



THE
COVID-19
**HEALTH
CRISIS**

**Racism and
xenophobia
during the
state of
alarm in
Spain**

This report is dedicated to all the victims of racial violence, as well as to all the persons who every day are deprived from the right to raise their voices and those who will never be able to speak...

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I. Background

For the second time since the adoption of the Spanish Constitution in 1978, the government of Spain declared the **state of alarm**¹ throughout the national territory on 14th of March 2020 to confront the SARS-CoV-2 coronavirus pandemic and the illness it provokes, COVID-19. This special regime is regulated by Article nº 116 of the Spanish Constitution² and implemented by the Organic Law (Ley Orgánica) of 1st of June 1981³.

Under this measure, the confinement of the population was ordered and mobility was restricted, except for buying food, medicines and essentials; going to the doctor, the bank or insurance company; going to work; and taking care of children, the elderly and dependent persons. Furthermore, from the 31st of March until the 9th of April, the confinement became stricter and all economic non-essential activity was suspended. Nonetheless, Spain, along with the US and Italy, are among the countries with the highest rates of infection and death from COVID-19 in the world. When this report was finalized (2nd of May), the number of infections registered in Spain was 246,449 persons while number of deaths amounted to 25,100 persons⁴.

It must be noted that when legislating or adopting measures affect fundamental rights, States must comply with a number of basic principles: legality, necessity, proportionality and non-discrimination⁵. Public health is a legitimate aim that may be invoked to restrict certain rights. However, **it cannot be interpreted in a vague or arbitrary manner**. Additionally, the limitations cannot be interpreted so as to jeopardize the essence of the rights concerned and **they cannot place an excessive or disproportionate burden on certain persons**⁶.

During the validity of the state of alarm, **law enforcement agencies** (the Guardia Civil, the National Police, the regional police forces- Ertzaintza, in Basque Country and Mossos d'Esquadra in Catalonia- and the local police forces) **were placed under the unified command of the Spanish Ministry of Interior** (*Ministerio del Interior*), and given powers to impose sanctions on those who did not comply with the restrictions agreed by the authorities by virtue of the laws: General Law of Public Health 33/2011 of the 4th of October⁷, Organic Law on the Protection of Citizen Security 4/2015⁸ - known as the Gag Law, or the Law of the National Civil Protection System 17/2015 of the 9th of July⁹; and the Criminal Code¹⁰.

¹ Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19.

² Constitución Española BOE núm. 311, de 29/12/1978 Art.116.

³ Ley Orgánica 4/1981, de 1 de junio, de los estados de alarma, excepción y sitio. BOE núm. 134, de 05/06/1981 Art. 4.

⁴ Situación de la COVID-19 en España [Actualizado a 6 de mayo de 2020 a las 21:00 horas] Basada en la notificación diaria de casos agregados de COVID-19 al Ministerio de Sanidad, Gobierno de España, Ministerio de Sanidad <https://covid19.isciii.es/>

⁵ Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights, UN Doc. E/CN.4/1985/4 (1984).


⁶ Ídem.

⁷ Ley 33/2011, de 4 de octubre, General de Salud Pública. BOE núm 240, de 5 de octubre de 2011.

⁸ Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana. BOE núm 77, de 31 de marzo 2015.

⁹ Ley 17/2015, de 9 de julio, del Sistema Nacional de Protección Civil. BOE núm 164, de 10 de julio 2015.

¹⁰ Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal. BOE núm. 281, de 24 de noviembre 1995.



The **Spanish Parliament** voted for the extension¹¹ of the state of alarm for fifteen more days on three occasions and the gradual phased easing of confinement beginning on the 2nd of May¹². During “lockdown,” with the population confined at home, numerous civil society organisations have expressed their concern due to the countless manifestations of racism and xenophobia in the entire national territory, including stops by police based on racial profiling, bullying, racist attacks and hate speech. In addition, human rights defenders, cyber activists, NGOs, trade unions and associations raised awareness through the press and social media about the disproportionate ways in which people belonging to minority groups, migrants and Afro-descendants suffered the negative impacts from the restrictions to move freely.

In mid-April 2020, the **United Nations** published the results of the third **Universal Periodic Review (UPR)** of Spain before the January 2020 Human Rights Council. The final report of the **Working Group on the Universal Periodic Review**¹³ includes at least **82 recommendations** on the need to adopt measures to combat racism, racial discrimination, xenophobia and related intolerance, with special attention to minority groups; among others: migrants, refugees, Roma and people of African descent.

The **UN Working Group of Experts on People of African Descent (WGEPAD)**¹⁴ and the **Special Rapporteur on Minority Issues**¹⁵ had already voiced their concern on the lack of progress in combating racial discrimination in Spain in 2018 and 2019.

¹¹ Orden SND/399/2020, de 9 de mayo, para la flexibilización de determinadas restricciones de ámbito nacional, establecidas tras la declaración del estado de alarma en aplicación de la fase 1 del Plan para la transición hacia una nueva normalidad. BOE núm 130, de 9 de mayo de 2020.

¹² Europapress: “El Congreso aprueba la cuarta prórroga del estado de alarma, con mayoría absoluta pero menos apoyo” <https://www.europapress.es/nacional/noticia-congreso-aprueba-prorrogar-estado-alarma-24-mayo-mayoria-absoluta-menos-apoyos-20200506182539.html>

¹³ Report of the Working Group on the Universal Periodic Review, Spain A/HRC/44/7: <https://undocs.org/en/A/HRC/44/7>

¹⁴ Report of the Working Group of Experts on People of African Descent on its mission to Spain, A/HRC/39/69/Add.2 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/249/75/PDF/G1824975.pdf?OpenElement>

¹⁵ Statement of the United Nations Special Rapporteur on minority issues, Fernand de Varennes, on the conclusion of his official visit to Spain, 14-25 January 2019 : <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24112&LangID=S>



II. Introduction

The report "**The COVID-19 Health crisis: racism and xenophobia during the state of alarm in Spain**" has been drafted within the context of a global initiative to collect disaggregated data, and from the necessity to make visible the impact of confinement measures on the racial-ethnic minorities who are vulnerable to structural and institutional racism in Spain.

The document is supported by civil society and was requested by the Office of the United Nations High Commissioner for Human Rights (OHCHR). It underscores the need and the urgency to take action in the short, medium and long term, towards the elimination of racial discrimination.

The Implementation Team of the IDPAD in Spain, in collaboration with **Rights International Spain (RIS)**, together have collected information on the manifestations of racism and xenophobia occurring between the 15th of March and the 2nd of May 2020.

To this end, we invited willing individuals and grassroots organisations to share their concerns, as well as possible negative impacts suffered or detected as a consequence of the government responses to COVID-19.

The working team that has carried out this report is grateful for the support of all the organisations and individuals that have shared information on the situation of human rights of minority groups; among them, migrants, Roma and Afro-descendants.

The report gathers **more than 70 racist incidents and institutional discriminatory practices** that have taken place during the confinement under the state of alarm. It includes recommendations and calls for the Spanish government to put an end to the racist and xenophobic manifestations at all levels of social and political life throughout the country.



III. Research methodology for this report

The gathering of information to draft this publication has been conducted according to the following methodology:

1. Analysis of bibliography, statistics and official documents.
2. Online survey using the tool Google Forms in [Spanish](#) and [French](#).
3. Analysis of media contents.
4. Review of cases and reports received from different organisations.
5. Analysis of videos disseminated by anti-racist organisations through social media.
6. Semi-structured telephone interviews with professionals working on human rights.
7. Semi-structured telephone interviews with victims of racial discrimination during the state of alarm.

A working team formed by four members of the **Implementation Team of the IDPAD in Spain** and one representative of **Rights International Spain (RIS)**, established an Action Plan to achieve the objectives of the report and held regular weekly online meetings. Our working methodology was based on the cooperation between groups having common goals, working on the basis of complementarity. During the preparatory phase, approximately **one hundred civil society organisations** were contacted by email to collect information, on the basis of coordinated participation and the exchange of experiences. During April, we received a total of **seventy-eight answers** that we classified as follows:

- Individual cases.
- Violations that affect a specific group.
- Policies that may contribute to the discrimination against people of African descent.
- Institutional practices that are incompatible with international human rights laws, the content of legal norms and other norms.

IV. Racial discrimination and manifestations of xenophobia

Use of racial-ethnic profiling

The use of racial profiling by law enforcement is “**an endemic practice in Spain**”, a conclusion that the **UN Working Group of Experts on People of African Descent (WGEPAD)** highlighted in a report submitted to the **United Nations Human Rights Council (HRC)** in 2018. In September 2019, the impact of these discriminatory policing practices was documented in “**Under suspicion, the impact of discriminatory policing in Spain**”¹⁶; a joint report by **Rights International Spain (RIS)** and **Open Society Justice Initiative (OSJI)**.

The **Spanish Ombudsperson** recommended on various occasions¹⁷ to adopt specific measures to stop the use of profiling after receiving complaints by victims and witnesses of discriminatory controls by agents of the National Police Force over several years. In 2009, the **United Nations Human Rights Committee** ruled against Spain due to the identification of **Rosalind Williams**¹⁸ “based only on her racial characteristics”. Currently, the case of **Zeshaan Muhammad vs. Spain** is pending before the **European Court of Human Rights (ECHR)**, after denouncing a racist identification suffered in 2013.

In a context of strong police and military presence in the streets under the state of alarm decreed by the government, there have been numerous complaints and statements made by different organisations and anti-racist groups throughout the entire Spanish territory.

The organisation **SOS Racismo Madrid** affirms that between the 15th of March and the 7th of April, at least **13 identifications by racial profiling** took place, **four to Moroccan youths and eight to Afro-descendant men** when all of them were going to do their basic shopping. Four persons identified were **undocumented migrants**, who, as pointed out by the organisation, were threatened with “deportation from the country at any moment” and thus forced to a total confinement, not being able to exercise their right to buy basic goods “for fear of the police”.

On the 28th of March, **a Senegalese man** was stopped by a **Local Police** patrol when he was going to a launderette in the district of Carabanchel in Madrid. He identified himself with his passport since he was in an **irregular administrative situation**. The agents contacted the headquarters for information while he was taken into a police vehicle. When he asked what crime he had committed, the police answered that he could not talk. Inside the vehicle they asked him if he had criminal records. While they waited for the answer from headquarters, they drove him around with no specific destination. Finally, at the police station, he was fined for not complying with the state of alarm and was warned not to go out in the street if he did not want to have more problems. From then on, he did not even go shopping.

¹⁶ Under Suspicion: The Impact of Discriminatory Policing in Spain : [Open Society Justice Initiative Report](#)

¹⁷ Defensor del Pueblo, Recomendación 45/2013, 17 de abril de 2013, Anexo E.1, pp. 154-156.

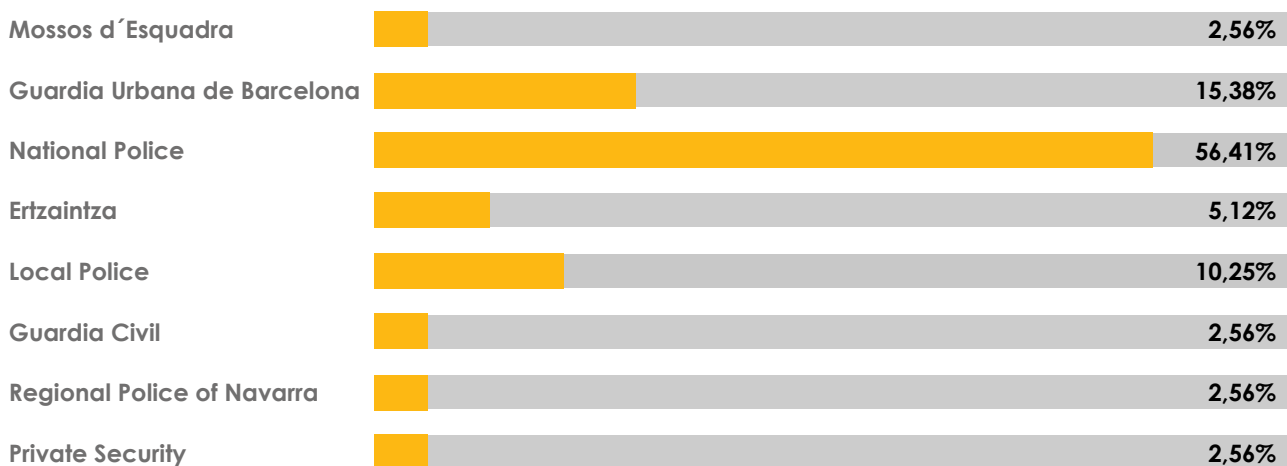
¹⁸ Rosalind Williams Lecraft vs. España, United Nations Human Rights Committee CCPR/C/96/D/1493/2006 (2009), parr. 7.2

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A day later, **two Moroccan youths** who had arrived in Spain as **MENAS** (unaccompanied foreign minors in Spanish) were identified by the **National Police** in the district of Vallecas (Madrid). The agents forced them to go back home, warning them that they should not go out under any pretext. They were **threatened with detention** since they were in an **irregular administrative situation**. The youths survived the state of alarm, thanks to the assistance of social organisations that distribute food.

SOS Racismo Madrid reported that on the 2nd of April, in a single day, **four people of African descent were fined** when they were going to pick up food from a neighbour's house. Due to a language barrier, two of them could not express themselves with clarity.

Law enforcement who executes the identification and/or aggression



From the information collected through the online questionnaires, 56.41% (**twenty-two of a total of thirty-nine cases**) of the reported violations perpetrated by **law enforcement agencies** were committed by the **National Police**.

On the 7th of April, a **youth from Guinea Conakry** in an **irregular administrative situation** who lived in the area of the Oporto Station in Madrid, attended a social food distribution initiative in Lavapiés. He was stopped by the **National Police**, and since then has decided not to leave his house. **He described the encounter as "very racist"**.

One day later, **two young Arab asylum seekers** went out shopping when they were stopped by **National Police** officers who requested to see their "papers". One of them was taken to the police station because he did not carry his asylum seeker accreditation card. Although he was not fined, he expressed that **the treatment at the police station was degrading, officers addressed him in a racist way, spoke in a disdainful tone and they called him "moro"** (moor).

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Only ten days later, around 23:00, a **Cameroonian youth in an irregular administrative situation** was stopped by the police while going to the pharmacy on Acacias Street in the area of Embajadores (Madrid). When he explained his reason for being in the street, **the agents laughed at him whilst imitating his accent**. While **he was fined for disobeying the confinement measures**, he defended his right to buy medicines. **He was told to shut up because he did not have any “papers” and they threatened him with detention.**

The current context poses **additional difficulties for migrants in an irregular administrative situation**. Their legal status prevents them from the right to work, which means **they cannot obtain the authorization from an employer that allows freedom of movement to go to the workplace.**

A **Colombian woman** working as a domestic worker was **threatened with deportation** after being “harassed” by the **Guardia Civil**, on the 7th of April in Segovia. The agents told her “to go back to her own country” and then prevented her from going to her workplace.

Another **Latin-American woman**, a domestic worker, was stopped by the police in the Puerta Del Sol in Madrid on her way to work. The **National Police** allowed her to return home, but **she lost her job and she was warned she could be fined, arrested or deported.**

Police brutality

It is common for international human rights bodies to remind the Spanish government that the use of force by law enforcement bodies must strictly comply with the principles of necessity and proportionality. **The UN Committee Against Torture (CAT)** recommended in 2015 to **“take effective measures to prevent and put a stop to the disproportionate use of force by law enforcement officials, and ensure that there are clear, binding rules governing the use of force that are fully compatible with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”¹⁹.**

Furthermore, it is important to highlight that the **Organic Law on the Protection of Citizens’ Security**²⁰ (Ley Orgánica de Protección de la Seguridad Ciudadana) broadens the powers of all law enforcement agencies without adapting their training in this respect. The **UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association**, previously expressed concern in 2014 regarding **“the extensive concept of security of institutions and authorities that prevails over the exercise and protection of the rights and civil liberties of the citizens”²¹.**

¹⁹ Comité CAT, “Observaciones finales sobre el sexto informe periódico de España” (29 de mayo de 2015) CAT/C/ESP/CO/6, párrs.18.

²⁰ Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana BOE núm. 77, de 31 de marzo de 2015.

²¹ UN Human Rights Council, “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai. Addendum: Observations on communications transmitted to Governments and replies received”(10 June 2013) A/HRC/26/29/Add.1, paras. 412-420.

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The law enforcement agencies (such as the National Police, Guardia Civil- both with authority throughout Spain, the Catalan Regional police force- Mossos d'Esquadra, the Basque Regional police force- Ertzaintza- and local police forces) are imposing fines on people who are in the streets and whose explanations do not seem sufficient to the police in accordance with the **Law on the Protection of Citizens' Security**. In addition, people are being arrested for alleged crimes of resistance and serious disobedience to authority²².

During these arrests and impositions of administrative sanctions, there are **numerous instances of arbitrariness and extensive interpretation of the law and sanctions**. At the closing date of this report (2nd of May), according to the data provided by the **Ministry of Interior** there were 786,323 proposals of sanctions to citizens for not complying with the confinement, and 7,073 detentions for breach of the state of alarm. Most of these actions were conducted mainly by the **Local Police** (262,626), followed by the **Guardia Civil** (234,511) and by the **National Police** (215,915)²³. **These figures place Spain as one of the European countries with the highest number of administrative sanctions**²⁴.

On the 14th of April, the **Ministry of Interior** issued guidelines for **regional security government representatives** in order to establish and clarify homogeneous criteria for the interpretation of the administrative sanction of disobedience²⁵. Contrary to existing case law on the matter, the **Ministry of Interior** maintains that disobeying the provisions of the state of alarm Royal Decree shall be considered an infraction of disobedience, without requiring a direct, specific or individualized order by the police officers to a given person. It also includes a list of "facts, circumstances and sanctions" in Annex III, which creates a de facto list of new administrative sanctions not provided for in the **Law on the Protection of Citizens' Security**, thus constituting an extensive interpretation of a sanctioning norm.

In any case, as has been reminded by a group of **UN Special Rapporteurs**, "breaking a curfew, or any restriction on freedom of movement, cannot justify resorting to excessive use of force by the police; under no circumstances should it lead to the use of lethal force²⁶."

²² Article 556 of the Spanish Criminal Code.

²³ Ministerio del Interior. Datos de detenidos y propuestas de sanción por incumplimiento de las medidas del estado de alarma <https://twitter.com/interiorgob/status/1256912690561384448?s=09>

²⁴ Huffingtonpost: "La 'ley mordaza', la llave de las multas en España por incumplir el confinamiento" https://www.huffingtonpost.es/entry/multas-espana-confinamiento-coronavirus-delincuencia_es_5ea940c3c5b6123a1764aad6

²⁵ Comunicación del Ministro de Interior a los Delegados de Gobierno sobre incoación de procedimientos sancionadores por presunta infracción del Art. 36.6 de la LO 4/2015 de 30 de marzo de protección de la seguridad ciudadana y criterios para la propuesta de sanción, disponible en: <https://es.scribd.com/embeds/456689172/content>

²⁶ COVID-19 security measures no excuse for excessive use of force, say UN Special Rapporteurs: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25802&LangID=E>

IV. Racial discrimination and manifestations of xenophobia

Grassroots and groups that mobilised under the platform **Defender a Quien Defiende** issued a statement on the 25th of March reporting **four cases of police violence**. The report was sent to the Spanish **Ministry of Interior** and to the Spanish **Ombudsperson**. Three weeks later, **Defender a Quien Defiende** issued a second statement and reported **seven new cases of institutional violence**²⁷ by **National Police** officers in different areas of the Spanish territory (Mallorca, Tenerife, Madrid, Catalonia, Basque Country, Andalusia, Aragon and Alicante), who allegedly used **excessive force** during the state of alarm. This platform of sixteen grassroots organisations requested the **Ministry of Interior** to carry out investigations, identify those responsible and refer to the judicial authorities any facts amounting to criminal offence.

The complaints were based on footage and recordings taken by citizens, which contained **images of slaps, shoves, blows and kicks by police agents**.

The **Ministry of Interior** agreed to share the organisations' demands with the **General Police Directorate** in order to adopt the necessary measures. In the light of individuals being fined for recording and disseminating videos²⁸ of police brutality, organisations - including **Defender a Quien Defiende** and civil rights organisations such as **RIS**- have reiterated that the recording of police action is covered by the right to freedom of information, expression and defense, since in many cases these images are the only evidence available to denounce abuses incurred by the police.

In this sense, it must be highlighted that the **UN WGEPAD** expressed its concerns about "the effects of the **Law on the Security of Citizens on the rights of people of African descent**" since the large fines for those who film and disseminate images of law enforcement agents "have reportedly pushed people into self-censorship, resulting in underreporting of discriminatory acts, failure to investigate and prosecute perpetrators and provide redress to victims²⁹."

Does the victim believe she/he was specifically targeted because of his or her racial background?



²⁷ Defender a quien Defiende. Nuevos casos de violencia institucional en el marco de estado de alarma disponible en: <http://defenderaquiendefiende.org/category/noticias/>

²⁸ Artículo 36.23 de la Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana.

²⁹ Report of the Working Group of Experts on People of African Descent on its mission to Spain, A/HRC/39/69/Add.2, parr 21. . <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/249/75/PDF/G1824975.pdf?OpenElement>

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The data collected for this report through the online survey shows that more than **70% of the respondents** (thirty-three of a total of forty-seven) who reported having been stopped were subjected to **police brutality** afterwards.

M.E., a **young Moroccan male**, denounced a **racist aggression by the Mossos d'Esquadra** when he was at the front door of his house, enjoying the natural light he lacked in his apartment. He explained that one of **the agents shouted at him, "Go home, bloody Moroccan son of a bitch."** He answered with a reproachful gesture, which led the agents **to break into his house with kicks while they cornered him, held him and punched him in the eye.** The facts were reported to the duty court.

According to the information referred to **SOS Racismo** by a neighbor of Lavapiés district in Madrid, on the 27th of March around 21:30, various riot police agents were **pointing machine guns at six men of African descent** who were placed against the wall. The neighbor observed several plainclothes **police officers beating one of the men on the ground.** The neighbor tried to mediate, but **he was kicked out of the place and received threats of fines.**

A female neighbor of the same district denounced this same action by police. **She also reported having witnessed other police abuses towards migrants, including a young Moroccan boy with mental health issues.** She recalls seeing riot police **chasing non-white people "with long weaponry and their fingers on the trigger"**.

The association **Valencia Acull** reported "**humiliating treatment**" by **National Police** officers towards a **woman from Maghreb** who had gone to the police station to lodge a complaint in Valencia on the 1st of April. Alerted by the noise, neighbors of the Central District saw from their windows the woman sitting next to the police station entrance. The woman reported that she was worried and frightened, but still wanted to report her case. The witnesses explained that **the police did not allow the woman to enter the police facilities and she was insulted, discriminated against and threatened with detention and beating, saying, "Don't come near or I'll slap you"**. The agents also threw a mask on the floor and ordered the neighbors, who were trying to assist the woman and condemn this police action, to get back inside of their houses. Finally the witnesses saw how the woman left a document on the floor and the police, without touching it, took photographs of it. It is unknown whether she could pursue the complaint.

In Catalonia, images of two **Local Police officers kicking and throwing one man to the ground**³⁰, while at the same time **pointing their guns at two women, all of them Afro-descendants** circulated on social networks. This resulted in the Town Hall of Bisbal de L'Empordá (Girona) taking action and ordering the suspension of the officers, as they considered this action "**disproportionate**". The incident happened on the 18th of April, when the agents went to a house after receiving a call from a neighbor accusing the youths of breaching the confinement. One of them, referred to as B., reported that they were "sitting in the communal garage" when the agents requested their identification. After being identified by the police, they were given a fine for disobedience and resisting authority.

³⁰ EsRacismo, Agresión policial en Girona <http://esracismo.com/2020/04/18/agresion-policial-en-girona/>

IV. Racial discrimination and manifestations of xenophobia

Police brutality against persons with mental illness and mental disorders

Beyond the **psychological consequences** of the obligatory confinement, the lack of certainty about COVID-19 and the disruption of normality³¹ - as has been highlighted by different studies published³² in different countries³³ - these have an additional negative impact on persons who previously suffer mental conditions. The response from law enforcement forces towards these persons when they have gone out of their homes has been disproportionate.

The very day that the state of alarm entered into force, a group of **seven National Police officers** arrested in Lavapiés (Madrid) **a person of African descent** for the sole reason of being outside, on the street. The youth, who was **homeless** and had **mental illness**, was in the square playing ball when seven motorcycle police, a police car, and a National Police van appeared. The videos recorded by the neighbors show that he did not offer resistance³⁴. Yet, **the youth was arrested with excessive violence; he was handcuffed and put into one of the police vehicles.**

On the 28th of March, an **Algerian man** was beaten up by the **National Police** near the Metro station of Embajadores (Madrid). He was a person under social intervention, and medical and psychiatric supervision for **mental disorder and withdrawal syndrome**. His wife was the person who denounced the facts: she explained that due to an anxiety attack, her husband went out to get tobacco from a friend's place because he had no money to buy it. When he was stopped, the man could not prove his mental situation and was violently arrested while he shouted that he had mental illness. According to his wife, **the police replied that "crazies also have to be at home"**.

On the 29th of March, **another man from the Maghreb** was coming from a butcher shop situated in the suburb of San Francisco in Bilbao, when he was asked for identification by **police agents of the Ertzaintza**. A female neighbor recorded images from her balcony of the authorities arresting the youth with **excessive force**³⁵ while he did not resist. **The mother of the youth** arrived at the place after being alerted by her neighbors, where she was also **beaten while she was trying to explain that her son suffered from a mental health disorder. The two of them were detained and transported to police headquarters**. A few hours later, the **Security Department of the Basque government** announced an investigation to determine if the actions of the agents had been correct. However, a few weeks later, **at least two neighbors were fined**³⁶ **for recording and disseminating the images of the brutal police action on social media**. They also pointed out that **they had been harassed and intimidated by the Ertzaintza**.

³¹ "The psychological impact of quarantine and how to reduce it: rapid review of the evidence", The Lancet: Febrero 2020.

³² Wang, C.; Pan, R.; Wan, X.; Tan, Y.; Xu, L.; Ho, C.S.; Ho, R.C. Immediate Psychological Responses and Associated Factors during the Initial Stage of the 2019 Coronavirus Disease (COVID-19) Epidemic among the General Population in China. Int. J. Environ. Res. Public Health 2020, 17, 1729.

³³ The psychological impact of quarantine and how to reduce it: rapid review of the evidence, The Lancet: Febrero 2020.

³⁴ EsRacismo: "Estado de Alarma: otra forma más de legitimar las paradas racistas".

<http://esracismo.com/2020/03/16/estado-de-alarma-otra-forma-mas-de-legitimar-las-paradas-racistas/>

³⁵ Eldiario.es: VÍDEO | "Polémica por los golpes en una intervención de la Ertzaintza a una mujer en el barrio San Francisco de Bilbao". https://www.eldiario.es/norte/VIDEO-Polemica-intervencion-Ertzaintza-Bilbao_0_1011049270.html

³⁶ Eldiario.es: La Ertzaintza multa a los vecinos que grabaron la violenta detención a una mujer y su hijo en Bilbao: "Nos han estado acosando para saber quiénes éramos".

https://www.eldiario.es/norte/Ertzaintza-grabaron-violenta-detencion-Bilbao_0_1016998930.html

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In response to this situation, **SOS Racismo Bizkaia** and forty-five other social organisations released a statement denouncing the “police repression and brutality that is exercised with impunity in the suburb of San Francisco during the confinement”. In this statement they highlight the **increase of racist stops, abuses, aggressions, harassment and unjustified fines during the state of alarm**.

On the 1st of April, a **Moroccan youth**, under social intervention supported by the town hall of Madrid and **on treatment for withdrawal syndrome**, was returning home after receiving his medication with a document that justified the travel. In this case, he was **intercepted and physically assaulted** by two **RENFE** (Spanish Railways) **private security guards** at the Alcorcón Station. They called the **National Police**, but the agents did not take action and let him go. A week later, the same thing happened to him, with physical aggression on the part of the same private security guards. On this occasion, **they handcuffed him, threatened him and took a photo of his Identity Card**. They called the **National Police** again, who just let him free without a fine. The young man said to the police that he wanted to denounce the facts, but they did not pay any attention to him.

On the 6th of April, another **Moroccan man** reported he had suffered “**shoves and two kicks**” by two **National Police** agents in Almendrales (Madrid), just two streets away from his house. He had gone out at daybreak to throw away the garbage and to “breathe some air” due to the fact that he was “somewhat disturbed” from the medication he was taking for his mental illness.

On the 17th of April, the **National Police** fined a **Senegalese man** in Lavapiés (Madrid), **who lived on the street** and who had **mental health issues**. He explained that **the agents had been very racist toward him** and that he was afraid to continue living in the streets. He referred to an earlier police aggression in 2017 that he could not denounce at the Leganitos headquarters because the agents laughed at him at the police station. Moreover, he was “threatened with being taken to the **Immigration Detention Center** in Aluche”.

Domestic work and care

According to official figures, **there are more than 600,000 people working in the area of care and domestic work in Spain³⁷**, and the majority are migrant women who work in one or more private homes. Their professional activity is regulated under the **Special Regime for Domestic Workers³⁸**, which does not offer unemployment benefits. Additionally, they are not included in the Law for Occupational Safety Measures and their contracts can be terminated without any specific cause.

³⁷ Instituto Nacional de Estadística, encuesta de población activa. Ocupados por sexo y rama de actividad: actividades de los hogares como empleadores de personal doméstico: <https://www.ine.es/jaxiT3/Tabla.htm?t=4128>

³⁸ Seguridad social, sistema especial para empleados de hogar: <http://www.seg-social.es/wps/portal/wss/internet/Trabajadores/CotizacionRecaudacionTrabajadores/10721/10957/2222/222>

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A report published in 2018 by **Oxfam Intermon** points out that more than 25% of the domestic and care workers are not registered in the Social Security system and therefore do not pay contributions for their working hours. Among the women who have a contract, many of them carry out their activity informally. This research concludes that of the 205 women domestic workers respondents, only 8.8% paid their contributions to social security for all of their working hours. The study also shows that one of every three domestic workers in Spain lives beneath the poverty threshold.

In a communication published on the 18th of March, the **Active Domestic Service** (*Servicio Doméstico Activo* or SEDOAC) warned that women domestic workers in the informal economy could not provide the evidence required by police controls to demonstrate the need to travel to their workplace during the state of alarm. Without a contract or a working permit, **nearly 30% of these women are unable to prove the need to go to and from the workplace, thus exposing themselves to a potential fine.**

The organisation also pointed out that **many women domestic workers did not have the protective personal equipment (PPE) and the necessary guarantees to perform their care tasks and assist those infected by the virus.** In this sense, SEDOAC denounced the lack of specific actions to support and protect this group, most of them migrant women who continued to take care of the country's elderly and sick during the confinement; **putting themselves and their families at risk in unsafe environments and taking responsibility for persons vulnerable to COVID-19.**

In March, the government announced a number of economic measures to counter the vulnerable situation faced by the population affected by the COVID-19 crisis. However, civil society organisations denounced that **these measures did not protect a significant number of women domestic and care workers.** Many of them lost their jobs and incomes, and were unable to apply for the benefits established by the government.

With that in mind, the association **Malen Etxea** based in Basque Country launched a survey towards the end of March to map the situation of its members. Of almost 300 women who responded, **56.4% were in an irregular administrative situation.** Regarding their employment status, after the declaration of the state of alarm, 46.9% were unemployed. Those who continued to work when the state of alarm was declared (35.6%) were requested by their employers to stay at home without payment, 21.3% were fired, 18.1% were not allowed to take breaks from work, 16.3% suffered a reduction in their working hours and 8% remained at home with their salary intact.

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In addition to the measures adopted during the COVID-19 crisis, at the end of April the government approved the **Royal Decree 11/2020**³⁹ (Real Decreto-ley 11/2020), of 31st of March, to adopt additional urgent social and economic measures. In Art. 30, it establishes an exceptional unemployment benefit for the lack of working activity for all individuals included in the **Special System for Domestic Workers for the General Regime of Social Security**.

In that sense, various organisations claim that the benefits ignore undocumented migrant women (approximately 30% of the collective) and their technological barriers to submit online applications. Furthermore, the collaboration of the employer is essential to access the benefits. However, some employers do not facilitate the required declaration of total or partial interruption of the service nor the dismissal letter

Street vendors

The **UN WGEPAD** expressed in 2018 its concern for the situation in which street vendors survive in Spain. In the final report of their visit, the experts concluded that street vendors “find themselves in a particularly vulnerable situation, with no social security or rights, and also experience harassment by law enforcement officials⁴⁰.”

With the state of alarm, **street vendors** are affected in a disproportionate manner at all levels (health, economic and social). According to the **Sindicato de Manteros** (Union of Street Vendors) of Madrid, the great majority are **undocumented migrants** and many of them have expressed that obligatory confinement has prevented them from going out to carry out the allowed activities like buying food or medicines, for **fear of police violence and racial and ethnic profiling**.

The harassment they suffer is reflected in the reported police brutality cases by the Union and **SOS Racism**, when, on the 27th of March in the suburb of Lavapiés (Madrid), **various riot control police officers pointed machine guns at six men of African descent** who were placed against a wall (see above: police brutality section).

³⁹ Real Decreto-ley 11/2020, de 31 de marzo, por el que se adoptan medidas urgentes complementarias en el ámbito social y económico para hacer frente al COVID-19.

⁴⁰ Report of the Working Group of Experts on People of African Descent on its mission to Spain, A/HRC/39/69/Add.2, parr 45 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/249/75/PDF/G1824975.pdf?OpenElement>

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In addition to the conditions of **bad and overcrowded housing**, they also suffer the **harassment of the landlords when they have not been able to pay the rent**. Their **irregular administrative situation** is a barrier to access the social benefits established in the **Royal Decree 11/2020**, by which urgent complementary social and economic measures have been adopted to face the impact of the COVID-19 health crisis in terms of suspension of evictions, extension of rent contracts and financial support for the payment of the monthly rent⁴¹.

To cope with this situation of **extreme vulnerability and defenselessness**, the **Union of Street Vendors of Madrid** had to launch a community initiative and promote a crowdfunding campaign. Despite having benefited 233 persons, some of them never received help for fear of going out to the street and having to confront police violence.

Seasonal agricultural workers

The extremely precarious situation of seasonal agricultural workers in Andalusia has been denounced by the **UN Working Group of Experts on People of African Descent** in August 2018⁴², by the **UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston**⁴³ during his visit to Spain in February 2020, as well as by diverse civil society organizations.

It is mainly **migrant persons of African descent** who work in dire situations and exploitative conditions without social security, and live in shacks made out of cardboard and plastic. After his visit to Huelva, Philip Alston expressed that the conditions in which workers live “compete with the worst (conditions) he has seen in any part of the world [...] with kilometers of distance to safe drinking water, without electricity or adequate sanitation⁴⁴.”

During the confinement period, the Huelva team of the **Asociación Pro Derechos Humanos de Andalucía (APDHA)**⁴⁵ underlined the impossibility of the groups that reside in slum dwellings and makeshift camps- where women and children also live- to comply with the sanitary measures imposed by the **Health Ministry**. These measures include the reinforcement of sanitation and/or maintenance of social distancing (since they cannot access hygienic or cleaning products), waste collection, adequate housing to quarantine themselves in the case of contagion and getting medical assistance.

⁴¹ Decreto-ley 11/2020, de 31 de marzo, por el que se adoptan medidas urgentes complementarias en el ámbito social y económico para hacer frente al COVID19.

⁴² Report of the Working Group of Experts on People of African Descent on its mission to Spain, A/HRC/39/69/Add.2, parr 46 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/249/75/PDF/G1824975.pdf?OpenElement>

⁴³ Statement by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights, on his visit to Spain, 27 January – 7 February 2020 United Nations Human Rights Office of the High Commissioner <https://www.ohchr.org/sp/NewsEvents/Pages/DisplayNews.aspx?NewsID=25524&LangID=s>

⁴⁴ Ídem.

⁴⁵ APDHA Huelva reclama medidas especiales para frenar el contagio en los asentamientos chabolistas, Comunicado, 25 de marzo de 2020, Asociación Pro Derechos Humanos de Andalucía- <https://www.apdha.org/apdha-huelva-construccion-viviendas-ayudas-junta-acabar-asentamientos/>

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Without control and oversight measures for the compliance of labour rights, these people work in inhuman conditions and **without protection measures to prevent infections; thus, the spread of the virus.**

According to the report⁴⁶ of the **Sindicato Andaluz de Trabajadores de Almería (SAT)**, or Trade Union of Workers of Almería, there are 3,500 persons in El Ejido and 4,000 persons in Níjar who work and live in an **insalubrious environment, which is extremely damaging for their health and which intensifies their lack of protection in this sanitary crisis.**

Victims of trafficking for sexual exploitation

According to the **United Nations**, Spain is one of the main countries of destination for women victims of trafficking for sexual exploitation. Moreover, the last follow-up report on human trafficking conducted by the **Immigration Unit of the General Attorney's Office** (*Unidad de Extranjería de la Fiscalía General del Estado*, UEFGE)⁴⁷, shows that in Spain, **the majority of victims of sexual exploitation are migrant women that come from African countries.**

Civil society organisations pointed out that since the adoption of the state of alarm decree establishing the confinement measures, women who suffer sexual exploitation have greater difficulties in access to health services, **they suffer greater violence and increase their debt.** Likewise, various NGOs advise that with confinement, **many trafficked women are forced by their dealers to keep working with a high risk of getting infected with SARS-CoV-2.**

The **Government Delegation for Gender Violence**, a unit under the **Secretariat of State for Equality**, approved on the 17th of March a **Contingency Plan to combat gender violence during the crisis stemming from COVID-19.**

The Plan was later extended to women victims of trafficking for sexual exploitation and other women in the context of sex work. According to the Plan, accredited NGOs will be responsible for identifying and selecting potential victims of trafficking, to receive comprehensive support that includes temporary housing and/or a basic subsidy for persons in a situation of severe poverty (*Ingreso Mínimo Vital*), which is also accessible to undocumented migrant women.

Although the aim of the Plan is "to guarantee the rights of victims of trafficking for sexual exploitation, as well as the provision of services and resources for addressing their specific needs in the framework of the situation derived from the state of alarm Decree" (Royal Decree 463/2020), **the measure does not acknowledge the situation of trafficking of the victims.** Therefore, **the Plan does not offer a comprehensive protection for this group.** Furthermore, when the victim is an **undocumented migrant in an irregular administrative situation**, she continues to be vulnerable to a possible **expulsion from the territory**, contemplated in the **Aliens Act** (*Ley de extranjería*).

⁴⁶ A field labor union for the most vulnerable, Sindicato Andaluz de Trabajadores de Almería, <http://sindicatoandaluz.info/>

⁴⁷ Memoria Elevada al Gobierno de S.M Fiscalía General del Estado Cap. V. 2 La trata de seres humanos con fines de explotación sexual en España: la esclavitud de mujeres https://www.fiscal.es/memorias/memoria2019/FISCALIA_SITE/index.html

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The measures of the Plan include the strengthening of the dissemination of the 24-hour telephone lines and the email addresses of specialized entities, **National Police** and **Guardia Civil**. However, collectives of sex workers are warned about the fear of many victims or potential victims of trafficking to contact public institutions because they often remove the children out of the custody of **mothers of African descent**.

In this respect, in its report on Spain, the **UN WGEPAD** documented the concerns of civil society on **the separation of children of African descent from their parents**⁴⁸: “The authorities allegedly consider that children of African descent are at risk because their mothers are victims or presumed victims of trafficking. Instead of looking for solutions that protect the family unit from the violence of trafficking networks, they have instead sought to separate children from their parents, which undermines their right to family life.”

Hate speech

Racist fake news and hate speech messages towards **persons of Asian origin** have been happening in Spain since the start of the epidemic. The aggression suffered by **Thomas Siu**⁴⁹, **a 29-year-old U.S. man of Chinese descent**, was the last case to be reported by the media the week before the declaration of the state of alarm; **he was brutally attacked in the Madrid subway to the shouts of “coronavirus” and “Chinese”**.

The **European Commission against Racism and Intolerance (ECRI)**⁵⁰, in its latest report on Spain, mentions that various civil society organisations have started to collect data on hate speech and that the number of cases compiled by these organisations tends to be considerably higher than the cases reported in police statistics. Published in February 2018, the report also highlights the increase of hate speech on the internet and social media.

Likewise, the **UN Special Rapporteur on Minority Issues**, after his official mission to Spain in 2019, stated that it should be a priority that alleged cases of hate speech committed on the internet and in the media should be more effectively investigated, prosecuted and sanctioned⁵¹.

⁴⁸ Informe del Grupo de Trabajo de Expertos sobre Afrodescendientes acerca de su misión en España para el Consejo de Derechos Humanos de la ONU A/HRC/39/69/Add.2 parr. 48.

⁴⁹ Eldiario.es; “Un estadounidense de origen chino denuncia una agresión racista en Madrid por el coronavirus”: https://www.eldiario.es/desalambre/Agresion-racista-Madrid-estadounidense-atacado_0_1004399676.html

⁵⁰ Informe de la ECRI sobre España, quinto ciclo de supervisión, adoptado el 5 de diciembre de 2017. Publicado el 27 de febrero de 2018: <https://rm.coe.int/fifth-report-on-spain-spanish-translation-/16808b56cbsexual en España: la esclavitud de mujeres>

⁵¹ Declaración del Relator Especial de las Naciones Unidas sobre cuestiones de las minorías, Fernand de Varenes, sobre la conclusión de su visita oficial a España, 14-25 de enero de 2019.

<https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24112&LangID=S>

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In this sense, the **Fundación Secretariado Gitano (FSG)**, signals that numerous anti-Roma hate messages have been disseminated through social media and WhatsApp during the state of alarm. Fake news and campaigns asking citizens, among other things, not to go to the markets where Roma families do their itinerant trade, started before the state of alarm but were maintained several days after the adoption of the exceptional measures. In March and April, **FSG** reported **10 cases of hate speech affecting Roma, before the Special Prosecution Services for Hate Crimes and Discrimination (Fiscalías de Delitos de Odio y Discriminación) as well as regional Ombudspersons.**

Among the denounced facts, the case of the district of Talavera de la Reina is to be highlighted, where the **Local Police requested the removal of Roma families' vehicles by the municipal tow truck, in order to prevent displacements.** The dissemination of the footage on social media showing the police action sparked numerous **hate messages and anti-Roma comments.**

In Barcelona, **two Romani men** declared having been **shouted at and insulted by law enforcement agents** when they approached the **Mossos d'Esquadra** to ask about the collection of scrap metal. Moreover, both men were **accused of provoking coronavirus infections due to their racial and ethnic background.**

In Vigo, the **FSG** reported that **the Social Services discriminated against Roma families** who requested aid to cover basic subsistence and hygiene necessities. According to the organisation, the person responsible for the **Municipal Centre for Social Services of Porriño** in the province of Pontevedra, made **derogatory comments** accusing the Roma families of mismanaging their incomes, spending the money unnecessarily on "breakfasts in well-known coffee-shops as well as not cooking sufficiently", contributing to promote a **negative stereotype of the Roma population** in Spain.

With respect to the representation of the Roma population in the media, the **FSG** has identified news on the main TV channels and radio programmes that offered a negative **social image** when referring to the ethnic community in events where Roma were involved. They have also verified an **increase in hate speech comments** made by readers of national and local online newspapers that **criminalized Roma persons** for not complying with the confinement. For this reason, **FSG sent eighteen letters of complaint to the media**, requesting the removal of the hate messages that appeared in the news commentaries. The majority of the responses of the media was positive.

The Council for the Elimination of Racial and Ethnic Discrimination⁵² (Consejo para la Eliminación de la Discriminación Racial y Étnica), through its Service of Orientation and Assistance to the victims of racial or ethnic discrimination, also looked into numerous cases of discrimination related to the propagation of COVID-19. It highlights the **racist, anti-Roma and xenophobic media treatment** by some news programmes concerning the origin and spread of the illness or the alleged breach of the confinement under the state of alarm, which directly referred to the racial, ethnic or national origin of the people involved.

⁵² Consejo para la eliminación de la discriminación racial o étnica, servicio de asistencia y orientación a víctimas de discriminación racial o étnica <https://asistenciavictimasdiscriminacion.org/en/>

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A telephone survey conducted by **FSG** during the week starting on the 30th of March to the 3rd of April confirms the **high number of discriminatory messages about the Roma population disseminated by the mass media**: 10,935 people in sixty-eight cities of fourteen autonomous regions were interviewed in order to learn about how the social and sanitary crisis provoked by COVID-19 was affecting them. To the question relating to the perception of the social image disseminated by mass media and social media about Roma people, 37% of those interviewed answered that they were projecting a negative and unjust image of the Roma community in the context of the coronavirus crisis.

Suspension of administrative, judicial or police procedures for foreign residents

Since the state of alarm entered into force on the 14th of March 2020 by virtue of the **Royal Decree 463/2020⁵³**, the Spanish **Ministry of Interior** as well as the **Ministry of Justice** dictated the instructions relating to the cancellation of administrative and police deadlines for procedures involving aliens (immigration and international protection/ asylum) as well as judicial procedures in general, establishing minimum services for the latter ones. Moreover, the remainder of public administrations closed their doors as a measure of containment against the propagation of COVID-19.

To avoid harm to the persons affected with immigration procedures in course or persons whose stay in the national territory has expired during the state of alarm, the **Ministry of Interior** agreed to accept expired required documents during this exceptional situation and extend automatically working and resident permits.

Moreover, to prevent further situations of vulnerability and defencelessness and in the case of asylum seekers, the documents concerning the asylum claim and those that prove the refugee status are automatically extended during the entire state of alarm⁵⁷.

However, both the closing of the public administrations, as well as the suspension of procedures for international protection and the minimum justice services, without providing an alternative for the more vulnerable cases, has provoked cases of defencelessness and **lack of access to rights; in particular, the right to asylum**.

⁵³ Boletín Oficial del Estado. Real Decreto 463/2020, de 14 de marzo por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19 https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-3692

⁵⁴ Instrucción 3/2020: Medidas relativas a la suspensión de plazos en los procedimientos de extranjería por aplicación del Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19. Ministerio de Interior, Dirección General de la Policía.

⁵⁵ Resolución del Secretario de Estado de Justicia sobre servicios esenciales en la administración de Justicia, 14 de marzo de 2020, Ministerio de Justicia, Secretaría de Estado de Justicia.

⁵⁶ Instrucción 3/2020: Medidas relativas a la suspensión de plazos en los procedimientos de extranjería por aplicación del Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19. Ministerio de Interior, Dirección General de la Policía.

⁵⁷ Idem.

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In order to ensure the right to apply for asylum, the **European Commission** recommends in its **Guidelines on the application of the pertinent dispositions of the EU asylum procedures, return and settlement**⁵⁸ that applications should be submitted by ordinary mail, online or by telephone, establishing guarantees such as proof of confirmation or a certified mail. The Guidelines recommend to put in place alternative mechanisms to organise interviews using face-to-face interviews, video conference or installing security screens in order to guarantee legal representation and interpretation services.

A secure and confidential environment must be guaranteed for asylum seekers, with special attention to the ones who have lived traumatic events, been persecuted on the grounds of gender, minors and persons with hearing problems. In any case, the reception of applications for international protection must be facilitated.

Until the date of publication of this report, none of these alternative measures has been adopted by the **Ministry of Interior**. Those who have fled their countries and need to apply for asylum finding themselves in the Spanish territory at the moment cannot access the right to international protection established by the **Geneva Convention of 1951 on the Status of Refugees**⁵⁹.

The impact in the access to the economic and social rights of **migrants in an irregular administrative situation** has become evident with the closure of the administrations that register their stay in the districts where they reside.

The closure of town halls has prevented **undocumented migrants** from registering in the municipal residency census and, therefore, **they do not have access to the public health system except for emergencies. They also cannot access the exceptional social aids** to mitigate the devastating effects of the confinement since they are not registered or do not have a bank account. Some autonomous communities like the Balearic Islands and the Canary Islands have extended exceptionally the access to a social subsidy consisting of minimum income (Renta Social Garantizada) to persons in an irregular administrative situation. However, in the Valencian Community, it is necessary to be registered in the municipal census, which during the state of alarm is only available online and with digital certificate. This is a complex and bureaucratic procedure when the person does not have an Identification Number for foreigners (NIE in Spanish) or does not have access to a digital platform. For the time being, these vulnerable persons continue to be excluded from the social emergency measures since there are no alternatives to processing their registration in the municipal census.

⁵⁸ COVID-19: Directrices sobre la aplicación de las disposiciones pertinentes de la UE en materia de procedimientos de asilo y retorno y de reasentamiento (2020/C 126/02) Diario Oficial de la Unión Europea 17.4.2020.

⁵⁹ Convención sobre el estatuto de los refugiados Adoptada en Ginebra, Suiza, el 28 de julio de 1951.

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Asylum seekers and refugees

In the legal considerations on the access to the territory for those persons in need of international protection in the context of the response to COVID-19 published by the **United Nations Agency for Refugees (UNHCR)**⁶⁰, the agency establishes that states may take measures to manage the risks for public health in relation to the arrival of foreign nationals at their borders, but in no instance can these be discriminatory and/or contrary to international standards.

The European Commission adopted on the 16th of March 2020 a communication to the **European Parliament**⁶¹, to the **European Council** and to the **Council** in which it “advocated a temporal restriction of the non-essential journeys to the EU before the spread of COVID-19, establishing that these temporal restrictions be also extended to the individuals in need of international protection or those who have to be admitted in the territory of the Member States for other humanitarian reasons⁶².

Both organisations emphasized that the measures adopted by the States and all restrictions in the realm of asylum, return and resettlement must be applied in non-discriminatory conditions, respecting the principle of non refoulement guaranteeing the non-return in compliance with International human rights Law⁶³.

With the aim to assist the Member States, the **European Commission** in collaboration with the **European Asylum Support Office (EASO)** and the **European Border Control Agency (Frontex)**, elaborated the **Guidelines on the application of the pertinent dispositions of the EU on the matter of asylum procedures, return and resettlement**⁶⁴ to guide them in the application of the norms of the EU relating to international protection during the pandemic and the state of alert.

These norms illustrate the way of guaranteeing the continuity of the procedures in all their possible extension, at the same time ensuring the protection of the health and the rights of people, in consonance with the **Charter of Fundamental Rights of the EU**.

In the context of a global pandemic, they establish the conditions to be met for the reception of asylum seekers and refugees.

⁶⁰ Consideraciones jurídicas sobre el acceso al territorio para las personas en necesidad de protección internacional en el contexto de la respuesta frente al COVID-19, Agencia de Naciones Unidas para los Refugiados, 12 de marzo de 2020

<https://www.refworld.org/es/docid/5e74e29a4.html>

⁶¹ COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement (2020/C 126/02) Official Journal of the European Union 17.4.2020:

[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0417\(07\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0417(07))

⁶² Idem.

⁶³ Consideraciones jurídicas sobre el acceso al territorio para las personas en necesidad de protección internacional en el contexto de la respuesta frente al COVID-19, Agencia de Naciones Unidas para los Refugiados, 12 de marzo de 2020

<https://www.refworld.org/es/docid/5e74e29a4.html>

⁶⁴ COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement (2020/C 126/02) Official Journal of the European Union 17.4.2020: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0417\(07\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0417(07))

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In the aspect of health, priority must be given to the health checks of the individuals who show a greater risk of contagion, especially elderly people, people with chronic illness or vulnerable people, including the newly arrived to accommodation and/or detention centers. Measures of isolation and quarantine may be applied when these are reasonable, proportionate and non-discriminatory⁶⁵. It is recommended that each center provides adequate facilities that comply with the isolation standards for those persons whose COVID-19 result is positive and that they guarantee an adequate standard of living, their subsistence and that they preserve their mental and physical health. The special hygiene and disinfection measures that the state adopted to contain and avoid the propagation of the coronavirus must be applied in all accommodation and detention facilities. Asylum seekers must be duly informed about the hygiene, social distancing, quarantine or isolation in a language that they understand⁶⁶.

Several organisations have denounced that during the state of alarm **the fundamental rights of refugees and asylum seekers have been restricted for reasons of public health.**

On the 15th of April, the NGO **Coordinadora de Barrios** reported the conditions of asylum seekers in Melilla. According to the organisation, on the 6th of April **fifty-five persons** accessed the city of Melilla through a non-regular entry, expressing their will to apply for **International Protection. They were housed by the regional government in tents that did not have thermal insulation or air-recycling systems.**

The strong rain provoked flooding in the tents and the water rose to ten centimeters. In the videos shared on social media, **persons could be seen walking in the water, bunks without the minimum security distance, and youths complaining of the cold and unhealthy food**⁶⁷. The **Coordinadora de Barrios** (coordinator of suburbs) also signaled that **the fifty-five individuals did not receive specialized psycho-social assistance, legal advice and interpreters in African languages. Neither were they supplied with a telephone to contact their family or friends.**

After the rain, several organisations tried to access the facilities where the tents were situated to provide dry and clean clothes and basic necessity goods. **They were refused access by the Melilla Authorities.**

On the 17th of April, the Spanish representative for the **United Nations Agency for Refugees (UNHCR)** expressed its concern for the situation of overcrowding where more than **1,650 persons** found themselves in the Temporary Stay Center or **Centro de Estancia Temporal (CETI)** of Melilla, **whose maximum capacity is 782 persons.** Among the residents, there was at least **a mother with her small child** and with asylum granted three months earlier, **asylum seekers, families with children, pregnant women and persons with illnesses and special needs.** As the organisation explained, the facilities overcrowded preventing social distancing and adequate responses to COVID-19.

⁶⁵ Idem.

⁶⁶ Idem.

⁶⁷ Es Racismo: "La lluvia inunda las carpas para migrantes en Melilla".

<http://esracismo.com/2020/04/13/la-lluvia-inunda-las-carpas-para-migrantes-en-melilla/>

IV. Racial discrimination and manifestations of xenophobia

According to the NGO **Tunisian Forum for Economic and Social Rights (FTDES)** or Foro Tunecino para los Derechos Económicos y Sociales (FTDES)⁶⁸ and after a statement released by the **Home Office Minister Fernando Grande Marlaska** on the imminent removal of **600 migrants** by the government in coordination with the Tunisian authorities, a great confusion led to a protest. About fifty interned started a hunger strike, seven of them sewed their lips together to express their outrage and another one inflicted self-harm. As a consequence, at least two Tunisians were transferred to the Hospital of Melilla.

As a response to the **Association For the Rights of the Infancy (PRODEIN)**⁶⁹, the **Spanish Ombudsperson**⁷⁰ issued a general recommendation to the **Ministry of Interior** to accelerate the relocation to the mainland of the CETI residents of Melilla, such as asylum seekers, families with children and those especially at risk of COVID-19.

In conformity with the **Reception Directive 2013/33/UE**, the **Directives of the European Commission on asylum, return and resettlement** of the 17th of April 2020, the **Convention on the Rights of Children** and the **Best Interest of the Child** within the framework of Art. 10, 15, 39 and 43 of the Spanish Constitution.

⁶⁸ La Vanguardia: “ONG de Túnez teme que España expulse en breve a 800 migrantes”: <https://www.lavanguardia.com/vida/20200428/48794401494/ong-de-tunez-teme-que-espana-expulse-en-breve-a-800-migrantes.html>

⁶⁹ Página del perfil de PRODEIN: https://www.facebook.com/pg/PRODEIN-63679816265/about/?ref=page_internal

⁷⁰ Defensor del Pueblo, Recomendación al Ministro de Interior Numero de Expediente 20005575.

V. Conclusions

Despite the fact that various independent mechanisms of the **United Nations** have issued numerous recommendations to the Spanish government to tackle police violence, racial and ethnic profiling, institutional and structural racism and work exploitation of **persons of African descent and other racial and ethnic groups**, these have not only not been implemented efficiently. As evidenced by the data collected, **racism and violence against these groups have increased during the global COVID-19 pandemic.**

Since the beginning of the state of alarm in Spain on the 14th of March 2020, the government adopted urgent social and economic measures to strengthen the health and social services and to protect jobs and small businesses, as well as the most vulnerable. However, the increasing cases of racial discrimination set out in this report indicate **a lack of gender and racial perspective in the measures put into place in Spain to face the coronavirus.**

The COVID-19 pandemic has highlighted that not everybody enjoys the same rights in conditions of equality and has brought to light the dramatic impact of the pandemic on ethnic and racial minorities, not due to preexisting medical conditions but rather to inequalities in the access to health, wealth and housing. In some countries, like the United Kingdom, the Office for National Statistics (ONS) has published that **persons of African descent have a quadruple probability to die from COVID-19 than white persons**⁷¹. This is a global trend.

Some specific groups are at a greater risk of falling ill due to their situation of exclusion. For this reason, the response to **the crisis must include structural changes that tackle the inequalities in the areas of health and socio-economic issues**, since they are a result of the structural racism that the Afro-descendants and ethnic and racial minorities face, and an economic system that perpetuates these inequalities.

Women and LGBTQQIA+ persons that belong to certain ethno-racial groups represent in Spain a disproportionate part of the population in a situation of exclusion, due to the **multiple forms of discrimination** they suffer. The violence they suffer is, at the same time, cause and consequence of the structural racism they are subject to. During the COVID-19 crisis, their precarious work conditions increase, the restrictions to mobility put at risk their income and undocumented migrants are even further alienated from the social protection measures. Therefore, and in order to ensure a greater protection for vulnerable groups, **the State must include in its response and post-recovery plans to tackle the virus, a gender and racial perspective in the health, legal, psycho-social and economic measures adopted.**

In addition to the **lack of a plural and intersectional perspective** when tackling the serious repercussions of the pandemic on their lives, there is a **lack of disaggregated data by race and ethnicity** that would have facilitated the identification of specific needs and the design of strategies to reduce the situation of exclusion of the **Muslim Arab, Roma, Afro-descendant, Latin-American and Asian groups** during and after the pandemic.

⁷¹ The Guardian: “Black people four times more likely to die from Covid-19, ONS finds”:

<https://www.theguardian.com/world/2020/may/07/black-people-four-times-more-likely-to-die-from-covid-19-ons-finds>

V. Conclusions

In the face of the increased racism evidenced during the sanitary crisis, the public administration has been characterized by its silence and lack of decisive action against police violence, racial profiling, hate crimes and institutional racism exerted on Afro-descendant and racially diverse persons. The Spanish Ministry of Interior has failed to comply with the obligation to carry out prompt, exhaustive and effective investigations into all actions of brutality and excessive use of force by law enforcement forces.

The **General Directory for Equal Treatment and Ethnic and Racial Diversity** (*Dirección General para la Igualdad de Trato y Diversidad Étnico Racial*), which furthermore is tasked to lead the coordination of the central administration's policies in this matters, **has failed to include in a meaningful way the ethnic-racial perspective or specific measures against racial discrimination** in the response of the Spanish government to tackle the crisis. The recommendations of the **Council for the Elimination of Racial or Ethnic Discrimination** (*Consejo para la Eliminación de la Discriminación Racial o Étnica*) of 13th of April 2020 did not have a significant impact on the multiple forms of racial discrimination set out in this report.

The use of hate speech in relation to the spread of the virus, the police harassment and violence during the quarantine, the confinement in overcrowded conditions in reception centers, the violation of the right to asylum and other institutional practices incompatible with the essential values on which international human rights law and our Constitution are founded, highlight that **racial oppression is being perpetuated in the application of measures against COVID-19 and that these most strongly affect asylum seekers and undocumented migrants in an irregular administrative situation.**

Racial and ethnic minorities are overrepresented in high risk occupations, like domestic work, transport, agriculture, and informal work, and have a higher probability of living in deprived, overpopulated and dense urban areas, which in turn are subjected to greater police control. Hence, these minorities are in a disadvantaged situation. Ultimately, it is not only a matter of ethnicity, but of inequalities in the access to healthcare, social marginalization, lack of wealth, socio-economic status, social class and racial disparity that results from structural racism. To eradicate this, **the paradigm of domination must be changed. There must be a break with the structures that created this situation and that continue to perpetuate the inequalities of Afro-descendant and ethnic and racial minorities.**

To sum up, if our shared and fundamental values have not been fulfilled in relation to a part of the population, the result is that we all continue to be at risk, in particular ethnic and racial minorities. The government must address this for the general good of all citizens. If the coronavirus has put on the forefront the weaknesses of our democracy and of the world economic system, **it is now the moment to reconstruct a more inclusive, solidary, stronger and more equal society for all of its members.**

VI. Recommendations

- 1. The Spanish government should urge political leaders to react promptly and effectively to hate messages and racist discourse resulting from the COVID-19 health crisis**, not only to condemn these messages and narratives, but also to highlight the essential and shared values of our societies that they undermine. The discourses that appeal to hatred and fear in order to divide society put us all at risk. **The cases of hate speech that are relevant to criminal liability should be investigated in a prompt and effective way.**
- 2. An essential first step to addressing ethnic profiling should be to prohibit it explicitly by law**, with clear limits on police powers to stop and search individuals. To this end, **the Organic Law on the Protection of Citizens' Security** must be reformed (paragraph 3, section 1 of article 16) to include an explicit prohibition of the use of ethnic profiling by the police and a definition of these practices. In order to avoid arbitrary actions by the police, **clear and strict standards of reasonable suspicion should be included, as well as to provide agents with practical guidance and training on how to apply that in their daily work. In this sense, paragraph n°1, of section 1 of article 16 of the Organic Law on Protection of Citizens' Security, should be amended** to include greater safeguards concerning the use of police stops and searches, expressly requiring the existence of a real and reasonable suspicion or prima facie evidence of participation in a crime. Moreover, monitoring and addressing ethnic profiling patterns in policing is best achieved on the basis of objective evidence, obtained through documenting police stops (that is, introducing stop forms) that should include both ethnic and nationality data, in strict compliance with data protection legislation. Anonymized statistics should be published for purposes of transparency and public dialogue with a view to addressing bias in police practices on the basis of empirical objective data.
- 3. With respect to complaints of police brutality and excessive use of force by the police, it is fundamental, first and foremost that investigations be carried out promptly, exhaustively and effectively; that agents be identified and that those responsible be prosecuted and punished. Clear and binding rules governing the use of force that are fully compatible with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials must be established, and appropriate training on how to apply them must be provided.** It is necessary to strengthen complaint mechanisms through more accessible and effective channels, **strengthening the role of the Spanish Ombudsperson's office. Finally, to create an independent oversight and accountability mechanism for all existing police forces with powers to examine complaints and to indicate to the police forces the measures that have to be taken to prevent abuses and ill-treatment.**

VI. Recommendations

4. Sanctioning the taking and dissemination of images of public officials in the exercise of their functions constitutes a violation of the right to freedom of expression and information. It is important to bear in mind that there are numerous examples of cases of alleged excessive use of force by law enforcement that have been reported and investigated, precisely because such images existed and were the only evidence available. Moreover, to prevent the use of those images would guarantee the impunity of those who exceeded their powers, infringing on the right of citizens to personal security. Therefore, **section 23 of article 36 of the Organic Law on the Protection of Citizens' Security should be repealed. In general, this law should be reformed to adapt it to international standards, removing provisions that violate fundamental rights and verifying that all its provisions completely respect legal certainty and the principle of legality.**
5. With respect to the seasonal workers that live in poor housing conditions, slum situations and work under conditions of exploitation, **the public administration should review their administrative status and provide work permits in order to ensure they can exercise their rights fully**; in particular, the right to access to adequate healthcare and housing conditions, immediately and definitely.
6. The precarious situation suffered by persons in an irregular administrative situation has exacerbated due to the pandemic and its social and economic impact. To ensure their full rights, **their administrative situation should be reviewed and regularized urgently**, from a human rights perspective. This measure should include all employment sectors.
7. The migration status is irrelevant to dignity and the right to life of all human beings. National legislation as well as international human rights law make clear that the detention of persons based on migration status must be used only as the last resort in exceptional cases. It implies a deprivation of liberty not adjusted to the law, where the human cost is incalculable, exacerbating mental ill-health. Furthermore, medical attention is inadequate and access to legal assistance is restricted. **Immigration detention should be abolished, and alternatives to detention with the capacity and the scope to satisfy the needs of all migrants and asylum seekers should be developed.** These measures must be developed and implemented in collaboration with civil society organizations and affected communities. Moreover, **all migrant detention centers must be emptied during the COVID-19 sanitary crisis in order to protect the health and dignity of migrants, following the recommendations of the Council of Europe.**

VI. Recommendations

8. As was pointed out by the Working Group of Experts on People of African Descent in 2018, **the Spanish government should officially recognize the International Decade for PAD (2015-2024)** proclaimed by the UN General Assembly in its Resolution 68/237. The fifth year of the Decade constitutes an important opportunity to recognize the contributions of Afro-descendants to Spanish society, to allocate funds for the implementation of the Program of Activities and to structure a Work Plan around the themes of the Decade (Recognition, Justice and Development), indicating the actions that will be taken at the national level and their duration.

9. The Spanish legislation on domestic workers contradicts the principle of non-discrimination on the grounds of race, gender and birth- enshrined in the Spanish Constitution- since it affords less protection in terms of labour rights and access to social security for migrant women. Thus, **the Spanish government should on the one hand ratify the Convention 189 of the International Labour Organization (ILO) on domestic workers**, which promotes the effective protection of the human rights of domestic workers. On the other hand, the situation of potential exploitation in which undocumented migrants find themselves and the need to find global solutions to the phenomenon of migration must prevail as compelling reasons to proceed to the **signing and ratification by Spain of the International Convention on the Protection of All Migrant Workers and Members of their Families (CMRW)**, which protects the rights of migrant workers independently of their administrative situation.

VII. Annex

Results of the **individual cases** included in the final **online survey**. The data are based on a total of forty-seven responses.

Gender

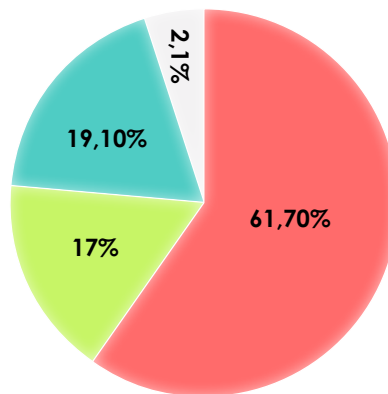
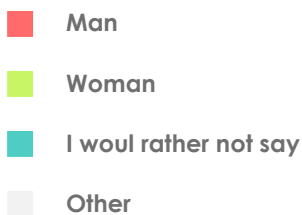


Fig.1 Based on personal adherence, the majority of denounced situations were perpetrated against men, that is, 62.7% of the cases (29), 19.10% (9) decided not to provide data on gender, while another 17% defined themselves as women (8). One person (representing 2.10%) chose the option "other".

Place

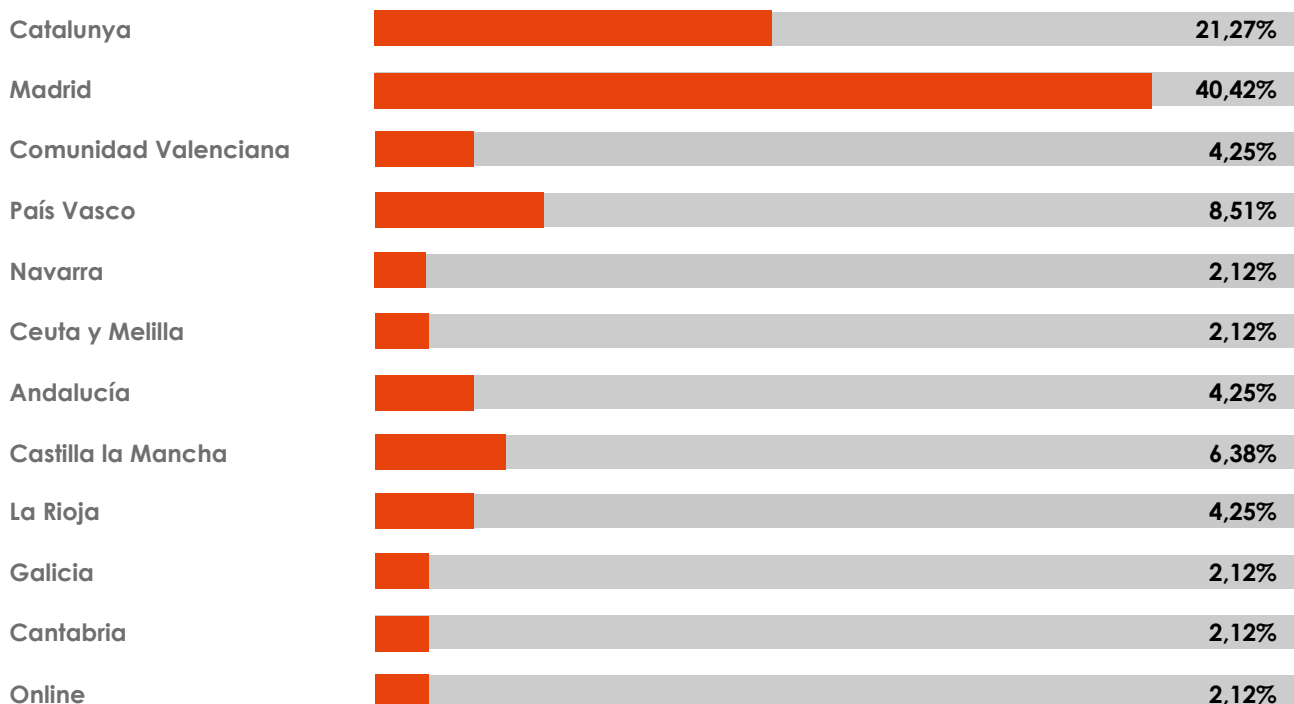


Fig.2 According to the online information, the regions where the greatest number of violations took place are, in the first place, the region of Madrid, with 19 complaints (40.42%); Barcelona with 10 (21.27%), Basque Country with 4 (8.51%) and Castilla-La Mancha with 3(6.38%).

VII. Annex

Nationality

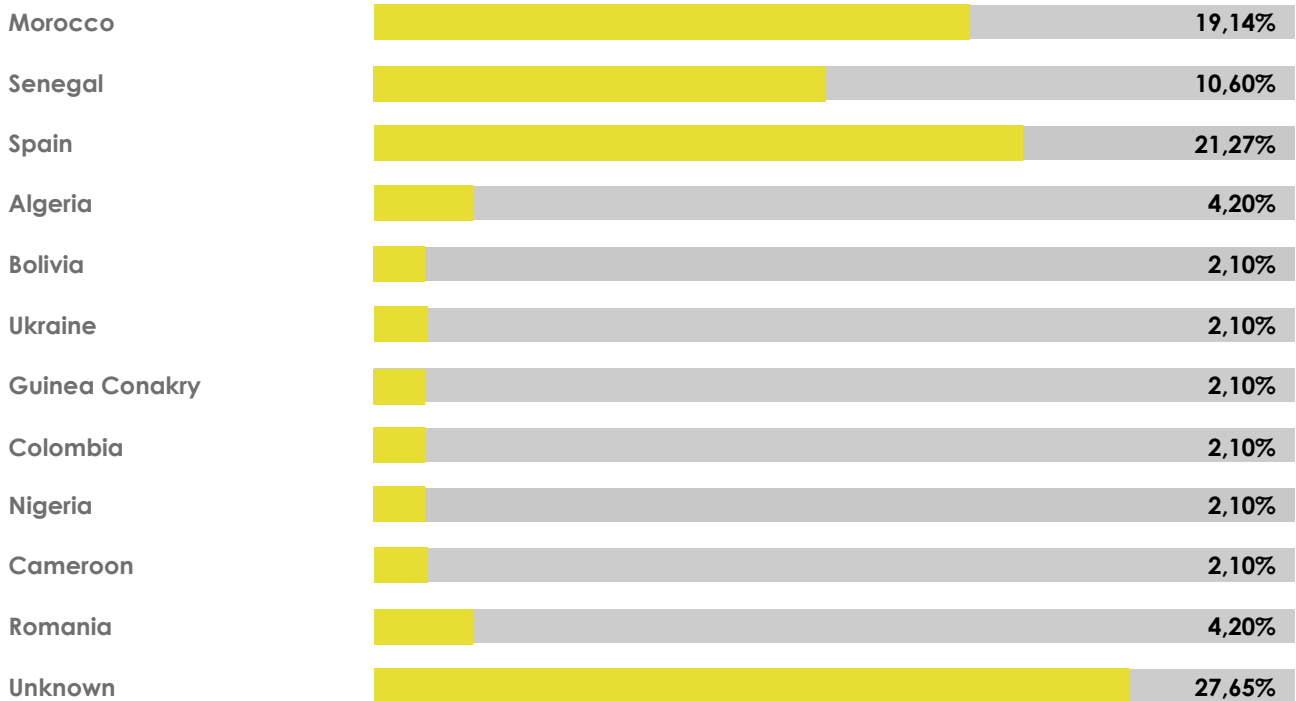


Fig.3 The nationality of 27.65% of the online survey respondents is not known; 21.27% are Spanish all of which belong to the Roma ethnic group, Moroccan (19.14%), Senegalese (10.60%) Algerian and Romanian (4.20%).

Administrative status

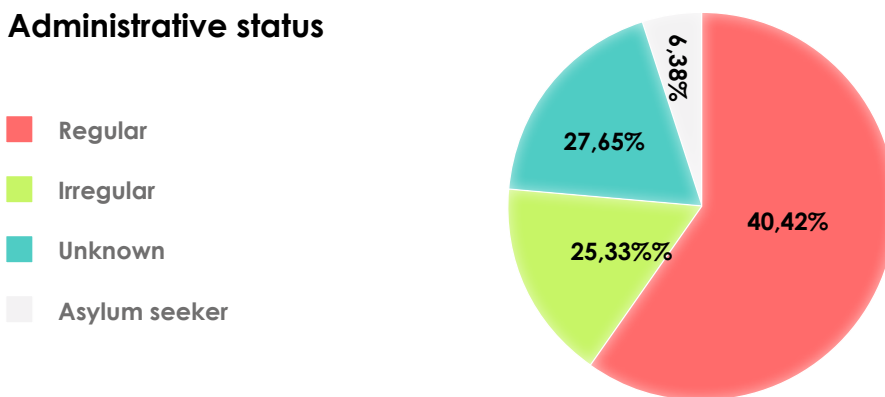


Fig.4 The administrative situation of the persons who reported cases is fundamental in terms of whether they are able to defend and exercise their rights. In this sense, 12 persons (25.53%) were in an irregular administrative situation, 13 (27.65%) did not share this information and a total of 3 persons (6.83%) were in the process of applying for asylum. These groups have endured greater defenselessness as evidenced in this report. However, the fact being documented or not does not exclude minorities (the remaining 40.42%) from suffering racial violence.

VII. Annex

Please choose the type of discrimination

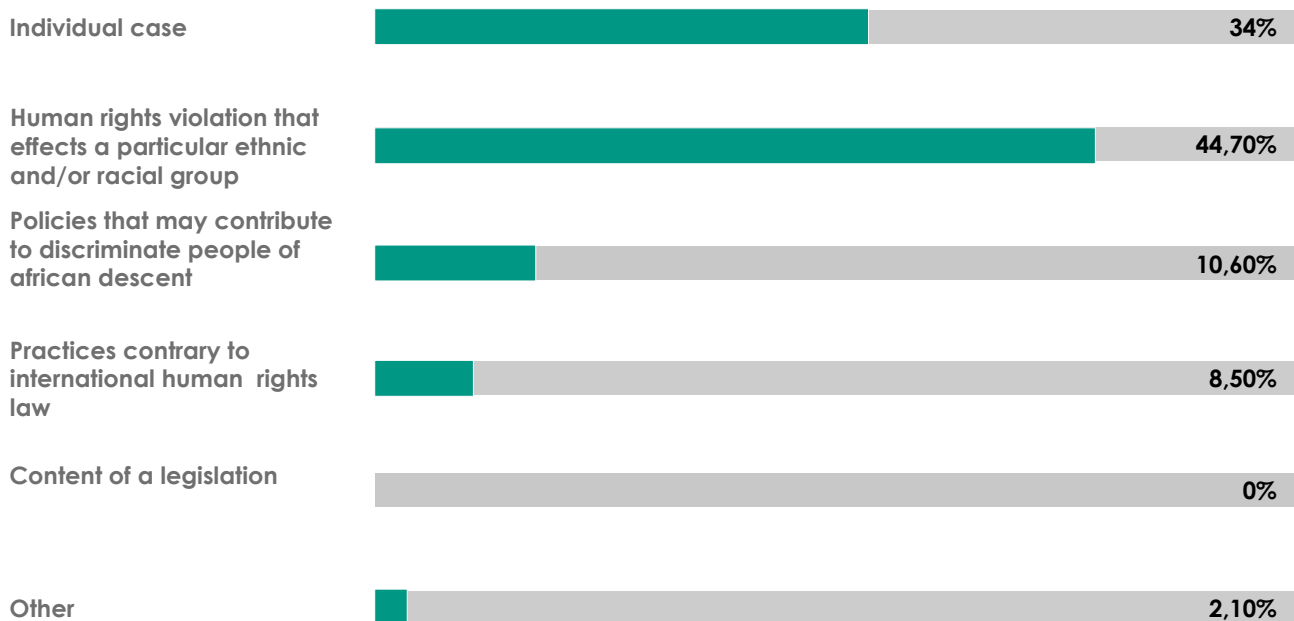


Fig.5 The most common type of cases reported by respondents corresponds to the “human rights violation that affects a particular ethnic and/or racial group” (21 cases representing 44.7%), 16 respondents selected “individual cases” (34%), 5 selected “policies that may contribute to the discrimination against people of African descent” (10.60%), 4 chose “practices contrary to international human rights law” (8.50%) and one, “other”.

Ethnic and racial group of the complainant



Fig.6 Analysis of the ethno-racial groups of the respondents shows that the most affected are those who identify themselves as Black and/or Afro-descendant; they were 15 (31.9%), followed by 14 Arab Muslim persons (29.8%) and 12 (25.5%) Roma. 4 persons (8.5%) were Latin-American, and one (2.1%) from Eastern Europe.



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IX. Bibliography

1. A field labor union for the most vulnerable, Sindicato Andaluz de Trabajadores de Almería, <http://sindicatoandaluz.info/>
2. Ampliación del Plan de Contingencia contra la violencia de género ante la crisis del COVID-19: medidas adicionales dirigidas a víctimas de trata, explotación sexual y a mujeres en contextos de prostitución, Ministerio de Igualdad, Secretaría de Estado de Igualdad y Contra la Violencia de Género http://observatoriovioencia.org/wp-content/uploads/Plan-Vi%C4%9Bctimas-trata-COVID_definitivo.pdf
3. APDHA Huelva reclamar medidas especiales para frenar el contagio en los asentamientos chabolistas, Comunicado, 25 de marzo de 2020, Asociación Pro Derechos Humanos de Andalucía: <https://www.apdha.org/apdha-huelva-construccion-viviendas-ayudas-junta-acabar-asentamientos/>
4. Boletín Oficial del Estado. Ley Orgánica 4/1981, de 1 de junio, de los estados de alarma, excepción y sitio <https://www.boe.es/buscar/doc.php?id=BOE-A-1981-12774>
5. Boletín Oficial del Estado. Real Decreto 463/2020, de 14 de marzo por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19 https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-3692
6. Boletín Oficial del Estado. Ley 33/2011, de 4 de octubre, General de Salud Pública: <https://www.boe.es/buscar/act.php?id=BOE-A-2011-15623>
7. Boletín Oficial del Estado. Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana: <https://www.boe.es/buscar/doc.php?id=BOE-A-2015-3442>
8. Boletín Oficial del Estado. Ley 17/2015, de 9 de julio, del Sistema Nacional de Protección Civil <https://www.boe.es/buscar/act.php?id=BOE-A-2015-7730>
9. Boletín Oficial del Estado. Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal: <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>
10. Boletín Oficial del Estado. Decreto-ley 11/2020, de 31 de marzo, por el que se adoptan medidas urgentes complementarias en el ámbito social y económico para hacer frente al COVID-19: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4208
11. Boletín Oficial del Estado. Orden SND/399/2020, de 9 de mayo, para la flexibilización de determinadas restricciones de ámbito nacional, establecidas tras la declaración del estado de alarma en aplicación de la fase 1 del Plan para la transición hacia una nueva normalidad: <https://boe.es/boe/dias/2020/05/09/pdfs/BOE-A-2020-4911.pdf>
12. Report of the Working Group on the Universal Periodic Review, Spain A/HRC/44/7: <https://undocs.org/A/HRC/44/7>
13. COVID-19 security measures no excuse for excessive use of force, say UN Special Rapporteurs: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25802&LangID=E>
14. COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement (2020/C 126/02) Official Journal of the European Union 17.4.2020: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0417\(07\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0417(07))
15. Key Legal Considerations on access to territory for persons in need of international protection in the context of the COVID-19 response: <https://www.refworld.org/docid/5e7132834.html>

IX. Bibliography

16. Crisis sanitaria COVID-19: herramienta Google Form en español: https://docs.google.com/forms/d/e/1FAIpQLSeLyM7yGO61zrWdEfNVaseeTedW5zXuKM1wke6NUmAutHeu_Q/viewform
17. Crisis sanitaria COVID-19: herramienta Google Form en francés: <https://docs.google.com/forms/d/e/1FAIpQLScrhrFCdwPrTD3pwVR9IQNg4fLlv4Lru98vJRMeWuJ-BisqFA/viewform>
18. Defensor del Pueblo, Recomendación 45/2013, 17 de abril de 2013, Anexo E.1, pp. 154- 156. Disponible en: https://www.defensordelpueblo.es/wp-content/uploads/2015/05/2013_Anexo_E_1_Recomendaciones_2013.pdf
19. Eldiario.es: VÍDEO | Polémica por los golpes en una intervención de la Ertzaintza a una mujer en el barrio San Francisco de Bilbao: https://www.eldiario.es/norte/VIDEO-Polemica-intervencionErtzaintza-Bilbao_0_1011049270.html
20. Eldiario.es: La Ertzaintza multa a los vecinos que grabaron la violenta detención a una mujer y su hijo en Bilbao: “Nos han estado acosando para saber quiénes éramos”: https://www.eldiario.es/norte/Ertzaintza-grabaron-violenta-detencion-Bilbao_0_1016998930.html
21. Eldiario.es: “Un estadounidense de origen chino denuncia una agresión racista en Madrid por el coronavirus”: https://www.eldiario.es/desalambre/Agresion-racista-Madrid-estadounidensea-tacado_0_1004399676.html
22. Es Racismo: “Estado de Alarma: otra forma más de legitimar las paradas racistas”: <http://esracismo.com/2020/03/16/estado-de-alarma-otra-forma-mas-de-legitimar-las-paradas-racistas/>
23. Es Racismo: Agresión policial en La Bisbal d’Empordà, Girona: <http://esracismo.com/2020/04/18/agresion-policial-en-girona/>
24. Es Racismo: “La lluvia inunda las carpas para migrantes en Melilla”: <http://esracismo.com/2020/04/13/la-lluvia-inunda-las-carpas-para-migrantes-en-melilla/>
25. Europa Press: “El Congreso aprueba la cuarta prórroga del estado de alarma, con mayoría absoluta pero con menos apoyo”: <https://www.europapress.es/nacional/noticia-congreso-aprueba-prorrogar-estado-alarma-24-mayo-mayoria-absoluta-menos-apoyos-20200506182539.html>
26. Huffingtonpost: “La ‘ley mordaza’, la llave de las multas en España por incumplir el confinamiento” https://www.huffingtonpost.es/entry/multas-espana-confinamiento-coronavirusdelincuencia_es_5ea940c3c5b6123a1764aad6
27. La Vanguardia: “ONG de Túnez teme que España expulse en breve a 800 migrantes”: <https://www.lavanguardia.com/vida/20200428/48794401494/ong-de-tunez-teme-que-espana-expulseen-breve-a-800-migrantes.html>
28. ECRI Report on Spain (fifth monitoring cycle) adopted on 5 December 2017 Published on 27 February 2018: <https://rm.coe.int/fifth-report-on-spain/16808b56c9>
29. Immediate Psychological Responses and Associated Factors during the Initial Stage of the 2019 Coronavirus Disease (COVID-19) Epidemic among the General Population in China, Wang, C.; Pan, R.; Wan, X.; Tan, Y.; Xu, L.; Ho, C.S.; Ho, R.C., Int. J. Environ. Res. Public Health 2020, 17, 1729: <https://www.mdpi.com/1660-4601/17/5/1729>

IX. Bibliography

30. La Vanguardia: Estudio publicado por la Sociedad China de Psicología:
<https://www.lavanguardia.com/internacional/20200329/48146670004/wuhan-impacto-psicologico-coronavirus-china-hubei.html>
31. Organizaciones de Derechos Humanos exigen que se investiguen nuevos casos de violencia institucional en el marco de estado de alarma: <https://defenderaquiendefiende.org/organizaciones-de-derechos-humanos-exigen-que-se-investiguen-nuevos-casos-de-violencia-institucional-en-el-marco-de-estado-de-alarma/>
32. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai. Addendum: Observations on communications transmitted to Governments and replies received (10 June 2013) UN Human Rights Council, A/HRC/26/29/Add.1.
33. Report of the Working Group of Experts on People of African Descent on its mission to Spain, A/HRC/39/69/Add.2: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/249/75/PDF/G1824975.pdf?OpenElement>
34. Rosalind Williams Lecraft vs. Spain United Nations Human Rights Committee CCPR/C/96/D/1493/2006 (2009)
35. Statement of the United Nations Special Rapporteur on minority issues, Fernand de Varennes, on the conclusion of his official visit to Spain, 14-25 January 2019: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24112&LangID=E>
36. Statement by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights, on his visit to Spain, 27 January – 7 February 2020 United Nations Human Rights Office of the High Commissioner: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25524&LangID=E>
37. The Guardian: "Black people four times more likely to die from Covid-19, ONS finds":
<https://www.theguardian.com/world/2020/may/07/black-people-four-times-more-likely-to-die-from-covid-19-ons-finds>
38. The Lancet: The psychological impact of quarantine and how to reduce it: rapid review of the evidence. Febrero 2020: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30460-8/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30460-8/fulltext)
39. The Convention Relating to the Status of Refugees and Stateless Persons Adopted in Geneva, 1951: <https://www.unhcr.org/1951-refugee-convention.html>
40. Under Suspicion: The Impact of Discriminatory Policing: <https://www.justiceinitiative.org/publications/under-suspicion-speaking-out-about-ethnic-profiling-in-spain>

About RIS

Rights International Spain is an independent NGO whose mission is the promotion and defense of human rights and civil rights. To achieve this mission, RIS conducts research, develops timely and rigorous policy and legal analysis, takes part in the legislative reform with recommendations, engages in advocacy, submits shadow reports and other communications to international human rights bodies, develops public awareness campaigns, carries out capacity-building activities and human rights training and supports strategic litigation initiatives. RIS covers a number of core civil liberties topics, which can be grouped into four priority working areas: Security and Civil rights (freedom of expression, assembly, human rights in the context of the fight against terrorism and the prevention of torture and ill-treatment); Access to justice (right to a fair trial, Rule of Law, and a justice system accessible for all) non-discrimination (eradicate police practices guided by ethnic profile) and International crimes (rights of victims to justice, truth and reparation). For more information on Rights International Spain and to download this report, please visit:

<http://www.rightsinternationalspain.org/>

About the Implementation Team for the IDPAD in Spain

The Implementation Team for the IDPAD in Spain promotes the social, economic, political and cultural rights of people of African descent in Spain, taking fully into account the Durban Declaration and Program of Action (DDPA), and the International Convention on the Elimination of all forms of Racial Discrimination (ICERD). We want to ensure that, as our community grows, we provide the bases that will help build a more egalitarian future, adding visibility to our diverse heritages, histories, cultures and contributions. To reach this goal, we work with Afro-descendant organisations united in a common cause, throughout the world.

With the aim to influence in the complete and effective adoption of the International Decade for PAD (2015-2024) and its Programme of Activities, since 2018 we provide support to civil society organisations and public institutions to combat racial discrimination at regional, national and international level. The Team organises awareness campaigns, it provides training to human rights defenders and participates in consultations where it passes the demands emanating from the African descent CSOs to the UN human rights mechanisms and EU's institutions. For more information, visit: www.africandescent.org



The COVID-19 health crisis
Racism and
xenophobia during the
state of alarm in Spain



rights
international
spain