

**MOVIMIENTO POR LA PAZ – MPDL**

The Movement for Peace (MPDL) is a non-profit organization which aim is the Global Peace, which means a total respect of the Human Rights, democratic governability, equality and solidarity between the people. MPDL provides services to people of African Descent in social exclusion situation through positive actions of integration and awareness, with special attention for women, children, seniors, migrants, asylum seekers and refugees.

1. **What are the key human rights concerns of people of Africand descent in your country/region today and how do you work to address them?**

Spain has adopted numerous commitments to fight discrimination, introducing new legislative measures in the last years. One of the most significant of these measures was Organic Law 1/2015, which amended the Criminal Code and broadened its Article 510, which covers the bulk of racist and xenophobic behaviour that can be criminally sanctioned in Spain.

Despite these efforts, the Ministry of the Interior reports that racism is the leading cause of hate crimes in Spain, emphasizing the injuries, threats, insults and “hate speech” online that justifies racial discrimination.

According to data published in 2016 by the Ministry of Health, Social Services and Equality, discrimination remains a reality despite the fact that equality and diversity are considered fundamental and unquestionable rights. The factors that have the greatest impact on the inequality of access to the social rights of people of African descent are the lack of knowledge about non-discrimination as a basic and fundamental right and the low incidence of reports: many cases of discrimination go unpunished because they are not reported, either out of fear, unfamiliarity with the process, or because –by occurring subtly in everyday situations– they are not identified as discrimination. All these factors come into play to place the person being discriminated against in a position of vulnerability.

A large proportion of People of African Descent in Spain continue being at severe risk of poverty and their situation of social exclusion hinders their democratic participation. The barriers which contribute to the exclusion of people of African descent from participation include:

**The lack of residence and work permits**:

Wars, persecution and systematic human rights violations oblige hundreds of thousands of migrants of African Descent to seek a safe home on our continent. However, since it is impossible to come by legal avenues, they risk their lives crossing the Mediterranean Sea on small fishing boats.

In the general recommendation XXX on discrimination against non-citizens, the Committee on the Elimination on Racial Discrimination established that “States are under an obligation to guarantee equality between citizens and non-citizens in the enjoyment of their civil, political, economic, social and cultural rights.”

In spite of those recommendations, irregular migrants in Spain experience difficulties in the realization of their economic and social rights, particularly the right to work, the right to education and the right to health care.

Moreover, the existence of holding centres, expulsions and racial profiling discourages access to the basic rights of undocumented immigrants for fear of deportation.

**Social rejection and racial discrimination:**

Two of the recommendations made to Spain on the last Report of the Working Group of Experts on People of African Descent are related to the fight of contemporary forms of racism, racial discrimination, xenophobia and related intolerance including criminalizing hate speech.

In spite of those recommendations, during the last year the organization SOS Racismo registered 247 complaints concerning racism in Spain and human rights defenders have suffered death threats through social networks, by xenophobic groups. Threats included numerous monkey references, bullets, weapons and heads full of gunshot wounds.

**Multiple or aggravated forms of discrimination against women:**

According to the latest report from the Ministry of Health, Social Services and Equality, "Comprehensive Plan to Combat Trafficking of Women for the Purposes of Sexual Exploitation 2015-2018", African women are more vulnerable to gender-based violence and sexual exploitation.

1. **How can the WGEPAD improve and enhance its engagement with civil society for greater impact on the ground?**

**Publicise the WGEPAD work and widen channels of communication with civil society for a more accessible Working Group.**

To improve its engagement with civil society for a greater impact on the ground the WGEPAD should be widely known by civil society actors, professionals, the public in general and people of African descent in particular.

Often unaware of the WG mandate, strategies and useful mechanisms in their fight against racism, racial discrimination, xenophobia and other related forms of intolerance, civil society actors miss the usefulness of the WG contribution. For the empowerment of people of African descent and their full participation, there is the need to prioritise their accessibility to all activities carried out by the WG. As a recommendation, the use of social media, blogs, press and other forms of communications as widening communication channels should be strengthened.

Also, it is equally important to have mass press coverage of the WG recommendations to governments and States obligations under the Durban Programme of Action and by extension, the Convention on the Elimination of All Forms of Discrimination. In the light of having an impact in the ground a greater inclusion of the public and the society at large is vital.

**More dissemination of available resources and increase financial support**

Whereas deeper coordination with the WG is highly desirable, financial resourcing is an issue faced by local NGOs and undermine their attendance and participation to working sessions in Geneva. Although a few organisations and NGOs may not face funding issues,  dissemination of financial resources available and increasing financial support would help and expand civil society’s  participation.

**A tripartite approach at a national level with the government and civil society at the same working table in the proposal, design and promotion of policies, measures and practices to eradicate racial discrimination.**

To make a deeper impact on the ground we suggest to gather to work together civil society actors and governments representatives in policies´ design.
In the WG collaboration with States to “devise policies aimed at eradicating racism, racial discrimination, xenophobia and other related intolerance”, a tripartite approach forums at the national level where civil society actors take part as legitimate interlocutors is recommended. State and civil society would witness commitments, challenges and focus on State´s obligations on the implementation of those measures. With civil society actors as a more active part in formulating strategy and monitoring policy implementation to ensure timely corrective actions, follow -up and influence on implementation would increase.

Altogether, we recommend the Working Group of Expert on People of African Descent to be more accessible to civil society actors. This rapprochement should consolidate our role vis-à-vis the government, ensure State have due regard to their obligations under the Durban Declaration and Programme of Action to end racial discrimination, xenophobia and related intolerance against people of African Descent and to fulfil a promotion of the International Decade for People of African Descent familiar to all.

1. **Which human rights concerns should the WGEPAD focus on in the next three years?**

**The adoption of a comprehensive law against racism**

On the Concluding observations on the twenty-first to twenty-third periodic reports of Spain in June 2016, the Committee on the Elimination of Racial Discrimination addressed the lack of a comprehensive law against racism urging Spain “to adopt rapidly the comprehensive bill on equal treatment and non-discrimination”. Some measures have been taken so far, for instance, an Action Protocol on the conduct of the Security Forces and Law Enforcement Authorities for hate crimes and non-discrimination, an amendment of the Criminal Code in 2015 that criminalises racist crimes and a manual for judges to investigate and prosecute hate crimes and discrimination.

However, a comprehensive law against racism is needed to guarantee access to justice for all including migrants and people in need of international protection, end racial discrimination and ensure education on equality. This comprehensive law should include the following: racism, racial discrimination, xenophobia, other related forms of intolerance, prohibition of racial profiling, training of police forces and law enforcement officers, structural racism and the denial of public and private benefits and/or services because of national origin with special attention to women, unaccompanied minors, migrants and refugees irrespective of their migratory status.

A comprehensive legal framework is essential to compel all public authorities at local, regional and national levels on the eradication on all form of racial discrimination. It will ensure a common criterion on the definition of racial crimes and racial-related incidents. A bill is essential to guarantee a more effective access to justice for victims of racial discrimination.

**The recognition of the transatlantic slave trade and colonialism as atrocities and the cultural legacy of people of African descent.**

In the next three years, the Working Group should also focus on the promotion of culture, history and heritage of African descent and its inclusion in education and curricula. To eradicate stereotypes and promote the African descent legacy, textbooks need to include the history of the transatlantic slave trade, colonialism, its consequences and the role of Spain. Recognising the largest forced migration in history and its atrocities is also the recognition of the link between slavery and racism and slavery and underdevelopment.

The victims and their descendants should be given recognition, and the skills enslaved Africans brought to the Spanish society from farming techniques to musical legacy should be celebrated and remembered.

To address discrimination and structural racism with the aim to root it out, laws, policies and practice require to praise diversity, bring out past injustice and make them relevant in the present above all for the young.

**The need of reliable statistic data to design policies targeting people of African descent and measure discrimination.**

There is a lack of reliable and comprehensive statistics on the population disaggregated by demographic, territorial and ethnic composition. Without a clear mapping of the ethnic composition of the population that includes migrants and refugees, the actual state of the enjoyment of their social, cultural and economic rights is unclear. Therefore, the design of polices targeting African people descent remains indicative rather than specific.

Altogether, is it worth highlighting that data on racist crimes need to be developed for an effective follow up on the outcomes of complaints of racial crimes and discrimination.