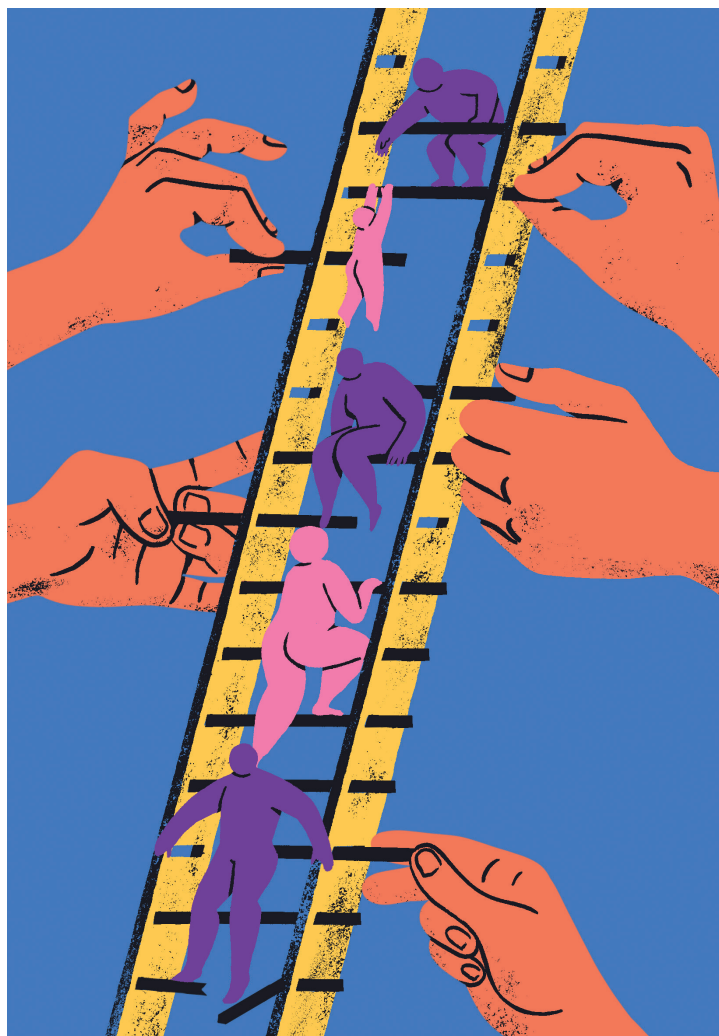


Barcelona Discrimination Observatory Report 2022



Report
July 2023

Directorate of Citizen Rights Services;
Area for Social Rights, Health, Cooperation and Community



**Ajuntament
de Barcelona**



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Title

Barcelona Discrimination
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The Centre for Human Rights
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With information and partici-

pation from the Office for Non-Discrimination and the Board of Organisations with Care Services for Victims of Discrimination, made up of: ACATHI, ACCAPS, Àmbit Prevenició, Catalan Association for the Defence of Human Rights (ACDDH), Bayt al-Thaqafa, Cepaim, Barcelona Youth Council (CJB), Advisory Council for the Elderly (CAGG), Creación Positiva, Dincat, Exil, ECOM Federation, Salut Mental Catalunya Federation (FSMC), Veus Federation, Fil a l'Agulla, Secretariado Gitano Foundation (FSG), Gais Positius, Irídia, Association for Sexual and Reproductive Rights, Observatory against Homophobia (OCH), Observatory of Islamophobia in Catalonia (ODIC-SAFI), Plataforma per la Llengua, Support Network for the Homeless (XAPSLL), Sindicat de Llogateres, SOS Racisme Catalunya and Unión Romani.

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Preface

Barcelona is a global example of an open, democratic and diverse city, whose value lies in the multiple coexisting identities and cultures that make it a place for all. But while all its residents want to live freely and without fear, it is not immune to conflict, and also sees cases of discrimination.

This 5th Barcelona Discrimination Observatory Report would be remiss if it did not acknowledge the work carried out for our city by the Board of Organisations with Services for Victims of Discrimination (SAVD). Created in 2017, this forum comprises over 25 organisations that work closely with the Office for Non-Discrimination (OND) to defend rights and combat discrimination, with the aim of guaranteeing a more dignified life for all residents. Their shared commitment to adopting an intersectional perspective in addressing and identifying discrimination is key, as this approach allows them to go beyond simply quantifying and itemising the cases addressed by their care services. Through their work, they are able to shed light on a system of structural forms of oppression and areas of discrimination – often interacting simultaneously – with the goal of progressing towards long-term public policies based on positive action and the commitment of both the public and private sectors.

It is no coincidence that intersectionality as a concept emerged in the 1980s in the United States thanks to social movements, Black feminism and Kimberlé Crenshaw as a way to understand how the discrimination, inequality and violence suffered by Black women was structured. According to this report, racism and xenophobia are still the main causes of discrimination in Barcelona. Understanding how they interact with other forms of discrimination, such as aporophobia and gender- and religion-based discrimination, is key to grasping the impact of this phenomenon. Year after year, we see a clear need to focus our efforts on education and the private sector, where racial discrimination and stigma persist, which is why these are two of the main lines of action in the “For an Anti-Racist Barcelona 2022-2025” government measure.

In 2022, 631 cases of discrimination were recorded in the city of Barcelona, 25% more than the previous year. Far from a bleak trend, this suggests greater public awareness of discrimination, as well as greater trust in the relevant institutions. It is a significant increase that tells us we must continue working for a Barcelona with fewer barriers to justice, with less under-reporting, and with greater reparation and better support. Behind every case of discrimination there is suffering, but also an opportunity for reparation and transformation to make our city a fairer place, where we can all live our lives with full rights and freedom.

Marc Serra Solé

Councillor for Citizen Rights and Engagement in 2022.

1 Introduction

The Barcelona Discrimination Observatory is a key tool for progress towards protecting and guaranteeing human rights, and preventing and eradicating discrimination. This year the Observatory presents its fifth annual report, which highlights the impact of discrimination on individuals and the initiatives under way to prevent and eradicate it.

A record of quantitative and qualitative evidence of discrimination is essential to enact policies and measures aimed at guaranteeing and protecting rights, in addition to carrying out prevention, reporting and awareness-raising work on how negative or harmful biases and stereotypes affect individuals and groups.

This report is based on data, first-hand testimonies and reflections collected from both municipal services and community organisations in the city that offer care services to victims. It also includes a new section analysing the **right of access to justice**. This analysis aims to shed light on the public's main needs and proposals in relation to securing a response from the justice system and, most importantly, guaranteeing access to justice, whether through institutionalised mechanisms or alternative conflict resolution approaches, whenever a right has been violated.

The **second section** explains the principles of equality and non-discrimination, complemented by the rights-based approach, substantive equality from a gender perspective and intersectional analysis. It also reviews legislative developments in the field of equal treatment and non-discrimination, noting the recommendations issued by European and international mechanisms for the protection and guarantee of human rights.

The **third section** describes the report's methodology and the categories analysed, providing information on the goals of the Board of Organisations with Services for Victims of Discrimination (SAVD), the importance of reporting cases through the Office for Non-Discrimination (OND) service, the forms of discrimination they work with, and the type of support and responses they offer to people experiencing discrimination in the city.

The **fourth section** analyses the quantitative and qualitative data we have on discrimination in Barcelona. The main sources of information are data on the cases of discrimination documented by the OND and the SAVD Board in 2022, as well as data from the latest Survey on Neighbour Relationships and Harmony in the Barcelona Metropolitan Area (ECAMB), carried out in 2022. It also includes the experiences of people who have suffered discrimination, presenting real cases that provide a window into the current situation in the city.

The **fifth and sixth sections** summarise the conclusions of the report, the main anti-discrimination initiatives undertaken in the past year, and the set of challenges that the Office for Non-Discrimination and the SAVD Board have identified as the most significant for the prevention and eradication of discrimination in the medium term.

2 Equality and non-discrimination: concepts, guarantee mechanisms and legislative developments

“Justice is what’s essential. And how can people be just if the main injustices remain invisible?”

Saskia Sassen, Dutch sociologist, author and professor.

Equality and non-discrimination are fundamental and essential principles of human rights; above all, they strengthen dignity and justice among people living together. It is significant to note that the United Nations estimates that by 2030, 60% of the world’s population will live in cities. This challenge makes it necessary to put an end to discrimination in its many forms, exhorting city residents and public and private institutions to strive for equitable, just and sustainable development in order to create cities where all people can enjoy equal rights and opportunities, as well as their fundamental freedoms.¹

Ever since it was proclaimed and adopted in 1948 by the UN General Assembly, the Universal Declaration of Human Rights (UDHR) has recognised equality as one of the key principles that guarantee all other rights. In other words, everyone has an inalienable and equal claim to the enjoyment of human rights. As it says in Article 2: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race², colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Equality refers to the universal nature of human rights, recognising that all people are entitled to rights as an inherent part of what it means to be human. **Non-discrimination** seeks to protect people and groups whose rights and freedoms have historically not been recognised (women, people with disabilities, immigrants, LGBTIQ groups, etc.) through recognition in various international, national and local mechanisms.

1 The New Urban Agenda of the United Nations (2016).

2 The UDHR, as well as in subsequent treaties, covenants, conventions and laws, uses the term *race*; the Barcelona Discrimination Observatory believes that this term must be used with a critical perspective, which is why we have chosen to use the term *racialisation* (see definition in the glossary).

What constitutes discrimination?³

Discrimination is an act that violates people's dignity, human rights and fundamental freedoms. It is differential, preferential, restrictive, unfavourable, exclusionary and unfair treatment among people in any area of society, be it institutions, the public sector or the private sector, based on prejudice, stigma and beliefs that manifest themselves as rejection and attacks that have a direct or indirect harmful effect on those who suffer it, thus perpetuating inequality and the violation of human rights.

All initiatives aimed at preventing and eradicating discrimination are human rights initiatives, in that they promote, protect and guarantee such rights. This means recognising that people are **rights holders**; that organised citizens, organisations and private businesses are **responsibility bearers**, and that states, local governments, and their institutions and employees are **duty bearers**. This is called adopting a **rights-based approach**, where each group has a fundamental role to play in guaranteeing the right to equal treatment and non-discrimination, and in recognising the human rights of all people **in accordance and compliance with the national and international mechanisms created for their protection**.

Moreover, thanks to women's struggle for recognition as "**subjects of rights**", the principle of equality before the law and equal treatment began to take on new meaning in "substantive equality", first recognised in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979.

Substantive equality refers to not only proclaiming equality among people in the legal framework, but also ensuring that there is no direct or indirect discrimination in the implementation of policies and programmes aimed at improving people's opportunities and conditions for exercising their rights and accessing the benefits available in society, rather than mere "formal equality".⁴

Achieving substantive equality means recognising and addressing the historical disadvantages faced by people that limit the enjoyment and exercise of their rights. It means adopting a strategy aimed at making people's concerns and experiences, in all their diversity and uniqueness, an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all spheres of society. This strategy is known as a **gender-based approach**. It identifies disadvantages in power relations in order to overcome societal divisions between female and male roles, and then to eradicate the stereotypes, practices and beliefs that discriminate against certain groups of people (not only through individual actions but also in institutional, legal and societal laws and structures,⁵ as in the case of women in male-dominated spaces) and that condition the effectiveness of equality in a law or policy even if it is not explicitly discriminatory.

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

4 Handbook on European non-discrimination law. European Union Agency for Fundamental Rights (FRA), 2018.

5 According to the CEDAW, in order to achieve substantive equality: "Firstly, States parties' obligation is to ensure that there is no direct or indirect discrimination against women in their laws and that women are protected against discrimination (...) in the public as well as the private spheres by competent tribunals as well as sanctions and other remedies. Secondly, States parties' obligation is to improve the de facto position of women through concrete and effective policies and programmes. Thirdly, States parties' obligation is to address prevailing gender relations and the persistence of gender-based stereotypes that affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions."

Another strategy for achieving equality is through **positive action measures**, which are taken exceptionally and for a limited period of time in order to accelerate equality. That is, they give preferential or positive treatment to people belonging to certain groups in order to mitigate or redress the harm caused by discrimination. For example, gender quotas for the lists of candidates in elections can counteract the effects of the power imbalance between genders. Preferential treatment is necessary to ensure effective equality.⁶

Additionally, it is recognised that a person or group of people may experience **multiple discrimination** over the course of their lives (lack of access to housing, lack of access to education, lack of recognition of citizenship and lack of access to justice, among others), thus creating a triple or quadruple impact on the recognition of their rights, and each case of discrimination can be treated separately. On the other hand, in the case of **intersectional discrimination**, the grounds of discrimination are interrelated, creating a single type of discrimination. It is more than the context⁷ and the experience of being affected by the sum of various acts of discrimination; rather, when someone has various identities, as is the case of a trans Afro-descendant immigrant who lacks the right papers and encounters structural forms of oppression (racism, sexism, ableism, patriarchy), they are simultaneously affected by intersectional phenomena, without one taking precedence over another. As such, the intersectional perspective⁸ takes into account the multidimensionality of people's experiences and identities and calls for a different way of thinking about identity, equality and the power imbalances that place affected individuals at a disadvantage in terms of the protection of their rights and in a position of "powerlessness" in terms of access to opportunities.⁹

6 The International Convention on the Elimination of All Forms of Racial Discrimination stipulates that affirmative action programmes may be requested in order to rectify systematic discrimination. However, these measures "shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved".

7 In intersectional analysis, context is not a specific place, but rather a set of circumstances surrounding a situation. That is, it concerns people and the interactions between them, places, ways of dealing with situations, any circumstance where there are advantages and disadvantages, etc. For example, there are cases of discrimination in which people, because of their gender identity, racialisation, age, economic status, health diagnosis, etc., are in spaces linked to one of these identities and as such may think that they will not be affected by discrimination, only to find that they are discriminated against due to another of their characteristics. This is why intersectional analysis shows that the impact of discrimination is linked to the significant weight of socialised stigma, prejudice, stereotypes and structural oppression, which can lead to violations wherever people interact, whether in public or private spaces. It is therefore crucial to identify the context of cases of discrimination in order to see their real impact.

8 Intersectional analysis was a contribution of Kimberlé Williams Crenshaw (1989), an American academic and professor specialising in critical race theory. She defines intersectionality as the "phenomenon through which each individual faces oppression, or holds privileges, as a result of the multiple social categories to which they belong".

9 European Parliament resolution of 6 July 2022 on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent (2021/2243(INI)).

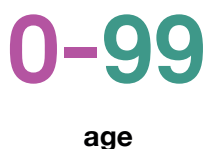
What are the grounds of discrimination?

In a context where multiple structural forms of oppression interact, people (i.e. rights holders) may be discriminated against due to their age, disability, ethnicity, origin, beliefs, racialisation, religion, sex or gender, sexual orientation, language, culture or other factors, in that they may be treated less favourably than other people in a comparable situation or may be perceived as belonging to a particular group or category of people. Discrimination prevents the recognition of full citizenship and participation in the development of society, and divides the community. A society in which discrimination is allowed or tolerated is a community in which people are deprived of the ability to freely exercise their potential, freedoms and autonomy. Infographic 1 below, “What is discrimination?”, is a visual summary of the first part of this chapter.

Discriminating is...

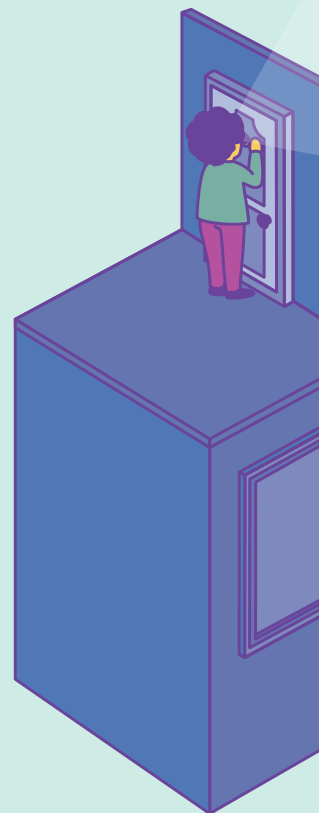
Treating some people or groups differently, worse, depending on their personal characteristics or situations, and preventing them, actively or passively, from fully enjoying their rights.

Grounds of discrimination...



What types of discrimination are there?

Discrimination can occur in any area of our life: at home, at school, at work, when we use public transport or on the street, when we shop in a store, when we go out or when we go to public administrations, for example.



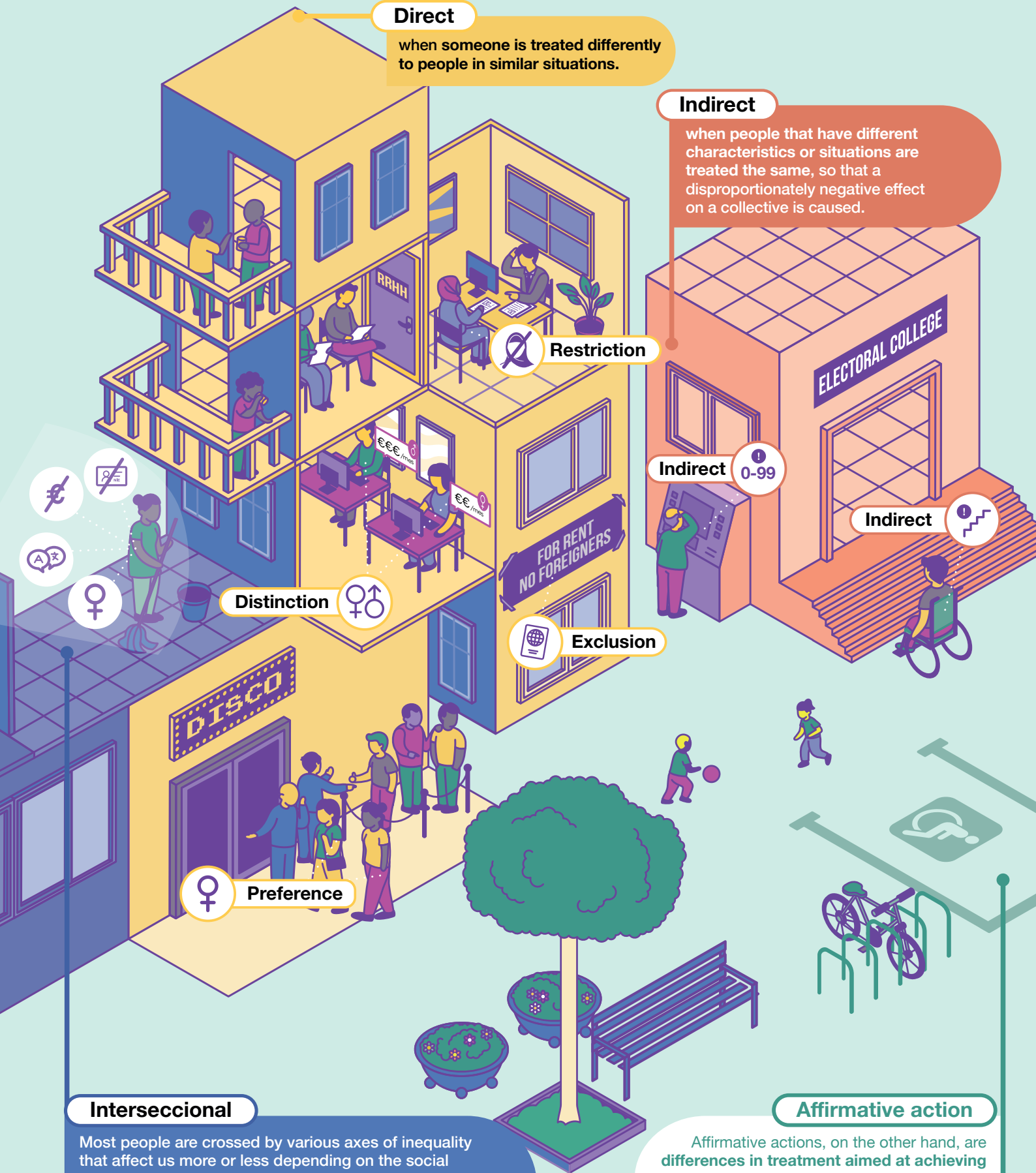
These discriminations can be:

Direct

when someone is treated differently to people in similar situations.

Indirect

when people that have different characteristics or situations are treated the same, so that a disproportionately negative effect on a collective is caused.



Restriction

Indirect 0-99

Indirect

Distinction

Exclusion

Preference

Interseccional

Most people are crossed by various axes of inequality that affect us more or less depending on the social context in which we are found and, therefore, we can be discriminated against for more than one reason. Often, the sum of these discrimination produces a specific or intersectional inequality.

Affirmative action

Affirmative actions, on the other hand, are differences in treatment aimed at achieving equality by preventing or eliminating the discrimination suffered by a group of people in a given area.

Protecting equality and non-discrimination

The principles of equality and non-discrimination are enshrined in the Universal Declaration of Human Rights (1948): “All human beings are born free and equal in dignity and rights” (Art. 1). The concept of equality is included in contemporary democracy, meaning that states have an obligation to protect vulnerable groups and individuals from unequal treatment. Article 2 establishes the principle of non-discrimination: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.”

Several international mechanisms, national regulations and local provisions on human rights have established principles, measures and procedures to guarantee and enforce the **right to equality and non-discrimination**, demonstrating that inequalities and discrimination require not only a political response, but a legal one as well.

At the international level, there are over 20 United Nations (UN) instruments that address the issue of discrimination through conventions, declarations, resolutions, action plans and working committees. The following are particularly relevant:

- 1965** International Convention on the Elimination of All Forms of Racial Discrimination
- 1966** International Covenant on Civil and Political Rights
- 1966** International Covenant on Economic, Social and Cultural Rights
- 1979** Convention on the Elimination of All Forms of Discrimination Against Women
- 1989** Convention on the Rights of the Child
- 1990** International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- 2006** International Convention on the Rights of Persons with Disabilities

At the European level, the Member States of the Council of Europe have committed to non-discrimination in Article 14 of the **European Convention on Human Rights**. This article provides protection against discrimination only in relation to the enjoyment of the rights covered by the Convention. **Protocol No. 12 to the European Convention** was created to facilitate the right to equal standing and the general prohibition of discrimination: “The enjoyment of any right set forth by law shall be secured without discrimination on any ground...” This protocol therefore extends the scope of the European Convention on Human Rights, as it covers discrimination in relation to any legal right, even when it is not covered by the Convention.

In Spain, Article 14 of the **Constitution of 1978** proclaims the right to equality and non-discrimination, and prohibits discrimination based on any personal or social condition. Section 2 of Article 9 lays down the obligation of government authorities to promote the conditions for, and remove obstacles to, true and effective equality between individuals

and the groups to which they belong. Non-discrimination thus complements the right to equality and the guarantee of the enjoyment of all fundamental rights and public freedoms. Its direct link with human dignity, one of the foundations of political order and social peace, as stated in Article 10 of the Constitution, further underlines the essential role of equality in the process of building an increasingly just society.

Comprehensive Act 15/2022, of 12 July, on equal treatment and non-discrimination.

This new piece of legislation aims to prevent and eradicate all forms of discrimination and to provide effective protection for victims in all areas of society, including education, health, culture, real estate and the workplace. According to the explanatory memorandum, it seeks to better transpose the aims and objectives of European Union Directives 2000/43/EC¹⁰ and 2000/78/CE,¹¹ as well as to incorporate constitutional case law on Article 14 of the Spanish Constitution.

The Act expands the scope of discrimination. Whereas previous initiatives against workplace discrimination had focused on gender equality, the Act broadens the focus to include all kinds of discrimination on any grounds. Illnesses, health conditions, HIV status, and genetic predisposition to health conditions or disorders are explicitly included as possible grounds for discrimination, as are other factors such as age, gender expression, language and socio-economic status, maintaining the last clause of Article 14 of the Spanish Constitution (“any other personal or social circumstance”). The Act also covers mistaken discrimination¹², multiple discrimination and intersectional discrimination, and includes inducing, ordering or instructing others to discriminate as discriminatory behaviour in itself.

In Catalonia, Catalan Act 19/2020, of 30 December, on equal treatment and non-discrimination, was passed in 2020. The Act seeks to eliminate any discrimination based

on birth or place of birth; origin, nationality or belonging to a national minority; race, skin colour or ethnicity; political or other opinion; religion, belief or ideology; language; cultural, national, ethnic or social origin; economic or administrative status, social class or wealth; sex, sexual orientation, sexual and gender identity, or gender expression; descent; age; phenotype or identification with an ethnic group; illness or HIV status; disability, or any other real or ascribed human condition. It also promotes the eradication of racism and xenophobia; antisemitism, Islamophobia, Arabophobia, Christianophobia, Judeophobia and Romaphobia; aporophobia and social exclusion; ableism; sexism; homophobia, transphobia, biphobia and intersexphobia; and the phobia of anything perceived as not “normal”.

The Act also regulates the rights and obligations of natural and legal persons, both public and private, and defines government measures aimed at preventing, eliminating and correcting all forms of direct and indirect discrimination in both the public and private sectors. It notes that the judiciary, public and private law enforcement agencies, and public authorities must adopt positive action measures and spearhead policies to promote equal treatment in the private sphere and reach agreements among the various social and economic sectors. They must also encourage organisations and businesses to implement social responsibility initiatives consisting of economic, commercial, labour, support and other measures aimed at promoting equal treatment and non-discrimination.

¹⁰ Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

¹¹ The purpose of this Directive is to lay down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation in employment and occupation, with a view to implementing the principle of equal treatment in the Member States.

¹² Discrimination based on an inaccurate perception of the characteristics of the person(s) being discriminated against. For example, cases where a person is not hired or promoted or their contract is not renewed because the employer mistakenly believes that they are gay, belong to a given ethnicity or are a trade union member.

The preamble of the **Statute of Autonomy of Catalonia** declares that “freedom, justice and equality are supreme values of community life”. Specifically, **Article 4, on guiding principles and rights**, speaks of the responsibility of Catalan government authorities to “promote the full exercise of the rights and freedoms recognised by this Statute, the Constitution, the European Union, the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and all other international agreements and treaties that recognise and guarantee fundamental rights and freedoms”. It encourages all government authorities to create the conditions for effective freedom and equality for all people and participation in all areas of society, and to promote values such as freedom, democracy, equality, diversity, peace, justice, solidarity, social cohesion, gender equity and sustainable development.

Barcelona has several municipal regulations in place, such as **Act 22/1998 of the Municipal Charter of Barcelona**, which states that Barcelona City Council is responsible for ensuring that negative discriminatory behaviour does not take place in the city. It emphasises that the city and its residents must extend their commitment to the defence and protection of fundamental rights to all people in the city, including those who are not residents (Article 38).

All the legal regulations mentioned in this section apply to the city of Barcelona. A number of rights-ensuring mechanisms have been implemented, from international to local level, to enforce these regulations. One of the most notable mechanisms at the local level is the Barcelona Ombudsman’s Office, a one-person institution attached to the municipal government whose mission is to defend the fundamental rights and public freedoms of everyone in the city, whether or not they are residents. It also supervises the activities of the municipal government and the public services under its jurisdiction, especially with regard to the rights and freedoms set out in the **European Charter for the Safeguarding of Human Rights in the City**.

Barcelona City Council’s Office for Non-Discrimination, a local human rights protection mechanism, also plays a key role in addressing human rights violations specifically related to discrimination.

Developments in legislation and international guarantee and protection mechanisms in 2022

Below are some of the most notable legislative developments that occurred in 2022, as well as reports and statements issued by national institutions for the protection and guarantee of human rights that have an impact on the fight against discrimination in Barcelona.

THEME

NEW DEVELOPMENT

Migration

Amendments to immigration regulations

In 2022 Royal Decree 629/2022 of 26 July was passed, amending the provisions of Framework Act 4/2000 on the rights and freedoms of foreigners in Spain and their integration into society, with the goal of **improving the immigration model and its procedures**. The purpose is to facilitate work permits for non-EU foreigners, whether freelancers or employees.

It also aims to **provide work permits** that are compatible with student visas and to modify residence and work permits upon the completion of the educational programme. Furthermore, it creates a **new residency status** for foreigners whose papers are not in order so that they can receive training for 12 months without a work permit, making it easier for them to later access technical jobs in need of personnel.

Anti-racism

Anti-Racist Barcelona government measure

In April 2022, Barcelona City Council approved the Anti-Racist Barcelona government measure with the aim of **adopting a comprehensive approach** to the issue, both through **prevention and awareness-raising initiatives** and through guarantee measures to be implemented when cases of racism occur.

The government measure has two main goals:

- **Raise awareness among city residents and municipal employees of the phenomenon of structural and institutional racism**, as it intersects with sexism and other forms of discrimination, as a mechanism that all people can be involved in and must work to eradicate.
- **Work within the scope of the city government's powers to create mechanisms for guaranteeing rights and preventing racism**, both to provide tools for non-discrimination and to act when discrimination occurs.

Sexual orientation, gender expression and identity

Act for the real and effective equality of trans and LGBTI people

On 16 February 2023, the Act for the real and effective equality of trans people and the guarantee of the rights of LGBTI people, better known as the Trans and LGBTI Act, was finally passed. With this new legislation in place, trans people can **change their sex and name on their Spanish national identity document (DNI) from the age of 16** without needing medical reports or hormone treatment. **Depathologisation and gender self-determination**, without the need for testimony or judicial intervention, are among the key features of the Act.

It also **bans conversion therapies** that seek to change one's sexual identity, sexual orientation or gender expression. It allows **access to assisted reproduction techniques** and guarantees this access to lesbian, bisexual and trans people who are able to bear children. It also introduces **criminal offences for discrimination** against LGBTI people, with fines of up to €150,000 for the most serious cases.

THEME

NEW DEVELOPMENT

Equality and non-discrimination

Implementation of the comprehensive Act for equal treatment and non-discrimination, along with complementary legislation

Comprehensive Act 15/2022, of 12 July, on equal treatment and non-discrimination, entered into force on 14 July 2022. It represents a major step forward in the **prevention and elimination of racist and xenophobic discrimination** and provides a legal framework to promote equality and the comprehensive application of this right in the design, implementation and evaluation of public policies. In Catalonia, Act 19/20, regulating the same issue, takes precedence.

As such, Framework Act 6/2022 of 12 July was passed (complementing comprehensive Act 15/2022, of 12 July, on equal treatment and non-discrimination), amending Framework Act 10/1995, of 23 November, on the Criminal Code, in three fundamental respects. First, **it extends the general aggravating circumstances for discrimination** established in Article 22.4 to include Romaphobia, racism and hatred based on ethnicity. Second, **it includes Romaphobia** as one of the grounds for hate crimes established in Article 510. Third, it **adds aporophobia as a hate crime**.

Right to sexual freedom and the eradication of sexual violence

Framework Act on the comprehensive guarantee of sexual freedom

Framework Act 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom, has been in effect since 7 October 2022. The Act represents a decisive step forward in the comprehensive guarantee and protection of the right to sexual freedom and the eradication of all forms of sexual violence.

Its goal is to adopt and implement effective, holistic policies coordinated among the various public authorities empowered to act in this regard at the state and local levels. These policies must guarantee awareness, prevention, detection and punishment of sexual forms of violence, and include the relevant comprehensive protection measures to guarantee a similarly comprehensive and specialised response to all forms of sexual violence, as well as immediate comprehensive care and recovery in all areas of life for women, children and adolescents, as the main victims of all forms of sexual violence.

One of the new aspects is the right to reparation as one of the key elements of institutional responsibility, in order to achieve the full recovery of the victims and guarantees of non-repetition.

Rights of children and adolescents

Regulation of age assessment procedures

The Council of Europe Committee of Ministers has adopted a new **Recommendation¹³ on human rights principles and guidelines on determining age in the context of migration**. This includes the presumption of minority for persons undergoing age assessment, and requires Member States to implement multidisciplinary and evidence-based age assessment procedures.

13 Recommendation CM/Rec(2022)22 of the Committee of Ministers to Member States on human rights principles and guidelines on age assessment in the context of migration and its Explanatory Memorandum. See at: https://search.coe.int/cm/pages/result_details.aspx?objectId=0900001680a96350#showSearchBox=0

On 12 April 2022, the draft bill regulating age assessment procedures was passed with the goal of **fully respecting the rights of children and adolescents** and applying all legal guarantees in the process of **determining whether or not an individual is a minor**. In the absence of documents or when it is not possible to establish age with certainty, a judicial authority must make the decision after hearing the arguments of the parties and performing a balanced evaluation of the test to which the person was subjected.

The goal is for the regulation to be **more protective and in line with the recommendations** made by the United Nations Committee on the Rights of the Child, the Ombudsman's Office, the Spanish Supreme Court, the State Public Prosecutor's Office and the European Economic and Social Committee (EESC), among other institutions. The new regulation will mean listening more to children, **streamlining and simplifying procedures**, and ensuring legal guarantees that there will be no invasive tests, all with the goal of **putting the best interests, rights and dignity of children first**.

Hate crimes

Action plan against hate crimes

April 2022 saw the passage of the Second Action Plan on Combating Hate Crimes (2022-2024), spearheaded by the Ministry of the Interior and the State Secretariat for Security with the participation of state and local police forces, the specialised Prosecutor's Office and the third sector. It contains 86 measures for the **prevention, detection, investigation and eradication** of this type of crime.

The eight lines of action give priority to the victims of hate crimes in this second plan. The goal is to **improve the quality of the care, assistance and support** they receive, **increase efforts to prevent all hate crimes and develop an effective police response** to such crimes.

The plan also seeks to promote training and awareness-raising initiatives for officers and to encourage participation, collaboration and joint action with third-sector organisations.

In line with the same goals, the Council of Europe presented a set of guidelines¹⁴ for its 46 Member States to prevent and combat hate speech both online and offline. In **Recommendation CM/Rec(2022)16 on combating hate speech**, it called on governments to develop comprehensive strategies to prevent and combat incitement to hatred, including the adoption of an effective legal framework and the application of appropriately adjusted and proportionate measures, striking a balance among the right to private life, the right to freedom of expression and the prohibition of discrimination.

14 Recommendation CM/Rec(2022)16 of the Committee of Ministers to Member States on combating hate speech. See at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a67955

THEME

NEW DEVELOPMENT

Gender

Regulation improving working conditions and Social Security for domestic workers

Royal Decree Act 16/2022, of 6 September, for the improvement of working conditions and Social Security for domestic workers seeks to **bring their conditions into line with those of other employees**, eliminating differences that are not only unjustified but also place these workers at a particular disadvantage and may therefore be discriminatory.

From October 2022, **employers are required to pay into the unemployment and wage guarantee funds for domestic workers**, who are now entitled to unemployment benefits. Furthermore, the concept of **dismissal without cause**, which “allowed domestic workers to be dismissed without cause and therefore without the guarantees associated with dismissal in such situations”, **has been removed**. Employers will have to provide proof of the reasons for terminating a contract.

Human rights cities

Publication of a practical guide for local authorities on how to make human rights accessible to all people in their daily lives

The European Union Agency for Fundamental Rights (FRA) has published a practical guide ¹⁵ to **help local organisations make the human rights perspective part of people’s lives**. It contains a set of principles, structures and tools to help cities commit to human rights, integrate them into their work and support related efforts. It provides examples and a list of key resources for progress.

Sexual and reproductive health

Amendments to the Framework Act on Sexual and Reproductive Health and the Voluntary Termination of Pregnancies

The new piece of legislation, passed on 28 February 2023, consists of amendments to Framework Act 2/2010. Notable developments include the expansion of the subject matter of the Act to include reproductive violence, thus complying with the Istanbul Convention. **Women aged 16 to 18 and women with disabilities are again able to make decisions about their own bodies**, in line with international standards.

With regard to the voluntary termination of pregnancies, the **three-day reflection period and the provision of mandatory information** are eliminated, **access to abortion in public healthcare facilities is protected and conscientious objection is regulated**. Access to abortion is guaranteed by taking into account proximity to one’s home, and **temporary disability** is introduced for women whose pregnancies end, whether voluntarily or involuntarily, so that they can recover from the procedure. The Act also introduces a **prepartum temporary disability** starting from the 39th week of pregnancy.

Training for professionals and sexual education are strengthened. **Menstrual health** is included as a health standard, the free distribution of menstrual products to those in need is established, and the right to temporary disability due to debilitating menstruation is included. The Act also seeks to establish the government’s responsibility in relation to various forms of violence in the field of gynaecology and obstetrics.

¹⁵ Guide: How to make human rights part of everyone’s daily life – a guide for local authorities. See at: fra.europa.eu/sites/default/files/fra_uploads/fra-2022-guide-human-rights-cities2_es_0.pdf

THEME

NEW DEVELOPMENT

Inclusion of the Roma population

Civil society recommendations to promote the inclusion of European Roma citizens

The European Parliament has launched the Roma Civil Monitor (RCM) initiative ¹⁶ for the 2021-2025 period, the main goal of which is to **strengthen the capacity and participation of Roma civil society and its allies in monitoring policies aimed at promoting the equality, inclusion and participation** of European Roma citizens. The initiative also seeks to empower Roma civil society and its allies to engage in dialogue and cooperation with the authorities responsible for Roma inclusion, equality and the fight against racism.

This initiative emerged from the adoption of the European Union Roma Strategic Framework in 2020.

Education

Alliance for the recognition of school segregation as a form of discrimination

The Secretariado Gitano Foundation, CERMI and Save the Children have joined forces to launch the **Alianza por la educación inclusiva #AlColeJuntos2030** [Alliance for Inclusive Education #ToSchoolTogether2030] in order to recognise **segregation as a form of discrimination and as a violation of the right to education**. School segregation is an extremely serious form of discrimination that affects the most vulnerable children. However, the Equal Treatment Act, failing to comply with the recommendations of the European Commission and the Council of Europe, does not include segregation as a prohibited form of discrimination, which prevents it from being reported.

Language

New Language Economy and protection of the language rights of Catalan speakers

The New Language Economy grants have been awarded as part of the Recovery, Transformation and Resilience Plan (PERTE). This plan seeks to **invest in infrastructure and technology to support the languages of Spain**. However, the budget invested in technology linked to languages other than Spanish is not representative of the population speaking these languages.

Another new development is Act 4/2022, of 25 February, on the protection of consumers and users against social and economic vulnerability. The Act represents a significant step forward in **protecting the language rights of Catalan speakers in commercial documents**. It makes a number of amendments to Royal Legislative Decree 1/2007, of 16 November, enacting the revised text of the General Act for the Defence of Consumers and Users and other complementary pieces of legislation.

¹⁶ Roma Civil Monitor. See on Plataforma Khetane: <https://plataformakhetane.org/index.php/project/rcm-2021-2025/>

Social pact against the stigma and discrimination faced by people with HIV

In line with UNAIDS' international commitments to zero discrimination, the Ministry of Health has initiated the implementation of the Social Pact for Non-Discrimination and Equal Treatment in Relation to HIV. It seeks to **eliminate the stigma and discrimination associated with HIV and AIDS, guaranteeing equal treatment and opportunities, non-discrimination and the full enjoyment of fundamental rights** by people living with HIV.

This social pact is also necessary to create collaboration networks and circuits and to generate knowledge that will contribute to policy development.

Catalonia's National Pact for Mental Health

In June 2022, the Government of Catalonia launched its National Pact for Mental Health (PNSM), an interdepartmental and intersectoral instrument that promotes mental health in all areas of government and society, following the recommendations of the World Health Organisation (WHO).

The PNSM seeks to guarantee a comprehensive, responsible and community-based approach that puts people and their families first, and to promote a paradigm shift in public policy on mental health, focusing on the mental health of people at different stages of life and guaranteeing the right of those affected to full civic participation, community inclusion and employment.

Combating stigma and discrimination, promoting personal recovery and improving the quality of care in relation to human rights conditions in social and mental health services are also key areas of action for the PNSM.

Pause on the Additional Protocol to the Oviedo Convention, which seeks to institutionalise people against their will in Europe

In 2022, the Committee of Ministers of the Council of Europe suspended the adoption of this protocol until the end of 2024, although this does not mean that the project has been completely abandoned. For the time being, the process is on hold and work will begin on respecting the autonomy of individuals, with the participation of civil society organisations working in the field of mental health.

According to the Salut Mental Catalunya Federation, the document confuses coercion with care, authorises the deprivation of liberty of people with mental health problems on the basis of a presumption of risk, neither supports nor promotes the creation of alternative resources that respect the will and preferences of individuals, and fails to heed the warnings of leading human rights organisations.

THEME

Human trafficking

NEW DEVELOPMENT

Stiffer sentences for the crimes of trafficking in persons displaced by armed conflict or humanitarian disaster

A notable development was the approval of Framework Act 13/2022, of 20 December, which amends Framework Act 10/1995, of 23 November, on the Criminal Code, to stiffen the sentences for trafficking in persons displaced by armed conflict or humanitarian disaster.

Meanwhile, the Resolution of the Secretary of State for Equality and the Fight against Gender Violence of 7 July 2022 published the Agreement of the Sectoral Conference on Equality of 27 May 2022 on the **administrative recognition of the status of victim of human trafficking and/or sexual exploitation**. This resolution regulates the social recognition of victims of human trafficking and promotes access to the rights to which this group is entitled.

3 Methodology

The Barcelona Discrimination Observatory is an alliance between responsibility bearers and duty bearers in the fight against discrimination in the city and for the protection of city residents as rights holders. Since it was created in 2018, it has led to collective learning that, in turn, is giving rise to a participatory and community-based methodology¹⁷ in the process of collecting, analysing and organising information. It brings together different backgrounds, experiences and knowledge to highlight the reality of discrimination, while building capacities for investigation, prevention, awareness-raising and reporting in order to create a city of rights in which equal treatment and non-discrimination are a reality.

The Observatory's methodological process sees the organised civil society that makes up the **Board of Organisations with Services for Victims of Discrimination (SAVD)** as active agents in the process of building knowledge about discrimination. These organisations contribute quantitative and qualitative data on the cases of discrimination they dealt with in 2022, as well as their analyses of the political, socio-economic and regulatory context that affects their role as responsibility bearers in defending rights and reporting violations.

¹⁷ The community-based methodology is a tool for developing the preventive dimension of certain social issues. It can be applied to a wide range of initiatives that listen to the community as a first step towards public engagement and awareness-raising efforts. ("Metodología comunitaria: El aporte del trabajo social para la innovación en la acción glocal" [Community-based methodology: the contribution of social work for innovation in glocal action] Francisca Lema Quintana. Institute for Migrations, Ethnicity and Social Development at the Autonomous University of Madrid - IMEDES-UAM).

An important feature of the methodology is that the information contributed comes from the care services that each SAVD Board organisation provides, depending on the kind of discrimination it addresses. Therefore, the work is not only based on observation and data collection, but also on direct contact with the victims, which involves providing support and advice, following up on each case individually, and reporting the cases until a solution is found or the situation is remedied.

Furthermore, the report presents quantitative data from the **Office for Non-Discrimination (OND)**, which currently receives complaints from people affected by discrimination and provides them with legal and psychological assistance as well as support in conflict resolution processes. The Observatory's report also includes complementary data from other municipal services and agencies working on specific forms of discrimination, such as gender, disability or age discrimination, as well as first-hand accounts collected over the course of the year. In their role as duty bearers, contributing data on discrimination is key, not only in terms of public impact, but also in order to redirect and strengthen programmatic and regulatory measures aimed at eradicating discrimination in the city.

Meanwhile, the **Centre for Human Rights Resources (CRDH)** facilitates the process of collecting, organising and analysing the information provided, and also supports a participatory analysis forum together with the organisations of the SAVD Board and the OND. The purpose of this forum is to work on particular topics, highlighting specific issues that, at the intersection of the various forms of discrimination, can condition the respect and guarantee of human rights in the city. Each year, the report addresses a relevant topic in greater depth. This year's topic has to do with access to justice, and is discussed in **Section 4.3**.

With respect to quantitative data, it is important to note that not all forms of discrimination are equally represented in the SAVD Board. This is due to the fact that each organisation has different technical capacities, both in terms of providing care and documenting cases, which means that some areas are quantitatively over-represented. Furthermore, due to high levels of under-reporting¹⁸ we do not have a full picture of discrimination in the city.

As the work of each SAVD Board organisation is conditioned by the technical, economic and human resources it has each year, the number of cases of discrimination it contributes yearly depends on the variability of its internal circumstances. One year they may provide thorough, detailed quantitative information on each case dealt with, and the next year only qualitative information. This means that the information on discrimination can vary from one report to the next, although the methodology for collecting quantitative data and serving the public remains the same.

Since 2020, the report has also included data from the **Survey on Neighbour Relationships and Harmony in the Barcelona Metropolitan Area (ECAMB)**, published every two years by the IERMB, which provides data on discrimination in city neighbourhoods. Specifically, this year's report includes in **Section 4.1** preliminary information from the ECAMB that will later be published. This section also presents the main conclusions of a single-topic working session with representatives of the SAVD Board.

¹⁸ According to the 2021 Radar ECOM report, under-reporting is a latent reality in cases of discrimination. Many victims cite a variety of reasons for not reporting their cases: they feel that there is no point, the process is complicated or inconvenient, they do not have enough time, they are afraid or they do not consider the situation important. Failure to report discrimination and rights violations makes it more difficult to measure the impact of discrimination on the recognition of human rights, identify groups at greater risk, and determine where most of these cases occur and who is perpetrating the discrimination. Without reports, it is also difficult to highlight and raise awareness of the violations that people suffer and to establish measures to prevent and eradicate these situations.

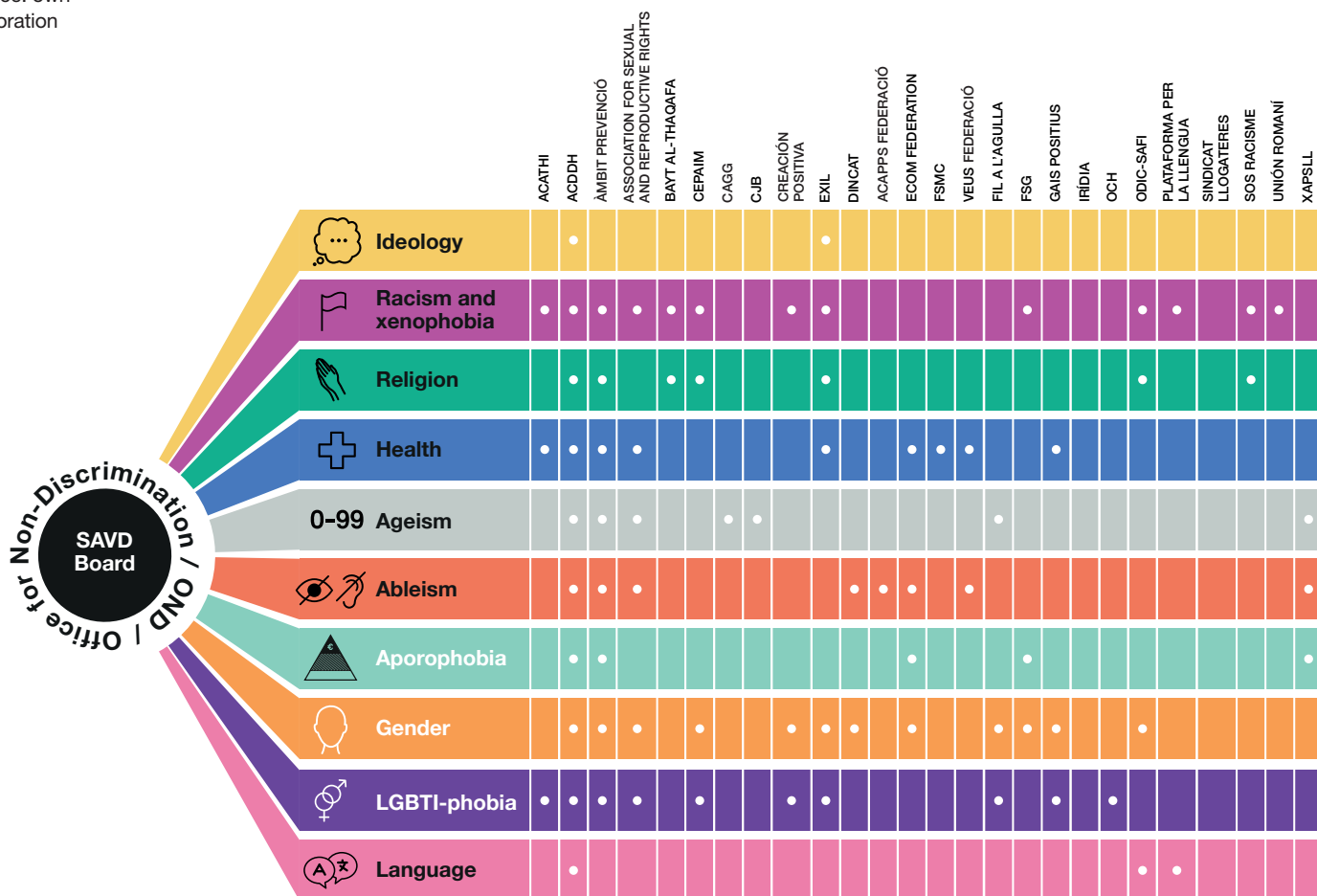
3.1 Board of Organisations with Services for Victims of Discrimination Categories analysed

The Board of Organisations with Services for Victims of Discrimination (SAVD) was created in October 2017 as a result of joint work for the defence of rights and the fight against discrimination being carried out by Barcelona City Council (through the OND) and community organisations in the city that support victims of discrimination. **The Board has been growing and is currently made up of the OND and 26 organisations:** the Catalan Association for Integrating Homosexual, Bisexual and Transsexual Immigrants (ACATHI), the Catalan Association for the Defence of Human Rights (ACDDH), Bayt al-Thaqafa, Cepaim, the Barcelona Youth Council (CJB), Creación Positiva, Dincat, Exil, the ECOM Federation, the Salut Mental Catalunya Federation (FSMC), the Veus Federation, Fil a l'Agulla, the Secretariado Gitano Foundation (FSG), Gais Positius, Iridia, the Observatory against Homophobia (OCH), the Observatory of Islamophobia in Catalonia (ODIC-SAFI), Plataforma per la Llengua, the Support Network for the Homeless (XAPSELL), Sindicat de Llogateres, SOS Racisme Catalunya and Unión Romani. Four organisations joined in 2022: ACCAPS, Àmbit Prevenió, the Advisory Council for the Elderly (CAGG) and the Association for Sexual and Reproductive Rights.

Each of these organisations works to defend the human rights of specific groups in the city, but they have experience in dealing with cases involving more than one form of discrimination, as shown in Infographic 2.

Infographic 2. Forms of discrimination addressed by the OND and the SAVD Board

Source: own elaboration



* 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.

The **goals of the SAVD Board** are as follows:

- Share information on victim care services, working methods and referral protocols within a general action framework focused on rights, gender and intersectionality. There are currently two protocols in place: the municipal protocol against LGBTI-phobia and the action protocol against racist discrimination.
- Produce a joint annual report providing an overview of discrimination in the city.
- Strengthen capacities through training processes for the organisations. The CRDH and the OND provide general training on discrimination for professionals and users of community organisations, as well as specialised training on equal treatment and non-discrimination.

Each organisation assists people who have experienced discrimination by providing psychological, socio-educational, psychosocial and legal counselling or by carrying out public advocacy, among other services, depending on its background and capacity (see Infographic 3). They are currently keeping records of the cases that take place in the city, which are tallied in this report.

Infographic 3. Support and response services provided by the OND and the SAVD Board organisations

Source: own elaboration

Organisations	Support and assistance									Complaint	
	Psychological	Psychosocial	Socio-educational	Legal guidance	Public advocacy	Intermediation	Conciliation	Mediation	Referral to a specialized organization	ADMINISTRATIVE	PENAL
OND	●	●	●	●	●	●	●	●	●	●	
ACATHI	●	●	●		●				●		
ACDDH				●	●				●	●	
ÀMBIT PREVENCIÓ	●	●	●	●	●				●		
ASSOCIATION FOR SEXUAL AND REPRODUCTIVE RIGHTS	●	●	●		●				●	●	
BAYT AL-THAQAFI	●	●		●	●	●		●	●		
CEPAIM			●	●	●			●	●	●	
CAGG					●				●		
CJB					●						
CREACIÓ POSITIVA					●						
DINCAT		●	●	●	●						
EXIL	●	●	●						●		
ACAPPS FEDERATION			●		●	●			●	●	
ECOM FEDERATION		●		●	●	●			●	●	
FSMC		●		●	●				●		
VEUS FEDERATION		●			●						
FIL A L'AGULLA	●		●		●				●		
FSG		●	●	●	●		●		●		
GAIS POSITIUS	●	●		●					●	●	
IRÍDIA		●		●	●				●		●
OCH	●	●		●	●	●			●	●	●
ODIC-SAFI			●	●	●				●	●	
PLATAFORMA PER LA LLENGUA	●	●		●	●	●		●	●	●	●
SINDICAT LLOGATERES		●	●	●	●				●		
SOS RACISME		●		●	●	●				●	●
UNIÓ ROMANÍ		●		●	●						
XAPSL	●	●	●	●	●			●	●	●	●

Salut Mental Catalunya: “The SAVD Board is a demonstration of local power in the defence and protection of rights”

“Defending and protecting the rights of people with psychosocial disabilities, their families and their support environment is one of the main goals of **Salut Mental Catalunya (SMC)** and over 70 organisations across Catalonia. When in late 2017 the Barcelona Office for Non-Discrimination (OND) offered us the opportunity to join the Board of Organisations with Care Service for Victims of Discrimination, it was a recognition of the track record and outstanding work carried out through the *Espai Situat*, where the SMC provides information, guidance and support on all aspects having to do with mental health, both for the general population and for people with diagnoses and their family members.

Our participation in the SAVD Board encouraged us to contribute to the Observatory by sharing our records of cases of mental health discrimination from 2018 to the present. In this report, we have been able to identify over 70 cases of discrimination due to mental health issues in the city of Barcelona. In doing so, we’re trying to fight the phenomenon of under-reporting in order to build firmer alliances, strengthen collective action and work with all organisations to prevent and combat discrimination.

These five years of sharing space on the SAVD Board have allowed us to reflect on the importance of applying the rights-based approach and the intersectional perspective in the analysis of mental health discrimination in relation to other forms of discrimination, in order to show how people can be affected and to help offer appropriate solutions. As we at the **SMC** can attest, this is undoubtedly a valuable contribution of the SAVD Board for all organisations, as it allows us to analyse and report what is happening around us in terms of rights from an intersectional and inclusive perspective, and to provide our workers with the tools and capacities to support people in their recovery processes.

In order to provide person-centred care, we must be clear on the kinds of inequalities that affect their quality of life and, based on that understanding, be aware of prejudice and offer horizontal care. SMU will continue with this approach in order to make further progress.

This is why local working spaces such as the SAVD Board and the Discrimination Observatory, promoted together with Barcelona City Council, are so necessary. They make it possible to join forces to prevent discrimination, as organisations use dynamic processes to share experiences and help each other grow.

It’s undoubtedly an amazing opportunity for the general public and a demonstration of local power in the defence and protection of rights. We appreciate the trust that has been placed in **SMC** from the start, and we reaffirm our commitment to continue working in this strategic area to strengthen our organisation and its advocacy for mental health.”

The importance of reporting and OND action

The Office for Non-Discrimination (OND) is the municipal service focused on addressing human rights violations related to the different forms of discrimination. It provides support and advice to victims, mediates, seeks sanctions where legally possible, and carries out dissemination, training and awareness-raising work related to the obligations and rights recognised in the city.

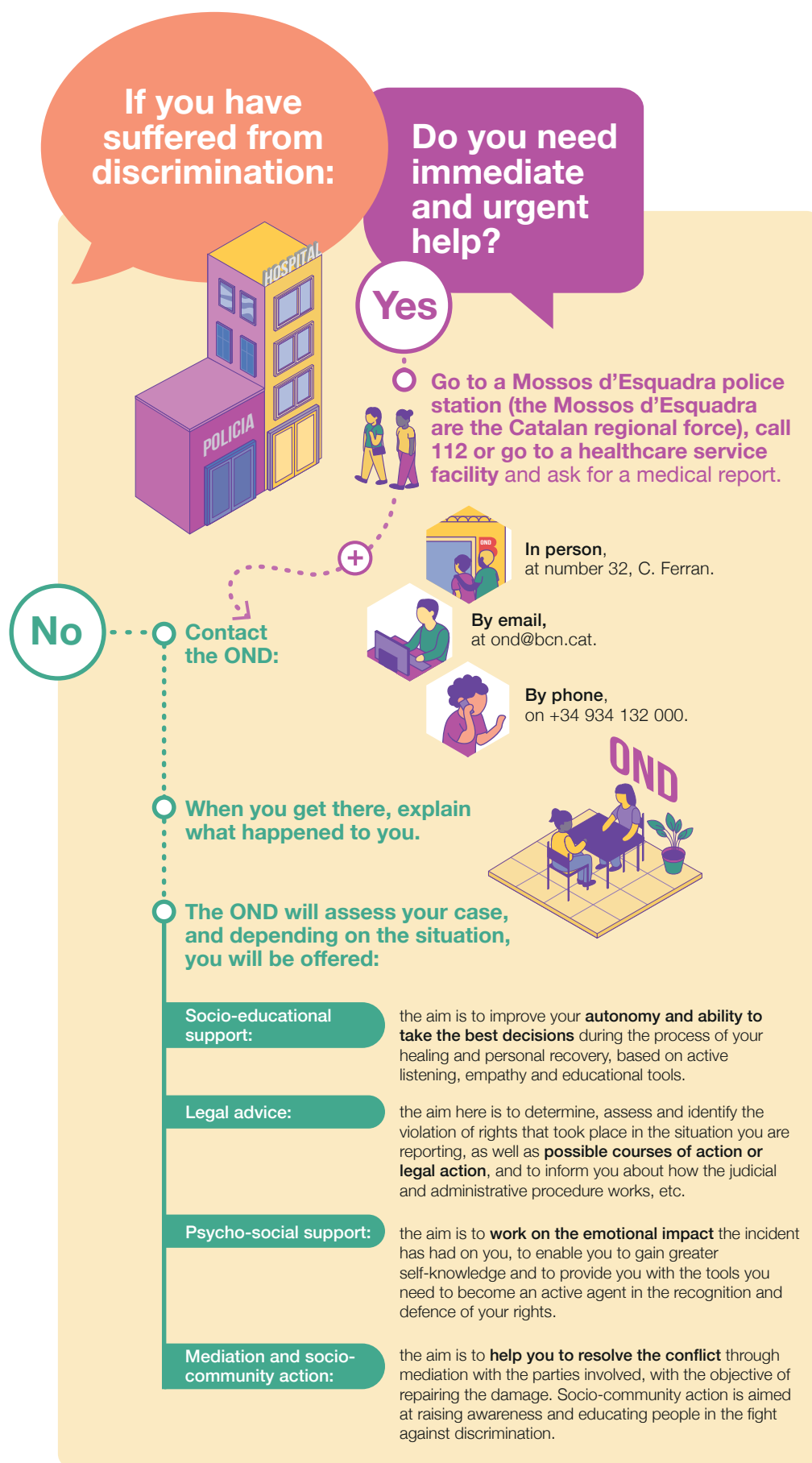
The OND adopts an intersectional perspective and rights-based approach to dealing with cases of discrimination and is made up of a multidisciplinary team of professionals from the fields of social education, social work, psychology, law and mediation who are trained in human rights and experienced in intervention, counselling and support for victims of discrimination. It also works together with other government services, rights advocacy organisations and the general public.

The OND's work is structured around two main areas: **prevention and guarantees**. In terms of prevention, it aims to stimulate socio-educational work to promote, disseminate and raise awareness of rights, in coordination with other services of the Directorate of Citizen Rights and the Centre for Human Rights Resources. Its guarantee work includes care, assistance, analysis and guidance in cases of discrimination, with the aim of protecting and supporting victims; and reconciliation, intermediation and mediation, as alternatives to punitive measures, to resolve conflicts between individuals, organisations or companies, and government institutions.

For both prevention and guarantee work, reporting and resolving cases of discrimination can lead to profound change and transformation. They make it possible to identify where, how, by whom and against whom discrimination is perpetrated in the city. This information is key to designing policies and measures aimed at eradicating this problem. When a person comes to the OND to report a case of discrimination, it not only ensures that the act will not go unpunished, but also provides access to justice and makes it possible to reverse any human rights violations that may have occurred. Infographic 4 shows the OND's case-work cycle in cases of discrimination.

Infographic 4. OND casework cycle in cases of discrimination

Source: own elaboration



3.3

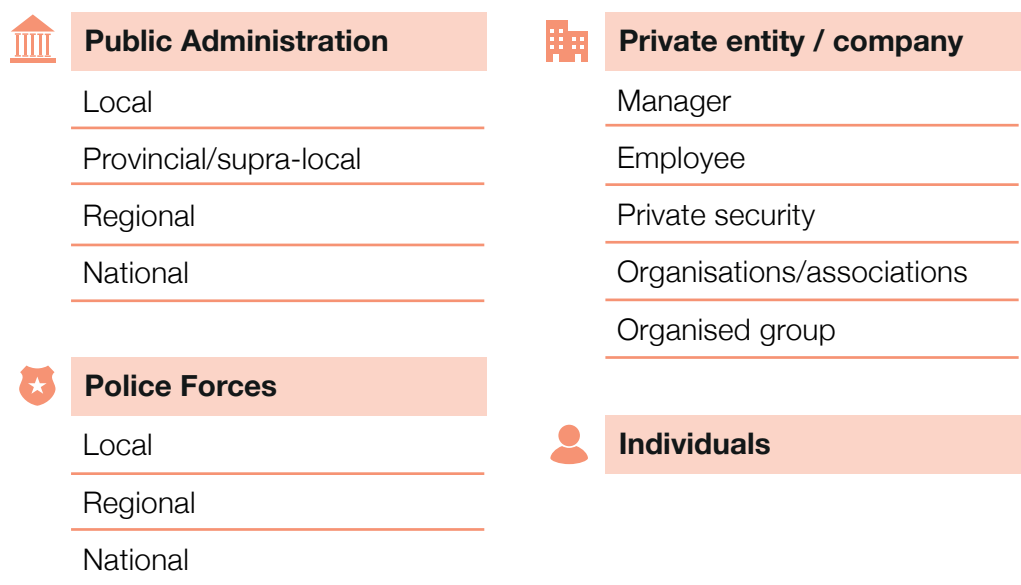
Categories analysed

The process of gathering information for the Observatory's report and analysis is organised around the following categories:

- 1 Who is discriminated against? Rights holders** or subjects of rights who belong to groups that have been historically discriminated against or who are affected by this phenomenon due to the context and adverse circumstances that condition their reality. Three basic pieces of information are collected on these people: gender (male, female, part of their time in one gender and part of their time in another, and group or collective), age (0-14, 15-24, 25-39 40-64, 65+) and administrative status of the **person affected by discrimination situations** ¹⁹ (regularised, residence permit, not regularised, asylum seeker or refugee).
- 2 Who discriminates?** The four main perpetrators of discrimination analysed are government institutions, law enforcement, private organisations and businesses, and private individuals. Identifying who commits acts of discrimination is key to leading initiatives to raise awareness, increase sensitivity and build capacities in the areas where these perpetrators can be found. The first three categories also have subcategories, as shown in Figure 1.
- 3 Where does discrimination take place?** This question identifies where the case of discrimination occurred, i.e. in a public or private place. There are different types of places within each category. The place of discrimination is key to identifying where City Council, in consultation with community organisations and the general public, should focus local anti-discrimination policies and measures (Figure 2).

Figure 1.
Discriminating agents

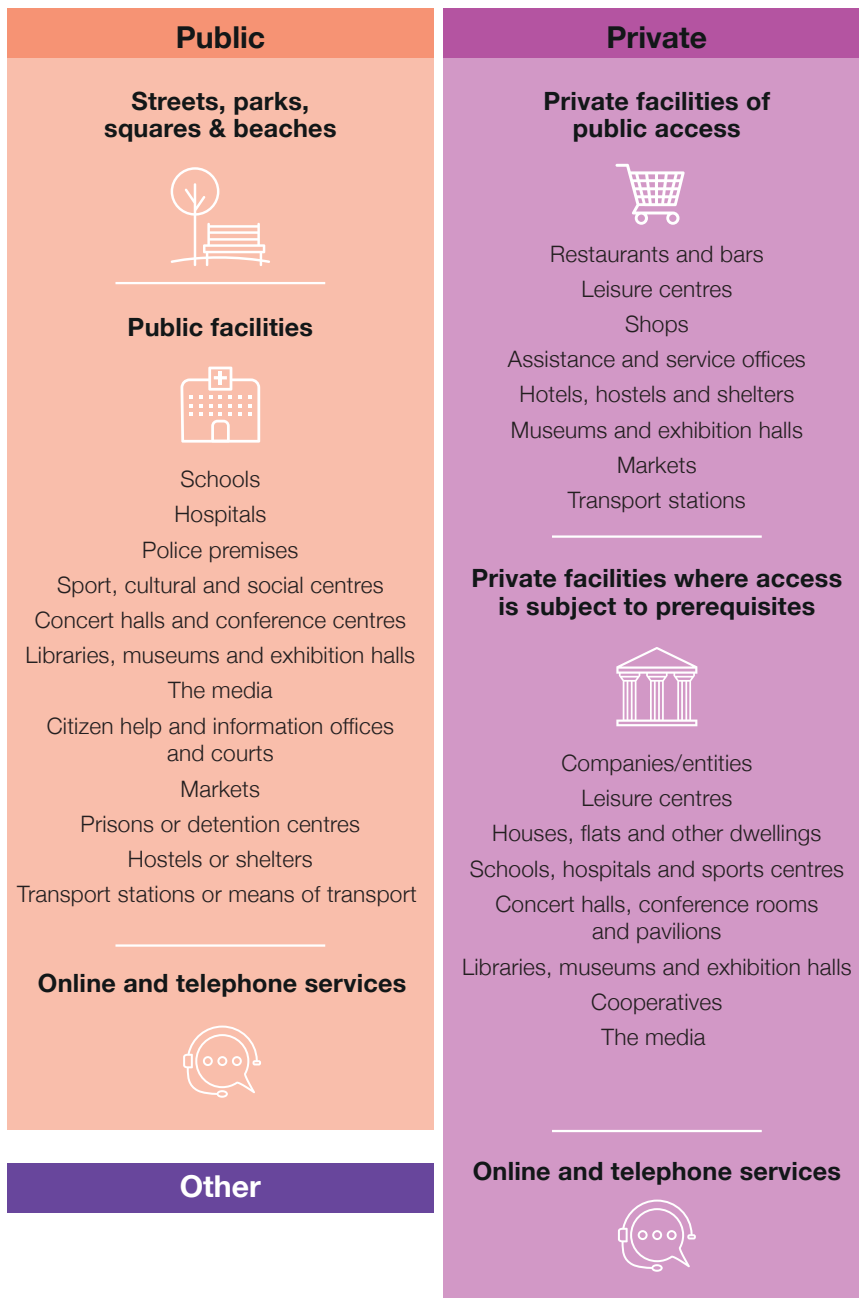
Source: own elaboration



¹⁹ These are people who, either individually or collectively, have suffered affronts to their dignity and even physical injuries, emotional suffering or a substantial undermining of their fundamental rights as a consequence of discriminatory acts.

Figure 2. Areas where discrimination is taking place

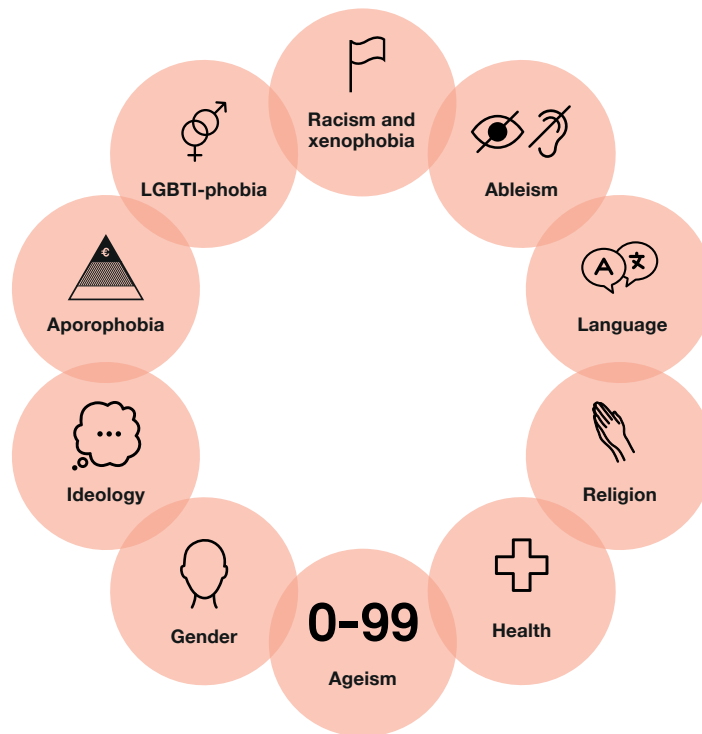
Source: own elaboration



- 4 **On what grounds?** This question identifies and analyses the different forms of discrimination reflected by the categories of groups protected against discrimination, as mentioned in various international, European, national and local human rights protection instruments (see Figure 3 and Annexe 1). This report covers the most relevant categories in the specific context of Barcelona. Some forms of discrimination include subcategories in order to more accurately identify the factors that lead to discriminatory attitudes and the groups that are most affected by this issue, with a view to developing affirmative action measures to safeguard their rights (Figure 3).

Figure 3. Axes of discrimination

Source: own elaboration



These **ten forms of discrimination** are based on the indicators listed in Infographic 1 and allow us to identify the grounds of discrimination in each case. In many cases, there may be multiple factors behind a case of discrimination, which is why the report adopts an intersectional perspective on discrimination. This perspective shows how people can be affected by different forms of discrimination (age, gender, racism, ableism, etc.) at the same time, placing them in privileged or advantaged positions in some areas and disadvantaged or oppressed positions in others, as the scenario can change over time and depending on the context. Intersectional discrimination, as noted in the concepts section, is not a simple addition and subtraction of different forms of discrimination; rather, these forms are intertwined and their effects can aggravate disadvantage, inequalities and human rights violations.

5 How does discrimination manifest? This report analyses cases of direct and indirect discrimination, and introduces a set of indicators to show specific manifestations of direct discrimination. Determining the manifestation of discrimination helps us to evaluate the severity of the vulnerability to which victims of discrimination may be exposed. There is a thermometer, so to speak, of the degree to which an individual is impacted and their human rights possibly violated, which allows us to define and implement various preventive measures against situations that may become more adverse.

Figure 4.
Types of direct discrimination

Source: own elaboration

Differential treatment	Verbal aggression	Physical aggression	Vandalism	Hate speech
Unfair treatment that excludes, restricts and undermines certain people on the aforementioned grounds, in a wide range of settings.	Verbal and non-verbal abuse, including comments, gestures and direct and indirect threats to one's dignity.	Physical attacks such as touching, spitting or throwing objects, as well as violent attacks.	Damage and profanation of goods or property, including graffiti and destruction.	Verbal or written communication intended to incite hatred and rejection towards a group of people.

6 What rights were violated? This question identifies whether the act of discrimination has resulted in the violation of one or more human rights, as any case of discrimination may affect people's fundamental rights and freedoms. Based on the experience of the organisations that make up the SAVD Board, certain rights have been categorised, as shown in Figure 5.

Figure 5.
Some of the violated human rights

Source: own elaboration



7 What responses were provided to victims and what was the outcome? Here we look at the care the victim received from the organisations or the OND, specifying the type of assistance or support and whether a complaint was made, either through administrative or legal channels (see Figure 6). This analysis category is key to examining access to justice for victims of discrimination, both in terms of the formal justice system and alternative venues that allow for redress at various levels. The outcomes of these responses and actions are also analysed.

Figure 6. Types of responses to discrimination

Source: own elaboration



Having identified these categories through the processing of quantitative data, the analysis and interpretation process began, being complemented with qualitative information (first-hand accounts from those affected and analyses provided by the SAVD Board organisations). This methodological process makes it possible to critically reflect on discrimination and its impact on life in the city.

4 Discrimination in Barcelona

This section shows the impact of discrimination on the city in 2022, using quantitative and qualitative data and complementary sources of information that help to address and analyse this phenomenon.

Sub-section 4.1 offers a preview of the Survey on Neighbour Relationships and Harmony in the Barcelona Metropolitan Area (ECAMB) for 2022-2023. The final results of the survey have not yet been published.

Sub-section 4.2 offers, as every year, data on the cases of discrimination dealt with in 2022 by Barcelona City Council's Office for Non-Discrimination and the organisations of the SAVD Board. It also presents information on certain forms of discrimination provided by other City Council services.

4.1 Perception and experience of discrimination in Barcelona (ECAMB)

According to the Survey on Neighbour Relationships and Harmony in the Barcelona Metropolitan Area (ECAMB), carried between October and November 2022 with a total of 3,180 participants (1,325 of them in Barcelona), **31% of Barcelona residents have experienced some form of discrimination in the city, while 12.6% have experienced it in their neighbourhood.** As discrimination worsens the quality of life of those affected by it, it increases community fragmentation and restricts fundamental rights and freedoms, which means that wherever it is present, the risk of violence and abuse also increases. The figure of 31% is a significant one, especially bearing in mind that few people dare to report or even speak about these cases. That is why understanding the reasons for discrimination in the city and its neighbourhoods helps to identify the causes, take preventive measures and improve people's quality of life.

What are the reasons for discrimination?

In Graph 1, the global index points to gender as the main cause of discrimination in the city, with **17.1% of respondents experiencing discrimination because they are women.** This shows how the prevalence of power relations among individuals, together with gender stereotypes, continues to cause discrimination.

This is followed by language: 15.1% of respondents said they had been discriminated against because of the language they speak. This highlights how language, rather than being a vehicle for recognition and inclusion, ends up being a stigmatising factor that limits the participation of different language speakers in the city.

Third are those who have been discriminated against because of their political ideas (11.1%). Apprehension and distrust towards those with different ideologies becomes a factor of discrimination that affects social harmony. Another clear reason for discrimination is skin colour, ethnicity or country of origin (6%). This shows that racism persists in the city. Age (5.7%), religion (4.4%), having a disability (3.4%) and sexual orientation (2.8%) are also causes of discrimination. Although the percentages are lower, they also show that ageism, religious intolerance, stigma towards different abilities and stigma towards the LGBTI community persist in the city as practices that undermine the consolidation of people's right to the city.

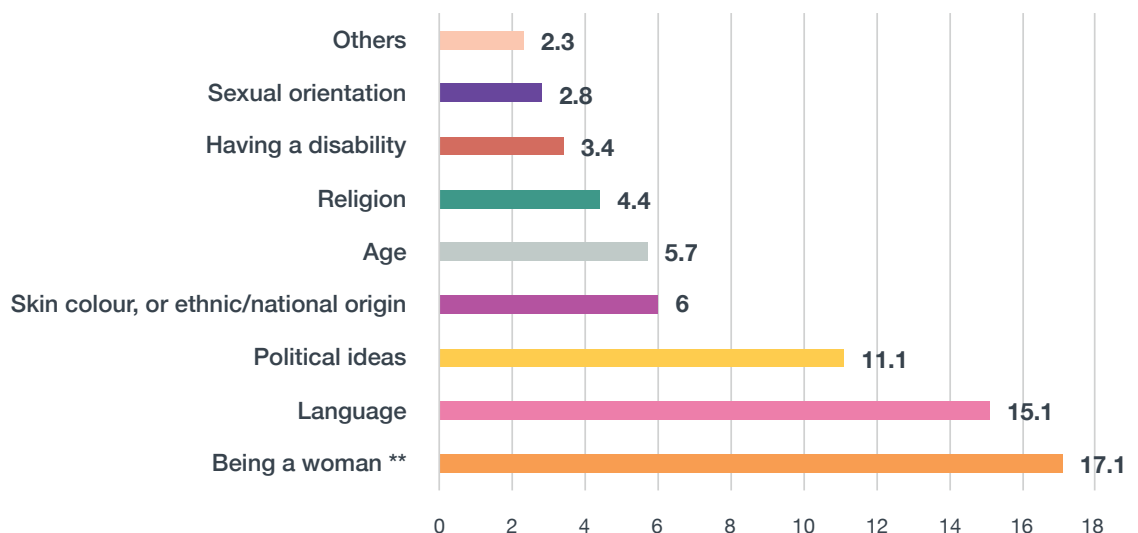
Graph 1. Index of discrimination according to the reason***

Source: ECAMB 2022.
Elaborated by Institut Metròpoli.

**% on the total of the population*

*** % on the total of women*

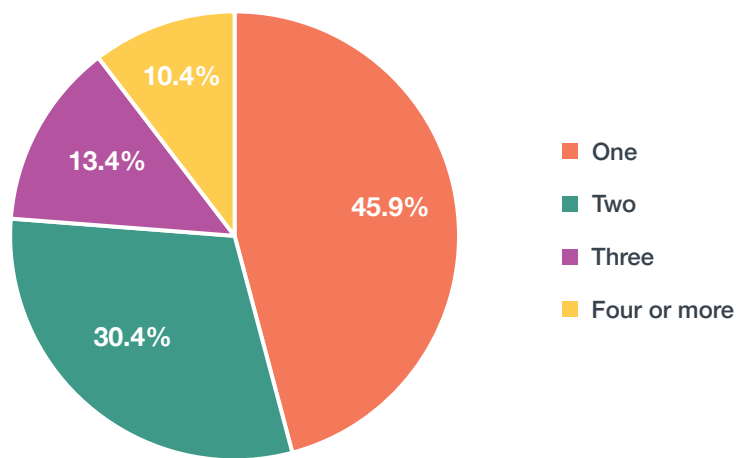
**** calculated from the global index (not comparable to previous editions)*



Identifying the number of possible causes of discrimination that can affect a single person in a given context is important not only to show the extent to which that person is affected and their rights are violated, but also to promote specific measures that take into account the multiple effects of instances of discrimination. Graph 2 shows the number of causes of discrimination that affected individuals: two causes in 30.4% of cases, three causes in 13.4% of cases, and four or more in 10.4% of cases. That is, **over 50% of victims have been affected by multiple discrimination**. Although we do not have more detailed information from the ECAMB on the actual causes of discrimination in these cases, this indicator shows that the reality faced by city residents is not homogeneous. An immigrant is not just an immigrant: they may also be an adolescent, female, transgender, disabled, etc. Thus, people are affected by heterogeneous identities that may be subject to stigma, stereotypes or prejudice, meaning that these individuals are exposed to multiple forms of discrimination. In conclusion, the graph shows us that there is an average of 1.9 factors of discrimination per person, as opposed to 45.9% of respondents who reported being affected by only one factor.

Graph 2. Index of discrimination according to quantity of reasons

Source: ECAMB 2022.
Elaborated by Institut Metrópoli.



* % of the total of discriminated people

** calculated from the global index (not comparable to previous editions)

Table 1 shows the interactions among **the causes of discrimination and certain socio-demographic conditions** (sex, country of birth and age group) in order to illustrate how identify criteria and the stigma surrounding them can determine the impact of the discrimination. Looking at the index of discrimination against women by birth country, we see that among women born in Spain, 17.1% report having been discriminated against due to their gender, while in the case of foreigners, the percentage is 16.9%. The most affected age groups are 16- to 29-year-olds (38.4%), followed by 30- to 44-year-olds (22.4%), 45- to 64-year-olds (14.6%) and, finally, those over 65 (2%). These data show that gender discrimination is more commonly experienced or perceived by young women. Older women normalise discrimination to a greater degree.

Of people born in Spain, 14.9% report having **suffered discrimination due to speaking a different language in relation to their country of birth**, while the percentage is 15.4% among people born abroad. Among women, 16.1% reported this kind of discrimination, compared to 13.9% of among men. The most affected age groups are 30- to 44-year-olds (21.1%), followed by 16- to 29-year-olds (16.1%) and 45- to 64-year-olds (16.1%), with the percentage of affected individuals over the age of 65 at 6.4%. These data show that discrimination based on language affects people regardless of their origin and especially middle-aged individuals.

We can see that of people born in Spain, 12.5% reported being affected by **discrimination due to their political ideology**, compared to 7.6% of people born abroad, and that 10.9% of women and 11.2% of men reported this kind of discrimination. As for age groups, those most affected are 30- to 44-year-olds (14.4%), followed by 45- to 64-year-olds (12.4%), 16- to 29-year-olds (10.9%) and, finally, those over 65 (5.9%). We can see that mistrust and stigma due to people's political ideology affect those born in Spain, and those between 16 and 64 years of age, to a greater degree. That is, stigma around different political ideas is present in all generations.

As for the relationship **between discrimination due to skin colour, ethnicity or country of origin and place of birth**, we see a significant impact on people born abroad, 16.6% of whom reported this kind of discrimination as opposed to 1.6% of people born in Spain. Of those surveyed, 4.9% of women and 7.3% of men reported this kind of discrimination. The most affected age groups are 30- to 44-year-olds (12.1%), followed by 16- to 29-year-olds (10.1%), 45- to 64-year-olds (2.9%) and those over 65 (0.3%). Discrimination linked to racialisation and racism shows a tendency to affect men more than women, and mostly those aged between 16 and 44.

The relationship between **discrimination due to age and birth country** shows only a minor impact, with 5.8% of those born in Spain reporting this kind of discrimination compared to 5.6% of those born abroad. It was reported by 7.3% of women and 3.9% of men. The most affected age groups are 16- to 20-year-olds (11%), followed by 45- to 64-year-olds (7.9%), 30- to 44-year-olds (3%) and, finally, those over 65 (2%). These data show that young people, regardless of their place of birth, are those who most experience ageism, and women tend to experience it more than men.

The index of **discrimination for religious reasons and birth country** shows that 9% of people born abroad suffer religious discrimination, compared to 2.5% born in Spain, and that 4.1% of women and 4.8% of men reported this kind of discrimination. The most affected age groups are 30- to 44-year-olds (7.3%), followed by 16- to 29-year-olds (7%), 45- to 64-year-olds (2.7%) and, finally, those over 45 (1.5%). These data show a significant difference between the number of people affected who were born abroad and those born in Spain. They also show that it affects men and women more or less equally, and affects those aged 16 to 44.

Concerning the index of **discrimination due to disability and birth country**, we see that 3.3% of those born in Spain and 3.6% of those born abroad were affected by discrimination due to disability, and that 3.8% of women and 2.9% of men reported this kind of discrimination. The most affected age groups are 45- to 64-year-olds (4.7%), followed by 30- to 44-year-olds (3.7%), 16- to 29-year-olds (3%) and, finally, those over 65 (1.6%). We can see that there is practically no difference between those born abroad and those born in Spain, that this discrimination especially impacts people between the ages of 30 and 64, and affects women slightly more.

The index of **discrimination due to sexual orientation** shows that it affects those born abroad slightly more (reported by 3% of this group) than those born in Spain (2.6%), and that 1.9% of those who identify as female and 3.7% of those who identify as male reported this kind of discrimination. The most affected age groups are 16- to 29-year-olds (5%), followed by 30- to 44-year-olds (4.1%) and 45- to 64-year-olds (2.5%). We can observe that this kind of discrimination tends to have a greater impact on men and those aged 16 to 44.

Table 1. Index of discrimination according to reason and sex

Source: ECAMB 2022. Elaborated by Institut Metròpoli.

Grounds* ***	Birth country		Sex		Age group			
	Spain	Outside Spain	Woman	Man	16-29	30-44	45-64	65 o +
Being a woman*	17.1	16.9	17.1		38.4	22.4	14.6	2
Language	14.9	15.4	16.1	13.9	16.1	21.1	16.1	6.4
Political ideas	12.5	7.6	10.9	11.2	10.9	14.4	12.4	5.9
Skin colour, ethnic/national origin	1.6	16.6	4.9	7.3	10.1	12.1	2.9	0.3
Age	5.8	5.6	7.3	3.9	11	3	7.9	2
Religion	2.5	9	4.1	4.8	7	7.3	2.7	1.5
Having a disability	3.3	3.6	3.8	2.9	3	3.7	4.7	1.6
Sexual orientation	2.6	3	1.9	3.7	5	4.1	2.5	0
Others	2.6	1.6	2.4	2.1	2.3	3.8	2	1

*% on the total of the population

** % on the total of women

***calculated from the global index (not comparable to previous editions)

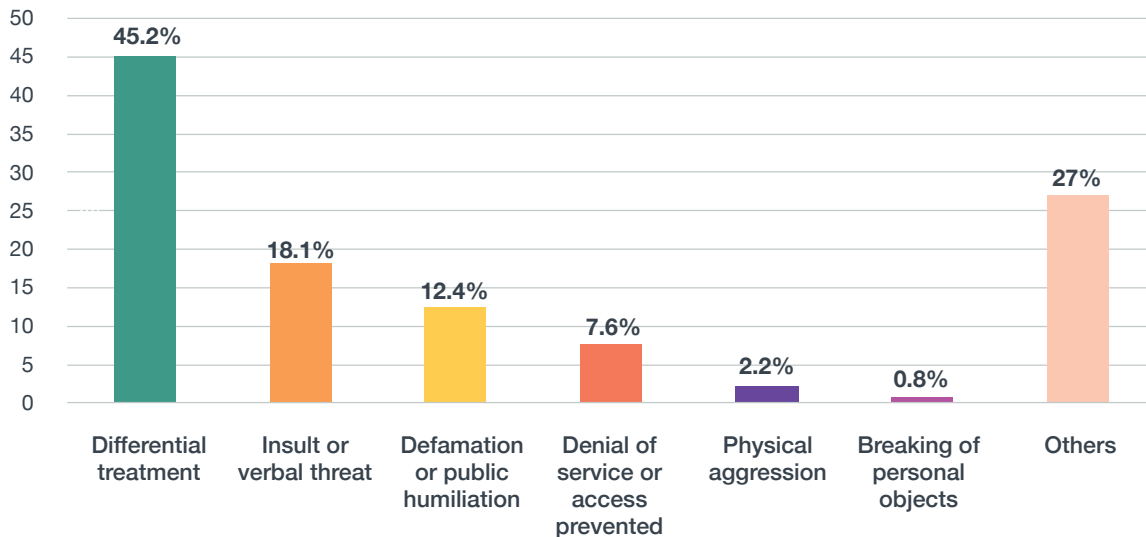
In terms of being affected by more than one discrimination according to socio-demographic characteristics, we can see that among those born in Spain, the most frequent causes of discrimination are those based on gender, language and political ideology. In the case of those born abroad, we see gender; language; skin colour, ethnicity or country of origin; religion; political ideology, and age. In the case of women, discrimination is due to gender, language, political ideology, age and religion. In the case of men, it is due to language; political ideology; skin colour, ethnicity or country of origin, and religion. In people aged 16 to 29, it is due to gender (being female), language, political ideology and skin colour, ethnicity or country of origin. In people aged 30 to 44, it is due to gender (being female), language, political ideology, and skin colour, ethnicity or country of origin. In people aged 45 to 64, the most common grounds of discrimination are gender (being female), language, political ideology and age. In those over the age of 65, the most visible grounds of discrimination are language and political ideology.

Types of discrimination in the most severe episode experienced

Graph 3 shows the type or manifestation of discrimination involved in the most serious episode of discrimination experienced by those who suffered more than one. We see that **differential treatment is the most common manifestation of discrimination**, according to 45.2% of these individuals. The second type of discrimination consists of **insults or verbal threats**, with a rate of 18.1%. The third is **defamation or public humiliation**, at 12.4%. This is followed by denial of service or access prevented (7.6%), physical aggression (2.2%) and the breaking of personal objects (0.8%).

Graph 3. Types of discrimination of the most severe episode

Source: ECAMB 2022. Elaborated by Institut Metròpoli.



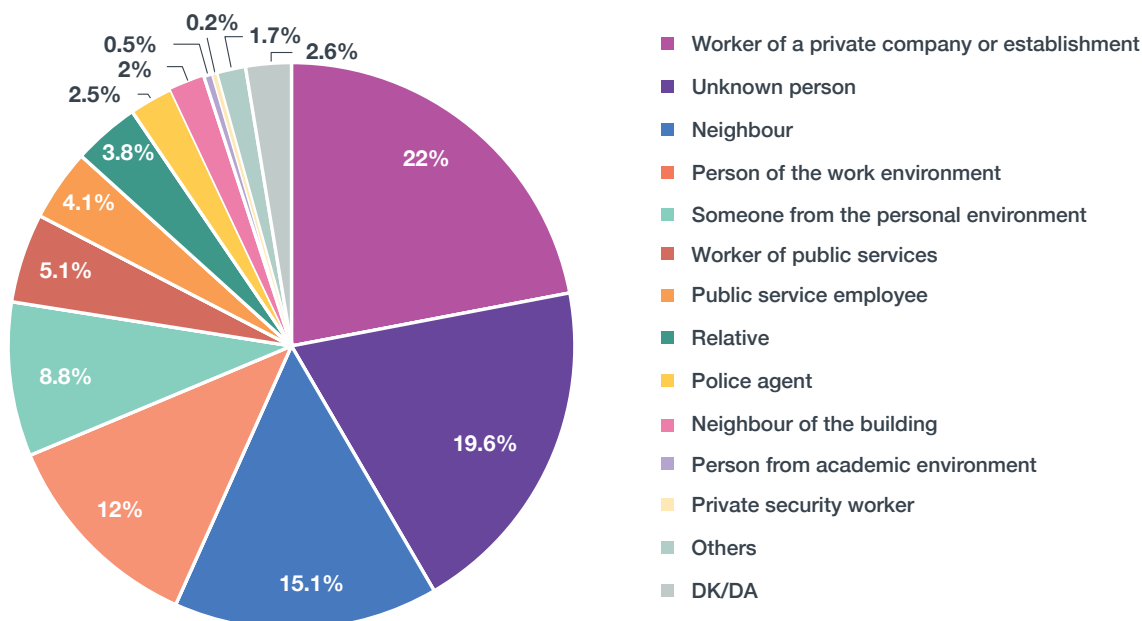
* % of the total of one-time episodes or the most severe ones

Discriminating agents

Graph 4 shows the perpetrators of discrimination in the most serious episodes of discrimination. According to the results, **22% of cases of discrimination were perpetrated by a worker of a private establishment or company**. Furthermore, 19.6% report having been discriminated against by an unknown person, while 15.1% report it was a neighbour. In 12% of cases, the perpetrator of discrimination was a person in the victim's work environment. For 8.8% of victims, the discriminating agent was someone from the personal environment (not family members). In 5.1% of cases, the discriminating agent was a worker of public services. Public sector workers discriminated against 4.1% of those affected. For 3.8% of victims, the discriminating agent was a relative, for 2.5% it was the police agent, for 2% it was a neighbour in the building, for 0.5% it was a person from academic environment and for 0.2% it was a private security worker.

Graph 4. Discriminating agents

Source: ECAMB 2022. Elaborated by Institut Metròpoli.



* % of the total of one-time episodes or the most severe ones.

Communication of the discrimination

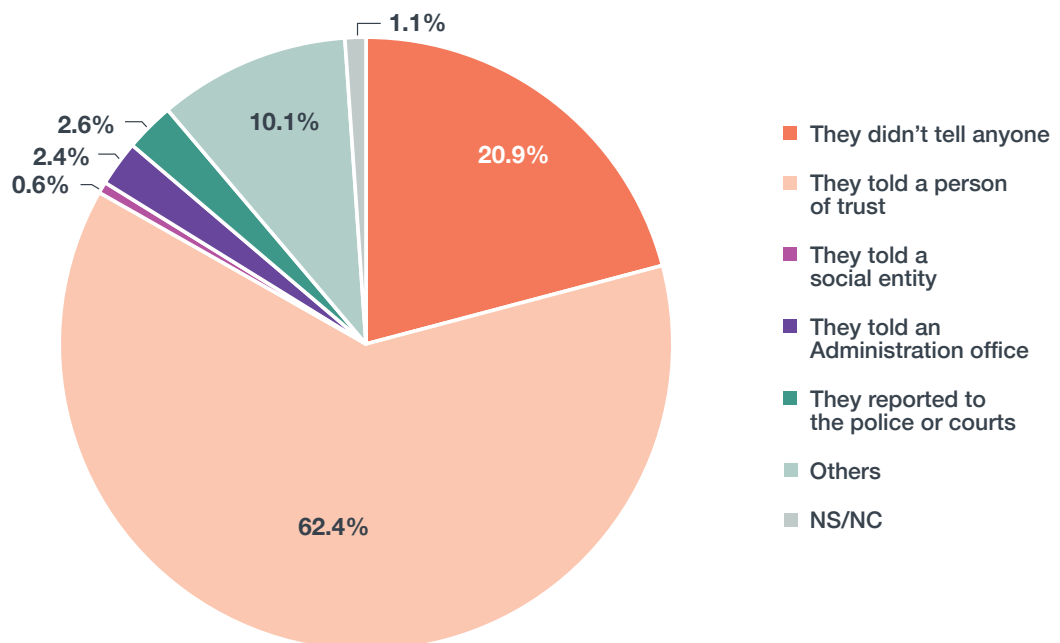
Graph 5 shows if the victim shared or reported the most serious episode of discrimination. **The percentage of people who did not tell anyone is 20.9%**. Among those who did tell someone, 62.4% told a person of trust, 2.6% reported to the police or courts, 2.4% told an Administration office and 0.6% told a social entity. These options were not exclusive, as individuals could have told more than one person or organisation.

When we add up the people who actually **reported the case**, whether through a social entity or Administration office, the police or courts, we see that the percentage **is only 5.6%**, a concerning statistic that shows how the invisibility of discrimination remains a challenge in the city.

Meanwhile, the sum of victims who did not tell anyone about the discrimination and those who only shared it with people they trust, without reporting, shows that **90% did not believe the case was something they could report**. In this way, silence perpetuates impunity in cases of discrimination and stops people from presenting even an administrative complaint, much less a criminal one.

Graph 5.
Communication
of the
discrimination

Source: ECAMB 2022.
Elaborated by Institut
Metròpoli.



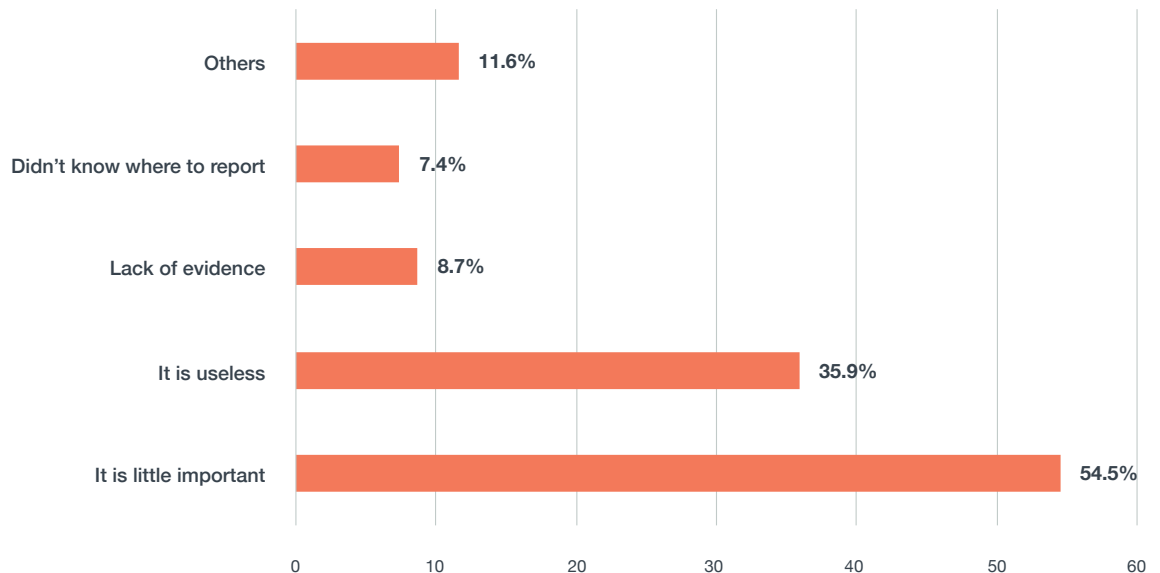
* % of the
total of most severe
episodes

Reasons for not communicating the discrimination

The people who reported not having told anyone about the discrimination they experienced were asked about the reason for that decision, as well as why they did not report it. They could choose multiple options, as seen in Graph 6. One of the most significant statistics is that **54.5% of people gave little importance** to the discriminatory act. Meanwhile, 35.9% of people expressed that it is useless to communicate the fact. Another reason was the feeling of lack of evidence (8.7%) and not knowing where to report (7.4%). Failure to tell anyone leads to under-reporting, a problem that makes it possible for cases of discrimination to remain invisible and go unpunished.

Graph 6. Reasons for not communicating the discrimination

Source: ECAMB 2022.
Elaborated by Institut Metrópoli.



* % of the total of non-communicated or non-reported episodes

The information in the above graphs provided by the ECAMB on discrimination in the city of Barcelona in 2022 reflects the general perceptions of those surveyed, while the information provided by the OND and the SAVD Board comes from cases of discrimination addressed by the organisations, which keep annual records of victim reports. The information presented in the following pages is significant because it comes from verified cases involving the first-hand accounts of affected individuals who reached out to an organisation to report the case and seek support and advice. As such, the quantitative and qualitative analysis is focused on the manifestation of discrimination, the level of impact, who perpetrated it and the context in which it took place. The quantitative data may vary from one year to the next due to under-reporting, meaning that the peaks in the number of reports of certain kinds of discrimination may vary, and also as a result of the different capacities and resources of each organisation in terms of supporting victims.

4.2

Discrimination reported in Barcelona in 2022 (Office for Non-Discrimination and the Board of Organisations with Services for Victims of Discrimination)

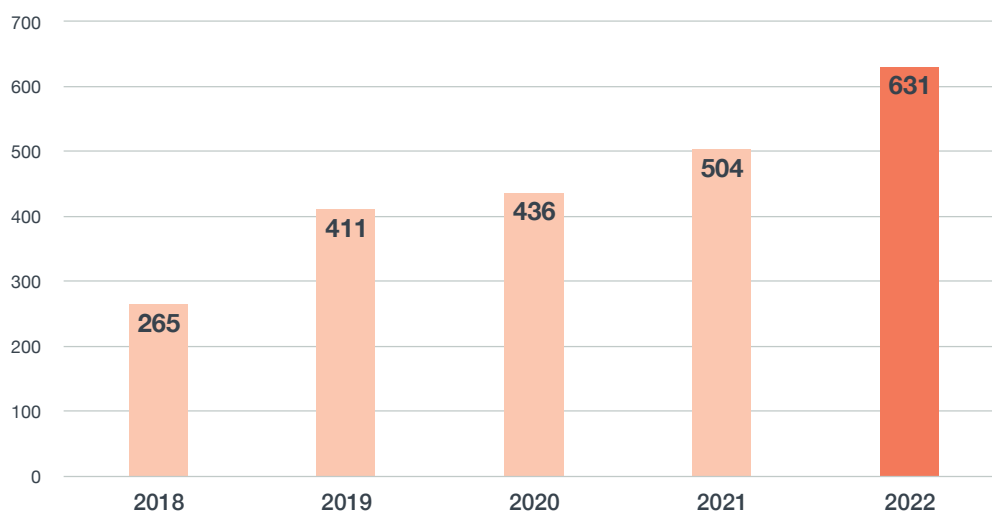
This section analyses the information recorded in reports of discrimination received by **Barcelona City Council's OND** and the **SAVD Board** over the course of 2022 in relation to the ten forms of discrimination covered by the Observatory (racism and xenophobia, LGBTI-phobia, gender, language, religion, ableism, ageism, health, aporophobia and ideology). The data presented here do not come from a survey on people's opinions about discrimination, nor are they from a selected sample of the total population of Barcelona. Rather, they are data provided directly by victims of discrimination to either the OND or the SAVD Board organisations. As such, they provide insight into the population groups exposed to this phenomenon and help us to understand who discriminates and why, and where and how discrimination manifests. They also show which rights were violated, as well as the response victims received and what the outcomes were.

The analysis is focused on the information from each case reported and the reflections that both the OND and the SAVD Board share based on their direct experience of fighting discrimination and promoting and defending human rights. **These cases are not statistics, but people who have been victims of discrimination. They are rights holders** who, due to prejudice, stereotypes, misconceptions, fears and stigma that are still present in the city, have been exposed to differential treatment, physical and verbal aggression, hate speech and even vandalism, without having done anything to deserve it. They were simply there – in a neighbourhood, in a building, in a park, at a supermarket, at a gym, at a health centre, at a school, at a bank, at a government office, at a police station or even in their own homes – and when they were affected by discrimination, they decided to tell someone.

As seen in Graph 7, which shows the trends in documented cases of discrimination between 2018 and 2022, **631 cases of discrimination are on record for 2022**. This is more than double the cases in 2018 (265) and 127 more than in 2021. These data show that Barcelona residents are gradually becoming more aware of this phenomenon and that, year after year, the organisations and the OND are improving their work in dealing with and recording the reports submitted to the Observatory. They also show that the SAVD Board is stepping up its awareness-raising work and its commitment to combating under-reporting, which remains an ongoing challenge.

Graph 7.
Evolution of the discriminatory situations register of the OND and SAVD Board

Source: OND and SAVD Board, 2022



Furthermore, as we will see later, racism was the most common cause of discrimination in 2022, followed by LGBTI-phobia and discrimination due to health issues. Through its local anti-discrimination measures, the City Council has done important work in the city to raise awareness among the population, which has an impact on the number of cases documented. Work must continue to provide more information about the scope of human rights and impress on people that cases of discrimination are not a normal part of daily life and that they require legal sanctions.

In order to interpret the data according to the Observatory's methodology, as explained in Section 3, the following questions were answered as guiding themes of the analysis:

- 1 Who is discriminated against?
- 2 Who discriminates?
- 3 Where does discrimination take place?
- 4 On what grounds?
- 5 How does discrimination manifest?
- 6 What rights were violated?
- 7 What responses were provided to victims and what was the outcome?

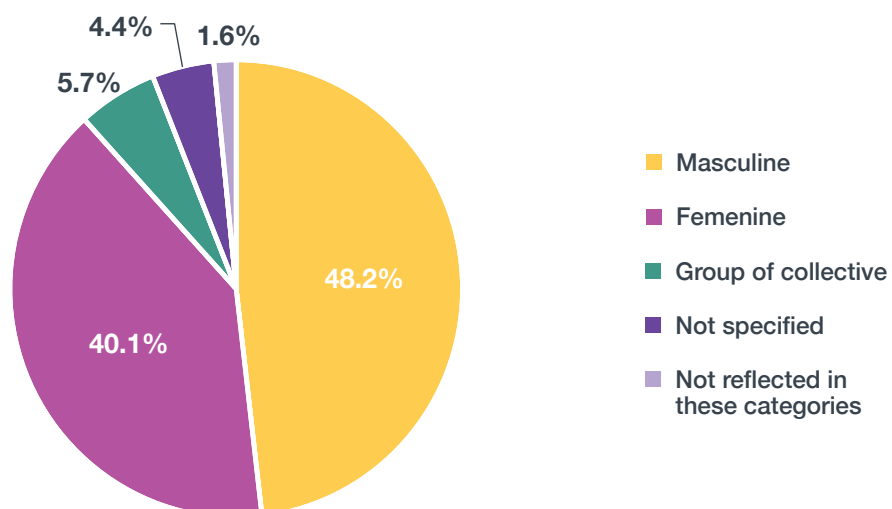
4.2.1

Who is discriminated against?

Understanding the profile of victims of discrimination is key to better target anti-discrimination prevention measures, implement positive action measures and raise public awareness about the population groups most exposed to discrimination. Graph 8 shows that, of the 631 total cases dealt with in 2022, 48.2% involved people who identify as male and 40.1% involved people who identify as female, and that 5.7% of the cases affected groups or collectives. As in previous years, people who identify as male reported more cases of discrimination than people who identify as female. Compared to 2021, the presence of females has increased by 10 percentage points in terms of cases on record. The data complement information on the cases addressed by the City Council's services specialising in gender violence, which will be presented later.

Graph 8.
Discrimination
and gender

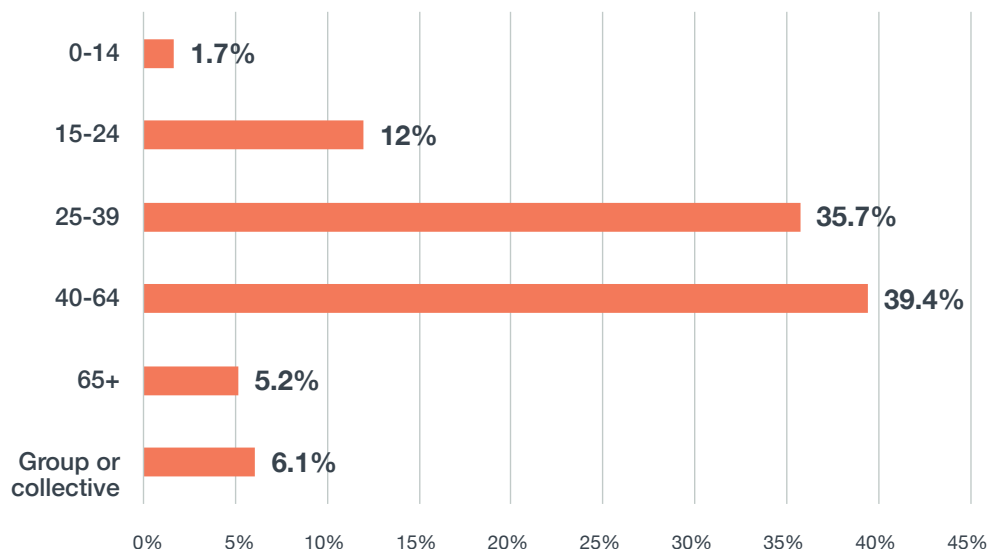
Source: OND and
SAVD Board, 2022



In relation to age, Graph 9 shows that the people who most come forward with cases of discrimination are 25- to 39-year-olds (35.7%) and 40- to 64-year-olds (39.4%), followed by 15- to 24-year-olds (12%), those over 65 (5.2%) and 0- 14-year-olds (1.7%). Under-reporting continues to be most persistent in those over 65 and those 14 or under, as was seen in 2021.

Graph 9.
Discrimination and age

Source: OND and SAVD Board, 2022



In 88 cases the age group is not provided

In addition to gender and age, the case records also identify the administrative status of victims of discrimination, which is an important factor for people deciding whether or not to report. Table 2 shows that 66.2% of people who reported cases of discrimination in 2022 were in a regularized administrative situation, meanwhile, 6% were in an unregulated administrative situation or were asylum seekers (1.4%) or refugees (0.2%). Barcelona City Council's **Service for Immigrants, Emigrants and Refugees (SAIER)** notes that in 2021, most of the people assisted by the service did not have their papers in order. Furthermore, this population group had increased since 2020 from 41.3% to 43.15% of the total number of people assisted by SAIER in 2021.²⁰ These data suggest that under-reporting persists among people whose papers are not in order. This is because they are reluctant to file complaints, given the stigma attached to this sector of the population, the legal limbo in which they find themselves, and the lack of recognition of their rights as city residents.

Table 2.
Discrimination and administrative situation

Source: OND and SAVD Board, 2022

	N	%
DNI/NIE identity number	418	66.2%
Unregulated administrative situation	38	6.0%
Asylum	9	1.4%
Refugee	1	0.2%
Not specified	165	26.1%
Total	631	100.0%

²⁰ SAIER's 2021 annual report: <https://ajuntament.barcelona.cat/novaciudadania/sites/default/files/memoria-saier-2021.pdf>

Under-reporting is due to the victim withdrawing out of fear of reprisals or of their situation worsening. **SOS Racisme Catalunya** notes that the normalisation of discrimination, that is, believing that what happened was wrong but that it's what one must deal with in this context, influences the decision to come forward with the case. It also conditions society's indifference to the consequences of the damage caused by discrimination, as well as the inaction of government institutions in terms of compliance with regulations on protection. Most of the people who reported cases in 2022 have identity documents that provide them with a guarantee of security. As such, we see that reporting can be a privilege. As noted by organisations such as **Bayt al-Thaqafa**, **SOS Racisme Catalunya** and **Cepaim**, administrative stability neutralises the factors leading to under-reporting in cases of discrimination due to racism and xenophobia.

4.2.2

Who discriminates?

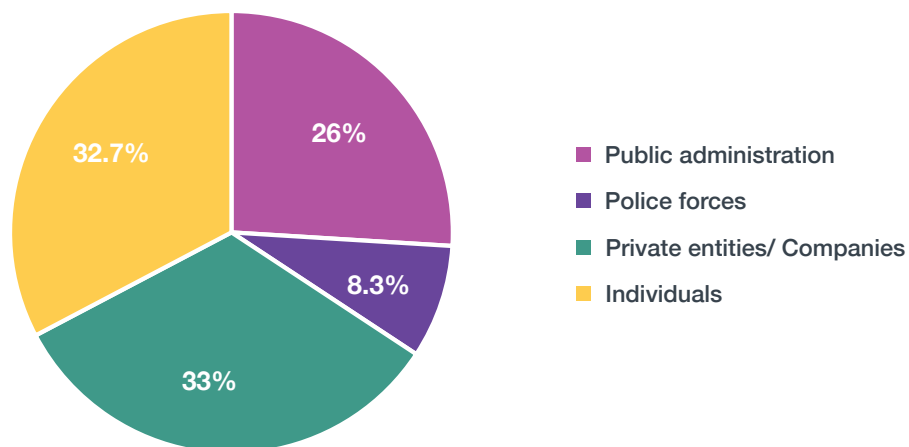
Whenever a case of discrimination is recorded, it is essential to identify the perpetrator. This shows which areas of society are linked to cases of discrimination and the kinds of dynamics that are at work in discriminatory actions, in full awareness that in many situations there may be more than one perpetrator of discrimination. In this way, specific measures can be established to raise awareness and sensitivity and implement prevention initiatives among certain actors.

Graph 10 shows that private entities/ companies were involved in 33% of cases of discrimination in 2022, with an increase of 5 percentage points compared to 2021. Individuals were involved in 32.7% of cases, 10.3 percentage points less than in 2021. In 2022, Public administration were involved in 26% of cases, an increase of 4 percentage points compared to 2021. Police forces were involved in 8.3% of cases, an increase of 1.3 percentage points compared to 2021.

This information suggests that **private entities/ companies, individuals and public administration continue to be perpetrators of discrimination** in many cases. If we add together the government institutions and law enforcement categories, we see that 34.3% of cases of discrimination were directly or indirectly perpetrated by a public employee. In 2021, this percentage was 29%.

Graph 10.
Discriminating agents

Source: OND and SAVD Board, 2022



Graph 11 shows trends over time in terms of the discriminatory agents of reported cases of discrimination. There is a rising trend in cases perpetrated by public administration (166 cases) compared to 2019 (68) and private entities/ Companies (211), also compared to 2019 (149). In the case of individuals (209), there was a slight decrease compared to 2021 (220), but there is still an increase compared to 2019 (156). In terms of police forces (53), there was a significant increase compared to 2021 (36), continuing its upward trend in relation to 2019 (44). The graph shows that police forces and public administration continue to show an upward trend in terms of their involvement as perpetrators in the cases on record. At the same time, the increase in the cases of discrimination perpetrated by private entities/Companies has skyrocketed, and the decrease in cases perpetrated by individuals does not represent improvement, as the numbers are still high.

**Graph 11.
Discriminatory agents,
2019-2022**

Source: OND and SAVD Board, 2022

The total of discriminatory agents is superior to the total of discrimination situations (631) because in some cases more than a discriminatory agent has been identified.

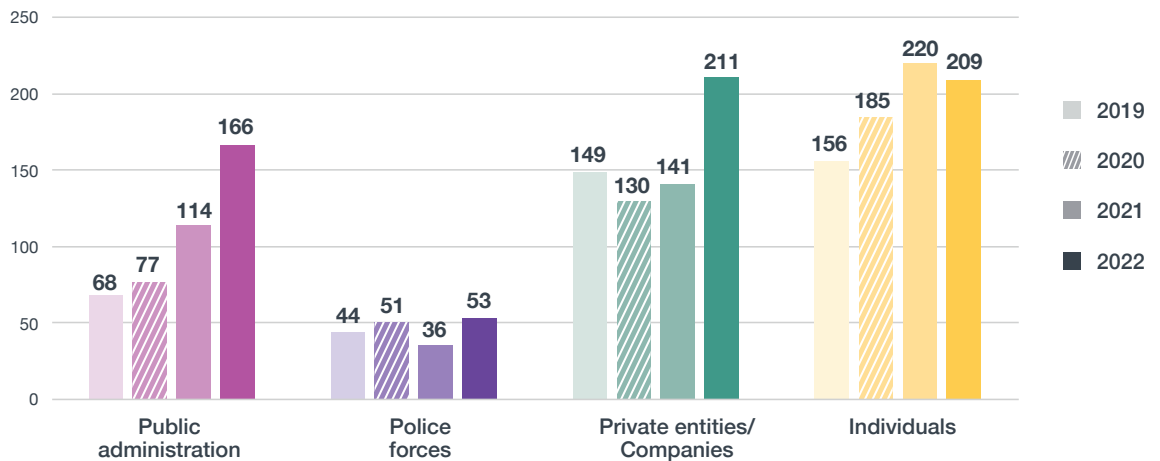


Table 3 details those who discriminate within the four categories: individuals, private entities/Companies, public administration and police forces. In the category of private entities/Companies, 97 cases were perpetrated by employees, followed by associations (30), private security (24) and management staff (21). In the category of public administration, regional administration were involved in 98 cases, local administration in 47 cases, and national administration in 16 cases. In the police forces category, local officers were involved in 25 cases, regional officers in 17 cases, and national officers in 8 cases. If we add private security (24) to police forces (53), we see a total of 77 involvements, representing 12% of the total, 2 percentage points higher than in 2021.

The graph shows that business employees are the main perpetrators of discrimination. In their records of cases of discrimination in 2022, the **Salut Mental Catalunya Federation**, the **Observatory against Homophobia (OCH)**, the **Secretariado Gitano Foundation**, **Cepaim**, the **ECOM Federation**, **Plataforma per la Llengua** and **Gais Positius** noted an increase in reports of cases perpetrated by private private organisations/ companies. These cases are related to limiting access to services, as well as stigma, prejudice based on background, ethnicity, skin colour, language, disability or a mental health or HIV diagnosis, among others.

**Table 3.
Discriminatory
agents**

Source: OND and
SAVD Board, 2022

	N	%
Individuals	209	32.7%
Private organisations/ companies	211	33.0%
Employee	97	46.0%
Management staff	21	10.0%
Organisations/associations	30	14.2%
Private security	24	11.4%
Organised group	3	1.4%
Not specified	36	17.1%
Public administration	166	26.0%
Local	47	28.3%
Provincial	1	0.6%
Regional	98	59.0%
National	16	9.6%
Not specified	4	2.4%
Police forces	53	8.3%
Local	25	47.2%
Regional	17	32.1%
National	8	15.1%
Not specified	3	5.7%
Total	639	100.0%

The total of discriminatory agents is superior to the total of discrimination situations (631) because in some cases more than a discriminatory agent has been identified.

Cross-referencing data on the perpetrators of discrimination with data on the causes of discrimination provides key information that allows us to analyse the underlying dynamics of discrimination and identify the stigma, prejudice and stereotypes that persist in a sector of society and lead to discrimination and rights violations. It should be noted that in some of the 631 cases of discrimination on record there may be several causes of discrimination, as well as more than one perpetrator. As such, Table 4 identifies 781 interactions between perpetrators of discrimination and causes of discrimination. It shows that most cases of LGBTI-phobia are committed by individuals (91), who are also the main perpetrators in cases of aporophobia (29) and gender discrimination (25), and are significantly present in cases of racism and xenophobia (58).

Private entities/ companies are the main perpetrators in cases of racism and xenophobia (68) and language discrimination (58), with a major presence in cases of discrimination due to health issues (43) and aporophobia (22).

Police forces are more involved in cases of racism and xenophobia (32) and aporophobia (11). Finally, public administration are the main perpetrators in cases of discrimination due to health issues (59) and ableism (39), with significant involvement in cases of racism and xenophobia (40), language discrimination (25) and aporophobia (16).

The cases on record show that racism and xenophobia are structural problems, as they interact with a wide range of perpetrators of discrimination, from public administration to police forces, private entities/ companies and individuals. This reality is also seen with LGBTI-phobia, with a decrease of documented cases perpetrated by police forces and public administration. In relation to health, the authorship persists of Public Administration and private entities/companies, with a smaller incidence in individuals and police forces.

Table 4. Discriminatory agents and grounds of discrimination

Source: OND and SAVD Board, 2022

Grounds for discrimination	Public administration	Police forces	Private entities/ companies	Individuals
Racism and xenophobia	40	32	68	58
LGBTI-phobia	11	3	22	91
Ableism	39	0	13	16
Language	25	7	58	0
Health	59	2	43	19
Religion	7	3	2	7
Gender	12	5	13	25
Ideology	0	1	14	2
Ageism	3	0	3	0
Aporophobia	16	11	22	29

The 631 discriminatory situations collected during 2022 can have several discriminatory grounds assigned and also more than a discriminatory agent. This is why the sum of the discriminatory agent columns of this table doesn't match with those of Table 3.

Our analysis shows that private entities/ companies were involved in all forms of discrimination to a greater or lesser extent, which suggests that structural discrimination is becoming accepted in this sector: the more causes of discrimination, the more these forms of discrimination are naturalised and tolerated. This tolerance of discrimination may lead to the sector becoming the most common perpetrator of cases. It is worth noting the text of Article 25, Section 5 of **Act 19/2020 on equal treatment and non-discrimination**: “5. Business owners and providers of goods and services are liable for the damage caused if the discrimination, including harassment, takes place within their scope of organisation or management and they have not complied with the obligations of this Act.” That is, the business or private organisation is responsible for discrimination when it takes place in that business or organisation.

Employees in shops, leisure centres, supermarkets, service companies, workplace environments, security companies and banks are the perpetrators of the cases of racism and xenophobia on record. For example, supermarket and shop employees have exhibited discriminatory attitudes towards Roma people. Security company employees have, in particular, committed acts of discrimination against foreign-born trans individuals as well as young immigrants using means of transport. Employees of insurance companies, gyms, sports centres, bars and restaurants have also been identified as discriminating on the basis of language, health issues, LGBTI-phobia and aporophobia. Examples include insurance companies that denied insurance to people with HIV, displaying a clearly serophobic attitude, and to people with mental health diagnoses, as reported by **Gais Positius** and the **Salut Mental Catalunya Federation**.

Individuals, such as owners of flats, neighbours, private employers, strangers the victims come across on public transport, in the street or in spaces open to the public, committed acts of discrimination against racialised individuals, people with an immigrant background and Roma people. People using public transport, night clubs and gyms committed acts of LGBTI-phobia, especially homophobia, as reported by the **Observatory against Homophobia**.

Public Administration perpetrated discrimination based on racism and xenophobia, health issues, ableism and language use. For example, people with mental health diagnoses were discriminated against by health workers when they were admitted against their will, as were Catalan-speaking patients when they did not receive adequate care. In the case of social services, foreigners or racialised individuals suffered discrimination when they received differential treatment, limiting their access to quality service. It should be noted that the **absolute increase in cases having to do with mental health, aporophobia and racism is linked to the increase in cases perpetrated by Public Administration**, though in the case of racism it is also linked to law enforcement in arrests based on ethnic profile.

SOS Racisme Catalunya, Irdia, XAPPSLL and the **Observatory of Islamophobia in Catalonia (ODIC-SAFI)** report that police forces in particular discriminate based on racism, xenophobia and aporophobia, with an impact on males, mostly young men of North African origin, and also foreigners living on the streets. In Act 19/2020, Article 21 (Law Enforcement), Section 3, reads: “Public employee responsible for enforcing this law are generally obliged not to discriminate in the performance of their duties and to protect victims of discrimination by guaranteeing that their complaints are investigated, that they are informed of their rights and that they have access to justice.”

The role of Public Administration, as duty bearers, is defined and enshrined in all international, national and local regulations in order to protect and guarantee human rights, especially the fundamental right that is the origin of the recognition of people as subjects of rights: the right to equal treatment and non-discrimination. If this right is violated, it opens the door to more serious violations that can systematically affect individuals. Residents should feel that public institutions are there to protect and guarantee their rights, not to violate them. As such, the Observatory takes note of the perpetrators of discrimination and, based on this information, identifies who is not fulfilling their role in the framework of guaranteeing rights (responsibility bearers, duty bearers, rights holders) and why.

4.2.3 **Where does discrimination take place?**

Pinpointing where cases of discrimination occur makes it possible to identify the public and private places that are especially problematic. Sustained prevention initiatives can thus be implemented wherever discrimination is particularly frequent. This can change over time, which is why comparative analyses by year should be carried out to see which places stand out each year. The totals shown in these data do not necessarily match the 631 cases on record because there are cases of discrimination where the place was not recorded, and other cases where more than one place was identified.

In Table 5 we can see the trend in cases of discrimination in both public and private places. In public places, the overall figure suggests that cases of discrimination increased substantially from 2019 (268 cases) to 2022 (325 cases), with 57 more cases than in 2021.

In the category of streets, parks, beaches and squares, we see an increase each year, from 97 cases in 2019 to 134 in 2022, although this is seven fewer cases than in 2021 (141 cases).

We see a significant annual increase in cases of discrimination in public facilities, from 98 in 2019 to 182 in 2022. The most significant increase took place in 2022, with 58 more cases.

Within this category, hospitals saw the highest number of cases of discrimination, with 61 in 2022, a significant increase compared to previous years. Stations and public transport came in second in terms of number of cases (32) in 2022, followed by public service offices and courts (25), schools (24) and police stations (13), which also saw significant increases compared to previous years. Seven cases took place in hostels or shelters, an increase on previous years. Five cases took place at sports, cultural and social centres, a 50% decrease compared to 2021. In libraries, museums and exhibition halls there were three cases, and two at markets.

Nine cases of discrimination took place through online and telephone services, an increase compared to previous years.

As for private places, the number of cases of discrimination rose from 206 cases in 2019 to 263 in 2022, with 32 more cases than in 2021. In the category of private facilities with public access, cases increased from 91 in 2019 to 112 in 2022, with 62 more cases than in 2021.

Within this category, most of the cases of discrimination took place at restaurants and bars, with 31 such cases in 2022. They are followed by shops, with 27 cases in 2022, assistance and service offices (23) and leisure centres (13).

The category of private facilities where access is subject to prerequisites decreased from 167 cases in 2021 to 124 in 2022. Within this category, houses, flats and other dwellings are the main places where discrimination occurs, with 48 cases; followed by companies and organisations, with 45 cases; schools, hospitals and sports centres, with 12 cases, and leisure centres and media, with four cases. As for online and telephone services, 27 cases were recorded, an increase of 13 compared to 2021.

This information shows that public places in the city (streets, parks, beaches and squares) continue to be fertile grounds for discrimination, as are public facilities, such as hospitals, transport stations, public service offices and courts, schools and police stations. Private places are also prone to discrimination and include bars and restaurants; shops; information and service offices; houses, flats and other dwellings; and companies and organisations.

Table 5. Areas of discrimination 2019-2022

Source: OND and SAVD Board, 2022

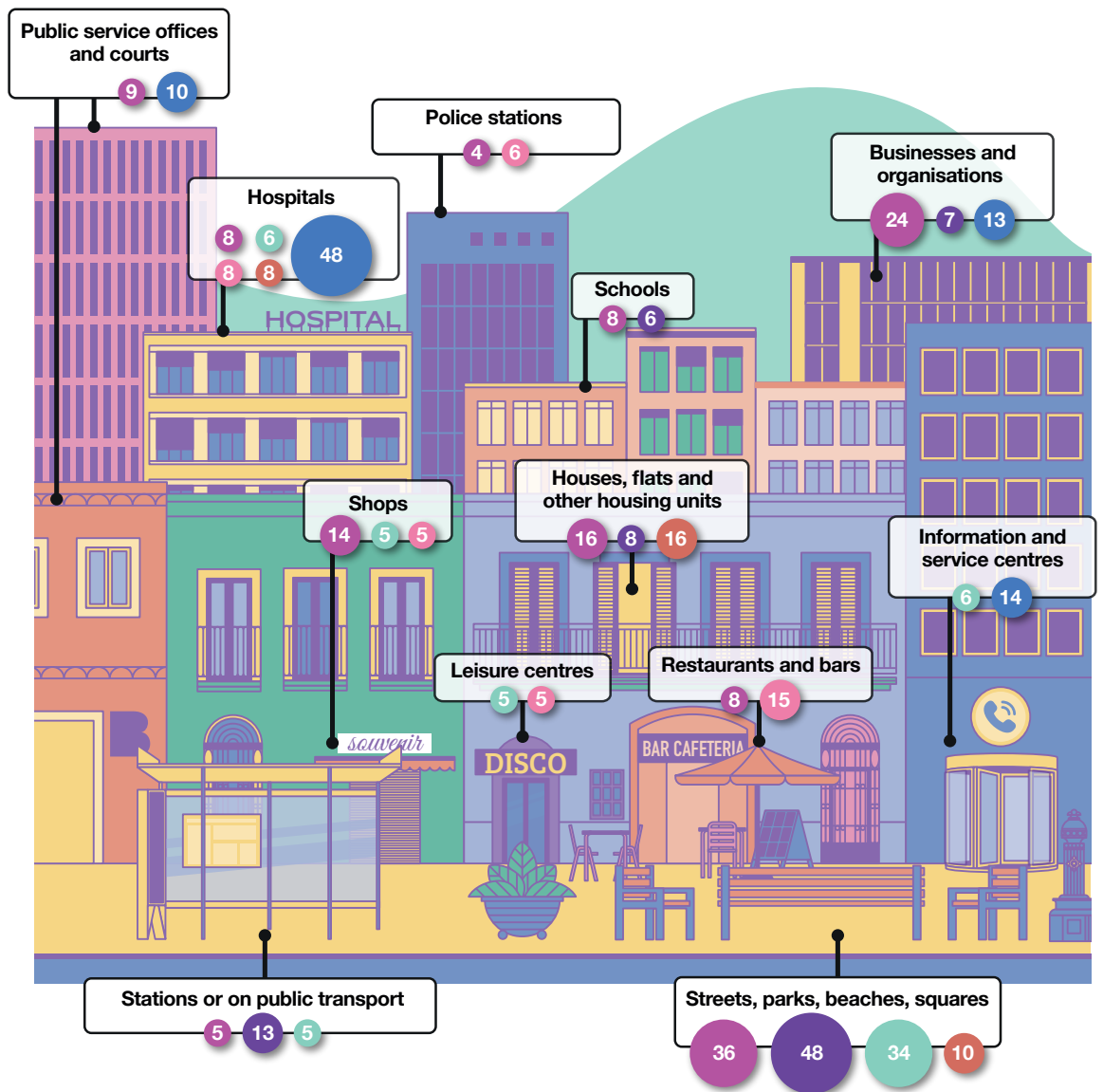
		2022	2021	2020	2019
Public		325 (53.5%)	268 (53.2%)	197 (45.2%)	196 (46.7%)
	Streets, parks, beaches, squares	134 (22.1%)	141 (28%)	109 (25%)	97 (23.1%)
	Public facilities	182 (30.0%)	124 (24.6%)	84 (19.3%)	98 (23.3%)
	Stations or public transport	32	37	31	41
	Hospitals	61	23	13	18
	Public service offices and courts	25	20	12	9
	Schools	24	16	9	7
	Sports, cultural and social centres	5	10	1	3
	Hostels or shelters	7	5	3	2
	Police stations	13	4	4	5
	Markets	2	2	0	0
	Libraries, museums and exhibition halls	3	2	1	2
	Other	10	5	10	11
	Online and telephone services	9 (1.5%)	2 (0.4%)	3 (0.7%)	1 (0.2%)
	Not specified	0 (0%)	1 (0.2%)	1 (0.2%)	0 (0%)
Private		263 (43.3%)	231 (45.8%)	211 (48.4%)	206 (49%)
	Private facilities with public access	112 (18.5%)	50 (9.9%)	65 (14.9%)	91 (21.7%)
	Shops	27	20	28	12
	Restaurants and bars	31	15	13	34
	Assistance and service offices	23	7	6	9
	Leisure centres	13	2	0	14
	Hotels, hostels and shelters	2	2	2	8
	Museums and exhibition halls	1	1	0	1
	Stations or public transport	3	0	2	3
	Other	12	3	14	10
	Private facilities where access is subject to prerequisites	124 (20.4%)	167 (33.1%)	129 (29.6%)	99 (23.6%)
	Houses, flats and other dwellings	48	67	70	42
	Companies and organisations	45	59	29	23
	Schools, hospitals and sports centres	12	24	120	11
	Leisure centres	4	6	0	5
	Media	4	1	5	6
	Concert halls, conference rooms and pavillions	0	1	0	2
	Other	11	2	3	10
	Not specified	0	7	10	0
	Online and telephone services	27 (4.4%)	14 (2.8%)	14 (3.2%)	16 (3.8%)
	Not specified	0 (0%)	0 (0%)	3 (0.7%)	0 (0%)
Other		19 (3.1%)	5 (1%)	28 (6.4%)	18 (4.3%)
Total		607	504	436	420

The totals don't coincide with the 631 registered cases because there are situations that did not register the place and because there is more than one registered space in some discrimination situations.

Infographic 5: Places where discrimination is most prevalent was created to make it easier to interpret the above table, in order to show the extent of discrimination at a spatial level and to identify places in the city where cases of discrimination are most likely to occur. This information can help us to prioritise prevention initiatives in city spaces and create safe environments for people.

Infographic 5. Places where discrimination is most prevalent

Source: OND and SAVD Board, 2022



AXES OF DISCRIMINATION

- Racism and xenophobia
- LGBTI-phobia
- Aporophobia
- Language
- Ableism
- Health

NUMBER OF CASES

- >40
- 20-29
- 10-19
- <10
- 30-39

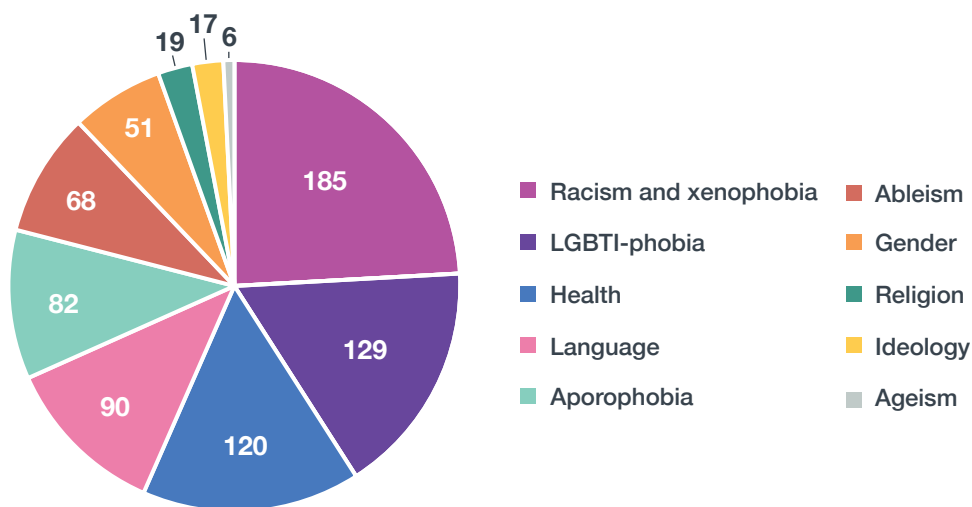
On what grounds?

As we will see later, discrimination due to racism and xenophobia continued to be the most frequently documented form of discrimination in 2022, followed by LGBTI-phobia, health issues and language use.

Identifying the causes of discrimination is key to crafting strategies aimed at preventing and eradicating this phenomenon. The OND and SAVD Board work with ten forms of discrimination, as seen in Graph 12. **In 2022, racism and xenophobia were again the most frequent cause of cases of discrimination**, accounting for 185 out of the 631 total cases, followed by LGBTI-phobia (129), health issues (120), language (90), aporophobia (82), ableism (68), gender (51), religion (19), ideology (17) and ageism (6). These numbers given on the graph refer to the total amount of times a form of discrimination was present in a given case; they can interact simultaneously with other forms of discrimination.

Graph 12.
Reasons for discrimination

Source: OND and SAVD Board, 2022



The total number doesn't coincide with the total quantity of discriminatory cases registered (631), as there is usually more than one reason for discrimination.

To complement the information in the previous graph, Table 6 shows how a victim of discrimination may suffer discrimination based on various factors and therefore be more intensely affected by it. This is known as **multiple and intersectional discrimination**. Of the 631 total cases, there was only one reason of discrimination at play for 515 people, two for 97 people, three for 17 people and four for two people, meaning that 18.3% of the cases of discrimination on record involved more than one reason. Bearing in mind that victims do not necessarily identify several factors of discrimination in their reports, but rather focus mainly on one, the percentage extracted from this table indicates that multiple discrimination is a reality we must take into account when it comes to supporting the victim, because experiences of discrimination vary from one person to another depending on the number of causes, the ways they intersect, the spaces where they take place and the ways in which they manifest. This is particularly important because the process of accessing the right to justice must take into account the cases of multiple and intersectional discrimination that have impacted people.

Table 6. Quantity of discrimination reasons per discriminated person

Source: OND and SAVD Board, 2022

N.	Quantity of discrimination reasons per discriminated person
1 reason	515
2 reasons	97
3 reasons	17
4 reasons	2
Total	631

Table 7 specifies the interacting causes of discrimination for the 116 people who were affected by two or more than two reasons. For most of the people affected by two grounds of discrimination, the factors were language use and ideology (13), health issues and ableism (12), racism and aporophobia (11), and racism and gender (11). People affected by three factors of discrimination were affected by health issues, ableism and gender. As for people affected by four factors of discrimination, racism and xenophobia interacted with aporophobia and health issues, together with gender and ableism.

Racism and xenophobia are seen most often in cases involving two or more factors of discrimination, followed by discrimination due to health issues. Both factors interact above all with aporophobia and gender. That is, racialisation, together with a health diagnosis, poverty and a certain gender identity can lead to a differential impact due to intersectional discrimination.

Graph 13 shows the evolution of the reasons for discrimination by year. While racism and xenophobia remain the most frequent causes, with 185 cases, there was a decrease compared to 2021. As for LGBTI-phobia, there were 129 cases, 30 fewer than in 2021.

There was a significant increase in cases due to health issues, with 120 cases in 2022 compared to 37 in 2021. In terms of language discrimination, there was a jump from 59 cases in 2021 to 90 in 2022. Another increase was seen in cases of discrimination due to aporophobia, with 82 cases in 2022 compared to 65 in 2021. There were 68 cases of ableism in 2022, an increase of 11 compared to 2021. Gender-based discrimination was seen in 51 cases in 2022, an increase of 30 compared to 2021. There were 19 cases of religious discrimination in 2022, compared to 26 in 2021. There were 17 cases of discrimination due to ideology in 2022, eight more than in 2021. Finally, ageism was seen in six cases, one more than in the previous year.

**Table 7.
Discrimination
with two or
more reasons**

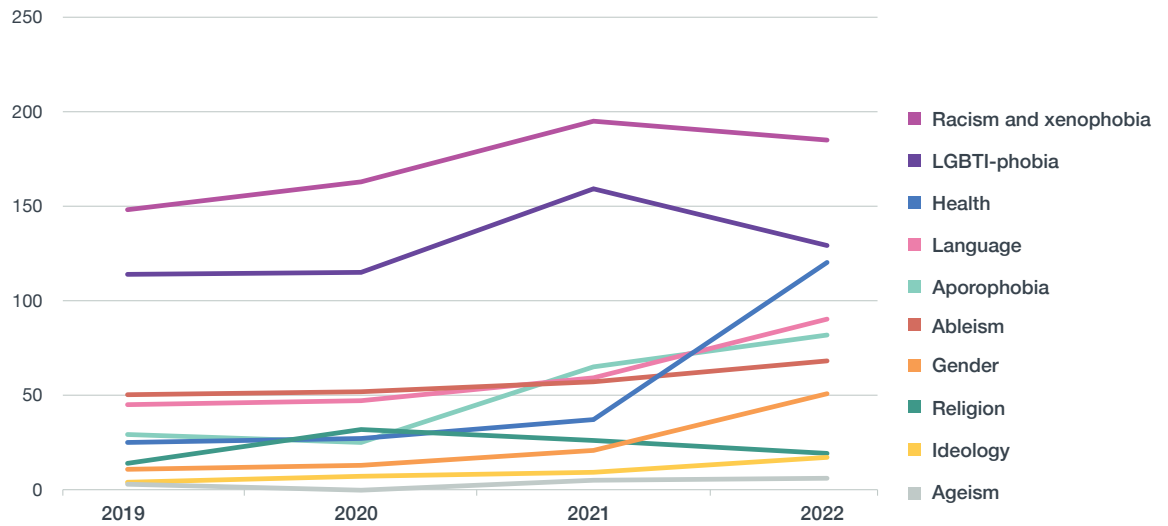
Source: OND and
SAVD Board, 2022

More than two discrimination reasons	People
4 reasons	2
Racism/xenophobia + Health + Aporophobia + Gender	1
Racism/xenophobia + Health + Aporophobia + Ableism	1
3 reasons	17
Health + Ableism + Gender	6
Racism/xenophobia + Aporophobia + Health	3
Racism/xenophobia + Aporophobia + Gender	2
Racism/xenophobia + Religion + Gender	1
Racism/xenophobia + LGBTI-phobia + Gender	1
Racism/xenophobia + Health + Ableism	1
Health + Aporophobia + Gender	1
Health + Aporophobia + Ableism	1
LGBTI-phobia + Aporophobia + Gender	1
2 reasons	97
Language + ideology	13
Health + Ableism	12
Racism/xenophobia + Aporophobia	11
Racism/xenophobia + Gender	11
Racism/xenophobia + Religion	7
Aporophobia + Gender	7
Health + Gender	6
Health + Language	6
Health + LGBTI-phobia	5
Health + Aporophobia	4
Racism/xenophobia + Ageism	3
Gender + LGBTI-phobia	3
Racism/xenophobia + Ableism	2
Racism/xenophobia + Health	1
Racism/xenophobia + Ideology	1
Racism/xenophobia + LGBTI-phobia	1
Racism/xenophobia + Language	1
Ageism + Gender	1
Ableism + LGBTI-phobia	1
Aporophobia + LGBTI-phobia	1
Ageism + Gender	1
Total	116

Graph 13. Reasons for discrimination 2019-2022

Source: OND and SAVD Board, 2022

There are more discrimination reasons than cases of discrimination registered (631) because in some cases there is more than one reason for discrimination.



The increase in cases of discrimination linked to health issues, as noted by the **Salut Mental Catalunya Federation**, is due to the adoption of the rights-based approach in mental health, using an analysis of the different forms of discrimination, which has led to a significant improvement in its work documenting cases. Meanwhile, **Gais Positius** explains that in addition to the improvement in case documentation, the number of seropositive cases increased in 2022 because more cases were reported.

The 2022 data show the organisation’s persistence in the continuous improvement of the care team and the network of associations that make up the SMC in supporting those who have experienced narratives of discrimination and rights violations, especially because we’ve incorporated the rights-based approach in detecting discrimination. As a result, the records are clearer. The main monitoring point for cases of violations is the Espai Situa’t, a space in Barcelona specialising in mental health that provides information, guidance and counselling. The number of complaints has been stable compared to 2021, and so we cannot categorically say that there were more reports this year. Vulnerability and hostile situations are a long-standing problem for this group, and the instability of the social and healthcare systems has been an issue since before the pandemic. The Salut Mental Catalunya Federation prioritises the promotion of person-centred mental health care from a rights-based perspective, taking into account the different forms of inequality. We also create spaces to manage complex cases and provide intersectionality training.

Salut Mental Catalunya Federation, 2022

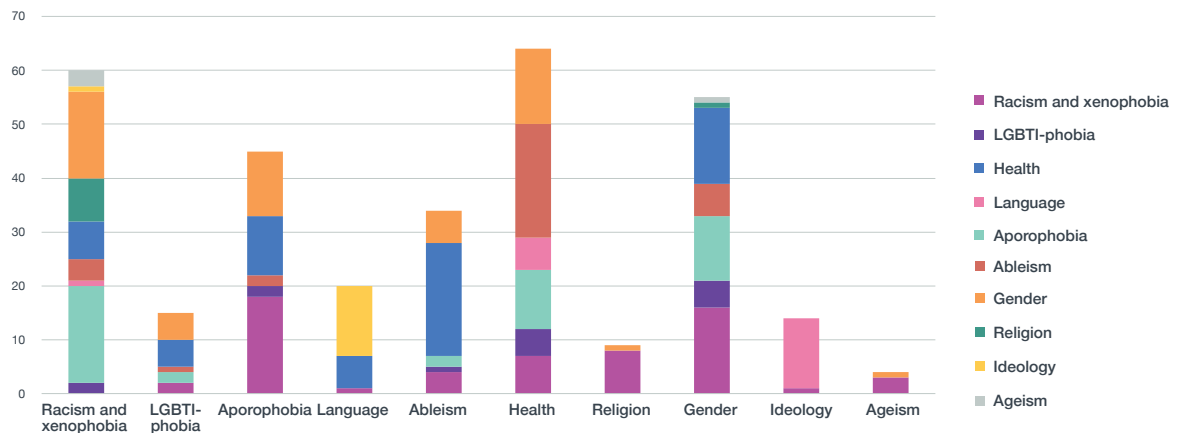
Graph 14 shows in detail how intersectional discrimination works, that is, how within a single case of discrimination, **various discriminations can simultaneously affect a person or group**. Notably, racism and xenophobia interact with nine of the ten forms of discrimination analysed by the Observatory, especially aporophobia, gender, health and religion. Health issues interact with six forms of discrimination (gender, ableism, language, aporophobia, LGBTI-phobia, and racism and xenophobia). Gender mainly interacts with racism and xenophobia, aporophobia, health, ableism and LGBTI-phobia. Aporophobia

intersects with gender, health and racism; ableism primarily intersects with health, gender and racism; language intersects with ideology, gender and racism; LGBTI-phobia intersects with gender, health, aporophobia, racism and ableism; religion intersects with racism and gender; ideology intersects with language and racism; and finally, ageism intersects with gender and racism.

As seen in Table 7, in cases where there are more than two causes of discrimination, racism and xenophobia, aporophobia, health and gender are the main forms of discrimination that interact in the cases documented by the Observatory.

Graph 14.
Intersectionality
in the
discriminations

Source: OND and
SAVD Board, 2022



The SAVD Board organisations and the OND believe that it is essential to pay increasing attention to multiple and intersectional discrimination when documenting cases, in order to improve information gathering, enhance the support and assistance provided to victims, and promote positive action measures that help to prevent and eradicate discrimination altogether. **Intersectionality shines a light on the specific characteristics of those affected**, shows the differential impacts of discrimination and identifies the specific needs and priorities of rights holders.

In terms of equality and non-discrimination, the European Union does not use the term “intersectional discrimination”, but refers to “multiple discrimination”, i.e. discrimination based on factors that operate separately. However, it has gradually begun to recognise that forms of discrimination can intersect. In 2000, after analysing the experiences of Roma women, it recognised that racial/ethnic background and sex are factors of multiple discrimination that can combine with other variables.²¹ Later, the EU’s 2005 strategic framework for non-discrimination and equal opportunities highlighted the need to “focus on situations of multiple discrimination”. With the 2006 report entitled “Discriminación múltiple en la legislación europea. Oportunidad para responder jurídicamente a la discriminación interseccional de género” [Multiple discrimination in European law. An opportunity to provide a legal response to intersectional gender-based discrimination], intersectional discrimination is becoming increasingly prominent in the European Union’s political and institutional discourse.

Meanwhile, Article 22.2 of Act 19/2020 on equal treatment and non-discrimination states: “Government institutions must establish the specific measures to address all cases of discrimination, especially those against individuals affected by multiple discrimination. These measures may take the form of positive action measures applied from the perspective of intersectionality, in order to take into account the simultaneous presence of various causes of discrimination.”

²¹ “Intersectionality and Multiple Discrimination.” Council of Europe: <https://www.coe.int/en/web/gender-matters/intersectionality-and-multiple-discrimination>.

Discrimination due to racism and xenophobia

Racism is defined as any distinction, exclusion, restriction or preference due to racialisation that stigmatises skin colour, descent, or national or ethnic origin and has the purpose or effect of nullifying or undermining the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social or cultural spheres, or in any other area of public life.²² Xenophobia is defined as hatred, hostility or rejection towards people with a foreign background or who are perceived as foreigners.²³

In 2001, the World Conference Against Racism and Xenophobia in Tehran stated that “**racism is an ideological construct that assigns a certain ethnic group to a position of power over others on the basis of physical and cultural attributes**, as well as economic wealth, involving hierarchical relations where the ‘superior’ race exercises domination and control over others”, whereas “xenophobia describes attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity”.²⁴

In many situations, it can be difficult to distinguish between racism and xenophobia, as it is often assumed that differences in physical characteristics set the “other” apart from a shared identity. However, there are manifestations of xenophobia that take place against people of identical physical characteristics and even descent, when these people arrive in, return to or immigrate to states or territories where the population considers them foreign.

The Discrimination Observatory has identified the following categories in its analysis of people affected by racism and xenophobia: migrant people, people of Maghreb or Arab origin, Black people, Roma people, people of Latin American origin and people of Asian origin. This categorisation addresses the realities that the SAVD Board organisations and the OND have been observing in the context of the city, and may contribute to differentiating how and why certain groups of people are affected. Not all Latin American people, for example, are Black or racialised (interpreted from the stigma of supposed phenotypic and genotypic differences). Not all Black people are foreigners. And not all racialised immigrants have been as impacted by racial profiling as people of North African origin, who are most often subjected to discriminatory treatment. In particular, the long history of racial discrimination against Roma means that they continue to be affected by racism and Romaphobia despite being European. This explanation helps us to understand how racism and xenophobia affect the documentation of the cases described below.

Table 8 shows the number of times racism and xenophobia were identified among the 631 cases of discrimination documented in 2022, how these phenomena have evolved over time and to what degree they affect people depending on their nationality, origin, ethnicity and skin colour. These indicators help to establish specific initiatives aimed at preventing and eradicating this structural problem. In 2022, there were a total of 185 cases of racism and xenophobia, of which 43 were against Black people (marking an upward year-on-year trend), 39 were against migrant people (fewer than in 2021), 39 were against people of Maghreb or Arab origin, 25 were against people of Latin American origin, 23 were against Roma people, and five were against people of Asian origin.

²² Definition taken from Act 19/2020, of 30 December, on equal treatment and non-discrimination.

²³ Ibid.

²⁴ Declaration on Racism, Discrimination, Xenophobia and Related Intolerance against Migrants and Trafficked Persons. Asia-Pacific NGO Meeting for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Tehran, Iran. 18 February 2001.

Skin colour, origin, ethnicity, nationality and culture, interpreted from the perspective of racialisation and fear of what is perceived as foreign or different (which constructs stigma, stereotypes and prejudice), lead to cases of discrimination that result in human rights violations. What should be an inherent quality of the human condition and a value of diversity that enriches people instead becomes a physical and emotional condition, as people are ignored and subjected to rejection, devaluation and exclusion simply because of who they are.

Table 8. Who is discriminated for racism and xenophobia? 2019-2022

Source: OND and SAVD Board, 2022

	2022	2021	2020	2019
Racism and xenophobia	185	195	163	148
Migrant people	39	86		
People of Maghreb or Arab origin	39	33	46	43
Black people	43	22	29	26
Roma people	23	21	15	10
People of Latin American origin	25	20	32	20
People of Asian origin	5	5	12	3
Other	7	3	4	4
Not specified	4	5	25	42

The total indicates the number of times the discrimination was identified in the total of 631 cases registered.

When the stigma of racialisation is associated with a body, the rejection is greater. For example, racialised immigrants (with physical characteristics associated with indigenous and Afro-descendant origins, for example) will experience the effects of racism directly, unlike immigrants whose bodies are characterised by white European features. The former are seen as ungraceful, unskilled and are devalued because that is how their bodies have historically been constructed through racialisation. This is how racism operates on people's very being.

Graph 15 shows the trend over time in perpetrators of racist and xenophobic discrimination. In the 185 cases of racism and xenophobia on record for 2022, 68 private entities/Companies were identified as perpetrators, marking an increase compared to 2019. In the case of individuals, there was a spike between 2020 and 2021 compared to 2019, and in 2022 it decreased to 58. Furthermore, there were 40 perpetrators of discrimination in Public Administration, a category that has seen an increase in numbers, and 32 in police forces, more than in 2021.

This information, gleaned from the complaints on file, makes it possible to identify the sectors that should be the focus of awareness-raising and prevention initiatives in order to limit the rising numbers of perpetrators in these categories. Undoubtedly, the challenge lies in the private sector (organisations and businesses) and the public sector (government and law enforcement agencies).

“She suspected she would be fired before giving birth”

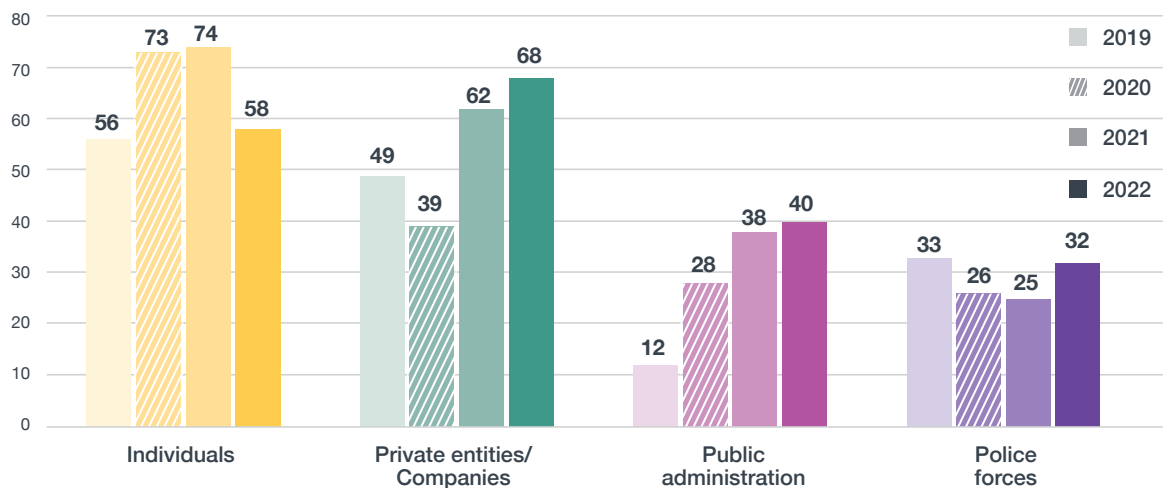


The case of Ms G. B. is very typical. She worked from dawn to dusk as a live-in maid at a private house, where the family requesting her services took advantage of her lack of papers. Ms G. B. became pregnant in late 2021. She had a high-risk pregnancy that forced her to make frequent visits to the doctor. Every time Ms G. B. had to leave work, the family deducted those hours from her pay and made harassing comments, in addition to threatening to fire her if she did not find a suitable replacement during her leave. The family had committed to regularising her situation, but time passed and Ms G B saw that they were not meeting the deadlines or providing the documents, in a process that is already complicated to begin with. She suspected she would be fired before giving birth. This case reached our therapy space fairly late, as Ms G. B was afraid to claim her rights. We contacted a labour mediation service from the network of associations and notified the social services of the situation, but the victim ultimately ruled out pursuing either path, for fear of reprisals. Ms G. B had her child in 2022, continues to lack papers and lost her job.

The **Exil** association explains that this case represents workplace discrimination due to the combined factors of administrative status, origin, socio-economic status and gender.

Graph 15.
Who discriminates for racism and xenophobia, 2019-2022

Source: OND and SAVD Board, 2022



“Who is enforcing regulations and ensuring safety in our city?”



“On 19 March 2022, I was at the basketball court in Plaça Terenci Moix, Ciutat Vella district. Around midnight, I saw two plainclothes police officers arriving. I decided to take my things and calmly leave. The people I was with also left. We left because of our past experiences with law enforcement agencies and because of all the people who were there at that time, the officers came straight towards us, the only Afro-descendant, Black people there.

When I reached Carrer de Joaquim Costa, I realised I was missing two of my friends and my wireless headphones. I had left them on the ping-pong table to play basketball. Worried about my friends and because I wanted to get my headphones back, I went back and found a whole security operation under way. My friends had come back because one of them had left their mobile behind, and now the law enforcement officers were asking for their ID and fining them. After an uncomfortable conversation with the officers, whose attitude was provocative and confrontational, they asked for my ID. I gave it to them. They asked me to give them my bum bag to see what was inside. I started to take out my things and put them on the ping-pong table. The officer insisted I had to give him my bum bag. I replied that I didn't have to give it to him, since I was taking out my things and putting them on the table. The officer continued to insist. I said that it was my understanding he didn't have gloves to search my bag. Visibly agitated, he asked me where it said he had to wear gloves. I decided not to reply, in order to avoid violence against me. He repeated the question, and in that moment I realised that the officer was trying to get me to act nervously or violently in order to justify more violence against me. I looked for his badge number, and when I didn't see it, I told him I had noticed that his officer identification number wasn't visible and that he was therefore not complying with the law that supposedly was in place to enforce regulations and ensure safety in our city. The officer reviewed the items on the ping-pong table and asked me if I had any narcotics or banned items in my pockets.

I emptied my pockets and said I didn't. Then the officer gave me back my ID, which I had given to him earlier. (...) A few minutes later, I was still standing there with the two other friends who were being fined. Then the officers changed tactics and tried to act friendly. It all ended when they decided they were done with their fines and one of them, in plainclothes, said to his colleagues: 'Okay! Let's go, we're out of here!'

We also decided to leave, outraged by their behaviour and remembering that they had come straight towards us. In May I was notified of the opening of two sanctioning procedures for the day of the events, based on Barcelona's social harmony byelaws: 'for consuming alcohol in a public space in a glass or tin container and making noises that disturb residents' rest'. I have presented allegations against the proceedings, with the support of **SOS Racisme Catalunya**, and I am awaiting a decision in the case. I wasn't drinking alcohol in a public space that day, and I highly doubt that the police intervention was caused by a complaint from neighbours about noise, especially because they didn't say anything to us about this at the time.”

According to **SOS Racisme Catalunya**, racial profiling by law enforcement agencies continues to be a normalised and systematic practice, which is why it is essential to work on awareness-raising and training for this group, not only to prevent racism and xenophobia within law enforcement agencies, but also so that they can become figures who ensure compliance with the law and everyone's safety against different types of violence.

Meanwhile, **Irdia – Centre for the Defence of Human Rights** explains that the common denominator of all those affected by police operations is their racial/ethnic origin and age. "In many cases, these are young boys, former wards of the state, of Moroccan origin, who are subjected to true police harassment that both seriously restricts their freedom of movement and involves an accumulation of administrative sanctions that undermine their already difficult financial situation. These police operations also involve confiscating their vehicles (often without following the legal procedure to leave a record of these confiscations), which can no longer be recovered and in many cases were a much-needed means of transport shared by several people."

Although there have been no studies in this regard, we see that law enforcement agencies may also engage in ageist discrimination, where racism and xenophobia intersect with age. In this regard, the SAVD Board organisations increasingly recognise the importance of carrying out coordinated initiatives in the process of documenting cases, precisely in order to identify forms of discrimination and act accordingly. In particular, they believe that **it is key to further strengthen their capacity to analyse discrimination from a rights-based approach, complementing the intersectional perspective**, which would help to improve their actions as responsibility bearers.

Table 9 below shows that racism and xenophobia remain equally present in both the public and private spheres. A total of 89 cases in public places were recorded in 2022. Within this category, there were 39 cases in streets, parks, beaches and squares, and 48 cases in public facilities, mostly public service offices and courts, hospitals and schools. In the private category, a total of 86 cases were recorded, of which 35 took place in private facilities with public access, 14 in shops and eight in restaurants or bars. Meanwhile, 47 cases took place in private facilities where access is subject to prerequisites. Within this category, 24 occurred in companies and organisations and 17 in houses, flats and other dwellings.

The presence of racist and xenophobic discrimination in both the private and public spheres shows how deeply rooted the problem is in society and the importance of mainstreaming prevention work at all levels.

Table 9. Where are people discriminated for racism and xenophobia, 2019-2022

Source: OND and SAVD Board, 2022

		2022	2021	2020	2019
Public		89 (48.1%)	106 (53.3%)	75 (46%)	74 (48.1%)
	Streets, parks, beaches, squares	39 (21.1%)	43 (21.6%)	32 (19.6%)	40 (26%)
	Public facilities	48 (25.9%)	62 (31.2%)	41 (25.2%)	33 (21.4%)
	Public service offices and courts	9	15	3	4
	Schools	9	8	3	2
	Hospitals	8	9	6	2
	Stations or public transport	6	16	18	17
	Hostels or shelters	5	3	3	1
	Police station	4	0	4	2
	Libraries, museums and exhibition halls	2	2	0	2
	Sports, cultural and social centres	1	5	1	0
	CIE (Immigration Detention Centres)	1	0	0	2
	Media	0	0	0	1
	Other	3	4	3	0
	Online and telephone services	2 (1.1%)	1 (0.5%)	1 (0.6%)	1 (0.6%)
	Not specified	0 (0%)	0 (0%)	1 (0.6%)	0 (0%)
Private		86 (46.5%)	88 (44.2%)	83 (50.9%)	75 (48.7%)
	Private facilities with public access	35 (18.9%)	22 (11.1%)	25 (15.3%)	31 (20.1%)
	Shops	14	9	8	6
	Restaurants and bars	8	2	1	15
	Leisure centres	5	2	0	3
	Assistance and service offices	4	5	3	1
	Hotels, hostels and shelters	1	0	1	2
	Museums and exhibition halls	0	1	0	0
	Markets	0	0	2	1
	Stations of transport	0	0	1	0
	Other	3	3	9	3
	Private facilities where access is subject to prerequisites	47 (25.4%)	61 (30.7%)	53 (32.5%)	40 (26%)
	Companies and organisations	24	28	15	11
	Houses, flats and other dwellings	17	25	27	20
	Media	3	1	5	4
	Schools, hospitals and sports centres	2	7	1	0
	Leisure centres	1	0	0	2
	Concert halls, conference rooms and pavilions	0	0	0	1
	Assemblies	0	0	0	1
	Other	0	0	1	1
	Not specified	0	0	4	0
	Online and telephone services	4 (2.2%)	5 (2.5%)	3 (1.8%)	2 (1.3%)
	Not specified	0 (0%)	0 (0%)	2 (1.2%)	2 (1.3%)
Other		10 (5.4%)	5 (2.5%)	5 (3.1%)	5 (3.2%)
Total		185	199	163	154

Systematic and historical discrimination, based on the stigma of racialisation, persists against the indigenous European Roma population, which is affected by Romaphobia. According to the Council of the European Union, **Romaphobia is a specific form of racism**²⁵ that is, firstly, characterised by its persistent (permanent and unabated) nature, both throughout history and across geographies; secondly, systematic (it is accepted by practically the entire community), and thirdly, often accompanied by acts of violence. These characteristics place Romaphobia at the same level as antisemitism across Europe.

“That person was acting out of prejudice, because I am Roma”



This is a specific case covering the following forms of discrimination: place of origin, racism and xenophobia, Romaphobia, aporophobia, gender and language. A Roma woman from Romania in a highly vulnerable social and economic situation, who had difficulty speaking Catalan and Spanish, was facing eviction and was assigned a court-appointed lawyer to try, due to her vulnerability, to postpone the process or find a temporary solution.

“At the **Secretariado Gitano Foundation**, we coordinated with the lawyer to find out how the process was going. In one of the phone calls, the lawyer was judgemental regarding the woman’s situation, asking, for example, ‘why did you have another child?’ and acting with contempt towards her situation in general. She also made the following comments to the Roma woman directly: ‘If I went to your country and lived as a squatter in a building, what would you do?’ ‘And if things are bad for you here, why don’t you go back to Romania?’

At one point, the woman was carrying her daughter around the office to try to calm her down and the lawyer said to her: ‘Don’t move around so much; they’re cleaning and you’re making the place dirty.’

It was also clear that the lawyer wasn’t following up on how the process was going, nor was she initiating the corresponding procedures or informing her client of the steps that were being taken.

When we went to meetings with her, she refused to speak to the Roma woman directly, saying that she couldn’t understand her anyway, and used very technical language, treating her as ignorant.

We decided to contact the **OND**’s lawyers because the Roma woman wanted to change lawyers; the whole situation was causing her a lot of anxiety and uncertainty.

At the appointment, they agreed to a double withdrawal, as it would be a quicker process. This would allow the woman to change lawyers. She was told that reporting the lawyer wouldn’t be a good idea, as she would have to provide a great deal of evidence. And the lawyer was scrupulous in carrying out all the procedures she was required to carry out. As such, there was no record of any irregularities. Finally, the woman was able to switch lawyers and be assisted by another professional.”

25 Council recommendation of 12 March 2021 on Roma equality, inclusion and participation: [https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:32021H0319\(01\)](https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:32021H0319(01))

According to the **Secretariado Gitano Foundation**, despite all the progress and improvements in the fight against under-reporting, there is still a great lack of knowledge about what constitutes discrimination, the rights of right holders and the types of situations that can be reported. There is a need for more training in understanding rights and identifying cases of discrimination, as well as a need to continue promoting training for government employees, especially those who are the first point of contact for the public, as discriminatory attitudes and differential treatment still persist. They also note that understanding the regulations in place is key to providing people with quality assistance.

Of the 631 cases recorded in 2022, racist and xenophobic discrimination is the main form of discrimination in terms of the number of cases brought forward, and it has been since 2019, which speaks to the systematic and structural nature of this type of discrimination. For this reason, the SAVD Board believes that the implementation of the Anti-Racist Barcelona government measure adopted in April 2022 must be maintained.

Discrimination due to LGBTI-phobia

La LGBTI-phobia ²⁶ is the presence of discriminatory situations rooted in an entire cultural, social and economic system that regulates sexuality and gender diversity and provides legitimacy for some, protected by the structure of this system, to engage in implicit or explicit discriminatory practices against those who are differentiated as non-conforming with regard to gender roles and normative sexual practices with the intention of eradicating or correcting any sexual heterodoxy on the margins of the sex-gender-desire system, which has consequences for the psychosocial well-being of those affected and leads to a worsening of interpersonal relationships and social contexts where it takes place, in addition to jeopardising the well-being and health of all people. It includes **homophobia** (rejection, fear, repudiation, prejudice or discrimination towards gays and lesbians and the homosexual community as a whole); **lesbophobia** (aversion, fear, repudiation, prejudice and discrimination towards lesbian women, including making them invisible); **biphobia** (fear, repudiation, prejudice or discrimination against bisexual people, the bisexual community as a whole, and its manifestations or associations); **transphobia** (rejection, fear, repudiation, prejudice or discrimination against trans, transsexual or transgender people and the trans community as a whole); **intersexphobia** (rejection, fear, repudiation, prejudice or discrimination against intersex people and the intersex community as a whole or its manifestations).

The basis of LGBTI-phobia, as with racism, is ideological. Specifically, it is an interpretation of femininity and masculinity in society based on the idea that the sex assigned to a person must always match their gender identity and be heteronormative, meaning that they must only be attracted to people of the opposite sex. For example, if someone feels that their gender identity does not match their assigned sex, or if they are attracted to someone of the same sex, they are seen as “abnormal”, and their personal autonomy is relegated and denied. The order of the cisheteronormative sex-gender system has operated as a mechanism to control gender identity and sexuality. In this way, dominant gender identities are constructed and lead to discrimination against those whose identities are not dominant. LGBTI-phobia is legitimised and normalised, because people are socialised to think that being LGBTI is abnormal. And while it may seem that there is greater acceptance of this group, awareness of sexual and gender diversity is still very much superficial, as cases of discrimination continue to take place in the city.

26 Definition taken from the Observatory against Homophobia's (OCH) study on the state of LGBTI-phobia in Catalonia.

Society is also unaware of the impact of LGBTI-phobia on the lives of those who suffer from this discrimination. **When one's being, identity and self-perception are questioned, one's very existence is denied, leading to significant mental and physical health consequences.**

As shown in Table 10, 129 cases of LGBTI-phobia were recorded in 2022: 85 related to sexual orientation (68 due to homophobia, 16 due to lesbophobia and 1 due to biphobia), while 31 were against trans people, 9 fewer than in 2021. The number of recorded cases of this kind of discrimination has remained more or less the same since 2019, despite slight changes from one year to the next. Homophobia and transphobia in particular are the most prevalent forms of discrimination, not just in 2022 but also in previous years.

Table 10. Who is discriminated for LGBTI-phobia, 2019-2022

Source: OND and SAVD Board, 2022

	2022	2021	2020	2019
LGBTI-phobia	129	159	115	114
Homophobia	68	99	74	60
Transphobia	32	41	18	23
LGBTI-phobia	10	10	14	14
Lesbophobia	16	9	7	15
Biphobia	1	0	0	0
Other	2	0	2	0
Not specified	0	0	0	1

The total indicates the number of times this discrimination was registered in the total of 631 cases.

Chased, insulted and attacked



A young man is in the street on his way home and hears footsteps picking up pace behind him. When he turns around, he's hit in the neck by another young man he doesn't know, and falls to the ground. He gets up and realises it's a group of five to six people. He starts to run away. His attackers chase him while shouting homophobic insults and threatening him. They try to kick him to the ground, but the victim manages to escape.

The **Observatory against Homophobia** addresses the case and finds that his rights to physical and moral integrity and freedom of movement have been violated. The cause of the discrimination was homophobia. The victim was provided support and legal advice, and a criminal complaint was presented.

To be aware of the impact of LGBTI-phobia, it's important to bear in mind romantic and sexual diversity, as well as diversity in gender expression/identity. According to the records kept by the **Observatory against Homophobia**, historically there have been more cases of gay men affected by LGBTI-phobia. The prejudice that persists against the LGBTI community continues to be normalised and rooted in society, and the OND and SAVD Board's records continue to show LGBTI-phobia as the second-most common form of discrimination by number of cases.

Graph 16 shows the perpetrators of cases of LGBTI-phobia in 2022, and trends over time. There were 127 discriminating agents identified in the 631 cases on record. Individuals are the most common perpetrators (91 cases), though this number has decreased compared to 2021. Private entities/ Companies were the perpetrators of 22 cases, Public Administration of 11 and police forces of three. These data are a wake-up call to keep focusing awareness-raising and prevention efforts on the general public in order to fight LGBTI-phobia in the city.

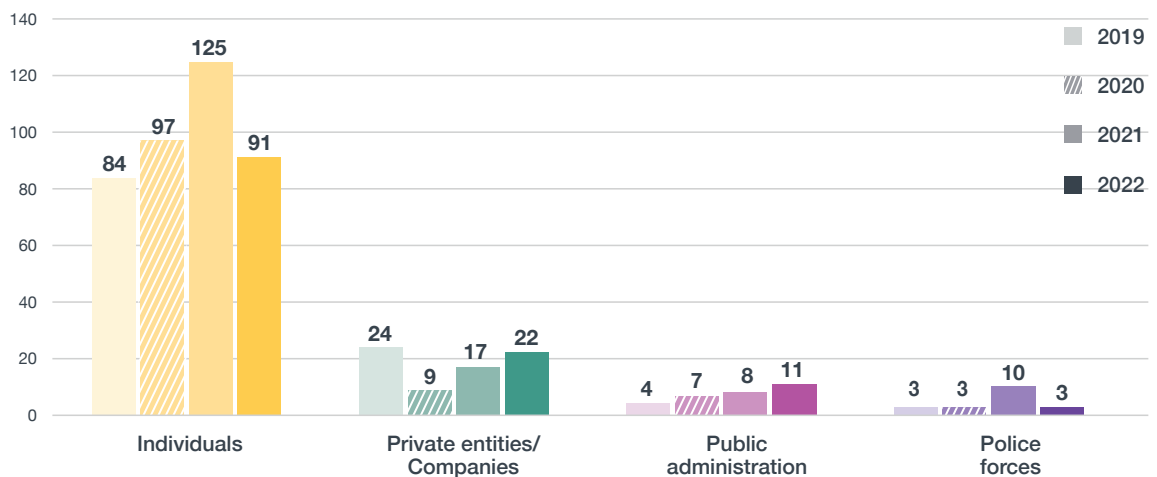
Table 11 shows the public spaces (81 cases) where most discrimination based on LGBTI-phobia took place. In 2022, 48 cases took place in streets, parks, squares and on beaches, and 33 cases were reported in public facilities, mostly on public transport or at stations (13).

Meanwhile, 39 cases took place in private spaces, with 14 in private facilities open to the public, especially leisure centres, and 21 cases in private facilities where access is subject to prerequisites, especially houses, flats and other dwellings.

Graph 16. Who discriminates for LGBTI-phobia, 2019-2022

Source: OND and SAVD Board, 2022

In two situations in which LGBTI-phobia was identified, the discriminatory agent was not identified.



Discrimination due to LGBTI-phobia is more prevalent in public spaces, a tendency that is consistent over the years, compared to private spaces, where case numbers have decreased slightly.

Table 11. Where are people discriminated for LGBTI-phobia, 2019-2022

Source: OND and SAVD Board, 2022

		2022	2021	2020	2019
Public		81 (66.9%)	97 (61%)	61 (55%)	62 (53.4%)
	Streets, parks, beaches, squares	48 (39.7%)	61 (38.4%)	41 (36.9%)	40 (34.5%)
	Public facilities	33 (27.3%)	36 (22.6%)	20 (18%)	22 (19%)
	Stations or public transport	13	14	10	14
	Schools	6	2	3	1
	Hospitals	5	6	1	2
	Sports, cultural and social centres	3	3	0	1
	Markets	2	2	0	0
	Public service offices and courts	1	4	3	1
	Police station	1	2	1	2
	Libraries, museums and exhibition halls	1	1	0	0
	Hostels or shelters	0	2	0	0
	Other	1	0	2	1
	Online and telephone services	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Private		39 (32.2%)	62 (39%)	47 (42.3%)	53 (45.7%)
	Private facilities with public access	14 (11.6%)	11 (6.9%)	13 (11.7%)	27 (23.3%)
	Leisure centres	7	0	0	8
	Restaurants and bars	3	6	5	9
	Shops	2	4	3	2
	Assistance and service offices	2	1	1	1
	Hotels, hostels and shelters	0	0	0	3
	Museums and exhibition halls	0	0	0	0
	Markets	0	0	2	0
	Other	0	0	2	4
	Private facilities where access is subject to prerequisites	21 (17.4%)	49 (30.8%)	30 (27%)	25 (21.6%)
	Houses, flats and other dwellings	8	31	23	9
	Companies and organisations	7	7	1	6
	Schools, hospitals and sports centres	4	5	4	6
	Leisure centres	2	6	0	1
	Media	0	0	0	2
	Other	0	0	1	1
	Not specified	0	0	1	0
	Online and telephone services	4 (3.3%)	2 (1.3%)	4 (3.6%)	1 (0.9%)
Other		1 (0.8%)	0 (0%)	3 (2.7%)	1 (0.9%)
Total		121	159	111	116

The totals do not coincide with the registered cases because there were situations in which the place was not registered.

Discrimination due to health issues

According to the **World Health Organization (WHO)**, “Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”²⁷ Health is the ability to realise one’s own potential and cope with the challenges of life.”²⁸

The WHO believes that the right to health is an **inclusive right** that goes beyond access to healthcare and the building of health infrastructure, encompassing a broad set of freedoms such as the right not to be subjected to medical treatment without consent, and not to be subjected to torture or cruel, inhuman or degrading treatment or punishment of any other kind. In this regard, states have the obligation to prohibit and eliminate discrimination in all its forms and guarantee equal access to healthcare and the underlying determinants of health (safe drinking water and adequate sanitation, safe food, adequate nutrition and housing, healthy working and environmental conditions, health-related education and information, and gender equality) for all people.

In documenting cases of health-based discrimination, the OND and the SAVD Board have particularly highlighted cases related to diagnoses of HIV diagnosis and mental health disorders, the social stigma of which leads to discrimination and human rights violations.

In a specific resolution on mental health, the **United Nations Human Rights Committee** expressed its concern that people with mental health diagnoses “may be subject to, inter alia, widespread discrimination, stigma, prejudice, violence, abuse, social exclusion and segregation, unlawful or arbitrary institutionalization, overmedicalization and treatment practices that fail to respect their autonomy, will and preferences”.²⁹

The **International Covenant on Economic, Social and Cultural Rights** recognises “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”. It should be noted that mental health, which had often been neglected, is considered as important as physical health. People with mental health disorders face stigma, marginalisation and discrimination in most societies. Stigmatisation increases the likelihood of these people being denied the treatment they need, or receiving lower quality care that is unsuitable for their needs. As the **Salut Mental Catalunya Federation** explains, there is a clear difference between conscious and unconscious stigmatisation. Conscious stigmatisation leads many people to reject those with mental disorders because they are seen as dangerous, while unconscious stigmatisation manifests itself in social rejection towards anyone who strays from the established norms. The fact that it is unconscious does not make it any less real. There is also self-stigma, which undermines self-esteem and makes the path to personal autonomy more difficult. For example, the right to informed consent continues to be violated and people continue to be subjected to involuntary admission, forced treatment and coercion measures as violent as mechanical restraints. These forms of discrimination lead to serious systematic and structural violations of the human rights of people with mental disorders.

Gais Positius explains that in the case of people diagnosed with HIV, this means confronting the scourge of stigma and stereotypes that impact the daily lives of thousands of people in the city. This long-standing form of discrimination intersects with various forms of discrimination, such as discrimination based on origin, racialisation, sexual orientation, class, disability, age and religion, and can leave the rights and freedoms of certain groups unprotected. In 2014, Catalonia passed the National Agreement to Combat the HIV

27 The quote is taken from the Preamble to the Constitution of WHO, adopted by the International Health Conference that took place in New York from 19 June to 22 July 1946.

28 The WHO Regional Office for Europe (1985) added this concept.

29 Specific resolution on mental health passed by the UN Human Rights Committee in 2017. The resolution can be found at: https://www.internationaldisabilityalliance.org/sites/default/files/a_hrc_36_l_25_espanol.pdf

Epidemic in Catalonia and Related Stigma, which included the development of a social agreement for non-discrimination. Stigma manifests itself in those who suggest that people with HIV have led bad lives, engage in inappropriate behaviour or belong to a certain group (gay people, drug users) and therefore deserve the virus. This stigma is also related to the continued perception of HIV/AIDS as a highly contagious disease, a threat to the rest of society.

Table 12 shows that discrimination based on health issues increased significantly in 2022, with 120 cases reported. That is, there was an increase of 83 cases compared to 2021. This number includes 31 people diagnosed with HIV who were affected by serophobia and 70 people with mental health diagnoses who suffered discrimination. There are two causes for this increase in cases: Firstly, as the **Salut Mental Catalunya Federation** notes, the process of documenting cases and applying the rights-based perspective has improved, allowing for more cases of discrimination to be identified. Secondly, the **Observatory against Homophobia** points to the increase in reports filed throughout 2022.

Table 12. Who is discriminated for health reasons, 2019-2022

Source: OND and SAVD Board, 2022

	2022	2021	2020	2019
Health reasons	120	37	25	27
Serophobia	31	20	8	5
Mental	70	10	14	17
General status	4	6	0	0
COVID-19	0	1	0	0
Other	0	0	5	2
Diagnosis	2	0	0	0
Not specified	13	0	0	1

According to the **Salut Mental Catalunya Federation (SMC)**, a greater number of coercive practices in healthcare were identified in 2022: involuntary admissions, mechanical restraints, verbal coercion, cases of housing exclusion and risk of homelessness. The rights of people with a mental health diagnosis are not always respected. The persistent discrimination is the main barrier they face. This creates problems for them in terms of relating with others, forming and taking care of a family and leading a normal life, which has an impact on their recovery.

Gais Positiu explains that, as in previous years, the most frequent cases are those related to the denial of services for people living with HIV, mainly in taking out insurance and receiving dental and hair services, as well as cases of serophobia (threats, requests for them to leave a rental flat, etc.) when the person with HIV has revealed their diagnosis or it has been revealed without their consent. The fact that the existing laws and regulations guaranteeing the rights of people with HIV are not applied continues to be a problem.

“I requested my right to a legal defence and it was denied”



“In 2022, I was involuntarily admitted to a Barcelona hospital. This is a common practice when it comes to mental health. The head psychiatrist determined that I was a risk to myself and my surroundings, and activated the protocol. Soon after that I was facing a screen with the judicial delegation on the other side. We weren't there long; it's a mere formality. I requested my right to a legal defence and it was denied. I'm fully aware of my rights and knew I could request it, but they ignored me. Fortunately, this stay didn't last long; I know of people who have been in that situation (involuntary admission) for months. When I was discharged, I told the professionals who work with me about the experience and they referred me to the Salut Mental Catalunya Federation. The Defence and Protection of Rights Department advised me to report my case through administrative channels. Having reflected on this for a while, I'm going to proceed.”

“They accused us of putting them at risk because they could be infected with HIV”



“My partner and I live with HIV. A month ago we left our country due to the homophobia there and the problems and rejection we've faced ever since it became known that we have HIV. We couldn't find a rental flat in Barcelona for us alone, and so we decided to move into a shared flat. One day when I was on the phone with the hospital, one of my flatmates overheard the conversation and found out that we have HIV. She accused us of having put everyone in the flat at risk, since they could get HIV from sharing a bathroom or from the food in the fridge. She told us we should leave and look for another flat. We told her there was no risk, since that's not how HIV is transmitted and in any case, we can't transmit it because we're both undetectable. After several days of threats and coercion, she finally decided to tell the landlord, who sent us a message saying that, since we were not parties to the rental contract, we had to leave the flat right away, and that if we didn't, she would send over a police friend of hers to get us out.”

Gais Positius provided active listening to identify the emotional needs of both victims and determine whether or not legal action was necessary. Given the situation, no legal action was taken, because all the victims needed was to speak with someone to express their upset and fear that the landlord would carry out her threat: their papers were not in order and they thought that there might be additional consequences and that by not having a rental contract, they had broken some law. In the course of the conversation they asked if they could report their flatmate for having revealed their health diagnosis without their consent, and they were told they could, as their right to privacy had been violated. They also wanted to know if we had any advertising service where they could share that they were looking for a room.

Graph 17 shows developments over time in terms of the perpetrators of discrimination based on health issues. In 2022, 123 perpetrators of discrimination were identified: 59 from Public Administration, compared to 12 in 2021. There were 43 cases perpetrated by private entities/ Companies, 25 more than in 2021, and 19 cases perpetrated by individuals.

The increase in the number of perpetrators of discrimination due to health issues is significant, especially when it comes to government institutions and businesses / private organisations. This is clearly an unresolved issue that we must continue to tackle through prevention and awareness-raising efforts. It should be noted that, as the organisations indicate, this is not so much an increase in cases as it is an improvement in the identification and reporting of discrimination.

Graph 17. Who discriminates for health reasons, 2019-2022

Source: OND and SAVD Board, 2022

In some cases of discrimination there is more than one discriminatory agent.

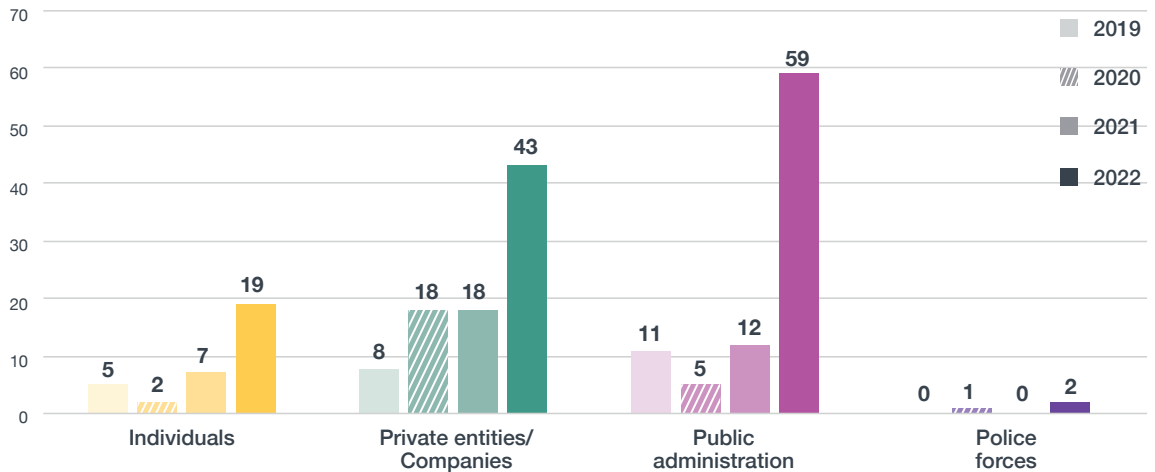


Table 13 shows that the public places where most cases of discrimination due to health issues took place were hospitals (42) and Private entities/ Companies (10). As for private spaces, assistance and service offices (14) and companies and organisations (13) were the most frequent sites of discrimination.

Discrimination due to health issues takes place in both public and private spaces, especially hospitals, public information offices and courthouses, information and service offices, and businesses and organisations.

The most common violations documented by the **Sexual and Reproductive Rights Observatory**, an initiative launched by the **Association for Sexual and Reproductive Rights**, have to do with the voluntary termination of pregnancies. They include difficulties in having free and unrestricted access to this right, receiving truthful and appropriate information, making an informed and unrestricted choice about the method, and receiving appropriate and quality care in abortion access.

Table 13. Where are people discriminated for health reasons, 2019-2022

Source: OND and SAVD Board, 2022

		2022	2021	2020	2019
Public		63 (54.8%)	14 (37.8%)	9 (33.3%)	13 (50%)
	Streets, parks, beaches, squares	3 (2.6%)	2 (5.4%)	1 (3.7%)	2 (7.7%)
	Public facilities	59 (51.3%)	12 (32.4%)	8 (29.6%)	11 (42.3%)
	Hospitals	42	7	5	10
	Public service offices and courts	10	1	0	0
	Schools	2	1	0	0
	Hostels or shelters	2	0	1	0
	Stations or public transport	1	2	0	0
	Sports, cultural and social centres	1	0	0	0
	Media	0	0	0	1
	Libraries, museums and exhibition halls	0	0	1	0
	Other	1	1	1	0
	Online and telephone services	1 (0.9%)	0 (0%)	0 (0%)	0 (0%)
Private		51 (44.3%)	22 (59.5%)	13 (48.1%)	9 (34.6%)
	Private facilities with public access	18 (15.7%)	1 (2.7%)	4 (14.8%)	1 (3.8%)
	Assistance and service offices	14	1	1	0
	Shops	2	0	1	0
	Other	2	0	2	0
	Private facilities where access is subject to prerequisites	28 (24.3%)	20 (54.1%)	9 (33.3%)	5 (19.2%)
	Companies and organisations	13	16	5	2
	Houses, flats and other dwellings	8	4	2	3
	Schools, hospitals and sports centres	4	0	1	0
	Media	1	0	0	0
	Other	2	0	1	0
	Online and telephone services	5 (4.3%)	1 (2.7%)	0 (0%)	0 (0%)
Other		1 (0.9%)	1 (2.7%)	5 (18.5%)	4 (15.4%)
Total		115	37	27	26

The totals do not coincide with the registered cases because there were situations in which the place was not registered.

“They told me they couldn’t help me because I didn’t have a health card”



“I’m Colombian, I’m 24 years old, and I’ve been living in Barcelona for a few months. I became pregnant accidentally, and at six weeks I decided to terminate the pregnancy with pills. I went to my neighbourhood primary healthcare centre (CAP) and they told me they couldn’t help me because I didn’t have a health card, and that I had to register as a resident first and do all the paperwork, which would take three months. They also told me I could go to a private clinic and pay out of pocket. I couldn’t afford it and I didn’t want to have an operation, but I was desperate, so I asked friends for the money and made it work. They didn’t give me any problems at the clinic; I paid for the abortion and it all went well. But later the **Association for Sexual and Reproductive Rights** told me that the whole process should have been free, that it was a right I had and that I had been discriminated against because I didn’t have a health card.”

According to the **Association for Sexual and Reproductive Rights**, the case involves several health-related forms of discrimination that intersect with other factors of discrimination. The CAP discriminated against an immigrant, taking advantage of her lack of knowledge about health services and her rights. Furthermore, being able to decide about her pregnancy came at a significant socio-economic cost.

Discriminatory barriers to health resources

Barriers to healthcare system resources constitute another health-related discrimination factor, as analysed by the steering group for the Referents Comunitàries de Salut project led by Tot Raval.³⁰ These are **barriers that hinder access to the public healthcare system** and affect only certain people or groups, leading to discriminatory treatment in comparison to the rest of the population. For example, the use of overly rigid and specialised language by healthcare workers, lack of knowledge of the health culture and perspective of users from other geographic areas, the difficulties of call centres for telephone communication (delay, limited connection, robotised service, etc.), architectural barriers that hinder access to hospitals, failure to prioritise identification of the needs of users of different origins in order to improve care, and ineffective communication and promotion of services.

The system also fails to take into account users’ reality in terms of lack of knowledge of the language, which limits their ability to interact with health staff; many women’s fear of being questioned about how they handle their family’s health and of losing custody of their children; the lack of training in health education that makes it possible to understand why there are certain treatments to overcome illnesses; limited participation in the treatment process, and mistrust of health resources, which are perceived as unhealthy and unsafe.

³⁰ Data collected by the steering group of the Referents Comunitàries de Salut project, made up of the Public Health Agency, the Ciutat Vella district, SATMI, the Drassanes Primary Healthcare Centre, the Raval Sud Social Services Centre and the Raval Nord Social Services Centre within the framework of the foundation’s community health efforts. Data collected by the Referents Comunitàries de Salut project based on surveys of professionals and Referents Comunitàries de Salut group sessions (2021-2022).

Furthermore, there is a lack of diversity in health settings that also creates mistrust and leads to health workers asking questions based on prejudice and exhibiting excessive “control,” “tutelage” or “infantilisation” with diverse populations, as well as unfriendly treatment with prying questions that sever the connection with users.

Other elements include opening hours that are incompatible with work or family obligations, architectural barriers and long waits for appointments with specialists.

Language discrimination

Discrimination based on the use of a particular language can lead to differential treatment in the way people interact with each other, or in the way access to a public or private service is provided, if a person experiences rejection because they speak a different language.

Currently, over 300 languages are spoken in Barcelona. As seen previously in the analysis of the ECAMB data, language discrimination affects both people born in Spain and people born abroad. However, **100% of the 90 cases documented in 2022 by the OND and the SAVD Board were linked to the use of Catalan.**

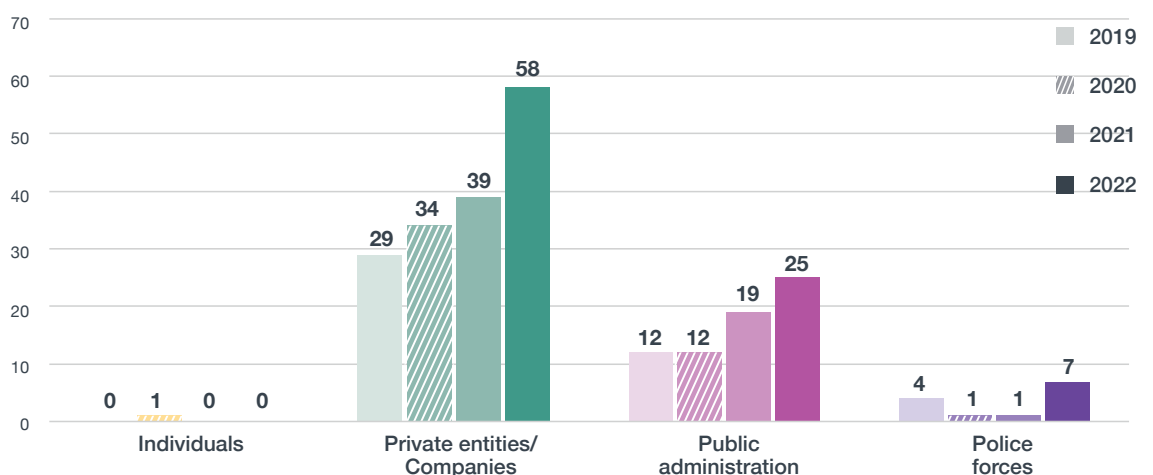
There are specific regulations in place to protect the use of Catalan (the Statute of Autonomy of Catalonia, the Language Policy Act, the Catalan Consumer Code, etc.), which leads to greater awareness and reports of discrimination. In relation to foreign languages, we see a high level of under-reporting that may be remedied with greater knowledge of Act 19/2020, on equal treatment and non-discrimination, which protects people from language discrimination.

Graph 18 shows the perpetrators of language-based discrimination in Barcelona. There were a total of 90 perpetrators of discrimination in 2022, 58 of them private entities/ Companies, 19 more than in 2021. There were 25 cases perpetrated by Public Administration, six more than in 2021. Finally, seven cases were perpetrated by police forces.

Intolerance due to use of a different language continues to be prevalent in businesses / private organisations, with a significant increase compared to 2022, and in government institutions, where there are fewer cases but they are steadily on the rise.

Graph 18. Who discriminates on the grounds of language, 2019-2022

Source: OND and SAVD Board, 2022



Most cases of language-based discrimination take place in private places, with 49 cases on record. This is shown in Table 14, where we see that 27 cases took place in private facilities with public access and ten took place in private facilities where access is subject to prerequisites. Meanwhile, cases occurred at various public places: eight at hospitals, six on public transport or at stations, and four at public service offices and courts.

Private places continue to prove conducive to language discrimination, with a constant increase in cases on record. The number of cases in public places, though not increasing as much, continue to rise every year.

Table 14. Where are people discriminated on grounds of language, 2019-2022

Source: OND and SAVD Board, 2022

		2022	2021	2020	2019
Public		30 (36.6%)	23 (39%)	14 (29.8%)	15 (33.3%)
	Streets, parks, beaches, squares	3 (3.7%)	2 (3.4%)	4 (8.5%)	4 (8.9%)
	Public facilities	26 (31.7%)	20 (33.9%)	8 (17%)	11 (24.4%)
	Hospitals	8	6	1	1
	Stations or public transport	6	2	1	0
	Public service offices and courts	4	5	1	1
	Schools	2	3	3	4
	Hostels or shelters	1	2	1	1
	Police station	1	1	0	0
	Other	4	1	1	4
	Online and telephone services	1 (1.2%)	1 (1.7%)	2 (4.3%)	1 (2.2%)
Private		49 (59.8%)	36 (61%)	33 (70.2%)	27 (60%)
	Private facilities with public access	27 (32.9%)	15 (25.4%)	18 (38.3%)	13 (28.9%)
	Restaurants and bars	15	7	4	10
	Shops	5	7	7	0
	Leisure centres	1	0	0	2
	Museums and exhibition halls	1	0	0	0
	Assistance and service offices	0	0	1	0
	Hotels, hostels and shelters	0	1	0	1
	Markets	0	0	5	0
	Transport stations	0	0	1	0
	Other	5	0	0	0
	Private facilities where access is subject to prerequisites	10 (12.2%)	16 (27.1%)	7 (14.9%)	4 (8.9%)
	Companies and organisations	1	6	1	1
	Houses, flats and other dwellings	0	0	2	0
	Schools, hospitals and sports centres	0	9	3	2
	Concert halls, conference rooms and pavillions	0	0	0	1
	Other	9	1	0	0
	Not specified	0	0	1	0
	Online and telephone services	12 (14.6%)	5 (8.5%)	7 (14.9%)	10 (22.2%)
Other		3 (3.7%)	0 (0%)	0 (0%)	3 (6.7%)
Total		82	64	54	52

The totals do not match the cases on record because there are cases where the place was not recorded.

Sanctioned for making noise when he had only asked to be spoken to in Catalan



On 27 December 2022, a group of young people were walking around Barcelona and were stopped by law enforcement, who asked for their ID. One of the young people asked the agents why and another asked them to address the group in Catalan, a right recognised by law and obligatory for public servants, who have to prove their language skills in order to be hired for the post. The officer replied “You’re perfectly capable of understanding me in Spanish, so I’m not going to speak to you in Catalan”, and continued speaking in Spanish. The conversation became more tense and the officer was verbally confrontational. One of the young people was fined for making noise in a public space without having been offered a hearing (he was not notified that he could appeal).

The victim turned to the **Plataforma per la Llengua** for legal advice. The organisation lodged a complaint at the local government level, asking for the initiation of an administrative sanctioning procedure to investigate the case of language discrimination, as well as disciplinary proceedings against the officers. The complaint was dismissed. The organisation also provided advice in escalating the appeal against the fine. As of the completion of this report, there has been no known decision on the appeal.

Plataforma per la Llengua notes that there has been a significant increase in the number of cases of discrimination based on the use of Catalan, which is five times higher than five years ago. They say that many of the cases originate in healthcare settings, with users of the public healthcare system reporting experiences of language discrimination. Perpetrators of discrimination often twist what actually happened to avoid facing the complaint, or play down the situation and blame the victim.

Plataforma per la Llengua explains that government institutions have the obligation to recognise and guarantee everyone’s language rights in the public and private spheres. That is why they work to review the regulations and pieces of legislation that fully recognise these rights. They have also consolidated their work documenting reports and queries in order to assist and support victims, inform them of their language rights and advise them on how to defend these rights.

Discrimination due to aporophobia

Aporophobia is hatred, aversion or rejection towards people experiencing poverty,³¹ especially those experiencing homelessness. The cause of the hatred towards these people is the fact that they are poor. Their situation is not due to laziness or having chosen the wrong path in life, but rather is the **result of a systematic violation of human rights**, such as not having access to housing, work or the right to food. These individuals suffer discrimination and a permanent violation of their rights because they live on the streets, that is, in extreme poverty.

The **HATENTO Observatory**³² believes that homeless people's right to dignity, equal treatment and non-discrimination must be guaranteed. It states that the expressions of intolerance against these people deny them dignity and attest to the wave of dehumanisation sweeping Europe and calling democratic values into question.

HATENTO explains that rejection of “poor people” not only degrades those who engage in it, but also goes against the dignity of specific people, not against an abstract concept of “human dignity”. These people are rejected because they belong to a population group whose distinctive characteristic is poverty. And according to the organisation, they are subject to hate speech.

“The wretchedness of hate speech lies in its one-sided nature, as the speaker does not consider their target a valid interlocutor with the right to reply, but rather as an object of contempt. As words are among the most powerful actions, hate speech harms the people it demeans, humiliates them, devalues them, robs their reputation and deprives them of the recognition and dignity they deserve”, HATENTO explains. Furthermore, the radical inequality of the dichotomy between “us” and “them” established by hate speech is one of the major adversities they face. This rhetoric leads to a collective reaction that consists of searching for protection and security. In the United States, this need led to a “zero-tolerance” policy³³ that has been spreading to European countries. Zero tolerance, in its various guises, is increasing control and surveillance of various groups of poor people.

Aporophobia exposes people to humiliation, insults, a lack of appropriate public services, neglect, physical violence, and even death, given their particular vulnerability and powerlessness.

Graph 19 shows the discriminating agents of cases of aporophobia and the trend over time. In 2022, 78 perpetrators of discrimination were identified: 29 were individuals, two fewer than in 2021; 22 were from private entities/ Companies, ten more than in 2021; 16 were from Public Administration and 11 from police forces, which have seen an increase compared to 2021 (4).

While there are perpetrators of this kind of discrimination in all sectors of society (individuals, private entities/ Companies, Public Administration and police forces), making it a structural problem, the number is on the rise among private entities/ Companies and police forces.

31 The term *aporofobia* in Spanish was coined by Adela Cortina Orts, a professor of ethics and political philosophy at the University of Valencia, to give a name to this reality that especially affects those experiencing homelessness. In 2017, it was admitted by the Real Academia Española, which is responsible for the main dictionary of the Spanish language.

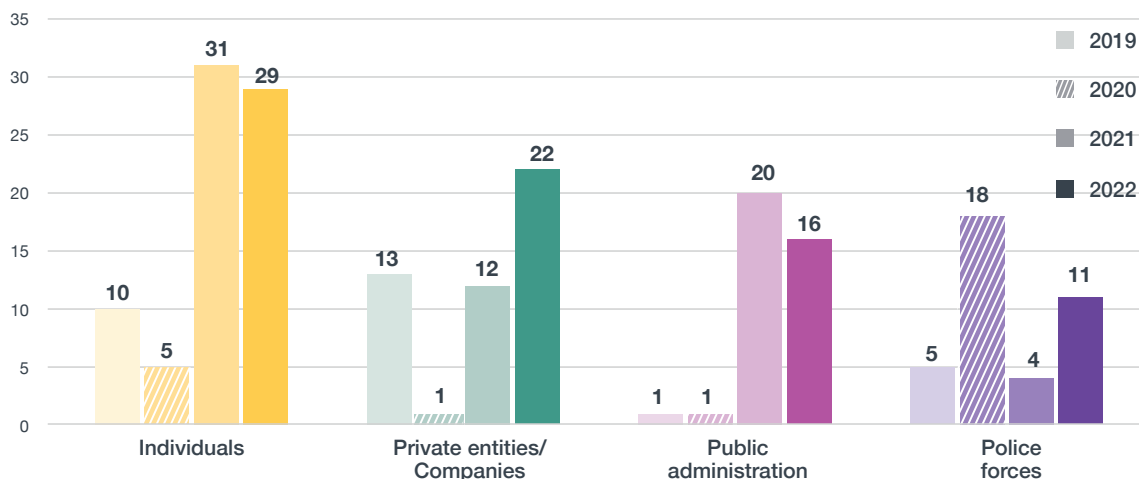
32 Various human rights advocacy organisations supporting homeless people have come together to form Hatento, the observatory for hate crimes against homeless people. It seeks to tackle this problem from a rights-based perspective and to provide clear guidance in the direction of social innovation.

33 The zero-tolerance policy was introduced by Rudolph Giuliani (former mayor of New York) in 1994 with the goal of focusing on city maintenance, taking back public spaces and cracking down on “common” crimes to reduce the crime rate and the most serious crimes. This policy came at a high social cost and minorities were the ones to pay it, as victims of discrimination and, in the worst cases, of violence. Zero tolerance triggered the criminalisation of poverty and immigration.

Graph 19. Who discriminates on grounds of aporophobia, 2019-2022

Source: OND and SAVD Board, 2022

There is no perpetrator on record for four cases where aporophobia was identified.



Most of the places where cases of aporophobia took place are public (56) rather than private (25), as seen in Table 15. Within the category of public places, 34 cases occurred in streets, parks, beaches and squares, and 21 in public facilities. As for private places, 18 cases occurred in private facilities with public access, and seven in private facilities where access is subject to prerequisites.

Public places continue to be the main setting for cases of aporophobia, with a steady increase year on year. However, there is also an increase, albeit smaller, in private places.

“We’re in Spain and there’s no institutional violence here”



A woman experiencing homelessness, who was also an immigrant and sex worker with a mental health diagnosis, was accompanied by a nurse to a hospital emergency room. There she was seen by the psychiatric emergency department, which carried out a toxicology screen that came back positive. The medical staff informed her that she was not eligible to be admitted. The nurse told the clinic that the user was in withdrawal. Nonetheless, they insisted that this was not the care route the user needed, and referred her to her designated healthcare centre. The nurse insisted that it wasn’t a social problem but rather a mental health issue, noting the possible discrimination the woman was suffering. The psychiatrist then addressed the user directly and said: “We’re in Spain and there’s no institutional violence here. Where there’s violence is in the country you come from, where women are raped and forced to wear the burqa. If you come here all high on coke, I’m not going to admit you, and even if we do a detox, I don’t know if you’ll be able to keep a normal job. I don’t think any woman is going to prostitute herself, and if she does I doubt she can work in any other job.”

According to the [Support Network for the Homeless \(XAPSLL\)](#), most of the cases of discrimination reported by care services for substance users have to do with intersectional discrimination involving gender, social class, ethnicity and age, leading to double or triple stigma.

Table 15. Where are people discriminated on grounds of aporophobia, 2019-2022

Source: OND and SAVD Board, 2022

		2022	2021	2020	2019
Public		56 (68.3%)	49 (75.4%)	20 (80%)	15 (50%)
	Streets, parks, beaches, squares	34 (41.5%)	38 (58.5%)	18 (72%)	11 (36.7%)
	Public facilities	21 (25.6%)	10 (15.4%)	2 (8%)	4 (13.3%)
	Hospitals	6	1	0	1
	Stations or public transport	5	4	0	0
	Public service offices and courts	5	4	1	1
	Schools	2	0	1	0
	Hostels or shelters	2	1	0	0
	Police station	1	0	0	1
	Online and telephone services	1 (1.2%)	0 (0%)	0 (0%)	0 (0%)
Private		25 (30.5%)	15 (23.1%)	5 (20%)	12 (40%)
	Private facilities with public access	18 (22%)	3 (4.6%)	0 (0%)	10 (33.3%)
	Assistance and service offices	6	3	0	4
	Shops	5	0	0	1
	Restaurants and bars	4	0	0	0
	Stations or public transport	2	0	0	1
	Hotels, shelters and reception centres	1	0	0	3
	Other	0	0	0	1
	Private facilities where access is subject to prerequisites	7 (8.5%)	11 (16.9%)	4 (16%)	1 (3.3%)
	Houses, flats and other dwellings	3	5	4	0
	Companies and organisations	2	4	0	0
	Schools, hospitals and sports centres	1	1	0	0
	Media	1	0	0	0
	Other	0	1	0	1
	Online and telephone services	0 (0%)	1 (1.5%)	1 (4%)	1 (3.3%)
Other		1 (1.2%)	1 (1.5%)	0 (0%)	3 (10%)
Total		82	65	25	30

XAPSL notes that substance use is a factor of discrimination in and of itself, because there is a great deal of stigma towards people in this situation. In 2022, discrimination was observed in access to basic services such as services for the homeless and protection services for victims of gender violence. In relation to law enforcement, these individuals are not recognised as subjects of rights, and their accounts are often questioned and invalidated when complaints are filed. As such, they require professional support. In relation to mental health, substance users' right to specialised care is conditional on abstinence.

Combating homelessness is “a priority for Social Europe”, as evidenced by the high-level conference that took place in Lisbon in June 2021, when the Council of the European Union, national ministers and representatives of the European Commission, the European Parliament, the Economic and Social Committee and the Committee of the Regions, as well as civil society organisations, signed the Lisbon Declaration on the European Platform on Combatting Homelessness, in which they affirmed their **commitment to promoting and protecting the human rights of those experiencing this reality**. The launch of the Platform is the beginning of a collaborative process to ensure concrete progress in Member States in the fight against homelessness. All stakeholders have committed to renewing their efforts in fighting homelessness, notably by reinforcing prevention and implementing integrated, housing-led approaches that seek to end, not simply manage, homelessness. The Platform's Declaration ³⁴ states:

- No one should sleep rough for lack of accessible, safe and appropriate emergency accommodation.
- No one should live in emergency or transitional accommodation longer than is required for successful move-on to a permanent housing solution.
- No one should be discharged from any institution (e.g. prison, hospital, care facility) without an offer of appropriate housing.
- Evictions should be prevented whenever possible and no one should be evicted without assistance for an appropriate housing solution, when needed.
- No one should be discriminated due to their homelessness status.

Discrimination based on ableism

Ableism ³⁵ is social prejudice and discrimination against people with disabilities. It manifests through damaging stereotypes, misconceptions, physical barriers and oppression on a larger scale. It is an attitude or rhetoric that devalues disability and is based on the prejudice that, as a social group, people with disabilities are inferior to people without disabilities. It is particularly rooted in the medical classification of people with disabilities as deficient and handicapped, and ignores the experiences of these people in the diversity of their own ways of life. Value judgements about abilities are highly present in society, and yet the exclusion they cause is hardly perceived or questioned. Ableism is persistent and omnipresent, but also invisible, as it operates “underneath” other discriminatory forms of rhetoric.

³⁴ More information about the Platform can be found at: <https://ec.europa.eu/social/main.jsp?catId=1550&langId=es>

³⁵ The term “ableism” was first coined by American feminists in 1981 in the magazine *Off Our Backs*, in a section called “Women with Disabilities”, in which they outlined the negative stereotypes towards people with disabilities.

In March 2021, the European Commission adopted the Strategy for the rights of persons with disabilities 2021-2030.³⁶ This strategy seeks to improve the lives of persons with disabilities. The objective is to progress towards a situation in which regardless of their sex, racial or ethnic origin, religion or belief, age or sexual orientation, **all persons with disabilities in Europe can enjoy their human rights**, have equal opportunities and equal access to participate in society and economy, are able to decide where, how and with whom they live, can move freely in the EU regardless of their support needs and no longer experience discrimination.

This strategy took into account the diverse range of disabilities, including long-term physical, mental, intellectual or sensory impairments (in accordance with Article 1 of the United Nations Convention on the Rights of Persons with Disabilities), which are often invisible.

According to 2022 data from the Government of Catalonia's Ministry of Social Rights, there are 159,523 people with disabilities registered in Barcelona. In this regard, **Barcelona City Council's Municipal Institute for People with Disabilities** is working with the OND and the SAVD Board as part of its efforts to encourage the social inclusion of people with disabilities by promoting the guarantee of universal accessibility, seen as an essential condition to ensure autonomy, non-discrimination and equality for all.

Table 16 shows that 68 cases of ableism were identified in 2022, mainly affecting people with some degree of physical or organic disability (38 cases) and people with intellectual disabilities (24 cases, a major increase from five in 2021). Furthermore, under-reporting is still high among people with hearing disabilities, visual disabilities and multiple disabilities.

The most notable statistic in this table is the significant increase in cases on record of ableism due to intellectual disability.

Table 16. Who is discriminated on grounds of ableism, 2019-2022

Source: OND and SAVD Board, 2022

	2022	2021	2020	2019
Disability	68	57	52	50
Physical/organic	38	44	44	45
Auditory	1	5	0	0
Intellectual	24	5	1	3
Multiple disabilities	1	3	3	0
Visual	3	0	1	1
Not specified	1	0	3	1

³⁶ The strategy can be found at: <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes>

People with intellectual disabilities, for example, are victims of society’s discriminatory judgements. They often struggle to identify the discriminatory nature or violation of rights in certain situations. The tendency to infantilise people with intellectual disabilities also makes it more difficult for them to report the cases of discrimination they may experience.

According to the **DINCAT Federation**, a rights advocacy organisation for people with intellectual disabilities, addressing this reality means clearly identifying the various situations in which it occurs. “The situation is not the same for a person with a mild disability as it is for someone with a severe disability”, it notes. “The highest degrees of disability are associated with older people. This reinforces the idea that we need an approach to intellectual disability based on the paradigm of rights and autonomy proposed by the Convention on the Rights of Persons with Disabilities (United Nations, 2006) and the strengthening of the skills and abilities of the person and their empowerment as citizens with rights and the freedom to make decisions in order to lead the fullest and most autonomous lives possible.”

DINCAT argues that public policies for people with intellectual disabilities must **dignify them as citizens with full rights**, based on comprehensive assistance that takes into account the diverse individual realities and contexts that influence each person’s situation. Furthermore, the policies must focus on their specific needs with the goal of enabling the person to live freely and autonomously, and raise awareness among government institutions and society in general about the need to dignify the lives of people with intellectual disabilities and those who are, in turn, part of their lives.

Graph 20 shows that in 2022 there were 68 discriminating agents due to ableism: 39 from Public Administration, 13 from private entities/ Companies (two more than in 2021), and 16 individuals (ten more than in 2021).

Public Administration were the main discriminating agents in 2022, followed by individuals.

Graph 20. Who discriminates on grounds of ableism, 2019-2022

Source: OND and SAVD Board, 2022

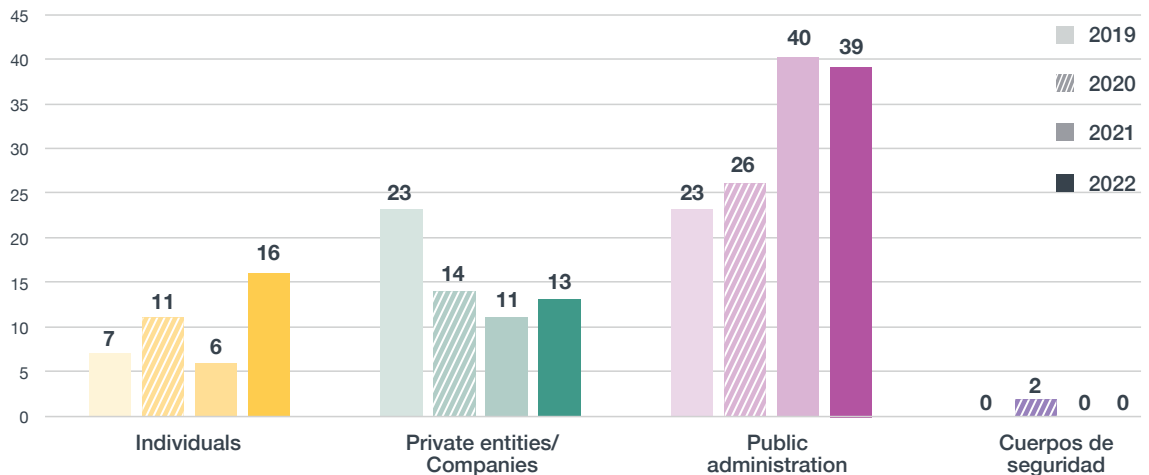


Table 17. Where are people discriminated on the grounds of ableism, 2019-2022

Source: OND and SAVD Board, 2022

		2022	2021	2020	2019
Public		33 (52.4%)	17 (29.8%)	20 (39.2%)	19 (36.5%)
	Streets, parks, beaches, squares	10 (15.9%)	4 (7%)	11 (21.6%)	1 (1.9%)
	Public facilities	19 (30.2%)	13 (22.8%)	9 (17.6%)	18 (34.6%)
	Hospitals	8	1	1	2
	Public service offices and courts	5	3	4	0
	Schools	4	5	0	3
	Stations or public transport	1	1	1	10
	Libraries, museums and exhibition halls	1	0	0	0
	Concert and conference rooms	0	0	0	1
	Sports, cultural and social centres	0	2	0	0
	Hostels or shelters	0	0	0	1
	Other	0	1	3	1
	Online and telephone services	4 (6.4%)	0 (0%)	0 (0%)	0 (0%)
Private		29 (46%)	38 (66.7%)	26 (51%)	32 (61.5%)
	Private facilities with public access	3 (4.8%)	2 (3.5%)	9 (17.6%)	12 (23.1%)
	Shops	1	1	3	0
	Assistance and service offices	1	0	1	3
	Transport stations	1	0	0	2
	Restaurants and bars	0	1	2	1
	Leisure centres	0	0	0	1
	Hotels, shelters and reception centres	0	0	1	2
	Museums and exhibition halls	0	0	0	1
	Other	0	0	2	2
	Private facilities where access is subject to prerequisites	23 (36.5%)	35 (61.4%)	17 (33.3%)	20 (38.5%)
	Houses, flats and other dwellings	16	19	13	12
	Companies and organisations	3	12	1	1
	Schools, hospitals and sports centres	1	4	2	3
	Leisure centres	1	0	0	0
	Media	1	0	0	0
	Other	1	0	0	4
	Not specified	0	0	1	0
	Online and telephone services	3 (4.8%)	0 (0%)	0 (0%)	0 (0%)
Other		1 (1.6%)	2 (3.5%)	5 (9.8%)	1 (1.9%)
Total		63	57	51	52

The totals do not coincide with the registered cases because there were situations in which the place was not registered.

Table 17 shows that ableism occurs equally in both public and private places. Specifically, 33 cases took place in public places: ten in streets, parks, beaches and squares; 19 in public facilities, and four through online and telephone services. Meanwhile, 29 cases occurred in private places: three in private facilities with public access, 23 in private facilities where access is subject to prerequisites, and three through online and telephone-based services.

Public places continue to be where ableism is most likely to occur, with a steady increase year on year. A similar trend is seen in private places.

Indifference and lack of accessibility



Several incidents took place during the city's festivals in 2022, due not only to a lack of accessibility, but also to a lack of respect for diversity. The **ECOM Federation** provided assistance. In one case, we helped write up a description of the incident, and in another, since it involved people with disabilities participating in a show, they prepared an explanatory file and we recommended that each performer in the company lodge an individual complaint.

Case number 1. A concert-goer told us that the space reserved for people with reduced mobility was not accessible (the visibility was not good) and that the attendant questioned her and did not treat her appropriately. The victim reported it through various channels.

Case number 2. People with reduced mobility participating in an artistic activity reported an illegal ramp with a slope exceeding 14%. The group reported it through various channels.

The **ECOM Federation** notes that many of the cases of disability-related discrimination they documented in 2022 were related to people's difficulties applying for benefits, whether because they were not sure of the eligibility requirements, because the government had denied them the benefits and they disagreed with the decision, because they did not know how to submit the applications they were being asked for, or in some cases because the amount of the benefits had been reduced. Government institutions are perceived as rigid and difficult, if not impossible, to access.

Gender-based discrimination

The data on gender-based discrimination collected by the ONG and SAVD Board are complemented by data provided by the Socio-Health Care Service (SAS-ABITS), which supports both cis and trans female sex workers; the Care, Recovery and Shelter Service (SARA); the Unit Against Human Trafficking (UTEH), and Barcelona City Council's Directorate for Gender Services and Time Use Policies.

This section includes two kinds of analysis. The first, provided by the OND and the SAVD Board, covers the 631 cases recorded on the grounds of discrimination based on the gender of the complainant. In specific cases of gender-based discrimination, the perpetrator and place are identified.

The second level of analysis comes from none other than the SAS-ABITS, SARA, UTEH and Barcelona City Council's Directorate for Gender Services and Time Use Policies, which highlight the statistics they deem relevant in relation to gender violence; discrimination affecting sex workers, trans women, women who show signs of possibly being victims of human trafficking for sexual exploitation purposes; and the impact of poverty on women in the city. Since there are departments that specialise in gender-based discrimination in Barcelona City Council, it is essential to take into account the information that these departments have highlighted for this section.

Table 18 shows **how grounds of discrimination interact with the gender identity of the victims**. In 2022, racism and xenophobia were the main cause of discrimination for both women (83) and men (78). In the case of **LGBTI-phobia**, there were more cases affecting men (71) than women (34). Ableism affects both genders equally, as does language-based discrimination. Discrimination due to health issues had a greater impact on men (70) than on women (45), while discrimination due to religion had a greater impact on women (10). And when it comes to gender-based discrimination, women were affected overwhelmingly more than men, with 44 cases compared to only two against men. In cases of discrimination due to ideology and ageism, the number of cases were similar, while 25 women and 39 men were affected by discrimination due to aporophobia.

Table 18. Gender and grounds of discrimination

Source: OND and SAVD Board, 2022

Grounds of discrimination and gender	Female	Male	At times in a gender and at times at another gender	Not reflected in these categories	Group or collective	Not specified
Racism and xenophobia	83	78			12	12
LGBTI-phobia	34	71		8	12	4
Ableism	32	31			5	
Language	46	43				1
Health	45	70		2	1	2
Religion	10	7				2
Gender	44	2			4	1
Ideology	9	7				1
Ageism	3	2				1
Aporophobia	25	39			7	11

The totals of the table do not coincide with the 631 registered cases because there are several reasons for each case.

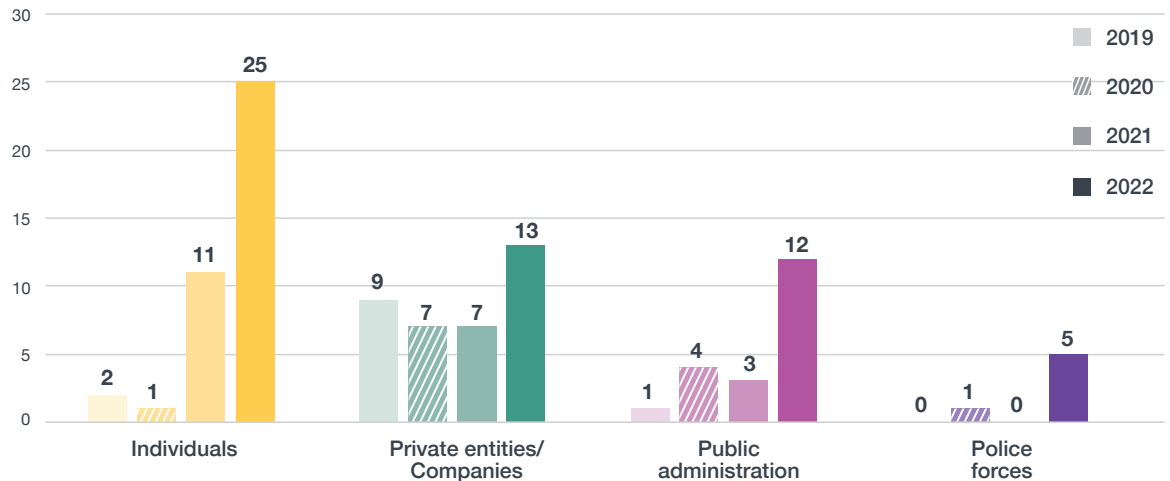
Graph 21 identifies the discriminating agents based on gender and the trend over time. In 2022, 55 perpetrators of discrimination were identified: 25 individuals as the main perpetrators, followed by 13 cases perpetrated by private entities/ Companies, 12 by Public Administration and five by police forces.

When the perpetrator of discrimination is an individual the victim lives with, they are particularly vulnerable. There is still a great deal of prevention and awareness-raising work that remains to be done.

Graph 21. Who discriminates on grounds of gender, 2019-2022

Source: OND and SAVD Board, 2022

It must be noted that in some cases there has been more than a discriminatory agent.



In 2022, cases of gender discrimination were divided more or less equally between public and private places, as shown in Table 19. There were 27 such cases, 51.9% of the total, in public places: 11 in streets, parks, beaches and squares, and 16 in public facilities, especially hospitals. Meanwhile, 25 cases, 48.1% of the total, were documented in private places, including nine in private facilities with public access and 14 in private facilities where access is subject to prerequisites.

Table 19. Where are people discriminated on grounds of gender, 2019-2022

Source: OND and SAVD Board, 2022

		2022	2021	2020
Public		27 (51.9%)	10 (47.6%)	7 (50%)
	Streets, parks, beaches, squares	11 (21.2%)	4 (19%)	1 (7.1%)
	Public facilities	16 (30.8%)	6 (28.6%)	5 (35.7%)
	Hospitals	7	1	0
	Public service offices and courts	4	2	0
	Police station	2	0	1
	Sports, cultural and social centres	1	1	0
	Hostels or shelters	1	1	0
	Stations or public transport	0	1	2
	Schools	0	0	1
	Other	1	0	1
Private		25 (48.1%)	11 (52.4%)	6 (42.9%)
	Private facilities with public access	9 (17.3%)	3 (14.3%)	0 (0%)
	Shops	4	1	0
	Restaurants and bars	3	0	0
	Assistance and service offices	1	0	0
	Leisure centres	1	1	0
	Hotels, hostels and shelters	0	1	0
	Private facilities where access is subject to prerequisites	14 (26.9%)	8 (38.1%)	5 (35.7%)
	Houses, flats and other dwellings	8	2	1
	Companies and organisations	4	3	3
	Schools, hospitalarios y deportivos	2	1	0
	Leisure centres	0	1	0
	Concert halls, conference rooms and pavillions	0	1	0
	Not specified	0	0	1
	Online and telephone services	2 (3.8%)	0 (0%)	0 (0%)
Other		0 (0%)	0 (0%)	1 (7.1%)
Total		52	21	14

The totals do not coincide with the registered cases because there are situations in which more than one place was registered.

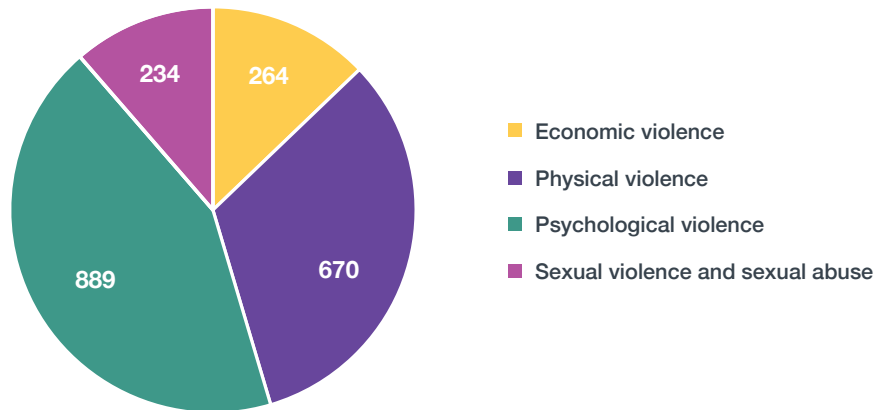
Gender violence

In 2022, the **Care, Recovery and Shelter Service (SARA)** assisted a total of **1,095 women as a result of gender violence**, 268 of whom received a housing alternative. A total of 241 children and adolescents were sheltered as well. As shown in Graph 22, the breakdown of cases by type of gender violence is as follows: 264 were cases of economic violence, 670 were cases of physical violence, 889 were cases of psychological violence and 234 were cases of sexual violence and sexual abuse. Of the total cases, 54.9% were cases of violence against women perpetrated by a current partner, while 33.61% were perpetrated by a former partner. Of the women assisted, 43.63% were aged 25 to 39, 31.11% were aged 40 to 49, and 25.26% were over the age of 50. Finally, 22.28% of the women assisted were unemployed and not receiving benefits.

Psychological violence is an invisible action that undermines the self-esteem and physical and political autonomy of women, with a persistent internal impact on victims that weakens their resistance and makes them vulnerable to other forms of violence. This is why the data shown in Graph 22 are so important.

Graph 22.
Types of sexist violence

Source: Care, Recovery and Shelter Service (SARA), 2022



Discrimination, sex work and a lack of papers

In 2022, the **SAS – ABITS**, which supports cis and trans female sex workers, assisted 380 women in the service’s office, and approximately 100 in public places. Of those assisted, 18% showed signs of possibly being victims of human trafficking for sexual exploitation purposes. All of them reported that **their rights had been violated because of their sex work**, given the impact of the stigma surrounding prostitution. They were also impacted by the persistent community violence experienced by all women who occupy public space. Of the women assisted, 58% were lacking papers (a significant increase compared to 2021, when the figure was 47%), making them vulnerable in multiple areas, such as not being able to have a bank account or cover basic needs through regulated work and access to decent housing.

A lack of papers is an obstacle to various procedures and access to all rights in general, especially employment and housing. As the SAS explains, “sex work becomes an alternative in order to survive until there’s a chance to regularise your administrative status. And so women suffer multiple discrimination because of the stigma of being “whores”, because they lack papers, because they are experiencing poverty, because they are racialised and because they are female, whether cis or trans.

Victims of human trafficking are affected by all forms of discrimination

Meanwhile, the **Unit Against Human Trafficking (UTEH)** reports that there were a total of 60 incidents in 2022 related to difficulties in opening basic payment accounts in various banks. Year after year, it is clear that the ability to apply for economic benefits of any kind is limited by banks’ refusal to open accounts. **Such refusals persist even if the person has a passport, as do unjustified delays in the case of people with residence and work permits** (up to four months of waiting). There is discrimination on the basis of nationality both in the process of opening an account and in the subsequent requirements imposed on the customer.

Another issue is the **difficulty in accessing housing** (due to racism and social exclusion): a significant number of people supported by UTEH were living in squatted buildings. Over the course of the year, 60 issues related to eviction processes were addressed.

“I couldn’t cash the cheque because I didn’t have Spanish documents, and I couldn’t use my passport”



“I went to a CaixaBank branch office to cash an economic support cheque from Barcelona City Council. I had several issues cashing the cheque. At the first branch, I was told they didn’t have cash there and that they didn’t cash cheques; I wasn’t told of any possible alternatives or solutions. Then I went to another branch of the same bank where they did have cash, but they didn’t cash the cheque because the service was limited to certain hours on certain days. After that, I went to another branch where I couldn’t cash the cheque either because they told me that I had to be a resident of that neighbourhood. Next I went to another branch where I couldn’t cash the cheque because I didn’t have an open account with the bank. I finally went to a branch where I couldn’t cash the cheque because I didn’t have Spanish documents and couldn’t use my passport.”

SAS explain that they provided educational guidance to reverse the situation: The first time, the SAS professional asked the bank employee for information on where the cheque could be cashed if not at the bank, as the recipient of the aid had been given no possible solutions or explanations. In the second case, the information received as a City Council employee (once identified as such to the bank) was different, namely that there were no specific hours or days for cashing cheques as stated on the website. It was therefore found that the information provided was not the same for everyone. In the third case, SAS asked which regulations stated that only district residents could cash a cheque, and there were none. They then asked which regulations stated that only those with a linked account within the district would cash a cheque, and there were none. Finally, they asked which regulations stated that a person could not cash a cheque if they didn’t have a NIE (identity number for foreign nationals), and there were none.

SAS tried to contact branch management, but it was impossible to speak with any branch over the phone (there was a call centre for all the banks). The organisation then proceeded to search for other banks where it was possible to resolve the issue and cash the cheque. This situation constitutes a serious violation of rights, makes access to benefits even more difficult and increases waiting times. All the women who were affected by this form of discrimination are immigrants without papers; furthermore, some of them are racialised, and this is where violations are detected, as they do not receive specific or accurate information.

In addition, there were 184 issues related to access to basic rights of city residents for people assisted by the UTEH. Examples included problems with the municipal registration process (e.g. people not being able to register in their actual place of residence) and difficulties with the health system (e.g. language discrimination). There were also 59 issues on record involving the victims' children, due to difficulties accessing documents, scholarships, etc.

The individuals assisted by the UTEH between 2019 and 2022, as shown in Table 20, were primarily victims of sexual exploitation, making up 211 of the 296 cases addressed. These are followed by cases of labour exploitation, which are much fewer in number but have been increasing each year.

The UTEH reports that victims of human trafficking are heavily impacted by all forms of discrimination, making their reality highly complex.

Table 20. Types of exploitation and human trafficking, 2019-2022

Source: Unity against Human Trafficking (UTEH), 2022

Types of exploitation or human trafficking*	2022	2021	2020	2019
Labor	29	23	16	16
Commission of crimes	5	6	6	4
Organ extraction	0	0	3	0
Practices similar to slavery	1	0	3	2
Forced marriage	7	2	6	6
Exploitation in begging	5	6	7	6
Domestic service	7	4	5	4
Sexual	211	185	218	163
Other	9	8	16	16
Not corroborated	22	6	4	0
Total	296	240	284	217

One person can suffer more than one type of exploitation or human trafficking.

Gender-based discrimination and risk of poverty

Barcelona City Council's Directorate for Gender Services and Time Use Policies reports that gender-based discrimination leads to a risk of poverty, as the fact that women shoulder more unpaid caregiving work in family settings has a clear impact on their professional careers and financial autonomy. In Barcelona, 91% of those who say that family obligations are the reason they work part time are women.

The report "Democratització de les cures a la ciutat de Barcelona: balanç d'actuació 2016-2022"³⁷ [Democratisation of caregiving in Barcelona: assessment of actions carried out] shows that the sex-based division of labour between unpaid caregiving and the labour market leads to **wage inequalities between men and women**. In Barcelona, the pay gap is 17.5%. As such, the average salary of women living in Barcelona in 2020 was €27,661, compared to €33,534 for men. This means that women have less economic autonomy and are at a greater risk of poverty, both as adults and in old age.

37 The report can be found at: https://bcnroc.ajuntament.barcelona.cat/jspui/bitstream/11703/130748/1/Democratitzaci%C3%B3%20de%20les%20cures_OCT%20OK-ES.pdf

Another indicator linked to the lack of economic autonomy, as the report suggests, is the **poverty rate when autonomy is assumed**.³⁸ In Barcelona, 18.9% of women are at risk of poverty, but this figure rises to 43.5% if autonomy is assumed.³⁹ According to the 2019-2020 data, 43.5% of women in Barcelona experience poverty, compared to 26.9% of men. This shows that a large percentage of women depend on other people's income for their livelihood.

This situation is exacerbated in the case of foreign women, as the percentage of women with individual income below the poverty line is 71.3%.

Religious discrimination

Religious freedom is a human right recognised by the main international instruments, such as the Universal Declaration of Human Rights (Article 18), the International Covenant on Civil and Political Rights (Article 18), and the Charter of Fundamental Rights of the European Union (Article 10). It seeks to **protect people of all religions** and those who want to change or abandon their beliefs.

For many years, there has been ostensible religious uniformity in Europe. Antisemitism has been reduced and states have gradually become secular. The phenomenon of immigration has enriched religious diversity through the establishment of different communities and religious groups. However, there have been a series of conflicts between people from different communities, and between people from the religious community and the legal system of the host country, especially due to what Islam represents as a religion.⁴⁰

In the city of Barcelona there are 27 denominations and nearly 500 places of worship. Table 21 shows the cases of religious discrimination. In 2022 there were 18 cases of Islamophobia, 13 of which were reported by the **Observatory of Islamophobia in Catalonia (ODIC-SAFI)** and nine of which were related to the use of the hijab.

Table 21. Who is discriminated on grounds of religion, 2020-2022

Source: OND and SAVD Board, 2022

	2022	2021	2020
Religion	19	26	32
Islamophobia	18	26	28
Antisemitism	1	0	2
Christophobia	0	0	1
Other	0	0	1

38 This indicator measures a person's poverty risk if they only had their own income, i.e. not taking into account the income of other household members.

39 The risk of poverty under the assumption of autonomy measures the percentage of the adult population (excluding students) who would be at risk of poverty if they had to live individually off their income alone.

40 *La no discriminación por motivos religiosos en España* [Non-discrimination on religious grounds in Spain], Jaime Rossell. Published by: The Spanish Ministry of Employment and Social Affairs. Madrid 2008.

Act 19/2020 on equal treatment and non-discrimination recognises “any manifestation of Islamophobia” as one of the causes of religious discrimination. The **Council of Europe** and the United Nations **Committee on the Elimination of Racial Discrimination** define Islamophobia as: “(...) a form of racism and xenophobia manifested through hostility, exclusion, rejection and hatred against Muslims, especially when the Muslim population is a minority, which occurs with a greater impact in Western countries.” Islamophobia is thus a form of racism against Muslims. According to the 2017 **European Islamophobia Report**, Islamophobia takes place when a dominant group of people aims to seize, stabilise and extend their power by creating a scapegoat, real or invented, through the construction of an “otherness” that is different from their society. Islamophobia constructs a Muslim identity and associates it with images and terms that homogenise those who make up the community.

Social educator Navila Ali Ahmed, the head of the Metamorfosis Association, reflected specifically on **gender-based Islamophobia** in relation to discrimination against Muslim women in December 2022 during the Conference on Preventing Hate on Social Media in the Strait of Gibraltar region. She stated that “Muslim women are discriminated against or have fewer privileges and rights than all other women” and urged society to imagine “being a Black, Muslim and disabled woman: the further you are from being a white woman in the West, the more your rights are violated.”

Graph 23 shows the trend over time in discriminating agents for religious reasons. In 2022, 19 perpetrators of discrimination were identified: seven from Public Administration, seven individuals, two from private entities/ Companies, and three police forces.

Of the recorded cases of religious discrimination, more occurred in public places, including ten in public institutions, as shown in Table 22. Seven cases occurred in private places: four in private facilities with public access and three in private facilities where access is subject to prerequisites.

Graph 23. Who discriminates on grounds of religion, 2019-2022

Source: OND and SAVD Board, 2022

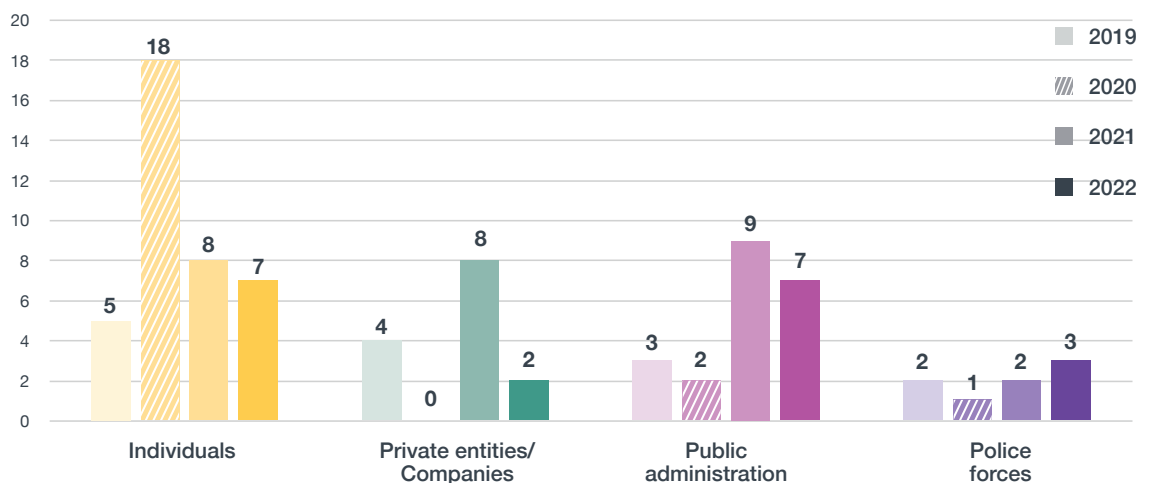


Table 22. Where are people discriminated on grounds of religion, 2019-2022

Source: OND and SAVD Board, 2022

		2022	2021	2020
Public		11 (57.9%)	16 (61.5%)	12 (37.5%)
	Streets, parks, beaches, squares	1 (5.3%)	5 (19.2%)	7 (21.9%)
	Public facilities	10 (52.6%)	11 (42.3%)	5 (15.6%)
	Schools	5	1	0
	Stations or public transport	2	3	1
	Hospitals	1	3	1
	Hostels or shelters	1	0	2
	Police station	1	0	1
	Public service offices and courts	0	3	0
		0	1	0
Private		7 (36.8%)	10 (38.5%)	15 (46.9%)
	Private facilities with public access	4 (21.1%)	3 (11.5%)	5 (15.6%)
	Shops	1	0	3
	Restaurants and bars	1	0	0
	Assistance and service offices	0	0	1
	Transport stations	0	0	1
	Other	2	3	0
	Private facilities where access is subject to prerequisites	3 (15.8%)	6 (23.1%)	10 (31.1%)
	Houses, flats and other dwellings	1	1	7
	Companies and organisations	1	4	2
	Schools, hospitals and sports centres	0	1	1
	Other	1	0	0
	Online and telephone services	0 (0%)	1 (3.8%)	0 (0%)
Other		1 (5.3%)	0 (0%)	5 (15.6%)
Total		19	26	32

The totals do not coincide with the registered cases because in some situations the place was not registered and because in some cases more than a place was identified.

The **Bayt al-Thaqafa** foundation note that racism based on discrimination intersected with the variables of gender and religion in several cases they addressed in 2022. In particular, they underline the discrimination experienced by Muslim women who wear the hijab and whose religious affiliation is easily identifiable.

Stigma against Muslims continues to be a factor that exposes people to rejection and violence, especially as it continues to be constructed from a place of fear and aversion to an expression of their spirituality that is not seen in other religious beliefs.

“I was treated that way because I was wearing a hijab”



“I was sitting on a bus with my six-year-old son; I’m pregnant. I admit that I had been sitting badly and was slightly occupying the seat next to me. A woman came on with her husband, and when she wanted to sit down, she pushed me and hit me in the stomach. She asked why I wasn’t sitting properly. I apologised and told her she could have asked me to move politely, that she didn’t have to push me. The woman started jeering at me, getting into my face. I finally told her to stop speaking to me like that and the woman hit me. Her husband got in the way to stop her. I told her I was going to call the police and that I wanted her information, which she didn’t give me. The bus was full, but no one showed the slightest intention of helping me.

The woman got off the bus and I got off at the same stop, speaking to the police and asking for them to come. I followed her to Diagonal Mar, where I saw a police patrol and called them over. The woman started to say that I was following her and harassing her, and that she didn’t know what I wanted. I told the police what happened and asked how to file a complaint. They said it was “just a little spat” and that I should let it be. I told them I didn’t want to let it be and that I needed them to give me the woman’s information in order to file a complaint. They said they couldn’t give me her information and I asked for it to be sent to the police station so that it would be there when I got there. They finally agreed.

I then started to feel unwell and I went to the emergency room twice due to the stress of the situation. I ultimately didn’t file the complaint, but I would like to. I don’t want to let it be, because my son saw everything and I don’t want him to think it’s normal for people to treat you like that. Even though she didn’t make any comments about my religion or nationality, I know she treated me that way because I was wearing a hijab. It wouldn’t have happened to someone else.”

The **Observatory of Islamophobia in Catalonia (ODIC-SAFI)** provided the victim with psychosocial support, in addition to referring the case to an organisation that specialises in these issues. To date, the case has not been resolved.

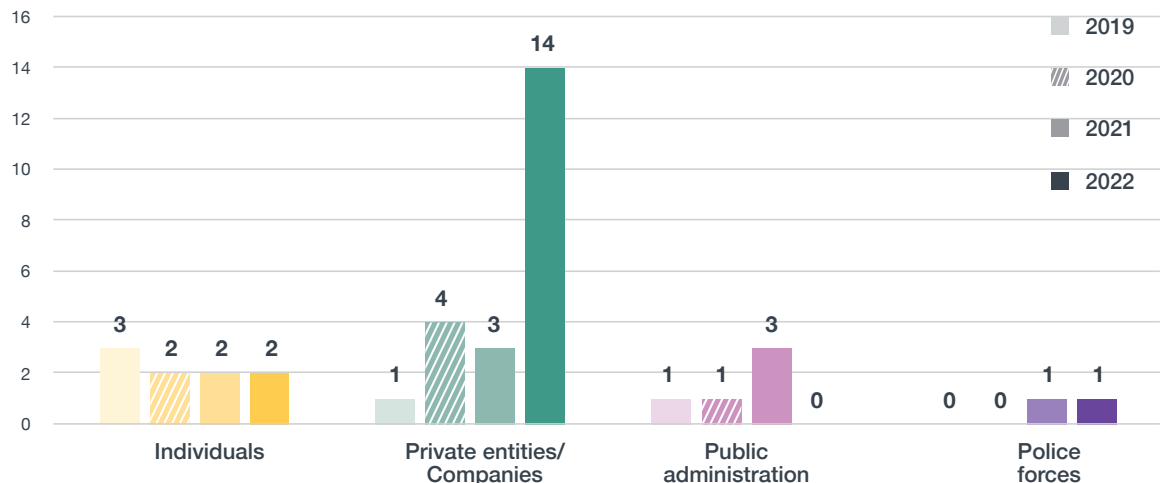
Ideological discrimination

Usually, when there is differential treatment, verbal or physical aggression or hate speech due to ideology, it is not considered a cause of discrimination. As seen in political debates and discussions in the media, hostility and prejudice towards those who do not share the same ideas is socially accepted; as such, political ideas are a conditioning factor that can lead to trust or mistrust of others. “La naturaleza dual del prejuicio partidista: moralidad e identidad en un sistema multipartidista” [The dual nature of partisan prejudice: morality and identity in a multi-party system], a study from the University of Malaga (2019), argues that “exclusion based on political affiliation is greater than other forms of discrimination.”⁴¹ According to this study, people feel more comfortable with those who share their ideas. Most people discriminate against those with other political leanings, and a substantial proportion of this population even reports being against those with opposing political views. The study argues that people are not aware of the effects of this kind of discrimination, nor are there regulations sanctioning it, factors which contribute to the perpetuation of rejection towards those who think differently.

Graph 24 shows the trend over time in discriminating agents for political ideas. In 2022, 17 perpetrators of discrimination were identified: 14 from private entities/ Companies, which are the majority and have risen significantly compared to previous years; two private individuals, and one police forces.

Graph 24. Who discriminates on grounds of ideology, 2019-2022

Source: OND and SAVD Board, 2022



According to these data, of the 17 cases of ideological discrimination, nine were due to Catalanophobia, intersecting with language discrimination, and the violated right was moral and physical integrity; six were perpetrated by Neo-Nazis and had to do with fascist slogans and physical aggression, and two had to do with the right to admission and were perpetrated by private security.

As shown in Table 23, most cases of ideological discrimination were recorded in private places (11 cases), with restaurants and bars being the places where most cases were documented.

⁴¹ A project led by researchers Hugo Viciano, from the University of Malaga; Antonio Gaitán Torres, from Carlos III University of Madrid; and Ivar Rodríguez Hannikainen, from the Pontifical Catholic University of Rio de Janeiro, has studied the phenomenon of everyday political bias as a form of discrimination comparable to others such as racism and sexism, and has shown that exclusion based on political affiliation is more prevalent in advanced societies than other forms of discrimination. It can be found at: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0219509>

Table 23. Where are people discriminated on grounds of ideology, 2020-2022

Source: OND and SAVD Board, 2022

		2022	2021	2020
Public		4 (26.7%)	4 (44.4%)	2 (28.6%)
	Streets, parks, beaches, squares	4 (26.7%)	1 (11.1%)	2 (28.6%)
	Public facilities	0 (0%)	3 (33.3%)	0 (0%)
	Hospitals	0	2	0
	Other	0	1	0
	Online and telephone services	0 (0%)	0 (0%)	0 (0%)
Private		11 (73.3%)	5 (55.6%)	5 (71.4%)
	Private facilities with public access	9 (60%)	2 (22.2%)	3 (42.9%)
	Restaurants and bars	5	1	1
	Shops	2	0	1
	Leisure centres	1	0	0
	Hotels, hostels and shelters	0	1	0
	Transport stations	0	0	1
	Other	1	0	0
	Private facilities where access is subject to prerequisites	0 (0%)	3 (33.3%)	2 (28.6%)
	Houses, flats and other dwellings	0	1	2
	Schools, hospitals and sports centres	0	2	0
	Online and telephone services	2 (13.3%)	0 (0%)	0 (0%)
Other		0 (0%)	0 (0%)	1 (7.1%)
Total		17	9	8

Discrimination due to ageism

According to the United Nations, ageism arises **when age is used to categorise and divide people** in ways that lead to harm, disadvantage and injustice. It can take many forms, such as prejudice, discrimination and institutional policies and practices that perpetuate stereotypical beliefs. According to WHO, ageism causes harm, disadvantage and injustice and erodes solidarity across generations. Ageism penalises everyone who is outside the majority age range, which is considered adulthood; as such, it discriminates against young people and older people.

Older people and young people are often placed at a disadvantage in the workplace, and access to specialised education and training is significantly reduced with age. Ageism against youth manifests itself in many areas, such as health, employment, housing and politics, where young people's voices are often ignored or dismissed. Ageism against older people is related to how old age and ageing are understood, to intergenerational relations, and to how stereotypes and prejudices about this age group are perpetuated, limiting understanding of the diversity and heterogeneity of old age. The United Nations, in its global report on ageism (2021),⁴² notes that among older people, ageism is associated with poorer physical and mental health, increased social isolation and loneliness, greater financial insecurity and decreased quality of life and premature death.

The information on ageism presented by the Observatory is mainly qualitative, given that under-reporting persists for this form of discrimination, as shown in Graph 9. Furthermore, the **Advisory Council for the Elderly** y el **Barcelona Youth Council**, two organisations that work in this area, had until now been focusing on advocacy, training and awareness-raising, and will start documenting cases in the upcoming period. As such, Table 24 shows cases of discrimination reported directly to the OND.

Of the cases on record, Graph 25 identifies both Public Administration and private entities/Companies as discriminating agents.

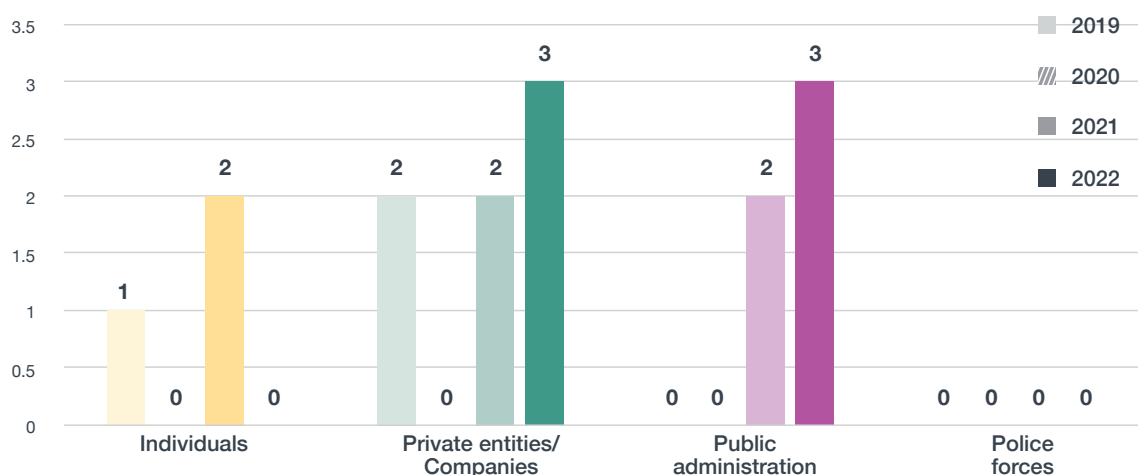
Table 24. Who is discriminated on grounds of ageism

Source: OND and SAVD Board, 2022

	2022	2021
Ageism	6	5
Young people	2	3
Elderly people	4	2

Graph 25. Who discriminates on grounds of ageism, 2019-2022

Source: OND and SAVD Board, 2022



42 Global Report on Ageism. See at: <https://ow.ly/5gse50P3Rv2>

According to Table 25, there are complaints in both public and private places. In the public sphere, cases occurred in public facilities, and in the private sphere, cases occurred in private facilities where access is subject to prerequisites.

Table 25. Where are people discriminated on grounds of ageism, 2021-2022

Source: OND and SAVD Board, 2022

	2022	2021
Public	3 (50%)	3 (60%)
Streets, parks, beaches, squares	0 (0%)	0 (0%)
Public facilities	3 (50%)	2 (40%)
Hospitals	1	0
Public service offices and courts	1	1
Hostels or shelters	1	0
Sport, cultural and social centres	0	1
Online and telephone services	0 (0%)	1 (20%)
Private	3 (50%)	5 (55,6%)
Private facilities with public access	0 (0%)	0 (0%)
Private facilities where access is subject to prerequisites	3 (50%)	2 (40%)
Companies and organisations	1	1
Schools, hospitals and sports centres	1	0
Media	1	0
Houses, flats and other dwellings	0	1
Total	6	8

The breakdown of grounds of discrimination by age range of the victims is shown in Table 26, providing insight into the age ranges where people are most vulnerable to certain kinds of discrimination.

People between the ages of 0 and 14 had five interactions with racism and xenophobia and three interactions with ableism. People between the ages of 15 and 24 had 26 interactions with racism and xenophobia, 17 with LGBTI-phobia, 13 with discrimination due to health issues and ten with gender-based discrimination.

People between the ages of 25 and 39 interacted with various kinds of discrimination: racism and xenophobia (64), LGBTI-phobia (52), discrimination due to health issues (39), gender-based discrimination (19), language discrimination (18), aporophobia (16), ableism (11), religious discrimination (7), ideological discrimination (4) and ageism (1).

People between the ages of 40 and 64 had 61 interactions with racism and xenophobia, 49 with discrimination due to health issues, 41 with aporophobia, 30 with ableism, 30 with language discrimination, 26 with LGBTI-phobia, 13 with gender-based discrimination, six with religious discrimination, four with ideological discrimination and two with ageism.

Meanwhile, those older than 65 interacted with fewer kinds of discrimination: language discrimination (13), ableism (5), aporophobia (4), discrimination due to health issues (3), and two cases each of racism and xenophobia, gender-based discrimination, ideological discrimination and ageism.

For the 25-39 and 40-64 age groups, there is a greater tendency to interact with a greater number of discrimination grounds, namely racism and xenophobia, LGBTI-phobia, health issues, ableism, aporophobia, language use and gender.

Table 26.
Reasons for
discrimination
and age

Source: OND and
SAVD Board, 2022

Reasons for discrimination	Edad						
	From 0 to 14 years of age	From 15 to 24 years of age	From 25 to 39 years of age	From 40 to 64 years of age	More than 65 years of age	Not specified	Group or collective
Racism and xenophobia	5	27	66	64	2	12	9
LGBTI-phobia	0	17	52	26	1	21	12
Abeims	3	2	11	30	5	12	5
Language	0	3	18	30	13	26	0
Health	0	13	39	49	3	15	1
Religion	2	2	7	6	0	2	0
Gender	0	10	19	13	2	5	2
Ideology	0	1	4	4	2	6	0
Ageism	0	0	1	2	2	1	0
Aporophobia	2	5	16	41	4	7	7

*The data of the table
does not coincide
with the total of 631
cases because there
are more than two
reasons for discrimi-
nation per case.*

“You’ll be seen as kids and they won’t take your opinions seriously”

0-99

“This happened to me in a club where I was an activity coordinator. There was a prevailing belief that the coordinators, despite being clear in our arguments and perfectly capable of expressing them, would gain credibility with the district if the families were present. This belief and the adultcentrism embedded in our society were so strong that the families themselves, who trusted the coordinators and knew us perfectly well, would say things such as: ‘You’ll be seen as kids and they won’t take your opinions as seriously as if us adults are there.’ These kinds of opinions were very much normalized, both by families and often by the team of coordinators as well, who themselves behaved in an adultcentric way.”

The **Barcelona Youth Council (CJB)** reports that it has been criticising for some time how adultcentrism affects all areas of life and conditions the way in which participation in clubs is promoted and work on young people’s rights is carried out. The necessary societal change in the way young people are perceived and treated must take into account age discrimination against young people in order to combat it, as it has a direct and indirect impact on their well-being and personal development.

One of the issues highlighted by the **CJB** in relation to ageism is the limited theoretical and academic analysis of the **processes of constructing adultcentrism** and its effects on society and, in particular, on non-adults. There is widespread ignorance about the term and, as a result, about the discrimination young people suffer because they are not yet adults. For this reason, the **CJB** believes that it is necessary to make the existence of adultcentrism part of public debates and, at the same time, to include an intersectional perspective on the reality of youth that will provide insight into the heterogeneity of young people and highlight the internal differences between generations.

UNICEF defines adultcentrism as the superiority of adults over younger generations, and notes that adults have access to certain privileges simply because they are adults. Adults are seen as the ideal model of personhood, through which individuals can integrate, be productive and achieve respect in society.

The **CJB** notes that there is little youth perspective in any of the City Council's departments and calls for it to be included in the political agenda in order to eradicate adultcentrism in public policy. Some of the issues linked to this situation include the lack of a councillor's office for youth; the lack of youth perspective training for municipal staff; the adultcentric perspective of municipal council and district assemblies; the lack of a department for mainstreaming the age perspective; the lack of appreciation of youth associations in the city and the failure to recognise them as community agents, and the under-representation of youth in district participation forums.

The main problems faced by the older population

According to the **Advisory Council for the Elderly**, the main problems mentioned in the 2021 report persist in 2022:

1 Housing and nursing homes:

Older people with low pensions that hardly cover the cost of living and who have to contend with rising rent prices. There have been cases of mobbing against older people, with attempts to drive them from their homes because the amounts they pay for rent are well below the current market prices.

The fact that applications for home improvement subsidies must be submitted online makes it harder for older people to complete the applications properly, or it means that they have to ask others for help.

Nursing homes continue to be a place where older people may experience cases of discrimination. Most of these situations have to do with the treatment they receive, as it is often believed that they are not able to make decisions about their own lives, which is seen in aspects of daily life such as not being able to choose their hairstyle or the clothes they wear. There is also stigma surrounding the sexual orientation and sex lives of older people, aspects that are still considered taboo in nursing homes.

2 Caregiving and abuse:

Elderly dependants may be abused by their caregivers. This phenomenon takes place in the home, in a family environment, which makes it invisible

Older people are often assigned the role of caregivers for minors or dependants, a burden that falls especially to women. Personal fulfilment for older people is often associated with looking after children and being a grandparent, and while this may be the case for many, it must be a personal choice and not something imposed on them.

3 Digital divide:

Following the pandemic, many everyday procedures and formalities continue to be carried out online, despite the challenges that this format poses for many.

This involves private actors and banks, as well as government institutions.

4 Health and accessibility:

Age becomes a barrier in relation to certain medical tests and screenings that are no longer carried out after a certain age. Older people are frequently infantilised and sidelined in healthcare settings. There is a tendency to overlook their role in their own decisions, as it is assumed that their family members will be the ones to make arrangements and take the necessary decisions.

Changes in urban mobility – namely the major increase in the use of electric scooters and the increased use of bicycles – lead to insecurity among pedestrians with reduced mobility, who feel that their space (pavements and pedestrian crossings) has been “invaded”.

5 Personal autonomy, self-directed ageism and intersectionality:

Many of the cases of discrimination and rights violations in general that have been identified in relation to ageism are based on the preconceived and widespread notion that the value of what people have to contribute to society diminishes as they get older. Their opinions are no longer taken into account and they are seen as vulnerable, dependent individuals. A direct consequence of the same prejudice is the loss of personal autonomy that many older people experience: they witness a gradual loss of the ability to make decisions about their own lives, which are instead controlled by others. Another consequence is the infantilising treatment to which older people are often subjected. This situation has also been identified in the case of professionals who take care of older people or work with them.

Another concept to consider is self-directed ageism, which refers to the sense of exclusion experienced by older people, who may internalise prevailing prejudices and feel that they are a burden on their families and society.

As with the other forms of discrimination, age intersects with three other variables, namely gender, origin and racialisation, leading to specific and aggravated cases of discrimination. For example, older immigrants may find it difficult to rent a room or a flat, find a job or access training courses offered by the Catalan Unemployment Office or other organisations. Finally, gender-based ageism has a particularly acute impact in traditionally female domains, such as caregiving, which continues to fall to women, with the added problems and forms of discrimination linked to ageism.

The **Advisory Council for the Elderly (CAGG)** has called attention to discrimination linked to the digital divide, both in government institutions and in private organisations, specifically banks. With regard to government institutions, there have been several instances where **CAGG** members have reported specific cases of ageism related to the digital divide, as well as infantilisation or ridicule in the way professionals or the administrative system treat older people.

There was one case where the individual, after trying unsuccessfully online and over the phone to make an appointment for a Social Security procedure, was not allowed to make an appointment in person, contrary to the government’s policy of allowing in-person requests in such cases. This is a situation that is seen repeatedly in various government institutions, where the procedures are only offered online or over the phone. With regard to infantilising or disrespectful treatment, a case was submitted by the Institute for Older People and Social Services (IMSERSO) in 2022 and there are plans to discuss it with the OND to assess possible courses of action.

4.2.5 Types of discrimination

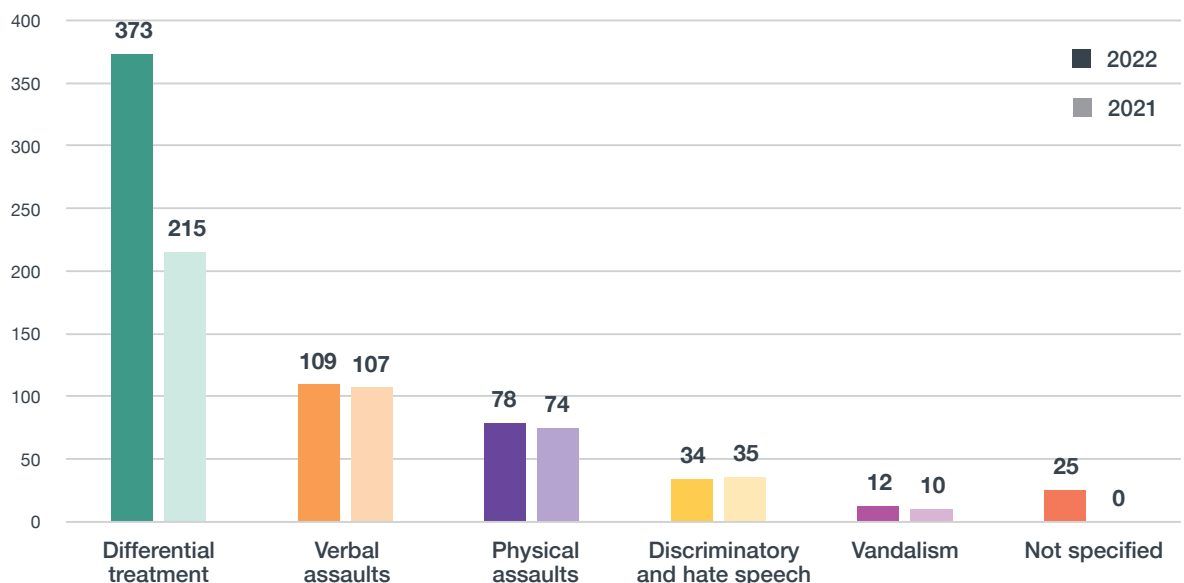
This section looks at how discrimination manifested itself in 2022, in order to identify the number of cases and their impact on people in the ten forms of discrimination analysed by the Observatory.

Graph 26 shows the types of discrimination and the trends since 2021. We see that 51.1% were cases of **differential treatment towards a person or group**; 17.3% were cases of verbal assaults such as belittling remarks, insults or threats; 12.4% were cases of physical assaults; 5.4% were cases of discriminatory and hate speech, and 1.9% were cases of vandalism.

Differential treatment increased significantly compared to 2021. Verbal and physical assaults and vandalism increased slightly, while fewer cases of hate speech were documented compared to 2021.

Graph 26.
Types of discriminatory actions, 2021-2022

Source: OND and SAVD Board, 2022



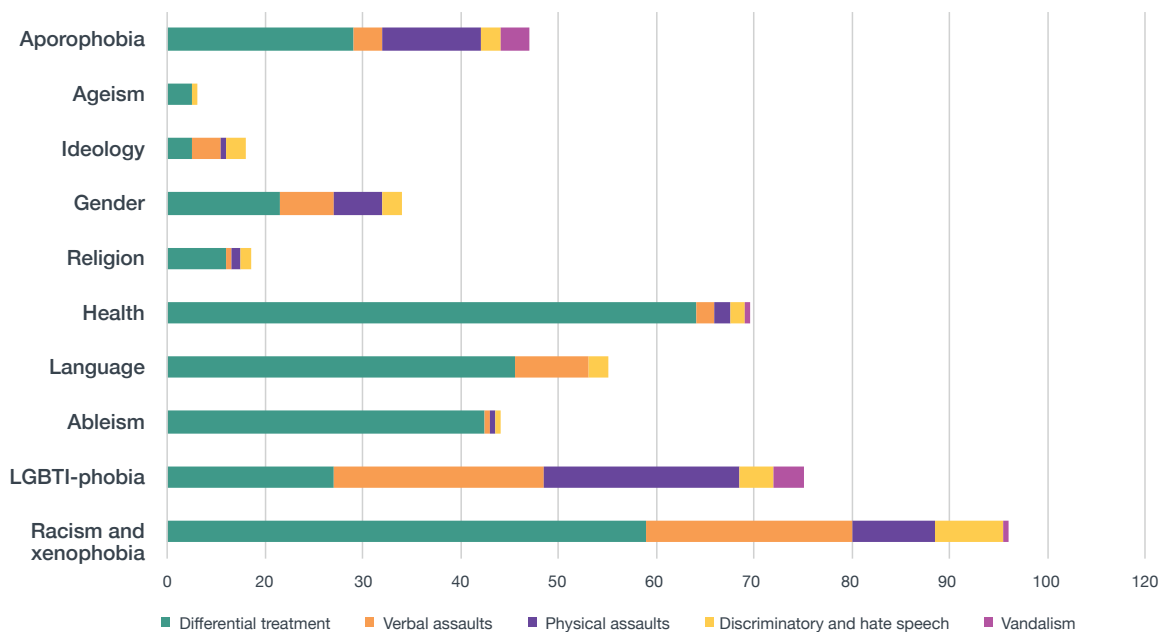
Graph 27 analyses the interaction between types of direct discrimination and the factors behind it. This information provides insight into how cases of discrimination involve different dynamics depending on the underlying cause and the way it manifests, leading to a different impact in each case. We can see that differential treatment takes place in all forms of discrimination. Verbal aggression was mainly observed in cases of racism and xenophobia, LGBTI-phobia, language discrimination and gender-based discrimination; physical aggression was mainly seen in LGBTI-phobia, aporophobia and racism; discriminatory and hate speech in cases of racism, and vandalism in aporophobia and LGBTI-phobia.

Differential treatment, although not a type of verbal or physical aggression, is also a fundamental cause of rights violations. This is why the protection, **guarantee and recognition of the right to equal treatment and non-discrimination** is so essential, because the violation of this right opens the door to other rights being restricted. This is the OND's main raison d'être in terms of preventing discrimination in the city together with the SAVD Board organisations, which promote the protection of this right in Barcelona. We must continue awareness-raising work with regard to the impact of differential treatment in cases of discrimination in order to be mindful of how something that may seem insignificant or normal leads to distress, trauma and the violation of rights.

Graph 27.
Types of discriminatory action and grounds for discrimination

Source: OND and SAVD Board, 2022

As there can be several reasons for discrimination in each case, the total quantities do not coincide with the 631 registered cases.

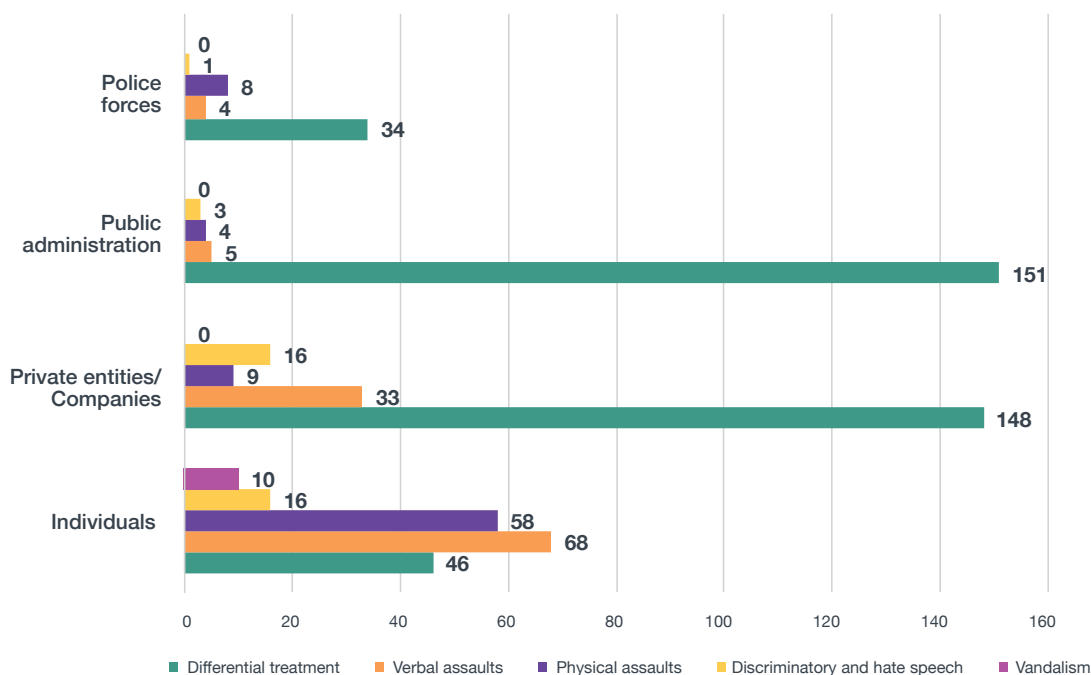


Graph 28 shows the kinds of discrimination carried out by each discriminatory agent in 2022 for the cases reported. We can see that Public Administration and police forces differential treatment in most cases where they were identified as perpetrators of discrimination. The same goes for private entities/ Companies. In the case of individuals, we see more cases of physical and verbal aggression, in addition to differential treatment.

According to the OND and the SAVD Board, identifying the ways in which discrimination manifests itself in relation to each perpetrator helps to develop appropriate prevention and awareness-raising measures targeted at those perpetrators, as well as to determine the underlying stigma, stereotypes and prejudices present in these practices.

Graph 28.
Types of direct discrimination and discriminatory agents

Source: OND and SAVD Board, 2022



Out of the 631 registered cases, in 614 the type of discrimination was identified. In the rest of them it is not specified.

4.2.6 What rights were violated?

This section analyses the violations that occurred in connection with the 631 cases of discrimination documented by the OND and the SAVD Board organisations in 2022.

Table 27 shows that in the 631 total cases reported, 19 different rights were violated. Given that more than one right can be violated in a single case of discrimination, the total number of rights violations in all the cases recorded comes to 1,082 incidents. Once again, the **right to moral integrity** was the most violated, followed by the **right to physical integrity**, with an increase in the number of violations compared to previous years.

Other rights that were significantly violated include the right to quality of public service, the right to use a different language, the right to provision of services, the right to health, the right to personal autonomy, the right to honour and the right to housing.

Data on rights violations are important in order to make the case for why discrimination must be prevented. The SAVD Board organisations and the OND are aware that human rights advocacy means preventing cases of discrimination in order to avoid any kind of violation. It also seeks to develop comprehensive measures for the recovery of victims, not only guaranteeing their right of access to justice so that they can report the discrimination, but also promoting measures to ensure and protect other rights that have been affected, undermining their quality of life and dignity as human beings.

**Table 27.
Discrimination
and violated
rights,
2019-2022**

Source: OND and
SAVD Board, 2022

Violated rights	2022	2021	2020	2019
Moral integrity	306 (28.3%)	232	164	177
Physical integrity	120 (11.1%)	82	57	71
Quality of public service	89 (8.2%)	26	31	21
Language	87 (8%)	52	44	47
Provision of services	67 (6.2%)	78	56	36
Health	59 (5.5%)	17	17	11
Freedom to move / personal autonomy	55 (5.1%)	38	43	49
Honour	52 (4.8%)	18	20	14
Housing	41 (3.8%)	57	55	22
Other rights	32 (3%)	17	8	12
Admission	29 (2.7%)	25	27	34
Work	29 (2.7%)	27	22	23
Freedom / security	28 (2.6%)	32	33	16
Leisure	21 (1.9%)	4	6	2
Information	20 (1.8%)	16	9	7
Intimacy	20 (1.8%)	13	9	14
Education / training	14 (1.3%)	19	8	4
Freedom of expression	9 (0.8%)	7	10	11
Data protection	4 (0.4%)	6	3	6
Total	1.082 (100%)	766	622	577

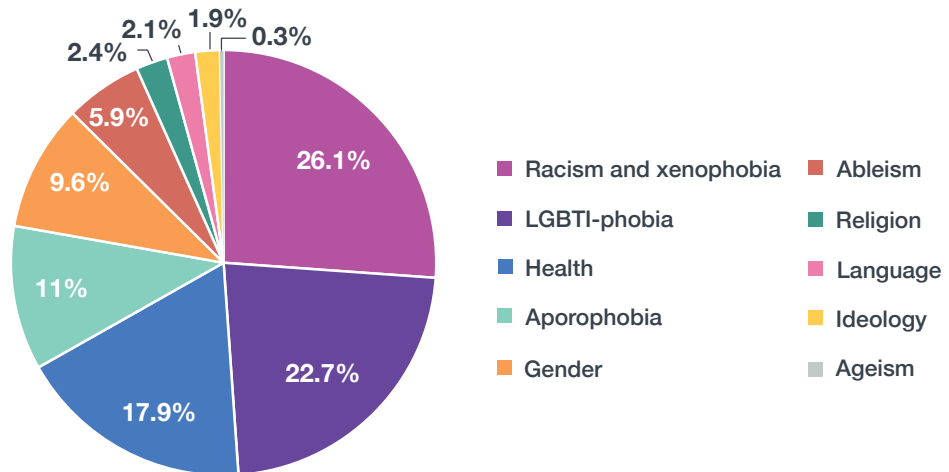
The total of violations is 1.082 and not 631 (total cases registered) because in some cases more than one right has been violated.

Below, by way of example, we analyse the factors behind the violation of certain rights. We chose the right to moral integrity, the right to physical integrity, the right to services and the right to housing. This last right was selected because we needed to see how it had changed compared to 2021, after holding a session on this issue in response to the cases of discrimination documented by various organisations of the SAVD Board.

Graph 29 analyses the factors behind the violation of the **right to moral integrity** in cases of discrimination. We can see that 26.1% are due to racism and xenophobia, 22.7% are due to LGBTI-phobia, 17.9% are due to health issues, 11% are due to aporophobia and 9.6% are due to gender. Insults, humiliation, hate speech and prejudice associated with the aforementioned grounds of discrimination were a major factor in the violation of victims' right to moral integrity.

Graph 29. For which reasons is the right to moral integrity violated

Source: OND and SAVD Board, 2022

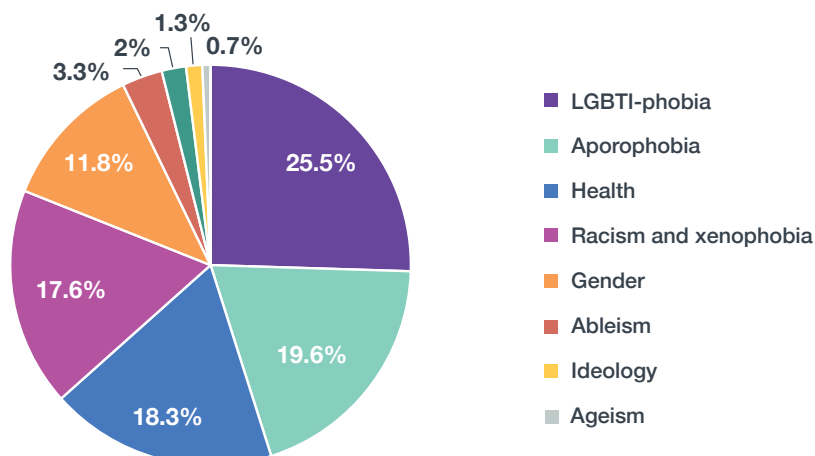


Graph 30, on violations of the **right to physical integrity**, shows that 25.5% are due to LGBTI-phobia, 19.6% are due to aporophobia, 18.3% are due to health issues, 17.6% are due to racism and xenophobia, and 11.8% are due to gender. The order of causes is different compared to the right to moral integrity, with the main factors being LGBTI-phobia and aporophobia, although discrimination due to health issues is the third most common cause in both cases.

Although many of the cases on record did not end in physical violence, there were situations that almost did, such as threats, tension, and actions that sought to cause fear in victims, especially in cases of discrimination linked to LGBTI-phobia, aporophobia, racism and xenophobia, and gender.

Graph 30. For which reasons is the right to physical integrity violated

Source: OND and SAVD Board, 2022

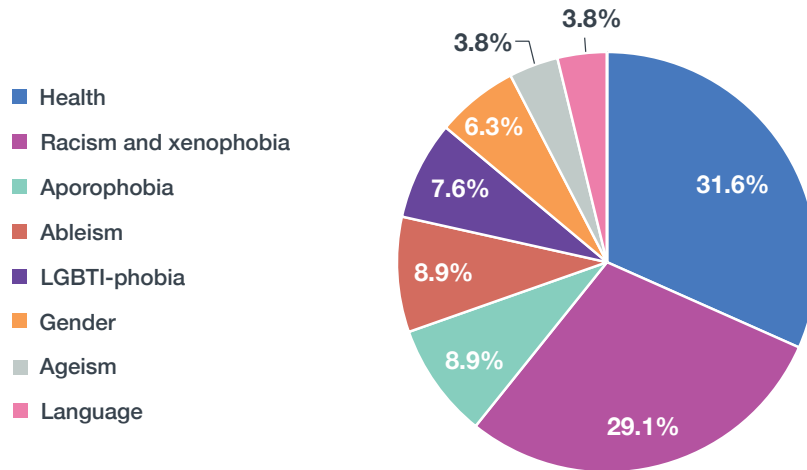


The **right to provision of services** was mainly violated as a result of discrimination linked to health issues (31.6%), followed by discrimination due to racism and xenophobia (29.1%), as shown in Graph 31.

Discrimination due to mental health issues and serophobia are the two main types of discrimination linked to violations of the right to services; as such, the right to health was also affected. In addition, the cases due to racism and xenophobia took place in government offices linked to immigration procedures and social services, where racial discrimination is commonplace.

Graph 31. For which reasons is the right to provision of services violated

Source: OND and SAVD Board, 2022

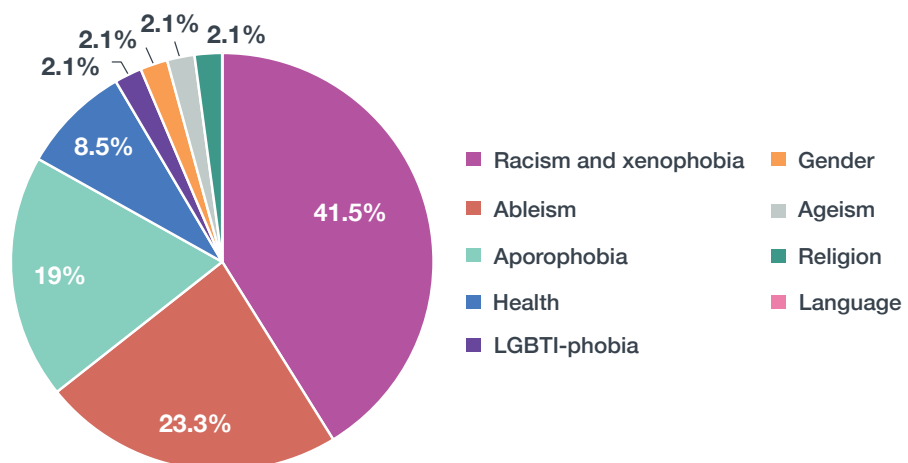


Graph 32 shows how the **right to housing** was violated. Once again, the main factors behind the violation of this right are racism and xenophobia (41.5%), ableism (23.3%) and aporophobia (19%). Health issues as a cause increased by 2.5 percentage points compared to 2021.

Racialisation, as manifested through prejudice, stigma and belittling attitudes towards immigrants and racialised individuals, stops them from being able to access decent housing. In the case of ableism, architectural barriers, such as pathways that are inaccessible for wheelchairs or buildings that lack ramps, make it impossible for people to get around, showing that work remains to be done in relation to accessibility and the right to housing. The impact of serophobia on people experiencing homelessness starts with the denial of a right as basic as housing. And cases linked to health issues were mainly associated with cases of serophobia, in which victims were prevented from renting or buying a flat due to their health status.

Graph 32. For which reasons is the right to housing violated

Source: OND and SAVD Board, 2022



Actions and results

This final section presents information on the type of support and assistance provided by the OND and SAVD Board organisations to people who reported the cases of discrimination recorded in 2022, and the outcomes of the process in each case.

Graph 33 shows the 1,091 support and assistance actions that the OND and SAVD Board provided to victims in 2022. **Legal guidance** was the most common response (367), having increased by 80 compared to 2021. It is followed by psychosocial care (240) and socio-educational support (219), with 51 more situations than in 2021. Public advocacy (115) increased by 66 cases compared to 2021. There were 80 mediation processes and 70 referrals to a specialised organisation.

The OND and the SAVD Board explain that legal counselling involves working with victims to identify the cause and nature of the discrimination experienced and the rights violated, and to assess whether an administrative or criminal complaint can be filed in the given situation. **Mediation process** are also explored if the victim so wishes and the other party to the conflict agrees to take part. **Psychosocial support** is key, as it is a first step towards redressing the effects of discrimination. The victims have an urgent need to be heard and understood and to receive emotional support in relation to the situation experienced. In many cases, the victims feel that psychosocial support is enough. **Socio-educational support** involves raising awareness about the impact of discrimination and why it is important to report, providing proof of what happened so that cases will not go unpunished. It also involves making people aware that they are rights holders and that there are laws and regulations to protect them.

Although the SAVD Board organisations do the initial paperwork and provide the initial response to cases, not all of them have legal or psychological teams to deliver more specialised care, so they help victims to refer their cases to organisations that do have these resources and can take on the legal defence of the case if the victim decides to file an administrative or criminal complaint. Finally, public advocacy actions highlight cases of discrimination for both the general public and specific authorities. Many of the organisations also produce their own reports on the type of discrimination they deal with, lobby for changes in local, regional, Spanish or European public policy, and even complement victims' complaints procedures with advocacy work.

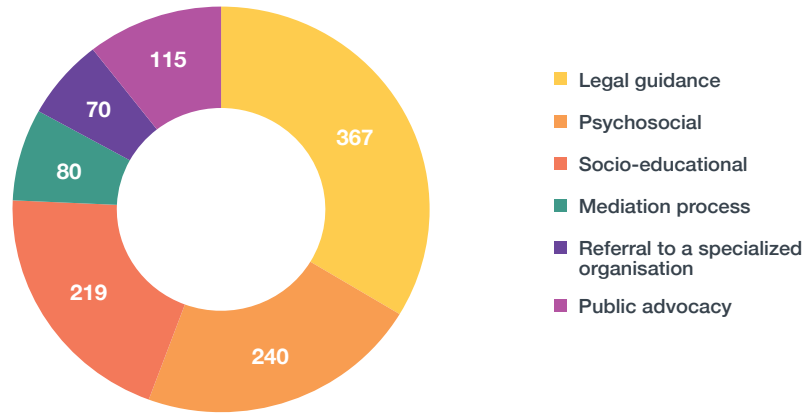
All the types of support and assistance provided by the OND and the SAVD Board organisations are equally valid and necessary. They help victims to feel that they are not alone, despite social indifference. Furthermore, it is an essential process in terms of guaranteeing the right of access to justice.

The trend in support and assistance presented in Graph 34 shows that there was a significant increase in legal guidance, socio-educational support and public advocacy. The amount of psychosocial support and **referrals to specialised organisations** remained the same, while there was a slight decrease in mediation processes.

Graph 35 shows that 130 complaints were filed in 2022 out of the 631 total cases of discrimination. Criminal complaints increased, with 83 cases in 2022 compared to 67 in 2021. There was also a decrease in administrative complaints (47 cases) compared to 2021 (92). In 570 cases of discrimination, the victim ultimately did not file a complaint.

Graph 33. Support and assistance

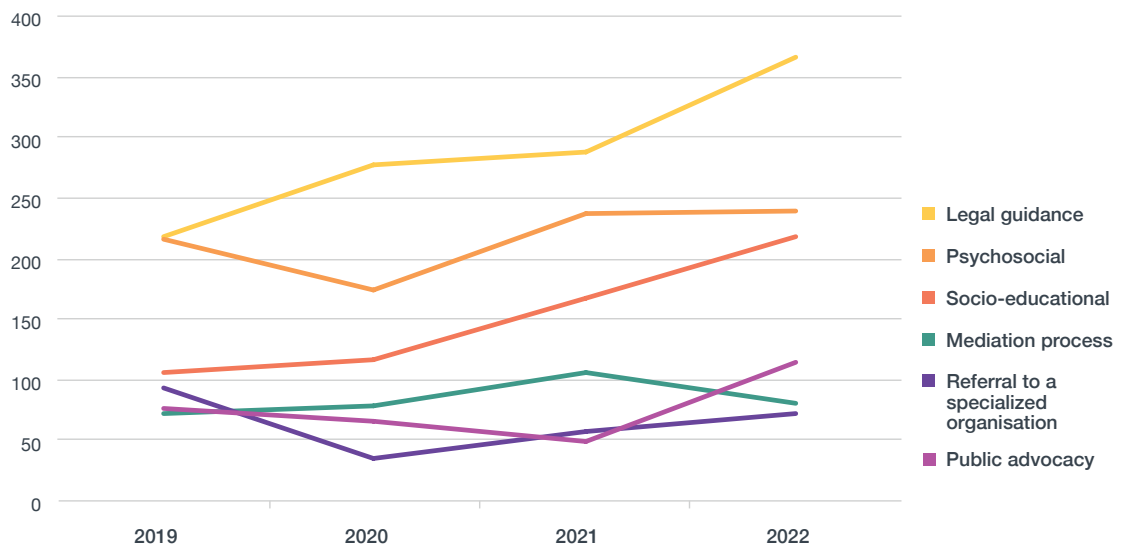
Source: OND and
SAVD Board, 2022



The total does not coincide with the cases registered (631) because in some cases there has been more than one kind of support and assistance means.

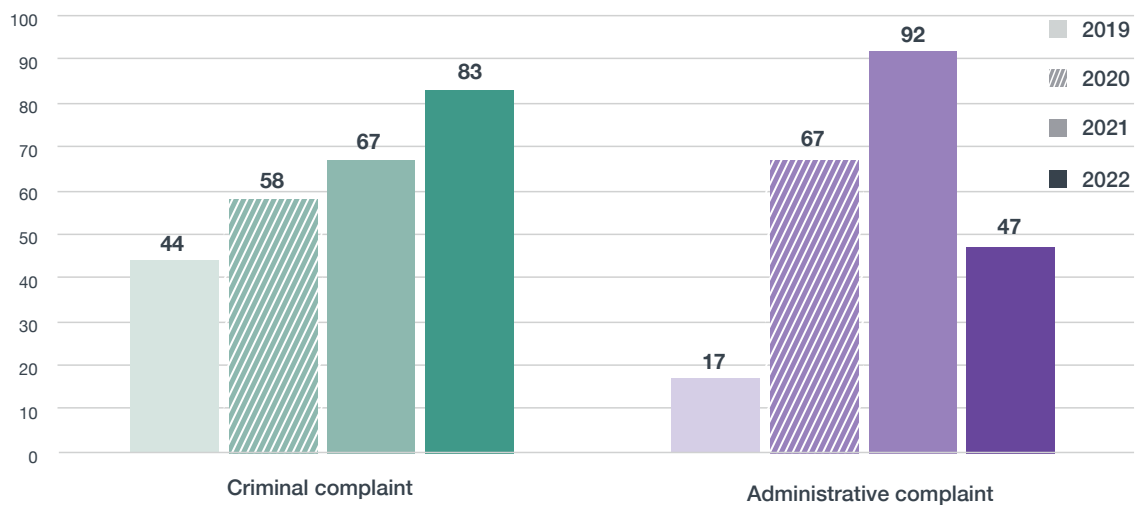
Graph 34. Support and assistance, 2019-2022

Source: OND and
SAVD Board, 2022



Graph 35. Complaints, 2019-2022

Source: OND and
SAVD Board, 2022



According to the **OND**, the decision to file a criminal or administrative complaint in cases of discrimination or rights violations requires a specific analysis of the issue depending on the legal instruments and, specifically, an analysis of each case from a jurisdictional perspective. The **SAVD Board** organisations report that victims of discrimination are not always willing to go through this process, depending on their life circumstances, the degree to which they were impacted and their energy to continue. It also depends on the resources available to the advocacy organisation to initiate and follow up on the complaint, which is why they consider it key for them to continue strengthening their legal capacity and rights advocacy alliances in order to refer cases effectively. The right of access to justice is full of obstacles for victims: even within the justice system itself, there is discrimination that prevents victims from trusting the process, and they ultimately give up.

The **administrative channel** involves submitting non-criminal complaints and claims to various authorities. It is also possible to ask for a sanction to be imposed by the City Council itself or by other government institutions, to appeal to other public oversight mechanisms (the Catalan Ombudsman's Office, the Barcelona Ombudsman's Office, the Internal Affairs Department of the Guàrdia Urbana city police, etc.) or to file an administrative lawsuit.

Administrative remedies are constantly being explored, due to their diverse nature. In specific regulations, we often find sanctioning schemes with specific provisions aimed at combating discrimination or protecting fundamental rights and constitutional values, which must be taken into account. Examples include the legislative act on equal treatment and non-discrimination, the legislative act on LGBTI-phobia, the byelaw on civic behaviour, the consumer code and the general legislative act on advertising, which establish fines for people or organisations that violate anti-discrimination regulations.

Act 19/2020 on equal treatment and non-discrimination, for example, provides for a scheme of offences and sanctions in Articles 42 to 52 of Title V. The sanctions seek to prevent, dissuade, redress and remedy the harm that the discrimination has caused or may cause. The sanctions under the Act must be proportional to the severity of the offence. Furthermore, the amount must be sufficiently hefty so as to act as a deterrent.

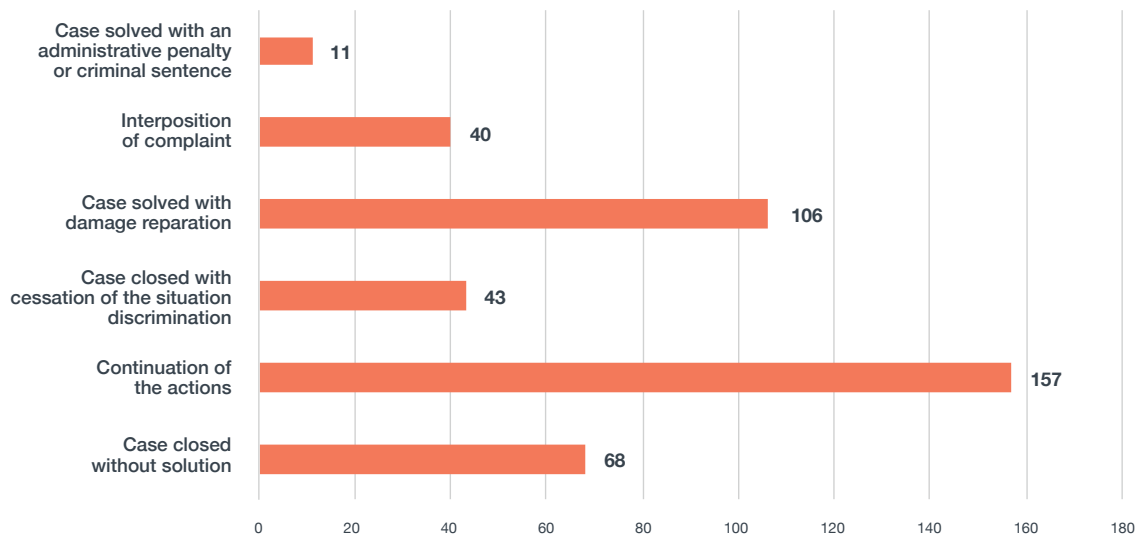
Criminal complaints are for cases that constitute a crime. The individual can file the complaint directly, with support in the process, before any of the courts, or a recommendation can be made for City Council to bring a private prosecution in the case. In criminal cases, there must be direct coordination with the relevant law enforcement divisions, depending on the subject matter of the case, as well as with the specialised public prosecutor's office for hate crimes and discrimination. This process involves going to a duty court to report cases that may constitute hate crimes, discrimination or other crimes. It includes the possibility of the City Council participating in the criminal proceedings as a private prosecutor. If it is accepted in this role, one of the lawyers will take part in the proceedings on behalf of the Council. These are cases that are considered **strategic litigation**. Organisations may also consider participating in criminal proceedings as a private prosecutor to provide legal defence to users of their service. If they are accepted in this role, one of the lawyers will participate in the proceedings as a private prosecutor representing the individual.

Graph 36 shows the outcomes of the actions carried out by the OND and the SAVD Board organisations. Of these actions, 157 situations are still ongoing, 106 cases were resolved with reparation of the damage, 68 cases were closed with no resolution, 43 cases were resolved with an end to the discriminatory situation, 40 interpositions of complaint were filed and 11 situations were resolved with an administrative penalty or criminal sentence.

Graph 36. Result of interventions

Source: OND and SAVD Board, 2022

This table does not collect the total number of cases, only those of which information is available. Some categories are exclusive of the rest, while others aren't, which is why more than one can be indicated.



Regarding the cases reported in 2022 that were closed with no resolution, these are situations where the discrimination was not remedied, the support provided by both the OND and the SAVD Board organisations notwithstanding. This category excludes any other possible outcomes.

In relation to the situations that are ongoing, these are cases that were still open as of 31 December 2022, i.e. where action was still being taken and therefore they could not yet be closed. These are mainly cases opened in November and December. This category excludes any other possible outcomes.

Situations that were resolved with an **end to the discriminatory situations** are cases in which the discrimination stopped taking place after the assistance began, without the end of the discrimination being linked to any particular action taken by the OND or the SAVD Board organisation. In most cases, the incident was documented and actions began, but the discrimination stopped. This category excludes any other possible outcomes.

The most common outcome is that of **situations resolved with reparation of the damage**, i.e. cases that were resolved because the victim felt that they had received redress in one of the forms offered by the support services: socio-educational work, psychosocial support, legal counselling or mediation. In some cases the resolution was achieved through a closed mediation process between the parties, in others the victim expressed that the damage had been repaired by the socio-educational work done. As such, reparation covers all situations where the case was closed because it had been resolved with some sort of reparative effect for the victim.

The category of filing a complaint covers cases opened in 2022 in which some kind of complaint was brought forward.

Finally, cases resolved with an administrative sanction or criminal conviction are cases of discrimination that were resolved with a sanction or conviction in 2022.

Discrimination in access to justice

For rights to be truly exercised and enjoyed, there must be effective guarantee mechanisms that allow rights to be restored when they have been infringed upon or violated. Without such mechanisms, rights can be meaningless for many. **The guarantee of rights is possible through effective access to justice**; as such, access to justice is a right that enables the guarantee of other rights.

The work of the Office for Non-Discrimination, as a duty bearer, and the SAVD Board organisations, as responsibility bearers, is precisely to provide the public with guarantee mechanisms and, therefore, access to justice. For this reason, this year's report focuses on access to justice as a specific topic.

This document, as well as the work of the OND and the SAVD Board organisations, explains what it means to have access to justice, including all stages of the official process, from the filing of a police report to all legal proceedings, whether civil, criminal or administrative; legal counselling; court notifications; and finally, case resolution. At the same time, access to justice can be seen to include reporting the case to other institutions, such as the OND itself and the SAVD Board organisations, in cases where there is no need to go to court but the person has been harmed. It also includes restorative justice and alternative dispute management.

In this regard, access to justice means listening to victims, validating their status as victims, being sufficiently informed about their rights, and seeking ways to achieve reparation and restitution of the violated right. Given the wide range of cases handled, a broad framework is needed to give victims **a sense that justice has been done**.

Recommendations from national and international instruments

The **European Union Agency for Fundamental Rights (FRA)** ⁴³ establishes that the notion of access to justice obliges states to guarantee each individual's right to go to court – or, in some circumstances, an alternative dispute resolution body – to file a complaint if it is found that the individual's rights have been violated. This is a right that cuts across civil, criminal and administrative law.

This obligation means that **the public must have access to the judicial authorities to defend themselves or assert their rights, without discrimination of any kind**, in procedures without prohibitive costs and with guarantees, impartiality and a reasonable outcome, both in form (i.e. time frames) and in substance.

As such, the relationship between the **right of access to justice** and the prohibition of discrimination can be understood in two ways:

- 1 Access to justice in cases of discrimination, that is, the ability to obtain redress for victims of discrimination.
- 2 Non-discriminatory access to justice. It must be ensured that there are no physical, linguistic, financial or other barriers to access to justice.

43 Handbook on European law relating to access to justice: https://www.echr.coe.int/documents/d/echr/Handbook_access_justice_SPA

Figure 8.
Normative frame
that guarantees
access to justice

Elaboración:
Centre for Human
Rights Resources
(CRDH)

International level	<i>Universal Declaration of Human Rights</i>	Articles 8 and 10 Effective remedy, public hearing by an independent tribunal.
	<i>International Covenant on Civil and Political Rights</i>	Articles 2 and 14 Non-discrimination, effective remedy, equal justice, compliance with resolutions, due process.
European level	<i>Charter of Fundamental Rights (European Union)</i>	Articles 47, 51 and 52 Right to an effective remedy, scope of application, scope of guaranteed rights and interpretation.
	<i>European Charter of Human Rights (Council of Europe)</i>	Articles 6, 13, 35 and 46 Fair trial, effective remedy, admissibility criteria, binding force and execution of judgments.
Spanish level	<i>Spanish constitution</i>	Article 24 Right to effective remedy.
Regional level	<i>Act 19/20 on equal treatment and non-discrimination</i>	Article 21. Section 3 Protection of victims of discrimination by guaranteeing that their complaints will be investigated, that they are informed of their rights and that they have access to justice.
Local level	<i>European Charter for the Safeguarding of Human Rights in the City</i>	Artículo 25 Improve access to justice. Promote out-of-court dispute resolution.

Obstacles that infringe upon the right of access to justice

According to European law, **court fees and costs** may constitute an unlawful restriction on access to justice if they are too high, as would an **overly strict interpretation of procedural rules** if it ends up depriving the defendant of their rights and makes it difficult to understand communications. European law also finds that **high evidential thresholds** may create barriers to accessing justice, and that **presumptions of fact or law** may assist in cases of discrimination. The right of access to justice also includes **proportional limitation periods** with a **legitimate purpose**, **reasonable time frames for resolution**, and the right to **effective enforcement of the ruling**.

The SAVD Board organisations report that, based on their knowledge and experience in preventing and reporting discrimination, access to justice is a legitimate right for guarantees and protection against violations, and yet there are currently various issues and limitations that hinder the fulfilment of this right. In order to understand the situations that a victim of discrimination may experience in the process of accessing justice, four areas have been identified with a series of obstacles that infringe upon the right of access to justice.

In the first place, participating organisations note a series of aspects regarding the starting point for victims that affect their ability to access justice. The **internalised and societal normalisation of aggression and discrimination** is the first major obstacle to the identification of rights violations and, therefore, to their subsequent redress. This is also influenced by the **social stigma** attached to certain groups, who suffer the effects of this stigma on a daily basis and in many cases are blamed for the discrimination or harm they suffer as a result. Furthermore, in cases where violations are identified as such, fear of public exposure, **mistrust of the institutions** that deal with complaints, and the fear that reporting will affect the administrative status of the victims make it necessary for organisations to work to provide support so that it is possible to initiate the process of filing a complaint and seeking justice. These factors also mean that many situations remain unreported and unaddressed, and are therefore invisible in the statistics.

Secondly, we see obstacles that emerge when a complaint is first filed or the case is reported to an organisation. It should be noted that many cases of discrimination or rights violations come up in interviews or conversations with organisations about other issues. Often, the individual does not raise these issues directly. Unless the person assisting the victim is skilled in bringing these issues to the surface or recognising them from what the victim is saying, the cases could easily go unnoticed and unreported. As for police reports, the organisations recognise the value of the Victim Support Unit, but note that prior contact on their part is necessary in order to ensure that the victim is assisted by this unit, which does not happen when the person goes by themselves to file the report. The organisations also report that **re-victimisation** takes place when it comes time to file a complaint, making individuals feel judged, blamed and mistreated simply for taking this action. Furthermore, the lack of translation services at some police stations also poses a problem.

The third area of analysis refers to the formal judicial process itself, in which a wide range of different obstacles were identified. A first set of issues relates to **translations**: it has been observed that they are not available throughout the process, leading to gaps such as the lack of guaranteed translation for meetings with court-appointed lawyers. The organisations have also highlighted that in some cases they have had poor translations or translations that even jeopardise the victim, as well as difficulties conducting the entire process in Catalan.

Other forms of accessibility, such as audio induction loops, the ability to testify in sign language and the physical accessibility of buildings, are also not guaranteed in all cases, which is in itself a violation of rights as well as a barrier to access to justice.

The next set of challenges relates to problems accessing justice at no cost and having a court-appointed lawyer. **Financial limitations** are therefore a significant obstacle.

Moreover, the organisations report a lack of specialisation among court-appointed lawyers in terms of addressing cases of discrimination or cases involving vulnerable groups. In some cases they may even perpetuate **prejudice** or recommend that their client drop the case. These limitations often result in lower quality legal counselling, creating a disadvantage in the proceedings. The organisations, which do have this specialisation, lack the resources needed to take on the legal representation of the victims.

There are also difficulties in including the factor of discrimination or hate crime in complaints, which is not welcomed by judicial officials and affects the process. Additionally, many situations are complicated by the emergence of **counter-complaints** that are brought forward with the intention of derailing the process. Some organisations also express concern about police being present during medical examinations, which interferes with the freedom and intimacy needed to ensure that the medical report contains all the necessary information.

Finally, the fourth area refers to case resolution. The organisations report that people tend not to have much information about the proceedings once the report has been filed, and that they feel lost in an often excessively lengthy process. The lack of updated indicators to evaluate cases of racism and the significant difficulty in proving the facts are elements that lead to frustration and discourage people from making the complaint and seeing the process through to the end. The organisations also report that **some people feel humiliated and re-victimised over the course of the process, without the damage being redressed**. Finally, they decry the fact that many cases are not resolved.

Figure 9: Obstacles that violate the right of access to justice.



Proposed initiatives to guarantee the right of access to justice

In view of the obstacles identified, the work of the OND and the SAVD Board organisations is essential in facilitating real access to justice for complainants. In this regard, various proposals and tools that depend on different players are identified in order to guarantee the right of access to justice.

- **Raise awareness and educate the public** on their rights and ways to enforce them, and train judicial officials to guarantee equal access and respect for diversity, avoiding re-victimisation.
- Continue to strengthen initiatives that fight under-reporting, such as the Board of Organisations with Care Services for Victims of Discrimination and its coordination with the OND.
- Improve the documentation of cases by rights advocacy organisations and continue the Discrimination Observatory's reporting work.
- Make progress in **strengthening restorative justice and the various alternative dispute resolution mechanisms** that provide channels for the restitution of the violated right.
- Decentralise support offices and **guarantee greater proximity** in order to facilitate access to the complaint process and assistance mechanisms.
- **Improve translations in the justice system.** Requirement for them to be sworn translations and for there to be greater availability and coverage throughout all stages of the process. Supervision of the company awarded the contract to ensure that it complies with the conditions of this contract.
- **Improve medical examination reports** by ensuring that they include all information provided by the victim and are conducted in the absence of the police.
- **Provide cross-cutting training for court-appointed professionals.**
- **Guarantee appropriate legal counselling** in cases of cross-complaints and counter-complaints. Offer mediation where appropriate.
- Facilitate **accessibility at all stages of the process.** In this regard, the **ACAPPS Federation** has a legal report ⁴⁴ on the right to accessibility in the judicial system and a series of templates for requesting oral communication support measures from courts in order to make a criminal, civil or administrative trial accessible when a deaf person who communicates orally is participating, whether as a defendant, witness or victim.
- Through a reform of the civil code, **ensure that a facilitator, as an accommodation measure for equal access to justice for people with disabilities, is present throughout the proceedings.** This new role will provide access to justice for people who would otherwise have been considered incapacitated.
- **Coordinate with the victim assistance services of the Mossos d'Esquadra and other law enforcement agencies** and recommend that the organisations contact the unit beforehand to guarantee that the victim will be assisted by this specialised service.

44 https://acapps.org/web/wp-content/uploads/2022/12/Accessibilitat_a_Administracio_Justicia_Sense_Annexos.pdf

5 Conclusions

- **In 2022, 631 cases of discrimination were recorded in the city**, an increase of 127 cases compared to 2021. **Racism and xenophobia were the main cause of discrimination**, with 185 cases affecting immigrants, people of Arab or North African origin, Black people, Roma people, people of Latin American origin and people of Asian origin, mainly through differential treatment and verbal aggression. Skin colour, origin, ethnicity, nationality and culture, interpreted through the lens of racialisation and fear of what is unknown or different, were part of the stigma, stereotypes and prejudices that also led to violations of victims' human rights. For the second consecutive year, this cause of discrimination became more prominent (although there were ten fewer situations than in 2021) and, in line with what the Anti-Racist Barcelona government measure has been urging, this means that the anti-racist perspective must be incorporated into all aspects of city life. The SAVD Board organisations have emphasised the need to focus efforts on the education sector, because this is where the new generations are socialised, and on private businesses, where the stigma of racialisation persists. They also believe it is necessary to involve law enforcement agencies and public employees in training and awareness-raising initiatives.
- **LGBTI-phobia is the second-most common cause of discrimination**, with 129 cases (30 fewer than in 2021) affecting trans people, gay people, lesbians and bisexuals, mainly through differential treatment and physical and verbal aggression. Giving visibility to romantic and sexual diversity, as well as diversity in gender expression/identity, makes it possible to identify the underlying factors of discrimination based on LGBTI-phobia (biphobia, homophobia, transphobia, among others) and how these phenomena violate the dignity and rights of LGBTI people. In 2022, there were more cases on record of gay men affected by LGBTI-phobia. The cases documented have identified humiliating treatment, insults and even physical aggression against those who do not conform to the idea of "normative bodies". This discrimination is the result of a lack of acceptance of sexual and gender diversity, making LGBTI-phobia a systematic violation of the human rights of people in this group.

- **Health issues were the third-most common cause of discrimination**, with 120 cases (83 more than in 2021), especially in differential treatment, which impacted people diagnosed with HIV and people with mental health disorders. The significant increase in cases of discrimination due to health issues in 2022 is mainly due to the incorporation of the rights-based approach in the process of documenting mental health situations and the increased reporting of cases of serophobia. It is important to show that the right to informed consent is violated in the case of people with mental health diagnoses, who are furthermore subjected to involuntary admission, forced treatment and violent coercion measures such as mechanical restraints. These cases of discrimination lead to serious systematic and structural violations of human rights. The cases related to serophobia involve the denial of services for people living with HIV, mainly in taking out insurance and receiving dental and hair services, as well as cases of threats, requests for them to leave a rental flat, etc. Stigma remains a major issue despite the existence of laws and regulations guaranteeing the rights of people with HIV.
- The 90 cases of **language discrimination** (an increase of 31 compared to 2021) make it the **fourth-most common cause of discrimination**, with differential treatment characterising the way in which it was expressed. All of the cases on record were due to the use of Catalan. There was a significant increase in such cases compared to 2019. Many of the cases originated in healthcare settings, with users of the public healthcare system reporting experiences of language discrimination. Perpetrators of discrimination often twisted what actually happened to avoid facing the complaint, or played down the situation and blamed the victim.
- There were 82 cases of **aporophobia** on record in 2022, 17 more than in 2021. This **increase is due to the active participation of four organisations belonging to the Barcelona Support Network for the Homeless (XAPSELL)** in documenting cases. Discrimination due to aporophobia was observed in the lack of access to basic services such as services for the homeless and protection services for victims of gender violence. These individuals' relationship with law enforcement agencies is constantly tense because they are not recognised as subjects of rights, and their accounts are often questioned and invalidated when complaints are filed. There were also cases of substance users whose right to specialised care was conditional on abstinence.
- Meanwhile, ableism affected 68 people (11 more than in 2021), specifically people with physical, hearing, intellectual and visual disabilities, as well as people with multiple disabilities. Unlike in previous years, the **number of cases having to do with intellectual disabilities increased, given that the organisations are working hard to document cases** from a rights-based perspective. The situation is not the same for a person with a mild disability as it is for someone with a severe disability. More severe levels of disability are associated with older people, which suggests that intellectual disability must be addressed from an autonomy and rights-based perspective. There must be public education and awareness-raising about the capabilities of people with disabilities, so that they can be recognised as subjects of rights, entitled to a dignified, full and autonomous life.
- Of the cases reported to the OND and the SAVD Board organisations, **18.3% of victims reported having suffered discrimination based on two or more factors**. In the ECAMB survey, 50% suffered discrimination based on two or more factors. In this situation of **multiple discrimination, racism and xenophobia** intersected with nine of the ten causes of discrimination analysed by the Observatory, especially aporophobia, gender, health and religion. Secondly, discrimination based on health issues intersected with gender, ableism, language, aporophobia, LGBTI-phobia, racism and xenophobia. The SAVD Board and the OND's shared commitment to incorporating the intersectional perspective in detecting discrimination has made

it possible to analyse discrimination beyond merely identifying the number of times a person was affected. It has led to awareness that cases of discrimination are not specific attitudes that affect a person at a given time; rather, they are part of a system of structural oppression in which, as seen in the cases on record, different forms of discrimination interact simultaneously and reinforce each other. This calls for sustained positive action measures over time and the involvement of multiple sectors, both public and private.

- Although over 500 people reported discrimination to the OND and the SAVD Board, **there is still under-reporting especially among people whose papers are not in order, people with hearing or visual disabilities, people with multiple disabilities and people over the age of 65.** In this regard, the ECAMB survey suggests that 31% of the population of Barcelona suffered some form of discrimination in the city, and 12.6% in their own neighbourhood. Of those impacted by discrimination, 20.9% did not tell anyone, 62.4% told someone they trust, 2.6% told the police or a court, 2.4% told a government service and 0.6% told a community organisation. That is, only 5.6% of victims felt the experience was something they could report. Of those who did not tell anyone, 54.5% did not see it as important, 35.9% thought that there was no point, 8.7% did not have evidence and 7.4% lacked knowledge in this regard. As we can see, greater vulnerability, whether due to age, origin, disability or other factors, gets in the way of being able to report the case. The normalisation or dismissal of discrimination and mistrust of the justice system were also factors. As such, failure to report discrimination and the violation of rights makes it impossible to identify the total number of people affected and determine where these cases take place and who perpetrates them. Without reporting, there is no way to highlight or raise awareness about this phenomenon and design preventive policies. In this regard, the annual discrimination report is a tool to mobilise everyone involved to find solutions and measures to enforce rights and eradicate discrimination in the city and its neighbourhoods.
- **The main perpetrators of discrimination in 2022 were businesses and private organisations (33%), followed by private individuals (32.7%).** Businesses and private organisations were particularly prominent in cases of racism and xenophobia, language discrimination, discrimination based on health issues, LGBTI-phobia and aporophobia. Meanwhile, the main perpetrators of LGBTI-phobia, racism and xenophobia, aporophobia and gender-based discrimination were private individuals. It has been shown that businesses / private organisations mainly apply differential treatment. In the case of private individuals, we see more cases of physical and verbal aggression. According to the OND and the SAVD Board, identifying the ways in which discrimination manifests itself in relation to each perpetrator helps to develop appropriate prevention and awareness-raising measures, as well as to pinpoint areas in society where stigma, prejudice and stereotypes persist, in order to initiate processes for change.
- Government institutions (26%) were perpetrators of discrimination mainly in cases of racism and xenophobia, health-based discrimination, ableism and language discrimination. Law enforcement agencies (8.3%) were more involved in cases of racism and xenophobia, and aporophobia. We have seen **that government institutions and law enforcement, in most situations where they were identified as perpetrators of discrimination,** applied differential treatment. Given the above, prevention initiatives aimed at the institutional public sector – mainly training activities sponsored by the Directorate for Citizen Rights – were a priority in 2022 and focused on strengthening the role of duty bearers in safeguarding, protecting and guaranteeing human rights.

- Of the cases of discrimination, **53.5% took place in public places, and 43.3% in private places.** In public places (streets, parks, beaches and squares; hospitals; stations and public transport), more cases of discrimination took place due to LGBTI-phobia, aporophobia, ableism and religion. In private places (shops; information and service offices; bars and restaurants; houses, flats and other residences; businesses and organisations), most cases of discrimination had to do with language and ideology. Meanwhile, cases of racism and xenophobia, health discrimination, gender discrimination and age discrimination occurred in both public and private settings alike. Identifying the places where discrimination is most likely to occur in the city makes it possible to map out discrimination prevention work and to define specific actions to create discrimination-free spaces and environments.
- **The rights most frequently violated in cases of discrimination were the right to moral integrity, the right to physical integrity and the right to access to quality public services.** The three main grounds of discrimination that violated the right to moral integrity were racism and xenophobia (26.1%), LGBTI-phobia (22.7%) and discrimination based on health issues (17.9%). The right to physical integrity was violated as a result of LGBTI-phobia (25.5%), aporophobia (19.6%), and racism and xenophobia (18.3%). Causes of discrimination based on degrading, delegitimising and belittling attitudes towards those who are considered “different” because of their origin, colour, health status, gender identity, or social and economic status show how discrimination can lead to the violation of rights, thereby exacerbating the harm and its impact on the dignity of the victim. Hence the need to continue working to prevent discrimination in the city.
- **Gender-based discrimination violates rights related to physical, political and economic autonomy and especially affects women whose papers are not in order, trans women, sex workers and women affected by gender violence.** According to the Care, Recovery and Shelter Service (SARA), 22.28% of women assisted are unemployed and not receiving benefits. The SAS-ABITS (a support service for cis and trans female sex workers) noted that 58% of those assisted were lacking papers and that 18% showed signs of possibly being victims of human trafficking for sexual exploitation purposes.
- **In 2022, the OND and the SAVD Board organisations carried out a total of 1,091 actions to support and assist victims.** The most significant consisted of legal counselling (367), psychosocial work (240) and socio-educational support (219). The total number of reports filed was 130: 83 criminal and 47 administrative. As for final outcomes, 106 cases were closed with reparation of the damage, and 157 are on-going. All support and assistance actions are equally valid and necessary. They give victims a first measure of redress, i.e. a sense that they are not alone despite social indifference and a sense of justice in the face of discrimination. Furthermore, these actions are an essential step towards guaranteeing the right of access to justice.
- **Access to justice is one of the main challenges that victims face when filing a complaint.** The burden of social stigma, fear of reporting, normalisation of violations, mistrust and public exposure are the first obstacles. If they choose to continue, they face limited contact with the Victim Support Unit, lack of intercultural mediation and specialist translation, mistreatment, prejudice and re-victimisation. In formal proceedings, the main challenge is access to justice, free of charge and with a court-appointed lawyer. There is also a lack of human rights awareness among judicial officials, as well as the possibility for the perpetrator to file a counter-complaint.

If there is an organisation defending the victim, it may not have enough resources to serve as their legal representative. In many cases, the medical reports are incomplete and lacking guarantees, and accessibility is limited in judicial facilities. The long wait for a decision in the case can be frustrating, given the lack of updated indicators of discrimination in evaluating situations, the difficulty in proving the facts, re-victimisation, non-existent architectural resources in the case of people with disabilities, as well as humiliation during the process and the risk of being fined after a counter-complaint. This long list of impediments reflects the extent to which the right of access to justice is infringed upon, meaning that violations are perpetuated and go unpunished.

- According to the OND, the decision to take criminal or administrative action in cases of discrimination requires a thorough analysis of the legal instruments available and a study of each case from a jurisdictional point of view. The SAVD Board organisations note that victims of discrimination are not always willing to go through the process, depending on their life circumstances when confronted with oppression, the degree to which they were impacted, and their energy to continue. It also depends on the resources available to the advocacy organisation to initiate and follow up on the complaint, which is why it is important for them **to join forces to strengthen their legal capacity and advocacy alliances for when cases need to be referred to other organisations.**

6 Challenges and initiatives

Initiatives to prevent and combat discrimination have been key to enhancing the coordinated work among responsibility bearers and duty bearers in protecting rights holders confronted with discrimination. The OND and the SAVD Board organisations, in this section, report on the initiatives carried out over the past year and highlight areas that still require work, based on the findings presented in the Observatory's 2022 report.

OND and other Barcelona City Council services, initiatives and challenges:

THEMES/AXES	INITIATIVES	CHALLENGES
<p>Support, advice and access to justice</p>	<ul style="list-style-type: none"> • Tackling under-reporting: With the goal of combating under-reporting in each district, the OND started the decentralisation process in 2022 with the opening of the first OND service point in the Trinitat Vella community centre (Sant Andreu district). It also supported the Antenas project to strengthen the diversification of victim support work, combat under-reporting, promote teamwork and involve more organisations, professionals and activists in rights advocacy and the fight against discrimination. • Community mediation: At the request and interest of the SAVD Board organisations, the OND provided specialised training in community mediation, conflict resolution and restorative justice with the goal of strengthening legal capacities to defend victims of discrimination. • Rulings in favour of the right to housing: One groundbreaking conviction was achieved in Spain, in application of Act 18/2007, of 28 December, on the right to housing. It has to do with a case of discrimination for xenophobia in the access to housing. 	<ul style="list-style-type: none"> • Strengthening restorative justice: In line with Act 19/2020 on equal treatment and non-discrimination, and in order to bolster advocacy work in cases of discrimination, the inclusion of restorative justice in the OND's work plan will be strengthened as a key element in the management of discrimination-related conflicts and in caring for victims, as a way of improving restorative and preventive effects. • Activating sanctioning powers: It is expected that City Council's sanctioning powers will be activated through Act 19/2020, regardless of whether the regulations are passed or not. • Tackling under-reporting: The OND will continue with awareness-raising initiatives to prevent under-reporting, as many people whose administrative status is not in order avoid reporting for fear of making their situation worse, out of unawareness or because they lack papers.
<p>Racism and xenophobia</p>	<ul style="list-style-type: none"> • Anti-Racist Barcelona government measure (MGA): In April 2022, the Anti-Racist Barcelona government measure was passed with the goal of raising awareness among municipal staff and the general public regarding structural, institutional and social racism. The measure is applied in various areas within the scope of the city government's powers in order to create mechanisms for preventing racism and guaranteeing rights. It incorporates a four-year action plan with measures for key areas, such as the educational community and the private sector. 	<ul style="list-style-type: none"> • Anti-Racist Barcelona government measure: Among other initiatives, there will be a pilot project to mainstream an anti-racist perspective in the educational materials and resources at two city schools. Pedagogical materials will be created for educational settings. A process to incorporate an anti-racist perspective in citizen information offices is to be initiated through training actions. Training actions for the city's community organisations will be planned.

(...)
Racism and xenophobia

- **Data logging:**
In order to strengthen data records in municipal studies and surveys from an anti-racist perspective, a working session was held in December 2022 with the European Union Agency for Fundamental Rights (FRA), the Metròpoli Institute and the Municipal Office for Data. Specific approaches were suggested to incorporate the collection of data segregated by ethnic/racial origin, and joint lines of action were defined.
- **Data logging:**
The Directorate for Citizen Rights has started a participatory process to work on creating racial self-identification categories adapted to the reality of Barcelona and its population. These categories must be replicable so that they can be used in various city studies and surveys in order to improve data on inequality and discrimination due to racism and to bring about changes in public policies.
- **Prevention in businesses / private organisations:**
The OND and the Centre for Human Rights Resources (CRDH) will continue launching initiatives to provide informational and reporting tools about basic payment accounts by training community organisations and immigrant groups so that they can call for banks to recognise their right to a bank account, even if their papers are not in order.

LGBTI-phobia

- **Protecting victims:**
The OND has continued its joint, coordinated work with the OCH and the Barcelona LGBTI Centre to monitor the LGBTI-phobia protocol.
- **Prevention in businesses / private organisations:**
The OND, in coordination with the OCH, will carry out training and awareness-raising initiatives aimed at gym staff, with a particular focus on improving conflict management in areas such as toilets, saunas and changing rooms.

Gender

- **Gender mainstreaming:**
On 11 May 2022, a municipal regulation came into force requiring the creation of gender mainstreaming units (UTGs) in all departments, in all ten districts, in all autonomous bodies, in municipal trading companies and in public business entities. These units are tasked with including the gender perspective in the operations and actions of the entire City Council.

The UTGs will form the Network of Gender Mainstreaming Leaders, presented in December 2022. This initiative reflects the legal obligation established in Article 21 of the Regulation for Gender Equity. The network will be a permanent coordination and cooperation forum that will meet at least twice a year. It will be open to any other organisations linked to Barcelona City Council that, although not required to do so by law, decide to create gender mainstreaming units and designate staff to act as contact people on the issue.
- **Data logging with a gender-based approach:**
The OND will continue to improve the integration of gender diversity when documenting cases of discrimination, and will also improve the inclusion of data from other public services to reference the actions being carried out with the goal of preventing gender-based discrimination in the city.

(...)
Gender

- **Promoting equality and eradicating all forms of gender violence:**
Barcelona City Council's Area for Social Rights, Global Justice, Feminism and LGBTI Affairs and the Government of Catalonia's Office of Equality and Feminisms signed an institutional cooperation and funding agreement to implement policies that provide support to women, promote equality and eradicate all forms of gender violence and discrimination. The agreement lasts until 2025 and provides for a budget of €4,721,200 that will be used to improve the comprehensive support system for cases of gender violence and to launch a new specific support unit for sexual violence at Barcelona's Care, Recovery and Shelter Service (SARA).

SAVD Board organisations, initiatives and challenges:

THEMES/AXES

Support, advice and access to justice

INITIATIVES

- **Restorative justice:**
In its work defending human rights, SOS Racisme Catalunya has promoted an alliance with Arrels, Àmbit Dona, FESOCA and OCH to address intersectional cases. Furthermore, it has incorporated restorative justice into its approach to racism. Restorative sessions have been carried out for cases of racism in workplaces and schools.
- **Support and advice:**
Exil has continued its comprehensive support for discrimination victims through holistic assessment of the damage and the victims' recovery, guaranteeing effective care for those affected by discrimination.
The OCH continued providing legal counselling in cases of discrimination due to LGBTI-phobia and labour advice regarding name changes.
Gais Positius, the Salut Mental Catalunya Federation, the Veus Federation and the CAGG have consolidated their self-perception as rights advocacy organisations. Throughout 2022, they provided support and advice to victims of discrimination, each within the scope of their abilities and expertise. Gais Positius supported and provided information and advice to people who needed to reduce the harm caused by drug use. It also created an empowerment space for sex workers.

CHALLENGES

- **Strengthening restorative justice:**
In line with Act 19/2020 on equal treatment and non-discrimination, and in order to bolster advocacy work in cases of discrimination, the inclusion of restorative justice in the work plan of the SAVD Board organisations will be strengthened as a key element in the management of discrimination-related conflicts and in caring for victims, as a way of improving restorative and preventive effects.
- **Activating sanctioning powers:**
The SAVD Board organisations will follow up on the enforcement, through Act 19/2020, of sanctions for cases of racial profiling and for limiting access to the right to housing. Furthermore, under the same regulations, they will promote inspections in the workplace, as this is a setting where many cases of discrimination take place and where there is not enough information or training.
The OCH will follow up on Act 4/2023, on the real and effective equality of trans people and the guarantee of the rights of LGBTI people, especially in relation to the sanctioning powers Barcelona City Council may be able to take on, and assess whether it can open disciplinary proceedings for offences under Act 19/2020 and Act 11/2014.

(...)
**Support, advice
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to justice**

The Salut Mental Catalunya Federation and the Veus Federation provided support to people with mental health diagnoses. The CAGG created working groups to highlight the problems faced by older people and to open up spaces for listening and acknowledgement in order to encourage people to report cases of ageism.

The Veus Federation created the VEUS support group to assist people in treating the after-effects of trauma following the violation of a right: fear, insecurity and mistrust of public mental health services and law enforcement agencies as a result of irregular and stigmatising actions.

Creación Positiva maintained a support group intersecting gender violence and HIV. It is a care and collective action forum to share tools, strategies, experiences and knowledge from a place of mutual support, recognition of diversity, respect and confidentiality.

The organisations that make up the XAPSLL carried out work to dignify and care for the homeless: The Arrels Foundation provided legal support and guidance in cases of aggression and discrimination. The Welfare and Development Association (ABD), through its Temporary Residential Centre for Drug Users, guaranteed housing, coverage of basic needs and care for supervised substance use. Suara increased its participation in the European Federation of National Organisations Working with the Homeless (FEANTSA) with the goal of preventing and eradicating homelessness. Assís, with its Mujeres con Hogar programme, advocated for the rights of women living on the streets, and the La Violeta residential centre for inclusion offered women social support and housing.

Plataforma per la Llengua will promote the application of sanctions against language discrimination, through the mechanisms of Act 19/2020.

- **Tackling under-reporting:**
The SAVD Board organisations will continue to lead awareness-raising initiatives to combat under-reporting and will carry out initiatives in their respective fields to encourage people to overcome their fear of reporting cases of discrimination rather than remaining silent.
- **Strategic litigation and Romaphobia:**
The Secretariado Gitano Foundation will continue to work on strategic litigation as a way of guaranteeing judicial decisions in favour of victims of discrimination and Romaphobia. The approach also seeks to improve courts' responses and case law in these situations, and to raise awareness among the authorities and the general public.
- **Reparation and care for victims:**
Exil will work to ensure that reparation involves a network of social and institutional resources that contribute to emotional recovery following a traumatic event. It also seeks a paradigm shift for victims that will move away from the factors of guilt and acceptance.
- **Role of law enforcement:**
The OCH and Irídia agree that there is a need to carry out specific training for law enforcement on their obligation to process complaints without being judgemental or acting as investigating courts, as this is not their job: rather, their duty is to record the complaint and improve assistance for victims in order to avoid discrimination and mistrust towards law enforcement and the justice system.

(...)
**Support, advice
and access
to justice**

- **Strengthening legal assistance:**
The SAVD Board organisations will continue to provide legal support and advice to promote and protect the rights of LGBTI people, people with mental health issues and older people, among others.
The Veus Federation believes it is essential to complement their assistance and support with legal counselling and guidance for lodging complaints in cases involving law enforcement and hospitals.
Plataforma per la Llengua will promote the strengthening of legal capacities for the defence of Catalan, given that the reporting of such cases is often met with silence at the administrative level.
 - **Accessibility in legal proceedings:**
Gais Positius, the Salut Mental Catalunya Federation and CAGG will work to promote greater accessibility in legal proceedings and guarantee the presence of judicial facilitators.
-

- **Prevention in government institutions:**
The Secretariado Gitano Foundation, Bayt al-Thaqafa and SOS Racisme Catalunya, as part of the implementation of the Anti-Racist Barcelona government measure, organised training for public employees with the aim of promoting an anti-racist perspective. The Secretariado Gitano Foundation also provided training on the Act on equal treatment and non-discrimination. Meanwhile, SOS Racisme, in coordination with the Human Rights Institute of Catalonia (IDHC), trained all Catalan ombudsmen to raise awareness of racism and its impact on rights violations.
- **Prevention in law enforcement:**
In December 2022, the Commission on the Study of the Police Model (CEMP) agreed to create an office that would be present at the very least in all eight Catalan regional capitals and that would specialise in reparation and psychological and emotional care for victims of human rights violations perpetrated by law enforcement. Iridia carried out preliminary advocacy work before the Commission and recommended the creation of a support office to assist victims from a comprehensive and restorative perspective.
The Secretariado Gitano Foundation signed an agreement with the Ministry of the Interior to provide training at the Police Academy regarding interculturality, diversity and Romaphobia. The goal is to offer future police officers the opportunity to have work placements with the organisation and learn first-hand about the experiences of the Roma community.
- **Prevention in education:**
The Secretariado Gitano Foundation supported schools in relation to cases of racist and xenophobic discrimination, identifying a lack of awareness and a tendency to move and segregate racialised students to marginalised settings. That is, they are not integrated in a diverse environment, but rather placed in “their own diverse environment” (among each other). It also participated in the drafting of the Decree for Inclusive Schools and the Protocol for Cases of Bullying.
SOS Racisme Catalunya worked to detect, identify and address racism in schools, which enabled them to highlight the invisibility of, and dismissive attitudes towards, cases of racism, as well as to identify strategies for future interventions.
- **Prevention in government institutions:**
The SAVD Board organisations will continue to participate actively in training initiatives for institutions that involve raising awareness of the anti-racist perspective.
- **Prevention in law enforcement:**
The SAVD Board organisations plan to lobby the Ministry of the Interior to promote the use of oversight and registration forms to prevent discriminatory policing based on ethnic and racial profiling. They also seek to emphasise the importance of informed consent, confidentiality and handing these forms over to both the victim and the ministry itself. A procedures manual for all law enforcement agencies in public spaces will be needed. Furthermore, they believe that in 2023 the OND should increase its coordination with law enforcement agencies to prevent discrimination.
The Secretariado Gitano Foundation will promote additional subjects in police academies to prevent discrimination and enable trainees to be in contact with community organisations before they start working on the streets.
The SAVD Board organisations will highlight the rampant racism in police facilities, linked to unjust imprisonment, in cases in which the police hold an individual in pre-trial detention without taking their administrative status into account, due to their racial profile.
- **Prevention in education:**
The SAVD Board organisations will continue working to identify racism in schools and ensure inspections in specific cases, as it is a fairly endemic reality, in addition to promoting protocols and preventing segregation.

(...)
**Racism and
xenophobia**

- **Prevention in businesses / private organisations:**
The Secretariado Gitano Foundation participated in the creation of the Protocol for the Prevention, Detection and Management of Hate and Discrimination in Private Security, led by the General Directorate of Security Administration.
 - **Public advocacy and awareness-raising:**
The Secretariado Gitano Foundation, Bayt al-Thaqafa, SOS Racisme Catalunya and the Observatory of Islamophobia in Catalonia (ODIC-SAFI) are part of the Anti-Racist Protocol Board, together with the OND, and are working on coordinated awareness-raising, reporting and advocacy initiatives. Specifically, the Secretariado Gitano Foundation launched a campaign against the issue of shantytowns and segregated settlements. Meanwhile, Bayt al-Thaqafa supported the “Regularización ya” [Regularisation now] campaign to push forward a popular legislative initiative and call for the regularisation of people whose papers are not in order.
 - **The intersectional perspective as an intervention tool:**
Cepaim created a practical guide called “De la intersección a la intervención” [From intersection to intervention] to include an intersectional perspective in addressing cases of discrimination due to racism and xenophobia. It defines specific guidelines on how and why to act from an intersectional perspective, taking into account the experiences and the degree to which individuals are affected by a particular case, which is conditioned by multiple grounds of discrimination operating simultaneously.
 - **Prevention among the general public (private individuals):**
The SAVD Board organisations and the OND believe it is crucial to keep carrying out awareness-raising initiatives and campaigns to promote greater consciousness among the general public regarding racialisation and racism, and how these phenomena have a differential impact on people when they interact with other forms of discrimination such as aporophobia, serophobia, transphobia, Islamophobia, discrimination due to mental health issues, ageism and gender-based discrimination, among others, affecting social harmony in neighbourhoods and in the city as a whole.
 - **Public advocacy and awareness-raising:**
The SAVD Board organisations will continue to work on raising awareness of the right to registration in the municipal register, given the cases of people who still face obstacles to successfully completing this procedure, especially outside of Barcelona, or, within the city, face bureaucratic hurdles (calls, appointments, etc.).
 - **The intersectional perspective as an intervention tool:**
Coordinated work will begin between the SAVD Board organisations to include the intersectional perspective in rights advocacy work, especially in relation to racism and mental health, as there are several cases in which the victim experiences discrimination due to more than one factor.
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- **Protecting victims:**

The OCH has continued working with the OND and the Barcelona LGBTI Centre to monitor the LGBTI-phobia protocol.
- **Prevention in government institutions:**

The OCH worked with Transports Metropolitans de Barcelona (TMB) on the implementation of the Protocol Against LGBTI-phobia to promote the guarantee of LGBTI people's human rights on public transport.

The OCH coordinated with the Labour Inspectorate to ensure that administrative sanctions were in place and that violations of rights due to discrimination and hate crimes were recognised.
- **Public advocacy and awareness-raising:**

The OCH participated in the Catalan Parliament's working group on LGBTI-phobia to identify problems, needs and recommendations in housing and employment, among other areas.

The OCH participated in the proposal to modify Catalonia's Act 11/2014 on LGBTI rights to align it with the offence and sanctioning system established in Act 19/2020, in relation to sanctions, in order to incorporate the intersectional perspective and integrate short-term social reintegration measures and symbolic reparation in public and institutional spaces.
- **Public advocacy and awareness-raising:**

The OCH worked for 22 April to be recognised as the Day Against LGBTI-phobia on Public Transport. Furthermore, the Frente de Liberación Gay, in which the OCH participates, asked the Catalan Parliament to establish 16 July as the Day of LGBTI Historical Memory.
- **Prevention in government institutions:**

Training and awareness-raising related to TMB's LGBTI protocol will be implemented on a practical level to identify monitoring indicators developed by TMB to enforce the protocol and assess its impact.

The OCH will work for the exclusion of discriminatory coding in medical care and the update of diagnoses to ensure that the "disorder" of gender identity is not included in files and that medical reports do not mention gender identity when the reason for the visit has nothing to do with it.

Another goal is to lead training and awareness-raising initiatives aimed at the justice system and law enforcement.

Efforts will be made to ensure that government institutions include the category of "gender diversity" and all family models in their data logging, in training and in administrative and institutional procedures.
- **Prevention in education:**

Advocate to ensure that schools have protocols in place regarding the bullying of LGBTI students and implement support measures for trans students (including inspections in cases of discrimination).
- **Prevention in businesses / private organisations:**

The OCH and OND have identified incidents at gyms where there were controversies and poor handling by staff of cases of LGBTI-phobia, as the victims were re-victimised.

The plan is to carry out training and awareness-raising initiatives for gym staff, with a particular focus on improving conflict management in areas such as toilets, saunas and changing rooms.

The OCH will step up its advocacy work against the obstacles people living with HIV face when dealing with insurance companies.

- **Coordinated and intersectional action:**
The action coordinated by the SAVD Board in 2022 showed the need to intersect various realities. Gais Positius, the Salut Mental Catalunya Federation, the Veus Federation and CAGG believe that health issues impact all the situations they work with: people affected by serophobia, ageism and stigma due to mental health issues. They recognise that ageism affects LGBTI people and people with mental health diagnoses.
- **Documenting cases of discrimination:**
The Salut Mental Catalunya Federation incorporated the rights-based approach in its process of documenting cases of discrimination, which facilitated the detection of a greater number of violations. Gais Positius has also been taking this approach in cases of serophobia. The Veus Federation and the Salut Mental Catalunya Federation will soon sign an agreement to develop a joint register of violations that will allow them to access up-to-date information. Meanwhile, the CAGG organised events to analyse the situation of older people and stepped up its work collecting qualitative data.
- **Public advocacy and awareness-raising:**
The Salut Mental Catalunya Federation organised the “Mental Health Rights 2022” campaign, led by over 70 federated organisations with the goal of raising awareness among the public of the human rights of people with mental health issues. It also continued its work detecting and reporting cases of discrimination and rights violations in the area of mental health, involving the active participation of the federated organisations and services. The Association for Sexual and Reproductive Rights presented the “Violencia institucional en el ámbito de los derechos sexuales y reproductivos” [Institutional violence in the area of sexual and reproductive rights] report to detect violations perpetrated by government institutions. In healthcare settings, there were violations of the sexual and reproductive rights of people with disabilities, LGBTI people and immigrants, with the discrimination taking place depending on a person’s assigned health centre. Creación Positiva participated in the process of creating the Social Pact for Non-Discrimination and Equal Treatment in Relation to HIV, which has made it possible to carry out community work in the co-production of public policies.
- **Strengthening intersectionality in coordinated work:**
Gais Positius, the Salut Mental Catalunya Federation and CAGG believe it is necessary to work together against discrimination due to health issues in order to create support among equals: LGBTI people, the older people and people with mental health issues. It is also necessary to incorporate the rights-based approach and intersectionality to facilitate the detection and documentation of cases of discrimination.
- **Prevention in businesses / private organisations:**
Organise, design and impart training on discrimination and human rights in relation to HIV and mental health diagnoses to insurance companies, given that these are the perpetrators involved in cases of serophobia and health-based discrimination.
- **Prevention in government institutions:**
Increase the presence and participation of all the organisations in places where political decisions are made, so that they can speak with their own voice and representation. Develop the line of work regarding institutional violence in relation to mental health, older people and the LGBTI community, in addition to harmonising with Act 19/20.
- **Prevention in healthcare settings:**
Continue working to eradicate involuntary admission, mechanical restraints, over-medication and forced treatment for older people and people with mental health diagnoses.
- **Public advocacy and awareness-raising:**
Gais Positius will promote the recognition of sex workers and will lead initiatives to strengthen their empowerment as subjects of rights and in accessing resources.

- **Public advocacy and awareness-raising:**

Plataforma per la Llengua was part of the National Pact for the Catalan Language, to improve the situation of Catalan. It also participated in the Catalan government's "100 Measures for Catalan" initiative, which promotes the use of the language.

Plataforma per la Llengua held a seminar on language supremacy that analysed cases of bilingualism in which minority languages are discriminated against.

Plataforma per la Llengua contributed to the draft bill of the Catalan Consumer Code, specifically Article 128, which addresses language rights.

Plataforma per la Llengua carried out a survey of lawyers in Catalonia on the use of Catalan in the justice system to learn about their personal and professional language habits and the obstacles they see as limiting the expansion of Catalan in the justice system. It was found that Catalan is the main language used by lawyers in their personal lives, but that it is completely marginalised in their professional lives, which can be interpreted as institutional discrimination.

The "Activa't per la llengua" [Get active for the language] campaign sought to combat the linguistic emergency and offer tools to reinvigorate the use of Catalan in daily life.

- **Public advocacy and awareness-raising:**

Plataforma per la Llengua will encourage the Municipal Council Assembly to work specifically on language discrimination. It also plans to launch a language rights advocacy initiative with the goal of combating under-reporting in cases of discrimination due to language use.

- **Prevention in government institutions:**

Call on government institutions to establish protocols against language discrimination, avoid exclusions when it comes to standing to sue, and include and enforce language requirements in the outsourcing of services.

Carry out language training for public employees and hospital staff, as well as training on cases of discrimination and the gender-based approach.

Ensure that government institutions find a way to guarantee language rights in healthcare settings despite the lack of medical professionals, and find a way to combat Catalanophobia and language supremacy.

Call on public institutions to stop hate speech against Spain's language minorities, a situation that has been condemned by the United Nations Special Rapporteur on Minority Issues. Promote protective practices against hate speech and discrimination and foster a culture of respect for language diversity.

Plataforma per la Llengua will call for the creation of a commission to investigate the use of Catalan in the justice system. This is a request from the 2022 survey.

- **Prevention in businesses / private organisations:**

Plataforma per la Llengua will advocate for companies to join a business culture of good practices that values language support, and will work to promote regulations that guarantee the right to express oneself in Catalan in consumer relations.

Aporophobia

- **Documenting cases of discrimination:**
In 2022, XAPSELL encouraged four organisations to take part in the process of documenting cases of discrimination: ABD, the Arrels Foundation, Suara Cooperativa, and ASSÍS - Centre d'Acollida. This made it possible to highlight discrimination towards people experiencing homelessness in terms of access to services and protection.
- **Public advocacy and awareness-raising:**
In its “Diagnosis 2022: Homelessness in Barcelona” report, the XAPSELL highlighted the importance of supporting access to income for people experiencing homelessness, and reconsidering the role of wage labour to help them live autonomously and overcome job security and the challenges of accessing housing options.
- **Prevention in government institutions:**
Government institutions will be called upon to update analysis categories that help them to identify violations and provide a better understanding of the specific factors that shape the experiences of victims of aporophobia. In this regard, the specific form of discrimination related to substance use must be incorporated into the records and databases on cases of discrimination.
Professional support for victims of aporophobia must be guaranteed, especially in relation to law enforcement, because law enforcement agencies do not recognise people experiencing homelessness as subjects of rights, and often question or invalidate their accounts when complaints are filed.
Specialised mental health assistance must be provided to substance users whose right to dignified and appropriate treatment is constantly being made contingent on certain conditions.
- **Public advocacy and awareness-raising:**
The XAPSELL’s priority is to include more organisations in the documentation of cases, as this is an essential tool to raise awareness and carry out advocacy work, especially to highlight the reality of discrimination and design measures to eliminate it.

Ableism

- **Public advocacy and awareness-raising:**

The ECOM Federation drew up the RADAR ECOM report to detect violations in relation to people with physical disabilities. It also carried out a questionnaire, with the participation of over 360 people, to identify the violations that people with physical disabilities experienced in 2022.

They also organised an online roundtable, with the participation of the OND, on the topic of under-reporting.

The ACAPPS Federation presented its 2022 report to condemn the discrimination that this group experiences due to the lack of accessible measures. The report includes 55 cases of deaf people whose rights were violated because they could not access services, training, health centres or jobs autonomously and on equal footing.

ACAPPS participated in events for sharing methodologies and good practices, organised by the General Directorate for the Social and Solidarity-Based Economy, the Third Sector and Cooperatives, where it presented its job placement and guidance programme and explained how to support deaf people looking for work.

- **Prevention in government institutions:**

Advocacy work will be carried out to ensure that public policies are developed from the perspective of diversity and intersectionality, incorporating diversity across all areas in order to prevent violations. This work also aims to guarantee the participation of people with physical disabilities, and the organisations that represent them, in the design and implementation of public policies and strategies.

Advocacy work will be carried out to promote the revision and modification of all Catalan regulations to guarantee that they are in line with the regulatory framework in place following Spain's ratification of the International Convention on the Rights of Persons with Disabilities.

Gender

- **Gender-based approach and intersectionality:**

ECOM has mainstreamed an intersectional gender perspective across its organisation, projects and initiatives in order to highlight how women with physical disabilities experience multiple discrimination. The process is led by women with disabilities themselves as a way to start promoting equal rights and opportunities.

- **Data logging with a gender-based approach:**

The SAVD Board will continue to improve the integration of gender diversity in the documentation of cases of discrimination, and will also improve the inclusion of data from community organisations working in this field. It should be highlighted that some SAVD Board organisations are adopting the gender perspective in their work, which will help optimise data collection regarding gender-based discrimination in Barcelona.

Religion / Islamophobia

- **Public advocacy and awareness-raising:**
SOS Racisme Catalunya, in its “Islamofobia institucional y securitización” [Institutional Islamophobia and securitisation] report, explained that Muslim organisations receive little support from either government institutions or other civil society organisations, and recommended joint work and support strategies to make Islamophobia part of the political agendas of all anti-racist organisations.
- **Documenting cases:**
The Observatory of Islamophobia in Catalonia (ODIC-SAFI) carried out crucial work to document cases of Islamophobia, with the goal of challenging the stigma against Muslims and advocating for their rights.
- **Prevention in businesses / private organisations:**
SOS Racisme Catalunya, Bayt al-Thaqafa and Irídia will lead awareness-raising and training initiatives to prevent Islamophobia in businesses and private organisations, where extremely serious cases involving verbal and physical aggression take place, linked to the stigma associated with security.
- **Prevention in government institutions:**
The SAVD Board organisations believe it is crucial for government institutions to provide resources to strengthen the ability of organisations that work against Islamophobia to raise awareness about this issue among the general public.
- **Public advocacy and awareness-raising:**
Connections between organisations of people affected by this kind of discrimination and the SAVD Board organisations must be encouraged with the goal of carrying out awareness-raising and public advocacy initiatives.

Ageism

- **Prevention in government institutions:**
The Barcelona Youth Council (CJB) has initiated a collaboration with the Barcelona Ombudsman’s Office to draw up a report on adultcentrism and public policies in the city, with the goal of increasing awareness of this reality.
The CJB continued to call for the youth and cross-cutting perspective to be included in Barcelona City Council, and for the effects on adultcentrism on government institutions to be highlighted. As such, there has been active participation in the Municipal Council Assembly to introduce the youth perspective and adultcentric discrimination.
- **Prevention in businesses / private organisations:**
As for housing and the digital divide that affects older people, the CAGG has worked with municipal organisations such as the Barcelona Social Housing Council and the Municipal Council Assembly to petition government organisations, banks and consumer associations to guarantee the rights of people in this age group.
- **On data logging:**
The CJB seeks to improve the collection of quantitative and qualitative data by promoting close collaboration with the PRISMA observatory so that it can become an active stakeholder in the collection and processing of data.
The CAGG will continue working with the OND on improving awareness of discrimination due to ageism and documenting cases. Their goal is to improve the process of detecting cases through member organisations and to create indicators for better analysis and interpretation, as well as recording data in all municipal observatories, especially in relation to homelessness.
- **Public advocacy and awareness-raising:**
The CJB will step up its work to raise awareness among young people and youth organisations about adultcentrism, in order to encourage them to actively participate in reporting adultcentric discrimination and to empower them to protect and defend their rights. It will also continue its advocacy work to promote the incorporation of a youth, non-adultcentric perspective in government institutions and Barcelona City Council.
The CAGG will prioritise a presence in the media and contact with journalists from different fields to contribute to greater awareness of, and better training on, the issue of ageism.

(...)
Ageism

- **Documenting cases and a rights-based approach:**
The Advisory Council for the Elderly (CAGG) took on the issue of discrimination due to ageism as one of its lines of work and led an internal strengthening process to incorporate the rights-based approach in reporting ageism in various areas that impact the lives of older people.
 - **Public advocacy and awareness-raising:**
The “Les veus de les persones grans” [The voices of older people] convention, held once every four years, took place in 2022. At the event, the CAGG, with the participation of the CJB, organised spaces for discussion and reflection on ageism and discrimination, emphasising the problems and kinds of discrimination that affect the older population.

Amics de la Gent Gran, the Advisory Council for the Elderly, the Xarxa dels Drets dels Infants [Child Rights Network], the Department for the Promotion of Children, the Department for Citizen Rights and the CJB came together to form the intergenerational steering group against adultcentrism, in order to consolidate horizontal teamwork. In the group, alliances were established with the goal of raising awareness about this form of discrimination and its impact on individuals.
 - **Prevention in businesses / private organisations:**
The CAGG will involve banks so that they can take into account the situation of older people in the use of virtual assistance and appointments.

The CAGG will continue to identify situations that lead to ageist discrimination against older people in supermarkets, so that they can be reported, and to promote improved services (large print on food labels, respect for people who need more time to walk and queue in supermarkets, etc.).
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Unión Romani:

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

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

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

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

Androcentrism: vision that places men at the centre of all things. Androcentrism implies that what is good for men is good for humanity. It is a discriminatory vision toward women and trans people, because it relegates them to a second order and always subordinated. (“Glossary”, Women and feminism, Barcelona City Council)

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

Anti-Gypsyism or Romaphobia: a specific form of racism, intolerance and discrimination towards Roma individuals and communities.

Anti-Muslim racism: a series of discriminatory practices by a dominant group of people who aim to take, stabilise and extend their power through the definition of a scape goat — real or invented — and by excluding this scape goat from resources/rights/ definition of a constructed concept of “us”. Thus, Islamophobia also operates, according to the European Islamophobia Report, constructing a static “Muslim” identity, which is attributed in negative terms and generalised for all Muslims; at the same time, Islamophobic images are fluid and vary in different contexts, because Islamophobia tells us more about the Islamophobe than it tells us about the Muslims/Islam. (European Islamophobia Report 2019)

Anti-Semitism: fear, hatred, resentment, suspicion, prejudice, discrimination or unfair treatment of people of Jewish origin or those professing Judaism. Modern forms of anti-semitism include Holocaust denial.

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

CIS heteronormativity: to consider that the norm is to be heterosexual and to identify with the gender and identity that is socially associated with your birth sex.

Cultural racism: it refers to representations, messages and stories that convey the idea that behaviours and values associated with white people are automatically “better” or more “normal” than those associated with other groups defined by race. Cultural racism appears in advertising, films, history books, definitions of patriotism, and policies and laws. Cultural racism is also a powerful force for maintaining internalised supremacy systems and internalised racism. It does this by influencing collective beliefs about what constitutes proper behaviour, what is seen as beautiful and the value given to the various forms of expression. All these cultural norms and values have racialised ideals and assumptions in an explicit or implicit way. (Racial Equity Tools)

Direct discrimination: when a person is, it has been or could be treated less favourably than another in a similar situation for one of the protected reasons that the current legislation enumerates.

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

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

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

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

Equality data: it refers to all types of disaggregated data used to assess the comparative situation of a specific discriminated group or group at risk of discrimination, to design public policies that may contribute to promoting equality, and to evaluate their application. (European Network against Racism - ENAR)

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

Functional diversity: an alternative term for *disability*.

Gender: a collection of social, cultural, political, psychological, legal and economic features that are socially constructed and which society assigns to people differentially, as typical of men and women. (“Glossary”, Women and feminism, Barcelona City Council)

Gender expression: a form and way taste, behaviour and self-expression expected from a particular gender and that 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. (“Glossary”, Women and feminism, Barcelona City Council)

Gender identity: this refers to the internal and individual experiences of gender sensed by each person, which may or may not match their sex assigned at birth, including their personal experiences of their body (which may or may not involve modifying bodily function or appearance through medical, surgical or other means, provided that this has been freely chosen).

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

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

Hate speech: the advocacy, promotion or incitement of the denigration, hatred or vilification of a person or group of persons, as well any harassment, insult, negative stereotyping, stigmatisation or threat of such person or persons and any justification of all these forms of expression – that is based on a non-exhaustive list of personal characteristics or status that includes “race”, colour, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender, gender identity and sexual orientation and other features or personal status. (European Commission against Racism and Intolerance - ECRI)

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

Horizontal segregation: concentration of women or men in specific degrees or levels of responsibility, jobs or academic and training options. In the election, gender role is more influential than the personal freedom.

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

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

Intersectionality: it is a concept developed in the United States at the end of the 1980s by Kimberlé Crenshaw (1989); as a result of the debates that were taking place within the black feminism movement, this concept arose with the desire to describe the existing inter-connections between “race” and gender in 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. (Maria Rodó-Zárata, “Report of the Barcelona Discrimination Observatory 2019”)

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

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

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

LGBTI-phobia: prejudices, hostility or rejection toward LGBTI people or identified with this group. This phenomenon covers situations relating to discrimination on the ground of sexual orientation, gender identity and gender expression.

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

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

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

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

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

Racialisation: racism does not exist without races, which are the result of a 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.

Racialised person: individuals and groups that have been subjected to a process of racialisation and have been attributed a certain racial category. In European societies, all people are racialised, but we use the term to refer to those that have been so negatively or racialised as “others.” (Initiative for racial Justice - Equinox)

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

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

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

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

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

Sexual harassment: any verbal, nonverbal or physical behaviour of a sexual nature that is unwanted and that aims to or produces the effect of attacking a woman’s dignity or creating an intimidating, hostile, degrading, humiliating, offensive or annoying environment. (“Glossary”, Women and feminism, Barcelona City Council)

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

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

Sticky ground: this refers to the circumstances that arise from family responsibilities and duties, which impose a “stickiness” to affective and emotional responsibilities and duties on women that end up falling to them in the domestic area, trapping them and hindering, slowing down or impeding their way out and personal development away from the family.

Vertical segregation: exclusion of women from managerial positions and their adherence to activities of lower prestige.

White supremacy: a belief based on 17th-century racism and colonial imperialism that asserts that white people are superior to non-white people and thus have the right to economic, political, and social privileges. The privilege of whites has allowed a system of white domination that normalises existing inequalities. (Intersectional Justice Centre - CIJ)

Xenophobia: fear or rejection toward different people or cultures, or those considered foreigners.

Annexes

Annexe 1.

List of categories protected by non-discrimination

ICCPR (art. 2 and 26)	IC (art. 2.2)	European Treaty (art. 14)	Spanish Constitution (art. 14)	Criminal Code (art. 22.4 and 510)	Statute of Autonomy of Catalonia (art. 40.8)	Government of Catalonia (Law 19/20 of December 30 on Equal Treatment and Non- Discrimination)	Carta Municipal Charter (art. 38.1)
Birth	Birth	Birth	Birth			Reason of birth or place of birth	Place of birth
Political or other opinions	Political or other opinions	Political or other opinions	Opini3n			Political or other opinions	
Race	Race	Race	Race	Race	Race	Race	Race
Religion	Religion	Religion	Religion	Religion or beliefs	Religion	Religion	Religion
Sex	Sex	Sex	Sex	Sex	Sex	Sex	Sex
Any other social condition	Any other social condition	Any other situation	Any other personal or social condition or circumstance			Cultural origin or phenotype	
Colour	Colour	Colour				Skin colour	Colour
Language	Language	Language			Linguistics (art.32)	Language	
National or social origin	National or social origin	National or social origin		Nation where they belong	Origin/ Nationality	National, ethnic or social origin	
		Belonging to a national minority				Provenance, nationality or belonging to a national minority	
Economic position	Economic position				Social condition	Economic or administrative situation	
				Sexual orientation or identity	Sexual orientation	Sexual orientation or identity	
						Ascendance	Ascendance
					Age, elderly people (art. 18)	Age	Age

ICCPR (art. 2 and 26)	IC (art. 2.2)	European Treaty (art. 14)	Spanish Constitution (art. 14)	Criminal Code (art. 22.4 and 510)	Statute of Autonomy of Catalonia (art. 40.8)	Government of Catalonia (Law 19/20 of December 30 on Equal Treatment and Non- Discrimination)	Carta Municipal Charter (art. 38.1)
				Gender	Gender (art.19, 41 and 45)	Gender identity or expression	Gender
				Disability		Disability or func- tional diversity	Disability
				Ideology		Convictions or ideology	
				Ethnicity		Ethnicity or sense or belonging to an ethnic group	
				Illness suffered		Illness or serological status	
				Family situation		Social class or wealth	

Annexe 2.

Articles that cover the principles of equality and non-discrimination

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

<p><i>International Covenant on Economic, Social and Cultural Rights, ICESCR (1966)</i></p>	<p>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.</p>	<p>.... <i>continues</i></p>	<p>Protocol 12, preamble. All persons are equal before the law and are entitled to the equal protection of the law.</p>	<p><i>Legislative Royal Decree 1/2013 of 29 November</i></p>	<p>On the rights of persons with disabilities and their social inclusion (recast).</p>
			<p>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.</p>	<p><i>Royal Decree 1112/2018 of 7 September</i></p>	<p>On the accessibility of public sector websites and mobile device applications.</p>
			<p>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.</p>	<p><i>Organic Law 3/2021, of 24 March</i></p>	<p>Regulation of euthanasia.</p>
<p><i>International Convention on the Elimination of All Forms of Racial Discrimination (1965)</i></p>				<p><i>Organic Law 8/2021, of 4 June</i></p>	<p>Comprehensive protection of children and adolescents from violence.</p>
<p><i>International Convention on the Elimination of All Forms of Discrimination against Women, CEDAW (1979)</i></p>					
<p><i>International Convention on the Rights of Persons with Disabilities (2006)</i></p>	<p>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.</p>	<p><i>European Council Directive 2000/78/EC</i></p>	<p>Equal treatment in employment and occupation.</p>	<p><i>Law 8/2021, of 2 June</i></p>	<p>Reforms civil and procedural legislation to support people with disabilities in the exercise of their legal capacity.</p>
		<p><i>European Council Directive 2000/43/EC</i></p>	<p>Equal treatment between persons irrespective of racial or ethnic origin.</p>		
		<p><i>European Council Directive 2002/73/EC</i></p>	<p>Principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.</p>	<p><i>Law 15/2022 of July 12, comprehensive for equal treatment and non-discrimination</i></p>	<p>Guarantee and promotion of the right to equal treatment and non-discrimination and respect for the equal dignity of people.</p>
		<p><i>European Council Directive 2004/113/EC</i></p>	<p>Principle of equal treatment between men and women in the access to and supply of goods and services.</p>		
		<p><i>European Parliament and European Council Directive 2006/54/EC</i></p>	<p>Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).</p>		
<p><i>European Charter for the Safeguarding of Human Rights in the City (1998)</i></p>	<p>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.</p>				

Annexe 3.

Regional and municipal discrimination protection laws

Regional laws (Catalonia)

Statute of Autonomy of Catalonia

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

Act 11/2021, of 16 February, of the programming of the educational offer and the admission procedure to the centers of the Catalan Service of Education.

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

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

Preamble

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

Article 2.b

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

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

Act 13/2014, of 30 October on accessibility.

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

Article 4, three

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

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

Preamble

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

Article 9

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

Article 13

Act 12/2009, of 10 July on education.

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

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

Article 5.1.d

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 audio-visual communication in Catalonia.

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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**Directorate of Citizen
Rights Services;
Area for Social Rights,
Health, Cooperation
and Community**