

Discrimination and the Roma community

Presentation of 129 cases of discrimination

Analysis of police identification checks based on ethnic profiling

Communication from the European Commission on the implementation of national Roma inclusion strategies

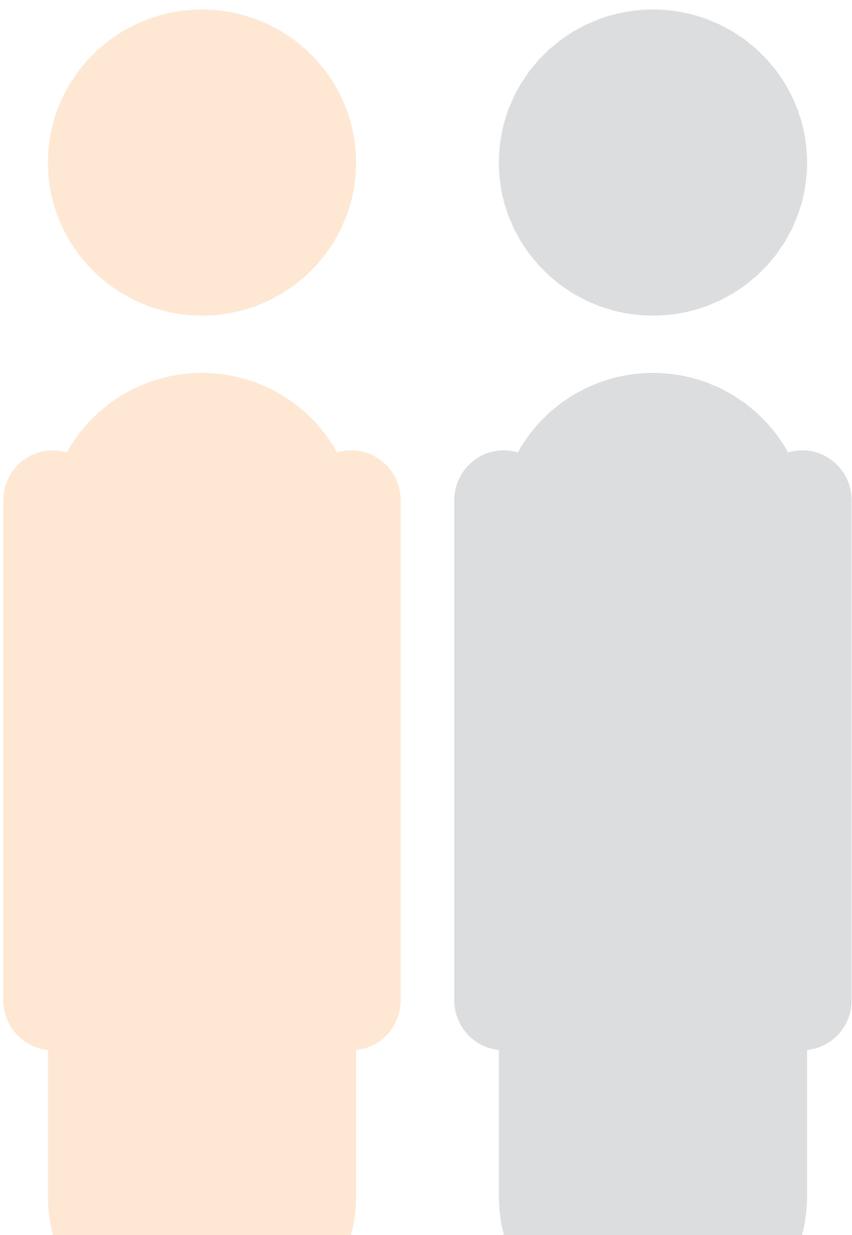
Gender analysis: FRA Roma survey results

Campaign “No Hate Speech in the Internet”



Discrimination and the Roma community

**Annual
report
FSG 2013**



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CONSEJO PARA LA PROMOCIÓN
DE LA IGUALDAD DE TRATO Y
NO DISCRIMINACIÓN DE LAS PERSONAS
POR EL ORIGEN RACIAL O ÉTNICO

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Introduction



Introduction

Another year has passed and the Fundación Secretariado Gitano (FSG) presents its IX Report on Discrimination and the Roma Community, the main objective of which is to shed light on and report discrimination which, unfortunately, the Roma community continues to suffer. We believe it is extremely important for the government and the society at large to be aware of the recorded cases of discrimination and thus have an idea of the everyday reality that Roma families face in gaining access to housing, employment, education and services simply because of their ethnic background.

The social rejection of the Roma community is caused by a negative social image, i.e. prejudice and stereotypes spread by some media as evidenced by the television programme called "Palabra de Gitano" (Roma Word of Honour) which has done immeasurable damage to the advancement and social inclusion of this ethnic minority.

Once again this year we want to give the victims of discrimination a voice and let people know that they need to be effectively defended and supported, especially in these times of economic crisis when inequality is ravaging the most vulnerable, among which we find the Roma community.

We believe it vital that our country continues to be known for being inclusive and to that end actions and measures must be implemented to guarantee equal treatment and opportunities for all. Enforcement of applicable legislation remains the pending challenge when it comes to defending non-discrimination so that victims do not feel helpless, unprotected and with no compensation when they are denied access to employment, are unable to rent a home or are not allowed to enter a swimming pool or a cafeteria simply because they are Roma.

The situation of Roma people in Europe today deserves special attention. We are witnessing unjust acts of rejection and, in some cases, even racial or ethnic hatred (Romaphobia) in several European countries: mass expulsions, segregated schools, violent attacks, forced evictions, etc. Now is the time to put an end to the violation of the fundamental human rights of Roma families. As European states we should work in partnership with initiative and determination and not allow the rights of European citizens living in poverty to be trampled.

In this connection, one of the FSG's priorities is to promote equal treatment and combat ethnic discrimination. The FSG's Area of Equality has been working along these lines for over 10 years and continues implementing different initiatives to address the issue of discrimination against the Roma community:

- Assistance to victims of discrimination is an activity that has been bolstered as of March 2013 when the FSG was named coordinator of the service providing assistance to victims of discrimination of the Council for the advancement



of equal treatment and non-discrimination of persons for reasons of racial or ethnic origin, networking with 6 other social entities.

- 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, its everyday enforcement and European recommendations in this regard.
- 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. legal defence of equal treatment before the courts. We would note that in 2012-2013 the FSG's strategic legal action included the defence of a Romanian Roma woman who was treated unfairly by the police.

The main part of this report focuses on making the everyday discrimination that Spain's Roma community continues to suffer more visible. 129 cases of discrimination were identified in 2012, a sample that opens our eyes to the injustice of the social rejection suffered by this group of the population and points to the need for some key groups of professionals to improve their performance when dealing with this ethnic minority. The cases registered are presented by areas with disaggregated data so as to provide the greatest degree of information, including a description of some of the work strategies developed. Also, we have drafted the conclusions we reached from our work assisting victims of discrimination and have made proposals to achieve greater effectiveness in the defence of people who fall victim to the regrettable act of discrimination.

Following that, we analyse a particular context of discrimination, police work, specifically police ID checks using ethnic profiling, along with the conclusions of the work done by the FSG in the framework of a European project in which various police services participated. We believe that these articles address a key issue in terms of moving forward in the exercise of the right to equality of racial and ethnic minorities.

The report again focuses on the significant progress made in 2012-2013 at European and national level: FRA publications, communication from the European Commission on the implementation of national Roma inclusion strategies, the start-up of the Assistance Service for Victims of Discrimination of the Council for the Advancement of Equal Treatment and Non-Discrimination on the basis of racial or ethnic origin and other particularly relevant issues in the sphere of Equality.

Lastly, we've included positive actions that have taken place during the same period: the work done by the Platform for the Policing of Diversity and the social awareness campaigns addressing non-discrimination and racial or ethnic hatred and we look into the impact that the crisis has had on the Roma community, actions that we believe may be of interest to all key stakeholders in the fight against discrimination.

Despite the difficult circumstances, important progress has been made at national and European level, including the draft criminal code reform, the work done by various organisations such as the Platform for the Policing of Diversity, the Council for the Advancement of Equal Treatment and Non-Discrimination of persons for reasons of racial or ethnic origin, the action unit of the Assistance Service for Victims of Discrimination, the appointment of a public prosecutor in every province to pursue hate crimes and discrimination, the work done in Europe by the Fundamental Rights Agency (FRA), the Council of Europe's Dostal campaign, the European Roma Policy Coalition (ERPC), etc. In this regard, we would note that the FSG is also involved in advocacy work and in reporting cases of anti-Gypsyism and Romaphobia in Europe through its active participation in the above fora.

We therefore believe that in these difficult economic times our country is undergoing which especially affect the most vulnerable population groups, all of the professional sectors involved need to put a great priority on partnering so as to guarantee citizens the exercise of fundamental rights such as Equality.



Once again, we would like to express our gratitude to all of the individuals and institutions who have collaborated in compiling this Report. Firstly to the workers of the FSG who, from 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.

Secondly, 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.

And lastly, we acknowledge the collaboration of José García Añón, José Antonio García Sáez, Andrés Gascón Cuenca, Antoni Llorente Ferreres, Cristina de la Serna, María Serrano, Manuel Pardo, Miguel Ángel Aguilar and the various police forces that participated in the discussion groups, who were instrumental in boosting the defence of equality with their specialised articles and collaboration. Also, a special thanks to all the victims of ethnic discrimination who have put their trust in our Foundation and have come to us for help in defending their rights. All of this is what keeps the FSG working hard so that the Roma Community can experience effective and real equality.

Sara Giménez Giménez
Attorney at Law, Responsible for the Area of Equality. FSG



Cases of discrimination



1. Conclusions and recommendations

The Area of Equal Treatment of the Fundación Secretariado Gitano has devoted its efforts this year to combating discrimination against the Roma community. This involved working with the victims of the 129 cases of discrimination reported. Having analysed these cases, we would draw attention to the following conclusions and recommendations:

Conclusions

- I. Discrimination against the Roma community is based on the negative image and prejudice that the majority population has of this community.
- II. Generally speaking, victims of ethnic discrimination do not report or even complain about the situations of discrimination they face in their everyday dealings.
- III. Some media, and especially the television programme "Roma Word of Honour" (Palabra de Gitano) convey a negative and very stereotypical image of this minority.
- IV. Social networks and the Internet often disseminate rejection and even hatred towards the Roma community and there are no effective measures in place to combat these practices.
- V. The Roma community is very frequently the target of ethnic profiling by police doing ID checks, a fact that violates the right to equality.
- VI. Discrimination is still apparent in gaining access to basic social rights such as employment, education and housing.
- VII. Growing anti-gypsyism in Europe is worrying, especially towards the most vulnerable sectors of the Roma community.
- VIII. There continues to be a high degree of permissiveness, indifference and impunity to racism and discrimination against the Roma community.
- IX. Spain has not yet effectively complied with the European mandate established under European Directive 2000/43/EC, concerning the creation of an independent body to promote equal treatment and non-discrimination.
- X. Government workers in Spain still lack knowledge of applicable laws in our country to promote the defence of equal treatment and non-discrimination.
- XI. Spain and the other European states should be more forceful in ensuring the fundamental right to equality.
- XII. Comprehensive and effective accompaniment of victims of discrimination is vital and must include the entire process, including legal defence.



Recommendations

- I. We must continue to engage in social awareness activities so that people can gain a deeper understanding of the heterogeneous reality of the Roma community.
- I. An effective and efficient procedure must be put in place to prevent the dissemination of content in the media and the Internet that promotes the social rejection and incitement to hatred of the Roma community.
- I. Potential victims of discrimination must continually be informed of their rights and be provided with effective mechanisms to defend them.
- I. The Citizen Security Act should explicitly prohibit ID checks by the police; moreover, police training is vital.
- I. In light of the deplorable acts of discrimination and hatred perpetrated against the Roma community in Europe, it is of the essence to establish a coalition among all European countries to combat the flagrant violation of the fundamental rights of this minority.
- I. The Government must comply with Directive 2000/43/EC by creating an independent body to promote assistance, support, comprehensive accompaniment and compensation for victims of discrimination.
- I. Raise the awareness of the justice system with regard to legislation and case law in the sphere of combating discrimination with a view to promoting the implementation of existing legislation and defending equality.
- I. Several European countries have established punitive measures to correct discriminatory behaviour, where necessary, as an administrative measure to promote non-discrimination.
- I. Regarding the criminal justice system, we would suggest applying the recommendations 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.
- I. Anti-discrimination training and awareness-raising is vital for all key professions: lawyers, the media, law enforcement officers, policy makers, public administration, etc.



1. A negative social image is the main cause of discrimination.

In most of the 129 reported cases of discrimination, we find that discriminatory behaviour is caused by associating the Roma community with widespread prejudices that are not true (they cheat, steal, do not want to work, etc.). These expressions are frequently used by the alleged discriminators in the cases registered (those responsible for hiring workers, renting houses, providing access to public places etc.) to explain why a Roma person was turned down when applying for a job, trying to rent a flat, go to a public pool, enter a cafeteria, pub, etc.

It is therefore important to do away with prejudices and generalisations and gain a deeper awareness of the heterogeneity of the Roma community, which on the surface may seem simple but has eluded us so far. Racism –in some cases unintentional– towards this minority is alive and well according to the data furnished by equality and non-discrimination studies, CIS (Sociological Research Centre) barometers and Eurobarometers on discrimination in Spain and the Union European¹, the 2010–2011 panel on racial and ethnic discrimination of the Ministry of Health, Social Services and Equality, the 9 discrimination and Roma community reports published by the FSG and the annual report on the situation of discrimination and implementation of the equal treatment principle by reason of racial or ethnic origin in Spain 2010 and 2011 of the Council for the Promotion of Equal Treatment by reason of Racial or Ethnic Origin.

We would point out that some media contribute very little to overcoming this situation judging from the fact that 48% of the newly registered cases are about discrimination in the media and the Internet. Most of these are news items where a point is made of the Roma ethnic background of the alleged wrongdoer. As

mentioned in previous reports, from a journalistic point of view this adds nothing to understanding the news item and only serves to associate the entire Roma community with the crime being reported. We would also mention that this year a television programme called “Palabra de Gitano” (Roma Word of Honour) has hurt the image of the Roma community, its advancement and all the work that many organisations are doing to improve the social inclusion of this minority.

Moreover, the use of social networks and the Internet to further these prejudices, which in some cases crosses the line of discrimination entering the realm of Romaphobia and incitement to hatred, is particularly worrisome. In this regard, the Spanish government needs to come up with flexible and effective means to put an end to the dissemination of this sort of material that violates the right to equality. The mechanisms currently in place are ineffective and racist information spreads like wildfire through the Internet.

Notably Nils Muiznieks, the Council of Europe Commissioner for Human Rights, made the following statement on 24 October 2013 in an appeal to the media to be more socially responsible in the aftermath of the mention of the Roma ethnic group in the news story about children found in families from Greece and Ireland: “Such irresponsible reporting can have tremendous effects on the lives of millions of Roma and fuel already widespread violent anti-Roma movements. Although the Roma are no more inclined to criminal behaviour than anybody else, media insistence on mentioning ethnicity in news reports gives credence to the myth that Roma are by nature criminals. This is not only false, but also dangerous as it risks heightening the already tense relations between the Roma and the majority population all over Europe. The propagation of such a negative image also harms integration efforts: How can we expect the Roma to integrate in our societies if the media do not miss an opportunity to remind them that they are unwanted?”

I call on all journalists involved in the coverage of these cases to step back and examine whether mentioning ethnicity was really necessary, whether the best interests of the child, including the right to privacy, have

¹ The latest Eurobarometer on discrimination published in November 2012 showed that 58% of Spaniards believe that ethnic discrimination is widespread, 67% believe that the economic crisis contributes to increased discrimination in the labour market and 88% feel that employers and employees needed to be educated on diversity. According to Eurobarometer 2009, 61% of those surveyed believe that ethnic discrimination exists in their countries. Eurobarometer 2008 showed that 66% of Spaniards and 62% of Europeans in general believe that ethnic discrimination is the most widespread form of discrimination. The 2007 CIS Barometer on discrimination and its perception in Spain revealed that 59% of those surveyed feel little or no fondness for the Roma. According to the 2005 CIS Barometer, one in four Spaniards would prefer that their children not share the same classroom as Roma children and over 40% would be especially bothered if they had Roma neighbours.



been respected and whether the presumption of innocence has been upheld.”

Given this reality, now is the time to join forces to do everything we can to raise public awareness, a task in

which the media play a fundamental role. It is vital for the authorities responsible for these matters, the third sector and the media to work together as partners to address this ethnic minority in a proper and true manner promoting interculturalism, respect and equality.

2. Ethnic profiling in police checks violates the right to equality.

According to the data gathered in the study entitled “Ethnic Profiling in Police Checks in Spain: report on experiences and attitudes regarding police activity” published in October 2013, the Roma community is still the social group most affected by ethnic profiling. Sixty percent of all Roma persons surveyed claimed to have been stopped and identified while walking along the street and 37% while in their vehicles. Ethnic profiling is when law enforcement officials target people of a certain racial or ethnic profile when engaging in police actions in the belief that certain racial or ethnic characteristics make these individuals more likely to commit a criminal act. Such police action violates the right to equality upheld in national and international law.

Not only is this an infringement of the right to equal treatment, but these police actions are often witnessed by the general public and therefore promote the association of this minority with criminal activity. Moreover, in some of the cases recorded by the FSG the victims express the embarrassment and feeling of indignation when they are stopped on the street or when driving in their vehicles.

We would also draw attention to the important social role played by law enforcement officials in defending the fundamental rights of citizens, especially those of the most vulnerable groups. In order to make headway in the defence of non-discrimination, the police, the third sector and the legal field need to work together as partners.

Also, in some of the discrimination cases recorded, private security officers target Roma women in supermarkets or shopping centres as presumed wrongdoers. The victims tell us that they feel persecuted, controlled and ashamed when they are stopped for no reason and have to show their personal belongings and prove that they have not stolen anything.

Therefore, ethnic profiling by the police must be prohibited under the Citizen Security Act and the action of private security officers must not violate the right to equality. Police checks must be effective and be conducted on the basis of reasonable justification. Furthermore, all police and security forces and private security officers need to receive training in diversity and the right to equality.

3. Discrimination and violation of the social rights of the Roma community in Europe.

In these times of economic crisis in Spain and Europe, we are concerned about the violent attacks, discrimination and extreme social rejection that the most vulnerable part of the Roma community (from Eastern European countries such as Romania and Bulgaria) is suffering, including forced evictions and expulsions, violent attacks, segregated schools, return of minors, etc. Actions that violate the right to equal treatment and non-discrimination recognised in international and European regulations² are being taken against this ethnic group in a number of European countries (France, Italy, Hungary, Slovakia, Czech Republic and others), thus precluding the exercise and enjoyment of social rights that are vital to the inclusion of the Roma community; even the forced eviction of families living in extreme poverty, some with children and elderly persons. These actions violate the right to housing recognised under Article 34(3) of the Charter of Fundamental Rights, which states that "In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices". Moreover, mass expulsions of EU citizens of Roma ethnic origin are in violation of Article 19 of the Charter

of Fundamental Rights which prohibits mass expulsions and are also a violation of the right to free movement of European citizens enshrined in Article 45 of that same text. Discriminatory processes are severely affecting Roma children and therefore states must be required to adhere to the provisions of Article 24 of the Charter of Fundamental Rights which states that "in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration".

Also worrying is the rise of political parties in various European countries which resort to openly anti-Roma rhetoric. The leaders of these groups use the Roma community as a scapegoat for electoral purposes in a context of severe social inequalities.

For the above reasons, all European Union member states need to work in coalition to combat discrimination, to seek a solution based on measures fostering social inclusion as called for by the European Commission in the European framework for national integration strategies for Roma and ensure respect for the human rights of Europe's largest ethnic minority.

² Universal Declaration of Human Rights of 10 December, 1948. International Covenant on Economic, Social and Cultural Rights of 16 December 1966. Council Directive 2000/43/EC of 29 June implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.



4. Forceful action is required of the Spanish government to defend equality and non-discrimination.

It is the Spanish Government's duty to effectively defend equality and combat racial and ethnic discrimination and in so doing it must, inter alia, engage in the following actions:

- Create an equal treatment and non-discrimination body as called for under Article 13 of Directive 2000/43/EC. While we do have a Council for the advancement of equal treatment irrespective of racial or ethnic origin, this body is not independent in terms of its budget or its makeup. In this regard the recommendations of the European Commission must be taken into account³. Insofar as the implementation of the aforementioned Directive, the justice administration must champion the defence of equality, prioritising awareness-raising to ensure that anti-discrimination law is enforced in the courts and case law established.
- Furthermore, it is vital to establish punitive measures to rectify discriminatory behaviour and compensate victims. Generally speaking, to date there have been no consequences when someone refuses a person access to employment, housing, services, etc. on the basis of his or her racial or ethnic group and that is one of the reasons why victims do not report these incidents as they have no faith in the system that allegedly protects their rights.
- We cannot be indifferent to statements made by political leaders that are an affront to the right to equality and promote the social rejection of certain vulnerable groups such as the Roma community. In this respect we would draw attention to the declarations made by the former Human Rights Commissioner of the Council of Europe, Thomas Hammarberg, in 2011:

The consequences of xenophobic statements by political leaders should not be trivialized. We have seen cases of violence against Roma in the Czech Republic and Hungary. Anti-Roma sentiment still prevails across Europe. In times of economic problems there appears to be an increased tendency to focus frustration on scapegoats – and Roma seem to be one of the easy targets. Instead of fishing in troubled waters, local and national politicians must uphold the principles of non-discrimination and respect for people of different ethnic backgrounds. At the very least, politicians should avoid this anti-Roma rhetoric.”

- Implement training plans on diversity and non-discrimination targeting the different police forces, law schools, judges, and other key professions in this field.
- In these times of economic crisis, budget cuts should not prevent basic social rights from being guaranteed. Efforts should be made to prevent the inequality gap from growing wider and this means maintaining those initiatives that promote equal opportunity for the most needy groups that are especially hard hit by the crisis.
- Promote the sort of across-the-board non discrimination included in the National Roma Integration Strategy with concrete measures and the corresponding budgetary allocation.

3 http://ec.europa.eu/justice/newsroom/discrimination/news/130626_en.htm. Commission Recommendation to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions of June 2013 within the European framework of national Roma integration strategies for 2020 regarding the need for effective implementation of Directive 2000/43/EC.



2. Cases of discrimination collected in 2012 by area

Cases of discrimination in the media

1

1. Avilés. The media. Direct discrimination. A Roma family from Avilés reported the following incident: On 19 January an elderly man from Coaña was admitted into San Agustín Hospital with respiratory problems. After several days of hospitalization, the patient's condition worsened and so the family decided to limit visitors. The man's sons spoke to their bother-in-law (the patient's son-in-law) and asked him to stand watch at the door to limit visitors. A nephew came to visit (grandson of the patient). The brother-in-law spoke with him so as not to bother the patient but he became angry and there was a small commotion. The family intervened to calm the situation, which was quickly brought under control and nothing at all happened. On 20 January 2012 the regional newspaper called *La Nueva España* reported on this event in a way in which we believe conveys a negative view. The headline read as follows: "Quarrel at the patriarch's bedside. Two clans involved in a massive dispute at San Agustín Hospital where the leader of the two families died." The wording of the headline and the body of the article seriously damages the image of the Roma community by including expressions such as "Gypsy clans" when referring to the Roma community, "massive brawl" when only two people were involved, "divided into two gangs", those from Galicia and Asturias, when the two people in question were the uncle and nephew, "some dressed in their mourning outfits" when the colour of the clothes has no bearing on the news story and was only mentioned to create a stereotyped image of the Roma people. .

The FSG sent a letter of complaint to the newspaper for the wording and terms used in the article which added nothing to the story and only served to create and reinforce negative stereotypes and prejudices towards the entire Roma community.



- 2. Barcelona Internet. Direct discrimination.** In the economy forum of the web page *burbuja.com*, participants wrote in comparing Chinese and Roma making comments such as the following: "Brazo de gitano" (Gypsy arm, i.e. someone who leaves without paying) or "from time immemorial Gypsies have set up their camps with no regard for anyone without working and getting by through stealing and cheating... but these Chinese apparently do not have the same complexes as us". Another example of negative and derogatory messages against the Roma community. The page (with over 40,000 followers) remains open despite our request to those responsible to remove these comments.

BURBUJA FORO DE ECONOMÍA

Usuario ¿Recordarme?
Contraseña

Empleo Blog economía Comparador bancos Buscar Temas de Hoy Comunidad Registrarse

Ahorro.net: Regístrate gratis en nuestra aplicación para gestionar tus finanzas

Burbuja.info - Foro de economía > Foros > Temas calientes > **Un diputado francés: "Quizá Hitler no mató suficientes gitanos"**

RESPONDER 1 Página 1 de 2 1 2 >

Herramientas Desplegado

23-jul-2013, 23:10 #1 (permalink)

 **fausal**
Burbujista abducido
Ignorar usuario

Fecha de Ingreso: 01-septiembre-2010
Ubicación: PONTEVEDRA
Mensajes: 2.758
Gracias: 718
4.500 Agradecimientos de 1.346 mensajes

El diputado francés Gilles Bourdouleix recibió hoy una lluvia de críticas tras perder los nervios ante las acusaciones por racismo que le lanzaban un grupo de gitanos instalados ilegalmente en un terreno municipal y responder que "quizá" Adolf Hitler no ejecutó suficientes de ellos.

"Quizá Hitler no mató suficiente", dijo el diputado de la Unión de Demócratas e Independientes cuando le increparon los ocupantes de 150 caravanas instaladas sin permiso en un terreno agrícola de la ciudad de la que es alcalde, Cholet (este).

El alcalde de ese municipio de unos 50.000 habitantes cercano a Nantes quería convencerles de que abandonasen el campamento, pero estos le recibieron haciendo el saludo nazi y tachándole de racista, según informó el diario local "Le Courier de l'Ouest".

Las caravanas se instalaron en los citados terrenos agrícolas de la alcaldía después de que el lugar en el que se encontraban alojados antes tuviera que ser evacuado por los trabajos que se realizan en la autopista A87.

Fue entonces cuando el diputado deslizó el desafortunado comentario, recogido por ese diario y confirmado por las personas que se encontraban en ese momento cerca del alcalde y diputado.

CASE 2

- 3. Salamanca. Press. Direct discrimination.** *The Diario de Valladolid* ran a story with the headline "A nine-year-old boy in critical condition after being shot in the genitals". The story later mentions that the boy is Roma. Even though the data protection act prohibits the publication of data that can be used to identify a specific person, this article reveals the age and ethnic group of the child. The FSG's Area of Equality sent a letter to the *Diario de Valladolid* expressing our discontent with the description of the boy in the article and also to the *Gaceta de Salamanca* which ran the same story but received no response from either of these newspapers.

- 4. Salamanca. Press. Direct discrimination.** *La Gaceta Regional of Salamanca* ran a story under the headline "The priest of Topas again stands before the judge, this time for performing illegal marriages". The article goes on to mention the ethnic group of the people involved. We believe that mention of the ethnic group of those involved adds nothing to aid in the understanding of the news item but is decisive in creating and reinforcing prejudices and negative stereotypes damaging the Roma community. The Area of Equality sent a letter to the paper expressing our dissatisfaction with the use of terms and expressions which tarnish the image of the Roma community.



- 5. Salamanca. Press. Direct discrimination.** The regional newspaper *La Gaceta de Salamanca* reported a news item called "Those arrested for assaulting the police at Puente Ladrillo brought before the court" giving a description of a fight between several Roma and the police in this district of Salamanca. This was a front-page story with abundant details on the inside pages referring specifically to the ethnic background of those involved. It also drew attention to the fact that this is a poor neighbourhood where most of the inhabitants are Roma and immigrants when actually, according to the FSG workers in Salamanca, the percentage is not very high with respect to the total population. This same news item was run by *El Mundo* in its Valladolid edition and *El norte de Castilla*, both making the same ethnic references.
- 6. Salamanca. Press. Direct discrimination.** *La Gaceta Regional* of Salamanca published a story under the following headline: "A couple forcibly removed their children from a detention centre for minors where they were being held." This time the journalist referred to both the ethnic and national origin of those involved. Again, we note that the use of these terms in the article does not contribute anything and only serves to seriously tarnish the image of the Roma community.
- 7. Salamanca. Press. Direct discrimination.** *La Gaceta Regional* of Salamanca ran a story entitled "To prison for kidnapping a woman in Cuevas de Almanzora" about an incident which took place in that town in the province of Almeria. The writer noted that both the victim and aggressors of the alleged kidnapping and sexual assault were Roma.
- 8. Salamanca. Press. Direct discrimination.** *El Adelanto* newspaper of Salamanca published an opinion piece entitled "Chsss" which tells the story of several women accused of shoplifting and how during the hearing the police officers had to watch their children while the women were in court. The story goes on mention that the majority of the defendants were Roma and stated that "although children are not permitted in court, they paid no heed". This article treats the Roma community inappropriately insofar as it refers to the ethnic group of the accused and to the children which have nothing to do with the proceeding.
- 9. Salamanca. Press. Direct discrimination.** *La Gaceta Regional* of Salamanca highlighted the following news item: "Two ambulances called to the aid of two women who allegedly slipped and fell at two different supermarkets in the capital city." The article insinuates that the ambulances were summoned because the women were trying to get economic compensation or injury leave from their jobs. According to the newspaper, one was Portuguese and the other Roma.
- 10. Burgos. Press. Direct discrimination.** An article published in the *Diario de Burgos* under the headline "Woman injures another woman with nail clippers at Doctor Vara Park" describes the fight between two women, both of whom were identified as being Roma, a detail which was not needed to understand the story.
- 11. Leon. Press. Direct discrimination.** *El Diario de León* ran a front page story which continued on the inside pages making explicit mention of the Roma ethnicity of the citizen involved under the headline: "22-year-old Roma man, A.T., was stabbed in the side by a Moroccan man during a brawl at Mariano Andrés Avenue". The same description appeared on inside pages where more details of the incident were given. We would note that the ethnic group of the people involved in the incident is not needed to understand the story. The FSG's Area of Equality sent an email expressing our discontent with the use of terms like reyerta (brawl) and the mention of ethnicity which contribute nothing to the news story and simply serve to create and reinforce negative stereotypes and prejudices against the Roma community.



- 12. Salamanca. Press. Direct discrimination.** El Adelanto newspaper of Salamanca published a report in its events section entitled "The prosecutor demands a prison sentence for the four defendants involved in arranging the barter of a baby". In addition to describing the alleged crime of kidnapping and using a baby to barter, the report describes other crimes allegedly committed by the child's father such as stealing a tonne of copper. Even though the data protection act prohibits the publication of information that can be used to identify a specific person, this article reveals the ethnic group and the initials of the child. The story mentions that the person involved in these alleged crimes is Roma and from Romania.
- 13. Salamanca. Press. Direct discrimination.** The newspaper *La Gaceta Regional* de Salamanca, ran a story in the events section with the headline "Two people stabbed in a fight between Roma clans in the city centre". Inappropriate vocabulary such as "Gypsy clans" was used throughout the article. Again, the use of these terms adds nothing to the story but does associate the Roma community with a negative event.
- 14. Salamanca. Press. Direct discrimination.** The newspaper *La Gaceta Regional* ran a story in the events section about the arrest of a person who tried to rob a supermarket. The story notes that the detainee had 31 priors and also made reference to the fact that he was Roma. Ethnic references like this serve to heighten the rejection of an entire minority.
- 15. Salamanca. Press. Direct discrimination.** *La Gaceta Regional* of Salamanca published a story under the following headline: "A family sets up camp on a plot in Chamberí". The photograph tries to draw a comparison with protesters belonging to the 15-M "outraged" movement, the caption reading "The other campers". Even though the Roma woman explains why they are there and that she and her family are simply passing through, the paper associates their stay with an illegal settlement.
- 16. Salamanca. Press. Direct discrimination.** *La Gaceta Regional* de Salamanca published a story in the events section with the headline: "An elderly woman is injured trying to keep her bag from being stolen." The alleged perpetrators of the violent robbery were identified as three Roma women. In this case, mention of the ethnic group of the people involved in the events is unnecessary to comprehend the story but does spark social rejection of the Roma community.
- 17. Salamanca. Press. Direct discrimination.** The *La Gaceta Regional* of Salamanca printed a story with the headline "A 14-year-old behind the wheel of an SUV hit two cars and three trees and fled the scene". The article makes specific reference to the boy's ethnic group. In the forum, the news story gave rise to quite a number of derogatory remarks against the Roma community in general. Following are some of those comments: "Nothing will happen to him because no children of any judge go to that day-care centre. If he crashed the car into a day-care centre and killed a child, that would be reason enough to exterminate the whole lot of them that live off of everyone else's work". "Hey listen, how are you ever going to be integrated when you're uncivilised. Do you see any non-Roma children driving vehicles? I've never met a Roma physician, policeman or lawyer. All you know how to do is ask for handouts and live by your wits". Again, mention of the ethnic group is irrelevant to the story.
- 18. Salamanca. Press. Direct discrimination.** *La Gaceta Regional* of Salamanca ran a story with the headline "Woman facing fine of 900 euros after 'invading' an apartment for 18 months" about the illegal occupation of a flat by a young Roma woman and her children. Racist comments such as the following were made in the internet forum associated with the article: "I don't believe anything these people say. They do as they please without asking anyone for permission. They recognise no laws but their own." "They don't pay taxes but have their hand out for child support and other types of subsidies." "They refuse to abide by the law and always, always use their children as an excuse: 'I have small children.' Having children apparently exempts them from having to abide by the law."



19. Salamanca. Press. Direct discrimination. The following headline appeared in the events section of the Gaceta Regional de Salamanca: "Mentally handicapped person swindled out of €4,800 under the threat of forced marriage". The story refers to four Roma people who allegedly committed this crime of fraud. We consider this information to be unnecessary for the comprehension of the news story and again associates the Roma community with crime.

20. Salamanca. Press. Direct discrimination. The *El Adelanto* daily newspaper of Salamanca printed the following headline in the events section: "120-euro fine for being caught stealing clothes" which relates the story of shoplifting in a commercial area of the city. The story mentions that the woman involved was Roma. It goes without saying that reporting on the ethnic group of wrongdoers adds nothing to the understanding of the news story.

21

Estatel. Internet. Discriminación directa. From a Twitter page: Numerous tweets appear "In Gypsyland", repeatedly giving a negative image of the Roma community. A few examples:

- In Gypsyland energy is neither created nor lost, it's stolen.
- In Gypsyland, copper galore.
- In Gypsyland all panties a euro each.
- In Gypsyland Cristiano Ronaldo always wins the Copper Ball.
- In Gypsyland Camela sings the national anthem, their dance is the dance of the handkerchief and their national sport is bumper cars.
- In Gypsyland the tin man would be the patriarch of scrap metal.
- In Gypsyland the pope goes in the van with the peaches (play on words in the Spanish original).
- In Gypsyland the president wears 'the pope medal'.
- In Gypsyland the Payo Prince sings 'In the Ghetto' in perfect London English.
- In Gypsyland the king is Camarón and his son-in-law Lute. The president is Roldan and you can understand the Duchess of Alba when she speaks.
- In Gypsyland they invented the triathlon because they walk to the pool and return by bicycle.
- In Gypsyland people travel around in bumper cars while Camela plays in the background.
- In Gypsyland the official currency is the leuro.
- In Gypsyland the Federal Reserve accumulates massive amounts of copper.
- In Gypsyland the unemployment rate is over 100%
- In Gypsyland panties sell for two leuros a girl, two leuros, get them quick they'll soon be gone.
- In Gypsyland the chav wear Ardidas sports clothes.
- In Gypsyland things do not cost money, they cost knife wounds.
- In Gypsyland the email addresses are "gypsy at and dot".
- In Gypsyland the wives of the patriarchs go shopping in their py jamas and slippers and weddings are held in tents and last 3 days.
- In Gypsyland cock-fighting is an olympic sport.
- In Gypsyland legal appeals go before the Supreme Court.
- In Gypsyland they don't eat camarones (shrimp) because they're sacred, at least one.
- In Gypsyland it is not mandatory to have your ID card on you but don't get caught without a knife.
- In Gypsyland they don't stand in line for the bus, they jump the queue for the otobu.
- In Gypsyland there are no street lights, the light from their cigarettes is enough.
- In Gypsyland there are no ATMs, there are I BUY GOLDS.
- In Gypsyland there is no official currency, they barter for everything.
- In Gypsyland they have no notion of what a "business day" is. For them, every day is Sunday.
- In Gypsyland they don't have friends... they have cousins and brothers and sisters and my followers would be my compadres (mates).
- In Gypsyland you can find articles such as jewellery at half price!
- In Gypsyland they tear their shirt in half when they come to your wedding.
- In Gypsyland they've already emerged from the crisis with their collection, I mean copper policy.
- In Gypsyland the president swears an oath "on the life of his father".
- In Gypsyland your caste is determined by the number of cousins you have.
- In Gypsyland court judgments are not measured in number of years but rather in the number of evil eyes you're given.
- In Gypsyland the malacatonos are the engine of economic growth.
- In Gypsyland there is a Ministry of Shanty Towns.

Lo mejor del hashtag "En Gitania" de Twitter

Las ocurrencias mas politicamente incorrectas sobre los gitanos en Twitter :P

- En Gitania la energía ni se crea ni se destruya, se roba.
- En Gitania te llaman a cobre revertido
- En Gitania todas las bragas a un euro.
- En Gitania, Cristiano Ronaldo siempre gana el Balón de Cobre.
- Si estás en Gitania, no te rías del móvil de nadie, podría ser el tuyo.
- En Gitania el himno lo hace Camela, su baile es el baile del pañuelo y su deporte nacional los autos de choque.
- En Gitania el hombre de hojalata sería el patriarca de la chatarra
- En Gitania el papa va con la fregoneta de los malacatones.
- En Gitania el presidente lleva 'el medallón del papa'
- En Gitania el Príncipe Payo canta "In the ghetto" en un perfecto inglés londinense
- En Gitania el rey es Camarón y su yerno el Lute. El presidente es Roldán y a la Duquesa de Alba se le entiende cuando habla
- En Gitania inventaron el triatlón por que van a la piscina andando y regresan en bicicleta.
- En Gitania la energía ni se crea ni se destruya, se roba.
- En Gitania la gente se desplaza en coches de choque mientras suena Camela de fondo.
- En Gitania la moneda oficial es el leuro
- En Gitania la Reserva Federal acumula ingentes cantidades de cobre.
- En Gitania la tasa de paro sobrepasa el 100%
- En Gitania las bragas están a 2 leuros niña, a 2 leuros y ¡Ay que me las quitan de las manos!
- En Gitania las chonis llevan el chandal Ardidas.
- En Gitania las cosas no cuestan dinero, cuestan navajazos.
- En Gitania las direcciones de Mail son "gitano arropa arropa y punto"
- En Gitania las mujeres de los patriarcas van en pijama y babuchas a comprar, y las bodas se celebran en carpas y duran 3 días
- En Gitania las peleas de gallos son deporte olimpico

CASE 21

This Twitter page appeared as a "trending topic" in Spain. The Area of Equality reported the page but nothing was done. It continues to be widely disseminated on Twitter. Many of the comments found on the site refer to the Roma community in a negative and stereotyped way.

22. National. Internet. Direct discrimination. The newspaper called *Libre Mercado* published the following statement that it picked up from the newspaper *Diario Cinco días*. The editorial began referring to what it claims is a Caló slogan (Caló is a common dialect spoken by members of the Roma community): *"It is not good for our children to have high principles or to choose virtue growing up because to exhibit such virtue when one is young only causes envy and the enmity of one's peers"*. In other words, the stereotype that "Roma reject high principles". Comments like these severely damage the image of the Roma community.

23. National. Internet. Direct discrimination. The following news story appeared in the *ABC* newspaper's on-line edition: "Maximum alert in Nules due to fights between clans armed with axes." The use of the term 'clan' to refer to the traditional extended Roma family (the nuclear family plus a wide range of relatives) is very insulting because the term is typically associated with criminal activities, particularly drug trafficking. A more suitable anthropological term would be "extended family" or "family group". Furthermore, it was not necessary to mention the ethnic group of those involved in this news story. Not only is such personal information superfluous to understanding the news story, it can seriously tarnish the image of the Roma community as a whole. The FSG sent a letter to the *ABC* newspaper, specifically to those responsible for the news story, requesting that their paper become involved in improving the image of the Roma community and trying to avoid associating the Roma community with crime, poverty and marginalisation.



Nombre completo

Correo electrónico

Contraseña

Regístrate

Resultados

Personas

Fotos

A quién seguir · Refrescar · Ver todos

David Villa @Guaje7Villa

Lo Mejor de Twitland @Mejores...

Andreu Buenafuente @Bue...

Cuentas populares · Encontrar amigos

Tendencias Globales · Cambiar

#SoulTrainAwards

R.I.P Paul Walker

#RedhackHalkaAçikiyor

Fast & Furious

#GangaEspaña

Benze @benzemalo 11 mar
Entiendo a Jesé, **en Gitania** no saben cuanto son once metros.

Benze @benzemalo 25 feb
Estaba **en Gitania** y la cosa cambiaba. Mi cobre me esperaba, eR mOrEnTo llegaba.

Juan Jensen @OneJensen 7 sep 12
En Gitania, el iPhone 5 viene con una app instalada que se llama iiiiiPayo.

Pelosh @Adrian_Droide 14 ago 12
Y como no, las rebajas **en Gitania**.
Zara Bresca Mango y Esprinfiel.
Todo a 2€ pic.twitter.com/lpFtyCHP

CASO 24

- 24. National. Internet. Direct discrimination.** We came across a Twitter page called "Frases de gitano" (Gypsy sayings) which were supposed to be humorous but which do serious damage to the image of the Roma community in general: *"I'm gonna stick you with a poison knife that not even a hundred pairs of oxen will be able to pull out of you". "The Chinese work from sunrise to sunset but the Gypsies not even on cloudy days." "I've spent my life learning the term 'flagoneta' (van) only to find that now they call it a minivan".* The FSG's Area of Equality reported this page and asked its administrators to shut it down but we have not received a response.
- 25. National. Internet. Direct discrimination.** In a social blog in the *El País* newspaper we found a great many negative and stereotyped comments about the Roma community related to the news story "Spanish Roma have changed more in the last three decades than in over six centuries". The FSG's Area of Communications contacted the newspaper and got a positive response –it published an apology and lent its support to the defence of the Roma community. We then sent a note thanking them for their work.
- 26. National. Internet. Direct discrimination.** The Area of Equality received an email with information about an Internet blog called "Circle of identity of Nietzsche" containing comments such as: *"Spain has a very serious racial problem that cannot be ignored. An undetermined number of Roma from Northwest India are living in our country." "Their presence here is a threat to our Spanish identity and our bio-anthropological heritage." "Today the problem is compounded by the recent influx of Roma from Eastern Europe, primarily Romania and Bulgaria."* The blog's comment forum is full of racist and xenophobic comments and the blog itself refers to itself as 'Aryan' and 'National Socialist'. The Area of Equality reported the content of the blog but has not received any response.



CÍRCULO IDENTITARIO NIETZSCHE

ARQUEOVANGUARDISMO ARIO PARA ABORÍGENES EUROPEOS - ANTIMUNDIALIZACIÓN - AUTOCTONÍA - RACIALISMO - ANTICAPITALISMO - NACIONALISMO Y SOCIALISMO - ESPAÑA

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Archivo del blog
▼ Archivo del blog

TEMAS

lunes, 20 de febrero de 2012

Un problema biopolítico en España: gitanos en el exilio

Planteamiento del problema



Existe un gravísimo problema racial y político en España que no podemos obviar. En nuestro país habita exiliada una cantidad indeterminada de gitanos, etnia proveniente del noroeste indio (Angus Fraser. *Los gitanos*. Ariel, Barcelona, 2005), del actual estado de Rajastán, a la que hay que sumar otra, igualmente indeterminada pero creciente a causa del incrementado mestizaje, de mestizos de gitanos, y constituyen estos gitanos parte de un pueblo con estado, y no precisamente menor, pero que, sin tener necesidad de ello, habita en condición de minoría otros estados. A su vez, su presencia aquí supone una amenaza tanto para nuestra identidad española y nuestra riqueza bioantropológica, como para las de los gitanos.

Hoy el problema se agrava con la reciente afluencia de gitanos establecidos hasta ahora en el este de Europa, principalmente en Rumanía y en Bulgaria

RACISMO ANTIBLANCO

ONGs INMIGRACIONISTAS

RACISMO CONTRA LOS BLANCOS EN LA PROPIA EUROPA



CASO 26

27. **National. Internet. Direct discrimination.** An FSG worker in Linares came across a Facebook page where people share jokes and engage in similar activities: *"Never laugh at a Gypsy riding a bike. It could be yours."* This is an affront to the dignity of Roma. The page also contains racist and xenophobic comments. The Areas of Equal Treatment and Non-Discrimination reported this Facebook page and requested its closure but it still remains active.
28. **National. Internet. Direct discrimination.** The Area of Equal Treatment and Non-Discrimination monitors racist and xenophobic Facebook pages that specifically target the Roma community. One of these pages contained the following comment: *"I also think the Ewoks are the Gypsy cousins of the Care Bears."* Despite having requested the closure of this page, to date it remains open.
29. **National. Internet. Direct discrimination.** Racist comments against Romanian Roma were found on the *intereconomía.com* web page. Comments such as the following were made in a forum about the news headline *"Over 35 Romanian Roma arrested in Madrid in an operation against the theft of copper wire"*: *"Why would these criminals go back to Romania when they have full room and board here in jail!"* *"In their view they're better off in a Spanish prison than on the street in Romania"*.
30. **National. Press. Direct discrimination.** The Madrid edition of the *La Razon* newspaper published the story "Police take down the kingpins of the clan of clans". This event is covered in a discriminatory way in several articles, specifically those published on 26 January 2011, 18 April 2012 and 22 May 2012 in which explicit reference is made to the fact that the detainees are Roma. The FSG sent a letter expressing our disagreement with different elements of the newspaper articles published regarding the drug trafficking story which insistently associates the Roma community with crime.



LA RAZÓN.es

f t r

Secciones Multimedia Suplementos

MADRID

Golpe a «Los Gordos» el clan de clanes

■ La Policía desarticula el mayor «bunker» de menudeo de droga y detiene a 20 de los «gordos». Les acusan de «crimen organizado». La familia gitana, afincada en Madrid desde los 80, había logrado que otros clanes de la Cañada trabajaran para ellos



Entre los ocho kilos en joyas de oro incautadas destaca la medalla con la imagen (hasta ahora desconocida) del matrimonio Motos-Hernández (cabecillas del clan) y una «reliquia»: la pinza del cordón umbilical de uno de sus hijos bañada en oro. Muchos toxic

24 de mayo de 2012. 04:00h

CASE 30

- 31. National. Private TV. Direct discrimination.** A Roma woman contacted the FSG's Area of Communication to express her outrage at the comments made during a programme of a national private television station. The incident occurred at approximately 14:30 during a programme called "Dando Caña" (tell it like it is). One of the talk show guests (often on the programme) said, among other things, that *"in the Roma community all of the families, all of them, are registered under one social security number that they all share"*. Messages then started coming in responding to that comment: *"Get rid of all the Gypsies"* *"Gypsies are crap,"* etc. We would note that the audience of the programme, in turn, disseminates these stereotypes and prejudices against the entire Roma community. There is a clear chain reaction caused by these types of talk shows where journalists tend to confuse the right to freedom of expression with the right to insult.
- 32. National. Internet. Direct discrimination.** Some FSG programme participants informed us of racist and xenophobic comments posted on a Twitter page related to the Roma community, some of which are intended to be humorous while others are more serious: *"Gypsies are disgusting social scum. Who the hell would want to be a Gypsy? You are trash."* The Area of Equality sent a letter of complaint to the GDT (Computer Crime Group of the Civil Guard) and the response was that they cannot intervene in these issues and would need a court order to close down a web page featuring racist and xenophobic content.



33. National. Press. Direct discrimination. The on-line edition of the *ABC* newspaper ran a story called "Massive brawl between two Roma clans", making an unnecessary reference to the Roma ethnic group. Moreover, the use of the term 'clan' to refer to a family group is an example of stereotyped language frequently used by the media as are other inappropriately used terms such as 'reyerta' (brawl).

34. National. Internet. Direct discrimination. We found anti-Roma material that seriously undermines the Roma community on the web page: <http://www.freewebs.com/segar-death/gitanos website.htm>. For example: *Well, everyone knows what a gypsy is. It is a semi-human race (or not human at all, depending on how you look at it) known for its contempt of 'payos' (non-Roma). Did you know that it comes from the word payaso (clown)? You didn't? Well, now you do. They're known for getting into trouble, stealing, taking drugs (especially hard drugs like heroin, etc.). Now that we've made this short introduction, we'll explain what an 'estopero' is. This is a person who, influenced by certain environmental conditions, becomes akin to the culture of the Roma and can basically be described as follows:*

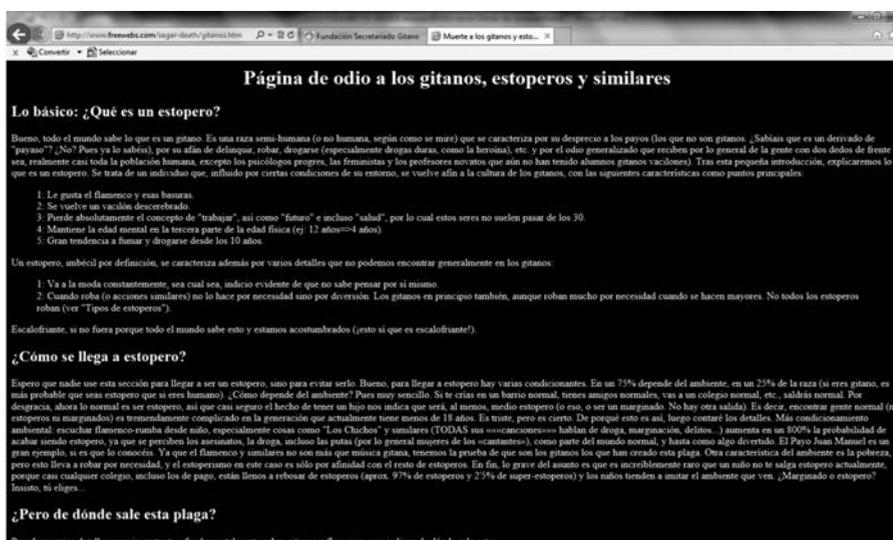
1. They like flamenco and other similar garbage.
2. They become mindless pranksters.
3. They lose all contact with the concept of 'work', 'future' and even 'health' which is why they usually don't make it past age 30.
4. Their mental age is one-third their physical age (e.g. 12 years = > 4 years).
5. A strong tendency to smoke and take drugs starting at age 10.

'Estoperos', who by definition are imbeciles, exhibit another set of characteristics that we don't generally find amongst the Gypsies:

1. They are always in fashion, regardless of what it is, which shows that they can't think for themselves.
2. Shoplifting (and similar) is for fun and not out of necessity. The same is true of Gypsies, although they do steal out of necessity when they get older. Not all estoperos steal (see "Types of estoperos").

Hair-raising if it wasn't for the fact that everyone already knows this and are used to it (even more hair-raising!).

The FSG's Area of Equal Treatment and Non-Discrimination reported this web page to the Office of the special prosecutor for discrimination and hate crimes. In this case, a young computer expert was charged as the alleged creator of the web according to newspaper reports. Today the site is still active and operates under the name of "muerte a los gitanos" (death to the Gypsies) and features explicit incitement to hate, violence and discrimination.





Pero no dicen la mierda de comisión europea que hemos de acoger a esos parásitos, yo no los mataria, pero si deportación masiva a la India.

Citar

Estos 2 usuarios dan las gracias a Le Truhan por su mensaje:

frumentarii, Tandem OGB

23-jul-2013, 23:49 #4 (permalink)



OsoHormiguero ●
**** *
Ignorar usuario

Fecha de Ingreso: 21-enero-2013
Mensajes: 354
Gracias: 132
356 Agradecimientos de 152 mensajes

Iniciado por **Le Truhan**

Pero no dicen la mierda de comisión europea que hemos de acoger a esos parásitos, yo no los mataria, pero si deportación masiva a la India.

Que va, los deportan hacia España, aquí les damos pisos y una paguita. España es la cloaca de Europa, de África y de Oriente. Es el paraíso de todos los vagos, maleantes, ladrones y mafiosos, el "basurero" de Europa. Y a los países ricachones les interesa que así sea, los PIGS recogemos su mierda y su turismo de borrachera.

Citar

Estos 6 usuarios dan las gracias a OsoHormiguero por su mensaje:

birdland, Don Alvaro, Le Truhan, PROBLANCO, SARC, Tandem OGB

CASO 34

35. National. Internet. Direct discrimination. The FSG published several posters to disseminate its educational campaign (posters with pictures of children making a wish about what they want to be when they grow up). We found several Internet pages and forums where these posters had been manipulated without the consent of the FSG or that of the persons concerned (the children) where they added terms that were a serious affront to the Roma community and reinforced stereotypes such as: *"When I grow up I want to be a shoplifter", "I'm going to steal your mobile phone", "If I draw my gun I swear by my daughter that I will shoot you in the knee", "I'm going to steal all the computers in the neighbourhood."* Also, after the publication of the news story about the campaign, racist comments such as the following appeared on the web page, forocoches.com: *'Fucking gypsies deserve extermination. And this is not racism, it's the truth.'* Complaints were made to different servers to prevent the dissemination of the manipulated posters on the Internet and they immediately eliminated them. In light of this very serious violation of fundamental rights such as the right to privacy, image and the right to honour, the FSG filed a complaint with the State Prosecutor for possible transfer to the Prosecutor in charge of Computer Crime.

36. A Coruña. Press. Direct discrimination. On the occasion of the celebration of April 8, International Roma Day, three Roma women users of FSG services in Santiago de Compostela and an FSG worker agreed to take part in an interview for the newspaper *El País*. In addition to the commemoration of this day and its importance for the Roma community, the journalist was asked to especially include in the article the goals achieved and the effort made by these Roma women in their day to day activities. After the article was published, the women communicated their profound displeasure to the FSG regarding the content of the article which they felt was negative. They asked us for help in sending a letter to the paper requesting the removal and rectification of the article. The FSG sent a letter to the paper and spoke on their behalf to the reporter responsible.

37. International. Press. Direct discrimination. The headline "The Roma are coming: robberies in Switzerland" appeared on the cover of a Swiss magazine called *Die Weltwoche* (later published in *Der Spiegel*) featuring a Roma boy holding a handgun (which was a toy but the news story did not explain that). The image was accompanied by negative comments associating the Roma community with delinquency and crime. The FSG wrote separate statements to the heads of the various media that ran the news story, denouncing its content as it only served to reinforce negative stereotypes and prejudices against the Roma community through a high-impact



photograph of a child directly associating this minority with criminal activity. The FSG also asked the director of the magazine to publicly retract the article and to become more involved in equal treatment while avoiding the promotion of prejudices and stereotypes of vulnerable groups. The magazine responded to the criticism it received from several different media but issued no public apology.



A screen shot from Tuesday of the Web site of the Swiss magazine Die Weltwoche included a cover image that has drawn criticism.

A Swiss weekly magazine aimed to draw attention to what it presented as the scourge of robberies in Switzerland with a provocative cover of a young, dirty-faced boy pointing a gun at the camera and the headline "The Roma are coming." It succeeded in being called racist.

The cover, on the German-language magazine Die Weltwoche, unleashed a

CASE 37

story describes how homosexuals and two young Roma suffered physical assault for xenophobic and racist reasons. Thanks to the complaints filed by the victims, the perpetrators were charged with inflicting bodily injury and infringement of fundamental rights. The facts show that the aggravating circumstance of racism and homophobia accompany some of these crimes. The criminal procedure remains open until all the facts are fully clarified.

41. National. Press. Direct discrimination. We were notified through the FSG's Documentation Centre news alert service about a story in the El Mundo newspaper under the headline "Shootout in the street" in which reference was made to the fact that the alleged perpetrator was Roma. It is our understanding that mention of the ethnic group of some of those involved adds nothing to aid in the understanding of the news item but is decisive in creating and reinforcing prejudices and negative stereotypes damaging the Roma community.

42. Barcelona. Press. Direct discrimination. El Mundo newspaper ran a story under the headline "Racial tension following the murder of a Senegalese man in Barcelona". Unnecessary details were provided about the alleged

38. International. Press. Direct discrimination. The *El Pais* newspaper published a story with the headline "Health at risk for the more than 2,000 Roma families in Romania that were re-located by the city's mayor to the site of an old chemical plant." The Area of Equal Treatment and Non-Discrimination issued a communiqué expressing its deep regret at such blatant discrimination against the Roma population in that country, and specifically the people from Baia Mare. This not only undermines the inclusion of the Roma community but is a direct attack on the right to life and the right to health of these Roma people.

39. Madrid. Press. Direct discrimination. A story was published in the *La Razon* newspaper under the following headline "Police action at La Cañada against illegal scrap yards". The article goes on to mention that those arrested were Roma. Again, the Roma community is associated with marginalization and crime.

40. Madrid. Press. Others. A story was published in the *ABC* newspaper under the headline: "Four skinheads arrested, three of whom are minors, for attacks against Roma and gays". The



perpetrator being Roma. In this case, the ethnic origin of the people involved in the incident is not necessary to fully comprehend the news story. This same event is reported in several other media such as the *El País* and *La Razón* newspapers where unfortunate vocabulary is used expressing many negative stereotypes about the Roma community. The other headlines were: "Murder of a Senegalese man at the hands of a Roma man"; "The powder keg of integration, co-existence in Besós in Barcelona"; "Tension high after the murder of a Senegalese by a Roma"; "Prison for those arrested for the Besós murder". The news item features inappropriate terms that add nothing to the story but in cases like this one do serve to associate the Roma community with crime. *La Razón* newspaper ran a story reporting on the legal consequences facing the alleged murderer while making reference to his ethnicity. In a different edition the *La Razón* newspaper reported on this same incident under the headline "portraits of hatred". The media insists on using inappropriate terms that add nothing to the story but do portray an image of poor co-existence between cultures based on an isolated incident. A few days later the *El Mundo* newspaper ran another story news announcing that the problems between the two communities were resolved by stressing harmonious co-existence.

- 43. Toledo. Press. Direct discrimination.** The *El Mundo* newspaper published a report under the following headline. "They're going to make you patriarch!" Panic and conflict in Noblejas, a small town of Toledo, in reaction to the fake news about the relocation of "Roma from the Cañada Real" which spread by word of mouth. The news report provides details of a conversation among disgruntled neighbours angry about what they thought would be the relocation of Roma families. The comments made, without going into the way they were dealt with by the journalist, were clearly racist proclaiming that the settlements and certain areas of Madrid, such as sector 6 of Cañada Real where there have been numerous police raids for drugs trafficking, are dens of delinquency due to the nationality or ethnic group of some of their residents identifying the latter with drugs trafficking and crime in general
- 44. Madrid. Press. Direct discrimination.** The *El Mundo* newspaper ran a story with the headline "Squatters" in the old barracks of the Civil Guard. Six Roma families have been living for the past 15 years in the former barracks of Fuencarral. Next Tuesday they are to be evicted and they have asked to be allowed to stay until June so that their children can finish the school year." Despite support from neighbours for these six Roma families, the newspaper insists that the homes have been illegally occupied. Once again, the Roma community has been stigmatised.
- 45. National. Press. Direct discrimination.** The *El Mundo* newspaper ran a story with the headline "He accidentally killed his wife in a brawl." In the body of the article it was again mentioned that those involved were Roma. We believe that specifying the ethnic group of the people involved in the event does not add anything to one's understanding of what happened but what it does do is once again reinforce prejudices by linking crime directly to the Roma ethnic group. This is an example of direct discrimination because no one would dispute that if those involved were not members of any minority group, no mention whatsoever would have been made of their ethnic background. On that same date, the *La Razón* newspaper ran a short story under the headline "The alleged killer brought his wife to the hospital and then fled in a vehicle". Again, the article mentions that the people involved were Roma.
- 46. Madrid. Press. Direct discrimination.** The *El Mundo* newspaper ran a story with the headline "Junkie taxi to the drug supermarket". Roma are mentioned in this article to deliberately associate them with negative events. The paper does not address the situation of severe social exclusion facing many families in Cañada Real. The news story underscores the marginalization and crime in the area and generalises drug trafficking and gang activity. The column continues in the same vein associating the entire Roma community with poverty and crime thus creating and reinforcing negative stereotypes and prejudices against this ethnic minority.
- 47. National. Press. Direct discrimination.** Under the headline "The banker and the Gypsy" the *El Mundo* newspaper published an article identifying President Obama with a stereotyped image of Roma. We feel that the use of the word Gypsy in the headline is ill-intentioned and, in the light of the content of the article, is humiliating



for the Roma community. Comparing a Roma person with a banker is another example of the ease with which expressions charged with prejudice and stereotypes are used against the Roma community in the media.

- 48. Madrid. Press. Direct discrimination.** The *La Razon* newspaper ran a story with the headline "Hired assassin arrested for the death of a woman." The story reports on the murder of a woman by a hit man hired by a Roma clan. Again we find the use of inappropriate terms which associate the Roma community with criminal acts.
- 49. Madrid. Press. Direct discrimination.** The *La Razon* newspaper published an article under the headline "A couple arrested for robbery in cemeteries". The story mentions that the alleged perpetrators are Roma. Again, the Roma community is identified in a general way with crime. The mention of the Roma ethnic group does not add to the information but does harm the image of the Roma community by reinforcing stereotypes and prejudice.
- 50. Madrid. Press. Direct discrimination.** The *El Mundo* newspaper ran a story with the headline "When Roma law brought peace to Pan Bendito". Throughout the article we find references to the Roma ethnic group, the names and nicknames of the participants and inappropriate terms such as "Roma law" which add nothing to the understanding of the story and only serve to create or maintain negative prejudices and stereotypes affecting the entire Roma community. Even though the data protection act prohibits the publication of data that can be used to identify a specific person, this article reveals the names, ethnic group and nicknames of those involved in the event. Moreover, the mention of ethnicity suggests a relationship between criminal activity and the Roma community and a false impression is given by suggesting that the Roma community has a parallel legal system. Other media picked up the story. For instance, the *La Razón* newspaper reported the same event using the headline "Two gangs, one of which was Roma, involved in a shootout at the entrance to the Pan Bendito underground station". The article refers to the ethnic group of one of the gangs but does not specify or identify the other group. This is further evidence of how the media discriminate against the Roma community.
- 51. Madrid. Press. Direct discrimination.** With the headline "16 robberies in six months and a Hollywoodesque escape", *La Razon* newspaper ran a story which not only revealed ethnic background but also other especially protected data such as name and age. Again, the Roma community is associated with crime and the data protection act is breached. The mention of ethnicity in the story adds nothing and only serves to tarnish the image of the Roma community in general by associating it with crime.
- 52. Madrid. Press. Direct discrimination.** *La Razon* newspaper used the headline "Squatter attack extends the Gómez legacy, several flats taken by Roma families". The story asserts that these squatters do not pay for electricity or water, fail to take care of the furnishings and show no respect for local parks. The article makes no mention of the precarious economic situation of these families but rather chooses to use a negative approach.
- 53. Madrid. Press. Direct discrimination.** A story was received through the news alert service of the FSG's Documentation Centre with the headline "Armour needed at district 6 of the Cañada". The story is about this area of conflict in Madrid making specific mention of the Roma and Romanian Roma background of the sector's residents.
- 54. Valencia. Press. Direct discrimination.** The *La Razon* newspaper published a story under the headline "The Tous band brought down in cobo de la calleja". The story is about the sale and trafficking of counterfeit products and names the suspects selling such commodities while making reference to the fact that they are Roma. The article reports on trafficking in counterfeit products that are mostly distributed by the Chinese community but also stresses that "Spanish Roma" sell these articles as part of their mobile trading businesses.



- 55. Madrid. Press. Direct discrimination.** The *La Razón* newspaper published a story about the disappearance of a child. It relates how the family of the child associates his disappearance with a Roma family. In such a serious case, i.e. the disappearance of a child, mention of the possible involvement of Roma individuals does even more damage to the image of the Roma community.
- 56. National. Press. Direct discrimination.** Under the headline "The Princess of Monaco, a Roma princess" the *La Razon* newspaper published an article together with a photograph depicting this person dressed in jewels and ruffles, a stereotyped image of the Roma community which of course does not correspond with reality but does reinforce these stereotypes.
- 57. Madrid. Press. Direct discrimination.** A news story appeared in the events section of the *La Razon* newspaper with the headline "Man shot in Móstoles following a traffic related incident". Once again, mention of the ethnic group of those involved adds nothing to the story but does tarnish the image of the Roma community. The *El País* newspaper ran another story called "The drums of revenge in Sabadell" about possible revenge by two Roma men against the Chinese community for the death of a Roma youngster. But not only did they make a point of mentioning the ethnic group, they also published sensitive data such as the name and age of those involved. They also used inappropriate terms such as patriarch. This news was also published in the *La Razon* newspaper under the headline "two Chinese arrested for the death of a Roma man in a bar".
- 58. Madrid. Press. Direct discrimination.** The *ON MADRID* newspaper ran a story with the headline "Slum lofts: austere luxury". The article compares shacks with lofts. It addresses the issue in a satirical way with comments about the people living in these slums (referring to them as "Gypsies and junkies") who pay no community fees, no electricity and no water. The author then asks the readers why Gypsies and junkies even exist. The message here is that the people live in these "districts" to avoid paying taxes like the rest of the citizens. Again the Roma community is identified with marginalisation and illegal acts.



Cases of discrimination in access to goods and services

- 1. Granada. Access to goods and services. Direct discrimination.** A Roma girl and her mother went into a cafe with a baby. They sat next to a refrigerator and one of the waitresses rudely asked them to get up so that she could get something from the fridge. The girl was holding her baby and it took her a moment to get up. Once the waitress had got what she needed from the fridge she turned around and muttered: "the damn Gypsies are back". When the customers requested the form to register an official complaint, the waitress answered in a very rude tone and insulted them in front of her co-workers and all of the other customers. The women asked for an apology for the way they were treated by the waitress but the latter refused and maintained her attitude of rejection of the women because they were Roma. They decided to report the incident to the person in charge of the cafe who did apologise once he was able to verify that they had a valid complaint.
- 2. Jaen. Access to goods and services. Direct discrimination.** A youth association organized a benefit concert at an entertainment centre in Jaen. When a young Roma girl, vice-president of the youth association in question, tried to go in accompanied by two friends (both of whom were black), both the doorman and the owner refused them entry claiming that the place was full and that "Blacks, Gypsies and North Africans were not welcome". The young woman informed us that she reported the incident to the police telling them that even though she was the one who organised the concert, they would not let her in and that they also refused to give her a complaint form when she so requested. She spoke to us about how helpless she felt owing to the way she was treated by the owner. This is a case of direct discrimination in access to goods and services where once again prejudices and stereotypes against the Roma community and other minorities triggered this discriminatory attitude of denying these people the right to a service.
- 3. Almería. Access to goods and services. Direct discrimination.** The president of a Roma association officially requested in writing the participation of his association in the organization of the town's local festival. When the president, a Roma man, went to the town hall he learned that a committee meeting was under way to prepare the different festival events and that he had not even been informed. The president told us that when he asked why he was not told of the meeting the Councilman in charge of the festival informed him that: *"You're not on the commission. Only the people I choose take part. The door's that way you Gypsy. Don't get lost on the way out."* These are the facts that we reported. It is our understanding that no public official has the right to treat any citizen in this way, much less the representative of an ethnic association.
- 4. Linares. Access to goods and services. Indirect discrimination.** FSG service users informed us that on several occasions different groups of Roma were denied access to the Canambú pool with the excuse that it is for members only. However, they have proven that this is not so, because Roma people who do not look typically Roma were granted entry with no problem whatsoever and were not asked to show any sort of membership card.
- 5. Zaragoza. Access to goods and services. Discrimination ordered by others.** Discriminatory harassment. A Roma woman and FSG service user in Zaragoza told us that when she went into a supermarket she was followed by the security guard and watched more closely than normal. In fact he remained at her side watching her every move. She asked him if there was a problem and told him that being Roma was not synonymous with shoplifting. She also told him that he was not observing the other people in the shop with the same intensity. The guard then explained that he was only doing his job which was to follow her to make sure that she did not steal anything.
- 6. Zaragoza. Access to goods and services. Direct discrimination.** A Roma family was preparing to buy a van through a dealer in the city of Caceres. They sent all the documentation required for a loan from the financial institution which accepted the operation. They then had to go to sign the loan forms at a bank office in Zaragoza but when they arrived and the bank officials saw them in person (mourning dress), they began to discourage them. When they submitted the documentation at the bank the employee asked them if they were Roma to which they answered in the affirmative. When they called the car dealer to pick up the van they were told that



the bank failed to authorise the operation. The FSG's Department of Equality sent a letter to the bank director. The director explained that his branch office was merely an intermediary and that the financial institution was responsible for granting or denying a loan. We stressed that the family was not treated fairly by his employees and asked him to become more involved in the day-to-day to make sure that his staff respects equal treatment principles. He told us that he was going to meet with his staff to inform them of the complaint and urge them to treat all customers equally.

- 7. Badajoz. Access to goods and services.** Direct discrimination. A young Roma woman was leaving a shop when suddenly the alarm sounded and the security guard stopped her and the girl she was with. He then frisked them and made them empty the contents of their handbags, repeatedly accusing them of shoplifting in front of other people. The security guard did not find any stolen items in their handbags.. The girls immediately asked the security guard to apologize for the way he had treated them but he refused. The girls told us that they felt humiliated, embarrassed and especially discriminated against for being Roma and that they would never go back to that shop. This is another typical example of discrimination in access to goods and services based on one's ethnic group especially affecting women who are often subjected to disproportionate surveillance in shops simply because of their race.
- 8. Badajoz. Access to goods and services.** Direct discrimination. An FSG service user in the city of Badajoz told us what happened when she and her husband tried to make a buffet booking for an upcoming family celebration. The manager flatly refused arguing that he had had problems with other Roma. The woman explained that not all Roma are the same and offered to pay in advance but he still refused. The couple told us that not only were they denied a reservation because of their ethnic group but the way they were treated was also an affront to their dignity and moral integrity. This is a clear example of direct discrimination in access to goods and services
- 9. Badajoz. Access to goods and services.** Direct discrimination. A group of young Roma girls were about to enter a booth at the fair when the doorman informed them that he had orders not to let any Roma in. The young women told us that they were deeply disturbed by what happened. This is a clear example of direct discrimination in access to goods and services that the Roma community is constantly subject to and of how difficult it is to prove these situations in a courtroom. The result is that victims feel defenceless and this also discourages other victims from reporting discrimination they have suffered.
- 10. Navarre. Access to goods and services. Direct discrimination.** A Roma woman visited the FSG's office in Navarre to report that when she was about to pay for her groceries at a local supermarket, four employees rudely asked her to show them the contents of her handbag. The woman flatly refused telling them that she had nothing in her bag and that she did not have to show them anything. After several minutes the supermarket manager called the local police who also asked her to show them the contents of her handbag. She again refused because she felt she was being unfairly accused of shoplifting because she is Roma. The police then took her to the police station. After spending 7 hours there, she was taken to the court house and was subsequently released by the judge without even making a statement. She was charged with contempt and resisting arrest. The woman, who habitually shops at that establishment, told us that she is sometimes watched by the supermarket staff but nothing like the situation just described happened again.



Cases of discrimination in the area of citizen security

- 1. Cordoba. Citizen security. Direct discrimination.** On the occasion of the 2012 Youth and Citizenship Conference in Cordoba on 23 and 24 February, a group of young Roma from several different provinces of Andalusia returned to the hostel where they were staying after a night out on the town. They told us that one of them was trying to convince the others to go out again and made some noise in the hallway. The person at the reception desk decided to call the police. The police promptly arrested the young man and before leaving the hostel one of them said: "If anyone else wants to cause a raucous we'll throw the lot of you out." Once again, the individual behaviours of a few are the cause of negative prejudices and stereotypes which are applied to the entire Roma community.
- 2. Salamanca. Citizen security. Direct discrimination.** At the entrance of a school, a national police officer ordered a Roma youngster to get out of his car and demanded to see his documentation. A scuffle ensued between the two of them and the police officer then requested backup to deal with the young man and a family that happened by. Several local social workers decided to report the incident to the district police chief. We had a meeting with the Deputy Delegate of the government who promised to tell the police chief to tone down the identity checks.
- 3. Valencia. Citizen security. Direct discrimination.** An FSG worker told us that the police intervened at an "engagement" ceremony due to an argument between the two families. Several police officers ended up in the hospital emergency room and eight people were arrested. The neighbours have been complaining that since then there has been an intimidating police presence in the area including ID checks only of Roma individuals. These are performed openly in front of children and discriminatory language is used. After a meeting between the Area of Equal Treatment and the officers involved, the FSG's provincial coordinator had a meeting with the police chief (national police) of the Maritime District and the chief inspector. The result was a commitment to reduce police presence in the neighbourhood and to talk with the officers and remind them of how to properly address Roma people.
- 4. Badajoz. Citizen security. Direct discrimination.** A Roma woman was leaving a shop where she had purchased a video game console when two police officers came out of nowhere and asked her to show them the receipt for what she had purchased. They then frisked her in the street in front of a child without giving any reason. The woman showed them her receipt after which they left with no apology whatsoever. She told us about the shame she experienced and how bad she felt after the incident. This is a case of discrimination or even harassment judging from the intimidating and hostile environment created by the police officers on the basis of the women's ethnic group.
- 5. Badajoz. Citizen security. Direct discrimination.** Two Roma women left a supermarket and got into their car when suddenly two national police officers knocked on the car window and ordered them to step out of the car. They explained how they were asked to show the vehicle registration and their ID cards for no apparent reason. The women repeatedly asked the officers to explain the reason for this check but they gave no answer. When the police officers had left, the women approached the supermarket security guard to ask if he knew why the police had acted as they did and he told them that the police routinely ask to see the documentation of anyone they presume to be Roma regardless of whether there is suspicion of any wrongdoing; simply because they are Roma.
- 6. Badajoz. Citizen security. Direct discrimination.** A Roma woman came to the FSG office to report that she felt discriminated against because of something that happened to her in a supermarket near her home and she wanted to lodge a complaint. She was at the supermarket with her daughter and opened a bag of crisps so that her daughter would let her do the shopping. She intended to pay for the crisps when she checked out with the rest of her food. The security guard observed this and said: "You're always the same. You're always up to something." The woman felt embarrassed but didn't say anything so that her husband (who was also in the



supermarket) wouldn't learn of the comment made by the security guard and so as not to draw the attention of the other shoppers. The Fundación Secretariado Gitano's Department of Equal Treatment and Non-Discrimination regrets that situations such as these are still commonplace.

- 7. A Coruña. Citizen security. Direct discrimination.** We learned from the press that a local police training session with cadets simulated a robbery using a Roma person as the offender. The story about the training conference was linked to another news item reported by La Voz de Galicia newspaper. We expressed our opinion about what had happened and the officers involved as well as the traffic safety councillor issued a public apology. In order to clarify the incident, the Department of Equality held an interview with the La voz de Galicia, Tele 5 and V Television.
- 8. Murcia. Citizen security. Direct discrimination and physical assault.** In the town of Alcantarilla (Murcia), the police violently and for no apparent reason burst in on a group of young Roma (some of whom were minors) who were in a kiosk in the basement area of a block of flats. The officers did not ask them for any identification. A group of 50 neighbourhood residents who witnessed the incident, approached the FSG office in Murcia to ask for help in filing a complaint against the police and to show their support for the victims of the attack. The Area of Equality filed a complaint about this police action to the ombudsman, the government delegate and the Murcia prosecutor. At present the case remains open.
- 9. Jaen. Citizen security. Direct discrimination.** Two police officers stopped a car and ordered a Roma man to get out to do an alcohol check. Due to a health problem the man was visibly dizzy and he tried to explain his situation to the officers when they attacked him verbally one of them saying "get out of the car you Gypsy piece of shit".
- 10. Basque Country. Citizen security. Direct discrimination.** A plainclothes regional Basque police officer was involved in an incident with a Roma child in the vicinity of an evangelical church and, to the surprise of the people present, called for backup to help him sort out the situation. At one point the agent became agitated and began to assault several people, including minors. In response to complaints, the Mayor of Vitoria publicly apologized to those affected by the aggression.
- 11. Valencia. Citizen security. Direct discrimination.** An FSG employee reported that ever since the police were called to settle an argument between two Roma families, police presence in that neighbourhood was stepped up. Several local Roma families told us that they feel intimidated by the way local Roma residents are being treated by the police in the neighbourhood. They are being subjected to frequent ID checks in the street in the presence of children and are made to endure verbal abuse in the process. In response to this situation, the FSG's provincial coordinator held a meeting with the police chief (national police) of the Maritime District and the chief inspector. We were assured that police presence in the neighbourhood would be reduced and that they would speak with the police officers to ensure that equality prevails in all their actions.
- 12. Valencia. Citizen security. Direct discrimination.** A Roma couple came to the FSG to report the following facts: at 8:00 PM on August 8, 2012 they were with their children at Doctor Peset Alessandre Hospital visiting a family member. Since hospital rules did not allow children to visit patients' rooms, the mother stayed in one of the hospital's waiting rooms with the children (ages 5, 3 and 4 months). The woman was immediately approached by one of the security guards who very rudely and emphatically told her that she could not wait there, to which she replied: "OK, but calm down." That was when the guard began to use racist and homophobic language that we quote verbatim: "I'm not a queer willing to take it up the ass. I like my job because it lets me give it up the ass to people like you who I can't stand" (gesturing to the main waiting room, where other Roma people were sitting). At that point the woman asked him to lower his voice as there were children present. She told us that the guard also tried to physically intimidate her and pretended that he was going to take out his baton.



- 13. Navarre. Citizen security. Direct discrimination.** Two young Roma were stopped by two security officers and immediately taken to the police station without any explanation. The two youngsters were held at the police station and told us that they believed they were being treated in this way because they were Roma. They decided against the FSG's proposal to take legal action against the guards out of fear of reprisals.



Cases of discrimination in employment

- 1. Malaga. Employment. Direct discrimination.** A Roma woman doing training with other Roma women as a hotel chamber maid reported that she felt discriminated against by the head housekeeper. This person repeatedly and publicly made racist comments such as: "Roma think they're really tough but they're useless; they don't know how to do anything." This particular Roma woman told the head housekeeper that: "Not all Roma are the same and we shouldn't be made to suffer for the actions of one." Surprised by the fact that the managing body did nothing to rectify the situation, she contacted us. She did not want to lodge a complaint. She simply did not want future students doing their training to have to put up with the same sort of abuse.
- 2. Linares. Employment. Direct discrimination.** The FSG office in Jaen launched a course for 10 students who received practical skills training to become either bartenders or night watchmen and in doing so contacted the Linares Association of Businessmen and Industrialists (ACIL). This association made establishments available where students could do their practical training. When the FSG worker presented two Roma candidates at one of these establishments, namely the Café-Bar Casa Kike, the manager called the ACIL to say that he did not want to host any Roma interns. Despite the efforts made by our enterprise mediator, the manager refused to change his mind. One student became discouraged and dropped out of the course before the internships began.
- 3. Linares. Employment. Direct discrimination.** A Roma woman saw a 'help wanted' sign on the door of a cafe and went in to leave her résumé but was told that they had just hired someone. A few days later she returned and saw that the 'help wanted' sign was still on the door. She told us that she felt rejected and discriminated against for being Roma.
- 4. Almería. Employment. Direct discrimination.** Two Roma girls, participants in the ACCEDER employment programme, told the labour counsellor at the FSG office in Almeria that they went to leave their résumé at a women's clothes shop where they wanted to work as shop assistants (they were trained and qualified for the opening). The manager told them that they needn't leave a résumé, that it was enough to fill out the application. They told us that they felt discriminated against and had the feeling that the manager didn't want their résumés because they were Roma.
- 5. Almería. Employment. Direct discrimination.** Several Roma girls, participants in the ACCEDER employment programme, went to an employment agency to drop off their résumés. Upon entering, the girls ask about a job offer that they had seen related to inventory-taking at a shopping centre. The workers at the office looked them up and down and then said: Inventory? What inventory? Without even looking at their résumés they told them that there was no work for anyone with their skill set there, adding that the work that they offer is for people with other qualifications. The girls expressed their concern to us because incidents such as these continue to occur in the search for employment. They continue to be denied access to employment based on their ethnicity.
- 6. Jaen. Employment. Indirect discrimination.** An FSG volunteer along with a young couple from Espeluy (Jaen), participants in the FSG's ACCEDER employment programme in Jaen, decided to lease a bar-cafeteria from an association but the owners of the place began to ask them for an excessive amount of paperwork. In all of their dealings they were being advised by the FSG-Jaen labour counsellor who even accompanied them when they went to visit the premises they wanted to rent. As they were preparing all of the paperwork they went to a final meeting with the owner only to find that the place had already been rented to someone else who was simply asked to make a deposit and was not required to submit any documentation. This was done without informing the three people preparing all of the documents. Later, at a final meeting with the board of the association to ask what had happened, the owner said in a barely audible voice as they were leaving: *"Manuel look, Gypsies, Gypsies" in an expression of fear.*



- 7. Linares. Employment. Direct discrimination.** A non-Roma woman came by the office to take care of some business. She began to talk about the unemployment situation of the Roma community and made comments such as "Unemployment is a fallacy. There is work such as olive harvesting but the Roma don't want to work. They prefer to live on the dole. The FSG worker tried to speak with her and raise her awareness regarding this issue telling her that she did not agree because this is precisely one of the jobs that many Roma have traditionally done in the past and continue to do today.
- 8. Zaragoza. Employment. Discrimination by association.** A Roma woman and participant in the ACCEDER employment programme told us that she worked at a private home as a housekeeper. She told us that when the people she worked for found out that her husband was Roma, they began to harass her. The harassment got so bad that she had to quit her job. She felt she was being watched and mistrusted. The woman asked us not to do anything because she feared reprisals and the consequences they could have on finding another job in the same city.
- 9. Albacete. Employment. Direct discrimination.** An FSG service user from Albacete informed us that he had a phone interview for a job at a warehouse for which he was qualified both in terms of his training and experience. The interview went well and he was told that they would hire him and made an appointment for him to sign the contract. When he showed up at the company the manager said: "This is not what I had in mind" and told him that he did not project the image that the company wanted. The young man told us that he was deeply disturbed by what happened. We then tried to contact the person in charge of hiring to explain the work we do at the FSG but we were not successful.
- 10. Burgos. Employment. Direct discrimination.** A Roma woman submitted her résumé to the personnel manager of a catering group who told her that he might be interested. After a long interview they asked her what country she was from to which she answered that she was Spanish and Roma. At the end of the interview they said that they would call her within two days to take a test. A few days later she went by to ask why they hadn't called her yet and they told her that they didn't want "people of race" working at their establishment.
- 11. Salamanca. Employment. Direct discrimination.** A young Roma user of FSG services went to a job interview at an insurance company to apply for an opening in sales. A friend who works there told him of the opening. The interview was going well until he gave his surname and the manager asked if he was Roma. He said that he was and asked if that would cause a problem. The manager answered that it would not and that he would call him. According to the applicant's friend, no sooner had he gone out the door that the manager said that he does not want any Roma there. His friend told him about what was said. He went to the FSG for help in reporting the incident. Once at the office, he decided to call his friend again. She advised not to say anything for the time being but to work with her portfolio of customers in order to prove his worth as a good worker. That is what he decided to do and we therefore took no further action.
- 12. Mérida. Employment. Direct discrimination.** One of our workers from the FSG's Merida office went to a meeting at a local private company. When she told them that she works with the Roma community the manager began to say negative things about the Roma. Our worker told them about the employment makes us equal campaign but the manager refused to listen. The conversation ended without reaching any agreement.
- 13. Badajoz. Employment. Direct discrimination.** Two FSG service users in Badajoz explained that they went to submit their résumés at a fruit company but as soon as he and his wife entered (they are both Roma) they were shunned by the shop clerks. The manager's attitude put them off and they were offended by his comments: He rudely told them "I don't know why they even sent you. I've already filled the post." The couple left with their résumés in hand and without saying a word. They told us that this sort of treatment from entrepreneurs was discouraging making job seeking much more difficult.



Cases of discrimination in housing

- 1. Huesca. Housing. Direct discrimination.** An initial meeting was arranged between the housing team of the Urban Project, the FSG and the homeowner's association to tell them about the relocation of two Roma families in Huesca. The FSG workers informed us that the following comments regarding the Roma community were made at that meeting: "They're wild and don't know how to live in society," "They've threatened us," "They don't want to work," "When they fight amongst themselves they use guns," "They're more racist than anyone," "They're involved in drugs". They expressed their widespread rejection and opposed the relocation of Roma families in their community. The FSG acted as a mediator with the neighbours to raise awareness about the widespread rejection of the Roma community in general and against the relocation of these two families in their community. We also explained that we were developing a socio-educational pathway to promote inclusion.
- 2. Palencia. Housing. Direct discrimination.** A Roma woman working at the FSG in Palencia told us that she felt discriminated against by a real estate agent regarding a rental contract. Despite fulfilling all of the requirements (work contract, pay stub and the deposit), they did not rent her the house. Once she had submitted all of the paperwork and was waiting to sign the contract, the real estate agent called her to say that the owners had decided not to rent the flat. She told us that she was denied the flat because she is Roma. In this case, we would draw attention to the fact that the victim of this discriminatory act is a woman with a university degree, a stable income and a standard lifestyle and she still was confronted with discriminated and rejection in her search for housing because of her ethnicity. As in previous years, it is still the case that victims of discrimination are helpless when it comes to the rights of individual owners in the sphere of housing.
- 3. Salamanca. Housing. Direct discrimination.** A young couple came to the FSG office in Salamanca to tell us that they felt discriminated against by the real estate agent handling their lease. After searching for a rental home and doing all of the paperwork with the real estate agent to prepare the contract, when the agent discovered that the woman was Roma she informed the couple that she was sorry but that the owners did not want to rent to Roma (the decision was taken by the owner after meeting the girl). The Area of Equality tried to contact the real estate agent but received no response.
- 4. A Coruña. Housing. Discriminatory harassment.** A non-Roma woman went to the FSG office in Naron to complain about the noise coming from a flat where a Roma family lived in her same building. In so doing the woman spoke badly of this family stressing the fact that they are Roma. After personally verifying that her complaint was unfounded, FSG staff requested a meeting with this woman to inform her about the Roma community in general and ask her to refrain from making negative comments in the future. The woman failed to show up at the meeting.
- 5. Madrid. Housing. Indirect discrimination.** An FSG worker informed us that the only way to file an application with the IVIMA (Madrid Housing Institute) youth plan is electronically. This requirement excludes anyone who does not have access to email because they do not have a computer or the necessary knowledge to use it. "Only application forms sent by email will be accepted. Forms received by any other means will not be accepted." The complaint came from a Roma family that was unable to make the application because they did not have the educational or technical skills. The FSG sent a complaint to the IVIMA but has not yet received a response.

6

Madrid. Housing. Direct discrimination. FSG workers at sector 6 Cañada Real Galiana informed us that there was a verbal notice of demolition of several houses where Roma families were living, the order coming from the local Madrid police. A few days later the town hall's urban planning team showed up along with a number of local police officers and bulldozers and went door to door before demolishing the homes. The FSG workers in the area witnessed how the demolitions took place without any legal or administrative order. Once it was verified that the demolitions were carried out without following the legally established procedure, the FSG wrote a letter of complaint to the urban planning and housing area of the government. The initial response received was unsatisfactory. We would stress, however, that on January 31, 2013 the Mayor of the City of Madrid issued a Circular freezing all demolition orders of substandard housing located in the Cañada Real. The decision affected 141 administrative orders that were being processed.



██████████
Area de Gobierno de Urbanismo y Vivienda
Ayuntamiento de Madrid

**INFORME VALORATIVO DE LOS HECHOS OCURRIDOS EN CAÑADA REAL GALIANA
EL MIÉRCOLES, 26 DE SEPTIEMBRE DE 2012**

Estimada ██████████:

La Fundación Secretariado Gitano es una entidad sin ánimo de lucro que presta servicios para favorecer la inclusión social de la comunidad gitana, y en Madrid venimos desarrollando actuaciones en convenio con el Ayuntamiento de Madrid desde 1999, y más concretamente en Cañada Real Galiana con el apoyo de la Delegación del Gobierno desde el 2010.

Nos ponemos en contacto con usted para informarle de algunos acontecimientos ocurridos el pasado miércoles 26 de septiembre en el sector 6 de la Cañada Real Galiana. Conscientes de la especial complejidad que envuelve esta zona por cuestiones de tipo urbanístico, social y de seguridad ciudadana, consideramos que son necesarias actuaciones muy cuidadosas y conformes a la legalidad vigente, para el bien de todos los implicados: las familias, los responsables públicos y la ciudadanía en general.

Por ello, desde la Fundación Secretariado Gitano queremos transmitir nuestra preocupación ante los hechos ocurridos el mencionado día referidos al desalojo y derribo de 14 viviendas habitadas por familias con las que la FSG y otras entidades sociales venimos desarrollando diversos programas de inclusión social, hechos que demuestran que los procedimientos legales en este tipo de situaciones no se han respetado.

Sabiendo que el Procedimiento Administrativo de Disciplina Urbanística del Ayuntamiento de Madrid marca que, para proceder al desalojo y derribo de viviendas, es necesario que haya una comunicación formal y por escrito a las personas afectadas de que existe sentencia judicial de ejecutar las acciones así como cualquier otra notificación administrativa, incluida la autorización correspondiente de entrada a domicilio, con tiempo suficiente para poder presentar reclamaciones o recursos, queremos exponer nuestra consideración de que este procedimiento no se ha puesto en marcha en este caso y se han cometido graves irregularidades, habiendo sido testigos presenciales de lo ocurrido.

En primer lugar y como más importante, la falta de comunicación formal y por escrito de las decisiones tomadas y las actuaciones derivadas de ellas a las personas afectadas; escritos que fueron solicitados en reiteradas ocasiones a los responsables del Ayuntamiento allí presentes (Departamento de Disciplina Urbanística, Policía Municipal del

Distrito de Villa de Vallecas y Unidad Central de Seguridad de la Policía Municipal) sin que se aportase ni se exhibiese documentación justificativa alguna a ningún afectado.

Y en segundo lugar, la justificación esgrimida por parte de los responsables municipales allí presentes de la vinculación directa entre las actuaciones previstas (desalojos y derribos de las viviendas) con posibles delitos y detenciones ocurridos en días anteriores. Consideramos que ambos son procedimientos independientes y que nuestro marco jurídico protege el derecho a la morada por encima de hechos constitutivos de delito según el Código Penal. Además, sólo algunas de las familias avisadas verbalmente del derribo estuvieron implicadas en las detenciones mencionadas.

Es nuestro deber dar a conocer estos hechos a los máximos responsables y llamar la atención sobre las graves consecuencias que están ocasionando a las familias afectadas, que están viviendo situaciones de alta indefensión e incertidumbre, constándonos además que se han iniciado nuevas actuaciones siguiendo las mismas pautas irregulares con otras familias vecinas.

Queremos subrayar que el objetivo de la Fundación Secretariado Gitano es siempre prestar el máximo apoyo tanto en el acompañamiento a las familias más vulnerables con las que intervenimos como a los responsables de los servicios públicos en el desarrollo de su trabajo, en el marco de la ley y las obligaciones y derechos de los ciudadanos, con una actitud basada en la colaboración y el diálogo, como ha ocurrido en ocasiones anteriores donde se ha cumplido el procedimiento adecuadamente. Ofrecimiento que reiteramos ante la comunicación de nuevos desalojos para la presente semana.

En un problema tan complejo es importante que las actuaciones se hagan conforme al procedimiento sin vulnerar derechos y posibilitando que haya resultados positivos para todas las partes implicadas. La FSG está comprometida y mantendrá una postura de leal colaboración siempre atenta a la defensa de los derechos de las personas y acompañando en el cumplimiento de sus deberes.

Por todo ello y dada la gravedad de los hechos, le solicitamos una reunión como máxima responsable de las competencias del Ayuntamiento de Madrid en materia de urbanismo y vivienda para poder aclarar las actuaciones y ofrecer nuestro apoyo en lo que podamos contribuir.



- 7. Murcia. Housing. Direct discrimination.** A Roma family in Murcia and FSG service users told us that after signing a rental lease they were warned by the owner in an unpleasant and rude way not to get behind in their rental payments. He also made negative comments about the Roma community in general with reference to the co-existence of the family with their neighbours. The family came to the FSG and asked us to speak with the owner. After several conversations with him where we made it quite clear that his comments and attitude towards this family were unsuitable and discriminatory, he agreed to adopt a more positive attitude.

- 8. Navarre. Housing. Direct discrimination.** A Roma family and FSG service user in Navarre told us that at the end of 2011 they were selected for a social integration housing rental programme and that in January 2012, after signing the contract lease, they were subjected to discriminatory harassment by their neighbours in the form of signs pasted on the lift doors saying that a Roma family was living in the building. The family came to us to express their concern about the situation and simply do not understand why they are being harassed like this. The FSG engaged in awareness-raising work with the building's residents to try to prevent these situations from happening again.



Cases of discrimination in education

1. Linares. Education. Direct discrimination. A teacher from one of the Promociona classrooms sent us an article by Mariano Fernández Enguita entitled "Are you Roma and in school". (Fernández Enguita, M. 1999. "Es usted gitano, y va a la escuela." Archipiélago. Cuadernos de crítica de la cultura, N° 38, Barcelona, pp. 62-66). The article in question is prejudicial and inaccurate insofar as it simply does not describe the educational reality of the Roma community. It was published and commented on in many blogs such as: <http://escuelaydiversidadcultural.blogspot.com.es/2008/08/es-usted-gitano-y-va-la-escuela.html>. The Department of Equal Treatment sent a letter of complaint to both the author and the publisher requesting the withdrawal of these educational materials which only serve to tarnish the image of the Roma community.

2. Almería. Education. Direct discrimination. A Roma girl came to the FSG office in Almeria to report the following:

I signed up to earn my PCPI (initial professional qualification) as an assistant hairdresser and the teacher who taught one of our classes started to single me out. She told me that if I thought they were going to give me a diploma out of pity that I was mistaken and that I had to work harder. The fact is, however, that I was the best student in the class. (She even called me stupid in front of the whole class). I told my mother about this and she went down to talk to the teacher who told her that it was all a lie, a figment of my imagination, that I was doing very well in class and was one of the best students. I stayed home for a week because I could not stand it anymore. The next week I realised that that was what she had wanted me to do, to stop coming to class because she didn't like having us. I thought about it and told myself that I couldn't let her get the best of me. I went back to school despite the bad atmosphere. I started going to bed at 6 in the morning thinking about how to turn the situation around and had to get up at 7 to go to class (imagine what state I was in). But every day was just like the one before. She kept picking on me and tried to make me believe that I would never graduate and if I did, would never amount to anything more than a cleaning lady sweeping up hair in salons. With one month to go before graduation, I gave up. I just couldn't take it anymore. I know I lost the battle but there was nothing more I could do. This is more or less what happened to me. I hope I expressed myself clearly enough."

We believe that this is a case of covert direct discrimination based on ethnic origin because, although the teacher never openly admitted the reason for her obviously differential treatment, it was clear this was the only student treated in this manner. The girl dropped out before graduation and did not report the teacher for fear of reprisals.

3. Talavera de la Reina. Education. Direct discrimination. A Roma family came to the FSG office in Talavera de la Reina to report that her son had a minor argument with his science teacher. They told us that the teacher walked over to their son's desk and said: "You're a clown, a moron, a spoiled brat; now off you go to tell your mommy and daddy and the leader of your gang." The family then met with the teacher and she acknowledged that she did indeed say those things and then apologised and asked them not to say anything to the school director. The FSG's Talavera office forwarded the case to the Legal Department and tried to mediate between the family and the school to prevent this from happening again. The next day the father of the victim went to the school to inform us that he had already spoken to the director to let him know what had happened. The administrative team at the school contacted us to report that it was going to meet with the teachers to discuss what happened and provide the means to prevent situations like this from happening in the future. The family was satisfied with this reaction.

4. Badajoz. Education. Direct discrimination. A Roma youngster came to the FSG's Badajoz office to request information about how to sign up to take the ESO (secondary school) equivalency examination. He wanted to know where, dates, what the examination entailed, timetables, etc. FSG staff members accompanied the young man on his quest to gather this information. When it came time to submit the registration form, the person in charge of the department in question began to make derogatory remarks about other Roma students who were interested in applying to take the same exam. She said things like "If that one ever went to school, it was just to steal something," "he was a drug addict," "he never worked a day in his life". A Roma FSG worker was



present and had to listen to this entire conversation and was deeply offended by the attitude of that school administrator but did not say anything so as not to jeopardise the registration process of the young man.

5. **A Coruña. Education.** Direct discrimination. A phone call was received at the FSG's Naron office complaining about the lack of hygiene of a Roma girl at the school where the caller worked. The FSG staff person explained the situation of the family but the person continued to make derogatory remarks about the girl and her family. The Area of Equality proposed a meeting with the school administration and teachers to heighten awareness, furnish information about our work and express our uneasiness with the way this person was talking about the student. The person in question apologised after the meeting with FSG workers.
6. **Madrid. Education.** Direct discrimination. We received a complaint from two students at UNED (the Open University) who are pursuing a degree in social work. They informed us about one of the books they are using called *Fundamentos de Trabajo Social* (the fundamental of social work) by Tomás Fernández García, Alianza Editorial p. 210 where the author lists what he refers to as "social problems" in Spain and the list includes ethnic minorities which he suggests treating as a "problem". We do not believe that this can be considered suitable treatment for ethnic minorities. The Area of Equality sent a complaint to the law faculty of the Open University urging them not to use training material that encourages prejudice towards ethnic minorities. We were informed that the complaint was forwarded to the social work department but we have not received any response.
7. **Murcia. Education.** Direct discrimination. At a meeting with the administration, FSG staff members found that the administration and the head teacher of the school were reluctant to permit the FSG to implement its educational programme called "Getting Involved in Educational Advancement" designed to support Roma students. The administration team told us that they were concerned about the "call effect" of the programme; in other words, they feared that more Roma and immigrant students might be attracted to the school. FSG staff members in the municipality were alerted and began to mediate in the situation. The school's guidance counsellor was also informed and quickly intervened. After an awareness-raising session, the school changed its attitude and expressed interest in receiving training in interculturalism.
8. **Murcia. Education.** Direct discrimination. A Roma woman approached the FSG office to inform us that when she went to enrol her daughter in a nearby school, the person responsible told her that the class was full and that she needn't waste her time filling out the application form. The mother told us that she immediately left and filled out the enrolment application at another school.
9. **Murcia. Education.** Indirect discrimination. The Order of 26 October 2012 of the Regional Department of Education, Training and Employment establishing and regulating the Regional Programme for the Prevention, Monitoring and Control of Truancy and to Reduce the Dropout Rate, published in the official gazette of the region of Murcia on 9 November 2012, was designed to regulate the coordination protocol between institutions with competence to develop measures to prevent and combat truancy. The Protocol's Annex I listing the criteria justifying an absence and what constitutes an unjustified absence, includes the following as unjustified absence: "Absences to accompany parents or legal guardians to any labour or other activity (mobile trading, the purchase of merchandise to sell, translation of conversations or documents etc.).
"Absences to engage in adult activities: caring for younger siblings, housework, help the family to assemble market stalls, etc."

We believe that the examples listed point directly to a specific sector of the population, the Roma ethnic minority. The Area of Equality sent a letter of complaint to the Regional Department of Education and Employment of Murcia to express our concern that these criteria indirectly target the Roma community.



- 10. Badajoz. Education. Direct discrimination.** At a workshop on gender violence organized by a community centre in a neighbourhood of Badajoz, an FSG staff member who was there accompanying a Roma service user told us that in a power point presentation the presenter made comments such as: "Considering that we, who are civilised, don't file complaints against abusers, how can we expect them to file complaints" (referring to Roma women), implying that most Roma women are illiterate. After the workshop the FSG member addressed the speaker and told her that she should not have made that comment about gender-based violence in the Roma community and should not generalise in those terms given the complexity of the situation which goes beyond ethnic groups. The volunteer immediately apologized saying she had no intention of offending anyone and agreed with the FSG member and assured her that she would bear this in mind in her next presentation.



Cases of discrimination in health-care

1. **Alicante. Health-care. Direct discrimination.** The Información newspaper ran a story under the following headline: "Health-care officials say that the outbreak of measles can be traced back to the Roma community." The Regional Secretary for Health, Manuela García, admitted yesterday in Elche that there has been an increase in cases of measles and asserted that the origin of this infectious disease is in "overcrowded areas characterised by a lack of hygiene". Garcia added that specifically the incidence of the disease is on the rise among "the Roma people". A number of Roma families asked for our help in light of the statements made by this public official which seriously hurt the image of the Roma community. The FSG sent a communiqué to the media lamenting these statements because of their very negative and damaging repercussions on the image of the Roma community and because of the rejection they promote. In the end, a positive atmosphere of dialogue was established with the Regional Department of Health and a clarification and apology was issued by the Regional Minister of Health. In this case we would note that both the apology and the clarification were expressed publicly. Thanks to this swift public retraction, the issue was resolved in a positive fashion.

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El periódico de la provincia de Alicante
NOTICIAS
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HEMEROTECA >

PORTADA
SECCIONES
DEPORTES
OPINIÓN 2.0
OCIO
VIDA Y ES

Alicante Elche Vega Baja Benidorm/Marina Baixa Alcoy/Comtat/Foia Elda/Vinalopó L'Alacantí Baix Vinalopó Marina Alt

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Sanidad dice que el origen del brote de sarampión está entre personas de 'etnia gitana'

La secretaria autonómica atribuye el foco de los 178 casos detectados en la provincia a "ambientes con pocas condiciones higiénicas"

07:37 ☆☆☆☆

 Recomendar 11

M. J. MORA/P. ALBEROLA El sarampión continúa propagándose, como una epidemia por la provincia de Alicante, pese a que la autoridades sanitarias se sigan refiriendo a ella como un brote. Sólo en la última semana se han notificado medio centenar de nuevos casos en la provincia. El departamento de Elda ha registrado los dos primeros contagios desde que comenzó el año, mientras en Elche ya hay 20 casos, tras aparecer 14 nuevos en la última semana, y en la ciudad de Alicante la cifra se eleva a 156 con 36 nuevos enfermos. En total son 178 los contagios de sarampión desde que comenzó el año en toda la provincia de Alicante.

La secretaria autonómica de Sanidad, Nela García, reconoció ayer en Elche que se está detectando un aumento de los casos de sarampión y situó el origen de estos contagios en "ambientes hacinados y con pocas condiciones higiénicas". García añadió que, concretamente, se está produciendo un incremento "entre personas de etnia gitana". Pese al ritmo de propagación que está adquiriendo esta enfermedad en el último mes en la provincia, la secretaria autonómica señaló que estamos ante un brote "debido al déficit de vacunación". Este año, aseguró, "hemos contabilizado ya 200 casos acumulados en la Comunidad Valenciana, una cifra mucho mayor que en años anteriores". García añadió que "hay un brote en Alicante y por ello se está aumentando la vacunación".



Vacunación de niños frente al sarampión en Elche. *diego fotografías*

CASE 1



La FSG lamenta la asociación entre un brote de sarampión y la etnia gitana

Ante la noticia publicada el 16 de febrero en el *Diario Información* de Alicante con el titular: "Sanidad dice que el origen del brote de sarampión está entre personas de etnia gitana", la Fundación Secretariado Gitano emitió un Comunicado en el que expresaba su profundo malestar por la asociación de problemas sanitarios con el origen étnico de las personas. Al día siguiente, el mismo medio recogía unas declaraciones de la responsable de Sanidad expresando sus disculpas por lo sucedido.




Manuela García Reboll
► Secretaria autonómica de Sanidad

Tribuna

NO QUISE OFENDER

Tras la publicación del pasado 16 de febrero basada en mis declaraciones en el Hospital de Elche respecto al brote de sarampión que se ha detectado en la Comunidad, quiero aclarar que en ningún caso pretendí ofender a ninguna persona ni colectivo y transmito mis más sinceras disculpas si con la interpretación de las mismas puedo haber provocado un agravio a alguno de ellos.

Todo ser humano, sin distinción de raza ni nacionalidad, merece la misma consideración. Esto es especialmente relevante en una sanidad de excelencia, pública, universal y equitativa como la que tenemos y a la que tengo el honor de representar.

La realidad es que el brote de sarampión está afectando a los colectivos con menor tasa de vacunación, siendo éste el único factor relacionado con la enfermedad. El objetivo de la Conselleria de Sanidad es impulsar todas las medidas cuyo objetivo sea conseguir aumentar dicha tasa por encima del 95% en toda la Comunidad. De no hacerlo, resulta imposible erradicar la enfermedad, objetivo propuesto por la OMS para el 2010 y que no se ha logrado únicamente por una vacunación insuficiente. Para ello contamos con la inquestionable profesionalidad de la Dirección General de Salud Pública y la excelente colaboración de todos los colectivos más susceptibles a los cuales nos hemos dirigido.

2. Valencia. Health. Direct discrimination. The FSG's Valencia office contacted the public information service of a local health-care centre to request information regarding how to go about applying for a health-card for two Romanian nationals. The following reply was received: "The words Romanian and Roma spoken together indicate that they have an attitude problem when it comes to acquiring a health card. According to the information I have, their documentation is incomplete and that may be due to what you say, i.e. the discrimination they face in their home country or whatever, but if they don't have the money to renew their passport, I suggest they sell their mobile phone or not use it this month. Have I made myself clear?" The Area of Equality spoke with this person directly to explain the work we are doing in the area of health-care with the Roma community.



Cases of discrimination in other areas

JUSTICE.

- 1. Cadiz. Justice. Direct discrimination.** A Roma family from the town of Algodonales came to the FSG office in Jerez de la Frontera to report that they suffered discrimination at a judicial hearing. They told us that three members of the family were given an initial sentence of ten years imprisonment for a dispute they had with a non-Roma family in the same town. The events took place during the Algodonales festival in 2007. A young Roma couple was enjoying the festivities when the young man went off to use the toilette. When he returned he found several boys harassing his girlfriend and even bullying her physically. The FSG spoke with the young man's lawyer who told us that "the judgment was very harsh and appears to pre-judge the accused because they are Roma". The prosecutor argued that the Roma family was gathered together on the street waiting to attack the others and did not consider that it is normal for a Roma family at this time of the year to be out together on the street.
- 2. Jaen. Justice. Direct discrimination.** As part of the 2012 Youth and Citizenship Conference held in Cordoba on 23 and 24 February, bringing together youth groups from several provinces around Andalusia, they visited a Cordoba court to witness a trial and see the justice system at work. In this case, the accused and the lawyer were both Roma. During the course of the visit to the court, one of the judges who was a speaker at the conference addressed the group saying: "90% of all prison inmates are Roma." Most of the participants were both puzzled and annoyed by the comment. The speaker was told that he needed to explain his comment further. We then took advantage of the opportunity to do some awareness-raising and clarify this unfortunate comment which is not an accurate reflection of today's Roma community.
- 3. Huesca. Justice. Direct discrimination.** A Roma man came to the FSG office in Huesca to report his concern upon reading the lawsuit lodged against him by his ex-partner regarding the custody of their children. The suit uses the man's ethnicity as an argument against joint custody of their children. The document states as follows: "Mr. Sanchez's hobby is music (singing, flamenco, part of a group) and he spends a great deal of time with his fellow musicians, many of whom are Roma." He expressed his concern about this to us. He fears that this may influence the judge against him.



DIGNITY

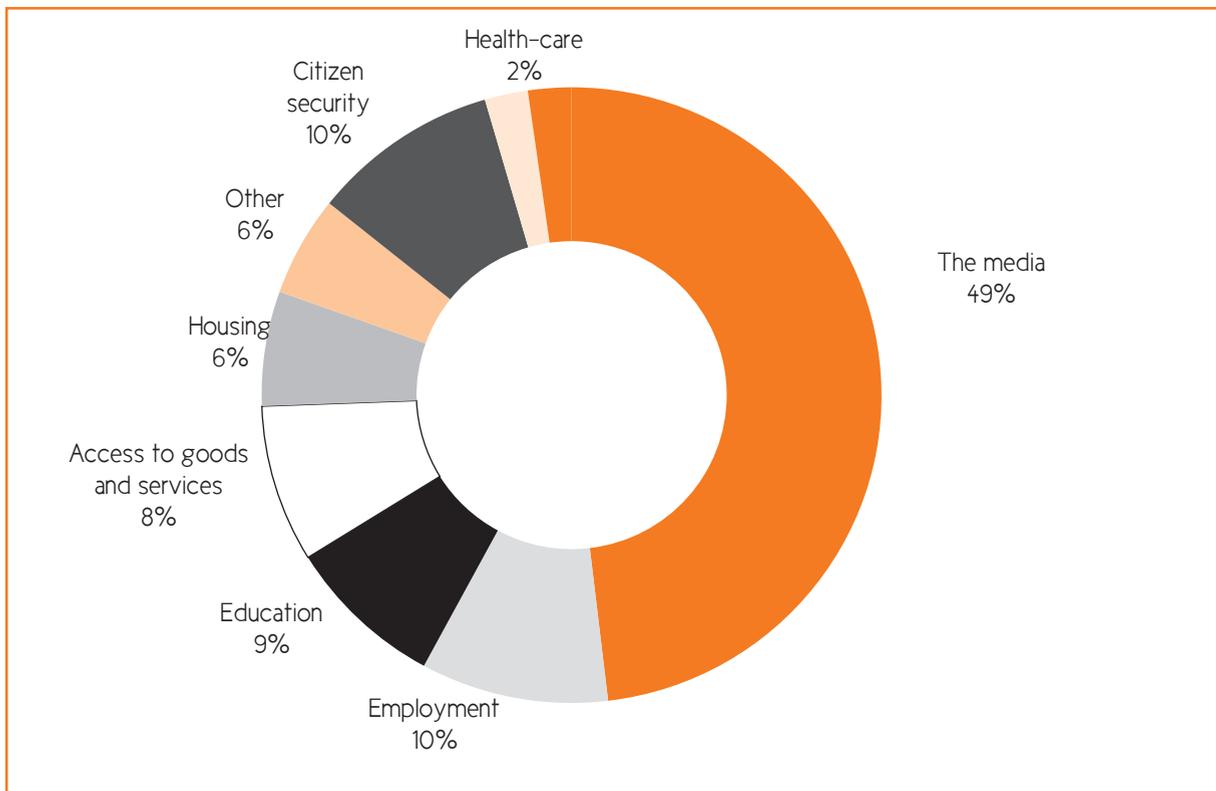
- 4. Jaen. Dignity. Direct discrimination.** A Roma girl and FSG service user in Jaen told us that when her boyfriend's mother realised that she was Roma, not only did the mother begin to treat her differently but also began to make negative and derogatory comments about the Roma community in general. She said things like: *"Don't you see that she's after your money. She's spending your money in ZARA."* This is an example of how prejudice arises out of ignorance and is passed from one person to the next generating situations of discrimination.
- 5. Jaen. Dignity. Direct discrimination.** In a story published in the *El Pais* newspaper, Diego Banderas makes a negative and stereotypical remark against the Roma community: *"As the saying goes, no Roma likes to see their children with high principles."* An FSG staff member sent an email asking how a political leader could make such comments, especially in the media. The following reply was received to that email: "Dear colleague, with regard to my comment, by which I meant no harm to a people that I respect and defend, I would like to express my most sincere apologies and rectification which I have made public to those whom I unintentionally hurt and offended. Please express my apologies to those whom I am unable to contact directly. Thank you for your constructive criticism." On this occasion, we received a positive response to our letter which had a healing effect.
- 6. Jaen. Dignity. Direct discrimination.** A young Roma girl approached the FSG office in Jaen to tell us that her friend's father (who is not Roma) does not want his daughter to be friends with her because she is Roma. He blames any conflict or argument he has with his daughter on the fact that her friend is Roma. She said that she was starting to feel harassed by her friend's father both at home and when they go out. He makes comments such as: *"Where is my daughter, where does her boyfriend live, everything that happens to my daughter is your fault, you are the one influencing her behaviour..."* "You Roma are to blame for this." The situation deteriorated to the point that the girl reported the situation to the police out of fear reprisals against herself and her family.
- 7. Huesca. Dignity. Direct discrimination.** A coordination meeting was held between two associations and a representative of the absenteeism committee to plan a summer school for children. One of the people present made the following comment in reference to a Roma association: *"As you already know, when Roma receive a subsidy it goes right into their pocket for their personal use."* The FSG staff members in Huesca responded by trying to explain that comments like this are unfair and the person in question apologised.
- 8. Badajoz. Dignity. Direct discrimination.** An ACCEDER Employment Programme participant reported that she had a set of dishes on display in the window of her shop. The dishes were from a restaurant she owned but which was no longer in operation which is why they were for sale. A person then came by assuming that the plates were an imitation of a brand of tableware of which he was a shareholder. Without even speaking to the owner of the shop, he went straight to the court to file a suit because he was so sure that his assumption was correct (presumably because the shop owner was Roma). The police came into the shop during business hours and conducted their investigation in front of the customers, thus affecting the image and personal and professional reputation of the victim. Even though the court ruled in favour of the victim showing that the tableware was original, the incident undermined the image of the victim and her business for which she received no compensation.

3. Presentation of disaggregated data

In this section we present the disaggregated data from the 129 cases of discrimination collected by the FSG in 2012.

Areas of discrimination:

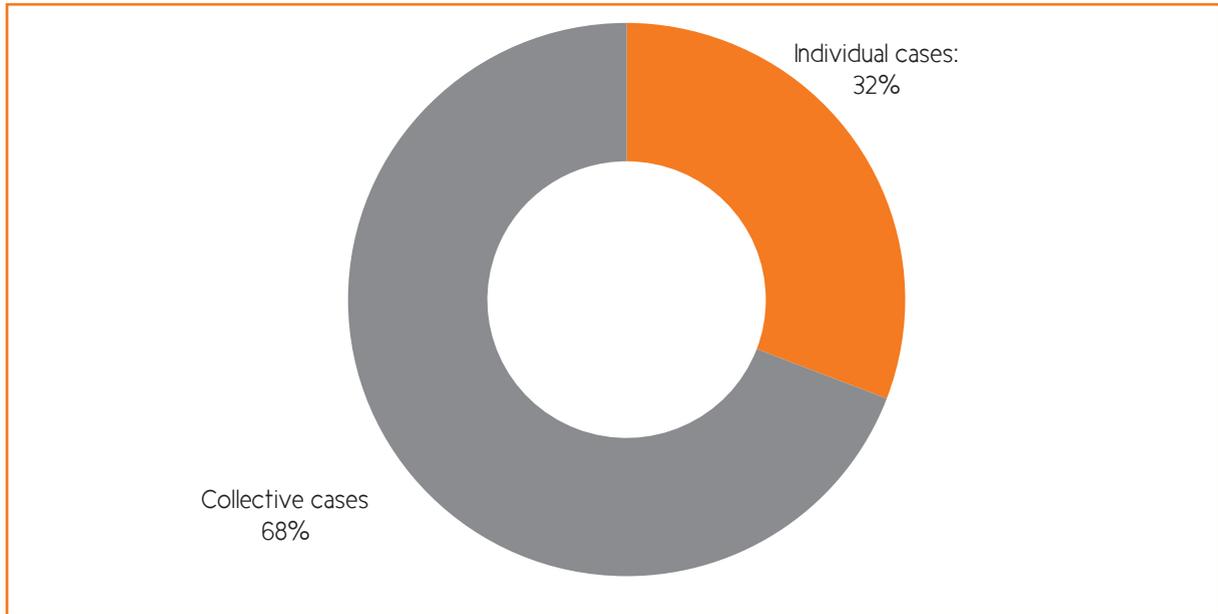
- The media: 64
- Employment: 13
- Education: 10
- Access to goods and services: 10
- Housing: 8
- Other: 8
- Citizen security: 13
- Health-care: 3





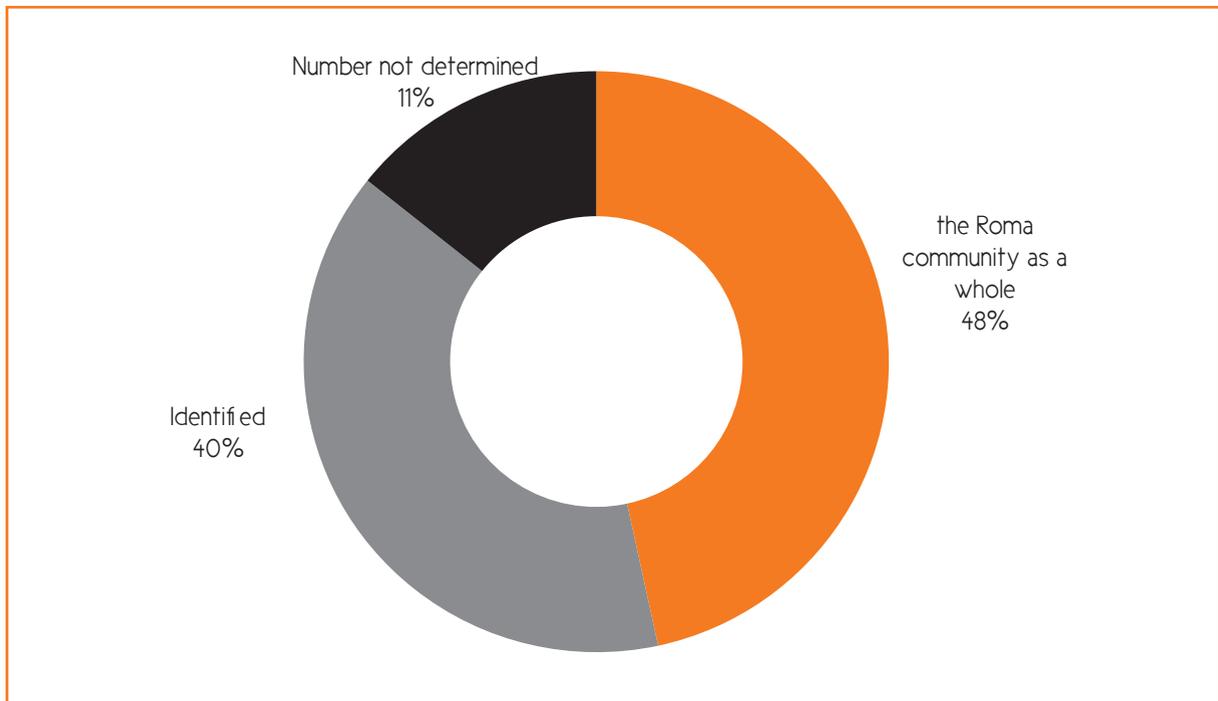
Cases:

- Individual cases: 42
- Collective cases: 87.



Victims:

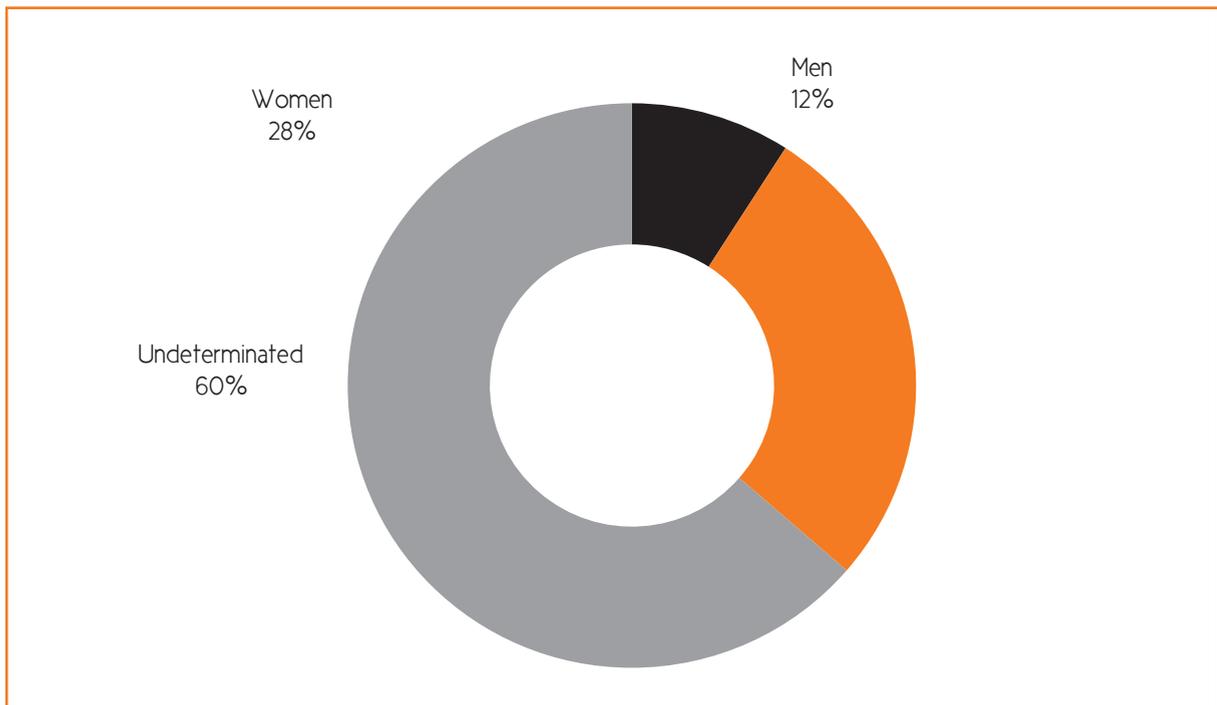
Of the 129 cases collected, 47 of them affected 52 individuals. In 62 of the cases, the discriminatory incident affected the entire Roma community and in 20 cases the number of victims could not be determined, i.e. they affected a specific group of people (family, youth group, etc.) whose number could not be determined.



Breakdown of victims by gender.

Of the 52 individual victims, 36 were women and 16 were men.

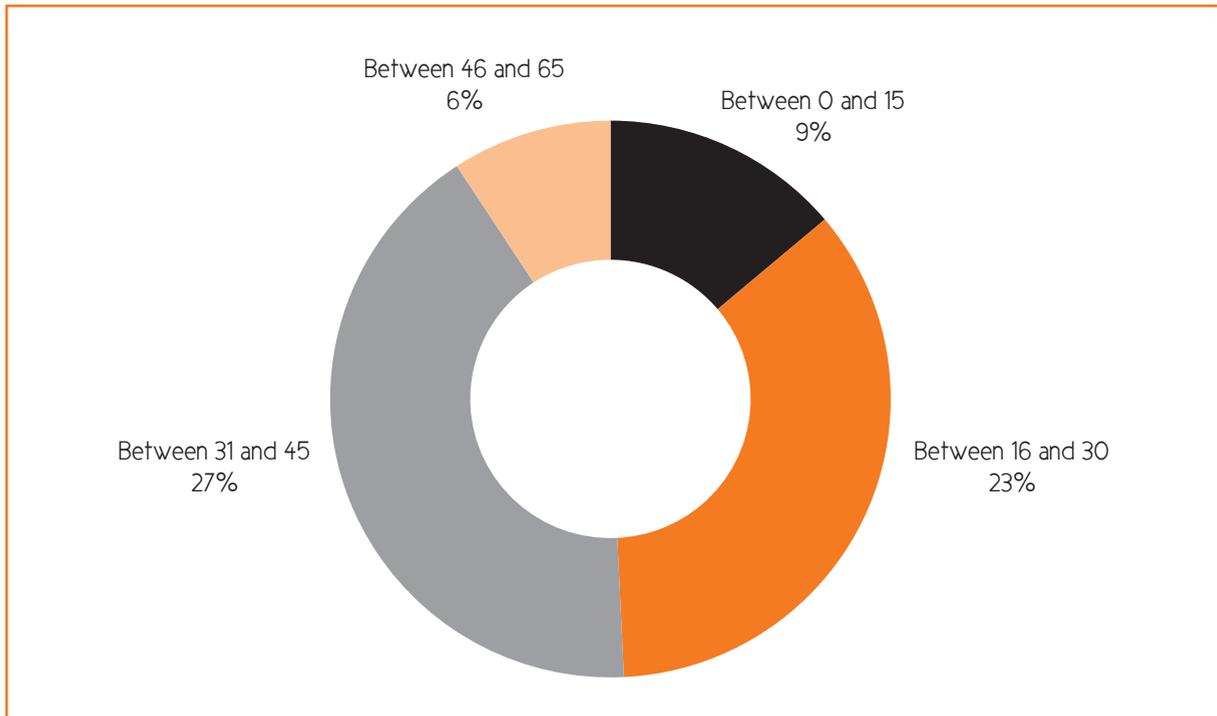
- Men: 16
- Women: 36





Age of the victims

- Between 0 and 15: 6
- Between 16 and 30: 19
- Between 31 and 45: 21
- Between 46 and 65: 6



En este apartado cabe destacar que de estos 63 casos registrados en la categoría de edad Indeterminada, en 13 de ellos, las edades de las víctimas se corresponde a una población joven, es decir, se encuentran entre 16 y 45 años de edad.



4. "Palabra de Gitano" (Roma Word of Honour): a stereotyped image of the Roma community.

Sara Giménez Giménez.

Head of the Area of Equality FSG.

Benjamín Cabaleiro.

Head of the Area of Communication. FSG

The broadcast of the TV series called "Palabra de Gitano" (Roma Word of Honour)¹ (produced by Mediaset and La Competencia) on channel four on Sunday nights at prime time (season 1 from February to March and season 2 from September to November 2013), caused a real stir among Roma associations and a large segment of the Roma community and other organisations working in the field of equality and non-discrimination.

The programme's disturbing banner, "For the first time we can see and hear from the most inaccessible of the Roma community living among us...", already reveals the intention of giving a prejudiced, biased, sensationalist and stereotyped image of the Roma people which is in no way a true reflection of their heterogeneous reality and only contributes to promoting social rejection, as evidenced by the reactions from social media inciting hatred and discrimination against the Roma community.

Moreover, from a legal point of view, we believe that the broadcast of this programme violates the following rights:

- The right to privacy, honour and image of the Roma community, regulated under Article 18 of the Spanish Constitution.
- The right to equality and non-discrimination enshrined in Article 14 of our Constitution and also specifically regulated under European Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, transposed into Spain's legal system by Law 62/2003. In this

context, it is worth mentioning how the image portrayed of Roma women contributes to gender inequality between men and women.

- It has provoked racist and discriminatory reactions that could constitute a criminal offence of incitement to hatred against the Roma community described in Article 510 of the Criminal Code.
- This programme likewise fails to respect the right to equality as established in the Audiovisual Communication Act, Law 7/2010 of 31 March 2010 and the Audiovisual Media Services Directive (2010/13/EU) whose Article 9(1) c) provides that "audiovisual commercial communications shall not: (i) prejudice respect for human dignity; (ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation".

This program has sparked reactions, communiqués and comments from organisations, institutions and individual activists, and also from member organisations of the State Council of the Roma People² some of which are noted below:

- *The FSG concerned about the broadcast of the TV programme "Roma Word of Honour" (08/02/2013).* Communiqué released by the FSG two days before the broadcast of the first episode: ("... We are con-

¹ Sale of the TV rights of the programme to "Direct TV", a satellite channel for US and Latin American subscribers, also received a lot of press attention. The programme has been re-broadcast on TDT channel seven of the Mediaset Group.

² Collegiate and consultation body created by the Ministry of Labour and Social Affairs (now the MSSSI). It aspires to serve as a forum for reflection and coordination between the different social stakeholders, non-governmental organisations related with the Roma associative movement and the General State Administration and also seeks to gather the aspirations, demands and proposals focusing on the integral advancement of the Roma people and to provide assistance in the planning of actions proposed by the Administration. The key Roma organisations and federations are represented there.

cerned about Channel Four's promotion of a new prime-time programme ..."). (... "the track record of that television channel leads us to believe that this subject will not be dealt with in a sensitive and balanced manner; judging from other programmes such as 'Callejeros' that for years focused on the most marginalised and antiquated facet of the Roma population in our country.

- The federation of Roma women denounces Channel Four and demands precautionary measures in the El Mundo newspaper – Andalusia edition (12/02/2013). This newspaper reported that Faka-li filed a complaint before the court in Seville requesting precautionary measures with regard to the broadcast.
- Which ROMA WORD OF HONOUR? Article in Baxtalo's Blog (11/02/2013). Article published in this Blog focusing on "Interculturalism and combating Romaphobia and Anti-gypsyism". "... That gruesome and dramatic production with background sounds of terror and suspense, those overhead shots of the girl screaming, that pixelated image ... and those exaggerated, aggressive and macho expressions... Clearly the producers believe they have done their best work. They have managed to reaffirm an entire set of pre-existing prejudices, expressed in images, that bait the senses of spectators, very few of whom know anything about the Roma people or have biased information that is out of context and full of a deep-seated anti-gypsyism or a culturally relativist ideological paternalism based on a romantic and almost magical vision of our people..."
- Communiqué from Fagic (11/02/2013). The communiqué from the Catalan Federation of Roma associations overwhelmingly expressed its rejection of the programme summarised in seven points ("... We reject the most sensationalist, stigmatising, stereotypical and superficial programme ever produced on the Roma people in Spain ...").
- "Roma Word of Honour" offers a stereotyped image of the Roma community. After the broadcast of the first episode, the FSG reiterated its concern about the image conveyed by Channel Four's new programme (12/02/2013). Second communiqué from the Fundación Secretariado Gitano. ("... As fate would have it, the day after this broadcast the FSG presented its Annual Report on Discrimination and the Roma Community which included a debate on the role of media in shaping the image of the Roma community and its influence on discrimination. In this regard several of the speakers at that event, including the FSG's director, criticised Channel Four's programme and said that this "was not straight-forward reporting and did a lot of damage, crystallizing a view of Roma based on the pañuelo (handkerchief), sexism, etc. with harmful and long-lasting effects").
- "Those Roma who appear on TV. Outrage over the "stereotypes" about Roma on the Channel Four TV series. El Pais newspaper 12/02/2013. Report by Carmen Morán in the TV section, with statements from FSG spokespersons.
- All for the ratings. Article by Joaquín López Bustamante (full version) (12/02/2013). El Pais newspaper published an article about this well-known Roma intellectual. We uploaded a slightly longer version sent by the author to our web page ("... Many of the images from last Sunday's episode offended hundreds of thousands of Roma who sit powerless watching while their culture is trivialised and ridiculed.") ("... All for the ratings: with the programme Roma Word of Honour Channel Four doubled its audience from the previous week, with Twitter and other social media increasing its dissemination. More than two million viewers and a great deal of advertising will keep executives and producers happy. But a line needs to be drawn somewhere. The broadcast of this programme should generate a serious ethical debate in which Roma associations and professional journalist associations need to be heard ...").
- "We did not want to offend anyone by talking about the 'prueba del pañuelo' (virginity test), least of all the Roma themselves." 'Heraldo de Aragón' (13/02/2013). Statement made by the family appearing in episode one. "... Our intentions were good. We never wanted to offend or hurt anyone, least of all the Roma community because offending them means offending ourselves." That declaration was made yesterday by the family from Huesca that appeared in the pilot episode of 'Roma Word of Honour', Channel Four's new programme, in response to criticism from different sectors concerning the image portrayed in this documentary series..."
- The State Council of the Roma People (CEPG) denounced the sensationalism and stereotypes characterising 'Roma Word of Honour' (18/02/2013). The first joint statement issued by the member organisations of the State Council of the Roma People (including the FSG), the Roma Cultural Institute and others organisations that signed to show their support, "... in light of the concern expressed by a great many Roma and non-Roma individuals and organisations regarding the broadcast...". The statement contains four points denouncing the sensationalist and stereotyped way in which the programme deals with the Roma and encourages the media "to produce and broadcast programmes



- that truly address the Roma issue”, asks Roma (and non-Roma) families to refrain from taking part in the programme which feeds discriminatory stereotypes and, in response to the announcement that further episodes are forthcoming, “we reserve the right to take appropriate legal action.”
- Request made by Fakali on Change.org: “Mediaset: Channel Four is requested to remove its programme entitled ‘Roma Word of Honour’ (02/2013). “... If you would like to support justice and respect for the Roma culture, we invite you to collaborate by signing a petition to be sent to Mediaset. Let’s all work together to get this programme off the air.” The petition has been signed by over 4,500 people.
 - “Concerning the programme ‘Roma Word of Honour’ broadcast by Channel Four.” Drom Kotar Mestipen Roma Women’s Association. 05/03/2013.
 - Declaration made by member NGOs of the State Council of the Roma People and the Roma Cultural Institute regarding ‘Roma Word of Honour’. 11/03/2013. New joint statement in which “... we again address the Spanish society, the media and their regulatory bodies, the Roma and non-Roma families who directly or indirectly take part in the programme, the Ombudsman and other public institutions and government and international agencies which are responsible for safeguarding the rights of citizens, particularly the weakest or which are facing the most serious threats...”.
 - This is not “Roma Word of Honour”. Article in the El País Blog called 3,500 Million, written by Lucia Petisco, Communication Area FSG (12/03/2013). We were warned of the effects of the programme “... A few days ago, under the tag #GitanosPureza, messages such as the following were found on Twitter: “They are a bastard race that should be annihilated”, “requesting the extermination of the Roma race”, “a good gypsy is a dead gypsy...”; to offset this, a link to one of the “Get to know them before judging them” campaign spots was offered.
 - “I have portrayed the Roma people with consent and respect.” Interview with the director of ‘Roma Word of Honour’, Jacobo Eiros in ‘El Progreso de Lugo’ newspaper (15/03/2013). “...We took notice of a programme first broadcast on Channel 4 in the UK called ‘My Big Fat Gypsy Wedding’. We then started planning to adapt it ...” “... We would like ‘Roma Word of Honour’ to be on the air for years. We want to create a brand name like the programme ‘Callejeros’ ...”.
 - A Europe that stigmatises minorities. Article published in Diagonal.net with references to ‘Roma Word of Honour’ (19/03/13).
 - The Audiovisual Council of Andalusia (CAA) demands that Channel Four immediately withdraw the xenophobic comments posted on its ‘Roma Word of Honour’ website 21/03/2013. “... The CAA reminds Channel Four that it is responsible for the comments posted on its website in accordance with the Information Society (Services and Electronic Commerce) Act, Law 34/2002. Therefore, it is required to act promptly to prevent the violation of fundamental rights, the only limitation in Spain on the right to freedom of expression.”
 - “Channel Four removes comments about the TV series on Roma from its website following a number of complaints.” El País newspaper 21/03/2013. “... Channel Four was informed of the Audiovisual Council’s decision and decided to delete all comments that Internet users had been posting on its website regarding each of the six episodes of ‘Roma Word of Honour’.”
 - “The Audiovisual Council of Catalonia (CAC) believes that the TV series ‘Roma Word of Honour’ presents a stereotyped image of the Roma community.” 21/03/2013. “... In accordance with national broadcasting regulations, the CAC has informed the Ministry of Industry, Energy and Tourism of its assessment so that the latter can take appropriate action where necessary.”
 - Channel’s Four’s ‘Roma Word of Honour’ backfires. Accusations of ‘sensationalism’. The community, supported by the Audiovisual Councils, denounces this TV series to the Setsi. Article appearing in ‘El Mundo’ newspaper on 22/03/2013.
 - The social institutions members of the State Council of the Roma People lodge a complaint before the competent authorities urging them to take the necessary steps with regard to the broadcast of ‘Roma Word of Honour’. 25/03/2013. This time the complaint was sent to the audiovisual councils of Spain, the Secretary of State for Telecommunications, the Council for the advancement of equal treatment, the Ombudsman and Channel Four.
 - ‘Roma Word of Honour’, by Marcos Santiago Cortés. 27/03/2013. The Roma lawyer Marcos Santiago used his column in the Diario de Cordoba newspaper called ‘Al paso’ to analyse Channel Four’s programme. Mr. Santiago was interviewed for one of the episodes of that TV series.
 - ‘Neither word of honour nor Roma’, by Agustín Vega Cortés. Article by the president of Romany Opinion published in his Facebook page. 31/03/2013. “... I believe that all ethnic groups have the right to uphold their culture, but this has to be compatible with universal human culture that draws on the values of non-violence, peace,



equality and freedom and with the rights of individuals. And I believe that minority populations like ours, which have always been marginalised and despised, should be the main defenders of these values because they are the weapons we have to defend ourselves. We cannot give ammunition to those that criminalise us, nor should we collaborate with them, offering behaviours and attitudes that are often no more than the fruit of ignorance or marginalisation as elements of Roma culture and which racists then use to characterise the entire Roma community."

- NGOs belonging to the CEPG believe that 'Roma Word of Honour' has tarnished the social image of the Roma community as well as intercultural harmony and equality, and has served as a breeding ground for racist comments, 01/04/2013. New communiqué from the NGO members of the State Council of the Roma People following the broadcast of the last episode of season one. "... What we need is a real, diverse, comprehensive, heterogeneous and modern image of the Roma community that allows society to see the important progress made by the Roma people –especially Roma women– fostering equality and intercultural harmony ..."
- Health-care services admit that some TV programmes do nothing to help eliminate negative stigmas and offer their support to this community on the Day of the Roma People (Europa Press), 08/04/2013. Statement made by the Secretary of State for Equality and Social Services, Juan Manuel Moreno, and published by Europa Press: "... Has admitted that 'some TV programmes do nothing to help eliminate the negative stigmas' facing the Roma community 'in everyday life' and added that the Government will be their 'ally' in bringing this message to those responsible for the media in question ..." "... has insisted that it is 'absolutely vital for all public administrations to do their part in eliminating prejudice: 'We stand by the Roma people as allies in making media leaders understand those aspects that we cannot agree with' declared Moreno."
- 'Roma Word of Honour', when television falls into the net – Article published on the blog of the CAA (Audiovisual Council of Andalusia), 09/04/2013.
- Romani Balval I radio programme – Unijaen – FSG Jaén devoted to 'Roma Word of Honour', with an extensive interview with Beatriz Carrillo, president of Fakali. 10/04/2013. Complete audio available on the programme's web page.
- New Press release from CEPG member NGOs. The NGOs of the State Council of the Roma People vigorously oppose the broadcast of season two of 'Roma Word of Honour'. "... Unfortunately, we have the start of a new season of the biased and sensational docuseries 'Roma Word of Honour' to look forward to. 12/09/2013.
- Complaint lodged by a Roma woman to the FSG's Area of Equality on 23/09/2013 which reads as follows: "I am Roma and I've often endured discrimination and ridicule from other racial groups but the mockery and racism from Channel Four's 'Roma Word of Honour' is more than I can bear. I am integrated, am a student and I speak with a normal Madrid accent but naturally I look Roma and I can't stand the way they laugh about the way the Roma on that programme speak."
- Article entitled 'From the monster fair to prime time TV'. The programme 'Roma Word of Honour' is a form of low intensity racism designed to exploit a minority. By Javier Sáez del Álamo. Published in the digital edition of El Pais newspaper on 10/10/2013 and in the digital and print editions of 'Diagonal' (20/10/2013); it was the most frequently read article for a month.
- Article entitled 'They're amongst us' by Juanma Jimenez in Yorokobu Magazine, 17/10/2013. "A first-hand description of Roma society free of exaggerated stereotypes" that is very critical of the programme.
- Reply dated 27 November 2013 from the Ombudsman to the complaint lodged by the State Council of the Roma People stating that a report on the programme has been requested from the State Prosecution Service and the Council for the promotion of equal treatment irrespective of racial or ethnic origin.
- Ombudsman's Report dated 16 December 2013 stating as follows: "The obligatory response in connection with your complaint has been received from the State Prosecution Service. It reports that



Preliminary investigative proceeding 5009/2012 at local criminal court No 2 of Alcobendas, initiated by virtue of the complaint filed by the legal representative of the Federation of Roma Women's Associations at the local on-duty criminal court of Seville, was dismissed by order dated 11 October 2012 insofar as the facts of the case are not of a criminal nature. The programme broadcast by Channel Four is about the lives of Roma people who freely agreed to take part in the programme by giving filmed interviews and allowing themselves to be recorded live. The programme is not a criticism of and does not belittle the Roma community but simply reflects the development of the events filmed with the full consent of the participating members of this ethnic group." We are awaiting the response of the Council for the promotion of equal treatment based on racial or ethnic origin. Despite the legal arguments that led to the dismissal of the complaint, the government should provide tools preventing the broadcast of such programmes. Given the immense damage this programme has done to the image of the entire Roma community, more attention needs to be paid to protecting equality.

These and other reactions are a reflection of the negative impact that this programme has had on the inclu-

sion of the Roma people in society. We are speaking of an ethnic minority that has made headway in terms of integration but which unfortunately remains a victim of discrimination and TV programmes such as this which, far from contributing to social awareness, equality and non-discrimination, have provided a biased and stereotyped picture of this group of people which only adds to the social rejection they face. The image portrayed has a perverse effect on the lives of many Roma whose everyday life has nothing to do with what this programme has shown us; Roma men and women living together with the rest of society, who take part in training courses, who work and who are trying to better their position.

We therefore strongly recommend that the media be reminded of their social responsibility when it comes to their treatment of ethnic minorities. We ask them to address the heterogeneous nature of such minorities and to steer clear of biased and gruesome portrayals of our community which, far from contributing to awareness, only serves to foster social rejection and inequality and reinforce negative stereotypes about minorities.



**Putting discrimination
in context**



1. Police identification based on ethnic profiling: the case of Roma

José García Añón, José Antonio García Sáez *
Andrés Gascón Cuenca, Antoni Llorente Ferreres
and Cristina de la Serna**

I. Introduction. Background and methodology of the study.

Ethnic profiling is the practice of using racial or ethnic stereotypes rather than individual behaviour or other objective data to conduct police activities such as identity checks or disproportionate or arbitrary searches. These practices may be used in the context of crime prevention and immigration control and are based on the conscious or unconscious assumption that ethnic or racial characteristics help predict which people might be involved in criminal or unlawful activity. In other words, it is a practice in which police officers conduct checks based on what people are or appear to be and not on what they have done¹.

As clearly described in the Amnesty International article appearing in this chapter, ethnic profiling by police is discriminatory (according to numerous human rights organisations), and is widely used in Spain. And despite numerous recommendations from various national, European and international institutions urging the Spanish government to do away with these discriminatory practices, the authorities have denied that the problem even exists and thus

the need to adopt sufficiently effective measures to prevent checks arbitrarily based on racial or ethnic appearance.

This is the context of the study called *Police ethnic profiling in Spain: report on experiences and attitudes with regard to police action* published in October 2013 in response to the absence of scientific data (in part due to the fact that the authorities themselves do not collect such data) on police action and the different impact it has depending on the ethnic group in question. An analysis is made in this report of the results of the April 2013 survey of 2,800 people conducted by Metroscopia, 2,000 of whom were randomly chosen and therefore representative of the population in Spain, and a further 800 belonging to different ethnic minorities living in Spain. The questionnaire contained questions about their experiences with the police, their level of satisfaction with these experiences, and more broadly their willingness to cooperate with the police in the event that they are victims of or witness a crime, their degree of trust in the police and their overall willingness to cooperate with this institution. The study is based on the procedural justice theory² which holds that experiences with police that are perceived as negative damage the trust people have in this institution as well as its legitimacy, which has a negative impact on one's willingness to cooperate with the authorities, which in turn undermines police effectiveness and therefore public safety.

Following is a summary of the main data from the survey with particular focus on Roma since, as we will see, it is the most over-represented ethnic group in the various police actions addressed by the study.

* José García Añón, José Antonio García Sáez, Andrés Gascón Cuenca and Antoni Llorente Ferreres are researchers at the Human Rights Institute of the University of Valencia. They are joint authors of the study entitled *Identificación Policial por Perfil Étnico en España: Informe sobre Experiencias y Actitudes en Relación con las Actuaciones Policiales* (Police ethnic profiling in Spain: report on experiences and attitudes with regard to police action).

** Cristina de la Serna is a lawyer who collaborates in Spain with the international organisation Open Society Justice Initiative. This is an operational program of the Open Society Foundation that promotes legal reform in support of human rights and contributes to strengthening the legal training of open societies around the world. In 2005, Justice Initiative launched a project to address issues of police discrimination in Europe, more specifically the use of racial or ethnic profiling by law enforcement officials

1 For a more detailed definition of ethnic profile, see OSJI (Open Society Justice Initiative), *Reducing Ethnic Profiling in the European Union. A Handbook on Good Practices*, New York, 2012, pp. 17-28; and García Añón, José; et al. *Identificación Policial por Perfil Étnico en España: Informe sobre Experiencias y Actitudes en Relación con las Actuaciones Policiales*, Tirant lo Blanch, 2013, pp. 33-42.

2 See, among others, García Añón, José; et al, op. cit., pp. 74-84, and Tyler, T.R., 'Procedural Justice, Legitimacy, and the Effective Rule of Law', *Crime and Justice. A review of Research*, University of Chicago Press, vol.30, 2003, pp. 283-357, (2003a).



II. Ethnic profiling and the Roma community. Main data from the survey.

Identification and search of vehicles

Survey data revealed that over the past two years people born outside Spain were three times more likely to be stopped on foot than people born in Spain. However, neither nationality nor immigration control was the deciding factor. In the native and the foreign group, people with ethnic characteristics different from those of the majority population reported being stopped by the police three times more frequently than Caucasians (i.e. white European), regardless of their country of birth (among those born in Spain, 5% of Caucasians compared with 12% of non-Caucasians; and among people born outside Spain, 16% of Caucasians compared with 36% of non-Caucasians reported having been stopped by the police for an identity check³). If we compare the different ethnic groups, the Roma community is clearly the one most frequently stopped on the street by police doing identity checks: 60% of Roma respondents reported having been stopped in the past two years compared to only 6% of Caucasians (10 times higher). This is the group most frequently targeted for ID checks in the street, followed by the Maghrebis (45%) and Afro-Latin-Americans (39%).

In the case of vehicle stops and searches it should be noted that, while no significant differences between ethnic groups in Spain were observed, the only group that experienced a higher proportion of searches (statistically significant) was precisely people who appear to be Roma: 37% of the Roma surveyed said they had been stopped while travelling in their vehicle compared to 25% of Caucasians. However, other ethnic minorities surveyed were not stopped more frequently than Caucasians (for example, 25% of those who appeared to be Maghrebi answered affirmatively)⁴.

Effectiveness of the stops

Having verified the disproportionate percentages in terms of stops and searches of the different ethnic minorities, it is important to note the effectiveness of those actions; in other words, whether or not police checks resulted in the discovery of some illegal act (either criminal or administrative). Survey results show that although people of non-Caucasian appearance (such as Roma) are more likely to be stopped than their Caucasian counterparts, ID checks of these groups are

3 García Añón, José; et al. *op. cit.*, p. 124.

4 García Añón, José; et al. *op. cit.*, pp. 138-140.

not more effective than those of the majority population and were mostly ineffective in both cases: 86% of Caucasian respondents and 89% of people from ethnic minorities indicated that police checks were in vain (in other words, they were ineffective)⁵.

Impact on individuals

As noted above, a key aspect of the study relates to the perception that the people stopped for ID checks have of their experiences with the police. In this connection, 4 out of 10 Roma people stopped claimed that the police were not respectful compared to 1 out of 10 Caucasian people in the same situation. Furthermore, 53% of Roma people felt that they were not treated in the same way another person would have been treated under the same circumstances, compared to 12% of people belonging to the majority population⁶.

Effects of police checks on trust, legitimacy and willingness to cooperate with police

The Roma community is the group reporting the lowest overall degree of trust in the police, a particularly striking statistic given that other ethnic minorities expressed more confidence in the police force than the majority Caucasian Group⁷. It is also the group conferring the lowest degree of legitimacy on the police, well below the other ethnic minorities and the Caucasian Group. Lastly, the results of the survey show that trust in the police and satisfaction with police encounters play a fundamental role in one's willingness to cooperate. This means that unsatisfactory police actions damage the willingness of people to collaborate. Therefore, and although data is not broken down according to ethnic origin for this variable, it can be presumed that Roma are not very willing to cooperate with the police when they are victims of or witness a crime.

III. Conclusion

Social stigma and prejudice towards Roma also affect the way police perform their duties. The study results show that out of all of the ethnic minorities living in Spain, Roma is the group most disproportionately controlled (and presumably discriminated against) by the

5 García Añón, José; et al. *op. cit.*, p. 150.

6 García Añón, José; et al. *op. cit.*, pp. 162-163.

7 García Añón, José; et al. *op. cit.*, pp. 191-192.

8 García Añón, José; et al. *op. cit.*, p. 207

9 García Añón, José; et al. *op. cit.*, pp. 210-214.



police. However, police ID checks of this group are no more effective than checks made of Caucasians, indicating that ethnicity is not a valid criterion in predicting the likelihood of wrongdoing. This practice is discriminatory, reinforces stigmatisation and is totally ineffective. However, in addition to that, it undermines the trust placed in the police and their very legitimacy thus having a detrimental effect on relations between this ethnic group and police officers making Roma less willing to collaborate when they are victims of or witness crime. The Roma community therefore meets all of the hypotheses of the procedural justice theory described above.

In 1978 the first (and only one in history thus far) Roma Member of Parliament, Juan de Dios Ramírez Heredia, managed to eliminate three precepts from the Civil Guard regulation in force at the time which ordered police officers to “keep a very close watch on Roma and take great care in checking all of their documents, noting any

unique characteristics, observe the way they dress, find out where they live and any other information needed to get a clear idea of their movements and occupations, and to find out where they are travelling and the purpose of their movements”¹⁰. Absolutely all of the political parties in Congress at that pre-constitutional point in history supported Mr. Ramírez Heredia’s non-legislative motion. Today there are no legal provisions ordering police officers to select any particular ethnic group, but police still apply ethnic profiling in their everyday practice. However, and as is reflected in the article by Amnesty International in this chapter, there are solutions to this problem. Measures have been adopted in other countries and even in certain local police forces in Spain that have proven effective in reducing discriminatory bias in policing while enhancing effectiveness and improving relations between different ethnic groups and the police. It would certainly be a step in the right direction to get the same political consensus that Juan de Dios Ramírez Heredia’s initiative achieved in 1978.

¹⁰ See the column in the El País newspaper dated 21 July 1978 entitled “Acaba la discriminación de los gitanos en el reglamento de la Guardia Civil” (no more anti-Roma discrimination in the Civil Guard regulation) available at http://elpais.com/diario/1978/07/21/sociedad/269820021_850215.html.



2. Identity checks and racial profiling in Spain.

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I. ID checks based on racial profiling

In countries like Spain it could happen that the police stop someone who does not “look Spanish” up to four times the same day, and not because he stole something or committed a violent act, but simply to check his ID. It does not matter that this person has been living in Spain ten days or ten years or whether or not they have Spanish nationality. People from ethnic minorities must prove that their immigration status in Spain is in order and must be prepared to do so at any time of the day or night, even if they are on their way to work, going to pick up their children at school or taking a stroll through the city¹.

The Roma community faces a similar situation. Many Roma people find themselves under suspicion and are frequently stopped by the police and asked to identify themselves simply because their ethnic group is associated with crime. This is the conclusion of the report on police ID checks based on ethnic profiling in Spain: report on experiences and attitudes regarding police actions conducted by the Institute of Human Rights at the University of Valencia. According to the latter, Roma are 10 times more likely than people with a “European Caucasian” appearance, i.e. white with features similar to the majority of Spaniards, of being stopped by the police and asked to identify themselves.

The European Commission against Racism and Intolerance (ECRI) defines racial profiling as the use by the police, with no objective or reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance and investigation activities. Racial profiling associates racial and ethnic characteristics of individuals with administrative violations or criminal activity. This practice uses racial or ethnic stereotypes as the sole or main criteria for deciding who to stop or who should be subject to police control. This is a practice used in the context of

crime prevention, control of irregular migration and to combat terrorism.

II. Racial profiling is discriminatory and prohibited by international human rights standards

Ethnic profiling is based on generalisations and stereotypes about race, ethnicity or national origin and not on the individual behaviour of people. It is assumed that there is a direct causal relationship between ethnicity and certain types of administrative or criminal offences.

This association often leads to the criminalisation of an entire group or community. The individuals affected are treated differently (worse) by security forces for reasons that are expressly prohibited by law as discriminatory: race, ethnicity, national origin, etc., and with disastrous consequences for their dignity.

Many instruments of international law forbid these discriminatory practices:

The International Covenant on Civil and Political Rights (ICCPR) prohibits discrimination in Article 26 which provides that all persons are equal before the law and entitled to equal protection of the law without discrimination.

The Convention on the Elimination of Racial Discrimination prohibits racial discrimination with regard to freedom and the right to equal treatment before the courts and all other bodies administering justice, including the police.

The European Convention on Human Rights prohibits racial discrimination in the enjoyment of civil and political rights, including the right to liberty and security.

The United Nations Code of Conduct for Law Enforcement Officials provides that agents must uphold and

¹ Amnesty International, Stop racism, not people. Racial profiling and immigration control in Spain, December 2011, p. 5.



defend the rights recognised in international anti-discrimination conventions.

The Council of Europe's European Code of Police Ethics also calls on police to perform their duties according to the principles of impartiality and non-discrimination.

III. The law and practice in Spain

The Spanish Constitution prohibits discrimination. In the field of law enforcement, the Organic Law governing law enforcement officials provides, under the basic action principles, that in the performance of their duties said officials shall "act with absolute political neutrality and impartiality and, therefore, with no discrimination whatsoever based on race, religion or opinion".

However, Spanish law does not contain any prohibition or effective safeguard against racial profiling. Quite to the contrary, the *Ley Orgánica de Seguridad Ciudadana - LOSC* (organic law on public safety) is very ambiguous and gives law enforcement officials a great deal of leeway when performing identity checks.

Moreover, constitutional case law is not consistent with international standards. The Constitutional Court ruled in 2001, in the case of Rosalind Williams, that race is a reasonable indication of the non-Spanish origin of a person and, therefore, identity checks based on a person's ethnic characteristics are legitimate when combating irregular immigration and do not imply a violation of the right not to be discriminated against.

However, the United Nations Human Rights Committee reviewed the case of Rosalind Williams in 2009 and found that "she was singled out for the identity check solely on the ground of her racial characteristics and that these characteristics were the decisive factor in her being suspected of unlawful conduct"². It therefore held the opinion that Spain had violated the prohibition of discrimination under Article 26 of the ICCPR. It also underscored the obligation of the State to take all necessary measures to prevent its officials from persisting in this sort of behaviour.

The Spanish authorities have failed to comply with the Committee's recommendations. In fact, in 2009 the written instructions addressed to the Madrid police force were made public and they established detention quotas for immigrants not living here legally. The previous government, however, refused to acknowledge the existence of ID checks based on racial profiling. But

after the 2011 elections, the new government issued Police Directorate-General Circular 2/2012 which tacitly recognised that these practices had been employed. Although this Circular orders officers to "avoid indiscriminate or large-scale actions based solely on ethnic criteria", groups such as the Neighbourhood Brigades Observing Human Rights continue to document and denounce the existence of ID checks based on racial profiling.

The government has not assessed the implementation of this Circular. The only time that the Government did present data on ID checks broken down by nationality was in March this year in response to a parliamentary query in Congress about the real impact of the circular. Despite being incomplete, the data furnished show that the proportion remained unfavourable to migrants. Based on that response, since May last year until the end of January 2013, 49,295 identity checks were performed and 26,899 of the people checked were aliens. In other words, 54.56% of those stopped on the street were aliens despite the fact that this group only accounts for 11.73 % of the total population. Although this percentage dropped slightly after the approval of the internal police regulation, a disproportionate number of aliens were still being stopped and ordered to identify themselves.

IV. Consequences of racial profiling

Racial profiling affects not only the people who are stopped on the street but also the society as a whole insofar as it affects the legitimacy and effectiveness of law enforcement officials.

People subjected to identity checks on the basis of their ethnic traits or physical appearance often feel humiliated and vulnerable and are afraid to leave their homes or visit public places. These checks are an ongoing reminder that they do not belong. They also affect the exercise of their rights, for instance freedom of movement, by virtue of the annoyance caused and sometimes causing people to arrive late to work.

But the harmful effects cut deeper. In the end, racial profiling criminalises minorities and migrants thus causing an increase in racism and xenophobia while also undermining integration policies.

For minorities and migrants, police represent control and not protection. This negative experience ends up feeding and reinforcing people's distrust of security and police forces and undermines their legitimacy.

² Human Rights Committee, *Rosalind Williams Lecraff v. Spain*, Communication No. 1493/2006 (CCPR/C/96/D/1493/2006), paragraph 7.4.



Lastly we would note that some studies have shown that the use of ethnic profiling does not improve police effectiveness. Racial profiling directs the focus of police activity on people who, due to their physical appearance, "look like aliens or minorities". It disproportionately and unduly focuses police resources on people because of their physical traits instead of focusing their efforts on the facts and objective behaviour. With regard to identity checks on the street, the report 'Police ethnic profiling in Spain: report on experiences and attitudes with regard to police action' shows that the higher percentage of people with certain racial characteristics in the checks does not result in a higher arrest rate or more administrative sanctions, thus indicating that ethnic profiling is not effective in improving public security. Nearly 80% of those identified on the street are not arrested or fined.

V. Five steps to eradicate racial profiling

The use of racial or ethnic profiling when performing identity checks is an institutional problem insofar as the authorities endorse, if not promote, practices, assumptions, or criteria deeply rooted in law enforcement bodies and forces. Therefore structural measures are needed:

1. Reform of the legal framework to include a ban on racial profiling.

The LOSC (organic law on citizen security) must be reformed to include a specific prohibition and to stipulate, as suggested by the OSJI, that identity checks must be based on an objective fact, i.e. a "reasonable suspicion".

2. Oversight and monitoring mechanisms of police activity.

Internal and external mechanisms must be established. One of the key internal mechanisms should be for law enforcement officials to issue a receipt

(proof of ID check) to those whom they have identified. These forms would serve several purposes: they would force police and security officers to explain and record the reason they performed the identification check, they would be a source of data on police activity and if people are given a copy of the form they can claim their rights if they are in disagreement with the identity check.

Secondly, data should be collected and published by nationality or ethnic group, real and perceived, on the number of ID checks, the reasons for them, and the results of these identifications.

Third, there should be an independent supervisory mechanism to monitor police activity, with the authority to receive complaints, conduct investigations and make recommendations.

3. Training of law enforcement officials

Training in human rights, particularly on issues such as racism and xenophobia, and the illegitimacy of identity checks based on racial profiling should be strengthened. Officers need training regarding when and how to conduct identity checks based on objective facts.

4. Promoting accountability and closing the gap between the police and communities.

5. Policies and programmes encouraging minorities to join police and security forces.

These measures are possible judging from the positive experiences in other countries³. In Spain, the local Fuenlabrada police have established identification forms, clear protocols for officers and police-community fora to monitor and analyse data. Several studies show a high rate of effectiveness.

In short, it is time to stop criminalising immigrants and minorities. The authorities and security forces have real measures available to them to fulfil their obligation not to discriminate and to protect people who are discriminated against. It is their duty: they must stop racism, not people.

³ OSJI, Reducing Ethnic Profiling in the European Union: A Handbook of Good Practices, 2013.

1. Discussion groups with law enforcement officials.

I. Equal treatment and diversity.

Within the sphere of the European NET-KARD project¹ implemented by the FSG, a number of discussion groups were organised with "staff members" (participants came as individuals and not as representatives of any police force) from the various police corps: the Civil Guard, local Fuenlabrada police, local Pederzuela police, Mossos d'Esquadra (regional Catalonia police) and local police from the towns of Sant Adrià de Besòs and Sabadell. A "member" of the National Police also collaborated by sending written contributions on this subject.

Following are the findings from the two focus groups which provide clear ideas of how the police, a key player, can promote equality and diversity:

1. *The low number of complaints file by Roma. Distrust between the Roma community and the police.*

The lack of discrimination complaints was mentioned by nearly all of the police officers in the discussion groups as one of the main problems facing the Roma community. Indirectly, this is also a problem for law enforcement agencies themselves as it indicates that Roma do not trust the police or that the Roma community is unaware of its rights and is unfamiliar with the notion of discrimination and the channels available to report these incidents.

The discussion groups addressed this problem in an attempt to understand the reasons for the low number of cases reported or collected. The following main barriers were detected:

- Barriers erected by the Roma community to policing
 - The Roma community has traditionally been persecuted in Spain, even by

security forces (the Guardia Civil in particular). This has forged a deep-rooted sense of distrust and fear in the community and many Roma are still wary of the police.

- Even today there are sometimes police raids in search of drugs in neighbourhoods where many Roma reside. Sometimes these raids are quite dramatic, closing off entire neighbourhoods, searching many houses, etc., which is seen as overly aggressive by the Roma living in these neighbourhoods who do not engage in any criminal activity.
- Many Roma are unfamiliar with the concept of discrimination or do not know that it is illegal or that they have rights that are being trampled. Victims are also unaware of the channels available to them to report these situations of discrimination. Young Roma with more education may be more aware that they are victims of discrimination but are not accustomed to reporting it.
- Barriers erected by police services to the Roma community:
 - Law enforcement officials still hold on to stereotypes and prejudices against the Roma community. This hinders communication and the collection of cases (for example, the police are not used to perceiving Roma as potential victims of discrimination but rather as potential suspects of wrongdoing).

The discussion group basically concluded that the complaint process and access to justice is complex and can be expensive. The police may play a role in guiding and assisting but lack training in this regard. The police could make themselves openly available to

¹ European Net-Kard Project: Cooperation and networking among key stakeholders to combat discrimination against the Roma community. European Union Fundamental Rights and Citizenship Programme.



help people report cases of discrimination. If the police recorded discriminatory incidents in their reports, this would help prosecutors in the pre-trial phase to identify these acts as an aggravating circumstance based on ethnic discrimination.

It was also suggested that a way to improve communication would be to enhance the everyday contact that police have in neighbourhoods that are predominately Roma. These "local police officers" have first-hand information about the Roma reality, speak with people and can create a climate of mutual trust based on dialogue. Getting out of the station and walking the streets is a good way for the police to be perceived as approachable civil servants who are providing a service.

The officers participating in the discussion groups stated that despite being aware of cases of discrimination, they did not know of any Roma individuals who had approached the police to file a discrimination complaint.

2. Lack of data on discrimination cases. Major discrepancy between actual cases and what is reflected in figures and reports.

Another problem identified by discussion group participants is the absence of data on discrimination against Roma. In this regard, attention was drawn to a legal problem. According to Spanish law, it is illegal to collect or register data about people's ethnic background. While this helps protect privacy and personal data, it also means that there is no data or visible evidence that the Roma ethnic minority suffers discrimination based on their ethnicity.

Some police forces such as the Mossos d'Esquadra and the local Fuenlabrada police have implemented procedures to detect cases of racial or ethnic discrimination or hate crimes thus putting them in a position to offer concrete data on racist or anti-Roma incidents.

3. Lack of coordination between the different levels and types of police corps.

The discussion groups also highlighted the complexity of Spain's system with its different administrative levels each with its own competences (national, regional, provincial, local). This affects law enforcement officials who sometimes find it difficult to coordinate efforts, share experiences and procedures, etc., and also helps to explain why there is no comprehensive or unified strategy on how to address racial or ethnic discrimination (for example, there are some positive initiatives

in local or regional contexts but these are not known in other cities or regions).

4. Lack of diversity among police personnel.

Both discussion groups acknowledged that there is still very little diversity within the police, particularly very few Roma officers. Measures favouring diversity (ethnic, religious, sexual orientation, more women, etc.) are considered both necessary and useful, and this includes Roma. However it was noted that there are scarcely any initiatives in this regard (the Fuenlabrada police have initiated measures to include people of Arabic origin and more women).

5. Insufficient police training and a need for common protocols and standards (hate crimes, discrimination, human rights).

The common characteristic of so-called "discriminatory treatment" crimes is that the ultimate aim of the perpetrator of the criminal act is hatred towards those who are different. This hatred takes the form of xenophobia, racism, homophobia, peniaphobia (hatred of the poor), religious intolerance, intolerance of the ideologies or beliefs of others, intolerance of physical or mental disabilities and other direct violations of the principles of freedom, equality, democracy, respect for human rights and fundamental freedoms, principles on which the European Union is founded. According to numerous national and international studies, the Roma community is one of the social groups facing the greatest degree of discrimination.

There is increasing awareness of this problem in European Union countries and hence a greater priority is placed on combating these types of behaviours, particular importance being given to criminal law as an instrument to effectively combat discrimination and hatred of those who are different.

Experience has shown that many of these acts are considered minor infractions by police, judges and prosecutors and are frequently treated as misdemeanours or minor offences. In some cases, the full force of the law is not applied when prosecuting these acts.

Furthermore, police organisations are largely unaware of the real hate and discrimination figures because there are no procedures in place to specifically record them.



At local level, the police could improve the services they offer by establishing action protocols for these situations in order to ensure a quality response in strict accordance with law and by recording acts of this nature with a view to better diagnosing the problem and taking the necessary action.

The groups also discussed the need to make this training in equality, diversity, Roma issues, etc. ongoing as opposed to an isolated stopgap measure. Training also needs to be updated on a regular basis in order to keep up with a rapidly evolving society and police should be able to adapt to these changes and familiarise themselves with these new realities.

The discussion groups also recommended that authorities (national, regional and local) implement the measures needed to remove all obstacles preventing or hindering real and effective equality. One of the needs requiring special attention is the persistent lack of training regarding the principles of equality and non-discrimination that not only affects the police to varying degrees but also judges, prosecutors, court clerks, forensic experts, prison officials and private security workers, a circumstance which sometimes means that discrimination cases go undetected and the needs of citizens, especially the most vulnerable, go unmet.

In addition to being familiar with the full potential of the criminal justice system, police professionals require proper training and information regarding the cultural, social, occupational and psychological situation of victims, the everyday difficulties they face and the reasons why they either fail to file complaints or file them late.

Mention was made of the need for mandatory initial and ongoing training of law enforcement officials, judges and prosecutors with a view to efficiently combating discrimination and applying the principle of equality. Thus, it is necessary to implement adequate training measures to ensure that police reports duly note the motivation underlying the facts and that all necessary steps be taken to reveal the membership of perpetrators in organisations or groups formed to provoke or incite hatred, violence or discrimination.

Lack of police training means that in some cases investigations are insufficient to unveil the discriminatory nature of the act or that such discrimination is minimised in the few cases that do reach police stations, prosecutors or the courts. Ignorance on the part of police officers, prosecutors or judges as to the everyday reality facing victims, the specificity of their problems or basic aspects of their social, cultural or religious life, sometimes contribute to this. We would also note that police, prosecutors and judges are a reflection of the society

that they serve and therefore may occasionally fall prey themselves to the same stereotypes and prejudices present in the society. Hence, when planning work with victims, including Roma, they must be aware that they could be affected by these stereotypes when evaluating the credibility of witness statements or assessing the testimony of witnesses. They must also realise that victims are reluctant to file complaints for any number of reasons and hence the need to develop professional skills to overcome this barrier to get victims to speak up so as to be able to protect their rights.

6. *Contact with civil society and Roma associations:*

In addition to proper training, police need to establish alliances and regular contacts with the social services dealing with victims, witnesses, NGOs, associations and other representatives of the civil society who are perfectly familiar with the reality facing victims. This is an indispensable tool if police are to become familiar with the complex issues victims have to deal with and also contributes to successful prevention work. Police and prosecutors should not passively stand by waiting for a high profile hate case to come along before they make contact with the community. Regular communication and consultation with community groups, including Roma, can serve as a powerful tool in preventing all types of crime and can give police and prosecutors positive results thus contributing to improve the trust level of victims as they file complaints and encourage the cooperation of witnesses. This ongoing contact with the associative fabric also helps establish channels of communication and dialogue when tensions arise between communities. It gives police better information and the means with which to calm the situation and the experience to know when police presence needs to be intensified to address the community's concerns.

7. *The Rotterdam Charter*².

The Rotterdam Charter was mentioned several times during the discussions as an instrument that can help guide governments with regard to the proper policing of ethnic minorities; guidelines which are applicable to the treatment of the Roma community.

According to this Charter, training is one of the most important management tools for the creation of a professional and multicultural police corps able to offer services to a multicultural society.

The Charter also calls on police training centres to shoulder a significant part of the public's responsibility

2 <http://www.legislationline.org/documents/id/856>



for transforming single-culture police corps into multi-cultural institutions because this cannot be left solely up to operational police services.

However, the Charter also stresses the importance of police academies taking advantage of the policing experience of operational police services in this connection and of adapting existing training methods and

skills in order to more effectively deal with situations of conflict between different cultures.

Lastly, the Charter proposes involving non-governmental organisations and individuals from ethnic minority communities in police training programmes insofar as they are the recipients of police services.



**Headway made
in combating
discrimination in
2012-2013**



1. The situation in Europe

I. Communication from the European Commission on the implementation of national Roma inclusion strategies.

On 26 June 2013 the European Commission published a Communication¹ to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the progress in the implementation of National Roma Inclusion Strategies.

In this document the Commission assesses the current state of implementation of these strategies in the different Member States and makes a number of recommendations to enhance the effective implementation of the measures provided for therein, recognising that to date there are significant gaps in this regard given the lack of funding allocated to strategies and other structural factors.

The Communication notes that "Despite the commitments made by the Member States and anti-discrimination legislation in all Member States, racism and discrimination against Roma continue. The segregation of Roma children in education is still widespread in several Member States. Civil society and academic reports confirm various examples of discrimination, including less favourable access to education, health, police protection and housing compared to the majority population."

The Commission notes that without systemic measures to fight discrimination and racism towards Roma, the implementation of the national Roma integration strategies cannot yield the expected results. Most Member States carry out awareness-raising activities to promote Roma inclusion. At the same time, however, public authorities should do much more to explain the social and economic benefits of Roma inclusion to their societies. In this sense, the document insists that "to step up the fight against discrimina-

tion, it is also necessary to raise awareness about rights, duties and opportunities among Roma themselves and ensure tools to protect and enforce their rights, such as through Equality Bodies. The Member States must do more to combat stereotyping and deal with racist or otherwise stigmatising language or behaviour that may constitute incitement to discriminate against Roma."

The Communication refers to Spain and the fact our country has carried out several training activities of police forces as an example of how to combat discrimination. It specifically mentions that "training on equal treatment and ethnic discrimination was given to 158 regional, local and national security forces in 2012".

II. European Union Agency for Fundamental Rights (FRA)

Minorities and Discrimination Survey.

In November 2012, the FRA published the study "Minority Crime Victims" (EU-MIDIS Data in Focus report 6). This study presents comprehensive data with responses from 23,500 immigrants or ethnic minorities about their experiences as victims of discrimination.

The survey provides important data showing high rates of discrimination suffered by Roma, even compared to other minorities. This report presents data on the experiences of the respondents regarding five types of crime: vehicle theft, theft or attempted theft, theft of personal property not involving force or threat, assault or threat, and serious harassment. The average criminal victimization rate for all groups surveyed in EU-MIDIS was 24%, i.e. one in four people of a minority group

¹ COM (2013) 454 final of 26 June 2013.



reported being a victim of crime at least once in the 12 months preceding the survey.

- Considering these five types of offences in the 12 months preceding the survey, sub-Saharan Africans followed closely by Roma, showed the highest overall level of victimisation, 33% and 32%, respectively.

Roma (10%), sub-Saharan Africans (9%) and North Africans (9%) are on average more likely to have been assaulted or threatened with violence. According to those surveyed, between 57% and 74% of incidents of assault or threat **were not reported** to the police, even though between 60% and 75% of the victims considered these incidents to be "serious".

- One in five Roma and sub-Saharan African respondents said that, on average, they had suffered severe harassment at least once in the past 12 months (18%).
- On average, 18% of Roma and 18% of sub-Saharan African respondents indicated that they had experienced at least one crime in the previous year that they regarded as "racially motivated". In contrast, fewer than 10% of the respondents from the other groups claimed to have been the victim of a racist crime.
- Most attacks or threats were perpetrated by members of extreme right-wing groups. In 13% of the cases involving Turkish victims and 12% of Roma victims, perpetrators were identified as members of these groups.

Gender analysis of the results of the FRA Roma survey.

In September 2013, the FRA published an interesting analysis of the results of its 2012 study on the situation of Roma in Europe, in this case comparing the differences between men and women.

Using the average of the 11 EU Member States surveyed (Greece, Portugal, Romania, France, Italy, Poland, Spain, Bulgaria, Hungary, Slovakia and the Czech Republic), the situation of Roma women in areas of social life such as education, employment and health is worse when compared to that of Roma men. The results also show significant differences between Member States which should be taken into account in the development and implementation of policies and actions to include the Roma community.

As regards education, more Roma men (85%) than women (77%) can read and write and more Roma women (19%) than men (14%) have never attended school.

On average, in all the Member States surveyed, there are fewer women (37%) than men (50%) aged 16–24 who remain in the educational system after the age of 16.

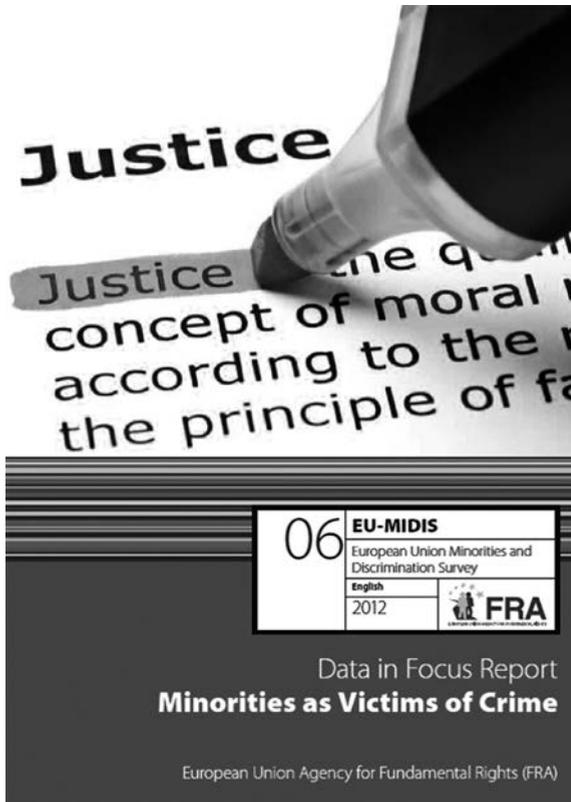
In terms of employment, on average in the Member States surveyed, 21% of Roma women have paid work, compared to 35% of Roma men. The proportion of Roma women working as full-time housewives is higher in France, Greece, Italy, Portugal, Romania and Spain. In the Czech Republic, Hungary and Slovakia, the proportion of women doing paid work is equal to or even higher than that of Roma men. On average, Roma men more often describe themselves as self-employed (25%) or in temporary jobs (28%) than Roma women (13% and 15% respectively).

In the area of health there are few differences between Roma women and men. More Roma women than non-Roma women over age 16 consider their health as "poor" or "very poor" and the difference is even more pronounced for women over age 50. In Italy, the health of Roma women over age 50 living in camps is much worse compared to non-Roma women surveyed in the same geographical area. When asked about health insurance coverage, 18% of the Roma women surveyed claimed to not have any coverage, compared with 8% of non-Roma women living in the same area.

There are relatively small gender differences in relation to discrimination and awareness of their rights: 22% of Roma women and 27% of Roma men said they felt discriminated against because of their ethnic origin when seeking employment in the last 12 months but there are important differences between the different EU Member States. Roma women are also less aware of anti-discrimination law than Roma men.

As regards marriage, in all of the Member States surveyed approximately 2% of Roma girls age 10–15 are "married under the traditional Roma rite" or living with their partner and 16% of Roma (men and women) age 16–17 are legally or traditionally married or living with their partner. Only 6% of Roma women aged 16–17 married or living with their partner was in school compared with 36% of all other Roma women in this age group².

² The full study can be downloaded from the website of the FRA: <http://fra.europa.eu/sites/default/files/ep-request-roma-women.pdf>



Resource manual³ on human rights for local, regional and national government workers.

Joining up fundamental rights



Tool kit for local, regional and national public officials

In late 2013, the FRA published a manual to train personnel from the different administrations on the implementation and enforcement of fundamental rights.

The purpose of this tool kit is to ensure that civil servants defend fundamental rights; a shared responsibility between the different levels and sectors of government. The objective is to reduce the gap between theory and practice in the application of fundamental rights through effective cooperation between public officials.

The tool is designed for civil servants at all levels of government, from local to international. It aims to facilitate the integration of fundamental rights into everyday work, the formulation of policy practices and the provision of administrative services.

The manual covers five main areas:

- Understanding fundamental rights.
- Coordination and leadership.
- Communicating fundamental rights
- Participation and civil society.
- Planning, monitoring and evaluation

Access to online resources of international governmental and non-governmental organisations that can provide valuable information on fundamental rights.

The online version of the manual enables the collection of contributions from specialised organisations wishing to contribute to improving the content by suggesting best practices or already existing teaching material for human rights training of government workers.

³ <http://fra.europa.eu/en/joinedup/home>



2. National

I. Renewal of the Council for the advancement of equal treatment and non-discrimination of persons for reasons of racial or ethnic origin

On 15 July 2013 the Council for the Promotion of Equal Treatment and Non-discrimination of persons on the basis of racial or ethnic origin (the Council) held its first plenary session following the renewal of the terms of its members and the appointment of the new president.

The Council for the Promotion of Equal Treatment is the Spanish agency responsible for promoting the principle of equal treatment and non-discrimination of people on the basis of racial or ethnic origin in areas such as education, health, social service benefits, housing and, in general, access to goods and services as well as access to employment, self-employment, membership and participation in trade unions and employers organizations, working conditions, career advancement and ongoing vocational training. This body is currently attached to the Ministry of Health, Social Services and Equality, through the Directorate-General for Equal Opportunities.

This body has representatives from the different levels of government (national, regional and local), the most representative employers organisations and trade unions and non-profit organisations whose activities are related to the promotion of equal treatment and non-discrimination on the basis of racial or ethnic origin, including the FSG.

The BOE (official state gazette) of 14 June 2013 features the appointment of Fernando Rey Martínez as president of the Council for the Promotion of Equal Treatment and Non-discrimination of persons on the basis of racial or ethnic origin and publishes the list of entities selected as members of the Council representing "organizations and associations whose activities are related to the promotion of equal treatment and non-discrimination of people on the basis their racial or ethnic origin".

Entities selected to serve on the Council:

- Asociación Comisión Católica Española de Migraciones – ACCEM (Spanish Catholic Migrations Commission).
- Rumiñahui Hispanic–Ecuadorian Association.
- Spanish Commission for Refugee Aid (CEAR).
- Consorcio de Entidades para la Acción Integral con Inmigrantes – CEPAIM (Consortium of entities taking integrated action with Immigrants)
- Spanish Red Cross.
- Fundación Secretariado Gitano.
- Movement against Intolerance.
- Movement for Peace, Disarmament and Freedom (MPDL).
- Unión Romaní.
- Acoge Network.

The Council for the Promotion of Equal Treatment commences its second term following completion of the first (2010–2012) which was chaired by José Manuel Fresno.

The new president of the Council for this period is Fernando Rey Martínez, Professor of Constitutional Law and elected advisor of the Castile–Leon Advisory Board. He was appointed as president of the Equal Treatment Council for his "recognised prestige and extensive experience in promoting equal treatment and combating discrimination". He replaces former president José Manuel Fresno who was recently appointed to the Scientific Committee of the European Union Agency for Fundamental Rights (FRA).

Fernando Rey Martínez graduated in law from the University of Valladolid, received the Extraordinary Hon-



ours Award (1986) and the award from Salamanca savings bank for having the best academic record of his faculty. He earned his Ph.D. degree in Law from the University of Valladolid, with a thesis on "The right to private property in the Spanish Constitution" (June 1993) and was awarded the Ph.D. Prize (1995).

He specialised in bioethics at the University of Valladolid (2003), won the Law Review award for doctrinal studies (1999) and was the recipient of the "Tomás y Valiente" Award from the Constitutional Court and the Centre for Political and Constitutional Studies in 2007.

In his career he has also served as Director of the Technical Committee of the Second National Plan for Human Rights, sat on the board of trustees of the Fundación Secretariado Gitano, was an advisor on legislation and anti-discrimination schemes to the Parliament, the national Government, several regional parliaments and governments and local corporations.

II. Assistance service for victims of discrimination offered by the Council for the promotion of equal treatment based on racial or ethnic origin.



The Assistance Service for victims of discrimination based on racial or ethnic origin is a national service offered free of charge and designed to assist victims of racial or ethnic discrimination by providing support and independent advice to those subjected to discrimination in the areas of employment, education, housing, access to goods and services, etc.

This is a service of the Council for the Promotion of Equal Treatment and Non-discrimination of persons based on racial or ethnic origin, complying with one of the duties attributed to equal treatment bodies under the national law⁴ transposing the Community regulation; i.e. that of providing independent assistance to victims of discrimination and the preparation of studies and recommendations.

⁴ Article 13 of the EC Directive 2000/43 of 29 June, Article 33 of the Fiscal, Administrative and Social Order Act, Law 62/2003 of 30 December 2003, and Royal Decree 1262/2007 of 21 September 2007. All of these laws can be found on the Council's website: <http://www.igualdadynodiscriminacion.org/tusDerechos/legislacion/home.htm>

To carry out the first of these tasks the Council, attached to the Ministry of Health, Social Services and Equality through the Directorate-General for Equal Opportunities, has launched a Service to Assist Victims of Discrimination on the basis of Racial or Ethnic Origin.

The Service's objectives are:

1. To provide independent in-person, telephone and online assistance to those suffering, who have suffered or who know of situations of discrimination based on racial or ethnic origin.
2. To provide a grass-roots information and awareness service adapted to the real situation of potential victims of discrimination and the various sectors of the population.
3. To conduct training, information and awareness activities that promote a deeper understanding and implementation of the principle of equal treatment and non-discrimination based on racial or ethnic origin.

Responsibility for this service was awarded to the Fundación Secretariado Gitano (FSG) by means of a transparent process and the FSG provides it in collaboration with six other NGOs specialised in anti-discrimination:

1. Spanish Catholic Migrations Commission (ACCEM)
2. Spanish Red Cross
3. CEPAIM Foundation
4. Movement against Intolerance (MCI)
5. Movement for Peace (MPDL)
6. Acoge Network

The service was launched on 15 March 2013 through a network of 21 offices (in all regions and the autonomous city of Melilla), thus enabling us to personally aid the victims of racial or ethnic discrimination nationwide⁵. From March 15 to December 14, 2013, we dealt with a total of 376 incidents of discrimination. There is also a free telephone support service (900 20 30 41) and help through the website⁶ run by skilled personnel.

Moreover, during this initial period of activity, 96 professionals providing assistance to victims of discrimination at national level have been trained, a number of specialised tools to help deal with cases of discrimination have been designed and developed and several different information and awareness-raising initiatives

⁵ <http://asistenciavictimasdiscriminacion.org/la-red/oficinas/>

⁶ www.asistenciavictimasdiscriminacion.org



have been carried out. Regarding the latter, we would draw attention to the leaflets and web page: www.asistenciavictimasdiscriminacion.org.

In 2014 it is very important for this service to consolidate its work and continue its forceful defence of the Right to Equal Treatment and Non-Discrimination.

For further information see: www.igualdadynodiscriminacion.org

Assistance service website: www.asistenciavictimasdiscriminacion.org

III. Draft reform of the Criminal Code. Crime of incitement to hatred, violence and discrimination as per Article 510 of the criminal code and the crime of disseminating ideas justifying genocide as per Article 607(2).

Miguel Ángel Aguilar García.

Public Prosecutor and Coordinator of the Hate and Discrimination Crime Service. Public Prosecutor's Office of Barcelona.

The draft reform of the criminal code envisages merging Article 510 of the Criminal Code relating to the offence of incitement to hatred, violence or discrimination and Article 607(2) concerning the dissemination of ideas justifying genocide.

The amendment became necessary after Article 607(2) was ruled partially unconstitutional by Supreme Court Judgment 235/2007 holding that the prosecution of the crime of negating genocide was contrary to the freedom of thought or conscience and the freedom of expression protected under Articles 16–20 of the Spanish Constitution. The scientific doctrine raised a number of problems regarding its interpretation and serious

difficulties were encountered in enforcing it in specific cases (see SAP Bcn section three dated 5/03/2008 and SAP Bcn section 2 of 26/04/2010 and more recently the Supreme Court judgment of 10 April 2011) and have led to the non-application of Article 510 of the criminal code.

This is a very important legislative reform and will permit more effective prosecution of this type of crime, thus complying with Spain's numerous international commitments such as Article 20 of the International Covenant on Civil and Political Rights 1611/1966 signed by Spain on 20/04/1977; Article 4 of the United Nations International Convention on the Elimination of All Forms of Racial Discrimination of 21/11/1965, ratified by Spain on 4/23/1969; the General Recommendations of the Committee for the Elimination of Racial Discrimination, especially No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 15 on organised violence based on ethnic origin; the final document of the 2009 Durban Review Conference on the World Conference against Racism, Racial Discrimination, Xenophobia and Related forms of Intolerance of 2001; the Recommendations of the Committee of Ministers of the Council of Europe, namely (97) 20, on "hate speech" and General Policy Recommendations Nos. 1 to 13 of the European Commission against Racism and Intolerance ECRI (European Council), and especially the 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 whose deadline for transposition into our criminal code expired in November 2010, thus infringing the European regulation.

The reform contains many positive aspects such as the inclusion of the verbs "foster, promote and incite," and clarification to avoid problems of interpretation of Article 510 such as those caused by the Supreme Court judgment of 12/04/2012 regarding the current term "provocation".

Negation of genocide was successfully re-criminalised insofar as it is now in accordance with Constitutional Court Judgment 235/2007 and the requirements of the EU Framework Decision of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. The simple denial of genocide is not punishable as this was declared unconstitutional in judgment 235/2007. It is punishable, however, where it promotes or encourages a climate of violence, hostility, hatred or discrimination against certain groups or minorities.

Also considered a decisive step in the right direction is the liability of legal persons in such crimes, as was



demanded by the EU Framework Decision of 28 November 2008.

However, there are some aspects that should be included in the drafting of the bill if we are to have a complete criminal regulatory framework and proper prosecution of this type of crime:

- Behaviour directly or indirectly “encouraging, promoting or inciting” should be penalised **when done publicly**, and this should be explicitly stipulated in the description of the offence in order to prevent simple conversations between individuals from being prosecuted.
 - The new description very rightly includes individuals as parties liable to be victims of this crime. In the wording of the current Article 510, only groups and associations are considered victims. But, inexplicably, **associations have been left out as crime victims** thus far in the draft bill and we feel they should be included because quite frequently they are the victims of such crimes which indirectly block or intimidate them.
 - We advocate, **along with the criminal liability of legal persons under Article 31(a), also including the liability of groups without legal personality under Article 129.** This is quite common in this type of crime and therefore, when a crime is committed by a company, organisation, group or any other type of group of people which, given their lack of legal personality are not liable under Article 31, will be covered by the provisions of Criminal Code Article 129.
 - Among the penalties applicable to legal persons, a new paragraph h) should be added to Criminal Code Article 33(7): “Where the offence is committed by means of information and communication technologies, destruction of computer files and of documents in general, and by any other type of computer device or equipment, removal of data, permanent closure or the blocking of web pages. In particularly serious cases, suspension of the activity of the service provider and, if necessary, closure of their establishments.”
 - To extend the above to groups of persons without legal personality under Article 129, subparagraph one of the latter would have to be amended, and where it refers to “sub paragraphs c) to g) of Article 33(7)” would be replaced by sub-paragraphs c) to h) of Article 33(7).¹
 - Provisions need to be made for the seizure and deposit of items confiscated under Article 127(6)
- “Destruction of computer files and of documents in general, and any other type of computer device or equipment where the offence is committed by means of information and communication technologies.”
- In addition to illicit association envisaged under Article 515(5) and criminal organisations (under new Article 510a), we believe it would be very useful to introduce the criminal liability of criminal groups, which are more common and which entail fewer requirements compared to **criminal associations** and organisations. This is also necessary for reasons of consistency given that this stipulation is made under Article 570 for the other forms of delinquency.
 - A specific provision is needed whereby the **examining magistrate may block or interrupt a service as a precautionary measure.** There are two ways to do this; either by including it in Article 510 or amending Article 129 by adding: “Where the offence has been committed using information and communications technologies, the examining magistrate may remove data and temporarily close or block web pages as a precautionary measures.”
 - As for the explicit criminalisation of genocide denial, its inclusion is vital and we applaud the way that it has been redrafted in the new text as it responds to Constitutional Court Judgment 235/2007 and to the requirements of the EU Framework Decision of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. However, we would make the following observations:
 - Even though punishment of this offence is envisaged under the international law referred to above, the 2008 EU Framework Decision and other regulations, its inclusion is absolutely necessary in Europe. Particularly, the Fundamental Rights Agency (FRA), the Directorate General for Justice of the EU and the Council of Europe do not understand why Spain does not pursue the denial of genocide. Furthermore, Spain’s Constitutional Court judgment 235/2007 declaring “genocide denial” under Article 607(2) unconstitutional left a certain margin to punish this offence criminally under certain conditions. The Constitutional Court ruled that it is unconstitutional to penalise simple denial, i.e. the dissemination of ideas that deny a historical fact. However, it would not be unconstitutional if it pursued an additional



element: "... where the sanctioned conduct consisted in disseminating opinions denying genocide that truly helped to create an attitude of hostility towards the affected group" (legal ground 8).

Thus the new wording of Article 510(2) c) sanctions the denial of genocide conditioning it to "... when it promotes or encourages a climate of violence, hostility, hatred or discrimination against them" thus complying with the requirements laid down by the Constitutional Court in legal ground 8 of judgment 235/2007.

Legal ground 6 of the Constitutional Court's judgment entertains another case in which genocide denial can be considered a constitutional criminal act; not only where it "truly helps to create a climate of hostility towards the affected group" but also where negation entails "glorification of the perpetrators of genocide or discredit, contempt or humiliation of the victims".

We therefore believe that while the current wording of Article 510(2) c) is consistent with the requirements of Constitutional Court judgment 235/2007, it would be more appropriate to change some terms reflected in the judgment itself:

- the term "climate" (... of violence, hostility, hatred or discrimination against them) used in the draft bill is not mandated by the judgment. This is a very generic and vague term that can be interpreted in different ways giving rise to legal uncertainty and would also be very difficult to prove in a court of law. I suggest replacing the term "climate" with "attitude" which is the word used in judgment 235/2007, legal ground 8.
- According to legal ground 6, negationism is not only contingent upon "... when it promotes or encourages an attitude (instead of climate) of violence, hostility, hatred or discrimination against them", but also where it entails "glorification of the perpetrators of genocide or discredit, contempt or humiliation of the victims". This is a typical way of denying genocide and is an attack against the memory and honour of the victims and their families.

- I therefore believe that the following would be the best wording conforming to Constitutional Court Judgment 235/2007:

c) Those who deny, justify, or grossly trivialise crimes of genocide, crimes against humanity or against persons and property protected in armed conflict committed against a group or part thereof for racist, anti-Semitic or other reasons related to ideology, religion or beliefs, family status or the fact that its members belong to a particular ethnic group or race or because of their national origin, sex, sexual orientation, illness or disability, or against a particular person by reason of his membership in said group, declared proven by the Nuremberg Tribunals, the International Criminal Court or other international courts, when this denial promotes or encourages an attitude (rather than climate) of violence, hostility, hatred or discrimination against them or where it gives rise to the glorification of the perpetrators of genocide or discredits, shows contempt for or humiliates victims.

IV. ENAR: General Policy Paper No. 7 on the Inclusion of Roma⁷

In 2012 the European Network Against Racism (ENAR) published a document with a series of proposals to promote the social inclusion of the Roma community in Europe and to combat racism. This document was published shortly after the European Union approved the EU Framework for National Roma Integration Strategies, an important step in the political recognition of the need to improve Roma integration initiatives and policies and to combat segregation.

The document highlights four principles which may be useful for Roma integration strategies:

1. Promote positive political discourse.
2. Respect for and the effective exercise of fundamental rights must be the basis for Roma integration policies.

⁷ http://cms.horus.be/files/99935/MediaArchive/policy/GPP_7_Roma%20FINAL%20adopted.pdf



3. Active citizenship is essential for Roma integration and public participation should be reinforced.
4. The formulation of specific policies and their effective implementation should be ensured at all levels.

With regard to combating discrimination, this document makes a number of recommendations:

- Equality bodies should be able to work effectively and victims of discrimination should be able to seek legal redress.
- Ethnic profiling, which the police often use to target Roma, must be eliminated.
- Sensitivity to cultural differences should not be used as an excuse to treat people differently.
- Measures should be taken to immediately put an end to segregation in education, health services and housing. Capacity building to combat segregation must be organised locally and court judgments in this regard must be enforced.
- Effective measures against discrimination in employment must be taken.
- National Roma integration strategies must include concrete anti-discrimination measures and awareness-raising schemes to combat prejudice (Anti-Gypsyism / Romaphobia) as a prerequisite for inclusion.
- NGOs working in the field of human rights and non-discrimination should receive adequate support.



**Positive
developments in
the field of anti-
discrimination**



1. Platform for Police Management of Diversity



Platform for the Policing of diversity

The *Platform for the Policing of Diversity*¹, has been in operation since 2010 to encourage and promote change in police services and improve operating procedures to ensure a diverse society and non-discriminatory police action, especially with regard to the most vulnerable minority groups.

During 2013 the platform has continued to carry out its activities with the support of the Open Society Foundations with the following objectives:

- To encourage and recognize the positive practical experiences and innovative procedures of local police forces regarding police management of diversity.
- To implement projects to control and supervise the influence of ethnic profiling in police action in some local Spanish police departments.
- To provide practical training and support materials in police management of diversity.
- To facilitate change in police practices to promote equality and non-discrimination as models in Spain and Europe.

The most important activities in 2013 have been:



1. The publication of the *Guide for the Policing of Diversity*², material targeting the authorities responsible for public security and police officials to promote their awareness of the need to include diversity management policies among public safety policies.

This is an educational tool for officers and managers of security forces to help them improve their skills in all matters relating to the management of social

¹ This following organisations are currently members of the platform: UNIEPOL (National Union of Local Police Chiefs and Managers), the RAIS Foundation, the Pluralism and Co-existence Foundation, the Spanish Confederation of Organisations for People with Intellectual Disabilities (FEAPS), the Spanish Federation of Gays, Lesbians, Transexuals and Bisexuals (FELGTB), the Spanish Catholic Migrations Commission Association (ACCEM), the CEPAIM Foundation, Movement against Intolerance, the Acoge Network and the Fundación Secretariado Gitano. The Open Society Justice Initiative and Amnesty International take part as collaborating organisations.

² Available at: http://gestionpolicialdiversidad.org/PDFactividades/guia_gestion_policial_diversidad.pdf



diversity and combating discrimination in their daily work, based on concrete experiences to help them provide a service to society that is more adapted and focused on the needs of all citizens within the framework of existing legislation.

It also includes content and strategies designed to close the gap between the police and the most vulnerable groups in society with a view to overcoming distrust and fostering greater social participation of the different social groups and minorities. In this regard, police should take an active role in preventing discriminatory conduct, racism and xenophobia, homophobia, gender-based violence and other hate-related behaviours through better knowledge and understanding of the characteristics and peculiarities of the people who are often subject to discrimination and of the legislation in Spain to combat discriminatory practices.

2. **First National Seminar on police management of social diversity**, held in Córdoba on 6–7 June 2013. In order to publicise and disseminate the work of the Platform to other entities concerned with the management of social diversity and police services and to analyse the main difficulties faced by different social groups in their relations with the police, this seminar was organised to exchange experiences and best practices between participating institutions and law enforcement agencies and to award the "Daniel Wagman" prize in recognition of the good initiatives and work performed by the Security Forces and

their components to promote changes in procedures and bring about improvements in the policing of a diverse society.

Police learned the role they should play in dealing with victims of discrimination and their access to justice and stress was put on the positive impact that proper police identification procedures have on fighting discrimination. The Guide for Police Management of Diversity was also presented at this seminar.

3. **Implementation of the Programme for effective police identification (PIPE)** in two municipalities: Castellón de la Plana and Pedrezuela (Madrid). PIPE is a program that aims to improve police procedures regarding the identification of people in public places, maximizing the effectiveness of these identifications while trying to prevent any kind of racial, ethnic or other bias.

Another objective of the programme is the creation or improvement of channels of communication and cooperation between local municipal police and civil society to strengthen the dynamics of coexistence and promote mutual understanding. This programme is based on the procedures developed in the European project STEPSS in which the local police of Fuenlabrada, a UNIJEPOL member, actively participated.

See the web page for further information on the activities undertaken by this platform. <http://www.gestion-policialediversidad.org>



2. NET-KARD Project: Cooperation and networking among key stakeholders to combat discrimination against the Roma community

The NET-KARD project got under way in December 2013. This transnational project is coordinated by the FSG in partnership with entities in Portugal, Romania and Italy and is funded by the European Union Fundamental Rights and Citizenship Programme (DG Justice).

The project aims to promote networking to combat discrimination against the Roma community by improving and transferring already existing methodologies in this area to the various countries involved in the project.

There are many factors influencing the discrimination faced by Roma such as the lack of preventive mechanisms to address cases of discrimination and the lack of resources and power of Roma victims of discrimination who, while in a vulnerable state, face many obstacles in defending and exercising their rights as European citizens.

NET-KARD employs an integrated approach and its main objective is to provide resources to key professionals in the prevention of discrimination against Roma and the promotion of networking and shared working methods among key players in the fight against discrimination and support for victims, namely lawyers and jurists, police services, Roma associations and media professionals.

The project was developed through a partnership of various organizations working in the field of non-discrimination: National equal treatment bodies, NGOs with experien-

ce in supporting the Roma community, academic experts, police forces and legal organisations from Spain, Portugal, Romania and Italy work together to implement the project and disseminate its results and products.

Specifically, this project aims to transfer best practices from partner countries, analyse their effectiveness in different contexts and learn lessons that can be used by others, employing a practical approach from the perspective of each key player. Methodologies can be transferred to any European country to improve efficiency in the fight against discrimination of Roma and support of victims. To achieve this goal, the project's methodology is based on the creation of networks among key actors.

The project's products include four practical guides to prevent discrimination against the Roma community: for Roma associations and other social organisations, for media professionals, lawyers and jurists and for police services. All these products will be published in English, Romanian, Italian, Portuguese and Spanish during 2014.

One of Net-Kard's activities this year was the publication of reports on Spain, Portugal, Italy and Romania analysing the reality of the Roma community in these countries and the legal tools available to defend the rights of victims of discrimination, with an analysis of the main barriers to the effective exercise of these rights.





3. Social awareness campaign “Dosta! Living with, respecting and learning from the Roma people”



An event was held on April 9, 2013 at the Ministry of Health, Social Services and Equality marking the accession of Spain to the Council of Europe's social awareness campaign called Dosta!

Dosta means "enough is enough!" in the Romany dialect spoken in the Balkans where the campaign was born. It is also the title of this awareness-raising campaign of the Council of Europe which aims to help people better understand the Roma community, overcoming the barriers of prejudice and stereotypes.

The Dosta! campaign began in 2006 under the joint Council of Europe/European Commission programme called "Equal rights and treatment for Roma in South Eastern Europe" and was launched in some countries of Eastern Europe and the Balkans. Given the interest expressed by other countries, in 2008 it became a campaign of the Council of Europe open to all Member States. To date, 18 European countries have joined the campaign which promotes educational materials and awareness initiatives about situations of discrimination that many European Roma face and about the most common stereotypes associated with the Roma community.

This year, the Spanish government decided to join the Dosta! campaign. The Council of Europe, the Directorate-General for Equal Opportunities and the Directorate-General for Family Services and Children of the Ministry of Health, Social Services and Equality, the Office of Human Rights of the Ministry of Foreign Affairs and Cooperation, the State Council of the Roma People and various representatives of public administrations and the third sector linked to the fight against discrimination all took part in the presentation of the campaign.

The Fundación Secretariado Gitano has engaged in various activities to disseminate the Dosta! campaign in 2013 thanks to a grant for this purpose from the Office of Human Rights, Ministry of Foreign Affairs and Cooperation, and has just published a Dosta! guide to combat stereotypes about Roma³.

3 http://www.gitanos.org/upload/20/38/LIBRO...DOSTA_web.pdf



4. The Campaign No Hate Speech on the Internet

Under the slogan No Hate Speech on the Internet, the Council of Europe has launched this campaign that seeks to mobilise citizens, especially young people, to engage in debate and act together in defence of human rights and to fight against all forms of intolerance on the Internet.

In Spain, the campaign is being driven by the Youth Institute (INJUVE), a body of the General State Administration specialising in youth and promoting youth participation.

Internet makes it possible to create, publish, distribute and consume media content and is thus an opportunity for full participation, commitment and self-expression. With the development of social networks, we can all participate in cyberspace in a variety of forms ranging from keeping in touch with friends and developing new contacts for content sharing to exploring one's own expression. The online world gives us new opportunities to engage with others in causes that matter to us. But we can be both victims and perpetrators of human rights violations, including hate speech in its various forms and cyberbullying. Hate speech as such is not a new topic on the internet, nor in the debate on human rights. Its on line dimension and the potential damage it can do to democratic processes gives us all new reasons to act.

"Hate speech, as defined by the Council of Europe, covers all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin."

The Campaign is part of the project Young People Combating Hate Speech Online running between 2012 and 2014.

The project stands for equality, dignity, human rights and diversity. It is a project against hate, racism and discrimination in their online expression. The working methods are awareness raising, advocacy, and it also seeks creative solutions. It is a project for action and intervention. The project equips young people and youth organisations with the competences necessary to recognize and act against such human rights violations.

The whole project is a tribute to youth participation and co-management. It was born from a proposal of the youth representatives of the Council of Europe and in Spain is coordinated by the Youth Institute⁴.

⁴ <http://www.injuve.es/convivencia/noticia/%C2%A1unete-al-movimiento-no-hate>



5. European Roma Policy Coalition.

I. What is the Coalition ERPC?

The European Roma Policy Coalition (ERPC) dates back to 2008 and is an informal gathering of non-governmental organisations operating at EU level on issues of human rights, anti-discrimination, anti-racism, social inclusion and Roma and Travellers' rights.

The main objective of the ERPC is to promote and closely monitor the European Framework for National Roma Integration Strategies and related strategies to improve the living conditions of European Roma. In 2011 the ERPC was a winner at the European Public Affairs Awards in the Campaign of the Year category for its awareness-raising efforts at European level for the development of a European strategy for the social inclusion of Roma.

Today this platform is composed of:

- Amnesty International
- Open Society Foundation
- The European Network against Racism (ENAR)
- Roma Education Fund (REF)
- Fundación Secretariado Gitano (FSG)
- ERGO Network (European Roma Grassroots Organisation)
- European Roma Rights Centre (ERRC)
- European Roma Information office (ERIO)
- Spolu International Foundation
- Minority Rights Group International.

The Coalition is chaired on a rotating basis between the member organisations and during the first half of 2013 the Fundación Secretariado Gitano coordinated this advocacy platform at European level in close collaboration with the European Roma Information Office (ERIO) and the European Roma Rights Centre (ERRC). The main issues on the agenda were the increasing anti-Gypsyism in Europe and the participation of Roma civil society in the National Roma Inclusion Strategies.

The FSG has been a member of ERPC since the very beginning and had already co-chaired the organisation with ERGO in 2010. Given the current EU Framework and the National Roma Inclusion Strategies, much of our work during the 2013 presidency focused on the following activities:

- Coordinate ERPC debates and meetings
- Guide the work done by the two working groups (on Anti-Gypsyism and participation of civil society) to develop a policy paper and present it at the meeting of the European Platform in Brussels (June 2013)
- Encourage the presence of ERPC in the media
- Support and coordinate the activities proposed by any member of the ERPC and other relevant players
- Establish closer dialogue with the Coordination Unit on Roma Issues (DG Justice) of the European Commission.

The presidency of the Coalition was transferred to the ERRC at the end of July which will have it until February 2014.



6. Raxen Report. Movement against Intolerance. Special 2012⁵

In this special report to safeguard the memory of the victims of hate crimes, Movement against Intolerance refers to all forms of intolerance: racist and neo-Nazi attacks, xenophobia and anti-immigrant populism, Anti-Gypsyism and Romaphobia, anti-Semitism and Holocaust denial, Islamophobia, homophobia and aporophobia, racism and violence in football, racist concerts and hate music, Cyberhatred, harassment and racist symbols on the Internet. 5

According to investigation work conducted by Movement against Intolerance, there are over 4,000 assaults per year specifically targeting people from stigmatised social groups together with attacks on mosques, Roma

homes, the homeless, shops owned by people from the Maghreb, synagogues, offices of left-leaning organisations, attacks against football fans, anti-racist NGOs and even journalists. However, this estimate may fall well short of the reality (only 4% of the attacks are reported according to research).

The report addresses a number of issues including: action taken against racism, xenophobia and intolerance, intolerance in Spain, xenophobic, racist and hate incidents reported in Spain, analysis of hate crimes in Europe and a special section dedicated to the memory of victims of hate crimes.



5 <http://www.movimientocontralaintolerancia.com/download/raxen/especial2012/especial2012.zip>



7. The impact of the crisis on the Roma community

In July 2013 the Fundación Secretariado Gitano (FSG) issued a report on the impact that the crisis and austerity measures was having on the situation of the Roma community in Spain. The main conclusion was that the crisis and the cuts are having a very direct effect on a significant segment of the Roma community, reducing their income levels and quality of life and increasing the rate of poverty of many Roma families that had already been living in precarious circumstances before the crisis. Two thirds of the Roma population lives below the poverty line and over a third is experiencing severe exclusion; before the crisis, 12% of the people at risk of exclusion in Spain were Roma. The crisis and the cuts seriously threaten the three decades of progress in equal opportunity and mean a regression in rights such as access to employment, education, health and housing.

The work done by the FSG –present in 77 locations in 14 autonomous communities– puts it in daily contact with the reality of the Roma people enabling it to make this report and act as eyewitnesses to the severe effect the crisis is having on the community, as evidenced by an increase in the demand for basic necessities by Roma families. The report highlights how some families had managed to achieve a standard degree of inclusion but are now again immersed in a situation of exclusion.

Generally speaking, the situation has worsened in all areas: loss of employment (the Roma unemployment rate is estimated at 42%), decreased income, difficulty coping with rent or mortgage payments and trouble paying utility bills such as water or electricity are forcing many families to decide between making these payments or meeting basic needs for food and hygiene. Many families have been evicted from their homes over the last several years. The most direct consequence is an increase in substandard housing, overcrowding and slums.

The report also focuses on the effect on education. The crisis and austerity measures are having a direct impact

on the education of Roma children. Overcrowding in classrooms and fewer support classes mean that students with difficulties are unable to achieve academic success at grade level. Difficult situations have become worse and there has been an increase in absenteeism and early school leaving. Re-



ductions in student subsidies, school meals and school supplies has a negative impact on attendance at school. Some of the families do not have enough to afford school supplies or basic food for their children.

The report also highlights that the situation is even worse for Roma from Eastern European countries like Romania or Bulgaria. There are cases of families barely surviving under extreme conditions in segregated camps, subsisting by begging or collecting food from the garbage. Social rejection makes it impossible for these people to find a job. Moreover, the school enrolment rate for Roma children from Eastern Europe is declining because of the difficulty in obtaining a health card given that they cannot enrol without it.

The report, which features examples of actual cases of Roma families from different Autonomous Communities seriously affected by the crisis, concludes with a series of recommendations focused mainly on the role of government and public authorities to protect the most vulnerable and ensure their basic and fundamental rights.

The report can be found at www.gitanos.org.



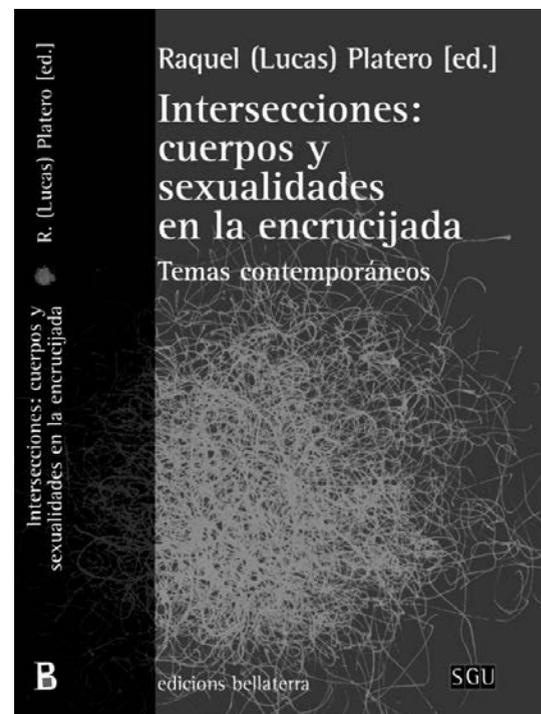
8. Intersections: bodies and sexualities at the crossroads.

The so-called “intersectional” perspective has emerged in recent years in the field of social sciences and social intervention policy. This approach basically addresses social inequalities and processes of social exclusion from a complex perspective, not focusing on a single category or isolated exclusion criterion (ethnicity, disability, migration, gender, sexual orientation, social class, religion, sexual identity, etc.) but rather analyses how these criteria interact showing that people’s lives are often traversed by several of these situations of exclusion or discrimination.

In 2013 the book entitled “Intersecciones. Cuerpos y sexualidades en la encrucijada” (Intersections. Bodies and sexualities at the crossroads) was published (by Bellaterra). This book, coordinated by the researcher Lucas Platero, is the first work published in Spanish providing an introduction to the intersectional perspective. It is the result of a collective dialogue on discrimination and non-conventional sexuality which seeks to contribute to the theoretical discussion of how to study complex human experience: Are we affected by inequalities? Which ones? Are some more important than others? How do they manifest themselves? Rather than getting into “anatomic detail” of each source of inequality, the book aims to show that the identities and experiences of people are complex and interconnected. In so doing, it provides theoretical tools such as intersectional analysis and critical queer analysis to better understand not only the sexualities considered “abject” or “marginal”, but also to point out that all people are affected by complex relations of power, privilege or discrimination.

The book includes the classic works on intersectionality by Kimberle Williams Crenshaw and the Combahee River Collective, in addition to articles by key Spanish authors which analyse the experiences of LGBT people

with functional diversity, gay prison inmates, transsexual and inter-sexual persons, migrant LGBT in alien internment centres, chorus women, femmes and butches, Roma LGBT, HIV positive people, among others. It focuses on experiences that have often gone unseen and been included in a generic ‘etc.’, especially in contexts like the present where there are legal remedies to combat discrimination but which lack a more complex perspective that goes beyond isolated or separate categories that sometimes define the so-called “vulnerable groups”.





9. Training activities carried out by the FSG

I. Training targeting key players in the fight against discrimination.

The Area of Equal Treatment and Non-Discrimination of the Fundación Secretariado Gitano has continued in 2012 and 2013 with its line of work in training and awareness-raising of key stakeholders in promoting equal treatment and combating discrimination against Roma or other ethnic or culturally diverse groups.

These activities have mostly targeted legal professionals, police and security forces, members of the FSG and other social entities collaborating in the Assistance Service for Victims of Racial or Ethnic Discrimination and college students.

The Area of Equality has organized and developed the following training initiatives:

- Training for workers at the Assistance Service for Victims of Racial or Ethnic Discrimination. As coordinator of this project, the FSG has been training key professionals in the fight against discrimination working at the Assistance Service for Victims of Racial or Ethnic Discrimination to facilitate the implementation of the latter since the launch of the Service Department on 15 March 2013, in accordance with the instructions from the Directorate-General for Equal Opportunities regarding specific professional training. These specialised training sessions were organised for the team that will provide assistance to victims of racial or ethnic discrimination. Specifically there have been two separate training sessions, one on 14 May 2013 attended by 69 people and another on 3 July 2013 attended by 32 people. Training was provided at these two sessions for a total of over 100 professionals who work at the FSG and other organisations taking part in the Assistance Service for Victims of Racial or Ethnic Discrimination (ACCEM, Spanish Red Cross, CEPAIM Foundation, Movement for Peace-MPDL, Movement Against Intolerance and the Acoge Network). The sessions were held at FSG headquarters in Madrid.
- Additionally, the FSG's Area of Equality participated in the following training activities through which it distributed information on equal treatment and the Roma community.
- Training on Discrimination and the Roma Community held on 13 May 2013 targeting students, teachers and law enforcement officers. We worked on contextualising the situation of discrimination against the Roma community in Spain and the FSG's methodology to combat it. We also presented the Dostal campaign which seeks to raise awareness of stereotypes and prejudices against Roma. This training session was held at the University of Salamanca. 40 students attended.
- Educational module on Immigration, Emigration and Ethnic and Cultural Minorities. Master Degree studies in Legal Protection of Vulnerable Persons and Groups. This training was given at the University of Oviedo on 7-8 February 2013. Twelve students attended.
- Presentation in Cordoba of the Guide for Police Management of Diversity at the First National Seminar on Police Management of Social Diversity. The presentation was made on 6-7 June 2013. The accomplishments of the Platform for Police Management of Diversity were also presented at that seminar. Some of the conferences were held in conjunction with the Second National Meeting of Heads of Local Security, allowing wider dissemination among representatives of local, regional and national police services throughout Spain.
- Speakers at the 33rd Conference of the Association of Teachers of Roma Students held in Valencia on 6-8 September 2013. Participation in a panel discussion on Discrimination and the Roma Community.
- Teaching module on Discrimination and the Roma Community at the Public University of Navarre (Pamplona). This activity was part of the Specialised Course on social intervention with the Roma community. Diploma awarded jointly by the Public University of Navarre and the FSG. This module was taught during the month of April 2013. 40 students attended.



II. Attendance at several specialised training sessions on discrimination in Europe.

The Fundación Secretariado Gitano participated in a panel discussion on anti-Gypsyism organised by the Swedish Government in collaboration with the Council of Europe. The conference was inaugurated by the Swedish Minister of Employment, Erik Ullenhag, and brought together officials from various governments of European countries and representatives of international organisations and Roma associations. The aim was to analyze the phenomenon of anti-Gypsyism in Europe, share experiences, best practices and discuss possible actions to address the grave situation faced by Roma communities in a number of European countries. The FSG presented the work done by its Department of Equal Treatment and Non-Discrimination with special emphasis on assistance to victims of discrimination and the role played by the FSG in training police, lawyers and the media to prevent anti-Gypsyism. The conference was held on 10 April 2013 and was attended by 30 participants.

Participation since 2012 as a member of the Advisory Panel of the FRA's Fundamental Rights Platform. The sixth meeting of this Platform was held on 26 April in Vienna in which all of the representatives of the Advisory Panel took part along with the Director of the FRA, Morten Kjærum. At the meeting the FSG tabled proposals on the need to strengthen the influence of

the FRA in EU Member States with a view to advancing in the fight against discrimination. A presentation was also made of the Foundation's trajectory in assisting the Roma community in cases of discrimination. The FSG also attended the "6th Annual Meeting of the Fundamental Rights Platform" held on 25-26 April in Vienna, participating in the session called "The Floor is Yours" where it explained the makeup of this advisory group, its duties and its intercultural diversity.

On 27 September 2013 the Fundación Secretariado Gitano was in Brussels to present the report "Discrimination and the Roma Community 2012" within the framework of the congress entitled "Protecting Against Roma Discrimination. The Role of Equality Bodies" organized by ERIO and the European Commission. The Congress brought together representatives of equality bodies from 10 European countries, officials from DG Justice of the European Commission and several associations supporting the social inclusion of Roma. The Congress analysed the challenges and problems currently facing equal treatment organisations in effectively defending the rights of Roma in Europe and addressed the barriers blocking the implementation of the Racial Equality Directive. Spain was represented by Ignacio Sola, Secretary of the Council for the promotion of equal treatment and non-discrimination of persons for reasons of racial or ethnic origin and by Javier Sáez, Territorial Coordinator of the FSG's Department of Social Inclusion who presented the report "Discrimination and the Roma Community 2012" as a good practice.



Annexes

Annex I: Legislation in force

National

- Draft bill of the Organic Law on the Statute concerning victims of crime, 25 October 2013.
- Draft Organic Law 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.
- Criminal Code Act, Organic Law 10/1995 of 23 November 1995.
- 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 Protocol No 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (No 177 of the Council of Europe), done at Rome on 4 November 2000. Official State Gazette (BOE) No 64 of 14 March 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.
- Organic Law 4/2000, of 11 January on the rights and freedoms of aliens in Spain and their social integration.



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.
- Resolution of 5 April 1999 of the Technical Secretariat-General making the merged texts of the European Convention for the Protection of Human Rights and Fundamental Freedoms done at Rome on 4 November 1950 public; the additional protocol to the Convention, done at Paris on 20 March 1952 and Protocol No 6 abolishing the death penalty done at Strasbourg on 28 April 1983.
- [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

- [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.
- **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 HRC.
- **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 CESCR.
- **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.
- **International Convention on the Elimination of all Forms of Racial Discrimination adopted and open for signing and ratification by the General Assembly through Resolution 2106 A (XX) of 21 December 1965.**
- **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.
- **World Conference against Racism, 2001 (Declaration of Programme of Action).**
- **Declaration on the human rights of individuals who are not nationals of the country in which they live**, adopted by the General Assembly through Resolution 40/144 of 13 December 1985.



Annex II. European organisations and institutions working in the field of equal treatment, non-discrimination and the Roma community

- Amnesty International
<http://www.amnesty.org/en/roma>
- Council of Europe
<http://hub.coe.int/web/coe-portal/roma>
- Dostal campaign
<http://dosta.org/en>
- CAHROM
<http://hub.coe.int/cahrom1>
- Decade of Roma Inclusion
<http://www.romadecade.org/>
- Equinet
<http://www.equineteurope.org/>
- ENAR
<http://www.enar-eu.org/>
- ECRI
http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/default_en.as
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- 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 Centre
<http://www.policycenter.eu/>
- Roma Education Fund
<http://www.romaeducationfund.hu/>
- Roma Virtual Network
<http://www.valery-novoselsky.org/romavirtualnetwork.html>
- Roma Youth Action Plan
http://www.coe.int/t/dg4/youth/Training/Roma/2013_FEB_Roma_Youth_and_Council_of_Europe_en.asp
- Roma women
<http://romawoman.org/?page=news>
- Romed
<http://coe-romed.org/>
- Romea news
<http://www.romea.cz/en/>
- Romani language
<http://romani.humanities.manchester.ac.uk/>
- European Court of Human Rights
http://www.echr.coe.int/Documents/FS_Roma_ENG.pdf



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