

REPORT ON
RACISM
IN THE SPANISH
STATE

Quantitative data complaints

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FEDERACIÓN
SOS RACISMO



SOS RACISMO FEDERATION

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JUNE 2023

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SOS RACISMO GALICIA

SOS RACISMO CATALUNYA

SOS RACISMO BIZKAIA

SOS RACISMO GIPUZKOA

SOS RACISMO ARAGON


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Financed by



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Presentation

SOS Racismo Federation

OFFICES OF INFORMATION AND
COMPLAINTS OF THE FEDERATION OF
ASSOCIATIONS SOS RACISMO (OID/SAID/ODAS)

The Federation of Associations SOS Racismo is an anti-racist organisation committed to the defence of human rights, with a main focus on the eradication of racism and xenophobia, which places racialised, migrant and Roma people at the centre of its work. In order to respond, we have Attention and Complaints Offices (OID/SAID/ODAS) distributed in different regions - **Gipuzkoa, Bizkaia, Catalonia** (under the name of SAiD), **Aragon, Navarra** (under the name of ODAS), **Galicia**-, with the purpose of providing support to victims and witnesses of cases of racial or xenophobic discrimination.

These offices play a fundamental role in providing a safe and confidential space for people affected by discriminatory acts to seek help and specialised advice from a multidisciplinary team of people who put the victim at the centre of their intervention, opening up processes of listening and understanding that allow them to know the experiences of victims and witnesses, providing comprehensive emotional and legal support. From this approach, our work is not only focused on compensation and restoration of the damage, but also on providing attention and legal support to the victims.

SOS Racismo also works to promote education and training on equality, diversity, racism, racial discrimination and anti-racism, organising workshops, conferences, publication of materials and research, awareness-raising campaigns and prevention of racism. It also collaborates with other institutions (public and private), third sector social organisations, individuals, communities, and associations to strengthen the fight

against racism and xenophobia at national and international level.

As we pointed out in last year's report, it is important to bear in mind that many victims of racism, discrimination and xenophobia feel inhibited when filing complaints, which creates a gap between the discrimination suffered by the population and the complaints filed. In this sense, before reaching the typification and analysis of cases, it is necessary to deepen the work on the prior detection of discrimination. In other words, the first step of our attention offices is to detect the racist discriminatory act. For this reason, when a victim of discrimination comes to an OID/SAID/ODAS, it is essential to give them time, not to judge them and to maintain an active listening attitude towards them. Often several interviews will be necessary with the aim of generating a space of trust and to detect the crime or racial discrimination, but this is not at odds with the fact that we must never give false hopes about the results that will be obtained in the process of attention and resolution of the case.

This very personalised way of working, where the person is prioritised over the number, points to the importance of the quantitative data obtained by our OID/SAID/ODAS and the growing urgency to build the foundations of an anti-racist society.

In this sense, the SOS Racismo Federation considers that not all victims are the same, nor do they have the same needs. Therefore, they should all be offered the full range of aspects of the comprehensive attention that we propose, but we are aware that it should always be the

victim who has the last word in deciding the actions to be taken. If the victim rejects any of the proposals we may make, this should not be a reason to interrupt the process of comprehensive attention.¹

Returning to the limitations in victims' access to reporting, and despite the fact that we pointed this out in the 2022 report², we would like to point out some of these causes for underreporting:

- The victim does not establish a cause-effect relationship with the situation suffered and the possibility of it being a racist discriminatory act, and therefore experiences the event as normalised.
- Lack of trust in police and judicial authorities.
- Subjective perception that "nothing" will change even if they report.
- Fear of reprisals from the perpetrator(s) of the crime or the racial discrimination or from their environment.
- The extreme vulnerability of some of the victims who are in a situation of social exclusion.
- Shame, even to the extent of believing that the assault was their fault; fear of revealing their sexual orientation or ethnic, religious, or political affiliation; fear of revealing their personal documentary status.
- Language and cultural barriers, etc. _____

¹ The OID/SAID/ODAS attention teams provide a comprehensive response to the needs of complainants: information, counselling, and legal intervention. They also offer legal advice and information on the level of protection they may need, depending on their situation and that of their family unit. Actions that include: assessment of the user and their environment. Design of a personalised attention plan/Individual and/or group Attention/Accompanying

² SOS Racismo Federation. (2022). Annual report on racism in the Spanish State: Reporting and underreporting in the area of discrimination, racism, and hatred from a victim-centred perspective. For more information, cf.: <https://sosracismo.eu/wp-content/uploads/2023/01/20221230-Informe-2022-SOS-Racismo.pdf>

Presentation of the Annual report

on racism in the Spanish State 2022

The Annual Report 2022 is a vital tool for assessing progress in the fight against structural racism. This report provides a snapshot of the current situation by analysing the complaints of racial discrimination collected during the year 2022.

First, we will focus on examining complaints of discrimination filed over the past year. Using statistical data, we will be able to illustrate the most frequent types of discrimination, the areas where racial discrimination is most prevalent, and the vulnerable groups that face particularly significant discrimination.

From the analysis of discrimination complaints, we will be able to identify key problem areas that require further attention and action by both public and private institutions and society at large. These areas may cover different aspects of life, such as education, employment, housing, justice, and many others. In other words, they affect economic, social and cultural rights.

It is important to emphasise that this report is not only about identifying problems, but also about proposing alternatives. As we examine the "problem" areas, we will look for practical approaches that can be implemented to fight against discrimination and promote anti-racism.

Before going into the analysis of the data obtained, it is important to briefly review the definitions of the different areas of discrimination considered in this Report on racism in the Spanish State 2023. These definitions will allow us to better understand each type of discrimination and its scope:

Racist conflicts and aggressions: It refers to situations in which violent confrontations or aggressions motivated by racial prejudice occur. This involves acts of physical, verbal, or psychological violence directed towards specific individuals or groups, which are some of the ways in which racism and xenophobia manifest themselves.

Denial of access to private benefits and services: It is the denial or unfair restriction of access to services offered by companies or private entities. This may involve exclusion or unequal treatment of migrants, racialised and Roma people in areas such as housing, employment, education, commercial establishments, among others.

Denial of access to public benefits and services: It refers to the denial or unfair limitation of access to services and benefits that should be available to all citizens by public institutions or entities. This may include situations where people are excluded from essential services, such as public transport, justice, education, health, or other government services.

Employment discrimination: It refers to unequal or unfair treatment of migrant, racialised and Roma workers in the workplace. This can take the form of discriminatory hiring, unfair wages, lack of promotion or access to job opportunities, harassment at work or any other form of racial discrimination.

Extreme right-wing and hate speech: This area of discrimination is related to the expression of ideas or speeches by extreme right-wing groups

or individuals that promote hostility, exclusion, hatred, or violence towards migrant, racialised and Roma groups or individuals.

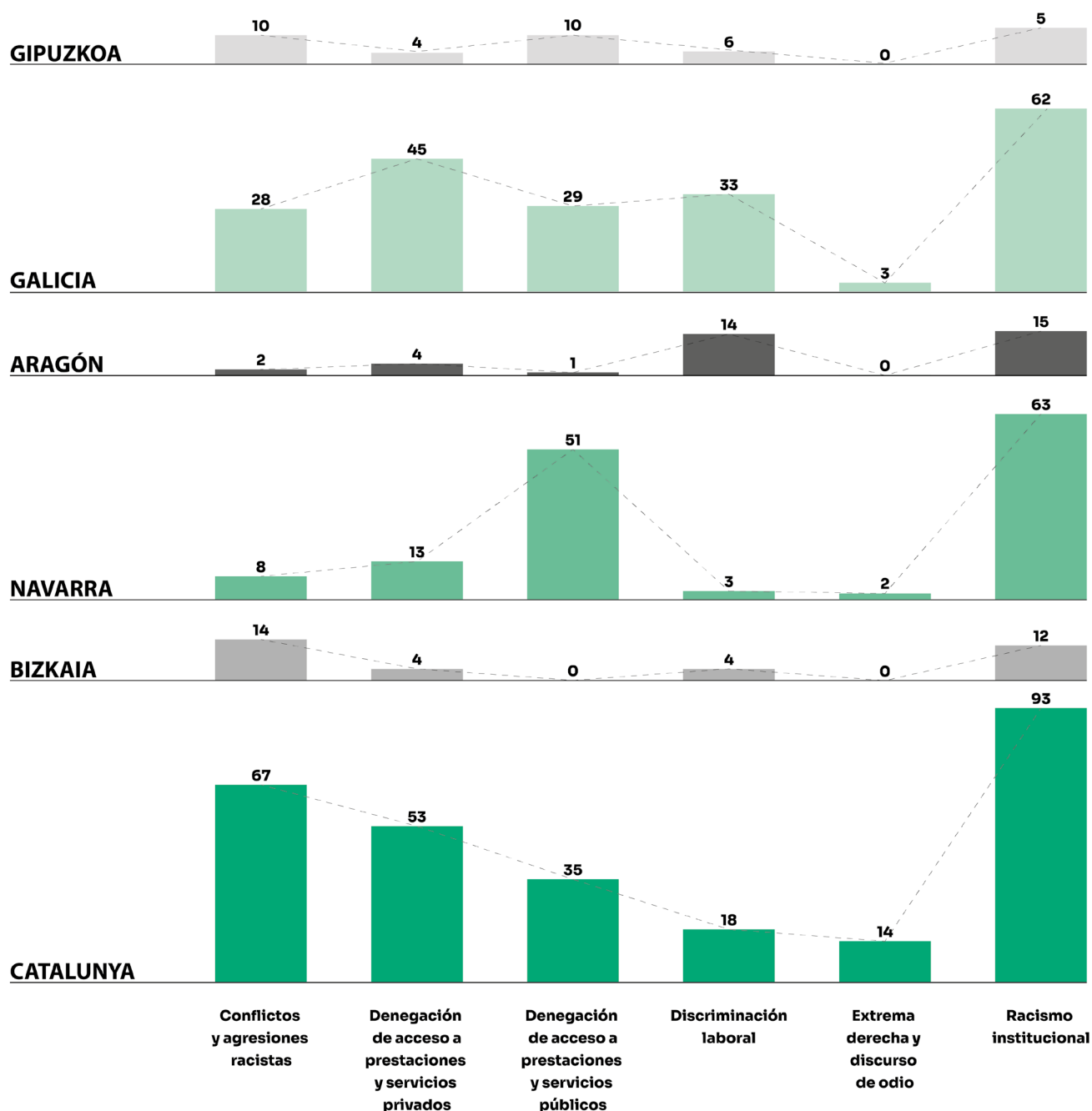
Institutional racism: "It is the set of policies, practices and procedures that disadvantage racialised groups by preventing them from achieving a position of equality." It manifests itself through policies, norms, procedures, and practices that perpetuate inequality and discriminatory treatment towards migrants, racialised and Roma people, even if there is no individual intention to discriminate. Institutional racism affects different areas such as education, justice, health, employment, among others.³

³ Buraschi, María José; Aguilar Idáñez (20th March 2021). "Racismo institucional: ¿De qué estamos hablando?". *The Conversation*.

Quantitative analysis of complaints

collected in the Attention and Complaints Offices of SOS Racismo (OID/SAID/ODAS)

These are the data collected in the different territories:



Data analysis:

patterns and trends

Before going into the analysis of the complaints collected during 2022, it is worth looking first at the evolution of the cases of discrimination collected by the SOS Racismo Federation's attention and complaints offices in the territories of Gipuzkoa, Bizkaia, Navarra, Galicia, Aragon, and Catalonia over the years. This provides us with a broader perspective and will help us to understand the context in which this year's complaints are found.

It is important to note that the data provided does not allow us to identify the specific reasons behind these variations, since multiple external factors, such as events or incidents, changes in policies or legislation related to discrimination, etc., can have an influence.

EVOLUTION TOTAL NUMBER OF CASES

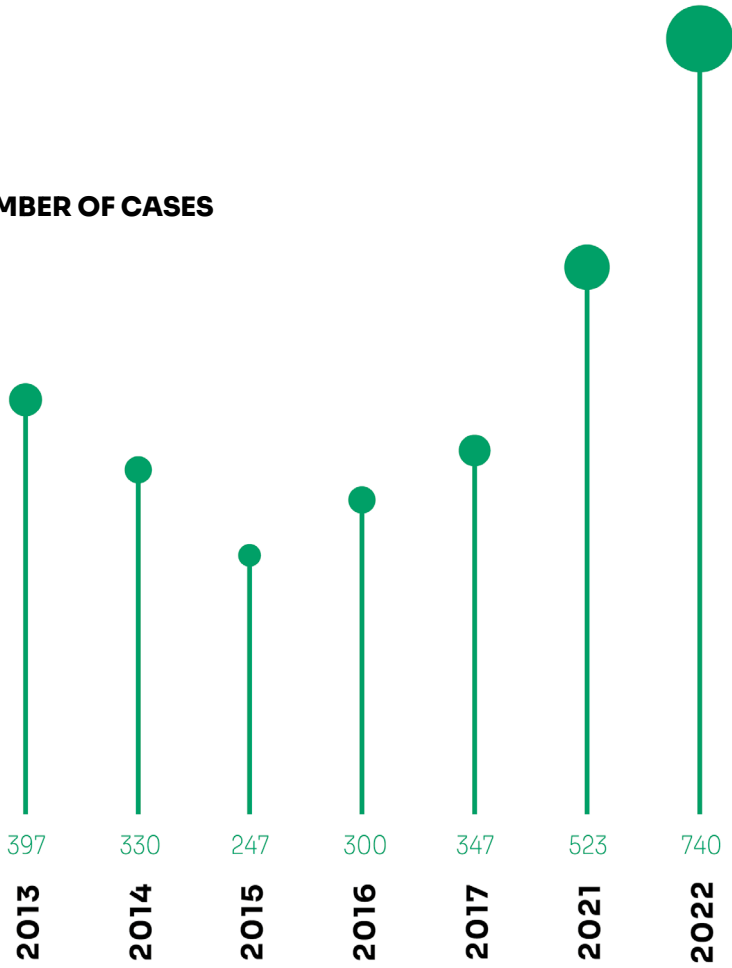


Figure 1 Evolution of complaints collected in the years 2013-2022

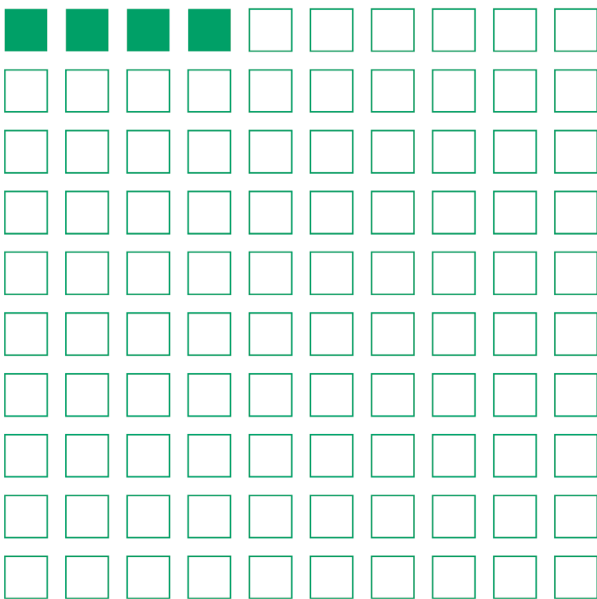
Age, gender, documentary status and origin

The analysis of the complaints received in 2022 shows that **4% of the 740 complaints were filed by minors, while the remaining 96% were filed by complainants in the 18–65 age range.**

This reflects a significant participation of minors in the process of reporting discriminatory acts.

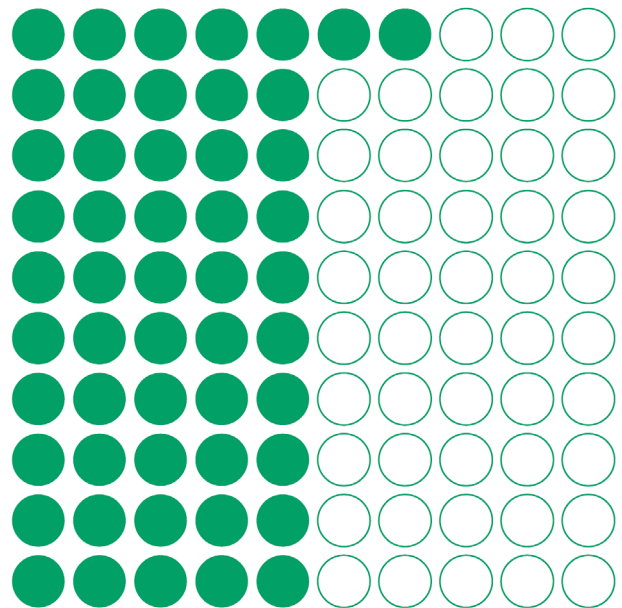
AGE

- 96% between 18 and 65 years
- 4% minors



GENDER

- 52% women¹
- 48% men²



¹ Or referred as so by themselves.

Figure 2

The fact that 4% of the complaints were filed by minors reflects the existence of discrimination in various areas that directly affect children. In the school environment, there is evidence of discrimination through cases of bullying among minors, where they may suffer harassment based on their ethnic or racial origin or because they are considered "different". Situations have been reported where the educational institution does not recognise bullying due to racism, but children and their families do perceive it as such, highlighting a discrepancy between the perception of the victims, their families, and the response of school authorities.

Even though children and their families clearly identify bullying based on racism, the school does not consider it as bullying, which can lead to a lack of adequate action and support for affected children. In this sense, the OID/ SAID/ SAD of Catalonia collected the following case:

"X is from Equatorial Guinea and has three children. She approaches SOS Racisme Catalunya to report the situation of her 13-year-old daughter at school (province of Barcelona), who has been bullied for some time by a group of girls at the school. She is one of the few black pupils at the school. They said many things to her: that her hair smells like Covid, that her hair is dirty, they picked on her skin colour, her nose... The bullying came to a head when one day someone set fire to her daughter's backpack while they were in the playground: they had moved all the classmates' things out of the way, leaving her daughter's belongings in the middle of the classroom and had set fire to them. The police and the fire brigade arrived and could not identify who had set the fire. On the day of the fire, X went to pick up her frightened daughter, who stayed home from school for a week. No one from the school called to check on her. Finally, X received a message from the school that the child had been absent from school without justification. Jacinta asked to meet with the School Management. At that meeting, the Management was uncooperative: they denied the racist harassment of her daughter, downplaying it as a childish thing; nor did

they know who had done it (it seems that the school had not done much to try to find out who had provoked the vandalism). X met with her daughter's tutor who apologised on behalf of the school for not having been up to the task and offered her help from the school's educational psychologist. Subsequently, she had an appointment with the educational inspectorate who assured her that they were following up the case together with the School Management. The child ended up returning to school frightened. Only one teacher asked her how she was doing. X fears for her daughter's safety at school. Her daughter receives threatening messages by whatsapp from classmates at school, they put her in groups against her will and send her threatening content (against her physical integrity and against her life). X has sought support from SOS Racisme Catalunya as she does not feel that the situation is being handled with sufficient rigour and seriousness by the school. When she tries to report the racist bullying her daughter receives, they minimise her perception and trivialise it, denying racism and reducing it to "a childish thing" and focusing on the potential psychological problems of her aggressors, ignoring her daughter's well-being. Jacinta fears for her daughter's safety every time she drops her off at school and does not feel that the authorities (police and education) are taking the matter seriously".

The OID/SAID/ODAS of Galicia, presents the following story:

X has a son who is in the last grade of primary school in a school in Galicia. Since he started primary school, his son, Y, has been receiving racist insults such as "shit nigger" or "poo colour". With each of the insults that her son tells her about, X sends an email, but they never do anything about it. In one of the last episodes, X's son starts to reply to such incidents and the teacher of the course minimises these attitudes and says that Y has also replied when this episode has occurred. Since the start of this school year, there have already been several incidents involving racist comments. The school receives training every year from

the Guardia Civil on the use of networks and other issues, and X proposed several times that they also provide training on racism. The school agrees, but in the end they do nothing. In one of the last incidents, a classmate said to Y: "I don't like you because you are black". The school did nothing. Y says that he was also called a "fucking nigger", but the school keeps quiet and ignores such incidents. Last year she spoke to the education inspectorate and filed a written complaint. She was told that she had to activate the bullying protocol at the school centre and so she did. But the centre told her that the child has more of a profile of a leader than a victim, proposed some psycho-pedagogical sessions and suggested that she stop the protocol. In these sessions, they evaluate the child and reiterate that what classmates tell him should not affect him, placing the blame on the victim, as well as the responsibility to prevent this type of racist attitudes and behaviour from affecting him personally. On one occasion one of the teachers at the school said that racism "is something that is in society", in an attempt to take the blame away from the responsibility of individuals to fight racism, as well as from the inaction of the school itself. Between X and the school there is a lot of exchange of emails, but the result is still the same, they do not consider the offences that Y receives to be serious and it seems that what they do emphasise is that Y starts to reply when he receives this type of aggressions. Meetings have also been held with professionals from the centre, but to no avail. This case is still valid in the year 2023. All this has been reported to the educational inspectorate and we are waiting for the minor to finish the school year in order to possibly file a criminal complaint".

Likewise, complaints related to living conditions have been registered in juvenile detention centres, where discrimination in the institutional treatment of foreign minors has been reported. These complaints include situations of differential treatment, stigmatisation, and lack of adequate resources to guarantee their

well-being. The stigmatisation of certain profiles of young people has also been identified, unfairly associating them with youth gangs, which contributes to discrimination, criminalisation and limits their life opportunities.

In addition, it is important to note that conflicts between adults involving minors can also be related to discriminatory acts. Children may witness or be victims of situations where adults display discriminatory attitudes, exposing them to an environment that is detrimental to their emotional and social well-being.

Regarding the gender of the complainants, 48% were men⁴(358 complaints), compared to 52% of women⁵ (382 complaints). That is, there are 4 percentage points more women than men, as has been the case in previous years. Therefore, it can be seen that in terms of equal opportunities, both women and men report racist acts, even though women continue to have a slightly higher percentage of greater representation, perhaps due to their own personal and social empowerment processes.

However, this situation shows an important variation. If we carry out a historical analysis, we can see that in the **2016** report the number of men reporting more racist episodes was double that of women.

This leads us to an important change when facing this reality, given that nowadays, the percentage distance in access to these reports tends to balance out, depending on the gender of the people reporting a racist act. In this sense, as a challenge for future reports, we intend to introduce new self-identifications that will allow us to gain greater knowledge of this reality, as well as possible intersections in which gender perception and identity may cause differences regarding the racist act or incident.

⁴Or referred as so by themselves.

⁵Or referred as so by themselves.

Behind the borders:

A look at data on migration status and nationality in relation to discrimination

The data provided in Figure 3 reveals important information on discrimination in relation to the migration status and nationality of the complainants. **Most of the complainants had a regular status, it is significant that a considerable 28% of the complaints concerned people with an irregular status.** This indicates what we

have historically reported from the SOS Racismo Federation, that discrimination is not limited by migration status, that both regular and irregular people can be victims and affected by discriminatory acts, but that it is racialisation that operates as a primary element when it comes to this type of racist behaviour and acts.

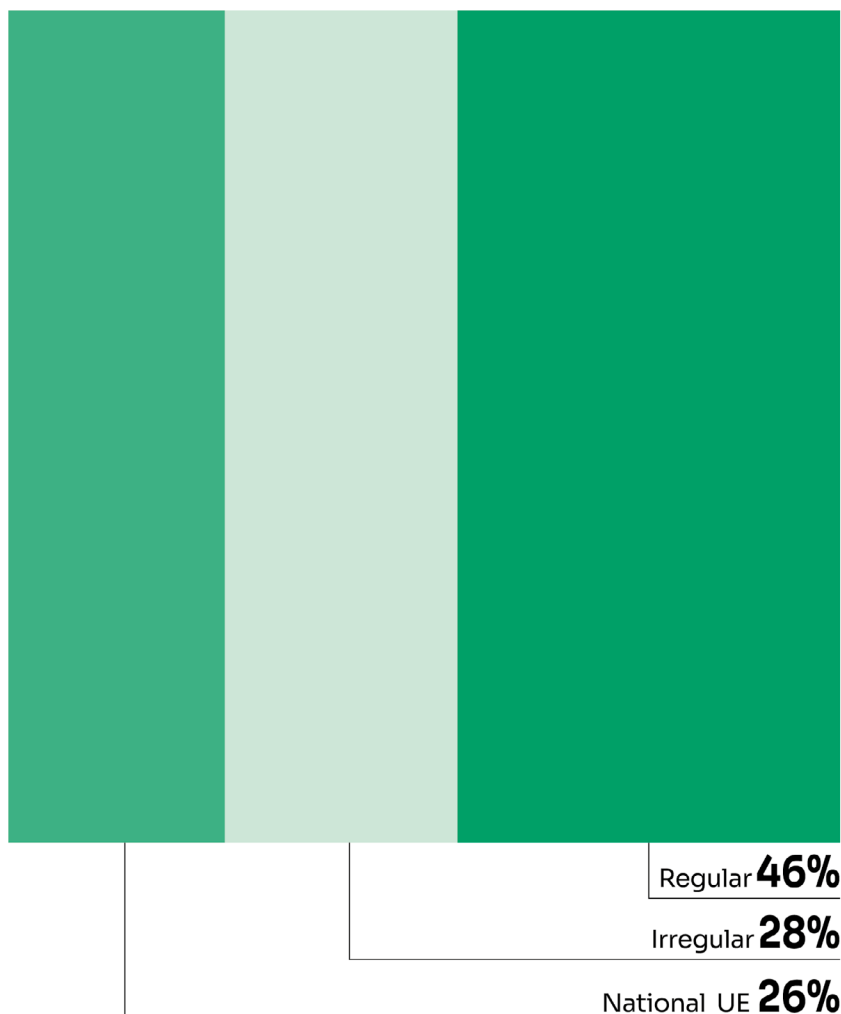


Figure 3

Based on the data collected, it is relevant to analyse the origin of the complainants. A classification of the nationality or origin of the complainants has been made according to continents, and sub-classifications have been made on some specific continents.

Looking at the data provided in Figure 4 on the classification of the nationality or origin of complainants by continent and sub-classifications, some significant trends can be identified. As for Africa, it can be observed that the majority of complaints come from people from the Maghreb region,

possibly related to the geographical distribution and the specific socio-economic and political contexts of that area. In the Americas, more complaints were recorded from South America than from North America. The low number of complaints in Asia may indicate cultural and language barriers, or barriers of access and information about reporting mechanisms. In Europe, there is a disparity between Western and Eastern Europe, which may be influenced by different historical, political, and socio-economic factors in each region.

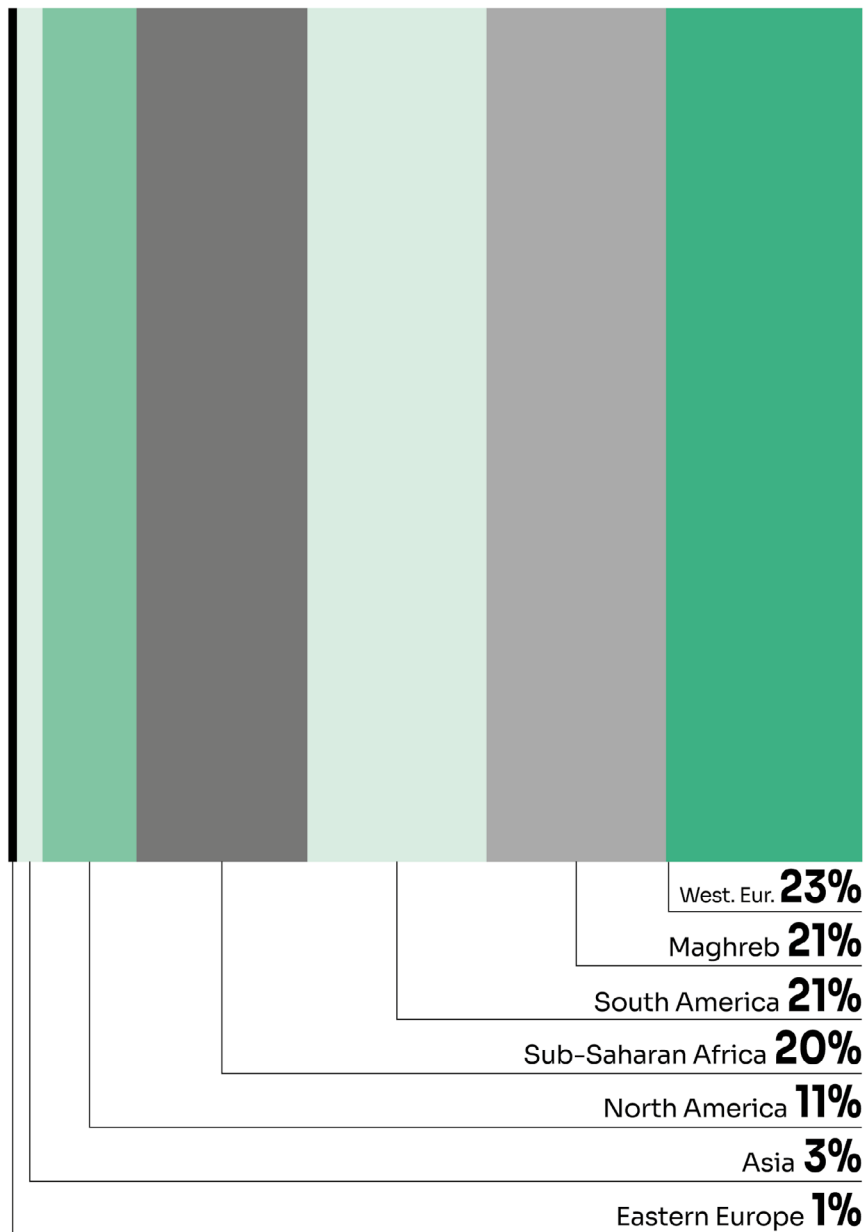


Figure 4

Discriminating agent

The analysis of the data collected by the SOS Racismo Federation's Attention and Complaints Offices reveals important aspects of discrimination in different areas.

The term "discriminating agent" refers to the entity, institution, organisation or individual responsible for carrying out acts of discrimination against a person or group on the basis of characteristics such as racialisation, ethnicity, religion, gender, sexual orientation, disability or other protected characteristics.

It can be a public entity, such as a government institution, a private company, a non-governmental.

Figure 9 shows that in **51.21%** of the reported cases, the discriminating entity was a **public entity**. This means that governmental institutions, state organisations or other public sector entities were responsible for discrimination in more than half of the cases. This is evidence of structural and institutional racism in such a complex and important power in the public order.

23.24% of the cases involved **individuals** as discriminating agents, which represents an increase of almost 20% compared to the previous year and is related to what was analysed when establishing the typology of discriminatory and racist cases. These are discriminations that take place in the private sphere. This means that people, in their personal, social, and every-

day interaction, were responsible for racist acts such as those we have pointed out when analysing conflicts and aggressions in public and neighbourhood spaces.

In **22.7%** of cases, **private entities** were identified as discriminating agents, an increase of over 20% from the previous year. This includes businesses, private services of all kinds, non-governmental organisations, and other actors in this sector. These results indicate that there are also cases of discrimination in the private sphere, which underlines the importance of not only promoting inclusive practices and ensuring equal opportunities in all sectors, but also putting a focus on the legal obligations of these private entities, through protocols, civil, administrative, or criminal mechanisms, as noted above.

DISCRIMINATING AGENT

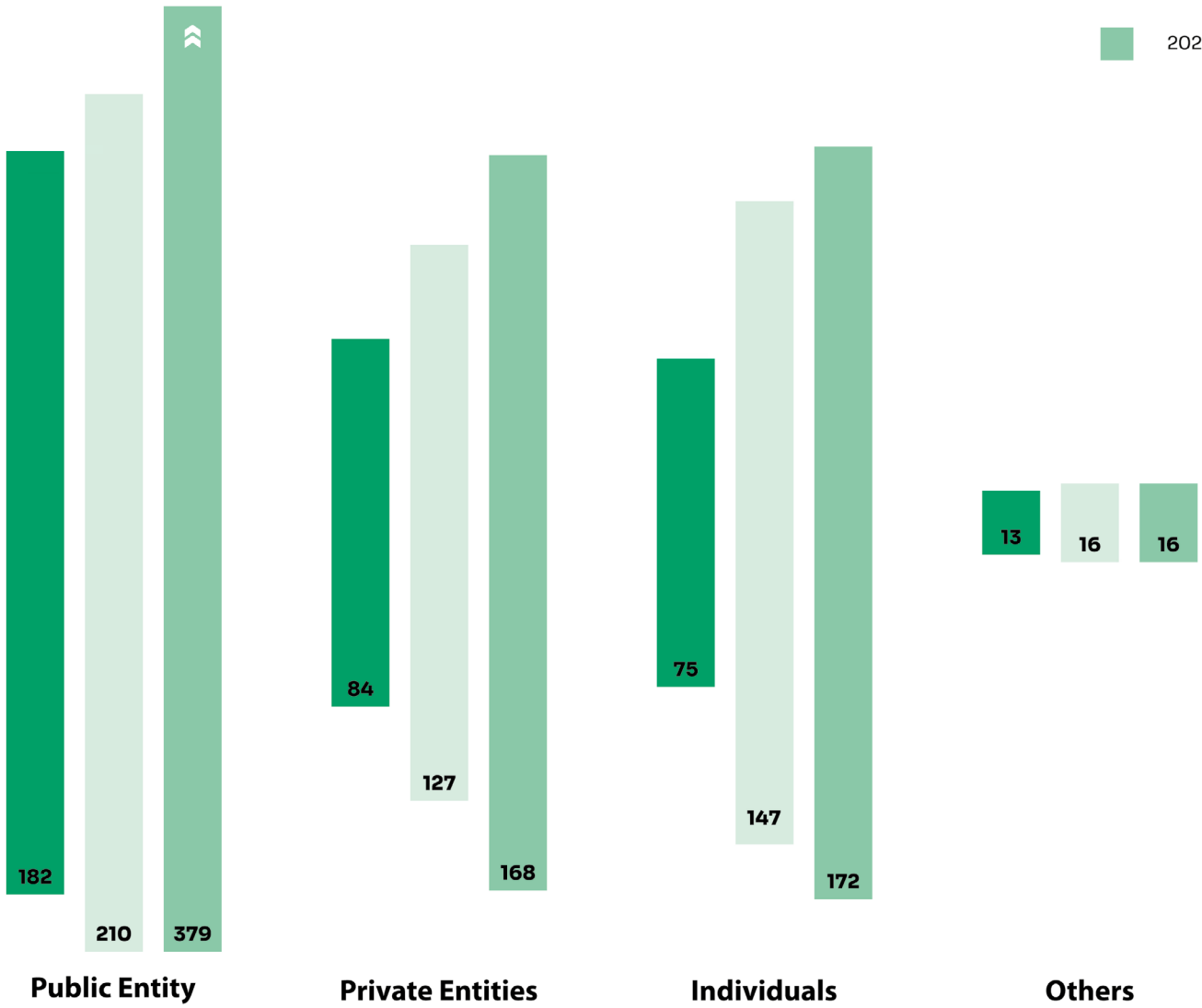
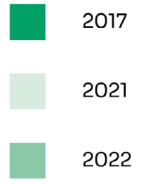


Figure 5

Breaking down discrimination:

A detailed analysis of the different types of discrimination

In the first place, **institutional racism** stands out, with a total of 250 cases, to which should be added cases related to the denial of access to public benefits and services, with a total of 126 cases.

If we add to this the 123 cases of denial of access to private benefits and services, we draw a scenario in which the public and private sectors limit the access of racialised people to services and benefits that should be available to all people, without any discrimination whatsoever.

TYPES OF DISCRIMINATION

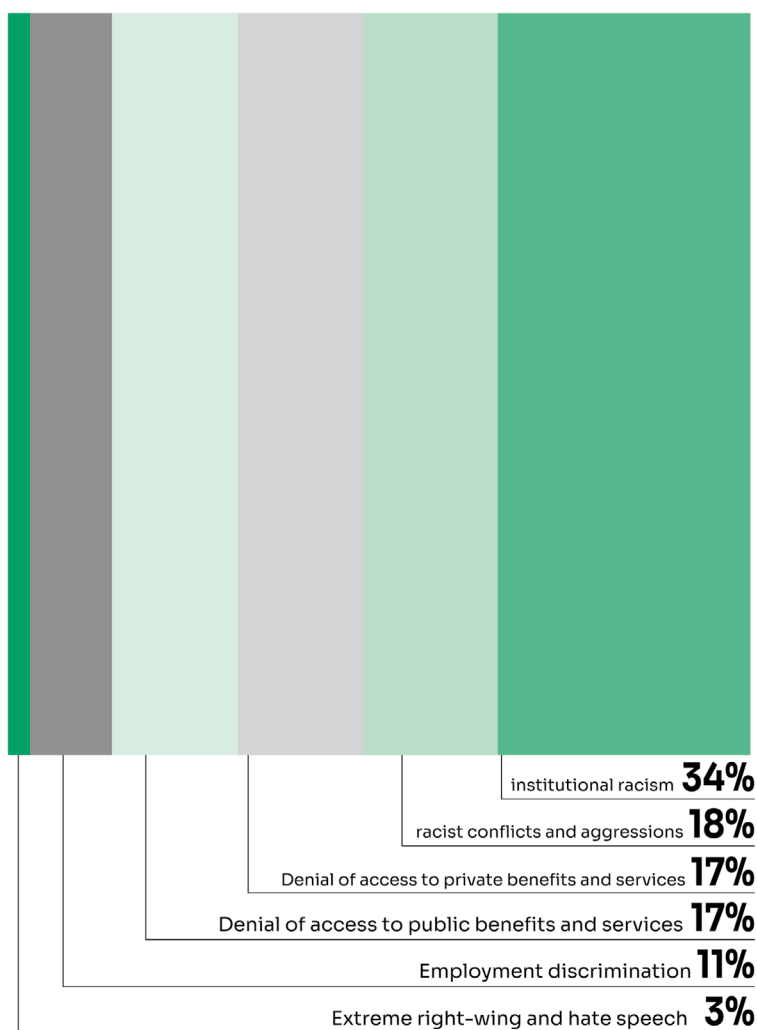


Figure 6 Total number of cases collected by OID/SAID/ODAS/OSAID/ODAS's in the year 2022, according to their typology

Secondly, **racist conflicts and aggressions** are present in 130 cases, indicating situations of violence or confrontations motivated by racial prejudice, speeches, acts and behaviour.

Employment discrimination, with a total of 78 cases, points to situations where people are treated unfavourably and unfairly in the work environment, a major obstacle to employment opportunities.

Finally, **19 cases of hate speech** by the extreme right-wing are mentioned as a form of racial discrimination.

In summary, the data in the figure reflects the existence of a diversity of types of discrimination, with institutional and social racism such as denial of access to public and/or private services being prevalent. These types of discrimination imply obstacles, barriers and inequalities that limit equal access to services and benefits for those affected and the need to address and combat these types of discrimination.

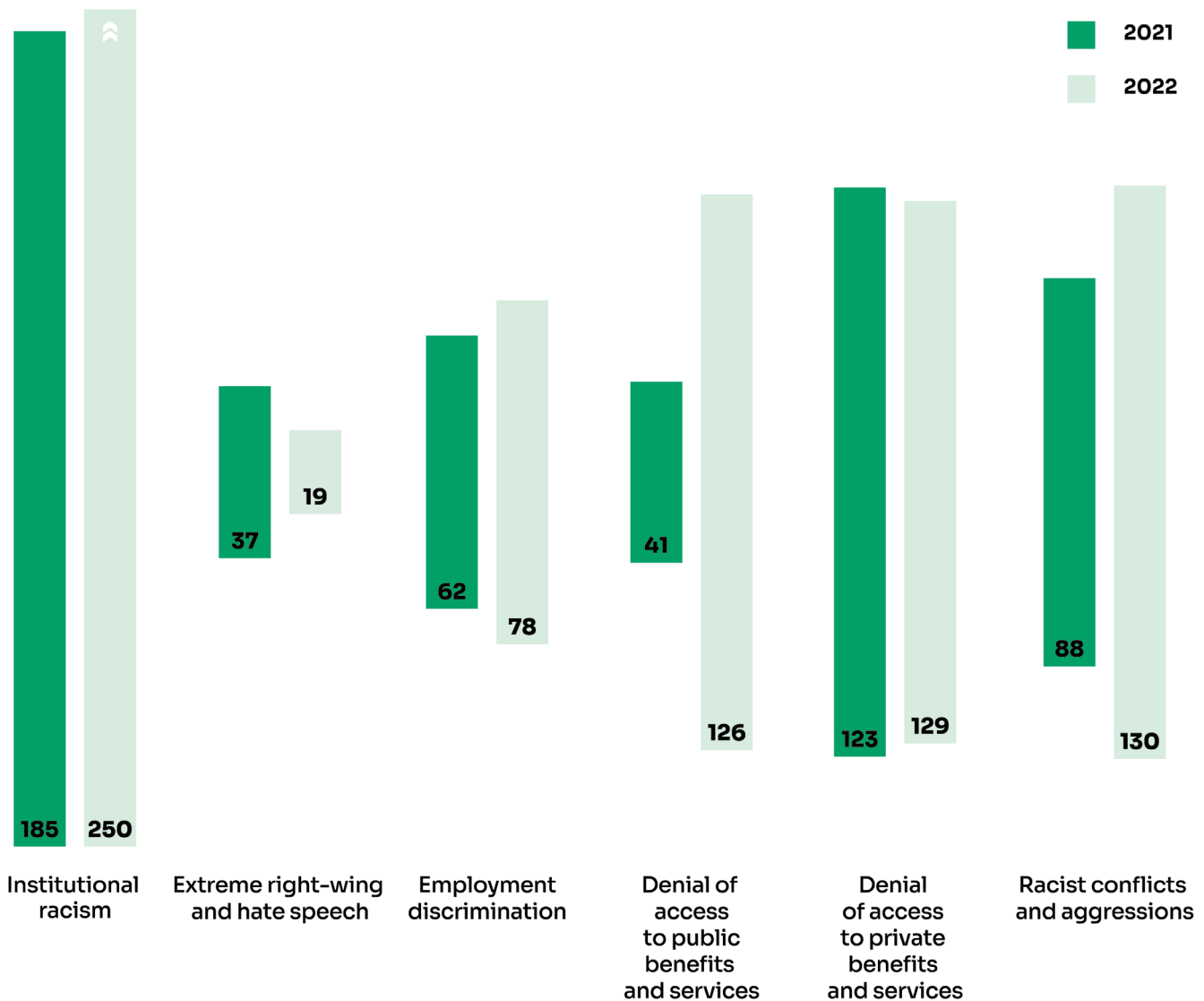


Figure 7 Total number of complaints collected by type of discrimination by OIDA/SAIDA/ODAS/OSAIDA/ODAS's in 2021 and 2022

With the 2022 data in hand, we have the opportunity to go back in time and take a closer look at the data collected in 2021. By reviewing data from both years, we can identify significant trends, patterns, and changes, giving us a more complete and enriching perspective on the evolution of the data over time.

In the 2022 report⁶, it is crucial to bear in mind that the number of registered complaints does not reflect the totality of racist incidents that take place in society. In fact, it constitutes only a tiny fraction, as more than 87% of the people affected do not file complaints. There are various factors that may influence a person's decision not to file a complaint, such as fear of reprisals or that the complainant will be ignored, mistrust of the justice system or lack of knowledge about available resources.

However, despite possible limitations in data collection, the increase in the number of complaints recorded by the SOS Racismo Federation indicates a worrying trend and suggests that cases of racist conflict and aggressions continue to trend upwards.

When comparing the data on complaints collected by the Offices of Information and Complaints in the years 2021 and 2022, the following trends in the different areas of discrimination can be observed:

Racist conflicts and aggressions: There is a significant increase in the number of complaints registered in 2022, from 88 in 2021 to 130 in 2022. This indicates an increase in situations of violent confrontations or aggressions motivated by racially motivated speeches, acts and behaviour, a highly worrying element if we take into account the judgements and press reports that we will develop in the final report that we will publish in October of 2023.

Denial of access to private benefits and services: There is a slight decrease in the number of complaints in 2022, with 123 cases compared

to 129 cases in 2021. This could indicate an improvement in access to private services and benefits for migrant, racialised and Roma people in mediation and conflict resolution, the normalisation of racism or the existence of language barriers, among other factors.

Denial of access to public benefits and services: There was a considerable increase in the number of complaints in this area. In 2022, 126 complaints were registered, while 41 cases were reported in 2021. This points to a significant increase in cases of denial or unfair limitation of access to public services and benefits. If we add to this the cases in the previous paragraph, we find that denial of public and private rights is the main casuistry with which we work in our OID/SAID/ODAS.

Employment discrimination: There is an increase in the number of complaints of employment discrimination in 2022, with 78 cases compared to 62 cases in 2021. This may indicate the intensity of existing discrimination in the workplace, an increased awareness and knowledge of their labour rights, and a willingness of affected people to report situations of unequal and discriminatory treatment.

Extreme right-wing and hate speech: There is a decrease in the number of complaints related to extreme right-wing and hate speech in 2022, with 19 cases compared to 37 cases reported in 2021. We can interpret that the fact that there are no reports does not mean that the racial hatred of these speeches, which are reflected in a palpable way in the media and social networks, has diminished.

Institutional racism: There was an increase in the number of complaints of institutional racism in 2022, with 250 cases compared to 185 cases recorded in 2021. This suggests an increased awareness and recognition of this form of discrimination rooted in the structures and practices of public institutions.

⁶Op.Cit. SOS Racismo Federation. (2022). "Annual report..."

Overall, these data reveal significant changes in the different areas of discrimination between 2021 and 2022. This trend highlights the need and urgency to continue working to tackle structural racism, in all its manifestations, by promoting not only equal rights and opportunities for racialised and discriminated individuals and groups, but also anti-racism as a way to recognise racist structures and how they operate as well as to propose solutions.

Furthermore, the importance of raising awareness, knowing the resources, and encouraging the reporting of discriminatory situations and implementing effective measures to prevent institutional and social racism in the public and private spheres.

However, in SOS Racismo Federation we are concerned about the increase in cases of racist attacks, as well as the denial of access to public and private services and benefits, because of the implications for coexistence and the construction of a diverse citizenship. The sum of speeches, acts and social behaviour imply an increase in the rhetoric of exclusion of racialised, migrant and Roma people in our society. _____

EVOLUTION TOTAL NUMBER OF CASES

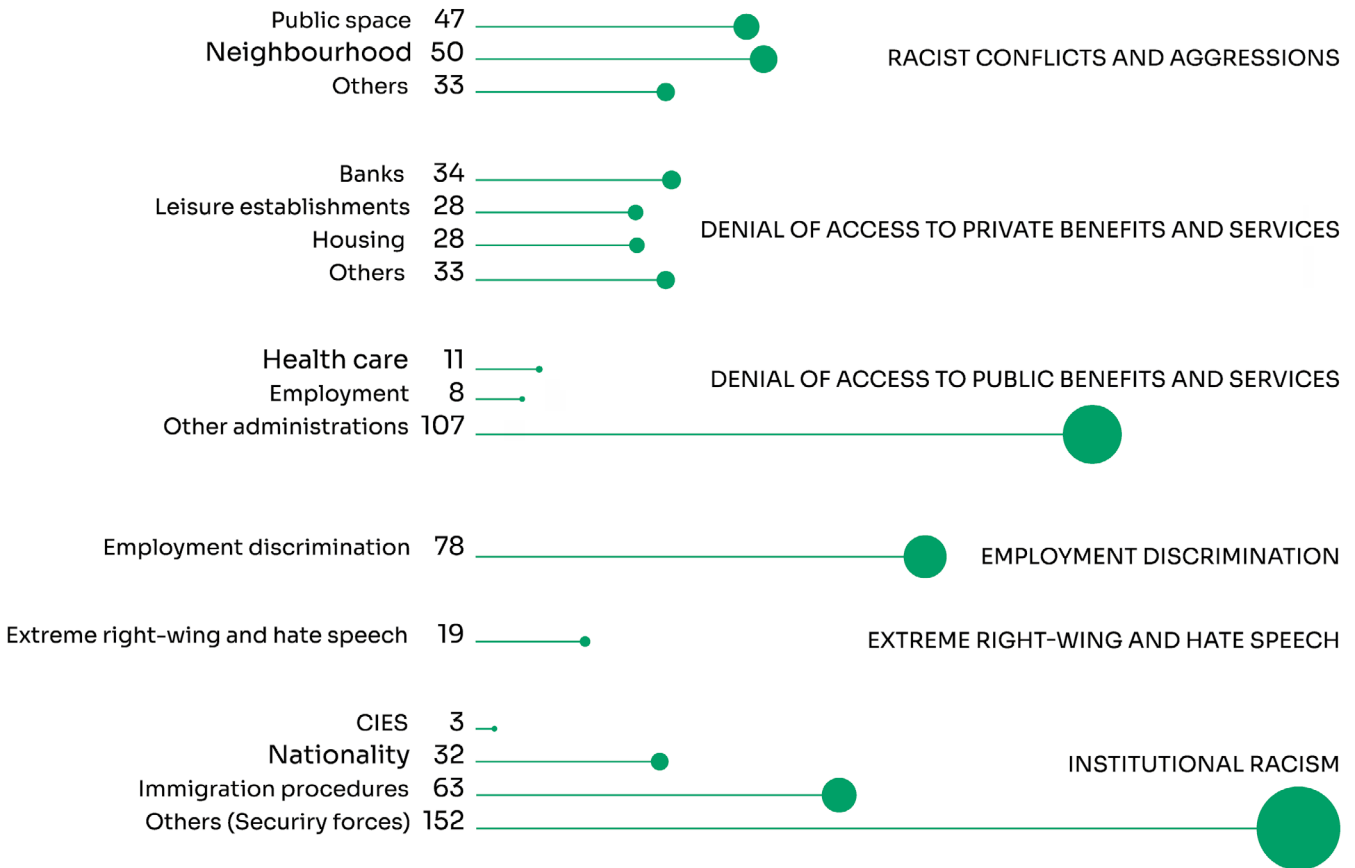


Figure 8 Subtypes of discrimination analysed in the year 2022

1. Institutional racism

Institutional racism refers to practices, policies and norms adopted by institutions or government entities that result in the systematic discrimination or exclusion of individuals or groups because of their racialisation or ethnicity. Unlike interpersonal racism, which is based on individual attitudes and behaviour, institutional racism manifests itself through the structures and functioning of institutions, perpetuating inequalities, and denying the full exercise of rights.

This type of racism can be observed in various forms. For example, institutions may implement policies or practices that have a disproportionate impact on racialised people, denying them important opportunities or resources. In addition, there may be barriers and obstacles in accessing essential services, such as health, education, housing or employment, that disproportionately affect certain population groups (e.g., North Africans, Afro-descendants, Latin Americans, etc.). A clear example of this type of behaviour is the administrative procedures related to people of foreign origin in which, despite the volume of work involved, the number and quality of resources allocated (material, human, IT) imply delays that would be unacceptable in the case of white population, the lack of appointments for the processing of any type of administrative procedure that the administration is aware of, acknowledges, but does not provide a solution. This implies an evident form of racism in which the administration itself consciously discriminates, singles out and stigmatises racialised people.

Unequal treatment is also a manifestation of institutional racism. Institutions may treat migrant, racialised and Roma people in a discriminatory manner in situations such as the justice system, law enforcement or interaction with security forces. These practices reinforce racial stereotypes and prejudices, perpetuating inequalities and undermining equal opportunities.

Tackling institutional racism requires a holistic approach. It is essential to promote anti-racist and equality, diversity and inclusion public policies that dismantle systemic barriers and promote equity in all aspects of life. In addition, structural changes in institutions must be made to ensure social and racial justice and equal treatment. Awareness raising, education and sensitisation on institutional racism are also key to fostering deep and lasting change in institutions, the civil service, and in society as a whole, creating a more inclusive and respectful environment for human diversity.

Thus, as can be seen in Figure 9, regarding the complaints related to the Immigration Detention Centre (CIES), it can be seen that there was a slight increase in 2022 compared to the previous year, although the number remains relatively low overall. In 2022, 3 complaints were recorded, while in 2021 and 2017 there were 1 and 5, respectively.

INSTITUTIONAL RACISM



It is important to note that CIES is a place where people can experience situations of vulnerability and discrimination, so it is crucial to pay attention to these cases and ensure that the rights of people in such centres are respected.

In relation to complaints based on nationality discrimination, we observe a progressive increase in the number of cases. In 2022, 32 complaints were filed, compared to 27 in 2021 and 9 in 2017. This indicates that there is a persistent problem of institutional racism based on the nationality of individuals.

As for complaints related to immigration procedures, there is also an increase in complaints over time. In 2022, 63 cases were reported, while in 2021 and 2017 there were 40 and 38, respectively. This suggests that people facing bureaucratic immigration and regularisation processes suffer discrimination and unequal treatment by the institutions in charge of managing these procedures.

It is essential to ensure that immigration procedures are fair, transparent, and respectful of people's rights, regardless of their ethnicity or nationality.

Furthermore, the data reveal a significant increase in complaints related to "other" discriminatory agents, specifically security forces. In 2022, 152 complaints were recorded, compared to 117 in 2021 and 18 in 2017.

This may be indicative of a more widespread problem of institutional racism, the normalisation of violence, racism, and impunity.

It is essential to properly investigate and address these complaints to ensure that security forces act in accordance with respect for human rights of particular concern such as investigations, detention, police custody and use of force.

To better visualise the concept, we present below a case collected by OID/SAID/ODAS Bizkaia:

"The complainant, along with 3 other friends were coming down the street after a Ramadan dinner, when a police van passed by on the street and saw them, but then turned back. Policemen came down and stopped them for no reason. They put them against the wall and asked for their documents without any information or reason. Two of them were quickly released, so they were left waiting for their other 2 friends. A policeman came to them and hit one of them with a truncheon, telling him: "I didn't tell you to leave, you son of a bitch". The other one started to film the situation, and when he saw him, a plainclothes policeman charged at him, and he started to run out of fear. 2 policemen started to chase him and hit him with the truncheon, choked him, punched him, kneed him, and insulted him. They kept the latter's mobile phone". _____

2. Racist conflicts and aggressions:

a comparative perspective

Figure 10 shows the number of complaints registered in different areas of racist conflicts and aggressions in 2017, 2021 and 2022.

The complaints filed for racist conflicts and aggressions refer to situations of violent confrontations or aggressions motivated by racist speeches, prejudices, acts and behaviour.

These complaints highlight the concern that we at the SOS Racismo Federation have been expressing in recent years that we are witnessing a new phase in racism and discrimination in our environments. A new era in which violence against racialised, migrant and Roma people is not only normalised, but is growing inexorably in the form of racist conflicts and aggressions in public spaces, neighbourhoods, and other areas (for example, in recreational and cultural spaces, education, the media and social networks, etc.).

In public space, these are racist incidents that occur in places such as streets, parks, or public spaces.

Neighbourhood racist conflicts and aggressions involve discriminatory situations between people living in the same neighbourhood or community. Moreover, there are other areas where these acts of discrimination are manifested, **such as in education, at work or even on social networks.**

Analysing and understanding these specific types of conflicts and aggressions is essential to effectively address and combat racist conflicts and aggressions, as well as to promote inclusive environments. Below, we present a real case collected by the Attention and Complaints Office of Navarra:

"The affected person contacts our office to report a situation of racist harassment and aggression. It is a situation of harassment that has been going on since they moved in (a year ago). Her upstairs neighbours constantly make a lot of noise at night. One day in the morning at approximately 7:40 am she asked them to please stop making noise. Then the couple of neighbours started to insult and threaten to hit her and her daughter, with phrases such as: "Foreign bitch, go back to your country, whore. Get out of my country. I'm going to smash you and your daughter", to which she replied that they were scoundrels. The woman then approached her to hit her and she ran away. She went to the local Municipal Police and she was told that they could not take note or do anything because there had been no physical aggression and that they were busy because it coincided with school start times. She also went to the Health Centre where they took her blood pressure and offered her a painkiller, which she decided not to take because she was going to work. She says she is very afraid for herself and her daughter, who is a student and because she works in the afternoons in a food establishment, arriving home late at night. In addition,

when they meet her in the street, they make faces at her and laugh at her. We accompanied her to file a complaint and since then their attitude has changed, now they ignore her, they don't address her, so she is calmer".

When analysing the data on complaints about racist conflicts and aggressions in public spaces, there is a trend of a progressive increase in the number of complaints over the years.

In 2022, 47 complaints were registered, which represents a significant increase compared to 14 complaints in 2017 and 27 complaints in 2021.

Racist conflicts and aggressions in public space can manifest themselves through insults and offensive comments, bullying and harassment, exclusion and segregation, as well as physical aggressions.

The increase in the number of complaints of **racist neighbourhood conflicts and aggressions over the years is evidence of a worry-**

ing trend. In 2017, 29 complaints were recorded, while in 2021, 34 complaints were reported. However, in 2022, the number of complaints rose to 50, which represents a significant increase compared to previous years.

This increase in complaints may be indicative of the persistence of problems related to racial discrimination in neighbourhood environments. It reveals the existence of racially motivated conflicts and aggressions occurring within communities and neighbourhoods, and by extension, a worsening of coexistence and inclusion in our neighbourhoods, towns and cities.

In the same vein, **the increase in the number of complaints of racist conflicts and aggressions in other areas** (e.g. In recreational and cultural spaces, media and social networks, etc.) Confirms this worrying trend. In 2017, 17 complaints were recorded, while in 2021, 27 complaints were reported. In 2022, the number of complaints increased to 33, which represents a significant increase compared to previous years.

RACIST CONFLICTS AND AGGRESIONS

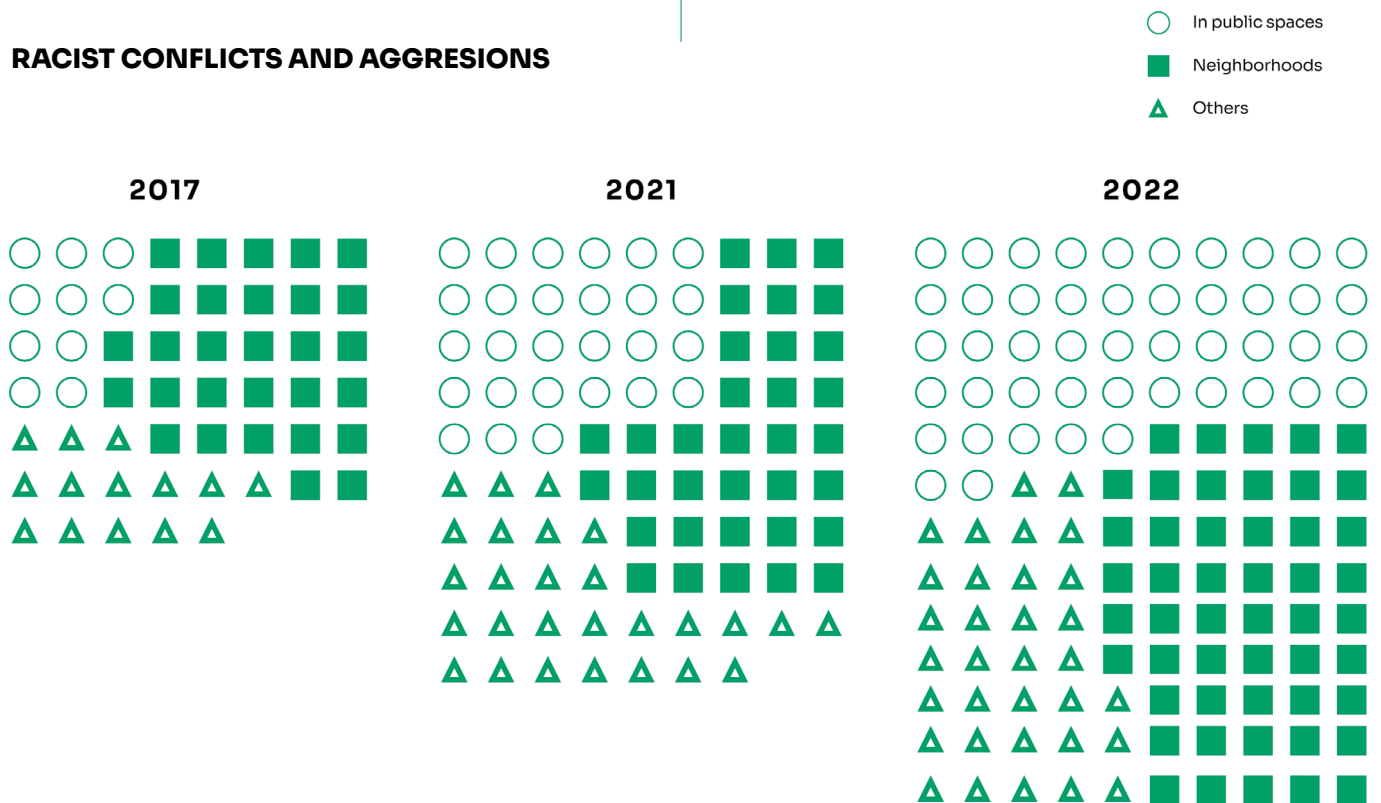


Figure 10 of complaints of racist conflicts and aggressions collected in the years 2017, 2021 and 2022 in their manifestations

In general, the data reveal an increase in cases of racist conflicts and aggressions in the different areas analysed over the period considered.

This increase in complaints indicates the existence of persistent problems related to racial discrimination in various contexts, such as education, employment, police or health care services, among other possible areas. This points to an important need for intervention if we want to achieve real coexistence in our contexts. The fact that cases of racist conflicts and aggressions continue to occur and increase, highlights the continuous need to address, work and implement anti-racist public policies in the promotion of equality, social inclusion and coexistence.

The increase in the number of complaints reflects a greater visibility of cases of racist conflicts and aggressions, suggesting that those affected are more aware and willing to report these situations. _

3. Denial of access to private benefits and services

Denial of access to private benefits and services refers to the situation in which a person is discriminated against, denied access to services and benefits, or treated unfairly and/or degradingly. They are provided by private entities, such as companies, institutions, or commercial estab-

lishments. This form of discrimination can manifest itself in different contexts, such as access to banking services, insurance, housing, private education, private health care, among others.

DENIAL OF ACCESS TO PRIVATE BENEFITS AND SERVICES

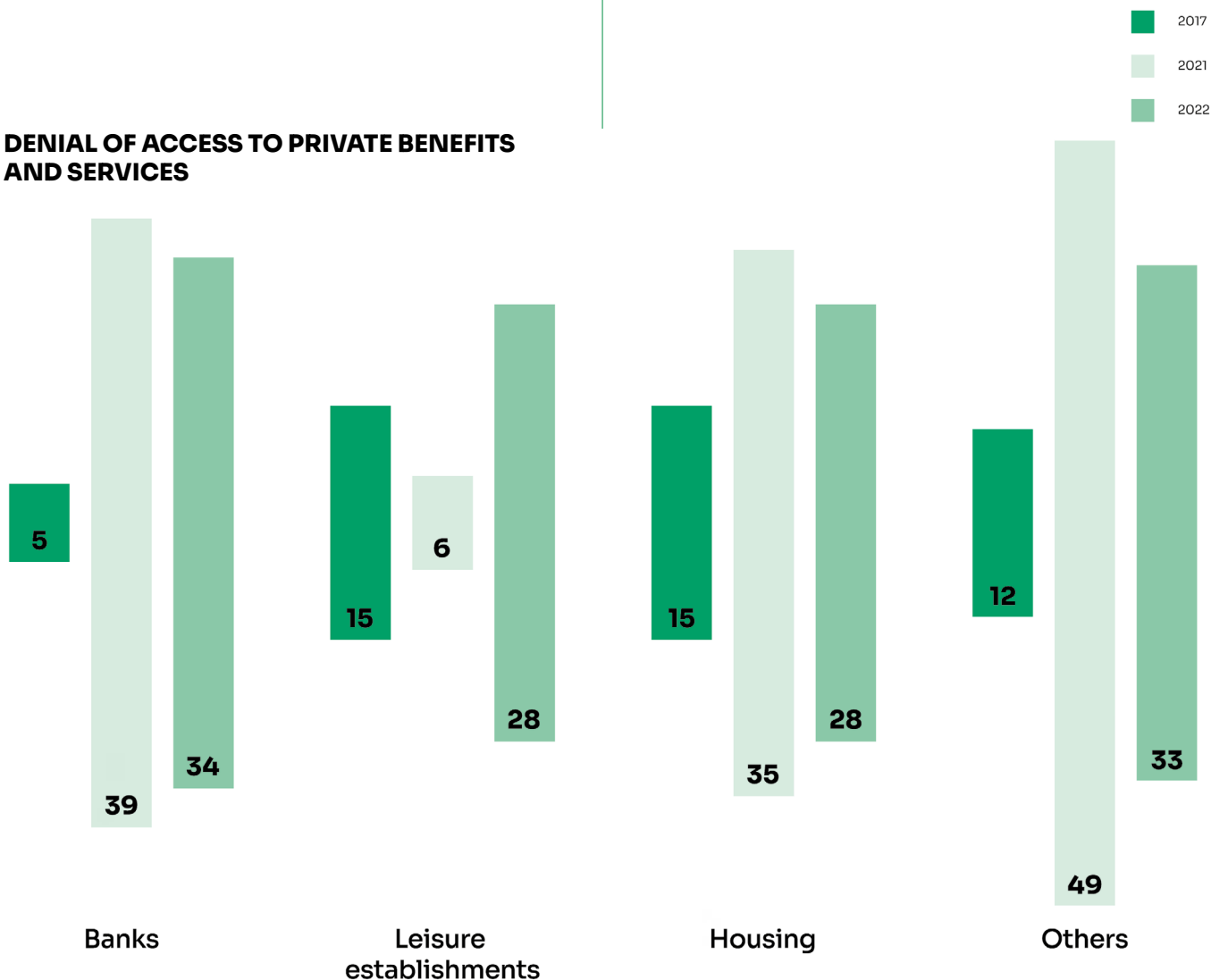


Figure 11 No. Of complaints of Denial of access to private benefits and services collected in 2017, 2021 and 2022 in their manifestations

The evolution of complaints collected by the attention and complaints offices in relation to the denial of access to private benefits and services shows an interesting pattern.

In 2017, 47 cases of denial of access to private benefits and services were registered. This figure indicates that there were situations where people faced discrimination and were denied access to private services.

Nevertheless, the year 2021 shows a considerable increase in the number of complaints, reaching a total of 129 cases. This increase suggests greater visibility and awareness of cases of denial of access to private benefits and services based on racial grounds. It could also indicate a greater awareness of the people affected to report these situations and seek a solution.

The figures in this report show that, although there has been a slight improvement in the number of cases collected, it is so minimal that it shows that this reality is still entrenched in our environment (123 cases).

Denial of access to private benefits and services:

With the aim of understanding the complaints collected on the denial of access to private benefits and services, it is essential to examine a typical case of this problem. We present a case collected by the Attention and Complaints Office of Gipuzkoa:

“The man lives in Errenteria in a rented flat with 6 other members of his family (parents and siblings). Last November, the owner of the house passed away and the heirs informed them that they must leave the house by 31 March at the latest, which is the date on which the contract expires. After the announcement, the family started to look for a new home and, from the beginning, they found that both recruitment agencies and individuals refused to rent them a house because of where they came from. The family is fully integrated, the sons and daughters have university studies, not even "X" has a phenotype typical of a Maghrebi

person, but once they hand over the documentation, the treatment changes and the housing offers disappear with the most lame excuses. Many of the contacts have been by telephone and in most cases, when they give them the name, they are told that they will be put on a "waiting list". They have never been called. The man called an agency in Irún, URME, to enquire about a house that was for rent on their website. He made an appointment to view it and sent his documentation by email to speed up the process if he went ahead. Two hours later, he received a call saying that the owner already had another offer that he had accepted and therefore cancelled the appointment. The next day, she asked a work colleague to call the agency asking about the same property and it turned out that it was still available for rent and she asked for a new appointment, which she attended with this man. Together with the agency worker, they saw the house, but when she realised that he was Moroccan, she told them that the owner did not want foreigners. The conversation is recorded. "X" has, in addition to the recording, revealing whatsapp messages with other agencies. Meanwhile, the owners of the house are pressuring them to leave, something they obviously cannot do if they have no other alternative.”

This would be a typical example of denial of access to housing. However, this type of denial often occurs in other areas as explained below.

Banks: In this area, people may face discrimination in accessing financial services, such as opening bank accounts, loans, or mortgages. Looking at the analysis of the data collected by the attention and complaints offices, a significant increase in the number of complaints in 2021 can be seen.

The number of complaints in relation to the denial of access to private benefits and services in banks increased significantly in 2021, with a total of 39 complaints compared to the 5 complaints registered in 2017. In this sense, there were several complaints made by SOS Racismo to report bank discrimination against migrants, such as, for example, the one made by SOS Racismo Bizkaia

and Ongi Etorri Errefuxiatuak, "SIN CUENTA NO CUENTAS"⁷ WITHOUT AN ACCOUNT, YOU ARE NOT TAKEN INTO ACCOUNT).

Nevertheless, although the analysis of the data reveals that there was a slight decrease in the number of complaints in 2022 compared to the previous year, we would like to think that this was due to the complaints made.

Access to leisure establishments and restaurants is one of the main concerns of the SOS Racismo Federation over time. A concern that has been shown in the elaboration of several tests in which we have analysed discrimination in access



to them. We consider this aspect to be important because it happens in spaces where free time is shared and where greater social interaction is possible.

Looking at the data, there is a fluctuating trend in the number of complaints over the years. In 2017, 15 complaints were recorded, but in 2021 there was a significant decrease to 6 complaints. Nevertheless, in 2022 there was a notable increase, reaching 28 complaints. If we extend the annual range of analysis to these data, they show that discrimination problems persist in these establishments, and the increase in 2022 highlights the need to address and combat this issue to ensure an inclusive and discrimination-free environment in leisure establishments and restaurants. Unfortunately, the tests



we conducted in 2014 and those conducted by SOS Racisme in the "testing night" series are still valid.

As for the **area of housing**, there is a slight decrease in the number of discrimination complaints over the years. In 2017, 15 complaints were recorded, and although there was an increase in 2021 to 35 complaints, in 2022 it decreased again to 28 complaints.

In this sense, the results obtained in the testing "Sin Conexión"⁸ (No Connection) in which we analysed the access of racialised people to the real estate market through digital portals (2020) and "ALQUIL-eres de aquí" in which we analysed access to rental housing through real estate agencies (2021) show the normalisation of the introduction of discriminatory elements in access to rental housing.

This form of discrimination involves limiting people's access to adequate and affordable housing on the basis of unfair and arbitrary criteria, which in the case of real estate agencies could

⁷ For more information, cf.: <https://sosracismo.eu/sin-cuenta-no-cuentas/>

⁸ For more information, cf.: <https://sosracismo.eu/wp-content/uploads/2021/04/8.-Testing-SIN-CONEXION-1.pdf>

fall under criminal law. It can manifest itself through discriminatory practices, such as refusal to rent or sell, imposing stricter requirements, setting up barriers that make equal access difficult, or applying unfavourable prices or conditions to certain groups.



In addition to banks, leisure establishments and restaurants, and housing, there are other areas where discrimination may occur in the denial of access to private benefits and services. Some examples of these areas are set out in these sections:

Transport: Discrimination in access to private transport services, such as taxis or app-based transport services, where drivers may deny service to individuals on the basis of characteristics protected by anti-discrimination legislation.

Health centres and health care: There may be cases of discrimination in access to private medical services, such as hospitals, clinics or doctors' offices, where people may be treated unequally or denied medical care.

Education: Discrimination in access to private educational institutions, such as schools or universities, where admission may be denied or unequal treatment may occur.

Financial services and insurance: Situations of discrimination in access to private financial services, such as loans, insurance, or investments, have been documented through the application of policies or practices that are based on legally protected attributes, such as racial origin, gender, religion or disability.

Financial services and insurance: Situations of discrimination in access to private financial services, such as loans, insurance, or investments, have been documented through the application of policies or practices that are based on legally protected attributes, such as racial origin, gender, religion or disability.

Thus, as can be seen in Figure 11, the category "other" in the context of denial of access to private benefits and services covers a wide range of areas in which discrimination may occur. According to the data provided, there has been a significant increase in the number of complaints collected under this category over the years analysed. In 2017, 12 cases were recorded, while in 2021 there was a notable increase to 49 complaints. However, in 2022, a decrease in the number of complaints collected was observed, standing at 33 cases. Although the exact nature of the cases in this category is not specified, these data suggest the existence of a persistent problem in various areas of private benefits and services.

4. Denial of access to public benefits and services

Denial of access to public benefits and services refers to the exclusion or denial of access to benefits and services offered by government entities or public institutions.

This form of discrimination can manifest itself in various ways. First, people may face direct restrictions or denial of access to services such as public transport, recreational facilities, parks, libraries, schools, hospitals, among others. In addition, they may experience differential or discriminatory treatment, receiving lower quality service, facing language or cultural barriers, or being subjected to racial stereotyping and prejudice. The denial of legitimate rights and benefits, such as social assistance programmes, subsidies, educational scholarships, or adequate health care services, also constitutes a form of discrimination.

Finally, bureaucratic and administrative obstacles, such as excessive documentation requirements or complicated application processes, can hinder access to public services. Denial of access to public benefits and services has a significant impact on people's lives, perpetuating inequality and violating their fundamental rights.

Before going deeper into the analysis, we will present a specific case collected by the OID/SAID/ODAS of Gipuzkoa, in order to illustrate and contextualise the issue in question:

"The complainant came to our offices to tell us that the Alokabide house he had been assigned did not meet the minimum conditions of habitability and that in Alokabide nobody paid any attention to his numerous requests for relocation. He claimed that he was living like a dog and that the Alokabide workers were fine with him living like that because he was a foreigner, accepting the fact that no one "from here" would accept to live in those conditions. We helped him to apply for a new relocation, which was denied. As a strategy, it was decided to apply for a Housing Suitability Report (as if we were going to apply for reunification but the only intention was to obtain a report from the Basque Government on the housing). Indeed, after the inspection, the Housing Suitability Report was NOT FAVOURABLE as, according to the Basque Government, "it did not meet the minimum conditions for habitability". After this, we asked for relocation again, providing the housing report, which was also denied. The case was referred to the Ombudsperson".

The complaints collected by the SOS Racismo Federation's offices of attention and complaints during 2022 show a worrying reality in relation to discrimination in access to public benefits and services. These data reveal a total of 126 complaints, which is a significant increase

DENIAL OF ACCESS TO PUBLIC BENEFITS AND SERVICES



Figure 12 Total number of complaints collected by OID/SAID/ODAS regarding denial of access to public benefits and services in the years 2017, 2021 and 2022, by their subcategories.

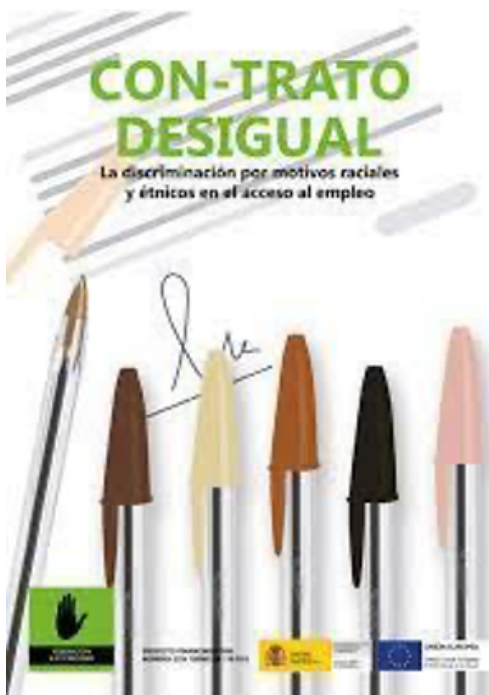
compared to previous years, and indicates that discriminatory acts persist that hinder the full exercise of rights by migrants and racialised people.

The data in Figure 12 show different patterns in the denial of access to private benefits and services in different areas. While there is a decreasing trend in access to health care - most likely due to new regulations in 2018, which may have led to improved access to the public health care system - the area of employment shows a slow increase in data collection (although not quantitatively significant so far).

The category of "other administrations" covers discrimination experienced in the denial of access to public benefits and services in several key areas of society. This manifests itself in situations where people are excluded from or denied access to essential services provided by government entities.

5. Employment discrimination

In 2022, the data collected reveal a worrying number of 78 complaints related to employment discrimination. These figures reflect the persistence of significant problems in the workplace, where people face unfair, degrading situations due to characteristics protected by anti-discrimination legislation (Law 15/2022 of 12 July, comprehensive for equal treatment and non-discrimination).



As we pointed out in the testing "Con-Trato desigual" in 2019, employment discrimination can have various reasons and grounds, but at its core it is based on structural racism that operates and affects situations of abuse and violation of rights. Entrenched societal prejudices and cultural stereotypes are one of the main reasons

for discrimination in the workplace. These prejudices, based on characteristics such as phenotypes, racialisation, gender, age, religion, sexual orientation, or functional diversity, among other variables, can influence the perception of certain groups of people in the workplace. This results in discrimination in hiring, promotion opportunities and working conditions. Lack of awareness and education about diversity and equality in the work environment also contributes to discrimination, as do unconscious biases that can influence people's decisions and actions. Organisational structures and cultures, as well as systemic discrimination in society at large, also play an important role in perpetuating discrimination in the workplace.

Let's look at a specific case collected by the OID/SAID/ODAS of Aragon:

"A domestic worker started working for the same family in September 2019 on a part-time basis. During the pandemic, she did not work and was not paid. In December 2021, she was given a full-time social security contract, but continued to work part-time, paying her own social security. The woman left the social security system on 31 December. On 9 February, the family dismissed her on the grounds that she had to be available all day, despite working only 4 hours a day. The woman never received holidays or extra pay and earned 450 euros per month. Calculations were made of the amounts she was entitled to in compensation and attempts were made to mediate through the Casa de la Mujer, but to no avail. Subsequently,

the option of filing a claim with the Servicio de Arbitraje y Mediación Laboral (SAMA) - Labour Arbitration and Mediation Service - or seeking labour conciliation through the Government of Aragon was explored. After several attempts at communication, she managed to speak to the employer and her lawyer, who proposed to pay 850 euros in exchange for the worker signing a document committing herself not to make any further claims or file a complaint with the Labour Inspectorate.”

The OID/SAID/ODAS of Gipuzkoa reported another case of employment discrimination:

“On 01/09/2022 X was hired as an English teacher by the company DONOSTI KIDS S.L., owner of the English language academies KIDS&US. X presented her CV at the academy in Errenteria and on 04/07/2022 the company called her for an interview which took place at the company's premises in Donostia. Immediately after the interview she was offered the possibility of starting work from 01/09/2022, at the academy in Antiguo (Donostia) or in Errenteria. X chose Errenteria as it was his place of residence. On Monday 12/09/2022 was his first day of class. On the 13th she went to Madrid (with the company's permission) to process her passport and on Wednesday and Thursday she taught two other groups of children. Apparently, both the relationship with the pupils and with the colleagues went normally and at no time were any complaints made to her. On Monday 19/09/2022 when she arrived at work, she met one of the people in charge of the academy who had given her the initial interview in Donostia. She told her that they had to talk and that because she had not passed the probationary period she would no longer be working. She was fired. The reasons were as follows (she wrote it down in her own handwriting on a sheet of paper): Complaints from the parents / Complaint from the management (of the academy in Errenteria) for lack of respect/ Complaint from the coordinator (of Errenteria) for lack of respect. X denies that there was any

problem, quite the contrary, and considers that the real reason was that either some co-worker or some parents did not want a black person on staff.”

In summary, the data on employment discrimination complaints in 2022 highlights the urgency of taking specific steps to combat this issue. This includes the implementation of non-discrimination policies (both in the area of talent recruitment (blind cvs, prohibition of racist or discriminatory elements) in job offers, recruitment), awareness and diversity training, and the creation of accountability mechanisms to ensure that cases of discrimination in the workplace are dealt with appropriately and fairly. For example: For anti-discrimination legislation to be effective, it is necessary not only to develop relevant regulations and legal provisions, but also to establish mechanisms to translate them into practice and to monitor and evaluate them from different perspectives. _____

6. Extreme right-wing and hate speech

The extreme right-wings (plural, since we consider that each of them has unique and differential characteristics that must be recognised) is a term used to describe political movements, ideologies or groups, which are often characterised by a number of common features, such as radical nationalism/patriotism, opposition to immigration, authoritarian stances, social conservatism, and in some cases, the promotion of ethnic or racial supremacy. However, it is important to note that the characteristics may vary according to the specific context, current and country.

Hate speech refers to the verbal or written expression of ideas, beliefs or attitudes that promote hatred, discrimination, or violence towards a group or individual on the basis of characteristics such as racialisation, ethnicity, religion, sexual orientation, gender, disability or other protected characteristics. Such speech may include offensive language, insults, incitement to violence or hatred, and the dissemination of harmful and false stereotypes. For example, the normalisation of openly racist speech in public debate legitimizes clearly anti-democratic proposals, but which are justified under the principle of freedom of expression, which again leads us to question the interpretation and application of this principle that has often been used to defend the interests of hegemonic powers. (SOS Racisme, 2021).

Regarding the relationship between disinformation and hate speech, different analyses show that there is a higher likelihood of hate speech

when information turns out to be false, and at the same time, it is observed that people who consume disinformation are more likely to be exposed to hate speech (Szakács and Bognár, 2021). The "ecosystem of hate" is also referred to, arguing that disinformation is often used to create a climate of hostility or an atmosphere of hatred, reinforcing prejudices and negative attitudes towards migration (SOS Racismo Federación, 2021, p.35).

The reasons of the emergence and spread of right-wing extremism and hate speech can vary, but often include:

Fear and anxiety: People may be attracted to the extreme right-wing and hate speech as a result of fears related to economic insecurity, job loss, globalisation, immigration or "cultural change". These fears can be exploited by political leaders or movements to gain support and promote, through hate, an agenda based on exclusion and division of the citizenry.

Feeling of exclusion and marginalisation: Some people may feel excluded or marginalised in capitalist society and seek a sense of belonging and community in extremist movements. The extreme right-wing can offer a sense of camaraderie and solidarity among those who identify with its ideology and goals.

Ideologies of superiority: Belief in the superiority of certain ethnic, cultural, or national groups can motivate some people to join the extreme

⁹ For more information, cf.: SOS Racisme (2021). <https://sosracismo.eu/elecciones-14f-i-extrema-dreta-elecciones-14f-y-extrema-derecha/>

¹⁰ For more information, cf.: <https://sosracismo.eu/wp-content/uploads/2021/12/20211223-Del-Maine-a-las-redes-sociales.pdf>

right-wing and promote hate speech. These supremacist ideologies can fuel feelings of resentment, animosity, and antagonism towards those considered "different" or "inferior".

Online radicalisation: The peak of social media and online platforms has facilitated the spread and propagation of hate speech. Online spaces provide an environment conducive to radicalisation.

Dissatisfaction with the political and social system: Dissatisfaction with the existing political and social system may drive some people to seek alternatives that capitalise on the extreme right-wings.

In relation to the above, the OID/SAID/ODAS of Navarra presents the following case:

"A person working in a catering establishment informed us that they had received the following e-mail: 'Good morning. In view of the possible economic recovery after the current pandemic, we encourage you to nationalise your staff. That is, to replace immigrants (the nationalised ones are also immigrants) with nationals or, if you are going to increase your staff, to hire only nationals. Obviously, no Moroccans. Through internal or external channels (clients, neighbours, suppliers, etc.) We already know which companies have too many foreigners and with this information we have made lists of companies according to sectors so that people know who they are employing with their money. Contracting is free, but so is consumption. This is politically incorrect, but by no means illegal. It is simply necessary.' We are aware of this mass mailing that for years has been spread from a fictitious e-mail to different workplaces, such as residences, bars, and restaurants. We informed the SNE (Servicio Navarro de Empleo - Employment Service of Navarra), as this job offer was shown from this service about the case and we registered the complaint."

In 2022, as can be seen in Figure 4, a total of 19 complaints related to extreme right-wing and hate speech were registered in the attention and complaints offices. This data reflects the persistence and concern about these phenomena in our society. _____

Judicial procedures of the cases

The distribution of cases prosecuted through different channels reveals the various options that complainants have chosen to seek a legal solution to their situation of discrimination. This data provides valuable information on the preferences and strategies adopted by affected indi-

viduals to deal with discriminatory acts. By understanding the channels used, we can improve understanding of how people seek justice and promote the implementation of appropriate measures to effectively address discrimination.

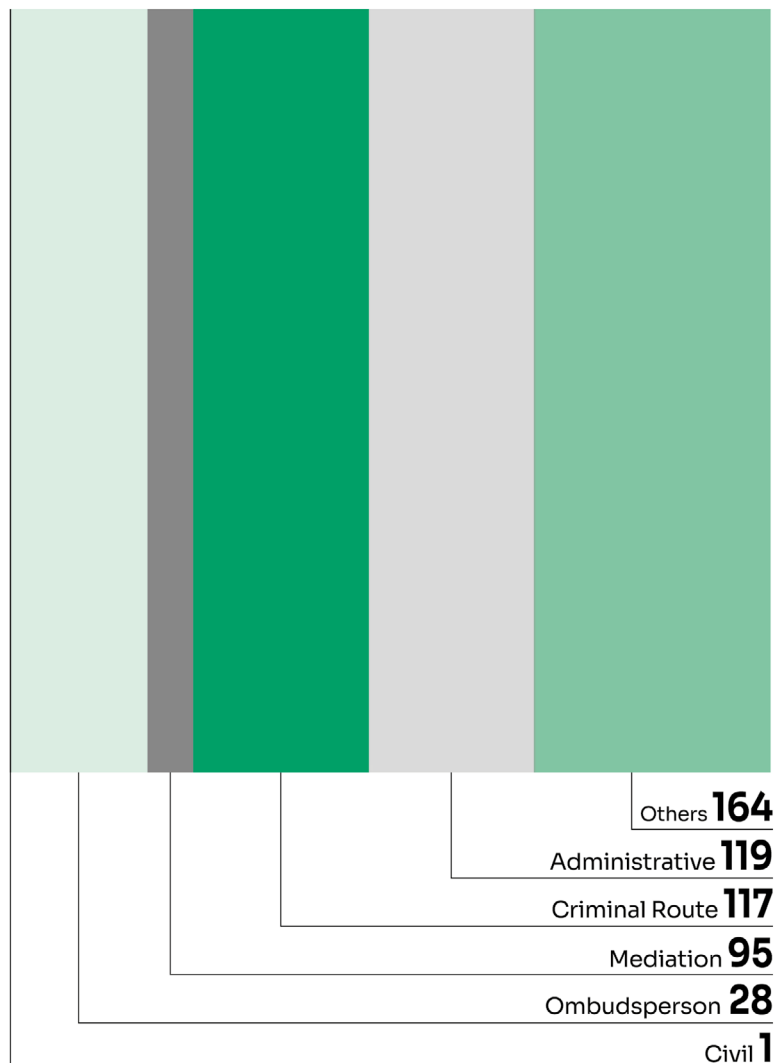


Figure 13

Thus, as we can see in Figure 13, the criminal route was the option chosen in 117 cases, which shows that complainants decided to file a formal complaint with the judicial authorities, despite all the limitations in this type of process (length of cases, difficulty in providing conclusive evidence, difficulty in obtaining real judgements, etc.). This applies when discrimination-related crimes, such as physical attacks, threats, harassment or hate speech, are considered to have been committed.

However, and after the experience in this criminal field, we know that the response provided by the criminal route is very limited and not immediate in time (an important fact when it comes to assessing individualised attention). Firstly, because the judgements, if there are any, do not recognise racism and secondly, because we are talking about violations of rights that cannot be restored through criminal proceedings, which are basically punitive, even if the victim can be compensated and in the best of cases (very few) jurisprudence is generated that can advance equality in access to rights and non-discrimination. Furthermore, we cannot forget the secondary victimisation that exposes the victim to the entire judicial apparatus.

Therefore, focusing on the person concerned, comprehensive attention does not only involve legal representation of the victim in criminal proceedings (which is lengthy and probably exceeds the scope of this project), but also psychosocial support throughout the process and in parallel to it.

In 95 cases, mediation, an alternative dispute resolution method in which the parties seek to reach an agreement with the help of a neutral mediator, was used. Mediation can be a valuable option in discrimination cases to seek a consensual solution and avoid a more formal judicial process.

In 28 cases, complainants opted for the intervention of the Ombudsperson, an institution that plays a role of supervision and protection of

human rights. This figure can act as an intermediary between the complainants and the entities involved, seeking a solution to the conflict.

The civil route was used in only one case. This may indicate that the civil route is not the most common option in discrimination cases, as it tends to focus on legal disputes between individuals or private entities rather than specific discriminatory acts.

The administrative route, which involves filing a complaint with agencies or entities responsible for enforcing laws related to discrimination, was used in 119 cases. These bodies have the authority to impose administrative sanctions on those responsible for discriminatory acts.

Finally, the category "Other" encompasses 164 cases that were prosecuted by other routes than those mentioned above. This may include recourse to private lawyers or participation in collective actions or advocacy campaigns, which are reported as public complaints.

In this case, we also do not want to forget the use of restorative justice as another way to repair the victim's harm and which can sometimes give better results than a criminal sanction, but which we are still exploring today in order to put it into practice. Currently, this type of measures are being developed in Catalonia since 2019 and Aragon (2021) with more than 20 cases resolved through this route.

Looking at the judicial path of cases received over the years 2017, 2021 and 2022, there are some interesting trends regarding the channels used to address discrimination.

As for the criminal route, there has been a considerable increase in the number of cases dealt with over the years. In 2017, 47 cases were prosecuted, a figure that increased significantly in 2022, reaching 117 cases.

In relation to mediation, there has been a significant increase in the number of cases resolved through this channel. In 2017, mediation was applied in 13 cases, while in 2021 and 2022 it

increased to 73 and 95 cases, respectively. This increase may indicate a greater promotion and availability of mediation programmes in the context of discrimination, as well as a growing preference of complainants for a consensual and less adversarial solution.

As for the **Ombudsperson's** intervention, there was a slight fluctuation in the number of cases over the years. In 2017, the Ombudsperson intervened in 11 cases, which increased to 28 cases in 2022.

The administrative route shows a significant increase in the number of cases over the years. In 2017, this route was chosen in 3 cases, rising to 52 in 2021 and to 117 in 2022. This increase could be justified by the fact that using the administrative route to resolve discrimination disputes

offers benefits such as accessibility, speed, lower costs, specialised experts, and the possibility of imposing administrative sanctions. These aspects make it an attractive option for people seeking an effective and expeditious resolution of discrimination cases.

Finally, there is an increase in the use of other resolution channels over the years. In 2017, 28 cases were applied, a figure that increased to 92 in 2021 and to 164 in 2022. In addition to traditional dispute resolution channels, such as criminal, mediation, ombudsman, civil and administrative routes, there are other options for dealing with discrimination cases.

JUDICIAL PROCEDURES OF THE CASES DURING 2017 - 2021 - 2022

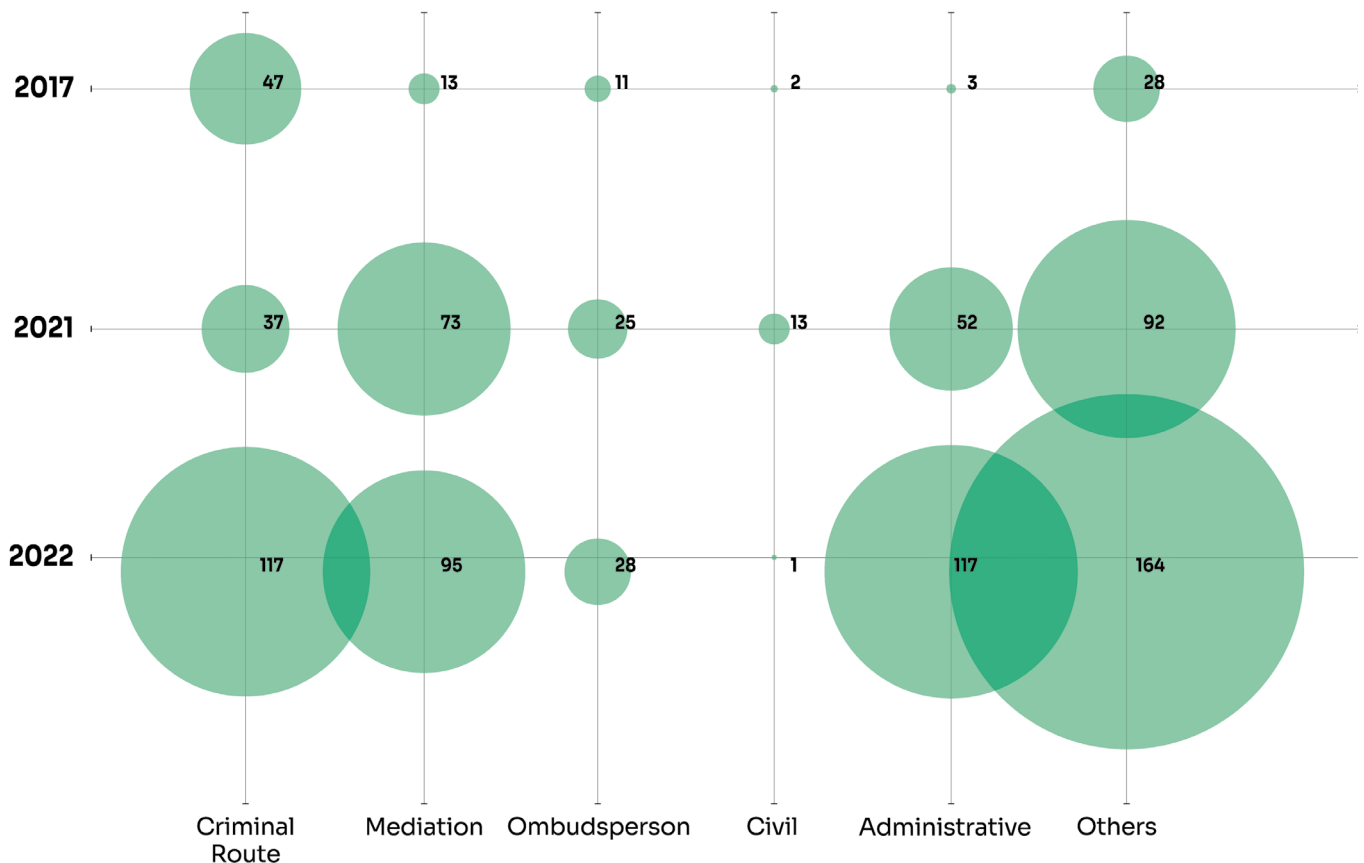


Figure 14

Other information of interest:

exposing discrimination on the web

The website of the state federation of SOS Racismo¹¹ offers people the possibility of submitting complaints related to cases of discrimination. This virtual platform becomes

an additional channel for receiving reports of incidents and situations of discrimination that are subsequently referred to the corresponding territories for analysis and attention.

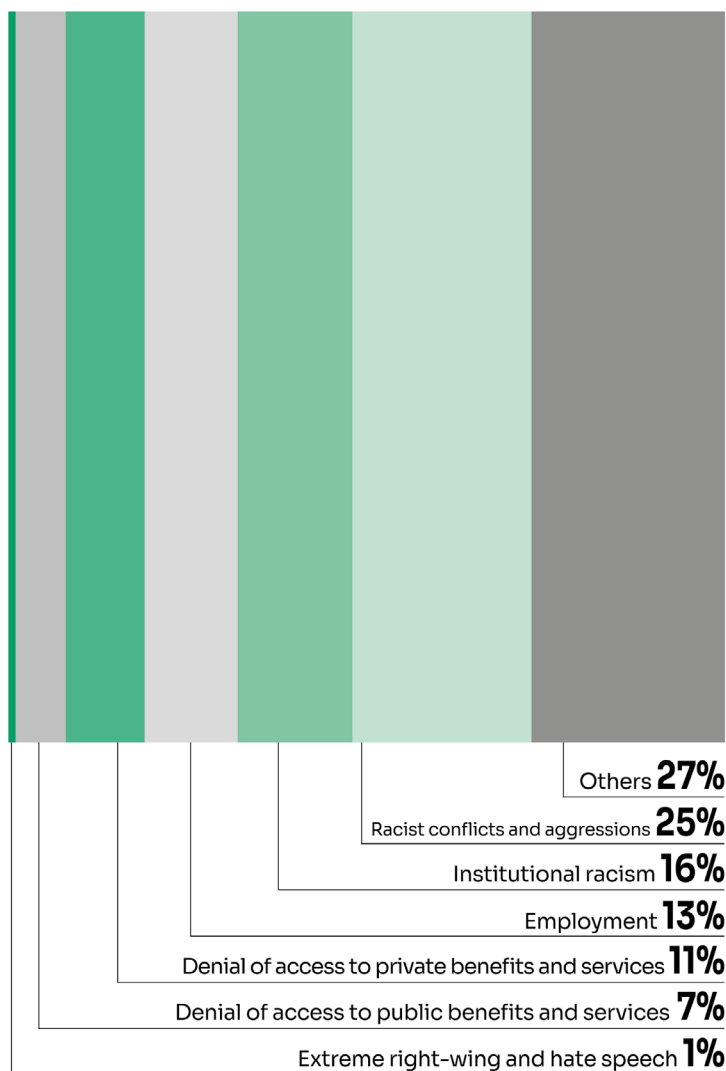


Figure 15
Complaints submitted
through the Federation's website

¹¹For more information, cf.: <https://sosracismo.eu/>

It is important to note that, due to the nature of these online complaints, they have not been included in the general statistics mentioned above. The reason behind this lies in the lack of complete information on the complainant, which includes relevant data such as gender, administrative status, age, among other important aspects for a more complete analysis. These data are usually collected and registered in the process of attention and follow-up of face-to-face complaints but may not be available in the case of online complaints.

It is also essential to bear in mind that the management and redress of these cases require a different approach, as in many cases there is no direct territorial presence of SOS Racismo in the place where the complaint originates. This can present additional challenges in terms of coordination, follow-up, and effective response to cases of discrimination reported online. However, the use of the web platform expands the federation's ability to address discrimination in diverse geographical contexts, reaching people who might otherwise have difficulty accessing support and reporting services. This reinforces SOS Racismo's commitment to ensuring the accessibility and reach of its work in the fight against discrimination in all its forms. _____

Decalogue and anti-racist proposals

1. Comprehensive laws and policies that address the reality of racism and discrimination in a cross-cutting manner and from an anti-racist and feminist perspective: the search for social transformation.

The analysis of cases exposed shows the need to reflect on the way we have approached the fight against racism and discrimination in recent years. If we add to this the information gathered in our latest annual reports, they show the need for a comprehensive approach that goes beyond legal defence.

A comprehensive approach that must be based on a change of focus from initiatives against racism and discrimination to anti-racist public policies that are approached from a gender, feminist, and intersectional perspective and that promote a diverse society like the one in which we aspire to live.

This implies political will, the coordination of multilevel policies, measures, and actions of public and private policies to be carried out in our socio-historical context that produces and reproduces structural racism, and not just limiting access to rights to mere legal practice, which, although essential, does not achieve real social transformation.

2. Development of Law 15/2022 of 12 July for equal treatment and non-discrimination (as well as other regulations).

Although this law is a step forward, one year later many of the initiatives foreseen in the law have not yet been implemented, so the impact of this new regulation has a much more limited effect than expected.

The same is true of other regional initiatives such as Law 19/2020 of 30 December on equal treatment and non-discrimination in Catalonia, which, despite representing a change in the focus of public policies, in practice has a limited impact on migrants and racialised people.

This means, as we mentioned in the 2022 report¹², "We need to see how laws, public policies, plans, etc." Must go beyond political will and must be accompanied by organisational development, financial, human and material resources, not forgetting that they must be 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.

3. Improvement in the compliance with regulations.

One of the issues that have been repeated in the quantitative analysis we have carried out is the increase in cases of denial of access to services (public and private) to racialised, migrant and Roma people. Situations that, as can be seen in the perspective and socio-historical context of our reports, are gradually increasing.

¹²Op.Cit. SOS Racismo Federation. (2022). 228p.

In the same way, in these pages we have been able to observe an increase in neighbourhood aggressions and conflicts, an increase in situations that theoretically our legal system should alleviate.

Paradoxically, and despite improving the legal framework, incorporating new legislation, introducing in the penal code assumptions (articles 510 - 512) that should penalise this type of behaviour, the number of judgements does not increase in the same way. Moreover, in the latest tests we have carried out, we have verified that impunity for racial discrimination in access to housing is a normalised fact.

From this point of view, we should reflect on the paradox of having more complex regulations that seek to address this reality, but which do not achieve their objective. We should establish complementary measures in which the punitivism that accompanies this type of regulations is accompanied by other types of measures that penalise this type of racist and discriminatory behaviour by society.

4. In the face of institutional racism, sufficient resources in processes in which people belonging to vulnerable groups are affected.

One of the least understandable situations with regard to migrants and/or racialised people is the administrative processes they have been facing for too many years now.

The lack of appointments for basic procedures, response times that exceed any kind of logic in matters of nationality or homologation of qualifications, the arbitrary demand for documentation, or the territorial differences in the interpretation of the regulations are, in fact, one of the main elements in our reports.

This leads us in this chapter of proposals to demand something as basic as the provision of sufficient human and material resources to attend to this type of basic processes for migrants and/or racialised people, thus avoiding the limitation and added suffering that these processes entail in their lives.

5. Participation in the formulation of public policies.

After a historical analysis of our reports, a continuous increase in the number of cases that we collect from this Federation can be seen. This leads us to assume that we must change the way we have equipped ourselves with the current tools.

A reflection that leads us to the need to amplify the voices, giving space to the people and groups affected, providing not only new elements for the analysis of what is happening in our territory, but also to visualise new forms of political anti-racism.

From this perspective, it is essential to recognise the importance of listening to and learning from the voices that have been excluded, as highlighted in the Annual Report 2022. We cannot fall into the trap of "speaking on behalf of", but rather work from the perspective of "speaking alongside" or "giving voice to" so that by building on the particular experience of other victims and communities we can generate new alternatives to this situation and promote real change in the fight against racism and discrimination. Recognising the importance of listening to and learning from voices that have been marginalised will enable us to build more inclusive and effective strategies based on empathy and solidarity.

This is why we must generate diverse spaces in which people and groups representing victims of discrimination, hate or racism (racialised people, migrants, people with functional diversity, Roma people, people belonging to the LGBTIQ+ group, or any other vulnerable group) occupy a central space, and from their perspectives we can count on their positions and proposals.

6. New police model.

One of the issues reflected in the latest reports of our Federation refers to the State Security Forces and Corps. These are issues and incidents that we report year after year and which refer to episodes of complaints of police violence, discriminatory practices such as identifications

based on ethnic and racial profiling, or a more than questionable targeting of a racialised population from a supposedly neutral approach.

The existence of selective practices such as racial ethnic identification, mistrust based on the administrative status of the victim, or the attitude shown by the State Security Forces and Corps regarding the racialised and migrant population, as stated in many reports, are elements that undermine the confidence of the people who have suffered this behaviour on the part of the Police Forces.

The Immigration Detention Centres (CIES) as an expression of institutional racism in detention centres for foreigners, expelled in a security context for their mere condition of administrative irregularity. These centres are located in a diffuse zone of non-rights. It is not a police station, it is not a penitentiary centre. Their only purpose is to prepare their expulsion. They are not effective, they are absolutely disproportionate because of their institutional racism and because of a regulation that generates a state, that is contrary to human rights and that affects the group of foreigners.

In this sense, there is a need to address and experiment with new community-based police models that not only reduce the racist episodes reported here, but also improve confidence and the various barriers to reporting for migrants and racialised people.

7. Investment in community-based anti-racist policies. Tackling racism, neighbourhood aggressions and conflicts.

One of the main concerns of the latest reports on racism in the Spanish State is the increase in racist aggressions and conflicts in the daily lives of racialised, migrant and Roma people.

This leads us to analyse what we have done in recent years in a critical way, assuming that the fight against racism must give way to anti-racist policies. Policies, lines of intervention and development of measures that start in our villages, neighbourhoods, and cities.

In the face of these types of aggressions and episodes that undermine coexistence and inclusion, we must put in place anti-racist community interventions that put the victims of these episodes at the centre.

8. New forms of conflict management, commitment to racial and social justice. Mediation, restorative justice.

In line with the previous point, and in view of the problems detected in previous points, we must confront this type of approach by generating new tools. Tools that do not only have to come through the courts, but that we can generate to offer individualised and/or community restoration, simple and direct with the offender in most cases.

It highlights the need for social intervention at community and neighbourhood level, improving municipal coexistence regulations and protocols, as well as increasing investment in education, awareness-raising, and promotion of values of respect and inclusion in society in order to tackle discrimination at all levels.

Often, as we saw in last year's report, some of the experiences we have collected, despite being racist and discriminatory, cannot be included in the traditional form of legal struggle, either because their very nature does not have the dimension to be dealt with through these channels, or because the victims themselves consider them to be excessive.

For this reason, and in line with the previous proposals, and with the 2030 Agenda, we must seek local, community and proximity methodologies for the redress and restoration of harm that respond to a social reality that is often far from the legislative codes. Situations that, as expressed by the victims, although they do not fall within the offences, do complexify, stigmatise the racialised population of our country, and what is worse, entrench neighbourly relations, increase racism, and hate speech, and of the extreme right-wing, generating the need for complementary mechanisms for the redress of harm to groups at potential risk of vulnerability.

We therefore consider it necessary to generate public/private systems that help this concept of racial justice through new methodologies such as restorative justice, community mediation, group circles of collective judgements, community service, peacemaking committees or any other model of personal and collective reparation that support victims in the restoration of damage, as long as they are respectful of the rights, needs and interests of the victims.

9. Empowerment of racialised people and communities.

When carrying out the statistical analysis in historical perspective, one of the elements that confirms the need to work on the empowerment of racialised and migrated people, communities and organisations is the increase in the number of cases that we collect year after year, which this year has meant an important and worrying growth.

For this reason, we continue to consider it essential to train and facilitate empowerment processes for racialised people and potential victims of these types of crimes and behaviours so that they know first-hand when a situation exceeds the "normal" and what solutions we have as a society to pursue them.

However, reiterating the conviction expressed in the Annual Report 2022, that as a society we cannot place the burden of reporting solely on racialised victims. It is necessary to do specific work focused on the majority society so that it is known 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 them and reject them so that we can reduce the spaces where this kind of behaviour can occur.

The creation of an anti-racist society, visibility, reporting, and prosecution of these types of crimes and behaviours must be an effort of all people and we must not commit the injustice of focusing only on the additional efforts of racial-

Along with information and awareness-raising campaigns, it is necessary to facilitate these processes of empowerment of racialised people through strategies of training, knowledge and defence of their rights to make use of the tools of reporting by racialised people, through specific training mechanisms, as well as the strengthening of work networks, organisations, collectives and social movements that work for the achievement of an anti-racist society.

10. Long-term vision so that all of the above are instruments for the creation of an anti-racist society, moving from the fight against racism to anti-racism.

Although the call for general elections in 2023 has left us without the possibility of addressing the public debate on an anti-racist law that we have been working on for the last few years, in the same way as in our 2022 report, "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."¹³

In the same way, and despite the urgency of creating anti-racist, feminist, and diverse societies, we must take a broader view, so that these measures are an excuse for an open - and probably uncomfortable - debate on our identity, on our past, and above all on the future we want to build together.

Do we dare?

¹³Op.Cit. SOS Racismo Federation. (2022). 228p.

Annexes

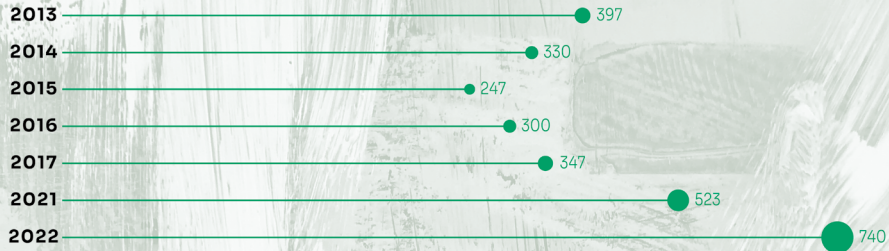
Infographic: summary statistical data



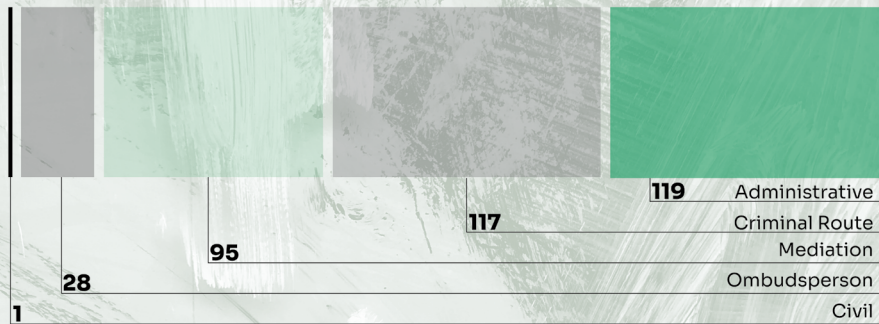
Spanish State in the No Racism

The **complaints were collected during 2022** in the **SOS Racismo** Attention and Complaints Offices (OID, SAID, ODAS) in: Bizkaia, Aragon, Galicia, Gipuzkoa, Navarra, Catalonia.

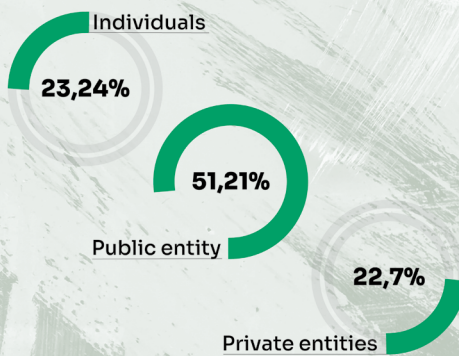
Annual number of complaints



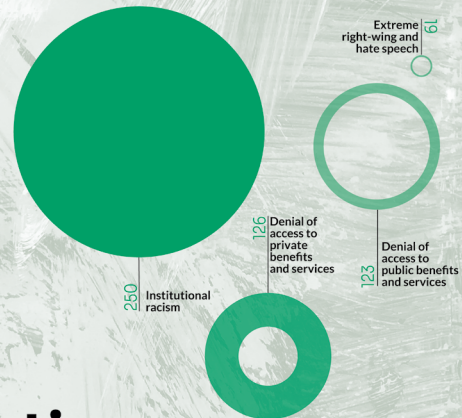
Cases in court



Discriminating agent



Type of discrimination

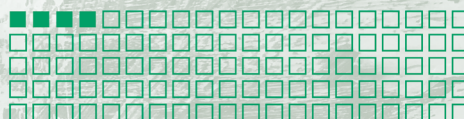


There are **other alternative** ways to resolve conflicts: **restorative justice, mediation, arbitration, among others.**

Reporting persons

Age 96% between 18 and 65 years
 4% minors

Gender 52% women¹
 48% men²



¹2 Or referred as so by themselves.

Annexes

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- <https://sosracismo.eu/wp-content/uploads/2021/12/20211223-Del-Maine-a-las-redes-sociales.pdf>

Annexes

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