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DISCRIMINATION

AND THE ROMA COMMUNITY

ANNUAL REPORT 2010 • ANNUAL REPORT 2010 • ANNUAL REPORT 2010 • ANNUAL REPORT 2010 •

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INTRODUCTION



Introduction

Another year running the Fundación Secretariado Gitano, as part of its strategy to combat discrimination, presents its **sixth Report on Discrimination and the Roma community**, with the aim of making further headway in the fight against discrimination of the Roma community by showing the entire society, and especially the competent government administrations, the social rejection and stigma that, unfortunately, this ethnic minority continues to suffer.

The Area of Equal Treatment of the Fundación Secretariado Gitano continues to deal with situations of discrimination suffered by the Roma community thanks to the financing provided by the Ministry of Health, Social Policy and Equality. Our work basically revolves around four fundamental pillars:

- Initiatives to identify cases of ethnic discrimination and counselling and support of victims who are defending their rights.
- Technical assistance and training initiatives targeting the key players in the fight against discrimination: mainly technical personnel and the heads of administrations and social organisations, jurists, law enforcement officials and the media.
- Promotion of policies supporting the advancement of equal treatment by monitoring anti-discrimination legislation and its everyday enforcement.
- Social awareness-raising actions through the dissemination of information related with the fight against ethnic discrimination and the promotion of equal treatment.

The Fundación Secretariado Gitano has observed deplorable events such as the mass expulsion of Community citizens (Romanians and Bulgarians) of Roma ethnic origin from France as well as important steps forward such as the favourable judgement delivered by the European Court of Human Rights acknowledging María Luisa Muñoz's right to a survivor's pension and the creation and commissioning of the *Council for the Advancement of Equal Treatment and Non-discrimination of Persons for Reasons of Racial or Ethnic Origin* and, more specifically, the creation of a network to provide assistance to victims of discrimination for reason of racial or ethnic origin composed of social organisation like ours which work day in and day out with groups suffering from discrimination. This service is of vital importance for all victims of discrimination who, until the middle of 2010, were provided with only scant information, counselling and accompaniment services to deal with a situation of rejection based on their ethnic or racial background.

We believe that we must continue forward in this line of work and delve deeper into the creation of an independent body to promote equal treatment to carry out the duties laid down in Directive 2000/43/EC¹. Moreover, it is essential for the future Equality Act to be published before the end of 2010 and that it be an integral Act fostering the defence of rights and non-discrimination in a practical sense.

The *2010 Discrimination and the Roma Community Report* begins this year with a survey of the situation endured by Community citizens of Roma ethnic origin in France and the efforts made by organisations like ours which champion rights and non-discrimination. Together with that survey we have included several specialised articles through which we seek to take a closer look at two vital services: the Council for the Advancement of Equal Treatment and the Special Hate and Discrimination Crime Service of the Barcelona Provincial Public Prosecutor. We conclude that section with an introduction to gender equality and a closer look at the situation of multiple discrimination faced by Roma women.

As in previous years, the report includes the cases of discrimination recorded by the Fundación Secretariado Gitano (131 in 2009) but this year they are grouped by area of discrimination identifying the type of discrimination they represent and some of the actions implemented to combat them and some responses obtained. Once again, with due consideration of the importance of collecting formal cases, we have conducted a more thorough analysis offering data broken down by sex, age and area of discrimination.

The report also reflects the most noteworthy advances made in the fight against discrimination at national and European level in 2009 and 2010, i.e. benchmark studies, new legislation and case law in the fight against discrimination and new tools developed in this area.

Lastly, we have included the most relevant affirmative action initiatives carried out by our organisation and others in the hope that these are of interest to and can be used by other agents involved in combating discrimination.

Following this overview of the content of this report, we would once again highlight that the Roma community continues to suffer daily violations of the right to equal treatment and that the victims of discrimination find themselves in a serious situation of defencelessness. This situation must be stopped and to that end we need to combat discrimination while accompanying the victims throughout the discrimination process and this highlights the need for the specialised equality body provided for in Directive 2000/43/EC to be independent. Another fundamental aspect is the need to further social awareness-raising among all key players in the fight against discrimination of the society as a whole and to see to it that anti-discrimination law is enforced by judicial authorities.

Although there is still so much to be done, progress has been made and best practices implemented which all organisations involved can use in our endeavour to see to it that all people may enjoy the right to Equality.

Once again, we would like to express our gratitude to all of the individuals and institutions who have collaborated in compiling this Report. Firstly and especially to the workers of the FSG who, from their different work centres, were involved in the collection of and follow-up on the different cases and provided assistance to the victims of discrimination.

Secondly, to the Ministry of Health, Social Policy and Equality which once again has provided the Fundación Secretariado Gitano with economic support for the actions we carry out in the promotion of equal treatment of the Roma community.

¹ Article 13 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.



Lastly, we would like to express our gratitude for the collaboration offered by José Manuel Fresno, President of the Council for the Advancement of Equal Treatment, Miguel Ángel Aguilar, Public Prosecutor and coordinator of the Hate and Discrimination Crime Service of the Barcelona Provincial Public Prosecutor, María Macías, Professor of Constitutional Law at the University of Madrid and Fernando Rey Martínez, Constitutional Law Professor at the Universidad de Valladolid. All of these individuals are noteworthy professionals involved in the daily struggle in favour of real and effective Equal Treatment for all people and not just legal recognition of that right.

Sara Giménez Giménez
Responsible for the Area of Equal Treatment FSG



EXPULSION OF COMMUNITY CITIZENS

OF ROMA ETHNIC ORIGIN FROM FRANCE



Expulsion of Community citizens of Roma ethnic origin from France

In July of this year, the **French Government** deployed 300 military personnel in a town following an attack on a police station. Apparently, this attack was perpetrated by approximately 50 people identified by several French media as being members of the Roma ethnic group who were protesting against the death of a young person on Friday night who was shot by a police officer (it would appear that the young person died from gun wounds received from an officer during a car chase when the former failed to stop at a police checkpoint set up on a highway, according to official sources¹). Approximately ten days later, Sarkozy announced the dismantling of 100 of the 200 illegal Roma and traveller camps in a span of three months and the expulsion back to their countries of origin of “all nationals of Eastern European countries residing illegally in France”². That same day the French Minister of the Interior underscored those declarations announcing the expulsion of members of the Roma minority who had committed a crime against “public order” and pointed out that 300 of the 600 existing camps would be dismantled. In response to this situation, the **European Commission** declared that the French Government had the competence to decide on the future of the Roma minority in that country: “It is up to France to enact legislation on this matter. We can only state that the expulsion of individuals should be on a case-by-case basis and that the criterion of proportionality should prevail” were the words of the EC spokesperson³. The French Minister of the Interior then circulated an Instruction among the gendarmeries (police stations) ordering the evacuation of illegal camps with the specific objective of eliminating

300 camps within the following three months, prioritising the Roma camps.

In August the Community institutions reacted announcing that they would be keeping “a very close watch” on the deportation of Roma ordered by Sarkozy. Specifically Matthew Newman, spokesperson of DG Human Rights and Justice of the European Commission, said that “if a State deports someone, we must be certain that it is done proportionately. It must be the result of a reasoned decision and not be applied to an entire population. The 2004 Community Directive provides for free movement and residence of citizens in any EU country but also envisages restrictions, one being that people must have “sufficient resources” to provide for themselves in that country.”⁴

Despite the insistence of the **European Commission** on the need to apply expulsion sanctions on an individual basis, on 18 August France began to implement its massive expulsion plan to send Roma back to Romania: 86 people were put on three different flights back to Bucharest. The Minister of the Interior insisted that the repatriations were not directly related to the dismantling of the camps because these flights to deport Roma to Romania and Bulgaria were common practice. In fact, it would seem that during the previous year the French Home Ministry’s Immigration Office organised approximately 44 flights of this sort repatriating some 10.000 Roma citizens. Just this year, a total of 27 flights counting these three most recent ones were chartered according to Home Ministry figures.

As citizens of the European Union since 2007, Romanians and Bulgarians have the right to move

¹ “France deploys 300 military personnel in a town following an attack on a police station”. *El Mundo* (daily newspaper). 18/07/10.

² “Sarkozy announces the dismantling of 100 Roma camps”. *El Mundo*. 29/07/2010.

³ “France “declares war” on illegal Roma living within its borders”. RTVE (Spanish Television and Radio) 29/07/2010.

⁴ “The EU will keep a “very close watch” on the deportation of Roma ordered by Sarkozy”. RTVE 18/08/2010.

- vous m'adresserez cette synthèse à l'adresse
sec.gendarmerie@interieur.gouv.fr

Il revient donc, dans chaque département, aux préfets d'engager, sur la base de l'état de situation des 21 et 23 juillet, une démarche systématique de démantèlement des camps illicites, en priorité ceux de Paris.



MINISTÈRE DE L'INTÉRIEUR,
DE L'OUTRE-MER ET DES COLLECTIVITÉS TERRITORIALES

Paris, le 05 AOUT 2010

Le Ministre de l'Intérieur, de l'Outre-mer et
des Collectivités territoriales

à

Monsieur le Préfet de police
Monsieur le Directeur général de la police nationale
Monsieur le Directeur général de la gendarmerie nationale
Mesdames et Messieurs les Préfets
(pour action)

Monsieur le Secrétaire général
(pour information)

NOR IOC/K/1016329/J

OBJET : Evacuation des campements illicites

Références : - Télégramme en date du 30 juillet 2010
- Circulaire IOC/K/1016329/J du 24 juin 2010

Le Président de la République a fixé des objectifs précis, le 28 juillet dernier, pour l'évacuation des campements illicites : 300 campements ou implantations illicites devront avoir été évacués d'ici 3 mois, en priorité ceux des Roms. Dans son discours de Grenoble, le 30 juillet dernier, le Président de la République a demandé de procéder d'ici la fin septembre au démantèlement des camps qui font dès à présent l'objet d'une décision de justice et, lorsque cette décision n'a pas encore été prise, d'engager les démarches pour qu'elle intervienne le plus rapidement possible.

Pour mettre en œuvre ces décisions, dès le 30 juillet, les préfets de zone ont été réunis et ont reçu toutes instructions et informations utiles.

Lors de cette réunion, des objectifs précis en matière d'opérations d'évacuation ont été fixés en fonction de la situation de chaque zone de défense et de sécurité sur la base des états département par département établis aux 21-23 juillet.

Le 30 juillet, suite à la réunion avec les préfets de zone, je vous ai adressé un télégramme d'instructions, et les préfets de zone vous ont réunis pour arrêter les modalités de mise en œuvre de ces directives.

.../...



freely for three months in France except for students. However, there is a moratorium on the right to work renewable to 2014 meaning that Romanians and Bulgarians must apply for a work permit and their access to the labour market is restricted to a list of 150 jobs.⁵

Criticism from international organisations was incessant and the **Council of Europe** spoke out against the expulsions noting that “a policy based on expulsions and incentive to leave France, even assuming that relevant human rights standards are being met, is not a long-term solution”. It also pointed out that declarations such as those made by French government officials contribute to the stigmatisation of Roma immigrants “who, as a group, are blamed for criminal acts”⁶.

In August the UN Committee on the Elimination of Racial Discrimination (CERD) presented its findings from the study of the reports on the French situation submitted by the signatory States in accordance with Article 9 of the Convention. In its report the CERD said that: “*The Committee is concerned about the increase in incidents and violence of a racist nature against Roma in the territory of the State Party. (...) It has been observed that a voluntary return programme has been implemented to send Roma to their countries of origin. (...) there are reports that Roma have been sent home collectively to their home countries without the free, complete and informed consent of all the individuals concerned.*”

The Committee takes note of the declarations made by the State Party and recommends that it makes sure that all public policies concerning Roma fully comply with this Convention, specifically avoiding collective repatriations and employing sustainable solutions to deal with Roma issues based on full respect for human rights (Articles 2 and 5).⁷

⁵ “France initiates the controversial expulsion of 700 Roma.” *El País* (daily newspaper). 18/08/2010.

⁶ “The Council of Europe criticises the expulsion of Roma from France.” *El País*. 24/08/2010.

⁷ “Examen des rapports présentés par les États parties conformément à l’article 9 de la Convention. Observations finales du Comité pour l’élimination de la discrimination raciale.” Comité pour l’élimination de la discrimination raciale (CERD). 27/08/10.

Atger: Francia viola las leyes europeas

La crisis se ha desatado entre París y Bruselas por la circular que cita a los gitanos como objetivo prioritario de las expulsiones.

Anaïs Faure Atger, directora de investigaciones en el Centro de Estudios de Políticas Europeas (CEPS) de Bruselas, buenas tardes. ¿Cree que esta polémica es más bien una cuestión de formas o a una violación real de los textos europeos?

Anaïs Faure Atger: No se trata en absoluto de un simple problema de formulación. Hay una violación evidente del derecho europeo.

Para empezar, la Comisión, como guardiana de los tratados europeos había pedido explicaciones a los ministros Lellouch y Besson que negaron explícitamente la existencia de esa circular. Por tanto han ocultado hechos a la Comisión Europea.

En segundo lugar, la circular era en sí abiertamente discriminatoria, porque se dirigía a un grupo de población, los gitanos. Eso es una violación de la carta fundadora de los derechos fundamentales de la Unión y también de la directiva que estipula la libre circulación de los ciudadanos europeos.

euronews: El texto que cita Bruselas es un artículo, el II 81, de la Carta de los Derechos Fundamentales de la Unión. ¿Es ese un texto vinculante?

Anaïs Faure Atger: Sí, la Carta de los Derechos Fundamentales es vinculante desde la adopción del Tratado de Lisboa, por tanto es de obligado cumplimiento para todos los Estados Miembros y las instituciones de la Unión Europea y sus agencias.

euronews: ¿Qué recursos puede activar el Ejecutivo europeo contra París?

Anaïs Faure Atger: Como anunció ayer la comisaria Reding, la Comisión puede iniciar un procedimiento de infracción, que es un procedimiento administrativo encaminado a rectificar, a presionar a los Estados Miembros para que rectifiquen sus prácticas. Si no es el caso, pueden abrir un procedimiento contencioso, es decir, llevar a Francia ante el Tribunal Europeo de Justicia.

euronews: Y en ese caso ¿Qué podría sucederle a Francia?

Anaïs Faure Atger: Una condena y una anulación de las expulsiones que han sido llevadas a cabo en el marco de esa circular.

euronews: París ha rectificado el tiro con una nueva circular donde no se menciona a los gitanos. Al mismo tiempo, el ministro francés para Asuntos Europeos protesta diciendo que “ya no estamos en el colegio”. ¿Cree que detrás de todo este asunto hay una lucha de poder entre las instituciones europeas y un Estado Miembro?

Anaïs Faure Atger: En efecto, hay una lucha de poder, porque Francia considera que sólo le corresponde a ella juzgar si aplica o no de forma correcta el derecho comunitario europeo.

Pero Francia no puede decidir eso sola, porque los tratados han conferido ese papel a la Comisión Europea.

Por otra parte, las lecciones que el señor Lellouch dice estar recibiendo de la Comisión Europea también se las han dado otras instituciones internacionales como el comité de la ONU para la erradicación de la discriminación, y el Consejo de Europa también ha condenado a Francia.

Si Francia quiere conservar su credibilidad en la escena internacional tiene que cambiar radicalmente de postura.

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In the light of this situation, **social entities** working to promote equal treatment and against discrimination made their concerns public both individually and collectively. The FSG issued a communiqué “condemning the deportation of Roma at the hands of the French Government”⁸ and expressed its indignation at the deportation of Romanian and Bulgarian Roma while urging the French Government to respect international law in the eviction and expulsion of EU citizens. It also stressed avoiding discourse and declarations which stigmatise the entire Roma population

⁸ Available at: <http://www.gitanos.org/servicios/prensa/comunicados/53343.html>

ELMUNDO.es

http://www.elmundo.es/elmundo/2010/09/16/union_europea/1284648027.html

POLÉMICA | Se puso 'muy agresivo' con Barroso

Sarkozy monta una 'escandalera' en el Consejo Europeo por los gitanos



Barroso y Sarkozy, en la foto de familia del Consejo. | Reuters

María Ramírez (Corresponsal) | Bruselas

Actualizado **jueves 16/09/2010 18:36 horas**

Las deportaciones de gitanos de Francia han provocado este jueves un agresivo enfrentamiento (dialéctico) entre **Nicolas Sarkozy** y el presidente de la Comisión Europea, **José Manuel Durão Barroso**, delante de todos los jefes de Estado y de Gobierno de la UE.

El presidente francés defendió su política de expulsión de miles de gitanos, la mayoría rumanos y búlgaros, es decir, ciudadanos de pleno derecho de la UE, en contra del expediente abierto por la comisaria de Justicia, **Viviane Reding**.

Sarkozy sacó el tema en la comida "varias veces", según fuentes diplomáticas, y no dudó en atacar con duras palabras a Barroso. El primer ministro búlgaro, **Boyko Borisov**, definió la agitación en el Consejo Europeo como una "escandalera" (según la interpretación del búlgaro).

"Ha sido un intercambio muy animado", explicó también un diplomático belga, que esperaba que los ánimos se tranquilizaran en las ruedas de prensa después de la reunión. Sarkozy, **según los testigos, se puso "muy agresivo" con Barroso**, que respondió con más moderación.

Francia se defiende

Francia repite desde julio que está aplicando la ley escrupulosamente en las deportaciones, aceleradas después de los disturbios en Saint Aignan, un pueblo en el

and encouraged social inclusion policies instead of promoting mass expulsions and the dismantling of camps. Moreover, in coordination with other national and European organisations, especially the **European Roma Policy Coalition (ERPC)** of which it is a member, it urged the Ministries of Foreign Affairs, Interior and Justice, as well as the European Commission and all other relevant organisations to openly reject these measures perpetrated against the Roma population in France

and to take a more active stance in seeking solutions which give rise to more inclusion policies rather than negating rights.⁹

On 14 September **Viviane Reding, Vice-president of the European Commission and responsible for Justice, Fundamental Rights and Citizenship**, spoke out in no uncertain terms in defence of the Roma community: "Over the past weeks, the European Commission has been following very closely the developments in France regarding the Roma. I personally have been appalled by a situation which gave the impression that people are being removed from a Member State of the European Union just because they belong to a certain ethnic minority. This is a situation I had thought Europe would not have to witness again after the Second World War. (...) Let me be very clear: Discrimination on the basis of ethnic origin or race has no place in Europe. It is incompatible with the values on which the European Union is founded. National authorities who discriminate ethnic groups in the application of EU law are also violating the EU Charter of Fundamental Rights, which all Member States, including France, have signed up to. (...) I am personally convinced that the Commission will have no choice but to initiate infringement action against France:

- Infringement proceedings against France for a discriminatory application of the Free Movement Directive.

- And infringement proceedings against France for lack of transposition of the procedural and substantive guarantees under the Free Movement Directive.

I will of course give the French authorities the right to submit comments on the new developments in the course of the next days. But I make

⁹ Available at: http://www.gitanos.org/upload/67/21/ERPC_Comunicado.pdf



it very clear my patience is wearing thin: enough is enough.”¹⁰

Nevertheless, at the September **European Council** Nicolas Sarkozy had serious words with the President of the European Commission, José Manuel Durao Barroso, over this subject where the French president defended his policy of expelling thousands of Roma, EU citizens with full rights, despite the case opened by the Commissioner of Justice, Viviane Reding. The rest of Europe’s leaders remained divided over this issue: Chancellor Angela Merkel, the Italian President Silvio Berlusconi and the President of Spain, José Luis Rodríguez Zapatero, criticised Reding’s tone while the current EU Belgian Presidency supported the Commissioner. Finally, Sarkozy accepted the enquiry announced by the Commission to gain insight into why and how the expulsions came about but disapproved of the “excessive” force used by the Vice-president.

Given the seriousness of the events, the **FSG** issued a new communiqué¹¹ deeply regretting the stance taken by the President of the Spanish Government whose declarations supported the French President and whose attitude made European Roma the prime scapegoat for the problems affecting France and Europe in general. *“It is no less disappointing that at the time when the Spanish model for the social inclusion of the Roma population is being adopted as a benchmark throughout Europe, President Zapatero and the leader of the opposition party, Mariano Rajoy - whose parties have promoted and supported this model for the last three decades- instead of leading and encouraging a pan-European Roma inclusion strategy as was done during the recent Spanish Presidency of the EU, echo these populist attitudes of the French Government.”* Lastly, the FSG called on the Spanish Government to speak out at once demanding that the French Government immediately halt the expulsions; it called on the European Commission to be effective and diligent in the implementation of an authentic inclusion strategy; and appealed to the civil society as a whole, Spanish and European, to express its re-

pulsion of the measures adopted by the French Government and demonstrate its solidarity with and commitment to the Roma people.

While the European Commission investigated the expulsions, the **director of enquiries at the Centre for European Policy Studies (CEPS) in Brussels** issued the following legal findings¹²: “This is certainly not a simple problem of formulation. **The circular is a clear violation of European law.** To begin with the Commission, as the caretaker of European treaties, had asked for explanations from Ministers Lellouch and Besson who explicitly denied the existence of that circular. Therefore they **concealed facts from the European Commission.** Secondly, the circular itself was openly discriminatory because it targeted a group of the population, the Roma. That **is a violation of the Union’s founding Charter of Fundamental Rights and of the Directive stipulating the free movement of Europe’s citizens.** (...) The Charter of Fundamental Rights has been binding ever since the adoption of the Treaty of Lisbon and is therefore authoritative for all Member States and the institutions of the European Union and their agencies. (...) As stated yesterday by Commissioner Reding, **the Commission can initiate an infringement procedure**, which is an administrative proceeding designed to rectify or pressure Member States into rectifying their practices. If that is not effective, **it can initiate a contentious-administrative procedure, in other words, it can bring France before the European Court of Justice.**” In that case, the Court could **“condemn and annul the expulsions** carried out within the framework of that circular.”¹³

In October the **European Commission** accepted the draft law from Paris to adapt the Directive on the free movement of persons and its implementation calendar thus putting an end to the enquiry initiated and renouncing the sanction procedure against France. “I am happy to see that France has responded to the Commission’s request in a positive and constructive manner within the stipulated time limits”¹⁴, stated Viviane Reding.

¹⁰ Non-official translation from the original into Spanish. See original: Speech/10/428. “Statement on the latest developments on the Roma situation.” Viviane Reding. Brussels, 14 September 2010.

¹¹ “Disappointment regarding the declaration made by Zapatero on the Roma controversy in France.” FSG. 17/09/2010. Available at: <http://www.gitanos.org/servicios/prensa/comunicados/53897.html>

¹² “Atger: France violates European laws.” Euronews. 15/09/2010.

¹³ Available at: <http://es.euronews.net/2010/09/15/pulso-entre-bruselas-y-francia/>

¹⁴ “Brussels shelves litigation concerning the expulsion of Roma from France.” El País. 19/10/2010.

The FSG considers the European Commission's decision to shelve the affair after weeks of conflict with France over the expulsions of Roma thus renouncing the right to bring charges against the Government of Nicolas Sarkozy as a "step in the wrong direction in the defence of the fundamental rights of Europe's citizens." This measure gives "carte blanche to other EU States to take similar measures against the Roma population without any type of consequences".

Members of the ERPC have provided the Commission with clear evidence proving that discrimination played a part in the expulsion of Romanian and Bulgarian citizens belonging to the Roma ethnic group. "The Commission has been far from transparent in reaching its conclusions. Our legal assessment, which we have shared with the EC, shows that the rights of many people were shamelessly violated. Those who were expelled from France had no access to justice. The Commission has let them down".

The FSG is deeply concerned about the discriminatory measures which several Member States have been employing against the Roma population and we feel there is a need for effective measures at the EU and Member State level to combat this discrimination and put an end to the problem of socio-economic exclusion faced by the Roma population throughout all of Europe. This decision taken by the EC is undoubtedly a step in the wrong direction.¹⁵

Once legal channels were closed, associations like ours which work in support of Fundamental Rights had

¹⁵ "The FSG says that the Brussels decision to not press charges against France is a step in the wrong direction". FSG. Available at: <http://www.gitanos.org/servicios/prensa/noticias/54549.html>

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Bruselas da carpetazo al contencioso por las expulsiones de gitanos de Francia

La comisaria de Justicia considera suficientes las garantías aportadas por París

RICARDO MARTÍNEZ DE RITUERTO | Bruselas 19/10/2010

Vota
Resultado ★★★★★ 33 votos
Comentarios - 71

La Comisión Europea ha convertido definitivamente en historia el acre **enfrentamiento con Francia** a propósito de las **repatriaciones de gitanos rumanos y búlgaros** de este verano al aceptar como bueno el proyecto de ley de París de adaptar la directiva sobre libre circulación de personas y el calendario para ello. "Francia ha hecho lo que le pidió la Comisión", ha señalado en un comunicado Viviane Reding, la vicepresidenta del Ejecutivo comunitario que provocó una guerra verbal en la que participaron a fondo José Manuel Durao Barroso, presidente de la Comisión, y Nicolas Sarkozy. "Estoy encantado de que haya triunfado la razón", ha apuntado el presidente francés.

La UE amenaza con sancionar a Francia

Bruselas se pliega a Sarkozy en la polémica sobre la expulsión de los gitanos

Las claves del conflicto entre la Comisión Europea y Francia por la expulsión de los gitanos rumanos

Francia adaptará su legislación a la normativa europea tras la polémica provocada por las expulsiones de gitanos rumanos

El pulso entre la Comisión, como guardiana de los derechos de los ciudadanos, y Francia por las expulsiones de los rumanos y búlgaros se convirtió en algarada diplomática cuando Reding, **sintiéndose engañada por París, declaró que lo ocurrido le retrotraía a escenas de la Segunda Guerra Mundial** que no pensaba volverían a darse en Europa. Un Sarkozy herido por el rejonazo verbal tuvo un intenso intercambio de pareceres con Barroso en el Consejo Europeo de septiembre. Al espectáculo asistieron atónitos los demás jefes de Estado y de Gobierno de la Unión, que puestos en la tesitura se alinearon con su colega en contra de lo que consideraron excesos verbales de Reding.

Colocados cada uno en su sitio, Reding dio a Francia hasta el 15 de octubre para **presentar un proyecto de ley** para adaptar la controvertida directiva de 2004 a la legislación nacional y, con él, un calendario de aplicación. En caso contrario, Francia sería sometida a un procedimiento sancionador.

"Me satisface anunciar que Francia ha respondido positiva y constructivamente, y en los plazos previstos, a la petición de la Comisión", ha señalado Reding en el comunicado en que exponía cómo París ha presentado su proyecto de ley y "un calendario creíble, hasta primeros de 2011", para la trasposición de la directiva.

"Francia, por lo tanto, ha hecho lo que le pidió la Comisión", ha resumido Reding, para subrayar la victoria formal. París ha ganado en el fondo y el archivo de las diligencias abre la vía a la normalización de las relaciones entre Bruselas y París.

Viviane Reding
A FONDO
Nacimiento: 27-04-1951
Lugar: Esch-sur-Alzette

Francia
A FONDO
Capital: París.
Gobierno: República.
Población: 64,057,792 (est. 2008)

La noticia en otros webs

- webs en español
- en otros idiomas



to look for other ways to voice our outrage so that society does not overlook the situation that Roma continue to suffer in France. In this connection, the Fundación Secretariado Gitano (with 67 offices in 14 Autonomous Communities) and the Unión Romaní (a federation of Roma associations with over 90 members) decided to join forces to get third sector organisations involved in what is becoming a growing concern and invite them to join in solidarity with the Roma community. The idea of this initiative is to drum up support and to get the third sector and civil society to take a clear position in putting a social barrier in the path of this increasingly generalised trend of “everything goes against the Roma”, reminding all of elementary principles and values such as the equality and dignity of all persons and shared rights of all citizens.



PUTTING DISCRIMINATION INTO CONTEXT



Putting discrimination into context

1. Creation of the Council for the Advancement of Equal Treatment

José Manuel Fresno

President of the Council for the advancement of equal treatment and non-discrimination of persons for reasons of racial or ethnic origin

In June and November of the year 2000 the European Union, pursuant to Article 13 of the Treaty of Amsterdam, adopted two Directives to combat discrimination: the so-called “Racial Equality Directive” (2000/43/EC) prohibiting discrimination based on racial or ethnic origin in any context (employment, education, social security, health-care, access to goods and services, etc.) and the “Employment Equality Directive” (2000/78/EC) laying down a framework to prevent discrimination in the workplace for reason of religion or belief, disability, age or sexual orientation.

Article 13 of Directive 2000/43 requires every Member State to designate “one or more bodies to take responsibility for the promotion of equal treatment of all persons irrespective of racial or ethnic origin.” In accordance with European law, since its approval each of the 27 EU Member Countries has been incorporating these regulations into its own national legislation.

In Spain, the Directives were transposed into the legal system at the end of 2003 through **the Fiscal, Administrative and Social Order Act, Law 62/2003 of 30 December 2003** whose Article 33 provides for the creation of a Council for the advancement of equal treatment and non-discrimination of persons for reasons of racial or ethnic origin.

This body was finally constituted in September 2009 following its creation by Royal Decree in September 2007. It is currently attached to the Directorate-General for Employment Equality and Anti-Discrimination of the Ministry of Equality. As a collegiate body of the General State Ad-

ministration, it has a *multi-stakeholder* composition, i.e. its members come from different national, regional and local public administrations as well as representatives of workers and employers and of the associative movement engaged in the promotion of equal treatment and non-discrimination of persons based on their racial or ethnic origin.

As stipulated in European law, its mission is to promote the principle of equal treatment and non-discrimination of persons irrespective of their racial or ethnic origin in all different walks of life (education, health-care, social benefits and services, housing, access to employment and training and, in general, in the offer and access to all goods and services).

The following are among the duties attributed to this Council:

1. To lend independent assistance to victims of discrimination in processing their claims.
2. To conduct analyses and studies of the situation of discrimination and the application of the principle of equal treatment in an autonomous and independent fashion, and to publish independent reports on draft legislation, plans, programmes and other initiatives related to the aim and purpose of the Council.
3. To promote measures which contribute to equal treatment and the elimination of discrimination and to formulate appropriate recommendations and proposals.

4. To draft and approve the Council's annual activity report and forward it to the Minister of Equality.

The creation of this Council is the final step in the transposition of Directive 2000/43 and took place at a key economic and social moment. Over the last several years and especially since the beginning of the current economic crisis, the rise in xenophobia and racism throughout society has become worrisome, especially in the context of sports, music concerts and Internet-based social networks. In fact, according to the December 2008 Barometer, study No 2 781, 17.3% of those polled claimed to have felt discriminated against in the last 12 months and 54% felt that discrimination based on ethnic or racial origin is very or quite frequent. Despite that, 58% of the Spanish population are unaware of the rights of victims of discrimination.

Furthermore, the "Special 2010 Raxen Report" conducted by the NGO Movimiento contra la Intolerancia revealed that there is an increasing number of "ultra right-wing groups, platforms and marginal political parties which seek conflict, organise demonstrations and systematically disseminate propaganda against immigration and diversity thus endangering cohesion and co-existence in a democratic society". This report also points out that "Internet has become the forum of choice to disseminate hate, discrimination and violence based on racism and intolerance".

It comes as no surprise that the economic crisis and its dire consequences for employment has left a large proportion of the immigrant population more vulnerable and in greater risk of suffering discrimination, especially in gaining access to the labour market. The events of 2010 arising in different municipalities having to do with residence registration of immigrants or the prohibition of the integral Islamic veil (burka or nikab) in public places are examples of how issues relating to identity, culture and integration find their way into the political arena as elections draw near.

The conflicts arising in different European countries revolving around Roma from Romania, Bulgaria or the ex-Yugoslavia and which give rise to violent behaviour, and the actions of governments which not only fail to comply with Community Directives but also with the Charter of Fundamental Rights, are contributing to exac-

erbate these prejudices and stereotypes of the Roma population in all of Europe and run the risk of becoming the norm.

The Council for the advancement of equal treatment and non-discrimination of persons for reasons of racial or ethnic origin was created late in Spain and was born with weaknesses such as its limited mission, independence and executive capacity. Nevertheless, it is an important step forward not only because it complies with a Community Directive but also because it means that Spain now has a public body whose mission is to combat discrimination and promote equal treatment irrespective of ethnicity and race. The variety of different groups represented on the Council makes agile and effective management difficult but has the advantage of involving the key players.

Taking account of the main problems related with discrimination and the Council's limited budget, a modest work plan was proposed for the first year which focused on four pillars of action with specific objectives:

1. Assistance for victims of discrimination based on racial or ethnic origin. To that end the aim was to create a network of aid offices for victims of discrimination and to cooperate in identifying and helping those suffering from racial or ethnic discrimination and to implement a network of experts specialised in cases of racial or ethnic discrimination.
2. Analysis and investigation in order to compile an annual study on discrimination and equal treatment focused on the perceptions, experiences and situations of people suffering racial or ethnic discrimination and an annual report on the status of discrimination in Spain and two further theme-based reports on racial or ethnic discrimination.
3. Communication and awareness-raising through the Council's web page and the drafting of awareness-raising and informative materials on racial and ethnic discrimination.
4. Training through courses and seminars on racial and ethnic discrimination targeting professionals working in the field of equal treatment.



The major step forward made by the Council since the approval of this Work Plan has undoubtedly been the creation of the network of Aid Offices for victims of racial and ethnic discrimination with the collaboration of ten organisations which were considered to play a major role in carrying out this task: The Red Cross, the CEPAIM Foundation, Acción Integral con Migrantes, Fundación Secretariado Gitano, Movimiento Contra la Intolerancia, Movimiento por la Paz, el Desarme y la Libertad, Red Acoge, Unión General de Trabajadores and Unión Romání.

Through this Network, the Council mostly hopes to detect cases of discrimination and counsel victims about how to cope with these situations both from a legal and psychological point of view. This Network will also provide for the undertaking of actions designed to prevent possible situations of discrimination and to inform those liable to suffer discrimination about their rights and the resources at their disposal to defend themselves.. Thanks to this Network, Spain now has specialised professionals working in favour of equality.

During the Network's first six months of operation the Council expects to deal with at least 160 cases of discrimination following a single protocol so that comparative information can be gathered on the usefulness and effectiveness of the service and the counselling provided. During the years to come we hope to broaden these services and improve the action protocol by learning from successful experiences and correcting weaknesses as they arise. In this way we hope to be able to adapt to the needs of (potential) victims.

We should also draw attention to the efforts being made by the Council to obtain reliable data on discrimination in Spain so that we can identify the origin of the main problems and provide the Council with the information it needs to prioritise its actions. By the beginning of 2011 we hope make the first research and analysis papers available to the public: the first study on discrimination and equal treatment focusing on the perceptions, experiences and situations of people liable to suffer from racial or ethnic discrimination and the first report on the status of discrimination in Spain 2009-2010. The members of the Council consider it very important to know how those

who are ethnically or racially different in Spain perceive their treatment and in what cases and under what circumstances they are discriminated against. This will be instrumental in guiding the Council's action over the next several years and in making recommendations at different public and private fora with a view to improving equal treatment and correcting discrimination.

Lastly, aware of the importance of publicising the Council and the relevance of digital communication today especially among young people, a Web page is under development whereby (potential) victims and equal treatment professionals have access to the latest information on how to deal with situations of discrimination, what to do, where to go, etc.

Despite these initial advances, the Council must progressively consolidate its system and be provided with greater resources and means so as to be able to carry out its mission, develop the lines of activity it has established and implement new actions to meet future needs.

The fight against discrimination and the promotion of equal treatment in Spain has a long way to go and progress must be made towards a new regulatory framework, i.e. a comprehensive equal treatment law which at least covers all of the areas established in the Treaty of the Union and reinforces policies in this connection.

Within the framework of a new law, greater emphasis could be put on the creation of an independent body to promote equal treatment and non-discrimination allowing for the consolidation of a structure capable of dealing with cases of discrimination which are not necessarily associated with racial or ethnic origin but with all sort of discrimination (age, religion or belief, sexual orientation, disability, etc.). To do that, the Government must fulfil its commitment to approve the comprehensive equal treatment law which would broaden protection of the right to equality and provide for the creation of a more independent Council with the power to deal with discrimination from a global perspective.

2. Special Hate and Discrimination Crime Service

Miguel Ángel Agular García

*Public Prosecutor and Coordinator of the Hate and Discrimination Crime Service
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Introduction

Hate crimes are the fruit of racism, xenophobia, homophobia, aporophobia (hatred of the poor), religious, ideological or moral intolerance and other abominable forms of hatred which constitute direct violations of the principles of freedom, equality, democracy, respect for human rights and fundamental freedoms, principles on which the European Union is founded (Article 6 of the European Union Treaty, Article 13 of the Treaty establishing the European Union, Articles 10 and 11 of the European Convention on Human Rights and Fundamental Freedoms and the EU Charter of Fundamental Rights, Chapters I to III, particularly Articles 1, 6, 10 and 21), and those underpinning our Constitutional Order (Articles 1, 9(2), 10 and 14 et. seq. of the 1978 Constitution and Articles 4, 15, 40 and 41 of the 2006 Estatut de Catalunya).

The right to equality before the law and protection for all against discrimination is a universal right acknowledged in the Universal Declaration of Human Rights, the United Nations Convention on all forms of discrimination against women, the International Convention on the Elimination of all Forms of Racial Discrimination and the UN Covenants on Civil and Political Rights and Economic, Social and Cultural Rights and also in the European Convention for the Protection of Human Rights and Fundamental Freedoms, all of which Spain is a signatory country.

The growing importance of criminal law as a tool to effectively combat discrimination and hatred of anyone who is different was recently the focus

of the European Union in its Framework Decision 2008/913 of 28 November handed down by the European Council on combating certain forms and manifestations of racism and xenophobia through criminal law, a regulation which is added to the already existing corpus of EU Directives on equality and non-discrimination such as Directive 2000/78 of 27 November 2000, 2000/43 of 29 June 2000 and the future draft Directive on equal treatment of all people irrespective of their religion, beliefs, disability, age or sexual orientation.

The European Council of 14 December 2007 held in Brussels and the European Parliament in its resolutions of 26/04/07 and 20/05/2008 have urged Member States of the European Union to make a concerted effort to prevent and combat discrimination and increase protection against it.

Community acquis in respect of equality and non-discrimination has been incorporated into the Spanish legal system through different laws such as the Fiscal, Administrative and Social Order Act, Law 62/2003 of 30 December 2003.

Also, new and powerful legal instruments at all judicial levels should be envisaged in the framework of a future comprehensive law in favour of equal treatment and against discrimination along the lines of the EU draft Directive on equal treatment currently pending approval.

The concept of hate and discrimination crimes.

From a doctrinal and purely scientific point of view, a distinction is drawn between:



a) **Hate crimes:** The term “**hate crimes**” can be traced back to one of the fundamental political-criminal lines in comparative law, in the Anglo-Saxon (United States and United Kingdom), Germanic (Germany, Austria and Switzerland) and Latin systems (Italy, France, Portugal): **the creation of sui generis hate crimes** (*hate crime, hate-motivated crime, bias crime, bias-motivated crime, ethnviolence, Haßverbrechen, etc.*) and occur when one person attacks another person and the selection of the victim is based on hatred, fear or irrational aversion on the basis of that person's belonging to a certain group or social collective depending on place of birth, racial or ethnic origin, sex, religion, beliefs or opinion, age, disability or gender orientation or identity.

These are crimes based on intolerance, i.e. prejudices or aversion to certain people simply because they are of a different race, ethnic group, origin, sexual orientation or identity, disability, disease, sex, religion or belief, age or any other social or personal condition or circumstance..

b) **Discrimination crimes:** all of those where a direct or indirect attack is perpetrated against the legal right to equal treatment.

- Direct discrimination is when a person has been or could have been treated in a less favourable manner than another in a similar or comparable situation for reason of *birth, racial or ethnic origin, sex, religion, belief or opinion, age, disability, sexual orientation or identity*.
- Indirect discrimination is when an apparently neutral disposition, criterion or practice causes or could cause a specific disadvantage to other individuals for the reasons expressed above.
- A situation where the disposition, criterion or practice can be objectively justified by a legitimate objective and as a suitable, necessary and proportionate means by which to reach that objective shall not be considered discrimination.

Hate and discrimination crimes occur, to a greater or lesser extent, in all countries ¹.

Hate and Discrimination Crimes in the Spanish criminal code:

The 1995 criminal code describes a number of crimes which fit the international concept of “hate and discrimination crimes” but are dispersed throughout a number of sections. Following is a summary of the most important:

- a) All acts constituting a crime or misdemeanour committed with racist or anti-Semitic motivation or any other type of discrimination related to the creed, religion or beliefs of the victim, the ethnic group, race or nation to which he belongs, his sex or sexual orientation, disease or disability, in short, for the reasons laid down in Article 22(4) of the criminal code and other reasons not provided for therein such as age, situation of poverty of the victim, gender identity, language or any other circumstance or social or cultural condition of the victim.
- b) Criminal threatening for the purpose instilling fear in a an ethnic, cultural or religious group, social or professional organisation or any other group of people.
- c) The crime of incitement to hatred, violence or discrimination as described in Article 510(1) of the criminal code and the crime of dissemination of slanderous information as described in paragraph 2 of that Article.
- d) Discrimination in the context of work described in Article 314 of the criminal code.
- e) The crime of illicit association to promote hatred, violence or discrimination as described in Article 515(5) of the criminal code.
- f) Crimes against freedom of conscience and religious belief as described in Articles 522 to 525 of the criminal code.

¹ See “Hate Crimes in the OSCE Region: incidents and responses. Annual Report 2007 - 2008” (OSCE/ODIHR 2008-2009 <http://tandis.odhir.pl>, and individual follow-up reports of each country drawn up by the European Commission against Racism and Intolerance (ECRI) http://coe.int/t/ehuman_rights/ecri/1-ECRI/2-Country-ycountry_approach/default.asp#TopOfpage

- g) The crime of refusal to provide a service by an individual responsible for a public service or by a civil servant as described in Article 511 of the criminal code.
- h) The crime of refusing to provide services in the exercise of business or professional activities as described in Article 512 of the criminal code.
- i) The crimes of genocide and crimes against humanity described in Articles 607 and 607 bis.

Hate and discrimination crime service of the Barcelona Provincial Public Prosecutor

The experience gained at the Catalonia Public Prosecutor's Office, especially the Barcelona branch, has shed light on a series of common problems affecting all victims of discrimination, i.e. the irrational aversion and hatred of people simply because they are different in terms of their place of birth, racial or ethnic origin, sex, religion, beliefs or opinions, socio-economic status, age, disability or illness.

These criminal acts, an expression of racism, xenophobia, religious intolerance, etc., feature particularities which call for specialised attention and response from Public Prosecution Offices, particularly during times of economic crisis where the social and economic conditions can spark greater social dissemination of the doctrine of hatred and rejection of those who are different.

It was within this context that in the month of October 2009 the Special Hate and Discrimination Crime Service was created within Barcelona's Provincial Public Prosecution Office with the aim of coordinating the efforts of all public prosecutors composing that Prosecution Office when dealing with criminal acts related to discrimination, with a view to ensuring the necessary unity of action when interpreting and enforcing the law.

This specific and specialised action of the Public Prosecution Service, solicited by different associations and organisations working in the area of prevention and combating discrimination in all of its forms, was fruit of the need to address these shared problems affecting all victims of discrimination in a professional manner and to contribute to unification of criteria in the enforcement

of the provisions of the criminal code and overcoming the technical difficulties arising from the deficient and out-of-date wording of such provisions as well as the lack of systematic coordination in the list of causes of discrimination envisaged in the different precepts of the Code and to address the dysfunctions which may occur due to the lack of unified action by law enforcement officials and the Public Prosecution Service when investigating these types of crimes, providing care for victims and determining criminal liability.

Another circumstance calling for a specialised response from the Public Prosecutor through the creation of specialised services throughout all of Spain is the growing complexity of the investigation of so-called hate crimes resulting from the proliferation of Internet pages, personal blogs and social network groups devoted to instigating hate crimes, violence and discrimination, without losing sight of the fact that an important breeding ground for racism, xenophobia and homophobia is the activity of truly violent groups or urban tribes which tend to rally around a particular type music, appearance, sport, etc. such as the "skinhead" movement, a violent and racist subculture whose aggressiveness has been denounced by the Commission on Racism and Xenophobia of the European Parliament and numerous prestigious organisations devoted to the battle against discrimination such as "The European Network of Legal Experts in the Non-Discrimination Field"², "Migration Policy Group", "el Movimiento contra la Intolerancia"³, "SOS Racismo"⁴ etc.

Following are the most prevalent problems which we have observed and which affect victims of discriminatory crimes in a similar way:

Ignorance as to the number of crimes.

One of the important problems identified is the complete lack of data on criminal acts involving discrimination committed within the territorial limits of Catalonia. This same problem affects the rest of Spain with the sole exception of criminal acts involving discrimination based on sexual orientation or identity which are reported at regional police stations (Mossos d'Esquadra). These data have been made available since the approval of a specific protocol followed by the

² See "European Anti-discrimination Law Review, July 2009".

³ See "2009 Raxen Report, Movement against Intolerance".

⁴ See "2008 Report of the Complaints Office of SOS Racisme".



regional police force regarding this type of act. Very recently, at the beginning of April 2010, the Mossos d'Esquadra regional police force passed a new protocol allowing for the classification and quantification of complaints filed relating to crimes or misdemeanours related to any form of discrimination envisaged in the criminal code.

The problem has two components:

1. Acts not reported: There is good reason to believe that many of the crimes committed are never reported meaning that there is an unknown number of criminal acts which victims, for any number of reasons, decide not to report or are not even aware that they can report.

The reasons are varied and range from victims of discrimination who are unaware of their rights (for example, some people do not know that it is a crime for someone to refuse to serve them in an establishment because of the colour of their skin), to those who do not trust the police or the justice system because they do not think they will be listened to or believed, and those who are afraid to report the crime because of possible personal repercussions.

Aliens are the most vulnerable victims, especially those living illegally in Spain. They often are not aware of their rights and fear that by filing a complaint they could be deported. In some cases they fail to report a crime because they feel that their testimony will carry less weight than that of their aggressor if the latter is a Spanish national. Some even refuse to file complaints because they do not trust law enforcement officials due to the traumatic experiences some have suffered at the hands of the police in their countries of origin.

In the case of victims of discrimination based on sexual orientation or identity, failure to report a crime often has to do with a founded fear that filing a complaint would reveal their sexual orientation to their family, their employer or their social circle, especially in small or rural towns. Sometimes, a crime committed in very intimate circumstances is a factor keeping victims from reporting and often times perpetrators take advantage of this sense of impunity.

The Roma population often has the feeling that it is useless to report crimes. Roma victims are often quoted as saying “nothing good ever comes of this; this won't change anything” and this is reflected in the Fundación Secretariado Gitano's 2009 Annual Report.

In this connection, the prestigious Fundamental Rights Agency (FRA) of the European Union conducted a survey involving 23 500 European Union citizens belonging to ethnic or racial minorities and immigrants which was presented to the public in Stockholm in December 2009⁵, and revealed the following:

- 12% of those surveyed claim to have been victims of a crime of discrimination in the last twelve months and 37% of being involved in a discriminatory situation.
- Of these, nearly half (46%) were unaware that there were laws prohibiting all forms of discrimination against persons for reason of race or ethnic background in restaurants, bars or clubs.
- 82% of those who had been victims of discrimination in the last twelve months had not reported the crime and the main reason (given by 64%) was that it “would not have done any good”.
- 80% did not know of any organisation which could help or counsel victims of discrimination. This shows that there is an urgent need to provide better information.

The most blatant discrimination is against the Roma population where one out of every two people interviewed claimed to have suffered discrimination during the last 12 months. Discrimination figures were also high among North Africans (36%) and Sub-Saharan Africans (41%).

Morten Kjaerum: «The study shows that the overwhelming majority of those surveyed do not report cases of discrimination or racist crimes to any official body. Thousands of cases of racist crime and discrimination are never made public. This means that the perpetrators of these crimes go unpunished, victims

⁵ http://fra.europa.eu/fraWebsite/home/pub_eu-midis_en.htm

receive no justice and policy-makers are unable to take the appropriate steps to prevent these infractions from happening over and over again. It is our hope that the data from this new survey raise awareness with regard to the need to develop political responses with more concrete objectives to deal with this social menace.»

Morten Kjaerum further affirmed that «the situation raises important issues such as how to raise awareness of people's rights and reinforce trust in existing protection mechanisms.» «It is important to encourage victims of discrimination or harassment to report these experiences and assure them that they will be taken seriously».

2. Incomplete IT systems: The second component has to do with the organisation of the statistical systems of law enforcement officials of the justice administration itself. Police IT systems at the Public Prosecutor's Office and Courts of Justice do not have specific labels to first of all classify and secondly to quantify criminal infractions which could be motivated by discrimination.

This means that the public authorities have no idea as to the real number of *hate crimes* or crimes which have some discriminatory component and this implies an added difficulty when it comes to designing suitable policies to combat these crimes.

The exception is crimes committed against individuals on the basis of their sexual orientation or identity which have been registered and quantified as from July 2008 in accordance with the approval of the Protocol of the Mossos d'Esquadra Regional Police Force on police intervention in crimes against persons motivated by their sexual orientation or gender identity by the Regional Ministry of the Interior of the Generalitat de Catalunya at the initiative of the Prosecution Service. This was the first time in all of Spain that specific information was gathered and saved in computer systems regarding crimes of discrimination based on a person's sexual orientation or gender identity. As already mentioned, this protocol was replaced by the April 2010 protocol which covers all discrimination crimes envisaged in the criminal code and at the beginning of 2011

will provide the first set of statistics on criminal discrimination reported.

In order to gain insight into the real breadth of discrimination crimes, all national, regional and local police and security forces would have to make arrangements for the registration of every complaint according to the type of discrimination (racism, xenophobia, disability, age, sex, beliefs, religion, etc.).

Random assault for the sole purpose of humiliating the victim.

It is not uncommon to encounter acts of violence which are based exclusively on the rejection of those who are different with the aim of undermining their dignity. In some cases there is a trend on the part of judges and prosecutors to minimise the importance of certain acts such as threats, slander or attacks not requiring extended medical care which often are reduced to simple minor infractions with no further investigation.

According to Instruction 6/07 of the Prosecution Office of Catalonia, physical aggression characterised as random violence for the purpose of humiliating the victim and instilling a sense of terror, fear or inferiority in the latter due to the very randomness of the attack suffered, is deemed to not only damage the physical integrity of the victim but is also considered an attack against his or her dignity as a person. The Instruction orders these cases be considered not only as crimes or misdemeanours involving bodily injury but also as crimes against one's moral integrity as described in Article 173(1) of the Criminal Code and the concurrence of crimes described in Article 77 of the Criminal Code along with the aforementioned crime of inflicting bodily injury.

This Instruction has brought about a change in the way the Prosecutor's Office approaches physical aggressions committed as acts of discrimination. Even if such aggression does not require extended medical attention it does have an especially damaging effect on the dignity of individuals and therefore must also be described as a crime against moral integrity.

In this connection, the case of an aggression perpetrated against an Ecuadorian minor on a train run by the company "Ferrocarriles Catalanes" in the Province of Barcelona was especially significant. This was a high-profile case because it was



filmed by the train's cameras but the initial charges filed were nothing more than a simple misdemeanour. The Public Prosecutor filed an appeal arguing that in addition to bodily damage the act was an affront to the moral integrity of the victim. This appeal resulted in a conviction for a crime against moral integrity described in Article 173 of the criminal code. The judgement was delivered on 16/03/2009 by criminal court 16 of Barcelona and later upheld by a judgement from Section 6 of the Provincial Court on 8/02/2010.

Police reports.

With the exception of reports filed by the regional Mossos d'Esquadra police force regarding crimes against persons for reason of their sexual orientation or gender identity, fruit of the Protocol in force since July 2008 and extended in April 2010 to all discrimination-related crimes, in a large proportion of reports drawn up by law enforcement officials there is no reference made to the discriminatory motivation of the perpetrator in carrying out the criminal act. Reports generally refer to the aggression, insult, coercion, etc. with no further details.

Description of the motivation through data obtained from victims' statements or from others involved and proper on-the-scene inspection by the police accompanied in due form by photographic reporters or graphic video to collect details such as symbols, anagrams, clothing or tattoos worn by the alleged perpetrators, are extremely important for the proper legal-criminal classification of the acts, especially for the aggravating circumstance laid down in Article 22(4) of the criminal code. Moreover, this has important repercussions for the possible adoption of precautionary measures such as pre-trial incarceration or a restraining order.

Inclusion of the motivation of the perpetrators in the police report was decisive in achieving an important conviction from Criminal Court No 22 of Barcelona on 29/10/2009 and later upheld in the 23/02/2010 judgement delivered by the Provincial Court of Barcelona for a crime of bodily injury with the aggravating circumstance of xenophobia and racism in the case of an attack suffered by football players from South America instigated by players of the opposing team linked to radical groups. The police report description not only included the unfortunate racial slurs used at the match but also the neo-Nazi symbols worn

by some of those sanctioned which was instrumental in proving the aggravating circumstance of racism and xenophobia.

It is also very important for police reports to address whether **the alleged perpetrators belong to organised groups** whose aim is to commit acts of violence, hatred and discrimination against persons on the basis of their personal or social circumstances or conditions insofar as this could lead to charges of illegal association **described in Article 515(5)** of the criminal code.

Despite what was just stated, it would be unfair not to acknowledge the brilliant police work which enabled the dismantling of the network of people linked to the neo-Nazi bookstore known as "Librería Kalki" and "Centro de Estudios Indoeuropeos" which culminated in important prison sentences in the judgement handed down by Section Ten of the Provincial Court of Barcelona on 28/09/09 for the crime of engendering hatred, violence and discrimination described in Article 510 of the criminal code, for the crime of dissemination of propaganda justifying genocide described in Article 607(2) of the criminal code and for the crime of illegal association described in Article 515(5). This was the second judgement delivered in Spain convicting groups of this nature for the crime of illegal association, the first just months earlier by the Provincial Court of Madrid on 16/07/2009 in the "hammerskins" case.

The appointment by the Head Prosecutor of the National High Court of a Special Public Prosecutor to combat these types of groups within the purview of that judicial body is an important step forward in the fight against organised groups whose aim is to subvert the constitutional order and seriously alter the peace or instil fear in social, political or professional groups.

Groups and organisations.

Another reason for concern on the part of the Prosecution Office is the slow but sure growth of **groups and organisations which use information society services, especially the Internet, to disseminate their discourse of hatred, violence and discrimination**, taking advantage of the mass dissemination of their ideas and trusting in the difficulties encountered in investigating and prosecuting their crimes when the perpetrators are located in countries where these acts are not criminal offences. There are relatively few police

investigations conducted despite the exponential growth in the number of Web pages set up for the purpose of propagating their doctrine of hatred of certain people just because of their different race, religion, beliefs or sexual orientation.

In this connection, very important investigation was conducted by the Barcelona Prosecutor's Office based on a complaint filed by the "Front d'Alliberament Gai de Catalunya" and the "Asociación de Familias Gais i Lesbianes" against a group of people participating in the social network "Facebook" whose Web page clearly engendered hatred and violence against homosexuals.

The work done by the police and the Prosecutor's Office in combating Web pages which incite violence, hatred and discrimination against individuals or groups for reason of their race, sexual orientation, religion or beliefs (Article 510 of the criminal code) often runs into obstacles placed in the way by some criminal court judges who minimise the seriousness of the acts or justify them with the misguided concept of ideological freedom or freedom of expression laid down in Articles 16 and 20 of the Constitution. In this connection, it is important to note the success story of the Public Prosecutor in the Sabadell Area which, by appealing to the Provincial Court of Barcelona, managed to overturn the ruling to dismiss preliminary investigative proceedings under way at the local criminal court of Cerdanyola del Vallés against the person responsible for a Web page disseminating propaganda justifying Nazi genocide of the Jewish people and engendering hate and violence based on discrimination.

Public acts.

Public events **such as** meetings, conferences and music concerts **organised deliberately to propagate hatred and violence** against individuals or groups based on discrimination are also quite common.

The Public Prosecutor's Office of Barcelona has opened an enquiry into music concerts featuring songs which incite listeners to hatred, violence and discrimination against people based on their sexual orientation and into conferences organised by the bookstore "Librería Europa" such as the one given by Richard Edmons, writer and member of the Advisory Board of the ultra right-wing National British Party known for his racist and xenophobic views and his revisionist teach-

ings with regard to the Nazi Holocaust against the Jewish people, and the conferences organised featuring David Duke, a known member of the Ku Klux Klan.

Training deficit.

Lastly, an important **training deficit is observed as regards knowledge of the principle of equality and non-discrimination** affecting, to a varying degree, judges, prosecutors, judicial clerks, forensic experts, law enforcement officials, prison workers and members of private security companies. In some cases, this deficit prevents these professionals from detecting cases of discrimination with the rigour required and from providing a suitable response. It is relatively frequent to find cases where referrals were made to consumer information services for acts such as refusing a person entry into an establishment based on his race, when the correct practice would have been to initiate a criminal proceeding for a crime against fundamental rights laid down in Article 512 of the criminal code.

Legislative reform and financing

The problems described require legislative reform and adequate human and material resources so that the Justice Administration can be equipped with the best tools to prosecute hate crimes rooted in discrimination. We would highlight the following needs:

a) Criminal Code Reforms: although the 1995 criminal code approved by Organic Law 10/95 of 23 November was an historic milestone and was revolutionary in its approach to the phenomenon of discrimination insofar as it expressly described crimes and aggravating circumstances leading to the sanctioning of certain behaviours involving discrimination as a motive, the constant changes taking place in Spanish society and the lack of enforcement of some of the criminal code's articles mentioned in the foregoing, underscore the need to update it in order to correct its omissions, deficiencies or lacunae. A reform is needed to update Articles 22(4), 129, 173, 314, 510 to 512, 607 and 607 bis, all of the criminal code.

b) A Specialised Public Prosecution Service through the creation of a network of specialised prosecutors throughout all of Spain focused exclusively or preferentially on pros-



- ecuting hate crimes and crimes rooted in discrimination. Specialised response from the Public Prosecution Service in other fields such as crimes related to corruption, the environment or labour accidents has proven beyond all doubt that they are highly effective in the prosecution of crime and in guaranteeing the standardisation needed which should characterise Public Prosecution. It goes without saying that to accomplish this the prosecution service needs the necessary job posts to be able to effectively discharge these duties.
- c) Reform of legislation governing police and security forces allowing for the formation of **specialised police units** to investigate these crimes and to be more effective in determining the membership of many of their perpetrators in organised groups or gangs devoted to sowing and disseminating hatred against people based on their social or personal conditions. Expressed provision in the **criminal procedure law** permitting the provisional blockage of web pages, blogs, massive e-mail dispatch, etc. where hatred and discrimination are encouraged. The occasion should likewise be seized to solve the problems and contradictions which, in this connection, are raised by the solutions envisaged in the Information Society (Services) Act, Law 34/2002 of 11 July 2002 and Law 25/2007 of 18 October 2007 on the conservation of electronic communication data and public communication networks. All of the foregoing is without prejudice to provision in the criminal code for the application of the said measures as a sentence or accessory penalty in the criminal code.
- d) The law should specifically see to it that **police IT systems** and the different bodies of the justice administration (courts, tribunals and prosecution services) are organised in such a way that they can count all hate crimes and those rooted in discrimination which are reported because this is currently not the case and the result is that we do not have true and reliable figures in Spain. Unless we know the real size and scope of the problem, the public authorities will be unable to design an effective and minimally serious criminal policy.
- e) The huge issue which we face in our daily work and which constitutes a major challenge is that of knowing the number of crimes committed which victims fail to report for any number of reasons. Public awareness-raising **and incentive campaigns are essential** if we are to get victims to report crimes, as are sociological studies through which we can gain insight into that **“unknown number”** of crimes committed but never reported..
- f) Compulsory **training in equality, hate crimes and other crimes rooted in discrimination** must be included in all curricula of law enforcement officials, the General Council of the Judiciary, the Office of the Prosecutor General and of Civil Servants at Penitentiary Institutions, both as part of basic and ongoing training.
- g) Strict measures should also be taken with **private security companies** as concerns the minimum level of training in equality, hate crimes and crimes rooted in discrimination, especially as an entry requirement.

3. Gender equality

Introduction to gender equality

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The term “sex” is typically used to refer to social inequalities and unwarranted differential treatment of men and women. However, just a little over a decade ago it became commonplace to see the term “gender” used in equality studies. It is interesting to take a look at exactly what gender equality actually is and to trace the origin and meaning of the term⁶.

In the 1970s the term gender came into vogue. Once equality between men and women was acknowledged in legal systems throughout the western world, the real concern was on the reality of the situation and the social constructs passed down over the centuries under the figure of the patriarch or male dominance. A need arose to explain that inequalities between men and women were deeper, more complex and difficult to eliminate than the mere distinction between sexes and this called for a new approach using different terms and led to the appearance of the expression “gender” along with others such as “gender equality”, “gender perspective”, “transversality” and “gender mainstreaming”. All of these imply strategies designed to systematically integrate the gender dimension when developing policies and at all stages of their implementation to contribute to increasing equality between men and women and to break with the traditional roles assigned to the feminine and masculine genders and establish an equal assessment of each in law and in fact.

⁶ In light of its daring and concise nature an example could be, STÖLLER, R. *Sex and Gender*, New York, Science House, 1968; RUBIN G., “The Traffic in Women: Notes and the Political Economy of sex”, *Toward an Anthropology of women*, Rayna Reiter ed., New York. Monthly Review Press, 1975, pp. 157 – 210. The version in Spanish is from 1986 and is entitled, “El tráfico de mujeres: notas sobre la economía política del sexo”, *Nueva Antropología*, Revista de Ciencias Sociales, Vol. VIII, núm. 30, México, 1986; LAMAS, M., “La antropología feminista y la categoría de género”, *Nueva Antropología. Revista de Ciencias Sociales*, Vol. VIII, núm. 30, México, 1986; SCOTT, J. W., “El género: una categoría útil para el análisis histórico”, Amelang/Nash (comp.) *Historia y género: las mujeres en la Europa moderna y contemporánea*, Alfons, El Magnanim, Valencia, 1990; FRAISSE, G., *La Différence des sexes*, Puf, Paris, 1996.

Hence, as from the Fourth UN World Conference on Women held in Beijing in 1995, special importance was placed on the concept of “transversality” which implies that governments adopt a global and standardised vision of the different areas of interest from the point of view of gender at all levels. This shift of focus from the exclusive mention of women to the concept of gender was one of the most important achievements of the Fourth Conference at Beijing where an effort was made to make sense of this issue by bringing about the necessary structural changes in society and in relations between men and women in all spheres. This would mean that reaffirming the rights of women on an equal footing with the rights of men would be of general interest and benefit for the inclusion of both genders⁷.

The expression “gender” is, first and foremost, a concept or notion of great importance which was destined to bring about a change in the very aims of the struggle for equality between men and women. The idea was no longer to seek simple formal and legal equality applicable to situations, acts or rights between men and women. Nor was it a matter of simply compensating for past discrimination by granting exclusive rights to women. The idea was to seek out the social factor responsible for persisting inequality but not so much on the basis of sex, i.e. woman or man, but rather on the basis of gender: feminine or masculine. In this connection, it is not enough to declare and recognise equal treatment if real equal opportunity does not exist.

⁷ Although the term “gender” was already being used ten years before the Third United Nations World Conference on Women held in Nairobi in 1985. In any case, the concept actually dates back several centuries. FRANÇOIS POUILLAIN DE LA BARRE stated in 1673 that the subordination of women was not rooted in nature but rather in society and that the difference is not a basis for inequality. POUILLAIN DE LA BARRE, F., *De l'égalité des sexes*, Paris, 1673. And in 1792 MARY WOLLSTONECRAFT declared that the subjugation of women was not the result of a nature inferior to that of men but rather of prejudices and traditions dating back to the dawn of time. WOLLSTONECRAFT, M., *Vindicación de los derechos de la mujer*, Debate, Madrid, 1977.



Hence, the term “sex” refers to the set of organic or biological characteristics which distinguish males from females among all species and are universal. In contrast, the term “gender” refers to the social differences between men and women which have been learned and passed down from generation to generation which change over time and which exhibit many intra- and inter-cultural variations based on the playing of certain stereotyped roles. In this connection, stereotypes can be understood as the idea or the set of practices or the distribution of tasks and duties defined by society which predetermine the behaviours and attitudes expected of men and women⁸.

Therefore, the sex difference between a man and a woman is biological and permanent, this is self evident and, in any case, in principle should not have any negative effect on relations between the two. In this sense the Universe is dual, formed by men and women whose sexual differentiation is perfectly understandable and does not imply the superiority of one sex over the other. In this connection, the concept of gender equality also includes the right of all human beings to be different without having to endure unjustified unequal treatment at all levels and in all spheres⁹. Therefore, this biological difference has no direct relation with social inequality and discrimination

against women. Maybe, the anatomical differences between men and women were used as the perfect excuse to initiate a complex, negative and real social difference.

It is, precisely, the concept of gender which allows us to understand that many of the differences between men and women which are considered to be “natural” and related to sexual or biological differences, are really nothing more than social constructs and therefore have nothing to do with sex but rather with the assignment of roles on the basis of a patriarchal structure which drew a clear dividing line between the public and private spheres¹⁰. Having regard to this assignment, the private sphere was reserved for women thus entailing a series of family responsibilities.

The fact is that it is very difficult to find a case where social discrimination is the result of sex differences. Even discrimination against pregnant women which is clearly rooted in a biological difference (insofar as women are the only human beings able to perform that function), has a strong and overriding social component based on structures which lack shared family responsibilities or, better yet, assumed completely and individually by both the mother and the father. Discrimination does not arise by reason of the biological pregnancy but rather as a consequence of the social concept which places the responsibility on the pregnant woman (and not on the father) both before and after giving birth. In the light of these assigned responsibilities, traditional circumstances associated with the mother arise such as maternity leave and, as a result, absence from work or reduced working hours, to name but a few. In my opinion, this is gender discrimination or, to state it in another way, it is a lack of gender perspective reflected in a lack of suitable solid public policy and educational structures to make gender equality a reality, which is really what is meant by equality between men and women.

⁸ Concepts extracted from the Journal *Femenino Plural*, Instituto Aragonés de la Mujer, Issue No 55 – December 2003, p. 3. Also in “Guía para la evaluación del impacto en función del género”, *Aequalitas*, Issue No. 15, July-December, 2004, p. 19.

⁹ In this context the idea of the “mixed Universe” and the “right to be different” is defended so that to say “men and women are equal does not mean that they are identical: the principle of equality does not exclude recognition of differences”. That is the view of AGACINSKI, S., *Parity of the Sexes*, ob. cit., p. 15 and 141. Also, FRAISSE G., “Le genre”, *Vocabulaire Européen des Philosophies*, (red. CASSIN, B.), Editions du Seuil, Paris, 2002. This work can be found translated into Spanish by Isabel Carvajal at http://www.europarl.eu.int/transl_es/plataforma/pagina/celter/art2fraissee.htm (consulted in June 2004). And RUBIO CASTRO, A., “El feminismo de la diferencia: los argumentos de una igualdad compleja”, *Revista de Estudios Políticos* (Nueva Época), Issue No 70, October-December, 1990, pp. 193 et. seq. The author uses the term *complex equality* to refer to a new social contract based on the idea of underscoring the difference and a new citizenship. Also, FERNÁNDEZ RUIZ-GÁLVEZ, E., *Igualdad y derechos humanos*, ob. cit., p. 20 et. seq and 147 et. seq.; FERRAJOLI, L., *Derechos y Garantías. La ley del más débil*, ob. cit., p. 73 – 76 and YOUNG, I. M., *La justicia y la política de la diferencia*, Colección Feminismos, Issue No. 59, Ediciones Cátedra, Madrid, 2000, pp. 283 – 290. The author is right on the mark in stating that we must do away with the exclusionary connotation of difference and focus on its positive aspects with regard to the wealth obtained from the diversity of values.

¹⁰ In general, STÖLLER, R., *Sex and Gender*, ob. cit. Also, V.V.A.A., *Feminismo y Filosofía*, ob. cit., p. 255 et. seq. Here, sex is identified with nature and gender with culture. RUBIO CASTRO, A., “El feminismo de la diferencia: los argumentos de una igualdad compleja”, cit., pp. 186 – 187. The author claims that in accordance with the assignment of roles, society has set up a sort of caste system of “first class and second class citizens” and calls for a universal and neutral model for use by all people which, in reality, responds to a model of masculine social order.

In these cases, discrimination is rooted in sex but the reason that it manifests itself lies in gender or the social difference between the feminine and masculine genders. The struggle for equality requires the participation of both genders because gender equality is not a concept associated with women. In the framework of equality, gender is an issue which affects men and women alike. For instance, gender is the reason that more than half of the human race, i.e. women, are shunned when it comes to taking political decisions. However, refusing day-care services to men because they have a wife at home or because they do not belong to the preferred group (women), is also a gender issue because this tends to perpetuate the stereotype which has been passed down throughout history whereby women have been and still are the ones who have taken on family responsibilities and raised the children thus limiting them once again exclusively to the private sphere. Social inequality is apparent in both cases as is the perpetuation of stereotypes and the assignment of socially constructed roles¹¹.

Hence, an examination and assessment is needed to try to identify the sociocultural factors which put women in a situation of permanent disadvantage vis-à-vis men in many different spheres, especially in public life, with a view to correcting or eliminating obstacles if necessary through affirmative action measures. Note be taken, however, that these obstacles are often hidden and continue to expose women to an under-estimation of their skills and capacities.¹² All of this means observing the world from the perspective of gender. Only through this transversal vision of equality can this dual Universe be achieved, not only from the point of view of sex but especially from the perspective of gender making a concerted effort for the full inclusion of men and women on an equal footing in all

spheres and at all levels of public and private life. This is what so-called gender equality really is¹³.

In conclusion, if one looks beneath the surface of the sex motive, one always finds the motive of gender but, in my view, not the other way around. Therefore, at the end of the day, all discrimination for reason of sex is really related to gender but not all gender-based discrimination is rooted in one's sex. Thus, the concept of gender includes sex but the concept of sex does not cover that of gender because the notion of sex (biological) cannot provide a response to the complex reality surrounding the problem of discrimination against women perpetuating the subordination of a group of people (in this case, women) vis-à-vis others who benefit from that relationship (in this case, men)¹⁴ and this concept does not respond to the paradigm of equality.

Therefore, the word "gender" can be considered accurate because it constitutes a concept representing a symbolic construct alluding to the set of sociocultural attributes assigned to a person based on the sex to which s/he belongs converting sexual difference into social inequality.

Limiting oneself to a single legal concept of equal treatment in the absence of real equality between men and women is tantamount to ignoring the weight and importance of the concept of gender and, as a result, the perspective of gender. If we are to close the circle of effective equality between men and women we must conduct an in-depth study of the social structure which prevents real and effective equality. Both genders must receive the impact and benefits of applying gender equality if the objective pursued is truly factual equality and the inclusion of men and women in all aspects of public and private life.

¹¹ Also other topics such as prostitution, violence, part-time contracts, lower pay for the same work, harassment, business administration and political leadership are issues which women have suffered and continue to suffer because of their gender - and not their sex - according to what BARRERÉ UNZUETA calls "social subordination" and the "hierarchy of social status." BARRERÉ UNZUETA, M. A., "Problemas del Derecho Antidiscriminatorio: subordinación versus discriminación y acción positiva versus igualdad de oportunidades", cit., pp. 152 – 153.

¹² In a general sense, "Affirmative action" refers to any practice whose aim is to eliminate de facto inequalities between men and women.

¹³ On gender equality see *Gender Mainstreaming. Marco conceptual, metodología y presentación de buenas prácticas*, Women's Institute (Ministry of Labour and Social Affairs), Serie Documentos, No. 28, Madrid, 2001, p. 11.

¹⁴ As a reference see the concept of subordination used by BARRERÉ UNZUETA, M. A., "Problemas del Derecho Antidiscriminatorio: subordinación versus discriminación y acción positiva versus igualdad de oportunidades", cit., p. 152 – 153.



Gender Equality and the Roma community

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1. Equality between women and men is one of the most relevant transformations of our time. Overall, there is no denying the progress made in this field but we also know that there is resistance and difficulty and grey areas especially within the sphere of education, employment, decision-taking, the media and violence. However, regarding women, less is known about the situation of Roma women. The first point is that we have very few data or analyses about the current situation facing Roma women in Spain. This is an area which has yet to be the focus of attention. It goes without saying that this reality should be the first step of any specific future public policy.
2. An additional problem arising with regard to the gender equality issue within the Roma community is the risk of using this objective, even if not intentional, to reinforce the negative stereotypes affecting the entire Roma community. Indeed, it would not be advisable to raise the gender equality issue within a context which would lend further credence to the idea of Roma men as being “deeply sexist” and Roma women as “especially weak and victimised.” Stressing the sexism of men and the victimisation of women would only reinforce rather than weaken the deeply-rooted prejudices against the Roma community. And it would have another perverse consequence: the Roma community itself, which should clearly lead any change process, would not look kindly on an outside imposition of a new model for co-existence which pits women against men within the family unit. This is totally alien to the Roma culture. Therefore, the struggle for gender equality within the Roma community must come, first and foremost, from Roma women but also from Roma men. Here there is some very important awareness-raising work to be done which is vital if change is to be achieved.
3. Gender Equality within the Roma community can and should be approached from two different perspectives: gender equality “of” the

Roma community and gender equality “in” the Roma community.

– **Gender Equality “of” the Roma community.**

Here it is worth looking at the relationship of the Roma community, especially of Roma women, with feminist movements and general institutions, plans and policies to fight against gender discrimination. The first conclusion appears to be self-evident: that relationship has been practically non-existent. The feminist movement does not exist within the Spanish Roma community (although it goes without saying that many Roma women are becoming increasingly aware of their new role as an equal partner alongside Roma men); nor have the concerns and interests of Roma women been traditionally taken seriously in public planning (often Roma women have been pigeon-holed discriminately and indiscriminately in the category of “women in risk of social exclusion” alongside immigrant women, prison inmates or prostitutes); and the concept of multi-discrimination which is so appropriate for ethnic minority women, Roma women being no exception, has barely made its way into public policy and regulations. This has got to change: bridges must be built between the feminist movement, i.e. institutional feminism in our country, and Roma women. I feel that higher education, the media and politics are particularly important areas. There are scarcely any Roma women in politics nor have there been in the past. This represents a significant democratic deficit.

– **Gender equality “in” the Roma community.**

Here we focus on the question of gender equality within the Roma community itself. Roma women are an invisible group which is particularly discriminated against within the Roma community (the latter, in turn, also being the object of discrimination). They are a minority within a minority. They are a group which suffers multiple or inter-sectoral discrimination. I referred earlier to

the danger of addressing this problem from a racist standpoint which would demonise Roma men (and also underestimate Roma women, considering them as people incapable of taking their own decisions, permanent victims, a sort of perpetual adolescent). However, it is equally true that the Roma community, just as the majority population, needs to do its homework with re-

gard to the fight against discrimination and this means all types of discrimination within the community. This would also prevent any sort of paternalistic policy and would reinforce the legitimacy of measures, even the most forceful, in favour of ethnic equality. We must all fight discrimination and that includes the Roma community.



CASES OF DISCRIMINATION

COLLECTED IN 2009



Cases of discrimination collected in 2009

1. Presentation of the cases of discrimination in 2009 by area

Cases of discrimination in the media

- 1. January. Valladolid. Discrimination in the media.** A local newspaper ran a story about the hearing of a case involving a fight where two people were stabbed and shot. The story makes repeated mention of the ethnic group of some of the persons involved. It is our understanding that mention of the ethnic group of some of those involved adds nothing to aid in the understanding of the news item but is decisive in creating and reinforcing prejudices and negative stereotypes which are damaging to the Roma community.
- 2. January. National. Racism on the Internet.** On 05 January 2009 the Directorate-General of the FSG received an e-mail which stated as follows: *"Very cute your little slogan GET TO KNOW THEM BEFORE JUDGING THEM. I myself was wondering whether you ask this of the Roma community with regard to non-Roma. Are you trying to tell us that non-Roma are these racist tyrants and the Roma are the poor victims? That's just not true. Roma are very racist. Roma people do not want and have never wanted to integrate into any society. That's enough hypocrisy."* That was an e-mail full of negative prejudices and stereotypes towards the Roma community which was sent to the FSG.
- 3. January. National. Racism on the Internet.** On 15 January an FSG worker received an e-mail which read as follows: *"Hi! I live in a neighbourhood where Roma live. I read somewhere that work makes us equal and that's the difference. Roma don't want to work so I guess they don't want to be equal. While I pay my taxes and mortgage I observe how they spend the mornings sitting in the sun while their dogs run loose on the street enjoying their free flat and their children eat free meals in the school cafeteria while I pay 100 euro per month for each of my children. Equality? You're not interested because that would mean that you would have to work and you have no intention of doing that." (Sic.).* Another example of an e-mail received at the FSG against the Roma community advancement initiatives being carried out.
- 4. January. National. Discrimination in the media.** On January 23rd an article appeared in the newspaper "Sport" signed by Josep María Casanovas where the following sentence appeared: *"The player is happy to play with Barça and Barça is happy with the player. Messi is not a gypsy nor is he a penny-pincher and so he doesn't have that in common with the Portuguese player either (in reference to Figo)".* On that same date the journalist published a correction which read as follows: *"of course my intention was never to offend Roma in the least. I clearly made a mistake and therefore offer my apologies to anyone I may have offended and reiterate my absolute*

The screenshot shows the SPORT.es website interface. At the top, there are navigation links for 'Regístrate', 'Identificarse', 'Sport', 'Tienda', and 'Internet'. Below that is a search bar with 'Búsqueda' and language options for 'english' and 'català'. A main menu includes 'Portada', 'Barça', 'Confidencial', 'Espanyol', 'Fútbol', 'Motor', 'Baloncesto', 'Más deportes', and 'Participa'. The article header shows 'Portada Sport > Josep Mª Casanovas' and the date '23/1/2009'. The article title is 'Tranquilos, Messi no será un 'caso Figo-2'' and the author is 'JOSEP MARIA CASANOVAS'. The main text begins with 'EL MADRID JUEGA A DESESTABILIZAR. El Madrid ha entrado en campaña electoral anticipada y ya se sabe que esto propicia toda clase de rumores sobre posibles fichajes. Un día especulan con el nombre de Kaká como si la negociación estuviera avanzada y al siguiente resucitan el culebrón Cristiano Ronaldo como si no hubiesen quedado'.

The screenshot shows the SPORT.es website interface. At the top, there are navigation links for 'Registrarse', 'Identificarse', 'Sport', 'Tienda', and 'Internet'. A search bar is present with the text 'Búsqueda'. Below this, there are language options for 'english' and 'català'. A main navigation menu includes 'Portada', 'Barça', 'Confidencial', 'Espanyol', 'Fútbol', 'Motor', 'Baloncesto', 'Más deportes', and 'Participa'. A secondary menu lists 'Partido al minuto', 'El fútbol según...', 'Peñas del Barça', 'Barçómetro', 'Planeta Barça', 'Canal Carazo', and 'Camp'. The article header reads 'Portada Sport > Barça' and '19:58 h - 23/1/2009'. The main title is 'Rectificación sobre el comentario de hoy de Josep Maria Casanovas'. The text of the article states: 'En su columna diaria en nuestro periódico, el editor de SPORT, Josep Maria Casanovas hace un comentario en el que afirma que "Messi no es un gitano ni tampoco un pesetero". Al respecto, Josep Maria Casanovas quiere dejar claro que "por supuesto, que en ningún momento he querido ofender lo más mínimo a los gitanos. Está claro que he cometido un error y por ello pido disculpas desde ahora a todo aquel que se haya podido sentir ofendido, a la vez que reitero mi más absoluto respeto hacia todos los miembros de la raza gitana".'

CASE 4

tate... *Happy Chinese New Year*" and among the vignettes there is one with a picture of a van and a sign which reads "Gypsy at the wheel". It depicts a goat on the roof of the van which is equipped with a satellite dish and two people who are having the following conversation:

Girl: "With the association 'Farrukito Direct' we don't outsource we do reintegration work (paid for by EU aid), when somebody get run over we get exclusive coverage for CDs, reality shows, etc. and we can organise fund raisers for the victims."

Boy: "Moreover, that's the end of the problem of losing points and traffic fines for the mobile units. Marta-bré you're the best."

Girl: "But that's not all. We take full advantage of the goat and have it cutting and fertilising the company's lawns and gardens so we don't have to pay for any gardeners. Austerity Luisfer."

The Equal Treatment area of the FSG sent a letter to that trade union expressing the surprise caused by the vignette considering that the author was a progressive organisation whose main activity was to defend labour rights and we felt that it was failing to respect other rights. The trade union responded saying that they understood the error and decided not to remove it for the sake of transparency but rather to publish an apology alongside it.

respect for all members of the Roma race." Also, the Internet article was amended, that sentence being removed from the new version. The FSG sent a letter to the Director of the Newspaper Sport and, while not in any way diminishing the seriousness of the affair, thanked him for his swift reaction and acknowledged his exercise of responsibility.

5. January. National. Discrimination in the media. The trade union section CGT-RTVE published "History of a country es-



rtve **Sección Sindical CGT - RTVE**
CGT **Convenio Colectivo RTVE** **Enlaces** **Foro CGT**

HISTORIAS DE UN CORTIJO... "FELIZ AÑO NUEVO CHINO"

En respuesta a los escritos y críticas recibidos sobre una de las viñetas en el comic, queremos desde esta sección sindical pedir disculpas a todo el que pueda haberse sentido ofendido y en particular a las asociaciones como Fundación Secretariado Gitano o SOS racismo que amablemente nos han hecho ver el error que hemos cometido.

Condenamos cualquier acto de racismo y al publicar esta viñeta con alusión a una etnia nos hemos claramente equivocado y lo lamentamos.

Pensamos también que debemos hacernos responsables de nuestros errores y no esconderlos, por lo que no vamos a retirar la viñeta de la web aunque si ponemos a su lado esta disculpa que transmitimos y deseamos, sea aceptada.

Sección sindical CGT-RTVE



CONFEDERACIÓN GENERAL DEL TRABAJO
 Sección Sindical CGT-RTVE tve@cgt.es - www.cgtrtve.org

6. January. National. Racism in the media.

In response to a news item about the dismantling of a shanty town in a news forum of the daily newspaper *SUR.es*, the following racist comments appeared: "These people are cavemen 20/Feb/2009 10:48:37: *They can't live in flats, they should be put in cages like dangerous animals.*" And "josema 20/Feb/2009 10:24:39: *no need to wait 5 years, I propose two alternatives: 1. build a waterproof wall 20 m high around that "neighbourhood" and fill it with water. 2. Fill a fire truck with gasoline, throw in some butter and set them all on fire; those animals don't deserve to mix with normal people. Only idiots feel sorry for them because that's their main weapon (aside from knives and such), the death penalty for those people who have been here for centuries and haven't adapted and never will. Am I racist? YES, but only against Gypsies, A GOOD GYPSY IS A DEAD GYPSY"* (Sic.). Open forum administrators need to be more responsible and not permit racist comments. Examples such as these are an indication of their everyday permissiveness.

CASE 6

Listado de comentarios

Lo más reciente | Lo más valorado

12 OPINIONES

- josema** 20/Feb/2009 | 22:40:00

pues mira estoy muy bien situado en mi tierra aunque en breve me ire a la tierra de mi mujer que allí en dinamarca son mas "personas" que los desgraciados a los que defendeis, si mi opinion no es compartida no tiene porque ser borrada porque es eso, mi opinion, y desde luego no me importaria liderar un genocidio contra estos seres que persisten siglos y siglos riendose de nosotros, les dan pisos los destrozan, los alquilan y se vuelven al ghetto ¿esta escoria es la que os da pena? estos no saben lo que es madrugar y pasar frio, yo no insulto como algunos hacen conmigo, mi experiencia en la vida me ha demostrado que no hay un gitano bueno y que tarde o temprano te la da por la espalda, un gitano es amigo tuyo mientras pueda chupar de ti en cuanto te das cuenta y le cierras el grifo eres un payo racista, haced lo que querais yo les odio desde lo mas profundo de mi corazon, pero ojo, no solo a ello, deseo la exterminacion de rumanos, ecuatorianos, arabes, que pasan por la vida en plan victima mientras que tienen mas privilegios que nosotros, hoy en pc city me ha atendido un dependiente negro, ha sido toda amabilidad y cortesia, racismo siempre es contra los negros cuando la mayoría de ellos son mas civilizados que estos borricos que no respetan, que nos matan, violan a nuestras mujeres y demas, lo vuelvo a repetir solo soy racista con la gentuza que actua como parasitos, quien se adapta es uno de los nuestros independientemente del color de su piel buen fin de semana

A favor (0) En contra (1)
- laobservadora** 20/Feb/2009 | 20:48:03

Ante la política social de este gobierno de favorecer a los insolventes en detrimento de los solventes que trabajamos, ahorramos,pagamos nuestros impuestos y sólo tenemos la obligación de contribuir a ese derroche de compasión ante el desfavorecido, quizás nos quede la opción de solicitar a los políticos que nos regentan que den ejemplo y den viviendas a estas personas en su vecindad y ya que los contribuyentes ponemos el dinero, que pongan ellos el esfuerzo moral de insertarlos y reeducarlos.¿No les parece justo? Y hasta que así sea que sufran en su vida social de alto nivel lo que es tener una vecindad que no atiende a norma social ninguna.O puede que lo consigan con su facilidad de buen discurso moral y falsa demagogia.

A favor (3) En contra (0)
- Albert** 20/Feb/2009 | 17:32:02

Me parece una barbaridad el pedir un genocidio en este siglo. La madre naturaleza ha tenido el capricho que unos nazcan payos y otros gitanos. No se puede negar que muchos tienen una cara que se la pisa, pero que otros no tienen mas narices que aguantar. La junta se equivoca en su política de pisos gratis. Algunos de estos como no le cuestan lo destrozan y despues pidien que se los arreglen. Esta claro que los distintos barrios de malaga se van a tener que comer el marron, pero los ciudadanos debemos de reclamar que lo realojen en casas proximas a las de nuestros politicos. Seguramente el LIMONAR-CERRADO Y PEDREGALEJO por citar barrios donde viven nuestros politicos, se libraran de estas pobres familias, aunque algunas sean más ricas que muchos que van con corbata.

A favor (5) En contra (2)
- A LOS JOSEMAS** 20/Feb/2009 | 16:06:04

No entiendo que se borren unas opiniones y se dejen otras como la del tal "osema" que propone una "solución final" contra los gitanos.Encima parece ser que hay otros que lo apoyan. Esto produce vergüenza y pena, pensar que hay gentes dispuestas a estas acciones. No creo que sea una simple opinión, creo que si se les presentara la ocasión serían capaces de llevar a cabo esos hechos criminales. Ese josema y quienes le votan apestan la tierra que pisan.

A favor (2) En contra (2)
- ondía** 20/Feb/2009 | 14:22:56

hombre, lo de la gasolina y tal te pasaste tres pueblos....., lo que no entiendo es por qué eso sigue allí, osea, que vamos a conseguir, meterlos más en la ciudad??. ayer entré en una farmacia FRENTE A LA CIUDAD DE LA JUSTICIA y me cruce con un señor que la acababa de atracar (he ahí la ironia) osea, que hagan como hacen todos los ayuntamientos de la costa, mandarlos a otro lado o ponerlos lejos..., pero nada, si tenemos un déficit del 4-5 % en FEBRERO a ver hasta cuanto llegamos en diciembre.... pero demosles pisos que son gratis, que paga la "hunta" y aquí no hay más que decir...., la gracia será que meteran a uno en cada barrio y punto, distribuidos, ya sabeis, cuando veais un nuevo audi o un todoterreno de estos gigantescos con musica kinki..., tendremos nuevos vecinos!!! PD: gracias paquito gracias, que tu no te ensucias, pero tampoco limpias....

A favor (6) En contra (0)

CASE 6



7. February. A Coruña. Discrimination in the media. A local newspaper published a story under the headline "*Penamoa stands strong against the highway*". Apparently, this expresses the idea that the city council only knocked down part of the settlement but "*it's business as usual in shanty town*." To reinforce the message, the journalist writes about a series of personal dramas and sad situations observed in that settlement such as a man who sleeps on a mattress in the living room because it's cold in his bedroom, a pregnant adolescent, a "concerned" woman (it's not clear why the journalist used quotation marks here) who doesn't know where she'll get the money to pay the rent, etc. He also gave specific names of persons and areas where they were being relocated and even mentioned that one of the people had AIDS, another was undergoing methadone treatment, etc. As we see it, if he was trying to criticise the action taken by the city council by pointing out that nothing had changed over the last "thirty years", it was not necessary to provide these details which are applied to the entire Roma community because obviously when he writes about the residents of Penamoa he's referring to the Roma population and associating that group with delinquency and social exclusion. This only contributes to spreading prejudice and exacerbating attitudes of rejection and discrimination. The FSG sent a letter to the director of the newspaper who agreed to schedule a meeting to talk about this issue with an FSG representative in Galicia. Thanks to that meeting and the director's sensitivity, news stories about the Roma community have improved in this regard as have relations with part of the Administration. The result of the mediation is considered positive.

8. March. Seville. Discrimination in the media. On 14 March

Viernes 20 de febrero de 2009 [Contacte con laopinioncoruña.es](#) | [RSS](#)

laopinioncoruña.es NOTICIAS **A Coruña / Metro**

EL PROBLEMA DEL CHABOLISMO

Penamoa resiste a la carretera

El Ayuntamiento sólo derribó las chabolas que impedían construir la tercera ronda

★★★★☆

Las máquinas que construyen la tercera ronda cambiaron el paisaje de Penamoa, pero en el poblado todo sigue igual. Aunque el Concello demolió las chabolas situadas en el trazado del vial, el resto están pegadas a la carretera, en el mismo sitio que hace treinta años



TANIA SUÁREZ | A CORUÑA Begoña cocina dentro de la chabola que construyó en octubre con la madera que le regaló el Ayuntamiento mientras su marido duerme sobre un colchón que está tirado en el salón porque en la habitación "hace frío"; una adolescente embarazada habla a las puertas de una barraca con otras chicas y Concepción González, conocida en Penamoa como la Yiya, prepara sus cosas para abandonar la chabola en la que vivió más de 35 años. La mujer, de 65 años, ya tiene las llaves del piso que la Concejalía de Servicios Sociales le adjudicó en Arteixo, en la zona de A Penouqueira, donde residirá dentro de unos días junto a su marido y a su hijo Guillermo, que tiene sida. "No me da ninguna pena irme porque la vida aquí es muy dura. Estoy muy contenta con el piso", asegura la Yiya, quien cuenta que nació en Santiago, que conoció a su marido, Guillermo, "por el mundo adelante", que tuvo tres hijos en Laredo y que se mudó al asentamiento chabolista de A Coruña.

"Mi marido y yo no pudimos evitar que mis hijos se drogasen porque aquí todo el mundo lo hacía", reconoce Concepción, que está "preocupada" porque no sabe de dónde sacará el dinero para abonar los 80 euros mensuales del alquiler de la vivienda que le adjudicó el Ayuntamiento. "No tenemos cómo pagarlo. A mi marido aún no le pagaron la pensión, pero ya me dijeron que iba a ser poquito. A ver si mi hijo encuentra trabajo porque también tenemos que pagar el agua y la luz. Eso sí, gastaremos lo menos posible", dice la Yiya al tiempo que muestra las paredes de su barraca, en las que antes colgaban decenas de fotos, totalmente vacías. "Ya no queda nada, dentro de dos días ya me voy", exclama.

Un joven que lleva en la mano una bolsa blanca de plástico cargada de móviles y de tabaco de contrabando se acerca a Concepción. "Tengo tabaco y móviles nuevos, sólo con abrirlos ya funcionan", dice. El marido de la Yiya no le da tiempo a terminar y lo echa.

La barraca de la familia de Concepción no estorba para la construcción de la tercera ronda, pero el Gobierno municipal le adjudicó igualmente una vivienda, algo que desea la mayoría de los habitantes del poblado. "Me quiero ir de aquí porque mi marido toma metadona para quitarse de las drogas, pero si está en Penamoa es imposible porque de vez en cuando fuma droga", destaca Begoña Salazar.

Aunque la barraca en la que vivían la joven, su marido y su hijo de seis años fue derribada para construir el vial de circunvalación, no fueron realojados en un piso porque el hombre, conocido en el asentamiento como el Algarrobo, tiene antecedentes penales. La Concejalía de Servicios Sociales les pagó 560 euros y les proporcionó madera para construir su nueva chabola, que está situada en la parte alta del poblado, junto al trazado de la carretera, y es una de las mejor equipadas de Penamoa. En su interior hay un baño con ducha de hidromasaje y una pantalla de plasma. Los accesorios del aseo, cuenta la joven, también se los regaló el Ejecutivo municipal.

La suegra de Begoña, al igual que su vecino, el pastor evangélico, fueron realojados en Palavea. El Concello también adjudicó a Santiago, su cuñado, un piso en Arteixo. Todos pagan un alquiler de entre 80 y 100 euros al mes. Los contratos son por un máximo de cinco años y se renuevan cada doce meses. En total, unas 15 familias del poblado fueron realojadas en pisos de A Coruña, Arteixo y Sada. Algunos de los chabolistas residen desde octubre en edificios y, según cuentan los familiares y amigos que viven en Penamoa, están "contentos". Los habitantes de Penamoa aspiran a que el Concello les adjudique un piso, al igual que hizo con sus vecinos, pero afirman que cada día lo ven "más difícil" porque saben que sus casas no impiden la construcción del vial.

El Ayuntamiento, que se niega a informar sobre los realojos, sólo otorgó pisos en régimen de alquiler a los chabolistas cuyas viviendas obstaculizaban la ejecución de la carretera de circunvalación, pero el resto de las barracas sigue en el mismo lugar que hace treinta años. La tercera ronda pasará pegada a las chabolas.

MULTIMEDIA
 [Fotos de la noticia](#)

NOTICIAS RELACIONADAS
 [Sada y Arteixo desconocían los realojos en sus municipios. A Coruña / Metro](#)

the Diario de Sevilla newspaper published a story under the following headline: "A young person dies in Granada in a shooting involving Roma." In the body of the article it was again mentioned that those involved were Roma. We hold that specifying the ethnic group of the people involved in the event does not add anything to one's understanding of what happened but what it does do is reinforce prejudices by linking crime directly to the Roma ethnic group. This is an example of direct discrimination because no one would dispute that if those involved were not members of any minority group, no mention whatsoever would have been made of their ethnic

background. On that same date the El Mundo newspaper published a news brief under the following headline: "Death following a shooting between two families". Despite its neutral appearance, the fact that the headline refers to "families" instead of "people", and that the media always does this when referring to Roma, indirectly indicates that those involved in the incident were Roma. In the news brief text itself specific mention was made that "the shooting" was "between Roma families". Inductive language is used which indirectly links those involved in the news story with a particular ethnic group: "shooting between Roma families"; "reyerta" (brawl).

EL MUNDO DEL SIGLO VEINTIUNO	
Fecha: 14/03/2009 Sección: ESPAÑA Páginas: 19	>REYERTA Muere tras un tiroteo entre dos familias GRANADA.- Un hombre de 21 años murió ayer por una herida de bala en el tórax tras un tiroteo entre familias de etnia gitana en Santa Fe (Granada). La reyerta ocasionó también un herido grave que anoche permanecía ingresado en el hospital. / EUROPA PRESS

CASE 8

Diario de Sevilla	Fecha: 14/03/2009 Sección: ANDALUCIA Páginas: 28
Un joven muere en Granada en un tiroteo entre personas de etnia gitana El agresor, que fue detenido de inmediato, disparó contra un hombre y el hijo de éste	

CASE 8

9. **March. Granada. Discrimination on the Internet.** An FSG worker came across an Internet article about moral harassment entitled "Phenomenon of moral harassment" which featured the following example: "The new director says that he's overwhelmed at work and needs middle-level managers to help get the work done. He purposely selects someone from an especially sexist social group (Roma) for the post of sales manager." Given that the Internet is one of the largest dissemination, communication and research media, not only in terms of its repercussion through the diversity of its users but also because information remains there indefinitely, much more care should be taken when disseminating information on the Internet. This is even more true where, as in this case, the information contains prejudices and stereotypes towards a group such as the Roma community.
10. **April. Asturias. Discrimination on the Internet.** The password to access an Internet video was "Gypsy son of a bitch". The video begins with the sentence "the history of a Gypsy" referring to an overweight child holding a huge sandwich and making very negative remarks concerning food, football and the Roma community. We believe that these remarks refer to a specific child living in a town in Asturias who has a weight problem, plays football and is a member of the Roma community. On the date this report went to press, the video had been taken off the Web page.



11. April. Valladolid. Racism in the media.

An article published in a local newspaper about the occupation of several settlements sparked a series of racist comments against the Roma population in the forum of the electronic edition of that paper. Special mention should be made of the following: 20/04/09 // 22:49:42 // kkclopiss: "A GOOD GYPSY IS A DEAD GYPSY"; 20/04/09 // 15:50:53 // Perromuchacho: (...) "I've always said that my solution for these people is napalm.. Fast, effective and cheap."; 20/04/09 // 11:23:40 // Joseba: "I'll tell how this is going to turn out with theses sons of b..., because that's the only name for them. The Town Hall is going to give them a fuckin great flat for doing absolutely nothing because if they don't then they'll say that we're being racist. Once they move in they'll make everybody else in the building move out. People who bought their flat with blood, sweat and tears; people who WORKED which is something gypsies know nothing about and that's the sad truth. My solution, burn them all alive in their shanty towns... Yes, I'm racist but that's what they taught me with the way they act." A clear example of racism which the managers of the digital edition forum allowed to be published.

12. April. National. Racism in the media.

On the night of the 28th - 29th April 2009, following the Chelsea - Barcelona football match, the commentator of a sports programme of a national radio station made the following comment: "Comparing Lampard (Chelsea player) with Iniesta (Barcelona player) is like comparing God to a Gypsy". This is an example of how commonplace it is to use expressions charged with prejudices and stereotypes against the Roma community in the media. We would also note that this particular programme is one of the most popular sports programmes on the radio which means that a very large number of people listened to that comment.

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VALLADOLID

Medio centenar de chabolistas ocupan tres poblados del plan parcial La Florida

Los residentes en los chalés anexos a las viejas instalaciones de Desguaces Cano derriban una pared en las naves abandonadas para estacionar allí sus furgonetas

J. SANZ | VALLADOLID

Vota ☆☆☆☆ | 2 votos ★★★★★
Opina
Ver comentarios (42)
Imprimir
Enviar
Rectificar

Las chabolistas de Antonio Barrul, el histórico fundador del poblado de Juana Jugan en enero de 1979; el poblado de 'el Tuerto', creado diez años después al pie de la carretera de Madrid, y los chalés anexos a las antiguas instalaciones de Desguaces Cano, al borde de la carretera de Segovia. Los terrenos del plan parcial La Florida, donde está prevista la construcción de 3.200 viviendas desde hace tres años, acogen por ahora a medio centenar de chabolistas en el mayor foco marginal de la ciudad.

La paralización del proyecto -en el solar aún no se ha movido ni un metro cúbico de tierra- ha permitido que dos de los tres núcleos siguieran creciendo en los últimos años hasta alcanzar su pico de población. Los últimos en llegar fueron los actuales residentes de las casas próximas al viejo desguace. Allí viven treinta personas, incluidos un buen número de menores, con la reciente construcción de una chabola entre los cuatro chalés que siguen en pie. Sus ocupantes decidieron ampliar sus horizontes hace algunas semanas y para ello no dudaron en abrir un enorme boquete en el lateral de un almacén abandonado de Desguaces Cano para franquear el acceso de sus furgonetas y utilizarlo como improvisado garaje y, de paso, como taller de reparaciones.

Por el entorno del mayor gueto de La Florida continúan circulando a diario decenas de coches de alta gama, un hecho que los vecinos de Delicias llevan denunciando desde que los primeros inquilinos se afincaron en las viviendas en agosto del 2006 ante sus sospechas de que estuvieran vinculados con el negocio de las drogas.

Sus habitantes declinaron explicar su situación y se limitaron a justificar que aquello es «una propiedad privada». Y desde luego lo era, al menos hasta que ellos decidieron acceder a unos chalés que en su día fueron de lujo. El desventajado vaso de una piscina así lo atestigua y es, quizás, el único vestigio de tiempos mejores. Hoy sirve de basurero para las toneladas de desechos que generan.

Tampoco tenían demasiadas ganas de hablar los inquilinos de las seis chabolas del poblado de 'el Tuerto' -dos más que hace tres años-. Una veintena de personas malviven bajo las chapas que cubren los chamizos contruidos con los materiales más inverosímiles.

Sin planes de reajojo

El gueto, levantado junto al viaducto de la Nacional 601 que salva las vías del tren, está situado a escasos doscientos metros del poblado con más solera de la capital, el de Antonio Barrul Maya, situado en una prolongación del camino de Juana Jugan, que recorre los terrenos de La Florida entre las carreteras de Madrid, por el hospital Benito Menni, y Segovia.

En este último, que llegó a contar con más de treinta inquilinos hace una década, sobreviven su creador, su mujer Adoración, un hijo y un retoño de éste de 12 años. Los cuatro veteranos están pendientes, eso sí, de la llegada de Raúl, un nieto de Antonio, pendiente del desalojo de una casa de 'okupas' de la calle Luna, en La Farola. Allí vive con su mujer y sus cuatro hijos desde que le desahuciaron de la casa de reajojo que le cedió el Ayuntamiento por dos años a cambio de dejar su chamizo del camino de Juana Jugan.

El rechazo de algunos de los ocupantes de los tres núcleos marginales a entrar en los circuitos de ayuda de las oenegés y la falta de un plan municipal concreto para erradicar el chabolismo mantendrán vivos, al menos mientras el plan parcial siga en el dique seco, este inmenso monumento a la pobreza enclavado en Delicias.

Un grupo de inquilinos de las chabolas de 'el Tuerto', al pie de la carretera de Madrid, un núcleo levantado hace dos décadas y ampliado en los últimos años (veinte inquilinos) / J. S.

« La piscina de las cuatro viviendas de lujo es un vertedero repleto de basura

Los vecinos reclaman la demolición de las casas ante el temor de que allí vendan droga »

Listado de comentarios

Lo más reciente	Lo más valorado
42 OPINIONES	
<p>• Carmen Rodríguez 22/Abr/2009 12:11:50</p> <p>Creo que todas las personas, tienen derecho a un lugar digno para vivir, y todos debemos apoyar cualquier proyecto de mejora de esta situación.</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> A favor (0) <input checked="" type="checkbox"/> En contra (2) Comentario inadecuado </p>	
<p>• progro 21/Abr/2009 00:01:46</p> <p>Ya está bien de ser condescendientes con quienes no tienen la mínima intención de integrarse salvo para pedir, pedir y pedir derechos, que nunca tienen obligaciones y encima a darles casa. Que trabajen como los demás y coticen, y sino que se larguen. Encima de dedicarse a lo que todos sabemos, dicen no tener un duro. ¡Venga ya!</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> A favor (3) <input checked="" type="checkbox"/> En contra (0) Comentario inadecuado </p>	
<p>• kkclopiss 20/Abr/2009 22:49:42</p> <p>GITANO BUENO, GITANO MUERTO</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> A favor (3) <input checked="" type="checkbox"/> En contra (1) Comentario inadecuado </p>	
<p>• Pardillo 20/Abr/2009 22:13:28</p> <p>en la selva yo nací, oh tarzán, tarzán</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> A favor (1) <input checked="" type="checkbox"/> En contra (0) Comentario inadecuado </p>	

13. April. A Coruña. Discrimination in the media. The Coruña edition of a free newspaper published a story about a Roma family under the following headline: *"The police have once again hunted down the gypsies that they expelled from Meicende"*. Not only is the headline discriminatory by portraying this Roma family as animals by using the verb "hunt", but the article itself contains unfounded and erroneous information and mixes stories about several different families which in the end has nothing to do with the family depicted in the photograph.

14. May. Asturias. Discrimination in the media. A local newspaper published a story under the following headline: "A Roma man bites two Civil Guard officers after they arrested him on Saturday at the Luanco bus station. 'I'm going to give you AIDS'" The article goes on to say: "A Roma man was screaming and making threats against everyone." The following text again appeared in a box of text entitled "Data": "They identified the suspect as R.J., a well known delinquent of Roma origin." It was completely unnecessary to mention three times that the person in question was Roma. The only purpose served by that is the proliferation and underscoring of negative prejudices and stereotypes against the entire Roma community because the acts of one individual tend to be extrapolated to the entire community.

EL COMERCIO

Fecha: 29/06/2009

Sección: ASTURIAS

Un hombre de etnia gitana muerde a dos agentes de la Guardia Civil tras detenerle el sábado en la estación de autobuses de Luanco

«Te voy a contagiar el sida»

E. C. GIJÓN

El joven agente de la Guardia Civil se quedó helado. Cuando todavía miraba cómo le chorreaba la sangre por la mano, tras recibir un feroz mordisco del hombre al que acababa de detener, el grito de su agresor —«Ahora te voy a contagiar el sida», le espetó— le dejó sin habla. Minutos después, la escena se repite, con otro agente de la Guardia Civil también agredido. De nuevo un mordisco, de nuevo sangre y, de nuevo, la misma amenaza: «Te voy a contagiar el sida».

Los hechos tuvieron lugar en la noche del sábado en Luanco y concluyeron con agresor y agredidos en el avilesino Hospital San Agustín. Hoy, los agentes serán sometidos a la prueba del sida. Los resultados no llegarán hasta dentro de tres meses, ya que ése es el periodo necesario para tener constancia de si existe infección.

Según pudo saber EL COMERCIO, todo comenzó a las 20.30 horas del sábado, cuando el medio centenar de personas que espera-

ban en la estación de autobuses de Luanco dieron la voz de alerta. Un hombre, de raza gitana, estaba dando gritos y profiriendo amenazas contra todos. Armado con una navaja, la blandía ante ellos mientras les exigía algo ininteligible.

Rápidamente, agentes de la Guardia Civil del destacamento de Cancienes se personaron en la estación, donde reconocieron a R. J., delincuente habitual, con numerosos antecedentes a sus espaldas y varios ingresos en el centro penitenciario de Villabona.

Con una navaja

Al verlos llegar, el individuo volvió su ira hacia los agentes, a los que llegó a lanzar la navaja. Mientras era reducido para ser introducido en el coche, el detenido se revolvió y lanzó un salvaje mordisco a uno de los agentes. «Ahora te voy a contagiar el sida» le gritó. La confusión y el revuelo alcanzó tal calibre que tuvieron que acudir efectivos de la Policía Local de Luanco para poder llevar a R. J. a los calabozos de la capital gozoniega.

LOS DATOS

► **Alerta:** a las 20.30 horas del sábado, medio centenar de personas que esperaban en la estación de autobuses de Luanco alertan de que un individuo, armado con una navaja, está profiriendo gritos y amenazas contra todos ellos.

► **Detenido:** agentes de la Guardia Civil del destacamento de Cancienes acuden a la estación, donde comprueban que el autor del altercado es R. J., de etnia gitana, un conocido delincuente.

► **Agresión:** cuando ve a los agentes, R. J. intenta agredirlos y les lanza la navaja. Al introducirlo en el coche, el detenido se revuelve y da un salvaje mordisco a uno de los agentes. Mientras ve cómo sangra le espeta «ahora te voy a contagiar el sida». Trasladado a los calabozos de Luanco, repite con otro agente agresión y amenaza.

► **Asistencia:** el detenido y los dos agentes fueron trasladados al Hospital de San Agustín, donde se les realizó una revisión. A los dos miembros de la Benemérita se les practicará hoy la prueba del VIH.

Sin embargo, allí se volvió a repetir la escena. Otro agente de la Guardia Civil fue mordido y, de nuevo, el grito: «Ahora te voy a contagiar el sida».

Tres meses de espera

Rápidamente, los compañeros de los dos agentes mordidos decidieron el traslado de los tres, agresor y agredidos, al Hospital San Agustín. Allí fueron sometidos a pruebas médicas y, hoy, a los dos agentes se les practicarán las pruebas de detección VIH. La espera, en todo caso, será de tres meses, tanto si el agresor da positivo como si no. Si es portador del virus, es necesario esperar tres meses para saber si les ha contagiado la infección. Si da negativo, también habría que esperar tres meses para saber si, en estos momentos, está desarrollando la infección y, por lo tanto, puede contagiarla. Durante la espera, ambos agentes recibirán apoyo psicológico.

El hombre ha sido trasladado a los calabozos del cuartel de la Guardia Civil de Avilés, donde permanece acusado de agresión a la autoridad.



- 15. April. National. Discrimination in the media.** In April 2009, a television programme featuring a reporter who “immerses” herself for several days in the environment she is reporting on, did a report on a shanty town. In preparation for the report, the reporter lived for a few days in the shanty town settlement known as “El Vacie.” The presentation of the programme is quite sensationalist and makes special mention of two people in the neighbourhood who earn a living “as security guards and do not have to sell flowers at the market.” The entire report follows along these same lines associating the Roma community with poverty and delinquency, telling individual stories as if they were representative of the entire community and thus generating and reinforcing negative prejudices and stereotypes against the Roma culture.
- 16. April. Bizkaia. The media.** A regional Basque Country newspaper ran a news story about an event which took place at Barakaldo involving members of the Roma community. Although the story was serious and objective and avoided a sensationalist approach to the news item, it did mention that the family involved was Roma and, as a family member stated, they have different laws. This family member also stated that the aggressor could have killed them in their own home. By including this explanation in the news story, a relationship is established between the criminal acts and membership in the Roma community and the possible existence of a parallel legal system through which the Roma community intentionally separated itself from mainstream society.
- 17. May. National. Discrimination in the media.** On May 24, a number of stereotypes and prejudices against the Roma community were broadcast in a prime-time TV series on the station Telecinco entitled *Aída*, with the ensuing stigmatisation of this community around alleged esoteric customs and the association of Roma women with witchcraft. We would note that this is not the first time that the script writers of this series include negative connotations against the Roma community in the dialogue. We would also note that this TV series has a large audience and therefore these prejudices and stereotypes are being broadly disseminated.
- 18. May. National. Racism in the media.** During the 17 May broadcast of a sports programme on a well-known national radio station a commentator (former division one footballer and member of the Spanish national team) made the following statement: *“Real Madrid’s defensive strategy is less credible than a gypsy in a courtroom.”* This is just another example of the degree of “social acceptance” of racism against the Roma community.
- 19. May. National. Racism in the media.** During the 6 May broadcast of a morning programme on a national station, two news stories were linked together by programme’s daily commentator: “There are settlements with even worse living conditions. In fact, there are some where Romanian Roma live”. This comment was made without getting into the content of the news story and is clearly racist insofar as it identifies the settlements with the worst conditions allegedly because the people living there are members of a certain nationality and ethnic group.
- 20. May. National. Racism in the media.** During a sports programme broadcast by a very well known national radio station on 7 May, the director of the programme repeated the following words while analysing the season of a Barcelona player, Lionel Messi: *“Comparing Arjen Robben (Real Madrid) with Leo Messi is like comparing God with a gypsy.”* We would note that this is the second comment of this nature made by this person who is the host of one of the most popular radio sports programmes and therefore the impact of these negative and insulting messages against the Roma community is much greater.



- 21. June. Andalusia. Discrimination in the media.** On 10 June the RTVA broadcast a report entitled "Roma Law" which focused on the situation of a development of three thousand flats after a shooting in which a minor died and as a result of which two Roma families left the neighbourhood. This was a programme where a reporter "immerses" himself in the environment he is reporting on. The report was promoted as follows: "A shooting. A stray bullet. A 17-year-old is killed and three clans are going at one another. Where is each of these clans? Is it true that the police have arrested the alleged killer? Who is going settle this dispute? Does the Roma law make sense in 2009? (...) the Roma law in 75 minutes" The report had an average audience of 7.6% (18.4% screen share, i.e. 591 000 spectators). A complaint filed by a Roma association in Andalusia brought the case to the attention of the Audiovisual Council of Andalusia which issued Decision 16/2009 which, among other things, pointed out that "regarding the appearance of stereotypes related to the Roma community it should be noted that the main focus of the report is violence, delinquency and especially extreme poverty." "Another issue is the way these events are portrayed which, in the view of the Council, sometimes oversteps the bounds of what should be considered serious impartial reporting." "Regarding the violence (...), some dubious things were observed such as the association of drawings of weapons next to the Roma family (...), constant mention of the tension in the neighbourhood (...) based on impressions and values judgements." "The journalist who explains the concept of Roma law did the interview at a shanty town called El Vacie, although he could have chosen any other Seville neighbourhood where Roma also reside." "Lastly (...) there was no direct intervention from any of the Roma associations in Andalusia." In the end, the Council indicated that "in the report entitled "Roma Law," it had detected elements and characteristics which should be avoided in the future such as the possible oversimplification of a complex reality (result of the use of a docu-drama format to report on a very painful event), only superficial information and failure to turn to expert sources and Roma associations." For those reasons, the Council recommended that RTVA be very careful when reporting on events related with ethnic minorities because even implicitly and involuntarily it could contribute to the reinforcement of negative stereotypes. The Council holds that special care must be taken in these cases because superficial or overly dramatic coverage could do damage to the social image of these ethnic communities."
- 22. June. Alicante. Discrimination in the media.** A story under the following headline was published in the Alicante version of the "El Mundo" newspaper: "The man shot by a rival Roma clan dies in the hospital. Police tighten security to prevent further feuds and search for the perpetrators." The article repeats expressions such as rival clan and family feud. Mention of the ethnic group is not necessary for comprehension of the news story. Also, the use of expressions such as clans or family feuds perpetuates negative prejudices and stereotypes towards the Roma community as a whole.
- 23. July. National. Racism and discrimination in the media.** Following an event which occurred on the high-speed train (AVE) between two well-known Roma performers and the train conductor, the press reported the incident focusing specifically on the complaint lodged by one of them against the conductor for racism. "El Mundo" newspaper, in its edition of Saturday 4 July, gives the version of the rail company and apparently one of the persons involved (quotes were used without specifying

EL MUNDO

ALICANTE

Fecha: 19/06/2009

Fallece en el hospital el hombre tiroteado por un clan gitano rival

La Policía extrema la seguridad para
evitar una refriega y busca a los autores



Una agente toma huellas dactilares tras el tiroteo del lunes. / VICENT BOSCH



the source). Other newspapers also report this news item. On 6 July, the Seville edition of the ABC newspaper ran an opinion article in a section it calls “El recuadro” signed by Antonio Burgos entitled “La raza del perro de Pitingo” (the Pitingo dog breed). In his article Mr. Burgos claims that Roma have more rights than others, “they have many more” as a result of the “dictatorship of the minorities” thus undermining the legitimacy of those who lodge complaints when they are prevented from exercising their rights just like anyone else of the majority society and claim to have been victims of racism. Without getting into the specific case about which the article was written (the author does not either), he makes blanket statements and accuses all Roma, feminists and “profesionales de la piompa” (homosexuals), of having more rights than others and systematically filing charges regarding any type of discriminatory situation. In this case, the impact of the opinion of this columnist on readers is clearly visible in the digital version of the newspaper where comments such as the following started to appear: “ (...) *This race will never change the way they think (...)*”; “*These “gentlemen”*



Fecha: 06/07/2009

Sección: OPINION

EL RECUADRO

LA RAZA DEL PERRO DE PITINGO

SOBRE el incidente de Pitingo y Juan Carmona en el Ave llevo oídas más versiones que sobre la pérdida del brazo de don Ramón María del Valle Inclán. Hago lo más conveniente en estas ocasiones: no creerme ninguna. Ni las más divertidas, aunque contravenga el principio cínico de «que la verdad no te estropee un artículo». Por eso no puedo creerme la versión de la raza del perro de Pitingo, que circula por Sevilla y que supongo lo que ahora llaman leyenda urbana, y que toda la vida de Dios ha sido bulo como una casa.

Cuentan las lenguas de vecindona que el incidente de Pitingo y Juan Carmona, antes del desembarco de Normandía del artista en Puertollano, que vaya sitio también para bajar a un pedazo de artista y dejarlo tirado... Cuentan, decía, que la guasa del incidente comenzó en Sevilla, cuando el grupo se disponía a pasar el control de equipajes en Santa Justa. Que llegaron los flamencos allí, y que uno de sus acompañantes llevaba un perro dentro de una bolsa. Intentaba pasar la bolsa canina como una pieza más del equipaje, cuando el vigilante de seguridad le dio el alto:

—El perro no puede pasar así —le razonó—. El perro, para poder viajar en el tren, ha de ir en su jaula, y debe tener su billete.

—Es que este perro es de Pitingo —contestó el porteador.

—¡Me da igual la raza del perro! Aquí, para que pueda pasar un perro, tiene que ir con su jaula y su billete.

Maravilloso cumplidor del reglamento, que se cree que Pitingo es una raza canina. Ya saben: bodeguero de Jerez, mastín de majada y Pitingo son las principales razas autóctonas de perros según este hombre. A quien no me explico cómo no han denunciado por racismo, cual quieren empapelar al supervisor del Ave. Racismo canino, pero racismo al fin y al

cabo. Es lo de siempre. En la dictadura de las minorías que padecemos, un señor de etnia gitana, como se dice en términos de corrección política (vamos, un gitano), no tiene iguales derechos que los demás: tiene muchos más. Usted tiene un incidente con el supervisor del Ave, lo echan abajo del tren, y se queda en Puertollano de todas, todas, ¡vamos que si se queda! Y sin derecho a rechistar. No puede denunciar al supervisor por racismo. Pero si usted es de etnia gitana, o militante feminista, o profesional de la piompa, tiene más derecho que yo, porque a poco que yo intente

simplemente hacerle cumplir el reglamento, estoy expuesto a que me denuncie por racista, por machista o por piompófobo. Hay ciertas minorías que van por ahí con la Constitución en la mano, dispuestas a pegarte con el Artículo 14 en toda la boca en cuanto te escantilles.

Pero en esto de los derechos de las otras etnias debe de haber clases, como en todo. A la vista de los hechos, no es lo mismo un gitano rico que un gitano pobre. Le tosen a Pitingo en el Ave y denuncia por racismo hasta al presi-

dente de Renfe si hace falta. En cambio, ahí está la estampa increíble, estrictamente africana, de las 41 familias gitanas exiliadas del Polígono Sur, en el éxodo interior de la marginación y la desgracia, huyendo de Tablada al Huevo de Colón, perseguidas por la amenaza del ojo por ojo, porque se hizo una muerte. Y nadie se compadece de este campamento nómada, que cuando se veía bajo los puentes de Tablada parecía talmente poblado de refugiados africanos. Como los tenemos tan cerca, no merecen ni siquiera la misma atención lacrimógena que los niños bielorrusos o saharauis. Ni siquiera hacen con ellos caridades de cara a la galería y de cara a los fotógrafos. Y encima los acusan de estropearle el pasodoble triunfal al Comisionado si vuelven a sus casas. Los tratan peor que al perro de Pitingo. Y no pueden ni denunciar al supervisor por racismo.



ANTONIO BURGOS

EL MUNDO

DEL SIGLO VEINTIUNO

HOJEANDO/ZAPEANDO

Fecha: 07/07/2009

Sección: COMUNICACION

Hasta en la sopa, racismo

VÍCTOR DE LA SERNA

El pasado día 3, la agencia Europa Press difundía una noticia que empezaba así: «El *cantaor* Pitingo y el guitarrista Juan Carmona han presentado una denuncia ante la Policía por un 'incidente racista' el pasado 28 de junio, en un trayecto del AVE Sevilla-Madrid. Pitingo explicó [...] el 'trato vejatorio' que ambos recibieron por parte de uno de los supervisores del tren, que terminó con la expulsión de Carmona en la estación de Puertollano».

La noticia, pese a referirse a un hecho tan conflictivo, no ofrecía más que la versión de una de las partes en el susodicho conflicto, la que forman el *cantaor* y el guitarrista. Una *one-source story*, una información de una sola fuente, como las facultades de periodismo enseñan a no hacerlas. Inimaginable en los tiempos de la gran EP de José Mario Armero y Antonio Herrero Losada, pero perfectamente imaginable en los grisáceos tiempos actuales.

Dos cosas notables: todos los periódicos que la reprodujeron (alguno, como *El País*, no lo hizo, y con buen criterio) se contentaron con la versión unidireccional de EP, salvo EL MUNDO, que tuvo el reflejo de incluir la versión –bien diferente, como se imaginan– de Renfe, pero este diario, como los demás, sucumbió a la tentación de colocar la palabra clave, *racismo*, en el titular: 'Pitingo' y un ex de *Ketama* denuncian 'racismo' en el AVE. Sí, entre comillas, pero el mero hecho de incluir la palabra en un titular es una decisión redaccional clave, porque se le confiere credibilidad y gravedad.

Y, sin embargo, si releen la entrada de Europa Press, verán que lo de *incidente racista*, efectivamente entrecorillado, y que aparece esa única vez en todo el texto, no está claramente atribuido a nadie: ¿Quién lo dijo, Carmona o Pitingo? Porque las declaraciones a dos voces y a *cappella* no son habituales...

Luego está la curiosa declaración de Pitingo: el mismo revisor, otra vez, ya le había pedido a él, sólo a él, el billete en un vagón lleno, y por ser gitano... Pero la versión de Renfe, de bronca con unos pasajeros penden-cieros, y que suena por lo menos tan verídica como la de los denunciantes, no es de ningún incidente racista. Lo que sucede es que en los periódicos nos aferramos con entusiasmo digno de mejor causa a todas las palabras-tabú de la corrección política: racista, homófobo, agresor...

Antonio Burgos lo explicaba bien en ABC: «Usted tiene un incidente con el supervisor del AVE, lo echan abajo del tren, y se queda en Puertollano de todas, todas, ivamos que si se queda! Y sin derecho a rechistar. No puede denunciar al supervisor por racismo. Pero si usted es de etnia gitana, o militante feminista, o profesional de la piompa, tiene más derecho que yo, porque a poco que yo intente simplemente hacerle cumplir el reglamento, estoy expuesto a que me denuncie por racista, por machista o por piompófobo».

should go back to where they came from in Pakistan centuries ago"; "(...) They accuse us of being racist because they do not know how to behave like everyone else." The next day in the Communication section of the *El Mundo* newspaper, a column was published under the headline "Racism everywhere" in which Víctor de la Serna supports and reproduces the words of Antonio Burgos as follows: "Antonio Burgos explained it clearly in the ABC (newspaper): "If you have a problem with the conductor on the AVE you get put off the train and you can bet

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that you will only get as far as Puertollano. There's not doubt about that! And you better not even complain. You can't file a complaint against a conductor for racism. But, if you are Roma, a feminist militant or a profesional de la piompa, you have more rights than I do because if I even make the smallest effort to try to make you comply with regulations I can be accused of being racist, sexist or piompophobic". There is a clear chain reaction caused by these types of opinion articles where journalists tend to confuse the right to freedom of expression with the right to insult another person. The Equal Treatment area of the FSG wrote letters of complaint to the directors of the two newspapers. No response was received from *El Mundo* while a response via fax was received from ABC reporting that these forum entries had been removed and apologising for any comments which may have slipped through the moderator's filter. As for the opinion article: nothing.



24. July. National. Racism on the Internet.

SOS Racismo sounded the alarm for us in this case. This was a blog entitled "Gypsy Shit" decorated with a large swastika featuring expressions against the Roma community such as "parasites", "No Gypsies wanted. I don't want them close to me or far from me", etc. This is clearly an attack on the entire Roma community which is the target of insults and slander and whose honour is intentionally violated. It clearly advocates racial hatred and xenophobia. The day that the complaint was to be filed at the Prosecutor's Office it was discovered that the page had been removed from the Internet.



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25. July. National. Discrimination in the media. We found an article in the *El Mundo* newspaper with the following headline: "Jury hearing of Roma law", and a caption which read: "A family goes on trial for the assassination of a member of a rival clan". The text of the article begins like this: *One of the unwritten articles of "The Roma law, older than the Code of Criminal Procedure, is the maximum expression of "an eye for an eye." In response to the death of one of the members of a Roma clan, the rival clan took revenge by killing one of its members.* The rest of the article reads like a melodrama in its narration of the facts which led to the hearing and makes constant use of words like rival clans, patriarch, etc. Also, despite being a violation of the Data Protection Act, this article contained the initials, ethnic background and nicknames of those involved in the incident. This news story was completely different from articles written about non-Roma. Moreover, the indication of the ethnic group, nicknames and

Fecha: 14/07/2009

EL MUNDO

DEL SIGLO VEINTIUNO ANDALUCÍA

Juicio con jurado a la ley gitana

Una familia se sienta en el banquillo por el asesinato de un miembro de un clan rival

ANDRÉS MOYA / Jaén
 La ley gitana, con más antigüedad que la Ley de Enjuiciamiento Criminal, recoge como uno de sus artículos no escritos su máxima expresión del «ojo por ojo». A la muerte de uno de los miembros de un clan gitano le sigue la respuesta del otro clan rival con la muerte de otro de sus miembros en venganza.

En la Audiencia de Jaén, un jurado popular juzga a tres miembros del clan de *Los Pikikis* por la muerte a tiros de Antonio Mallarín, el patriarca de otro clan rival.

El 3 de febrero de 2006, Antonio Mallarín caía fulminado de un disparo en la cabeza a los pies de su esposa María en su vivienda del Camino del Madroñal en Linares. Le habían dado muerte los tres integrantes de un clan rival, *Los Pikikis*. El motivo de la trifulca entre los dos clanes fue la compra de una vivien-

da y una fuerte discusión, en la que una frase —«Me cago en tus muertos»— desencadenó el trágico suceso.

Un año más tarde, en marzo de 2007, los dos clanes volvieron a verse las caras en Linares. *Los Mallarines* estaban armados hasta los dientes, desde la muerte de Antonio les habían jurado a *Los Pikikis* el «ojo por ojo» y el tiroteo entre ambos clanes se saldó sin heridos.

Sin embargo, la Policía Nacional decomisó más de veinte armas de fuego a ambas familias. Diego M. M., y sus hijos Sebastián M.F. y Joaquín M.F. se sentaron en el banquillo de los acusados de la Audiencia de Jaén rodeados entre fuertes medidas de seguridad.

Según considera el Ministerio Fiscal, Diego M. M., apodado *El demonio* y sus hijos Sebastián M.F. y Joaquín M.F., son los autores de la muerte a tiros de Antonio Mallarín, que falleció de un disparo de pistola. El Ministerio Público solicita una pena para cada uno de ellos de dieciocho años de prisión por un delito de asesinato, más dos años de cárcel por el delito de tenencia ilícita de armas.

De este modo, la acusación particular ejercida por la familia de Antonio Mallarín pide una pena de veinte años de prisión por un delito de asesinato, así como tres años de prisión por un delito de tenencia ilícita de armas. Además solicita indemnización a la viuda con 120.000 euros y 50.000 euros a los hijos de la víctima, así como no volver a residir en Linares por un periodo de diez años.

Por su parte, la defensa de los acusados, solicitan para Diego M.M., un delito de homicidio con la atenuante de defensa propia, al entender que Diego se defendió de un disparo de Antonio.

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this type of language did not add anything to the comprehension of the news story and only served to create or support negative prejudices and stereotypes towards the entire Roma community.

26. July. Madrid. The media. The Madrid edition of the El Mundo newspaper ran a story related to a killing in the Vallecas neighbourhood. The article featured a number of stereotypes and stressed the fact that those involved, the victim and the aggressor, were Roma and underscored the direct relationship between the commission of the crime and their ethnic group. A number of aspects creating a negative image of the Roma community and full of stereotypes which had no clear connection to the crime being described were included in the article as being representative of the Roma community. Terms such as “clan” were used in a sensationalist manner, a description was given of the run down neighbourhood where the event occurred and a person who had nothing to do with the murder was quoted as very adamantly affirming “*I’m Roma and if you come after my family, I’ll kill you*”.

27. August. National. Racism in the media. In the XL Weekly Sunday magazine which comes as an insert with several newspapers, the columnist Arturo Pérez Reverte wrote an article in his section entitled “Patente de corso” telling of what apparently was his personal experience at a hospital. He describes what he found in a hospital room full of blankets, papers, plastic cups, two little gypsy kids chasing one another and “a heavy-set woman with a bare breast feeding a fat little kid.” He goes on as follows: “*Imagine your typical hospital hallway. And about fifteen loud people milling about: six or seven adult men, the same number of women and a few children similar to those who had just dislocated my knee in the waiting room. As for the adults, just to give you an idea, if you Google the words “Garcia Lorca”, “Guardia Civil”, “Heredias”, “Camborios” and “cousin” you’ll get a list of pictures that describe the scene: sideburns, hats, a few fringe-decorated walking sticks, gold teeth and rings of the same material. The only thing missing was a 1974 Mercedes. The boys were dressed in worn dark coloured clothes with a dangerous look somewhere between Navajita Plateá and Barranquillas. As for the women, the only detail they were missing was a carnation in their hair. The girls had trim waist-lines, long jet-black hair and tragic eyes. One was holding a baby in her arms. All were dressed in black, as if in early mourning. And in the middle of that melee, back against the wall,*

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FIRMAS Patente de corso,
 por Arturo Pérez-Reverte

ESPAÑA CAÑÍ

Vamos a llamarlo, si les parece bien, hospital del Venerable Prepuco de San Agapito. O, si lo prefieren, de los Siete Dolores de Santa Genoveva. Para más datos, añadiremos que está situado en una ciudad del sur de España. Y el arriba firmante –yo mismo, vamos– camina por el pasillo de una de sus plantas después de haber conseguido, tras arduas gestiones, intensas sonrisas y mucho hágame el favor, permiso para visitar a un amigo internado de urgencia, al que sus innumerables pecados y vida golfa dejaron el hígado y otros órganos vitales en estado lamentable.

Voy por el pasillo, en fin, pensando en un informe publicado hace poco: uno de cada diez trabajadores de hospital español sufre agresiones físicas por parte de pacientes o sus familiares, y siete de cada diez son objeto de amenazas o insultos ante la pasividad de los seguratas correspondientes. Que con frecuencia, según las circunstancias, prefieren no complicarse la vida. Y no deja de tener su lógica. Una cosa es decir no alborote, señora, caballero, a un ama de casa de Reus o a un jubilado de Úbeda cabreados con o sin motivo, y otra diferente, más peliaguda, impedir que un musulmán entre a la fuerza con su legítima en el quirófano, decirle a un subsahariano negro de color que no es hora de visitas, o informar a cuatro miembros de la mara Salvatrucha que la puñalada que recibió su amigo Winston Sánchez no se la podrán coser hasta mañana. Ahí, a poco que falle el tacto, sales en los periódicos.

Pienso en eso, como digo, mientras busco la habitación B-37. En éstas llevo a una sala de espera con los asientos y el suelo cubiertos de mantas, papeles, vasos de plástico y botellas de agua vacías; y cuando me dispongo a embocar el pasillo inmediato, dos gitanillos que se persiguen uno a otro impactan, sucesivamente, contra mis piernas. Me zafo como puedo, mientras creo recordar que en los hospitales están prohibidos los niños, sultos o amarrados. Luego miro en torno y veo a una señora entrada en carnes, con una teta fuera y dándole de mamar a una rolliza criatura que sorbe con ansia de superviviente. Slurp, slurp, slurp. A ver dónde me he metido, pienso con el natural desconcierto. Entonces miro hacia el pasillo y me paro en seco.

Imaginen un pasillo de hospital de toda la vida. Y allí, arremolinada, una quincena de personas vociferantes: seis o siete varones adultos, otras tantas mujeres y algunos niños parecidos a los que acaban de dislocarme una rótula en la sala de espera. Sobre los mayores, para que ustedes se hagan idea, tecleas juntas en Google las palabras *García Lorca, Guardia Civil, Heredias, Camborios, primo y prima*, y salen sus fotos: patillas, sombreros, algún bastón con flecos, dientes de oro y anillos de lo mismo. Sólo les falta un Mercedes del año 74. Los jóvenes visten de oscuro y tienen un aire desgarrado y peligroso que te rílas, a medio camino entre Navajita Plateá y las Barranquillas. En cuanto a las Rosarios, sólo echas de menos claveles en los moños. Las jóvenes tienen cinturas estrechas, pelo largo, negrísimo, y ojos trágicos. Una lleva un niño en brazos. Todas van de negro, como de luto anticipado. Y en el centro del barullo, pegado a la pared, un médico vestido de médico. Acojonado.

«Ha matao ar papa, ha matao ar papa», gritan las mujeres, desgañitándose. Insultan y amenazan al médico los hombres, más sobrios y en su papel. «He dihe que ze moría y za muerto», dice uno de ellos, inapelable. «Te vi a rahá.» El médico, pálido, más blanco que su bata, la espalda contra la pared, balbucea explicaciones y excusas. Que si era muy viejo, que si aquello no tenía remedio. Que si la ciencia tiene sus límites, y tal. «Lo habeí matao, crimíná», vocifera otro, pasando mucho del discurso exculpatorio. Una de las Rosarios salta con extraño zapateado, agitando la falda. «Er patriarca», se desmelenan. «Er patriarca.» Lloran y gritan las otras, haciendo lo mismo. «Pinsharlo, pinsharlo», sugiere una de las jóvenes. «Que ha matao ar papa.»

Me quedo donde estoy, prudente. Mejor el médico que yo, pienso. Que cada cual enfrente su destino. Algunas cabezas de enfermos y visitantes asoman por las puertas de las habitaciones, contemplando el espectáculo con curiosidad. Miro alrededor, buscando una ruta de retirada idónea. Los dos gitanillos continúan persiguiéndose sobre las mantas y las botellas vacías, y el mamoncete sigue a lo suyo, pegado a la teta. Slurp, slurp. En la máquina del café, dos guardias de seguridad, vueltos de espaldas a lo que ocurre en el pasillo, parecen muy ocupados contando monedas y buscando la tecla adecuada para servirse un cortado. Me acerco a ellos. ¿Hay capuchino?, pregunto, metiendo un euro. Ellos mismos pulsán mi tecla, amables. Estamos los tres en silencio mientras sale el chorrito.

CASE 27



was a doctor dressed as a doctor. Scared stiff. The women were screaming until they were hoarse, "He killed our daddy, he killed our daddy." The men, somewhat more restrained, were insulting and threatening the doctor. One of them, not inviting conversation, claimed "I said he was going to die and he died." "I'm gonna knife ya." The doctor, pale as a sheet with his back against the wall, was sputtering explanations and excuses. The victim was a very old man and there was no way to save him. Science has its limits, etc. "You killed him you criminal" screamed one of the others, paying no attention to the doctor's explanations. One of the women tapped her feet in a strange way shaking her skirt. "The patriarch", she said. "The patriarch." The rest were crying and screaming the same things. "Stab him, stab him" suggested one of the girls. "He killed our father." I stayed where I was, careful not to get too close. "Better the doctor than me" I thought to myself. In our opinion this article is full of negative prejudices and stereotypes where a series of individual behaviours and attitudes is attributed to the entire Roma community. Far from being a contribution to the fight against discrimination and in favour of equal treatment for all people, this text could be considered a defence of discrimination and racism insofar as it insinuates that the entire Roma community violates the basic norms of co-existence.

28. August. National. Discrimination in the media. A gossip magazine quoted a comment made by the host of a very popular television programme. The quote goes as follows "I grew up with Roma and they taught me to play the guitar but when I started to give classes to rich kids I realised that I wanted to make lots of money and not be a delinquent." The magazine added its own comment but directed at the show host and not his comment. Professionals working in this media must be aware of the damage caused by comments such as these which are inexcusable even under the pretext of humour.

29. September. Burgos. Discrimination in the media. A full page article was published in the business section of a local newspaper under the following headline: "The gypsy world of horse trading". The article is based on an interview of a jockey who is the co-owner of a winery. Although the article has nothing to do with the Roma community, it makes the following comment: "With the hint of a smile he talks of his experiences in the horse-trading business and assures us that you have to be very careful because there are a lot of gypsies." Given the important role played by the media in the creation of the social image of groups, we feel that expressions like these are discriminatory and show a lack of responsibility on the part of the media, not only for their use within the article but also because the headline of the article contains this same expression and we cannot figure out why.



CASE 29

30. September. Granada. Discrimination in the media. The sports section of a local newspaper featured the following headline: "Granada like the Gypsies". The article then goes on to say: "... with three points following the lacklustre win over Lucena, and with sights set on the visit from Ceuta, Granada anticipates classification and can only console itself with the Roma saying: "Gypsies don't want high principles for their children." We feel that the use of the word Gypsy in the headline is bad-intentioned and, in the light of the content of the article, is humiliating for the Roma community.



CASE 30

31. September. National. Racism on the Internet. Following-up on a complaint about a web page (*Friki-pedia*), we came across a text in the "Digital Journalist" forum entitled "*Manifiesto against the gypsy sub-culture V2.9 (growing)*" which had been there since August 2008 and is a 12-page document. The following can be found in that document: "*For Gypsies, honour (i.e. their concept of honour) is very important while work, of its very nature, is dishonourable for clan members*"; "*of course someone is bound to claim to know a good gypsy. I've always said (...) 'Introduce him to me'; it's a shame that that I get answers like 'I don't know how to find him.' (...) I ask why they think this gypsy is good and I get answers like (...) 'because he taught me how to ride the train for free' (...)*" etc.; "*Going back to the topic of 'why non-Roma refuse to tolerate our norms?', it is important to point out that we've been tolerating those norms for many years and they tend to consist of: 'Since we don't like the work that non-Roma do, we turn to stealing or drugs trafficking', 'Since doctors refuse to see me ahead of everyone else, I stab them' etc.; (...) profile of a typical 20 year old gypsy (...) 'Functional illiterate, unemployed, addicted to heroine and other substances, started taking drugs at age eleven (...)*"; etc. This is an anonymous blog where the author makes all types of insults, prejudiced ideas, stereotypes and racist comments against the Roma community. We feel that statements like these should not be protected by freedom of expression laws because they are a direct affront to Roma people's right to their honour. On 15 October the Equal Treatment area of the FSG filed a complaint at the Madrid Public Prosecutor's Office but as of the date this report went to press no response had been received.

32. September. Extremadura. The media. Several newspapers report on the attack of a doctor by two women which occurred in a town in this Autonomous Community. Most of the papers state that the perpetrators of the incident were Roma, a detail which is not needed to understand the news item and which does not add any useful information. The Equal Treatment area of the FSG sent a letter to the director of one of the newspapers but no response was received.



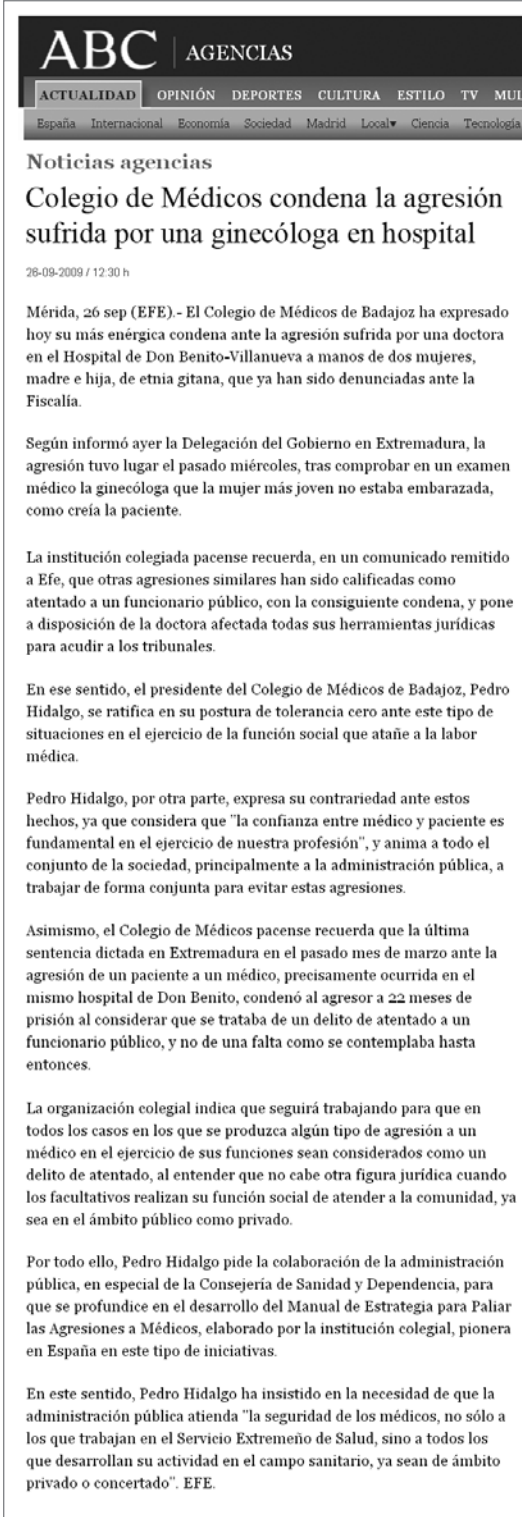
LA RAZÓN

Fecha: 26/09/2009

Madre e hija agreden a una doctora

BADAJOS- Una madre y su hija, de etnia gitana, acudieron el pasado miércoles al Hospital de Don Benito-Villanueva porque la joven afirmaba que sufría dolores abdominales por estar embarazada. Tras ser examinada, le dijeron que se trataba de molestias premenstruales. En esos momentos, la chica acusó a la doctora de matar a su bebé, la insultó y la agredió.

← CASE 32 →



ABC | AGENCIAS

ACTUALIDAD OPINIÓN DEPORTES CULTURA ESTILO TV MULTIMEDIA

España Internacional Economía Sociedad Madrid Local Ciencia Tecnología

Noticias agencias

Colegio de Médicos condena la agresión sufrida por una ginecóloga en hospital

26-09-2009 / 12:30 h

Mérida, 26 sep (EFE).- El Colegio de Médicos de Badajoz ha expresado hoy su más enérgica condena ante la agresión sufrida por una doctora en el Hospital de Don Benito-Villanueva a manos de dos mujeres, madre e hija, de etnia gitana, que ya han sido denunciadas ante la Fiscalía.

Según informó ayer la Delegación del Gobierno en Extremadura, la agresión tuvo lugar el pasado miércoles, tras comprobar en un examen médico la ginecóloga que la mujer más joven no estaba embarazada, como creía la paciente.

La institución colegiada pacense recuerda, en un comunicado remitido a Efe, que otras agresiones similares han sido calificadas como atentado a un funcionario público, con la consiguiente condena, y pone a disposición de la doctora afectada todas sus herramientas jurídicas para acudir a los tribunales.

En ese sentido, el presidente del Colegio de Médicos de Badajoz, Pedro Hidalgo, se ratifica en su postura de tolerancia cero ante este tipo de situaciones en el ejercicio de la función social que atañe a la labor médica.

Pedro Hidalgo, por otra parte, expresa su contrariedad ante estos hechos, ya que considera que "la confianza entre médico y paciente es fundamental en el ejercicio de nuestra profesión", y anima a todo el conjunto de la sociedad, principalmente a la administración pública, a trabajar de forma conjunta para evitar estas agresiones.

Asimismo, el Colegio de Médicos pacense recuerda que la última sentencia dictada en Extremadura en el pasado mes de marzo ante la agresión de un paciente a un médico, precisamente ocurrida en el mismo hospital de Don Benito, condenó al agresor a 22 meses de prisión al considerar que se trataba de un delito de atentado a un funcionario público, y no de una falta como se contemplaba hasta entonces.


La organización colegial indica que seguirá trabajando para que en todos los casos en los que se produzca algún tipo de agresión a un médico en el ejercicio de sus funciones sean considerados como un delito de atentado, al entender que no cabe otra figura jurídica cuando los facultativos realizan su función social de atender a la comunidad, ya sea en el ámbito público como privado.

Por todo ello, Pedro Hidalgo pide la colaboración de la administración pública, en especial de la Consejería de Sanidad y Dependencia, para que se profundice en el desarrollo del Manual de Estrategia para Paliar las Agresiones a Médicos, elaborado por la institución colegial, pionera en España en este tipo de iniciativas.

En este sentido, Pedro Hidalgo ha insistido en la necesidad de que la administración pública atienda "la seguridad de los médicos, no sólo a los que trabajan en el Servicio Extremeño de Salud, sino a todos los que desarrollan su actividad en el campo sanitario, ya sean de ámbito privado o concertado". EFE.



- 33. September. A Coruña. Discrimination in the media.** A local newspaper published a story under the following headline: "Poor co-existence led to the transfer of four former shanty town dwellers relocated to a flat". The text of the article explains that the neighbours found excrement on the stairs, food was thrown out of windows, fights in which furniture was thrown, etc... and links these events, and the term "shanty town dweller" to the fact that the people in question were Roma. The same news story was published in the digital edition of the newspaper where racist and discriminatory comments against the Roma community were added.
- 34. October. Cordoba. Racism on the Internet.** An article with the following title was published on an Internet forum devoted to different towns and cities around Spain, Cordoba in this case. "Gypsy drug clan in Montoro with the consent of the Civil Guard and the town hall." The text of the forum entry is as follows: "A clan formed by a few gypsies rule the town by instilling fear, threatening, raping and no one in the town is doing anything about it. It's a disgrace that no action is taken even by the councillor in charge of security or the Civil Guard or local police which are more like a group of gossipers than anything else, and the same can be said for the rest of them. They're all afraid." This social blight is pure scum, crap, they should be shot as soon as they are born. But if God exists (and I have my doubts judging from the filthy scum walking the earth), he should send, and I wish this with all my heart, a painful form of terminal cancer to all of them in Montoro and to the rest of them throughout the world. And if this God exists, and I ask his forgiveness (...) he should bring Franco back for a few days to clean up the scum in these towns and shoot them all; they're better dead than alive. If only we could return to the days when foreign gypsies were under control along with the rest of



ADMINISTRACIÓN
DE
JUSTICIA

DECRETO DEL FISCAL FERNANDO SOBRÓN OSTOS

En Córdoba, a 9 de Abril de 2010,

Visto que las presentes Diligencias se tramitan con el número **111/2010**, en virtud de la denuncia formulada por D. [REDACTED], mayor de edad, vecino de Madrid, con [REDACTED] en nombre y representación de la Fundación Secretariado Gitano y recibido en esta Fiscalía con fecha 5 de Abril de 2010 entendiendo que los hechos pueden ser constitutivos de un delito contra la integridad moral, un delito de injurias y otro relativo al ejercicio de los derechos fundamentales y libertades públicas.

HECHOS

PRIMERO.- De acuerdo con la denuncia formulada y documentación anexa que se aporta Recientemente la Fundación Secretariado Gitano ha tenido conocimiento de la existencia de una página Web con foros locales de distintas ciudades de España llamada Foro-ciudad (<http://www.forociudad.com/cordobalmontoro/mensaje-3499529.htm>) donde una de las entradas se dedica a la comunidad gitana. En ella se acusa a la comunidad de cometer todo tipo de delitos, se les califica de inmundicia, y se les desean cosas como un cáncer terminal, que volviera Franco para que los fusilase ya que muertos están mejor y que mueran pronto.

SEGUNDO.- Igualmente en el texto que se aporta con la denuncia se recogen otras expresiones como lacra social, mierda pura, que debían ser fusilados en el momento del nacimiento, refiriéndose tales expresiones bajo el epígrafe un clan de gitanos, finalizando el escrito escribiendo "ojala volvieran esos tiempos en que se tenían a raya a extranjeros, gitanos y a la podredumbre social".

TERCERO.- Estos escritos de acuerdo con su contenido pudieran haber sido realizados por una persona con domicilio en Montoro.

FUNDAMENTOS DE DERECHO

1º El artículo 5 del Estatuto Orgánico del Ministerio Fiscal, modificado por la Ley 14/2003 de 26 de mayo y 24/2007 de 9 de Octubre, establece que las diligencias del Ministerio Fiscal tienen un tiempo de duración limitado, no pueden exceder de seis meses de duración -salvo prórroga acordada por el Fiscal General del Estado, que no es del caso-, por lo que no es su finalidad agotar una investigación en todos sus extremos, sino la de obtener los datos necesarios para tomar una de las dos decisiones que establece el citado precepto, o bien remitirlas a la Autoridad judicial o bien decretar su archivo. En el mismo sentido, citamos la Sentencia del TS de 25.10.2003, que censura que se posponga por el Fiscal la presentación en el Juzgado de las diligencias de investigación, aunque se refería a momentos en que no existía la limitación temporal actual.

2º En el Art. 510º del C.Penal se castigan las conductas xenofóbicas o inconstitucionalmente discriminatorias, teniendo por ello una marcado carácter doloso,

Diligencias del Ministerio Fiscal núm. 111/2010
Decreto de 09/03/2010

página núm. 2

es decir, debe de tratarse una provocación específicamente conectada o dirigida finalísticamente a obtener discriminación, odio o violencia contra un grupo o asociación de determinadas personas, admitiéndose en el párrafo segundo la comisión del tipo que en el mismo se fija además de por dolo directo ("conocimiento de su falsedad") o por dolo eventual o culpa grave ("temerario desprecio").

3º Las expresiones que se recogen en el escrito estimamos que son muy graves, dirigidas contra personas la etnia gitana, y al tratarse de un delito de mera actividad no exige un resultado concreto por lo que entendemos que el presunto hecho delictivo podría consumarse con la inclusión del escrito en la página Web.

4º Para la investigación de los hechos interesamos se libre oficio a Policía Judicial con el fin de proceda a la averiguación de la persona que pudiera haber escrito el documento indicado y en el caso de que fuera necesario, se solicita que se concedan a la Policía las autorizaciones necesarias para averiguar la dirección de IP desde el que se remitió el escrito si afectara a derechos fundamentales o se practiquen por el Juzgado las diligencias necesarias para localizar desde donde fue remitido el escrito.

En virtud de todo lo anterior y del artículo 773 de la Ley de Enjuiciamiento Criminal, procede remitir las presentes Diligencias a S.S. Sr Juez Decano de los de Instrucción de Montoro, para que, por el Juzgado al que por turno corresponda, se tramiten las oportunas Diligencias por delito de provocación al racismo del art 510 del C.Penal, lo que se comunicará a [REDACTED]

CONFORME.

ES COPIA

[REDACTED]


CASE 34

the beggars (...)” This is a clear example of the sort of racism running rampant on the Internet, uncontrolled by forum managers or other authorities whose job it is to keep this from becoming public. The FSG filed a complaint before the Public Prosecutor’s Office which assigned the case to the judicial police to find out who is behind the publication of that document and forward the information to the Court so that appropriate action may be taken for the crime of instigating racism described in Article 510 of the Criminal Code.



CASE 34

35. October. Aragon. Discrimination in the media. A number of racist comments such as the following were published in response to an article in the electronic edition of the “Periódico de Aragón” about robberies and vandalism at the Zaragoza cemetery featuring a photograph of five men carrying ladders who fit the stereotypical image of Roma: “Who would be so stupid to do these things? The g... and possibly in... I don’t dare write the whole word because those who fight intolerance would string me up.”; “GYPSIES=THIEVES. If Franco were alive they wouldn’t have the guts to do that... I still remember your faces when the Civil Guard arrived...” This is a clear example of the irresponsible use of forums to comment on news items and non-existent management because the Web manager should have eliminated all of these racist comments. Also, the coverage by the media also appears discriminatory insofar as they illustrated an article about robberies and vandalism with a photograph of a group of people with physical characteristics typically attributed to the Roma community.



el Periódico
de Aragón

Aragón

Aragón
Opinión
España
Internacional
Economía
Deportes
Escenarios
Sociedad
Multimedia

Participa

Portada > Aragón

COMPLEJO FUNERARIO.

Roban esculturas de bronce y las escaleras de mano en el cementerio

Las pesadas figuras medían más de 1,30 metros y fueron sustraídas con apoyo de un vehículo.La puerta de acceso sigue abierta por las noches y el ayuntamiento niega una ola de vandalismo.

29/10/2009 B. MARTÍN / M. VALIENTE

Comentarios (17) Escribir comentario

12. Ruper - 29/10/2009 - 10:47:39 h.
 El hecho de que no lo comprendas no dejar de ser una tradición en este país. Hay otras personas que sí le dan importancia y el hecho de las flores forma parte de un ritual. Es bueno respetar las creencias de cada cual aunque no las comprendas.
Marcar como inadecuado
11. Eva - 29/10/2009 - 10:13:42 h.
 Que sea una costumbre no deja de sorprender el tinglado que se monta alrededor de los muertos, de los difuntos. Tengo los restos de familiares en ese cementerio..pero están muertos.Lo respeto pero no entiendo a la gente que va a rezar frente a una lápida o un trozo de escayola. No comprendo nada.
Marcar como inadecuado
10. julio - 29/10/2009 - 09:40:46 h.
 mmm,... si robo las escaleras disponibles y luego me acerco con la mía y la ofrezco a cambio de un dinerito, mmm... me saco algunas perricas.
 Por cierto la foto que ilustra el reportaje ¿es simplemente casualidad?... ¿¿¿o es una rueda de reconocimiento???
Marcar como inadecuado
9. jj - 29/10/2009 - 09:28:28 h.
 ¿quien ha podido ser tan hp como para hacer estas cosas? los g.... y posiblemente in..... no digo mas porque los de la lucha contra la intolerancia me linchan.
Marcar como inadecuado
8. Español - 29/10/2009 - 09:05:10 h.
GITANOS = LADRONES
 Con Franco no tendríais valor para hacer eso... aun recuerdo vuestras caras de lloros cuando llegaba la guardia civil...
Marcar como inadecuado

CASE 35



36. October. Asturias. Discrimination in the Media. On 25 October an article was published in a regional newspaper about a Roma person from Pravia who was awarded public housing. This man was accused of child abuse for leaving his children alone at night in their old home after receiving the keys to his new one. First of all, the old home was sub-standard housing and not a “shanty town” dwelling as described in the news story. Secondly, the article referred to the man as “a Roma man accused of abuse and with a restraining order to keep him away from his family” when the fact is that this man was accused of abuse irrespective of his being of Roma origin. Thirdly, after relating the facts and the proposal made by the PP party of Pravia not to award the flat to this man, the article continued as follows: “Neighbourhood associations have denounced the massive relocation of Roma and the problems that this causes.” There have been no shanty towns in Pravia since 2005 when the three last families were relocated. The FSG began its intervention in 2003 in Pravia and back then there were only 3 such groups of houses (chabolas). However, there was a serious problem of sub-standard housing which has progressively decreased mostly thanks to the municipality’s construction of public housing which has been made available to several of the families which were living in that sub-standard housing. One of these is the family which the article is about. These families had ordinary access to public housing through a public drawing in accordance with the Housing Decree of the Principality of Asturias (attached is a copy of the decrees) (there was no reserve quota for this group of homes). Lastly, at the end of the story this news item was linked to others which had appeared previously in this same media (and other regional media) about a different incident which had occurred in Pravia involving two Roma who were accused of stealing, declared guilty and whose families were accused of harassing the complainant. It is clear that the politicians are using the subject of the Roma community as a divisive issue. Furthermore, the only thing accomplished by this type of journalism is the creation and reinforcement of negative prejudices and stereotypes against the Roma community.

Fecha: 25/10/2009

La Nueva España
DIARIO REGIONAL DE ASTURIAS

Pravia y bajo Nalón

El PP praviano acusa al Alcalde de dar un piso social a un maltratador

La formación afirma que J. I. J., de raza gitana, recibió la vivienda pese a pegar a sus hijos, de entre 4 y 11 años

Pravia,
Lorena VALDÉS

El PP de Pravia denunció ayer que el alcalde, el socialista Antonio de Luis Solar, ha permitido la adjudicación de una vivienda social a «un hombre de raza gitana acusado de maltrato familiar y con una orden de alejamiento de su familia». Además, el PP asegura que «existen partes médicos de lesiones a sus cuatro hijos de edades comprendidas entre los 4 y los 11 años».

Los hechos se remontan al pasado 6 de octubre, día en el que el Juzgado de Pravia impuso a J. I. J. una orden de alejamiento respecto a su mujer y sus cuatro hijos, menores de edad, tras una denuncia realizada por sus vecinos. «El Alcalde, a pesar de tener conocimiento de los hechos y del conflictivo perfil de esa persona, le hizo entrega tres días después de una vivienda social en presencia de la consejera de Vivienda, Noemí Martín», afirman las ediles populares Ana Rosa Álvarez y Paloma Fernández.

Según el PP, el mismo día en el que se les entregaron las llaves de su nuevo hogar «el acusado de maltrato familiar y su mujer se fueron al piso que le adjudicaron y dejaron durmiendo solos a sus cuatro hijos en la chabola del barrio de Práhúa en la que vivían». El partido de la oposición se pregunta «¿cómo es



LORENA VALDÉS

Pisos adjudicados en Pravia.

discriminada e interesada política de realojos de determinadas personas conflictivas».

Desde el PP exigen al alcalde praviano «la inmediata suspensión cautelar de la vivienda social adjudicada al presunto maltratador hasta que se resuelva la causa penal y la protección íntegra de los cuatro hijos abandonados que ahora mismo están bajo la tutela de los servicios sociales». Las ediles consideran que el Alcalde ha de responder ante los vecinos de Pravia «por la extrema gravedad de los hechos denunciados».

El alcalde de Pravia, por su parte, ha negado tajantemente en los últimos meses que en el concejo se estén llevando a cabo «reajolos masivos» de familias gitanas en viviendas sociales y que esto genere conflictividad. Solar ha repetido que la adjudicación de pisos sociales cumple de forma escrupulosa los mecanismos estipulados.

Asociaciones vecinales han denunciado el realojo masivo de gitanos y los problemas que esto lleva aparejado. La polémica saltó en Pravia a raíz del caso de la dependienta que fue atacada y amenazada por dos jóvenes gitanos. El entorno de éstos presionó a la joven durante meses para que retirase la denuncia, lo que llevó a declararla testigo protegido. Los jóvenes han sido declarados culpables por el juez.

posible que con los antecedentes existentes el Alcalde no procediese a paralizar el expediente de adjudicación de dicha vivienda social hasta la resolución del procedimiento judicial?». Tampoco entienden «cómo se puede consentir que un sujeto con un carácter tan violento e imputado por maltrato familiar sea premiado por el Alcalde con una vivienda social».

Las concejales concluyen que este caso «es un ejemplo más de la problemática social existente en Pravia provocada por Solar y su in-

37. October. Castile-Leon. Discrimination in the media. A series of racist comments against the Roma community appeared in the digital edition of a local newspaper in reaction to a news story about agreements signed between the Castile-Leon Regional Government and different social organisations, including the FSG. Some examples: *"The Catholic Monarchs made a mistake. History is repeating itself. "Historical Memory"; "z flu for the chais but... (that would be too good to be true)"; "The Secretariado Gitano receiving more money than Caritas for its work with defenceless children or the Spanish Mental Health Association (...)? They don't even pay taxes. What is this money being used for? The accounts and aims of this organisation need to be audited and if everything is not above board they must be reported to Inland Revenue (...). And the gypsy woman thinking of having her ninth child should think it over. Even in Hungary, the birthplace of the zingaros, they're casting them out (...)."* Another example of the total lack of control of forum news commentaries in the digital editions of newspapers where all sorts of racist comments are permitted.

38. October. National. Discrimination on the Internet. The Romanian Government is promoting the "Hello, I'm Romanian" campaign with a view to rectifying the image that the Romanian community has in Spain. The campaign has its own Website with different sections including a forum for Internet participation. In that forum we found an entry entitled *"And what are we supposed to do with the gypsies?"* The initial comment and the subsequent responses contain serious insults, stereotypes and prejudices against the Romanian Roma community. Also, there were many messages insisting on the need to differentiate between Roma and Romanian given that many were "tired" of people thinking that the two were one in the same.

39. October. National. Discrimination in the media. An alert was received from SOS racism about the following opinion article published in the *Diariodemallorca.es* (electronic newspaper from Mallorca) where the journalist gives his view of the situation of the Roma community in gaining access to hospitals. Following are a few of the comments appearing in that article: *"That's how it is with gypsies: the failed attempts to strike reasonable agreements with them and those who raise their eyebrows at that should just give it a try"; "I'm generalising because this is by no means an isolated case"; "because not everything goes nor should unacceptable behaviour be tolerated beyond the limits which the aforementioned fail to recognise"; "visitors*

Domingo 25 de octubre de 2009 [Contacte con diariodemallorca.es](#) | [RSS](#) | [Registro](#)

diariodemallorca.es NOTICIAS **Opinión**

diariodemallorca.es x Opinión

Tolerancia pringosa

★★★★★

GUSTAVO CATALÁN Hay cuestiones que, por obvias, parece superfluo remarcar y, no obstante, la realidad se encarga de corregir esa suerte de inocencia. Es el caso de los gitanos: los infructuosos intentos por alcanzar con ellos acuerdos razonables y, quienes frunzan el ceño, deberían primero meterse en harina. Porque ingresan en un hospital y es de no dar crédito. Generalizo porque el asunto dista de ser anecdótico, así que el "No juzguéis" que pedía Gide, con la mejor disposición, sin duda apuntaba hacia otro lado. ¿Las cuestiones obvias del comienzo?, pues que la convivencia, cuando fluida, supone cesiones por parte de todos los implicados: que las normas de comportamiento se establecen en beneficio de una mayoría y que el esfuerzo de integración debiera ser, si ha de llegar a buen puerto, bidireccional. Porque no todo vale, ni lo inaceptable ha de aguantarse más allá de unos límites que los susodichos ignoran. Habitación individual para el gitano/a, ¡faltaría más!, y es que, sea o no lo indicado en unos hospitales donde escasean, se tratará también de no abrumar al otro enfermo, si hubiese dos camas, con agobios suplementarios. De modo que discriminación, en todo caso, positiva; atención sanitaria escrupulosa y por parte de todos los profesionales, con experiencia en contextos similares, un exquisito cuidado en las formas hasta que las enfermeras, todas, invariablemente y en todos los turnos, solicitan ayuda. Han traído un canario al cuarto pese a que ningún establecimiento sanitario –así se les ha comunicado– permite animales. Los acompañantes, a todas horas, no son dos sino diez, veinte, cuarenta... y el doble o más en un pasillo de uso común con el resto de ingresados. Entran y salen a portazos, discuten a gritos, demandan constante atención y no tienen el menor empacho en escupir en esa habitación donde también fuman y "Aquí no fuma nadie", responde a la reconvencción un pariente iracundo, ignorando la coquilla en el suelo. "No lo hará usted, pero le ruego que en lo sucesivo...". "No hace falta que me lo repita" –se encara con aire ofendido.

Desaparecen, del mostrador de control, bolígrafos y cuanto objeto atraiga su interés. Han cogido un puñado de mascarillas antisépticas "para que jueguen los niños", alegan al ser sorprendidos. El ascensor, en pocos días, se ha convertido en una cochambre de envoltorios y las paredes están rayadas. Los guardias de seguridad doblan la frecuencia de sus rondas aunque, en cuanto se van, todo vuelve a las andadas. Acuden a decenas pese a las advertencias, duermen en el suelo y han copado la salida de esparramiento, llenando la nevera de todos con sus bocadillos. "Porque somos personas y tenemos nuestros derechos". Sin embargo, los del resto de ingresados se ven menoscabados al extremo de que no osan salir de sus cuartos y, si alguno de ellos alcanza a llegar a la citada sala, la encontrará repleta de niños que se arrastran y los adultos, sanos y cómodamente arrellanados, no le cederán un asiento. No hay médico ni vigilante que oriente el comportamiento más allá de lo que dure su presencia, y la resignación se alterna con una indignación que nadie explicita por si las cosas pudieran empeorar, de modo que merudean las quejas y los conciliábulos sobre las mejores estrategias. Entretanto, enfermeras y auxiliares no quitan ojo a enseres y pertenencias. ¿Prejuicios y estereotipos? Vayan y vean: a cualquier planta y en cualquier ingreso. Los únicos derechos los suyos y el esfuerzo siempre de parte de los demás, obligados a asumir la sinrazón cuando no el vandalismo, no fueran a ser, si no amenazados e incluso agredidos, acusados de racismo por uno cualquiera, por la Unión Romani (muy preocupada ella por la intolerancia) o, tal vez, por algún que otro angelical ciudadano/a. Claro que con cerca de un millón de gitanos en este país, no serán todos como los antedichos; todos quienes exijan piso –sin poner un duro ni haber pagado impuestos en su vida– cuando los expulsan de unos habitáculos ilegales; un piso gratis que para sí querría el pobre mileurista, al que multarán si olvida cien euros en su declaración. No todos, sería injusto afirmar tal cosa, se las ingeniarán para no dar palo al agua y tomar de los payos cuanto les convenga, con el aire de haber participado del esfuerzo colectivo como el que más. Ni siquiera serán mayoría quienes circulen en Mercedes, posean televisores de plasma o participen de escondrijos multimillonarios; un dinero que bien podría emplearse en habilitar una planta Romani para sus ingresos hospitalarios, aunque debiera incentivarse con generosidad el trabajo en la tal.

Los habrá distintos, por supuesto. Gentes dialogantes y respetuosas que podrían colaborar en esa plena integración que pregonan sin mover un dedo. Quizá sean los que nunca han ingresado en un hospital y por eso no los conozco. Créanme si les digo que me gustaría pero, en el interín, tal vez volver a los pases de visita, y sólo dos por enfermo, sea la mejor solución a este desmadre de un día sí y otro también.



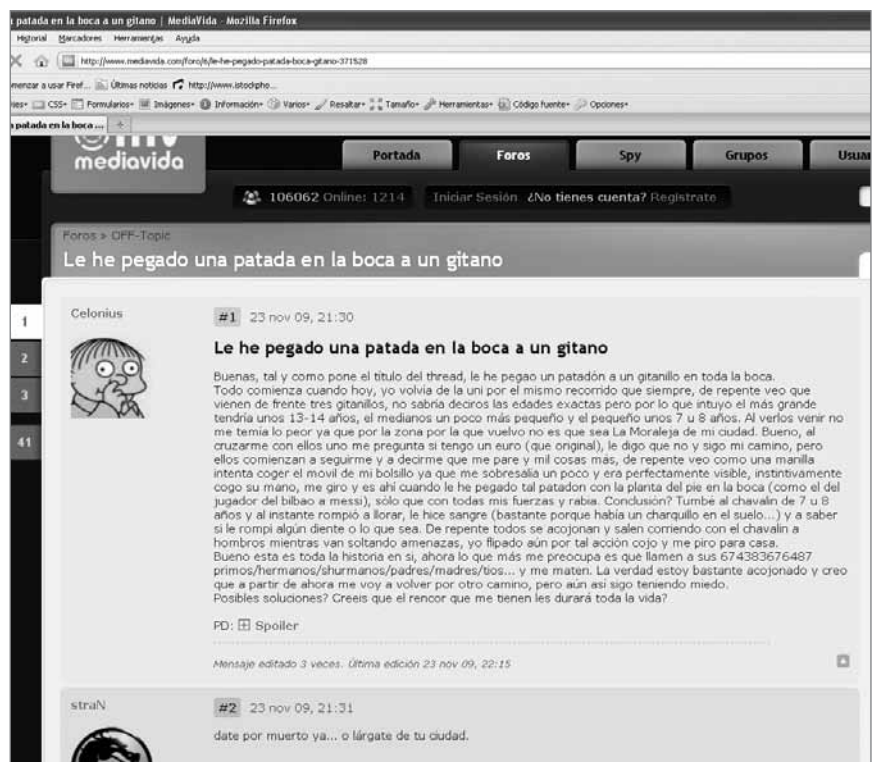
at all hours, and not just two but ten, twenty or forty... and twice that number or even more in hallways used by everyone..."; "They slam the door on the way in and on the way out, they shout rather than talk, they are constantly asking for something and have no qualms about spitting and smoking in the rooms..."; "Ball pens and anything else that meets their fancy disappear from the nurses station". This article generalises the behaviour of specific individuals and makes a blanket statement allegedly applicable to the entire Roma community. It is full of negative prejudices and stereotypes and clearly provokes discrimination and racism. The Equal Treatment area of the FSG sent a letter to the director of the newspaper explaining the very negative consequences of publishing this sort of material but as of the date this report went to press no response was received.

40. October. National. Discrimination in the media. This case came to us through the press alert system. The following text was published in the events section of the newspaper called *Última Hora*: "Smell. Gypsies have a very peculiar family code. A woman of that ethnic group was admitted into a hospital in Palma with a urinary tract infection. During her stay they had to wash her and when she was released all of a sudden her husband started yelling at the doctors: "Why did you wash her? You robbed my wife of all of her smell!". Another example of discrimination on the part of the media. Once again, a newspaper takes an individual action and applies it to all of the members of the Roma community. By repeating these types of events where the Roma community is identified as being socially lagging behind, negative prejudices and stereotypes are reinforced and perpetuated giving rise to situations of discrimination. The Equal Treatment area sent a letter to the director of the publication informing him of the case but, instead of responding they published the following: "The Fundación Secretariado Gitano, with headquarters in Madrid, lodged a complaint against an article which appeared in this section. It was about the case of a Roma man who became furious with the doctors at a hospital who had washed his wife "because they had robbed her of her smell." The Foundation erroneously believed that the comment was applied to the entire Roma community. Not the case at all. That would be tantamount to saying that all politicians are corrupt. Well, maybe I should have used a different example..." It goes without saying that this newspaper is not interested in the fight against discrimination nor does it favour equal treatment.

41. November. National. Racism on the Internet. The FSG received an e-mail message with the address of a forum which, under the banner "I kicked a gypsy in the mouth," clearly incites other readers to hatred and to physical violence against people belonging to the Roma community. Although some people responded critically to the violent attitude of the first participant, many others jumped on the band wagon of violence in saying "the whole world should at least once in their life kick a gypsy in the mouth because they deserve it"



CASE 40



CASE 41

- 42. November. National. Discrimination in the media.** A vignette appeared in a humour magazine (*El Jueves*) entitled "Who goes to the anti-abortion demonstrations? A brief sample of the types of people you can find at these types of events." Among others "Rich Catholic school kids who 'never doubt for a moment'; 'large Opus Dei families (...); 'people from the PP political party'... and a long litany of others who can be classified as "conservative." However, the last vignette was reserved for a Roma father and his son: "... and, of course, Roma families." The dialogue revolves around what they stole at the demonstration. This vignette is impossible to fathom even within the context of humour. Once again, the entire Roma community is being as criminals under the pretext of humour although in this case the vignette has nothing to do with the rest, is in bad taste, is very offensive and a poor attempt at humour.
- 43. November. Asturias. Discrimination in the media.** A local newspaper published a story under the following headline: "The conflict between the entrepreneur and gypsies continues". In the text of the article a clear difference can be perceived in the way groups are treated; non-Roma are referred to by their full name while Roma are referred to with expressions such as: "several Roma", "Roma women"; "the Roma"; "the other party": "The group's president (...), Conchita González, went back to court yesterday (...) for a dispute with several Roma"; "The discussion resulted in a complaint for "coercion" lodged by the Roma women and another "for threats" by Conchita González"; "The hearing was held yesterday but the Roma did not attend"; "González attended a hearing yesterday but the other party never showed up". The statements taken from the entrepreneur's lawyer indicated that "there is fear of social unrest and the issue is not given much importance". The article also made mention of another news item whose only link to this story was that the person involved was also Roma. That story was about a fire in a social housing flat "and the mayor had not wanted to take the flat away as a precautionary measure." This is yet another example of the negative way the press sometimes twists news stories when those involved are Roma. This information is not necessary to understand the news story and furthermore it is specially protected information and greater care should therefore be taken with it. There is a clear difference in the way the journalist identifies the non-Roma persona (full name used) as opposed to vague expression which only refer to ethnic background when referring to members of the Roma community. This does indeed have consequences for the comprehension of readers. Lastly, reporting the statement made by the entrepreneur's lawyer when speaking of possible "unequal treatment" and failing to delve deeper into the seriousness of the problem for fear of confrontation with Roma persons and then adding a few paragraphs about other issues which have nothing to do with the story at hand but which allude to a problem of favourable treatment of a Roma person, would appear to us as discriminatory and manipulative.
- 44. December. Castile-Leon. Discrimination in the media.** The Valladolid media (local and regional in the local edition) reported on an event which occurred in Zamora about the death of a young person. The news story is the same but the media gather their information from several sources: police, assistant government delegate and different news agencies (ICAL, EFE...). With the exception of one, all the other newspapers report the story by making reference to the ethnic background of the young person and allude to different hypotheses all having to do with delinquency. Nothing is added to the level of comprehension of the story by naming the ethnic group. This only serves to create and reinforce negative prejudices and stereotypes against the Roma community as a whole.



CASTILLA Y LEÓN

Muere tiroteado un joven de 25 años en un ajuste de cuentas en un bar de Zamora

Detenido el autor de los disparos / El fallecido recibió el año pasado un tiro en la cabeza

JOSÉ LUIS CABRERO / Zamora
Un viejo ajuste de cuentas parece el móvil del homicidio registrado ayer por la tarde en Zamora. Un joven, R.B.B., de 25 años y raza gitana, fue tiroteado mortalmente en el interior del bar El Mosquito donde se había refugiado de su perseguidor, H.M.F., que ya le había tratado de alcanzar con su arma de fuego en el exterior del establecimiento hostelero, donde se produjeron los primeros disparos.

El supuesto agresor fue detenido por agentes del Cuerpo Nacional de Policía apenas una hora después de producirse el suceso, según confirmó la Subdelegación del Gobierno en Zamora. Se trata de un vecino de la capital, que ronda

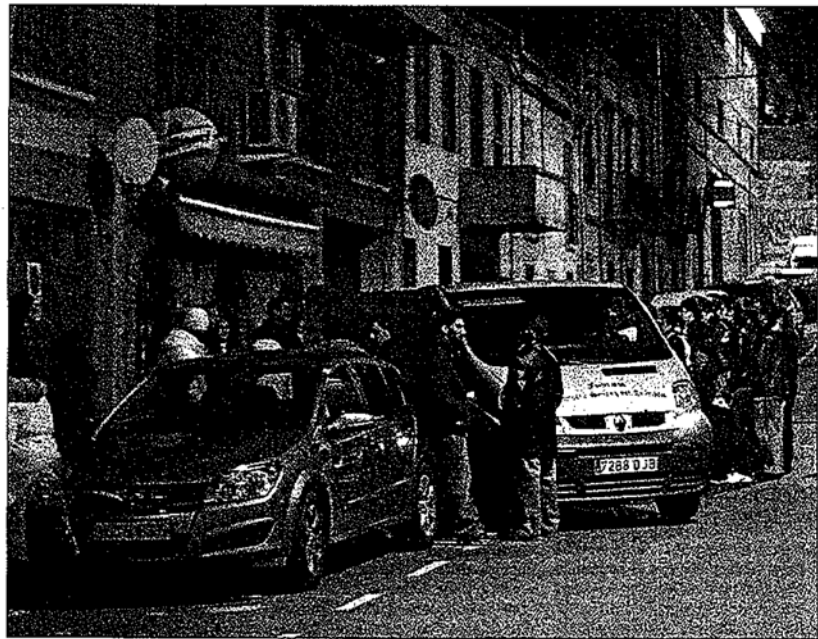
El agresor remató a la víctima en el interior de un bar después de dispararle en la calle

La Policía sostiene que se trata de un enfrentamiento entre clanes gitanos

los 50 años, también de raza gitana. Fuentes de la investigación descartaron ayer que el autor del homicidio sea un sicario a sueldo.

Fuentes cercanas a la investigación confirmaron ayer que el joven tiroteado es el mismo que fue herido de gravedad en julio del año pasado, cuando recibió un disparo en la cabeza a bocaajarro, mientras estaba trabajando en una obra. Aquel incidente se calificó también entonces por fuentes de la investigación como un ajuste de cuentas por la presunta implicación de la víctima en el fallecimiento de otras dos personas, también de raza gitana.

La agresión sufrida por R.B.B. se produjo poco después de las cinco



El furgón funerario espera frente al bar ante la mirada de numerosos familiares y amigos de la víctima. / ICAI

de la tarde. Según explicaron algunos vecinos testigos de lo ocurrido, el joven caminaba por la calle cuando fue abordado por otro hombre que le disparó, lo que le obligó a huir y a buscar refugio en un bar cercano, situado en la calle Bajada del Mercado. Su perseguidor le siguió hasta allí y, supuestamente, entró en el mismo establecimiento, donde volvió a dispararle provocándole la muerte. En el interior del local se encontraba solo el propietario.

El suceso despertó una gran expectación en la zona, donde decenas de vecinos se congregaron junto a numerosos familiares del fallecido. Confirmaron que se habían oído varios disparos. «Se oyeron por lo menos cuatro o cinco explosiones que al principio pensábamos que eran petardos, hasta que empezamos a ver que llegaba la

policía y las ambulancias, y después mucha gente y gritos», explica una de las personas que tiene la vivienda frente al bar.

Algunos casquillos de bala fueron localizados en la calle Florian de Ocampo, apenas a unos metros del bar donde el joven falleció.

El juez ordenó el levantamiento del cadáver dos horas después del tiroteo y el traslado del fallecido se realizó en medio de numerosas muestras de dolor de los familiares. Al mismo tiempo, se escucharon amenazas de que iban a producirse nuevas muertes, lo que refuerza la idea de que se puede tratar de un ajuste de cuentas entre familias gitanas.

La Policía Judicial trabaja en el caso para tratar de esclarecer la autoría del homicidio y las circunstancias que llevaron a la muerte de R.B.B. Una de las hipótesis con las

que trabaja es que el tiroteo registrado ayer puede ser la continuación del que sufrió el mismo joven a finales de julio del año pasado, cuando se encontraba trabajando en una obra en el barrio de la Villarina, también en la capital zamorana.

La investigación desarrollada entonces determinó que el joven recibió un tiro en la sien por parte de un hombre que huyó después en una moto. La gravedad de las heridas obligaron a trasladarle al hospital Virgen de la Vega de Salamanca.

Ese suceso provocó una gran conmoción y extrañeza entre sus compañeros de trabajo y sus vecinos. Calificaron a la víctima como «un chico muy trabajador» que acababa de casarse hacía poco más de medio año y que mantenía a su madre y a sus dos hermanos.

Ya fue tiroteado el pasado verano

Muere un joven tras recibir varios disparos en un céntrico bar de Zamora

El fallecido trató de refugiarse del hombre que le perseguía en el local... **El presunto asesino ya está detenido después de haber confesado el crimen**

VIKY ESTEBAN

ZAMORA. Un varón de unos 25 años de edad fue ayer asesinado en un establecimiento hostelero de Zamora durante un tiroteo. El presunto autor de los hechos, de mediana edad, fue detenido poco después y puesto a disposición judicial tras declararse culpable de la muerte, según informaron a Ep cercanas a la investigación.

Al parecer, el fallecido ya fue víctima el pasado verano de un disparo de bala en la cabeza cuando trabajaba en una obra del periférico barrio La Villarina de la capital zamorana.

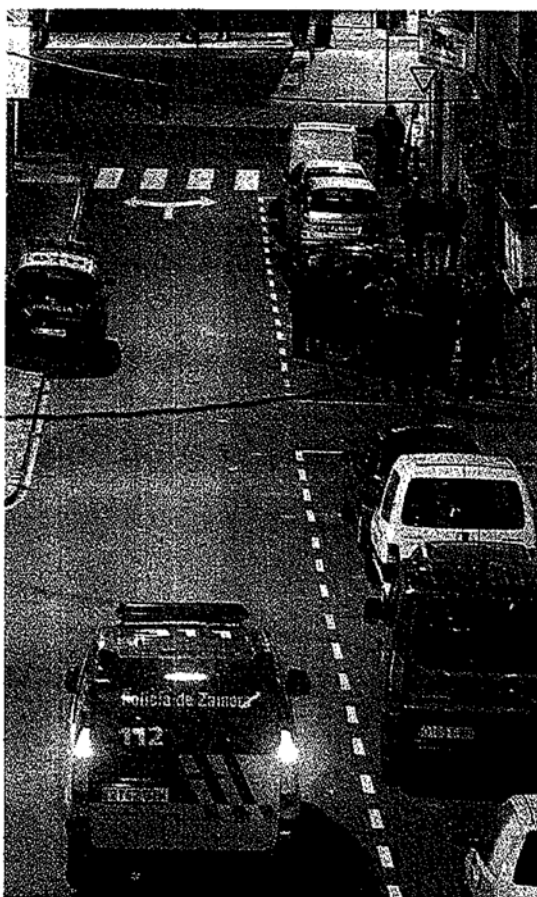
El mortal suceso se produjo en torno a las 17 horas de ayer, cuando el joven entró rápidamente en un bar céntrico de la ciudad, ubicado en la Bajada del Mercado, con intención de refugiarse del hombre que le perseguía y ya le había disparado. No lo consiguió. Finalmente el hombre le propi-

no más disparos que le causaron la muerte en el mismo lugar. El fallecido, de etnia gitana, murió en el lugar de los hechos como pudieron corroborar los facultativos del Sacyl que se acercaron hasta el lugar, al igual que la Policía Nacional.

Investigación

La subdelegación del Gobierno de Zamora confirmó anoche que se investiga el desarrollo y móvil del crimen, sin que se llegara a confirmar que fuera un ajuste de cuentas.

El suceso que costó la vida a R. B. D. alteró la tarde en esta zona de la capital zamorana, donde algunos vecinos en un principio llegaron a confundir los disparos con petardos, aunque rápidamente se dieron cuenta «asustados» de que habían sido disparos al ver el revuelo y la llegada de varias patrullas y de los servicios sanitarios.



Los vecinos se agolparon a las puertas del bar

CASE 44

- 45. December. National. Discrimination in the media.** A long series of comments (35 pages) charged with prejudice and stereotypes against the Roma community were published in the digital version of a widely read national daily newspaper in response to the news of the 2009 presentation of the FSG's *Discrimination and the Roma Community* report. By way of example: "Álvaro - 02-12-2009 - 21:57:41h Nobody want gypsies anywhere near them. That's the plain truth. They don't make much of an effort to integrate either. In short, we've had enough of you naive people talking to us about discrimination, racism, etc... In life we have choices and I'm convinced that the vast majority choose to stay as far away from them as possible." And this is despite the fact that there are rules governing news commentary and against the publication of inappropriate comments. The comments were published without any control whatsoever.



ENTREVISTA

ELPAIS.com > Sociedad

Los invisibles gitanos

El colectivo romaní sufre problemas de discriminación en el acceso al empleo y en la escolarización

C. MORÁN - Madrid - 02/12/2009

Vota

Resultado ★★★★★ 1 votos

Comentarios - 172

Cualquiera es capaz de distinguir a un gitano en la calle, se sabe dónde están, dónde viven, pero apenas tienen presencia en el ámbito público: no suele haber gitanos políticos, profesores, médicos, curas. "500 años de vida en este país y no tienen un solo renglón en los libros de texto, apenas salen a la luz sobre ellos estereotipos rutinarios y morbosos. Se necesita que haya gitanos en todos los ámbitos si no, siempre será esa casta subordinada, no podrán salir del lado oscuro". Así opina Fernando Rey, catedrático de Derecho Constitucional de la Universidad de Valladolid y patrono de la Fundación Secretariado Gitano.

La noticia en otros webs

- webs en español
- en otros idiomas

Hoy se han presentado los datos de esta organización sobre la discriminación que sufren los gitanos en España. El documento recoge 111 casos que han tenido relevancia pública y algunos que se han gestionado a través de la fundación. Se trata de problemas con los que se encuentra este pueblo en su quehacer cotidiano, en la búsqueda de empleo, la escolarización de los hijos, o la petición de una pensión de viudedad.

"España es un país muy racista, aunque no lo reconozca. Y se discrimina mucho y de muchas maneras por razones raciales. Y, además, sale casi siempre gratis", dice Fernando Rey. El catedrático cree que ahora es el momento de concienciar a los tribunales para que la discriminación no quede impune. Y culminar la transposición del derecho europeo, "algo en lo que se ha avanzado, pero que aún queda camino. Este es el momento, pero la lucha por la igualdad debe partir también de la propia comunidad gitana, desde dentro, para que no se trata de un simple ejercicio de paternalismo", ha afirmado.

Rey reconoció que hay aún una enorme barrera socioeconómica, fruto de numerosas desigualdades, pero cree que tanto o más importante es la obtención de una ciudadanía plena que saque a los gitanos de la invisibilidad a través de su inclusión en todos los ámbitos profesionales.

España no tiene datos certeros sobre la población gitana, porque no está permitido preguntar la raza de cada uno, algo que en Europa se hace. Desde la Federación Secretariado Gitano lamentan esta falta de estadísticas, teniendo en cuenta que se trata de una población sobre la que hay que actuar con medidas políticas para sacarla de su exclusión. Por tanto, los escasos datos de que se dispone permiten atisbar que los gitanos están sufriendo discriminación en el ámbito laboral, educativo y en el acceso a bienes y servicios. También criticaron los estereotipos que se repiten en los medios de comunicación donde, "a menudo se relaciona a los gitanos con la violencia sin que ello sea necesario".

"Las mujeres gitanas son objeto de discriminación múltiple, a pesar y sobre todo, por ser el puente entre su población y la vida plenamente integrada. Ellas son las que salen, las que hacen las compras. Y sufren discriminación", han coincidido hoy la directora general contra la Discriminación del Ministerio de Igualdad, Carmen Navarro y la subdirectora adjunta de Programas Sociales del Ministerio de Igualdad y Política Social, Inmaculada Lasala. Las dos políticas y el propio Fernando Rey se congratularon de la reciente creación del Consejo para la Promoción de la Igualdad de Trato y la no Discriminación de las Personas por el Origen Racial o Étnico.

Comentarios - 172

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1 2 3 4 5 Última Siguiente »

169 Lamentable - 03-12-2009 - 01:16:20h
De acuerdo con JVC . La discriminación en la escolarización no es tal. Para estar discriminados tendríamos que partir de una auténtica escolarización al margen de un absentismo frecuente que hace imposible que los críos puedan identificarse con nada relativo al marco escolar (salvo honrosas excepciones). Si marginación quiere decir que no se adapte la escuela a sus particulares carencias, valores e idiosincracia a costa de desatender a los otros alumnos, quizás sí que están marginados... Si se crean escuelas exclusivas para contemplar su forma de vida y sus costumbres, también estarán marginados por cuestiones de raza y será la sociedad paya quien no les deja integrar. Y sí, son racistas como el que más. No puedo contar las veces que en la escuela he oído lo de "p...to moro". Y sí se aprovechan de la sociedad "paya" sin dar nada a cambio. He trabajado en escuelas con altísimo porcentaje de alumnos de otras etnias, y los miembros de ninguna ha ignorado las normas sociales y escolares tanto como los gitanos. Llámeme racista pero aunque en otros casos no puedo aportar datos objetivos, en lo escolar sí puedo contar tantas anécdotas respecto a todo lo que manifiesto que podría escribir un libro. Lo siento pero con el titular, y la referencia posterior a la escolaridad no he sido capaz de reprimir mi comentario.

168 Martin - 03-12-2009 - 00:45:51h
Por favor pero como se puede decir que se les margina, si son ellos mismos los que se automarginan, por que haber sino de que iban a vivir. Si se llevan todas las subvenciones posibles, a ni como a la mayoría si quiero un piso de proteccion oficial no me lo dan en la vida, pero para ellos siempre hay y ya no te digo si tienes que trabajar con ellos, entonces si que apaga y vamonos. Este colectivo como el musulman son los unicos que no se integran. Lo que pasa que ahora con tanta inmigracion son mas a repartir y ven que se les acaba el chollo de papa estado

165 Álvaro - 02-12-2009 - 21:57:41h
Nadie quiere a los gitanos cerca. Es una realidad. Tampoco ellos hacen mucho por integrarse. En definitiva, basta de papanatas diciéndonos que si hay discriminación, racismo, etc... En la vida hay opciones y estoy convencido de que la amplia mayoría elige estar lo más lejos posible de ellos. Así, tan claro como suena. PD: si a alguien le queda alguna duda que espere a algún referendum suizo. Por lo visto allí se dice claramente lo que se piensa, es más, se acepta y a otra cosa mariposal

163 Doc - 02-12-2009 - 21:26:54h
Nuestra sociedad está envenenada por la palabra "discriminación". Al final va a resultar que las autoridades nos van a dictar lo que tiene que gustarnos y lo que no.

158 Manuel Candelario - 02-12-2009 - 20:28:10h
Un viejo refrán: "Quien teniendo cama duerme el suelo, no tiene duelo." Señor Catedrático, sus estudios en esta materia son poco académicos, no convencen; tiene el corazón partido entre la Fundación y la realidad. Hablar de discriminación gitana en España es anacrónico e injusto. Siga investigando y se convencerá de que es a la inversa.

149 Un subdito - 02-12-2009 - 20:05:46h
Con lo bien que les va a los gitanos con el rollo racista y se lo quereis quitar. Si te lian cualquier follon y te quejas... eres racista, si los pillas robando... eres racista, si les recriminas su actitud incívica...eres racista. Ni la policia tiene lo que hay que tener porque es...racista. Además subvenciones, pisos gratis, colegios gratis pero el resto somos...racistas.

CASE 45

46. December. National. Racism on the Internet. On 16 December the FSG and the Unión Romani received an e-mail with clearly racist content encouraging the assassination of Roma, immigrants and anarchists. Following are some of the sentences appearing in that e-mail: *"In Spain there are over 566 000 Roma residents and an unknown number of Roma from Romania. (...) One solution would be to implement a series of PRELIMINARY PHASES to wake the society up: 1. burn official buildings and place the blame on gypsies and anarchists (...) 4. Assassinate foreigners who have never worked or who have committed a crime (...) ONCE CONTROL IS TAKEN (...) 8. Force communists, anarchists and gypsies to sell extra property, applying the rule that they cannot own more than one house (Marx), 9. Prohibit communists, anarchists, gypsies and Islamic persons from joining the army or police and from gaining access to health-care and take away any arms or arms permits they may have. 10. In the event of civil conflict, before putting an end to them, expropriate anything they may have which is of value and make them sign over property and bank accounts (...) (adult male children, assassinate) (...) Spain has a serious problem: there are communities which refuse to work and live by stealing because it's not enough that we give them free homes and money. Moreover, they possess unregistered firearms (...). You know who they are: 30% of all gypsies, 95% of the Africans and 100% of Islamic persons (...)"*. The text was nearly four pages in length and we are unaware of its repercussions, dissemination, etc. The Equal Treatment area lodged a complaint with the Public Prosecutor's Office.



- 47. December. National. Racism on the Internet.** The FSG received the following e-mail on 23 December: *"Just like every year, as if we didn't have enough with putting up with these gypsy sons of bitches the rest of the year, now during the holidays they're setting off firecrackers all day long. But of course, since it's the poor bastards like me who work and have to put up with them, why would you politicians bother to lift a finger to do something about it. Furthermore, the shitty little park that we have here in this neighbourhood of Guadalajara is the private playground and garbage heap of that scum, always knee-deep in shit and shopping carts. They have a great time partying all night because they don't have to get up early to go to work... instead of throwing them out of there once and for all and stop paying their bills with our money. That's the way it is with those scumbags. The only thing they know how to do is get screwed up the ass. You go ahead and keep on giving money from my taxes to that scum instead of teaching them once and for all to have some fuckin respect for other people's sleep. But that will never happen because that would mean making an effort and those sons of bitches are only interested in doing what they damn well please and getting everything for free."* Not only is this a serious insult to the Roma community but the text also indicates clear support for racial hatred.
- 48. December. National. Discrimination in the media.** On 9 December a blog site called *religionenlibertad.com* published a text entitled *"Is that what the Fundación Secretariado Gitano does with EEC support?"*. After suggesting that the FSG is concealing its Catholic origin, it makes the following statements: *"And what is the latest news that we have from the Foundation?: Its defence of "Roma marriage" in which it filed (squandered) appeals until it reached the Human Rights Court in Strasbourg. (...) They do not want to comply with national law "because we have our own law which is different from that of non-Roma", but then they want to benefit from the pensions provided for in laws of this nation which they reject. (...) As for the Secretariado Gitano, remember that it has its origins in the Church and now looks foolish because more than half of the Roma in Spain have converted to Pentecostal sects such as the Church of Philadelphia"*. Once again, a media has used "freedom of expression" as an excuse to launch all types of messages which are not only false but are also an affront to the honour of the entire Roma community which is being accused of operating outside of the law and of taking advantage of the system. This article is full of prejudices and stereotypes against the Roma community which is being treated differently (worse) than other communities or groups which are not the target of these types of blanket statements.

Actualizado 9 diciembre 2009

¿A ésto se dedica la Fundación Secretariado Gitano, impulsada por la CEE?

La Fundación Secretariado Gitano es una entidad empujada desde la Iglesia*, en cuyo Patronato está, como presidente, el sacerdote Pedro Puente Fernández, que ha ocupado notables puestos, ha presidido la ACCEM (Asociación Comisión Católica de Migración), e, incluso es "prelado del Papa".

Pero la Fundación Secretariado Gitano en su página web oculta este origen: En el apartado ¿Quiénes somos? no aparece para nada.

Y la citada fundación al parecer **no tiene valores católicos** sino "filantrópicos": En el apartado Misión y valores ni una sola apelación a los mismos

En su apartado Historia ocultan cualquier vinculación con la Iglesia.

Incluso el presidente del patronato oculta su condición sacerdotal, tal como muestra la página web.

Por supuesto ni un solo enlace al departamento de pastoral gitana de la Conferencia Episcopal, ni mucho menos al documento "La Iglesia de España y los Gitanos, fruto de la LXXIX Asamblea Plenaria.

Quizá debieran recordar Mateo 10:33



¿Y cuales son las últimas noticias que tenemos de la Fundación?: Su **preocupación por defender el "matrimonio gitano"**, que le ha llevado a emplear (dilapidar) recursos hasta ir al Tribunal de Derechos Humanos de Estrasburgo.

La fundación se ha dedicado, durante diez años, a defender el "derecho" de María Luisa Muñoz, 'la Nena', a cobrar la pensión de viudedad después de que la Seguridad Social se lo denegase por estar solo casada por el rito gitano.

Para el director-gerente de la Fundación Secretariado Gitano (FSG), Isidro Rodríguez Hernández, la sentencia hace justicia con ella y con toda la comunidad, "porque trasmite la idea que todos los valores, la tradición y la historia de siglos de un colectivo no se puede despachar". "Desde que en la fundación tuvimos constancia del caso le dimos nuestro apoyo y respaldo legal e impulsamos los recursos contra el Constitucional y Estrasburgo"

No entramos en la cuestión del pleito: **Quieren que sin cumplir con los requisitos de un matrimonio civil o convalidado por la ley -como el católico-, tener los beneficios administrativos y económicos del mismo.**

A María Luisa Muñoz nadie le impidió pasar por el Juzgado, firmar unos papeles y solucionar el trámite.

No quieren cumplir la legislación de un país "porque nosotros tenemos la nuestra, distinta de la de los payos" pero luego quieren beneficiarse de las pensiones que establecen las leyes de ese Estado que rechazan.

Lo que tratamos son las preocupaciones que ocupan a la Fundación Secretariado Gitano.

Al parecer, **las inquietudes de esa fundación** no son hacer obra social como resultado de la caridad, amor por Dios, cristiana, ni buscar la extensión de la evangelización y la difusión de la piedad entre los gitanos para que éstos conozcan la Verdad y gocen de la Gracia.



Sino **potenciar los ritos extracatólicos del pueblo gitano**, como en esta ocasión, que han defendido la validez de sus humillantes ceremonia nupciales**, en vez de hacerles disfrutar de la plenitud de los sacramentos cristianos y por extensión de los resultados en dignidad humana que éstos conllevan.

Mientras el Secretariado Gitano, recordemos que nacido bajo el amparo de la Iglesia, hace el ganso en asuntos como éste, más de la mitad de los gitanos en España han apostatado y se han pasado a sectas pentecostales como la **Iglesia de Filadelfia*****

La Fundación Secretariado Gitano es el **ejemplo de muchas iniciativas de origen católico pero que han dejado de serlo**, pero que **sin embargo cuentan con el patrocinio (y el uso de recursos humanos y materiales) católicos**.

* Tiene sus raíces a finales de los años 60 donde, dependiendo de Cáritas, en muchas ciudades españolas ya había secretariados gitanos

** Como la prueba "del pañuelo manchado": Tras el banquete comienza el ritual propio de la boda gitana en sí, el yeli. Es el objetivo del día del enlace: comprobar la virginidad de la novia. Mientras en el salón los invitados bailan, algunas mujeres se desplazan hasta una pequeña sala para preparar el ritual del pañuelo. Sobre una cama o mesa colocan una sábana y una almohada, las mujeres arrojan pétalos de rosas y claveles. Todo listo para comprobar la pureza de la novia. Es ahora cuando un gran número de mujeres mayores entran en la sala acompañando a la novia. Junto a ella la "ajuntaora", una de las más ancianas gitanas y la encargada de comprobar la pureza de la novia. Estas mujeres cobran hasta 600 euros por hacer la prueba. Con un pañuelo dispuesto con tres pliegues envuelven una navaja. Se introduce por la vagina. La sangre mancha los tres pliegues (''las tres rosas''). Las ''ajuntaoras'' juran por Endivé (Dios) que no se puede falsear, pero todo es cuestión de dinero y de poder. La sangre nunca falta si la familia es poderosa. Si el pañuelo no se mancha, el novio puede rechazarla. No habría matrimonio. A este acto pueden asistir todas las mujeres mayores que lo deseen y es preferible que no tengan relación directa con la novia, ya que si no es virgen la familia lo podía esconder.

La "Ajuntaora" muestra el pañuelo al grupo de patriarcas que estaban esperando en los alrededores. Una vez corroborado por ellos ya se puede mostrar al resto de los invitados..

*** La Iglesia Evangélica de Filadelfia se define en España con el título de "Movimiento Evangélico Gitano Español" y así es como se presenta, para ser aceptada y legalizada por el Ministerio de Justicia, como asociación religiosa. Al ser rechazado con este título, poco después, escogen el de "Iglesia Evangélica de Filadelfia", aunque éste no se utilice y vulgarmente se les conozca con el de "Aleluya"

COMENTARIOS

aleix 12/12/2009	<p>Y luego nos quejamos. Luego nos quejamos de las agresiones de los ultralaicistas, con estos amigos no hacen falta enemigos.</p>
antonio grande 09/12/2009	<p>¿ a esto se dedica la fundación... Y luego dicen que los cristianos somos malos, crueles, etc. Pero si se nos rien todos y todo lo que les da la gana. Aquí lo vemos. Y me molesta mucho el que haya curas ignorantes de filosofía y teología que se meten a directores de de asociaciones para lo que no tienen ninguna preparación.</p>
Marismar 09/12/2009	<p>Qué bien Esto es un caso más del ''derecho al capricho de cada cual'' como norma de vida y ''convivencia'' social. El gregarismo con unos contra los demás. Así se hace imposible una verdadera cohesión social. La sociedad balcanizada de hecho y derecho.</p>
ciudadano 09/12/2009	<p>Derechos sin obligaciones. En la ciudad en que vivo existe, subvencionado con fondos públicos, un centro de cultura gitana, que, se supone, sirve para dar a conocer la cultura de esta etnia. Recientemente una persona no gitana (payo, dicen ellos) intentó realizar alguno de los cursos que se imparten. Sin embargo le negaron la inscripción con el ''razonamiento'' de que aquel centro es solo para gitanos. Tal vez esa es la forma de dar a conocer esa supuesta cultura (tal vez Kultura). No voy a entrar a valorar el derecho o no que le asista a esa señora a percibir un pensión. A fin de cuentas en España se pagan pensiones que sería discutible el derecho a percibirías. Por cierto, ¿quien ha pagado los gastos del proceso?. Lo cierto es que cada día vemos y sufrimos en el bolsillo de los contribuyentes que personajes que nunca han contribuido al erario, sin embargo se benefician de lo que otros han pagado. Ya sean estas en atención médica, o en forma de subsidios o pensiones. Entiendo que los impuestos deberían de servir fundamentalmente para una distribución más justa de la riqueza. De la misma forma quienes no contribuyen de forma voluntaria al sistema, quienes entienden que pertenecen a otro mundo, quienes en definitiva se automarginan, no deberían de tener los mismos derechos que quienes sí lo hacen.</p>
AntonioG 09/12/2009	<p>Hay más. Pero eso no es ninguna novedad. También Proyecto Hombre aparece como una ONG y no se dice nada que nació en la iglesia y sigue vinculada a ella</p>

Classification of the cases

These **48 cases** account for **36.64% of the total 131 cases of discrimination** collected by the FSG in 2009 showing, once again, that the media is the area accounting for the greatest proportion of discrimination cases. In all of these cases the victim is the Roma community as a whole.

Seven different types of cases can be identified within this area of discrimination in the media:

One¹, we encounter news stories or information, normally about events, where the ethnic background of those involved is either revealed directly or language is used which leads the reader to that conclusion² (clans, brawls, patriarch, etc.), linking incidents directly with the Roma community. This does not add anything to the comprehension of the news story because it is not the ethnic background of the individual which conditions his actions. However, the result of this unnecessary information is the stigmatisation of the entire community, i.e. the Roma community is often associated with marginalisation, delinquency and behaviours “outside of the law.”

Two³, we found a series of reports during the year focusing on Roma culture where isolated situations are presented as if they characterised and provided a global view of the entire Roma community. However, these cases frequently approach and often cross the line of what can be considered ghoulish and sensationalist.

Three⁴, and very closely linked to the first two, the major newspapers have electronic editions and forums where people can make comments on articles published there. In these cases we can see how news stories about members of the Roma community, both positive and negative, give rise to a litany of racist comments against the Roma culture and this is not only a violation of the rules applicable to these forums but also of the Constitution and the law protecting the honour of individuals and the groups to which they belong.

The fourth type⁵ of case identified is composed of opinion articles published in the traditional and digital press where columnists speak out against the Roma community and claim that the latter itself is responsible for this negative sentiment towards its culture and often react in a defensive and aggressive manner against those who are working to fight discrimination and racism.

Owing to the number of racist expressions used in the media, the FSG feels it is appropriate to put these into a specific category five⁶. This category does not constitute an act of discrimination in the strict sense because there is not usually a specific subject with which to strike a comparison showing differential treatment. This is more a matter of “everyday” expressions with racist content or which show a direct link in the mind of the user between the Roma community and a wide range of negative values. Expressions such as “comparing X with Y is like comparing God to a gypsy”, or “there are a lot of gypsies here” to say that there are a lot of thieves, are expressions whose alleged everyday usage cannot justify their use in the media which makes them even more pervasive. We feel that this is irresponsible on the part of the media which should be more keenly aware of their important role in the creation and upkeep of the society’s common ideology.

In sixth place, mention should be made of the relative weight of the Internet today and, although there are those who do not consider this a new means of communication but rather a new channel through which information flows, in our opinion the use of Internet forums to massively propagate racist messages means that its content has the same or greater repercussions than in conventional media. This is why we classify it as another type of case⁷ in the media. Here we find a variety of articles ranging from blogs devoted exclusively to insult the Roma community to so-called humour or forums lacking any sort of control on the content of comments made. All of this sort of content violates the Roma community’s right to honour and is accessible to the entire world.

¹ See cases 1, 8, 22, 32, 35 and 44 as examples.

² See cases 8 and 27 as examples.

³ See case 21 as an example.

⁴ See cases 6, 11 and 37 as examples.

⁵ See cases 23, 25 and 40 as examples.

⁶ See cases 18, 19, 20, 29 and 30 as examples.

⁷ See cases 24, 31 and 34 as examples.



Lastly, closely linked to the preceding category insofar as it uses the same channel, we have e-mails anonymously sent to the FSG chastising us for the work we do or simply insulting the Roma community by means of racist comments.

Methodology used

Based on the belief that each case should be studied and treated individually in accordance with its circumstances, in 2009 the FSG's Equal Treatment area sent ten letters to the directors of newspapers or those responsible for Web pages highlighting the facts and explaining why we believe that the material in question is discriminatory and requesting the removal of the article, information or vignette (as appropriate) and the publication of a rectification and apology.

Of the ten letters, only three had somewhat of an effect: a local newspaper did take stock of the repercussions of its actions and, following a meeting with a representative of the FSG, changed the tone of its editorial line; secondly, an important national newspaper apologised for not having correctly managed the news commentary forum in its digital edition and removed the inappropriate comments but failed to make any mention of the original article giving rise to the complaint letter⁸; thirdly, a national trade union which published a "humorous vignette" replied saying that they realised a mistake had been made and published an apology alongside the vignette which they did not remove so as "not to conceal the mistake made."

In contrast, we should cite the response from a newspaper which not only refused to publish a rectification but subtly underscored its generalisations by making the following comment: *"That would be tantamount to saying that all politicians are corrupt. Well, maybe I should have used a different example..."*

In other cases, either due to the swift reaction of the discriminator in realising his mistake or general protest from readers, the FSG did not have to take action and the media itself rectified the problem and even published an apology⁹.

Finally, we would like to refer to an intervention made in one of the cases gathered from the Audiovisual Council of Andalusia¹⁰ where the Roma Women's Association of Andalusia (AMURADI) lodged a complaint because it felt that the report on the case in question¹¹ resorted to stereotypes about the Roma community. The regional Audiovisual Councils are public entities with their own legal personality which are responsible for safeguarding respect for Constitutional and Statutory rights, freedoms and values in their respective territories. Specifically, they are entrusted with guaranteeing freedom of expression, the right to true information and variety of opinion and respect for human dignity and the constitutional principle of equality. They have competence to regulate, sanction and conduct inspections and receive, inter alia, complaints about audiovisual content which is considered discriminatory by reason of birth, race, sex, religion, opinion or sexual orientation. In the case at hand, the Audiovisual Council of Andalusia issued a recommendation¹² to the RTVA urging it to *"be extremely cautious in its handling of information related with ethnic minorities because, even implicitly and involuntarily, it could contribute to the consolidation of negative stereotypes. The Council holds that special care must be taken in these cases because superficial or overly dramatic coverage could do damage to the social image of these ethnic communities."*

Regarding Internet pages and some entries made in forums, the FSG reported several pages to the Public Prosecutor's Office because of their racist and discriminatory content. Several of these are now under investigation¹³ by police officers but, to date, none have yet been brought to court.

⁸ See case 23 as an example.

⁹ See case 4 as an example.

¹⁰ Although Spain does not yet have an Audiovisual Council which guarantees compliance with fundamental rights at national level, there are several regional councils, namely in Andalusia, Catalonia and Navarre. For further information please see: <http://www.consejoaudiovisualdeandalucia.es/>

¹¹ See case 21 as an example.

¹² Decision 16/2009 of the Audiovisual Council of Andalusia regarding the treatment of the Roma community in the report entitled "Roma Law" broadcast on the programme *75 minutes*, Canal Sur Television.

¹³ See case 34 as an example.

Recommendations

- Do not mention the ethnic group of the people involved in a news story unless it is strictly necessary to understand the story.
- Avoid generalisations and simplification so as not to portray things in black and white.
- Avoid sensationalism so as not to turn an isolated incident into a news story.
- Avoid the use of stereotypical or inaccurate language (brawl, race, clan, patriarch...).
- Do not camouflage an insult with the right to freedom of expression.¹⁴
- It is important for the media to be especially careful in regulating forums set up in their digital editions and prevent the publication of all racist comments.
- The media should give Roma more opportunities to express their opinions.

¹⁴ STS of 30 September 2001: *“Freedom of expression may not be invoked to legitimise the alleged right to insult another person because this would be incompatible with the dignity of individuals pursuant to Article 10(1) of the Constitution.”*



Cases of discrimination in employment

- 1. February. Granada. Employment.** A participant in the Acceder employment programme was working at a hair salon in Atarfe, a town in Granada. Everything was going well until she mentioned that she was going to marry a young man from a town by the name of Pinos Puente. The owner of the hair salon said that if she went through with her plan she would have to let her go. The worker told her not to worry because she had means of transport to get to work with no problem (the young woman thought that that was the owner's concern). The owner told her that actually that was not the issue but rather the fact that she was going to marry a Roma boy from Pinos Puente. The victim left her job when she saw the reaction of her boss. This is a case of direct discrimination by association, meaning that the difference in treatment in the labour relationship is caused not by the attitude of the worker but rather by the personal relationship the latter has with a person from the Roma community. In this case, a significant role was played by negative prejudices and stereotypes towards the Roma community. The owner had never even met the person she is rejecting but assumes that the majority of negative events taking place in that disadvantaged neighbourhood are caused by the presence of members of the Roma community.
- 2. February. Malaga. Employment.** A young Roma man had been working at a local metal carpentry shop for several years but with no labour contract. The worker had a traffic accident with the company van and accidentally left his mobile phone in the vehicle when it was taken away by the tow truck. At the end of the day the worker's boss reproached the worker for having been out of contact for the whole day and berated him using expressions such as *"if the gypsy doesn't let you down at the beginning, it's only a matter of time until he will"*. As from that incident, the victim perceived a change of attitude towards him and the situation grew worse over time ultimately causing him to quit his job. This is a case of harassment at the workplace due to the ethnic background of the worker prohibited by Directive 2000/43.
- 3. February. Malaga. Employment.** A Roma man was working as a stocker at a citrus company for six months with no labour contract. Despite the verbal agreement he had with the head of human resources, he was never given a proper contract even though other workers who were hired after him were given contracts. Given that the company failed to keep its promise and the fact that he was subject to discriminatory comments, the worker left his job. The fact that he was the only person who was not given a contract and the only person of Roma heritage, considered jointly with the discriminatory comments, means that this is a case of harassment at the workplace based on ethnic background and prohibited by Directive 2000/43/EC.
- 4. February. Zaragoza. Discrimination at the hands of the police.** A young Roma man applied for a post with the national police force after a period of training. He passed the written and physical tests as well as the psycho-pedagogical assessment. Everything was going smoothly at the medical check-up (he had had one a few days prior to make sure that everything was in order) until the physician commented on his heritage in light of the darker colour of his skin. The young man said he was Spanish. The physician continued to ask him if he had family in Latin America and the young man answered that he did not and that the colour of his skin might be due to the fact that he was Roma. At that point the tone of the conversation changed completely and became distant. The doctor began to address him using formal language. The results of the check-up determined that the candidate was "not acceptable". According to the medical report, the candidate had flat feet (not true judging from the previous examination) and was 10 kg overweight (not true either judging from the other report). The area of Equal Treatment of the FSG filed an administrative appeal against the decision and the case is currently before the courts. This is a case of covert direct discrimination in gaining access to public employment.

- 5. February. Malaga. Employment.** A young Roma woman went to an interview for a job as a restaurant helper. The interview was with the owner of the restaurant. At the end of the interview the owner, who the applicant recognised because the restaurant was located in her neighbourhood, assured her that the job was hers and that she could begin her trial period the very next day. That afternoon the applicant received a call from the manager telling her that the offer was off and tried to justify this change of heart by telling her that they were planning to close the restaurant. A few days later, the woman discovered that a neighbour of hers had started working at the restaurant. The applicant later found out through conversations with other neighbours who know the owner's family that the owner's wife does not like Roma at all. Despite advice to the contrary, the woman decided not to lodge a complaint for discrimination in the labour market. This is a case of direct discrimination prohibited by Directive 2000/43/EC.
- 6. March. Cordoba. Employment.** A Roma woman from a disadvantaged neighbourhood was hired as a cleaning woman at a hotel to fill in for someone on sick leave. She fulfilled all expectations and, when the person on sick leave returned, she was offered another opening in a different section. The head housekeeper of this new section was constantly watching over her and required her to do more than the other workers. The situation became so tense and intolerable that the victim decided to quit. Some time later she was informed by a Roma co-worker, whose physical traits did not necessarily identify her as a member of the Roma community, that the head housekeeper openly stated at a hotel meeting that she did not want any Roma on her team and that the victim stole everything she could get her hands on, especially hotel towels, which was simply not true. This case, where the boss demanded more of the victim than the rest of the workers, is a clear example of harassment at the workplace based on ethnic origin which caused the victim to quit her job.
- 7. March. Cordoba. Employment.** A young Roma girl participating in the Acceder programme went for a job interview at a clothing store at a shopping centre. No sooner had she arrived, the interviewer told her that her physical appearance did not fit the shop's requirements and that she did not like how the applicant was dressed (meaning that she looked "typically Roma"). The victim told the interviewer that she was willing to dress appropriately for the job but, after some beating around the bush, the interviewer admitted that the boss did not want Roma workers in his shop. This is not only a case of direct discrimination in the labour market but instructions to discriminate had also been given by the boss, both prohibited by Directive 2000/43/EC.
- 8. May. Navarre. Employment.** A participant in the Acceder Programme was doing on-the-job training at a supermarket chain. Her supervisor questioned her cash register skills in reference to her being Roma and asked her questions like *"Did 50 euros manage to find their way into your pocket?"*. The participant ended up quitting that training due to the pressure she was under from her supervisor. The FSG contacted the supermarket chain and discovered that this was an isolated incident for which the head cashier was responsible. This sort of behaviour had not been authorised by the company which apologised for what had happened. The company spoke with the head cashier who recognised that he was in the wrong and asked that his apology be forwarded to the victim and, following a meeting which the FSG had with him, he invited her to resume her on-the-job training. The participant decided against going back due to the presence of this person. In the end, there was no compensation for the damage caused by this discriminatory act. This is a case of harassment at the workplace due to the ethnic background of the victim prohibited by Directive 2000/43/EC.
- 9. June. Lugo. Employment.** The FSG contacted a company providing cleaning and domestic services to try to set up a training experience. This contact was made by an enterprise mediator who spoke with a worker at the company and managed to set up a meeting. The enterprise mediator and the FSG coordinator went to the company where they met with the worker who had scheduled the meeting, the manager and the trainer. During the meeting, a negative attitude was perceived from the manager and trainer and the worker was especially surprised because they typically collaborated openly with her. As the meeting progressed and they learned of the type of people the FSG works with, their reluctance to collaborate grew and they openly told us that they did not think it would be possible to work out a training programme with the FSG. The meeting ended with a



promise to send us a work proposal for next year but that never happened. This is a case of direct discrimination prohibited by Directive 2000/43/EC.

- 10. September. Granada. Employment.** A young Roma man participating in the Acceder Programme started work as a security controller thanks to the intervention of his non-Roma brother-in-law. At the beginning, the employer did not realise that the worker was Roma, first of all because he did not look the part and the person who had recommended him was not Roma. When he found out, the employer said that he should have been told from the beginning and that he was going to ask for character references. After a year working at the company, the young man was sacked supposedly because he did not pass the trial period. It was later discovered that the employer had only registered the worker in the social security system the last 15 days of his employment rather than during the whole year that he was working. Unfortunately, the victim did not want to file any claim because his brother-in-law had recommended him for the job. This is a case of direct discrimination prohibited by Directive 2000/43/EC.
- 11. September. Granada. Discrimination in employment.** A young man participating in the Acceder Programme began work as a gas installer. One day he was sent to a customer's home to provide a service. He rang the doorbell several times but no one answered the door. He then called his boss to explain the situation and to inform him that he was going to the next stop on his list. His boss insisted that he ring the doorbell again which he did several times but to no avail. He called his boss again to tell him that he was leaving and his boss answered: "You must be at the bar, you gypsy. There has to be someone there." The worker insisted that there was not and invited his boss to come himself to see if he could get someone to open the door because if someone was home they did not want to answer (he said this because this was not the first time this had happened). The boss came and rang the doorbell but this time the worker moved off to the side so that only the boss was visible through the peephole. The door opened. The woman who opened the door claimed that she had not heard the doorbell until now. This is a case of double discrimination: the boss disrespected the worker due to his ethnic background and the person in the flat did not want to open the door.
- 12. October. Granada. Employment.** Two Roma men approach an office in search of work as security guards. One of them, who does not look typically Roma, asked about the possibility of a job and was told that it was difficult but not impossible. However when the second man, who had specific training in this field and who was easily identifiable as being Roma, approached the person in charge he was told that there was no possibility because "things are very tight right now". This is a clear example of how people are treated differently based only on their physical appearance which conjures up prejudices and stereotypes. This is a case of direct discrimination in the labour market prohibited by Directive 2000/43/EC.
- 13. October. Malaga. Employment.** A young Roma woman found a job at a local hotel as a chamber maid through a company where her mother was working. From the outset she is subject to continuous discriminatory treatment by the head housekeeper at the hotel. This person never used the victim's name when addressing her but rather used expressions like "gypsy". She put the worker under continuous pressure in a clear example of harassment at the workplace which is prohibited by Directive 2000/43/EC. As a result of all of this, the young woman even needed psychological support.
- 14. November. Malaga. Employment.** One of the FSG enterprise mediators learned that a company devoted to personnel selection is against interviewing Roma for jobs. He decided to speak with the person in charge at the company. During that conversation he was told that the problem lies with the firms which hire his personnel selection services because they do not want to engage Roma. However, one of the companies he referred to is the very one which informed the FSG¹ that the problem actually lied with the selection firm. This personnel selection company exhibits a discriminatory attitude which prevents qualified Roma from accessing employment and attempts to justify its actions claiming that it is following the orders of the companies it works for. This, however, is untrue and is therefore a case of direct covert discrimination.

¹ Fundación Secretariado Gitano.

Classification of the cases

These **14 cases** account for **10.68% of the total 131 cases of discrimination** collected by the FSG in 2009. Of the 14 cases, six victims are Roma women, six are Roma men and two cases affect a group of both Roma men and women. In 100% of the cases the victims are young Roma between 16 and 45 and 71% of the cases affect Roma between the ages of 16 and 30.

It is important to note that the discrimination cases recorded concern access to employment and on-the-job discrimination. There are companies which are willing to hire a worker not knowing s/he is Roma but once they find out their attitude becomes discriminatory.

Of the 14 cases, 7 involve discrimination in gaining access to a job. Of particular concern is that in the cases of on-the-job discrimination (5 of the cases in our report), victims have suffered harassment at the workplace due to their ethnic background² have been humiliated for being Roma leading them to quit their jobs, have suffered psychological problems and have refused to seek compensation for damages suffered.

100% of the cases are direct discrimination in the area of employment and the discriminator is from the private sector. Only one of the cases of discrimination was in trying to gain access to public employment and an appeal is currently pending in the courts.

It is very important to note that Roma begin seeking employment at a young age to meet family responsibilities, in many cases between the ages of 16 and 18. Employment is a basic social right to which all are entitled and in the case of the Roma community, a group in risk of social exclusion, it is the vehicle by which it can advance in society. Unfortunately we encounter a high degree of social rejection of this group which prevents them from enhancing their standard of living, from mainstreaming and from maintaining the sort of intercultural relationship with their co-workers which favours the elimination of prejudices against this minority.

In this connection, we would point out that often victims of discrimination, both in gaining access

² See cases 2, 3, 6, 8, 13. Harassment at the workplace is prohibited under Article 2(3) of Directive 2000/43/EC.

to employment and on the job, are very reluctant to report the situation because they believe that this will have negative repercussions on their subsequent job search, they do not trust the system to protect their right to non-discrimination, they feel in a situation of inferiority vis-à-vis the employer and lastly because they have accepted rejection for their ethnic condition as the norm.

Law

In this section we will list the most relevant laws prohibiting labour-related discrimination:

1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

Article 2³ regulates a number of vitally important concepts: equal treatment, direct discrimination, indirect discrimination, harassment and the issuance of instructions to discriminate.

Article 3 of that same Directive defines its scope:

"1. Within the limits of the powers conferred upon the Community, this Directive shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:

³ Article 2. Concept of discrimination

1. For the purposes of this Directive, the "principle of equal treatment" shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin.
2. For the purposes of paragraph 1:
 - a) direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin;
 - b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
3. Harassment shall be deemed to be discrimination within the meaning of paragraph 1, when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.
4. An instruction to discriminate against persons on grounds of racial or ethnic origin shall be deemed to be discrimination within the meaning of paragraph 1.



a) conditions for access to employment, to self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;

b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;

c) employment and working conditions, including dismissals and pay;

d) membership of and involvement in an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations;

e) social protection, including social security and healthcare;

f) social advantages; ..."

Article 8 regulates the reversal of the burden of proof which can be used in labour proceedings.

"States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment".

Community Directive transposed to the Spanish legal system through the Fiscal, Administrative and Social Order Act, Law 62/2003 of 30 December 2003. Specifically, in Section II, Chapter III, Title II on measures regarding equal treatment and non-discrimination based on racial or ethnic origin and Section III on measures regarding equal treatment and non-discrimination at the workplace.

Workers' Statute

The most important articles of the Workers' Statute regarding discrimination are worded as follows after the amendments introduced by [Law 62/2003](#):

Article 4(2)(c) Workers are entitled to the following rights in the labour relationship:

"c) To not be subjected to direct or indirect discrimination in applying for work or once engaged, for reasons of gender, marital status, age within the limits laid down in this Law, racial or ethnic origin, religion or conviction, political ideas, sexual orientation, trade union membership or lack thereof or for reason of language in Spain. Discrimination for reason of disability is also prohibited, providing that the person has the conditions and aptitude to do the work required."

Article 4(2)(e) Workers are entitled to the following rights in the labour relationship:

"e) Respect for privacy and due consideration of their dignity, including protection from sexual verbal and physical abuse and from harassment for reason of racial or ethnic origin, religion or conviction, disability, age or sexual orientation."

Article 17(1) "Regulatory precepts, collective bargaining clauses, individual agreements and unilateral decisions taken by the employer which purport unfavourable direct or indirect discrimination based on age or disability, or favourable or adverse discrimination in employment and remuneration, working hours and any other labour conditions for reason of sex, origin, including racial or ethnic, marital status, social condition, religion or conviction, political ideas, sexual orientation, memberships or lack thereof in trade unions and their agreements, family ties to other workers in the company and language in Spain, shall be considered null and void."

Decisions taken by an employer resulting in unfavourable treatment of workers in response to a complaint lodged at the company or in response to legal action taken to demand compliance with the principle of equal treatment and non-discrimination, shall likewise be considered null and void.

Article 54(2)(g) The following shall be considered breach of contract:

"g) Harassment for reason of racial or ethnic origin, religion or conviction, disability, age or sexual orientation of the employer or of company workers."

While we have the legal tools to implement these regulations prohibiting discrimination at the workplace, in practice there is very little case

law to speak of. Victims of discrimination need to come forward and file legal suits when out-of-court procedures fail to provide compensation, and it is extremely important for legal professionals to use legislative tools to defend the victims of discrimination in employment.

Article 14(i) of the Basic Public Employee Statute, Law 7/2007 of 12 April 2007, provides as follows concerning individual rights:

“public employees have the following individual rights in accordance with the legal nature of their service relationship:

i) The right to non-discrimination for reason of birth, racial or ethnic origin, gender, sex or sexual orientation, religion or belief, opinion, disability, age or any other personal or social condition or circumstance.”

Strategy

The area of equal treatment of the Fundación Secretariado Gitano has developed the following action strategy to deal with cases of discrimination: investigation, dialogue, mediation and other out-of-court responses.

First of all, the area of equal treatment of the Fundación Secretariado Gitano, in coordination with proven experts in the field, checks whether there are sufficient signs proving that the case in question can indeed be considered discrimination. This is always done with the victim's consent.

In some access to employment cases, one of our workers calls the company to verify whether the job which was refused to the victim is still open; in other cases we discover by speaking with employers that they simply do not want to hire someone because of their ethnic origin. In the case of on-the-job discrimination, we speak with the discriminator to check the facts and to screen for expressions indicating rejection of the Roma community.

Once the enquiry has concluded, we inform victims of the different options stressing that each case is different and that the action taken in an apparently similar situation may be different. Once again, it is the victims who decide whether they want us to go forward with the defence of their right to not be discriminated against in the labour market.

As has been shown, in 9 of the cases of discrimination in gaining access to employment or at the workplace,⁴ the victims chose not to have us continue with the legal process for a number of different reasons: fear of not being able to find a job later, a sense of weakness vis-à-vis the employer or they felt that they were not going to receive compensation. In these cases, the victims have felt discrimination on other occasions and have accepted it as something commonplace in their lives.

In cases where victims give us the go-ahead to initiate intervention, we always speak to and try to mediate with the discriminator focusing on the prejudices and stereotypes which have arisen by giving graphic examples of the heterogeneity of the Roma people and the progress they have made in terms of job training. We also inform them about anti-discrimination laws in force and the serious consequences that discrimination has on victims who are rejected based on their ethnic background.

Mediation carried out by the Fundación Secretariado Gitano generally consists of meetings with different company managers and a letter addressed to the human resources department.

Following mediation, the next step is to take out-of-court action consisting of the lodging of a complaint before the Ombudsman (within the sphere of public employment), inform labour inspection officials and initiate administrative procedures.

If the case has not been resolved through any of the foregoing initiatives, the Foundation provides the victim with legal counsel regarding the court procedure to be followed. We explain how to get a court-appointed lawyer, the requirements for access to free legal services and we coordinate efforts with the lawyer assigned to the case. Of the cases recorded in 2009, only one actually went to court⁵ and this was an administrative procedure which is still pending the court's decision.

The response from employers to our actions is weak⁶ insofar as victims do not receive compen-

⁴ See cases 1, 2, 3, 5, 6, 10, 11, 12 and 13.

⁵ See case 4.

⁶ See case 9.



sation in the majority of the cases. Employers try to justify their position and sometimes tell us that they will keep our labour exchange service in mind in the future. In this case, the Fundación Secretariado Gitano then follows upon the employer's track record in terms of hiring Roma workers.

Regarding the case of access to vocational training recorded in this analysis⁷, we did get a positive response after speaking and mediating with company administrators. The company acknowledged that the supervisor in question was in the wrong and gave the victim another chance to participate. We pointed out how discrimination leaves psychological scars which affect victims later on. In the case at hand the young woman decided not to resume her internship after the rejection she suffered and this has negatively affected her willingness to take part in other vocational training initiatives.

Recommendations

Victims must be informed of their labour rights and be motivated to defend them.

Victims must not be allowed to feel that they are alone in defending their right to not have to face discrimination in the workplace. They must be protected so that they no longer fear the negative repercussions that defending their right to non-discrimination in employment could have.

We must inform and raise the awareness of the business sector in this connection and make sure that they are familiar with laws prohibiting discrimination in employment. The business sector must be made aware of the heterogeneity of the Roma community with a view to breaking down prejudices which weigh on this ethnic minority.

Anti-discrimination law in the area of employment must be enforced and public services such as labour inspection should include the prohibition of discrimination in their protocols.

We would encourage companies to foster training and capacity-building and to engage members of underprivileged groups such as the Roma community as one of their Corporate Social Responsibility initiatives.

⁷ See case 8.



Cases of discrimination in access to goods and services

- 1. January. Cordoba. Discrimination in access to goods and services.** A Roma woman went to hire the services of a building company to carry out a home improvement project and had enough money to make payment in advance. Despite the general economic crisis and the difficult situation facing this particular business man, the latter decided not to take the job because “the demand for his services was very high and his workers did not have time to carry out the home improvement project.” A few days later a neighbour and friend of the woman overheard a conversation between the business man and his wife: “I feel bad for that woman but, as a general rule, I do not work for gypsies”¹.
- 2. February. Granada. Discrimination in access to goods and services.** A participant in the Acceder employment programme had just dropped her son off at the doctor and took a taxi. When the taxi driver saw her (she was wearing a tracksuit, her hair was wrapped high and she was wearing large earrings) he immediately asked where he would have to take her and she answered that she was going to Pinos Puente². The taxi driver responded that he could not take her because he would be running the risk of returning to Granada with no wheels. As already noted in a previous case, this is the result of systematically blaming the Roma population for any negative event occurring in that area. This is a case of direct discrimination in access to goods and services where once again prejudices and stereotypes against the Roma community triggered this discriminatory attitude of denying this person the right to a service.
- 3. March. Linares (Jaen). Discrimination in access to goods and services.** In Linares, a town in Jaen, four young Roma men went to a gym to sign up but were told that there were no openings. A person who was already a gym member told them that there were indeed openings but the problem was that the administrator’s brother had had a run-in with a Roma person and had given instructions to not let any Roma person sign up. In light of this situation, an FSG worker called the gym to sign up an alleged group of friends. She was not told that there were no openings and she was even informed that she might be eligible for a discount when she came in that afternoon to sign up. That same afternoon the worker went to the gym with the four young men who had tried to join and had to wait a few minutes because three people were being signed up ahead of them. When it was their turn they were again told that there were no openings, that there must have been some sort of misunderstanding on the phone and they made up some other lame excuses to try to explain why they could not sign up. On two further occasions, other FSG workers were able to verify that the gym did indeed have openings. A complaint was then lodged at the consumer protection office. In the end, the young men were able to sign up at another gym but it was no easy task as they had been turned down for alleged lack of openings at several others. We were not informed as to what action was taken by the administration against the gym in this case of direct discrimination in access to goods and services prohibited by Directive 2000/43/EC and the law transposing it into the Spanish legal system.
- 4. March. Albacete. Discrimination in access to goods and services.** At approximately 1:00 am on March 1st, a group of friends between the ages of 18 and 24, all Roma, decided to have a few drinks at bars around the city of Albacete. They were refused entrance to several bars in the city. In one they were told that they had to pay 10 euros each as an admission fee which was not charged to anyone else, only to them because they were Roma. The doorman blocked their entry into another pub and after repeatedly asking why they were told that it was because they were wearing tennis shoes. However, a group of at least five non-Roma wearing tennis shoes were then let in. The Roma

¹ This is a case of covert direct discrimination by reason of ethnic origin in gaining access to goods and services.

² Neighbourhood with a large Roma population.

youth complained to the doorman but he did not respond. At that stage the young men called the local but was told that they (the police) are not authorised to get involved in arguments of that nature.

5. March. Jaen. Discrimination in access to goods and services. A group of under-age Roma girls went to a clothing shop in Jaen called "Blanco" to look at the new clothes for the upcoming season. The girls noted that they were being watched closely from the moment they entered the shop and when they left, the salesperson went to the section where the girls were looking and found one item of clothing stuffed into the pocket of a jacket. She immediately went to find the girls and asked them to show her their handbags and the bags they were carrying (which clearly showed the names of the other shops where the girls had been shopping). The girls felt embarrassed when the salesperson called to them in front of everyone. They had already left the store and no alarm had sounded and the salesperson had no reason whatsoever to subject them to this embarrassment in front of everyone in the store. Despite that, they allowed their bags to be searched and proved that they had not taken anything. When the girls arrived home, they told their families what had happened because they were very annoyed, especially considering that they were regular customers at that shop and nothing like this had ever happened before. They went back to the shop and filled out a complaint form for the way they had been treated by the salesperson. This is a typical example of discrimination in access to goods and services based on one's ethnic group and especially affects women who are often subjected to disproportionate surveillance at shops simply because of their race.

6. April. Cuenca. Access to goods and services / education. A young Roma man registered to get his class C driving license (to drive lorries). The course is free of charge except for an 80 euro payment at the beginning. However, the number of practical driving sessions and opportunities to sit the exam are limited (once a threshold is passed, payment is required). The young man had to take the driving part of the examination by a certain date but the person at the driving school responsible for informing him failed to give him the information. The driving school unilaterally signed him up to take the exam without every telling him anything. Since he did not show up for the exam it was considered a fail and he had thus used up one of the two tries. Now if he failed (second attempt) he would have to pay to continue. At the time of his second try, the victim heard the owner of the driving school say *"I'm sick of the gypsies because they don't pay"*. This despite the fact that the exam is free and the victim had paid the required amounts. In contrast to how things normally work with other examination candidates, at the time of the exam the teacher left the victim alone with the examiner. This difference in treatment affected the victim who failed the exam and consequently had to pay for the right to sit the exam again. The comment that he overheard and the difference in treatment vis-à-vis non-Roma students are the two characteristics determining that this was a case of discrimination.

7. June. Adra (Almeria). Discrimination in access to goods and services. On 27 May a group of young Roma approached a local beach-side bar but were having problems getting in. They were told that they had to pay a 20-euro admission fee (entrance was actually free) so they decided to report this to a neighbourhood association. Some people from the association went to the establishment in question to check and were able to verify that the young Roma men were again



The screenshot shows a news article from the website 'elplural.com', which is described as a 'PERIÓDICO DIGITAL PROGRESISTA'. The article is dated 29/07/2009 and is categorized under 'NOTIC. ANDALUCÍA'. The main headline reads: 'La Junta de Andalucía lo ha clausurado cautelarmente Un chiringuito de Almería cobraba por entrar a personas gitanas'. The sub-headline is 'ELPLURAL/ANDALUCIA'. The article text discusses the closure of a beach bar named 'Garfield' in Almería, stating that it was closed by the Junta de Andalucía in response to a racial discrimination complaint. The article mentions that the bar had been charging a 20-euro entrance fee for Roma people, while other customers entered for free. It also notes that the bar was closed on June 4th and would remain closed until the circumstances leading to its closure were resolved. A section titled '9 reclamaciones' mentions that the cultural association 'El Calli Abderitano' filed administrative and criminal complaints against the bar's owner, Juan Torres, president of the Andalusian Federation of Gypsies of Almería.



Fecha: 29/07/2009

EL PAÍS ANDALUCÍA

Clausurado un chiringuito de Almería acusado de discriminación

LUIS MEYER
Sevilla

El chiringuito Garfield, situado en la playa del municipio almeriense de Adra, tuvo que cerrar ayer sus puertas por orden de la Junta de Andalucía, a raíz de una denuncia por discriminación racial que arrastraba desde el pasado 4 de junio.

El 27 de mayo un grupo de personas de etnia gitana expresó a la asociación cultural El Callí Abde-

ritano que se le había impedido el paso al local, y que en otras ocasiones les obligaban a pagar 20 euros, cuando el resto entraba gratis. Dos portavoces de la asociación (también de etnia gitana) comprobaron, según sus declaraciones, esta circunstancia *in situ* e interpusieron nueve reclamaciones administrativas y una penal.

El presidente de la Federación Andaluza de Gitanos de Almería, Juan Torres, denunció

ayer que “este caso se repite en otros pueblos de la provincia”. Un vecino de Adra, de etnia gitana, que prefiere permanecer en el anonimato, aseguró que él y su familia entran en el Garfield “sin problemas” y tienen buena relación con el dueño, quien rechazó en su día que en su local se discriminase.

El local permanecerá cerrado cautelarmente hasta que subsane las deficiencias por las que fue denunciado.

CASE 7

denied entry and the problem was not lack of room because the bar was half empty. They also observed that no one else but them was asked to show their ID card or to pay 20 euros. They decided to fill out a complaint form at the bar and to file a formal complaint at the police station. As a result of that complaint, the Andalusian Regional Government closed the bar as a precautionary measure.

- 8. July. Valladolid. Discrimination in access to goods and services.** A young woman working at the local FSG office went to the municipal pool of a neighbouring town along with her nephew and a friend. At the ticket window she was asked whether she was registered at the local town hall and when she said that she was not they told her that she could not enter. Right then, two people were leaving the pool and the young woman asked them if they had been asked whether they were registered at the town hall and they said that they had not. At that point, the young woman asked for the complaint sheet but was told that they did not have any and received the same answer when she asked to see pool rules. She then asked to see the person in charge. The person in charge offered the same answer, i.e. there are no complaint sheets and added: “I have nothing against letting you in but if I do this will fill up with them.” The young women then asked: “Fill up with what, gypsies” and the person in charge said yes. The young woman then rang the Civil Guard but they told her that they did not have any officers free at that moment and instructed her to lodge an official complaint at the Valladolid police station. Two days later, the young woman went to the municipal Consumer Information Office and filled out the complaint sheet and then proceeded to the police station to lodge an official complaint. A misdemeanour hearing was held in October and the defendant was acquitted because the facts were not established since no objective evidence had been gathered to determine what had actually happened. This is a clear example of direct discrimination in access to goods and services that the Roma community is constantly subject to and illustrates how difficult it is to prove these situations in a courtroom. The result is that victims feel defenceless and this also discourages other victims from reporting discrimination they have suffered.

- 9. August. Valladolid. Discrimination in access to goods and services.** A young Roma woman working at the FSG went with a friend to a local public pool. They were admitted with no problem but once they get settled on the lawn they notice that the lifeguard hardly takes his eye off them. The friend went to the pool bar to buy a soft drink. While she was on her way the pool manager approached her to say that he had instructed one of his employees to keep an eye on the two of them. He then warned: "if anything goes missing from people's knapsacks, you're in trouble...". The FSG employee came over and the pool manager repeated himself: "if anything goes missing from people's knapsacks, you're in trouble...". The FSG employee asked the manager whether he had observed anything suspicious or strange that prompted him to issue that warning. The manager replied that he hadn't but then repeated the same thing again but this time in a loud voice and pointing his finger. The FSG employee said that she was going to call the police and then did just that right in front of the manager who remained silent. The police arrived in five minutes. The police took statements from both parties and then apologised to the two girls and told them that they were free to stay at the pool. The officer also encouraged them to lodge a formal complaint. The two young women were upset but stayed a while longer so as not to draw attention to themselves and so they do not have to endure the comments which would have been made had they left immediately after the police came. A short time later they did leave and went to the police station to lodge their complaint. As of the date this report went to press, the complainant had not received any information regarding the case.
- 10. October. Malaga. Discrimination in access to goods and services.** A Roma programme participant and two family members were trying to get into a discotheque located in the Puerto Marina area. Before they reached the entrance to the establishment, one of the doormen looked at them and whispered something to his co-worker. When they tried to get in, the doormen blocked their way claiming that the establishment had the right to refuse admission. One of the young Roma men politely asked to see some document granting that right because there was no sign near the entrance of the establishment so indicating. The young men then asked to speak with the manager. After explaining what had happened, the manager apologised on behalf of the doormen for their excessive zeal and offered them a free pass acknowledging that the establishment did not have the right to refuse admission. However, the young men had lost interest in the place and left.
- 11. November. Murcia. Access to goods and services.** A Roma man was denied entry into a discotheque in the town of San Javier. According to the doorman, an alleged "protocol" prevents him from letting "certain people" in the discotheque. The doorman refused to provide any further explanation and also refused to give the victim access to the complaint form. The victim then tried to lodge a formal complaint at the Santomera Police Station but was told to file the complaint the next day in his home municipality. In other words, the local police did not defend the victim's rights. In the end, the victim lodged his complaint in the municipality of San Javier but we have no word as to whether the establishment in question was sanctioned.
- 12. November. Algeciras. Discrimination in access to goods and services.** This case came to our attention through an e-mail sent to the FSG containing an article about this incident. According to the article, on November 21st between 3:30 and 3:56 am, a Roma man and a few of his friends (others had already entered) were refused entry into a discotheque despite complying with the dress code. Apparently, the doorman "received orders through his earphone from someone inside who had seen the Roma man on the camera and prohibited his entry." The group filled out and signed the complaint form and gave it to the doorman who rolled it up without signing it. They insisted that he sign it which he did after they threatened to call the police. This is a clear example of direct discrimination in access to goods and services. We have no information about subsequent action taken by the administration against the discotheque.



- 13. November. Zaragoza. Discrimination in access to goods and services.** A series of home improvement and construction projects were carried out within the framework of a housing programme implemented by the FSG in the Valdejalón District. When trying to acquire construction material, the sales manager of an undertaking devoted to the supply of construction material refused to sell to them. When the potential buyers insisted on the importance of acquiring these materials, the company finally agreed but required a series of documents guaranteeing payment (which were not required of any other buyer). They looked into the FSG's bank records seeking guarantees and in the end the only option they offered was cash payment for goods totalling 6 000 euros. The sales manager clearly distrusted the FSG due to the community which it represented. In the end, the FSG had to buy the materials from another company which did sell to them after receiving good references regarding the Foundation's payment record from another supply company.
- 14. December. Jaen. Discrimination in access to goods and services.** A young Roma man tried to enter a local discotheque on a Saturday night. When he approached the ticket window the doorman told him in no uncertain terms that he could not go into the discotheque because no gypsies were allowed. He also said these were the "boss' orders". This is a clear example of instructions to discriminate frequently affecting young Roma when attempting to gain access to goods and services.
- 15. December. Huelva. Discrimination in access to goods and services.** A pregnant woman went into labour and called the taxi service to take her to hospital. The switchboard operator told her that taxis did not enter that neighbourhood at night and instructed her to go to an adjacent neighbourhood to be picked up.

Classification of the cases

These **15 cases** account for **11.45% of the total 131 cases of discrimination** collected by the FSG in 2009.

The main characteristic of these cases is that the vast majority have to do with access to entertainment activities and it is young Roma who are most affected by discrimination in this area.

Analysis shows that there were 21 victims in these 15 cases, in addition to two groups of young people whose number could not be determined. Of the 21 victims, there were 9 women, 11 men and the FSG itself was a victim in one case. As for age groups, 17 of the 21 victims were between 16 and 30, two were between 31 and 45 and one victim was between 46 and 60 years of age. If we cross-reference the two variables we find that in all of the discrimination cases where the victims are men, their age is between 16 and 30 and all had to do with entering some sort of entertainment establishment (discotheques, pubs and gyms); where victims are women, most are between 16 and 30 (although some are older) and the cases cover a wider range of activities, i.e. entertainment, shops and transport services.

Methodology

When faced with these situations, victims usually just move on to another service provider and express their indignation about the discrimination suffered but rarely take action against the discriminator. A complaint sheet (which all public establishments are required to have) was requested and filled out in only four cases. All of the cases were brought to the attention of the consumer protection authorities but only in one did the regional body temporarily close down the establishment³. Formal complaints were lodged with the police in two other cases: we have no information about one of these whereas the second ended up in court but, despite specifically pointing out that the pool manager refused the victims entry to keep the area from "filling up with gypsies", a perfect fit for the crime described in Article 511⁴ of the Criminal Code, was classified

³ See case 7 as an example.

⁴ Article 511 of the Criminal Code: "1. Any individual responsible for providing a public service who denies such service to a person entitled to it by reason of their ideology (...) ethnic, racial or national origin, sex (...), shall be given a prison sentence of between six months and two years and a fine of between twelve and twenty-four months and special disqualification from public employment or office for a period of between one and three years."

as a misdemeanour for harassment and no satisfactory judgement was handed down. In that case the Judge stated that “the accused (...) denied the allegations claiming that the complainants were refused entry because the pool area was full. Therefore, in light of contradictory versions and the fact that no objective evidence has been collected to determine what happened, the accused is acquitted.” While we recognise that reversal of the burden of proof envisaged in Directive 2000/43/EC does not apply since this is a criminal proceeding, we do believe that judges, prosecutors and lawyers must be made more acutely aware of the law protecting people from discrimination and of the importance of com-

bating it correctly. We frequently observe how actions such as the ones described here, even when the cause for different treatment is ethnic origin, are nearly all classified as misdemeanours for harassment thus leaving Article 511 of the Criminal Code without practical enforcement.

In short, in 2009 no compensatory measures were taken in cases of discrimination in accessing goods and services. One case resulted in a private apology which the victims considered insufficient because there was nothing to indicate that in the future people would not be denied the right to access based on their ethnic origin.



Cases of discrimination in housing

1. February. A Coruña. Harassment in housing.

This case came to us through the press alert system. A residents' association organised demonstrations against the resettlement of families from the Penamoa shanty town. Three demonstrations were organised for the month of February. These types of demonstrations have been seen in other cases where victims are subjected to real harassment by the entire neighbourhood, going even as far as threats and coercion. They are not aimed at specific individuals with certain characteristics but rather at an entire population group with a single common denominator: ethnic origin. The FSG therefore considers this a case of harassment based on ethnic origin (racist harassment).

La Voz de A Coruña

Fecha: 05/02/2009

La asociación vecinal O Cruceiro organiza tres nuevas protestas contra los realojos de chabolistas

La Voz

A CORUÑA | La asociación vecinal O Cruceiro-Oza-Urbanización Soto acordó ayer en una reunión continuar con las movilizaciones contra los realojos en Eirís y la zona de la calle Oleoducto de chabolistas procedentes de Penamoa. Francisco Mourelo, presidente de la entidad, explicó que, salvo que los vecinos sean convo-

cados desde el Ayuntamiento para discutir el problema, llevarán a cabo manifestaciones los días 11, 18 y 26 de este mes. La primera partirá de la plaza de Pablo Iglesias y terminará en la calle Oleoducto, y el itinerario de la segunda será entre la plaza de la Palloza y los nuevos ministerios. La última comenzará en la plaza de Orense y concluirá en María Pita.

2. January. Asturias. Discrimination in housing.

This case of discrimination came to our attention through the press. A Roma man decided to move because his house was in a very poor state of repair. He complied with all formalities and when he went to sign the contract he was

told, point blank, that the flat would not be rented to a gypsy. He went back to the rental agency through which he had found the flat and was informed that they would not do anything. They said they were in this business to make money and that's all. The victim himself said things to the effect that: "These situations lead to hatred on both sides and can give rise to more serious problems. I do not want to live in a ghetto; I'm no different from anyone else." This is a clear example of direct discrimination in the area of housing which is prohibited under Directive 2000/43/EC and the law transposing it.

3. January. Pontevedra. Harassment in housing.

A family was relocated and living for one year in Caritel through the Shanty-Town Eradication Plan following the demolition of Vao. During that year they had to endure demonstrations just outside their home every Saturday by neighbours belonging to the "anti-relocation platform". The situation became even worse when the father of the family was accused of assaulting a neighbour, with no regard for presumption of innocence. The accused went voluntarily to the local Civil Guard police station to make his statement. When finished he asked the Sergeant for a copy and the latter refused but did give him another form to sign. The father refused to sign it because he did not understand what it said. The family is tired of being constantly harassed by neighbours and the authorities due to their social class and their ethnic origin.

CASE 1

- 4. February. Granada. Discrimination in Housing.** A Roma woman who uses FSG services in Granada went to rent a flat in a town in the province of Granada. She spoke with the real estate agency and they arranged a time to see a flat. The woman decided to rent the flat that she was shown. The real estate agent then asked her if she was Roma and she responded that she was and that she had money and would have no problem paying the rent. The agent then told her that she could not rent the flat to her because "in Ogíjares, gypsies were not welcome...". In other words, she refused to rent her the flat only because she was Roma thus constituting direct discrimination in access to housing for reason of ethnic origin prohibited by Directive 2000/43/EC and the law transposing it (62/2003).
- 5. March. Talavera. Discrimination in housing/ other.** A Roma woman owed money to her homeowner's association. The woman proposed doing the cleaning for the block of flats to pay off her debt (a similar arrangement had been offered to other homeowners in the past). While the majority of homeowners agreed with this proposal, there were a few who did not want to allow her to make payment in this way. Moreover, the woman's flat required repairs for which the association is responsible but they use the debt as an excuse to not do the work. However, she is not the only one who owes money and repairs are made to the flats of those other debtors. Apparently, the only explanation for this is the poor opinion that some homeowners have of the Roma community.
- 6. March. Galicia. Discrimination in housing.** This case came to us through the press. The Galician edition of the El País newspaper ran the following article in March: *"REFUSAL TO RENT DUE TO ROMA ORIGIN" Stage three of the works in Coruña are under way and include the demolition of shacks at the Penamoa Roma settlement. The next on the list could be the one belonging to Mercedes García, known as "Lola" due to her dancing and singing skills which are reminiscent of the matriarch of the Flores family. But no one is willing to rent her and her three children and niece a home to move to. "Owners first say yes but when they see that I'm Roma they make some excuse." An advertisement for a flat read as follows: "No dogs, no gypsies"*.
- 7. April. Bizkaia. Discrimination in housing / access to goods and services / the media.** A Roma family from Sestao was relocated to a flat in La Arboleda. The neighbours refused to accept the relocation claiming that *"they do not want the patriarch living in their midst."* they go on to claim that *"he has over 50 court cases pending"*. They were able to get 5 000 signatures to try to prevent the resettlement. The local town hall, Trápaga-Trapagaran, has refused to register the couple and their five children. During the resettlement, the family had to be accompanied by four social workers and escorted by a regional police patrol car. In the end, the family had to leave the house on the very first day due to lack of security. As a result, the situation of discrimination has spread to other towns and four Basque municipalities supported the measure to refuse to register Roma at the town hall. In September 2009, Ararteko took a stand and the Town Hall registered the family. The resettlement became effective on 12 May 2009 despite a massive protest by the townspeople. The media which covered the story published discriminatory headlines, presuming the delinquency of the family.
- 8. April. A Coruña. Discrimination in housing.** Family in Shanty-town Eradication Programme. The mayor of a provincial town managed to acquire a flat through one of his contacts. The flat did not have all of the required permits and, in fact, the owner had to stop the reform work he was doing. During that interval, the neighbours found out that the flat was for a Roma family and they started to protest saying that they did not want Roma there and sounded the alarm that the flat had not been legalised. It is important to realise that many of these neighbours were also living in flats which were not legalised and were therefore calling on others to comply with rules that they themselves were neglecting. The neighbours called the press and put signs up at bus stops against the resettlement of Roma. One day, in the wee hours of the morning, a group of unidentified people broke into the flat and destroyed everything. They even cut off the electricity and water. The town hall filed charges.



- 9. May. Vigo. Discrimination in housing.** A local service specialising in flat rental was looking into the possibility of housing a Roma family in one of its flats. When the owner met the family on the day the contract was to be signed he refused saying that he did not like the family. This is an everyday example of discrimination in the field of housing based on ethnic origin which is specifically prohibited under Directive 2000/43/EC and the law transposing it.
- 10. August. Asturias. Discrimination in housing.** A local Roma couple was looking to rent a flat and asked the FSG to accompany them in their search and mediate on their behalf with the flat owners. The woman, who could easily have been identified as non-Roma given her physical characteristics, went with the FSG worker to visit a flat which the family was interested in. The flat was just what the family was looking for and the owner kindly promised to hold it for them until the next day when the contract was to be signed and the deposit paid. The next morning when the owner saw the husband (who, in contrast to his wife, was easily identifiable as a member of the Roma community), she changed her mind and told them that she was very sorry but had rented the apartment the previous afternoon. The wife did not believe the owner and the next day she went to the rental agency to ask whether that flat was free or not and was told that it had not been rented. This is a typical example of discrimination in the area of housing which many members of the Roma community are still suffering despite its prohibition by Directive 2000/43/EC and the law transposing it.
- 11. September. Huesca. Discrimination in housing.** A young woman and participant in the Acceder employment programme went to the housing rental office to rent a flat. She chose a flat to go and see with the real estate agent and went back the next day to speak with the owner. The owner told her that he would be happy to rent her the flat but the homeowners association had agreed to not rent to Roma. This is a clear example of instruction to discriminate which, according to the Directive and the law transposing it, is also considered discrimination and is punishable just like a case of direct discrimination.
- 12. October. Jaen. Discrimination in housing.** A young woman moved to Jaen to work for the FSG. She spent a few days looking for a flat and visited several. She called the owner of a flat for rent who began to ask her a series of questions. She asked about the woman's employer and when she responded that it was the Fundación Secretariado Gitano the owner said that she would not rent her flat to Roma. The young woman tried to reason with the owner but her final word was that this was all well and good but that she would never rent to immigrants or Roma. Another clear example of discrimination in housing but not only against anyone of Roma ethnic origin but also against those associated with that ethnic group such as a person working for an organisation such as the FSG.
- 13. October. Pontevedra. Discrimination in housing.** This is a case which we learned about through an article in a local newspaper. The article shows the photograph of a flat with a sign that says: "For sale. Gypsies Only". It quotes the owner of the flat who explains: "I can't stand my neighbours. They make my life impossible. I'm not harming anyone by selling my flat to Roma; I treat Roma just like anyone else. If they are racist, that's their problem. I would sell it to a Roma person for 30 million [pesetas] before selling it to one of my neighbours for 100 million." Here we see how negative prejudices and stereotypes towards the Roma community are used as a way to take revenge on one's flat neighbours.

Diario de Pontevedra

Se vende casa «sólo a gitanos» por una rabieta con los vecinos

► La propietaria del inmueble asegura que no se considera racista

NURIA FERNÁNDEZ PRIETO

PONTEVEDRA. «Se vende sólo a gitanos». Esta es la carta de presentación de una casa en venta que se encuentra en la avenida de As Corvaceiras. Igual que el caso que tuvo lugar la semana pasada en Sanxenxo, Mari Cruz García Vidal ha decidido poner en venta su propiedad única y exclusivamente a gitanos «porque mis vecinos son unos sinvergüenzas que no me dejan vivir. Yo no hago daño a nadie vendiéndoselo a los gitanos».

Insiste en que sufre agresiones verbales por parte de los residentes en el lugar en reiteradas ocasiones y que «me llaman de todo menos guapa», por eso, según explica Mari Cruz, la instaron varias veces a que abandonase el inmueble.

Según la propietaria, el hecho de abrir un pequeño negocio en el local le supuso varios años de reyerta con sus vecinos: «tuve que cerrar mi negocio porque ellos me denunciaron». Además, hace unas semanas tuvo que realizar arreglos en el techo -ya que tenía humedades en su piso y en el del vecino- y esto le supuso de nuevo

«Se lo vendería antes a un gitano por 30 millones que a cualquiera de mis vecinos aunque me ofreciese 100 millones»



Casa en venta en la avenida de As Corvaceiras, número 24. RAFA FARÍÑA

más luchas con los residentes en la zona. «Fui a arreglarlo y me entero de que el presidente de la asociación de vecinos ya había ido al Concello a denunciarlo. ¡No me dejan ni vivir!».

CUESTIÓN DE RAZA. «Antes de vendérselo a los payos, se lo vendo a los gitanos para que estéis más tranquilos -por sus vecinos-. Ya que no me queréis a mí allí, pues que vivan los gitanos».

Tras estas declaraciones, Mari Cruz confesó que no se trata de

una cuestión de razas propiamente dicha, si no que es más bien «una rabieta con los vecinos. Yo pagaba religiosamente y ellos siempre estaban incordiando». De hecho, no teme ser considerada racista: «yo considero a los gitanos otras personas más. Si ellos son racistas es su problema».

Señaló también que se niega rotundamente a vender el piso a cualquiera de los residentes en la zona: «se lo daría a un gitano por 30 millones antes que dárselo a un vecino que me pague 100».



Fecha: 04/10/2009

DiariodePontevedra

Sin noticias del 'payo'

► El propietario del polémico cartel de A Vichona desoye las peticiones de retirada del anuncio

JAVIER CASAL

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SANXENXO. El polémico cartel que ofrece una vivienda "también a familias gitanas" en un edificio de A Vichona continúa dando de qué hablar. Según van pasando los días, el debate, lejos de ir perdiendo fuerza, cobra cada vez más interés. Buena parte de culpa la tiene el 'mutis' del propietario del piso en cuestión, José Antonio, quien no da señales de vida. Una amable voz en 'off' informa a todos aquellos que llaman al número de teléfono que aparece en el cartel que se están poniendo en contacto con un teléfono-fax y que su mensaje será debidamente grabado y registrado.

Así pues, resulta imposible saber a ciencia cierta si que el autor de tan peculiar iniciativa publicitaria está al tanto de todo el revuelo provocado por el cartel de la discordia. Según afirman desde el colectivo gitano, ya se han puesto en contacto con el propietario para solicitar la retirada del anuncio. "Se comprometió a retirarlo en pocos días", explicaba a finales de la pasada semana uno de los portavoces de los afectados. Sin embargo, el cartel permanece en lo más alto del edificio.

Los sentimientos que despierta el anuncio son de lo más variado. Desde luego, lo único que no provoca es indiferencia. En su momento, algunos creían que el polémico eslogan lo único que pretendía era llamar la mayor atención posible. Sin embargo, hay quien considera que esta medida lo único que pretende es fastidiar a los vecinos. Así lo consideran algunos vecinos de A Vichona, quienes señalan que "si realmente lo que le interesa es vender el piso, que ponga algún tipo de oferta. Si lo que te importa es obtener el mayor beneficio posible, imagino que lo menos relevante es a quién



El dueño del inmueble de A Vichona todavía no ha retirado el cartel de la discordia. J. CASAL

le vendas o alquiles el inmueble", señala un cliente habitual de uno de los establecimientos cercanos al edificio. Este vecino opina que "no creo que a la gente le parezca mal que busque clientes de diferentes razas. Lo que les molesta son las formas."

DEMASIADO 'DESMADRE'. Por otra parte, están las personas que creen que todo este asunto "estase desmadrando demasiado. E o propietario do piso, así que pode facer o que lle pete, sempre e cando non incumpla a lei", matiza una vecina.

Mientras tanto, el colectivo gitano aguarda a que el dueño del inmueble cumpla su palabra y haga que el cartel pase a mejor vida. no descartan ponerse en contacto con el Concello para protestar.

Un estilo que comienza a 'crear escuela'

El cartel de A Vichona comienza a crear escuela. Yes que la idea del dueño del inmueble ubicado en la parroquia de Adina empieza a ser imitado en otros lugares.

Por ejemplo, una vecina de As Corvaceiras, en Pontevedra, decidió colgar un anuncio muy similar en su propiedad, si bien en este caso se aclara que la venta se realizará «sólo a gitanos», que era el eslogan inicial del de Sanxenxo, y que el responsable achacó a un «error tipográfico».

La propietaria, Mari Cruz García Vidal, reconoce que se decidió a llevar a cabo esta iniciativa por los problemas de convivencia que tiene con algunos vecinos.

«Non fai nada malo»

También hay gente que opina que José Antonio "no está a facer nada malo. É certo que o cartel é bastante peculiar, pero non ten nada de malo que prefira alugalo a xitanos", asegura otro vecino.

No obstante, conviene recordar que algunos vecinos que viven en los portales contiguos barajaron en su día la opción de presentar una querrela contra el propietario.

CASE 14

- 14. October. Pontevedra. Discrimination in housing.** Just as in the previous case, here we find a person selling his flat who uses the Roma community to attract attention. The sale sign read as follows: "For sale or rent. Roma families welcome." As it seemed that this practice was spreading, a few representatives of social organisations asked the town hall to order the removal of the sign and even threatened to file an official complaint with the courts.

- 15. December. Huelva. Discrimination in housing.** A young woman was looking to rent a flat for herself and her partner. After several telephone conversations with the owner of a rental flat she reached an agreement to rent it (price, contract, etc.) and they set an appointment to see the flat. When the girl showed up with her boyfriend the owner asked them directly if they were Roma and they said they were. The owner then said that he was very sorry but that he wouldn't rent his flat to Roma. This is an everyday example of direct discrimination suffered by the Roma community in the housing market where pay slips, work contracts etc. make no difference.
- 16. December. Asturias. Discrimination in housing.** A Roma family consisting of a woman and her four nephews lived in a flat they rented through the Foundation in the town of Salinas. The homeowners association changed the lock on the door of the building and gave each resident a copy of the key except for the Roma family who knew nothing about the change and found themselves locked out of their home. They spoke to one of the neighbours who sent them to talk to the president of the homeowners association who sent them to speak to another neighbour who, in turn, sent them back to speak to the president. The president finally told them that the keys must have been given to the Foundation through which this family was renting. The woman then went to the FSG to get help. The rental intermediary at the FSG knew nothing about the lock change and told them that no one had come with a new set of keys. The FSG worker accompanied the woman back to her building where they knocked on the president's door but no one answered. In the end a neighbour lent the woman her key so that she could make a copy but the key she was entitled to as a resident of the building was never given to her.

Classification

These **16 cases** account for **12.21% of the total 131 cases of discrimination** collected by the FSG in 2009 where housing was the second most frequent area of discrimination after the media.

Victims of housing discrimination are varied. It affects men and women and all age groups to the same degree.

The clearest consequence of the Sociological Research Centre's 2005 Barometer where over 40% of the Spaniards interviewed responded that they would feel "very or quite" uncomfortable if they had Roma neighbours, is discrimination against Roma in housing. The data gathered

in this report are a clear example of situations of discrimination in accessing housing (refusal to rent flats⁵) and harassment⁶ faced by some of the people who are resettled under shanty-town eradication schemes.

A new phenomenon discovered this year were the advertisements⁷ stating that homes were for sale or rent "even to Roma" using the Roma community as a threat against neighbours living in the buildings where these flats were for sale.

⁵ See cases 4, 9 and 15 as examples.

⁶ See cases 1, 7 and 8 as examples.

⁷ See cases 13 and 14 as examples.



Cases of discrimination in education

- 1. January. Granada. Discrimination in Education.** Three female students at a secondary school in Granada told how at the beginning of the school year they used to sit in the front row and how the Social Sciences teacher moved them to the back of the class. She also started to give them different homework assignments and when they asked her why she told them that they did not know enough to do the same work as the rest of the class. One of the students even told how the teacher only addressed her in the form of written notes. It is important to point out that they were the only Roma students in the class and their grades from earlier years were good. At the end of the year they had an average grade of 4.5 (5 being passing) and the teacher told them that if they turned in a set of maps they would pass but she did not keep her promise and this meant that they had to earn their secondary education degree through the adult education class the following year. We believe that this is a case of covert direct discrimination based on ethnic origin because, although the teacher never openly admitted the reason for her obviously differential treatment, it was clear that only the Roma students were treated in this manner.
- 2. January. Linares (Jaen). Discrimination in Education.** A mediator involved in the Project to Foster Employability working with families to prevent school absenteeism, went to visit the local school to present a set of activities designed to work with the Parents Association. The mediator introduced herself as an FSG worker and when she explained the reason for her visit several mothers told her that they were sick and tired of taking part in activities for Roma and stated that the school also had non-Roma children. This complaint about acknowledging differences was made solely to question the positive action which could be taken with Roma children. Focusing on differences without acknowledging the difficulties endured by a particular group such as the Roma community in exercising its rights is discriminatory, as is failure to promote equality by eliminating barriers which is what these activities which led to the protest were designed to do.
- 3. March. Granada. Discrimination in Education.** A 15-year-old Roma student wanted to register at a school to do a block of studies in what is known as the Initial Professional Qualification Programme (PCPI). His counsellor accompanied him to the school to fill out the application. When the school official saw that the student was Roma she said that classes were full and he would be wasting his time filling out an application. In the end she let him fill out the application because the boy's counsellor told her that the courses could not be filled already because the application period had not even ended yet and that she could not deny anyone the right to apply for the course. The problem here is that if the boy had gone on his own or with a family member he probably would not have been allowed to fill out an application.
- 4. April. Granada. Discrimination in Education.** The FSG organised an activity at the local kindergarten and primary school to celebrate the 8th of April (International Roma Day). During the activity when something was said about the Catholic Monarchs, the tutor interrupted to make the following comment: "The Catholic Monarchs made a big mistake when they cast the Jews from Spain instead of those people because at least the Jews are hard workers and not like these people who are lazy troublemakers." This comment was made in front of the whole class, including several Roma students. Comments like this which are full of negative prejudices and stereotypes towards the Roma community are unfair and dangerous when spoken by anyone but are far more damaging when they are spoken by a teacher in class acting as a role model for young impressionable students.

- 5. May. Asturias. Discrimination in Education.** A secondary school student and her sister told an FSG worker about a problem that occurred in the young girl's school. She explained how a classmate was bullying her constantly and going on about her being a "gypsy" and using the term in an insulting manner. The girl reported the incident to her teachers just as she was relating it to the FSG worker who then contacted the school to talk about the incident and to find out what measures had been taken. The school mediated and solved the problem between the two students.
- 6. May. Asturias. Discrimination in Education.** A 14-year-old high school student told an FSG social action worker about the following incident: one of his classmates was bullying and making fun of him for being a "gypsy" and used the term in a disrespectful way. The situation came to a head and the student couldn't take it any longer and pushed the classmate who was taunting him. The FSG worker contacted the school to talk about the situation and find out what was going to be done about it. A mediation meeting was held with the two students and both were punished, one for taunting and the other for fighting.
- 7. October. Malaga. Discrimination in Education.** An FSG worker registered in educational studies was attending his science, technology and education classes. During the class the teacher expressed a series of prejudiced and stereotyped opinions about several groups including the Roma community (supposedly rooted in her knowledge of anthropology). The teacher claimed that "anthropologically speaking" the Roma people do not include "potaje" (stew) among their culinary preferences but rather "anthropologically" have a carbohydrate-rich diet, in other words they eat nothing but sandwiches. The student then recommended that the teacher read a book published by the FSG entitled "Potajes para compartir" (stews to share) but she was totally un-phased by his comment and continued on in the same vein. When the student interrupted her discourse again and said that her comments were prejudiced and inaccurate and not at all scientific, she concluded by saying that "she didn't know the Roma people and had no desire to". The student then decided to get up and leave the class. This is an example of how even in a scientific environment, prejudices and stereotypes against the Roma community prevail over any real data and of how people harbouring these prejudices refuse to accept these data and continue with their stereotyped discourse.
- 8. November. Asturias. Discrimination in Education.** A boy's parents went to the local FSG office to discuss what was happening to their son who was in an Initial Professional Qualification Programme (PCPI) at a local high school. According to the parents, some of the boy's classmates used the term "gypsy" in an insulting manner to taunt him and also bullied him in other ways. The FSG worker mediated in the situation by informing the school counsellor who quickly intervened and resolved the problem by speaking with the two boys and their families.

Classification

These **8 cases** account for **6.10% of the total 131 cases of discrimination** collected by the FSG in 2009.

When it comes to victims of discrimination in education, it is not only the students who are not permitted to register for courses or who are treated differently from the rest, it is also their families and ultimately, the entire society.

The low number of cases of discrimination recorded in this area does not coincide with the experiences narrated by the victims and the educational personnel working at the schools. The problem we find is that this sort of subtle discrimination which is hard to identify as such by the victims themselves or by school personnel, together with a high degree of tolerance for these situations, clearly de-motivates students giving rise to a high school dropout rate.



Cases of discrimination in other areas

- 1. January. Cordoba. Discrimination by other agents.** A Roma man married a non-Roma woman and, little by little, became estranged from his family and even lost contact with other members of the Roma community. However, his sisters regularly visited him despite the fact that his children never had any contact with their father's side of the family. The man suffered a heart attack and died and Roma family members showed up at the funeral to pay their final respects. When the daughter saw them come in she ran out crying and asked them to leave because her boyfriend was coming and didn't know that her father was Roma and that could endanger their relationship. The man's sister then said that she would take her brother to a place where no one was ashamed of his life or of his death. That was enough to convince the daughter to allow the Roma side of the family to attend the funeral services.
- 2. January. Vigo. Discrimination by other agents.** A man, age 40, illiterate and with no communication skills and no driving license was accused by a company (on three occasions) of being the driver of a very expensive automobile (owned by the company) which had been involved in several traffic violations in an attempt to get out of having to pay traffic fines. In its statement the company provided a copy of the man's identity card and identified him as the driver. They had a copy of his ID because they regularly paid him for his services as a scrap metal vendor. The company's people are perfectly aware of the man's social circumstances and that he is totally defenceless. The traffic police processed the violations without notifying the accused party accepting the company's claims, where an incorrect address was provided, as valid. According to the postal acknowledgement of receipt, the notifications had been delivered to a person of the same ethnic origin and the same name but with a different ID number. As a result, the process went forward without any submissions from the alleged offender. In the end, a fine was imposed and Inland Revenue seized the man's assets. That was when he became aware of what was happening because they managed to get his address right to seize his bank account. Inland Revenue then seized the man's minimum income subsidy despite knowing that such subsidy is not eligible for seizure. They did this so that the affected party would come forward to exercise his rights although this should have been done ex officio. The FSG's Vigo office helped the man go from office to office submitting the different appeals and even applied for a court-appointed attorney and access to free justice which was subsequently denied by the Regional Government of Galicia. A claim was also initiated against the company for what it had done. In the view of the FSG, this is a case of discrimination. From the very beginning, the company took advantage of the victim's circumstances to evade a fine and the Administration ignored the accused's special circumstances, his situation of inequality and total defencelessness in the case.
- 3. January. Malaga. Discrimination by other agents.** A Roma man with a physical disability who had been working for the ONCE organisation for many years was suffering from discriminatory treatment which included insults and threats for over 20 years from a few neighbours who, among other things, blocked the complainant from gaining access to the presidency of the homeowners association. The administrator of the building of flats, while well aware of the situation, did nothing to remedy it. This is a case of discrimination, or even harassment, in light of the intimidating and hostile environment revolving around the man's ethnic origin. This discrimination, while not related to access to housing, is perpetrated by other members of the homeowners association in the building where the victim lives.

- 4. January. Cordoba. Discrimination by other agents (banking institution).** A young man went to his bank to take care of some business. The next day two police officers showed up at his door telling him that the bank had accused him of stealing a stamp and that he had to come with them to make a statement. Shortly thereafter, the bank withdrew its complaint but, in the meantime, the young man had filed his own complaint for slander and libel because there was no evidence to back up the accusation and it was based solely on negative prejudices and stereotypes against the Roma community; prejudices and stereotypes may have been reinforced on the part of the neighbours who witnessed how the police went to the man's house and accused him of stealing.
- 5. February. Malaga. Discrimination at the hands of the police.** An intercultural mediator working for the FSG was walking around a poor neighbourhood of the town where he had lived for many years and where part of his family still lives today. All of a sudden, a police officer approached him and asked to see his ID card and upon seeing that the address on his card did not correspond to the neighbourhood he was walking through he asked him why he was there if he didn't live there. His exact words were "if you don't live here, then you shouldn't be here." Apparently, the right to free movement does not apply in certain neighbourhoods where there is a significant or majority Roma population.
- 6. March. Cordoba. Discrimination in health-care.** An elderly Roma woman went to her local health clinic with her appointment to see her family physician. She sat down in the waiting room and the physician came out of his office and said to her in a loud voice for everyone to hear: "*You come here with no appointment and get away with it! I'm sick and tired of Reyes, Flores and Heredias and all other gypsies on my patient list! I'm tired of it and can't stand it any more!*" *You don't have an appointment and just come to waste my time.*" The woman then informed the physician that her surname was not Heredia or Flores or Reyes, that she did indeed have an appointment, that her blood pressure was 16, that she had an arrhythmia but that not to worry because she wouldn't bother him any more. She then went to the administrative office on the second floor and requested that her family doctor be changed. An FSG mediator went to see the physician at his office the next day. Although he did apologise, the apology was not heard by the victim. This is a clear example of direct ethnic discrimination in accessing health care services. Once again, the individual behaviours of a few are the cause of negative prejudices and stereotypes which are applied to the entire Roma community.
- 7. March. Cordoba. Discrimination in health-care.** A young Roma woman went to the emergency paediatric wing of her local health centre. She explained the symptoms her young daughter was suffering and the response she received was that Roma people needed to clean their houses more thoroughly and that most illness affecting Roma children was the direct consequence of poor home hygiene. This is a clear example of discrimination in health-care because this woman was not treated at all like other patients and was chastised for a behaviour that the physician attributes to the entire Roma community without even studying the case before her.
- 8. April. Granada. Discrimination at the hands of the police.** This case is about an Eastern European Roma woman participating in the Acceder Programme. She has two children. The two children were playing in the neighbourhood with a toy pellet pistol that their mother had bought them at the local thrift shop. A police patrol car was driving by and saw the older of the two boys with the toy pistol (which looked like a real BB gun) except that it had the inscription "made in China" on the barrel. They told the boy to give it to them, which he did, and then, according to the mother and several neighbours, the police hit the boy, put him in the car and took him to the station. The mother informed the police that the child was a minor and showed them his documentation. At that point, one of the officers apologised but the mother told him that she was going to file charges because they hit her son for no reason. Later, in July, the mother received notification from the police that the child had been given a 150 euro fine. The FSG lodged an appeal against the fine claiming that the police action was disproportionate considering that the two children were only playing and no other children were involved. It should be noted that the number of police checks and their intensity is usually excessive, i.e. higher in neighbourhoods where most residents are Roma.



- 9. April. Slovakia. Police.** At a police station in Kosice in Eastern Slovakia, several police officers mistreated a group of Roma children who they accused of stealing a handbag. The officers forced the children to punch one another, take off their clothes and they even scared them with aggressive dogs. When they were found out, the officers were suspended from duty and action was initiated to expel them from the force.

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Eslovaquia suspende a nueve policías por abusos contra niños gitanos

Los agentes les desnudaron y les obligaban a pegarse e insultarse

EFE - Praga - 09/04/2009

Vota ★★★★★ 85 votos

Los abusos cometidos contra seis niños gitanos en una comisaría de Kosice, en el Este de Eslovaquia, ha causado el cese de nueve agentes de los servicios de seguridad del país centroeuropeo.



Eslovaquia
A FONDO
Capital: Bratislava.
Gobierno: República.
Población:
5,455,407 (est. 2008)

La noticia en otros webs

- webs en español
- en otros idiomas

En unas circunstancias aterradoras y bajo los ladridos de perros agresivos, un grupo de policías obligó el pasado 21 de marzo a varios niños gitanos a desnudarse y pegarse entre ellos, mientras los gendarmes filmaban la escena en sus teléfonos celulares y con cámaras de video.

Los agentes, mientras tanto, amenazan y gritan a los jóvenes, con expresiones como "panda de gitanos", y les obligan también a besarse. Algunos de los niños fueron incluso mordidos por los perros.

"He sido informado de que nueve policías han sido suspendidos de sus funciones, mientras que el proceso de expulsión de siete de ellos del cuerpo de Policía está en estudio debido a la infracción del juramento policial", ha informado este jueves en Bratislava el ministro de Interior, Robert Kalinak

El ministro ha precisado que varios oficiales perderán su puesto, y que "entre ellos figura el director de la unidad motorizada rápida y su mano derecha, el director del Departamento de Policía Local, y el director del Departamento de adiestramiento de perros".

El personal subalterno de aquellos departamentos fue testigo de esos malos tratos perpetrados por sus jefes en la comisaría de policía en el barrio de Lunix IX, donde viven en su mayoría gitanos. "Han dañado gravemente el buen nombre del cuerpo y han hecho algo que no tiene nada que ver con la ética policial y está en contradicción con el juramento que hicieron", constató el presidente del dirección policial, Jan Packa.

Obligados a pegarse por robar un bolso
VIDEO - AGENCIA ATLAS - 09-04-2009

Un vídeo de teléfono móvil donde la Policía aparentemente abusa de un grupo de niños ha llevado la controversia a Eslovaquia. En él se observa cómo los niños son obligados primero a pegarse entre ellos y después a desnudarse. Los chavales, de en torno a los 10 años, habían robado el bolso a una mujer antes de ser detenidos. El vídeo llegó a manos del periódico SME Daily, quien ha difundido la noticia. El ministro de Interior eslovaco, Robert Kalinak, ha ordenado procesar a los policías por abuso de autoridad.

Comentarios - 11

Página 1 de 3

11 **Silvano Torres** - 10-04-2009 - 06:16:08h

Los organismos que no se renuevan, mueren. Esto es un llamado a todas las Religiones, es tiempo de inclusión.

10 **Fawdawi** (<http://fawdawi.blogspot.com>) - 10-04-2009 - 05:19:59h

¿suspendidos? Es decir, después de un castigo ¿regresarán a su trabajo los enfermos estos? Esto que hacen las autoridades eslovacas lo defino con una sola palabra: ASCO.

9 **paris paris** - 09-04-2009 - 19:27:06h

si si

8 **Mocho** - 09-04-2009 - 19:21:36h

Pues yo soy profesor. ¿Por qué yo no cobro derechos de autor por mis maravillosas clases, que además mis alumnos aprovechan de por vida y les sirven en su vida particular y profesional hasta que se muera?. Esto me parece una tomadura de pelo. Que cobren el precio que corresponda y punto; pero que eso sea de por vida...Y además con canon digital, uses los elementos de almacenamiento de memoria para lo que los uses, aunque no esté relacionado con estos fines. El estado favorece a unos pocos de forma injustificada.

7 **Lea** - 09-04-2009 - 18:56:22h

Y la de cosas que jamas saldrán a la luz, vejaciones y malos tratos de fuerzas del orden de cualquier parte del mundo. Incluso a ninyos... A fuera con esta escoria de humanos que se creen con derecho a todo.

CASE 9

- 10. April. Madrid. Racist Acts / Housing.** A series of demonstrations and public protests were organised against the construction of a road connecting two neighbourhoods, Retiro and La Estrella. The argument was that crime would rise in one of the neighbourhoods if people from the other were provided with easy access. One of the neighbourhoods is characterised by high levels of social exclusion and, in speaking out against delinquency and drug addiction, racist comments are made against the Roma population which is blamed for being at the origin of these problems. The media published statements such as: *"The gypsies are always causing problems", "they're going to send all the gypsies to our neighbourhood."*
- 11. May. Castile-Leon. Discrimination by other agents.** A regional television programme interviewed the president of a charity organisation because the homeowner's association of the building where the organisation was setting up a food kitchen was radically opposed to its being located there. In arguing how wrong the neighbours were in their protests, the president made the following argument: There's nothing to be afraid of because the people who will be coming to the food kitchen are "people just like you and I. There won't be any gypsies or people armed with knives". The equal treatment area together with the local FSG office sent a letter to the discriminating party asking for a public retraction. The party in question contacted the FSG office in Castile-Leon to apologise for his unfortunate remarks and stressed that it was not his intention to discriminate against anyone. He even said that he was going to the media to make the retraction requested. However, the FSG office closely monitored the press and no public retraction was published meaning that we have just one more case of discrimination in the media, with wide-ranging public repercussions, which is "settled" with a private apology which does nothing to offset the damaging effects of the original publication.
- 12. June. Ireland. Racist Incidents.** Racist attacks were perpetrated against Roma in the south of Belfast (Northern Ireland) in June 2009. The victims had suffered verbal threats and three properties were attacked that same day. The city's mayor spoke out against the attacks and encouraged citizens to support the victims. The Northern Ireland government then paid for plane tickets for Roma who wanted to return to their country as a result of the attacks.
- 13. June. Murcia. Racist Incidents.** The FSG organised an end-of-school party at a youth centre located in an industrial park in a district of Murcia. On their way home from the celebration, a few of the young people did damage to two vehicles and harassed people in the vicinity. When the FSG learned of what had happened, three workers went to speak to those who had been affected. Together with a worker from the youth centre, they went to the garage where the incident had taken place to see if the boys had got into any mischief there. They were informed that no damage had been done because the boys were stopped from entering the garage. After the youth workers identified themselves, the garage workers made the following statement in reference to the children: *"That bus full of dogs should have had a dog trainer on it"*. One of them added that he lived in a neighbourhood where Roma also lived and that he felt like taking a shotgun and killing them all. These comments were made in an aggressive and arrogant manner to people who they knew were FSG workers but that apparently didn't phase them in the least.
- 14. June. Navarre. Police.** According to the report submitted to the Navarre Parliament in 2009 by the Navarre chapter of SOS Racismo, there was an increase in the number of discriminatory police practices based on ethnic origin. The report indicated that it is very common for aliens or Roma to be asked to identify themselves. There are a number of examples of abuse, intimidation and mistreatment found in cases of aggressions against the Roma community which in one instance led to the death of a woman.
- 15. June. Granada. Racist Expressions.** This person is from Casanueva (Granada) and the incident occurred in Tocón, the town where her son lives in the province of Granada. The son is married to a non-Roma woman and they have a baby. A friend of the daughter-in-law mentioned several times that the husband was not the father of the baby. The woman went with her sister to visit her son in Tocón. The woman, her son, her son's father-in-law, her daughter-in-law and her sister were in a bar having a drink when the friend drove by in her car. This friend started shouting at the couple,



insulted them and even acted as if she was going to punch them. The rest of the family members went outside to see what was going on and the father-in-law even had to grab the girl's arm to keep her from punching his daughter. When the sister asked the girl why she was doing this the latter responded "... I'm not afraid of you gypsies... you're bad people and you're all alike" and then she went off to the police claiming that she had been injured.

- 16. June. Granada. Racist Incidents.** Three Roma workers who are involved in the PAE (educational action project) fostering education in Granada's northern district, were at the primary school on the day final grades were being distributed. They stopped to talk to a child and her mother who they knew from the school but whom they do not work with because she is a year younger than the groups they teach. They began talking about the child's plans for the summer and one of the workers asked her if she was going to go to the local pool in the summer to which the child, in front of her mother, responded as if it were the most normal thing in the world: "*Not me. That place is full of gypsies*". The mother showed no reaction whatsoever. Maybe she was not aware that two of these FSG workers were Roma. This is an example of how prejudice arises out of ignorance and is passed from one person to the next generating situations of discrimination.
- 17. July. Granada. Discrimination by the Administration.** During an FSG reception interview of a new programme participant, the FSG worker asked the woman if she was receiving a minimum social salary to which the interviewee responded that she used to but not any more because she did not have a good relationship with her social worker who had to file the application form on her behalf. They continued talking and the woman told her that no application had been filed on behalf of her sister either because that required a home visit by the social worker who told her that she could not do that because she didn't feel secure in that neighbourhood. Most of the people living in the neighbourhood in question are Roma and, while not a shanty town, it is run down. However, the other social workers properly discharge their visitation duties. In short, two Roma families are unable to apply for social assistance because a civil servant refuses to do her job which she does do for the rest of the service users. This is due to the fear which is rooted in the negative prejudices and stereotypes she harbours.
- 18. July. Granada. Racist Incidents.** An FSG worker was waiting for the bus in the north of the city when a woman with a visible physical disability approached her and tried to make conversation by saying how fed up she was with her father. She talked about having to go to the doctor, that she didn't have money for the bus fare, that she had many problems, that her support payment didn't come through and then she said: "You can't trust the Gypsy women here, I know how they behave. They have bad manners, they don't know how to speak properly, they're bad people. I don't want to live here anymore." This is a clear example of how "accepted" and "normal" racism towards the Roma community is. It can come up that easily in any superficial conversation with a stranger.
- 19. July. Granada. Racist Expressions.** An FSG worker on her way to do her weekly monitoring of local training programmes overheard a conversation on the bus between two people she knew taking about the famous "crisis". Eventually the conversation went off on a tangent criticising Roma from Eastern Europe saying that they don't want to work and all they want are free handouts without having to do anything in return. This is the idea that the majority of local people have of Romanian Roma and is based on negative prejudices and stereotypes which, in nearly all cases, are applied to the entire community: they're thieves and they work as little as possible.
- 20. August. Granada. Discrimination at the hands of the police.** A young man of about 20 on a motorcycle with no documentation was stopped by the police while driving through town. When asked for the motorcycle's documentation the young man said that he didn't have it to which one of the police officers responded: "*all gypsies and Moroccans should be kicked out of Spain*". The other officer who was older told his colleague that he shouldn't make comments like that. As they were bringing the young man to the station, the younger officer saw that he was limping and started to hit him on his bad knee with his baton "to see if he was faking". The young man was very intimidated by this treatment and the comments made.

- 21. August. Hungary. Racist Incidents.** In a Hungarian village called Tatárszentgyörgy, a Roma man and his 5 year old son were victims of a premeditated murder. The perpetrators of the crime threw incendiary bombs at the family's home and shot the father and his son as they were trying to escape the flames. The assassins have rekindled the violence propagated by extreme right wing groups in Hungary: In November 2008, two brothers were assassinated in a very similar incident in the town of Nagysécs in the east of the country. The extreme right wing party called Jobbik and its paramilitary wing, the Hungarian Guard, dress in a uniform which is reminiscent of the fascist groups which supported the Nazis and employ the standard rhetoric of hatred against Roma and Jews. Tatárszentgyörgy was the site of a controversial parade by the Hungarian Guard where chants revolved around "cleaning up" public life of what they referred to as "gypsy crime". Shortly after this parade, a court disbanded the "Hungarian Guard Cultural Association" for instilling fear in the hearts of Roma people and other minorities and for attacking the dignity of Jews". A report by a Council of Europe committee criticised Hungary for the "rapid increase in racism in public discourse" and for the increasing dissemination of racist messages against Roma in the press.
- 22. September. Granada. Racist Incidents.** Two sisters, participants in FSG programmes went to a garage where they had an appointment to fix their car. They stood in a queue where other customers were waiting. One of the sisters approached the door of the office to take a look at a list of names of customers and the time of their appointment. A man waiting in the queue called to her in a loud voice telling her to go to the end of the queue. The girl explained that she just wanted to look at the list and that someone was saving her place in the queue but the man just repeated the same thing but this time was louder. One of the sisters told him that someone was holding their place in the queue so why what did it matter to him whether she waited in the queue or out of it. Then, out of the blue, the man said: "*look at how the gypsy clicks her heels*". The man's wife then added: "*And then you gypsies say that you suffer discrimination, you're all just so.....*". Then the man meeting with the customers came out of his office and called the two sisters because it was their turn. No one had to wait in the queue after all because everyone had a pre-assigned appointment. This is a clear example of the sort of discrimination suffered by members of the Roma community for the mere fact of their ethnic origin. The sisters were the only ones treated in this manner by the other customers who, blinded by their negative prejudices and stereotypes, simply assumed that the girls were trying to skip ahead in the queue. It is also a typical example how discrimination against the Roma community is "justified" and of how the behaviour of a single person justifies discrimination against an entire community.
- 23. October. Granada. Discrimination by the Administration.** A woman who was referred from the Municipal Training and Employment Institute (IMFE) approached the local FSG office seeking employment and training. The IMFE later called the FSG, on behalf of the social worker, to request a report on how this person was getting on in order to keep things "under control". According to this social worker, the woman made no effort to find work and did nothing to improve her situation. In fact, according to the IMFE worker, the social worker said, and we quote: "*The fact is that these people don't want to work. The only thing they want is to live off welfare*". The IMFE worker described the social worker as being prejudiced.
- 24. October. Malaga. Discrimination at the hands of the police.** A Roma man who works for the FSG was driving near a Roma neighbourhood when two police officers ordered him to stop his vehicle. They told him to get out of the vehicle and open the boot. The driver's companion asked the officers if they stopped him because he was Roma, has long hair and was driving a Mercedes close to Roma neighbourhood. The officer implicitly recognised the truth when he answered: "Well... you know how it is." After a few minutes the conversation became more friendly and, while the officer did not apologise, he did recognise that he had acted on his prejudices.
- 25. October. Malaga. Discrimination by other agents.** Since the local Workshop School was first set up there were frequent complaints, many unjustified, from the homeowners association of the building where the school was located concerning cleanliness, motorcycles driving where they were not supposed to, etc. It just so happens that the offices of the IMFE (Municipal Training and



Employment Institute) are located in the same building so there are many participants from both services coming and going every day. However, it would appear that only the participants in the FSG programme are responsible for these problems. Could this have something to do with the fact that the word "gypsy" is written on the window of the facilities used by the workshop school while IMFE office has not such inscription? The fact is that no one even bothered to check which programme the motorcycle riders or litterbugs were from.

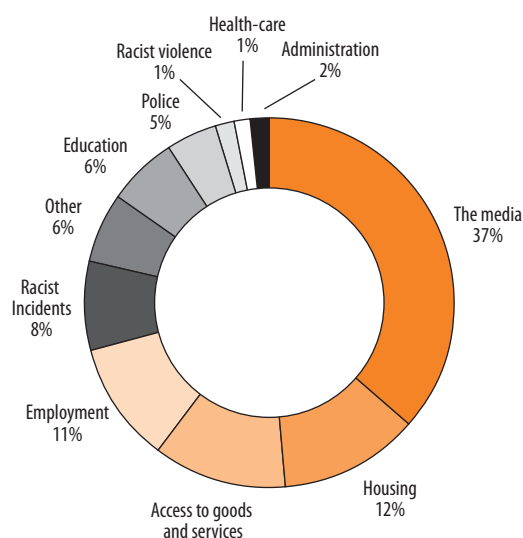
- 26. October. Jaen. Racist Incidents.** A neighbour from the building where the local FSG has its headquarters came by to see us. He started to talk about the signs from our awareness-raising campaigns "Employment makes us equal" but then changed the subject and starting saying things like "all Roma are the same, they don't want to work, children go barefoot and live poorly because they choose to, they prefer to live on the dole rather than make an effort to study and find a job" etc. One of the FSG workers asked him how many Roma he knew personally because it was obvious that his opinions were based on what others say, things that he's heard more than on his own personal experience. This image he has corresponds to marginalised people, Roma and non-Roma, but he was applying it to the Roma community in general. The man just turned and walked away.
- 27. November. Jerez. Racist Incidents.** This case came to us through our press monitoring system. According to a local paper, a Flamenco group fell victim to vandalism in the form of graffiti, some of which was racist. The newspaper published a photograph of the façade with the words "Gypsies no" painted on it.
- 28. November. Granada. Racist Incidents.** A local woman and FSG worker received a phone call from a real estate agency because she had been looking into renting a flat. She told the agency that she was no longer interested because she had bought her own flat and the people at the agency started asking her questions about it. They asked her where her flat was located and when she told them they said that now they understood why she didn't like the flat that they had offered to her because it was located in the "gypsy part of the city".
- 29. November. Jerez. Racist Incidents.** A couple was having problems with a neighbour. On one occasion shoved the couple's youngest daughter and her boyfriend. Other neighbours who witnessed the incident reproached the aggression saying that he should feel ashamed for hitting a woman to which he responded: "*I'm going to shoot those gypsies. You can get out of jail but not out of the cemetery.*" The police brought him to the station to take his statement. The hearing is still pending. Moreover, this man has made a habit of going to the shop where the couple's oldest daughter works as a cashier and as he approaches the check-out counter he acts as if he's speaking on his cell phone and says things like "these stinking gypsies".
- 30. December. Huelva. Discrimination by other agents.** A woman was waiting for her daughter at the entrance to school at the end of the school day and called her by her full name (given and surname) to get her attention. Another mother who was waiting nearby heard her and said: "Yuck, Vargas! That's a Gypsy surname", to which the child responded, "that's because I'm Roma". Another mother then advised her: "well don't go around telling people because you don't look gypsy" to which the girl's mother replied that she had nothing to hide, that her father is Roma and her daughter is proud to be Roma. It is not something to conceal.

2. Presentation of disaggregated data and analysis

Following are the data of the 131 cases of discrimination gathered in 2009 broken down by the situation in which they occurred and the victims' sex and age.

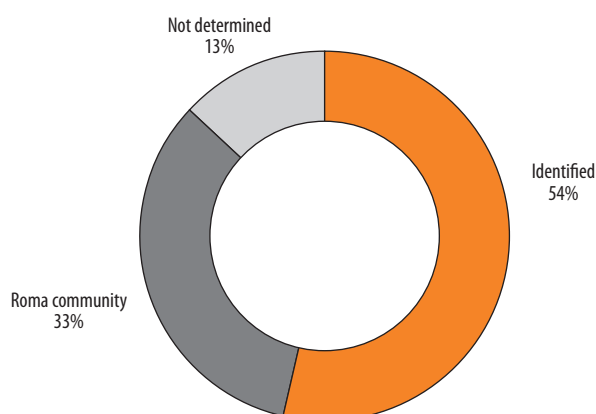
Areas of discrimination:

- The media: 48
- Housing: 16
- Access to goods and services: 15
- Employment: 14
- Racist Incidents: 10
- Education: 8
- Police: 6
- Health-care: 2
- Administration: 2
- Racist violence: 2
- Other: 8



Victims

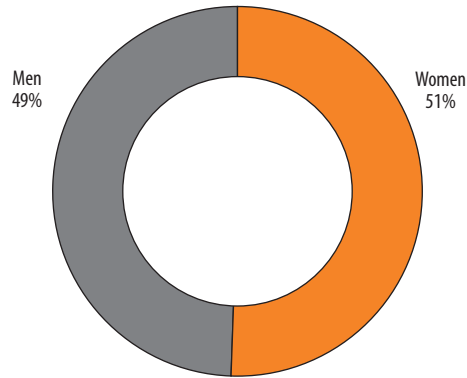
In the 131 cases of discrimination collected, a total of **79 victims** were identified; in 49 cases the victim was the Roma community in general and in 19 cases victims were a group of people whose number was not determined.





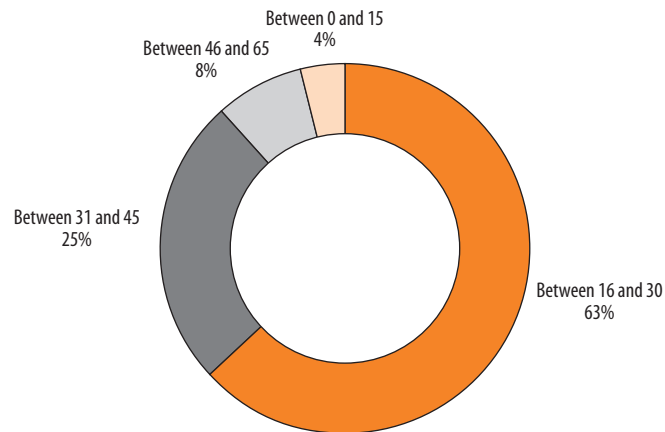
Sex of the victims

Of the 79 victims identified, **40 were women and 39 were men.**



Age of the victims

- Between 0 and 15: 3 victims
- Between 16 and 30: 50 victims
- Between 31 and 45: 20 victims
- Between 46 and 65: 6 victims



3. Conclusions

Discrimination especially affects young people

63% of the victims identified in the cases of discrimination collected by the FSG in 2009 were between the ages of 16 and 30. One way of interpreting these data is that this is the age at which young people are finishing with school and beginning to autonomously exercise their rights as citizens. This is apparently even more the case with male victims where nearly 80% are in that age bracket while in the case of women there is a slight tendency for discrimination to expand to all age brackets.

This can be interpreted in two different ways: it could be due to the fact that Roma youth “mix” more with the majority society and make greater use of public spaces and resources therefore increasing the likelihood of problems of co-existence degenerating into situations of discrimination. Another possibility is that Roma youth are better educated and, precisely due to this greater use of public spaces and resources, are more aware of their right to not be discriminated against and have the skills needed to report these incidents.

Another thing to be considered is that there were no cases of discrimination where the victim was over the age of 65.

Specific focus on discrimination against Roma women

We should start by pointing out that of the 79 victims identified, 40 are women and 39 are men. This difference is negligible and it is therefore safe to say that discrimination affects Roma men and women to the same degree although differences can be observed if we combine different variables, as we will see presently, in gaining access to goods and services or if we combine the sex and age of victims given that most discrimination against men is focused on the 16-30 age bracket while discrimination against women tends to extend over all age brackets.

Data in cases of discrimination in gaining access to goods and services clearly show the roles played by men and women (both in the Roma

community and the majority society) and their differing perception of discriminating agents. It is striking to find that all of the cases of discrimination in this area affecting men in the same age bracket (16-30) occur in the context of entertainment (getting into discotheques or sporting events) while only women were denied access to other types of goods and services such as markets, public transport, repair services, etc. Apparently, Roma women are mostly responsible for accessing goods and services needed to run the household and to care for others and have very little time for entertainment activities. Therefore, situations of discrimination may arise in a number of different services and affect all age groups.

On the other hand, men have greater spending power as from age 30 which could account for a higher degree of social acceptance and hence a reduction in discriminatory practices against men as from age 30 in gaining access to goods and services because they are valued higher and more accepted than Roma women.

Rising discrimination in the area of housing

Rising poverty, unemployment and evictions leads to a breakdown of economic and social rights, including access to housing. The crisis has a greater impact on the poorest and most marginalised communities whose living standard is lowered even further and, in areas such as housing, they are being evicted for failure to keep up with rent payments. This means that many people need to find a new place to live and we believe that the fact that there are more home seekers could be one of the factors accounting for the rise in housing discrimination, now the second most pervasive form of discrimination.

High degree of public tolerance of racist incidents and aggressive and reactionary racist discourse

As the economic crisis worsened, so did the situation of civil and political rights, while a wave of xenophobia and discrimination threatened the rights of immigrants and minorities all over Europe. It is not unusual to come across opinion



articles in newspapers and commentaries on the news where racist and xenophobic slurs are applauded by many people who adopt them as their own rather than reject them. Delving deeper into this we saw how this year there were many newspapers and news commentaries fostering racist thinking accompanied by a reactionary and aggressive attitude towards the people who are combating discrimination. These people defend their theories with alleged personal experiences which are then generalised to the rest of the community in an attempt to create alarm and fear among the majority population and criminalise those of us who are combating racism and discrimination. We must not overlook external reinforcement given to this perverse idea. On the one hand we have the media which tolerate these types of articles or commentaries and, on the other, we have propagandistic, populist and opportunistic messages from some political parties which openly maintain this sort of discourse.

It is important to realise that human rights, such as the right to equality, is a high-priority right which cannot be overlooked under any circum-

stance, not even during times of crisis where solutions to the latter should put equality at the centre.

For all of the foregoing, we believe that it is essential to carry out measures to:

- Continue raising the awareness of victims as to their right to equal treatment and the steps they can take when faced with situations of discrimination.
- Bolster anti-discrimination law by establishing effective punitive measures against the different perpetrators of discrimination.
- Make progress in the collection of data on cases of discrimination in order to have a more global and complete idea as to the dimension of discrimination.
- Encourage public authorities to take a firmer stance in defence of human rights and intolerance of discriminatory situations by implementing swift reaction mechanisms.



HEADWAY MADE IN COMBATING

DISCRIMINATION



Headway made in combating discrimination

1. European Union

Following a long and difficult ratification process by Member States, the Treaty of Lisbon finally entered into force on 1 December 2009. The Treaty modified the structure of European institutions and its work methods and pursues a more democratic, transparent and efficient Europe through greater participation of the European Parliament and the implementation of work methods and a simplified voting system. It also pursues a Europe which strengthens Union values and awards the rank of primary legislation to the Charter of Fundamental Rights. The Treaty of Lisbon preserves already existing rights but now guarantees the freedoms and principles laid down in the Charter of Fundamental Rights whose provisions have become legally binding¹. The Charter lays down civil, political, economic and social rights and equality is now not only one of the values² on which the European Union is based, but Member States and European Union institutions are now also going to have to respect Title III "Equality", specifically Article 21³ ("Non-discrimination") of the

Charter of Fundamental Rights given that it has been upgraded from being a mere commitment to having full legal force.

Report on the effective enforcement of Directive 2000/43/EC in the area of labour (FRA)

Article 17 of Directive 2000/43/EC obliges the European Union Agency for Fundamental Rights⁴ (FRA) to contribute to the European Commission's reviews of the implementation of the Directive contributing evidence of its impact in the field. In 2010 the FRA published a report entitled *"The Impact of the Racial Equality Directive"* (views of trade unions and employers in the European Union) as part of this mission and presented an assessment of the implementation of the Directive exclusively in the field of employment from the point of view of the trade unions and business organisations. In the case of Spain's business community, interviews were held with Foment del Treball, CECOT (Catalonian employer's associations) and CNC (National Confederation of Builders), Promsa, Escorxadors de Girona, GAG (Guissona Food Group), Rotecna, Bodegas Torres and Telefónica. The following trade unions were also interviewed: UGT, CCOO, CCOO Catalonia, USO Catalonia, CCOO Andalusia, CGT Barcelona and UGT Murcia.

The views gathered from the employers interviewed were divided into four large groups: those who believe that the Directive has had a positive impact; those who believe that the Directive has had very little or no impact; those who

¹ OJEU C83/17 of 30.03.2010. Treaty on European Union. Article 6: "1. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties."

² OJEU C83/17 of 30.03.2010. Treaty on European Union. Article 2: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."

³ OJEU C303/7 of 14.12.2007. Charter of Fundamental Rights. Article 21: "1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited. 2. Within the scope of application of the Treaties and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited."

⁴ For further information see: http://fra.europa.eu/fraWebsite/home/home_en.htm

have a negative view of the Directive; and those who were unaware or knew very little of the Directive. The latter group is mostly comprised of entrepreneurs from the 12 new Member States who consider this regulation as an “exotic tool” imposed on them from outside. In fact, some simply deny the existence of ethnic discrimination in their countries, particularly when it comes to the Roma population. In their view, if there are few Roma in the labour market it is due to their individual characteristics.

In general, trade unions are more aware of the existence of the Directive and the national law transposing it but their views also vary and, once again, may be divided into four groups: those who believe that the Directive has had a positive impact, those who believe that it has had very little or no impact; those who believe it has had a negative impact; and those who were unaware or knew very little about the Directive. Some of the trade unions interviewed denied the existence of discrimination when asked to comment specifically on discrimination suffered by the Roma community.

When entrepreneurs and trade unions were asked about measures to raise awareness regarding anti-discrimination policies, both agreed that more awareness-raising regarding rights was needed, especially among those groups the Directive was designed to protect. The trade unions were also in favour of the Directive allowing them to file class action suits on behalf of whole groups of workers instead of having to file individual suits.

Key findings include the different degrees of awareness depending on geographical area. In general, EU-15 Member States tend to be more aware. In fact, many of those interviewed were involved in one way or another with the drafting of the Directive.

Also, trade unions are generally more aware of the regulation and hold it in higher esteem. In this connection, while the trade unions prefer compulsory regulations, business organisations tend to prefer voluntary solutions.

Surprisingly, both trade unions and entrepreneurs fail to understand that the Roma community is affected by racial discrimination. In some

countries the Roma community is associated with discrimination but this is not viewed within the context of racial discrimination. On very few occasions is the Roma community recognised as being protected by the Directive.

Another finding was that in the majority of Member States, equality organisations are not yet perceived as the proper channel through which to file ethnic or racial discrimination suits in the area of employment or as being able to obtain satisfactory results. The social spokes-persons interviewed expressed their concern for the lack of independence and authority.

Both groups also noted the scant number of complaints or discrimination suits. In some countries, these types of suits do not even exist. The business associations interviewed suggest three explanations accounting for this situation:

- fear on the part of workers that they might lose their jobs;
- workers do not believe that fines imposed will make any difference;
- some workers are so grateful for just having a job that they do not even recognise that they are victims of discrimination.

The following explanations were given by the trade unions for this low number of complaints:

- procedural barriers making it difficult to lodge a complaint;
- limited geographical access to equality bodies;
- the political situation of equality bodies;
- unawareness of equality bodies;
- workers are unaware of their right to not be subjected to discrimination;
- fear of being victimised.

In conclusion, the two groups made a series of proposals to enhance the Directive’s practical impact. The following were made by the trade unions:



- Better transposition of Directives because many times the problem is not so much a lack of awareness but rather their transposition;
- The private and public sectors must be covered;
- Improve access to the justice system, not only by ensuring access to justice free of charge but also by permitting trade unions, at least, to file class action suits;
- Independence of equality bodies;
- Stiffer fines - some trade unions even believe that equality bodies should be able to give fines - and redress must be brought into line with what is laid down in the Directive. This would be more effective in getting employers to change their behaviour;
- Improve access to equality bodies.
- The following proposals were made by the business organisations:
- Make the Regulation clearer;
- Earmark more resources for the implementation of the Directive.

II European Summit on Actions and Policies in Favour of the Roma Population

On 8 and 9 April 2010 the "II European Summit on Actions and Policies in Favour of the Roma population" was held in Cordoba (2nd European Roma Summit)⁵, organised by the European Commission and the Spanish Ministry of Health and Social Policy within the framework of the activities of the Spanish Presidency of the EU in the first half of 2010.

This high-level conference was the result of a decision taken by the European Parliament urging the Commission to draft a European Strategy and

⁵ The European Commission decided to organise European Summits on the Roma community every two years to bring together high-level representatives of the EU institutions, national governments and civil society organisations from all over Europe. The first Summit on the Roma community was held at Brussels on 16 September 2008.

Plan targeting the Roma population. Debates focused on the most recent advances made at European level and specifically on the results of the meetings of the EU Platform for Roma Inclusion and the 10 Common Basic Principles for Roma Inclusion.

As a result of this summit three countries, namely Spain, Belgium and Hungary, signed a Joint Declaration⁶ as they believed that the time had come to boost the Roma agenda with a view to achieving substantial improvements in the social and economic integration of Roma in Europe within the framework of the Decisions and Recommendations adopted by European institutions over the last several years. In this Declaration, the trio committed to:

- Advance the mainstreaming of Roma issues in European and national policies so that European strategies and instruments include specific actions favouring the socio-economic inclusion of the Roma. This mainstreaming should be guaranteed in areas such as fundamental rights, gender approach, personal safety and protection against discrimination, etc.
- Improve the design of a road map of the Integrated Platform on Roma Inclusion which establishes a framework for medium-term action, as well as for objectives and results to be achieved; prioritising the key issues to be addressed; and strengthening horizontal cooperation among Member States and civil society.
- Ensure that the existing financial instruments of the European Union, in particular the Structural Funds, are made available to the Roma, and that they address their needs and have an effective impact on the improvement of their living conditions.

However, judging from the rank of the leaders attending the Summit, the general feeling was that Member State governments did not view inclusion policies as a priority: two Spanish Ministers, one French Secretary of State and one Finnish Minister.

⁶ Available at: http://www.eu2010.es/export/sites/presidencia/comun/descargas/Ministerios/declaracion_de_cordoba_ES_acc.pdf

2. Council of Europe

In May 2010, the Human Rights Commissioner⁷ published a report entitled “*Segregated schools marginalise Roma children – the decisions of the European Court of Human Rights must be implemented.*”⁸ The Commissioner stated that school segregation and education standards falling below the established curriculum is still a reality for many Roma children in many European countries and this situation leaves them with practically no way to escape from the vicious circle of poverty and marginalisation affecting them for the rest of their lives. The Commissioner insisted that there are important recent judgements from the ECHR reaffirming Roma children’s right to non-discriminatory school enrolment. Examples include cases in the Czech Republic (*D.H. and Others*), Greece (*Sampanis and Others*) and Croatia (*Orsus and Others*) and points out that these judgements must be fully and effectively executed in practical terms.

In June the Commissioner took part in a Regional Conference entitled “*Providing the Roma Community with access to personal identification docu-*

⁷ For further information see: http://www.coe.int/t/commissioner/default_en.asp

⁸ For further information see: <http://www.coe.int/Default-EN.asp>

mentation, a regional challenge”, organised in Skopje by the then President of the Committee of Ministers. The Commissioner stressed that it was unacceptable for several thousand Roma to still be without a personal identification document, without nationality and in risk of being stateless in Europe, especially in the countries of the ex-Yugoslavia. It called for a political resolution to solve this serious problem which is a prerequisite to gaining access to basic human rights. In order to achieve this, the Commissioner pointed out that the governments must adopt clear and feasible actions plans which include a map of the situation, simplification of legislation and civil registry procedures, free legal advice and, where applicable, lowering of the fees charged to register.

The Commissioner made special reference to Kosovo and reiterated its call on Western European countries to stop the forced return of Roma population to the region. This request was particularly relevant in the context of the lack of personal identification documentation because a large number of Roma who were forced to return to Kosovo were faced with this problem which caused major difficulties in being able to benefit from even the most basic human rights such as education and health-care.

3. National. Antenna Network

We would note that one of the major accomplishments of the Council for the Advancement of Equal Treatment Irrespective of Racial or Ethnic Origin (attached to the current Ministry of Health, Social Policy and Equality) was the constitution of a Network of Services designed to Aid Victims of Discrimination based on Racial or Ethnic Origin.

This Network is composed of 8 social organisations⁹ which have begun to provide information and services to victims of discrimination through offices open to the public throughout Spain.

⁹ Network composed of: The Spanish Red Cross, the Fundación Secretariado Gitano, CEPAIM, Movimiento Contra la Intolerancia, Movimiento por la Paz, el Desarme y la Libertad, Red Acoge, Unión General de Trabajadores and Unión Romani.

It is extremely important for social organisations which have direct contact with groups suffering discrimination, and which are familiar with the sort of social rejection they face, to be able to provide this service in defence of the right to Equality because up until July of 2010, people suffering from discrimination had very few information services, counselling or accompaniment available to them when suffering rejection on the grounds of their racial or ethnic background.

This service is now being offered throughout practically all of Spain and is meeting with success; from July until the end of October 2010, 160 complaints of discrimination in different areas were registered: education, health-care, social



services, housing, access to goods and services, employment and working conditions.

We are entering a new stage where victims of racial or ethnic discrimination have an information and counselling service available to them thus preventing situations of defencelessness in cases of discrimination. Social organisations will continue to work actively, with the support of the government, to raise the awareness of the entire Spanish society and achieve real equality for all.

Social organisations have reason to celebrate since they have been demanding a service to

assist and inform victims of discrimination ever since the transposition of Directive 2000/43/EC¹⁰ and we will continue to work to make the service as comprehensive as possible and to accompany victims of discrimination throughout the whole process of defending their right to equal treatment.

¹⁰ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, transposed into Spanish legislation by Law 62/2003 of 30 December 2003.

4. Case Law

European Court of Human Rights (ECHR)

Orsus and others v. Croatia

The applicants in this case¹¹ were 15 Croatian nationals of Roma ethnic origin born between 1988 and 1994. Between 1996 and 2000 the applicants attended primary school exclusively for Roma children and dropped out at the age of 15. In April 2002 they filed a domestic legal complaint against their schools claiming that the curricula for Roma students contained 30% less content than the official curriculum. They further claimed that this constituted a situation of racial discrimination and violated their right to education and their right to not have to endure degrading treatment. They also filed a psychological study of minors who attended classes only for Roma which concluded that segregated education scarred these children both emotionally and psychologically both in terms of their self-esteem and identity development. In September 2002 the national court dismissed the claim. The court stated that the Roma children were put in separate classes because they needed extra support in Croatian language studies and that the curriculum was identical and therefore the applicants had not proven their claim of racial discrimination. The ensuing national appeals were also dismissed. Despite these setbacks, the applicants decided to file their suit before the European Court of Human Rights (hereafter ECHR) where they claimed, inter alia, that Croatia was in violation of Article 14

(prohibiting discrimination) in conjunction with Article 2 of Protocol No 1 (Right to Education).

The European Court recalled that, as a result of its history, the Roma community had become an especially disadvantaged and vulnerable minority and therefore required special protection, including in the area of education. While there was no general policy of automatically assigning Roma students to separate classes, it was only Roma children who were put in those separate classes in those particular primary schools. As a result, there had been a **clear difference in the treatment** given to Roma students and therefore **the State had to prove that the practice of segregation was objectively justified, appropriate and necessary.**

The Court listened to the argument made by the Government that the reason the applicants were put in classes for Roma students was only because they were lacking in their knowledge of the Croatian language. However, the tests given to students to determine whether or not they would be put in classes for Roma only had not been designed specifically to verify their Croatian language skills but rather to test the general psycho-physical conditions of the children. As for the educational programme, once the children were assigned to these Roma-only classes, the applicants were not given any sort of programme specifically designed to improve their alleged shortcomings in their use of the Croatian language. While they admittedly were

¹¹ ECHR of 16 March 2010.

given some additional Croatian language classes, these were insufficient; some students received such classes only in grade one and several of the other applicants never received them at all. In any event, even if the additional classes in Croatian had been provided, this would have only partly compensated for the lack of a specifically designed syllabus to meet the needs of students put in separate classes due to their alleged lack of Croatian language skills.

The applicants spent many of their school years (and in some cases all of them) in separate classes for Roma only. However, there was no specific monitoring procedure and the government was unable to furnish any individual report regarding the progress made by any of the applicants in learning Croatian. This complete lack of monitoring procedures left the field wide open to arbitrary decisions taken on the part of the Administration.

Moreover, the statistics furnished by the applicants covering the region in which they lived (which were not contested by the Government) showed an 84% school dropout rate for Roma students before completing primary school studies. All of the applicants had abandoned their studies at the age of 15 without having completed primary school and the reports drawn up by their schools showed poor monitoring. These Roma student school dropout rates in the region should have sparked the implementation of affirmative action to raise the awareness of the Roma population as to the importance of education and to help the applicants with any difficulty they may have faced in their educational programme. However, according to the Government, social services had reported on the very irregular attendance of students only in the case of the five applicants and failed to furnish accurate information on any sort of monitoring.

As to the passiveness of the parents and lack of complaints regarding the fact that their children were placed in separate classes, the Court ruled that the parents, also members of a disadvantaged community and frequently with low levels of education, were not in a position to weigh all of the pros and cons or to foresee the consequences of acquiescing to the school's recommendation. Moreover, **no type of waiver of the**

right to non-discrimination could be accepted insofar as that would go against the public interest.

The Court further ruled that, despite the efforts which the Government may have made to ensure the enrolment of Roma children, proper guarantees were not put in place to ensure sufficient attention to the special needs of the applicants as members of a disadvantaged group.

As a result, the Court ruled **that the placement of the applicants in classes exclusively for Roma students was not justified and constituted an infringement of Article 14 (right to non-discrimination) in conjunction with Article 2 of Protocol No 1 (right to education).**

Muñoz Díaz v. Spain (La Nena)

On 8 December 2009 the ECHR delivered its judgement in this case which has been the focus of earlier reports¹². In this judgement on the enforcement of Article 14 of the Convention in conjunction with Article 1 of Protocol No 1, the Court reiterates that "Article 14 of the Convention has no independent existence since it has effect solely in relation to the enjoyment of the rights and freedoms safeguarded by the other substantive provisions of the Convention and of the Protocols thereto. The application of Article 14 does not necessarily presuppose the violation of one of the substantive rights guaranteed by the Convention. It is necessary but it is also sufficient for the facts of the case to fall "within the ambit" of one or more of the Convention Articles. The Court also recalled the doctrine followed in previous case law pointing out that "in cases, such as the present, concerning a complaint under Article 14 in conjunction with Article 1 of Protocol No. 1 that the applicant has been denied all or part of a particular benefit on a discriminatory ground covered by Article 14, the relevant test is whether, but for the condition of entitlement about which the applicant complains, he or she would have had a right, enforceable under domestic law, to receive the benefit in question (...)". By way of conclusion and in view of the foregoing, the Court held that "since the applicant belongs to the Roma community and was the spouse of M.D., as had been recognised for certain purposes by the Spanish authorities but not for the survivor's pension, the Court finds that the ap-

¹² See the report "Discrimination and the Roma Community 2009", pages 15 and subsequent. Fundación Secretariado Gitano (FSG) Madrid 2009. Serie Cuadernos Técnicos, Issue No 96.



plicant's proprietary interests fall within the ambit of Article 1 of Protocol No. 1 and the right guaranteed therein to the peaceful enjoyment of possessions, this being sufficient for Article 14 of the Convention to be engaged." As for the application of Article 14, the Court recognises the good faith of the applicant having regard to the validity of the marriage which *"was undeniably strengthened by the attitude of the authorities, who had recognised her as the wife of M.D. and had done so very concretely by issuing her with certain social security documents, in particular a registration document showing her as a wife and the mother of a large family, this situation being regarded as particularly worthy of assistance and requiring, pursuant to the Large Family (protection) Act, recognition of status as spouse."* The Court goes on to say: *"Consequently, the refusal to recognise the applicant as a spouse for the purposes of the survivor's pension was at odds with the authorities' previous recognition of such status. Moreover, the applicant's particular social and cultural situation were not taken into account in order to assess her good faith. In this connection, the Court notes that, under the Framework Convention for the Protection of National Minorities (...), the States Parties to the Convention are required to take due account of the specific conditions of persons belonging to national minorities. It goes on to say: "The Court takes the view that the refusal to recognise the applicant's entitlement to a survivor's pension constituted a difference in treatment in relation to the treatment afforded, by statute or case-law, to other situations that must be considered equivalent in terms of the effects of good faith, such as belief in good faith in the existence of a marriage that is null and void. (...) Therefore, the Court finds it established that, in the circumstances of the present case, the applicant's situation reveals a disproportionate difference in treatment in relation to the treatment of marriages that are believed in good faith to exist. Moreover "the Court finds that it is disproportionate for the Spanish State, which issued the applicant and her Roma family with a family record book, granted them large-family status, afforded health-care assistance to her and her six children and collected social security contributions from her Roma husband for over nineteen years, now to refuse to recognise the effects of the Roma marriage when it comes to the survivor's pension." Lastly, the Court cannot accept the Government's argument that it would have been sufficient for the applicant to enter into a civil marriage in order to obtain the pension claimed. The prohibition of discrimination enshrined in*

Article 14 of the Convention is meaningful only if, in each particular case, the applicant's personal situation in relation to the criteria listed in that provision is taken into account exactly as it stands. *To proceed otherwise in dismissing the victim's claims on the ground that he or she could have avoided the discrimination by altering one of the factors in question – for example, by entering into a civil marriage – would render Article 14 devoid of substance."*

Consequently *"the Court finds that in the present case there has been a violation of Article 14 of the Convention taken together with Article 1 of Protocol No. 1."*

National

Barna Book store

Judgement of the Provincial Court of Barcelona of 26 April 2010.

The owner of a Barcelona book store and the managing director of a cultural association devotes his time to disseminating and regularly selling books and publications which glorify and justify genocide committed by the Third Reich against the Jewish people and other minorities and the apparent inferiority of women and the disabled. The book store itself can accommodate approximately sixty people and is used to hold conferences justifying genocide and racist theories. These activities were going on for an extended period of time between 2005 and 2007.

These events led to the initiation of preliminary investigative proceeding No 1627/06 at local criminal court No 33 of Barcelona. The plaintiff was the Public Prosecutor that classified the acts as an ongoing crime of propagating ideas justifying genocide envisaged and punishable under Article 607(2) of the Criminal Code and an ongoing crime of incitement of hatred and racial discrimination envisaged and punishable under Article 510(1)¹³ of the Criminal Code. The

¹³ Article 510(1) of the Criminal Code: "Those inciting discrimination hatred or violence against groups or associations on the grounds of race, anti-Semitism or other ideologies, religion or belief, family status, ethnicity or race, national origin, gender, sexual preference, disease or disability shall be punished with a prison term of between one and three years and a fine to be paid over a period of between six and twelve months."

hearing was held at Criminal Court No 11 of Barcelona which, in an unprecedented exemplary judgement, ruled in favour of the Public Prosecution Service and private prosecutor sentencing the defendant for both crimes in this multiple offence procedure. The said judgement was appealed by the defendant's attorney before the Provincial Court of Barcelona which, following a study of the case, partially admitted the remedy of appeal lodged by the defendant because it held the view that the same behaviour could not give rise to two types of crimes but rather one subsumed the other and therefore the perpetrator of the crime would have to be tried for a violation of only Article 607(2) of the Criminal Code. The attorney for the defendant then appealed to the Constitutional Court which ruled that the said Article 607(2) was unconstitutional because it entered into conflict with and clearly violated the constitutional principle of freedom of opinion. The land's highest court ruled that failure to recognise or justification of genocide (607(2) of the Criminal Code) could not be considered a crime because it is interpreted within the immune scope of freedom of expression meaning that genocide is an opinion with no further repercussions. In addition to ruling that the act committed by the defendant was criminally irrelevant, this judgement has become very controversial from the perspective of case law and has very negative consequences for the fight against discrimination because the elimination of the criminal wording of that Article does away with an important anti-discrimination tool and also encourages and contributes to a twisted justification of xenophobic organisations.

As the First-Instance judgement rightly argued, the accused committed two types of criminal acts, i.e. the dissemination of racist ideas through the sale of books justified the application of Article 607(2) prohibiting the dissemination of ideas or doctrine which deny or justify crimes committed for racist and xenophobic reasons and the conferences given by people justifying racism, denying the holocaust and arguing in favour of the inferiority of certain races organised by the defendant for groups of 60 people more than justified the application of Article 510 prohibiting direct incitement to discrimination. Nevertheless, the High Court of Barcelona did not see two different crimes but rather just one: both acts give rise to the same action which is that of dissemi-

nating ideas which deny genocide. That is why the defendant is not considered the perpetrator of a crime under Article 510 and Article 607(2) but rather only under the latter. This legal reasoning sets a negative precedent in our fight against discrimination since Article 607(2) will always take precedence over Article 510.

And then, the Constitutional Court's ruling that Article 607(2) is unconstitutional in favour of the right to freedom of opinion in our democratic system leaves us practically defenceless when faced with discriminatory practices because incitement to discrimination through ideas and large-scale meetings will always be protected under the guise of freedom of opinion thus depriving us of a tool within the criminal system with which to prevent discriminatory practices. Incitement to discrimination will have to be extremely direct, i.e. very damaging to victims, to allow for application of Article 510. While Spain has a wide range of anti-discrimination laws on the books, the latter are clearly unfamiliar to a percentage of key law enforcement agents and many are likewise unaware of the importance of their application. Even so, in accordance with procedural practice, when incitement is very direct as required under Article 510 of the Criminal Code and individuals have suffered serious damages, Courts and Tribunals tend to apply the criminal act corresponding to the result produced (damages, injury, etc.) and are satisfied with applying racism as an aggravating circumstance which is not itself a criminal offence but rather only authorises the application of the upper half of the range of the corresponding sentence envisaged for the main offence and which also must be proven in painstaking detail in order to merit consideration in judgements.

The sad reality is that today, at the advent of the 21st century, despite having a whole arsenal of resources at our disposal intended to protect the equality of all persons, when it comes to discrimination everyday life is still awash in situations in which minorities continue to suffer arbitrariness, as in times past, which is very difficult to overcome in reaching full citizenship.

**JUDGEMENT 717/2010 OF 28 JUNE 2010
OF THE PROVINCIAL COURT OF MADRID.**

The Fundación Secretariado Gitano welcomes the judgement handed down by the Autonomous Community's highest court acknowledg-



ing and condemning a crime resulting in serious and irreversible damages suffered by a person of foreign origin - solely for that fact - which left him quadriplegic.

The event occurred on 10 February 2007 when a Spanish man, exiting a bar, asked a man from Congo for a light. The latter said that he did not have a light and that is when the Spanish man called him a son of a bitch for failing to accommodate him and his desire to smoke. The victim then said: *"I guess that means we're both sons of bitches because neither one of us has a light"*. The aggressor immediately called attention to the colour of the victim's skin while making fascist comments. He then violently hit the victim on the neck and face with an open hand leaving him lying unconscious on the ground. When the police arrived on the scene the aggressor, surprised that the Spanish police acted so swiftly in response to an injury suffered by a non-white man, proclaimed the famous statement which would later come back to haunt him in the judgement: *"I don't understand why the police are so concerned just because a fucking black monkey gets slapped around"*.

The Foundation expressed its satisfaction because in practice, this description of crimes in judgements and in case law is very rare. The criminal was convicted for the crime under Article 149¹⁴ of the Criminal Code for serious bodily injury and criminal aggravation. However, the source of our satisfaction is not the application of Article 149 since the seriousness of the crime required the application of that Article in any case (bodily injury resulting in serious consequences for the victim) but rather because the aggravating circumstance of racism and premeditation were included which the Court could have ignored as it had so many times in the past, or it could have subsumed the aggravating circumstance of

¹⁴ Article 149 of the Criminal Code: "Anyone doing bodily harm to another, by any means or procedure, resulting in the loss or uselessness of an organ, main body member or a sense, causing impotence, sterility, serious deformity or serious somatic or psychological disease, shall be punished with a prison sentence of between six and twelve years."

racism¹⁵ to that of premeditation¹⁶. Given the everything happened so fast, the Court could have decided not to admit the aggravating circumstance of premeditation. However, the aggravating circumstance of xenophobia described in Article 22 was taken fully into consideration, something quite unusual in procedural practice. The University of Valencia did a search of cases between 1996 and 2005 and found only fourteen cases where racial discrimination was cited and even fewer, six, where the judge admitted it¹⁷. We therefore reiterate the positive importance of this judgement.

If the aggressor had not said "so much concern for slapping around a nigger" in front of the police, it would have been very difficult for the court to have invoked the Article. But it did in this case, and why? Simply because on this occasion the whole democratic system agreed on carrying out justice. If any of the witnesses, passers-by or the police, had denied what the aggressor said, this sad story would never have given the victim the sense that justice was carried out to the degree possible because a doubt would have been cast over the real underlying cause of the crime and then the whole incident would have been forgotten and these reproachable and violent acts would just keep on occurring. This judgement is a lesson for society and sends an extremely important message: laws are not enough to combat crime if they do not go hand-in-hand with cooperation and collaboration from all social sectors.

¹⁵ Article 22(4) of the Criminal Code: "To commit a crime with a racist or anti-Semitic motive or another type of discrimination related to the ideology, religion or belief of the victim, ethnic, racial or national origin, sex or sexual orientation or disease or disability he or she may suffer."

¹⁶ Article 22(1). Criminal Code: "Premeditation exists when the guilty party commits any crime against a person using means, modes of action or forms which especially ensure the efficacy of the act without any risk that the person could defend him or herself."

¹⁷ http://www.elpais.com/articulo/espana/Amnistia/afirma/jueces/aplican/agravante/racismo/elpepiesp/20080411elpepinac_11/Tes



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 Members¹.

In addition to defining the duties of State Parties, the Convention established the Committee on the Elimination of Racial Discrimination (CERD)². 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.

¹ For further information see: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2-a&chapter=4&lang=en

² 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 handbook³ 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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³ Madrid: Fundación Secretariado Gitano, 2010.- 93 p.- (Work material; 49)



ANNEX: LEGISLATION IN FORCE



Annex: Legislation in force

National

- Law 19/2007 of 11 July 2007 against violence, racism, xenophobia and intolerance in sports.
- Organic Law 3/2007 of 22 March safeguarding effective equality between women and men.
- Law 62/2003 of 30 December 2003 on fiscal, administrative and social order measures. (Chapter III. “Measures for the enforcement of the equal treatment principle”).
- Legislative Royal Decree 5/2000 of 4 August 2000 establishing the consolidated text of the Law on social order infractions and penalties.
- Organic Law 10/1995 of 23 November 1995 on the Criminal Code.
- Instrument of ratification of the Convention on the Rights of persons with disabilities done at New York on 13 December 2006, ratified by Spain on 23 November 2007. (Official State Gazette No 96 of 21 April 2008).
- Instrument of ratification of Protocol No 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (No 177 of the Council of Europe) done at Rome on 4 November 2000. (Official State Gazette No 64 of 14 March 2008).
- Instrument of ratification of the Framework Convention for the Protection of National Minorities (number 157 of the Council of Europe) done at Strasbourg on 1 February 1995. (Official State Gazette No 20 of 23 January 1998).

European Union

- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).
- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.
- Council Directive 2000/43/EC of 29 June implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.
- Charter of Fundamental Rights of the European Union. OJEC C, 364/1 of 18 December 2000.

