



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Concluding observations on the combined eighteenth to
twentieth periodic reports of Spain, adopted by the
Committee at its seventy-eighth session (14 February–11
March 2011)**

Addendum

**Information provided by Spain regarding the recommendations in
paragraphs 9, 14 and 17 of the concluding observations***

[25 February 2013]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

I. Information on paragraph 9

1. The Council for the Promotion of Equal Treatment of All Persons without Discrimination on Grounds of Racial or Ethnic Origin is a collegiate body of the General State Administration that includes representatives of the various levels of public administration in Spain (State, autonomous/regional, local), trade unions, business owners and representatives of 10 NGOs working to promote equal treatment and non-discrimination. The Council thus includes representatives of all the social and institutional bodies that promote the principle of equal treatment and non-discrimination on grounds of racial or ethnic origin.

2. It should be noted that article 13 of Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, provides as follows: "Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin. These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights."

3. Thus, the directive that prompted the creation of the Council for the Promotion of Equal Treatment does not determine the form that such equal treatment bodies should take; in its own words, "these bodies may form part of agencies charged at national level with the defence of human rights".

4. The Council's work plan, activities and suggestions for areas of work are approved in plenary sessions, which are attended by the above-mentioned members and are not dominated by the representatives of institutional bodies. Furthermore, although the Council is funded by the Secretariat of State for Social Services and Equality, in accordance with the third additional provision of Royal Decree No. 1262/2007 of 21 September regulating the Council's structure, competences and rules of procedure, it is the Council, meeting in plenary, that decides how the funds are to be used, on the basis of priorities set by itself.

5. Regarding the regulations governing its staff, it should be pointed out that the Council, as a collegiate body of the Administration, is supported in the performance of its work by public servants working for the Directorate General for Equal Opportunities, in line with current legislation governing public administration staff.

6. The Council actually started work at the end of 2009. Since then, one of its priorities has been to raise its public profile through its work and particularly by publicizing the results of its work.

7. To this end, a number of public activities have been organized recently and presented in both the specialized and generalized media. They include a study on potential victims' perception of discrimination, the annual report of the network of assistance to victims of discrimination, and the Council's annual conference.

8. Furthermore, the Council's public profile has been bolstered by the attendance of its president and other members at various national and international events, as well as by the publication of opinion pieces in the press.

9. As a result of these measures, there is increased public awareness of the Council, as reflected, for example, in the increase in the number of visits to its website, from 2,040 in 2010 to 11,117 in 2011, and the increase in the number of users, from 1,383 in 2010 to 6,513 in 2011.

II. Information on paragraph 14

A. Implementation of the Comprehensive Strategic Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance

10. The Strategic Plan was developed in response to:
 - The social diversity of Spanish society, which has increased as a result of changes in migration patterns;
 - The need to respond to the outcome of the Durban Conference and the conclusions of the international bodies mentioned previously, and their recommendations to Spain, as well as to the European regulations on this subject (framework directives and decisions);
 - The need to coordinate the actions being taken in this area.
11. The adoption and implementation of the Strategic Plan in September 2011 was an international commitment undertaken by Spain within the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001.¹
12. Various advisory bodies participated in the drafting of the Strategic Plan, including the Forum for the Social Integration of Immigrants, the Council for the Promotion of Equal Treatment of All Persons without Discrimination on Grounds of Racial or Ethnic Origin, the Interministerial Committee on Aliens and the State Council of the Gypsy People.
13. The Strategic Plan is not aimed at specific population groups; the protection of human rights in the areas covered by it should concern and involve all citizens.
14. The now-defunct Secretariat of State for Immigration and Emigration, through the Spanish Racism and Xenophobia Monitoring Centre, coordinated the drafting of the Strategic Plan, which was prepared in consultation with civil society and external experts. On the basis of an analysis of the situation, the Strategic Plan sets out 41 objectives and 129 measures in various areas. The highlights include: the analysis of information systems and legal action against racism, racial discrimination, xenophobia and related intolerance; the promotion of coordination and cooperation between institutions and with civil society; measures to prevent racism, racial discrimination, xenophobia and related intolerance and to provide comprehensive protection for victims; and measures in other spheres (education, employment, health, housing, the media, the Internet, sport and awareness-raising).

B. Promotion of the responsible use of the media to combat hate speech and racial discrimination

15. It should be noted that part of the Strategic Plan is devoted to the media, the aim being to encourage the media to take an active role in the fight against racism, racial discrimination, xenophobia and related intolerance.

¹ Available in Spanish and English at: www.oberaxe.es/files/datos/4ee5ba982ebe3/ESTRATEGIA-INEA%20INTERACTIVO%208-12-2011.pdf.

16. Measures are envisaged to:

- Promote self-regulation agreements among the social media, to help them comply with the legislation on racism, racial discrimination, xenophobia and related intolerance;
- Promote agreements with publicly-owned media to promote the values of equal treatment and non-discrimination on grounds of racial or ethnic origin;
- Analyse the instructions and recommendations of the State Council for Audiovisual Media on combating hatred, disrespect or discrimination on grounds of birth, racial or ethnic origin, sex, religion, nationality, opinion or any other personal or social circumstance;
- Promote training and awareness-raising measures for media professionals on the subject of racism, racial discrimination, xenophobia and related intolerance;
- Continue to promote studies and analysis of the treatment of racial or ethnic minorities in the media;
- Support the participation of associations that fight racism, xenophobia and associated intolerance in media debates and initiatives;
- Promote the participation of immigrants and minority groups in the media;
- Encourage the recognition of projects in the media that project a positive image of human mobility as a global development process.

C. Actions to increase general awareness of diversity at all levels of education

17. The Strategic Plan identifies this area as a central pillar of the fight against racism, racial discrimination, xenophobia and related intolerance, given that the existence of stereotypes and prejudices and the stigmatization of foreigners and those belonging to ethnic minorities create barriers that affect their equal treatment and full participation in society.

18. Therefore, the first objective is to implement awareness-raising measures aimed at the general public, public institutions, the media, the police and civil security services. Such measures are intended to prevent and combat prejudice, intolerance, discriminatory social behaviour, racial hatred and violence, and xenophobia, and also to encourage mutual awareness and interculturalism.

19. Awareness-raising measures are also being taken in educational institutions with the objective of contributing to students' development as citizens so as to prevent instances of racism, racial discrimination, xenophobia and related intolerance by means of action to promote civic education, human rights education in schools and innovative education programmes on the prevention of racism and discrimination.

20. Programmes and actions are being rolled out to prevent discriminatory, racist and xenophobic behaviour in relation to the integration of immigrants, thanks to the various grants available from the General Secretariat for Immigration and Emigration, which are aimed at local entities and NGOs; a grant provided by local entities, and co-financed by the European Fund for the Integration of Third-Country Nationals, for innovative programmes to integrate the immigrant population; and grants from the European Social Fund under its anti-discrimination plan, which are designed to improve the employability, integration and social inclusion of immigrants and fight against discrimination.

21. In recent years, several projects concerning equal treatment and non-discrimination have been carried out, notably:

- The “Awareness strategies for citizenship and integration: Success stories in the local sphere” and “Awareness plans: Success stories in the local sphere (2009–2010)” projects, which aim to improve awareness of the positive aspects of a diverse society in order to encourage peaceful coexistence and social integration processes at the local level via the implementation of local awareness-raising plans for combating discrimination on grounds of racial and ethnic origin and promoting equal treatment and the identification of success stories and models;
- The 2011 European Managing Diversity Project (GESDI), which aims to achieve equal treatment and better management of diversity in the world of work by reinforcing the positive image of the integration of immigrants and ethnic minorities in the professional and business spheres. Under this programme, a “Guide to Managing Diversity in the Workplace” was written and distributed. The guide covers equal treatment and non-discrimination on grounds of racial or ethnic origin and contains indicators for self-diagnosis and analysis of the management of cultural diversity, as well as success stories, examples of good practice and recommendations for the appropriate management of cultural diversity in the workplace;²
- The Centre for Sociological Research (CIS) has carried out an annual statewide survey, entitled “Attitudes towards discrimination on grounds of racial or ethnic origin” in 2007 and “Attitudes towards immigration” between 2008 and 2012. The survey includes variables that allow the evolution of racist and xenophobic attitudes in Spanish society to be monitored;
- Reports have also been prepared on the evolution of racism and xenophobia in Spain. An annual report on racism and xenophobia in Spain was written and published between 2008 and 2011, on the basis of the annual CIS survey. Thanks to these reports, it is possible to track fairly accurately the evolution of attitudes towards immigration in Spain;
- The 2012 European project “Training to identify and record racist incidents” (FIRIR), the objective of which is to promote the effective implementation of the principle of equal treatment and non-discrimination on grounds of racial or ethnic origin through training activities for State security forces in this area and, more specifically, in the detection and, where necessary, recording of racist or xenophobic incidents. The training is aimed at the various State security forces (National Police Force, Ertzaintza, Civil Guard, Mossos d’Esquadra and Policía Foral in Navarra) and a “Handbook on training security forces in identifying and recording racist or xenophobic incidents” has been prepared.

III. Information on paragraph 17

22. As was mentioned in the report prepared for the Committee’s consideration on 23 and 24 February 2011, Royal Decree No. 557/2011 of 20 April, approving the regulation of Organic Act No. 4/2000 on the rights and freedoms of foreigners in Spain and their social integration, as amended by Organic Act No. 2/2009, introduced some major changes to the rules on unaccompanied foreign children.

² Available in Spanish and English at www.oberaxe.es/files/datos/4f016d0cf0f2a/GUIAGESDI.pdf and www.oberaxe.es/files/datos/4ef0856dcaa07/GESDIINGLES.pdf.

23. The above-mentioned regulation provides that the General Secretariat for Immigration and Emigration “shall promote the adoption of a framework protocol for unaccompanied foreign children aimed at coordinating the services of all the relevant institutions and administrations, from locating the minor or presumed minor to his or her identification, the determination of his or her age, the provision of child protection services and documentation”.

24. This protocol is currently being drawn up with the help of representatives of several departments and institutions.
