report
September 2024

Directorate of Human Rights, Global Justice and International Cooperation Services; Area for Social, Health, Cooperation and Community Rights



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Barcelona City Council

With information and partici-

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Preamble

Barcelona is an open, diverse and cosmopolitan city, recognised throughout the world for defending and promoting the rights of people, particularly the most vulnerable. At the City Council, we work tirelessly to further reinforce this vision, and this includes ensuring that all instances of discrimination are identified, managed and resolved.

The document you have in your hands is the sixth edition of the Barcelona Discrimination Observatory Report, an indispensable tool for identifying and analysing cases of discrimination occurring and detected in the city. It is only through evidence, analysis, and slow and detailed reflection that we will be able to tackle a challenge, that of discrimination, from which no person is exempt, and which concerns us as a community.

This report also highlights the crucial work carried out by the **Board of Organisations with Services for Victims of Discrimination (SAVD)** and the **Office for Non-Discrimination (OND)**, which guarantee a dignified life path for all people. Their commitment and dedication are assets for all citizens, and the City Council will promote their framework for action wherever appropriate. We need exemplary public services that are fully capable of responding to the social, cultural and economic threats posed by discrimination.

This year, the Report focuses its monographic space on a phenomenon of growing importance in the social well-being of citizens, namely mental health. In recent years, both institutions and civil society have observed that problems related to people's psychological well-being have increased exponentially, particularly among the most vulnerable groups, such as young people. This discrimination is no exception, which is why the report focuses on the nature and consequences of the stigmatisation of people with a diagnosis and of all those whose mental health is affected by discrimination.

The report shows that during 2023, 865 situations of discrimination were recorded, 234 more than in the previous year. This is the all-time record number of situations identified in all the years the Report has been published and demonstrates how awareness-raising and sensitisation promote higher reporting rates. In addition, it shows how gender continues to be a relevant vector for discrimination: women account for 411 situations, while men account for 379.

The message is clear: we have come a long way, but we must continue to make progress towards fully guaranteeing the rights of all citizens, and particularly those who suffer most from discrimination, whatever they are and wherever they may be. At the City Council, we have a firm desire to continue identifying, managing and correcting any stigmatisation in Barcelona. Together we will all be able to live in a city in which all people can develop their lives to the fullest.

1 Introduction

In 2023, the Discrimination Observatory in Barcelona recorded 865 situations of discrimination, an increase of 234 cases compared to the previous year. Racism continues to be the main reason for discrimination with 230 occurrences, followed by health with 217 and LGBTIphobia with 205. The main discriminating agent has been private entities/companies, and the most violated human rights were four: moral integrity, quality public service, provision of services and physical integrity.

The Discrimination Observatory in Barcelona is a participatory initiative coordinated between the **Board of Organisations with Services for Victims of Discrimination (SAVD)** and **Barcelona City Council's Office for Non-Discrimination** which, in accordance with **Article 30 of Law 19/2020 on equal treatment and non-discrimination**, contributes to making the provisions of this law and specific legislation on equal treatment and non-discrimination effective, by introducing relevant information that provides information on the causes, extent, evolution, nature and effects of discrimination in the city. It also specifies the situations of discrimination and complaints and identifies patterns of discrimination that allow progress to be made in the protection and guarantee of human rights.

This is the **sixth annual report by the Observatory**, which compiles and analyses the discriminatory situations reported by the affected persons themselves, through quantitative and qualitative evidence that has contributed to the establishment of measures and policies for prevention and protection, and also to continue overcoming cases of **under-reporting**, promoting access to justice and strengthening capacities to promote support and guidance actions for the affected persons.

A new feature of the report is an analysis of the impact of discrimination on mental health and shows the consequences of stigmatisation of people with a diagnosis, as well as of people whose mental health is significantly affected by discrimination on other, non-health-related grounds.

Section 2 of the report explains the principles of **equality and non-discrimination**, complemented by the **rights-based approach**, substantive equality from a **gender** perspective and intersectional analysis. It also reviews legislative developments in the field of equal treatment and non-discrimination, noting the recommendations issued by European and international mechanisms for the protection and guarantee of human rights.

Section 3 describes the report's methodology, and the categories analysed, providing information on the goals of the **Board of Organisations with Care Services for Victims of Discrimination (SAVD)**, the importance of reporting cases through the **Office for Non-Discrimination (OND)** service, the forms of discrimination they work with, and the type of support and responses they offer to people experiencing discrimination in the city.

Section 4 analyses the quantitative and qualitative data based on discriminatory situations made known and reported by the people affected through the **OND** and the **SAVD Board** during 2023, as well as some data extracted from the Neighbourhood Relations and Coexistence Survey of the Barcelona Metropolitan Area (ECAMB), carried out in 2022. It also includes true testimonies of real situations that contextualise the reality of discrimination in the city and a monograph on the impact of discrimination on the mental health of those affected.

Sections 5 and 6 summarise the conclusions of the report, as well as the main actions that have been carried out in 2023 and the various challenges for 2024 that have been identified by the **Office for Non-Discrimination** and the entities of the **SAVD Board** to prevent and eradicate discrimination.

2 Equality and non-discrimination: concepts, guarantee mechanisms and legislative developments

“To deprive people of their human rights is to call into question their very humanity”

Nelson Mandela, activist and champion of freedom and equality for the people of South Africa.

Respecting, protecting and guaranteeing human rights favours coexistence in dignity and justice, promoting their integration into people’s daily lives in the city. The European Union Agency for Fundamental Rights points out that it is imperative to make “human rights cities” a reality. In other words, cities where the local government, private entities, companies and citizens assume their commitment to guarantee compliance with international human rights norms and regulations, through the development of policies, urban regulations and the implementation of specific measures in all areas, thereby ensuring the respect, promotion and protection of the rights of all people.¹

Since its adoption in 1948 by the United Nations General Assembly, the Universal Declaration of Human Rights (UDHR) has recognised equal treatment and non-discrimination as fundamental principles for guaranteeing unrestricted rights. As stated in its Article 2: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race,² colour, **sex**, language, religion, political or other opinion, national or social origin, property, birth or other status.

Equality refers to the universal nature of human rights, recognising that all people are entitled to rights as an inherent part of what it means to be human. **Non-discrimination** seeks to protect people and groups whose rights and freedoms have historically not been recognised (women, people with disabilities, immigrants, LGBTIQ+ groups, etc.) through recognition in various international, national and local mechanisms.

1 Human Rights Cities in the European Union. A guide to help local authorities integrate human rights into people’s daily lives. Publications Office of the European Union, 2023.

2 The UDHR, as well as in subsequent treaties, covenants, conventions and laws, uses the term race; the Barcelona Discrimination Observatory believes that this term must be used with a critical perspective, **because there are no races among mankind**, which is why we have chosen to use the term racialisation (see definition in the glossary).

What constitutes discrimination? ³

Discrimination is an act that violates people's dignity, human rights and fundamental freedoms. It is differential, preferential, restrictive, unfavourable, exclusionary and unfair treatment among people in any area of society, be it institutions, the public sector or the private sector, based on stereotypes, prejudices and social stigma that manifest themselves as rejection and attacks that have a direct or indirect harmful effect on those who suffer it, thus perpetuating inequality and the violation of human rights.

All initiatives aimed at preventing and eradicating discrimination are human rights initiatives, in that they protect, respect, promote and guarantee such rights. This means recognising that people are **rights-holders**; that organised citizens, organisations and private businesses are **responsibility-bearers**; and that states, local governments, and their institutions and employees are **duty bearers**. This is called **adopting a rights-based approach**, where each group has a fundamental role to play in guaranteeing the right to equal treatment and non-discrimination, and in recognising the human rights of all people in **accordance and compliance with the national and international mechanisms created for their protection**

Moreover, thanks to women's struggle for recognition as "subjects of rights", the principle of equality before the law and equal treatment began to take on new meaning in "**substantive equality**", first recognised in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979.

Substantive equality refers to the fact that it is not enough to proclaim equality before the law among people, but that their specific realities and conditions must be taken into account in order to guarantee that there is no **direct or indirect discrimination** in the implementation of policies aimed at improving living conditions and the exercise of human rights. It is also necessary to promote access to opportunities and benefits available in society, rather than mere "**formal equality**". ⁴

Achieving substantive equality means recognising and addressing the historical disadvantages that undermine the enjoyment and exercise of human rights. It means becoming aware that **historical, systemic and structural oppressions persist** in society, such as patriarchy, **racism**, classism, **ableism**, **LGBTIphobia**, and others, which have a particular impact on people, according to their differences and specificities.

Positive action measures also ensure **substantive equality** and, although they are ad hoc and temporary in nature, they contribute to accelerating equality. This involves applying preferential or positive treatment to persons who are discriminated against in order to mitigate and redress the harm caused by discrimination. For example, **gender** quotas for the lists of candidates in elections can counteract the effects of the power imbalance between genders. Preferential treatment is necessary to ensure substantive equality. ⁵

³ According to Catalan Act 19/2020, of 30 December, on equal treatment and non-discrimination.

⁴ Handbook on European non-discrimination law. European Union Agency for Fundamental Rights (FRA), 2018.

⁵ The International Convention on the Elimination of All Forms of Racial Discrimination stipulates that affirmative action programmes may be requested in order to rectify systematic discrimination. However, these measures "shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved".

Considering substantive equality, it is clear how a person or a group of people, due to their realities and specificities, can be impacted by **multiple discrimination** (without access to housing, without access to education, without recognition of citizenship and without access to justice, and so on), generating a triple or quadruple impact on the recognition of their rights.

Lastly, from the perspective of **intersectionality**, factors such as age, **ethnicity**, gender, social class, origin, religion, among others, are considered axes of inequality that significantly affect the life of a person or group of people, depending on the context in which they are located and the intersection that is created between these axes at a given moment. This reality is evidence of an unequal distribution of opportunities, resources and power among people. Thus, **inequality is both a cause and a consequence of discrimination**.

The intersectional perspective⁶ analyses the multidimensionality of people's experiences in contexts of oppression, focusing on identity, equality and power as key elements that bring to light the **condition of disadvantage** in the protection of their rights and the **position of "powerlessness"** in accessing opportunities.⁷ According to the **European Charter for the Safeguarding of Human Rights in the City**: "The city is the collective space that belongs to all the people who live in it, who have the right to find the conditions for their political, social, economic, cultural and ecological fulfilment, which entails assuming duties of solidarity". Accordingly, in Barcelona, **citizenship rights** are assumed on the basis of an inclusive practice of respect for the city's diversity. In other words, where all people have real, effective and equal access to all the human rights recognised and guaranteed in the city. This perspective means the recognition of full citizenship and diversity from approaches of positive interaction and non-discrimination between people and taking into account proximity within the territory.

6 Intersectional analysis was a contribution of Kimberlé Williams Crenshaw (1989), an American academic and professor specialising in critical race theory. She defines intersectionality as the "phenomenon through which each individual faces oppression, or holds privileges, as a result of the multiple social categories to which they belong".

7 European Parliament resolution of 6 July 2022 on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle Eastern, Latin-American and Asian descent (2021/2243(INI)).

What are the causes of discrimination?

In a context where various structural oppressions interact, **rights-holders**, because of age, functional diversity, **ethnicity**, origin, **racialisation**, religion, religion, **sex**, **gender**, **sexual orientation**, language, culture and other factors, may be discriminated against by being treated less favourably than others in a comparable situation. A society in which discrimination is allowed or tolerated is a community in which people are deprived of the ability to freely exercise their potential and autonomy.

Discriminating is...

Treating some people or groups differently, worse, depending on their personal characteristics or situations, and preventing them, actively or passively, from fully enjoying their rights.

Grounds of discrimination...



skin colour, ethnic / national origin



gender



religious beliefs



sexual orientation, gender identity and expression



ideology



language



abilities



socio-economic status



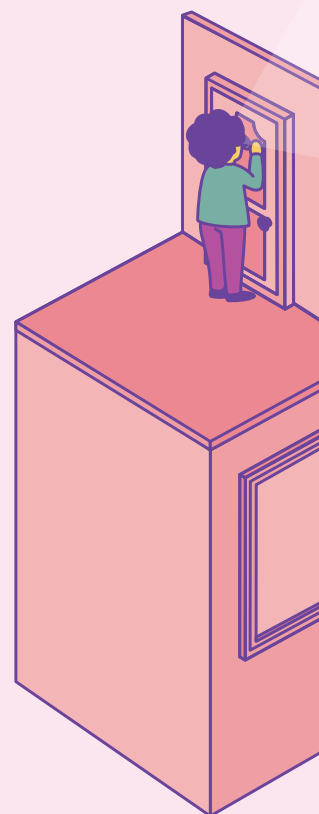
health

0-99

age

What types of discrimination are there?

Discrimination can occur in any area of our life: at home, at school, at work, when we use public transport or on the street, when we shop in a store, when we go out or when we go to public administrations, for example.



Protecting equality and non-discrimination

The Universal Declaration of Human Rights (1948) states: “All human beings are born free and equal in dignity and rights” (Art. 1). In other words, everyone has an inalienable and equal claim to the enjoyment of all human rights. Since the Declaration, a number of international mechanisms, national and local human rights laws and regulations have emerged that have established principles, measures and procedures to guarantee and implement the **right to equality and non-discrimination**.

At the international level, there are over 20 United Nations (UN) instruments that address the issue of discrimination through conventions, declarations, resolutions, action plans and working committees. The following are particularly relevant:

- 1965** **International Convention on the Elimination of All Forms of Racial Discrimination**
- 1966** **International Covenant on Civil and Political Rights**
- 1966** **International Covenant on Economic, Social and Cultural Rights**
- 1979** **Convention on the Elimination of All Forms of Discrimination Against Women**
- 1989** **Convention on the Rights of the Child**
- 2006** **International Convention on the Rights of Persons with Disabilities**

At European level, Council of Europe member states have committed themselves to non-discrimination in Article 14 of the **European Convention on Human Rights**: “The enjoyment of the rights and freedoms shall be secured without discrimination on any ground such as **sex**, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” **Protocol No. 12**, additional to this Convention, enhances protection against discrimination: “enjoyment of any right provided by law”, i.e. any right accorded to individuals under the domestic law of the signatory state. Discrimination in any legal right is therefore covered, even when it is not recognised by the Convention. Likewise, Article 21 of the **Charter of Fundamental Rights of the European Union** states: Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or **sexual orientation**.

In Spain, Article 14 of the **Constitution of 1978** proclaims the right to equality and non-discrimination, and prohibits discrimination based on any personal or social condition. The second paragraph of Article 9 establishes the obligation of the public authorities to promote the conditions and remove the obstacles so that equality is real and effective. Equality is immediately linked to the dignity of the person, which is one of the foundations of political order and social peace.

Comprehensive Law 15/2022, of 12 July, on equal treatment and non-discrimination. This piece of legislation aims to prevent and eradicate all forms of discrimination and to provide effective protection for victims in all areas of society: It broadens the grounds for discrimination on the basis of any variable and expressly introduces illnesses, health conditions, HIV status and genetic predisposition to health conditions or disorders as possible grounds for discrimination, as are other factors such as age, **gender expression**, language and socio-economic status, maintaining the last clause of Article 14 of the Spanish Constitution (“any other personal or social circumstance”). The Act also covers **discrimination by mistake**,⁸ **multiple discrimination** and intersectional discrimination, and includes inducing, ordering or instructing others to discriminate as discriminatory behaviour in itself.

In Catalonia, there is **Catalan Law 19/2020, of 30 December, on equal treatment and non-discrimination.** The Act seeks to eliminate any discrimination based on birth or place of birth; origin, nationality or belonging to a national minority; race, skin colour or **ethnicity**; political or other opinion; religion, belief or ideology; language; cultural, national, ethnic or social origin; economic or administrative status, social class or wealth; **sex**, sexual orientation, sexual and gender identity, or **gender expression**; descent; age; phenotype or identification with an ethnic group; illness or HIV status; disability or functional diversity; or any other real or ascribed human condition. It also promotes the eradication of **racism** and **xenophobia**; **antisemitism**, **Islamophobia**, Arabophobia, Christianophobia, Judeophobia and Romaphobia; **aporophobia** and social exclusion; **ableism**; sexism; and **homophobia**, **transphobia**, biphobia and intersexphobia.

The law regulates the rights and obligations of natural and legal persons and defines the measures of public authorities to prevent, eliminate and correct **direct or indirect discrimination**, both in the public and private sector. It notes that the judiciary, public and private law enforcement agencies and authorities must adopt **positive action** measures and spearhead policies to promote equal treatment in the private sphere and reach agreements among the various social and economic sectors. They must also encourage organisations and businesses to implement social responsibility initiatives aimed at promoting equal treatment and non-discrimination.

The preamble of the **Statute of Autonomy of Catalonia** declares that “freedom, justice and equality are supreme values of community life”. Specifically, in its **Article 4, on rights and guiding principles**, it points out the responsibility of the Catalan public authorities to “promote the full exercise of freedoms and rights”. It encourages all government authorities to create the conditions for effective freedom and equality for all people and participation in all areas of society, and to promote values such as freedom, democracy, equality, diversity, peace, justice, solidarity, social cohesion, **gender** equity and sustainable development.

⁸ Discrimination based on an inaccurate perception of the characteristics of the person(s) being discriminated against. For example, cases where a person is not hired or promoted or their contract is not renewed because the employer mistakenly believes that they are gay, belong to a given ethnicity or are a trade union member.

Barcelona has several municipal regulations in place, such as **Act 22/1998 of the Municipal Charter of Barcelona**, which states that Barcelona City Council is responsible for ensuring that discriminatory behaviour does not take place in the city. It emphasises that the city and its residents must extend their commitment to the defence and protection of fundamental rights to all people in the city, including those who are not residents (Article 38). The seventh additional provision of **Law 19/2020** recognises the special legal regime of the city of Barcelona, which, in accordance with the municipal charter, gives it the power to impose penalties in the city in relation to xenophobic, racist and sexist behaviour and gives it the power to regulate these offences and any other discriminatory behaviour (...). Also, in relation to **Law 11/2014**, of 10 October, to guarantee the rights of lesbian, gay, bisexual, transgender and intersex people and to eradicate **homophobia**, **biphobia** and **transphobia**.

All the legal regulations mentioned in this section apply to the city of Barcelona. A number of rights-ensuring mechanisms have been implemented, from international to local level, to enforce these regulations. In the local sphere, the Sindicatura de Greuges de Barcelona (Ombudsman's Office of Barcelona) stands out, supervising the actions of the municipal administration and the public services that depend on it, especially in all matters relating to the rights and freedoms established in the **European Charter for the Safeguarding of Human Rights in the City**.

It is also worth highlighting the role of the Barcelona City Council's Office for Non-Discrimination, a human rights guarantee mechanism at local level, created 25 years ago, aimed at addressing violations specifically related to the field of discrimination.

Developments in legislation and international guarantee and protection mechanisms in 2023

THEME	NEW DEVELOPMENT
Anti-racism	<p>Commitment of the Government of Catalonia to a country free of racism</p> <p>The document presents 70 measures for social and institutional transformation. These are divided into three main pillars: (1) equitable access to rights and material living conditions; (2) democratic memory, knowledge of racism and reparation; and (3) transformation of administrations.</p> <p>Strategic Framework for Citizenship and Inclusion, against Racism and Xenophobia (2023-2027) of the Ministry of Inclusion, Social Security and Migration</p> <p>The Framework is intended as a tool for public administrations and other institutions to develop their own action plans and public policies. The Framework aspires that all autonomous communities have actions or plans for integration or preventing racism, that at least 40% of the municipalities with the largest population of foreign origin have plans for integration or preventing racism, and that the actions of the General State Administration dedicated to citizenship have increased, and so forth.</p>
Adolescence and youth	<p>Barcelona Adolescence and Youth Plan 2023-2030</p> <p>The Plan aims to extend the youth perspective in the municipal technical areas that head up programmes, services and actions focused on the young population (12-35 years old). It is governed by the principles of mainstreaming, gender perspective, intersectionality, territorialisation, youth perspective, communication, innovation and continuous improvement. It incorporates a total of 190 lines of action for each area, such as the promotion of housing for young people, aid to encourage emancipation, the incorporation of an emotional education programme, and the promotion of municipal mechanisms on energy rights, among others.</p>
Antisemitism	<p>National Plan for the Implementation of the European Strategy on combating Antisemitism 2023-2030</p> <p>The National Plan is part of the European Strategy that aims to systematise and improve resources and measures to combat antisemitism and to promote the conditions for Jewish people and communities to live in Spain in accordance with their beliefs and traditions within the framework of the legal system. The content of the Plan also includes a line of action on pedagogy, research and memory.</p>

THEME

NEW DEVELOPMENT

Care

High Level Meeting on the Transition of Care Systems towards People and Community-Centred Care Models

This meeting took place in October in Madrid and was organised by the Ministry of Equality and the Ministry of Social Rights and 2030 Agenda. With a focus on the implementation of the European Care Strategy and the European Union's 2030 goals, it aimed at adopting conclusions on the **transition of care systems towards holistic, person-centred, community-based and gender-sensitive care models**. In particular, these conclusions call on Member States to provide affordable early childhood education and care services, as well as to address the shortage of qualified professionals in the care sector.

Human rights

2nd National Human Rights Plan (2023-2027)

On 6 June 2023, the Council of Ministers of the Spanish government approved this plan in compliance with the commitment to the United Nations. The 2nd National Human Rights Plan contains 421 measures articulated around four main lines of action:

- International obligations and co-operation.
- Guarantee of human rights.
- Equality of women and men as a guarantee of human rights.
- Equal treatment and protection of specific groups as a guarantee of rights.

Voting rights

Declaration on extending the right to vote to people with disabilities in the EU

The Declaration of the Presidency of the Council of the European Union on the voting rights of people with disabilities has been endorsed by 21 Member States and the European Disability Forum and the Economic and Social Council. This declaration has been endorsed by Spain, Germany and France to **ensure accessibility in political participation for people with disabilities**.

Specific commitments include strengthening the leadership of people with disabilities through increased support to organisations representing persons with disabilities, promoting the removal of barriers, in particular for digital services, and ensuring the accessibility of the electoral process.

Gender equality

Directive (EU) 2023/970 reinforcing the application of the principle of equal pay for equal work or work of equal value for women and men

The Directive of the European Parliament and of the Council of 10 May 2023 lays down the minimum requirements to reinforce the application of the principle of **equal pay for equal work or work of equal value for men and women and the prohibition of discrimination** through pay transparency and reinforced enforcement mechanisms.

The concept of discrimination includes harassment and **sexual harassment**, **sex** discrimination, less favourable treatment in relation to pregnancy or maternity leave, any less favourable treatment and **intersectional discrimination**.

Circular 1/2023, of 29 March, of the State Attorney General's Office, on the criteria for action by the Public Prosecutor's Office following the reform of crimes against sexual freedom brought about by Framework Act 10/2022, of 6 September.

This circular focuses on the **gender approach derived from the Istanbul Convention**, applicable in Spain, highlighting that the gender perspective as a binding regulatory principle constitutes a guiding principle of the legal system that should inform the interpretation and application of the law and the assessment of evidence. As a consequence of the new Article 194 bis of the Criminal Code, which states: "The penalties provided for in the offences under this title shall be imposed without prejudice to any penalties for acts of physical or psychological violence committed", the penalties for the offence against sexual freedom shall be punished separately from the specific acts of physical or psychological violence committed.

The circular urges extreme caution when investigating the existence of **psychological injuries**. In addition, the concurrence of **consent** is analysed, imposing a duty of care that requires responsibly exploring the consent of the victim before performing sexually significant acts upon her.

Equality and non-discrimination

European Parliament resolution on combating discrimination in the European Union

With regard to the increasing regression in fundamental rights, the EU resolution of 19 April 2023 would provide a comprehensive framework for combating discrimination at EU level and would close loopholes in the existing framework to ensure protection in a horizontal approach and for all people.

The resolution also calls on Member States and the Commission to promote the **collection of equality data** and deplores the increase in discrimination across the EU.

THEME

Equality and non-discrimination

NEW DEVELOPMENT

2nd National Human Rights Plan of the Ministry of the Presidency, Justice and Relations with the Courts (2023-2027)

The Plan is developed through the following main lines of action: **international obligations and cooperative action, the guarantee of human rights, equality of women and men as a guarantee of human rights, and equal treatment and protection of specific groups as a guarantee of rights**, as well as through general and specific objectives. It has a section on governance, monitoring, evaluation and a system of accountability for the analysis of the process and results during the Plan's lifetime.

Sexual orientation, gender expression and identity

Declaration of ministers responsible for LGBTIQ policies in the European Union "Advancing LGBTIQ rights in Europe"

The declaration expresses the signatory states' commitment to the **principle of gender self-determination** and invites the European Commission and Member States to **promote and adopt various measures to guarantee LGBTIQ rights**, such as the adoption of European and national strategies, and so forth. It has been signed by a total of 16 Member States, including Spain.

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

The aim of the law is to develop and guarantee the rights of **LGBTBI** people by eradicating situations of discrimination for the full enjoyment of **sexual orientation**, sexual identity, gender expression, sexual characteristics and family diversity. The law focuses on the workplace, establishing that companies with more than **50 employees must have an action protocol for dealing with harassment or violence against LGBTI people** and an established set of measures and resources to achieve real and effective equality for LGBTI people. It also requires that specific reference to transgender people be included.

This circular focuses on the **gender** approach derived from the Istanbul Convention, directly applicable in Spain, highlighting that the gender perspective as a binding regulatory principle constitutes a guiding principle of the legal system that should inform the interpretation and application of the law and the assessment of evidence.

As a consequence of the new Article 194 bis of the Criminal Code, which states: "The penalties provided for in the offences under this title shall be imposed without prejudice to any penalties for acts of physical or psychological violence committed", the penalties for the offence against sexual freedom shall be punished separately from the specific acts of physical or psychological violence in the execution of the offence. The circular urges extreme caution when investigating the existence of psychological injuries.

The concurrence of consent is also discussed in this circular, imposing a duty of care that requires responsibly exploring the consent of the other party before performing sexually significant acts upon her.

THEME

Sexual and reproductive health

NEW DEVELOPMENT

Framework Act 1/2023 amending Framework Act 2/2010 on sexual and reproductive health and the voluntary interruption of pregnancy

The purpose of this framework act is to guarantee fundamental rights in the area of sexual and reproductive health, **to regulate the conditions for the voluntary interruption of pregnancy and sexual and reproductive rights**, and to establish the obligations of the public authorities to ensure that the population achieves and maintains the highest possible level of health and education in relation to sexuality and reproduction. It also aims to **prevent and respond to reproductive manifestations of violence against women**.

Joint ministerial statement on ensuring sexual and reproductive health and rights in the European Union

The signatory countries declare that **sexual and reproductive rights** and health are central to the right of all women and girls to **self-determination and to decide freely and responsibly on all matters related to their sexuality and sexual and reproductive health**, free of discrimination, coercion or violence. They call on EU institutions and Member States to, inter alia, ensure universal access to these rights and **guarantee access to safe and legal abortion**.

3 Metodology

The Barcelona Discrimination Observatory is an alliance between responsibility-bearers and duty-bearers in the fight for equality in the city and for the protection of city residents as rights-holders. Since its implementation in 2018, it has led to collective learning that, in turn, is giving rise to a participatory methodology in the process of collecting, analysing and organising information. It brings together different backgrounds, experiences and knowledge to highlight the reality of discrimination, while building capacities for investigation, prevention and reporting to create a city of rights in which equal treatment and non-discrimination are a reality.

The Observatory's methodological process sees the organised civil society that makes up the **Board of Organisations with Care Services for Victims of Discrimination (SAVD)**, as active agents in the process of building knowledge about discrimination. These organisations contribute quantitative and qualitative data on the cases of discrimination dealt with annually, as well as their analyses of the political, socio-economic and regulatory context that affects their role as responsibility-holders in defending rights and reporting discrimination.

Key information from the Observatory: situations of discrimination attended to

The quantitative and qualitative information analysed in the Observatory comes from the process of direct attention given to people affected by situations of discrimination that each entity of the **SAVD Board** carries out, depending on the area of discrimination in which they work. It is not only a task of observation and collection, but of direct work with the victims, which involves supporting and counselling them, individual follow-up and reporting until a solution or redress is found.

It should be noted that not all forms of discrimination are represented in the **SAVD Board** — because each entity has different technical capacities in terms of attending to and registering cases — (which results in some forms of discrimination being under-represented. Moreover, the high levels of **under-reporting**⁹ do not allow for all cases to be known.

Each entity of the **SAVD Board** has its work conditioned by the human, technical and economic resources it has at its disposal each year. For this reason, the number of cases they contribute will depend on the variability of their internal reality. One year they may provide thorough, detailed quantitative information on each case dealt with, and the next year only qualitative information. This means that the information on discrimination can vary from one report to the next, although the collection methodology remains the same.

The report also presents quantitative and qualitative data from the **Office for Non-Discrimination (OND)**, which currently receives complaints from people affected by discrimination and to whom it provides psychosocial accompaniment, legal and psychological assistance, and accompanies them in conflict resolution processes. To complement this, data from other municipal services and bodies working on specific areas of discrimination are included. The **Centre for Human Rights Resources (CRDH)** facilitates collection, systematises and analyses the information provided, in addition to providing spaces for participatory analysis together with the entities of the **SAVD Board** and the **OND**, such as the development of a monographic theme that highlights a specific problem in the current context which, in intersection with the axes of discrimination, can condition the fulfilment and guarantee of human rights in the city. Each year a relevant theme is explored in depth, and this year the focus is on the impact of discrimination on mental health, which is covered in **Section 4.3**.

Since 2020, the report also incorporates data from the **Barcelona Metropolitan Area Neighbourhood Relations and Coexistence Survey (ECAMB)**, published by the Metropolis Institute every two years, which provides data on discrimination in the city. This information is presented in **Section 4.1**.

⁹ According to the 2021 RADAR ECOM report, under-reporting is a latent reality in cases of discrimination. Many victims cite a variety of reasons for not reporting their cases: they feel that there is no point, the process is complicated or inconvenient, they do not have enough time, they are afraid, or they do not consider the situation important. Failure to report discrimination and rights violations makes it more difficult to measure the impact of discrimination on the recognition of human rights, identify groups at greater risk, and determine where most of these cases occur and who is perpetrating the discrimination. Without reports, it is also difficult to highlight and raise awareness of the violations that people suffer and to establish measures to prevent and eradicate these situations.

3.1

Board of Organisations with Care Services for Victims of Discrimination

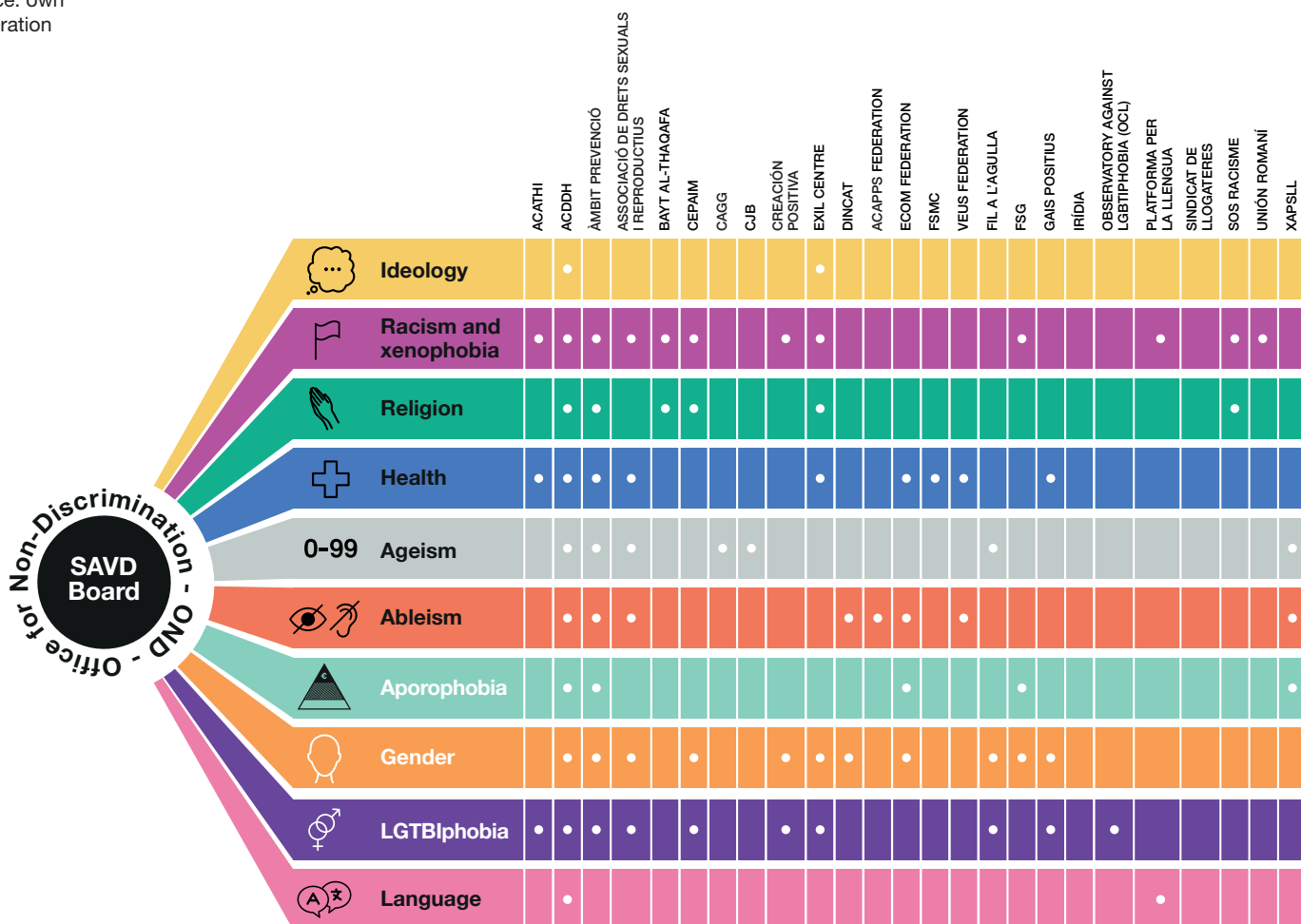
The **Board of Organisations with Care Services for Victims of Discrimination (SAVD)** was created in October 2017 as a result of joint work for the defence of rights and the fight against discrimination being carried out by Barcelona City Council (through the OND) and community organisations in the city that support victims of discrimination. **The SAVD Board has been growing and is currently made up of the OND and 25 organisations:** ACATHI, Catalan Association for the Defence of Human Rights (ACDDH), Bayt al-Thaqafa, Cepaim, Barcelona Youth Council (CJB), Creación Positiva, Dincat, Exil, ECOM Federation, Salut Mental Catalunya Federation (FSMC), Veus Federation, Fil a l'Agulla, Secretariado Gitano Foundation (FSG), Gais Positius, Irídia, Observatory against LGBTIphobia (OCH), Plataforma per la Llengua, Support Network for the Homeless (XAPSLL), Sindicat de Llogateres, SOS Racisme Catalunya, Unió Romani, ACCAPS, Àmbit Prevenció, Advisory Council for the Elderly (CAGG) and Associació de Drets Sexuals i Reproductius.

Each organisation works and takes action to defend the human rights of specific groups in the city, and they have experience in dealing with cases involving more than one form of discrimination, as shown in **Infographic 2**.

The goals of the **SAVD Board** are as follows:

Infographic 2 – Forms of discrimination addressed by the OND and the SAVD Board

Source: own elaboration



* In the infographic only the main axes of work of the different entities of the Board are shown; the OND has been placed in the middle since they work transversally all the axes of discrimination.

** Some entities of the Board do not work according to axes of discrimination but rather focus on certain areas, as for example **Sindicat de Llogateres**, that specialises in discrimination in the field of housing; or on the agent who exercises discrimination, as would be the case of **Irídia**, that works in the field of institutional violence.

- Share information on victim care services, working methods and referral protocols within an action framework **focused on rights, gender** and **intersectionality**. There are currently two protocols in place: the municipal protocol against LGBTIphobia and the action protocol against **racist** discrimination.¹⁰
- To draw up a joint X-ray of the city, by means of an annual report, showing the reality of discrimination.
- Strengthen capacities in the defence of human rights through training processes for organisations. The **CRDH** and the **OND** provide general training on discrimination for professionals and users of community organisations, as well as specialised training on equal treatment and non-discrimination.

Veus Federation

Our participation in the **SAVD Board**, firstly, allows us to give visibility to multiple situations of discrimination faced by the people who are linked to or frequent our service. Secondly, it allows us to share and work together to improve the discriminatory situations that often occur in the public administration and which lead to institutional violence. The organisations are, in short, the point of entry and listening for these situations and the defenders of the rights of the people affected by discrimination.

Each organisation assists people who have experienced discrimination by providing psychological, socio-educational, psychosocial and legal counselling or by carrying out public advocacy, among other services, depending on its background and capacity (see **Infographic 3**). They keep an annual record of the cases that occur in the city, which are accounted for in this report.

XAPSELL

The incorporation of the **XAPSELL** into the **SAVD Board** has led to increased teamwork and mutual enrichment. It has generated more complicity and has broadened the view on preventing and combating discrimination.

It has also served to raise awareness of **aporophobia** as an area of discrimination among other services and entities not linked to homelessness.

Finally, it has helped to publicise through the **OND** and the Report on Discrimination the work carried out by all the XAPSELL organisations and their commitment to preventing and eradicating aporophobia in Barcelona.

¹⁰ Protocol of actions in situations of discrimination due to LGBTIphobia. Available from: http://observatori.cat/wp-content/uploads/2020/05/protocol_lgtbiphobia_FINAL.pdf

Protocol of actions in situations of discrimination due to racism. Available from: <https://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/PROTOCOL%20racisme%20BCN-DEFINITIU.pdf>

Infographic 3 – Support and response services provided by the OND and the SAVD Board organisations

Source: own elaboration

Organisations	Support and assistance									Report	
	Psychological	Psychosocial	Socio-educational	Legal guidance	Public advocacy	Intermediation	Conciliation	Mediation	Referral to a specialized organization	ADMINISTRATIVE	PENAL
OND	●	●	●	●	●	●	●	●	●	●	
ACATHI	●	●	●		●				●		
ACDDH				●	●				●	●	●
ÀMBIT PREVENCIÓ	●	●	●	●	●				●		
ASSOCIACIÓ DE DRETS SEXUALS I REPRODUCTIUS	●	●	●		●				●	●	
BAYT AL-THAQAFI	●	●		●	●	●		●	●		
CEPAIM			●	●	●			●	●	●	
CAGG					●				●		
CJB					●						
CREACIÓ POSITIVA					●						
DINCAT		●	●	●	●						
EXIL CENTRE	●	●	●						●		
ACAPPS			●		●	●			●	●	
ECOM FEDERATION		●		●	●	●			●	●	
FSMC		●		●	●				●		
VEUS FEDERATION		●			●						
FIL A L'AGULLA	●		●		●				●		
FSG		●	●	●	●		●		●		
GAIS POSITIUS	●	●		●					●	●	
IRÍDIA		●		●	●				●		●
OBSERVATORY AGAINST LGBTIPHOBIA (OCL)	●	●		●	●	●			●	●	●
PLATAFORMA PER LA LLENGÜA	●	●		●	●	●		●	●	●	●
SINDICAT DE LLOGATERES		●	●	●	●				●		
SOS RACISME		●		●	●	●				●	●
UNIÓ ROMANÍ		●		●	●						
XAPSELL	●	●	●	●	●			●	●	●	●

The importance of reporting and OND action

The **Office for Non-Discrimination (OND)** is the municipal service focused on addressing human rights violations related to the different forms of discrimination. It provides support and advice to victims, mediates, seeks sanctions and carries out dissemination, training and awareness-raising work related to the rights and recognised obligations in the city.

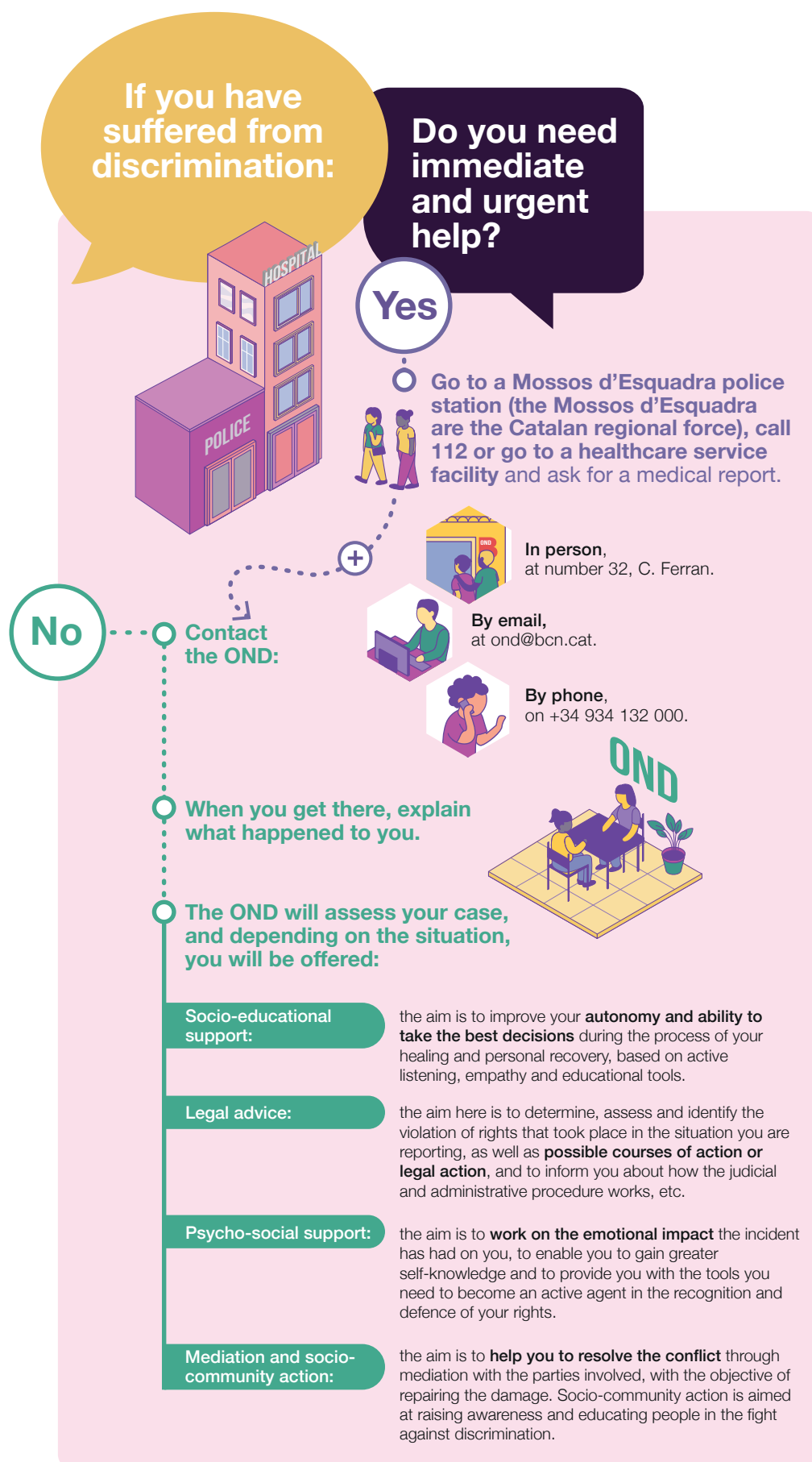
The **OND** adopts an intersectional perspective and **rights-based approach** to dealing with cases of discrimination and is made up of professionals from the fields of social education, social work, psychology, law and mediation who are trained in human rights and experienced in intervention, counselling and support for discriminated persons. It also works with other government services, rights advocacy organisations and the general public.

The **OND's** work is structured around two main areas: **prevention and guarantees**. In terms of prevention, it aims to stimulate socio-educational work to promote, disseminate and raise awareness of rights, in coordination with other services of the **City Council and the Centre for Human Rights Resources**. Its guaranteed work includes care, assistance, analysis and guidance in cases of discrimination, with the aim of protecting and supporting victims; and reconciliation, intermediation and mediation, as alternatives to punitive measures, to resolve conflicts between individuals, organisations or companies, and government institutions.

For both prevention and guarantee work, reporting and resolving cases of discrimination can lead to profound change and transformation. They make it possible to identify where, how, by whom and against whom discrimination is perpetrated in the city. This information is key to designing policies and measures aimed at eradicating this problem, as is the case of the two protocols for action in situations of discrimination on the grounds of **LGBTIphobia** and racism. **Infographic 4** shows the **OND's** casework cycle in cases of discrimination.

Infographic – OND casework cycle in cases of discrimination

Source: own elaboration



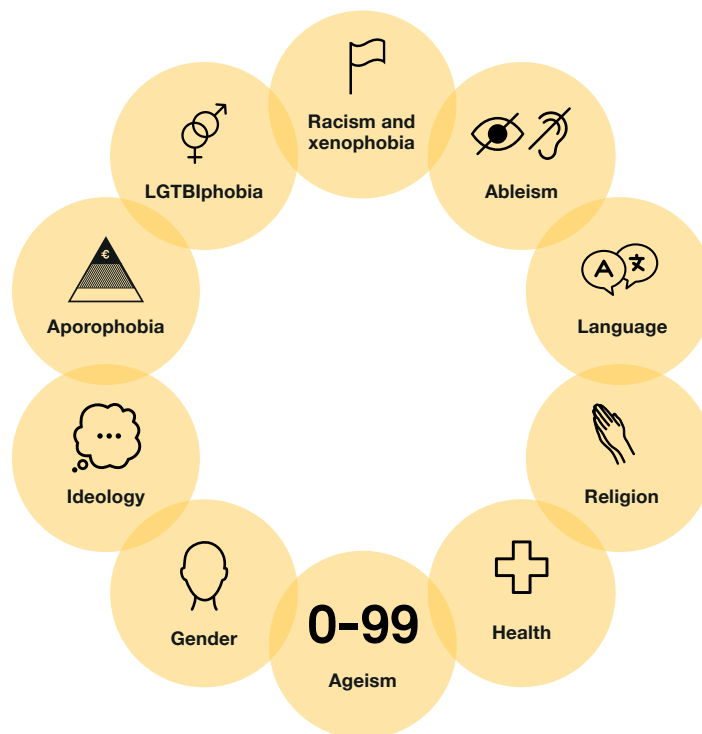
3.3 Categories analysed

The information gathering and analysis process of the Observatory's report is organised into the following categories:

- 1 **Who is being discriminated against?** Understanding the profile of victims of discrimination is key to better target anti-discrimination prevention measures, implement **positive action** measures and raise public awareness about the population groups most exposed to discrimination. Three basic pieces of information are collected: the **gender**, age and the **administrative situation** of the **person affected by discrimination**.¹¹
- 2 **What is the reason for discrimination?** The Observatory analyses ten axes or grounds for discrimination,¹² taking into account the protected categories recognised in various human rights instruments (**see figure 1**). Some axes are subcategories to highlight the causes of discriminatory attitudes and which groups are most affected by this problem, in order to promote positive measures to safeguard their rights.

Figure 1 – Forms of discrimination

Source: own elaboration



- 3 **What types of discrimination are there?** These are the actions that discriminate and refer to the types of discrimination: direct and indirect. They are explained through a series of indicators (**Figure 2 and Figure 3**) to identify how the discrimination has been manifested. By highlighting the discriminatory action, it is possible to assess the level of severity of the discriminatory situation to which people are exposed.

11 These are people who, either individually or collectively, have suffered affronts to their dignity and even physical injuries, emotional suffering or a substantial undermining of their fundamental rights as a consequence of discriminatory acts.

12 The detailed explanation of the meaning of each discrimination axis is further developed in the glossary of the report.

Direct discrimination refers to the **different treatment of people in similar situations.**

**Figure 2 –
Direct
discrimination**

Source: own
elaboration

Differentiating treatment	Actions that, based on identifying one (or several) personal characteristic(s), result in different treatment, which is due to prejudices, stereotypes and stigmas held about one person with respect to another(s) in the same situation.
Discrimination by association	When a person or group, on account of their relationship with another person from the protected groups, is subjected to discriminatory treatment.
Discrimination by mistake	When a person or group is subjected to discriminatory treatment because of an incorrect perception of them.
Exclusionary treatment	Actions which, based on the identification of one (or several) personal characteristic(s), leave the person with these characteristics unable to exercise a right.
Restrictive treatment	Actions which, based on the identification of one (or several) personal characteristic(s), allow the exercise of a right limited to the person who has these characteristics.
Preferential treatment	Actions which, based on the identification of one (or several) personal characteristic(s), give priority to a person who is not the one with these characteristics.
Verbal aggression	Discriminatory actions that are expressed through insults, threats or degrading oral behaviour.
Physical aggression	Discriminatory actions expressed through physical violence of all kinds.
Vandalism	Any damage to public or private property specifically targeted against any of the groups included in the internationally protected categories.
Institutional violence	Discriminatory action, whether physical, verbal or economic, exercised by agents and officials of the State while performing their duties. Furthermore, the action exercised by agents of private entities and companies when they act through the delegation of functions that fall within public competence (e.g. private security in the metro). This can also be norms, protocols, institutional practices, neglect and deprivations that violate the rights of an individual or group of people (which would be defined as indirect discrimination).
Discriminatory and hate speech	Encouragement, promotion or instigation of discriminatory or hate messages, which seek to humiliate or disparage a person or group of persons, as well as to harass, discredit, disseminate negative stereotypes , stigmatise or threaten for any of the reasons listed in the ten axes of discrimination. These discourses, which can be oral, written and audiovisual, are transmitted through the media, social networks or publications of all kinds.

Indirect discrimination occurs when people with different characteristics or situations are treated in the same way, causing a disproportionately negative effect on a group, because their specific realities are not taken into account, putting them at a disadvantage. These are requirements or conditions set by laws, policies, advertisements and offers that some people will not be able to meet, or will be prevented from complying with, due to their personal characteristics. For the analysis of indirect discrimination, the Observatory identifies advertisements, laws, media, offers, public policies and social networks.

Figure 3 – Indirect discrimination

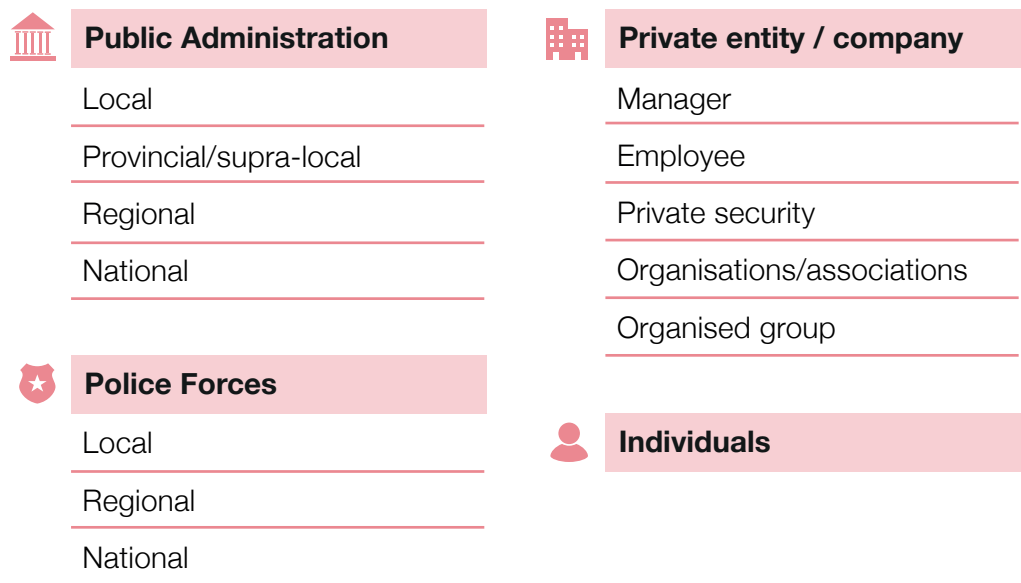
Source: own elaboration



- 4 **¿Who discriminates?** The four main discriminating agents analysed are public administrations, police forces, private entities or companies and individuals. Knowing which actors discriminate makes it possible to carry out capacity-building processes to protect and guarantee rights in their spheres of action. The first three categories have subcategories, as can be seen in Figure 4.

Figure 4 – Perpetrators of discrimination

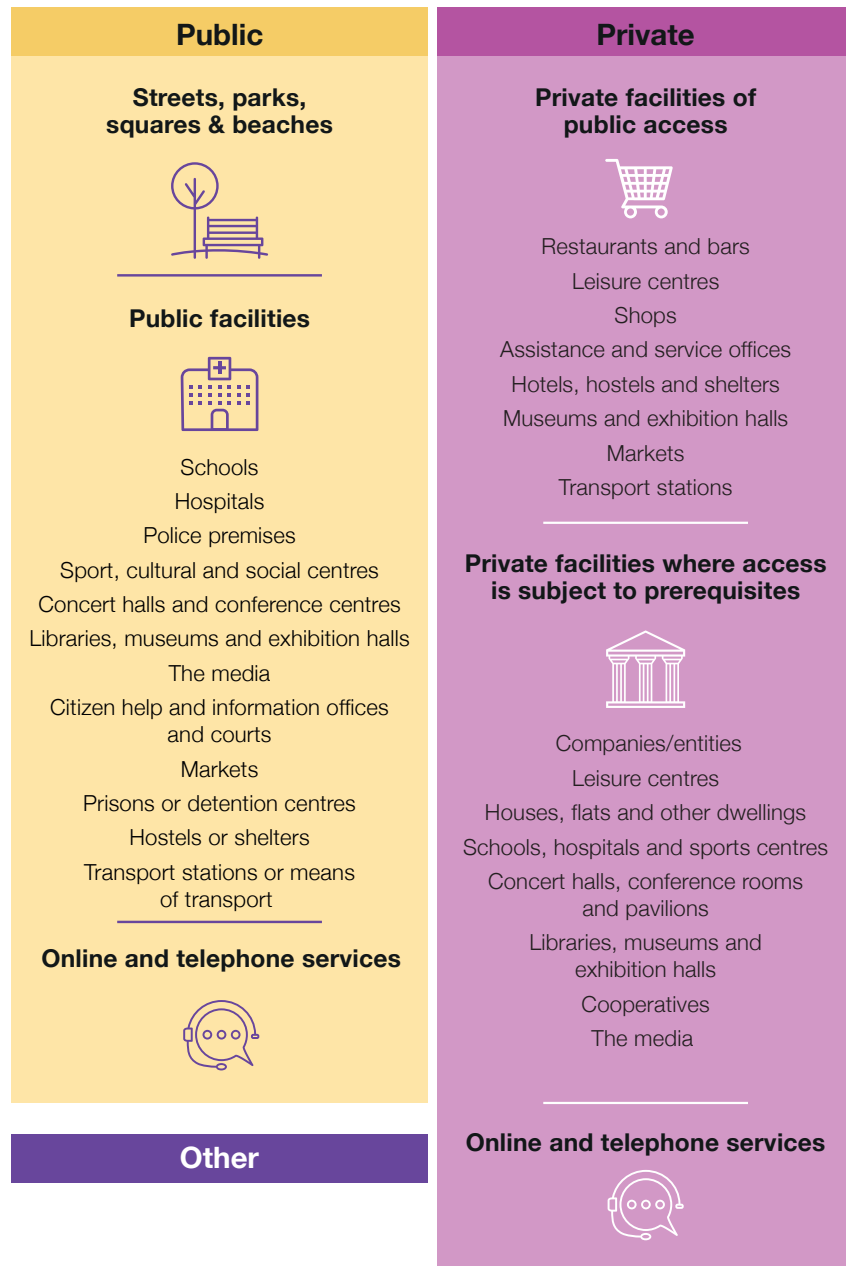
Source: own elaboration



5 Where does discrimination occur? The Observatory identifies public space and private space differently and, in each case, categorises several areas. Identifying where discrimination takes place is fundamental for territorial work with citizens (Figure 5).

**Figure 5 –
Places where
discrimination
occurs**

Source: own
elaboration



- 6 **What rights are being violated?** The Observatory identifies whether discrimination has led to the violation of one or more human rights from a perspective of **citizens' rights**. Based on the experience of the organisations that make up the **SAVD Board**, certain rights have been categorised, as shown in Figure 6.

**Figure 6 –
Some of the rights
violated**

Source: own
elaboration



- 7 **What responses were provided to victims and what was the outcome?** This category shows the support, assistance and formal complaints undertaken by the **OND** and the entities of the **SAVD Board**, as well as the results obtained from this process, primarily to identify whether the right of access to justice for affected persons is guaranteed, both in the formal and alternative spheres, in order to redress the harm (see Figure 7). The organisations of the **SAVD Board**, despite carrying out an initial registration and initial assessment of the situations, do not necessarily have legal or psychological teams to provide more specialised care. They often carry out **coordination and referral actions** by accompanying victims to organisations that have the resources and can, for example, take on their legal defence.

**Figure 7 –
Types of responses
to discrimination**

Source: own
elaboration



In order to better understand the support and assistance activities, these are explained on the basis of the experience gained by the organisations of the **SAVD Board** and the **OND**:

- **Socio-educational:** this is a comprehensive action with the person where the defence of rights based on the Universal Declaration of Human Rights is promoted with a focus on values that include interculturality, education as a tool for social transformation, coexistence in harmony with people and the environment, social justice, the principle of equality and democratic values.
- **Psychosocial care:** this consists of the assessment of the psychological or mental health aspects present in the different specific situations of vulnerability of the people assisted due to discrimination. An individualised care work plan agreed with the person affected by discrimination is implemented, which in no case should involve psychological therapy, but rather work based on psycho-educational support, empowerment and attention aimed at counteracting the stigmatisation of the person.
- **Coordination and referral:** when the response to a situation of discrimination is multi-sectoral, i.e. there is coordination between various agents/entities involved in overcoming a discriminatory situation and the situation is referred to an entity that can provide a more effective response to the person. This action is normally carried out by the entities of the **SAVD Board**.
- **Mediation process:** when it is detected that the situation is discriminatory, an alternative management of the conflict can be carried out in parallel to other actions and after reaching an agreement with the affected person. Alternative conflict management entails a different position from which an attempt is made to find a solution to the discriminatory situation.
- **Incident policy:** defined as duly planned action to achieve the establishment, reform or implementation of public policies, legislation and programmes aimed at solving problems related to discrimination affecting economic sectors or groups of the population.
- **Legal counselling:** provided by lawyers specialised in discrimination and the defence of human rights who study the case and detect/assess/identify: (i) the reason for the discrimination, (ii) the fundamental right(s) that have been violated, and (iii) the possible avenues of action or legal action.

Whistleblowing actions are implemented in the legal sphere to denounce discriminatory acts, offering support and legal assistance to the affected person before the Courts. The **administrative complaint** involves complaints and claims before different administrative authorities by the affected person in cases that may constitute an administrative violation or the invocation of the sanctioning capacity of the City Council itself or other Administrations, as well as different control mechanisms of the Administration (Catalan Ombudsman's Office, Barcelona Ombudsman's Office, UDAI [Internal Affairs Ethics Unit] of the GUB [Barcelona local police], Internal Affairs of the CME [Catalan police force], etc.). The **criminal complaint** is filed in cases that constitute a crime, or the recommendation to the City Council to file a public accusation, and direct coordination with the police forces in their specific divisions for the subject matter, as well as with the specialised public prosecutor's office for hate crimes and discrimination. **Public complaints** are made about a specific situation in order to trigger a complaint to the media and competent authorities to put pressure on them to speed up the investigation and legal process.

In conclusion, there are seven main categories which, by way of questions and from a pedagogical perspective, are analysed in the quantitative and qualitative data processing process of the Observatory. This methodological process considers that the analysis of discrimination is a fundamental tool to contribute to making Barcelona a city of rights.

4 Discrimination in Barcelona

Subsection 4.1 includes data from the 2022-2023 Biennial Survey on Neighbourhood Relations and Coexistence in the Barcelona Metropolitan Area (ECAMB), which aims to gather information on the state of neighbourhood relations and coexistence in metropolitan neighbourhoods. In the 2022 report, we shared a preview, and this report provides additional data from the final results published in November 2023.

Sub-section 4.2 provides a detailed analysis of the situations of discrimination dealt with in 2023 by **Barcelona City Council's Office for Non-Discrimination** and the organisations in the **SAVD Board**. Information provided by other services of the City Council is also shared in relation to the **gender** discrimination axis.

Lastly, sub-section 4.3 presents a monographic analysis of the impact of discrimination on people's mental health with a view to highlighting its consequences on the emotional lives of those affected, through the trauma of having suffered discrimination.

4.1

Perception and experience of discrimination in neighbourhoods (ECAMB)

The biennial survey (2022-2023) on Neighbourhood Relations and Coexistence in the Metropolitan Area of Barcelona (ECAMB), applied to a total of 3,180 people (1,325 of whom live in the city of Barcelona), shows that **Barcelona accounted for 31% of the overall discrimination rate, which is the highest percentage of the rest of the cities in the entire metropolitan area.** It indicates that the three main causes of discrimination in the city were for being a woman (17.1%), for using a language (15.1%) and for their political views (11.1%). It also shows that more than 50% of people were affected by **multiple discrimination**. As for the place where the discriminatory situation occurred, 40.6% indicated the neighbourhood and 41.3% the rest of the city.

Specifically, the survey reveals the three places where discrimination occurred most frequently. **Graph 1** shows that **streets, squares and parks (30.4%)** come first, **work and education (19.9%)** second, and **shops and commercial establishments (14.2%)** third.

Graph 1 – Specific place where discrimination occurs

Source: : ECAMB 2022-2023.
Carried out by: Metròpoli Institute

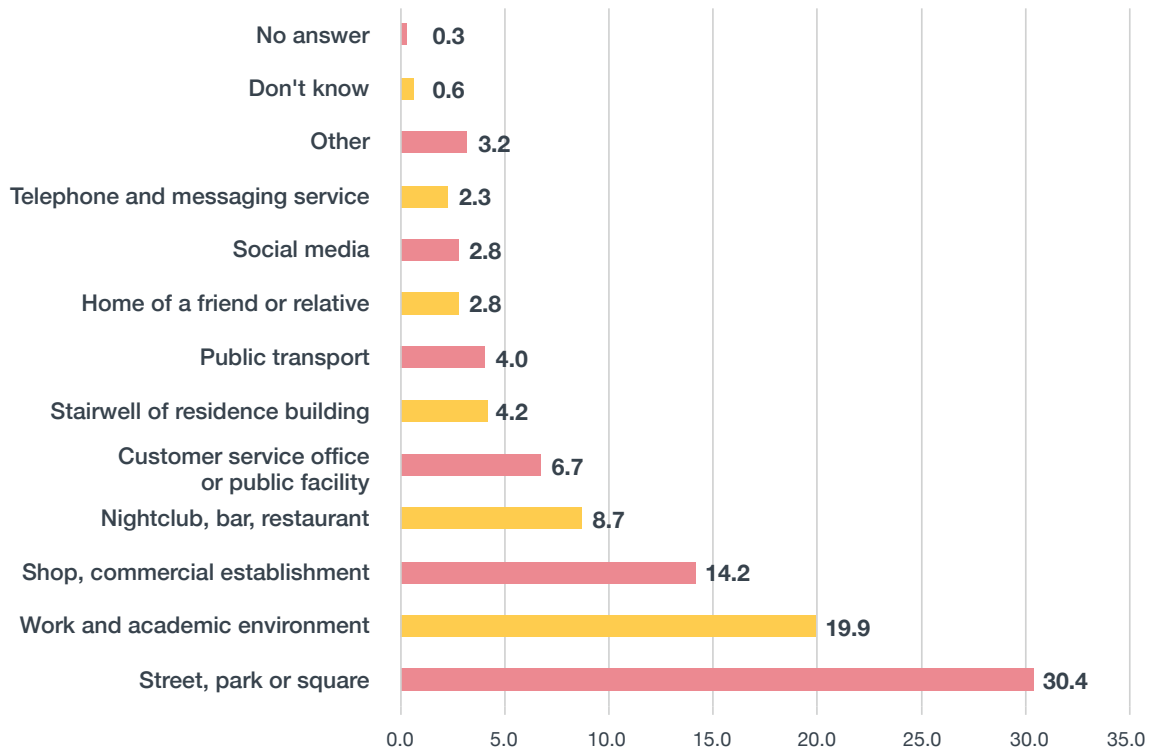


Table 1 shows that the most frequent discriminatory action is different treatment, with discrimination on the grounds of **ethnicity (75.4%)**, **sexual orientation (66.9%)**, **age (62.3%)**, **political beliefs (56.9%)** and **illness (56.2%)**. In terms of **insults and threats**, discrimination on the grounds of **sexual orientation (66.9%)**, **ethnicity (33.1%)**, **religion (32.2%)** and **being a woman (20.1%)** is most common. The action of **impeding and denying access** is mostly linked to **grounds of age (23.9%)**, while **defamation/public humiliation** is more present on **grounds of religion (22.2%)** and **sexual orientation (22%)**.

**Table 1 –
Type of discriminatory act and grounds for discrimination**

Source: ECAMB
2022-2023.
Carried out by:
Metropolis Institute

Type of discrimination and grounds for discrimination	Female	Language	Political beliefs	Ethnicity	Age	Religion	Illness	Sexual orientation	Other
Physical aggression	3.7		1.4	7.5			2.6		
Public defamation/humiliation	16.4	5.2	10.4	13.7	5.7	22.2	10.0	22.0	38.5
Preventing access/denying access	6.9	6.0		9.3	23.9		17.7		10.6
Insult/threat	20.1	6.6	17.2	33.1	1.9	32.2	16.4	66.9	14.9
Different treatment	52.6	49.5	56.9	75.4	62.3	50.4	56.2	15.9	44.2
Damage to personal belongings				4.0			2.6		
Other	25.0	44.5	21.2	6.9	19.6	29.7	26.7	17.5	22.8

According to the respondents, in **Table 2**, the discriminating agents are **unknown persons** on the grounds of **sexual orientation (55.7%)**, **religion (35.7%)** and **being a woman (31.9%)**. Secondly, they are **workers in private companies or establishments due to the use of a language (35.8%)**, **age (35.1%)**, **ethnicity (24.8%)** and **illness (22.8%)**. Thirdly, **people in their personal environment** in situations of **discrimination on the grounds of religion (27%)** and **political beliefs (23.3%)**. In fourth place, **people in the workplace** are reported to be discriminated against **because they are women (20.4%)** and **because of their age (23%)**. Finally, **neighbourhood residents** in discrimination **based on ethnicity (17.9%)**, **religion (18%)** and **illness (16.2%)**.

In recent years, there has been growing concern about the impact of discrimination on people's mental health, a factor that has been overlooked in the consequences generated by discrimination. The Discrimination Observatory has prepared a monograph on this issue in this report, which is presented in section 4.3. It is worth noting that in the latest ECAM report, one of the pieces of information analysed is related to the degree of emotional impact caused by discrimination. **Table 3** measures the degree of emotional distress on a scale of 0 to 10 and shows that the highest indication of **distress (10 on the scale)** is linked to **discrimination on the grounds of ethnicity, with 30.6%**. Discrimination **on the grounds of illness (32.1%)**, **being a woman (21.4%)**, **age (18.3%)** and **language (17.4%)** have the highest rates on **8 on the scale of emotional impact**. In the degree of affectation placed at 7 on the scale, there are high rates linked to **religious grounds (21.9%)** and **political ideas (21.2%)**. And at 5 on the scale of emotional affectation, the reason for **sexual orientation is the highest, with 19.6%**.

**Table 2 –
Discriminating
agent and
grounds for
discrimination**

Source: ECAMB
2022-2023.
Carried out by:
Metrópoli Institute

Discriminating agent and grounds for discrimination	Female	Language	Political beliefs	Ethnicity	Age	Religion	Illness	Sexual orientation	Other
Family member	2.5	1.1	9.4	2.2	3.9		5.3	11.0	7.8
Neighbour in the building	2.6	1.6		5.2			3.8		
Neighbour from the area	16.7	14.5	14.1	17.9	5.5	18.0	16.2	20.8	11.6
Security forces	0.7	2.3	2.9	9.4					
Private security employee		0.6							
Public service employee	3.2	4.2	6.7	6.0	6.5		9.9		10.6
Public administration employee		7.7	1.8	4.5			9.4		8.8
Employee of a private company or establishment	14.6	35.8	7.0	24.8	35.1		22.8		16.2
Stranger	31.9	12.1	21.3	13.2	12.1	35.7	13.2	55.7	9.4
Work environment	20.4	9.7	7.9	7.7	23.0		2.5	12.5	17.9
Academic environment						10.5			4.6
Personal environment	5.3	7.0	23.3	5.2	2.8	27.0	5.7		13.0
Other	0.8	1.3	2.1	3.9	4.7				
Don't know	1.3	1.3			6.4	8.9			
No answer		0.8	3.4				11.2		

Table 3 – Emotional impact and grounds for discrimination

Source: ECAMB 2022-2023.
Carried out by: Metròpoli Institute

Emotional impact (0-10 scale)	Female	Language	Political beliefs	Ethnicity	Age	Religion	Illness	Sexual orientation	Other
0	2.2	16.3	21.8	9.3	8.1	50.8	3.8	18.2	5.8
1	1.3	2.8	3.5		6.7			10.4	
2	7.5	6.7	5.5	3.9	7.2				
3	2.8	5.7	9.7	6.1	11.5			17.6	4.6
4	12.8		6.0	6.4	9.5	10.5		6.4	2.3
5	11.2	14.5	13.5	9.5	13.4	12.3	9.8	19.6	26.4
6	14.2	5.2	7.0	1.7				6.3	12.7
7	15.4	8.4	21.2	4.7	3.8	21.9	15.3	12.5	8.7
8	21.4	17.4	3.5	20.6	18.3	4.4	32.1	4.3	4.2
9	4.8	7.5		7.2	7.2		10.9	4.6	8.7
10	6.4	14.7	8.2	30.6	14.3		28.1		26.5

Table 4 shows to whom the discriminatory event was reported, according to the reason for discrimination. It can be seen that the majority of respondents decided to report it to a family member on all grounds of discrimination. In addition, very low trust is identified in the police or the courts and in government services, as well as in social institutions. There are also moderately high indicators of not communicating the discriminatory situation to anyone. Underlying this data is the situation of **under-reporting** that, for example, the **OND** and the **SAVD Board** identify during their intervention and registration activities: fear of reporting, mistrust that their story will not be heard or validated, or simply because there is a normalisation of discrimination that leads to it being accepted as an everyday situation.

Table 4 – Reporting of the events and grounds for discrimination

Source: ECAMB 2022-2023.
Carried out by: Metròpoli Institute

Reporting of the events / grounds for discrimination	Female	Language	Political beliefs	Ethnicity	Age	Religion	Illness	Sexual orientation	Other
Not reported	13.7	30.02	22.4	28.8	21	42.6	19.8	6.4	11.2
Social organisation				1.2			1.9	4.1	
Family member	79.4	59.2	69.7	61.2	74.2	48.5	76.4	89.6	69.5
Courts	2.6	2.7		4.5			9.9	4.1	
Public administration service	0.9	4.2	2.8		7.8		5.5		
Other	13.0	8.8	7.0	14.0	13.1	20.2	10.2		22.0
DK/NA		0.8	2.5	1.3					8.4

(*) The % do not add up to 100 because multiple responses are allowed

When asked about the reason for not reporting the discriminatory event linked to a type of discrimination, **Table 5** shows that the majority of people consider it to be of **little importance**, especially those affected because of their **sexual orientation (100%)**, **political beliefs (82.3%)**, **religion (76.6%)**, **age (69.8%)**, **being a woman (59.3%)** and **use of language (48.8%)**. They also report that it is of **no use**, especially in situations linked to **sexual orientation (100%)**, **illness (71.8%)**, **age (46.1%)** and **ethnicity (36.9%)**. These data reveal that there is still a lack of knowledge and information on where to go to report discrimination, and that awareness of discrimination is assumed to be of little importance. There is also the prevailing idea that, in the absence of evidence, it is better not to inform or report, thereby losing the opportunity to receive psychological counselling or other types of support.

**Table 5 –
Did not report
the events
and grounds for
discrimination**

Source: ECAMB
2022-2023.
Carried out by:
Metropolis Institute

Did not report the events and grounds for discrimination	Female	Language	Political beliefs	Ethnicity	Age	Religion	Illness	Sexual orientation	Other
Lack of evidence	16.7	7.8		10.0	15.8		19.0		
Didn't know where to go		4.3		27.5	15.8				
Why bother?	35.7	36.7	18.0	36.9	46.1		71.8	100.0	48.0
Unimportant	59.3	48.8	82.3	32.7	69.8	76.6	47.2	100.0	52.0
Other	17.9	14.1	5.5	12.9		23.4			

(*) The % do not total 100 because multiple responses are allowed.

4.2 Discriminaciones reportadas en Barcelona durante el 2023 (OND / Board of Organisations with Care Services for Victims of Discrimination)

The following is an analysis of the information derived from the situations of discrimination that occurred during 2023, reported by the people directly affected and attended by the **OND** and the organisations of the **SAVD Board**; all of which are related to the ten axes of discrimination examined by the Observatory. The data processing is qualitative, as its volume does not allow for statistical analysis, but it is valuable information that examines the causes of discrimination, how it is expressed, who the discriminating agents are, where it happened, what rights are violated and what prevention actions are carried out.

The analysis provided by the **OND** and the **SAVD Board**, through their experience of direct assistance and preventive action, is conducted from a **rights-based approach** and an intersectional perspective. The Observatory recognises affected people as **rights-holders** who are impacted by structural oppressions in a given context, placing them in a position of “powerlessness” and in a condition of inequality and discrimination.

This report aims to understand the cause, extent, evolution, nature and effects of discrimination, as stated in Article 30 on statistics and studies of the Law 19/20 on equal treatment and non-discrimination.

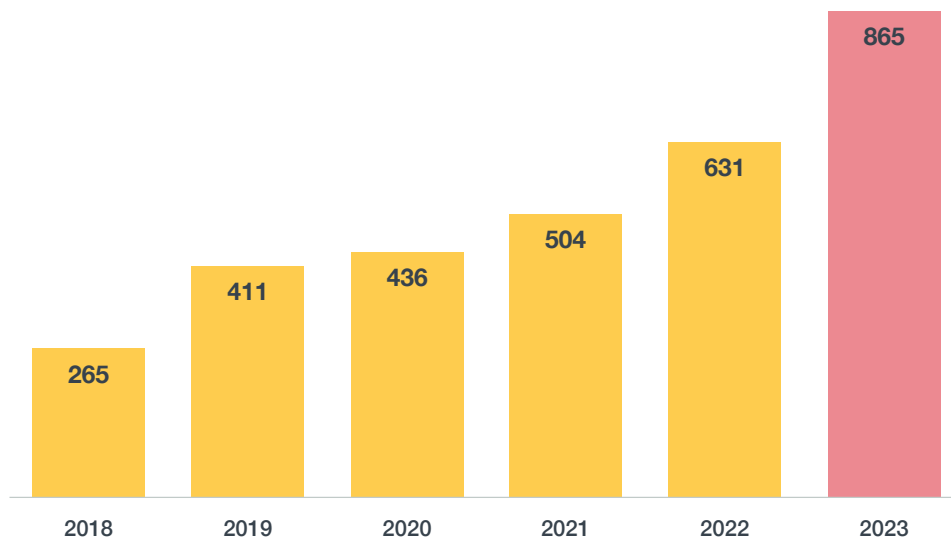
In order to interpret the data according to the Observatory’s methodology, as explained in Section 3, the following questions were answered as guiding themes of the analysis:

- 1 Who is discriminated against?**
- 2 On what grounds?**
- 3 How does discrimination manifest?**
- 4 Who discriminates?**
- 5 Where does discrimination occur?**
- 6 What rights were violated?**
- 7 What answers have been provided and with what result?**

During 2023, **865 situations of discrimination were recorded**, which is **234 more than in 2022**, the highest year-on-year increase ever recorded by the Observatory, as shown in **Graph 2**. The evolution of the situations of discrimination dealt with between 2018 and 2023 shows how awareness-raising and sensitisation actions, together with prevention and care, promote higher rates of reporting. What is significant about this information is that it can facilitate the elaboration of more focused local measures that allow for coordinated action among actors, timely attention, channelling of complaints, and ensuring the protection of human rights in the city.

Graph 2 – Evolution of the report of situations of discrimination, 2019-2023

Source: OND and SAVD Board, 2023



The **Bayt al-Thaqafa Foundation** considers that the task of registration and assistance is a fundamental tool to overcome the under-reporting that still persists among the population most exposed to this phenomenon. It points out that under-reporting is entrenched due to “fear and mistrust of any reporting action, since the **discriminating agent** represents a figure of power (social services, security forces, lawyers/officials, companies, etc.)”. It also argues that there is a need to ensure safe reporting channels.

Local anti-discrimination measures promoted by the City Council, according to the **OND**, have led to an increase in reported discrimination. “It is essential to continue with preventive action and to protect human rights and to stop normalising discrimination in the daily life of the city, as well as to promote the reporting and punishment of those who discriminate”.

4.2.1

Who is discriminated against?

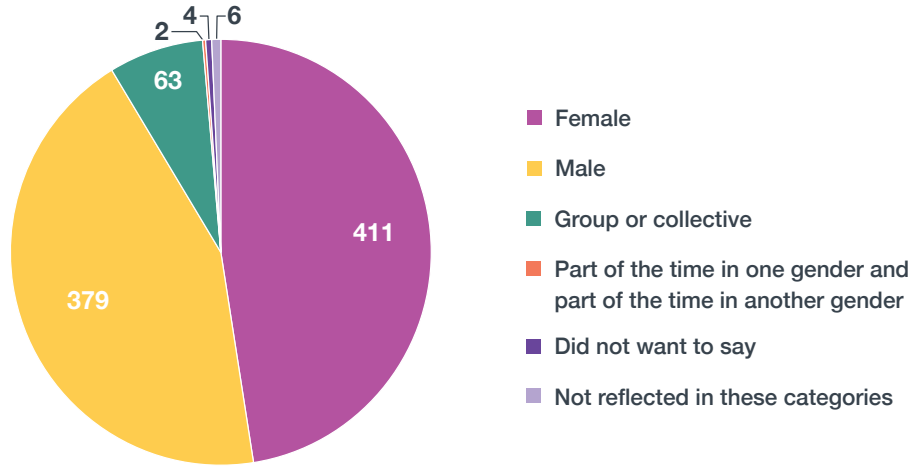
In 2023, 411 women were affected by discrimination. The most affected age group is between 40 and 64 years old and 80% of the discriminated persons are in a regularised administrative situation.

Graph 3 shows a record of **411 situations of discrimination that affected women**, compared to **379 situations towards men**. The number of situations involving women increased by 212 more, and in the case of men, by 75 more than in 2022. There are also 63 situations that have had an impact on a group, in which the gender cannot be identified, as they are usually in circumstances where the type of discrimination is **hate speech** and indirect (through regulations) or vandalism.

It can be seen that in 2023 female-identified persons have reported more than male-identified persons, in contrast to 2022. The data complement information on the cases addressed by the City Council’s services specialising in **gender violence**, which will be presented later.

Graph 3 – Discrimination and gender

Source: OND and SAVD Board, 2023



Graph 4 shows data relating to the age of the persons discriminated against. The number of registrations is highest in the 40-64 age group (304), followed by the 25-39 age group (277). In contrast to 2022, the 15-24 age group increased from 65 reports to 141, the over 65 age group increased from 28 to 41 and the group or collective age group increased from 33 to 57. The increase in the recorded victims by age was significant in 2023. Especially in the 15-24 age group, as the **SAVD Board** entities are increasingly acting in an intergenerational manner to raise awareness and sensitise against discrimination. Another aspect to be highlighted and which partly explains under-reporting, according to the **SAVD Board**, is that the awareness to report could be related to the “maturity age”: a person decides to report or defend their rights depending on their life stage.

Graph 4 – Discrimination and age

Source: OND and SAVD Board, 2023

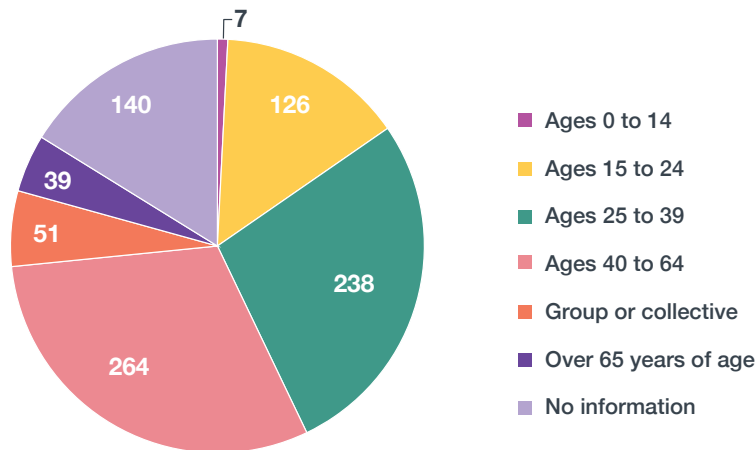


Table 6 reveals that **691 people who reported discrimination in 2023 are Spanish** or in a regularised **administrative situation**, **58 are unregularised**, **14 are asylum seekers**, and 1 is a refugee. In contrast to 2022, there is an increase of 20 persons in a non-regularised administrative situation who have filed a complaint. According to the entities of the **SAVD Board**, people in a non-regularised administrative situation are hesitant to file a complaint, as they do not have an identity number for foreign nationals or a Spanish national identity document and feel that they risk making their situation worse. This is the main reason why under-reporting is prevalent in this population group. They also argue that the normalisation of discrimination persists despite the awareness that any discriminatory act is to be condemned, because the people affected assume with resignation that this reality is part of their context and because they experience social indifference or inaction by the public administration. Part of this is reflected in the Barcelona City Council's **Care Service for Immigrants, Emigrants and Refugees (SAIER)** which, in 2023, attended to 21,181 people, 37% of whom were in a non-regularised administrative situation. They indicate that 60% of the more than 900 complaints received by this service referred to social care provided, lack of response to social demands, disagreements with treatment received and lack of resources for vulnerable people.

Table 6 – Discrimination and administrative status

Source: OND and SAVD Board, 2023

Administrative status	N
Regularised (DNI, NIE)	691
Administrative status not regularised	58
Asylum	14
Refugee	1
No information	101
Total	865

Article 22 of Law 19/2020 on equal treatment and non-discrimination states that public administrations must take measures to protect against discrimination. They have to apply the necessary methods and tools to detect discriminatory situations and protect victims of discrimination. In addition, they must take preventive measures and implement appropriate measures to put an end to these situations. In this sense, it is necessary to gather information on the profile of the people affected, not only to show who they are, but also to establish **positive action** measures to prevent discrimination against these segments of the population.

What are the grounds of discrimination?

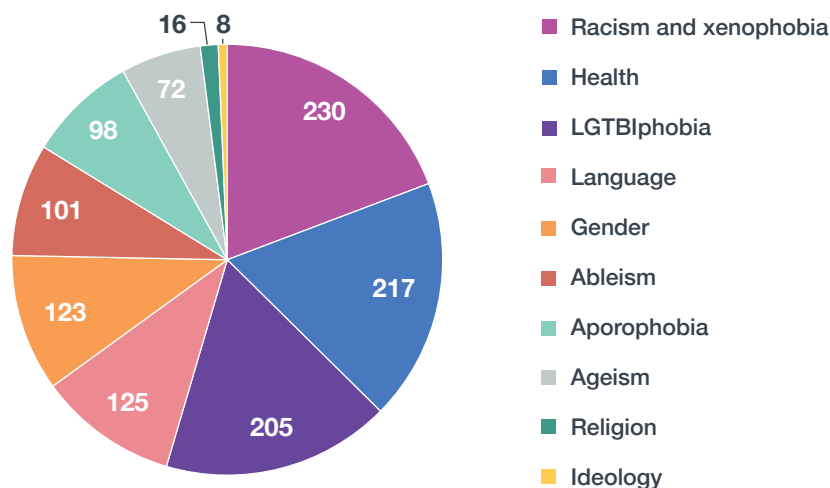
During 2023, **racism and xenophobia (230)** continues to be the most reported reason for discrimination, followed by **health (217)** and **LGTBIphobia (205)**.

The number of complaints registered on the grounds of **language (125)**, **gender (123)**, **ableism (101)** and **aporophobia (98)** increased compared to 2022. Significantly, **ageism recorded 72 incidents, whereas in 2022, only six were identified**. The number of complaints registered due to by religion (16) and ideology (8) decreased. The data in **Graph 5** refers to the total number of times a reason for discrimination has been present and may interact with other reasons at the same time. For this reason, the sum is higher than the total number of situations recorded.

**Graph 5 –
Grounds for
discrimination**

Source: OND and
SAVD Board, 2023

**There are more causes of discrimination than there are incidents of discrimination on record (865) because some incidents involve more than one factor of discrimination.*



Graph 6 shows the evolution of the causes of discrimination between 2019 and 2023. **Racism and xenophobia has remained at the highest level** since 2019. Meanwhile, **health discrimination has seen a considerable rise since 2021, overtaking LGTBIphobia in 2023**, which moved from second to third place. Discrimination on the basis of language use has been increasing since 2021 and **gender discrimination showed a significant spike in 2023**, followed by **aporophobia and ableism**. Although **ageism** has risen, it still remains at a low level and above religion and ideology.

The increase in situations of discrimination on health grounds is due to the register of situations dealt with by the **Associació de Drets Sexuals i Reproductius**, through its **Observatory for Sexual and Reproductive Rights**, which in 2023 provided significant information on 42 situations of discrimination. Also, the important work carried out by the **Salut Mental Catalunya Federation**, which contributed 151 situations. Both entities, in their methodology for dealing with and registering complaints, incorporate a **human rights approach** and focus their analysis on the rights violated by discriminatory agents. Gender discrimination also increased because of the work of the **Associació de Drets Sexuals i Reproductius** through the **SAVD Board**. In addition, the **Care, Recovery and Shelter Service (SARA)**, the **Women's Support and Information Point (PIAD)**, **PLURAL-Masculinities Centre**, the **Socio-educational Attention Service (SAS)**, the **Municipal Unit against Human Trafficking (UTEH)** and the **Directorate of Gender Services and Time Policies** provide important data on gender discrimination in this report.

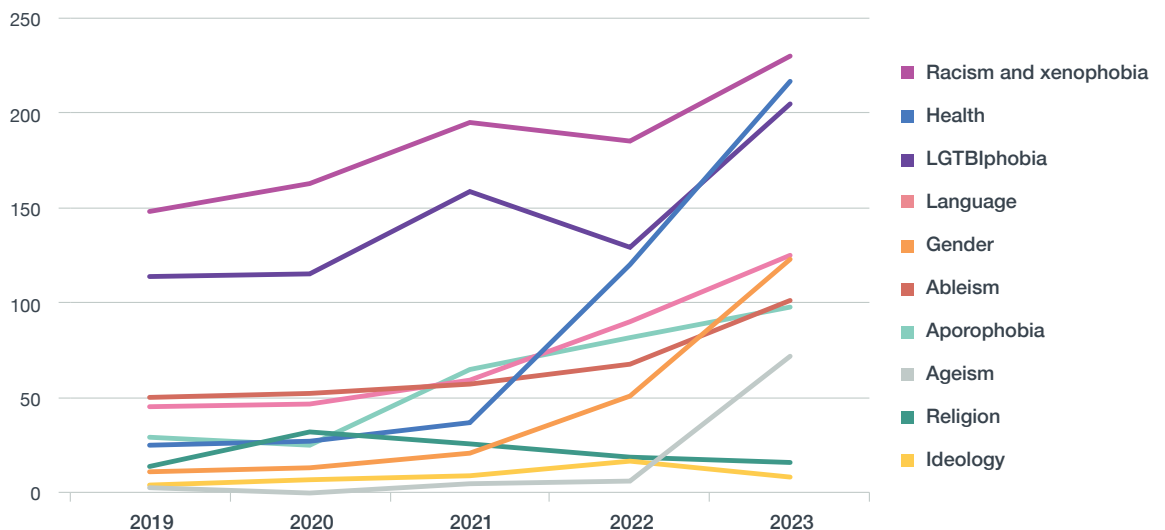
Racism, LGBTIphobia, ageism, ableism and aporophobia, as well as other forms of discrimination, are issues that transcend cultures, centuries and borders. This is because they are the result, not the cause, of systems of oppression. For every privilege that one group of people or one person has, there is simultaneously a disadvantage for another person or groups of people. In other words, for every population that is oppressed, there is another that oppresses. Oppression is the combination of stigmatisation and access to social, political and economic power used by a dominant group to maintain and extend its power. Power does not necessarily imply oppression, but the exercise of power tends to create the oppressor-oppressed relationships that give rise to cycles of violence, discrimination and inequality.¹³

Prejudice, stereotyping and stigmatisation are actions that legitimise and fuel oppression, which becomes systemic: a continuous and systematic mistreatment of a group of people. It is not only something that happens on an individual basis, but all institutions and everything around us contribute to this oppression. **Systemic oppression** is a set of socio-cultural dynamics and conditions that categorise and hierarchise the value of human life according to personal or collective identity, thus warranting the unequal distribution of power that makes possible the subjugation of one group over another and generates inequality and discrimination.

Graph 6 – Grounds for discrimination, 2019-2023

Source: OND and SAVD Board, 2023

**There are more causes of discrimination than there are incidents of discrimination on record (865) because some incidents involve more than one factor of discrimination.*



People were not only affected by one cause of discrimination. **Table 7** shows how in many situations there were several interacting reasons, which, in terms of the impact on individuals, means a more disadvantaged situation, as the **intersectionality** of discriminations implies that the person affected suffers a higher level of aggression than when only a single reason for discrimination affects him/her.

Of the 865 situations of discrimination dealt with, 613 involved a single reason for discrimination. In addition, there is an increase in the intersectionality of discrimination compared to previous years: 178 situations have two reasons for discrimination (81 more than in 2022), 70 have three reasons for discrimination (53 more than in 2022) and 4 situations have four reasons for discrimination.

¹³ Andrea Ayvazian. (1995). Interrupt the cycle of oppression: The role of allies as agents of change. Available from: <https://es.scribd.com/document/350966230/Ayvazian-El-Rol-de-Los-Aliados>

**Table 7 –
Number of
grounds
of discrimination
per victim**

Source: OND and
SAVD Board, 2023

Number of grounds of discrimination	Discriminated people
1 ground	613
2 grounds	178
3 grounds	70
4 grounds	4
Total	865

The increase in the identification of grounds for discrimination highlights the commitment of the **SAVD Board** and **OND** organisations to incorporate an intersectional perspective in the process of recording and addressing discrimination.

The **European Parliament Resolution of 2022 on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle Eastern, Latin American and Asian origin (2021/2243[INI])** states that the interaction of two or more grounds of discrimination can produce a disadvantage that is qualitatively different from that generated by those grounds alone. It explains that **intersecting forms of discrimination exacerbate the consequences of violence**.¹⁴ The **European Network Against Racism (ENAR)** points out that **intersectionality** offers the opportunity to not only address discrimination and social inequalities from a systemic and structural perspective, but also to capture patterns of discrimination that tend to be invisible or overlooked in current legal and policy frameworks for combating discrimination.¹⁵

Table 8 specifies which discriminations intersected with each other in the 252 situations that occurred, based on two grounds of discrimination. Situations with two grounds of discrimination show **the intersection between health and ableism (29), gender and health (25), racism and gender (19) and health and aporophobia (16)**. In the case of situations **with three grounds, the intersection between gender, health and ageism stands out (35)**. And in those affected for four reasons, the gender and health axes linked to racism, ageism, ableism and aporophobia interacted coincidentally.

For example, in a context where racism, gender discrimination, ageism, ableism, health discrimination and aporophobia are present, it will have a multiple impact if the person affected is, at the same time, a woman, a migrant, young, in a precarious economic situation, in a non-regularised **administrative situation** and requesting an abortion (voluntary termination of pregnancy). The **Associació de Drets Sexuals i Reproductius** states that during its support and care activities, it has found itself in situations where **intersectional discrimination** requires taking into account, in a holistic manner, each of the specificities of the discriminatory experience, as the impact of intersectional discrimination tends to aggravate the effects on emotional and mental health. They consider that the intersectional perspective contributes to improving the spaces for support, to substantiate the fact when appropriate, to report it and to advocate for public policies linked to the protection of rights and the fight for non-discrimination to incorporate **intersectionality**.

14 European Parliament resolution of 6 July 2022 on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent (2021/2243[INI]). Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022IP0289>

15 Intersectional discrimination in Europe: relevance, challenges and ways forward. A report by the Centre for Intersectional Justice (CIJ) commissioned by the European Network Against Racism (ENAR) in Brussels in December 2019. Available from: <https://www.enar-eu.org/wp-content/uploads/intersectionality-report-final-2.pdf>

**Table 8 –
Discrimination
on two or
more grounds**

Source: OND and
SAVD Board, 2023

More than two grounds of discrimination	Discriminated people
2 grounds	178
Racism / Gender /	19
LGTBlphobia / Gender /	7
Racism / Ageism /	11
Racism / Aporophobia /	12
Ableism / Aporophobia /	1
Ableism / Health /	29
Racism / Religion /	9
Racism / Health /	5
Racism / LGTBlphobia /	7
Racism / Ideology /	2
Racism / Ableism /	3
LGTBlphobia / Ageism /	3
LGTBlphobia / Aporophobia /	2
LGTBlphobia / Health /	4
Ableism / Gender /	3
Gender / Health /	25
Health / Aporophobia/	16
Health / Ageism /	6
Aporophobia / Ageism /	1
Gender / Aporophobia /	4
Racism / Language /	4
Ideology / Language /	1
Health / Language /	4
3 grounds	70
Racism / Gender / Language /	1
Racism / Ageism / Language /	1
Racism / Gender / Ageism /	1
Ableism / Gender / Ageism /	1
Racism / Health / Aporophobia /	5
Ableism / Health / Aporophobia/	8
Ableism / Health / Ageism /	3
Health / Aporophobia / Ageism /	1
Ableism / Gender / Health /	3
LGTBlphobia / Ableism / Health /	2
Racism / Ableism / Health /	4

More than two grounds of discrimination	Discriminated people
Gender / Health / Ageism /	35
Racism / Ideology / Language /	1
Racism / Ageism / Religion /	1
Gender / Health / Aporophobia /	2
LGTBIphobia / Gender / Health /	1
4 grounds	4
Racism / Gender / Health / Ageism /	1
Ableism / Gender / Health / Aporophobia /	1
Gender / Health / Aporophobia / Ageism /	1
Ableism / Gender / Health / Ageism /	1
Overall total	252

The **Salut Mental Catalunya Federation (FSMC)** highlights that intersectionality has contributed to understanding and identifying how **discrimination on the grounds of mental health** intersects with **gender** discrimination, the socio-economic axis and disability. The organisation states that in our work, the people we attend to are women who, in addition to having a mental health diagnosis with all the stigmatisation that this implies, are in a situation of economic precariousness, dependent on a family member and with difficulty in making decisions about their own lives. They are not only impacted by one ground of discrimination, but also by others that complicate the experience. Espai Situa't is aware of this reality because it allows them to generate a more dignified support; however, they observe that in the public administration there is still indifference and ignorance regarding the intersectionality of discrimination.

Evidence of the **intersectionality** of discrimination has led the European legal and policy framework to move towards a clear inclusion of this analysis in its initiatives. The **EU Anti-Racism Action Plan** supports this: ¹⁶ "In addition to religion or belief, **racism** can also be combined with discrimination and hatred on other grounds, including **gender**, sexual orientation, age and disability or against migrants. This needs to be taken into account through an intersectional approach". The **European Parliament in Resolution 2021/2243(INI)** ¹⁷ has urged the European Commission and the Member States to create policies that take into account the intersectionality of discrimination.

Graph 7 shows which discrimination ground had the most intersections with other discrimination axes. There are 252 situations where a person was discriminated against on two or more grounds. **Discrimination on the grounds of health, gender and ageism are numerically more intersecting than other grounds.**

¹⁶ A Union of equality: EU anti-racism action plan 2020-2025. Available from: https://commission.europa.eu/system/files/2020-09/a_union_of_equality_eu_action_plan_against_racism_2020_-2025_en.pdf

¹⁷ Intersectional discrimination in the EU: the socio-economic situation of women of African, Middle Eastern, Latin American and Asian descent. Available from: https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.html

Health discrimination has the highest level of intersectionality linked mainly to gender (70), followed by ableism (51), ageism (48) and aporophobia (34). This discrimination is not committed alone; it is intertwined with others. For example, a 20-year-old LGBTI woman, with a mental health diagnosis and in a precarious economic situation, suffers differential treatment and verbal aggression from the psychiatrist who treats her, who judges her for supposed decisions she has made in her life, with LGBTIphobic and adult-centric comments, making her feel that she is to blame for the reality she is currently experiencing.

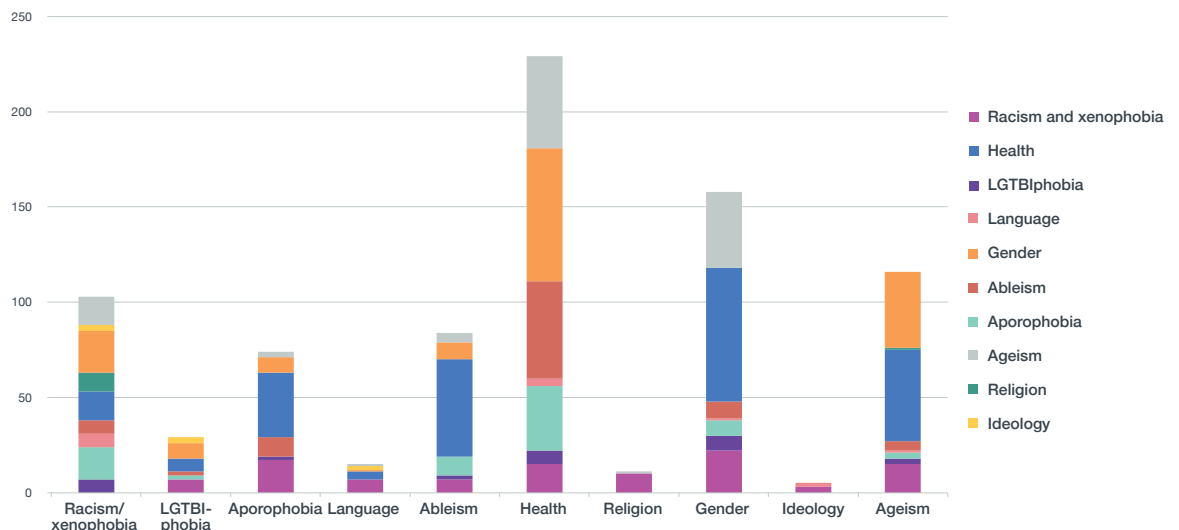
Gender has the second highest level of intersectionality, mainly linked to health (70), followed by ageism (40) and racism (22). For example, an older migrant woman is denied access to specialised resources to care for her daughter with a mental health diagnosis because she does not have an identity number for foreign nationals (NIE).

In third place, **ageism is identified with the highest level of intersectionality, linked above all to health (48), gender (40) and racism (15).** This reality is visible in most of the situations of discrimination linked to sexual and reproductive health, where women under 20 years of age, in some cases in a non-regularised **administrative situation** and in a **racialised** condition, have had their right to access a safe voluntary interruption of pregnancy violated. In these situations, the perpetrator discriminates in a subtle way because the person concerned is young and female. This is evident in the types of comments received by the person concerned, which are not the same when the woman is not young or of middle or upper social class.

Another important fact is that **racism is the only motive that intersects with all the grounds analysed by the Observatory.** In other words, they are situations of racism that intersected with **ageism**, ideology, **gender**, religion, health, **ableism**, language, **aporophobia** and **LGBTIphobia**. To a greater extent, gender, aporophobia, ageism and health. This is the case of a young trans woman, a migrant, in a non-regularised administrative situation, who is about to find herself in a street situation and with a mental health diagnosis, who receives differential treatment at a social services office.

Graph 7 – Intersectionality of discrimination

Source: OND and SAVD Board, 2023



“I have felt discriminated against because I am a woman, a young woman and a foreigner”

“I am a 23-year-old foreign woman. I became pregnant and decided to have an abortion. I went to my local ASSIR (sexual and reproductive healthcare unit) and they told me that as I don't have CIP or a health card, I would have to pay 200 euros. Moreover, I asked for information on the different methods and, as I do not speak Spanish or Catalan well, they told me that they did not have time to explain it to me and did not tell me where I could find the information. The way I was treated was very bad and I felt very lonely and unsupported. “I felt discriminated against because I am a woman, a young woman and a foreigner”.

The **Associació de Drets Sexuals i Reproductius** states that in recent years, since the creation of the **Observatory of Sexual and Reproductive Rights**, situations have been detected in which women and people with gestational capacity have had problems accessing an abortion because they do not have a health card. In these cases, there are different tools that make access to an emergency resource such as abortion possible, in order to guarantee access. The **sexual and reproductive rights** framework provides that all persons have the right to protection, health care, access, choice and the benefits of scientific advances when choosing family planning methods. Most of the information is not adapted and does not take into account an intersectional approach, aggravating the vulnerability of certain groups, such as young women in a non-regularised administrative situation.

The **European Commission against Racism and Intolerance (ECRI)** increasingly emphasises the intersectional approach in its country monitoring work, highlighting the specific vulnerabilities experienced by people who are discriminated against. This is the case of its **General Policy Recommendation No. 5 on preventing and combating anti-Muslim racism and discrimination** and its **General Policy Recommendation No. 9 on preventing and combating anti-Semitism**,¹⁸ in which it points out that making the **intersectionality** of discrimination visible is a fundamental step for prevention actions to have a positive impact on the people affected.

18 ECRI Annual Seminar Paper with Equality Bodies. Prohibition of Discrimination: can intersectionality contribute to effective equality? Available from: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/seminar-2022>

“I was denied a disability certificate because I am an asylum seeker.”

“I am a deaf person and I have been denied access to a **disability** certificate and also denied benefits because I am in the programme as an asylum seeker. Despite having a work permit, I cannot access the labour market because potential employers do not accept me”.

SOS Racisme Catalunya provided psychosocial care and support, legal advice and public advocacy; the case is pending resolution.

The **European Parliament**, in its **resolution on the socio-economic situation of women of African, Middle Eastern, Latin American and Asian origin (2021/2243[INI])**, stresses the importance of taking into account the specific experience of victims of **intersectional discrimination** in the design, response and assessment of asylum, migration and integration policies. Specialised mental health care services should be incorporated and universal and accessible health coverage should be promoted for people in an irregular **administrative situation** and in accordance with their actual circumstances.¹⁹

The **Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)** considers that making **intersectional discrimination** visible is essential in European policies. For this reason, in its mandate for 2024-2027, it is instructed to prepare a feasibility study and a possible draft Recommendation on preventing and combating intersectional discrimination (in consultation with the Gender Equality Commission “GEC”).²⁰

The organisations **SOS Racisme Catalunya, Plataforma per la Llengua, Secretariado Gitano Foundation, Associació de Drets Sexuals i Reproductius** and **Salut Mental Catalunya** consider it essential to make intersectional discrimination visible in the work of the **SAVD Board** and the **OND**. Not only to influence the transformation of the structures of oppression that generate discrimination and human rights violations, but also to make public policies for equal treatment and non-discrimination more effective. It is also to strengthen the coordinated and networked work between all the organisations that deal with situations of discrimination in the city.

19 European Parliament resolution of 6 July 2022 on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent (2021/2243[INI]). Available from: <https://oeil.secure.europarl.europa.eu/oeil/popups/printficheglobal.pdf?id=733234&l=es>

20 The Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) was established by the Committee of Ministers of Europe in 2019 and became operational in 2020. It is responsible for leading the Council of Europe's intergovernmental work to promote equality for all people and build inclusive societies that offer effective protection against discrimination and hatred, and ensure equal participation without discrimination where diversity is respected. It advises the Committee of Ministers on all issues within its mandate, including preventing and combating hate crimes, hate speech and discrimination based on racialisation, colour, language, religion, national/ethnic origin, nationality, sexual orientation and gender identity; combating **antigypsyism** and enhancing the effective participation and inclusion of Roma and Traveller peoples; safeguarding the rights of persons from national minorities and the use of regional or minority languages; ensuring equal rights for LGBTI persons and promoting intercultural integration. See their website: <https://www.coe.int/en/web/committee-antidiscrimination-diversity-inclusion>

Racism and xenophobia

In 2023, out of the total of 230 incidents of racism, 65 migrants were affected, 53 of North African or Arab origin and 44 black people. Private entities/companies and individuals were the main discriminating actors.

The **Discrimination Observatory**, for the purpose of analysing the impact of racism, identifies the following categories: migrants, people of North African or Arab origin, black people, gypsies, people of Latin American origin and people of Asian origin, which, according to the **SAVD Board** and the **OND**, are people affected by **racialisation** in the city. Not all Latin American people, for example, are of African descent or indigenous or are not perceived through the stigma of supposed phenotypic and genotypic differences. Not all people of African descent are foreigners. Not all people with a migrant background are impacted by racial profiling. There are people who, even if they are European in their roots and origins, such as **ethnic** Roma people, are affected by racist and racialising discrimination.

In Barcelona, since July 2021, the **Protocol for actions in situations of discrimination due to racism**²¹ has been active with the aim of coordinating care, support, analysis and advice in relation to situations of discrimination on grounds of **racism** and **xenophobia** so that the person affected can overcome situations of abuse or violence and redress the damage and the personal, employment, family and social consequences that have occurred, and try to restore the violated right. Its scope of application states that the people affected are those who live in Barcelona and who have suffered discrimination or racist aggression in any geographical location; also people who work or pass through the city and who have suffered discrimination or racist aggression in the city; and it acts on situations of discrimination and racist aggression that have occurred in the city.

Table 9 shows the number of times racism and xenophobia were identified among the 865 situations of discrimination attended in 2023, how these phenomena have evolved over time and to what degree they affect people depending on their nationality, origin, **ethnicity** and skin colour. **Racism is the number one reason for discrimination in 2023.** As can be seen, **230 cases of racism have been identified, 45 more than in 2022.** Of these, migrants (65) and people of North African or Arab origin (53) are the most numerous, followed by black people (44) and people of Latin American origin (39). The situations identified as “other” (15) are due to the use of a different language, linked to other nationalities such as Georgian, for example.

According to **SOS Racisme Catalunya**, people affected by racism say that they have faced a variety of situations in their lives before, until they finally decide to report it. The situations reported describe being treated badly in a public services office because you are a foreigner, insults in a block of flats towards a migrant person, suspicion of theft in a place where you are the only non-white person, being insulted in a school, racial profiling and police violence towards young migrants, being refused to open a bank account because you are a foreigner, obstacles to renting a flat because you are a migrant, and others.

²¹ Protocol of actions in situations of discrimination due to racism. Available from: <https://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/PROTOCOL%20racisme%20BCN-DEFINITIU.pdf>

Table 9 – Victims of discrimination due to racism and xenophobia, 2019-2023

Source: OND and SAVD Board, 2023

	2023	2022	2021	2020	2019
Racism/xenophobia	230	185	195	163	148
Migrants	65	39	86		
People of Maghrebi or Arab origin	53	39	33	46	43
Black people	44	43	22	29	26
Roma people	7	23	21	15	10
People of Latin American origin	39	25	20	32	20
People of Asian origin	6	5	5	12	3
Racialised indigenous people	1				
Others	15	7	3	4	4

* The total indicates the number of times this kind of discrimination has been identified in the 865 total registered incidents.

The **Secretariado Gitano Foundation** explains that it is difficult for the people affected to prove **racist** discrimination, and although they clearly perceive that they are being treated differently, it is assumed to be a subjective matter by the people around them. Since **antigypsyism** is a historical oppression, it has become normalised among the Roma population because it is part of the everyday experience they have to go through in their lives. This is the main reason for not reporting. Moreover, they consider that progress in the regulatory field, such as the incorporation of antigypsyism into the Criminal Code, contributes to greater awareness in the identification of this discrimination and makes it easier to report.

“I had a very intense panic attack”



“I was walking my dog one evening, in a city park. Two officers of the Guardia Urbana approached to warn that the animal’s excrement had not been picked up. The officers said this in a threatening tone that escalated to threatening to use the taser (a gun that emits electric shocks). I had a very intense panic attack and at that point the officers left”.

“The next day I went with my mother to the **Secretariado Gitano Foundation** to report what had happened and for them to advise us on what action we could take, as I had gone to the primary health care centre (CAP) because I was still feeling very anxious”.

“In the end, we decided to take legal action, as it was affecting my mental health a lot. Even so, I was comforted by the fact that both the Foundation and the health professionals at the CAP told me that it had been an unfair and disproportionate situation and encouraged me to file a complaint”.

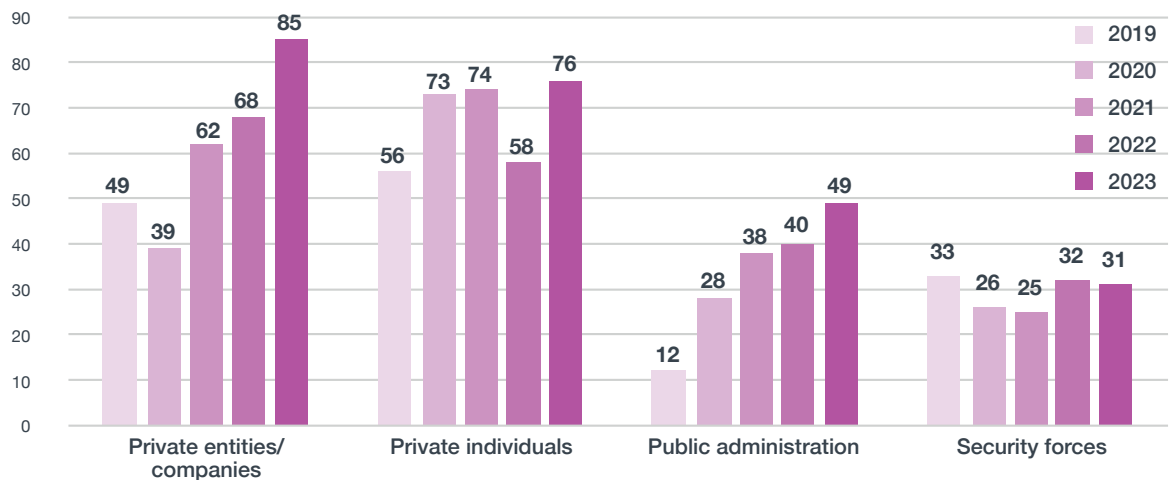
One of the commitments of the **Secretariado Gitano Foundation** is to fight against **under-reporting** and to promote prevention actions aimed at the security forces and the educational sphere. They highlight the training they are carrying out with the Mossos d'Esquadra and the workshops in schools to combat the stigma of **antigypsyism**. They are prioritising prevention in access to employment and the protection of Roma women's rights.

SOS Racisme Catalunya, in its report **"Invisible. The state of racism in Catalonia. 2023"**, indicates that the most numerous situations of racism they identified were related to lack of access to social rights, aggressions and discrimination between individuals, and aggressions and abuses committed by public security forces. They also found discrimination in access to and provision of private services and by private security personnel. In addition, they re-incorporated the categories of judicial racism and right-wing extremism into their analysis as significant.

Graph 8 shows that out of the total 241 incidents of racism dealt with, **private entities and companies were the main discriminating agent in 85 of the situations**, as opposed to 68 in 2022. In the case of **individuals, they rose from 58 to 76 situations in 2023**. **Public administration rose to 49 and security forces fell by one point (31)**.

Graph 8 – Perpetrators of discrimination due to racism and xenophobia, 2019-2023

Source: OND and SAVD Board, 2023



In situations of **racism** where private entities and companies were agents of discrimination, workers in cooperatives, managers of a company, private security in leisure centres and discotheques, workers in private clinics, agents in property companies and in banks were identified.

Individuals were mainly strangers in streets, parks, squares and means of transport, bar users, fellow students, partners, neighbours in the stairwell and the neighbourhood where the person concerned lives.

In the discriminatory acts carried out by the public administration, we mainly identified civil servants in the autonomous region (linked to health care and social services), civil servants at local level (social services and primary care centres), state level (immigration services), staff in care and service offices (in civic centres and in private public utility entities). As far as security forces were concerned, they were mainly local.

The **Bayt al-Thaqafa Foundation** states that most of the situations it deals with come from the public administration, linked to the issue of racial profiling of young migrants during police stop and search actions. They affirm that many of the affected persons come to report the fact and do not file a complaint when the **discriminating agent** is the public administration or the security forces. They just want to make their experiences known, because it is a way to feel that amends have been made for the harm they have suffered. They usually offer the victim to file an ex officio report to protect their identity.

In terms of social services, the **SAVD Board** indicates that the most discriminated migrants are women. For this reason, when a referral to a social worker of the public administration is proposed to them, they do not want to do it, as they consider that they are putting themselves at risk if a file is opened against them in that service, which may condition their being attended to with a stigmatising precedent.

“We have detected police stop and searches on the grounds of racial profiling”



During 2023, the **Bayt al-Thaqafa Foundation** maintains that it has detected a significant number of police stop and searches on the grounds of racial profiling that have been carried out on the people it supports in the different programmes run by the organisation. An example of this happened to a group of young people (currently minors, migrants, in a non-regularised **administrative situation**) who participate in the organisation, who members of the Guardia Urbana and Mossos d'Esquadra tried to identify with humiliating treatment while they were taking a break from a class they were attending.

These situations, says Bayt, have occurred specifically around the neighbourhood of Sant Pere, Santa Caterina i la Ribera, in Ciutat Vella, where some of the organisation's programmes are active. “Some people in the neighbourhood have reported racist arrests by members of the security forces, mainly the Barcelona Guardia Urbana”.

“This situation has been repeated on an individual basis or directed towards a group, mostly young racialised men (black, Moroccan or perceived as such) who are identified and asked for a receipt or proof of purchase of the objects they are carrying. These identifications are accompanied by **verbal and physical aggression**, provoking fear, insecurity and anguish in whoever suffers them”.

“The Service assists them in the actions they decide to take, whether it is to file a complaint or charges. We have also incorporated response actions for youth groups, in collaboration with other organisations such as **SOS Racisme Catalunya**”.

SOS Racisme Catalunya claims that the association between migration and crime is due to the racist and Islamophobic narratives instilled in the design of the security model. Migrants and racialised people are exposed to racist policies that put this model in practice, when migrants and racialised people are systematically over-identified. From this police violence and discrimination, which are stops based on racial markers, stem a multitude of other forms of violence such as police brutality, deportations, confinement in an Alien Internment Centre (CIE for its initials in Spanish), and the generation of unfounded police records, among others.

The **European Commission against Racism and Intolerance (ECRI)** calls for a ban on racial profiling, i.e. the use of stereotypical assertions based on belonging to a particular group, as a basis for police action. Racial profiling associates people's ethnic and racial characteristics with the commission of administrative offences or crimes. Through this discriminatory practice, the exclusive or main criterion for deciding who to stop, or who should be subject to police control, is legitimised.²²

The **EU Fundamental Rights Agency (FRA)**, in its report published in 2023 "**Being Black in Europe**",²³ shows that almost half of people of African descent experience **racism**, discrimination and hate crimes in their daily lives. Racist harassment and ethnic/racial profiling are also common, particularly among young people. The FRA states that there has been no improvement since its last survey in 2016. In contrast, people of African descent are increasingly discriminated against because of the colour of their skin. It calls on the EU and its Member States to use these findings to better target their efforts to ensure that people of African descent can freely enjoy their rights.

According to **Law 19/20**, **racism** is defined as any distinction, exclusion, restriction or preference due to racialisation that stigmatises skin colour, descent, or national or ethnic origin and has the purpose or effect of nullifying or undermining the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social or cultural spheres, or in any other area of public life. It also defines romaphobia or **antigypsyism** as a specific form of social and institutional racism towards the Roma people, which occurs in a particularly persistent, violent, recurrent and trivialised way. The sectors of the population that are systematically impacted by racism are populations that, historically, have been racialised, that is to say, that have experienced and are experiencing a process of **racialisation**,²⁴ which is socialised by those who invented and reproduced the racial categories to legitimise the existence in humanity of **natural and fixed ontological determinants** that support the supposed existence of a superior race (white) and other inferior races (non-white).²⁵

22 European Commission against Racism and Intolerance (ECRI) Council of Europe. General Recommendation 15 on combating hate speech and explanatory memorandum. Available from: <https://rm.coe.int/ecri-general-policy-recommendation-n-15-on-combating-hate-speech-adopt/16808b7904>

23 Survey of over 6,700 people of African descent living in 13 EU countries: Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, Poland, Portugal, Spain and Sweden. Available from: <https://fra.europa.eu/en/news/2023/black-people-eu-face-ever-more-racism>

24 The glossary to describe racialisation is extensive. However, decolonial (Espinosa-Miñoso, 2014; Quijano, 1999), constructivist and constitutivist (Obasogie, 2014) studies agree in defining it as the historical and situated process through which racial categories are invented and reproduced, in order to strategically present them as natural and fixed ontological determinants.

25 Campos García, Alejandro. Racialisation, Racialism and Racism: a necessary discernment. Journal of the *University of Havana*, no. 273. 2012. Available from: https://www.academia.edu/11745040/Racializaci%C3%B3n_Racialismo_y_Racismo_un_discernimiento_necesario

Indigenous, black and anti-racist feminist activists, non-white, politically organised people and thinkers argue that **racialisation** is an experience of collective suffering involving sensory-affective forms such as fear, shame, pain and disgust, among others: a language that emphasises the bodily and situated experience of racialisation and allows its most violent expression – racism – with impunity.

Racism in all its forms impacts on people’s physical and emotional well-being. “When someone encounters a stressful situation, their body prepares to respond. Their heart begins to race, blood pressure rises and their breathing quickens as their body releases stress hormones. It is the body’s natural way of preparing itself to handle stress. But when a stressor, such as structural racism, never goes away, the body can remain in this altered state permanently,” argues the **New York State Office of Mental Health**.²⁶

Health

In 2023, of the total 217 incidences of discrimination on health grounds, 151 were for mental health diagnoses and 42 related to sexual and reproductive health. The main discriminating agent was the public administration.

The **World Health Organization (WHO)** defines that “health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.²⁷ Health is the ability to realise one’s own potential and cope with the challenges of life”.²⁸ The right to health is an inclusive right that goes beyond access to care and the construction of health infrastructure. It includes a range of freedoms, such as the right not to be subjected to medical treatment without one’s consent, and not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. States must prohibit and eliminate discrimination and guarantee equal access to healthcare and the underlying determinants of health (safe drinking water and adequate sanitation, safe food, adequate nutrition and housing, healthy working and environmental conditions, health-related education and information, and gender equality).

According to **Table 10**, incidences of **discrimination on health grounds** spiked considerably in 2023, **from 120 incidences to 217** (almost double and ten times more than when records began in 2019); of these, the most numerous are **151 151 linked to mental health and 42 to sexual and reproductive health. Health discrimination is the second main reason for discrimination in 2023, up from third in 2022 and overtaking LGTBIphobia.**

26 Prevention material “The Mental Health Effects of Racism”, produced by the New York State Office of Mental Health. Available from: https://omh.ny.gov/omhweb/cultural_competence/the_mental_health_effects_of_racism.pdf

27 The quote is taken from the Preamble to the Constitution of WHO, adopted by the International Health Conference that took place in New York from 19 June to 22 July 1946.

28 The WHO Regional Office for Europe (1985) added this concept.

Table 10 – Victims of discrimination due to health issues, 2019-2023

Source: OND and SAVD Board, 2023

	2023	2022	2021	2020	2019
Health	217	120	37	25	27
Serophobia	9	31	20	8	5
Mental health	151	70	10	14	17
Overall condition	5	4	6	0	0
COVID-19	0	0	1	0	0
Diagnosis	6	2	0	0	0
Sexual and reproductive health	42	0	0	0	0
Other	4	0	0	5	2

* The total indicates the number of times this kind of discrimination has been identified in the 865 total incidents addressed.

In the **151 incidences** linked to mental health, stigmatising practices towards people were identified: infantilisation, non-recognition of their autonomy and their capacity to decide about their own lives. In some cases, they are assumed to be dangerous people, to be locked up and removed from society. If they are also poor and **homeless**, the weight of discrimination hits them even harder. The **Salut Mental Catalunya Federation (FSMC)** also identified mechanical restraint, overmedication, involuntary admissions, violation of privacy in the face of a diagnosis, **prejudice** in the workplace, lack of opportunities to access housing, not being able to find a place to live in dignity and lack of support from public bodies in **highly complex** situations, i.e. where people find themselves without a life project, with a clinical diagnosis of neurodevelopmental disorders (autism spectrum disorder, foetal alcohol syndrome or ADHD), borderline intellectual functioning and mental disorder (depressive disorder, bipolar disorder, psychotic disorder).

The **FSMC** argues that people with mental health diagnoses are seen as people whose opinion is not valid and who do not know what their own well-being involves. It explains that six out of ten people who file complaints are women; that one out of two complaints are made by the person affected, and that 50% of the complaints come from their support environment (mainly mothers). During their history as an organisation defending rights, they have identified that more than 50% of the discrimination they deal with affects women under the age of 35.

“I did not receive information from the CAAB when I requested it”



“In April, as a result of a crisis, I called 061 and an ambulance came to my house, I agreed to go to A&E and from there I was admitted. At first I didn’t want to, because I had a dog that I love and I was worried about her being alone. The doctor offered me the service of the CAAB (Reception and Adoption Centre of Barcelona) to take care of her while I was in hospital. I trusted and agreed, voluntarily, to leave the keys to my house with the security forces officers. At that time, I explained to them that my flat was not in a suitable condition. After a while, when I was medically discharged, I wanted to get my dog back. However, I did not receive any information from the CAAB when I requested it, nor was I told where my dog was. I found out later that my dog had been given to another family”.

Support was provided by **Salut Mental Catalunya (SMC)** through the Espai Situa’t in the Nou Barris district. Once the complaint was dealt with, the person was referred to the Justamente programme (an SMC project), where they were offered legal advice. A complaint was lodged together with a lawyer (with open proceedings). **SMC** filed an **administrative complaint** with the **OND** and identified the need to review protocols to ensure that there are no more victims in any sphere of society

What is significant in this situation is that we realised the importance of raising awareness among entities with which we have no links and which are outside our sphere of action, such as companies linked to the veterinary field.

With regard to the **42 incidents of discrimination linked to sexual and reproductive health** attended in 2023, **Associació de Drets Sexuals i Reproductius** explains that, for the most part, they come from young women who requested a **Voluntary Interruption of Pregnancy (“IVE”)** through the public health system. They have been exposed to verbal violence, recrimination, lack of care, violation of their right to access abortion, pressure to change their decision, lack of access to information, infantilisation of their decision about their own bodies and condemnation by medical personnel who object to abortion. As young women, their opinions are belittled, they are questioned to discourage them from having an abortion or made to feel guilty.

In March 2023, **Framework Act 1/2023** of 28 February was published, amending **Framework Act 2/2010** of 3 March on sexual and reproductive health and the **voluntary interruption of pregnancy (IVE)**. This law incorporates new developments on the right to abortion, following the recommendations of international human rights bodies on the matter. Thus, the three-day reflection period that operated until then and the obligation to receive information on the resources and aid available if the pregnancy continues is eliminated, and this information must be provided only if the woman requests it. The regulation reverses the modification made by Organic Law 11/2015, of 21 September, restoring to minors aged 16 and 17 their capacity to freely decide on their maternity, thus dispensing with the requirement of paternal or maternal consent. The Law establishes the obligation of the public health administrations to guarantee the provision of services in hospital centres, according to criteria of gratuity, accessibility and proximity, establishing sufficient devices and human resources to guarantee the right in conditions of equity.

The **Office of the United Nations High Commissioner for Human Rights** recognises sexual and reproductive health as a human rights issue. It affirms that the right to sexual and reproductive health refers to the right of everyone to the highest attainable standard of physical and mental health. The **Convention on the Elimination of All Forms of Discrimination against Women** establishes the right of women to decide freely and responsibly on their maternity and the right to access information and education to enable them to exercise these rights. The committee that monitors compliance (CEDAW Committee) indicates that states must respect, protect and fulfil sexual and reproductive health rights, with available resources, they must be physically and economically accessible, and meet all relevant quality standards.

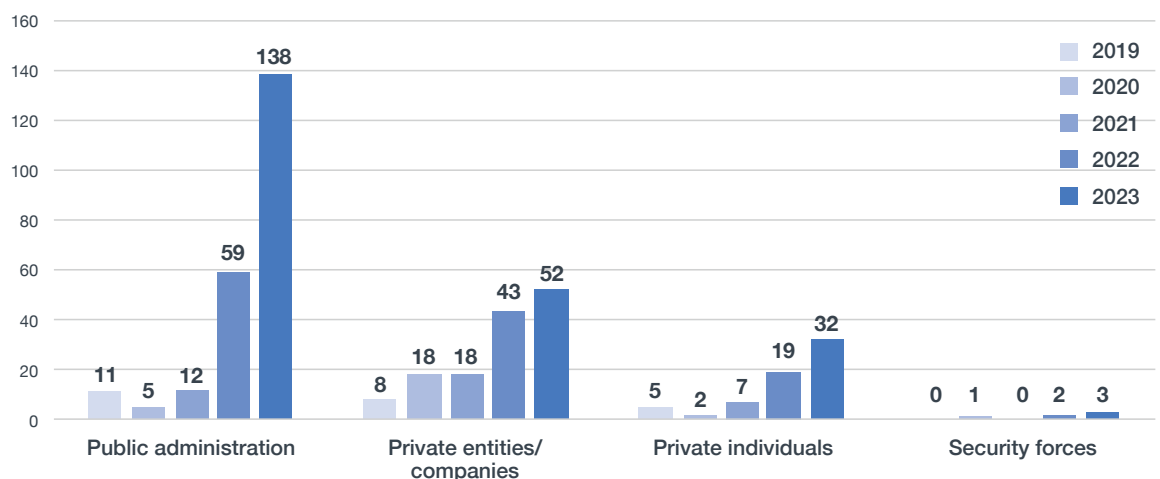
The **European Parliament resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU** in the context of women’s health stresses the importance of guaranteeing sexual and reproductive rights in the context of women’s health by defining reproductive and sexual health as a state of physical, emotional, mental and social well-being in relation to all aspects of sexuality and reproduction, not merely the absence of disease, dysfunction or infirmity; and affirms that all persons have the right to make choices that govern their bodies free of discrimination, coercion and violence and to access reproductive and sexual health services that support this right and provide a positive approach to sexuality and reproduction, given that sexuality is an integral part of human existence.

One of the problems highlighted by the **Associació de Drets Sexuals i Reproductius** is the age of the victims. The younger they are, the more problems they have in accessing quality care that respects their **sexual and reproductive rights**. There is a prevailing adult-centred perspective that denies women’s rights from a conservative and anti-gender perspective, which impacts on the way young women are treated and perceived when they approach a health service.

As can be seen in **Graph 9, the main agent of discrimination on health grounds was the public administration with 138 situations dealt with, followed by private entities/companies (52) and individuals (32).**

Graph 9 – Perpetrators of discrimination due to health issues, 2019-2023

Source: OND and SAVD Board, 2023



“I was told that they could not give me the pills without the presence of my parents”



“I am 15 years old. I had a problem with the condom while having sex and went to the primary health care centre for emergency contraception. The health professionals who treated me told me that, as I was a minor, they could not give me the pills without the presence of my parents”.

The **Associació de Drets Sexuals i Reproductius** tell the young woman to go to the CJAS, from where the complaint is made. Applying the principle of the mature minor, the case is assessed and a decision is made to administer emergency contraception without the need for the parents to be present. The entity affirms that the Law 21/2000 of the Catalan Parliament, of 29 December, on the rights of information concerning the health and autonomy of the patient, and clinical documentation; and its counterpart at the state level, the Law 41/2002, of 14 November, regulating the autonomy of the patient and the rights and obligations regarding information and clinical documentation, contemplates the figure of the mature minor. The administration of emergency contraception is possible if the healthcare worker positively assesses the degree of maturity of the minor and considers her competent and aware to make decisions in this regard. Parental knowledge and consent is not required in this case.

Taking this precept into account, the **Associació de Drets Sexuals i Reproductius** attended to the young woman, providing her with the medication and giving her all the information about it, both in terms of its dosage and its mechanism of action and inherent risks. Information about different contraceptive methods was also provided at the request of the user.

At the **Associació de Drets Sexuals i Reproductius** it is possible to follow up on the complaints received. The most common way is to file a complaint with the public administration, requesting an explanation or reparation for the situation experienced. At the same time, a psychological support service is available for those cases that require it. In the event of not receiving a response or if the response does not meet the needs of the person making the complaint, and because the organisation does not have a legal service, some cases are referred to the Ombudsman's Office, an institution with which there is a collaboration agreement. Depending on the case it is also possible to be referred to the **OND** for legal advice.

The **Salut Mental Catalunya Federation** states that in the public administration in the field of health, systematic and institutionalised stigmatisation of people with a mental health diagnosis prevails, limiting the existence of dignifying practices based on the protection of human rights, which generates mistrust, fear and concern among those affected and their families. The **FSMC** states that in all of its surveys it identifies the public administration as the main **discriminating agent**, followed by private individuals and private entities/companies linked to the real estate sector, which are on the increase.

Regarding access to emergency contraception (a frequent reason for complaints received by the **Associació de Drets Sexuals i Reproductius**), difficulties arise both in public health centres (Sexual and Reproductive Health Care Centres – ASSIR –, hospitals and Primary Health Care Centres – CAP –) and in pharmacies. Information is often erroneous, with claims being made that emergency contraception can only rarely be administered or that it is not possible to administer emergency contraception after an abortion in the previous months. There is also a persistent misconception that it is a treatment that requires referral to ASSIR, or that it is not recommended for use in children under 16 years of age..

Access to and correct information about contraceptive methods is another frequent cause of violation, with the refusal to fit Intrauterine Devices (IUDs) depending on the age of the applicant, or the difficulty in renewing long-acting methods, standing out. A very common complaint made by complainants is about the quality of care received and/or the treatment by health professionals.

Situations related to Sexually Transmitted Infections (STIs) are also subject to violations. One of the most common is the failure to urgently address a possible STI. It also highlights the judgement by healthcare professionals in this type of situation. There have been reports of denied screening in the case of sex between two cis women, lack of availability of HIV testing in pharmacies, or difficulty in accessing prophylaxis treatment if not in possession of a health card.

Regarding Assisted Human Reproduction (“AHR”) techniques, people who have accessed them through the public health network have encountered several obstacles throughout the process, both in terms of access criteria, territorial equity and the care received.

The **Associació de Drets Sexuals i Reproductius** states that, when a complaint has been processed for these facts, the response is almost never reparatory. On the contrary, in many cases it leads to blaming the person making the complaint, which makes it difficult for them to exercise their rights to participate in improving the system. Despite this reality, the **Associació de Drets Sexuals i Reproductius** notes positive changes and appreciates the increased awareness of the need to incorporate an inclusive perspective in care. However, a great challenge remains in the full recognition of **sexual and reproductive rights**.

In the **nine situations related to serophobia** recorded, it can be seen that the weight of stigma against people diagnosed with HIV still persists, especially in insurance companies when they refuse to provide health or life insurance. With regard to individuals, discriminatory situations are mostly perpetrated by the partners of those affected, where verbal violence, harassment and exclusion occur. The very low number of registrations, specifically of situations of serophobia compared to the previous year, is due to the fact that the weight of the stigma conditions the decision to report, due to the fact that it implies the exposure of their condition in a society where people prefer to keep it private.

“Policies cannot be taken out on people living with HIV”



“I am gay, I wanted to take out life insurance and I went to a well-known insurance company. After assessing my profile, I was refused a policy on the grounds that “they cannot take out policies on people living with HIV”. I know the 2018 law and I know that I am covered by it, but I did not want to file a complaint. I approached Gais Positius to find out if they knew of a company that complies with the law and will underwrite my policy”.

Being an informed person and aware of their rights, at **Gais Positius** we helped him to contact a company that is committed to providing him with insurance.

The **Ministry of Health** explains that serophobia is discrimination against people living with HIV in various areas of daily life and in affective and sexual relationships. Such discrimination stems from widespread stigmatisation, fear of the disease and prejudice towards people living with HIV, which has a negative impact on the well-being and quality of life of people living with HIV. In December 2023, this Ministry, at an event in the European Parliament on the occasion of World AIDS Day, in the framework of the Spanish Presidency of the EU, called on the European Union to end the stigma and discrimination against people with HIV that still persists in the region and recalled that serophobia is a public health problem to which the public administration must respond. At the high-level meeting, Spain applied to join the **UNAIDS** Global Alliance to End All Forms of HIV-related Discrimination.²⁹

LGBTIphobia

In 2023, of the 205 LGBTIphobia incidents recorded, 109 were mainly gayphobic and 58 were mainly transphobic. The main discriminating agent was private individuals.

LGBTIphobia is the discriminatory situation underpinned by a cultural, social and economic system that regulates sexuality, gender diversity and people's legitimacy on the basis of normative gender roles and sexual practices. The basis of LGBTIphobia, as in the case of **racism**, is ideological, because it is an interpretation of the feminine and masculine in society based on the idea that a person's assigned **sex** and **gender identity** must always coincide and be heteronormative. That is, it only contemplates the option that a person should be attracted to a person of the opposite sex.

The order of the **cisheteronormative** sex-gender system has operated as a mechanism to control gender identity and sexuality. In this way, dominant gender identities are constructed and lead to discrimination against those whose identities are not dominant. LGBTIphobia is legitimised and naturalised, because in the process of socialisation it has been learnt that "being an LGBTI person is not normal".

LGBTIphobia includes: **homophobia** (rejection, fear, repudiation, prejudice or discrimination towards gays and lesbians and the homosexual community as a whole); **gayphobia** (aversion to male homosexuality or gays); **lesbophobia** (aversion, fear, repudiation, prejudice and discrimination towards lesbian women, including making them invisible); **biphobia** (fear, repudiation, prejudice or discrimination against bisexual people, the bisexual community as a whole, and its manifestations or associations); **transphobia** (rejection, fear, repudiation, prejudice or discrimination against trans, transsexual or transgender people and the trans community a whole); and **interphobia** (rejection, fear, repudiation, prejudice or discrimination against intersex people and the intersex community as a whole or its manifestations).

²⁹ The event was entitled "HIV and Human Rights: political action to achieve zero stigma", and served to present the conclusions of the work carried out under the Spanish Presidency of the EU and, in particular, the conclusions of the high-level meeting held in Seville on the elimination of stigma and discrimination associated with HIV. Available from: <https://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/sanidad14/Paginas/2023/150923-discriminacion-vih.aspx>

As of 2 March 2023, **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 entered into force**. Its aim is to develop and guarantee the rights of lesbian, gay, bisexual, trans and intersex people and to eradicate situations of discrimination, to ensure that sexual orientation, sexual identity, gender expression, sexual characteristics and family diversity can be lived in Spain in full freedom. Article 1.1 introduces among its objectives the elimination of **LGTBIphobia**, discrimination based on sexual orientation and identity, gender expression or sexual characteristics.

According to **Table 11**, of the **205 situations of discrimination on the grounds of LGBTIphobia reported in 2023**, **109 situations related mainly to gayphobia** **58 related mainly to transphobia**, stand out. There are 22 situations targeting LGBTI people as a whole or in a non-specific way that are identified as LGBTIphobia and 14 situations of lesbophobia. **LGTBIphobia becomes the third main ground of discrimination in 2023**, due to the considerable increase in registrations of the health ground and the decrease in the registration capacity of some specialised entities in this field, which is not indicative of a decrease in situations during 2023. These represent almost a doubling of absolute data compared to the previous year.

Table 11 – Victims of LGBTIphobia, 2019- 2023

Source: OND and SAVD Board, 2023

	2023	2022	2021	2020	2019
LGTBIphobia	205	129	159	115	114
Homophobia	0	68	99	74	60
Transphobia	58	32	41	18	23
LGTBIphobia	22	10	10	14	14
Lesbophobia	14	16	9	7	15
Gayphobia	109	0	0	0	0
Biphobia	2	1	0	0	0
Other	0	2	0	2	0

* The total indicates the number of times this kind of discrimination has been identified in the 865 total incidents addressed.

The situations reported by the **Observatory against LGBTIphobia (OCL)** come from “lilac points” located in entertainment venues, security personnel in these venues and also directly from the offices at the initiative of the people affected. The ages of the people who have accessed the OCL psychosocial care service range from 15 to 56 years old. Among them, the people who have accessed the service the most are between 36 and 45 years old.

Physical aggression is the most common type of discrimination, as well as harassment and verbal aggression. There have also been reports of people being treated inappropriately or being denied the right of admission to entertainment venues. In addition, they also received complaints about hate messages on social media.

In the **109 incidents** of discrimination **linked to gayphobia**, the **OCL** explains that those affected were **verbally** and **physically assaulted** in circumstances where there was no motive to do so. They also show that **hate speech** has been on the rise, as LGBTIphobic stigmatisation is becoming normalised in a city context where sexual rights conservatism linked to far-right discourses is growing in the public space and on social media.

“He punched me and I fell off my bike”



“It was Monday afternoon, and I was cycling home along Passeig de Gràcia when I came across another man and a woman who was his partner. The man violently turned to me (I did not know him, nor did I have any previous conversation or discussion) and shouted at me: “Not in the middle of the pavement, faggot”. The man punched me and I fell off my bike and broke my glasses. The aggressor managed to hit me while threatening me (“faggot, I’m going to kill you”, “if my girlfriend wasn’t here I’d slice you up”, etc.). I then tried to defend myself with my bike as a shield and scratched a part of the aggressor’s hand and he became even more violent. The assailant threw a glass bottle at me and hit me with a cardboard tube. Neighbours and pedestrians in the area witnessed the events and several patrols of the Guardia Urbana arrived, who identified those involved and took statements on the spot from both me and the aggressor”.

The **OND** carried out support and assistance actions and a **criminal complaint** was filed which finally resulted in a judicial decision condemning the aggressor and providing reparation for the damage.

The **Observatory against LGBTI-phobia** indicates that it is gay men who are exposed, for the most part, to situations of physical violence, which has a serious impact on their physical and moral integrity and safety.

In the **14 situations of lesbophobia**, it is evident that lesbians continue to be “transparent” in the public eye, as the researcher Bárbara Ramajo points out, because **phantom violence** persists, keeping lesbians in an eternal state of spectrality, who are neither recognised nor visible, which is why under-reporting also persists.

In the **58 situations of discrimination linked to transphobia** (which is almost double the number recorded the previous year), the people affected were repudiated, threatened, scorned, and **verbally and physically assaulted**. The **OCL** states that transphobic situations occur in places where access is conditional on prerequisites, in means of transport, care and service offices, and sports centres. The impact of discrimination on transgender people is not only against their physical integrity, but also against their mental and emotional health, because it is as if they are denied the right to exist. They also point out that some health primary care centres still use the trans identifier as a pathology and also discriminate on the basis of the **name-in-use**.

Among the **22 situations of LGTBIphobia** for example, the presence of discriminatory and hate speech was identified in attacks on the LGBTI centre in Barcelona, during demonstrations, conferences and celebrations of the LGBTI collective.

“People like you are not accepted”



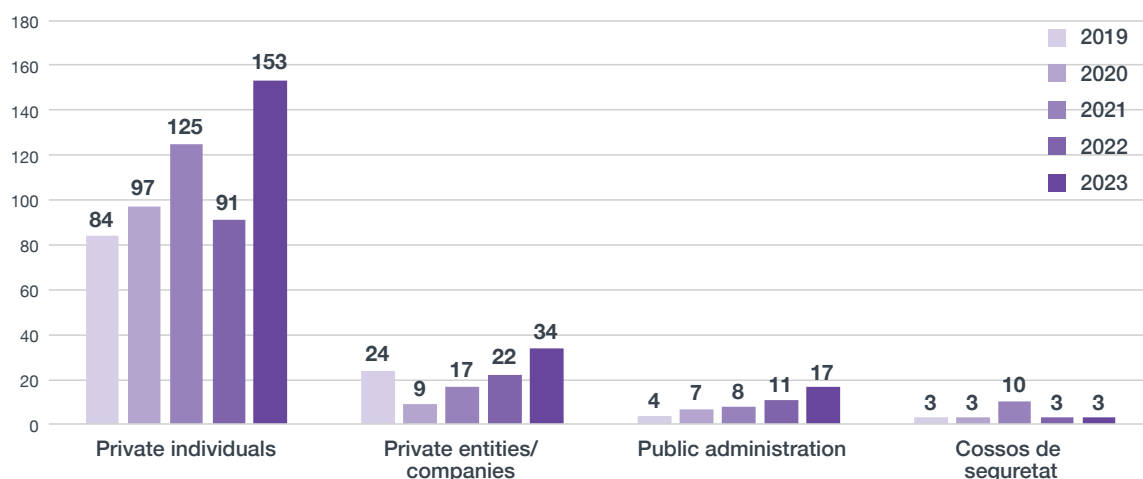
“We are two trans girls. One early morning in Barcelona, we went to a discotheque and were prevented from entering the establishment on the grounds that “people like you are not accepted”, with no reference to clothing. We then asked for a complaint form and once filled in, the staff did not collect it. We went to the Mossos d’Esquadra (Catalan police force) police station, and they refused to process the complaint, arguing that it was an administrative incident”.

The **OND** carried out a support and assistance action, in addition to filing a criminal complaint and, finally, there was an agreement between the parties.

Graph 10 shows that the main **discriminating agent in situations of LGBTIphobia are individuals (153 situations)**, followed by private entities/companies (34) and the public administration (17).

Graph 10 – Perpetrators of LGBTIphobia, 2019-2023

Source: OND and SAVD Board, 2023



The **OCL** considers it essential to continue activating the **Protocol of actions in situations of LGBTIphobia in Barcelona**³⁰ and to generate safe spaces against **verbal and physical aggressions** and hate speech. They argue that there is a need to raise awareness among citizens, as it is individuals who are the most LGBTIphobic discriminators. In this sense, collaboration between the different actors involved in prevention and support actions should be expanded, based on an intersectional view of discrimination. The actions of support, analysis and care contribute to repairing the damage. However, they require training and awareness-raising in relation to LGBTIphobia. For this reason, in 2023, they undertook training sessions aimed at different actors, such as the educational community, public administrations or other entities, organised by the Observatory’s technical team or with activists and professionals.

For the most part, the discriminating agents were private individuals, especially in circumstances where the persons affected were walking in the streets of the city or the neighbourhood.

³⁰ Protocol of actions in situations of discrimination due to LGBTIphobia. Available from: <https://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/PROTOCOL%20LGTBI%20C3%B2bia-def-es-ES.pdf>

Language

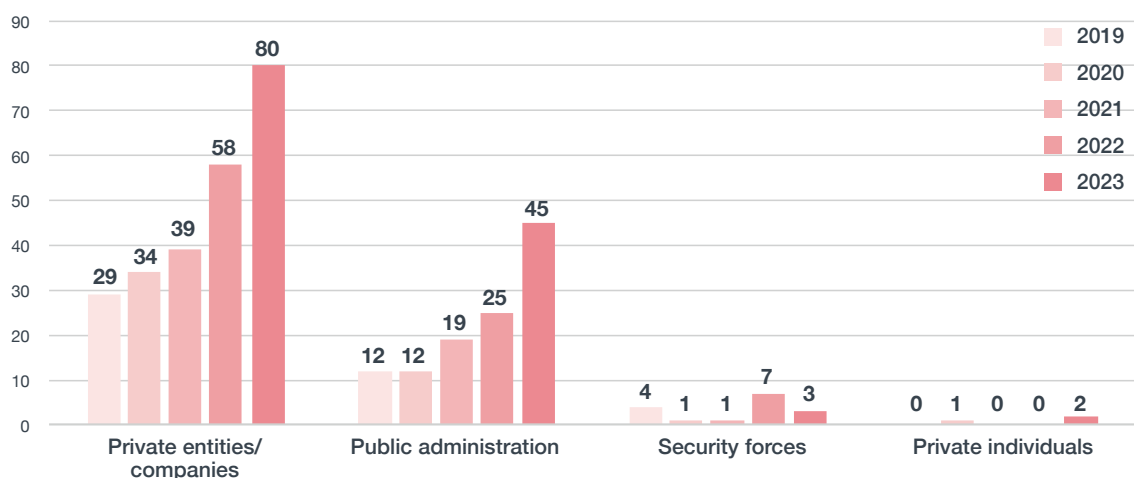
During 2023, 100% of the 125 incidents identified by the OND and the SAVD Board were linked to the use of Catalan. Private entities/companies were the main discriminating agents.

There is little awareness of **discrimination on the grounds of language** among populations of other non-European origins, which is why **under-reporting** by people and populations who speak other languages continues, and also because there is a lack of regulations to protect other languages. It is possible that this reality could have another channel with greater awareness of **Law 19/2020**, on equal treatment and non-discrimination, which protects against discrimination based on the use of a language. The organisations of the **SAVD Board** indicate that some situations of discrimination linked to this area are related to discrimination against people who are not literate, as well as racialised people who, having been born in Catalonia, are assumed to speak neither Catalan nor Spanish when they do; they also indicate that there is a lack of interpreters and intercultural mediators in public services, courts and other institutions.

There are specific regulations in place to protect the use of Catalan (the Statute of Autonomy of Catalonia, the Language Policy Act, the Catalan Consumer Code, etc.), which leads to greater awareness and reports of discrimination. **Graph 11** shows who the discriminating agents were based on language use in the 125 situations addressed. The **main discriminating agents were private entities/companies (80), followed by the public administration (45).**

Graph 11 – Perpetrators of language-based discrimination, 2019-2023

Source: OND and SAVD Board, 2023



Plataforma per la Llengua explains that the discriminating agents in private entities/companies were workers who denied oral attention to people who wanted to keep speaking Catalan, agents in bank offices and workers in shops and restaurants. In relation to public administration, it was mainly civil servants in the field of health and local security forces. In all situations, there was evidence of tension and stress among the people affected by the refusal to speak in their own language.

Plataforma per la Llengua highlights in 2023 the intervention of the UN Special Rapporteur on Minority Issues, who in October of that year sent a communication to the Spanish government urging it to pronounce on the compatibility of the rulings of the High Court of Justice of Catalonia (TSJC) against language immersion with international law.

The report considers that “reducing the use of the Catalan language in the successful immersion programme in Catalonia would run the risk that students from Spanish-speaking backgrounds would not learn Catalan well, as it is a minority language”. It added that “since Spanish is the majority language in the country, its daily use and exposure are already guaranteed and privileged”. Furthermore, it expressed concern about the performance of the judiciary: “It seems that, in recent years, judicial interpretation and other developments have led to an increase in barriers to the use of minority languages in public services”. The rapporteur stressed that this is an issue that requires immediate attention from the Spanish government.

Plataforma per la Llengua maintains that 192 regulations have been approved that favour the use of Spanish, 107 approved by the Spanish government or courts and 83 more of European origin (in these cases, the postponement of Catalan originates from the fact that it is not official in either the Spanish state or the European Union). Article 3 of the Spanish Constitution declares Castilian Spanish to be the official Spanish language of the State and establishes that the other Spanish languages shall also be official in the respective Autonomous Communities in accordance with their Statutes. The organisation challenges **Royal Decree 176/2023 of 14 March on the development of safer gambling environments**. This decree establishes that gambling companies must make a telephone helpline available to the public offering information and assistance on safe gambling, at least in Spanish throughout the country. It is not expected to be available in any other official language, not even for consumers in territories where languages such as Catalan are spoken.

“We need it to be in Spanish, not Catalan”



I bought a computer from an online shop, but when I received it, I got an unpleasant surprise: inside the box was not a computer, but a bottle of water. I immediately contacted the company to notify them of this incident, and they asked me to file a police report in order to process the complaint. I reported it to the police and filed a complaint with the company, but there was an insurmountable problem, according to the company: the complaint had been written in Catalan. The company’s Customer Service Department told me that, if it was not in Spanish, they could not proceed: “We have not been able to verify the details of the police report you provided. We need it to be in Spanish, not Catalan. Therefore, we can no longer help you with this matter. We would ask you to resolve the issues and share the police report with us again”.

Plataforma per la Llengua provided legal advice and reported the incidents to the Ministry of Enterprise and Labour and the Ministry of the Interior of the Government of Catalonia.

In the 1980s, Finnish linguist **Tove Skutnabb-Kangas** highlighted language-based discrimination with the concept of “**linguicism**”, defined as “the ideologies and structures that are used to legitimise, effect and reproduce the unequal division of power and resources between groups that are defined on the basis of language”. Thus, linguistic discrimination was understood as the situation of discrimination that a person or group of persons may suffer because of the language in which they express themselves or because of their linguistic particularities.

Currently, over 300 languages are spoken in Barcelona. As seen in **ECAMB**’s biennial reports, the experience of discrimination on the basis of language affects people born in Spain as well as those born abroad.

Gender

There have been 123 incidences of gender discrimination recorded by the SAVD Board and the OND affecting mainly 111 female-identified persons. The public administration was the main discriminating agent.

In this section, in addition to the data on gender discrimination recorded by the **OND** and the **SAVD Board**, data provided by the municipal services and council departments specialising in attention to gender violence is shared below: **the Care, Recovery and Shelter Service (SARA), the Women’s Support and Information Point (PIAD), PLURAL-Masculinities Centre, the Socio-educational Attention Service (SAS), the Municipal Unit against Human Trafficking (UTEH) and the Directorate of Gender Services and Time Policies**, who share relevant information about the care and support they provide. These data do not reflect the total number of cases in the city, but rather specific care provided by the specialised services of the City Council.

Table 12 shows how grounds of discrimination interact with the gender identity of the persons affected. During 2023, the 411 **female persons were discriminated against mainly on the grounds of health (143), gender (111) and racism (104)**; while the 379 **male persons were discriminated against on the grounds of LGBTIphobia (113), racism and xenophobia (100), and health (70)**.

Table 12 – Gender identity of the victims and grounds for discrimination

Source: OND and SAVD Board, 2023

Grounds for discrimination and gender	Female	Male	Part of the time in one gender and part of the time in another gender	Not reflected in these categories	Not stated	Group or collective
Racism/xenophobia	104	100	0	1	1	24
LGTBIphobia	62	113	2	5	2	21
Aporophobia	37	56	0	0	0	5
Language	62	63	0	0	0	0
Ableism	63	36	0	1	0	1
Health	143	70	0	0	1	3
Religion	6	1	0	0	0	9
Gender	111	7	0	0	1	4
Ideology	4	2	0	0	0	2
Ageism	57	13	0	0	0	2

Gender discrimination related to being a woman reported by the **OND** and the **SAVD Board** has been mainly insults in the street, misogynistic comments, lesbophobic attacks, and harassment in streets, bars and buildings.

The **Associació de Drets Sexuals i Reproductius** affirms that **gender** discrimination is also linked to women’s **sexual and reproductive health**. It is evident when sexual and reproductive rights are violated, particularly during situations where women require an abortion and a family planning method. This reality affects emotional health, even leading to situations of depression, anguish, fear and guilt, which is why it is a form of violence. The right to decide over one’s own body still has no legitimacy for women in society and thus forms part of gender discrimination. What is worrying is that the structure of the state is not aligned with the real needs of women, which makes it impossible to effectively guarantee these rights. They argue, for example, that women are denied tubal ligation or permanent contraception on the basis of their age and/or number of previous children. They are infantilised and treated as if they cannot decide what they need.

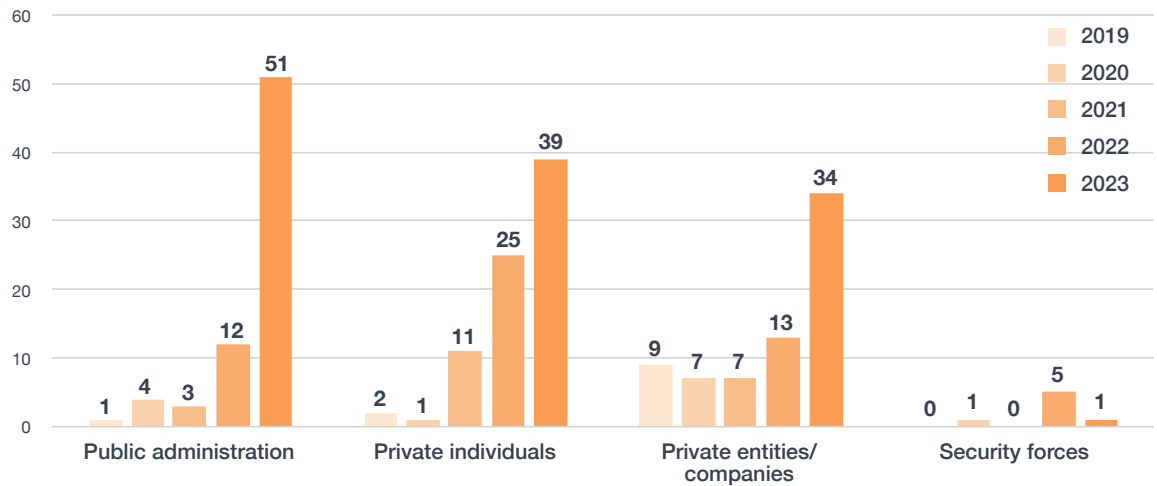
Data that complements the information in Table 12 is provided by the **Barcelona Victimization Survey (2023)**³¹ of the Department of Opinion Studies of the Municipal Data Office, which indicates that **49.2% of assaults, attempted assaults, coercion and threats were related to acts of discrimination**. Among the **gender-based**, **assaults suffered by women, the percentage is 70.1%, while among men it is 32.5%**.

31 Barcelona Victimization Survey, 2023. Available from: https://ajuntament.barcelona.cat/seguretatiprevencio/sites/default/files/2023-08/Victimitzacio_BCN_Informe_2023.PDF

The main discriminating agent on the basis of gender was the public administration in 51 situations during 2023, as detailed in Graph 12. Furthermore, individuals (39) and private entities/companies (34) played a significant role as discriminating agents.

Graph 12 – Perpetrators of gender-based discrimination, 2019-2023

Source: OND and SAVD Board, 2023



The number of situations of gender discrimination increased exponentially because the **Associació de Drets Sexuals i Reproductius** provided a significant amount of quantitative information, compared to previous years in which it provided qualitative information, specifically linked to the violation of sexual and reproductive rights in the health area.

According to the **Associació de Drets Sexuals i Reproductius**, a significant percentage of the situations of discrimination dealt with correspond to women of different ages, who express having felt discriminated against by health professionals because they are women, because of their origin, their age and their administrative situation. “*Whichever way you look at it*”, the organisation points out, “*the experience of gender discrimination intersects with other forms of discrimination because the patriarchal structure of society is also intertwined with racism, ageism and ideological discrimination*”. Since the **Associació de Drets Sexuals i Reproductius** created the Observatory on Sexual and Reproductive Rights in 2019, they have noted a repeated questioning of women and a lack of respect for their sexual and reproductive autonomy.

Gender violence and masculinities

Since 2014, the **Council of Europe Convention** on preventing and combating violence against women and domestic violence, better known as the **Istanbul Convention**³², has been in force. Chapter 1 affirms the guarantee of equality and non-discrimination, and defines objectives and obligations to make it effective. One of the objectives is to contribute to the elimination of all forms of discrimination against women and to promote real equality between women and men, through the empowerment of women. It defines **violence against women** as a violation of human rights and a form of discrimination, understood as all acts of gender-based violence that involve or are likely to involve women in harm or suffering of a physical, sexual, psychological or economic nature, including threats of such acts, coercion or arbitrary deprivation of liberty, in public or private life.

³² Council of Europe Convention on preventing and combating violence against women and domestic violence, signed by 46 European countries and ratified by 34, binding on the latter. It is the most important and specific international legal standard for preventing and combating all forms of discrimination and violence against women. Available from: <https://rm.coe.int/1680462543>

The **II Plan for Gender Justice 2021-2025**,³³ of the Barcelona City Council, states in its **scope 28. Lives Free of Violence** that **gender violence** is the most serious expression of the patriarchal culture that prevents the development of women's rights, equal opportunities and freedoms. It considers that male violence has an unequal impact on women in Barcelona depending on their age, class or origin; and that the different personal situations they have, such as economic, legal or health situations, can aggravate the effect and prevalence of the violence experienced and generate further vulnerability and inequality. Therefore, although gender violence impacts on people's lives in a particular way, there are a number of structural situations that make it difficult for women to access help and support when they need it. Irregular **administrative situation**, language or cultural barriers, lack of accessibility or the lack of training or sensitivity of the services with respect to certain needs, among others, are some examples that must be changed in order to generate policies that guarantee the right to a life free from violence

Barcelona City Council's **Care, Recovery and Shelter Service (SARA)** offers specific outpatient care to victims of gender violence (women, children and adolescents, and **LGBTI** people or people in their close environment directly affected by this violence). It also provides counselling for professional staff and people close to the victims **During 2023 it attended to 1055 women affected by gender violence**, of whom **286 were sheltered and housed as a protective measure. 238 children and adolescents**, sons and daughters of the women attended; there were also 37 adult daughters, and 5 adolescents from SARA Jove. **31.63% of the women receiving assistance are unemployed and without benefits**, showing how the lack of economic autonomy aggravates the situation of violence. In addition, **they recorded 1092 situations of gender violence, of which 41.44% were psychological violence, 34% physical violence, 11.16% economic violence and 12.04% sexual violence and abuse**. These data show that the impact of the types of violence is multiple and can have a considerable emotional and mental impact on the lives of the women affected. **Moreover, the main authors of violence against women are directly their partners and ex-partners: 703 such cases were dealt with in 2023.**

The **Women's Support and Information Point (PIAD)**³⁴ service highlights the creation in 2023 of the **Victim Support Service (SAV) of the Barcelona City Police**, which will provide priority, specialised and comprehensive care to victims of **gender** violence, both in terms of advice and the filing of **criminal complaints**. It will coordinate with the assistance services, technical referents of the municipal network on this issue and the Mossos d'Esquadra police force, and will be available in police stations, with user-friendly waiting and care areas for victims and children. They also point out that the **Government measure "Building alliances: Barcelona, a city free of gender violence"** facilitated the definition of a roadmap for the period 2019-2023 in the fight against gender violence, by laying down the main lines of work, objectives and actions that have enabled a more effective response to this problem.

33 II Plan for Gender Justice 2021-2025. Available from: https://bcnroc.ajuntament.barcelona.cat/jspui/bitstream/11703/123667/3/NouPla_2021-2025-JUN-ES-online.pdf

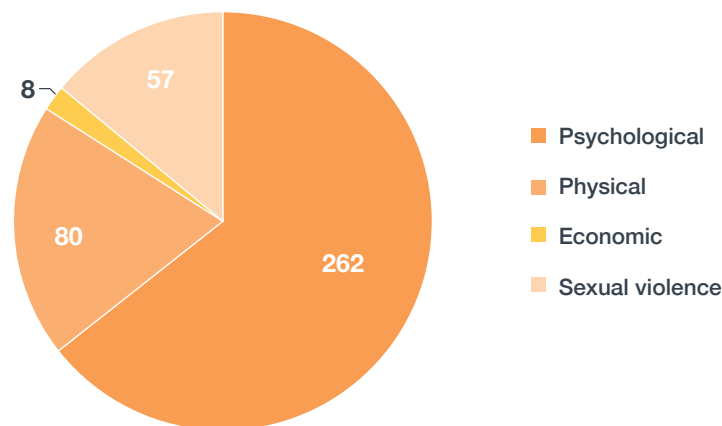
34 PIAD 2023 data was not Available from the time of writing the report. For more information on the service, please visit their website. Available from: <https://ajuntament.barcelona.cat/dones/es/informacion-y-atencion-a-las-mujeres/puntos-de-informacion-y-atencion-a-las-mujeres-piad>

The Barcelona City Council's **PLURAL Service**, which works on the **new masculinities** with men who have been agents of discrimination against women, carries out actions to prevent **gender** discrimination, such as **physical**, verbal and sexual aggression, among others. **PLURAL** points out that men also have a gender, so it is important to reflect on the impact that certain ways of being men have on their lives and to contribute to improving their social and personal relationships.

Graph 13 shows the reasons for which **447 men** have been seen in the service as perpetrators of gender violence: **262 for psychological violence, 80 for physical violence, 57 for sexual violence and 8 for economic violence.**

**Graph 13 –
Reasons for
care linked to
gender violence**

Source: PLURAL,
2023



All **gender violence** is a form of **gender** discrimination, where men carry out the discriminatory action against women. Figure 13 shows that verbal aggressions (insults, harassment, threats, denigration) identified as psychological violence are the most common among the situations of discrimination that have been reported, and where men are the **discriminating agent**. In order to understand the context of gender violence linked to rights violations, the PLURAL Service has developed the **Guide of recommendations for the detection of gender violence in men**,³⁵ which identifies the areas of gender violence with the aim of facilitating prevention and support actions that contribute to overcoming and eradicating violent attitudes of men towards women:

- **Physical violence:** includes any act or omission of force against a woman's body, resulting in, or likely to result in, physical injury or harm.
- **Psychological violence:** includes any intentional conduct or omission that results in a woman's devaluation or suffering, by means of threats, humiliation, vexation, demands for obedience or submission, verbal coercion, insults, isolation or any other limitation of her sphere of freedom.
- **Sexual violence and sexual abuse** includes any act of a sexual nature not consented to by women, including the exhibition, observation and imposition, by means of violence, intimidation, prevalence or emotional manipulation, of sexual relations, regardless of whether the aggressor may have a marital, partner, affective or family relationship with the woman or minor.
- **Economic violence:** consists of the intentional and unjustified deprivation of resources for the physical or psychological well-being of a woman and, where appropriate, her children, and the restricted availability of her own or shared resources within the family or couple.

³⁵ Guide of recommendations for the detection of gender violence in men. Available from: https://ajuntament.barcelona.cat/dones/sites/default/files/documents/guia_recomanacions_cat.pdf

Human trafficking

According to the **Protocol to Prevent, Suppress and Punish Human Trafficking, Especially of Women and Children, supplementing the United Nations Convention against Transnational Organised Crime**,³⁶ **human trafficking** consists of “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. The types of exploitation are forced labour or services, including begging; sexual exploitation, labour **exploitation**, organ removal, illegal adoption, forced marriages, commission of crimes and domestic servitude. The **UN** points out that human trafficking is the second most lucrative illegal activity in the world and 70% of the victims are women and girls.

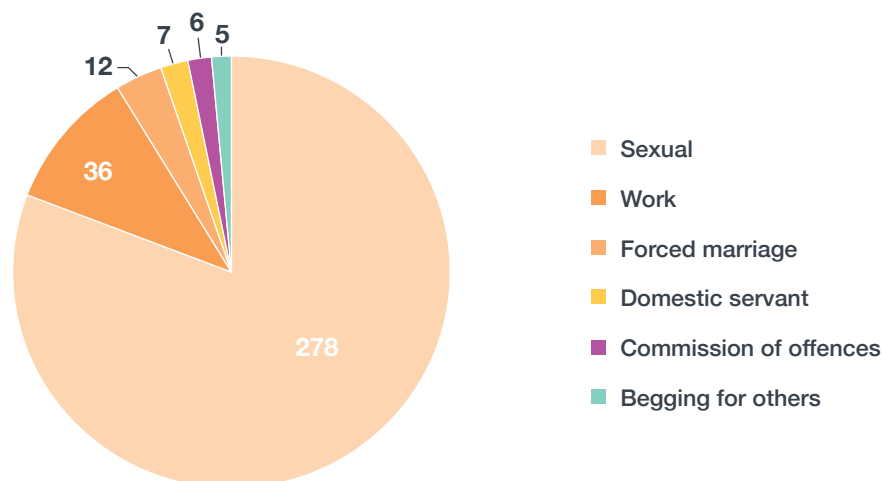
The **Municipal Unit against Human Trafficking (UTEH)** has shared some significant data from 2023. They have assisted 391 people, of whom 92 have been sheltered and housed.

The **UTEH Service in Graph 14** shows that of the total number of people attended to, **278 were mainly for reasons of sexual exploitation, 36 for labour exploitation, and 12 for forced marriages**. Also, although to a lesser extent, because of situations of exploitation through begging (5), commission of crimes (6) and domestic servitude (7).

Graph 14 – Incidents addressed according to type and purpose of human trafficking

Source: UTEH, 2023

(*) Out of the total number of cases addressed. The same person may have been affected by more than one purpose of human trafficking.



65% of the people received are in the 30-39 age group, 17.5% between 19-29 years and 12% between 40-49 years. Of the total number of women attended to, 273 are in a non-regularised administrative situation, 109 are in a regularised administrative situation, and four are of Spanish nationality. In addition, 45 of the women attended to are unemployed and without benefits, 41 of them are engaged in informal economic activity and four have lost their formal employment.

The percentages of each type of **gender violence** identified out of the total number of situations dealt with are as follows: psychological violence (83.1%), physical violence (78.7%), economic violence (81.5%), sexual violence (73%) and sexual abuse (73%). These data show that the types of violence that impact on those affected are multiple.

36 Protocol to Prevent, Suppress and Punish Human Trafficking, Especially of Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. Available from: <https://www.refworld.org/legal/agreements/unga/2000/en/23886>

The **UTEH Service** notes that they have also identified **42 incidents related to difficulties in opening basic payment accounts** at various banks. These are situations where **people's access to financial services of any kind is limited due to the refusal of banks to open an account**. This situation includes delays in the waiting time for opening once all the required documentation has been submitted, excessive documentation requirements and unjustified direct refusals outside the current regulatory framework.

In addition, they recorded **156 incidences of difficulty in accessing housing, mainly on grounds of racism and social exclusion**. They have identified the financial inability to pay the down payment for access to housing or maintenance fees, the digital gap in the use of platforms to search for rooms or flats, refusal to arrange visits to view homes, the fact that they do not have employment contracts (documents required by real estate agencies), etc.

Sex work

The **Socio-educational Attention Service (SAS)** has shared significant data on the sex workers they attended to during 2023. **A total of 385 people were attended to in the office areas. The service carries out activities in the public space of the city through various street outings during the day and at night, with the aim of contacting people who are offering sexual services in the public space at that time. During 2023, the SAS made 3,392 contacts in the public space.** In other words, during each outing, the SAS contacted persons who were offering sexual services at that time and was able to establish contact with the same persons repeatedly during the different outings carried out. These are contacts made and not different people engaging in prostitution.

10% of the persons attended to showed signs of possibly being victims of human trafficking for sexual exploitation purposes.

Table 13 shows the percentage of types of gender violence that have an impact on the people attended. The most prevalent is linked to accumulated experiences of violence (24%), sexual violence (13.2%) and psychological violence (12.4%). According to the SAS, this violence refers to stigmatisation and rejection due to the practice of prostitution, community violence when their presence is not accepted in a territory, etc.

Women in a non-regularised administrative situation represent 89.7%, compared to 10.8% who are in a regular situation. The total number of women attended by age group is as follows: between 26 and 35 years old (140); between 36 and 45 years old (115); between 45 and 55 years old (70); between 18 and 25 years old (35), and over 56 (23).

In 2023, the discrimination detected in the **SAS** is linked to the lack of access to rights: difficulties in registering as a resident because they do not have stable housing, difficulties in accessing housing due to lack of documentation, being a victim of fraud to be registered in the municipal register of residents, the impossibility of regularising their administrative situation, which means that they cannot engage in any other economic activity, even if they want to. The women report having paid around 150 euros to those who illegally re-let their homes in order to get registered on the municipal register of residents.

**Table 13 –
Types of violence affecting
people in care**

Source: SAS, 2023

Types of gender violence	%
Psychological violence	12.4
Gender violence not involving a partner	6.2
Aggressor engages in drug or alcohol abuse	0.8
Past gender violence	24.0
Economic violence	3.1
Sexual violence	13.2
Woman lives with the alleged aggressor	0.8
Assault during pregnancy	0.8
Bullying or sexual harassment at work	1.6
Increase in episodes of violence	0.8
Physical violence	6.2
Social violence	7.0
Environmental violence	3.1
The aggressor has violated judicial protection measures for the woman	1.6
Need for legal protection	0.8
Emotional and verbal abuse (past six months)	5.4
History of violent behaviour with previous partners	6.2
History of sexual abuse	3.1
Threats to physical integrity	2.3
Access to weapons by alleged aggressor	0.8

The **SAS** states that, just as Barcelona City Council registers people without a fixed address on the municipal register of residents, the **Barcelona Metropolitan Area** must guarantee this for people who effectively reside in its municipalities, as well as promoting alternative housing formulas to those legally recognised, such as squatting, re-renting or others. For this reason, work has continued to inform about the benefits and rights of the municipal register and to prevent illegal practices by private individuals who generate fraud by offering it, as some users claim to have paid to obtain it. They are also conditioned by payments for procedures such as access to the Individual Health Card (TIS), which has become common practice. The unregularised **administrative situation**, according to the **SAS**, is a major concern for the people attended to, as they live with the uncertainty of being in a permanent situation of vulnerability.

Time poverty and care

In 2023, the **Directorate of Gender and Time Policy Services** published the dossier “**From time poverty to time for life**”,³⁷ which analyses care and the sexual division of labour. Time poverty is said to be related to the perception of time scarcity and not having time available to carry out activities that are necessary, important or satisfying for a person. This constraint is strongly conditioned by the organisation of time and work due to economic conditioning factors, discrimination and de **gender** inequalities. These have an impact on people’s lives and well-being, especially those exposed to greater precariousness and discrimination, who experience the feeling of not achieving everything under constant pressure to try. **Health and well-being are therefore key elements of time poverty**: having too many things to do and not enough time to do them.

The **Directorate of Gender and Time Policy Services** explains that time poverty is understood as the absence of one’s own time: time over which one can make decisions and which one can freely dispose of because one has the resources to do so.

The dossier argues that **sex** and **gender** inequalities play an important role in shaping time poverty experiences. Women, especially those in vulnerable situations, often bear the burden of unpaid care and domestic work to a greater extent than men, which consumes a significant part of their time. This imbalance limits women’s ability to have paid work, pursue education or participate in other activities that can contribute to their personal growth and development. Today there is a **sexual division of labour** that separates waged work, which is considered productive, from reproductive work, which is not considered productive. City life shows that men take advantage of women’s time when they do not take responsibility for care work. The fact that men do not attend to their care duties contributes to increasing the female burden and aggravates women’s own time deficit. In the case of **single-parent families**, in which women assume the main role of provider and carer of the family, women’s time is considerably limited, as their time, whether forced or not, is at the service of other people, and even more so in a context of precariousness and impoverishment. The **Barcelona Sociodemographic Survey (ESDB) 2022**³⁸ reveals that 82.5% of all single-parent households in Barcelona were headed by women and 36.6% of these were at risk of relative poverty, compared to 12.9% of other household types.

37 Report “From time poverty to time for life”. Available from: <https://bcnroc.ajuntament.barcelona.cat/jspui/bitstream/11703/132742/1/DOSSIERTEMPS%20190x255mm%20ABCN%20WEB%20OCT23.pdf>

38 Barcelona Socio-demographic Survey (ESDB) 2022. Available from: https://bcnroc.ajuntament.barcelona.cat/jspui/bitstream/11703/133448/10/Enquesta%20Sociodemogr%c3%a0fica%20Barcelona%20%28ESDB%29%202022_inf%20resultats.pdf

Ableism

The 101 incidences of able-bodied discrimination were mainly on the basis of physical and intellectual conditioning factors. The main discriminating agent was the public administration.

According to the **United Nations Convention on the Rights of Persons with Disabilities (CRPD)**,³⁹ “discrimination on the basis of disability” is any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field..

The **European Parliament**⁴⁰ notes that the European Union must mainstream disability in all its policies, programmes and strategies; and urges States to redouble their efforts to ensure that the recommendations of the CRPD are adequately addressed; and calls for intersectional discrimination on the basis of disability to be addressed.

In Spanish legislation, it is **Law 51/2003 on equal opportunities, non-discrimination and universal accessibility for people with disabilities**⁴¹ that prohibits all types of discrimination and develops the obligations of the State.

Of the **1,101 incidences of discrimination on the grounds of ableism**, Table 14 shows that the people most affected were those with **intellectual impairments (47) and physical impairments (47)**, as well as hearing and visual impairments.

Table 14 – Victims of discrimination due to ableism, 2019-2023

Source: OND and SAVD Board, 2023

* The total indicates the number of times this kind of discrimination has been identified in the 865 total incidents addressed.

	2023	2022	2021	2020	2019
Ableism	101	68	57	52	50
Physical	35	38	44	44	45
Hearing	7	1	5	0	0
Intellectual	47	24	5	1	3
Multiple disabilities	0	1	3	3	0
Visual	5	3	0	1	1
Other	7	1	0	3	1

39 United Nations Convention on the Rights of Persons with Disabilities (CRPD). Available from: <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

40 European Parliament resolution of 13 December 2022 towards equal rights for persons with disabilities (2022/2026(INI)). Available from: https://www.europarl.europa.eu/doceo/document/TA-9-2022-0435_EN.html

41 Law 51/2003, of 2 December, on equal opportunities, non-discrimination and universal accessibility for people with disabilities. Available from: <https://www.boe.es/buscar/act.php?id=BOE-A-2003-22066>

During 2023, people affected by intellectual **ableism** experienced situations linked to disproportionate pharmacological application received in health services; mockery and threats; violation of the right to privacy; discrimination due to lack of economic resources coupled with disability; obstacles to access a place to live in the community; bullying; lack of access to housing; medical and social neglect; restriction on the use of their own property; lack of access to economic benefits and highly complex specialised resources; and institutional neglect.

With regard to the protection of the rights of people with disabilities, **DINCAT** that the approval of Law 8/2021, of 2 June, which reforms state civil and procedural legislation to support people with disabilities in the exercise of their legal capacity, is an important step forward for the group, given that it represents the transition from a **model of judicial incapacitation** to a model based on support, as determined by the CRPD. As a result of the state reform, Decree Law 19/2021 was also approved, adapting the Civil Code of Catalonia to the reform of the procedure for the judicial modification of capacity. Today, more than two years after the entry into force of the reform, work is still being done on a bill to amend Title II of Book II of the Catalan Civil Code; therefore, in Catalonia we are still awaiting the final regulation of the Catalan model in terms of legal capacity and legal aid.

DINCAT is concerned that, despite the time that has elapsed and the benefits that the reform brings for people with **disabilities**, this legal change still raises a lot of uncertainty in its implementation, especially for people with disabilities and their families. Although the actors involved believe it is a necessary law, they also state that its implementation lacks adequate resources. The organisation believes that it is necessary to change the mentality of all the agents involved, to overcome inertia, to leave aside old legal schemes and to begin to support the people affected. **There is a clear resistance to change among legal practitioners and much training and awareness-raising is needed.** Procedural difficulties are identified, such as the fact that the participation of the lawyer is not mandatory. This change, which was seen as positive in principle, makes it more difficult for people with **intellectual disabilities** to access free legal aid and thus to have someone to explain their rights and the procedures to be followed, and to help them reflect on and determine their wishes, desires and preferences. This leaves people, and also their families, in a situation of vulnerability, as the only alternative is to hire private support. It also calls for the regulation of the figure of the facilitator, a procedural instrument that the reform recognises and incorporates. **The figure of the facilitator, for people with intellectual disabilities, is key for them to understand what happens in judicial proceedings and to be able to participate actively,** guaranteeing their right to access to justice.

Situations affecting people with physical or organic disabilities included discrimination in employment; lack of access to the disability assessment procedure because they do not have an identity number for foreign nationals; difficulties in accessing insurance; architectural barriers; non-adapted transport system; abusive costs in adapted transport; violation of the right to the disability transport card; delay in receiving disability assistance; difficulty in accessing common areas of the community; non-recognition of their autonomy.

Accessibility for people with physical and organic disabilities



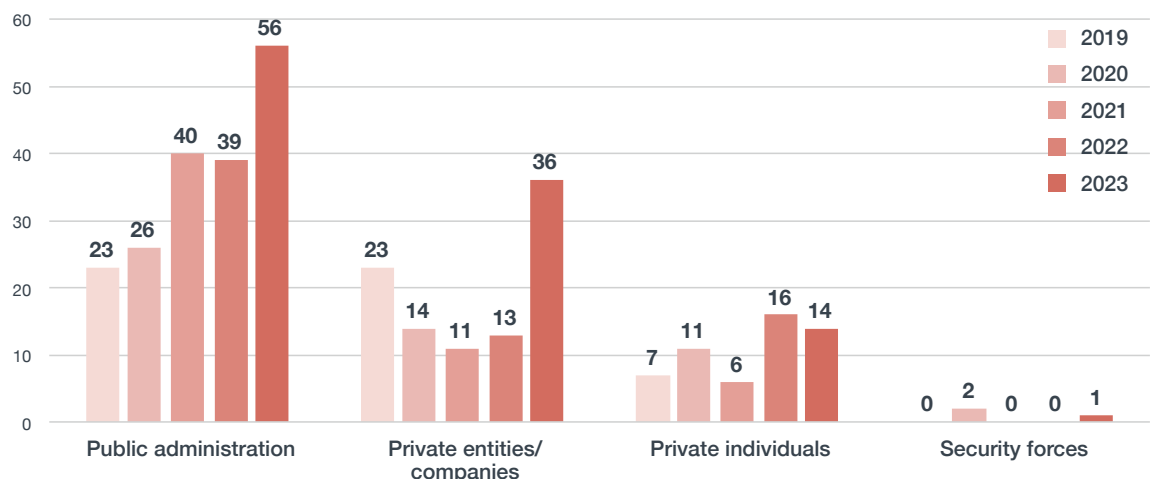
In the third edition of their RADAR ECOM report on violations, it is shown that nearly 50% of the violations analysed (out of a total of 290) are related to accessibility, which violates rights such as the right to mobility, housing and participation in cultural, leisure and sporting activities, among others. This cross-cutting nature of accessibility issues means that people with physical or organic disabilities are unable to exercise their right to equal opportunities. That is why, in its advocacy work, the **ECOM Federation** insists on accessibility improvements that can favour equality in the exercise of rights and full inclusion in society. While improving the accessibility of spaces, buildings, products and services is urgent and necessary, the RADAR ECOM report also notes that the recognition and attention to diversity and the lack of awareness of the specific needs of people with physical and organic disabilities continue to be major challenges. It is essential to address this gap in direct care staff, not only for society in general, but also to prevent and minimise discrimination and rights violations.

Hearing impaired people were impacted by mistreatment in hospitals and social services, differential treatment in transport and difficulties in obtaining a **disability** certificate. The **ECOM Federation** considers that there is a need to educate and raise awareness in society about the problem of accessibility and the need to make resources available to enable people with disabilities to live a life in dignity.

Below is an explanation of how the prevalence of discriminating agents has evolved over the years between 2019 and 2023. **Graph 15** shows that **the public administration has been the main discriminating agent (56)**, which rose considerably since 2019. Private entities/companies (36) are second and show an increase in recent years. In the case of private individuals (14), a slight decrease is observed.

Graph 15 – Perpetrators of ableism, 2019-2023

Source: OND and SAVD Board, 2023



DINCAT and the **ECOM Federation** agree that people with disabilities often encounter indirect discriminatory obstacles in the field of some public policies that do not take into account their specific reality. In the case of the Dependency Law, the organisations consider that it does not sufficiently take into account the problems experienced by people with disabilities: **there are delays in receiving the disability certificate because the procedures are very complex and, furthermore, the benefits received are incompatible with their true needs.** The protection system should also be more accessible.

With regard to companies, discriminatory job offers persist; there is a lack of adaptations in the workplace and a denial of leave to care for children with disabilities.

In terms of individuals, there is a prevailing lack of empathy and understanding. For example, situations where the residents' association refuses to make changes to buildings to overcome architectural barriers. The indifference and disrespect from people who often occupy reserved seats on public transport persists. There have even been situations in which people have been **verbally and physically attacked** when asserting their rights.

Mother forced to take her daughter with a disability to another school



“I am the mother of a child with a disability and I decided to report a situation that my daughter was experiencing at the hands of an after-school activities teacher. When I wanted to talk to her to reproach her for her discriminatory attitude, she replied that “it is better for the pupil to go to a special school to do an after-school music course, because I can’t do everything and I have to spend more time on her care”. And I didn’t understand her reaction since she has the logistical support of ONCE”.

The **OND** provides psychosocial and socio-educational support to the person concerned.

Aporophobia

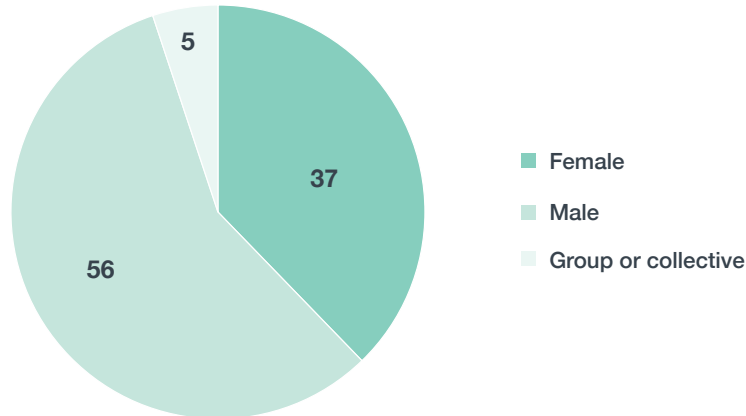
In 2023, 98 situations of aporophobia were registered, affecting mostly 56 men, with individuals being the main discriminating agent.

The report of the UN Special Rapporteur on extreme poverty and human “**Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty (A/77/157)**”⁴² states that **aporophobia** — negative attitudes and behaviour towards people living in poverty — is as pervasive, toxic and harmful as **racism**, sexism and other forms of discrimination, and should be treated as such. People are stereotyped and discriminated against because they are poor. Affirmative action must be taken in favour of people who are impoverished to ensure that aporophobia is eradicated. **The belief that people living in poverty are to blame for their condition and therefore socially inferior is dangerous and erroneous.** There is a need to promote regulations that prohibit discrimination on the basis of socio-economic status, as many countries have already done on the basis of racism, sex, age or disability.

The **HATENTO Observatory**⁴³ states that the expressions of intolerance against these people deny them dignity and attest to the wave of dehumanisation sweeping Europe and calling democratic values into question. It warns that the rejection of “poor people” not only degrades those who practise it, but also undermines the dignity of the lives of individual people. They claim that these people are being subjected to **hate speech**. Of the **98 incidences of discrimination on the grounds of aporophobia**, **Graph 16** reveals that the **most affected individuals are male (56)**, followed by **female (37)** and **5 by group or collective**.

Graph 16 – Victims of discrimination due to aporophobia

Source: OND and SAVD Board, 2023



⁴² Report “Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty (A/77/157)”. Available from: <https://www.ohchr.org/es/documents/thematic-reports/a77157-banning-discrimination-grounds-socioeconomic-disadvantage>

⁴³ Observatory of hate crimes against homeless people.

The **Barcelona Support Network for Homeless People (XAPSELL)** explains that **homeless** women are discriminated against in cafés, bars, restaurants and shops. They have also identified mistreatment in social services for being a migrant and on the verge of becoming homeless. **In some situations, homeless women have suffered physical and verbal aggression by security forces or verbal aggression in court.** There is still stigmatising care in health centres, which hinders and denies access to mental health services. There is a lack of respect for privacy in health facilities. This reality is compounded by the lack of institutional protection mechanisms, the lack of access to drug treatment and excessive delays in medical tests in hospitals.

When women want to escape from this condition, they are faced with the impossibility of enjoying an autonomous life project and the difficulty of accessing loans; they are also denied access to a basic payment account. There have been situations where security forces downplay the **gender violence** that impacts on homeless women when they report it, making them feel guilty. Homeless women are always suspected of having committed a crime when they enter a shopping centre and receive **gender-based assaults**, both physical and verbal. Rather than feeling protected by the security forces, they are punished; even if they are not guilty of theft, they are fined for entering a supermarket and taking food. In shared accommodation, they have suffered physical and verbal gender-based aggressions and there is no alternative access to public housing services. If they are migrant women and in a non-regularised **administrative situation**, they do not have access to public aid or resources for highly complex care.

In the case of men, the **XAPSELL** highlights that there has been evidence of situations in which, because they are migrants, they are discharged from health centres even though they are not fit to leave, they encounter difficulties in rescheduling psychiatric care visits, as well as receiving wrong health diagnoses or errors in medical guidelines. **Men living on the streets have been verbally assaulted by health officials. Some spend the night on the streets in severe physical health conditions**, and, like women, do not have access to specialised mental health resources, because there is a lack of institutional support for highly complex situations.⁴⁴ They are also impacted by the constant violation of their labour rights, they have no access to economic benefits and, when they try to overcome this reality, they find that there is still a lack of resources for reintegration, given that the institutional neglect remains. Verbal aggressions in the neighbourhoods are constant, there continues to be a refusal to accept them in temporary accommodation and there are situations of lack of coexistence in shared spaces.

As is also the case for women, they are framed by security forces and accused of theft, their belongings are constantly taken away for no reason and they are poorly treated in court. They are refused entry to supermarkets because they are seen as criminals, and have been **physically assaulted** in bars and restaurants. There have been situations where groups of people attack them while they are sleeping or when they are forbidden to spend the night at the gates of public entities, as well as when they access means of transport. They are denied access to a basic payment account, forced to pay insurance to open a bank account, or simply refused to open a bank account because they do not have a residence permit. There have been situations where their bank account was arbitrarily closed and they were charged interest on a bank account they did not use or the bank kept the monthly benefit they received.

⁴⁴ This refers to situations where people find themselves without a life project, with a clinical diagnosis of neurodevelopmental disorders (autism spectrum disorder, foetal alcohol syndrome or ADHD), borderline intellectual functioning and mental disorder (depressive disorder, bipolar disorder, psychotic disorder) and transgressive behaviour that cause great alarm in the social, family, educational or work environment.

Bank abuse



I managed to open a bank account, a compulsory procedure for claiming a social benefit that takes some time to be granted. Two months after the account became active, I saw that I was being charged for insurance that I had not requested and of which I was not informed. I was told it was because I had no money in the bank. I had to call my social worker from the Social Integration Service (SIS) and go to her to get the insurance cancelled, as they did not want to cancel it for me.

The **XAPSLL** took socio-educational action with the support of a social worker and the situation was resolved with the cancellation of the insurance and the return of the money.

In the cases of belonging to a group or collective, the **XAPSLL** identifies neighbourhood rejection of the existence in their territory of social housing for homeless people and prejudicial interventions by the security forces towards people living in centres for homeless people. Also, people in residential centres receive insults from groups of young people for no reason. In addition, there have been situations where homeless people have their photos taken and posted on social media.

The **XAPSLL** maintains that the organisations working directly on the streets do important work to make each situation visible and to raise awareness that these are lives that matter and for whom rights must be guaranteed. Making this reality visible helps to raise awareness so that society stops normalising it and is no longer indifferent to it.

In December 2023, a **count of people living on the street** was carried out, organised by Arrels Foundation and the **XAPSLL**. **1,384 people were identified as sleeping on the streets** (according to the organisation, this is a very conservative figure). The **districts of Ciutat Vella, L'Eixample, Sants-Montjuïc and Sant Martí were found to be home to the majority of people living on the street**. Of the total number of persons found, **533 were male and 57 were female**, and the **gender** of the remaining persons could not be determined.

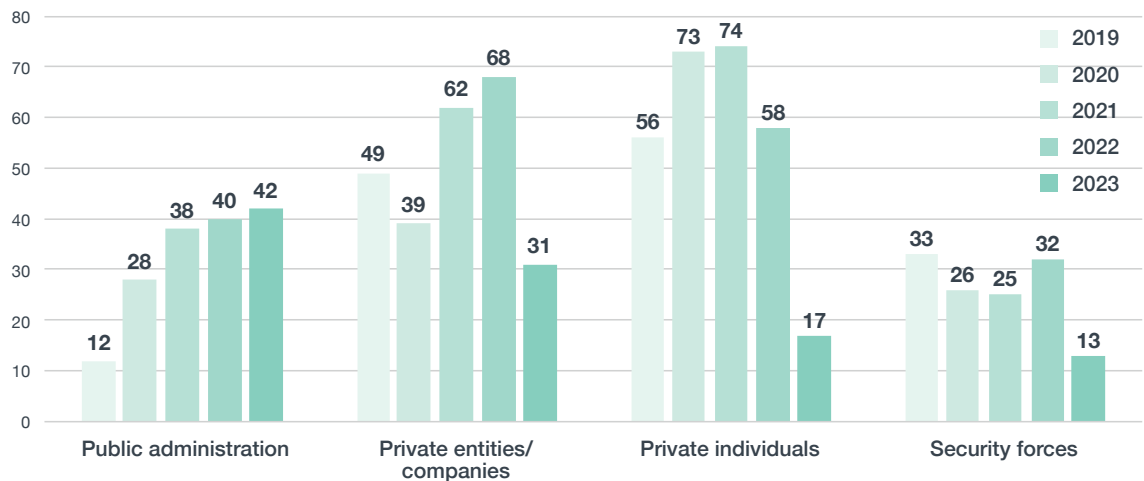
Over the years, agencies note that there is a persistent upward trend in the number of people living on the streets of the city, and in very different situations. There are elderly, young people, single adults or couples, people suffering from mental or organic health problems and migrants.

When analysing the long-term pattern of **aporophobia** discriminating agents since 2019, **Graph 17** shows that the main **discriminating agent** is the public administration (42) in 2023. Private entities and companies (31) have a lower number of cases compared to the previous year due to the persistence of **under-reporting** due to the **homelessness** of the people affected, which makes it difficult to identify the discriminating agents. Private individuals (17) and security forces (13) have dropped considerably.

With regard to the data shown in Figure 17, in all the recorded situations of **aporophobia**, it was identified that the most serious situations of discrimination occurred in companies and individuals, while the least serious ones occurred in the public administration, but in greater numbers.

Graph 17 – Perpetrators of aporophobia, 2019-2023

Source: OND and SAVD Board, 2023



During 2023, the **XAPSLL** highlights that they have identified barriers to accessing services/resources for people experiencing multiple vulnerabilities. For example, the lack of a perspective of reducing harm by the protection resources of the care and recovery network for women victims of **gender violence** means that drug users, in a situation of **homelessness**, are systematically excluded from these resources. Drug use is often the main barrier to entry or the main reason for eviction from housing resources. Those women who seek resources within the general social services network or even within the specialised drug network find that these resources are masculinised, and are sometimes exposed to sharing spaces with their aggressors. With regard to women who are victims of sexual violence and who are in multiple situations of vulnerability (problems related to drug use, homelessness, mental health diagnoses), their story is often questioned by health workers, the police and judicial officials when they decide to report the situation of violence. Re-victimisation often keeps them away from these institutions.

The **XAPSLL** stresses that **aporophobia** never comes alone, that behind it there is a multidimensional context of inequality and human rights violations. For example, **with the implementation of Plan Endreça, more random stops by security forces of homeless people have been observed**. They explain that the human rights of people living in this situation are constantly violated. For example, discharge from hospital without a place to recover, preventing them from continuing treatment, creates an oppressive reality. In addition, the feminisation of poverty is on the rise, where being a woman, being poor, homeless and a migrant puts them at greater risk.

Ageism

There were 72 people affected by **ageism**, mostly young people, with **under-reporting** still occurring among the elderly and the main **discriminating agent** being the public administration.

According to the **WHO**, ageism causes harm, disadvantage and injustice and erodes solidarity across generations. **Ageism** penalises everyone who is outside the majority age bracket, which is considered adulthood; as such, **it discriminates against young people and the elderly**. Ageism against youth manifests itself in many areas, such as health, employment, housing and politics, where young people's voices are often ignored or dismissed. Ageism against the elderly relates to how old age and ageing are under-

stood, intergenerational relations and how **stereotypes** and preconceived ideas about the elderly are perpetuated, thus limiting the understanding of the diversity and heterogeneity of old age.

In Barcelona, there is the **Plan for Childhood 2021-2030: challenges and actions to improve the lives and rights of children and adolescents**.⁴⁵ It promotes public policies aimed at strengthening the role of citizens aged 0-17 in the city and is structured around seven fundamental rights: the right to adequate material and economic conditions; the right to education, leisure, culture, play and rest; the right to comprehensive health and health services; the right to the family and its responsibilities and the social protection of children; the right to protection against discrimination and violence; and the right to participation, to be heard and to receive adequate information, and the best interests of the child.

In 2023, the **Barcelona Adolescence and Youth Plan 2023-2030**⁴⁶ was launched, which aims to promote public policies for people aged between 12 and 35 in the city, who account for almost half a million people, 28.5% of the total population. It defines 44 objectives divided into two axes: youth protagonist and co-creating youth. Among other areas, it prioritises education, work, housing, health and well-being, culture, participation and the climate emergency. About the elderly, in July 2023 the **European Economic and Social Committee (EESC)** called on the European Commission and the Member States to draw up a new European strategy on older persons⁴⁷ that moves away from the current perception of older people as a burden and a cost to society; that protects their rights and ensures their full participation in society and the economy. The EESC proposes to set up a European Agency for Older persons, ageing and the demographic challenge, to promote the exchange of good practices, technical capacity building and concrete actions. It also calls for the adoption of a UN convention on the rights of the older persons.

The **Plan “Barcelona: friendly city for the elderly 2022-2030”** aims to achieve a city that promotes the autonomy of the elderly, with the necessary services, facilities and support so that they can choose a way of life that best suits their values. The plan aims to respond to the almost 350,000 people over 65 years of age, 21.1% of the total population living in the city. It is structured along five axes: empowerment, respect and good treatment; eradication of loneliness; intergenerational relations; civic and social participation; and spaces, facilities and services.

The number of situations of discrimination on the grounds of **ageism** in 2023, as shown in **Table 15**, has experienced a significant increase compared to 2021, when the recording of situations linked to this reason began. Out of the **72 people affected, it has been mainly young people (58) the ones who have reported (14 cases from the elderly were reported)**. These data show that **under-reporting** continues to persist in situations of age-related discrimination, which is why the analysis presented by the Observatory is, more than anything else, qualitative and provided by the **Youth Council**⁴⁸ and the **Advisory Council for the Elderly of Barcelona**.⁴⁹

45 Plan for Childhood 2021-2030 of the Barcelona City Council. Available from: <https://ajuntament.barcelona.cat/drets-socials/sites/default/files/arxiu-documents/pla-infancia-2021-2030.pdf>

46 Barcelona Adolescence and Youth Plan 2023-2030. Available from: <https://ajuntament.barcelona.cat/joves/es/canal/pla-dadolescencia-i-joventut-de-barcelona-2023-2030>.

47 Put an end to “ageism”: The EESC urges the Member States to draw up a new strategy on older persons. Available from: <https://www.eesc.europa.eu/en/news-media/press-releases/stop-ageism-eesc-urges-eu-and-member-states-create-new-strategy-older-persons>

48 The Youth Council is a platform of associations and collectives representing the organised youth of Barcelona.

49 The Advisory Council for the Elderly is a consultative and participatory municipal body for issues concerning the elderly in the city.

Table 15 – Victims of ageism, 2021-2023

Source: OND and SAVD Board, 2023

	2023	2022	2021
Ageism	72	6	5
Young people	58	2	3
Elderly people	14	4	2

* The total indicates the number of times this kind of discrimination has been identified in the 865 total incidents addressed.

In the case of young people, the most affected group were women in the healthcare setting, while receiving sexual and reproductive health care, and also young people of North African origin who were affected by random police stops on the street due to racial profiling. In the case of the elderly, it was particularly women who were affected as they took on the role of caregivers of family members with mental health diagnoses and received discriminatory treatment in care services. The increase in **ageism** is mainly due to three factors:

- Firstly, the organisations of the **SAVD Board** have increasingly identified the **intersectionality** of discrimination in the situations they deal with, as was observed in the section on intersectional discrimination, where ageism intersects mainly with **gender**, health and **racism**; and secondly, with **LGBTIphobia**, **aporophobia**, **ableism** and language.
- Secondly, to the quantitative contribution of the **Associació de Drets Sexuals i Reproductius** to the register of health-related discrimination, specifically related to sexual and reproductive health, which, above all, has an impact on young women.
- Thirdly, to the quantitative contribution of **Salut Mental Catalunya** in the register of discrimination, in particular, related to mental health, which impacts on the elderly who assume the role of carers of their children with a mental health diagnosis.

Other situations in which ageism is observed are related to LGBTIphobia, in the case of young gays and lesbians who are physically and verbally attacked in the street or in leisure areas. Moreover, linked to the use of a language, there are situations where the majority of elderly people, when using Catalan in the health sector, feel discriminated against because of the staff’s refusal to speak to them in Catalan.

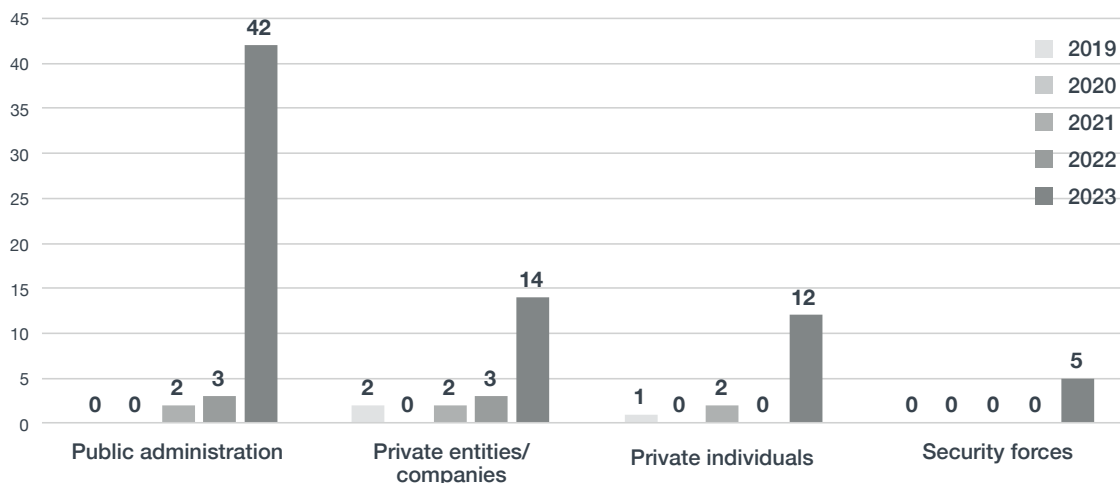
Graph 18 shows that the evolution over time of the discriminating agents indicates that the public administration is the main discriminating agent (42) in terms of ageism; followed by private entities/companies (14) and individuals (12).

The **Barcelona Youth Council (CJB)** stresses that age discrimination is centred on the lack of analysis of the impact of **adultcentrism** and its consequences on society and indifference to the discrimination that affects people who are not adults. It is necessary to investigate and incorporate this reality into the public debate, as well as to promote inclusive policies from an intersectional perspective on the youth issue, with the aim of attending to and understanding the existing diversity of being young.

According to the **CJB**, **adultcentrism permeates all areas of life in the city and conditions youth associations and the work of promoting the rights of young people.** The conception and treatment of young people requires a social change and this involves recognising adultcentrism as a form of discrimination, as it directly and indirectly affects their well-being and their life paths.

Graph 18 – Perpetrators of ageism, 2019-2023

Source: OND and SAVD Board, 2023



There is still little youth perspective in all areas of the City Council. For this reason, the **CJB** demands that this reality be included in the political agenda and that non-adultcentric public policies be guaranteed, which must be overcome:

- Lack of training of municipal staff on youth perspectives and adultcentrism. There is a need to change the mindsets of policy makers and policy implementers.
- Lack of youth perspective in consultative bodies (Municipal Council Assembly or District Council Assemblies). They are spaces that retain adultcentrism logic and do not deal with issues of interest and concerning for young people. The inclusion of a youth perspective has to be aimed at transforming their structures and dynamics, as well as the imaginaries of those who work in the administration.
- The lack of mainstreaming of age discrimination. Just as there is a **gender** mainstreaming department, it would be important to have a department that ensures age mainstreaming and considers the needs and specificities of age groups in all areas.
- The lack of a youth perspective in the public space. For years the city has been suffering from the dynamics of gentrification and privatisation of public space to the detriment of community use by citizens. Youth associations are often not valued in the participation processes in public space. There is a demand for a design of public space that puts the needs of people and organisations at the centre and, specifically, that facilitates meetings between young people based on their own organisational autonomy.
- The lack of recognition of youth associations as a key community agent in neighbourhoods, energising and cohesive in terms of coexistence. Young people often find themselves unrecognised as valid actors and invisible or undervalued in the eyes of the rest of the community. Our neighbourhoods are not left out of adultcentrism discourses and practices and, therefore, youth organisations are affected by the adult power that hinders their activity.
- Lack of knowledge of district participation spaces, as they tend to be spaces managed from an adult perspective, with barely any presence of young people and where issues are addressed for which young people do not feel involved. These spaces must be accessible to young people and their organisations, thus guaranteeing information and adaptation to the reality of young people and associations in terms of voice and representation.
- The non-existence of a Councillor's Office for Youth in the City Council. There has not been a Councillor's Office for Youth since 2015, although in this last mandate the figure of the Commissioner for childhood, adolescence and youth policies has been incorporated, where the person in charge is a young person.

“They assume that I never know what I am talking about because I am a young woman.”

0-99

“As a young woman who participates in, and even energises, meeting spaces, I have often encountered paternalistic attitudes in which, especially adult men, interrupt me mid-sentence and talk over me without letting me express myself, showing that they do not take me seriously and do not respect my role in the space. I encounter a lot of *mansplaining*, especially when I give my opinion on more political and ideological issues. They assume that I never know what I am talking about because I am a young woman”.

The **CJB** considers it important to make **adultcentrism** visible because it limits the development of young people’s abilities and autonomy and prevents them from reaching adulthood in safety. The reality experienced by young people is not taken into account or empathised with.

The **Advisory Council for the Elderly (CAGG)** shares the main problems faced by the elderly arising from different debates and analyses carried out in various sessions with groups of elderly in day centres in Barcelona and elsewhere, in the framework of the presentation of the short film *A la brecha* [To the gap] to reflect on the reality of the elderly, promoted by the **CAGG** team:

Care and abuse

Older people, especially women, often take on caregiving tasks for their grandchildren, but say that they **feel obliged to support their family, leaving aside their own lives and what they should prioritise independently.**

Forms of abuse related to **ageism** are observed in family relationships: when those around them doubt that they are capable of managing their money; or when sons and daughters want to accompany them to the doctor or to do different errands without trusting in their abilities. An overprotection persists that does not allow them to be self-sufficient. Society considers that the elderly have nothing to contribute and can learn nothing. They are seen only as parents and providers of family services.

Access to health care

Older people find it very difficult to access different medical services and tests. The digital gap is a major obstacle that generates discrimination by the public health administration. They consider, for example, that very few elderly people use the digital system “**Mi salud**” [My health] and that it is not a tool designed for their age group. **They also identify situations of discrimination during visits to the doctor/physician or when they have to go to hospital for a particular treatment.** There is a feeling that people over 80 are “lost causes”, especially when it comes to receiving or planning treatment.

Learning capacity

At different times, there have also been situations of self-ageism: many elderly people have accepted that they no longer have the possibility to learn new things, due to their limited previous experience. Mainly, they are afraid or ashamed to learn about technology-related issues, because ageist society has socialised them to think that the older you get, the less skills you have.

Residential homes and housing

There is a clear concern among the elderly that their pensions are not sufficient to guarantee access to decent and age-appropriate housing. In addition, the current situation of public care homes creates concern for them, knowing that the time will come when they will have to leave for financial reasons.

Public and subsidised care homes continue to be the places where the elderly say they suffer the most discrimination, due to the low quality of the service, job insecurity, high staff turnover and the limited budget allocated by the administrations. Elderly people feel that they are a “burden”, not only on their families but also on the state.

Reverse mortgages⁵⁰ are another concern. Aggressive advertising campaigns by banks and the lack of information on the pros and cons of this product also lead to situations of lack of protection and discrimination.

Leisure and participation

Many elderly people complain that there is no inclusive and accessible cultural programming in the city as a whole. Although they want to participate in citizen participation spaces, they feel that there is little information and an ageist perspective.

50 The reverse mortgage is a mortgage loan that allows the over 65s to obtain, with their own home as collateral, a monthly payment with which they can supplement their income for a certain period of time, with the possibility of receiving these payments throughout their lives. On the death of the owner, the inheriting family is entitled to both the ownership of the property and liable for the debt accumulated with the financial institution, and has two options:

Keep the house: to do so, they must pay off the debt with the institution, returning the money they borrowed. If they do not have the equity to do so, they can get finance by taking out a normal mortgage on the property for the amount of the debt.

Sell the house: in this case, the proceeds of the sale are used to pay off the debt incurred by the holders of the reverse mortgage. If the amount is not sufficient to satisfy the accrued debt, the entity can demand the sale of other assets of the estate.

In short, the reverse mortgage is presented, according to the banks, as an alternative to supplement the pension. As this is a loan, this additional monthly income is not taxable for personal income tax purposes.

The digital gap is experienced as dehumanisation

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“We have the impression that, since the pandemic, there has been an accelerated dehumanisation of care and of many services that we often use, such as dealing with the administration, access to health and primary care, banking, and other procedures involving the use of technology. We have not had time to learn how to use digital tools that have become indispensable. No thought has been given to our reality and we feel excluded from the advancement of technologies”.

The **CAGG** is focusing on making the different forms of discrimination related to the digital gap towards the elderly visible. As a result of this reality, the short film *A la brecha* was made, which makes the digital divide visible as a recurring inequality that has a negative impact on the lives of the elderly..

Religion

In 2023, under-reporting persists in situations of Islamophobia and antisemitism. There were 16 incidences of discrimination based on religion. The main discriminating agents were individuals and private entities/companies.

Religious freedom is a right recognised in the **Universal Declaration of Human Rights (Art. 18)**, the **International Covenant on Civil and Political Rights (Art. 18)** and the **Charter of Fundamental Rights of the European Union (Art. 10)**. It protects people of all religions and those who want to change or abandon their beliefs. For many years, there has been ostensible religious uniformity in Europe. Antisemitism has been reduced and states have become progressively secular. The phenomenon of immigration has enriched religious diversity through the establishment of different communities and religious groups. **Article 16 of the Spanish Constitution** guarantees the ideological, religious and worship freedom of individuals and communities with no other limitation, in its manifestations, than that necessary for the maintenance of public order protected by law.

In the city of Barcelona, there are 27 denominations and nearly 500 places of worship. This diversity poses a number of challenges in a context where discrimination on religious grounds persists, as recorded in **Table 16**. In 2023, **16 situations of discrimination on religious grounds** were recorded, of which **9 were on the grounds of Islamophobia**, **6 ere anti-Semitism** and 1 was linked to **Christianophobia**.

Of the situations of discrimination due to Islamophobia dealt with, the following were identified: **verbal attacks** on a Muslim family by private individuals, differential treatment of women in companies and leisure centres because they are Muslim and because they wear the hijab, hate speech in the media, and differential treatment in educational centres.

Situations of **antisemitic** discrimination included attacks on the façade of a synagogue; discrimination in a study centre due to Israeli origin; messages of rejection of the Jewish people reported by a woman during a demonstration; and antisemitic graffiti in a place of worship.

The situation of Christianophobia takes the form of threats and **verbal attacks** on a Christian place of worship where the majority of the participants are of Roma **ethnicity**.

Table 16 – Victims of religious discrimination, 2020-2023

Source: OND and SAVD Board, 2023

* The total indicates the number of times this kind of discrimination has been identified in the 865 total incidents addressed.

	2023	2022	2021	2020
Religion	16	19	26	32
Islamophobia	9	18	26	28
Anti-semitism	6	1	0	2
Christianophobia	1	0	0	1
Other	0	0	0	1

Bayt al Thaqa explains that there is still a lack of confidence in reporting **Islamophobia** for fear that they will not be heard and that reporting will not help. There is a high degree of stigmatisation that weighs heavily on those affected and they take it as part of their daily reality. According to the organisation, the normalisation of Islamophobia makes it invisible. Furthermore, a leading organisation in the fight against Islamophobia in Barcelona, SAFI, the driving force behind the Observatory against Islamophobia in Catalonia, ceased to operate at the end of 2022 due to a lack of resources, which has probably led to a drop in the number of complaints registered in this 2023 report (from 26 cases registered in 2021 to 16 in 2023).

In 2023, the UN High Commissioner for the Alliance of Civilisations, Miguel Ángel Moratinos, warned of “an extremely dangerous growth of **Islamophobia**, especially in Europe”.⁵¹ He argued that the world is in turmoil and, in relation to the Muslim world, there is enormous confusion and ignorance about what it means, leading to **stereotypes** and clichés and stigmatising attitudes.

Act 19/2020 on equal treatment and non-discrimination recognises “any manifestation of Islamophobia” as one of the causes of religious discrimination. The Council of Europe and the United Nations Committee on the Elimination of Racial Discrimination define Islamophobia as: “a form of **racism** and **xenophobia** manifested through hostility, exclusion, rejection and hatred against Muslims”. Islamophobia is thus a form of **racism against Muslims**.

In September 2023, the **European Coalition of Cities Against Racism (ECCAR)** published the first **Guide to local action against anti-muslim racism**.⁵² European and global institutions, such as the **European Commission against Racism and Intolerance (ECRI)**, the **European Union Agency for Fundamental Rights**, the **European Commission to Combat Anti-Muslim Hatred**, the **OSCE Office for Democratic Institutions and Human Rights (ODIHR)** and the **UN**, , Special Rapporteur on Freedom of Religion or Belief, have used different terms in their reports in recent years: “**Islamophobia**”, “anti-Muslim hatred”,

51 News available in: <https://www.infobae.com/espana/agencias/2023/10/23/moratinos-advierde-de-un-crecimiento-de-la-islamofobia-extremadamente-peligroso-en-europa/>

52 Guide to local action against anti-muslim racism. Available from: https://www.eccar.info/sites/default/files/document/ENG_ECCAR%20Guidebook%20Local%20Actions%20against%20Anti-Muslim%20Racism.pdf

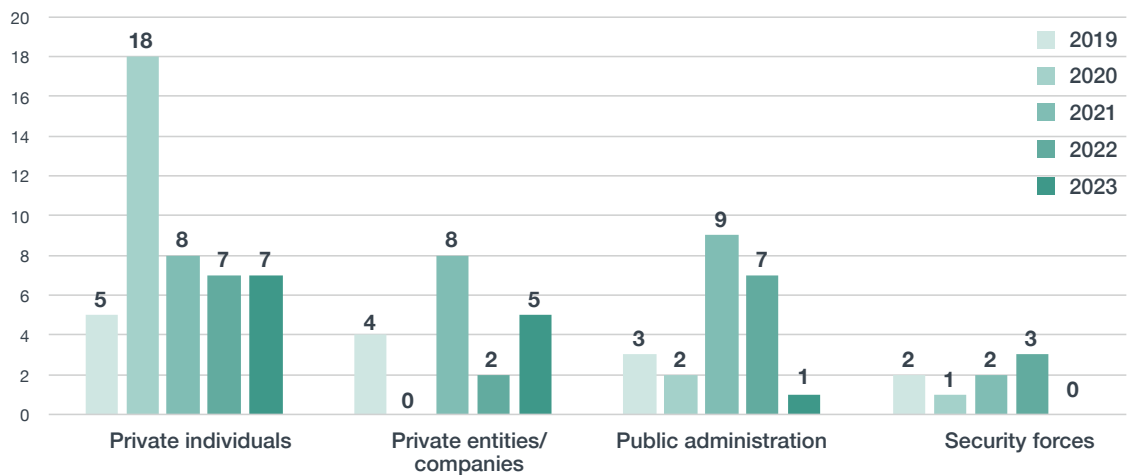
“anti-Muslim **prejudice**” and also “**anti-Muslim racism**” to refer to discrimination and hostility towards Muslims and perceived Muslims. However, **ECCAR** has legitimised the use of the term “anti-Muslim racism” and argues that it is a form of discrimination, hatred and exclusion faced by Muslims and those perceived as Muslims because of their religious identity. Anti-Muslim racism is intersectional, so people may experience other forms of discrimination based on their **gender**, religious identity, their **ethnicity**, skin colour or social class.

In 2023, individuals (7) are the main **discriminating agent** in the situations attended and five are linked to private entities/companies. The low level of reporting of discriminating agents, as pointed out by the **Bayt al-Thaqafa Foundation**, is due to a lack of confidence in reporting those who discriminate on religious grounds. Specifically, because it is normalised, because there is a fear of not being heard and, in the case of people professing Islam, a strong stigma persists: “the belief that it is radically different from other religions”. .

Individuals and private entities/companies were the main discriminating agent in situations of **Islamophobia**. They were particularly so in situations of **antisemitism**.

Graph 19 – Perpetrators of religious discrimination, 2019-2023

Source: OND and SAVD Board, 2023



“Spain is a Christian country and does not have to bury Muslims”



“In March 2023, an employee of a major Spanish insurance company called me on my home phone to sell me burial insurance. I was interested in the service, according to the Muslim rite, as I am a Muslim woman. The insurance worker explained to me the advantages I was entitled to: “You can be buried in a town mosque wherever you want,” she told me. I then asked her about the place of burial and explained the problems that people from the Muslim community in Catalonia and Spain usually encounter in relation to burials. It was then that the insurance worker rebuked me and said, “you are in Spain and if you want to be buried here according to the Muslim rite, it is as if I went to Morocco to live and asked to be buried according to the Spanish rite”. At that point, I pointed out and made it clear to her that, as the person concerned, being Muslim and Catalan, I did not need to be buried in Morocco but in my own land, Catalonia, and in accordance with the religion I practise. To which the insurance worker replied: “Spain is a Christian country and does not have to bury Muslims”.

From this point on, she continued her abuse of me, full of belittling comments and insults. She was very rude to me and hung up.

The **OND** offered support and assistance with the provision of services: legal advice for possible complaints, psychosocial care for emotional distress, and mediation as a means of conflict resolution.

Ideology

In 2023, the under-reporting of discrimination based on ideology persists. Only eight incidences were recorded in which the main discriminating agent was private individuals, in contrast to the previous year, which was private entities/companies whose identification dropped considerably from 14 to 3.

International law prohibits discrimination against persons for exercising their democratic rights. According to Article 2 of the International Covenant on Civil and Political Rights (ICCPR), States must respect and ensure the rights recognised in the Covenant “without distinction of any kind, such as race, colour, **sex**, language, religion, **political or other opinion**, national or social origin, property, birth or other status”. This is also enshrined in the Spanish Constitution, Law 19/2020 and the Penal Code.

When there is differential treatment, verbal or physical aggression or **hate speech** linked to ideology, it is not read as a ground for discrimination. As evidenced in debates and political talk shows in the media, hostility and **prejudice** towards those who do not share the same ideas is socially accepted. Even during or after demonstrations called by groups claiming rights violations or proclaiming freedoms, there is evidence of verbal and even physical attacks against people expressing their ideas and opinions.

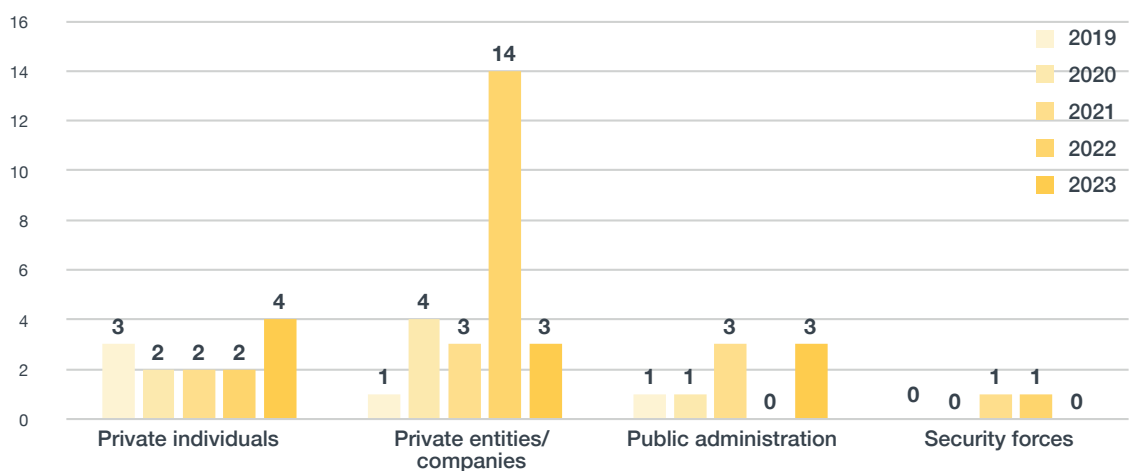
The **University of Malaga (2019)** study “The dual nature of partisan prejudice: morality and identity in a multi-party system”⁵³ states that “exclusion based on political sympathies is greater than other forms of discrimination”. The study points out that people are not aware of the impact of this discrimination and, as there are no regulations that specifically sanction it, people end up naturalising the rejection of those who think differently.

In its **Report on the trend in hate crimes in Spain 2022**⁵⁴, the **Ministry of the Interior stated that political ideology was the second most common reason for discrimination in terms of hate crimes after racism and xenophobia**. The Discrimination Observatory’s data on discrimination on ideological grounds show that it is necessary to continue with prevention and reporting, as under-reporting persists. **Graph 20** shows that the main **discriminating agents in 2023 were in four situations individuals, in three situations the public administration and in two situations private entities/companies**. For example, graffiti on a school wall with the phrase “gender ideology is a cancer”, or when a school is singled out on social media because it has hung an LGBTI flag on its façade.

Graph 20 – Perpetrators of ideological discrimination, 2019-2023

Source: OND and SAVD Board, 2023

* In some situations of discrimination, there is more than one discriminating agent.



The **Associació de Drets Sexuals i Reproductius** explains that **discrimination against sexual and reproductive rights intersects with discrimination on the grounds of ideology**, which is manifested in the discriminatory attitudes of health personnel who are objectors to young women who have decided to have an abortion. They question them and put pressure on them to change their decision. They judge them on ideological grounds because they say that “gender ideology destroys lives”. From this conservative point of view, linked to **anti-gender ideology**, hate speeches are constructed that generate fear, anguish, guilt and uncertainty in young women, affecting their mental and emotional health. In the vicinity of clinics that perform abortion services, groups of people attack medical personnel and/or users, **verbally attacking** them and urging them not to have an abortion.

53 An article led by researchers Hugo Viciano, from the University of Malaga, Antonio Gaitán Torres, from the Carlos III University in Madrid, and Ivar Rodríguez Hannikainen, from the Pontifical Catholic University of Rio de Janeiro, has studied the phenomenon of everyday partisanship as a form of discrimination comparable to others such as racism and sexism, and has shown that exclusion supported by political sympathies is greater in advanced societies than other forms of discrimination. Available from: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0219509>

54 Report on the trend in hate crimes in Spain 2022. Available from: https://www.interior.gob.es/opencms/export/sites/default/galleries/galeria-de-prensa/documentos-y-multimedia/balances-e-informes/2022/Informe_Evolucion_delitos_odio_2022.pdf

Table 17 shows the volume of hate crimes linked to discrimination. Of the 865 situations of discrimination dealt with, **117 situations linked to hate crimes were identified: 62 situations of LGBTIphobia, 18 of racism and 10 of use of language.**

**Table 17 –
Hate crimes
and causes of
discrimination**

Source: OND and
SAVD Board, 2023

Causes of discrimination	Hate crimes
Racism/xenophobia	18
LGTBIphobia	62
Aporophobia	5
Language	10
Ableism	2
Health	2
Religion	8
Gender	5
Ideology	3
Ageism	2
Total	117

Ruling for discrimination on ideological grounds



On 19 September, the 17th Criminal Court of Barcelona handed down a conviction in a case in which Barcelona City Council had appeared as a public prosecutor. The situation dates back to 17 October 2019, in the context of the protests that took place in Barcelona following the ruling on the Catalan independence process, when an organised group of far-right demonstrators, wearing Francoist and Nazi symbols, assaulted a young pro-independence man on his way home through the streets near Plaça d'Artós. The assault caused the person to be physically unable to move for 50 days and to receive medical assistance. The ruling sentenced four people for the crime of aggravated assault and battery with the aggravating circumstance of abuse of superiority and discriminatory ideological motivation. They will have to serve a sentence of three years, six months and one day in prison, not come within 500 metres of the victim for five years and compensate the victim with 10,800 euros. This ruling is relevant because it specifically recognises the aggravating circumstance of discrimination on ideological grounds. Barcelona City Council, in addition to appearing as a public prosecutor in the case, accompanied the young man throughout the process with psychosocial and legal care through the [Office for Non-Discrimination](#).

What types of discrimination are there?

Table 18 shows that in 2023, **934 situations of direct discrimination and 183 situations of indirect discrimination were identified.**

In the case of direct discrimination, the most common were: **distinction (366), exclusion (154), verbal aggression (87), restriction (79), physical aggression (68) and discriminatory or hate speech (54).** In addition, for the first time in 2023, the **SAVD Board**, organisations identified **institutional violence as a type of discrimination with 89 incidences.** The **indirect discrimination** with the highest volume of incidences was **public policies (75).**⁵⁵

**Table 18 –
Types of
discrimination**

Source: OND and
SAVD Board, 2023

Direct discrimination	
Admission	5
Physical aggression	68
Verbal aggression	87
Discriminatory or hate speech	54
Differentiating treatment	366
Exclusionary treatment	154
By association	1
Preferential treatment	16
Restrictive treatment	79
Vandalism	4
Institutional violence	89
No information	11
Total	934
Indirect discrimination	
Advertisements	1
Barriers to accessibility	18
Laws	13
Media	2
Offers	5
Public policies	75
Social media	6
Other	63
Total	183

* The total sum does not match the total number of discriminatory situations because it is multiple choice question.

55 Please see page 31 for definitions of each of the types of discrimination discussed in this section.

In the **366 types of discrimination identified as distinction**, there was a **negative distinction towards LGBTI people, racialised people, people with mental health diagnoses, homeless people, young women and people of Muslim faith**. In the 154 types identified as exclusion, the people most affected were, above all, homeless people, people in a non-regularised **administrative situation**, young migrant men and women, and people with disabilities. In the 79 types identified as **restriction**, the people affected were racialised people, homeless people and people with physical functional diversity. The 87 **verbal aggressions** were mostly directed at LGBTI people and migrants. The 68 cases of **physical aggression** targeted gay and transgender people, young people of African descent and Moroccans, and homeless people.

In relation to the 89 types of discrimination identified as **institutional violence**, the **SAVD Board** organisations share their concern about this type of discrimination, which is increasingly being identified in the discrimination situations they deal with. **Disaggregating the data on institutional violence by discriminating agent reveals 34 incidents in public administration, 49 in security forces and 22 in private entities/companies** (as shown in Table 20 below). It is necessary to clarify that more than one discriminatory agent may have been involved in a discriminatory situation, which means that the sum of the data disaggregated by agent does not coincide with the total number of incidences of institutional violence.

SOS Racisme Catalunya and **Iridia** affirm that police interventions on the grounds of racial profiling by the security forces towards young migrants of different origins, especially of North African or Arab origin, black people and Latin Americans, is institutional violence. So is the aporophobia expressed in police interventions towards homeless people. **In 2023, 49 discriminatory actions of institutional violence exercised by the security forces were identified, making it the main discriminatory agent in this type of discrimination.** **Iridia**, through its **Service for Attention and Complaints against Institutional Violence (SAIDAVI)**, reports that, in the Barcelona metropolitan area, in 2023, 13 discriminatory situations on grounds of racism and LGBTIphobia were identified in which the people responsible were agents of police forces and private security (of entities and companies that act by delegation of functions of public competence).

In 2023, 34 discriminatory actions of institutional violence exercised by the public administration were identified, making it the second discriminating agent in this type of discrimination. Mostly, these were actions committed by health personnel in the field of mental health and sexual and reproductive health.

Salut Mental Catalunya states that institutional violence is that exercised by healthcare malpractice: involuntary admissions, restraints, formal and informal coercion. They consider that **the social and health care and protection system is violent towards vulnerable groups**. They consider that the care and protection system is still based on coercion and the outsourcing of services to private entities, which should also be accountable and ensure a quality public system, which is why the public administration is the main discriminating agent for health reasons in 2023, as shown in Figure 9. Specifically, **in situations of mental health discrimination, 14 incidences of institutional violence were identified in which health and private security personnel intervened**, for example, mechanical restraint and neglect in highly complex cases.

In relation to situations of discrimination that violate **sexual and reproductive rights** in the public administration, the **Associació de Drets Sexuals i Reproductius** considers that they are caused by a process or situation of **institutional violence** linked to an anti-

rights discourse on women's sexual and reproductive autonomy (DSiR for its acronym in Catalan). DSiR are part of the human rights framework and in order to guarantee them effectively, their multiple dimensions need to be analysed. These dimensions make it possible to further develop the effective guarantee of rights. **In discriminatory situations on the grounds of sexual and reproductive health, 13 incidents of institutional violence were identified, which were exercised by health personnel, for example,** pressure, questioning, blaming and mistreatment of young users so that they would not continue with an abortion.

Law 17/2020, of 22 December, amending Law 5/2008, on the right of women to eradicate gender violence, recognises institutional violence as a type of gender violence. In its Article 4 it states, for example, that the lack of due diligence in addressing gender violence, if it is known or promoted by the administrations or becomes a pattern of repeated and structural discrimination, constitutes a manifestation of institutional violence, which includes the production of legislation and the interpretation and application of law that aims at or causes the same result.

Another discriminating agent that exercised institutional violence were private entities/companies that act by delegation of functions of public competence in the field of health and means of transport. In 2023, 22 discriminatory actions of institutional violence exercised by this agent were recorded, of which 9 were by health personnel and 13 by private security personnel (4 by private security personnel in hospitals and 9 by private security personnel in means of transport). **Irídia** indicates that in addition to health reasons, other reasons such as **LGBTIphobia** and **racism** and **xenophobia** have been identified in the case of private security in means of transport.

Concerning the 183 actions of indirect discrimination: 75 situations linked to “public policies” and 18 linked to accessibility barriers were the most recorded. In the former, situations were observed in which access to study opportunities and social assistance was impeded due to not having an identity number for foreign nationals; also, multiple delays in receiving social assistance for people with disabilities; long waiting lists in citizen care services; lack of information on adequate mechanisms (access to specialised care services) in situations of maximum vulnerability; delays in access to care in mental health services; lack of institutional support in highly complex situations; lack of clear and dignifying regulations to avoid abuse in psychiatric units. With regard to accessibility barriers, architectural barriers were identified in residential and business buildings providing services to the public, in workplaces and also in transport not adapted to the needs of people with disabilities.

The following identifies the relationship between the types of direct discrimination and the grounds of discrimination **Table 19**, shows how discrimination on grounds of **racism**, health and **LGBTIphobia**, among others, has been expressed. In other words, the kind of attitudes or actions that the discriminating actors have practised towards the persons concerned.

The type of direct discrimination “distinction” refers to actions that, on the basis of the identification of one (or more) personal characteristic(s), treat one person differently from another(s) in the same situation. This has been evidenced by discrimination based on **racism** when a woman of Roma **ethnicity** is followed around the supermarket because she is under suspicion; when security forces intervene with young migrants or homeless people because they are considered to have a criminal profile, simply because of their appearance; when people who speak Catalan are treated differently in health centres.

**Table 19 –
Types of direct
discrimination
and grounds for
discrimination**

Source: OND and
SAVD Board, 2023

	By mistake	Physical aggression	Verbal aggression	Discriminatory and hate speech	Differentiating treatment	Exclusionary treatment	By association	Preferential treatment	Restrictive treatment	Vandalism	Institutional violence
Racism/xenophobia	0	15	21	17	88	46	0	14	19	0	46
LGBTIphobia	0	39	56	21	64	18	0	0	0	3	3
Aporophobia	0	9	3	6	36	20	0	0	17	1	20
Language	0	0	6	8	61	39	0	1	2	0	3
Ableism	0	1	3	3	52	19	0	1	17	0	6
Health	0	6	10	5	102	33	1	0	43	0	30
Religion	0	0	0	3	10	2	0	0	0	0	0
Gender	0	13	5	4	55	11	1	1	29	0	17
Ideology	0	0	2	0	4	1	0	1	0	0	0
Ageism	0	3	4	1	26	9	1	2	22	0	16

Exclusionary actions are those that, based on the identification of one (or several) personal characteristic(s), leave the person with these characteristics unable to exercise a right. For example, when people are denied access to health insurance because they are affected by an illness; when people in precarious economic situations and migrants in a non-regularised **administrative situation** are denied access to a basic payment account; when young women of migrant origin are denied their right to decide about their own bodies by being prevented from having a free and safe abortion; when a person with a visual impairment is denied access to a place of business because they are accompanied by a guide dog; when a person is excluded from employment in a company because they do not have European documentation.

Restriction actions are those that, based on the identification of one (or several) personal characteristic(s), allow the exercise of a right in a limited way to those who have these characteristics. Situations were identified in which **homeless** people were misdiagnosed or discharged from hospital without being physically fit to do so. Furthermore, when a company charges a different fee for access to training courses depending on the nationality of the users. Or the case of a woman with autism when social services did not take into account her condition at the moment of granting her a social housing flat and because of all the paperwork involved without being sympathetic to her actual situation.

Verbal aggressions are discriminatory actions that are expressed through insults, threats or demeaning verbal treatment. Some examples of such situations are when a young woman wearing the hijab is insulted in her school, or when a young man is insulted in the street due to **LGBTIphobia** or when a lesbian couple is verbally attacked in a nightclub. Situations where young migrants are subjected to racist insults by security forces.

Acts of **physical aggression** are actions expressed through physical violence of all kinds. This is the case of a young gay man who was beaten up by a group in a discotheque; when two trans women are physically attacked in the metro; when a gay man in a gym was beaten up by another user because he thought he was looking at him; when a woman and her daughter are victims of **gender violence**; when a young person in a non-regularised **administrative situation** is unjustly accused of robbery and beaten in a discotheque by the security officer and, subsequently, by the State security forces; when a **homeless** person is attacked in the street by a group of strangers.

Acts of hate speech are actions that promote or incite hatred through discriminatory messages that humiliate and belittle a person or group of people. Such speeches can be oral, written or audio-visual. We identified graffiti on the façade of a clinic authorised to perform abortions; situations of harassment on social networks with racist speech; Twitter messages (X) that induce hatred against people of African descent.

Acts of **institutional violence**, according to the register of cases recorded by the entities, are situations in which the public administration, security forces and private entities/companies that act by delegation of functions that are public competences, in the exercise of their work, do not comply with their role as duty-bearers, to protect and guarantee respect for human rights. There is evidence of discrimination on the grounds of **racism** during the intervention of security forces for racial profiling of young migrants and **aporophobia** towards homeless people. In the area of health, there are reports of mistreatment by health personnel of people with mental health diagnoses and of young women who come for sexual and reproductive health care. There are also cases of private security in hospitals linked to the mechanical restraint of people with mental health diagnoses and situations of racism and **LGBTIphobia** by private security on means of transport.

Table 20 identifies the interactions between types of discrimination and discriminating agents. In the case of **individuals**, the types of discrimination identified are **physical aggression (51)**, **verbal aggression (66)**, **hate speech (35)** and **distinction (100)**. **Private entities/companies** exhibit more discriminatory actions linked to **distinction (115)**, **exclusion (84)**, **restriction (36)** and **institutional violence (22)**. The **public administration** has implemented actions of **distinction (124)**, **exclusion (57)**, **restriction (39)** and **institutional violence (34)**. The **security forces stand out in terms of institutional violence (49)** and **distinction (25)**.

Table 20 – Types of direct discrimination and perpetrators of discrimination

Source: OND and SAVD Board, 2023

	By mistake	Physical aggression	Verbal aggression	Discriminatory and hate speech	Differentiating treatment	Exclusionary treatment	By association	Preferential treatment	Restrictive treatment	Vandalism	Institutional violence
Private individuals	0	51	66	35	110	15	0	3	3	3	0
Private entities/ companies	0	13	16	7	115	84	0	7	36	0	22
Public administration	0	17	4	11	124	57	1	6	39	0	34
Security forces	0	7	7	2	25	7	0	1	2	0	49

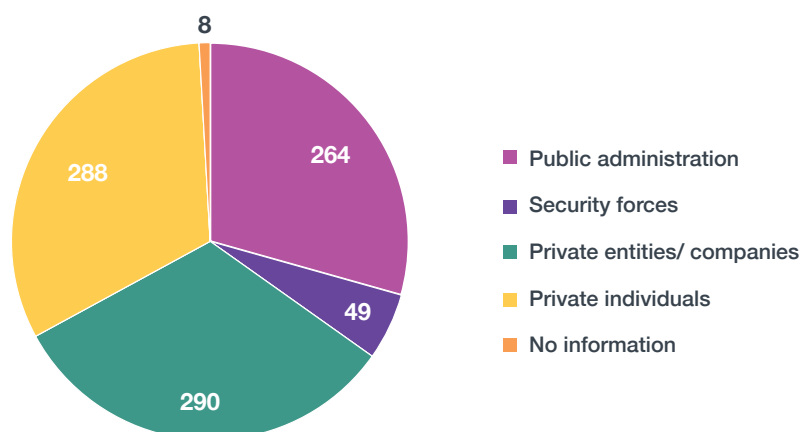
4.2.4

Who discriminates?

Of the 865 situations of discrimination dealt with in 2023, the action of the discriminating agents, according to **Graph 21**, was as follows: In 2023, the main **discriminating agents** were **private entities/companies (290)**, in second place, **private individuals (288)**, in third place, **public administration (264)**, and the **security forces (49)** in fourth place.

Graph 21 – Perpetrators

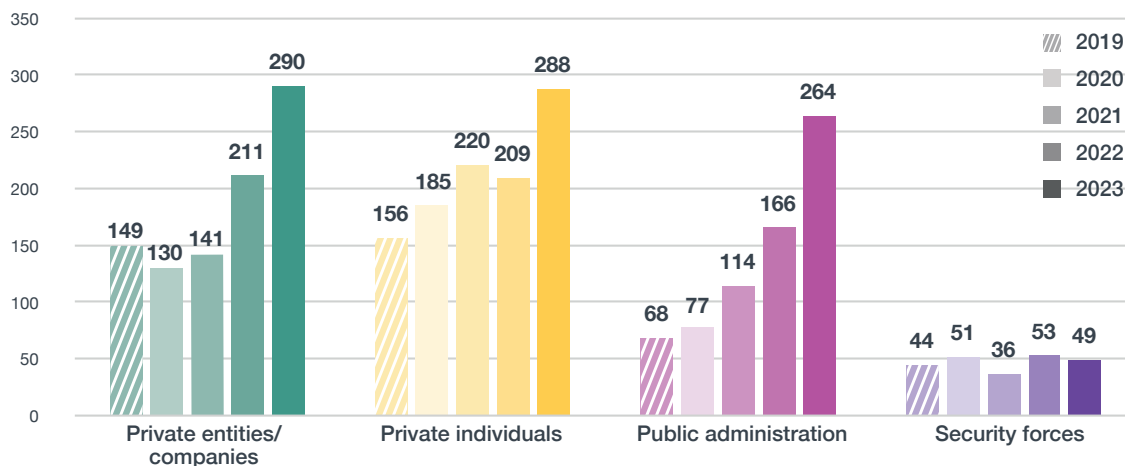
Source: OND and SAVD Board, 2023



Since 2019, the evolution of the perpetrators of discrimination has changed as more situations of discrimination have been recorded. **Graph 22** shows that **private entities/companies (290)** and **public administration (264)** have continued their upward trend compared to previous years. **Private individuals (288)** rose after a slight decrease in 2022 and **security forces (49)** decreased slightly.

Graph 22 – Perpetrators of discrimination, 2019-2023

Source: OND and SAVD Board, 2023



The organisations of the **SAVD Board** indicate that, as awareness of discrimination prevention increases, people are more willing to highlight and report discrimination. Their support and assistance, which gives them the confidence to identify discriminating agents without fear of reprisals, also contributes to this. They share their concern that there is a growing number of cases of public administration violating rights and failing to fulfil its role as duty-bearer. Their rise in the discrimination register is mainly related to violations in health care and social services.

As far as private entities and companies are concerned, the entities of the **SAVD Board** point out that this is the sector in which there is most impunity with regard to discrimination, as, on many occasions, private entities and companies tend to individualise the responsibility towards the workers who discriminate; assuming their permissibility with these actions is part of their structure. Mostly gyms, leisure centres, clinics, insurance companies and discotheques.

In terms of individuals, the **SAVD Board** entities agree on directing the fight against discrimination towards policies of coexistence and community action, by territorialising prevention and reporting in coordination with the services of the City Council in the neighbourhoods. Special emphasis needs to be placed on **LGBTIphobia** which is by far the main reason for discrimination between individuals, followed by **racism**.

The **SAVD Board** claims that the security forces target young migrants with discriminatory actions when they carry out random racially profiled stops and interventions against people in a situation of **homelessness**. They argue that **under-reporting** persists out of fear or ignorance among those affected. They point out that there is a lack of specific policies towards security forces that strengthen their role as **duty-bearers**.

Table 21 below shows the volume of discrimination grounds linked to the action of discriminating agents. The **public administration has discriminated more on the grounds of health (138) and ableism (56); law security forces more for racism (31) and aporophobia (13); private entities/companies more for racism (85) and use of a language (80); and individuals more for LGBTIphobia (153) and racism (76).**

Table 21 – Perpetrators and grounds for discrimination

Source: OND and SAVD Board, 2023

	Public administration	Security forces	Private entities/ companies	Private individuals
Racism/xenophobia	49	31	85	76
LGTBIphobia	17	3	34	153
Ableism	56	1	36	14
Gender	51	1	34	39
Health	138	3	52	32
Aporophobia	42	13	31	17
Ageism	42	5	14	12
Religion	1	0	5	7
Ideology	3	0	3	4
Language	45	3	80	2

The organisations of the **SAVD Board** indicate that the public health sector is a fundamental agent in the prevention of discrimination, to which specific ⁵⁶ actions must be directed in order to prevent it from acting as a **discriminating agent**, especially in situations related to mental health and sexual and reproductive health. The same action should be taken towards services that do not provide an effective response to the needs of people with **disabilities** or **functional diversity**.

With regard to the security forces, the experience of the **Secretariado Gitano Foundation** which is providing training in **antigypsyism** at the Mossos d'Esquadra school, an initiative that should be replicated in other security forces and in relation to **racism** and **aporophobia**.

Regarding private entities/companies, the **SAVD Board** indicates that it is necessary to continue with preventive actions on the ten axes of discrimination, as there is still a high level of discrimination in almost all axes. With regard to individuals, it argues that it is necessary to implement actions to raise awareness of the rights of LGBTI people and the practice of anti-racism in the city.

56 In the Actions and Challenges section, organisations explain the type of actions they will undertake.

Where does discrimination occur?

In 2023, 381 discriminatory situations occurred in public spaces, mainly in streets, parks, beaches and squares (131); hospitals (110); and transport stations (57). There were 363 situations in private spaces, mainly in private facilities with public access (shops, restaurants and bars) and facilities with prerequisite access (houses, flats, dwellings, companies and entities). The neighbourhoods with the highest number of discriminatory situations were Ciutat Vella, L'Eixample and Sants-Montjuïc.

The places where discrimination usually takes place in the city are public (streets, squares, beaches, car parks, transport stations, among others) and private (centres of private entities and companies, houses and flats); also offices and establishments managed by the public administration. Identifying places is key to preventing discriminatory situations and establishing measures to guarantee safe public and private spaces in the city, where rights violations are not allowed and where coexistence is promoted. For example, the **byelaw on measures to promote and guarantee citizen coexistence in the public space of Barcelona**,⁵⁷ in its Article 16 on Rules of Conduct, states that: “Any conduct that shows contempt for the dignity of persons, as well as any discriminatory behaviour, whether xenophobic, racist, sexist or homophobic in content, or any other personal or social condition or circumstance, in fact, in writing or by word, by means of insults, mockery, intentional annoyance, psychological or physical coercion, aggression or other humiliating conduct, is prohibited in public spaces”. Thanks to this public policy, the **OND** has been able to report some discriminatory acts and contribute to the enforcement of sanctions.

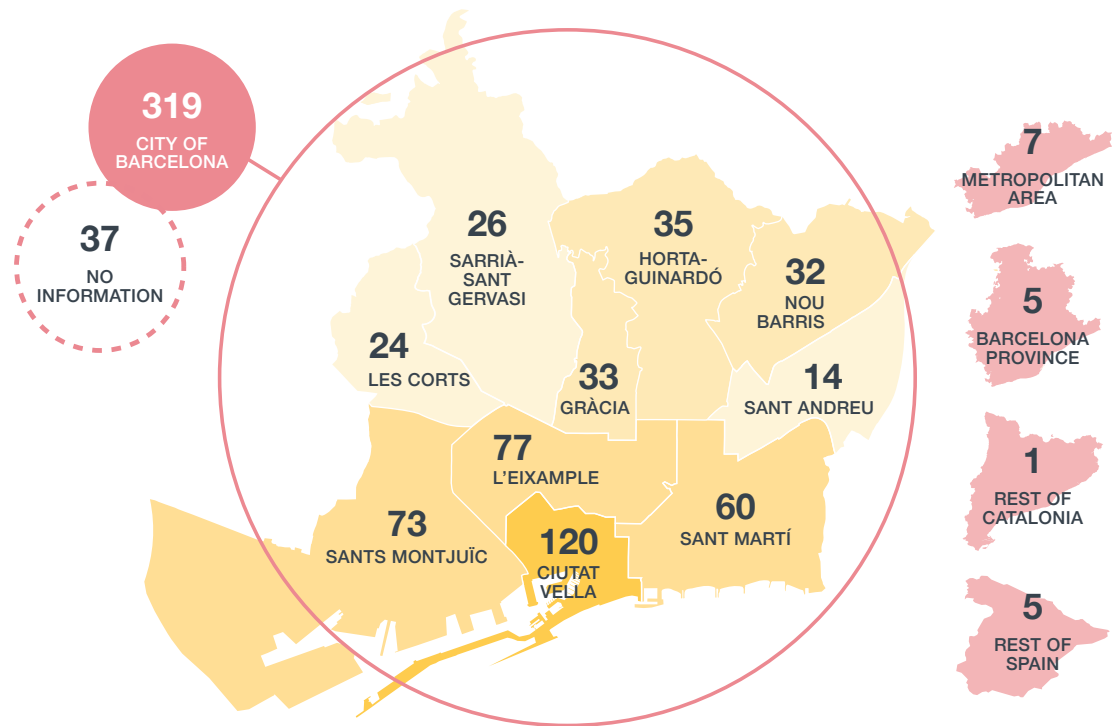
Infographic 5 shows in which districts of the city the highest number of discriminatory situations are located. It is not intended to interpret in which district there is a higher degree of discrimination, but to explain the link between the territorialisation of prevention and the higher degree of awareness among those affected when deciding to report. The register by territory also indicates that the headquarters of the **SAVD Board** organisations that report situations of discrimination are in those specific districts, which is why some territories are over-represented, despite the fact that the organisations cover the entire city. For example, “purple points” have been placed in districts where LGBTIphobia-related situations are more likely to be detected. These data do not mean that Ciutat Vella, L'Eixample or Sants have more cases of discrimination compared to other districts. The most significant figures are **in the city (319), Ciutat Vella (120), L'Eixample (77), Sants-Montjuïc (73) and Sant Martí (60).**

The district-related data help to define the territorialisation of prevention action in the city and to carry out sustained coordination with City Council bodies and services that act at a more local level. This is information that has recently started to be incorporated and work will continue to improve and refine the register and to identify the place where the situation occurred and not the place from where the complaint is collected.

⁵⁷ Byelaw on measures to promote and guarantee citizen coexistence in Barcelona's public space. Available from: <https://www.dpz.es/ficheros/documentos/ordenanza01.pdf>

Infographic 5 – District where events took place

Source: OND and SAVD Board, 2023



With regard to specific spaces, **Table 22** shows that **381 situations of discrimination were recorded in public places, whereas 363 occurred in private places.**

In the city, streets, parks, beaches and squares recorded 131 incidences of discrimination, a few less than in previous years. About public facilities, hospitals (100) show a higher registration than in previous years, as well as stations and means of transport (57) and public service offices and courts (45).

Private facilities with public access (120) show a slight increase in the number of discriminations, including bars and restaurants (41) and shops (33). In relation to private facilities with prerequisite access (189), there has been an increase in the number of discriminations and, within these, situations in houses, flats and dwellings (64) and companies and entities (54) have increased in relation to previous years. Leisure centres (46) increased considerably.

There is still considerable **under-reporting** of discrimination through social networks (Facebook, Twitter, Instagram, etc.), despite the fact that social networks are now spaces where discriminatory actions such as harassment, verbal aggression and hate speech take place.

**Table 22 –
Where are people
discriminated?,
2019-2023**

Source: OND and
SAVD Board, 2023

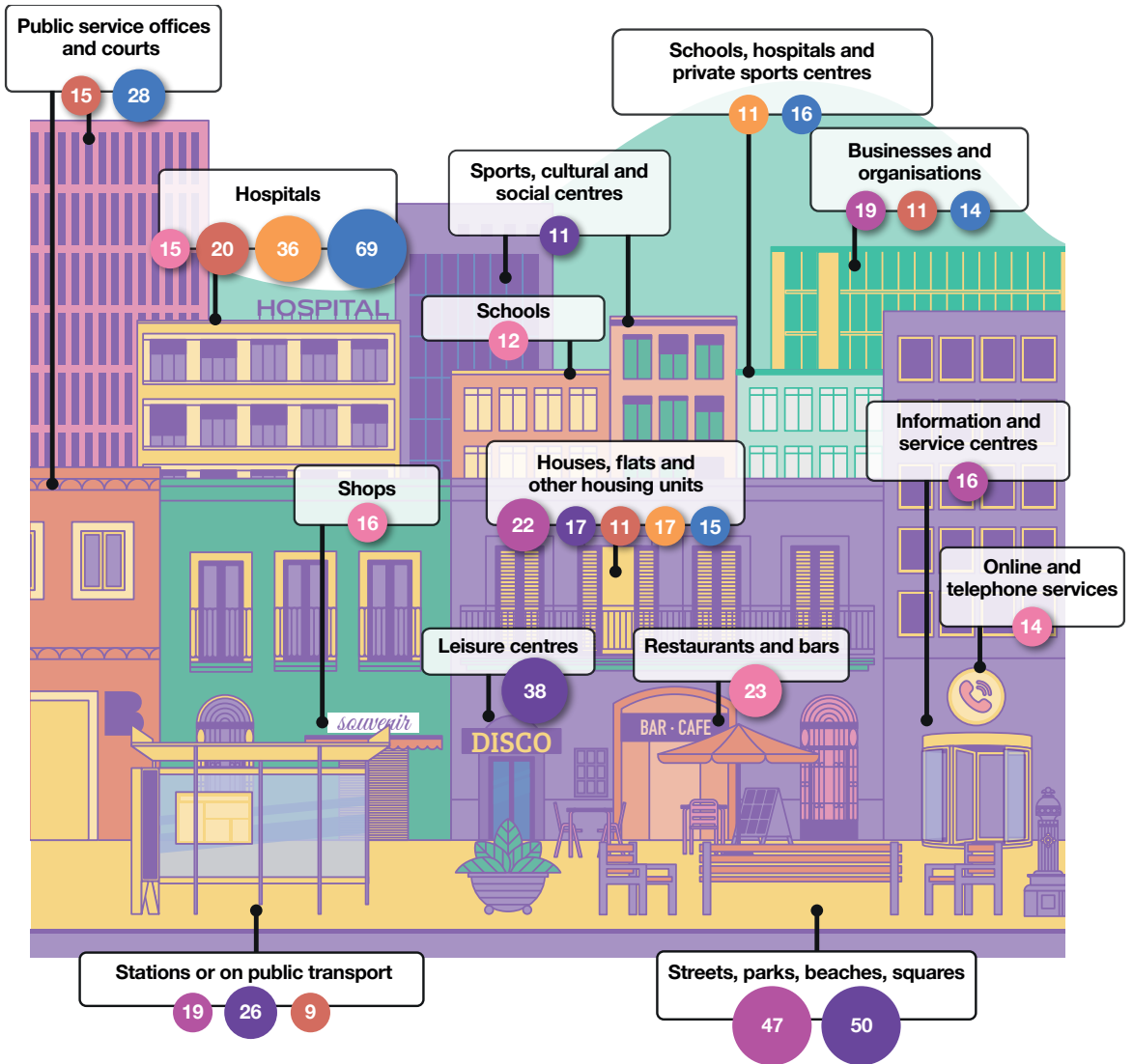
	2023	2022	2021	2020	2019
Public	381 (49.4%)	325 (53.5%)	268 (53.2%)	197 (45.2%)	196 (46.7%)
Streets/parks/beaches/squares	131 (16.9%)	134 (22.1%)	141 (28%)	109 (25%)	97 (23.1%)
Public facilities	267 (34.6%)	182 (30.0%)	124 (24.6%)	84 (19.3%)	98 (23.3%)
Transport stations, means of transport	57	32	37	31	41
Hospitals	100	61	23	13	18
Public service offices and courthouses	45	25	20	12	9
Schools	28	24	16	9	7
Sports, cultural and social centres	22	5	10	1	3
Shelters or reception centres	1	7	5	3	2
Police stations	3	13	4	4	5
Markets	0	2	2	0	0
Libraries, museums and exhibition halls	0	3	2	1	2
Media	2				
Means of transport	8				
Customer service and assistance offices	1				
Concert and conference halls	2				
Prisons or detention centres	10	10	5	10	11
Other	9	9 (1.5%)	2 (0.4%)	3 (0.7%)	1 (0.2%)
Online and telephone services		0 (0%)	1 (0.2%)	1 (0.2%)	0 (0%)
Private	363 (47.1%)	263 (43.3%)	231 (45.8%)	211 (48.4%)	206 (49%)
Private facilities with public access	120 (15.6%)	112 (18.5%)	50 (9.9%)	65 (14.9%)	91 (21.7%)
Shops	33	27	20	28	12
Restaurants and bars	41	31	15	13	34
Customer service and assistance offices	26	23	7	6	9
Entertainment centres	8	13	2	0	14
Hotels, hostels and shelters	6	2	2	2	8
Museums and exhibition halls	0	1	1	0	1
Stations or means of transport	7	3	0	2	3
Other	12	12	3	14	10
Private facilities with access subject to pre-requisites	189 (24.5%)	124 (20.4%)	167 (33.1%)	129 (29.6%)	99 (23.6%)
Houses, flats, homes	64	48	67	70	42
Companies and organisations	54	45	59	29	23
Schools, hospitals and sports facilities	35	12	24	120	11
Entertainment centres	46	4	6	0	5
Media	0	4	1	5	6
Concert and conference halls and pavilions	0	0	1	0	2
Libraries, museums and exhibition halls	1				
Cooperatives	1				
Other	4	11	2	3	10
No information	0	0	7	10	0
Social media	10 (1.30%)				
Facebook	2				
Twitter	2				
Other	6				
Online and telephone services	19 (2.5%)	27 (4.4%)	14 (2.8%)	14 (3.2%)	16 (3.8%)
Other		0 (0%)	0 (0%)	3 (0.7%)	0 (0%)
Other	27 (3.5%)	19 (3.1%)	5 (1%)	28 (6.4%)	18 (4.3%)
Total	771	607	504	436	420

* The totals do not coincide with the 865 cases registered because there are situations that did not register the place where the act was committed and because there is more than one space identified in some registered discriminations.

In Infographic 6 it is possible to identify the most discriminated places linked to the grounds of discrimination (racism, health, **LGTBIphobia**, etc.). Situations of discrimination based on racism, **transphobia**, **gayphobia** and **aporophobia** have mostly taken place in the streets, squares and parks. In public facilities, discrimination on the grounds of health (mental and reproductive) and ageism has been a problem. In the private sphere, there was more evidence of **serophobia**, **ageism**, **racism** and **ableism**.

Infographic 6 – Where discrimination occurs, 2019-2023

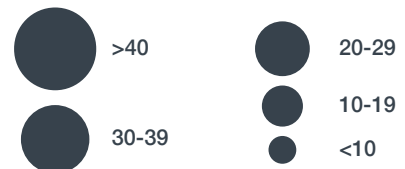
Source: OND and SAVD Board, 2023



AXES OF DISCRIMINATION

- Racism and xenophobia
- LGBTBIphobia
- Gender
- Language
- Ableism
- Health

NUMBER OF CASES



Violated rights

There were a total of 1685 registered human rights violations. In other words, more than one right was violated among the 865 discriminatory situations recorded. The four most violated rights and their main reason for discrimination were moral integrity due to LGTBiphobia and racism, quality public service due to health, service provision due to racism and physical integrity due to LGBTIphobia.

The principle of non-discrimination influences the enjoyment of all other human rights. Anti-discrimination legislation provides equal and fair access to social opportunities for all.

International human rights law recognises that there are individuals and groups who require additional or special protection because they have been affected by discrimination or because they have specific characteristics that place them in a situation of vulnerability. Discrimination is the **specific, individual, group or collective manifestation that denies the principle of equality** and is one of the main obstacles to progress in the full exercise of human rights.⁵⁸

The top four rights violated by discrimination were moral integrity (416), quality public service (182), provision of services (173) and physical integrity (149). According to **Table 23**, all the records of violations of these rights have increased in relation to previous years and do not coincide with the total number of situations of discrimination because in some situations more than one right was violated.

The data in Table 22 are the sum of all the violated rights identified for each situation of discrimination, as more than one right can be violated in a single situation of discrimination. The Observatory's analysis identifies one main violated right for each recorded situation of discrimination, in addition to other violated rights in order of importance. For this reason, the total number of rights violated exceeds the number of situations of discrimination recorded.

In relation to the violation of the **right to moral integrity**, **Graph 23 shows that the main reasons are linked to LGTBiphobia (121) and racism (85), followed by health (29) and gender (27).**

Discrimination is intrinsically linked to the violation of rights because when the right to equal treatment and non-discrimination is violated, the door is also open to the violation of all rights.

⁵⁸ Report: Analysis of the standards and recommendations of international, regional and EU organisations in the field of combating discrimination against migrants, racism and xenophobia. "Bartolomé de las Casas" Human Rights Institute of the Carlos III University of Madrid (2022). Available from: https://www.inclusion.gob.es/oberaxe/ficheros/documentos/Resumen_organizaciones_EN.pdf

Table 23 – Discrimination and rights violated, 2019-2023

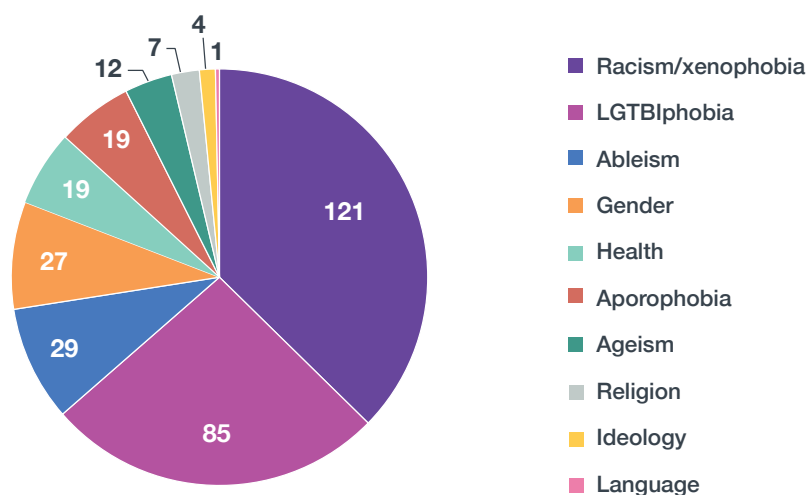
Source: OND and SAVD Board, 2023

Right violated	2023	2022	2021	2020	2019
Moral integrity	416 (24.7%)	306 (28.3%)	232	164	177
High-quality public service	182 (10.8%)	89 (8.2%)	26	31	21
Provision of services	173 (10.3%)	67 (6.2%)	78	56	36
Physical integrity	149 (8.8%)	120 (11.1%)	82	57	71
Health	135 (8.0%)	59 (5.5%)	17	17	11
Linguistic	125 (7.4%)	87 (8%)	52	44	47
Housing	58 (3.4%)	41 (3.8%)	57	55	22
Admission	57 (3.4%)	29 (2.7%)	25	27	34
Information	54 (3.2%)	20 (1.8%)	16	9	7
Freedom of movement/ personal autonomy	53 (3.1%)	55 (5.1%)	38	43	49
Work	37 (2.2%)	29 (2.7%)	27	22	23
Honour	37 (2.2%)	52 (4.8%)	18	20	14
Privacy	33 (2.0%)	20 (1.8%)	13	9	14
Leisure	33 (2.0%)	21 (1.9%)	4	6	2
Freedom and security	21 (1.2%)	28 (2.6%)	32	33	16
Freedom of expression	14 (0.8%)	9 (0.8%)	7	10	11
Education/training	13 (0.8%)	14 (1.3%)	19	8	4
Data protection	7 (0.4%)	4 (0.4%)	6	3	6
Protest (assembly and demonstration)	2 (0.1%)				
Free time	1 (0.1%)				
Other rights	85 (5.0%)	32 (3%)	17	8	12
Total	1,685 (100%)	1,082 (100%)	766	622	577

* The total number of violations is 1685 and not 865 (total number of incidents of discrimination) because in some situations more than one right has been violated.

Graph 23 – Causes of violations of the right to moral integrity

Source: OND and SAVD Board, 2023

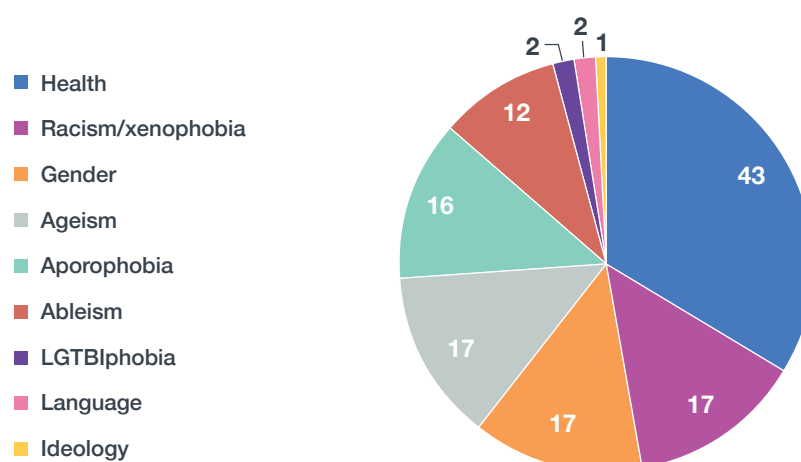


A violation is accompanied by painful experiences of **prejudice**, **stereotypes** and stigmatisation that prevent and restrict the exercise of rights. For example, the discriminatory situations experienced by those whose **right to moral integrity** was violated were related to transphobic comments by co-workers; homophobic insults in the neighbourhood; racist insults towards a migrant woman while she was driving a car; racist insults and taunts from bank employees towards a migrant woman and her daughter; insults and threats from a stranger against a trans woman through social networks; harassment at work and personal, uncomfortable and intimidating questions from her boss to a woman because she is a lesbian; a group of men in a car chasing a young gay man with insults and threats while he was walking in his neighbourhood; threats and sexist insults towards a **homeless** woman by security forces.

The **right to a quality public service** is mainly violated on the grounds of **health (43)**. Other grounds such as **racism (17)**, **gender (17)**, **age (17)** and **aporophobia (16)** also play a role in their violation, according to **Graph 24**.

Graph 24 – Causes of violations of the right to high-quality public service

Source: OND and SAVD Board, 2023

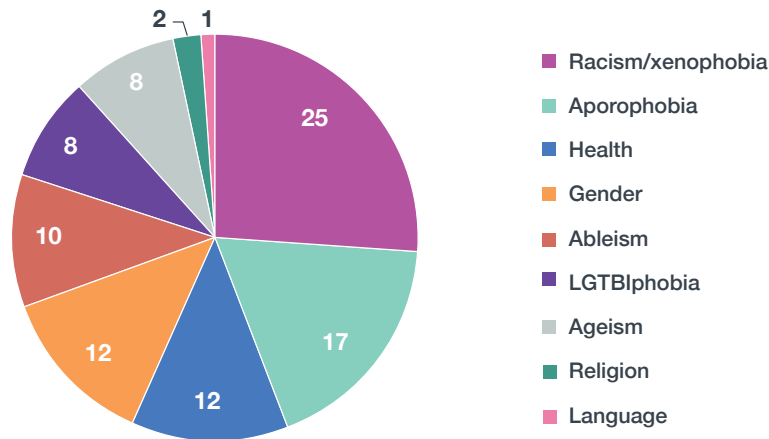


The discriminatory experiences of people whose **right to a quality public service** violated involved civil servants or social service and health care workers. For example, there were reports of differential treatment in reception services for asylum seekers; the issuing of a fine by security forces on a trans woman for approaching a police car while walking down the street; insults and harassment in a school against a migrant girl; transphobic violations of rights by court-appointed lawyers against an asylum seeker; the complaint of a woman who cannot access a grant for university studies for her daughter because she does not have an identity number for foreign nationals; a hospital discharges a **homeless** man without adequate alternative housing to continue his medical treatment. **SOS Racisme Catalunya** points out that the lack of interpreters, cultural mediators and intercultural competence to deal with people coming from other countries violates the right to a quality public service. Not only verbal expression is limited, but also concepts, terms or beliefs. This can also lead to an over-pathologising misdiagnosis (e.g. due to the fact of having migrated) or not addressing certain conditions because they do not fit the expected description or symptomatic manifestation.

According to **Graph 25**, the **right to service provision** is mainly violated **due to racism (25)** and **aporophobia (17)**. Other reasons such as **gender (12)**, **health (12)** and **ableism (10)** also play a role.

Graph 25 – Causes of violations of the right to the provision of services

Source: OND and SAVD Board, 2023



The discriminatory situations experienced by persons whose **right to the provision of services** was violated were related to the refusal by private entities and companies to offer a service on equal terms to all persons. Some examples of these situations were a private entity organising a sewing workshop and denying participation to a trans woman; a sports centre requesting too much documentation – impossible to obtain – as a condition to allow access to children under 14 years old, claiming that it is the FIFA regulation; an insurance company holding a draw for a free medical insurance and a man who was asked for his medical history and, finally, was not provided with the service because he was HIV positive; the concierge of a cultural institution tells a deaf woman to phone for an appointment, even though she explained that she cannot because of her condition; an airline worker makes a racist comment while telling a foreign family that they are in an off-limits zone; a bank refuses to open a basic payment account for a woman when it learns that she is Colombian; another bank refuses to open an account for a **homeless** person.

Directive 2014/92/EU of the European Parliament and of the Council of 23 July on the comparability of charges related to payment accounts, the transfer of payment accounts and access to basic payment accounts,⁵⁹ establishes the general **right of access for everyone to a basic payment account** and provides that Member States may require credit institutions to apply more advantageous conditions for vulnerable consumers, as measures to promote social inclusion within the EU financial products market.

At the state level, **Royal Decree 164/2019**, of 22 March, which establishes a system of free basic payment accounts for the benefit of vulnerable people or those at risk of financial exclusion,⁶⁰ aims to establish a system of conditions for basic accounts in terms of fees according to the special situation of vulnerability or risk of financial exclusion of the holders, consisting of the free provision of the services indicated in Article 4.2 of the Order ECE/228/2019, of 28 February, on basic accounts.

The **right to a basic payment account** was recorded for the first time in the Observatory 2023 report. In the 865 discrimination situations dealt with, **the right to a basic payment account was violated in 162 situations.**

59 Directive 2014/92/EU of the European Parliament and of the Council. Available from: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32014L0092>

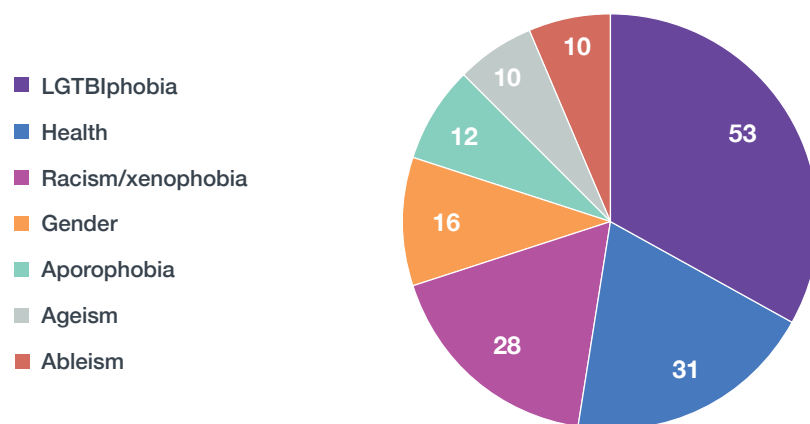
60 Royal Decree 164/2019, of 22 March, which establishes a system of free basic payment accounts for the benefit of vulnerable people or those at risk of financial exclusion. Available from: <https://www.boe.es/buscar/act.php?id=BOE-A-2019-4906>

When a person in a vulnerable situation has to open a bank account for the first time, banks may make it difficult for them, and they may also face high fees. To address this situation, basic payment accounts are available to facilitate consumers' access to basic banking services. Banks are obliged to offer such accounts without making them conditional on subscription to other services. They should also make them known and report on their characteristics. This type of account is available to persons who do not have another bank account in Spain, any natural person residing in the EU (even if they have no fixed abode), asylum seekers and persons without a residence permit (whose expulsion is impossible for legal or factual reasons), and persons who do not have another bank account that allows them to carry out these operations. However, banking institutions are denying such access, as indicated by the **SAVD Board**.

The **right to physical integrity** has been violated mainly because of **LGBTIphobia** (53), but also on the grounds of health (31) and **racism** (28). **Gender** (16) and **aporophobia** (12), also play a role, as shown in **Graph 26**.

Graph 26 – Causes of violations of the right to physical integrity

Source: OND and SAVD Board, 2023



The violation of the **right to physical integrity** tells us about how dangerous discrimination can be and the impact it can have on individuals. The situations recorded by the Observatory in which this right has been violated show that, for the most part, it is **racialised** people, LGBTI people and **homeless people** who are most exposed. For example, the physical assault on a male couple inside a suburban train carriage with punches, threats and homophobic insults; the assault on a young trans woman when she was hit with a blunt object by a stranger; the racist assault on a young man of African descent on his way home; the attack on a trans woman by a man in the street while walking his dog; the insults and **physical aggression** suffered by an asylum-seeking couple in a supermarket; the physical aggression suffered by a young gay man in a discotheque on his way to the toilet; the attack by a stranger on a person living on the street; the racist bullying and physical assault on a teenager; the gender-based assault on a woman by her partner, accusing her of being to blame for her son's mental health problems; aggression by private security personnel in the metro that leaves a homeless man helpless and in distress; and physical aggression when a person who was trying to sleep in the lobby of a hospital is forced to move.

The **Barcelona Ombudsman's Office** carried out a series of actions during 2023 in which the municipal administration has been responsible for possible violations of the rights of Barcelona's citizens. Although its conception, classification, terminology of actions and typology of rights are somewhat different from those of the **Barcelona Discrimination Observatory**, it does provide an X-ray of municipal public responsibility based on complaints from citizens and organisations in the city.

- Citizen petitions and ex officio actions: 1,201
 - Citizen complaints: 583
 - Technical and legal advice: 608
 - Ex officio actions: 10
- Interventions by an equitable city: 395
- Interventions by a liveable and sustainable city: 349
- Interventions by a diverse city: 54
- Interventions by a rights-protecting city: 403
- Rulings: 596
 - Right to good administration: 26%
 - Right to the environment: 13.2%
 - Right to rest: 8.5%

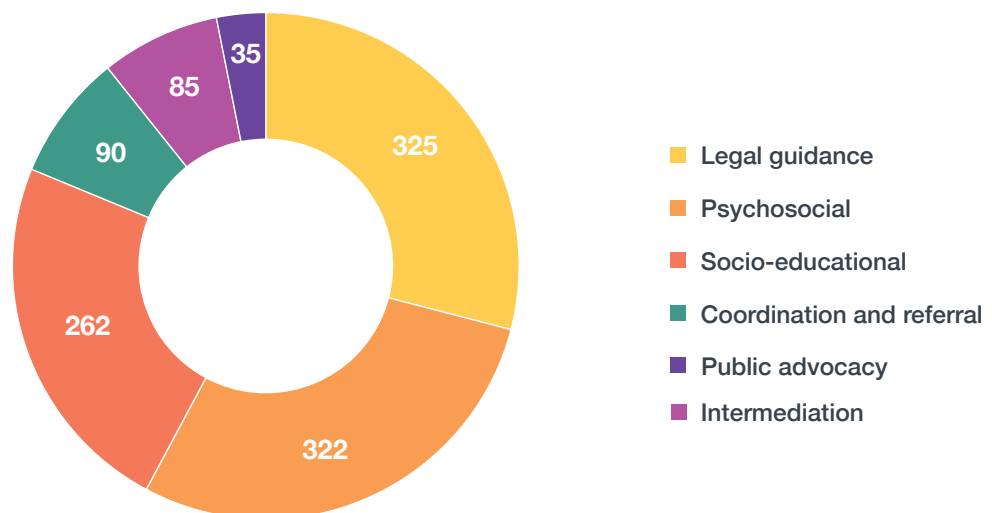
4.2.7

Actions and results

In 2023, the **1,119 support and assistance actions** of the organisations of the **SAVD Board** and the **OND** succeeded in bringing redress to the people affected and enabling their access to justice. The first, from its role as a responsibility-holder, and the second, from its role as a duty-holder. There was an increase of 28 more interventions compared to 2022. **Graph 27** shows that **legal counselling (325), psychosocial support (322) and socio-educational counselling (262) have been the most implemented**. Coordination and referral (90), advocacy (85) and intermediation (35) were performed to a lesser extent.

Graph 27 – Support and assistance

Source: OND and SAVD Board, 2023



In percentage terms, almost 60% of the support and assistance has been in legal counselling and psychosocial care. Socio-educational action is still an important service. Coordination-referral and advocacy continue to have an influence of less than 10%, while intermediation has been residual. The support and assistance provided to those affected is essential in the defence of human rights, without which it would not be possible to make progress in prevention and reporting.

Actions by the SAVD Board

In order to understand the role that the **SAVD Board** assumes as a duty-bearer in the promotion and defence of human rights in the city, the services and resources of some of the entities that comprise it are explained:

The **Bayt al-Thaqafa Foundation**, as part of its socio-legal service for non-discrimination, offers assistance and advice for the defence of the rights of those affected, specifically in situations arising from **racism** and **xenophobia**, on religious grounds (mainly **Islamophobia**) and hate crimes. It provides tools and resources to discriminated people that prioritise their own experiences and strategies developed to overcome this problem.

The **EXIL Centre**, as part of its psychosocial care service, draws attention to the relationship between trauma and human rights violations as a key element in the recovery and healing process. It acknowledges the victim, breaking away from the misperception of the victim as a “sick person”. The family is involved in order to stop the transgenerational transmission of trauma and resilience is fostered in the therapeutic bond and its relationship with the social environment. In addition, an accompanied and binding referral is made.

The **ECOM Federation** prioritises the defence of human rights by providing assistance, understood as a process of empowerment of the person affected by **ableism**. It provides advice and training on **disability** resources. It carries out advocacy for protection policies and institutional resource allocation measures, conducting outreach on the exercise of rights and reporting on discrimination on the basis of ableism.

The **VEUS Federation** participates in the Mental Health Rights Observatory, which monitors the different policies and regulations that affect the rights of people with a mental health diagnosis. It highlights the value of complaint mechanisms as basic procedures to guarantee the protection of rights, and for this reason provides information on the offices and institutions that deal with complaints of discrimination in order to promote the restitution of violated rights. It offers emotional support to victims and refers cases to specialised entities.

The **Secretariado Gitano Foundation** provides legal advice, care and assistance to people affected by **racism**. It carries out awareness-raising and training actions for citizens, the public administration, security forces, organisations and the business community. It also promotes public and political advocacy.

Gais Positius focuses its support and assistance actions on people affected by **serophobia**. It offers legal advice, care and support to individuals. It promotes prevention actions, political and public advocacy and carries out awareness-raising campaigns aimed at citizens.

Irídia deals with cases of **institutional violence** that may involve one or more grounds of discrimination, mainly racism or **xenophobia**.

The **Associació de Drets Sexuals i Reproductius** provides health care and accompaniment to young users of the CJAS (Youth Centre for Sexuality Care), or to those who request it by reporting violations through the Observatory for Sexual and Reproductive Rights or through its Quiero Abortar (I want to have an abortion) platform. If you need psychological support, a team of professionals in clinical psychology and violence provides support in managing emotional situations. It prioritises political and public advocacy through reports, speeches, knowledge, training and meetings with other entities and institutions.

The **Observatory against LGBTIphobia** focuses its attention on people who are affected by situations of discrimination or aggression on the grounds of sexual orientation, **gender identity** or **gender expression**. It acts as an observer of the observance and guarantee of the rights of LGBTI people. It works to bring visibility to the **LGBTI** collective and its struggle in all spheres of society.

Plataforma per la Llengua provides legal advice and public advocacy and draws up proposals to the administrations for the prevention of linguistic discrimination.

The **Advisory Council for the Elderly of Barcelona** advocates, raises awareness and debates on the rights of the elderly. It also promotes **ageism** prevention actions in coordination with other services and civil society entities.

The **Salut Mental Catalunya Federation** has the **Espai Situa't** service, as a point of information, advice and guidance on mental health issues, from where it promotes interventions aimed at making people with mental health problems and their families active agents of health in their recovery process, and their participation and inclusion in the community.

SOS Racisme Catalunya works to defend human rights through anti-racist action, and provides legal and psycho-social support to those affected. It carries out political advocacy to promote anti-racist public policies and promotes awareness-raising and training for change and sensitisation towards **racism**.

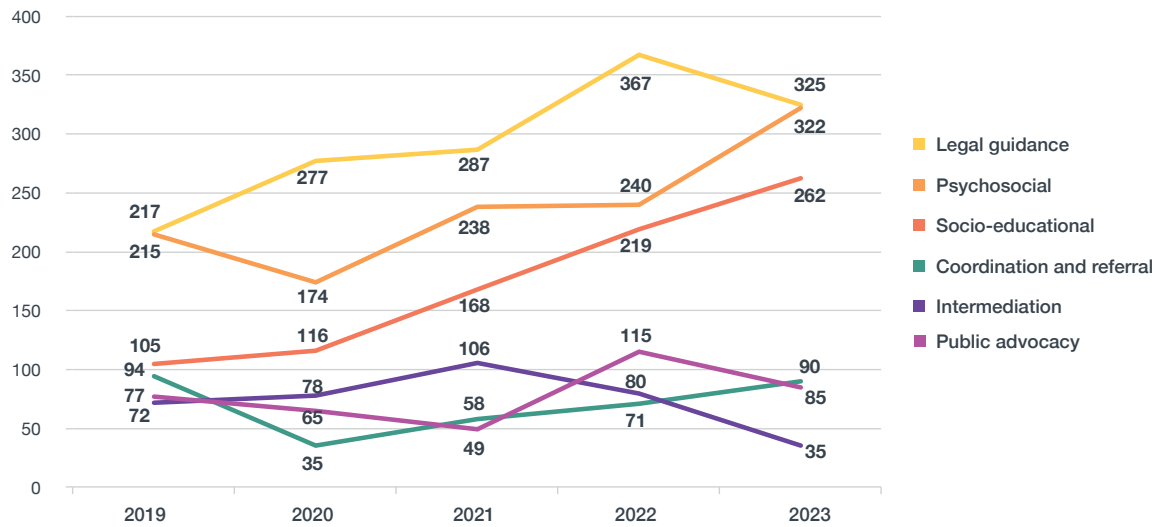
The **Barcelona Youth Council** works as a network to promote youth associations, generates discourse on the problems and concerns of young people and contributes to developing proposals and building alternatives aimed at preventing **adultcentrism**.

The **XAPSL** is a network of 40 organisations whose aim is to strengthen the city's organisational capacity to prevent **aporophobia** and to accompany homeless people in a process of recovery of maximum personal autonomy, encouraging the detection and linking of these people to existing resources. Furthermore, it contributes to the training of people working in the care for **homeless** people; it promotes changes to improve policies to support homeless people, to optimise the approach to homelessness and the effectiveness of services and to innovate with methodologies of care for homeless people.

Graph 28 shows the evolution over time of the support and assistance actions. **Legal counselling (322), psychosocial care (322) and socio-educational counselling (262) show a high degree of intensity of actions.** Furthermore, **coordination and referral (90) and advocacy (85) remained stable, while intermediation (35) has decreased.**

Graph 28 – Support and assistance, 2019-2023

Source: OND and SAVD Board, 2023



The performance of support and assistance over the last five years shows a significant increase in legal counselling, psychosocial care and socio-educational action. There is an evident stability of coordination-referral and advocacy. Since 2022, there has been less need for intermediation in the situations attended to and also due to the lack of professionals in the **OND** mediation service during 2023, pending a new tender, which has had an influence on the decrease in mediations. These data demonstrate the intensification of the work of professional figures (lawyers, psychologists and educators) in supporting the care of people who are victims of discrimination.

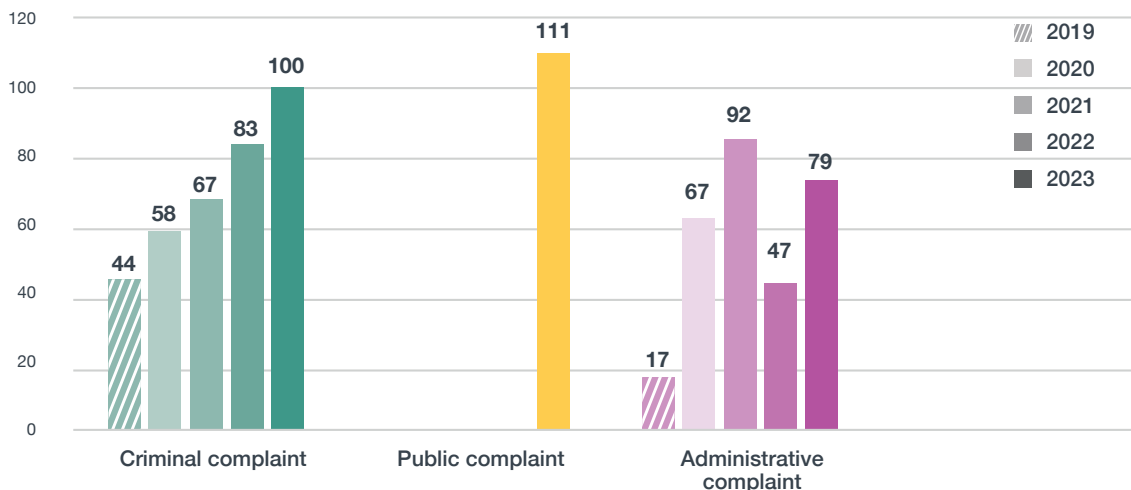
In terms of complaints, **Graph 29** shows that **criminal complaints (100) have increased each year, while administrative complaints (79) increased compared to 2022 and decreased compared to 2021. Public complaints (111) have more actions than the other types of complaint in 2023.**

During the five years in which the report has been prepared, there has been a noticeable trend in the increase in the number of criminal complaints, above all higher than administrative complaints, although, in this case, this has been accompanied by actions taken by the **OND** and entities of the **SAVD Board**, such as complaints for consumption, right of admission, right of access to housing or referrals to the ombudsman's offices. **Public complaints** collected in 2023 highlight the different complaint actions that have been made through different media and that have had an important social and public repercussion.

Graph 30 shows that **650 discrimination cases were dealt with, with the following result: 213 resolved, 282 pending resolution and 155 not resolved.** In addition, there are 215 files with no result because there is no response from the user.

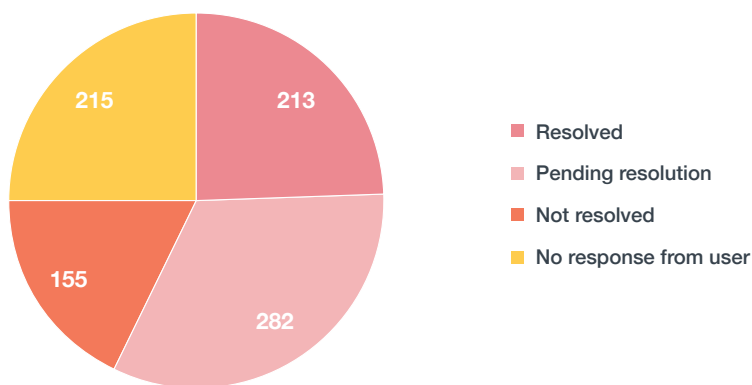
Graph 29 – Complaints filed, 2019-2023

Source: OND and
SAVD Board, 2023



Graph 30 – Outcome of the actions

Source: OND and
SAVD Board, 2023



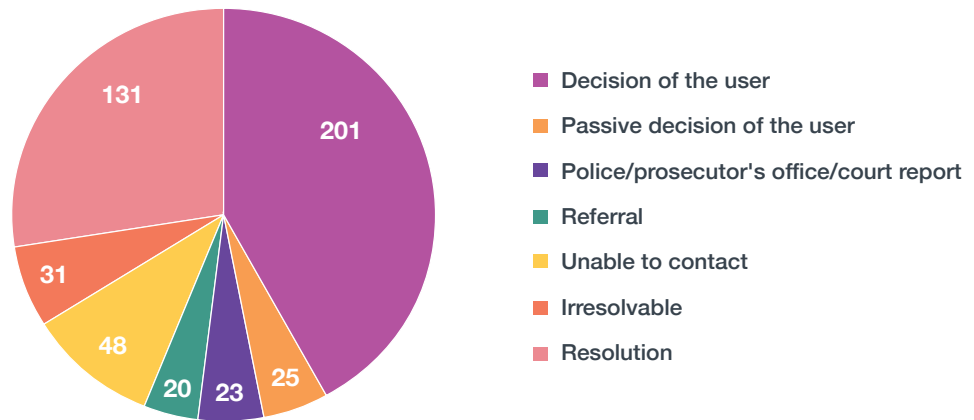
The 213 resolved cases refer to the fact that there has been a favourable outcome for the person concerned. The 282 files pending resolution are linked to situations attended to in the last quarter of 2023 that have not been able to activate and deploy all the services likely to support the person concerned in order to resolve the situation. There are also 155 situations of discrimination dealt with where a solution has not been identified or has not been solved. In other words, they are those where the expectations of reparation and redress in the face of the violation were not fully met, although this does not mean that there was no support and assistance, as this is offered taking into account the priorities and needs of the person affected. Depending on the complexity of the case, challenges arise that result in a favourable or unfavourable solution, especially in situations where **intersectional discrimination** is identified.

The 224 files with no response from the user refer to situations in which the persons concerned approach the care services of the **SAVD Board** organisations to report the discriminatory event. Most of them come for initial support and then do not return. It must be understood that the impact of discrimination is mentally and emotionally draining for people, leading them to avoid giving time and energy to an experience they do not wish to relive.

Graph 31 identifies **479 situations where case closure occurs**. The main reasons for case closure are by **decision of the user (201)** and **resolution (131)**. Other reasons are because it is **impossible to contact the person (48)**, **because it cannot be resolved (31)**, **passive decision of the user (25)**, **police/prosecutor's office or court (23)**, and **referral (20)**.

Graph 31 – Reason for closing the case

Source: OND and SAVD Board, 2023



The main reason for the closure of the case is the decision of the person concerned, irrespective of whether or not a solution has been found. This highlights the action of the **SAVD Board** and the **OND** in prioritising and taking into account the victim's decision in the process. The volume of resolved situations is also important (more than double) compared to those that cannot be resolved or where it has been impossible to contact the person. Situations closed due to police and judicial complaints are fewer, as well as referrals, as not all affected persons decide to continue with the process and, consequently, no complaints are reported or referred to a specialised organisation. The SAVD Board organisations also indicate that the lack of economic and human resources to follow up on discriminatory situations and complaints affects the results of the services provided. Organisations working on the issue of **racism** explain that there is a lack of racialised professionals. In this regard, the **Secretariado Gitano Foundation** explained that it has found it difficult to find a Roma lawyer because stigmatisation in the educational sphere means that there are very few Roma legal professionals in the labour market. It was also considered that people affected by discrimination should have an active role in the organisations (boards of directors, general meetings, etc.) in order to involve them more in the prevention of discrimination.

In the **Annual Report of the Barcelona Provincial Prosecutor's Office for Hate Crimes and Discrimination 2023**, we can extract some data associated with all the actions it has carried out through criminal proceedings (in those articles of the Criminal Code associated with aggravating circumstances for hate crimes and discrimination) in which it has intervened as a specialised prosecutor's office. It has undertaken investigations, complaints, prosecutions and has obtained a number of convictions for the aggressor. A large number of these have been at the request of criminal complaints by the **OND** or the **Barcelona City Council**.

- Pre-procedural investigation measures: 23
- Hate crimes (Art. 510-1): 10
- Offences of refusal to provide services (Art. 511 and 512): 3

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- Offences of refusal to provide services (Art. 511 and 512): 3
 - Grounds for discrimination in pre-procedural situations: ideology (2), LGBTIphobia (2), xenophobia (5), racism (2), religion (1), disability (2), anti-Semitism (1) and anti-gypsyism (1).
 - Formal complaints: 6
 - Grounds for discrimination in complaints: LGBTIphobia (2), xenophobia (2), anti-Semitism (1) and disability (1)
 - Indictments: 49
 - Aggravated generic offences under Art. 22.4: 27
 - Crimes against moral integrity: 3
 - Hate crimes: 1
 - Offences against the dignity of persons: 17
 - Offences of refusal to provide services: 1
 - Dismissal reports: 32
 - Rulings:
 - High Court of Justice of Catalonia (TSJC): 3 convictions
 - Provincial Court: 26 (21 convictions plus 5 acquittals)
 - Criminal Courts: 27 (23 convictions plus 4 acquittals)
 - Examining Courts: 34 (13 convictions plus 21 acquittals)

4.3 The right to mental health: intersectionality and the impact of discrimination:

The **SAVD Board** has been developing a process of deepening the intersectional and human rights approach to discrimination. In this way, the capacity for identification has advanced and become increasingly complex, linking the impact of the different axes of discrimination. This monograph addresses the right to mental health as a cross-cutting issue that affects and is affected by different oppressions. The decision to look more closely at this issue has been agreed by the **SAVD Board**, and is largely in response to the significant increase in registered health discrimination cases identified in the 2022 Observatory report, which ranked it third in prevalence, and second in this report.

With the aim of sharing the knowledge and experience of the **SAVD Board** organisations in this field, a monographic session on mental health was organised to address the impact of discrimination on people's mental health, and the violations and discrimination in the field of mental health. Eighteen organisations.⁶¹ took part in the session. This section is complemented by some elements from international reports, as well as conclusions and experiences provided by the organisations.

A human rights approach

The **WHO** defines mental health as a state of physical, mental, emotional and social well-being as determined by a person's interaction with society. It is shaped by the conditions in which people are born, grow, live and work, and cannot be considered separate from the realisation of human rights and fundamental freedoms. From the modern perspective, it is understood that there is no health without mental health and, as in physical health, the absence of illness is not enough. From the above, it follows that all existing right to health legislation is also specifically relevant to mental health.

The right to mental health is dependent on non-discrimination and the enjoyment of all other human rights. Discrimination on any grounds, both within and outside the field of mental health, is both a cause and a consequence of poor mental health. There can be no good mental health without human rights.

Figure 8 – Factors that dignify mental health

Elaboration:
CRDH



⁶¹ The participating entities were: Federació Veus, Iridia, ECOM, CJB, Bayt al Thaqafa, PxLL, XAPSL, OCL, l'Associació, FSG, SOS Racisme, DinCat, Cepaim, ACAPPS, FSMC, CAGG and OND. Additionally, the association ActivaMent also participated.

Consequently, mental health care must be carried out from a **rights-based approach**. To this end, it is essential to take into account the following key factors that dignify life:

- **Dignity and autonomy:** mental health care services should be designed to meet the demands and needs of the person concerned, as well as to respect their confidentiality and empower them to take control of their health and well-being. Adequate support should be offered if necessary to make independent and informed decisions about their lives, thus avoiding dependency and paternalism.
- **Social inclusion:** Ensuring interpersonal, community and societal links is an essential psychosocial determinant of mental health.
- **Participation:** The quality, accessibility and availability of services is significantly improved through the effective involvement of people with mental health problems, including people with **disabilities**, in the planning, monitoring and evaluation of services and in research.
- **Communication:** Diverse and versatile communication methods and networks are needed to provide the necessary listening in crisis healing and care processes.
- **Equality and non-discrimination:** Respecting the broad diversity of how human beings process and experience life, including their psychological distress, is fundamental to ending discrimination and facilitating equity in the provision of mental health services.
- **Adequate and quality:** services must be respectful of medical ethics, including the principle of “first do no harm”, be culturally appropriate, sensitive to **gender** and life-cycle specificities. Over-reliance on pharmacological interventions and the use of institutional care is incompatible with the provision of quality care.

The impact of discrimination on mental health

The Special Rapporteur on the right of everyone to physical and mental health proposes **substantive equality** as a way to operationalise the right to health, recognises the importance of the profound impact of systemic oppressions on mental health and warns that the available data appears to be only the tip of the iceberg. The **FRA** has identified that **71% of women and 51% of men who have experienced racist violence have experienced psychological problems as a result**. The **ECAMB** shows that those who have suffered discrimination based on illness or disability, sexual orientation, **gender identity** or **racism** are the most psychologically affected.

There is still insufficient research. More research has been done on how mental health problems contribute to poverty or exclusion, but less on how poverty and social injustice produce mental distress.

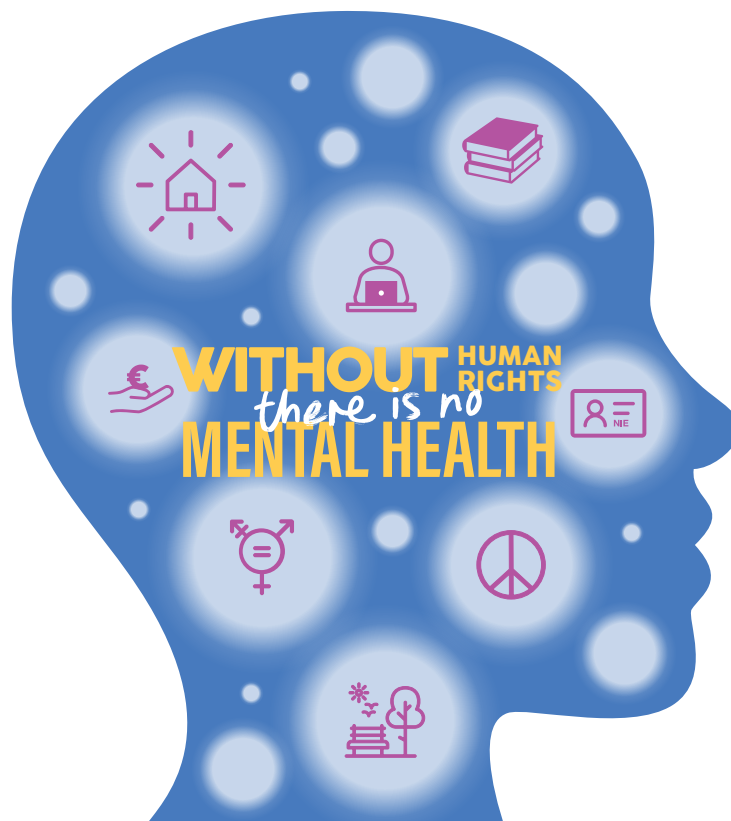
The following are some of the main considerations on the impact of mental health discrimination as reported by organisations:

- People who come to the entities to report discrimination for any reason suffer significant emotional distress, anguish, difficulty sleeping, symptoms compatible with anxiety and psychological effects to varying degrees depending on the profile of the person, the seriousness of the case and the accumulation of previous situations.
- All structural problems, such as racism, patriarchy, poverty, housing difficulties, etc., affect people’s mental health and may even lead to a diagnosis. Structural discrimination causes mental health problems that did not previously exist, or aggravates pre-existing ones. People are forced to deal with the consequences of what the system has triggered and are punished or pathologised if they handle the situation in a way that is deemed inappropriate.

- There are cultural differences that are interpreted by professionals in a pathologising way, such as certain culturally ingrained beliefs, or even different forms of expressiveness.
- Any aggression suffered by a person has a traumatic impact that generates a rupture in their life. When the grounds are linked to the person's own identity, as in the case of racism and **LGTBIphobia**, a different effect is given, because it is linked to the very fact of being who you are.
- Only some people who have suffered discrimination ask for psychological care, while many others are reluctant to do so; they do not want to suffer the stigmatisation of mental health problems or to be pathologised. This is also relevant when one wants to incorporate the psychological impact of the complaint, as the victims must be very well supported in this process, and they are not always in a position to take it on.
- In older people, there is a strong impact on over-medicalisation and unwanted loneliness. There is an added difficulty with mobility problems, lack of adaptation of housing that may even prevent them from leaving their homes, and a lack of financial resources for adaptation work to be carried out. There is a sense of abandonment. There are cases of people who develop psychiatric processes due to lack of attention and loneliness. The lack of professionals in gerontology and psychology for this group is also reported. For people in a situation of dependency, there is concern about the severe limitation of their decision-making capacity and how this affects their dignity.
- Caregivers, usually women, do so in precarious and overburdened conditions, which leads to over-medicalisation and to a high prescription of anxiolytics.
- In relation to **gender**, there are cases of misdiagnosis in women, associated with a type of expressiveness interpreted as incorrect, and the idea of "hysterical", "exaggerated", "fickle" persists, which affects the correct understanding of the situation being experienced.
- Many people suffer the cumulative impact of multiple situations of rights violations and systemic discrimination. This accumulation has far broader consequences than a one-off situation, which can be relatively easily reversed with the right support. Such discrimination is often normalised, perhaps as an unconscious defence mechanism of the individual. In other cases, people choose not to file a complaint because they are afraid of being stigmatised, not being believed, or receiving negative consequences that will worsen their situation. Not having a guaranteed right of access to justice undermines people's confidence and self-esteem.
- Those who have suffered severe rights violations go through the impact of a complex trauma. There is a great lack of knowledge about trauma and its implications among many professionals who care for these people, which hinders their recovery and can even worsen it or generate new discrimination. For example, there may be hippocampal involvement that impairs memory, and ignorance of this process leads to victims being accused of lying. In some cases, complex trauma has been mistaken for a diagnosis of borderline personality disorder, which is highly stigmatising, with no redress or correction of the misdiagnosis.
- The very condition of being in an irregular **administrative situation** has a strong impact on mental health, generating fear, vulnerability, lack of guaranteed rights, and a long etcetera that generates a great strain. Organisations report, for example, cases of people who have not been attended to at the health centre because they are in an irregular situation.

- People living on the streets or in substandard housing have sometimes been suffering for a long time. When they arrive at housing resources, they need to rest, to recover from a lot of accumulated wear and tear, but this often does not correspond to the demands of the service's work plans, which have a limited time frame. This imbalance is sometimes problematic and hampers the success of the process.
- In the area of sex work, there is an accumulation of situations of precariousness, discrimination and lack of guaranteed rights that affect women's health. They suffer a high degree of stigmatisation, which worsens when they are also substance abusers or **homeless** and are treated differently even by the police or gynaecological services. Their living conditions make it difficult for them to access support services, for reasons of timetables, consumption, difficulties in the work schedule, etc., so that they do not report the violence they suffer and are trapped in the same situations. There are cases of sexual violence in which they are blamed and re-victimised, leading to under-reporting and lack of attention and redress. There have been cases of women who have become very overwhelmed and even suicidal.
- Repeated stigma and **prejudice**, associated with migration and **racism**, generate a constant invalidation of the voice of people who, in many cases, end up avoiding reporting or asking for help. This gradual effect of small accumulated situations, due to racism, is detrimental to people's emotional well-being.

Figure 9 – Without human rights there is no mental health.



Violations and discriminations in the field of mental health

Up to this point, we have talked about the effects on mental health based on a broad concept of emotional well-being, but the reality of discrimination on the grounds of mental health occurs as soon as there is a diagnosis. This diagnostic label allows access to care resources and services, but at the same time entails difficulties. The main reflections and contributions from organisations on the discrimination suffered by people in the field of mental health are presented below, and always refer to people with a diagnosis or a recognised mental health condition:

- The protocols and regulations of many services are very difficult to sustain for some people, who in some cases drop out because of the inability of the service to adapt to their realities.
- The reality is intersectional, but services are not adapted in this way. Thus, there are people who cannot be attended by specialised mental health services, for example, because they are in an irregular **administrative situation**. When a person is affected by several axes of oppression, they do not always find services that are able to adjust to the complexity of their situation. Socio-economic status is often a factor that hinders good and prompt mental health care.
- Within the group of people with disabilities, those who have a **psychosocial disability** have the lowest employment rate. Reserved job offers are not designed for psychosocial disabilities, which are even excluded in some cases, and are limited to low-skilled positions and few areas of work. This is also the case for the disability sittings of competitive public exams, which are only offered for lower categories, and which sometimes have greater competition than the standard sitting.
- People providing community care in different services often have no training in mental health. **Prejudices** and stigmas persist, such as that they are irresponsible, extravagant, unpredictable, shy, with constant crises, etc. In some cases they are treated in a prejudiced and paternalistic way, losing sight of the fact that they are **rights-holders**. It would be important to offer training provided by those who are experiencing this reality first hand.
- Social burden also translates into “**self-stigma**”, which limits people’s possibilities for participation and fulfilment, as well as a lack of trust in institutions, after feeling that their opinions, experiences or feelings have not been considered.
- When care is sought for a physical health issue or to report discrimination on other grounds, the credibility and value of the claim is undermined by the fact that a mental health diagnosis is attributed to everything else that the person is reporting.
- Children born to mothers or fathers with a mental health diagnosis are also born with a diagnosis, that of being at risk due to their parents’ illness. The condition, which seeks to protect children, also brings constant judgement and overload to parents who feel constantly judged and evaluated, even in situations unrelated to their diagnosis, bringing with it a heavy burden of stigma.
- The persistence of stigma in the institutional sphere generates mistrust due to experiences of being discredited, blamed and re-victimised. There is a loss of autonomy for the people, who see how other powers make decisions about their lives. The organisations claim the right of the individual to have access to his or her medical records. There is a strong power relationship between the psychiatric staff and the user; there is no horizontal accompaniment, between equals. The person’s situational awareness of their own distress and experiences, considering the context that has generated the distress, is not recognised. It is essential that the individual is seen as a subject with rights.

- Highly individualised mental health care persists. There is a lack of community spaces that give value to people's stories as part of their therapeutic process, that also give space to the "delusional story", without stigmatising the way the person expresses themselves, with their intrusive thoughts, etc. It is essential to create spaces where people feel safe to express themselves freely and where they can build trust and hope, thus giving value to the work of organisations and community links. There is also a persistent **pathologising view** and an excess of medicalisation that excludes other alternatives for recovery. Consequently, some people prefer not to express their discomfort for fear of receiving a diagnosis that stigmatises them and worsens their situation.
- Within the field of youth, the lack of institutional support from the CSMIJ for non-formal education spaces and professionals is highlighted, which is where the unease of children, adolescents and young people is often expressed.
- With regard to the use of language, there are reports of cases in which medical services do not allow patients to express themselves in Catalan, which is their habitual language. It stresses the importance of being able to express one's own experiences, emotional distress and fears in one's own language as a central element in the care and recovery process. There is a lack of empathy in this regard.

The analyses and reflections presented in this monograph give a voice to the organisations that work on a daily basis in the areas of mental health and discrimination and are fully consistent with the different reports of the UN Special Rapporteur on the right to health.

The City Council currently has the **2nd Barcelona Mental Health Plan 2023-2030**, which takes into account international regulations, policy and strategy, the determining factors of health at each stage of the life cycle, and is based on the following guiding principles: a comprehensive approach; equity and reduction of social inequalities; territoriality; **gender** perspective, intercultural perspective and intersectional approach; human rights perspective; mainstreaming; social and health integration; and knowledge and evaluation for continuous improvement and innovation.

The purpose of this monograph is to highlight certain realities in the city, and to contribute to the better implementation of the municipal plan.

5 Conclusions

In 2023, 865 situations of discrimination were reported in the city, which is an increase of 234 more than in 2022 and reaffirms the relevant work of the entities of the **SAVD Board** and the **OND** in prevention and reporting actions. Again racism is the main reason for discrimination, with 230 cases. The second main reason is health, with 217 incidences, and the third main reason is LGTBIphobia, with 205 incidences.

Regarding the grounds for discrimination:

- **Racism and xenophobia affected migrants in general, specifically those of North African, Arab and Latin American origin, as well as black people.** Discriminatory actions were motivated by distinctions based on skin colour and physical features that exposed them to different and demeaning treatment. For example, racial profiling of young men by police, unfair treatment of migrant women in health centres, mistreatment of migrant families in social services, and racist attitudes towards black people in private institutions and businesses. There were also situations of exclusion that left those affected unable to exercise their rights to housing, the provision of services, admission, moral integrity, quality public services, work and health. In the case of Roma people, there is still a high degree of **under-reporting**, according to the organisations that defend their rights, due to their naturalisation as a daily occurrence.
- **Discrimination on health grounds mainly affected people with mental health diagnoses, young women in need of sexual and reproductive health care, and people diagnosed with HIV.** Discriminatory actions were based on the distinction of health status or need linked to mental health and sexual and reproductive health, exposing them to stigmatisation, to being judged and punished for their decisions in public and private health centres or to unfair treatment with verbal and physical aggression. Their rights to moral integrity, quality public service, admission, physical integrity and the provision of services were violated. Mainly, it was the right to information that was restricted.
- **LGBTIphobia mainly affected gay men, transgender people and lesbian women.** The most repeated discriminatory actions were distinction based on their sexual orientation, gender expression or **gender identity** (differentiated and unfair treatment in nightclubs, in the street and in sports centres), and also physical aggression (beatings, punches and group attacks in the street, on public transport and in leisure centres) that left them with serious bruises and affected their emotional health. Verbal aggression expressed in homophobic and transphobic insults was recurrent, through threats and derogatory phrases in the street and in sports centres, as well as the persistence of a pathologising discourse on transgender people in the health system. There was also evidence of discriminatory and hate speech identified in attacks on the LGBTI centre in Barcelona, during demonstrations, conferences and celebrations of the LGBTI collective.
- **Discrimination on the grounds of language use ranked fourth, with 125 incidents, and affected Catalan-speaking people** exclusively through the discriminatory action of distinction, expressed in differential treatment in shops, health centres and online services of private companies, affecting the linguistic right, the right to health and the right to the provision of services. There is a legal vacuum with regard to the protection of other languages which prevents the reporting of discriminatory situations based on the use of non-European languages. Often, these situations are recorded as part of **racist** and **xenophobic** discrimination, and in cases of non-literate people of non-European foreign origin.
- **Discrimination on the grounds of gender is in fifth place, with 123 incidents, 107 of which affected women.** The most recurrent action was discrimination for being a woman, harassment of young people in public spaces; unfair treatment for being women and immigrants in health centres and social services, and stereotyped and prejudiced treatment in leisure and work centres. The exercise of rights was also restricted, specifically in the area of gynaecological health care: the right to information, to a quality public service and, in particular, their **sexual and reproductive rights** were violated. The PLURAL Service attended 447 men, mainly for psychological

and physical violence. The Municipal Unit against Human Trafficking assisted 391 persons, of which 278 were for reasons of sexual and labour exploitation. The Socio-educational Care Service carried out 385 consultations in the offices, most of whom had accumulated experiences of abuse, sexual and psychological violence, and 89.7% of whom are in a non-regularised administrative situation.

- **Ableism presented 101 incidents, mainly affecting people with intellectual and physical disabilities.** The discriminatory action was expressed in distinguishing people on the basis of their condition of physical functional diversity in hospitals, public service offices and courts, and schools. The full exercise of the right to physical integrity, provision of services, quality public service, admission, freedom and security and information was restricted. The people affected by intellectual disability experienced situations linked to disproportionate pharmacological application in health services; mockery and threats; violation of the right to privacy; discrimination due to lack of economic resources coupled with disability; barriers to accessing a place to live in a public setting; bullying; lack of access to housing; medical and social neglect; restriction on the use of their own property; lack of access to economic benefits and highly complex specialised resources, and institutional neglect. Situations affecting people with physical or organic disabilities included discrimination in employment; lack of access to the disability assessment procedure because they do not have an identity number for foreign nationals; difficulties in accessing insurance; architectural barriers; non-adapted transport systems; abusive costs in adapted transport; violation of the right to the disability transport card; delay in receiving disability assistance; difficulty in accessing common areas of the community; non-recognition of their autonomy.
- **There were 98 incidences of aporophobia, which mainly affected people who were homeless, had a mental health diagnosis and were living in poverty.** The discriminatory action of distinction was identified in care and service offices, shops, restaurants and bars where they were treated in a discriminatory manner. Exclusion occurred in hospitals, public service offices, courts and banks, due to institutional neglect in highly complex situations, the inability to find a place to live in the community and the refusal of banks to serve them. The rights violated were the right to housing, to a quality public service, to physical integrity, to admission, to health and to have a bank account. In some situations, they were offered health care, but in a restricted manner (they were discharged with the indication to follow an outpatient treatment that their living conditions do not allow them to carry out, which increases their situation of vulnerability, without being offered alternative social care/accommodation); they were mistreated in restaurants that provide them with food financed by social services; their accounts were blocked for having an expired foreigner's identity card; and they were prevented from changing their bank due to high fees because it would mean losing their benefits for months.
- **Ageism accounted for 72 incidents and rose significantly compared to 2022 because the entities of the SAVD Board are increasingly incorporating an intersectional perspective in the analysis and identification of discrimination.** The people affected were 58 young people and 14 older people. Young women were discriminated against in health centres, which restricted their **sexual and reproductive rights**. . In the case of the young persons, they were of migrant origin who received unfair and unjustified treatment during police interventions due to racial profiling. Older people were discriminated against while assuming the role of caregiver for family members with mental health diagnoses. The **Barcelona Youth Council** maintains that **adultcentrism** permeates all relational practices in social and political structures, relegating young people to invisibility and underrepresentation in spaces of participation and decision-making, which is why this discrimination continues to be **under-reported**. The **Advisory Council for the Elderly**

identifies three problems that cause structural discrimination: the digital divide, which dehumanises the elderly because it excludes them from new ways of relating, accessing information and opportunities for development in the city; pensions that are not sufficient to guarantee access to decent housing in conditions appropriate to their age; and the current situation of public residences, which continue to be places where they suffer greater discrimination due to **ageism**.

- **Discrimination on religious grounds, with 16 recorded incidents (9 for Islamophobia, 6 for antisemitism and 1 for Christianophobia), and on ideological grounds, with 8 incidents, show the reality of under-reporting in these situations of discrimination.** Islamophobia, according to the organisations that deal with this situation, has become normalised in the daily life of the people affected, which makes it impossible to report it, as well as due to the mistrust of the people affected towards the reporting mechanisms. In the case of **ideological discrimination**, there is still a lack of awareness to easily identify and report it. According to the Ministry of the Interior, this discrimination is closely linked to hate crimes. Therefore, in 2023, for the first time in this report, situations related to hate crimes were recorded. **117 situations of discrimination linked to hate crimes were identified**, mainly **LGBTIphobia**, **racism** and the use of a language.

On the intersectionality of discrimination:

- **Of the 865 discrimination situations dealt with, 613 were caused by a single ground of discrimination, 178 by two grounds (81 more than in 2022), 70 by three grounds (53 more than in 2022), and 4 situations presented four grounds of discrimination. In total, there were 252 situations where a person was discriminated against on two or more grounds.** Situations with two grounds of discrimination show the intersection between health and **ableism**, **gender** and health, racism and gender and health and **aporophobia**. In the case of situations with three grounds, the intersection between gender, health and ageism stands out. In those affected for four reasons, the gender and health axes of racism, ageism, ableism and aporophobia interacted.
- **Discrimination on the grounds of health, gender and ageism are the ones that numerically show the highest volume of intersectionality in contrast to other grounds. Health discrimination has the highest level of intersectionality linked mainly to gender (70), followed by ableism (51), ageism (48) and aporophobia (34).**
- **Gender has the second highest level of intersectionality, mainly linked to health (70), followed by ageism (40) and racism (22).**
- **In third place, ageism is identified with the highest level of intersectionality, linked above all to health (48), gender (40) and racism (15).**
- **Racism was the only motive that intersected with all nine motives analysed by the Observatory (ageism, ideology, gender, religion, health, ableism, language, aporophobia and **LGBTIphobia**).**

On direct and indirect discrimination:

- **934 direct discrimination actions** were recorded. There were 366 incidents of unfair and degrading distinction due to particular characteristics of people linked to their identity and specific reality (LGBTI people, migrants of Maghrebi, Arab and Latin American origin, people of Muslim religion, young women, elderly women, Roma people, people with mental health diagnoses, people who speak Catalan); the exclusion actions that violated rights were 54 and those that restricted or limited rights were 79. There were 87 actions of verbal aggression and 68 actions of physical aggression, as well as 54 actions of **hate speech**.
- For the first time, **institutional violence** ⁶² **was recorded as a type of direct discrimination with 89 actions** identified in police interventions for racial profiling and aporophobia, situations of racism and LGBTIphobia in the metro, health malpractice in the public and private sphere, involuntary admissions, pressure and formal and informal coercion of people with mental health diagnoses and young women requiring sexual and reproductive health care. **The main discriminating agent of institutional violence was the security forces with 49 incidences. The public administration recorded 34 incidents and private entities/companies acting by delegation of functions of public competence recorded 22 incidents (mainly private security in public hospitals and on means of transport).** Organisations working on the prevention of racism, aporophobia and LGBTIphobia maintain that it is **the security forces and private security that play a worrying role in the commission of institutional violence**. Organisations that work in situations of discrimination on health grounds maintain that **institutional violence is exercised in the social, health and protection care system towards the most vulnerable groups**.
- **183 indirect discrimination actions** were recorded. **The largest volume of actions were 31 actions related to the functioning of institutional mechanisms and 18 related to accessibility barriers.** In the former, situations were observed in which access to study opportunities and social assistance was impeded due to not having an identity number for foreign nationals; also, multiple delays in receiving social assistance for people with disabilities; long waiting lists in citizen care services; lack of information on adequate mechanisms in situations of maximum vulnerability; delays in access to care in mental health services; lack of institutional support in highly complex situations; lack of clear and dignifying regulations to avoid abuse in psychiatric units. With regard to accessibility barriers, architectural barriers were identified in residential and business buildings providing services to the public, in workplaces and also in transport not adapted to the needs of people with disabilities.

62 The definition of this type of discrimination can be found on page 31 of the report and in its glossary.

On discriminating agents:

- In 2023, the main **discriminating agents** were **private entities/companies (290)**, in second place, **private individuals (288)**, in third place, **public administration (264)**, and the **security forces (49)** in fourth place. The private entities/companies and public administration continued their upward trend compared to previous years. Private individuals rose after a slight decrease in 2022 and security forces decreased slightly.
- In discrimination on grounds of **racism**, the main discriminating actors were private entities/companies and individuals. In health discrimination, the main discriminating agent was the public administration. In **LGTBIphobia**, the main discriminating agent was private individuals. On the grounds of language, it was private entities/companies. In the case of **aporphobia**, the main discriminating agent was the public administration. The main agent of discrimination on the grounds of **ableism** was the public administration. In discrimination on the grounds of **gender**, the main discriminating agents were the public administration and private individuals. On religious and ideological grounds, the main discriminating agents were private individuals.
- Another important fact is the type of **direct discrimination** exercised by the discriminating agents. Individuals engaged in **physical aggression, verbal aggression, hate speech** and differential treatment on the grounds of **prejudice**. Private entities/companies exercised differential treatment based on prejudice, exclusion that violated rights and restriction that limited the full exercise of rights. Those private entities/companies acting on behalf of public authorities exercised institutional violence (mainly private security in hospitals and transport). The public administration exercised stigmatisation, **institutional violence** and exclusion that violated rights and restriction that limited the full exercise of rights. The security forces highlight institutional violence and distinction by racial profiling and stigmatisation through **aporphobia**.

On the territorial presence of registers and places where discrimination takes place:

- The territorial presence of the organisations of the **SAVD Board**, through prevention initiatives such as the “purple points” and the location of their headquarters, contributes to increasing the registration of discrimination by districts: in the city (319), in Ciutat Vella (120), in L'Eixample (77), in Sants-Montjuïc (73) and in Sant Martí (60). These data explain the link between the territorialisation of prevention and the higher degree of awareness among those affected when deciding to report.
- In the city, **public places (381)** referring to streets, parks, beaches, squares and public facilities show the highest number of records of discrimination. **Private spaces (363)**, referring to private facilities with public access and private facilities with prerequisite access, social networks, online and telephone services, have a high degree of discrimination records. There was a greater number of discrimination situations in the streets, parks, beaches and squares. Regarding public facilities, there were more incidents in hospitals than in previous years, as well as in stations and means of transport and in public service offices and courts. Private facilities with public access show a slight increase in the number of discriminations, including bars and restaurants and shops. With regard to private facilities with prerequisite access, a rise in discrimination was observed, and within these, situations in houses, flats and dwellings and companies and entities increased compared to previous years, while in leisure centres they increased considerably.

On violated rights:

- **The top four rights violated or restricted by discrimination were moral integrity (416), quality public service (182), provision of services (173) and physical integrity (149).** All records of violations of these rights are up from previous years. The main grounds for violation of the right to moral integrity were **LGBTIphobia** and **racism**, health and **gender**. The right to a quality public service was violated on the grounds of health, racism, gender, ageism and **aporophobia**. The right to the provision of services was violated on the grounds of racism, aporophobia, gender, health and ableism. The right to physical integrity was violated mainly on the grounds of LGBTIphobia, health and racism. Gender and aporophobia also play a role. The right to a basic payment account was registered for the first time in 2023. Of the 865 situations of discrimination dealt with, this right, which makes it possible to overcome the special situation of vulnerability or risk of financial exclusion through free banking services, was violated in 162 situations.

On support and assistance actions:

- **In 2023, the 1,119 support and assistance actions of the organisations that form SAVD Board and the OND succeeded in bringing redress to the people affected and enabling their access to justice. The most significant actions were legal counselling (325), psychosocial support (322) and socio-educational counselling (262).** Coordination and referral, advocacy and intermediation were developed to a lesser extent. Almost 60% of the support and assistance has been in legal counselling and psychosocial care. Socio-educational action remained an important service. Coordination-referral and advocacy continue to have an influence of less than 10%.
- **Criminal complaints (100) have increased each year, while administrative complaints (79) increased from 2022 and decreased from 2021. Public complaints (111) had more actions than the other types of complaint in 2023.**
- **650 discrimination complaints were processed**, with the following result: 213 resolved, 282 pending resolution and 155 not resolved. In addition, there are 224 unresolved cases.
- **There were 479 situations where the case was closed, mainly by decision of the user (201) and resolution (131).** Cases were also closed because it was impossible to contact the person concerned; because the case could not be resolved; by passive decision of the user; by police/prosecutor's office or court complaint; and by referral to a specialised entity.

On the impact of discrimination on mental health:

- This year, the Observatory, **through the monograph dedicated to mental health, allowed the SAVD Board to identify a double impact: firstly, the discriminations that affect people with a diagnosis and, secondly, how discriminations have a clear emotional impact on the people affected.** This reality makes it essential to recognise that guaranteeing the right to mental health means recognising the right to equal treatment and non-discrimination, and to the respect and protection of all human rights. All mental health care must be provided from a **rights-based approach**, which implies recognising people's dignity and autonomy, fostering social inclusion,

promoting participation, generating communication networks in crisis and healing processes, recognising the diversity of how life and psychological distress are experienced in each person, and ensuring that any care and recovery initiative is acceptable and of high quality. The following are the main conclusions of the monograph:

- Reporting discrimination is not easy because the impact of discrimination generates anguish, sleeping difficulties, symptoms compatible with anxiety and psychological effects to varying degrees depending on the person, the seriousness of the case and the accumulation of previous situations. Stigmatisation and **pathologisation** aggravate the situation and can condition the reporting process, as under these circumstances not all people are in a position to make a complaint. Furthermore, recognising trauma and its implications is key to mental health recovery and to dignifying and incorporating its impact on complaints and access to justice.
- **Racismo**, **aporophobia**, **LGTBIphobia**, ableism, among others, can lead to a diagnosis, because structural discriminations provoke emotional health problems that did not exist before, or aggravate pre-existing ones.
- All discrimination has a traumatic impact that generates a rupture in the life of the person affected and, if it is linked to their identity, it affects them even more because it calls their existence into question.
- **Ageism** linked to unwanted loneliness, not having access to housing, overseeing care in precarious conditions, being under permanent pressure in a society that excludes you generate a cumulative impact and a complex trauma.
- Protocols, regulations, services and the people who work in them need to incorporate **intersectionality** in order to provide comprehensive care to people regardless of their personal, administrative, economic and legal circumstances, and to overcome **self-stigma**.
- It is essential to recognise the legitimacy and credibility of the voice of the affected person, taking into account their environment, context, their way of expressing themselves, of communicating and considering that community spaces must be created that give value to people as part of their therapeutic recovery and space to the “delusional narrative” and intrusive thoughts.

6 Actions and challenges

OND, actions and challenges:

<p>Cross-cutting action (challenges 2024):</p>	<ul style="list-style-type: none"> The OND will work to strengthen territorialisation through the continuity of the Antenas project, with an intersectional and cross-cutting approach of the different municipal services that operate at district level to strengthen the prevention of discrimination and reactivate their presence in the various districts through the figure of district representatives. 	
<p>THEME</p> <p>Preventing racism:</p>	<p>ACTIONS 2023</p> <ul style="list-style-type: none"> The OND and organisations participating in the Barcelona Racism Protocol (Bayt al-Thaqafa, FAGIC, Secretariado Gitano Foundation and SOS Racisme Catalunya) have carried out an analysis and coordination of different situations of racism suffered in the city, while sharing different projects and proposals for joint denunciations associated with the educational and community spheres.. The OND participated in the implementation of the Barcelona Government Measure on Anti-Racism, which included more than 30 actions on prevention against racism and guaranteeing the rights of victims. The OND coordinated with the Barcelona <i>Ombudsman's Office</i> to improve the monitoring and reporting of ethnic profiling arrests in the city, in application of the SGB-OND coordination protocol. 	<p>CHALLENGES 2024</p> <ul style="list-style-type: none"> The OND will continue to lead the coordination of the Protocol against Racism in Barcelona.

THEME	ACTIONS 2023	CHALLENGES 2024
Preventing discrimination on health grounds:	<ul style="list-style-type: none"> The OND promoted care for people affected by situations of discrimination linked to mental health through its psychosocial care service with a more humanistic and less clinical approach, strengthening coordination with adult mental health centres (CSMA). Furthermore, the OND made several complaints about rights violations in cases of involuntary admissions of people with mental health diagnoses. 	<ul style="list-style-type: none"> The OND will strengthen its coordination with the Health Consortium and mental health advocacy organisations in order to draft a protocol to review the institutions responsible for involuntary admissions and thus work towards guaranteeing rights.
Preventing LGBTIphobia:	<ul style="list-style-type: none"> The OND and the entities of the LGBTIphobia Protocol of Barcelona, together with the LGBTI Barcelona Centre and the Observatory against LGBTIphobia, increased the registration, reporting and monitoring of LGBTIphobic situations in the city, while implementing joint training collaborations. 	<ul style="list-style-type: none"> Within the framework of the protocol against LGBTIphobic aggressions, preventive municipal actions will be promoted on a territorial scale to avoid the increase of LGBTIphobic aggressions (especially transphobic) and to raise awareness among citizens about the risk of an increase in these situations.
Preventing gender-based discrimination:	<ul style="list-style-type: none"> The OND strengthened cross-cutting coordination in different municipal services that work from a feminist perspective and in attention to women in order to introduce the vision of gender discrimination into their programmes. 	
Preventing aporophobia:	<ul style="list-style-type: none"> The OND and the XAPSL have made progress in drafting the Barcelona aporophobia discrimination protocol. 	<ul style="list-style-type: none"> The OND undertakes to move forward with the final drafting of a BCN protocol against aporophobic discrimination.
Preventing ageism:		<ul style="list-style-type: none"> The OND will boost the fight against ageism through increased coordination of programmes with the CJB and the development of several training sessions with the CAGG.
Preventing discrimination on religious grounds:	<ul style="list-style-type: none"> The OND coordinated with the OAR to tackle the under-reporting of discrimination on religious grounds and to share several training capsules that include the defence of the fundamental religious right. 	<ul style="list-style-type: none"> The OND will encourage OAR and religious rights organisations to become part of the OND Antenas project.
Preventing discrimination on ideological grounds:	<ul style="list-style-type: none"> A satisfactory final judgement was obtained, which creates jurisprudence, for a situation of physical and verbal aggression by a right-wing extremist group towards a young pro-independence youth, in which the OND filed a complaint, and the City Council appeared as a public prosecutor. 	<ul style="list-style-type: none"> The OND will continue to address situations of discrimination on the grounds of ideology in the provision of its comprehensive care.

SAVD Board organisations, actions and challenges:

THEME	ACTIONS 2023	CHALLENGES 2024
Cross-cutting action across the SAVD Board:	<ul style="list-style-type: none">In 2023, the SAVD Board dedicated its efforts to a greater registration of discrimination situations, despite the diversity of resources and the heterogeneity of the work of the entities that make up the Board in terms of care and support. <p>There has been permanent coordination with the OND for the referral of cases, promoting targeted socio-educational actions and the monitoring of protocols.</p>	<ul style="list-style-type: none">The SAVD Board will focus its action on capacity building to improve the identification and analysis of qualitative data, and will therefore develop specialised training to enable it to systematise the information on the situations of discrimination it deals with.The SAVD Board will continue to incorporate the intersectional perspective in its support, assistance and referral of situations of discrimination in order to provide care that dignifies the people affected and considers their specific realities and needs.The SAVD Board will continue its collective action to combat under-reporting, especially in those areas of discrimination where violations have been normalised or where fear or lack of confidence to do so persists. This will be done through better coordination between entities and permanent contact when a situation is identified that can be referred from one entity to another.The SAVD Board, in order to strengthen action to prevent discrimination on grounds of religion and ideology, will promote the incorporation of new entities into the SAVD Board and the Observatory, and thus guarantee access to quantitative and qualitative information related to these situations of discrimination.
Preventing racism:	<ul style="list-style-type: none">The Secretariado Gitano Foundation has promoted specific training on for the public security school with the aim of preventing antigypsyism in the actions of the security forces. Furthermore, it has strengthened its presence in education and the workplace, where it has detected more situations of discrimination.	<ul style="list-style-type: none">The Secretariado Gitano Foundation will strengthen the attention, accompaniment and legal representation of the people affected, through a team of Roma lawyers in the territory. It will also promote awareness-raising actions among the Roma community to encourage them to report and complain about the normalisation of discrimination.

(...)
Preventing
racism:

- **SOS Racisme Catalunya** reinforced its psychosocial assistance strategy by linking it to legal assistance, both in terms of training and referrals, in order to provide a better response in terms of care for the people affected. It conducted media advocacy and public awareness-raising through the free and specialised service that offers assistance to people who have suffered discrimination or racist **hate crime** (SAID). It also developed transformative and anti-racist tools for educational institutions..
 - **Irdia**, in relation to the Police Model Study Commission (CEMP) which on 2 December voted on its conclusions, after a year of parliamentary work, recommended (following the demands of affected people) the creation of an office for the attention of affected people, from a comprehensive and restorative perspective. Specifically, the commission approved: “To create an office (present at least in the eight capitals of the vegueries or regional divisions) specialised in reparation and emotional and psychological care for people who have been victims of human rights violations committed in the context of the use of force by the police forces”.
 - **SOS Racisme Catalunya** will promote strategic litigation and popular accusation as an intervention methodology aimed at promoting the right of access to justice. In addition, it will improve intersectional intervention, both in care and in providing a tailor-made response.
It will strengthen care and redress actions with the child and youth population. It will also monitor the protocols of public institutions to influence their implementation.
 - **Irdia** will be watching to ensure that the government introduces effective mechanisms to end selective policing and racial profiling. Specifically, it is necessary to establish the systematic and obligatory use by the Mossos d’Esquadra and local police forces in Catalonia of identification and registration forms stating the reason for the identification, in accordance with the principles of informed consent and confidentiality, which must be given to the person concerned and to the Ministry of the Interior itself. Likewise, a procedural manual on the use of identification and search forms on public roads/places should be drawn up for all Mossos d’Esquadra officers and police officers.
 - **Irdia** will continue to work for the implementation of the Office specialised in the redress and emotional and psychological care of victims of human rights violations committed through the use of force by police forces. This situation acts as a deterrent to reporting cases of **institutional violence** and impedes access to the right to truth, justice, redress and non-repetition.
 - Consideration will be given to the implementation of the Popular Legislative Initiative Regularisation Now Bill to open a regularisation process for the more than 500,000 people who are without legal guarantees due to their **administrative situation**.
 - Follow-up will be carried out to reverse the serious deficiencies in the health care provided to the inmates of the Barcelona Immigration and Detention Centre, such as the lack of 24-hour medical service, the lack of psychological and psychiatric care and the lack of digital medical records. Work will be done to ensure that the health service outsourced by the Ministry of the Interior to the private company Clínica Madrid becomes managed by the public health system.
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Preventing discrimination on health grounds:

- The **Associació de Drets Sexuals i Reproductius** promoted collaboration agreements with the *Ombudsman's Office* of Barcelona, the Catalan Healthcare Institute and the Parliamentary Intergroup on Sexual and Reproductive Rights to guarantee the sexual and reproductive autonomy of those affected.

The report of the Observatory for Sexual and Reproductive Rights of the **Associació de Drets Sexuals i Reproductius** was presented, within the framework of its five years of existence.
- The **Salut Mental Catalunya Federation** has worked to position mental health as an area of discrimination beyond the field of health. It has promoted a joint work agreement with the **Veus Federation**. There has been a considerable improvement in the support provided to the people concerned. It has worked on a conference on rights and mental health.
- The **EXIL Centre** continued with the task of comprehensive care for victims of discrimination from the comprehensive assessment of the damage and recovery, which guarantee an effective intervention in the support provided. Its methodology, based on a systemic approach, is extended to training and prevention activities.
- The **Veus Federation** has pioneered the creation of justice facilitators for people with psychosocial disabilities who need support in court. It has been involved in administrative and legislative processes such as the National Mental Health Pact. It gave impetus to the “Everything hurts me” campaign to raise awareness of the impact of mental health discrimination. In addition, it has incorporated **intersectionality** in all areas of action, linking various realities of people (**gender**, economic situation, origin and others) to report and claim that mental health is a structural problem.
- The **Associació de Drets Sexuals i Reproductius** aims to increase the number of complaints received and to promote better support against **racism** in the field of health and education. Networking with health professionals who are more rights-aware will be strengthened. Internal protocols will be developed for the effective and dignified care of individuals. Remedial care for affected persons will be strengthened to reverse the negative impact of discrimination.
- The **Salut Mental Catalunya Federation** wants to increase the number of legal and administrative complaints and to improve the analysis of cases that guarantee the confidence of people to file a complaint on their own behalf or through the organisation. Establish partnerships with other entities to strengthen intersectional mainstreaming, e.g. with regard to **gender** and mental health that are doubly stigmatised.
- The **EXIL Centre** will ensure that redress involves the guarantee of a network of social and institutional resources that contribute to emotional recovery in the face of a traumatic event. Furthermore, it will work to promote a paradigm shift for victims beyond the blame and acceptance factor.
- The **Veus Federation** will strengthen its response and emotional support in situations of discrimination or violation by offering resources and information for reporting them. It will implement the figure of justice facilitators for people with psychosocial disabilities who need support during legal proceedings. Training will be offered to public administration professionals in both the health and justice sectors. It will draw up an annual intersectional register of cases of discrimination or violation that are dealt with. It will work in coordination with **Salut Mental Catalunya** to guarantee an intersectional approach in all areas of action, as well as the use of inclusive language and the application of positive discrimination measures. It will promote a rights-based culture through the “Rights and Mental Health” workshop series, which is offered annually free of charge and online.

Preventing LGBTIphobia:

- The **Observatory against LGBTIphobia** promoted two feminist and LGBTI purple points in two concert halls. At the **Sala Apolo**, actions were carried out to prevent, detect and intervene in **LGBTIphobia** situations. The purple points have a professional psychologist who coordinates with the necessary agents, whether in case of male aggression or LGBTI-phobic aggression. A mobile equality counsellor has been created at the **Sala Razzmatazz**, who intervenes in the first instance in any discriminatory situation; furthermore, intervention, information, counselling and detection actions are also carried out. It organised the **2nd International Conference of Observatories against LGBTIphobia** (OCL) with the aim of sharing experiences and carrying out joint training sessions to combat hate speech.
- In 2024, the **OCL** considers it key to advocate for the modification of Law 11/2014, especially in relation to the harmonisation of the regime of violations and sanctions with Law 19/2020; the prohibition of conversion therapies, the incorporation of LGBTI symbolism in institutions, the incorporation of **intersectionality** from migrant experiences, the incorporation of **lesbophobia** in the title of the law and to give visibility to non-binary and intersex people.
- The **OCL** is committed to the real and effective implementation of the Protocol for the prevention and intervention of LGBTIphobia on the TMB transport network. To this end, a coordination circuit will be formalised between TMB and the different operators of the Protocol to deal with incidents and avoid the re-victimisation of the people affected.

Preventing discrimination on the grounds of language:

- **Plataforma per la Llengua** took part in the conference on Law 19/2020 organised by the Barcelona City Council with the aim of strengthening capacities and broadening the perspective on the implications of the regulation in the defence of linguistic rights. The focus was on the field of health, the sector in which the greatest violations were identified in relation to the use of Catalan. Meetings were held with the Health Department to give visibility to the situations being addressed. It promoted the Semicercle project to raise awareness of the legal and political reality of other countries with minority languages. The Linguistic Rights Ombudsman project was launched to promote the knowledge and defence of linguistic rights among citizens. It aims to bring the organisation's complaints and language enquiries service, which is active on the website, closer to the local area in order to reach people who are not familiar with it.
- **Plataforma per la Llengua** will improve the complaints register to make complaints more effective and to allow greater contact between the organisation and the people who use the service. The **gender** axis, beyond the male/female distinction, will begin to be taken into account in the recording of discrimination and incorporated into the entity's statistics. In addition, the language work axis in relation to health (private and public) will be strengthened. It will also provide training in the field of justice on the protection of linguistic rights.

Preventing gender-based discrimination:

- The entities of the **SAVD Board** have incorporated the **gender** perspective in their actions because there is a greater awareness of the **intersectionality** of discrimination, not only in the registration of the identity of the persons concerned, but also in the interaction of other grounds of discrimination with gender discrimination.
- The **SAVD Board** seeks to improve the reporting, attention and identification of **intersectional discrimination** by emphasising the link between gender discrimination and other grounds, which some entities have identified as reinforcing stigma and rights violations.

Preventing ableism:

- In November 2023, the **ECOM Federation**, through its advocacy work, contributed to the approval of the accessibility code of Catalonia, which implements the Accessibility Law approved in 2014. Actions have been developed to elaborate the RADAR ECOM 2023 report, which combines quantitative analysis with qualitative analysis, which annually allows the entity to explore and evaluate different levels of information, amplify the perspective of study and go deeper into the different problems generated by **ableism** in order to present prevention proposals and make **public complaints**.
- The **ECOM Federation**, taking into account that a large percentage of the population it serves has been discriminated against due to the lack of accessibility of these establishments, will continue to work together with the associations and traders' guilds of the territory to make this inequality visible and join efforts to prevent it. Work will continue to prevent violations of the right to work linked to discrimination on the grounds of disability, by supporting and advising workers so that they can file complaints through the appropriate channels and, if necessary, apply the sanctions regime to the company. Advice and support will also be provided to companies so that they are aware of the legislation they are obliged to comply with in relation to the employment of people with disabilities.

Preventing ageism:

- The **Advisory Council for the Elderly** made the participatory short film *A la brecha* (To the gap), and disseminated it in homes and day centres for the elderly in different districts, and in some entities and health schools. It promoted citizen exchanges through the 6th Convention "The Voices of the Elderly" focusing on ageism, with the participation of researchers, city entities and participation bodies of the City Council. It also participated in the technical working group promoted by the **Barcelona Youth Council** and with the involvement of different agents, to carry out dissemination actions on **adultcentrism**; in addition to an intergenerational action with the participation of organisations for the elderly.
- The **Council for the Elderly** will promote an awareness-raising action on ageism based on the short film *A la brecha*, aimed at secondary schools and the general public, civic centres, neighbourhood day centres and libraries. In addition, a short participatory film will be made on affective relationships and sexuality of the elderly, with a focus on sexual and **gender** diversity. The project for training and empowerment of the elderly will also be promoted, in coordination with the **OND**, so that they can be "detectors" of situations of ageism and provide support and advice to the older people affected.

(...)
Preventing
ageism:

- The **Barcelona Youth Council (CJB)** has collaborated with the Barcelona Ombudsman's Office to publish a report on **adultcentrism** and public policies in Barcelona. Afterwards, coordination was maintained with the Ombudsman's Office to continue the 10 actions and proposals that include a youth and cross-cutting perspective in Barcelona City Council, and thus prevent this reason for discrimination in the administrations. In addition, it actively participated in the Barcelona City Council, trying to introduce the discourse on the youth perspective in order to avoid adultcentric practices. Dissemination and awareness-raising actions on the impact of this discrimination were also promoted on social networks with the publication *Este 2023 desmontamos el adultocentrismo* [This 2023 we dismantle adultcentrism], aimed at raising awareness among children, adolescents, young people and older people on how to identify this discrimination and share proposals that promote a non-adultcentric perspective. The intergenerational motor group against adultcentrism continued with other groups affected by age discrimination. In parallel, it participated in the driving group *Amigxs de la gente mayor* [Friends of the elderly], with the Advisory Council for the Elderly, the Department for the Promotion of Children and the Department for Citizenship Rights.
- The **Barcelona Youth Council (CJB)** will provide training aimed at the public administration, young people and the general public through workshops on **adultcentrism** to help raise awareness. It will also promote the formation of a working group with representatives of youth associations and public administrations to draw up the intergenerational pact and implement it. This pact will include the political basis for the changes needed to apply a youth perspective to public policies and the political will to transform social and institutional policies and dynamics. In the face of **under-reporting** and the normalisation of **ageism**, an informative discourse will be consolidated to help raise awareness among young people and others who suffer from this discrimination, as well as to develop resources to deal with it. We will continue to work to transform the spaces for citizen participation and prevent the recurrence of adultcentrism, as well as to empower young women in the protection and defence of their rights. In this line, work will be done to identify a positive concept that will vindicate adultcentrism. And given the lack of qualitative and quantitative data on ageism/ adultcentrism, work will be done to identify a methodology and expert person/entity with whom to advance this task.

7 Bibliography

Reference articles, reports and manuals

European Union Agency for Fundamental Rights (FRA). (2022). Guide: How to make human rights part of everyone's daily life – a guide for local authorities.

Available from: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-human-rights-cities-in-the-eu_en.pdf

European Union Agency for Fundamental Rights (FRA). (2018). Handbook on European non-discrimination law.

Available from: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-handbook-non-discrimination-law-2018_en.pdf

European Union Agency for Fundamental Rights (FRA). (2016). Handbook on European law relating to access to justice.

Available from: https://fra.europa.eu/sites/default/files/fra_uploads/fra-ecthr-2016-handbook-on-access-to-justice_en.pdf

European Union Agency for Fundamental Rights (FRA). (2023). Being black in the EU. Experiences of people of African descent.

Available from: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-being-black_in_the_eu_en.pdf

European Union Agency for Fundamental Rights (FRA). (2023). Survey on immigrants and descendants of immigrants 2022.

Available from: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-eumidis-iii-survey-questionnaire_en.pdf

Barcelona City Council. (2020). Protocol of actions in situations of discrimination due to LGBTIphobia.

Available from: <https://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/PROTOCOL%20LGTBI%20C3%B2bia-def-es-ES.pdf>

Barcelona City Council. (2021). Protocol of actions in situations of discrimination due to racism.

Available from: <https://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/PROTOCOL%20racisme%20BCN-DEFINITIU.pdf>

Barcelona City Council. (2021). II Plan for Gender Justice 2021-2025.

Available from: https://bcnroc.ajuntament.barcelona.cat/jspui/bitstream/11703/123667/3/NouPla_2021-2025-JUN-ES-online.pdf

Barcelona City Council. Municipal Office for Data. Department of Opinion Studies. (2023). Barcelona Victimisation Survey 2023.

Available from: https://ajuntament.barcelona.cat/seguretatiprevencio/sites/default/files/2023-08/Victimitzacio_BCN_Informe_2023.PDF

Barcelona City Council. Barcelona Circuit against violence towards women. (2013). Guide of recommendations for the detection of gender violence in men.

Available from: https://ajuntament.barcelona.cat/dones/sites/default/files/documents/guia_recomanacions_cat.pdf

Barcelona City Council. Directorate of Gender and Time Policy Services. Manager's Office for the Area of Resources and Digital Transformation. (2023). Report "From time poverty to time for life".

Available from: <https://bcnroc.ajuntament.barcelona.cat/jspui/bitstream/11703/132742/1/DOSSIERTEMPS%20190x255mm%20ABCN%20WEB%20OCT23.pdf>

Barcelona City Council. Municipal Office for Data. Department of Opinion Studies. (2022). Barcelona Socio-demographic Survey (ESDB) 2022.

Available from: https://bcnroc.ajuntament.barcelona.cat/jspui/bitstream/11703/133448/10/Enquesta%20Sociodemogr%c3%a0fica%20Barcelona%20%28ESDB%29%202022_inf%20resultats.pdf

Barcelona City Council (2024). Office for Non-Discrimination. Balance OND 2023.

Available from: https://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/2023_DEF%20PDF%20Balan%C3%A7%20OND%202023.pdf

Barcelona City Council (2023). Office for Non-Discrimination. Approaches and methodologies to guarantee human rights. Theoretical framework.

Available from: <https://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/Marc%20te%C3%B2ric%20OND.pdf>

Barcelona City Council. (2021). Plan for Childhood 2021-2030 of the Barcelona City Council.

Available from: <https://ajuntament.barcelona.cat/dretssocials/sites/default/files/arxiu-documents/pla-infancia-2021-2030.pdf>

Barcelona City Council. (2023). Barcelona Adolescence and Youth Plan 2023-2030.

Available from: <https://ajuntament.barcelona.cat/joves/es/canal/pla-dadolescencia-i-joventut-de-barcelona-2023-2030#:~:text=El%20Plan%20de%20adolescencia%20y,juventud%20protagonista%20y%20juventud%20cocreadora>

Barcelona City Council. (2006). Byelaw on measures to promote and guarantee citizen co-existence in Barcelona's public space.

Available from: <https://www.dpz.es/ficheros/documentos/ordenanza01.pdf>

Ayvazian, Andrea. (1995). Interrupt the cycle of oppression: The role of allies as agents of change.

Available from: <https://es.scribd.com/document/350966230/Ayvazian-El-Rol-de-Los-Aliados>

Benesch, Susan. (2014). Defining and diminishing hate speech. In P. Grant (Ed.), *State of the World's Minorities and Indigenous Peoples*.

Available from: <https://minorityrights.org/app/uploads/2024/01/mrg-state-of-the-worlds-minorities-2014.pdf>

Campos García, Alejandro. (2012). Racialisation, Racialism and Racism: a necessary discernment. *Journal of the Universidad de La Havana*, no. 273. 2012.

Available from: https://www.academia.edu/11745040/Racializaci%C3%B3n_Racialismo_y_Racismo_un_discernimiento_necesario

Centre for Intersectional Justice (CIJ) and European Network Against Racism (ENAR). (2019). Intersectional discrimination in Europe: relevance, challenges and ways forward.

Available from: <https://www.enar-eu.org/wp-content/uploads/intersectionality-report-final-2.pdf>

European Coalition of Cities Against Racism (ECCAR). (2023). Guide to local action against anti-muslim racism.

Available from: https://www.eccar.info/sites/default/files/document/ESP_ECCAR%20Gu%C3%ADa%20Iniciativas%20locales%20contra%20el%20racismo%20anti-musulm%C3%A1n.pdf

European Commission. (2020). EU Action Plan against Racism 2020-2025.

Available from: https://commission.europa.eu/system/files/2020-09/a_union_of_equality_eu_action_plan_against_racism_2020_-2025_en.pdf

European Commission. (2021). Strategy for the rights of persons with disabilities 2021-2030.

Available from: <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes>

European Commission against Racism and Intolerance (ECRI) and the Council of Europe. (2016). General Recommendation 15 on combating hate speech and explanatory memorandum.

Available from: <https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-combating-hate-speech/16808b5b01>

European Commission against Racism and Intolerance (ECRI). (2022). ECRI Annual Seminar Paper with Equality Bodies. Prohibition of Discrimination: can intersectionality contribute to effective equality?

Available from: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/seminar-2022>

Council of the European Union. (2022). Recommendation CM/Rec(2022)16 of the Committee of Ministers to Member States on combating hate speech.

Available from: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a67955

Council of Europe. (2011). Council of Europe Convention on preventing and combating violence against women and domestic violence.

Available from: <https://rm.coe.int/168008482e>

Gagliardone, Iginio; Gal, Danit; Alves, Thiago & Martinez, Gabriela. (2015). Countering on-line hate speech. Paris, France: Unesco Publishing.

Available from: <https://search.worldcat.org/title/Countering-online-hate-speech/oclc/934885032>

“Bartolomé de las Casas” Human Rights Institute of the Carlos III University of Madrid (2022). “Report: Analysis of the standards and recommendations of international, regional and EU organisations in the field of combating discrimination against migrants, racism and xenophobia.

Available from: https://www.inclusion.gob.es/oberaxe/ficheros/documentos/Resumen_organizaciones_EN.pdf

Leader Maynard, J. & Benesch, S. (2016). Dangerous speech and dangerous ideology: An integrated model for monitoring and prevention. Genocide Studies and Prevention.

Available from: <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1317&context=gsp>

Ministry of Social Rights and 2030 Agenda. Government of Spain. (2023). State Strategy for the Rights of Children and Adolescents (2023-2030).

Available from: https://www.mdsocialesa2030.gob.es/derechos-sociales/infancia-y-adolescencia/PDF/Conferencia_Sectorial/report_CERTIF_29_03_3023 ESTRATEGIA_A_CM.pdf

Ministry of the Interior Government of Spain. (2022). Report on the trend in hate crimes in Spain 2022.

Available from: https://www.interior.gob.es/opencms/export/sites/default/galleries/galeria-de-prensa/documentos-y-multimedia/balances-e-informes/2022/Informe_Evolucion_delitos_odio_2022.pdf

United Nations (UN). Office of the High Commissioner. Report “Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty (A/77/157)”.

Available from: <https://documents.un.org/doc/undoc/gen/n22/423/82/pdf/n2242382.pdf>

United Nations (UN). (2020). Protocol to prevent, suppress and punish human trafficking, especially of women and children, supplementing the United Nations Convention against transnational organised crime.

Available from: <https://www.refworld.org/legal/agreements/unga/2000/en/23886>

New York State Office of Mental Health. (2021). Effects of racism on mental health.

Available from: https://omh.ny.gov/omhweb/cultural_competence/the_mental_health_effects_of_racism.pdf

European Parliament. (2022). Intersectional discrimination in the EU: the socio-economic situation of women of African, Middle Eastern, Latin American and Asian descent.

Available from: https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.html

European Parliament. (2022). Resolution on equal rights for persons with disabilities (2022/2026 [INI]).

Available from: https://www.europarl.europa.eu/doceo/document/TA-9-2022-0435_EN.html

Quijano, Anibal. (1999). Coloniality of power, Eurocentrism and Latin America.

Available from: <https://biblioteca.clacso.edu.ar/clacso/se/20140507042402/eje3-8.pdf>

Board of Organisations with Care Services for Victims of Discrimination websites

Office for Non-Discrimination:

ajuntament.barcelona.cat/oficina-no-discriminacio

ACATHI:

www.acathi.org

ACAPPS:

acapps.org

Catalan Association for the Defence of Human Rights:

acddh.cat

Bayt al-Thaqafa:

www.bayt-al-thaqafa.org

Cepaim:

cepaim.org

Barcelona Youth Council:

www.cjb.cat

Advisory Council for the Elderly:

<https://ow.ly/NFer50P3S2W>

Creación Positiva:

www.creacionpositiva.org

Dincat:

www.dincat.cat

Exil:

www.centroexil.org

ECOM Federation:

www.ecom.cat

Salut Mental Catalunya Federation:

www.salutmental.org

Veus Federation:

federacioveus.org

Fil a l'agulla:

filalagulla.org

Secretariado Gitano Foundation:

www.gitanos.org

Fundación Àmbit Prevenció:

<https://fambitprevencio.org>

Gais Positius:

gaispositius.org

Irídia:

iridia.cat

Associació de Drets Sexuals

i Reproductius:

<https://lassociacio.org>

Observatory against LGBTIphobia:

www.lobservatori.cat

Plataforma per la llengua:

www.plataforma-llengua.cat

Barcelona Support Network for the Homeless (XAPSLL):

sensellarisme.cat/ca

SOS Racisme Catalunya:

www.sosracisme.org

Unión Romani:

unionromani.org

The SAVD Board is promoted by the Office for Non Discrimination:



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8 Glossary

Ableism: aversion or discrimination against people with functional diversity.

Administrative complaint: this is a request by which facts that may constitute an administrative violation are brought to the attention of the Administration so that the competent Administration can act to correct the unlawful acts.

Administrative status: any of the situations in which a person may find themselves in Catalonia, both that which defines the status of an immigrant person and that of regularity or irregularity depending on whether or not the person has a residence or work permit that allows them to reside or live there and carry out a work activity, or that of the people who are registered there.

Adultcentrism: is a discriminatory action focused on prioritising the needs and interests of adults; thus subordinating people who do not fit the model, such as children, adolescents and young people.

Ageism: stereotyping and discrimination against individuals or groups on the grounds of age.

Antigypsyism or Romaphobia: specific form of racism, intolerance and discrimination towards Roma people and communities.

Anti-Muslim racism: a set of discriminatory practices of a dominant group of people who seek to seize, stabilise and extend their power by defining a scapegoat – real or invented – and excluding this scapegoat from resources, rights and the definition of a constructed concept of “us”. Thus, according to the European Islamophobia Report, Islamophobia works by constructing a static “Muslim” identity, which is described in negative terms and generalised to all Muslims; but, at the same time, Islamophobic images are fluid and vary according to contexts, because Islamophobia tells us more about the Islamophobic person than about the Muslim or about Islam.

Antisemitism: fear, hatred, resentment, suspicion, prejudice, discrimination or unfair treatment of people of Jewish origin or professing Judaism. Modern forms of antisemitism include Holocaust denial.

Aporophobia: contempt, phobia, aversion, rejection or hatred towards people experiencing poverty. As a behaviour, it can dehumanise a person by considering them as an object; legally, it is a hate crime not yet recognised in the Spanish Criminal Code.

Biphobia: hatred, prejudice or discrimination towards bisexual or perceived bisexual people.

Cisheteronormativity: considering it normative to be heterosexual and to identify with the gender and identity that is socially associated with one's birth sex.

Citizenship rights: those rights that give the ability to access basic services and shared public space in the city. Furthermore, real and effective access to the human rights recognised and guaranteed in the city, its districts and neighbourhoods.

Criminal complaint: the act by which the competent authority is informed of the existence of discriminatory acts that could constitute a criminal violation.

Disability: a situation resulting from the interaction between persons with impairments that are expected to be permanent and any barriers that limit or prevent their full and effective participation in society on an equal basis with others.

Discriminating agent: refers to the private entity, company, institution, organisation or person responsible for carrying out discriminatory actions towards a person or group on the basis of their characteristics and identities.

Discrimination by mistake: a situation in which a person or a group of persons is discriminated against as a result of an erroneous assessment.

Discrimination on the grounds of language: this consists of treating a person unfavourably or differently because they speak a particular language.

Discrimination on the grounds of ideology: this is linked to what is known as hate speech. They are those discourses that have a considerable likelihood of triggering situations of discrimination and episodes of violence.

Discrimination on the grounds of health: when a person's health status, illness or diagnosis results in different and unfavourable treatment that stigmatises them and violates their rights.

Duty-bearers: all public authorities, administrations and civil servants who have to respect, protect and guarantee human rights in all their dimensions. Strengthening their capacities will require a process of building political will, which will be aimed at enabling them to fulfil their obligations to respect, protect and fulfil people's rights.

Equality and non-discrimination: according to the Universal Declaration of Human Rights, this is the right of all persons to be equal in dignity, to be treated with respect and consideration and to participate on an equal basis in any area of economic, social, political, cultural or civil life. Equal treatment and non-discrimination, in addition to being a principle of human rights, that is, a principle to be achieved in order to live in dignity and without violence, is also recognised as a right, which must be protected and guaranteed because its violation opens the door to the violation of the other recognised rights.

Ethnicity: refers to an individual's membership of a group or community that shares a language, a symbolic identity, an ideology, a culture and, in some cases, certain visible physical features that differentiate it from other groups or communities.

Formal equality: this is equality in law, i.e. equality of rights and equality before the law. A principle, moreover, that is recognised in various international treaties, such as the Universal Declaration of Human Rights.

Functional diversity: an alternative term to disability.

Gayphobia: hate, prejudice or discrimination towards gay men or perceived gay men.

Gender expression: the form and manner of expression, tastes and behaviour that are expected of a particular gender and that are imposed. There is male gender expression, female gender expression, and, in androgynous persons, gender expression is a mixture of the two, which can be variable.

Gender: set of social, cultural, political, psychological, legal and economic characteristics that are socio-culturally constructed and that society assigns to people in a differentiated way, as belonging to men and women.

Gender identity: refers to the internal, individual experience of gender as each person feels it, which may or may not correspond to the sex assigned at birth, including the personal experience of the body (which may or may not involve modification of bodily appearance or function through medical, surgical or other means, provided this has been freely chosen).

Gender violence: violence against women as a manifestation of discrimination and inequality within a system of power relations between men and women, resulting in physical, sexual or psychological harm or suffering, whether it occurs in the public or private sphere.

Hate crime: means a crime committed by a person motivated by prejudice towards a stereotype represented by a personal condition of their victim, whatever that particular personal condition may be (e.g. racialised status). This concept of hate crime is particularly linked to notions of intolerance and the discriminatory or prejudicial intent of the perpetrator. Alternatively, "hate crime" means a crime whose commission, regardless of the real motivation of the perpetrator, involves an offensive, humiliating or intimidating attack on a social group that has traditionally been the object of discrimination on the grounds of one of the victim's specific personal conditions (e.g. origin, skin colour, etc.). This concept of hate crime is particularly linked to the protection of traditionally discriminated groups and the prohibition of discrimination.

Hate speech: the encouragement, promotion or incitement of hatred, humiliation or contempt towards a person or group of persons, as well as the harassment, denigration, dissemination of negative stereotypes, stigmatisation or threat towards this person or group of persons and the justification of these manifestations on the grounds of "race", colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.

Homelessness: the situation of people who cannot keep their home or are unable to access adequate housing, adapted to their personal situation, which is permanent and which provides them with a stable living environment, either for economic reasons or due to other social barriers or because they have personal difficulties in leading an autonomous life.

Homophobia: hatred, prejudice or discrimination towards gay and lesbian people or people perceived as such.

Institutional violence: this is the discriminatory action, whether physical, verbal or economic, exercised by agents and officials of the State while performing their duties. Furthermore, the action exercised by agents of private entities and companies when they act through the delegation of functions that fall within public competence (e.g. private security in the metro). This can also be norms, protocols, institutional practices, neglect and deprivations that violate the rights of an individual or group of people (which would be defined as indirect discrimination).

Intellectual disability: Intellectual and developmental disability is characterised by significant limitations in both intellectual functioning and adaptive behaviour as expressed in conceptual, social and practical adaptive skills. This disability originates before the age of 18.

Intersectional discrimination: this is a situation in which several grounds of discrimination interact with each other, e.g. gender together with other grounds of discrimination, such as racism, ableism, ageism, LGBTIphobia, aporophobia, and so on. They do so in an inseparable and simultaneous manner, producing a unique type of discrimination that has a significant impact on people, generating greater repercussions on the recognition of their rights.

Intersectionality: a concept developed in the United States in the late 1980s by Kimberlé Crenshaw (1989); as a result of debates within the black feminist movement, this concept emerged to describe the interconnections between “race” and gender in black women. Subsequently, it was extended to address various forms of discrimination and inequality along multiple axes, including issues of class, sexual orientation, age and religious identity, and so on.

Islamophobia: any act of discrimination, hostile attitude or harm towards a person on the grounds that they are Muslim, or are perceived to be Muslim, or towards an establishment run by Muslims (mosque, prayer centre, shop, etc.). It also refers to any discourse that encourages or normalises these practices.

Lesbophobia: hatred, prejudice or discrimination towards lesbian women or women perceived as such.

LGBTI: acronym referring to lesbian, gay, bisexual, transgender and intersex people. Sometimes a “Q” and a “+” symbol are added to the acronym. The “Q” refers to *queer* and *questioning* people (people who are deconstructing and questioning gender, gender expression or sexual identity), and the “+” symbol refers to all emerging identities.

LGBTIphobia: prejudice, hostility or rejection towards LGBTI or LGBTI-identified people. This phenomenon includes situations related to discrimination on the grounds of sexual orientation, gender identity or gender expression.

Multiple discrimination: this is when a person suffers discrimination on different grounds; it is often understood in an additive way, i.e. the different grounds of discrimination add negatively to the person’s experience.

New masculinities: we can refer to them as “egalitarian masculinities”. They are a way of understanding what it is to be a man, from a healthier and more egalitarian point of view, both in terms of relating to others and to oneself. They propose rethinking the traditional idea of masculinity in order to unlearn the gender roles that men acquire from childhood. Traditional masculinity as we know it offers only one way of being a man: strong, confident, determined, successful and unfeeling.

Pathologisation: the misguided and harmful tendency to attribute a pathological or unhealthy character to certain behaviours, thoughts or emotions that may be considered within the normal variability of human experience. As human beings, we experience a variety of emotions and thoughts throughout our lives. However, these feelings and thoughts are sometimes considered abnormal or problematic, which can lead to labelling them as mental disorders or psychological illnesses.

Physical aggression: physical attacks such as touching, spitting or throwing objects as well as violent attacks against a person or groups of people.

Positive action: a strategy aimed at establishing equal opportunities through (temporary) measures to counteract or correct discrimination and disadvantages resulting from discriminatory practices or social systems. It is an instrument that deploys the principle of equal opportunities and tends to correct inequalities.

Prejudice: *a priori* or prior judgement towards a person or a group that is issued without real basis and is fed by stereotypes, provoked by negative emotions, ignorance about a reality, rejection and even hatred. It is the action that leads to discrimination and legitimising social stigma or stigmatisation.

Public complaint: this is made with the aim of informing the public opinion, as well as the competent authorities and the media, of discriminatory situations in order to shed light on such situations and to advance the corresponding investigations to punish those responsible.

Racialisation: this is the process by which the misconception of the existence of races is constructed, under which humanity is hierarchised: people considered “white” occupy the superior position and those who are not white are relegated to oppression. This hierarchisation and differentiation of human beings in terms of “races” is not only scientifically incorrect and politically dangerous; it dehumanises and legitimises racist violence. Thus, racialisation is a condition of oppression and is a cause of racism.

Racism: any form of exclusion, segregation, discrimination or aggression against people on the basis of their ethnic or national origin, skin colour, religious beliefs, cultural or other practices. It is both an ideology based on racialisation and a systematic and routine practice that maintains a power structure based on Western and Westernised cultural hegemony. It manifests itself in institutional and day-to-day relations. It is produced and reproduced by racialising stereotypes, prejudices and stigmatisation. It is structural, with deep roots in a past of slavery, spoliation, usurpation, domination and exploitation in the context of colonial modernity.

Responsibility-holders: private actors (private entities/businesses, media, communities and organised individuals) that are not public sector are considered as such. Capacity building is a process of citizenship building aimed at respect, promotion, participation and enforceability of human rights.

Rights-based approach: this is the focus on the promotion and protection of human rights. It therefore implies starting from individual and collective human rights as a frame of reference and positioning their respect, protection and guarantee as the foundations and fundamental tools of policies and interventions.

Rights-holders: are all people, anywhere in the world, who are recognised as active subjects of their processes and decisions, because their status as rights-holders is inherent to their human condition. Strengthening their capacities for the full exercise of their rights requires a process of citizenship building through knowledge of their rights, the subsequent appropriation of these rights and, finally, their exercise (respect, promotion, participation and enforceability).

Self-stigma: is a multi-stage process in which the person ascribes to themselves and internalises a socially harmful label, believing that other people will look down on them or have negative attitudes towards them.

Serophobia: stigma surrounding HIV and AIDS issues and especially HIV-positive people.

Sex: concept related to biology, to the body of human beings. Our species is usually sexually dimorphic, so that people are born male or female, although there is a very small percentage of the population that is born intersex, i.e. with a reproductive or sexual anatomy or chromosome pattern that does not seem to conform to typical biological notions of male or female.

Sexual harassment: any unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating the dignity of a woman or creating an intimidating, hostile, degrading, humiliating, offensive or upsetting environment.

Sexual and reproductive rights: these are related to people's freedom to decide about and freely exercise their sexuality. They cover certain human rights that are already recognised in national laws, international human rights documents and other documents adopted by consensus. These rights are based on the recognition of the basic right of all couples and individuals to freely and responsibly decide the number and spacing of the births of their children and to have the information and means to do so, as well as the right to attain the highest standard of sexual and reproductive health. It also includes the right to make reproductive decisions free of discrimination, coercion or violence, in accordance with human rights documents.

Sexual orientation: a person's capacity for emotional, affectional and sexual attraction to people of a gender other than their own, their own gender or more than one gender. This is a spectrum of sexuality that refers to the direction of people's desire, which is defined by gender and has physical, sensory, emotional or affective implications.

Stereotype: oversimplified preconceived ideas, negative or positive and often unconscious generalisations about people (mental images and socio-cultural constructs based on incomplete information) which can lead to prejudice and discrimination.

Transphobia: hatred, prejudice or discrimination towards transgender people and people perceived as transgender.

Under-reporting: is a phenomenon that occurs when a person or group of persons is a victim of discrimination and violation of their rights, but for various reasons does not report this fact to the competent authorities. Under-reporting is a serious obstacle to gaining access to justice and prevents the recognition, protection and redress or moral reparation of the affected person.

Verbal aggression: verbal and non-verbal abuse, including direct and indirect comments, gestures and threats against the dignity of a person or groups of persons.

Xenophobia: fear or rejection of people or cultures that are different or considered foreign.

Annexes

Annexe 1.

List of categories protected by non-discrimination

ICCPR (art. 2 and 26)	IC (art. 2.2)	European Treaty (art. 14)	Spanish Constitution (art. 14)	Criminal Code (art. 22.4 and 510)	Statute of Autonomy of Catalonia (art. 40.8)	Government of Catalonia (Law 19/20 of December 30 on Equal Treatment and Non- Discrimination)	Carta Municipal Charter (art. 38.1)
Birth	Birth	Birth	Birth			Reason of birth or place of birth	Place of birth
Political or other opinions	Political or other opinions	Political or other opinions	Opini3n			Political or other opinions	
Race	Race	Race	Race	Race	Race	Race	Race
Religion	Religion	Religion	Religion	Religion or beliefs	Religion	Religion	Religion
Sex	Sex	Sex	Sex	Sex	Sex	Sex	Sex
Any other social condition	Any other social condition	Any other situation	Any other personal or social condition or circumstance			Cultural origin or phenotype	
Colour	Colour	Colour				Skin colour	Colour
Language	Language	Language			Linguistics (art.32)	Language	
National or social origin	National or social origin	National or social origin		Nation where they belong	Origin/ Nationality	National, ethnic or social origin	
		Belonging to a national minority				Provenance, nationality or belonging to a national minority	
Economic position	Economic position				Social condition	Economic or administrative situation	
				Sexual orientation or identity	Sexual orientation	Sexual orientation or identity	
						Ascendance	Ascendance
					Age, elderly people (art. 18)	Age	Age

ICCPR (art. 2 and 26)	IC (art. 2.2)	European Treaty (art. 14)	Spanish Constitution (art. 14)	Criminal Code (art. 22.4 and 510)	Statute of Autonomy of Catalonia (art. 40.8)	Government of Catalonia (Law 19/20 of December 30 on Equal Treatment and Non- Discrimination)	Carta Municipal Charter (art. 38.1)
				Gender	Gender (art.19, 41 and 45)	Gender identity or expression	Gender
				Disability		Disability or func- tional diversity	Disability
				Ideology		Convictions or ideology	
				Ethnicity		Ethnicity or sense or belonging to an ethnic group	
				Illness suffered		Illness or serological status	
				Family situation		Social class or wealth	

Annexe 2.

Articles that cover the principles of equality and non-discrimination

INTERNATIONAL		EUROPEAN UNION		SPAIN		
<i>Universal Declaration of Human Rights, UDHR, United Nations (1948)</i>	Article 1. All human beings are born free and equal in dignity and rights.	<i>Treaty on European Union (1992)</i>	Article 9. In all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and services.	<i>Spanish Constitution (1978)</i>	Article 1.1. Spain is hereby established as a social and democratic State, subject to the rule of law, which advocates freedom, justice, equality and political pluralism as the highest values of its legal system.	
	Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law.					
<i>International Covenant on Civil and Political Rights, ICCPR (1966)</i>	Article 2.1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.	<i>Charter of Fundamental Rights of the European Union (2000)</i>	Article 20. Everyone is equal before the law.			Article 9.2. It is the duty of public powers to promote the conditions that ensure that the freedom and equality of individuals and the groups they are part of are real and effective; to remove the obstacles that prevent or impede their plenitude and to facilitate the participation of all citizens in political, economic, cultural and social life.
	Article 14. All persons shall be equal before the courts and tribunals.		Article 21.1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.			
			Article 26. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.			
		<i>European Convention for the Protection of Human Rights and Fundamental Freedoms, ECHR, European Council (1950)</i>	Article 14. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.		<i>Act 34/1988 of 11 November</i>	Article 14. Spaniards are equal before the Law and may not be discriminated against in any way on the grounds of birth, race, sex, religion, opinion or any other personal or social condition or circumstance. On advertising.
					<i>Framework Act 4/2000 of 11 January</i>	On the rights and freedoms of foreign nationals living in Spain and their social integration.
					<i>Framework Act 3/2007</i>	On effective equality between women and men.
				<i>Act 19/2007</i>	Against violence, racism, xenophobia and intolerance in sport.	

<p><i>International Covenant on Economic, Social and Cultural Rights, ICESCR (1966)</i></p>	<p>Article 2.2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p>	<p>.... <i>continues</i></p>	<p>Protocol 12, preamble. All persons are equal before the law and are entitled to the equal protection of the law.</p>	<p><i>Legislative Royal Decree 1/2013 of 29 November</i></p>	<p>On the rights of persons with disabilities and their social inclusion (recast).</p>
			<p>Protocol 12, article 1.1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.</p>	<p><i>Royal Decree 1112/2018 of 7 September</i></p>	<p>On the accessibility of public sector websites and mobile device applications.</p>
			<p>Protocol 12, article 1.2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.</p>	<p><i>Organic Law 3/2021, of 24 March</i></p>	<p>Regulation of euthanasia.</p>
<p><i>International Convention on the Elimination of All Forms of Racial Discrimination (1965)</i></p>					
<p><i>International Convention on the Elimination of All Forms of Discrimination against Women, CEDAW (1979)</i></p>					
<p><i>International Convention on the Rights of Persons with Disabilities (2006)</i></p>	<p>Article 9.2. States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.</p>	<p><i>European Council Directive 2000/78/EC</i></p>	<p>Equal treatment in employment and occupation.</p>	<p><i>Law 8/2021, of 2 June</i></p>	<p>Reforms civil and procedural legislation to support people with disabilities in the exercise of their legal capacity.</p>
		<p><i>European Council Directive 2000/43/EC</i></p>	<p>Equal treatment between persons irrespective of racial or ethnic origin.</p>		
		<p><i>European Council Directive 2002/73/EC</i></p>	<p>Principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.</p>	<p><i>Law 15/2022 of July 12, comprehensive for equal treatment and non-discrimination</i></p>	<p>Guarantee and promotion of the right to equal treatment and non-discrimination and respect for the equal dignity of people.</p>
		<p><i>European Council Directive 2004/113/EC</i></p>	<p>Principle of equal treatment between men and women in the access to and supply of goods and services.</p>		
		<p><i>European Parliament and European Council Directive 2006/54/EC</i></p>	<p>Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).</p>		
<p><i>European Charter for the Safeguarding of Human Rights in the City (1998)</i></p>	<p>Article II. Principle of equality of rights and non-discrimination. The rights contained in this Charter apply to all persons who inhabit the signatory cities, irrespective of their nationality.</p>				

Annexe 3.

Regional and municipal discrimination protection laws

Regional laws (Catalonia)

Statute of Autonomy of Catalonia

Preamble, articles 4, 15, 18, 19, 23, 32, 40(8), 44(1) and 45(1)

Decree 11/2021, of 16 February, on the programming of the educational offer and the admission procedure in the centres of the Catalan Education Service.

Law 19/2020, of 30 December, on equal treatment and non-discrimination.

Law 9/2017, of 27 June, on the universalisation of health care, financed by public funds, through the Catalan Health Service.

Preamble

Law 4/2016, of 23 December, on measures to protect the right to housing of persons at risk of residential exclusion.

Article 2.b

Law 17/2015, of 21 July, on effective equality of women and men.

Law 11/2014, of 10 October, for guaranteeing the rights of lesbian, gay, bisexual, transgender and intersex people and eradicating homophobia, biphobia and transphobia.

Lawt 13/2014, of 30 October, on Accessibility.

Law 29/2010, of 3 August, on the use of electronic media in the public sector of Catalonia.

Article 4, third paragraph

Law 22/2010, of 20 July, on the Consumer Code of Catalonia.

Law 21/2010, of 7 July, on access to public health care provided by the Catalan Health Service.

Preamble

Law 14/2010, of 27 May, on the rights and opportunities for children and adolescents.

Article 9

Law 19/2009, of 26 November, on access to the environment for people accompanied by assistance dogs.

Article 13

Law 12/2009, of 10 July, on education.

Articles 22, 37, 41, 56, 97 and 202

Law 11/2009, of 6 July, on the administrative regulation of public shows and recreational activities.

Articles 5(1)(d), 10 and 47

Law 5/2008, of 24 April, on women's right to eradicate gender-based violence.

Law 18/2007, of 28 December, on the right to housing.

Articles 2(f), 2(h), 45, 46 and 123(2)(a)

Law 22/2005, of 29 December, on audio-visual communication in Catalonia.

Municipal laws and byelaws **(Barcelona)**

Regulatory Byelaw on e-Government
(2009)

Byelaw of measures to promote and guarantee citizen coexistence in Barcelona's public spaces (2005)

Articles 6(2), 7(2)(g), 15, 16, 17 and 18

Municipal byelaw on activities and establishments open to the public
(2003)

Municipal byelaw on activities and establishments open to the public
(1999)

Article 114(1)(h)

Law 22/1998, of 30 December, on the Barcelona Municipal Charter, which includes the amendments made by Laws 11/2006, of 19 July, 7/2010, of 21 April, and 18/2014, of 23 December.

Preamble and Articles 38(1) and 112(1)

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**Directorate of Human
Rights, Global Justice and
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Services; Area for Social,
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