

**GOVERNMENT MEASURE**

**OFFICE FOR NON-DISCRIMINATION**

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**September 2017**

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**Department of Citizen Rights and Diversity Services**

**Barcelona City Council**

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# 1. INTRODUCTION

Barcelona City Council stands out for its pioneering commitment to safeguarding citizen rights in the city over the years. 1992 saw the creation of the office of Commissioner for Safeguarding Civil Rights, 1995 the creation of the Office of Councillor for Civil Rights and 1998 the launch of the Office for Non-Discrimination (OND), a pioneering municipal service in Europe aimed at dealing with violations of human rights relating to discrimination.

Today's public vocation for defending human rights remains as strong as ever. Having changed its name under the measure that created the Civil Rights and Non-Discrimination Agency in 2014, the Office went back to its original name in 2016, under the Barcelona City of Rights Government Measure Programme. A decision was then taken to give it a new impetus as a mechanism for preventing abuses and safeguarding human rights at a local level.

The measure, then, has been following the path already set out in 1998 of putting the local authority on the front line of the mechanisms for safeguarding human rights. Today, close to 20 years after its launch, the service needs reviewing to give it a new impetus, both in terms of its lines of intervention, which need updating to take account of the City Council's other services, and also in the context of the city and the realities and situations of discrimination that we are faced with. So we need to explicitly recognise the work carried out by the OND so far and highlight its initiatives, especially in the field of protecting the rights of the more vulnerable collectives, such as sex workers or people with mental illnesses.

This measure aims to incorporate the best of what has been done so far and to have all that supplemented with new responsibilities and intervention mechanisms. Making the OND a municipal benchmark in the fight against discrimination, as recognised not just by the authority itself and human rights organisations but also the public at large, will be the main task of the measure,

whose ultimate goal is to improve the lives of the city's residents ensuring they are free of discrimination.

The Office for Non-Discrimination is accordingly designed as the municipal service for dealing with, advising on, mediating over and penalising (where legally possible) discriminatory situations and for providing information and training and raising awareness on rights and duties recognised in the city.

This government measure comes in response to a Study on municipal mechanisms for safeguarding human rights which had been commissioned at the request of the Department of Citizen Rights and Diversity Services. It is also partly the result of contributions from discussion and work meetings held with the City Council's areas and services (Ombudsman's Office, Department of Feminism and LGBTI, the Municipal Institute of People with Disabilities, the Department for Citizen Assistance and Information, among other departments). Finally, we should also express our thanks for the contributions received from the city's municipal political party groups and human-rights organisations (SOS Racism, Centre Iridia, the Bayt al-Thaqafa Foundation, Observatori contra la Homofòbia, Unió Romaní, Fundació Assis, to name a few), with which the City Council has been working regularly to promote and safeguard citizen rights.

## 2. JUSTIFICATION OF THE MEASURE

Under the government measure entitled *Barcelona City of Rights Programme. Initiatives for preventing abuses and safeguarding citizen rights and initiatives for including a human rights-based approach in public policies* (2016-2019) from the Fourth Deputy Mayor's Office for Citizen Rights, Participation and Transparency, Barcelona City Council renewed its commitment to human rights and its vocation for guiding municipal government policies on citizen rights with an intercultural approach. The notion of human rights presented here as citizenship rights strengthens the local dimension to human rights and defends the right to the city.

The government Measure had ten lines of action which shared the general goal of promoting a diverse, intercultural and multi-faceted city model, where everyone has real and effective access, under equal conditions, to all human rights recognised and guaranteed in the city. This main goal was divided up into two specific aims, one to include a human rights-based approach to public policies and the other for designing and implementing human rights policies according to thematic priorities. The document established three thematic priorities: hate speech and discrimination; civil rights and public freedoms in using public spaces; and full citizenship. These led to ten lines of action, to safeguard human rights as well as prevent their violation, which drive municipal action on rights.

One of the initiatives contemplated under the Barcelona City of Rights Programme provided the impetus for the Office of Non-Discrimination (OND), the purpose of this government measure, given that it deserves specific implementation owing to its importance as a mechanism for preventing discrimination and safeguarding rights at a local level.

The goal will have to be opened up, before there can be any talk about how to combat discrimination, and there needs to be an understanding of the citizen rights that eve-

ryone in the city, resident or not, is entitled to, as well as their safeguarding mechanisms. That is why the OND has to be placed within this framework of mechanisms, to lay down its foundations and connect it.

### 2.1 Systems for protecting and guaranteeing human rights

There are several legal instruments for preventing violations and safeguarding human rights at several levels. They are all part of a body of regulations that are mandatory and must be complied with by the various levels of the authorities they have ascendancy over. This section covers the most notable of these tools on an international, EU, Spanish State, Catalan regional and Barcelona local level, as well as the establishment of institutionalised mechanisms for guaranteeing and protecting, in the form of control bodies and procedures of various types.

The Spanish State, as a full member of the organisations driving these mechanisms, has ratified the main treaties on human rights. These treaties create obligations that can apply to local authorities.

These notably include the **United Nations' International Charter of Human Rights**, which consists of the Universal Declaration of Human Rights (1948) and the two covenants that develop it: the *International Covenant on Civil and Political Rights* (1966) – as well as their two optional protocols – and the *International Covenant on Economic, Social and Cultural Rights* (1966). While not an international treaty itself, the Declaration does lay down principles to be followed and is often cited as a reference in fundamental laws and constitutions, so that it is binding through consensus. For their part, the two Covenants are binding elements that have been in force since 1976, express the rights they cover through legal obligations and establish bodies for ensuring their compliance by member states.

Treaties have been established under the framework of the UN recognising rights of disadvantaged collectives, such as children or people with disabilities, and relating to the fight against specific violations of human rights, such as the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984). The Office of the United Nations High Commissioner for Human Rights is the body tasked with coordinating the nine supervisory committees for the various treaties on human rights. At the same time, it is also under this framework that tools are prepared in the form of a legally non-binding resolution or declaration, though they help to create a shift towards action for States.

The Human Rights Council (2006) is an inter-governmental body within the United Nations responsible for strengthening the promotion and safeguarding of human rights around the globe. Its aim is to address situations of human rights violations and make recommendations on them. One of its roles is to run the Universal Periodic Review mechanism, which assesses the human rights situations in the United Nations' 192 Member States – an evaluation badly failed by the Spanish State in 2015 – and is also tasked with managing the complaints procedure which enables individuals and organisations to bring reports of human rights violations to the Council's attention. It can also establish special procedures, headed by a Special Rapporteur, to tackle certain situations in specific countries or thematic issues around the world.

On the European front, there are two main institutions tasked with the regional protection of human rights: the Council of Europe and the European Union (EU).

The **Council of Europe** (1949) is an international organisation with 47 member states which is tasked with establishing and supervising European standards on human rights. The regional system for protecting human rights was built on two in-

struments: the *Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR) (1950), which was aimed at protecting civil and political rights, and the European Social Charter (1961), which focused on social and economic rights and whose 1996 revision, it should be noted, has not yet been ratified by the Spanish State.

Whereas the European Social Charter does not establish a judicial system for monitoring member-states compliance with its main provisions, the ECHR has a monitoring and supervisory system with a jurisdictional body, the European Court of Human Rights (ECHR) which is based in Strasbourg and which members of the public as well as its constituent member states can turn to.

Besides this mechanism, the Council of Europe also promotes human rights through other international agreements on several specific issues, monitors the progress of its member states and makes recommendations through independent and specialist monitoring bodies.

The Council of Europe includes the Commissioner for Human Rights, an independent institution whose mandate is to promote respect for human rights and raise awareness among member states. The Commissioner's notable functions include identifying possible flaws in laws and practices relating to human rights, fostering the effective compliance with human rights and helping member states to implement the human rights standards of the Council of Europe.

The **European Union** (1951) is currently made up of 28 member states. Since 1992, on the approval of the Maastricht Treaty, respecting human rights is an explicit condition that has to be satisfied before a state may be admitted to the EU. The constitutions of each of the European Union's member states guarantee the fundamental rights on a national level, as does the European Charter of Fundamental Rights

(2000) on a community level. The Charter links to the ECHR, as ratified by all the community states, and establishes fundamental rights that are binding for the EU's institutions and bodies and for national governments when implementing the Union's legislation.

As a guarantee mechanism, citizens of the European Union have the option to turn to the European Court of Justice (ECJ) to lodge appeals, once their country's legal channels have been exhausted. When rights are violated by EU institutions or bodies, complaints may be sent to the European Ombudsman.

The EU created the European Agency for Fundamental Rights (FRA) in 2007 to provide independent support for and advice on human rights, based on studies, in member states and European institutions.

Section 1 of the **Spanish State's** *Spanish Constitution* (1978) states that fundamental freedoms and rights must be interpreted in accordance with the Universal Declaration of Human Rights as well as any international treaties and agreements on these issues that have been ratified by the State.

Chapter IV of that Constitution presents the possibility for any citizen to demand the protection of their rights before the ordinary courts and, where appropriate, through "writ of amparo" remedy before the Constitutional Court. It also presents the Ombudsman as the figure responsible for guaranteeing citizen rights in the face of action from the State's governing bodies.

As for **Catalonia**, Section 1 of the *Statute of Autonomy of Catalonia* (2006), on *Rights, duties and guiding principles* raises the standards for protection established in the Constitution and international treaties. The Statute goes beyond the Constitution and presents several guiding principles (health care, housing, social services, etc.) of the State's "magna carta" as recognised rights, or which the

State did not contemplate, such as the right to the environment.

The Statute confers powers and duties on the Ombudsman for protecting and championing the rights and freedoms recognised by the Constitution and Statute itself. The Ombudsman is tasked with supervising the administrative activity of the Generalitat, its public sector, the local authorities of Catalonia and the public or private bodies that are answerable to these authorities. The Ombudsman is also tasked with attending to complaints from all individuals who find themselves defenceless in the face of action or non-action from the authorities.

On the **municipal** scale, a major role is played by the *European Charter for the Safeguarding of Human Rights in the City* (2000), a document signed by over 350 European cities and ratified by Barcelona City Council in 2000. The Charter proclaims the human rights that are recognised for all residents of villages, towns and cities. It includes a commitment from local governments to defend human rights within their jurisdictions and acts as a tool for specifying the rights and obligations of city residents. This is a political rather than judicial tool which presents the city as belonging to everyone who lives there, thereby conferring on them the right to the city and citizenship rights.

**Barcelona** has a special system, as described in the *Barcelona Municipal Charter*, which is backed by a State Act and regional Catalan Act with their reforms. This special system recognises municipal autonomy and provides the municipality with powers over local justice and public safety, among other things.

Barcelona City Council also adopted the *Citizen Charter. Barcelona Charter of Rights and Duties* (2011). The Charter is based on several tools for protecting human rights at an international, state, national and local level. It's goal is for everyone to enjoy sufficient social, economic,

political, cultural, environmental and universal-accessibility conditions in Barcelona to live there with dignity. It describes the rights and duties of those who live in the city and emphasises the positive community elements that are based on the feeling of belonging, collective space and dignity. It therefore establishes a series of citizen rights and duties regarding social rights and equality-promoting initiatives, and rights and obligations with regard to culture and the environment.

The Catalan regional Act on Municipal and Local Government Regulations (2003) provided the legal basis for creating the institutional office of the Ombudsman which was established in the same year. The Ombudsman's function is to champion the basic rights and public freedoms of Barcelona's citizens as well as individuals in the city who are not yet residents. It is with this aim in mind that it supervises the administrative activity of the Municipality and public services attached to it, especially with regard to the rights and freedoms established under the European Charter for the Safeguarding of Human Rights in the City.

If we look beyond the public institutional arena, we should note the work on defending and promoting human rights that is being carried out by **human-rights activists**. These are both organisations and people on an individual level that help to ensure the rights of specific groups and particular groups of rights. Their human-rights surveillance and monitoring work in the society they live in is crucial for progress towards institutions that are increasingly committed to and respectful towards preventing abuses and guaranteeing these rights.

## 2.2 Right to equality and non-discrimination

We should clarify what we understand by discrimination and to do that we shall take as our reference the definition that ap-

pears in General Observation number 18 of the Human Rights Committee of the United Nations, which explains the term as it is understood in the International Covenant on Civil and Political Rights of 1966: “[...] *any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms*”.

We can then distinguish between direct and indirect discrimination based on the above definition of what discrimination is. On the one hand, direct discrimination occurs when a person is, has been or could be treated less favourably than another person in a similar situation for any of the grounds covered by legislation. On the other, indirect discrimination may be invoked where an apparently neutral provision, criterion or practice puts or may put several people at a particular disadvantage to others owing to some ground of discrimination, even where such a provision, criterion or practice may be objectively justified with a legitimate aim.

To protect against discriminatory situations and preserve access to rights under equal conditions, international tools for safeguarding human rights include the right to equality and non-discrimination. They present that right in the sense that all human rights must be enjoyed “*without any discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other social status*”.

This general rule on equality is often interpreted as a principle that has to pervade the other rights, so instead of constituting a right in itself it represents an obligation of conduct and how to act which always has to be applied to the other rights. The right to political participation, the right to hous-



ing and the right to education, for example, have to be exercised without any form of discrimination.

Where a person is discriminated against on the grounds of one or more of the features making up their identity – or which are identified as such by the aggressor – we may be talking about a hate and discrimination crime. It includes expressions of intolerance and rejection of people based on the mere fact of their being different; examples include racism, xenophobia, homophobia, transphobia, aporophobia, religious intolerance in any of its manifestations (Islamophobia, anti-semitism and Christianophobia), misogyny and male chauvinism, disparaging people with disabilities and other abhorrent forms of hatred directed against individuals and based solely on disparaging them for being different.

Any evaluation of a situation of discrimination must include a gender perspective and explore its cross-cutting nature at the cross points between the various lines of inequality and discrimination that are suffered. We need to settle how discrimination is specifically manifested against women, not just in general areas such as employment but also in more specific areas such as sexual health and reproduction.

Discriminatory behaviour against specific individuals or groups in the city is not just a violation of human rights, which has to be protected against and dealt with using safeguarding mechanisms, but also a harmful phenomenon that needs to be eliminated from all areas, public and private, as it undermines social cohesion and ties between Barcelona's groups and citizens.

We provide a non-exhaustive list in Annex 1 of the main legal tools that regulate this right to equality and non-discrimination at the various levels of the authority that have jurisdiction over them and which are applied and inspired by the OND's work.

As regards hate and discrimination crimes, Spain's Penal Code enables prosecutions through the generic circumstances of aggravating discriminatory grounds (Art. 22(4) PC) and the following types of crimes:

1. Crimes involving threats to groups (Art. 170.1(1) PC)
2. Crimes against moral integrity (Art. 173 PC), which may apply in cases of discrimination
3. Crimes involving discrimination in the field of employment (Art. 314(1) PC)
4. Crimes involving incitement to discrimination, hatred or violence and to denying or justifying genocide (Art. 510 and 510(b) PC)
5. Crimes involving discriminatory denial of service provision (Art. 511 and 512 PC)
6. Crime involving illegal association to commit a crime of discrimination (Art. 515(4) PC)
7. Crimes that affect religious feelings (Art. 522-526 PC)

Notwithstanding all that, unlike other countries, there is no specific section in Spain's Penal Code which covers hate and discrimination crimes. The main reason why prosecutions are prevented or made so difficult is basically the lack of training, awareness-raising and understanding of the gravity of such cases by all the legal operators and the victims themselves.

### **2.3 The state of play of discrimination in Barcelona**

Obtaining a good diagnosis of the various forms of discrimination and areas where they arise requires quantitatively and qualitatively appropriate information and this depends on both endogenous and exogenous factors. To that end, the diagnosis we can make with the tools they currently enjoy unfortunately may not be either complete or exhaustive.

There has to be, in the first place, a distinction between situations of discrimination

that may constitute a crime, and therefore merit prosecution, and those that do not. When it comes to discrimination in general, and the work carried out by the OND in particular, this distinction is extremely important, as the responses that can occur in such cases are radically different.

Situations of discrimination that do not constitute a crime have to be dealt with from the administrative front, by applying disciplinary proceedings wherever possible, as well as any preventive initiatives that can be implemented. They also lack a good diagnosis of situations of discrimination that do not constitute a crime as these are not generally reported and no consistent method of observation has developed over the last few years.

On the other hand, with regard to diagnosing discrimination crimes, one of the main problems detected is simply the absence of published statistical data that would help to understand the quantitative and qualitative scale. The fact that this option did not exist until 2010 (under the Department of the Interior at the Catalan regional government) and 2011 (under the Ministry of the Interior) helped to conceal the suffering of victims and occasionally led to the problem being minimised by public institutions and society as a whole.

Just as the police and security forces had failed, until recently, to offer reliable data on hate and discrimination crimes, so too the public prosecutor's offices and courts failed to register or class not just the proceedings against such crimes that were opened or closed, but also their rulings or interlocutory stays.

These failings were highlighted on several occasions by the European Union and the European Union Agency for Fundamental Rights (FRA), the European Commission against Racism and Intolerance (ECRI), and the UN High Commissioner's Committee on the Elimination of Racial Discrimination and represented a ground as well for advocacy of organisations such as Move-

ment against Intolerance and Amnesty International.

The police and security forces of the Spanish State currently have a system for recording reports of and sentences for hate and discrimination crimes. The collection of this data, however, is not systematic and it is unequal depending on the autonomous regions and the existence or not of Protocols between the competent police forces and the Prosecutor's Office.

This lack of data, both on situations of discrimination and on hate crimes and speeches, corresponds in large part to the lack of reporting or visibility of such incidents. This means there is a considerable hidden number of incidents that victims do not wish or dare to report, for a variety of reasons, or do not realise they are able to report.

The most common reasons here for victims not reporting or publicising such incidents are as follows:

- **Discrimination as a daily, normalised 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 have no confidence that the security forces or judiciary will launch investigations or legal proceedings in response to their reporting of such incidents. Nor do they have confidence in other mechanisms such as the OND.
- **Mistrust or fear of the police.** The victims that belong 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-national victims who have no residency permit.** It is rare for a person to go to a police station and re-

port a situation of discrimination if they fear a probable initiation of an expulsion order. The 2014 Report of the Barcelona Province Prosecutor's Office proposed a reform to the Framework Act 4/2000, of 11 January, on the rights and duties of foreigners in Spain, whereby victims of crimes of discrimination who were in an irregular situation in Spain would be allowed an exemption from administrative liability and granted protection against expulsion on the condition they reported the perpetrators and collaborators of such crimes.

- **Fear of reprisals.** Many people fear that if they report a situation, criminal or otherwise, the people responsible for it will take reprisals 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 physical or mental health problems and without family or social support.
- **Lack of knowledge of their own rights, the law and the workings of the judicial system.** Many victims of situations of discrimination are unaware of their rights and the guarantee mechanisms they can activate, where appropriate.
- **Shame.** Some victims feel ashamed of being victims of a situation of discrimination or a hate crime, ending up blaming themselves, as they are victimised owing to their identity.
- **Denial.** To deal with the trauma caused by discrimination or the commission of a hate crime, some victims deny or mi-

nimise the impact or the seriousness of their situation.

These issues may create a dangerous feeling of injustice and, to some extent, failure of the system for protecting rights, with subsequent frustration and increased mistrust towards the various operators involved in a process of this type (local authorities, police forces, judges, prosecutors, etc.) So if we are to implement the most effective public policies possible in the fight against discrimination, it is essential for us to identify these problems and take action to resolve them.

Given the difficult situation and ineffectiveness in prosecuting hate and discrimination crimes, the OND can play an important role in training and raising awareness to promote criminal proceedings and increase the number of such proceedings that are opened.

On receiving a report of a possible hate or discrimination crime, the OND is under the legal obligation (Art. 61 of Act 39/15, of 1 October, on the Common Administrative Procedure of Public Authorities, and Art. 14(1) of Act 40/2015 of 1 October, on the Legal System of the Public Sector) to forward that report to the specialist section of the Public Prosecutor's Office. The Prosecutor's Office would have to inform the OND if it decides to open or shelve an investigation. Where the Prosecutor's Office does not open an investigation, the OND could consider lodging strategic legal proceedings. In any case, the OND will invariably have to inform the person who made the complaint of the individual actions it takes.

Even so, we can still provide some data that may help us to make a small analysis of the situation of discrimination in Barcelona. Keeping to the figures that are available, the report from the Hate Crimes Service at the Barcelona Provincial Public Prosecutor's Office shows how the incidents reported in 2015 added significantly to the number of crimes reported or which

the police forces were aware. So, a total of 232 crimes were recorded in the Province of Barcelona, compared to 195 in 2014 and 166 in 2013, representing an increase of 19% in new crimes on the previous year. It is difficult to determine from these latest data whether they were in response to an increase in the number of incidents, an increase in their recording or an increase in public awareness. The Prosecutor's Office noted that the hidden number of unreported incidents remained very high, so the increased number of reports did not necessarily mean there had been an increase in hate or discrimination crimes.

The main reason for discrimination was racism and xenophobia at 34%, followed by political orientation at 32%, sexual orientation and gender identity at 16% and religion at 12% of the cases reported and recorded. Note the steady increase in the number of incidents reported and committed due to religious intolerance (29 cases

in 2015, 20 in 2014 and 9 in 2013), most of these being Islamophobia.

If we focus on the complaints received at the Office for Non-Discrimination, taking as our example the last five years during the 2012-2016 period, a total of 2,319 people were attended to, 39.72% of whom asked for information and/or received help and advice on the issue they had contacted the OND over, whereas the remaining 60.28% received support and help for the situation they found themselves in. The number of complaints remained much the same during the various years of this period and most were referred to the Public Authority, especially over information and managing administrative procedures. Private companies and organisations remained constant as the second major player involved in complaints against violations of rights. Lastly, individual citizens remained at a similar level over actions reported to the OND.

### 3. THE OFFICE FOR NON-DISCRIMINATION

#### 3.1 The OND's Structure

To achieve the goals it sets out, the OND needs to have its structure re-designed both in terms of function and human resources. So, the OND is structured around two key areas of action: prevention and guarantee.

The area of prevention groups together all the elements intended to be used to ensure no situations of discrimination occur in the city through information, training and aware-raising approaches. Preventing rights violations and situations of discrimination involves work where public initiatives join forces at various levels from a social and educational perspective and with a long-term inter-generational reach. In such cases the OND works to promote and raise awareness of rights. And it is through the Resource Centre, which is located within the OND, that a range of training will be offered, aimed at the public, to ensure a connection and coordination with all the city's human-rights championing organisations.

As for the area of guarantee, the OND acts by attending to, supporting, analysing and offering advice where situations of discrimination arise. Guaranteeing rights is fundamental for citizens and an obligation for everyone. It is here where the OND takes responsibility as a public service in providing help and defending, at various levels, the people who have suffered situations of discrimination so that they feel protected and supported through an individual and/or collective defence.

It offers legal advice in all situations where the person or groups affected are deemed to need and/or wish to resolve their discrimination judicially through the appropriate measures. Such actions are brought about through lawyers specialising in human rights.

In addition, mediation is also used in the area of guarantee as an alternative tool for resolving disputes between individuals, organisations or companies and the authorities as a solution to legal proceedings.

So, the human resources the OND is to have will be distributed as follows:



### 3.2 Functions and types of intervention

Being subject to obligations, Barcelona City Council is one of those responsible for ensuring the city's residents and social players not only meet their duties but also see their rights guaranteed. To that end the Council not only needs to actively provide individuals with the tools for defending their rights, but is also empowered and obliged, where it has evidence of a situation where said rights are violated, to activate those measures to remedy the situation.

It is clear then, that among the objectives of the OND, there is a need to introduce lines of action in both the areas of prevention and guarantee. In addition, the OND is tasked with coordinating the municipal fight against discrimination, with the city's various players that have been working towards this same goal.

In order to be able to combat situations of discrimination, prevention tools and guarantee mechanisms need to be established that provide for the specific needs of women and take into account the inter-sectional perspective for identifying the specific impact of the multiple areas of discrimination. All that is provided for in the design and implementation of this measure's action lines.

The work lines within the framework of preventing discrimination and hate crimes focus, on the one hand, on the cross-cutting nature of the fight against discrimination within the City Council, to boost the OND as a municipal reference point. And, on the other hand, on publicising rights through information, training and education in human rights, as this is the most effective way of safeguarding citizen rights.

Note here the OND's role in raising awareness of the various existing forms of discrimination through different campaigns and commemorative initiatives. For its part, the Human-Rights Resource Centre established at the OND's headquarters will

play an important role in its training and information functions.

As for the area of guarantee, the OND's functions can be divided up into those focused on serving people who have experienced situations of discrimination and on working on their own situations of discrimination.

As regards its service to people, the OND offers appropriate psycho-social support to people who have experienced situations of discrimination. The service is either provided by the OND itself or referred to specialist services where deemed appropriate. At the same time, it also offers the necessary advice for commencing any legal proceedings deemed appropriate through the Legal Advice Service, which is based in the same facility.

Its functions in situations of discrimination include, on the one hand, mediation which establishes a process between the main parties, where possible and so desired, to resolve the conflict without recourse to the courts and by establishing the terms for preventing the situation from ever arising again. On the other hand, the OND is tasked with developing the City Council's disciplinary capacity in situations of discrimination, through studies in the areas where the Council can develop disciplinary administrative measures and implement them in coordination with other municipal bodies.

In sum, we can say that the OND:

- **Coordinates** with the city's various players working against discrimination
- **Provides information** on citizenship rights and the various types of discrimination
- **Raises awareness** among city residents on respecting and promoting human rights

- **Trains** city residents through the Human-Rights Resource Centre
- **Supports** people who have suffered situations of discrimination
- **Gives advice** from a legal perspective through the Assistance and Advice Service to people who have experienced situations of discrimination
- **Mediates** offering help with the processes between the parties involved in a dispute over discrimination
- **Disciplines** discriminatory attitudes and actions in the city, within its area of competence and wherever the legal framework so permits



### 3.3 Areas of intervention and forms of discrimination

The principle of equality and non-discrimination, as we have seen, can apply to practically all recognised human rights. That is why we have to specify the priority areas of action as well as the areas of discrimination that will be preferentially worked on.

As for the areas of action, along the lines of what the Barcelona City of Rights Programme had already pointed out and with contributions from the municipal political groups and the city's human-rights championing groups, priority will be given to the following issues, on the understanding that this list will be revised and may be extended in the future

- **Discrimination and hate speech:** expressions and displays of discrimination, often precursors to other, more serious forms of conduct that can be linked to what is understood as hate speech, will be subject to OND action, especially in the area of prevention. Specific work will be carried out here on the presence of this type of speech on social networks and the virtual world in general, as a priority that is already being worked on at the level of the Citizen Rights and Diversity Services Department.
- **Right of admission:** entry to premises and places open to the public may not be denied to any person on the basis of discriminatory criteria. Limiting access,

then, must always be published and duly justified.

- **Right to housing:** there can be no discrimination in access to housing on the grounds of origin, age or sexual orientation, to name a few examples.
- **Discrimination in public spaces and institutional violence:** this concerns forms of discrimination caused by the authorities themselves. While such cases fall under the jurisdiction of the Ombudsman they will also be subject to action from the OND, in coordination with the office of the Ombudsman.

Yet to be defined are the areas of discrimination that will be prioritised in the OND's responses, as these are also fairly extensive. Note here that there are already other specialist municipal services that have teams and resources to tackle situations of discrimination, such as the LGBTI Resource Centre and the Centre for Equality and Resources for Women (CIRD). So, with contributions from the municipal political party groups and organisations defending the city's human rights, the areas to be given priority will be:

- **Belonging to an ethnic group or culture or having certain geographic origins:** this area will involve work on such issues as racism, xenophobia and antiziganism.
- **Professing a religion or certain beliefs:** this area will involve work on such issues as Islamophobia and anti-semitism.
- **Social and economic conditions:** this area will see priority given to the phenomenon of aporophobia.
- **Age:** with a special and specific focus on the forms of discrimination that old people suffer.
- **State of health:** respect for people with functional diversity or disabilities or for people with mental illness.

- **Gender or sexual orientation or identity:** despite there being other municipal services, the OND will be able to act in situations that fall within these areas of discrimination, where so asked by the respective services.

### 3.4 Principles of action

The models for intervention in human rights have evolved over the last few decades in parallel with two analytical aspects: the international social and political courses taken following the Universal Declaration of Human Rights, on the one hand, and, on the other, the disciplinary adaptation of intervention, mainly in social sciences during the same period. So, most of those models were based on concepts focused less on defending rights and more on the individual – welfare model, aid model, therapy model, social, educational and community model, technology model, multisectoral-multidimensional model, etc. – where the focus was on individuals and the analysis conducted by each discipline of what it entailed.

A clear commitment then is being made to a model far removed from these individualised needs-based conceptions. So, an intervention model championing rights is being defended, based on safeguarding those rights and preventing their violation. The methodological derivations of the preventive elements could lead to connections to educational and responsibility models when applying some of their techniques, and the derivations of guarantee aspects could have their origins in methods of social-justice or multicultural models. This is regarded as enriching the construction and defence of this model for preventive intervention and guaranteeing citizen-rights in the OND.

This OND-boosting public policy refers to a series of criteria, founded on a human rights-based approach, not just for their formulation and implementation but also



for the analysis of the results obtained from their implementation.

So, the distinctive traits of human rights are also used as a basis for establishing the action lines of this government measure, which will be applied under the cross-cutting principles of the human rights-based approach:

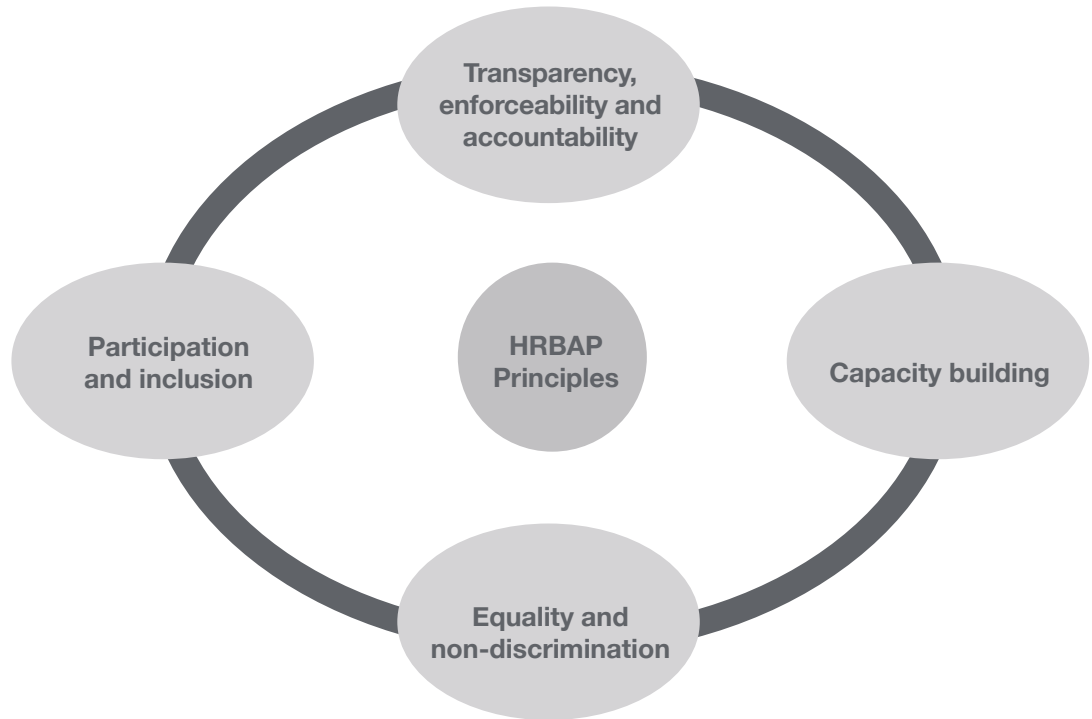
- **Participation and inclusion:** This includes the city's residents, human rights-championing organisations and other social players, as well as other public bodies for developing the various measures of the different areas of action of this measure. Their participation sometimes entails implementing the measure and at other times being its target group. Participation is considered a right, a goal in itself and a way of achieving its aims.
- **Capacity building:** The aim is to reinforce the capacities of the city's various players with their different roles in this public policy, and create new capacities so they can exercise their rights and meet their duties or obligations.
- **Equality and non-discrimination:** The goal behind this government measure is also a basic principle for action. No one is excluded from it, regardless of their status.
- **Transparency, enforceability and accountability:** It is considered important not only that it is enforceable in legal or judicial terms, but also in social terms, so an annual public report will be compiled on the OND's work and results.

Under the Barcelona City of Rights Government Measure Programme, where the OND is given its impetus, the action principles it establishes will also be followed:

- **Territorialisation:** All initiatives will have to be coordinated with action

from the city's districts to be effective. So, they will have to include vision, experience and knowledge of the territories.

- **Feedback and interdependence:** Any right is connected to the others and the effect of one has effects on the others. So, when it comes to initiatives included under the measure, all are also interdependent and therefore in continuous dialogue in order to feedback and seek synergies that boost their effects and impact.
- **Networking and municipalism:** City networks and local organisations in the field of human rights will be strengthened and revised in relation to the main issue of the measure.
- **Glocal perspective:** A joint analysis of the local effects of global phenomena in order to propose initiatives and policies aimed at the causes behind the various human-rights violations that occur in the city.
- **Gender perspective:** The gender perspective has to be fully covered by any initiative or measure following the human rights-based approach.
- **Using international human-rights standards:** The international law on human rights is the basis and legitimisation of this public policy.
- **Intercultural perspective:** The intercultural perspective, recognising diversity and positive interaction with this diversity, will be applied as a cross-cutting principle in the measure's initiatives.
- **Co-production and co-leadership:** as regards networking with organisations and the public.



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Department of  
Citizen Rights  
and Diversity Services

Government measure  
Office for Non-Discrimination



## 4. GOVERNANCE MODEL

Several levels of governance and coordination are needed for the implementation of this government measure to be properly monitored, as the players involved are numerous and diverse. For this reason, we will be establishing a general governance model, which will have to receive its content and specifics from the OND's operational regulations (Initiative 3(1)(A)).

At an internal level within the administration, the necessary bilateral coordination committees will be established with the areas most directly affected by the scope of action of the measure, such as the Office of the Ombudsman, the Guàrdia Urbana [city police], the Provincial Public Prosecutor's Office, the Municipal Institute for People with Disabilities, the Department of Feminism and LGBTI, the Department of Children, Youth and Elderly People, the Department of Prevention and the Office of Religious Affairs (initiative 1(1)(E)).

On the other hand, the Committee for Joint Responsibility of Services for People and the Territory will be the space for coordinating with the districts where the appointment of a focal group or sounding board will be requested for each territory, which can communicate and coordinate with the OND. Specific training is expected for these focus groups (initiative 1(1)(B)).

And as for the monitoring and accountability outside the authority, a Human Rights Space is expected to be created, made up of human-rights championing organisations and people, which will be tasked with, among other things, monitoring the implementation of this measure. Its composition, frequency of meetings and specific tasks will be defined in conjunction with the organisations during the first months of the measure's implementation (initiative 2(3)(C)).

## 5. GOALS AND SPECIFIC INITIATIVES

We can divide up the goals of the Government Measure from the Office for Non-Discrimination Municipal Plan into those aimed at preventing discrimination violations and those that are implemented when a violation has occurred, in other words, human-rights guaranteeing initiatives.

The first two goals belong to the field of prevention to boost the OND as a benchmark for human rights and the fight against discrimination in the city and to raise awareness and counter the various forms of discrimination that are found in Barcelona. The latter is coordinated in the area of safeguarding, supporting and developing the relevant mechanisms once a situation of discrimination has already occurred.

Each of the three general goals is divided into several specific aims, which in turn are broken down into several lines of action.

### General goal 1: Establishing the OND as the benchmark body and municipal space in the fight against discrimination

#### Specific Goal 1(1) - Being a benchmark for the other municipal services when it comes to policies on non-discrimination and discrimination situations

*1(1)(A) - Specific dissemination of and information on the OND's work to municipal workers in the city's sectors and districts*

Under the principle of territorialisation of the OND's work and the cross-cutting approach of the fight against discrimination in the City Council, the OND's services and functions will be presented to the Council's other work areas and districts.

*1(1)(B) - Skills training in the districts' municipal techniques for detecting situations of discrimination and establishing circuits for dealing with cases (sounding boards or focal groups)*

Training will be given to municipal workers working in the city's districts so they can identify and report situations of discrimination. Each of the districts will appoint a focal group or sounding board tasked with communicating and coordinating with the OND to carry out the most suitable initiatives for each situation.

*1(1)(C) - Specialist information and advice on demand from municipal services on non-discrimination mechanisms and tools*

The City Council's services may be referred to the OND to request information and advice where they wish to embark on non-discrimination initiatives and tools within their area of work which require specialisation in the field of non-discrimination.

*1(1)(D) - Preparing diagnoses, reports and projects for use by the rest of the City Council as rights protection needs are detected*

A violation of rights can be identified by the City Council's various work areas as well as in the work carried out by the districts or the cases that reach the OND. It may be that the case or element that is detected is not an isolated case and corresponds to a more extensive situation. Its treatment by the OND, preparing an analysis which enables the causes and scope of the violation to be determined, will contribute elements that will be useful for seeking improvement proposals.

*1(1)(E) - Coordinating and creating cross-disciplinary work committees with professionals from the City Council, other authorities and organisations and other players involved in safeguarding rights in the city, by work area*

A series of work spaces will be created, depending on the work areas, which will be aimed at bringing together those responsible for safeguarding citizen rights. Others taking part there will be experts from the Council and other authorities,

above all the Barcelona Provincial Council, and organisation representatives and social players.

*1(1)(F) - Participation in Councils, Commissions and internal municipal work spaces with influence over the promotion and safeguarding of human rights*

The OND will be taking part in the work spaces particular to Barcelona City Council which influence the two areas related to their work, prevention and safeguarding. Participation in these spaces will not only serve to contribute the vision of the fight against discrimination led by the OND but will also ensure interaction and coordination with the City Council's other work sectors.

*1(1)(G) - Establishment of the headquarters of the Barcelona Human-Rights Resource Centre and stable coordination agreements with other services such as the Municipal Institute for Persons with Disabilities, the ABITS project, Assistance and Information Points for Women (PIADs) and the LGBTI Resource Centre.*

The OND will be the reference space for human rights in the city, playing host to the Human Rights Resource Centre and the fight against discrimination, besides its own work, establishing coordination agreements with other municipal bodies and instruments that share this goal.

### **O.E 1(2) - Introducing the OND and its functions to the outside world**

*1(4)(A) - Designing one of the OND's municipal dissemination campaigns with participation from human-rights championing organisations and individuals, designing a new message and slogan*

The OND's new impetus in the city will see its profile raised with a publicity campaign on its work as well as a presentation of the new logo and message that are to represent the Office. Organisations and individuals working to champion human rights in

the city are expected to take part in the campaign.

*1(4)(B) - Launching the OND's new website*

A new website for the OND will be designed and launched, offering information on the Office and the field of non-discrimination and human rights.

*1(4)(C) - Preparing the OND's new dissemination material and resources*

So the OND's dissemination material can be updated, new corporate leaflets and resources are to be designed in several formats focusing on providing information and raising awareness of the issues it works with.

*1(4)(D) - Introducing the OND on new technologies such as Facebook, Twitter and Instagram*

To reach a wider section of the public, the OND's communication work will include social-network profile management, which will enable interaction with the public and dissemination of the OND's work.

*1(4)(E) - Increasing the input channels for situations of discrimination*

Work will be carried out to extend the access channels for reporting situations of discrimination. Besides reports given in person, either in the office itself or those attached to other municipal services, reporting cases through virtual resources such as web apps and/or a mobile device app will be looked into.

*1(4)(F) - Improving and strengthening the mechanisms for collecting data on discrimination in the municipal area (IRIS)*

The multi-channel IRIS (Incidents, Complaints and Suggestions) programme manages service requests, warnings, incidents and complaints from citizens and will be strengthened and adapted so that

it can also be used for collecting data on situations of discrimination in the city.

### **O.E 1(3) - Extending the space and functionality of the OND's headquarters**

#### *1(3)(A) - Extending and reorganising the physical space of the OND's headquarters*

The Office space will be extended and reorganised so the OND's facility can be adapted to its new impetus. This will enable it to house the Human-Rights Resource Centre and provide a more efficient reception and assistance circuit to people who come to the OND for information or to report some type of complaint.

#### *1(3)(B) - Setting up an activity space in the OND's headquarters*

Restructuring the space in the OND's headquarters will enable it to play host to various types of activities, which may include training sessions and talks or even small exhibitions on human rights.

#### *1(3)(C) - Allocating the events and work space to the city's human-rights championing organisations*

Part of the OND's office space will be used by human-rights championing organisations during workers' office hours, for events open to the general public and for internal work meetings requiring a suitable space.

### **General goal 2: Publicising and countering the distinct types of discrimination in the city**

### **O.E 2(1) - Fostering the public's knowledge of citizen rights and the City Council's commitments so these rights are respected in the city**

#### *2(1)(A) - Designing a municipal campaign for publicising the ECSRC and the rights and obligations that arise from it.*

Barcelona is one of the signatory cities to the European Charter for the Safeguarding

of Rights in the City. A campaign is to be designed to explain to Barcelona's residents the rights they enjoy as citizens, as well as their associated obligations.

#### *2(1)(B) - Holding a European Conference in 2018 to mark the 20th anniversary of the ECSRC, the 70th anniversary of the Universal Declaration of Human Rights and the 20th anniversary of the OND*

2018 will see two key dates being celebrated: the seventieth anniversary of the UDHR and the twentieth declaration of the ECSRC, which also coincides with the twentieth anniversary of the creation of the OND. Barcelona played a notable role in the process that led to the signing of the ECSRC, given that the latter was the result of an initiative from municipalities that had met up in 1998 at the 1st European Conference of Cities for Human Rights, to commemorate the 50th anniversary of the UDHR. That is why it is now considered appropriate to hold an event that reminds everyone of the need to safeguard and guarantee human rights.

### **O.E 2(2) - Raising awareness and informing the public of the various forms of discrimination in the city and the effects they have**

#### *2(2)(A) - Coordination with other departments and municipal services for specific municipal campaigns on various types of discrimination and hate crimes and hate speech*

As a municipal benchmark in the fight against discrimination, the OND will be coordinating with the City Council's departments and services to launch campaigns aimed at the public and focusing on particular types of discrimination and specific hate crimes and hate speech.

#### *2(2)(B) - Managing events and campaigns to mark international dates commemorating groups in situations of discrimination*

Commemorating key international dates to remember groups discriminated

against or specific types of discrimination is a way of raising public awareness of these issues. Barcelona City Council will be able to launch campaigns under this framework, which will be managed by the OND.

*2(2)(C) - Collaboration with specialist organisations, universities and international bodies specialising in human rights for awareness-raising campaigns aimed at the general public*

Campaigns to raise awareness of groups or specific forms of discrimination can be launched in collaboration with the city's human-rights championing organisations, specialists from the academic world and also in synergy and coordination with international bodies.

### **O.E 2(3) - Informing, training and strengthening organised, human-rights championing civil society**

*2(3)(A) - Advice and information for organisations on the various regulations and current resources available on human rights*

Human-rights championing organisations, as well as the city's association network in general, will be able to turn to the OND for information and advice on human rights.

*2(3)(B) - Developing a plan for training in human rights and diversity aimed at organisations and the public, with participation from the organisations themselves*

Training is one of the main functions of the OND, so a plan for training in human rights will be developed in collaboration with the city's human-rights organisations and aimed not only at the people taking part in these organisation but also at the general public.

*2(3)(C) - Boosting the Rights Space, a meeting point for Barcelona's human-rights championing organisations and individuals and an ongoing monitoring, mediation and consultation space*

A meeting space will be provided for the city's human-rights championing organisations and individuals to ensure accountability to these players. The hierarchical and functional details will be defined during the implementation of the measure.

### **O.E 2(4) - Highlighting the specific aspects of the various forms of discrimination against women**

*2(4)(A) - Including the perspectives of gender and intersectionality towards women in implementing the Government Measure initiatives*

The fact that gender is a key feature in the various aspects of inequality and discrimination makes it necessary for all the measures included in this Plan to take account of the specific needs of women during the designing, planning and implementation of its associated initiatives. The cross-over of all the areas of discrimination (gender, class, country of origin, religious practice) requires us to pay special attention to these forms of discrimination that have a specific impact.

*2(4)(B) - Publicising the specific impact of intersectionality in discrimination towards women*

The campaigns, resources and materials created for publicising the various forms of discrimination, how they are presented and what their effects are must take into account and specify how women suffer from these forms of discrimination in a more pronounced way.

### **General goal 3: Developing responses relating to the guarantee when facing municipal level forms of discrimination**

#### **O.E 3(1) - Establishing efficient assistance and response circuits for people who have experienced situations of discrimination**

*3(1)(A) - Proposed Regulations for running the OND, for establishing the circuits re-*

*quired for receiving, responding to, returning and, where appropriate, referring situations of discrimination*

If the cases are to be satisfactorily managed, they will have to have the correct assistance circuit established for them. Given the plurality of the players involved in this measure, both inside the City Council, and external players from other authorities and social agents, a series of protocols for collaborating with and referring to internal and external services will have to be established. These issues will be specified when the OND's operational regulations are drafted.

*3(1)(B) - Improving the database of the files worked on*

It is essential, if an analysis and diagnosis of the situation of discrimination in the city is to be prepared, to have a good collection of data from the files they are held in based on the management of the cases of the users that the OND works on. The data-collection system will be strengthened and improved, complying with the current regulations on privacy and personal data protection.

*3(1)(C) - First-instance psychological and social reception and support for people who report situations of discrimination, whether in person or through virtual tools*

A common denominator in the OND's response will be the psychological and social support that the person requires. This support will include dealing with the emotional aspect of the problem they are exposed to and which affects both the interpretation of the facts and the consequences to such discrimination. Psychological and social care requires active listening, a high degree of empathy and a capacity for containment. The people who are considered to require a more specialised service will be referred to other services where they can be offered more suitable care.

*3(1)(D) - Specific bilateral coordination: with the Office of the Ombudsman, with*

*the Office of the Guàrdia Urbana (city police), for implementing Instruction 29/08 on preventing situations of discrimination, and with the Hate Crimes and Discrimination Service at the Barcelona Provincial Prosecutor's Office*

Because of the multiplicity of players sharing responsibilities with Barcelona City Council in undertaking work to guarantee human rights, bilateral coordination spaces and protocols have to be established, in accordance with their field of work and responsibility.

*3(1)(E) - Specific coordination with specialist organisations that run care services for victims of human rights' violations. Non-exhaustive list: SOS Racism, Iridia Centre, the Bayt Al-Thaqafa Foundation, Observatory against Homophobia, Unió Romani, the Assis Foundation*

There are human-rights championing organisations in the city that carry out specialist care work for people who have experienced situations of discrimination, some of which do so under an agreement with Barcelona City Council and others that do not. Coordination is needed with the organisations that have a link and, in all cases, mutual knowledge is required to protect human rights in the city more efficiently.

### **O.E 3(2) - Boosting the legal-advice service for people who have experienced forms of discrimination**

*3.2(A) - Assistance and legal-advice service for people who have experienced forms of discrimination*

The OND's Assistance and Legal Advice Service is tasked with receiving people who have experienced situations of discrimination and offering them technical and legal assistance over the violation of rights they have experienced.

*3(2)(B) - Advice to expert staff in their response work and analyses of situations*



Due to the diversity and complexity of the cases that are presented to the OND, the workers who carry out the response work occasionally need legal advice so they can provide a diligent and efficient assistance service, which the Assistance and Advice Service is tasked with providing.

*3(2)(C) - Preparing specialist legal reports on forms of discrimination*

One of the tasks of the OND's Assistance and Advice Service is to prepare legal reports focusing on specific forms of discrimination. These reports are of use to the OND and the Council in general when it comes to launching publicity campaigns, establishing guarantee tools and mechanisms and introducing public policies for protecting citizen rights.

*3(2)(D) - Revising municipal byelaws in line with human-rights standards*

One of the principles of action behind this measure is the use of international human-rights standards, and this is a logic that is being pursued in the City Council's various policies, regulations and byelaws. The current byelaws are being revised so that their legitimisation comes under the framework of international human-rights law.

3.2.E.- Selecting cases that are especially significant to take strategic legal action against hate crimes and hate speech.

Cases of hate crimes and hate speech in the city that are of special relevance or importance will be chosen for prosecution through the Central Legal Services, so that rulings can be made that serve to compensate the victims, have an impact on rights protection guarantees regarding discrimination and improve social cohesion.

**O.E 3(3) - Developing direct mediation responses**

*3(3)(A) - Exploring the possibility of reconciling the parties*

Where possible, options for resolving disputes will be sought through local justice processes, such as reconciliation. This method provides the figure of a third impartial player that takes on board the positions of the parties but refrains from proposing a specific solution to the dispute, thereby acting as a mere arbiter of the situation, without taking a pro-active stance over a specific solution to the problem.

*3(3)(B) - Boosting mediation as a necessary tool in dispute resolution, through the OND itself or other specialist municipal services*

Where the dispute in question so allows and the parties involved are so disposed, a mediation process will be started from the OND itself or through other municipal services. Also, when a form of discrimination cannot be determined, and the dispute lacks this clear component, this will be a method to take into account.

**O.E 3(4) - Developing the City Council's disciplinary capacity in situations of discrimination**

*3(4)(A) - Study on the areas in which the City Council can develop disciplinary administrative mechanisms for situations of discrimination*

Research will be carried out into the areas where the Council can develop its disciplinary capacity when dealing with cases of discrimination. Special attention will be given to two specific areas where there is ground to cover, violations relating to right to admission, and violations of lesbian, gay, bisexual, transgender and intersex rights.

*3(4)(B) - Launching the relevant disciplinary administrative mechanisms in coordination with the City Council's other authorities*

Action protocols will be defined to ensure the various players taking part in the disciplinary circuit, aside from the OND, have knowledge of discrimination cases and

carry out coordinated and networked action that provides a coherent response to the situation. This would allow a strategic and comprehensive approach to the dis-

crimination case in question, enabling both sanctions and other measures to ensure the event will not happen again and to compensate the victim.

## 6. CALENDAR

SHORT TERM Starts in July 2017	MEDIUM TERM Starts in January 2018	LONG TERM Starts in July 2018
1(1)(A) - Specific dissemination of and information on the OND's work to municipal workers in the city's sectors and districts	1(1)(B) - Skills training in the districts' municipal techniques for detecting situations of discrimination and establishing circuits for dealing with cases	1(1)(C) - Specialist information and advice on demand from municipal services on non-discrimination mechanisms and tools
1(1)(E) - Coordinating and creating cross-disciplinary work committees with professionals from the City Council, other authorities and organisations and other players involved in safeguarding rights in the city, by work area	1(1)(D) - Preparing diagnoses, reports and projects for use by the rest of the City Council as rights protection needs are detected	2(2)(A) - Coordination with other departments and municipal services for specific municipal campaigns on various types of discrimination and hate crimes and hate speech
1(1)(G) - Establishment of the headquarters of the Barcelona Human-Rights Resource Centre and stable coordination agreements with other services such as the Municipal Institute for Persons with Disabilities, the ABITS project, Assistance and Information Points for Women (PIADs) and the LGBTI Resource Centre.	1(1)(F) - Participation in Councils, Commissions and internal municipal work spaces with influence over the promotion and safeguarding of human rights	2(3)(C) - Boosting the Rights Space, a meeting point for Barcelona's human-rights championing organisations and individuals and an ongoing monitoring, mediation and consultation space
1(4)(A) - Designing one of the OND's municipal dissemination campaigns with participation from HR championing organisations and individuals, designing a new message and slogan	1(4)(D) - Introducing the OND on new technologies such as Facebook, Twitter and Instagram	2(4)(A) - Including the perspectives of gender and intersectionality towards women in implementing the Government Measure initiatives
1(4)(B) - Launching the OND's new website	1(4)(E) - Increasing the input channels for situations of discrimination	2(4)(B) - Publicising the specific impact of intersectionality in discrimination towards women
1(4)(C) - Preparing the OND's new dissemination material and resources	1(3)(C) - Allocating the events and work space to the city's human-rights championing organisations	3(2)(D) - Revising municipal byelaws in line with human-rights standards
1(4)(F) - Improving and strengthening the mechanisms for collecting data on discrimination in the municipal area (IRIS)	2(1)(A) - Designing a municipal campaign for publicising the ECSRC and the rights and obligations that arise from it.	3(3)(B) - Boosting mediation as a necessary tool in dispute resolution, through the OND itself or other specialist municipal services

1(3)(A) - Extending and reorganising the physical space of the OND's headquarters	2(1)(B) - Holding a European Conference in 2018 to mark the 20th anniversary of the ECSRC, the 70th anniversary of the UDHR and the 20th anniversary of the OND	3(4)(B) - Launching the relevant disciplinary administrative mechanisms in coordination with the City Council's other authorities
1(3)(B) - Setting up an activity space in the OND's headquarters	2(2)(B) - Managing events and campaigns to mark international dates commemorating groups that are discriminated against	
3(1)(B) - Improving the database of the files worked on	2(2)(C) - Collaboration with specialist organisations, universities and international bodies specialising in human rights for awareness-raising campaigns aimed at the general public	
3(1)(C) - First-instance psychological and social reception and support for people who report situations of discrimination, whether in person or through virtual tools	2(3)(A) - Advice and information for organisations on the various regulations and current resources available on human rights	
3(1)(D) - Specific bilateral coordination: with the Office of the Ombudsman, with the Office of the Guàrdia Urbana (city police), for implementing Instruction 29/08 on preventing situations of discrimination, and with the Hate Crimes and Discrimination Service at the Barcelona Provincial Prosecutor's Office	2(3)(B) - Developing a plan for training in human rights and diversity aimed at organisations and the public, with participation from the organisations themselves	
3(1)(E) - Specific coordination with specialist organisations that run care services for victims of human rights' violations.	3(1)(A) - Proposed Regulations for running the OND, for establishing the circuits required for receiving, responding to, returning and, where appropriate, referring situations of discrimination	
3.2(A) - Assistance and legal-advice service for people who have experienced forms of discrimination	3(2)(B) - Advice to expert staff in their response work and analyses of situations	
3(3)(A) - Exploring the possibility of reconciling the parties	3(2)(C) - Preparing specialist legal reports on forms of discrimination	
	3.2.E.- Select cases that are particularly significant to take strategic legal action against hate crimes and hate speech	
	3.2.E.- Select cases that are particularly significant to take strategic legal action against hate crimes and hate speech	

## 7. BUDGET ALLOCATION

	2017	2018	2019	2020
<i>OND Legal advice</i>	€51.909	€69.212	€69.212	€69.212
<i>Human-Rights Resource Centre</i>	€34.579,73	€138.318,93	€138.318,93	€138.318,93
<i>Office arrangement</i>	€200.000			
<i>Awareness-raising campaigns and training plan</i>		€40.000	€40.000	€40.000
<i>Rights Space</i>		€20.000		
<i>New image and dissemination and communication elements</i>	€15.000	€40.000		
<b>TOTAL</b>	<b>€286.489</b>	<b>€307.507,93</b>	<b>€247.530.93</b>	<b>€247.530.93</b>

## ANNEXE. Legal framework for the right to equality and non-discrimination

The first section refers to the regulations on the right to equality and non-discrimination in its broad sense, as a requirement for equality which pervades all other human rights.

### The United Nations Organisation

- Universal Declaration of Human Rights. Articles: 1, 2 and 7.
- International Covenant on Civil and Political Rights. Articles: 2(1), 4(1), 24(1), 25 and 26
- International Covenant on Economic, Social and Cultural Rights. Articles: 2(2), 7(a)(i), 7(c), 10(3)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

### Specialist UN bodies

- International Labour Organisation (ILO)
  - Equal Remuneration Convention (1951)
  - Discrimination (Employment and Occupation) Convention (1958)
  - Equality of Treatment (Social Security) Convention (1962)
  - Workers with Family Responsibilities Convention (1981)
  - Declaration on Fundamental Principles and Rights at Work and Its Follow-up (1998). Article 2(d)
  - Domestic Workers Convention (2011). In force since 2013 but not ratified by the Spanish State
- United Nations Organization for Education, Science and Culture (UNESCO)

- Convention against Discrimination in Education (1960)

### Council of Europe

- European Convention for the Protection of Human Rights and Fundamental Freedoms. Article 14
- European Social Charter (1961).- Part I, points: 15, 18, 20 and 27; Part II, Articles: 8, 15, 17, 19, 20 and 23 and Part V, Article E
- Additional Protocol n<sup>o</sup>. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)

### European Union

- Charter of fundamental rights of the European Union. Title III
- Treaty of Amsterdam (1997). Article 12
- Directive 2000/78/EC Directive on Equal treatment in employment and occupation

### Spanish State

- Spanish Constitution. Articles: 1.1, 9.2, 14 and 23.2.
- Act 62/2003, of 30 December, on Tax, Administrative and Social Measures. Chapter III of Title II
- Framework Act 1/2015, of 30 March, amending Framework Act 10/1995, of 23 November, on the Penal Code. Articles: 235, 236, 237 and 238.
- Workers' Statute. Articles: 4(2)(c), 17(1), 24(2) and 28(17)

- General regulations for Protecting Consumers and Service Users
- Act 1/2006, of 13 March, regulating the special system for the Barcelona municipality (2006)

### Catalonia

- Statute of Autonomy of Catalonia. Article 40(8)
- ACT 11/2009, of 6 July, on the authorities' regulation of public shows and recreational activities. Preamble II, Articles 5(j) and 10.

### Barcelona

- European Charter for the Safeguarding of Human Rights in the City. Articles: 2, 14, 17, 15(4) and 16(2)
- Barcelona Citizens' Charter. Article: 26
- Act 22/1998, of 30 December, on the Barcelona Municipal Charter (1999)
- Act 11/2006, of 19 July, amending the Barcelona Municipal Charter (2006)
- Act 7/2010, of 21 April, amending the Barcelona Municipal Charter (2010)
- Act 18/2014, of 23 December, amending the Barcelona Municipal Charter (2014)

In a second section, we list the legal tools that govern these grounds for discrimination which are priorities in the OND's work.

***Discrimination for professing a religion or belief, belonging to a specific ethnic group or culture or having a specific national or geographic origin***

### The United Nations Organisation

- Universal Declaration of Human Rights. Articles: 2(2) and 16(1)
- International Covenant on Civil and Political Rights. Articles: 20(2) and 27
- International Covenant on Economic, Social and Cultural Rights. Article 13(1)
- Equality of Treatment (Social Security) Convention (1962)
- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)
- Declaration on Race and Racial Prejudice (1978)
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)

While it is not binding, another international document which includes the fullest list of measures to date for the fight against discrimination: the 2001 Durban Declaration and Programme of Action (DDPA). This programme contains 219 measures, of variable specification, to combat racism, racial discrimination, xenophobia and other related forms of intolerance.

### *Specific monitoring bodies*

- Committee on the Elimination of Racial Discrimination
- Committee on Migrant Workers

- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
- Special Rapporteur on human rights of migrants
- Working Group of Experts on People of African Descent
- Independent Expert on minority issues

#### **Council of Europe**

- European Charter for Regional or Minority Languages (1992)
- Framework Convention for the Protection of National Minorities (1995)

#### **European Union**

- Charter of Fundamental Rights of the European Union. Articles: 15(3), 21(2) and 22.
- Directive 2000/43/EC Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
- Directive 2002/90/EC, of 28 November 2002, defining the facilitation of unauthorised entry, transit and residence
- Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

#### **Spanish State**

- Framework Act 7/1980, of 5 July, on religious freedom

- Framework Act 4/2000 on the Rights and Freedoms of Foreign Nationals in Spain and their Social Integration.

- Royal Decree 932/2013, of 29 November, regulating the Advisory Commission on Religious Freedom.

#### **Barcelona**

- Barcelona Citizens' Charter. Article: 24.1
- Municipal Government Plan for Fighting against Islamophobia (2017)

#### ***Discrimination based on sexual orientation and gender identity***

#### **European Union**

- Charter of Fundamental Rights of the European Union. Articles 21.2

#### **Catalonia**

- Act 10/1998, of 15 July, on Stable Couple Unions
- Act 11/2014, protecting the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex People

#### **Barcelona**

- Barcelona Citizens' Charter. Article: 21

#### ***Gender-based discrimination***

#### **The United Nations Organisation**

- International Covenant on Civil and Political Rights. Articles: 3 and 23(4)



- International Covenant on Economic, Social and Cultural Rights. Articles: 3 and 7(a)(i)
- Declaration on the elimination of discrimination against women (1967)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Declaration on the Elimination of Violence against Women (1993)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)

#### *Specific monitoring bodies*

- Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Working Group on the issue of discrimination against women in law and in practice
- Special Rapporteur on violence against women

#### **Council of Europe**

- European Social Charter (1961). Articles: 4(3) and 10(2)

#### **European Union**

- Charter of Fundamental Rights of the European Union. Articles 23.
- Community Charter of Fundamental Social Rights for Workers (1989). Point 16
- Directive 97/80/EC on the burden of proof in cases of discrimination based on sex

- Directive 2002/73/EC 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
- Directive 2004/113 implementing the principle of equal treatment between men and women in access to and the supply of goods and services
- Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation
- 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

#### **Spanish State**

- Spanish Constitution. Articles: 32(1) and 35(1)
- Framework Act 3/2007, of 22 March, for effective equality between men and women
- Framework Act 1/2004, of 28 December, on comprehensive protective measures against gender violence

#### **Catalonia**

- Act 5/2008, of 24 April, on the Right of Women to Eradicate Gender Violence

#### **Barcelona**

- Barcelona Citizens' Charter. Article: 20(1)