

Barcelona's Office for Non-Discrimination

A local policy aimed at guaranteeing citizenship rights of all city inhabitants

*« Since 1998, Barcelona has been implementing a municipal mechanism to prevent discrimination and guarantee the rights of its victims: the **Office for Non-Discrimination**. Its services include psychosocial assistance, legal support so that victims of discrimination can assert their rights, and a Human Rights Center that supports local civil society and promotes local human rights culture »*

Inclusive Cities Observatory



UCLG
Committee

Social Inclusion
Participatory Democracy
and Human Rights

Local governments and the human right to equality and non-discrimination

The **Principle of equality and non-discrimination** is a cornerstone of international human rights law. According to article 2 of the **Universal Declaration of Human Rights** (1948), “*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*”. This right has been developed further in international treaties such as the **International Covenant on Civil and Political Rights** (articles 2 and 26) or the **International Covenant on Economic, Social and Cultural Rights** (Articles 2 (2)). A clear difference among types of discrimination springs from these treaties: while in a first case a person might be treated in a more or less favourable way than another in the same circumstances and for foreseen reasons, in a second scenario discrimination might happen because of norms or practices that, although understood as neutral, might put one person or group at a disadvantage respecting others. The right to equality and non-discrimination is normally interpreted **not only as a right in itself but as a principle** that permeates human rights access and obligations.

« Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status »

Universal Declaration of Human Rights (1948)

Urban spaces are scenarios of everyday life. They are home to exchange and conviviality between inhabitants and between inhabitants and administrations, private entities or social organizations. Therefore, urban spaces are also home to all kinds of discriminatory phenomena, such as racism, LGBTIphobia or aporophobia. Given their knowledge of people's everyday lives, their presence in neighbourhoods as well as their initiatives regarding social inclusion of vulnerable groups, urban planning or participation, **local governments emerge as paramount stakeholders in articulating policies against discrimination.** Accordingly, numerous municipalities around the world have undertaken relevant initiatives in the last decades in order to empower local communities in defending their human rights and the right to the city.

In this regard, it should be noted how the **Global Charter-Agenda for Human Rights in the City** promoted by the **UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights** recognizes “*Freedom, equality, non-discrimination, recognition of differences, justice and social inclusion*” as basic principles for promoting human rights in a city. On the other hand, the **European Charter for Safeguarding Human Rights in the City** (signed by almost 400 municipalities around Europe) recalls how “*The rights set forth in this Charter are recognized to all the people who live in the signatory cities, regardless of their nationality (...) These rights are guaranteed by the municipal authorities, without any discrimination due to colour, age, sex or sexual preference, language, religion, opinion policy, national or social origin, or income level*”.

2. City context Barcelona and human rights

2.1. City context

Barcelona has a population of **1.6 million inhabitants** and a metropolitan area of more than 4 million inhabitants, turning the city in **one of Southern Europe's largest urban agglomerations**. Barcelona is the capital of Catalonia and a vibrant global city, proud of its medieval and industrial past as well as its open and diverse personality, fruit of exchange and human mobility.

Barcelona has managed to consolidate strong self-government institutions since the recovery of democracy in Spain. The city counts, since 1998, with a special status conferred by a **Municipal Charter** that defines the organization of its self-government bodies and grants it special powers. The **Ajuntament**, or municipal authority, comprises as governing bodies a **City Council** (legislative of maximum democratic representation formed by elected councillors); the **Mayor** (who presides the municipality, runs the city government and represents the City Council); and the **Government Commission**, formed by the Mayor and several Deputy Mayors and Councillors. The very structure of the City Council is also based on a strong internal decentralisation: the city is divided into **10 districts** with specific powers and channels for direct participation.

« Barcelona counts with a special status conferred by a Municipal Charter that defines the organization of its self-government bodies and grants the city special powers »

In 2017, the city had **17.8% of foreign residents**. Among the most frequent nationalities of origin were Italian, followed by Chinese, Pakistani, French and Moroccan. Despite the city's economic dynamism, **strong socioeconomic inequalities persist**, especially felt among city districts. According to the same municipality data, its richest neighbourhood has an average family income seven times higher than the poorest one. Equally noteworthy in this regard is the **high economic vulnerability of many of its residents**: during the economic crisis, the number of people with low or very low incomes increased from 21.7% (in 2007) to 39.2% (2015).



2.2. City policies and human rights

Barcelona has carried out **proactive human rights policies since the 1990s**. The city created in 1992 a “Commissioner for the Defense of Civil Rights” and a “Civil Rights Division” in 1995. The city’s human rights commitment is in fact enshrined in its own **Municipal Charter**, which states in its preamble: *“Barcelona, capital of Catalonia, has always been a symbol of freedom and progress. City of coexistence, made in plurality and diversity (...) has been and wants to be an example in the defence of human rights and of peoples”*. As a result, Barcelona’s human rights policy has not undergone notable changes over time despite periods of political change.

« Fighting against hate speech, reinforcing civil rights and public liberties, and realizing the concept of full citizenship are among Barcelona City of Rights main priorities »

As of 2018, Barcelona counts with a “Government measure” - the program **“Barcelona Ciutat de Drets”** (Barcelona, City of Rights) that is set to articulate all municipal initiatives related to human rights respect and guarantee. Barcelona City of Rights aims at **reaffirming the importance of citizenship rights and the right to the city**, to secure human rights interdependence and indivisibility, and to advance its concrete localisation in each of the city’s districts and neighbourhoods. The measure seeks to adopt the human rights-based approach as municipal administration, and to link this approach to a diversity and interculturality-based perspective. Among thematic priorities: fighting against hate speech and discrimination; reinforcing civil rights and public liberties; and realizing the concept of full citizenship.

In view of the program’s development, the measure provides several action lines focused both on **preventing human rights violations** as well as on offering **guarantee mechanisms in the case a human rights violation** has already taken place. In the field of prevention, Barcelona focuses both on **normative measures** (ensuring respect for rights in the same public administration) as well as on **ex ante human rights protection mechanisms** (implementing specific local policies).

A city committed to international human rights municipalism

In accordance to its local human rights strategy, Barcelona has actively promoted initiatives on international human rights municipalism for the last twenty years. In 1998, the city hosted the Conference “Cities for Human Rights”, which brought together hundreds of mayors on the occasion of the 50th Anniversary of the Universal Declaration of Human Rights. On this occasion, local leaders joined their voices in demand for greater recognition as key actors in the safeguarding of human rights. Participants in the meeting adopted the “Barcelona Commitment” which constituted a roadmap for the further adoption of the European Charter for Human Rights in the City in Saint Denis (2001).

These actions are later translated into 10 specific points, divided according to the criteria stated in the previous paragraph. In the area of respect (as a preventive measure), the plans aims to (i) **review** municipal regulations according to human rights standards and (ii) reinforce

political advocacy at a national level on human rights-related legislation that is not a municipal competence. In the field of protection, the city promotes (iii) the **awareness-raising campaign** “Barcelona, City of Rights”; (iv) **training events**; (v) **methodological guides** on the application of the rights-based approach in public policies; (vi) the creation of a **network of people and entities that defend human rights**; (vii) measures to **fight against hate speech**; (viii) and an **active participation of the city in international human rights networks** and forums. Finally, and in the area of guarantee, (ix) a study on **municipal guarantee mechanisms** is being carried out (x) while the local policy on the **Office for Non-Discrimination** is being strengthened.

3. Policy description 3. • *The Office for Non-Discrimination*

3.1. Starting point

Developing a city diagnosis of discrimination

A specific, **new municipal measure** (2016) has been devised for the Office for Non-Discrimination - OND, building on an **initial diagnosis of discrimination in the city**. This diagnosis recognises in advance **two types of discrimination**, depending on whether each case might be considered as a crime or not. In the first case, the Office counts with information and legal mechanisms to support victims, as well as permanent communication channels with the Prosecutor's Office. In the event that a discrimination act does not constitute a crime, the Office takes action at an administrative level, applying sanctions or preventive actions in accordance to each case.



The diagnosis **stresses the need to coordinate actions with other public institutions**, the administration of justice as well as security forces. The diagnosis recognises as a weak spot of the OND **the lack of reliable data on crimes with hate motivation** and discrimination in the Spanish case. Closely linked to that last subject, it also recalls as major issue the lack of visibility and reporting by the victims, noting how “*there is a considerable hidden number of events that victims do not want or do not dare to report or ignore that they can do*”.

According to the same diagnosis, discrimination tends to be experienced by many victims as a “daily and normalised” phenomena, something which contributes to **its lack of public visibility**. In order to achieve major recognition, the diagnosis mentions other factors to consider: victims’ belief that reporting will be useless; distrust or fear in police officers; residential/administrative situation of victims that are foreigners; fear of reprisals; extreme vulnerability of some victims; lack of knowledge of one’s rights and the law; shame or even negation. With this data at hand, **the new municipal measure aims at turning the OND more accessible** through specific strategies.

3.2. Policy overview

Background, normative and policy framework

Since its creation in 1998, the Office for Non-Discrimination has witnessed multiple transformations. According to its officers, the Office “*was born 20 years ago under the model of cities like San Francisco*”. The focus was then on **victims of racism and homophobia**, “*later evolving into a service open to other groups such as people with disabilities*”. According to the same source, “*social organizations were not as strong as they are now, so the priority was to support them and promote community empowerment in fighting against discrimination*”. After two decades, “*the number of groups working against discrimination is large and has larger capacities, which allows them to carry out advocacy and follow-up cases on their own*”.

At the present moment, the OND counts with two political documents to guide its priorities and articulation with the rest of local mechanisms aimed at promoting and defending human rights. The “**Barcelona City of Rights**” measure provides a global, comprehensive city framework; while a specific government measure **sets the Office priorities until 2019**. This measure follows the path “*already outlined in 1998 of locating the local administration in the first line of mechanisms of human rights guarantee*”, yet notes how, after 20 years, it is necessary “*to re-read the service to give it a new impulse, both in terms of its lines of action (...) and in the context of the city and the realities and situations of discrimination in which we find ourselves*”.

Cooperation with civil society entities is key for the Office

Officers and managers of the service note how their cooperation with civil society is key to successfully combating discrimination in the city. Social entities participate in the design of public policies, support discrimination monitoring, accompany victims and represent their demands. In recent years, the municipality has promoted the idea of “task-forces with civil society”: working groups that meet on a monthly bases to schedule their actions and set common objectives. Thematic areas explored in this regard are varied, from inter-religious dialogue to the protection of minorities, drafting and publishing reports on episodes of institutional violence or supporting civil society capacity-building.

The OND is currently attached to the municipality’s “**Department of Citizenship Rights and Diversity**”. The Office takes an active role in all policies developed at a municipal level in this area. This contributes to promote a global approach to municipal actions from a human rights-based perspective. Thus, in the field of prevention, the Office takes part in those lines of

action promoted by the Department in the field of training and awareness-raising towards citizens and civil society. In regards to human rights guarantee, the OND takes part and facilitates all actions related to the municipal plan against Islamophobia, in the same way that it channels reporting. In the same vein, it also **supports municipal sanctioning/reporting capacity in matters of discrimination**, in coordination with the municipality's Office of Conviviality.

3.3. Development ***Operation, users and resources***

The OND operates as a **municipal service open to the public**, well-articulated with the rest of local services that are related to the promotion of human rights. In the **field of prevention**, the OND tackles discrimination through initiatives on **communication, training, capacity-building and awareness-raising**. A specific service within the OND, the **Human Rights Resource Center**, offers human rights training services aimed at citizens and local civil society, with a view of strengthening their capacities and coordinating actions among local human rights defenders. The Office also coordinates the implementation of **awareness-raising campaigns and commemorative initiatives**, and **channels institutional relations with other municipal actors** such as local police officers or the local ombudsperson;

In the **field of guarantee**, the Office focuses on enforcing the rights of those who have suffered discrimination. The Office therefore performs functions of **attention, support, analysis and advice**. Its officers support victims of discrimination at different levels, from **psychosocial care** (in situ or by channeling to specialised services) to the **legal individual or collective defence of victims**. In the event that a user of the service wishes to resolve his or her situation at the judicial level, the Office counts with a **Legal Advice Service** formed by human rights lawyers to support the case. The Office equally promotes mediation as a method of conflict resolution. It should also be added how the OND is responsible for developing the city's **sanctioning capacity** and to support the city's **strategic litigation** in matters of discrimination.



Although the Office tackles all violations of the principle of equality and non-discrimination in relation to all human rights, its work has recently focused on specific areas: (i) **discriminatory and hate speech**; (ii) the right of admission; (iii) the right to housing; and (iv) discrimination in the public space and institutional violence. To the same extent, the

Office has given a specific emphasis on certain types of discrimination: (i) belonging to a specific ethnic group, culture or geographical origin; (ii) professing a certain religion or conviction; (iii) by socioeconomic condition; (iv) by age; (v) due to health issues (people with disabilities or with mental illness); or (vi) by gender and sexual orientation.

Various types of users can make use of the services offered by the Office. On one hand, any inhabitant of the city who has suffered discrimination can appeal to its specialised services, especially in regard to psychosocial support and legal advice. In addition, the Office also counts with services to mediate between victims of discrimination and their environment. In both cases, the Office adapts its services to the specific needs of the users. In addition, the Office also counts among its users citizens or representatives of local human rights defenders that can make use of services offered by the Human Rights Resource Center.

An awareness-raising initiative: Human Rights Resource Center

*This specific service is responsible for **promoting human rights culture and education in the city** by facilitating access to documentation, literature and resources on human rights and the principle of equality and non-discrimination. The Centre is also charged with **coordinating training courses** offered in the city and supporting capacity-building among local entities that work on these issues. The Center opens its doors and resources to all citizens of Barcelona. It is also responsible for supporting researchers or students that wish to specialise themselves in the area of human rights.*

The **Office headquarters are located at the heart of Barcelona's city centre**, a few meters away from the City Hall. The OND is located in the basement of a short building and has glass walls oriented to two wide, very frequented streets, that specifically advertise the space in several of the **most spoken languages of the city** (Catalan and Spanish but also Arabic, French, Urdu or Chinese). When accessing the building, users are welcomed by a worker who offers them basic information about the service and who is in charge of **channeling them to the reference team**. In the 2017-19 period, the Office counted with **13 workers**: 1 coordinator, 1 administrative support officer, 1 psychosocial officer, 2 technical staff and 5 lawyers, in addition to 2 human rights officers and a communication technician for the Human Rights Resource Center.



3.4. Follow-up

Monitoring and articulating with stakeholders

An essential feature of the OND model are the principles of “territoriality” and **articulation with other local actors** that work in the field of human rights promotion and defense at a municipal or social level. Consequently, these principles guide its **governance and monitoring structure**. The Office works on an internal operating regulation, and seeks to establish **bilateral coordination meetings** between its managers and other areas of the administration concerned by non-discrimination policies, as in the case of Barcelona’s local Ombudsman (Síndica de Greuges), local police or the provincial prosecutor’s office. In the same way, the late OND measure also set up a “**Task-force of co-responsibility within services to people and neighbourhoods**”, aimed at coordinating OND outreach capacity in the city’s 10 districts.

Localizing non-discrimination: Bringing the OND to Barcelona districts

One of the late priorities of the Office has been to complete the localization of the services it offers and its territorial implementation in Barcelona districts, so that its headquarters are understood only as a final, physical reference point. According to OND and Department officials, “the OND has a solid present throughout the whole city as in a capillary network, whereas its officers are presents in district and borough councils and information and temporary attention points are eventually established in these facilities”. Specific training measures for district public workers and coordination mechanisms between different parts of the administration are other complementary measures in this regard.

4. Evaluation and policy impact

In recent years, the Office **has assisted thousands of people**, whether in the form of psychosocial or legal assistance, or the organization of different courses and other training events. Between 2015 and 2017, the Office provided assistance to 520 users and opened 801 cases for discrimination (OND, 2015: p.32). During the same period, the Office also trained 1,754 people, among which high school students, social organizations or human rights defenders (page 15). 63% of OND users got in first touch with the Office in site, while 29% did so by telephone and only 4% by postal mail (p.35). 52% of these users were women (p.35). The majority age group was between 41 and 65 years (53% of those served); followed by adults between 26 and 40 years old (35%) and young people between 16 and 25 years old (7%) (p.36).

The **main reasons for discrimination in 2017** were, in this order: racism and xenophobia (39%); gender (12%); disabilities (9%); aporophobia (8%); LGBTIphobia (8%) and ideology (7%) (p.37). According to human rights violated in this same year were: moral integrity (33%); housing (12%); information (9%); freedom and security (8%); labor (8%) and admission (4%) (p.38). In terms of actors responsible for discriminatory behaviours, companies or private entities were responsible in 41% of the cases, followed by public administrations (36%) and individuals (23%) (p.40).

The impact of the Office can also be measured **in terms of transformation within the municipal administration**, as well as externally, both to other parts of the competent public administration and to local entities of the city. Thus, the Office has not only had a clear impact in terms of service, dealing with a certain number of cases or developing a set of awareness-raising actions, but **has also contributed to transform governance and the city's discrimination prevention model**. OND officials consider good examples in this regard "*human rights training for local police or social services officers*" as well as municipal initiatives in matters of "strategic litigation".

« Our main objective has always been to build a model that, no matter political changes in the government of the city, all political forces can commit to, respect and maintain »

One of the main obstacles for the OND task is of course the lack of discrimination visibility. OND officials consider the "**current growth of racist and xenophobic ideologies**" as a major challenge for OND's work, especially considering how fast can verbal discourse become discriminatory actions. OND and Departments representatives note how "**racism is still the main discriminatory attitude**" encountered in the work of the Office.

Another central aspect for the work of the Office is the **link between the OND and other competent mechanisms in matters of discrimination**, such as police forces or the administration of justice. According to OND and Department sources, "*national administration legislation is important*", so promoting "*laws for non-discrimination*" **is still necessary to support municipalities that engage in this type of action**. "*Cities still lack competences in this field: having a clear law on the subject and an action framework would prove much helpful for our work and to strengthen the services we are offering*".

According to OND and Department officers, **their main objective** has always been to "*build a model that, no matter political changes in the government of the city, all political forces can commit to, respect and maintain its operational base*" (as occurred in the last twenty years). They also emphasise that they work so that, in the long term, "**any municipal officer, regardless of his or her department, knows what to do in case of a human rights violation**". He or she doesn't have to necessarily solve it, but know how to manage it". Another priority is "*to continue working with social organization and deepen a mutual relation of trust*" while "*taking this work internationally to share practices and experiences with other cities*".

5. Bibliography

Ajuntament de Barcelona. (1998). *Carta Municipal de Barcelona*. URL: <http://w110.bcn.cat/portal/site/Ajuntament/menuitem.38c1cee3a16e78f040f740f7a2ef8a0c/indexccb1.html?noredirect=1> (04/12/18)

Ajuntament de Barcelona. (2016). Medida de Gobierno: Programa Barcelona Ciudad de Derechos. URL: http://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/Plan%20Barcelona%20Ciudad%20de%20Derechos_ES_1.pdf (04/12/18)

Ajuntament de Barcelona. (2017). Mesura de Govern: Pla Municipal de Lluita contra la Islamofòbia. URL: http://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/Pla-Municipal-Contra-Islamof%C3%B2bia_0.pdf (04/12/18)

Ajuntament de Barcelona. (2017). La població estrangera de Barcelona, Gener 2017. URL: <http://www.bcn.cat/estadistica/catala/dades/inf/pobest/pobest17/pobest17.pdf> (04/12/18)

Garcia, A. (2017). Les desigualtats entre els barris de Barcelona, en cinc mapes. Diari Ara. URL: https://www.ara.cat/data/desigualtats-barris-Barcelona-mapes_0_1716428414.html (04/12/18)

Iceland Human Rights Centre. (2018). The Right to Equality and Non-Discrimination. URL: <http://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/substantive-human-rights/the-right-to-equality-and-non-discrimination> (04/12/18)

Oficina per la No Discriminació. (2018). Memòria 2017. URL: http://ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/Memoria%20ND_2017_05.pdf (04/12/18)

Soro, S. (2017). La classe mitjana s'enfonsa a Barcelona en vuit anys. Diari Ara. URL: https://www.ara.cat/societat/classe-mitjana-empobreix-Barcelona-2015_0_1720628018.html (04/12/18)

UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights. (2010). European Charter for the Safeguarding of Human Rights in the City. URL: <https://www.uclg-cisdp.org/es/el-derecho-la-ciudad/carta-europea> (04/12/18)

UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights. (2011). Global Charter Agenda for Human Rights in the City. URL: <https://www.uclg-cisdp.org/en/right-to-the-city/world-charter-agenda>

UN General Assembly. (1948). *Universal Declaration of Human Rights*. URL: <http://www.un.org/en/universal-declaration-human-rights/> (04/12/18)

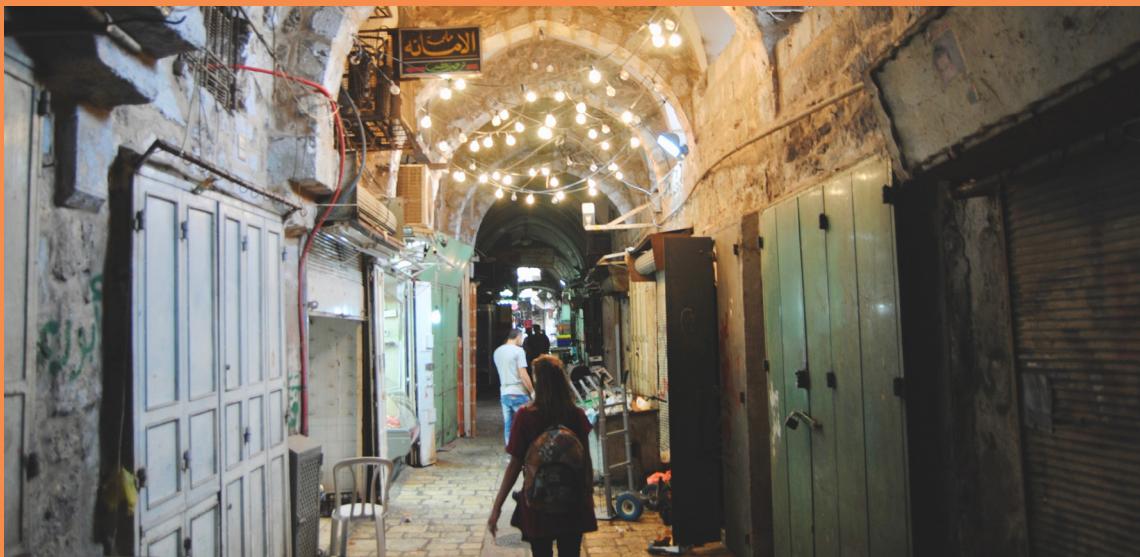
Did you find this initiative interesting?

Contact the Executive Secretariat of the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights at cisdp1@uclg.org! We will facilitate contact with the people in charge of the “Office for Non-Discrimination”.

What is the Inclusive Cities Observatory

The Inclusive Cities Observatory is a space for analysis and reflection on local policies for human rights and social inclusion. It contains more than eighty case studies on innovative policies on human rights, community development, access to basic services, gender equality, environmental protection or poverty eradication. Through the Observatory, the Committee intends to identify and analyze successful experiences that can provide inspiration to other cities on the design and implementation of their human rights policies.

<https://www.uclg-cisdp.org/en/observatory/map>



What is the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights?

The UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights brings together local government representatives from across the world committed to the global advance of human rights and the right to the city. In the framework of UCLG, it aims to articulate the voice of the global municipal network in terms of social inclusion, participatory democracy and human rights.

The Committee is composed by more than one hundred local and regional governments, actively collaborating with civil society, researchers and other local government networks. Throughout almost two decades, multiple local authorities have taken part in its meetings and advocacy campaigns, configuring a lasting legacy linked to the values of municipalism and the defense of rights: ***“Another world is possible! Start in the City!”***