

ECRI REPORT ON QN?GL

(sixth monitoring cycle)



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 20 March 2025; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on Spain on 5 December 2017, progress has been made and good practices have been developed in a number of fields.

A new Comprehensive Law on Equal Treatment and Non-Discrimination has been adopted. It foresees the creation of the Independent Authority for Equal Treatment and Non-Discrimination. This new equality body is expected to largely comply with the requirements of ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level.

A new legislation has also been adopted in the field of LGBTI equality. Among others, it facilitated the process of legal gender recognition and introduced a legal ban on conducting and promoting any practices aimed at "modifying" sexual orientation or gender identity of a person.

In the field of combating hate speech, high-level political figures have frequently engaged in counter-speech, speaking up against all forms of racism and intolerance and efforts have been made to tackle hate speech online, including by adopting the Protocol to Combat Illegal Hate Speech Online.

Several measures have been taken to increase the capacity of law enforcement officials and prosecutors to respond to hate crimes. They included the creation of the National Office for Combating Hate Crimes and of the position of Coordinating Prosecutor for Hate Crimes and against Discrimination, as well as ensuring that law enforcement officials and prosecutors receive initial and ongoing training on topics related to hate crime.

In the field of migrants' integration and inclusion, significant efforts have been made to integrate Ukrainian children into schools following their arrival after February 2022 as a result of the Russian Federation's war of aggression against Ukraine.

There has also been progress regarding the education of Roma children, including due to initiatives focused on tailored support to Roma children, their families and schools implemented by civil society organisations.

There have been some initiatives by local and regional authorities aimed at awareness-raising and assistance to victims of discrimination, including by creation and running of local offices for non-discrimination.

ECRI welcomes these positive developments in Spain. However, despite the progress achieved, some issues give rise to concern.

Despite the expiry of the six-months' deadline set out in legislation, the Independent Authority for Equal Treatment and Non-Discrimination has not yet been created.

LGBTI persons continue to be confronted with prejudice and discrimination in their everyday life and access to gender-affirming health care still poses challenges.

Hate speech persists especially in political speech and online and mostly target Roma, migrants, Muslims and people of African descent. There has also been an increase in hate speech against Jewish and transgender persons. Despite regular collaboration between the authorities and social media platforms, prompt and appropriate action is not always taken by the platforms, some of which have reportedly fewer barriers to the proliferation of hate speech.

Underreporting of hate crimes continues to be a key issue, motivated among others by a reported lack of trust in the justice system by victims and groups most at risk.

When it comes to the integration and inclusion of migrants there is a lack of effective coordination of policies between national, regional and local levels. One of the most vulnerable groups of migrants are young people who arrived in Spain as unaccompanied children. When they reach the age of 18, they often find themselves in a precarious situation, facing difficulties to find employment and accommodation.

Roma are said to be one of the most marginalised communities in the country. Efforts on Roma inclusion are heavily influenced by political disputes or disagreements between different levels of government or between political parties, leading to a lack of continuity and focus. Roma children still face significant challenges in schools with high level of school failure and drop out and a low level of educational attainment. They are also incorporated into education later than other children and often study in segregated schools.

There are reports of racial profiling by law enforcement officials, targeting especially migrants, people with migration backgrounds, people of African descent and Roma.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

The authorities should take the necessary steps to ensure that the Independent Authority for Equal Treatment and Non-Discrimination is established without further delay and that it is appropriately staffed, funded and fully functional, in line with ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. Civil society organisations should be involved in the selection process of the President of the Independent Authority.*

In the field of LGBTI equality, the authorities should intensify their efforts to ensure, as far as possible, that transgender people have safe, affordable and timely access to necessary gender-affirming treatment.

The authorities should reinforce their action to tackle hate speech online by: i) further strengthening mechanisms for the reporting of cases of online hate speech to public authorities and private actors and increasing their awareness among the general public and groups of concern to ECRI; ii) using all available avenues to ensure that social media platforms fully comply with legislation on content moderation and removal of hate speech; and iii) fostering relations between authorities, civil society organisations, and social media platforms.

The authorities should consult with a broad range of civil society organisations and members of groups of concern to ECRI in order to take specific action aimed at tackling the underreporting of racist and LGBTI-phobic hate crimes. Such action should include awareness-raising activities about victims' rights

and available remedies, support to civil society organisations providing legal assistance to victims, and improved dialogue and cooperation between law enforcement agencies and groups of concern to ECRI, such as foreign nationals (in particular migrants), people of African descent, Muslims, LGBTI people and Roma.

In the area of integration and inclusion of migrants, the authorities should take resolute action across the country to ensure a smooth transition of young migrants who arrived in Spain as unaccompanied children from the child protection system to independent adult living, including by developing specific inclusion programmes to support them in finding suitable accommodation, completing their education and finding employment.

When it comes to inclusion of Roma, the authorities should launch an urgent, long-term and well-resourced initiative aimed at improving the educational attainment of Roma, including by: i) supporting the enrolment of Roma children in early, non-obligatory education; ii) providing tailored support to Roma pupils, their families and schools, during primary and secondary education, to decrease performance gaps and school drop-out rates, especially by devising support measures specifically targeting Roma pupils aged 14-16; and iii) increasing resources to schools and training to teachers that implement specific educational projects to Roma pupils.

The authorities should introduce an effective system of recording identity checks by law enforcement officials, as part of a policy aimed at detecting and addressing any racial profiling practices affecting in particular people of African descent, migrants and people with a migration background, as well as Roma.*

* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies¹

1. In its fifth report on Spain (§ 27), ECRI recommended the authorities to take urgent steps to set up an independent equality body or to ensure that the Council for the Elimination of Racial and Ethnic Discrimination (CEDRE) is fully independent and provided with the competences and powers outlined in ECRI's revised General Policy Recommendation (GPR) No. 2 on equality bodies to combat racism and intolerance at national level. Therefore, ECRI welcomes the adoption of the 2022 Comprehensive Law on Equal Treatment and Non-Discrimination (Law No. 15/2022), which foresees the creation of the Independent Authority for Equal Treatment and Non-Discrimination.²
2. The Independent Authority will have its own legal personality and will be given functional autonomy and independence from the government, with a mandate to promote and protect equal treatment and non-discrimination on several grounds. It will provide support and guidance to victims of discrimination, handle discrimination complaints, impose administrative sanctions, facilitate mediation (excluding on criminal or labour disputes), initiate investigations into serious discrimination cases and pursue legal actions. It will also issue opinions on relevant legislation, produce periodic monitoring reports and participate in relevant consultative committees.³ ECRI notes that, at least from a formal standpoint, the Independent Authority is expected to largely comply with the requirements of ECRI's revised GPR No. 2.
3. However, ECRI regrets that the Independent Authority has not yet been created, despite the six-months' deadline set out in legislation having expired in January 2023.⁴ The Spanish authorities informed ECRI of their ongoing efforts to address this situation. The next steps include the selection and appointment of the President of the Independent Authority,⁵ the elaboration and approval of its internal regulation and operational framework and the allocation of its budget and staffing.⁶ There is no formalised process through which organisations representing or working with groups most exposed to discrimination and intolerance can participate in the selection of the President.
4. ECRI recommends, as a matter of priority, that the authorities take the necessary steps to ensure that the Independent Authority for Equal Treatment and Non-Discrimination is established without further delay and that it is appropriately staffed, funded and fully functional, in line with ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. Civil society organisations should be involved in the selection process of the President of the Independent Authority.
5. While it has not been an equality body proper,⁷ ECRI takes positive note of the work done by the Council for the Elimination of Racial or Ethnic Discrimination (CEDRE). In particular, CEDRE funds and coordinates the Victims' Assistance

¹ The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2, which was published on 27 February 2018.

² See, in particular, Title III of [Law 15/2022](#).

³ See, in particular, Articles 40-41 of Law 15/2022.

⁴ Additional Provision One of Law 15/2022.

⁵ The President of the Independent Authority is appointed by the Government via Royal Decree, subject to approval by absolute majority before the relevant committee of the Congress of Deputies.

⁶ See, respectively, Articles 41-42 and the Additional Provision One of Law 15/2022.

⁷ CEDRE operates under the Spanish Ministry of Equality. For more information on CEDRE, see: ECRI (2018a): §§ 23-25; European network of legal experts in gender equality and non-discrimination (2024a): 105-120.

Service, which is available in-person through a network of 23 offices, as well as by phone and by email. The Service provides support and advice to individuals who have been discriminated against because of their racial or ethnic origin.⁸ The awareness-raising campaigns and recommendations issued by CEDRE can also have a positive impact in the field of equality.⁹ ECRI welcomes the significant increase of CEDRE's budget in the past years and considers the operation of the Victims' Assistance Service, which is implemented in cooperation with several NGOs, a **good practice**.¹⁰ At the same time, it notes that the scope of CEDRE's work will have to be redefined when the new equality body is established.¹¹

6. While not having an equality body function, the Spanish Ombudsman is an independent and constitutionally-entrenched institution responsible for promoting and protecting human rights and supervising the activity of public administrations, including in the field of equality and non-discrimination.¹² It has acted on several individual cases and investigated general issues in this field.¹³ In the light of recent legislative changes and the coexistence of several bodies with mandates in the field of equality and non-discrimination, ECRI invites the authorities to encourage cooperation and complementarity among them, while respecting their independence, and to increase public awareness about these bodies and the available complaint mechanisms.¹⁴

B. Inclusive education¹⁵

7. ECRI notes that, in Spain, school curricula are set at the level of autonomous communities,¹⁶ subject to minimum requirements established nationally,¹⁷ and that schools have a high level of autonomy in their implementation. Hence, the level of teaching on human rights, including education on diversity, may vary between regions and schools.¹⁸ Issues related to human rights, equality and diversity are most commonly treated in the "Education in Civic and Ethical Values" course and integrated across other school subjects.
8. ECRI notes that some efforts have been made to include teaching of Jewish and Roma history and culture in Spanish schools. The authorities organised events related to combating antisemitism through education and worked with the State Council of Roma People in order to develop educational materials on Roma history and contribution to Spanish culture.¹⁹ ECRI considers those initiatives as **promising practices**.

⁸ In 2023, the Victims' Assistance Service received 2582 cases of discrimination across Spain. See: CEDRE (2024): 8.

⁹ CEDRE (2023a).

¹⁰ The government increased the resources of CEDRE considerably in 2022, from around €400 000 to €1.2 million.

¹¹ ECRI was informed by the authorities that the Ministry of Equality has developed a new draft regulation on CEDRE in order to adapt its competences and composition following the creation of the new Independent Authority.

¹² This body is also the National Human Rights Institution in Spain. See: GANHRI (2024): 34-36.

¹³ Defensor del Pueblo (2024): 184-192.

¹⁴ Only 20% of individuals surveyed by CEDRE in 2020 were aware of entities that address issues of discrimination. Of these, 64% could name national NGOs and only 18% were aware of public bodies. See: CEDRE (2021a).

¹⁵ This section deals with education policies that aim to combat exclusion and marginalisation through an inclusive education devised for all, and to create an inclusive society respectful of diversity in accordance with sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education. It relates to education for all children and young people. Specific measures for the education of migrants and children belonging to minority groups are dealt with under the heading of integration and inclusion.

¹⁶ The terms "autonomous communities" and "regions" are used in this report interchangeably.

¹⁷ See Royal Decree [No. 157/2022 of 1 March 2022](#) establishing minimum requirements for the primary education and Royal Decree [No. 217/2022 of 29 March 2022](#) establishing minimum requirements for the secondary education.

¹⁸ See for instance in respect of teaching on LGBTI equality, IGLYO (2022): 145.

¹⁹ Spanish Ministry of Education and Professional Training (2020) and (2021).

9. It notes, however, that due to the decentralised system of education, the level of their implementation is not consistent across regions and schools.²⁰ Moreover, ECRI interlocutors pointed to a general lack of initiatives on inclusive teaching about the history of people of African descent and Muslims in Spain. As a result, society at large often lacks knowledge about the history of those groups in particular, including about the continued impact of colonialism and slavery on structural inequalities in Spain.²¹ This may contribute to perpetuating stereotypes, as well as to the feeling of exclusion from historical narratives by persons belonging to groups of concern to ECRI.²²
10. ECRI recommends that the authorities step up their efforts to ensure that school education across all regions is used as a tool to effectively address racial and other prejudices and stereotypes and contribute to better living together in an intercultural world. In particular, they should strengthen equality and history teaching in such a way as to encompass the historical dimensions of racism and inequalities, including colonialism, slavery and the history and culture of different ethnic and religious groups living in Spain. In developing such teaching, the authorities should work with representatives of groups of concern to ECRI.
11. Racist and LGBTI-phobic bullying reportedly remains a problem in Spanish schools.²³ While some autonomous communities introduced an obligation to report incidents of bullying to relevant regional authorities, there is apparently no system of gathering such data at the national level.²⁴ The national authorities have implemented some measures aimed at supporting victims of school bullying. For instance, they promote and support a 24/7 telephone and online service offering psychological, social and legal guidance to educational professionals and victims.²⁵ ECRI considers the operation of this helpline a **promising practice** and commends the fact that data on the incidents reported to the helpline is made public.²⁶
12. Yet, ECRI notes that information about the services rendered by the helpline cannot substitute a comprehensive data-gathering mechanism about incidents occurring in all schools. ECRI invites the authorities to put in place a comprehensive national system of monitoring racist and anti-LGBTI incidents in schools, gathering data on such cases, including on specific reasons for bullying behaviour and to develop more targeted responses to it.
13. On a related note, ECRI welcomes initiatives addressed to teachers and aimed at combating LGBTI-phobia in schools, including by working with civil society

²⁰ See Spanish Ministry of Education, Culture and Sport (2017). See also Asociación de Enseñantes con Gitanos (2023): 29.

²¹ In this respect, see also UN WGEPAD (2018): §§ 42 and 72 and UN General Assembly (2020), § 78.

²² See, for instance, Spanish Ministry of Inclusion, Social Security, and Migration (2023a): 57-58 and Council of Europe Observatory on History Teaching in Europe (2024): 79.

²³ In a 2023 survey conducted by the EU Fundamental Rights Agency, 66% of surveyed LGBTI persons in Spain indicated that they had been ridiculed, teased, insulted or threatened during their school education because of being LGBTI, which constitutes an increase in comparison with 49% of respondents in 2019 (EU FRA (2024e): 59). Another study indicated that 58% of transgender students had experienced some form of transphobia during their school years (such as insults, harassment, threats, cyberbullying, and different forms of violence) with approximately 15% of those acts being committed by teachers (FELGTBI+ (2019): 22). Regarding racist bullying, a study conducted among potential victims of discrimination indicated that 20.1% of surveyed persons attending school experienced some form of discrimination (a rise from 12.5% in a similar study conducted in 2013) and 14% teasing, insults and bullying by other students on the basis of their ethnicity. The problem impacted especially students of Roma, East Asian and non-Mediterranean African origins (CEDRE (2020): 103-104).

²⁴ IGLYO (2022): 145.

²⁵ The service is run by the ANAR Foundation and receives support and financing from the authorities. See also its [website](#).

²⁶ In the school year 2021/2022, the service received reports about 2 296 cases qualified as potential cases of harassment in schools. Out of those, 159 cases (6.9%) concerned students who might have been targeted on the basis of the fact they were foreigners or could be perceived as having “cultural differences”, 108 cases (4.7%) were deemed as related to sexual orientation, and 38 cases (1.7%) - to gender identity of the victims. See Spanish Ministry of Education and Professional Training (2023): 28.

organisations on the delivery of training and awareness-raising activities.²⁷ It encourages the authorities to ensure that such activities are conducted in all regions and that similar initiatives focusing on the prevention of racist bullying and discrimination are also developed.

C. Irregularly present migrants

14. According to Eurostat, in 2023, 90 860 non-EU citizens were found to be irregularly present in Spain, while in 2022, 68 100 cases were recorded.²⁸ However, according to estimates, the number of irregularly present migrants may surpass 500 000.²⁹
15. ECRI welcomes that under the Spanish law, access to education and health care is guaranteed to all persons residing in the country, regardless of migration status. However, especially in the field of health care, the way in which this access is operationalised depends on regional authorities, which may establish additional conditions, such as the requirement of minimum length of residency.³⁰ Other obstacles in accessing health care may include a lack of knowledge of the applicable procedures by health care professionals, language barriers,³¹ problems regarding registration with municipalities,³² and lack of access to digital services necessary for making appointments.³³ ECRI invites the authorities to take the necessary measures to overcome those obstacles and ensure that effective access to emergency health care and other necessary health care is granted to irregularly present migrants throughout the country.
16. On a positive note, it seems that while there are no legal provisions establishing firewalls that would prohibit medical and educational professionals from reporting irregularly present migrants to the immigration authorities, in practice generally no such reporting takes place.³⁴ The same cannot be said about access to justice. Despite recommendations made by the Ombudsperson,³⁵ irregularly present migrants who report crimes committed against them are routinely questioned on their legal status and may be sanctioned for irregular stay or deported. This results in an unwillingness to approach law enforcement officials and contributes to the problem of underreporting of offences committed against irregularly present migrants.³⁶ ECRI encourages the authorities to take action in the light of the relevant recommendations of the Ombudsperson and to ensure procedures for safe reporting of all crimes for irregularly present migrants.
17. Many reports indicate that irregularly present migrants often live in destitute conditions in informal settlements, where they do not have access to basic amenities and do not receive support apart from humanitarian aid provided by civil society organisations.³⁷ ECRI invites the authorities to develop a framework that ensures the right to emergency accommodation for irregularly present migrants.

²⁷ See, for example, Cogam (2023): 8

²⁸ In 2021, this number amounted to 30 615; in 2020 to 72 265 and in 2019, to 62 865 (Eurostat (2025)).

²⁹ AIDA (2024a): 159.

³⁰ FISJ (2024): 26. See also Council of Europe, Commissioner for human rights (2023): § 30-31.

³¹ In this context, ECRI welcomes information that some health facilities, for example in [Madrid](#) and [Guadalajara](#), benefit from the assistance of cultural mediators who support patients who are not fluent in Spanish.

³² In Spain all residents, notwithstanding their legal status, have an obligation to register with the municipality in which they reside. The registration gives them access to services, including those provided by the municipality. On the challenges related to this process see Spanish Ministry of Health (2022): 6-8; CEAR (2023): 6 and FISJ (2024): 28-29.

³³ AIDA (2024a): 126; Médicos del Mundo (2024): 12 and 20. Those problems were especially visible during Covid-19 pandemic. See Amnesty International Spain (2021): 49-53; Newtral (2021, August 25).

³⁴ See, however, Defensor del Pueblo (2023): 179 and Defensor del Pueblo (2022): 163-165.

³⁵ Defensor del Pueblo (2024): 186-187 and Defensor del Pueblo (2021b): 300. See also State Prosecutor's Office (2023b): 7.

³⁶ Cuesta García, A., Martínez Salguero, D. (2023): 81. See also PICUM (2022): 19-23.

³⁷ See for instance Spanish Red Cross (2022): 31, Fundación Foessa (2023): 4 and 6.

18. Irregularly present migrants also face a high risk of labour exploitation, especially in the field of agricultural work. In this respect, reference is made to the recommendations of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA).³⁸

D. LGBTI equality³⁹

19. On the 2024 Rainbow Europe Map and Index for Europe, Spain ranks fourth out of 49 countries, with an overall score of 76.41%.⁴⁰ Since ECRI's previous report on Spain, the most significant advance in the legal framework was achieved with the adoption of the 2023 Law on LGBTI equality⁴¹ (Law No. 4/2023), which prohibits discrimination based on sexual orientation, gender identity, gender expression and sex characteristics in main areas of life. ECRI particularly welcomes that, as recommended in its fifth report on Spain (§ 99), the new legislation also aims at facilitating the process of legal gender recognition, which now no longer requires any medical diagnosis or proof of treatment. It also positively notes that the Law on LGBTI equality introduced a ban on conducting or promoting any practices aimed at "modifying" sexual orientation or gender identity of a person (so-called conversion practices).⁴² ECRI highly commends the adoption of this new legislation.
20. According to the Law No. 4/2023, the governmental policy regarding LGBTI equality should be set in a National Strategy for Equal Treatment and Non-Discrimination of LGBTI Persons.⁴³ The four-year Strategy is to be adopted by the government after consultations with civil society and autonomous communities and aims at providing coordination in the promotion of LGBTI equality at national and regional levels. However, at the time of ECRI's 2024 visit to Spain, the document was still being developed. The same was true for the second policy document provided for by the new legislation – the National Strategy for the Social Inclusion of Transgender Persons, which is to contain positive measures to be implemented in order to promote and ensure equality for transgender persons, in particular in the fields of employment, education, health and housing.⁴⁴ ECRI encourages the authorities to intensify their efforts to adopt both national strategies and to ensure their full implementation.
21. ECRI regrets to note that LGBTI persons are still confronted with prejudice and discrimination in their everyday life. According to a survey conducted among LGBTI persons by the EU Fundamental Rights Agency (EU FRA) in 2023, 53% of respondents from Spain had experienced, in the 12 months before the survey, some form of harassment due to being LGBTI. Thirty-seven percent of respondents felt discriminated against in employment, healthcare, education, housing or other areas of life (in comparison to 42% in 2019).⁴⁵ When asked about discrimination in employment, 19% of respondents declared that they had been discriminated against at work or when looking for work and 38% indicated that they often or always hid being LGBTI at work.⁴⁶ Sixty-six percent of respondents considered that the level of prejudice and intolerance against LGBTI persons in

³⁸ See especially findings and recommendations in GRETA (2023): §§ 185 and 190.

³⁹ For terminology, see ECRI's [glossary](#).

⁴⁰ ILGA Europe (2024b).

⁴¹ [Law No. 4/2023](#) of 28 February 2023 for real and effective equality of transgender persons and the guarantee of the rights of LGBTI persons. The law came into force on 2 March 2023.

⁴² The practice of conducting such practices have been reported in recent years by some civil society organisations. See ILGA Europe (2022): 132; ILGA Europe (2023): 136.

⁴³ Article 10 of the [Law No. 4/2023](#).

⁴⁴ Article 52 of the [Law No. 4/2023](#).

⁴⁵ EU FRA (2024e): 28 and 69.

⁴⁶ EU FRA (2024e): 38 and 41.

Spain increased in the five preceding years.⁴⁷ The level of prejudice, especially in employment, seems to be higher as regards transgender and intersex persons.⁴⁸

22. Against this background, ECRI welcomes a new regulation that obliges all companies with more than 50 employees to develop measures for ensuring LGBTI equality, including the adoption of protocols against violence and harassment targeting LGBTI persons in the workplace.⁴⁹ It also positively notes some local initiatives aimed at supporting employers in creating an inclusive working environment for transgender employees,⁵⁰ national campaigns highlighting the importance of respecting sexual and gender diversity,⁵¹ and the launch of a 24/7 helpline aimed at supporting victims of discrimination based on LGBTI-phobia.⁵²
23. It emerged during the 2024 visit that, despite some positive developments, including the establishment of reference centres for health care for transgender persons, access to gender-affirming care still poses challenges. Interlocutors met by the ECRI delegation during the visit indicated that, while in most regions such healthcare is covered by public insurance, the number of specialised health care facilities is still insufficient and that waiting times for more complex forms of treatment (especially surgical) can extend to a few years.
24. ECRI recommends that the authorities intensify their efforts to ensure, as far as possible, that transgender people have safe, affordable and timely access to necessary gender-affirming treatment.
25. As regards intersex persons, prior to 2023, at least 13 autonomous communities had adopted legal provisions prohibiting non-consensual medical interventions on intersex children to modify their sex characteristics (so-called sex-normalising surgeries).⁵³ The 2023 Law on LGBTI Equality introduced such a ban at national level, prohibiting all genital modification practices on persons under the age of 12, unless there are medical indications to protect their health. After the age of twelve, such modifications may be performed only at the request of the child concerned.⁵⁴
26. The new law also obliges public administration to promote the development of protocols for medical care for intersex children ensuring their participation in the decision-making process and providing counselling for intersex children and their families. It also prescribes training for health care personnel. Nonetheless, according to interlocutors met by the ECRI delegation during the visit, the level of knowledge about intersex health among health professionals still significantly varies between regions and medical facilities, and there is an overall lack of sufficient counselling and support, especially for parents of intersex children. In this context, ECRI welcomes some initiatives aimed at increasing knowledge about

⁴⁷ EU FRA (2024c): 2; EU FRA (2024e): 81.

⁴⁸ See: Inclusion 4 All (2022): 27 as concerns transgender, intersex and non-binary persons in Catalonia and Spanish Ministry of Equality (2022): 49-51 as regards transgender persons at national level.

⁴⁹ Article 15 of the [Law No. 4/2023](#) and a [Royal Decree No. 1026/2024](#) of 8 October 2024 developing the planned set of measures for the equality and non-discrimination of LGTBI persons in companies. The law also provides that the LGBTI Participation Council – an advisory body comprised of the representatives of public administration and civil society will compile and disseminate good practices aimed at ensuring LGBTI equality in workplace.

⁵⁰ See, for instance, an initiative by the city of Madrid to develop, in cooperation with civil society, a guide for companies (Ayuntamiento de Madrid (2020)). Some initiatives with a similar goal have also been undertaken by civil society organisations. For instance, Federación Estatal LGTBI+ runs a programme entitled [“YesWeTrans”](#) as a part of which it supports companies in creating inclusive and safe working environment for transgender workers and provides training and support for transgender persons.

⁵¹ See, for instance, campaigns [“España es orgullosamente diferente”](#) (Spain is proudly different) and [“Diferentes es iguales”](#) (Different is Equal) organised by the Ministry of Equality.

⁵² For more information, see Infobae (2023, July 5); ElDiario.es (2023, July 5). From 5 July 2023 to 31 August 2024, the helpline was contacted 14 933 times (mostly through phone calls, but also chat messages and emails) – see Atenzia (2024): 3.

⁵³ ILGA World (2023): 84-87.

⁵⁴ Article 19 of the [Law No. 4/2023](#). Violation of this prohibition is considered a serious administrative offence and may result in a fine up to 150,000 euros, withdrawal of public subsidies or public contracts, closure of the facility that violated the ban or cessation of professional activity by a person for a period of up to three years (Article 79 and 80 of the of the [Law No. 4/2023](#)).

intersex persons, including the organisation of conferences and events on the occasion of the Intersex Awareness Day.⁵⁵ It is also pleased to note that, in 2023, the Balearic Islands adopted Spain's first medical healthcare protocol for ensuring comprehensive healthcare to intersex persons.⁵⁶

27. ECRI recommends that the authorities further intensify their efforts to protect the human rights of intersex persons, in line with ECRI's General Policy Recommendation No. 17 on combating intolerance and discrimination against LGBTI persons, by ensuring that: i) all autonomous communities have in place protocols for health care for intersex persons based on their right to bodily integrity and diversity; ii) health professionals receive suitable training on the application of those protocols and; iii) appropriate counselling is easily available to intersex persons and their families.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A. Hate speech⁵⁷

28. Since 2020, the Observatory of Racism and Xenophobia (OBERAXE), which falls under the Ministry of Inclusion, Social Security and Migration, monitors hate speech in social media platforms.⁵⁸ It publishes a bulletin outlining the results of its monitoring every two months as well as a detailed annual report with disaggregated data and analyses on online hate speech. ECRI welcomes the work of OBERAXE in collecting and providing official, periodic and disaggregated data on online hate speech. According to the latest annual report by OBERAXE, of the 2 655 cases reported in 2023, hate speech in social media targeted predominantly people from North Africa (33.7%), Muslim people (26.2%) and people of African descent (23.7%).⁵⁹
29. Reports and surveys about anti-Roma hate speech, including online, show that this phenomenon persists. The Fundación Secretariado Gitano (FSG) reported 217 such cases in 2023, an increase from 189 cases in 2022.⁶⁰ An EU FRA survey has also revealed that 39% of Roma respondents had already experienced hate-motivated harassment in recent years.⁶¹ In addition, some traditional and online media have reportedly promoted a stereotyped and derogative image of Roma in their reporting. FSG found 68 such cases concerning Roma in 2022, for example where journalists have stressed a perpetrator's ethnicity despite this not being relevant for the reporting.⁶² This practice contributes to perpetuating antigypsyism in Spain, which at times manifests in episodes of violence.⁶³ During the visit, the ECRI delegation also heard that hate speech targeting Roma was rampant in comment sections of online media, with a failure of media outlets to moderate and, where necessary, remove this content.⁶⁴
30. It also emerges from the findings of the ECRI visit that hate speech targets migrants, especially those from North Africa. In particular, unaccompanied migrant

⁵⁵ See, for instance, [information](#) about a conference organised in 2022 by the Ministry of Equality with participation of civil society.

⁵⁶ The protocol is based on the principle of avoiding unnecessary surgical interventions and provides for psychological and social care for intersex persons and their families. See, Govern de les Illes Balears (2023, January 10); Europa Press (2023, March 30).

⁵⁷ See definitions of hate speech and hate crime in ECRI [glossary](#).

⁵⁸ OBERAXE is, among others, mandated to analyse the situation of racism and xenophobia through surveys, reports, and studies, in accordance with the provisions of [Royal Decree 497/2020](#) and [Royal Decree 216/2022](#).

⁵⁹ OBERAXE (2024): 21-25. Provisional [data](#) shows that OBERAXE has identified 2 872 cases of online hate speech in 2024.

⁶⁰ FSG (2023a): 14-15.

⁶¹ 39% of Roma respondents reported having had an experience of harassment because of being Roma in the five years prior to the survey. See: EU FRA (2023b). See also FSG (2021) as regards the situation during the Covid-19 pandemic.

⁶² FSG (2023a): 29.

⁶³ See: FSG (2023a): 229-233; CEDRE (2022).

⁶⁴ FSG (2023a): 13-14.

children are subjected to explicit aggressive language and are depicted as a threat to public security.⁶⁵ ECRI is seriously concerned that political speech, in particular by far-right political parties, relies heavily on divisive and hateful speech against migrants, for example through the spread of misinformation or disinformation associating migrants with criminality or as a burden to the social system.⁶⁶

31. ECRI is also alarmed by anti-Muslim hate speech in Spain, notably on social media and in the political sphere. Anti-Muslim narrative reportedly often resorts to pseudo-historical narratives about the Arab conquest of Spain and against the so-called “current Islamisation” of the country, using imagery and text presenting Muslim people as a threat to Spanish society and culture.⁶⁷
32. Antisemitic hate speech in Spain have reportedly increased sharply following the Hamas terror attack on 7 October 2023 and Israel’s subsequent war in Gaza.⁶⁸ The Jewish community has reported concerns over what it sees as an increasingly antisemitic environment in Spanish universities and in the political sphere.⁶⁹
33. Surveys also point to an increase in LGBTI-phobic incidents in the past years. ECRI is particularly concerned with information indicating a rise of hate speech targeting transgender people, which very often incites to violence and discrimination.⁷⁰
34. People of African descent are reportedly often targeted by online hate speech. During ECRI’s visit to Spain in 2024, several interlocutors expressed that this reflects widespread anti-Black racism in the country.⁷¹ According to a study commissioned by the Ministry of Equality, 72% of individuals of African descent reported having experienced discrimination because of their ethnicity or skin colour.⁷²

Responses to hate speech

35. In 2022, legislative changes were adopted that, once implemented, are expected to lead to a more robust framework against hate speech.⁷³ For example, antigypsyism was included as a separate ground for discrimination and hate crime, which was widely welcomed by civil society organisations.⁷⁴ An administrative framework is also expected to address offensive or discriminatory speech and

⁶⁵ Unaccompanied migrant children are frequently depicted as a threat to society (45% of hate speech targeting this demographic), are associated with public insecurity (65%), and subjected to explicit aggressive language (52%). See: OBERAXE (2024): 36.

⁶⁶ El Español (2021, 20 April); La Sexta (2021, 20 April); El País (2021, 21 April); El País (2021, 29 October).

⁶⁷ A quarter of online hate speech reported by OBERAXE in 2023 was anti-Muslim. See: OBERAXE (2024): 24; Observatorio Andalusi (2024); Bayrakli and Hafez (Eds.) (2023): 518-547.

⁶⁸ While only representing 4% of the cases reported in 2023, OBERAXE pointed to an increase in antisemitic hate speech online and noted that 41.4% of the content directed against Jewish people were linked to the conflict in the Middle East. See: OBERAXE (2024): 23-24; Observatorio Antisemitismo (2024).

⁶⁹ According to the EU FRA, 36% of Jewish respondents in Spain reported having experienced an antisemitic harassment in the year before the survey. See: EU FRA (2024d): 1-2; Observatorio Antisemitismo (2024); El Debate (2024, 8 April). See, in this connection: [ECRI's Statement on the rise of antisemitism in Europe as a result of the current conflict in the Middle East](#).

⁷⁰ ILGA Europe (2024a); Lambda (2024); Observatori contra l’LGTBI-fòbia (2024); Arcòpoli (2024); EU FRA (2024b).

⁷¹ 23.7% of online hate speech reported by OBERAXE in 2023 targeted people of African descent. See: OBERAXE (2024): 23-24.

⁷² This concerns ‘Black Africans’, while it is 74% for Afro-descendent Latin Americans. See: Spanish Ministry of Equality (2025): 61.

⁷³ Reference is made in particular to [Comprehensive Law 15/2022](#), [Organic Law 6/2022](#), and the Spanish Criminal Code ([Organic Law 10/1995](#)). See also: European network of legal experts in gender equality and non-discrimination (2022).

⁷⁴ While discrimination and hate crime targeting Roma were already prohibited under the ground of “ethnicity”, Roma NGOs had called for the legal recognition of “antigypsyism” as a distinct form of racism. The State Prosecutor’s Office also viewed this development positively, considering it an acknowledgment of the historical discrimination faced by Roma in Spain and as a way to improve data collection and provide legal and social visibility to the issue. See: FSG (2022); Asociación de Enseñantes con Gitanos (2022); State Prosecutor’s Office (2023a): 971.

behaviours that do not reach the criminal threshold⁷⁵, through the future Independent Authority (see Section I.A. of the present report).

36. Under the Strategic Framework for Citizenship and Inclusion, against Racism and Xenophobia (2023-2027), the authorities commit to combating hate speech, for example through supporting the capacity of local authorities, encouraging the adoption of local and regional strategies and promoting citizens' awareness.⁷⁶ ECRI welcomes the adoption and implementation of the "II Action Plan to Combat Hate Crimes (2022-2024)", which included measures to tackle hate speech of a criminal nature.⁷⁷ ECRI encourages the authorities to consult and involve groups of concern to ECRI and civil society organisations in the elaboration and implementation of the "III Action Plan to Combat Hate Crimes", which should include robust and concrete measures to prevent and combat hate speech.⁷⁸
37. ECRI positively notes that high-level political figures, including the President of the Government, frequently engage in counter-speech, for example speaking up against all forms of racism and intolerance. ECRI encourages the authorities, through high-level representatives and other public officials, to continue to take a prompt, firm and public stance against racist and LGBTI-phobic hate speech and react to any such expression with strong counter messages.⁷⁹
38. In 2023, civil society organisations jointly called on political parties to adopt a State Pact against Hate Speech, with a particular focus on eradicating hateful and discriminatory speech in the political and public spheres.⁸⁰ In September 2024, the Spanish Parliament established a Sub-Commission on the Fight against Hate Speech, with the goal to analyse the situation of hate speech in Spain.⁸¹ ECRI invites the authorities to encourage all political parties in Spain to sign to the Charter of European political parties for a non-racist and inclusive society, as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).⁸²
39. In 2021, the authorities adopted the Protocol to Combat Illegal Hate Speech Online, which outlines measures for collaboration between public authorities, internet platforms, and civil society to ensure the rapid detection, reporting, and removal of hateful content online.⁸³ ECRI considers the adoption of the Protocol a **good practice**.
40. However, as noted by OBERAXE, hate speech remains rampant on social media and only half of the content reported in 2024 was removed by the five monitored platforms.⁸⁴ ECRI acknowledges the collaborative relationship between the authorities and social media platforms. At the same time, it clearly appears that

⁷⁵ The Spanish Criminal Code, in its Article 510, criminalises incitement to hatred, violence, or discrimination against individuals or groups, under several protected grounds. Penalties can include imprisonment, fines, and disqualification from holding public office. If the act takes place online, penalties shall be imposed in the upper half of the penalty range. Article 510 also provides for the removal of any form of criminalised hate speech, including online content.

⁷⁶ Spanish Ministry of Inclusion, Social Security and Migration (2023b). The summary of the Strategy is also available [in English](#).

⁷⁷ Spanish Ministry of the Interior (2022).

⁷⁸ ECRI was informed that the III Action Plan to Combat Hate Crimes (2025-2028), which includes several measures against hate speech, including online, was adopted in March 2025. See: Spanish Ministry of the Interior (2025).

⁷⁹ ECRI refers to its General Policy Recommendation No. 15 on combating hate speech and Recommendation CM/Rec (2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech.

⁸⁰ FELGTBI+ (2023).

⁸¹ Spanish Parliament (2024); Europa Press (2024, 11 September).

⁸² [Charter of European political parties for a non-racist and inclusive society](#).

⁸³ According to this Protocol, a communication channel has been set up in order to facilitate the notification of judicial decisions related to the removal, blocking or limitation of access to illicit online content. According to the authorities, this process has led to a more expedited execution of court orders. See: Spanish Ministry of Inclusion, Social Security and Migration (2021).

⁸⁴ Only 49.4% of the 2 655 incidents were removed by the five platforms (X, Facebook, Instagram, TikTok and Youtube) monitored by OBERAXE in 2023. See: OBERAXE (2024): 22-23.

prompt and appropriate action is not always taken by platforms, some of which have reportedly fewer barriers to the proliferation of hate speech.⁸⁵

41. ECRI recommends that the authorities reinforce their action to tackle hate speech online by: i) further strengthening mechanisms for the reporting of cases of online hate speech to public authorities and private actors and increasing awareness among the general public and groups of concern to ECRI; ii) using all available avenues to ensure that social media platforms fully comply with legislation on content moderation and removal of hate speech; and iii) fostering relations between authorities, civil society organisations, and social media platforms.

The role of the media and self-regulation

42. The Comprehensive Law for Equal Treatment and Non-Discrimination requires public authorities to promote the adoption of self-regulation by the media to ensure compliance with non-discrimination and to promote non-stereotypical portrayals of different groups.⁸⁶ ECRI invites the authorities to encourage further self-regulation in the media, without encroaching on its independence, in order to prevent and combat hate speech, as well as to support relevant training for media professionals on how to recognise, avoid and react to hate speech.
43. In 2021, the NGO Fundación Cepaim launched a campaign calling on media outlets and journalists to commit to ethical reporting by avoiding stereotypes and combating hate speech.⁸⁷ ECRI encourages the authorities to carry out or support similar campaigns.

Countering hate speech in sports

44. ECRI is deeply concerned by reports of hate speech in sports in Spain, which targets people of African descent in particular. A recent study showed that close to half of surveyed athletes have witnessed racial discrimination while practicing sports.⁸⁸ The issue has regularly been raised in football in particular.⁸⁹
45. Spain's Sports Law explicitly prohibits racism and hate speech during sports events. It provides for disciplinary measures, including fines and bans, against individuals or organisations and obliges event organisers to adopt preventive measures.⁹⁰ The State Commission against Violence, Racism, Xenophobia and Intolerance in Sport, established under the Sports Law, monitors, investigates and sanctions incidents of racism and intolerance in sports arenas. It works in coordination with law enforcement agencies, sport leagues and other bodies. At the same time, the Higher Sports Council promotes the implementation of codes of conduct in sports federations and clubs to prevent and sanction racist acts.⁹¹
46. ECRI welcomes the joint initiatives taken by the authorities and private entities in this field. For example, La Liga, the top professional football division in Spain, signed an agreement with the authorities to work together in the monitoring of

⁸⁵ Only 31.5% of the reported content on X were removed in 2023, the lowest among the five monitored platforms. See: OBERAXE (2024): 22-23; Novact (2023).

⁸⁶ Article 22 of [Law 15/2022](#), Comprehensive Law for Equal Treatment and Non-Discrimination.

⁸⁷ More information about this campaign (#CompromisoDesactiva) can be found on the [website](#) of Fundación Cepaim.

⁸⁸ SOS Racismo (2024a): 64.

⁸⁹ The case of the Brazilian football player Vinicius Jr., who has been subject to several episodes of racism and anti-Black hate speech during matches and online, is an illustration of this. See BBC (2023, 23 May); NY Times (2023, 24 October); CEDRE (2023b); CONVIVE Fundación Cepaim (2024a): 17-18.

⁹⁰ See, for example, Articles 3(h) and 869(e) as well as the First Final Provision Article 2 of the [Sports Law 39/2022](#). Moreover, [Instruction 8/2023](#) of the Secretary of State for Security covers the role of the Security Coordinator in preventing racism, xenophobia, and intolerance at public events. The Security Coordinator is a member of the police organisation responsible for directing, coordinating, and organising security services at sporting events.

⁹¹ Information on the [State Commission against Violence, Racism, Xenophobia and Intolerance in Sport](#) and [Higher Sports Council](#).

online hate speech in football through the use of its technological tool.⁹² It also has a “Complaints Protocol” that includes the analysis and referral of racist incidents to appropriate mechanisms and has contributed to their sanctioning by providing evidence to prosecutors.⁹³

47. In June 2024, a Spanish court issued the first-ever conviction for racist insults during a football match.⁹⁴ While acknowledging the many steps taken in this area, the existing legislation and sanctioning mechanisms do not appear to be sufficiently used and racist incidents are reportedly often trivialised, especially when they occur in grassroots or lesser-known sports, outside media attention.⁹⁵
48. ECRI recommends that the authorities: i) ensure that racist incidents in sports are effectively investigated and the available sanctioning mechanisms are used; ii) cooperate with sport leagues and clubs and encourage them to adopt and implement self-regulatory, disciplinary and awareness-raising measures; iii) consult and involve groups of concern to ECRI, in particular people of African descent, in the elaboration and implementation of policy measures in this field, and; iv) organise or finance awareness-raising campaigns against racism in sports at all levels.

B. Hate-motivated violence

49. In addition to criminalised hate speech, the Spanish Criminal Code provides for aggravating circumstances and increased penalty for any hate-motivated crime. It also specifically criminalises hate-motivated threats and intimidation, as well as associations that promote or incite hatred, violence, or discrimination.⁹⁶
50. Since ECRI’s fifth report on Spain, the authorities took significant steps to prevent and combat hate crimes. ECRI welcomes, in particular, the creation of the National Office for Combating Hate Crimes (ONDOD), which has been pivotal for the implementation of relevant action plans.⁹⁷ It has fostered greater inter-institutional cooperation, published several guides and protocols, carried out research, coordinated training for law enforcement officials and increased cooperation with civil society and international partners. ECRI considers this a **good practice**.
51. ECRI also welcomes the creation of the position of the Coordinating Prosecutor for Hate Crimes and against Discrimination, who is responsible, among others, for providing guidance and coordinating over 80 specialised public prosecutors in this area.⁹⁸ Where relevant, they work alongside prosecutors specialised in cybercrimes. ECRI considers the creation of the position of the Coordinating Prosecutor in this area a **good practice**.

Data and underreporting

52. The ONDOD publishes annual reports with data on hate crimes in Spain. In 2023, law enforcement agencies registered 2,268 hate incidents, a 21% increase from 2022. The most common hate elements were related to ‘racism/xenophobia’ (856) and ‘sexual orientation and gender identity’ (522), while the most common types of recorded incidents were ‘threats’ (433), ‘assault’ (376) and ‘incitement to hatred’ (200).⁹⁹ As regards the number of investigations initiated by prosecutors, this has

⁹² La Liga has also several [initiatives against racism](#).

⁹³ La Liga’s [Complaints Protocol](#). See also: BBC (2024, 10 June); El País (2024, 16 October).

⁹⁴ See: El País (2024, 10 June); CNN (2024, 11 June); El País (2024, 26 September).

⁹⁵ SOS Racismo (2024a): 96-101 and (2024b): 30-31; CEDRE (2023b).

⁹⁶ See, among others, Articles 22, 170-1, 515-4, and 522-526 of the Spanish Criminal Code ([Organic Law 10/1995](#)).

⁹⁷ ONDOD operates within the Ministry of Interior. Reference is made to the [first](#) and [second](#) Action Plans to Combat Hate Crime.

⁹⁸ More information can be found at the [webpage](#) of the Public Prosecutor’s Office. See also Final Provision Five of [Law 15/2022](#) amending the Organic Statute of the Public Prosecutor’s Office.

⁹⁹ Spanish Ministry of the Interior (2024): 12-13.

dropped from 236 in 2021 to 166 in 2022. ECRI takes positive note of the increase in convictions for hate crimes, from 91 in 2021 to 152 in 2022.¹⁰⁰

53. ECRI welcomes the collection and publication of data regarding hate crime. It nevertheless appeared during the ECRI visit that there were inconsistencies between the data from different bodies. Prosecutors also highlighted difficulties in ensuring consistent monitoring of hate crime cases throughout their progression, from initial complaints to final court rulings.¹⁰¹ Moreover, the grounds are not sufficiently distinguished or disaggregated. For example, cases are recorded as motivated by 'sexual orientation and gender identity' and 'racism/xenophobia', without further differentiation. Thus, ECRI encourages the authorities to set up a comprehensive data collection system offering an integrated and consistent view of hate incidents, with fully disaggregated data by category of offence, specific hate element and judicial follow-up and outcome. This data should be easily available to the public.
54. Underreporting was identified as a key issue in Spain by nearly all interlocutors with whom the ECRI delegation met during its 2024 visit. According to CEDRE, the rate of underreporting of a racist incident is 82%.¹⁰² This is explained, among others, by an alleged lack of trust in the justice system and public institutions, victims' insufficient awareness about their rights and available remedies and language barriers.¹⁰³ Migrants, in particular from Sub-Saharan and North Africa, are said to face particular challenges in this regard.¹⁰⁴
55. In this context, ECRI welcomes the initiatives taken aimed at tackling underreporting. For example, the CISDO Project, led by OBERAXE, focused on improving the capacity of law enforcement agencies at national and local levels to respond to hate crimes and sought to address underreporting by strengthening communication and cooperation between law enforcement agencies and civil society.¹⁰⁵ ECRI considers this a **good practice**.
56. However, more should be done to address the underreporting of racist and LGBTI-phobic hate crimes, notably by ensuring victims are better aware of their rights and the remedies available to them, further strengthening hate crime victim support and improving the trust of particularly exposed groups in law enforcement agencies. Efforts towards the recruitment and retention of a more diverse composition of law enforcement officials could also be helpful in this regard.
57. ECRI recommends that the authorities consult with a broad range of civil society organisations and members of groups of concern to ECRI in order to take specific action aimed at tackling the underreporting of racist and LGBTI-phobic hate crimes. Such action should include awareness-raising activities about victims' rights and available remedies, support to civil society organisations providing legal assistance to victims, and improved dialogue and cooperation between law enforcement agencies and groups of concern to ECRI, such as people of African descent, Muslims, LGBTI people, Roma and foreign nationals (in particular migrants).

Training of and guidance to relevant professionals

58. As part of the implementation of the "II Action Plan to Combat Hate Crimes (2022-2024)", the Civil Guard established specialised units responsible for

¹⁰⁰ State Prosecutor's Office (2023a): 985-991.

¹⁰¹ Ibid.

¹⁰² CEDRE (2021a): 205-211. Reference is also made to the recommendations by CEDRE in this regard. See: CEDRE (2021b).

¹⁰³ CEDRE (2024a): 18, Accem (2024): 119-128, CEDRE (2023c): 39. Accem (2023): 73-83.

¹⁰⁴ See: Accem (2023 and 2024). Only 6% of Muslim migrants formally reported an Islamophobic incident, according to a recent study. See: Asociación Marroquí para la Integración de Inmigrantes (2024): 98-110.

¹⁰⁵ The CISDO Project (Inter-Police and Social Cooperation Against Hate Crimes) was funded by the European Union and ran from January 2023 to December 2024. More information can be found on the project's dedicated [webpage](#).

handling hate crimes, called Hate Crimes Response Teams (REDO Teams). It complements the work of other units, especially in complex cases, and contributes to awareness-raising and training within the Civil Guard. Similarly, the National Police has put in place Violent Extremism and Hate Teams (EVO Teams), which are tasked with investigating hate crimes at the national and regional levels. ECRI considers the establishment of these specialised units as **good practices**.

59. ECRI welcomes the adoption and regular revision of the protocol of action for security forces regarding hate crimes and discrimination, which was last revised in 2023.¹⁰⁶ It unifies and standardises rules for law enforcement officials in the identification, recording and classification of hate or discriminatory incidents. ECRI also takes positive note of the publication of, among others, the “Guidelines for Assisting Victims of Hate Crimes: Trauma and Stress Factors”, by the Ministry of the Interior.¹⁰⁷
60. Law No. 4/2015 provides for the organisation and functions of the Offices for Assistance to Victims of Crime (OAVD), which carry out an assessment of victims’ circumstances and needs. ECRI welcomes the adoption of the “Guide of Recommendations for the OAVD in the area of Hate Crime Victim Support”, as well as the “Guide for Action in relation to Victims of Hate Crimes with Developmental Disabilities”.¹⁰⁸
61. Spain implemented ODIHR’s Programme on Training Against Hate Crime for Law Enforcement (TAHCLE) in 2019. In addition, members of the Civil Guard and National Police receive initial and continued training on topics related to hate crime.¹⁰⁹ ECRI welcomes the commitment of the authorities to keep providing initial and continued training on hate crime-related issues to law enforcement officials.
62. Prosecutors receive initial, obligatory training on hate crimes and discrimination. Specialised prosecutors on hate crimes receive additional training, while other prosecutors can take them on a voluntary basis.¹¹⁰ In turn, the General Council of the Judiciary provides obligatory initial training on hate speech and hate crime to judges, and further training is offered on a voluntary basis.¹¹¹
63. ECRI commends the authorities for significantly strengthening such training initiatives in the past years. However, the ECRI delegation heard from various interlocutors during its 2024 visit to Spain that there is still an urgent need for more training on hate crimes and discrimination to law enforcement officials, prosecutors, judges and other members of the judiciary. For example, reference should be made to 2024 court rulings in which the penalty was reduced, or the accused exonerated, in cases of sexual assaults on Roma girls, on the ground that the acts were part of the “Roma culture”.¹¹² CEDRE and civil society organisations considered that such decisions were illustrative of the need for further training to criminal justice system actors and for tackling antigypsyism and other forms of racism in Spain more effectively.¹¹³

¹⁰⁶ Spanish Ministry of the Interior (2023a).

¹⁰⁷ Spanish Ministry of the Interior (2023b).

¹⁰⁸ The guides are publicly available on the [website](#) of ONDOD.

¹⁰⁹ See: OSCE-ODIHR (2024).

¹¹⁰ After passing the public exam, future prosecutors are required to receive training on hate crimes and discrimination during their time at the Centre for Legal Studies of the Ministry of Justice. This training covers aspects such as the concept of hate crimes, analysis of the profiles of victims and perpetrators, study of the criminal offenses provided in the Criminal Code, as well as guidelines for investigation and prosecution.

¹¹¹ Information on the curricula is available [here](#).

¹¹² At the time of the 2024 visit, the State Prosecutor was reviewing the rulings and considering action at the level of prosecutors to avoid such outcomes. For more details, see: El País (2024, 30 May); El País (2024, 29 May); La Vanguardia (2024, 30 May).

¹¹³ CEDRE (2024b); FSG (2024).

64. ECRI recommends that the authorities ensure that sufficient, practical and tailored training on hate crimes is part of the compulsory initial and continued training for law enforcement officials and prosecutors. Without prejudice to their independence, strengthened initial and continued training on hate crimes should also be offered to judges. Civil society and groups of concern to ECRI should be involved in the elaboration and, where possible, in the implementation of such training. In this context, due account should be taken of the Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.

III. INTEGRATION AND INCLUSION

A. Migrants

65. According to the data gathered by the National Institute of Statistics, on 1 January 2024, there were 6 502 282 foreigners residing in Spain, which amounted to 13.4% of the population.¹¹⁴ In 2023, 163 220 applications for international protection were lodged. In the same period, 7 330 people were granted refugee status, 3 833 subsidiary protection and 41 487 persons received protection for humanitarian reasons.¹¹⁵ In addition, until 30 October 2024, 226 229 beneficiaries of temporary protection were granted residence permits.¹¹⁶
66. At national level, the main document related to migrant integration and inclusion policies is the Strategic Framework for Citizenship and Inclusion 2023-2027, which focuses on the inclusion of a number of groups, including asylum seekers, beneficiaries of international protection and people with a migration background.¹¹⁷ The Strategic Framework contains actions aimed at preventing discrimination in many areas of life (including education, employment, housing, healthcare, and sport) and active inclusion. However, no budgetary resources have been allocated to the implementation of the Strategic Framework and the special committee that should assess its implementation was still not set up at the time of ECRI's visit. Further, according to ECRI's interlocutors met during the visit, the Strategic Framework lacks sufficiently clear indicators to monitor its implementation and does not address the most urgent problem in the inclusion of migrants, namely the reported lack of effective coordination at national, regional and local levels, which is said to result in different standards and services for migrants depending on the region in which they reside.
67. ECRI is concerned that the effectiveness of migrant integration and inclusions policies is being undermined by anti-migrant narratives in the media (see paragraph 30 above).¹¹⁸ On occasions, it appears that such narratives have also led to the intimidation of civil society workers providing support to migrants and are also used in political discourse to prevent the development of solidarity mechanisms between regions that would allow for more equal sharing of responsibilities in the implementation of integration and inclusion policies between autonomous communities.¹¹⁹

¹¹⁴ National Institute of Statistics (2024, December 19). The number constitutes a 6.78% increase in comparison with 2023. For more detailed analysis, see Servicio Jesuita a Migrantes (2023).

¹¹⁵ AIDA (2024a): 8.

¹¹⁶ Data submitted by the authorities. This number includes Ukrainian citizens and residents who left Ukraine after 24 February 2022, but also Ukrainian citizens who were irregularly present in Spain before that date and became eligible for the temporary protection status, as well as family members of those persons. See also AIDA (2024b): 8.

¹¹⁷ Spanish Ministry of Inclusion, Social Security and Migration (2023b).

¹¹⁸ On the link between those narratives and the level of solidarity towards migrants, resulting for instance in different treatment of displaced Ukrainians and other groups of asylum seekers and refugees see UNICEF España (2024): 37-38. In this respect the reference is made to the [Statement](#) on the consequences of the aggression of the Russian Federation against Ukraine adopted by ECRI at its 88th plenary meeting (29 March - 1 April 2022).

¹¹⁹ See, for instance, ElDiario.es (2023, October 26) and ElDiario.es (2023, November 7).

68. ECRI recommends that the authorities strengthen their integration and inclusion policies for migrants, including by i) significantly improving coordination of policies implemented at national, regional and local levels; ii) developing a system of indicators to measure the success of integration and inclusion policies and, where necessary, revise their objectives; iii) ensuring that adequate budgetary resources are allocated to the implementation of these policies at all levels of government; iv) promoting consultation and exchange spaces in which representatives of civil society organisations active in the field of integration and inclusion, including migrant-led organisations, can meet to discuss and identify challenges, successes and needs in relation to the implementation of intercultural policies. In this context, due account should be taken of the Recommendation of the Council of Europe's Committee of Ministers CM/Rec(2022)10 on multilevel policies and governance for intercultural integration.
69. It emerged during ECRI's visit to Spain that there is an overall lack of sufficient information provided to migrants on the scope of their rights and on relevant procedures. In order to remedy this problem, some municipalities have established one-stop-shops providing information and access to procedures and services to migrants. One of the oldest centres of this kind – the Care Service for Immigrants, Emigrants and Refugees (SAIER) – functions in Barcelona. SAIER provides migrants with direct support (such as legal advice and emergency social assistance) as well as with referrals to specialised services within the city administration and a network of civil society organisations offering integration support.¹²⁰ ECRI considers its functioning a **good practice**.
70. According to the data provided by the government, in the school year 2022/2023, 11.4% of children enrolled in Spanish schools were foreigners. On average, foreign children leave the education system earlier than Spanish children.¹²¹ They are also almost twice more likely to repeat a year in school.¹²² As a result, young foreigners have a significantly lower level of education than their Spanish peers.¹²³ Migrant children are also significantly impacted by some forms of de facto school segregation, with a disproportionate concentration in some schools.¹²⁴
71. Regions and schools have a high degree of autonomy as to how they organise language support for children who do not possess a sufficient command of languages of instruction.¹²⁵ While some of them organise preparatory classes and offer the support of special tutors, in others sufficient support is lacking.¹²⁶
72. In this context, ECRI commends the efforts made by the Ministry of Education and Professional Training to support schools in accommodating displaced Ukrainian children who arrived in Spain after February 2022 as a result of Russia's war of aggression against Ukraine. Those measures included increasing the number of language immersion classes for children and employing Ukrainian-speaking personnel to assist children in their transition to Spanish schools.¹²⁷ ECRI also

¹²⁰ On the scope of the activities of SAIER see Ajuntament de Barcelona – SAIER (2024).

¹²¹ See European Commission (2024): 4.

¹²² OBERAXE (2022b): 28.

¹²³ For instance, migrant youth graduate from tertiary education significantly less often than their Spanish peers. According to data from 2023, 39.4% foreign EU born and 32.5% non-EU born persons aged 25-34 in Spain had graduated from tertiary education, whereas for Spanish nationals this number amounts to 59.1%. European Commission (2024): 4.

¹²⁴ For instance, in the school year 2022/2023 only in Catalonia, there were 89 primary schools and 10 secondary schools in which over 50% of students were foreigners, which constituted 3.9% and 0.9% of all schools in the region respectively. It seems that due to the anti-segregation measures taken by the regional authorities this number is slowly decreasing (Síndic de Greuges de Catalunya (2024): 14-15). See also FISL (2024): 99-101; Ferrer, À., Gortazar, L. (2021).

¹²⁵ While Spanish is the main language of education, in some autonomous communities classes are held in the respective regional language – Basque, Galician, Valencian or Catalan. See, Onsès-Segarra, J., S. Carrasco-Segovia, J.M. Sancho-Gil (2023): 6.

¹²⁶ AIDA (2024a): 124, UNICEF España (2021): 34.

¹²⁷ Priority in employment was given to Ukrainian teachers who arrived in Spain after February 2022. See also AIDA (2024b): 13.

welcomes the implementation of the programme PROA+, which aims at supporting schools with a high percentage of students in disadvantaged positions¹²⁸ and preventing early school dropout.¹²⁹ While the programme is not uniquely addressed to migrant children, according to interlocutors met during the visit, it has a positive impact on the educational outcomes of this group of children, providing them with additional guidance and resources, including extracurricular activities and activities aimed at the inclusion of their families into school life and the prevention of absenteeism. ECRI invites the authorities to take further steps to increase support for migrant children across the country in the field of education, including by combating any form of school segregation and ensuring that migrant children are able to acquire the language level required for lasting success at school.

73. Migrants in Spain face a higher unemployment rate than Spanish citizens.¹³⁰ At the same time, ECRI welcomes that the authorities and civil society organisations have undertaken some initiatives aimed at supporting migrants in seeking employment,¹³¹ combating prejudice,¹³² and partnering with private employers on projects aimed at mentoring and employing beneficiaries of international protection and other migrants.¹³³
74. It also emerged during ECRI's visit to Spain that one of the significant barriers in access to employment is the difficulty and delays in obtaining recognition of foreign qualifications and diplomas. Several interlocutors met by the ECRI delegation indicated that the procedure, which may last between nine months and two years,¹³⁴ is rigid and does not provide for exemptions or alternative solutions for refugees and other migrants who cannot present complete documentation related to their education.¹³⁵
75. ECRI recommends that the authorities take measures to facilitate and accelerate the process of recognising foreign diplomas and other qualifications to improve the employability of beneficiaries of international protection and other migrants. Such measures could build on the "European Qualifications Passport for Refugees" project, which has been carried out by the Council of Europe and its partners.
76. In the area of housing, ECRI notes that asylum seekers and beneficiaries of international protection are entitled to accommodation within the reception system for 18 or 24 months (depending on their situation) or to financial support for renting accommodation. However, in practice, the capacities of the reception system are not sufficient.¹³⁶
77. In principle, beneficiaries of international protection and other migrants may access social housing. In many regions, such access is nevertheless conditional upon being a resident of a particular autonomous community or municipality for a given

¹²⁸ This may include children with more needs in terms of language instruction and more generally children from disadvantaged socio-economic backgrounds.

¹²⁹ For more information on this project see [its website](#). See also FISl (2024): 115-120.

¹³⁰ According to the data from the last quarter of 2023, unemployment among foreigners living in Spain amounted to 14.79% for men and 20.22% for women, whereas for Spanish nationals it corresponded to 9.52% for men and 13.36% for women (FISl (2024): 73). For more detailed data on employment of migrants see, Spanish Ministry of Inclusion, Social Security, and Migration (2022). As regards contributing factors to unemployment, see Defensor del Pueblo (2021a); CEAR (2023): 18-19; for more data on employment of people with migration background, see also OBERAXE (2022a).

¹³¹ AIDA (2024a): 142 and 170.

¹³² See for instance campaign Tents of hope by Accem: Murcia.com (2023, May 18) '[Tents of hope': una campaña para descubrir el valor que aportan las personas refugiadas al mercado laboral y a la sociedad](#)'.

¹³³ AIDA (2024a): 170-171.

¹³⁴ AIDA (2024a): 171.

¹³⁵ See also Defensor del Pueblo (2024): 212-215.

¹³⁶ AIDA (2024a): 103; 111; Defensor del Pueblo (2023): 54.

period of time.¹³⁷ Migrants also reportedly face discrimination in the private rental market.¹³⁸ Against this background, ECRI is pleased to note that the authorities took an initiative to create an online platform aimed at facilitating renting apartments to beneficiaries of international and temporary protection entitled to financial aid for this purpose¹³⁹ and strongly encourages the authorities to make further efforts to improve the housing situation of all migrants, including by developing comprehensive programmes to support sustainable housing solutions, ensuring close cooperation between national, regional and local authorities, as well as working with rental agencies, associations of private landlords and local communities to overcome any discrimination and prejudice in the housing market.

78. It emerged during the ECRI visit that one of the most vulnerable groups of migrants are young people who arrived in Spain as unaccompanied children. Until the age of eighteen they remain in the child protection system under the responsibility of the regional authorities. When they reach that age, they lose the right to benefit from this system and often find themselves in a precarious situation.¹⁴⁰ While they can obtain residence permits and stay in Spain,¹⁴¹ they often have not completed their education and find it difficult to find employment and suitable accommodation.¹⁴² Some regional and local authorities, for instance in Catalonia and the Basque Country, implement specific programmes addressed to this specific category of migrants, including by offering them temporary housing and educational opportunities and developing individual plans to support them in their transition to adulthood.¹⁴³ In ECRI's view, the authorities at national level and in other regions should draw on these examples to address the situation of young migrants who arrived in Spain as unaccompanied children.
79. ECRI recommends that the authorities take resolute action across the country to ensure a smooth transition of young migrants who arrived in Spain as unaccompanied children from the child protection system to independent adult living, including by developing specific inclusion programmes to support them in finding suitable accommodation, completing their education and finding employment.

B. Roma

80. In 2025, Spain celebrates the 600th anniversary of the arrival of the first Roma in the Iberian Peninsula. Roma are estimated to currently represent 1.5% of the Spanish population.¹⁴⁴ ECRI regrets that, despite important progress for the inclusion of Roma over the last decades, Roma are said to be one of the most marginalised communities in the country.¹⁴⁵
81. In 2020, Spain adopted the National Strategy for Equality, Inclusion and Participation of the Roma People (2021-2030). The Operational Plan (2023-2026) outlines the concrete measures to be implemented to achieve the objectives set forth in the National Strategy.¹⁴⁶

¹³⁷ Even up to 10 years. See Provivienda (2022b): 21-23 and 38-39.

¹³⁸ See, for instance, Provivienda (2022a): 41-50; APDHA (2023): 16-17 and 60-64.

¹³⁹ TECHO platform is available [here](#). See also, AIDA (2024a):169 and Spanish Ministry of Inclusion, Social Security, and Migration (2022, October 25).

¹⁴⁰ FISI (2024): 63-65. See also GRETA (2023): § 205.

¹⁴¹ AIDA (2024a): 123.

¹⁴² See for instance about young migrants living in informal settlements: Andalucía Acoge (2022): 65-68.

¹⁴³ More information about those programmes are available on the websites of relevant authorities in [Catalonia](#) and a project [Observatorio de la Emancipación](#).

¹⁴⁴ According to a non-official [estimation](#), about 750 000 Roma are said to live in Spain.

¹⁴⁵ See for instance, European Commission (2023).

¹⁴⁶ Spanish Ministry of Social Rights, Consumer Affairs and the 2030 Agenda (2021), (2023a).

82. ECRI welcomes the role played by the State Council of Roma People as a platform for consultation and collaboration between the government and Roma organisations, helping to shape policies on inclusion. The Deputy Directorate-General for Social Services acts as the Secretariat of the State Council, which has a dedicated budget, supplemented by EU funding and technical assistance.¹⁴⁷ ECRI encourages the authorities to ensure that the State Council of Roma People is well-resourced, adequately supported and leads to a meaningful contribution to relevant public policies, including gender-related aspects.
83. The inclusion of Roma in Spain requires a coordinated approach across various levels of government.¹⁴⁸ Several autonomous communities have adopted regional strategies on Roma inclusion.¹⁴⁹ Yet, the ECRI delegation heard from interlocutors met during its 2024 visit that efforts on Roma inclusion are heavily influenced by political disputes or disagreements between different levels of government or between political parties, leading to a lack of continuity and focus. ECRI strongly encourages the authorities to improve the coordination between governance levels in Spain in the area of Roma inclusion.
84. In the area of education, ECRI recalls that there has been important progress in the last decade.¹⁵⁰ Initiatives focused on tailored support to Roma pupils, their families, and schools, such as the Promociona Programme implemented by Fundación Secretariado Gitano, have shown very positive impacts.¹⁵¹ ECRI encourages the authorities to draw on this and other programmes implemented by civil society organisations to inform and adapt well-resourced, and long-term public policies on Roma inclusion.
85. That said, reports indicate that Roma face significant challenges in schools, with high levels of school failure and drop-out, and a low level of educational attainment. According to a study published in 2023, around 60% did not finish compulsory secondary education, the school failure rate was 62% (compared to 4% for the general population) and 68% have already repeated a course by the age of 15. In this connection, ECRI is concerned about the Roma child poverty rate, which is three times higher than the national average. The socio-economic context of many Roma households is said to hinder the educational prospect of Roma children.¹⁵²
86. Roma children are incorporated late into education. Only 51.4% of Roma children up to five years old were enrolled in non-compulsory early education during the school year 2022-2023, compared to close to 70% of other children.¹⁵³
87. ECRI strongly recommends that the authorities launch an urgent, long-term and well-resourced initiative aimed at improving the educational attainment of Roma, including by: i) supporting the enrolment of Roma children in early, non-obligatory education; ii) providing tailored support to Roma pupils, their families and schools, during primary and secondary education, to decrease performance gaps and

¹⁴⁷ The State Council of Roma People is [attached](#) to the Ministry of Social Rights, Consumer Affairs and the 2030 Agenda.

¹⁴⁸ In this connection, the authorities informed ECRI that efforts for this coordination are taken by a dedicated National Contact Point (NCP). Moreover, coordination with the Autonomous Communities is facilitated by the Delegate Commission for Social Services and a technical cooperation group, which includes all the Autonomous Communities and the Spanish Federation of Municipalities and Provinces. The technical group collaborates with the relevant Ministry in the annual monitoring of the implementation of the National Strategy and its operational plans.

¹⁴⁹ For example, during its 2024 visit, the ECRI delegation held meetings with regional authorities in Andalusia (where 40% of Spanish Roma are estimated to live) and with local authorities of Sevilla. It also met with civil society actors that are part of the Andalusian Council of Roma People and the Sevilla Municipal Council of Roma People.

¹⁵⁰ For more details, see: FSG (2023b): 16-17 and FSG (2013).

¹⁵¹ See [Promociona Programme](#). In the 2023-2024 school year, 85.7% of the students in the last year of compulsory secondary education who participated in the programme graduated, and 90% continued with post-compulsory studies. It is implemented in 49 cities in 13 autonomous communities.

¹⁵² FSG (2023b): 71; Kamira (2024).

¹⁵³ The data on the general population refers to the 2019-2020 school year. See: FSG (2023b): 15.

school drop-out rates, especially by devising support measures specifically targeting Roma pupils aged 14-16; and iii) increasing resources to schools and training to teachers that implement specific educational projects to Roma pupils.

88. The Education Law (in its 2020 reform) and the Comprehensive Law on Equal Treatment and Non-Discrimination recognise the need to tackle school segregation,¹⁵⁴ which is positive. Interestingly, Catalonia adopted specific legislation as well as a Pact on School Segregation, which can be considered as **promising practices**.¹⁵⁵
89. However, it emerged from the findings during the ECRI visit to Spain that there is still *de facto* school segregation of Roma pupils in Spain. Although exact data is not available, the latest studies show that 70% of Roma pupils are in segregated schools (i.e. with high concentration of Roma pupils), with 40% of these in extremely segregated ones.¹⁵⁶
90. ECRI recommends that the authorities implement country-wide preventive and corrective measures to end any form of *de facto* segregation of Roma children in schools. Civil society and other independent actors working in support of Roma should be meaningfully consulted during the implementation process. If necessary, Council of Europe support should be sought.
91. The situation of Roma in the area of employment is reportedly very different to that of the general population. According to surveys conducted in recent years, the unemployment rate among Roma is 52% (compared with 14,5% in the general population). Moreover, 63% of Roma aged 16-30 are neither studying nor working. They also report being exposed to a high level of discrimination in the field of employment.¹⁵⁷
92. ECRI is particularly concerned by reports showing a gap between Roma women and men in the area of employment. Participation in work among Roma women stands at 38.5%, much lower than that of Roma men (76%). This is partially due to expectations on women taking on domestic duties and family responsibilities, while the main employment barrier for Roma men is their low level of education.¹⁵⁸
93. While welcoming the higher public spending in the area of employment for Roma,¹⁵⁹ ECRI regrets that progress has been very limited.¹⁶⁰ Thus, ECRI encourages the authorities to redouble their efforts to improve the situation of Roma on the labour market and, in this context, pay particular attention Roma women.
94. The Acceder Programme, implemented by FSG, has led to close to 100 000 job contracts for Roma in its 24 years of operation.¹⁶¹ During its 2024 visit to Spain, the ECRI delegation met with participants of the Calí Programme in Sevilla. This programme was focused, among others, on the social and labour inclusion of

¹⁵⁴ Comprehensive Law on Equal Treatment and Non-Discrimination ([Law 15/2022](#)) and Education Law ([Law 3/2020](#), amending Organic Law 2/2006).

¹⁵⁵ More information on the Pact and its implementation can be found [here](#). See also: EIDiario.es (2021, 16 February).

¹⁵⁶ From the 166 schools surveyed, 28.6% have a high concentration of Roma students, 31.2% are considered segregated schools (between 30-60% of Roma students), and 40.2% have extreme segregation (more than 60% of concentration). According to the EU Fundamental Rights Agency, 45% of Roma students aged 6 to 15 attended schools where all or most students were Roma. See: FSG (2023b): 59-70 and EU FRA (2023b).

¹⁵⁷ According to a survey by CEDRE, 30.1% of the Roma population has felt discriminated against in the employment sector. This percentage is of 48% according to a study by FSG. See: CEDRE (2021a): 166 and FSG (2018): 12-13. See also FSG (2020) as regards the situation during the Covid-19 pandemic.

¹⁵⁸ See: FSG (2018): 23.

¹⁵⁹ See: Spanish Ministry of Social Rights, Consumer Affairs and the 2030 Agenda (2023b).

¹⁶⁰ See, for example, the webpage of the Fundación Secretariado Gitano: [Roma employment: in figures](#).

¹⁶¹ For more details, see [Acceder Programme](#).

Roma women and on supporting them in situations of gender-based violence or discrimination.¹⁶² ECRI considers both programmes to be **good practices**.

95. ECRI welcomes that the 2022-2025 State Plan for Access to Housing includes a programme specifically aimed at eradicating degraded areas, shantytowns and inadequate housing. However, ECRI heard from civil society organisations that only a few regional administrations are making use of the available funding programmes.
96. In that regard, ECRI notes that estimated 77% of people who live in substandard housing in Spain are Roma. The lack of affordable or social housing is a main barrier for Roma when seeking alternatives and around 30% of them felt they were discriminated in the housing market. Two per cent of Roma live in informal settlements or shantytowns (known as *chabolas*) with inadequate infrastructure and lacking basic services, such as sanitation and electricity.¹⁶³ ECRI is seriously concerned by reports on the situation in Cañada Real, in the region of Madrid, where more than 4 500 people, a significant number of them being Roma, live without electricity and in undignified conditions since October 2020, exposing them *inter alia* to health risks.¹⁶⁴ In March 2024, the national government, the autonomous community of Madrid, and the municipalities of Madrid and Rivas-Vaciamadrid signed a protocol to allocate €330 million to rehouse 1 600 families from Cañada Real.¹⁶⁵ However, ECRI regrets that this arrangement was late-coming, after years of poor coordination, and that the dire situation faced by the residents in Cañada Real still persisted at the time of the visit.
97. ECRI recommends that the authorities, including at regional level, take prompt and resolute action to ensure decent and safe housing conditions for Roma living in substandard settlements, including *chabolas*, all while seeking long-term housing solutions for them, in close consultation with the Roma communities concerned.
98. During its visit, the ECRI delegation heard that Roma living in *chabolas* are often subjected to forced eviction. ECRI trusts that the authorities will ensure that no Roma is evicted illegally, without proper notice and opportunity for rehousing in decent accommodation.
99. In the area of healthcare, ECRI takes positive note that the “III National Health Survey of the Roma Population” was conducted in 2023, the results of which are expected in 2025. The Ministry of Health has also made progress in strengthening coordination among various stakeholders in the field of health, such as through the Working Group of Autonomous Communities on Health Equity and the Roma Population.¹⁶⁶ Moreover, the Equi-Sastipen-Roma Network, bringing together several Roma associations and governmental agencies, promotes initiatives such as health interventions and intercultural training for health professionals.¹⁶⁷ ECRI considers such initiatives as **good practices**.¹⁶⁸

¹⁶² FSG (2023c).

¹⁶³ FSG (2023d): 10, Provivienda (2022a), CEDRE (2021a): 125.

¹⁶⁴ See: ABC (2025, 5 January), El País (2024, 26 November), El País (2022, 23 November), El País (2021, 3 October). Moreover, in 2022, the European Committee of Social Rights (ECSR) issued a decision in which it indicated to the government that urgent measures were needed in order to avoid serious, irreparable injury to the integrity of persons living in Cañada Real. In September 2024, the ECSR decided on the merits of the case and found that Spain had violated several provisions under the European Social Charter, including a failure to ensure the right to housing of an adequate standard and to guarantee the participation of family associations when formulating policies related to the neighbourhood. It also noted that the power outages in Cañada Real had a clear negative impact on the health of the affected persons. See: ECSR decision on the merits, case no. 206/2022, adopted on 11 September 2024; ECSR decision on admissibility and urgent measures, case no. 206/2022, 19 October 2022.

¹⁶⁵ El País (2024, 4 March).

¹⁶⁶ More information about national cooperation in this field can be found on the [website](#) of the Ministry of Health.

¹⁶⁷ More information can be found on the website of the [Red Equi-Sastipen-Roma](#).

¹⁶⁸ In this connection, in Cantabria, the regional authorities finance the [Intercultural Mediation Programme](#), which aims at promoting equal rights and empowering Roma individuals from an intercultural and health perspective.

IV. TOPICS SPECIFIC TO SPAIN

A. Equality data

100. As a rule, the National Statistics Institute (INE) and governmental departments do not collect equality data disaggregated by ethnicity. According to some public officials met by the ECRI delegation, the national legislation on data protection poses an obstacle to the collection of such data. At the same time, ECRI was informed of reservations among some Roma communities due to a historical misuse of data collection targeting Roma. In this regard, ECRI takes positive note of the actions taken by the Ministry of Equality in recent years to foster discussions among relevant interlocutors, including INE and civil society organisations, on the importance of collecting equality data and the applicable national, regional, and international standards.¹⁶⁹
101. ECRI was informed that INE is to collect ethnically-disaggregated data as part of the Survey of Essential Population and Housing Characteristics,¹⁷⁰ which should be carried out in 2026, respecting the criteria of self-identification, anonymity, and express consent.¹⁷¹ In ECRI's view, such an approach should be extended to other areas.
102. ECRI recalls that, without reliable equality data, the authorities may not be able to obtain a complete picture of the situation of groups of concern to ECRI and, accordingly, to design targeted policy measures to prevent and combat racial and other forms of discrimination, including that of a structural or deep-rooted nature.¹⁷² Therefore, ECRI strongly encourages the authorities to develop a system of collecting disaggregated equality data, which should encompass all groups of concern to ECRI and the various areas of life, such as housing, health, employment, and education. Such a system should respect the principles of informed consent, self-identification, and confidentiality. The authorities should also ensure that the data collected are only used for the promotion of equality and diversity and for assessing the effectiveness of anti-discrimination measures.¹⁷³

B. Anti-discrimination legislation

103. The Comprehensive Law on Equality, adopted in July 2022, covers both public and private sectors and applies in a wide range of areas. It encompasses the concepts of direct and indirect discrimination, discrimination by association or based on perceived characteristics, as well as multiple and intersectional discrimination. It also provides for the implementation of affirmative action measures aimed at preventing, combating or compensating for any form of discrimination or disadvantage in its collective or social dimension.¹⁷⁴
104. ECRI highly commends the adoption of the Comprehensive Law on Equality and is satisfied that the legislation is mostly in line with its standards and previous recommendations.¹⁷⁵ Yet, while Article 2, paragraph 1, of the law states that the

¹⁶⁹ ElDiario.es (2021, 28 March), ElDiario.es (2020, 29 June).

¹⁷⁰ ECRI was informed that, in the first quarter of 2025, the INE conducted a pre-test of the question on ethnicity on a random sample of 100 people. The authorities noted that this test confirmed that the formulation of the question was correct and that preparations were underway for the launch of the macro-survey, which will begin in the last quarter of 2025.

¹⁷¹ The Survey will encompass information on access to housing and its characteristics, nationality, place of birth, level of studies, knowledge of languages, employment situation, contact with new technologies, and health. For more information about the next steps and the debate on this topic in the past years, see: Spanish Ministry of Equality, EU Fundamental Rights Agency (FRA), CEDRE (2024).

¹⁷² Reference is made to the findings and recommendation of the UN Working Group of Experts on People of African Descent after its mission to Spain. See: UN WGEPAD (2018), §§ 51 and 59.

¹⁷³ For guidance on the collection of equality data, see among others: CDADI (2023); European Commission, High Level Group on Non-discrimination, Equality and Diversity: Subgroup on Equality Data (2021); UN OHCHR (2018).

¹⁷⁴ [Law no. 15/2022](#) of 12 July 2022.

¹⁷⁵ See: ECRI (2018a): § 22; ECRI (2011a): § 22

right to equal treatment of all persons is recognised regardless of their nationality and resident status, it does not explicitly include citizenship nor sexual characteristics as stand-alone grounds in the list of protected characteristics.¹⁷⁶ ECRI encourages the authorities to ensure that those grounds are fully taken into account in the implementation of the law. If necessary, the law should be amended.

105. ECRI also notes that the law provides for the adoption of a policy framework to promote equality and combat discrimination, namely a National Equality and Non-discrimination Strategy. Regrettably, at the time of the 2024 visit to Spain, the first National Strategy had not yet been adopted.¹⁷⁷ ECRI invites the authorities to intensify their efforts to adopt and implement the National Strategy in order to ensure the effective implementation of the new legislation.
106. Moreover, ECRI observes that awareness-raising activities and accessible assistance to victims are of crucial importance to ensure effective implementation of the new legislation at all levels. Civil society organisations and regional and local anti-discrimination centres are playing a vital role in this regard. During its visit to Spain, the ECRI delegation visited the Office for Non-Discrimination in Barcelona and gained a positive impression of the accessibility and range of services it offered, including assistance to victims, as well as training and awareness-raising activities to local authorities and private actors.¹⁷⁸ ECRI considers the creation and operation of such local offices as **good practice**.

C. Racial profiling by law enforcement officials

107. During its visit to Spain, the ECRI delegation learned about reports of racial profiling by law enforcement officials that impacts especially people of African descent, migrants or people with a migration background as well as Roma. Accounts of frequent stop-and-account activities based on ethnicity are also substantiated by reports of civil society organisations,¹⁷⁹ studies¹⁸⁰ and surveys conducted among persons belonging to groups of concern to ECRI.¹⁸¹ They are also reflected in reports of specialised international bodies, such as the UN Working Group of Experts on People of African Descent (UN WGEPAD), which has described racial profiling as an “endemic problem” in Spain.¹⁸²
108. At the same time, victims of racial profiling by law enforcement officials, due to distrust in the police and other public authorities, are said to rarely report such cases through official channels.¹⁸³ In consequence, according to data submitted to ECRI by the authorities, only between 0.4% and 0.9% of complaints lodged against actions of the National Police and Guardia Civil concerns cases of alleged

¹⁷⁶ By contrast, the 2023 Law on LGBTI equality explicitly includes sex characteristics among protected grounds, while some other laws applicable to public policies include the ground of sex characteristics as well as that of nationality (see, for example, Article 5 paragraph 1 of the [Law no. 5/2023](#) of 28 February 2023 on employment).

¹⁷⁷ ECRI was informed that this situation was partly due to delays in the establishment of the Independent Authority for Equal Treatment and Non-discrimination (see section I.A of the present report). The authorities informed ECRI that they would start the process of adopting the Strategy in 2025.

¹⁷⁸ See, Barcelona City Council (2024).

¹⁷⁹ Amnesty International (2024): 12-16; FSG (2023e): 19; Rights International Spain (2023): 9-12; SOS Racismo (2023): 22-24.

¹⁸⁰ For an overview of studies conducted in Spain, see Arenas-García, L., García-España, E. (2022): 244-251.

¹⁸¹ For instance, according to the 2022 survey conducted by the EU FRA 14% of respondents of African descent were stopped by the police in a year preceding the survey (in comparison to approximately 4% among general population). 52% of the persons attributed the stop to racial profiling. See: EU FRA (2023a): 75 and 78. Some groups are more likely to be stopped than others. For example, results of survey conducted among Muslim man and women residing in Spain show that the percentage of persons stopped by the police in five years preceding the survey amounts to 43% of man originating from North Africa and 31% of man originating from Sub-Saharan Africa, while among women it amounts to 7% and 5% respectively (EU FRA (2024a): 85).

¹⁸² UN WGEPAD, §§ 19-20 and 62. See also UN General Assembly (2020): §§ 33-34.

¹⁸³ Rights International Spain (2023): 12.

discrimination.¹⁸⁴ Unsurprisingly, significant discrepancies exist between the way in which this phenomenon is perceived by persons belonging to the groups of concern to ECRI and the authorities. This reinforces a lack of trust in law enforcement agencies by potential victims of discrimination, who consider that this issue is insufficiently addressed or even denied by the authorities.

109. In this context, ECRI reiterates that racial profiling has considerable negative effects on society as a whole, generating a feeling of humiliation and injustice among affected groups. Such practices tarnish the profession and jeopardise the work of all those law enforcement officials who comply with police ethics and the law and combat racist hate crime. It is eventually detrimental to overall security, as it erodes public trust in the police and contributes to under-reporting of crime.¹⁸⁵
110. According to the authorities, resort to racial profiling is prohibited by Spanish law, in particular Organic Law no. 2/1986 of 13 March 1986 on Security Forces and Bodies (Article 5, paragraph 1b),¹⁸⁶ Organic Law no. 4/2015 of 30 March 2015 on the protection of public safety (Article 16)¹⁸⁷ and the Comprehensive Law on Equality (Article 18). The authorities also considered that preventive action has been taken, notably through training and awareness-raising activities. ECRI also positively notes that there have been some initiatives by local authorities aimed at researching and addressing racial profiling practices by local police forces. They included the development of clear rules concerning stop-and-account activities, training on those rules and the introduction of forms that had to be filled in by police officers for each stop. The forms contained information on the citizenship and/or ethnicity of the person stopped and the reason for the police action.¹⁸⁸ During the visit, many ECRI interlocutors met by the delegation praised those initiatives at local level, noting that they contributed to more transparency in the work of the police, mitigated risks of racial profiling, as well as improved relations between the police and groups of concern to ECRI.¹⁸⁹ They expressed regret that, despite the longstanding recommendations of the Spanish Ombudsperson,¹⁹⁰ no similar initiatives have been taken at the national level to detect and address any racial profiling practices.
111. ECRI recommends, as a matter of priority, that the authorities introduce an effective system of recording identity checks by law enforcement officials, as part of a policy aimed at detecting and addressing any racial profiling practices affecting in particular people of African descent, migrants and people with a migration background, as well as Roma. In doing so, the authorities should take due account of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.

¹⁸⁴ Data for the years 2020-2024 concerning the number of complaints lodged with the Ministry of Interior. By contrast, the 2020 study of the perception of discrimination based on racial or ethnic origin conducted by CEDRE indicated that almost 19% of respondents experienced some form of discrimination from the police (which constitutes a drop in comparison to 28% in 2013). The groups that reported such discrimination most often included persons of African descent and Roma (see CEDRE (2020): 114-124).

¹⁸⁵ See also, Cuesta García, A., Martínez Salguero, D. (2023): 25.

¹⁸⁶ [Organic Law no. 2/1986](#).

¹⁸⁷ [Organic Law no. 4/2015](#).

¹⁸⁸ Some projects of this kind were initiated as early as in 2007, in the city of Fuenlabrada. They were then being continued and replicated in other cities.

¹⁸⁹ Many of those initiatives and projects included actions aimed at building trust between the police and groups of concern to ECRI. See, for instance, about actions taken in Fuenlabrada: Equipo para la Gestión Policial de la Diversidad (2021).

¹⁹⁰ Defensor del Pueblo (2023): 177.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Spain are the following:

- (§4) ECRI recommends that the authorities take the necessary steps to ensure that the Independent Authority for Equal Treatment and Non-Discrimination is established without further delay and that it is appropriately staffed, funded and fully functional, in line with ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. Civil society organisations should be involved in the selection process of the President of the Independent Authority.
- (§111) ECRI recommends that the authorities introduce an effective system of recording identity checks by law enforcement officials, as part of a policy aimed at detecting and addressing any racial profiling practices affecting in particular people of African descent, migrants and people with a migration background, as well as Roma. In doing so, the authorities should take due account of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 4) ECRI recommends, as a matter of priority, that the authorities take the necessary steps to ensure that the Independent Authority for Equal Treatment and Non Discrimination is established without further delay and that it is appropriately staffed, funded and fully functional, in line with ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. Civil society organisations should be involved in the selection process of the President of the Independent Authority.
2. (§ 10) ECRI recommends that the authorities step up their efforts to ensure that school education across all regions is used as a tool to effectively address racial and other prejudices and stereotypes and contribute to better living together in an intercultural world. In particular, they should strengthen equality and history teaching in such a way as to encompass the historical dimensions of racism and inequalities, including colonialism, slavery and the history and culture of different ethnic and religious groups living in Spain. In developing such teaching, the authorities should work with representatives of groups of concern to ECRI.
3. (§ 24) ECRI recommends that the authorities intensify their efforts to ensure, as far as possible, that transgender people have safe, affordable and timely access to necessary gender-affirming treatment.
4. (§ 27) ECRI recommends that the authorities further intensify their efforts to protect the human rights of intersex persons, in line with ECRI's General Policy Recommendation No. 17 on combating intolerance and discrimination against LGBTI persons, by ensuring that: i) all autonomous communities have in place protocols for health care for intersex persons based on their right to bodily integrity and diversity; ii) health professionals receive suitable training on the application of those protocols and; iii) appropriate counselling is easily available to intersex persons and their families.
5. (§ 41) ECRI recommends that the authorities reinforce their action to tackle hate speech online by: i) further strengthening mechanisms for the reporting of cases of online hate speech to public authorities and private actors and increasing awareness among the general public and groups of concern to ECRI; ii) using all available avenues to ensure that social media platforms fully comply with legislation on content moderation and removal of hate speech; and iii) fostering relations between authorities, civil society organisations, and social media platforms.
6. (§ 48) ECRI recommends that the authorities: i) ensure that racist incidents in sports are effectively investigated and the available sanctioning mechanisms are used; ii) cooperate with sport leagues and clubs and encourage them to adopt and implement self-regulatory, disciplinary and awareness-raising measures; iii) consult and involve groups of concern to ECRI, in particular people of African descent, in the elaboration and implementation of policy measures in this field, and; iv) organise or finance awareness-raising campaigns against racism in sports at all levels.
7. (§ 57) ECRI recommends that the authorities consult with a broad range of civil society organisations and members of groups of concern to ECRI in order to take specific action aimed at tackling the underreporting of racist and LGBTI-phobic hate crimes. Such action should include awareness-raising activities about victims' rights and available remedies, support to civil society organisations providing legal assistance to victims, and improved dialogue and cooperation between law enforcement agencies and groups of concern to ECRI, such as people of African descent, Muslims, LGBTI people, Roma and foreign nationals (in particular migrants).

8. (§ 64) ECRI recommends that the authorities ensure that sufficient, practical and tailored training on hate crimes is part of the compulsory initial and continued training for law enforcement officials and prosecutors. Without prejudice to their independence, strengthened initial and continued training on hate crimes should also be offered to judges. Civil society and groups of concern to ECRI should be involved in the elaboration and, where possible, in the implementation of such training. In this context, due account should be taken of the Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.
9. (§ 68) ECRI recommends that the authorities strengthen their integration and inclusion policies for migrants, including by i) significantly improving coordination of policies implemented at national, regional and local levels; ii) developing a system of indicators to measure the success of integration and inclusion policies and, where necessary, revise their objectives; iii) ensuring that adequate budgetary resources are allocated to the implementation of these policies at all levels of government; iv) promoting consultation and exchange spaces in which representatives of civil society organisations active in the field of integration and inclusion, including migrant-led organisations, can meet to discuss and identify challenges, successes and needs in relation to the implementation of intercultural policies. In this context, due account should be taken of the Recommendation of the Council of Europe's Committee of Ministers CM/Rec(2022)10 on multilevel policies and governance for intercultural integration.
10. (§ 75) ECRI recommends that the authorities take measures to facilitate and accelerate the process of recognising foreign diplomas and other qualifications to improve the employability of beneficiaries of international protection and other migrants. Such measures could build on the "European Qualifications Passport for Refugees" project, which has been carried out by the Council of Europe and its partners.
11. (§ 79) ECRI recommends that the authorities take resolute action across the country to ensure a smooth transition of young migrants who arrived in Spain as unaccompanied children from the child protection system to independent adult living, including by developing specific inclusion programmes to support them in finding suitable accommodation, completing their education and finding employment.
12. (§ 87) ECRI strongly recommends that the authorities launch an urgent, long-term and well resourced initiative aimed at improving the educational attainment of Roma, including by: i) supporting the enrolment of Roma children in early, non obligatory education; ii) providing tailored support to Roma pupils, their families and schools, during primary and secondary education, to decrease performance gaps and school drop-out rates, especially by devising support measures specifically targeting Roma pupils aged 14-16; and iii) increasing resources to schools and training to teachers that implement specific educational projects to Roma pupils.
13. (§ 90) ECRI recommends that the authorities implement country-wide preventive and corrective measures to end any form of de facto segregation of Roma children in schools. Civil society and other independent actors working in support of Roma should be meaningfully consulted during the implementation process. If necessary, Council of Europe support should be sought.
14. (§ 97) ECRI recommends that the authorities, including at regional level, take prompt and resolute action to ensure decent and safe housing conditions for Roma living in substandard settlements, including chabolas, all while seeking long-term housing solutions for them, in close consultation with the Roma communities concerned.

15. (§ 111) ECRI recommends, as a matter of priority, that the authorities introduce an effective system of recording identity checks by law enforcement officials, as part of a policy aimed at detecting and addressing any racial profiling practices affecting in particular people of African descent, migrants and people with a migration background, as well as Roma. In doing so, the authorities should take due account of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.

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APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Spain.

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Spain on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 20 March 2025, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

I EFFECTIVE EQUALITY AND ACCESS TO RIGHTS .

A. Equality bodies

The report includes the following in the list of powers granted to the Independent Authority: “to impose administrative sanctions”. Law No. 15/2002 does include indeed a sanction regulation, but the imposition of sanctions doesn’t fall within the competences of the Independent Authority. The Independent Authority is empowered, however, to “initiate” the proceedings, by means of (article 40.e) “ecourag(ing) the State Administration to take action to punish acts or omissions that may constitute administrative offenses in the area of equal treatment and non-discrimination”.

With regard to the information included in the report and the subsequent recommendation (4) concerning the measures to be taken for the establishment without further delay of the Authority for Equal Treatment and Non-Discrimination, it is necessary to emphasize the following: although being aware that the report covers the situation up to March 20, 2025, it is important to note that the president of the Authority for Equal Treatment and Non-Discrimination was appointed shortly thereafter, in May 2025. In addition, the necessary legal procedures for the adoption of the Statute of the Authority for Equal Treatment and Non-Discrimination are currently underway. These formal procedures were initiated without delay after Law 15/2022 was adopted, but could only be formally launched out once the Presidency was appointed as the Law foresees that these regulations should be adopted on its own initiative. Now that the President has been appointed (by Royal Decree 420/2025 of May 27) and the Statute is expected to be approved shortly, the Authority for Equal Treatment and Non-Discrimination is close to be effectively established

B. Inclusive education (pag 8).

It is considered appropriate to highlight that in 2007, the Ministry of the Interior launched the Master Plan for Coexistence and the Improvement of Security in Educational Centers and their Surroundings, through Instruction 3/2007 of the Secretariat of State for Security. Its most relevant updates include the prevention of discriminatory behavior and gender-based violence, and it incorporates specific measures to prevent hate crimes and discrimination based on sex or sexual orientation, introduced through Instruction 6/2023 of the Secretariat of State for Security."

D. LGBTI equality

Regarding paragraph 23 of the ECRI report:

It emerged during the 2024 visit that, despite some positive developments, including the establishment progress of the process for the designation of reference centres for health care for transgender persons, access to gender-affirming care still poses challenges. Interlocutors met by the ECRI delegation during the visit indicated that, while in most regions such healthcare is covered by public insurance, the number of specialised health care facilities is still insufficient and that waiting times for more complex forms of treatment (especially surgical) can extend to a few years.

If ECRI refers to the designation of CSURs (Centers of the National Health System, CSURs) by the NHS, this has not yet been done. The criteria for designating CSURs for the care of transgender or gender-diverse people was approved by the Interterritorial Council of the NHS on 4 July 2025. A call for applications for the designation of centres will be launched shortly.

Paragraph 27 of the ECRI report correctly highlights the need to protect the human rights of intersex people. Providing comprehensive healthcare goes beyond avoiding aesthetic surgeries. It requires specialized centers focused on the unique medical, psychological, and social needs of intersex individuals and those with Differences of Sex Development (DSD).

A crucial development in this regard is that Spain is in the process of creating national Reference Centers of the National Health System (CSURES). These centers will provide multidisciplinary, specialized care throughout the lives of intersex people, serving all Autonomous Communities through specific patient referral pathways. The professionals in these centers will also offer expert advice to their colleagues in other regions when requested. This initiative, currently in the designation phase by the Ministry of Health, is a vital and long-awaited demand from the intersex

community.

<https://www.sanidad.gob.es/profesionales/CentrosDeReferencia/PatologiasCSUR.htm>

I. HATE SPEECH AND HATE MOTIVATED VIOLENCE.

B. Hate-motivated violence. Training of and guidance to relevant professionals. Point 56. “...recruitment and retention of a more diverse composition of law enforcement official...”(pag.18).

The Consolidated Text of the Basic Statute of Public Employees, approved by Royal Legislative Decree 5/2015 of October 30, establishes in Article 55 that access to public employment must be carried out with full respect for the principles of equality, merit, and ability, ensuring open competition in selection processes. This regulation constitutes the general framework governing access to public service in Spain, reinforcing the requirement that all selection procedures be conducted under objective, transparent, and impartial criteria.

This 2015 Statute integrates and replaces Law 7/2007 of April 12, which represented the first Basic Statute of Public Employees approved in a democratic context. That law marked an evolution from Law 30/1984 of August 2, on Measures for the Reform of the Civil Service, which adapted the civil service system to the new constitutional and regional framework, already incorporating the principles of equality, merit, and ability as the cornerstones of access to public employment.

Within this framework, both Organic Law 29/2014 of November 28, on the Personnel Regime of the Civil Guard, and Organic Law 9/2015 of July 28, on the Personnel Regime of the National Police, establish the open competitive examination system as the method of entry into their respective corps. This system guarantees compliance with the constitutional principles of equality, merit, and ability, and is structured according to the principles of public announcement of calls and their rules, transparency, objectivity, impartiality, and professionalism of the members of the selection boards.

The structure of this access model helps to strengthen the impartiality and professionalism of selection processes, while also promoting progress toward a more gender-balanced and inclusive composition, in line with the democratic and social values that underpin the current legal system.

The State Security Forces and Corps (FCSE), as modern institutions committed to equal opportunities, have been adapting their structures and procedures to meet the demands of an increasingly diverse and inclusive society that respects the fundamental rights of all individuals.

In this regard, the Spanish legal framework has a long-standing tradition of upholding the principle of equality in access to police institutions, consolidating a model of public service based on excellence, fairness, and service to the public interest.

B. Hate-motivated violence. Training of and guidance to relevant professionals. Point 57 and 58 (pag 18).

The Third Action Plan to Combat Hate Crimes (2025–2028), presented by the Ministry of the Interior at the end of March 2025, reinforces Spain’s institutional commitment to the prevention, investigation, and prosecution of crimes motivated by discriminatory prejudice. This plan builds on the progress made in previous plans and sets out 109 measures across six strategic pillars, aimed at achieving fifteen specific goals focused on improving victim protection, preventing the commission of hate crimes and hate speech, and strengthening the institutional response.

The plan includes specific measures to combat online hate speech, enhance training for law enforcement officers in equality and non-discrimination, and improve victim support through a multidisciplinary approach. It also foresees the replacement of the current 'polarization indicators' with new 'indicators based on discriminatory motivation,' which will facilitate the identification of incidents that may be classified as hate crimes. The Third Plan reaffirms the role of the State Security Forces and Corps as key actors in defending democratic values and emphasizes that combating hate is an act of social justice, as stated by the Minister of the Interior, Fernando Grande-Marlaska, during its presentation.

Alongside the Third Action Plan against Hate Crimes, the following resources were also presented: the 'Police Intervention Guide for Persons with Intellectual Disabilities: First Responder Actions' and its 'Q&A Guide' format; the 'Practical Guide for State Security Forces (FCS) on Judaism'; and the 'Survey Report on Hate Crimes: Witnesses and Victims'.

B. Hate-motivated violence. Training of and guidance to relevant professionals. Point 63 and 64 (pag 19 y 20).

Regarding the training of the State Security Forces and Corps (FCSE) on hate crimes, it is reiterated that, members of Spain's police forces are well aware of this type of crimes and receive extensive training on the subject, as evidenced by the following milestones:

This topic is comprehensively covered (curricula, study programs/subjects, seminars, workshops, etc.) as part of the curriculum in all entry-level courses for the FCSE, as well as in internal promotion courses.

The content of the subjects taught is regularly updated and includes knowledge on human rights, prejudice, diversity, hate crimes, and the proper application of existing regulations, both in criminal and administrative contexts.

In addition, continuous training in these areas is available to all FCSE personnel, such as:

- The Civil Guard offers an online training course on hate crimes, accessible to all members of the Corps and subject to evaluation.
- The National Police provides a course on Extremism and Hate Crimes, which is eligible for merit-based evaluation.
- The Civil Guard University Center annually conducts a University Course on Hate Crime Investigation, now in its fourth edition.
- The National Police University Centre's line of action for 2025 is to implement a Master's Degree in Human Rights and Equality in the field of policing with the University of Salamanca.

Both the National Police and the Civil Guard have incorporated the principle of equal treatment and non-discrimination into their respective codes of ethics, in line with constitutional values and Spain's international commitments on human rights.

The Code of Ethics of the National Police Corps, approved by General Order No. 2006/2013 of the Directorate-General of Police, explicitly includes the defense of human dignity as a central axis of police action. It establishes that members of the Corps must conduct themselves professionally according to clearly defined ethical principles, including respect for equality and non-discrimination based on sex, race, religion, sexual orientation, ideology, or any other personal or social condition. These principles are studied in police training centers and promoted as the foundation of the relationship between the police and the public.

The Code of Conduct for Civil Guard personnel, approved by Royal Decree 176/2022 of March 4, explicitly incorporates the principles of equal treatment, diversity, and non-discrimination, both in professional practice and in initial and ongoing training. Article 29 of the Code states that Civil Guards must act with respect for diversity and promote work-life balance, while Article 45 emphasizes the obligation to ensure dignified and respectful treatment of victims, witnesses, and vulnerable groups. The Code also includes these principles in the selection processes for entry into the Corps and in training, professional development, and advanced study programs.

Both forces have thus made an institutional commitment to equal treatment and non-discrimination, not only as guiding principles of their actions but also as essential elements of their organizational culture and professional training model.

Finally, it is worth highlighting that the National Office for the Fight Against Hate Crimes (ONDOD) of Spain's Ministry of the Interior is recognized internationally in this field, participating as an expert in training sessions organized by the European Union Agency for Law Enforcement Training (CEPOL). These sessions are aimed at specialists in hate crime investigation from police forces across various European countries. Examples include the session

titled 'How to improve the fight against hate crimes from an institutional level,' held in February 2023, and the session 'Ethnic Hate Crime,' delivered by ONDOD as part of CEPOL Course 47/2024, held in Greece in October 2024.

Among the many international seminars and working groups in which ONDOD participates, one notable training event was recently organized in collaboration with the OSCE Office for Democratic Institutions and Human Rights (ODIHR): a webinar titled 'Ensuring Sensitive and Respectful Treatment of Hate Crime Victims,' aimed at promoting sensitive and respectful approaches to such victims. This event took place on March 20, 2025, and was the first seminar delivered in Spanish with simultaneous translation into English, as it was broadcast to all OSCE member countries."

C. Racial profiling by law enforcement officials (Pag 28 y 29)

The mistaken impression given in the report regarding the practice of racial profiling by law enforcement officials, and the recommendations and measures proposed in this regard, is unfortunate.

Regarding the legal provisions aimed at guaranteeing the principle of non-discrimination in identity checks, including the prohibition for police forces to create or use racial or ethnic profiles, the following points are noted:

First: To prevent discriminatory practices, Organic Law 4/2015 on the Protection of Citizen Security (LOPSC) is the first law of its kind to require, in Article 16, that during identity checks, the principles of proportionality, equal treatment, and non-discrimination based on birth, nationality, racial or ethnic origin, sex, religion or beliefs, age, disability, sexual orientation or identity, opinion, or any other personal or social condition or circumstance be strictly respected.

According to this law, police identification and related checks may only occur in two situations, and always in the exercise of investigative or preventive functions:

When there are indications that the person may have participated in the commission of an offense.

When, based on the circumstances, it is reasonably necessary to verify their identity to prevent the commission of a crime.

This law is complemented by Instruction 7/2015 of the Secretariat of State for Security, which reiterates the principles established in the LOPSC and emphasizes that all police actions must comply with these standards to safeguard the rights of individuals detained or in police custody.

These provisions align with the basic principles of police conduct outlined in Article 5 of Organic Law 2/1986, which mandates that members of the State Security Forces act with absolute political neutrality and impartiality, thereby prohibiting any form of discriminatory treatment.

From a legal standpoint, an obligation not to perform a certain act is functionally equivalent to a prohibition. While an obligation requires a specific action, a prohibition demands abstention from a particular behavior. Thus, when the obligation is to refrain from discriminatory profiling, it effectively constitutes a legal prohibition.

Second: There is a legally established obligation for members of the State Security Forces to avoid any abusive, arbitrary, or discriminatory practices involving physical or moral violence.

If a member of the FCSE conducts an identity check "contra legem", two oversight mechanisms are in place:

An internal disciplinary procedure, governed by Organic Law 4/2010 for the National Police and the corresponding disciplinary law for the Civil Guard, which investigates administrative violations of police ethics and best practices.

Oversight by the National Office for the Guarantee of Human Rights (ONGADH), created by Instruction 1/2022, which monitors police activity to ensure the protection of fundamental rights and detect any potentially rights-violating practices.

Additionally, depending on the severity of the discriminatory conduct, the officer may be subject to criminal liability under Article 511.3 of the Spanish Penal Code, which imposes enhanced penalties on public officials who commit discriminatory acts.

In summary, identity checks conducted by the State Security Forces are based on objective and legal criteria, not on racist or discriminatory profiling. A comprehensive set of measures is in place, including training and awareness on discrimination and hate crimes, oversight of protocol implementation by the FCSE command structure, and mechanisms for citizens to file complaints or suggestions. These are complemented by disciplinary and/or criminal accountability for any discriminatory conduct by police personnel.

Therefore, the Government of Spain considers that the current Spanish legal framework guarantees the principle of non-discrimination and explicitly prohibits the use of racial or ethnic profiling."

C. Racial profiling by law enforcement officials (Pag 28 y 29)

Regarding the recommendation to establish a system for recording police identity checks based on racial profiling, with the aim of detecting such practices, it is important to consider Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016, concerning the European Union Agency for Law Enforcement Cooperation (Europol). Spain is a member of this Agency and is therefore subject to its rules when dealing with matters covered by the Regulation. Article 30 of the Regulation states:

'The processing of personal data, whether by automated means or otherwise, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data or data concerning a person's health or sexual life shall be prohibited unless strictly necessary and proportionate for the prevention or combating of crimes falling within Europol's objectives, and if such data complement other personal data processed by Europol. It shall be prohibited to select a specific group of persons solely on the basis of the aforementioned personal data.'

Under the current legal framework, police databases may not contain information related to a person's religion, ethnic or racial origin, in accordance with the principles of personal data protection and non-discrimination enshrined in both national and international legislation. Consequently, it is legally inadmissible to initiate police investigations based on the religion or ethnicity of the victim, complainant, or any other involved party, as this would violate fundamental rights recognized by Spanish law.

This prohibition is grounded in the aforementioned EU Regulation on Europol, which is directly applicable in Spain and explicitly forbids the processing of sensitive personal data, including those related to religious beliefs or ethnic origin, except in the exceptional cases provided for by law. Compliance with this Regulation is mandatory for all Member States, and its provisions have been incorporated into Spanish domestic law through Organic Law 7/2021 of 26 May, on the protection of personal data processed for the purposes of preventing, detecting, investigating, and prosecuting criminal offenses and executing criminal penalties.

This law establishes a reinforced system of safeguards for the processing of personal data by competent authorities in the criminal justice field, and emphasizes the special protection that must be afforded to sensitive data, prohibiting their use unless there is explicit legal authorization, justified necessity, and proportionality in the processing.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.