

EXECUTIVE SUMMARY

Annual report on racism in the Spanish State

2022

Reporting and underreporting in the area of discrimination, racism, and hatred from a victim-centred perspective.



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ANNUAL REPORT ON RACISM IN THE SPANISH STATE (2022)

Reporting and underreporting in discrimination, racism,
and hatred from a victim-centred perspective.

EXECUTIVE SUMMARY

Contents

01	Contextualisation and presentation	p. 07
-----------	---	--------------

02	Report 2022	p. 10
-----------	--------------------	--------------

03	Quantitative analysis of the complaints collected in the OID 's of Federation.	p. 12
-----------	---	--------------

04	Qualitative research about racism in the Spanish State (2022)	p. 20
-----------	--	--------------

05	Decalogue of proposals	p. 30
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EXECUTIVE SUMMARY

Annual report on racism in the Spanish State 2022

Reporting and underreporting in the area of **discrimination, racism, and hatred** from a victim-centred perspective.

Since 1995, the Federation of Associations of SOS Racismo in the Spanish State, which is present in different territories where SOS Racismo operates: Aragón, Catalonia, Bizkaia, Galicia, Gipuzkoa, Madrid and Navarra¹, has been analysing the situation of racism and xenophobia in the autonomous communities where it operates, in Spain and in Europe, denouncing structural, institutional, and social racism. As well as the apparition of different types of discrimination due to racist reasons such as discrimination in the workplace, denial of access to public and/or private benefits and services, abuses by public or private security forces, among other areas.

Thirty years later, anti-racism is more important than ever. With this Report of racism 2022, we saw the need to make the victims of racist and xenophobic acts visible. To make them the main element of the report, we adopted a victim-centred research perspective. Thus, the project presented here is in-depth research of the people who go to the "Oficinas de Información y Denuncia – OIDs" (Offices of Information and Complaints) in the different SOS Racismo territories to file a complaint and those who have not. This new approach does not leave aside the political advocacy element that has always been in SOS Racismo's annual report but focuses on the very specific area of underreporting. The way to do this is to give an active role to the victims of discrimination who, from their experience, provide proposals to improve the mechanisms for the reparation and accompanying of victims of racist and hate incidents.

In this way, with this 2022 report we do not only want to pay tribute to the 523 victims of a racist, classist and patriarchal social structure with whom we have worked in our territories. We also want to pay tribute to all the people who selflessly participated in this study, the 68 people interviewed and the 33 who took part in the focus groups as a space for reflection on access to reporting and the joint search for a roadmap to improve the situation of the victims, generating more spaces for restoration.

1. It is a free and specialised service that provides attention and guidance to people who report discrimination or racist hate crime and those who have witnessed such incidents.

01.

Contextualization and presentation



Contextualization and presentation

Four years have passed since we presented our last report, corresponding to the year 2018. More than four years in which we have gone from collecting 350 cases to more than 500 cases per year. As we have done since 1995 when we published our first report, we have continued to collect racist conflicts and aggressions, institutional racism, problems with public security, denial of access to public benefits and services, employment discrimination, denial of access to private services, problems related to private security agents or cases related to the extreme right-wing or hate speech. A dynamic photograph that shows what racism, discrimination and hatred are in the Spanish State in this period that covers almost 25 editions. Four years in which many things have happened.

We have gone through a pandemic period in which racialised people have been one of the groups singled out through increased police abuse and ethnic profiling, increased police violence, evictions without housing alternatives, mismanagement of the disease in detention centres in Madrid or Barcelona, or simply forgotten about social support measures. In many cases, racialised, gypsy and/or migrant people living in our territories were forgotten.

A period where we have once again relived the worst dramas of migration policies, recalling the tragedy of the El Tarajal border in Ceuta, when at least 23 people died at the Melilla border in 2022, victims of the same migration policies that prioritise people's pain over their rights.

Along the same lines, what happened in Ceuta on 17th May 2021 shows the prioritisation of border control over other rights-based optics. On that day, approximately 8,000 people - 1,500 of whom were minors - crossed the border of the autonomous city of Ceuta through the breakwaters of the Benzú and El Tarajal beaches. The Spanish government responded by transferring security forces to the area and implementing a mechanism of hot-denominated return, as the public prosecutor's office pointed out in its annual report: "the return of minors from Ceuta in 2021 was a 'shortcut' and 'cut short basic guarantees'".

Continuing with our borders, the years 2020 and 2021 meant the reopening of the migratory route to the Canary Islands with more than 40,000 people arriving, compared to 2,687 in 2019. A situation in which expulsion and border control were once again prioritised over reception. In the words of Doctors of the World: "The government's management of this reception crisis seems to be aimed at turning the Canary Islands into a large detention centre, reminiscent of situations experienced in other parts of Europe such as Lesbos or Lampedusa".

Internationally, these years were marked by the murder of George Floyd in 2020. Within days, the event generated a wave of outrage and protests across the country against racism, xenophobia, and abuse towards African American citizens. The protests also spread to other cities around the world, including our territory, bringing racism to the forefront of public opinion, giving strength to the cry of #BlackLivesMatter and making the demand for racial justice one of the new demands resonating loudest in the world.

We must also talk about the continuous rise of the "extreme, authoritarian, illiberal right-wing in Europe" and the new political landscape in Europe and in a large part of the world. We have a clear example in our territory where, in the years in which we have not published our annual report, the weight of the extreme right-wing has gone from irrelevant positions to occupying 52 seats in the European Parliament. has gone from irrelevant positions to occupying 52 seats in the Spanish Congress of Deputies, or to forming part of the Government of Castilla y León with 17.64% of the total votes cast.

Although this introduction may seem very pessimistic, it is necessary to note that there have also been positive elements during this time.

Firstly, it is worth noting the new instruments to combat this reality. We are talking about Law 15/2022, of 12 July, integral for equal treatment and non-discrimination and the document "A Union of Equality: EU Anti-racism Action Plan for 2020-2025", which together with Law 19/2020, of 30 December, of Catalonia, which establishes the principles and procedures to guarantee the right to equal treatment and non-discrimination, make up the most relevant novelties of this period in the fight against racism, hatred and xenophobia.

These documents imply changes in the fight against discrimination, racism, and hatred, being, as it is, from the point of view of a general law, of guarantees and anti-discrimination law that includes all persons, including legal persons, and reaches all areas of political, economic, cultural, and social life.

In the Catalan case, a specific protocol is established for the assistance to victims of discrimination, acts of intolerance and behaviours related to hate crimes. The protocol includes the adoption of the necessary measures for the immediate cessation of the intolerant and discriminatory behaviour, the adoption of preventative measures, the prevention of imminent or subsequent violations, the compensation for damages and the full restoration of the injured party in the full exercise of their rights. Also, the creation of the figure of the accompanying person, in accordance with the meaning of the Crime Victim Statute, to assist the victim of hate crime in reporting the crime.

Regarding the document "A Union of Equality: EU Anti-racism Action Plan for 2020-2025", it is interesting that it explicitly takes on board many of the assertions we have been calling for years. From the simple assumption that racism is structural in our societies, affecting human dignity, life chances, prosperity, and well-being and often also the safety of millions of migrants, gypsies, and racialised people. Perhaps, the most important is that the document directly assumes that racist and discriminatory behaviour is rooted in social, financial, and political institutions. This has an impact on all levels of power and policymaking. In other words, it is pointed out that structural racism exists - as we have been claiming for the past 25 years - and perpetuates the obstacles that stand in the way of citizenship simply because of their racial or ethnic origin.

Continuing with this chronological description, another of the relevant elements in this period is the visibility of an anti-racism movement led by migrants and racialised people who claim to be such and strive to claim a leading role in the universe of entities that have been carrying out anti-racist work throughout the State. This movement began to become visible to public opinion in November 2017, with the march called in Madrid by racialised individuals, communities, and organisations under the slogan: "For a society without racism". This movement underlines that we are facing a structural problem that is explained through the colonial legacy of the modern State present in its institutions, which must be confronted in the political arena.

Hand in hand with this new reality, and with this new form of anti-racism and political struggle, we must highlight the #Regularizaci3nya movement. It is made up of collectives and organisations of migrants and racialised people who are politically self-organised around the demand for social, political, and economic rights in the Spanish State and who demand (and support) the urgent, permanent, and unconditional regularisation of all migrants and refugees.

02.

Report 2022



Report 2022

Since 1995 and until 2018, the state federation of SOS Racismo has published an annual report about racism in Spain. This annual report is intended to be a snapshot of discrimination due to racial reasons through the collection of cases registered in the Offices of Information and Complaints (OID) of the different territories that make up the federation, accompanied by an analysis of the reality.

However, in 2019, a process of reflection began that concluded with the need to generate a different tool to what had been developed until now. In this regard, we saw the need to make the victims of racist and xenophobic acts visible. In order for them to be the main element of the report, a victim-centred research perspective was adopted. Thus, the project presented here is in-depth research about the people who go to the OIDs in the different SOS Racismo territories to file a complaint.

The reason for this is due to the worrying indicators reflected in recent research. If EU-MIDIS revealed that only a small proportion of respondents (18%) reported incidents of discrimination, they had experienced in the 12 months prior to the survey. EU-MIDIS II (December 2017) show that the situation has not improved: only 12% of respondents reported the most recent incident. In the same vein, the 2019 report of the European Union Agency for Fundamental Rights indicates that 30% of black people surveyed had experienced racism in the five years prior to the survey, and 21% in the last twelve months, although only 14% reported it to the authorities.

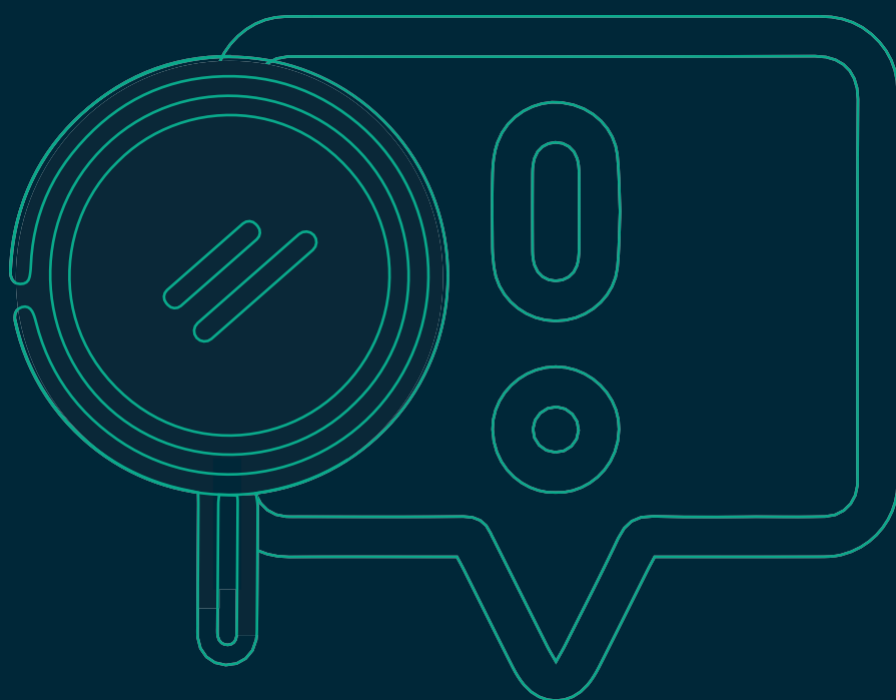
This raises the need to delve into the motivation of the victim to take the step to denounce, what are the motivations, the events or experiences that people have suffered and that have made them take the step of claiming their rights against a racist structure, so that we can encourage the denunciation of the thousands of people who, anonymously, continue to suffer these behaviours in our society. We would like to know, from their point of view, together with that of the social and legal operators involved in this work process, what proposals are put forward to generate spaces for the reparation of damages to the victims (not necessarily from a legal punitive point of view), as well as processes of community social restoration.

Spaces that must be defined by all the parties involved in this process, although always starting from a victim-centred position, in which the person who suffers from this type of crimes and discrimination can express their preferences when it comes to restoring the damage.

03.

Quantitative analysis

**of the complaints collected in the
OID's of Federation**

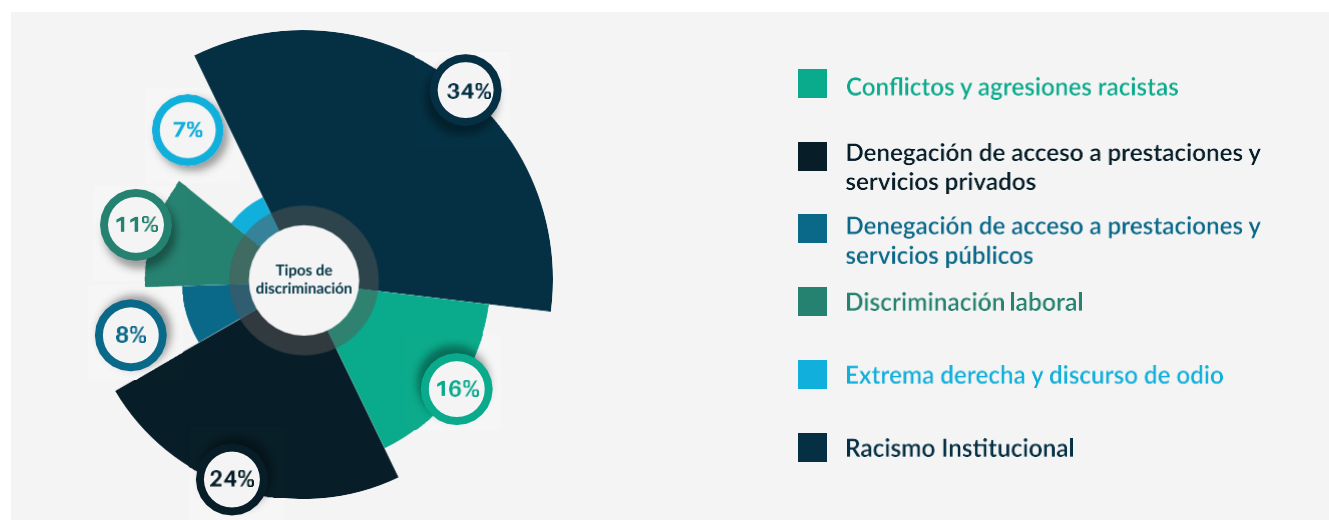


Quantitative analysis of the complaints collected in the OID's of Federation

The Federation of Associations of SOS Racismo is an organisation that fights to defend human rights, focusing on the eradication of racism and xenophobia. Thus, through the Offices of Information and Complaints (OID/SAID/ODAS), SOS Racismo assists victims or witnesses of situations of discrimination caused by racism or xenophobia, offering them free legal advice. These offices have different names. Thanks to the work carried out by the OID/SAID/ODAS of Catalonia, Gipuzkoa, Bizkaia, Navarra, Aragón and Galicia, the Federation provides an annual report analysing the complaints collected from different points of view: types of discrimination, discriminating agent, area, age, gender, nationality, and documentary situation of the complainants.

Bearing in mind that many of the victims of racism and xenophobia are reluctant to report it, thus creating a great gap between the complaints filed and the discrimination suffered by the population.

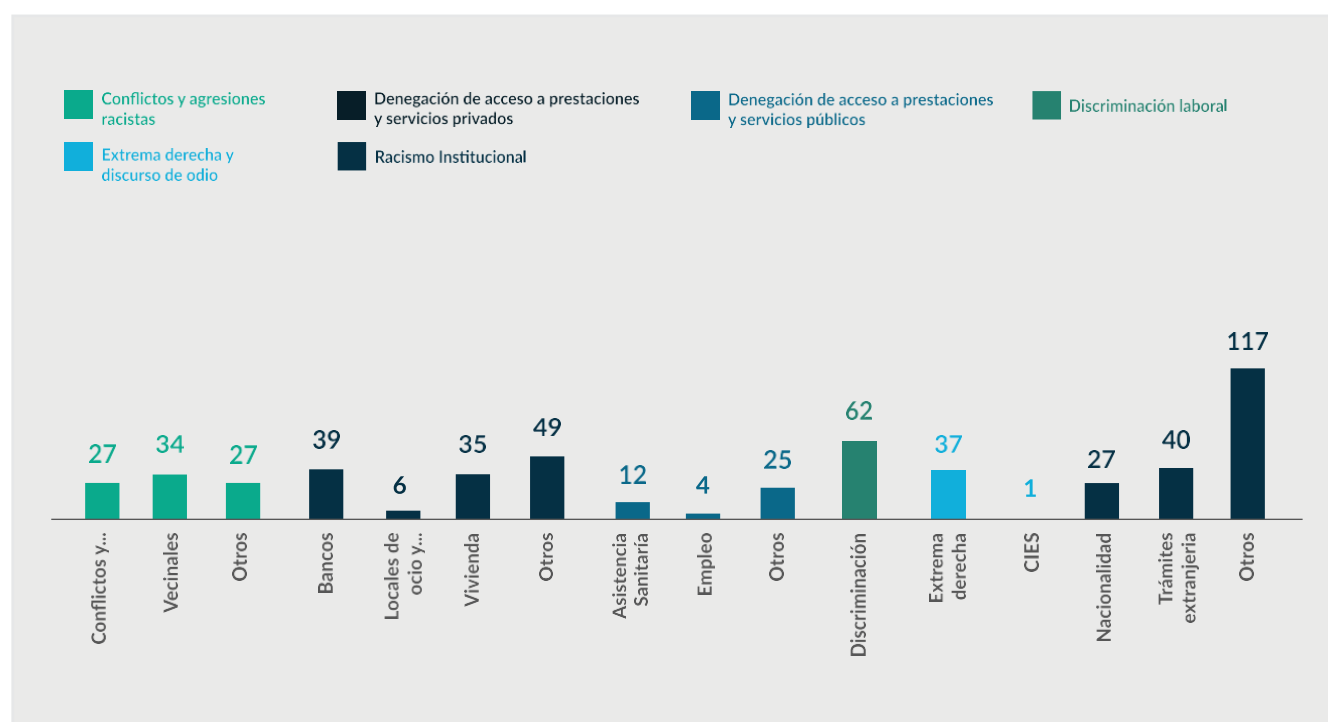
Figure 1. Total number of cases



From the point of view of its typology, as we can see in the graph, 185 of the 523 cases correspond to "Institutional Racism". Within this category, which is the one that has registered the most complaints, 40 of them are related to the immigration procedures that any foreigner who wants to regularise their administrative situation must go through, while 27 of the remaining cases represent problems related to the granting of nationality.

The remaining 117 complaints highlight a problematic situation between the immigrant population and institutional bodies (e.g., security forces) when dealing with an issue.

Figure 2. Total number of cases regarding the subtype of discrimination



Continuing with the analysis of cases, as can be seen in Figure 2, in second position are the complaints related to Denial of access to private benefits and services, with a total of 129 incidents. In this category, SOS Racismo's OIDs have reported all cases of discriminatory behaviour, insults and/or harassment suffered by the population in banks (39), leisure establishments and restaurants (6), housing (35) or other areas (49).

Racist conflicts and aggressions occupy the third place with a total of 88 registered cases, the majority of which are due to neighbourhood conflicts (34). 27 of the complaints are due to racist conflicts and aggressions in public spaces, while the remaining 18 refer to conflicts that have taken place in a different sphere, such as in the family or at school.

Continuing with the analysis of the figure, employment discrimination is in third place, which is the reality of many men, but in particular of foreign women in the labour market. Complaints related to the refusal of employers to formalise the promised contract with employees or the abuse of the former towards the latter total 62 cases.

Complaints related to the denial of access to public benefits and services account for a total of 41 incidents, which occurred in the field of health care (12), access to employment (4) or other confrontations between the public administration and the immigrant population (25).

The category of Hate speech and right-wing extremism, which totals 37 cases, covers the full range of speech disseminated orally, in writing, in visual form in the media, on the internet, or in other social media which incite intimidation, promote prejudice, or incite violence against people based on their race, gender, age, ethnicity, nationality, religion, etc.

Figure 3. Discriminating agent

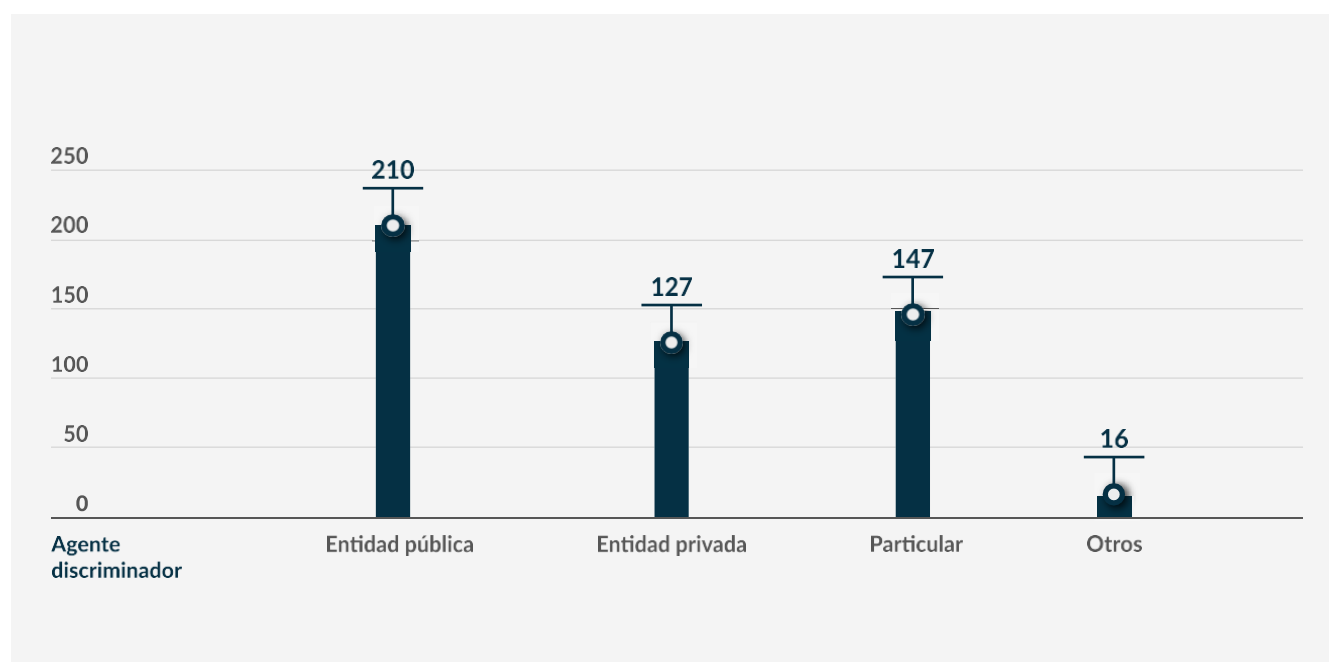


Figure 3 reflects the "Discriminating Agent". There are three types of discriminating agent: public entities, private entities, and individuals. A fourth category, under the name of "other" represents a residual classification for those cases where the discriminating agent does not fit into the three categories mentioned above.

The discriminating agent may be a private entity providing a public service. For example, estate agencies.

Thus, of the total number of complaints, 42% of the cases the discriminating element was the public entity, understood as the Administration at its different levels (state, regional, local, etc.) and spheres (security, social services, etc.). 29% of the complaints recorded the private individual as the discriminating agent, while the private entity (companies, banks, leisure establishments, etc.) accounted for 26%. Other types of discriminating agents account for 3% of the total number of complaints collected.

To study the origin of the complainants, they have been classified by continent, differentiating between Maghreb and Sub-Saharan Africa (African continent) and Western and Eastern Europe.

Figure 4. Nationalities of the complainants

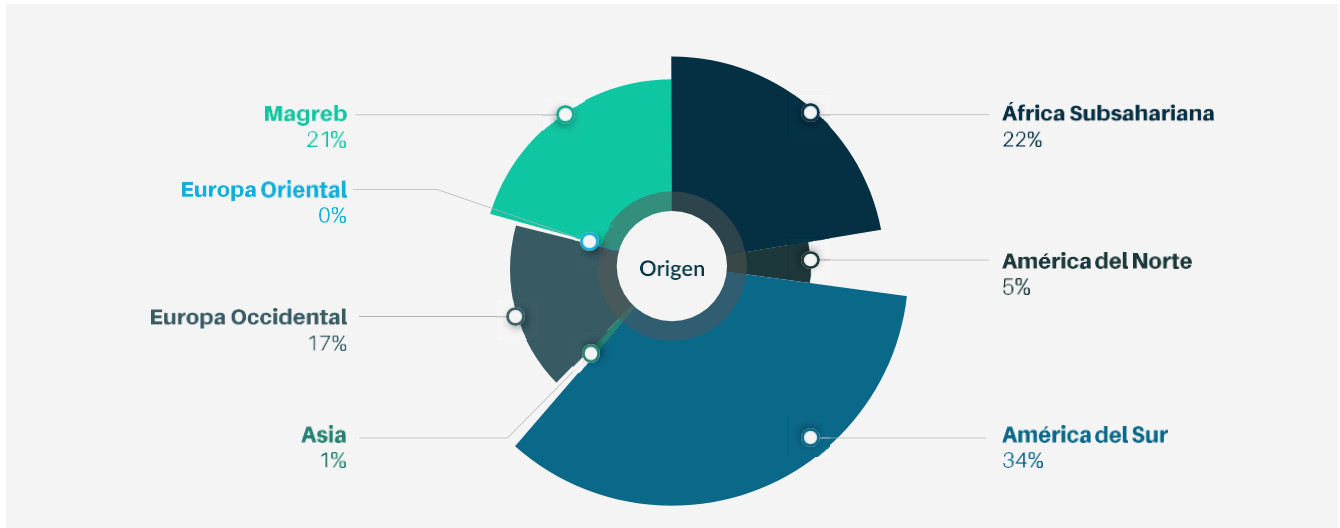


Figure 5. Administrative status

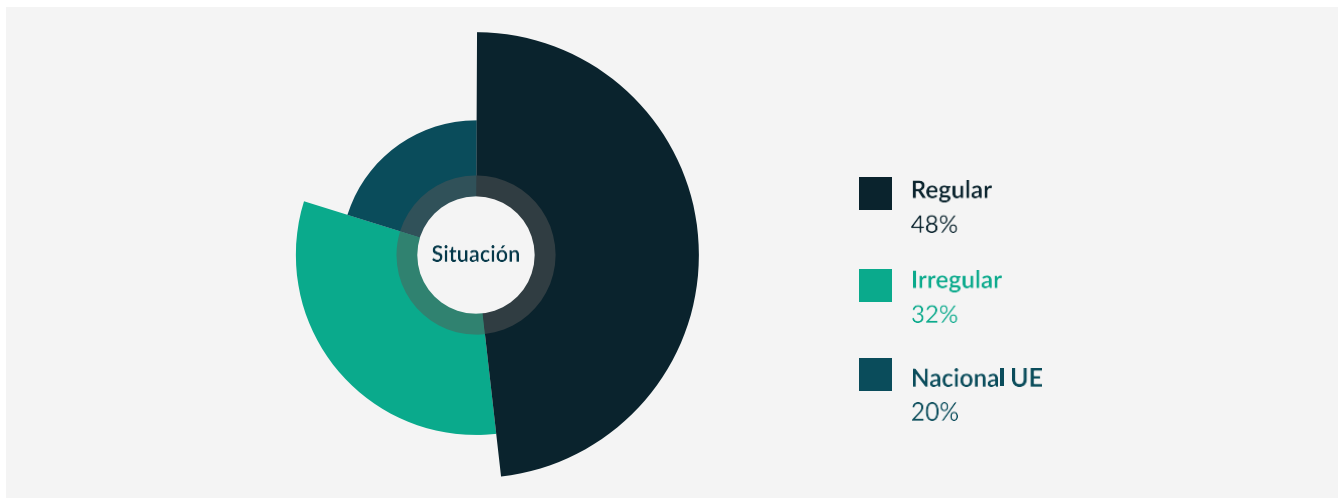
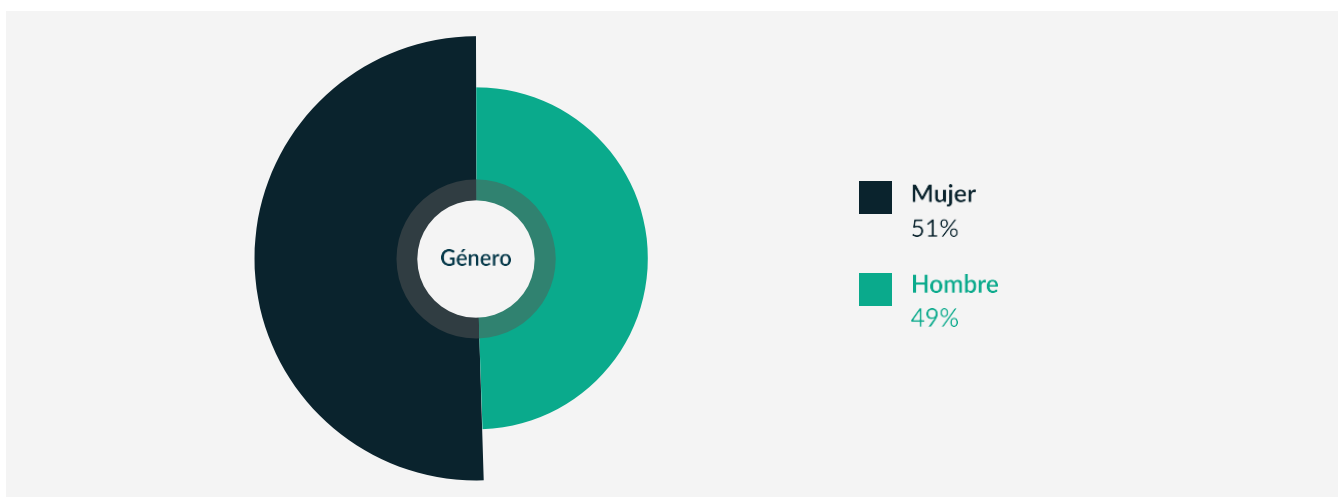
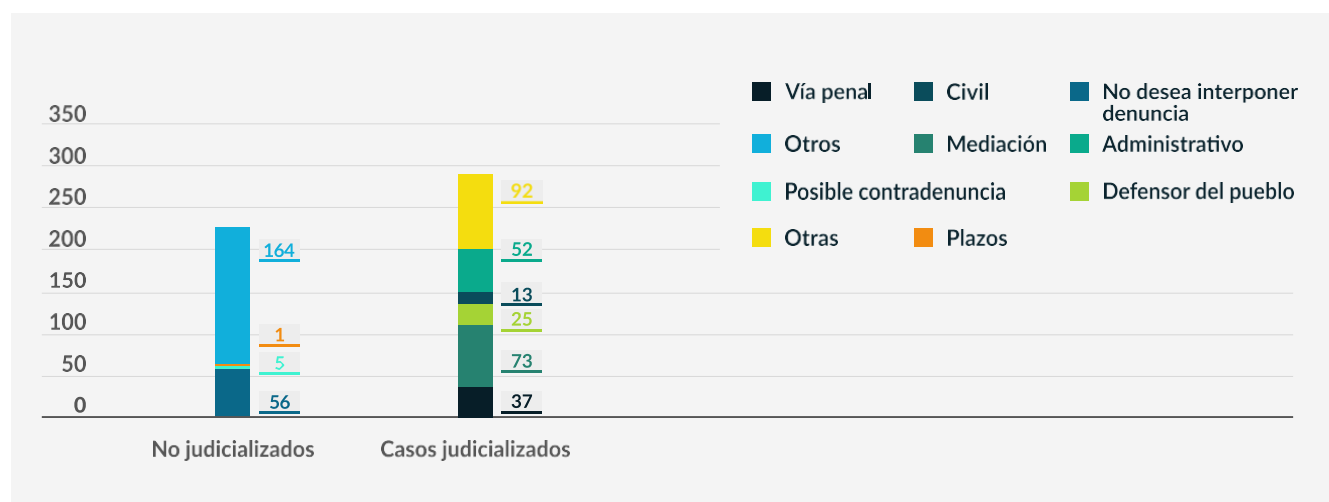


Figure 6. Gender



Regarding the conclusion of the case, it is observed that 164 complaints do not end up in judicial initiatives. Most of them for fear of a counter-complaint or because they do not wish to file a complaint, or they end up through extrajudicial mechanisms.

Figure 7. Conclusion of discrimination cases



Regarding the evolution of the number of complaints, in 2021 there was an increase compared to the statistics followed up to 2017. However, the typology of discrimination cases remains constant. Neighbourhood conflicts and institutional racism predominated in the records prior to 2021. This year, institutional racism stands out from the rest of the typologies; denial of benefits is in second place.

Figure 8. Evolution of the number of complaints per year

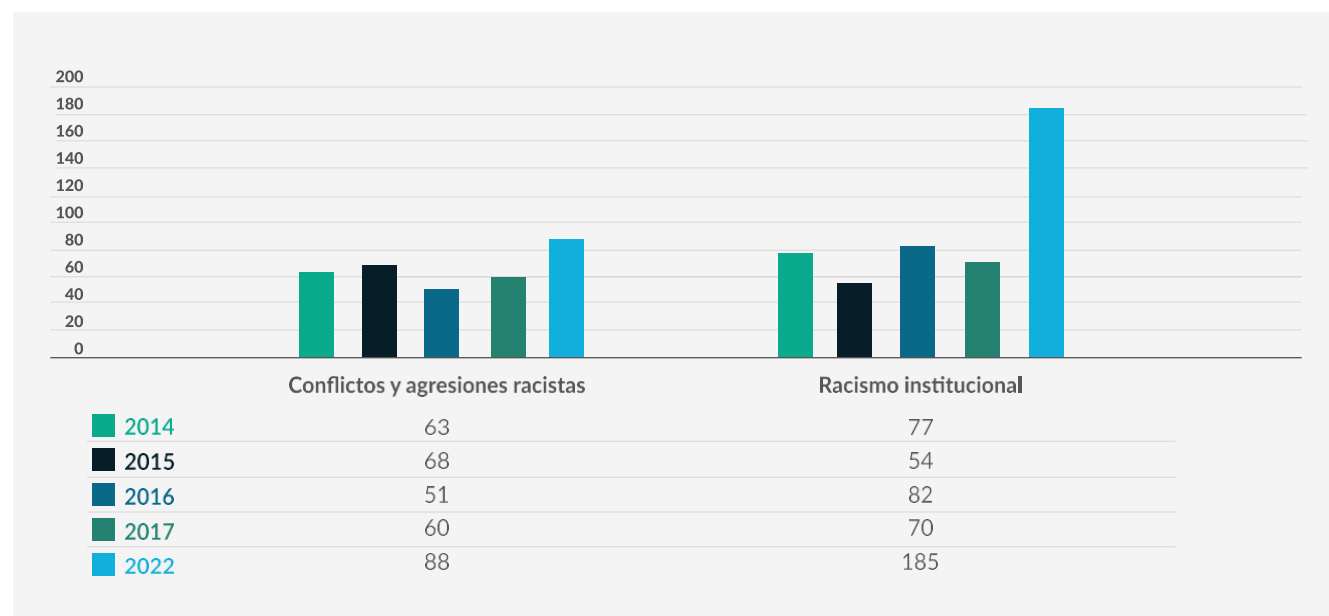
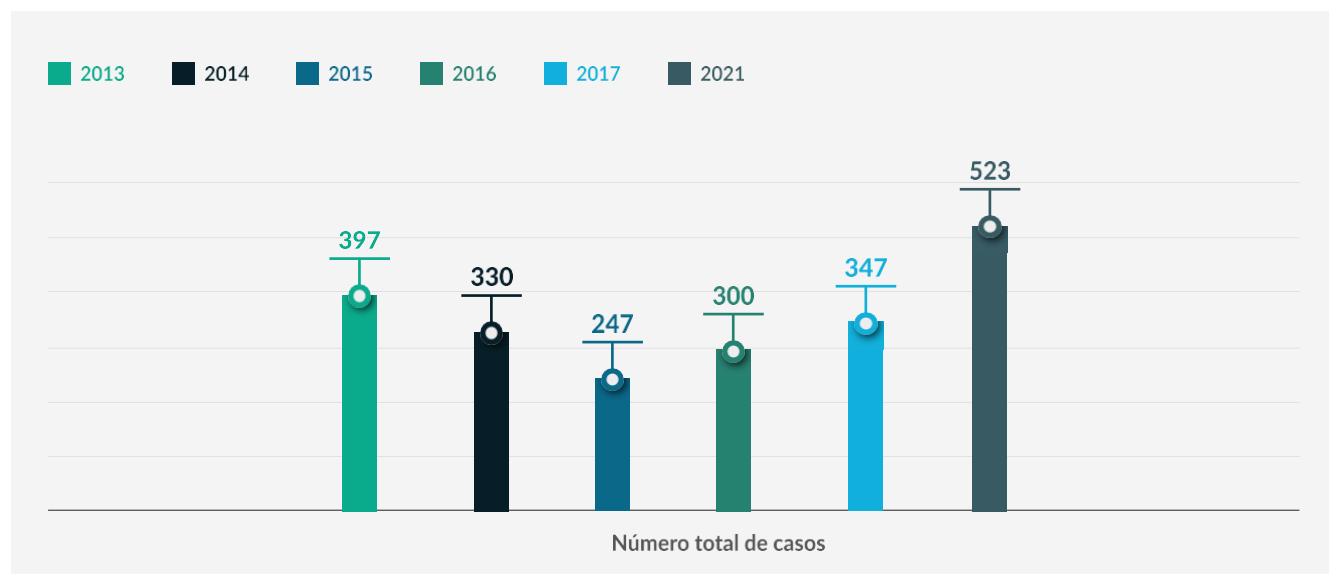


Figure 9. Evolution of the total number of cases

Cases collected on the Website.

On the website of the state federation of SOS Racismo <https://sosracismo.eu/> there is the possibility of submitting complaints that are referred to the different territories. As these complaints are not in-person complaints, they have not been included in the general statistics we have presented, as information about the complainant would be missing (sex, administrative status, age, etc.). On the other hand, the reparation and management of the case requires a different treatment since in many of these complaints there is no territorial presence of SOS Racismo. Additionally, and as can be seen in the attached table, the complaints that are formulated through the website have characteristics that escape the classification of cases handled in the territories.

A total of 66 cases were recorded, classified in the following areas:

Racist conflicts and aggressions	In public space	4
	In the neighbourhood	1
	Other	
Denial of access to private benefits and services	Banks	
	Leisure establishments and restaurants	3
	Housing	1
	Other	4

Denial of access to public benefits and services	Health care	
	Employment	
	Other administrations	1
Employment discrimination		2
Extreme right-wing and hate speech		4
Institutional racism	CIES (Immigration Detention Centre)	
	Nationality	
	Immigration procedures	
	Other	
Abuse by security forces Other demands	Public security	2
	Private security	
OTHER DEMANDS	Legal information	5
	How to tackle racism	3
	Complaints about juvenile detention centres	1
	Other	9

From the information collected, we can conclude that institutional racism represents a type of discrimination that shows up in different areas of the reality experienced by racialised people, gypsies, and migrants. On the other hand, the judicialization and reparation of the different forms of discrimination suffered is still limited, either because of the difficulty to prove the discrimination suffered through the courts or because of the limitations of the other means of reparation: mediation, restorative processes, etc.

04.

Qualitative research

about racism in the Spanish State
2022



Qualitative research about racism in the Spanish State 2022

This edition of the **Annual Report on Racism (2022)** includes qualitative research that has analysed the different motivations for **reporting and underreporting** in the field of **discrimination, racism, xenophobia and hate crimes**. In addition, **the main reasons for this qualitative research** were to **give visibility to the victims of racist and xenophobic acts**; to delve into the **active role of the victims of discrimination** by providing proposals from their experience to **improve reparation mechanisms and accompany the victims of racist and hate incidents**. And, finally, to delve into the usefulness (from the victims' point of view) of **the complaint as a mechanism for restoring the real damage**, as well as to establish alternatives for certain cases in which the judicial complaint can propose other modalities: mediation, restorative justice, circles of silence, community work, etc.

In the **qualitative research, the method of discourse analysis with a critical perspective was used** with the aim of investigating and delving into the motivations of migrants, racialised people, gypsies, or witnesses to report a racist act³. Also, to assess the psychosocial impact, the persistent obstacles to underreporting (non-reporting) and proposals to support the increase of reporting and acts of discrimination. Additionally, to try to answer one of the questions which constitutes another of the main points of the research, **what are the expectations of the complainant when they decide to report⁴?**, and regarding the reparation processes, **what is expected or not expected of this process?**

We have used a victim-centred perspective, in which the term "victim" is understood as a person affected by a discriminatory traumatic event, without such an action necessarily constituting a crime (Rossi and Bazzaco, 2021, p. 4).

The conclusions of this qualitative research mainly emphasise **the results of the field work**, which are based on the **analytical categories** with the aim of facilitating understanding, interpreting, explaining, and transforming these social realities. The results also respond to the stated objectives and are presented in the same sequence as their formulation.

The materials obtained in the field work were the 63 semi-structured and in-depth interviews carried out in Aragón, Catalonia, Bizkaia, Galicia, Gipuzkoa and Navarra; analysis of the information collected in the 5 focus groups in these territories⁵ with social agents, professionals, and migrants, gypsies and racialised people. Five interviews were carried out with key agents, experts in the judicial, police and legal fields in the field of human rights and discrimination.

3. Reporting a racist act to SOS Racismo does not mean filing a legal complaint. It means informing this organisation of the racist acts that are happening. In this context, it is possible to put pressure on the institutions, to denounce it to specific entities and, above all, to make structural racism visible. We study each case. We always respect the decision of the complainant, considering the possibilities of legal or public denunciation and making them aware of their rights and the processes involved in filing a complaint.

4. The Attention and Complaints Offices in SOS Racismo offer a series of free services which provide comprehensive attention to victims of racism and xenophobia, not only in the management and resolution of cases but also by offering personal and social support, as well as legal advice, in a large part of the SOS Racismo territories.

5. The focus groups were carried out in Navarra, Aragón, Gipuzkoa, Bizkaia and Galicia.

Socio-demographic profile of the participants

It is confirmed from the **63 semi-structured interviews** that all the participants **have experienced discriminatory, racist, and xenophobic acts.**

Of the 63 participants, 36 are women, that is (57%) and 27 are men, that is (42.8%). As for those who decided to file a complaint with different institutions, there were 20 women, (31.7%) of those interviewed and 19 men, (30.1%) of those interviewed. That is, 39 of them reported racist incidents, which represents a total of (61.8%) of the people interviewed. It can therefore be seen that both women and men report racist acts on an equal basis, with women having slightly more representation. In the representative sample of both the interviews and the focus groups, there is a greater presence of women.

As for those who decided not to report racist discrimination, there were 15 women (23.8%), compared with 9 men (14.28%). Therefore, a total of 24 people decided, for different reasons, not to report or not to file a complaint. The testimonies are based on underreporting, hidden figures of racial discrimination which represents in this report (38.6%) of the persons interviewed.

Regarding age, the highest number of participants is represented in the age range between 15 and 30 years (35%) on the one hand and between 30 and 45 years (44.4%). In other words, (79%) are in the 15-45 age range.

According to foreign origin, depending on to the length of residence in Spain, (39.3%) have lived in one of the territories where the field work was carried out, between 11 and 20 years. However, the second group that stands out is made up of people who have lived in Spain for 1 to 5 years, 18% of those interviewed. The differences in discrimination based on length of residence have an inverse relationship. That is, those who have suffered the most discrimination is those who have been living in the country for the shortest period. However, they are also the ones belonging to one of the groups with the longest stay in the territory.

Regarding the status of the possession of documents, most of the participants are in a regulated situation (53.9%), although to a lesser extent there are also people in an irregular situation. This is because the requirements of the Spanish Law on Foreigners hinder their regularisation, which leads to a lack of opportunities when it comes to obtaining a job with an employment contract and thus regularising their situation.

Moreover, among the participants there are people with Spanish nationality or dual nationality (39.7%) who are closely related because of their nationality of origin, such as gypsies and racialised people.

Given the data presented regarding the level of education, three categories of education were offered for further classification into: basic education (primary or equivalent), secondary education and higher education. Of the 63 people interviewed, 42 said they had higher education, that is 69% of the participants, followed by those with secondary education and baccalaureate, 11, that is 18%.

As for employment status, the majority (52%) of the participants stated that they were in active employment, compared to (28%) who stated that they were unemployed. (20%) did not answer, including some of the student participants.

Definitions provided by interviewees of what they understand racism and a racist act to be.

Three narratives are highlighted on the term's racism and racist act to which the interviewees have contributed to reflect about these terms from a victim-centred perspective that helps to understand the complexity of the analysed reality.

Firstly, the narrative based on a definition that "**emphasises biology, innate qualities or physical characteristics**" (Wade, 2022, p.175-176) **and cultural and religious differences perceived as "natural" as "inherited" so that identities are considered "immutable" and "watertight". A second narrative** which, according to the participants' perception, is based on racism and the racist act as a **historical social construction to justify power dynamics**; adopting practices of inferiorization and exclusion. In this sense, the extension of European colonialism over the world led to the creation of a Eurocentric perspective of knowledge and the naturalisation of relations of domination. Thus, the participants link racism to historical contexts, capitalism and living conditions conditioned to the existence of jobs aimed at migrants, gypsies and racialised people. And to which they also state that the public authorities must respond.

Also, a **third narrative based on moral convictions, ethical judgements or "rather the ideas that people have about such things"** (Wade, 2022, p.176). It repeats the idea of a lack of acceptance and respect for diversity brought about by ignorance, lack of knowledge and even fear and malice towards people who are perceived as different. The victim is the person who is being persecuted or is intended to be expelled from a public space and degraded in their human condition. The aim is to harm and despise the person who is perceived as different. The idea of lack of coexistence and mistrust is also repeated.

Context of racism and perception of discrimination (From the victims' point of view)

Racism takes various subtle and complex forms depending on the State's history, culture, or other social, political, and ideological circumstances.

The intersectional perspective on discrimination recognises that migrant, racialised and gypsy women face racist and sexist discrimination at some point in their lives. They experience discrimination within a given social, economic, and cultural context, where privilege and disadvantage are constructed and reproduced. **In that sense, they are discriminated against not because of who they are, but because of what they are thought to be or represent.** That is, by virtue of the assignment of negative social or cultural stereotypes.

Most of the people interviewed in this study stated that gypsy people are the ones who suffer the most discrimination and racist violence. They are followed by people of Maghrebi, Afro-descendant people, and those of Latin American and Asian origin, in that order. They particularly emphasise discrimination against Afro-descendant people and Moroccans.

They refer to the predominant role of negative messages transmitted by the media together with the discourse of politicians.

All the interviewees who participated in this research have experienced different forms of racist discrimination. From their own perspective, they consider that there are **two strong discourses and narratives: the first**, those who say that racist discrimination occurs **daily**. And the second, represented by those who say that **racist aggressions and discrimination occur occasionally and especially with certain groups**.

In the first case, with their testimonies they tell the racist discriminations they suffer are not one-time or isolated events. People who are victims of racism are not victims because of what they have done, but because of who they are and what they represent. They argue that **the normalisation of racism often leads to the assumption that these events are inevitable, given the supposedly intrinsic condition of gypsies, migrants and racialised people**. In a way, they claim that it represents "paying a price" for "being here". This discourse is more prevalent among migrants, but not among gypsies and racialised people. The latter state that they are nationals and feel they have the right to complain if their dignity has been violated.

The second discourse is represented by those people who express that racist aggressions and discrimination are one-time events and occur especially with certain groups. This difference is largely due to the **colour of their skin**. Reference is made to the fact that Ukrainians are welcomed in Spain and in the European Union, to the detriment of other people who are also forced to leave their homes due to wars and armed conflicts.

Racial diversity continues to be an economic, social, symbolic, and psychological barrier. The self-perceived groups that have suffered the most discrimination is due to skin colour and physical traits or phenotypes. In this sense, Verena Stolcke (1999) points out that **the naturalisation of inequalities** is inevitably unveiled to safeguard the established social order, which results in the naturalisation of systems of domination. For this author, racist conceptualisations of social differences are evidence of what is understood as "social order" interpreted as "natural order". In her view, this sustains a fundamentally ideological work in relation to inequalities and social conflicts in the socio-political history of Europe (Biddis, 1972, p.572; Husband, 1982, p.12, cited in Stolcke, 1999, p.21).

Motivations for reporting and underreporting

The reasons for reporting racist acts are diverse, and so are the perspectives of justice and reparation. Thus, not all victims and the groups that accompany them prioritise the same actions.

The predominant discourse on the **motivations for reporting a racist act**, according to the majority of participants who have reported these events, is closely related to the following issues: the **need to talk and actively listen** to their story and **their emotions** (anger, humiliation, shame, etc.); the **search for specialised information** about a physical or verbal aggression they have experienced or are experiencing; and the **defence of the dignity they feel has been violated**. They point out that they consider it important to **feel accompanied in the process** and especially emphasise that **the truth of the racist act should be known and that it should not go unpunished**.

Similarly, some complainants value, on the one hand, having an emotional and affective support network of family members and/or friends to face difficult situations in these processes and meet various emotional needs. And, on the other hand, having a **regulated administrative status is a condition that favours the filing of a racist-motivated complaint**. Finally, they consider that it is important to accept that they have experienced an act of discrimination.

We encounter **various obstacles to making formal complaints**. For example, victims of racist discrimination explain that **they experience emotions such as fear, shame, pain, or anger that**, on the one hand, **can have the effect of encouraging them to file a complaint and**, on the other hand, **can make it impossible to do so**.

As for underreporting, one of the main reasons is the fear that the person making the complaint will be ignored. People do not dare or think that it is simply **a waste of time and that they will get into more trouble**. On the other hand, there is **the fear of reprisals and the financial cost of legal proceedings, which can be complicated and tough**.

Other issues are **cultural aspects such as the difficulty of filing a complaint** and that **in different countries there is a pattern of systematic impunity in judicial prosecution and proceedings in cases of justice in general or racial violence**. This is because most of these cases **lack effective investigation, punishment, and reparation, as they also claim is the case in the Spanish State**.

In short, the first obstacle is the lack of information of victims who do not know the procedure for legally reporting a racist aggression or when they are victims of racism. The second obstacle is the perceived difference in treatment when reporting due to the fact of being a racialised person. Especially on the attitude of the police and among the agents of the penal system, among others mentioned above.

Psychosocial effects of racial discrimination and hate crimes.

Sometimes, the term psychosocial effects are associated with the term "**psychosocial trauma**", which is understood as the relationship between the personal and the social areas, in which the trauma has been socially produced (Martín, B., 2010, p.13). Indeed, hate messages and hate speech always have consequences. They attack and have a direct impact on the dignity and equality and on the daily lives of migrants, gypsies and racialised people. This imaginary that is created around them leads to scenes of everyday racism for the participants, ranging from small gestures to insults and humiliation. Additionally, the impacts of disinformation and hate speech reproduced on social media and in the media are also detected. These everyday scenes have psychosocial consequences in the lives of migrants, gypsies and racialised people. All the participants mention some kind of impact on their daily lives, on access to rights, in the labour and academic spheres, in their family relationships, in public spaces, as well as effects on identity, sense of belonging and emotional effects" (Themme, Huarte and Araguás, 2021, p.107).

Being a victim of a racist act as stated by the interviewees affects **self-esteem**, that is self-worth and self-perception. It produces fear, anger, worry, sadness, lack of ability to interact with people, feeling of guilt, anguish, helplessness, stress, and frustration. Even anxiety and vigilance, being on guard for the next discriminatory experience.

Victims of racial discrimination express that these **discriminations have changed with age and life stages**. Obviously, racial discrimination does not always affect women, men, lesbians, gays, bisexuals, and transsexuals to the same extent or in the same way. Thus, the issue of discrimination is not limited to racism, but also concerns sexism (Wieviorka, 2006, p. 156) or LGTBI phobia, among other conjunctions, intersections, and differentiations.

Psychological harm refers to the acute psychological injuries caused by a violent crime, which, in some cases, may ease with the passing of time, social support or appropriate psychological treatment. On the other hand, it also refers to the emotional sequelae that persist in people chronically as a result of the event suffered and that interfere negatively in their daily lives (Pynoos, Sorenson and Steinberg, 1993, in Echeburúa, de Corral y Amor, 2004, p.228-229).

Reporting mechanisms in the institutions (experiences, trajectories...), expectations of reporting and processes of reparation

With the aim of answering three fundamental questions, the first being related to the reporting mechanisms in the institutions⁶. In this case, the focus is on the judicial and police procedures of the cases presented by the victims/complainants. Secondly, the aim is to find out about the difficulties encountered in these processes, trying to answer the following questions: Why have they been left half done? Does the system provide an answer or do the participants believe that it does not? Thirdly, the aim is to explain the expectations of the complainants and, finally, to transmit their opinions regarding the processes of reparation.

The Attention and Complaints Offices (OID, SAID, ODAS) of the Federation SOS Racismo, with more than 30 years of age, provide us with a comprehensive view of the phenomenon of racism and discrimination in our country. Affected people are offered different measures such as:

1. Information and advice on basic rights.
2. Legal representation and/or advice (criminal and contentious-administrative).
3. Accompanying in mediation.
4. Involvement in the face of an institution or public administration.
5. Political and social advocacy through the collection of cases and testimonies of discriminatory incidents.
6. Making a public and/or political⁷ denunciation with the aim of contributing to the visibility of racism.
7. Psychosocial accompanying.

6. Those procedures that are started when a victim of racial discrimination files a complaint either with SOS Racismo, at the police station or at the court, among others.

7. In SOS Racismo the complaint is managed in different ways: 1. Denounce socially and politically racist or xenophobic facts, behaviours and criteria that may occur at collective or individual, private, or public instances and that result in aggressions, in violation of fundamental rights, in unequal application of rights or go against the equal opportunities of ethnic minorities and immigrants. 2. Responding to those persons, groups or collectives that have been subjected to (or have witnessed) racist or xenophobic facts, behaviours, and criteria, as well as unequal application of rights and equal opportunities due to ethnicity or migratory status. 3. Generating information and work proposals to intervene in different areas of society and achieve the objectives of the anti-racism struggle. For more information, cf.: <https://www.sosracismoaragon.es/informacionydenuncias.php>

Consequently, the victim of a discriminatory act who decides to file a complaint can opt for different forms of reparation for the harm inflicted. On the one hand, depending on the evidence available, it means filing a legal complaint for hate crimes, having previously received legal advice to take this step. Likewise, a public and/or political complaint can be made. On the other hand, in parallel, according to SOS Racismo's action protocol, a series of mechanisms and actions are activated regarding the public administration, such as filing a complaint at the consumer office, intermediation in public institutions, appeal to the Ombudsperson, among others.

As for the reporting expectations and the processes of reparation, these will differ depending on the conditions and interests of the complainants. However, it is clear from the 63 interview reports that there is a great deal of **disinformation and confusion about what to do, how to act and where to resort to when facing racist and discriminatory acts**. This is a major shortcoming, as was noted in the chapter on motivations for reporting and underreporting.

A sample of cases was presented based on 30 testimonies of people who were victims of discriminatory incidents. They narrate from their own perspective -victim-centred- what were the reasons that led them to report a racist act and the mechanisms, processes and interventions that were carried out in different institutions. Moreover, they refer to the expectations of reporting and the processes of reparation that each one understands from the process experienced.

Along the same lines, the mechanisms that the institutions themselves generate to protect themselves when they have perpetuated discriminatory treatment were pointed out. In some of the complaints that have been followed up, it has been seen how evidence that could favour the victim is dismissed. In other words, the defence and protection mechanisms themselves may not be guaranteed for the complainants.

On the other hand, restorative justice is perceived differently from the point of view of the institutions and the work of social organisations. The accompanying role of associations was highlighted. In addition, the emotional work involved in receiving this type of complaint was discussed, since sometimes people expect more support than can be offered by an Attention and Complaints Office. In this sense, as a contribution to restorative justice, one resource from the institutions would be to have psychologists to provide emotional support to the victim/complainant.

To conclude, according to Rossi and Bazzaco (2021, p.30) in the *"Guía para la incorporación de los enfoques psicosocial y restaurativo en los servicios de acompañamiento a víctimas de incidentes y delitos de odio y discriminación"* elaborated by SOS Racismo, the tools currently available to respond to the needs and expectations of victims of hatred and discrimination are not sufficient. In particular, the daily practice of accompanying shows that retributive justice is not providing the answers that it is legitimate to expect, especially in relation to reparation of damages. Often, the lack of knowledge and sensitivity of the agents in the justice system regarding the main points of discrimination (racism, LGTBI phobia, ableism, etc.) and their mechanisms, together with the citizens' lack of knowledge of the administration of justice itself, are serious impediments to the restitution of rights.

For this reason, we consider it a priority to develop and disseminate **actions based on the restorative approach and aimed at repairing the damage**, being this approach able to offer reparation to people susceptible to being made vulnerable for reasons of hatred at all stages of the process on which we can influence (reception of the victim, reporting, referral, follow-up, etc.).

Moreover, it is necessary to expand and disseminate models of attention and intervention that address the impact of this violence on individuals and communities, as well as their coping, resilience, and resistance strategies. In this framework, the type of accompanying provided to individuals is one of the keys to the restorative process. The accompanying of every person constructs a story about the experience of others. Therefore, as agents in the restorative process (assistance staff, organisations, administrations, etc.) it is necessary to assume the responsibility that comes with being part of the reparation process and to do so in a conscious and situated manner.

Reflections from representatives in public institutions and lawyers experts in human rights

Various reflections are presented by experts in the judicial and police fields, as well as by specialists in human rights and discrimination in the associationism of gypsy women and the LGTBI collective. Some of the topics discussed were related to the future **General Law against Racism**, highlighting the lack of rapid sanctioning instruments for the most common forms of behaviour, such as discrimination in access, the lack of a historical memory of migrations, and the prevention of racism in education. These are some of the issues they consider to be lacking, among others.

They mention the figure of Authority that is contemplated, at the time of the interview, not yet approved **Law 15/2022, of 12 July, integral for equal treatment and non-discrimination**, the difficulties in filing a legal complaint, the proposals to modify article 510 of the Spanish Penal Code as it considers high penalties and difficult to execute. As well as **making training for the security forces and legal operators compulsory**, which is not currently compulsory. Important steps have been taken, but it is still not enough. There is a need to include access programmes for judicial careers, prosecutorial careers, security forces and private security in university curricula and in law faculties, among other measures.

One opinion even state **that "restorative justice is very underdeveloped in our country. Right now, there is little response for victims. There is no system that adequately regulates reparation"**.

As for the complaints, it is said that in the first stage there is a lack of knowledge, confusion, insecurity, fear of reprisals.... Then, people cross this threshold and report. It is very complicated that these issues prosper and if they do, the discriminatory motive is very difficult to prove.

It is pointed out that what victims often really want is an apology from the person who has committed this hate crime or this act of discrimination, that they realise what they are doing, the harm they are doing to other people and the unfoundedness of their actions.

One of the key agents even suggests that the organisations should work not only based on the case itself, but also based on strategic objectives in the cases. It is also a way of telling the victim that they are making a very important effort, and that their case is being used to work conceptually. The concept of racism and the responsibility of legal operators and the entire civil service, among other issues, is also what the key agents in this research highlight.

Good practices, proposals for improvement in the reporting and reparation system

These good practices can be found in two main sections: firstly, in the **proposals for improving the reporting system** and in the **proposals on reparation processes**.

Regarding to proposals in the reporting system, **19 measures are proposed in the fields of politics, legal and police institutions. In the section on education and awareness-raising, 5 measures are proposed**. As for the media, to promote an active role of the media in the fight against discrimination, racism, and xenophobia; for the prosecution of hate speech, including new cases such as dissemination on the internet and for the protection of victims, among others, **7 measures are recommended** for this purpose. Among other areas of intervention such as social media, social organisations of human rights, migrant, gypsy and racialised people/communities and finally at the community level, activist groups, we find 35 other proposals.

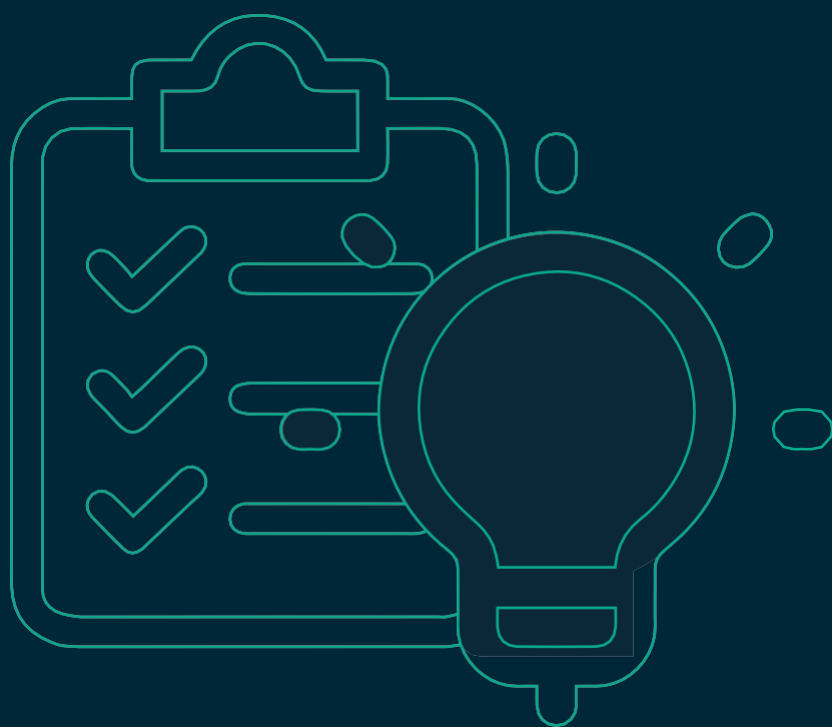
Proposals for good practices on **reparation processes** are also made. In relation to politics, the judicial system, institutions, 13 measures are proposed. In the area of social organisations of human rights; 8 proposals. And to a lesser extent in the area of education and awareness-raising, as well as in organised civil society.

Ultimately, **it is not just about racialisation, but about implicit inequalities in access to education, health or employment, economic inequality resulting from wealth deprivation and social marginalisation, including lower life expectancy, socio-economic impoverishment, and "racial disparity as a result of structural racism"**. Its eradication requires changing the paradigm of domination and breaking with the structures created that still perpetuate inequalities towards African-descent people and racially diverse people" (Equipo de Implementación del Decenio Afrodescendiente y Rights International Spain (RIS), 2020, p.29).

In that sense, processes of otherness can take a variety of forms (Hall, 1997; Kosygina, Rojas and Wiesner, 2019) such as identity denial, identity recognition and organised anti-racism resistance against structural racism. It can lead to the expansion of existing differences between "us" and a "no-us", which has real implications and consequences such as economic inequalities, which affects all spheres of life as a result of discrimination, racism, and lack of equal access to opportunities, resources, and power.

05.

Decalogue of proposals



Decalogue of proposals

The execution of this text that you hold in your hands has allowed us to shed light on some issues that we believe should be considered in the future to improve the situation of people who are victims of racial discrimination, which will lead to an improvement in access to reporting and reparation processes. In short, towards the construction of an anti-racist society through proactive and preventive measures.

1. The need for a comprehensive approach to victim response

We believe that a new approach to the victims of this type of crime and behaviour is necessary through the implementation of a **multidisciplinary model** to detect, prevent and comprehensively monitor this type of behaviour. A model that must go beyond mere reactive attention to victims and must be proactive in its intervention.

Mechanisms that must coordinate public and private community resources, establish networks of antennae for the detection of racist and discriminatory behaviour, establish models for accompanying victims that go beyond the mere filing of a complaint and that emphasise the community aspect to improve coexistence.

2. The need for an independent approach to assistance

As a result of the above, and as an extension, it is necessary that **comprehensive assistance to victims is provided independently**. One of the most frequently repeated issues in the report refers to victims' distrust of public institutions due to a multitude of reasons: they only offer standardised advice, difficulty in prosecuting cases and racial prejudice in the judicial system, in many cases it is the administration itself that causes the harm, and a long etcetera of issues that target these administrations.

3. New police model

As pointed out in the interviews, it is possible to generate a new police model that responds to the mistrust mentioned in the previous point and which is shown with greater determination by victims when they speak of the police as an instrument for reporting.

The existence of practices such as racial ethnic identifications, mistrust based on the administrative status of the victim, or the attitude shown by the state security forces towards the racialised population, as reported in multiple reports, are elements that undermine the confidence of people who have suffered from this behaviour on the part of the police forces.

In this sense, there is a need to address and experiment new community-based models that improve the confidence of all citizens, as outlined in this report.

4. Is punitivism/punishment the only solution?

In recent times, in public and political opinion we are witnessing a debate in all spheres that is trying to improve coexistence only through new rules that delve into punishment of the aggressor person or institution. Anti-racism is no stranger to these debates, which should lead us to open a debate on how best to approach the creation of anti-racist societies that place the need for racial justice at the centre.

If we start from the indisputable basis of racist, sexist, and discriminatory structures, it is clear that changing them cannot be based solely on punishment as a form of conflict resolution, insofar as the **repressive option not only resolves the oppressions that were at their base, but even engenders more violence.**

5. New mechanisms in the restoration of damage

As we have observed throughout this publication, the reasons for reporting racist acts are different, as are the perspectives of justice and reparation, so that not all victims and the groups that accompany them prioritise the same actions. Nevertheless, one of the issues most frequently pointed out by victims refers to the need for restoration that does not have to come through the courts. In most cases, an individualised, simple, and direct restoration with the victimising person or entity is sufficient.

Often, some of the experiences we have collected, despite being racist and discriminatory, cannot be included in the traditional form of legal struggle. This is either because their very nature does not have the dimension to be dealt with through these channels, or because the victims themselves consider it to be excessive.

For this reason, and in line with the above proposals, and with the 2030 Agenda, we must seek local, community and proximity methodologies for the compensation and restoration of damage that respond to a social reality that is often far from legislative codes.

6. New regulations. Improvement in the treatment of the victim?

One of the issues that concerns us in victim advocacy work is the complexity of the regulatory framework and its practical application that we have been experiencing in recent years.

Even though, in practice, SOS Racismo and its federated organisations have defended the need to extend the tools to fight against these crimes, it is also true that the increase of these tools, without adequate pedagogy, can have the opposite effect.

Thus, behaviours which are socially unacceptable and which we have previously considered without any doubt to fall within the scope of the penal code, could be considered as mere misdemeanours, which would be a step backwards in the fight against racism.

7. Training

Throughout this report we have mentioned different plans, reports, protocols, and other documentation. Although we do not question their validity, it is no less true that knowledge of all these instruments is not common among social, administrative, social-academic, police and even in some cases legal operators. This leads us to the need to create strategies to increase knowledge of all of them, not only among professionals or volunteers working in this field, but also to extend their knowledge to the whole population through their inclusion in educational curricula, institutional information campaigns and so on.

8. Empowerment of racialised people and victims of violence

One of the elements that has been persistent in this report is the realisation by victims of the acts of racial discrimination they have suffered, as well as the lack of knowledge about the tools and resources available to respond to such racist behaviours.

In this sense, it is necessary to train and empower racialised people and potential victims of this type of crime and behaviour so that they know first-hand when a situation exceeds the "normal" and what solutions we have as a society.

Nevertheless, as a society, we cannot place the burden of reporting only on racialised victims. It is necessary to do specific work focused on the native society so that it knows what kind of behaviours (explicit or subtle) can be framed within everyday life; how consciously or unconsciously society collaborates in these oppressions and that we can all identify and reject them so that we can reduce the spaces where this kind of behaviour can take place.

9. New realities, new voices

When dealing with the situation of underreporting it is necessary for the victim to be able to empathise with the context in which they are encouraged to report. We cannot fall into the error of "speaking on behalf of", but rather work from the perspective of "speaking with" or "giving voice to". Thus, starting from the personal experience of other victims, we can generate the necessary empathy to encourage other people with the same experience to report.

This is why we must create diverse spaces where people who are victims of discrimination, hatred, or racism (racialised people, disabled people, gypsy people, LGTBIQ+ people, or any other vulnerable group) occupy a central role as protagonists.

10. Law in the service of creating racial justice and anti-racist societies.

At the beginning of this report, we mentioned part of the article by our colleague Karlos Castilla (Doctor in Law and member of the Board of SOS Racisme Catalunya) who pointed out that *"We need laws that are not only rhetoric, but that are real bases for creating, opening, promoting and consolidating social transformations that allow us to live without discrimination, being equal in rights while respecting our differences. A law by itself is not and will not be the solution to the inequalities that exist in our society, but it is a clear reflection of the seriousness and commitment with which we seek to put an end to them."*

We need to see how laws, public policies, plans etc. with political will and economic resources must be at the service of a broader vision and as an instrument to generate a public, participatory, and calm debate that puts at the centre the need to fight against inequality of all kinds, and above all as a commitment to the construction of an anti-racist, egalitarian and inclusive society.

Do we dare?

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