



## Fact Sheet Briefing – Afrophobia in Spain

March 2016

This fact sheet is based on ENAR's Shadow Report questionnaire 2014/2015 answered by Elisabet Adeva, a freelance researcher, including results of both qualitative and quantitative research.

Defining 'People of African Descent (PAD)/Black Europeans (BE) population' is no easy task and indeed various definitions and descriptions exist for the group. The UN Working Group on people of African descent proposed that: "People of African descent may be defined as descendants of the African victims of the trans-Atlantic slave trade (...) Africans and their descendants who, after their countries' independence, emigrated to or went to work in Europe, Canada and the Middle East."<sup>1</sup> The term 'Black Europeans' is used here to refer to Black people born or raised in Europe or with an EU citizenship. In some places the term 'Black people' is used to refer more broadly to all those individuals, groups and communities that define themselves as 'Black'. Accordingly, 'Black' does not necessarily refer to a skin colour so much as a sociologically constructed identity.

### Key findings and examples

#### Political, legal developments and participation

- There has been a number of worrying developments in legislation regarding migration: The most recent developments include the 10<sup>th</sup> additional provision in the amendment of the Organic Law which modified the 'Ley de Extranjería' (Immigration Law) which has a special regime for Ceuta and Melilla. The law approves measures such as rejecting immigrants while they are crossing or have already successfully crossed the fences illegally.

#### Police violence and criminal justice system

- Several incidents reveal that immigration officers, in their duty to police the borders with Africa, have used illegal force that has endangered and potentially lead to the deaths of several black people. On 6<sup>th</sup> February 2014, at least 14 immigrants died at sea trying to reach the city of Ceuta next to the breakwater of 'El Tarajal'. Their deaths have been attributed to the actions of the officers that shot rubber bullets at the migrants. During the incident, the Civil Guard was called but not the Red Cross or the sea rescue. The incident was recorded by witnesses and it is reported that the Civil Guard also threw smoke canisters close to where the victims were swimming.

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<sup>1</sup>UN Working Group on People of African Descent, Identification and Definition of People of African Descent and How Racial Discrimination Against them is Manifested in Various Regions, E/CN.4/2003/WG.20/WP.3

- Although there is no official disaggregated data with respect to the victims of hate crimes, it is very likely that a significant number of these crimes have been directed towards PAD/BE. An SOS Racism report, published in 2015, shows that hate crimes and cases of discrimination have increased around 20-30% from 2013. 330 incidents were recorded, of which the biggest share was cases of institutional racism such as the unequal proceeding of foreigners who want to regularize their legal status. 63 cases concerned conflicts and racist attacks in neighbourhoods, schools and public spaces.
- Several cases of poor treatment and deaths in custody of PAD/BE raise the question of whether these incidents are exceptions or due to systematically poor or non-existent health care. Idrissa Diallo, for example, a young man of 21 years old from Ghana, died in 2012 in the A-01 cell, the unit for immigrants with African origin. He died in the detention centre of Barcelona due to the lack of medical assistance. Apparently some days after, the witnesses were deported.<sup>2</sup> More than 20 organisations have complained about the bad practices around these type of incidents.<sup>3</sup>
- A report published by the NGO Karibù in 2014 on the situation in a CIE of Madrid (detention centre) found out that 35% (683 people) were originating from a Sub-Saharan country and many of them were asylum seekers or people detained due to their irregular situation/status.
- Detention centres are reported to be in miserable conditions triggering protests and hunger strikes to denounce bad treatments.

### Migration and employment

- Irregular immigrants, many of whom are PAD, are unable to work nor access social services. This leaves them particularly vulnerable and deprived of their basic rights.
- According to EUROSTAT figures, the number of asylum applications granted is very low for asylum seekers of African countries.<sup>4</sup>
- It is reported that informal return strategies (also known as 'push backs') put newcomers', including people of African descent, lives at risk and often result in deaths.
- Members of organisations such as *Prodein* have recorded civil guards beating Sub-Saharan people crossing the border.<sup>5</sup>

### Education

- PAD children (0-5 years) are reported to have little chances to access the educational system when they or their parents have immigrated to Spain in an irregular way.

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<sup>2</sup> 'Idrissa Diallo, who died in a night of Kings CIE'. eldiario.es 06 January, 2013. Available at: [http://www.eldiario.es/catalunya/Idrissa-Diallo-muerto-CIE-reyes\\_0\\_87141421.html](http://www.eldiario.es/catalunya/Idrissa-Diallo-muerto-CIE-reyes_0_87141421.html)

<sup>3</sup> Médicos del Mundo, [http://www.medicosdelmundo.org/index.php/mod.conts/mem.detalle\\_cn/reلمenu.136/reلcategoria.904/id.2505](http://www.medicosdelmundo.org/index.php/mod.conts/mem.detalle_cn/reلمenu.136/reلcategoria.904/id.2505) (accessed on 26/02/2016)

<sup>4</sup> By African countries we looked at international protection applications submitted in Spain by Nigeria, Cameroon, Congo, Democratic Republic of the Congo, Equatorial Guinea, Somalia, Côte d'Ivoire, Gambia, Ghana, Guinea, Mali and Nigeria. In 2013-2015 (5a)EUROSTAT, Asylum und Dublin statistics, Asylum and first time asylum applicants by citizenship, age and sex Monthly data (rounded) [migr\_asyappctzm] and EUROSTAT, Asylum und Dublin statistics, Decision on Applications and resettlement, Final decisions on applications by citizenship, age and sex Annual data (rounded) [migr\_asydcfina]. Available at: <http://ec.europa.eu/eurostat/web/main/home>

<sup>5</sup> A video can be viewed here: <https://www.youtube.com/watch?v=yFxc-r8kc0Y>

## Recommendations

- The government should in partnership with civil society organisations, and according to data protection principles, collect equality data to annually monitor people of African descent/Black Europeans' outcomes in key social indicators in employment, health, education and housing and develop policies in response to persistent racial inequalities. Such administrative data should be cross-referenced with data from the census, which should allow for self-identification in ethnic and racial categories developed in consultation with civil society organisations and other stakeholders, including statisticians.
- The government should ease and ensure the process of recognition of foreign qualifications and practical experiences. Develop wider outreach programmes to encourage PAD/BE to be engaged and participating in elections and in decision-making processes.
- The government should strengthen rules and practices on labour inspections to combat exploitation of migrants and reinforce complaint mechanisms for fair and unbiased access to legal redress for regular and undocumented migrants.
- The government should ensure quality mainstream education for all including children of irregular migrants.
- Human rights organisations and NGOs, with the support of funding bodies, should monitor incidents of hate speech and the reports of abuses perpetrated by public sector workers such as the police.
- Civil society organisations should promote greater awareness among people of African descent/Black Europeans as to what constitute discrimination and how to report it.