

Barcelona Discrimination Observatory Report 2020

Editors

Human Rights Resources Centre
Office for Non-Discrimination
Barcelona City Council

With data and collaboration from the Board of Organisations for the Assistance of Victims of Discrimination, constituted by: the Office for Non-Discrimination, ACATHI, the Catalan Association for the Defence of Human Rights (ACDDH), Bayt al-Thaqafa, Cepaim, the Barcelona Youth Council (CJB), Creación Positiva, Dincat, the ECOM Federation, the Catalan Mental Health Federation (FSMC), the Veus Federation, Fil a l'agulla, the Secretariat Gitano Federation (FSG), Gais Positius, Irídia, the Observatory against Homophobia (OCH), the Observatory against Islamophobia (ODIC - SAFI), the Pro-Language Platform, the Tenants' Union, SOS Racisme Catalunya, the Romani Union and the Homeless People's Assistance Network (XAPSELL).

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Foreword

Marc Serra Solé

Councillor for Citizenship Rights and Participation

2020 was a year shaped by the Covid-19 pandemic and the resulting social and economic crisis, which we still do not know the extent of. While a large part of Barcelona's activity suddenly stopped for months, some organisations continued without a single day's rest, such as the City Council's Office for Non-Discrimination (OND) and organisations fighting in defence of human rights and against discrimination.

The joint work that the Discrimination Observatory's Report represents in Barcelona, now in its third edition, reveals that, when the public administration and social organisations work together in coordination, both public policies and social action are reinforced. This is what we have been doing since the creation, in 2017, of the Board of Organisations for the Assistance of Victims of Discrimination, made up of the OND and 22 of the city's organisations, working together throughout the year to coordinate a city response to fight against discrimination, hate and intolerance.

Once again, racism and xenophobia have been the main causes of discrimination in Barcelona in 2020. The year the Black Lives Matter movement was felt all around the world, even in Barcelona. As a local public authority it is our duty to continue producing public policies, which is one of the goals of this report: to identify the challenges we still face in order to put an end

to this disease once and for all. This is a goal also shared with the Barcelona Municipal Immigration Council's (CMIB) organisations working under the "For an anti-racist Barcelona" framework and which we trust other authorities will join soon, thanks to the recent passing of Act 19/2020, on December 30, on equal treatment and non-discrimination.

This report aims to go beyond numbers, given that behind every situation of discrimination experienced there are city residents who see their rights and freedoms undermined on the grounds of their sexual orientation, socio-economic level, disability, age or religion. We have plenty of challenges ahead, but a good many opportunities too, such as the one represented by this report: to take us further and further towards an open, democratic and diverse Barcelona where we can all experience the city in freedom and without fear.



1. Introduction

Discrimination is expressed in numerous ways. It can range from a look or decision not to sit next to a person in public transport to a physical assault, not to mention insults, threats, not giving someone a job, not letting a person enter somewhere or putting a person or group at a disadvantage owing to one or more protected characteristics, such as a person's skin colour, ethnic or national origin, gender, sexual orientation or gender expression, health, age, the language they speak, their ideas and beliefs, the fact they have a disability or their socio-economic position, without any type of legitimate justification.

Barcelona has had an **Office for Non-Discrimination (OND in Catalan)** for more than twenty years, as well as a wide variety of social organisations working to provide support for the most vulnerabilised groups. Since 2017, the City Council and various organisations have had a joint space in place for fighting against discrimination, the **Board of Organisations for the Assistance of Victims of Discrimination (SAVD)**, which has been growing every year and where 22 of the city's social organisations and the OND currently take part in. It is a working space where methodologies and knowledge are shared and where collaboration is strengthened for the purposes of offering the best assistance possible to people affected by discrimination.

Another essential goal is to raise awareness of the types of discrimination that occur in the city and to improve data gathering to be able to design strategies that go to the root of the problem. This was the purpose behind the creation of the **Discrimination Observatory in Barcelona**, which has been publishing an annual report since 2018 containing the work, data and reflections of the OND and the Board of Organisations.

In 2020 there were **436 cases of discrimination** recorded in Barcelona. More than half of these situations were motivated by racism, xenophobia, LGBTI-phobia and, if we examine the places where they occurred, discrimination in public spaces, at work, in shops and on public transport predominate. Many cases were also recorded in people's homes or neighbourhood communities. Of all the cases of discrimination reported, 37% took the form of verbal or physical assaults.

In this report you will find a detailed analysis of the cases of discrimination recorded and the problems behind them. First of all, the **"Equality and non-discrimination"** section, as in the previous reports, explains these two concepts and introduces the main tools for combating discrimination, from the international to the local sphere, putting special emphasis on the new legislation and regulations approved in 2020. Particularly important was the passing of Act 19/2020, of 30 December, on equal treatment and non-discrimination, analysed in greater detail in this section.

The **"Methodology"** section explains the qualitative and quantitative data collection tools used for the report, the categories analysed and sources used – which are mainly based on the work of the SAVD Board of Organisations and the OND. It also elaborates on the problem of under-reporting situations of discrimination in Barcelona, and includes the reflections and discussions that have been taking place among SAVD Board members in the last few years. The 2020 report puts special emphasis on the added difficulties for reporting cases in the context of the pandemic.



The “**Discrimination in Barcelona**” section presents the most important data collected in 2020 by the SAVD Board’s organisations and the OND, which show **who** is being discriminated against, **who** the discriminators are, **where** the discrimination is taking place, on what grounds, what the main **violated rights** are as a result of this problem, the **type of discrimination**, the response of the public administration and social organisations to it, and the **initiatives and results** obtained.

2020 was a year clearly shaped by the Covid-19 **pandemic**, which also had a **specific impact on discrimination**. This year’s report also includes reflections shared by the OND and SAVD during a special session dedicated to such impact, not just in reported situations of discrimination but also in the actions of services and organisations working to raise awareness of, and fight against, this problem in Barcelona.

The section concludes with a presentation of **the results of the Survey on local resident relations and community life in the Barcelona Metropolitan Area (ECAMB)**, whose 2020 edition extended its questions on the perceived and experienced discrimination in the city.

Finally, the report includes the main **conclusions** from the quantitative and qualitative analysis and shows the ones which, according to the SAVD Board of Organisations, are the main **advances** and also the **challenges** which will frame the lines of action of those organisations and the OND in 2021, accompanied by a few key **recommendations** to tackle them.



2. Equality and non-discrimination: principles, concepts and protection mechanisms

2.1 The principle of equality and the right to non-discrimination

The concept of *equality* appears as one of the key elements in the preamble to the **Universal Declaration of Human Rights**, proclaimed in 1948 by the newly created United Nations.

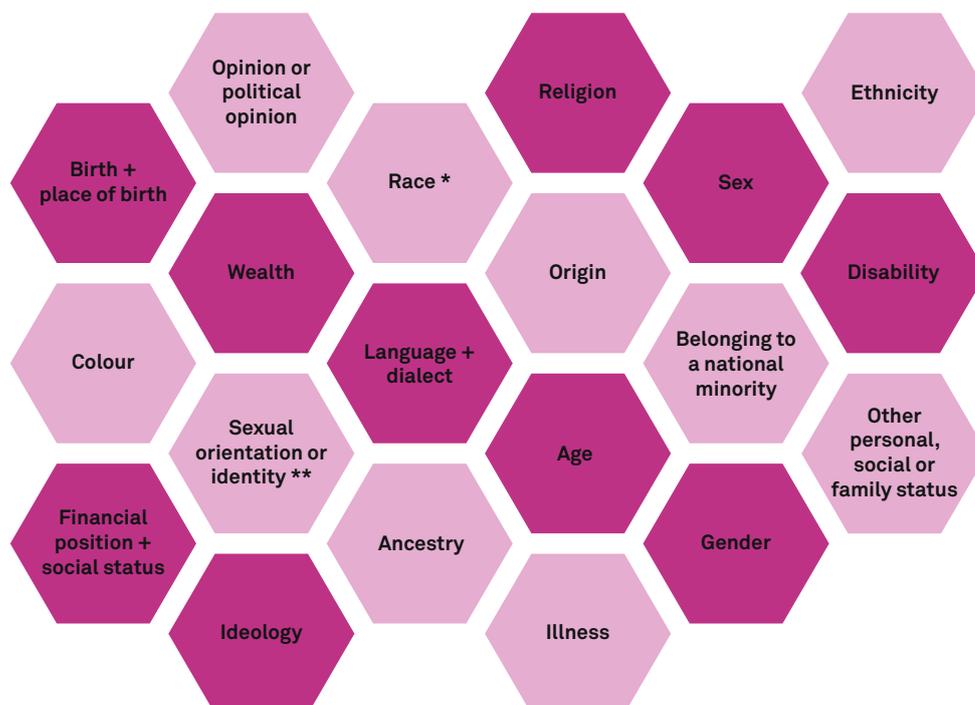
The concept of *equality* in this context is, therefore, closely linked to the universality of human rights, in other words, that everyone has the same rights, simply for being a human being. Equality must therefore be interpreted as a **mainstream principle that has to permeate the enjoyment of all human rights**, thereby constituting not a right in itself but a behavioural obligation.

Directly linked to the principle of equality is the right to non-discrimination, which is a strengthened guarantee of the principle of equality aimed at **protecting, above all, the individuals and groups historically excluded from the protection of their rights and freedoms.**

Hence the establishment of **lists of categories or personal characteristics requiring special protection.** These are characteristics that any human being can have and no one, simply for having them, should be treated differently from another person in the same situation. These categories are detailed in various international, regional, national and local legal instruments (see the complete list in Appendix 1), and are the following:

8

Figure 1. List of protected characteristics



* The word 'race' is used to indicate a category of discrimination and according to international conventions and covenants. However, considering that it is a term that requires critical use, in all other cases 'racialisation' will be used (see glossary).

** In this report, the category used is 'Sexual orientation, gender identity and gender expression' (see glossary).



Therefore, treating a person differently does not necessarily automatically constitute **discrimination**. There are a number of specific actions or behaviours that, if carried out solely by reason of a human being's or a group's personal characteristics, must lead to a presumption of discrimination. The most relevant criteria for classifying these actions or behaviours are the following:

Figure 2. **Discriminatory actions**

Distinction	Actions that treat a person differently from another or others in the same situation.
Exclusion	Actions that deny a person with certain personal characteristics the possibility of exercising a right.
Restriction	Actions that enable a person with certain personal characteristics to exercise a right, but in a limited way.
Preference	Actions that give priority to a person without certain personal characteristics.
Placing at a disadvantage	Actions and measures (laws, public policies, announcements, offers) laying down requirements or conditions that some people will be unable to meet because of their personal characteristics.

Thus, *discriminating* not only includes any type of *distinction* but any kind **exclusion, restriction or preference as well**. These four cases are examples of **direct discrimination**, where people put in substantially similar situations are treated differently, without an objective and reasonable justification, whether this involves distinguishing, excluding, restricting or preferring.

Indirect discrimination, on the other hand, occurs when one or more individuals are put at a disadvantage with respect to others on some ground of discrimination, through a seemingly neutral provision, criterion or practice. This is the case unless the provision, criterion or practice in question can be objectively justified by a legitimate aim. The table above features the action of "placing at a disadvantage". However, we will refer to it as *indirect discrimination* later on in the report.



We also need to take into account the phenomena of multiple discrimination and intersectional discrimination, as well as cases of discrimination *by mistake and by association*. We refer to

- 👁️ **multiple discrimination** when one person suffers discriminations on various protected grounds. By contrast, we speak
- 👁️ of **intersectional discrimination** when referring to a situation of inequality experienced by an individual or group owing to an intersection of several grounds of discrimination. This is a specific kind of inequality which is, by no means, the sum of the grounds and which requires specific responses and solutions.
- 👁️ Finally, we talk of **discrimination by mistake** when a person is discriminated against as a result of a protected ground being mistakenly attributed to them. An example of this would be a person who, due to their gender expression, is assumed to be a member of the LGBTI group and is discriminated against for that reason, despite not being a member of that group. And **discrimination by association** occurs when that mistake is made because of a person's close relationship to one of the protected groups. In such cases, the intentionality of the discriminating party prevails and is considered a discriminatory act.

Non-discrimination is, therefore, a negative principle: it prohibits any justification of inequality based on the above categories. The requirement is that admissible distinctions, exclusions, restrictions or preferences are not based on being or belonging to a group or on a personal or social condition or circumstance but rather on the aim of making conditions equal, offering the same opportunities and levelling the playing field:

- 👁️ what we know as **affirmative action**.

2.2. Protection and guarantee of equality and non-discrimination

The principle of equality and the right to non-discrimination are included in **several legal instruments for the prevention of violations and for the safeguarding of human rights** at various levels. This section runs through the most important instruments on international, European, national, regional and local levels (for more detailed information, see *Appendix 2*).

On an international scale, a key instrument is the **Universal Declaration of Human Rights (UDHR)**, Article 1 of which declares that 'All human beings are born free and equal in dignity and rights', while Article 7, defending everyone's equality before the law, states that 'all are entitled to equal protection against any discrimination'.

The UDHR is a declaration of intentions that sets guidelines for later legal instruments, such as the **International Covenant on Civil and Political Rights**, on one hand, and the **International Covenant on Economic, Social and Cultural Rights**, on the other, both signed in 1966. These specifically mention equality and non-discrimination and already define the protected characteristics in the fight against discrimination: *race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other social status*.

There are over twenty United Nations instruments that deal with the problem of discrimination, through conventions, declarations, general comments, action plans and working groups. It is the conventions on specific themes that are important here, in particular the **International Convention on the Elimination of All Forms of Racial Discrimination** (1965), the **Convention on the Elimination of All Forms of Discrimination Against Women** (1979), and the **Convention on the Rights of Persons with Disabilities** (2008).



On the EU front, Article 9 of the **Treaty on European Union** mentions the principle of the equality of all European citizens, ‘who shall receive equal attention from its institutions, bodies, offices and services’, while Articles 20 and 21 of the **Charter of Fundamental Rights of the European Union** declare equality before the law and prohibit ‘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’.

On the other hand, **European Council directives 2000/78/EC and 2000/43/EC**, establish a general framework for equal treatment in employment and occupation, and implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, strengthen the legal protection against discrimination. In addition, there are at least two more directives on equal treatment between men and women.

The principle of equality and non-discrimination is also found in **most national constitutions**. It appears in the **Spanish Constitution** as one of the highest values of its legal system: a principle that has to be borne in mind when passing and implementing legislation (Article 1.1); as a formal principle giving rise to the prohibition against discrimination in the enjoyment of all the other fundamental rights that the Constitution grants citizens (Article 14); and as an order for political powers to ensure that equality is not just a formal declaration recognised on paper, but a reality for Spanish citizens in the sense of material equality (Article 9.2).

Likewise, there is a large number of **Catalan laws** that regulate, recognise or implement specific aspects on equality and also prohibitions against discrimination, such as the **Statute of Autonomy of Catalonia**, whose preamble proclaims ‘liberty, justice and equality as higher values of its collective life’.

Barcelona has several **municipal regulations** in this area, such as **Act 22/1998, on the Municipal Charter of Barcelona**, which declares that ‘Barcelona City Council must ensure that negative discriminatory behaviour does not occur in the city on the grounds of race, religion, colour, ancestry, age, gender, sex, disabilities or place of birth’. **The Measures for Promoting and Guaranteeing Community Harmony in Public Spaces byelaw** (2005) bans ‘discriminatory practices of a xenophobic, racist, sexist or homophobic nature or any practices that discriminate against any other condition or personal, economic or social circumstance, especially when directed at the most vulnerable groups’ and issues fines of up to 3,000 euros for such types of discriminatory behaviour. There are also regional and municipal regulations banning discrimination in Catalonia and Barcelona respectively, which are aimed at ensuring equality and can be consulted in *Appendix 3*.

As regards mechanisms safeguarding rights at a local level, the **Barcelona Ombudsman** is a single-person entity that complements the local authority. Its function is to defend the fundamental rights and public freedoms of Barcelona’s residents and of those staying in the city, even if they are not residents. With this purpose in mind, it supervises the conduct of the City Council and of its dependent public services, especially in terms of the rights and freedoms established in the European Charter for the Safeguarding of Human Rights in the City.



Also worth highlighting here is the role of the **Office for Non-Discrimination**, a mechanism for guaranteeing human rights at a local level aimed at detecting discrimination-related human rights' violations.

The legal system safeguarding the right to equality and the prohibition of discrimination is thus broad and varied, ranging from the municipal to the international level and including the regional and national levels in between. There are differences between provisions, with some protecting certain categories or personal characteristics more specifically. However, they all have the common aim of ensuring that everyone is treated equally in the same situation and that no one is discriminated against in any case.

All the legal rules mentioned in this section apply in Barcelona. There is thus special protection against every kind of direct or indirect discrimination regarding every one of the personal conditions or characteristics stated above. The aim is for Barcelona to be a city free of discrimination.

2.3. New legislation and regulations in 2020

In the course of 2020 there has been some progress as well as setbacks in protecting and safeguarding equality and in the fight against discrimination.

With regard to discrimination against individuals with a disability, it is important to highlight Framework Act 2/2020, of 16 December, which **amended the Penal Code to eliminate the forced or non-consensual sterilisation of legally incapacitated individuals with a disability**, repealing Article 156 of the Penal Code, as it violated the Convention on the Rights of Persons with Disabilities and, more specifically, its Article 23 on the right to respect for home and family.

Equal Treatment and Non-Discrimination Act

One of the main new developments was the passing, on December 30, of Act 19/2020, the Equal Treatment and Non-Discrimination Act by the Catalan Parliament. This Act incorporates several new features that may be important in the area of protection from and guarantee against discrimination. These are some of them:

- **Instruments for protecting and promoting** equal treatment and non-discrimination. Heading IV deals with the bodies that have to be created for implementing the Act.
 - **Body for protecting and promoting equal treatment and non-discrimination.** Once this body is incorporated into the Catalan government, the latter must appoint its head and reference figure. It will consist of two instruments:



- » **A committee made up of expert staff.** This can intervene in preliminary and disciplinary proceedings and assess them. Its role is to prepare optional but non-binding reports, except for reports on discriminatory situations where one of the parties involved is the public authority, in which case, the reports will be optional and binding.
- » **Committee for monitoring compliance with the Act.** This will be made up by one person from each parliamentary group with representation in the Catalan Parliament and the same number of expert staff, plus a representative from the body for protecting and promoting equal treatment and non-discrimination.

— **Centre for Historical Memory and Documenting Discrimination.** Archival and audiovisual collection on material relating to non-discrimination; it will establish collaboration with social organisations working in this area.

— **Discrimination Observatory.** Made up of expert staff in the area of hate crimes, discrimination and intolerance, with the participation of the Commission for Protecting and Promoting Equal Treatment and Non-Discrimination.

— **Commission for Protecting and Promoting Equal Treatment and Non-Discrimination.** An advisory body requiring representation from social organisations specialising in the area of hate crimes, discrimination and intolerance, as well as expert staff in that area.

- **Violations and penalties system.** This is similar to the one provided for under Act 11/2014 and introduces the possibility of the imposing body replacing mild and serious penalties with public benefit activities that have a social interest and educational value. It also assigns disciplinary powers to local entities, with a special legal system for Barcelona City Council.

- **Role of victims of discrimination.** One of the most important new developments is in Article 52, which regulates the rights of victims in disciplinary proceedings. Under the current regulations in force, victims are not considered, not even as an interested party to the administrative proceedings.

Aporophobia

One of the advances provided by the Catalan Act is the incorporation of **aporophobia as a ground of discrimination**. This had been one of the demands put forward by the organisations working in the area of homelessness, as there is no legislation dealing with it at the Spanish level.

Racism and xenophobia

With regard to the fight against antigypsyism or Romaphobia, it is worth noting the advances made in the Draft Bill for eliminating antigypsyism and safeguarding the rights of the Roma people. Organisations working to protect Roma people highlight the creation of an **app for detecting cases of antigypsyism**, which should serve to reinforce the need to pass the Bill and which represents an important tool in the fight against ethnic discrimination.



LGBTI-phobia

In the area of LGBTI-phobia, what stands out is the **LGBTIQ Equality Strategy 2020-2025 of the European Commission (EU)**, presented on November 12, 2020. This strategy aims to expand the list of offences in the EU to include hate crimes, in particular incitement to hatred and LGBTI-phobic hate crimes. In addition, it also deals with central issues such as right to self-determination of trans people and recognition of single-parent families in every EU member state. The need for this strategy has been made all the more clear following the creation of “LGBTI-free zones” in Poland and legal changes proposed by the Hungarian government to veto adoptions by homosexual couples.

Language

According to a report from the Pro-Language Platform, the general institutions of the Spanish State and EU institutions approved **135 discriminatory rules** against the Catalan language in 2020. Note here **Ruling 8675/2020 of the Supreme Court of Justice of Catalonia** as a result of a complaint lodged by the Spanish State’s Legal Representative, on behalf of the Ministry of Education. According to the Platform, this judicial decision breaks with the social consensus of Catalonia’s educational model to ensure knowledge of the Catalan language among all citizens, as it imposes a percentage of Spanish in school curricula, without taking the region’s socio-linguistic situation into account, and encourages the intensification of the minorisation of Catalan.



3. Methodology

The report combines qualitative and quantitative analyses, and in both cases the main source of information was data contributed by the **Office for Non-Discrimination (OND)** and by Barcelona's **Board of Organisations for the Assistance of Victims of Discrimination (SAVD in Catalan)**. The report was systematised and edited by the Barcelona City Council's **Human Rights Resource Centre**.

The **quantitative analysis** is the result of the reflections and information contributed by the OND and organisations bilaterally and collectively, in the framework of SAVD Board of Organisations meetings in 2020. It also includes reflections and proposals shared in a special meeting of the Board which focused on assessing the impact of the pandemic on discrimination in Barcelona. The 2020 information was supplemented with other reports published by organisations, institutions, and research centres working in the field of discrimination.

Data for the **quantitative** is taken from the discrimination cases recorded in 2020 by twelve of the Board's organisations¹ and by the OND. These data are supplemented with other data extracted from the Survey on resident relations and community life in the Barcelona Metropolitan Area and with the results of a housing experiment commissioned by the Department of Citizen Rights Services at Barcelona City Council, which were published in a report format: "The key could be a name. Finding evidence of discrimination in access to the rental housing market in Barcelona".

3.1. Barcelona Board of Organisations for the Assistance of Victims of Discrimination

The Board has grown steadily since 2017 and is currently made up of the OND itself and 22 other organisations: ACATHI, the Catalan Association for the Defence of Human Rights (ACDDH), Bayt al-Thaqafa, Cepaim, the Barcelona Youth Council (CJB), Creación Positiva, Dincat, Exil, the ECOM Federation, the Catalan Mental Health Federation (FSMC), the Veus Federation, Fil a l'Agulla, the Secretariat Gitano Federation (FSG), Gais Positius, Irídia, the Observatory against Homophobia (OCH), the Observatory against Islamophobia in Catalonia (ODIC - SAFI), the Pro-Language Platform, the Tenants' Union, SOS Racisme Catalunya, the Romani Union and the Homeless People's Assistance Network (XAPSELL) (see *Infographic 1*).

The Board of Organisations' **main goals** are:

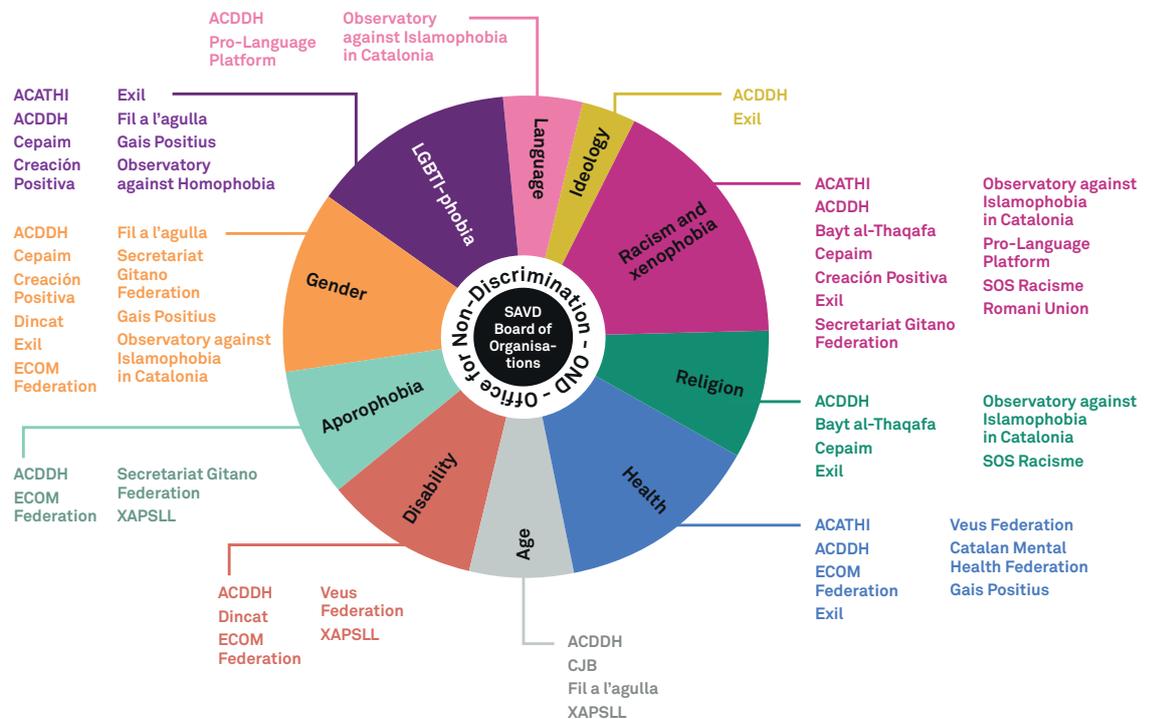
- **To share information and work methodologies:**
 - Information on services for victims.
 - Referral protocols with a general action framework from an intersectional perspective.
- To take a joint snapshot, by means of an **annual report from the Observatory against Discrimination in Barcelona** on the situation of discrimination in the city. This report was first started in 2018, with the drafting of a shared and unified quantitative database for all the Board's organisations and, since then, the collected qualitative and quantitative analyses had continued to be grow.

¹ In alphabetical order: ACATHI, Bayt al-Thaqafa, Exil, the ECOM Federation, the Catalan Mental Health Federation (FSMC), the Secretariat Gitano Foundation (FSG), Gais Positius, the Observatory against Homophobia (OCH), the Pro-Language Platform, SOS Racisme Catalunya and the Homeless People's Assistance Network (XAPSELL).



- To support the **organisations' training needs** in fields relating to discrimination, from an intersectional approach.

Infographic 1. Grounds of discrimination covered by the Board of Organisations



* 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 **The Tenants' Union**, that specialises in discrimination in the field of housing; or on the agent who exercises discrimination, as would be the case of **Irdia**, that works in the field of institutional violence.



Infographic 2. Assistance and response from the SAVD Board of Organisations in the face of discrimination situations

Organisations	Support and assistance									Complaint	
	Psychological	Psychosocial	Socio-educational	Legal guidance	Public advocacy	Intermediation	Conciliation	Mediation	Referral to a specialized organization	ADMINISTRATIVE	PENAL
OND	●	●	●	●	●	●	●	●	●	●	
ACATHI	●	●	●		●				●		
ACDDH				●	●				●	●	
BAYT AL-THAQAFI	●	●		●	●	●		●	●		
CEPAIM			●	●	●			●	●	●	
CJB					●						
CREACIÓ POSITIVA					●						
DINCAT		●	●	●	●						
ECOM FEDERATION		●		●	●	●			●		
EXIL	●	●	●						●		
VEUS FEDERATION		●			●						
CATALAN MENTAL HEALTH FEDERATION		●		●	●				●		
FIL A L'AGULLA	●		●		●				●		
SECRETARIAT GITANO FEDERATION		●	●	●	●		●		●		
GAIS POSITIUS	●	●		●					●		
IRÍDIA		●		●	●				●		●
ODIC-SAFI			●	●	●				●		
OBSERVATORY AGAINST HOMOPHOBIA	●	●		●	●	●			●	●	●
PRO-LANGUAGE PLATFORM	●	●		●	●	●		●	●	●	●
TENANT'S UNION		●	●	●	●				●		
SOS RACISME		●		●	●	●			●		●
UNIÓ ROMANÍ		●		●	●						
XAPSELL	●	●	●	●	●			●	●	●	●



3.2. Analysed categories

The analysis of data gathered by the SAVD Board is structured on **seven questions**:

1. Who is discriminated against?

The basic data gathered are of three types: **gender** (male, female and group or collective), **age** (0-14, 15-24, 25-39, 40-64, 65+) and the **administrative situation** of the person discriminated against (with national ID/foreign-national tax identification number (NIE), without papers in order, asylum seeker, or refugee), categories having a cross-cutting focus throughout the report, as they are deemed key factors that must be made visible in the analysis of discrimination in the city.

2. Who discriminates?

The four main discriminators analysed are: **Public authority**, **police forces**, **private entities or companies** and **individuals**. Subcategories have been added to the first three categories, as shown in Figure 3.

3. Where does discrimination occur?

This section shows whether the discrimination took place in a **public space** or in a **private space** and several areas have been categorised in each case. The proposed categories in this area can be found in Figure 4.

Figure 3. Discriminating agents

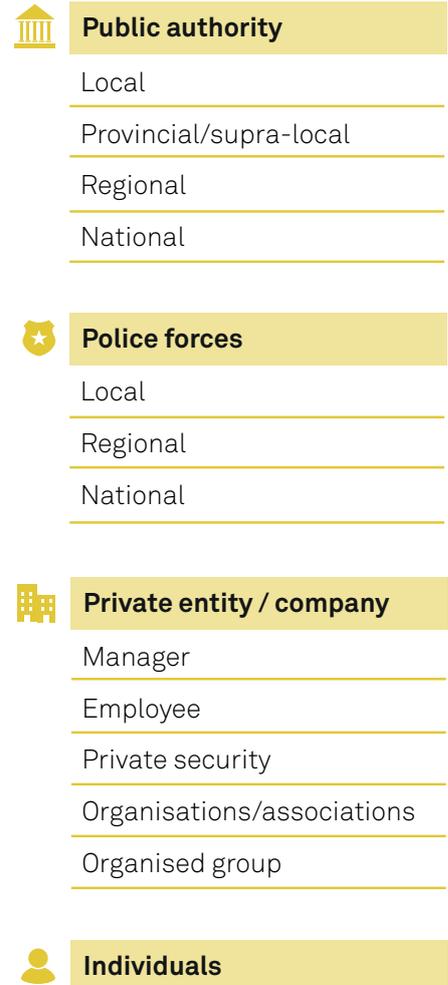
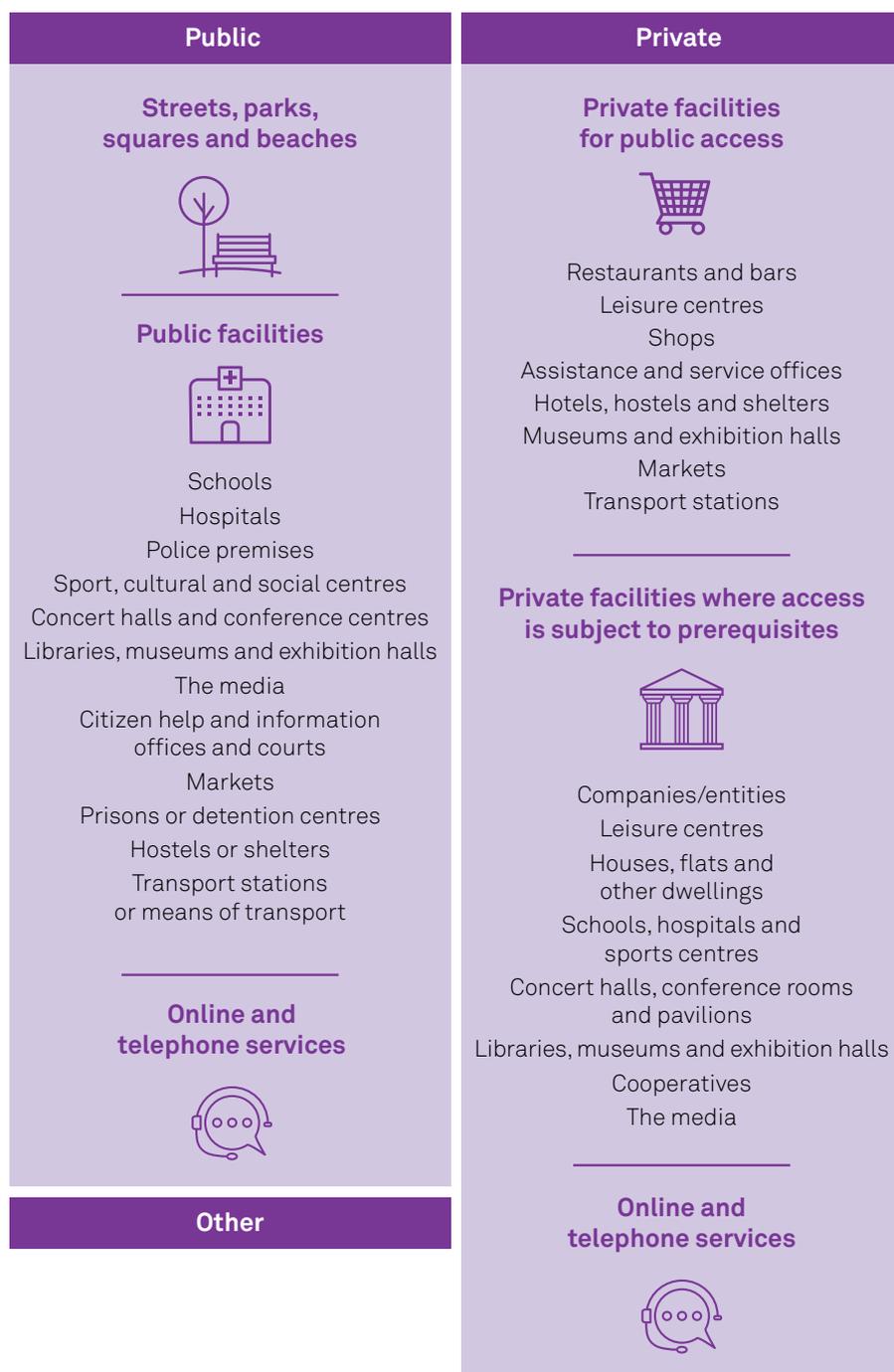




Figure 4. Areas where discrimination takes place

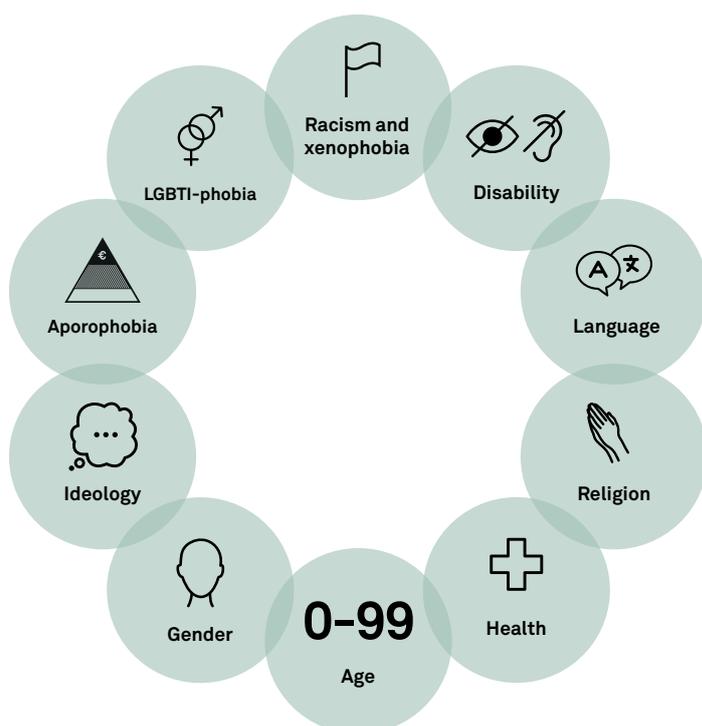


4. On what ground?

This section features and analyses the grounds for discrimination, which reflect the above-mentioned characteristics protected against discrimination in various international, EU, national and local instruments for protecting human rights (See Figure 1 and Appendix 1). The most relevant categories have been chosen for this report taking into account Barcelona's context, and some subcategories have been added to some grounds, agreed by the entire Board of Organisations, so that the reasons behind discriminatory attitudes as well as the groups most affected by this problem can be more accurately identified. They are all included in Figure 5.

It should be pointed out that a specific legal framework has been established for approaching discrimination on the ground of gender, which is why such discrimination is dealt with in services aimed at women, especially the PIADs (Women's Support and Information Points) for each district and, if necessary, more specialised services (SARA, UTEH and SAS).² Which is why most of these data do not appear in this report.

Figure 5. Types of discrimination



² For further information, see: ajuntament.barcelona.cat/feminismes-lgtbi/ca



5. What are the main rights infringed?

In other words, whether the fact of suffering discrimination undermined one or more human rights. Hence the initial identification of several rights, based on the experience of the organisations making up the SAVD Board, which are shown in Figure 6.

6. What type of discrimination takes place?

This section analyses cases of **direct and indirect discrimination**, on the one hand, and introduces a series of indicators, on the other hand, to highlight more specifically how the direct discrimination was expressed. These categories are inspired by the work carried out by the Tell MAMA project,³ which records cases of Islamophobia, which we have adapted in the current report under the following categories:

Figure 6. List of the main rights infringed



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Differential treatment	Unfair and discriminatory treatment on the ground of the protected characteristics, within a wide range of settings.
Verbal assaults	Verbal and non-verbal abuse, including comments or gestures aimed at an individual or group, as well as direct and indirect threats of physical violence or of consequences of any type for the person.
Physical assaults	A physical attack ranging from touching, spitting or throwing objects to a violent attack against an individual or group.
Vandalism	Damage to or desecration of property, which includes graffiti, among other actions.
Hate speech	Oral or written communication delivered to an audience with the purpose of stirring up hatred and collective rejection of a group of people.

³ tellmamauk.org/



Figure 7. Types of response to discrimination



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7. What is the response to discrimination and what is the outcome?

This section shows the assistance that the victim was given by the organisations or the OND; whether the victim received any **support or accompaniment** and, if so, of what kind. It also specifies whether the discrimination was **reported**, through either **administrative** or **legal channels** (see Figure 7). The results obtained from these responses and actions are also analysed.

As in previous editions, data gathered in the **2018 and 2019 reports** have been incorporated, to provide a comparison and show the trend in discrimination in the city.

Section 4, “*Discrimination in Barcelona*”, also explains in greater detail **real situations of discrimination** dealt with in 2020 by the OND and the SAVD Board’s organisations on the various grounds of discrimination.

It is important to point out that this **methodology** has been designed with the joint efforts of all the organisations involved, taking into account their work methods, and all categories and subcategories used are the result of discussion and consensus within the SAVD Board of Organisations, which reviews the list of indicators and methodology every year to adapt them to the reality it is attempting to show and analyse.



3.3. Reasons for under-reporting in Barcelona

Despite the efforts being made within the Board of Organisations for the Assistance of Victims of Discrimination to improve the collection of data on situations of discrimination in the city, under-reporting⁴ remains a problem that conceals the phenomenon of discrimination in Barcelona.

To tackle this situation, **two focus groups were established to analyse the causes** in 2020: one with people from **organisations**⁵ working in the sphere of discrimination in Barcelona, and the other with **people affected**⁶ by situations of discrimination. Both sessions were based on the grounds pointed out in the 2018 report,⁷ which highlighted some problems on a European scale but were reformulated in the 2019 report and supplemented with the relevant grounds in the context of Barcelona. This year's report reviews the grounds, and adds others, considered important in the context of the pandemic in 2020.

- **Everyday, normalised experience.** Many people have lived with discrimination for so long that they end up seeing such attitudes as a normal part of their everyday lives.
- **Frequency of the discrimination.** The repetitive nature of everyday violations that certain individuals and groups suffer makes it impossible for them to report every occurrence of discrimination, because that would result in constant reporting, with all the emotional wear and time involved and even the investment of financial resources which may be needed in some cases.
- **Denial or shame.** To tackle the trauma they have suffered as a result of experiencing a situation of discrimination, some victims deny or minimise the impact and seriousness of the offence, while others may feel ashamed of having been a victim of discrimination and even blame themselves.
- **Difficulties in demonstrating discrimination.** The focus group of people affected specifically mentioned the importance of having witnesses who can verify the events. When this involves a situation where it is one person's word against another's, it is very hard for the former to follow through with the report.

⁴ The Board of Organisations understands "reporting" in its broadest sense, referring to any record made of a situation of discrimination, whether by the OND or by any of the Board's organisations, regardless of whether the person affected later decides to report it through administrative or legal channels.

⁵ Thirteen people participated, representing the OND and the following organisations: ACATHI, ACCDH, Bayt al-Thaqafa, the Catalan Mental Health Federation (FSMC), Secretariat Gitano Foundation (FSG), Gais Positiu, Observatory Against Homophobia (OCH), Pro-Language Platform, SOS Racisme and Homeless People's Assistance Network (XAPSLL).

⁶ Seven people proposed by the Board's organisations and affected by various grounds of discrimination took part.

⁷ The grounds listed in the 2018 report are based on the *Manual pràctic per a la investigació i enjudiciament de delictes d'odi i discriminació* [Practical handbook for investigating and prosecuting hate crimes and discrimination], edited by Miguel Àngel Aguilar, the prosecutor specialising in hate crimes, p. 68 ff.



- **Lack of confidence in a system that is ineffective in dealing with reports of discrimination.** Many victims do not believe the police forces or judicial officers will investigate or take legal action in response to their reports.
- **Lack of police force accessibility and proximity to the public,** which creates a feeling of mistrust or fear of the police. Victims belonging to a group that has historically been subject to bullying, violence or lack of protection by the State sometimes avoid any type of contact with police officers.
- **Lack of specific knowledge about discrimination** and specifically protected groups, on the part of the police and private security organisation, as well as certain abuse-of-authority attitudes towards certain individuals, which are a source of discrimination in themselves, which feeds back into this mistrust and can cause revictimization of the person affected.
- **Fear of the consequences.** Many fear that if they report a situation of discrimination, the individuals (or organisations, companies, bodies, police forces, etc.) responsible for such discrimination will take reprisals against them, their family or members of their community.
- **Extreme vulnerability of certain victim profiles.** Many people do not report discrimination because their personal, social or financial situation makes them socially excluded and extremely vulnerable.
- **Reporting procedures are not accessible enough.** Often many victims of discrimination do not know where, how and when to report situations of discrimination. This fact is heavily influenced by a lack of accessibility to the legal system, the language used in laws and legal and bureaucratic procedures, which are often only accessible to experts in the field and far removed from the general public.
- **Financial cost.** Both the victim-focus group and the organisations dealing with situations of discrimination in the city emphasised the financial cost that may be involved for a person making a report, especially if a prosecution is opted for.
- **Lack of legal recognition of certain types of discrimination.** In certain situations, the fact that the legislation itself protects some discriminatory attitudes and situations or fails to treat them with the seriousness they require makes it impossible or hard to report them.
- **Lack of knowledge of their own rights and confusion over who to turn to.** A high degree of unawareness of rights violations was detected among not just city residents but also local bodies and some social organisations. Consequently this led to failings in the citizen help and information services when guiding and referring people to the specific services they needed to contact over such situations.



Besides all the above, there was also the **specific impact of the pandemic on under-reporting**. We could highlight the two main types:

- Some cases of discrimination that have occurred in the context of the pandemic have been experienced as normalised within the situation of uncertainty and widespread fear, and accepted as **normal and necessary measures**.
- Restrictions to mobility and service provision, and difficulties in accessing digital tools in the face of the global **virtualisation** of many assistance services, have not only made it hard in many cases for victims of discrimination to contact the municipal services or social organisations, to report a situation of discrimination they have experienced, but also undermined their confidence and made it more difficult to offer them a safe space for explaining the situation they have experienced.

The debates and reflections that started with the two focus groups on the reasons for under-reporting in 2020, and which continued in 2021 with the special session on the impact of the pandemic on situations of discrimination in Barcelona, will be used as a basis for continuing to tackle this problem inside the Board of Organisations in 2021.



4. Discrimination in Barcelona

Discrimination continued in Barcelona in 2020, as so did the active fight against it led by the city's residents, social organisations and public bodies. This section includes the **figures** taken from situations of discrimination recorded during the year by the **Office for Non-Discrimination (OND)** and the **Board of Organisations for the Assistance of Victims of Discrimination (SAVD)**, together with some of the **main problems** detected throughout the year linked to the grounds of discrimination that were being worked on by the **Barcelona Discrimination Observatory**.

Despite all the efforts made to improve the identification of cases and gathering of data, it is clear that the figures presented in this section **do not cover every cases of discrimination in the city**. Accordingly, this year, the data gathered by the OND and the SAVD Board of Organisations have been supplemented with data taken from **the Survey on resident relations and community life in the Barcelona Metropolitan Area (ECAMB)**,⁸ showing perceptions of discrimination in the city, as a result of **interviews** made between October 29 and December 23, 2020 with 5,437 individuals from the Barcelona Metropolitan Area, **4,043** of which took place in Barcelona. With regard to the profile of the people interviewed, the survey includes variables such as country of birth, employment situation and socio-economic position (income level), although, as usual in such statistical number-crunching, it does not enable identification of ethnic origin, whether it deals with racialised individuals or other relevant information for the analysis of discrimination, such as a disability or health condition.

Accordingly, the strategies for combating **under-reporting** remain essential for raising awareness of this problem in its every aspect, and to tackle it more efficiently (see Section 3.3, "Reasons for under-reporting in Barcelona").

In addition, 2020 was clearly shaped by the **impact of Covid-19** on every area of life as well as **on discrimination**, which was exacerbated in most cases not just because of the effects of the pandemic but also due to the measures adopted to deal with it. Hence the incorporation of a specific section in this year's report analysing what its impact was, not just for individual and group victims of discrimination, but also for the municipal organisations and services working in the fight against discrimination and, therefore, on the monitoring and possible responses to discrimination during the year, which are shown below.

⁸ For further information, see: iermb.uab.cat/ca/estudi/enquesta-relacions-veinals-convivencia-primers-resultats/



4.1. Impacts of the pandemic on discrimination⁸

As mentioned, 2020 was strongly influenced by the situation surrounding the pandemic, which had a series of effects on the population in general and also a specific impact on pre-existing structural problems, as in the case of discrimination. Before moving on to analyse the specific impact on in the city, the OND and the organisations making up the SAVD Board would like to point out that the pandemic also led to a series of **rights violations** against the individuals and groups they work with. We offer a few examples of these below:

- The restrictions and measures imposed following the pandemic did not take account of the **specific needs of the most vulnerabilised groups**, a situation that has had notable differential repercussions on access to basic services, on receiving quality treatment, on mental health, on access to education and on everyday activities, compared to the rest of the population.
- **Stigmatisation** of certain individuals and groups has been detected. For example, in the case of homeless people or young people, branded as irresponsible and transmitters of the virus.
- The restrictions have led to **public and private spaces merging** and a blurring of rights and freedoms.

If we look at the **specific impact** that the pandemic has had **on discrimination** against these individuals and groups, we can see several cross-cutting trends in the various grounds of discrimination:

- The discriminatory situations reported were **made worse** by the widespread **fear, anxiety and tension** that the pandemic has implied not just for city residents but also for police forces and public servants. That explains why some rights violations and forms of discrimination were expressed with higher levels of tension and violence.
- Pandemic management has strengthened police control powers and encouraged surveillance by citizens themselves (popularly known as *balcony police*). The Board organisations feel that on some occasions this has served to **intensify** discriminatory situations and attitudes that already existed.
- Covid-19 also had an impact on the **spaces where discrimination occurred**. There has been a rise in the number of discrimination cases linked to problems associated with people living together in **individual dwellings and communities of residents** during the pandemic. These are disputes intensified by mobility restrictions, which would not have gone further in another context and which trigger existing stereotypes and prejudices. Especially serious have been the situations where the discriminators/assailants were in their own home, as happens in cases of gender violence. On the other hand, we have seen a clear drop in cases of discrimination in **leisure spaces** and the **right of admission**, as a result of the pandemic restrictions.

⁸ This section includes the conclusions from the special session of the SAVD Board of Organisations, held on 17 February 2021, focusing on reflections on the impact of the pandemic on discrimination in Barcelona.



The pandemic also had a clear impact on the work carried out in the municipal services and social organisations working in the field of discrimination and, as a result, on the **type and quality of assistance** that the people affected by this problem have been able to receive. We can highlight them in general terms as follows:

• **Adapting to new roles and needs:**

- There has been a practically widespread outburst in the **basic needs** of the organisation users, compelling those organisations to rationalise their roles to take on more welfare-based tasks and thereby making it difficult in some cases for them to attend to situations of discrimination.
- In a similar vein, some organisations sense that, given the problems linked to the pandemic, the public authorities and private players (establishments open to the public, utility companies, etc.) have reduced the assistance provided for some cases of discrimination, such as those linked to the ground of **language**.
- There has been a very steep rise in advice given regarding **Covid-19-related fines** and that has led to teams having to reorganise themselves internally.
- It has also been necessary to create training and assistance focusing on **emotional well-being**.
- The increased number of cases in some organisations has compelled them to **expand their teams** to deal with the increased workload.
- It should be mentioned as well that some services and organisations have been unable to continue because of the pandemic and **have had to close**.

• **Detecting situations of discrimination and quality of assistance:**

- In some cases, virtualisation has made it hard for situations of discrimination to be detected, as it has been more difficult to create the environment of **trust and empathy** required for such detection.
- Closely linked to the point above, roles such as **mediation** and **counselling** have become more difficult due to the restrictions on face-to-face services.
- It has been especially hard to provide assistance in cases where the victim has no **safe space** to explain their situation in, as online assistance does not work in such situations.
- Moreover, remote channels exclude people who lack the means or skills for using them (**digital gap**).
- On the other hand, some organisations have detected an **increase in the number of reports** through remote channels. For example, the use of social media and WhatsApp, has gone up, with some organisations being overwhelmed.
- Various organisations **have been unable to record situations of discrimination** for that reason or due to adapting to other, more urgent roles, in response to the consequences of the pandemic among their users.



4.2. Global figures

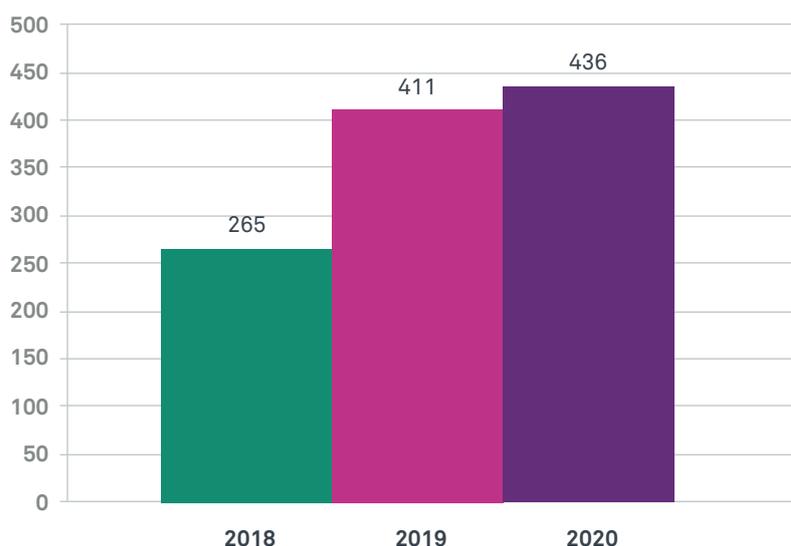
Overall, the last year saw the OND and the SAVD Board organisations record **436 situations of discrimination**, a higher figure than in 2019 (411) and much higher than in 2018 (265). This increase is largely down to the Board's steady expansion (13 organisations in 2018, 18 in 2019 and now 22) and, consequently, having a wider radius for recording discriminatory situations. It is important here to point out the **joint work** that has continued to be carried out between the OND and the organisations making up the Board in the support and accompaniment given to cases of discrimination in 2020.

The following sections present more detailed data on **who** is being discriminated against, who the **discriminators are**, **where discrimination occurs**, the **reasons for it**, the main rights violated as a result of this problem, the **type of discrimination**, the **response** of the public authority and social organisations, and the **results** of their action.

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Chart 1. Evolution in the compilation of situations of discrimination by the SAVD Board of Organisations





4.3. Who is discriminated against?

Here we offer a profile of the people affected by situations of discrimination, based on their **gender**, *age* and *administrative situation*. The figures gathered by the OND and the organisations show that the individuals identified with the **male gender** were the ones who had reported situations of discrimination the most, in nearly **53%** of the cases, compared to **39%** of the individuals identified with the female gender (see Chart 2). Despite that, the percentage difference between genders was less than in the previous year, as shown in Chart 3.

The reasons for these figures may be multifactorial: a) interiorisation or assimilation, by numerous women starting from a certain age bracket, of sexist reactions, forms of behaviour or interests as normalised; b) the women usually have even less time than men to empower themselves and make the step to reporting discrimination; c) fear or shame in certain situations of violations of rights of women taking away their

Chart 2. Discrimination and gender ¹⁰

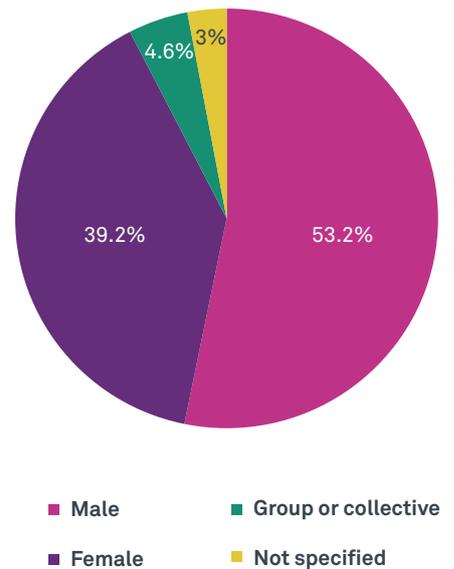
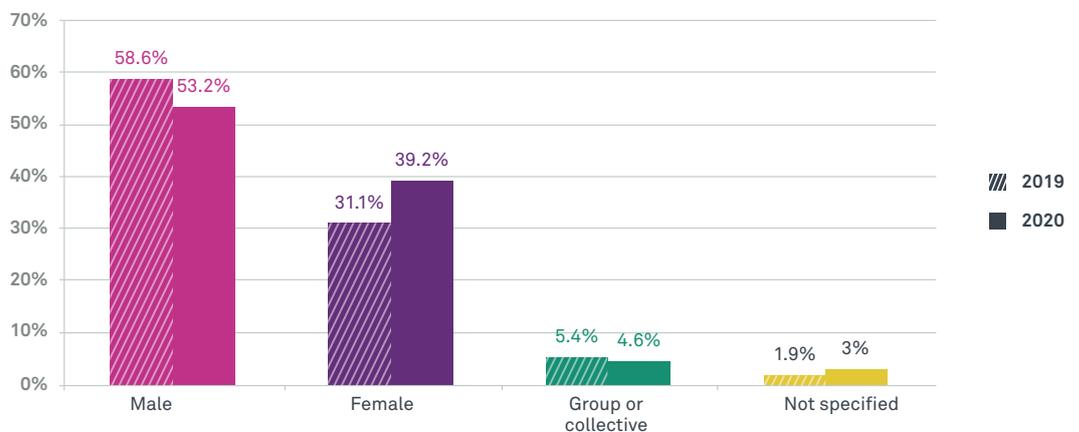


Chart 3. Discrimination and gender, 2019-2020



¹⁰ The collected data include the categories “Part of the time in one gender and part of the time in another” and “Not reflected in these categories”, but no cases in either of the two were reported in 2020.



capacity to report them; d) difficulty in recording situations of discrimination against women differentiated from situations of gender violence; e) assimilation in the workplace of differentiation in pay scales, not assumed as discriminatory and, finally, f) the significant diversity of municipal services such as PIAD, SARA, UTEH, SAH, SAS, etc., (within the Area of Social Rights, Global Justice, Feminism and LGBTI Affairs) dedicated to work for the feminist fight, which may prevent certain complaints from reaching the Board of organisations.

The “Group or collective” category, reflecting the situations of discrimination where various individuals are also affected, remains at around **5%** of the cases recorded.

The **age** groups most affected by cases of discrimination or which reported such cases were **from 25 to 39 and from 40 to 64**, with **38%** of the total, as shown in Table 1 and Chart 6.

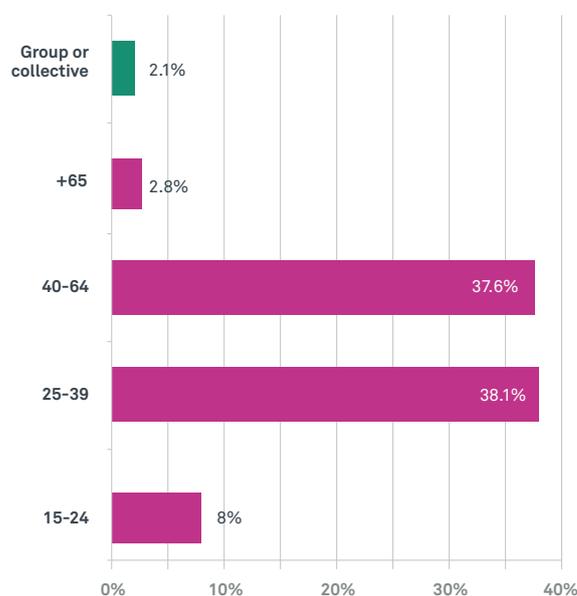
Table 1. Discrimination and age¹¹

Age bracket	#	%
15-24	35	8
25-39	166	38.1
40-64	164	37.6
65+	12	2.8
Group or collective	9	2.1
Not specified	50	11.5
Total	436	100

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Chart 4. Discrimination and age



¹¹ No cases were recorded for the 0-14 age bracket in 2020.

Table 2. **Discrimination and administrative situation**

Administrative situation	#	%
With national ID (DNI)/ foreign-national tax identity number (NIE)	360	82.6
Person in an irregular administrative situation	36	8.3
Asylum seeker	13	3
Refugee	1	0.2
Not specified	26	6
Total	436	100

👁️ The report also looks at the **administrative situation** of the individuals affected, as shown in Table 2, with the aim of drawing attention to the different problems that individuals have who are in an irregular administrative situation, and the added lack of protection this represents when it comes to reporting cases of discrimination. The figures we have for 2020 show that practically **11.5%** of the individuals who reported situations of discrimination were in an **irregular administrative situation** (83%), were asylum seekers (3%) or refugees (0.2%), circumstances that may lead, to a greater or lesser extent, to an added vulnerability when it comes to reporting situations of discrimination experienced. Twelve per cent of the people who reported a situation of discrimination were in an irregular administrative situation in 2019.

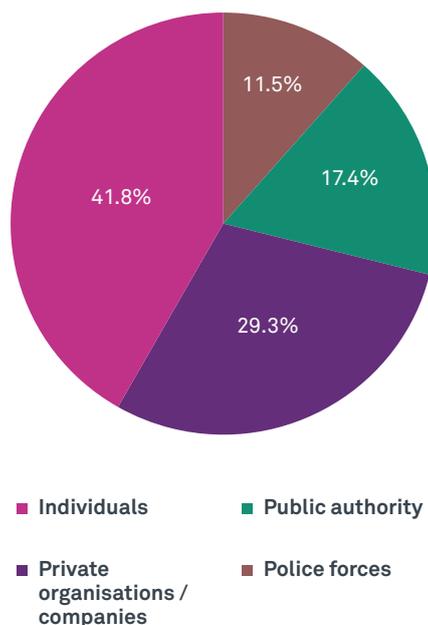


4.4. Who discriminates?

In 2020, **individuals (42%)** were the main discriminators, according to the reports recorded by the SAVD Board of Organisations and the OND, followed by **private entities or companies (29%)**, as shown in Chart 7. Nevertheless, the number of cases of discrimination committed by individuals rose by 4.4% compared to the previous year, whereas the number committed by private entities or companies dropped by 6.4%, as shown by Chart 8, comparing the data from 2019 and 2020. This respective rise and fall in numbers were very much down to the pandemic, and to the mobility restrictions and lockdown imposed throughout the year. The number of **public authority** cases rose slightly (1.1%) compared to 2019 and came to **17.3%**.

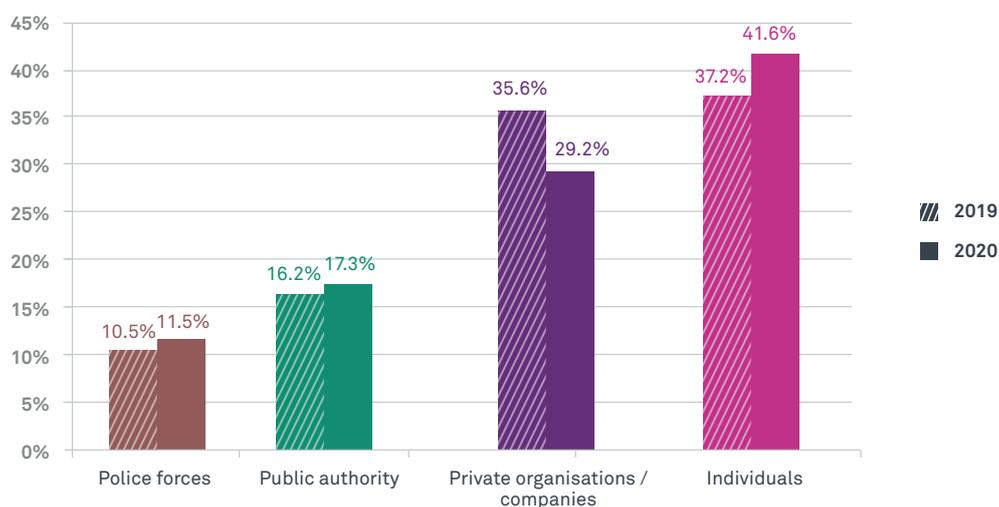
Likewise, the number of **police force** cases rose from 10.5% to **11.5%**: However, if we add the cases from the public security forces with those attributed to private security organisations (19), recorded under the category of private entities and companies, the percentage of cases of discrimination committed by all these forces then rises to **15.7%**.

Chart 5. Who discriminates?



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Chart 6. Who discriminates, 2019-2020?





Below we look at the role played specifically by the individual discriminators under each category, and what their relationship was to the victim (Table 3). As regards cases of discrimination committed by the public authorities, those perpetrated by the **local authority** predominate. Of all the cases recorded, it is those relating to discrimination against people with a disability which stand out, owing to **the lack of accessibility of public spaces**, as well as the differential treatment received at public health centres and schools and in accessing protected housing.

Finally, we can see among the public security forces that it is the discrimination committed by **the local police forces** which predominate, with 25 cases, followed closely by the regional Mossos d'Esquadra, with 21, and by private security staff, with 19 of the situations.

If we look at who did the discriminating and their reasons for it, we find that **individuals** were the main discriminators in situations motivated by **LGBTI-phobia** (97), and also in the case of **racism and xenophobia** (73) and **religion** (18), as occurred in 2019; as for **private entities or companies**, it is racist and xenophobic grounds that take first place (39), followed closely those of **language** (34) and **health** (18). The **public authority** recorded almost the same cases for racism and xenophobia (28) and **disability** (26); and, finally, the **police forces** also recorded the predominance of discrimination on the grounds of racism and xenophobia (26) followed by **aporphobia** (18).

Table 3. Discriminators¹²

Discriminators	#	%
Individuals	185	41.6
Private organisations/ companies	130	29.2
Employee	49	37.7
Private security	19	14.6
Organisations/associations	16	12.3
Management staff	13	10
Organised group	5	3.9
Not specified	28	21.5
Public authority	77	17.3
Local	38	49.4
Regional	21	27.3
National	9	11.7
Not specified	9	11.7
Police forces	51	11.5
Local	25	49
Regional	21	41.2
National	3	5.9
Not specified	2	3.9
Not specified	2	0.5
Total	445	100

¹² Table 3 refers to the total number of cases recorded by the Discrimination Observatory (436) and looks at who discriminated in each case, taking into account that there may have been more than one discriminator involved. Which is why the total number of cases is 445.



Table 4. Who discriminates and on what ground?¹³

Grounds of discrimination ¹⁴	Public authority	Police forces	Private organisations/companies	Individuals
Racialisation and xenophobia	28	26	39	73
LGBTI-phobia	7	3	9	97
Disability	26	2	14	11
Language	12	1	34	1
Aporophobia	1	18	1	5
Health	5	1	18	2
Religion	2	1	0	18
Gender	4	1	7	1
Ideology	1	0	4	2

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¹³ Table 4 refers to all the grounds of discrimination and looks at who the discriminator is in each case.

¹⁴ The 2020 report does not record any situations of discrimination on the grounds of age (see section 4.6, “On what ground?”, for further information).



4.5. Where?

To show where cases of discrimination were recorded, we will focus first on the **district** and second on the sphere in which they occur. Map 1 shows that the district with the most cases of discrimination detected is **Eixample (58)**, followed very closely by **Ciutat Vella (56)**, **Sants-Montjuïc (30)** and **Sant Martí (26)**.

If we look at the comparison shown in Chart 10 between the number of cases recorded by district in 2019 and in 2020, it can be seen that the sharpest drop in the number of such cases is in **Ciutat Vella** – over 20 points – whereas in **Eixample** it is up by 10. However, the fall

in number of cases in Ciutat Vella may have more to do with the phenomenon of under-reporting than a genuine drop in cases of discrimination. It should be noted that **no district was specified in 32% of the cases**.

As regards the area where discrimination occurred (Table 5), there continues to be a balance between private and public spaces, as was the case in 2019, with a certain prevalence of recorded cases of discrimination in the **private areas (211)**, compared to those in **public areas (197)**.

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Map 1. Discrimination by district

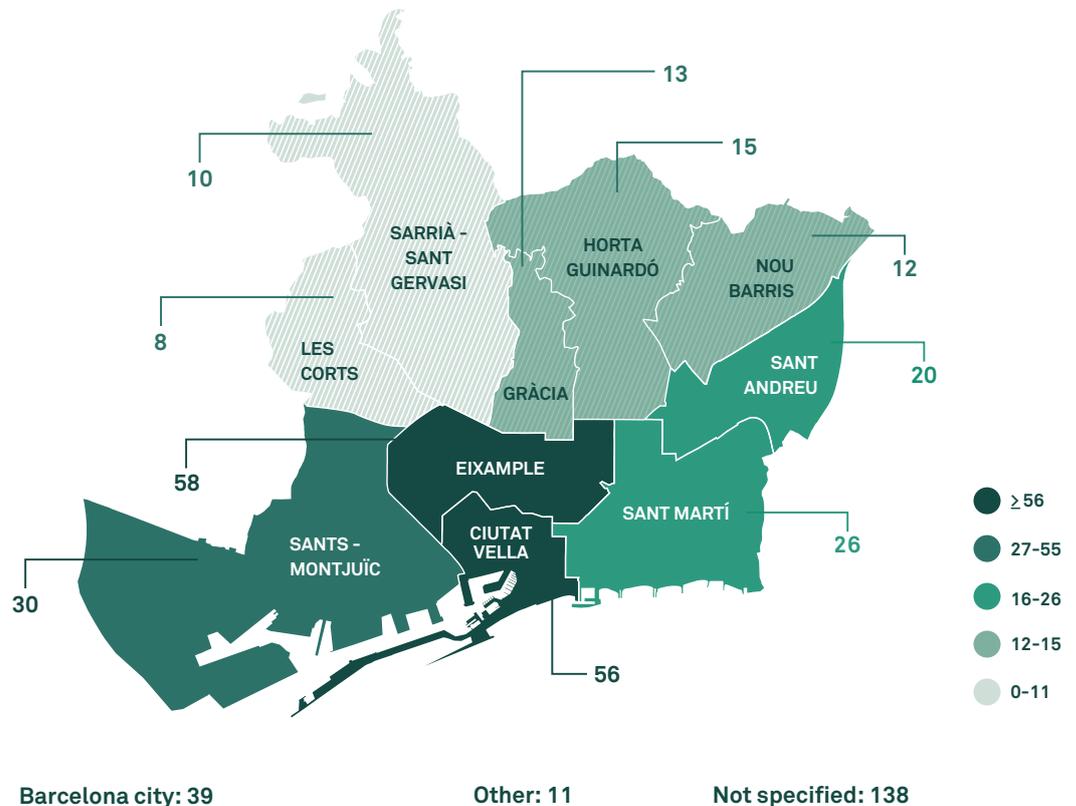
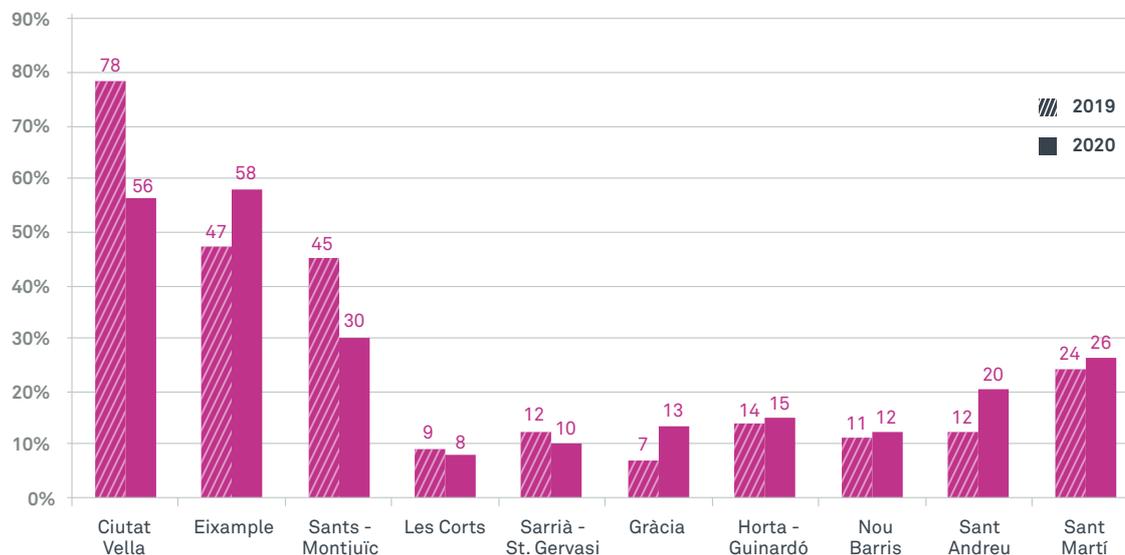




Chart 7. Discrimination by district, 2019-2020



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If we analyse in greater detail where exactly discrimination takes place, we can see most cases reported – in public spaces – are in **the city’s streets, parks and squares or on the beaches (109)**, followed by **transport (31)**. In the private sphere, the spaces where the highest number of cases of discrimination take place are in houses, flats and other dwellings, up from 42 in 2019 to **70** in 2020; by contrast, the cases in bars and restaurants are down from 34 to 13, owing to pandemic-related restrictions. A larger number of cases were recorded in **companies and organisations (29)** and **shops (21)**.

In 2020, in the context of the pandemic, mobility restrictions and the lockdowns, housing took on special importance, as the highlighted by the data and the organisations and services assisting victims of discrimination in Barcelona. Added to the cases of discrimination occurring in dwellings and residents’ communities were situations of discrimination relating to the access to the renting or purchase of a dwelling. Aware of the “invisibility” of these situations, in 2020 **Barcelona City Council** carried out a **housing testing** with the aim of checking the scope of this problem in discrimination on the grounds of racism and xenophobia.



Table 5. Where does discrimination occur?

Public (197)	Streets, parks, squares, beaches	109
	Public facilities	84
	Transport stations or means of transport	31
	Hospitals	13
	Citizen help and information offices and courts	12
	Schools	9
	Police premises	4
	Hostels or shelters	3
	Sport, cultural and social centres	1
	Libraries, museums and exhibition venues	1
	Other	10
	Online and telephone services	3
	Not specified	1
	Private (211)	Private facilities for public access
Shops		21
Restaurants and bars		13
Market		7
Assistance and service offices		6
Hotels, hostels and shelters		2
Transport stations		2
Other		14
Private facilities where access is subject to prerequisites		129
Houses, flats and other dwellings		70
Companies and organisations		29
Schools, hospitals and sports centres		12
The media		5
Other		3
Not specified		10
Online and telephone services	14	
Not specified	3	
Other	17	
Not specified	11	



The key could be a name

Names may be the key, the key to access to certain social or cultural relations, assets or services. Names can open or close doors, including those of a home. Behind names lie life stories that are subject to interpretation by others, and often include prejudices and stereotypes that act as constructs of otherness and factors that feed discrimination. A mere name can have a bearing on the allocation of opportunities to access resources. The study's data were obtained from **1,000 announcements on Barcelona estate agent portals**, 500 to check whether there was discrimination on the group of origin and 500 on the ground of the sexual orientation of the people requesting access to renting a dwelling. The announcements were sent two practically identical messages, the main difference being the names of the people sending them.

“The key could be a name. Finding evidence of discrimination in access to the rental housing market in Barcelona.”¹⁵ confirms that out of every 10 applications, those sent by couples with “local” (typical Catalan or Spanish) names received 6 responses, whereas those with Arab names received 4, **18.8% fewer**; couples with Arab names also had **less access to visits properties** and, in such cases, discrimination was **7.6%**, given that 17.4% of couples with local names received an immediate invitation to visit a property, whereas only 9.8% of couples with Arab names were invited. The study also shows that response rate for housing applications made by **women is 20% higher** than for men, without taking origin into account. Even so, as the results confirm, there is more discrimination on the ground of origin than on the ground of gender in such cases.

Another key factor revealed in the study is the difference in rental prices which people with names perceived as foreign have access to; the average monthly rental price from responses obtained by local couples was 1,276 euros, compared to 1,348 euros for couples with Arab names, **a monthly difference of 108.30 euros**. In other words, the more expensive the rental price, the more possibilities couples perceived as foreigners have in obtaining an initial response.

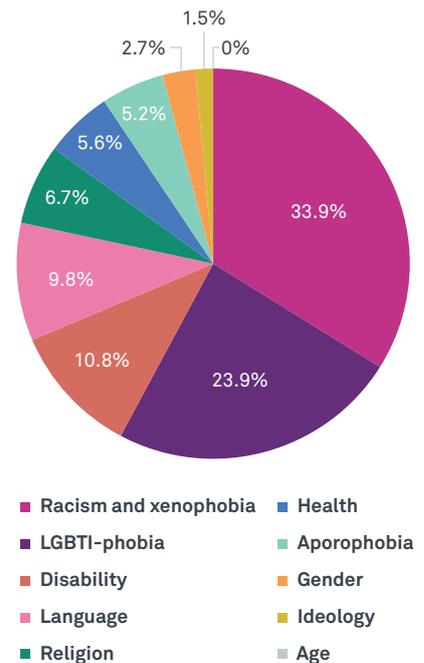
¹⁵ For further information, see: [ajuntament.barcelona.cat/dretsidiversitat/sites/default/files/ THE_KEY_COULD_BE_A_NAME.pdf](http://ajuntament.barcelona.cat/dretsidiversitat/sites/default/files/THE_KEY_COULD_BE_A_NAME.pdf)



4.6. On what ground?

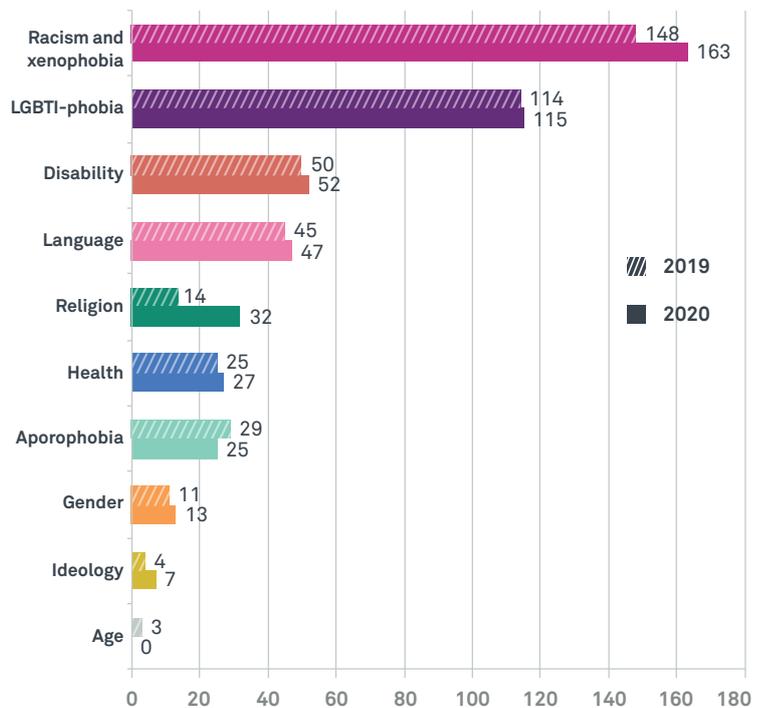
The grounds behind the situations of discrimination recorded in 2020 are described here. As shown in Chart 8, **racism and xenophobia** remain the main grounds of discrimination among the cases recorded by the OND and the SAVD Board of Organisations, with **34%** of the reported cases. The second cause, as in 2018 and 2019, is **LGBTI-phobia**, representing **24%** of the total, followed by discrimination on the grounds of **disability** (11% of cases) and of **language** (10% of cases). In 2020, the number of cases of discrimination on **religious grounds**¹⁶ makes up almost **7%** of those reported, followed by discrimination on the ground of **health**, which continues to represent **6%** of cases, as in 2019 (Chart 9).

Chart 8. Grounds of discrimination¹⁷



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Chart 9.
Grounds of discrimination,
2019-2020



¹⁶ The rise may be the result of ODIC - SAFI, an organisation specialising in the field of Islamophobia, joining the SAVD Board of Organisations.

¹⁷ Charts showing the various grounds of discrimination can be identified from here on with the same colour.



4.6.1. Racism and xenophobia

Despite the state of emergency, the mobility restrictions and the lockdown periods imposed in 2020 and the associated difficulties for reporting discrimination, the number of cases of **racism and xenophobia** recorded by the OND and organisations working in this area rose in 2020 (163), compared to numbers recorded in the previous year (148).

We understand discrimination on the ground of **racism**, as discrimination based on a belief or attitude that one group is naturally superior to another, both individually and institutionally. In such cases, the group is identified by skin colour or a fictitious attribution to a supposed race. As regards *discrimination expressed through the phenomenon of xenophobia*, we would describe it as discrimination that occurs on the ground of an irrational fear or rejection of people from other countries or ethnicities. Racism and xenophobia usually have a very important intersection with the socio-economic ground, as the rejection is usually against people with low financial resources.

We can see from the data in Table 6 that people who identify themselves as **Maghrebi** or **Arab** are the most affected, with **46** recorded cases. The number of cases affecting Latin American and Black people were 32 and 29 respectively. With regard to discriminators, Chart 10 shows a clear predominance of discrimination committed by **individuals** (44%), followed by private organisations or companies (23.5%).

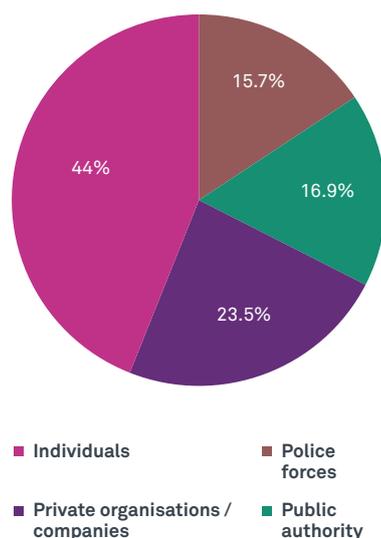
Table 6. Who is discriminated against on the grounds of racism and xenophobia?

Racism and xenophobia	163
North Africans or Arabs	46
People from Latin America / native features	32
Black people	29
Ethnic Roma people	15
People from South-East Asia	12
Other	4
Not specified	25

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Chart 10. Who discriminates on the grounds of racism and xenophobia?





If we look at the comparison between who discriminates on the grounds of racism and xenophobia for 2019 and 2020, shown in Chart 11, we can see a 7% rise in the number of individual cases and a 10% drop in the number of private organisations and companies, the same as happens with the general figures on discriminators (Section 4.4), “Who discriminates?”). Nevertheless, we find the most pronounced trend in cases committed by **the public authority**, which represented 18% in 2018, dropped to 8% in 2019 and went back up to 17% in 2020. These cases of discrimination were predominantly committed by people working in the sphere of **public transport**.

Table 7 shows a comparison between the areas where cases of racist and xenophobic discrimination were recorded by organisations assisting victims of discrimination and by the OND in 2019 and 2020. The figures show a drop in number of cases of discrimination in **streets, parks, squares and on beaches**, from 26% to 20%, despite remaining one of the key spaces for this ground of discrimination, with 32 cases, and there was a slight increase in number of situations occurring in **houses, flats and other dwellings**, from 20% in 2019 to 27% in 2020, and in **organisations and companies**, which recorded 15%.

Chart 11. Who discriminates on the grounds of racism and xenophobia, 2019-2020?

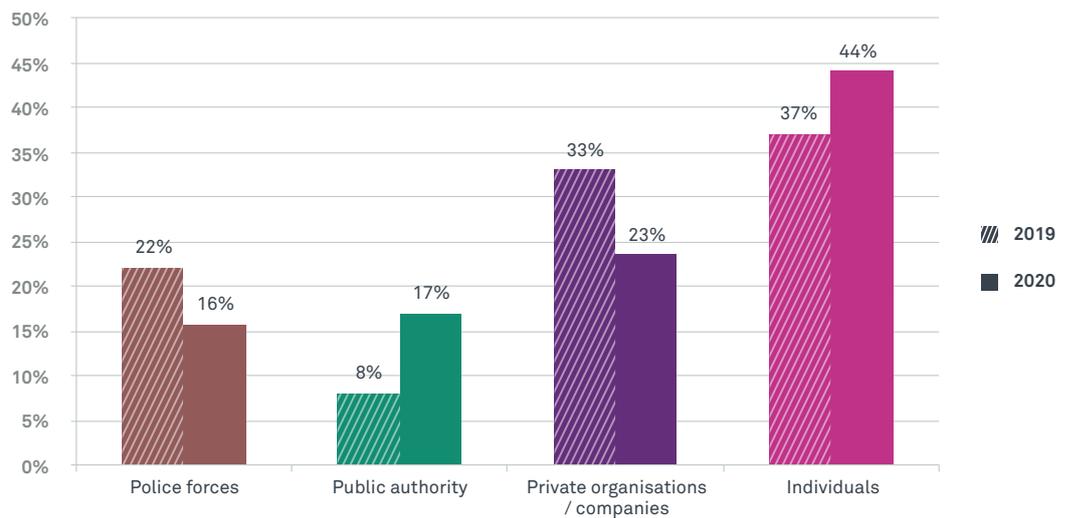




Table 7. Where does discrimination on the ground of racism and xenophobia occur, 2019-2020?

	2019		2020	
	#	%	#	%
Public	74	47.4%	75	46%
Streets, parks, squares, beaches	40	25.6%	32	19.6%
Public facilities	33	21.2%	41	25.2%
Transport stations or means of transport	17		18	
Hospitals	2		6	
Police premises	2		4	
Citizen help and information offices and courts	4		3	
Schools	2		3	
Hostels or shelters	1		3	
Sport, cultural and social centres	0		1	
Libraries, museums and exhibition venues	2		0	
CIE (alien internment centres)	2		0	
The media	1		0	
Other	0		3	
Online and telephone services	1	0.6%	1	0.6%
Not specified	0	0%	1	0.6%
Private	77	49.4%	83	50.9%
Private facilities for public access	32	20.5%	25	15.3%
Shops	6		8	
Assistance and service offices	1		3	
Markets	1		2	
Restaurants and bars	15		1	
Hotels, hostels and shelters	2		1	
Transport stations	0		1	
Leisure centres	3		0	
Other	3		9	
Private facilities where access is subject to prerequisites	40	26.3%	53	32.5%
Houses, flats and other dwellings	20		27	
Companies and organisations	11		15	
The media	4		5	
Schools, hospitals and sports centres	0		1	
Leisure centres	2		0	
Concert halls, conference centres and pavilions	1		0	
Assemblies	1		0	
Other	1		1	
Not specified	0		4	
Online and telephone services	2	1.3%	3	1.8%
Not specified	2	1.3%	2	1.2%
Other	5	3.2%	5	3.1%
Total	154	100%	163	100%



SAVD Board organisations working in the field of racist and xenophobic discrimination point out that requests during the state of emergency centred on two specific areas: action by the police forces and the situations arising in **residents' communities**. The situation can be explained specifically by the state of lockdown, where people were confined to their homes.

SOS Racisme, through its report “**Invisibles. The state of racism in Catalonia in 2020**”,¹⁸ warns of an increase in number of cases of police abuse and **ethnic profiling** during the state of emergency, as well as on the militarisation of public spaces. The problem, which goes back a long way and is deeply rooted in the structural racism that affects institutions, specifically, the police forces, has also been reported by other SAVD Board organisations, including **Irdia, FSG, Bayt al-Thaqafa** and **ACATHI**, which argue that the discriminatory practices also affect people from the LGBTI collective and, more specifically, trans people of diverse origins, who are also stopped on the ground of their **gender expression**.

The report “**Under suspicion. The impact of discriminatory policing in Spain**”,¹⁹ by *Open Society Foundations* and *Rights International Spain*, looks specifically at the impact of discriminatory policing in Spain and affirms that, for those targeted, “ethnic profiling sends a clear message **that you are not the norm, you are not safe, and you need to be controlled**”.

The health crisis comes on top of previous ones, such as the terrorist, economic and climate crises. These increase existing inequalities and provide fertile ground for **hate speech** which convert people perceived as foreigners into a threat. At the same time, linking citizen safety to **social control** is a dangerous logic that leads to clear manifestations of racism.



SITUATION OF DISCRIMINATION:

Racism and xenophobia

Since the start of the health and social crisis, a social group has been distributing food among socially excluded young people without financial resources, in the Casc Antic area. Members of the group were doing their regular tasks with three young people of Moroccan origin who had come over to collect food, when a police patrol stopped them and asked for their IDs. Three members of the group were present during the police intervention but the police officers were only interested in the three youths of Moroccan origin. When the youths asked the police officers what had led them to identify people in a vulnerable situation, precisely when they were satisfying a basic need such as food, one of the officers justified their action stating that “this is the profile of people who commit the most crimes”. The youths reported the case to the Assistance and Reporting Service at **SOS Racisme**.

¹⁸ www.sosracisme.org/wp-content/uploads/2021/03/Invisibles-2020-digital_compressed.pdf

¹⁹ rightsinternationalspain.org/uploads/publicacion/1965aea9b1460b14f2afe5f0c9a17e1b90f0f689.pdf



Antigypsism in Barcelona

The report “**Discriminació i poble gitano a la ciutat de Barcelona**” [Discrimination and the Roma community in the city of Barcelona],²⁰ published by the **Secretariat Gitano Foundation** and the **OND** features the main cases of discrimination suffered by Roma people in the city, depending on the area they occur in. The following stand out:

- **Employment.** The refusal of companies to hire a Roma person is still frequent and openly declared on many occasions. In other cases, despite meeting the requirements stipulated in the job offers and even after they have started work satisfactorily, when the companies become aware of the worker's ethnicity they decide not to start or continue their employment relationship with that person and confirm that the job will be covered by someone else or is no longer needed. Once a person has overcome the obstacles to entering the labour market, they may also face **harassment at work**: racist comments against Roma people, derogatory treatment, demotion to work beneath their professional category and so on.
- **Housing.** Roma people encounter huge difficulties when it comes to renting properties, whether on the free market or through estate agents. Discrimination usually occurs in an underhand way, without the owners recognising the racist grounds of their acts. They assert that the property already has tenants or that they have decided not to rent it out any more. There are also numerous cases, especially serious, where local residents groups have been organised to demand the expulsion of Roma residents or prevent their relocation or establishment, sometimes supported by the public authorities. Requirements for accessing financial aid for purchasing owned dwellings could also represent a form of indirect discrimination, as they often provide for the need to provide evidence of formal work, statements on income or having a certain indebtedness capacity, conditions that do not correspond with the reality of many Roma families who carry out informal activities.
- **Education. Segregation and concentration of Roma students** in certain schools or special classes is a discriminatory practice that leads to lower quality education and fewer resources, which increases the risk of marginalisation and the creation of ghettos. On the other hand, some educational rules and practices may implicitly lead to indirect discrimination. For example, there is an **omission of the Roma reality and Roma culture** in educational materials, educational curricula and text books, while an explicitly negative image of this community is also conveyed. In addition, there are prejudices and stereotypes among some education professionals, which are manifested in their unequal treatment towards Roma students.
- **Health.** The public health services have failed to adapt sufficiently to Roma reality, especially in their cultural habits regarding health, illness and death. Second, there are numerous obstacles to accessing and, above all, making effective use of the public health services, where unequal and unjustified treatment may exist, as well as an insufficient transmission of information and user rights. **Prejudices and stereotypes**, often mutual, cause a reaction of self-defence and mistrust that seriously distorts the relationship between health workers and patients.

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²⁰ For further information, see: ajuntament.barcelona.cat/dretsidiversitat/sites/default/files/INFORME%20DISCRIMINACI%C3%93%20I%20COMUNITAT%20GITANA%20%20AJ%20BCN.pdf



- **Assets and services.** Numerous establishments, restaurants and discos continue preventing Roma access, a refusal which sometimes also implies violation of the victim's right to honour and dignity. At other times, the racist ground is disguised with an apparently objective and reasonable justification, such as the persons affected not being suitably dressed, having drunk too much or causing too much disturbance. Discrimination also frequently manifests itself in **unequal, humiliating and degrading treatment**, close to harassment, such as subjecting Roma consumers to continuous surveillance when they enter an establishment, preventing their access to changing rooms and only allowing them to use a changing room one at a time.
- **Justice.** Structural discriminatory dynamics occur within the area of justice and safeguarding of rights that lead to a small number of convictions for discrimination and the almost anecdotal application of **aggravation on the grounds of racism established in the Penal Code**. In addition to that, there is also evidence of the existence of social prejudices in the justice system, which could lead to discriminatory practices, as apparently demonstrated by the fact that Roma people are over-represented in prisons and are usually convicted more frequently with longer prison sentences than non-Roma people in similar circumstances.
- **The media.** The media continue to stigmatise the entire Roma population, and give them prominence and excessive importance in isolated or extraordinary cases hardly representative of the situation of most Roma people (focus of shanties, shantytowns, drug trafficking, robberies, violence and so on). On the other hand, there is considerable ignorance regarding Roma reality and an abundance of positive stereotypes (joie de vivre, the world of flamenco etc.) which, alongside the negative ones already mentioned, distort the true image of the entire community. Finally, **repeated mention of the ethnicity of the people involved in criminal acts** has a very serious negative effect on the social image of Roma people.

SITUATION OF DISCRIMINATION:

Antigypsyism



A Roma couple went to a police station to report the woman's handbag had been stolen with all her belongings inside (phone, documents, health card, Social Services food card, etc.). When the police officers arrived, they refused to fill in the report form unless the woman first provided the purchase receipt for her phone. The young woman had to go to the police station as many as three times, the third time accompanied by a worker from the **Secretariat Gitano Foundation (FSG)**, so that the police would take her report. The FSG provided counselling throughout the process and sent a report to the Ombudsman and Directorate-General of the Police, who denied the claims. The Catalan Ombudsman opened an investigation into the facts and finally made an advisory ruling for the corresponding police station.



4.6.2. Religion

Closely linked to discrimination on the grounds of racism and xenophobia are **Islamophobic** practices which, in 2020, as pointed out by the organisation **Bayt al-Thaqafa**, were mainly aimed at women in **the area of employment** and at men in **the area of access to housing**, in a health-crisis context where numerous people have lost their work and many young people and adults need to live somewhere because of the lockdown.

Discrimination on the **grounds of religion** amounted to **32** cases in 2020, **7.3%** of the total and more than twice the 2019 figure of 14 cases. We can also see a clear predominance in discrimination linked to **Islamophobia**, with **28** cases, compared to 2 cases of **anti-Semitism** and one case linked to **Christianophobia**.

If we focus on the link to discrimination on the grounds of religion and also **racism and xenophobia**, we find that in **84%** of the situations both grounds were linked; this link was especially important in cases of Islamophobia, which were the overwhelming majority of those recorded on the ground of religion by the OND and the SAVD Board of Organisations, as shown in Table 8.

It is in this context that we talk of **anti-Muslim** racism, which is how it is defined in the **2019 European Islamophobia Report**,²¹ which understands Islamophobia as a series of discriminatory practices “of a dominant group of people aiming at seizing, stabilising and widening their power by means of defining a scapegoat – real or invented – and excluding this scapegoat from resources/

Table 8. Who is discriminated against on religious grounds?

Religion	32
Islamophobia	28
Anti-Semitism	2
Christianophobia	1
Other	1

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SITUATION OF DISCRIMINATION

Islamophobia



A girl wants to enrol on a chambermaid course at a tourism training centre but she is told that to do it, she will have to take off her hijab because the hotel where students do their internship does not accept women with veils. The girl refuses to enrol on the training course because she is not willing to take off her veil to go on the course. Later she contacts the **Bayt al-Thaqafa** Foundation, which then contacts the training centre to confirm the information and carry out the corresponding mediation. The organisation raises the possibility with the school's representative of terminating its collaboration agreement with the hotel, in view of the latter's discriminatory practices towards Muslim women. But the school's response is that in no way will it consider cancelling its collaboration agreements with that hotel, and much less for that reason. The girl finally opts to enrol at another school that has no problem with her wearing the hijab.

²¹ www.islamophobiaeurope.com/wp-content/uploads/2020/06/EIR_2019.pdf



rights/definition of a constructed ‘we’”. Likewise, according to the European Islamophobia Report, “Islamophobia operates by constructing a static ‘Muslim’ identity, which is attributed in negative terms and generalised for all Muslims. At the same time, Islamophobic images are fluid and vary in different contexts, because Islamophobia tells us more about the Islamophobe than it tells us about the Muslims/Islam”.

Chart 12 shows that, in 78% of cases, discriminators were **individuals (53%)** and private organisations and companies (25%), and that, as regards the spaces where such situations occurred (Table 9), it was predominantly in private areas, the majority of which being in **houses, flats and other dwellings (7)**.²²

Chart 12. Who discriminates on the ground of religion?

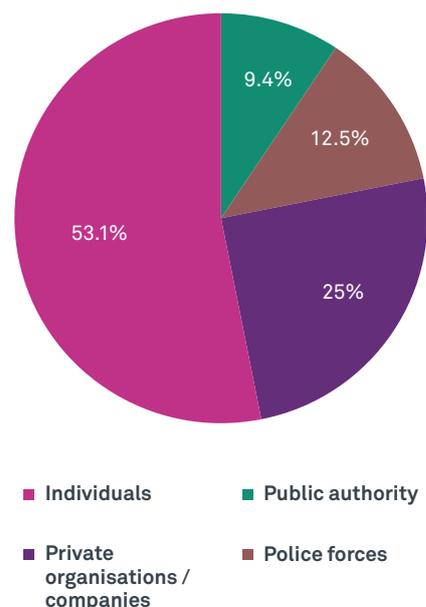


Table 9. Where does discrimination on religious grounds occur?²³

		2020	
		#	%
Public		12	37.5%
	Streets, parks, squares, beaches	7	21.9%
	Public facilities	5	15.6%
	Hostels or shelters	2	
	Hospitals	1	
	Transport stations	1	
	Police premises	1	
Private		15	47%
	Private facilities for public access	5	15.6%
	Private facilities where access is subject to prerequisites	10	31.3%
	Houses, flats and other dwellings	7	
	Companies and organisations	2	
Schools, hospitals and sports centres	1		
Other		5	15.6%
Total		32	100%

²² The low number of cases recorded on the ground of religion makes it difficult to carry out an in-depth analysis of some of the trends appearing in the charts.

²³ Table 9 does not feature a comparison with 2019 because the previous year’s report did not include enough cases to enable the data to be analysed.



4.6.3. LGBTI-phobia

We understand discrimination on the ground of **sexual orientation** as discrimination against gay, lesbian and bisexual people. On the other hand, discrimination on the ground of **gender identity** is discrimination against trans and intersex people and when we talk of *discrimination associated with gender expression* we are referring to people associated with these groups, even when they are not part of them. Individuals belonging to the **LGBTI** collective distance themselves from what we consider *heteronormativity*, which refers to a society where being heterosexual is considered “normal” and certain roles are assigned according to biological sex, which determine that any behaviour or identity that deviates from this “normality” may be subject to discrimination. This report describes it as part of the phenomenon of **LGBTI-phobia**.

According to data collected this year (Table 10), **homophobia** (hatred or rejection of gay people) was the main ground of discrimination covered by the phenomenon of LGBTI-phobia, or at least the most reported one, with **74** cases. Second came **transphobia**, or discrimination against trans people, which was reported in **18** situations. There were 7 cases of **lesbophobia**, or discrimination against lesbian people, and **14** situations of discrimination against the **LGBTI collective** in general.

If we look at **who discriminates** against this collective (Chart 13), we can see that, compared to 2019, there has been an increased proportion of cases of discrimination committed by **individuals**, up from 73% to **84%**, who now make up the main discriminators in cases of LGBTI-phobia, as shown in Chart 14.

Table 10. Who is discriminated against on the ground of LGBTI-phobia?

LGBTI-phobia	115
Homophobia	74
Transphobia	18
LGBTI-phobia	14
Lesbophobia	7
Other	2

Chart 13. Who discriminates on the ground of LGBTI-phobia





Chart 14. Who discriminates on the ground of LGBTI-phobia, 2019-2020?

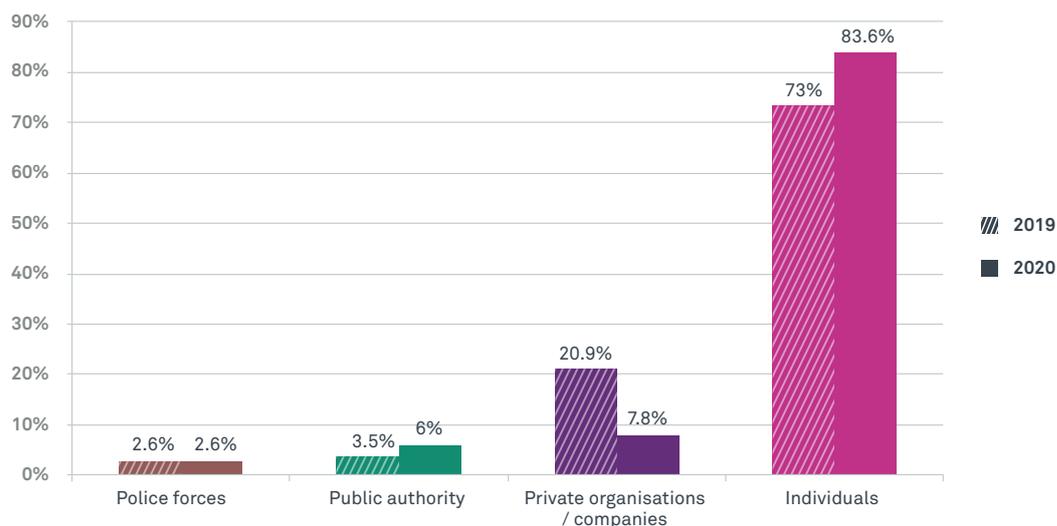


Table 11 shows where discrimination takes place against the LGBTI collective, allocating first place to **streets, parks, squares and beaches (41 cases)** as the main focus of the reported situations, the same in 2019. By contrast, we see a drop in perceived discrimination in the area of **public transport**, although it remains an important focus of discrimination among this collective, with **10** situations recorded. But the main changes from the previous year had to do with discrimination in **houses, flats and other dwellings**, up from 9 to **23** reported cases, circumstances strongly linked to the context of the pandemic.



Table 11. Where does discrimination on the ground of LGBTI-phobia occur, 2019-2020?

	2019		2020	
	#	%	#	%
Public	62	53.4%	61	53%
Streets, parks, squares, beaches	40	34.5%	41	35.7%
Public facilities	22	19%	20	17%
Transport stations or means of transport	14		10	
Hospitals	2		1	
Citizen help and information offices and courts	1		3	
Schools	1		3	
Police premises	2		1	
Sport, cultural and social centres	1		0	
Other	1		2	
Online and telephone services	0	0%	0	0%
Private	53	45.7%	47	40.9%
Private facilities for public access	27	23.3%	13	11.3%
Restaurants and bars	9		5	
Leisure centres	8		0	
Shops	2		3	
Assistance and service offices	1		1	
Hotels, hostels and shelters	3		0	
Markets	0		2	
Other	4		2	
Private facilities where access is subject to prerequisites	25	21.6%	30	26%
Houses, flats and other dwellings	9		23	
Companies and organisations	6		1	
Schools, hospitals and sports centres	6		4	
The media	2		0	
Leisure centres	1		0	
Other	1		1	
Not specified	0		1	
Online and telephone services	1	0.9%	4	3.5%
Not specified	0		4	3.5%
Other	1	0.9%	3	2.6%
Total	116	100%	115	100%



SITUATION OF DISCRIMINATION:

Homophobia



Three men have been sharing a flat in Barcelona's Sant Antoni neighbourhood since 2015. In 2017, a man moved to the property with his partner and their son and, from then on, he repeatedly insulted, threatened and attempted to assault the three men physically, constantly referring to their sexual orientation. The most serious episode took place in 2020, when he approached the men's door, shouting insults and threats, and banging on the door while calling on them to leave the building. Given the seriousness of the situation, one of the men asked for legal advice from the **Barcelona LGBTI Centre** and the **Observatory Against Homophobia (OCH)**. The legal team's assessment is the facts could constitute an offence of threatening behaviour and one of hate crime, under Articles 169(2) and 510 of the Penal Code. The OCH then informed the **Office for Non-Discrimination** of the case, the latter met the individual making the complaint and concluded that, given the case and the circumstances, lodging a formal complaint would be more appropriate than mediation. Finally, two of the men sharing the flat lodged a formal complaint regarding the most recent episode. At the same time, counselling was offered to the persons affected, since they showed signs of distress as a result of their situation.

Neighbour harassment was one of the main problems reported by organisations and services working to defend LGBTI people's rights in 2020. It had already occurred in previous years but has been exacerbated in the context of the pandemic and lockdown. One of the notable challenges in this sphere is the **difficulty in demonstrating facts** taking place in private spheres, where it is hard to find direct witnesses or documentary evidence of the harassment in question. When evidence is available, in most cases this is because someone has suffered a serious injury documented by the corresponding medical report. Organisations working in the area of defending the rights of LGBTI people, such as **the OCH**, maintain that there should not be a need for anyone to wait for a serious and explicit assault to occur for them to be able to report the situation of LGBTI-phobic harassment.

If we look specifically at discrimination against **trans people** (18 cases reported), housing remained one of the most problematic areas in 2020. Organisations such as **ACATHI** raised awareness of the special features affecting this especially vulnerabilised collective, who in most cases were unable to access an entire rented flat, only rooms within shared dwellings, where they were often subject to **abusive conditions** and **prejudices** because of their identity and gender expression, making not just access to a decent dwelling but also living with others in the dwelling difficult for them.



With regard to the reports and complaints procedure, people assisted by organisations and services working in this area of discrimination expressed their dissatisfaction with **the assistance received from the police forces**, saying they usually underrate the importance of LGBTI-phobic situations and advise complainants not to exercise their legitimate right, believing complaints against such situations to have little possibility of success. It is worth noting that the Catalan police – the Mossos d’Esquadra – have a **specialist service** for assisting people who have suffered situations compatible with hate and discrimination crimes, including those of an LGBTI-phobic nature, but in practice not all complaints and reports are channelled through this service.

SITUATION OF DISCRIMINATION:

Transphobia



A person went to a police station to report a theft; the officer initially dealing with her referred to her by the name and gender she identified with, but when she was referred to a second officer to continue with the report procedures, the latter referred to her by the name and gender that appeared on her national ID (male), despite her having asked the officer several times not to do that. In view of this situation, the police officer called two more officers into the room and led them to understand that they were dealing with a conflictive person. The victim left the police station without making the report and contacted **ACATHI** to lodge a complaint against the discrimination she had experienced. ACATHI requested support from the police force’s local victim-assistance unit, which specialises in assisting people from the LGBTI collective. The victim was thus able to receive the treatment she deserved and finally managed to report the theft.



New municipal protocol against LGBTI-phobia

Coinciding with International Day against Homophobia and Transphobia, the **Protocol for actions against situations of LGBTI-phobia discrimination**,²⁴ was presented on 17 May 2020 with the aim of tackling situations of discrimination or violence against LGBTI individuals on the grounds of sexual orientation and gender identity or expression in the city.

The new protocol strengthens the tools for fighting LGBTI-phobia in the city and widens the collaboration between the services and organisations linked to defending LGBTI individuals. It describes in detail the assistance, support, analysis and advice mechanisms, so that anyone suffering or who has suffered situations of LGBTI-phobic discrimination and assaults in Barcelona or resides in the city can overcome them and reverse the harm and personal, employment, family and social consequences they have suffered.

The protocol is the result of networking by the **OND**, **OCH** and **Barcelona LGBTI Centre**, all three being members of the coordination board monitoring cases of LGBTI-phobia, inviting other active associations and groups to take part in detecting LGBTI-phobic situations and in assisting and accompanying LGBTI individuals. The coordination board works to provide individuals at the receiving end of LGBTI-phobia with all the mechanisms for action, whether through criminal or administrative complaints and

reports or with counselling, support, educational or mediation tools.

If any of the municipal services or organisations detects or is aware of a case of assault or harassment, **it should activate the following circuit:**

- If it is a high-risk or urgent situation, the necessary emergency resources, especially the healthcare ones, must be activated. There may be a requirement for intervention by the police, such as the *Guàrdia Urbana* or *Mossos d'Esquadra*, respectively the city and regional forces, or social services, such as the *Barcelona Social Emergencies Centre (CUESB)*.
- In all cases, and provided the person affected consents, specific assistance will be offered to assess which of the protocol's resources needs to be activated in each specific situation.

This protocol also helps to prevent the secondary re-victimisation of the individuals affected by a LGBTI-phobic situation. Coordination of information between officers is the key to effective and pragmatic assistance, as it puts the available resources at the victim's disposal, bearing in mind the contexts and case histories surrounding the discriminatory situation.

²⁴ For further information, see: ajuntament.barcelona.cat/dretssocials/sites/default/files/arxius-documents/protocol_lgtbifobia.pdf



4.6.4. Disability

Disability is a situation resulting from the interaction between people with foreseeably permanent impairments and any type of barriers that limit or prevent their full and effective participation in society, on equal terms with all others.²⁵ According to the latest available data, there were **151.846²⁶ individuals with some recognised degree of disability** living in Barcelona in 2020. Discrimination on the ground of disability is also recognised by the term **ableism**.

We can see that, out of the 52 cases recorded in 2020, **85%** referred to discrimination on the ground of **physical disability**.²⁷ The main discriminator in cases of disability is **the public authority** (Chart 15), with a 5.7% rise, adding up to **49% of the cases**. Chart 16 shows that 2020 saw a downward trend in cases of discrimination involving **private organisations and companies**, the second most-common discriminator with **26%** of all cases, and a rise in number of situations caused by **individuals**, up from 13% to **21%** on the previous year (2019).

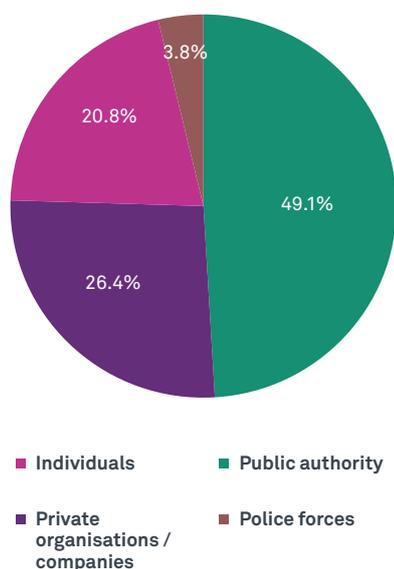
Table 12. Who is discriminated against on the ground of disability?

Disability	52
Physical	44
Multiple disabilities	3
Intellectual	1
Visual	1
Not specified	3

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Chart 15. Who discriminates on the ground of disability?



²⁵ The definition of *disability* that appears in Royal Legislative Decree 1/2013, of 29 November, approving the consolidated text of the General Act on rights of individuals with a disability and their social inclusion.

²⁶ According to data from the Catalan Ministry of Employment, Social Affairs and Families.

²⁷ According to data from the Catalan Ministry of Employment, Social Affairs and Families, the number of people with a physical disability assessed in Barcelona came to 88,129 in 2020, representing 5.3% of the city's population.



Chart 16. Who discriminates on the ground of disability, 2019-2020?

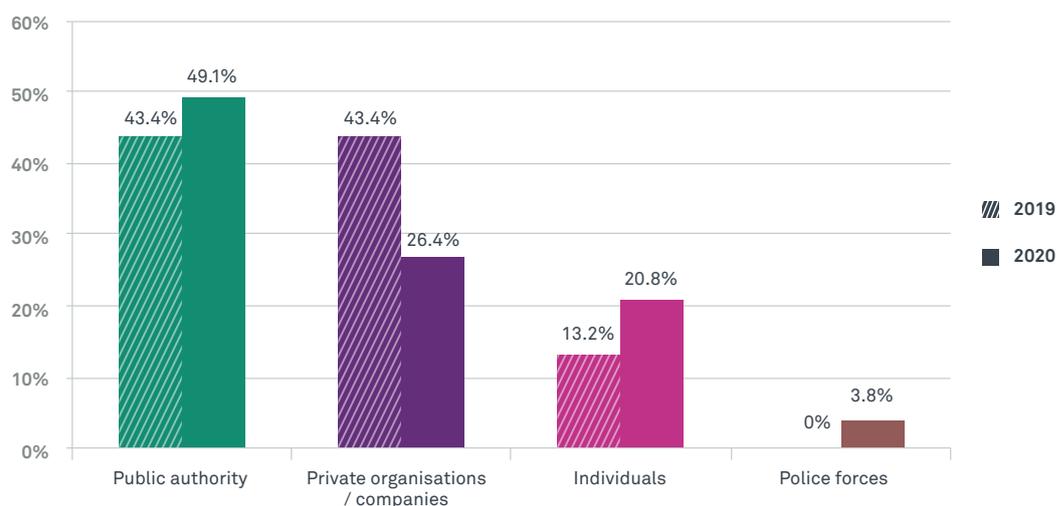


Table 13 provides detailed data on where discrimination takes place on the ground of disability in Barcelona, according to information gathered by the OND and the SAVD Board's organisations working in the field of rights of people with disabilities. If we compare these data with those collected in 2019, we can see a 20% increase in the number of situations in public spaces reported, up from 2% to 22%. By contrast, the number of cases of discrimination gathered in the area of **public transport** dropped from 10 cases in 2019 to 1 in 2020, a change directly linked to the mobility restrictions imposed as a result of the pandemic. The number of cases of discrimination relating to **houses, flats and other dwellings** remained practically the same, with 13 recorded cases.

Organisations working with people with disabilities complain these groups have been invisible during the pandemic. The results of a **survey** done with 212 users

of **ECOM**, an organisation specialising in the defence of the rights of individuals with physical disabilities, show that **87%** believe the protocols designed by the authorities to manage the state of emergency and combat the pandemic **have failed to take account of the reality and needs of people with disabilities**.

Many people with disabilities need support from another person to carry out their everyday activities. However, some home- or personal-assistance services have seen their hours reduced or cancelled, despite the fact that, paradoxically, people have spent more hours confined to their homes. Accordingly, **74%** believe that the authorities have failed to provide specific measures to ensure the **right to personal independence** of people with disabilities.



Table 13. Where does discrimination on the ground of disability occur, 2019-2020?

	2019		2020	
	#	%	#	%
Public	19	36.5%	20	38.5%
Streets, parks, squares, beaches	1	1.9%	11	21.2%
Public facilities	18	34.6%	9	17.3%
Citizen help and information offices and courts	0		4	
Transport stations or means of transport	10		1	
Hospitals	2		1	
Schools	3		0	
Concert halls and conference centres	1		0	
Hostels or shelters	1		0	
Other	1		3	
Private	32	61.5%	26	50%
Private facilities for public access	12	23.1%	9	17.3%
Shops	0		3	
Restaurants and bars	1		2	
Assistance and service offices	3		1	
Hotels, hostels and shelters	2		1	
Leisure centres	1		0	
Museums and exhibition venues	1		0	
Transport stations	2		0	
Other	2		2	
Private facilities where access is subject to prerequisites	20	38.5%	17	32.7%
Houses, flats and other dwellings	12		13	
Schools, hospitals and sports centres	3		2	
Companies and organisations	1		1	
Not specified	0		1	
Other	4		0	
Not specified	0		1	1.9%
Other	1	1.9%	5	9.6%
Total	52	100%	52	100%



SITUATION OF DISCRIMINATION:

Physical disability

A man was in the process of renting a dwelling in Barcelona and, when he had already signed the pre-contract with the estate agent, the owner decided to cancel it on learning that the future tenant required the bath to be adapted and equipped with a support bar, despite the fact that the tenant was willing to bear the costs for this. This barrier is one of several to accessing a dwelling adapted to the needs of individuals with a disability, another being the fact that flat vacancies announced on housing and estate-agent platforms do not include the category of “adapted flats”. **ECOM** and the **Office for Non-Discrimination**, are supporting the person affected and providing them with legal advice. Among other things the OND has submitted a reasoned request for an inspection by the Barcelona Municipal Housing and Renovation Institute and the opening of disciplinary proceedings, as well as coordination of the case with the **Municipal Institute of Persons with Disabilities**.

Nor has it been taken into account that people with disabilities are a **risk group**, as in many cases they suffer other health problems associated with disability and are also exposed to a higher risk of infection given that many are unable to maintain safety distances. In fact, organisations working with people with disabilities have denounced the lack of prioritisation in the Covid-19 detection and vaccination protocols.

Finally, the increase in household expenses associated with the mobility restrictions and lockdown have an impact on the **financial harm** that people with disabilities in Barcelona already suffer. According to the latest study (2019), people with disabilities and their families are forced to make an extra financial effort of between 17,000 and 41,200 euros a year to maintain the standards of living of their immediate environment. Thus **84%** of the people surveyed believe that the authorities have failed to provide them with **sufficient financial help and benefits** to meet the needs created by this situation.



Discrimination towards people with intellectual disabilities during the pandemic

The World Health Organisation (WHO) and the United Nations have warned that **people with learning disabilities** are more likely to become infected and develop more serious cases of Covid-19. The **Ruling from the Catalan Ombudsman on Case AO 00063/2020, on the guarantee of the rights of persons with disabilities and the measures adopted for tackling the Covid-19 pandemic in Catalonia**,²⁸ calls on the authorities to comply with the WHO's considerations for guaranteeing that persons with disabilities can exercise their rights, and for ensuring they are not subject to any discrimination, whether by action or by omission.

Dincat, a member organisation of the SAVD Board working to safeguard the rights of people with intellectual disabilities, reported cases of discrimination under four key headings:

- **Special-needs schools:** when schools were closed, all the teachers continued their educational work remotely. Programmes, teaching and assessments were adapted and attempts were made to ensure every student had a computer and internet connection at hand. But there were students with special educational needs who were unable to follow this remote-learning model and the education ministry failed to offer them any alternative to continue their learning.
- **Residential resources:** the protocols and measures approved by the authorities have been much more restrictive and limiting in the case of residential services. The protocols have not been adapted to the reality of the services, adopting the same criteria and conditions for all without taking into account the needs of the individuals, which could be very diverse, or the scale of the services. That has led to preventive lockdowns, limitations on excursions and visits much more restrictive than those for the general population.
- **Health services:** various discriminatory situations have been experienced in health care. One very serious example, still being studied as the report goes to press, is the case of a person with an intellectual disability presumably denied assisted ventilation on the ground of their disability, given the lack of health resources, and who died as a result of not receiving treatment.
- **Specific time slots for walks:** the establishment of a specific time slot for people with intellectual disabilities during lockdown exit is regarded as discriminatory, according to Dincat. While the rest of the population could go outdoors depending on their age, people with learning disabilities had to do this at a specific time, determined solely by their disability.

²⁸ For further information, see: [www.sindic.cat/site/unitFiles/6991/APP%20coronavirus-discapacitat%20\(3\)-rev.pdf](http://www.sindic.cat/site/unitFiles/6991/APP%20coronavirus-discapacitat%20(3)-rev.pdf)



4.6.5. Language

In the sphere of **language discrimination**, **private organisations or companies** are still the main discriminator, their percentage rising from 64% in 2019 to **71%** in 2020, while **public authorities** remain in second place with **25%** of cases (Chart 17). As far as where language discrimination occurs (Table 14), there was a drop in number of cases in **bars and restaurants** (from 10 to **4**), circumstances directly linked to the restrictions caused by the pandemic, while the number of situations in **shops and markets** rose (from 0 to 12).

Discrimination on the ground of language often leads to degrading treatment in the form of verbal violence, as well as differential treatment in the provision of services or access to information. As pointed out by the **Pro-Language Platform**, which works in the field of promoting and defending the **Catalan language**, a pronounced rise in language discrimination was detected in various spheres, including **work**. There have been situations where using the Catalan language has resulted in a restriction of the job duties performed (for example, not allowing communication with people, clients or other members of the workforce from certain geographical areas) or even led to the Catalan speaker in question not being hired.

Chart 17. Who discriminates on the ground of language?

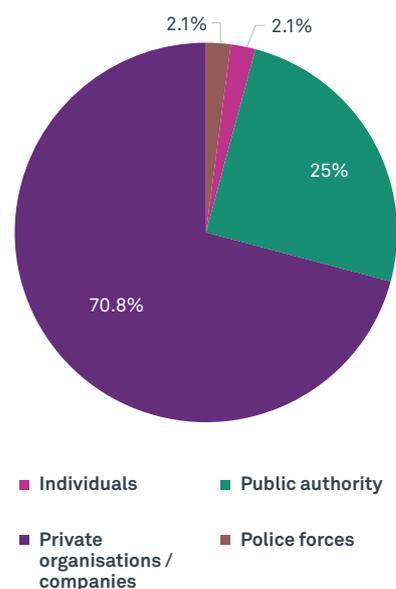




Table 14. Where does discrimination on the ground of language occur?

	2019		2020	
	#	%	#	%
Public	15	33.3%	14	29.8%
Streets, parks, squares, beaches	4	8.9%	4	8.5%
Public facilities	11	24.4%	8	17%
Citizen help and information offices and courts	4		3	
Transport stations or means of transport	1		1	
Hospitals	1		1	
Schools	1		1	
Police premises	0		1	
Other	4		1	
Online and telephone services	0	0%	2	4.3%
Private	27	60%	33	70.2%
Private facilities for public access	13	28.9%	18	38.3%
Shops	0		7	
Markets	0		5	
Restaurants and bars	10		4	
Transport stations	0		1	
Assistance and service offices	0		1	
Leisure centres	2		0	
Hotels, hostels and shelters	1		0	
Private facilities where access is subject to prerequisites	4	8.9%	7	14.9%
Schools, hospitals and sports centres	2		3	
Houses, flats and other dwellings	0		2	
Companies and organisations	1		1	
Concert halls, conference centres and pavilions	1		0	
Not specified	0		1	
Online and telephone services	10	22.2%	7	14.9%
Other	3	6.7%	0	0%
Total	45	100%	47	100%



SITUATION OF DISCRIMINATION:

Language

On entering some facilities belonging to the Catalan public authority in Barcelona, a visitor came across a security guard in charge of access to the site. When the visitor addressed the security guard in Catalan, the latter became agitated and insulted the victim because, according to his words, he did not want to be spoken to in Catalan, and denied the visitor access to the public facilities until they changed language. Given this situation and the shouts and insults from the assailant, internal staff intervened to calm the assailant down and allow the victim access to the facilities. The victim reported the case to the **Pro-Language Platform**, which subsequently discovered that this was not the first time that the assailant had acted this way, as he has a habit of discriminating against and insulting anyone who addresses them in Catalan. The Platform then proceeded to make a report the circumstances through administrative channels and to the security company. In the end, it managed to have the security guard relieved of his duties.

On the other hand, according to the report by the Pro-Language Platform, the language discrimination suffered by Catalan speakers continues without any **explicit official recognition** from some authorities that accept or normalise the imposition of Spanish as the language of communication. This situation complicates most administrative mediation and report processes.

In this regard, it is important to highlight the approval of the **Human Rights Plan. General statuses of rights**,²⁹ prepared by the Catalan Human Rights Structure (EDHC), which assesses the status of human rights in Catalonia and offers proposals and recommendations to public authorities to guarantee them. The plan dedicates a section to the language rights of Catalan speakers and

reinforces effective compliance with the commitments of the European Charter for Regional or Minority Languages in the General State Administration and Spanish Judicial Authorities, by implementing language training among their staff, from legislative reforms to training programmes and studies on language uses.

In addition, the Plan features proposals for strengthening language policies aimed at migrants, to expand knowledge of official languages, with an intercultural approach promoting social cohesion. Finally, the document emphasises the need for guaranteeing the right of language choice in consumer relations, the promotion of the Catalan language in professional activities and collective bargaining agreements.

²⁹ For further information, see: www.sindic.cat/site/unitFiles/6771/Pla%20drets%20humans%20de%20Catalunya_EDHC_cat.pdf



4.6.6. Health

According to the WHO, “Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”. There has been a change in trend in 2020³⁰ regarding discriminators in the field of health: while most cases of discrimination in 2019 were committed by the public authorities (44%), this year has seen **private organisations and companies** predominate, in almost **70%** of the situations, as can be seen in Charts 18 and 19. One of the main problems reported in the area of private health has been discrimination relating to insurance companies, as explained below.

Chart 18. Who discriminates on the ground of health?

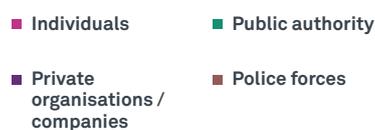
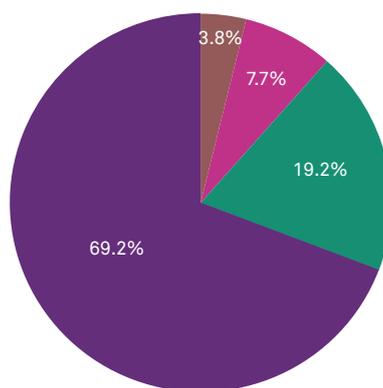
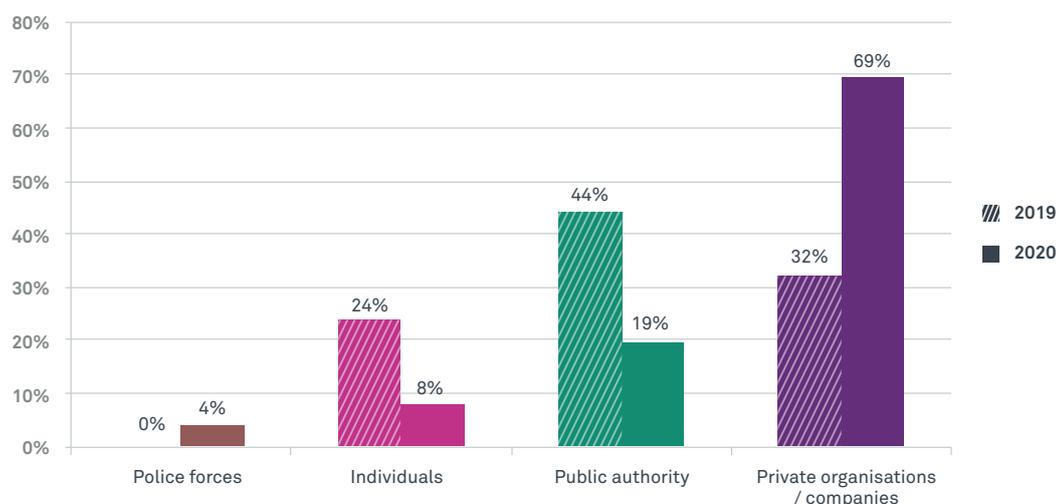


Chart 19. Who discriminates on the ground of health, 2019-2020?



³⁰ This trend is strongly linked to the extended gathering of quantitative data in the area of health, through organisations such as FSMC, Exil and Gais Positius, in addition to the cases contributed by the OND.



Table 15. Where does discrimination occur on the ground of health, 2019-2020?

	2019		2020	
	#	%	#	%
Public	13	50%	9	33.3%
Streets, parks, squares, beaches	2	7.7%	1	3.7%
Public facilities	11	42.3%	8	29.6%
Hospitals	10		5	
Hostels or shelters	0		1	
Libraries, museums and exhibition venues	0		1	
The media	1		0	
Other	0		1	
Private	9	34.6%	13	48.1%
Private facilities for public access	1	3.8%	4	14.8%
Shops	0		1	
Assistance and service offices	0		1	
Leisure centres	1		0	
Other	0		2	
Private facilities where access is subject to prerequisites	5	19.2%	9	33.3%
Companies and organisations	2		5	
Houses, flats and other dwellings	3		2	
Schools, hospitals and sports centres	0		1	
Other	0		1	
Other	4	15.4%	5	18.5%
Total	26	100%	27	100%

³¹ The low number of cases recorded on the ground of health makes it difficult to carry out an in-depth analysis of some of the trends appearing in the charts.



Table 15 shows the places where discrimination on the ground of the person's state of health was recorded in 2020. We can see that this has led to an increase in discrimination in the private sphere, at the expense of public spaces, down from 50% of cases in 2019 to 33.3% in 2020.³¹

Of all the cases of discrimination recorded in the area of health in 2020, as Table 16 shows, 27 (52%) occurred in the area of **mental health**, understood as the capacity for establishing harmonious relations with others and constructive participation in changes in the physical and social environment. Mental health, then, is the basis for the well-being and effective functioning of an individual and a community. The population's attitudes to health, in general, and to mental health, in particular, have been changing steadily, over time. Health has more recently been focused not just on the curative aspect but also on others such as the environment, risk factors, lifestyles, health education and everything else that contributes to the promotion and awareness of health and the prevention of disease. Also, everything that continues to prevent people with mental health problems from fully exercising their rights, such as discriminatory situations.

Table 16. Who is discriminated against on the ground of health?

Health	27
Mental	14
Serophobia	8
Other	5

The **FSMC**, maintains there had already been an increase in number of situations of discrimination in **the area of employment**, made all the worse by the situation created by the Covid-19 pandemic. This situation of a health emergency has posed a big challenge for the city's business fabric, which has had to adapt its functions to the requirements of the authorities, not just with regard to protection and safety (adapting spaces and processes, hygiene measures, limited capacities), but also the provision of services (intermittent closures, total or partial, redundancies (EROs) and temporary lay-offs (ERTOs) and so on).

People with mental health problems have suffered the full brunt of the pandemic, like the rest of the population, but with the added factor of a **worsening of their symptoms** (owing to distress, uncertainty, fear and greater vulnerability to catching the Covid-19 virus) and more difficulties in maintaining regular employment. On many occasions, the cases of discrimination recorded by the FSMC reflect a lack of sensitivity in work (and other) environments towards the added difficulties that people with mental health conditions suffer, leading to discriminatory attitudes and violations of their rights.

In addition, the **Veus Federation** continues to report discriminatory practices in hospitals, such as **admissions and involuntary medication** or the use of **physical restraint** in the area of mental health. In view of these practices, it is important to point out the work being carried out by the "**Contenció Zero**" [Zero Restraint] working group, set up in 2016 and made up of experts in the field of health and assistance from several hospital centres in Catalonia, to ensure



maximum quality of the health services through the implementation of a safe assistance practice that moves towards zero mechanical constraint.

Until this goal is achieved, the legal service at the **OND**, which is provided by the **Catalan Association for Safeguarding Human Rights**, and organisations working in the field of mental health, such as the **FSMC**, have been calling for the establishment of a **protocol**, on the part of the Catalan Ministry of Health and the Public Prosecutor's Office, to communicate these types of practices in hospitals, as is already the case in prisons and old people's homes. Another recommendation is for specific spaces to be established for restraining people that are provided with video-surveillance cameras and that medical supervision be carried out every hour. Finally, they have also called for work to be done on prevention and alternative measures leading towards the abolition of mechanical restraint such as iatrogenic practices.

Another phenomenon within discrimination on the ground of health is the discrimination suffered by people with **HIV/AIDS**, which we refer to here as **serophobia**. In this report **8** cases (29% of the total number of cases of discrimination on the ground of health) have been recorded, as shown in Table 16, although organisations working in this area point to the high rates of under-reporting detected among this group, given the stigma they still suffer today.

Discrimination in the area of serophobia in 2020 has been linked with the limitations to or difficulties people with HIV/AIDS have had in accessing **health services**, as denounced by organisations such as **Creación Positiva**, which has recorded numerous situations throughout the year where seropositive people were treated differently from other patients and where there was evidence of prejudices and a lack of real knowledge of risk situations linked to HIV/AIDS on the part of some professionals.

SITUATION OF DISCRIMINATION:

Mental health



A person with mental health problems was looking for a flat to rent and, as they were about to sign the lease, the estate agent insisted on knowing the reason for their receiving a pension and their diagnosis. Scared they would not get the flat if they said what it was, they decided to leave it. The **Catalan Mental Health Federation**, offered support and informed them of their rights, in particular their right to privacy which applied to this situation. They also offered them legal support should they wish to report the discrimination suffered, but the person affected opted not to do so, given the difficulties in producing evidence.



Gais Positius also highlight discrimination in the area of **insurance companies**, as already demonstrated in the 2019 report. More specifically in accessing private medical insurance, which continues to occur despite the legislative changes approved in 2018 under the General Act for the Defence of Consumers and Users, to eliminate clauses and conditions in contracts that discriminate against people with HIV, AIDS and other health conditions. Denial of access to insurance policies and other similar services, such as mutual insurance companies, can have numerous repercussions on people's daily lives and involve violations of rights in several areas of life. One of the most usual situations occurs when applying for a mortgage, given that banks require applicants to have a life assurance policy.

SITUATION OF DISCRIMINATION:

Serophobia



A woman makes an inquiry at a mutual health company to take out an insurance policy and, after consulting with **Creació positiva** and with Clínica Legal documents, decides to notify the company during the information consultation stage that she has HIV. The company's response is that because she has HIV her application would be refused. Another situation linked with health insurance, reported in this case by **Gais positius**, is that of a man who wants to take out health insurance and the company asks him for a viral load report from his HIV specialist. The user provides them with a medical report stating he has HIV but that it is undetectable, yet the company insists it needs a viral load report from his HIV specialist.



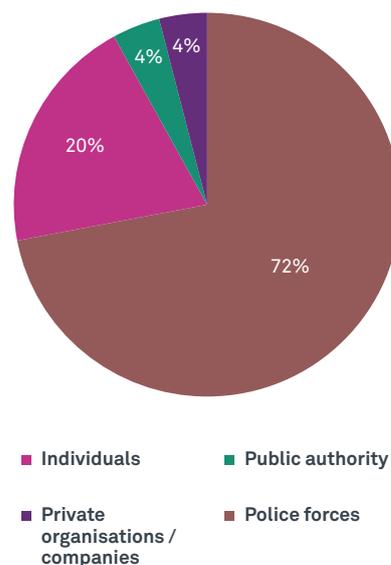
4.6.7. Aporophobia

👁️ **Aporophobia** is a phenomenon expressed through contempt, phobia, aversion, rejection or hatred towards poor people. There are **4,131 verified homeless people** in Barcelona: 921 sleep rough on the streets, 2,662 are lodged in public and private facilities, and 548 sleep in emergency facilities. We need to add the number of people sleeping in settlements to this figure. Although there are no up-to-date data available, the figure was 498 in 2019, according to municipal sources.³²

If we look at the main discriminators in this area (Chart 20), we can see a clear predominance of the **police forces**, who account for **72%** of the cases recorded in 2020 by organisations working in the field of **homelessness** and the OND.

👁️ This contrasts with the data collected in 2019, which showed a clear predominance of discrimination committed by private organisations or companies, which accounted for 43.3% of the cases, compared to 4% this year, as can be seen in Chart 21. This change of trend reflects a specific problem suffered by homeless people in Barcelona in 2020, where they have been directly affected by the measures adopted following the pandemic and the resulting fines, being unable to comply with the mobility restrictions and ban on presence in outdoor public spaces during curfew times, as explained below.³³

Chart 20. Who discriminates on the ground of aporophobia?

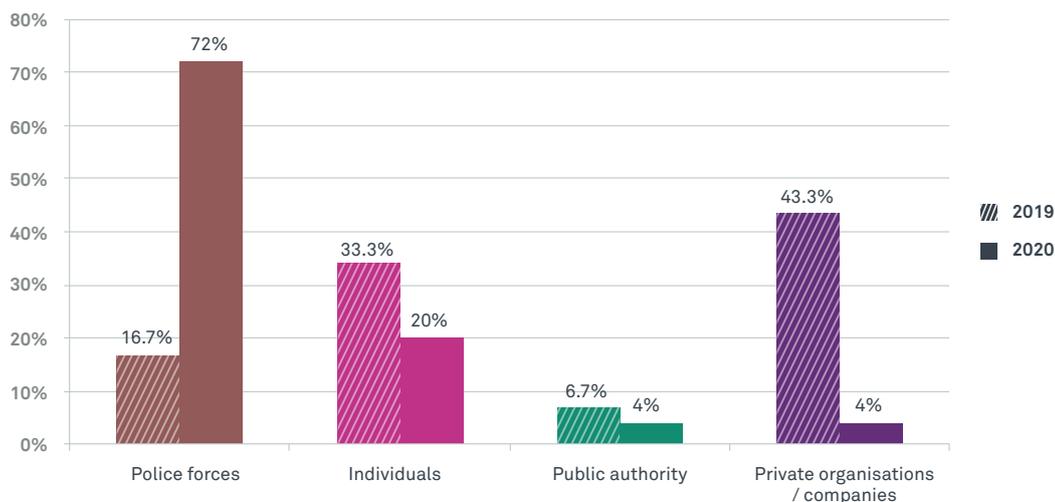


³² Data provided by the Homeless People's Assistance Network (XAPSELL).

³³ The low number of cases recorded on the ground of aporophobia makes it difficult to carry out an in-depth analysis of some of the trends appearing in the charts.



Chart 21. Who discriminates on the ground of aporophobia, 2019-2020?



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Barcelona
Discrimination
Observatory
Report 2020

Table 17 shows a predominance of cases of discrimination that have occurred in **public spaces, 80%**, a higher percentage of recorded cases than in 2019, when it was 50%, as we will explain below.

While the recorded number of cases has dropped in 2020 (from 29 to 25), this has been in response to the surge of organisations working in the area of homelessness, which, as in the case of other grounds for discrimination, have had to shift all their efforts to dealing with increased user demand because of the pandemic and have therefore been unable, in many cases, to carry out other tasks, such as collecting data on discrimination (for further information, see Section 4.1, “Impact of the pandemic on discrimination”).

Nevertheless, **homelessness** has been one of the areas with the highest impact, given the very nature of the pandemic and the restrictions stemming from it. This impact has manifested itself through direct and indirect discrimination following the restrictions imposed throughout 2020 and the lack of prioritisation given to this collective, especially vulnerable during lockdown.

The **Homeless People’s Assistance Network (XAPSLL)**, has denounced the fact that during the state of emergency homeless people have been **fined for being on the streets**.



Table 17. Where does discrimination on the ground of aporophobia occur?

	2019		2020	
	#	%	#	%
Public	15	50%	20	80%
Streets, parks, squares, beaches	11	36.7%	18	72%
Public facilities	4	13.3%	2	8%
Citizen help and information offices and courts	1		1	
Schools	0		1	
Police premises	1		0	
Hospitals	1		0	
Sport, cultural and social centres	1		0	
Private	12	40%	5	20%
Private facilities for public access	10	33.3%	0	0%
Assistance and service offices	4		0	
Hotels, hostels and shelters	3		0	
Transport stations	1		0	
Shops	1		0	
Other	1		0	
Private facilities where access is subject to prerequisites	1	3.3%	4	16%
Houses, flats and other dwellings	0		4	
Other	1		0	
Online and telephone services	1	3.3%	1	4%
Other	3	10%	0	0%
Total	30 ³⁴	100%	25	100%

³⁴ In 2019, 29 situations of discrimination on the ground of aporophobia were recorded but, as sometimes it was possible to assign more than one location of circumstances, the total number was 30.



SITUATION OF DISCRIMINATION:

Aporophobia

During the state of emergency, a person who had been living on the street for eight years was stopped by police officers. When they told this person they had to go home, the latter explained they did not have one and that they slept in the street. This situation ended up with a fine for not complying with the curfew. In another case, a woman who had been living in the street for years and sleeping in a low-requirement night shelter, was fined while she was on her way to sleep at the shelter. Being a night centre she could not stay there during the day, so had to stay outside, in the street, until the shelter opened. She was fined fifteen minutes before it opened. In response to these cases, **XAPSLL** organisations working with homeless people publicly denounced such cases through social media and informed Barcelona City Council too, prompting the Council to launch a protocol for dealing with such situations in an alternative way. The Guàrdia Urbana and Mossos d'Esquadra (city and regional police forces) subsequently publicly declared that homeless people were not subject to fines under the state of emergency regulations.

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Barcelona
Discrimination
Observatory
Report 2020

The presence of homeless people on the streets has had two opposing effects: on the one hand, it has made the problem visible, while on the other has it increased homeless people's perceptions of personal insecurity. In that regard, **three people** living on the streets in Barcelona **have died from violent assaults** in 2020. According to reports from organisations working in the field of homelessness, having to live in the street is always a risk for anyone, all the more so in the context of the pandemic and state of emergency; as they have no safe, stable place to stay in, they are more exposed to abuses and situations of risk, and such forms of violence are much less visible as it is easier for people to be alone if there is practically no one on the streets.

According to data from the latest census carried out by the **Arrels Foundation**, a member of the XAPSLL network, the number of cases of physical or verbal violence towards homeless people has increased in the last year: **40%** explained they had been **victims of assaults**, with that figure rising to **60%** for people who had been living in the street for over five years.



22% of homeless people sleep on the streets for the first time in 2020

In addition to assaults and fines, there was a widespread situation of the services assisting this collective being overwhelmed, with some even closing. As a **survey**³⁵ conducted by the **Arrels Foundation** points out, the closure or limits on the capacity of these homeless people's centres have led users to spend more time on the streets, in a context where their presence in public spaces has been restricted, and this had a direct impact on their diet, hygiene and physical and mental health. Of the 367 people interviewed, more than **80% have not accessed the emergency places** set up for the pandemic and only 34% have had PCR tests, despite their being a risk group. One particularly important statistic is that **22% of the people who responded to the survey were sleeping on the streets for the first time.**

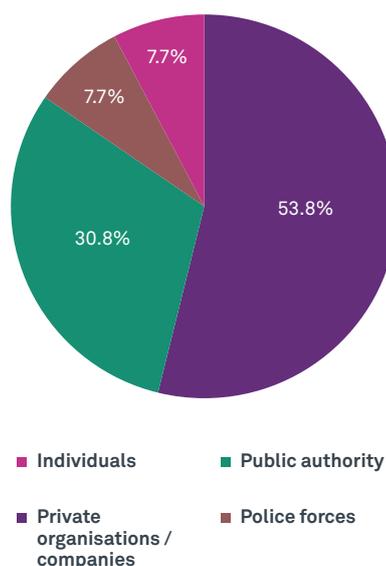
³⁵ Information taken from an Arrels Foundation news item, available at: www.arrelsfundacio.org/carrer-pandemia-covid/



4.6.8. Gender

In 2020, the SAVD Board's organisations and the OND recorded 14 situations of discrimination on the ground of gender, **more than half** committed by **private organisations or companies**, followed by the public authority, which was the discriminator in 31% of the cases, as shown in Chart 22. As regards the spaces where discrimination occurred, 3 cases were recorded in organisations and companies, and 2 on **public transport** (Table 18).³⁶

Chart 22. Who discriminates on the ground of gender?



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Table 18. Where does discrimination on the ground of gender occur?³⁷

	2020	
	#	%
Public	7	50%
Streets, parks, squares, beaches	1	7.1%
Public facilities	5	35.7%
Transport stations	2	
Schools	1	
Police premises	1	
Other	1	
Private	6	42.9%
Private facilities for public access	0	0%
Private facilities where access is subject to prerequisites	5	35.7%
Companies and organisations	3	
Houses, flats and other dwellings	1	
Not specified	1	
Other	1	7.1%
Total	14	100%

³⁶ The low number of cases recorded on the ground of gender makes it difficult to carry out an in-depth analysis of some of the trends appearing in the charts.

³⁷ Table 20 does not feature a comparison with 2019 because the previous year's report did not include enough cases to enable the data to be analysed.



SITUATION OF DISCRIMINATION:

Gender



In 2020, **the Office for Non-Discrimination** has dealt with several situations of gender discrimination in the area of employment. In one case, a woman wanted to apply for a vacancy in the organisation she worked in but the director told her she could not apply as the place had to be taken by a man, without offering any explanation or argument. She was given legal assistance in putting together a letter of complaint to the organisation and counselling for the emotional effect it had on her. In another case, a migrant woman reported that she had been earning less than her male workmate, doing exactly the same job, at the translation company she worked for. The woman visited the office and received some initial advice but she subsequently decided not to continue with the complaint. In the third case, a woman working in a private company was assigned new group leadership tasks but was not paid the corresponding extra amount, whereas her male colleagues doing the same work were being paid the extra. She received work-related legal assistance and help with writing a letter of complaint, which was presented through employment tribunal channels.

It is clear, however, that the 14 cases recorded in 2020 **do not reflect the real situation of gender discrimination in Barcelona**. As commented in Section 4.3, “Against whom?”, these figures are very closely linked to the under-reporting of discrimination, specifically among women and also, in the latter case, to the significant diversity of municipal services such as PIAD, SARA, UTEH, SAH and SAS, among others, fighting for women’s rights, which could mean certain cases of discrimination do not reach the Board’s organisations or the OND. Hence this report includes data from other municipal services, which help to sketch the city’s gender-discrimination panorama.



Gender in figures

The report “**Gender in figures. Women’s living condition and gender inequalities in Barcelona**”,³⁸ published in **Catalan by Barcelona City Council**, asserts that 72.3% of the city’s women have suffered gender assaults and **gender violence** (including comments, sexual gestures and exhibitionism), while **one out of three have suffered very serious violence**. If we take account of age groups, it is the youngest women (aged 16 to 29) who present the highest levels of victimisation. Some 37% of women living in Barcelona, aged 15 and over, have experienced some form of gender violence at the hands of their partner or former partner, and 8.6% suffered it in the last year of the survey. With regard to **sexual violence** committed in the social and family sphere by people who were not sexual partners, **32.7%** of Barcelona’s women aged 15 and over have suffered some form of assault (excluding comments, sexual gestures and exhibitionism), and 6.8% in the last year of the survey.³⁹

In the area of employment, 16.5% of Barcelona women working in 2016 suffered gender violence that year, whereas **16.3% of women felt discriminated against at work** regarding salaries (54.2%), promotions (53.5%), lack of personal respect (52.7%) and undervaluing of their work (52.6%). In addition, **10.2% of the women have suffered sexual harassment** at work from the age of 15, and the main assailants were their bosses or superiors (94.5%), work colleagues (39.5%) and users or patients (6.2%).

Still in the area of employment, as the report shows, there is an uneven distribution between men and women in more than half the sectors and economic activities, which reflects the existence of so-called

horizontal segregation between work areas, concentrating women in jobs characterised by lower wages and social prestige, which are largely an extension of activities relating to domestic and reproductive work. Horizontal segregation is supplemented by **vertical segregation**: executive or managerial positions with a **63%** male majority, although the gender gap is smaller than in Catalonia overall, where men represent 68%. Thus, it can be inferred that the **glass ceiling** in Barcelona is lower than the one for the whole of Catalonia, possibly because of the considerable weight of the public authority, a space where women and men have more fairness when it comes to promotions.

If we look at horizontal segregation in the city’s **political and social participation spaces**, we can see that the most feminised tasks are those of secretarial work, drafting documents and taking/managing minutes, or those of graphic design, followed by dissemination and external communication tasks. By contrast, the most masculinised tasks include those of decision-making, organising and coordinating teams, and internal communications. As regards the capacity for work-life balance, 41.6% of women or non-binary people pointed out they face difficulties balancing social participation with their daily lives, whereas men only expressed difficulties in 19% of cases. This is a clear example of the **sticky floor** phenomenon, regarding circumstances arising from family responsibilities and duties, which make affective and emotional responsibilities and duties that end up falling to women in the domestic sphere “stick” to them, trapping them and hindering, slowing down or impeding their way out and from personally developing outside the family.

³⁸ The data in this section come from the 2019 “Gender in figures” report, although it also includes some more up-to-date data provided by Barcelona City Council Directorate for Gender Services and Time Policies.

³⁹ These data come from the latest Gender Violence Survey, which was conducted in 2016.



Another important statistic provided by the report concerns the **gender pay gap** among Barcelona's population which, according to the latest available data (2018), stands at **21.2%**. In practice, that meant an **annual pay difference of more than 7,000 euros**, given that the average pay of women residents in the city was 27,203 euros, whereas that for men was 34,534 euros. If we look at people working but not living in Barcelona, the average annual salary of men is practically the same, whereas that of women drops to 25,790 euros, thereby increasing the difference to almost **9,000 euros** a year.

Domestic and care work is mainly carried out by women in the home or the community network, for free or with some remuneration. With regard to paid care work, the latest data available point out that **90% is carried out by women, 53.5% of whom were in an irregular administrative situation** owing to their immigrant status, a situation denying them employment contracts and putting them at a clear disadvantage for negotiating their work conditions or reporting possible situations of abuse. At the same time, most do not pay any social security contributions and, of those who do, a high percentage pay out of their own pocket. Therefore, according to this estimate, only 8.1% paid their social insurance contributions in accordance with the law.

If we look at the feminisation of poverty, an important piece of data is the risk of poverty in **the event of living independently**, which measures the percentage of the (non-student) adult population at risk of poverty if they had to live alone, with just their own income. The latest available figures show that **44%** of Barcelona's women would be in a situation of poverty compared 27.9% of men.

Finally, another important piece of data regarding recognition of women in the city concerns **street names**. In 2016, only **8% had women's names**, a figure that contrasted with 42% named after men (with the remaining 50% named after organisations or events). The last few years have seen efforts being made to balance this obvious inequality. Between 2016 and 2019, 31 streets were named after women and 15 after men.



4.6.9. Ideology

In the course of 2020, 7 cases of discrimination on the ground of ideology were recorded, most committed by **private organisations and companies (57.1%)** or individuals (28.6%), as shown in Chart 23. If we look at the spheres where such discrimination occurred, we can see there was a predominance of the **private sphere** over the public (Table 19).⁴⁰

Chart 23. Who discriminates on ideological grounds?

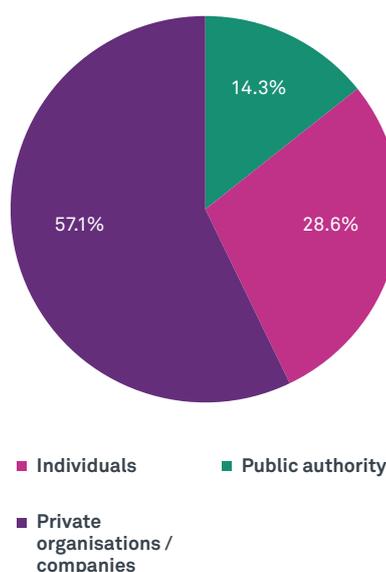


Table 19. Where does discrimination on ideological grounds occur?⁴¹

	2020	
	#	%
Public	2	28.6%
Streets, parks, squares, beaches	2	28.6%
Public facilities	0	0%
Private	5	71.4%
Private facilities for public access	3	42.9%
Restaurants and bars	1	
Shops	1	
Transport stations	1	
Private facilities where access is subject to prerequisites	2	28.6%
Houses, flats and other dwellings	2	
Other	0	0%
Total	7	100%

⁴⁰ The low number of cases recorded on the ground of ideology makes it difficult to carry out an in-depth analysis of some of the trends appearing in the charts.

⁴¹ Table 21 does not feature a comparison with 2019 because the previous year's report did not include enough cases to enable the data to be analysed.



SITUATION OF DISCRIMINATION:

Ideology

Residents of the Sant Martí district suffered two attacks on the balcony of their dwelling, where they had hung up the Catalan flag and symbols linked to the release of political prisoners, by unknown individuals on the street, who threw stones and glass bottles. The persons affected reported this to both the Guàrdia Urbana and Mossos d'Esquadra, who began a police investigation as a possible hate crime and reported it to **the Office for Non-Discrimination.**



4.6.10. Age

The OND and the SAVD Board of Organisations did not record any cases of discrimination on the ground of **ageism** in 2020. As with other grounds of discrimination, this was due more to difficulties in collecting data and reporting cases than there being no cases of discrimination against **elderly people and young people**. Age is a ground of discrimination that acts both alone or intersecting with the other grounds of oppression, especially evident during the pandemic, such as gender, class or origin.

The **Barcelona Youth Council (CJB)** condemns the fact that during 2020 young people have constantly and unjustifiably been **stigmatised** by the media and the authorities. This was shown in the “**Study on media treatment of young people in the Catalan digital press**”,⁴² prepared jointly by the Ramon Barnils Journalists' Group, the National Youth Council of Catalonia and the CJB, which points out that **44% of the news items** on young people presented a **negative tone**.

With the aim of exploring the roots and manifestations of such discrimination in 2020, the CJB embarked on exploratory research to find out **the perceptions of youth associations** in the city regarding discrimination against young people and how the ground of ageism operated in these situations, and also to identify the knowledge that young people have of the **mechanisms and resources** for reporting cases of discrimination.

⁴² www.media.cat/2020/11/19/estudi-del-tractament-mediatic-dels-joves-en-la-premsa-digital-catalana/



Discrimination against young people in the city

The study “**How do young people in associations experience discrimination in Barcelona?**”⁴³ includes the conclusions from the youth organisations whose members were interviewed, among whom there was a consensus that young people in Barcelona suffered discrimination shaped by two main factors: on the one hand, the **adult centrism** prevailing in our society affecting different areas of life, such as the structures of power, political and cultural participation, use of public spaces and the areas of employment and housing. On the other hand, the **intersectionality** of such discrimination, as it is believed that age operates as a catalyst for violence and makes young people more vulnerable. The most important grounds in the intersectional analysis of discrimination against young people were ethnic/national origin, gender, class, sexual orientation, and gender identity and expression, according to the participants.

Regarding knowledge of the mechanisms and resources available in Barcelona for reporting situations of discrimination, the report points out that only **20.8%** of the people interviewed **knew of Barcelona’s Office for Non-Discrimination**, which could explain one of the reasons for the under-reporting of this type of discrimination. Another would be the lack of trust in and credibility of the institutions. In general, the report conveys the widespread feeling of the people interviewed that the resources available in Barcelona for dealing with situations of discrimination **are not specific for tackling the ground of age** and, when asked directly which resource they would turn to in the event of discrimination, most mentioned activist spaces and local associations.

⁴³ For further information, see: www.cjb.cat/blog/2021/05/nou-informe-com-viuen-les-joves-associades-les-discriminacions-a-barcelona/. It had not yet been officially published by the time this report was completed.



4.7. Rights violated

This section aims to show the effects that discrimination has with regard to **human rights' violations**. Table 20 features the rights violated in each discriminatory situation and Chart 24 compares that with the data gathered in 2019. As the results show, attacks on **moral integrity** continue to predominate as they did in previous years, with 164 violations, representing **26.5%** of the total. This year violations of **physical integrity** remain the second most violated right, with **57** reported situations, followed by the right to **provide services**, with 56 cases, and right to **housing**, with **55** cases. There has been a rise in the number of violations of these latter two rights compared to 2019, as shown in Chart 24, strongly linked to the pandemic situation in 2020.

Even so, the most important data in this section continue to be the violations of physical integrity, which, despite dropping 71 to **57** in the 2020 report, are especially serious by their very nature, as they involve discrimination expressed through **physical assaults**. Chart 25 crosschecks data from cases of violations of physical integrity with the ground of discrimination and shows that the collective most affected in these cases, as it was in 2019, is **the LGBTI**, with **27** assaults reported, followed by number of assaults on the grounds of **racism and xenophobia**, which came to **19**. Assaults on the grounds of **health, religion and gender** were also recorded in 2020, with 3 assaults each and a further **2** assaults on the grounds of **apophobia and ideology**.

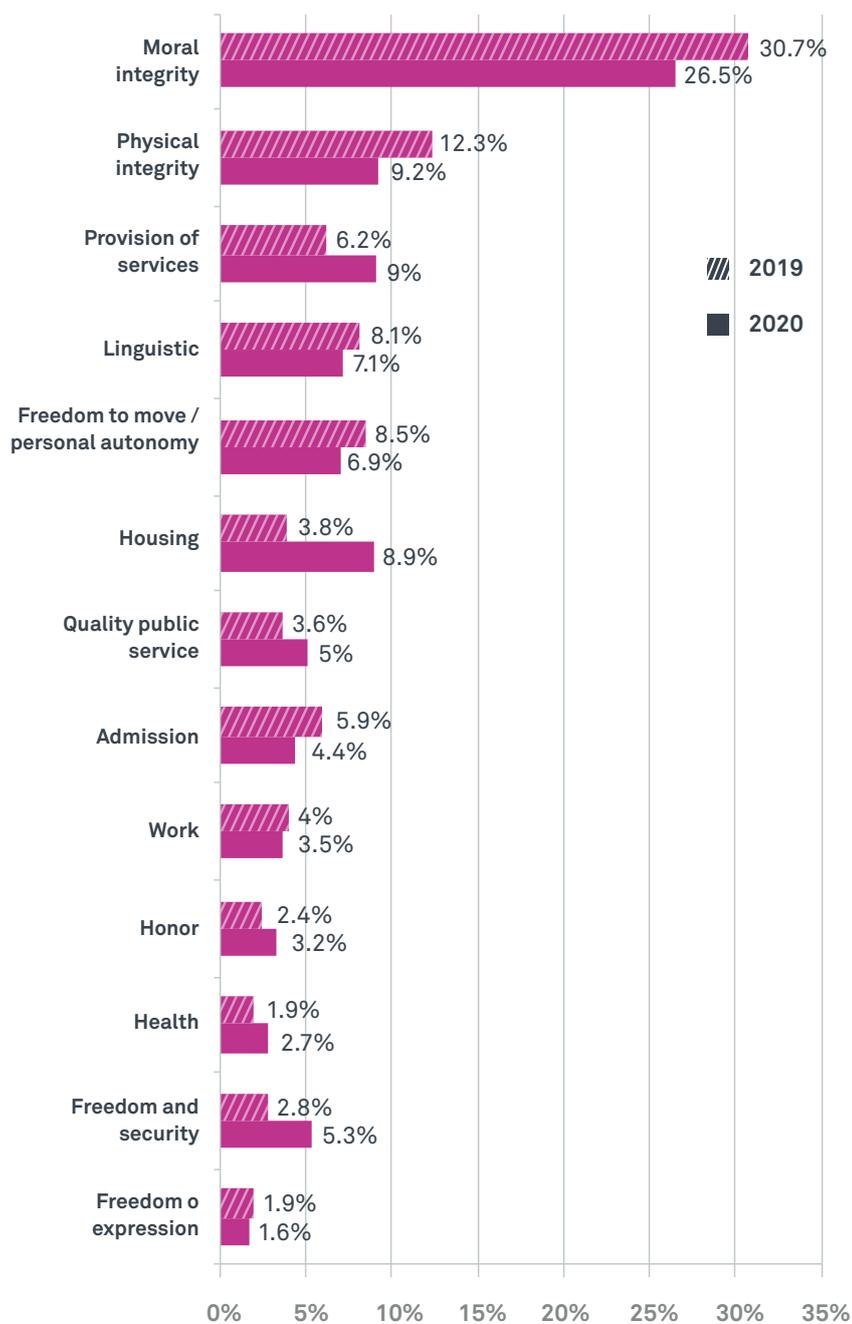
Table 20. Discrimination and rights violated

Right violated	#	%
Moral integrity	164	26.4%
Physical integrity	57	9.2%
Provision of services	56	9%
Housing	55	8.8%
Linguistic	44	7.1%
Freedom of movement / personal autonomy	43	6.9%
Freedom and security	33	5.3%
Quality public service	31	5%
Admission	27	4.3%
Work	22	3.5%
Honour	20	3.2%
Health	17	2.7%
Freedom of expression	10	1.6%
Information	9	1.4%
Privacy	9	1.4%
Education/training	8	1.3%
Leisure	6	1%
Data protection	3	0.5%
Reproduction	3	0.5%
Other rights	5	0.8%
Total	622 ⁴⁴	100

⁴⁴ In this case, the total value does not correspond to the total number of situations reported (436), because more than one right has been violated in some cases.



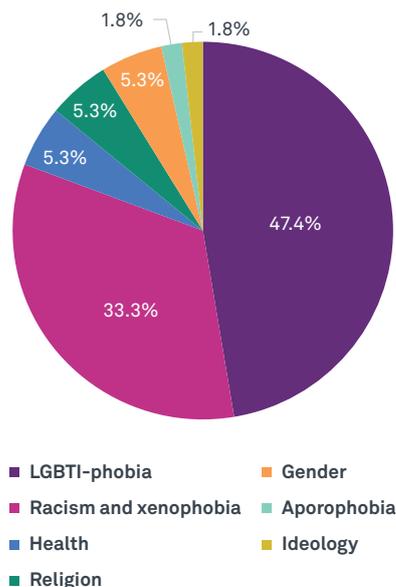
Chart 24. Discrimination and rights violated, 2019-2020 ⁴⁵



⁴⁵ Chart 18 shows the comparison between the main rights violated by discriminatory situations in 2019 and 2020, but not all the rights violated during those two years.



Chart 25. On what grounds is the right to physical integrity violated?



If we crosscheck the data from the cases of violations of physical integrity with the discriminator (Chart 26), we can see that **most assaults continue to come from individuals**, making up **79%** of the cases (compared to 60% in the situations recorded in 2019).

Charts 27-31 show the grounds on which the other rights were violated with the most impact in 2020. Here we can see that racism and xenophobia were the main grounds in the violation of rights to the **provision of services**, with 31% of cases, followed by the grounds of language (27%) and disability (14%), which were also the main grounds for violations of the right to **freedom of movement and personal autonomy** (52%). LGBTI-phobia was the main ground in violations of **moral integrity**, with 46% of the situations recorded, and in the area of the right to **housing** we can see that it is aporophobia (35.7%), racism and xenophobia (25%) and also disability (23%) that predominate. Violations of **language rights** were mainly determined by the ground of language (84%) and also by ideology (10%).

Chart 26. Who violates the right to physical integrity?

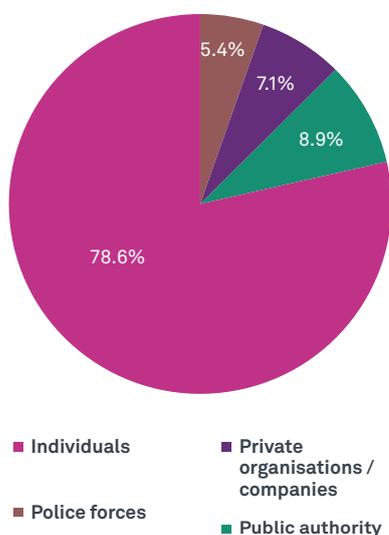
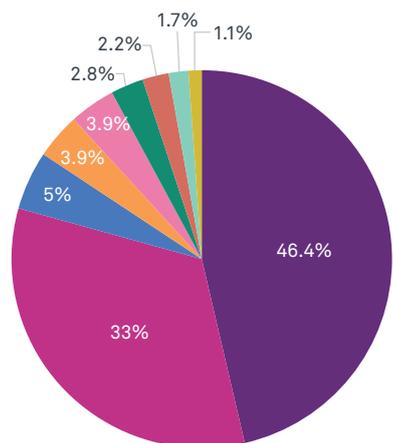


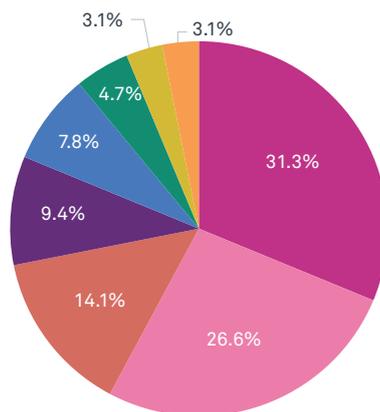


Chart 27. On what grounds is the right to moral integrity violated?



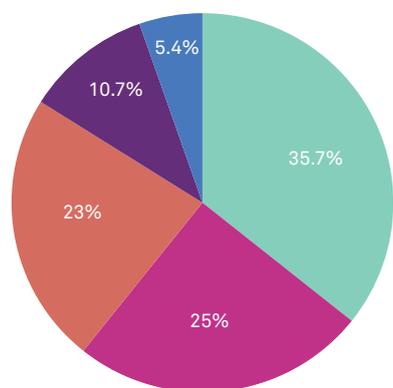
- LGBTI-phobia
- Racism and xenophobia
- Health
- Gender
- Language
- Religion
- Disability
- Aporophobia
- Ideology

Chart 28. On what grounds is the right to service provision violated?



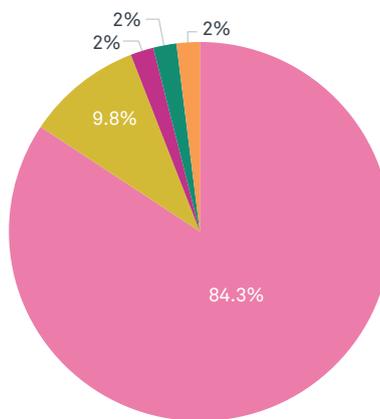
- Racism and xenophobia
- Language
- Disability
- LGBTI-phobia
- Health
- Religion
- Ideology
- Gender

Chart 29. On what grounds is the right to housing violated?



- Aporophobia
- Racism and xenophobia
- Disability
- LGBTI-phobia
- Health

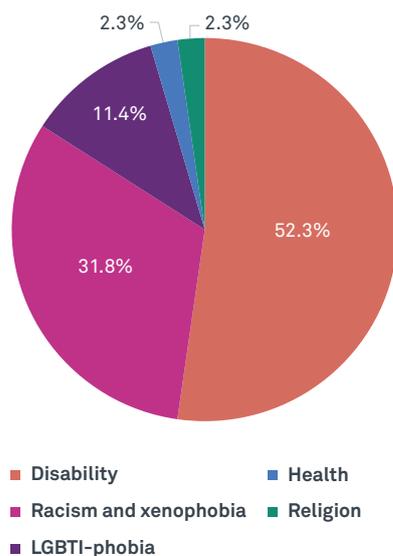
Chart 30. On what grounds is the language right violated?



- Language
- Ideology
- Racism and xenophobia
- Religion
- Gender



Chart 31. On what grounds is the right to freedom of movement / personal autonomy violated?



4.8. Types of discrimination

Most of the cases recorded were examples of **direct discrimination**, in other words, situations where a person or group was dealt with less favourably than another in a similar situation on one of the protected grounds.

The data in Table 21 show that in most situations the discrimination was expressed through **differential treatment**, representing **52.3%** of all the cases recorded in 2020. Some type of **assault** occurred in the 38.7%, of which 24.9% were **verbal** and 13.8% **physical**. Despite a lower percentage, discriminatory situations were recorded where the discrimination was manifested through **hate speech**, in **5.6%** of the cases, and acts of **vandalism**, in **1.2%** of the cases.

Of the cases in which **indirect discrimination** has been reported, where apparently neutral provisions, criteria or practices put a certain group at a disadvantage compared to other groups, most referred to **public policies** and to **statutes**.

A clear example of indirect discrimination that occurred in 2020, directly linked to the restrictions and fines imposed in response to the pandemic, are the administrative fines meted out by the police forces to homeless people, in accordance with the night-time regulations for controlling the spread of Covid-19. The **Arrels Foundation** reported **18** discriminatory situations of this type in 2020.

Table 21. Types of direct discrimination

Subcategories of direct discrimination	#	%
Differential treatment	216	52.3%
Verbal assaults	103	24.9%
Physical assaults	57	13.8%
Discriminatory and hate speech	23	5.6%
Vandalism	5	1.2%
Not specified	9	2.2%
Total	413	100%

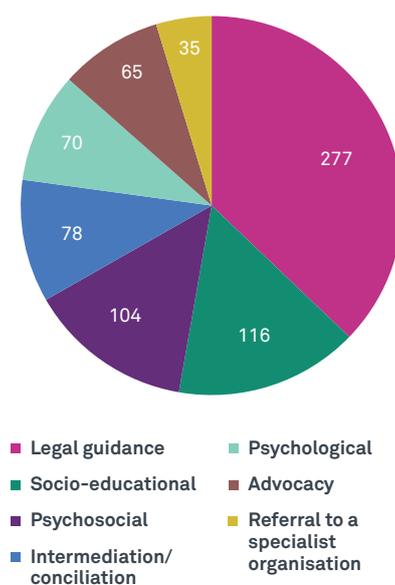


4.9. Initiatives and results

This section highlights the actions taken by the City Council and social organisations dealing with cases of discrimination in Barcelona, in response to the 436 situations reported in 2020. Chart 32 shows the actions that fall within the area of **support and accompaniment** for the people affected and that legal guidance, social and educational support, and counselling have been the main actions.

Chart 33 and Table 22 compare the situation in 2020 with the actions and responses in 2019, and some important changes can be observed: first, the number of **legal guidance** cases is up by 12 percentage points (from 27% to **39%**) and **psychological counselling**, from 4% to 10%. By contrast, there has been a drop in number of **psychosocial** care cases, from 23% in 2019 to 15% in 2020, and in **referrals to specialist organisations and services**,⁴⁶ 35 cases this year, in contrast to 2019, when the total was 94. This trend has clearly been marked by the pandemic situation, which made referrals like those from the previous years impossible during the harshest lockdown and difficult in general. In many cases coordination and contact with specialist services and organisations has continued but in most cases it has not been possible, in view of the extra difficulties due to face-to-face restrictions.

Chart 32. Support and accompaniment



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⁴⁶ The referrals mentioned in this point were made to the following specialist organisations, services or offices: Office for Co-existence (OC); Barcelona City Council district services; Prosecutor's Office for Hate Crimes and Discrimination; Prosecutor's Office for Minors; Guàrdia Urbana de Barcelona (GUB); Municipal Institute for People with Disabilities (IMPD); Barcelona City Council Area for LGBTI Affairs; Barcelona LGBTI Centre; Municipal Housing Offices; Municipal Consumer Information Office (OMIC); Barcelona Municipal Institute of Education (IMEB); Barcelona Ombudsman's Office (SGB); municipal social service centres and other municipal services; Co-existence, Diversity and Civil Rights Service; Barcelona Provincial Council; Catalan Government Area for Equal Treatment and Non-Discrimination for LGBTI people; Mossos d'Esquadra; Catalan Ombudsman; Spanish Ombudsman, and other specialist companies and organisations.



Table 22. Response and actions from the OND and Board of Organisation against discrimination, 2019-2020

	2019		2020	
	#	%	#	%
Support and assistance				
Legal guidance	217	27%	277	37.2%
Socio-educational	105	13.1%	116	15.6%
Psychosocial	184	22.9%	104	14%
Intermediation/conciliation	72	9%	78	10.5%
Psychological	31	3.9%	70	9.4%
Advocacy	77	9.6%	65	8.7%
Referral to a specialist organisation	94	11.7%	35	4.7%
Mediation	23	2.9%	0	0%
Total	803	100%	745	100%
Incident report				
Reported for legal action	44	72.1%	59	46.8%
Reported for administrative action	17	27.9%	67	53.2%
Total	61	100%	126	100%

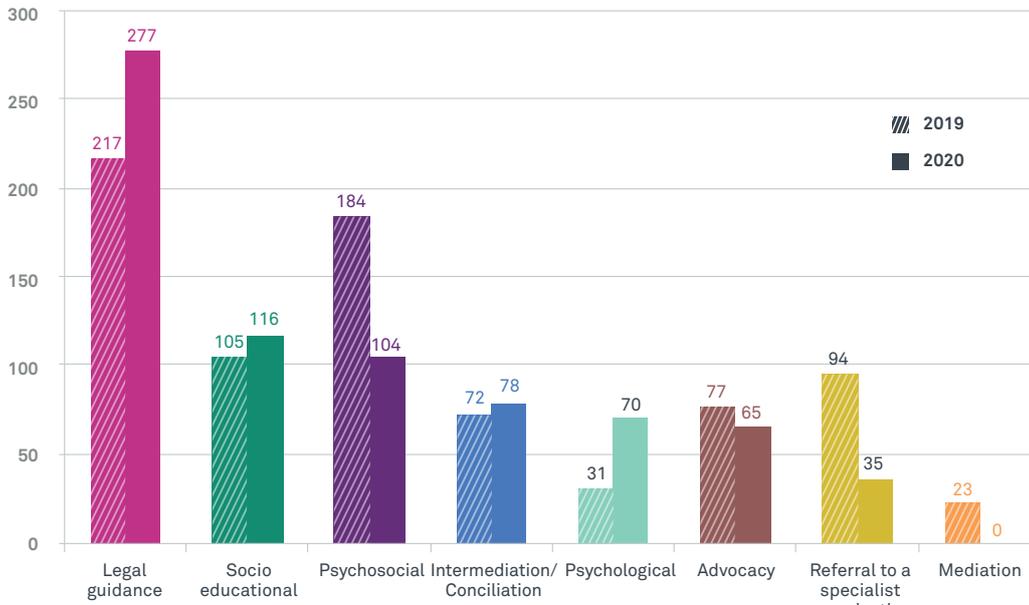
Finally, there were no instances of **mediation** in 2020, mainly because of mobility restrictions and the difficulty in providing such types of assistance online (for further information, see Section 4.1, “Impact of the pandemic on discrimination”).

Of the 436 cases of discrimination reported, 126 ended up as a **complaint**, representing 28.9% of the total and practically twice the figure for 2019, when 15% of the situations were recorded. Of all the complaints, 53.2% have been through administrative channels and 46.8% through penal. If we look at the comparison with 2019 shown in Chart 34, we can see a very significant rise in number of **administrative** complaints (partly due to the increased number of actions for opening municipal administrative cases) from 17 to **67**, and more than the number of **penal** cases, which also grew from 44 to **59** in 2020.

Finally, we will look at the main **results** regarding the actions carried out by the City Council and the social organisations dealing with cases of discrimination in Barcelona. As shown in Table 23, **25%** of the cases are still **pending a decision**. This is largely due to the fact that the processes for resolving some of the situations of discrimination are slow and it is hard for a final decision to be made within the time frame of this annual report.



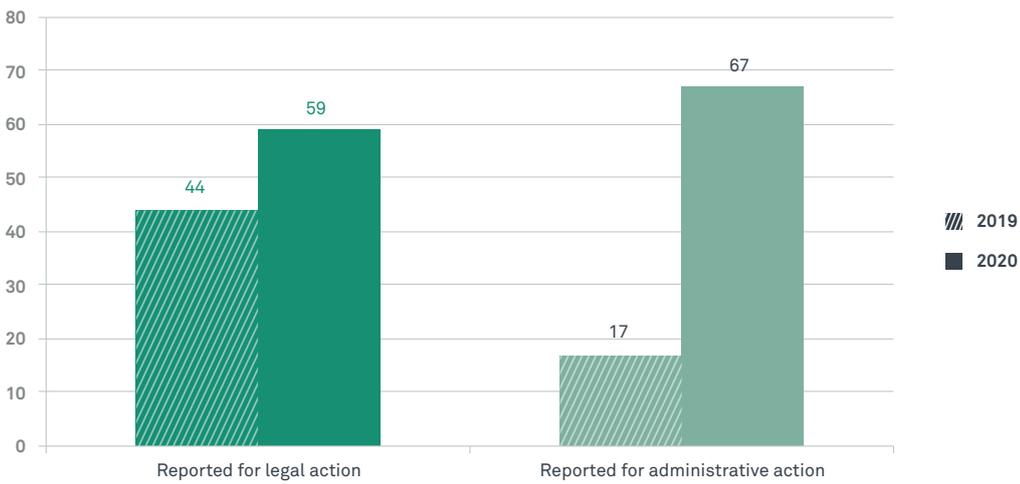
Chart 33. Support and assistance, 2019-2020



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Barcelona
Discrimination
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Report 2020

Chart 34. Complaints and reports, 2019-2020





On the other hand, it is important to note the **59** cases where **it has not been possible to resolve** the situation of discrimination (13.5%) and the **52** where it was but the result **did not compensate** the victim (12%). This category refers not just to the fact that the victim did not feel sufficiently compensated but also to all the actions where the solution given did not involve compensation and recognition from the assailant, although the case was resolved.

In this sense, one of the main challenges for the OND and the organisations forming the SAVD Board will be to improve the capacity to respond to all those assisted people who have felt discrimination, with more complexity so it can be resolved on the basis of the relevant regulatory framework. An added challenge, too, will be to design a better diversification of actions in different matters to try to reach those aspects of the person that can complement their experience of compensation for the discriminatory fact produced. We know that the new Law 19/20 allows for the possibility of deploying different programs that encourage an alternative management of conflict and favour alternative solutions to sanctions, facts that can also help in improving the perception of the person affected by a discrimination situation.

Table 23. Results of the actions in 2020 ⁴⁷

Results of the actions	#	%
Decision still pending	108	24.8
Not resolved	59	13.5
Resolved without compensation for the harm	52	11.9
Resolved with compensation for the harm	28	6.4
Cessation of situation of discrimination	26	6
Fine	5	1.1
Amendment to statute / public policy / criterion	3	0.7
Agreement between the parties	1	0.2

⁴⁷ This table shows the most significant results but does not include all the recorded cases.



4.10. Perception and experience of discrimination in neighbourhoods

Finally, the result was considered **compensatory** in **28** situations. Below we will look at a few specific examples from 2020:

- In response to a situation of antigypsism that occurred in a shopping centre establishment, the OND contacted the people responsible and succeeded in resolving the case with **two letters of apology** from the management of the chain of restaurants in question and with an undertaking from the shopping centre that staff would receive **training sessions** to prevent discrimination.
- Regarding discrimination linked to refusals by **insurers** to cover people who are **seropositive**, several letters were sent to these companies calling on them to abide by the new legal regulations banning this practice. In one case, the situation was resolved through a written reply offering **apologies** and an assurance that the insurer would adapt to the **current legal regulations**.
- Another situation, involving a verbal and physical assault stemming from **LGBTI-phobia**, was resolved with compensation for harm thanks to the mediation of the OND, the City Council Department of Prevention Services and the Guàrdia Urbana.

As we remarked at the start of Section 4, the 2020 Survey on local resident relations and community life in the Barcelona Metropolitan Area (**ECAMB**) expanded the data gathering to include perceptions of discrimination in neighbourhoods. The main results are shown below.

If we look at the **overall figures**, the survey shows three important data: first, the survey asked the people interviewed if they believed their neighbourhood had individuals (or groups of individuals) in it who were discriminated against or undervalued by other residents (Chart 35); in response to this question, as many as **15.6% of Barcelona's population stated that there were people in their neighbourhood who were discriminated against**.

Respondents were also asked about their own personal experience, whether they remembered having experienced an episode of discrimination or had been a victim of rejection in their neighbourhood in the last year. The estimated figure based on the **spontaneous recollection of discrimination** was **6.6%**: 4.2% confirmed that the situation had affected them in the previous year on more than one occasion and 2.4% that the experience had occurred only once (Chart 36).

In addition to spontaneous recollection (which depends on memory in the context of an interview), this year respondents were asked if they had suffered a series of specific personal situations of discrimination, ground by ground. A **neighbourhood discrimination index** was calculated on the basis of the answers, which counted the percentage of people who had suffered at least one of the grounds of discrimination in the previous year. The results show that **16% of Barcelona's residents have experienced a situation of discrimination in their neighbourhood**. On average, each person has been discriminated against on 1.7 grounds, meaning that in many cases they have been a victim of multi-discrimination.



Chart 35. Are there people discriminated against in the neighbourhood?

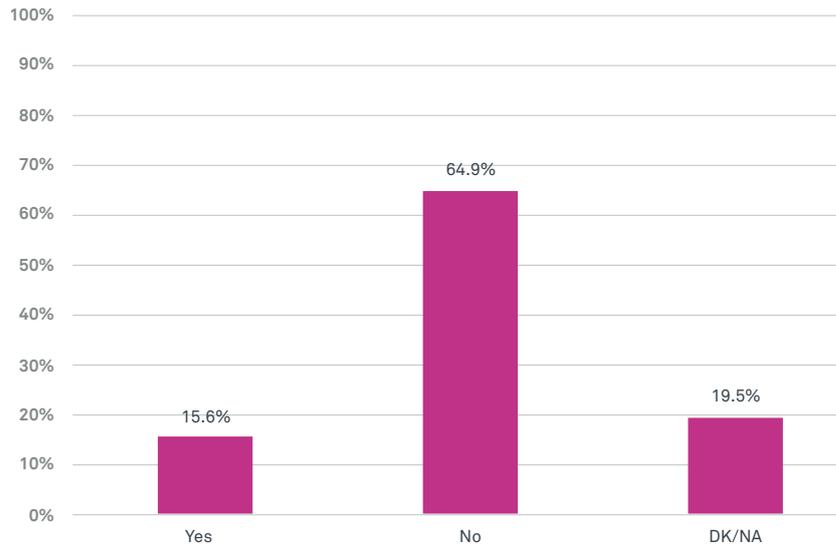
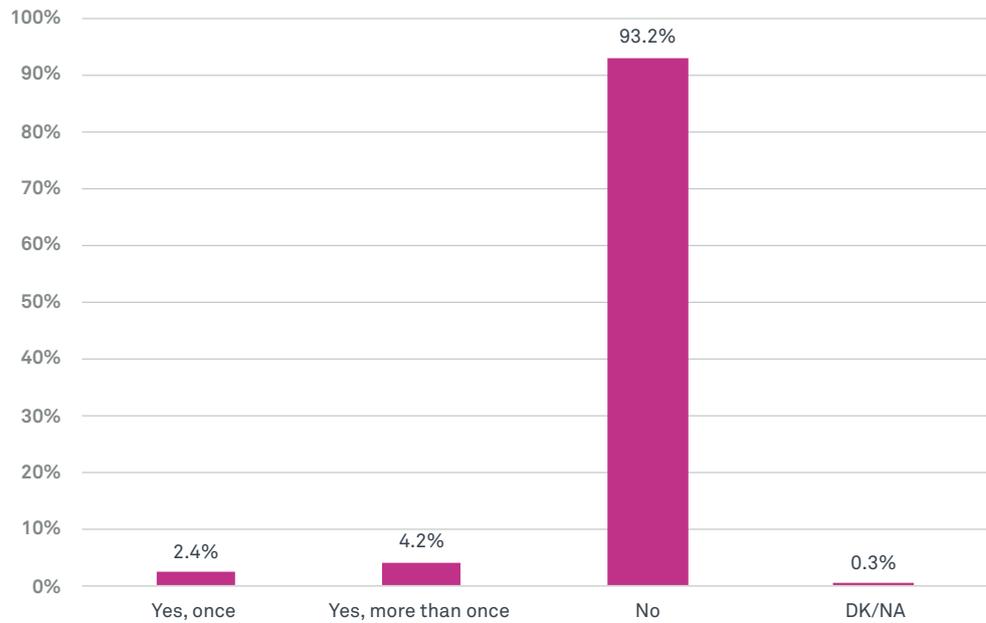


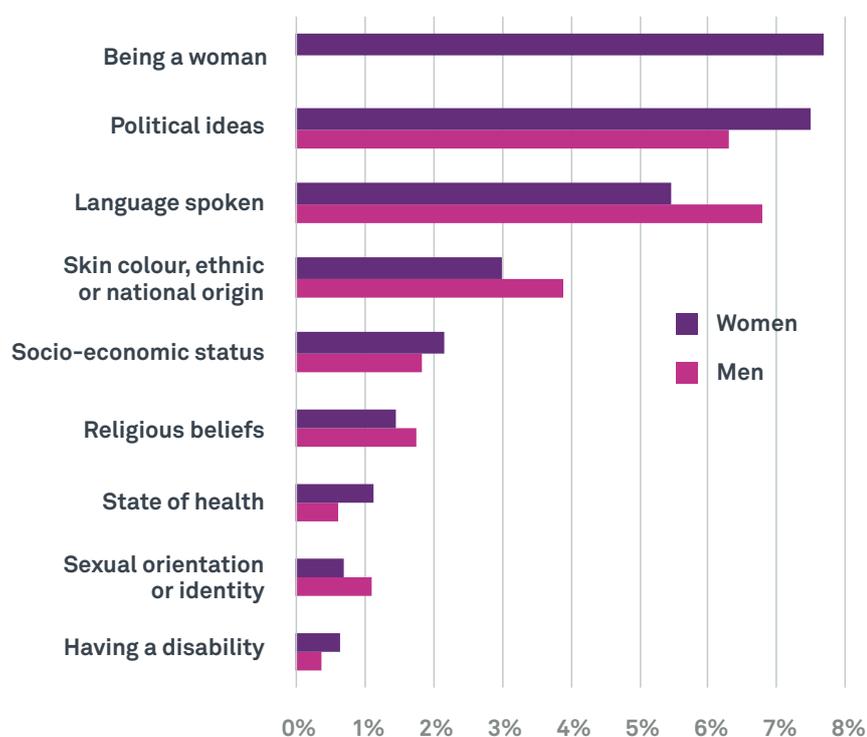
Chart 36. Spontaneous recollection of discrimination





Discrimination on the grounds of **gender** and **ideology**, less representative among the reports that have reached the OND and the SAVD Board of Organisations, are, by contrast, the main grounds among the people surveyed in the ECAMB, as shown in Chart 37.

Chart 37. Grounds of discrimination according to gender (ECAMB)



Individuals identified as **female** were more discriminated against on the grounds of political ideology and state of health and, with fewer differences between genders, on the grounds of socio-economic status and disability. Individuals identified as **male** received more discrimination on the grounds of language, origin or skin colour and on the grounds of sexual orientation, gender identity and expression and, with

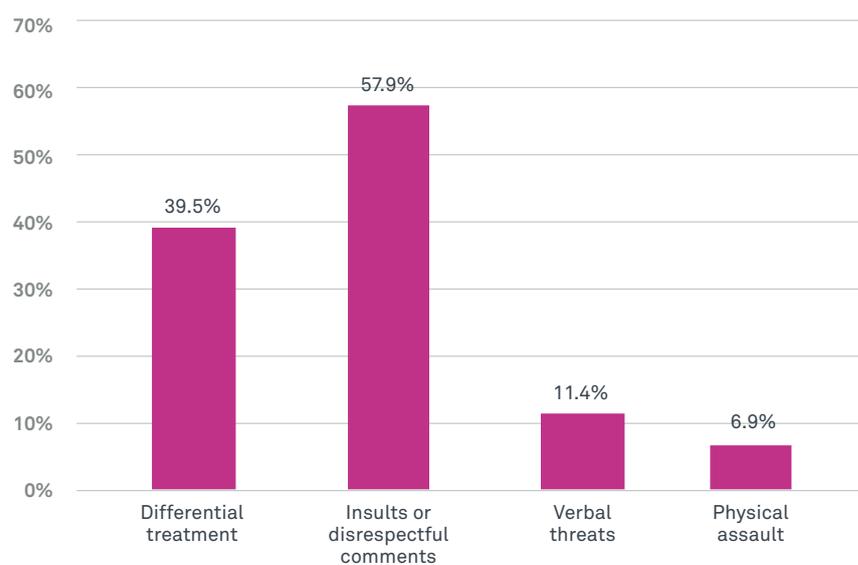
less difference with regard to women, religious beliefs. If we look at the data disaggregated **by district** provided by the ECAMB (Table 24), we can see that there is a greater prevalence of discrimination on the grounds of the person's skin colour or origin and religion in **Ciutat Vella** than in the other districts. Gender discrimination, on the other hand, was mentioned more by residents of the **Gràcia** district.



Table 24. Grounds for discrimination by district (ECAMB)

	Skin colour, ethnic or national origin	Sexual orientation or identity	Being a woman	Political ideas	Religious beliefs	Having a disability	State of health	Language spoken	Socio-economic status	Another ground	Multi-discrimination (average of grounds)
Ciutat Vella	8.7	1	8.4	4.4	3.1	1.2	2.5	8.2	3.1	1	1.8
L'Eixample	3.4	2.1	8.8	7.2	1.3	0.2	0.7	6.5	2.4	0.9	1.9
Sants - Montjuïc	3.6	1	7.6	8.3	2.3	0.6	0.9	7.4	2.7	2.1	1.8
Les Corts	0.7	0	7.9	5.3	1.1	0.6	0.5	5	0.5	0.2	1.6
Sarrià - Sant Gervasi	2.6	0.5	6.7	7.7	1.8	0.2	0.3	7.5	1.2	1	1.7
Gràcia	1.8	1.3	12.1	8	1.2	0.9	1.8	6.6	2.2	0.7	1.6
Horta - Guinardó	1.7	1.2	6	6.6	1.1	0.2	0.6	4.2	1	2.2	1.8
Nou Barris	3.8	0.2	6.1	5.9	1.5	0.9	1.1	5.2	2.8	2	1.8
Sant Andreu	3.3	0.3	6.8	6.5	1.1	0	0.7	3.7	1.8	0.8	1.5
Sant Martí	4.1	0.2	7.4	7.5	1.6	0.6	0.6	6.3	1.8	1.1	1.7
Total Barcelona	3.4	0.9	7.7	6.9	1.6	0.5	0.9	6.1	2	1.3	1.7

Chart 38. Types of direct discrimination (ECAMB)





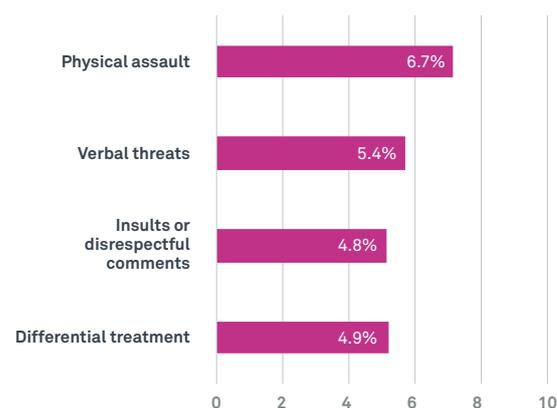
With regard to the specific type of direct discrimination that occurred in each case (Chart 38), we can see that pejorative verbal comments were the most common, with **57.9%** of the individuals discriminated against having received **insults or disrespectful comments**, compared to **39.5%** who had received **differential treatment**, with the fewest being those who had suffered **physical violence (6.9%)**.

The ECAMB also examined **the psychological impact** of these situations of discrimination (Chart 39), giving an average assessment of **5.04** on a scale from 0 to 10. The episodes involving some form of violence represented more psychological effects, with almost 7 points for physical assaults and 5.36 for verbal threats. Differential treatment and insults or comments had a smaller emotional impact but still close to 5 points on average.

If we look at the **gender** of the individuals affected by situations of discrimination, the data compiled in Chart 40 show **that women would have been more discriminated against than men: 17.9%** of women say they have experienced at least one situation of discrimination, whereas the corresponding percentage for men is **13.7%**.

With regard to **who** is responsible for acts of discrimination, the ECAMB shows that the discriminator in **90.4%** of cases was an **individual**, with very much fewer cases stemming from the police forces or public administration staff, as Chart 41 shows.

Chart 39. Psychological effects according to type of discrimination (ECAMB)



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Chart 40. Discrimination index

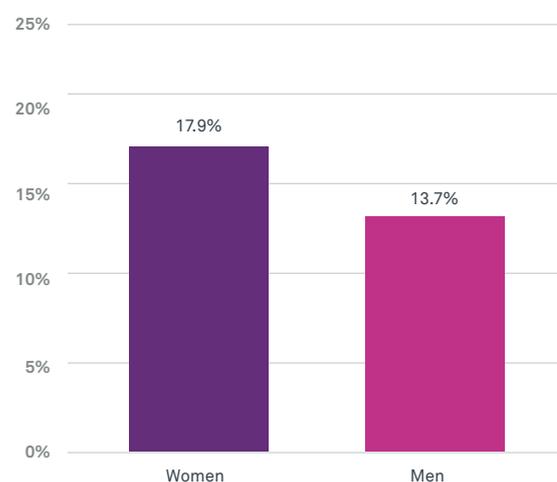




Chart 41. Who discriminates? (ECAMB)⁴⁸

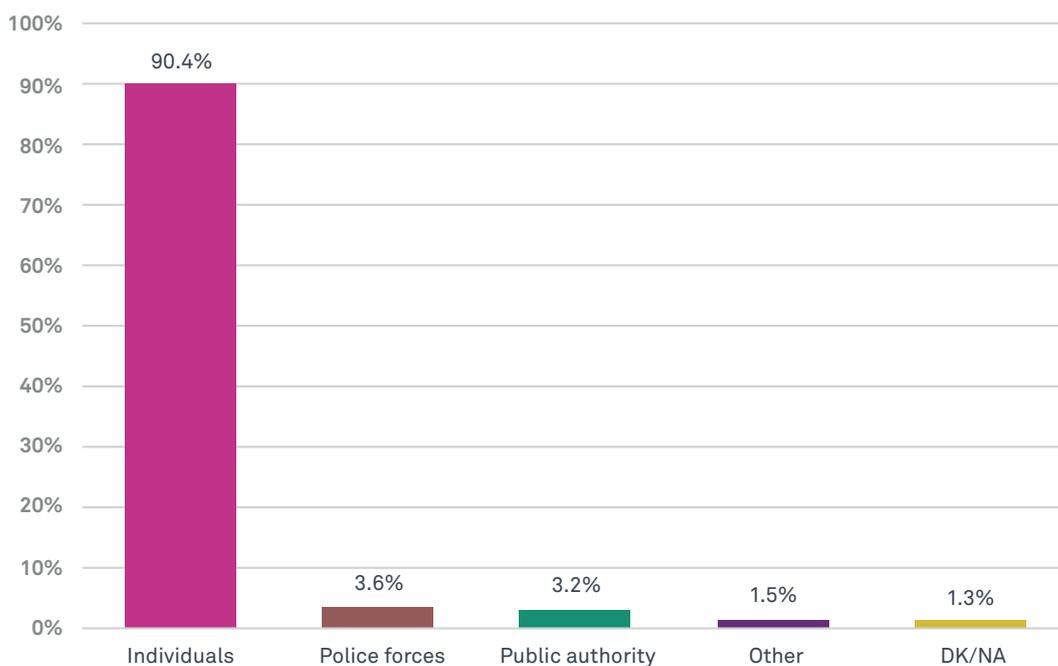


Table 25 shows that most cases of discrimination committed by individuals (49.4%) were by a **person living in the same neighbourhood**, 13.4% by a retailer or person working in the area and 11.4% by a resident in the same building.

With regard to discrimination committed by the public authorities, coinciding with the data collected by the OND and the SAVD Board, most cases were committed by the **local authority**. Finally, among the cases of discrimination committed by the security forces, the data from this survey put the **regional police** in first place, followed by the local and state forces.

Table 25. Discriminators (ECAMB)

Individuals	90.4%
Resident of the neighbourhood	49.4%
Retailer, worker in the neighbourhood	13.4%
Neighbour from the same staircase or building	11.4%
Member of the same family	2%
Security forces	3.6%
Mossos d'Esquadra [Catalan regional police]	43.6%
Local police, Guàrdia Urbana [Barcelona city police]	23.3%
Spain's National Police, Guàrdia Civil	21.1%
Private security	4.1%
Public authority	3.2%
Local authority, district	43.2%
Spanish State	24%
Catalan government	16.8%
Provincial Council, AMB, City Council	5.3%

⁴⁸ The ECAMB includes private security under the category of security forces.



The ECAMB also provided a snapshot of the discriminators in each district (table 26) and showed, for example, more presence of discrimination committed by the **security forces** in the districts of **Ciutat Vella** and **Sants-Montjuïc**.

If we look at the district data provided by Map 2, the survey includes residents' perceptions on the existence of **people discriminated against in their neighbourhood**, on their own spontaneous recollection of having suffered discrimi-

nation in 2020, and the discrimination index, showing that **Ciutat Vella** is the district with the highest percentages in the three indicators, followed by **Eixample** in the case of spontaneous recollection of having suffered discrimination. With regards to the discrimination index, Ciutat Vella and **Gràcia** are the districts with the highest index, around 20%, followed by Sants-Montjuïc (18.3%), Sant Martí (16.5%), Sarrià - Sant Gervasi (15.8%) and Eixample (15.6%).

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Table 26. **Discriminators by district (ECAMB)** ⁴⁹

	One individual (neighbour, family member, person from the neigh- bourhood, etc.)	Security forces (police officer, se- curity guard etc.)	Public authority (City Council, district headquar- ters, etc.)	Other	Don't know	Doesn't want to say
Ciutat Vella	81.5	11.1	5	2.4	0	0
L'Eixample	99.1	0	0.9	0	0	0
Sants - Montjuïc	85.9	6.3	4.1	2.4	1.2	0
Les Corts *	91.6	0	6.4	0	2	0
Sarrià - Sant Gervasi	94	0	3.1	1.2	1.6	0
Gràcia	89.2	4.8	2.2	0	2.3	1.5
Horta - Guinardó	91	4.2	2.5	2.3	0	0
Nou Barris	87.4	4.6	4.5	3.5	0	0
Sant Andreu	89.8	1.5	5.1	1.6	2	0
Sant Martí	90.3	3.1	2.4	1.3	1.1	1.7
Total Barcelona	90.4	3.6	3.2	1.5	0.9	0.4

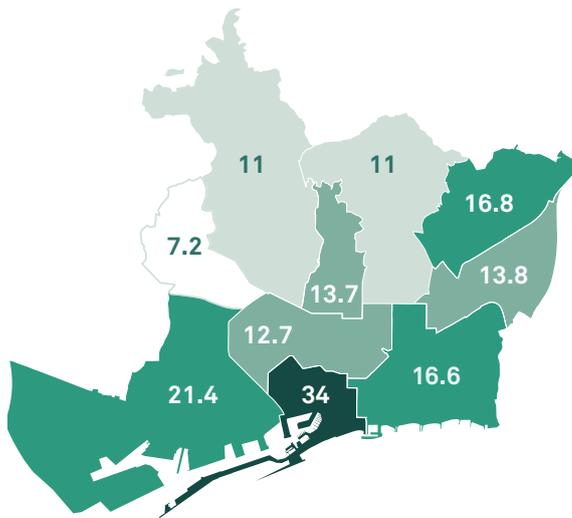
* NB: The data should be taken with caution, given the scarcity of recorded cases.

⁴⁹ The ECAMB includes private security under the category of security forces.

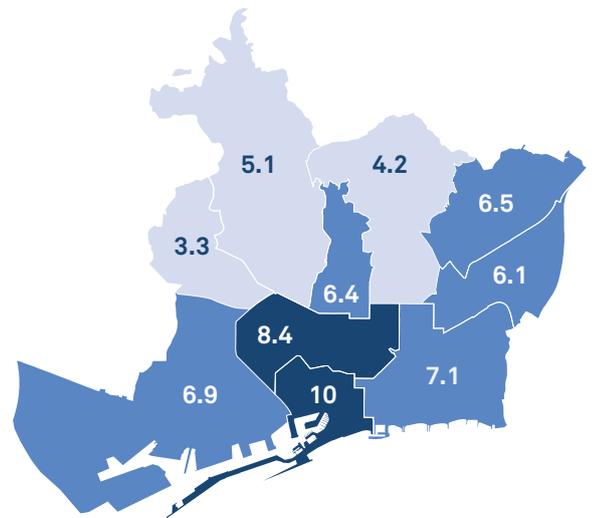


Map 2. Discrimination by district (ECAMB)

Exclusion relations: are there people discriminated against in the neighbourhood?

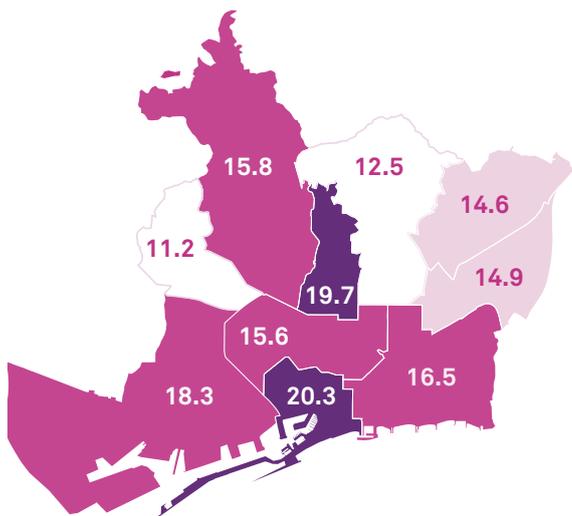


Spontaneous recollection of discrimination



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Discrimination index in the neighbourhood

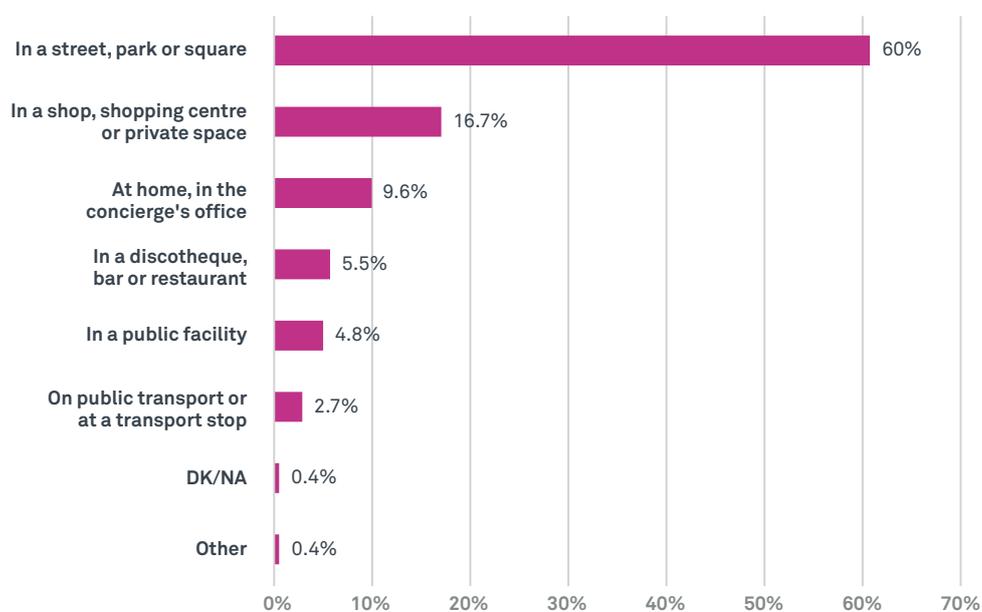


The figures given by the ECAMB show that **93.2%** of the cases of discrimination in the neighbourhood occurred face to face, the rest by phone or online. The most frequent cases of face-to-face discrimination, as shown by the data collected by the OND and the Board of Organisations, take place in **streets, squares or parks**, which was where **60%** of the situations occurred. In **16.7%** of cases, the discrimination took place in a **shop, shopping centre or private space**. Discrimination in leisure and restaurant spaces or in public facilities and services is less frequent (Chart 42).

Finally, if we look in greater detail at where discrimination took place by district (Table 27), we can see that cases in **public transport** were especially significant in **Horta-Guinardó** and **Sant Martí**, whereas cases that had occurred in a **discotheque** (understood as during the months prior to the pandemic) predominated in **Sarrià - Sant Gervasi** and in **Les Corts**. As for discrimination experienced in **shops**, the figures reported in Nou Barris were notable, whereas **Eixample** headed the percentage of cases detected in **dwellings and buildings**.



Chart 42. Where does discrimination occur? (ECAMB)



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Barcelona
Discrimination
Observatory
Report 2020

Table 27. Where does discrimination occur by district (ECAMB)?

	In a street, park or square	On public transport or at a transport stop	In a public facility	In a discotheque, bar or restaurant	In a shop, shopping centre or private space	At home, in the building	Other	Don't know	Didn't answer
Ciutat Vella	65	1.3	3.9	7.9	16.9	4.9	0	0	0
L'Eixample	57.5	3.5	3.6	4.2	16.5	14.8	0	0	0
Sants - Montjuïc	65.7	1.4	3.9	6.5	11.5	11	0	0	0
Les Corts *	58.7	0	9.9	9	15.5	1.9	0	2.8	2.2
Sarrià - Sant Gervasi	54.3	1.7	5.4	12.6	13.8	10.4	1.7	0	0
Gràcia	64.1	3.7	5.2	6.7	11.33	9	0	0	0
Horta - Guinardó	51.6	4.6	8.9	4.7	16.1	14	0	0	0
Nou Barris	57.4	3.8	7.8	1.5	24.2	5.3	0	0	0
Sant Andreu	66.6	0	4.1	5.7	15.5	8.1	0	0	0
Sant Martí	59.2	3.9	1.5	1.9	22.6	8.4	1.4	1	0
Total Barcelona	60	2.7	4.8	5.5	16.7	9.6	0.4	0.3	0.1

* NB: The data should be taken with caution, given the scarcity of recorded cases.



5. Conclusions

The quantitative and qualitative data given in Section 4, “Discrimination in Barcelona”, sketch out some discriminatory situations and trends in our city, enabling us to draw the following conclusions:

1. Impact of the pandemic

2020 was strongly affected by the Covid-19 pandemic, which has also had an impact on discrimination and the work of services and organisations working to tackle it. Discriminatory situations were exacerbated by widespread fear, distress and tension, leading to some cases of discrimination being expressed with **higher levels of tension and violence**. It has also had an impact on the spaces where discrimination occurs: there was a rise in the number of discrimination cases linked to community problems in **dwelling and residents’ communities**. As regards assistance for victims of discrimination, the organisations involved have largely been overwhelmed by their users’ **basic needs**, compelling them to rationalise their roles to take on more welfare-based tasks. This, added to the **virtualisation** of some types of assistance, has made it difficult to deal with situations of discrimination.

2. Global figures

The Board of Organisations for the Assistance of Victims of Discrimination (SAVD) recorded **436 discriminatory situations**, a higher figure than in 2019 (411) and 2018 (265). This increase resulted from the addition of new organisations to the Board, which broadened the collection radius of discrimination cases. Despite the increase in cases, however, it is clear that **under-reporting** remains a problem that conceals discrimination in Barcelona.

3. Perception and experience of discrimination in neighbourhoods

The results of the Survey on resident relations and community life in the Barcelona Metropolitan Area (ECAMB) show that **16% of Barcelona’s residents consider they have experienced a situation of discrimination in their neighbourhood** during the last year. On average, there were at least 1.7 grounds for each person discriminated against, meaning that in many cases they were a victim of multi-discrimination.

4. Who is discriminated against?

Individuals identified as male (53%) continue to report more situations of discrimination than individuals identified as female (39%), according to the data collected by the OND and the Board’s organisations. However, the results of the ECAMB show that **women could have been discriminated against more than men**, as 17.9% of the survey’s female respondents maintain they have experienced at least one situation of discrimination, compared to 13.7% of men. Returning to the data from the Board of Organisations, we can see that in terms of age, 76% of those reporting discriminations are within the **25-39 and 40-64** brackets. The data show that at least 11.5% of them were in an **irregular administrative situation**, were refugees or asylum seekers, situations which involve, to a greater or lesser extent, an added vulnerability when it comes to reporting situations of discrimination experienced.



5. Who discriminates?

The number of cases of discrimination committed by **individuals** has gone up since 2019, and accounts for 42% of the total, whereas the number committed by private organisations or companies has fallen to 29%. The number of cases committed by public authorities and police forces is slightly up compared to 2019. According to data from the ECAMB, half the number of cases of discrimination by individuals could have been committed by **residents from the neighbourhood**.

6. Where does discrimination occur?

The districts of **Ciutat Vella** and **Eixample** are the ones that continue to record most cases of discrimination. If we look at the ECAMB's discrimination index per district, the two that show the highest levels are **Ciutat Vella** and **Gràcia**. According to the data recorded by the Board, discrimination in public spaces occurs mainly in or on the city's **streets, parks, squares and beaches**, with 109 cases, followed by transport, with 31. In the private sphere, the spaces with the highest number of cases of discrimination are **houses, flats and other dwellings**, up from 42 in 2019 to 70 in 2020. By contrast, bars and restaurants saw a drop in number from 34 to 13, in both situations owing to pandemic-related restrictions.

7. On what ground?

Racism and **xenophobia** remain the main grounds of discrimination among the cases recorded by the OND and the SAVD Board of Organisations, with 34%. The second ground, as in 2018 and 2019, was **LGBTI-phobia**, representing 24% of the total, followed by discrimination on the grounds of **disability** (11% of cases)

and **language** (10% of cases). The number of cases of discrimination on **religious grounds** comes to almost 7%, followed by discrimination on the ground of **health**, which continues to represent 6% of cases, as was the case in 2019. In 2020, fewer cases of **aporophobia** were reported (5%) but, as with other grounds, this had more to do with under-reporting and effects associated with the pandemic than a genuine drop in number of cases of discrimination.

8. Rights violated

Violations of **moral integrity**, followed by **physical integrity**, continue to predominate, as they did in 2018 and 2019. This year the number of violations of the right to **service provision** and **housing** are up compared to last year, which is very closely connected to the context of the pandemic.

9. Type of discrimination

In most situations the discrimination has been expressed through **differential treatment**, representing 54.6% of all the cases recorded in 2020. In 36.7% of the cases, some form of **assault**, either **verbal** (23.6%) or **physical** (13.1%) occurred. The collective most affected by physical assaults was the **LGBTI community**, with 27 assaults reported, followed by assaults on the grounds of **racism and xenophobia**, which came to 19. Assaults on the grounds of health, religion and gender were also recorded in 2020, with 3 assaults each and a further 2 assaults on the grounds of aporophobia and ideology. Despite being lower in percentage terms, there were also discriminatory situations manifested through **hate speech**, in 5.3% of the cases, and acts of **vandalism**, in 1.6% of the cases.



10. Responses and results

As regards the response given to the people affected by discrimination both by social organisations and by the OND, most fall under support and accompaniment, especially in the case of **legal guidance** (39%). Of the 436 cases of discrimination reported, 59 ended up as **criminal complaints** and 67 as **administrative** complaints. If we look at the results of these actions, we can see that as the time report is published, only 6% have been resolved with victims **compensated for the harm done to them**.



6. Advances, challenges and recommendations

This section sets out the main advances and challenges in the field of discrimination that will set the framework for the lines of action of the organisations making up the Board and the OND, and for the City Council, in fighting against discrimination in 2021, as well as several recommendations and actions to that end.⁵⁰

Key advances in 2020

- **Act 19/2020, of 30 December, on equal treatment and non-discrimination** sets out a series of advances in key areas, such as the rights of the victims in the disciplinary procedure, the disciplinary capacity of the local bodies and the inclusion of aporophobia as a ground of discrimination. It also creates several instruments for protecting and promoting equal treatment and non-discrimination.
- The **Barcelona Action Protocol for situations of discrimination on the ground of LGBTI-phobia** strengthens the tools for combating situations of discrimination or violence on the grounds of sexual orientation, gender identity or gender expression in Barcelona, and extends collaboration between the services and organisations associated with defending LGBTI individuals.
- The amendment to the Penal Code to **eliminate the forced or non-consensual sterilisation of legally incapacitated individuals with a disability** harmonises Spanish legislation with the Convention on the Rights of Persons with Disabilities and, more specifically, the right to respect for one's home and family.

Main challenges and problems

- The pandemic situation experienced for most of 2020 has exacerbated already existing inequalities and discrimination, expressed in some cases with **higher levels of tension and violence**.
- Mobility restrictions and virtualisation of several services have made it **difficult for cases to be detected and assistance given** to victims of discrimination. In addition, the work of organisations and services involved has largely been overwhelmed by the need to **deal with the basic needs** of the most vulnerable collectives, which in some cases has meant a return to an eminently assistance model.
- With regard to the problem of under-reporting, we have seen how some of the violations occurring in the context of the pandemic were experienced as normalised within the situation of uncertainty and widespread fear, and accepted as **normal and necessary measures**.
- **Discrimination has continued in areas now covered by regulations** banning such types of practices, for example, access to housing (Act 18/2007), right of admission, and assistance to trans persons from the police forces and public authorities under the name they choose for themselves (Act 11/2014).
- On the other hand, **regulations normalising discriminatory practices** remain in place. One example is mechanical restraints in the area of health, used on people with mental health conditions and intellectual disabilities.

⁵⁰ This section includes the reflections and proposals resulting from a meeting of the SAVD Board of Organisations held on 21 April 2021.



Several actions and recommendations for 2021

- We need to guarantee the principle of *good governance* and ensure that the procedures for accessing services and basic rights **are adapted to the needs of the most vulnerable collectives**, if necessary, through positive action, and tend towards an assistance model that puts **people at the centre**.
- Given the cross-cutting challenge of under-reporting, we need to **raise public awareness and improve the reporting tools** offered by the authorities and social organisations in Barcelona, and to explore and strengthen alternative channels for resolving disputes, based on a **restorative approach**, as well as boost the strategies for **preventing** discrimination.
- It is important for us to continue working on the creation of action protocols in the areas where discriminatory practices are detected, such as ethnic profiling, where we need to implement a **protocol against racial discrimination in police actions**.
- We also need to implement a **protocol that regulates the mechanical restraint** of people with mental health conditions or intellectual disabilities, so that such types of practices in hospitals are brought to the notice of the Public Prosecutor's Office, which will have the power to approve or reject them, as is now the case in prisons and old people's homes. We also recommend the establishment of specific spaces for restraining patients which are equipped with video-surveillance cameras and where medical controls with cameras are carried out every hour.
- Besides creating new rules and protocols, it is essential for us to make headway in implementing those that are already in existence but which are not regulated or have no budgetary provision. Such is the case with the **Accessibility Decree** in Catalonia, which Act 13/2014 will have to roll out, and **Decree 150/2017 on Inclusive Education**, which are being called for by organisations working to safeguard the rights of people with disabilities. It is also the case with **the Comprehensive Strategy for Approaching Homelessness in Catalonia**, which, despite having been approved in 2017, still has no budgetary provision.
- Finally, a key action for 2021 will be the **implementation and regulation of Act 19/2020**, of 30 December, on equal treatment and non-discrimination, and its application in Barcelona, maintaining the joint work between the authorities and social organisations in the fight against discrimination in the city, ongoing for over two decades.



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Websites of the Barcelona Board of Organisations for the Assistance of Victims of Discrimination

Office for Non-Discrimination:
ajuntament.barcelona.cat/oficina-no-discriminacio/ca

Acathi:
www.acathi.org/ca

Barcelona Youth Council:
www.cjb.cat

Bayt al-Taqafa:
www.bayt-al-thaqafa.org

Catalan Association for the Defence of Human Rights:
acddh.cat

Catalan Mental Health Federation:
www.salutmental.org

Cepaim:
cepaim.org

Creación Positiva:
www.creacionpositiva.org

Dincat:
www.dincat.cat

ECOM Federation:
www.ecom.cat

Exil:
www.centroexil.org

Fil a l'Agulla:
filalagulla.org

Gais positius:
gaispositius.org

Homeless People's Assistance Network (XAPSELL):
sensellarisme.cat/ca

Irdia:
iridia.cat

Islamophobia Observatory in Catalonia (ODIC - SAFI):
www.odic.cat

Observatory Against Homophobia:
och.cat

Pro-Language Platform:
www.plataforma-llengua.cat

Secretariado Gitano Foundation:
www.gitanos.org

SOS Racisme Catalunya:
www.sosracisme.org

Tenants' Union:
sindicatdellogateres.org/

Unión Romani:
unionromani.org

Veus Federation:
veus.cat



8. Glossary

Below is a glossary of the main terms linked to equality and non-discrimination.

Ableism: aversion towards or discrimination against individuals with functional diversity.

Administrative situation: any of the situations in which individuals may find themselves in Catalonia, whether they have immigrant status or their papers are or not in order, depending on whether they have or do not have a resident or work permit enabling them to reside or live there and carry out a work activity there, or whether they are registered as city residents.

Affirmative action: strategy aimed at establishing equal opportunities through (temporary) measures that enable discrimination resulting from social practices or systems to be opposed or corrected. In other words, a tool that implements the principle of equal opportunities and which seeks to correct inequalities. (Council of Europe Gender Equality Commission)

Ageism: stereotyping and discrimination against individuals or groups based on their age.

Anti-Christianity: opposition to Christian people, the Christian religion or the practice of Christianity.

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

Anti-Muslim racism: a series of discriminatory practices by a dominant group of people who aim to take, stabilise and extend their power through the definition of a scapegoat — real or invented — and by excluding this scapegoat from resources/rights/ definition of a constructed

concept of ‘we’. Likewise, according to the European Islamophobia Report, Islamophobia operates by constructing a static ‘Muslim’ identity, which is attributed in negative terms and generalised for all Muslims. At the same time, Islamophobic images are fluid and vary in different contexts, because Islamophobia tells us more about the Islamophobe than it tells us about the Muslims/Islam. (*European Islamophobia Report 2019*)

Anti-Semitism: fear, hatred, resentment, suspicion, prejudice, discrimination or unfair treatment of people of Jewish origin or who practise Judaism. Modern forms of anti-Semitism include denying the Holocaust.

Aporophobia: contempt, phobia, aversion, rejection or hatred of people in poverty. As a form of behaviour, it may dehumanise individuals and regard them as an object. Legally speaking, it is a hate crime that is not yet recognised in the Spanish Criminal Code.

Direct discrimination: when a person is, has been or could be treated less favourably than another person in a similar situation for any of the protected grounds set out in the current legislation in force.

Disability: this is a situation resulting from the interaction between people with foreseeably permanent impairments and any type of barriers that limit or prevent their full and effective participation in society, on equal terms with all others.

Discrimination: any distinction, exclusion, restriction or preference based on any ground, such as race, culture, ethnic origin, nationality, sexual orientation, religion, physical disability or other features, which is not relevant to the issue in question.



Discrimination by association: a situation where a person is subject to discrimination as a result of their relationship with a person belonging to one of the protected groups.

Discrimination by mistake: a situation where a person is or group of people are subject to discrimination as a result of an incorrect assessment.

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

Functional diversity: an alternative term for *disability*.

Gender: a collection of social, cultural, political, psychological, legal and economic features that are socially constructed and which society assigns to people differentially, as typical of men and women. (Feminism and sexual and gender diversity glossary, Barcelona City Council)

Gender expression: a form and way of self-expression, tastes and behaviour expected from a particular gender and imposed. There is male gender expression and female gender expression and, for androgynous people, gender expression is a mixture of the two, which may vary. (Feminism and sexual and gender diversity glossary, Barcelona City Council)

Gender identity: this refers to the internal and individual experiences of gender sensed by each person, which may or may not match their sex assigned at birth, including their personal experiences of their body (which may or may not involve modifying bodily function or

appearance through medical, surgical or other means, provided that this has been freely chosen).

Gender violence: violence that is used against women as a manifestation of discrimination and inequality within a system of power relations of men over women and which results in physical, sexual or psychological harm or suffering, in public or private.

Glass ceiling: a metaphor of the invisible barriers that prevent many highly qualified women from accessing and rising in the hierarchies of economic, political and cultural power.

Hate crimes: a) any criminal offence, including offences against persons or property, where the victim, premises or target of the offence is selected because of a real or perceived connection to, attachment to, affiliation to, support for or membership of a group such as those defined in part b; b) the group must be based on a common feature of its members, such as real or perceived national or ethnic origin, language, colour, religion, sex, age, learning or physical disability, sexual orientation or another similar factor. (Organisation for Security and Co-operation in Europe)

Hate speech: the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well any harassment, insult, negative stereotyping, stigmatization or threat of such person or persons and the justification of all these forms of expression 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. (European Commission against Racism and Intolerance - ECRI)



Homelessness: situation of individuals unable to keep their dwelling or access an appropriate permanent dwelling, adapted to their personal situation, which offers a stable household framework, not just for economic reasons or other social barriers but also because they present personal difficulties for leading an independent life. (FEANTSA, European Federation of National Organisations Working with the Homeless)

Horizontal segregation: concentration of women or men in specific degrees or levels of responsibility, jobs or academic and training options. Gender plays a greater part in the decision than free personal choice.

Indirect discrimination: a situation in which an apparently neutral provision, criterion or practice puts members of a certain group at a particular disadvantage in relation to other groups, unless the provision, criterion or practice in question can be objectively justified for a legitimate purpose and where the means used to achieve the purpose are appropriate and necessary.

Intersectional discrimination: this refers to discrimination suffered by a person on the grounds of their positions in various social structures, on the understanding that the discrimination is not the sum of different grounds of discrimination, but rather a specific configuration created by the different positions (gender, origin, age, etc.) occupied by the person. It will therefore be necessary to understand the specific form in which the discrimination or inequality is configured in each intersection.

Islamophobia: any act of discrimination, hostile attitude or prejudice brought about against a person on the ground of their being Muslim, or understood as such, or against an establishment run by such people (mosque, prayer room, shop, etc.). Also, any speech that promotes or normalises such practices.

Learning disability: learning and development disabilities are characterised by significant limitations in both intellectual functioning and adaptive behaviour, as expressed in adaptive, conceptual, social and practical skills. This disability starts before the age of 18. (American Association on Intellectual and Development Disabilities – AAIDD)

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

LGBTI-phobia: Prejudice against, hostility towards or rejection of LGBTI people or those identified as part of this group. This phenomenon covers situations relating to discrimination on the ground of sexual orientation, gender identity and gender expression.

Mental health: the capacity to form harmonious relations with others and to participate in or contribute constructively to change in the social and physical environment. (World Health Organisation)

Motor disability: an impairment that affects the person’s movement, handling, balance or control abilities.



Multiple discrimination: this occurs when an individual suffers discrimination on different grounds; it is often understood in an additive sense, that is, its different grounds add up to a negative impact on the person's experience.

Non-motor physical disability: an impairment which, owing to organic causes, such as kidney, heart, lung or other diseases, affects the person's ability to carry out some of their everyday activities.

Prejudice: an a priori or pre-judgement of a person or group made without foundation.

Racialisation: racism does not exist without races, which are the result of a racialising classification of human beings on a hierarchical scale, where those considered *white* are in the top position. Following the horrors of the Holocaust, the concept of races was rejected. Classifying human beings into 'races' was considered scientifically incorrect and politically dangerous, and the term 'race' became frowned upon. In this process, *culture* and *ethnicity* replaced it. Perversely, these terms have substituted the term race conceptually without questioning the logic behind it, that is, without its true meaning and racial hierarchisation having been dealt with or attacked at their root.

Racism: any form of exclusion, segregation, discrimination or aggression against people due to their ethnic or national origin, the colour of their skin, their religious beliefs, their cultural practices or any other characteristic. It is not just an ideology: it is a systematic, routine practice that is necessary for maintaining a power structure based on Western cultural hegemony. It is manifested

through both institutional and everyday relations. It is constantly produced and reproduced. It may be expressed explicitly, through racialising language, or implicitly. It is structural, with deep roots in a past marked by slavery, pillaging, usurpation, domination and exploitation in the context of colonial modernity.

School segregation: concentrations of students with similar features (ethnicity, social status, nationality, etc.) in certain schools, classrooms or school groups.

Serophobia: stigma surrounding issues relating to HIV and AIDS, particularly people who are HIV positive.

Sex: sex is a concept linked to biology, to the body of human beings. Our species usually presents sexual dimorphism, meaning people are born either male or female. A very small percentage of the population, however, are born intersex chromosomally, morphologically or hormonally, that is, with a reproductive or sexual anatomy or chromosome pattern that does apparently not fit the typical biological notions of male or female.

Sexual orientation: every person's capacity to feel emotional, affective and sexual attraction towards people of a different gender to their own, the same gender or more than one gender. It is a spectrum of sexuality referring to the direction of people's desire that is defined through gender and has physical, sensory, emotional or affective implications.

Stereotype: an oversimplified, generalised and often unconscious preconception of people or ideas that can lead to prejudice and discrimination. It is a generalisation where the features shared by part of a group are extended to the group as a whole.



Sticky floor: this refers to the circumstances that arise from family responsibilities and duties, which make affective and emotional responsibilities and duties that end up falling to women in the domestic sphere “stick” to them, trapping them and hindering, slowing down or impeding their way out and from personally developing outside the family.

Vertical segregation: exclusion of women from positions of power and their inclusion in lower ranking activities.

Xenophobia: fear or rejection towards different people or cultures, or considered as foreign.



APPENDIX

Appendix 1. Protected personal characteristics for non-discrimination

Spanish Constitution (Art. 14)	European Treaty (Art. 14)	ICCPR (Art. 2 and 26)	ICESCR (Art. 2.2)	Criminal code (Art. 22.4 and 510)	Statute of Autonomy of Catalonia (art. 40.8)	BCN Municipal Charter (Art. 38.1)
Birth	Birth	Birth	Birth			Place of birth
Opinion	Political or other opinions	Political or other opinions	Political or other opinions			
Race	Race	Race	Race	Race	Race	Race
Religion	Religion	Religion	Religion	Religion or beliefs	Religion	Religion
Sex	Sex	Sex	Sex	Sex	Sex	Sex
Any other social or personal condition or circumstance	Any other situation	Any other social condition	Any other social condition			
	Colour	Colour	Colour			Colour
	Language	Dialect	Dialect		Linguistic (Art. 32)	
	National or social origin	National or social origin	National or social origin	Nation to which they belong	Origin/nationality	
	Belonging to a national minority					
		Financial position	Financial position		Social condition	
				Sexual orientation or identity	Sexual orientation	
						Ancestry
					Age, elderly people (Art. 18)	Age
				Gender	Gender (Art. 19, 41 and 45)	Gender
				Disability		Disability
				Ideology		
				Ethnicity		
				Illness suffered		
				Family situation		

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Appendix 2. Articles that cover the principles of equality and non-discrimination

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	INTERNATIONAL	EUROPEAN UNION	SPAIN
	<p>Universal Declaration of Human Rights, UDHR, United Nations (1948)</p> <p>Article 1. All human beings are born free and equal in dignity and rights.</p> <p>Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law.</p>	<p>Treaty on European Union (1992)</p> <p>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.</p>	<p>Spanish Constitution (1978)</p> <p>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.</p>
	<p>International Covenant on Civil and Political Rights, ICCPR (1966)</p> <p>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.</p> <p>Article 14. All persons shall be equal before the courts and tribunals.</p> <p>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.</p>	<p>Charter of Fundamental Rights of the European Union (2000)</p> <p>Article 20. Everyone is equal before the law.</p> <p>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.</p> <p>Article 21.2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.</p> <p>European Convention for the Protection of Human Rights and Fundamental Freedoms, ECHR, European Council (1950)</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>Act 34/1988 of 11 November</p> <p>On advertising.</p> <p>Framework Act 4/2000 of 11 January</p> <p>On the rights and freedoms of foreign nationals living in Spain and their social integration.</p> <p>Framework Act 3/2007</p> <p>On effective equality between women and men.</p> <p>Act 19/2007</p> <p>Against violence, racism, xenophobia and intolerance in sport.</p>



International Covenant on Economic, Social and Cultural Rights, ICESCR (1966)	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.	... continue	Protocol 12, preamble. All persons are equal before the law and are entitled to the equal protection of the law.	Legislative Royal Decree 1/2013 of 29 November	On the rights of persons with disabilities and their social inclusion (recast)
			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.	Royal Decree 1112/2018 of 7 November	On the accessibility of public sector websites and mobile device applications
International Convention on the Elimination of All Forms of Racial Discrimination (1965)					
International Convention on the Elimination of All Forms of Discrimination against Women, CEDAW (1979)			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.		
International Convention on the Rights of Persons with Disabilities (2006)	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.	European Council Directive 2000/78/EC	Equal treatment in employment and occupation.		
		European Council Directive 2000/43/EC	Equal treatment between persons irrespective of racial or ethnic origin.		
		European Council Directive 2002/73/EC	Principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.		
		European Council Directive 2004/113/EC	Principle of equal treatment between men and women in the access to and supply of goods and services.		
		European Parliament and European Council Directive 2006/54/EC	Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).		
		European Charter for the Safeguarding of Human Rights in the City (1998)	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.		



Appendix 3. Regional and municipal discrimination protection laws

a. Regional laws (Catalonia)

Statute of Autonomy of Catalonia

Preamble, articles 4, 15, 18, 19, 23, 32, 40.8, 44.1 and 45.1

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

Act 9/2017 of 27 June on the universalisation of healthcare out of public funds through the Catalan Health Service

Preamble

Act 4/2016 of 23 December on measures for the protection of the right to housing for people at risk of residential exclusion

Article 2.b

Act 17/2015 of 21 July on the effective equality of men and women

Act 11/2014 of 10 October on the safeguarding of the rights of lesbian, gay, bisexual, transgender and intersex people and to eradicate homophobia, biphobia and transphobia

Act 13/2014 of 30 October on accessibility

Act 29/2010 of 3 August on the use of electronic media in the Catalan public sector

Article 4, three

Act 22/2010 of 20 July on the Consumer Code of Catalonia

Act 21/2010 of 7 July on access to public health care provided by the Catalan Health Service

Preamble

Act 14/2010 of 27 May on the rights and opportunities of children and teenagers

Article 9

Act 19/2009 of 26 November on access to the environment by people accompanied by service dogs

Article 13

Act 12/2009 of 10 July on education

Articles 22, 37, 41, 56, 97 and 202

Act 11/2009 of 6 July on the administrative regulation of public shows and recreational activities

Articles 5.1.d, 10 and 47

Act 5/2008 of 24 April on women's right to eradicate gender violence

Act 18/2007 of 28 December on the right to housing

Articles 2.f and 2.h; 45, 46, 123.2.a

Act 22/2005 of 29 December on audiovisual communication in Catalonia

b. Municipal laws and byelaws (Barcelona)

Regulatory Byelaw on e-Government (2009)

Byelaw of measures to promote and guarantee citizen co-existence in Barcelona's public spaces (2005)

Articles 6.2, 7.2.g; 15, 16, 17 and 18

Municipal byelaw on public activities and establishments (2003)

Municipal byelaw on uses of the urban landscape in the city of Barcelona (1999)

Article 114.1.h.

Act 22/1998 of 30 December on the Municipal Charter of Barcelona, which includes the amendments made by Acts 11/2006 of 19 July, 7/2010 of 21 April and 18/2014 of 23 December

Preamble, articles 38.1 and 112.1



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Centre de Recursos en Drets Humans



Associació Catalana per a la Defensa dels Drets Humans



FUNDACIÓ BAYT AL-THAQAFÀ



Creación Positiva



Federació Veus



Fundación Secretariado Gitano



Centre per la Defensa dels Drets Humans



Federació



Observatori contra l'homofòbia



PLATAFORMA PER LA LLENGUA

L'ONG del català



SINDICAT DE LLOGATERES



SOS RACISME PER LA IGUALTAT DE DRETS



Stop Als Fenòmens Islamòfobs



UNIÓN ROMANI Unión del Pueblo Gitano



XAPSLI Xarxa d'Atenció a Persones Sense Llar BARCELONA