

Discrimination in Barcelona 2018

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Ajuntament de
Barcelona



Editors

Catalonia Institute of Human Rights and Human Rights Resource Centre
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Collaborators

Board of Organisations for the Assistance of Victims of Discrimination, formed by:
Office for Non-Discrimination, ACATHI, Catalan Association for the Defence of Human Rights, the Bayt al-Thaqafa Foundation, the Secretariado Gitano Foundation, the Ecom Federation, the Catalan Mental Health Federation, the Veus Federation, the Assís Foundation, Irídia, the Observatory Against Homophobia, SOS Racisme Catalunya, the Romani Union and the Homeless People's Assistance Network.

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Preface

This report is the result of the collective work of the Board of Organisations for the Assistance of Victims of Discrimination, which is composed of the Office for Non-Discrimination and the following organisations: ACATHI, Catalan Association for the Defence of Human Rights, the Bayt al-Thaqafa Foundation, the Secretariado Gitano Foundation, the Ecom Federation, the Catalan Mental Health Federation, the Veus Federation, the Assís Foundation, Irídia, the Observatory Against Homophobia, SOS Racisme Catalunya, the Romani Union and XAPSLL (Homeless People's Assistance Network).

The document is divided into six large sections:

- The first one contains an analysis of the principle of equality and non-discrimination and its legal framework. This contains, on the one hand, the national, international, regional and municipal legal provisions that in one way or another establish the prohibition of discrimination. In addition, there is also the set of "categories" or "personal conditions" that must be particularly protected in order to address discrimination. On the other hand, it includes situations or actions that could be considered to be directly or indirectly discriminatory in accordance with the interpretations of the law.
- The second section establishes and sets out in detail the method used to draw up the report.

- The third section addresses the causes of under-reporting.
- The fourth one sets out the figures and information and a description of this information, and the situation with regard to discrimination in Barcelona in 2018 is shown using tables and graphs.
- The fifth section establishes the main conclusions drawn based on the information collected in the period under analysis.
- Finally, the sixth section contains a number of recommendations. In some cases, these recommendations relate to making changes to laws, programmes and public policies identified as containing discriminatory elements. In other cases, the aim is to encourage the submittal of legislative proposals at various levels in order to fight the cases of discrimination detected. There are also specific recommendations to make the receipt, handling and resolution of cases faster and more effective (where problems have been identified) in order to get to the bottom of each situation and achieve the ultimate goal: non-discrimination.

The aim of this report is, year on year, to get more organisations or bodies on board working against discrimination in the municipality. The objective is to broadly and accurately reflect the current situation in Barcelona with regard to discrimination.

1. Introduction

In spite of being prohibited by law, discrimination is still present in all corners of the world. This means that Barcelona too contains cases of discrimination against people on the basis of one or more of the personal conditions or characteristics that these people have, show or are assumed to have.

For many years, Barcelona City Council has been a **pioneer in its commitment to the defence of citizens' rights**: the Commissioner for the Defence of Civil Rights was created in 1992, and the Councillor's Office of Civil Rights in 1995. In addition, the **Office for Non-Discrimination (OND)**, a pioneering municipal service in Europe aimed at addressing human rights infringements related to the spheres of discrimination, was put into operation in 1998. In July **2017**, the OND was given **a new push as a municipal mechanism for the prevention and safeguarding of human rights**: it was for this reason that the "Office for Non-Discrimination" government measure was approved.

In November 2017, with the aim of developing a strategy to ascertain, handle and resolve the highest possible number of rights infringements in Barcelona, a number of organisations working on non-discrimination in the city considered the need to coordinate actions in various spheres, and it was decided to create the Board of Organisations with services for the assistance of victims of discrimination.

The Board considered the need to draw up a document setting out, as broadly as possible, an overview of cases of discrimination in Barcelona: the **Report on Discrimination in Barcelona**. Each year, the Report sets out in detail data relating to the cases of discrimination that have taken place during the year, the place or sphere in which they happen, as well as how they are handled and resolved.

Due to the broadness of this issue and the very varied work dynamics of the organisations that work for non-discrimination in the city, the table also includes organisations that don't have services for the assistance of victims of discrimination but that work towards non-discrimination in the municipality from other spheres.

2. The protection of equality and non-discrimination in barcelona

The principle of equality can be found in various legal instruments for the prevention of infringements and the safeguarding of human rights at various levels. In this section we will review the main international, European, national, regional and local ones.

At an international level, the principle of equality can be found in a variety of articles, of which we have highlighted the following: Articles 1 (principle) and 7 (equality before the law) of the Universal Declaration of Human Rights, and Articles 14 (equality before the courts) and 26 (equality before the law) of the International Covenant on Civil and Political Rights. These are generic provisions that contain the principle and can be supplemented by other provisions on equality between men and women as a specific expression of the principle.

At European Union level, the principle is recognised in provisions such as Article 9 of the Treaty on European Union,¹ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation,² and Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.³ In addition, there are at least two more directives relating to equal treatment between men and women.⁴

1. Spanish Official Gazette (BOE) of 27 November 2009, no. 286; BOE amendment of 16 February 2010, no. 41 (in Spanish).
2. Transposed by Law 62/2003 of 30 December (BOE number 313 of 31 December 2003)
3. Transposed by Law 62/2003 of 30 December (BOE number 313 of 31 December 2003)
4. Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women

The foregoing is reinforced by other European legislation setting out the principle of equality, such as the preamble to Protocol No. 12 in the Convention for the Protection of Human Rights and Fundamental Freedoms⁵ and Article 20 of the Charter of Fundamental Rights of the European Union (equality before the law).⁶

Furthermore, the principle of equality **can be found in the majority of domestic constitutions**. In Spain, the principle is enshrined in the Constitution as a higher value of the Spanish legal system (Article 1.1), as a formal principle and a subjective right (Article 14) and as a mandate for the public authorities in the form of material equality (Article 9.2).

Similarly, a significant number of Catalan laws regulate, recognise or implement specific aspects of equality as well as prohibitions of discrimination. These include, for example, the Statute of Catalonia (Preamble and Arts. 4, 15, 18, 19, 23, 32, 40.8, 44.1 and 45.1); Law 9/2017 of 27 June on the universalisation of healthcare out of public funds through the Catalan Health Service (Preamble); Law 4/2016 of 23 December on measures for the protection of the right to housing for people at risk of residential exclusion (Art. 2.b); Law 17/2015 of 21 July on the effective equality of men and women; Law 11/2014 of 10 October on the safeguarding of the rights of gay, lesbian, bisexual, transgender and intersex people and to eradicate homophobia, biphobia and transphobia; Law 29/2010 of 3 August on the use of elec-

in the access to and supply of goods and services; Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

5. More specifically, the above-mentioned Convention does not contain a positive clause on equality before the law but rather a non-discrimination clause (Article 14).
6. Published in the *Official Journal of the European Union*, no. 83 of 30 March 2010, pages 389 to 403.

tronic media in the Catalan public sector (Art. 4, section three); Law 21/2010 of 7 July on access to public health care provided by the Catalan Health Service (Preamble); Law 14/2010 of 27 May on rights and opportunities in childhood and adolescence (Art. 9); Law 19/2009 of 26 November on access to the environment by people accompanied by service dogs (Art. 13); Law 12/2009 of 10 July on education (Arts. 22, 37, 41, 56, 97 and 202); Law 11/2009 of 6 July on the administrative regulation of public shows and leisure activities (Arts. 5.1 d, 10 and 47); Law 5/2008 of 24 April on women's right to eradicate gender violence; and Law 18/2007 of 28 December on the right to housing (Arts 2.f, 2.h, 45, 46 and 123.2.a).

In addition to the above, there is also **municipal legislation** in this area, such as Law 22/1998 of 30 December on the Municipal Charter of Barcelona (Preamble, Arts. 38.1 and 112.1), which includes the amendments made by Laws 11/2006 of 19 July, 7/2010 of 21 April and 18/2014 of 23 December; the e-Government Byelaw (Article 8.b), and the Byelaw on measures for the promotion and safeguarding of citizen coexistence in Barcelona's public spaces (Arts. 6.2, 7.2.g, 15, 16, 17 and 18).

It is worth mentioning that the interpretation of the principle of equality is determined by the provisions of Article 10.2 of the Constitution: "The rules on fundamental rights and liberties recognised by the Constitution shall be interpreted in accordance with the Universal Declaration of Human Rights and the international treaties and agreements on these matters ratified by Spain."

With regard to the principle of equality, a description of its meaning and scope can be found in the rulings of the Spanish Constitutional Court following the European Court of Human Rights, which establishes that:

[T]he principle of equality before the law enshrined in Article 14 initially re-

fers to the universal nature of the Law but does not preclude the legislators from establishing the need for, or desirability of, distinguishing between different situations and treating them differently, something that can even be demanded, in a social and democratic state with the rule of law (...). What the principle of equality before the law prohibits is discrimination, as expressly stated in Article 14 of the Constitution; in other words, if the unequal legal treatment is unjustified because it is not reasonable. If the difference in treatment is justified by a reason that is reasonable and objective, such different treatment will not qualify as inequality and will be protected by the law.

In summary, **equality must be interpreted as a principle that must pervade all other rights so that, instead of constituting a right in itself, it is an obligation to behave** in a particular way, and it must therefore always be applied in respect of all other human rights.

However, a look at the various provisions relating to **non-discrimination**⁷ leads to the following conclusions:

- All human rights and freedoms must be enjoyed, respected and safeguarded without discrimination.
- The foregoing applies to all persons in Spanish territory who are subject to its jurisdiction.
- The following grounds of discrimination are specially protected: birth, race, sex, colour, dialect, language, religion, political or other type of opinion, national or

7. Article 14 of the Spanish Constitution; Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms; Article 1 of Protocol Number 12 to the said Convention; Article 2.1 of the International Covenant on Civil and Political Rights, and Article 2.2 of the International Covenant on Economic, Social and Cultural Rights.

social origin, belonging to a national minority, wealth, financial situation or any other personal or social conditions or circumstance.

In addition, when applying provisions stemming from the European Union, Article 21 of the Charter of Fundamental Rights of the European Union is particularly relevant. This establishes the following:

A prohibition on all discrimination, in particular on the grounds of sex, race, colour, ethnic or social origin, genetic traits, language, religion or convictions, political or any other opinions, belonging to a national minority, property, birth, disability, age or sexual orientation.

All discrimination on the grounds of nationality is prohibited in the scope of application [of the Treaties] and without prejudice to the specific provisions.

The principle of non-discrimination is thus, to a great extent, a reinforced guarantee of the principle of equality. It seeks to protect in particular those people and groups whose rights and freedoms have historically not been protected (taking into account that being different from the majority is not enough to justify a different exercise, enjoyment or protection of humans rights).

There is a specific group of people who have historically been socially, economically and politically dominant. These are the people who have generally created the laws, institutions and bodies within a country. **The principle of non-discrimination ensures that other people who have historically been excluded are also covered by this layer of equality.**

Lists of “categories” or “personal characteristics” requiring special protection are thus established. They are characteristics that any human being can have and that shouldn't cause people to be treated

differently from others in the same situation for the mere reason of having them.

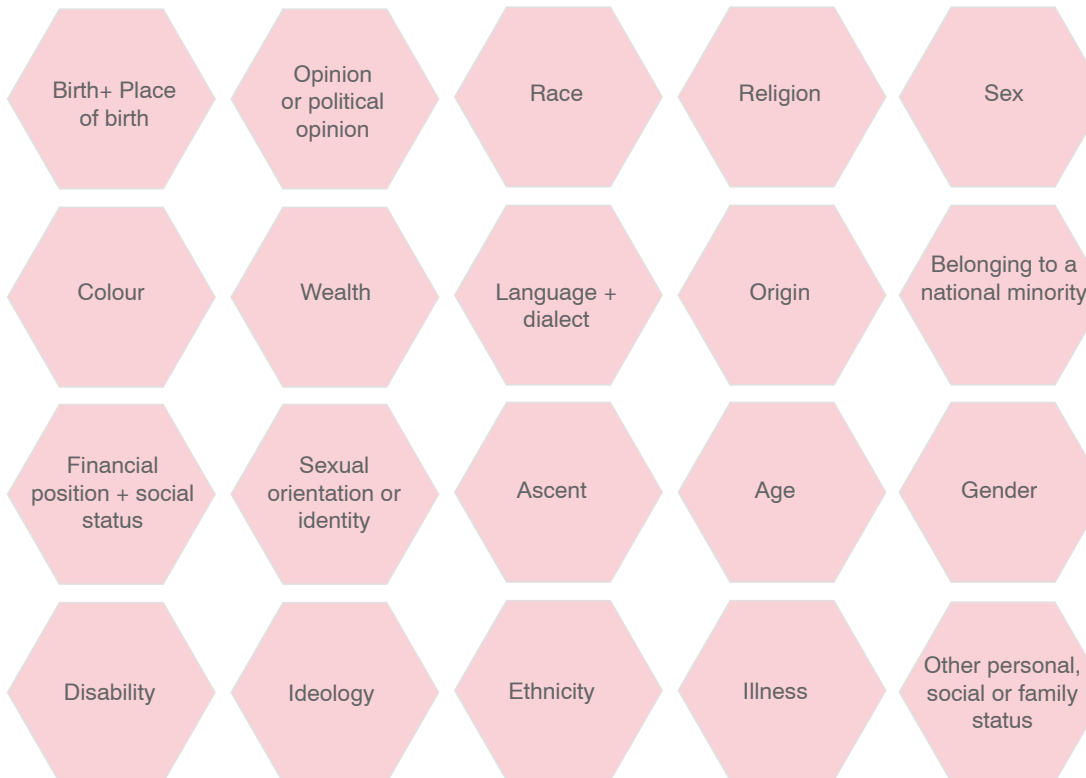
In addition, the Spanish Criminal Code, the Statute of Catalonia and the Municipal Charter of Barcelona contain an express prohibition of discrimination. The content of all these provisions can be used to establish the categories or personal characteristics that should be specially protected from discrimination. These can be found in Annex 1 hereof.

In addition, in the regional and municipal spheres of Catalonia and Barcelona, there is also other legislation prohibiting discrimination and aiming to ensure equality. These can be found in Annex 2.

The legal system safeguarding the right to equality and the prohibition of discrimination is thus broad and varied, ranging from municipal to 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 in common the aim of ensuring that all people are treated equally in the same situation and that they are not discriminated against in any case.

We can thus conclude from all these national, international, regional and municipal provisions that **discrimination based on any of the following grounds is prohibited in Barcelona:**

Figure 1



After establishing the personal conditions or characteristics that are to be subject to special protection against discrimination, it is important to establish more specifically **what is meant by discrimination**. Treating a person differently does not necessarily constitute discrimination *per se*.

There are a number of specific actions or behaviours that, if carried out solely by reason of a human being'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

Distinction	Exclusion	Restriction	Preference	Placing at a disadvantage
Actions that, based on the identification of one or more personal characteristics, involve treating a person differently from another or others in the same situation (direct discrimination).	Actions that, based on the identification of one or more personal characteristics, prevent a person with the above-mentioned characteristics from exercising a right (direct discrimination).	Actions that, based on the identification of one or more personal characteristics, allow a person with the above-mentioned characteristics to exercise a right but in a limited manner (direct discrimination).	Actions that, based on the identification of one or more personal characteristics, give priority to a person other than the one with the above-mentioned characteristics (direct discrimination).	Actions and measures (laws, public policies, public notices, offers) laying down requirements or conditions that some people will be unable to meet due to their personal characteristics (indirect discrimination).

Thus, discriminating not only includes all distinctions but also all exclusions, restrictions or preferences. This is a very important aspect because, of these criteria, people usually only focus on distinctions, forgetting (whether intentionally or not) the other three actions that can also constitute discrimination.

Direct discrimination involves treating people differently in substantially similar situations, without objective and reasonable justification, whether this is by distinguishing or excluding, restricting or giving preference.

Indirect discrimination, on the other hand, is when a seemingly neutral provision, criterion or practice can place one or more people at a disadvantage by reason of a ground of discrimination. This is the case unless the provision, criterion or practice in question can be objectively justified on the basis of a legitimate purpose. In the table provided above, this is presented as the action of "placing at a disadvantage".

Indirect discrimination is also discussed later on in the report.

Finally, cases of *multiple discrimination* must also be taken into account. An act of discrimination can be based on more than one personal condition. For example: a person can be discriminated against directly or indirectly not just for being a woman but also for being a woman with a disability who belongs to a specific ethnic community. This situation can arise in many forms and combinations.

The *principle of non-discrimination* is a negative principle: it prohibits the justification of inequality based on the above categories. The requirement is that the admissible distinctions, exclusions, restrictions or preferences must not be based on being or belonging, or on a personal or social condition or circumstance, but on the wish to make conditions equal, to give the same opportunities and level the playing field.

In Barcelona, the full set of legal provisions mentioned in this section apply. There is thus special protection for all kinds of direct or indirect discrimination in relation to each and every one of the personal conditions or characteristics stated above. The aim is for Barcelona to be a discrimination-free city.

3. Method used for the report

Five working meetings of the Board of Organisations that provide services for the assistance of victims of discrimination were held in order to prepare this report. **The database for collecting the information to be included in the report was designed.** Taking into account the situations of discrimination dealt with and the existing methods for collecting information, it was successfully established that it was important to emphasise the following:

1. *Who the victim is:* i.e. **identifying the personal condition or characteristic on the basis of which a person has been discriminated against.** This is done taking into account the categories set forth in figure 1.

The specific subcategories⁸ have been established based on the work carried out by the bodies and organisations forming part of the Board. Any other subcategory will have to be included in future reports if any new needs are identified.

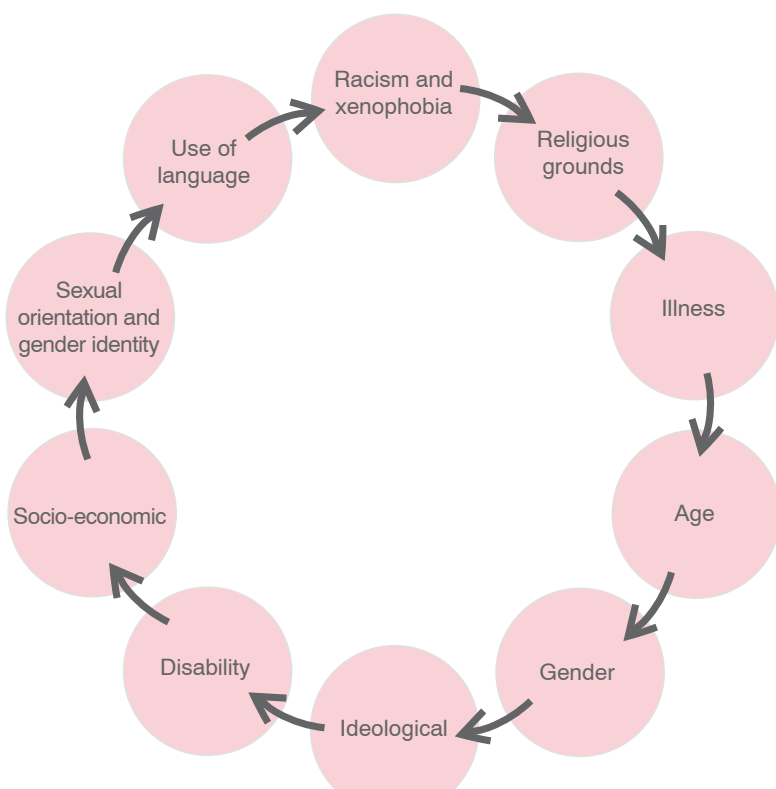
2. *Who has discriminated against them:* i.e. **an individual, a person in a private service or activity or a person carrying out a public function.** In the case of persons in private services or activities, the categories of business, association or organisation have been established for a more specific identification. And, within these two, the subcategories of manager, ordinary employee, security employee and others have been created. In the category of exercise of public functions, the subcategories of manager, civil servant, ordinary employee, security force officer and others have been established, as well as indicating whether it was an organisation, an individual or an organised group. Apart from this, a distinction has been made for persons belonging to the local, provincial, regional or national government. With regard to individuals, the only distinction is whether it is carried out individually or as part of an organised group.

3. *Where the discriminatory act took place;* i.e. **whether it was in a public or private place.** Several categories of places have thus been established. The proposed categories in this area can be found in Annex 4.

4. *How the person was discriminated against;* i.e., **whether the different treatment given without objective and reasonable justification in the same situation took the form of a distinction, exclusion, restriction or**

8. The word "illness" is used here, as it is the term used in the international legislation. However, the various members of the Board of Organisations prefer to use the word "health". This latter will therefore be used from now on in this report.

Figure 3



preference (direct discrimination) **or involved placing that person at a disadvantage** (indirect discrimination).

5. *Which right was affected by the discriminatory act; i.e. whether one or more human rights were infringed* by it. A number of rights (not a comprehensive list) have been initially identified for this purpose based on the experience of the members of the Board:

Entry
Education/training
Honour
Information
Physical integrity
Moral integrity
Privacy
Freedom to move and personal autonomy
Freedom of expression
Leisure
Provision of services
Data protection
To protest (meeting and demonstration)
Reproduction
Health
Quality public service
Work
Housing
Other

6. *What assistance was given to the victim; i.e. whether they were given any kind of support or assistance and, if so, of what kind.* The following have been identified for this purpose:

A. Support and assistance

- Psychological
- Psychosocial
- Legal guidance
- Public impact

- Intermediation
- Conciliation
- Referral to a specialist agency or organisation

B. Reporting

- Public (on the media)
- Administrative
- Criminal

7. *How the situation or case was resolved; i.e. whether the problem was resolved and, if so, how.* The following possibilities were established for this purpose.

A. It was not resolved

B. It is pending resolution

C. It was resolved but without repairing the damage

D. It was resolved and the damage was repaired

- As a result of an agreement between the parties
- As a result of a sanction
- Amendment of a law, public policy, criterion, programme, etc.

8. *The gender that the person identifies with, their age and the district of Barcelona where the infringement took place, as common cross-cutting data for identifying every person who has been the victim of discrimination.* Starting from a common initial parameter in all information records, these three personal details and characteristics are considered useful as a cross-cutting reference for the initial work of the first report.

Thus, some kind of indirect discrimination has been identified using the information collected by the members of the Board and the policies, plans, programmes, public notices and other spaces.

It is worth noting that not all the organisations in the Board mentioned above have provided information for this report. The information on discrimination incidents was provided by the following organisations: ACATHI, Bayt al Thaqafa, the Ecom Federation, the Catalan Mental Health Federation, the VEUS Federation, Iridia, the Observatory Against Homophobia, SOS Racisme Catalunya and the Romani Union (Nakeramos).

Finally, it is worth highlighting that this method has been developed and designed with the effort, and taking into account the working methods, of all the participating organisations, with the aim of standardising them in the best possible way, as this report is the first action of its kind ever carried out in Barcelona.

4. Under-reporting: a reality to be overcome

The information set out in this report does not include those situations of which the members of the Board of Organisations were unaware. The total information only provides an indication of some of the discrimination situations that arose in Barcelona during 2018, but not all of them.

In addition, it should be noted that **not all situations of discrimination are reported to the city's public authorities or organisations**: a high percentage are not reported by the victim. It seems common sense that, in a city with over one and a half million people, where diversity and conflict can meet at every corner, the figure of 265 cases reported and recorded by the assistance services is fairly low.

The most recent (2017) Minorities and Discrimination Survey conducted by the European Union Agency for Fundamental Rights (FRA) can provide an idea of the extent of under-reporting in the discrimination figures.⁹ In this survey, the vast majority (90%) of the people who were asked about the most recent hate-related harassment incident stated that they had not reported it either to the police or to any other service or organisation.

As stated in the "Practical Handbook for the Investigation and Prosecution of Discrimination and Hate Crimes" - which was directed by the Public Prosecutor specialising in Hate Crimes, Miguel Ángel Aguilar¹⁰ - the discrimination incident is often not reported for one of the following reasons:

- **Discrimination as a normalised daily experience.** Many people have lived

with discrimination for so long that these attitudes become normalised in their daily lives.

- The belief that **reporting the incident will be of no use.** Many victims do not believe that the security forces or civil servants for justice will take up the investigations or legal actions to respond to the reporting of these crimes.
- **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.
- Foreign victims without a **residence permit.** It is rare for a person to go to a police station and report a situation of discrimination if they fear the likely initiation of expulsion proceedings. The 2014 Report of the Barcelona Province Prosecutor's Office proposed a reform to Framework Law 4/2000 of 11 January on the rights and duties of foreigners in Spain under which victims of crimes of discrimination who were living in Spain illegally would be allowed an exemption from administrative liability and granted protection against expulsion on the condition that they reported the perpetrators and accomplices of such crimes.
- **Fear of reprisals.** Many people fear that, if they report a crime, the people responsible will retaliate against them, their family or members of their community. Such fear is even greater where the perpetrators belong to an organised group noted for its violence.
- **Extreme vulnerability of certain victim profiles.** Many victims do not report crimes because their personal, social or financial situation makes them completely socially excluded and extremely vulnerable. For example, homeless people, in many cases with physi-

9. Second European Union Minorities and Discrimination Survey. Main results (in English). European Union Agency for Fundamental Rights, 2017. Available at: <https://bit.ly/2GZvSD4>

10. Practical Handbook for the Investigation and Prosecution of Discrimination and Hate Crimes. Directed by the Public Prosecutor specialising in Hate Crimes Miguel Ángel Aguilar Page 68 et seq.

cal or mental health problems and without family or social support.

- **Lack of knowledge of the law** and of how the judicial system works. Many victims often do not know where, how and when to report discrimination and hate crime. In the case of Islamophobia, many victims are of foreign origin and may find it difficult to understand and/or speak the official languages.
- **Shame.** Some victims feel ashamed of being the victims of hate crime, often blaming themselves, as they are being victimised due to their identity.
- **Denial.** In order to deal with the trauma suffered following a hate crime, some victims deny or minimise its impact or seriousness.

In view of this situation, it is considered important to raise the profile of the work carried out by the city's services for the assistance of the victims of discrimination. This report itself aims to explain this issue and help reinforce the work carried out on the safeguarding of rights, as well as support the empowerment of citizens to report any cases of discrimination.

5. The discrimination situation in Barcelona

This section sets out the main results of the 2018 data obtained by both the organisations and facilities in January 2019.

DISCRIMINATION CASE 1

A 31-year-old man contacts the institution because he has been the victim of discrimination on the basis of his country of origin. He is a refugee who recently found two posters left at his front door. The posters contain insults and expressions of rejection towards people of African origin. At the first meeting with the victim, he is provided with emotional support, and a space of trust and confidentiality is sought so that he can explain what happened as calmly as possible.

In an initial interview, objective data on the facts, as well as subjective data, is collected in order to work on both the legal and psychosocial aspects. He is also offered guidance to find evidence on the culprit(s). Regarding the legal aspect, he is offered an appointment with the legal department to consider the feasibility of making an official complaint, and he is given help drafting the criminal complaint to be submitted to the police station or the courts. The service monitors the complaint and its progress through the legal channels.

By means of follow-up interviews, the service checks that the personal impact of the discriminatory acts is being properly managed and that he is being personally empowered to handle certain racist comments to which he may be subject.

5.1. Basic figures

To start with, we have included a few basic figures on the situation regarding discrimination in Barcelona in 2018, starting from the cases recorded by the organisations.

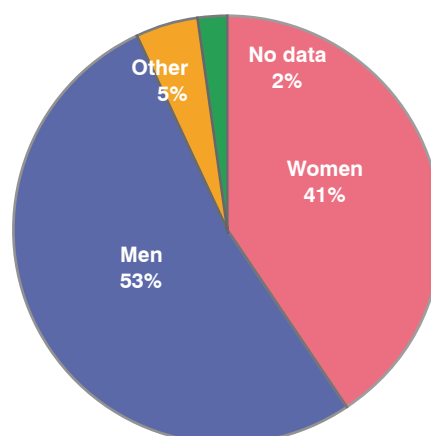
Table 1. Discrimination and gender

Gender	Situations	%
Women	108	40.75
Men	141	53.21
Other	14	5.28
No data	2	0.75
Total	265	100

Table 2. Discrimination and age

Age	Situations	%
0-17	7	2.64
18-25	37	13.96
26-34	56	21.13
35-50	84	31.70
51-64	25	9.43
+65	8	3.02
No data	48	18.11
Total	265	100

Chart 1. Discrimination and gender



Of the **265 cases recorded**, the victims were **men** in **141** cases, **women** in **108** cases, and persons in the "**Other**" category in **14**. This category includes bodies or organisations of the city that have reported a discrimination situation, as well as gender-fluid people. Thus, men account for 53% of the total, and women for 40%.

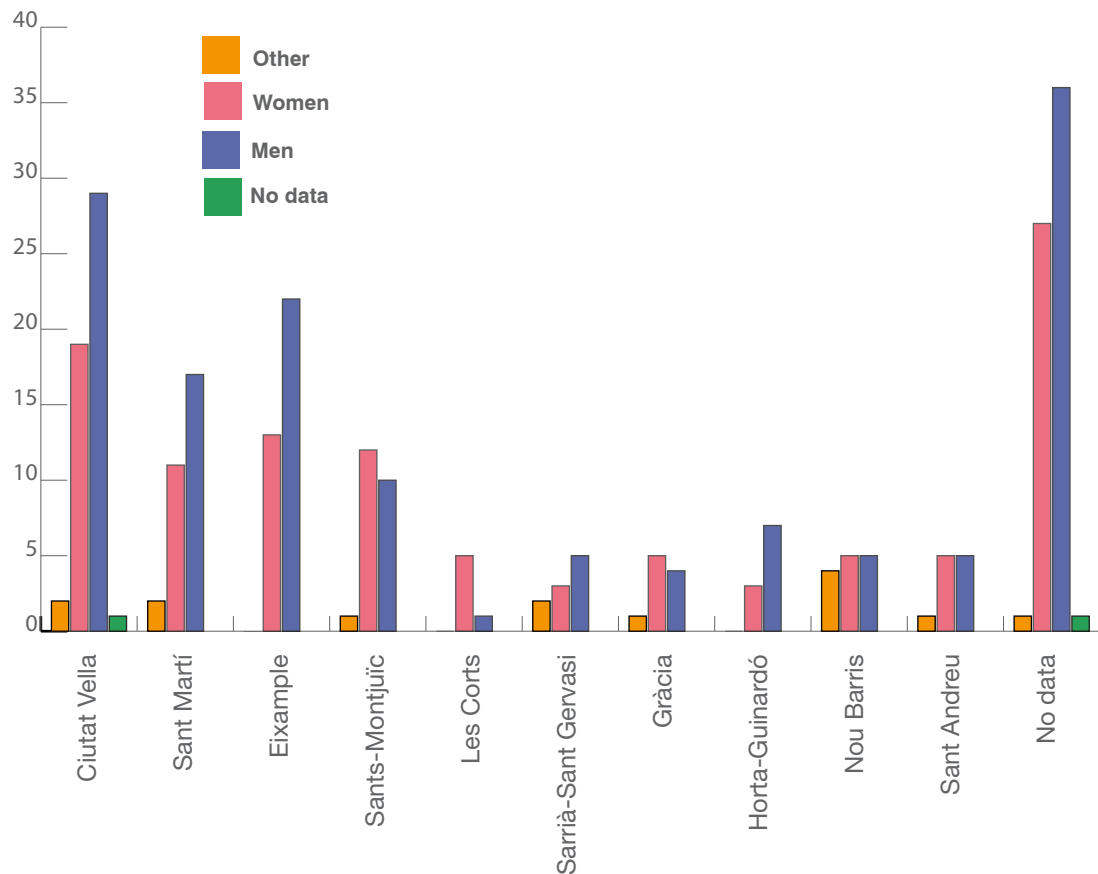
Of the people who contacted the victim assistance services, 31% of the total were between 35 and 50 years old, and 21% were between 26 and 34. In almost 50 cases, the organisations did not record the person's age - this is why they are classified as "No data".

5.2. Discrimination by district

Table 3. Discrimination by district

District	Situations	%
1 Ciutat Vella	51	19.25
2 L'Eixample	35	11.32
3 Sants-Montjuïc	23	13.21
4 Les Corts	6	8.68
5 Sarrià-Sant Gervasi	10	2.26
6 Gràcia	10	3.77
7 Horta-Guinardó	10	3.77
8 Nou Barris	14	3.77
9 Sant Andreu	11	5.28
10 Sant Martí	30	4.15
No data	65	24.53
Total	265	100

Chart 2. Discrimination by district and gender



5.3. Who discriminates and where

Regarding the district where the discrimination took place, **19% of cases** were in **Ciutat Vella** and **12%** in **l'Eixample**. The district with the lowest number of discrimination incidents reported was Les Corts, which accounted for 2%. Where the district of the incident is not stated, it is because either it took place in several parts of the city or the organisations did not record this information.

Table 4. Who discriminates?

Who discriminates?	Situations	%
Public administration	79	29.81
Security forces	19	7.17
Private individual / business	166	62.64
No data	1	0.68
Total	265	100

With regard to **who discriminates**, in the majority of cases this was **a business or an individual, followed by the public administration and the security forces**. This aspect will be discussed in greater detail in the section on reasons for discrimination. Private facilities where access is subject to prerequisites are privately owned facilities, access to which can be subject to belonging to them; i.e. they often require membership and/or some sort of fee. On the other hand, when we talk about private facilities for public access, we describe them as those that are open to the general public.

DISCRIMINATION CASE 2

The affected person is a woman of Pakistani origin who works as a translator, carrying out Urdu translations for a municipal company. After finishing one of the translations, a service user starts to insult and threaten her, and eventually physically attacks her.

She contacts the organisation, which directs her to a Primary Care Centre (CAP) for a medical check-up and a medical report on the facts, as well as to the police station to file a report.

When the affected person arrives at the service, she is significantly psychologically affected, as the incident has just taken place.

An initial examination of the resources available to her, both personally and socially, is carried out, her possible support networks are explored, and she is given educational and psychosocial support.

In this case, she is also given legal guidance on the route that the criminal case will take, and the service carries out a study to assess the possible courses of action, considering the Public Administration's involvement in the criminal proceedings as a channel for the defence of her rights.

At the closing date of this report, the interested party is still receiving support, including guidance in relation to her case and information about the proceedings, which are pending resolution by the court.

Table 5. Where is the discrimination taking place?

	Where is the discrimination taking place?	Situations	%
Private	Private facilities where access is subject to prerequisites	49	18.49
	Houses, flats and dwellings	23	
	Entertainment venues	10	
	Schools, hospitals and sports facilities	9	
	Concert halls, conference centres and pavilions	2	
	Not applicable	5	
	Private facilities for public access	63	23.77
	Transport stations	4	
	Markets	5	
	Museums and exhibition venues	2	
	Assistance and service offices	24	
	Not applicable	3	
	Hotels, hostels and shelters	1	
	Restaurants, bars and other entertainment venues	24	
	Online and telephone services	3	1.13
No data	7	2.64	
Public	Streets, parks, beaches and squares	51	19.25
	Public facilities	79	29.81
	Hostels or shelters	3	
	Libraries, museums and exhibition venues	1	
	Sport, cultural and social centres	6	
	Hospitals	12	
	Police premises	5	
	Transport stations or means of transport	27	
	Citizen assistance offices and courts	11	
	Not applicable	3	
	Prisons or detention centres	1	
	Schools and other training and education facilities	10	
No data	10	3.77	
Other	Other	2	0.75
	Contents of laws and policies, and public notices	2	0.75
	No data	1	0.38
	Total	265	100

5.4. Rights infringed

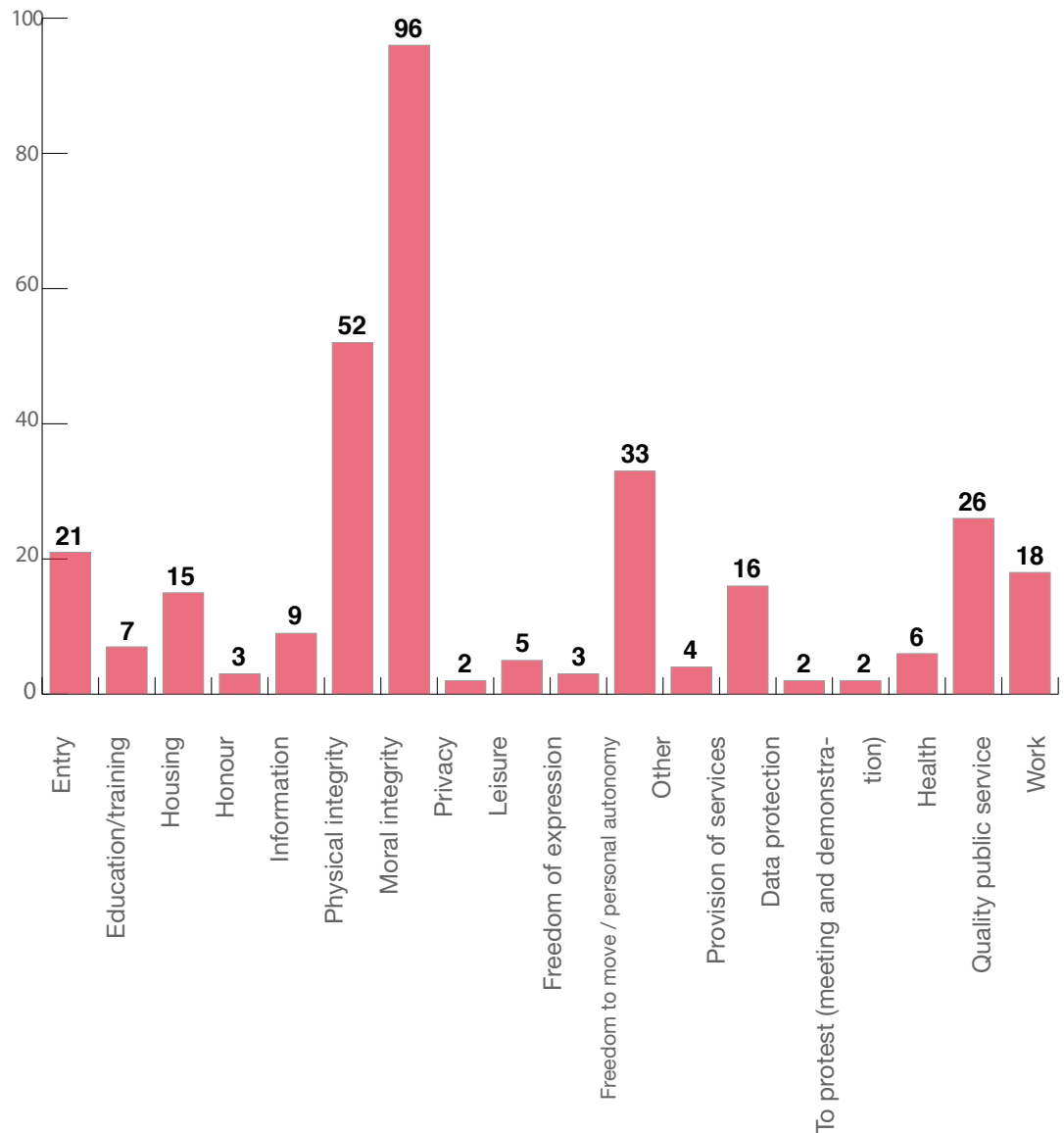
Approximately half the cases of discrimination took place in **public places, and the other half in private places**. Within private facilities, the incidents that took place in restaurants, bars and entertainment venues and assistance and service offices (24 cases, which account for 9% of incidents), as well as in houses, flats and dwellings (23 cases, accounting for 8% of incidents), are particularly worth noting. And, with regard to public places, incidents took place on streets and in parks, beaches or squares (51 cases, accounting for 19% of incidents), in transport stations or in or on modes of transport (27 cases, accounting for 10% of incidents) and in hospitals (12 cases, accounting for 4% of incidents).

Table 6. Rights infringed

Rights	Number of infringements	%
Entry	21	6.56%
Education/training	7	2.19%
Housing	15	4.69%
Honour	3	0.94%
Information	9	2.81%
Physical integrity	52	16.25%
Moral integrity	96	30.00%
Privacy	2	0.63%
Leisure	5	1.56%
Freedom of expression	3	0.94%
Freedom to move / personal autonomy	33	10.31%
Provision of services	16	5.00%
Data protection	2	0.63%
To protest (meeting and demonstration)	2	0.63%
Health	6	1.88%
Quality public service	26	8.13%
Work	18	5.63%
Other	4	1.25%
Total	320	100%

Regarding the analysis of the right infringed, it should be clarified that more than one right can be infringed in a single incident (the table shows eighteen types of rights that can be infringed). Therefore, although the study contains 265 incidents, more than one right was infringed in many of those. For this reason, it contains **a total of 320 cases of rights infringements**.

Chart 3. Rights infringed



Thus, **the right to moral integrity was infringed** in almost a third of these cases, and the right to **physical integrity** was infringed in almost **fifty**. In many cases of infringement of the right to physical integrity, the right to moral integrity was infringed too. In addition, the right to the provision of services was infringed 16 times, and the right to entry was affected in 21 cases. It is worth taking into account that the provision of services differs from

the quality of public service in that the latter is provided by the public administration, whereas in the case of provision of services, the service is provided by an individual.

As a result, we should **focus on the possible intersectionality** of discrimination incidents. **A single discrimination incident can entail or be caused by different oppressions.** In other words, a person

can be discriminated against for various reasons, such as being a woman as well as a foreigner, or a lesbian and a foreigner. And this can also entail the infringement of several rights. Taking this intersectionality into account shows how social categories give rise to a large variety of oppressions and privileges when they intersect with each other. And this is related to multiple discrimination, with the involvement or interaction of various reasons for discrimination. This is not equal to the sum of all the grounds of discrimination but rather to the

interaction of these discriminations in each person or social group, which reflect the various power structures existing in society. This is why the term *intersectionality* has been coined in recent years to describe the process of analysis of the simultaneous interaction of the various types of discrimination to which a person may be subject.

DISCRIMINATION CASE 3

"At work. It was the fact of telling them about my disorder and being kicked out. Several times...

When I was in hospital, they never listened to me, they never asked me what I was listening to, they did not attempt to enquire into it. I'd spend seven days staring at the wall, they'd fill me with drugs and, when I seemed a little better, they'd send me home.

My experience was one of lack of understanding.

And the fact that I was under a sort of obligation to take the pills because, if you don't follow the treatment, they kick you out of the programmes. And then, you're the one who loses out, aren't you? You lose many rights if you don't take the medication...

The treatment at the residence is very impersonal, and your rights are reduced to a minimum. In short, the residence is an extension of the psychiatric hospital. The chances of recovery in a residence... I know very few people from the residence who have left with the chance of having a normal life precisely because of how badly they have been treated. A very dependent and not at all personalised treatment. This is why the only freedom I felt was when I left the residence."

Table 7. Right infringed by sphere and place

		Sphere and place								
	Right infringed	Streets, parks, beaches and squares	Contents of laws, policies and public notices	Private facilities where access is subject to prerequisites	Private facilities for public access	Public facilities	No data	Online and telephone services	Not applicable	Total
		Entry	1		4	14	2			
Education/training				1		5	1			7
Housing	1		8	1			5			15
Honour				1	2					3
Information	2		1	3	2			1		9
Physical integrity	19		8	7	17			1		52
Moral integrity	23		16	27	28		1	1		96
Privacy	1		1							2
Leisure	1		2		2					5
Freedom to move / personal autonomy	10		5	4	6		7		1	33
Freedom of expression				1	2					3
Other			1		3					4
Provision of services	1		1	7	6		1			16
Data protection				1	1					2
To protest (meeting and demonstration)	1	1								2
Health			1			5				6
Quality public service	2			2	20		1	1		26
Work			5	7	2		3	1		18
Total	62	2	54	76	101	19	5	1	320	

Table 8. Right infringed and gender

Right infringed	Women	Men	Other	No data	Total
Entry	7	11	3		21
Education/training	3	1	3		7
Housing	5	7	2	1	15
Honour	1	2			3
Information	2	6	1		9
Physical integrity	18	32	2		52
Moral integrity	44	50	2		96
Privacy		2			2
Leisure	1	3	1		5
Freedom to move / personal autonomy	16	16		1	33
Freedom of expression	2	1			3
Provision of services	5	8	2	1	16
Data protection	1	1			2
To protest (meeting and demonstration)		2			2
Health	2	4			6
Quality public service	4	21		1	26
Work	9	9			18
Other	2	2			4
Total	122	178	16	4	320

Table 9. Right infringed and age

Right infringed	0-17	18-25	26-34	35-50	51-64	+65	No data	Total
Entry		1	4	10			6	21
Education/training	3	1	1	1			1	7
Housing		3	3	2		1	6	15
Honour	1		1	1				3
Information		1	2	4			2	9
Physical integrity		13	14	17	3	1	4	52
Moral integrity	2	11	21	34	12	4	12	96
Privacy		2						2
Leisure				1	1		3	5
Freedom to move / personal autonomy	1	9	4	7	5		7	33
Freedom of expression			1	2				3
Provision of services	1	1	4	5	1		4	16
Data protection				1	1			2
To protest (meeting and demonstration)						1	1	2
Health		2		2	2			6
Quality public service		7	7	6	3		3	26
Work			4	7	1	1	5	18
Other				3	1			4
Total	8	51	66	103	30	8	54	320

Regarding the right infringed in relation to age, figures show that the 30-35 age range is the one with the most cases of infringed rights. In fact, with over 100 infringements of rights, this age range accounts for almost twice as many incidents as the 18-25

age range. The cases of infringement of the rights to moral and physical integrity are again particularly high. The 35-50 age range had 34 cases of infringements of the right to moral integrity and 17 of physical integrity infringements.

5.5. Reasons for discrimination

Table 10. Reasons for discrimination

Reasons for discrimination	Situations	%
Disability	47	17.74
Age	1	0.38
Gender	5	1.89
Ideological	3	1.13
Religious grounds	5	1.89
Racism and xenophobia	105	39.62
Illness (health)	24	9.06
Socio-economic	7	2.64
Use of language	7	2.64
Sexual orientation and gender identity	61	23.02
General total	265	100

The four motives for discrimination most often claimed by the people who contacted a victim assistance service in Barcelona were **racism and xenophobia**. In 105 incidents (40% of cases), this is the most commonly claimed motive. The second most frequent motive claimed was **sexual orientation and gender identity**, with 61 incidents (23% of cases). The third most common motive was **disability**, with 47 incidents (18% of cases), followed by 24 incidents of **discrimination** based on health (9% of cases).

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Chart 4. Reasons for discrimination

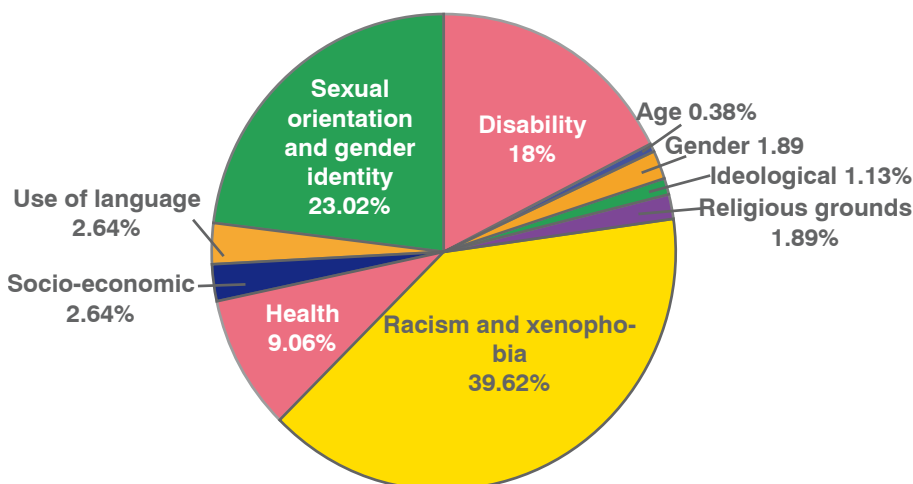


Table 11. Reasons for discrimination and age

Reasons for discrimination	0-17	18-25	26-34	35-50	51-64	+65	No data	%	Total
Disability		3	11	7	9	1	16	17.74	47
Age				1				0.38	1
Gender		1	1	2			1	1.89	5
Ideological		1		1			1	1.13	3
Religious grounds		1	1		2		1	1.89	5
Sexual orientation and gender identity	1	14	16	15	7		8	23.02	61
Racism and xenophobia	4	14	23	42	2	5	15	39.62	105
Health	2	3	1	10	3		5	9.06	24
Socio-economic			3	3		1		2.64	7
Use of language				3	2	1	1	2.64	7
Total	7	37	56	84	25	8	48	100	265

DISCRIMINATION CASE 4

In a shop belonging to an international commercial chain, a private security guard is discriminatory in his attitude and applies unequal treatment towards a foreigner that he suspects, without any evidence or foundation, of having stolen a product. In fact, the assumption of theft is based on prejudice because this person is foreign.

The person affected by the discrimination incident contacts the Assistance and Reporting Service for victims of racism, and together they decide on the steps to be taken. The company receives a written statement from the organisation setting out the facts, and they study the case as one of racist discrimination in a private service. This is a very typical intervention by the Service: informing the other party of the incident and opening the possibility of rectification, change and/or an apology.

In this case, the response was very positive: the company accepted and condemned the incident, which it described as discriminatory, and apologised to the affected person. In addition, once the discrimination had been verified and the employee who was guilty of this attitude and had acted in a discriminatory way failed to rectify the situation, the company chose to dismiss the employee because it was not willing to permit racist behaviour within the company.

Below are further details about the reasons for discrimination, particularly the four most claimed by the people who contacted a victim assistance service in Barcelona.

It is worth mentioning that the number of incidents of gender-based discrimination accounted for a very small proportion of the total: less than 2%. Discrimination against women for the fact of being a woman is usually dealt with either by specialist municipal services or by other specialist organisations that did not take part in the study. In addition, it often goes unreported. Furthermore, cases of gender violence are reported to the police.

Racism and xenophobia

By “discrimination on the grounds of race” we mean discrimination based on the belief and attitude of considering one group to be naturally superior to another, from both an individual and an institutional point of view. Discrimination based on xenophobia is described as discrimination caused by the (irrational) fear of foreigners or people from other countries in general.

The tables below contain data on discrimination based on racism and xenophobia.

Table 12. Racism and xenophobia by district and gender

District	Women	Men	Other	No data	Total	%
1 Ciutat Vella	8	17	1	1	27	25.71
2 L'Eixample	2	13			15	18.10
3 Sants-Montjuïc	6	7	1		14	14.29
4 Les Corts	1				1	13.33
5 Sarrià - Sant Gervasi	1	1	1		3	0.95
6 Gràcia		2	1		3	2.86
7 Horta-Guinardó	1	3			4	2.86
8 Nou Barris	4	2	4		10	3.81
9 Sant Andreu		1	1		2	9.52
10 Sant Martí	5	13	1		19	1.90
No data	3	4			7	6.67
Total	31	63	10	1	105	100

The **districts with the most cases** of racism and xenophobia were **Ciutat Vella, Sant Martí and l'Eixample**. A quarter of the cases of discrimination based on racism and xenophobia took place in Ciutat Vella. This may be due to the fact that, according to data provided by Barcelona City Council's Department of Statistics, this is where the majority of the foreign population in the city live.

Table 13. Racism and xenophobia and the discriminating party

Who discriminates?	Total	%
Public administration	19	18.10
Regional	3	2.86
National	2	1.90
Local	14	13.33
Security forces	15	14.29
Regional	5	4.76
National	2	1.90
Local	6	5.71
No data	2	1.90
Individuals/business	71	67.62
Manager	12	11.43
Organisations/ associations	1	0.95
No data	2	1.90
Individuals	22	20.95
Private security	17	16.19
Employee	17	16.19
Total	105	100

In over **60% of cases**, the discrimination was carried out by **businesses or individuals**, with incidents between individuals accounting for the largest proportion within this category. It is worth highlighting that the majority - specifically 20% - of racist or xenophobic incidents took place between individuals. However, it is also notable that there were 17 cases in which the discriminating party was a private security company or other business employee.

Table 14. Racism and xenophobia and sphere and place

Sphere and place	Total	%
Private	54	51.43
Private facilities where access is subject to prerequisites	15	14.29
Houses, flats and dwellings	5	
Entertainment venues	5	
Schools, hospitals and sports facilities	2	
Concert halls, conference centres and pavilions	1	
Not applicable	2	
Private facilities for public access	34	32.38
Transport stations	2	
Markets	4	
Museums and exhibition venues	1	
Assistance and service offices	12	
Restaurants, bars and other entertainment venues	12	
Not applicable	3	
No data	4	3.81
Online and telephone services	1	0.95
Public	50	47.62
Streets, parks, beaches and squares	22	20.95
Public facilities	28	26.67
Schools and other training and education facilities	5	
Sport, cultural and social centres	1	
Hospitals	1	
Prisons or detention centres	1	
Police premises	2	
Transport stations or means of transport	14	
Citizen assistance offices and courts	2	
Not applicable	2	
No data	1	0.95
Total	105	100

Regarding the **places** where the discrimination incidents took place, these were more or less **equally split between private facilities and public places**, specifically streets, parks, beaches, squares, stations or means of transport.

Table 15. Racism and xenophobia and the rights infringed

Rights infringed	Number of infringements
Entry	11
Education/training	2
Housing	5
Honour	1
Information	3
Physical integrity	22
Moral integrity	44
Privacy	1
Leisure	1
Freedom to move / personal autonomy	9
Provision of services	10
Data protection	1
To protest (meeting and demonstration)	1
Health	1
Quality public service	13
Work	6
Other	1
Total	132

This shows that, in the vast majority of cases of discrimination based on racism and xenophobia, the right infringed was the right to moral integrity, and in many cases it was due to an infringement of the right to physical integrity. One should also note that more than one right was infringed in some cases (although 105 cases of racism

were reported, there were 132 infringements of rights).

These figures match those taken from the 2017 report by the Office for Non-Discrimination (OND), where the greatest number of discrimination incidents dealt with were based on racism/xenophobia, which accounted for 39% of its cases.

Finally, there were 9 cases of racism against members of Barcelona's Roma community. Considering the number of Roma people in Barcelona, 9 cases is a significant number.

Sexual orientation and gender identity

By “discrimination based on sexual orientation” we mean discrimination against gay and lesbian people. In addition, by “discrimination based on gender identity” we mean discrimination suffered by trans or intersex people. These people, who belong to the LGBTBI community, are outside what is considered to be heteronormativity. This term refers to a society in which being heterosexual is considered normal and all behaviours outside this can lead to discrimination.

Recent years have seen great advances in the recognition of LGBTBI rights and the fight against discrimination against this community in our city. In spite of this, LGBT-phobia is evident in our environment in the invisibility and stigma of intersex people; in the pathologisation and medicalisation of transgenderism; in the exclusion of many trans women from employment; in the difficulty of showing affection in public places; in the violence and invisibility that can be suffered by older LGBTBI people; in work environments that lack respect for LGBTBI people; and in the school environment.

Below are some figures on discrimination on the grounds of sexual orientation and gender identity.

Table 16. Sexual orientation and gender identity by district and gender

	Women	Men	Other	Total	%
District					
Ciutat Vella	3	7	1	11	18.03
Eixample	3	4		7	6.56
Sants-Montjuïc	3	1		4	11.48
Les Corts	2	1		3	6.56
Sarrià - Sant Gervasi	1	3		4	4.92
Gràcia	2	1		3	6.56
Horta-Guinardó	1	3		4	4.92
Nou Barris	1			1	6.56
Sant Andreu	3	2		5	1.64
Sant Martí	1	3		4	8.20
No data	4	10	1	15	24.59
Total	24	35	2	61	100

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Non-Discrimination**Discrimination in
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These figures can be compared with those in the report *The Status of LGBT-phobia in Catalonia 2017* produced by the Observatory Against Homophobia, which shows that, of the 111 cases dealt with in 2017, 81.2% of LGTBI-phobia incidents recorded by this organisation took place in the province of Barcelona. The data obtained

by the Board of Organisations in matters of discrimination against the LGBTI community shows that **61 cases involving discrimination based on sexual orientation and gender identity were dealt with in 2018**. Of these, **11** took place in **Ciutat Vella**, and **7** in **l'Eixample**.

Table 17. Sexual orientation and gender identity by sphere and place

Places	Total	%
Streets, parks, beaches and squares	17	27.87
Private facilities where access is subject to prerequisites	17	27.87
Houses, flats and dwellings	12	
Entertainment venues	3	
Schools, hospitals and sports facilities	2	
Private facilities for public access	10	16.39
Markets	1	
Assistance and service offices	2	
Restaurants, bars and other entertainment venues	7	
Public facilities	16	26.23
Schools and other training and education facilities	2	
Sport, cultural and social centres	1	
Hospitals	3	
Police premises	2	
Transport stations or means of transport	6	
Citizen assistance offices and courts	2	
Online and telephone services	1	1.64
Total	61	100

DISCRIMINATION CASE 5

A migrant couple who had just arrived in Barcelona. They went to a real estate agent to view a flat and pay a deposit to reserve it. The next day, when they met to sign the papers, the real estate manager told them that "they prefer Spaniards" and that she was therefore refunding the deposit within 15 days as provided for in the terms of the reservation. The couple felt that they had been discriminated against in relation to access to a home for rent.

The following actions were carried out: a) the real estate agent was contacted; b) legal advice was provided: the proposed lease agreement was lawful, but the reasons given for not signing it were discriminatory; liability fell on the owner, since the real estate agent was speaking on their behalf; c) the real estate agent and the owner were contacted; d) there was intermediation between the parties; e) the possibility of a legal assessment to establish whether a crime had been committed was considered; e) a letter of apology from the owner and the estate agent was sent to the couple; f) a training session on discrimination for the estate agent's employees was negotiated; g) the estate agent helped the couple find another home.

The law does not envisage or allow for different requirements according to origin. Some real estate agents seem to make separate lists of homes for locals and foreigners. It is also important to be able to "test" real estate agents in order to verify such possible discriminations. This can be reported, and the organisations encourage it.

The places where most of these infringements take place are streets, parks, squares and beaches, as well as private homes and bars, restaurants and other entertainment venues. And the main discriminating parties were individuals.

Table 18. Sexual orientation and gender identity and the right infringed

Right infringed	Situations
Entry	5
Housing	3
Honour	1
Physical integrity	23
Moral integrity	30
Privacy	1
Freedom to move / personal autonomy	2
Freedom of expression	1
Provision of services	1
Health	2
Work	2
Total	71

Moral and physical integrity are still the most infringed rights in cases of discrimination based on sexual orientation and gender identity.

Disability

According to the World Health Organization (WHO, 2001) "A disability is any alteration to a person's capacity for action and participation, arising from a deficiency, which represents a deviation from the generally accepted "norm" in relation to the biomedical condition of the body and its functions. Such deficiencies may be temporary or permanent, progressive, regressive or static, and there is no relationship of causation between them and their etiology or form of development."

With regard to people with a degree of disability, according to Barcelona City Council's Department of Statistics, in 2016 there were 132,133 people with a recognised degree of disability - i.e. about 8.25% of the population - living in the city. People with physical disabilities often struggle to exercise their rights. This can be due to work, financial or social reasons and other people's attitudes. These situations preventing people with disabilities from fully enjoying their rights include, among others, physical or psychological attacks, damage to property, insults and threats, bullying at school or harassment at work, discrimination at work and the refusal to provide a public or professional service.

The tables below contain the figures on discrimination based on disability.

Table 19. Types of disability and right infringed

Type of disability and right infringed	Situations
Hearing	1
Moral integrity	1
Physical	42
Entry	1
Education/training	1
Housing	4
Moral integrity	1
Leisure	1
Freedom to move / personal autonomy	20
Other	1
Provision of services	1
Quality public service	6
Work	2
Intellectual	5
Information	2
Moral integrity	1
Leisure	1
Provision of services	1
Multiple disabilities	3
Entry	1
Leisure	1
Not applicable	1
Visual	4
Freedom to move / personal autonomy	1
Work	1
General total	48

The figures on **discrimination based on disability** show that, **of the 47 cases** recorded, most relate to a physical disability and affect **women more than men**. Freedom to move and personal autonomy is the most commonly infringed right.

Table 20. Disability and the discriminating party

Who discriminates?	Total	%
Public administration	28	59.57
Regional	9	19.15
National	2	4.26
Local	17	36.17
Individuals/business	19	40.43
Manager	3	6.38
Organisations/associations	5	10.64
No data	1	2.13
Individuals	8	17.02
Employee	2	4.26
General total	47	100

The discriminating party in the majority of cases was the public administration, in particular the local public administration. In particular, the data shows that the public sector was the discriminating party in almost 60% of cases. There were almost 30 cases in which the discriminating party was the public administration.

Table 21. Disability and sphere and place

Place where the discrimination took place	Total	%
Private facilities	18	38.30%
Private facilities where access is subject to prerequisites	9	19.15%
Houses, flats and dwellings	4	
Entertainment venues	2	
Schools, hospitals and sports facilities	3	
Private facilities for public access	7	14.89%
Hotels, hostels and shelters	1	
Museums and exhibition venues	1	
Assistance and service offices	4	
Restaurants, bars and other entertainment venues	1	
No data	2	4.26%
Public	29	61.70%
Streets, parks, beaches and squares	7	14.89%
Public facilities	13	27.66%
Schools and other training and education facilities	1	
Sport, cultural and social centres	2	
Hospitals	1	
Transport stations or means of transport	7	
Citizen assistance offices and courts	1	
Not applicable	1	
No data	9	19.15%
Total	47	100

DISCRIMINATION CASE 6

The affected person is a 23-year-old gay man who works in a shop. One day a colleague mentions that she has heard the team coordinator speaking on the phone to the shop manager, who was saying that "she couldn't work with gay people". The victim informs human resources, where he is told that this is indeed punishable, provided there is evidence. At one point, the young man asks the shop manager if she has said this, and she confirms it and says that she doesn't think it's that serious. When the man tells her that it is punishable and reportable, she becomes defensive, says that it has been taken out of context and that she has no problems with gay people, as proven by the fact that she has sent reports to human resources stating that she is happy with this person's work. The next day the affected person speaks to the shop manager again, this time recording the conversation, which takes place in the storeroom, and she admits to having made the comment. She again becomes defensive and plays down what she considers to be nothing more than an unfortunate comment. The situation gets to the point of causing anxiety in the victim, who has to go to the emergency room, where he is signed off work. A few days later, he receives a letter of dismissal, as he was still in a trial period. Since the deadline for reporting an unfair dismissal has expired, the organisation's legal service drives a joint action with the trade union's LGBTI division and the affected person. It is decided to take the case to the Generalitat de Catalunya's Labour Inspectorate rather than make a formal complaint to the Mossos d'Esquadra [the Catalan police force]. In March 2018 the Labour Inspection finds in favour of the victim. The resolution requires preventive measures for the prevention of discrimination on the grounds of sex to be put in place as provided for in Law 3/2007 for the effective equality of men and women. In addition, the psychosocial service works with the victim, providing support in view of the emotional impact of this situation.

The places with the most cases of disability-based discrimination were **transport stations or means of transport and assistance and service offices**. More than 60% of cases involved discrimination in the public sphere. The issue of transport or means of transport is particularly significant, as journeys that have to be undertaken - often on a daily basis - by people with disabilities clearly still pose barriers to their independence.

Health

According to the World Health Organization (WHO), "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity". (WHO, 1946).

In addition, the WHO defines mental health as the capacity to form harmonious relations with others and to participate in or contribute constructively to change in the social and physical environment. In this regard, mental health is the basis for a person's and a community's well-being and effective functioning. Thus, a person's mental condition also forms part of the assessment of any person's health. And this section gives priority to this, since it is - as will be discussed later in this document - the main motive for health-related discrimination.

Mental health has become a primary goal in the European Union: some 15% of the population is estimated to suffer from some sort of mental disorder over the course of their lives. The Barcelona Health Survey (2011) highlighted that, when it comes to city residents aged 15 years and over, 11.1% of men and 16.8% of women are at risk of suffering a mental disorder. The impact of the financial crisis, which began in 2008, and the austerity measures on the social determinants of health have increased social inequalities and poverty among the city's population.

The tables below show the figures for discrimination based on health.

Table 22. Types of discrimination on the grounds of health

Type of discrimination on the grounds of health	Women	Men	No data	Total	%
Mental	10	12	1	23	95.83
Serophobia		1		1	4.17
Total	10	13	1	24	100

An analysis of the data on health-related discrimination recorded by the organisations shows **24 cases in this category** (12 men, 10 women and one case where the person's gender was not recorded). Of these, **almost all** relate to **discrimination based on mental health**.

Table 23. Discrimination on the grounds of health and the discriminating party

Discriminating party	Situations	%
Public administration	13	54.17
regional	12	50.00
national	1	4.17
Individuals/business	11	45.83
Manager	2	8.33
Organisations/associations	6	25.00
No data	1	4.17
Individuals	1	4.17
Employee	1	4.17
Total	24	100

Table 24. Discrimination on the grounds of health and sphere and place

Sphere and place	Situations	%
Private	9	8.33
Private facilities where access is subject to prerequisites	4	37.50
Houses, flats and dwellings	1	
Schools, hospitals and sports facilities	1	
Not applicable	2	
Private facilities for public access	5	20.83
Transport stations	1	
Assistance and service offices	3	
Restaurants, bars and other entertainment venues	1	
Public	13	
Public facilities	12	54.17
Hostels or shelters	1	50.00
Schools and other training and education facilities	1	
Hospitals	7	
Citizen assistance offices and courts	3	
No data	1	
Other	2	4.17
Total	24	100

With regard to discrimination on the grounds of health, it is clear that **the public administration is the main discriminating party, and the public sphere is the main place and sphere of such dis-**

crimination. It is a similar pattern to the one seen in discrimination based on disability. Discrimination in hospitals, with 7 incidents, is particularly worth noting.

Table 25. Discrimination on the grounds of health and rights infringed

Right infringed	Total
Education/training	1
Housing	1
Honour	1
Information	2
Physical integrity	5
Moral integrity	9
Other	1
Provision of services	2
Data protection	1
To protest (meeting and demonstration)	1
Health	3
Quality public service	5
Work	6
Total	38

The figures show that the most frequently infringed right is **the right to moral integrity**. Once again, degrading conducts and those attacking a person’s dignity, such as insults or humiliating expressions, are also the most common in cases of health-based discrimination. The right to moral integrity was infringed as much as 9 times in cases of health-based discrimination. This figure is almost twice as high as the next most infringed right, which is the right to physical integrity.

One should particularly note the cases of discrimination against people with mental health problems, a stigma that is often reinforced by the media. This negative attitude has implications in all spheres of intervention, such as in the failure to recognise the illness or in delay in accessing care and support services. On the other hand, certain actions in the public system in emergencies or cases of forced internment can increase this stigma.

5.6. Discriminatory actions and types of discrimination

As noted above, it is worth taking into account the four categories established by the international provisions that can constitute discriminatory actions. These actions help establish whether we are really looking at a case of discrimination or an infringement of rights. In order for it to constitute discrimination, the action carried

out by the discriminating party must come under the categories of distinction, exclusion, restriction or preference (see figure 2, section 2). The tables below contain cross-references of discriminatory actions.

Table 26. Discriminatory actions and right infringed

Right infringed	Distinction	Exclusion	Preference	Restriction	No data	Total
Entry	3	12		6		21
Education/training		4		3		7
Housing	3	7		5		15
Honour	1	1		1		3
Information	1	2		6		9
Physical integrity	21	6	2	20	3	52
Moral integrity	54	16	5	20	1	96
Privacy		1		1		2
Leisure		4		1		5
Freedom to move / personal autonomy	4	18		10	1	33
Freedom of expression			1	2		3
Provision of services	2	6		8		16
Data protection	1			1		2
To protest (meeting and demonstration)				2		2
Health	1	3		1	1	6
Quality public service	3	11		12		26
Work	4	8	1	5		18
Other	1	1	2			4
Total	99	100	11	104	6	320

An analysis of the discriminatory actions and the right infringed shows that **the most common action involves distinguishing**, involving a significant infringement of the person's rights to moral integrity (in more than 50 cases), followed by the right to physical integrity (in 21 cases).

It is also worth highlighting that the enjoyment of the right to physical and moral integrity was restricted in 20 cases. However, it is no less noteworthy that restrictive actions were the most common in rights infringements, as almost all the rights categorised in our report were restricted.

Table 27. Discriminatory actions and reasons for discrimination

Reasons for discrimination	Distinction	Exclusion	Preference	Restriction	No data	Total	%
Disability	5	30	1	11		47	17.74
Age		1				1	0.38
Gender		2	1	2		5	1.89
Ideological	1	1	1			3	1.13
Religious grounds	1	1	1	2		5	1.89
Sexual orientation and gender identity	32	15		13	1	61	23.02
Racism and xenophobia	35	26	5	36	3	105	39.62
Health	6	9		9		24	9.06
Socio-economic	2			5		7	2.64
Use of language	2			5		7	2.64
Total	84	85	9	83	4	265	100

The graph shows that a distinction was made in **35 cases in which the reason for discrimination was racism and xenophobia**. It also highlights the 30 cases in which a person was excluded from the ability to enjoy their right when the reason for discrimination was the person's disability.

Table 28. Discriminatory actions and discriminating parties

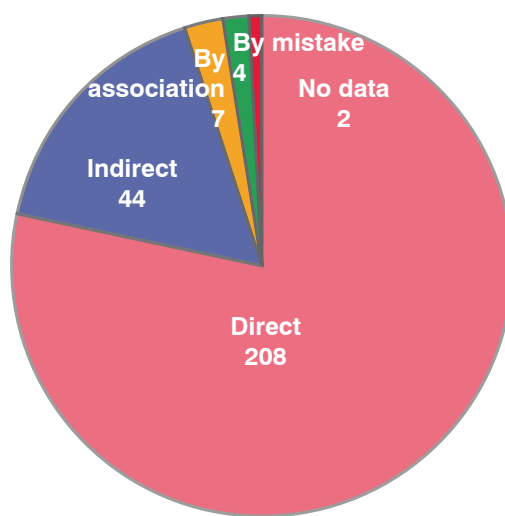
Who discriminates?	Distinction	Exclusion	Preference	Restriction	No data	Total	%
Public administration	15	36	2	25	1	79	29
Security forces	7	3		8	1	19	7.17
Private individual / business	62	45	7	50	2	166	62.64
No data		1				1	0.38
Total	84	85	9	83	4	265	100

Finally, the figures show that there were more than 60 cases in which individuals or businesses treated a person differently from another or others in the same situa-

tion (distinguishing). Also significant are the 50 cases in which, rather than making a distinction, individuals restricted a person's enjoyment of a right.

Table 29. Types of discrimination

Types of discrimination	Situations	%
Direct	208	78.49
Indirect	44	16.60
By association	7	0.75
By mistake	4	2.64
No data	2	1.51
Total	265	100

Chart 5. Types of discrimination

The table and graph provided above show that, **in more than 75% of cases, the discrimination was direct discrimination, as compared with 17% of cases in which it was indirect.** It is worth noting that, despite its smaller percentage, we should pay attention to indirect discrimination because it is more difficult to detect and is often carried out by the public administration.

5.7. Types of assistance

Regarding the type of actions offered by organisations to resolve the cases brought to them and the solution provided in each specific case, the actions and solutions provided were **support and assistance, particularly in the fields of legal guidance and psychosocial support.** In addition, **30 cases were reported with support from the administration or the criminal justice system.** It is worth noting that, in this section, the word “reporting” is given its legal meaning; i.e. a complaint before a court or the administration.

Table 30. The organisations’ actions

The organisations’ actions	Situations	%
Reporting	30	8.96
Administrative	9	2.69
No data	2	0.60
Criminal	19	5.67
Support and assistance	305	91.04
Conciliation	1	0.30
Public impact	8	2.39
Intermediation	62	18.51
Legal guidance	101	30.15
Psychological	6	1.79
Psychosocial	94	28.06
Referral to a specialist organisation	33	9.85
Total	335	100

On many occasions, assistance was given more than once for a single case. This is because organisations want to provide a holistic response, offering a solution

that covers multiple aspects of the victim's needs. Thus, **although 265 cases were dealt with, more than 300 actions were carried out.** It is also worth mentioning that around 100 of these cases are still pending. As mentioned above, we are talking about cases from 2018 and, as at the closing date of this report, in early 2019 the organisations were still working on many of these cases.

Chart 6. Types of support and assistance



DISCRIMINATION CASE 7

"I would like to share with you the fact that, throughout my whole life, I have experienced disability-related discrimination in a variety of spheres and that I have always tried to defend my rights and make a complaint whenever I have felt that a right had been infringed.

I could tell you about some of the complicated situations I have been through, such as at school, where I realised that many solutions are not a financial issue but a matter of will and of having the attitude of wanting to do things right. It is important to be aware that some situations cannot be tolerated, that we mustn't internalise and normalise them. In my first school, for example, it was not "normal" for me to be treated differently because I had a disability. That's discrimination and must be reported!

What often happens is that we don't know how or where to do so. It is therefore very important to know "whose door to knock on". This is why the organisations that help people with disabilities are so important: because they can help us work out a strategy and contact the (public and private) bodies to which we can submit our report or complaint. It is also very important for other people who have suffered infringements of rights to share their experiences and help you embark on the process of defending your rights.

Sometimes you can feel insecure, think that making a complaint will be useless, but I can tell you it works: even if the process is long, even if the answer is NO, something has already changed. It has changed in you, because you have been able to take care of the problem and seek solutions, and it has changed because this may be the first step towards other people reporting their experiences too so that together we can change things.

It happens a lot with accessibility. For example, I recently went to see the Sagrada Familia and was very surprised to find the following - and I read verbatim: "For safety reasons, people with reduced mobility may not visit the towers of the Sagrada Familia". So I wonder: is there really no way for people with different needs to enjoy places of cultural interest such as this just like everyone else? Is there really no way to do it?"

6. Conclusions

The above figures provide an initial picture of discrimination in Barcelona and enable us to draw the following conclusions.

- 1. Discrimination is still present in the city of Barcelona: 265 cases of discrimination were reported in 2018.** However, these are only the cases reported to the organisations in the Board of Organisations, and it is believed that there were other cases that, for various reasons, were not reported. In view of this, this number of cases is not low, and it is significant as a benchmark for any reports to be drawn up in coming years. This is still a matter that requires organisations and public bodies to work together.
- 2. Men report more than women** (generally men in the 35-50 age range). Although 40% of all incidents were reported by women, this cannot be used as a general figure since, for example, in cases of racism and xenophobia, men reported almost twice as many incidents as women.
- 3. The district of Ciutat Vella was the one with the highest number of discrimination incidents.** It is worth noting that this district is also the one where most of the organisations that collected the data for this report are located. The geographical proximity of the organisations can therefore result in a slight over-representation of incidents with respect to other neighbourhoods and districts.
- 4. Businesses and individuals were the main discriminating parties,** accounting for more than 60% of the cases reported in 2018. In spite of this, the reported number of **discrimination incidents** at the hands of employees of the **Public Administration** is clearly also significant (with a particularly high number in hospitals and means of transport or transport stations) or of the security forces: specifically, 30% were perpetrated by the Public Administra-

tion, not including the local, regional and national security forces.

- 5. The locations of discrimination incidents are fairly evenly split between public and private places.** The figures show the variety of places in which a discrimination incident can take place, although it is also true that most of the cases reported took place in what we refer to as *public spaces*; i.e. in open urban spaces where the public can travel, play, go for walks and enjoy the city. These are spaces in which citizens have to defend their rights in order to keep them free from discrimination.
- 6. Racism and xenophobia stand out as the main motive for discrimination in the city.** There are instances of this, particularly in Ciutat Vella and in open public places such as transport stations or public means of transport and in assistance and service offices. There is also a clear correlation between discrimination based on racism and xenophobia and the infringement of the right to moral integrity: in many cases, this involved insults or other forms of degradation against people's dignity and their right to moral integrity.
- 7.** In addition, one out of every four cases involved discrimination on the grounds of **sexual orientation and gender identity**. Although Barcelona is a leader in the defence of LGBTBI rights, the number of cases recorded is still high.
- 8. The results relating to discriminatory actions are varied:** the discriminatory actions carried out involved "distinction", "exclusion" and "restriction" a similar number of times (with the action of "giving preference" lagging far behind). When people think about discrimination, they often think about the action of distinguishing, but that is not always the case. It is worth noting that, for some of the organisations involved in the preparation of this report, the "four discrimination categories" were

not enough to include specific situations reported to them. This shows the need to update these situations that are usually included in the international human rights provisions.

9. The assistance provided by the organisations often involved several aspects, including psychosocial support, legal guidance and, sometimes, psychological assistance. Success in the handling of a discrimination incident was based on the coordinated work of the organisation's team of professionals with the victim. They not only addressed the victim's various needs but also their empowerment, which is the first step towards repairing the damage.

10. Records on discrimination in Barcelona are starting to become available. Although many of the organisations forming part of the Committee and the OND have records of the cases and situations handled by them, before this exercise, there was no common database to clearly establish and identify the overall situation regarding discrimination in Barcelona.

11. We still need to include and identify all the causes of discrimination in Barcelona. The report contains only some of the cases of discrimination occurring in 2018 in the municipality of Barcelona, but other situations have been left out of the scope of this first report because other organisations were unable to take part or because records of the cases handled by all the municipal organisations and departments dealing with a specific type of discrimination were not available, and also because many situations are not reported for a variety of reasons.

Barcelona has been a pioneer in the fight against discrimination for a long time. The City Council created the Commissioner for the Defence of Civil Rights in 1992, and the Office for Non-Discrimina-

tion in 1998. Furthermore, for some time now, the city's human rights defence organisations have been working to deal with, and give visibility to, cases of human rights infringements, such as the right to equality, which is closely related to non-discrimination.

Although great progress has been made, this report shows that there is still much work to be done. This document must provide the starting point to give us the necessary figures every year in order to observe the evolution of discrimination in the city. **Its conclusions will allow us to adapt the actions** to be carried out by both the Public Administration and the organisations for the assistance of victims of discrimination, as well as to develop public policies for prevention and for the safeguarding of human rights.

Discrimination is preventable and must not be taken for granted as a normalised reality of the city. Discrimination is at the heart of inequality. Therefore, carrying out local research on the nature, reasons and manifestations of racism, xenophobia, antisemitism, etc., is a way of ensuring that these are not seen as normal, and of raising public awareness and fighting against them.

Furthermore, this fight entails joining forces between the organisations for the assistance of victims of discrimination and the public institutions that drive public policies for the promotion of social cohesion and peaceful coexistence. The technical coordination work carried out for over a year between the Administration and the organisations is an example of how the two sides can work together to safeguard citizens' rights. This is why this joint work between the Administration and the city's organisations to make Barcelona a discrimination-free city is so valuable.

7. Recommendations

Based on the conclusions mentioned above and on an assessment of the future work of the Board of Organisations to address discrimination in the city, the following recommendations can be made: **The city's organisations and the City Council must:**

- **Include more bodies and organisations working on non-discrimination in Barcelona in the Board of Organisations**, so that a higher number of cases and situations can be included in the next annual report and a broader and more accurate diagnosis of discrimination in Barcelona can be provided year on year.
- **Continue to work on the adoption of measures in the fields of education, information and awareness** to reinforce the fight against racism and xenophobia and discrimination on the grounds of sexual orientation and gender identity as well as disability and health.
- **Continue leading the drive for intercultural policies** in the city so that the diversity of origins, languages, customs, values, beliefs and, in short, world views can coexist and live together in peace and respect and tolerate each other in the city.
- **Continue working from the City's Anti-Rumour Network** to generate tools and resources for the debunking of rumours and stereotypes that hinder the intercultural process and give rise to racist attitudes, discriminatory practices or populist discourses that foster fear and mistrust among people.
- **Continue carrying out research** at local level on the nature, reasons and manifestations of racism, xenophobia and discrimination based on sexual orientation and gender identity as well as disability and health through the annual follow-up of the Report on Discrimination in Barcelona city.
- **Maintain the training plans** put in place by the City Council and the organisations in every area, particularly those concerning citizen assistance, in order to foster cultural awareness and raise awareness of prejudice and the legal aspects of discrimination and equality.
- **Increase the impact of, and step up the joint work on issues that affect discrimination but do not fall within the municipal bodies' competence**, such as the Organic Law on Rights and Freedoms of Foreigners in Spain and their Social Integration, the Law on the Right to Asylum and International Protection in Spain, the Criminal Code, the Royal Decree on Universal Access to the National Health System and the Framework Act on Education, which are national laws but have a direct impact on discrimination affecting the city's residents.
- **Take appropriate steps to continue encouraging victims - particularly women - to report** any situations of discrimination. If these are not reported, efficient policies cannot be drawn up. Thus, the organisations and the Administration must consider additional measures to make it easier for victims to report situations of discrimination.
- **Provide a space for reflection and analysis on the results of this report** in order to identify whether all the categories or reasons for discrimination, as well as the "discrimination categories" included in the national and international provisions, match the reality that the work on non-discrimination carried out in Barcelona must deal with on a daily basis.
- **Improve and strengthen the systems for the collection of data on discrimination** so that the source, reasons, places and solutions to cases of discrimination in Barcelona can be more clearly identified year on year.

- **Boost the Guàrdia Urbana city police's new working model**, which involves creating a team of neighbourhood police officers for each neighbourhood whose job will be to engage in dialogue with minority communities and anticipate any coexistence-related problems.
- **Keep up the effort and collaboration involved in the drawing up of this report**, as it is one of the best mechanisms for achieving a true diagnosis of the discrimination situation in Barcelona, and based on which we will be able (and obliged) to carry out measures, actions, plans and programmes to help make Barcelona a discrimination-free city.

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Secretariado Gitano Foundation: <https://www.gitanos.org/>

ECOM Federation: <http://www.ecom.cat/>

Catalan Mental Health Federation: <https://www.salutmental.org/>

Veus Federation: <https://veus.cat/>

Assís Foundation: <https://www.assis.cat/>

Iridia: <https://iridia.cat/>

Observatory Against Homophobia: <https://och.cat/>

SOS Racisme Catalunya: <http://www.sosracisme.org/>

Romani Union: <https://unionromani.org/>

Homeless People's Assistance Network (XAPSLL): <http://sensellarisme.cat/ca/>

9. Glossary

Below is a glossary of the main terms relating to equality and non-discrimination:

Positive discrimination: an action taken by the government or private businesses to compensate for past discrimination, for example in the field of education and employment, for example against women, people of specific races, ethnic groups or religions or people with disabilities. Positive discrimination is a way of giving substantive equality to disadvantaged groups.

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

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

Aporophobia: contempt, phobia, aversion, rejection or hatred of poor or homeless people.

Hate crime: any criminal offence, including against persons or property, in which the victim, the premises or the target of the offence is chosen based on their actual or perceived connection with, sympathy for, or affiliation, support or membership of, a group such as the ones defined in part B;

(B) A group must be based on a common feature of its members, such as actual or perceived race, national or ethnic origin, language, colour, religion, sex, age, intellectual or physical disability, sexual orientation or other similar factor. (Organization for Security and Co-Operation in Europe).

Hate speech: advocacy, promotion or incitement (...) of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatisation or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground 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 condition. (European Commission against Racism and Intolerance - ECRI).

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 characteristics that are not relevant to the matter in question.

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 reasons set forth in the legislation in force.

Indirect discrimination: A situation in which an apparently neutral provision, criterion or practice places certain people at a particular disadvantage in relation to people of the opposite sex, unless the provision, criterion or practice in question can be objectively justified for a legitimate purpose and provided that the means used to achieve the purpose are appropriate and necessary.

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

Discrimination by mistake: A situation in which a person or group of people is/are the subject of discrimination as a result of a wrong assessment.

Multiple discrimination: A situation in which, as a result of belonging to various groups that are also the subject of discrimination, a person is the victim of specific and aggravated forms of discrimination.

Stereotype: A generalised, oversimplified and often unconscious preconception about people or ideas that can lead to

prejudice and discrimination. A generalisation in which the characteristics of part of a group are assumed to apply to the group as a whole.

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

Gender: This refers to the relationship between men and women based on the identity, conditions, functions and responsibilities - as constructed and defined by society and culture - assigned to each sex.

Gender is therefore neither innate nor unchangeable but instead goes one way or another taking into account a socio-cultural basis over time.

Gender identity: This refers to the internal and individual experience of gender as felt by each person, which may or may not match the sex assigned at birth, including the person's personal experience of the body (which may or may not involve modifying the body's function or appearance by means of medical, surgical or other methods, provided that this has been freely chosen).

Islamophobia: Fear, prejudice, hostility or rejection towards Islam or Muslim communities.

LGBTI: An acronym referring to lesbian, gay, bisexual, transgender and intersex people.

Sexual orientation: Each person's ability to feel affection and emotional and sexual

attraction towards people of a gender other than theirs, of their own gender or of more than one gender.

Prejudice: An unfounded prior judgement or prejudgement of a person or group.

Racism: A discriminatory belief and attitude which consists of considering a group to be naturally superior to another, from both an individual and an institutional point of view.

Romafobia or antiziganism: A specific form of racism, intolerance and discrimination towards Roma communities.

Sex: Sex is a concept linked to biology, to the body of human beings. Our species usually presents sexual dimorphism; i.e. people are born either male or female. However, a very small percentage of people are born chromosomally, morphologically or hormonally intersex; i.e. with a reproductive or sexual anatomy and/or chromosome pattern that does not seem to fit the typical biological ideas of male and female.

Xenophobia: An (irrational) fear of foreigners or people from other countries in general. Xenophobia can lead to discrimination, racism and, in the most serious cases, violence.

Annexes

Annex 1. Specially protected personal characteristics applicable in Barcelona

Spanish Constitution (Art. 14)	European Treaty (Art. 14)	ICCPR (Arts. 2 and 26)	ICESCR (Art. 2.2)	Criminal code (Arts. 22.4 and 510)	Statute of Catalonia (At. 40.8)	BCN Mncipal 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
	Wealth					
	Language	Dialect	Dialect		Language-related (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	
						Ascent
					Age, elderly people (Art. 18)	Age
				Gender	Gender (Arts. 19, 41 and 45)	Gender
				Disability		Disability
				Ideology		
				Ethnicity		
				Illness suffered		
				Family situation		

Annex 2. Regional and municipal discrimination protection laws

a. Regional laws (Catalonia) recognising or protecting equality and non-discrimination in specific spheres or for specific groups

Statute of Catalonia (Preamble, Articles 4, 15, 18, 19, 23, 32, 40.8, 44.1 and 45.1)

Law 9/2017 of 27 June on the universalisation of healthcare out of public funds through the Catalan Health Service (Preamble)

Law 4/2016 of 23 December on measures for the protection of the right to housing for people at risk of residential exclusion (Art. 2.b)

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

Law 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

Law 29/2010 of 3 August on the use of electronic media in the Catalan public sector (Art. 4, section three)

Law 21/2010 of 7 July on access to public health care provided by the Catalan Health Service (Preamble)

Law 14/2010 of 27 May on rights and opportunities in childhood and adolescence (Art. 9)

Law 19/2009 of 26 November on access to the environment by people accompanied by service dogs (Art. 13)

Law 12/2009 of 10 July on education (Arts. 22, 37, 41, 56, 97 and 202)

Law 11/2009 of 6 July on the administrative regulation of public shows and leisure activities (Arts. 5.1 d, 10 and 47)

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

Law 18/2007 of 28 December on the right to housing (Arts 2.f, 2.h, Arts. 45, 46 and 123.2.a).

b. Municipal laws (Barcelona) recognising or protecting equality and non-discrimination in specific spheres or for specific groups

Law 22/1998 of 30 December on the Municipal Charter of Barcelona which includes the amendments made by Laws 11/2006 of 19 July, 7/2010 of 21 April and 18/2014 of 23 December (Preamble and Articles 38.1 and 112.1)

The e-Government Byelaw (Article 8.b)

Byelaw on measures for the promotion and safeguarding of citizen coexistence in Barcelona's public spaces (Arts. 6.2, 7.2.g, 15, 16, 17 and 18).

Annex 3. Discriminatory actions according to national and international provisions and interpretations

International Convention on the Elimination of All Forms of Racial Discrimination	Convention on the Elimination of All Forms of Discrimination against Women	UN Human Rights Committee General Comment number 18	Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin	European Court of Human Rights ¹¹	Spanish Constitutional Court ¹²
Distinction	Distinction	Distinction			
Exclusion	Exclusion	Exclusion			
Restriction	Restriction	Restriction			
Preference		Preference			
			Treating someone less favourably in a comparable situation (direct)	Treating people differently in substantially similar situations without objective and reasonable justification	Treating identical situations differently without objective and reasonable justification
			Placing someone at a particular disadvantage compared to other people (indirect)		

11. Willis v the United Kingdom, 11 September 2002.

12. Judgements 22/1981 of 2 July; 48/1981 of 10 November; and 68/1982 of 22 November.

Annex 4. Breakdown of the sphere of the discrimination

A. Public

- i. Streets, parks, beaches and public squares
- ii. Public facilities
 - a. Schools and other training and education facilities
 - b. Hospitals
 - c. Police premises
 - d. Sports facilities
 - e. Cultural and social centres
 - f. Concert halls and conference centres, libraries, museums and exhibition venues
 - g. Markets
 - h. The media
 - i. Citizen assistance offices and courts
 - j. Prisons or detention centres
 - k. Hostels or shelters
 - l. Transport stations or means of transport
 - iii. Online and telephone services
- b. Assistance and service offices
- c. Hotels, hostels, shelters
- d. Museums and exhibition venues
- e. Markets
- f. Transport stations
- ii. Private facilities where access is subject to prerequisites
 - a. Entertainment venues
 - b. Houses, flats and other types of dwelling
 - c. Schools, hospitals and sports facilities
 - d. Concert halls, conference centres and pavilions
 - e. Libraries, museums and exhibition venues
 - f. Markets
 - g. The media
 - iii. Online and telephone services

B. Private

- i. Private facilities for public access
 - a. Restaurants, bars and other entertainment venues

C. Other

- i. Contents of laws, public policies, public notices, offers
- ii. No data

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