



Annual Report **FSG 2015**

Discrimination and the Roma community



194 cases of discrimination

Legal judgments on anti-Gypsyism in Europe

Social awareness raising campaigns



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CONSEJO PARA LA ELIMINACIÓN
DE LA DISCRIMINACIÓN
RACIAL O ÉTNICA

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Introduction



Introduction

Another year running the Fundación Secretariado Gitano (FSG) presents its Report on Discrimination and the Roma Community, whose main objective is to continue to call attention to, raise awareness and report cases of discrimination and anti-Gypsyism faced by the Roma community, targeting the administration, key stakeholders and the society in general, to jointly seek a solution to this serious social problem and build a more cohesive and just society. Along with that effort, through this publication we give voice to the victims of discrimination who, as we know all too well, are hidden and numbed by misinformation, fear and mistrust.

One of the FSG's priorities for more than 10 years now has been to promote equality and combat ethnic discrimination as the latter is a violation of a fundamental right and constitutes an offence against the existing regulatory framework in this area (Articles 1 and 14 of the Spanish Constitution and Directives 2000/43/EC and 2000/78/EC) and is an affront to personal dignity. We believe that, together with employment and education, combating anti-Gypsyism is a fundamental pillar to achieving Roma inclusion. Therefore, in 2015, the FSG created the "Department of Equality and Anti-discrimination" to bolster work in this area through:

- Information, assistance and support activities targeting victims of racial or ethnic discrimination, as the coordinating body of the Network of Assistance Centres for Victims of Discrimination, part of the Equal Treatment Council;
- Technical assistance and training of key players in the fight against discrimination: mostly technical personnel and the heads of administrations and social organisations, jurists, police and the media;
- Promotion of policies supporting the advancement of equal treatment by monitoring anti-discrimination legislation and its everyday enforcement;
- Social awareness-raising actions through the dissemination of information related with the fight against ethnic discrimination and the promotion of equal treatment and different social awareness-raising campaigns;
- Strategic litigation, i.e. defence of equal treatment before the courts and direct coordination with the hate crime and discrimination prosecution offices;
- Actions to promote equal treatment and opportunities for Roma women.



The main section of this report is devoted to shedding light on the everyday discrimination still faced today by the Roma community in Spain; 194 cases of discrimination having been identified in 2014. These cases bear witness to the ongoing problems that Roma families have to face year after year when going for a job interview, doing an internship in a company, renting a flat, trying to enter a discotheque... and the unfair treatment they receive from some professional sectors due to their ethnicity. Along with this, some alarming events occurred in two towns in the south of Spain, Castellar and Estepa, where manifestations of rejection were taken to the extreme; events that could constitute hate crime against the Roma Community. We would note that in the defence of the Castellar case, the unjust ruling handed down by the Provincial Court of Jaen highlights the need for greater involvement of the judicial sector in this area.

The cases registered are presented by area with disaggregated data so as to provide the greatest degree of information, including a description of some of the work strategies developed. Along with that, we present the general proposals that we consider appropriate to more effectively defend victims of these regrettable acts of discrimination and the main conclusions gleaned from the work undertaken.

The report goes on to cite the important legislative advances and positive case law during 2014–2015 at European and national level: the legal proceedings in the Czech Republic and Slovakia regarding school segregation, European judgments with an impact on anti-Gypsyism, an assessment of the current reform of the Spanish criminal code, observations made with respect to Roma women by the Committee on the Elimination of Discrimination against Women and the new protocol on hate crimes created by the Ministry of the Interior.

Lastly, we report on the advances made in the field of social awareness during this same period: literature produced by the Women's Institute and Equal Opportunities (Ministry of Health, Social Services and Equality–MSSSI) such as the "Practical Guide: how to deal with cases of discrimination, hate crimes and intolerance" and the manual entitled "Embracing diversity: proposals for education free of homophobic and transphobic harassment" and other campaigns and awareness-raising materials published by ACCEM, FELGTB, the RAIS Foundation and the FSG.

We are still in the midst of a complicated socioeconomic situation in which the most disadvantaged groups, including the Roma community, must also have the opportunity to emerge from the economic crisis. Therefore, government measures must reach all population groups. It is essential to recognise that discrimination and social rejection, particularly affecting Roma, are an added barrier standing in the way to a life with dignity.

The social rejection of the Roma community is a constant, it is always present and manifests itself in different ways; in some cases it is denying people's rights, in others it is racist demonstrations and publications, and in still others it crosses the line and takes the form of hate crime. In light of this, it is vital for the state to take a firm and decisive stance as this is a violation of the right to equality—an essential element of our democratic state. Laws and those who make and enforce them need to react to these violations, but this is where we find an alarming deficit. Moreover, society has to think long and hard because if we intend to build a cohesive society we need to put an end to discrimination. I find it surprising that some television programmes have used Roma to produce a pitiful and humiliating spectacle where prejudice and a damaging portrayal of all Roma, especially Roma women, prevails.

Not only that; we must not forget that we are still witnessing acts of discrimination and hatred against Roma people across Europe. Unfortunately, 2014 was no exception to this rule. There have been many cases of anti-Gypsyism throughout Europe: forced evictions, physical violence, discriminatory policing, school segregation, etc. In some of these cases, the response of the courts was positive as demonstrated by the case law analysed in this report.

Despite these difficult times, important progress has been made at national and European level, including the reform of the Spanish criminal code, the work carried out by several organisations such as the Platform for



the Policing of Diversity, the Network of Assistance Centres for Victims of racial or ethnic Discrimination of the Council for the Elimination of Racial and Ethnic Discrimination, police protocols to address hate crime and discrimination, hate crime and discrimination services at provincial prosecutors' offices, training initiatives on this topic in the legal sector (General Council of the Judiciary, prosecutor's office, etc.), the activity of various social organisations, and the work done by the European Agency for Fundamental Rights, the Council of Europe, etc.

As we can see, there are many people involved in this effort making coordination and teamwork essential if we are to effectively respond to discrimination, a social problem that affects everyone.

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 thank all the victims of ethnic discrimination that have had the courage to come forward and report these situations to the FSG, an organisation that will continue to work forcefully to combat discrimination.

Sara Giménez Giménez

Director of the Department of Equality and Anti-Discrimination



**Cases of
discrimination**



Conclusions and recommendations

In addition to the areas analysed in this section of the report, the Fundación Secretariado Gitano believes that the following recommendations should be borne in mind if we are to make headway in the defence of non-discrimination against the Roma community:

Recommendations

- I. 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.
- II. Spain should have an independent equality body as called for in Directive 2000/43/EC.
- III. Spain needs a comprehensive equality act because discriminatory acts that are not criminal offences also need to be addressed.
- IV. National, European and international anti-discrimination legislation must be legally enforced.
- V. Victims of ethnic discrimination need to be informed, advised and accompanied throughout the process of defending their rights, including defence before the courts.
- VI. It is absolutely essential that victims be able to trust the system as it responds to the violation of their right to equality and they should be adequately compensated.
- VII. The police protocols adopted to fight discrimination and hate crimes should be applied, data should be collected and cases detected should be investigated and prosecuted with particular attention placed on the discriminatory component.
- VIII. 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.
- IX. Training and social awareness-raising activities should be undertaken to help break down prejudices and stereotypes against the Roma community.
- X. Authorities responsible for promoting equality between women and men should develop specific actions to promote non-discrimination of Roma women, paying special attention to their diverse social image.
- XI. In the case of flagrant acts of anti-Gypsyism, it is vital that all organisations advocating equality, together with political leaders, publicly show their forceful rejection of this sort of behaviour.



A sample of the reality that the Roma community faces every day: 194 cases of discrimination

Here we are, back again to get a closer look at the everyday discrimination faced by the Roma community. In the 194 registered cases of discrimination, 382 Roma were affected. 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 services have 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 (49% of the cases recorded), employment (13%), access to goods and services (9%) and police services (9%).

We would like to begin with the following observations:

1. Discrimination in the media and internet

It is important to note that in this area, media and internet, it is easier to identify cases thanks to the press-tracking service available to the FSG and Internet monitoring efforts by the Foundation's staff. It is easier to identify cases since we do not depend on an individual victim who decides to come forward to report the incident, has the necessary information to do so and trusts the response mechanisms. However, solving these discriminatory incidents in the media and Internet is a whole different story. It is very difficult to even get a response from media that engage in the practice of identifying the ethnic group of the person in the news story and employ stereotypical and discriminatory language ("reyerta, patriarca..." {brawl, patriarch}, i.e. terms in Spanish that put the idea in readers' minds that the people involved are Roma). On the other hand, as regards the Internet, when we report on the existence

of discriminatory content and publications some of those responsible for monitoring social networks respond in a positive way and delete that content. However, in some serious cases such as websites that publish content that could constitute hate crime against the Roma community, we find that legal response mechanisms are both sluggish and ineffective. In this respect, we are confident that the reform of Article 510(3) of the criminal code will boost the persecution and removal of such content. We believe there is a need to establish precautionary measures, or rather "extreme precautionary measures" to keep this sort of content that incites hatred towards the Roma community from being broadcast on the Internet in Spain.

We sincerely hope that the current criminal code reform, and enhanced coordination between the police, hate crime and discrimination prosecution services and organisations like ourselves that identify cases, will lead to a more effective response.



2. Discrimination in access to employment: focus on young Roma

The report sheds light on the serious problem of discrimination in respect of employment as it not only violates the right to equality but also infringes another basic social right, employment, which is vital for the social advancement of the Roma community.

The inclusion of Roma youth in our society is severely hindered by this important barrier. Our employment services often hear comments from companies such as "We don't want any Gypsies in our business because we would have all their relatives hanging around our shop and they would scare away the customers"; "employers don't want Gypsies in their companies. Not long ago I had two of them working for me and I had a bad experience"; "It's always the same story with those people"; "The company doesn't want Gypsies", etc. It is attitudes like these that prevent Roma from being called for a job interview, from being hired or from getting an internship.

One of the measures suggested by our government officials to boost recruitment and training of our youth is the Entrepreneurship and Employment Strategy Targeting Young People approved by the Ministry of Employment and Social Security in February 2013 which encourages training contracts. But, what if young Roma are excluded from these measures due to their ethnic group? In the cases recorded, we have examples of refusal to give Roma an opportunity. In our labour market integration programme called Acceder, our workers have found that some companies simply do not want Roma interning at their companies.

This shows that young Roma have an added hurdle to overcome if they want to take advantage of the measures devised by our government to encourage the labour market integration of young people, i.e. rejection and discrimination based on their ethnic background.

Therefore, we need to raise the awareness of the business sector and step up the inspection of discriminatory practices in the workplace limiting access to employment. This shows that discriminatory attitudes have a direct effect on the lives of people as they can be a major barrier to gaining access to decent employment.



3. Discrimination, hate speech and hate crimes violate the right to equality and dignity of the Roma community

The cases recorded show a wide range of actions demonstrating the social rejection of the Roma community; acts of discrimination, hate speech and hate crimes that are detrimental to the guiding principles of our social, democratic state and rule of law. They are all a direct attack on the equality and dignity of the Roma people and violate the very human rights and public freedoms enshrined in the Spanish Constitution and international treaties ratified by Spain.

Within the regulatory sphere, we should highlight the progress made through the most recent reform of the Spanish criminal code in this area. The new Spanish regulation transposes the provisions of 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. Among other new developments, Article 510 will enable more effective pursuit of “those who publicly encourage, promote or incite, directly or indirectly, hatred, hostility, discrimination or violence”.

Among the different situations that infringe the Roma Community’s right to equality are the reality television programmes that broadcast a negative, prejudiced, perverted and deplorable image of the Roma community and which are an affront to the dignity of an entire people.

We also encounter hate crimes resulting in the burning of the homes of Roma families and anti-Roma hate speech¹ where expressions such as “Gypsy shit” “you are our misfortune” “you look like a gypsy: all you know how to do is sell and steal” “we don’t want any Gypsies in Castellar...” can be heard. Discriminatory speech is not only offensive but also violates fundamental rights and we therefore feel that it should never be protected under the guise of freedom of expression.

We believe that the new reform of the criminal code (Article 510.121) will contribute to making freedom of expression, which we consider as one of the fundamental principles of our democratic system, compatible with respect for human dignity. In this regard, we believe that there is a proportional limit to such freedom as established by Constitutional Court case law in Judgment 214/1991 (Violeta case) and Judgment 176/1995 (Makoki case) which establish that: “... Neither ideological freedom (Art. 16 Spanish Constitution) nor freedom of expression (Art. 2011 Spanish Constitution) include the right to make statements, use expressions or implement campaigns that are racist or xenophobic since, as provided in Art. 20(4), there is no such thing as unlimited rights and this is an affront not only to the right to honour of the person or persons directly affected but also other constitutionally protected rights such as the right to human dignity (Art. 10 Spanish Constitution”

1 The Organisation for Security and Cooperation in Europe (OSCE) defines hate crimes as: “Any criminal offense, including offenses against persons and property where the victim, place or object of the prejudice are selected because of their connection, affiliation, support and actual and supposed membership to a group that can be based on “race” prejudices by national or ethnic origin, language, color, religion, age, physical or mental disability, sexual orientation or other similar factors, whether real or imagined.” Recommendation R (97) 20 of the Committee of Ministers of the Council of Europe of 30 October on hate speech.

In light of the foregoing, the judiciary must protect fundamental rights and prevent the breach of the essential right to dignity, to which Roma and all others are entitled, by enforcing the law. Additionally, our government, the media and the civil society must help raise the awareness of our society with regard to the social image of the Roma community. When we realise that the prejudice and stereotypes that continue to prevail in the social psyche are the principal motive for the social rejection of this group, we see just how much work still lies ahead.

Cases of discrimination gathered by the FSG in 2014

Cases in the media

From 1 January 2014 to 31 December 2014 the FSG's documentation centre registered 7 102 news items mentioning Roma or the Roma community in general (local, regional and state media). Many of these stories were about events in which Roma persons were involved and the texts often referred to their ethnicity or employed terms such as 'clan', 'reyerta' (brawl), 'patriarch', etc. As we will see in the cases registered, these references to Roma and the use of inappropriate terms do not contribute any useful information to the news item but do help to confirm stereotypes and prejudices.

Internet and social networks are another source of negative comments and images concerning Roma. The online press contains many anti-Roma hate messages by readers which should be regulated by those responsible for these media. Twitter and Facebook are platforms where quite a bit of hate speech is published as well, something which the new Criminal Code treats as a crime when it is an attack on the image and dignity of a person or community and when it incites racial or ethnic hatred.

Part of the work of the FSG's Equality and Anti-discrimination department is to denounce these cases of anti-Roma hate speech and encourage media professionals to paint a more realistic picture of the diversity of the Roma community and help prevent the spread of stereotypes.



The screenshot shows a news website interface. At the top left, there is a logo for '15 años 20 minutos'. To the right of the logo is a navigation menu with categories: PORTADA, Nacional (highlighted in red), Deportes, Internacional, Tecnología, Economía, Artes, Tu ciudad, and Secciones. Further right, there are links for Fotos, Videos, and Gráficos. Below the navigation menu, there is a weather widget for Córdoba showing 20° and 5°. At the bottom of the navigation menu, there are social media icons for Facebook and Twitter. Below the navigation menu, there is a red banner with the text: AL DETALLE > PSOE | Soberanismo catalán | Elecciones generales 20-D | Familia Pujol | En i. The main content area shows a headline: NACIONAL Las mayores discriminaciones hacia la comunidad gitana se dan en prensa y seguridad ciudadana. Below the headline is a photograph of several people sitting on a dirt ground, possibly in a camp or a settlement. The photograph is labeled 'FOTOS' and has a caption: 'Varias gitanas se sientan en el poblado. (ARCHIVO)'. The overall layout is clean and professional, typical of a news website.

1. **Sestao. Media and the Internet. Hate speech.** The online newspaper diarioelorte.es and other media published excerpts of an audio recording of the Mayor of Sestao featuring racist and xenophobic comments about immigrants and Roma.

"The shit no longer comes to Sestao. I'll make sure that they leave; I'll make life miserable for them (...) nobody in any of the municipalities wants Gypsies (...) not many good Gypsies out there".

The FSG, together with other social organisations, expressed our misgivings with these statements and called for the resignation of the mayor.

The FSG put out a statement expressing our alarm with these racist and xenophobic statements against the Roma community. The mayor did not resign. He is still a public official.

Unfortunately most of these cases go unpunished.

2. **Galicia. Press. Direct discrimination.** The online version of the newspaper Faro de Vigo published an article entitled "Narcos from Arousa supplied cocaine to a network in which two police officers were arrested".

The article employed terms such as the "King of the Gypsies" which, in the context of the story, was offensive since it linked the Roma community to crime and drug trafficking.

<http://www.farodevigo.es/sucesos/2014/01/18/narcos-arousa-abastecian-coca-red/949836.html>

The Department sent a written complaint to the newspaper requesting that it refrain from using these terms as they add nothing to the news report but do tarnish the image of the Roma community.



CASO 2

3. Lugo. Press. Direct discrimination. An FSG worker in Lugo reported that:

She had requested information at the primary school called Paradai on behalf of two Roma families to help them with the enrolment of their daughters. The worker informed us that two days before going to the school, the Voz de Galicia newspaper ran a story about the director of that school who had been reprimanded by the school inspectorate of Lugo for stating that he refused to accept enrolment applications from Roma and immigrant children.

In light of that information, the FSG requested more information and the Lugo FSG office contacted the school's parents' association which informed us that they were considering requesting an interview with the education inspector who had opened the disciplinary file.

The main negative effect of this news story in the area of influence Lugo was that Roma families were reluctant to enrol their children at the school for fear of mistreatment.

A few days later, that same newspaper reported that the director had been relieved of his duties and was suspended without pay for refusing to enrol immigrant and Roma children at the school.

http://www.lavozdeg Galicia.es/noticia/lugo/2014/05/14/director-paradai-apartado-puesto-principiosmes/0003_201405L14C1997.htm

The FSG's discrimination department welcomes the sanction of these clearly discriminatory acts on the part of the school administration and hopes that this serves to prevent similar cases in the future.

4. Galicia. Press. Direct discrimination. An article was published in the newspaper La Voz de Galicia under the following headline: "A wedding in O Carballino attracts Roma families from all across Galicia."

http://www.lavozdeg Galicia.es/noticia/sociedad/2014/03/07/boda-reune-carballino-familias-gitanasgalicia/0003_201403G7P30993.htm CASE 4



CASO 4



The article told the story about a wedding between two Roma held in O Carballino. Details of the wedding included that it was held in a Roma village, the number of guests and the "prueba del pañuelo" (virginity test) (focus on ghoulish details). The journalist interviewed the bride's grandfather who he referred to as the "patriarch". He used inverted commas throughout the article leading readers to believe that man did not know how many children or grandchildren he had and that his granddaughter's performance at school was of no concern to him. The full names of the young spouses wed that day also appeared in the article. The report mentioned the recent murder of a Roma woman in Lugo concerning which the alleged "patriarch" offered his opinion about "Gypsy law" making a number of generalisations.

The overall tone of the article was discriminatory inasmuch as it focused on stereotypes and offered a cynical description of the event. Moreover, the story itself was totally irrelevant.

5. Galicia. Press. Direct discrimination. Article published in La Voz de Galicia "Sea urchins replace barnacles as the target for illegal shellfish harvesters".

This article recounts the confiscation in the town of Mera (A Coruña), of several hundred kilos of sea urchins collected by people without the requisite fishing license. The police managed to identify six people involved in the incident. The article referred to "sources close to the operation" (in inverted commas) to indicate that the people caught illegally harvesting shellfish were Roma.

We consider this a discriminatory article because it identifies an ethnic group when such identification fails to add any information to the story. The author also inappropriately used the term "race". The article referred to these illegal fishermen as "dangerous elements" thus linking Roma with crime.

The FSG sent a letter of complaint to the newspaper editor expressing concern with the language and terms used. We also pointed out that indicating the ethnicity of those involved in these events adds nothing to the comprehension of the story but does reinforce stereotypes and prejudices towards the Roma community.

6. Lugo. Press. Direct discrimination. The local Lugo newspaper El Progreso published a story under the following headline: "A house occupied for six months recovered by its owners in dire condition." The story goes on to describe the squatters as Roma and also mentions the FSG as a collaborating organisation intervening in situations in which Roma are involved.

The FSG wrote to the newspaper denying claims that it had been involved in this situation.

We have not yet received an answer from the paper.

7. A Coruña. Press. Direct discrimination. An article was published in the newspaper La Voz de Galicia under the following headline: "A family occupies a flat in A Coruña in the presence of the owner."

The article is about an event in which took place in A Coruña at the beginning of May. According to the journalist, the situation had been reported to the National Police and Civil Guard but the reporter's information did not come from them. The journalist describes how a family entered a flat that was not theirs according to the testimony of the owner of the house and neighbours.

In his description, the reporter clearly identified the ethnic group of those involved: "members of a Gypsy family with two young children... Jaime saw the truck and nearly all the residents of the shantytown piling out... I was trembling with fear..." He also stressed the alleged danger that this family posed by quoting a statement made by a neighbour: "My father lives here, in the flat next door. They know that I was the one who called the owner. I'm afraid of what they might do to us." The article concluded with an observation that again fails to provide any useful information but implied that a house occupied by a Roma family reflects negatively on the children attending a neighbouring school: "The man also recalled that the school, Santa Maria del Mar, is right next door."

The photo accompanying the story is supposedly of the family and it shows their faces (but not the children or the police officers who had their backs to the camera) with the following caption: "National Police officers speaking with the squatters and residents of the nearby shanty town."

We believe that identifying these alleged squatters as Roma and residents of a shanty town, and stressing the fear that neighbours had of possible reprisals and the fact that the entire village was present at the scene, only serves to further entrench the negative stereotype of Roma (crime, danger, slums...); in short, we feel that the tone of the article is discriminatory.

- 8. Galicia. Press. Direct discrimination.** The newspaper La Voz de Ferrol ran an article under the following headline: "14-year-old boy arrested when he crashed the stolen car he was driving in the town of O Burgo."

The article describes the event of the stolen car driven by two minors (age 14 and 15), both "Gypsies".

Our Department wrote a letter of complaint to this media outlet drawing attention to the language used throughout the article and the fact that personal details such as ethnic group add nothing to the story and only serve to tarnish the image of the Roma community by associating it with crime.

- 9. Galicia. Press. Direct discrimination.** An article was published in the newspaper La Voz de Galicia under the following headline: "Two people arrested in a fight between two families of the town of Meicende."

The article reports on a criminal event in Arteixo from the previous weekend where two victims were allegedly stabbed and the perpetrator arrested. According to the article, two families were involved: "... The assailant and his victims are members of two Gypsy families and the facts indicate that the fight had to do with drugs." This is considered discriminatory because an ethnic group is identified (those involved were identified as Roma even though this is irrelevant information) and, before facts could even be verified, a connection was made with "drug issues", stressing the stereotype linking Roma with drug-related crime.

- 10. Lugo. Press. Direct discrimination.** El Progreso, a local newspaper from Lugo, published an article about a series of robberies affecting the local population. The article links these robberies with a neighbourhood (O Carquexia) where the population is mostly Roma. The article created fear among the families who linked the thefts to groups of Roma living nearby.

11.

- Galicia. Press. Direct discrimination.** El Progreso, a local newspaper from Lugo, published a story which directly links "gorillas" with Roma.

The news story links this activity with aggressive and violent situations faced by car owners who refuse to give in to the "gorillas" who allegedly ask for "voluntary payment" in exchange for taking care of the cars parked in that area. The story also mentions that these people have had numerous run-ins with the local Lugo police for "serious disregard for authority and for being a major personal and road safety hazard". The newspaper added: "The two gorillas, both Gypsies, paid no heed to police warnings."

Again, the mention of "ethnic background" in a news story fails to add any relevant information and only reiterates negative prejudices and stereotypes towards the Roma community.

- 12. Lugo. Press. Direct discrimination.** The El Progreso newspaper from Lugo ran a story under the following headline: "Police arrest a squatter cited to appear before the court to make a statement."

The article mentions the ethnic group of the alleged squatter and publishes his initials.



The same article includes a public statement made by a woman with three young children who claimed on several occasions that "they were living like that because no one wanted to rent them a flat due to the fact that they were Gypsies".

13. Galicia. Press. Direct discrimination. The Voz de Lugo newspaper published an article under the headline:

"They wouldn't let me study because I'm Roma, but I want better for my daughter."

The article describes the experiences of 23 young Roma women for whom education is a priority. It cites some of the courses they attended, for instance a self-confidence and personal autonomy course run by the FSG in Lugo to improve their CVs and employability.

This article sparked a litany of negative comments inciting rejection, stereotypes and prejudices against Roma women.

Following are just a few of the comments found on the news forum:

"I don't believe a word they say."

"They want it for free. Who can believe them? They're great at making things up and getting people to feel sorry for them."

The Department contacted the administrators and all of the participants in these discussions to request their help in improving the image of Roma women.

14. Mérida. Social networks. Direct discrimination. The Extremadura FSG office sent us a screen shot of a discriminatory tweet against the Roma community in general and the Romanian Roma in particular.

The tweet stated as follows: "They're Gypsies, not Romanians. They're not the same thing!" There is a photograph of a poor Romanian Roma family next to one of a rich non-Roma Romanian family insinuating that Romanian Roma are not Romanian citizens. The logo used by the author of the tweet is a neo-Nazi symbol (the Celtic cross).



CASO 14

- 15. National. Internet. Direct discrimination.** We received the following comment, published and disseminated on Twitter, at the FSG documentation centre:



This stereotyped comment about Roma related to employment sparked other comments of rejection inciting hatred towards the Roma community in general.

We sent a complaint to Twitter and later saw that it had been removed.

- 16. National. Media - Radio. Direct discrimination.** Several negative comments were made about the Roma community on the 10 February 2014 radio broadcast of the programme called El Larguero (Cadena SER):

Nico, "Hablar por hablar":

"I have a dark complexion and so they take me for a Gypsy."

"He scored four goals because a Gypsy women read his palm and told him he would have a big game." The commentator then asked him "Did you check to see if you still had your wallet?"

Our Department sent letters of complaint to the director of the radio station since comments like these on a programme with such a large audience tarnish the image of the Roma community and identify it with delinquency.

To date we have received no reply.

- 17. National. Internet. Direct discrimination.** The FSG communication department received the following Tweet with racist and xenophobic comments targeting the Roma community:

Guerrera Celta @GuerreraCelta @gitanos_org @sosracismo @pburgom ¿Why are GYPSIES SUPER RACIST? ¿Why do GYPSIES DISCRIMINATE AGAINST NON-GYPSIES?

Tanto desde el Área de Comunicación como desde el Departamento de Igualdad se ha denunciado este perfil de twitter sin tener resultados positivos.

The Communication and Equality departments reported this Twitter account but did not receive any positive response.

- 18. 18. National. Press. Direct discrimination.** The online newspaper Atlántico published an article entitled "Gypsy Law" and the ensuing article insists that such a law exists: "It is surprising to see how calmly we accept the co-existence of other anti-constitutional 'laws', more typical of the Jurassic period, which support the 'eye for an eye' philosophy under the ridiculous pretext of respect for the culture and customs of minorities." The article uses inappropriate and stereotyped language such as "Gypsy law" which add no relevant information and simply create and propagate negative prejudices and stereotypes towards the Roma community.

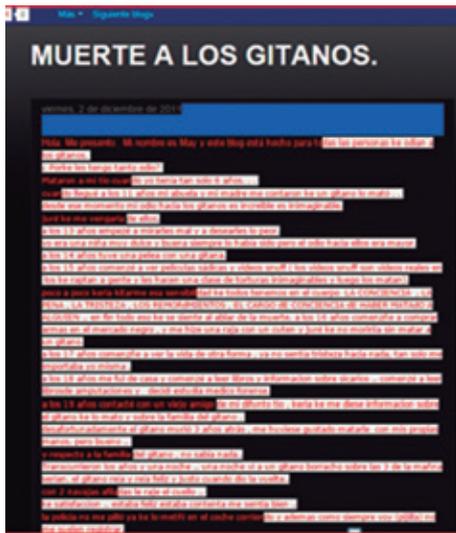
Our Department sent a letter of complaint to the media outlet. We have not yet received a reply.



19. National. Internet. Hate speech. Racism. The FSG alert service received the link to a blog: <http://muertealosgitanos.blogspot.com.es/> which fosters hatred towards the Roma community as a whole.

Following is an excerpt from that blog:

Hello. Let me introduce myself. My name is May and this blog is for all of you who hate Gypsies. Why do I hate them so much? Because they killed my uncle when I was only six years old. When I turned 11, my grandmother and my mother told me that he had been killed by a Gypsy. Since then, my hatred of Gypsies knows no bounds; it is unimaginable. I swore that I would get my revenge. When I was 13 I started to wish them the harm. I was a sweet little girl and I've always been good but my hatred for them was stronger. At the age of 14 I had a fight with a Gypsy girl. At age 15 I started watching sadistic films and snuff videos (snuff videos are real recordings of people who are abducted, tortured in unimaginable ways and then killed).



CASO 19



20.

National. Internet. Hate speech. The Internet page www.burbuja.com features open fora where racist and xenophobic comments are made targeting the Roma community such as:

The Department sent a complaint to the administrator of those fora explaining that comments like these are an attack on the dignity of the Roma community in general and present a negative and untrue image of the Roma Community.

Our Department monitored that website very carefully and then filed a complaint before the hate crime and discrimination service of the State Prosecutor as we believe that the author of that blog could be guilty of a crime of incitement to hatred and discrimination regulated under Article 510 of the criminal code. We recently received a response from the prosecutor informing us that an investigative proceeding has been initiated.

The prosecutor also told us that the investigators at the computer crime unit were unable to identify the author without an international Letter Rogatory. Efforts are now being made to block this web page in Spain.

21. National. Internet. Direct discrimination. The following Twitter comment was discovered by the Communication Department:

"I have some good news and some bad news. The bad news is that Paco de Lucia has died. The good news is that he was a Gypsy."

The Department sent a complaint to the administrator of those fora explaining that comments like these are an attack on the dignity of the Roma community in general and present a negative and untrue image of the Roma Community.

The fact that Paco de Lucia was not actually Roma is beside the point; once again we are faced with racist and discriminatory comments that incite rejection of the Roma community in general.

The Communication Department reported these comments to Twitter.

- 22. National. Press. Direct discrimination.** An interview with Diego El Cigala was published in the newspaper El Mundo on the occasion of his world Flamenco tour and also his change of nationality; this Flamenco singer is now a citizen of the Dominican Republic.

The article is very biased. Diego de Cigala is Roma. Without using explicit terms, the article indirectly stereotypes many of this singer's actions such as, for example, the fact that he changed his nationality to avoid paying taxes. In fact, one of the web page forum comments related to the article refers to this: "Not paying taxes is typical of Gypsies."

- 23. National. Press. Direct discrimination.** The Diario de Burgos newspaper ran a story under the following headline: "Three young people arrested for a fight in which one was stabbed."

The article explicitly refers to the Roma ethnicity of the alleged aggressor. Terms like reyerta (brawl) which add nothing to the story are also found throughout the article.

- 24. National. Press. Direct discrimination.** La Región, a newspaper from Ourense, ran a story under the following headline: "The prosecutor drops a case involving stolen copper."

The article explains that two Roma men were accused of forced entry burglary but in the end were not identified as the perpetrators of the crime.

Even though the case was dropped, the fact that Roma persons were initially identified in the robbery creates prejudice against the Roma community in general.

- 25. National. Press. Direct discrimination.** The newspaper Castellón al día published the following story: "Arrested for robbing victims while giving them a hug."

The story mentions that the detainees were two Romanian women who "looked like Gypsies".

We don't know what "looked like Gypsies" is supposed to mean. Another example of disseminated stereotypes, this time about Roma women.

- 26. National. Press. Direct discrimination.** The newspaper El Mundo del S. XXI published an article called "The Gypsy Guernica".

"In this Guernica instead of bombs there were a pile of knives." The article describes the 2004 murder of three Roma in a fight with other Roma and the hearing in 2007.

Throughout the article the journalist repeatedly mentions the ethnic origin of those involved but never explains why he is writing about a case that was closed seven years ago.



- 27. National. Press. Direct discrimination.** The newspaper called 20 Minutos published a story under the following headline: "16-year-old referee attacked"

"The attacker, known by local business owners and neighbours and a neighbourhood resident, was not difficult to find. Group VI homicide police together with the local police picked him up at his home where he was handcuffed and arrested. He is a Gypsy. This is not the first time this family has suffered attacks in the four years they've had their shop. 'A year ago they cut my hand' says Dong showing the scar on his thumb and index finger. He then showed the bullet holes in beer cans, a door and some wall tiles."

- 28. Estatal. Prensa. Discriminación directa.** En el periódico 20 Minutos se publicó publicado una noticia con el siguiente titular: "Agresión a un árbitro de 16 años" y este texto:

"A football match was played between CD Bosco from Armunia and San Andrés in the 7-8 year old football league. At the end of the match the father of one of the Bosco players along with another man approached the teen-age referee. The second man held the referee's arms while the player's father punched him in the face and mid-section. He ended up with a bloody eye. The police arrived on the scene and identified the aggressors, who were Gypsies."

In this and the preceding news story, the irrelevant detail of the person's ethnic group is mentioned..

- 29. National. Internet. Direct discrimination.** The following comments about Roma were found on an Internet page called meneame.com:

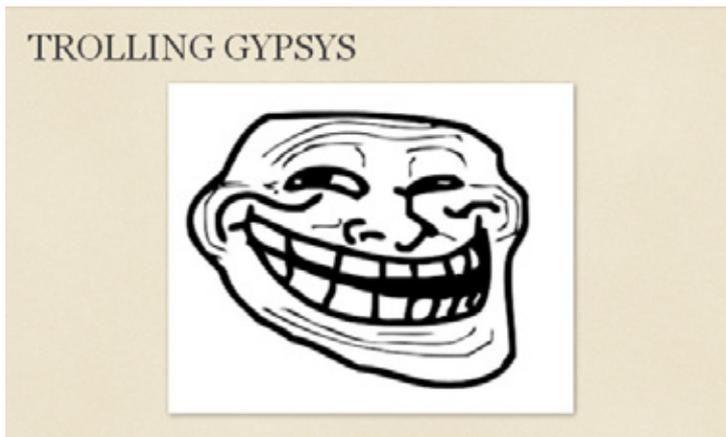
"Not all Gypsies are anti-social thieves. Some are peaceful drug dealers."

"And then you have the Gypsies that accuse any other Gypsy who works a 40-hour week, puts his kids through school, goes to university or lets his wife work as a Judas."

The Department wrote to the web page administrator requesting that he eliminate these racist and xenophobic comments which only serve to perpetuate prejudices and stereotypes against the Roma community..

- 30. National. Internet. Hate speech.** The press alert service discovered an anti-Roma blog.

<http://anti-gypsys.blogspot.com.es/2014/04/trolling-gypsys.html>



CASO 30

Following are some of the comments from that blog

**Anonymous 5/03/2014*

They drive Mercedes cars and are all decked out in jewels but go to the Red Cross for their meals. They start pushing out kids at age 14 and have more than five.

They stink, are lazy, will rob you at knife point, refuse to integrate; wherever they go they make the places where they live uninhabitable for decades. By far, it is the race that has evolved the least and they're all obese.

**Anonymous 5/03/2014*

A plague for the nation, antisocial, uncivilised and thieves. Yes, I'm generalising but I assure you I'm not far off the mark. I know because there's a whole settlement of those bastards living just a kilometre away from my house.

**Anonymous 5/03/2014*

They think they're the centre of the universe. They show no humility whatsoever, they're racist, they don't respect the law or other people but they always demand respect.

When you read in the papers about Gypsy clans evening up the score with two dead I think to myself... what a waste of the other four bullets left in the revolver's chamber."

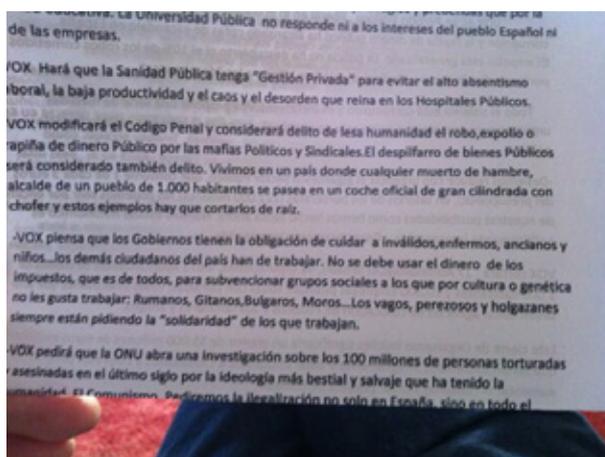
The Department wrote to the web page administrator to request that this material be removed as it is a direct attack on the image and dignity of Roma and incites hatred and racism against the Roma community.

In most cases, these pages are managed by individuals who belong to extreme right-wing groups who promote anti-Roma hatred. Needless to say, we rarely get a positive response.

- 31. National. Internet. Direct discrimination.** The FSG alert service received an email from a person informing us of a Facebook page related with the Civil Guard police. There we found a news story about a Civil Guard officer who was arrested for storming the home of a Roma leader because he claimed that it was a drug supermarket. The story employed language that helps entrench stereotypes and prejudices towards the Roma community.

The Department requested that the administrator of this web page, which in this case is a Civil Guard forum that published the story on its page, eliminate the story as the dissemination of events about alleged crimes committed by Roma and in which the Civil Guard is involved perpetuates an untrue image of the Roma community.

- 32. National. Electoral brochure. Direct discrimination.** The FSG alert service received an electoral campaign brochure promoting Spanish politicians running in the European Parliamentary elections which contained the following comments:



CASO 32

This is a direct quote:

"Taxpayers' money should not be used to subsidise social groups who, either due to their culture or genetic makeup, simply do not want to work." Romanians, Gypsies, Bulgarians, Muslims."



In this case we were disheartened to see political party representatives making comments that foster hatred and racism against the Roma community and incite the rejection of Roma in general both in Spain and the rest of Europe.

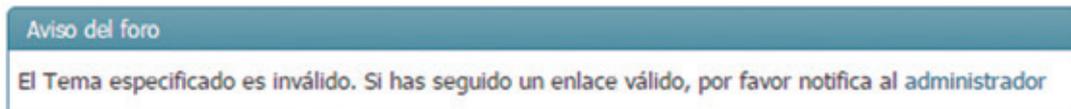
In April 2015 the Council for the Elimination of Racial and Ethnic Discrimination published a recommendation calling on candidates to "Avoid discriminatory, racist or xenophobic language in electoral campaigns" with a view to preventing messages like this one in May's regional and local elections. The FSG took part in drafting this recommendation:

http://www.igualdadynodiscriminacion.msssi.es/novedades/novedades/2015/pdf/Recomendacion_Evitar_uso_discursos_racistas_07052015_.pdf

- 33. National. Internet. Direct discrimination.** The FSG alert service identified an Internet forum with racist and xenophobic content targeting the Roma community.

<http://foroparalelo.com/general/si-el-holocausto-hubiese-sido-gitano-211246/>

We contacted the web page administrator and are happy to say that they eliminated it.



- 34. National. Internet. Direct discrimination.**

<http://www.mediavida.com/foro/feda/chat-gitano-512448>

The alert service forwarded us an email from a person informing us of this web page which features a "Gypsy chat" where people can air their negative stereotypes about Roma:

"I guess the ban is the time it takes for those of us who are not Gypsies to get virtually knifed; 'it's easy, I get a dark tan and do some Flamenco clapping' 'It took them a while to stab me'."

The Department requested the elimination of these comments and the closure of the page but received no response.

- 35. National. Internet. Hate speech.** In an Internet blog <http://antigitanos.blogspot.com.es/> we found racist comments inciting hatred

Heretic Legion 8 March 2014, 13:57

"The worst are those ASS HOLES WHO MADE THOSE LAST COMMENTS. THEY'VE NEVER HAD A SINGLE FUCKIN' PROBLEM WITH THIS SHIT HOLE OF A RACE. THEY TALK OF FREEDOM AND OPTIMISM BUT THEY LIVE IN A FANTASY IN THEIR TIDY SUBURBS WHILE WE HAVE TO LIVE WITH THE SHIT THAT 80% OF THEM SHOWER ON US. DON'T TALK TO ME ABOUT YOUR OPTIMISM AND LIBERALISM AND RACIAL EQUALITY WHEN YOU DON'T KNOW WHETHER THEY DESERVE IT YOU ASS HOLES."

The Department contacted the administrator of the page to have that content removed but we received no response.

36. Barcelona The media. Direct discrimination. Spanish public television news (<http://www.rtve.es/ alacarta/ videos/telediario/telediario-15-horas-04-05-14/2545410/>) broadcast a news item which lasted approximately 1 minute and 22 seconds between minute 23:10 and 24:32.

It was about the arrest of three people from a family "of Romanian origin" for exploiting, holding against her will and abusing a woman. The story included statements by the spokesperson for the police accompanied by footage of police actions.

From minute 23:49 to 23:58 footage was broadcast showing three people collecting scrap metal, separating the metal from other elements, etc. In our opinion, these people were clearly identifiable as "Eastern European Roma" based on stereotypes and their clothing and the work they are doing. Their faces were also clearly identifiable.

Use of this footage in the news story:

- Strengthens the suspicion that these people –the only ones clearly identifiable in the footage except for the police spokesperson– were involved in the criminal act despite the fact that there is no evidence of such involvement and from the information we were able to gather they were not involved.
- Unnecessarily mentioning the national origin of the people involved and then showing stereotyped video footage of Roma, serves to strengthen the association between delinquency and citizens of Romanian origin who are Roma.

CASO 36





- 37. National. The media. Direct discrimination.** The FSG received an email from a Roma girl who complained that the TV series called "Amar es para siempre" (love is forever) had introduced very stereotyped Roma characters in the programme which presented a negative image of the Roma community.

The FSG reminded this media group of their social responsibility given that the negative and prejudiced image of the Roma community that they were portraying contributes to the social rejection and discrimination of this ethnic minority.

- 38. National. Internet. Direct discrimination.** We have encountered racist and xenophobic comments on this web page on various occasions:

<http://www.burbuja.info/inmobiliaria/guarderia/547780-conoceis-a-algun-gitano-homosexual-sindrome-de-down-alzheimer-gafas-etc.html> (have you ever seen a homosexual, down's syndrome, Alzheimer or glasses-wearing Gypsy?)

"They don't exist. When a Gypsy is born with any of those handicaps they throw the baby in the river and let it drown. It's their custom."

"One day when I was leaving work a Gypsy asked me for help because his car wouldn't start so I helped him out. Inside the car were his wife (even younger than him, 16 at the most) and the father-in-law was in the back seat mumbling incoherently, completely gone as if he were having a stroke or something."

"I was there a while trying to help the chap until other members of his tribe started to arrive. That's when I hightailed it out of there. Gypsies aren't bad if you encounter them one at a time but when several of them get together I keep as far away as I can."

Despite having filed numerous complaints about this web page, its users continue to publish racist comments about the Roma community.

- 39. National. Internet. Direct discrimination.**

On the following web page:

<http://debates.motos.coches.net/showthread.php?319659-Conversaci%F3n-de-caf%E9-Superpoderes/page6>

We found comments like these which are an affront to the dignity and image of the Roma community and incite hatred against it.

Thread initiated by ducatero749

I wanted to respond to him but yours is a hard act to follow.

If you're unable to see through that absurd, simple-minded argument by someone who, at his age, still believes in the left and the right like a child believes in the three kings (Santa Claus), then your level of mental retardation should earn you a gold VISA with no credit limit to compensate your handicap.

But I guess it makes sense. Not much can be expected of you judging from the ridiculous stance you took. {QUOTE} that ethnic group must have done something to you for you to have that opinion for example. If you really believe that obscenity that you wrote you could get the maximum social security compensation for being brain dead... I can't understand how you could say that and not throw yourself directly out of a 15th storey window out of shame for how Nazi that sounds.

Sounds Nazi (very Nazi in fact). But how would you describe the lifestyle of Gypsies?

Let me tell you... taxes 0, social security without contributing, street selling wherever and whenever they please...

The Department sent a letter concerning this thread and it was removed from the web page. Furthermore, the administrator offered to collaborate in eliminating all racist and xenophobic comments about the Roma community.

Good Afternoon,

We regret those comments made by ducatero749. They have been deleted and the author expelled from the forum. If you find that parts of that thread have not been deleted, please bring this fact to our attention.

Warm regards.

Moderator motos.net

- 40. National. Internet. Direct discrimination.** We received an email through the alert service featuring a manipulated version of one of the FSG's education campaign posters. This is not the first time the Department has had to denounce this discriminatory practice.

http://www.memeteca.com/fichas_img/4803_gitanos-con-futuro.jpg

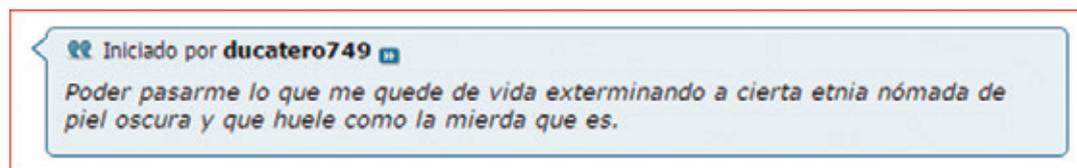
A complaint was sent to the web page administrator who got back to us with a positive response and eliminated the offensive material.

That material has been eliminated.

Users of this web page can upload their own material and I hadn't seen that. Kind regards

- 41. National. Internet. Direct discrimination.** We were sent the following email link featuring racist and discriminatory comments against Roma. .

<http://debates.motos.coches.net/showthread.php?319659-Conversaci%F3n-de-caf%E9-Superpoderes/page6>



The Department discovered that the web page moderator had already been informed and had responded with a positive message. .

Good Afternoon,

We regret those comments made by ducatero749. They have been deleted and the author expelled from the forum. If you find that parts of that thread have not been deleted, please bring this fact to our attention.

Warm regards.

Moderator motos.net

- 42. National. Internet. Direct discrimination.** A Twitter user contacted us with the following message:

Hello @gitanos_org, I don't know if you've considered these issues. I don't what what's better: to complain about these things or to ignore them. Regards.

<https://twitter.com/MejoresRisass/status/493885340735000576> ...

Mejores Risas @MejoresRisass (best jokes)

"The Gypsies invented the triathlon. They go to the pool on foot and return by bike."

We reported this to Twitter but received no response.

- 43. National. The media. TV.** Direct discrimination. In August 2014, channel 4 television aired a documentary style reality show (docu-reality) in which, once again, the main characters were Roma. We have been monitoring the



show since then (up to January 2015). One of the characters (a singer from the group called 'Los Chunguitos' said the following on air:

The group was expelled from the programme for those comments.

In the aftermath of that incident, Twitter users disseminated this unfortunate comment and accused the Roma community of being homophobic and racist.

The Department supported the complaint made with regard to these comments by the State Federation of Lesbians, Gays, Transsexuals and Bisexuals (FELGTB) who, in their complaint, made it clear that they did NOT identify the Roma community with homophobia but rather addressed their complaint exclusively to the person who made that statement.

44. National. Internet. Direct discrimination. A news media published the following headline: "Five young people arrested for raping a 20 year old girl at the Malaga fair."

The story identified the suspects as being Roma. In this case, the mention of the Roma ethnic group sparked a series of hateful comments towards the Roma community such as:

"It's a plague that the Catholic Monarchs (reference to the historical figures of Ferdinand and Isabel) were unable to exterminate. They get handouts from the town halls, social services, Caritas... With so much support they should all be space engineers by now. It's their DNA . They were the untouchables exiled from India and Pakistan. They are only following their instincts just like their blood brothers in India. Because this isn't the first time these Gypsies have committed the deplorable act of gang-banging."

The Department sent a letter of complaint and received a positive response from the digital newspaper in question.

45. National. The media. Direct discrimination

<http://ultimahora.es/mallorca/sucesos/ultimas/2014/131221/pelea-entre-dominicano-varios-gitanos-acaba-cinco-detenido-son-gotleu.html>

This link ran an article under the following headline: "National police officers were called in the early hours of the morning yesterday to handle a confrontation between blacks and Gypsies in Son Gotleu."

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The story gives the impression that there is a racial problem; the mention of colour and race is irrelevant to the story since it was not a racial conflict at all. These terms should be avoided as they perpetuate stereotypes and prejudices against these groups.

46. National. Press. Direct discrimination.

The online newspaper Laverdadonline.com published an article entitled "Gypsies sold him a stolen car and when he tried to get his money back they beat him up." The man was conned by two members of this community who sold him a hijacked vehicle."



Mention of ethnicity is irrelevant to the story but tarnishes the image of the Roma community in general.

The Department sent a message to the web page administrator but has received no response.

- 47. National. Press. Direct discrimination.** The alert service received the link to a story published on www.hispanidad.com in which the Spanish government minister, Miguel Arias Cañete, made the following comparison when referring to Spain's influence in Europe:

"Spain has less of a voice in Europe than a Gypsy in the courtroom."

It goes without saying that this comparison has negative and damaging connotations insofar as it insinuates that Roma people have nothing to say to defend themselves in a court of law or that no one is willing to listen to them.

Desde el Departamento hemos enviado un correo al administrador de la página pero no hemos obtenido respuesta.

- 48. National. Internet. Direct discrimination.** A YouTube channel called "Race war" has a collection of videos featuring confrontations between people of different ethnic origins. Some of the videos explicitly mention that the characters are Roma.

We filed a complaint about this YouTube channel but have received no positive response and the videos are still available.

We believe that the dissemination of this sort of audiovisual material does serious damage to the image of the Roma community as it associates the latter with acts of aggression and violence. It is also distressing that extreme right-wing groups or neo-Nazis (such as the ones behind this YouTube channel) are able to deliberately propagate stereotypes and hatred against the Roma people as this is premeditated hate speech and not some mistake made by a media outlet.

- 49. National. Internet. Incitement to hatred against the Roma community.** The FSG received an email message which we classified as incitement to hatred against the Roma community;

Message: "You Gypsies are shameless. We'll even up the score sooner or later. You've been in our face, you've murdered people and filled Spain with drugs and dangerous traffickers. And you will pay for your deeds and the evil eye that you cast on us. You've been warned. We're coming for you!"

- 50. National. Press. Direct discrimination.** The online magazine <http://www.vanitatis.elconfidencial.com/celebrities/> 2014-09-28/la-boda-gitana-de-george-clooney_217235/ published a report on George Clooney's wedding under the following headline: "George Clooney's Gypsy wedding concluded on Monday" (allusion to the duration of the wedding, comparing it to stereotyped Roma weddings). The article went on to say:

"So much so that the couple was not content with a Hollywood wedding but went all out and spread the festivities over four days as if it was a Gypsy wedding."

Still another stereotype of the Roma community that sparked racist and discriminatory comments against the Roma community in general amongst forum users:

"Gypsies are Spain's cancer"
"Give a Gypsy a job... and if he makes it to the end of the day... No. He'll think it over and say: For that lousy salary I can make 100 times more some other way?"





51. National. The Media. Direct discrimination. A news story was published under the headline "Seminarian Gypsy wedding in Seville" alluding to the duration of the celebration comparing it to that of the ordination of a priest.

This comparison is a stereotype of Roma weddings.

52. National. Internet. Direct discrimination. The following question was posed to spark debate on two Internet fora, www.burbuja.com and www.foroparalelo: Which are the worst Madrid neighbourhoods?

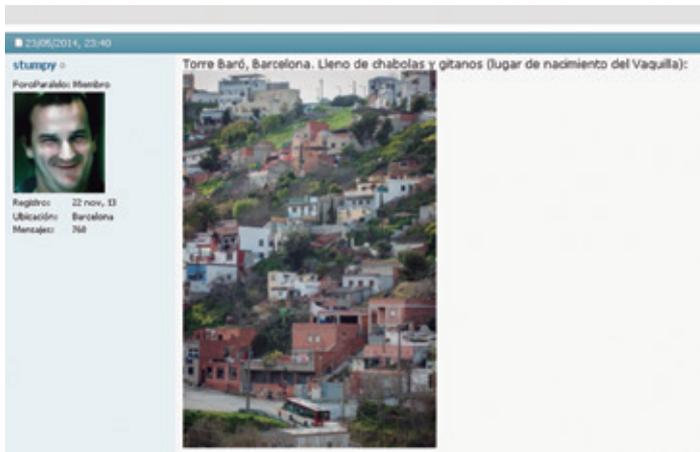
Many responses targeted neighbourhoods with a high density of Roma population. This would not have bothered us had they not associated these neighbourhoods (and the Roma community) with marginalisation, delinquency and drugs trafficking.

One of the comments:

"Outside of the M-30 beltway you have the renowned 'roundabout', famous for its junkies, Gypsies and other riffraff, documented in the famous film 'Callejeros'." Continuing along the M-30 beltway, you come to another hot-spot in the East of Madrid also portrayed in a film, this time by the director Almodóvar 'What have I done to deserve this'. I'm referring to the mythical neighbourhood of 'La Concepción' known as 'la conce or la concep.'"

We requested the closure of this thread but received no response.

53. National. Dignity. Direct discrimination. The latest edition of the RAE (Royal Academy of the Spanish Language) Dictionary, which was available for purchase on 20 October 2014, replaced the 4th definition of the word "Gitano" which used to read "one who cheats or acts deceitfully," with a new definition, i.e. "trapacero" which, according to the 23rd edition of the dictionary, means "the use of cunning, deceit and lies to achieve a



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The screenshot shows the RAE dictionary website. At the top, there are logos for the Real Academia Española and the Asociación de Academias de la Lengua Española. A search bar is visible with the text 'por palabras' and a 'Consultar' button. The main content area displays the entry for 'gitano, na'. A yellow box highlights a message: 'Consulta posible gracias al compromiso con la cultura de la Obra Social "la Caixa"'. The entry for 'gitano, na' includes a definition: 'De egipcio, porque se creyó que procedían de Egipto.' followed by eight numbered definitions (1-8) in various parts of speech (adj., m.). Below the definitions is a red box with the text: 'que no se lo salta un gitano' and a definition: '1. expr. coloq. U. para ponderar lo grande o extraordinario en cualquier aspecto.' On the right side, there is a sidebar with navigation links: 'Edición del Tricentenario', 'Guía de consulta', 'UNIDRAE', and 'Consultas lingüísticas'. Below this is a 'Palabra del día' section for 'pleniturnio' dated 'Lunes, 19 de octubre de 2015'. At the bottom of the sidebar, there is a 'Biblioteca Clásica' section with an image of books and the text 'Fundación'.

CASO 53

goal." The word comes from "trapaza" which means "a misleading and unlawful act used to gain advantage in a purchase, sale or exchange").

We considered this unacceptable and discriminatory and therefore initiated a joint campaign together with the member NGOs of the State Council of the Roma People and the Roma Cultural Institute. We drafted a communiqué which we supplemented with links to other news and opinion including RAE's communiqué of 6 November and reactions to the latter which included a rally at the Academy's headquarters on the 7th which the El País newspaper covered.

On 8 April 2015 (International Roma Day) the organisations belonging to the State Council of the Roma People launched a social awareness-raising campaign including several posters and a spot featuring the slogan 'A discriminatory definition breeds discrimination' and the hashtags (Twitter key words) #YoNoSoyTrapacero #YoNoSoyTrapacera. For more information see: www.gitanos.org/8deabril

A few days later (16 April) a meeting was held between representatives of the State Council of the Roma People and the Roma Cultural Institute and the Royal Academy of the Spanish Language to discuss this issue.

At that meeting the RAE agreed to work together with the State Council of the Roma People and the Roma Cultural Institute, in coordination with other institutions and experts in this field, to take a closer look at the definition of the word 'gitano' and conduct lexicographic studies with a view to improving upon the way the Roma people are depicted through the written word.

We would stress the active role played by the Ombudsman in this case. It has been engaged in discussions with the RAE since 2013 convincing the latter to partially amend the different definitions of the Spanish terms 'gitanada' (Roma-like) and 'gitano' (Roma) in the 23rd edition of its dictionary.

However, although it did 'soften' its negative and offensive definitions, this institution still insists that the terms 'gitanada' and 'gitano' carried the negative connotation of deception.



Our recommendation to the RAE was to eliminate the definition 'trapacería' (use of cunning and deceit) from the definition of the word 'gitanada' and 'trapacero' from the fifth definition of the word 'gitano'.

If the RAE decided to not accept this recommendation, the Ombudsman would request that they add the abbreviation 'negat' (negative) or 'despect' (pejorative) to the definitions of the words 'gitanada' and 'gitano'.

This amendment of the fifth definition of the word 'gitano' was introduced in the online version of the dictionary on 13 October 2015 as part of the new 23rd edition of the Dictionary. Use of the word 'trapacero' (swindler) in the definition of the term 'gitanada' (relating to Roma) now includes a note warning of the offensive or discriminatory nature of this usage. In our view, it would have been simpler for the RAE to have directly eliminated this definition in its online dictionary as this would have had a very positive impact since this is the version which most people use. The elimination of this definition is what the organisations of the State Council of the Roma People had proposed from the outset and they will continue to work to achieve this objective.

- 54. National. Press. Incitement to hatred against the Roma community.** The online newspaper www.noticias.lainformacion.com published an article praising the comments of a neo-Nazi party that targets the Roma community in general with its racist comments and hate-mongering.

The Department monitors this type of news as it breeds more racist comments against Roma and is borderline criminal (hate discourse).

- 55. Sabadell. Internet. Direct discrimination.** The newspaper Publico.es ran a story under the following headline: "Two thirds of the Gypsy population live below the poverty line," and goes on to add the following information:

"The crisis and cuts could reverse three decades of progress towards equal opportunity and lead to regression in employment, education, health and housing" according to a report by the Fundación Secretariado Gitano (FSG).

In reaction to that, a number of racist and xenophobic comments targeting the Roma community appeared in the readers' forum:

"They're at the poverty line because most Gypsies don't complete their studies. They barely finish primary and drop out of secondary school at 16. When they're young, many just hang out, steal, take drugs or get into some other sort of trouble. Their parents are mainly to blame for not educating them at home and the children simply follow the example they see in their own homes and communities."

Racist and xenophobic comments targeting the Roma community were published on the forum of the online newspaper in Catalonia called ara.cat:

"Call me racist or call me whatever you want, but I live in a working class neighbourhood with a large Gypsy population and I know what I'm talking about. They're at the poverty line because most Gypsies don't complete their studies. They barely finish primary and drop out of secondary school at 16. When they're young, many just hang out, steal, take drugs or get into some other sort of trouble. Their parents are mainly to blame for not educating them at home and the children simply follow the example they see in their own homes and communities. I should also point out that in my neighbourhood there are Gypsies who don't have an education but are hard workers and this has an effect on their kids who don't become delinquents but end up working hard as well. Summing up: the problem with the Gypsy population is education, both formal schooling and social education, and if the government doesn't do something about it, things will never change."

- 56. Sabadell. Direct discrimination. Internet.** On the feast of San Jordi (Saint George) when the tradition is to send people flowers, the following message was found on Twitter: "Today is a beautiful and special day. Something happens today that you can only see once a year, a bunch of Gypsies working!!!! Ha ha ha. Thanks everyone for your warm greetings."

This is just another example of discrimination against the Roma community motivated by negative prejudices and stereotypes. In this case, the author of that comment is insinuating that Roma work little or not at all, again spreading a stereotyped image of Roma who do not work.

57. Catalonia. Press. Direct discrimination.

The digital newspaper in Catalonia www.7dias.com published a story about a Dominican who murdered a Roma man because of the latter's alleged involvement in the murder of a famous Dominican rap singer.

The Department contacted the newspaper to express our misgivings about revealing the ethnic background of people allegedly involved in a crime. Ethnicity had nothing to do with the news story.

To date we have received no reply.



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58. Barcelona. The media. Direct discrimination. The FSG Barcelona office received a letter with press clippings about Eastern European Roma with hand-written notes around the edges. The letter was sent in relation to an article in the press about the conviction of two Mossos d'Esquadra (regional Catalonia police officers, often referred to as Mossos) for abusive treatment of a Romanian Roma woman. The letter was addressed to the FSG's Equality Department which was cited in the media for its role in leading the case against the police officers.

Following is a transcription (originally in Catalan) of some of those handwritten notes:

"Do you recognise these people, Madame?" (Referring to a news story about a Roma 'clan' from Bosnia caught robbing people in the Barcelona underground.)

"These blokes are very well known in the underground and surrounding areas" (referring to a story about stolen gold jewellery).

"Do you know them Madame? The Mossos and underground security people know them" (referring to another story about pickpockets in the underground).

"Maybe you could come and teach us to how to be good citizens" (referring to the article about the conviction of the two officers together with another one about problems of co-existence in Badalona).

"Under Romanian law do you think these people would be out on the street? I'm sure you would be out there defending their 'human rights.'" You should be ASHAMED of yourself.

In the news clippings, mentions of the FSG or the origin of the people in the story (Romania, etc.) are marked with a highlighter.

It is worth mentioning that the press clippings identify all of the Romanian Roma with delinquency rather than focusing on the specific case that the FSG defended regarding a victim of unfair treatment by the Mossos. The letter mixes isolated cases of robberies allegedly committed by Roma from Eastern Europe with the woman who was a victim of police abuse in an attempt to identify this woman with delinquent behaviour. Actually, the origin of this case of discrimination was poor police practice as was determined in the court's ruling.

59. Sabadell. Internet. Direct discrimination. An article was published on the Internet under the title "Gypsy rats". The article made degrading comments about Roma such as: "Gypsies, the part of the human race that didn't evolve. That shit that spoils green fields" ([http:// desmotivaciones.es/5919990/Gitanoseras-ratas](http://desmotivaciones.es/5919990/Gitanoseras-ratas)).



Gitanos, esas ratas

La cola

Añadido 12.09.2012 a las 03:14 por **Medion10** | Comentar(2)
Carteles y Desmotivaciones de **que vos jodanm**



desmotivaciones.es

Gitanos, esas ratas

Los gitanos son esa parte de la raza humana, que quedó sin evolucionar.
Esa mierda que mancha el campo verde y colorido.
Personas que no son nada en esta sociedad.
Solo ambulantes de mercadillos, chatarreros, ladrones, canallas.
National Geographic los describe así: Ser humano menos evolucionado
intelectualmente, suele vivir en manadas (hasta 10 en un piso de 60 metros
cuadrados) agresivos y siempre vinculados a la droga, una plaga que

CASO 59

The Department wrote to the web page administrator but no response has been received.

- 60. Salamanca. The media. Direct discrimination.** In the 'Events' section of the newspaper Diario La Gaceta Regional of Salamanca, a journalist reported on a shooting in the Buenos Aires neighbourhood. In the body of the text and also in the headline of a related article, the author refers to the cultural groups of some of the victims and aggressors. He also refers to one of the families as being Gypsy but the Foundation has confirmed that this is not true.

The Department sent a letter of complaint to the newspaper and editor but has not received any response.

- 61. Salamanca. The media. Direct discrimination.** The Gaceta Regional of Salamanca published an article about a stabbing following an argument in a bar of a popular neighbourhood in Salamanca. The author stressed that both the aggressor and victim were Gypsies.

Just by chance, that same day another very similar news story was published (also a stabbing) with no mention of the ethnic origin of those involved. Obviously they were not Roma.

- 62. Salamanca. The media. Direct discrimination.** The Diario Regional de Salamanca published a story about squatters attempting to occupy a flat in the San José neighbourhood.

The author explicitly mentioned that the alleged squatters were a Roma couple.

The article also mentioned (using bold print) a knifing that happened the week before. Again, the journalist explicitly mentioned the ethnic group of those involved in these events.

The Department wrote a letter of complaint.

- 63. Salamanca. The media. Direct discrimination.** The digital newspaper www.salamanca24horas.com covered an incident that took place at the municipal pool where a group of Roma started a fight. It also highlighted that a few days earlier a group of Moroccans had stolen mobile telephones and wallets.

The forum related to that article identified Roma ethnicity as being at the root of the fight. The forum was not moderated.

- 64. Aviles. The media. Direct discrimination.** The newspaper Periódico La Voz de Aviles–El Comercio, covered an event that took place in Aviles. A young girl was allegedly raped while on her way home.

<http://www.elcomercio.es/v/20140113/aviles/policia-investiga-violacion-joven-20140113.html>



The article states as follows: "According to our sources, the events occurred at a place known as 'Travesía de la Industria' and the aggressor was 'Gypsy-looking'."

This sparked comments from readers who referred to multiculturalism by referring to a photograph of three Romanian women wearing head scarves.

In the first article, the expression 'Gypsy-looking' was found between inverted commas in the caption and again in the body of the article.

Other media covering this same event stated that the aggressor may have been a black man.

The FSG's regional director in Asturias spoke on the telephone with the Director of the Voz de Aviles who acknowledged the journalistic blunder and apologised. He pledged to make things right and the next day, 14 January 2014, the following was published:

<http://www.elcomercio.es/v/20140115/aviles/policia-investiga-cautela-version-20140115.html>



The man was not 'Gypsy-looking' but rather was 'a dark-skinned man, approximately 40 years old with slicked down hair'.



65. Aviles. The media. Direct discrimination. The newspapers La Voz de Aviles and El Comercio covered the presentation of the research study "Roma students in secondary education, a comparative study" conducted by the Fundación Secretariado Gitano. The presentation took place at the Teacher-Resource Centre in West Aviles.

In addition to the presentation of the study itself, the programme included a panel discussion to introduce the FSG's educational programme called Promociona.

The article was accurate. It included the data given in the presentation and was objective, even mentioning the fact that the Promociona Programme was considered a Best Practice by the Council of Europe.

The problem was the readers' comments following the publication of the article in the newspaper's digital edition (lavozdeaviles.es). There were ten different comments based on all types of stereotypes and prejudices towards the Roma community. Following are some examples:

What is all this fuss about Gypsies... Listen to me... I have a job, I have a flat (and a mortgage), I pay my homeowner's fees, 66. Aviles. The media. Direct discrimination. The Aviles edition of the newspaper El Comercio published a story about a pony grazing in the garden area of the 'barrio de luz' neighbourhood. The article mentions the ethnic origin of the animal's owner. :

electricity, water, my taxes, fines, my children's school books, cafeteria fees, the school bus, I have a car, a driver's license and car insurance but, if I came back in another life, I would like to be born Gypsy... YA KNOW WAD I MEAN?
RespondShare2Responses22
Because you would have all of that for free. You wouldn't have to pay for anything.
I guess that's the irony.
RespondShare1Responses10
I see that you do 'know wad I mean'.
Share10
maberais_1392726071357
But when are we going to learn that they do whatever they please; they only wear that sad expression on their faces when they want something and then they laugh at us behind our backs. They should be treated equally; if they don't do their part... no more aid...
RespondShare60
France and Italy solved part of the problem. They're members of the EU, right? What obligation does Spain have to let them live here?
RespondShare50

66. Aviles. The media. Direct discrimination. The Aviles edition of the newspaper El Comercio published a story about a pony grazing in the garden area of the 'barrio de luz' neighbourhood. The article mentions the ethnic origin of the animal's owner.

The newspaper El Comercio covered a fight among a group of young boys. The article mentions that the aggressors were Roma and how the arrival on the scene of two local families had caused social alarm. A link is drawn between the story about the pony and this other one and the article goes on to mix several different events that are totally unrelated to the aggression.

67. Aviles. The media. Direct discrimination. At the beginning of April, several stories appeared in the media in Asturias about statements made by a councillor of the town hall of Siero who expressed his opinion about municipal funding of programmes for the Roma community.

These declarations sparked different opinions and tension among the citizens of Siero who identified the Roma community as beneficiaries of disproportionate amounts of social aid without achieving any positive result.

- 68. Aviles. The media. Direct discrimination.** The newspapers El Comercio and La Voz de Aviles ran a story in which they mention the ethnic origin of a young man when, in our opinion, this information is irrelevant and only serves to give a negative image of the Roma community, thus further entrenching prejudices and stereotypes in the area of housing making it even harder for them to rent a flat or have access to other resources.

Following the publication of this story, many people used the newspaper's forum to make unfounded and totally uninhibited racist comments such as the following:

*If I were to be born again, I want to be a Gypsy...to live off subsidies without doing a stitch of work, not pay any taxes, do whatever I pleased, have kids and let the non-Gypsies feed them.
And the neighbours can count themselves lucky that he doesn't put the pony in the flat and have to squeeze by them on the stairway.
Not good, they don't want to integrate!!!!!!!!!!!!!!
I'd be happy if the Gypsy left and the pony stayed.*

With comments such as these, the press is tearing down the work and effort of many people and organisations that are working very hard to eliminate myths and stereotypes about the Roma community and are fostering negative attitudes among non-Roma.

- 69. Huesca. The media. Direct discrimination.** A news item published in the Diario del Alto Aragón about an act of violence in the summer of 2013 stated, and I quote: "Special mention should be made of the aggressiveness of 30 or 40 people, most of them Gypsies, towards the local and national police forces." "In the meantime the Gypsy patriarchs, after meeting with the national police, decided to banish more than six people from Huesca, including the bar owner, but they never followed through on their promise."

The Department sent a letter of complaint to the newspaper for using language that identifies Roma with criminal acts.

Use of this sort of language in news headlines only serves to perpetuate stereotypes and prejudices against the Roma community.

- 70. Huesca. The media. Direct discrimination.** The newspaper Diario del Alto Aragón published a complaint lodged by a local resident following a recommendation made by the Aragon courts regarding homes on the street called Ronda Isuela: "Many neighbours are subjected to intimidation by Gypsy families housed in the building of flats who do not respect even the most basic rules and do nothing to care for the building."

The Department sent a letter of complaint to the newspaper for using language that identifies Roma with criminal acts.

- 71. Zaragoza. The media. Direct discrimination.** The newspaper Heraldo de Aragon ran a story under the following headline: "Norway may prohibit begging." It then comments that the "Gypsy population would be the hardest hit."

The article describes how in the cities where begging is prohibited, the penalty could be a fine of up to three months imprisonment.

The story then mentions a wave of pick pocketing and begging mostly by Romanian Roma. .



72

Zaragoza. Mass media. Direct discrimination. Con el titular: "Le pegue con las manos en la cara 72. Zaragoza. The media. Direct discrimination. The headline: "I hit her in the face but I didn't threaten or rape her" was published by the newspaper Heraldo de Aragón. The article included personal details such as the full name, age and nationality of the alleged aggressor. In this case the man was North African. The article then informs its readers that the alleged aggressor lives in a neighbourhood with a large Roma population.

First of all, personal details are protected by the Personal Data Protection Act, Law 15/1999. Secondly, by linking this event to a neighbourhood where many Roma reside, the author induces readers to associate the Roma community with this type of violence.

Articles like these magnify the negative image of some groups and ethnic minorities.

73. Zaragoza. The media. Direct discrimination. The digital version of the newspaper Heraldo de Aragon published a story related to the definition of a word in the RAE dictionary (Royal Academy of the Spanish Language). The article was entitled "Minorities take on the dictionary". http://www.elperiodicodearagon.com/noticias/sociedad/minorias-diccionario_981561.html

We believe that this headline is biased because it sounds as if we are taking issue with the dictionary in general rather than opposing a discriminatory definition (use of the work 'trapacero' {swindler} in its latest edition).

Prejudiced dictionary definitions give credence to prejudice.

74. Zaragoza. The media. Direct discrimination. The newspaper Heraldo de Aragon published a story which included the full name of a Roma individual who was taking part in an employment programme run by the FSG in Zaragoza.

The following headline was used: "A women evicted from her home spent ten days in jail because it was impossible to summon her to a hearing."

The FSG and specifically the Department believes that personal data must be protected by all media professionals. In this case, not only was the media's coverage discriminatory, it also linked and identified a Roma person with these events thus perpetuating the already negative image of the Roma community and reinforcing stereotypes and prejudices.

75. Zaragoza. The media. Direct discrimination. The newspaper Heraldo de Aragon ran a story under the following headline: "Charged with the brutal beating of a pastor in Zuera."

The full name of the alleged aggressor appeared in the article and the forum participants who commented on the story identified the man as Roma touching off racist comments towards Roma and identifying them as aggressive and delinquents.

The Department would like to remind the media (especially digital media) that names are considered personal data and are protected by law.

Linking events such as these with Roma perpetuates prejudices and stereotypes against the Roma community in general.

76. National. Internet. Direct discrimination.

A news story under the following headline appeared at: http://ccaa.elpais.com/ccaa/2014/05/21/valencia/1400687033_589259.html:

"Six people arrested for taking part in a brawl and carrying firearms in Villena" The Civil Guard arrested six people for their alleged participation in a brawl between two Gypsy families last Friday in the wee hours of the morning in a neighbourhood of Villena (Alicante). The participants had firearms and several people suffered contusions.

It goes without saying that the use of the word 'Gypsy' does not offer readers any relevant information but does put the idea in readers' minds that Roma are aggressive and violent.



CASO 76



Cases of discrimination in access to goods and services

1

Granada. Access to goods and services. Direct discrimination. A young Roma man contacted the FSG office in Granada to report a situation he considered discriminatory.

The man said that he was taking a walk around the city centre and decided to enter a discotheque but the doormen wouldn't let him go inside and said: "No Gypsies allowed here." He asked for a complaint form and filed a complaint against the place. The person responsible for the disco who happened to see what was going on apologised on behalf of the private security officers.

However, the young man felt that he had been deceived because a little while later he was again refused entry at the same place for being Roma.

He decided not to return to that place because he felt that the discrimination against Roma on the part of the owner and the security officers was not going to change.

This sort of resignation in the face of discrimination and acceptance of it as "normal behaviour" prevents anything being done in the vast majority of cases. Victims typically do not want to take any sort of action.

2. Almeria. Access to goods and services. Direct discrimination.

A young Roma couple approached the FSG office in Almeria to report a case of discrimination in access to goods and services, specifically access to a discotheque. They recounted the following story:

"My girlfriend and I went to a well-known discotheque in Aguadulce (Almeria). They refused to let us in (we're both dark-skinned Roma) and we requested a complaint sheet and they refused. We called the local police who ordered them to give us a complaint sheet to fill out and they did. When we got home, we found some information about the pub and saw that they were not complying with regulations.

This incident of discrimination was published in the provincial newspaper La Voz de Almeria where the young couple described the discriminatory treatment they had received and complained that they continue to be treated poorly by the town hall of Roquetas de Mar as this was not the first time something like this had happened to them. We informed them that they could lodge an official complaint at the Roquetas town hall but they replied that it wasn't worth the trouble "because they didn't think it would make any difference and they believed that they would always be discriminated against in many places for being Roma".

3. Granada. Access to goods and services. Direct discrimination.

FSG workers from the Granada office informed us that they received a complaint from a Roma man about discriminatory treatment against young Roma every day at entertainment sites in Motril, province of Granada.

Several of us from the Department met with the person who made the complaint to help him inform the young people in question about what to do in these cases, how to exercise their rights as citizens and potential customers and about the duties of business establishments, i.e. comply with posted opening hours and treat customers with respect which includes not discriminating against anyone.

Unfortunately, we have observed that situations such as this are quite common, i.e. young Roma being turned away from entertainment activities simply because they are Roma.

4. Jaen. Access to goods and services. Direct discrimination.

An FSG worker from the Jaen office reported that the head of an association that distributed food for people in risk of social exclusion refused to provide food to the local Roma families. He claimed that the reason was for fear of the "call effect".



We are particularly sad to hear of these exclusions by non-profit social organisations as, unfortunately, there are still Roma families in risk of social exclusion. This case goes to show that prejudices towards Roma have a bearing on social services such as this food distribution programme.

- 5. Almeria. Access to goods and services. Direct discrimination.** A young Roma girl in Almeria came by the local FSG office to report the following:

"I was with a few friends (all Roma) and we were about to go into a pub-cafeteria when the doorman stopped us saying that we couldn't go in because one of us was wearing shorts." We were surprised, to say the least, and started laughing because we didn't know how to react to such an absurd prohibition. We asked him for the complaint form but he refused because we had laughed at him. We said we wanted to speak to the owner but were told that he was busy and couldn't see us. We left because we didn't know what else to do and we didn't want any trouble. Not letting Roma girls in these places is quite common."

We informed the young girls that by law these places must provide a complaint form upon request and if they refuse you can call the local police and lodge a formal complaint against the establishment.

The girls decided to not take any further action.

- 6. Huelva. Access to goods and services. Indirect discrimination.** The FSG office in Huelva received calls from Roma complaining about the situation they face particularly in the areas of employment, education, housing and social services. They claimed that their town halls do not include them in any type of social action (educational, employment, social services, etc.).

This information was corroborated by the FSG coordinator who monitors these situations.

- 7. Almeria. Access to goods and services. Instruction to discriminate.**

A young Roma man who participates in the ACCEDER Employment programme reported the following:

*"A group of five friends went out on the town in Agudulce to celebrate one of our birthdays. We were about to go into a pub where the doorman was a friend of one of the blokes in our group and the doorman said to him:
'Juan, I hate to have to tell you this but my boss told me that I can't let any Roma in. And don't bother trying to get in to any of the other pubs. They all have the same policy.
I know it's unfair but I'm just following orders.'
We were pretty angry when we left that place because we felt discriminated for being Roma; we were paying the price for the actions of a few.
We didn't do anything because we simply had no idea what to do.*

The Department gave the young men legal advice. We explained that they could have requested a complaint form and that the person in charge is under obligation to give them one. Also, they could lodge a complaint at the consumer office or the closest police station.

- 8. Zaragoza. Access to goods and services. Direct discrimination**

A few days before Columbus day (October 2014) a young Roma girl went into a department store and was followed around the shop by a security guard.

The girl turned around and asked the security guard why he was following her and he told her he was doing his job. The girl told him that his job was to watch all shoppers and not only her.



The guard told her that he had to keep an especially close eye on her. The girl became angry and told him that he was following her because she was Roma. The guard openly admitted that that indeed was true.

The victim reported the case to us but did not want to lodge a formal complaint against the guard.

- 9. Aviles. Access to goods and services. Direct discrimination.** A Roma woman from the town of Castrillon, a widow with a young son, was unemployed, had no income and was registered in the municipality of Mieres. She was temporarily living in Castrillon. She was doing the paperwork to apply for basic social salary benefits which Asturias awards to people with no income. On the application form she had to provide her bank account number so that the regional government could deposit her benefits. She also had to fill out a creditors form.

In March, the woman went to a bank in Mieres to open a current account but they wouldn't let her because she couldn't prove that she had an income.

The woman didn't understand why they wouldn't let her open an account and the bank officials wouldn't explain why. She felt discriminated against.

- 10. Asturias. Access to goods and services. Direct discrimination.** A Roma woman reported that a security guard followed her around in a shopping centre. He followed her the whole time she was there.

The woman explained that this wasn't the first time and that she felt that it was because she was Roma and they thought she intended to shoplift.

She wanted to report and document the incident but was not interested in lodging a complaint against the shopping centre.

- 11. Ciudad Real. Access to goods and services. Instruction to discriminate.** On Saturday 8 November 2014 at around 04:45, five young men over 18 (three Roma and two non-Roma) went to the discotheque called Sion on the street Pasaje de San Vicente Ferrer, 1 in the town of Ciudad Real. The doorman told them that they could not go in. When they asked why they were told that a few days earlier a Roma chap had smoked a joint in the discotheque.

The young men explained that they had nothing to do with that. One of the doormen said that he was very sorry but that he was following orders to not let any Gypsies in. The young men asked for a complaint sheet which they were denied so they decided to call the police. The police arrived and the doormen reiterated that they could not go in because they were Gypsies. The police reproached the doormen and explained that what they were doing was illegal and filed a report.

The young men said that even if they were allowed to go inside, they still wanted the complaint form. They filled it out but the manager of the discotheque refused to sign or stamp it.

- 12. Sabadell. Access to goods and services. Direct discrimination.** A Roma participant in one of our services was hired through a labour market integration scheme for six months at a childcare centre in Vapor Lonch, the facility where the city of Sabadell's Department of Economic Development is located.

At the conclusion of the contract this person told us that the head of the service was discriminatory in his choice of what children to admit in the day-care centre, giving priority to non-Roma over Roma children.

- 13. Valencia. Access to goods and services. Indirect discrimination.** We received a telephone call from a young girl who informed us she witnessed wrongdoing on the part of public officials. Spanish and Romanian Roma and immigrants in general were being turned down when they tried to register at their local town hall because they



lived in makeshift or sub-standard housing. Registration at the town hall is a prerequisite for health services, education, housing, etc. and therefore this was causing serious hardship for many of these families.

Once verifying this information, the local FSG office together with other social organisations, organised a working group to establish a dialogue with the local government to try to solve this administrative limbo that these people were in and help them access the services to which they were entitled.

This is a case of indirect discrimination insofar as an apparently neutral regulation has a negative impact on a certain part of the population, in this case preventing them from registering at the town hall. This, in turn, prevents them from accessing the goods and services to which they are entitled.

- 14. Badajoz. Access to goods and services. Direct discrimination.** A Roma family informed us that they wanted to apply for a credit card at a shopping centre to make purchases and take advantage of discounts. After reading through the documentation they saw that the credit card managing body set special fees for Roma. They told us that the sales people who fill out the form are instructed to put Roma in the B category.

We asked to see the documents and saw that Roma indeed were put in a different category.

The family told us that they had thrown away the brochure because when they realised they were being discriminated against they decided not to apply for a card. They were not interested in taking legal action against or reporting the outlet in question.

15

- Lugo. Access to goods and services. Direct discrimination.** During an initial interview for the FSG's ACCEDER employment Programme at the Lugo office, a Roma woman told us of the following case:

She is a regular customer at a local supermarket where some of the cashiers even know her by name. Her mother in law was caught shoplifting there and since then she (the mother in law) is not allowed to enter the shop.

A few days later the woman was in the supermarket and ready to check out when her mother in law came in to ask her something. The manager immediately came over and told her (the woman not the mother in law) to leave her groceries and get out of the shop immediately. When she asked the reason why the manager said "because you're all the same and cover for one another". She responded by saying that she had nothing to do with this incident and that if a non-Roma person was caught shoplifting other members of her family would not be punished. The manager took her groceries from her. The woman asked for a complaint form and they begrudgingly gave her one.

The victim said that "it's a real shame that people talk about all of us like that". She decided to do her future food shopping elsewhere.

- 16. Pontevedra. Access to goods and services. Direct discrimination.** A Roma girl told us that she went with a group of non-Roma friends to video shop to sign up and rent a film. The Roma girl was the only one of the group that was asked for a EUR 50 deposit to get a card.

She believed that the deposit was because she had a Roma surname and the shop clerk suspected she might steal some of the films.

She said that she simply wanted to document her case but did not want to take any further action.

- 17. Granada. Access to goods and services. Direct discrimination.** A non-Roma former post office employee from Granada told us that she received an email from her regional supervisor warning post office workers in the area to be very careful with Gypsies because they were constantly trying to pass off counterfeit notes at the post office. The woman told us that this was wrong and discriminatory and she reported it to the trade union.



She also spoke with a journalist to get some press attention. The woman sent an official fax to the Director General of the postal service but received no answer.

After checking the documents to confirm the story, we sent a letter to the regional post office headquarters in Andalusia.

We did receive a positive response from the district manager with an apology for what had happened. He also offered to collaborate to keep similar situations affecting Roma from happening in the future.



Cases in the area of education

- 1. Jaen. Education. Direct discrimination.** A Roma boy and a non-Roma girl at a secondary school in Jaen were punished for having sent a WhatsApp video to their classmates.

The parents of the Roma boy tried to arrange a meeting with the director and head teacher that same day but were unsuccessful. The next day they again tried to speak with them about the video incident. The parents told us that they did not agree with the way their son was treated and felt it discriminatory that their son was given a different punishment than the non-Roma girl: their son was not allowed to go on a class trip planned for the next day while the non-Roma girl was kept in from recess that day.

The Department suggested that the local FSG office ask to see the internal school regulation to check the appropriateness of the punishments given to the student.

The teachers involved in this case told us that these types of 'punishments' are set by the school administrators and head teachers and they were under no obligation to provide any further explanation.

The parents remain convinced that the difference in punishments was because their son is Roma.

- 2. Linares. Education. Direct discrimination.** The following case was received at our Linares office:

The father of a non-Roma student in the 6th grade refused to let his son take part in a class in Roma culture consisting of learning a few words in 'Caló'. The father explained that he was afraid of the influence that the Roma culture could have on his son (manifestation of rejection, prejudice and negative stereotypes of the Roma culture).

The school told us that despite the teacher's insistence on the importance of intercultural education for young children, the father refused to see reason. They had no leverage because this was an extra-curricular activity.

The equality Department notes that there are still deep-rooted prejudices and stereotypes against the Roma community and its culture that most people are not aware of.

- 3. Almeria. Education. Direct discrimination.** A Roma mother from the province of Almeria told us of the discrimination suffered by her son at the residence hall where he was staying as a student. Her son was accused of stealing from his room-mate and was expelled from school.

The mother requested an appointment with the school director to sort out the false accusation made against her son.

The mother also requested the video recordings of the security cameras (allegedly the incident had to have been taped by those cameras) but was told that they could not do that.

The Department spoke with the mother and the school on several occasions to try to get to the bottom of this issue.

Not long after that, the director called the mother to apologise and tell her that her son was being readmitted to the school, that the whole thing was apparently a big misunderstanding.

The mother told us that she was upset because of the shame that she and her son had to suffer. She said that she was afraid that her son's classmates would distrust him because of this misunderstanding. The mother was convinced that the accusation was because they are Roma. Even though the facts were never clarified, she asked us not to take any further action.



- 4. Granada. Education. Direct discrimination.** The parents of a Roma child enrolled in primary school in Granada contacted the Department to report a possible case of school segregation and discriminatory treatment against them and her son by the school. The parents did not want their son taken out of his class and put in another group with only Roma children.

The parents requested a meeting with the head teachers who claimed that the boy was behind the rest of the class academically and therefore needed support classes.

The parents considered this school segregation and felt discriminated against for being Roma.

The Department proposed informing the school inspectorate and letting them take the appropriate action but the parents decided against that course of action.

- 5. Almeria. Education. Direct discrimination.** A young Roma girl explained that she went to the secondary school called Albaida de Almeria to register for a vocational training course in nursing. A few days later she returned to request a copy of the list of students admitted on the course and when the secretary saw her Roma surname she said "you'd be better off sticking with cleaning" in reference to her Roma ethnic origin.

The young girl felt ashamed and embarrassed but didn't know what to say. She did not file a complaint.

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- Zaragoza. Education. Indirect discrimination.** A Roma woman contacted the Department to report possible school segregation of Roma students at the school where her four-year-old was enrolled.

She told us that the director and head teacher had formed two groups of students, one with Roma and Moroccan children and the other with non-Roma and non-Moroccan children.

The Department contacted the school administration to verify if this was actually true and we were told something quite different.

After sending a complaint to the school inspectorate (at the request of the child's parents), we sent a letter to the regional department of justice of Aragon because in our view there were a number of important discrepancies in the version we were given by the school administration. The school refused to give any direct answer to the question of school segregation or the allegations made by the parents.

The justice department of Aragon informed us that they would contact the competent body to request the information needed to shed light on the situation.

The case has not yet been resolved.

- 7. Asturias. Education. Direct discrimination.** The Fundación Secretariado Gitano contacted the director of a school in Oviedo to request use of school space for an activity (open doors day) that the Foundation was planning for the morning of 27th June. We spoke to the director on the phone to explain what the activity was about and she promised to call us back the next day after consulting with her administrative team and the rest of the teachers. The next day we called back and she told us that she was not going to let us use school space because "after discussing your request with the administrative team we decided not to let an organisation like yours use school facilities because we are already very stigmatised. We have many Roma and immigrant students and if we let you use the school, Spanish students will enrol elsewhere".

Another case of prejudice towards Roma.

- 8. Talavera de la Reina. Education. Direct discrimination.** The parents of a young Roma student told us that their daughter was enrolled in the first year of secondary school at a semi-private school in Talavera de la Reina. In the middle of the school year the head teacher told the students that they needed to bring a certain amount



of money to school for material but the parents were unable to provide that amount for personal and economic reasons.

The parents had already spoken with the school administration and explained that for the time being they were unable to pay the EUR 50 that the school required of each student. They told us that their daughter was subsequently punished for not bringing the money; she was made to stand facing the classroom wall for an hour.

Their daughter was a particularly shy girl and the result was that she did not want to go back to school as some of her classmates made fun of her. There were no other Roma girls in that class. The parents were concerned because they didn't want their daughter to feel inferior or rejected by her classmates.

The parents informed the school administration of what had happened in the hopes that this situation (which they considered discriminatory) would not be repeated in the future.

9. Valencia. Education. Direct discrimination. A Romanian Roma couple went to enrol their child at the local school but the deadline had already passed.

They told us that they had asked for help from the education specialist at the FSG's Valencia office who telephoned the school to tell them about the situation of this family and their son. The school told the FSG that they would make an exception and extend the enrolment deadline.

However, when the parents went with their son to enrol him, the director told them that there were no openings and that they would have to look elsewhere.

When the FSG called the school to find out what had happened, they again confirmed that they had extended the enrolment deadline for that student. In the end, they did allow him to enrol at the school.

This is an example of how sometimes appropriate mediation can help correct a situation of discrimination.

10. Mérida. Education. Direct discrimination. A young teacher's aide contacted the FSG's Merida office to report irregularities (situations of discrimination) at a school that was organising summer classes for Roma and Moroccan children in Merida.

After a meeting with the affected families it was decided that action needed to be taken as the alleged irregularities were confirmed.

A meeting was requested with the administration of the summer school in order to get first-hand information about what was happening with the children at the summer school.

Before that meeting, the teacher's aide told us that many parents were taking their children out of the summer school.

We suggested sending a letter to the summer school administration on behalf of the parents to hear their side of the story but they told us that they preferred not to take any action for fear of reprisals against their children in future activities.

11. Mérida. Education. Direct discrimination. A worker from the FSG office in Merida informed us that the head teacher at a local school had searched through a Roma child's rucksack as she suspected that the child had stolen the teacher's mobile telephone.

As a result of that incident, the child's parents were contemplating transferring the child to another school as they could not tolerate these discriminatory and humiliating situations against their son in front of all his classmates.

The family simply wanted to register this situation but decided against taking any action.



- 12. Lugo. Education. Direct discrimination.** A Roma woman taking part in FSG services complained that in the introduction to the story 'Show White' that the teachers at school were reading to the class, inappropriate and offensive language was used regarding the character's dress (comparison with stereotyped clothes worn by Roma).

The mother expressed her feeling of discomfort as she felt offended but she was afraid that this could lead to discrimination or a feeling of inferiority with respect to the other children.

The Department sent a letter of complaint to the editor of that edition calling for the removal of the offensive language but have not received a reply.

- 13. Navarre. Education. Direct discrimination.** A local resident from the town of Barasoain (Navarre) contacted the FSG.

The woman explained that her five-year-old daughter and other children from the same school were victims of discrimination from some of their classmates' parents.

Both teachers and other parents told their children not to play with certain other children either because they were the children of an abused mother, because they were Moroccan, weren't from that town, were Gypsies, etc.

The mother explained that this situation was affecting several of the children. The solution chosen by these parents was to transfer their children to another school. The mother explained the problem to the school administrators but their response was that they didn't get involved in these situations.



Cases in the area of employment

- 1. Cadiz. Employment. Indirect discrimination.** A Roma woman contacted us to report that she felt discriminated against in a selection process organised under the Roma Development Plan of the Town Hall of San Roque (Cadiz).

The Equality Department requested all of the information related with selection process in order to verify the facts. After reviewing all of the documentation and studying the documentation and testimony provided by the young woman, the Department concluded that it was indeed a case of discrimination in the area of employment given that the documentation the woman submitted was not taken into consideration.

With the aid of the Department, the young woman lodged a complaint against the decision. The answer she received was that they were very sorry for what had happened but they had already chosen another person for the job opening and that they would keep her in mind as a back-up in case anything should change with regard to the job.

Some time went by and the woman informed us that she never heard back from them. She felt that she had not been selected because she is Roma.

- 2. Cadiz. Employment. Direct discrimination.** The mayor of the town of Algodonales in Andalusia demonstrated a negative attitude towards Roma who went to the employment office at the town hall in search of a job.

Several Roma informed us that the mayor had a discriminatory attitude towards them and made racist comments. This information was corroborated by the FSG team there.

The FSG's territorial office in Andalusia scheduled a meeting with the mayor.

When we described the situations and complaints of the people we had spoken to he told us that the labour market integration of the town's residents was directly related to their "needs" and that he was familiar with the individual situation of each of these families.

Shortly thereafter the Roma in question told us that the town hall had offered them a short term (couple of days) employment contract.

We think that this situation will be short-lived and we're assessing whether to monitor the public resources that the town hall makes available to citizens and the access that the Roma community has to them.

- 3. Almeria. Employment. Direct discrimination.** A Roma women who participates in the Acceder Employment programme informed us that she was finishing the second year of training to become a hairdresser when the head of the beauty salon received a telephone call from a company requesting a second year student to cover an opening he had.

The woman took the phone and spoke directly to the salon manager. They set a date for her to take a test for the job. She took the test and the manager congratulated her for the fine work she did. He then asked her for her personal details and ID card to start the paperwork.

When he looked at the ID and saw her surnames his expression changed completely and he told her that he would call her.

The woman told us that she's convinced he never called back because she's Roma and he didn't realise that until he saw her surnames on her ID card.



- 4. Zaragoza. Employment. Direct discrimination.** A young Roma girl was sacked from her job after eight years for no apparent reason. A while back when the girl mentioned to the business owner that she was Roma, she noticed that her boss' attitude changed until she eventually sacked her with no explanation.

As the young worker thought this was unfair, she filed a complaint for wrongful dismissal. She believed that she lost her job because she is Roma which would make her dismissal an act of discrimination. We do not yet know the outcome of the complaint.

- 5. Aragon. Employment. Direct discrimination.** There was a pre-selection process for an opening at a restaurant and the FSG worker responsible for selecting candidates from among the job-seeker pool sent four Roma to apply. When the restaurant owner realised that the candidates were Roma she contacted the FSG worker and told her: "I don't want any Gypsies working at my restaurant. All of their relatives will be hanging around here and scare off my customers." The FSG worker tried to reason with her but was unsuccessful.

- 6. Huesca. Employment. Direct discrimination.** A worker in the employment department of the FSG's Huesca office reported that: "On 25 May 2014 I sent two candidates to a job opening as a "chef's aid". The employment service validated the candidates and set up an interview. We would note that the two Roma women proposed had the training and background called for in the job announcement.

That same day the two women went to the establishment at the scheduled time to drop off their CVs and be interviewed.

The next day the FSG worker followed up and asked them about their interview. They told her that they were very disappointed and frustrated because they were told that the job had already been filled. They said that they felt ignored and weren't even able to turn in their CVs and felt that it was because they are Roma. They also felt treated with contempt. They said it was because of their ethnic origin.

- 7. Huesca. Employment. Direct discrimination.** An FSG employment worker contacted one of the owners of a family fish canning business.

Everything seemed to go well and the FSG promised to send them the candidates' CVs. The worker explained what the FSG does and one of the owners mentioned that she had a few Sub-Saharan African men working for her and they were very happy.

The next day she called to confirm the address to send along the CVs she had promised but this time she spoke to a different owner who said: "no, we don't want Gypsies. Not long ago I had a bad experience with two Roma men I had working here".

The FSG worker explained that generalisations were unfair and that one negative experience doesn't mean that things won't work out with these candidates.

The owner remained belligerent with his anti-Roma attitude.

- 8. Zaragoza. Employment. Direct discrimination.** The victim informed us that she submitted her CV at a restaurant and was called two days later for an interview. She noticed that the interviewer looked at her strangely and the interview concluded very fast (in comparison with the interviews of other candidates) and of course they didn't give her the job. She felt she was the victim of discrimination for being Roma.

While the FSG's equality and anti-discrimination department cannot prove that this is a case of discrimination, it is a frequent perception that Roma have at job interviews where they often feel scorned and not taken seriously by the interviewer.



9. Cuenca. Employment. Direct discrimination. In January a collaboration agreement was signed with a group of textile companies for eight Roma participants in the ACCEDER employment programme to engage in internships in clothes shops selling well known brands in the city of Cuenca.

The internships were managed directly by the company representative at the head office who facilitated the whole process so that everything would proceed seamlessly.

Before starting, the enterprise mediator visited all of the shops to meet the manager of each one and was cordially received in every case.

The internships were to begin on March 11th and the enterprise mediator and a social mediator accompanied each participant to their assigned shops and again, were all cordially received.

Throughout the entire internship (which lasted until April 3rd, 2014), we had ongoing contact with the girls receiving their practical training and the managers of each shop. Evaluation on both sides was very positive.

Once the training period had concluded, the enterprise mediator visited each of the shops to pick up the forms and to get a final assessment of the experience. At one of the shops (where two girls did their training), she discovered that there was a new manager who said that she had thrown the papers away because the enterprise mediator had taken too long to come around to collect them and because the experience had not been positive. When the enterprise mediator asked her why she thought that the experience was negative, especially considering that she had not supervised the training and the former manager had given them a positive assessment, she said that it was because one of the girls went on sick leave the last week of her internship. The enterprise mediator pointed out that her absence was justified by a medical report to which the manager forcefully responded "with these people, it's always the same story".

The enterprise mediator tried to inform her saying that any worker, in training or an employee, may become indisposed. In this case the absence was justified by a physician. She also told her that she had no business throwing away a document that served as proof of training that had been agreed to by the group's representatives.

10. Cuenca. Employment. Direct discrimination. The person in charge of the selection process for internships at two hotels for girls taking a training course to become hotel chamber maids rejected candidates because they were Roma.

The hotel managers were interested in our proposal until they discovered that the students could be Roma. That was when he rejected our students. We say "could be" because we also have non-Roma who take part in our training initiatives.

We followed up on this case by telephone. We tried several times to contact the manager but we were unsuccessful.

11. Cuenca. Employment. Direct discrimination. In April, the Acceder programme's labour market intermediation department organised a visit to a private company in the hotel sector in Talavera de la Reina to set up a possible internship programme for young Acceder Programme participants age 18-30.

The enterprise mediator and the coordinator of the Acceder programme in Talavera de la Reina attended the first meeting and met with company's manager. They provided him with information about our programme and the different profiles of the job seekers we work with. When we mentioned that we work with young Roma he said: "Gypsies are great at making a scene wherever they go."

We have had no further contact with this company.



12. Cuenca. Employment. Direct discrimination. In March 2014 the enterprise mediation service of the FSG's Cuenca office spoke with the person in charge of recruitment at the human resources department of a company in Madrid after seeing a job opening in the cleaning sector. The FSG sent the company several CVs. In April, May and June, four women were hired (three Roma and one non-Roma). When the last contract was signed (Roma woman) a conflict arose between the contracting company and the company subcontracting the cleaning service at a shopping centre. This dispute led to a series of discriminatory comments and acts against the majority of the cleaning personnel who are Roma.

13. Talavera de la Reina. Employment. Direct discrimination. This case was brought to us by a participant in our Acceder training programme. A young Roma man taking part in the training brought this situation to our attention and requested that it be recorded as a case of discrimination.

He explained that he and some friends went a well known pub in Talavera de la Reina. They went there several times and noticed how they raised the prices every time they went in an attempt to discourage them from coming back. One of the employees told them 'off the record' that they were jacking the prices up on purpose. He told them that they didn't want Gypsies coming in.

14. Salamanca. Employment. Direct discrimination. This case is very similar to one that occurred last year but with the aggravating circumstance that it is a repeat offence.

The Fundación Secretariado Gitano detected two irregularities in the 10th Call for IMPEFE Grants (Municipal institute for economic advancement, training and employment) to support entrepreneurial activity, published in the Official Gazette (No. 213) of Salamanca on 28 October 2014.

A close look at the call revealed that for aid type I "direct non-repayable grant" (Chapter 2), the 10% eligible investment could be increased by 5% if the grantees belonged to certain groups.

Aid type III "Grants encouraging recruitment" (Chapter IV), was likewise reserved for certain groups. Where permanent contracts were given to people belonging to any of these groups, a grant of EUR 1 000 was received.

The Roma community was not included among the groups listed for either of the two types of aid.

This was especially surprising in the case of aid type III "Grants encouraging recruitment" where the following groups were included: Women, young people up to age 30, people over 45, people with disabilities (33% disability rate and above), first-time employment seekers, long-term unemployed persons, ex drug users (off drugs for at least one year prior to the application date), immigrants and former prison inmates. A 25% increase was available if those hired were beneficiaries of programmes run by the employer or women from shelters. In other words, virtually all groups in risk of social exclusion except for ethnic minorities and the Roma community were listed thus preventing the Roma community from benefiting.

We consider this to be deliberate and intentional discrimination by virtue of omission on the part of a public body. It is our understanding that IMPEFE is responsible for promoting the social inclusion of groups in risk of exclusion such as those listed in the Call, but it should also look out for ethnic minorities. And that includes the Roma community. We believe that this is a serious omission and has occurred in similar calls in previous years. This is especially serious considering that IMPEFE is a member of networks devoted to "combating discrimination in the labour market" such as the network known as the "Local Employment Pact" and another called the "Red Retos" (challenge network) whose aim is to form a network of socially responsible territories.

Last year we addressed the omission of Roma from the groups listed by:



1. sending a letter in triplicate to IMPEFE managers;
2. sending the FSG enterprise mediator to speak with the director of the office following the meeting of the Local Employment Pact held on 2 May 2013. At that meeting the enterprise mediator proposed inclusion of the Roma community as a beneficiary group in the aid to foster entrepreneurial activity and permanent contracts (aid types I and III) of the 9th Call already published for 2013 and in successive calls. Out interlocutors were open to taking the Roma community into consideration in future calls.

For the ongoing call, the person responsible promised to study the possibility of amending it but warned that he would come up against operational difficulties. Since the "Board" would have to approve any amendment, the earliest a change could be put through would be September which would not leave much time to be effective.

In the end, the Roma community was not considered in the 2013 Call but, to our surprise, was not considered in the 2014 Call either. We have therefore concluded that their failure to include the Roma community this year is intentional.

- 15. Sabadell. Employment. Direct discrimination.** We spoke on the phone to a restaurant manager about setting up a practical learning internship for kitchen help but he was not very keen on the idea after having discovered that the Acceder programme worked with Roma.

He claimed that the cook told him that he "didn't want any Gypsies in his kitchen".

We told him about our mission and the stereotypes and prejudices that are holding back the Roma community.

It so happens that in this case the internship was for a young man from North Africa and since the restaurant manager had had positive experiences in the past with North Africans, the collaboration has gone forward.

- 16. Don Benito. Employment. Direct discrimination.** The FSG enterprise mediator at the Don Benito office told us that when he signed the agreement for the warehouse worker course, the school we engaged to teach the course initially agreed that the practical internship part would be at a company close to Don Benito. However, during the course the school director informed us that the company had pulled out of the agreement and therefore our students would not be allowed to do their practical training on their premises.

We believe that this is a case of direct discrimination insofar as they decided to pull out because the future interns were Roma.

- 17. Don Benito. Employment. Direct discrimination.** An FSG enterprise mediator for the Acceder employment programme in Don Benito told us of her visit to the practical forklift operator training forming part of the warehouse worker course. She asked if some of the classes could be conducted inside the warehouse and the girl in the office said no because she didn't want the students to see what was in the warehouse and she only allowed photographs to be taken of a non-Roma student operating the forklift in the warehouse. The enterprise mediator was insulted by the way she was treated.

She only wanted to report the case but didn't want to take any further action since the practical training was going well and she didn't want the students to suffer from possible reprisals.

This is a clear case of racial-ethnic discrimination based on negative prejudices and stereotypes against these Roma students doing their practical training.

- 18. Mérida. Employment. Direct discrimination.** The FSG labour counsellor saw an Internet advert for an insurance salesperson so she called for further information. The person who placed the advert was looking for five candidates to put together a team as he was being promoted to coordinator in two weeks time.



The labour counsellor called several times to set up an interview (she had previously explained who we were and what we do). She said that she had two candidates that matched the professional profile he was looking for. In the end he said that he couldn't even call them in for an interview because: "I can't see myself getting into a car with Gypsies. If my boss saw me he would fire me. They have a reputation for being delinquents and drug users". Our candidates were therefore excluded from the recruitment process because they are Roma.

This is a clear case of discrimination based on or motivated by negative prejudices and stereotypes towards the Roma community.

- 19. Mérida. Employment. Direct discrimination.** During a visit to a company, the FSG labour counsellor was informed by someone from the HR department that the directors of the company where we were trying to set up a programme had orders to not hire Roma.

The Department wanted to call a meeting with the director of the company to tell him of positive labour market integration cases involving Roma in different companies in Merida in order to establish trust in our services.

In the end it was impossible to set up a meeting.

- 20. Mérida. Employment. Direct discrimination.** A Roma girl from Merida told us she was dismissed from her job for being Roma. She was not happy with her dismissal which the company alleged was for other reasons.

The girl based her complaint on being dismissed because she is Roma.

She told us that she knew that the authorities would not recognise wrongful dismissal for being Roma.

- 21. A Coruña. Employment. Direct discrimination.** The enterprise mediator and the coordinator of the Coruña office of the Fundación Secretariado Gitano met with representatives of a company to present the Acceder Programme and, more specifically the Learning by Doing project. The meeting was with the person responsible for human resources and the head of the box section and was held on company premises.

After the presentations and an overview of the Acceder programme, the HR chief said that he was not interested in collaboration (for now) as he did not want Roma interns. He claimed that the supermarket for which he is the head of HR is situated close to the Palavea neighbourhood and the Conservera Celta shanty town and that many Roma families come by and their behaviour and hygiene leave a lot to be desired giving rise to many complaints from other customers. He also pointed out that in another town (Ferrol) they hired a girl (not Roma herself but married to a Roma person) as a cashier and had a negative experience (he mentioned a specific episode that he believed caused a conflict). He argued that if they had a problem with a Roma person, that would reflect on "the entire community" and the problem would only get worse.

The FSG team from the Coruña office present at the meeting refuted a number of his negative comments about the Roma community as a whole and tried to make him understand that he was judging an entire group based on isolated cases. They also stressed the value of the programme they were presenting. We believe that his attitude was discriminatory. He did not want to collaborate with the FSG solely because we work with Roma. He did not want to give them an opportunity and reinforced negative stereotypes.

Moreover, he insisted that he had no problem with working with other disadvantaged groups such as people with disabilities or immigrants, a common practice in his company.

In this case it was the stereotypes and prejudices towards the Roma community that kept him from collaborating in improving the employment possibilities of Roma.

- 22. A Coruña. Employment. Direct discrimination.** On Thursday 17 July 2014, the participants in the Learning by Doing project from A Coruña had their first visit to one of the companies (a hypermarket) collaborating with the Project.



The participants car-pooled to get to the supermarket. They were scheduled to meet with the project's head teacher and the FSG enterprise mediator at 10:15 at the supermarket. They arrived 15 minutes early and were waiting in their cars. When the teacher and enterprise mediator arrived, they greeted the students and before going in they introduced themselves to the store manager and the area director (responsible for several stores).

The area manager asked if the people who were waiting outside were the same people who were here now for the visit and he was surprised to find out that indeed they were. He did not know that the Fundación Secretariado Gitano had organised the visit (he thought it was a group of school children and he was unfamiliar with the Learning by Doing project). He said that he thought it was "strange" to see people outside sitting in their cars and so someone had called the police.

Plain-clothes national police were arriving at that very moment. This is what they called an "internal security protocol". Supermarket employees spoke with the police who then left. No searches were made and the police did not check any of the cars. The FSG representatives explained the project, the aim of the visit and the history of collaboration between the Foundation and this chain of hypermarkets. All previous contact had been with a different person, the HR director of the north zone. Apparently, she had not sufficiently briefed her co-workers prior to this visit. In any case, we believe that the shopping centre personnel had adopted a discriminatory attitude. The young people waiting outside in their cars were not doing anything wrong or that could raise any sort of suspicion. While it was never said explicitly, our conclusion was that the only suspicious thing was that 20 Roma were waiting at that hour of the morning in their cars in the supermarket parking lot.

The FSG addressed this case as they didn't want the Learning by Doing participants to be affected. After that incident, the FSG teacher introduced the participants to the supermarket personnel and the visit proceeded seamlessly and the programme participants were very happy to have seen first-hand the work they would be doing once the internships began.

23. Galicia. Employment. Direct discrimination. One of the students from the Learning by Doing project that the FSG is implementing in A Coruña informed the head teacher of the current project that in the place where he is doing his practical training as a supermarket cashier, he was told that he was not authorised to ring up Roma customers. The student responded that for him this job was his top priority and that he would immediately inform his superiors if he saw anyone shoplifting, irrespective of whether they were Roma or non-Roma. The store manager justified the order by saying that he was inexperienced and could easily be deceived. He said that he would be very uncomfortable telling Roma customers that he could not ring them up and felt that this was an unnecessary measure. That was the end of the conversation and he continued to ring up all of the customer who came to his cash register.

The student reported this situation and the Service for victims of racial or ethnic discrimination paid the supermarket a visit. He informed the Service of what had happened but asked them not to intervene directly with the company or with the shop manager (with whom he now felt comfortable and respected; his practical experience was going very well and he had no further incident with the company) until he had concluded his training (December 2014). It was decided to take the following action once he had finished his training:

- Inform the human resources department of what had happened to make sure that it goes on record.
- Propose training sessions on interculturalism in the workplace and try to raise awareness among Eroski personnel.

We believe that awareness-raising and equal treatment work would be more effective if done by the FSG office in A Coruña since we have direct contact with the people involved in the case and in order to not harm the training process (or chances of future employment) arising from the Learning by Doing project, or future collaboration with the company. Therefore, to avoid duplicating efforts, we requested that intervention be done only by the FSG office in A Coruña.



24. Murcia. Employment. Direct discrimination. A young Roma man informed us of a discriminatory experience he had on the Internet.

He was looking for work through the website milanuncios.com in Murcia and came across a job opening for a pig farmer which said "Gypsies and those over age 50 need not apply". He decided to call the contact person and the first question he was asked was about his nationality. He felt discriminated against and powerless.

25. Vitoria. Employment. Direct discrimination.

The FSG job hunter in Vitoria contacted a company where she heard there was an opening. The contact person explained the job requirements (age 18 to 25, no studies or experience needed as the company takes care of training and registering selected candidates as self-employed workers with salary on a commission basis) and they expressed interest in our sending them some candidates. However, when they found out that we belonged to the Fundación Secretariado Gitano and therefore work mostly with Roma the person said "we're not racist but this job entails door-to-door sales and you know what it's like in Vitoria. My boss doesn't want us to hire immigrants or people whose physical characteristics identify them with a particular group. People wouldn't open their door to them and they wouldn't be able to sell anything." "We don't work with people with those characteristics."

It was decided that the only thing we could do was register the case. They flatly refused to hire Roma.

26. Jaen. Employment. Direct discrimination. A group of young Roma took part in an employment training programme organised by the Provincial Government of Jaen.

An FSG employee from the FSG's Jaen office who was organising an interculturalism workshop discovered that the Roma participants were being harassed by other non-Roma participants.

The young people informed him that ever since the course began, they felt discriminated against for being Roma.

The FSG department requested that the director of the course be informed of these discriminatory incidents.

The course director spoke to all of the students on the course and asked them to change their attitude towards their Roma classmates.

A few weeks later the FSG employee informed us that the situation had been resolved and that the course was advancing smoothly.



Cases in the area of health

1

Alicante. Health. Indirect discrimination. Two Roma families from Romania contacted the FSG office in Alicante because they were not being treated properly by the staff at their local health centre.

The families claimed that the staff made it difficult for them to make appointments and the families especially stressed that they were faced with many obstacles when they went to the health centre with their young children.

The Department looked into the matter and then called the health centre on the phone to inform them of the applicable regulation regarding the right to health-care for children and pregnant women and the rights that these people have to receive health-care.

The families were given the same information with a view to avoiding these problems in the future



Cases in the area of housing

- 1. Malaga. Housing. Direct discrimination.** A Roma woman came to the FSG office in Malaga to report that she had been forcefully evicted from the home she had been living in for the last four years. The Department verified the situation thanks to the documentation the woman showed us, including the court judgment calling for her eviction. The young woman, mother of two small children, told us that she had been faithfully paying her rent until she reached a point where she could not cover all of her expenses and had no place to go and no one to stay with and so she stayed on in the flat as a squatter. She was very sorry about what had happened but wanted to report what she felt was discriminatory treatment towards her and her children by the social services workers. She felt offended and told us that she had applied for aid, especially for her children, but did not receive any response and in the end had to go and live with a distant relative.

She felt that social services had discriminated against her and that the only thing she wanted was to overcome this situation of helplessness.

- 2. Zaragoza. Housing. Direct discrimination.** A Roma woman told us that she went to see a flat for rent that was advertised on the website milanuncios.com. She was looking at the flat when the owner realised that she was Roma and told her directly that she was not going to rent it to her.

The woman asked why not and the owner responded that she didn't want Roma tenants in her flat because she didn't want problems with rental payments. The woman was not satisfied with that and she suggested that her husband (who is not Roma) make an appointment with the owner to see if she would rent it to him as they were very interested in that flat.

The woman came back a few days later to tell us that indeed the owner had rented the flat to her husband.

The woman reported this because she felt it was important to let people know the sort of treatment that Roma were often subject to.

This was a clear example of the stereotype that "Gypsies don't pay the rent". This prejudice keeps Roma from exercising their right to proper housing.

- 3. Aviles. Housing. Direct discrimination.**

The FSG worker responsible for intervention in the municipality of Corvera in Aviles informed the Department that she was accompanying an FSG beneficiary to help her with an urgent need for housing. This Roma family was going to be evicted in a few days time and the worker was helping them find a flat. When the FSG worker went to the real estate agencies to ask about renting a flat for this family, they were treated in a discriminatory manner.

This is what she told us:

As soon as she entered the office, the real estate agent (A) asked:



A: – *What do you want?*

FSG: – *We want to see flats for rent in the Corvera area.*

A: – *Just one minute. My colleague will help you. The colleague (B) immediately approached us and, without inviting us to take a seat, said:*

B: – *I don't have anything to show you.*

FSG: – *What do you mean you don't have anything?*

B: – *Not for people in her circumstances (referring to the low social salary income that the Roma woman had). The people I represent don't want tenants like that.*

FSG: – *But what circumstances are you referring to?*

B: – *Her income cannot be legally seized; pensions cannot be seized by creditors.*

FSG: – *She doesn't have a pension; she has a social salary.*

B: – *I understand. The owners I represent don't want tenants with those conditions.*

FSG: – *Is the problem with the owners or is it you who doesn't want people like her? Is it because she's Roma?*

B: – *I don't have any issues with Roma. Don't call me racist.*

FSG: – *No? First of all, it's not a racial matter. They are a group, a people, and they're exactly like you and I.*

The Department informed the family of their right to request a complaint form to express the sort of treatment they were subjected to. We also think that it is important for the real estate agency manager to know what is going on in the office in order to take the measures deemed appropriate.

In the end, the family decided to call at another real estate agency and not take any sort of action.

- 4. Cuenca. Housing. Direct discrimination.** A Roma woman told us that she was looking for a flat to rent in a neighbourhood where several of her relatives lived and had contacted several real estate agencies in the months of May and June. After several tries, she was finally able to set up an appointment with the owner of a flat. She told us that she had made the arrangements to see the flat over the phone and that the conversation was very cordial and she was led to believe that the owner wanted to rent her the flat.

Everything changed, however, when they met face-to-face. As soon as the owner saw her she acted rude and indifferent towards her. She was convinced that it was because she is Roma.

Following the perfunctory introductions, the owner told the woman that that same day another person had rented the flat and that it was therefore no longer available.

The woman told us that the day before the meeting the owner had not mentioned anything about another potential tenant

A few days later the woman came to the FSG office to tell us that this was not the first time that she was refused a flat for being Roma and she was typically turned down after the face-to-face meeting.

- 5. Salamanca. Housing. Direct discrimination.** Several Roma families receiving counsel from the FSG in Salamanca filed an application for what is known as solidarity housing rental offered by a bank in the area where they live.

Once having completed part of the application process (submission of documents, etc.) the families told us that they felt deceived and unprotected throughout the process; after going through all of the steps as described in the application process, the developer excluded them from the award process but allowed the non-Roma families to proceed.



The Department requested further information and we discovered that the developer excluded these Roma families because of a negative experience they had with other Roma families with a different call for housing applications and didn't want to have the same co-existence problems.

We also received information from local town residents who warned us and confirmed that there had been a number of complaints from people in the town about the arrival of Roma families and they didn't want any more families moving in.

That is why we went straight to the mayor along with some of the people affected to clarify this situation. The mayor made no effort to sugar-coat the existing reality and told us that he had received complaints from some of the local residents and one even threatened to take his children out of school.

We tried to reason with the mayor by telling him that these people had to be treated as individuals and not be put in the same sack as every other Roma family. We also told him that rather than defending the racist motives of the townspeople, he should be doing just the opposite.

6

Sabadell. Housing. Direct discrimination. The Department received information about an eviction in Sabadell of homes occupied by several Roma families.

After checking the documentation we verified that the eviction was related to the fact that the occupants were Roma.

Those evicted told us that their special circumstances (children and sickly elderly persons forming part of the family unit) had not been taken into consideration.

They also said that the authorities employed violence to evict them.

The families did not want to take any action but simply wanted to report the discriminatory treatment they had received at the hands of the police as their main concern now was finding a decent place to live.

7. Mérida. Housing. Direct discrimination. A young woman came by the FSG office in Merida to report on a discriminatory situation she had suffered for being Roma. This is what she told us:

"The real estate agency where I enquired about renting a flat told the owner that her client, me in this case, had all of the required paperwork (pay slip and work contract). She then asked what my name was and where I was from and then immediately said that she had already 'promised' the flat to someone else and therefore it was no longer available."

In this case, the discrimination was confirmed by the real estate agent who confided that the owner had not promised the flat to anyone but was simply using that as an excuse because she did not want to rent to Roma.

8. A Coruña. Housing. Direct discrimination. The housing director at a social organisation came by to report that she received an urgent call from a Roma family living in a flat which had been assigned to them under the Roma Community Social Intervention programme in A Coruña. The director went to the flat and found racist graffiti and threats on the walls and door of the Roma family's home and food scraps thrown on the floor in front of the door. (see pictures)

The FSG worker went herself to get first-hand information of what had happened and to offer her support.

The family, at the advice of the FSG office in A Coruña, called the local police to report what had happened (racist graffiti and threats). The family lodged a complaint at the local police station and as they feared for their safety and also reported the incident to the Civil Guard in Arteixo.

The FSG worker later contacted the administrator of the homeowner's association to try to organise a meeting of all of the building's homeowners to explain what had happened and try to resolve the situation.

The family was afraid of being physically attacked before the police were able to arrive. They also doubted that the police would be able to solve that situation and were thinking about moving before things got out of hand.

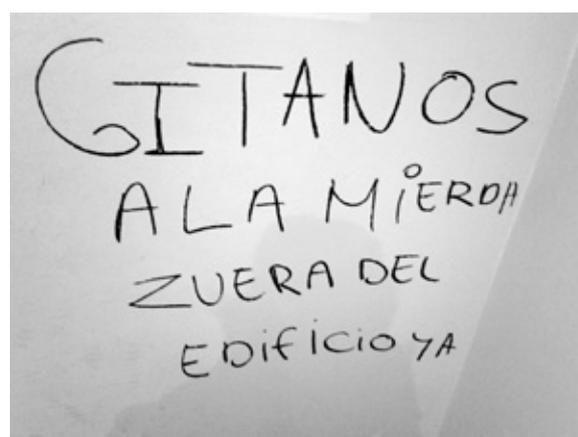
Unfortunately, many Roma families are still faced with having to leave their homes due to problems with homeowner's associations that do not want Roma in their building.



- 9. A Coruña. Housing. Direct discrimination.** A Roma family in A Coruña came by the FSG office to report that for some time now they were being harassed by neighbours. The father said that he found a note tacked on his door demanding that they leave (see photo). He insisted that nearly all of the homeowners are against them because they are Roma. He regretted this terrible situation and said that if the community of homeowners continued with their violent comments and attitudes they would have to move and find some other place to live.

The Department informed them that they could lodge a complaint with the president of the homeowner's association so that he would be officially informed of what was going on and could take appropriate measures to re-establish peaceful co-existence among all the neighbours. We also told them that it was important to report these incidents to the local police.

The family said that they did not want any problems and if they were forced to leave they would do so





Cases of access to justice

- 1. Valencia. Access to justice. Direct discrimination.** The FSG office in Valencia sent the Department several legal documents including a draft claim lodged against the town hall of Valencia by two Roma men who felt they had been discriminated against by the judge in a legal case they were involved in.

The Department and the FSG office in Valencia requested more detailed information from the two men and documents to be able to monitor the case and prove the existence of discrimination.

The Department examined the documents and spoke with the person who had direct contact with the two parties who informed us that the case was pending in the courts. Apparently there were a number of irregularities surrounding the case and the different legal procedures they were party to and in which they felt they were being discriminated against. They claimed that their rights were not being upheld because they were Roma.

Since this case required legal representation before the courts, the case and all of the documentation was handed off to the organisation called 'Movement against Intolerance'.

- 2. Granada. Access to justice. Direct discrimination.** A Roma woman informed us that she was in the process of separating from her husband and feared losing custody of her daughter because in his suit the father claimed that "growing up in a Roma family could have negative consequences for his daughter".

The young woman who was awaiting the custody hearing explained that she felt uncomfortable and feared that these comments about her Roma family could influence the judge's decision regarding the custody of her daughter given the negative image people have of Roma.



Cases in police services

1. **Linares. Police services. Indirect discrimination.** A Roma woman who worked in a market selling clothing told us of a situation where she felt vulnerable and discriminated against by two police officers. The woman called the police to report the disappearance of four boxes of underwear from her car, clothing that she was intending to sell at the market that day. The local police arrived and before doing any form of investigation told the woman that the boxes had most likely been stolen by a Gypsy nearby.

The women felt offended by that and said "they could have also been stolen by a non-Roma person". The boxes of clothing were never found and she was unable to work that day. With a resigned tone in her voice the woman told us that she didn't think that the prejudiced ideas police have of Roma were going to change.

2. **Almeria. Police services. Direct discrimination.** An evangelical pastor from a town in Almeria contacted the local FSG office to report on police actions in relation to several Roma families which he believed to be disproportionate and violent and therefore discriminatory and out of place, especially considering that young children were present. The Department tried to contact the local police station where the incident took place to inform the person in charge of what had happened to those families. The pastor informed the families of possible recourse but told us that the families did not want him to take any action for fear of reprisals.

The pastor told us that the families considered this to be a misunderstanding on the part of the police and hoped that it wouldn't happen again.

3. **Zaragoza. Police services. Direct discrimination.** An education specialist who was with a classroom of Roma children in the FSG's Promociona Programme reported that a police officer approached the classroom. The teacher who was present at the time opened the door.

The police officer asked if a student named Juan or Yasmina was in the class. When the teacher asked why, the officer explained that they were looking for these children for having painted graffiti on a wall near the police station. The teacher responded that the two students in question were not there.

The police (apparently not believing the teacher) pointed to some students and asked: "How about those kids sitting over there?" (referring to the Roma children in the Promociona programme). The children gasped in fear.

The police then turned and left without another word.

This is another case of stereotypes towards the Roma community.

4. **Zaragoza. Police services. Direct discrimination.** Several parents came to the FSG office in Zaragoza to report a situation they considered discriminatory against Roma. They told us that two plain-clothes police officers asked them to identify their children. The officers told them that two bicycles had been stolen and the bicycles that their children were riding were identical to the ones reported stolen and they therefore had to take the bicycles to the station in the police van.

The father was indignant and told the officers that this was an outrage and that he had bought these bicycles for his children.

The police said that they were just following orders and that they would have to take the bicycles to the police station. He also said that if no one claimed them, they could go by the police station to collect them.

After several weeks the parents did retrieve their bicycles. They told the Department that this only happened because they are Roma and that they felt certain that this would not have happened to a non-Roma family.



- 5. Valencia. Police services. Direct discrimination.** The Valencia office of the FSG reported that a Roma man from Romania was fined by the local police in Valencia for collecting scrap metal on his bicycle. The man was indignant when he came to the FSG office in Valencia and told them that he didn't understand why the police had fined him; he wasn't carrying any scrap metal because they had confiscated his bicycle. He felt discriminated against and powerless because they did not consider his situation and also because the police only went after him and not the others who were doing the exact same thing as him.

He said he did not know how he was going to recover his bicycle. He felt lost and afraid that if he tried to claim his bicycle back he would have bigger problems. He therefore decided not to retrieve his bicycle and paid his fine.

- 6. Valencia. Police services. Direct discrimination.** A young Roma man from Romania contacted the Valencia office of the FSG to report a recent flurry of police actions in the neighbourhood where he and his family live (searches of homes and Roma individuals, searches of Roma on the street, etc.). The man said that people felt unprotected and discriminated against.

The person refused to give his name or any further information for fear of reprisals.

- 7. Alicante. Police services. Direct discrimination.** The FSG office in Alicante received a complaint from a relative of young Roma girl from Romania who has a disability. This family member told us that the girl was assaulted by the local police while she was allegedly begging in the street and they didn't know who to turn to or what to do.

The family told us that when they went to lodge a complaint for the treatment received by their daughter at the hands of the police, the local police themselves had just lodged a complaint against them and their daughter for panhandling which is why the family was reluctant to lodge their complaint.

The family wanted this incident to go on record but did not want to take any action for fear of reprisals.

- 8. Valencia. Police services. Indirect discrimination.** We received a telephone call from a young girl who claimed she witnessed a discriminatory incident by the local police in Valencia. She said that the local police in Valencia were engaged in special actions targeting Roma with stalls at the outdoor markets. According to her testimony, the police only asked to see the documentation of the Roma sellers and no one else thus creating an atmosphere of distrust.

- 9. Vigo. Police services. Direct discrimination.** The FSG office in Vigo received a complaint from two young Roma who were participants in an FSG educational programme and who were on their way to take their exam to obtain their secondary education degree. A pair of plain-clothes national police officers asked to see their documentation but did not ask anyone else in the group for theirs.

The youngsters said that they felt discriminated against for being Roma.

- 10. Madrid. Police services. Direct discrimination.** After being arrested for alleged domestic abuse, a Roma man claimed to have been beaten and ridiculed by the national police who arrested him and took him to a holding cell. He felt certain that he was treated this way because he is Roma.

The Department requested all of the pertinent information and documentation (complaint, medical report, etc.) but received no response.

Unfortunately there are many cases, especially related with police services, where fear of reprisals or of police authority keeps victims from taking any action.



- 11. Madrid. Police services. Direct discrimination.** An association in Madrid informed us of an incident of discrimination against a young Roma man who was collecting scrap metal. The Civil Guard arrested the man and put him in a holding cell. During the arrest, the Civil Guard apparently assaulted him. This was not the first time he was subjected to this sort of treatment.

The Equality Department asked the person to contact us directly to see what we could do in this case. He has still not responded.

- 12. Madrid. Police services. Direct discrimination.** We received an email from a young Roma man who complained of police abuse against Roma youth who were out in the wee hours of the morning but were not involved in any sort of wrongdoing.

The Department tried to contact him to gather more detailed information but did not hear back.

- 13. Madrid. Police services. Direct discrimination.** The Fundación Secretariado Gitano and other social NGOs carry out education, employment and other programmes in the area of Cañada Real. At one of the meetings we organise to provide information to Roma families from Romania, many families living in Cañada complained that they were suffering disproportionate aggression and police brutality on a number of occasions and that no one would come to their aid.

Unfortunately the situation of these families is quite complicated. The organisations working in the Cañada are trying to design an intervention protocol with the local police forces and with other professionals to improve co-existence and the quality of life of these families.

- 14. Murcia. Police services. Direct discrimination.** The FSG's Murcia office filed a request in writing for use of the Plaza de la Constitución (La Fama neighbourhood) to celebrate the FSG's open doors day and were verbally informed that they could use the plaza on 27 June from 18:00 to 22:00 (we requested it until 23:00). They were not permitted to set up a canteen which they had requested for the concert.

When they were assembling the stands, the local police asked to see their permit. They answered that they didn't have a permit in writing but were given permission on the phone and showed them the request form. The police said that they "hadn't been informed" and left without further discussion, the assumption being that everything was in order despite not having a permit in writing.

The music started at approximately 21:00. At 21:45 two local police officers drove their vehicle into the middle of the concert, close to the group that was about to perform, sending everyone scurrying as they emerged from their vehicle with an air of arrogance.

The police cancelled the activity and drove their van through a garden area narrowly missing several small children who were there enjoying the concert. They claimed that the permit was until 20:00 according to the notification they received (which they initially said they had not received).

The FSG's Murcia office believes that these two police officers were abusive judging from the way they ended the festivities.

The Department sent a letter of complaint to the government delegation but received no response.

15

Vitoria. Police services. Direct discrimination. A young man came by the FSG office in Vitoria to report on a discriminatory situation he had suffered for being Roma.

He was at home when the Ertzaintza (regional Basque police) called and said they needed to talk to him. When he asked them why they said that they were there to notify him of an infraction he allegedly committed when he was leaving work.

The police told him what the infraction was and he showed them his car and insurance documentation which was all in order. He apologised for the infraction, explained that he had not even realised that he had done anything wrong and assumed full responsibility. He also confirmed that his insurance company would contact the person or people affected.

However, during this interaction, the police attacked him verbally for being Roma and accused him of lying on several occasions.

The young man told us that he regretted this unpleasant incident but he didn't want us to do anything for fear of reprisals and consequences at work since he had no witnesses and it was his word against that of the police.

16. Malaga. Police services. Direct discrimination. A Roma man who is a national police officer was accused of wrongdoing after the police inspector found out he was Roma. He was accused of stealing confiscated steroids.

The Equality Department met at FSG headquarters to gather first-hand information and documentation. The family felt vulnerable and discriminated against for the treatment received. The young man was convicted for the crimes he was accused of.

The family requested a pardon as they considered it unfair that their brother should have to go to prison and that pardon was granted a few months later.

17. Cantabria. Police services. Direct discrimination. One of the students from the Promociona Programme, age 14, was stopped by the police as he was leaving school to go home and they asked to see his ID card. The student was not carrying his ID card with him at the time and the police therefore took him in their car to the police station where they held him for two hours. During this time, his family did not know where he was and no one had called them to tell them he was at the police station. After two hours (and still without informing the child's family) he was told he could leave.

The next day his mother went to file a suit and the police told her that you couldn't file a suit with the police and that the most you can do was lodge a complaint.

Cases in public spaces

- 1. Alicante. Public spaces. Direct discrimination.** One of the victims in this case was the trainer of a neighbourhood association football team from Alicante, José Antonio, whose players are all young Roma. His team was playing against the British School at the San Blas public pitch in Alicante.

During the game, some of the family members of the opposing team began to shout insults at the young Roma players such as "you're a bunch of delinquents... where are your knives... you're Gypsy shit".

An FSG worker from the Alicante office informed the Department and, following a brief investigation, the trainer of the opposing team was sanctioned for unsportsmanlike conduct that were not in tune with the values and objectives of the sport.

- 2. Mérida. Public spaces. Direct discrimination.** A non-Roma woman burst into the Merida FSG office and, with no introduction, said in a loud voice to anyone who could hear her "Gypsies are siphoning off all of the social aid until there's none left".

The workers in the office told her that what she was saying was simply a stereotype and that she shouldn't go around making such claims without knowing the true facts about this community.

She listened to what the FSG people had to say about the situation of the Roma community and acknowledged that her comments were out of place and apologised.

- 3. Mérida. Public spaces. Direct discrimination.** A Roma woman was sitting in a physician's waiting room along with other patients when a man started making comments about how Roma people drive: "They are all terrible drivers; they just do whatever they want. The rules don't exist for them."

The Roma woman answered the man saying that she didn't agree; that what he said might apply to some but certainly not to everyone. The man then nodded his head in agreement and kept his thoughts to himself for the rest of the wait.

- 4. Extremadura. Public spaces. Direct discrimination.** A Roma youth went with two friends to submit an application for a training module at the local high school. While he was standing in line in the outdoor patio of the school, another young person approached and stared at him.

Then, when it was his turn to go inside, the other chap punched him with no warning whatsoever while saying things about his Roma ethnicity. The Roma youth was frightened and took refuge inside the school as he didn't want any trouble.

After submitting his application, he went to the hospital emergency room and the staff there filed a report for bodily injury. The Department encouraged him to press charges but he didn't want to because he didn't think it would do any good and he didn't want any more trouble.

The only reason for the aggression was the fact that the young man was Roma. The victim confirmed that the attacker made racist comments about Roma.



Cases of discrimination in other areas

- 1. Granada. Others. Direct discrimination.** A Roma woman informed us that she had lost custody of her daughter because in the separation suit the father claimed that “growing up in a Roma family could have negative consequences for his daughter”.

The young woman who was awaiting the custody hearing told us that she was afraid that these discriminatory comments could have an impact on the judge’s decision.

- 2. Granada. Others. Direct discrimination.** A Roma woman went to the FSG’s Granada office with her young son who has a disability and told us that she suffered discrimination from the Granada social services. She had applied for aid through a social worker in Granada in order to process the disability certificate for her son. After making her wait several months they informed her that they did not have the authority to grant that certificate. The woman was indignant and felt discriminated against and vulnerable. They failed to inform her within the stipulated time frame even though they knew the delicate situation of her family. The woman felt certain that the lack of attention and poor treatment by the social services staff was directly related to the fact that she is Roma.

The Department requested the information and offered the woman the possibility of filing her application through the social services office in Granada.

The woman did not want the Department to get involved as she believed that any action on their part could hurt her application.

- 3. Seville. Hate speech. Direct discrimination.** The FSG office in Seville sent us this picture of the outside wall of their office building where one can read the message: “This is racism” with the Celtic cross (symbol used by neo-Nazis) and the initials DNJ (the Young National Democracy – a neo-Nazi group).

This graffiti was registered in a notarised document dated 17 march 2014.

This case was presented to the hate crime and discrimination services of the Seville public prosecutor’s office. The Seville prosecutor dismissed the case as it presented no evidence attributing this action to a particular person or group of people. There has not been any more graffiti of this sort since then.





4

Granada. Dignity. Direct discrimination. The Equality Department received a complaint from a neighbourhood association in the town of Láchar (Granada). The association was very upset about the publication of a document called "Memorial of the Roma community of Láchar". That document, written and distributed by a town resident with the personal details of Roma living there and it contained racist comments and expressions against the Roma community and specifically against the Roma living in that town.

The Equality Department reviewed and analysed the document to confirm that it did indeed list the personal details of Roma residents of the town and contained stereotyped and discriminatory comments. We then sent a letter of complaint to the author of the 'Memorial' requesting that he withdraw the publication as it is a violation of the right to one's image and dignity.

Shortly thereafter we received a letter from the author of the 'Memorial' saying that he felt ashamed about the document, apologised to all of the people who may have been offended by it and stressed that it was never his intention to offend the town's Roma population for which he respects and holds in high esteem.

5. Linares. Others. Direct discrimination. A young Roma couple called at the FSG office in Linares to report that they were indignant about a clearly discriminatory incident that happened to them. These young people hired a photography and video service for their wedding but when the photographers realised they were Roma and that they would have to film a Roma wedding, they flatly refused saying that "the rascals could break their cameras and the rest of their equipment".

The couple felt the sting of discrimination for being Roma and commented that "this would have never happened to a non-Roma couple".

6. Jaen. Others. Direct discrimination. The Department received news of a group of Roma youth who were on a training course. The youth claimed that they were the brunt of a litany of racist comments from their classmates simply because they are Roma. The father of one of the students reported the incident to the director of the training course.

The Equality Department contacted the director of the school and, once having verified the information received from the father, we proposed teaching a module on interculturalism during this course or any other training course with a view to raising awareness of cultural diversity and respect for the Roma community.

We did provide these interculturalism workshops and gave talks on respect and diversity and since then there have been no more incidents like this one.

7. Estepa. Dignity. Hate crimes. On 5 July 2014 people from the town of Estepa in Seville rose up in violence against Roma families and their homes accusing them of being responsible for a series of burglaries.

An unauthorised demonstration of nearly 400 townspeople was organised after which some of them stormed several homes and set fire to two. The demonstration was organised in protest for a series of burglaries and muggings which the townspeople claimed they had been suffering for months and for which they blamed a Roma family they called "el clan de los Chorizos" who lived in some of the homes which were attacked. The FSG got involved by sending out an FSG communiqué and lodging a complaint before the Hate and Discrimination Prosecutor. Briefs were also sent to the Government Delegation which informed the Department that they forwarded the appropriate proceedings to the court, to the Provincial Secretary of Justice and the Interior and to the Ombudsman.

These acts of violence were given a lot of attention in the media which served to reinforce negative prejudices and stereotypes towards the Roma community.

The Hate Crime and Discrimination Prosecutor is working on the case and informed us that the judicial investigation is under way in the Seville courts.

- 8. Seville. Others. Direct discrimination.** The CEPAIM Foundation informed the FSG Seville office of a series of discriminatory situations between Roma and non-Roma youth.

Young Roma complained that for some time they had been feeling threatened and discriminated against by young non-Roma of other nationalities who refused to let them participate in the working groups that CEPAIM organised to enhance the employability of all of the young participants.

The Department contacted the CEPAIM people in Seville who confirmed that the incidents had been resolved thanks to awareness-raising initiatives and a workshop to improve co-existence among them.

Decenas de vecinos airados queman dos casas de un clan gitano en Estepa

Los asaltantes culpaban a las víctimas de la oleada de robos que vive el pueblo



Grupos vandálicos ocasionaron graves daños en las viviendas donde reside el clan de la etnia gitana sobre el que se desató la violencia

- 9. Jaen. Others. Direct discrimination.** A Roma youth described the following incident. On Friday June 20th he arranged a trip using Blablacar. When he asked the driver how many people were travelling in the car the latter responded: "Three passengers, myself and two Gypsies riding in the boot." The young Roma man did not react to this anti-Roma comment.

During the trip the driver asked him where he worked and he responded "at the FSG". The driver apologised saying that the bit about the boot just an innocent joke and that he had Roma friends.

On the return trip in a different car the conversation once again turned to work. The young man said that he worked for the Fundación Secretariado Gitano to which the driver responded: "I'm very open and I respect all groups: immigrants, LGTB, etc... but I just can't stand the fuckin' Gypsies."

The young Roma man didn't respond at that time. After the trip, however, he sent him a note: "the expression 'fuckin' Gypsies' was totally uncalled for, especially since the passenger sitting next to you was Roma." The driver apologised.

- 10. Jaen. Hate crimes and incitement to violence. Direct discrimination.** An incident occurred on 19 August in Castellar (Jaen) resulting in material damages and three people charged with a crime. The case was processed through a swift hearing procedure. The incidents were followed by unauthorised demonstrations by the townspeople organised by mobile telephone and social networks demanding that several Roma families leave the town and screaming things such as: "Gypsy shit, get out of our town, sons of bitches, get out of Castellar, we're going to burn your houses to the ground, no Gypsies in our town."



The families temporarily left their homes and later some members returned. One of the family's homes was partially burned and some of those family members were being harassed by neighbours. More demonstrations against Roma families living in the town took place later that week.

In light of this serious situation, the Fundación Secretariado Gitano (FSG) asked the public authorities to step in to keep the townspeople from attacking and persecuting Roma families and burning their homes. It is the duty of the police and justice system to protect all citizens and to take forceful action against any sort of violent attack.

The Government Delegation took appropriate action identifying some of the demonstrators and initiating several administrative enquiries. In light of this serious situation and the defencelessness of the Roma families under attack, the Fundación Secretariado Gitano and other NGO members of the State Council of the Roma People decided to become involved as a civil party to the legal proceedings as they believed that these acts constituted incitement to hatred and other crimes.

The status of the proceeding is as follows: the local criminal court issued an order to move forward with the proceeding as it considered that there was sufficient evidence that crimes had been committed. An appeal was filed against that decision before the Provincial Court of Jaen and we are sad to say that the result was an order for provisional dismissal of the case which we feel is completely unfair and shows that the judicial system is indifferent to anti-Gypsyism. We will appeal this decision.

11. Almeria. Others. Direct discrimination. A Roma woman participating in our Acceder Programme in Almeria went to a church with her daughter to ask the priest about the food bank and received the following response: "We're not giving you any handouts here. Go back to where you belong."

They were astounded to be spoken to like that by a priest and left without saying a word.

They told us that they felt terrible and discriminated against for being Roma and living in a poor neighbourhood. Although they didn't understand the attitude or comments made by the priest, they did not want to take any action for fear of reprisals.

► 22 Agosto, 2014

AGENCIAS DE PRENSA



VIGILANCIA. Un amplio dispositivo de seguridad llevó a numeroso agentes desde varios municipios hasta Castellar para controlar la manifestación del martes.

Tranquilidad en Castellar



12. Cadiz. Hate speech. Direct discrimination. The FSG office in Cadiz received an anonymous letter with a press clipping showing a headline related to support given to the Roma community in Bujalance (Cordoba).

The following message was hand-written on the press clipping:

"Gypsy shit - you are our misfortune"



13. Zaragoza. Dignity. Direct discrimination. A Roma woman reported that she went to see her local social worker to request aid. After explaining her case (the young woman could not afford to meet her mortgage payments), to her amazement the social worker offered her a radiator to heat her flat.

The woman couldn't understand why the social worker would offer her a radiator, especially since these devices use a lot of electricity and she needed to reduce her expenses.

The woman also said that the social worker treated her with a lack of respect.

We find that some of the professionals who work with people in risk of social exclusion or with ethnic minorities lack sensitivity.

It is extremely important for professionals engaging in this sort of social work to be aware of the real situation facing many Roma and non-Roma families.

14. Zaragoza. Dignity. Direct discrimination. A Roma woman went to a supermarket without a shopping bag or cart and just enough money to buy a carton of milk. As soon as she came in, the cashier ordered two stock boys to keep an eye on her.

When she was checking out the woman said to the cashier: "Why did you do that?" (referring to telling the stock boys to watch her) to which the cashier answered: "Me, what? What are you talking about?" And then she laughed at her.

The woman said that she felt powerless and vulnerable and this wasn't the first time she was subject to this sort of ridicule.

15. Asturias. Others. Direct discrimination. A Roma man who makes his living collecting scrap metal went by the FSG office in Aviles to report that he had been fined by the Civil Guard. The sanction slip said:

"While on patrol duty we observed a Citroen van (Jumper model) of the type typically used by Roma to collect junk."

The Equality Department wrote to the Government Delegation of Asturias expressing our concern, not for the fine which appeared justified judging from the documentation, but for the clearly discriminatory expressions appearing on the incident report making reference to the ethnic background of a person.



- 16. Asturias. Dignity. Direct discrimination.** The territorial director of the Fundación Secretariado Gitano in Asturias received a call from a journalist from Aviles who told him that the musical "Thumbelina" done by Carver Espectaculos y Artes Escénicas and performed at the Niemeyer Cultural Centre Auditorium made direct discriminatory allusions to the Roma community and the journalist had gathered complaints from several spectators.

The adaptation of the story by Hans Christian Andersen transformed the Toad family in the story to a Roma family and used all of the stereotypes to get a cheap laugh with no story line and employed disparaging expressions against the Roma community constituting an act of discrimination.

The Foundation's territorial director mentioned this situation to the newspaper La Nueva España criticising the work and expressing his regret that a play for children would stoop so low as to profit from these discriminatory stereotypes.

The Foundation also received a call from a woman from Oviedo expressing her concern. This woman mentioned that she sent an email to the theatre company criticising this adaptation of Thumbelina.

The Equality Department wrote to the producer but received no response.

- 17. Catalonia. Dignity. Direct discrimination.** A Roma youngster reported what happened to him at a clothing store where he had an interview to do sales training. He was looking at clothes and noticed that the cashier said something to the security guard who stopped him at the door and wanted to frisk him.

When he refused, he was told he had to go with him to a private office. He refused that as well and then lifted his shirt to show that he was not hiding anything.

He then left the shop without any further discussion.

- 18. Sabadell. Dignity. Hate speech.** The ACCEDER office in Sabadell organised a certificate course in basic restaurant and bar operations and to that end signed a collaboration agreement with SOC (Employment Service of Catalonia).

As a general rule, the SOC announces these training sessions taking place in Catalonia on their web page and this was the case with our training session. People interested in the training called the Sabadell Economic Promotion Service for information as this was the institution in charge of providing the training.

A girl called expressing interest in the training. A member of the staff took the call and told her that the training session had already begun and that, in any case, priority was given to Roma participants since the Fundación Secretariado Gitano was co-founder and co-organiser.

In response to that the girl made the following comments:

"Gypsies, everything is for the Gypsies and the immigrants. Fuckin Gypsies. But wasn't this published on the web page?" To which the FSG worker explained that that was an error made by the SOC that they were trying to correct.

- 19. Sabadell. Dignity. Direct discrimination.** In 2013 a Roma woman was working at a private home. A story appeared in the press about a Roman man killed by a Chinese man in Sabadell. Following a series of insulting comments made by the employer about the Roma community, the woman told her that she herself was Roma.

From that point forward, the woman had the feeling that her relationship with her employer had changed. She was more distrustful of her now that she knew she was Roma and would ask her about earrings she couldn't find and started to leave cash on the table to "test" her.

The labour relationship ended with wrongful dismissal after the worker went on sick leave.

The worker did not want to take any subsequent action.



- 20. Valencia. Dignity. Hate speech.** Direct discrimination. An FSG worker told us that at an Evangelical church service one of the people told the congregation that she was in need of a home and employment to which another person told her that the rent in the Juan XXIII area was the cheapest. Her response to this suggestion was: "I wouldn't want to live there because there are lots of Gypsies and you know what they're like."

The worker told her that she herself was Roma and that these prejudices and generalisations against Roma were out of place. The person then commented that she had had a bad experience with Roma to which the worker responded that her experience was with certain individuals and that not all Roma act the same way and that she shouldn't generalise since not all Roma are the same.

She then informed the woman about the FSG's Acceder programme since she was in need of full-time employment.

Today that woman is an Acceder programme participant; and she did apologise to the FSG worker for her previous attitude.

- 21. Valencia. Dignity. Hate speech.** Direct discrimination. An FSG worker told us that she was having dinner at a cafeteria when she overheard a conversation in which two people were making disparaging comments about Roma such as: "you're acting like a Gypsy, only good for selling and stealing".

The worker didn't get the chance to say anything because the people who had made the comment left soon thereafter. Nevertheless, she felt offended by these discriminatory comments against the Roma community.

Just another example of negative stereotypes and prejudices towards Roma.

- 22. Don Benito. Others. Direct discrimination.** The FSG coordinator and the labour counsellor at the San Benito office met with the owner of the salon with which they had signed an agreement for a final training course. The salon was called: "gel nails."

They met with her to renegotiate the final price of the course as the salon failed to comply with the agreed objectives, and to inform her of the complaints received from beneficiaries with regard to the treatment they received by teachers on the course.

At the meeting, the salon owner said that she didn't agree with the price adjustment and stated: "I suspected that I was going to have problems like this. Working with 'this population group' is complicated, more complicated than with any other minority or religion. I took it for granted when I signed and agreed to do the training that I would have problems like these."

The Department is waiting for the course to end before it requests a meeting with the salon owner to inform her that her attitude towards Roma is wrong.

- 23. Lugo. Dignity. Direct discrimination.** A Roma man told the staff at the Lugo branch of the FSG that he had been discriminated against and insulted by his sister's neighbour simply because he is Roma. As a result he filed a complaint against her.

He had gone with his younger daughter to visit his sister and when he was going into her flat a neighbour stuck her head out of her door and said: "Gypsy shit. Go and sift through the garbage. That's all you're good for."

The man filed a complaint at the local police station because he considered those comments against him and his daughter to be totally uncalled for. A hearing was held and the young man won, the neighbour ordered to pay a fine for slander. The man told us that he is happy with the outcome of the hearing.

This is a positive example showing that formal complaints are useful because judgements are handed down against hate speech and acts of discrimination.



- 24. Madrid. Others. Indirect discrimination.** The FSG's Madrid office handled a case about the ethical code of the insurance group called Grupo Catalana Occidente S.A. and its group of affiliated undertakings involving a case of indirect discrimination against ethnic minorities in general.

The introduction to the company's ethical code refers to the company's values:

"5.2. Impartiality

The Grupo Catalana Occidente shall treat the people it relates with professionally with respect and shall avoid all types of discrimination on the basis of birth, sex, religion, opinion or any other personal or social condition or circumstance."

Discrimination on the basis of racial or ethnic origin was missing from that list.

The Department tried to contact the company's HR department but was unsuccessful. Naturally it is very difficult to prove that exclusion on the basis of ethnic origin is discriminatory. This case was brought to us by a young Roma man who submitted his CV to the company which rejected him on the basis of his ethnic background.

- 25. Palma de Mallorca. Dignity. Direct discrimination.** A Roma woman contacted us to report discrimination by the town hall of Mallorca which failed to answer her application for a license to stable horses. She believed that her horses were suited for taking people horseback riding as she had been doing for a number of years.

The woman and her family felt that the town hall had discriminated against them and said that if they are not given the license they will have a very difficult time earning a living.

We told the family what the Department could do to inform the town hall of Mallorca of their situation and the fact that they were still waiting for a response to their application. In the end the woman asked us not to get involved because she had relatives running a similar business and this could have a negative impact on them.

- 26. Granada. Others. Direct discrimination.** A Roma man participating in FSG programmes in Granada told us that he was involved in separation proceedings and his ex-partner (non-Roma) was constantly making racist comments and accused him and his family of being thieves. All of these comments revolved around his being Roma.

The man was afraid that that these comments could result in rejection of his family and could also have an impact on his separation proceedings.

- 27. Madrid. Social Services. Direct discrimination.** A Roma woman told us that her local church refused her food and she believes that it is because she is Roma.

The Department contacted those involved in the incident and requested a meeting with the parish priest to hear his side of the story. At the meeting we discovered that certain requirements established by the church and by Caritas had to be met to be eligible for this food.

We contacted the Madrid office to assess the situation and collect more information. The Department requested a meeting with the parish priest and/or the food relief manager but they said that they didn't want to hear anything more about this incident nor did they want to meet with us.

- 28. National. Press. Direct discrimination.** The online newspaper <http://menorca.info/menorca/local/2014/483234/rumanos-gitanos-pelean-por-control-venta-ambulante-cala-turqueta.html> published a news story under the following headline: "Romanians and Gypsies fight over the control of mobile trading at Cala in Turqueta."

The article goes on to describe how the police had to intervene using violence.



- 29. Jaen. Others. Hate crime.** After what happened in Estepa, Seville (physical and verbal violence against several Roma families by local townspeople), several YouTube channels and different national newspapers published discriminatory and racist comments against the Roma community in general.

http://www.telecinco.es/elprogramadeanarosa/2014/julio/07-07-2014/Los_Chorizos-Estepa-Clan_gitano_2_1823880014.html

"Estepa explodes against the clan of 'Los Chorizos' after having put up with years of burglaries and violence." The townspeople can't take any more of the incessant burglaries.

Hundreds of Estepa residents took to the streets and took out their frustrations on the homes of the Roma clan called 'Los Chorizos'. The neighbours claim that they have been putting up with burglaries and violence for years and have decided to take action by expelling the clan from the town. "The Chorizos threaten to return."

"The townspeople of Estepa (Seville) stormed and burnt several homes belonging to alleged thieves, members of a Gypsy clan. The Civil Guard has initiated investigative proceedings in Estepa to identify those responsible for the attacks and fires set to homes belonging to members of this Gypsy clan which have suffered damage and were burglarised."

<http://www.alertadigital.com/2014/07/05/vecinos-de-estepa-sevilla-asaltan-y-queman-varias-casas-de-presuntos-ladrones-pertenecientes-a-un-clan-gitano/>

In light of these racist events in Estepa, the FSG stated that nothing can justify actions such as these. This is a disproportionate reaction, is criminal and must not be accepted. We have a legal system in place to deal with any citizen found guilty of a criminal act. It is therefore unacceptable that these townspeople take justice into their own hands by burning people's homes and calling for the expulsion of an entire group of other townspeople who had nothing to do with any sort of illegal activity. We therefore implore the public representatives and authorities to reiterate this argument and call on the police and justice system to act forcefully.

The FSG also urges the Hate Crime and Discrimination Service of Seville's Provincial Prosecution Office to initiate proceedings in this case as there is evidence of a crime of incitement to racial or ethnic hatred. The Prosecutor did indeed initiate proceedings and the case is in the courts.

CASO 29



Cases of discrimination in Europe

1. BULGARIA. Anti-Roma speech by the Ministry of Health.

In the aftermath of a series of medical service disputes in different areas around the country (in areas where the majority of the population is Roma but also in non-Roma areas), the Bulgarian Minister of Health, Peter Moskov, made openly anti-Roma statements on 7 December 2014:

"People who have chosen to live and act like animals deserve to be treated as such. Even wild animals understand when someone is trying to help them and don't attack." ... "As of tomorrow (8 December 2014), emergency medical teams will only enter neighbourhoods where these incidents have occurred (attacks on ambulances) with police protection and where local 'opinion leaders' personally guarantee the proper conduct of the population. By virtue of my personal order, regional medical centres shall not be held liable for those decisions (in reference to sending out ambulances). I personally take responsibility for these decisions."

Comparing Bulgarian Roma citizens with "animals" and blaming them for the conflicts (these conflicts also involved non-Roma Bulgarians) constitutes a clear act of anti-Roma racism. All of the Roma associations in Bulgaria and many NGOs called for the Minister's resignation and filed charges against him but to no avail. He was not even convicted for making racist statements.

The letter sent by Roma associations to the government and the European Union can be found at:

<http://roma.idebate.org/news-articles/reaction-roma-community-bulgaria-toward-racist-statement-ministryhealth-stop-fashism>

2. NORWAY. Anti-Roma law.

In November 2014 the parliament of Norway, with one of the highest GDPs in the world, passed a law prohibiting panhandling. The official reason given by the new government, a conservative-progressive coalition, is the fight against trafficking in human beings and other organised crime.

However, this appeared more like a direct attack on Roma immigrants as they account for a large percentage of street beggars in Norway.

Before the law was passed, the leader of the Progressive Party, Siv Jenson, openly admitted that this prohibition of panhandling was "the best way to reduce the number of Roma on the streets". In other words, he explicitly linked this new prohibition with the Roma community. Norway has a long tradition of anti-Roma measures, including sterilisation.

<http://www.nouse.co.uk/2014/11/27/norways-discriminatory-legislation-against-roma/>

3. CZECH REPUBLIC. Segregation of Roma students.

A study conducted in 2013 by the Czech School Inspectorate (national body responsible for ensuring that schools comply with national law) found a disproportionately high number of Roma children placed in schools for students with "mild mental disabilities". The study covered 483 schools where five or more students were diagnosed with this disability and found that 28.2% of the children so diagnosed were Roma when less than 3% of the total Czech population is Roma. In 2012 the Czech Ombudsman (responsible for ensuring and guaranteeing compliance with anti-discrimination laws) expressed its opinion that this was discriminatory.

In 2014 the European Commission initiated legal action (a so-called infringement procedure) against the Czech Republic for discrimination in its segregation of Roma children in schools. The European Commission put a



process in motion which, while not directly solving the problem, could help bring the case before the Czech courts and exert political and public pressure resulting from the multiple claims of ethnic discrimination in the educational system.

A year and a half ago several civil society organisations denounced the worrisome events that have been occurring for years in the Czech Republic where Roma children (in many cases) are segregated in schools for children with mental disabilities, schools for Roma only or in classes where the academic level is noticeably below that of the standard classes.

The European Commission complied with its duty to enforce the laws and treaties of the European Union and to hold Member Countries accountable for failing to uphold the law or respect human rights.

The European Roma Policy Coalition–ERPC (of which the Fundación Secretariado Gitano is a member) and organisations such as Amnesty International have expressed their satisfaction with this announcement by the European Commission.

4. IRELAND. Public anti-Roma march.

The city of Waterford, Ireland was the site of an anti-Roma incident in October 2014. Many Roma families, including small children and elderly persons, had to be evacuated from their homes in that city where over 60 people had gathered in the street brandishing anti-Roma banners.

Windows and the door of one of the homes were also reportedly smashed. According to the Doras Luimni association, the Roma community is stereotyped as an organised criminal group “due to the alleged criminal activity of a small number of people”.

The organisation has launched an anti-rumour campaign throughout the region whose aim is to “offset the negative perception people have of immigrants and minority groups such as that caused by the stereotypes perpetuated against the Roma community”.

5. HUNGARY. Forced expulsions.

A local government decree was passed in June 2014 to expel Roma from Miskolc, an important city in Eastern Hungary, in clear violation of EU law.

The Miskolc city government amended a decree on social housing in order to expel Roma from the city in what is a new and worrisome chapter in the history of this government which has already tried to exclude its Roma citizens.

The decree provided for the demolition of the city’s poorest social housing inhabited almost exclusively by Roma. The decree openly discriminates against people living in social housing. The government made very little effort to disguise its intention in expelling the Roma community from this neighbourhood.

Since 2009 the Miskolc authorities have been implementing an exclusion and stigmatisation policy against the Roma population. Public statements made by the chief of police regarding “Roma criminality” and by the mayor who expressed his wish to rid the city of ‘anti-social’ Roma, were precursors to this current attempt to expel Roma from the city. Also under this local government law, authorities have conducted 45 property inspections in the span of ten months in Roma neighbourhoods. Roma tenants felt humiliated, especially because these measures were not taken in other parts of the city.

As a result, over 400 families have had to leave their homes and move to other parts of Hungary or go abroad.

In the view of Roma NGOs, this is a flagrant example of systemic discrimination and racism in an EU Member State. The action taken by the city of Miskolc is in violation of the Hungarian Constitution, the EU’s Charter of Fundamental Rights and Racial Equality Directive and the European Convention on Human Rights.



6

PORTUGAL. Forced evictions.

In June 2014, 15 Roma families living in Vidigueira, Portugal were forcefully evicted from the homes and these homes along with their belongings were demolished.

Local NGOs sounded the alarm that 15 Roma families, including children and pregnant women, were evicted from their homes in Vidigueira where they had been residing for over 30 years. They had left Vidigueira for a few days and upon their return on 17 June 2014 they found that their homes and all of their belongings had been demolished. According to the information we were able to gather, the families were not warned of the demolition, were never consulted and were not even given the chance to take their belongings. Some of the evicted families took refuge in the homes of family members while others set up tents. The municipal authorities refused the request for a meeting with the evicted families.

These evictions are in violation of international law. Before any eviction, Portuguese authorities must warn and consult with those affected. Failure to do so not only violates the right to decent housing but also the right to not suffer inhumane and degrading treatment, to not suffer discrimination, the right to privacy, children's rights and the rights of women.

7. ROMANIA. Anti-Roma statements by a political representative.

In November 2014, on the occasion of an examination visit by the United Nations Committee on Economic, Social and Cultural Rights (CESCR), the Romanian Ambassador to the UN, Maria Ciobanu, in response to a question on Roma integration policy in Romania, referred to the Roma as "nomads by nature" insisting that this characteristic made Roma integration particularly difficult. The fact is, however, that the immense majority of Roma in Romania are settled in one place and have been for generations. The Ambassador went on to assert that Roma women in Romania, while attaining a high level of education, "lacked the skills needed to engage in politics". Both of these statements are overflowing with prejudice, are discriminatory and unacceptable. And they are particularly serious coming from the person representing her country before the United Nations.

Roma and human rights NGOs in Romania publicly denounced these statements.

NOTE: the cases recounted in this section are only a small sample of anti-Roma discrimination throughout Europe. In 2014 there were many cases of anti-Gypsyism and Roma-phobia in many European countries.

Presentation of disaggregated data

In this section we present the disaggregated data from the 194 cases collected by the FSG in 2014.

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:** those affecting a specific group of Roma whose exact number cannot be determined (i.e. when the case affects a group of people but we do not know who they are or how many).
 - **Determined collective cases:** those discriminating against a group of Roma and we know who they are (i.e. five Roma youngsters are banned from entering a discotheque).

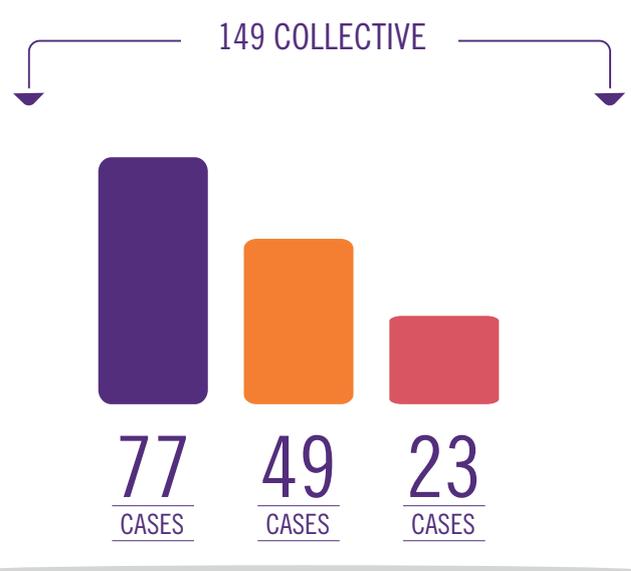


CASE ANALYSIS

CASES BROKEN DOWN BY AREA



TOTAL NUMBER OF CASES: 194

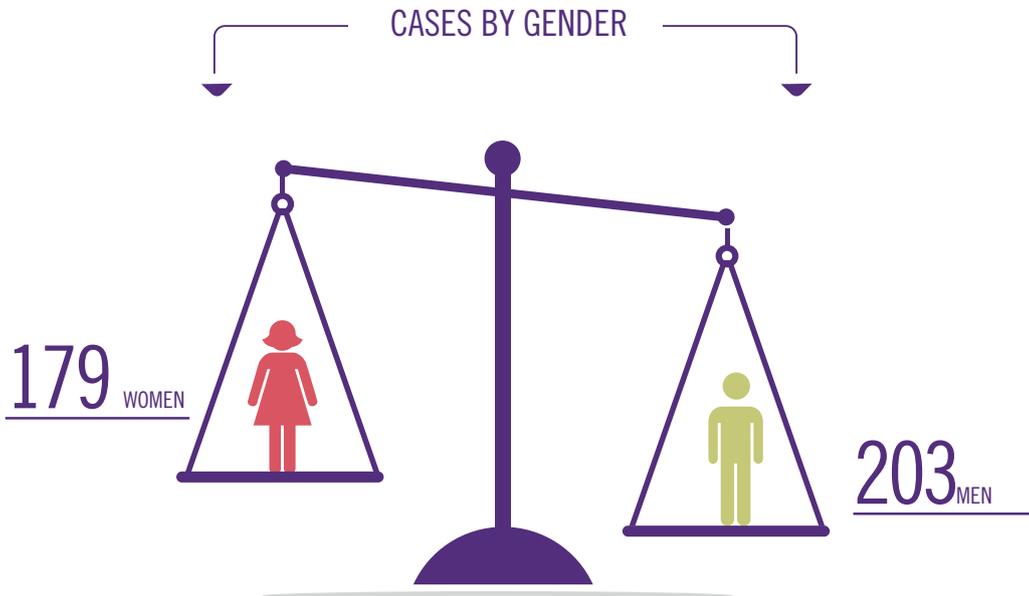


- Roma community in general
- Collective cases with identifiable victims
- Collective cases with unidentifiable victims

TOTAL NUMBER OF CASES: 194
cases of discrimination in 2014



ANALYSIS OF VICTIMS



TOTAL NUMBER OF VICTIMS: 382



**HEADWAY MADE
IN COMBATING
DISCRIMINATION**



1. Legislative progress and positive case law across Europe and in Spain

The European Commission initiates an infringement procedure against the Czech Republic and Slovakia for their school segregation policies affecting Roma students

In 2014 the European Commission initiated an infringement procedure against the Czech Republic for discrimination against Roma children in schools, a practice infringing European non-discrimination law.

Theoretically the affair could come before the European Court of Justice this year (2016). The Czech Republic is the first country to have an infringement procedure initiated by the Commission for its discriminatory policies against the Roma ethnic group. These anti-Roma segregation policies were already under attack by a conviction delivered by the European Court of Human Rights in 2007 (*D.H. and others v. the Czech Republic* <https://www.gitanos.org/actualidad/archivo/24487.html>), but to date this country has simply ignored that judgment.

"We are now in the final stage of our evaluation of the Czech response; Roma children should have the opportunity to get the same education as any other child" stressed the EU Commissioner for Justice, Vera Jourová.

Furthermore, in 2015 the Community executive initiated an infringement procedure against Slovakia for the same practice as that country also segregated Roma students in "special" schools for the mentally challenged where the academic level is very low thus seriously limiting future opportunities for Roma children.

A recent Amnesty International report also pointed out that Roma students continue to face widespread discrimination in Slovakian schools despite the many suits filed by human rights organisations and the

judgment handed down by the Slovakian regional court itself (Presov).

It is essential for the European Commission to employ existing instruments and mechanisms to demand that Member States uphold European law regarding equality and anti-discrimination. The European Union has a robust legal framework in this area but the main problem today is the scant or weak practical enforcement of the law.

Amnesty International Reports:

<http://www.amnesty.eu/en/news/press-releases/eu-discrimination/roma/european-commission-take-tougher-stance-on-member-states-discriminating-roma-0892/>

<https://www.amnesty.org/download/Documents/16000/eur720012013en.pdf>

Judgement from the Court of Justice of the region of Presov:

<https://www.amnesty.org/en/articles/news/2012/10/slovak-court-rules-segregation-roma-schools-unlawful/>



European judgments on anti-Gypsyism: Italy, Bulgaria and Hungary

Cases in Italy and Bulgaria: judgments based on Directive 2000/43

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin was adopted for many reasons including that of guaranteeing the enforcement of the equal treatment principle and prohibiting all forms of discrimination based on racial or ethnic origin.

This Directive also prohibits all discrimination based on racial or ethnic origin specifically concerning access to and supply of goods and services.

For the first time, the civil court of Rome and the Court of Justice of the European Union accepted the infringement of Directive 2000/43 in every one of their decisions.

In so doing, they confirmed the existence of anti-Roma discriminatory practices. The judgments were delivered in cases concerning Italy (Rome) and Bulgaria.

What issues did these cases address?

In Italy (judgment of 30 May 2015): the municipality of Rome intended to build a segregated camp (La Barbuta) to segregate a large number of Roma families and keep them separate from the rest of the Italian population simply for being Roma, excluding them all the services and rights to which they are entitled as citizens.

In Bulgaria (judgment of 16 July 2015): the electricity distribution company CHEZ RB installed electricity meters at a disproportionate height, i.e. between 6 and 7 meters, in a neighbourhood where most residents are Roma while these same meters in other neighbourhoods are installed at a height of 1.70 meters.

What effect to these judgments have?

In the case of Italy, the judgment prohibited the construction of the isolated camp in La Barbuta intended to isolate Roma families, and any other single-ethnic housing solution ultimately fostering social exclusion. The civil court ordered the city of Rome to halt all future actions and establish fair housing measures suited to the needs of the Roma community in question.

In the case of Bulgaria, the judgment orders the electricity company to place electricity meters in such a manner that the information they display is accessible to citizens, and orders the court to check whether this is a case of direct discrimination and, if it is not, whether it is a case of indirect discrimination. The judgement states that there are clear indications that the offence infringes the Directive but it is not authorised to make that determination



For further information:

Italian case: Judgement *La Barbuta v. municipality of Rome*.

<http://www.errc.org/article/municipality-of-rome-condemned-for-la-barbuta-camp-for-the-first-time-in-europe-an-official-roma-only-settlement-ruled-discriminatory/4369>

Bulgarian case: Judgement *CHEZ Razpredelenie Bulgaria AD. (Case C-83/14)*

For the complete judgment (click here); summary of the judgment (click here)

Hungarian case: Judgement of the European Court of Human Rights. Case of *BALÁZS v. HUNGARY*

In its judgment of 20 October 2015, the European Court of Human Rights convicted Hungary of discrimination for failing to investigate a racist attack against a Roma man in 2012.

The claimant, a Roma man from Szeged represented in court by the Defence Bureau for National and Ethnic Minorities (NEKI), was the victim of a racist attack by a police official who called him a "dirty Gypsy".

Based on Article 14 (prohibition of discrimination) as it relates to Article 3 (prohibition of inhumane and degrading treatment) of the Convention for the Protection of Human Rights and Fundamental Freedoms, Mr. Balázs asserted that the authorities failed to conduct an effective investigation of a racist attack

against him. More specifically, he argues that they failed to take sufficient measures to establish a possible racist motive for the assault.

The court ruled in favour of the claimant and in its judgment pointed out that complaints of racist violence against Roma must be "vigorously investigated" and in this case the Hungarian authorities did not do that and are therefore being held accountable for acting in a discriminatory fashion.

This decision is a positive reference in the defence of non-discrimination and combating hate crime, not only for the correct conviction of Hungary but also because it establishes the importance of the decisions of the Fundamental Rights Agency–FRA, of the Organisation for Security and Co-operation in Europe–OSCE and of the European Commission against Racism and Intolerance–ECRI of the Council of Europe. It also underscores the obligation that states are under to conduct effective investigations to pursue and condemn discrimination and hate crimes.

Judgement: <http://hudoc.echr.coe.int/eng?i=001-158033>



Analysis of the implementation of the non-discrimination directives

In 2014 the Commission, the Council and the European Parliament published an important joint report on the implementation of the two equality directives, the one on racial or ethnic origin (2000/43) and the one on equal treatment in employment (2000/78)¹.

This report provides a comprehensive review of the different ways Member States have transposed the directive, the role of equality bodies and the progress made and shortcomings in different states in the sphere of equal treatment and non-discrimination 14 years after the approval of the two directives.

The report devotes a specific chapter to the protection of Roma under the Directive. It indicates that Directive 2000/43 comprehensively addresses all types of discrimination on grounds of racial or ethnic origin. Roma, an especially vulnerable ethnic group, are clearly included in the scope of the Directive. It explains that the Commission has already addressed the problems related directly to national laws, including cases in which infringement procedures have been initiated.

However, it also recognises that cases of discrimination against Roma and their impunity are rarely the direct result of deficient laws but are rather due to the way in which those laws are enforced on an everyday basis. This indicates that the Commission needs to more closely monitor national practices that affect the enforcement of the equal treatment principle in the case of the Roma community. While individual cases of discrimination against Roma need to be addressed by national legislation and through the national courts, the Commission must see to it that Member States systematically comply with the Directive in their administrative practice.

The Commission recognises that legislation alone is not enough to do away with the deep-rooted social exclusion of Roma and the prejudice that still exists against them. Legislation must be backed by financial and political measures. A key element in addressing discrimination against Roma across the EU was the adoption of a European framework of National Roma Integration Strategies up to 2020. This has been analysed by the annual monitoring commission in charge

of following up on the national strategies implemented by the Member States. The four key areas of national Roma strategies (education, employment, health and housing) are covered by the Directive. The report recognises that achieving the goal of complete equality in everyday practice may, under certain circumstances, justify specific positive action for Roma, especially in the four key areas just mentioned.

Also, the Commission has continued to develop legal protection through its proposal for the Council Recommendation on effective Roma integration measures in the Member States approved on 9 December 2013. This promotes a wide range of specific measures in four areas, along with cross-cutting measures to improve the situation of Roma. It pays particular attention to the need to ensure the practical and effective enforcement of the Directive in the field, especially by encouraging Member States to adopt new measures to be sure that their national, regional and local regulations are not discriminatory and do not advocate segregation. The Recommendation proposes making anti-discriminatory measures more effective and promoting pro-active measures.

The report concludes by affirming that all Member States have adopted the measures needed to adapt the two Directives to their national legal systems and to establish the procedures and bodies that are vital to their practical enforcement. The Member States, their administrative and judicial authorities and their equality bodies are now better positioned to systematically provide complete protection for all people. The European Commission will keep a close watch on the enforcement of the Directive and will support Member States in this regard. The Commission will also continue with its monitoring role in order to be able to draw up its annual report on the enforcement of the EU Charter of Fundamental Rights.

The main challenge now is to increase awareness of the already existing protection and guarantee more practical enforcement of the Directives. The Commission, in conjunction with the Member States and their equality bodies, endeavours to make a coordinated effort to use the full potential of the Directives to protect the fundamental right to equal treatment in the EU.

However, the report does recognise that legislation on its own is not enough to guarantee full equality and must therefore be combined with appropriate political action.

¹ Joint Report on the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Racial Equality Directive') and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive'): http://ec.europa.eu/justice/discrimination/files/com_2014_2_en.pdf



Funding is available for awareness-raising and training activities through the European Union Programme for Employment and Social Solidarity (Progress) but these efforts need an even greater boost by the Commission in collaboration with the Member States if we are to

guarantee tangible improvements in awareness of rights across the EU, especially the rights of the Roma minority still facing numerous cases of discrimination in many European countries.



Findings of the CEDAW Committee (Convention on the Elimination of All forms of Discrimination Against Women)

On 27 July 2015 the findings of the CEDAW Committee were made public. These were adopted at the conclusion of the examination of Spain and its application of the Convention on the elimination of all forms of discrimination against women.

We would draw attention to the fact that the Committee makes it very clear that Spain did not pass the examination. The report stresses that Spain needs to improve its enforcement of the Convention in several areas such as education, employment, political participation, health, combating violence against women, trafficking in women for the purpose of sexual exploitation, elimination of gender stereotypes, etc. The Committee also rightly addresses the inequality affecting women belonging to vulnerable groups and makes a series of specific recommendations that Spain should follow in order to ensure equal rights and opportunities for Roma women. These recommendations include:

- In the field of education the Committee urges Spain to take effective measures to keep Roma girls in school by means of special temporary measures such as scholarships or free school supplies.
- In employment it calls on Spain to implement temporary measures to foster the labour market integration of women belonging to vulnerable groups such as migrants, Roma, single mothers, elderly women and women with disabilities.
- Regarding women from vulnerable groups, Spain needs to adopt special temporary measures, including legislative and political measures, to guarantee equal rights and opportunities for women subject to multiple discrimination such as migrants, Roma, elderly women and women with disabilities.

We believe that these recommendations are right on the mark. Spain needs to implement the measures proposed to boost equal opportunity for Roma women in education and employment and to combat multiple discrimination given that they are at a disadvantage compared with other women and with Roma men. According to the study "Roma students in secondary



education: a comparative survey"² (2013), 64% of young Roma fail to earn their compulsory secondary education diploma, enrolment of Roma boys at age 16 is 63.4% and 48% for Roma girls, school life expectancy for Roma girls is a meagre 15.5 years, quite a distance from that of non-Roma girls which stands at 21.3 years. That same figure for Roma boys is 17.8 years. Therefore, we feel that the scholarships and school supplies suggested by the Committee are insufficient. It is absolutely essential to keep Roma girls in the educational system by setting up school tutoring schemes and raising the awareness and winning the support of their families.

Turning to the area of employment, according to the comparative survey "Spanish and Eastern European Roma population: employment and social inclusion" (2011)³ conducted by the Fundación Secretariado Gitano, the unemployment rate of Roma women is 12 percentage points higher than the overall figure for Spanish women. This points to the need for specific measures to accelerate the process of equal participation of Roma women in employment.

Regarding discriminatory treatment⁴, Roma women are subject to multiple discrimination as they are both women and Roma. Social rejection and the negative social image perpetuated throughout Spanish society of this minority, especially Roma women, gives rise to discriminatory treatment in all areas necessary for

2 Study: "Roma students in secondary education, a comparative survey". MSSJ, MECD, UNICEF, FSG.(2013) http://gitanos.org/upload/32/49/EstudioSecundaria_InformeEjecutivo.pdf.

3 www.gitanos.org/publicaciones/empleo%20e%20inclusion/index.html

4 https://www.gitanos.org/upload/77/85/Informe_de_Discriminacion_2014.pdf



a decent standard of living (education, employment, housing, access to goods and services, health, etc.). It is therefore vital for Spain to provide adequate assistance, defence and legal protection to prevent situations of defencelessness concerning Roma women who are victims of discrimination.

Spain now has two years during which to report back to the Committee on the measures adopted to implement

its recommendations. We sincerely hope that Spain energetically implements these recommendations and continues to work in a coordinated fashion alongside the civil society. Roma Women are a diverse group and are progressing along the path towards social inclusion and, as citizens with full and equal rights; measures must be put in place to guarantee their fundamental right to equality.



New police protocol to combat hate crime

On 7 January 2015, the Secretariat of State for Security of the Ministry of the Interior published its "Action protocol for law enforcement officials in combating hate crimes and other acts infringing discrimination laws".

The design and enforcement of such an instrument will help police officials to recognise these crimes and facilitate their proper recording and documentation while also giving rise to greater protection for those who suffer from these types of acts.

The document includes a long series of measures including:

- A set of indicators or circumstances that police officers must gather in their reports so that prosecutors and judges have sufficient rational proof of criminality with which to formulate charges and, as the case may be, achieve convictions.
- A series of criteria that police officers must bear in mind when assisting, informing and advising victims.
- The importance of combating manifestations of hate and intolerance spread by means of new technologies or at sporting events.
- The creation of the post of "social interlocutor",

i.e. a police officer acting as a permanent contact person with associations and NGOs that support groups susceptible to discrimination and hate crime.

- The creation of a Ministry of the Interior website with information for victims of hate crime and the distribution of an information pamphlet on this topic.

Regarding the Roma community, it is important to check whether the Protocol's conceptual definitions include the definition of anti-Gypsyism or Roma-phobia described as "manifestations of intolerance including all forms of hate, discrimination, hostility and violence towards this group based on prejudices and ignorance with deep historic roots in popular culture."

The complete protocol is available at:

http://www.accem.es/ficheros/documentos/pdf_noticias/2015_pdf/Igualdad%20y%20No%20Discriminaci%C3%B3n/PROTOCOLO%20ODIO.pdf

For further information see:

<http://www.interior.gob.es/es/web/servicios-al-ciudadano/delitos-de-odio>



Assessment of the Criminal Code reform

The Organic Law reforming the Criminal Code introduces important amendments and one of the most noteworthy has to do with the very structure of the Code, i.e. the elimination of Book III corresponding to misdemeanours.

The Equal Treatment and Anti-discrimination Department would like to say a few words about this most recent reform of the Criminal Code, highlighting some articles relating to racial or ethnic discrimination and hate crime.

1. Discrimination on the basis gender as an aggravating circumstance with criminal liability has been introduced (CC Article 2214);
2. The crime of harassment or stalking is now described and regulated (CC Article 1721b);
3. Misdemeanours have been eliminated such that the current misdemeanour of making threats is now a minor crime (CC Article 17117) and the misdemeanour of coercion is now also a minor crime (Article 17213);
4. Minor incidences of slander and unfair humiliation are no longer considered criminal offences except in cases of gender-based violence where they are listed as minor crimes (CC Article 17314);
5. We would draw special attention to CC Article 510 regarding incitement to hatred, violence or discrimination and CC Article 607(2) on the dissemination of ideas justifying genocide which have been merged.

The new version of this Article, which features verbs such as "foster, promote and incite" (CC Article 5101a), is clearly a major legislative change and will enable more effective persecution of this type of crime and will also extend action in criminal proceedings thus circumventing problems of interpretation. We are also

satisfied to see the inclusion of natural persons as victims of the offence.

Regarding the glorification of genocide it states as follows: "Those who publicly negate, seriously trivialise or glorify crimes of genocide and crimes against humanity shall be sentenced to between one and four years imprisonment and a fine of between six and twelve months." (CC Article 5101c)

Regarding Internet crimes, CC Article 510(3) provides that the upper half of the sentences envisaged in the preceding sub-paragraphs be applied where these acts are perpetrated through social media, over the Internet or through information technology, i.e. acts made accessible to a large group of people. It likewise provides that the judge or court shall order the destruction, deletion or cancellation of books, files, documents, articles and all other media used in the commission of the crimes referred to in the preceding sub-paragraphs. Where the offence is committed through information and communication technologies, content shall be removed. In cases where the sort of content referred to in the preceding paragraph is the only or accounts for most of the information disseminated through an Internet portal or information society service, an order must be issued to block access to or discontinue that site.

These articles will facilitate the persecution of hate speech on the Internet and social networks, speech that frequently targets the Roma community.



2. Awareness-raising actions

Practical Guide: “How to deal with cases of discrimination, hate crimes and intolerance”

All of the studies conducted in recent years on discrimination and hate crime, both in Spain and across the European Union, indicate that a large number of discriminatory incidents and even hate crimes occur every day but no one every finds out about them because they are never reported.

There are a number of reasons for this phenomenon commonly referred to as under-reporting: some victims of discrimination are not aware of their rights in this regard and wouldn't know how to go about filing a complaint. Others believe that the public institutions entrusted with protecting citizens' rights lack the necessary training and sensitivity to effectively protect them and sometimes fear possible reprisals. They feel that discrimination is so accepted and deeply rooted in our social practices that reporting it is a waste of time.

In order to break this vicious circle caused by lack of knowledge of their rights, failure to report, the resulting impunity and lack of trust in the ability of public institutions to act effectively in cases of discrimination, in 2015 the Women's Institute for Equal Opportunities published the PRACTICAL GUIDE: HOW TO DEAL WITH CASES OF DISCRIMINATION, HATE CRIMES AND INTOLERANCE. This practical guide succinctly presents the most relevant information regarding acts constituting discrimination, the laws prohibiting the latter and the institutions or social organisations available to help people lodge a complaint concerning discrimination suffered. The Guide also includes practical examples, judgments handed down in discrimination cases and the key points to keep in mind to increase the likelihood that the complaint filed will receive the attention it deserves and award the victim the equality

he or she was denied, redress the damage caused and, where appropriate, sanction the offender. The chapter devoted to hate crime also includes a specific section on trafficking in human beings and how to deal with victims of this sort of crime.

The publication of this Guide is fruit of the work that the Women's Institute for Equal Opportunities has been doing in recent years as the driving force behind enforcement of the equal treatment and non-discrimination principle mainly through the project called CORE: knowing discrimination, recognising diversity, funded by the European Union through the Programme for Employment and Social Solidarity (PROGRESS).

Two versions of this guide were published, one is an abbreviated version for the general public while the other is more in-depth targeting jurists and professionals working in the field of equality and non-discrimination. Both are available on the website of the Women's Institute for Equal Opportunities in Spanish and English: <http://www.inmujer.gob.es/actualidad/NovedadesNuevas/GuiasInstituto.htm>

The guide is also being translated into the co-official languages of Spain and these versions will be available on the same web page.





Manual: “Embracing diversity: proposals for education free of homophobic and transphobic bullying”

This manual, published by the Women’s Institute for Equal Opportunities, is part of the project CORE: knowing discrimination, recognising diversity, funded by the European Union through the Programme for Employment and Social Solidarity (PROGRESS). It is in response to the need to intervene in situations of discrimination and hate crime based on intolerance of affective–sexual diversity and gender identity. Different statistical sources and national and international studies conducted by public bodies and organisations working with the LGBT community, call attention to the worrisome incidence of homophobic and transphobic harassment at schools.

The aim of this publication is to use evidence–based facts to contribute to the understanding of this type of school harassment, focusing on its specificities and the agents involved in order to then draw attention to specific experiences that have had a positive impact and which can be used as models for

the proper management of affective–sexual diversity at school.

Having set the context, the Manual proposes a set of concrete measures, in the form of recommendations, targeting schools and the entire educational community designed to prevent, detect and take action against homophobic and transphobic harassment. It also provides a summary of Spain’s legal framework and offers a carefully selected list of teaching resources to address these issues in the classroom. The content offered is designed for practical implementation by key stakeholders, i.e. education authorities, teachers, counsellors, mediators, students, parents’ associations, etc. who are all members of the educational community.

The FSG salutes initiatives such as these. Prevention of LGBT–phobia and school harassment should be a priority of all states that are committed to equality and non–discrimination.





#YoNoSoyTrapacero (I'm not a swindler), a viral initiative calling for the use of fairer language when referring to Roma. FSG

The most recent print edition of the Dictionary of the Royal Academy of the Spanish Language (RAE) amended the definition of the word 'Gitano' (Gypsy). It deleted the fourth definition 'one who commits fraud or misleads' and added a fifth one 'trapacero' (one who uses cunning, deceit and lies to achieve a goal).

This change came under strong criticism by the Roma associative movement in the form of communiqués and press statements. On 8 April, International Roma Day, we launched the social awareness-raising campaign called "#YoNoSoyTrapacero #YoNoSoyTrapacera" (I'm not a swindler) with the slogan "A discriminatory definition breeds discrimination".

The campaign was developed by the Fundación Secretariado Gitano thanks to income tax funds earmarked for "other social services" in solidarity with and under the logo of the organisations belonging to the State Council of the Roma People in an effort to present a unified image of the Roma movement.

This initiative is in direct response to the change in the RAE's new dictionary and, more importantly, symbolises discrimination against the Roma community which in this case is visible through language which entrenches negative and prejudicial stereotypes.

Posters, pins, pamphlets, online videos, etc. were used for the campaign. The main piece is a two-minute spot depicting Roma children who are looking up the word 'Gitano' in the dictionary.

The video is very endearing and immediately went viral with a million views on Facebook in a week and more than half a million on YouTube; and the figures continued to rise in subsequent weeks. The Twitter hashtag #YoNoSoyTrapacero was also a trending topic in Spain.

The media covered the campaign launch on mainstream TV (La 1, La 2, Cuatro, Telecinco) and radio news

programmes (Cadena Ser, Onda Cero, etc.), on national media websites (El País- Verne, Planeta Futuro-, web Antena3...), and even in international media where it was mentioned in The New York Times, the CBS TV web page and The Washington Post. The viral phenomenon of the video resulted in surprising results such as the Facebook page of Channel 3 TV (Chile) which has accumulated over 10.5 million views.

For more information see: <https://www.gitanos.org/actualidad/dossieres/110637.html>





Audiovisual material to address the topic of equal treatment. ACCEM



MATERIALES AUDIOVISUALES PARA
TRABAJAR POR LA IGUALDAD DE TRATO

A tool to combat discrimination

Under the heading "audiovisual material to work for equal treatment", ACCEM has published a new teaching tool forming part of the series "Fighting racial and ethnic discrimination".

This is the second issue of this collection started in March 2013 and created to foster and support actions to promote and defend equal rights for all people.

The material consists of a sample of audiovisual products done by NGOs, public bodies and other agents, all very valuable and useful in fostering respect for diversity, tolerance and non-discrimination.

It uses individual teaching sheets with a detailed description of the audiovisual works referenced and includes guidelines and points to consider when teaching.

It can be used by any person, agent or group who would like to inform, raise awareness or teach about

diversity and human rights: ACCEM staff, heads and members of other NGOs, educators, youth or community empowerment groups, teachers and other professionals in the formal and non-formal area of education and workers at public administrations, institutions and services.

This publication forms part of ACCEM's "Assistance programme for victims of racial or ethnic discrimination" funded by the Directorate-General for Migrations (Ministry of Employment and Social Security) and the Asylum, Migration and Integration Fund (FAMI).

Below you can find spots, interviews, video clips, short films and TV programmes to spark thought, debate, understanding and action against racism, discrimination, xenophobia and intolerance.

[Here](#) you can download the material "Fighting racial and ethnic discrimination. Audiovisual material to address the topic of equal treatment".

[Here](#) you will find a list of audiovisual materials available on Accem's YouTube channel.

Click [here](#) to learn more about our work on equal treatment.





Project Networks combating hatred. FELGTB

Summary

The Networks Combating Hatred project brings government administrations, prosecutors, security forces, civil society and the media together with a view to making a coordinated response to hate crimes and discrimination suffered by LGTB persons. The programme focuses on gathering evidence, social awareness-raising, promoting legislative advances and helping victims. It has a subsidy of EUR 138 000 from Iceland, Liechtenstein and Norway through EEA funds and implemented its initiatives between May 2014 and September 2015.

Background

Hate crimes and discrimination based on sexual orientation and gender identity are enormously widespread and engrained in our society. This is why many victims don't even realise that they are victims and why aggression is even justified with expressions such as "they had it coming to them".

Over 80% of the hate crimes against LGTB persons go unreported¹²³. Among possible reasons are fear of being recognised as an LGTB person by those in their immediate environment, re-victimisation or fear of being blamed for the acts reported and not perceiving the aggression as a crime.

In one way or another, a large proportion of hate crime perpetrated against LGTB persons goes unpunished. Seventy percent of LGTB persons report having suffered homophobic violence at least once. The fact that this violence is accepted as 'normal' leads the 61% who do not report this sort of violence to feel that it is not so important. One of the biggest problems is the lack of surveillance systems and systematised quantitative data collection by police and prosecutors and also NGOs so as to be able to gauge the breadth of hate crimes based on sexual orientation and gender identity. The lack of coordination between different agents involved in responding to discrimination and hate crime make the problem even more invisible

insofar as it is impossible get a complete view of the events reported⁴.

In addition to under-reporting, computer systems are not designed to register this type of complaint. Many of the variables needed to accurately record these incidents when they are motivated by a person's sexual orientation or gender identity are missing. However, the real basis of the problem is ignorance of the acts constituting discrimination on the basis of sexual orientation or gender identity and of the indicators pointing to the presence of homophobia or transphobia as an aggravating circumstance in these crimes. In many cases, the victims are unaware of the procedure they need to follow in lodging a complaint and police and prosecutors are unfamiliar with what the aggravating circumstances are for homophobia and transphobia. Furthermore, few people are aware of the support and guidance provided for victims of discrimination and hate crime by LGTB organisations;⁵ moreover, their response capacity has been declining due to lack of resources.

All of this increases mistrust on the part of victims in the capacity of the institutions and NGOs to meet their needs while and also promotes the impunity of the aggressors.



1 European Union Agency for Fundamental Rights. Experiences of LGTB persons who are victims of discrimination and crimes based on prejudice in the EU and Croatia. 2013
2 COGAM. Report SOS Homophobia. Madrid 2008. Available at <http://www.cogam.es/secciones/stop-homo-transfobia/documentos/i/429153/492/resultados-del-sondeo-de-sos-homofobia-2008> Consulted on 5 August 2014.
3 Lorente S and Ramirez E. Nearly 90% of hate crimes across Europe go unreported. EL PAIS. 15 July 2014 Available at: http://sociedad.elpais.com/sociedad/2014/07/11/actualidad/1405071261_649617.html

4 Barcelona hate crime and discrimination prosecutor. 2010 report. Available at http://www.gitanos.org/upload/03/63/Fiscalia_BCNL_memoria_2010.pdf. Consulted on 5 August 2014.
5 FELGTB. Hate crimes and sexual orientation/Gender Identity in Spain 2013. Madrid. 2013. According to an FRA report, 80% of the cases of violence or harassment based on sexual orientation/gender identity go unreported. Multi-disciplinary working group, exchange conference.



What does FELGTB propose?

Through anti-hatred networks, FELGTB proposes coordination among the different stakeholders, public and private, in order to give a unified response to hate crime. The result of such coordination would be the development of tools, procedures and training and awareness-raising activities. The ultimate objective is to make the entire society aware of this problem, promote legislative change and offer better support and guidance to victims to keep these crimes from going unpunished. The programme seeks to enhance the visibility of crimes based on sexual orientation/gender identity and move forward in the collection and organisation of data.

Prosecutors, defence attorneys, police and representatives of the national and regional governments took part in this working group. In representation of the civil society, victims of hate crime, NGOs and the media took part. The group was instrumental in identifying best practices in Norway and Iceland as well as the awareness-raising and training deficiencies of the different agents. It also searched for solutions to the problems raised and tried to come up with the best response to the problem.

Product: Report on the policing of social diversity.
Product: Report on proposals for a political and institutional response to hate crime based on sexual orientation/gender identity.

The FELGTB will create an observatory for hate crime based on sexual orientation/gender identity which will collect and organise information on these crimes. It aims to serve as a point of contact for victims where they can turn for initial care and counselling and receive information. Product: quarterly reports of cases. Cyber-volunteers: a group of cyber-volunteers composed of 15 young activists will be formed and coordinated. It will be put in charge of monitoring and reporting on hate speech on the Internet and identifying cases of cyber-harassment and offering victims advice and support. In addition to these activities, the group will also collaborate in spreading the Council of Europe's "No Hate Speech" campaign.

Campaign report on LGTB rights in Spain

Awareness among citizens, administrations and the LGTB population as to the acts actually constituting discrimination and hate crime based on sexual orientation/gender identity is vital to anti-hatred networks. Efforts were made in this connection through a campaign featuring different elements launched in December 2014. A report was submitted showing the current situation of discrimination based on sexual orientation/gender identity. This was drawn up based on a systematic analysis of legislation, regulations, protocols and everyday practice in different areas and on the causes identified by the hate crime observatory.

Why contribute?

The Anti-hatred Networks Programme marks an important step forward in the fight against discrimination and hate crime against LGTB persons in Spain. Our work, in coordination with institutions and other similar networks, will have an impact on improving the diagnosis and response to this problem and give victims a better understanding of the procedures they need to follow and of the resources and guidance available to them. The programme likewise contributes to reducing hate speech targeting LGTB persons on the Internet and raising the awareness and capacity of the institutions entrusted with helping victims.

Members of the Anti-hatred Networks

- FELGTB, coordinated by Spain. Jenifer Rebollo gerencia@felgtb.org Alberto Martín-Pérez tec.salud@felgtb.org
- Landsforeningen for Lesbik og Homofil Frigjoring, LLH; Norway
- Samtökin '78. The national Queer organization of Iceland; Iceland.
- Fundación 26 de diciembre; Spain
- National Union of Local Police Chiefs and Directors, Spain.
- Progressive Union of Prosecutors, Spain



HATENTO, observatory on hate crimes against homeless people. RAIS Foundation

The Hatento Observatory aims to bring together the know-how and resources of several organisations meeting the needs of the homeless and defending human rights in order to generate a reliable body of knowledge on this topic and be able to take action against hate crime. This observatory is coordinated by the RAIS Foundation and its members are: ASSIS Centre d'Accollida, Bokatas Association, RAIS Association Euskadi, UNIJEPOL and the Zubietxe Association.

Generating specific and reliable knowledge on the scope and mechanisms underlying the peculiar nature of hate crimes against the homeless has always been a priority for the Hatento Observatory which conducted the first research project on this phenomenon. 47.1%

of those interviewed say that they suffered at least one incident of crime related to peniaphobia during their time of homelessness.

The Hatento Observatory has published diverse material to help professionals and the society in general to understand the reality faced by homeless persons and to shed light on the scope and impact of hate crime. All of these materials are available at: <http://hatento.org/>

It is very important to remember that one's right to housing is directly related to quality of life, security and health and is therefore intertwined with all other fundamental rights. A democratic society cannot allow a group of its citizens to go by the wayside.



Ministerio de Sanidad, Consumo y Bienestar Social
hatento

Financiado por:
eea grants

Plataforma de ONG
de acción social



Annexes

Annex I:

Legislation in force

National

- [Royal Decree 1109/2015](#), of 11 December 2015, implementing Law 4/2015 of 27 April 2015 on the Statute of Crime Victims and regulating assistance centres for crime victims.
- [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, against violence, racism, xenophobia and intolerance in sports.
- [Organic Law 3/2007](#), of 22 March, safeguarding effective equality between women and men.
- [Law 62/2003](#), of 30 December 2003, on fiscal, administrative and social order measures. Chapter III. "Measures for the enforcement of the equal treatment principle").
- [Legislative Royal Decree 5/2000](#), of 4 August 2000, establishing the consolidated text of the Law on social order infractions and penalties.
- [Organic Law 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 (BOE) No 20 of 23 January 1998.
- [Convention for the protection of human rights and fundamental freedoms](#), (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
- [Protocol Instituting a Conciliation and Good offices](#), Commission to be Responsible for Seeking the settlement of any Disputes which may Arise between States Parties to the Convention against Discrimination in Education.
- [Report of the World Conference against Racism](#), Durban, 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.
- [ECRI general policy recommendation No. 13 on combating anti-Gypsyism and discrimination against Roma](#), Council of Europe, 14 June 2011.
- [UNESCO declaration on race and racial prejudice](#), Paris, 27 November 1978.

Annex II.

European organisations and institutions working in the field of equal treatment, non-discrimination and the Roma community

- Amnesty International
<https://www.amnesty.org/en/search/?q=Roma&sort=date&issue=1591>
- Council of Europe
<http://www.coe.int/en/web/portal/roma>
- Campaña Dostal
<http://dosta.org/en>
- CAHROM
<http://www.coe.int/en/web/portal/cahrom>
- 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>
- Romed
<http://coe-romed.org/>
- Romea news
<http://www.romea.cz/en/>
- Romani language
<http://romani.humanities.manchester.ac.uk/>
- European Court of Human Rights. Case law on anti-gypsyism.
http://www.echr.coe.int/Documents/FS_Roma_ENG.pdf



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In collaboration with:

