

Hate crimes / Racism / Southern
Border / refugees/ Roma People /
Detention Centres / Extreme
Right /Discrimination



Executive Summary:

SOS Racismo 2016 Report: The
situation of racism and
xenophobia in Spain.

FINANCIADO POR:



SECRETARÍA GENERAL
DE INMIGRACIÓN
Y EMIGRACIÓN
DIRECCIÓN GENERAL
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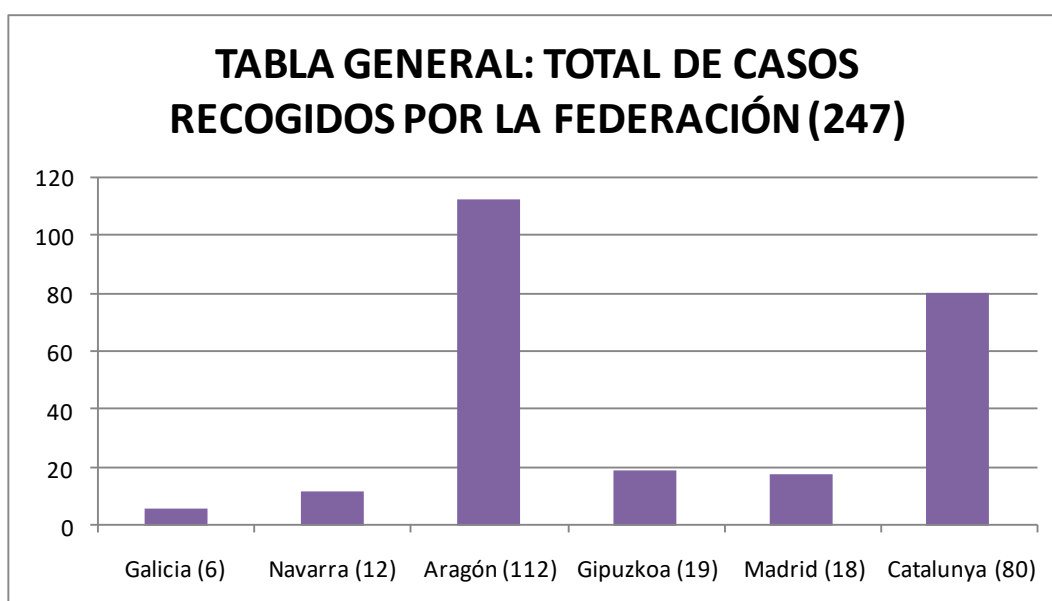


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INFORMATION AND COMPLAINT OFFICES (ICO). CASE STUDIES

Conflict, racist attacks, and institutional racism are the most common types of cases

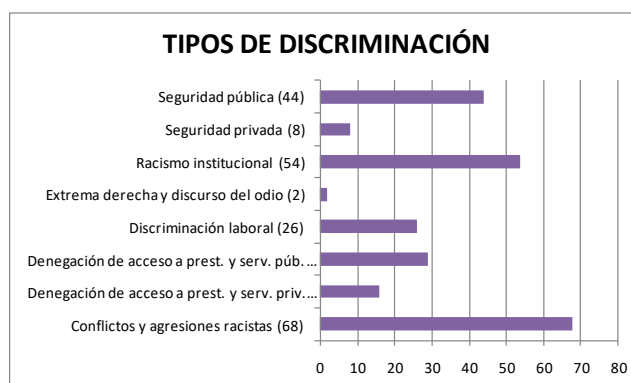
The data presented here are the incidents that have been reported in 6 information and complaint offices (ICO) of SOS Racism distributed in the Spanish state between January and December 2015. Information from 247 cases in our offices was collected, most of it in Aragon (112 cases) and Catalonia (80). In addition, 7.69% of cases were recorded in Gipuzkoa and a similar percentages in Madrid. In Navarra and Galicia a dozen of incidents were collected.



It is important to note that the percentage of registered cases is not related to the frequency or incidence of situations of discrimination or hate crimes in the territories. The higher or lower records respond to situational reasons linked to the characteristics of the offices, their working hours and / or registration possibilities throughout 2015. Thus, as already noted, this would be a simple photograph to reflect the persistence of discriminatory situations, but not the real magnitude of this social scourge.

TYPES OF DISCRIMINATION

As shown in following bar chart, most of the complaints that come to the SOS Racism ICO in the Spanish State are conflicts and racist attacks (27.53%), followed by allegations of institutional racism (21.86%) and public safety problems (17.81%), denial of access to public benefits and services (11.74%), employment discrimination (10.53%), denial of access to private services

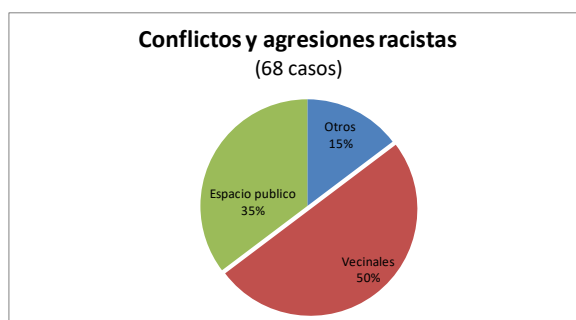


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(6.48%), problems related to private security agents (3,24%) or cases related to the extreme right or hate speech (0.81%). In subsequent graphics, in addition to the total frequencies of cases, the distribution for each ICO is shown.

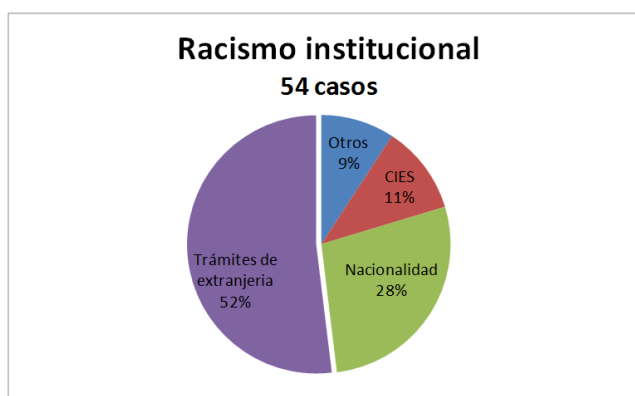
1. Conflicts and racist aggressions

Analyzing the recollected case studies from the point of view of their type, as shown in the chart with types of discrimination, out of the 247 incidents, 68 correspond to conflict and racist aggression. Within this category, which is the most cases registered, 34 were related to conflicts and racist attacks at the neighborhood level. Further, 24 occurred in the public space, and 10 conflicts and other aggressions occurred in other circumstances.



2. Institutional racism

Among the 247 cases, 54 were related to institutional racism. Within this category, 28 cases (52%) are related to immigration procedures that any foreigner wanting to regularize this or her administrative situation must go through. The remaining 15 cases (28%) represent problems related to granting nationality procedures. The immigration detention centers (IDC) raised six complaints (11%). The remaining five complaints indicate problems or incidents that foreigners encountered when being attended by institutional bodies during other administrative transactions.



INSERTAR GRAFICOS

3. Hate crimes detected by ICOs

As concerns the cases of discrimination with criminal weight and therefore to be possibly classified as hate crimes, the cases reported in 2015 to of SOS Racism ICOs would be 96, territorially distributed by autonomous communities and according to the typology of these crimes as follows:

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Autonomous community	Physical aggression, verbal abuse and other forms of violence	Abuses by security forces	Denial of private benefits and services	Hate speech	TOTAL
MADRID	6	0	1	0	7
GIPUZKOA	4	0	3	0	7
CATALONIA	20	25	2	2	49
GALICIA	1	0	2	0	3
ARAGÓN	16	12	1	0	29
NAVARRA	0	0	1	0	1
TOTAL	47	37	10	2	96

Source: SOS Racism, 2016.

According to the data presented, crimes containing (physical or verbal) violence are the most frequent hate incidents with racist or xenophobic background reported to the offices of SOS Racism. These cases include violent actions perpetrated by individuals, by members of extreme-right groups and by agents of private security companies. In the similar vein, the number of cases of racist and xenophobic discrimination in the form of the denial of private services, referred to in Article 512 of the Penal Code (i.e., access to establishments such as bars and nightclubs, real estate services, car rentals, etc.) is also significant. In turn, cases classified as hate speech refer to criminally punishable hate speech incidents, as stated in Article 510 of the Penal Code.

Special attention deserve motivated by racism and xenophobia cases of abuse by police and security forces of the State, autonomous regions, and municipalities, punishable under the Penal Code. More specifically, these are cases of verbal aggression, humiliating or vexatious treatment, abuse of authority, physical aggression, unjustified detention, false accusations, police reports justifying police misconduct.

Finally, at the methodological level and according to the experience of SOS Racism ICOs, we observe a need to establish deadlines exceeding one year when analyzing this type of crimes. The reason for this is that the instruction of these causes, even the simplest, is slow and often lengthening procedures due to appeals in higher courts. This leads us to demand in-depth examination of the annual reports of the Ministry of Interior, including the criminal route that these attestations have had and long-term monitoring.

VICTIM PROFILES

All data collected by the SOS Racism ICOs reflects the predominant profile of the victim. In terms of gender, men presented most complaints (179), compared to 76 presented by women. Out of 247 incidents, 247 were complaints brought in by individuals aged from 18 to 65, and 5 of them by under-aged. In this regard, the total sums of complaints and incidents do not match as a result of the complaint presented by more than one person as victims of the same incident.

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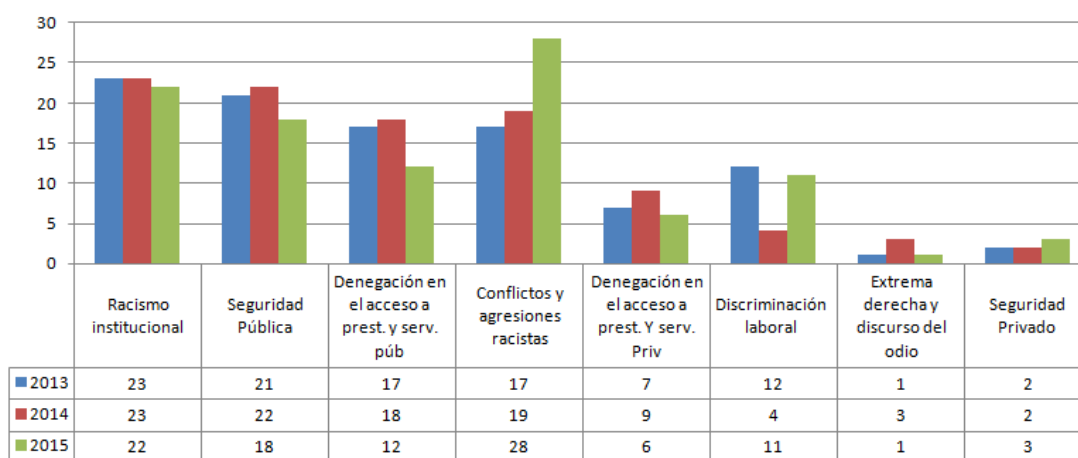
EU nationals and 44 were in an irregular situation. Another point of interest is the reference to the nationality of the complainants, with Sub-Saharan Africans being the most vulnerable and the most frequently seeking help in ICOs group.

2013 – 2016 EVOLUTION: COMPARATIVE DATA

Comparing complaints from 2015 with the situation of discrimination in 2013 and 2014 in terms of the there distribution according to the type of discrimination, we observe that cases of conflicts and racist attacks are the majority, with 68 cases in 2015 compared to 63 in 2014 and 66 in 2013, representing 28% of the total. The allegations of institutional racism rank as the second most frequent type of complaint, with a total of 54 cases, representing 22% of total complaints received under this concept in 2015, compared with 23% in 2013 and 2014. Following the same criteria, the third most frequent domain of discrimination is the public security, with 44 cases in 2015 (18%), compared with 21% in 2013 and 22% of cases in 2014. The fourth place occupies the denial of access to public benefits and services, with a total of 29 cases in 2015, representing 12%, versus 17% in 2013 and 18% in 2014.

Tipo de discriminación

Evolución 2013-2014-2015 (%)



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ANALYSIS AND PROPOSAL OF ANTIDISCRIMINATORY POLITICS

The anti-discrimination legislation has major shortcomings in our country. In late 2011 the "COMPREHENSIVE STRATEGY AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND OTHER RELATED INTOLERANCE" was approved. A recent governmental assessment report recognizes that in the last three years only 35% of the planned measures were developed. In late 2011 there was also an attempt to develop a comprehensive law against discrimination, which finally was not approved.

The report by the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance highlights the lack of effective legal instruments for combating discrimination and the shortcomings of the means available at the Council for Equal Treatment and Non-discrimination in the Spanish state.

The fact that on a national level there is no far-right party with racist profile with parliamentary representation or that surveys in the field of the European Union situate our country away from the most intolerant views should not lead to complacency. The cuts in social rights in a context of strong economic crisis can be the breeding ground for hostile attitudes towards the coexistence between the different.

Anti-discrimination policies are relatively recent in the European Union, and the Spanish state has not been taken them seriously. The proof of this is the nefarious transposition of Antidiscrimination Directives 2000/43/CE and 2000/78/CE and the lack of interest in promoting the Council for Equal Treatment and Non-Discrimination.

Therefore, the following proposals should be adopted in order to bring the Spanish state to the level of the rest of the countries of the EU in the domain of anti-discrimination public policies:

Urgent drafting of a comprehensive law against discrimination. It is necessary to provide legal operators with effective tools for reporting cases of discrimination that occur both in public and private domains. Looking ahead to the next governmental term, we call on all political parties to commit to promoting the adoption of a comprehensive law against discrimination.

Urgent elaboration of a Law on Protection of Victims of Hate Crimes. The European Directive 2012/29 on Minimum Standards of Rights, Support and Protection to Victims of Crime recognizes as "particularly vulnerable" groups who are victims of hate crimes. In addition to the threats, aggressions or insults, it is necessary to extend the concept of hate crime to other assumptions contained in the Penal Code: denial of public and private benefits and services, employment discrimination, or actions of bodies and security forces of the State caused by the aggravating discrimination. Looking ahead to the next governmental term, we call on all political parties to commit to promoting the adoption of a Law on Protection of Victims of Hate Crimes outside the administrative status of the victim.

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Development of reliable statistical data. This requires coordination between different administrations: Ministry of Interior, Justice, autonomous regions, autonomous police forces, etc. In order to make information useful in the fight against discrimination, quantitative and qualitative statistics are needed. Quantifying discrimination is the first step to combat it, and only the government can succeed in it. However, we highlight that quantifying the allegations in the police or judiciary domain is not enough to measure discrimination. It is necessary to know the final outcome of the police reports provided by the Ministry of Interior in its reports on hate crimes, including discriminatory incidents that occur outside the criminal field, and to develop common criteria between entities and administration at the time of qualifying and classifying discriminatory incidents.

Hate speech should be a priority in the discriminatory policy of the different administrations. In addition to hate crimes, discriminatory actions against individuals due to their belonging to certain groups can be carried out through speeches inciting hatred. Social networks are the primary mechanism of spreading of this type of speech but hate speech is also present in the statements by some political representatives. Therefore, we ask that all political parties adopt an ethical code through which they would commit to no demagoguery or populism with regards to immigration and equip themselves with mechanisms to punish those who violate this commitment.

FURTHER INFORMATION

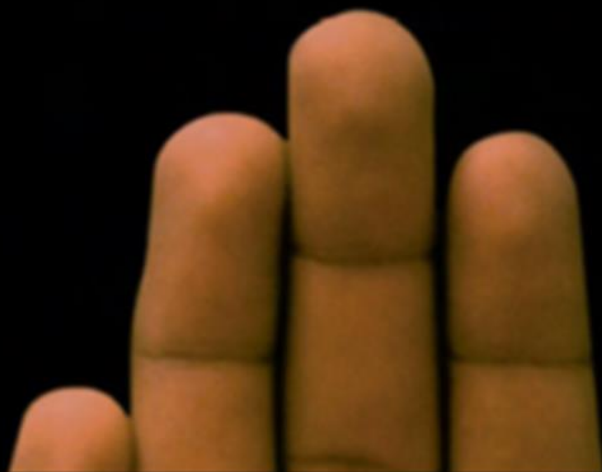
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Where we are?



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