



4. Conclusions and Recommendations

The main conclusions derived from the analysis of the cases of discrimination towards the Roma community gathered by the FSG are included below.

The Increase in Job-Related Employment: A Consequence of the Crisis?

One cannot ignore the impact that the economic crisis has had on the field of law and, clearly as well, on the right to equal treatment. During 2008, there was a considerable increase in the number of cases of discrimination in access to employment, from nine cases registered in 2007 to 28 registered in 2008. This could be clearly related to the situation of economic crisis, since because there is a greater number of candidates to cover few job openings, the criteria used to select workers are relativised, and this year we've gathered several cases where men and women in the Roma community are rejected without their CV even been looked at, just because of their ethnicity. In addition, employment continues to be an area where the victims are more reticent about filing complaints.

Specificity of the discrimination against Roma women

Despite that there was no great difference in the number of victims in 2008 in terms of victims broken down by gender, what is true is that there are certain areas where women are more affected. In particular, women have been discriminated against twice as much as men in accessing goods and services. They have often been accused of theft, subjected to greater vigilance by security guards, and expelled from shopping centres without the slightest proof of having committed any crime. As we stated in the previous report, Roma women –because they are mediators between tradition and modernity, or the link between the Roma community and the majority society (which is the same thing)– they are more present in “regular” spaces and, especially, in the service sector. Hence –as the result of the combination of two potentially discriminatory variables (ethnicity and gender)– they are the ones who suffer from more discriminatory situations in this sector.

Worrying Situation in the Area of Education

This year, there has also been an increase in gathering cases related to discrimination in education and what is most worrying is that there isn't a specific victim in each of them, but instead, in the majority of the cases, the discrimination affects the entire student body of several state schools, as well as their families. Despite the Education Act establishing “*equity, which ensures the equality of opportunities, educational inclusion and non-discrimination (...) compensatory element for personal, cultural, economic and social inequalities*” among its principles, it is obvious that, in practice, this is not as clear. There a significant number of state schools where Roma or immigrant students are enrolled *en masse* or exclusively. This not only prevents them from having a relationship with the majority society, but many of these schools are lacking a quality educational response, which could seriously impede the educational progress of the students enrolled, especially those who are in a more disadvantaged situation, as is the case of the Roma student body. This thus impedes the acquisition of knowledge, abilities and resources needed to develop in equal conditions within society, improve their personal and economic situation, increase their training, access the job market, and get jobs requiring qualifications, etc.



The Media Continue to Be the Most Active Discriminatory Agent

As already stated in the *2008 Discrimination and the Roma Community* report, the media continue to be the main participants in a large part of the cases of discrimination gathered by us. There are numerous editorials in which the Roma community is stigmatised, assigning to its members as a whole an entire series of qualities, attitudes, etc., which are always negative. We find a plethora of articles in which Roma men and women are identified with a marginalised lifestyle, conflict and certain criminal behaviour, accompanied by a great ignorance of the reality of the Roma, which can be gathered from the majority of the articles identified in this report, in which a slanted and stereotypical treatment is given the information.

Tolerance in Situations of Discrimination

Once again, it has been seen that this year the majority of the victims of discrimination have declined the option of filing a complaint. In a large number of the cases, this is because there are no effective resources to initiate a legal process defending their interests against discriminatory situations. The specialised institution established by the directive continues to be inoperative in Spain and the organizations working in the fight against discrimination haven't got enough resources to provide a legal defence for the victims. Those who have suffered discrimination on earlier occasions are aware of it and, therefore, don't file a complaint due to the notion that "nothing is ever gained, this is not going to change". Furthermore, key agents in the fight against discrimination demonstrate high levels of tolerance towards discrimination and, on occasion, only act in the most serious cases where there is even a risk of physical violence.

Non-existence of Reparation Measures

Despite the fact that sanctions for acts of discrimination should be effective, proportionate and dissuasive, we don't find any sanction fulfilling those requirements in 2008. In fact, of the three complaints filed with the Public Prosecutor's Office in 2008, two have been closed and in only one has a preliminary investigation been initiated. It is necessary to state, however, the facts were particularly serious due to the situations of constant threats and physical violence suffered by the victims. Very few positive results have been obtained from the rest of the processes involving complaints, mediation or conciliation and, in the few cases where they have been positive results, these have remained completely private.

"Extensive" Effect of Discrimination

We feel that it is important to point out that this year, the FSG has been the direct object of several acts of discrimination. Firstly, two cases in which workers have been denied a long upon submitting a pay check from the Fundación Secretariado Gitano, which shows the how far the extension of racial discrimination has spread (regardless of whether the victim is Roma or not, anyone who could be in some way linked with "Gypsies" –in this case the company they work for– is discriminated against). Secondly, three emails have been received in the FSG's inbox (one of them was sent to all of the FSG's regional offices in Spain) with racist and discriminating contents against the Roma community and against the activity being carried out by the organisation itself.



Por lo anterior, consideramos que es fundamental:

- **Support the victims** in the processes to claim their rights, whether via specialised institutions or via the creation of appropriate legal services that are specialised in the issue.
- Make progress in the **practical application of the antidiscrimination legislation**, both prior to discriminatory acts as well as regard sanctions in those cases where there are already victims.
- Gather **official data on discrimination, broken down by gender, age and area of occurrence**, so that a true vision of the actual scope of the discrimination may be obtained.
- Continue progress in analysing the situations of **multiple discrimination** suffered by many and, especially, Roma women.
- Progress **in the implementation of political and institutional mechanisms** that ensure the effectiveness of the fight against discrimination, such as the recently created *Council for the Promotion of Equal Treatment and Non-Discrimination of People Based on Racial or Ethnic Origin*, and the specialised institution for defending the victims.
- **Reinforce the training of key agents**, such as police officers and institutions, legal experts and attorneys and media professionals, mainly.
- **Reinforce the role that governments**, –especially at the regional and local levels–, have in guaranteeing equal treatment for all citizens in the **access and use of public services and resources**, and mainly in the areas of education, health care and basic services.