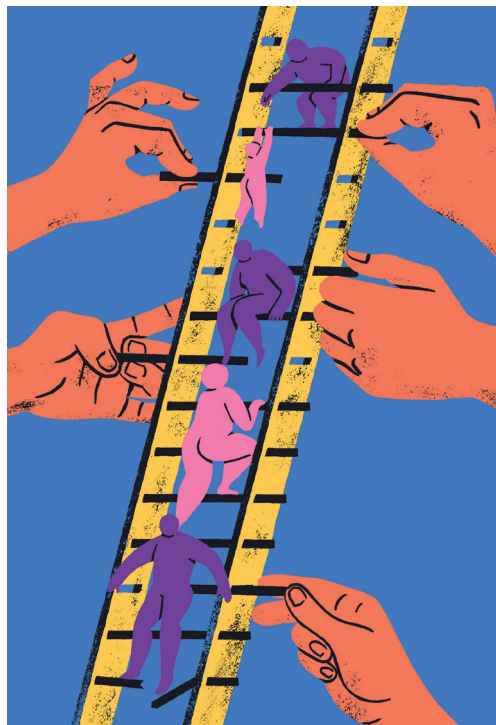


Barcelona Discrimination Observatory Report 2022

Executive Summary



**Executive
Summary**
July 2023

Directorate of Citizen's
Rights; Area of Social
Rights, Health, Coopera-
tion and Community



Ajuntament
de Barcelona

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Títol

Barcelona Discrimination
Observatory Report 2022.
Executive Summary

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Directorate of Citizen's Rights;
Area of Social Rights, Health,
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July 2023

Editors

Human Rights Resources
Centre. Office for Non-Discrimination (OND)

With the data and collaboration

of the Office for Non Discrimination (OND) and the Table of Entities serving Victims of Discrimination, consisting of: ACATHI, ACAPPS, ACDDH, the Àmbit Prevençió Foundation, the Sexual and Reproductive Rights Association, Bayt al-Thaqafa, Cepaim, CAGG, CJB, Creación Positiva, Dincat, Exil, ECOM, FSMC, the Veus Federation, Fil a l'Agulla, FSG, Gais Positius, Irdia, the Observatory against Homophobia, ODIC - SAFI, the Platform for Language, the Tenants' Union, SOS Racisme Catalunya, the Romani Union and XAPSSL.

We also appreciate the collaboration

of IMPD, IMSS, the Directorate of Feminism and LGBTI services, the Directorate of Gender Services and Time Policy, the City Council of Barcelona, and the Metròpoli Institute.

1 Discrimination Observatory Report 2022

What is it?

The report is the result of joint efforts between the City Council and civil society organisations whose aim is to put together and analyse the situations and types of discrimination that have come to their attention over the course of the year. It is also intended to serve as a record that will allow joint initiatives to be designed to combat such discrimination. This document provides a summary of the report.

The 2022 report gathers information on:

- **Discriminatory situations** that have been reported and how people have perceived them.
- Discrimination in **access to justice**, in a specific section.
- **The services** that have been offered by the City Council and the organisations.
- **The actions** that have been taken to tackle the problem.
- **Challenges** for the future and proposals.

Who is in charge of it?

The Barcelona Discrimination Observatory.

How was it drawn up?

The report was drawn up using **two main sources of information** — supplemented by other reports and a bibliography — in order to provide as complete a picture as possible of discrimination in the city:

-
- **Cases of discrimination recorded by the Barcelona City Council's Office for Non-Discrimination (OND) and the Board of Organisations with Services for Victims of Discrimination (SAVD)**, which is made up of 26 organisations. It combines quantitative data (number of cases of discrimination that have been handled and addressed) with qualitative data from each organisation's reflections concerning the main problems associated with discrimination in their area of work.
 - **Data from the Barcelona Metropolitan Area's Survey of Neighbourhood Relations and Coexistence (ECAMB)**, published by the Metropolis Institute (known as the IERMB until a few months ago). The survey was conducted among 1,325 Barcelona residents selected at random, in order to learn about their perceptions and experiences of discrimination in the city, among other issues.

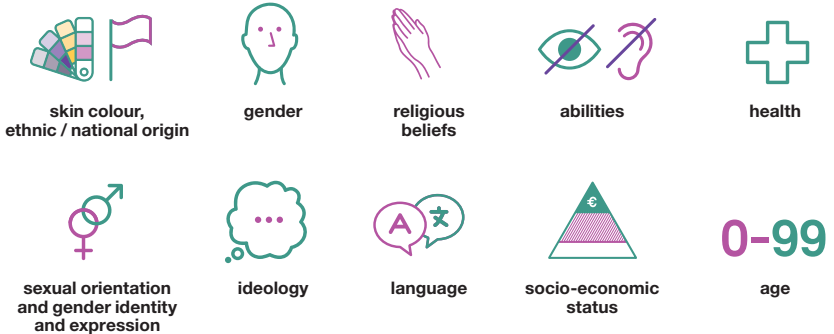
Each year, the report addresses an important issue in greater depth: this year it examines the right to access justice and the discrimination taking place in this area.

2

What is discrimination?

Discrimination is an act that violates the dignity, human rights and fundamental freedoms of one or more persons. It is differentiated, preferential, restrictive, exclusionary or unjust treatment due to prejudices, stigmas and beliefs, which takes the form of rejection with harmful consequences for the victims, and which thus perpetuates inequality.

Everyone is born with the same rights. This is recognised in Article 1 of the Universal Declaration of Human Rights. However, there are people and groups who have historically suffered discrimination. In the same situation, they are treated differently than another person 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 equality among all people.

3 Results of the report

The report is based on two complementary sources of information: data from the OND and the Board of Organisations with Services for Victims of Discrimination (SAVD) and data from the ECAMB. That is why each section presents the main contributions of both sources in order to have a more complete picture of discrimination in the city.

Who is discriminated against?

OND and SAVD Board

The profile of people who suffered discrimination in 2022 is quite similar to that of 2021: **men continue to report more cases** of discrimination than women, although the difference is only 8 percentage points.

As for age, 3 out of 4 people who reported discrimination are between 25 and 64 years old.

About **1 in 10 people are in an irregular administrative situation**, are refugees or have applied for asylum.

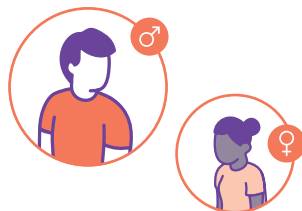
The OND and the SAVD Board recorded **631 cases of discrimination**, meaning that such cases increased by **more than 20% compared to 2021**. However, under-reporting is still very much present.¹

1. According to ECAMB data, only 5.6% of the people who experienced discrimination reported it to a social organisation, a public administration institution, the police or a court. The rest of the people who suffered discrimination told family members or people they knew or did not tell anyone at all.

ECAMB

A total of **31% of the population of Barcelona** has suffered some type of discrimination.

Of these, **more than half have suffered multiple discrimination**, which refers to when someone suffers discrimination for different reasons.



Who is discriminating?

OND and SAVD Board

Organisations and companies discriminate the most (33%), closely followed by individuals.

More than a third of discrimination cases were perpetrated by a **public official** (public administration institutions and police).

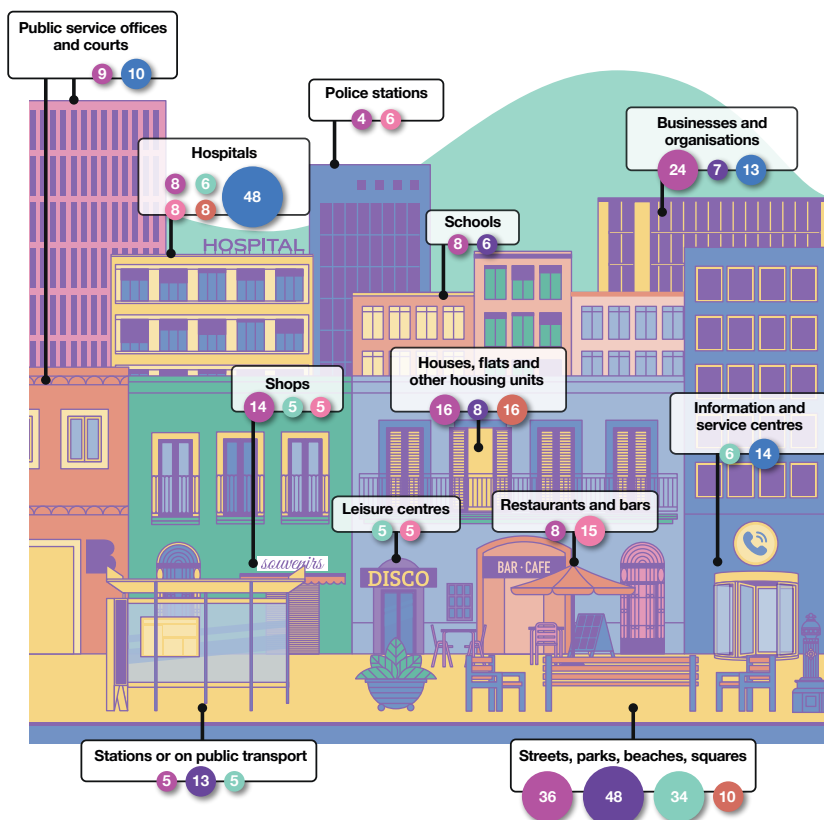
ECAMB

In the case of ECAMB data, the most frequent perpetrators of discrimination **are also companies or private businesses**, which make up 22% of cases of discrimination.

Almost 20% of people were discriminated against by someone they didn't know, while 15% were discriminated against by a neighbour.



Where does discrimination take place?

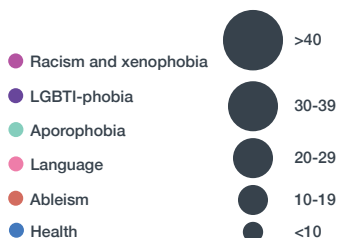


OND and SAVD Board

When it comes to public spaces, most discrimination takes place in **streets, beaches and squares** (134), followed by **hospitals** (61).

As for private spaces, most cases of discrimination take place in **houses, flats and other housing units** (48), **companies and organisations** (45) and **restaurants and bars** (31).

AXES OF DISCRIMINATION NUMBER OF CASES



On what grounds?

OND and SAVD Board

Once again, in 2022 most cases of discrimination were based on **racism and xenophobia**, accounting for almost a third of all cases.

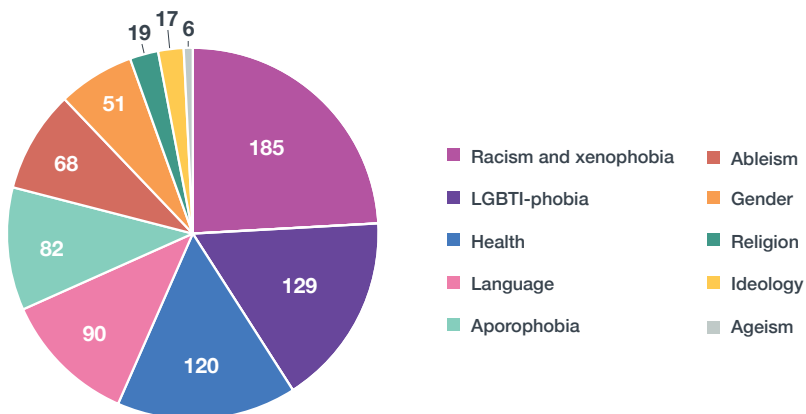
These cases are followed by LGBTI-phobia (the same as in 2021) and, thirdly, discrimination based on health.

ECAMB

Gender is the main reason for discrimination in neighbourhoods: more than 17% identified gender as the main reason for discrimination.

Language (15%) and political ideology (11%) are the next most common grounds for discrimination.

Source:
OND and SAVD
Board, 2022





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 terms, of human rights and fundamental freedoms in the political, economic, social or cultural sphere, among others.

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

OND and SAVD Board

During 2022, **185 cases** of racist discrimination were reported.

Discrimination due to racism and xenophobia has also led to violence in some cases: 42 cases of discrimination involved verbal violence and 17 involved physical aggression.

The racism and xenophobia axis is the one that intersects the most with other axes of discrimination, especially **health, aporophobia, gender and religion**.

ECAMB

The ECAMB data show a large difference between the **percentage of people born abroad who are affected by discrimination (16.6%)** and the percentage of people born in Spain who are affected by it (1.6%).



LGBTI-phobia

LGTBI-phobia refers to hatred and rejection towards people belonging to the LGTBI (lesbian, gay, trans, bisexual and intersex) community.

OND and SAVD Board

The number of cases of LGTBI-phobia was **129** —a figure slightly lower than last year, but still very high.

Of these cases, 85 were based on **sexual orientation**, most of them homophobic. Discrimination based on **transphobia** also continues to account for a significant proportion of LGTBI-phobia in the city, although fewer cases were recorded compared to 2021.

LGTBI-phobic discrimination includes a **remarkable degree of violence**: 33% of cases involved verbal aggression and more than 30% included physical aggression.

ECAMB

LGTBI-phobia mainly affects the **youngest age group** (16 to 29 years old) and more cases are reported among men than women.



Health

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

OND and SAVD Board

A **total of 120 cases** have been reported. The increase compared to last year is alarming: the number of cases of discrimination in this area has tripled.

Cases involving public administration institutions have increased a great deal (they make up practically half of the total). They are followed by cases involving companies and private organisations, which also represent a significant percentage.

A total of 70 cases of discrimination were committed against people with **mental health problems**.

There were also about thirty cases of discrimination against people living with HIV/AIDS, i.e. **serophobia**.



Language

Discrimination based on the use of a particular language can lead to differentiated treatment in the way people relate to each other or how access to a service is conditioned when someone experiences rejection because of the language they speak.

More than 300 languages are spoken in Barcelona.

OND and SAVD Board

There were **90 reports** of discrimination related to the use of a particular language. This is a significant increase: the previous report showed around sixty cases.

Two out of every three perpetrators of discrimination are private organisations and companies. They are followed by public administration institutions, with almost 30% of cases.

ECAMB

According to the people surveyed, this is the second most common reason for discrimination.

The data show that discrimination based on language affects both people born in Spain and those born elsewhere, particularly people aged between 30 and 44 years.



Aporophobia

Aporophobia is contempt, rejection or hatred towards people in poverty, especially those who are experiencing **homelessness**.

OND and SAVD Board

The number of cases registered **rose to 82**, a higher figure compared to the previous year.

Individuals are the main perpetrators of discrimination (37%); followed by organisations and companies, representing 28% of the cases of discrimination involving aporophobia.

A total of 68% of the cases took place in public **spaces** and a large part involved a high level of violence: **20 of the situations included physical assaults**.



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 devalues disability and is based on the prejudice that, as a social group, people with disabilities are inferior to people without disabilities.

In 2022, a total of 159,523 individuals² in Barcelona were living with a recognised degree of disability.

OND and SAVD Board

Most reported cases of discrimination are suffered by people with physical disabilities, followed by those with intellectual disabilities.

More than **57%** of cases were committed by **public administration institutions**.

ECAMB

Cases of ableism are particularly high among **people between 30 and 64 years old** and affect women slightly more.

2. Source: Department of Social Rights of the Government of Catalonia: https://dretssocials.gencat.cat/web/.content/03ambits_tematicos/15serveissocials/estadistiques/persones_discapacitat/any2022/03-Per-sones-amb-discapacitat-per-grau-Any2022.pdf



Gender

Gender discrimination refers to the unfavourable treatment of a person because of their sex or their gender identity. This is due to sexism and the set of gender roles and stereotypes that continue to create inequalities against women.

OND and SAVD Board

A total of **51 cases** were recorded, of which 25 were perpetrated by individuals.

Most of the data collected in Barcelona regarding gender are not included in the OND and Board data, since these cases are addressed by resources specifically aimed at women, such as the **Care, Recovery and Shelter Service (SARA)**, which assisted 1,095 women in 2022.

ECAMB

Those surveyed cite being a woman as the **main basis for discrimination**.

Young women (those 16 to 29 years old) report the most cases of discrimination.



Religion

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

OND and SAVD Board

There were **19 cases** of religious discrimination: 18 based on Islamophobia and 1 based on anti-Semitism.

Many of the cases reported involved Muslim women who suffered discrimination for wearing the hijab.

ECAMB

This type of discrimination is **four times more prevalent against people born outside Spain**.

The most affected age groups are the young and middle-aged (16 to 44 years old).



Ideology

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

OND and SAVD Board

There **were 17 such cases** this year.

According to data from the OND and the SAVD Board, private spaces are where most cases of discrimination on ideological grounds occur, with restaurants and bars being the places where most cases were recorded.

ECAMB

Political ideas are the **third most common basis for discrimination**, according to the people surveyed.

Discrimination based on ideology affects those born in Spain (12.5%) more than foreigners (7.6%) and is strongly present in all age groups.

0-99

Ageism

Ageism occurs when age is used to categorise and divide people by attributes based on stereotypes that cause harm, disadvantages or injustice. Ageism particularly affects young people and older people.

OND and SAVD Board

The OND and the SAVD Board organisations documented **6 such situations, 2 against young people and 4 against elderly people.**

Organisations that work with young people explain that **adultcentrism** affects all areas and conditions the way in which participation in associations is promoted and work on young people's rights is carried out.

As far as the elderly are concerned, housing and residences, healthcare, the digital gap, health, accessibility and personal autonomy are some of the problems that most affect them.

ECAMB

The **importance of age in discrimination patterns** in the city is clear. A total of 5.7% see age as the primary discrimination they face.

Young people, especially **women, suffer the most from ageism**, according to the ECAMB survey.

4 Discrimination in access to justice

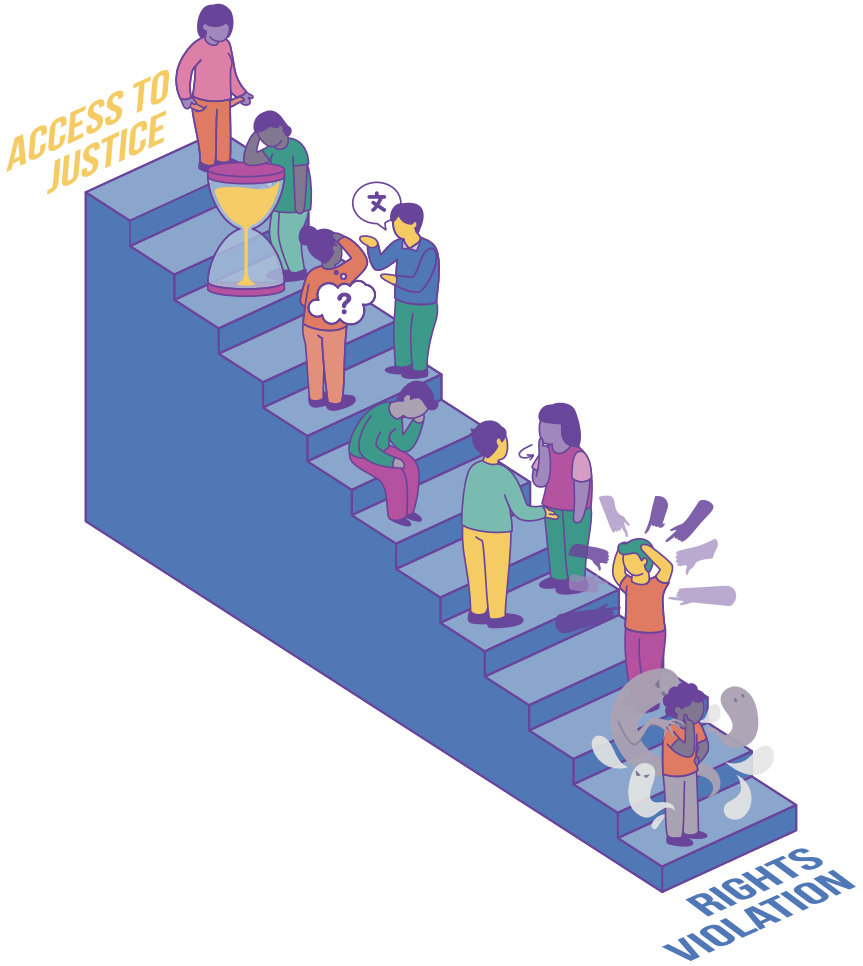
The right to access justice obliges states to ensure that all persons can bring a claim before a court — or, in some circumstances, an alternative dispute resolution body — if their rights have been violated.

This obligation means that people must have discrimination-free access to judicial authorities in order to defend themselves or assert their rights, and that the proceedings must be fair, without prohibitive costs, and with guarantees, impartiality and a reasonable result in terms of time and substance.

Thus, the relationship between the right to access justice and the prohibition of discrimination can be understood in two regards:

1. Access to justice in cases of discrimination, i.e. **the possibility of obtaining redress** when one has been a victim of discrimination.
2. Non-discriminatory access to justice. A **judicial system that does not prevent anyone from accessing justice** due to physical, linguistic, economic or other circumstances must be guaranteed.

Other factors that affect people who have suffered discrimination include the burden of social stigma, the fear of reporting, the normalisation of abuses, distrust of institutions and revictimisation during the process, among others.



In the face of all these obstacles, the work of the Office for Non-Discrimination and the entities of the SAVD Board is of great importance in facilitating real access to justice. In this regard, proposals and tools include the following:

- **Raise awareness and educate** the citizenry in terms of their rights and how to enforce them, and train judicial personnel to guarantee equal access and respect for diversity while avoiding re-victimisation.
- Strengthen **initiatives to combat under-reporting**, such as the SAVD Board and its collaboration with the OND.
- **Improve the documentation of cases** by human rights advocacy organisations and continue the reporting work of the Discrimination Observatory.
- Continue to **strengthen restorative justice** and alternative dispute resolution mechanisms that provide avenues for restoring violated rights.
- **Decentralise offices** and ensure greater proximity to make it easier to bring a claim and access mechanisms for assistance.
- **Improve translation services** in the area of justice. Translations must be sworn translations and there must be greater availability and coverage throughout all phases of the process.
- **Improve medical examination reports**, ensure that they include all the details provided by the individual, and make it possible for them to be prepared without police presence.
- Cross-cutting training in non-discrimination for **lawyers and public defenders**.
- **Ensure adequate legal advice** in cases of cross-complaints and contradictions. Mediation should be provided if appropriate.
- **Facilitate accessibility** (cognitive, physical, sensory, etc.) at all phases of the process.
- Guarantee **the role of a facilitator**, allowing people who would otherwise have been considered incapacitated to access justice.
- **Coordinate with the Victim Care Services of the Mossos d'Esquadra** and other law enforcement authorities.

5 How does discrimination affect our rights?

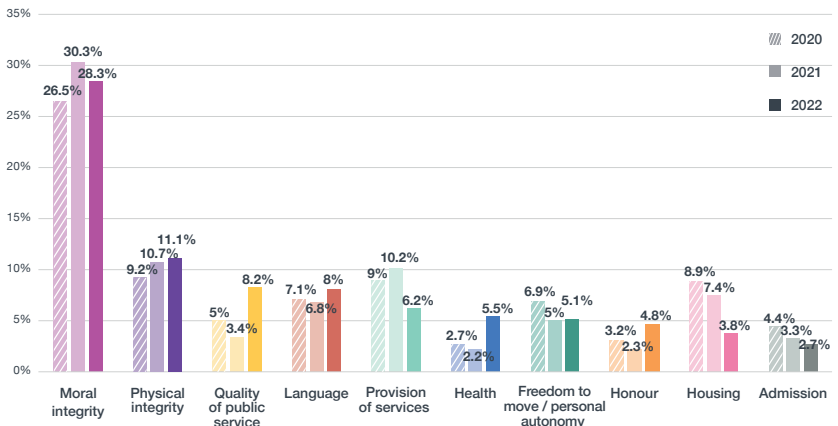
Discrimination affects people’s rights. Human diversity spans a wide range of origins, sexual orientations and gender identities, languages, level of resources and beliefs or convictions. **Differences enrich society**, and no one can mistreat another person for who they are.

In 2022, **attacks against moral integrity, that is, against individuals’ honour and dignity, continue to be prevalent**, with 306 incidents. It has consistently been the most violated right in the city since 2019. More than 50% of violations of rights to moral integrity are cases of discrimination based on racism and xenophobia or LGBTI-phobia.

Discrimination in the form of **physical assaults increased by 62%** compared to 2021. The group that suffered the most physical assaults was the LGTBI community, followed by assaults due to aporophobia, exactly the same as in 2021.

Other rights violated were the right to quality public service, to the use of a different language, to receive services, to health, to personal autonomy, to honour and to housing, among others.

Source: OND and SAVD Board, 2022



6 What has been done and what are the challenges for 2023?

The main actions carried out and challenges facing the City Council and the organisations making up the SAVD Board for 2023 are as follows:

Actions carried out

- In April, the City Council passed the government measure “**For an anti-racist Barcelona**”. It seeks, among other goals, to raise awareness of the phenomenon of structural and institutional racism and educate municipal staff and the citizenry about it.
- In December 2022, a working day was held with the FRA (European Union Agency for Fundamental Rights), the IERMB (now called the Metropolis Institute) and the Municipal Data Office to propose concrete ways to **incorporate the collection of data segregated by ethno-racial origin** (equality data) into municipal studies and surveys.
- The OND has launched an initiative to address under-reporting and to promote the **decentralisation of assistance points**, allowing the OND to have a presence throughout the city. With the same objective, the first annual training of the Antennas project has been organised.
- A conviction, seen as groundbreaking ruling in Spain, was obtained in application of Law 18/2007, of 28 December, on the **right to housing. It was a case of discrimination on xenophobic grounds in access to housing.**
- On 11 May, a municipal regulation came into force requiring **gender mainstreaming units** to be created in all areas in all ten Barcelona districts, all autonomous bodies, municipal trading companies and publicly owned businesses.

- The **LGTBI-phobia prevention, detection and intervention protocol** in TMB transport networks, created by the Homophobia Observatory (OCH) and the TMB Department of Social Responsibility, Women and Diversity, was extended during 2022.
- The Fundació Secretariado Gitano, Bayt al-Thaqafa and SOS Racisme have led **trainings for public sector professionals as well as for organisations in the private sector**. In addition, these organisations, together with SAFI (Stop Islamophobic Acts), participate in the action protocol board for combatting racist discrimination.
- The organisations working in the field of ableist discrimination have promoted the **job placement of people with disabilities, and online accessibility or physical accessibility** to spaces such as health centres, among others.
- The Youth Council of Barcelona (CJB) prepared a report on adult-centrism **and public policies** in the city.
- As part of the 6th “**Les veus de les persones grans**” [**The Voices of the Elderly**] convention, the Advisory Council of the Elderly organised spaces for discussing and reflecting on ageism and the discrimination it entails, with the participation of the CJB.

Challenges and opportunities

- Work on the participatory process to **create categories of racial self-identification** adapted to the reality of Barcelona and its population.
- Promote **awareness-raising initiatives to avoid under-reporting**. People in an irregular administrative situation may not report cases out of fear that this will make their situation worse.
- The OCH will monitor the processing of **Act 4/2023 for the real and effective equal treatment of transgender people** and for the guarantee of the rights of LGBTI people, especially in terms of the sanctioning power that the City Council may assume.
- The OND and the organisations on the SAVD Board encourage **incorporating more mechanisms for restorative justice** into work plan proposals for victim redress and care.
- Organisations such as Gais Positius [Positive Gays] and Salut Mental Catalunya [Mental Health Catalonia] want to carry out **training on discrimination and human rights for insurance companies** in matters related to HIV and mental health diagnoses. Insurance companies are often involved in cases of serophobia and health discrimination.

- Plataforma per la Llengua wants to launch stations called “**Defensoria de Drets Lingüístics**” [**Language Rights Defence Points**] to combat under-reporting in cases of discrimination due to the use of Catalan.
- It is essential to ensure that **people with physical disabilities** are included in the creation and implementation of public policies in order to guarantee that their specific needs are addressed.
- Various organisations that are part of the SAVD Board are leading an internal process to **incorporate a gender perspective** into their work.
- As for ageism, the CJB wants to continue to apply **a non-adult-centric perspective** in public administration institutions. The Advisory Council of the Elderly wants to focus in particular on the discrimination suffered by elderly people in spaces such as **supermarkets and banks**.

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