



# Introduction





The Fundación Secretariado Gitano once again presents its Annual Report on *Discrimination and the Roma Community*.

The compiling and dissemination of this Report is part of the strategy to combat discrimination and promote equal treatment that our Foundation has been implementing for several years now. Through our Equal Treatment Department and thanks to funding from the Ministry of Education, Social Policy and Sports, the FSG is trying to deal with situations of discrimination suffered by Roma in our country by implementing, within the realm of our possibilities, the types of actions envisaged in European Directive 2000/43/EC which has yet to be effectively implemented given that the Specialised Body provided for in the Directive has not been created.

To this end, the actions undertaken through the Equal Treatment Department of the Fundación Secretariado Gitano are organised along the following axis:

- **Technical assistance and training** actions targeting key agents in the fight against discrimination: Technical experts and those responsible for government administrations, social and legal entities, police and the media.
- Promotion of social policy which supports the advancement of equal treatment by **monitoring anti-discrimination legislation and its everyday enforcement**.
- Initiatives to identify cases of ethnic discrimination and **counselling and support of victims** who are defending their rights.
- **Social awareness-raising** actions through the dissemination of information relating to the fight against ethnic discrimination and the advancement of equal treatment and through campaigns such as the one conducted this year under the slogan “*employment makes us equal*” which is described in this Report.

This Report on Discrimination and the Roma Community pursues four major objectives:

- Collect, in an orderly and documented fashion, the cases of discrimination brought to the attention of our teams in the different cities where the FSG operates.
- Analyse the type of discrimination taking place and the responses to it while trying to identify the practical difficulties or shortfalls in applying legislation currently in force and the most efficient strategies to provide victims with needed attention.
- Inform on the most significant progress made and the most relevant initiatives taken in this sphere during the preceding year.
- Raise the awareness of the key agents on which this Report focuses.



In this 2008 Discrimination and the Roma Community Report we have initiated a new line of study on the phenomenon of discrimination entailing a number of different factors acting simultaneously with a view to understanding the complexity of the situation and because, from a legal standpoint, the notion of multiple discrimination is not expressly recognised in the Spanish legal system. Through an in-depth analysis of three of the cases of discrimination collected in 2007 conducted by our own *Cristina Domínguez*, we are seeking to show the complexity of the discriminatory act which Roma frequently suffer (viewing discrimination as a social phenomenon transcending the legal dimension) and the insufficient legal instruments in place to address it and the insufficiency and ineffectiveness of responses given to these situations. This initial study of the phenomenon of multiple discrimination draws attention to its importance and complexity and to the need to pay greater attention to factors such as gender, age, disability or socio-economic status which can aggravate ethnic discrimination creating multiple roadblocks on the path to equality and to the importance of public authorities' incorporating this concept into legislation, policies, action plans, etc.

As in previous years, the Report provides a brief description of 65 cases of discrimination collected and documented by our services during the course of 2007. Based on an analysis of these cases, the Report offers a set of Conclusions on the impact of discrimination on Roma and the practical limitations standing in the way of effectively enforcing existing laws and regulations. It also includes a set of recommendations enabling the government administrations and agents responsible for enforcing protection measures to play a more active role in this field.

The Report also includes some highlights of 2007 and 2008 which we believe represent advances in the fight against discrimination: different judgements handed down by European courts, action taken by public bodies in Spain or at European level or measures to institutionally acknowledge the Roma minority as part of the reform process of some of our Statutes of Autonomy. For example, we have a contribution from *Fernando Rey*, a Constitutional Law Professor and expert in discrimination, which analyses and assesses the relevance of the European Court of Human Rights' judgement in the case known informally as "Ostrava".

And finally, the Report also describes some of the affirmative action taken during this period by public institutions such as the OBERAXE or private ones such as the Luis Vives Foundation or the Fundación Secretariado Gitano itself.

In short, we hope that this Report helps make the discrimination suffered by Roma in Spain more visible and that it helps those responsible for enforcing anti-discrimination protection measures to be more aware of and sensitive to this reality. We hope that the next Report drawn up by our Foundation in 2009 is under the umbrella of the new Comprehensive Equal Treatment Act announced by the Government and that at long last we will have, as mandated by Directive 2000/43, a *specialised body* with the authority to implement measures to reduce the enormous gap that exists between good anti-discrimination laws and the negative prejudice, racism and discriminatory practices damaging our society and especially effecting the everyday life of Roma.

We would like to express our gratitude to all of the individuals and institutions who have collaborated in compiling this Report, beginning with the FSG workers who, from their respective work centres, were involved in gathering cases and in supporting the victims of discrimination. We would also like to thank *Cristina Domínguez*, author of the chapter on



complex discrimination and reiterate our gratitude to Fernando Rey, not only for his valuable contribution to this Report, but also for his firm commitment to Roma equality.

Lastly, we would like to acknowledge the support which these actions have been receiving from the Directorate-General for Social Policy of the Ministry of Education, Social Policy and Sports and the contribution of the Ministry of Equality's Directorate-General against Discrimination for disseminating these activities.

**Fundación Secretariado Gitano**