



3. National

3.1. Creation of a Ministry of Equality: Preparatory Work for the Equality Act and Progress in Forming the Council.

Some of the most significant progress made during 2008 resulted in the creation of the **Ministry of Equality**¹⁴, with the mission of fighting against all types of discrimination and against gender violence. This Ministry is responsible for proposing and carrying out the government's policies with regard to equality, the elimination of all kinds of discrimination against people because of gender, racial or ethnic origin, religion or ideology, sexual orientation, age or any other personal or social condition or circumstance. These responsibilities are understood to be in coordination with those belonging to other ministerial departments, given their **universal character**.

The creation of a **Directorate-General against Discrimination** within the Ministry's basic structure is a measure of significant progress. This entity is responsible for –among other things– **the support and development of the transversal application of the principle of equal treatment and opportunities, and the elimination of all types of discrimination** against people because of gender, racial or ethnic origin, religion or ideology, sexual orientation, age or any other personal or social condition or circumstance; the **preparation and proposal of legal measures**, and of proposals for transposing and applying directives and other Community or international legal instruments within the scope of their responsibilities; the **preparation of reports and studies** on the issues affecting equal treatment and the eradication of all kinds of discrimination against people because of racial or ethnic origin, religion or ideology, sexual orientation, age or any other personal or social condition or circumstance, as well as their dissemination and exchange; the support for **creating services for assisting victims** of crimes motivated by racism, homophobia or xenophobia, notwithstanding the responsibilities of other ministerial departments.

We at the FSG believe the functions indicate are precisely those that are most urgent from a practical perspective when offering real solutions to the victims. It is clear that the principle of equal treatment must be transversally applied to the rest of the legal issues; however, we believe that the creation of a legal framework instrument on equal treatment is fundamental so that all the basic concepts of equality and their application in the rest of the areas of law (employment, criminal, etc.) are brought together in a single text.

In this sense, the Ministry is working on a **Bill regarding Equal Treatment and Non-Discrimination** that the FSG collaborated on through its participation on the seminar about recommendations for the new Equality Act that was held in November 2008. With the aim of completing this task, a Governmental Executive Commission on Equality was established and presided over by María Teresa Fernández de la Vega; this Commission comprised governmental ministers and secretaries from different departments. After the meeting establishing this Executive Committee in June 2008, the first vice president of the government stated¹⁵ that the bill would be ready in the first quarter of 2009, and that a group of experts would be responsible for preparing the first draft of this law. The FSG is also participating in this group of experts via its Department for Equal Treatment.

We believe that preparing reports and studies on the issues affecting equal treatment and on the eradication of all types of discrimination is equally important. Since reports containing systematically gathered and organised cases of actual discrimination are few and far between and are issue-specific, it would be fundamental to have official data about the total number of victims and acts of discrimination. This would allow us to have a vision of the true scope of the discrimination; they might be able to be submitted as evidence during legal processes related to discrimination, etc.

¹⁴ (Official Gazette no. 90. Monday 14 April 2008. Pp. 19757 et seq.) and RD. 1135/2008, of 4 July, implementing the basic structure of the Ministry of Equality (Official Gazette no.165. Wednesday 9 July 2008. Pp. 30002 et seq.)

¹⁵ See press release from the Communications Office of the Ministry of Equality, available at <http://www.migualdad.es/gabinete/pdf/08-06-24%20PROYECTO%20LEY%20IGUALDAD%20DE%20TRATO%20Y%20NO%20DISCRIMINACIÓN.pdf>



But if there is one measure that is urgent and fundamental, it is the creation of services for assisting victims of crimes motivated by racism, homophobia or xenophobia. As we stated in the *Discrimination and the Roma Community 2008* report, one of the characteristics of the legislation related to equal treatment and the fight against discrimination is a lack of awareness about and application of this law by key agents, hence the importance of creating services providing assistance with specially trained staff who know how to identify situations of discrimination and provide a quick and authentic response to the victims of these events.

Consistent with this, on 26 June 2009, the Council of Ministers passed via a Royal Decree the **affiliation of the Council for the Promotion of Equal Treatment and Non-Discrimination of People Based on Racial or Ethnic Origin¹⁶ to the Ministry of Equality**. In addition, its composition is modified in order to include appropriate representation by the managing entities of the Ministry of Equality on this Council in the fight against discrimination. The regulation regarding its jurisdictions and operation remain in force. Lastly, it is important to point out that this Royal Decree adds an additional provision regulating its relationship with the Spanish Observatory of Racism and Xenophobia (Spanish acronym OBERAXE), so that the jurisdiction of this Council will be understood notwithstanding those already assigned to OBERAXE, working on the fight against racism and xenophobia in the area of immigration.

This Council was formally established on 27 October 2009. Its final composition will be as follows: Presidency: José Manuel Fresno; First Vice President: Juan de Dios Ramírez Heredia; Second Vice President, Head of the Directorate-General against Discrimination; plus the 21 pertinent representatives.

3.2. Official Data: Youth in Spain Report (INJUVE). December 2008

Every four years, the Institute for Youth (Spanish acronym INJUVE), a public institution affiliated with the Ministry of Equality, publishes a study entitled "Youth in Spain Report." In Volume IV (focusing on *Culture, Politics and Society*), the *Youth in Spain Report 2008*¹⁷ reveals a number of data regarding the perception that young people have about the Roma community.

Asked about the level of rejection towards excluded groups (the question was "Would you mind if your neighbour were **Roma**?") fifteen percent showed rejection¹⁸; this was the third most-rejected "group", behind only ex-convicts and ex-drug addicts.

The *age* factor is relevant¹⁹, since younger people are most intolerant in all categories than those who are older, except in the case of the Roma community. In addition, taking into account the *gender* factor, females show less resistance than man towards people of Roma ethnicity.

Bearing in mind the educational level of the young men and women interviewed, those with advanced degrees have the highest levels of tolerance compared to all groups, except towards the Roma community, where their rejection is the greatest. This rejection climbs progressively all throughout the educational scale, and is present in 10.5 percent of those with a primary school education, and in 18.8 percent in those who have a university degree.

¹⁶ See *Discrimination and the Roma Community 2008*. P. 53

¹⁷ Available on: <http://www.injuve.mtas.es/injuve/contenidos.item.action?id=1531688780&menuId=1627100828>

¹⁸ Youth in Spain 2008 Report. Volume IV. P. 35

¹⁹ Youth in Spain 2008 Report. Vol. IV. P. 36