

Barcelona Discrimination Observatory Report 2023

Executive Summary



Executive Summary, September 2024

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



Ajuntament
de Barcelona



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We would also like to thank the following for their collaboration: Municipal Institute for People with Disabilities (IMPD), Municipal Institute of Social Services (IMSS), Feminism and LGBTI Services Department, Department of Interculturalism, Health Services Directorate, Directorate for Gender Services and Time Use Policies, the Barcelona City Council and the Metròpoli Institute.



1 Discrimination Observatory Report 2023

In 2023, the Barcelona Discrimination Observatory recorded **865 situations of discrimination**, 234 more than the previous year. Racism continues to be the main cause of discrimination, with 230 incidents, followed by health with 217 and LGTBI-phobia with 205. The main discriminators were private organisations and companies, and the most often violated rights were the rights to moral integrity, quality public service and the provision of services.

What is the report?

The report is the result of joint efforts between the City Council and municipal civil society organisations whose aim is to pool and analyse the situations and types of discrimination that have come to their attention over the course of the year. This is the sixth edition published.

It is also intended to serve as a record that will make it possible to design joint initiatives to combat such discrimination. The document you are currently reading provides a summary of the report.

The 2023 report gathers information on:

- **Discriminatory situations** that have been reported and how the victims have perceived them.
- A specific section on **the impact of discrimination on mental health**.
- **The services** that have been offered by the City Council and the organisations.
- **The actions** that have been taken to tackle the issues.
- Future **challenges** and proposals.

Who is in charge of it?

The Barcelona Discrimination Observatory.

How was it drawn up?

The report was drawn up using **different sources of information** – supplemented by other reports and literature – in order to provide as complete a picture as possible of discrimination in the city. The following are some of the sources:

- **Cases of discrimination recorded by the Barcelona City Council's Office for Non-Discrimination (OND) and the Board of Organisations Serving Victims of Discrimination (SAVD)**, which is made up of 25 organisations. It combines quantitative data (number of cases of discrimination that have been handled and addressed) with qualitative data from each organisation's reflections on discrimination in their field.
- It also includes information from City Council services that work to address gender-based discrimination: the Care, Recovery and Shelter Service (SARA), Women's Support and Information Points (PIADs), PLURAL Masculinities Centre, Socio-Educational Assistance Service (SAS), Municipal Unit against Human Trafficking (UTEH) and the Directorate for Gender Services and Time Use Policies.

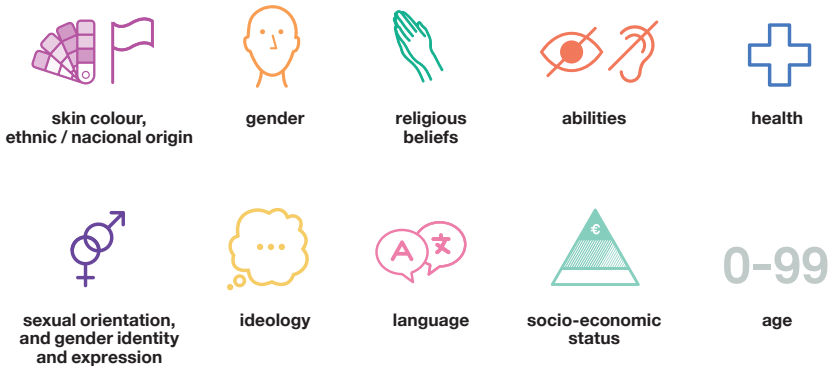
Every year, the report also provides an in-depth exploration of a key topic; this year it is the impact of discrimination on victims' mental health.

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What is discrimination?

Discrimination encompasses acts which violate people's dignity, human rights and fundamental freedoms. It is differential, preferential, restrictive, unfavourable, exclusionary or unfair treatment stemming from stereotypes, prejudice and stigma. These acts take the form of rejection or aggression with harmful consequences, which lead to the perpetuation of these inequalities and human rights violations.

Everyone is born with the same rights. This is recognised in Article 1 of the Universal Declaration of Human Rights. Despite this, certain people and groups have historically suffered from discrimination and the violation of their rights. They are treated differently than other people in the same situation just because they have certain characteristics:



The most vulnerable individuals and groups have the right to receive the special care and protection they need. Making the **right to equality and non-discrimination** a reality is essential to protect the rights and freedoms of the most vulnerable groups and to guarantee **effective equality** among all people.

3 Results of the report

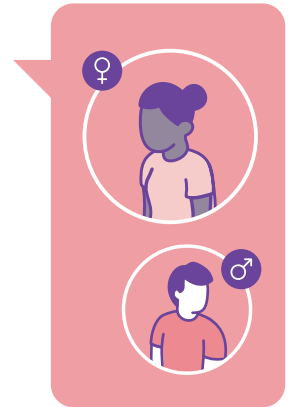
The report was drafted primarily based on the quantitative and qualitative data provided by the Office for Non-Discrimination and the Board of Organisations Serving Victims of Discrimination (SAVD). This summary contains the most salient data from the complete report.

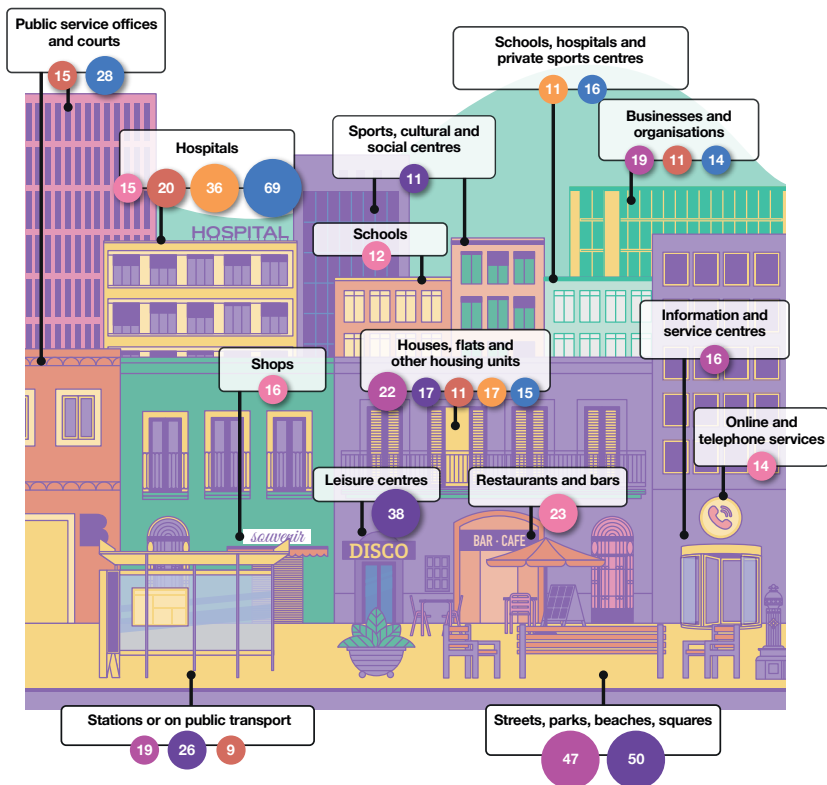
Who is discriminated against?

Unlike in the previous report, in 2023 **more situations of discrimination against women** (411) than against men (379) were reported. Moreover, the number of cases that affected women doubled compared to 2022, while those that affected men rose 25%.

Regarding age, one out of every three people who reported discrimination is between the ages of 40 and 64, and almost one-third are in the 25-39 age bracket.

Regarding their administrative status, 691 of the people who reported a case of discrimination in 2023 are Spanish citizens or have a regularised administrative status, 58 are in an administrative irregular situation, 14 are asylum seekers and 1 is a refugee.





Where does discrimination take place?

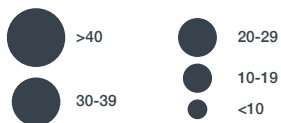
Most discrimination in public places took place in **streets, beaches and squares** (131), followed by **hospitals** (110). The number of cases at hospitals almost doubled compared to the previous year, when approximately 60 were reported.

As for private spaces, most cases of discrimination took place in **houses, flats and other housing units** (64), and in **companies and organisations** (54). The number of cases of discrimination at leisure centres (46) and bars and restaurants (41) also increased considerably.

AXES OF DISCRIMINATION

- Racism and xenophobia
- Language
- LGTBBI-phobia
- Ableism
- Gender
- Health

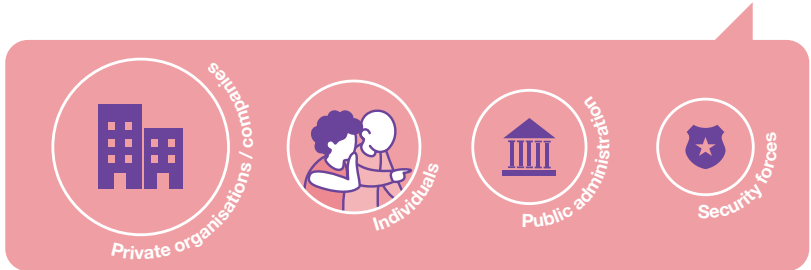
NUMBER OF CASES



Who is discriminating?

Private organisations or companies and individuals discriminated the most.

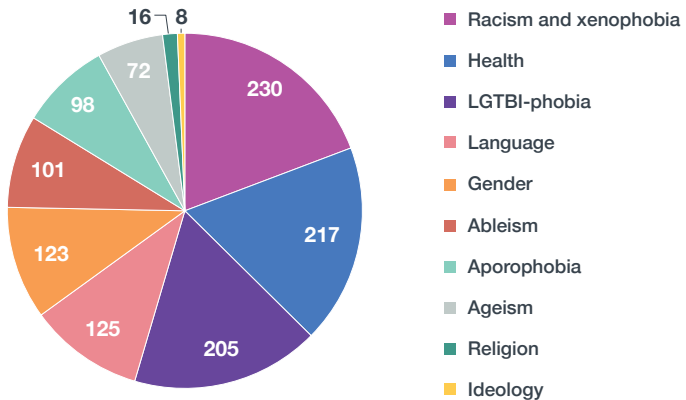
More than one-third of discrimination cases were perpetrated by a **public official** (public institutions and law enforcement agencies).



On what grounds?

Yet another year, **racism and xenophobia** are the main causes of discrimination in the city with 230 cases, followed by health with 217 cases and LGTBI-phobia with 205.

Source:
OND and SAVD
Board, 2023





Racism and xenophobia

Racism is any distinction, exclusion, restriction or preference that occurs because the person has been stigmatised due to skin colour or national or ethnic origin. It leads to the denial or limitation of the recognition, enjoyment or exercise, on equal footing, of human rights and fundamental freedoms in politics, the economy, society, culture, etc.

Xenophobia is hatred, rejection or hostility towards people who are of foreign origin or perceived as foreigners.

In 2023, there were **230 cases** of discrimination due to racism and xenophobia.

The people who suffered from the most cases of discrimination are those of **Maghreb or Arab origin**, followed by Black people, and thirdly, those of Latin American origin.

Organisations and companies are the main discriminators in the case of racism. Identified cases involved company management, private security in leisure areas and discos, workers in private clinics, real-estate company agents, etc.

SOS Racisme explains that people affected by discrimination often don't take the step of reporting it **until they have experienced this situation several times**.

The Secretariado Gitano Foundation says that people who experience situations of Romaphobia find it difficult to prove them. Even though they clearly perceive that they are being treated differently, people around them take it as a subjective matter.



Health

Discrimination on the basis of health occurs when someone is treated differently than other people on the basis of their health status.

This year, health became **the second most frequent grounds** of discrimination in the city, ahead of LGBTI-phobia, which ranked second in the 2022 report.

Of the **217 incidents** of discrimination on the grounds of health, 151 were related to mental health diagnoses and 42 had to do with sexual and reproductive health. Most cases of discrimination were perpetrated by **public institutions**.

The **number of cases of mental health-related discrimination almost doubled** since the previous report and is ten times the number reported in 2019. Several **stigmatising practices were identified**, including infantilisation, failure to recognise autonomy and the assumption that they are dangerous people. If they are also poor and unhoused, the burden of discrimination is even greater.

Regarding incidents related to **sexual and reproductive health**, the Associació de Drets Sexuals i Reproductius says that most cases of discrimination were experienced by young women who sought an abortion in the public health system.



LGTBI-phobia

LGTBI-phobia is discrimination based on a cultural, social and economic system that regulates sexual orientation and gender identity. The LGBTI-phobic perspective deplors everything that departs from heteronormativity and a match between sex at birth and gender identity.

In 2023, **205 incidents** of LGBTBI-phobia were reported in the city, 109 of which were cases of homophobia and 58 cases of transphobia. **Private individuals** were the main discriminators.

Even though LGBTBI-phobia is no longer in second place in terms of grounds of discrimination, the total number of cases has increased sharply, **almost 60%**.

Physical assault is the type of discrimination reported the most, and there have also been cases of harassment and verbal abuse. Additionally, there were many incidents involving mistreatment or people being refused admission to leisure areas. There were also several reports of hate messages on social media.

The Observatory against LGBTBI-phobia (OCL) reports that **gay men** are exposed to physical violence the most often, which seriously affects their physical and moral integrity and their safety.

The OCL also says that discrimination against **trans people** has a major impact on their mental and emotional health because it **is as if they were being denied the right to exist**.



Language

Discrimination based on the use of a particular language can lead to differentiated treatment in the way people interact with each other or in restricted access to a service due to rejection of a person's language. More than 300 languages are spoken in Barcelona.

In 2023, 100% of the **125 incidents** identified by the Office for Non-Discrimination and the SAVD Board were associated with the **use of Catalan**.

Private organisations and companies were the main discriminators, **primarily workers** who refused to serve people who wanted to keep speaking Catalan (staff in bank branches and shops and especially restaurants). In public institutions, the discriminators were primarily civil servants in health-care and local law enforcement agencies.

It is also noteworthy **that some situations intersect with racism: some racialised** people share that even though they were born in Catalonia, they are assumed not to speak either Catalan or Spanish merely because of their physical features.

Furthermore, organisations criticise the **lack of interpreters and intercultural mediators** in public services, courts and other institutions.



Gender

Gender discrimination refers to the unfavourable treatment of a person because of their gender. This is due to sexism and a range of gender roles and stereotypes which continue to create major inequalities against women.

There were **123 incidents** of discrimination on the basis of gender recorded by the SAVD Board and the OND.

Gender-based violence is the most serious expression of the patriarchal culture which hinders the full development of women's rights, equal opportunities and freedoms.

The City Council's Care, Recovery and Shelter Service (SARA) is a walk-in service offering assistance specifically for victims of gender-based violence (women, children and adolescents, and LGBTI individuals, or people close to them who are directly affected by such violence). In 2023, it **assisted 1,055 women** affected by gender-based violence, 286 of whom were sheltered and accommodated as a protective measure. An additional 238 minor children and adolescents, along with 37 daughters of legal age were assisted, as well as 5 adolescents in the SARA Jove service.

Public institutions were the main discriminators. Furthermore, many insults on the street, misogynistic comments, assaults and harassment outdoors, in bars and in public buildings were reported.

The Associació de Drets Sexuals i Reproductius says that **gender discrimination is also related to sexual and reproductive health**. For example, they decry the denial of tubal ligation for certain women based on their age or the number of children they have. They are infantilised and denied their right to decide about their own bodies.

They also say that discrimination on the basis of gender inevitably intersects with other forms of discrimination, given that "the patriarchal structure is permeated with racism, ageism and discrimination for ideological reasons".



Ableism

Ableism is discrimination and social prejudice against people with disabilities. It is expressed through harmful stereotypes, misconceptions, physical barriers and oppression. This attitude or rhetoric belittles disability and is based on the erroneous premise that, as a social group, people with disabilities are inferior to people without disabilities.

The **101 cases** of ableism in 2023 were primarily against people with a physical or intellectual disability. **Public institutions** were the main discriminators.

People with **intellectual disabilities** affected by ableism experienced situations related to over-medication, violation of the right to privacy, discrimination due to a lack of financial resources, school bullying, challenges accessing housing, and lack of institutional protection, among others.

The situations that affected people with **physical disabilities** had to do with the workplace, access to insurance, architectural barriers, the abusive cost of adapted transport, delays in receiving benefits and the failure to recognise their autonomy, among others.



Aporophobia

Aporophobia is contempt, rejection or hatred towards people living in poverty, especially those who are experiencing homelessness. People living in poverty are stereotyped and experience situations of discrimination.

Ninety-eight situations were recorded by the SAVD Board and the OND, most of them affecting men (56).

In December 2023, the Arrels Foundation and the Assistance Network for Homeless People (XAPSLL) counted the number of people living on the streets. A total of **1,384 people sleep on the streets of Barcelona**, the majority in the following districts: Ciutat Vella, l'Eixample, Sants-Montjuïc and Sant Martí. Of all the people located, 533 were men and 57 women (the gender of the others is unknown).

The XAPSLL has identified cases of aporophobia in **health-care centres**, where the care is sometimes stigmatising, as well as in bars, restaurants and other shops.

The XAPSLL also reports that many unhoused people **are denied the ability to open a basic payment account**. This makes it very difficult for them to leave the streets and forge a new life for themselves.

0-99

Ageism

Ageism leads to harm, disadvantages or injustice and affects inter-generational solidarity. It penalises everyone outside the majority age bracket, that is, adults; thus, it discriminates against both young and old people.

The OND and the SAVD Board received **72 reports** of ageism. Most cases come from young people, while the organisations say that there is **under-reporting among the elderly**. Public institutions were the main discriminators.

Ageism towards young people is expressed in many areas, such as health-care, employment, housing and politics, where their voices are often largely ignored, infantilised or rejected.

Ageism **towards the elderly** has to do with perceptions of old age, ageing and intergenerational relations, and how stereotypes and preconceived notions about the elderly are perpetuated, without considering the diversity of old age.



Religion

There are 27 faiths and nearly five hundred places of worship in the city of Barcelona. **Discrimination on religious grounds** refers to situations where someone is discriminated against for professing a given religion or belief.

Religious freedom is a right recognised in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Charter of Fundamental Rights of the European Union.

In 2023, **16 cases** of religious discrimination were recorded, 9 of which were due to Islamophobia, 6 due to antisemitism and 1 due to Christianophobia.

The main discriminators were private individuals and **private organisations or companies**.

Bayt al-Thaqafa says that there is still **mistrust when it comes to reporting cases of Islamophobia**, given that the people affected think it won't make a difference. Some Muslims **accept stigmatisation as part of their everyday reality**. According to Bayt al-Thaqafa, the normalisation of Islamophobia renders it invisible.

The organisations concur in noting that the under-reporting of discrimination for religious reasons is one of the main hurdles to dealing with the problem.



Ideology

Ideological discrimination refers to discrimination on the basis of ideas associated with the person's political convictions or opinions.

Yet another year, **cases of ideological discrimination were under-reported** in 2023. Eight incidents were reported, and most of the discriminators were private individuals.

In 2023, Criminal Court 17 of Barcelona handed down a **guilty ruling in a case in which the City Council brought a third-party prosecution**. The attack took place on 17 October 2019, during the protests against the conviction of leaders of the Catalan independence movement. An organised group of far right-wing demonstrators carrying Francoist and Nazi symbols attacked a young independence supporter as he was going home.

The ruling convicted four people for the crime of causing injury with the aggravating circumstances of abuse of a superior position and **ideological discrimination**. This is an important ruling because it specifically recognises ideological discrimination as an aggravating circumstance.

In addition to bringing a third-party prosecution in the case, the Barcelona City Council **supported the victim** throughout the process with psychological, social and legal support via the Office for Non-Discrimination.

4 The right to mental health: Intersectionality and the impact of discrimination

The right to mental health depends on non-discrimination and the guarantee of all other human rights. Discrimination for any reason, related and unrelated to mental health, is both the cause and consequence of mental health disorders. Good mental health is impossible without respect for human rights.

Consequently, mental health care should be provided from a rights-based approach. To do so, it is essential to bear in mind the following key factors that dignify life:



How does discrimination affect mental health?

The Special Rapporteur on the right to physical and mental health proposes **substantive equality as a way to operationalise the right to health**. She also recognises the importance of the profound impact that systemic oppression has on mental health and warns that the available data are likely only the tip of the iceberg.

The European Union Agency for Fundamental Rights has found that **71% of women and 51% of men who have suffered from racist violence have also experienced psychological problems** as a result. The Survey of Neighbourhood Relations and Coexistence (ECAMB) shows that people who have suffered from discrimination due to illness or disability, sexual orientation, gender identity or racism are more likely to experience psychological issues.

Below we would like to share several considerations regarding the impact of discrimination on mental health, as reported by the organisations on the SAVD Board (many more considerations are included in the full report):

- People who turn to organisations to report a case of discrimination suffer from significant emotional distress, anxiety, difficulties sleeping, symptoms compatible with anxiety and psychological disorders that can range in severity depending on the individual, the seriousness of the case and the accumulation of prior experiences.
- **All structural problems**, such as racism, the patriarchy, poverty, housing difficulties, etc., **affect people's mental health** and can even lead to a mental health diagnosis.
- Some **cultural differences, such as certain culturally rooted beliefs or even different ways of expressing oneself, are often pathologised** by professionals.
- Caregivers are often overworked and have to do their job under precarious conditions. Instead of going to the root of the issue, the solution they are given —especially women, who account for the vast majority of professionals in this sector— usually involves **over-medication**, especially anxiety drugs.

What kinds of discrimination occur in the field of mental health?

Discrimination on the grounds of mental health primarily occurs once there is a diagnosis. Below are some of the reflections and contributions of the organisations on the SAVD Board about discrimination in the field of mental health (more can be found in the report):

- **Reality is intersectional**, but services are not adapted to this reality. For example, being in an irregular administrative situation can prevent people from receiving care in a specialised mental health service.
- **Socioeconomic status** is also often a barrier to proper care.
- **Prejudice and stigma** are common among people who serve the public, and sometimes the treatment is paternalistic. It is important for people who have a mental health diagnosis and therefore experience this situation first-hand to train the professionals.
- **Children whose parents have a mental health diagnosis** are also born with a diagnosis: being at risk because of their parents' illness. This status, which seeks to protect children, actually entails judgement and constant overburdening of parents. They constantly feel judged and evaluated, even in situations that have nothing to do with their diagnosis.



5 How does discrimination affect our rights?

International law recognises that **there are people or groups who require additional or special protection** because they are affected by a situation of discrimination or have specific characteristics that make them vulnerable. Discrimination is the specific expression that denies the principle of equality and is one of the main obstacles for making headway towards the full exercise of human rights.

The four rights violated the most in 2023 were the rights to **moral integrity (416 situations), quality public service (182), provision of services (173) and physical integrity (149)**. All of these indicators have risen compared to the previous years.

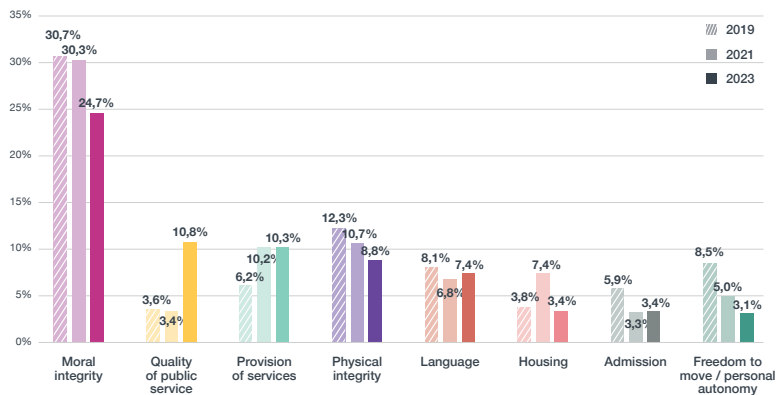
The right to moral integrity is the right that has been violated the most since 2019. **Almost half the situations have to do with racist or LGBTBI-phobic discrimination.**

The right to quality public service is primarily violated in health-related cases. It has increased more than 100% since the last report, going from 89 to 182 situations.

The right to the provision of services is primarily violated in incidents related to racism and aporophobia, although gender, health and ableist discrimination are also widely reported.

Discrimination and violated rights 2019, 2021 and 2023

Source:
OND and SAVD
Board, 2023



6 What has been done and what are the future challenges?

The main actions taken in 2023 and the challenges facing the City Council and the SAVD Board are the following:

Actions taken

- The OND and organisations that participate in the Action Protocol for Situations of Discrimination Caused by Racism (Bayt al-Thaqafa, FAGIC, Secretariado Gitano Foundation and SOS Racisme Catalunya) have analysed different situations of racism in the city and coordinated work to address them. They have also shared different projects and proposals for **joint complaints** associated with education and community settings.
- The OND's psycho-social support service promoted **more humanistic and less clinical care**. It also strengthened coordination with the Adult Mental Health Centres (CSMA).
- The OND, the LGTBI Centre and the Observatory against LGBTI-phobia ramped up their work registering, reporting and tracking cases of LGTBI-phobia in the city. Training collaborations were also established.
- The Office for Non-Discrimination encouraged **cross-cutting coordination** among different municipal services working from the feminist perspective and caring for women.
- The Barcelona Homeless People Assistance Network and the OND have made progress towards a **future action protocol for cases of discrimination due to aporophobia**.
- Regarding religious discrimination, **coordination with the Religious Affairs Office** has begun in an attempt to combat under-reporting.
- This year, **a conviction was handed down** in a case of ideological discrimination, creating case law on this matter.

Challenges and opportunities

- The Office for Non-Discrimination will continue to work to **promote decentralisation**. With an intersectional, cross-cutting approach via the “OND Antennas” project, the goal is to strengthen the prevention of discrimination through municipal services and designated figures in the districts.
- Moreover, part of the work of the SAVD Board will be aimed at **improving identification and analysis of qualitative data**. Specialised training will be held to make progress towards this goal.
- The Board and the Observatory will continue to work together to incorporate the **intersectional perspective** in caring for and supporting victims of discrimination and referring them to other organisations, all in accordance with their specific realities and needs.
- **Combating under-reporting** will continue to be one of the SAVD Board’s core goals. The focus will be forms of discrimination in which violations of rights have been normalised or victims express a fear or mistrust of reporting.
- Continuing with the goal of combating under-reporting, the **SAVD Board will seek to incorporate new organisations**, specifically ones that work to prevent discrimination on the grounds of gender, religion and ideology.
- In order to reach these goals, it will seek to **enhance the synergies among organisations**. Thus, if necessary, organisations can refer cases to other organisations in the network.





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