

Discrimination and the Roma community



IN DEPTH _____

For a comprehensive Equal Treatment and Non-discrimination Law

Presentation of 202 cases of discrimination
Progress, best practices and case law

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CONSEJO PARA LA ELIMINACIÓN
DE LA DISCRIMINACIÓN
RACIAL O ÉTNICA

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Introduction





Introduction

Another year has passed and the Fundación Secretariado Gitano (FSG), presents its XIII Report on Discrimination and the Roma Community. For 13 years running we have published this report whose main objective is still to raise awareness about and denounce discrimination which unfortunately continues to plague the Roma community. The report describes **202 cases of discrimination and assistance provided to 334 people**. It also zooms in on an overarching theme, i.e. the need for a Comprehensive Equal Treatment and Non-discrimination Law and includes progress made and best practices in this connection.

We must bear in mind that the current context of the anti-discrimination movement in Spain is characterised by diverse manifestations of racism giving rise to discrimination, hate crimes and hate speech. These racist acts take place in a variety of contexts, **some particularly harmful such as social networks and the Internet** in general. Here hate speech targeting Roma and other groups runs rampant due to its anonymity and the fact that servers are often located in other countries. The European Commission and the major IT companies (Facebook, Twitter, YouTube and Microsoft) are aware of these difficulties and have signed a European-wide agreement to combat unlawful incitement to hatred through the Internet. Furthermore, discrimination and hate crimes affect the exercise of basic rights that are absolutely necessary in order to live a dignified life as has been documented in the cases described.

We must also keep our sights fixed on the situation in **Europe and the rest of the world** where violence and rejection go hand-in-hand in the form of threats and brutal aggression against Roma camps in France, Bulgaria and Ukraine and segregated schools in Slovakia, Hungary and the Czech Republic. We also observe how the discourse of certain political leaders undermines the fundamental rights of many groups. This is particularly disturbing when one considers that these are political leaders voted into office by the citizens. We need to ask ourselves in what direction social construction is headed and on what type of values we want to build our society.

In this context, we need to pay particular attention to the **perspective of the victims** of discrimination. In the case of Roma, we need to work side-by-side with them and empower them especially considering the high degree of under-reporting which is the result of assimilating rejection, lack of information, fear of reprisals and the deep-down belief that no one will stand up for them when their rights have been violated. The Foundation is determined to turn this situation around and to that end we are implementing our new operational programme called 'Calí' which focuses on the equality of Roma women. We have hired 28 equality field workers and are working together with 7 organisations to provide assistance services to victims of racial or ethnic discrimination.

This year the report addresses a central theme: the **Comprehensive Equal Treatment and Non-discrimination Law** which we believe is vital if we expect to move forward in defending the right to equality of all groups in Spain. This legislation must provide guarantees. In other words, we need more than a legal proclamation, we need a law which promotes true equality. We believe that it is time to re-think and update the draft version of the comprehensive law on equality done in 2011 and work as experts who are fully aware of the reality of today's society. As this law addresses the defence of a fundamental right, it should be approved with the consensus of all political parties insofar as the protection of human rights unites us all.





Along with this, we will once again look at everyday discrimination through the cases collected while also focusing on some anti-Roma hate crimes affecting the lives of this minority group. This sample of cases serves as a social barometer when it comes to equal treatment of the Roma community. It is truly sad to see the same hateful discourse year after year: *“the best Gypsy is a dead one; for each good Gypsy there are at least 20 bad ones; boss’s orders-I can’t serve Gypsies; all you Gypsies are the same; since when do Gypsies know anything about cleaning; I don’t want to work with Gypsies because if they don’t deceive you at the beginning, they will in the end”*. It is vital to raise our society’s awareness of the injustice of this prolonged and generalised historic rejection of this minority.

As in past years, we analyse **progress and highlight best practices** in this area that can serve as a benchmark for different stakeholders (public, private and social organisations). We also draw attention the latest case law regarding discrimination and hate crimes including an analysis of different rulings handed down by the European Court of Human Rights.

We believe that now is the time to encourage coordination among key players, to take a decisive step forward in implementing legal advances in criminal law, to apply police protocols, to encourage activity on the part of the specialised prosecutors, to get bar associations to create specific teams of court-appointed lawyers to deal with discrimination and hate crimes, to continue to coordinate efforts with victim assistance groups, etc. In short, we need to take a practical step forward and to do that political will is both vital and necessary in order to have the elements, tools and resources needed to strengthen one of the most important values of rule of law, equality.

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

Second, to the Ministry of Health, Social Services and Equality which once again has provided the FSG with economic support for the actions we carry out in the promotion of equal treatment of the Roma community.

Lastly, we would like to acknowledge the collaboration offered by Adela Cortina, María del Carmen Dueñas, Sofía Fernández, Miguel A. Fernández, Ricardo Pérez, Cristina de la Serna, Jesús Generelo, Esteban Ibarra, Inés de Araoz and Moha Gerehou, politicians and professionals who contribute to defending equality in their daily work. Also, a special thanks to all the victims of ethnic discrimination who have put their trust in our Foundation for 13 years now and have come to us for help in defending their rights. For all of these reasons, the FSG will continue to work forcefully to defend the right to equality and combat anti-Gypsyism

Sara Giménez Giménez

Attorney at Law
Director of the Department of Equality and Anti-Discrimination. FSG





Conclusions and recommendations





1. General conclusions regarding strengthening the fight on discrimination

A sample of anti-Gypsyism: 202 cases of discrimination

Here we are, back again to get a closer look at the everyday discrimination faced by the Roma community. 334 Roma were affected and assisted in the 202 registered cases of discrimination.

We should point out that this report is not intended to be a survey nor could it ever aspire to recount all cases of discrimination. It is simply a sample that our Department has detected. Unfortunately these cases are representative of a much broader reality.

The most important areas where we have detected incidents are the media and Internet (33% of recorded cases), employment (21%) and access to goods and services (15%). This is the 13th annual report illustrating how prejudice, stereotypes and ignorance regarding this minority are the main causes of deep-rooted rejection of Roma. To a large extent, the social image of the Roma community is tarnished by the 33% of the cases recorded in the sphere of the media and Internet where mention is made of the ethnic group of those involved in events when it is not necessary from a journalistic point of view to understand the news story. This contributes to the creation of a negative social image resulting in widespread rejection.

Regarding the victims, we identified 334 people with a lower-middle social-educational level, 80% under the age of 45 and 66% between the ages of 16 and 45 and 43% women. This bears witness to how discrimination affects young people in their everyday lives when seeking employment or obtaining a good or service; in short, when they try to participate and form part of society just like any other citizen. That is why we need to draw attention to the consequences of this rejection which is not only a violation of one's rights but also blocks access to a dignified life.

Regarding intervention methodology, the Fundación Secretariado Gitano has developed direct and individualised assistance. Once a case is detected and initial assistance provided, we develop different stages of work requiring the authorisation of the person affected. Intervention initially focuses on investigation of the incident by talking to witnesses and sifting through documents, images, testing, etc. We then design an intervention plan based on dialogue, mediation, out-of-court measures (complaints lodged to competent bodies, allegations, meetings), complaints filed at courts and police stations and, in certain cases, strategic litigation.

We believe that intervention in the case of discriminatory incidents is vital. In our society, rejection of groups of people or denying them access to their rights or treating them poorly because they are Roma has not been taken seriously. We consider intervention and the lodging of complaints to be a step in the right direction because sometimes dialogue, mediation and complaints filed before the appropriate bodies can serve to stop these types of behaviours. It is important to use the tools and mechanisms at our disposal, coordinate our efforts and monitor cases.

It is a shame that in many cases no response is received by the offending media outlet and that the rejection exhibited by certain entrepreneurs, home owners, estate agencies, discotheques, etc. persists. That is why it is so important to have a stronger law because dialogue and awareness-raising alone will not eliminate discriminatory acts. When discriminators fail to respond to dialogue, it is impossible to help victims if the incident in question is not considered illegal. That is why we believe that we need a Comprehensive Equal Treatment and Non-discrimination Law.





Multiple discrimination against Roma women

It is worth noting that discriminatory incidents in access to goods and services, especially in supermarkets and shopping centres, mostly affect women. This leads to multiple discrimination, i.e. for being women and Roma. Men rarely fall victim to this type of rejection because it is the women who typically do the family shopping. Moreover, security guards specifically target Roma women (not Roma men) using the stereotypical ex-

cuse that *'Roma women are the ones who steal'*. Non-Roma women are not subjected to this sort of surveillance when they go to supermarkets or shopping centres. This is, therefore, a case of multiple discrimination in which different factors such as gender and ethnic group come together giving rise to specific rejection which in many cases affects Roma women.

Under-reporting and lack of empowerment of the Roma community

In our assistance and accompaniment work, we continue to find that victims lack information, are unaware of their rights and are not empowered to defend their rights when these are violated. They have accepted and assimilated discrimination because this is what they have been exposed to in their everyday lives. They also express fear when we propose intervention, especially in certain cases where the alleged discriminator is an employer or a police officer. They feel they are in a position of inferiority and prefer to not pursue the case. Furthermore, they do not know how the protection system works and are unaware of the services available to

them (ombudsman, consumer protection office, police, bar association, prosecution services, etc.). They are also convinced that no one is going to see their side of the story or defend them. That is why it is so important to develop a line of action to raise awareness on the part of potential victims and inform them of their rights and the resources available to help them. When victims are assisted and accompanied they tend to gain confidence and most report that they want these racist incidents to stop and that they do not want anyone else to suffer this discrimination or experience the shame and humiliation caused by rejection for being Roma.

Strategic litigation, key to combating crimes against Roma

It is important to note that some of the discriminatory acts recorded in this report are currently in the courts. One such case took place in Castellon; a hate crime against a Roma youngster who was hit in the head by a bottle while the aggressor exclaimed: 'the Gypsy race should be exterminated' and 'you are not welcome in this town'. This is a crime of bodily injury with the aggravating circumstance of ethnic discrimination under Article 22(4) of the criminal code. Another case of discrimination under Article 512 of the criminal code took place in Puertollano where a private business refused access to goods and services. Denying Roma youngsters access to discotheques on the basis of ethnic background is one of the most common examples of anti-Gypsyism.

Personalised attention and specialised accompaniment for victims is vital in defending Roma against discriminatory crimes and making head-

way in the compulsory enforcement of national and European law, as is case law (mostly European) in this area. It is indispensable to take these criminal offences to the courts to bolster the defence of victims, enforce the law and give our legal system the chance to respond to these crimes. In this regard we have noted the need for special hate crime and discrimination prosecutors to do more when complaints of this type are lodged. Moreover, the legal sector needs to gain a deeper understanding of these crimes if we are to provide a just response and compensate victims of discrimination who should be accompanied and assisted at all stages of the process. It is also important to note that there are virtually no economic resources available for specialised legal defence. This is a weakness that should be addressed through bar associations and sources of funding to support entities that engage in this type of litigation.





2. General recommendations to bolster the fight on discrimination

In addition to the areas analysed in this section of the report, the Fundación Secretariado Gitano believes that progress needs to be made in the defence of non-discrimination against the Roma community::

1. The fight against discrimination and hate crime against the Roma community should be a priority on the agenda of all political parties as this is a human rights issue.
2. The Council for the Elimination of Racial and Ethnic Discrimination should be reactivated and an independent equality body as called for under Directive 2000/43/EC and by the CERD in its most recent recommendations to Spain should be established.
3. Spain needs a Comprehensive Equality Law because discriminatory acts that are not currently criminal offences are not being addressed by an appropriate legal framework. The CERD also made this recommendation to Spain.
4. The criminal code reform must be applied in this connection and hate crime and discrimination prosecutors should use this component to bolster the prosecution of these criminal acts.
5. Victims of ethnic discrimination need to be empowered, informed, accompanied and compensated in the defence of their rights. This is vital to combat under-reporting.
6. Authorities responsible for promoting equality between women and men should develop specific actions to promote non-discrimination of Roma women.
7. Spain should heed the recommendations made by European institutions in this connection, especially those of the UN Committee on the Elimination of Racial and Ethnic Discrimination of 16 May 2016.
8. Social network and Internet companies such as Google, Facebook, Twitter, should undertake to enforce the code of conduct signed with the European Commission regarding hate crime and discrimination.
9. Police protocols regarding the fight against hate crimes and discrimination should be applied, thorough investigations of discriminatory incidents conducted and data concerning anti-Gypsyism compiled.
10. Key professionals in this field (police forces, prosecutors, lawyers, judges, social organisations working with victims, etc.) should be trained and work in a coordinated fashion.





The image features two stylized human figures standing side-by-side. The figure on the left is orange, and the figure on the right is grey. Both figures have a circular head and a rounded, rectangular body. The text "Cases of discrimination" is overlaid in the center, with "Cases of" in a smaller font above "discrimination".

Cases of discrimination





1. Cases of discrimination gathered by the FSG in 2016

Cases of discrimination in the media

1. National. Social networks. Direct discrimination.

The following tweet was found on a Twitter account: 'The only good Gypsy is a dead Gypsy'. The FSG reported this to Twitter and requested its elimination. A few days later the Department found that the tweet had indeed been eliminated.

<https://twitter.com/GitanosMuertos/status/689882526144450561>

2. Vigo. Press. Direct discrimination.

The El Mundo newspaper ran a story about a dispute between Roma families. The paper published the names of some of the people and families involved and mentioned that they were Roma.

<http://www.elmundo.es/sociedad/2016/02/16/56c31bb1ca47415d178b45f3.html>

The article contained the following secondary headlines: 'The Roma family exiled the entire family of the accused from Galicia', stressing that this was a Roma custom.

The Equality Department sent a complaint to the newspaper requesting the removal of these comments. We did not receive an answer.

The news story had major repercussions in local media in Galicia such as La Voz de Galicia, El ideal Gallego, and the web page www.atlantico.net

<http://www.elidealgallego.com/articulo/galicia/acusado-asesinar-lupe-jimenez-pide-perdon-hi-jas-matarlaarrebato/20160216222542273969.html>

3. Vigo. The media. Direct discrimination.

Under the headline 'The case about the shooting of Zamorano clan fair workers dismissed as the aggressor is unknown', the digital newspaper called La Voz de Galicia published a news story in which it mentioned on several occasions the ethnic group of those allegedly involved in the incident.

http://www.lavozdeg Galicia.es/noticia/galicia/2016/01/21/archivado-tiroteo-feriantes-clan-zamorano-vigo-autor-conocido/0003_201601G21P11992.htm

The article employed terms that conjure up a negative image of the Roma community, associating it with acts of violence.

The Equality Department sent a complaint to the newspaper requesting the removal of these comments. We did not receive an answer.

CASE 1





4. Vigo. The media. Direct discrimination. The Faro de Vigo newspaper ran a story under the following headline: 'Rage on the part of the Roma community at the hearing for the Lupe crime in Pontevedra'.

The news story repeatedly associated the Roma community with acts of violence.

The story included a picture depicting violence.

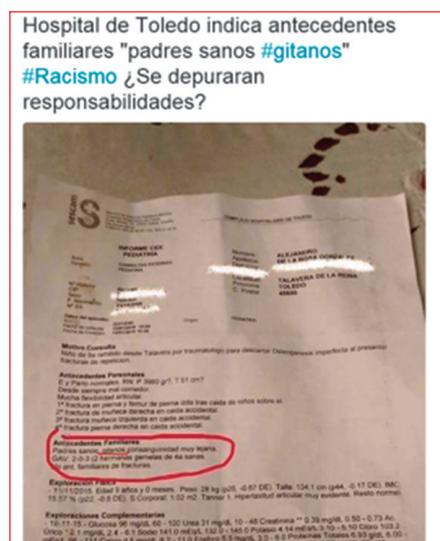
The news item also included many stereotyped references such as: 'Gypsy law', the 'Sinai principle' and morbid off-colour details featuring expressions such as 'blood-bath', 'irate group of women', etc.



CASE 4

5. Madrid. Social networks. Direct discrimination. A tweet was found with a medical document attached where the health-care professional mentioned the ethnic background of the patient.

We discovered this case on Twitter but were unable to lodge a complaint because we could not contact the person affected to inform him that he could send a letter of complaint to the health centre and care provider in question.



CASE 5



- 6. National. Television. Direct discrimination.** In February 2016, Channel Four announced the new season of its programme called Gypsy Kings. The FSG together with the State Council of the Roma People protested against that programme in 2015 through a number of communiqués and other actions due to its stereotyped portrayal of the Roma Community.

The FSG issued another communiqué publicly denouncing the damage that the programme continued to do to the Roma community. We also stressed the lack of professional ethics in using members of the Roma community as a caricature of the entire community with the aim of attracting the largest possible audience and increasing economic profits.

We plan to continue using all of the legal means at our disposal and mobilise public opinion against this programme as we are convinced that this new season will once again do enormous and irreparable damage to the social image of the Roma community. This programme also fosters discrimination against this minority.

- 7. National. Radio. Direct discrimination.** On the radio programme called Levántate y Cárdenas, a spokesperson for the Federal Police Union reported and commented on the case of the murder of a Roma person who confronted two 'clans'.

http://www.europafm.com/programas/levantate-y-cardenas/audios-podcast/hablamos-sobre_2016020456b2ff366584a8236f5dfd68.html

The murder of a Roma person unleashed vengeance between two clans. What can the police do? 'On Levántate y Cárdenas we are speaking with the spokesperson of the Federal Police Union about the murder of a Roma man who confronted the clans known as 'Los Pelúos' and 'Los Baltasares'. Between 300 and 500 people related to the perpetrator of the crime had to leave their homes in Mina and San Roque. The Roma Council is unable to intervene to prevent one of the most feared families in the community from taking revenge. What can the police do? Listen, listen...'



CASE 7

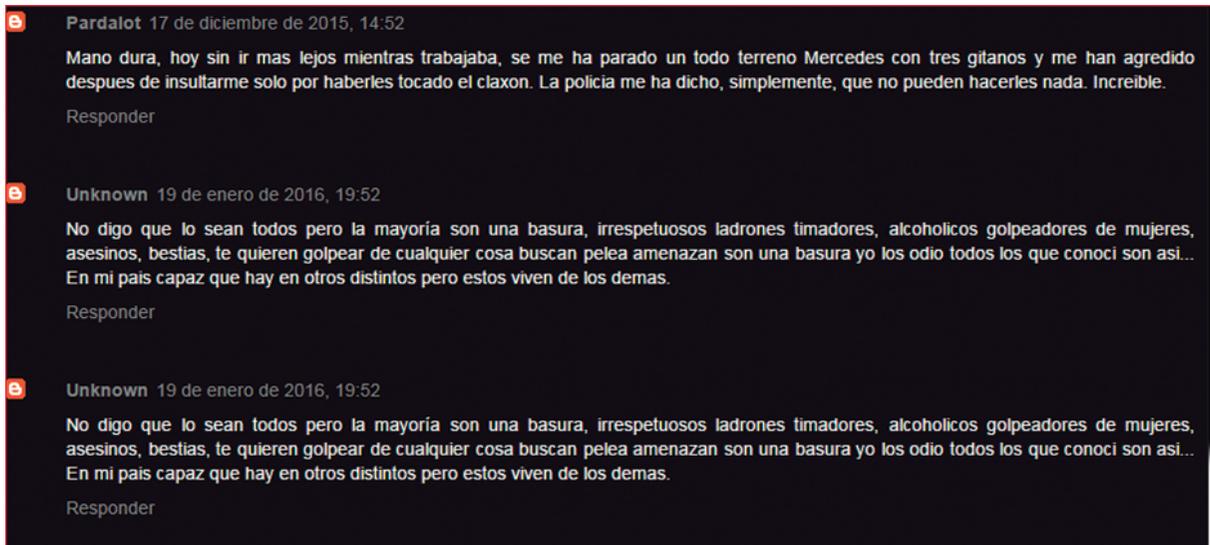
- 8. National. Internet. Direct discrimination.** We found an anti-Roma blog at the following link:

<http://antigitanos.blogspot.com.es/2011/10/anti-gitanos.html?m=1>

The Equality Department reported this racist and anti-Roma blog. Despite our report and confirmation from the prosecutor's office itself that there were indications of a hate offence, we were told that we had to report this ourselves and inform YouTube and Google.

The blog is still active.





CASE 8

9. **Sabadell. Press. Direct discrimination.** An event under the following headline was published in the La Vanguardia newspaper: 'The exodus of Roma families from la Mina following a stabbing in Badalona'

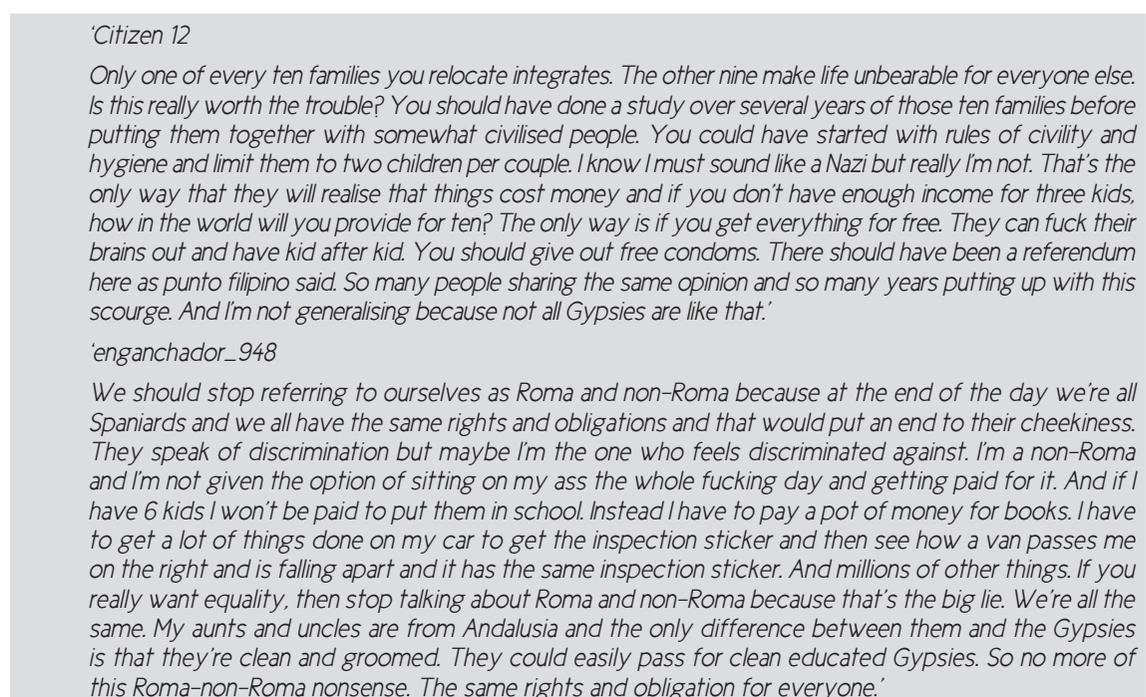
<http://www.lavanguardia.com/local/barcelones-nord/20160212/302114643445/exodo-familias-gitanas-minabadalona-sancochártelo>

The event was about a murder and the journalist made generalisations about some of the events describing them as part of 'Gypsy culture'.

10. **Aviles. The media. Direct discrimination.** The El Comercio newspaper ran a story under the headline 'The shanty-town eradication programme helped to relocate 571 people in Aviles'. The article referred to the resettlement scheme for shanty-town dwellers in the municipality which was implemented from the 1980s to 2005. The article was well written and very accurate.

The problem was with the comments section. Nearly all the comments were offensive to the Roma community and the newspaper failed to filter them.

Following are some examples:





- 11. Aviles. Press. Direct discrimination.** The Aviles section of El Comercio newspaper covered an incident in that city: 'Robbery at a city Kiosk'. The following summary appeared at the beginning of the article:

'The National Police is trying to identify the thief, a Roma youngster who entered the kiosk with his face covered when the worker was closing out the cash register'.

Mention of the ethnic group in criminal incidents like this does not add any real information but only tarnishes the image of Roma in general.

The Equality Department sent a complaint to the newspaper requesting the removal of these comments. We did not receive an answer.

- 12. Zaragoza. Press. Direct discrimination.** The El Heraldo newspaper published a news story about the creation of a cooperative in Zaragoza by a local Roma association.

http://www.heraldo.es/noticias/aragon/zaragoza_provincia/2013/04/17/calos_del_hierro_consigue_interesar_decenas_chatarreros_zaragoza_primer_mes_andadura_230595_1101025.html

Readers of this web page made racist comments about Roma who work with scrap metal. Following are just some of those comments:

| | | |
|--|--|----------------|
| | Eon Jajaja a estos del PP se les va la cabeza, q paguen impuestos y las multas los gitanos, jajaja. Q va a ser lo próximo, decirles q robar esta mal? Q conste q este comentario no es racista, es la pura realidad. | 17/04/13 00:00 |
|--|--|----------------|

CASE 12

| | | |
|--|--|----------------|
| | abelmartinez Perlas de comentarios los de esta columna.... quejándose de que los gitanos nunca cumplen la ley (y algo hay de eso, no nos vamos a engañar), y a la vez intentando ridiculizar los esfuerzos para que no siga siendo así. Me daría un alegrón que esta cooperativa funcionase, de manera legal y ejemplar, pa darnos en los morros a todos los escépticos. Como nota, no es la primera en España (Virgen del Cobre por ejemplo). Adelante con ello!! | 17/04/13 00:00 |
|--|--|----------------|

The Equality Department sent a complaint to the newspaper requesting the removal of these comments. We did not receive an answer.

- 13. National. Internet. Direct discrimination.** A news item about an anti-Roma incident that occurred at the Comic Salon appeared on the web page www.burbuja.info. This story sparked a series of anti-Roma racist comments. Some openly called for the extermination and expulsion of Roma from Spain.

The Equal Department sent a letter of complaint to the web page administrator.

<http://www.burbuja.info/inmobiliaria/temas-calientes/825790-guionista-marvel-suelta-comentarios-anti-gitanos-importante-salon-del-comic-2.html>

Despite our complaint, the page is still active.





14.

Avila. The media. Direct discrimination. A news story published under the headline: 'Two families involved in a shoot-out in Avila' had major repercussions in several media outlets in the autonomous Community of Castile-Leon. That story mentioned the ethnic background of those allegedly involved in the incident.

Following is the exact wording used:

'According to the emergency services, the shots fired did not cause any bodily damage but did unnerve local residents who attribute the shooting to Roma who reside in the area.'

Five other newspapers picked up this story and the Equality Department sent a letter of complaint to each stressing that the mention of the ethnic group of the suspects did not add any useful information to the news story but did perpetrate and reinforce stereotypes about Roma in general. In that letter we also asked the media to publish a retraction and to abstain from mentioning ethnic origin in the coverage of future events.

<http://www.tribunaavila.com/noticias/tiros-en-la-zona-sur>

<http://sorianoticias.com/noticia/2016-03-10-dos-familias-se-enfrentan-tiros-avila-30703>

<http://avilared.com/not/19419/enfrentamiento-entre-dos-familias-a-tiros/>

<http://www.20minutos.es/noticia/2694448/0/sin-heridos-intercambio-disparos-avila-por-posible-a-juste-cuentas/>

http://www.elconfidencialautonomico.com/castilla_y_leon/Guerra-gitanos-Avila-segundo-tiroteo_0_2670932884.html

'War between Gypsy clans in Avila: the second shooting in the span of a week'

The story was also broadcast on the Cadena Ser radio station in Avila:

http://cadenaser.com/emisora/2016/03/10/ser_avila/1457617468_476206.html

15. Ferrol. The media. Direct discrimination. The newspaper La Voz de Galicia ran a story under the headline 'Drug dealing behind a murder in Ferrol'.

http://www.lavozdegalicia.es/noticia/ferrol/ferrol/2016/03/15/a-juste-cuentas-drogas-detras-homicidioferrol/0003_201603G15P10991.htm

In our view, this article is a clear case of poor journalism. Mentioning the ethnic group of the suspect in a story of this kind adds nothing and only serves to strengthen negative stereotypes about the Roma community. Moreover, the article went into unnecessary morbid detail with no informative value whatsoever. 'it was the woman who provided the knife', 'blood', 'death', a video showing the blood stained ground, etc.

The Equality Department sent a letter of complaint to the media outlet reminding them that the mention of ethnic origin when covering events such as these is poor journalism.



CASE 15



- 16. Majorca. The media. Direct discrimination.** The newspaper Publico.es ran a story under the following headline: 'An 8-year-old child knifed an 11-year-old in Majorca'. The newspaper mentioned the ethnic background and nationality of the two children, one was Roma and the other Moroccan. We would note that this is particularly sensitive information. The mention of ethnic group and nationality in news stories where violence is involved does nothing to aid in the comprehension of the story but does contribute to negative stereotypes against these groups.

Although we reacted immediately to the dissemination of the story, those responsible for the newspaper failed to respond to our requests.

- 17. Lugo. Press. Direct discrimination.** The newspaper El Progreso ran a story under the following headline:

'Warning: impending war between two Gypsy clans as two children disappear from their homes'. The secondary headline described how the father of the young girl was armed with a shotgun and extra shells.

<http://elprogreso.galiciae.com/noticia/536170/alerta-ante-la-guerra-entre-dos-clanes-gitanos-por-la-fugade-dos-menores>

This mention of ethnic group associates Roma with weapons and violent events.

The Equal Department sent a letter of complaint to the newspaper. We have not yet received a reply.

- 18. Seville. Press. Direct discrimination.** The newspaper El País published the following story: 'Man dies in Seville after being shot by the family members of a young girl that he hit with his car. Police are searching for the father of the injured girl and three others who fled the scene'

http://elpais.com/diario/2006/01/09/espana/1136761214_850215.html

The story goes on to mention that the family was from the El Vacie area, one of the most marginalised neighbourhoods of Seville.

It also mentioned that the group of individuals involved in the incident were Roma. Linking ethnic origin to violence contributes to the stigma of Roma in general.

The Equal Department sent a letter of complaint to the newspaper. We did not receive any reply.

- 19. Santiago de Compostela. Press. Direct discrimination.** A conflict between two families in Santiago de Compostela sparked several different discriminatory reactions. First of all, the police over-reacted in terms of the number of officers sent, helicopters and ambulances. Many racist comments were made by readers in response to the press article. Moreover, the police officer who made the initial statement (insisting that this was only just the beginning and that more incidents would follow) had a racist attitude.

The story linked this event with other conflicts that occurred in outdoor markets in Vigo even though the two events were completely unrelated.

The Equality Department sent a complaint to the newspaper requesting the removal of these comments. We did not receive an answer.





- 20. Talavera de la Reina. Press. Direct discrimination.** The newspaper La Tribuna de Toledo published several stories about a group of people involved in a brawl. 'Approximately 400 people, most of them Roma, were involved in a street fight after a man started swinging a katana against the walls in a building of flats' and 'huge brawl following threats with a katana'.

<http://www.latribunadetoledo.es/noticia/Z4FO468C7-E76F-4A39-35D1C41D99CDAC19/20160507/reuerta/multitudinaria/parchis/amenazas/katana>

The mention of ethnic origin was not only irrelevant but also tarnished the social image of Roma by stigmatising and linking them with negative social stereotypes related to conflict and violence.

A letter was sent to the newspaper reminding them of the improper use of terms that incite racism. The letter also requested the removal of the story and called on the journalists to take notice of the explicit allusions to Roma and asked them to refrain from publishing articles that could hurt the image and dignity of the Roma population as articles like this fan the fire of anti-Roma discrimination.

- 21. Murcia. Social networks. Direct discrimination.** A picture of an octopus was published on Facebook with the following caption: 'What do you get when you put a Gypsy together with an octopus? I don't know but you better watch your wallet.'

https://www.facebook.com/groups/HUMORAPRIMERAVIDA/?notif_t=group_r2j_approved-if_id=1462802263139199

Despite filing a complaint with Facebook, the image continues to circulate on the Internet.



CASE 21



- 22. Salamanca. Press. Direct discrimination.** After detecting several cases of discrimination in the media in Castile-Leon related to the mention of Roma ethnicity in news stories related to violence, specifically in the newspaper *La Gaceta de Salamanca*, the FSG team in Salamanca met with the newspaper editor. The aim of the meeting was to raise the editor's awareness of the social impact of her news stories and the effect of mentioning a person's ethnic background.

At the beginning she did not acknowledge that the story was discriminatory but did recognise that mention of a person's ethnic group was irrelevant on many occasions.

In the end she stated her intention to not refer to ethnic group in future publications and, judging from the following publication, she kept her word.

At the end of the meeting we gave her different FSG materials on discrimination and the media such as the *Practical Handbook for Journalists*.

- 23. Gijon The media. Direct discrimination.** The newspaper *El Comercio* ran a front page story about disturbances at a Gijon police station following the arrest of 'a Roma patriarch'.

The story contained both direct and subliminal references to a great many stereotypes about the Roma community. There was no comments section for the newspaper version of the story but there were many racist comments when the article was posted on Facebook. Many of these were charged with rejection and hatred towards Roma.

<http://www.elcomercio.es/gijon/201605/13/tension-puertas-comisaria-tras-20160513002856-v.html>Insión

- 24. National. YouTube. Direct discrimination.** Alvaro Ochando, better known as "Alvarito Ochando" uploaded a YouTube video called 'general culture at the market' depicting several Roma who were called upon to answer 'general culture' questions with the aim of indirectly linking the Roma community with illiteracy and ignorance under the guise of 'humour'. The people agreed to answer his questions but were unaware of the implications.

<https://www.youtube.com/watch?v=dMM-BmU03KA>

The Equality Department called for the removal of the video but our request was denied.

- 25. Oviedo: Press. Direct discrimination.** The newspapers *La Nueva España*, *El Comercio de Asturias* and *Hoy* published a story in which allusions were made to the ethnic origin of the persons involved in a shooting in Ourense under the following headline: 'Two people injured in a shooting between Gypsy families at the entrance to a hospital in Ourense'.

The following language was repeated a number of times: 'Gypsy families' and 'clan' thus perpetuating a negative stereotyped image of the Roma population.

<http://www.lne.es/multimedia/videos/nacional/2016-05-16-102023-heridos-tiroteo-puertas-hospital-ourense.html>

<http://www.hoy.es/nacional/201605/16/heridos-tiroteo-entre-familias-20160516093455-rc.html>

Relating an entire ethnic group to violent situations reinforces the already existing stereotypes and prejudices against the Roma community by considering them to be violent people.

The Equality Department sent a letter of complaint to the newspapers but did not hear back.





- 26. Jaen. Press. Direct discrimination.** The newspaper Diario Jaén published an article together with a video showing a Roma family victim of police abuse and disproportionate use of force in their neighbourhood.

<http://www.diariojaen.es/jaen/los-sindicatos-policiales-apoyan-la-intervencion-en-el-altercado-lB1663039>

A young Roma man who participated in FSG programmes in Jaen spoke on behalf of the family and told us that they felt discriminated against and vulnerable at the hands of the police and believed that this happened to them because they were Roma and lived in a Roma neighbourhood.

- 27. National. Press. Direct discrimination.** The newspaper El Correo broadcast a video of an incident in the Plaza Mayor of Madrid involving Romanian women in March of this year. English football fans in France threw coins to Roma children who were in the plaza at the time.

<http://www.elcorreo.com/bizkaia/sociedad/201606/15/vari0s-hinchas-ingleses-burlan-20160615154926.html>

The story sparked racist and discriminatory comments such as: Don't forget that these kids, just like the women in a similar story that came out some time ago, are thieves.

CASE 27

They live (and much better than us) from hurting others. No sympathy from me.. :



The Equality Department was very happy to see that the newspaper handled the situation by posing a direct question to the UEFA: 'Will the UEFA take a stance this time? If these situations are not reported to the authorities and there is no social pressure, they will continue unopposed.

- 28. Madrid. Press. Direct discrimination.** The newspaper El País ran a story under the following headline: 'The complicated resettlement of the sub-standard group of houses known as Las Sabinas covers 376 families but many more people over and above that official number reside in the settlement'. The story goes on to mention that most of the families were Roma and that the Civil Guard had had to intervene on a number of occasions because they had 'hooked their dwellings up' to the electrical lines and this was causing problems for other homes nearby.

http://ccaa.elpais.com/ccaa/2016/07/03/madrid/1467563769_529051.html

A local cultural association in Madrid contacted the Equality Department to report that this news story, disseminated in a closed Facebook group, was causing tension and racist and discriminatory comments against these families.

The Department was informed about this because of the concern that a 'wave of racist and discriminatory comments could lead to racist actions and they feared the reaction of the residents of Arroyomolinos and Mostoles.





The FSG equality officer in Madrid held a meeting with the leaders of the cultural association in order to more closely monitor the situation and they spoke about possibly organising an awareness-raising conference in the neighbourhood.

The Department reported these comments to the media and asked that this Facebook page be shut down.

- 29. National. Social networks. Direct discrimination.** A Facebook post spoke to the origin of the Roma people. This information was shared on the page called 'Roma for equality against racism and injustice' and led to discriminatory comments by two Facebook users against the Roma people in general.

<https://es-la.facebook.com/Gitanos-por-la-igualdad-contra-el-racismo-y-contra-la-injusticia-875632605805482/>

Following are the comments:

'I don't know where they're from but what I do know is that even in South America they live in communes, they don't mix and live by collecting copper, tin and bronze. They like gold teeth, donkeys and horses but they don't like to work except in their dubious businesses. It's the same in Hungary, Romania, Spain and Portugal. I've seen them in Colombia and Brazil and they live just like that. There aren't any in Cuba. Apparently they don't like the Castros.'

1) 'Even if they had stayed there... this is not racism but I was completely fed up after three years of them stealing tools, machines, public lighting installations, etc. The way this race views work is very very strange...'

2) 'The only way these people have evolved is in the way they steal copper from railway wiring'. 'And in selling drugs'. I'm not racist either but it is what it is and I don't give a damn about being socially or politically correct. So there.'

- 30. Avila. Press. Direct discrimination.** A news story was published in the newspaper La Tribuna de Ávila under the headline 'Three Roma arrested in Avila for attacking and injuring two local police officers'.

<http://www.tribunaavila.com/noticias/detenidas-en-avila-tres-personas-de-etnia-gitana-por-agredir-y-herir-dos-agentes-de-la-policia-local/1468766245>

The mention of Roma in the headline was totally irrelevant. The story portrayed the Roma community in a negative way as it generalised that the Roma were always behind criminal activity.

The Department sent a letter of complaint to the paper reminding the editors that it is poor journalism to mention one's ethnic group but we received no answer.

- 31. Cordoba. Internet. Direct discrimination.** A YouTube video was found offering a different view of Roma, in this case free of all stereotypes and prejudices. However, it sparked racist comments from other viewers. Following are some examples:

'Don't lie. For each good Gypsy there are at least 20 bad ones.'

**maideixaremquetornen 10 months ago*

Look at that illiterate Gypsy who writes the word 'Payo' with two 'L's instead of with a 'Y'.

Listen to me, Gypsy girl. First of all, you're not Spanish and you should go back to your people in India because nobody wants you here (and you know that...). You're semi-nomads who have been unable to adapt to any sort of society and that's why you live in ghettos, isolated from the white population, collecting scrap metal or selling rotten fruit from vans. And that's a best case scenario because what you're really good at is crime.

And let me tell you something else. Your children grow up like weeds, they don't go to school, all day long roaming the streets bothering decent people, dirty and up to no good.





The Department petitioned YouTube to eliminate this video. As of the date this report went to press, there was still no response and the comments were not deleted.

The FSG office in Cordoba and the Department believe that we need to engage these key agents (those responsible for these Internet channels, Facebook, etc.) in the fight against racial and ethnic discrimination and should run more awareness-raising campaigns and appeal to the people responsible for managing these pages to control comments that could be an affront to the dignity of others, Roma in this case.

- 32. Murcia. Press. Direct discrimination.** The El Mundo newspaper published a report on Ricardo Quaresma, a Portuguese footballer who is Roma. The article stated that he was proud of his Roma heritage and that when he was a boy some of his schoolmates called him 'the Gypsy boy' with the intent of hurting his feelings.

<http://www.elmundo.es/deportes/2016/07/04/577aa10d268e3ef6098b4649.html>

Related to this article, a Roma youngster uploaded pictures on his Facebook page showing a footballer talking to Cristiano Ronaldo telling him that if he ever has a problem with another player all he has to do is call Quaresma, a Gypsy, and he'll choke him.

The next picture shows Quaresma with his hands around the throat of another player.

Once again we see the link between aggressiveness and violence and being a member of the Roma community.

The dissemination of comments such as these reinforces stereotypes and incites racism and the rejection of Roma people.

- 33. Santiago de Compostela. Press and the Internet. Direct discrimination.** Following is an excerpt from a news story published by the newspaper La Voz de Galicia about a fight and which insinuates that Roma persons were to blame for it: 'In one of the groups there were Gypsies from Lugo who were asking for money from the people from the Burela and San Cibrao. When they refused, verbal aggression turned physical and threats were made with sticks. That was when plain clothes Civil Guard officers stepped in and got them to drop their sticks and thus prevent more serious injury. Civil Guard back-up officers arrived to check fans as they entered the stadium.'

http://www.lavozdeg Galicia.es/noticia/lugo/lugo/2016/07/25/pelea-grupo-lugo-burela-tras-duelo-parispanorama/0003_201607L25C3995.htm

The FSG office in Santiago de Compostela, with the support of the Department, called the office of the director of La Voz de Galicia to ask them to correct the article that mentioned the ethnic group of those involved in the incident. We were immediately given the director's email address so that we could send him our recommendations on the matter.

This is the letter to the editor that was published:

The document sent by the Fundación Secretariado Gitano was published the next day (6 August 2016) in the letters to the editor section of La Voz de Galicia newspaper. This is a positive example illustrating the importance of lodging complaints to the media.

'Allusion to ethnic groups when reporting the news

We at the Department of Equal Treatment and the Fight Against Discrimination of the Fundación Secretariado Gitano, a social organisation that works for the advancement of the Roma community in all social areas and in defence of their rights, wanted to draw attention to a story published in your paper on 25 July 2016: 'Three injured in a fight between a group from Lugo and another from Burela following a duel between París and Panorama': 'In one of the groups there were Gypsies from Lugo who were asking for money from the people from the Burela and San Cibrao area. When they refused, verbal aggression turned physical and threats were made with sticks. That was when plain clothes Civil Guard officers stepped in and got them to drop their sticks and thus prevent





more serious injury. There was also an allusion to the ethnic background of those allegedly involved in another story published on 1 August 2016 about the same incident. In this case, only the version of one of the groups involved was published. "The Burela gang blames its counterpart from Lugo for the San Martiño incident": "According to the Burela gang, on the 24th when one of them was in the parking lot of the San Martiño fair, a group of Gypsies from Lugo pulled out knives and demanded cigarettes and money. The youngster from the Burela gang told his mates what had happened. The Burela gang then proceeded to the parking lot. According to them, their intention was to recover the cigarettes and money that had been stolen.

In our view, this article is a case of poor journalism. Mention of one's ethnic group in a story of this kind adds nothing and only serves to strengthen negative stereotypes about the Roma community. ROMANA PÉREZ DE LIS. FUNDACIÓN SECRETARIADO GITANO, SANTIAGO.

- 34. Granada. Social networks. Direct discrimination.** A participant in a WhatsApp group (the women's section of a social movement) shared an image which had been published on Twitter by @GranadaLeyendas 'If you manage to walk through the Cathedral of #Granada without getting stopped by a Gypsy woman trying to sell you a sprig of rosemary, you'll receive a ninja certificate'. An FSG worker from the Granada office was a member of that WhatsApp group.

When the person responsible for that social movement group was informed about the picture and racist and discriminatory comment, she immediately contacted the administrator of the WhatsApp group who eliminated the page that same day.

The Department considers this to be a positive result.

<https://twitter.com/granadaleyendas/status/695558577927385088>



CASE 34





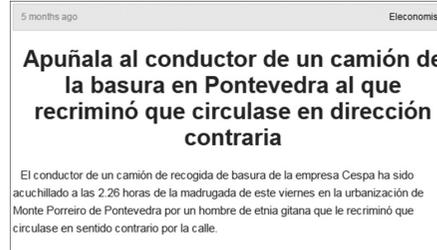
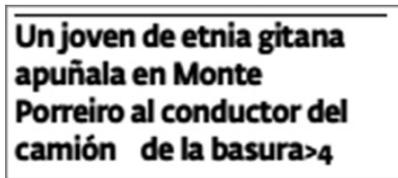
35. Pontevedra. Press and the Internet. Direct discrimination. The El Faro de Vigo and Diario de Pontevedra newspapers published a story about a Roma youngster who allegedly attacked a garbage truck driver.

<http://www.farodevigo.es/sucesos/2016/07/23/joven-apunala-conductor-camion-basura/1503431.html>

http://diariodepontevedra.galiciae.com/sites/default/files/pdf_portada/2016/07/23/23072016diarioportada.pdf

The story insisted on the fact that 'the aggressor was a local resident, age 26 and Roma who, after arguing with the truck driver, knifed him in the side'. The story went on to say that 'the young Roma man was well known by the police who had dealt with him on several occasions, some for assault'.

Other media picked up the story and also stressed the fact that the man was Roma. .



CASE 35

The FSG office in Pontevedra sent a letter of complaint requesting that the media refrain from mentioning ethnic origin in their news stories. We did not receive an answer.

36. Murcia. Press. Direct discrimination. A story about alleged squatters, with specific mention that they were Roma, can be found at the following link.

<http://www.laverdad.es/murcia/molina/201607/03/elvis-gipsy-kings-20160703003242-v.html>

While the incident should be investigated by the police and put in the hands of the competent authorities, we believe that the way the story was handled encourages hate speech and rejection of Roma in general.

The story also sparked a series of racist and discriminatory comments, a total of 25 against the Roma community as a whole.

Comments such as:



CASE 36



 **ibanezas83** Hace 161 días

Lo siento por el propietario pq sera un calvario. Si no ocupa su vivienda, como caramelo q es, se la ocupan. Tiene suerte q no ha sido donde vive actualmente. Los vecinos si q tienen q tener cuidado. De todas formas estos okupas no tienen morro ni na!! Pq ni okupas ni na, gitas sin leyes, es extraño este tipo de raza, tienen genes muy arcaicos, buscan cuevas donde meterse, cuevas q son viviendas hoy en día, pero vamos las cuevas de monte, también están ocupadas. Suerte señor con lo q tiene...

 **james stewart** Hace 162 días

que contrate a algunos rumanos para que echen a los gitanos h.p esos

CASE 36

This autonomous community is an embarrassment. If only they had broken into the home of a politician or a judge. They wouldn't have lasted more than 5 minutes and maybe they would have changed the law or the way to deal with this scum'.

The Equality Department contacted the administrators of these web pages with a view to preventing this sort of hate speech which has a negative effect on the image of the Roma community in general.

- 37. Talavera de la Reina. Press. Direct discrimination.** The La Voz de Talavera newspaper ran a story in which the Roma ethnic background of a group of people involved in a shooting was mentioned. This allusion to ethnic group was not only irrelevant but also tarnished the social image of Roma by stigmatising and linking them with negative social stereotypes related to conflict and violence.

<http://www.lavozdetalavera.com/noticia/44462/clm/siete-guardias-civiles-y-un-paisano-heridos-en-un-tiro-teo-por-un-registro-domiciliario.html>

The worker from the Talavera Equality Department sent a letter of complaint to the newspaper. However, after 7 months no response has yet to be received.

This story had repercussions in other media such as the Diario de Castilla-La Mancha which also mentioned the ethnic group of those allegedly involved in the incident.

<http://www.dclm.es/noticia.php?id=45261>

- 38. National. Television. Direct discrimination.** The television programme called Espejo Público (public mirror) broadcast an interview with a reporter who was apparently evacuated from the site where he was recording due to threats received from a 'Gypsy clan'.

<http://www.que.es/television/201608061117-reportero-espejo-publico-evacuado-amenazas.html>

The following was broadcast: 'This is live footage of the difficult experience of a reporter who only minutes ago needed the help of the Civil Guard to escape the area without injury. In his words, the Gypsy clan showed up because 'they were not happy with our presence there'. It was not all that serious but there were moments of tension as we were simply trying to do our job. The Gypsy clan which was at the door confronted our cameramen as soon as they saw us and the security guards and Civil Guard had to usher us out the back door. That gave an idea of the aggressive nature of these clans', according to the journalist at the Antena 3 television station.





39. National. Social networks. Hate speech. Hateful anti-Roma comments were published on a Facebook page.

The address was <https://www.facebook.com/forogc/?fref=ts> This is an unofficial forum where mostly member of the Civil Guard exchange personal comments and views.

The forum commented on a story published in the La Verdad de Murcia newspaper:

<http://www.laverdad.es/murcia/comarcas/201607/29/conductor-sufre-paliza-tras-20160729003240-v.html>
The article sparked a number of anti-Roma comments.

The FSG sent a letter to the Forum but received no reply.

40. Jaen. Internet. Direct discrimination. Racist comments such as the following appeared on the web page www.forocoche.com following the death of a Roma woman in 2013 at a landfill: 'they could have taken out the whole family and let them rot in the landfill, or better yet, incinerate them'; 'My mother is not Gypsy trash who has to steal to make a living'; 'they should have done society a favour and killed the whole family and thrown the bodies in the rubble'; 'those people are fuckin trash'. These same comments reappeared in July 2016 in the forum of Forocoche.

The Equality Department sent an e-mail to the administrator of the Forocoche web page requesting the immediate elimination of this hate speech towards the Roma community. The administrator quickly answered the e-mail reporting that they had been deleted. We consider the elimination of the comments and the confirmation from the administrator to be a positive conclusion to this incident.

41. Lugo. Press. Direct discrimination. 'Two people injured in a shooting between Gypsy families at the entrance to a hospital in Orense'.

<http://www.hoy.es/nacional/201605/16/heridos-tiroteo-entre-familias-20160516093455-rc.html>

This news story was from the newspaper HOY in which the ethnic group of the families involved was mentioned. This leads to stereotypes and prejudices.

The FSG insists that the mention of a person's ethnic origin does not add anything to the news story but does have a negative effect on the image of the Roma community in general.

The Department sent a letter of complaint to the paper reminding the editors that it is poor journalism to mention one's ethnic group but we received no answer.

42. Vitoria. The media. Direct discrimination. On 25 August the newspaper Noticias de Guipuzkoa published the data from a survey conducted by the company Gizaker regarding assaults against health-care personnel. Roma were referred to in the survey as a 'geographical origin' which was inaccurate, failed to add any relevant information and again put Roma in a situation of discrimination and vulnerability.

<http://www.noticiasdegipuzkoa.com/2016/08/25/sociedad/tres-de-cada-diez-medicos-vascos-son-coaccionados-para-dar-bajas-o-recetas>

The equality officer at the FSG's Vitoria office sent a letter of complaint to Gizaker and to the newspaper Noticias de Guipuzkoa. The letter to Gizaker expressed our disagreement with the term 'geographical origin' alluded to in the report with a Roma flag. The letter called for accountability and the removal of the graphs and expressed our willingness to discuss this topic with them.





The aim of the letter sent to the newspaper Noticias de Guipuzkoa was to inform them of the damage that publications like these do to the Roma community in general. We pointed out that the data presented were not significant but were very stigmatising given the negative effect they have on Roma in general.

Again, no response was received from the newspaper or from those responsible for the survey. .

- 43. Jaen. The media. Direct discrimination.** The same news story was published in the newspaper Diario de Jaén and in the digital newspaper Hora Jaén. It reported on a brawl and directly mentioned the ethnic group of those involved. 'An expensive vehicle with what appeared to be two passengers drove into a mostly Gypsy neighbourhood. It also used other terms such as 'clan' which typically appear in articles such as these. This perpetuates the negative image of Roma people in general as being related with criminal acts and violence. The article also included the following sentence: 'The main suspects are members of the clan from the city of Linares'.

Link to the news story published in Diario Jaén and Hora Jaén:

<http://www.diariojaen.es/al-dia/tres-heridos-en-mengibar-a-causa-de-un-tiroteo-a-plena-luz-del-dia-YG2008247>

<http://horajaen.com/tres-heridos-por-arma-de-fuego-en-una-reyerta-entre-familias-de-etnia-gitana-en-mengibar/>

The FSG office in Jaen, with the support of the Department, sent a letter of complaint to those media asking them to refrain from using these inappropriate terms and explaining that revealing a person's ethnic background does not add any useful information to the story and only serves to perpetuate the negative image of Roma.

Our efforts met with positive results. Our letter was published in the newspaper Diario Jaén. <http://www.diario-jaen.es/opinion/cartas-lectores/articulo-BC2062939>

- 44. Barcelona The media. Direct discrimination. The newspaper Diario de Tarragona ran a story on skin cancer caused by overexposure to the sun.** The source of the information was a study conducted by the University Clinic of Navarre which included graphical information with skin phototypes depicting different degrees of tanning. None of the phototypes made any reference to ethnic or national origin except the one depicting 'dark skin' which was associated exclusively to people from India, South America and Gypsies. This study was published on the Clinic's web page and was picked up by several newspapers such as the Diario Tarragona.

The equality officer from the FSG's Catalonia office found the news story and went to the source of the information. The publication was misleading with regard to the phenotype of Roma people insofar as it did not correspond to Roma in Spain and confused geographical origin with ethnicity.

A letter was sent by e-mail to the editor of the newspaper expressing our observations and corrections with regard to the article and we suggested that they keep these in mind for future news stories. We also requested that they refrain from making any reference to ethnic group so as not to contribute to the dissemination of stereotypes or generalisations associated with Roma. We also informed them that we have a handbook for journalists on the media and the Roma community compiled by the FSG. The newspaper replied saying that although the graphic information was not theirs and that they did not feel that it was offensive to Roma, they were willing to publish the letter we had sent. The equality officer thanked the newspaper for its swift reply and offered them collaboration and advice on how to present news items in such a way so as to combat prejudice and enhance the social image of the Roma community.

A letter was also sent to the University Clinic of Navarre with the same offer made to the newspaper. The person responsible for the Clinic's web page thanked us for our letter and informed us that at that stage it





was very difficult to remove the infograph but assured us that they would bear our suggestions in mind for future work.

Therefore, it is safe to say that both the newspaper that ran the story and the university that produced the infograph responded in a positive manner opening the door to possible future coordination.

45. Asturias. The media. Direct discrimination. A news story was published which alluded to the ethnic origin of those allegedly involved.

The headline was 'Man from Grado arrested for the death of a retired physician for whom he worked as a gardener'.

<http://www.elcomercio.es/asturias/201608/30/detienen-vecino-grado-muerte-20160830003805-v.html>

The article sparked racist comments such as: 'He's not from Grado. GYPSIES are not from here..'

The FSG office in Oviedo, with the support and collaboration of the Equality Department, sent a letter of complaint to the newspaper requesting that they remove racist comments made by their readers. We also recommended that they refrain from making reference to ethnic origin in their news stories so as not to contribute to the dissemination of stereotypes.

The editor of the digital newspaper contacted the equality officer at the FSG's Oviedo office and promised to amend the content of the articles and manage them more closely. She told us that she had received the letter of complaint but that she had not yet had the chance to correct the content of the articles. She also promised to delete the comments made with regard to the story.

The Department checked and the racist comments had indeed been removed. The reference to ethnic group in the story had not been amended, however.

46. Ciudad Real. The media. Direct discrimination. The Diario de Ciudad Real newspaper ran a story under the following headline: 'Police prevent squatters from moving in to homes on Camino de la Guija Street'.

<http://www.miciudadreal.es/2016/09/07/ciudad-real-la-policia-impide-una-nueva-ocupacion-de-viviendas-en-la-calle-camino-de-la-guija/>

Web page readers of this news item made racist comments against Roma.

The Department believes that the administrators of these fora should be more cautious and in a position to detect comments that are an affront to the dignity of vulnerable groups such as Roma.

The equality officer sent an e-mail to the newspaper asking them to delete racist comments against the Roma community. Some of those comments can still be found on the web page.

47. Pontevedra. Press. Direct discrimination. The La Voz de Galicia newspaper ran a story under the headline 'A gang responsible for 74 robberies has been broken up for the third time since 2013'. The following comment was included in the article: 'And now, for the third time, police officers have disarmed the group and arrested seven people, most of them Roma, who are linked to a further forty house robberies.'

http://www.lavozdegalicia.es/noticia/arousa/meis/2016/09/29/desarticulada-tercera-vez-2013-banda-atribuyen-74-robos/0003_201609A29C2991.htm





The La Voz de Arousa newspaper picked up the story as well and reported the following: 'Seven people arrested, mostly Roma, who are linked to a further forty house robberies.'

The FSG office in Pontevedra, in collaboration with the Department, sent a letter of complaint to the newspaper reminding them that the mention of one's ethnic origin is not necessary when reporting the news and asking them to refrain from doing so in the future due to the negative repercussions that this has on the Roma community in general. No response was received.

- 48. Pontevedra. Press. Direct discrimination.** The El Faro de Vigo newspaper published a story about the arrest of a band of thieves that had robbed nearly 40 homes, mostly in the southern part of the city of Pontevedra.

<http://www.farodevigo.es/sucesos/2016/09/29/cae-banda-asalto-40-viviendas/1541875.html>

The following text appeared in the secondary headline and again in the body of the article: 'a 34-year-old Roma woman'.

The FSG office in Pontevedra, in collaboration with the Department, sent a letter of complaint to the newspaper reminding them that the mention of one's ethnic origin is not necessary when reporting the news and asking them to refrain from doing so in the future due to the negative repercussions that this has on the Roma community in general. No response was received.

- 49. Valencia. Press. Direct discrimination.** The newspaper Mediterráneo Digital ran a story under the following headline: 'Gypsy pyromaniac terrifies the inhabitants of a district in Valencia'.

The FSG office in Valencia, in collaboration with the Department, sent a letter of complaint to the news outlet as we believe that the mention of ethnic origin was irrelevant. Also, next to the headline there was a picture of a man who set himself on fire at a demonstration in Tibet, i.e. the photograph had absolutely nothing to do with the news story.

<http://www.mediterraneodigital.com/sucesos-espana/ultimas-noticias-sucesos-espana/se4/un-gitano-piromano-atemoriza-a-los-vecinos-de-una-pedania-de-valencia.html>

We have not yet received an answer from the paper.

- 50. Santiago de Compostela. Press. Direct discrimination.** The Ideal Gallego newspaper ran a story in which it used terms such as 'clan', 'narco-traffic' and crime linked to Roma. Those allegedly involved were also suspected of kidnapping, several altercations and even a marijuana plantation was seized in the area that 'had nothing to do with the family'.

<http://www.elidealgallego.com/articulo/coruna/punto-narcotrafico-eiras-resiste-presion-guardia-civil/20160918234525301953.html>

The Department searched the files of the newspaper (El Ideal Gallego) for other news items related to events and/or drug trafficking to find out whether this was a one-off case or whether the Roma ethnic group was habitually linked to these offences thus promoting stereotypes and prejudices..

Our search showed that the use of inappropriate terms having a negative impact on the image of the Roma community in general was indeed a common practice.

The FSG office in Santiago de Compostela sent the paper a letter of complaint but we did not receive any response.





- 51. Ciudad Real. The media. Direct discrimination.** Racist comments against the Roma community were found in the digital newspaper called Miciudadreal in relation to the news regarding the European funds that Ciudad Real was going to receive.

<http://www.miciudadreal.es/2016/10/03/san-martin-de-porres-la-esperanza-y-el-pilar-entre-los-objetivos-ciudad-real-recibira-10-millones-de-fondos-europeos-para-su-estrategia-2022/>

The FSG office in Ciudad Real sent a letter of complaint but did not receive any response.

- 52. Santiago de Compostela. The media. Direct discrimination.** La Región published the following story on the arrest of a man:

<http://www.laregion.es/articulo/ourense/ingresa-prision-detenido-agresion-joven-xinzo/20160929133202652526.html>

The story alluded to the ethnic background of the man arrested and used terms such as brawl, patriarch, Gypsy law, exile, etc. Moreover, sensationalist language was used and comments were made about the family of the man arrested.

A letter was sent to the editor of La Región commenting on the article and making suggestions of how to improve journalistic practices to avoid discrimination against Roma.

The Department also sent a letter of complaint to the paper reminding the editors that it is poor journalism to mention a suspect's ethnic group but we received no answer.

- 53. Cordoba. Press. Direct discrimination.** The following sentence was found in an article in the Cordoba Hoy newspaper: 'a dispute between Gypsy families'. The headline specifically mentioned the ethnic group of those involved and the FSG office in Cordoba determined that it was not relevant to the news story.

<http://www.cordobahoy.es/articulo/la-ciudad/ascienden-detenidos-tiro-teo-familias-barrio-moreras-cordoba/20161003164201016565.html>

In its report of a shooting, there was no reason to mention that the dispute was between two Roma families when the fact is that the person arrested was from Morocco. This simply fosters prejudice against Roma.

The El Día de Córdoba newspaper reported on the same event. The FSG office in Cordoba, in collaboration with the Department, sent a letter of complaint to both news outlets indicating that the mention of one's ethnic background is poor journalistic practice.

The Día de Córdoba contacted the FSG less than two hours after receiving the letter by e-mail. The secretary called on behalf of the director to apologise and explained that they did not draft the article but rather picked up the story from the Europa press news agency. We then explained that they were responsible for reviewing and checking the content of articles before publishing them. They reiterated their apology and promised that they would indeed check all future articles.

The FSG office in Cordoba considered this a very positive outcome.

- 54. Valencia. Press. Direct discrimination.** The El Mediterráneo Digital on-line newspaper published a story under a distasteful and sensationalist headline that the Equality Department discovered to be false.

The article describes how a Roma man ripped the eyes out of a taxi driver in Valencia.

<http://www.mediterraneodigital.com/sucesos-espana/ultimas-noticias-sucesos-espana/se1/un-gitano-learranca-los-ojos-a-un-taxista-en-valencia-para-no-pagar-90-euros.html>



This news outlet habitually mentions the ethnic group of those allegedly involved in violent incidents.

The Department sent a letter of complaint but did not receive any response.

55. Talavera de la Reina. The media. Direct discrimination. Several readers published discriminatory comments against the Roma community in response to a news item in the digital newspaper called La Voz de Talavera.

<http://www.lavozdetalavera.com/noticia/44998/sociedad/un-proyecto-de-secretariado-gitano-en-talavera-sera-subsuencionado-por-la-caixa-con-27.150-euros.html>

The FSG informed the director of the newspaper and requested the elimination of those comments.

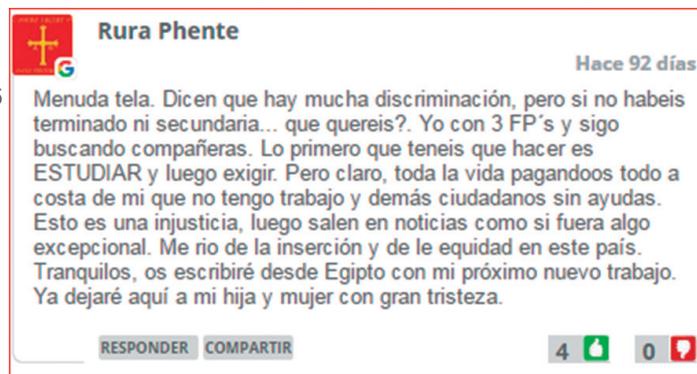
In this case the response was positive; the Department found that all of the comments had been eliminated.



56. Aviles. The media. Direct discrimination. The El Comercio newspaper covered the launch of the FSG's Cali Programme in the city of Aviles. In response to the story, at least three readers criticised the initiative in the comments section of the web page.

<http://www.elcomercio.es/aviles/201610/18/diecisiete-jovenes-gitanas-inician-20161018003509-v.html>

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The headline of the news story was 'The Fundación Secretariado Gitano launches the Cali Programme at the School for Entrepreneurship. Following are some examples: Wow. They say that there is a lot of discrimination but if you don't even finish secondary school what do you expect? I have 3 vocational training certificates and I'm still looking for work. The first thing you need to do is STUDY and then make demands. But of course you're used to receiving everything for free but I'm the one who has to pay for that and I'm out of work and others in need don't receive the same handouts. This is unfair. Social integration and equality is a joke in this country. My next letter will be from Egypt where I will travel to find work leaving my wife and daughter behind.

The FSG in Gijon had contacted the paper and asked them to cover the news story and interview the participants and therefore we decided to call them directly to ask them to delete the racist comments that some readers had sent in.

The FSG's initiative was effective. The comments were deleted



- 57. Don Benito. Press. Direct discrimination.** The newspaper Hoy reported on an event between two families in the city and the ethnic group of those allegedly involved was mentioned in the article.

<http://www.hoy.es/don-benito/201610/31/policia-busca-tercera-persona-20161031105134.html>

The Department sent a letter of complaint to the paper reminding the editors that it is poor journalism to mention one's ethnic group but we received no answer.

- 58. Vigo. Press. Direct discrimination.** The newspaper called La Región ran a story under the following headline: 'A 25 year old man arrested for mistreating a woman in Limia'. The article featured the following description:

'The man is Roma and he has a partner and a daughter with whom he resides in the town of Xinzo. As soon as he was arrested, several local residents gathered in front of the police station to find out what was going to happen to him.'

The man's name, age and other personal data which should be protected also appeared in the article.

'A local resident of Xinzo, Josué B.S. age 25 was arrested at 13:15 yesterday for allegedly sexually assaulting a 20 year old Hawaiian woman.'

<http://www.laregion.es/articulo/ourense/buscan-varon-limia-abusar-joven-hawaiana/20160928082602652224.html>

The Department sent a letter of complaint to the paper reminding the editors that it is poor journalism to mention one's ethnic group but we received no answer.

- 59. Almeria. Press. Direct discrimination.** A picture and the headline 'Ten people arrested for hurling rocks at police at a Gypsy wedding' was featured on the front page of the newspaper El Diario de Almeria.

The same story appeared in the digital edition of the El Mundo paper where the ethnic origin of those allegedly involved was also mentioned.

The following comments were made in response to that story.

'Wherever there are Gypsies problems are sure to follow.'

'They're a race that has no interest in getting on with their neighbours. But they sure know their rights when it comes to subsidies, benefits, etc.'

'And we're importing even more Gypsies from Romania and Bulgaria.' ...etc.

The FSG in Almeria, in collaboration with the Department, sent a letter to the newspaper El Diario de Almeria. A positive response was received from the director who sent a letter which was published in the letters to the editor section.

The same letter was sent to the digital version of the El Mundo newspaper but no response was received.

- 60. Oviedo. Press. Direct discrimination.** Several readers reacted with the following comments to the publication of an article about the presentation of the FSG's Discrimination and Roma Community report in Oviedo:

'Here we go again using the excuse of racism against Gypsies to get money from us. These people always seem to get their way. It's shameful. They know all about their rights but they don't want to hear anything about their duties. Why are Gypsies so unpopular? Is it in fashion? Or do they give us a reason to not like them? Everyone must examine their own conscience.'





The FSG in Oviedo, in collaboration with the Department, sent a letter of complaint to the news outlet reminding them that readers' comments contribute to the negative image of the Roma community and that they are responsible for the forum. This very topic was addressed during the presentation of the discrimination report.

The person responsible for the Internet version of the El Comercio newspaper sent us an e-mail informing us that the comments had been deleted, thanking us for the information and offering future collaboration in this respect.

- 61. National. Spanish National Radio. Direct discrimination.** One of the participants in the radio programme called Las Mañanas de RNE told a joke contributing to a negative stereotype of the Roma community. On 17 November that same person publicly retracted what he had said characterising it as a joke in bad taste.

The Equality Department sent a letter which first expressed our discomfort with the joke and then our gratitude for the intervention of the moderator and the retraction the next day as a good journalistic practice. The Spanish National Radio News Council sent a message of appreciation for our contribution to improving public radio. At 8:30 am, before the morning debate on the programme Las Mañanas de RNE, they acknowledged the FSG which had also expressed its appreciation for the retraction of the joke.

- 62. Vigo. The media. Direct discrimination.** The La Voz de Galicia newspaper published a story about police involvement in a clash between Roma clans following a demonstration by traders in Bouzas.

http://www.lavozdeg Galicia.es/noticia/vigo/vigo/2016/02/04/policia-decomisa-cuchillos-sinai-jimenez-trastrifulca/0003_201602V4C6991.htm

The Department sent a letter of complaint to the media outlet for associating Roma with acts of violence.

No response was received in this case.

- 63. National. Press. Direct discrimination.** As it has done on other occasions, the El Mediterráneo Digital digital newspaper took a press release and deliberately added the word 'Gypsy' in the headline in a very delicate case due to the commotion caused in the Civil Guard <http://www.mediterraneodigital.com/espana/aragon/liberan-tras-9-meses-al-gitano-de-barbastro-que-mato-a-un-guardia-civil.html>

One of the first consequences of this (possibly related) was that the Burbuja.info forum created a thread on the topic: <http://www.burbuja.info/inmobiliaria/temas-calientes/846842-liberan-9-meses-al-gitano-de-barbastro-que-mato-a-guardia-civil.html#post18290159>

In addition to sending a letter of complaint to the Mediterráneo Digital newspaper and to the person responsible for the Burbuja.com forum, an informative letter of complaint was sent to the Journalism Arbitration, Complaints and Ethics Commission requesting intervention in this case.

We are currently waiting for a response.

- 64. National. Television. Direct discrimination.** The Spanish National Television programme called Teleobjetivo de RTVE broadcast a report called 'Neighbours at war'. They selected four cases of conflictive people or families that had problems getting on with their neighbours. Of the four cases, three involved Roma. The programme associated these three families with conflict, violence and delinquency. In contrast the fourth case, which did not involve a Roma family, focused on a friendly young entrepreneur and that story had a happy ending. The selection of the cases and their development and outcome put Roma at a disadvantage and was discriminatory.

Terms such as 'family clans', 'aggressive family clans' and negative stereotypes of the Roma community appeared frequently throughout the programme.





It portrayed conflicts with no apparent solution and neighbours who said things like 'let's give em hell', 'let's fight fire with fire', 'there's not speaking to these people', 'they can only behave for two days and then they go wild', 'the weeds need to be pulled'. Expressions like these foster hate speech and instead of alleviating conflict they make it worse.

On top of all of this, possibly the most serious part of the programme was this comment made by the host of the programme: 'In the Basque Country, Gypsy clans spread fear in the neighbourhoods where they settle'. This is a categorical and conclusive blanket statement portraying a skewed image which does not represent the reality of most Roma families who are integrated and peacefully co-exist with their neighbours in the Basque Country with no conflicts.

We sent a letter of complaint to the administration of this television programme. As they did not respond, we called a month later to ask whether they had received our letter. We then sent a duplicate letter to the programme. Still no answer has been received.

We have also been informed that some Roma associations in the Basque Country lodged a complaint with the Ombudsman which is now being processed.

65. Lugo. The media. Direct discrimination. The newspaper El Progreso ran a story under the following headline: 'Warning: impending war between two Gypsy clans as two children disappeared from their homes'.

Not only did the story reveal the ethnic origin of some of the people involved, it also associated them with violence and crime thus reinforcing the negative image of Roma and propagating prejudices and stereotypes against them.

The Department sent a letter of complaint but did not receive any response.

66. National. Social networks. Direct discrimination. A Twitter message was uploaded with a picture of a group of men and a clearly stereotyped comment about Roma alluding to a 'Gypsy curse'. Comments of this nature about Roma lead to hate speech and discrimination.

The Equality Department filed a complaint against these tweets. The Twitter account has been suspended.

<https://twitter.com/ApuestasPrimo>



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67. Cordoba. The media. Direct discrimination (Cordoba, Seville and Huelva). The FSG office in Cordoba came across a news story published in the Seville edition of the ABC newspaper and other news outlets about an altercation between Roma individuals. The article contained discriminatory language inciting the stigmatisation of the Roma people.

Different newspapers picked up the story using the same terms such as brawl and clans and stressing that those involved were Roma even though this served no purpose other than that of accusing the Roma community of violence, aggressiveness and of causing problems hence fostering discrimination of Roma.

http://www.eldiadecordoba.es/andalucia/ingresado-gravedad-recibir-punaladas-Cordoba_0_1091891340.html

http://www.huelvainformacion.es/andalucia/ingresado-gravedad-recibir-punaladas-Cordoba_0_1091891340.html

<http://www.europapress.es/andalucia/noticia-herido-varon-varias-punaladas-agresion-cordoba-20161218175355.html>

The FSG office in Cordoba also detected that the story had been picked up by the newspapers Europa press Andalucía and El Día de Córdoba : ... 'revenge for unrequited love caused a brawl between Gypsy clans'.

The FSG office in Cordoba, with the support of the Department, sent letters to the administration of both newspapers. A letter about a different incident had previously been sent to one of them (El Día de Córdoba) and, although on that occasion they answered us quickly, we are still awaiting a response with regard to this incident.

68. Avila. Press. Direct discrimination. The newspaper El Norte de Castilla reported on a confrontation between two groups of young Roma causing the police to close several streets of the capital city of Avila for over an hour and a half. There were moments of tension and, according the police chief, tempers were still running high.

The Roma ethnic group was mentioned in a context of delinquency and violence. The description of the facts caught our attention: 'two Roma passenger cars'. This goes to show the emphasis that the media put on ethnicity even attributing an ethnic group (Roma) to cars!

The FSG equality agent in Valladolid sent a letter of complaint to the newspaper. Still no answer has been received.

We analysed the news story and the statement made by the chief of the National Police Corps to journalists at the scene went as follows: 'shortly after 19:00 we received a 091 call alerting us to problems between the occupants of two Roma passenger cars carrying four and three passengers respectively.'

The FSG office in Valladolid has found that some representatives of the police forces make a practice of mentioning the ethnic group of the people involved in incidents when they make statements.

The FSG in Valladolid was contemplating having a meeting with the national police chief to inform him of the damage caused by mentioning the ethnic group of those involved in their police reports or media statements.





Cases of discrimination in access to goods and services

In most of these cases we find that the managers of shops and services are the ones who instruct their workers to discriminate and that Roma, by and large, are unaware of their rights in these situations. (Public and private establishments, government administrations, etc.)

- 1. Badajoz. Access to goods and services. Direct discrimination.** A Roma girl and her sister made an appointment at the hairdressers. When it was the girl's turn, the hairdresser sat her down and began to examine her hair. Suddenly she exclaimed, in a voice loud enough for everyone to hear, that the girl had lice and that she couldn't cut her hair. The girl told the hairdresser that this was a lie, that she did not have lice and promptly asked for a complaint form. The hairdresser told her that she did not have any complaint forms and gave her a blank sheet of paper and told her to write her complaint on that. The victim refused telling her that that would be worthless and then left the shop.

The girls told us that they felt ashamed and discriminated against because there were other women in the shop who knew them and were also looking at them in a scornful manner.

The girls decided not to take any action.

- 2. Santiago de Compostela. Access to goods and services. Direct discrimination.** A Roma man went to meet his wife and son at a shopping centre. When he arrived his wife told him that they wouldn't let their son rent one of the kiddie ride electric cars.

The man spoke with the person in charge who told him that the cars had no battery charge left. The boy's father, angry, left the shopping centre and uploaded a Facebook post about what had happened. He was convinced that the cars were charged because he saw that other children were riding in them. The man told us that he felt discriminated against for being Roma. He felt certain that they did not want to rent them a kiddie car because they were Roma.

- 3. Don Benito. Access to goods and services. Direct discrimination.** A Roma girl told us her story when she was taking part in FSG services at the Don Benito office. She was attending an employment information session and learning about the work done by the Equality Department and the services we provide to victims of discrimination.

That same morning when she had finished her labour counselling session at the FSG's Don Benito office she went to a supermarket. When she was checking out the cashier told her to open her handbag. The girl was indignant because she saw that no one else was asked to show the cashier their handbags. She did show the cashier the contents of her handbag and then proceeded to ask her why she had been singled out for this check and then added that she would not leave the supermarket until she saw that all the customers were asked to show the contents of their handbags. When the cashier refused to check the other customers, the girls asked for a complaint form and filled it out. She then went to the FSG office to tell us what had just happened. The equality officer arranged to meet her the next day to turn in a copy of the complaint at the Don Benito consumers and users office.

The victim was Roma and easily identifiable as such due to her physical characteristics. We never heard back about the complaint filed and the girl decided against taking any further action.

- 4. Don Benito. Access to goods and services. Direct discrimination.** A Roma woman entered a supermarket with her 8-year-old son and her sister-in-law. Once in the supermarket, they realised that they were being closely followed by a store employee. When the victim was checking out, this employee took a bag of crisps and charged her for it. The woman was embarrassed and explained that her son had not eaten any crisps and had been by her side the whole time. The woman couldn't believe what was happening and was trying to explain herself while taking money from her purse to show all the onlookers that she could pay for the bag of crisps.





The employee screamed at her to leave the establishment and to never return and made several threats to call the police while the women, knowing she was innocent, encouraged him to do so. The police then arrived and, once they managed to calm everyone down, they encouraged the woman to file charges for false accusation. In the end she decided not to file charges.

The FSG office in Don Benito followed up on the incident and explained to the victim how important it was to make cases of discrimination like these visible and also informed her of her rights. The victim still decided not to file a complaint.

- 5. Merida. Access to goods and services. Instruction to discriminate.** A Roma woman told the FSG staff in Merida that when she entered a shop the security guard surreptitiously followed her up and down the aisles. The woman believed she was being followed because the security guard thought she was going to steal something. Other Roma women had similar experiences in this same food shop.

The FSG in Merida tried to gather information from all of the incidents up to that point.

When the FSG addressed the security guard directly he told them that he had received orders and he had to abide by them. We then asked him if he was instructed to follow Roma women and he said that he was.

The FSG in Merida tried to speak with the person responsible for the shop but was unable.

- 6. Madrid. Access to goods and services. Direct discrimination.** A young Roma man went to a discotheque in Madrid with a group of friends. He told us that the doorman would not let him in and explained that 'no strange mixes of people were allowed in there and that they didn't want any troublemakers'.

The young man then asked the doorman if the reason he wasn't allowed in was because he was Roma, to which he replied that it was. He then explained that it was not an issue of racism but that the boy resembled someone who had made trouble in the past. At that moment the police were driving by and the young man told them what the doorman had said and that he wasn't allowed in because he was Roma. One of the officers told him that they couldn't do anything because the doorman would just deny it.

The equality office at the FSG Madrid office advised the man to fill out a complaint form against the discotheque. He also turned in a copy of the form at the consumers and users office. He was also told that he could file a formal complaint. However the witnesses were afraid and did not want to make a statement.

The young man decided to go ahead with the formal complaint. The FSG followed up on the complaint and the town Hall informed them that sanction proceedings against the discotheque had been initiated for breach of the regulation concerning the right to admission explaining that the discotheque had unlawfully left it up to the administrator to admit or not admit customers.

- 7. Valladolid. Access to goods and services. Instruction to discriminate.** Two young Roma men went to a bar in Valladolid. One of them ordered a cup of coffee but the waitress told them that she couldn't serve them. The man thought she was joking until she explained that her boss instructed her not to serve Roma. She apologised saying that this was not fair.

The man went directly to the police station to file a complaint.

The man then came to the Valladolid office of the FSG and the equality officer advised him and accompanied him to apply for free legal counsel.

Some time later the man received a letter informing him that the case had been dismissed by local criminal court No 2 of Valladolid because 'the facts of the complaint do not constitute a crime'. The man then asked about filing an appeal but when he was informed that he would have to reapply for a court-appointed lawyer and submit a series of documents he decided against going forward.





8. Seville. Access to goods and services. Direct discrimination. A young Roma man came to the FSG office in Seville and told the equality officer what had happened to him in a supermarket. When the man and his brother entered the supermarket it was almost closing time but the security allowed the two of them and another two people to enter. The cashier then turned to the two brothers and told them that they could not come in because the shop was closing.

However, the man saw how the other two people were allowed to freely enter the shop. The man then asked for a complaint form and the shop workers called the manager. The manager offered the same argument that they could not enter the supermarket because they were closing. The man then asked why the other two people who arrived at the exact same time were allowed in while he and his brother were not. They told him that one of those two people was in the middle of his shopping but had gone out to get something from his car.

The man then reached the conclusion that the only difference between him and his brother and the other two people was that they were Roma and the other two were not. The man and his brother sensed a discriminatory attitude on the part of the cashier who denied them entry. The man requested the complaint form and filled it out but they did not give him his copy.

The man contacted the equality officer at the Seville office and told her what had happened. The equality officer spoke with the security guard and one of the managers and received the same response as the young man, i.e. that there was nothing discriminatory about this incident. The equality officer requested a copy of the complaint form and they gave it to her. That same day she called the supermarket manager who told her that they do not discriminate against anyone and that they had many Roma customers.

The equality officer accompanied the man to the consumer's office where he lodged a complaint and they informed him that they would conduct an inspection and speak to the cashier.

They were also willing to refer him to the citizens service desk if he wanted to file a complaint through the courts. The service desk informed him that there was not much they could do without evidence and witnesses that could attest to the discrimination.

A few months later the man received a letter from the town hall consumer affairs office informing him that the inspector had spoken to the cashier who stated that 'the claimant and his companion tried to enter the shop outside of commercial hours'.

The man was satisfied with the outcome because the inspection service had taken the case seriously and spoken with the cashier.

9. Almeria. Access to goods and services. Direct discrimination. A young Roma girl spoke with the equality officer in Almeria to report a recent situation where she and her mother suffered discrimination for being Roma.

The girl went to a clothes shop with her mother and from the moment they entered the shop assistant never took her eyes off of them. The girl then asked the worker if there was a problem. The worker answered that there was no problem and that she was there to help them.

The girl sensed that this was not true and asked her why she was only following them around the shop and not any of the other women who were in the shop at that time. The worker didn't answer but then kept her distance. The girl and her mother immediately left the shop.

The FSG office in Almeria informed them of their rights as customers in a shop opened to the public; basically the right to be treated in the same manner as any other customer.

10. Zaragoza. Access to goods and services. Direct discrimination. An FSG worker from the Zaragoza office went shopping with her mother-in-law at a shopping centre. The stores were having sales so they bought quite a few things. When leaving one of the shops after paying they were met by three shopping centre security





guards who asked to see their receipts and all of the articles of clothing they had bought and examined these one by one in front of everyone who was walking by.

The women asked the security guards why they were being checked and the answer was 'because you are Gypsies'.

When the security guards had finished checking all of their shopping pages and their handbags as well, the women asked for a complaint form and also demanded to speak to the shop manager.

The shop manager justified the check by saying that this was standard practice since '80% of all shoplifting at the shop was at the hands of Roma women'. The FSG worker rebutted that argument and asked for the complaint form. A few days later the FSG worker received a letter from the shop administrator apologising for what had happened.

- 11. Cáceres. Access to goods and services. Direct discrimination.** A Roma man was in a shop with his wife and when he approached the cashier to pay she spoke to him in a loud voice for all to hear asking him to return the screwdriver 'that he had borrowed'.

The man was astonished and told her that she must have confused him with someone else. He sensed that she singled him out because he was Roma.

In the light of this tense situation, he requested a complaint form but they refused to give him one. They then left the shop. The next day the couple returned to the shop accompanied by the equality officer from the Cáceres office to fill out a complaint form. An argument ensued when they requested the complaint form and the same cashier again refused for the second time exclaiming 'I'm not afraid of Gypsies'.

The equality officer tried to reason with the cashier but was unsuccessful. In the end they did lodge a complaint at the shop and also submitted a copy at the Consumer Care office. As of the time of writing, eight months hence, no response has been received.

- 12. Córdoba. Access to goods and services. Direct discrimination.** Five Roma girls, participants in the FSG employment programme in Córdoba called Learning by Doing, went to a supermarket to buy sun cream. As soon as they entered the security guards followed them and only them even though the supermarket was full of people. The guards spoke to one another on their walkie-talkies as they followed the girls around the shop.

The girls told the equality officer that they felt uncomfortable and embarrassed and walked out of the supermarket without purchasing the sun cream.

They said that they felt bad because they knew that they were being followed because they are Roma and the guards suspected they were going to steal something. All five girls had the same feeling and perception about what had happened.

The equality officer informed the girls of their rights and how to exercise them. The girls said that the next time they'll be ready and respond differently, exercising their right to not be treated differently than any other customer simply for being Roma.

- 13. Pontevedra. Access to goods and services. Instruction to discriminate.** An elderly Roma woman met with an FSG worker in Pontevedra and told her that one day she was going to enter a housing information office in her city but the security guard at the door stopped her and wouldn't let her in.

Not only did he not let her in but also said 'you're always the same ones coming in here to bother people'. He then told her that he was following orders to restrict entry to the building.





She told the FSG worker that she wanted to make a complaint but that she was afraid to have to face that security guard again and asked the worker to accompany her. An FSG worker did accompany the woman back to the housing office and met the same security guard at the door. The FSG worker and the woman spoke with the guard and told him that the woman was disconcerted because he refused her entry into a public housing information office without explaining why. They also told him that this woman had the same right as any other citizen to receive information.

The security guard nodded and apologised to the woman and then turned to the FSG worker and said 'you understand what they're like'.

The worker told us that despite his apology, his attitude was disparaging and threatening towards the Roma woman. The Roma woman was grateful for our help because she felt discriminated against for being Roma and was afraid to go back to that office and not receive the information she was looking for.

- 14. Puertollano. Access to goods and services. Instruction to discriminate.** A young Roma man came to the Puertollano FSG office to tell the equality officer about an incident that happened to him in July of 2016. The man was with his cousin and the doorman at a club denied them entry because they were wearing shorts. However they observed how other people wearing similar shorts were let in.

When the man asked for a complaint form the guards said that this was 'a direct order from the owner to not let any Gypsies into the club'.

After hearing this comment, the man demanded to speak with the manager to ask him directly for the complaint form. The manager came out but did not give him the complaint form he had asked for. The young man then decided to call the local police.

When the police arrived the manager came out with the complaint form and let them go inside to fill it out. They did this in the presence of the police officer. The manager admitted that he didn't let Roma into his club saying that he 'wanted to take care of his club's image and people don't feel comfortable with Roma given the bad reputation they have in Puertollano'.

After hearing these comments, one of the police officers encouraged the young men to file a formal complaint given that this was a clear case of discrimination based on ethnicity.

The man, with the help of the FSG's equality officer, filed the complaint at the consumers and users office.

A few days later the man received a letter suggesting he file a formal complaint with the police. After thinking about it, the young man decided not to file the complaint.

- 15. Puertollano. Access to goods and services. Direct discrimination.** A Roma man came to the FSG office in Puertollano to tell the equality officer that he had gone with friends to a discotheque but the security guards would not let them in and told them bluntly that it was because they "they were Gypsies".

The men asked to speak with the manager. They were rudely told to abandon the premises and were even shoved aside. When the owner came out he told them 'I'm not letting you in due to the bad reputation you Gypsies have for being violent'.

The men immediately called the local police and when they arrived the young men explained what the owner had said. The local police officers encouraged them to file a complaint. The young man and his friends went to the national police station with the intention of lodging a formal complaint just as the local police officers had advised. At the national police station they were told that they 'could not file a complaint because this was not a criminal but rather an administrative case'.

The young men insisted that they wanted to lodge a complaint in exercise of their rights as citizens. However the officer insisted that they could not and, in a mocking way, said that if they understood Spanish he would





show them the article of the law in question. The men left the police station feeling frustrated and without having lodged the complaint.

A few days later they went to the town hall with a written description of what had happened, including the response they received from the national police officer. A few days after that they received a response from the local police at the town hall informing them that they could indeed lodge a complaint against the events they had described.

Given the amount of time that had gone by since the incident first occurred, the men decided not to lodge a complaint. However they said they would definitely file a complaint if something similar were to happen to them again.

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Puertollano. Access to goods and services. Instruction to discriminate. In late September 2016 group of Roma youngsters tried to enter a pub in Puertollano but the doormen blocked their entry telling them that they could not go in. The young men asked why they were being denied entry and one of the doormen said 'my boss will have a fit if I let Gypsies in'.

The men described the incident to the equality officer at the FSG's Ciudad Real office. The equality officer informed them of their rights and suggested they file a complaint. The Equality and Anti-Discrimination Department took an interest in the case and decided to take it on as strategic litigation. First, a communication was sent to the Ciudad Real provincial prosecutor for hate and discrimination crimes. The complaint was based on the crime described under Article 512 of the criminal code –discriminatory denial of access to goods and services in the private sector on the grounds of ethnic origin. The case is at the enquiry stage at First Instance Court No 1 in Puertollano.

We are currently awaiting oral proceedings and the subsequent judicial decision.

- 17. Linares. Access to goods and services. Instruction to discriminate.** A Roma person turned to the equality officer at the FSG's Linares office to report that Roma people were being charged a higher admission fee at municipal pools than non-Roma people. The equality officer spoke with one of the workers at the pool who confirmed that this was actually common practice and was by order of the pool manager. The pool worker did not want to report this discriminatory practice for fear of losing his job.

The FSG Linares office followed up on this case but before we could do anything about it the season ended and the pool was closed.

- 18. Santander. Access to goods and services. Direct discrimination.** A Roma woman went into a coffee shop with her husband and two children. They sat down at a table and waited for the waiter to take their order. The woman noticed that the waiter looked at them while serving other customers who entered the coffee shop after them.

After waiting for over half an hour without being served, the woman asked the waiter why he was ignoring them to which he rudely replied that they would just have to wait.

In the light of this lack of respect and a feeling of humiliation, the woman and her family got up and left.

The woman described this incident to the FSG equality officer at the Santander office. In order to verify that this was indeed a case of discrimination, the equality officer decided to conduct a test at the cafeteria. The family and the equality officer with some of her colleagues entered the cafeteria at the same time but as two separate parties.

After just a few minutes, the equality officer and her colleagues were served in a polite manner. However the Roma family was again left waiting.

After 45 minutes the waiter rudely approached the family to take their order.





The equality officer informed the family of their rights and that they could request a complaint form and submit a copy at the Consumer Affairs office. However, the family told her that they wanted nothing to do with that coffee shop and decided to never go back there again.

- 19. Malaga. Access to goods and services. Direct discrimination.** A young Roma man described what he considered to be a discriminatory incident to the equality officer at the FSG's Malaga office. The man went to a cafeteria to have breakfast and the waiter asked him to pay for his breakfast before being served. The man then said to the waiter: 'Why don't you charge me just like everyone else? Look at my wallet. I have money. I'll pay for my breakfast'. The waiter insisted that he had to pay before he was served. The man then paid his bill and sat down at the table to have breakfast.

The FSG in Malaga informed the man of his rights as a customer in a public establishment.

The man told us that he would never go back to that place.

- 20. Almeria. Access to goods and services. Direct discrimination.** The following incident took place at a shop belonging to a supermarket chain in Seville. The shop worker asked a Roma woman if she wanted to try some perfume. She tried it, liked it and decided to purchase it. However, before she reached the cashier, she changed her mind and put the perfume back on the shelf. When she had finished her shopping the security guard shouted at her to put the perfume back. She walked back to where she had put the perfume back on the shelf and said to him: 'Since you raised your voice at me in front of all of these people, now you're going to apologise to me in front of them as well', and he did just that, he apologised to her in front of all the other customers.

- 21. Almeria. Access to goods and services. Direct discrimination.** A young Roma girl told the equality officer at the FSG office in Almeria that one day she was with her cousin looking at makeup in a shop and the cashier never took her eye off of them. As they were about to check out, the security guard stopped them and made them show him their shopping bags and handbags.

The girls asked the guard why they were being singled out from among all the other customers in the shop because they were Roma.

The girl and her cousin did show the guard their bags and the receipt accounting for all of the items they had purchased in the shop.

Without saying a word, the guard let them leave.

The girl told the equality officer that clearly discriminatory situations such as these were a common occurrence at supermarkets where Roma women are specifically targeted.

- 22. Granada. Access to goods and services. Instruction to discriminate.** A Roma woman attending an awareness-raising session run by the equality officer at the FSG office in Granada reported a case of discrimination she had experienced at her workplace. The woman, who worked weekends at a celebration hall as a bar waitress, told the group and the equality officer that her manager told her and her co-workers to 'make sure you charge Gypsies, unkempt customers and low-lifers before you serve them any drinks to make sure that they don't walk out on you without paying, especially the Gypsies.

The equality officer informed her of her rights and asked her whether she was thinking about taking any action. The woman said that she just wanted to tell someone about her boss' discriminatory attitude towards Roma. She also spoke of how awful it was to work there but she did not have any other source of income which is why she asked us not to take any action for fear of losing her job.





23. Malaga. Access to goods and services. Direct discrimination. A Roma man went into a pharmacy to buy some items. At that moment he overheard the pharmacist telling one of his customers 'the North Africans are just like the Gypsies, they don't like it when people refer to them by their race and not their name'. The man was both surprised and bothered upon hearing those comments and spoke up and said that he was Roma and that he had a name. He then asked those listening how they would feel if people called them 'payos' (non-Roma) rather than using their name. The pharmacist, who knew that this man was Roma, apologised for his comments.

24. Lugo. Access to goods and services. Direct discrimination. A security guard approached a Roma boy when he was leaving a shop at a shopping mall and asked to see his bags. The boy was surprised and asked why, to which the guard responded that he had to let him search his bags, if not the police would do it.

He took him towards a hallway and showed him a camera that was recording everything. He looked at the bags and the receipt and told him to remove his coat after which he checked the pockets, including his trouser pockets. Once he had verified that the boy did not have any stolen items, he apologised.

The boy then asked him why he had singled him out and the guard answered that he had been following him ever since he entered the shop.

The boy related the incident to the FSG equality officer in Lugo who informed the boy of his rights and encouraged him to fill out a complaint form. The boy decided to let it go this time but said that the next time he would be more aware of his rights.

25. Avila. Access to goods and services. Direct discrimination. A non-Roma person, responsible for the tender process for the sale of ice cream in Avila, contacted the equal treatment department to report a case of discrimination. This person had issued a license to a Roma family for the sale of ice cream but the local ice cream producer refused to let them sell his product because they were Roma, his argument being that he would not be paid. This person told the Department that the family did not know who to turn to since ice cream sales was their main source of income and they were afraid of losing it.

The Department tried to contact the family to inform and advise them about their rights and the possibility of filing a claim or a formal complaint. Unfortunately we were unsuccessful. We did finally contact the family but they refused to take any action out of fear.

26. Huesca. Access to goods and services. Direct discrimination. A young Roma girl told the FSG office in Huesca that when she was renewing her social insertion card a social worker addressed her in a rude manner and a loud voice. She then asked her why she wanted to renew it saying there was really no point.

The girl turned to the FSG to complain about how she was treated and said that she was going to do everything she could to inform the manager of the centre because she felt discriminated against by that worker and her discriminatory remarks overflowing with prejudice.

Despite being advised otherwise by the Department, the young girl decided against filling out a complaint form at the centre because both she and her family used this centre and she was afraid there would be reprisals.

27. Talavera. Access to goods and services. Direct discrimination. A Roma woman went to an NGO to request emergency aid to pay her rent. The women told the equality officer at the FSG's Talavera office that the social worker at the NGO turned down her request after barely listening to her. She then said 'all you Gypsies are the same' and ripped up her application form right in front of her.

From that moment forward the woman stopped going to that NGO and even gave up the food she had been receiving so as not to have to face the social worker who had belittled her.





The FSG Talavera office learned of this case because the woman was seeking our help in filing some papers and related this incident to us without intending to take any action.

The equality officer informed her of the service for victims of discrimination and the importance of taking action when confronted with situations like these. So far the woman has not taken any action but did tell us that she would think about it

28. Murcia. Access to goods and services. Direct discrimination. A Roma woman who worked at the FSG office in Murcia contacted a tourist services firm to rent a room in a shared flat. The coordinator of the service arranged a time and date to show her the rooms and flats available.

She arrived at her appointment accompanied by her co-worker, the equality official, and was greeted by the estate agent who told her that there were three rooms available close to the city centre and she could see one of them immediately.

But the situation changed when the agent's boss showed up. In an attempt to discourage her, she first told the girl that she certainly would not want to share a flat with two boys. The girl was surprised and asked her how she arrived at that conclusion without asking her. Then the boss asked her where she worked and she said at an NGO. He asked her the same question three more times and she finally told him that she worked at the Fundación Secretariado Gitano. He immediately told her that he would need a pay slip and a certificate from the social security office to verify that the pay slip was not counterfeit.

He then asked to speak privately with the estate agent who returned only to tell them that there were no rooms available in all of Murcia. She then promised to let her know as soon as a room became available.

A few days later the agent sent her a WhatsApp message telling her that the agency couldn't rent her a room because students did not want to share a flat with workers.

The FSG office in Murcia wanted to verify this so they made an anonymous telephone call and found that there were indeed rooms available and it was not necessary to present any documentation, only a work contract. At that point in the conversation the equality officer identified herself and asked the estate agency manager for an explanation. The manager's response: 'I don't rent rooms to junkies and my motives are none of your fucking business'.

The FSG office requested a complaint form but received no response. The equality officer then decided to file a complaint to the Provincial Prosecutor for hate crimes and discrimination for infringement of the right to equality and Article 512 of the criminal code covering the crime of denying access to goods and services in the private sector on the grounds of racial discrimination. The case is currently at the enquiry stage and the Prosecutor has taken statements from the victims





Cases of discrimination in education

1. **Cordoba. Education. Direct discrimination.** The following events occurred at a semi-private school in Cordoba. A teacher was taking role in class and read the surnames of a Roma girl. One of the girl's classmates started making fun of her saying that she was the cousin of Azúcar Moreno (Roma pop singer) and clapping her hands. After that, the girl's classmates shunned her because she was Roma. The girl told the equality officer at the FSG's Cordoba office that she was in a WhatsApp group at school but when she posted anything no one responded or did so with jokes about Roma. She said she felt rejected and discriminated against.

In the end, the young woman decided to quit her Administration and Finance studies and do something different. The FSG informed her of her rights and the importance of continuing with her studies.

The girl told the FSG that she didn't want us take any action at the school. Nevertheless, a few months later the equality officer contacted the girl who told us that she decided to go back to school but in a different class.

2. **Linares (Baeza). Education. Direct discrimination.** The mother of a Roma child told the equality officer in Linares that her child had been punished at school for misbehaving. He was put in a closed room with a table covered in books that prevented him from moving or leaving the room. When the boy's aunt came to pick up her son after school that day, she heard her nephew's voice calling out.

The child subjected to this punishment was diagnosed with hyperactivity and the school was aware of this.

When the school administration was informed of the situation, the director apologised to the family and assured them that this would not happen again.

3. **Mérida. Education. Direct discrimination.** The parents of a Roma boy contacted the FSG office in Merida to report a situation affecting their son at school involving a group of his classmates who were telling the rest of the students to stay away from him because he was Roma.

The child's parents spoke with the teachers and administrators and received the support of the administration that told them they would keep an eye on the situation. However, the situation did not improve.

The family contacted the FSG office in Merida which made an appointment at the school and proposed providing information and awareness-raising workshops targeting students with a view to making them aware that their comments were causing rejection and discrimination of Roma students at the school.

The workshops were given and the school administration promised to prevent similar situation from happening in the future and to inform us immediately if they did.

4. **Cuenca. Education. Direct discrimination.** An association called the FSG Cuenca office on the phone to report that in a school near the city of Caceres the Roma students and an immigrant girl had allegedly been segregated from the rest of the student body.

The equality officer in Cuenca contacted one of the mothers affected to verify the facts of the story. Upon confirming the facts, she made an appointment to speak with the school administration. At that meeting she expressed her consternation with regard to this situation and her intention of reporting this school segregation to the school inspection office. The school administration assured her that this situation was temporary due to specific circumstances at the school and that those students would soon be returned to their classes.

The FSG office in Cuenca followed the situation very closely and maintained contact with the parents of these students.





- 5. Caceres. Education. Direct discrimination.** The equality officer at the FSG office in Caceres called a school in Caceres to request the file of one of her ex students. She needed the file to enrol the student in a course she was interested in. When she told the school administrator the name of the student the administrator said 'Why do you even bother. All Gypsies are the same; they don't want to do anything'.

The equality officer was offended by this stereotyped and prejudiced comment. She told the administrator that she was mistaken, that many Roma women studied or worked and continued to take part in training courses. The administrator did not make any more comments.

- 6. Santander. Education. Direct discrimination.** A Roma girl went to a secondary school in Santander to take a distance learning course to attain her compulsory secondary education diploma. When the girl turned in her registration materials she noticed that the secretary was looking at her in a strange way. The secretary then asked the girl if she used to go to that school and the girl answered that she did not. The secretary then asked her more questions.

She asked her if she was Romanian and the girl said that she was not. The secretary finally asked her what her ethnic origin was. The girl responded that she was Spanish and that her ethnic background had no bearing whatsoever on her enrolling in the course. She then turned in her application and promptly left.

The girl told the equality officer that she had felt intimidated and couldn't understand why the secretary asked her if she was Romanian and what her ethnic group was.

The girl moved to another city before the FSG could take any action in this case.

However, the equality officer went to the school accompanying another Roma girl who was registering for a course and had a conversation with the secretary. She spoke with her about the case of the young girl and the questions she had posed. The secretary responded by saying that she was not racist and that the girl looked like someone she knew and she just wanted to check.

However, given that there were contradictions in the information reported by some Roma girls to the equality officer, they decided to monitor that secretary's attitude and behaviour.

- 7. Granada. Education. Direct discrimination.** A Roma woman who works at the FSG's Granada office told the equality officer that her son, enrolled in a semi-private school, had been subjected to a number of racist comments for being Roma. The woman was concerned because despite her numerous complaints the school did not take any measures to put an end to this situation.

The boy had to deal with being called a moro (North African) and comments such as 'you brown-skinned kids are really ugly'. The instigator of this bullying urged the rest of his classmates to not speak to the Roma boy or to a South-American girl or a boy from North-Africa.

The mother, who spoke with the parents' association and the school administration, told us that she was reporting the case as it is a clear example of discrimination. She also mentioned that she was thinking of changing schools.

- 8. Granada. Education. Direct discrimination.** The father of a Roma boy approached the FSG office in Granada to report a case of discrimination against his son at a Granada school. The father spoke of the rejection that the boy suffered at the hands of some of his classmates: 'At school they ignore the boy, exclude him from school-yard games, do not invite him to any birthday parties and when the parents ask about him they all go quiet.' The family couldn't celebrate the boy's birthday because no one from his class would attend.

The head teacher acknowledged that the boy's classmates made up stories about him. The father told the equality officer that he had spoken with the school director but that she did not take the situation seriously at all.





The FSG informed him that he could request that his son be transferred to a different school. The FSG also reported the case to the Education Delegation in Granada.

A few days later the father met with the director again and told her that this was happening because they are Roma, to which the director responded 'But you don't look Roma'. The father told the director that 'this is called racism'. The father also spoke with the special ombudsman for children. In the end he decided to transfer his son to another school because the boy had lost interest in school and he didn't want to see his son suffering like that.

- 9. Huelva. Education. Direct discrimination.** A Roma woman who was waiting with other mothers (non-Roma) to pick up her daughter at the entrance to the school overheard one of the mothers saying that she didn't want to apply for benefits 'because that's what the Gypsies do'.

The Roma woman was offended and replied that people in need applied for benefits irrespective of their ethnic background.

The mother who had made the comment was embarrassed and apologised.

The woman reported this case to the FSG equality officer at the Huelva office who contacted the school to suggest an awareness-raising workshop about Roma people with a view to combating such negative stereotypes. The FSG carried out successful workshops at several different schools together with other organisations working for the rights and promotion of the Roma people.

- 10. Huelva. Education. Direct discrimination.** Two children between the ages of 12 and 13 (one Roma and the other not) got into an argument at school and the non-Roma child insulted the Roma child.

From that day forward, the Roma child just wasn't the same at school. The FSG educational counsellor who was working at the school spoke with the boy and discovered that he was being bullied by several of his classmates. The counsellor spoke with the FSG equality officer to assess the case and take the appropriate measures.

The officer and the FSG counsellor had a talk with the school's head teacher. They mentioned that it would be a good idea to run a workshop on equal treatment to try to prevent situations like this and to make students aware of the impact that rejection and discrimination have on their classmates.

They did run the workshop and it was a great success. The school even asked the FSG to give the same workshop to other classes.

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Aviles. Education. Direct discrimination. A young Roma girl published an incident on her personal Facebook page about a teacher at her secondary education school who reprimanded some students in front of the whole class for making lame excuses by saying 'Don't be so Gypsy'.

The girl commented that this was an unethical, racist and discriminatory thing to say as it identified Roma with deception. She felt that the teacher was being irresponsible for making such a statement in front of the whole class, especially considering that several of the students were Roma.





.Cases of discrimination in employment

1. **Badajoz. Employment. Direct discrimination.** A Roma woman reported that she had been working as a caretaker for an elderly woman when one day the conversation focused on something to do with the Roma community. The woman then asked her if she was Roma and she said that she was.

The next day she received a telephone call from the woman's daughter informing her that they no longer needed her services because the daughter decided to take care of her.

The woman was convinced that this occurred because she was Roma.

2

Jerez de la Frontera. Employment. Direct discrimination. A Roma girl, who was participating in the Acceder employment programme run by the Fundación Secretariado Gitano, took up a job at a company after having done work experience training there.

At the monitoring meetings between the enterprise mediator and the clothes shop manager, the latter praised the good work being done through the programme and the professionalism of the worker.

The contract ended a month later and the worker was given a very positive assessment which was communicated to the employment programme officer and the worker herself. The shop manager specifically mentioned that she would like to continue offering work opportunities to programme participants.

Two weeks later the enterprise mediator found out that the shop had hired a sales person and had not informed the work experience participant that there was an opening. She called the shop manager to find out whether there was some problem with the girl.

The manager spoke very openly and frankly and said that another Roma girl had told her that the girl's family members had a police record for shoplifting and therefore she was unable to trust her.

The employment officer told the shop manager that she was being suspicious of the girl for no reason, that she was prejudiced and discriminated against the girl for being Roma and for believing what the other girl said about her family with no evidence and without making any effort to find out whether that information was true.

She then invited the manager to learn more about the work being done by the FSG and to visit our headquarters. The manager responded that she didn't have time.

Several days later we tried to contact her again to continue our conversation but she never called back.

3. **Badajoz. Employment. Direct discrimination.** A Roma girl told us that she was working at a fishmonger's and one morning before the shop opened she was cleaning her work area. When the manager came in and saw what she was doing he called her a 'slob' in a very loud voice and told her she did not know how to clean, adding 'since when do Gypsies know anything about cleanliness?'

The girl told us that she felt awful and discriminated against and left her job. She decided against taking any action against the shop manager.

4. **Vitoria. Employment. Direct discrimination.** A young Roma man completed his employment preparation contract together with his six non-Roma workmates. The company renewed everyone's contract except his.

When he asked why, the company said that he created a bad work atmosphere and even accused him of being sexist. They also argued that they did not have enough work (which was completely false given that they hired six more people).





One of the young men that was hired told us that the manager referred to the Roma worker as the 'fucking Gypsy'. Indeed the young man told us that from the very start the manager was very unpleasant with him and that he was not hired because he is Roma.

- 5. Lugo. Employment. Direct discrimination.** A young Roma woman taking part in an FSG programme in Lugo told us that she refused a work experience opportunity because to get to the work site she had to travel alone in a car with a man whom she did not know.

The owner of the business was upset when she heard that the woman refused to come to work in that car and called the person responsible for the work experience programme at the FSG's Lugo office making comments such as 'Roma girls are lazy, they don't want to work and why even bother with them'.

We tried to calm the business owner down and make her see that she was making serious allegations. The FSG Lugo office spoke with the company and once we informed them of the young women's situation and socio-cultural context they softened their attitude and remained open to hiring another Roma woman but managing the situation differently.

The Department offered them an information and awareness-raising workshop about the Roma community and the Lugo office informed us that the company had changed their attitude for the better.

- 6. Santander. Employment. Direct discrimination.** The Acceder Employment Programme officer approached a shop to ask whether they were willing to provide work experience for our participants. The shop manager spoke with an aggressive tone and said that this was out of the question because Roma were thieves and would steal things from the shop.

Given the aggressive attitude of the manager, the FSG officer decided against pursuing the issue and simply asked when he could speak with the manager's superiors.

A few days later the FSG officer called the shop manager but received no response. He called several more times but with the same outcome.

- 7. Murcia. Employment. Direct discrimination.** At a meeting between a company and the enterprise mediator of the Fundación Secretariado Gitano in Murcia regarding the possibility of our participants in the employment programme called Learning by Doing engaging in work experience there, the director of the company made the following comment: 'Don't send me any problematic people. I don't want any fights or problems.' In the light of that comment, the FSG programme officer arranged a meeting with the director of the company to inform her about prejudice towards the Roma community.

Shortly thereafter the enterprise mediator received the following message:

Hello Luis,

We need workers who have the certificate enabling them work with plant health products on a farm in Cartagena. We also need warehouse workers with experience working with fruits and vegetables, watermelon, tomato, etc. in the area of Lorca, Aguilas, Pulpi, Huercal-Overa, Cuevas de Almazora...

Watermelon personnel to load watermelon from the fields. We place trust in the people you send us. Please make sure that they are responsible and respectful of the work and their co-workers.

We would like to collaborate with you. Please forward CVs to Cartagena or Lorca depending on the location of the job opening. Thank you very much!

The FSG has signed a collaboration agreement at national level with this company.





- 8. Don Benito. Employment. Direct discrimination.** Agreements were signed for work experience for a waiter and chef's assistant course and in that process the secretary of the training centre hired to run the course visited the different establishments where the work experience was to take place.

At the first of these establishments he was told that they only wanted non-Roma for the work experience because they had had a number of problems on previous occasions with Roma workers 'who didn't want to work and were disorderly'.

The training centre secretary was caught off guard and offered them two non-Roma women to do the course. Once we were informed of the situation two days later we went to the cafeteria in question and told the manager that those two non-Roma women had already been assigned to another establishment. The manager apologised and said that he only wanted women and if that wasn't possible he preferred to not take part in the work experience programme because he had had a bad experience with men.

In this case we believe that the true motive was that he didn't want Roma workers.

- 9. Cuenca. Employment. Direct discrimination.** At a work meeting where we were discussing the profile of a Roma candidate for a job, the employment officer of a social organisation said that the candidate was 'weak' and that the family's only concern was to marry her off soon, just like all Roma.

FSG representatives in Cuenca told her that she was mistaken and that her comments were discriminatory.

We arranged a meeting at the organisation's premises to present our equality programme and during the course of a conversation another worker made a similar comment: 'Gypsies don't change. In all the years I've been working with them, generation after generation, they always follow the same pattern; families simply looking for welfare.'

The FSG in Cuenca offered arguments to counter these ideas and we did notice a small change in their attitude as they acknowledged that some participants were motivated to find a job or engage in training.

We did awareness-raising work with the workers from that NGO.

- 10. Badajoz. Employment. Direct discrimination.** Our enterprise mediator visited a shop with the intention of setting up a work experience for an employment course run by our FSG office in Badajoz. The shop manager told us that she could not hire the Roma woman who was doing work experience at her shop because of the women's Roma surnames. In other words, she believed that having a Roma worker could have a negative effect on her business.

The enterprise mediator explained that the company's employees wore name tags and the women's surnames would identify her as Roma and this is what she wanted to avoid so as not to 'scare off' her customers.

- 11. Badajoz. Employment. Direct discrimination.** A businesswoman, after accepting a Roma girl in her business to gain work experience, and fully conscious of the fact that she had no previous experience and had just completed a waitressing course, called the labour counsellor on her private phone (after just one day on the job) to say that she didn't want the girl, or anyone like her, to come back. The labour counsellor asked her why but did not receive any response.

When the labour counsellor informed the girl the latter told her that she knew that she wouldn't be allowed to do her work experience there because when the owner realised that she was Roma she immediately changed her attitude towards her and refused to even speak to her.

The girl was saddened by such an attitude and unfortunately this was not the first time it had happened to her.





- 12. Badajoz. Employment. Direct discrimination.** The FSG in Badajoz called on a business to offer them a girl to do her work experience there after having completed a waitressing course. The businesswoman said that she was interested and that she didn't mind that the girl had no experience since they hit it off right from the start.

After four days of work experience, the business owner called the enterprise mediator to tell her that she didn't want the girl to come back to work because she was Roma and we hadn't told her in advance.

- 13. Leon Employment. Discriminatory harassment.** A Roma youngster had been working in a cleaning company for about eight months and was satisfied with his earnings. One day a co-worker mentioned that he was Roma. From that moment forward, the young man noted a change in the way his boss and co-workers treated him. For example, his boss used to address him directly and in a respectful manner. After finding out he was Roma, however, he stopped speaking to him, assigned him the worst cleaning tasks that no one else wanted to do and lowered his pay without any explanation whatsoever.

The FSG office in Leon, with the consent of person affected, tried to mediate with the company but they refused to meet with us.

This case came to our attention because the young man reported to us that he was feeling harassed and wanted to find another job before he quit this one because it was becoming unbearable.

- 14. Barcelona Employment. Direct discrimination.** As part of a job seeking pathway we sent a CV to a cleaning company that was covering an important event to take place in Barcelona. The company interviewed our candidate and hired her. The girl began on 21 February working the night shift for a company that cleaned and set up exhibit halls. Near the end of her work shift, a company representative called a meeting of all staff members and read a list of names of people who should not report back to work the next day and the young woman's name was on that list.

The girl called the labour counsellor and the enterprise mediator called the company to find out the reason she was dismissed.

In the ensuing conversation the mediator was told that the company had decided to dismiss some people for safety reasons alluding directly to people with typically Roma surnames.

The next morning we contacted the company again and they reiterated the importance of the event in the city of Barcelona and also made it clear that this was not a decision made by the company itself but was one of the guidelines given by the event organiser that contracted the company.

- 15. Zaragoza. Employment. Direct discrimination.** The labour counselling office in Zaragoza was informed of a job opening for a hotel room cleaning person. The FSG contacted the hotel to send them several CVs but the woman who answered the phone said that she preferred to call the candidates herself. We therefore gave her the telephone number of one of our programme participants who fit the job profile.

The participant called to tell us that the woman was impressed with her experience, asked her if she was Spanish and she answered that she was and then she asked her how she learned about the job opening to which she responded 'through the Secretariado' and the woman asked her what the Secretariado was.

The participant answered 'the Secretariado Gitano'. The woman then asked her if she was Roma and she said she was and if that was going to be a problem.

The company promised to call back to set up an interview but they never did.





- 16. Pontevedra. Employment. Direct discrimination.** The FSG in Pontevedra was meeting with companies to present the employment programme called Learning by Doing. One of the business owners commented that he did not want any Roma in positions dealing directly with the public, only for jobs where they would not be seen because if they were recognised as being Roma it could have a negative effect on business.

They did not change their minds even after receiving all of the information and learning about the results of the programme.

- 17. Murcia. Employment. Direct discrimination.** The FSG in Murcia was trying to place four students who had taken a professional skills course (general shop skills to take part in a work experience scheme as warehouse workers and delivery persons). The agreement was signed and arrangements made for three students to do their work experience from 25 July to 5 August pending a personal interview with the manager. The first day of the work experience the students were working in the warehouse until the manager's brother arrived and sent them to clean a van. In the meantime, the manager called the enterprise mediator in Lorca to say that he was not happy with the students who had been sent and that this was not what had been agreed. In fact, he told us not to send him anyone else and then asked us to please not mention that it was because they were Roma because they might come back to give them a beating. He then abruptly hung up on the enterprise mediator.

- 18. Mérida. Employment. Direct discrimination.** A young Roma woman reported that she submitted her CV at a cafeteria where they needed three waitresses. She then went for an interview but realised that the interviewer was looking at her in a strange manner, paid no attention to her and didn't even answer her questions. He barely looked at her CV and dismissed her saying that he would call her.

Despite what he said, the girl knew that he wouldn't call because he had identified her as Roma.

- 19. Mérida. Employment. Direct discrimination.** A young man called at that offices of a department store to gather information on job openings or training and to give them his CV since he was interested in working there. The boy was interested in a course but when he gave them his address their expression changed and they immediately said that the course was full.

The young man was offended by that response since they had told him they were selecting people for that course. A few days later he decided to go back and ask to speak directly with the warehouse manager who spoke with him and personally signed him up for the course and put him on the list as a candidate for possible job openings in the warehouse. A few days later they called him to start the course.

The young man called to tell us he was glad to find that the manager was not racist.

- 20. Mérida. Employment. Direct discrimination.** Several youngsters who were working with a group of participants in the Learning by Doing programme reported that at the company where they were doing their work experience they were sometimes referred to as the 'Gypsy boys'. That same derogatory term was found written in the work agenda.

We contacted the rest of the students to verify this information and indeed the company worker used the term 'Gypsy boys'. We spoke with the director of the establishment and also had the opportunity to meet with the worker who apologised and insisted that no offence whatsoever was intended. The misunderstanding was resolved without any problem and we explained the negative connotations expressions like this could have for young people.

- 21. Jerez de la Frontera. Employment. Direct discrimination.** The enterprise mediator for the FSG Acceder employment programme called at an establishment where she was a habitual customer and requested an interview with the manager to present the Acceder employment programme with a view to setting up possible work experience.





She explained the FSG's services and the work we do, and knew that there was a job opening in the meat department. The owner showed very little interest in what the enterprise mediator was explaining. In the end she openly said that she did not want to work with Roma. Her exact words were: 'if they don't deceive you at the beginning, they will in the end'.

At a follow-up meeting the enterprise mediator used the owner's words to try to make her more sensitive and she apologised for her what she had said and her discriminatory attitude. She insisted that she had never had any problems with the Roma community. She promised the enterprise mediator that she would contact her when she needed to fill a job opening at the shop.

- 22. Granada. Employment. Direct discrimination.** A Roma woman working as a waitress in a cafeteria reported that most of her customers and co-workers were racist against Roma. She gave us some examples. A woman was walking her dog near the cafeteria's outdoor terrace and accidentally spilled a man's drink. Another woman, a habitual customer, exclaimed in a loud voice: 'Good thing that man wasn't a Gypsy or you would have had a nasty situation on your hands.'

At that same time another habitual customer was there who is always very carefully groomed and that same woman shouted to her: 'You could dress like that if your boyfriends were a Gypsy'.

The girl also reported that her boss instructed her to serve Roma customers their coffee in a glass rather than in a cup. That way they would drink it faster and leave the cafeteria sooner.

The girl did not want to take any action for fear of losing her job.

- 23. Jerez de la Frontera. Employment. Direct discrimination.** This case came to our attention through a conversation between the Acceder enterprise mediator and the wife of the victim. They were talking about the opportunities that the Acceder programme provided to the families of programme users and the importance of following Acceder's methodological guidelines. The enterprise mediator stressed the important role played by the business sector and the latter's involvement in the aims proposed by the FSG. The woman explained that her husband was Roma and had distinct Roma features. On many occasions he felt discriminated against for being Roma and she told us that once he had to quit his job when his boss found out he was Roma.

When he identified her husband as Roma he began to harass him saying that he was doing everything wrong, that he had no idea what he was talking about and sometimes even alluded directly to his Roma background as a way to further stress the things that he was allegedly doing wrong at work. In the end he was forced to quit his job.

The husband told us that he felt discriminated against for being Roma as they typically singled him out while rarely criticising his co-workers.

- 24. 24. Huesca. Employment.** Direct discrimination. A Roma woman went to an interview for a job opening offered by a homeowner's association through INAEM (employment office) for a cleaning person. The interview apparently went well until the interviewer realised that the candidate was Roma and she verbalised this when she read the woman's surnames. The interviewer told her that she couldn't hire a Roma person because Roma people lived in one of the flats of that building and were behind in the payment of their homeowners' fees and she didn't want any problems with the rest of the neighbours.

The woman reported that she felt angry and couldn't understand why being Roma should stand in the way of being hired to clean a building of flats.

She also felt powerless but decided not to press the issue for fear that she wouldn't be called when the employment office had other openings.





- 25. Granada. Employment. Instruction to discriminate.** A student in the fourth edition of the Learning by Doing employment programme reported that while she was doing her work experience at a clothing shop (she did not look Roma) her co-workers started to give her advice on how to keep an eye on Roma women coming into the shop. They specifically explained that the shop's discount counter was not well placed because the Roma women could get behind it and steal whatever they wanted without being seen and that she should therefore watch them the whole time they were in the shop.

This made the young worker very uncomfortable and she felt discriminated against but didn't say anything for fear of losing her job.

- 26. Granada. Employment. Direct discrimination.** A Roma woman reported that during her work experience as a worker in a clothes shop she was folding some garments when the security guard came up to her and said 'don't worry, I'm going to pay. That's what all the Gypsies tell me when they see me'.

She also told us that on another occasion a co-worker saw some clothes hangers in the garbage and asked in a loud voice: 'who threw those hangers in the garbage. I'll take them home with me just like the Gypsy ladies do'.

This made the woman very uncomfortable and she felt discriminated against but didn't say anything for fear of losing an opportunity to be hired at the shop.

- 27. Granada. Employment. Direct discrimination.** A student taking part in the Learning by Doing programme reported how a classmate instructed him on how to help Roma customers that come into the shop. Specifically she told him: 'When Gypsies come in, take them directly to the clothes section with the gaudy prints, big flowers and so forth because that's the tacky style they like best'.

This made the boy very uncomfortable and he felt discriminated against but didn't say anything for fear of losing an opportunity to be hired at the shop.

- 28. Granada. Employment. Direct discrimination.** A student from the Learning by Doing programme told us that on his work experience he was warned on several occasions to check all of the bank notes used by Gypsies and North Africans because they could be counterfeit and that he had to watch them very closely because they often come into the shop with the sole intention of shoplifting.

This made the young man very uncomfortable and he felt discriminated against for being Roma but didn't say anything for fear of losing an opportunity to be hired at the shop.

- 29. Granada. Employment. Instruction to discriminate.** A student from the APT IV programme reported that during his work experience at a clothing shop people made comments like 'keep a close watch on the baby section because the Gypsy ladies like to steal things for their babies'.

He was also told to watch the North African women with headscarves because they could hide things there.

This made the young man very uncomfortable. He realised that his boss was very prejudiced against Roma and other minorities but kept quiet so as not to lose the opportunity for employment.

- 30. Santiago de Compostela. Employment. Direct discrimination.** The FSG in Santiago de Compostela reported that the work experience manager at a warehouse course claimed that there was no company available for the students to do work experience and that was a requirement for the training. The warehouse person responsible for contacting companies said that he felt obliged to tell them that the work experience candidates were Roma and when he did (even though this was unnecessary) they immediately refused to collaborate.

The FSG office in Santiago offered training to the worker regarding stereotypes and prejudices against the Roma community, in this case against Roma youngsters doing their work experience.





When the worker arrived at the FSG office and met the group of youngsters, he said that he could tell that they were Roma and this would complicate matters but that he would try to convince some of the collaborating companies to not be prejudiced towards them.

- 31. Algeciras. Employment. Direct discrimination.** A young girl told us that she was working on a trial basis for a few days at a shop with the possibility of being hired. After the second day the shop owner asked for her ID card so that he could draw up the contract.

The girl told us that his whole attitude changed when he looked at her ID and saw her surnames from which he could tell that she was Roma.

The owner then changed her duties. He did not let her work the cash register and only gave her cleaning work.

A week later at the end of the trial period the girl asked him why he decided not to hire her and he told her that it was because she was Roma and that he did not trust Roma people.

The FSG discrimination service provided the girl with information but she decided to not take any action because she did not feel that anything she could do would make that person change his mind about Roma.

- 32. Salamanca. Employment. Direct discrimination.** A Roma boy reported that he had begun work at a company that managed warehouses and they needed to hire several warehouse workers. He immediately submitted his CV and they gave him a work schedule and a description of his duties.

The boy told us that everything was going well until his employer asked him if he was Roma and he said that he was.

The next day he received a phone call informing him that he was dismissed.

The young man was sure that it was because he is Roma.

- 33. Alicante. Employment. Direct discrimination.** A young girl came to the office to tell us that she had been working at a hairdresser as a beautician for the past year. She worked in a treatment room located in the hairdresser's that she rented from the owner.

Three Roma girls came in for a treatment whom the young girl herself described as crass, discourteous to the other customers and disrespectful of the shop's rules. The girl said they were acting inappropriately. When the three girls left, the owner of the hairdresser said to everyone present in a loud voice 'typical Gypsy girls, that the neighbourhoods were full of them and that they should be kicked out of the town'.

The girl told us that despite these racist comments she could not do anything because the owner was very prejudiced and she was afraid of losing her job. She decided against taking any action.

- 34. Granada. Employment. Direct discrimination.** A Roma woman applied for an 80,000 euro mortgage and opened a tapas bar near a building belonging to the regional government of Andalusia (housing office). The bar did very well for three and a half years with many civil servants from the regional government who had their breakfast there and came for tapas.

During those three and a half years their staff consisted of a waiter, a cook, she and her husband and daughter and the business was doing well with plenty of customers.

The woman reported that over the last several months her place became known as the 'Gypsy bar' and the number of customers gradually diminished to the point that they had to close it.





The family told us that they couldn't take any action because they were unable to identify the people who started making those negative comments and rumours. They realised that this happened because they belong to the Roma community.

- 35. Don Benito. Employment. Direct discrimination.** A young man told us that he brought his CV to a business where he had a contact. His contact told him that they needed staff and that he was nearly sure that they would call him to work during the high season at a fruit shop. He was interviewed by the manager who asked him if he was Roma and he replied that he was.

At that point the manager's attitude changed and the young man was never called to work at the fruit shop.

- 36. Granada. Employment. Direct discrimination.** A young Roma man told us that he was engaged in a work experience scheme at a supermarket and that they started to treat him poorly when they discovered that he was Roma.

The youngster reported that he was asked questions such as what sort of marriage ceremony he had had, whether his wife was a virgin, etc. and that he felt harassed.

One day in the bakery where he did his work experience two days each week he was adding egg to the bread as he had done on other occasions and they told him, for no apparent reason, that he was not allowed to handle food.

Another day during his break he told his co-workers that he was going to get some breakfast and they said to him 'why are you going for breakfast? We thought Gypsies were used to going hungry'.

The young man felt discriminated against for being Roma. In fact, he finished his work experience but did not want to have anything to do with that establishment.

- 37. Granada. Employment. Direct discrimination.** A young Roma girl was doing her work experience at a supermarket. She reported that a work-mate treated her with disrespect and, according to the girl, tried to embarrass her by asking her why she got married at such a young age, that she had missed out on the best years of her life and also questioned her about her customs. She asked her if she lived in an industrial park. She was also forbidden to work the cash register even though this was part of the learning programme under the work experience agreement.

She also told us that when she would go off to have breakfast during her break her mates asked her why saying they thought Gypsies were used to going hungry.

She told us that all of this made her feel sad but she could not do anything about it because not all of her mates were like this and she didn't want to miss out on the chance of being hired at the supermarket.

- 38. Granada. Employment. Direct discrimination.** A young Roma girl reported that at her work experience job a co-worker asked her what organisation had arranged her position there and when she answered that it was the Fundación Secretariado Gitano the other girl started to snicker.

This made the girl uncomfortable because she couldn't understand why the co-worker would laugh at the organisation and at her when she explained that the FSG worked for the advancement of the Roma community.

- 39. Granada. Employment. Direct discrimination.** A young Roma man informed us that thanks to the FSG and the Acceder Employment programme he was doing his work experience at a fruit shop.





One day he was weighing fruit when two customers with full carts approached the counter and said that they wanted a different worker to weigh their groceries. He then had to call his co-worker to wait on these two customers. The young man continued to weigh the groceries of other customers.

He said that this incident bothered him as these customers let him know in no uncertain terms that they didn't want to him to wait on them. He didn't tell anyone else about what happened that day because he didn't want to lose his position.

- 40. Oviedo: Employment. Direct discrimination.** A young girl contacted a company that was offering employment as live-in domestic help in Oviedo through Facebook. This company specifically provided in-home personal care services.

The girl answered the advert and arranged an interview.

As they were approaching the home of the person hiring this service, the company manager asked the girl what her full name was and then asked her if she was Roma and she answered that she was. He then told her that it was no use applying for the job because the people requesting the service said that they did not want any Gypsies or foreigners.

The FSG in Oviedo called the company and they confirmed that the people seeking these services often told them that they did not want Gypsies or foreigners and that there was nothing they could do about that.

- 41. Valladolid. Employment. Direct discrimination.** The FSG in Valladolid contacted a company to ask about the possibility of work experience jobs.

From the beginning the owner said that he was not interested and pointed out that Roma did not want to work and that he had had bad experiences with Roma as customers.

In the end however, after a meeting with the work experience manager and a presentation about our employment programme and general awareness-raising, the owner changed his mind and agreed to engage work experience participants.

- 42. Badajoz. Employment. Direct discrimination.** During a labour market intermediation visit at a bar in Badajoz where we presented our employment programme, the owner refused to look at the CVs of Roma candidates since he had had a bad experience with a Roma worker in the past.

The FSG office in Badajoz tried to change his mind about Roma but he simply refused to listen.

- 43. Jaen. Employment. Indirect discrimination.** A young Roma girl started working at a clothes shop. The shop manager explained the duties she was responsible for. The girl reported having a good working relationship with the manager. She completed all of her duties and mentioned that once a co-worker spoke to her about the accumulation of clothes in the changing room.

A few days later the young woman and her husband contacted the FSG office in Jaen to report that she had been dismissed from her work experience post and that no one had told her why.

The girl told us that the day she was dismissed she had waited on two Roma families but had no idea why she was let go.

The FSG office in Jaen tried to make an appointment with the shop manager to ask him the reason for his decision and then pass this information on to the dismissed worker. The manager then stated as follows: 'Come in if you must but I'm not going to tell you anything more than what I'm telling you now on the phone. You're going to make the trip for nothing.'





He then added: 'If I had interviewed her, she would never have been given the post.'

This surprised us because the owner had never met the girl.

The FSG requested a meeting with the owner and the shop manager who then informed us on the phone that for the time being he was not going to hire anyone at the shop.

44. Huesca. Employment. Direct discrimination. The FSG office in Huesca responded to a job opening by offering them two pre-selected candidates from our employment programme there. They also requested a meeting with the coordinator of the shops located in the capital city of Huesca. At the meeting they presented the programme and the candidates after which the coordinator said that the decision was not up to her but that she didn't think there was much of a chance because 'the shop was not going to hire Roma workers because it could hurt their image'. The FSG workers in Huesca tried to refute her arguments stressing the profile of the candidates rather than focusing on stereotypes and prejudices about the Roma community as this would be unfair and discriminatory.

At the end of the meeting she promised to pass on the documentation to her bosses. We never heard from them again.





Cases of discrimination in health-care

1. **Santiago de Compostela. Health-care Services. Direct discrimination.** A Roma woman brought her son in to the emergency room with a high fever. The health-care worker asked her for her medical card and the mother explained that she had left it at home.

When she explained to the admissions clerk that she had left home in a hurry and had forgotten her card, the clerk looked at her askance and asked her co-worker to deal with the situation. She also made the following gratuitous comments: 'These people are all the same. We have to work to support them. Who do these people think they are?' 'You take care of them.'

The woman was livid. She called a family member who brought her card down to the health centre and then contacted 'citizen services' to see if there was anything she could do. Citizen services informed her that the health-care workers could not deny assistance to the child even without a medical card. After the child was treated the administrators could do the necessary paperwork. The woman told us that she intended to file a complaint at the Health Service of Galicia for the inappropriate and discriminatory treatment that she and her son had received from the emergency room staff.

The FSG office in Santiago, in collaboration with the Equality Department, made some enquiries to shed light on the situation. We first contacted the emergency services to verify the story that the woman reported to us.

Once that was verified, the FSG accompanied the woman to file a complaint at the Health Centre stressing the discriminatory treatment received from the admissions staff.

No apologies were made but the woman did not encounter any barriers in accessing health services after that incident.

2. **Cartagena. Health-care Services. Direct discrimination.** The FSG in Murcia learned of a survey being circulated by the paediatrics unit at the medical school of the University of Murcia concerning respiratory health in schools. The survey instructed participants to mark their 'race' and Roma was one of the choices. This was reported to us by a teacher at one of the schools where this survey was distributed.

Our department sent a letter to the Health Department of Murcia requesting that they look into that survey since it violated the Personal Data Protection Act which bans the collection of ethnic or racial information unless there is a general or scientific reason as this is considered an invasion of privacy (protected under the Constitution) according to Article 18.

The letter received a positive response. The survey was immediately taken out of circulation by the Cartagena Health Department and the Medical School of Murcia which had drawn it up in the first place.

3. **Gijon Health-care Services. Direct discrimination.** The FSG office in Gijon became aware of an incident related to a clinical report of a Roma man which stated as follows: 'Personal background together with allergies and medicines. Age: 45. Race: Roma. Profession: scrap metal collection'

The man requested that this case of discrimination be registered. He had been holding on to this document for some time to show the 'discrimination he was continuously suffering for being Roma'. The FSG checked the medical information. The Department did not take any action as this was not a recent document. We informed the victim that it was important to report these cases in a timely fashion so that we can take action.

The FSG in Gijon expressed concern about this incident because this was not the first time something like this had happened. These types of incidents require follow-up actions.





- 4. Jerez de la Frontera. Health-care Services. Direct discrimination.** The hospital of Jerez invited the FSG equality officer and other organisations working with the third sector to a social integration conference being held.

During the presentation by the equality officer about the Roma women equality programme called CALÍ, a social worker from the Jerez hospital made comments about the 'lack of respect that the Roma community had for the hospital's visitation rules' and added that 'many Roma bothered the other patients and to prevent clashes Roma patients were put together in the same rooms. That same social worker made stereotyped comments about Roma men asserting that 'domestic violence was a cultural characteristic of Roma men'.

The equality officer took advantage of our presence on the hospital's technical committee to express her disagreement with those comments and proposed working with hospital staff on prejudices and stereotypes and how these affect the Roma community and act as a barrier to their integral advancement. The equality officer was happy with the response she received from those taking part in that meeting who acknowledged the existence of these stereotypes and apologised.

- 5. Albacete. Health-care Services. Direct discrimination.** A family member of a Roma man reported that while this man was in a hospital in Hellin (Albacete) an orderly came into the room with a nurse's aide who made the following comment: 'don't bother sponging this one down very much because these people aren't used to washing.'

The Department sent a letter of complaint to the hospital administration describing what had happened and requesting that measures be taken to keep incidents like this from happening in the future.

A few days later the Department received a call from a Hellin Hospital administrator who informed us that he had spoken to the worker who had made those comments and he apologised on her behalf. The administrator then told us that he wanted to organise a conference and asked the FSG to take part. He also said that he intended to call the man's family to express his support and to apologise.

The family informed us that they did indeed receive a call from the hospital administrator who apologised and told them that a disciplinary proceeding had been initiated against that worker. However, the family was not satisfied because the worker who made that comment never admitted having done so and had not apologised. The Department passed this information on to the hospital administration





Cases of discrimination in police services

- 1. Santiago de Compostela. Police services. Direct discrimination.** According to the testimony of a young Roma man, he and some friends (one of whom was Moroccan and the rest Roma) were driving in his car when they passed a police car. The police stopped them and aggressively ordered them to get out of their vehicle with their hands in the air while they aimed their guns at them.

The man reported that he couldn't get out of the car quickly because it was a 2-door vehicle and the front passengers had to get out first.

The police then opened the boot of the car and one of them pointed his pistol at the man's head while another officer grabbed him and threw him to the ground and pointed his gun at the man's head as well.

Once they had subdued all of the occupants, the officers informed them why they had stopped them and searched their vehicle.

Allegedly, someone had reported that a group of people carrying firearms were driving around the city centre.

According to the victim, he and his friends had just recently left their homes and were in a part of the city that was quite a distance away from where the car was reported to have been seen.

No weapons of any sort were found during the police search.

The victim told us that this was not the first time that something like this had happened to him. No very long before he was in a pub and several police officers took him to the men's room and made him undress completely for a full body search without telling him why.

He told us that incidents like this had been happening ever since there was a change in police staff. They mainly affected young Roma men who were suffering frequent aggressions at the hands of the police.

The FSG office in Galicia consulted with the man and they agreed to speak with the other occupants of the vehicle.

They spoke with the others and explained them their rights in situations like this and told them that they could file a complaint. In the end, they all decided against filing a complaint.

- 2. Santiago de Compostela. Police services. Direct discrimination.** A Roma woman told us that one day she was walking with her young daughter in her neighbourhood when two plain-clothes police officers got out of their car and asked her if her name was Luisa. When the woman said that she wasn't Luisa they identified themselves as police officers.

They asked her for her ID card and wrote down her details on a piece of paper. The woman asked them why they had taken down her details and they replied that it was none of her business. The woman asked them again and the officers told her that if she kept insisting they would give her a fine.

In the meantime her little daughter was asking her what was happening. At that point the woman decided to keep quiet for fear of a possible fine and police reprisals against her and her daughter.

She told us that sadly Roma people were frequently subjected to situations such as this.

She wanted this incident to be recorded in our register of discrimination cases.





- 3. Madrid. Police services. Direct discrimination.** A Roma woman went to a national police station in Madrid to report the disappearance of her 16-year-old daughter. The mother said that she suspected that her daughter was with her 30-year-old boyfriend but that she was concerned because the girl was a minor. The officer at the desk said that since the child had left home of her own free will the woman could not file a missing persons report. The woman then went to another police station (Puerta de Toledo neighbourhood in Madrid) where they did allow her to file the report.

The woman told us that she was bothered by the discriminatory treatment received from the police officers. They even laughed at her for no apparent reason.

Shortly after that her daughter returned home. The equality officer asked her for a copy of the missing persons report she had filed at Puerta de Toledo but the woman decided against taking any action.

- 4. Zaragoza. Police services. Direct discrimination.** Six Roma boys taking part in a Learning by Doing employment course were waiting at the entrance of the FSG office in Zaragoza to attend their class. At that same moment a national police van was driving by and 6 or 7 officers got out and ordered the youngsters to stand against the wall while they frisked them and ordered them to empty their pockets.

At that point, several FSG workers came out of the office to see what was going on and asked the officers what they were doing. We also told the officers that these youngsters were our students and were taking part in the Learning by Doing employment programme.

The police checked the boys' ID cards and then left without any sort of explanation.

The boys were very upset and said that this happened because they were Roma or looked like they were Roma and that they were used to be treated like this. They decided not to report this incident to the police or to any other agency.

- 5. Zaragoza. Police services. Direct discrimination.** A young man participating in the FSG's Learning by Doing programme was with a family member (a child) when a local police car approached him. Seeing the police, the child quickly got on his bicycle and fled because it was during the day and he should have been in school. The other youngster, who according to the police put his hands in his pockets, was taken to the police station where they identified and registered him (they even ordered him to take his shoes off)

When the youngster asked why they were doing this they answered that it was their duty to identify him and all citizens had to comply. The FSG in Zaragoza requested information on this procedure at the same police station and they explained that all citizens were under obligation to identify themselves but not to be registered.

The young man also reported that the police frisked him in front of many other people and he was embarrassed as he was singled out and no one else was frisked. He was convinced that this happened to him because he is Roma.

We suggested he file a complaint against those officers but he refused out fear of reprisals.

- 6. Don Benito. Police services. Direct discrimination.** A group of young people (some of them Roma) age 13 to 15 were arguing when a police car drove by and stopped. Without any explanation, the officers asked to see the ID cards of most of the youngsters and put three of them in the police car along with a Roma boy who just happened to be walking by and stopped to see what was going on.

The boys told the police that the young man who happened to be walking by had nothing to do with the argument they were having.

At the station the police took a statement from the young man and then put him in a holding cell. The young Roma man reported that the officers were unpleasant and discriminatory and although he explained that he was just walking by and had nothing to do with that other group they still put him in a cell at the police station.





After gathering information from all of the youngsters and from some of the parents, the FSG's Don Benito office decided to draw up a complaint and present it to the ombudsman. However the victims, for different reasons, did not come in to draw up the letter of complaint. A few days later the mother of one of the boys contacted the FSG to report that she received a letter from the juvenile division of the prosecutor's office.

The FSG explained what the letter was about and answered her questions. The mother decided against filing a complaint to the ombudsman because she was afraid. The FSG's Don Benito office closed the case because the victims decided not to continue out of fear.

- 7. Valencia. Police services. Direct discrimination.** A Romanian Roma woman was driving in her van on a secondary road on the outskirts of Valencia. She passed a plain clothes national police officer who was driving an unmarked car. The officer accused the woman of reckless driving.

He then asked to see her ID and the car registration documents.

She gave him the documentation and then asked him why he had suddenly accelerated when she was passing him. The officer said that he had to give her a fine but since he was not authorised he called the Civil Guard. The woman told the Civil Guard officer what had happened and showed him her documents. The Civil Guard officer confirmed that she had not committed any infraction and that he could not give her a fine.

The other officer urged the Civil Guard to inspect the car and he found that the car-seat that the child was using was not up to standard. In the end they fined the woman for the child's car-seat. The woman paid the fine but approximately three months later she received another fine in the mail with the same date, place and time for 'failing to identify the person driving the vehicle when the infraction was committed'.

The woman told us that the first police officer was not satisfied with the report made by the Civil Guard.

After paying the first fine (child car-seat) she tried to appeal the second one but her appeal was not admitted. She decided against any more appeals but was indignant with the discriminatory treatment received by the plain clothes officer.

- 8. Valencia. Police services. Direct discrimination.** Two Roma women were selling their wares at the Cabañal outdoor market but were doing so without a license. Two police officers arrived and searched them in front of everyone and aggressively took down their stalls.

The FSG office in Valencia closed the case at the request of the victims. The women decided against filing a complaint out of fear of possible reprisals from the police.

- 9. Valencia. Police services. Direct discrimination.** A Roma man taking part in an FSG programme in Valencia reported that he was in front of his home fixing one of the seats of his van and left it on the side-walk while he was completing the repair job. A local police officer approached him and asked to look in the man's house to see if he was storing scrap metal there. The man answered that the officer would need a search warrant to enter his home. The policeman, apparently angered by that response, gave the man a fine for 'littering on a public thoroughfare'.

The equality officer met with the man to see if it was worthwhile to appeal the fine but he told her that this had happened some time ago and it was therefore no longer possible to file an appeal. He also told us that situations such as these occurred frequently in the Cabañal neighbourhood.

The victim did not want us to take any action but did ask the FSG to keep a closer watch on police action in the area.





10. Madrid. Police services. Direct discrimination. During a break in an FSG training course, some of the students were standing at the entrance to the FSG centre in Madrid when two national police officers approached them asked to see their ID and then searched them one by one without any explanation. The search was done on the street where many passers-by stopped to watch as the police officers frisked the youngsters.

The boys told us that the people watching were scowling at them. They felt discriminated against because out of all the people there, they were singled out for this search.

The boys reached the conclusion that they were singled out for being Roma. They also concluded that nothing could be done in situations like these. They felt defenceless at the hands of the police.





Cases of discrimination in housing

- 1. Huelva. Housing. Direct discrimination.** A Roma family contacted the owner of a rental flat by phone. They were interested in the flat (acceptable price and good location) and agreed to transfer a month's rent to the owner's account as a deposit so that he would reserve it for them.

The family told the FSG that they then met the owner in person to exchange documentation and pick up the keys but when he realised that they were Roma he said that he had changed his mind and that he needed the flat. He did return their deposit but the family was sure that he did not rent the flat to them because they are Roma.

- 2. Linares. Housing. Direct discrimination.** A young Roma man tried to rent a store-front from the owner to open a sandwich shop at the Linares-Baeza station. The sister of the victim (who did not look Roma) made the rental arrangements.

The landlord made an appointment with the sister to sign the contract and she asked him if she could leave some furniture for their future business there. The landlord said that that was fine and gave her the keys to the store-front.

A short while later the woman and her brother returned with the furniture. When the owner saw the brother, whom he recognised as being Roma, his attitude changed and he began to search for excuses to not sign the contract.

The next day the owner informed them that he would not rent them the store-front. The victim had already invested more than €800 in furniture. The young man decided to file a complaint at the hate and discrimination prosecution office in Jaen.

A few days later we received an answer from the prosecutor informing us that they dismissed the case because "refusal to rent the store-front, even if based on racist motives, did not happen during the course of professional or business activities".

The young man decided against taking any further action.

- 3. Madrid. Housing. Hate speech.** A young Roma man came to the FSG office accompanied by his brother in representation of several families. They were occupying several homes in the Ensanche de Vallecas neighbourhood and, according to the man, they intended to legalise their situation. They told us that in recent weeks they had been assaulted both physically and verbally by their neighbours and police who said things such as: "Hitler should have done away with you people..."

A few days later the FSG contacted the young man who reported that the families had been evicted and that they did not want to take any action.

- 4. Gozón. Housing. Direct discrimination.** A Roma family from Gozón who were renting a flat were looking to rent a bigger one.

They spoke on the phone with a person to rent his flat and reached an agreement on the amount and the deposit. When they met with the owner they brought all of the documentation that he had requested on the phone. The owner then informed them that the flat was no longer available and gave no further explanation.

This family had never had any problems getting on with their neighbours. They decided not to take any action but were sure that they were not able to rent the flat because they are Roma.





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Aviles. Housing. Direct discrimination. A woman told the FSG equality officer that she had been searching for a rental flat for a week because she was going to remodel the house where she was currently living with her family. She went to social services and they told her that since her husband was working and received a monthly pay check they could not help them. The woman then approached another organisation to request help but they told her that they did not have any flats and suggested she check with the estate agencies in her neighbourhood. She visited several but only one showed her just one flat which was 'unfit to live in'.

The FSG contacted that one agency that had showed her a flat. The agency explained that "they only had that one flat because that was the only owner who was willing to rent to Roma families" and that they didn't have any more flats to show.

The woman also explained that she had searched on the Internet, newspaper adverts, etc. but to no avail. They all told her 'it's already been rented'. The FSG officer verified that flats that were supposedly rented were still available for rent.

A few days later the woman told us that they had found a home thanks to a friend of her husband (non-Roma) who helped arrange the contract. She said that she felt discriminated against for being Roma but did not want to take any action.

6. Mérida. Housing. Direct discrimination. A couple looking to rent found a flat they were interested in and called to see it. They received all of the information about the flat over the phone. The couple was interested so they made an appointment with the owner to go and see it and leave a deposit that same day if they liked it. The owner agreed to show them the flat. However, when he met them and realised they were Roma he said that he was very sorry but that it was already rented.

The couple was disappointed and told us: 'we were identified as Roma and any excuse sufficed to not rent us the flat'. They felt discriminated against and unable to defend themselves against situations like these.

7. Granada. Housing. Direct discrimination. A Roma woman approached the housing office to apply for aid to rent a flat. While she was waiting in the queue to turn in her application a man made the following comment in a loud voice: "They always give this aid to the same people, to the Gypsies who live from handouts. Just look at all these Gypsies waiting in the queue to try to get something for free. All they want is handouts".

None of the people waiting in the queue or the civil servants working in that office did anything, nor did they give her information or inform her about the requirements. The woman was distraught by the time she left the office.

In the end she decided against taking any action or even filing a complaint form for the poor treatment that she received. She simply wanted her case to be registered in this report.

8. Cuenca. Housing. Direct discrimination. An FSG programme participant in Cuenca told the equality officer that she was looking for a larger flat to rent. Moreover, the owner of the house she and her family were living in wanted to sell it and had given them a few months to move out.

The women visited three estate agencies. When she went on her own everything went smoothly with the agencies. When she found a flat she liked she decided to bring her husband along to see what he thought.

When she showed up with her husband the estate agents changed their attitude. The woman believed that when they met her husband and realised that they were Roma they decided against renting to them. This was verified a few days later when the estate agent failed to call them back.





The victim did not want to take any action. She simply wanted to register the fact that the estate agency had discriminated against them for being Roma.

- 9. Santiago de Compostela. Housing. Direct discrimination.** A young Roma man made an appointment with the owner to see a rental flat. The owner showed him the flat but when the young man asked him about the rental conditions the owner told him that he had already rented the flat to someone else. He didn't mention that until the young man verbalised his intention to rent the flat. A month later the flat was still for rent.

The young man was convinced that the owner identified him as Roma and then told him that the flat had already been rented.

He asked his nephew to call the owner to find out if the flat had been rented. That's how they found out that it was still for rent.

The equality officer tried to contact the owner with the intention of mediating but was unsuccessful.

- 10. Alicante. Housing. Direct discrimination.** A young man decided to rent a hall for a family celebration. He found one that he liked and went to see it. He spoke with the owner and they agreed on the price and left the payment of the deposit pending.

On the second visit the man came with his wife and when the owner saw her he asked them directly if "they had anything to do with Gypsies" and the young man said that they did and were in fact Roma. The owner then said "if you're Gypsies I can't rent to you because I've had problems with Gypsies in the past". The young man then answered that not all Gypsies were the same. He tried to get the owner to reflect on his discriminatory behaviour but was unable to change his mind.

We called the owner and he admitted not wanting to rent his hall to Roma due to past problems. Neighbours in the area told us that the previous renters were not Roma.

The FSG tried to mediate but neither the victim nor the owner were interested in moving forward with the rental of the hall.

- 11. Castrillón. Housing. Direct discrimination.** A family from Castrillón asked the FSG equality officer for help in finding a flat because they had been trying for some time and had not been successful. They told us that they had tried several estate agents who were making it very difficult for them to rent.

The FSG officer made some phone calls and discovered that the flats that the family had been told were not available were indeed still for rent.

The family was desperate and asked us to accompany them to try to arrange something. In two of the three estate agencies we were told that they had nothing to show us. In another one they told us to come back another day.

We then showed up unannounced and asked to speak with the office manager. We told her how we were being treated and she arranged an appointment with a possible renter. The next day we went to the office with all of the papers they requested. A different agent helped us that day (the director was not there) and we were told that we were missing documentation. We apparently needed insurance if we wanted to rent the flat.

Two weeks later the family told the FSG that they had finally found a flat through some acquaintances because they had given up on estate agents who refused to rent flats to Roma.





- 12. Salamanca. Housing. Direct discrimination.** A young woman came to the FSG office in Salamanca to report that her landlord had broken her rental contract as he asked them to leave the flat before the contract was up because her partner was Roma.

The victim showed us a copy of the rental contract and indeed the rental period had not yet expired.

The landlord exclaimed that he "did not want to rent to Gypsies or Romanians" and that he preferred to pay them two times the amount of the deposit for breaking the contract just to get the couple out of his flat.

The woman felt discriminated against and frustrated as there was nothing she could do. The landlord compensated them for breaking the contract and they therefore had to move out.





Cases of discrimination in other areas and hate speech

- 1. Mérida. Others. Direct discrimination.** The FSG in Merida had engaged a cleaning service for its offices and a cleaning woman was assigned to them. One day the woman was cleaning the FSG office and speaking with the workers there when she began to make negative and stereotyped comments about Roma

The workers explained the work we do and how important it is not to be duped by stereotypes about the Roma community.

The woman apologised.

- 2. Ciudad Real. Others. Direct discrimination.** A Roma man who collected and sold scrap metal was selling it at a municipal recycling site. When he approached the counter to arrange the sale of his scrap metal one of the office staff told him that they would not buy it because it was stolen. This prompted the man to request a complaint form because he considered this false accusation to be serious.

After that one of the office workers got up and said in a loud voice that she would buy from whomever wanted to sell. The man then called the local police and when they arrived the man told them that they had refused to give him a complaint form. One of the police officers then went into the office to ask for a complaint form. When he came out of the office he told the man to ask for it again if they did not bring it to him within 10 minutes because it is mandatory to have complaint forms available. They also told the man that he could come down to the police station to file a complaint as they believed that he was being treated in a discriminatory manner.

- 3. Valladolid. Others. Direct discrimination.** A woman angrily burst in to the FSG office in Valladolid making disparaging remarks about Roma. She was ranting on about a fight she had had with a Roma woman outside in the street and came into the office to let off steam proclaiming that Roma were the worst. She even threatened to go to the Castile–Leon Regional Government office to request that they cut off FSG funding.

The women's visit caught us off guard but we nevertheless spoke with her and tried to assuage the prejudices she had towards the Roma community. In the end the woman left our office with a more complete vision of the Roma community and a more informed opinion.

The FSG decided against taking any sort of action other than the conversation we had with the woman.

- 4. Oviedo: Others. Direct discrimination. The FSG in Oviedo learned of an incident in which a local woman accused a Roma family of selling drugs in the flat where they had been living for the previous two months.**

The family complained at the local social services office and contacted the FSG. The FSG officer spoke with the woman and she confirmed her accusations against the family with no proof and no regret, her motivation being ethnic prejudice.

In the light of such a serious accusation, the family approached the Civil Guard to file a complaint. The FSG office in Oviedo arranged a meeting with the parties affected with a view to assigning responsibility and repair the damage caused to the family's honour and image.

At that meeting the woman acknowledged that she did not have any evidence on which to base her accusations and that she was simply repeating what she had heard from another neighbour. She also admitted that she did not have any issue with the family. The woman retracted her accusation and the family decided against pressing charges.





- 5. Almeria. Others. Direct discrimination.** A young Roma woman told the equality officer at the Almeria FSG office that she was the youth councillor of the local government in a small village and that the acting mayor sent a WhatsApp message to his team saying that she (the councillor) was: 'thoroughly corrupt because that was part of her DNA'. This message also made its way into the newspapers.

The Equality Department sent a letter of complaint to the mayor's office for this extremely serious accusation. A few days later we received a telephone call from the acting mayor apologising and explaining that it was not his intention to offend anyone and that it would not happen again. He also apologised in the WhatsApp group and at a town hall plenary.

- 6. Mérida. Others. Direct discrimination.** A young Roma woman told the FSG officer in Merida about an incident that happened to her in a shop. When her first daughter was born they purchased a pram but when they got home with it they realised that it was missing the back basket. The family immediately returned to the shop. When they informed the department manager of the missing basket the manager replied 'I should have never sold a pram to Gypsies'.

The young woman told us that some shop owners deeply mistrusted Roma, believing that they are all thieves or swindlers. The victim decided against taking any action because the shop closed shortly thereafter.

- 7. Jerez de la Frontera. Others. Direct discrimination.** A worker from one of the offices situated on the same floor of the same building as the FSG Jerez office burst into the FSG screaming that we had to do something about a man out on the stairway landing speaking very loudly on his telephone bothering the people in her office.

Addressing the FSG workers the woman proclaimed 'That man is one of yours'. We were able to verify that the man had indeed just left the FSG office but he received the call as he was leaving and the woman immediately came into our office complaining in a disrespectful tone.

The FSG officers engaged the woman in a calm dialogue after which she apologised and admitted that she had never had any issues with Roma.

- 8. Santander. Others. Direct discrimination.** A young Roma man member of a musical ensemble went to a music pub in Santander to ask the manager if he and his group could perform there.

As soon as the manager saw him he asked if he was Roma and the young man said that he was. The manager then said that he could not engage him because his bar would fill up with Gypsies and he could not let that happen because it would scare off the rest of his clientele. The young man responded by explaining that the other members of his band were not Roma but then left when he saw the manager's reaction.

The young man told this story to the FSG equality officer at the Santander office. The officer paid a visit to the pub to speak with the manager (alleged discriminator) and try to reason with him.

Once the equality officer spoke to the manager about what the young man had told her, he explained that the main reason he did not want to engage the Roma man and his group was because he had had bad experiences with other Roma in the past.

The conversation continued and the officer managed to break down a number of stereotypes and generalisations towards Roma and in the end the manager said he understood that not all Roma were the same and that he would give the young man and his group a chance. He promised to call them. The manager was receptive.

A few days later the young man called the FSG to let them know that the pub manager had indeed called him and that his group was going to perform there.





- 9. Malaga. Public spaces. Direct discrimination.** A Roma man was selling shoes at his market stall and called to a woman passing by to offer his wares. He showed her a pair of shoes and the woman responded by saying: 'These shoes are cheap. They would make me look like a Gypsy'. The woman's comment took the stall owner by surprise and he told her that he was Roma and he didn't wear cheap clothes.

The man is a programme participant at the FSG in Malaga and he told this story to the equality officer because he was surprised how this woman casually identified Roma with a propensity for cheap things.

This incident drew the attention of the FSG office in Malaga and highlighted the importance of working more on the issue of discrimination at markets where many of the stalls are run by Roma workers and racist comments are commonly heard.

- 10. Malaga. Others. Direct discrimination.** A young Roma woman told the FSG equality officer at the Malaga office that she was suffering constant insults, rejection and discrimination from the family of her ex-partner. The couple had a 3 year old child and the family was using her Roma background to try to turn her son against her. Every time the child was with the father, the latter's family cut his hair very short saying that there was lice in the mother's house.

The woman said that the comments about her family and the lice were because they were Roma.

The equality officer informed the woman that the FSG could mediate between her and her ex-partner's family. The woman decided not to take any action for fear of only causing more conflict.

- 11. Valencia. Others. Direct discrimination.** A family of Romanian Roma told the FSG equality officer at the Valencia office that they were given a fine for 'storing scrap metal' in a street-level flat they were renting. The fine totalled €2,001 and was for 'engaging in an economic activity without the requisite permit'.

According to the local police, they were fined for storing scrap metal with no permit or authorisation. The equality officer called the environmental department at the town hall to enquire about the storage of scrapped appliances (scrap metal) for subsequent sale. The town hall informed her that no permit or authorisation was required because scrap metal was not considered hazardous waste.

The equality officer in Valencia examined the fine notification and submitted a letter with allegations asserting that the family was not engaging in an economic activity in their flat and that they were the signatories of the rental contract.

Months later the family reported that they had received another notification dismissing our allegations. We informed the family that they could file a complaint against the public administration but they chose not to.

- 12. Madrid. Others. Direct discrimination.** A woman and her husband, both Roma, created a non-profit association to help people suffering from social exclusion and with drug addiction problems. They never had any problems with their neighbours until a woman opened a bar next door to them.

That's when the problems began. The bar owner began to harass and insult them because most of the people who went to the couple's association next door were Roma. On one occasion the woman said that 'Hitler... yes he was a great man... he put Gypsies in concentration camps' and 'Today it's raining... maybe you'll get washed up a little'.

The family pressed charges against the bar owner and won the ensuing court case. Nonetheless, according to the equality officer, the situation only got worse after that. The bar owner also filed a formal complaint against them and constantly threatened them saying that she was going to do everything in her power to convince their landlord not to renew their rental contract.

The FSG asked to see the complaints to determine whether an out of court solution was possible. The case is currently pending a court decision.





- 13. Almeria. Others. Direct discrimination.** An FSG officer in Almeria recorded the case of an agricultural expert who tried to sell FSG lottery tickets to a group of farmers sitting at an outdoor café. When he offered them the lottery tickets one of the men sitting at the table said: 'I can buy you a cup of coffee if you're in need but not a cent for the Gypsies.'

The man then explained what the lottery tickets proceeds were for but the men were not interested. They then told him to get lost and leave them alone.

The equality officer runs 'response and argument' workshops to teach the participants in our programmes how to deal with situations like these and offset these types of comments and prejudices against the Roma population.

- 14. Don Benito. Others. Direct discrimination.** The following WhatsApp message was detected by the FSG Don Benito office:

"Good evening. I am the second diabolical clown and we wanted to warn you that within the hour we will be in Don Benito. We will visit the Las Malvinas Gypsy neighbourhood where we will be looking for the girls and boys who are usually out on the street at these hours. Be warned. We're coming after you!!! And don't try to run away. We're going to hurt you because that's what we do. This is our big 2016 diabolical clown harassment day. It will be unforgettable. Have a good evening, if we let you."

The FSG Don Benito office answered this WhatsApp but didn't receive any response.

Since we didn't know the origin of the message we were not able to report it to the police.

- 15. Granada. Others. Direct discrimination.** An FSG programme participant from Granada told the equality officer that she was dating a boy. The girl met the boy's mother and everything was going smoothly until the mother realised that the girl was Roma and worked in the market. The boy told his mother that he wanted to go out with the girl but the mother told him that if he did, he would have to move out of the house.

The girl who suffered this rejection from the boy's family simply wanted to share her sadness and tell people the consequences that prejudices and stereotypes against the Roma community can have on inter-ethnic relations.





- 16. Pamplona. Others. Direct discrimination.** The FSG equality officer at the Pamplona office saw a news report about notices that were put up on the municipal bulletin board in Navarre featuring racist insults. The notices featured the following message: 'Gypsies out of our gardens, no more thieves'. The equality officer contacted the mayor. According to the mayor, this was an isolated incident. A local resident most likely put up the notices because he was angry about produce stolen from his garden. There were three hand-written notices and they were taken down that same morning. The mayor assured us that we would let us know if anything like this happened again and would take the necessary measures.

The FSG office in Pamplona welcomed this response and the accessibility of the mayor and will monitor the situation of the Roma families residing in that town.

- 17. Santander. Others. Direct discrimination.** A young man looking to buy a used car found one on the Internet that he was interested in. He called the seller. They spoke on the phone and the seller asked him if he was Roma and the victim said that he was. The seller then said 'I'm not going to sell you the car because you're a Gypsy and I don't sell to Gypsies because I want nothing to do with you people' and then hung up. The young man felt horrible and turned to the equality officer in Santander who told him that she is aware of these discriminatory practices against Roma.

The equality officer informed him of his rights and of the possibility of taking action if he could acquire evidence of what happened. She also contacted the discriminator on the phone but there was no correspondence by email or WhatsApp and she therefore was unable to gather any evidence of his discriminatory treatment of Roma people.

- 18. Linares. Others. Direct discrimination.** A Roma woman who was taking part in an FSG programme in Linares told the equality officer that one day she was in the supermarket when she proceeded to the checkout counter she asked the cashier who was the last person in the queue. The cashier immediately started to scream at the woman and say disparaging things about Roma because she thought the woman was trying to jump the queue. She ended her tirade saying 'you always end up getting whatever you want'.

The woman told us this story because she found the cashier's response shocking and discriminatory. The equality officer informed her of her rights and the possibility of engaging in mediation or lodging a complaint. The woman said that she just wanted to forget the incident and not go back to that supermarket.

- 19. Lugo. Others. Direct discrimination.** The FSG engaged a courier service to send some packages to its Lugo office. Upon receiving them, the equality officer asked the courier why one of the packages was opened. The package was opened and one could see the books it contained with the word 'gitanos' (Roma) printed on the cover.

The courier responded, 'who would ever take something from the Gypsies?' The equality officer then asked him if he knew where he was and he said 'in the Gypsy place'. The officer chastised him for his lack of respect to which he answered 'it's the honest truth. Those people just don't want to work'. Throughout the conversations the courier kept repeating 'the Gypsy race wasn't made to work. They prefer to go to the markets. They don't know how to work long hours or go to interviews looking normal and well dressed'.

The officer tried to reason with the man and tell him about the work that the FSG was doing but he refused to listen and left the office.

The Equal Department sent a letter of complaint to the courier company. The company responded immediately and apologised on behalf of their worker whose behaviour was diametrically opposed to the company's philosophy. The quality department promised to investigate.

A few days later the Equality Department was informed that the company had spoken with the courier and, as he was unable to provide a reasonable explanation for his attitude, comments and behaviour, they took the firm decision to dismiss him on the spot. The Lugo branch of the company communicated their most sincere





apologies since non-discrimination towards any person and for any reason is company policy, just as it is the Foundation's policy. They even offered to visit us at our Lugo office to apologise in person.

- 20. Castellón. Others. Hate crimes.** A mother reported a racist anti-Roma act against her son through a Facebook message. Her son was having dinner with his family at a table located on the outdoor terrace of a café when someone hit him in the head with a bottle while exclaiming 'the Gypsy race should be exterminated; get out of this town'. His child was also threatened and insulted. The aggressor is known for his neo-Nazi tendencies.

The family reported the incident to the police.

In the light of the seriousness of the incident, the Equality Department lodged a complaint with the hate crime and discrimination prosecutor in Castellón. In the complaint we requested a thorough investigation of the case.

This case, which is still pending in the courts, is being supported by the FSG teams of Valencia and Castellón and the expert from Valencia is likewise providing accompaniment and legal counsel.

This is one of the anti-Gypsyism hate crimes taken to the courts with the support of the FSG and court-appointed legal defence. The case is currently at the investigative stage awaiting resolution.

- 21. Madrid. Others. Hate speech.** A Nazi swastika was found painted on the window of a Roma family's home together with the words 'go home'.

The Equality Department contacted the family who were very concerned and scared about what could happen to them. We informed them that they could file charges at the office of the hate crime and discrimination prosecutor of Madrid. However, the family decided against taking any action for fear of reprisals. They themselves removed the swastika.

This incident was covered by the Cadena Ser radio station in a story that included more details.

http://cadenaser.com/emisora/2016/03/03/radio_madrid/1457027695_031458.html?ssm=14092012-Ser-rs-1-Tw

Esvásticas en la ventana de una familia gitana en el barrio de Argüelles

Un grupo de ultraderecha pintó varias esvásticas, símbolos fascistas y la frase "Go Home" en la ventana de una familia gitana que vive desde hace seis años en el barrio de Argüelles





‘Juan Álvarez Mendizábal Street in the Argüelles neighbourhood of Madrid woke up yesterday morning to all too familiar graffiti: several swastikas together with the words ‘go home’ drawn with red spray paint on the window of a street-level flat near the corner of Marqués de Urquijo Street. A Roma family with two small children has been living in that flat for over six years.

In conversations with the SER (radio station) several family members claim that the incident happened at four in the morning on Thursday as they were woken up by the strong odour of paint and found the graffiti when they went outside to see what was going on. They reported that this was not the first time but rather the third time in the past year that something like this had happened. On one of the other occasions the graffiti said ‘gitanos de mierda’ (Gypsy shit) and objects were thrown through the window facing the street.

Family members said that they saw no point in reporting the incident to the police because the perpetrators would not be caught and so they simply resigned themselves to again clean the building façade themselves.

Homage to a murdered Phalangist (member of the Fascist Phalange militia in Spain)

Local neighbourhood residents insist that they have never had problems with ultra right-wing groups although directly across the street from where this family lives there is a memorial to the Phalangist movement. On 9 February 1934, just a few metres from their home, the 20 year old Phalangist student Matías Montero was shot to death as he was selling the Phalangist newspaper called ‘F.E.’ A commemorative plaque and flag along with the coat of arms of the ultra right-wing Spanish University Union commemorate his death.

- 22. Pamplona. Others. Hate speech.** Through news reports and the direct testimony of Roma participants in FSG programmes in Pamplona, the FSG equality officer was informed that a swastika and the symbol of the neo-Nazi group called ‘Bases Autonomas’ with the slogan ‘White Europe’ were painted on a wall in a neighbourhood in the town of Iruña where mostly Roma and immigrants live.

<http://pamplonaactual.com/nuevas-pintadas-nazis-xenofobas-pamplona/>

The equality officer spoke with the municipal police and the town hall to obtain first-hand information. The police and town hall immediately removed this graffiti featuring Nazi symbolism.

The FSG officer in Pamplona also visited the neighbourhood in the company of several people who had seen the graffiti and who lived in the neighbourhood.

By the time she reached the site, the offensive graffiti had already been removed from the building façade. Several Roma families who lived nearby told us that they now lived in fear of what could happen to them.

- 23. Madrid. Others. Hate speech.** The Department received a WhatsApp message featuring a picture of a dog wearing glasses and the following words: ‘Racism and Gypsies should be eliminated.’



Una pintada fascista en la Magdalena





A group of Roma youngsters in the same WhatsApp group also received the message. The youngsters pressured the person who had sent the message and finally had him eliminated from the group. However, for the time being the message remained.

This incident ends on a positive note insofar as the youngsters managed to convince the discriminator to eliminate the offensive message. 82

24. Madrid. Public spaces. Hate speech. Multiple discrimination. A group of fans of the football team called PSV Eindhoven took part in a humiliating incident against a group of Romanian women in the Plaza Mayor of Madrid. They also sang xenophobic chants and physically assaulted their victims by kicking and shoving them.

This all took place in a public square in the presence of a large group of people.

The victims suffered xenophobic, sexist and anti-Roma treatment which included throwing coins and food at the women as if they were animals. They were also encouraged to dance in exchange for money and do push-ups also for money. Throughout the entire incident these football club supporters maintained an attitude of ridicule, humiliation, disrespect and belittlement towards women.

The Department sent several complaints to different bodies: a letter to the General Sports Council, a letter to the Embassy of the Netherlands, a formal complaint to the prosecutor and a joint communiqué by the FSG and the Rais Foundation.

We should also report that the response received from these bodies was positive insofar as they condemned the behaviour of these followers of the PSV Eindhoven Football Club. The Dutch government identified the perpetrators and fined them. It also banned them from entering football stadiums for several years.



CASE 24





2. Cases of anti-Gypsyism in Europe

1. **FRANCE. Attack on a camp.** On 15 August 2016 in Marseilles, France there was a violent attack against a Roma camp with Molotov cocktails and bombs (several people injured). On 21 July a Roma adolescent from the other side of the city had been beaten up by neighbours.

That same week several Roma families were expelled from their homes in Montreuil.

<http://www.leparisien.fr/faits-divers/marseille-un-camp-de-roms-attaque-aux-cocktails-molotov-et-a-la-bombe-artisanale-16-08-2016-6045761.php>

<http://www.romea.cz/en/news/world/france-attack-with-firearms-and-molotov-cocktails-against-roma-over-two-nights-seven-hospitalized-including-a-teenager#.V7cWGJXhGc.facebook>

<https://blogs.mediapart.fr/juliette-keating/blog/180816/montreuil-familles-roms-expulsees-ou-de-la-deguellasserie-en-politique>

2. **CZECH REPUBLIC Attack on a camp.** A summer camp for Roma children in the Czech Republic was attacked by a person who screamed anti-Roma slogans as he fired gunshots into the air. Although the incident was reported, the police did not go to the site to investigate. This negligence was denounced by civil rights associations throughout the country.

<http://www.romea.cz/en/news/czech/ida-kelarova-on-warning-shots-fired-near-roma-children-at-music-camp-the-czech-police-refused-to-help-us>

<http://www.romea.cz/en/news/czech/czech-police-investigating-shots-fired-at-romani-summer-camp-and-local-police-procedure>

3. **UKRAINE. Threats.** Several Roma families in Ukraine were expelled from their homes under the threat of death in the town of Loshchynivka while police forces stood by without doing anything.

The violence in the small village of Loshchynivka erupted after a local man was arrested in relation with the rape and murder of a 9 year old girl. A Ukrainian human rights organisation called the Human Rights Protection Group of Kharkiv reported that the suspect was not Roma.

<http://www.nytimes.com/2016/08/31/world/europe/ukraine-roma.html>

4. **BULGARIA. Golpiza.** A 17 year old Roma youth called Mitko from the town of Ovchepoltsi received a brutal beating on 18 April 2016 at the hands of 24 year old Angel Kaleev. The incident occurred after the young man told Kaleev that they were equals despite their different ethnic backgrounds. Kaleev considers himself a Bulgarian ethnic nationalist and filmed himself beating the boy. The video shows Kaleev attacking the young man while making racist statements. In an interview on the national TV channel BTV, Kaleev admitted committing the act for reasons of racism. According to the media, Kaleev was arrested while trying to evade the police.

"This act of violence against a Roma minor is an attack against the entire Roma community and an alarming example of the growing number of hate crimes against us in Bulgaria and other places. We will keep a close watch on how the Bulgarian authorities investigate this case" said Jorge Jovanovic, President of the European Roma Rights Centre. "It is high time the Bulgarian authorities take measures to prevent things like this from occurring and use the full force of the justice system to punish those responsible for racial abuse against Roma. We are ready and





Mitko, the victim of the attack, launched the campaign #RomaAreEqual

willing to file charges under Article 162 of the Criminal Code addressing violence based on race and incitement to discrimination” added Daniela Mihailova from the Equal Opportunity Initiative Association, a Bulgarian NGO.

<http://www.errc.org/article/romani-boy-attacked-in-bulgaria-for-declaring-himself-equal/4473>

These are just a few examples of the many cases of discrimination against Roma families and individuals in Europe in 2016.

We would like to stress two important aspects of these cases: the anti-Roma hate and racist component characterising all of them and an insufficient police response.

We believe that these are extremely serious cases of anti-Gypsyism which prove that the Roma people are still victims of the collective manifestation of hate and discrimination in many countries.

We urge European and national authorities and institutions to take these cases seriously, investigate the perpetrators and take the necessary measures to prevent new cases of anti-Gypsyism in Europe.





3. Presentation of disaggregated data

In this section we present the disaggregated data from the 202 cases collected by the FSG in 2016.

Definitions of case categories:

- 1) **Individual cases:** where discrimination or hate crime is perpetrated against a specific and identified person.
- 2) **Collective cases;** three sub-categories:
 - **General collective cases:** those affecting the image of the entire Roma community or which promote hatred towards the entire Roma community (i.e. poor journalistic practices such as citing ethnic groups in the article or hateful anti-Roma language in social networks, "all Roma are...").
 - **Undetermined collective cases:** Cases affecting a specific group of Roma whose exact number cannot be determined (for example: the case of the police expelling a group of Roma from a square merely because they are Roma. This is a collective case but we do not know who or how many people are affected).
 - **Collective cases with identified victims:** those discriminating against a group of Roma who are identified (i.e. five Roma youngsters are banned from entering a discotheque).





CASE ANALYSIS





● Roma community in general ● Collective cases with identified victims ● Collective cases with unidentified victims

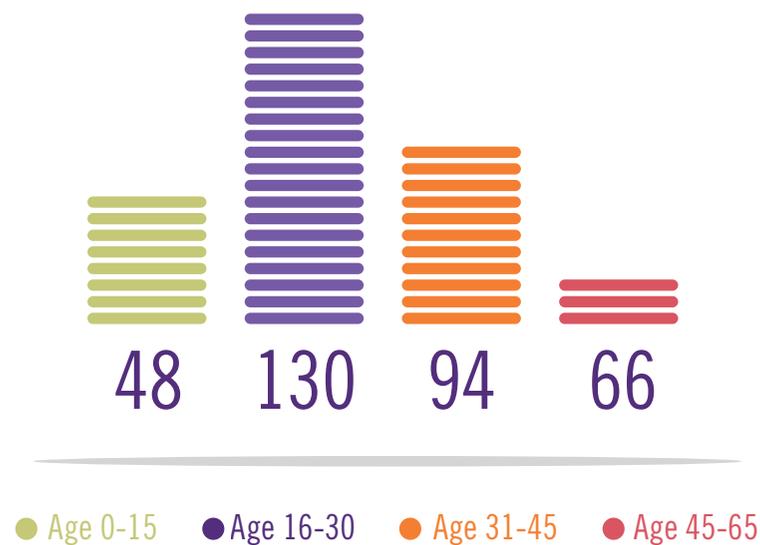


ANALYSIS OF VICTIMS

DATA BY GENDER

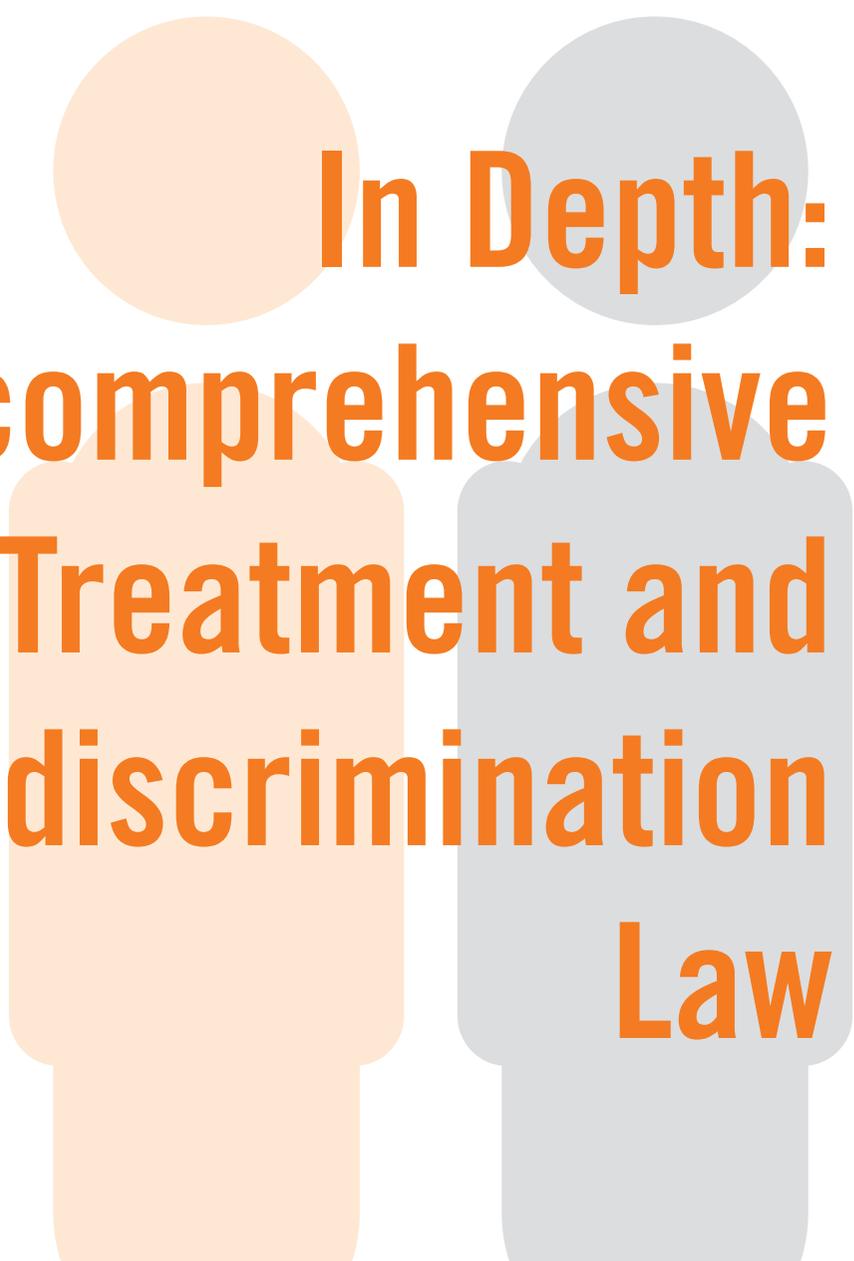


AGES OF VICTIMS IDENTIFIED



TOTAL NUMBER OF VICTIMS: 338





In Depth:
For a comprehensive
Equal Treatment and
Non-discrimination
Law





1. Equal treatment, an ethical question



UNIVERSITAT DE VALÈNCIA
ESTUDI GENERAL DE VALÈNCIA
U.V.E.G.

Adela Cortina

Professor of Ethics at the University de Valencia

A comprehensive equality law is welcomed with open arms by democratic and open societies that claim to abide by the ethical principles of equal dignity for all people and the inclusion of the most vulnerable. Laws like this help in overcoming these social pathologies based on aporophobia, rejection of those who appear to be poor, i.e. those at the lowest levels of the social hierarchy.

These phobias aimed at whole groups of people by those who believe that somehow they are better than those groups, have become more visible than ever in recent times because we are becoming increasingly

aware of just how stupid and unfair such beliefs are. Discrimination, which takes the form of mistreatment of vulnerable groups such as Roma, Jews, Muslims, Christians, homosexuals, women and many others, is radically unacceptable.

One of the most vital tasks of the 21st Century is to eradicate such unjust discrimination that so many groups have suffered. We must reach the point where we can all look one another directly in the eye with no one feeling the need to lower their gaze due to social pressure.





2. The position of the Fundación Secretariado Gitano

Sara Giménez

Attorney at Law

Director of the Department of Equality and Anti-Discrimination. FSG

When addressing the need for a Comprehensive Equality Law, we at the Fundación Secretariado Gitano believe that the most important factor to bear in mind is the current context regarding the exercise of the fundamental right of equality of all people, especially those belonging to groups which, due to different reasons (race, ethnic origin, disability, gender sexual identity, poverty, sexual orientation, religion, etc.) are victims of the scourge of social rejection.

Focusing specifically on Roma, we are the victims of specific historic rejection (now called 'anti-Gypsyism') which we have been unable to overcome and which is expressed in different ways: discrimination, hate crimes and hate speech. The first thing we need to consider is that these types of acts damage a legal right, i.e. personal dignity, which merits greater protection. Moreover, discrimination becomes even more perverse in the case of Roma women due to the interaction of gender and ethnic background making them much more vulnerable.

We need to combat discrimination head-on and we have key tools to do that such as education and awareness-raising but these must go hand-in-hand with an appropriate legal framework of protection. We cannot look the other way when it comes to defending fundamental rights; we cannot be so naive as to believe that only with awareness-raising measures we can eliminate racist behaviours in our society. It is therefore vital to have a solid legal framework offering the necessary guarantees so that equality is not only recognised 'de jure' (under the law) but actually becomes a reality in everyday life.

We must also be aware of the legal mechanisms available to protect our rights. In the face of criminal activity such as racist assault and anti-Roma hate speech, we have a body of recently updated

criminal legislation that key legal players such as hate crime and discrimination prosecutors must apply. To date there have been very few court decisions in this area and victim compensation is practically unheard of. Another huge concern is what we call 'everyday discrimination' recorded in the discrimination reports we publish each year. This sort of discrimination sometimes stands in the way to the exercise of other fundamental right such as education and other times the exercise of economic and social rights such as employment and housing. These manifestations of racism are sometimes direct and other times they are more subtle but the consequences are huge for victims—exclusion from society.

Our rule of Law must be able to come up with a legal response as it has done in the sphere of gender equality because discrimination seriously harms our society and our democratic health must be protected with firm preventive remedies against this disease. In 2011 the Fundación Secretariado Gitano participated in the Draft Law on Equal Treatment and Non-discrimination which was not passed in the end. We believe that now is the time to forge ahead with an updated Comprehensive Equality Law for the following reasons:

- We need a common legal framework to serve as an umbrella protecting all groups and victims of this rejection and no group can be left out. A regulation with a set of measures guaranteeing the right to equality throughout all of Spain.
- We need a legal framework to compensate for the current weakness in our system. Today, acts which do not constitute a crime of discrimination or a hate crime but do have a negative effect on equality and personal dignity, are not covered by a specific legal framework which we believe is necessary to supplement criminal law.





- We need modern legislation which adequately transposes European anti-discrimination law and establishes awareness-raising measures, addresses prevention and establishes sanctions, in addition to setting up a truly independent body to defend equality. Administrative law that envisages sanctions for acts of discrimination that does not constitute a criminal offence but which is nonetheless an infringement of the law. This is another way to educate citizens with regard to unacceptable actions that limit rights.
- We need legislation that covers current gaps such as social networks and the Internet, that combats school segregation and incorporates the recommendations made by different European organisations with regard to Spain and its fight against discrimination.

In short, we know that we have pending issues in Spain such as effectively combating discrimi-

nation. As a nation, however, we are sufficiently mature so as to be pioneers in bringing about positive social change that can be promoted on a number of different fronts such as awareness-raising, education and the legal system. To do this, however, we need a Comprehensive Equal Treatment and Non-discrimination Law which must be allocated sufficient resources so that it does not end up being just another piece of paper. The number one priority at this moment for the Fundación Secretariado Gitano is firm political will on the part of all parties so that this draft legislation becomes a reality and advances forward in a participatory process and seeks the consensus of all stakeholders so that we can truly advance in the construction of a tolerant and respectful society that protects the fundamental right of equality..





3. Positions taken by the political parties



María del Carmen Dueñas

Secretariat-General of PP in Melilla

pokesperson for the parliamentary Equality Commission of the People's Party.

1. What weaknesses or lacunae do you see in today's anti-discrimination framework in Spain?

The fight against discrimination and in favour of equal treatment is a priority in public policy. Proof that it is a priority for us is the cross-cutting way that equality has been integrated into all of the laws, initiatives, policies and programmes that we carry out either through new measures or by reinforcing existing ones in the areas of equality, integration, non-discrimination and the prevention of violence. Aware that there are groups suffering situations of rejection due to unjustifiable prejudice that still exists in certain sectors of our society, we believe that it is vital to continue working hard through education, training and reminding people of the importance of values such as respect and tolerance towards all groups.

2. What is your party's stance on the possible approval of a Comprehensive Equal Treatment and Non-discrimination Law?

As you might imagine, without having seen the final draft I will have to wait until the draft law reaches parliament in order to give our view. I should mention, however, that the People's Party Government has implemented initiatives and legislative reform to combat unequal treatment, discrimination and ensuing hate crime. The Government has conducted a diagnosis on discrimination in Spain and a study on profiles of discrimination in collaboration with the Sociological Research Centre. Since 2013 the Ministry of the Interior has been developing statistical register on hate crime. Moreover, 50 specialised prosecution offices specialising in hate crime and discrimination have been set up throughout Spain. A police action protocol designed to eradicate discrimination and violence related to hate crime has

likewise been drafted. We have published a practical guide on what action to take in cases of discrimination, hate crime and intolerance which identifies resources and provides practical information on how to better help victims. We also amended Article 510 of the Criminal Code which now contains a more detailed description of these crimes and increases sentences related to them.

Regarding training for public officials, we have drawn up a training programme to be applied across the board on the principle of equality and non-discrimination in the design, implementation and assessment of public policy. This programme targets managerial staff in the public administrations. We have done many things but we know that we must continue to move forward along this path to meet this challenge. We must go beyond 'legal equality' with a view to truly achieving a more equal society and acknowledging the value of diversity allowing all people to develop in freedom. To achieve this, we must promote or reinforce existing measures to eliminate all obstacles standing in the way to true equality: prejudice (both intentional and unintentional) and structural, cultural and institutional barriers. As we believe in equality, we are committed to working in all areas to improve comprehensive protection against all discrimination, providing effective protection for the victims of hate crime or humiliating treatment and promoting best practices in diversity management.

The Government and our party's group in Parliament believes it is vital to address such an important topic as the fight against discrimination based on age, sex, disability, religion, belief, sexual orientation or disease and to guarantee equal opportunities for citizens but with a complete and thorough understanding of the situation of discrimination in Spain.





With regard to the group of people that the Fundación Secretariado Gitano serves, we would point out that in 2012 the Government designed and approved the National Strategy for the Inclusion of the Roma population 2012-2020 with a view to building a society of free and equal citizens where we all have the same rights and duties free of all forms of discrimination. The strategy's priorities are education, employment, housing and health.

3. What would be the value added of this Comprehensive Law and the indispensable measures needed to improve the current system?

All measures such as laws or any other formula with the same objective, must be designed to promote equal treatment free of all negative, offensive or discriminatory elements in all areas ranging from non-sexist language to equal opportunity. Regarding measures, if I had to name one I think that the most important element in achieving an equal society free of discrimination, to prevent these behaviours, to integrate in the most natural way possible, I would have to say EDUCATION from the earliest age together with awareness heightening campaigns targeting the society at large..





Miquel Á. Fernández García

Coordinator of the Area of Social Movement and Diversity of PSOE

1. What weaknesses or lacunae do you see in today's anti-discrimination framework in Spain?

The legal guarantees required under Community law and especially mechanisms for the reversal of the burden of proof and the broadening of legitimacy for defence of the right to equal treatment and non-discrimination must be properly incorporated into our legal system. The widespread presence of prosecutors specialised in crimes related to discrimination, intolerance and hatred would also be very positive. Citizenship and human rights education is also vital if we expect to move forward along the path to equality based on diversity and non-discrimination.

Also, legal reform is vital but it is not enough. A political-administrative instrument must also be implemented. We need to approve an action plan against discrimination which takes a comprehensive approach to this phenomenon both in terms of motives for discrimination and the areas where it takes place. We also need to coordinate the actions of the different public administrations and reinforce instruments such as training for civil servants and judicial and social practitioners. We likewise need to gain a deeper understanding of discrimination through periodic studies allowing us to analyse the evolution of new manifestations.

2. What is your party's stance on the possible approval of a Comprehensive Equal Treatment and Non-discrimination Law?

On 1 March our party submitted the draft bill on Equal treatment and non-discrimination in Parliament. This legislative initiative was approved as a draft bill by the Government of President Zapatero but parliamentary approval could not be concluded in 2011. As the opposition party in 2012 we again submitted this initiative but it never reached Parliament as it was vetoed by the People's Party which had an absolute majority. We believe that now there is a parliamentary majority in

favour of approving an equal treatment and non-discrimination law and there is greater social demand for anti-discrimination legislation. We therefore hope that all of the parliamentary groups vote in favour of presenting the bill to Parliament. Our intention is to work with the different organisations that actively participated in the drafting of the bill to receive and incorporate their proposals to improve upon the draft bill presented this year.

3. What would be the value added of this Comprehensive Law and the indispensable measures needed to improve the current system?

The value of this comprehensive law is that it would establish a general framework to combat all manifestations of discrimination, substantially improving upon the prevention of discrimination and the protection of victims suffering discrimination for all motives and in all areas, and the creation of a specialised prosecutor as already exists in other areas.

The text addresses the legal obligation to establish affirmative action measures, create a body to defend equal treatment, to recognise infringements and to establish effective and proportionate sanctions that act as a deterrent. Other essential aspects include regulation of the reversal of the burden of proof, recognition of the legitimacy of organisations in administrative and judicial procedures and compensation for victims.

Moreover, this is a law which includes some of the aspects required by the European Union especially with regard to provisions for a victim assistance body which should put us back in the vanguard of anti-discrimination policies. Also, an aspect that is essential for us is the incorporation of an autonomous and effective Anti-discrimination Authority into our legal system as defined in European Union law with powers in all fields and covering all motives of discrimination.





Sofía Fernández Castañón

Member of Parliament from Asturias for the Unidos Podemos party. Spokesperson for the Equality Commission of Unidos Podemos. Secretary of Inter-sectional Feminisms and LGBT of Podemos

11. What weaknesses or lacunae do you see in today's anti-discrimination framework in Spain?

Podemos believes that this fight is missing a truly cross-cutting perspective which fits in the framework of the defence and guarantee of human rights and which especially introduces a gender perspective, a feminist vision when addressing problems and seeking solutions. We know from speaking with groups and through scientific studies that if human rights are not clearly present and truly guaranteed and if we do not pay special attention to the discrimination suffered by women simply for being women, legal frameworks will fall short in meeting their aim of providing protection. European Directive 2000/43/EC on non-discrimination was transposed into Spain's legal system through the Fiscal, Administrative and Social Order Act, Law 62/2003 of 30 December 2003 which does not focus solely on discrimination and which, in our view, does not specifically focus on gender nor is it clear in comprehensively addressing that international human rights framework. As happens with other regulations on equality (Law 3/2007 on effective equality between women and men, for example), the vague definition of the rule, failure to provide for structures to effectively guarantee the rights espoused and a lack of resources, leaves the very groups it is supposed to protect somewhat neglected.

2. What is your party's stance on the possible approval of a Comprehensive Equal Treatment and Non-discrimination Law?

In principle, we would not oppose specific legislation in this connection but we would have to study all of its terms and details. What we can say is that we are in favour of creating a legal framework to combat discrimination against Roma which includes gender perspective and human rights and which includes civil society organisations while respecting their plurality, diversity and ensuring their representativeness. A well endowed law since equality without resources is a pipe dream; it must be equipped with tools for effective analysis, diagnosis, prevention and evaluation. We believe that investment in and engagement with civil society and with experts in the field is vital for any legal framework intended to combat the discrimination suffered by Roma in Spain.

3. What would be the value added of this Comprehensive Law and the indispensable measures needed to improve the current system?

First of all, the fact that a specific law is being drafted to address discrimination based on ethnic background or race already places importance and significance on this battle. It stresses the social imperative of safeguarding the rights of those suffering this type of discrimination. From the global view of guaranteeing human rights and specifically the rights of women and girls, we would speak of pioneer legislation which, as I already mentioned, should be inextricably engaged with civil society movements and full and balanced representation of all of the different sensitivities in the Roma community in Spain. It should also guarantee mechanisms whereby to analyse social reality thus enabling the effective assessment of the situation so as to be able to guide policy and implement and execute the law..





Ciudadanos

Ricardo Pérez Alamillo

Parliamentary Technical Assistant Ciudadanos Parliamentary Group

1. What weaknesses or lacunae do you see in today's anti-discrimination framework in Spain?

Today there are still many elements that foster discrimination of minorities or foreigners in Spain and the lack of information and education with regard to these realities is the first barrier that needs to be eliminated.

Regarding discrimination of the Roma population in Spain, prejudices and stereotypes passed down through generations continue to prevail and are deeply rooted in a large segment of society. However, as is the case with other communities, the Roma community today is highly integrated in society. It is increasingly common to see young children in school with other Spanish boys and girls and children of other nationalities. The makeup of the Spanish population has evolved in recent decades, mostly due to immigration, making our society more heterogeneous and multicultural than it was decades ago.

This is not to say, however, that we should not advocate equality and non-discrimination towards this and other groups. Administrations still have a lot of work to do. We need to combat these types of behaviours which, on occasion, are even fostered by the public administrations themselves resulting in greater segregation and inequality.

2. What is your party's stance on the possible approval of a Comprehensive Equal Treatment and Non-discrimination Law?

We welcome any measure able to decrease discrimination, segregation and inequality of society as a whole. We are very receptive to its being brought before Parliament and we will work hard in the institutions where it is being discussed to improve it. Our group will always support equality in rights and duties.

3. What would be the value added of this Comprehensive Law and the indispensable measures needed to improve the current system?

There are already laws on the books which aim to combat inequality. For example, Organic Law 3/2007 of 22 March 2007 safeguarding effective equality between women and men. This law, in force now for ten years, has marked a step forward in combating discrimination against women and fostering equality. However, the administrations have not managed to completely implement it and there has been no ex post evaluation of its impact.

The key elements of a Comprehensive Law should be: education, prevention of discrimination and unequal treatment and evaluation of results. These are three fundamental pillars that any law should be built upon if it truly expects to achieve the full inclusion of all groups and eradicate discriminatory treatment and inequality.





4. The position of some NGOs specialised in equal treatment



Cristina de la Serna

Lawyer specialised in the protection of human rights who works at the organisation known as Rights International Spain (www.rightsinternationalspain.org)

If we want to combat discrimination, we must go beyond the tip of the iceberg

The Equal treatment and non-discrimination draft bill has been waiting for six years for parliamentary discussion and approval. All it takes is a little bit of political will to progress towards effective protection against discrimination.

When we speak of gender-based violence we typically use the image of the 'iceberg of violence' to depict the origin and different forms of violence against women. This graphic illustration explains that society only sees the tip of the iceberg, i.e. the most extreme external manifestation of the violence (murder, physical or sexual assault, etc.) while the most subtle attacks against women that are at the root of the culture of sexist violence such as advertising or sexist language are invisible to society and, until only recently, to the authorities themselves.

Now if we apply this image of the iceberg to discrimination against any vulnerable group (based on ethnicity, sexual orientation, gender identity, functional diversity, situation of poverty, etc.) we see that the authorities have only focused their attention on the tip of the iceberg. A number of measures have been taken in recent years, some more successful than others, to address so-called hate crimes. However, the less visible forms of discrimination are not being appropriately addressed by the Government. A society where, for example, Roma people continue to be stigmatised and unprotected from discrimination in accessing a home or a job, ends up engendering the most extreme expressions of violence against this group.

Every time Spain is subject to an examination by an international human rights body, there are two deficits that are always highlighted within the sphere of combating discrimination: the lack of a regulatory framework to oversee the principle of non-discrimination in a comprehensive and holistic manner; and the lack of independent bodies with sufficient authority to combat this scourge¹. As for legislation, we only have Article 14 of the Constitution with a series of rules that regulate or sanction acts of discrimination (i.e. in the criminal, labour or sports areas) and an EU Directive only applicable to racial or ethnic discrimination and only in the context of access to goods and services (and whose transposition left quite a bit to be desired)². There is no truly comprehensive law with sufficient safeguards to address

¹ Por citar algunos de estos informes:

- Comité para la Eliminación de la Discriminación Racial de Naciones Unidas (2016): Observaciones finales sobre los informes periódicos vigésimo primero, vigésimo segundo y vigésimo tercero de España (CERD/C/ESP/CO/21-23), pfs. 7 y 8 disponible en: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fCOC%2fESP%2f23910&Lang=en
- Comisión Europea contra el Racismo y la Intolerancia (2011): Cuarto Informe sobre España, pfs. 22 y 31, disponible en: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Spain/ESP-CBC-IV-2011-004-SPA.pdf>

² La Directiva del Consejo 2000/43/CE, de 29 de junio de 2000, relativa a la aplicación del principio de igualdad de trato de las personas independientemente de su origen racial o étnico, se traspuso al ordenamiento jurídico español pasados los tres años de plazo por medio de la Ley 62/2003, de 30 de diciembre, de medidas fiscales, administrativas y del orden social (la transposición de la directiva es objeto de uno de sus capítulos). No obstante, el Consejo de Igualdad de Trato cuya creación ordenaba la directiva (y contemplaba la ley que la transponía), no fue establecido hasta 2009, 6 años más tarde. Asimismo, la transposición no vino acompañada de las necesarias reformas legislativas (como por ejemplo, la inversión de la carga de la prueba en la Ley de Justicia Contenciosa Administrativa).

Faltó el texto en inglés de estas notas





all types of discrimination. Regarding organisations engaged in fighting discrimination, we would note that the Council for the Elimination of Racial and Ethnic Discrimination, established as part of the implementation of Directive 2000/43/EC, is the only mechanism that exists in this area. This body only has authority in cases of discrimination for reason of ethnic or racial origin and lacks the independence and sufficient powers to meet its objectives.

Many of these general weaknesses in the fight against discrimination could have been mitigated with the approval of the Comprehensive Equal Treatment and Non-discrimination³ Act, the draft version of which was submitted to Parliament after thorough consultation with civil society. This draft bill did not reach Parliament before the end of the Zapatero Government and since then it has not been resubmitted for debate. If it had been passed, this draft bill would have provided Spain's legal system with many of the tools which, according to international standards, are needed to effectively combat discrimination.

A large proportion of this draft bill's valued added lies in its broad and thorough definition of what constitutes an act of discrimination, including indirect discrimination, discrimination by association and multiple discrimi-

mination. It also introduces a series of procedural safeguards such as the reversal of the burden of proof in all areas of law except for criminal law, in cases where the complainant has provided ample proof of having suffered discrimination. Another key contribution of the draft bill is the creation of an Equal Treatment and Non-discrimination Authority, i.e. a body with the authority to lend support to victims of discrimination and urge the corresponding administrations to issue sanctions, to bring cases before the courts, to inform the Public Prosecution Service of such cases and to issue reports on anti-discrimination strategies. This would be an independent body appointed by Parliament's Equality Commission and would only answer to Parliament. It would also guarantee the participation of trade unions and associations representing civil society.

In short, if Spain truly wants to effectively implement the equality principle, lawmakers have a draft bill which, if approved, would integrate the international standards in this connection into Spain's legal system (without prejudice, of course, to other sectoral rules which also need to be passed to meet the needs of and effectively protect all groups that are possible targets of discrimination). All we need is a little bit of political will

³ El Proyecto de Ley, tal y como se sometió al Congreso de los Diputados, está disponible en: http://www.congreso.es/public_oficiales/L9/CONG/BOCG/A/A_130-01.PDF





Moha Gerehou

President of SOS Racism, Madrid

1. What is your view on the Comprehensive Equality Law?

The day Spain approves a Comprehensive Equality Law and looks back and sees all the years during which we did not have one, we will be horrified at the mistake that we, as a society, made. In a world where diversity is an increasingly coveted value and its defenders are more powerful than ever, the national government's lack of action is like cutting the wings off an aircraft in flight.

A well drafted comprehensive equality law drawn up with the participation of the civil society is an additional mechanism to protect us from the abuse which unfortunately still exists. Today's society has developed systems to protect it from attacks on other fronts but it does not have a clear and forceful response when a fundamental right such as equality irrespective of one's skin colour, nationality or ethnic group, comes under attack.

The basis for a comprehensive equality law exists. There is a relatively recent precedent where a solution was reached based practically on political and social will alone. That same political will, but working in the opposite direction, resulted in its failure. Several years later and with a more mature and aware society, political will must be overshadowed by social will which demands equality under the law and forcefulness when it comes to hatred. Politics should not drag behind society on this issue.

2. What repercussions would it have on the work your organisation does and on your target group?

In an organisation such as SOS Racism Madrid, a law like this would provide the sort of legal certainty that we have never had. And it would provide the coverage that we, so far a small association, cannot provide. In our work it is frustrating not having a specific law with which to deal with very specific problems that arise in all facets of society: health-care, education, entertainment, employment, etc.

Also, at SOS Racism we have found that up to 90% of the cases of racism in our society go unreported. This is sometimes due to the sheer size of the incident but often it is linked to a lack of reporting mechanisms that shed light on an underlying but unfortunately still invisible problem. A comprehensive equality law would put the necessary tools in place at national level so that when a person is subjected to racism he or she would know immediately where to go to report it.

As for our target population, victims of racism who are sometimes migrants, this would give legal certainty to one of the social groups with the lowest degree of certainty in all of Spain: either because despite being Spanish they are considered outsiders or because they are foreigners and are forced to cope with the problems of racism and a gruelling system of borders (internal and external). Being able to depend on a law providing full guarantee of protection is one of the most effective ways to combat inequality which still today is the result of having a skin tone or ethnic group that is different from the dominant majority.





Movimiento contra la Intolerancia

Esteban Ibarra

President of Movement against Intolerance

1. What is your view on the Comprehensive Equality Law?

We need a general law to deal with all forms of discrimination and acts of intolerance. This is the most advanced method, following the inter-American formula, which covers all factors of discrimination, other acts and the areas where the latter occur.

Sectoral laws are not the answer, but this does not mean that a General Law should not have specificities for certain groups.

I use the word 'general' because it covers all facets of discrimination and protects all groups suffering from all the different aspects of discrimination and other acts of intolerance. In contrast, the term 'comprehensive' is when it deals with a topic (hate crimes, for example) and one must include all aspects which form part of that (policies, legislative amendments, prevention, police work, prosecution, etc.) as is the case with the Comprehensive Law on Gender-based violence.

And we need to include Acts of Intolerance because there are many acts which are not discriminatory per se (as defined in the Directives) but which are an affront to people's dignity and rights as is the case with stigmatising discourse or discourse with the intention to exclude (Hazte oír bus, jokes about Roma, disparaging remarks about religion, humiliation on the Internet, etc.) which express contempt, rejection or lack of respect, i.e. the definition of intolerance (as defined by the advanced Inter-American Convention).

The legal asset under protection is dignity and its attributes, equality, freedom and fundamental rights. Not only equality, which is important, but equality considered on its own would exclude other aspects as our target groups have a deep appreciation for freedom, stressing the right to be different (freedom of language, culture, religion...) and still enjoy the same rights.

The law tabled by PSOE is obsolete in many aspects, especially with the emergence of social networks and the Internet we need to subject the bill to debate and improve it with the participation of everyone who has something to contribute.

2. What repercussions would it have on the work your organisation does and on your target group?

A General Law covering all forms of discrimination and acts of intolerance is absolutely necessary and should exist side-by-side with a comprehensive law covering hate crimes as shown by the legislative duality affecting women with the equality law (here it does make sense to speak of the equality of 50% of humanity as this is the main problem) and also with a comprehensive law covering gender-based violence.

From our perspective working with groups suffering discrimination and intolerance, the law would be welcomed provided it covers the broad array of sensitivities and diverse realities.

One must also respond from the perspective of democratic social cohesion which would be strengthened by applying Articles 10 and 14 of the Spanish Constitution.





Inés de Araoz Sánchez-Dopico

*Legal advisor
Plena Inclusión*

Still today, people with intellectual disabilities are systematically excluded from all spheres of life and national laws and policies tend to perpetuate exclusion, isolation, discrimination and violence against them. They suffer discrimination in attaining legal standing, voting, in accessing inclusive education and employment, they are institutionalised against their will, etc.

Therefore, Plena Inclusión believes there is a need for a state-wide regulatory framework to guarantee equality and non-discrimination and which makes material equality a reality for people with intellectual disabilities putting them on an equal footing with everyone else in all areas of life.

For that reason, we energetically welcome the draft bill for a comprehensive equal treatment and non-discrimination law although we do feel some changes need to be made. Specifically, the draft bill sets up an administrative infringement and sanction regime which excludes people with disabilities as it contains a provision stating that the recast text of the General Law on the rights of people with disabilities and their social

inclusion, passed by Legislative Royal Decree 1/2003 of 29 November 2003, is applicable to them.

However, while it is true that there is a regulation that has applied to persons with disabilities since 2007, this regulation has been subjected to subsequent implementation by the Autonomous Communities (Article 78) which, with rare exceptions, has not materialised. In practice, this means that discrimination against people with disabilities is currently not sanctioned and therefore these people find themselves in a grave situation of defencelessness.

For all of these reasons, we believe that it is important to not further exacerbate this situation of discrimination and therefore any infringement and sanction regime set up should be applicable to them as long as no other truly effective regime exists.







**Best practices,
progress and case law**





1. Best practices and progress

ECRI recommendation No 15 on hate speech published in Spanish (Oberaxe)



In 2016, the Council of Europe's European Commission against Racism and Intolerance (ECRI) published its 'General Policy Recommendation No 15 on combating hate speech', one of the best documents drafted to date on hate speech and how to combat it with valuable guidelines on possible conflicts with freedom of expression.

At the end of this year (2016), OBERAXE decided to translate this important Recommendation and its explanatory memorandum into Spanish. The Spanish version is a translation from the original published in English by ECRI. The Language Interpretation Office of the Ministry of Foreign Affairs and Cooperation did the translation of the Recommendation and the Secretariat-General for Immigration and Emigration of the Ministry of Emplo-

yment and Social Security translated the explanatory memorandum and proof read the entire document.

María Elósegui, a professor at the University of Zaragoza and member and independent expert representing Spain at ECRI helped with the proof reading.

In addition to the Recommendation itself, the text includes a lengthy memorandum which explains definitions and terminology, the international context surrounding this subject, victim support, self-regulation, the media and the Internet and types of sanctions and criminal liability in cases of hate speech.

The FSG appreciates the translation and dissemination work done by OBERAXE of this Recommendation as we will use this as a tool to more effectively combat hate speech which unfortunately is all too prevalent in our society.

The Recommendation can be downloaded at:

http://www.empleo.gob.es/oberaxe/ficheros/documentos/2016_12_21-Recomendacion_ECRI_NO_15_Discurso_odio-ES.pdf





Human rights plan at Madrid's town hall

Madrid has become the first city in Spain to put together a Strategic Human Rights Plan setting up lines of action to guarantee compliance with all municipal obligations having regard to respect for and advancement of human rights. The Plan's overarching objective is to apply a human rights, gender and intersectionality across the board. This is an innovative conceptual framework developed by the United Nations which establishes human rights and gender equality as the basis, objective and instrument of public policy.

Following a long process of open and participatory development which lasted a year during which the Madrid town hall received contributions from many NGOs (including the *Fundación Secretariado Gitano*) and human rights specialists, the Governing Council approved the Plan on 16 February 2017 and it will be in force for three years until December 2019.

The Plan envisages a number of measures that take the needs of ethnic minorities into account. We would highlight the following measures which explicitly refer to the Roma community:

- Include recognition of the contributions made by women and people belonging to discriminated groups (Muslims, Jews, Roma, Afro-descendants, migrant population, etc.) in municipal policies on the city's history.
- In the area of the right to education, municipal policies face three fundamental challenges: prevent the expulsion of groups in situations of social exclusion (mainly children and adolescents but also adults) and members of discriminated groups (Roma, minorities, migrant population, etc.) from the educational system; guarantee the right to education in the 0–3 age bracket; promote, within the sphere of its competences, human rights education in both formal and informal education.
- Adopt specific measures to encourage the access of people belonging to ethnic minorities (Roma, Afro-descendants, nationalised citizens, etc.) to municipal employment and encourage their presence in entities under indirect management through assessment criteria in tender specifications and other means.

Plan Estratégico de Derechos Humanos



MADRID

- Incorporate the human rights, gender and intersectionality approach in the implementation of the Strategy to foster the equality and non-discrimination of the Roma population envisaged under the Government's 2015–2019 Action Plan.
- Encourage programmes to prevent social exclusion and to prevent and control school absenteeism which, together with other administrations, ensure the educational inclusion, ongoing training and prevention of early school leaving of primary and secondary school children, particularly those belonging to certain groups (Roma, Afro-descendants, migrants and refugees, asylum seekers, unaccompanied minors, people in risk of social exclusion), and in districts with the highest absenteeism rates.

In addition to these measures, the document includes 22 goals relating to the protection and promotion of human rights set out in five different sections. Hence, the town hall of Madrid has undertaken, through over 300 lines of action, to protect the human rights of Madrid's citizens within the sphere of its competences. Each of these goals is individually broken down into strategic objectives whose aim is to reinforce municipal action in meeting its main challenges from a human rights perspective. The first section of the plan, whose objective is to progress towards a city which contributes to guaranteeing civil and political rights, establishes the need to consider citizens as rights-holders (and not only as beneficiaries of municipal policies) to whom the Town Hall is accountable. To that end, direct participation in municipal policies will be fostered and access to public information will be improved through a strategy of transparency and open government..





First national congress on discrimination and hate crime



On 24–25 November 2016 the First National Congress on Discrimination and Hate Crime was organised in Cordoba at the initiative of the Cordoba and Madrid Bar Associations, the General Lawyers Foundation and the National Federation of Roma Women's Associations 'KAMIRA'. This first congress (in which the FSG participated) brought together professionals from different related fields to analyse possible situations of discrimination and delve deeper into progress made and pending needs and gaps.

Participants included judges, prosecutors and lawyers, members of NGOs devoted to fighting discrimination and state police and security forces, all complementary players in the joint effort to combat discrimination and hate crime. The congress covered three clearly differentiated aspects:

- The legal aspect: the legal reality of victims, examination of criminal definitions, difficulties encountered in proving crimes, case law of the European Court of Human Rights and discrimination in litigious labour cases.
- The social aspect: discrimination in social networks and the role played by NGOs in combating discrimination.
- The security aspect: recent actions of the Ministry of the Interior regarding stop and search protocols and examination of statistical data.

The congress also included a series of parallel panels which worked on topics such as the organisation and operation of legal aid specialising in discrimination and hate crimes, victim care services, racial profiling and discrimination in schools.

The following conclusions were reached and needs identified:

1. More and better training for police, judges and magistrates, prosecutors, court clerks, all other judicial staff and lawyers. Training should be compulsory.
2. Increase in institutional coordination and coordination of relations with society and the associative fabric. Institutional coordination for the efficient investigation of hate and discrimination crimes especially between the different police services and hate and discrimination crime services and also between investigating judges and the specialised prosecutor in each province.
3. Protocols. Along the same lines as the state police forces or Mossos d'Esquadra (regional police of Catalonia), the signing of specific protocols among local police for the initial police reports for the prevention of the crime or the arrest of perpetrators and care of the victims of hate crime.
4. Legal counselling for victims of hate crime and discrimination by setting up specialised legal aid at the bar associations.
5. Justice administration statistics: need to urgently address changes in the computerised recording practices of prosecution offices and courts so as to be able to collect data concerning criminal infringements for hate and discrimination and hence know the number of investigations, court proceedings, indictments and judgments in this area.
6. Legislative reform. New regulatory instruments with which to combat discrimination. Comprehensive Law on hate crime called for by some social organisations to meet the needs of victims and intended to provide a legal instrument with which to ensure the defence of victims. Instrument guaranteeing comprehensive assistance, i.e. legal, humanitarian and protective measures, information and recovery, that bolsters awareness-raising, prevention and detection in all areas, especially the Internet, schools and the media, which addresses the very serious problem of the low number of complaints filed and encourages the coordination and training of all stakeholders involved in the process (security forces, prosecutors and judges, sociologists, NGOs, civil society, etc.). To supplement the above, a general equal treatment and non-discrimination law is likewise deemed necessary in order to guarantee adequate protection of the principle of equality, combat discrimination and implement the international commitments taken on by Spain.





FSG campaign 'The most painful tattoo'

La campaign #EITatuajeQueMásDuele (most painful tattoo) run by the Fundación Secretariado Gitano (FSG), has engendered solidarity on the part of the society towards the Roma community reaching over 35 million people through Twitter thanks to the support of many well known celebrities (journalists, performers, politicians...) and thousands more in Spain and abroad.

As an act of protest against the rejection and discrimination Roma people suffer in Spain, Amanda Silva, a young Roma woman from Madrid, got a tattoo with the following message: "I'm Roma. DON'T TRUST me". With the support of family and friends, Amanda has drawn attention to prejudices about the Roma community.

The FSG met its initial challenge: reaching over 10 million people on Twitter and thus convert this tattoo into a positive message: "I'm Roma. You CAN TRUST me." The outpouring of support for three days in the social networks showing solidarity with Amanda and her cause made it possible to meet and surpass the objective. At the time the tattoo was completed (11:00 on 16 Nov), a total audience of 26,820,404 was counted, 6,882 tweets and 31,244,040 impressions. These figures con-

tinued to rise as time went by. By 9:00 on the 17th the total audience had reached 35,599,863 (i.e. the number of people who saw the hashtag #EITatuajeQueMásDuele), 9,406 tweets and 45,987,928 impressions.

The numerous demonstrations of solidarity supporting this campaign included tweets from well known celebrities such as Alejandro Sanz, Mara Torres, Rosa Montero, Julia Otero, Manu Baqueiro, Elena Furiase, Ada Colau, Joaquín Reyes, Ignatius Farray, Eva Hache, Cristina Cifuentes, Alba Flores, Rosario Flores, Antonio, Juan and Josemi Carmona, Alex Ubago, Pitingo, Miguel Ángel Revilla, Ernesto Sevilla, Vetusta Morla., Grande-Marlaska, Manuela Carmena, Miguel Angel Muñoz...

The media also showed intense interest in this campaign. TVE (Spanish National Television, La Sexta, Cuatro, Telecinco, Telemadrid, Canal Sur and Telemadrid; radio stations such as La SER, RNE and Onda Cero; as well as online and traditional press covered the campaign reaching a total cumulative audience which we

estimate at over 36 million people.





Handbook published by the Government of the Autonomous Community of Valencia: 'Police action in the midst of social and cultural diversity: best practices to address racism, xenophobia and discrimination'

In 2016 the Regional Government of Valencia through the Valencia Institute for Public Safety and Emergencies (IVASPE), attached to the Safety Agency, published a handbook entitled 'Police action in the midst of social and cultural diversity: best practices to address racism, xenophobia and discrimination'.

Police today are recognised as relevant social agents in the construction of a democratic, diverse and tolerant society insofar as they play an important role in improving co-existence in towns, neighbourhoods and cities. One of their principal challenges is how to address social and multi-cultural diversity in a positive way and prevent all forms of discrimination.

This handbook provides a dual perspective combining academic contributions in the field of sociology and law with professional police experience thus juxtapositioning academic knowledge and practical experience focused on the daily reality faced by police forces. The sociological reality of multiculturalism, the principles of the development of legitimacy, trust and best practi-

ces in police action, avoidance of discriminatory behaviours such as ethnic profiling and even aspects concerning the development of police organisations or the creation of specialised prevention units and the figure of the mediator are all addressed in this work from the legal perspective of cultural diversity.

It is, therefore, a ground-breaking work intended as a reference for police professionals, policy makers, academia, social entities and citizens, to help them gain a deeper understanding of police work and guide the development of strategies and modern police services while promoting social inclusion and peaceful co-existence and helping to effectively address problems such as racism and xenophobia. This publication culminates the work carried out by the Regional Government of Valencia through the Valencia Institute for Public Safety and Emergencies (IVASPE), attached to the Safety and Emergency Response Agency in the specialised training of local police over the last several years in best practices to prevent racism, xenophobia and discrimination.





Second FRA (Fundamental Rights Agency) survey on minorities and discrimination (EU MIDIS II)

The results of this report confirm the enormous gap between Roma and non-Roma in Europe demonstrating that the ethnic origin of Roma citizens does indeed dictate their situation of inequality and socio-economic disadvantage.

The report is based on a large scale survey conducted in nine countries of the European Union consisting of personal interviews of nearly 8,000 Roma persons with information on 34,000. It forms part of the results of the 2nd EU Survey on Minorities and Discrimination (EUMIDIS II) in which a total of 26,000 immigrants or people belonging to ethnic minorities were interviewed. The first EU-MIDIS was conducted in 2008 although the specific data on the Roma population were from 2011.

The EU-MIDIS II survey includes information on the socio-economic situation of Roma and their perception of discrimination. The results shed light on the enormous barriers Roma face when attempting to gain access to employment, education, health-care and housing. To make matters worse, most Roma are not familiar with the laws that prohibit discrimination or the organisations they can turn to for help. All of this calls into question whether EU countries are truly complying with the right to non-discrimination enshrined in the EU's Charter of Fundamental Rights and the Equal Treatment Directive (2000/43).

This report constitutes a magnificent source of information for political decision-makers insofar as it helps them to better shape the policies, **measures and resources needed to reduce the high levels of inequality and discrimination that affect Roma. The FRA calls on Member States to, inter alia, adapt their National Reform Programmes under the European Semester and prioritise reducing extreme forms of poverty suffered by Roma.**

The FRA hopes that the results of this report serve to 'revitalise efforts to promote the full inclusion of the Roma Community and respect of their fundamental rights'

Roma are over-represented in poverty and social exclusion figures.

The study shows that 80% of Roma in the EU still live in risk of poverty based on their income levels in their respective countries. Only 1 out of every 4 Roma over the age of 16 is 'employed' or 'self-employed' and the employment rate for Roma women is even lower (16% in comparison to 34% for men). The percentage of Roma students who drop out of school (68%) is disproportionately higher than that of the population at large (the target under the European 2020 Strategy is 10%).

The number of complaints filed for discrimination continues to be well below the actual number of cases.

Discrimination based on race is much more widespread than what is reflected in the official statistics. The report concludes that victims generally resign themselves to this reality because they distrust existing protection mechanisms.

41% of Roma (approximately the same figure as in EU-MIDIS I back in 2011) felt that they were discriminated against on the basis of their ethnic origin. However, only 12% report such cases of discrimination to the authorities. Only 27% know that there are anti-discrimination laws on the books and 82% do not know any organisation they can turn to for help as victims of discrimination.

In Spain, 51% of the Roma interviewed have felt discriminated against at some point over the last 5 years but only 6% reported it. 83% did not know any organisation that helps victims of discrimination and 62% do not know that there are laws prohibiting discrimination based on ethnic origin.

The Fundación Secretariado Gitano believes that reports like these are vital because they provide information and data to better guide policy and resources targeting the Roma community..





Assistance and Counselling Service for Victims of Racial or Ethnic Discrimination Activities in 2016



The Assistance and Counselling Service for Victims of Racial or Ethnic Discrimination is a free service offered by the national government intended to help possible victims of racial or ethnic discrimination. It is run by the Council for the Elimination of Racial and Ethnic Discrimination, a collegiate body attached to the Women's Institute to promote equal opportunity and under the auspices of the Deputy Directorate-General for Equal Opportunity and Non-discrimination.

According to Article 13 of Council Directive 2000/43/EC, which provides that 'each Member State must set up one or more bodies responsible for the promotion of equal treatment for all persons free of discrimination for reason of racial or ethnic origin', the Council has the power to independently assist victims of discrimination, conduct studies and publish independent reports and formulate recommendations regarding these matters.

To carry out the first of these tasks, i.e. assist victims of racial or ethnic discrimination, the Council, attached to the Ministry of Health, Social Services and Equality through the Directorate-General for Equal Opportunities, has launched this Service and established the following main objectives:

- a) lend assistance and provide counselling and guidance to victims of racial or ethnic discrimination.
- b) conduct information and awareness-raising activities for both key professionals and potential victims of racial or ethnic discrimination.



As from the end of 2015, more precisely starting 13 October 2015, a new period (continuation) of assistance and guidance got under way for victims of racial or ethnic discrimination (service) formed by the same social organisations specialised in combating

discrimination during the previous period (15 March 2013 to 14 March 2015).

- Accem
- Spanish Red Cross
- Commission for Refugee Aid in Spain (CEAR).
- CEPAIM Foundation
- Movement against Intolerance (MCI)
- Movement for Peace (MPDL)
- Acoge Network (RA)

The Fundación Secretariado Gitano was again appointed to coordinate this service for the new period (2015–2017) which is provided through a network of entities working out of 87 offices (present in all Autonomous Communities and the Autonomous City of Melilla) enabling us to personally assist victims of racial or ethnic discrimination throughout Spain. We dealt with a total of 853 discriminatory incidents, 631 from 2016 and 222 from 2015.

As for the Service's impact, 891 people from 482 national and territorial institutions and organisations were involved in implementing 94 information and awareness-raising actions targeting key professionals and potential victims of racial or ethnic discrimination.

During this period, the Victim Assistance and Counselling Service produced new information materials such as a poster and brochures targeting potential victims of racial or ethnic discrimination.

In 2017–2018 it is very important for this service to consolidate its work and continue its forceful defence of the Right to Equal Treatment and Non-Discrimination.

www.asistenciavictimasdiscriminacion.org

<http://www.igualdadynodiscriminacion.msssi.es/redOficinas/portada/home.htm>



The European Commission and IT firms sign a Code of Conduct on unlawful incitement to hatred on the Internet

In May 2016 the European Commission together with Facebook, Twitter, YouTube and Microsoft published a code of conduct featuring a series of commitments aimed at combating the propagation of unlawful incitement to hatred on the Internet in Europe.

The IT firms support the European Commission and EU Member States in their effort to respond to the challenge of ensuring that online platforms refrain from offering opportunities to virally propagate discourse inciting hatred on the Internet. These stakeholders, together with other social media platforms and companies, share a collective responsibility and sense of pride in promoting and facilitating freedom of online expression throughout the world. However, the Commission and these IT firms realise that the spread of illegal incitement to hatred on the Internet not only has a negative impact on targeted groups and individuals but also injures those who defend freedom, tolerance and non-discrimination in our open societies and has a deterrent effect on democratic discourse on online platforms.

In order to prevent the propagation of unlawful incitement to hatred, we must ensure that the national laws transposing the Council Framework Decision on combating racism and xenophobia are fully enforced by Member States both online and off. While the effective enforcement of incitement to hatred laws depends on a solid system willing to impose criminal sanctions on individuals who commit acts of incitement to hatred, these efforts must be supported by others designed to ensure that online intermediaries and social media platforms diligently examine cases of unlawful incitement to hatred on the Internet in a timely fashion once they have received a valid notification of such activity. To be considered valid, notification must be sufficiently precise and duly grounded.

Upon signing this code of conduct, the IT firms undertake to continue to address unlawful incitement to hatred on the Internet. These efforts include the continuous development of internal procedures and staff training to ensure that the latter examine most of the valid requests for the removal of unlawful manifestations of incitement to hatred within 24 hours and, where necessary, remove such content or disable access to it. The IT firms likewise undertake to make an effort to strengthen their current collaboration with civil society organisations which will lend a hand in identifying con-

tent that incites users to violence or hateful conduct. The IT firms and the European Commission also desire to continue working to seek and promote independent 'counter speech', new ideas and initiatives and to support educational programmes that promote critical thinking.

The IT firms involved stress that the purpose of this code of conduct is to guide their own activities and to share best practices with other Internet providers and platforms and with social media operators.

The code of conduct features the following public commitments:

- The IT Companies, taking the lead on countering the spread of illegal hate speech online, have agreed with the European Commission on a code of conduct setting the following public commitments:
- The IT Companies to have in place clear and effective processes to review notifications regarding illegal hate speech on their services so they can remove or disable access to such content. The IT companies to have in place Rules or Community Guidelines clarifying that they prohibit the promotion of incitement to violence and hateful conduct.
- Upon receipt of a valid removal notification, the IT Companies to review such requests against their rules and community guidelines and where necessary national laws transposing the Framework Decision 2008/913/JHA, with dedicated teams reviewing requests.
- The IT Companies to review the majority of valid notifications for removal of illegal hate speech in less than 24 hours and remove or disable access to such content, if necessary.
- In addition to the above, the IT Companies to educate and raise awareness with their users about the types of content not permitted under their rules and community guidelines. The notification system could be used as a tool to do this.
- The IT companies to provide information on the procedures for submitting notices, with a view to improving the speed and effectiveness of communication between the Member State authorities and the IT Companies, in particular on notifications and on disabling access to or removal of illegal hate speech online. The information is to be channelled through the national contact points designated by the IT compa-





nies and the Member States respectively. This would also enable Member States, and in particular their law enforcement agencies, to further familiarise themselves with the methods to recognise and notify the companies of illegal hate speech online.

- The IT Companies to encourage the provision of notices and flagging of content that promotes incitement to violence and hateful conduct at scale by experts, particularly via partnerships with CSOs, by providing clear information on individual company Rules and Community Guidelines and rules on the reporting and notification processes. The IT Companies to endeavour to strengthen partnerships with CSOs by widening the geographical spread of such partnerships and, where appropriate, to provide support and training to enable CSO partners to fulfil the role of a ‘trusted reporter’ or equivalent, with due respect to the need of maintaining their independence and credibility.
- The IT Companies rely on support from Member States and the European Commission to ensure access to a representative network of CSO partners and ‘trusted reporters’ in all Member States to help provide high quality notices. IT Companies to make information about ‘trusted reporters’ available on their websites.
- The IT Companies to provide regular training to their staff on current societal developments and to exchange views on the potential for further improvement.

- The IT Companies to intensify cooperation between themselves and other platforms and social media companies to enhance best practice sharing.
- The IT Companies and the European Commission, recognising the value of independent counter speech against hateful rhetoric and prejudice, aim to continue their work in identifying and promoting independent counter-narratives, new ideas and initiatives and supporting educational programs that encourage critical thinking.
- The IT Companies to intensify their work with CSOs to deliver best practice training on countering hateful rhetoric and prejudice and increase the scale of their proactive outreach to CSOs to help them deliver effective counter speech campaigns. The European Commission, in cooperation with Member States, to contribute to this endeavour by taking steps to map CSOs’ specific needs and demands in this respect.
- The European Commission in coordination with Member States to promote the adherence to the commitments set out in this code of conduct also to other relevant platforms and social media companies.

The IT Companies and the European Commission agree to assess the public commitments in this code of conduct on a regular basis, including their impact. They also agree to further discuss how to promote transparency and encourage counter and alternative narratives. To this end, regular meetings will take place and a preliminary assessment will be reported to the High Level Group on Combating Racism, Xenophobia and all forms of intolerance in which the FSG will participate.






The town hall of Fuenlabrada approves its 'Comprehensive Action Plan against Hatred'



In 2016, in collaboration with different non-governmental organisations and associations in the city, the Town Hall of Fuenlabrada launched its 'Comprehensive Action Plan against Hatred' with the aim of 'preventing and combating hate crime and discriminatory conduct'.

In a communiqué the city government highlighted the following measures out of the ten comprising the initiative: an awareness-raising campaign targeting citizens, a new action protocol for local police, a training programme for municipal workers and the creation of an anti-hatred observatory.

The Town Hall stressed the following plan objectives: raise societal awareness, encourage the reporting of hate crimes, ensure legal protection and legal and psycho-social counselling of victims and foster a 'broad-based policy of coalition with the social fabric'.

A technical advisory committee will be created for the plan with the participation of organisations such as the

Fundación Secretariado Gitano, Movement against Intolerance, the Arcópolis LGBT Association and the Federation of People with Disabilities.

A Citizen's Council against Hatred will likewise participate in the initiative and will be formed by local organisations and an Observatory will be set up to 'meticulously monitor the situation and propose improvements in local policy'.

The mayor of Fuenlabrada, Manuel Robles, stated that 'for 15 years the city has been battling intolerance and discrimination through different initiatives and has become a benchmark for other administrations' and claims that this plan 'takes action to a new level'.

Robles believes that under this initiative progress will be made to 'eradicate all traces of discrimination against groups based on their sexual orientation, race, culture, religion, disability or any other personal or social condition or circumstance'.

In another communiqué the city government highlighted past initiatives such as the Cultural Diversity Programme, the Anti-rumour Project, Erase Hatred—for the elimination of offensive graffiti, and a specific police unit to address the needs of a diverse society also called the FuenLGTBrada Office..





Infringement proceeding against Hungary for discrimination and the segregation of Roma students in schools

On 26 May 2016 the European Commission initiated a proceeding against the Hungarian Government led by Viktor Orban for infringement of the right to education of Roma children by denying them access to quality education and segregating Roma students in special schools or classes.

The Commission ordered the Hungarian Government to put an end to this systematic discrimination which relegates nearly 45% of Roma children to schools for students with mental disabilities. This disproportionate number of Roma children bearing witness to persistent segregation in the Hungarian educational system, has been documented and denounced on numerous occasions by human rights organisations such as the ERRC and AI.

Despite judgments from the European Court of Human Rights and national courts, and formal complaints filed by the equality body, the Hungarian government has not taken measures to combat racial discrimination in schools or to promote inclusive education. Actually it has done just the opposite by supporting measures and policies that keep racial discrimination in the Hungarian educational system intact.

By initiating an infringement procedure the European Commission gives the Hungarian government of Viktor Orban two months to implement measures guaranteeing the adaptation of national law to the Union's Equal

Treatment Directive. Should the Hungarian government fail to satisfactorily meet these demands or to abide by the deadline, the Commission has the authority to bring Hungary before the Court of Justice of the European Union which could impose severe economic sanctions on the country.

The Commission's infringement procedure against Hungary is a mechanism intended to ensure that Member States' laws and practices are in line and comply with EU legislation. Since 2014 this mechanism has been used twice in cases related to infringement of anti-discrimination law to address problems of school segregation of Roma children in the Czech Republic and Slovakia.

The Fundación Secretariado Gitano welcomes this action taken by the European Commission demanding that Member States effectively enforce European anti-discrimination law and using the mechanisms available to it to ensure compliance. However, for the process to truly set an example, it should act swiftly and forcefully in the proceedings already under way in the Czech Republic and Slovakia for the same offence. Lethargy or delay in taking these decisions generates a sense of impunity which does nothing to strengthen the necessary commitment of EU institutions and Member States to EU law which must make sure that Roma children are able to exercise their right to quality education on an equal footing with all other citizens and in line with international human rights obligations and standards.





The Calí Programme, fostering equality for Roma women



Under the umbrella of the work done to promote the equality of Roma women and the fight against discrimination, the Fundación Secretariado Gitano believes that it is vital to address the inequality gap affecting Roma women and the multiple discrimination they face.

In 2016 we launched an ambitious new Operational Programme in this connection funded by the European Social Fund through a public tender process. The Calí Programme promoting equal opportunities and the social and labour market integration of Roma women and addressing multiple discrimination features the following objectives: promote equal opportunity for social inclusion and access to the labour market through personalised social and labour pathways; promote gender equality between women and men while breaking down cultural barriers and providing for conciliation, awareness-raising on gender-based violence and support for victims; and promote equal treatment by fighting all forms of discrimination and assisting victims.

CALÍ seeks to empower Roma women by supporting their plurality and diversity, taking special care with those in the most vulnerable situations, to ensure the exercise and defence of their rights. In short, it is a programme which seeks to realise their full citizenship.

It is a programme that will allow us to work over the medium term, until 2019, and bring a new professional profile on to our staff. Namely 30 professionals (25 of whom are Roma) who are experts in equal treatment and gender equality who will implement the programme in 28 Spanish cities distributed among 14 Autonomous Communities.

In 2016 we have concentrated on training this new professional profile. In addition to the technical assistance provided by the Foundations central departments, two coordination and comprehensive technical assistance conferences were organised for the 28 equality officers in the areas of gender equality and equal treatment. This reflects the priority we have placed on providing professionalised assistance and remaining mindful of the specific situation of the Roma women targeted.

Following are some of the results reached in 2016:

- Care provided for victims of discrimination, information and counselling on rights and how these rights are guaranteed; 112 cases were handled including accompaniment of victims of anti-Roma discrimination and hate crime with special care provided for 52 Roma women.
- Awareness-raising and information actions targeting the Roma community intended to increase understanding of their rights and how to exercise them. 87 awareness-raising actions were conducted specifically focusing on equal treatment and combating discrimination. Most actions targeted Roma women. A total of 1034 participants took part in these 87 actions, 627 women and 407 men. The aim of the actions was to address the issue of under-reporting by Roma as one of the main problems in the fight against anti-Gypsyism.
- Coordination actions with key players in the field of anti-discrimination. The Department and the equality officers initiated coordination actions with local professional services involved in this issue with special mention of the provincial hate crime and discrimination prosecutors in Ciudad Real, Castellon, Valladolid, Almeria and Jaen, courts, police stations, lawyers, etc.
- Development of personal pathways designed to build social and labour market skills and promote equality with 409 Roma women and work on 57 cases of gender-based violence with a view to ensuring equal opportunities in the development of their life project by enhancing skills, self-awareness and self esteem and by urging greater social participation and labour market integration, etc.
- In this programme, empowerment of Roma women is vital so that they can develop their own life project. It is equally important to raise the awareness of the community at large, including Roma women of all ages and with a special focus on Roma men, to promote equality, analyse gender roles, raise awareness concerning the conciliation of work and personal life and to prevent violence. A total of 86 gender equality activities were carried out at group



and community level in which 448 women and 260 men participated, and 45 gender violence

prevention activities involving 213 women and 103 men.





2. Case law of the European Court of Human Rights (ECHR) affecting the Roma population

In this section we include ECHR judgments from 2016 in cases involving infringements of fundamental rights included in the European Convention on Human Rights against the Roma population in Europe. In these cases the ECHR convicted countries for failing to comply with their obligation to protect and guarantee fundamental rights, in these cases the rights of Roma people.

We have not included the 2016 ECHR judgment in *Boaca and others v. Romania* because that case was already analysed in our annual *Discrimination and the Roma Community Report* published last year (see 2016 report, page 98).

There are currently other cases involving the Roma population, pending before the ECHR and the correspon-

ding states have received the requisite letters inviting them to make their submissions.

We welcome the increase in European case law concerning cases affecting the Roma population in Europe. However, having analysed the judgments and some of the judges' dissenting opinions, we have found that the application of Article 14 as it relates to other articles of the Convention, referring to discrimination based on race or ethnic background, can actually be considered the exception. We believe that greater account should be taken of the ethnic factor and Article 14, reflecting anti-Roma motivation in crimes committed against a population that has traditionally been discriminated against based on ethnicity, should be more frequently applied.

ECHR Judgment: *R.B. v. Hungary*

This ECHR judgment (No 64602/12) delivered on 12 April 2016 deals with the European Court's conviction of Hungary for infringement of the right to a private and family life protected under Article 8 of the Convention. The Court established that Hungary failed to comply with its obligation to conduct an effective investigation of certain acts of violence that occurred in the country.

The event took place in Gyöngyöspata, a Hungarian town, during the early days of March 2011 in the context of a meeting organised by a right-wing political party during which several extreme right-wing groups engaged in anti-Roma demonstrations featuring racist insults.

On one of the days of the demonstration the complainant, R.B., a Roma woman born in Gyöngyöspata, was in the yard of her home with her daughter and a few acquaintances when a group of four men came by screaming "get inside, damn dirty Gypsies" while the other men threatened them saying "we should build a

house in the Gypsy neighbourhood over their dead bodies". All the while they were brandishing axes in the direction of the Roma residents.

R.B. lodged a complaint to the Hungarian authorities for racist insults and serious threats against members of an ethnic group. However, the proceeding was not admitted into court even though R.B. identified one of the men who had threatened her.

The European Court opined that the way in which the Hungarian authorities conducted the investigation into the incident reported by R.B. was inappropriate since it did not take racial motivation into account. The Court ruled that the right to a private and family life enshrined in Article 8 had indeed been infringed.

Since the insults and threats took place during demonstrations which went on for several days and were organised by groups linked to the extreme right, the Court believed that the authorities should have considered





the racial motive in the investigation and taken the necessary measures to establish such motivation.

The Court ordered Hungary to compensate the victim in the amount of €7,717.

DISSENTING OPINION

In this case the complainant requested the application of Article 3 of the Convention which refers to inhumane or degrading treatment as it relates to Article 14 referring to discrimination on the basis of race or ethnic background. However, the Court refused to apply Article 3 because it did not consider the threats to be sufficiently serious.

One of the court's judges followed a different line of reasoning in his dissenting opinion. This judge took the view that ethnic identity should have been considered and given more relevance as a factor providing greater protection and based on the fact that the threats were degrading, were well documented and were motivated by anti-Gypsyism. Hence this judge believed that Article 3, as it relates to Article 14 of the Convention, should have been applied.

The full judgment is available in English at:

<http://hudoc.echr.coe.int/eng-press?i=003-5347238-6670181>

ECHR Judgment: Gheorghii and Alexe v. Romania

This case was brought before the European Court of Human Rights against Romania by two Romanian Roma, Ms. Stela Gheorghii and Mr. Gheorghii Gabriel Alexe.

On 25 June 2012 the claimants lodged two complaints against five police officers for abuse of authority. Ms. Stela reported that on 12 June 2012 during a police investigation to locate her son, five officers entered the patio area of her home and hit her in the chest and legs resulting in the fracture of her left leg when she fell to the floor. She and her husband were then handcuffed and taken to the police station. Moreover, the police immobilised the claimant and tried to confiscate her cell phone which she had used to film the scene. They also kicked her in the back and rib area.

The claimant attached a forensic medical report dated 13 June 2012 to her complaint. According to the certificate, the claimant's condition was such that she required medical attention for 55 days.

The appeal court of Brasov ruled that there was insufficient evidence and acquitted the police officers. The prosecution did not appear at the hearings, did not take victims' testimony into account and did not even interview witnesses, facts stressed by the victims' lawyers.

On 31 May 2016 the European Court ruled (No 32163/13) that this case was an infringement of Article 3 of the European Convention on Human Rights as regards the negligent investigation conducted by the Romanian authorities.

The Court ordered the state to compensate the claimant in the amount of €7,500 and her husband in the amount of €5,000.

The full judgment is available in French at:

<http://hudoc.echr.coe.int/fre?i=001-163682>





ECHR Judgment: Adam v. Slovakia

This judgement of the European Court of Human Rights (No 68066/12) delivered on 26 July 2016 convicted Slovakia for infringement of Article 3 of the Convention as regards the negligent investigation conducted by the Slovakian authorities.

In December 2010 a 16 year old Roma youngster from Slovakia was arrested and detained at the police station in Bidozce (Slovakia) in relation to a robbery investigation. The young man claimed that he was slapped in the face and hit in the head during his interrogation. He also reported that he was not permitted to sit down, was given no food or drink and was subjected to psychological stress.

The court ruled that there was no infringement of Article 3 of the Convention insofar as inhumane or degrading treatment in relation to the young man's claim that had been slapped by the police officers during his detention but did admit an infringement of Article 3 in relation to the negligent investigation of the complaint he lodged for ill-treatment.

The Court pointed out that in their investigation of the allegations made by the young man, the authorities placed the burden of proof on the claimant himself. Moreover, the authorities failed to follow up on inconsistencies in the different versions of the event and did not question possible witnesses, the police officers or the physician who treated the claimant after his release.

The Court ruled that the precarious situation of Roma in Slovakia at that time should have been taken into consideration and that the authorities did not do all that could reasonably be expected of them to investigate the accusation of ill-treatment by the claimant.

The Court ordered Slovakia to compensate the young man in the amount of €4,500.

The full judgment is available in English at:

<http://hudoc.echr.coe.int/eng-press?i=003-5447219-6828020>

ECHR Judgment: Bagdonavicius and others v. Russia

This European Court of Human Rights judgment (No. 19841/06 of 11 October 2016 convicts Russia of infringement of Article 8 of the Convention protecting the right to a private and family life.

The case is about forced eviction and demolition of the homes of six Roma families that had been living in the town of Dorozhnoye in the Region of Kaliningrad for several decades. The claimants in the case were the 33 people belonging to those six Roma families who claimed that the evictions and demolition of their homes in 2006 was in infringement of their right to respect for private and family life.

The ECHR determined that this was in infringement of Article 8 of the Convention establishing the right to private and family life and found that the claimants did not have the benefit of an examination of proportionality with regard to the intrusion posed by forced eviction with regard to private and family life. They did not take account of the possible consequences of eviction and the demolition of their homes.

As a result, the Court concluded that the national authorities did not conduct any real consultation with the claimants regarding the possibility of relocation on the basis of their needs prior to the forced evictions.

The Court ordered Russia to compensate the victims in the amount of €8,000.

DISSENTING OPINION

One of the judges gave a dissenting opinion. This judge expressed the view that the ethnic component of the evicted persons is relevant and is related to the discrimination and marginalisation suffered by the Roma community in Russia.

The judge further stated that the burden of proof should have been reversed and placed on the State (defendant in this case) which should have had to prove that it did not discriminate. As examples he cited *Nachova v. Bulgaria* and *D.H. and others v. the Czech Republic*. He also found that the Roma identity of the victims proved to be absolutely decisive in the stance taken by the national authorities which had been clearly discriminatory in their practices and the Court, therefore, should have examined the case from the perspective of Article 14 as it relates to Article 8.

The full judgment is available in English at:

<http://hudoc.echr.coe.int/eng-press?i=003-5515013-6935765>



Other case law

This judgement (No 254/2016) was delivered by Criminal Court No 2 of Mataró on 21 September 2016 in response to a complaint filed by SOS Racism in Catalonia against a door guard at a discotheque for the crime of denying access to goods and services in the private sector for discriminatory motives under Article 512 of the Criminal Code (CC) and a crime of assault under Article 147(1) of the CC.

The events occurred in the early morning of 3 June 2012 when the claimant tried to enter the discotheque called Titus de El Masnou and the door guard blocked his entry. The guard did allow another young man (white) who was with the claimant to go inside and in so doing stated: "the black bloke stays out". When the claimant asked why he was being barred entry the guard punched him in the face and the victim fell to the ground unconscious.

The victim's friend called the police and the Mossos d'Esquadra (regional police corps) immediately arrived on the scene. The victim was taken to the hospital emergency room where he was treated for his injuries.

In this case the court convicted the accused party of discriminatory refusal to provide access to services in the private sector under Article 512 CC and sentenced him to one year of disqualification to work as a private security guard, and of assault under Article 147(1) CC and sentenced him to a six-month fine at a daily rate of €8 and payment of court costs.

The court also ordered the accused to pay compensation to the victim in the amount of €5,555.95.

This judgement is particularly relevant owing to the exceptional application of Article 512 CC even though it is well known that barring entry to clubs and discotheques for discriminatory motives is a very common practice. Only a few cases actually reach the courts as those suffering discrimination prefer to simply move on to another club or discotheque rather than filing a complaint and, of the cases that do reach the courts, there are very few convictions.

It is also worth noting the constitutional relevance of the legal asset protected under Article 512 CC under the heading of crimes against the Constitution, namely under the chapter on crimes re-

lating to the exercise of fundamental rights and public freedoms guaranteed by the Constitution. The right being protected is that of equality and non-discrimination enshrined under Article 14 of the Spanish Constitution.

In this case, barring access to a service to which one is entitled on the basis of his or her being a member of a protected group is discriminatory and therefore violates the right to equal treatment.

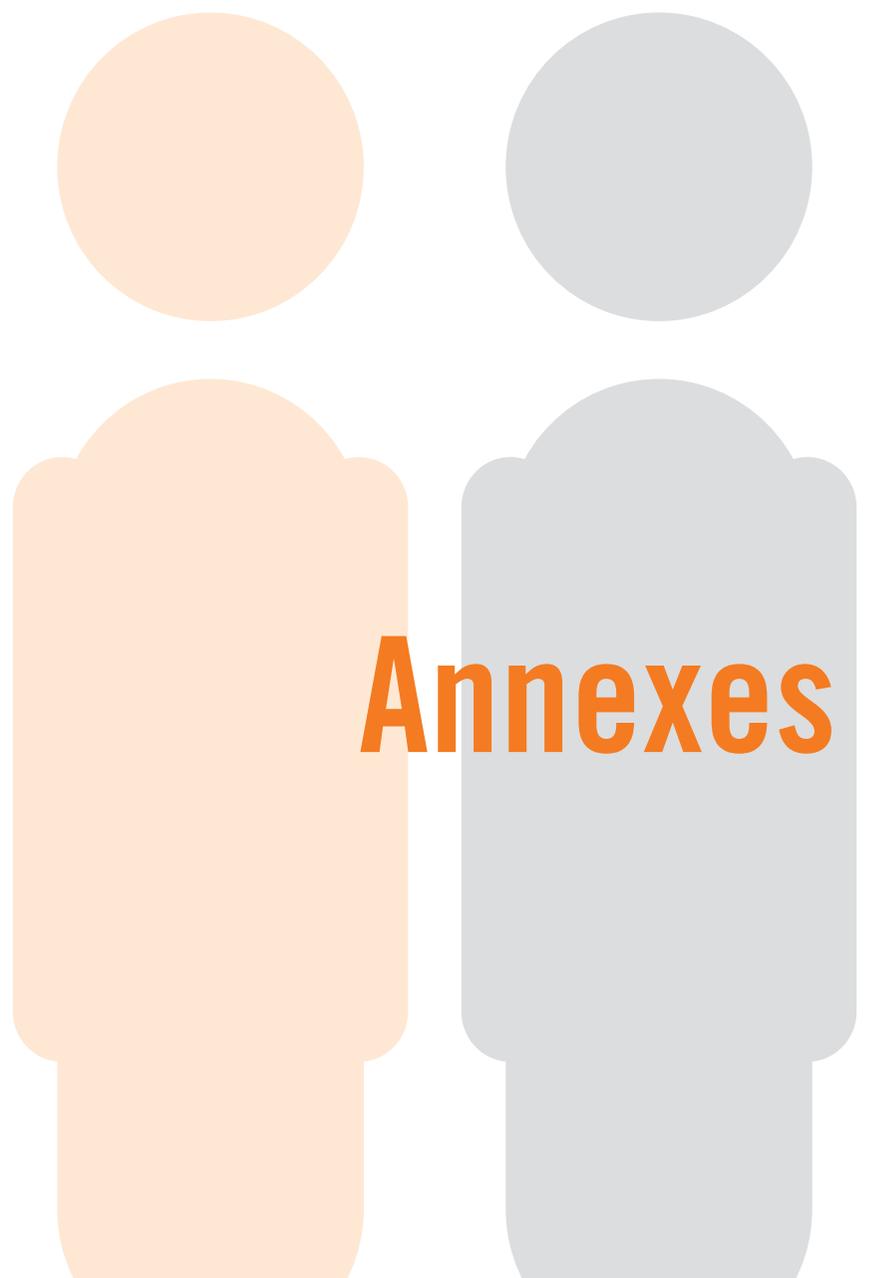
Barring access to places of entertainment is one of the criminal infringements that disproportionately affects Roma whose expectation of entry is barred by security guards, doormen and waiters or waitresses, sometimes at the discretion of staff members themselves but usually by order of their boss who tells them that they must enforce the 'No Gypsy' rule.

The FSG provides legal counsel and accompanies some of the people who have suffered this type of discrimination. In some cases administrative complaints have been filed while in others a police report has been lodged and cases have also been reported to the provincial hate crime and discrimination prosecutor. In a few cases, legal defence has been provided to victims as with the Puertollano case (see case in the access to goods and services section). It is worth noting in these cases the importance of professional accompaniment in proceedings under the new Victim of Crime Statute, Law 4/2015 of 27 April 2015..

Condenado un portero de discoteca que negó la entrada a un joven bajo el argumento: "el negro no entra"

Es una de las primeras sentencias que existen en España por hechos de discriminación similar. El acusado, que además le propinó una paliza, ha sido condenado a un año de inhabilitación y 5.000 euros de multa.





Annexes



Annex I:

Legislation in force

National

- [The Crime Victim Statute](#), Law 4/2015 of 27 April 2015.
- [Organic Law 1/2015 of 30 March 2015 amending the Criminal Code Act](#), Organic Law 10/1995 of 23 November 1995.
- [Law 19/2007 of 11 July 2007 prohibiting 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 recast text of the Law on social order infractions and penalties](#).
- [Organic Law 4/2000 of 11 January on the rights and freedoms of aliens in Spain and their social integration](#).
- [Action protocol for law enforcement officials on hate crime and other acts infringing discrimination laws](#). Official Gazette of the Civil Guard, No 1, section 1, p. 51-108 of 7 January 2015
- [Law 11/2014 of 10 October 2014 guaranteeing the rights of lesbians, gays, bisexual, trans-gender and inter-sexual persons and eradicating homophobia, biphobia and transphobia](#). Autonomous Community of Catalonia.

European Union

- [Council Framework Decision 2008/913/JHA](#), of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.
- [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.
- [Directive 2012/29/EU of the European Parliament and of the Council](#), of 25 October 2012 laying down minimum standards on the rights, support and protection of victims of crime, replacing Council Framework Decision 2001/220/JHA.

International



- 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 (BOE) No 96 of 21 April 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).
- Convention for the protection of human rights and fundamental freedoms, Official State Gazette-A-1999-10148 (Council of Europe).
- The Universal Declaration of Human Rights, adopted by the General Assembly in Resolution 217 A (III) of 10 December 1948.
- International Covenant on Economic Social and Cultural Rights adopted and open for signing, ratification and accession by the General Assembly through Resolution 2200 A (XXI) of 16 December 1966.
- International Covenant on Civil and Political Rights adopted and open for signing, ratification and accession by the General Assembly through Resolution 2200 A (XXI) of 16 December 1966.
- Discretionary Protocol of the International Covenant on Civil and Political Rights adopted and open for signing ratification and accession by the General Assembly through Resolution 2200 A (XXI), of 16 December 1966.
- Second Discretionary Protocol of the International Covenant on Civil and Political Rights to abolish the death penalty adopted and open for signing, ratification and accession by the General Assembly through Resolution 44/128 of 15 December 1989.
- International Convention on the Elimination of all Forms of Racial Discrimination adopted and open for signing ratification and accession by the General Assembly through Resolution 2106 A (XX), of 21 December 1965 CERD.
- Convention on the Elimination of all Forms of Discrimination against Women adopted and open for signing ratification and accession by the General Assembly through Resolution 34/180, of 18 December 1979 (CEDAW).
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the General Assembly through Resolution 45/158, of 18 December 1990 ICRMW.
- Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities passed by the General Assembly through Resolution 47/135, of 18 December 1992.
- Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, adopted on 29 June 1951 by the General Conference of the International Labour Organisation at its 34th meeting.
- Convention concerning Discrimination in Respect of Employment and Occupation, adopted on 25 June 1958 by the General Conference of the International Labour Organisation at its 42nd meeting.
- Declaration on Race and Racial Prejudice, approved by the General Conference of the United Nations Educational, Scientific and Cultural Organisation on 27 November 1978.
- Convention against discrimination in education, adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organisation
- World Conference against Racism, 2001 (Declaration of Programme of Action).
- Declaration on the human rights of individuals who are not nationals of the country in which they live, adopted by the General Assembly through Resolution 40/144 of 13 December 1985.
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- General Recommendation No 27, Committee on the Elimination of Racial Discrimination regarding the discrimination of Roma, 57th period of sessions, U.N. Doc. HRI/GEN/1/Rev.7 at 252 (2000). <http://hrlibrary.umn.edu/gencomm/Sgencom27.html>



Annex II.

European organisations and institutions working in the field of equal treatment, non-discrimination and the Roma community

- Amnesty International
 - <http://www.amnesty.org/en/roma>
- Council of Europe
 - <http://hub.coe.int/web/coe-portal/roma>
- Campaña Dosta!
 - <http://dosta.org/en>
- CAHROM
 - <http://hub.coe.int/cahrom1>
- Decade of Roma Inclusion
 - <http://www.romadecade.org/>
- Equinet
 - <http://www.equineteurope.org/>
- ENAR
 - <http://www.enar-eu.org/>
- ECRI
 - http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/default_en.asp
- ERIO
 - <http://www.erionet.eu/>
- EUROMA
 - <http://www.euromanet.eu/>
- EU DG Justice
 - http://ec.europa.eu/justice/discrimination/roma/index_en.htm
- European Roma and Travellers Forum
 - <http://www.ertf.org/>
- European Roma Policy Coalition
 - <http://romapolicy.eu/>



- European Roma Rights Centre
<http://www.errc.org/>
- FERYP
<http://www.feryp.org/>
- Fundamental Rights Agency FRA
<http://fra.europa.eu/en/theme/roma>
- International Roma Women Network
<http://www.advocacynet.org/page/irwn>
- Open Society Foundations
<http://www.opensocietyfoundations.org/explainers/roma-and-open-society>
- Osce-Odhir Roma and Sinti
<http://www.osce.org/what/roma>
- Policy Center
<http://www.policycenter.eu/>
- Roma Education Fund
<http://www.romaeducationfund.hu/>
- Roma Virtual Network
<http://www.valery-novoselsky.org/romavirtualnetwork.html>
- Roma Youth Action Plan
http://www.coe.int/t/dg4/youth/Training/Roma/2013_FEB_Roma_Youth_and_Council_of_Europe_en.asp
- Roma women
<http://romawoman.org/?page=news>
- Romed
<http://coe-romed.org/>
- Romea news
<http://www.romea.cz/en/>
- Romani language
<http://romani.humanities.manchester.ac.uk/>
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http://www.echr.coe.int/Documents/FS_Roma_ENG.pdf



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