



AFFIRMATIVE ACTION IN THE FIGHT

AGAINST DISCRIMINATION





# Affirmative action in the fight against discrimination

## 1. UNIJEPOL Platform

On 18 June 2010 the Platform for Police Management of *Diversity* was presented in Madrid. This initiative was designed to boost and promote improvements in the action taken by law enforcement bodies and to guarantee a diverse society and especially to ensure that more vulnerable minority groups receive equal treatment from the police.

This Platform, composed of the *Pluralism and Co-existence Foundation*, the *Fundación Secretariado Gitano*, the *Open Society Justice Initiative (Soros Foundation)* and the *National Union of Local Police Heads and Officials (UNIJEPOL)* as member organisations, and also of *Amnesty International* as an observer, acknowledges the fundamental role played by public police services in protecting the unhindered exercise of rights and freedoms and in enforcing the law, maintaining everyday co-existence and citizen security and building democracy.

The Manifesto constituting the *Platform for the Police Management of Diversity* notes that over the last several decades the Spanish population has undergone one of the most important transformations in its modern history and, as happened earlier in other countries, diversity today is one of the most important characteristics of the social make-up of Spain. However, while there are no fundamentally significant problems of co-existence, serious incidents of discrimination do arise and there is still a long way to go before all public institutions are able to effectively guarantee the exercise of human rights on an equal footing for all.

There are many aspects of police action which are directly related to the management of social diversity and the guarantee of equal treatment.

In this connection, the organisations making up the Platform believe that Law Enforcement Officials should start to develop a process focusing on the following objectives: heightened awareness, greater sensitivity, enhanced training, new procedures and greater amounts of more specialised resources earmarked for policing, with a view to understanding the rich social complexity so as to be able to more efficiently address diversity and effectively guarantee equal and respectful treatment of minorities.

The Platform's priority work objectives are:

- to heighten the awareness of the authorities responsible for public security and of the police regarding the need to promote diversity management policies;
- to promote better police training in the area of diversity management;
- to set up a specific statistical database to record crimes of hate and discrimination and for the competent institutions to establish police action protocols in this ambit;
- to close the gap between public police forces and minority communities and get them to participate in citizen security policies;
- to help improve the way police deal with people from minority communities;
- to define police action criteria when it comes to ordering people on the street to identify themselves in order to establish preventive measures and control racial profiling;

- to promote affirmative action to encourage people from minority communities to join the police force and its auxiliary services;
- to disseminate and acknowledge best practices and affirmative action by public police in the area of diversity.

The first lines of action to be implemented to achieve these objectives revolve around the development of a training programme targeting law enforcement officials, the incorporation of new members into the police force, a web page to disseminate relevant information and a training and awareness-raising conference on diversity and law enforcement officials in 2011.

## 2. Training targeting key players in the fight against discrimination

The development of training initiatives in the field of anti-discrimination and the promotion of equal treatment targeting key agents (police, jurists, media, etc.) continues to be of capital importance if we are to improve upon capacity-building efforts and achieve full and practical application of the legal measures laid down in Directives and national law. Likewise, it is still necessary to raise the awareness of Public Administrations so that they create the political framework to accompany and help in the practical application of the law.

Following are some of the main training and awareness-raising activities carried out to date:

- Training and capacity building for FSG technical experts responsible for uncovering and gathering cases of discrimination in the different Autonomous Communities during the course of 2009 and 2010 to help them better identify situations of discrimination and familiarise them with resources and tools to combat it.
- Participation of the FSG's Equal Treatment Area in the Conference entitled "No + (more) Discrimination" organised in Madrid by the Spanish Refugee Aid Committee. We specifically took part in a panel discussion on 23 September 2009 as one of several organisations involved in aiding victims of discrimination.
- Participation of the FSG's Equal Treatment Area in a panel discussion at the GRECS conference, University of Barcelona, on gender-based dis-

crimination and racism held on 20 November 2009.

- Participation of the FSG's Area of Equal Treatment in a communication on *Equal Treatment and Non-Discrimination at a training course on immigration, alien affairs and asylum* organised by the CCOO (trade union) in Valladolid in December 2009.
- V Anti-racism Conference organised in March by the social entities of Gijon. The Area of Equal Treatment presented a communication at a panel discussion entitled "*Old Situations, New Challenges*", in March 2010.
- Participation in the panel discussion entitled "Human rights under the Spanish Presidency of the EU: achievements and challenges", organised by Amnesty International was held at the Congress of Deputies (Parliament) on 8 April 2010.
- Presentation made at the EAPN-Galicia Conference on discrimination and aid for victims held in April 2010. Participants were third sector experts and people belonging to different vulnerable groups.
- Police Conferences: *Equal Treatment Conference* targeting the Local Police, National Police and Civil Guard of Cordoba organised by the Directorate-General of the Police and Civil Guard, Training and Advanced Learning Division, in April 2010.



### 3. “Shadow Reports” presentation

#### CERD Shadow Report

Racial discrimination continues to be a major stumbling block standing in the way to the full achievement of human rights. Owing to the serious danger racial discrimination represents, its elimination has become a United Nations objective. To that end, as early as 1965, the General Assembly decided to officially approve the Declaration on the elimination of all forms of racial discrimination. The Convention entered into force in 1969 following the ratification or accession by 27 States. By the end of 1990, 128 states had deposited their ratification or accession credentials, that is three quarters of the total number of United Nations Members<sup>1</sup>.

In addition to defining the duties of State Parties, the Convention established the Committee on the Elimination of Racial Discrimination (CERD)<sup>2</sup>. The mission of this Committee is to examine the measures adopted by States to comply with their duties as parties to the Convention. One of the measures examined are the periodic reports which all States who have ratified the Convention must submit. These reports must be submitted every four years and when one is presented to the Committee for examination, the civil society may send its own *shadow reports*, allowing them to report on things which the State does or tolerates and which represent a violation of the Convention.

In this connection the FSG, together with SOS Racismo and the Spanish Refugee Aid Committee (CEAR), submitted a joint shadow report to furnish the Committee with the most complete possible information on racial discrimination in Spain. This report was supported by the Spanish chapter of the European Network Against Racism (ENAR) given that two of the organisations (now three) form part of that Network.

The shadow report spoke to things such as the lack of practical enforcement of anti-discrimination legislation by lawyers and judges; the fact

that no data broken down by sex and ethnic origin was available; the situation of defencelessness in which victims find themselves when reporting situations of discrimination, etc.

Lastly, a number of proposals were made which could help to eliminate all forms of discrimination against all people and groups living in Spain.

During the next period of sessions (February 2011), the Committee will report on the situation of racial discrimination in Spain, highlighting the positive initiatives implemented by the Government, but also those which need to be improved by following specific recommendations.

#### Presentation of the ECRI report

The European Commission against Racism and Intolerance (ECRI) was created at the first Summit of Heads of State and Government of the Member States of the Council of Europe following the Declaration.

ECRI's duties include combating racism, racial discrimination, xenophobia, anti-Semitism and intolerance throughout all of Europe from the perspective of protecting human rights in the light of the European Convention on Human Rights and its additional protocols and case law.

This work includes country-by-country monitoring visits. The fourth round began in 2008 and ECRI was entrusted with examining whether Member States were complying with the recommendations the Commission made in its third report.

At these visits the civil society can also contribute to the Commission's investigation and the FSG decided to present its own opinion on Spain's adherence to the ECRI recommendations (2005-2009). This report analysed the situation of the Roma community in all facets of citizen participation (health-care, housing, education, etc.), legal provisions dealing with the subject of equality, cases of racial violence and it denounced the lack of awareness-raising efforts on racism and racial discrimination.

<sup>1</sup> For further information see: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2-a&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2-a&chapter=4&lang=en)

<sup>2</sup> For further information see: <http://www2.ohchr.org/spanish/bodies/cerd/index.htm>

In March, the FSG received a visit from an ECRI delegation which came to analyse the main concerns of the Commission in view of our report. They specifically wanted to hear more about acts of racism and discrimination on the Internet, the new Roma Development Scheme, the scant political representation of members of the Roma

ethnic group, the main areas where discrimination occurs and problems in housing and education. Following the round of visits to different entities and organisations, a report was drafted as the preliminary step to a complete analysis of the situation which will take place in two years.

#### **4. Equal treatment, the media and the Roma community: a practical guide for journalists**

The media play a very important role in determining the social image of the Roma community. In order to keep this image from becoming a breeding ground for prejudice, it is important for journalists to have some basic notions of equal treatment and the fight against discrimination and about the current situation of the Roma community in Spain.

To that end, in 2010 the areas of Equal Treatment and Communication of the FSG put together a handbook<sup>3</sup> targeting journalists with basic and practical content on these issues and supplementary material on best practices, a glossary, bibliography, resources and legislation.

We consider this material to be extremely important because if all media professionals contributed to showing an authentic heterogeneous image of the Roma community, that would constitute a major step forward in raising the awareness of the whole society.

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<sup>3</sup> Madrid: Fundación Secretariado Gitano, 2010.- 93 p.- (Work material; 49)