

Barcelona Discrimination Observatory report 2019

BCN



Editors

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

With data and collaboration from the Board of Organisations for the Assistance of Victims of Discrimination, constituted by: the Office for Non-Discrimination, the Catalan Association for Integrating Homosexual, Bisexual and Transsexual Immigrants, the Catalan Association for the Defence of Human Rights (ACDDH), Bayt al-Thaqafa, Cepaim, Dincat, the ECOM Federation, the Catalan Mental Health Federation (FSMC), the Veus Federation, Fil a l'agulla, the Secretariat Gitano Federation (FSG), Gais Positius, Irídia, the Observatory against Homophobia (OCH), the Platform for the Language, the Tenants' Union, SOS Racisme Catalunya, the Romani Union and the Network of Services for Homeless People (XAPSLL).

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Foreword

Barcelona is a leading city internationally in terms of openness, democracy and diversity that all residents and visitors can experience freely and without fear. A city whose wealth lies in the multiplicity of identities and cultures that co-exist and make Barcelona a place for everyone. Nonetheless, the city is not immune to conflict and expressions of discrimination, hatred and intolerance.

The Councillor's Office for Citizenship Rights and Participation at Barcelona City Council strives to protect and guarantee respect for the rights and liberties of all the city's residents, which translates as developing public policies to combat discrimination.

The 2019 Discrimination Observatory Report on Discriminations in Barcelona is a clear example of this. The aim of this report is to carefully put together an overview of the discriminatory situations that have occurred in the city, so that we can develop strategies to tackle them. This aim, which is more urgent than ever in a context of the rise of the far right and hate crimes, would be impossible without the collaboration of the city's organisations that assist victims of discrimination. Here at the City Council, we would like to thank them for their generosity and good will, and for working as part of the Board of Organisations for the Assistance of Victims of Discrimination to help to articulate the city's response to discriminations.

In 2019, racism and xenophobia were the main causes of discrimination in Barcelona. One of the main challenges we face in fighting discrimination in our city today is, therefore, tackling the scourge represented by the stigma and stereotypes that affect thousands of migrant or racialised city residents every day. This historical discrimination crosses over with other axes of oppression, such as sexual orientation, class, disability, age or religion, to relegate some groups of residents to situations where their rights and liberties are left unprotected.

This Observatory Report on discrimination in our city backs a methodology that combines rigour in dealing with, documenting and reporting cases, with proximity to and support for the people affected by this discrimination. Behind every case of discrimination, there is undoubtedly a lot of suffering, but there is also an opportunity for transformation and reparation to make Barcelona a fairer city, where we can all live our lives freely with equal rights.

Marc Serra Solé
Councillor for Citizenship Rights
and Participation

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**Barcelona
Discrimination
Observatory**
Report 2019

1. Introduction

‘All human beings are born free and equal in dignity and rights [...] without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.’ Seven decades after the passing of the Universal Declaration of Human Rights (1948) — which begins by defending the principle of equality between all people and, therefore, rejecting discrimination in any form — it remains as relevant as ever all over the world, even in our city.

Barcelona is a city of rights, as asserted by the **‘Barcelona, city of rights’ government measure** passed in December 2017. This initiative reaffirms the city’s commitment to developing municipal policies from a rights-based perspective. A human rights-based approach (HRBA) has been developed by the United Nations as a conceptual framework that makes respecting, protecting and safeguarding human rights the cornerstone, goal and tool for enabling sustainable human development.

In line with this aim, for many years, Barcelona City Council has been a pioneer in its commitment to the defence of citizens’ rights. The year 1992 saw the creation of the Commissioner for the Defence of Civil Rights, then the Councillor’s Office for Civil Rights was established 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 launched in 1998. In July 2017, the OND was given a new push as a municipal mechanism for the prevention and safeguarding of human rights: 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 greatest 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 decided to create the **Board of Organisations for the Assistance of Victims of Discrimination**.

The Board expressed the need to draw up a document that set out the discrimination issues occurring in the city. Thanks to the hard work of all those involved in these organisations and in the Office for Non-Discrimination, the **Barcelona Discrimination Observatory** was born. Since 2018, it has been publishing an annual report containing detailed data on discriminatory situations that have occurred throughout the year and on the action taken and strategies established to tackle them, as well as the challenges ahead. The Observatory is driven by team work between the Office for Non-Discrimination, the Board of Organisations for the Assistance of Victims of Discrimination and Barcelona City Council’s Human Rights Resources Centre.

The section **‘Equality and non-discrimination in the city’** explains the concepts of equality and non-discrimination, as understood within the framework of the Board, and sets out the main tools — with reach ranging from a local to an international scale — available to combat discriminatory attitudes and practices, with special emphasis on new laws and regulations passed in 2019. For these purposes, one of the main tools available to the city to defend equal treatment and fight against discrimination is the Board of Organisations itself, which is explained in more detail in this section.

The **'Methodology'** section describes the qualitative and quantitative data collection tools used for the report. This part also includes the results of focus groups carried out to bring together those involved in the Board of Organisations and those affected by situations of discrimination to reflect on the causes of **low report rates** in Barcelona, as well as suggesting some strategies to continue to fight this problem, which reduces the visibility of these discriminations. Meanwhile, the Board of Organisations is striving to include an **intersectional perspective**: a concept and proposal that is also explained in this section.

In the **'Discriminations in Barcelona'** section, the most relevant data from 2019 is presented. It shows **who is suffering** discrimination, **who is carrying out** this discrimination, **where** discrimination is taking place, **why**, which are the main **rights being infringed** as a result of this discrimination, what **type of discrimination** is being carried out and what **response** has been provided by the public administration and social organisations.

Finally, the report contains the main **conclusions** drawn from this quantitative and qualitative analysis and points out the main **challenges** for 2020 that will mark the action plans made by organisations and the OND this year, according to the Board of Organisations. These conclusions are accompanied by **recommendations** for overcoming these challenges and continuing to combat the many manifestations and consequences of discrimination in Barcelona.

2. Equality and non-discrimination in the city

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

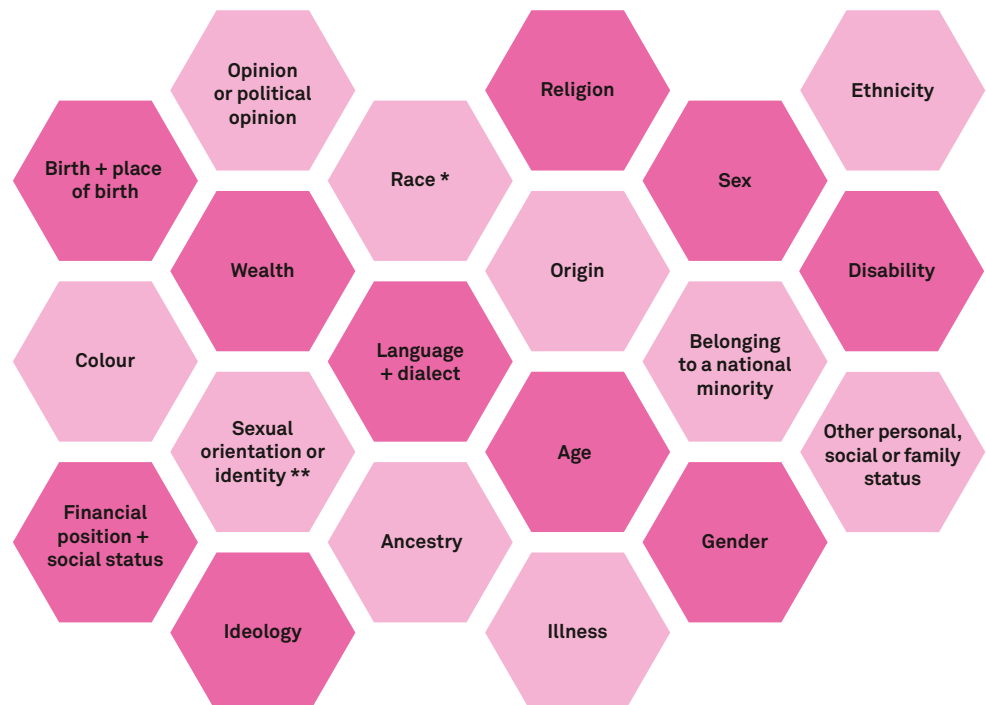
The concept of *equality* emerges as one of the key elements of the preamble to the **Universal Declaration of Human Rights**, proclaimed by the newly created United Nations in 1948.

In this context, the concept of *equality* is closely linked to the universality of human rights: in other words, all people have the same rights, simply because they are all people. Therefore, **equality** is to be interpreted as a **cross-cutting principle that must permeate the deployment of all human rights**, meaning that it is not a right in itself, but rather a behavioural obligation.

A concept directly linked to the principle of equality is the right to **non-discrimination*****, which is a guarantee strengthened by this principle of equality, as it seeks to **protect especially the people and groups historically excluded from the protection of rights and freedoms**.

This leads to the creation of **lists of categories or personal characteristics requiring special protection**. They are characteristics that any human being can have and that should not cause a person to be treated differently from another in the same situation for the mere reason of having them. These categories are detailed in various international, regional, national and local legal instruments (see the complete list in *appendix 1*), and are as follows:

Figure 1. List of protected categories



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

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

*** The definition of this concept can be found in the report's *glossary*.

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

Figure 2. Discriminatory actions

Distinction	Actions that, 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).
Exclusion	Actions that, based on the identification of one or more personal characteristics, leave the person with these characteristics without the possibility of exercising a right (direct discrimination).
Restriction	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).
Preference	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).
Placing at a disadvantage	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**. These four cases constitute **direct discrimination**, which 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 due to a reason for 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.

We also need to keep the phenomena of *multiple discrimination* and *intersectional discrimination* in mind, as well as cases of *discrimination by mistake* and *by association*. **Multiple discrimination** is when one person suffers discriminations due to several protected characteristics. **Intersectional discrimination**, meanwhile, is the case of inequality experienced by a person or by a group of people due to a crossover of different

axes of discrimination. This specific kind of inequality is by no means the sum of the different axes and requires specific responses and solutions.

- 👁️ Finally, **discrimination by mistake** is when a person suffers discrimination because they are wrongly attributed protected characteristics. An example of this would be a person who, due to their gender expression, is thought to belong to the LGBTI community and suffers discrimination for this reason, even though they are not in fact part of this group.
- 👁️ And **discrimination by association** occurs when this mistake is made due to the person's close relationship to one of the protected groups. In these cases, the intentionality of the discriminating party prevails, and this is considered a discriminatory act.

Non-discrimination is, therefore, 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 be based not on being or belonging to a group, or on a personal or social condition or circumstance, but on the desire to make conditions equal, to give the same opportunities and level the playing field, all

- 👁️ of which is known as **affirmative action**.

2.2. The protection of equality and non-discrimination

The principle of equality and the right to non-discrimination 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 (*for more detailed information, please see Appendix 2*).

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

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

There are over twenty United Nations instruments that deal with the problem of discrimination, including *conventions, declarations, general comments, action plans and working groups*. The conventions on specific themes are particularly relevant, especially the **International Convention on the Elimination of All Forms of Racial Discrimination** (1965), the **Convention on the Elimination of All Forms of Discrimination Against Women** (1979), and the **Convention on the Rights of Persons with Disabilities** (2008).

On a European level, Article 9 of the **Treaty on European Union**¹ mentions the principle of the equality of all European citizens, ‘who shall receive equal attention from its institutions, bodies, offices and services’, while Articles 20 and 21 of the **Charter of Fundamental Rights of the European Union** establish equality before the law and prohibit ‘Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation’.²

Meanwhile, **European Council directives 2000/78/EC and 2000/43/EC**, establishing a general framework for equal treatment in employment and occupation,³ and implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,⁴ reinforce legal protection against discrimination. In addition, there are at least two more directives relating to equal treatment between men and women.⁵

Furthermore, the principle of equality and non-discrimination can be found in **the majority of domestic constitutions**. In **Spain**, this principle is included in the **Constitution** as one of the highest values of its legal system, meaning it must be kept in mind when legislating and applying laws (Article 1.1); as a for-

mal principle entailing the prohibition against discrimination in the enjoyment of the fundamental rights the Constitution grants Spanish citizens (Article 14); and as an order for political powers to ensure that equality is not just a formal declaration recognised on paper, but rather a reality for Spanish citizens in terms of material equality (Article 9.2).

Likewise, there are a number of **Catalan laws** that regulate, recognise and deploy specific aspects of equality and the prohibition of discrimination, such as the **Statute of Autonomy of Catalonia**, whose preamble proclaims ‘liberty, justice and equality as higher values of its collective life’.

In **Barcelona** there are various **municipal regulations** in this area, such as **Law 22/1998, on the Municipal Charter of Barcelona**, which proclaims that ‘Barcelona City Council must ensure that negative discriminatory practices do not take place in the city for the following reasons: race, religion, colour, ancestry, age, gender, sex, disabilities or place of birth’. **The Byelaw on measures to promote and guarantee co-existence among citizens in public space** (2005) forbids ‘discriminatory practices of a xenophobic, racist, sexist or homophobic nature or any practices that discriminate against any other condition or personal, economic or social circumstance, especially when direct-

¹ Spanish Official Gazette (BOE) of 27 November 2009, no. 286; BOE amendment of 16 February 2010, no. 41 (in Spanish).

² Published in the *Official Journal of the European Union*, no. 83 of 30 March 2010, pages 389 to 403.

³ Transposed by Act 62/2003 of 30 December (BOE number 313 of 31 December 2003)

⁴ Transposed by Act 62/2003 of 30 December (BOE number 313 of 31 December 2003)).

⁵ 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 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 (consolidated).

ed at the most vulnerable groups', and penalises this type of discriminatory conduct with fines of up to 3,000 euros. In addition, in the regional and municipal spheres of Catalonia and Barcelona, there is other legislation prohibiting discrimination and aiming to ensure equality. These can be found in *Appendix 3*.

The legal system safeguarding the right to equality and the prohibition of discrimination is thus broad and varied, ranging from the municipal to the international level and including the regional and national levels in between. There are differences between provisions, with some protecting certain categories or personal characteristics more specifically. However, they all have the common aim of ensuring that all people are treated equally in the same situation and that they are not discriminated against in any case.

In Barcelona, the full set of legal provisions mentioned in this section apply. There is thus special protection against 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.

2.2.1. New laws and regulations during 2019

During 2019, there has been some progress and some setbacks in the protection of equality and the fight against discrimination:

The **Catalan Parliament** has yet to pass the new **Act on equality of treatment and non-discrimination**. The new regulation would aim to enforce the right to equality regardless of religion or beliefs, ability, disability, age, racial or ethnic origin, sex or sexual orientation or any other social or personal condition.

Meanwhile, **Act 6/2019**, of 23 October, modifying the fourth book of the **Civil Code of Catalonia**, on inheritance, guarantees equal rights and non-discrimination for **people with a sensory disability**.⁶ The Act removed the expressions previously used in the Civil Code of Catalonia that identified certain people as 'the deaf', 'the blind' and 'the mute', to contribute towards ending the stigmatisation associated with sensory disabilities.

In the sphere of discrimination based on *ethnic origin*, the **Catalan Institute for the Romani People** is in the process of being created; the preliminary report for the draft bill has been approved. This institute will be a leading autonomous body that will offer guidelines on policies aimed at the Romani people. It is especially important because it will be a space where Romani people will have their own voice and participate in decisions that affect them. The goals of this body include fighting against the **stereotypes** and **prejudices** that affect them, improving job placement among this group, and working to eliminate **school segregation** and improve educational performance. It also aims to contribute towards promoting Romani women and their involvement in participation and decision-making spaces.

⁶ DOGC (Official Gazette of the Government of Catalonia) 28 October 2019.

As regards discrimination based on *sexual orientation, gender identity and gender expression*, an important step forward is the processing of the **Mayor's Office's Decree on people's right to be addressed and referred to using their specified name and gender**. The aim of the decree is to regulate conditions to guarantee the right, within the framework of Barcelona City Council and its municipal bodies, of **transsexual, transgender and intersex** people to be addressed in accordance with the name and gender as which they identify. These people, if they so wish, may specify their name to municipal bodies and services so that they use them (provided that this does not involve processing administrative records).

Also in this area, the **Catalan Ministry of Labour, Social Affairs and Families** has added a third box next to *man* and *woman* to its forms for people who do not identify as either of these genders. The new option is '**non-binary**'. Similarly, on family documents that, until now, specified 'father's name' and 'mother's name', **parent 1 and parent 2** will be used. This way, homosexual or bisexual couples and single-parent families will not be excluded in official administrative documents.

Furthermore, the **Spanish Supreme Court (TS)** published a ruling on 17 December 2019 which declares that **trans minors can register a sex change**, after questions of unconstitutionality were considered by the **Spanish Constitutional Court (TC)**, regarding whether the age of majority should be reached before the change is registered. The TS clarified the issue in its ruling, and established that 'this must be allowed when applied to minors who are sufficiently mature and are in a stable situation of transsexuality'. The ruling explicitly states that: 'The petitioner's status as a minor does not deprive them of legitimacy to request the rectification of

their registered sex, and not having undergone at least two years of treatment does not prevent them from obtaining the requested rectification'.

In terms of *use of language*, some legislative setbacks have been experienced; the **Resolution of 13 May 2019**, from the Spanish government's General Directorate of Labour, which records and publishes the **Fourth Single Collective Labour Agreement for General State Administration Employees**, establishes that knowledge of official languages other than Castilian (Spanish), imprecisely referred to as '**co-official languages**', will be a desirable skill for Administration employees who wish to work in the territories where these languages are spoken and will be awarded an extra point in the assessment process. This means that, unlike Castilian, the mandatory language for all Spanish citizens, knowledge of Catalan will not be a requirement to work in the General State Administration in Catalan-speaking territories.

The Resolution of 17 April 2019 from the **Secretary of State for Equality**, convening the awards from the Government Delegation Against Gender Violence for doctoral theses on violence against women during 2019, requires applicants for these awards to have written their thesis in Castilian (**they may not be written in Catalan or any other Spanish or foreign language**) and to present a translation of all the fragments that do not appear in Castilian.

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

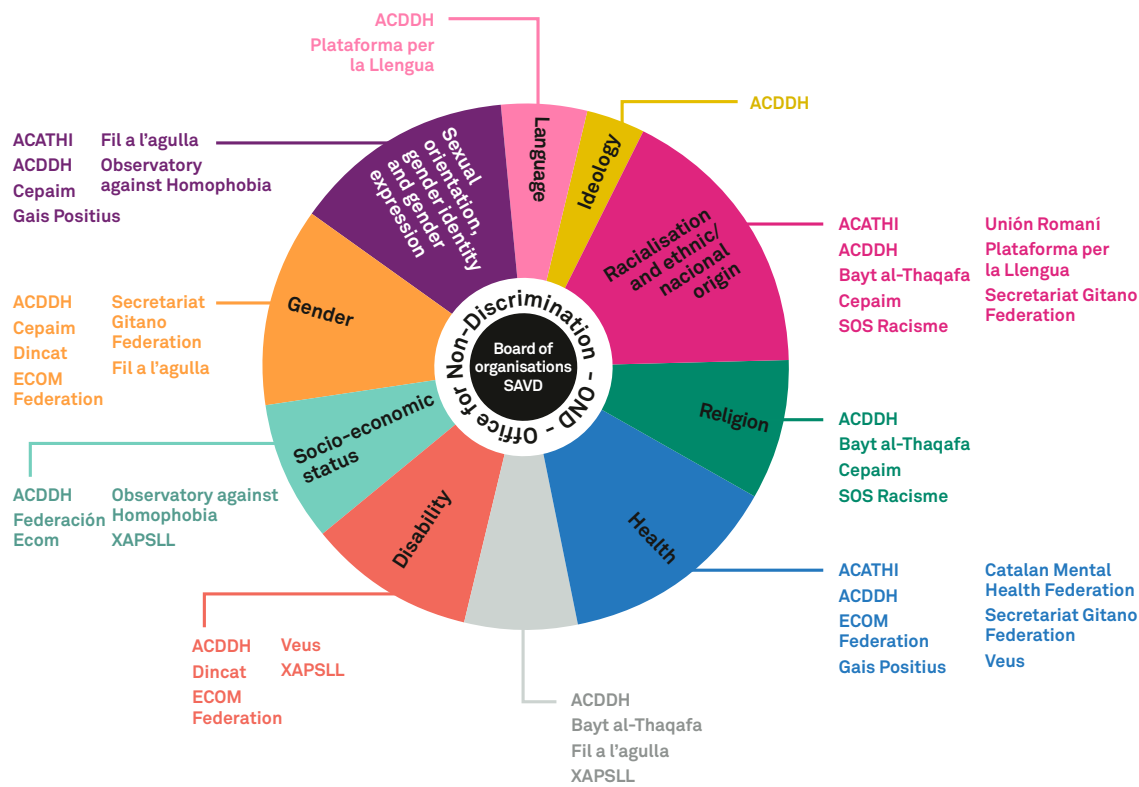
The **Board of Organisations for the Assistance of Victims of Discrimination (SAVD)** emerged in October 2017, as a result of the need to provide joint working spaces to defend rights and combat discrimination for Barcelona City Council, through the Office for Non-Discrimination (OND), and the city's social organisations that offer any kind of service for people suffering from discrimination. In the time since, the Board has grown steadily, and is now made up of the OND and 18 social organisations: **Catalan Association for Integrating Homosexual, Bisexual and Transsexual Immigrants (ACATHI)**, the **Catalan Association for the Defence of Human Rights (ACDDH)**, **Bayt al-Thaqafa**, **Cepaim**, **Dincat**, the **ECOM Federation**, the **Catalan Mental Health Federation (FSMC)**, the **Veus Federation**, **Fil a l'Agulla**, the **Secretariat Gitano Federation (FSG)**, **Gais Positius**, **Irídia**, the **Observatory against Homophobia (OCH)**, the **Platform for the Language**, the **Tenants' Union**, **SOS Racisme Catalunya**, the **Romani Union** and the **Network of Services for Homeless People (XAPSLL)** (see *Infographic 1*).

The **objectives of the Board of Organisations** are as follows:

- **Share information and work methodologies:**
 - Information on services for victims.
 - Referral protocols with a general framework for action focused on intersectionality.
 - New focus on victimology. In 2019, the conference 'Qui són les víctimes? Jornada oberta sobre victimologia', aimed at encouraging debate around and reflection on the concept of *victimhood*, took place within the Board of Organisations.
- Carry out a joint diagnosis by means of an **annual report** on the city's discrimination situation: This report was first put together in 2018 through the creation of a unified, shared quantitative database for all the organisations on the Board. This year, it continues with a new format and content, brought together in this **Discrimination Observatory**.
- Cover **organisations' training needs**. Within the framework of Barcelona City Council's Human Rights Resources Centre strategy, in 2019, Board organisations were offered training on international mechanisms for civil society, such as CEDAW and the Istanbul Convention, to combat discrimination against women.

The year 2019 also saw the creation of the **SAVD general framework for action**, with a view to defining principles, aims and methodology in relation to what has been established by the organisations and the OND within the context of the Board of Organisations. This framework establishes basic principles for action, methodological tools for communication between organisations, and criteria for coordination, joint work and referral.

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



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* In the infographic only the main axes of work of the different entities of the Board are shown; the OND has been placed in the middle since they work transversally all the axes of discrimination.

** Some entities of the Board do not work according to axes of discrimination but rather focus on certain areas, as for example **The Tenants' Union**, that specialises in discrimination in the field of housing; or on the agent who exercises discrimination, as would be the case of **Iridia**, that works in the field of institutional violence.

Infographic 2. Service and response from the Board of Organisations when faced with discrimination situations

Organisations	Support and assistance									Reporting	
	Psychological	Psychosocial	Socio-educational	Legal guidance	Public impact	Intermediation	Conciliation	Mediation	Referral to a specialist organisation	ADMINISTRATIVE ACTION	LEGAL ACTION
OND	●	●	●	●	●	●	●	●	●	●	●
ACATHI	●	●			●				●		
ACDDH				●	●					●	●
BAYT AL-THAQFAFA	●								●		
CEPAIM			●	●	●			●	●	●	
DINCAT		●	●	●	●						
ECOM FEDERATION		●		●	●	●			●	●	
CATALAN MENTAL HEALTH FEDERATION		●		●	●				●		
FILA L'AGULLA	●		●		●				●		
SECRETARIAT GITANO FEDERATION		●		●	●	●	●		●	●	●
GAIS POSITIUS				●					●		
IRÍDIA		●		●	●				●		●
OBSERVATORY AGAINST HOMOPHOBIA		●		●	●	●			●	●	●
PLATAFORMA PER LA LLENGUA	●	●		●	●	●		●	●	●	●
THE TENANTS' UNION		●	●	●							
SOS RACISME				●	●	●				●	●
UNIÓ ROMANÍ		●		●	●						
VEUS		●	●		●						
XAPSL	●	●	●	●	●				●	●	

3. Methodology

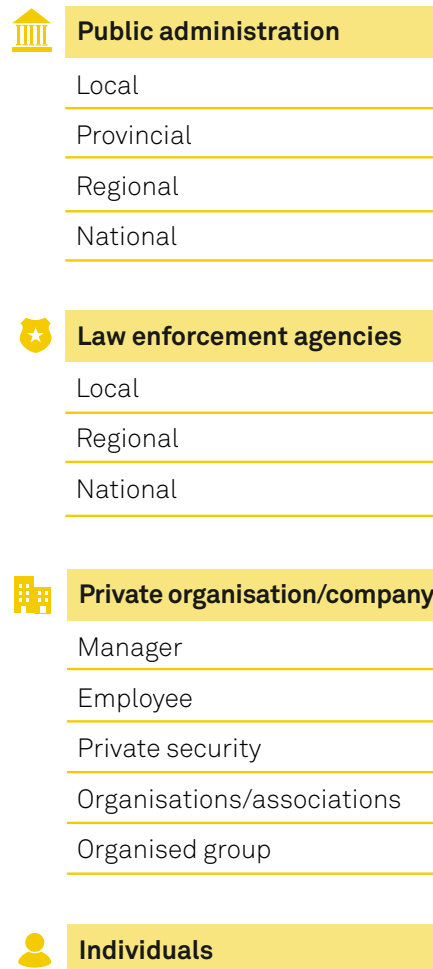
The report combines **qualitative** and **quantitative analysis**; in both cases, the main source of information has been the Barcelona Board of Organisations for the Assistance of Victims of Discrimination. The qualitative analysis comes from reflections and information provided by the Office for Non-Discrimination and the organisations bilaterally and collectively, within the framework of the five Board of Organisations meetings that took place during 2019, and from their daily fight against discrimination. Meanwhile, the quantitative data comes from the cases of discrimination recorded during 2019 by nine organisations⁷ on the Board and by the OND. The report is structured and published by the Human Rights Resource Centre.

The quantitative data is structured around **seven questions**:

1. Who is discriminated against?

Three basic pieces of information are collected: **gender** (*male, female, sometimes one of these genders and other times the other and not reflected in these categories*), **age** (*0-14, 15-24, 25-39, 40-64, 65+*) and the **administrative situation** of the victim of discrimination (*with national ID, irregular, asylum seeker or refugee*), categories with a cross-cutting focus throughout the report, as they are deemed key factors that must be made visible in the analysis of discrimination in the city.

Figure 3. Discriminating parties



⁷ Bayt al-Thaqafa, Catalan Association for Integrating Homosexual, Bisexual and Transsexual Immigrants (ACATHI), Catalan Mental Health Federation (FSMC), ECOM Federation, Network of Services for Homeless People (XAPSLL), Observatory Against Homophobia (OCH), Platform for the Language, Secretariat Gitano Foundation (FSG) and SOS Racisme Catalunya.

Figure 4. Contexts in which discriminations take place



2. Who discriminates?

The four main discriminating parties analysed are the **public administration, law enforcement agencies, private organisation or business and individual person**. Subcategories have been added to the first three categories, as shown in *Figure 3*.

3. Where does the discrimination take place?

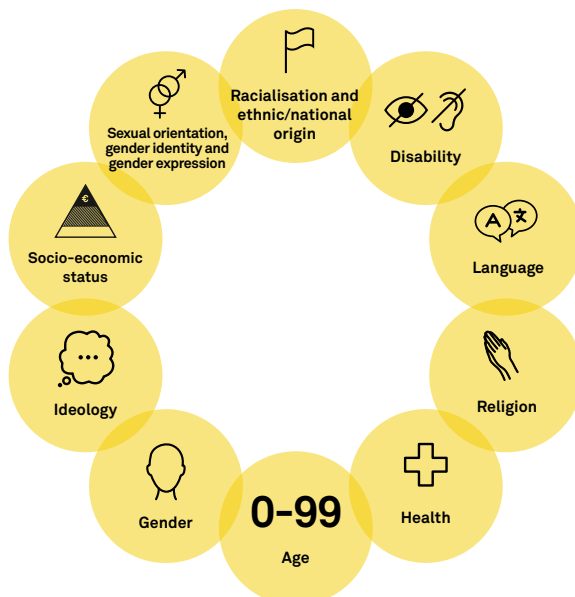
This section covers whether the discrimination took place in a **public space** or in a **private space**, and these two options are split into different categories of spaces. The proposed categories in this area can be found in *Figure 4*.

4. Why?

This section covers and analyses axes of discrimination, which reflect the protected characteristics mentioned in various international, European, national and local human rights protection instruments (See *Figure 1* and *Appendix 1*). For this report, the most relevant categories have been chosen in light of the context in Barcelona. For some axes, subcategories put forward by the Board of Organisations have been added, with a view to identifying the motives that lead to discriminatory attitudes and the groups most affected by this issue more precisely. They are all included in *Figure 5*.

It must be noted that there is a specific legal framework for dealing with gender discrimination, which is why these discriminations are referred to resources oriented towards women, especially the PIADs (Women’s Support and Information Points) for each district and, if necessary, more specialist services (SARA – Assistance, Recovery and Reception Service, UTEH – Municipal Unit against Human Trafficking, SAS – Social and Educational Care Service).⁸ For this reason, this data is not included in this report.

Figure 5. Axes of Discrimination



5. What are the main rights infringed?

In other words, was one or more human rights infringed by this act of discrimination. A number of rights have been initially identified for this purpose based on the experience of the members of the Board and are shown in *Figure 6*.

6. What kind of discrimination takes place?

This section analyses cases of direct and indirect discrimination and introduces a series of indicators to attempt to shed light on how the direct discrimination was expressed more specifically. These categories are inspired by the work carried out by the 'Tell mama' project,⁸ which records cases of Islamophobia. In this report, these categories have been applied to the two main reasons for discrimination (*racism* and *xenophobia, LGTBlphobia*), and are as follows:

- A. Different treatment:** unfair, discriminatory treatment due to any of the protected characteristics, in a wide range of settings.
- B. Abusive behaviour:** verbal and non-verbal abuse, including comments or gestures targeting an individual or group.
- C. Threatening behaviour:** direct and indirect threats of physical violence or of any kind of consequences against the person.
- D. Assault:** a physical attack ranging from touching, spitting or throwing objects to a violent attack against an individual or group.
- E. Vandalism:** damage to or desecration of property, which includes graffiti, among other actions.
- F. Discriminatory literature:** discriminatory written or visual content, which includes articles, letters, leaflets, memes or posters publicly displayed or distributed to individuals online or offline.

Figure 6. List of the main rights infringed



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⁸ For further information, go to:
ajuntament.barcelona.cat/feminismes-lgtbi/ca

⁹ <https://tellmamauk.org>

Figure 7. Types of response to discrimination

<p>Support and assistance</p> 	<ul style="list-style-type: none"> Psychological Psychosocial Socio-educational Legal guidance Public impact Intermediation/Conciliation Mediation Referral to a specialist organisation
<p>Reporting</p> 	<ul style="list-style-type: none"> Administrative action Legal action

7. What kind of response to discrimination is provided?

This section sets out what kind of assistance the victim was given by the organisations or the OND, including whether the victim was provided with any **support or backing** and of what kind, and whether the discrimination was **reported**, either through **administrative or legal channels** (see *Figure 7*).

Data collected in the 2018 report have also been included in this report to begin introducing a comparison and show a trend in the evolution of the different types of discrimination in the city. Although some categories have been revised for the 2019 report and some new ones added, meaning in some cases the indicators cannot be compared, data have been compared in the case of all those indicators considered to be particularly important where data were available. The aim is that it will be possible to provide fuller, more detailed data in reports in the coming years.

It is important to emphasise that this methodology was designed through the efforts of all the organisations involved, taking into account their working methods, and that all categories and subcategories used are the result of discussion and consensus within the **Board of Organisations, which reviews the list of indicators and methodology every year in order to adapt them to the reality it is trying to portray and analyse.**

3.1. Causes of low report rate in Barcelona

Despite the efforts being made within the Board of Organisations for the Assistance of Victims of Discrimination to improve the collection of data on situations of discrimination in the city, a low report rate¹⁰ continues to be a problem that conceals the phenomenon of discrimination in Barcelona.

To tackle this situation, **two focus groups have been established to analyse the causes**: one involving people from the **organisations**¹¹ that work in the sphere of discrimination in Barcelona, and the other with **people affected**¹² by situations of discrimination. Both sessions were based on the causes found in last year's report,¹³ which indicated problems on a European scale, but reformulated and expanded, with the addition of other relevant causes in the context of Barcelona. Finally, some recommendations were made to contribute towards tackling this low report rate and are included in section 6, '*Challenges and recommendations for 2020*'.

¹⁰ The Board of Organisations understands 'reporting' in its broadest sense, referring to any record made of a situation of discrimination, either by the OND or by any of the Board organisations, regardless of whether the person affected later decides to report it through administrative or legal channels.

¹¹ Thirteen people participated, representing the OND and the following organisations: ACATHI, ACCDH, Bayt al-Thaqafa, Catalan Mental Health Federation (FSMC), Dincat, ECOM Federation, Gais Positius, Network of Services for Homeless People (XAPSLL), Observatory Against Homophobia (OCH), Platform for the Language, Secretariat Gitano Foundation (FSG) and SOS Racisme Catalunya.

¹² Seven people affected by different axes of discrimination, participated in the focus group, proposed by organisations of the Board.

¹³ The causes listed in the 2018 report are based on the *Practical handbook for investigating and prosecuting hate crimes and discrimination*, edited by the prosecutor specialised in hate crimes Miguel Ángel Aguilar, p. 68 ff.

1. Discrimination as a daily, normalised experience. Many people have lived with discrimination for so long that these attitudes become normalised in their daily lives. This normalisation does not just affect victims. It is a widespread problem on a social and institutional scale that incorporates and normalises certain stereotypes and prejudices towards certain people and groups, which are at the root of discriminatory attitudes. In the focus group made up of people affected by situations of discrimination, this was noted as one of the main causes, and another conditioning factor was added: the **frequency** of the discriminations. The repeated nature of the daily infringements of rights suffered by some people and groups means that they cannot report all discriminations, as this would require them to be constantly reporting, with all the emotional energy and time that entails, as well as the investment of economic resources involved in some cases.

2. Lack of confidence in a system that is ineffective in dealing with discrimination reports. Many victims do not trust law enforcement agencies or the justice system to undertake investigations or legal action to respond to their reports. In this vein, the focus group of organisations indicated that a very small percentage of reports are successful, and the few successful cases tend to be more serious crimes that involve physical assault and are not dealt with from a discrimination point of view. An added factor that discourages victims from reporting is **difficulty in proving the discrimination occurred**. In the focus group of people affected, the importance of witnesses that certify the events was specifically mentioned. In situations where it is one person's word against the other's, it is hard to follow through with the report.

3. **Lack of proximity and accessibility of law enforcement agencies**, which generates a feeling of mistrust or fear of the police. Victims belonging to a group that has historically been subject to bullying, violence or lack of protection by the State sometimes avoid any type of contact with police officers. Both the social organisations and the people affected signalled the public law enforcement agencies' **lack of specific knowledge of discrimination** and of groups with special protection, as well as certain attitudes of abuse of authority towards certain people, which are a source of discrimination in themselves, and feed back into this mistrust. The focus group of victims of discrimination deemed this an important cause of low report rates. They also highlighted a fear of possible **revictimisation** of the person during the report procedure and treatment that does not consider the context and vulnerability of certain people and groups.
4. **Fear of the consequences**. Many people fear that if they report a situation of discrimination, the people (or organisations, companies, bodies, etc.) 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. The focus group of victims of discrimination emphasised that these reprisals may even come from the police or public administration. On this subject, experiences were shared where, following a report, the affected person received a **counter report** from the police, or where, due to lack of evidence, they lost the case and were forced to **pay the defence costs** of the person reported.
5. **Extreme vulnerability of certain victim profiles**. Many people do not report crimes because their personal, social or financial situation makes them socially excluded and extremely vulnerable. One of the most vulnerable groups is **people from overseas without a residency permit**, as they are unlikely to go to a police station to report a situation of discrimination for fear that they will be deported. In these cases, it was noted that their irregular administrative situation prevails over the situation of discrimination. Within this group, **young people and minors without an adult example to follow are especially vulnerable**. Other groups highlighted for their vulnerability were **people with low income, older people with functional diversity, people with mental health issues or women who have suffered gender violence**.
6. **Denial or shame**. To tackle the trauma they suffer due to a situation of discrimination, some victims deny or minimise the impact and seriousness of the crime, while others may feel ashamed of having been a victim of discrimination and even blame themselves. On this subject, the focus group of people affected mentioned the importance of **the victim's environment**, which was signalled as a key factor in encouraging them to report the situation or discouraging them from reporting it. Various people in the group commented that the people in their environment had played down the importance of the situation of discrimination and encouraged them not to do anything about it. This attitude is closely linked to cause 1 — normalisation of discrimination — and can be considered a consequence of the lack of adequate response to situations of discrimination, which leads the victim and their environment to prefer not to act.

7. Reporting procedures are not accessible enough. Often, victims of discrimination do not know where, how and when to report situations of discrimination. This fact is conditioned by a lack of accessibility to the legal system, the language used in laws, and legal and bureaucratic procedures, which are often only accessible to experts on the subject and are unreachable for the general public. In the case of people from overseas, the language may be an added problem; they may struggle to understand or speak the official languages. In the case of discriminations involving people with a disability, victims face an added difficulty in reporting the situation, even in the most common procedures, like requesting a complaint form from an establishment, as these processes are not usually adapted for people with a disability.

Within the framework of the group debates and reflections, **other important causes** that contribute to a low report rate were mentioned:

8. Financial cost. Both the focus group of victims and that of organisations that deal with situations of discrimination in the city emphasised the financial cost that can be incurred by a person making a report, especially if legal action is taken. On this subject, the organisations agreed that the free justice format has not worked well, as legal agents do not have sufficient knowledge and training on it. There is a lack of awareness and specialisation in this area.

9. Lack of legal recognition of certain discriminations. Both the focus group of social organisations and that of the people affected by discrimination mentioned that a significant cause of low report rates in certain situations is the fact that laws themselves protect some discriminatory attitudes and situations or do not treat them as seriously as they should, which makes it difficult or impossible to report them. Specifically, they signalled the discriminatory situations caused by the Aliens Act; the fact that aporophobia and discrimination against homeless people are not classified as a **hate crime** in the Criminal Code; and the lack of recognition of people with HIV/AIDS, according to some organisations.

10. Lack of knowledge of own rights and confusion regarding who to turn to. A high degree of unawareness of infringement of rights was detected, both among citizens and, according to the focus group of victims, local bodies and some social organisations, which lack specific training on discrimination. **Citizens' advice services are therefore lacking** in terms of guiding and referring people to the specific services they must contact when faced with these situations.

The debates and reflections initiated within the two focus groups on the causes of low report rates for situations of discrimination in Barcelona will be used as a basis to continue tackling this problem within the Board of Organisations in 2020.

3.2. The intersectionality of discrimination

Intersectionality is a concept developed in the United States in the late 1980s by Kimberlé Crenshaw (1989). As a result of the debates going on within the black feminist movement, this concept emerged with the aim of describing the interconnections between race and gender for black women. It later became popular as a way of tackling different types of discrimination and inequality on multiple axes, including class, sexual orientation, age and religious identity, among others. It is currently a central concept, both in research and in the field of public policies, as well as on the agenda of social movements. Situating the origins of intersectionality in black feminism and recognising its theoretical contributions is highly important. But it is also relevant to examine how, in the Catalan context, there have been intersectional-style proposals emerging from social movements since the 1970s. A clear example is the work of poet and activist Maria-Mercè Marçal, who reflected her triple oppression and triple rebellion in her poetry:

*'To fate I am grateful for three gifts:
having been born a woman,
of low class and oppressed nation.
And the turbid azure of being three
times a rebel.'*

(Marçal, 1977)

The basic premise of intersectionality is that social inequality cannot be understood through analysis from separate conceptual frameworks. In other words, any understanding of power dynamics must be based on the complexity of social relationships; everyone must understand that they have a place on all axes of inequality (gender, class, origins, age, sexual orientation, functional diversity, etc.). Therefore, to understand sexist discrimination, one needs to remember that a 3-year-old

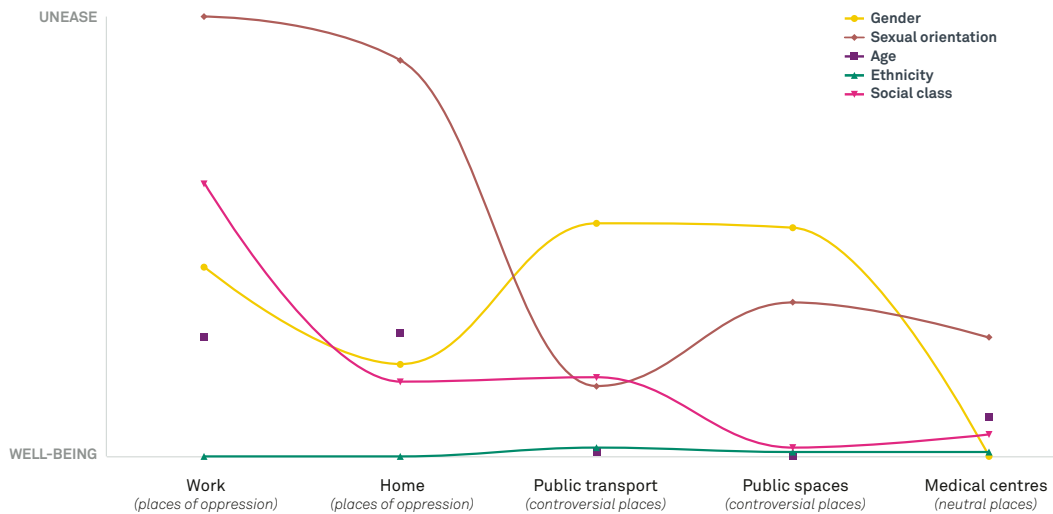
girl, a 30-year-old woman and a 70-year-old woman will all experience different kinds of discrimination, which will also be conditioned by whether or not they are white, Romani, lesbian, wealthy, foreign, etc. All the axes together paint a picture of inequality. This perspective must be adopted to understand how discrimination is materialised.

Intersectionality therefore emerges as a critical post-colonial and feminist proposal that explores the differences within these categories (between women, or migrants, for example) and the specific oppressions entailed by interaction between these categories.

One of the current aims of the fight against discrimination is to incorporate this intersectional perspective so that it structures and portrays this complexity. For this reason, work is being carried out so that one of the few methodological tools that deal with this issue may be incorporated into discrimination detection and reporting activities: **Relief Maps** (Rodó-de-Zárate, 2016). This is a tool designed to study social inequalities with an intersectional perspective, by linking **three dimensions: the social** (axes of inequality), **the geographical** (places involved in everyday life) **and the psychological dimension** (emotions). As shown in *Image 1*, Relief Maps are made up of a well-being/unease vertical axis, different places involved in everyday life on the horizontal axis, and lines in different colours depending on the axis of inequality. *Image 2* shows the comments and emotions associated with some of the elements, as an example. This tool, now in digital format,¹⁴ thus enables us to collect data on discrimination taking into account its different causes, the variability of the places and the emotions stirred up, such as fear, humiliation and anxiety, as indicators of discriminations.

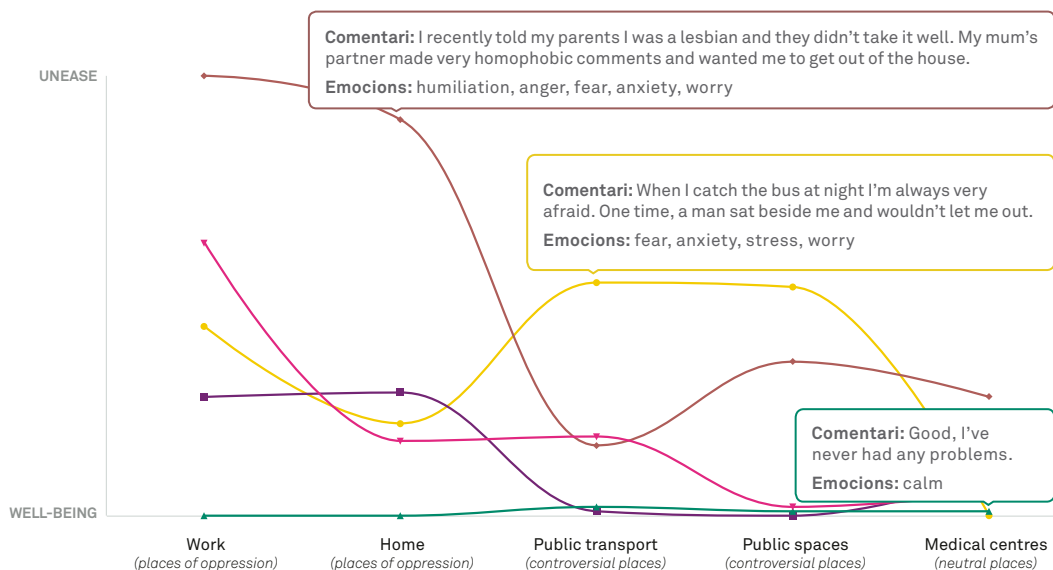
¹⁴ www.reliefmaps.cat

Image 1. Relief Map of a young, white, working-class, lesbian woman who lives in Barcelona in the family home.



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Image 2. Relief Map of the same person displaying the comments and emotions linked to different places/axes of inequality.



This **tool is currently being adapted to be used to combat discrimination in Barcelona**. From 2020, the tool will be made available both to the OND and to the Board of Organisations, so that they can use it with the people that contact them to report cases of discrimination.

The aim is twofold. Firstly, more data can be collected on discrimination than just the specific cause of the report. This information can be complemented by the context of the **person's life**. The tool can also identify discriminations that are rarely reported, such as homophobic discrimination within the family home or looks of disgust in the street aimed at a person of colour, which are either normalised or are not deemed serious enough to be reported. Using all these tools can paint a much more complex, nuanced picture of the subjective experience of discrimination in people's everyday lives in Barcelona.

The data collected in 2020 will provide an initial sample for next year's report, where discrimination will be displayed through the Relief Maps and the quantitative and qualitative data they provide. The aim is to **analyse discrimination from an intersectional perspective**, based on emotions and with special emphasis on the place where it occurs, as this can provide tools for intervention.

Secondly, the tool can also have therapeutic and awareness-raising purposes. Creating the map encourages a **structured reflection on discriminations experienced in everyday life**, which has proven to be a **useful tool for becoming more aware of one's situation, in terms of both oppression and privilege**.

4. Discriminations in Barcelona

During 2019, discriminations continued to be present in Barcelona, and so did the struggle against them led by the city's residents, social organisations and public bodies. This section contains the **figures** extracted from situations of discrimination recorded during the year, some of the **main problems** linked to the various axes of discrimination with which the **Office for Non-Discrimination** and the whole **Barcelona Board of Organisations for the Assistance of Victims of Discrimination** work, and some of the **good practices** (marked in green) that were implemented or continued over the past year in Barcelona. On this subject, it is important to point out the **joint work that continued to be carried out between the OND and the organisations** that make up the Board in terms of support and assistance for discrimination cases in 2019.

In total, **411 situations of discrimination** were recorded: many more than in 2018, when there were just 265. This increase is largely down to the expansion of the Board (in 2018, thirteen organisations were involved, which has risen to eighteen in 2019) and the resulting broadening of the radius in which discriminatory situations are collected.

Despite efforts to improve the identification of cases and collect more data, it is clear that the figures collected in this section do not represent all the discrimination that goes on in the city. Data extracted from the 2018 'Neighbourhood Relationships and Community Harmony Survey in the Barcelona Metropolitan Area' shows that **4.6% of the population** have not experienced any episode of discrimination, 1.9% have experienced just one episode, 2.7% have experienced it on more than one occasion and **27.4%** of the population say that **exists processes of discrimination in their neighbourhood**.

Strategies to combat **low report rates** continue to be essential in making this problem fully visible and tackling it more efficiently (see Section 3.1. '*Causes of low report rate in Barcelona*').

The most relevant data is presented below. It shows **who is suffering** discrimination, **who is carrying out** this discrimination, **where** discrimination is taking place, **why**, which are the main **rights being infringed** as a result of this discrimination, what **type of discrimination** is being carried out and what **response** has been provided by the public administration and social organisations.

4.1. Against who

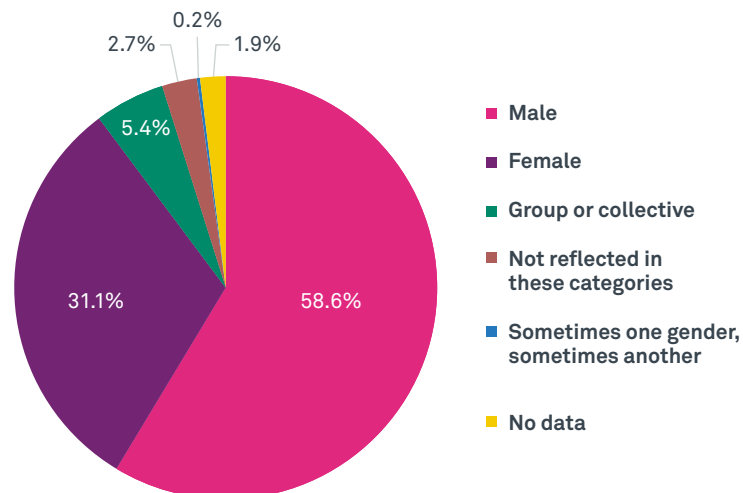
Here, a profile of the people affected by situations of discrimination in Barcelona is presented, based on their **gender, age and administrative situation**. The figures show that people who identify as **of the male gender** reported the most situations of discrimination, at **59%** of cases, compared to the **31%** reported by people who identify as **of the female gender**. (See *Graph 1*); the percentage difference between genders has increased in comparison with the previous year, as *Graph 2* shows.

The causes behind these figures may be down to several factors: a) internalisation or assimilation of sexist reactions, behaviours or interests as normalised by numerous women starting from a certain age band; b) in everyday life, women tend to have less time than men to empower themselves and make the step to report discrimination;

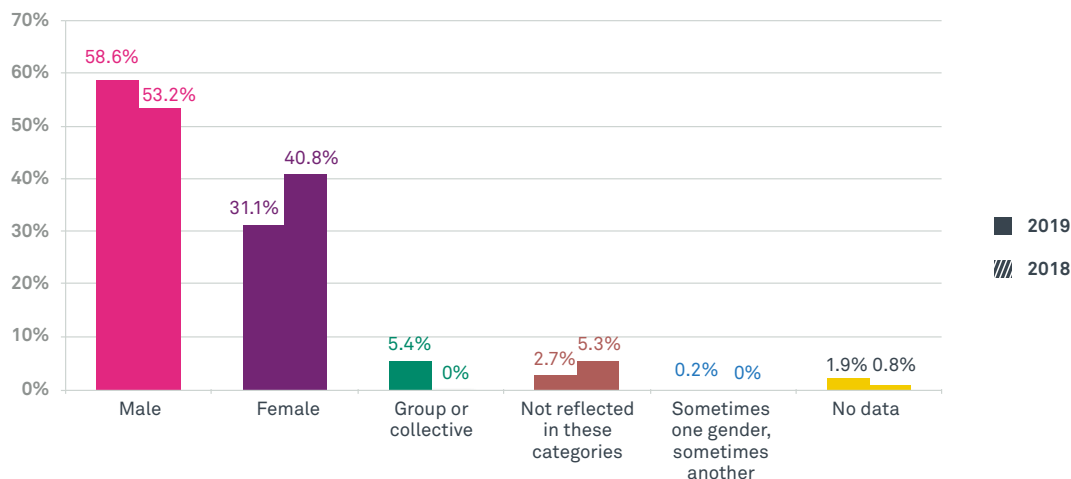
c) fear or shame in certain infringements of women's rights, which makes them unable to report them; d) difficulty in recording situations of discrimination towards women that are not situations of gender violence; e) assimilation in the workplace of differences in pay scales as non-discriminatory; and, finally, as indicated in Section 3. '*Methodology*', f) the significant diversity of municipal services such as PIAD, SARA, UTEH, SAH, SAS, etc. (within the Area of Social Rights, Global Justice, Feminisms and LGBTBI) dedicated to the feminist movement may prevent certain complaints from reaching the Board.

This report also incorporates the category **group or collective**, which reflects situations of discrimination that affect several people at a time, which represents **5%** of the recorded cases.

Graph 1. Discrimination and gender



Graph 2. Discrimination and gender 2018 - 2019 ¹⁵



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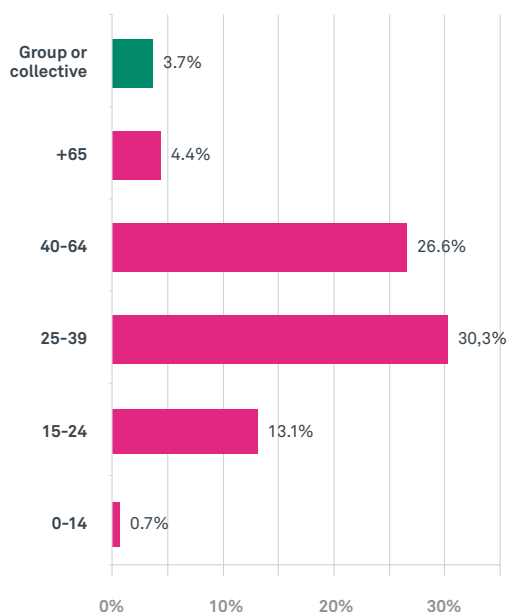
The age group most affected by cases of discrimination, or the group that reported them the most, is the 25 to 39 band, with 30% of the total, followed closely by the 40 to 64 band, with 27%, as shown in Table 1 and Graph 3.

¹⁵ The gender categories have been revised in the 2019 report and new ones have been added. Consequently there is no data for some categories in the comparison with the 2018 report.

Table 1. Discrimination and age ¹⁶

Age band	#	%
0 to 14	3	0.7
15 to 24	54	13.1
25 to 39	126	30.3
40 to 64	106	26.6
Over the age of 65	17	4.4
Group or collective	16	3.7
No data	89	21.3
Total	411	100%

Graph 3. Discrimination and age



¹⁶ The age bands have been revised in the 2019 report and new categories added, such as 'group' or 'collective', for which no data was collected in 2018.

Table 2. **Discrimination and administrative situation**

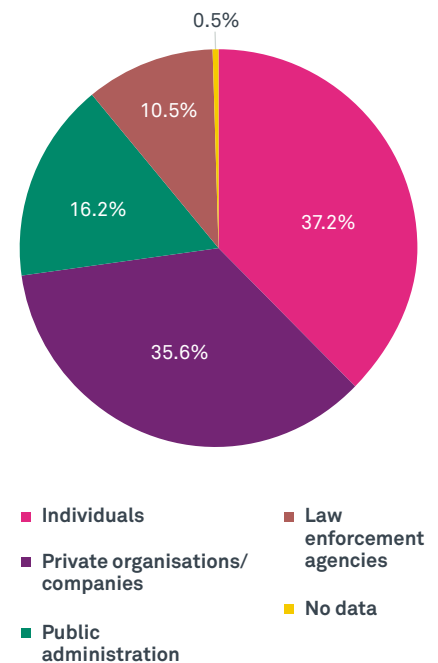
Administrative situation	#	%
With national ID (DNI/NIE)	237	57.7
Irregular	30	7.3
Asylum seeker	16	3.9
Refugee	2	0.5
No data	126	30.7
Total	411	100%

This year, the **administrative situation** of the person affected was also taken into account, as *Table 2* shows, in order to draw attention to the different problems suffered by people in an irregular administrative situation and the added lack of protection this entails in terms of reporting cases of discrimination. In this report, the figures show that **12%** of people who reported situations of discrimination were in an irregular administrative situation (7%), were seeking asylum (4%) or were refugees (0.5%), all circumstances which, to a lesser or greater degree, may entail **added vulnerability when reporting situations of discrimination**.

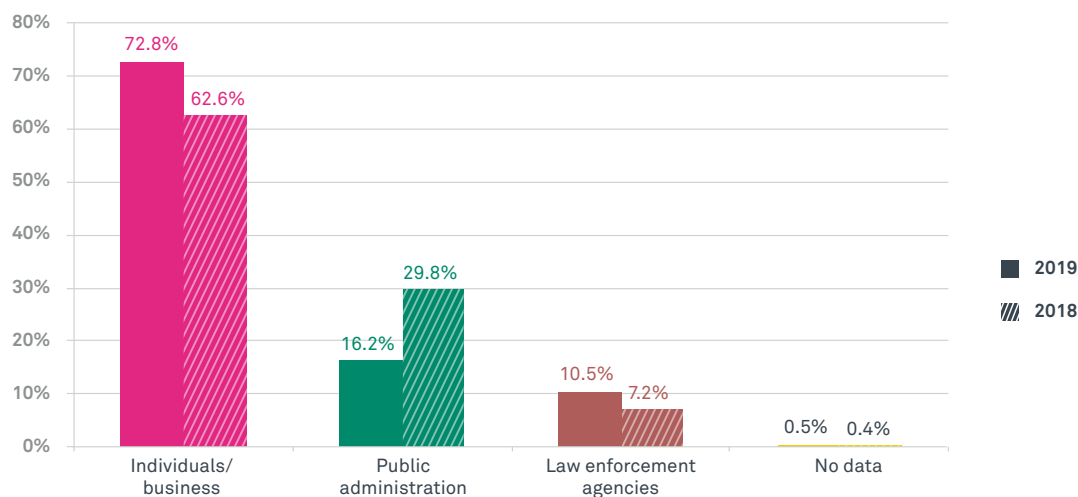
4.2. Who

In 2019, **individuals (156 cases)** and **private organisations or companies (149 cases)** continued to be the main discriminating parties, at around **73%** of cases (*Graph 4*): 10% higher than the cases recorded in 2018. The **law enforcement agencies** rose from 7% to over **10%**, as shown in *Graph 5*, where the 2018 and 2019 data are compared. As regards the **public administration**, there was a drop from 30% in 2018 to **16%** in the cases analysed in 2019. If we focus on absolute numbers, the drop is not as sharp, from 79 cases in 2018 to **68** in 2019. The fall in percentage level may be conditioned by widening the collection of discrimination cases to categories such as sexual orientation, gender expression or identity, language or socio-economic position, where the public administration does not play such a prominent role as a discriminating party.

Graph 4. **Who discriminates**



Graph 5. Who discriminates 2018 - 2019 ¹⁷



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On the subject of discriminating parties, one of the problems reported this year was **banking institutions** denying or restricting access to services or establishing more requirements for certain people, mainly due to the **person's status as a foreign national**. In 2019, 8 discriminations of this type were recorded.

Out of the discriminations exercised in private organisations and companies, included in *Table 3*, 45 cases were perpetrated by an **employee**, while in second position, there were practically the same number of discrimination cases stemming from **private security (27)** and **senior management (23)**.

Many migrants in a regular situation and in the process of regularising their status report discriminatory situations in the form of refusals, restrictions or added requirements when opening a bank account. The banking institutions claim that they are invoking criteria regarding lack of agreement with the country of origin, protected by Bank of Spain regulations on money laundering and funding of terrorist activities, without clarifying whether this situation is a mandatory or simply recommendable directive from the higher banking hierarchy in each country to the organisations in its territory. In some cases, the person affected finds a solution through an institution other than the one that denied them access to a bank account. Work is being carried out in each situation so that every person affected can submit a personalised letter adapted to the situation to the corresponding banking institution. Barcelona City Council has contacted the Bank of Spain to request the application of the relevant provisions to guarantee the right to universal access to its bank services.

¹⁷ In the 2018 report, the 'individuals' and 'private organisations/companies' categories were analysed together, whereas in the 2019 report it was decided to separate them. However, the data are unified in the comparative figures for the purposes of comparison.

Table 3. Discriminating parties ¹⁸

Individuals	156
Private organisations/ companies	149
Employee	45
Private security	27
Manager	23
Organisations/associations	20
Organised group	13
No data	21
Public administration	68
Regional	24
Local	22
National	10
Provincial	4
No data	8
Law enforcement agencies	44
Regional	29
Local	8
National	7

Regional and local administrations amassed the most complaints, with **24** and **22** cases each. As regards **law enforcement agencies**, there is a clear majority of cases perpetrated by regional agencies (**Mossos d'Esquadra**). If the discriminations committed by **public law enforcement agencies** (44) and by **private security services** (27) are added together, the original percentage for law enforcement and security, 10%, rises to **17%** of discriminations.

Focusing now on **who carried out the discrimination and for what reasons**, we can see that **individuals** were the main discriminating parties in situations linked to **LGBTI-phobia** ¹⁸ (84), and in the case of **racism and xenophobia** (56), which is also the main motivation in discriminations committed by **law enforcement agencies** (33). **The public administration**, meanwhile, was the main discriminating party in the spheres of **health** (11) and **disability** (23). In the latter case, at the same level as **private organisations or companies** (23), which are also the main discriminating parties in cases motivated by **aporophobia** (13) and **linguistic discriminations** (29).

¹⁸ Table 3 takes as its reference all recorded cases (411) and looks at who discriminates in each case, bearing in mind that there may be more than one discriminating party in each situation.

¹⁹ In this report we analyse LGBTI by means of the sexual orientation, identity and gender expression indicators. We analyse racism and xenophobia using the racialisation and ethnic/national origin indicators (see Section 4.4. *Why*).

Table 4. Who discriminates and for what reason ²⁰

Reasons for discrimination	Public administration	Law enforcement agencies	Private organisations/companies	Individuals
Racialisation and ethnic/national origin	12	33	49	56
Sexual orientation, gender identity and gender expression	4	3	24	84
Disability	23	0	23	7
Language	12	4	29	0
Socio-economic status	1	5	13	10
Health	11	0	8	5
Religion	3	2	4	5
Gender	1	0	9	2
Ideology	1	0	1	3
Age	0	0	2	1

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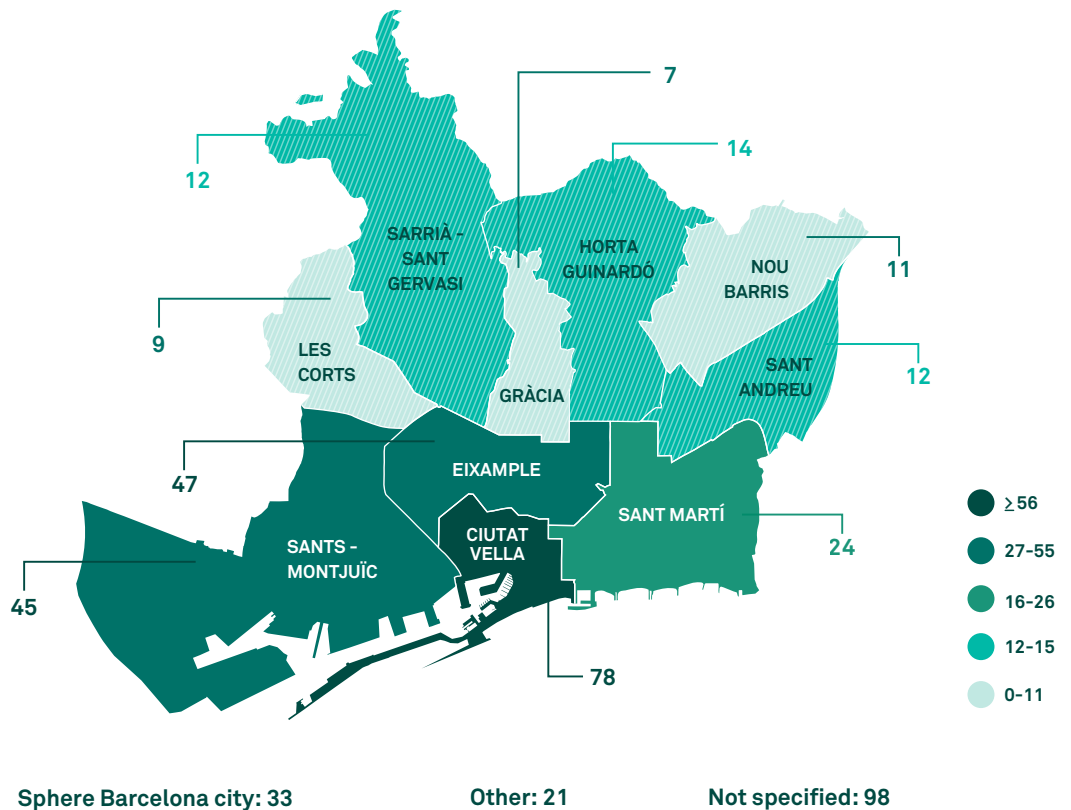
²⁰ Table 4 takes all the reasons for discrimination (443) as a reference and looks at who is the discriminating party in each case.

4.3. Where

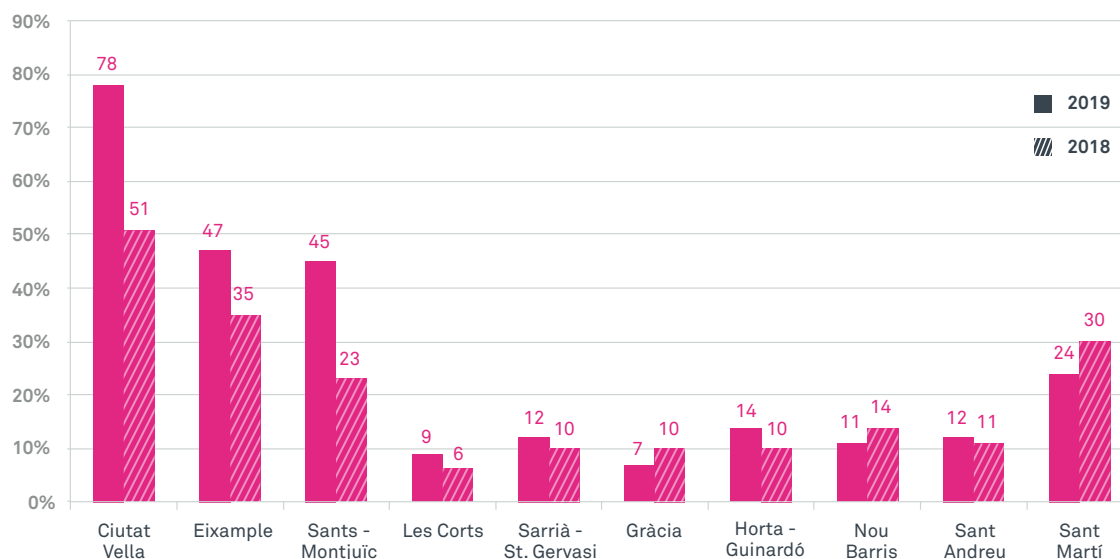
As for where the discriminatory situations took place, the data focuses on both the **district** and the context in which the event took place (in the **public** or **private** sphere). *Infographic 3* shows the district where most discrimination cases continue to be recorded is **Ciutat Vella (19%)**, followed by **Eixample (11.4%)** and **Sants-Montjuïc (10.9%)**, with practically the same number of cases, 47 and 45, respectively. If we focus on the comparison shown in *Graph 6* of the number of cases recorded by district in 2018 and 2019, we can see how Sants-Montjuïc nearly doubled the number recorded compared to the previous year, while Gràcia, Nou Barris and Sant Martí reduced the number compared to 2018.

However, it must be noted that in **more than 24% of cases the district was not specified**, and that given the low report rates in the field of discrimination, it is difficult to know whether these are indeed the districts where the most discrimination occurs or the figures simply reflect better data collection in these districts, given the presence of the OND's and the Board of Organisations members' headquarters and areas of action in these neighbourhoods.

Infographic 3. Discrimination by district



Graph 6. Discrimination by district 2018 - 2019



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As for the specific context where the situations happen (*Table 5*), there is a balance between **public and private spaces**, with **196** and **206 cases**, respectively. Looking more closely at where exactly the discriminations take place, we see that, in the public space, the most cases are reported in **the city's parks and on its streets, beaches and squares**, with **97**, followed by **transport (41)**, mainly on the Barcelona metro. In the private sphere, the spaces where the most discriminations occur are **houses, flats and dwellings (42)** and **bars and restaurants (34)**.

Table 5. Where is the discrimination taking place ²¹

Public (196)	Streets, parks, beaches, squares	97
	Public facilities	98
	Transport stations or means of transport	41
	Hospitals	18
	Citizen help and information offices and courts	9
	Schools	7
	Police premises	5
	Sport, cultural and social centres	3
	Hostels or shelters	2
	Libraries, museums and exhibition venues	2
	CIE (alien internment centres)	2
	The media	2
	Concert halls and conference centres	1
	Other	6
	Online and telephone services	1
Private (206)	Private facilities for public access	91
	Restaurants and bars	34
	Leisure centres	14
	Shops	11
	Assistance and service offices	9
	Hotels, hostels and shelters	8
	Transport stations	3
	Market	1
	Museums and exhibition venues	1
	Other	10
	Private facilities where access is subject to prerequisites	99
	Houses, flats and dwellings	42
	Companies and organisations	23
	Schools, hospitals and sports centres	11
	The media	6
	Leisure centres	5
	Concert halls, conference centres and pavilions	2
	Assemblies	1
	Libraries, museums and exhibition venues	1
	Other	8
Online and telephone services	16	
Other (18)		

²¹ The total for places where discrimination occurred (420) does not coincide with the total for situations reported (411) because in some cases the discrimination was recorded in more than one location.

To tackle the high percentage of discriminatory situations that take place in public space, the City Council is promoting an initiative, through the **Office for Non-Discrimination (OND)** and the **Office for Co-existence (OC)**, known as the **Byelaw of measures to promote and guarantee citizen co-existence in Barcelona's public spaces**. The Office for Non-Discrimination government measure of July 2017 declares that one of the functions that should be incorporated into the OND is the power to impose sanctions for discriminatory acts. To boost this function, work was done internally in the municipal structure to coordinate and share different channels of action in this field. As a result of this work, in 2018, the OND began to collaborate with the OC to support administrative sanctions with reasoned legal requests, alongside the reports written by the Guàrdia Urbana (GUB – city police). These reports were the tools developed by Operative Procedure 15/18 on 'Guidelines for the detection, prevention and operative management of discriminatory conduct', which had been drawn up by the GUB, the OC and the OND.

This procedure boosts GUB officers' power to apply the Byelaw, specifically against 'conduct in the public space that violates people's dignity and discriminatory behaviour'. It also enables the OND to assist victims of discrimination. At the same time, this channel aims to provide a response to situations of racism that occur in public spaces, and combines penalising strategies with education around these situations, opening up the possibility of alternative sanctions, linked to training and community work, as another awareness-raising and prevention formula. Within these cases of racism, work has been carried out with organisations such as **SOS Racisme** to monitor and assist victims in the report process. The activity carried out with this combined methodological tool has led to:

46 reports made in 2019, 5 of which were managed by OND to assist the victims as a sanction could not be processed, 4 were cancelled and 37 were processed as an administrative sanction.

Discrimination case

On 22 October 2019, someone in the Line 3 part of Estació de Sants metro station sees a man shouting at some boys of African descent, and decides to intervene to calm the situation down. But the man, enraged, reacts even more aggressively and begins to insult both the boys and the person trying to support the young people with racist slurs and threats. The person who intervened records the perpetrator and takes the details of a witness. They also request the images recorded by the metro security cameras that day be withheld and kept. A report is made based on the byelaw of measures to promote and guarantee citizen co-existence in Barcelona's public spaces, and if the identity of the perpetrator is certified, the case may be considered a violation of Article 16.1 of this byelaw, which establishes that: *'In the public space, it is forbidden to conduct oneself in a way that violates people's dignity or behave in a discriminatory way, whether xenophobic, racist, sexist or homophobic, or against any other personal or social condition or circumstance, through writing or aloud, by insulting, mocking or intentionally irritating a person, subjecting them to psychological or physical coercion, assaulting them or displaying any other degrading behaviour'*. This infraction is considered serious and entails the sanction provided for in Article 17.1 of the same regulation, which consists of a fine of between 750.01 and 1,500 euros.

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Another significant location for discrimination, as shown by both the quantitative data collected and the discriminatory trends noted by the Board of Organisations, is transport. As noted in section 4.2. 'Reasons for discrimination', one of the most worrying situations in this context is **physical assaults against LGBTI people**. To tackle these particularly serious situations, which violate the physical and moral integrity of the people affected, **Barcelona City Council and the Observatory Against Homophobia** are working on **guidelines regarding violence related to affective, sexual and gender diversity on public transport. In this area, a protocol for action against LGBTI-phobic aggressions** has been created with participation from the **OND**, the **LGBTI Centre Barcelona** and the city's LGBTI organisations, mainly the **Observatory Against Homophobia**.

Another important area in which discrimination must be tackled is **schools**, through detection of and action against discriminatory dynamics in primary and secondary classrooms. The axes of discrimination detected most commonly in this area are **racism and xenophobia, Islamophobia, LGBTI-phobia and gender-based discrimination**. The focus is on the group dynamic, with a view to detecting situations that go unnoticed, either because they are normalised and not treated as seriously as they should be, both by the pupil's peers and by the school institution itself, or because teachers do not detect them.

Important work is being carried out in this area by **Fil a l'Agulla**, through the **'Benvinguda diversitat' ('Welcome Diversity')** project, subsidised by **Barcelona City Council**. This is an initiative that assists schools for two years, training teachers, working with families and the community, and carrying out activities in classrooms, with the ultimate goal of making **teachers more able to detect discriminatory dynamics** and giving them the tools and skills to manage conflict and promote harmonious co-existence.

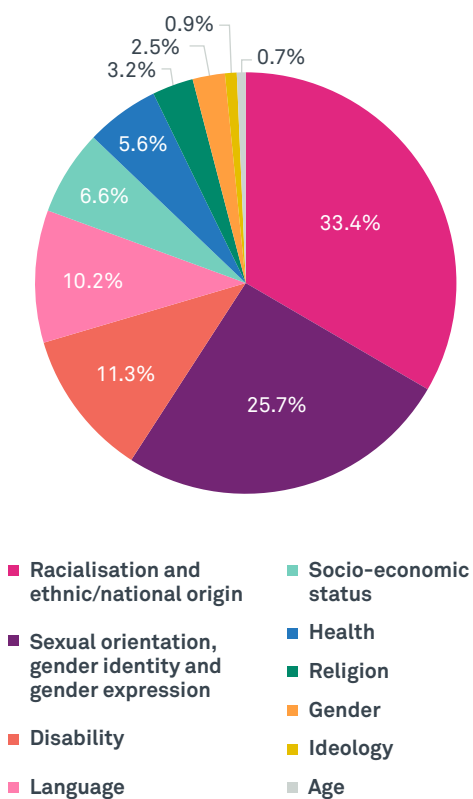
Another notable initiative is the **'Schools for equality and diversity'**²² programme, born from the **Barcelona Education Consortium's** unified programme call, with participation from the Department of Citizen Rights at **Barcelona City Council**. The duration of this programme is three years, during which teachers are trained and advised on the **prevention of discrimination based on the axes of sexual and gender diversity, diversity of origins, religious diversity and functional diversity**. From the second year, the schools have access to a catalogue of workshops they can request to do with their pupils in the classroom, with a view to teachers being able to replicate them after the three-year programme. **During the 2018–2019 academic year, 13 schools (9 primary and 4 secondary) participated and in 2020 6 more are expected to join them.**

²² <https://igualtatidiversitat.edubcn.cat/el-programa/els-centres>

4.4. Why

Here, the reasons behind situations of discrimination recorded in 2019 are collected. As *Graph 7* shows, **racism** and **xenophobia** continue to be the main cause of discrimination in the city, accounting for more than 33% of the cases reported. As in 2018, the second cause is **LGBTI-phobia**, accounting for **26%** of the total, followed by **disability-motivated** discrimination motivated, representing **11%** of the total. **Language discrimination** increased in 2019²³, becoming the fourth cause at **10%**, with discrimination for **socio-economic** reasons totaling nearly **7%** of reported cases and **health-motivated** cases around **6%**.

Graph 7. Reasons for discrimination²⁴

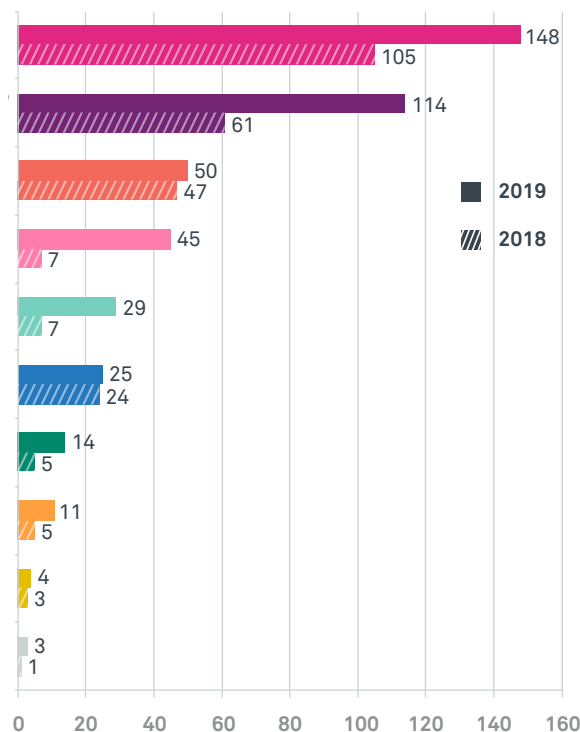


²³ A decisive factor in this case was the addition of the Platform for the Language to the Board of Organisations.

²⁴ Hereinafter, the graphs that show the different areas of discrimination can be identified with the same colour.

Graph 8 displays a comparison of the motivations behind the discriminations recorded in 2018 and 2019. We can see how the cases motivated by racism and xenophobia, together with LGBTI-phobia, continue to lead the causes of discrimination in the city. They are also the ones growing the most in absolute numbers, especially **cases of discrimination against the LGBTI community, which almost doubled those of 2018**. The figures relating to **language discrimination** and discrimination motivated by the person's **socio-economic position** have also grown considerably compared to the numbers for 2018, coinciding with the incorporation of the contributions made by organisations working in those areas of discrimination during 2019²⁵.

Graph 8. Comparison of 2018 and 2019 reasons for discrimination



²⁵ More specifically, key for these two areas of discrimination have been the contributions from the Platform for the Language and the Homeless Persons Care Network (XAPSELL).

Racism and xenophobia

- 👁️ By discrimination motivated by **racism**, we mean any discrimination based on a belief or attitude that one group is naturally superior to another, both individually and institutionally. In this case, the group is identified by skin colour or fictitious attribution to a supposed race. On the other hand, we deem discrimination expressed through **xenophobia** to be any discrimination motivated by an irrational fear or rejection of people from other countries or ethnicities. Normally, both racism and xenophobia tend to cross over with the socio-economic axis, as discrimination tends to be directed towards people with few economic resources. The indicators used in this report are **racialisat**ion and **ethnic and national origin**.

According to the *table 6*, people who identify as **Maghrebi or Arab** are the most affected, with **43** recorded cases. Situations of discrimination towards black and **Latin American people** total **26** and **20** reported cases, respectively. As for the discriminating party (*Graph 9*), there is a clear majority of **discriminations committed by individuals (37%)**, closely followed by **private organisations or companies (33%)**; discriminations made by **law enforcement agencies (22%)** are also relevant (see section 4.2. 'Who').

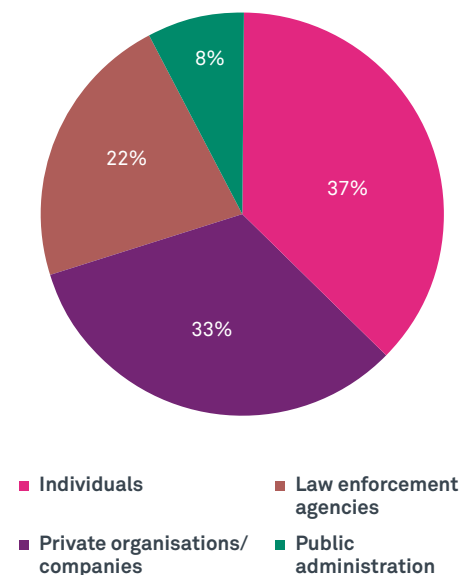
If we look at the comparison of who discriminates due to racism and xenophobia for 2018 and 2019 in *Graph 10* we see the main trend that can be observed is a significant percentage reduction in public administration discrimination in the case of racism and xenophobia, which fell from 18% to 8%.

A discriminatory practice that has continued to occur in the city, and is directly linked to **racism and xenophobia**, is police arresting or stopping and searching citizens based on racial profiling,

Table 6. Who is discriminated against for racism and xenophobia

Racialisation and ethnic/national origin	148
North Africans or Arabs	43
Black people	26
People from Latin America / native features	20
Ethnic Roma people	10
People from South-East Asia	3
Other	4
Not specified	42

Graph 9. Who discriminates due to racism and xenophobia



Graph 10. Who discriminates due to racism and xenophobia 2018 - 2019 ²⁶



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which has affected **people of colour, migrants and people of Romani ethnicity**, mainly. During the checks, in many cases, these people’s rights were infringed beyond the racism and xenophobia inherent in the decision to stop them due to their skin colour or physical characteristics. Physical and psychological attacks were reported, personal belongings were confiscated, false attributions of crimes were made and arrests without a concrete reason took place. This was one of the situations most commonly faced by organisations that work with **young migrant people**, which condemn the normalisation of this discriminatory practice and the vulnerability of the young people involved, which makes it hard for them to follow up on the case. What stands out here are the 40 cases of discrimination recorded in streets, parks, squares and on beaches, and the 17 reported on public transport, which are included in *Table 7*.

²⁶ In the 2018 report, the ‘individuals’ and ‘private organisations/companies’ categories were analysed together, whereas in the 2019 report it was decided to separate them. However, the data are unified in the comparative figures for the purposes of comparison.

Table 7. Where there is discrimination due to racism and xenophobia 2018 - 2019 ²⁷

	2019		↑↓	2018	
	#	%		#	%
Public	74	47.4	↓	50	47.6
Streets, parks, beaches, squares	40	25.6	↑	22	21
Public facilities	33	21.2	↓	28	26.7
Transport stations or means of transport	17			14	
Citizen help and information offices and courts	4			2	
Hospital centres	2			1	
Libraries, museums and exhibition venues	2			0	
Schools	2			5	
CIE (alien internment centres)	2			0	
Police premises	2			2	
The media	1			0	
Hostels or shelters	1			0	
Prisons	0			1	
Sport, cultural and social centres	0			1	
Other	0			2	
Online and telephone services	1	0.6	↑	0	0
Private	77	49.4	↓	54	51.4
Private facilities for public access	32	20.5	↓	34	32.4
Restaurants and bars	15			0	
Shops	6			0	
Leisure centres	3			12	
Hotels, hostels and shelters	2			0	
Markets	1			4	
Assistance and service offices	1			12	
Museums and exhibition venues	0			1	
Other	3			5	
Private facilities where access is subject to prerequisites	41	26.3	↑	15	14.3
Houses, flats and dwellings	20			5	
Companies and organisations	11			0	
The media	4			0	
Leisure centres	2			5	
Assemblies	1			0	
Concert halls, conference centres and pavilions	1			1	
Schools, hospitals and sports centres	0			2	
Other	1			2	
Online and telephone services	2	1.3	↑	1	1
Not specified	2	1.3		4	3.8
Other	5	3.2		1	1
Total	156 ²⁸	100		105	100

Discrimination case

A young person is looking at his two mobile phones on the Barcelona metro and is stopped by officers of 'public safety brigades', who assume that the phones are stolen. They take him to the station inspector, who alerts the Mossos d'Esquadra (Catalan police). The young person is in an irregular situation and has a deportation order, and is transferred to the Spanish Policia Nacional station. He is then transferred to the alien internment centre, before being deported. This is a clear example of discrimination through racial profiling, which especially affects people of colour, foreign nationals and people of Romani ethnicity, carried out by public transport inspectors and law enforcement agencies, whether public, private or individual, as in this example.

Table 8. Who is discriminated against for religious reasons

Religion	14
Islamophobia	11
Anti-Semitism	3

²⁷ The arrows show if there was a rise or fall in percentage terms (not in absolute numbers) between 2018 and 2019.

²⁸ The total number of settings where discrimination took place due to racism and xenophobia (156) does not correspond to the total number of situations reported (148) because in some cases the discrimination was recorded in more than one location.

The **platform of organisations Pareu de Parar-me (Stop Stopping Me)**, made up of **SOS Racisme, the Secretariat Gitano Foundation, the Bayt al-Thaqafa Foundation and Irídia**, among others, condemned this discriminatory practice following the publication of the report 'Appearance is not a reason. Police identifications through racial profiling in Catalonia' in late 2018, as well as a guide on how to protect against, intervene in and report cases of racial profiling. According to the report's data, 'in Catalonia, **54.1% of all identifications target foreign nationals**, while these people represent only 13.7% of the Catalan population'. In 2019, this initiative collected reports of racial profiling cases through the platform's website.

In the specific case of **people seeking asylum**, one indirect type of discrimination (see Section 4.6. 'Types of discrimination') is the Administration's refusal to assign a **Social Security number** if the person does not have a pre-contract or a contract signed by a company (in practice, no companies do this). This arbitrary measure is only applied in Barcelona and the rest of Catalonia, as the other areas of Spain already give out Social Security numbers without a contract. This problem, which began in 2018, was one of the main challenges faced by organisations that work with people seeking asylum during 2019 in Barcelona.

Focusing on discriminations based on **religious grounds** (Table 8), which make up 14 reports (3% of the total), we see that in **86%** of cases, the discrimination was also linked to **racism and xenophobia**. There was also a clear majority of discriminations linked to **Islamophobia**, with **11** cases, compared to **3** of **anti-Semitism**. Nonetheless, the small number of discriminatory situations caused by religious beliefs suggests that this is one of the areas most affected by low report rates and that work must be done to improve data collection so that it better reflects the reality of this problem.

Finally, the lack of cases of discrimination against **Romani people** – only 10 were reported – is also surprising, but can be attributed to low report rates among this group. A common pattern detected by organisations that defend the rights of Romani people is that, often, they do not report discrimination committed by the authorities (police, public prosecutors, etc.) because they are afraid of possible reprisals; they believe the report will not be useful or effective; they have previously had negative experiences with the police; or they are discouraged by procedures that may be long or expensive or may lead to secondary victimisation ²⁹.

The organisations that fight discrimination against Romani people condemn the discrimination that they continue to suffer in several areas, including health services, public administration, access to goods and services, public highways, work, housing, education system,

Discrimination case

On the morning of 19 March, a specialist from Secretariat Gitano Foundation meets with a service user at a bar in Barcelona. The aim is to look at some documents they need to submit. She sits down first without any problems. When the young Romani woman sits down, the waiter comes over and tells them he cannot serve them. When they ask why, the waiter replies that he has received instructions from his boss not to serve Romani people in the bar. He apologises and says that it is nothing to do with him, but that his superior 'justifies' it by saying that they 'bother' the other customers. In the end, the person affected expresses that she wants to change bars, but decides not to fill in a complaint form. Due to a series of factors linked to a situation of extreme vulnerability, many people do not feel that they can take action against these situations.

Discrimination case

A Maghrebi woman files a complaint of discrimination due to Islamophobia. She explains that she needs to do 160 hours of work experience to be awarded the qualification to be a leisure leader for children and young people through training provided by a company that organises summer camps for children and young people aged 3 to 16 years. When she arrives for her first day of work experience, she is told that she cannot wear the hijab at work, and is given no more explanations. Later on, during the work experience, she is told that she must not speak to the Maghrebi children and young people participating in the camp in Arabic. Finally, on her last day of work experience, she is instructed to spend the day carrying out cleaning and maintenance tasks on the site. A month after the work experience, the company management writes to inform her that she has failed the training and will not be awarded the qualification. In the arguments put forward by the company, there is no reference to behaviour associated with her native language or her way of dressing; instead, they refer to technical issues associated with the ability to apply leadership regulations in leisure camps. Legal advice is given to the person affected, who discovers that a criminal complaint would not be successful and it would be difficult to challenge the work experience assessment through administrative action. A written complaint is made to the Catalan Government's Youth Department. In the end, a mediation process takes place and the woman agrees to finish the work experience in an adapted, personalised way elsewhere.

²⁹ Conclusions drawn from the *Annual Secretariat Gitano Foundation Report 2019*.

³⁰ According to the European survey EU-Midis II, carried out by the European Union Agency for Fundamental Rights, this segregation affects 31% of children of this ethnicity.

³¹ www.noquierounaescuelasegregada.org

and police and other security services. This discrimination is more pronounced in the case of **Romani people from Eastern Europe**, due to their dual status as migrant people and of Romani ethnicity. Currently, this group lacks visibility and is extremely vulnerable, which makes it more difficult to identify cases of discrimination and, therefore, to report them. Meanwhile, the **school segregation** imposed on Romani people³⁰ in Barcelona continues to be one of the main discriminatory situations this group suffers and is one of the main focuses of organisations like the **Secretariat Gitano Foundation**, which, since 2018, has been raising awareness of this problem with campaigns like **#NoVull-UnaEscolaSegregada** ('I don't want a segregated school')³¹.

LGBTI-phobia

- 👁️ By discrimination based on **sexual orientation**, we mean discrimination against gay, lesbian and bisexual people. Similarly, discrimination based on **gender identity** targets trans and intersex people and discrimination based on **gender expression** is suffered by people associated with these groups, even though they are not part of them. People who belong to the **LGBTI** collective are removed from what is known as heteronormativity, which refers to a society in which being heterosexual is considered 'normal', and any conduct or image that diverges from this 'normality' may lead to discriminations, which are covered in this report under the category **LGBTI-phobia**.

According to data collected in 2019 (*Table 9*), **homophobia** (hatred or rejection of gay people) is the main reason for discrimination within the LGBTI-phobia category, or at least the most reported one, with **60** cases; in second place is **transphobia**, or discrimination against trans people, which makes up **23** of the reported cases of LGBTI-phobia. There were **15** cases of **lesbophobia**, or discrimination against lesbian people, while there were **14** situations of discrimination against the **LGBTI collective** in general.

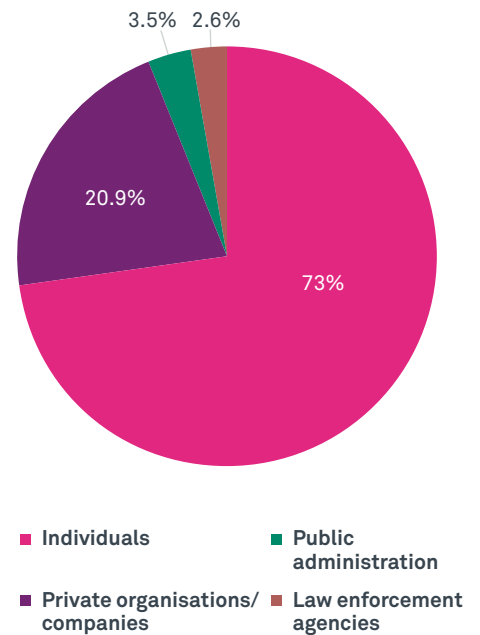
Table 9. Who is discriminated against for LGBTI-phobia

Sexual orientation, gender identity and gender expression	114
Homophobia	60
Transphobia	23
Lesbophobia	15
LGBTI-phobia	14
No data	1

As for **who is carrying out this discrimination against this group, it is mainly individuals (73%)**, followed by **private organisations and companies, with a total of 21% cases**. In terms of the type of infringement of rights, the LGBTI collective recorded the most **physical assaults** of all groups, with **38 cases** (see section 4.5. 'Rights infringed').

Table 10 shows where discrimination against the LGBTI community takes place, with **streets, parks, beaches and squares (40 cases)** in first place as the main focus of the situations reported. If we look at the comparison with 2018, a percentage increase from 28% to 34% can be seen compared to last year. Still in the public space, 14 discriminatory situations were reported in stations or on various means of transport. This data coincides with the trend observed by city organisations who work in this area and who are particularly concerned by physical aggression towards LGBTI people, notably the **attacks in the public transport sphere** in Barcelona (see Section 4.3. 'Where').

Graph 11. Who discriminates due to LGBTI-phobia



Discrimination case

A young man is beaten by a group of four people while travelling by metro (Line 1). The attack takes place at six in the morning on the steps at Urquinaona station. Soon after, two security guards appear and inform the Mossos d'Esquadra and medical services. The young man is taken to hospital, where his significant injuries, especially on his face, are treated. The person affected denounces the situation through social media and the incident is reported in the media, which results in public condemnation, where various social and institutional agents and political personalities reject this discriminatory act. This procedure is complemented by psychosocial assistance. Barcelona City Council acts as the popular prosecution in the case.

Table 10. Where there is discrimination due to LGBTI-phobia 2018 - 2019 ³²

	2019		↑↓	2018	
	#	%		#	%
Public	62	53.5	↓	34	55.7
Streets, parks, beaches, squares	40	34.5	↑	17	27.9
Public facilities	22	19	↓	16	26.2
Transport stations or means of transport	14			6	
Hospital centres	2			3	
Police premises	2			2	
Schools	1			2	
Sport, cultural and social centres	1			1	
Citizen help and information offices and courts	1			2	
Other	1			0	
Online and telephone services	0	0	↓	1	1.6
Private	53	45.7	↑	27	44.3
Private facilities for public access	27	23.3	↑	10	16.4
Restaurants and bars	9			0	
Leisure centres	8			7	
Shops	2			0	
Hotels, hostels and shelters	3			0	
Assistance and service offices	1			2	
Markets	0			1	
Other	4			0	
Private facilities where access is subject to prerequisites	25	21.6	↓	17	27.9
Houses, flats and dwellings	9			12	
Companies and organisations	6			0	
Schools, hospitals and sports centres	6			2	
The media	2			0	
Leisure centres	1			3	
Other	1			0	
Online and telephone services	1	0.9	↑	0	0
Other	1	0.9		0	0
Total	116 ³³	100		61	100

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³² The arrows show if there was a rise or fall in percentage terms (not in absolute numbers) between 2018 and 2019.

³³ The total number of settings where discrimination due to LGBTI-phobia took place (116) does not correspond to the total number of situations reported (114) because in some cases the discrimination was recorded in more than one location.

Another key area in fighting discrimination against LGBTI people, on which special emphasis has been placed this year, is **schools**. On this subject, the publication '**LGBTI-phobia among children and teenagers: A social problem to be solved**'³⁴ is notable. This is a conceptual approach to affective, sexual and gender diversity that aims to unpick the phenomenon of **bullying in schools based on sexual orientation, gender identity or gender expression (SOGIE)**, its main characteristics, protocols for action and various resources and good practices carried out by institutional and social agents in the field.

³⁴ *Dossiers de Debats Catalunya Social: Propostes des del Tercer Sector* (Social Catalonia Debate Dossiers: Proposals from the Third Sector), published in issue 58, in November 2019, as a result of a commission made by the Catalan Round Table of Third Social Sector Organisations and the Children's Platform of Catalonia (PINCat) to the Observatory Against Homophobia.

³⁵ Definition of disability that appears in Royal Legislative Decree 1/2013, of 29 November, approving the revised text of the General Law on Rights of Persons with Disabilities and their Social Inclusion.

³⁶ According to data from the Catalan Ministry of Labour, Social Affairs and Families.

³⁷ According to data from the Ministry of Labour, Social Affairs and Families, in 2018, the number of people with an assessed physical disability in Barcelona was 83,572, which represents 5.11% of the city's population (1,636,762 inhabitants, according to IDESCAT).

Disability

👁️ **Disability** is a situation that results from the interaction between people with foreseeably permanent deficiencies and any type of barriers that limit or prevent their full and effective participation in society, on equal terms with others.³⁵ According to the latest data available, in 2018, there were **145,347**³⁶ **people with some recognised degree of disability** living in Barcelona.

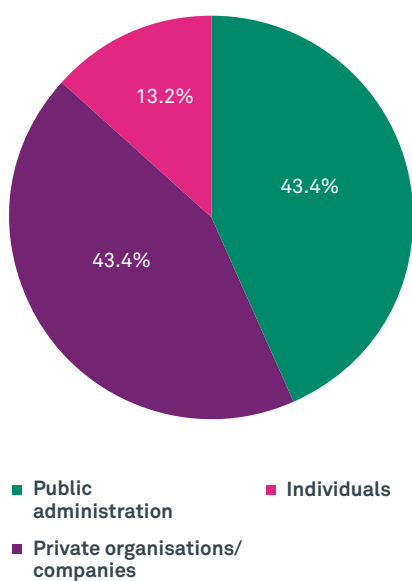
In table 11 we can see that, out of 50 cases recorded in 2019, **90%** refer to discriminations due to a **physical disability**.³⁷ And that the main discriminating parties in this area are, with **43% of cases each**, the **public administration and private organisations and companies** (*Graph 12*). If we compare the data with 2018 (*Graph 13*), we see how the same proportion is maintained, although a slight percentage increase can be observed as regards cases of discrimination by the public administration and an increase in the case of individuals, private organisations and companies.

Table 12 provides detailed data on where disability discrimination takes place in Barcelona. Comparing the data collected in this area in 2018, it shows an inverse trend with regard to discrimination in the public and private spheres. Thus, discriminatory situations motivated by disability compiled in 2018 were 61.7% of cases in the public sphere and 38.3% in the private sphere. In 2019, the percentages were 36.5% and 61.5%, respectively. What stands out this year in the public sphere are the **10 cases recorded in transport stations or on means of transport**, and in the private sphere, the **12 cases that took place in houses, flats and dwellings**.

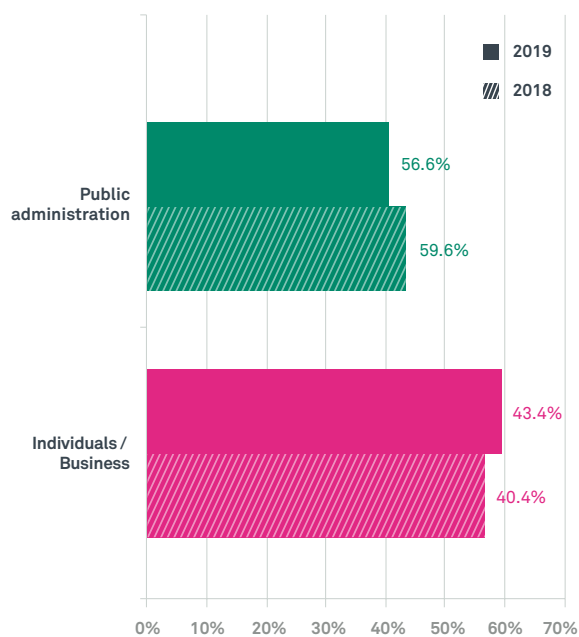
Table 11. Who is discriminated against for reasons of disability

Disability	50
Physical	45
Intellectual	3
Visual	1
No data	1

Graph 12. Who discriminates against people with a disability



Graph 13. Where there is discrimination for reasons of disability 2018 - 2019 ³⁸



³⁸ In the 2018 report, the 'individuals' and 'private organisations/companies' categories were analysed together, whereas in the 2019 report it was decided to separate them. However, the data are unified in the comparative figures for the purposes of comparison..

Table 12. Where there is discrimination for reasons of disability 2018 - 2019 ³⁹

	2019		↑↓	2018	
	#	%		#	%
Public	19	36.5	↓	29	61.7
Streets, parks, beaches, squares	1	1.9	↓	7	14.9
Public facilities	18	34.6	↑	13	27.7
Transport stations or means of transport	10			7	
Schools	3			1	
Hospitals	2			1	
Concert halls and conference centres	1			0	
Hostels or shelters	1			0	
Sport, cultural and social centres	0			2	
Citizen help and information offices and courts	0			1	
Other	1			1	
Not specified	0	0		9	19.2
Private	32	61.5	↑	18	38.3
Private facilities for public access	12	23.1	↑	7	14.9
Assistance and service offices	3			4	
Transport stations	2			0	
Hotels, hostels and shelters	2			1	
Museums and exhibition venues	1			1	
Leisure centres	1			1	
Restaurants and bars	1			0	
Other	2			0	
Private facilities where access is subject to prerequisites	20	38.5	↑	9	19.2
Houses, flats and dwellings	12			4	
Schools, hospitals and sports centres	3			3	
Companies and organisations	1			0	
Leisure centres	0			2	
Other	4			0	
Not specified	0	0		2	4.3
Other	1	1.9		0	0
Total	52 ⁴⁰	100		47	100

³⁹ The arrows show if there was a rise or fall in percentage terms (not in absolute numbers) between 2018 and 2019.

⁴⁰ The total number of settings where discrimination took place due to disability (52) does not correspond to the total number of situations reported (50) because in some cases the discrimination was recorded in more than one location.

Discrimination case

In the elections of 28 April 2019, a person goes to their polling station in the district of Sant Martí, in the Olympic Village neighbourhood, and finds that the building is not accessible. To solve the issue, the staff has to bring the ballot box out into the street so that the person can vote. The person is given information on a campaign that fights discrimination relating to the political participation of people with disabilities, the aims of which include 'ensuring that premises and materials involved in electoral campaigns, political debates, and political parties' manifestos and websites are accessible and include people with disabilities. It must also be guaranteed that all people with disabilities, including those who live in institutions, can exercise their right to vote in secret and independently in all elections, and they must have the necessary support to do so.' The person is also advised to report the situation to various bodies: 1. Barcelona Education Consortium; 2. Area of Promoting Accessibility and Removal of Barriers, 3. Office for the Defence of Civil and Political Rights. The person also reports the situation to the Municipal Institute for People with Disabilities at Barcelona City Council. In the end, the route to vote is changed and made accessible. In the municipal elections in May, this person is able to vote on equal terms with others.

During 2019, as noted by members of the Board of Organisations that work in the disability sphere, the main types of disability discrimination were those caused by a lack of accessibility. This problem has direct consequences on many areas of life, such as the **right to vote**, as various cases were reported of people being unable to vote during the April general election and the May local elections **due to the poor accessibility of their polling station.**

On this subject, the **ECOM Federation has condemned Instruction 5/2019 from the Electoral Commission, as it deems it discriminatory.** This instruction grants presiding officers, poll watchers and candidate representatives the power to assess, subjectively and interpretatively, the capacity to vote of people with disabilities. Under no circumstances should this be their role, as reported by various organisations in the sector, including the Catalan Ombudsman's Office and the Catalan Ministry of Labour, Social Affairs and Families. In 2019, **COCARMI**, an organisation that unites all the federations of people with disabilities in Catalonia, launched a **campaign to defend the right to vote of people with disabilities.**

Organisations like **Dincat**, which also defends the rights of people with disabilities, deem the **right to accessibility** a 'cross-cutting' right, as it articulates and facilitates other rights. An example of the discriminatory nature of not respecting the right to accessibility (especially **cognitive**) and its consequences on other rights is provided precisely by participation in political life. If electoral manifestos, polling stations, voting processes, and all the information needed to exercise the right to participate in political life are not accessible, this participation is rendered impossible.

Discrimination case

A mother wants to sign her son with an intellectual disability up to lessons in a municipal pool, but she is told that she cannot as lessons are currently not being organised, which is not true. This situation is a characteristic example of various cases reported during 2019, where people with intellectual disabilities are excluded from community facilities, such as swimming pools and community centres, and from private spaces like bars and night clubs.

Participation in political and public life, in culture, in leisure and sports, in the city, in public facilities and services, in information and communication, in the expression of opinions and decision-making and, in general, in all activities and processes in which citizens participate is possible for people with an **intellectual disability** if they have the right support and do not come across barriers of any kind. These organisations condemn the discrimination this group continues to suffer. In 2019 there were reports of **exclusion from public spaces**, such as swimming pools and community centres, and **private spaces**, like bars and nightclubs.

Another key factor in this area has been the update to the study '**Economic injustice for people with disabilities in the city of Barcelona**',⁴¹ which quantifies how much extra economic effort people with disabilities and their families have to make to maintain the same standards as those in their immediate environment without disabilities. The study concludes that people with disabilities suffer economic injustice that, on average, can be valued **between 17,700 and 41,200 euros annually**. These amounts can rise considerably, depending on the person's support needs, indirect costs and opportunity costs involved in their situation. The figure also varies greatly according to the person's age and type of disability. In short, the study highlights the need for public administrations to take specific measures to reduce this injustice, which can even be a cause of social exclusion.

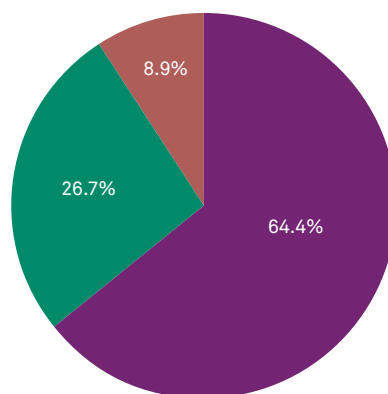
⁴¹ The study was driven by the Municipal Institute for People with Disabilities (IMPD) and the Catalan Committee of Representatives of People with Disabilities (COCARMI), and was drawn up by the International Business School at Pompeu Fabra University (ESCI-UPF). Experts from organisations like the ECOM Federation, DINCAT, the Catalan Mental Health Foundation, ONCE and others were also consulted.

Language

With regard to **language discrimination**, **64%** of the cases reported were attributed to **private organisations or companies**, while in **27%** of cases, the discrimination was committed by the **public administration itself** (Graph 14). As far as the sphere where language discrimination takes place (Table 13), we can see it is predominantly in the **private sphere**, in **60%** of cases, compared to **33%** of those that occurred in the **public sphere**. Particularly noteworthy are the **10 cases recorded in restaurants and bars** and the **10 reported on online and telephone services**.

One type of paradigmatic case that continued to be reported in 2019 was a **hostile attitude to the use of Catalan in public-facing services, from both private and public entities**. According to organisations that work to defend linguistic rights, hostility towards or rejection of people who use Catalan in everyday contexts cannot be considered an isolated case under any circumstances. On the contrary, it shows a certain linguistic ideology, linked to a monolingual conception of the Spanish State that considers the use of languages other than Castilian (Spanish) to be disrespectful. These discriminations in public-facing services are a clear infringement of the linguistic rights recognised in Articles 32 and 34 of the Statute of Autonomy of Catalonia, and of Article 8.1 of the Commerce, Services and Fairs Act.

Graph 14. Who discriminates for linguistic reasons



- Private organisations/companies
- Public administration
- Law enforcement agencies

Discrimination case

Three friends go to pick up their car at the Saba car park in Sants Station. Before leaving, they ask a security guard from the Comfica company where the toilets are. They ask him in Catalan, which is automatically met with a hostile reaction towards the women; even though they end up talking to the guard in Castilian, he shouts at them, accusing them of a lack of 'courtesy' because they spoke to him in Catalan. This situation of linguistic discrimination is a type of paradigmatic case that has continued to be reported in the city during 2019 and indicates hostile attitudes towards the use of Catalan in services to the public.

Table 13. Where there is discrimination due to language

	#	%
Public	15	33
Streets, parks, beaches, squares	4	9
Public facilities	11	24
Transport stations or means of transport	1	
Schools	1	
Hospital centres	1	
Citizen help and information offices and courts	4	
Other	4	
Online and telephone services	0	0
Private	27	60
Private facilities for public access	13	29
Shops	2	
Hotels, hostels and shelters	1	
Restaurants and bars	10	
Private facilities where access is subject to prerequisites	4	9
Concert halls, conference centres and pavilions	1	
Schools, hospitals and sports centres	2	
Companies and organisations	1	
Online and telephone services	10	22
Other	3	7
Total	45	100

One initiative launched in this area in 2019 was the publication of a **manual of basic Catalan vocabulary for the telecommunications sector**, published by the Indian Cultural Centre, the Sant Antoni Shopkeepers' Association, the Fort Pienc Association and the Association of Women from Bangladesh, along with the **Platform for the Language**. The manual is aimed at shopkeepers in this sector, with a view to guaranteeing customer service in Catalan, as required by law, and protecting the right not to be discriminated against through denial of the use of the Catalan language due to the ethnic origins of Pakistani, Indian and Bangladeshi shopkeepers in the city of Barcelona.

⁴² Data provided by the Network of Services for Homeless People (Diagnosis 2019).

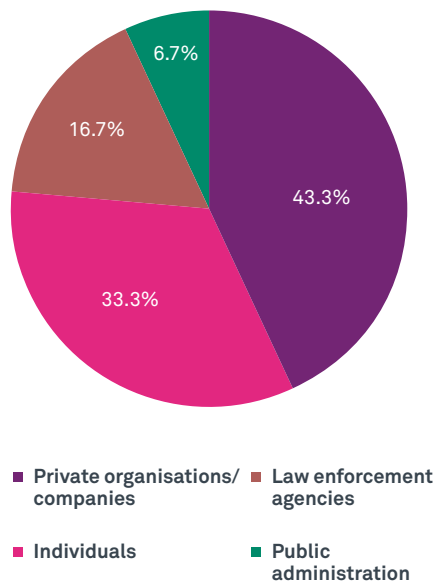
⁴³ The total number of settings where discrimination due to aporophobia took place (30) does not correspond to the total number of situations reported (29) because in some cases the discrimination was recorded in more than one location.

Aporophobia

Aporophobia is the phenomenon expressed through disdain, fear, rejection or hatred of or aversion to people in poverty. The indicator used in this report for this phenomenon is socio-economic status. In Barcelona, there are **3,696 registered homeless people**; 1,027 sleep rough on the streets, 498 are in settlements, and the rest are housed in public or private shelters or in social housing.⁴²

If we look at which have been the main discriminating parties in this sphere (*Graph 15*), we see that it is **private organisations and companies (43%)** and **individuals (33%)**, and that in half the cases the discriminatory situations occurred in **public spaces** in the city, notably the 11 cases recorded in **streets, parks, squares** and on **beaches**, which account for **37%** of the cases compiled in 2019, as *Table 14* shows.

Graph 15. Who discriminates due to aporophobia



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Table 14. Where there is discrimination due to LGBTI-phobia 2018 - 2019

	#	%
Public	15	50
Streets, parks, beaches, squares	11	36.7
Public facilities	4	13.3
Sport, cultural and social centres	1	
Hospital centres	1	
Police premises	1	
Citizen help and information offices and courts	1	
Private	12	40
Private facilities for public access	10	33.3
Assistance and service offices	4	
Hotels, hostels and shelters	3	
Transport stations	1	
Shops	1	
Other	1	
Private facilities where access is subject to prerequisites	1	3.3
Other	1	
Online and telephone services	1	3.3
Other	3	10
Total	30⁴³	100

The discrimination homeless people suffer due to being unable to access decent, safe housing means they are more exposed to violence of all kinds. According to the data of aporophobia recorded in Barcelona this year, in **41%** the discriminatory situation materialised as a physical assault, in the form of **violent acts, fights, theft and assaults** (see section 4.5. 'Rights infringed').

A trend observed by organisations working in this area is the rise in **recordings** made of homeless people (with or without abusive consumption of toxic substances, mental health issues or 'unusual' behaviour) and the subsequent sharing of videos, photos and audio recordings on the **internet** and on **social media**.

Discrimination case

A homeless man is in the street, drunk and in a disturbed state due to the mental illness he suffers from, when a group of people record a video of him with a mobile phone and upload it to social media. The video goes viral and starts to be shared via WhatsApp, too. There are many abusive comments on social media. Various websites publish news articles on the video and make all kinds of derogatory comments. In response to this situation of discrimination and infringement of the affected person's rights, a mediation process is carried out with the websites that shared the video, and in some cases, the content was removed.

In **68%** of cases, the people who signalled these discriminatory situations are of the **male gender**. On a similar note, a historically concealed problem with **homelessness** is the specific, aggravated consequences on **homeless women**. According to organisations in the city that work with these groups, 60% of women in this vulnerable situation have experienced violence in the street, while **19% have been the victim of sexual assaults**. Furthermore, when they go to support centres, they find services that are generally oriented towards men, which leads to fear of being abused again.

To tackle this problem, in 2019, '**Dones amb llar**' (**Women with a Home**)⁴⁴ was launched: a pioneering psycho-social care project aimed at homeless women, led by the **Assís Shelter**. Furthermore, the **#capdonasensellar** ('**no woman without a home**') campaign aims to raise awareness of the reality of homelessness as a woman and amass the resources necessary to open a specific centre for women, the Rosario Endrinal Home, which will offer ten safe places to stay, care and personalised assistance with a gender perspective. It is also important to note the work that has been put in for three years now by **Lola, No Estás Sola (Lola, You're Not Alone)**⁴⁵, a feminist community action project that aims to empower women and raise awareness within the social fabric of Nou Barris. Lola, No Estás Sola is based on the reality experienced by homeless women, on their needs and on the lack of resources adapted to their specific needs.

⁴⁴ www.assis.cat/totes/tag/dones+amb+llar

⁴⁵ <https://lolanoestassola.org>

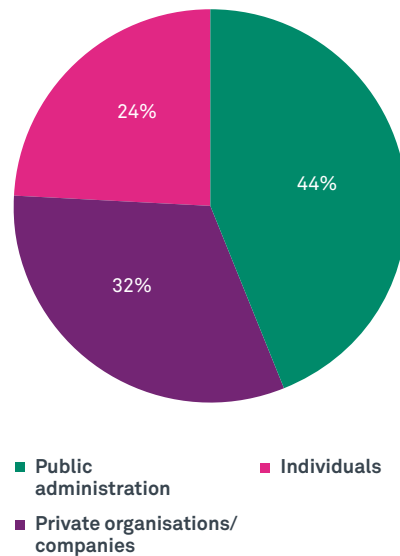
Health

According to the WHO, 'Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity'. As *Graph 16* shows, the **public administration** has been the most discriminatory with regard to the health of the person affected, with **44%** of the cases compiled in 2019, followed by **private organisations or companies**, with **32%**, and **individuals**, with **24%**. If we look at the comparison with the cases compiled in 2018, shown in *Graph 17*, we notice that approximately the same percentage proportion is maintained, with a slight increase in the discriminations exercised by the public administration in 2019.

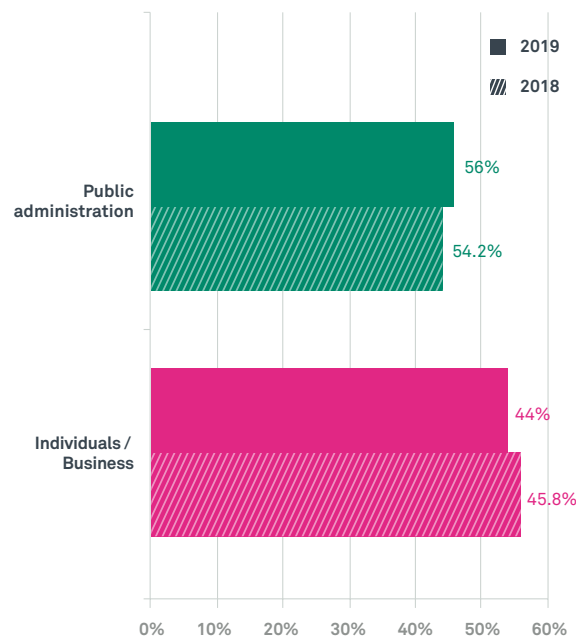
Of the total discriminations recorded this year in the area of health, **68%** are related to **mental health**, understood as the capacity in an individual to form harmonious relationships with others and to participate in, or to contribute constructively to, changes in their social and physical environment. In this regard, mental health is the basis for a person's and a community's well-being and effective functioning. The population's attitudes regarding health in general, and mental health in particular, have changed gradually over time. Now, health focuses not only on the curative aspect, but also on environment, risk factors, lifestyles, health education and everything else that contributes to promotion and awareness of health and prevention of disease. It also looks at everything that continues to prevent people with mental health problems from fully exercising their rights, such as discriminatory situations.

Looking more closely at the profile of people affected by this type of discrimination, we see that it is mainly **women aged between 35 and 50**, and that **25% of cases are highly complex situations to tackle**. The main rights infringed are **physical and moral integrity**, and the

Graph 16. Who discriminates for reasons of health



Graph 17. Who discriminates for reasons of health 2018 - 2019 ⁴⁶



⁴⁶ In the 2018 report, the 'individuals' and 'private organisations/companies' categories were analysed together, whereas in the 2019 report it was decided to separate them. However, the data are unified in the comparative figures for the purposes of comparison.

Table 15. Who is discriminated against for reasons of health

Health	25
Mental	17
Serophobia	5
Other	2
Not specified	1

Table 16. Where discrimination occurs for reasons of health 2018 - 2019 ⁴⁷

	2019		↑↓	2018	
	#	%		#	%
Públics	13	52	↓	13	54.2
Streets, parks, beaches, squares	2	8	↑	0	0
Public facilities	11	44	↓	12	50
Hospital centres	10			7	
The media	1			0	
Citizen help and information offices and courts	0			3	
Hostels or shelters	0			1	
Schools	0			1	
Not specified	0	0		1	4.2
Privats	9	32	↓	9	37.5
Private facilities for public access	1	4	↓	5	20.8
Leisure centres	1			1	
Assistance and service offices	0			3	
Transport stations	0			1	
Private facilities where access is subject to prerequisites	5	16	↓	4	16.7
Houses, flats and dwellings	3			1	
Companies and organisations	2			0	
Schools, hospitals and sports centres	0			1	
Other	0			2	
Online and telephone services	3	12	↑	0	0
Other	4	16		2	8.3
Total	25	100		24	100

⁴⁷ The arrows show if there was a rise or fall in percentage terms (not in absolute numbers) between 2018 and 2019.

right to health, and the main discriminating party in the health sphere is the public administration. As regards the scene of the events, *Table 16* shows that **most discriminations do indeed take place in hospital centres**, with 10 cases recorded, a figure similar to the 7 compiled in 2018.

Discrimination case

A person with mental health problems in crisis is hospitalised involuntarily with mechanical restraints. The person seems relatively calm and ends up accepting the hospitalisation, but they still do not remove the restraints or attend to the person's requests. The restraints are maintained for six days. This case is representative of the situation experienced by many people with mental health problems, which has a significant impact on them (post-traumatic stress, avoidance of the health-care system, anxiety, etc.). Although discriminations and infringements of rights occur frequently among people with mental health problems in a medical context (carried out by professionals and the system itself), this is also one of the least reported discriminations. It is reported in very few cases due to fear ('I will have to be admitted to the centre again, and next time it will be worse'), ignorance (normalisation of restraints and lack of knowledge of rights as a patient and as a person, or lack of knowledge of where to make this type of report or the procedure) and mistrust in the system itself ('even if I complain to the centre, nothing will happen').

A discriminatory practice that continues to be reported by organisations working in this sector is the **disproportionate use of mechanical restraints**; these are commonly used in psychiatric hospitals, especially in acute inpatient units. Their use is regulated and subject to protocol, which makes it difficult to report, as they are normally used in accordance with protocol. However, social organisations that work with this group indicate that the use of these restraints constitutes degrading treatment and can have significant emotional and psychological repercussions (post-traumatic stress, anxiety and mistrust of the health system, among other effects). The '**Zero contencions**' ('**Zero restraints**') **campaign**,⁴⁸ in which the **Catalan Mental Health Federation (FSMC)** is participating, aims to raise awareness of and put an end to this discriminatory, abusive practice in psychiatric hospital units.

Another phenomenon within health-based discrimination is discrimination suffered by people with **HIV/AIDS**, which we have referred to as **serophobia**. In this report, just **five** cases have been reported, though organisations that work in this area signal low report rates within this group, due to the stigma that still exists today. This situation is rooted in the history of HIV and AIDS in our country, in ignorance of the current situation of people with HIV, and in the fact that HIV has been wrongly defined as an **infecto-contagious**⁴⁹ disease when, in fact, it is an **infecto-transmissible disease**.⁵⁰

⁴⁸ www.0contenciones.org

⁴⁹ According to the AIDS Study Group (GeSIDA), this is a disease that can be transmitted to another person through contact in a work context, for example (like tuberculosis).

⁵⁰ In the GeSIDA's terms, this is a disease that can be transmitted through contact with fluids that contain the virus, which include blood, sperm, vaginal discharge and breast milk.

One of the main problems linked to **se-rophobia** in 2019 was discrimination exercised by **insurance companies**. Following the legislative changes made in 2018 to the General Law for the Defence of Consumers and Users, eliminating clauses and conditions that discriminate people with HIV, AIDS and other health conditions, many people tried to access various types of insurance services (life insurance, health insurance, etc.) and reported that these companies had failed to **insure them without distinction due to health conditions**, despite the legislative changes.

Access to insurance and similar services, such as healthcare mutuals, are not always optional to access certain rights and services, even in some professional fields, especially own businesses. One of the most common situations occurs when applying for a mortgage. Financial organisations require people who want a mortgage to have life insurance, and sometimes even a specific policy. This is just one example of the repercussions the infringement of a person's right to be insured can have on multiple areas of life.

Discrimination case

Two representatives from the organisation Mugrons Lliures make a complaint of gender discrimination relating to the prohibition against women going swimming topless in public pools, which extends to all indoor pools and management centres in Barcelona. This situation has already been reported in other Catalan municipalities without satisfactory results. Access and conduct rules must be specific and objective, and must never be arbitrary, unjust or based on discriminatory criteria that may result in the user's or consumer's defencelessness. Furthermore, they must not be contrary to the customs prevailing in society (Article 51 of Decree 112/2010). Therefore, if prohibiting going topless in a public pool is discriminatory on gender grounds, it cannot be a condition imposed by this type of establishment to limit access or use of its facilities. It is deemed that the byelaw and its system of violations and sanctions may be invoked both in municipal pools and private pools for public use. In response to the situation, a coordination is carried out with the Barcelona Institute of Sports and a communication is made to the Barcelona Ombudsman's Office. As a result of these interventions, Barcelona City Council gives the city's pools mandatory instructions to avoid this discriminatory situation during the summer of 2019.

Discrimination case

Two people with HIV find themselves in discriminatory situations due to serophobia. They contact various insurance companies and all of them refuse to insure them because they are HIV-positive. In response to the persistence of this type of act, which is a flagrant violation of laws passed in 2018 (specifically Act 4/2018 of 11 June, which expressly prohibits HIV-related discrimination), a strategy is established for guiding, empowering and offering legal assistance to victims of serophobia. Through collaboration between organisations, the legal violation committed by these insurance providers is communicated and channels are opened to take civil, administrative and criminal action against them.

Discrimination case

A homosexual couple aged 72 and 79 go to an LGBTI establishment in Barcelona. One of them buys a ticket to get in, and when the other tries to buy his, the security agent tells him he cannot enter because he is 'old'. He then addresses the other person, who already has his ticket, and reiterates in a raised voice, 'You can't come in because you're old'. The couple then asks to speak to a manager of the establishment, but their request is denied. In the end, the couple leave, without requesting a complaint form. They therefore have no evidence of the discrimination other than their witnesses. As a response to this ageist discrimination, a mediation process is carried out with the managers of the establishment, who eventually send the couple a written apology, as a form of compensation.

As for the rest of the reasons for discrimination reported, **11** situations were related to **gender** (see section 3. 'Methodology', where some of the possible causes of the low number of sexist discriminations recorded are discussed), **4** were on **ideological grounds** and **3** were based on **age**.

Discrimination case

A young man is attacked following a pro-independence protest against the sentences for the 1-0 trial by a group of fascists who, according to posts on social media, are out 'on a hunt'. After the protest, the young man heads home with two friends, and comes across the fascist group on the crossroads between Gran Via and Carrer Borrell. He is walking a few metres ahead of his friends when he is rebuked by the group; they insult each other mutually and one individual assaults him. He is then physically assaulted by a group carrying wooden sticks and iron bars, which is recorded by local residents, who publish videos on social media to condemn the attack. Following the incident, motivated by ideology, several arrests are made, which suggests that they are already known to the police due to their fascist ideology and record. The incident may constitute a crime of injury with a dangerous instrument (148.1), a minor assault offence, with the aggravating factor of abuse of superiority (22.2), a hate crime (510.2) against moral integrity (173) and a public order offence (557), without prejudice to later assessment. After receiving medical care, the victim is offered psychosocial care to explore the emotional and psychological effects the attack may have had on him. Barcelona City Council acts as the popular prosecution in this case.

4.5. Rights infringed

This section focuses on the impact of discrimination in terms of **infringement of human rights**. *Table 17* compiles the rights infringed in each discriminatory situation and *Graph 18* compares that with the data from 2018. This data shows that attacks on **moral integrity** continue to predominate, as happened in 2018, with 177 infringements, **31%** of the total.

The most notable piece of information in this section is the **71** violations of physical integrity, as these cases involve discriminations in the form of **physical assaults**. The following table cross-references the data on violations of physical integrity with the reasons for discrimination, and shows that the most affected group in these cases is the **LGBTI collective**, with 49% of the assaults reported, followed by racialised persons and foreign nationals or people of diverse ethnic origin (21%) and homeless people (17%).

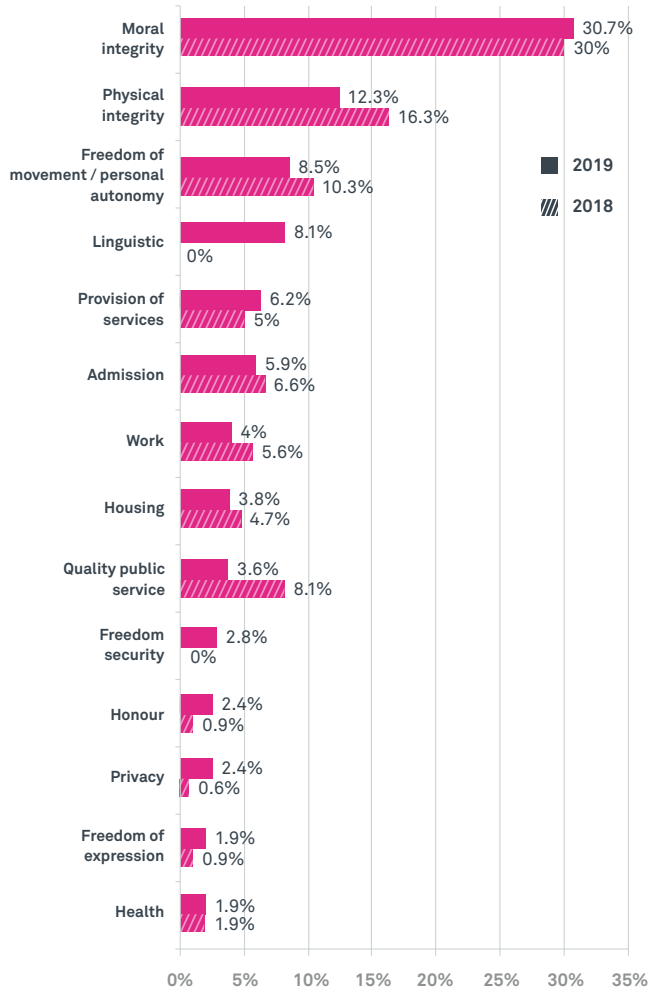
If we cross the data on cases of physical integrity violation with the discriminating party (*Graph 20*), we see that **most assaults come from individuals, in 60% of cases**. Out of the 10 physical assaults carried out by public administration staff, most were infringements of rights committed by health workers in public hospitals against people with mental health issues.

Table 17. Discrimination and rights infringed

Right infringed	#	%
Moral integrity	177	30.7
Physical integrity	71	12.3
Freedom of movement / personal autonomy	49	8.5
Linguistic	47	8.1
Provision of services	36	6.2
Admission	34	5.9
Work	23	4
Housing	22	3.8
Quality public service	21	3.6
Freedom/security	16	2.8
Honour	14	2.4
Privacy	14	2.4
Freedom of expression	11	1.9
Health	11	1.9
Information	7	1.2
Data protection	6	1
Education/training	4	0.7
Protest (meeting and demonstration)	2	0.3
Leisure	2	0.3
Other rights	10	1.7
Total	577 ⁵¹	100

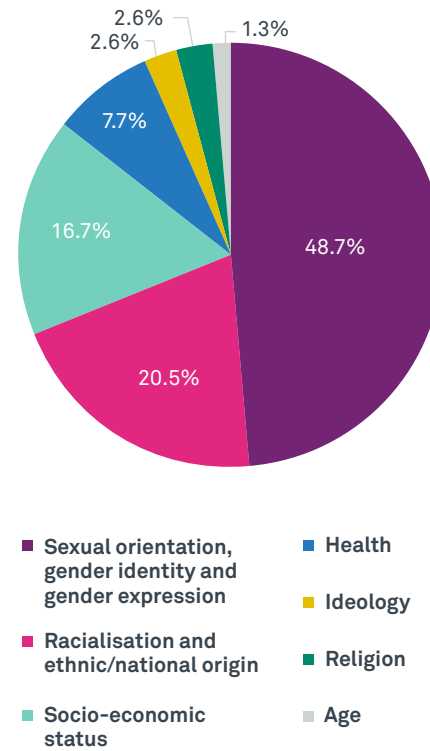
⁵¹ The total figure in this case does not correspond to the total situations reported (411), because in some cases, more than one type of right was infringed.

Graph 18. Discrimination and rights infringed 2018 - 2019 ⁵²



⁵² Graph 18 shows the comparison of the main rights infringed by discriminatory situation between 2018 and 2019, not all the rights infringed in those two years.

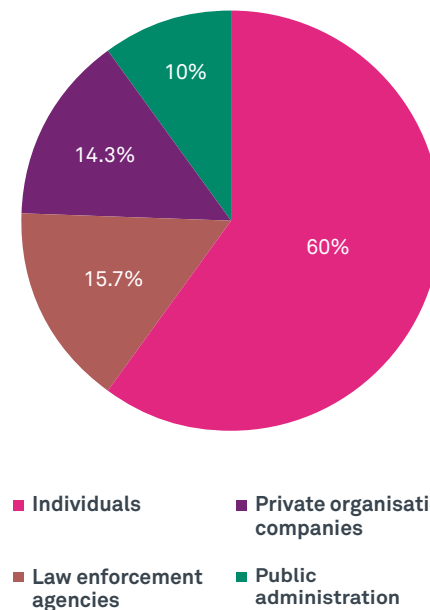
Graph 19. Why is the right to physical integrity infringed



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Graph 20. Who violates the right to physical integrity



A key area last year in the fight against discrimination was the **right to housing**, which was violated throughout various protected groups. Organisations working to protect the rights of **people of Romani ethnicity, migrants, refugees and asylum seekers, people of colour, people with a disability, and trans people and people of a non-traditional gender expression** have reported that discriminatory situations take place through both estate agencies and private individuals. In fact, they have highlighted the significance of infringements committed by the latter as, in **discriminations between individuals**, the person's vulnerability is enhanced and it is much more difficult to prove the discrimination occurred.

This umbrella covers both refusal to rent out flats because the person belongs to one of these groups and situations of vulnerability and discrimination caused by the fact that the person is unable to rent a flat and has to rent a room in a shared dwelling. A key factor in discriminatory situations linked to access to decent housing is living together, both inside the flat and in the **whole building**: a great number of discriminatory situations have been recorded on all axes of discrimination in these spaces (42, as indicated in section 4.4. 'Where?').

Discrimination case

An online housing portal publishes offers of flats for rent that specifies that only 'Spanish nationals' are accepted. Specifically, the profile requests: 'students, Spanish nationals, people with an open-ended work contract' or 'Spanish nationals, couples, postgraduate students, professionals'. Once the information is confirmed to be true, it is noted that this type of message could constitute a discriminatory situation in terms of equality of access to and occupation of housing, for which reason the Department of Housing Discipline within the Municipal Institute of Housing and Renovation at Barcelona City Council begins a sanction process against this online portal.

Discrimination case

In a residential community, a person reports various episodes of insults, threats, coercion and attempts at physical assault from another resident. These episodes have been going on for months, which has caused the person affected great anxiety and anguish. The motivation for these discriminatory acts is the affected person's sexual orientation. The reported incidents are deemed to constitute a minor offence of coercion, as provided for in Article 172.3 of the Criminal Code, and a minor offence of threatening behaviour, as provided for in Article 171 of the Criminal Code. A trial takes place on 17 October 2019 for minor offences. This trial is cancelled because the claimant requests a criminal trial for crimes against moral integrity. At the time of publishing the report, the case is ongoing. In parallel, the person affected is being offered psychological assistance.

Graphs 21-25 show the reasons for infringing other rights with most impact in 2019. In that regard, we see that **racism and xenophobia** are the main reason for infringing the rights of **freedom of movement and personal autonomy (50%)**, **provision of services (37%)** and **right of admission (32%)**.

Regarding the latter, a discriminatory practice that continued to occur in the leisure sector in 2019 is that of **people of colour or foreign nationals being refused entry into night clubs**. It has become clear that there is widespread ignorance of the illegality of these practices among the discriminating parties. To tackle this problem, one of the initiatives promoted by the **Office for Non-Discrimination**, with the support of the **Catalan Association for the Defence of Human Rights (ACDDH)**, is to complement reporting and awareness-raising strategies with training. More specifically, it has organised a **training course on discrimination for the security and entrance staff at one of the night clubs where several reports were made**, in order to prevent these discriminatory practices in the city.

Also noticeable with regard to the right to admission is discrimination for reasons of **disability**, in 27% of cases. As regards the right to **provision of services**, the reason for discrimination in 16% of cases was **language**, while **LGBTI-phobia** was the main reason for violating the right to **moral integrity** in 44% of the cases reported.

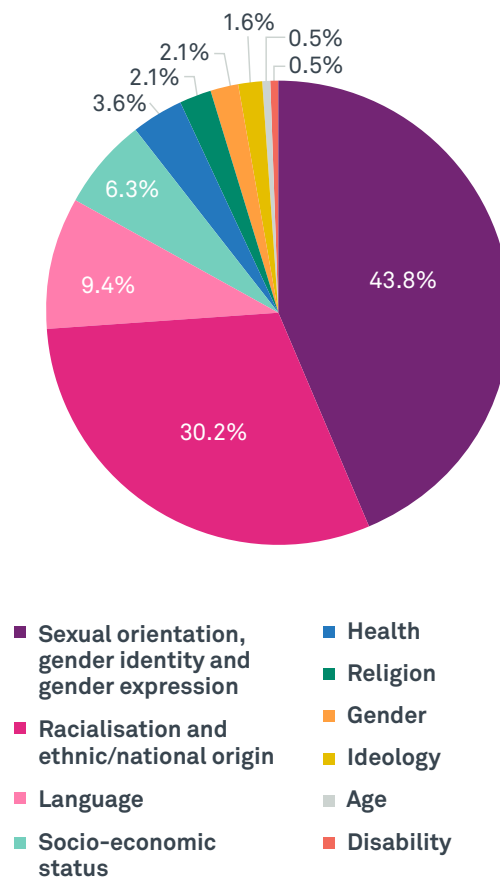
Discrimination case

A group of five people go to a night club in Barcelona and two of the people are denied access to the premises for no apparent reason. There are five friends, three of Catalan origin, two of Latin American origin, and only the Catalan people are allowed in. It is not the first complaint made against this establishment for discriminatory situations linked to the right of admission. As a result of the first complaint against the night club, a training course on discrimination has been given to the establishment's entrance and security staff, in order to prevent discriminatory practices like this in the future.

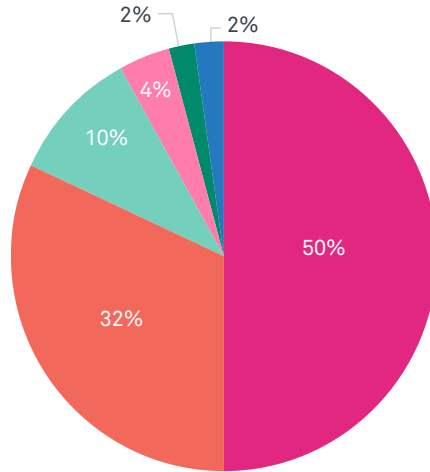
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Graph 21. Why is the right to moral integrity infringed

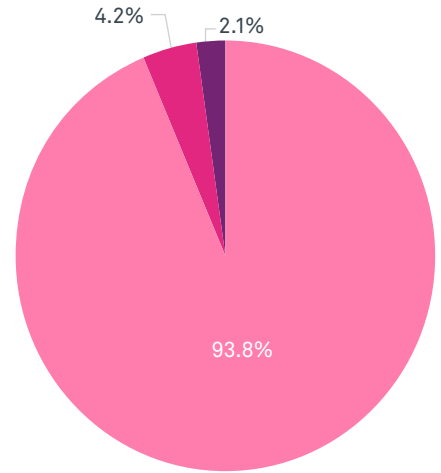


Graph 22. Why is the right to freedom of movement and personal autonomy infringed



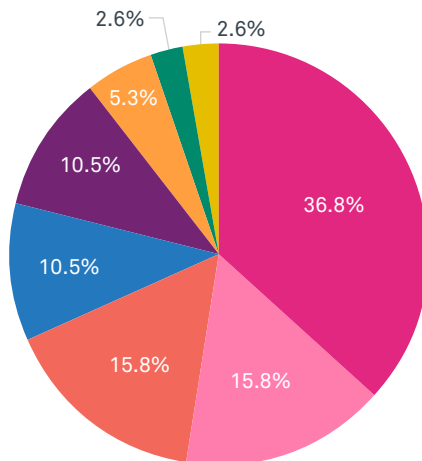
- Racialisation and ethnic/national origin
- Disability
- Socio-economic status
- Language
- Religion
- Health

Graph 23. Why is language right infringed



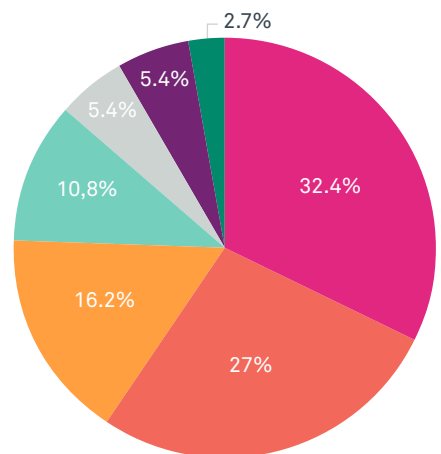
- Language
- Racialisation and ethnic/national origin
- Sexual orientation, gender identity and gender expression

Graph 24. Why is the right to service provision infringed



- Racialisation and ethnic/national origin
- Language
- Disability
- Health
- Sexual orientation, gender identity and gender expression
- Gender
- Religion
- Ideology

Graph 25. Why is the right of admission infringed



- Racialisation and ethnic/national origin
- Disability
- Gender
- Socio-economic status
- Age
- Sexual orientation, gender identity and gender expression
- Religion

4.6. Types of discrimination

Of the cases recorded, **95%** were **direct discriminations**, meaning situations in which a person or group was treated less favourably than another in a similar situation due to a protected characteristic.

Direct discriminations can range from a look or deciding not to sit next to someone on public transport to insults, threats, not giving a job to someone or not letting someone into a place and even physical assault, as well as other discriminatory acts, due to one of the protected characteristics, with no legitimate justification. With a view to analysing and elucidating what discriminatory acts are, in this report, indicators (see section 3. 'Methodology') are used to represent possible types of direct discrimination and have been applied in the two main reasons for discrimination: racism and xenophobia, and LGBTI-phobia.

Table 18. Types of direct discrimination ⁵⁴

Type of direct discrimination	%
Different treatment	35
Abusive behaviour	28.8
Assault	21.8
Threatening behaviour	2.7
Hate speech	2
Vandalism	1.6
Literature	0.4
No data	7.8
Total	100

The data shows that **35%** of discriminations were expressed through **different treatment** of the person affected, while **29%** of cases involved **abusive behaviour**, through abusive comments or gestures, and **22%** resulted in a **physical assault**. Among the lower percentages of cases are **threatening behaviour**, at **3%**, **hate speech** (**2%**) and acts of **vandalism** (**1,6%**), in which material damage took place. There was also one case in which an article with discriminatory content was published in the media.

Of the **19** cases in which **indirect discriminations** were reported (situations in which an apparently neutral regulation, criterion or practice puts a certain group at a disadvantage compared to other groups), **7** cases refer to **public policies**, **7** to **advertisements or news** and **5** to **laws** deemed discriminatory. Various situations involving indirect discrimination were recorded in the area of accessibility for people with disabilities, especially regarding **accessibility in housing**. As for news published in the media, various cases involve **mentioning the person's ethnicity**, specifically in the case of Romani people, in articles about crime and other incidents, which contributes towards reinforcing negative stereotypes of the Romani people. Finally, various discriminatory situations occurred in public spaces regulated by current laws and regulations, such as the **alien internment centre** in Zona Franca. The inherent discrimination in the use of **mechanical restraints** in a medical context, which is protected by the law, was also reported.

⁵³ The list of indicators is inspired by the categories proposed by the 'Tell mama' project, which collects and analyses cases of Islamophobia.

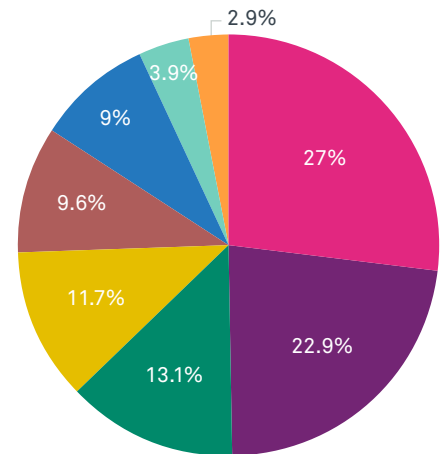
⁵⁴ Please note that each discrimination case has been allocated just one category.

4.7. Response and action

This section covers the action taken by the public administration and social organisations that deal with discrimination cases in Barcelona, in response to the 411 situations reported in 2019. *Table 19* shows how most actions come under support and assistance for the people affected, especially as regards **legal guidance (27%)**, **psychosocial care (23%)** and **socio-educational support (13%)**. *Graph 26* shows how **12% of the cases received by the Board of Organisations were referred to a specialist organisation**. If we look at the comparison with regard to absolute numbers in *Graph 27*, we see a clear increase, from **33 cases referred in 2018 to 94 in 2019**.⁵⁵

Of the 411 discrimination cases notified, **15% were eventually reported (61)**, over 72% of those **for legal action (44)**. That represents an increase on 2018, when 11% of cases were reported. *Graph 28* shows the comparison as regards the reports submitted in absolute numbers, up from 19 in 2018 to 44 in 2019. **In 2019, Barcelona City Council acted as popular prosecution in four of these situations.**

Graph 26. Support and assistance (%)



⁵⁵ The referrals mentioned here were made to the following specialist organisations/services/offices: Office for Co-existence (OC); districts of Barcelona City Council; Prosecutor's Office for Hate Crimes and Discrimination; Prosecutor's Office for Minors; Guàrdia Urbana de Barcelona (GUB); Municipal Institute for People with Disabilities (IMPD); LGBTI Department of Barcelona City Council; LGBTI Centre Barcelona; Municipal Housing Offices; Municipal Consumer Information Office (OMIC); Barcelona Municipal Institute of Education (IMEB); Barcelona Ombudsman's Office (SGB); municipal social service centres and other municipal services; Co-existence, Diversity and Civil Rights Service; Barcelona Provincial Council; Catalan Government Area of Equal Treatment and Non-Discrimination for LGBTI people; Mossos d'Esquadra; Catalonia Ombudsman's Office; Spanish Ombudsman; and other specialist companies and organisations.

Table 19. Response and action taken by the Board of Organisations against discrimination 2018 - 2019 ⁵⁶

	2019		↑↓	2018	
	#	%		#	%
Support and assistance					
Legal guidance	217	27	↓	101	33.1
Psychosocial	184	22.9	↓	94	30.8
Socio-educational ⁵⁷	105	13.1	↑	0	0
Referral to a specialist organisation	94	11.7	↑	33	10.8
Public impact	77	9.6	↓	63	20.7
Mediation/conciliation	72	9	↑	8	2.6
Psychological	31	3.9	↑	6	2
Mediation ⁵⁸	23	2.9	↑	0	0
Total	803 ⁵⁹	100		305	100
Reporting					
Reported for legal action	44	72.1	↑	19	63.3
Reported for administrative action	17	27.9	↓	9	30
Not specified	0	0		2	6.7
Total reports and % in relation to total cases	61	14.8	↑	30	11.3

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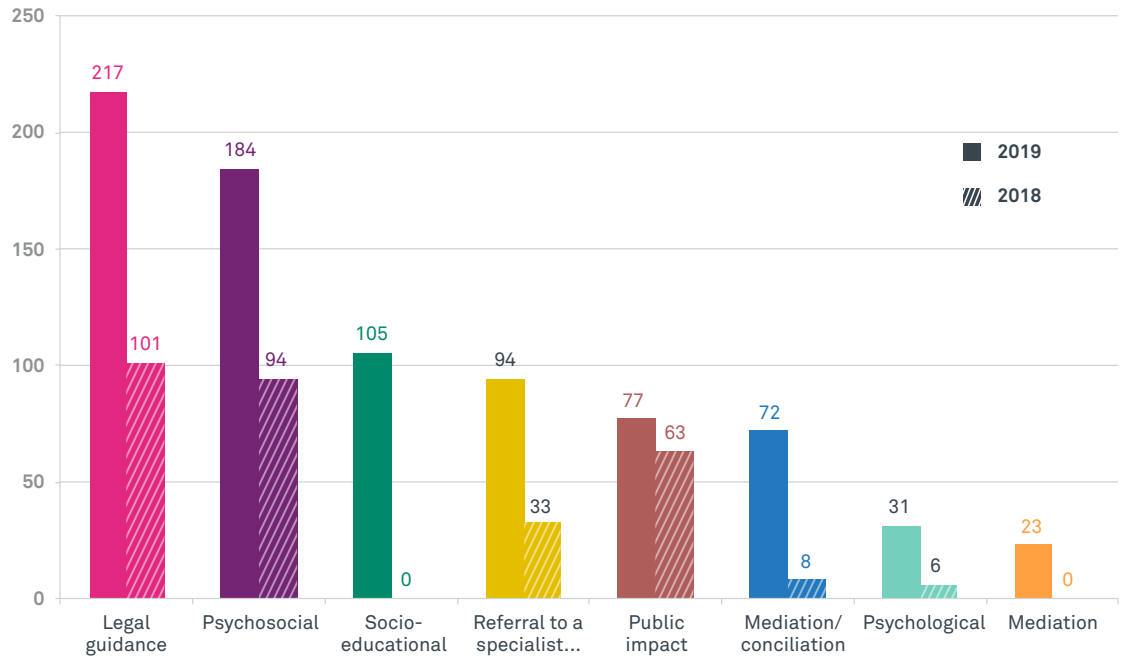
⁵⁶ The arrows show if there was a rise or fall in percentage terms (not in absolute numbers) between 2018 and 2019.

⁵⁷ In the 2018 report, some actions in the socio-educational sphere were included in the psychosocial category, valuing the effects of these actions more than the specialisation of the specialist who carried them out. However, for the 2019 report, the Board of Organisations decided to separate the two categories, valuing each type as different. Consequently, socio-educational actions recorded in 2018 do not appear in the comparative figure.

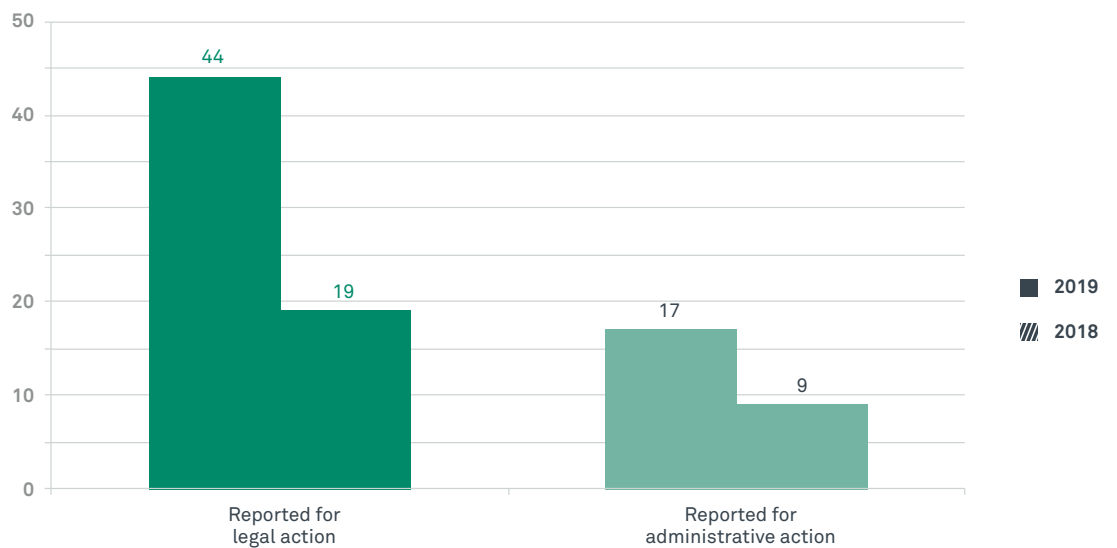
⁵⁸ In the 2018 report, the mediation actions were included in the intermediation category, but for the 2019 report the Board of Organisations decided to separate the two categories to reflect the specific nature of each one. Consequently, the mediation actions recorded in 2018 do not appear in the comparison.

⁵⁹ The total figure in this case does not correspond to the total situations reported (411), because in some cases, more than one type of right was infringed.

Graph 27. Support and assistance 2018 - 2019 (#)



Graph 28. Reporting 2018 - 2019 (#)



5. Conclusions

The quantitative and qualitative data collected in *section 4* of the report paints a picture of some of the discrimination cases and trends in our city, which enable us to draw the following conclusions:

1. During 2019, the Board of Organisations for the Assistance of Victims of Discrimination recorded **411 discriminatory situations**, a figure that is much higher than the 2018 total (265). This increase is conditioned by **the incorporation of new organisations onto the Board**, which **broadened the radius in which discriminatory situations were collected**.
2. Despite the increase in cases, it is clear that **low report rates** continue to be a problem that conceals the full picture of discrimination in Barcelona. A conclusion drawn from the focus groups carried out with Board organisations and people affected by discrimination was that, beyond the causes already mentioned in the last report, contributing factors to low report rates in Barcelona include the possible financial cost incurred by reporting a discrimination, the lack of legal recognition of some discriminations and the legal protection of some discriminatory practices, and citizens' lack of knowledge of infringement of rights and confusion regarding where to go when a discriminatory situation occurs.
3. **People who identify as of the male gender continue to report more cases** than those who identify as of the female gender. There are multiple factors that contribute to this situation, including internalisation or assimilation of sexist reactions, behaviours or interests as normalised by many women starting from a certain age band, and having less time than men to empower themselves and make the step to report discrimination. Another key factor in the context of this report may be the significant diversity of municipal services, such as PIAD, SARA, UTEH, SAH, SAS, etc. (within the Area of Social Rights and Feminisms), dedicated to feminist causes, which may mean that some complaints do not reach the organisations in the Board.
4. The people that reported the most discriminations in 2019 were aged **between 25 and 39**, followed closely by people aged between 40 and 64. As for their administrative situation – a detail that has started to be collected in this report – the data shows that most people who went to the OND or another of the city's organisations that assist victims of discrimination were in a **regular administrative situation**, while **12%** were in an irregular situation, refugees or asylum seekers, all circumstances which, to a lesser or greater degree, entail **added vulnerability when reporting situations of discrimination**.
5. In 2019, **private organisations or companies** and **individuals** continued to be the main discriminating parties, at around **73%** of cases: 10% higher than in the cases recorded in 2018. Meanwhile, the **public administration** has improved from 30% in 2018 to approximately **16%** of cases analysed in 2019, while **law enforcement agencies** were involved in around **10%** of cases. Focusing now on who carried out the discrimination and for what reasons, we can see that **individuals** were the main discriminating parties in situations linked to **LGTBIphobia**, and in the case of **racism and xenophobia**, which was also the main motivation in discriminations committed by **law enforcement agencies**. **The public administration**, meanwhile, was the main discriminating party in the spheres of **health and disability**, in the latter

- case, at the same level as **private organisations or companies**, which are also the main discriminating parties in discriminations motivated by **apophobia** and **linguistic discriminations**.
6. The district where the most discrimination cases were recorded is **Ciutat Vella**, followed by **Eixample** and **Sants-Montjuic**. As for the specific context where the situations happened, there is a balance between **public and private spaces**. Looking more closely at where exactly the discriminations took place, we see that, in the public space, the most cases are reported in **the city's parks and on its streets, beaches and squares**, followed by public transport, mainly on the Barcelona metro. In the private sphere, the spaces where the most discriminations occurred are **houses, flats and dwellings, and bars and restaurants**.
 7. **Racism** and **xenophobia** continue to be the main causes of discrimination in the city. The second, as in 2018, is **LGBTI-phobia**. **Linguistic** discriminations increased in 2019 (coinciding with the incorporation of the Platform for the Language into the Board of Organisations) and took third place, followed by discriminations based on **disability** and those motivated by **socio-economic factors** and **health**.
 8. When it comes to the consequences of discrimination regarding the **infringement of the person's rights**, the right to **moral integrity** continues to be the most affected, as in 2018. The most relevant figure, however, is the **71** violations of physical integrity, which refers to discriminations expressed in the form of **physical assaults**. The most affected group in these cases is the **LGBTI collective**, followed by **people of colour and foreign nationals** or **people of a different ethnic origin**, as well as **homeless people**.
 9. Practically all the situations recorded were cases of **direct discrimination**. Out of all the discriminations motivated by racism and xenophobia, or by LGBTIphobia (the two most common reasons), the majority were expressed through **different treatment** of the person affected. A third involved **abusive behaviour**, through abusive comments or gestures, and **22%** resulted in a **physical assault**. The 22 cases of **indirect discrimination**, meanwhile, involved **public policies, advertisements and laws** considered discriminatory.
 10. As for the response given to the people affected by discrimination by social organisations and the OND, the majority of the action taken consisted of support and assistance for the affected persons, especially in terms of **legal guidance (27%)** and **psycho-social care (23%)**. Out of the 411 cases of discrimination reported, **61 resulted in further action**, 72% of which were **criminal proceedings**.

6. Challenges and recommendations for 2020

This section sets out the main challenges faced this year in the field of discrimination, which will condition the action plans made by the organisations that make up the Board and the OND, and by the City Council, to fight discrimination in 2020. It also contains some recommendations to tackle these challenges.

To respond to manifestations of racism and xenophobia

- The manifestation of **racism** and **xenophobia** in public and shared spaces is one of the most worrying phenomena, due to the increase in number of cases and the lack of tools to intervene.
- An important advance made has been the application of administrative remedies within the regulatory framework of the **Byelaw of measures to promote and guarantee citizen co-existence in Barcelona's public spaces**, but work must still be done to bring together the **regulations and the degree of implementation in discrimination cases**.
- It is planned to **assess the effectiveness of the sanction**, especially when it comes to discriminatory and racist behaviour, and consider **alternative sanctions or replacement measures**, linked to training and community work, as another prevention and awareness-raising formula.
- Finally, the byelaw gives the police powers, in their administrative role, to enforce the regulations. Police intervention in this sphere could become the ideal context for identifying situations of racism. Plans must therefore be made and implemented for ongoing, mandatory training of GUB officers in defending rights and fighting against discrimination. In that line, training has already been carried out to fight hate speech and discrimination.
- To combat the police practice of **identifications based on racial profiling**, it is recommended that **details are compiled** of identifications made by law enforcement agencies that act in Barcelona, such as ethnic origin, religion, language and nationality, while guaranteeing the confidentiality of the individual's information and obtaining their free and informed consent, in line with police experiences in Ciudad Lineal, Fuenlabrada and Girona, which participated in the PIPE/STEPS European projects.
- Measures should also be adopted to **increase the presence of members of different ethnic groups in the Guàrdia Urbana de Barcelona** (ECRI 2011 report, recommendation no. 208, p. 46) and social diversification programmes should be implemented, as is already being done in other police forces like the Mossos d'Esquadra.
- Another recommendation is to **guarantee that community mediation interventions take the axes of racism and LGBTI-phobia into account**, as they condition conflicts that may arise in a specific way. Therefore, any intervention requires a perspective that recognises them as conditioning factors in order to find and arrive at a solution. These cases require an integrated intervention that considers and responds to these situations from a community conflict resolution perspective and restores the right infringed. Furthermore, more channels of community intervention in a residential context must be explored, other than action through the resident communities in blocks of flats.
- Regarding **young migrants**, one of the main challenges is to provide a collective and coordinated response to **infringements of their rights by the police and to fight stigmatisation**.

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- Regarding social rights (**housing, health care and education**), it is essential that **existing regulations be applied**. In particular, racist bullying must be identified and tackled in schools and discrimination must be avoided in health-care contexts, while regulations for those in an irregular situation are fulfilled. In this line, more work needs to be done to shed light on the problem caused by the requirement for Social Security numbers for asylum seekers, both in Barcelona and in Catalonia in general, which makes it impossible for them to get work.
- It will also be important to continue highlighting problems associated with the **Aliens Act** and access to Spanish nationality.
- Various recommendations have been identified here for the police forces (the third discriminating party for racism and xenophobia) but another challenge is identifying recommendations for **individuals** as well as **private organisations and companies**, which are the main discriminating parties.

To respond to LGBTI-phobia

- In an educational context, another challenge will be posed by the impact of certain policies and **discourses against feminisms and public education**. It is important to be prepared for the possibility that policies like the **parental veto** may arrive in Barcelona.
- In a State-wide legislative context, pressure must be exerted to ensure that, during this term, two legislative initiatives from previous terms are passed. The first is the **Spanish LGBTI Act** and the second is the **Trans Act**, which covers the specific needs of this collective in terms of dealing with the specific problems they encounter in areas such as access to the labour market and to decent housing.

- In the Catalan context, more work must be done to reassess and continue to roll out all of **Act 11/2014 to guarantee the rights of lesbian, gay, bisexual, transgender and intersex people and eradicate homophobia, biphobia and transphobia**.

To respond to other discriminations

- A key area that affects all axes of discrimination is housing. The Board of Organisations supports a change in focus, which understands the **right to housing as the right to a home**, which includes both access to decent housing and the right to enjoy it effectively. It therefore also includes **good relations with neighbours**, which has been treated as a separate aspect until now. Accordingly, it is essential to apply existing regulations and continue sanctioning.
- Regarding **leisure spaces**, the administrative complaint **process provided for by the Regulation on Public Entertainment and Recreational Activities** must be strengthened as an effective instrument for reporting discriminations related to the right of admission.
- In terms of discrimination based on **disability**, one of the most significant challenges in 2020 is to **tackle poor accessibility, especially regarding cognitive accessibility**, as accessibility is required for other rights to be ensured and is a requirement for people with intellectual disabilities to live independently and participate in society fully on equal terms with others.
- **The breakdown in basic consensus regarding the view of Catalan as a common language for cohesion in spheres like education** may contribute to aggravating hostile attitudes towards the use of the Catalan language and, therefore, may lead to more linguistic discrimination. The challenge consists of continuing to defend people affected

by linguistic discrimination and continuing to emphasise the need to build social cohesion in Barcelona on the basis of the Catalan language.

- In the sphere of discrimination based on **socio-economic factors**, a priority for 2020 is to fight for **aporophobia to be considered a hate crime in the Criminal Code**.
- In the **health** sphere, challenges for 2020 include recognition of a **person's legal capacity**; adaptation of health-care practices and protocols and laws (both regional and State-wide) to the indications of the **New York Convention, in terms of a person's legal capacity**; and **the elimination of mechanical restraints** from health-care practices.
- Another important issue to be tackled regarding the protection and defence of the rights of **people with HIV and AIDS** is the passing of a social pact for non-discrimination. In Catalonia, the 'National agreement to tackle the HIV epidemic in Catalonia and the associated stigma' was passed in 2014. This included the development of a social pact for non-discrimination. On a State level, through CESIDA and FELGTB, a State social pact against discrimination towards people with HIV and AIDS is currently being developed. With this in mind, one of the key goals for 2020 is for the contents of the **social pact for non-discrimination in Catalonia and of the State-wide social pact to be passed**.
- Finally, on a more global level (affecting the local sphere as well as the Spanish State, European and international spheres), we need to take into account the emergence of far-right groups and discourses, and others with increasing visibility that **promote and normalise hate speech and legitimise discriminatory situations**.

To guarantee equal treatment and non-discrimination

- Regarding the Catalan Equal Treatment and Non-discrimination Act, which provides for the deployment of a **national plan for equal treatment and non-discrimination**, and the nomination of a **body for equal treatment and non-discrimination**, a fundamental challenge is getting it passed during this term.
- For the public administration, one of the main challenges in 2020 is to **safeguard local entities' power to impose sanctions against discriminatory acts**.
- Barcelona City Council is also making calls for recognition of its legal authority to **appear as the popular prosecutor** on behalf of public authorities in discrimination cases.
- As for discrimination within the context of insurance, a **code of ethics** should be created so that **Barcelona City Council does not take out insurance with companies that discriminate** and infringe citizens' rights.
- From an educational perspective, citizens and visitors to the city must be made aware of the **regulations in municipal byelaws that affect community harmony**, which include information on people's rights and what discriminatory attitudes are forbidden in Barcelona.
- Furthermore, reinforce **mandatory training** on human rights and non-discrimination is recommended for the **local police**, as well as for **security guards and public transport inspectors**.
- Difficulties in obtaining evidence and recording it appropriately in cases of discrimination or infringements of the right to equality suggest that more **training and protocols** are needed for members of various law enforcement agencies, especially the **Guàrdia Urbana de Barcelona, to be able to collect evidence of these offences properly**.

In addition, **more information, training and awareness-raising is needed among victims and offenders** on discriminatory conduct that may lead to criminal or administrative proceedings.

- Furthermore, employees at Barcelona City Council, especially in **citizens' help and information services** such as OACs, social services and others, require more specific training on infringements of rights and discriminatory conduct in order to empower citizens, detect discriminatory situations and correctly refer victims to the right agencies.

Challenges for the Board of Organisations

- For the **Board of Organisations, one of the most significant challenges is to incorporate an intersectional analytical perspective in the discriminatory situations analysed in the report.** This perspective enables us to analyse situations in terms of discriminatory practices, which are situational within a web of different conditions of possibility, and which often elude us when we reduce analysis to categories of identity. In this area, the incorporation of tools like **Relief Maps** will be key, as they will provide a more holistic vision of discriminatory situations.
- Another challenge faced by the Board is to broaden its scope of action, especially on less represented axes of discrimination, such as **gender, religion and age**, among others. To achieve this, it is important to continue to incorporate organisations that work in these areas.
- Work also needs to be done to **raise report rates** in discrimination cases and draw more attention to the discriminatory situations that occur in the city, in order to **fight the normalisation and internalisation of discrimination.** To do this, in 2020,

there is more work to be done based on the **conclusions drawn from the two focus groups**, in which the causes of this phenomenon were analysed and both organisations and people affected by discrimination started to suggest **strategies to tackle discrimination.**

- As a result of debate in the focus groups on the causes of low report rates, it was detected that there is currently a division between services to assist people affected by situations of discrimination and, therefore, victims often feel disorientated, lost and alone, which discourages them from reporting cases, thus concealing these situations. To remedy this, the participating organisations have decided to offer **integrated psychological and legal services with an intersectional perspective.**
- Emphasis has also been placed on the need to go beyond report rates and victim assistance and focus on prevention of discrimination, while highlighting and promoting rights as a way of guaranteeing them, thus avoiding social stigma and violations of rights. Recommendations to achieve this include **reinforcing discrimination prevention and rights promotion work**, multiplying training initiatives and agents, and providing tools to empower (information on laws, resources, etc.) agents linked to discrimination prevention and rights promotion (citizens' help and information services, law enforcement agencies, civil servants, etc.).
- Staying in the area of low report rates, it is important to work specifically with the groups in which report rates are especially low (such as Romani and Muslim people) and design strategies that make it easier for women to report discriminations.

- To continue making progress in the fight against discrimination against people with protected characteristics, **more support needs to be given to the specialist organisations that deal with discrimination cases in the city and their value must be recognised**, as they provide direct, cross-cutting assistance to people affected by various discriminations, by using their specific knowledge of different groups and communicating with the concerned parties.
- Finally, it is important to promote the development of **protocols for coordination, joint work and referral between the OND and each of the Board organisations**, as stated in the SAVD general framework for action, with a view to defining principles, aims and methodology through the creation of basic protocols for action, methodological tools for communication between organisations and criteria for coordination, joint work and referral.

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

Office for Non-Discrimination:

<https://ajuntament.barcelona.cat/oficina-no-discriminacio/ca>

Catalan Association for Integrating Homosexual, Bisexual and Transsexual Immigrants:

www.acathi.org/ca

Catalan Association for the Defence of Human Rights:

<https://acddh.cat>

Bayt al-Taqafa:

www.bayt-al-thaqafa.org

Cepaim:

<https://cepaim.org>

Dincat:

www.dincat.cat

ECOM Federation:

www.ecom.cat

Catalan Mental Health Federation:

www.salutmental.org

Veus Federation:

<https://veus.cat>

Fil a l'Agulla:

filalagulla.org

Secretariado Gitano Foundation:

www.gitanos.org

Gais Positius [Positive Gays]:

<https://gaispositius.org>

Irídia:

<https://iridia.cat>

Observatory Against Homophobia:

<https://och.cat>

SOS Racisme Catalunya:

www.sosracisme.org

Unión Romani:

<https://unionromani.org>

Network of Services for Homeless People (XAPSLL): :

<https://sensellarisme.cat/ca>

Other websites consulted

Department of Statistics and Data Dissemination (Barcelona City Council):

www.bcn.cat/estadistica/catala

Dones amb llar/Women with a home (Assis Shelter):):

www.assis.cat/totes/tag/dones+amb+llar

Escoles per la igualtat i la diversitat/ Schools for equality and diversity (Barcelona City Council):

<https://igualtatidiversitat.edubcn.cat/el-programa/els-centres>

Lola, No Estás Sola (Lola, You're Not Alone):

<https://lolanoestassola.org>

No Quiero Una Escuela Segregada (I Don't Want a Segregated School – FSG):

www.noquierounaescuelasegregada.org

World Health Organisation (WHO):

www.who.int/es

Relief Maps (Open University of Catalonia):

www.reliefmaps.cat/ca

Tell mama. Measuring Anti-Muslim Attacks:

<https://tellmamauk.org>

Zero contencions (Zero restraints):

www.0contenciones.org

8. Glossary

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

Affirmative action: Strategy aimed at establishing equality through (temporary) measures that resist or correct the discriminations resulting from social practices or systems. In other words, it is an instrument that develops the principle of equal opportunities and tends to correct inequalities. (*Council of Europe Gender Equality Commission*)

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

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

Aporophobia: Contempt, phobia, aversion, rejection or hatred of people in poverty. As a behaviour, it may dehumanise the person and consider them an object. Legally, it is a hate crime that is not yet recognised in the Spanish Criminal Code.

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

Disability: A situation that results from the interaction between people with foreseeably permanent deficiencies and any type of barriers that limit or prevent their full and effective participation in society, on equal terms with others.

Discrimination: Any distinction, exclusion, restriction or preference based on any ground, such as race, culture, ethnic origin, nationality, sexual orienta-

tion, religion, physical disability or other characteristics that are not relevant to the matter in question.

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.

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.

Functional diversity: Alternative, less negative term for 'disability'.

Gender: Sociocultural construct of social, cultural, political, psychological, legal and economic features that society assigns to people in isolation, as characteristic of what it is to be a man or a woman. (*Feminisms and sexual and gender diversity glossary, Barcelona City Council*)

Gender expression: Form and way of expressing oneself, tastes and behaviour that is expected from a particular gender and which is imposed. There is male gender expression and female gender expression and, for androgynous people, gender expression is a mixture of the two, which may vary. (*Feminisms and sexual and gender diversity glossary, Barcelona City Council*)

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).

Hate crimes: Any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence is selected because of a real or perceived connection, attachment, affiliation, support, or membership of a group as defined in part B; B) A group may be based upon a characteristic common to its members, such as real or perceived 'race', national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factors. (*Organisation 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 conditions. (*European Commission against Racism and Intolerance - ECRI*)

Homelessness: Persons that cannot access or keep permanent adequate housing, adapted to their personal situation, that offers a stable context for living together, either for economic reasons, due to social barriers or because they have personal difficulties that prevent them from living independently. (*FEANTSA, European Federation of National Organisations Working with the Homeless*)

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

Intellectual disability: Intellectual disability is a disability characterised by significant limitations in both intellectual functioning and in adaptive behaviour, which covers many everyday social and practical skills. This disability originates before the age of 18. (*American Association on Intellectual and Development Disabilities – AAIDD*)

Intersectional discrimination: This refers to discrimination suffered by a person due to their positions in different social structures, where discrimination is not the sum of various discriminations, but rather a specific configuration created by the different positions (gender, origin, age, etc.) occupied by the person. It is therefore important to understand the specific way in which discrimination or inequality is configured at each intersection.

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

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

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

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

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

Multiple discrimination: This occurs when one person suffers discrimination on various grounds. It is often viewed in an additive way; the various causes of discrimination add up to have a negative impact on the person's life.

Non-motor physical disability: An impairment with organic causes, such as kidney, heart, lung or other diseases, that affects the person's ability to carry out some everyday activities.

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

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

Racism: Any form of exclusion, segregation, discrimination or aggression against people due to their ethnic or national origin, the colour of their skin, their religious beliefs, their cultural practices or any other characteristic. It is not just an ideology: it is a systematic, routine practice that is necessary to maintain a power structure based on Western cultural hegemony. It is manifested through institutional relations and everyday relations. It is produced and reproduced constantly. It may be expressed explicitly through racialising language or simply implied. It is structural, with deep roots in a past marked by slavery, pillaging, usurpation, domination and exploitation in the context of colonial modernity.

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

School segregation: Concentrations of pupils with similar characteristics (ethnicity, social status, nationality, etc.) in certain schools, classrooms or school groups.

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

Sex: Sex is a concept linked to biology, to the body of human beings. Our species usually presents sexual dimorphism; 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 or chromosome pattern that does not seem to fit the typical biological ideas of male and female.

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. This is a spectrum of sexuality that refers to the direction of people's desire, is defined through gender, and has physical, sensory, emotional or affective implications.

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.

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.

APPENDIX

Appendix 1. Protected personal characteristics for non-discrimination

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

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

	INTERNACIONAL		EUROPEAN UNION		SPAIN
	<p>Universal Declaration of Human Rights, UDHR, United Nations (1948)</p> <p>Article 1. All human beings are born free and equal in dignity and rights.</p> <p>Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law.</p>		<p>Treaty on European Union (1992)</p> <p>Article 9. In all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and services.</p>		<p>Spanish Constitution (1978)</p> <p>Article 1.1. Spain is hereby established as a social and democratic State, subject to the rule of law, which advocates freedom, justice, equality and political pluralism as the highest values of its legal system.</p>
86	<p>International Covenant on Civil and Political Rights, ICCPR (1966)</p> <p>Article 2.1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p>Article 14. All persons shall be equal before the courts and tribunals.</p> <p>Article 26. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p>		<p>Charter of Fundamental Rights of the European Union (2000)</p> <p>Article 20. Everyone is equal before the law.</p> <p>Article 21.1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.</p> <p>Article 21.2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.</p>		<p>Article 9.2. It is the duty of public powers to promote the conditions that ensure that the freedom and equality of individuals and the groups they are part of are real and effective; to remove the obstacles that prevent or impede their plenitude and to facilitate the participation of all citizens in political, economic, cultural and social life.</p> <p>Article 14. Spaniards are equal before the Law and may not be discriminated against in any way on the grounds of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.</p>
				<p>Act 34/1988 of 11 November</p>	<p>On advertising.</p>
			<p>European Convention for the Protection of Human Rights and Fundamental Freedoms, ECHR, European Council (1950)</p> <p>Article 14. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.</p>	<p>Framework Act 4/2000 of 11 January</p> <p>Framework Act 3/2007</p> <p>Act 19/2007</p>	<p>On the rights and freedoms of foreign nationals living in Spain and their social integration.</p> <p>On effective equality between women and men.</p> <p>Against violence, racism, xenophobia and intolerance in sport.</p>

International Covenant on Economic, Social and Cultural Rights, ICESCR (1966)	Article 2.2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. continuE	Protocol 12, preamble. All persons are equal before the law and are entitled to the equal protection of the law.	Legislative Royal Decree 1/2013 of 29 November	On the rights of persons with disabilities and their social inclusion (recast)
			Protocol 12, article 1.1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.	Royal Decree 1112/2018 of 7 November	On the accessibility of public sector websites and mobile device applications
International Convention on the Elimination of All Forms of Racial Discrimination (1965)			Protocol 12, article 1.2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.		
International Convention on the Elimination of All Forms of Discrimination against Women, CEDAW (1979)					
International Convention on the Rights of Persons with Disabilities (2006)	Article 9.2. States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.	European Council Directive 2000/78/EC	Equal treatment in employment and occupation.		
		European Council Directive 2000/43/EC	Equal treatment between persons irrespective of racial or ethnic origin.		
		European Council Directive 2002/73/EC	Principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.		
		European Council Directive 2004/113/EC	Principle of equal treatment between men and women in the access to and supply of goods and services.		
		European Parliament and European Council Directive 2006/54/EC	Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).		
		European Charter for the Safeguarding of Human Rights in the City (1998)	Article II. Principle of equality of rights and non-discrimination. The rights contained in this Charter apply to all persons who inhabit the signatory cities, irrespective of their nationality.		

Appendix 3. Regional and municipal discrimination protection laws

a. Regional laws (Catalonia)

Statute of Autonomy of Catalonia

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

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

Preamble

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

Article 2.b

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

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

Act 13/2014 of 30 October on accessibility

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

Article 4, three

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

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

Preamble

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

Article 9

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

Article 13

Act 12/2009 of 10 July on education

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

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

Articles 5.1.d, 10 and 47

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

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

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

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

b. Municipal laws and byelaws (Barcelona)

Regulatory Byelaw on e-Government (2009)

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

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

Municipal byelaw on public activities and establishments (2003)

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

Article 114.1.h.

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

Preamble, articles 38.1 and 112.1

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