1. *What are the key challenges and issues of racial discrimination in your country/region today and how do you work to address them?*

The context of economic, political and social crisis in Spain in recent years has profoundly affected our society, impacting the migrant population particularly significantly, an impact manifest in cutbacks in economic and social rights since 2008.

In terms of public policies, we found that immigration policy changes in different areas.

First of all, we can observe changes in the procedure to obtain Spanish citizenship. The government has tightened the criteria for granting citizenship. Today people applying for citizenship by residence will have to pay a tax and perform two tests, one of Spanish language and a second on constitutional and socio-cultural knowledge of Spain. These changes in the process of obtaining Spanish nationality pose major obstacles for foreign people, both due to the economic cost and the difficulty of the required tests. Regarding the latter, it is not a measure which in itself can be considered as discriminatory but we can say that there are nationalities that find it more difficult to overcome these tests.

Another point regarding legislative changes is the amended Organic Law on rights and freedoms of foreigners in Spain and their social integration. The new provision, which came into force on April 1, 2015, introduces a special regime on the Southern border of Spain. It is allowed to proceed to the return of migrants who cross the border jumping the fence in Ceuta and Melilla without following the administrative procedure provided for it in the Immigration Law. These returns have been called “push backs”, “immediate deportations” (“Devoluciones en caliente”) and have been carried out without procedures or guarantees, which is a violation of the right of non-deportation, effective judicial protection and access to asylum of people, among others.

Also in relation to economic, social and cultural rights, from September 1, 2012, healthcare is provided to immigrants in an irregular situation only in cases of emergency and until recovery, to minors in all cases, and women during pregnancy, childbirth and postpartum. All those who reach the Spanish territory or have been legal residents but have been unable to renew their documents, or whose application for asylum has been refused, to name just a few examples, no longer have access to the public health system. In July, the Constitutional Court understood that the new regulation is in accordance with the Spanish Constitution, despite the disagreement of many experts.

In relation to racist violence, law enforcement and access to justice for migrants, we count on the publication of balance sheets of hate crimes in Spain, which is an important development. However, given the lack of training of the agents, they are failing to record many crimes and incidents that could be categorized as discrimination and/or hatred on grounds of race/nationality. In any case, it is important to stress that there is no systematized and disaggregated information yet on follow-ups and results. The lack of an effective legal framework to combat discrimination in Spain should also be highlighted, given the suspension of the processing of the Comprehensive Law on Equal Treatment and Non-Discrimination[[1]](#footnote-1).

A positive fact is that Spain is an exception in Europe, as far-right parties lack parliamentary or national, or regional-level representation. With some exceptions, they only have one or two councilors in small and medium towns. This positive acceptance of the migration issue is primarily the work of civil organizations and institutions seeking to join forces in programmes for integration and awareness of equal treatment and non-discrimination.

Our organization, Red Acoge, is a nonprofit organization with a network made up of 17 Spanish associations working at local and regional level. We work on the issue of equality of treatment and non-discrimination under an interdisciplinary perspective. We inform and denounce Public policies and legislative changes, such as the above mentioned, rising awareness and disseminating relevant information. We provide social and legal assistance to discrimination victims, as well as develop education and social integration projects to form an inclusive and multicultural society. We also work with other agents to improve information and mechanisms regarding access to justice and data collection on the subject. However, despite the work of civil society organizations in this area, we still have to join forces to meet the different needs of today's diverse society.

1. *What has been your experience, as civil society, of engaging with CERD to date?*

The Committee, through its Secretariat, performs an excellent work with civil society, offering the possibility of maintaining close and accessible communication, exchanging information, taking into account the importance of the voice of civil society. CERD works with the different agent experts in an inclusive way, in order to have a clear picture of the situation of the country regarding equality of treatment and non-discrimination. In so doing, civil society actors have the chance to raise issues that sometimes are not covered by the State reports and are contributing to the effectiveness and legitimacy of the Committee’s work.

The Committee's reports are important to legitimize civil society when requesting from the government that it changes certain rules or practices, therefore they constitute an important mechanism in our daily work since they come from an organization that has achieved sufficient legitimacy among its member states.

Likewise, the possibility of sending information to the Committee allows us to find an external mechanism to disseminate and give visibility to situations of discrimination that occur domestically and that otherwise would not be known by third parties.

1. *How can the CERD improve and enhance its engagement with civil society, and its work on racial discrimination for greater impact on the ground?*

There are several ways in which civil society actors can engage with the Committee and its work, especially during States’ reporting cycle, under the individual communication procedure, under the Early Warning mechanism and Urgent procedure, and through thematic discussions. We consider these mechanisms to be very useful and sufficient to facilitate cooperation between the Committee and civil society. Some of these mechanisms, however, are little known and used. Organizations use mostly the shadow report during the State reporting sessions. This is a useful and important contribution to CERD’s work. However, Spain among other States, has accepted the optional individual communications procedure set up in article 14 of the ICERD, and this reporting tool could help to strength the work of the Committee and to provide greater impact on the work of both the committee and the civil society agents. Both should work together to activate this important safety valve for victims of racial discrimination.

In relation to NGOs’ participation, we would also consider it important to increase cooperation and coordination between the various NGOs, in order to facilitate and provide accurate information to the Committee.

Relationships with civil society could be improved if the Committee was better known both by civil society itself and by professionals which are sometimes unaware of these international mechanisms and their usefulness. As an example, the Committee could work more with judicial authorities and with professional groups such as bar associations to raise their awareness of the importance and usefulness of their reports.

1. The Draft Act, as submitted to Chamber of Deputies, is available at

   http://www.congreso.es/public\_oficiales/L9/CONG/BOCG/A/A\_130-01.PDF [↑](#footnote-ref-1)