

# ▶▶ Equal Treatment

As a follow-up to advances made in previous years in terms of improvements made in equal opportunity for Roma through the implementation of pro-active measures, we should point out that in 2008 important events took place having regard to equal treatment and the fight on discrimination. Specifically the Council for the advancement of equal treatment and non-discrimination of persons for reasons of racial or ethnic origin, created by virtue of Royal Decree 1262/2007, changed affiliation to the Anti-discrimination Directorate-General under the auspices of the Ministry of Equality and, in accordance with Order IGD/18/2009 published in the Official State Gazette on 19 January 2009, the Fundación Secretariado Gitano was chosen as one of the member social entities representing the third sector.

Pursuant to Order IGD/18/2009, this important Council is composed of 8 representatives of the General State Administration with the competences included in their sphere of action and by representatives of the Autonomous Communities, local organisations, business organisations and trade unions and other organisations representing interests relating to racial or ethnic origin.

Another important milestone was the commencement of work on the draft of the new Equality Act in which the FSG took part as a member of the group of experts created for that purpose by the Anti-discrimination Directorate-General of the Ministry of Equality which is the responsible body.

We have once again come up against sluggishness in the effective implementation of Directive 2000/43 on the enforcement of the equal treatment principle evident in its

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scant application in judicial decisions and expert reports and in terms of preventive measures enacted by the different government administrations.

As has now become common practice, the FSG’s Area of Equal Treatment has developed all of the strategic lines and actions needed to counteract the phenomenon of discrimination and foster the principle of equal treatment. The following are summarised below:



INAUGURAL PRESENTATION OF THE SEMINAR ENTITLED “GET TO KNOW THE ROMA COMMUNITY” IN WHICH THE DIRECTOR-GENERAL OF THE NATIONAL POLICE FORCE AND THE CIVIL GUARD TOOK PART.



POLICE OFFICERS AT THE TRAINING SESSION ENTITLED “GET TO KNOW THE ROMA COMMUNITY” AT THE NATIONAL POLICE ACADEMY IN AVILA.

**I Training and awareness-raising.** The Fundación Secretariado Gitano has continued to participate in and foster awareness-raising among the key agents in the fight against discrimination undertaking different activities mostly targeting legal professionals, law enforcement officials, media people and professionals from the social services area.

Special mention should be made of the seminar specifically targeting the state police and security forces which was given a very positive evaluation by the police officers. The seminar, attended by 3,000 officers, was entitled “Get to know the Roma community” and was held on 6 February at the National Police training centre in Avila. The training was based on the *Practical Handbook on Equal Treatment, Police and the Roma Community*, published as part of the 2007 edition of this programme and served as the basis for awareness-raising activities and training targeting law enforcement officials and focused on anti-discrimination and equal treatment towards the Roma community.

Requests for training were subsequently received from law enforcement officials of Merida, Cordoba, Murcia, Asturias and Zaragoza and these are now under study with implementation

planned for 2009. Training initiatives targeting key players in the fight on discrimination such as jurists, government staff and NGO workers were likewise implemented through the conference entitled “The role of Public Administrations and NGOs in the fight against ethnic and racial discrimination” held in Madrid on 25 March in collaboration with the Office of Human Rights of the Ministry of Foreign Affairs and involving 40 people. In addition to the conceptual legal framework of discrimination, this conference focused on the law and national and European litigation strategies, acknowledged the role of the different NGOs and their programmes designed to combat ethnic discrimination and also analysed the experiences and procedures in place to protect fundamental rights and to combat discrimination at European, national, regional and local level.

Also worthy of mention was the FSG’s collaboration in the technical seminars entitled *III Third Sector Forum: Equal Treatment, Equal Opportunity and the Third Sector* promoted by the Luis Vives Foundation and co-funded by the European Social Fund. A total of four seminars were given in the Autonomous Communities of Asturias, Andalusia, Galicia and Castile-La Mancha and preparations are under way for a further 9 to be conducted during the first quarter of 2009. The aim of these technical seminars is to raise the awareness and train professionals working with people in risk of social exclusion and/or Roma in the area of equal treatment and the fight on discrimination.

In 2008 a number of training initiatives were undertaken at European level in which the FSG’s Area of Equal Treatment actively participated in light of their importance in the strategy of professional capacity building and awareness-raising regarding the fight on ethnic

discrimination, providing the perspective of equal treatment towards the Roma community. One of the said activities was the seminar organised by the Council of Europe and the European Court of Human Rights (ECHR) “The 12th study session on the European Convention on Human Rights for persons involved in legal assistance to Roma and Travellers” which was held at the headquarters of the European Court of Human Rights in Strasbourg on 29-30 April. The subjects under study were mainly the evolution of ECHR case law in discrimination cases and litigation strategies.

The Equal Treatment Area also took part in the training conference coinciding with the 10<sup>th</sup> anniversary celebration of the “New European Court of Human Rights” in Strasbourg on 13 October attended by lawyers and judges including the President of the European Court of Human Rights. The Conference consisted of a meeting with professionals and other entities working in the field of human rights and a seminar on the results and future perspective of the new European Court.

Special mention should also be made of the periodic review on the FSG’s web page (Area of Equal Treatment) of regulations currently in force, recommendations and decisions at European and international level, publications on



JESÚS LOZA, MEMBER OF THE BOARD OF TRUSTEES OF THE FSG, AND MARIA DOLORES RUIZ, GENERAL SUB-DIRECTOR OF SOCIAL PROGRAMMES OF THE GENERAL DIRECTORATE OF SOCIAL POLICY, AT THE PRESENTATION OF THE “ANNUAL REPORT ON DISCRIMINATION OF THE ROMA COMMUNITY 2008”.

equal treatment and the fight on discrimination (in Spanish and English), press alert observatory, publication of communiqués, etc.

**Advisory support for victims of discrimination.** In 2008 the FSG gathered 111 documented cases for its annual *Discrimination and the Roma Community* report. This activity includes the detection, gathering and documentation of cases of racial discrimination through the victim care and advisory service, press alerts and collaboration with other entities.

Assistance given to victims of discrimination in the filing of complaints and defence of their rights is done through a specialised office acting in coordination with the different FSG centres and in consultation with professionals and other services, mainly public administrations and NGOs involved in matters of equal treatment and combating ethnic discrimination. Of the 111 cases gathered and analysed in 2008, 24% received strategic assistance in the form of communication and mediation at the request of victims or independently in special cases with possible repercussions for the Roma community.

The following action was taken in addition to intermediation: letters of complaint to the directors of different media for the publication of news items which were damaging and discriminatory towards the Roma community (36% of our interventions were media related)



TRAINING FOR JURISTS AND NGO’S, “THE ROLE OF PUBLIC ADMINISTRATIONS AND NGO’S IN COMBATING ETHNIC AND RACIAL DISCRIMINATION” HELD IN MADRID.

## The FSG collected more than 90 documented cases for its 2008 Discrimination and the Roma Community Report

but we only received a few private letters of apology. We have also acted as advisors in legal proceedings where we would underscore the lack of legal judgements acknowledging the existence of discrimination and scant compensation measures; in fact, there was only one conviction (which made no reference to discrimination) and one affirmative ruling on refused service.

**Annual Report Discrimination and the Roma Community 2008.** The FSG 2008 annual report “Discrimination and the Roma Community” is an analysis of the cases collected and documented and includes a summary of a total of 78 cases of those collected during 2007 and an in-depth analysis from the perspective of complex discrimination of 13 of these selected for their particular significance. This report was published in Spanish, distributed at national level and is available on the web page at [www.gitanos.org](http://www.gitanos.org).

This report was presented publicly in Madrid at the Ministry of Equality on 16 December 2008 and was then distributed and disseminated.

An English version of the report on Discrimination and the Roma Community was likewise published under the title “Annual Report Discrimination and the Roma Community 2007”.

### POLITICAL AND INSTITUTIONAL ACTION IN THE AREA OF EQUAL TREATMENT.

Analysis and follow-up on laws and national and European policies concerning equal treatment and the fight on ethnic discrimination have been kept updated.

The institutional line of action in the area of guaranteeing rights through active participation within the framework of the European Union Agency for Fundamental Rights has likewise been broadened. Different meetings have been held with organisations working for the defence of rights and against discrimination and the FSG’s Area of Equal Treatment now forms part of the Fundamental Rights Platform, a network of European organisations working in favour of equal treatment at European level organised by the European Union Agency for Fundamental Rights.

At national level, close collaboration has been established with the Anti-discrimination Directorate-General of the Ministry of Equality which has powers concerning matters of equal treatment and gender and anti-discrimination and whose tasks include the drafting of the new Equality Act for which the said Directorate-General has organised a specific working group in which the FSG’s Area of Equal Treatment is actively participating.

We very much welcome the joint work in which we continue to engage with the public administrations which have supported our activity and with other Spanish and European social organisations networking with the team formed by the Area of Equal Treatment and we have high hopes for the implementation of the Council for the advancement of equal treatment and non-discrimination as well as for the new Equality Act given that these are two national instruments which are fundamental in combating discrimination.



COVER OF THE 2008 DISCRIMINATION AND THE ROMA COMMUNITY REPORT”.