



Call for inputs for the 2024 report of the United Nations Secretary-General on the implementation of the programme of activities of the International Decade for People of African Descent

Date: April 2024.

Country: Spain

Organization:

The Team for the International Decade for PAD is a grass-root organization of women of African descent experts in Human Rights and forced migration, based in Spain. With the aim to influence in the complete and effective adoption of the International Decade for PAD and its Programme of Activities, since 2018, we have contributed to the drafting of anti-racist policies at a European level, designed awareness campaigns for Spanish NGOs and published several reports on the discrimination suffered by people of African descent. We are also the promoters of the first parliamentary initiative in Europe that seeks to combat the multiple forms of discrimination suffered by women and girls of African descent, approved in Spain in 2021.

For more information, visit: www.africandescent.org

Use of AI in migration and border control.

In March 2024, a coalition of 85 European civil society organizations [called on MEPs](#) to reject the Schengen Borders Code reform. According to [Algorace](#), a Spanish organization that investigates how AI systems reinforce inequalities and racial discrimination, the reform will have devastating effects on migrants and racialized people due to the growing use of surveillance and monitoring technologies, both at internal and external borders. Despite this, the reform was approved by the European Parliament on Wednesday 24 April.



Devices such as drones, motion sensors, thermal imaging cameras and others are being used in the detection of people crossing borders before their arrival and have been proven to contribute to illegal pushbacks and arbitrary detentions. In fact, the Border Violence Monitoring Network (BVMN) recently recorded 38 testimonies, affecting more than 1.000 people, in which they report having heard or seen a drone before being returned in pushbacks. The use of these technologies to track and monitor the movement of people could therefore prevent African migrants and asylum seekers from reaching, entering or remaining in Spanish territory.

Racial Profiling:

According to the UN WGEPAD, racial profiling of people of African descent in Spain is [endemic](#). Being racially profiled is the lived reality of Afro-descendants simply because of the color of their skin. Nonetheless, Spanish legislation lacks a specific prohibition of racial profiling and does not have clear criteria for law enforcement agents to conduct identity checks.

In March 2024, a [video](#) appeared to show a pair of police officers using violent force on two unarmed Black men in a central Madrid neighbourhood. The video shows one of the men on the ground and immobilized by a police officer who seemingly has him in a chokehold. A second police officer appears to then strike the immobilized man twice with a baton before grabbing and punching another man standing nearby.

Several CSO's called on the Interior Ministry to clarify whether an investigation had been opened into the officers' behaviour and asked what measures would be taken in response to citizen complaints regarding the existence of police violence against migrants in the Lavapiés neighbourhood. The Ministry responded that its national office for the guarantee of human rights, a body created in 2022 to ensure that state forces protect fundamental rights, was looking into the incident.

Institutional racism and law enforcement violence:

According to the NGO Caminando Fronteras (*Walking Borders*) at least 951 migrants have died while trying to reach Spain by sea in the first six months of 2023, including 112 women and 49 children. Migrants and asylum seekers also face pushbacks, collective expulsions and police violence at the borders of Spain in Ceuta and Melilla. It is in this context that at least 37 Africans died in 2022 after disproportionate use of force by the law enforcement authorities



of Morocco and Spain. Both the testimonies of the survivors interviewed and the video images shared on TV show the level of dehumanization, degrading and inhumane treatment, and the total lack of respect for life and human dignity that black people suffer, as a result of structural racism.

Law enforcement violence at borders against people of African descent and the use of disproportionate force in Ceuta and Melilla has been and is continuously being denounced by grassroots organizations. In collaboration with [UNARC](#) and local organizations, our Team advocates to end police violence at borders in the framework of migrations policies and EU governments responses. In September 2022, for example, we took part in a wider [campaign](#) with the International Service for Human Rights (ISHR) to bring attention to the Melilla Massacre at the Human Rights Council. To this date, no independent investigation has been carried out.

Racism and Discrimination in Sport:

There are continuing allegations of racist abuse in Spanish football. In 2023, Spanish police arrested three people accused of directing monkey chants at Brazilian footballer Vinícius Júnior, in the Mestalla stadium of Valencia. Since then, international discussions about racism in Spain have increased, resulting in political and social reactions in other countries.

In the wake of the incident, the president of Brazil, Luiz Inácio Lula da Silva, warned against allowing "fascism and racism" to dominate football stadiums and his government issued a statement saying it "deeply regrets" the lack of action by Spanish authorities to fight the problem.

In addition, other players have [reported](#) suffering discrimination at grassroots level football: Players in a multi-ethnic football team based in Lavapiés, Madrid, have reportedly experienced racial profiling and racial abuse in sports facilities and during matches.

Absence of data disaggregated by race and ethnicity

With respect to the point referring to information gathering in the Programme of Activities for the International Decade for People of African Descent, our Team has noted in previous reports and inputs that no changes have yet been made in Spain concerning the collection of data. However, the Spanish Ministry for Equality announced in 2023 that the national



statistical office will carry out the survey in 2026 to collect equality data based on racial or ethnic origin, for the formulation of public policies aimed at eliminating racial discrimination.

In order to alleviate the lack of specific data on women of African descent, the Spanish NGO Movement for Peace published a [study](#) on Afro-descendant women in Spain. The study shows that racial discrimination that women of African descent predominantly face in the country is when it comes to work: 82% of surveyed women identified structural racism as a significant obstacle to equal access to the job market. Survey results also revealed that they encounter contractual abuses such as abrupt price hikes in 60% of cases when seeking rental housing. The situation can be exacerbated for groups of women who experience additional forms of oppression, such as women with functional diversity and people from the LGBTIQ+ community.

Absence of a comprehensive law against racism.

It has been eight years since the Committee on the Elimination of Racial Discrimination (CERD) addressed the lack of a comprehensive law against racism on the concluding observations on the 21st to 23rd periodic reports of Spain (June 2016). A comprehensive law against racism would facilitate the effective protection and reparation of victims by addressing systemic anti-Black racism and combating its historical causes.

For this reason, in March 2022, there was a public [consultation](#) prior to the drafting of a normative project consisting of an organic law against racism, racial discrimination and related forms of intolerance. However, nothing has come out of this consultation yet.

Absence of reparatory justice:

Through the adoption of the Durban Declaration and Programme of Action in 2001, UN Member States recognized that today's racial violence is the legacy of centuries of colonial exploitation and that, in order to eradicate it, it is necessary to move towards structural changes. However, while other States have begun to investigate and repair their involvement in the transatlantic trade of enslaved Africans and colonialism, in Spain there has been no official postulate on reparatory justice to address past historical injustices.



Spain has an Historical Memory Law since 2007 which recognizes the victims on both sides of the Spanish Civil War and gives rights to their descendants, but no reparations measures have ever been considered for the descendants of the victims of slavery, despite Spain's participation in crimes against humanity. The absence of reparations for the genocides carried out during the colonial era reinforces the thinking that Black lives are worth less than the lives of white people.

Recommendations:

1. The launch of a second Decade for people of African descent, starting in 2025, would give UN member states another opportunity to engage in dialogue with Afro-descendant communities and put their experiences and demands at the centre of political agendas. The new Decade should be implemented with a restorative justice approach that seeks to repair the cultural and historical harms of the past, and to create a present and a future in which Afro-descendants can thrive.
2. 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.

