



European Network Against Racism

ENAR Shadow Report 2011-2012

ENAR SHADOW REPORT

Racism and related discriminatory practices in Spain

Sara Benedi Lahuerta

**with the support of Sos Racismo Aragón,
Sos Racisme Catalunya and
Fundación Secretariado Gitano**

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are, by their nature, based on many sources of data - official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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1. Executive summary

Overview

In 2011/12 the economic crisis and budget cuts led to a reduction of the funds available for inclusion programmes and to a restriction of the rights of migrants in certain spheres. 37% of migrants are now unemployed, increasing their susceptibility to exploitation. Employers often take advantage of their vulnerability by requiring them to work without a contract and security measures. Many migrants who had residence permits and average living standards are now undocumented because they cannot renew their residence permit without a job contract. They may also lose access to the healthcare system because a residence permit will be required to obtain the health card. In addition, because many of them are no longer able to pay their rent or mortgage, some have moved to more deprived areas with substandard living conditions. Housing segregation is playing a role in the emergence of 'ghetto schools' because the allocation of schools is strongly tied to the area of residence.

Recommendations:

- The Labour Inspection authority should be more active in initiating proceedings against companies which exploit unemployed migrants.
- Evictions carried out in deprived areas should take into account the needs and the rights of the persons who live there.
- The discriminatory criteria for the allocation of schools should be replaced by measures which ensure equal opportunities.

Special focus: Islamophobia

The Muslim community face discrimination and are often the targets of hate speech. Islamophobia in political discourse has increased since the crisis; extremist parties have radicalised their public statements and some politicians have faced prosecution as a result. The Muslim community encounters serious obstacles to the exercise of their religion due to strong public opposition to the construction of mosques and burial sites and a lack of Islam teachers in schools.

- The obstacles for building mosques and burial sites should be removed.
- The Regional Governments should increase the number of schools where Islam classes are available.

Racist crime and the role of police forces

Discriminatory identity checks and ethnic profiling continues to be a pressing problem, especially for North Africans and the Roma. While the official policy of the government has changed, this has yet to have any practical effect. NGOs have reported a number of serious cases where migrants were physically abused by the police under the pretext of identity checks. Furthermore, statistics recording racist crimes are still not available for the whole country. As well as racist violence, incidents in football matches and

action by neo-Nazi groups, the internet is emerging as the most efficient way of spreading incitement to racial hatred.

- Data relating to racially motivated crime should be available for the whole territory and police officers should observe special protocols when a racist offence is reported.
- Discriminatory identity checks should stop in practice.
- Human rights training for the police should be improved and independent investigation procedures should be available in the event of abuse.

2. Table of contents

1. Executive summary.....	2
2. Table of contents	4
3. Introduction	5
4. Significant developments in the country during the period under review	6
5. Special focus: Islamophobia	10
6. Access and full participation in all collective areas of society	13
6.1 Racism and related discrimination in employment.....	13
6.2 Racism and related discrimination in education	16
6.3 Racism and related discrimination in housing	19
6.4 Racism and related discrimination in health.....	22
6.5 Racism and related discrimination in access to goods and services.....	25
6.6 Racism and related discrimination in political participation	27
6.7 Racism and related discrimination in media.....	30
6.8 Racism and related discrimination in criminal justice	32
7. Civil society assessment and critique in ensuring protection of fundamental rights	37
8. Good practices.....	39
9. National recommendations	42
10. Conclusion	44
Bibliography	45
Annex 1: List of abbreviations and terminology	54
Annex 2. Foreign citizens with voting rights in the May 2011 local elections and electoral registration rate	55

3. Introduction

This report analyses the most significant developments relating to racism and discrimination in Spain during the past year. It also provides the NGOs' assessment on public policies in the field of social inclusion and integration. The report builds on the 2010/11 ENAR Shadow Report on Racism in Spain¹ and covers the period from **March 2011 to March 2012**. It does not cover events which took place outside this timeframe. However, developments from 2012 have been mentioned when they were initiated at an earlier stage (e.g. the restriction of access to healthcare for undocumented migrants).

In November 2011 the 'Partido Popular' (PP) won the general election. This had important consequences in the field of anti-discrimination policy as the Comprehensive Equality Bill² drafted by the previous government was left aside. In addition, the Spanish economic situation worsened in the beginning of 2012. In response national and regional governments are cutting costs by restricting social protection and funds for inclusion policies. This negatively affects **vulnerable communities**, that is, economic migrants (especially, women, unaccompanied minors and undocumented migrants), asylum seekers, Roma and religious minorities. This report pays special attention to the problem of **Islamophobia** and the fact that Muslims have often difficulties in exercising the right to freedom of religion.

One of the most important **policy and legal developments** was the adoption of the National Roma Integration Strategy, the adoption of a new law which improves the rights of household workers and the actions which were taken to promote the participation of migrants in the local elections.

The report is **structured in three parts**. The first two sections provide a horizontal overview of last year's most important developments in the field of racism (chapter 4) and the major problems encountered by Muslims (chapter 5). The second part (chapter 6) focuses on developments in eight specific fields, namely: employment, education, housing, health, access to goods and services, political participation, media and criminal justice. This is followed by a summary of NGOs assessment on the level of protection of human rights (chapter 7). The third part provides examples of good practices developed by NGOs and grouped by policy areas (chapter 8) as well as recommendations on actions which could improve protection against racism in the future (chapter 9). It should be noted that the Autonomous Communities (AC) have competences in most of the policy areas which are analysed, so there can be differences between AC³.

¹ Benedi Lahuerta, Sara, *ENAR Shadow Report 2010/2011: Spain* (Brussels: ENAR, 2011), http://www.enar-eu.org/Page_Generale.asp?DocID=15294&la=1&langue=EN, accessed 25 August 2012.

² Proyecto de Ley Integral para la Igualdad de Trato y la No Discriminación, <http://www.msc.es/gl/novedades/docs/LeyIgualdadTrato.pdf>, accessed 1 July 2012.

³ Spain is divided in 17 regions which are called **Autonomous Communities** ('Comunidades Autónomas'). They have some legislative powers in areas like education or healthcare.

4. Significant developments in the country during the period under review

2011 brought significant political changes in Spain, which had important consequences in terms of policies against racism and discrimination. The results of the **local and regional elections** of May 2011 were largely favourable for the conservative party, the PP⁴. This trend was confirmed in the November 2011 **general elections**, where the PP obtained a large majority, with over 53% of parliamentary seats⁵. These political changes, together with the deeper **economic crisis**, have brought important social cuts which may hamper social inclusion policies. It has also impeded the work of the Spanish Race and Ethnic Equality Council (SREEC)⁶ and that of the Forum for Immigrants' Social Integration⁷. The adoption of the Comprehensive Equality Bill⁸, which had been progressing through parliament at the time of the general elections, has also been stopped.

Those vulnerable communities highlighted in the 2010/11 report continue to face difficulties: economic migrants (especially, women, unaccompanied minors and undocumented migrants), asylum seekers, Roma and religious minorities (mainly Muslims and Jews). **Undocumented migrants** become more vulnerable than before due to increasing barriers to access to social rights and to the intensification of identity checks. They are often brought to immigration detention centres which are overcrowded; in some cases living conditions are even worse than those in prisons⁹. Detainees have been subject to abuses¹⁰ and 60% of them are held there for over 40 days¹¹. While **asylum** procedures¹² can be initiated in those centres, detainees are hardly ever informed of their rights.¹³ They are sometimes informed that they cannot

⁴ 'Resultados electorales de 2011', *El País* 2012, <http://resultados.elpais.com/elecciones/2011/autonomicas-municipales.html>, accessed 1 July 2012.

⁵ 'Elecciones generales 2011', *El País* 2012, <http://resultados.elpais.com/elecciones/generales.html>, accessed 1 July 2012.

⁶ Sos Racismo, *Informe Anual sobre el Racismo en el Estado Español 2012* (San Sebastián: Tercera Prensa, 2012), p. 77.

⁷ 'Foro para la Integración Social de los Inmigrantes', <http://extranjeros.empleo.gob.es/es/ForoIntegracion/2010-2013/dictamenes/>, accessed 1 July 2012. This body has not issued any opinion since October 2011.

⁸ Proyecto de Ley Integral para la Igualdad de Trato y la No Discriminación, <http://www.msc.es/gl/novedades/docs/LeyIgualdadTrato.pdf>, accessed 1 July 2012.

⁹ Simón, P. 2012, 'Mujeres en los CIE peor que en la cárcel, según una jueza', *Periodismo Humano*, 25 May, <http://periodismohumano.com/mujer/mujeres-en-los-cie-peor-que-en-la-carcel-segun-una-jueza.html>, accessed 1 July 2012. See also, Pueblos Unidos, *100 windows onto 5,000 shattered lives. Report on the Aluche Immigration Detention Centre* (Madrid: n.p., 2010).

¹⁰ Sos Racismo, *Informe Anual*, op. cit., p.50-53.

¹¹ *Ibid*, p.55

¹² For more information on asylum seekers and refugees, see CEAR, *La situación de las personas refugiadas en España. Informe 2012* (Madrid: CEAR, 2012).

¹³ Women's Link Worldwide (WLW), *Mujeres en los Centros de Internamiento de Extranjeros. Realidades entre Rejas* (n.p.: Exilio Gráfico, 2012) p.12, 14-15, 7.

begin the procedure in the centre¹⁴. Privacy is not always respected in interviews with lawyers preparing asylum applications and translation services tend to be very poor¹⁵.

Women from ethnic minority groups are also one of the most vulnerable communities. They are often subject to multiple discrimination (ethnic and gender discrimination) and their situation has worsened with the crisis. **Migrant women** are affected by the problem of human trafficking and they suffer higher rates of domestic violence than Spanish women¹⁶. **Roma women** suffer higher rates of racism than their male counterparts, especially in access to goods and services and employment. 69% of the discrimination cases registered by Fundación Secretariado Gitano (FSG) in 2011 concerned Roma women¹⁷.

Two of the communities which face more discrimination problems are **Roma and Muslims**. The situation of Roma has improved in the last decades, but they are still the group which suffers most from racism and stereotypes¹⁸. Important barriers remain in access to goods and services, employment and housing¹⁹. The situation of Eastern Roma (ER) is worse than that of Spanish Roma (SR): while only 1.2% of SR households live in shanty towns, 8.4% of ER do²⁰. Similarly, 6.9% of ER children do not go to school, while the ratio is 2.9% for SR²¹. Muslims are also subject to strong stereotypes. In a recent survey, 63% of Spanish non-Muslim respondents recognised that there is distrust towards Muslims among the general public.²²

The ratio of the **migrant population** in Spain has slightly decreased since last year. In January 2012 foreign nationals accounted for 12% of the total population²³, one percentage point less than in January 2011²⁴. This is partly due to return procedures²⁵, which are increasing slowly because **migrants'**

¹⁴ Ibid.

¹⁵ WLW, op. cit., p. 43.

¹⁶ Naredo Molero, María, '¿El principio de 'no discriminación' es un elemento esencial en la lucha contra la violencia de género?' in *Sos Racismo, Informe Anual*, op. cit., p.83-88. According to Naredo, the proportion of migrant to Spanish women who are murdered due to household violence is five to one. There are two plans to address these problems: 'Plan Integral de lucha contra la trata de seres humanos con fines de explotación sexual (2009-2011)' and the 'Plan de atención y prevención de la violencia de género en la población extranjera inmigrante (2009-2012)'.

¹⁷ FSG, *Informe Anual FSG 2011. Discriminación y Comunidad Gitana* (Madrid: FSG, 2011) p.7.

¹⁸ *Sos Racismo, Informe Anual*, op. cit., p. 91.

¹⁹ FSG, *Informe Anual FSG 2011*, op. cit., p.14, 16. Ibid, p.92.

²⁰ FSG, *Población Gitana, Empleo e Inclusión Social. Un Estudio Comparado: Población Gitana Española y del Este de Europa 2011* (Madrid: FSG, 2012), p. 167.

²¹ Ibid, p. 164.

²² Giménez Romero, Carlos, *Encuesta 2010 sobre convivencia intercultural en el ámbito local. Informe General* (Barcelona: Obra Social La Caixa, 2012), p. 80. For further details, see chapter 5.

²³ INE, Revisión del Padrón municipal 2011. Datos a nivel nacional, comunidad autónoma y provincia, <http://www.ine.es/jaxi/tabla.do>, accessed 1 July 2012.

²⁴ Benedi Lahuerta, Sara, *ENAR Shadow Report 2010/2011*, op. cit., p. 9.

²⁵ The return programmes of the Red Cross and the International Organization for Migrations (IOM) are blocked since April 2012 because the government has not adopted a new funding

unemployment rate continues to be very high (almost 37%, 15 percentage points over the Spaniards' rate²⁶). The crisis has also increased the risk of social exclusion and has been used as an 'excuse' to limit access to some basic services²⁷. In addition, the Fund for the Immigrants' Integration was eliminated in March 2012, which will undermine the execution of many local and regional integration plans as well as the effective development of the *Strategic Plan for Citizenship and Integration 2011-2014*²⁸.

From a **legal perspective**, the 2010/11 proposal for a *Comprehensive Equality Bill*²⁹, has not been followed up in 2011/12. The Bill has not been adopted and there are no plans to do so. This leaves the *Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and related intolerance*³⁰ without a powerful legal instrument to support it.³¹ Another important development was the adoption of the *Regulation on Migrants' Rights*,³² which entered into force in June 2012. While it includes some positive measures,³³ the Regulation has been criticised for imposing stricter or unclear requirements to obtain resident permits³⁴. Sos Racismo considers that it is a missed opportunity to increase flexibility of residence permit requirements³⁵. As a consequence, unemployed migrants may not be able to renew their permits. Furthermore, the former government reintroduced in July 2011 the obligation for Romanians to apply for a residence permit, unless they were already living in Spain or registered at the Social Security system³⁶.

scheme to support them. See 'El retorno voluntario de inmigrantes sin recursos se paraliza', *Europapress* 13 May 2012, <http://www.europapress.es/sociedad/noticia-retorno-voluntario-inmigrantes-recursos-paraliza-20120513130355.html>, accessed 1 July 2012.

²⁶ INE, Encuesta Nacional de Población Activa. Primer trimestre de 2012 (27/04/2012), p. 3.

²⁷ See sections 6.2 and 6.4 for further details.

²⁸ Sos Racismo, 'Comunicado de la federación estatal de SOS RACISMO sobre la eliminación de 67 millones de la dotación al Fondo de Integración de Inmigrantes', <http://www.sosracismomadrid.es/web/blog/2012/04/02/sobre-la-eliminacion-de-67-millones-de-la-dotacion-al-fondo-de-integracion-de-inmigrantes/>, accessed 1 July 2012.

²⁹ An in depth analysis can be found in last year's report. See Benedi Lahuerta, Sara, *ENAR Shadow Report 2010/2011*, op. cit., p. 36-37.

³⁰ Adopted in November 2011, <http://oberaxe.es/files/datos/4ef19b2b618db/ESTRATEGIA%20INGLES%20LINEA.2.pdf>, accessed 15 October 2012.

³¹ Sos Racismo, *Informe Anual*, op. cit., p.76-77.

³² Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009 (BOE 30/04/2011).

³³ E.g. migrant women who are victims of household violence are entitled to a provisional residence permit during the judicial proceedings and to a five years permit if their aggressor is condemned (arts. 131-134 of the Regulation). For further information, see Naredo Molero, María, '¿El principio de 'no discriminación' es un elemento esencial en la lucha contra la violencia de género?', Sos Racismo, *Informe Anual*, op. cit., p. 83-88.

³⁴ For instance, the requirement to learn Spanish to obtain a residence permit or stricter conditions to obtain 'arraigo laboral' (employment ties). See CGAE, *Informe de la Subcomisión de Extranjería del CGAE sobre el borrador del reglamento de la ley de extranjería*, 18/02/2011, <http://www.intermigra.info/extranjeria/archivos/revista/InfReloexSEx.pdf>, accessed 1 July 2012.

³⁵ Sos Racismo, *Informe Anual*, op. cit., p. 58.

³⁶ Instrucciones DGI/SGRJ/5/2011, sobre régimen de entrada, permanencia y trabajo en España de los trabajadores por cuenta ajena nacionales de Rumanía y de sus familiares. This obligation will be in force at least until the end of 2012.

However, there were also some positive legal developments. The law which transposes³⁷ Directive 38/2004 on EU citizens' rights was amended³⁸ to bring it in line with the Directive and to incorporate the changes suggested in a decision of the Supreme Tribunal³⁹. In addition, a new regulation grants foreign nationals who need to travel abroad for exceptional circumstances the right to apply for a travel document if they are not able to get a passport⁴⁰. Finally, the new Domestic Workers' Regime which was approved in 2011 improves their status and working conditions significantly⁴¹.

Compared to previous years, the **public and political discourse** has changed from the 'migrants' invasion' alerts to warnings that migrants' are taking Spanish jobs and social services⁴². The perception that immigration is one of the main problems of the country has decreased (from 12.6% in 2011 to 6.2% in 2012)⁴³. However, many Spanish nationals consider that laws are often more favourable for migrants (12.7%)⁴⁴. NGOs have warned about a raise in assimilationist discourses⁴⁵ and 'institutional racism'⁴⁶, which is sometimes fostered by political parties and spread rapidly through the internet. 95% of Spanish citizens believe that migrants' should adopt the lifestyle of the host society and 46% considers that they should abandon their own habits⁴⁷.

³⁷ Real Decreto 240/2007 sobre estancia y residencia de personas comunitarias y sus familiares.

³⁸ Decreto 1710/2011, de 18 de noviembre, por el que se modifica el Real Decreto 240/2007, de 16 de febrero, sobre entrada, libre circulación y residencia en España de ciudadanos de los Estados miembros de la Unión Europea y de otros Estados parte en el Acuerdo sobre el Espacio Económico Europeo (BOE 26/11/2011).

³⁹ STS de 1 de Junio 2010, Sección Quinta de la Sala de lo Contencioso-Administrativo.

⁴⁰ Orden INT/3321/2011, de 21 de noviembre sobre expedición de título de viaje a extranjeros (BOE 05/12/2011).

⁴¹ Real Decreto 1620/2011, de 14 de noviembre, por el que se regula la relación laboral de carácter especial del servicio del hogar familiar (BOE 17/11/2011). For an analysis, see Zaguire, Arantxa, 'La reforma del Régimen de Empleadas del Hogar' in *Sos Racismo 2012, Informe Anual*, op. cit., p.206-211.

⁴² *Sos Racismo, Informe Anual*, op. cit., p.106-108.

⁴³ CIS, Estudio Nº 2.944. Barómetro de mayo 2012, p.3 and CIS, Estudio Nº 2.861. Barómetro de febrero 2011, p. 3.

⁴⁴ CIS, Estudio Nº 2.861. Barómetro de febrero 2011, p.9.

⁴⁵ *Sos Racismo, Informe Anual*, op. cit., p.107-108.

⁴⁶ Cachón, Lorenzo, *Inmigración y Conflictos en Europa. Aprender para una mejor convivencia* (Barcelona: Marcial Pons, 2011).

⁴⁷ Giménez Romero, Carlos, *Convivencia social e intercultural en territorios de alta diversidad* (Barcelona: Obra Social La Caixa, 2012), p.119.

5. Special focus: Islamophobia

Muslims account for 3% of the Spanish population (1.595.221 persons in total)⁴⁸. 70% of them are foreign nationals, mostly from Morocco (50% of the total), but also from other countries including Nigeria, Senegal, Pakistan, Gambia and Algeria⁴⁹. Spanish Muslims are converted Spanish citizens, descendants of Muslims of migrant origin or citizens from Ceuta and Melilla⁵⁰. Their relative number is higher in Andalucía, Cataluña, the Communities of Madrid, Valencia and Murcia, and the cities of Ceuta y Melilla⁵¹.

Muslim communities are not homogeneous. The majority are Sunnis (mostly from the Maliki and the Hanafi schools, but also from the Shafi'i and Hanbali communities). The Shiites are represented by some Yafari schools⁵². They are organised in small religious associations at local and regional level, which are grouped in two main organisations: the *Spanish Union of Islamic Communities* (Unión de Comunidades Islámicas de España, UCIDE) and the *Spanish Federation of Islamic Religious Entities* (Federación Española de Entidades Religiosas Islámicas, FEERI). Both the UCIDE and the FEERI form the *Spanish Islamic Commission* (Comisión Islámica de España, CIE)⁵³ which represents the interests of Islamic communities before the Spanish government. However, not all the Islamic communities belong to the CIE: 75% do, 10% are in the process of becoming a member and 15% are independent⁵⁴.

In comparison with other minority groups, Muslims encounter strong prejudices and stereotypes. In a recent survey, 36% of Muslim respondents considered that Spaniards dislike them and 47% expressed their belief that aversion against Muslims has increased with the rise in unemployment⁵⁵. They are often associated with immigration and/or with terrorism, which makes them more vulnerable to multiple discrimination and hate crime (see Graph 1).

⁴⁸ Observatorio Andalús, *Estudio Demográfico de la Población Musulmana* (Madrid: UCIDE, 2012) p.7, 13.

⁴⁹ Ibid, p. 8-9.

⁵⁰ Ceuta and Melilla are two autonomous cities ('ciudades autónomas') which belong to the Spanish State and are located in the North African coast line. Due to their proximity to Morocco, the proportion of Muslims' citizens is higher than in the rest of the country. For more details on Spanish Muslims see Observatorio Andalús, *Estudio Demográfico*, op. cit., p.2-7.

⁵¹ Ibid, p. 3.

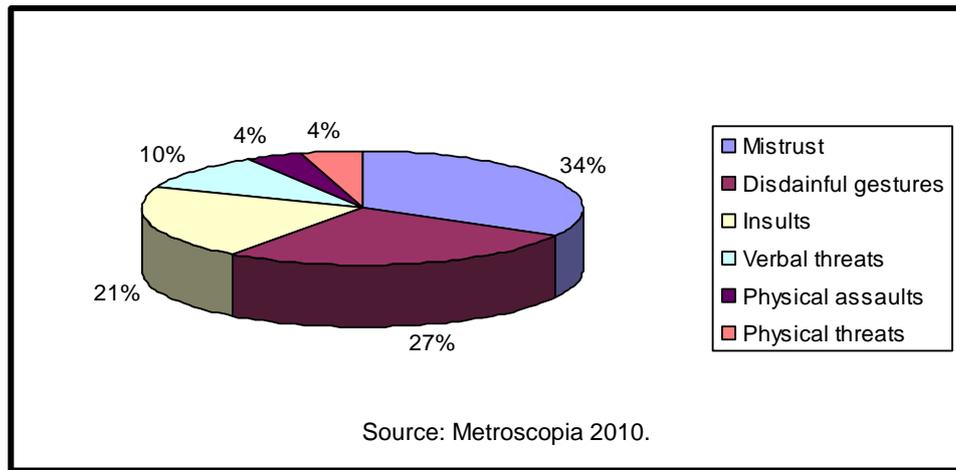
⁵² Ibid, p. 2. Sunnis are Muslims who follow the Sunnah (sayings and living habits of Muhammad) while Shiites give greater importance to hadiths linked to Muhammed's family and Ali, considered the successor of Muhammed.

⁵³ Ibid.

⁵⁴ Ibid, p. 13.

⁵⁵ Metroscopia, *Valores, Actitudes y Opiniones de los Inmigrantes de Religión Musulmana* (Madrid: Gobierno de España, 2011) p. 35-36..

Graph 1. Percentage of foreign Muslims who suffered discrimination due to their ethnicity or their nationality in 2010 (multiple choice answer)



Such stereotypes reflected in the media and in political discourse. The electoral campaigns of 2011 were peppered with demagogic and extremist ideas about Muslims. Several journalists alerted readers to the risk of Islamic ‘domination’⁵⁶ and argued that dialogue with Islamic leaders is impossible⁵⁷. Support for far right parties, like ‘Plataforma per Catalunya’⁵⁸ (PxC), ‘España 2000’ or ‘Democracia Nacional’, rose during the 2011 regional elections, especially in areas with high unemployment rates and high Muslim migrants density. A number of politicians have been successfully prosecuted for hate speech against the Muslim community. For instance, a former member of PxC was condemned in November 2011 for incitement to hatred against Muslims during the Catalanian election campaign⁵⁹. The newspaper ‘ABC’ and the television channel ‘Telemadrid’ have also been fined for linking an Imam and Salafism with terrorism⁶⁰.

One major problem is the increasing opposition to the construction of new mosques. 37% of non-Muslim Spaniards support demonstrations against the construction of new mosques⁶¹. In some cases neighbours have signed petitions against the building of mosques, put the head of a pig in the future location of a mosque⁶² or have repeated slogans like ‘Spain is not a Zoo’. Some local and regional governments have also tried to put administrative burdens in place⁶³ to impede the construction of new mosques⁶⁴. The lack of

⁵⁶ Sostres, S. 2011, ‘Más Mezquitas’, *El Mundo*, 10 Feb.

⁵⁷ Galindo García, A. 2012 ‘El Islam, Dificultades para el diálogo’, *El adelantado de Segovia*, 24 Jun.

⁵⁸ MCI, *Informe Raxen No. 50. Estrategia Integral contra el Racismo, a Xenofobia y la Intolerancia* (Madrid: MCI, 2011), p. 19.

⁵⁹ García, J. 2011, ‘Condenado un concejal de PxC por difundir panfletos xenófobos’, *El País*, 18 Nov.

⁶⁰ Observatorio Andalusí, *Informe especial I/2011. Incidencias de Islamofobia* (Madrid: UCIDE, 2011) p.24.

⁶¹ Sos Racismo, *Informe Anual*, op. cit., p. 33.

⁶² *Ibid*, p.16, 17, 20

⁶³ Bilbao, Saioa, ‘¿Por qué las mezquitas no?’, in *Informe Anual*, op. cit., p.134.

mosques in some areas may hamper Muslim religious practices. In a recent survey, 10% of Muslim respondents had encounter difficulties to practice their religion, partly due to the lack of Mosques (6%)⁶⁵. However, burial sites are scarcer than mosques: while 95% of Muslim communities have access to a Mosque, only 5% of them have access to a burial site⁶⁶.

Muslims also face considerable obstacles in the field of education. One of the problems relates to the lack of Islam teachers: 90% of Muslim pupils do not have access to Islamic religion classes⁶⁷. They are available in primary schools in Andalucía, Aragón, Canarias, the Basque Country, Ceuta and Melilla, but not in Barcelona, Madrid and Murcia, where the number of Muslims is one of the highest⁶⁸. The other major problems relate to conflicts between schools and Muslim girls wearing hijabs. In some cases girls have been sanctioned⁶⁹ or even expelled⁷⁰. 37% of non-Muslims Spaniards consider that it is acceptable to expel a pupil from school because she wears the hijab⁷¹.

Muslim women face even more difficulties than their male counterparts, especially in access to employment. They encounter many barriers to finding a job when they want to wear the hijab; at best they are offered positions with no direct contact with clients⁷². Despite the fact that the use of the full veil is not very extensive in Spain, it has become a hot topic of discussion⁷³ after the French ban, and several local councils have adopted regulations banning its use in public facilities⁷⁴.

⁶⁴ The City Council of Badalona wanted to suspend authorisations for new religious buildings for a year. MCI, *Informe Raxen No. 50, op. cit.*, p.21. See also Observatorio Andalusi, *Informe especial I/2011, op. cit.*, p. 19.

⁶⁵ Metroscopia, *Valores, Actitudes y Opiniones de los Inmigrantes de Religión Musulmana* (Madrid: Gobierno de España, 2011) p. 34.

⁶⁶ Observatorio Andalusi, *Estudio Demográfico, op.cit.*, p.13.

⁶⁷ Ibid.

⁶⁸ Ibid, p. 10.

⁶⁹ 'Expulsada de un examen por negarse a quitarse el 'hijab'', *El Mundo* 3 Oct. 2011.

⁷⁰ 'La niña expulsada del colegio por llevar velo podría ir a estudiar a Marruecos', *El Mundo*, 23 Jun. 2011.

⁷¹ Sos Racismo, *Informe Anual, op. cit.*, p. 33.

⁷² Information provided by UCIDE through an online *ad hoc* survey.

⁷³ For some examples of press articles with extremist ideas, see e.g. San Sebastian, I. 2011, 'Esos fantasmas sin rostro', *El Mundo* 14 Apr.; Rahola, P. 2011, '¿Burka? No, gracias', *La Vanguardia* 13 Apr..

⁷⁴ For an in depth analysis of these legal initiatives, see Benedi Lahuerta, Sara, 'Regulating the use of full face covering veil: which model should Spain adopt?' *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado*, 28 (2012), http://www.iustel.com/v2/revistas/detalle_revista.asp?id_noticia=411261, accessed 2 July 2012.

6. Access and full participation in all collective areas of society

High unemployment and increasing budget cuts have a negative impact on social inclusion and access to basic rights, such as healthcare, housing and education. Behind the front of the economic crisis, political parties exploited racist discourses and stereotypes to further their own interests in local and national elections. The internet has enabled dangerous and hateful messages to spread rapidly.

6.1 Racism and related discrimination in employment

6.1.1 Manifestations of racism and related discrimination in employment

As noted in the 2010/11 report, the crisis is having a greater negative impact on minority groups, especially migrants and Roma. In the first quarter of 2012, the unemployment rate among foreign nationals reached 37%⁷⁵. This is partly due to the fact that the majority work in those sectors which have been most affected by the economic downturn⁷⁶. For instance, 56.09% of migrants working in the construction sector have lost their jobs between 2007 and 2011⁷⁷. It has been suggested that migrants may adapt better to the job market (especially women)⁷⁸ because they accept jobs that Spaniards would rarely do⁷⁹, such as domestic work or seasonal work. However, they have weaker support networks and fewer sources of alternative incomes. Generally, they receive lower wages⁸⁰ and they have more difficulties in accessing social benefits, so the risk of social exclusion is higher⁸¹.

The sharp increase in migrants' unemployment rate has had two important consequences. Firstly, many are desperate to find alternative means of support, so they accept informal jobs under very bad conditions⁸² and without the necessary worker protections. Some spend their time at the entrance of markets trying to work per hours⁸³. The press has reported several cases of exploitation⁸⁴ and work accidents, including two deaths in the construction

⁷⁵ INE, *Encuesta Nacional de Población Activa. Primer trimestre de 2012 (27/04/2012)*, p. 3.

⁷⁶ Moreno, F. Javier and Bruquetas, M., *Inmigración y Estado de Bienestar en España* (Barcelona: Obra Social La Caixa), p. 44.

⁷⁷ Foro para la Integración Social de los Inmigrantes, *Informe sobre la situación de la integración social de los Inmigrantes y Refugiados* (n.p.: Ministerio de Trabajo e Inmigración, 2011), p. 17.

⁷⁸ *Ibid.*, p. 21-22.

⁷⁹ Sos Racismo, *Informe Anual*, op. cit., p. 145.

⁸⁰ *Ibid.*, p. 155.

⁸¹ II Strategic Plan on Citizenship and Integration (2011-2014), p.116-118.

⁸² Foro para la Integración Social de los Inmigrantes, op. cit., p. 18.

⁸³ Sos Racismo, *Informe Anual*, op. cit., p. 156-157.

⁸⁴ See e.g. 'Detenido por explotar en su fina presuntamente a trabajadores', *ABC*, 5 Nov. 2011. See also the Sos Racismo report for examples of migrants who have been working

sector⁸⁵ and one in the domestic sector⁸⁶. Secondly, unemployment is a barrier to the renewal of residence permits, so many migrants lose their residence status and become undocumented migrants⁸⁷. Some persons have tried to take advantage of this situation by selling work contracts to migrants who are trying to renew or obtain the residence permit⁸⁸.

Discrimination in employment is widespread and is often fostered by stereotypes and prejudice. For instance, 60% of Spanish citizens consider that migrants steal their jobs⁸⁹. In a survey, 36% of respondents stated that Spaniards do not like working with persons from another ethnic origin⁹⁰ and 22.4% of them had witnessed a Roma not being hired due to his or her ethnic origin⁹¹. In addition, 27% of respondents had been rejected after a job interview because of their skin colour or other ethnic physical features.⁹² In February 2012 the owner of a restaurant in Catalonia stated publicly that she did not want black waitresses because clients are afraid of them⁹³. In Andalusia and Extremadura several employers stated that they did not want to hire Roma because 'they do not know how to work' or because 'clients have negative reactions'⁹⁴. When Roma are hired and the company learns about their ethnicity afterwards, they are often harassed or dismissed⁹⁵. Muslim women wearing hijabs also face significant difficulties in finding a job⁹⁶.

Finally, it should be noted that the rights of household workers have expanded substantially with the adoption of the Real Decreto 1620/2011⁹⁷. Among other improvements, this law includes an obligation to sign written contracts, to have at least 36 hours of uninterrupted resting time per week, to contribute to the Social Security system in proportion with income and the right to receive

without contracts or who have worked for 15 hours a day with a salary of 600 euros per month. *Sos Racismo* 2012, p.154-160.

⁸⁵ 'Muere un operario ecuatoriano en Eibar tras caer de un andamio', *El Mundo* 3 Mar. 2011; 'Un trabajador muere en San Sebastián en una obra sin medidas de seguridad', *El País* 4 Aug. 2011.

⁸⁶ 'Una empleada del hogar muere al caer al vacío cuando limpiaba una ventana', *El País* 17 Mar. 2011.

⁸⁷ Molina, L. 2012, 'La crisis convierte en irregulares a inmigrantes que llevan años en España', *El Diario* 28 May, <http://www.europapress.es/sociedad/noticia-retorno-voluntario-inmigrantes-recursos-paraliza-20120513130355.html>, accessed 3 July 2012.

⁸⁸ 'La venta de contratos en España no para', *Legalcity* 10 April 2012; 'Detenidos por vender contratos falsos a inmigrantes', *Diario Información*, 1 Sep. 2011.

⁸⁹ *Sos Racismo*, *Informe Anual*, op. cit., p. 145

⁹⁰ RED2RED, *Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas* (Madrid: Ministerio de Sanidad, Política Social e Igualdad, 2011), p.49.

⁹¹ *Ibid*, p. 58.

⁹² *Ibid*, p. 106.

⁹³ *Sos Racismo*, *Informe Anual*, op. cit., p. 151. Subsequently, the labour inspector started a sanction procedure, but it was unsuccessful because the owner had already changed.

⁹⁴ FSG, *Informe Anual FSG 2011*. op. cit., p.35-36.

⁹⁵ *Ibid* and information provided by FSG through an online *ad hoc* survey.

⁹⁶ Information provided by UCIDE through an online *ad hoc* survey

⁹⁷ Real Decreto 1620/2011, de 14 de noviembre, por el que se regula la relación laboral de carácter especial del servicio del hogar familiar (BOE 17/11/2011).

sickness benefits from the fourth day of sick leave⁹⁸. However, the reforms were not accompanied by an information campaign⁹⁹ and in many cases wages have been lowered to compensate the new obligation to pay Social Security contributions¹⁰⁰. This is probably why more than 400,000 out of 770,000 domestic workers continue to work informally. The ILO Convention on Decent Work for Domestic Workers (No. 189) has yet to be ratified.¹⁰¹

6.1.2 Facilitating factors or protective measures to combat employment challenges

The PECE II (II Strategic Plan on Citizenship and Integration (2011-2014)) establishes a set of objectives to tackle discrimination in access to employment and in the work place, such as strengthening inspections or supporting the employment of migrants in sectors where they are not usually employed. However, the plan lacks concrete measures and it is not clear how the 70 million euros allocated per year¹⁰² are going to be spent or whether its 2012 budget is going to be reduced or eliminated due to the crisis.

In 2010 the Spanish government adopted the *Action Plan for the Development of Roma Population 2010-2012*. Recently, it also adopted the *National Roma Integration Strategy in Spain 2012-2020*. The strategy was drafted through a consultative procedure with relevant organisations and it sets clear objectives in four main areas, including employment (for instance, to reach an employment rate of 50% among Roma by 2015)¹⁰³. The plan also includes 'strategic lines of action' but these are not always precise enough to be effective and the means for enforcement are not specified.

The Spanish Observatory of Racism and Xenophobia has recently published a 'Guide to Managing Diversity in the Work Place' addressed to companies¹⁰⁴. This document provides information about relevant legal framework and explains the potential benefits of setting diversity policies. It also provides clear indicators to measure and improve the company policy in this field and examples of successful case studies.

⁹⁸ For a more detailed analysis, see Zaguirre, Arantxa, 'La reforma del Régimen de Empleadas del Hogar', in *Sos Racismo, Informe Anual*, op. cit., p. 206-211.

⁹⁹ *Ibid*, p. 208.

¹⁰⁰ Marin, P. 2012, 'De 'chachas' a empleadas con derechos', *El País* 8 Apr..

¹⁰¹ The Convention was adopted on 16 June 2011.

¹⁰² II Plan Estratégico de Ciudadanía e Integración, (2011-2014), http://extranjeros.empleo.gob.es/es/integracionretorno/Plan_estrategico2011, accessed 15 October 2012, p.261.

¹⁰³ National Roma Integration Strategy in Spain 2012 -2020, p. 15.

¹⁰⁴ OBERAXE, *Guide to Managing Diversity in the Work Place* (Madrid: OBERAXE, 2011).

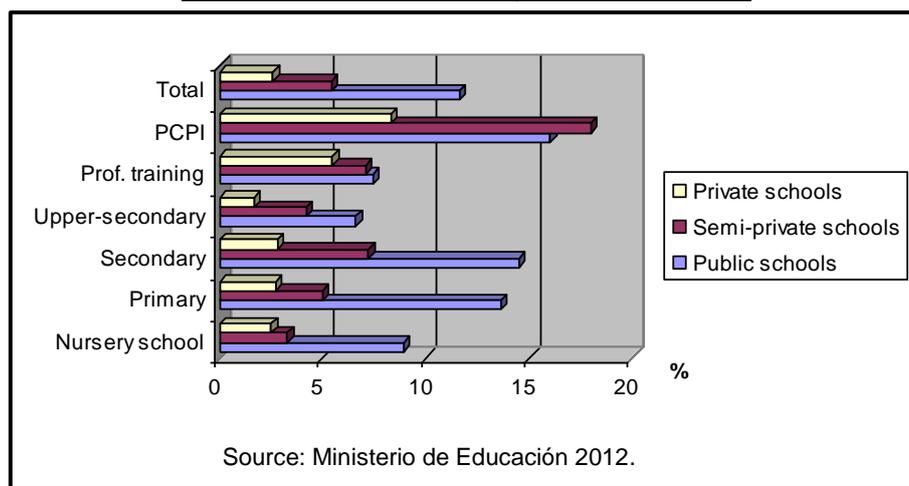
6.2 Racism and related discrimination in education

6.2.1 Manifestations of racism and related discrimination in education

In September 2011 there were 770,384 foreign pupils in the education system.¹⁰⁵ 44% are Latin-American, 29% are European and 23.5% are African¹⁰⁶. A high proportion live in Madrid, Catalonia, Andalusia and the Valencia¹⁰⁷.

One of the main problems is the segregation of migrant and Roma children in 'ghetto schools'¹⁰⁸. 81.5% of foreign pupils go to public schools, which have a density of 14.5% foreign pupils in secondary education (compared to a 7.2% in semi-private schools, see Graph 2). This is linked to housing segregation but also to discrimination in admission criteria¹⁰⁹. In one instance, the daughters of an Argentinean Muslim were twice denied a place in the same school, while a few hours earlier the school had confirmed the availability of places on the phone¹¹⁰. A recent study also shows that in some schools Roma density is over 85%, while the Roma density of the district is much lower; in the school Doctor Trueta in Barcelona, 100% of pupils are Roma, while the Roma population is only 15-20% of the local area.¹¹¹

Graph 2. Density of foreign pupils in Spain



¹⁰⁵ Ministerio de Educación, *Datos y cifras. Curso escolar 2011/2012* (Madrid: Subdirección General de Documentación y Publicaciones, 2011) p. 7.

¹⁰⁶ Ibid.

¹⁰⁷ Ministerio de Educación, *La cifras de la Educación en España. El alumnado extranjero* (edición 2012), www.educacion.gob.es, accessed 4 July 2012.

¹⁰⁸ See e.g. FRA, *Annual Report 2011. Fundamental rights: challenges and achievements in 2011* (Luxembourg: POEU, 2012) p. 163; CERD, Concluding Observations on Spain (adopted 09/03/2011), UN Doc. CERD/C/ESP/CO/18-20, at 15.

¹⁰⁹ ECRI, *Report on Spain (fourth monitoring cycle)*, (Strasbourg: Council of Europe, 2011) at 64.

¹¹⁰ Sos Racismo, *Informe Anual*, op. cit., p. 174-175.

¹¹¹ Santiago, Carmen and Maya, Ostalinda, *Segregación Escolar del Alumnado Gitano en España* (n.p.: Kamira and Fundación Mario Maya, 2012), p. 5.

The other major problem is early dropout rates and school failure¹¹², which is considerably higher among migrants and Roma. For instance, while 7 out of 10 Roma attend kindergarten, only 1 out of 10 Roma finish upper-secondary school¹¹³. Among migrants, very few undertake undergraduate studies at the university level: only 4.6% of university students are foreign nationals¹¹⁴. Their rate of school failure is 40%¹¹⁵ and their dropout rate in secondary education (26%) is double the Spanish pupils' rate¹¹⁶. According to the Forum for Migrants' Integration, this should be tackled through greater involvement of their families in the school community and education process. Parents need to understand how the school system works in Spain and how they can participate. They also need help to overcome language barriers and motivation and encouragement to support their children's learning process¹¹⁷.

Difficulties faced by the Muslim community in education are twofold. First, while there are more than 202,000 Muslim pupils who would like to receive Islam religion classes in schools, there are very few Islam teachers who are qualified for this purpose (only 46 in the whole country)¹¹⁸. Islam classes are only available in primary schools in Andalusia, Aragon, Canarias, the Basque Country, Ceuta and Melilla¹¹⁹. UCIDE has also reported that the book which is used for religious classes is not available in bookshops¹²⁰. Second, Muslim girls who want to wear the hijab often face the opposition of the school. 68% of Valencians would support a prohibition of the Islamic veil in schools¹²¹. In March 2012 a school from Ourense changed its internal regulations as a 'preventive measure' prohibiting Muslim students from wearing a hijab; another school in Arteixo expelled a pupil for wearing a hijab few months earlier¹²².

6.2.2 Facilitating factors or protective measures to combat education challenges

While there has been some debate about intercultural dialogue, this has mostly taken place at academic level. Teachers often mean well but sometimes lack the resources to engage pupils in a truly effective dialogue. Some schools are trying to use the subject 'Education for Citizenship' ('Educación para la Ciudadanía') to convey messages about equality and mutual understanding. Some studies have shown that the fact that migrant

¹¹² By "school failure" I refer to those pupils who are not able to obtain the compulsory education diploma, while by "drop out rates" I refer to pupils who leave the school at an early stage (often when they are at elementary school). Pupils falling in one of these categories will often (but not always) fall into the other category.

¹¹³ FRA, *The situation of Roma in 11 Member States* (Luxembourg, POEU, 2012), p. 13-15.

¹¹⁴ Ministerio de Educación, Cultura y Deporte, *Datos y cifras del sistema universitario español. Curso 2011/2012* (Madrid: Subdirección General de Documentación y Publicaciones, 2011) p.38.

¹¹⁵ Sos Racismo, *Informe Anual*, op. cit., p. 165.

¹¹⁶ Ibid, p. 164.

¹¹⁷ Foro para la Integración Social de los Inmigrantes, op. cit., p. 141.

¹¹⁸ Observatorio Andalusi, *Estudio Demográfico*, op. cit., p. 11.

¹¹⁹ Ibid, p. 10-11.

¹²⁰ Information provided by UCIDE through an online *ad hoc* survey.

¹²¹ Observatorio Andalusi, *Estudio Demográfico*, op. cit., p. 11.

¹²² Sos Racismo, *Informe Anual*, op. cit., p.173.

pupils are present in a class does not have negative effects on the learning level. However, when the proportion of foreign students is over 20% there are risks of social conflicts and cultural tensions, especially between parents¹²³.

There is a national *Plan for the Reduction of Early Drop Outs in Education and Training* ('Plan para la Reducción del Abandono Temprano de la Educación y la Formación')¹²⁴. In addition, the *PROA Plan* provides support and orientation through four different programmes which tackle the specific circumstances of pupils at risk of social exclusion. It is executed by the Autonomous Communities and one of its objectives is to involve the local community in the education process¹²⁵. However, the *National Roma Integration Strategy in Spain 2012 -2020* does not include any measure to tackle the serious problem of Roma segregation in schools.

Studies have demonstrated the success of *learning communities* ('comunidades de aprendizaje')¹²⁶. For instance, the Mare de Déu de Montserrat school in Barcelona, with a high migrant density, has 'registered significant improvements through community involvement'.¹²⁷ Pupils have improved their performance in a number of indicators, including language, reading and writing skills, and they have also built a strong foundation for secondary school¹²⁸.

¹²³ Sos Racismo, *Informe Anual*, op. cit., p. 171.

¹²⁴ See <http://www.educacion.gob.es/educacion/comunidades-autonomas/programas-cooperacion/programa-abandono.html>, accessed 4 July 2012.

¹²⁵ For more information, see Ministerio de Educación, <http://www.educacion.gob.es/educacion/comunidades-autonomas/programas-cooperacion/plan-proa.html>, accessed 4 July 2012.

¹²⁶ Santiago, Carmen and Maya, Ostalinda, op. cit., p. 6.

¹²⁷ University of Barcelona, In-cluded Project. Strategies for inclusion and social cohesion in Europe from education. Working papers: Case studies of local projects in Europe (4th Round), p. 23, <http://www.ub.edu/included/docs/4.%20D.22.3.%20Working%20papers.%20Case%20studies%204th%20round.pdf>, accessed 4 July 2012.

¹²⁸ Ibid.

6.3 Racism and related discrimination in housing

6.3.1 Manifestations of racism and related discrimination in housing

While minority groups have always been vulnerable to housing discrimination, the crisis has aggravated this situation. As the unemployment rate is higher for migrants, many of them struggle to pay rent or mortgages.¹²⁹ Some they have become homeless, and others have moved to substandard housing or overcrowded apartments. According to a study of the Basque government, 58.8% of migrants live in accommodation with structural problems (cracks, lack of insulation, leaks, etc.) or which are smaller than average.¹³⁰ 69.2% of them live in rented or shared houses.¹³¹ While in Spain the average number of persons per room is one, in Roma households this rises to 1.5¹³². The press has reported one instance where a 50m² flat was shared by 11 migrants¹³³ and a 'hotel' where guests could sleep in chairs for ten euros per night¹³⁴. Some groups of migrants (especially Moroccans and Eastern European Roma) live in shanty towns, like the 'Cañada Real'¹³⁵ or 'El Gallinero'¹³⁶, where they are at risk of forced eviction.¹³⁷

Besides the economic difficulties, migrants are also encountering increasing administrative problems. In Vitoria the requirement to register at the municipality has become stricter¹³⁸. In other cities, like Murcia¹³⁹ or Badalona¹⁴⁰, the city council deletes the registration of non-EU citizens without notice if they do not renew it after two year.

Prejudices and direct and indirect discrimination are also a barrier to accessing decent housing. In a recent survey, 41.2% of male respondents and 36.3% of female respondents considered that they had encountered discrimination in the area of housing¹⁴¹. In a 'situation testing' study, real

¹²⁹ 'Siguen los deshaucios de inmigrantes', *El País*, 25 Nov. 2011.

¹³⁰ Sos Racismo, *Informe Anual*, op. cit., p. 193.

¹³¹ Ibid.

¹³² FRA, *The situation of Roma in 11 EU Member States*, p. 22.

¹³³ '50 metros cuadrados para 11 inquilinos', *El País*, 8 May 2011.

¹³⁴ Herraiz, P. 2012, 'Hotel' chino: 10 euros por dormir en sillas', *El Mundo* 22 Feb.

¹³⁵ Sos Racismo, *Informe Anual*, op. cit., p. 187-188.

¹³⁶ 'Desalojo y derribo de chabolas en el Gallinero', 6 Mar. 2012 <http://gitanosrumanoselgallinero.blogspot.be/2012/03/desalojo-y-derribo-de-chabolas-en-el.html>, accessed 7 July 2012.

¹³⁷ AI, *Spain: Submission to the UN Committee on Economic, Social and Cultural Rights, 48th Session* (London: AI Publications, 2012) p. 15-16,

¹³⁸ For instance, when a person wants to get registered in a flat that he does not own, he will need to go in person with the owner and they will need to present a joint declaration. Echeazarra, S. 2011 'Maroto endurece los requisitos para inscribirse en el padrón', *El Correo* 16 Nov.

¹³⁹ P. W. R. 2011, '119 inmigrantes serán eliminados del padrón por no renovar su inscripción', *La Verdad* 9 Jan.

¹⁴⁰ Robles, F. 2011, 'Badalona saca del censo a 446 personas, el 75% inmigrantes', *El País* 8 Jul.

¹⁴¹ RED2RED, op. cit., p. 84.

estate agents only offered 20 and 23 properties to migrants and refugees (respectively), while Spanish nationals received 102 offers¹⁴². Accordingly, the opportunities to find rented accommodation are 80% lower for foreigners¹⁴³. Roma are one of the groups who experience most difficulty in finding accommodation due to strong prejudices against them. While landlords and real estate agents are initially positive about renting a property, when they discover their Roma origin of the prospective tenant they inform them that the property is no longer available.¹⁴⁴ The Muslim community encounter similar problems to other minority groups in the housing market. Those who dislike the Muslim community are generally concerned with the opening of new mosques¹⁴⁵ or security issues¹⁴⁶ rather than issues specifically related to housing.

6.3.2 Facilitating factors or protective measures to combat housing challenges

As FSG has highlighted, discriminatory practices in the field of housing are very difficult to tackle because protection provided to those seeking housing is not sufficient. Landlords rely on the freedom of contract and the right to choose the person to whom they wish to rent or sell their property¹⁴⁷. In order to avoid letting to migrants and Roma, estate agents claim that they do not have available properties or that landlords do not want people from those ethnicities¹⁴⁸. It should be noted that the transposition of Directive 43/2000/EC¹⁴⁹ forbids ethnic discrimination in housing¹⁵⁰, but this provision is not applied in practice. NGOs like FSG and Sos Racisme Catalunya¹⁵¹ regularly try to mediate between the parties and bring administrative complaints before the Consumers' Office¹⁵², but the reversal of the burden of the proof required by legislation is not observed and victims are rarely awarded compensation¹⁵³. Besides NGOs activities, public authorities have not taken actions to improve understanding between minorities, landlords and agencies.

¹⁴² Sos Racismo and CEAR Euskadi, 'Práctica del testing en el estudio de la discriminación en el acceso a la vivienda de la población migrante y refugiada en Bilbao', *Mugak*, No. 58, <http://www.mugak.eu/mugak-aldizkaria/azken-alea-n%C2%BA-58/127>, accessed 20 June 2012.

¹⁴³ Ibid.

¹⁴⁴ FSG, *Informe Anual FSG 2011*. op. cit., p.16, 43-44.

¹⁴⁵ Sos Racismo, *Informe Anual*, op. cit., p. 118.

¹⁴⁶ About the conflicts in Errentería and Salt, see Sos Racismo, *Informe Anual*, op. cit., p. 110-111.

¹⁴⁷ FSG, *Informe Anual FSG 2011*. op. cit., p. 16.

¹⁴⁸ Ibid.

¹⁴⁹ Council Directive 43/2000/EC of 27 November establishing a general Framework for equal treatment between persons irrespective of racial or ethnic origin [2000] OJ L180/22.

¹⁵⁰ Ley 62/2003, de 30 de diciembre, de acompañamiento de los Presupuestos Generales para 2004.

¹⁵¹ See examples of mediation in Sos Racismo, *Informe Anual*, op. cit., p. 110-114.

¹⁵² FSG, *Informe Anual FSG 2011*. op. cit., p.16.

¹⁵³ Ibid and Sos Racismo Aragón through an online *ad hoc* survey.

The PECE II includes a programme called 'Plan de Barrios' which seeks to promote 'positive interaction' and avoid intercultural conflicts in highly diverse districts¹⁵⁴. However, no concrete actions are specified. The Basque Country has developed its own plan, which includes more specific actions, like providing access to empty housing for migrants (Bizigune programme) and an information campaign explaining the inscription process in the registry of public housing¹⁵⁵.

Amnesty International (AI) has denounced that 'Spain has failed to enact and enforce a clear prohibition against forced evictions and has failed to implement the recommendation of the UN Special Rapporteur on adequate housing'¹⁵⁶. During the past year, several forced evictions and demolitions were carried out in the 'Cañada Real' and 'El Gallinero', sometimes during the night¹⁵⁷. The Law 2/2011 of 15 March, about the 'Cañada Real'¹⁵⁸ provides for the 'urban regeneration'¹⁵⁹ of the area with prior consultation of the affected communities, but this has not been taken into account in practice.¹⁶⁰

¹⁵⁴ II Strategic Plan on Citizenship and Integration (2011-2014), p. 90-92.

¹⁵⁵ Gobierno Vasco, Dirección de Inmigración y Gestión de la Diversidad, Plan de Inmigración, Ciudadanía y Convivencia Intercultural 2011-2013, p. 97-98, <http://www.gizartelan.ejgv.euskadi.net>, accessed 7 July 2012.

¹⁵⁶ AI, *Spain: Submission to the UN Committee on Economic, Social and Cultural Rights*, op. cit, p. 15.

¹⁵⁷ See e.g. 'El Ayuntamiento derriba una casa en la Cañada Real', *El País* 6 Sep 2011.

¹⁵⁸ Ley 2/2011, de 15 de marzo, de la Cañada Real Galiana (BOCM 29/03/2011).

¹⁵⁹ AI, *Spain: Submission to the UN Committee on Economic, Social and Cultural Rights*, op. cit, p. 16.

¹⁶⁰ *Ibid.*

6.4 Racism and related discrimination in health

6.4.1 Manifestations of racism and related discrimination in health

Discrimination in healthcare is more extensive for women than for men: 15% of female respondents to a survey felt had been discriminated against; four points more than their male counterparts¹⁶¹. While there have been few reports of direct discrimination on the part of healthcare workers, social exclusion is increasing among vulnerable communities which itself limits their access to healthcare.

Until very recently undocumented migrants could access the healthcare system provided that they were registered at the municipality. However, in 2011 some Autonomous Communities, including Catalonia, the Basque Country and Murcia began to limit the access to healthcare for unregistered migrants¹⁶². In April 2012 a Spanish government decree¹⁶³ changed the system for the entire country. From the 31st of August 2012 onwards undocumented migrants will need to be registered through Social Security to obtain or renew the healthcare card¹⁶⁴.

The main arguments for this reform are based on financial problems in the healthcare system and the widespread belief that migrants make an abusive use of the system without contributing to the expense¹⁶⁵. However, several studies reveal that the average cost to the health services per Spanish citizen is € 500.29, while it is €251.80 for economic migrants¹⁶⁶. Similarly, the average pharmaceutical cost is €446.4 for Spaniards, while it is €96.5 for economic migrants¹⁶⁷.

The tough economic conditions currently faced by many migrants are associated with stress, substandard housing and malnutrition.¹⁶⁸ This is having negative a negative impact mental health among migrants¹⁶⁹ and has led to an increase in the number of persons with illnesses related to poor living conditions, such as tuberculosis¹⁷⁰. Language barriers continue to cause

¹⁶¹ RED2RED, op. cit., p. 84.

¹⁶² Sos Racismo, *Informe Anual*, op. cit., 181-185.

¹⁶³ RD ley 16/2012, de 20 de abril, de medidas urgentes para garantizar la sostenibilidad del Sistema Nacional de Salud y mejorar la calidad y seguridad de sus prestaciones (BOE 24/04/2012).

¹⁶⁴ Ibid, art. 1. See also De Benito, E. 2012, 'Los inmigrantes irregulares tendrán tarjeta sanitaria hasta el 31 de agosto', *El País*, 24 Apr..

¹⁶⁵ Sos Racismo 2012, op. cit., p. 179-180.

¹⁶⁶ De Benito, E.; Nogueira, C. 2012 'Sanidad dejará sin tarjeta a 150.000 inmigrantes en un plazo de dos años', *El País*, 23 Apr..

¹⁶⁷ Ibid.

¹⁶⁸ Sos Racismo, *Informe Anual*, op. cit., p. 180.

¹⁶⁹ Ibid, p. 179.

¹⁷⁰ Ibid, p. 180.

difficulties, even though several mediation and translation services have been put in place in recent years¹⁷¹.

In general, Muslims face similar problems to other minorities. However, in December 2011, the NGO “Malaga Acoge” reported that a Moroccan woman had to give birth in the waiting room of a hospital because the nurse repeatedly ignored her symptoms for 45 minutes. The nurse also made racist comments¹⁷².

6.4.2 Facilitating factors or protective measures to combat health inequalities

In the past Spain has been praised for its healthcare system and for providing access to healthcare to undocumented migrants provided they were registered at the municipality¹⁷³. However, the new Royal Decree-law 16/2012 is a step backwards and will result in the exclusion of many vulnerable communities from the healthcare system, except for emergency healthcare, pregnant women and children.

Several NGOs, including Médicos del Mundo (MM), AI and Red Acoge are leading a campaign against the end of universal access to healthcare¹⁷⁴. The new legislation is going to have negative consequences for patients with chronic illnesses. It is also believed the reforms will make household violence more difficult to detect¹⁷⁵. In addition, the applicability of the national law is going to depend on the Autonomous Communities, so criteria to access healthcare may vary between different territories¹⁷⁶.

Nevertheless, there have also been some positive developments. In Valencia, a new plan has been set up to improve medical assistance to pregnant women of foreign origin. The plan seeks to overcome difficulties arising from social, cultural and language differences¹⁷⁷. The Community of Madrid has signed an agreement with the Federation of Roma Association in order to promote Roma access to healthcare services. While the health of the Roma community has improved in the past decades, the community remains

¹⁷¹ See last year's report, p. 22.

¹⁷² ‘Una joven marroquí da a luz en la sala de espera del hospital Campo Arañuelo al negársele atención médica’, 4 Dec. 2011, <http://www.navalmoraldigital.es/noticia.htm?id=1007>, accessed 8 July 2012.

¹⁷³ FRA, *Migrants in an irregular situation employed in8 domestic work: Fundamental rights challenges for the European Union and its Member States*, (Luxembourg: POEU, 2011), p. 25.

¹⁷⁴ MM, ‘Contra la reforma sanitaria que puede costar vidas’, http://www.medicosdelmundo.org/index.php/mod.conts/mem.detalle_cn/re/menu.111/id.2533, accessed 20 July 2012.

¹⁷⁵ Doctors are often the ones who find signs of household violence. Thus, the fact that migrant women without residence permit will not be able to access healthcare, will probably have a negative impact on household violence detection. Opinion provided by FSG in an *ad hoc* online survey.

¹⁷⁶ *Ibid.*

¹⁷⁷ Sos Racismo, *Informe Anual*, op. cit., p. 182.

vulnerable due to social exclusion. The agreement puts special emphasis in early cancer detection among Roma women¹⁷⁸.

¹⁷⁸ 'Federación Gitana y Comunidad firman un convenio para promover el acceso del colectivo a los recursos sanitarios', <http://www.unionromani.org/notis/2011/noti2011-04-20b.htm>, accessed 20 July 2012.

6.5 Racism and related discrimination in access to goods and services

6.5.1 Manifestations of racism and related discrimination with access to goods and services in the public and private sector

Discrimination in access to private goods and services is a particularly extensive problem. According to the most recent SREEC report, this type of discrimination accounts for 24% of the complaints it received¹⁷⁹. There are substantial differences between sexes: in a survey, only 19.1% of female respondents felt discriminated against in this area, while almost 57% of their male counterparts did¹⁸⁰. The Roma suffer the highest rates of discrimination, followed by persons from sub-Saharan Africa and then from North Africa. In a study, 49% of Roma had been harassed in shops, while 33% of people from sub-saharian Africa and 25% those from North Africa had been denied access to a night club, bar, restaurant, cinema or shop¹⁸¹.

NGOs have reported many cases of racism in bars and restaurants, shops, mobile phone companies, sports and financial services. The most common problems are insults, denial of access to premises, refusal to provide a service or providing it at a higher price for ethnic minorities and unfounded accusations of theft (especially in the case of Roma women¹⁸²). For instance, an employee of the savings bank 'Caixa Catalunya' stated that 'all doubtful debtors are foreigners' and refused to record a complaint by a person of migrant origin¹⁸³. Another person was denied a loan to buy a product in Media Markt due to his nationality¹⁸⁴. In the bar 'La Catedral' in Bilbao a Latin-American woman was assaulted by the owner while he said 'migrants are a piece of shit'¹⁸⁵. A Colombian national who wanted to sign a contract with the mobile phone company ONO was informed that the 'contractual risk fee' was 114 €, while for Spaniards it is 20€¹⁸⁶. Sos Racismo and EGAM conducted an investigation on entrance policies in pubs of Bilbao. Moroccans were not allowed to go in eight of them, black men were not allowed in three of them and white men were always allowed¹⁸⁷.

There are very strong prejudices against Muslims and persons of Arab origin. They are the group with most problems to access leisure premises and bars,

¹⁷⁹ SREEC, *Informe anual sobre la situación de la discriminación y la aplicación del principio de igualdad de trato por origen racial o étnico en España 2010* (Madrid, Ministerio de Sanidad, Política Social e Igualdad, 2011) p. 72.

¹⁸⁰ RED2RED, op. cit., p. 84.

¹⁸¹ Ibid, p. 71.

¹⁸² FSG, *Informe Anual FSG 2011*. op. cit., p. 16.

¹⁸³ Sos Racismo, *Informe Anual*, op. cit., p. 197.

¹⁸⁴ Ibid, p. 201.

¹⁸⁵ Ibid, p. 199.

¹⁸⁶ Ibid, p. 201.

¹⁸⁷ Ibid, p. 199.

and they are sometimes insulted with contemptuous words like ‘moor’ (‘moro’)¹⁸⁸.

6.5.2 Facilitating factor or protective measures to promote equality in accessing goods and services

The law transposing Directive 43/2000/EC forbids ethnic discrimination in access to goods and services¹⁸⁹ but this provision is rarely applied in practice. Leisure service providers and bars rely on the ‘right to admission’ (‘derecho de admisión’) to deny access to premises to ethnic minorities¹⁹⁰. This is prohibited by most regional laws because access cannot be denied on discriminatory grounds¹⁹¹. However, opportunities for redress are limited. They are normally based on administrative complaints before the Consumers’ Office¹⁹². The two main problems are that sanctions vary considerably in each region¹⁹³ and that the reversal of the burden of the proof is not always respected in administrative procedures. For instance, a Muslim woman who was discriminated against in a cafeteria in San Sebastian brought a complaint before the Basque Government, which replied saying that nothing could be done because it is ‘her word against that of the waitress’¹⁹⁴.

The Comprehensive Strategy against Racism provides only for specific actions in the field of sports¹⁹⁵ and awareness raising activities (not in goods and services as such). The latter refer to promoting ‘meeting places’ to build awareness through participation and to ‘analyse the degree of harmony or conflict on a local level [...] in neighbourhoods, public areas [...] and leisure and recreational spheres’¹⁹⁶. However, none of these actions have been implemented to date. As part of a project financed through the EU Progress programme, OBERAXE published a *Compendium of Success Stories in Implementing Local Awareness Raising Plans on Equal Treatment and Non Discrimination*¹⁹⁷. The objective of the publication is the dissemination of good practices by local authorities aimed at raising awareness of racism. Some Autonomous Communities, like Aragón, are also providing training on anti-discrimination legislation to its civil servants.

¹⁸⁸ Sos Racismo, *Informe Anual*, op. cit., p. 199-200.

¹⁸⁹ Ley 62/2003, de 30 de diciembre, de acompañamiento de los Presupuestos Generales para 2004.

¹⁹⁰ FSG, *Informe Anual FSG 2011*. op. cit., p. 16.

¹⁹¹ See e.g. Decreto 112/2012, de 31 de agosto, por el que se aprueba el Reglamento de espectáculos públicos y actividades recreativas (‘Catalonian Leisure Regulation’), art. 51; Ley de espectáculos, actividades recreativas y establecimientos públicos de Castilla La Mancha (‘Castilla La Mancha Leisure Law’), art. 29.

¹⁹² FSG, *Informe Anual FSG 2011*. op. cit., p. 16.

¹⁹³ For instance, art. 148.c.2 of the Catalanian Leisure Regulation allows fines between €15 001 and €50 000, while art. 49.1.b of the Castilla La Mancha Leisure Law provides for fines between €301 and €30 000.

¹⁹⁴ Sos Racismo, *Informe Anual*, op. cit., p. 202.

¹⁹⁵ Comprehensive Strategy, op. cit., p. 134.

¹⁹⁶ *Ibid*, p.143.

¹⁹⁷ Compendium of success stories in implementing local awareness-raising plans on equal treatment and non-discrimination (MTIN 2010), [http://www.oberaxe.es/files/datos/4e240bfb6f571/Compendio%20%20Ingl%C3%A9s%20\(2\).pdf](http://www.oberaxe.es/files/datos/4e240bfb6f571/Compendio%20%20Ingl%C3%A9s%20(2).pdf), accessed 15 October 2012.

6.6 Racism and related discrimination in political participation

6.6.1 Manifestations of racism and related discrimination in the realm of political participation

The Spanish Constitution only grants voting rights to foreign citizens when it has been established by a law or a treaty with reciprocity for Spanish citizens¹⁹⁸. Following the adoption of the Maastricht Treaty, European citizens can both vote and stand as candidates for the local elections and for the European Parliament elections¹⁹⁹. However, non-EU citizens are only granted the right to vote in the local elections if their country has entered a Reciprocal Bilateral Agreement (RBA) with Spain²⁰⁰.

Before the last local elections, held in May 2011, the former government led a campaign to sign RBAs with several countries. 15 RBAs were signed, but only nine came into force before the elections, namely, the ones signed with Cape Verde, New Zealand, Iceland²⁰¹, Bolivia, Peru, Paraguay, Ecuador, Colombia and Chile²⁰². In addition, Norwegians were also allowed to vote thanks to an agreement signed in 1991²⁰³. Agreements with countries like Morocco (whose citizens are the biggest non-EU community), Brazil or Mexico were not accepted by the Parliament because those countries do not grant voting rights to foreign nationals.²⁰⁴

Once voting rights for foreign nationals are recognised, individuals are still required to meet certain criteria before being allowed to vote: they must be over 18 years old, be registered at the municipality and have been legally resident for at least five years without interruption. They also need to apply for registration at the electoral register. Before the May 2011 local elections the government carried out a public information campaign about this procedure. However, it was considered ineffective because the information did not reach many foreign nationals. In addition, the procedure was complicated, cumbersome and the registration period was very short²⁰⁵. For these reasons, many migrants with voting rights did not apply to be listed at the electoral register. The electoral registration rate was especially low for non-EU citizens: while 62% of British, 58% of German and 26% of Romanian citizens

¹⁹⁸ Art 13(2) Spanish Constitution (1978).

¹⁹⁹ Art. 20(2)(b) Treaty on the Functioning of the European Union.

²⁰⁰ See ECRI, op. cit., at 159.

²⁰¹ Acuerdo mutuo. (BOCG. Sección Cortes Generales, serie A, 18/09/2009).

²⁰² Acuerdo mutuo. (BOCG. Sección Cortes Generales, serie A, 29/05/2009).

²⁰³ Acuerdo entre España y Noruega, (BOE 27/06/1991).

²⁰⁴ 'Los convenios para fomentar el voto inmigrante aportan 650.000 electores en las municipales de 2011', <http://www.portalelectoral.es/content/view/748/75/>, accessed 10 July 2012.

²⁰⁵ See e.g. Sáiz, E. 2011, 'Los extranjeros con derecho a voto en las elecciones municipales, entre la ilusión y el desencanto', *El País*, 25 Jan.; Martín, M. 2011, 'Los inmigrantes se quedan en casa el 22-M', *El Mundo*, 22 May.

registered, only 12% of Colombians, 13% of Ecuadorians and 14% of Peruvians did²⁰⁶.

Another means of acquiring voting rights is naturalisation. The standard period of continuous legal residence required is ten years.²⁰⁷ This is very long compared to other EU countries, many of whom only require four to six years²⁰⁸. In addition, the procedure is long and often discretionary²⁰⁹. According to the ECRI, the average length of time required to obtain the Spanish nationality is 15 years²¹⁰. Sos Racismo Aragón has also reported that the procedure has toughened because the criteria are being interpreted more strictly²¹¹. For these reasons, Spain scores only 39/100 at the MIPEX²¹².

However, political exclusion is not always linked with nationality. While most Roma living in Spain are Spanish citizens, a recent study shows that it is the community which suffers the highest rates of political exclusion of all minorities. The ratio of Roma who always vote in national elections is 10%, while it is 38% for the other excluded minorities and 53% for persons socially included²¹³. The study also reveals that social assistance benefits have not been effective in improving political participation²¹⁴.

6.6.2 Facilitating factor or protective measures to promote equality in accessing goods and services

In general, political parties do not implement internal diversity policies; in the most recent local elections there were only 1000 candidates of foreign origin²¹⁵. The Migration Policy Group toolkit to leverage diversity in parliament and political bodies has not been disseminated and is not being used in practice. In spite of efforts by some migrant associations to encourage political participation,²¹⁶ attempts to improve voting rights for foreign nationals have not had far-reaching results so far. Furthermore, political parties tend to

²⁰⁶ See Annex 2.

²⁰⁷ Art. 22(1) Civil Code. However, refugees only need five years of legal residence and citizens from Iberoamerican countries and other countries with special links need two years.

²⁰⁸ Huddleston, Thomas and Niessen, Jan, *Migrant Integration Policy Index (MIPEX) III. Spain*, www.mipex.eu, accessed 10 July 2012, p. 31.

²⁰⁹ Ibid.

²¹⁰ ECRI, op. cit., at 156-158.

²¹¹ Opinion provided by Sos Racismo Aragón in an *ad hoc* online survey.

²¹² Huddleston, Thomas and Niessen, Jan, op. cit., p. 31.

²¹³ Gómez Fortes, Braulio; Trujillo Carmona, Manuel, *Los excluidos también pueden votar: abstención y exclusión social en España* (Madrid; Fundación Alternativas, 2011) p. 33.

²¹⁴ Ibid, p. 34-35.

²¹⁵ However, they must have the Spanish nationality because non-EU citizens are not granted the right to stand in local elections. 'Partidos políticos españoles llevan entre sus candidatos a unos mil extranjeros', *Los Tiempos* 25 May 2011, http://www.lostiempos.com/diario/actualidad/internacional/20110517/partidos-politicos-espanoles-llevan-entre-sus-candidatos-a-unos-mil_126098_253792.html, accessed 11 July 2012.

²¹⁶ Martín, María, op. cit.

exploit populist concerns about migrants for their own political benefit.²¹⁷ For instance, the extremist party PxC has campaigned against granting voting rights to Moroccans²¹⁸. A small number of political parties were formed by migrants in the last local elections, like 'Comunidad Emigrante' in Madrid and 'Partido Castellano' in Catalonia²¹⁹.

The main institution to enable political participation by migrants is the *Forum for the Social Integration of Migrants (FSIM)*, which was created in 1994 as a means to promote migrant associations and link them with public policy makers²²⁰. It has consultative and reporting functions and it liaises with similar fora which have been created at regional level, such as the 'Foro Madrid de Diálogo y Convivencia'²²¹ or the 'Foro Valenciano de la Inmigración'²²². The FSIM currently has ten positions for migrants' associations and ten for NGOs which support migrants²²³. According to some academics, the role of migrant organisations in the FSIM is relatively weak due to the appointing procedure, which requires 'the inclusion of the organisation in official channels of dialogue as well as access to economic resources'²²⁴.

Other initiatives to foster migrants' active citizenship and participation are the Valencian 'Red de Asociaciones de Inmigrantes', the 'Mesas de Diálogo y Convivencia Distritales de la Ciudad de Madrid'²²⁵ or the *Municipal Council on Immigration of Barcelona*²²⁶.

²¹⁷ Zapata-Barrero, Ricard; Zaragoza, Jonathan; De Witte, Nynke, *Diversity, Immigration and Citizenship. Approaches for Diversity Management in the 21st Century in Spain* (Barcelona, Universitat Pompeu Fabra, 2009) p. 95-98.

²¹⁸ Observatorio Andalusi, *Informe especial I/2011*, op. cit., p. 19.

²¹⁹ Restrepo, Andrés, 'Nacen más partidos políticos que buscan el voto latino', *El Latino* (22/10/2010), <http://www.enlatino.com/portada/espana/nacen-mas-partidos-de-inmigrantes-21702>, accessed 14 July 2012.

²²⁰ De Lucas Martín, Javier, *Los derechos de participación como elemento de integración de los inmigrantes* (Bilbao; Fundación BBVA, 2008), p. 78.

²²¹ Zapata-Barrero, Ricard; Zaragoza, Jonathan; De Witte, Nynke, op. cit., p. 103.

²²² Cebrián, Juan Antonio, *Extranjería y Derecho de Sufragio* (Madrid; Fundación Ciudadanía y Valores, 2011) p. 17.

²²³ See its current composition in Resolución de 2 de noviembre de 2009, de la Secretaría de Estado de Inmigración y Emigración, por la que se publican las entidades propuestas y excluidas para cubrir las Vocalías del Foro para la Integración Social de los Inmigrantes en representación de las asociaciones de inmigrantes y refugiados y de las organizaciones sociales de apoyo.

²²⁴ Zapata-Barrero, Ricard; Zaragoza, Jonathan; De Witte, Nynke Zapata, op. cit., p. 100.

²²⁵ *Ibid*, p. 103.

²²⁶ *Ibid*, p. 105.

6.7 Racism and related discrimination in media

6.7.1 Manifestations of racism and related discrimination in the media, including the internet

Media coverage often associates migrants and ethnic minorities with criminal activities, domestic violence, murders, undocumented migrants (which are referred to as 'illegal immigrants'), unemployment and the informal economy²²⁷. Some academics have also identified a 'preventive discourse'²²⁸ around the ideas of 'control (of frontiers and people) and security (interception, retention, expulsion)' of migrants²²⁹. Journalists continue to make unnecessary references to ethnic origin or nationality in news reports.²³⁰ The internet presents new challenges in tackling the diffusion of racist discourses. Facebook, blogs and the 'comments' feature of online newspapers are often used to disseminate stereotypes and xenophobic ideas with little control by the owners of these sites²³¹.

Muslims (especially Moroccans) and Roma are presented particularly negatively in the media. 30% of discriminatory incidents reported to FSG in 2011 concerned bad practices by the media²³². Coverage of the Roma often centres on negative stereotypes; they are frequently associated with criminality. Generalisations such as 'many Romanian Roma survive thanks to robbery and begging' are very common.²³³ News about Muslims are often related to demonstrations against new Mosques, conflicts surrounding the veil, women's alleged oppression and sexism, cultural differences with Spaniards, terrorism and the threat of 'domination'²³⁴. Some media have also warned against the risks of granting Moroccans voting rights²³⁵.

²²⁷ Castaño Madroñal, Ángeles; Periañez Bolaño, Iván, 'Digital Press Discourses and Representations on Immigration, Islam and Immigrant Students in Andalusia', p.188-189, <http://www.ces.uc.pt/proyectos/tolerance/media/Working%20paper%205/Digital%20Press%20Discourses%20and%20Representations%20on%20Immigration%20Islam%20and%20Immigrant%20Students%20in%20Andalusia.pdf>, accessed 14 July 2012.

²²⁸ These authors argue that through the choice of specific types of news linked to frontiers' controls and security problems, the media contribute to create fears linked to migration. As a consequence, Spanish population tends to think that 'preventive' and control measures are necessary to avoid problems linked to an 'invasion'.

²²⁹ Ibid, p.188.

²³⁰ FSG, *Informe Anual FSG 2011*. op. cit., p.13 and information provided by Sos Racismo Aragón in an *ad hoc* online survey.

²³¹ For instance, a facebook group was created under the name 'You look more suspicious than a Roma jogging'. See this and other examples in FSG, op. cit. p. 22-24.

²³² FSG, *Informe Anual FSG 2011*. op. cit., p.13.

²³³ Vallvey, A. 2010, 'Rom, gitano rumano', *La Razón*, 2 May.

²³⁴ See many examples in Sos Racismo, *Informe Anual*, op. cit., 215-237.

²³⁵ GEES 2011 '¿Alcaldes Marroquíes en España?', *Libertad Digital*, 11 Jul., <http://www.libertaddigital.com/opinion/gees/alcaldes-marroquies-en-espana-60342/>, accessed 14 July 2012.

6.7.2 Facilitating factor or protective measures in the media

Representation of migrants and ethnic minorities in the mass media continues to be limited²³⁶. There are very few journalists from migrant backgrounds employed in the national media. This is partly related to problems with recognition of diplomas obtained in other countries. While there are a number of television programmes which cover the lives of migrants in Spain, diversity is not mainstreamed in regular programmes²³⁷. The ECRI has identified these problems as well as a media bias against migrants and has recommended establishing regulations to ensure media independence. It has also stressed the need to train journalists on equality issues²³⁸.

The Comprehensive Strategy against Racism highlights some of the past actions against racism in the media, like the publications 'Journalists against Racism' ('Periodistas contra el Racismo') in cooperation with Unión Romani and a practical guide for journalists edited by FSG²³⁹. The strategy proposes several new actions, like signing agreements with publicly owned media, promoting media self-regulation and training²⁴⁰ as well as the participation of minority groups²⁴¹.

Regarding the internet, the Comprehensive Strategy sets out the objectives of launching investigations on 'discriminatory-motivated crime committed through the Internet or social networks' and analyses legislation in order to find potential strategies for the fight against racist cybercrime²⁴². These actions and objectives are welcome but they are often not specific enough to be effective in practice.

²³⁶ Comprehensive Strategy, op. cit., p. 117.

²³⁷ Ibid.

²³⁸ ECRI, op. cit.

²³⁹ Comprehensive Strategy, op. cit., p. 120.

²⁴⁰ The National Roma Integration Strategy 2012-2020 also include actions to provide training to media professionals, see p. 27.

²⁴¹ Comprehensive Strategy, op. cit., p. 121

²⁴² Ibid, p. 128.

6.8 Racism and related discrimination in criminal justice

6.8.1 Policing and ethnic profiling²⁴³

In spite of criticism from many NGOs²⁴⁴ and the Committee on the Elimination of Racial Discrimination (CERD) request to put an end to stop and search practices, these have continued in 2011/2012. They are often carried in streets, metro or bus stops and parks, but they are also extending to bars, restaurants, telephone booths²⁴⁵ and even to premises of immigrant associations²⁴⁶. In some districts, like Lavapiés in Madrid, they are carried on a daily basis. Some report migrants having been stopped up to four times a day²⁴⁷. Persons who are stopped are often brought to police stations. They are then generally released without charge because they have rarely committed an offence²⁴⁸ or they are brought to detention centres if they are undocumented migrants. A number of individuals and organisations, who are actively trying to oppose these practices such as the photographer Edu León²⁴⁹ or BVODH, have been threatened or brought to court by police forces²⁵⁰.

Traditionally, the most vulnerable communities to ethnic profiling, unfair police treatment and criminalisation are Africans and Roma. However, during the past year several police abuses against members of the Romanian community have also been reported. In a survey, 54.7% of people from sub-Saharan Africa, 46.8% of from North Africa and 36.6% of Roma had been stopped for identity checks²⁵¹. In a FRA study, 81% of North-Africans interviewed had been stopped for identity checks, compared to only 30% of those belonging to the majority population²⁵². In general, men who are not white²⁵³ are more likely to be stopped by police forces.

²⁴³ The Open Society Institute defines 'ethnic profiling' as the 'use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity'.

²⁴⁴ Sos Racismo, MCI, AI and the Neighbourhood Brigades to observe compliance with human rights ('Brigadas Vecinales de Observación de los Derechos Humanos, BVODH), among others.

²⁴⁵ AI, *Parad el racismo, no a las personas* (Madrid: AI, 2011), p. 15.

²⁴⁶ MCI, *Informe Raxen No. 49. Amenaza de Intolerancia Religiosa 'La Matanza del Odio', Enero-Junio 2011* (Madrid: MCI, 2011) (p. 34).

²⁴⁷ Information provided by UCIDE on an *ad hoc* online survey.

²⁴⁸ Ferrocarril Clandestino. *Informe de investigación sobre controles, identificaciones y Detenciones* (n.p.; n.p., 2010) cited in AI, *Parad el racismo, no a las personas*, op. cit.

²⁴⁹ AI, *Parad el racismo, no a las personas*, op. cit., p. 17-18.

²⁵⁰ See BVODH, <http://brigadasvecinales.org/page/2/>, accessed 15 July 2012.

²⁵¹ RED2RED, op. cit., p. 66.

²⁵² FRA, *Police Stops and Minorities. European Union Minorities and Discrimination Survey* (Vienna: EU-MIDIS, 2010).

²⁵³ In a survey among ethnic minorities, 57% of men had been discriminated by the police, only 20% of women had. RED2RED, op. cit., p. 84.

Abuses by police forces and private security guards are very frequent and difficult to tackle because victims are afraid to take legal action, they face difficulty in providing evidence of the abuse and they often need to face false charges²⁵⁴. In addition, Police officials help one another to avoid prosecution for discrimination and greater weight is given to their testimony by judges²⁵⁵. According to the last SREEC report, Complaints against security forces amounted to 22% of the complaints received by the SREEC; it was the field with the highest proportion²⁵⁶.

Muslims are one of the groups most affected by ethnic profiling and police abuses, especially those originating from the Maghreb. In a recent study, 14.6% of respondents of North African origin had been detained or accused of a crime without any grounds²⁵⁷. In March 2011 a young Moroccan, Abdellah El Asli, who was playing football with some friends was unexpectedly arrested by two police²⁵⁸. They brought him to the police station and two hours later he was brought to the hospital unconscious and with a serious neck injury. His lawyer and some NGOs are trying to investigate what happened while he was at the police station. They suspect that he was physically abused by the policemen, but according to the official version he harmed himself in an attempt to avoid deportation²⁵⁹.

6.8.2 Racist violence and crime

Once again, monitoring racist violence and crime in Spain continues to be very difficult due to the lack of adequate data collection and official statistics.²⁶⁰ The Basque Country, Catalonia and Navarra began recording racist crimes in 2011.²⁶¹ The government announced very recently that it is going to change the methodology for crime data collection but it has not stated whether or not it will disaggregate crimes according to racial motivation²⁶². NGOs continue to report many criminal offences with racial motivation.

Incidents of racist violence involve both individuals and groups, including neo-Nazi groups²⁶³, radical political parties and extremist football supporters²⁶⁴. Perpetrators generally target people rather than properties, with the exception

²⁵⁴ Sos Racismo, *Informe Anual*, op. cit., p. 261-262. Police men tend to bring false charges for attacks on public authorities as a defensive strategy.

²⁵⁵ Ibid.

²⁵⁶ SREEC, op. cit., p. 22.

²⁵⁷ RED2RED, op. cit., p.67.

²⁵⁸ 'Un joven marroquí termina en la UVI tras haber sido detenido por la policía en Guadalajara', *Madrid 2 Noticias*, 18 Mar. 2012, http://www.madrid2noticias.com/n-8198-702-joven_marroqui_termina_UVI_tras_haber_sido_detenido_policia_Guadalajara, accessed 16 July 2012.

²⁵⁹ Díez, L. 2012, 'Un problema llamado Abdellah para el ministro Fernández Díaz', *Cuarto Poder*, 22 Apr., <http://www.cuartopoder.es/laespumadeldia/2012/04/22/un-problema-llamado-abdellah-para-el-ministro-fernandez-diaz/>, accessed 16 July 2012.

²⁶⁰ ECRI, op. cit.

²⁶¹ FRA, Annual Report 2011, op. cit., p. 157.

²⁶² Rodríguez, J. A. and Díez, A. 2012, 'El crimen bajó en 2011 pero Interior dice que los delitos están mal contados', *El País*, 25 Apr..

²⁶³ Including neonazi concerts. MCI, *Informe Raxen No. 49*, op. cit., p. 16-17.

²⁶⁴ Ibid, p. 24, 31-33.

of the neo-Nazi graffiti which can be found in some areas²⁶⁵. In April 2011 a Valencian court condemned two extreme right youths to more than two years of imprisonment for stabbing an extreme left wing activist in a fight²⁶⁶. There is also an increasing problem with racist cybercrime, especially in social networking²⁶⁷.

Article 22(4) of the Criminal Code (CRC) provides that racist motivation is an aggravating circumstance for certain offences and can lead to the imposition of a harsher penalty. However, it is often difficult to prove because witnesses fear retaliation. In addition, few police officials have been trained to collect all the necessary information when a racist crime is reported. In some cases police officials informed migrants that it is not possible to report racist crimes²⁶⁸. However, the procedure could improve in the future in Catalonia because the Barcelona Public Prosecutor Office against Hate Crimes is setting up a procedure for collecting data through a new police protocol.

6.8.3 Hate speech

There are four main situations where hate speech arises: (1) incidents with neo-Nazi groups and concerts by radical music bands²⁶⁹, (2) sport events, especially football matches, (3) comments in blogs and social networks and (4) discourses of extremist political parties²⁷⁰. In March 2011 a football match was suspended in Trujillo because a Colombian and two Moroccan players were insulted by the supporters of the other team²⁷¹. There was also the case of a punk group called 'Islam' who released a song with the lyrics 'I'm going to kill Pilar Rahola'²⁷², a journalist who wrote a book called 'The Islamic Republic of Spain'.

During the last year, Romanians, Roma and Muslims were the targets of hate speech in political discourse. In October the Barcelona Prosecutor for Hate Crimes and Discrimination opened a case against the Popular Party's leader in Badalona for distributing campaign materials linking Romanian immigrants to crime and insecurity. The prosecutor launched a similar investigation against the leader of the anti-immigrant party Platform for Catalonia (PxC) for calling for the expulsion of all Muslims from Spain.²⁷³ Another member of the PxC claimed on Facebook that Moroccans should be exterminated. These declarations are being investigated by the Hate Crimes prosecutor of Barcelona²⁷⁴.

²⁶⁵ Ibid, p. 38.

²⁶⁶ Ibid, p. 45.

²⁶⁷ 'Pilar Rahola se querrela contra el grupo 'punk' Islam por amenazas de muerte', *El País*, 7 Jun.2011.

²⁶⁸ Sos Racismo, *Informe Anual*, op. cit., p. 119.

²⁶⁹ These bands usually sing songs with xenophobic messages and they attract groups of people with similar ideas, which sometimes gives rise to incidents after the concerts.

²⁷⁰ See several examples in MCI, *Informe Raxen No. 49*, op. cit.,

²⁷¹ Sos Racismo, *Informe Anual*, op. cit., p. 306-307.

²⁷² MCI, *Informe Raxen No. 49*, op. cit., p. 25.

²⁷³ US Religious Freedom Report. Spain, p. 11.

²⁷⁴ Observatorio Andalusi, *Informe especial I/2011*, op. cit., p. 19.

In principle, the Spanish legislation conforms with the Framework Decision on Racism and Xenophobia (FDEX). The CRC includes several provisions which prohibit incitement to racial hatred in several fields, including incitement in the context of meetings and demonstrations²⁷⁵. It also prohibits associations which have the purpose of inciting racial hatred²⁷⁶. However, some authors consider that the current interpretation of article 510 CRC is too strict. Incitement to racial hatred must lead to a real danger in order to be punished²⁷⁷, which makes the application of article 510 CRC very difficult in practice. It should also be noted that articles 510-512 CRC are only applicable to natural persons, not to legal entities²⁷⁸. Finally, article 607 CRC, which used to prohibit the denial of genocide, was declared unconstitutional in 2007²⁷⁹, and it has not been replaced or redrafted.

6.8.4 Counter terrorism

As in 2010/11, international organisations and NGOs have continued to request the abolition of the 'incomunicado detention'²⁸⁰, which is a special measure which can be adopted when terrorist suspects are captured. It allows holding them in prison for up to 13 days without any external contact²⁸¹. The measure must be authorised by a judge, but this is not sufficient to guarantee that the rights of detainees are respected. Experts consider that the use of video recording in all police premises would help to deter the police from abusing detainees²⁸².

It is difficult to determine to what extent abuses against ethnic minorities are the consequence of counterterrorism measures or are a result of racism more broadly. Since the 11S, and especially after the Madrid bombings in 2004, the Muslim community is the ethnic minority which is most affected by counter terrorism measures. The press has reported several police investigations of alleged 'jihadists'²⁸³, but is difficult to determine the scope of these investigations and to what extent reports are factually accurate.

In October 2011 several Muslim police from the National Police Force were investigated due to their extremist views and their alleged links with Islamic terrorists.²⁸⁴ In the past years, several soldiers from Ceuta and Melilla have

²⁷⁵ Arts 510 and 514 CRC.

²⁷⁶ Art. 515(5) CRC.

²⁷⁷ Aguilar, M. Angel, 'Necesaria reforma del artículo 510 del Código Penal', in MCI, *Informe Raxen Especial. Acción Jurídica contra el Racismo y los Crímenes del Odio*, (Madrid: MCI, 2010) p.11-19.

²⁷⁸ Ibid and SAP of Barcelona, of 26/04/2010.

²⁷⁹ STC 235/2007, of 07/11/2007.

²⁸⁰ See e.g. Coordinadora para la Prevención de la Tortura, *La Tortura en el Estado Español* (Sevilla: n.p., 2012); UN General Assembly, Report of the Committee against Torture 2010, UN Doc. A/65/44.

²⁸¹ Arts. 55(2), 17(2) and 18(2) CE; art. 520bis and 527 of the Code of Criminal Procedure (CCRP), Real Decreto de 14 de septiembre 1882.

²⁸² De la Cuadra, B. 2012, 'Contra la tortura, sin excepciones', *El País*, 11 Feb.

²⁸³ See e.g. 'Detenido en Valencia un presunto yihadista que formaría parte de Al Qaeda', *La Vanguardia*, 27 Mar.2012.

²⁸⁴ Irujo, J. M. 2011, 'Hay policías islamistas', *El País*, 1 October.

been expelled for this reason. However, following a judicial decision, one of them was readmitted because the accusation was unfounded²⁸⁵.

6.8.5 Facilitating factor or protective measures in criminal justice

Data collection on hate crime and hate speech has improved, but is still very limited. The Barcelona Public Prosecutor Office published official data for 2010, but figures are not yet available for 2011. Similarly, the SREEC latest reports and surveys concern the year 2010. Specialised prosecutor offices have also been created in Madrid and Malaga and in 2011 the General Prosecutor appointed another one for the whole country²⁸⁶.

Extremist political discourses have created some public debate on the problem of hate crime and in a few cases politicians have been prosecuted and convicted. However, no positive action measures are being taken to improve protection against criminal violence, Islamophobia and ethnic profiling.

As it was noted in the 2010/11 report, the internal rule 1/2010 has been strongly criticised for encouraging police raids against migrants and ethnic profiling in general. After two years of NGOs campaigns against it, the Ministry of Interior issued a new internal regulation in May 2012 stating that identity checks must be carried in a 'selective' and 'respectful' way²⁸⁷. It also underlines the need to prevent abuses and avoid detaining persons, unless it is not possible to identify them and they have committed an offence²⁸⁸. The new rule also stresses that the fact that a person is not a legal resident is not a sufficient ground to bring him to a police station²⁸⁹.

In a recent judgment the European Court of Human Rights (ECHR) has condemned Spain for degrading treatment and racial discrimination in a case of ethnic profiling where a woman of Nigerian origin, Beauty Salomon, was ill-treated by the police forces during an identity stop²⁹⁰. The Spanish authorities were found to have violated the European Convention due to their failure to carry out an effective investigation on the verbal and physical abuses reported by the victim. After the exhaustion of all the internal remedies, the NGO Women's Link brought the case before the ECHR, which has condemned Spain to compensate Ms Salomon with 30 000 euros²⁹¹.

²⁸⁵ Ibid.

²⁸⁶ González, A. 2011, 'Un fiscal especializado para los casos de discriminación', *Público*, 1 Jan.

²⁸⁷ Circular X/2012, de la Dirección General de Policía, <http://www.intermigra.info/extranjeria/archivos/impresos/CIRCEXDGP.pdf>, accessed 16 July 2012.

²⁸⁸ Ibid, at 2.

²⁸⁹ Ibid, at 3.

²⁹⁰ *B. S. v Spain*, judgment of 24/07/2012 (app. no. 47159/08), ECHR.

²⁹¹ Ibid.

7. Civil society assessment and critique in ensuring protection of fundamental rights

Many NGOs are very concerned about the consequences that the **budget cuts** linked with the crisis are having on vulnerable communities, especially with the new restrictions to access to **healthcare**. There are currently around 500,000 undocumented migrants in Spain who could lose their right to access the healthcare system in the second half of 2012²⁹². However, this figure could rise to 700 000 if we take into account that many migrants are losing their jobs²⁹³ and that children will lose their rights to access the healthcare system as soon as they are 18²⁹⁴. Civil society organisations are especially concerned about the consequences for patients with chronic illnesses, like tuberculosis, diabetes or AIDS. MM and Red Acoge, among others, have launched a number of campaigns in protest at the new law. The latest MM action is called 'For a right to treat patients' ('Derecho a curar') and encourages doctors to disobey the new law²⁹⁵.

NGOs are also increasingly worried about the **spread of discriminatory discourses**, especially among politicians and through the social networks, blogs and comments to digital newspapers. FSG has drawn attention to the role of the internet in disseminating racist and xenophobic messages because messages spread very fast and it is more difficult to control than other media²⁹⁶.

Ethnic profiling continues to be a pressing problem. Migrants' rights are often abused when they are detained for identity checks and policemen are rarely investigated by an independent authority. Police forces need to be trained in human rights and diversity management²⁹⁷.

The creation of the SREEC and the NARED was a positive development, but with the crisis there are some **risks that the SREEC will not have enough resources to continue functioning properly**. It is crucial to ensure its independence and financial resources for its further development. The adoption of the Comprehensive Equality Bill proposed by the former government is also necessary to support the work of the SREEC, broaden its horizons, improve equality law enforcement and provide a sound legal basis for the Comprehensive Strategy Against Racism. The Office of the Public

²⁹² Tellez, J. J. 2012, 'Crece el número de autonomías rebeldes que seguirán atendiendo a los sin papeles', *Público*, 30 Aug.

²⁹³ Residency status depends in most cases from employment. The government has changed the legislation to restrict access to healthcare to migrants with resident permit, so the number of migrants having access to healthcare will decrease due to the high unemployment rates.

²⁹⁴ 'Los inmigrantes se movilizan por la 'salud pública universal'', <http://www.lne.es/espana/2012/08/31/inmigrantes-movilizan-salud-publica-universal/1291766.html>, accessed 10 August 2012.

²⁹⁵ MM, Derecho a curar, <http://www.medicosdelmundo.org/derechoacurar/>, accessed 10 August 2012.

²⁹⁶ Information provided by FSG in an *ad hoc* online survey.

²⁹⁷ See section 6.8.1.

Prosecutor against Hate Crime should be expanded to collect data of racially motivated crime throughout the country. In addition, more Public Prosecutor Offices against Hate Crime should be created and data collection on racist offences should be ensured for the whole country.

A number of NGOs have expressed concerns about ways in which the **age of unaccompanied minors** is determined²⁹⁸. In a recent report the Ombudsman denounced a practice whereby many minors have to pass 'age checks' even if they have a passport because judges tend to assume that they are false²⁹⁹. In 2010, 2508 files were opened to determine the age of minors³⁰⁰. The procedure to determine their age is different depending on the administrative body; the criteria are not precise and may lead to arbitrary conclusions. In some cases radiological age tests have led to the determination of three different ages for the same minor, depending on the hospital where the checks were carried³⁰¹. One of the minors who was interviewed for the Ombudsman report explained: 'the machine says that I am 18. But the machine is not my mother. Only my mother knows when I was borne'³⁰².

Finally, the *Spanish Roma Integration Strategy*³⁰³ should help to improve further the situation of Roma, including non-Spanish Roma. The Strategy was drafted with the participation of three levels of public administrations (national, regional and local) and with the collaboration of most Roma associations. It takes into account the 10 Common Basic Principles on Roma Integration and for specific measures, temporary and quantitative objectives for the four key areas (education, employment, health and housing). However, its implementation could be at risk because current budget cuts could reduce the allocation of funds and the access to social services³⁰⁴.

²⁹⁸ Sos Racismo, *Informe Anual*, op. cit., p.241-258.

²⁹⁹ Defensor del Pueblo, *¿Menores o adultos? Procedimientos para la determinación de la edad* (Madrid: Defensor del Pueblo, 2011).

³⁰⁰ Ibid, p.29. These are the most recent data available.

³⁰¹ Sos Racismo, *Informe Anual*, op. cit., p, 257.

³⁰² Defensor del Pueblo, *¿Menores o adultos?*, p.5.

³⁰³ National Roma Integration Strategy in Spain 2012-2020.

³⁰⁴ European Roma Coalition (ERPC), *Analysis of the National Roma Integration Strategies* (n.p.; n.p.; 2012), p.21.

8. Good practices

Example of NGO Good Practice in Employment

-Fundación Alares is currently promoting a 'Diversity Charter'; a voluntary code to which Spanish companies can adhere. The project seeks to demonstrate and improve the private sector's commitment towards equal opportunities and social inclusion. The Charter endorses the principles contained in the RED and the Framework Directive. There are currently 545 signatories, including consultancy firms, multinational companies and Social and Medium-sized Enterprises (SMEs)³⁰⁵.

-The FSG programme 'Acceder' started in 2000 and is currently active in 14 Autonomous Communities. In 2011 it was recognised as an official employment agency by the Labour Ministry. 'Acceder' seeks to improve employment opportunities for Roma, especially women and young people. It provides training as well as mediation between job seekers and employers. To date, 67,000 persons have participated in the programme; 67% of them were Roma and 53% were women³⁰⁶.

Example of NGO Good Practice in Education

- MCI has distributed a musical video with a song entitled 'Rap against Racism' to 3000 schools in order to make pupils aware of the problem of racism. The song has been created through the collaboration of several singers and rap bands and aims at becoming an anthem against racism in schools³⁰⁷.

-FSG has developed the programme 'Promociona' to unite the efforts of Roma pupils, their families and schools to combat school dropout rates. The project seeks to improve pupils' performance, decrease dropout rates and ensure that they go on to further study after completing mandatory secondary education. The programme puts a strong emphasis on encouraging pupils to obtain the qualification of 'Graduado en ESO'³⁰⁸.

³⁰⁵ Fundación Alarés, Charter de la Diversidad, Charter de la Diversidad, http://www.fundaciondiversidad.org/index.php?option=com_content&view=article&id=96&Itemid=105, accessed 11 August 2012.

³⁰⁶ FSG, Acceder Programme, http://www.gitanos.org/que-hacemos/areas/empleo_y_formacion_profesional/acceder.html, accessed 10 August 2012.

³⁰⁷ MCI, Rap contra el Racismo, <http://www.movimientocontralaintolerancia.com/html/admin/verNoticia.asp?cod=1905&esBusq=True>, accessed 2 August 2012.

³⁰⁸ 'Graduado en ESO' stands for Compulsory Secondary Education Certificate. See FSG, Programa Promociona, <http://www.gitanos.org/que-hacemos/areas/educacion/promociona>, accessed 11 August 2012.

Example of NGO Good Practice in Housing

-In 2011 Sos Racisme Catalunya successfully mediated in several racist conflicts between neighbours. In one case, the representatives of Sos Racisme Catalunya worked together with the lawyers of the parties in order to reach an agreement whereby the victim would drop the criminal prosecution if the offender apologised³⁰⁹.

-The Regional Government of Guipuzkoa, the City Council of Astigarraga and the association Romi Bidean, among others, have developed an inter-institutional programme to improve the living conditions of Romanian Roma. The project targets Roma who live in shanty towns. Their main actions are focused on cleaning the area and trying to establish minimum maintenance levels³¹⁰.

Example of NGO Good Practice in Health

In December 2011 the Regional Government of Galicia provided several courses on mediation in the field of healthcare for migrants' associations, professionals and voluntary workers from NGOs. The courses sought to explain how the healthcare system works in Spain and focused on aspects which are of special interest for migrants³¹¹.

Example of NGO Good Practice in Access to Goods and Services

No good practices have been identified in this field.

Example of NGO Good Practice in Promoting Political Participation

No good practices have been identified in this field.

Example of NGO Good Practice in Media

With the support of the City Council of Barcelona, several associations, like Caritas, Sos Racisme Catalunya and Interculturalit i Convivencia, have created a 'Network Against Rumours' ('Red Antirumores'). The aim of the project is to fight prejudices against migrants not only through the information which is provided on the website, but also through funny sketches which can be shared on social networks. They try to explain with humor that the alleged accusations that migrants overuse the healthcare system, that they do not have jobs, that they do not respect the rules, etc. are not true³¹².

³⁰⁹ Sos Racismo, *Informe Anual*, op. cit., p. 110-111.

³¹⁰ 'La Diputación impulsa medidas para mejorar la vida de los rumanos chabolistas de Gipuzkoa', *Diario Vasco* 31 May 2012.

³¹¹ Xunta de Galicia, Cursos de Mediación Intercultural Sanitaria, <http://emigracion.xunta.es/es/actualidad/cursos-mediacion-intercultural-sanitaria>, accessed 9 August 2012.

³¹² Xarxa BCN Antirumors, <http://bcnantirumors.cat/>, accessed 8 August 2012.

Example of NGO Good Practice in Criminal Justice

-The 'Platform for Diversity Management among Police Forces' (Plataforma por la diversidad en la gestión policial) was created in 2010 by police force representatives and several NGOs, including FSG and the Open Society Justice Initiative (OSJI). The project seeks to introduce changes in the way that police forces interact with ethnic minorities. For this purpose, several actions have been taken, for instance, training courses promoting fair practices in identity checks and direct contact with vulnerable communities. The Platform also supports the collection of data relating to racist crime and an increase in recruitment of police officers from ethnic minority groups³¹³.

After the 2011 local elections, where the vote for the racist party PxC increased significantly in Catalunya, Sos Racisme Catalunya started a campaign called 'Any racist in Local Councils' ('Ningún racista en los ayuntamientos'). The aim of this initiative was to counter this worrying populist trend and to raise awareness against the risks entailed by this type of discourse.³¹⁴

³¹³ Plataforma por la Gestión Policial de la Diversidad, Manifiesto por la Gestión Policial de la Diversidad, http://gestionpolicialediversidad.org/quienes_somos.html, accessed 9 August 2012.

³¹⁴ Information provided by Sos Racisme Catalunya in an *ad hoc* on line survey.

9. National recommendations

Special Focus: Muslim Communities

- Public authorities should promote interaction between Muslims and other citizens to improve understanding and fight prejudice, for instance, through the participation in 'neighbours' boards'³¹⁵.
- The obstacles for building mosques and burial sites should be removed.
- The Regional Governments should increase the number of schools where Islam classes are available.

Employment

- An information campaign should be launched about the new household workers' legislation.
- Positive action measures should be used to encourage diversity policies in companies.
- The Labour Inspection authority should be more active in initiating proceedings against companies which exploit unemployed migrants.

Education

- The discriminatory criteria for the allocation of schools should be replaced by measures which ensure equal opportunities.
- Schools should be perceived as a 'community' where teachers, families and pupils work together. This could improve integration and school performance.

Housing

- The Government and local authorities should promote mediation between real state agencies, landlords and tenants.
- Evictions carried in shanty towns should take into account the needs and the rights of the persons who live there.

Health

- The new law which limits access to the healthcare system for undocumented migrants should be repealed.

Access to goods and services

- The Government should launch a campaign to stress that the 'right of admission' of property owners and service providers must not endorse discrimination.
A new system of civil and administrative sanctions should be established in order to deter discriminatory behaviour and facilitate victims' redress.

³¹⁵ In Spanish they are called 'juntas vecinales'. These are meetings where neighbours propose ideas for common activities and to improve the management of the neighborhood.

Criminal justice

- Racist crime figures should be available for the whole territory and police officers should observe special protocols when a racist offence is reported.
- Discriminatory identity checks must stop.
- Human rights training for police forces should be improved and independent investigation procedures should be available in the event of abuse.

Media

- Journalism study programmes should include special courses on how to report news in a way that promotes diversity and understanding, instead of fostering prejudices.
- Positive action measures should encourage an increase in the number of journalists employed in national mass media.

10. Conclusion

Aggravation of the economic crisis has been one of the defining features of 2011/2012. This has had many negative consequences for social inclusion programmes and has fostered a rise in xenophobic discourses. However, there were also some positive developments. One such development was the adoption of the **National Roma Integration Strategy**, which builds on the *10 Common Basic Principles on Roma Integration* and incorporates prior Spanish experience. It sets time frames and quantitative objectives in four key areas (education, employment, health and housing), which should facilitate the evaluation process in the future.

In the field of **criminal justice**, the General Prosecutor appointed a specialized prosecutor responsible hate crime throughout the country. This measure was supported by the Comprehensive Equality Bill. However, this has not been adopted due to the change in government. Nevertheless, the appointment of a specialized prosecutor should be considered an important symbolic step. In addition, the new government has officially changed its policy towards identity checks in an attempt to stop ethnic profiling. It is hope that this will lead the police to treat migrants and a more respectful and fair manner in the future.

In the area of employment, one of the most important developments was the **reform of domestic workers' rights**. The new law establishes compulsory resting times and a proportional contribution to the social security system. On the whole, it is a positive step to provide domestic workers with the same level of protection enjoyed by other workers and to put an end to the double discrimination suffered by the numerous migrant women who are employed as domestic workers.

Migrants' rights in the field of **political participation** are still limited. However, before the 2011 local elections an effort was made to extend voting rights to non-EU nationals. The Spanish government commenced negotiations with a number of countries to sign Reciprocal Bilateral Agreements under which their citizens would be allowed to vote in the Spanish local elections. While in the end, only 10 agreements were in force before the elections, the fact that this initiative was taken should be seen as a step forward.

Overall, 2011/12 was a difficult period for Spanish society as a whole, but it was even more difficult for communities vulnerable to racism and social exclusion. The economic downturn has led to budget cuts in the fields of healthcare, education, etc. and to a radicalization of political discourses. NGOs and migrants' associations have strongly raised their voices to protect the rights of ethnic minorities and are playing a crucial role in creating a public debate about the dangers that these budget cuts may entail.

Bibliography

- '50 metros cuadrados para 11 inquilinos', *El País*, 8 May 2011.
- Aguilar, M. Angel, 'Necesaria reforma del artículo 510 del Código Penal', in MCI, Informe Raxen Especial. Acción Jurídica contra el Racismo y los Crímenes del Odio RAXEN 2010, (Madrid: MCI, 2010)
- AI, *Parad el racismo, no a las personas* (Madrid: AI, 2011)
- AI, *Spain: Submission to the UN Committee on Economic, Social and Cultural Rights, 48th Session* (London: AI Publications, 2012)
- Benedi Lahuerta, Sara, 'Regulating the use of full face covering veil: which model should Spain adopt?' *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado*, 28 (2012),
http://www.iustel.com/v2/revistas/detalle_revista.asp?id_noticia=411261, accessed 2 July 2012.
- Benedi Lahuerta, Sara, ENAR Shadow Report 2010/2011: Spain (Brussels: ENAR, 2011).
- Bilbao, Saioa, '¿Por qué las mezquitas no?', in Sos Racismo, *Informe Anual sobre el Racismo en el Estado Español 2012* (San Sebastián: Tercera Prensa, 2012).
- BVODH, <http://brigadasvecinales.org/page/2/>, accessed 15 July 2012.
- Cachón, Lorenzo, *Inmigración y Conflictos en Europa. Aprender para una mejor convivencia* (Barcelona: Marcial Pons, 2011).
- Castaño Madroñal, Ángeles; Periañez Bolaño, Iván, 'Digital Press Discourses and Representations on Immigration, Islam and Immigrant Students in Andalusia',
<http://www.ces.uc.pt/proyectos/tolerance/media/Working%20paper%205/Digital%20Press%20Discourses%20and%20Representations%20on%20Immigration%20Islam%20and%20Immigrant%20Students%20in%20Andalusia.pdf>, accessed 14 July 2012.
- CEAR, *La situación de las personas refugiadas en España. Informe 2012* (Madrid: CEAR, 2012).
- Cebrián, Juan Antonio, *Extranjería y Derecho de Sufragio* (Madrid: Fundación Ciudadanía y Valores, 2011).
- CERD, *Concluding Observations on Spain* (adopted 09/03/2011), UN Doc. CERD/C/ESP/CO/18-20
- CGAE, *Informe de la Subcomisión de Extranjería del CGAE sobre el borrador del reglamento de la ley de extranjería*, 18/02/2011,
<http://www.intermigra.info/extranjeria/archivos/revista/InfReloexSEx.pdf>, accessed 1 July 2012.
- CIS, Estudio Nº 2.861. Barómetro de febrero 2011.
- CIS, Estudio Nº 2.944. Barómetro de mayo 2012.

Coordinadora para la Prevención de la Tortura, *La Tortura en el Estado Español* (Sevilla: n.p., 2012)

De Benito, E. 2012, 'Los inmigrantes irregulares tendrán tarjeta sanitaria hasta el 31 de agosto', *El País*, 24 Apr.

De Benito, E.; Nogueira, C. 2012, 'Sanidad dejará sin tarjeta a 150.000 inmigrantes en un plazo de dos años', *El País*, (23 Apr.

De la Cuadra, B. 2012, 'Contra la tortura, sin excepciones', *El País*, 11 Feb.

De Lucas Martín, Javier, *Los derechos de participación como elemento de integración de los inmigrantes* (Bilbao; Fundación BBVA, 2008).

Defensor del Pueblo, *¿Menores o adultos? Procedimientos para la determinación de la edad* (Madrid: Defensor del Pueblo, 2011).

'Desalojo y derribo de chabolas en el Gallinero', (06/03/2012)
<http://gitanosrumanoselgallinero.blogspot.be/2012/03/desalojo-y-derribo-de-chabolas-en-el.html>, accessed 7 July 2012.

'Detenido en Valencia un presunto yihadista que formaría parte de Al Qaeda', *La Vanguardia*, 27 Mar. 2012.

'Detenido por explotar en su fina presuntamente a trabajadores', *ABC*. 5 Nov. 2011.

'Detenidos por vender contratos falsos a inmigrantes', *Diario Información*, 1 Sep. 2011.

Díez, L. 2012, 'Un problema llamado Abdellah para el ministro Fernández Díaz', *Cuarto Poder* 22 Apr.,
<http://www.cuartopoder.es/laespumadeldia/2012/04/22/un-problema-llamado-abdellah-para-el-ministro-fernandez-diaz/>, accessed 16 July 2012.

Echeazarra, S. 2011, 'Maroto endurece los requisitos para inscribirse en el padrón', *El Correo*, 16 Nov.

ECRI, *Report on Spain (fourth monitoring cycle)*, (Strasbourg: Council of Europe, 2011).

'El Ayuntamiento derriba una casa en la Cañada Real', *El País*, 6 Sep 2011.

'El retorno voluntario de inmigrantes sin recursos se paraliza', *Europapress*, 15 May 2012, <http://www.europapress.es/sociedad/noticia-retorno-voluntario-inmigrantes-recursos-paraliza-20120513130355.html>, accessed 1 July 2012.

'Elecciones generales 2011', *El País* 2012,
<http://resultados.elpais.com/elecciones/generales.html>, accessed 1 July 2012.

European Roma Coalition (ERPC), *Analysis of the National Roma Integration Strategies* (n.p.: n.p.; 2012).

'Expulsada de un examen por negarse a quitarse el 'hijab'', *El Mundo*, 3 Oct. 2011.

'Federación Gitana y Comunidad firman un convenio para promover el acceso del colectivo a los recursos sanitarios',
<http://www.unionromani.org/notis/2011/noti2011-04-20b.htm>, accessed 20 July 2012.

Foro para la Integración Social de los Inmigrantes, *Informe sobre la situación de la integración social de los Inmigrantes y Refugiados* (n.p.: Ministerio de Trabajo e Inmigración, 2011).

Foro para la Integración Social de los Inmigrantes', <http://extranjeros.empleo.gob.es/es/ForoIntegracion/2010-2013/dictamenes/>, accessed 01 July 2012.

FRA, *Annual Report 2011. Fundamental rights: challenges and achievements in 2011* (Luxembourg: POEU, 2012)

FRA, *Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States*, (Luxembourg: POEU, 2011).

FRA, *Police Stops and Minorities. European Union Minorities and Discrimination Survey* (Vienna; EU-MIDIS, 2010).

FRA, *The situation of Roma in 11 Member States* (Luxembourg, POEU, 2012).

FSG, Acceder Programme, http://www.gitanos.org/que-hacemos/areas/empleo_y_formacion_profesional/acceder.html, accessed 10 August 2012.

FSG, *Informe Anual FSG 2011. Discriminación y Comunidad Gitana* (Madrid: FSG, 2011).

FSG, *Población Gitana, Empleo e Inclusión Social. Un Estudio Comparado: Población Gitana Española y del Este de Europa 2011* (Madrid: FSG, 2012).

FSG, Programa Promociona, <http://www.gitanos.org/que-hacemos/areas/educacion/promociona>, accessed 11 August 2012.

Fundación Alarés, Charter de la Diversidad, Charter de la Diversidad, http://www.fundaciondiversidad.org/index.php?option=com_content&view=article&id=96&Itemid=105, accessed 11 August 2012.

Galindo García, A, 2012, 'El Islam, Dificultades para el diálogo', *El adelantado de Segovia*, 24 Jun.

García, J. 2011, ' Condenado un concejal de PxC por difundir panfletos xenófobos', *El País*, 18 Nov.

GEES, '¿Alcaldes Marroquíes en España?', Libertad Digital (11/07/2011), <http://www.libertaddigital.com/opinion/gees/alcaldes-marroquies-en-espana-60342/>, accessed 14 July 2012.

Giménez Romero, Carlos, *Convivencia social e intercultural en territorios de alta diversidad* (Barcelona: Obra Social La Caixa, 2012).

Giménez Romero, Carlos, *Encuesta 2010 sobre convivencia intercultural en el ámbito local. Informe General* (Barcelona: Obra Social La Caixa, 2012).

Gobierno Vasco, Dirección de Inmigración y Gestión de la Diversidad, Plan de Inmigración, Ciudadanía y Convivencia Intercultural 2011-2013, <http://www.gizartelan.ejgv.euskadi.net>, accessed 7 July 2012.

Gómez Fortes, Braulio; Trujillo Carmona, Manuel, *Los excluidos también pueden votar: abstención y exclusión social en España* (Madrid; Fundación Alternativas, 2011)

Herraiz, Pablo, 'Hotel' chino: 10 euros por dormir en sillas', *El Mundo*, 22 Feb. 2012.

Huddleston, Thomas and Niessen, Jan, *Migrant Integration Policy Index (MIPEX) III. Spain*, www.mipex.eu, accessed 10 July 2012.

II Strategic Plan on Citizenship and Integration (2011-2014).

INE, Encuesta Nacional de Población Activa. Primer trimestre de 2012 (27/04/2012).

INE, Revisión del Padrón municipal 2011. Datos a nivel nacional, comunidad autónoma y provincia, <http://www.ine.es/jaxi/tabla.do>, accessed 1 July 2012.

Irujo, J. M. 2011, 'Hay policías islamistas', *El País*, 1 Oct. .

'La Diputación impulsa medidas para mejorar la vida de los rumanos chabolistas de Gipuzkoa', *Diario Vasco*, 31 May 2012.

'La niña expulsada del colegio por llevar velo podría ir a estudiar a Marruecos', *El Mundo*, 23 June 2011.

'La venta de contratos en España no para', *Legalcity*, 10 Apr. 2012.

'Los convenios para fomentar el voto inmigrante aportan 650.000 electores en las municipales de 2011', <http://www.portalelectoral.es/content/view/748/75/>, accessed 10 July 2012.

'Los inmigrantes se movilizan por la 'salud pública universal'', <http://www.ine.es/espana/2012/08/31/inmigrantes-movilizan-salud-publica-universal/1291766.html>, accessed 10 August 2012.

Marin, P. 2012, 'De 'chachas' a empleadas con derechos', *El País*, 8 Apr..

Martín, M. 'Los inmigrantes se quedan en casa el 22-M', *El Mundo*, 22 May.

MCI, Informe *Raxen No. 49, Amenaza de Intolerancia Religiosa 'La Matanza del Odio'*, Enero-Junio 2011 (Madrid; MCI, 2011).

MCI, Informe *Raxen No. 50. Estrategia Integral contra el Racismo, a Xenofobia y la Intolerancia* (Madrid: MCI, 2011).

MCI, Rap contra el Racismo, <http://www.movimientocontralaintolerancia.com/html/admin/verNoticia.asp?cod=1905&esBusq=True>, accessed 2 August 2012.

Metroscopia, *Valores, Actitudes y Opiniones de los Inmigrantes de Religión Musulmana* (Madrid: Gobierno de España, 2011).

Ministerio de Educación, Cultura y Deporte, *Datos y cifras del sistema universitario español. Curso 2011/2012* (Madrid: Subdirección General de Documentación y Publicaciones, 2011)

Ministerio de Educación, *Datos y cifras. Curso escolar 2011/2012* (Madrid: Subdirección General de Documentación y Publicaciones, 2011)

Ministerio de Educación,
<http://www.educacion.gob.es/educacion/comunidades-autonomas/programas-cooperacion/plan-proa.html>, accessed 4 July 2012.

Ministerio de Educación, La cifras de la Educación en España. El alumnado extranjero (edición 2012), www.educacion.gob.es, accessed 4 July 2012.

MM, 'Contra la reforma sanitaria que puede costar vidas',
http://www.medicosdelmundo.org/index.php/mod.conts/mem.detalle_cn/relme_nu.111/id.2533, accessed 20 July 2012.

MM, Derecho a curar, <http://www.medicosdelmundo.org/derechoacurar/>, accessed 10 August 2012.

Molina, L. 2012, 'La crisis convierte en irregulares a inmigrantes que llevan años en España', *El Diario*, 5 May ,
<http://www.europapress.es/sociedad/noticia-retorno-voluntario-inmigrantes-recursos-paraliza-20120513130355.html>, accessed 3 July 2012.

Montaner, R. 2011, 'El paro y la islamofobia alientan la ultraderecha', *Levante-EMV*, 12 Jun.

Moreno, F. Javier and Bruquetas, M., *Inmigración y Estado de Bienestar en España* (Barcelona: Obra Social La Caixa).

'Muere un operario ecuatoriano en Eibar tras caer de un andamio', *El Mundo*, 3 Mar.2011.

Naredo Molero, María, '¿El principio de 'no discriminación' es un elemento esencial en la lucha contra la violencia de género?' in *Sos Racismo, Informe Anual sobre el Racismo en el Estado Español 2012* (San Sebastián: Tercera Prensa, 2012).

National Roma Integration Strategy in Spain 2012-2020.

OBERAXE, *Guide to Managing Diversity in the Work Place* (Madrid: OBERAXE, 2011).

Observatorio Andalusí, *Estudio Demográfico de la Población Musulmana* (Madrid: UCIDE, 2012).

Observatorio Andalusí, *Informe especial I/2011. Incidencias de Islamofobia* (Madrid: UCIDE, 2011).

P. W. R. 2011, '119 inmigrantes serán eliminados del padrón por no renovar su inscripción', *La Verdad*, 9 Jan.

'Partidos políticos españoles llevan entre sus candidatos a unos mil extranjeros', *Los Tiempos*, 25 May 2011),
http://www.lostiempos.com/diario/actualidad/internacional/20110517/partidos-politicos-espanoles-llevan-entre-sus-candidatos-a-unos-mil_126098_253792.html, accessed 11 July 2012.

'Pilar Rahola se querella contra el grupo 'punk' Islam por amenazas de muerte', *El País*, 7 June 2011).

Plan de atención y prevención de la violencia de género en la población extranjera inmigrante (2009-2012).

- Plan Integral de lucha contra la trata de seres humanos con fines de explotación sexual (2009-2011).
- Plataforma por la Gestión Policial de la Diversidad, Manifiesto por la Gestión Policial de la Diversidad, http://gestionpolicialdiversidad.org/quienes_somos.html, accessed 9 August 2012.
- Pueblos Unidos, *100 windows onto 5,000 shattered lives. Report on the Aluche Immigration Detention Centre* (Madrid: n.p., 2010).
- Rahola, P. 2011, '¿Burka? No, gracias', *La Vanguardia*, 13 Apr..
- RED2RED, *Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas* (Madrid: Ministerio de Sanidad, Política Social e Igualdad, 2011).
- Restrepo, A. 2010 'Nacen más partidos políticos que buscan el voto latino', *El Latino*, 22 Oct., <http://www.enlatino.com/portada/espana/nacen-mas-partidos-de-inmigrantes-21702>, accessed 14 July 2012.
- 'Resultados electorales de 2011', *El País*, 2012, <http://resultados.elpais.com/elecciones/2011/autonomicas-municipales.html>, accessed 1 July 2012.
- Robles, F. 2011, 'Badalona saca del censo a 446 personas, el 75% inmigrantes', *El País* 8 Jul..
- Rodríguez, J. A. and Díez, A. 2012, 'El crimen bajó en 2011 pero Interior dice que los delitos están mal contados', *El País*, 25 Apr..
- Sáiz, E. 2011, 'Los extranjeros con derecho a voto en las elecciones municipales, entre la ilusión y el desencanto', *El País*, 25 Jan.
- San Sebastian, I. 2011, 'Esos fantasmas sin rostro', *El Mundo*, 14 Apr.
- Santiago, Carmen and Maya, Ostalinda, *Segregación Escolar del Alumnado Gitano en España* (n.p.: Kamira and Fundación Mario Maya, 2012)
- 'Siguen los deshaucios de inmigrantes', *El País*, 25 Nov. 2011.
- Simón, P. 2012, 'Mujeres en los CIE peor que en la cárcel, según una jueza', *Periodismo Humano*, 25 May, <http://periodismohumano.com/mujer/mujeres-en-los-cie-peor-que-en-la-carcel-segun-una-jueza.html>, accessed 1 July 2012.
- Sos Racismo and CEAR Euskadi, 'Práctica del testing en el estudio de la discriminación en el acceso a la vivienda de la población migrante y refugiada en Bilbao', *Mugak*, No. 58, <http://www.mugak.eu/mugak-aldizkaria/azken-alea-n%C2%BA-58/127>, accessed 20 June 2012.
- Sos Racismo, 'Comunicado de la federación estatal de SOS RACISMO sobre la eliminación de 67 millones de la dotación al Fondo de Integración de Inmigrantes', <http://www.sosracismomadrid.es/web/blog/2012/04/02/sobre-la-eliminacion-de-67-millones-de-la-dotacion-al-fondo-de-integracion-de-inmigrantes/>, accessed 1 July 2012.
- Sos Racismo, *Informe Anual sobre el Racismo en el Estado Español 2012* (San Sebastián: Tercera Prensa, 2012).

Sostres, S. 2011, 'Más Mezquitas', *El Mundo*, 10 Feb.

SREEC, *Informe anual sobre la situación de la discriminación y la aplicación del principio de igualdad de trato por origen racial o étnico en España 2010* (Madrid, Ministerio de Sanidad, Política Social e Igualdad, 2011)

Tellez, J. J. 2012, 'Crece el número de autonomías rebeldes que seguirán atendiendo a los sin papeles', *Público*, 30 Aug.

UN General Assembly, Report of the Committee against Torture 2010, UN Doc. A/65/44.

'Un joven marroquí termina en la UVI tras haber sido detenido por la policía en Guadalajara', *Madrid 2 Noticias*, 18 Mar. 2012, http://www.madrid2noticias.com/n-8198-702-joven_marroqui_termina_UVI_tras_haber_sido_detenido_policia_Guadalajara, accessed 16 July 2012..

'Un trabajador muere en San Sebastián en una obra sin medidas de seguridad', *El País* 4 Aug. 2011).

'Una empleada del hogar muere al caer al vacío cuando limpiaba una ventana', *El País*, 17 Mar. 2011.

'Una joven marroquí da a luz en la sala de espera del hospital Campo Arañuelo al negársele atención médica', 4 Dec. 2011, <http://www.navalmoraldigital.es/noticia.htm?id=1007>, accessed 8 July 2012.

University of Barcelona, In-cluded Project. Strategies for inclusion and social cohesion in Europe from education. Working papers: Case studies of local projects in Europe (4th Round), <http://www.ub.edu/included/docs/4.%20D.22.3.%20Working%20papers.%20Case%20studies%204th%20round.pdf>, accessed 4 July 2012.

US Religious Freedom Report. Spain.

Vallvey, A. 2010, 'Rom, gitano rumano', *La Razón*, 2 May 2010.

Women's Link Worldwide (WLW), *Mujeres en los Centros de Internamiento de Extranjeros. Realidades entre Rejas* (n.p.: Exilio Gráfico, 2012) p.12, 14-15, 7.

Xarxa BCN Antirumors, <http://bcnantirumors.cat/>, accessed 8 August 2012.

Xunta de Galicia, Cursos de Mediación Intercultural Sanitaria, <http://emigracion.xunta.es/es/actualidad/cursos-mediacion-intercultural-sanitaria>, accessed 9 August 2012.

Zaguirre, Arantxa, 'La reforma del Régimen de Empleadas del Hogar' in *Sos Racismo, Informe Anual sobre el Racismo en el Estado Español 2012* (San Sebastián: Tercera Prensa, 2012).

Zapata-Barrero, Ricard; Zaragoza, Jonathan; De Witte, Nynke, *Diversity, Immigration and Citizenship. Approaches for Diversity Management in the 21st Century in Spain* (Barcelona: Universitat Pompeu Fabra, 2009).

Ad hoc on line surveys, completed by FSG, Sos Racismo Aragón, Sos Racisme Catalunya and UCIDE

Spanish Laws and Action Plans:

Circular X/2012, de la Dirección General de Policía,
<http://www.intermigra.info/extranjeria/archivos/impresos/CIRCEXDGP.pdf>,
accessed 16 July 2012.

Decreto 112/2012, de 31 de agosto, por el que se aprueba el Reglamento de espectáculos públicos y actividades recreativas ('Catalonian Leisure Regulation').

Decreto 1710/2011, de 18 de noviembre, por el que se modifica el Real Decreto 240/2007, de 16 de febrero, sobre entrada, libre circulación y residencia en España de ciudadanos de los Estados miembros de la Unión Europea y de otros Estados parte en el Acuerdo sobre el Espacio Económico Europeo (BOE 26/11/2011).

Instrucciones DGI/SGRJ/5/2011, sobre régimen de entrada, permanencia y trabajo en España de los trabajadores por cuenta ajena nacionales de Rumanía y de sus familiares. This obligation will be in force at least until the end of 2012.

Ley 2/2011, de 15 de marzo, de la Cañada Real Galiana (BOCM 29/03/2011).

Ley 62/2003, de 30 de diciembre, de acompañamiento de los Presupuestos Generales para 2004.

Ley de espectáculos, actividades recreativas y establecimientos públicos de Castilla La Mancha ('Castilla La Mancha Leisure Law').

Orden INT/3321/2011, de 21 de noviembre sobre expedición de título de viaje a extranjeros (BOE 05/12/2011).

Proyecto de Ley Integral para la Igualdad de Trato y la No Discriminación,
<http://www.msc.es/gl/novedades/docs/LeyIgualdadTrato.pdf>, accessed 1 July 2012. Real Decreto 1620/2011, de 14 de noviembre, por el que se regula la relación laboral de carácter especial del servicio del hogar familiar (BOE 17/11/2011).

Real Decreto 240/2007 sobre estancia y residencia de personas comunitarias y sus familiares.

Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009 (BOE 30/04/2011).

Real Decreto ley 16/2012, de 20 de abril, de medidas urgentes para garantizar la sostenibilidad del Sistema Nacional de Salud y mejorar la calidad y seguridad de sus prestaciones (BOE 24/04/2012).

Resolución de 2 de noviembre de 2009, de la Secretaría de Estado de Inmigración y Emigración, por la que se publican las entidades propuestas y excluidas para cubrir las Vocalías del Foro para la Integración Social de los Inmigrantes en representación de las asociaciones de inmigrantes y refugiados y de las organizaciones sociales de apoyo.

European and International Law:

Acuerdo entre España y Noruega, (BOE No. 153, 27/06/1991).

Acuerdo mutuo. (BOCG. Sección Cortes Generales, serie A, 18/09/2009).

Acuerdo mutuo. (BOCG. Sección Cortes Generales, serie A, 29 de mayo de 2009).

Council Directive 43/2000/EC of 27 November establishing a general Framework for equal treatment between persons irrespective of racial or ethnic origin [2000] OJ L180/22.

Case Law:

European Court of Human Rights:

B. S. v Spain, judgment of 24/07/2012 (app. no. 47159/08), ECHR

Spain:

STC 235/2007, of 07/11/2007.

STS June 2010.

SAP of Barcelona, of 26/04/201

Annex 1: List of abbreviations and terminology

AI	Amnesty International
AC	Autonomous Community ('Comunidad Autónoma')
BVODH	Brigadas Vecinales de Observación de los Derechos Humanos
CaO	Catalan Ombudsman
CCOO	Comisiones Obreras (<i>trade union</i>)
CCRP	Code of Criminal Procedure
CEAR	Comisión Española de Ayuda al Refugiado
CERD	Committee on the Elimination of Racial Discrimination
CGAE	Consejo General de la Abogacía Español
CIE	Centro de Internamiento de Extranjeros (<i>Detention Centre for Foreigners</i>)
CIU	Convergencia i Unió (<i>political party</i>)
CoE	Council of Europe
CRC	Criminal Code
ECRI	European Commission Against Racism and Intolerance
FDEX	Framework Decision on Racism and Xenophobia
FRA	European Agency of Fundamental Rights
FSG	Fundación Secretariado Gitano
HUMA	Health for Undocumented Migrants and Asylum seekers
INE	Instituto Nacional de Estadística (<i>National Statistics Institute</i>)
LOEX	Ley Orgánica de Extranjería (<i>Organic Law 4/2000, about rights and liberties of foreigners in Spain and their social integration</i>)
MCI	Movimiento Contra la Intolerancia
MEC	Ministerio de Educación y Ciencia (<i>Science and Education Ministry</i>)
MIPEX	Migrant Integration Policy Index
MM	Médicos del Mundo
NARED	Network of Assistance for Racial or Ethnic Discrimination Victims
OBERAXE	Spanish Observatory of Racism and Xenophobia
OSJI	Open Society Justice Initiative
PP	Partido Popular (<i>political party</i>)
PSOE	Partido Socialista Obrero Español (<i>political party</i>)
S.	Sentencia (<i>judgment</i>)
SAP	Sentencia de la Audiencia Provincial (<i>Judgment of the Provincial Court</i>)
SDOD	Servicio de Delitos de Odio y Discriminación
SREEC	Spanish Race and Ethnic Equality Council
STC	Sentencia del Tribunal Constitucional (<i>Judgment of the Constitutional Court</i>)
UCIDE	Unión de Comunidades Islámicas de España
UGT	Unión General de Trabajadores (<i>trade union</i>)
UN	United Nations
WLW	Women's Link Worldwide

Annex 2. Foreign citizens with voting rights in the May 2011 local elections and electoral registration rate

	Nationality	Municipality (A)	Electoral Register (B)	Electoral Registration Rate (B/A)
UE	UK	182 798	113 689	62%
	Germany	89 018	51 999	58%
	Bulgaria	73 660	19 183	26%
	Romania	394 437	102 182	26%
	Others	564 261	172 237	31%
	SUBTOTAL	1 121 376	459 290	41%
Non-EU	Cape Verde	22	22	100%
	New Zeland	179	33	18%
	Iceland	176	28	16%
	Bolivia	31 711	5044	16%
	Peru	43 609	5908	14%
	Paraguay	4879	648	13%
	Ecuador	190 852	25 694	13%
	Norway	6817	829	12%
	Colombia	106 387	12657	12%
	Chile	11209	1254	11%
	SUBTOTAL	395 841	52 117	13%
TOTAL	15 17 217	511 407	34%	

Source: INE (2011) and Fundación Alternativas (2011).

