

**Statement: The impact of ethnic profiling in people with African Descent in Spain**

**UN Working Group of Experts on People of African Descent**

**Mission to Spain**

**19 February 2018**

Rights International Spain welcomes the visit to Spain of the Working Group of Experts on People of African Descent. We are grateful for the opportunity to participate in this meeting.

We would like to raise the issue of the use of ethnic profiling by police officers in Spain, being the people of African descent one of the most affected communities by these practices. Given that multiple human rights bodies, both domestic and international, have expressed grave concern about this practice, we urge you to raise this problem with the Spanish authorities.

Spanish police routinely rely on physical or racial characteristics when conducting identity checks in the course of ordinary law enforcement activities as well as part of immigration control. The use of ethnic profiling practices in both contexts disproportionately affects a growing number of communities in Spain, simply because they do not “look” Spanish, including people of African descent. These police practices have been documented by civil society and academic reports. In 2013, a report of the University of Valencia, which analyzed the results of a nationwide survey, showed that 45 percent of persons of North African appearance and 39 percent of persons of Afro-Latin American appearance reported being stopped in the past two years, while only 6 percent of people with Caucasian white appearance reported having had a police encounter. More recently, a direct observation study conducted by the *Asociación Pro Derechos Humanos de Andalucía*, jointly with the University of Granada concluded that Black people were 42 times more likely to be stopped than white people.

This practice continues despite the fact that the Human Rights Committee concluded in the 2009 *Rosalind Williams v. Spain* individual communication that identity checks based on the person’s skin color constitute unlawful discrimination. In its decision, the Human Rights Committee called upon Spain to “take all necessary measures to prevent its officials from committing acts” of discriminatory policing. Nine years later, this decision has not been implemented by the Spanish State. While the authorities have undertaken some actions to address this problem, including the adoption of a police directive in May 2012 that prohibits indiscriminate police actions based solely on ethnic criteria and a legal prohibition of discrimination in ID checks introduced in 2015, these measures are insufficient, as these practices persist.

In recent years, other human rights bodies have expressed their concerns over discriminatory police practices as well, including the Committee on the Elimination of Racial Discrimination, the European Commission against Racism and Intolerance, the U.N. Special Rapporteur on Racism, and the Spanish ombudsperson (*Defensora del Pueblo*). In particular, the latter two have decried the insufficiency of measures adopted by the government, and have urged the State to take additional steps to address the problem of ethnic profiling.

The Spanish Ombudsperson and the Special Rapporteur proposed concrete recommendations to the Government, which are still pending to be adopted, including: legally prohibiting ethnic profiling; introducing and implementing stop-forms that record all identity checks and provide victims with a record of their encounters; establishing a police oversight mechanism; recruiting police officers from various ethnic minorities; undertaking human rights and non-discrimination trainings for police; and instituting public campaigns to inform individuals of their rights.

The Spanish State has yet to implement these crucial recommendations. We believe that these measures, if introduced in a comprehensive manner, would represent a significant step forward in ending discriminatory policing. We hope you will urge the Spanish State to implement these measures to ensure the human rights of racial and ethnic minorities are fully respected and protected and that individuals from these communities do not continue to fall victim to discriminatory police practices.

We note that the General Directorate of the National Police accepted the recommendation consisting on the implementation of stop-forms. In a letter sent to the Ombudsperson they committed to start the process for this reform in the second semester of 2017. However, no meaningful measures have been adopted to date, and thus it seems there is no longer the political will for the National Police to implement this commitment. Therefore, we kindly ask the Working Group to raise this issue and follow-up this commitment in the meeting with the Ministry of the Interior representatives.

Thank you very much for your attention.