

# **Government measure**

## **Municipal plan to combat Islamophobia**

Area of Citizen Rights, Participation and Transparency

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# 1. Introduction

In recent years, we have experienced an intensification of discrimination against the Muslim population in Europe in various spheres of life because of their religion, their ethnic origin or their gender, or a combination of these factors.

Discrimination against the Muslim population in Europe was fuelled historically by stereotypical and negative opinions, which do not take into account basic demographic and sociological factors such as the diversity of Muslim groups and their cultural and religious practices. The recent so-called "Jihadi" terrorist attacks in Europe have once again put the entire Muslim population under the spotlight, and they have become the subject of prejudice and suspicion. And it is in this context that Islamophobia poses a risk to peaceful co-existence and cohesion in democratic societies across Europe.

Unfortunately, the messages of some political parties and the image that various media sectors paint of Muslims reinforce these opinions. For example, when Islam is described as a violent ideology, it contributes to promoting a climate of hostility and mistrust towards people who are perceived to be Muslim. This is the system of values from which discrimination is built.

The city of Barcelona currently has Muslim communities that span three generations, two of which were born in the city. Even though it is obvious that Islam is now just another element of the city's cultural and religious diversity, Barcelona is not immune to the rising hate and intolerance. Both the data from the Prosecutor's Office and the cases collected by social entities and academic studies in this regard indicate an increase in hate crime in general over the past few years, particularly in relation to Islamophobia.

**Given the threat associated with the proliferation of hate crime and speech, and as the closest government authority to the citizens, the City Council must play a leading role to guarantee social cohesion and the protection of human rights. This is why this Government measure is based on a twofold approach: the human rights approach and the intercultural perspective.**

This Plan has been established as a Shock Plan with thirty measures that will be implemented over the next eighteen months. The majority of the planned actions fall within the scope of prevention, in order to raise the profile of Islamophobia as a form of discrimination and to counteract the stereotypes concerning Islam and Muslim communities. Despite the competence limits, there are also plans to act within the scope of guarantee, strengthening and improving the network for filing complaints to offer victims a coordinated and effective response.

It should be noted that the Plan to combat Islamophobia has been created with intense participation from human rights' entities, experts in Islam and the Muslim communities themselves in the city. The debates and contributions were organised through seven discussion groups and fourteen interviews with experts, some of whom are renowned at an international level.

This measure comes under the framework of the development of the "Barcelona City of Rights" Plan which aims to promote a diverse, intercultural and multi-faceted city model where all people have real, effective access under equal conditions to all the human rights recognised and guaranteed in the city. The promotion and protection of human rights cannot be left as an abstract goal of the public authorities. Instead, it is

necessary to establish the conditions required to ensure citizens can enjoy and effectively exercise their rights.

The management of these actions will be promoted by the Area of Citizen Rights and Immigration, taking the Fourth Deputy Mayor of Barcelona City Council as a political reference.

## 2. Islamophobia today: an unknown reality and on the rise

### 2.1. Islamophobia: a growing form of discrimination in Europe

It is calculated that there are more than 44 million Muslims<sup>1</sup> living in Europe today, without counting countries like Turkey. In some countries, such as Bosnia and Herzegovina, the Muslim population has been established for centuries. In Albania, Kosovo and Turkey, Muslims make up the majority of the population. In other countries, Muslim citizens have mostly obtained state citizenship of the country that they or their family emigrated to or sought asylum in during the 20th or early 21st centuries.

Muslims currently make up less than 10% of the population in Western and Northern Europe: 6% in Belgium, 7.5% in France, 5.7% in Switzerland, 5% in Germany, 4.6% in the United Kingdom and 2.3% in the Spanish State. In these countries, a very significant proportion have state citizenship of the country. The statistical studies available indicate that the Muslim population percentage in Europe is currently increasing, but at a slower rate than in the past. It is calculated that by 2030, Muslim people will make up approximately 10% of the population of France, Belgium and Sweden, and around 8% of Switzerland, Holland and the United Kingdom, 7% of Germany and 4% of Spain.

After the 9/11 attacks in 2001 in the United States, the perception of Muslims in Europe worsened and there was an increase in hostility towards the Muslim population in various European countries. The increase in the so-called "Jihadi" terrorist attacks in Europe and their reaction in the form of a "War on terror" have changed the hegemonic reference frameworks in Europe on Islam in general and on the Muslim communities in particular. This is despite the fact that data indicates that only 0.1% of the attacks<sup>2</sup> are in Western Europe and that the majority of the victims -75,000 since the year 2000- are Muslims.

However, the anti-Islamic sentiment cannot only be attributed to these events; according to some studies, the negative perceptions on Muslims were already present in Europe before 2001. What has changed in recent years is the intensity and unanimity generated by a set of ideas that tends to generate suspicion of any Muslim practice, especially when it is expressed in a public space.

In this regard, some far-right leaders in Europe have taken advantage of the instability produced by the attacks in Europe to use xenophobic populism discourse as a way to obtain power. In the last 15 years, the number of stereotyped declarations about the Muslim population have increased and they have been imbuing public opinion surveys in Europe. According to this speech, establishing Islamic places of worship and wearing religious or cultural symbols and clothing serve to illustrate the "reluctance of Muslims to become integrated" or an intention to impose values that are incompatible with the European identity.

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<sup>1</sup> Data on religious affiliation is obtained from statistical studies. The most recent study of reference on the Muslim population is from the PEW RESEARCH CENTER (2011) *The Future of the Global Muslim Population, Projections for 2010–2030: Europe, 2011*. All the data on Muslim population percentage in this section is based on the estimates of this study.

<sup>2</sup> ALBA RICO, S. (2015) "Islamofobia. Nosotros, los otros, el miedo" [Islamophobia. We, the others, the fear]. Icaria.

In Poland, for example, the Law and Justice party have risen to power using an ultra-Catholic and Islamophobic discourse, creating the electoral campaign around messages such as "these elections are not about politics and the economy, but about whether or not we will celebrate Christmas in 10 or 20 years time". In Hungary, the Prime Minister and ultra-conservative leader Viktor Orbán affirms that his country has the "right to decide that they don't want Muslims". In France, the candidate for presidency of the Republic, Marine Le Pen, was judged for having compared the religious practice of Muslims in public space, at a campaign event in 2010, with the occupation of France by the Nazis during World War Two. The Dutch extreme right is also gaining popularity in the polls with proposals to close down all mosques, ban the Koran and demand "fewer Moroccans in Holland".

The views expressed in various opinion polls carried out in Europe about the Muslim population or religious practices perceived as Islamic seem to reflect certain stereotypes used by European far right leaders. For example, 68% in France and 75% in Germany think that Muslim citizens are not integrated into society mainly because they refuse to become integrated<sup>3</sup>. 68% of French people oppose the decision of Muslim women to wear a headscarf and half of Germans are against the construction of mosques even though there is sufficient demand from believers. A third of the Swiss population consider that wearing a headscarf is humiliating for the women. 38% of the Spanish population<sup>4</sup> believe that it is perfectly acceptable to expel a student from school simply because she is wearing a headscarf and 42%<sup>5</sup> support the protests against the construction of Muslim places of worship.

This trend has been confirmed by the latest Report from the Pew Research Center published in 2016<sup>6</sup>. This report highlights that 50% of the Spanish population surveyed indicate that they have a negative perception of Muslim people, in fifth place after Hungary (72%), Italy (69%), Poland (66%) and Greece (65%). Holland and Sweden (35%) are in sixth place, followed by Germany and France (29%).

## 2.2. The situation of Islamophobia in Barcelona

The lack of knowledge of incidents that are not reported, added to the poor quality of data on reported incidents, make it difficult to make a statistical approximation of the Islamophobia phenomenon in the city of Barcelona. In this regard, the primary statistical data available are those from the Hate and Discrimination Crimes Service of the Barcelona Province Prosecutor's Office. According to the data of the Prosecutor's Office, all types of hate crime have increased in the province of Barcelona in recent years. 232 cases were reported in 2015, 19% more than in 2014 and nearly 40% more than in 2013.

Despite this increase, it is not possible to reach the conclusion that hate crime has increased in the province of Barcelona. What is true is that the counting and recording of them has improved. In fact, in the 2015 Report<sup>7</sup>, the specialised Prosecutor's Office underlines the awareness work carried out by the public

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<sup>3</sup> French Institute of Public Opinion (IFOP), Comparative survey France/Germany on Islam. Research Report, 13 December 2010.

<sup>4</sup> Spanish Observatory of Racism and Xenophobia, *Evolució del racisme i la xenofòbia a Espanya [Evolution of racism and xenophobia in Spain]. Report 2012*, page 156.

<sup>5</sup> Spanish Observatory of Racism and Xenophobia, *Evolució del racisme i la xenofòbia a Espanya [Evolution of racism and xenophobia in Spain]. Report 2012*, page 161.

<sup>6</sup> Pew Research Center, July 2016, *Europeans Fear Wave of Refugees Will Mean More Terrorism, Fewer Jobs*

<sup>7</sup> Barcelona Province Prosecutor's Office Hate and Discrimination Crimes Service (2016). 2015 Report.

authorities and non-governmental organisations, as well as the progressive application of police protocols. Even so, it must be remembered that the “dark figure” of crimes that are not reported continues “to be high”.

Discrimination for religious reasons represents only 12% of the hate crimes dealt with by the Prosecutor's Office. The main reason for discrimination continues to be racism and xenophobia, followed by political orientation, assaults, threats and insults due to the victims' sexual orientation, while hate for religious reasons is the fourth cause of discrimination. As regards the form taken of these crimes, in the majority of cases they are injuries, humiliation or both at the same time. Threats and coercion are also used.

Apart from the data on criminality available through the Prosecutor's Office on Hate Crime, there is no other comprehensive statistical report on the situation of Islamophobia in Barcelona. The studies available on Islamophobia are carried out by social entities that count the cases presented to them. The most recent report from the Citizen Platform Against Islamophobia<sup>8</sup> included 278 cases of Islamophobia in Spain in 2015. This report places Barcelona among the Spanish cities with the most recorded cases of Islamophobia (28%). It should be taken into account that the Report includes all cases of discrimination that the Platform is aware of, whether or not they have been reported to the judicial authorities.

In concrete terms, this has been seen very clearly in some cases that were given extensive media coverage in 2016. For example, the attack on a pregnant women in early September 2016, and the recurring controversy over the opening of religious centres in the city, most recently those in the neighbourhoods of Carmel and Sou Barris. At the start of 2016, Islamophobic graffiti was painted on the doors of two mosques in the Clot neighbourhood. Particular mention should also be made of schools where there have been several displays of Islamophobia related to halal food and the hijab headscarf in the classrooms. These examples are just a sample of some of the cases that have been collected in recent years. There are probably more that have not been included for the different reasons explained that make it difficult to have a more comprehensive analysis of the situation of Islamophobia in the city.

Another way to obtain more information on the state of Islamophobia in our city are opinion polls and value surveys. The Social Values Survey of the City Council of Barcelona shows that 21.6% of Barcelona citizens affirm that it bothers them quite a lot that Muslim girls wear a headscarf to school, and 19.2% that they wear it in the street. 17.7% affirm that it bothers them quite a lot to have a mosque beside their home. Finally, 13.4% affirm that it bothers them quite a lot that their children go to a school where at least half of the students are children of immigrants.

The belief that the increase in Islamophobia in Barcelona over the last few years poses a risk to the peaceful co-existence of neighbours and a real threat to social cohesion in the city resulted in a study being carried out at the start of 2016 in order to analyse this reality. This study called *La pràctica religiosa de les comunitats musulmanes de Barcelona. Expressions i problemàtiques*<sup>9</sup> [*The religious practice of the Muslim communities in Barcelona. Expressions and problems*] was prepared by a research team linked to the

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<sup>8</sup> Citizen Platform Against Islamophobia (2016), *Informe anual, Islamofobia en España 2015* [Annual report, Islamophobia in Spain 2015]. The full report is available here: <https://plataformaciudadanacontralaislamofobia.files.wordpress.com/2016/04/informe-islamofobia-en-espac3b1a-2015-pcci-informe-anual-20164.pdf>

<sup>9</sup> AAVV (2016) *La pràctica religiosa de les comunitats musulmanes de Barcelona. Expressions i problemàtiques* [The religious practice of the Muslim communities in Barcelona. Expressions and problems].

Department of Social Anthropology of the University of Barcelona and the collective Stop Islamophobic Phenomena in Catalonia (SAFI) and presented in July 2016.

This research analyses the speeches and Islamophobic practices that can be seen today in the city of Barcelona. It evaluates the state of the religious practices of Muslim communities based in the municipality of Barcelona; the specific characteristics of a religious minority that has been established in the city for several decades, as well as the difficulties that its members have to face to carry out what they understand to be their daily praxis as followers of an affiliation. Approximately 55 people (mostly Muslims) participated in the data collection for the study, through interviews and discussion groups and ethnographic observation in some cases (such as a movement organised by local residents opposed to the opening of a place of worship).

Therefore, this study focuses on the difficulties that the same Muslim people and communities in the city encounter when practising their right to freedom of religion. It also allows for the conclusion to be reached that these difficulties are related to discrimination and to identify in which areas it occurs most frequently. From this study, a series of recommendations have been made by the authors themselves about how to approach this phenomenon, some of which were taken into account in the drawing up of this Plan.

Finally, considering the data that we have and the aforementioned set of studies, we are better able to understand the situation of Islamophobia in Barcelona under the following premises:

- **Islamophobia in Barcelona is a real phenomenon that is a matter of concern.** This is indicated by the data from the Prosecutor's Office and by the cases collected by the social entities and academic studies in this regard.

- **In recent years, an increasing trend of Islamophobic incidents has been noted.** The climate of tension caused by the wave of terrorist attacks that has shaken Western Europe, added to the Xenophobic use of these by the far right has resulted in a major intensity of Islamophobia in our city. For example, the fact that recently there has been local resident opposition to the opening of places of worship in the city, or the significance of the attacks on women with the hijab in public spaces.

- **The education, public space, media and work** environments are those that most stand out for incidents of Islamophobic discrimination.

- **Islamophobia affects women more sharply.** The most accentuated discrimination can be found in the intersectionality of ethnic or cultural origin, religious practice and gender. This has proven to be particularly intense in relation to the use of the hijab.

- **Lack of data on hate crime and speech in Barcelona in general, and Islamophobia in particular,** makes it difficult to intervene through public policies.

- **There is a lack of information on the rights of victims facing discrimination.** Many victims declare that they are unaware of the existing guarantee mechanisms or that they do not believe in them.



## 3. Islamophobia, a hate crime

### 3.1. Islamophobia as a form of discrimination

One of the main challenges faced today by the local administrations is to guarantee citizenship rights to their citizens. To help contribute to this, **Barcelona is committed, among other perspectives, to taking a twofold approach: the human rights approach and the intercultural approach.**

**The human rights approach** emphasises the fact that the recognition of citizenship rights is often limited to great declarations of principles but it does not fully address the obligations deriving from this recognition. Barcelona, in accordance with its "Barcelona City of Rights" programme, assumes its obligations in this regard: the protection and guarantee of the rights of all of the city's residents. Therefore, the human rights approach is based on the use of international human rights standards as a guide to plan public policies, as can be seen below.

**The intercultural approach** involves recognising diversity from the standpoints of knowledge, positive interaction, participation and non-discrimination. To achieve real inclusion is to recognise that our societies have changed, that they are plural and diverse, and therefore it is necessary to guarantee that the difference will be respected, valued and appreciated without affecting equality of rights and obligations. The intercultural approach exceeds the multicultural paradigms of respect and tolerance between diverse cultures in order to promote the construction of plural societies that are diverse, fair and cohesive where the common goal is to combat inequality and where the dialogue promoted is not between different cultures, but instead between people of different cultures.

Furthermore, the intercultural approach seeks to identify and reverse the underlying causes of discrimination resulting from prejudice and stereotypes based on a lack of knowledge and the rooted, atavistic fear of the construction of otherness. Looking at people perceived to be different in a negative way or with a look of superiority is often at the root of discriminatory attitudes, and Islamophobia is a clear example of this.

As a result, **we are currently facing a growing climate of hostility and mistrust towards Muslims or those perceived as such which leads to discrimination against them.** The right to freedom of expression includes the right to criticise religions and beliefs, but this does encompass stereotypes or intolerance and the human rights of people linked to the religion have to be preserved. A religion is not just an ideology or a doctrine. It is also a set of practices and customs that need to be respected under the framework of the interdependence and indivisibility principles of rights, understanding that all human rights are complementary and inseparable.

**According to international and European law, discrimination is any difference in treatment based on prohibited motives that do not have an objective or reasonable justification,** as indicated in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. **In the case of Islamophobia, discrimination is expressed both for religious reasons, and on the**

grounds of ethnic or cultural origin and, furthermore, other discriminatory motivations can be added such as gender or sexual orientation and identity.

**Discrimination undermines the exercise of equality of other human rights, such as the right to work, education, health, etc.** The most evident discrimination is that which is carried out directly, even though it is necessary to establish mechanisms to prevent indirect discrimination, which is less palpable but just as harmful. We understand that indirect discrimination is when a law, a procedure or a practice that is apparently neutral involves a disproportionate disadvantage or has a differentiating effect on a particular group with no objective or reasonable justification for implementing it<sup>10</sup>.

In the same way that traditional Muslims should not be pressured by their family or the community over whether or not to express their cultural and religious values, they should likewise not be pressured by the administration to behave one way or another. In this sense, the administration has the responsibility not to promote or reinforce stereotypes that may encourage intolerance and discrimination, as well as the obligation to take measures to prevent this.

A person can be distinguished by their Muslim origin or their cultural identity without being considered religious. There are atheists and lay people that form part of Islamic culture just like in Christianity, Hinduism, etc. **Islamophobia is a form of racism when the discrimination is exercised based on certain physical features that are attributed to Muslims. This is founded on the fact that when we speak about victims of Islamophobic discrimination, we refer to both Muslims and those people who are perceived to be Muslims.**

The fight against Islamophobia, opposition to racism against Muslims or people perceived as such, aims to guarantee the right to equality and to non-discrimination, as well as preserving their freedom of conscience. In this regard, Islamophobia is expressed not only as a form of racism against people with the racial profile of Muslims, but also a form of religious discrimination for practising Islam<sup>11</sup>. **In this way, the public authorities are obliged to act to guarantee the free, unhindered practice of any creed and religion, protected by the fundamental right of freedom of thought, conscience, religion and belief.**

**This Plan is directed at the general public, as Islamophobia, racism and xenophobia attack the entire population in the sense that they undermine social cohesion, generate inequalities and violate the positive effects of cultural diversity in the city.** In this regard, a series of goals and measures focused on prevention are proposed, giving an important role to education and awareness. It is worth mentioning, however, that special attention is given to people who suffer Islamophobia directly, and more intensely to those who are Muslim, as they suffer more kinds of discrimination (places of worship, clothing symbols, etc.)

As we will see in more detail in the next section, Islamophobic crimes and speeches are considered to be hate crimes and speeches, as they are based on racial discrimination and hate, and the attacks are mainly motivated by the ethnic origin or Muslim religion of the victim, or both. This twofold racial and religious

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<sup>10</sup> Amnesty International (2012), *Choice and prejudice, Discrimination against Muslims in Europe*, page 19. The full report is available here:

<http://amnistiainternacional.org/publicaciones/154-eleccion-y-prejuicio-discriminacion-de-personas-musulmanas-en-europa.html>

<sup>11</sup> International Covenant on Civil and Political Rights, United Nations, 16 December 1966. Art. 2.1, Resolution 2200A (XXI)].

discrimination, due to the combination of the two elements, is reflected in the fact that Muslims are on the receiving end of racial and religious discrimination more frequently than people who are not Muslims<sup>12</sup>.

When the gender perspective is included in the study of Islamophobic discrimination, it is evident that the fact of being a woman is yet another motive for discrimination against the Muslim religion and ethnic origin. **Therefore, it is necessary to study gender transversality in the intersection of various areas of inequality and discrimination that foster Islamophobia and resolve how this is expressed specifically on women.** Both in general areas, such as the workplace, and other more specific areas such as sexual and reproductive health. In order to combat Islamophobia, it is necessary to establish prevention tools and guarantee mechanisms that contemplate the specific needs of women and take into account the intersectional perspective to identify the specific impact of multiple areas of discrimination.

**Therefore, we understand that Islamophobia is a phenomenon of stereotyped speech, prejudice and discrimination against Islam and Muslim people or those perceived as such.** It follows specific patterns of discrimination that affect these people in specific areas of their life and which violate their citizenship rights. In short, it is a form of incitement to hatred, and as such it is classified as a hate and/or discrimination crime in the vast majority of countries and is recognised internationally. As a result, it is necessary to have a comprehensive public policy that establishes prevention measures and a guarantee of citizenship rights in the face of Islamophobia.

### 3.2. Islamophobia in international human rights instruments

Islamophobia, considered as discrimination suffered by Muslims or people perceived to be Muslims, is not explicitly featured in any international instrument to protect human rights, and neither are Christianophobia or anti-Semitism

Nevertheless, expressions of discrimination for religious, cultural or ideological reasons are included in various international agreements that are worth mentioning in order to establish Islamophobia as a violation of different human rights, as has been pointed out on various occasions by the UN Special Rapporteur on all contemporary forms of racism, racial discrimination, xenophobia and other related intolerances.

In this regard, we can speak about two big blocks of human rights that are infringed in an incident of Islamophobia. **On one hand, the right to equality and non-discrimination, and on the other hand, the right to freedom of thought, conscience, religion and belief.** Below we will briefly analyse these two big blocks of rights, focusing on the recommendations that the different human rights protection mechanisms have drawn up in relation to the issues that we deal with in the measure.

Both the Universal Declaration of Human Rights and the two International Covenants for its implementation, contain the right to equality in their articles. Specifically, these texts say that all human rights should be enjoyed "without any discrimination for motives of race, colour, gender, language, religious, political opinion or of any other nature, national or social origin, financial position, birth or any other social

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<sup>12</sup> Open Society Foundations (2010), *Muslims in Europe, a Report on 11 EU cities*. The full report is available here: [https://www.opensocietyfoundations.org/sites/default/files/a-muslims-europe-20110214\\_0.pdf](https://www.opensocietyfoundations.org/sites/default/files/a-muslims-europe-20110214_0.pdf)

condition" (Art. 2 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights).

This general precept of equality is often interpreted as a principle that has to infuse the other rights, in such a way that it does not constitute a right in itself, but an obligation of how to behave, a way of doing, and therefore it always has to be applied in relation to the other human rights. The right to health, the right to education and the right to effective judicial protection, for example, have to be exercised without any type of discrimination.

As a fundamental principal of human rights, discrimination is the main aspect of up to three international protection instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination (of 1965, ratified by the Spanish State in 1983 and therefore legally binding for Barcelona). According to Article 1 of the Convention, the expression "racial discrimination" mentions *"any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life"*. Therefore, this definition includes expressions of Islamophobia as we have defined it in this measure and, as a result, we can propose the application of its articles. In this sense, we will focus on the two lines of action that we will present: prevention and guarantee.

Once a detailed list has been drawn up of all the rights where there can be no form of racial discrimination, the Convention states the explicit prohibition of any expression of hate in Article 4, as follows: *"The States a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof; (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination."* It is in this Article and Article 6 that we find the regulation in the international sphere of guarantee measures in relation to hate crime, which covers Islamophobic crimes.

In terms of the prevention measures, Article 7 of the Convention should be noted. It states that it is necessary to *"adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups"*. This is the justification of the first two goals of this Plan which we will explain in the next point.

It is necessary to point out another international document which, while it is not binding, contains the most complete list of measures available to date for the fight against discrimination, the **Durban Declaration of 2001** and its Action Plan. This plan has 219 measures, of varying specification, to combat racism, racial discrimination, xenophobia and other related intolerances and it is one of the main bases for the measures that we present in this municipal plan to combat Islamophobia.

We would need to analyse the second big block of human rights which is infringed by Islamophobic discrimination, which refers to freedom of conscience and religion, upon which two preliminary considerations need to be made, pointed out by the UN Special Rapporteur on the freedom of religion and belief. Firstly, it must be clarified that the right to freedom of thought, conscience, religion and belief does

not only refer to religious options, but also encompasses agnostic, atheist or any other options of thought or belief. Secondly, it is necessary to point out that this right is often misinterpreted, not always out of naivety or lack of interest, as the right that protects religions, and therefore the ideas that these promote. Human rights protect people, never ideas or systems, whether they be religious, political or social. People's freedom of thought is protected, not what the people think or believe.

Article 18 of the International Covenant on Civil and Political Rights develops the generic wording found in Article 18 of the Universal Declaration. Therefore, it is recognised that "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice and teaching".

This Article was interpreted by the Human Rights Committee in its General Comment No. 22, where two preliminary considerations are pointed out that we have put forward and which explicitly states the prohibition of "Policies or practices... that restrict access to education, medical care, employment or [to other rights]" for the mere fact of belonging to a specific religion. The Committee explains that "The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings...". This interpretation allows us to affirm that when there is a discriminatory attitude based on religious aspects, such as the halal menu or the use of the hijab in schools, this is a violation of a human right. It should be noted that the Committee states that "The same protection is enjoyed by holders of all beliefs of a non-religious nature".

### **3.3. Criminal prosecution of Islamophobia and hate crime**

#### **The reform of the Penal Code and the creation of the Prosecutor's Office specialised in hate crime**

On 1 July 2015, a reform of the Penal Code came into force operated by Framework Act 1/2015, which has had consequences in relation to the prosecution of punishable hate speeches. The legislative amendment affects former Article 510 related to provoking hatred, violence or discrimination and Article 607.2 of the Penal Code related to disseminating ideas that justify genocide, crimes that are now merged in the new Article 510 of the Penal Code. The reform would have to allow for more effective prosecution of this type of crime, thereby responding to the different international commitments assumed by the Spanish State.

Nevertheless, the Spanish State has not classified a specific penal model for hate crime as is usual in Anglo-Saxon countries<sup>13</sup> and it has been advocated by the Public Prosecutor, which has requested the provision of a specific chapter on discrimination crimes, which would also include so-called hate crimes. In this way, it is advocated to speak about crimes against discrimination to refer to all those crimes in which the subject's actions are motivated by discrimination. And on the other hand, the express provision of a crime classification is advocated for cases where the reference of a second subjective element, hate, is added to the discriminatory motive to propose a category for discrimination and hate crime.

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<sup>13</sup> Based on both the doctrine and the legislation of the United States, for example, *Hate Crime, Hate-Motivated Crime and Hate Crime Statistics*.

The Hate and Discrimination Crimes Service of the Barcelona Province Prosecutor's Office has been in operation since October 2009. It is the first<sup>14</sup> of its type in a Prosecutor's Office in the Spanish State. The specialised response of the Public Prosecutor in other fields, such as corruption, environment crimes, occupational accident and gender violence crimes have demonstrated better effectiveness in the prosecution of these crimes. The creation of the service specialised in hate crime within the prosecutor's offices provides the necessary and appropriate specialised response in the investigation, prosecution and legal procedures of this type of criminal activity, as well as collecting the information, documentation and recommendations from the international bodies that defend human rights.

In this regard, *the Comprehensive strategy against racism, racial discrimination, xenophobia and other related forms of intolerance*, approved by the PSOE government on 4 November 2011 and assumed by the subsequent PP governments, places great importance on institutional cooperation between the public authorities and also civil society. The appointment of specialised prosecutors in every provincial capital should then be supported by coordination with a series of public bodies or civil society, involved in the fight against discrimination which has to enable more effective criminal prosecution of hate crime.

### **Difficulties in the criminal prosecution of hate speeches and crimes**

There are various issues that prevent or complicate the correct investigation and prosecution of hate-related offences within the different forms of discrimination and, consequently, these have an impact when making a qualitative and quantitative calculation of the extent of hate crime and hate speech in our society.

These issues may generate a dangerous sentiment of injustice and, to some degree, failure of the rights protection system, with the subsequent frustration and increase in mistrust towards the different operators that intervene in a process of this type (police forces, judges, prosecutors, etc.)

Therefore, to implement the most effective public policies possible in the fight against discrimination, it is essential to identify these difficulties:

#### *a. Lack of awareness of the reported incidents*

One of the main problems detected in the field of discrimination and hate crime is the lack of published statistical data that enable the qualitative and quantitative calculation.

In the Spanish State, it was not until 2011 that the Crime Statistics System was modified by the Cabinet for Coordination and Studies of the Security State Secretariat of the Ministry of the Interior and Oberaxe<sup>15</sup> in order to specifically record any action that may be classified as racist or xenophobic.

By 2010, the Department of the Interior of the Generalitat regional government of Catalonia had already implemented a protocol<sup>16</sup> coordinated with the Barcelona Province Prosecutor's Office so that the *Mossos*

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<sup>14</sup> In 2011, a delegate Prosecutor was appointed for the Criminal Protection of the principle of Equality and against Discrimination. In 2013, fifty delegate Prosecutors were appointed throughout Spain, with at least one Prosecutor for each province capital.

<sup>15</sup> Spanish Observatory against Racism and Xenophobia, which reports to the Secretariat General of Immigration and Emigration of the Ministry of Employment and Social Security.

*d'Esquadra*, the Catalan police force, could collect the first statistical data on discrimination and hate crime, and therefore calculate the number of victims. It was not until 2014 that the first report from the Ministry of the Interior appeared on the evolution of hate crime in the Spanish State, which provides the first statistical data on the incidents and criminal violations committed due to hate and discrimination in 2013.

The non-existence of this option until 2010 (Department of the Interior of the Generalitat regional government of Catalonia) and 2011 (Ministry of the Interior) contributed to the lack of visibility of the suffering of victims, and sometimes, to the public institutions and society as a whole underplaying the problem.

In the same way that the police and security forces did not offer reliable data on discrimination and hate-motivated crimes until recently, the prosecutors, courts and tribunals did not register or classify the procedures initiated or file the crimes of this nature either, nor did they file the sentences passed or cases dismissed..

These deficiencies were remarked upon on different occasions by the European Union and the Fundamental Rights Agency of the European Union (FRA)<sup>17</sup>, the European Commission against Racism and Intolerance (ECRI)<sup>18</sup>, and the Committee on the Elimination of Racial Discrimination of the UN High Commissioner<sup>19</sup>, as well as being a motive for advocacy of organisations such as Movement against Intolerance<sup>20</sup> and Amnesty International<sup>21</sup>.

Therefore, the police and security forces of the Spanish State have a system for recording criminal offences motivated by hate and discrimination. The collection of this data, however, is not systematic and it is unequal depending on the autonomous regions and the existence or not of Protocols between the competent police forces and the Prosecutor's Office. Furthermore, it concerns data that has been collected so recently that it is still too early to establish an analysis of trends with regard to the evolution of hate crime in the State.

In this sense, the lack of statistical data on hate crime is one of the reasons that explains the lack of public policies directed at preventing and fighting against discrimination, or the limited effectiveness of those that exist.

*b. Lack of awareness of incidents that take place and are not reported.*

There is the rightful impression that many hate crimes committed are not reported so there is a considerably high "dark figure" of incidents that the victims, for various reasons, do not want or do not dare to report, or they are unaware that they can.

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<sup>16</sup> This is the first protocol in Spain to investigate hate crime and attend to its victims, called *Procediment en fets delictius motivats per l'odi o la discriminació [Procedure for criminal incidents motivated by hate or discrimination]*, dated 10 March 2010.

<sup>17</sup> Decision 4/03 of the Maastricht Ministerial Council which calls for the "Collection and maintenance of reliable information and statistics about hate crime including violent expressions of racism, xenophobia, discrimination and anti-Semitism," (*Report against Racism and Xenophobia in EU Member States*, FRA, August 2007, pp. 118-119).

<sup>18</sup> Fourth Report on Spain, adopted on 7 December 2010 and published on 8 February 2011.

<sup>19</sup> Observation 16 of the 2004 Report by Spain.

<sup>20</sup> Movement against Intolerance, Cuadernos de Análisis journal, No. 38; and 2008, 2009 and 2010 Raxen Reports.

<sup>21</sup> 2009 & 2010 Report on Spain.

In this regard, the most common motivations<sup>22</sup> for victims not reporting incidents are the following:

- **Discrimination as a daily, normalised experience.** Many people have lived with discrimination for so long that these attitudes become normalised in their daily lives.

- **The belief that reporting the incident will not help at all.** Many victims do not believe that the security forces or civil servants for justice will take up the investigations or legal actions to respond to the reporting of these crimes.

- **Mistrust or fear of the police.** The victims that belong to a group that has historically been subject to bullying, violence or lack of protection by the State sometimes avoid any type of contact with police officers.

- **Foreign victims that do not have a residency permit.** It is rare that a person will go to the police station to report a discrimination incident if they fear a probable procedure of expulsion being initiated. In this sense, the Barcelona Province Prosecutor's Office, in its 2014 Report, proposed a reform of the Framework Act 4/2000, of 11 January, on the rights and duties of foreigners in Spain, allowing people in an irregular situation in Spain who were victims of discrimination crimes to be exempt from administrative responsibility and to prevent expulsion on the condition that they reported the perpetrators and collaborators of the crime.

- **Fear of reprisals.** Many people fear that if they report a crime, the people responsible will retaliate against them, their family or members of the community to which they belong. This fear is increased in cases where the perpetrators belong to an organised group characterised by their violence.

- **Extreme vulnerability of certain profiles of victims.** A lot of victims do not report crimes because their personal, social or financial situation leaves them in absolute social exclusion and extremely vulnerable. For example, homeless people, in many cases with physical or mental health problems and without family or social support.

- **Lack of knowledge of the law and of how the judicial system works.** Many victims often do not know where, how and when to report discrimination and hate crime. In the case of Islamophobia, many victims are of foreign origin, and they may find it difficult to understand and/or speak the official languages.

- **Shame.** Some victims feel ashamed after becoming victims of a hate crime, often blaming themselves, as they are victimised due to their identity.

- **Denial.** In order to deal with the trauma suffered following a hate crime, some victims deny or minimise the impact or the seriousness of the crime.

All of these circumstances explain the main reasons why the number of complaints made for hate crime or speeches is a lot lower than the real number of incidents. In fact, the lack of complaints or presentation of complaints a long time after the incident has been committed is a reality backed up and recognised by different international bodies and entities that defend human rights.

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<sup>22</sup> To compile this list, we have used as a reference the “Practical guide for the investigation and prosecution of discrimination and hate crime” directed by the Prosecutor specialised in Hate Crime Miguel Ángel Aguilar Page 68 et seq.



General Recommendation No. 31 (2005) of the Committee on the Elimination of Racial Discrimination indicate that *“the absence or small number of complaints, prosecutions and convictions for acts of racial discrimination should not be regarded as necessarily positive; it may also be an indicator, among others, that victims fear social censure or reprisals, that there is a lack of confidence in law enforcement agencies, or that these authorities are not properly aware or know how to deal with discrimination complaints”*.

The absence of reliable data on hate crime and speech, among which is Islamophobia, usually leads to a notable lack of awareness about the extent and the seriousness of the problem.

## 4. Development process of the Plan to combat Islamophobia

The work of the government team established to combat Islamophobia started in early 2016 with the task of producing an analytical study<sup>23</sup> on this reality. This study was presented in July 2016.

From the conclusions of this study and in response to this situation, the government team decided to act by drawing up a Municipal Plan Against Islamophobia.

The building of the Plan against Islamophobia is done through a set of actions, which include a consultation process lasting two months, to encourage the participation of and give voice to different people and entities linked to this phenomenon or who know about it.

An external team coordinated by Mustapha Aoulad Sellam and also including Dr Martin Lundsteen and Dr Ariadna Solé in constant coordination with the Office of Religious Affairs and the team of the Area of Citizen Rights and Diversity participated in this consultation process.

On one hand, various consultation groups were organised between October and November 2016 formed by:

- a. **Entities that defend rights and fight against racism and discrimination.** Given that the fight against Islamophobia is also a fight for the defence of the right to religious freedom, and against racism and discrimination.
- b. **Muslim communities (including Muslim women's associations).** As representatives of people that suffer Islamophobia in the city.
- c. **Muslim women.** The voice of Muslim women cannot be limited to the representatives of associations and places of worship. That is why two consultation groups were carried out to listen specifically to the voice of Muslim women, as one of the main conclusions of the previous analysis of the situation was that Islamophobia particularly affects women.
- d. **Young Muslim people under the age of 25.** As in the case of the women, it was proposed to listen to the voice of people under 25 who have their own view, often unlinked to the migration experience, as is the case of many older Muslims.
- e. **People responsible for different areas of the City Council.** A technical task force for the Plan was also set up, with members of the Office of Religious Affairs, the Office for Non-discrimination and the other technicians from the Area of Citizen Rights and Diversity.

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<sup>23</sup> AAVV (2016) *La pràctica religiosa de les comunitats musulmanes de Barcelona. Expressions i problemàtiques [The religious practice of the Muslim communities in Barcelona. Expressions and problems].*

The organisation of the consultation groups consisted first of all in sending emails to invite participants to join including an explanation, with references to the previous analysis and the development process of the Plan, as well as a concise, informative introduction about the concept of Islamophobia from which they would work. The groups took place at the Office of Religious Affairs and the Office for Non-Discrimination. They started off with the presentation and acknowledgements by the Commissioner for Immigration, Agriculturalist and Diversity, Lola Lopez and/or the Director of Citizens' Rights, Aida Guillaume. The participants of the consultation groups were asked their opinion about: what they understand by Islamophobia, in what areas it occurs, their own experiences and proposed measures.

There was a total of seven groups (2 groups of entities that defend human rights, 1 of Muslim communities, 2 of Muslim women, 1 of young Muslims, 1 technical task force made up of different areas of the City Council), in which a total of sixty-three people participated.

Furthermore, there were **fourteen interviews carried out with experts in discrimination, religious diversity and Muslim communities in Spain and in Catalonia**. In addition, an international expert was interviewed. Among the experts were various profiles including people connected to academia and professionals, Muslims and non-Muslims, men and women, etc. The experts were also consulted about the significance of the concept of Islamophobia, the areas or groups that require priority action, proposed measures and information about other similar plans that have been developed both in other cities in Spain and in the rest of the world, especially in Europe.

The different suggestions made by the groups and experts were analysed and discussed by the team that had drawn up this Plan. A Report was made of the consultation process which summarises the most relevant reflections and contributions that they could work on. These were ordered mainly following the scheme used in groups and interviews, i.e. they were grouped into three areas: definition, priority areas of action and proposed measures.

The consultation process finished with the celebration in the CCCB (Barcelona Centre for Contemporary Culture) **of the event *Act against Islamophobia: proposals to fight discrimination today*** on 12 December 2016, International Day against Islamophobia. The following participated in this event: Santiago Alba Rico, philosopher and writer, author of the book "Islamofobia. Nosotros, los otros, el miedo" Islamophobia. We, the others, the fear](Icaria Editorial); Rampart Sanchez, from the Citizen Platform Against Islamophobia and Jaime Aspens, the Fourth Deputy Mayor of Citizen Rights, Participation and Transparency. This was an open event and all the participants in the consultation process were invited. During the interventions, participants called for institutions to play an active role, in this case the City Council of Barcelona, in the fight against Islamophobia. Attendance was good overall with about eighty people, a considerable majority of whom were young people, especially Muslim girls.

Finally, there was a **reporting session for the people and entities that had participated in the discussion groups and interviews**. The Report on the consultation process was presented, as well as the contents of the Plan to combat Islamophobia.

## 5. Goals

The goals of the Municipal Plan to combat Islamophobia are divided into those that address the prevention of violations of human rights and those that are implemented when there has been a violation, i.e. the actions to guarantee the rights.

In this way, the first two goals are within the **scope of prevention**, in order to raise the profile of Islamophobia as a form of discrimination and to counteract the stereotypes concerning Islam and Muslim communities.

The third is in the **area of guarantee, reinforcing and implementing the mechanisms necessary when Islamophobia discrimination has occurred.**

### **General goal 1: Raise the profile of Islamophobia as a form of discrimination**

GG 1.1.- Create awareness and inform citizens of the diverse expressions of Islamophobia and their impact

GG 1.2.- Support the Muslim communities in raising the profile of Islamophobic crimes and speeches

GG 1.3.- Highlight the specific characteristics of gender-based Islamophobia

GG 1.4.- Reinforce the mechanisms in the municipal area for collecting data on Islamophobic discrimination

GG 1.5.- Increase awareness in schools about Islamophobia as a form of discrimination

### **General goal 2: Counteract the spread of negative images about Islam and Muslims and normalise religious diversity in the city**

GG 2.1.- Foster the joint work of the city's people and entities against discriminatory rumours

GG 2.2.- Promote the presence of the city's cultural and religious diversity, particularly in the municipality's media

GG 2.3.- Promote education in diversity

GG 2.4.- Guarantee the right to freedom of religion and conscience in schools

GG 2.5.- Support the process to establish places of worship in the city

GG 2.6.- Encourage non-discriminatory management of religious diversity in the city's work centres

### **General goal 3: Reinforce the guarantee mechanisms against Islamophobic discrimination**

GG 3.1.- Promote the coordination between the competent institutions and agents for the protection and fight against hate crime and speech.

GG 3.2.- Promote the use of strategic legal action as a tool of protection and guarantee against Islamophobic discrimination

GG 3.3.- Consolidate the monitoring and prosecution of Islamophobic discrimination in the city

## 6. Lines of action of the Plan

### **GG 1. Raise the profile of Islamophobia as a form of discrimination**

#### **GG 1.1.- Create awareness and inform citizens of the diverse expressions of Islamophobia and their impact**

##### *1.1.A.- Design a municipal awareness campaign with the distribution of physical and digital support materials and content*

Create a communication campaign aimed at all citizens to create awareness of Islamophobia as a form of discrimination, the forms in which it occurs and its effects. The campaign will have physical support, such as information leaflets and posters, and digital versions of the same material, as well as other materials expressly designed to be used on websites and social media.

The campaign will focus, among other things, on raising the visibility of the mechanisms for reporting incidents of Islamophobia, such as the Hate and Discrimination Crimes Service of the Barcelona Province Prosecutor's Office, and will provide detailed information on the municipal spaces where consultations can be carried out and reports of Islamophobic discrimination examined, placing emphasis on the specific spaces for supporting women.

Information will also be provided about the work of the Office for Non-Discrimination (OND) as the main place for citizens and organisations of the city to find reading materials, receive information, training and advice on hate crime and speech. It is also planned to raise the profile of the OND as a municipal space of reference for activating complaint mechanisms for hate crime and speech, such as Islamophobic discrimination.

##### *1.1.B.- Workshop on hate speeches in the social media.*

Include Islamophobia in the content of the Workshop "BCN vs Hate: Strategies to combat intolerance in the social media" which will take place on 2 and 3 February 2017 in the CCCB.

#### **GG 1.2.- Support the Muslim communities in raising the profile of Islamophobic crimes and speeches**

##### *1.2.A.- Create specific materials in collaboration with the Muslim communities on their rights as citizens, the different forms of discrimination and guarantee mechanisms*

Guides directed mainly at Muslim associations and places of worship will be designed to provide information on the rights of citizens and the mechanisms to guarantee these rights. Given that discrimination for religious motives mainly affects Muslim women, and that this is often not perceived by Muslim men, information is also included to ensure that everyone is aware that Islamophobia is frequently defined in gender-based terms.

##### *1.2.B.- Promote the participation of Muslim communities in designing the plans to celebrate the Day Against Islamophobia.*

A commission will be created to prepare the activities that the City Council will organise to celebrate the International Day against Islamophobia on 12 December, in which the city's Muslim communities and all citizens will be invited to actively participate.

### **GG 1.3.- Highlight the specific characteristics of gender-based Islamophobia**

*1.3.A.- Include the perspective of gender and intersectionality towards Muslim women in the execution of the measures of the Plan*

Gender transversality in the various areas of inequality and discrimination that foster Islamophobia means that it is necessary for all the measures included in this Plan to consider the specific needs of women during the design, planning and execution of the associated actions. The cross-over of all the areas of discrimination (gender, class, country of origin, religious practice) requires us to pay special attention to these forms of discrimination that have a specific impact.

*1.3.B.- Raising the profile of the specific impact of intersectionality in discrimination towards Muslim women, for gender-based and Islamophobic motives*

The educational and awareness-raising materials designed to create awareness of Islamophobia as a form of discrimination, the forms in which it is expressed and its effects will show how Muslim women, or those perceived as such, suffer pointedly from this discrimination.

*1.3.C.- Support and empower Muslim women who live in the city when reporting incidents of Islamophobia*

The specific needs of women require special attention when facilitating the networks and spaces that provide access to guarantee mechanisms. Specific systems of access adapted to the different realities of Muslim women in the city will be planned by creating referral networks from the support services to the women (PIAD women's support and information point network, CIRDA, etc.)

### **GG 1.4.- Reinforce the mechanisms in the municipal area for collecting data on Islamophobic discrimination**

*1.4.A.- Establish an observatory for hate crime and speech*

The aim of this Observatory will be to monitor the Islamophobic practices and speech in the city and create a file on hate crime and hate speech in Barcelona. There will be monitoring of victimisation according to gender and the data obtained will be used so that the Observatory can publish an annual report on hate crimes and hate speech in the city. This Observatory will be integrated within the OND structure and will be use its staff.

*1.4.B.- Incorporate knowledge about discrimination through hate crime and hate speech in the training catalogue of municipal workers.*

In the context of rolling out the Plan to train in human rights and diversity in the Barcelona City of Rights Programme, various training actions will take place on hate crime and hate speech which will be incorporated into the training catalogue of municipal workers.

*1.4.C.- Draw up a practical guide for municipal workers to identify and detect Islamophobic discrimination in contact with users, as part of the human rights and diversity training plan*

The duty to report discrimination not only lies with the potential victims, but also especially with municipal employees. In this regard, training will be provided to promote in-depth knowledge of fundamental rights that encompass the city's different religious communities and thereby point out the behaviour that could fall under the label of "institutional racism" or "institutional Islamophobia".

*1.4.D.- Update Instruction 29/08 of the Guàrdia Urbana city police to include Islamophobia as a form of discrimination, creating a new directive on discrimination*

A new Directive of *Standards for action to prevent and avoid discriminatory attitudes will be drawn up*. The legal framework will be updated in this new Directive, it will include Islamophobia as a form of discrimination and the standards of action will be drawn up. The Guàrdia Urbana officers will receive training on the new Directive.

#### **GG 1.5.- Raise awareness in schools about Islamophobia as a form of discrimination**

*1.5.A.- Propose training sessions on hate crime discrimination in education centres, using the Citizens' Rights subsidies*

Financial support will be provided through Citizens' Rights subsidies to entities to raise awareness of hate crime and speech in education centres. The inclusion of training activities will also be promoted in the education activity catalogue, the School Activity Programme, from the Barcelona Educational Coordination Council in order to achieve the widest coverage possible in the city's education community.

#### **GG2. Counteract the spread of negative images about Islam and Muslims and normalise religious diversity in the city**

##### **GG 2.1.- Boost the joint work of the city's people and entities against discriminatory rumours**

*2.1.A.- Strengthen the Barcelona Anti-rumour Network and give specific training on Islamophobia to the Anti-rumour Agents of the Barcelona Anti-rumour network*

The Barcelona Anti-rumour Network is a success in the city, replicated in many other surrounding municipalities. Its task of combating stereotyped rumour-mongering and prejudice actively contributes to a reduction in racist attitudes in the city. The intercultural perspective promoted by the Network also helps to recognise diversity from a position of positive interaction and non-discrimination. An increase in the political and budgetary support for the project will contribute to social cohesion and the promotion of cultural diversity as a positive value.



Specific training on Islamophobia will be included in the catalogue of the Barcelona Anti-rumour Network. This training has a knock-on effect on the regular training for anti-rumour agents, as well as the corresponding awareness materials.

## **GG 2.2.- Promote the presence of the city's cultural and religious diversity, particularly in the municipality's media**

### *2.2.A.- Reinforce the presence of the city's cultural and religious diversity in municipal campaigns*

Raise awareness of the cultural and religious diversity of Barcelona citizens in municipal campaigns. Special attention will be paid to raising the profile of Muslim women, particularly in their diversity (use or not of traditional clothing, sexual orientation, phenotype, age, educational level, etc.)

### *2.2.B.- Promote the presence of cultural and religious diversity in the media*

The presence of cultural and religious diversity in the media will be promoted in the media as an element of wealth and social cohesion. Special emphasis will be placed on the programmes of the BTV and BTV radio channels.

## **GG 2.3.- Promote education in diversity**

### *2.3.A.- Promote workshops in schools on diversity and the stereotyped view of Islam.*

Training sessions will be promoted in schools on diversity and Islamophobia to counteract the stereotypical views of Islam. These sessions will be carried out using the subsidies for the Promotion of diversity with an intercultural outlook. The inclusion of training activities will also be promoted in the education activity catalogue, the School Activity Programme, from the Barcelona Educational Coordination Council in order to achieve the widest coverage possible in the city's education community.

### *2.3.B.- Celebrate 21 March as International Day for the Elimination of Racial Discrimination in schools*

The celebration of the International Day for the Elimination of Racial Discrimination in schools managed by the Education Consortium will be promoted. The two first editions (2017 and 2018) will be dedicated to Islamophobia.

## **GG 2.4.- Guarantee the right to religious freedom and freedom of conscience in schools**

### *2.4.A.- Monitor the Directive on food diversity in school canteens in schools managed by the Barcelona Education Consortium*

2.4.A.- The monitoring of the Directive on food diversity in school canteens will be carried out through the education inspection of the Barcelona Education Consortium. Furthermore, suppliers will be provided with information in order to help them to adapt their offering to food diversity standards.

### *2.4.B.- Information on and monitoring of the standard regarding religious clothing symbols in schools managed by the Barcelona Education Consortium*

In order to prevent the discrimination of pupils and staff and to guarantee the curricular activity of all pupils, information campaigns on the standard regarding religious symbols will be carried out. Among

others, support will be given to re-editing and distributing the Guide to respecting diversity of beliefs in schools and education centres<sup>24</sup> jointly with the Generalitat regional government of Catalonia.

### **GG 2.5.- Support the process to establish places of worship in the city**

#### *2.5.A.- Develop a community mediation protocol for opening places of worship in the city*

The protocol will be coordinated by the Office of Religious Affairs and will include the intervention of municipal technicians from the corresponding District, as well as mediation professionals from the Area of Prevention.

### **GG 2.6.- Encourage non-discriminatory management of religious diversity in the city's work centres**

#### *2.6.A.- Foster good practices for managing the religious diversity of municipal workers and social agents in the city where required*

A guide containing recommendations and good practices for respecting diversity of beliefs in the workplace will be drawn up. It will be ensured that it is applied in the area of municipal workers.

## **OG3. Reinforce the guarantee mechanisms against Islamophobic discrimination**

### **GG 3.1.- Promote the coordination between the institutions and agents responsible for the protection and fight against hate crime and hate speech.**

#### *3.1.A.- A channel for exchanging information between the Barcelona Province Prosecutor's Office, Mossos d'Esquadra [Catalan regional police] and the City Council in cases of hate crime and hate speech in the city.*

Strengthen communication to provide a coordinated and effective response between the competent administrations to hate crimes and hate speech in the city.

#### *3.1.B.- Create a municipal protocol to provide a coordinated and effective response to hate crimes in the city in which the Guàrdia Urbana city police intervene.*

Create a coordination mechanism for sharing information between the Area of Safety and Security and the Area of Citizen Rights on hate crime and hate speech in the city in which the Guardia Urbana city police intervene. Improve the coordination between other municipal mechanisms and services, such as the Ombudsman's Office.

### **GG 3.2.- Promote the use of strategic legal action as a tool of protection and guarantee against Islamophobic discrimination**

#### *3.2.A.- Select cases that are particularly significant to take strategic legal action against hate crimes and hate speech.*

Select the cases of hate crime and hate speech in the city that are particularly relevant or significant for prosecution through the Central Legal Service in order to obtain resolutions that may serve to compensate

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<sup>24</sup> The Guide is available via this link: <http://governacio.gencat.cat/ca/detalls/Article/Guia-escoles-00001>

the victims, have an impact on rights protection guarantees regarding discrimination and improve social cohesion.

*3.2.B.- Provide specialised legal advice within the framework of the OND and Offer legal assistance in cases of discrimination dealt with in order to take legal action.*

Offer legal assistance in the Office for Non-Discrimination so that legal action can be taken to guarantee rights regarding situations of discrimination, whether in the criminal, labour or judicial-review areas. The legal advice service of the Office for Non-Discrimination has staff who are specialised in advising victims that have experienced hate crime, and specifically Islamophobia. The specialisation will be guaranteed through specific training to the lawyers that provide this service

### **GG 3.3.- Consolidate the monitoring and prosecution of Islamophobic discrimination in the city**

*3.3.A.- Reinforce the line of work on Islamophobia of the OND*

Train the technical team of the Office for Non-Discrimination to act in all cases of Islamophobic discrimination, both judicial and non-judicial cases.

*3.3.B.- Activate the relevant sanctioning mechanisms in cases of Islamophobic discrimination in public services.*

Network from the OND with other public service managing centres in order to activate the sanctioning mechanisms regarding Islamophobic discrimination in the education, health and public transport areas.

*3.3.C.- Strengthen the traceability of discrimination incidents reported to the competent bodies in the areas and services in which the City Council does not have sanctioning capacity.*

Guarantee the traceability of complaints received due to discrimination in areas that do not fall under the competence of Barcelona City Council from follow-up meetings with the competent entities and bodies.

## **7. Schedule**

This Plan will be developed over 18 months. We have divided the measures into those that will start up in the short term or within 6 months, those that will start up within 12 months and those that will start up within 18 months.

SHORT TERM January 2017- June 2017	MEDIUM TERM January 2017-January 2018	LONG TERM January 2017-June 2018
1.1.A.- Design awareness campaign	1.2.B.- Promote the participation of Muslim communities in designing the events to celebrate the Day Against Islamophobia.	1.4.A.- Establish an observatory for hate crime and hate speech.
1.1.B.- Workshop on hate speeches in the social media.	1.3.C.- Support and empower Muslim women when reporting situations of Islamophobia.	1.4.C.- Draw up a practical guide to identify and detect Islamophobic discrimination for municipal workers.
1.2.A.- Create specific materials on rights, forms of discrimination and guarantee mechanisms.	1.4.B.- Incorporate knowledge about discrimination through hate crimes and hate speech in the training catalogue.	2.2.A.- Reinforce the presence of cultural and religious diversity in municipal campaigns.
1.3.A.- Include the perspective of gender and intersectionality in the execution of the measures of the Plan.	1.5.A.- Propose training sessions on hate crime discrimination in education centres.	2.2.B.- Promote the presence of cultural and religious diversity in the media.
1.3.B.- Raise the profile of the impact of intersectionality in discrimination, for gender-based and Islamophobic motives.	2.3.A.- Promote workshops in schools on diversity and the stereotyped view of Islam.	2.3.B.- Celebrate 21 March as International Day for the Elimination of Racial Discrimination in schools.
1.4.D.- Update Directive 29/08 of the Guàrdia Urbana city police to include Islamophobia as a form of discrimination.	2.4.A.- Monitor the Directive on food diversity in education centres managed by the CEB.	2.6.A.- Promote good practices for managing the religious diversity of municipal workers and social agents.
2.1.A.- Strengthen the Barcelona Anti-rumour Network and training on Islamophobia for the Anti-rumour Agents.	2.4.B.- Information and monitoring of the standard regarding religious clothing symbols in schools managed by the CEB.	3.3.B.- Activate the relevant sanctioning mechanisms in cases of Islamophobic discrimination in public services.
2.5.A.- Develop a community mediation protocol for opening places of worship in the city.		3.3.C.- Strengthen the traceability of discrimination incidents reported to the competent bodies in the areas and services in which the City Council does not have sanctioning capacity.
3.1.A.- A channel for exchanging information between the Barcelona Province Prosecutor's Office, Mossos d'Esquadra [Catalan regional police] and the City Council in cases of hate crime and hate speech.		
3.1.B.- Create municipal protocol to respond to hate crime in which the GU intervenes.		
3.2.A.- Select cases to take strategic legal action against hate crimes and hate speech.		



3.2.B.- Provide specialised legal advice within the framework of the OND and offer legal assistance in cases of discrimination dealt with in order to take legal action.		
3.3.A.- Reinforce the line of work on Islamophobia of the OND		

## 8. Allocated budget

	2017	2018
<i>Raise the profile of Islamophobia as a form of discrimination</i>	25,000	12,000
<i>Counteract the spread of negative images about Islam and Muslims and normalise religious diversity in the city</i>	10,000	5,000
<i>Reinforce the guarantee mechanisms against Islamophobic discrimination</i>	20,000	30,000
<b>TOTAL</b>	<b>55,000</b>	<b>47,000</b>

### ANNEXE:

The following participated in the consultation process of this Plan:

**Consultation process coordination team:**

- Mustapha Aoulad Sellam
- Dr. Ariadna Solé Arranges
- Dr. Martin Lundsteen

**External consultant:**

- Toni Borrell

**Discussion group 1: Entities that defend human rights and fight against discrimination:**

Venue: Office for Non-Discrimination of Barcelona City Council

Date: 19/10/2016

Attendees:

- SOS Racisme – Alícia Rodríguez
- Novact – Albert Coramés
- SAFI – Najia Lotfi
- La Fede – Pepa Martínez
- Official Catalan Social Work Association, Migration and Agriculturalist commission – Eloïsa Fernández
- *Another entity that does not authorise the appearance of its name.*

**Discussion group 2: Entities that defend human rights and fight against discrimination:**

Venue: Office for Non-Discrimination of Barcelona City Council

Date: 19/10/2016

Attendees:

- SOPEDAU – Meritxell Bragulat
- Fil a l'agulla – Lúdia Casanovas
- Consell de la Jove de BCN – Beatriz Julieta Blanco Rojas
- Caritas BCN – Elisabet Ureña

- Catalan Refugee Aid Commission (Spanish Refugee Aid Commission) – David Pino Parera
- IDHC – Anna Palacios

### **Discussion group 3: Muslim entities**

Venue: Office of Religious Affairs of Barcelona City Council

Date: 20/10/2016

Attendees:

- Mohammed Azzouz (Carmel Islamic Centre)
- Abdeslam Bouchateb (Carmel Islamic Centre)
- Mohammed Morabit (Ayoub Alansari Mosque)
- Hossein Kabate i Abdelkadir (Ayoub Alansari Mosque)
- Qamar Zoubair (Abou Bakr Siddiq Mosque of Besòs Mar)
- Muhammad Aslam (Abou Bakr Siddiq Mosque of Besòs Mar)
- Salim Benamara (Clot Islamic Cultural Centre )
- Anas Kharkhour (Ass. Forjadores de la Vida Independent Social Cultural Association)
- Mbaye Pouye (Ass. Dahira Jazbul Khoulob of Besòs)

### **Discussion group 4: Muslim women**

Venue: Office of Religious Affairs of Barcelona City Council

Date: 25/10/2016

Attendees:

- Fatima Ahmed (Diàleg de Dones)
- Mozdalifa Elkeir Abuagilah (CCIC)
- Sakina Reda (Carmel)
- Nabila Belghanou Chirat

### **Discussion group 5: Second group of Muslim women**

Venue: Office of Religious Affairs of Barcelona City Council

Date: 24/11/2016

Attendees:

- Wafaa Moussaoui
- Bombo Ndir



- Shugra Bibi
- Fatima Hassoun

### **Discussion group 6: Young Muslim men and women**

Venue: Office for Non-Discrimination of Barcelona City Council

Date: 24/11/2016

Attendees:

- Adeeba Asghar. General Secretariat of Women of Minhaj ul Quran.
- Amina Akram, coordinator of the Youth of Minhaj ul Quran.
- Siham Lech-hab El Ghoury.
- Nora Baños / El Gharbaoui.
- Ismail Haji, Forjadores de la Vida.
- Khuram Shabir general secretariat of Minhaj ul Quran.
- Mohamed Said Bernikho, voluntary worker of CCIC.
- *A person that does not authorise the appearance of their name.*

### **Discussion group 7: Technical task force featuring different areas of the City Council**

- BCN Agriculturalist Programme (11 people)
- Office of Religious Affairs (OAR) (4 people)
- Office for Non-Discrimination (OND) (3 people)
- Area of Citizen Rights and Agriculturalist (7 people)

### **Other areas and departments that participated in drawing up the Plan:**

- Area of Immigration Reception and Support Services
- Area of Active Democracy Services
- Area of Community Action Services
- Councillor's Office for Feminism
- Information and Resource Centre for Women
- Commissioner for Security and Safety
- Commissioner for Education
- District managers joint responsibility board

Interviews with experts in Islam, Muslim communities and discrimination:

- **Tariq Ramadan:** is a Doctor in Islamology from the University of Geneva and is currently a professor of contemporary Islamic studies at Oxford University. His numerous publications and interventions on the subject of Muslims in the Western world are renowned internationally.
- **Santiago Alba Rico:** is a Spanish writer and philosopher. He has published various books of essays on disciplines such as philosophy, anthropology and politics, and in particular about the "Arab world" and Islam, and he is the author of the book "Islamofobia. Nosotros, los otros, el miedo" [Islamophobia. [We, the others, the fear](2015, Icaria Editorial).
- **Fernando Bravo Lopez:** is a Doctor in International Mediterranean Studies (UAM). He has published numerous Articles and other texts on Islamophobia, the subject to which he also dedicated his doctoral thesis.
- **Saloua El Gharbi:** has a degree in Law. She has been Head of the Department of Human Rights and Cultural Diversity of UNESCOCAT. She is currently a member of the Catalan Language Social Council's Standing Committee and vice-chair for the diaspora in the World Amazigh Congress.
- **Fatiha El Mouali:** has a BA in Economics and Business Sciences and is completing a doctorate at the Autonomous University of Barcelona. He is currently a reception technician in the City Council of Granollers. He is a member of the Unit Against Fascism and Racism.
- **Natalia Andújar:** has a degree in General Linguistics from the University of Barcelona. She is vice-chair of the Islamic Committee. She forms part of the UNAOC (United Nations Alliance of Civilizations) panel of experts.
- **Dolors Bramon:** is a Doctor in Philosophy and Arts (Semitic Philology) and in Medieval History. She is an Emeritus Professor of Arab and Islamic Studies at the University of Barcelona. She is a renowned specialist in the Islamic past of Catalan-speaking territories.
- **Taoufik El Cheddadi:** He is a sociologist and Islamologist and holds a diploma in Islamic sciences. He has been a practising imam in various Catalan districts, but for a number of years now he has been living and working in Madrid, for Cordoba TV internacional.
- **Maria del Mar Griera:** is a Doctor in Sociology, director of the ISOR research group and professor in the Sociology Department of the Autonomous University of Barcelona. She dedicated her thesis and subsequent research to public policies and religious diversity.
- **Brigitte Vasallo:** is a writer and activist, with a focus on Islamophobia, intersectionality, gender and racism. She is a teacher of the Master in Gender and Communication at the Autonomous University of Barcelona.
- **Rafa Crespo:** Degree in History and Geography, specialised in Cultural Anthropology, History of America and Africa. Expert in interculturality and in participation processes. Member of the Centre for African and Intercultural Studies.
- **Jordi Moreras:** Doctor and researcher and professor of Anthropology of Rovira i Virgili University (URV). Expert in Islam and Islamic communities in Europe, he has made numerous contributions on this subject in books and Articles.
- **Amad Hussein:** Young man of Pakistani origin, aeronautical technician in Sabadell aerodrome and very active in defending immigration, diversity and dialogue.
- **Alberto Lopez Bargados:** is a Doctor and currently Professor in the Social Anthropology Department of the University of Barcelona and member of the research group: Research Group on Exclusion and Social Control (GRECS)

We wish to thank everybody who participated in this process through their contributions, reflections and proposals.