



Annual  
report  
FSG 2014

## Discrimination and the Roma community

10<sup>th</sup>   
ANNIVERSARY

A Decade of Work Seeking Equality: 1073 cases recorded.



- A Decade of Work Seeking Equality: 1073 cases recorded • Presentation of 151 cases of discrimination collected in 2013 • Political representatives give their views on discrimination • Sweden publishes a “White Paper on abuses and rights violations of Roma during the 1900s.” • Activity of Assistance service for victims of discrimination based on racial or ethnic origin •





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1073 cases recorded



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CONSEJO PARA LA ELIMINACIÓN  
DE LA DISCRIMINACIÓN  
RACIAL O ÉTNICA

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# Introduction





# Introduction

Another year has passed and the Fundación Secretariado Gitano (FSG) presents its Annual Report on Discrimination and the Roma Community. This is the 10th year of publication of this report, 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 these 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. In some cases, rejection has overstepped the boundary of discrimination and turned into racist violence as was the case this year in two towns in the south of Spain, Estepa and Castellar, where the homes of several Roma families were set on fire during the course of racist demonstrations. Unfortunately, political parties and human rights organisations failed to speak out against these inadmissible and unjust acts.

We've been working for ten years in the area of equal treatment and anti-discrimination and can confirm that discrimination against the Roma community is caused by the negative social image people have of them, i.e. prejudice and stereotypes that are proving difficult to eliminate because they are deeply rooted in our society and in the arguments used by most citizens when erroneously referring to this sector of the population. Many Roma have a standard lifestyle and don't even remotely resemble the negative social image which limits their right to equal treatment.

Societal awareness is intimately linked to the media that play a key role in this connection. In the cases recorded in this decade of work we found that the media often perpetuate a biased and prejudiced image of the Roma community. Moreover, regarding the image of the Roma community, we regret to report that in the latest update of the Spanish dictionary by the Royal Academy of the Spanish Language, the latter changed the fourth definition of the word "Gitano" (Roma). It used to read: "one who deceives" and now has been updated by: "swindler, cheat". So now when the Spanish society looks up the word "gitano" in our dictionary they will see the Roma community associated with "swindler or cheat who, by illegal deception, cheats someone in a purchase, sale or exchange."

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

As regards the defence of non-discrimination, we still face challenges. In our ten years of work, we feel that very little progress has been made in implementing existing legislation in this area, there is still a significant lack of data on dis-

crimatory incidents and there is still a need to provide comprehensive services to potential victims of racial or ethnic discrimination. We have to get victims to report discrimination and cases of racial or ethnic hatred; they must not be made to feel helpless, unprotected and devoid of compensation when their house is burned down, when they are denied access to a job or when they cannot go to a pool or a discotheque simply because they are Roma.

We are still 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, etc.; and the question is, what is the response of European institutions?

In this connection, one of the FSG's priorities is to promote equality and combat ethnic discrimination. The FSG's Equality Department 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 initiatives for victims of discrimination that we have strengthened since March 2013 by coordinating the Victim Assistance Service of the Council for the Elimination of Racial and Ethnic Discrimination, work we do side-by-side with 7 other social entities. This service was established in 2014 and we hope it will grow in 2015.
- Technical assistance and training of key players in the fight against discrimination: mostly technical personnel and the heads of administrations and social organisations, police forces, jurists, the media and universities.
- Promotion of policies supporting the advancement of equal treatment by lobbying and monitoring anti-discrimination legislation and 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 social awareness-raising campaigns.
- Strategic litigation before the courts, a course of action that began with the case of a Roma woman who was denied her widow's pension and which went all the way to the European Court of Human Rights which ruled in her favour. We then defended another Roma woman from Romania who was treated unfairly by the Mossos d'Esquadra (regional police of Catalonia) and got a favourable ruling in that case as well. Currently, together with the agencies of the State Council of the Roma People, we are defending the Roma community in general in the case of racist violence in Castellar.
- Participation in European forums and projects to combat anti-Gypsyism and Romaphobia in Europe.

The main section of this report is devoted to shedding light on the everyday discrimination still faced today by the Roma community in Spain, 151 cases having been identified in 2013 and 1073 cases in this decade of work; a sample that gives us a closer look at the injustice of social rejection suffered by this group and sheds light on the need for key professional sectors in this area to improve their performance with respect to this ethnic minority. The cases registered are presented by area with disaggregated data so as to provide the greatest degree of information, including a description of some of the work strategies developed. 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.

We then attempt to contextualise discrimination by analysing our political representatives who are key members of our society insofar as they play an important role in defending Equal Treatment and Opportunity, we address the concept of "liquid racism", analyse the current makeup of the European Parliament, gain insight into the legal defence in an important case in Spain and then hear from various political leaders who give their views on discrimination against the Roma community.

The report continues with a reference to the significant progress made during the year 2013-2014 at European and national level: EU recommendations on the inclusion of the Roma community, the report of the European Union Agency for Fundamental Rights (FRA) on the framework decision regarding racism and xenophobia and hate crime victims, the



publication in Sweden of the “White Paper on abuses and violations against Roma in the 20th century”, the work done by the Assistance Service for Victims of Racial or Ethnic Discrimination, the creation of the Council for Victims of Hate Crimes and other topics of special relevance in the field of Equality.

Lastly, we focus on the positive developments that have taken place during the same period: social awareness campaigns addressing non-discrimination, the presentation of the Action Protocol to be followed by the state police and security forces in the event of hate crimes, specialised publications shedding light on effective and inclusive public policies, etc., i.e. developments we believe to be of great interest for all the key stakeholders in the fight against discrimination.

Despite the current hard times and with the perspective gained from ten years of publishing this Report on Discrimination and the Roma Community, we believe that important advances have been made at national and European level such as the draft criminal code reform, the networking practices of various entities such as the Platform for Police Management of Social Diversity and the Council for the Elimination of Racial and Ethnic Discrimination, unity of action on the part of the Assistance Service for Victims of Racial or Ethnic Discrimination, the appointment of 50 prosecutors assigned to courts in each province to prosecute hate and discrimination crimes, the protocols implemented by a number of police forces and the work being done at European level by equality bodies and the European Union Agency for Fundamental Rights (FRA). These are actions that imply substantial change in which networking plays a key role in more effectively defending 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.

Finally, we would like to express our gratitude for the collaboration offered by Fernando Rey, Óscar Vicario, Gaspar Llamazares, Gonzalo Robles, Pablo Iglesias, Ramón Jáuregui and all of the other entities, individuals and institutions that, with their work day in and day out, contribute to the defence of equality. Also, a special thanks to all the victims of ethnic discrimination who have put their trust in our Foundation for ten years now and have come to us for help in defending their rights. For all of these reasons the FSG will continue to work forcefully to promote equality and combat discrimination against the Roma community.

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



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

# Cases of discrimination





# 1. Conclusions and recommendations

The Area of Equal Treatment of the Fundación Secretariado Gitano has been working for ten years to combat discrimination against the Roma community. This means meeting the needs of victims of discrimination; **1073 cases registered from 2003–2013**, with **151** cases reported in 2013. Having analysed these cases, we would draw attention to the following conclusions and recommendations:

## Conclusions

- I. Rejection of the Roma community is a phenomenon that our society has not yet managed to overcome.
- II. The lack of complaints filed for discriminatory incidents serves as evidence of misinformation, distrust and fear on the part of victims.
- III. The practical enforcement of anti-discrimination law in Spain remains a pending task.
- IV. When discriminatory, hateful and unjust acts are perpetrated against Roma families, the response of the majority society and all those involved in the defence of human rights is lukewarm.
- V. The negative image of the Roma community is the main cause of discrimination and the media (including the Internet) are responsible to a large extent for propagating that image and this is precisely the area where most cases of discrimination are recorded annually.
- VI. Discrimination prevents the social inclusion of this population and occurs in the exercise of basic social rights, i.e. the right to work, education, housing, health, and access to goods and services. We would stress that employment is the area in which the second most cases of discrimination have been recorded in this decade of work.
- VII. Political leaders are key players in the defence of Equality. Forcefulness on the part of state and European institutions is required in the event that a political leader engages in hate speech or is otherwise involved in discriminatory actions.
- VIII. Hate and discrimination crime prosecutors constitute a big step forward in the fight against hate crimes and discrimination in Spain, but they need greater visibility.
- 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. Growing anti-gypsyism in Europe is worrying, especially towards the most vulnerable sectors of the Roma community.
- XI. Victims need practical and effective protection mechanisms when their right to equality has been violated. This is a pending issue that our judicial and police system needs to address.



## Recommendations

- I. Social awareness-raising actions need to be developed to promote awareness of the heterogeneous reality of the Roma community and to make the serious consequences of discrimination more visible.
- II. We are in need of an effective information mechanism to help defend potential victims of discrimination and should use the work model generated to prevent and condemn gender-based violence.
- III. Greater involvement of the judicial sector in the defence of Equality is required and a specific module on this subject, with particular reference to European case law in combating discrimination, should be included in the training programmes of our legal sector (judges, prosecutors and lawyers).
- IV. Given the blatant violation of human rights of this minority group, institutions, political leaders and social institutions should act and publicly display their resounding rejection of such behaviour.
- V. We must raise the awareness of the media and establish an agile and effective legal procedure allowing the immediate removal of content that promotes social rejection and incites hatred of the Roma community in the media.
- VI. Protecting the right to non-discrimination should be a priority for law enforcement officials, courts, education and labour inspection services, consumer and user offices, ombudsmen, etc.
- VII. In their electoral programmes and ensuing work, all political parties should promote the prevention and eradication of racial and ethnic discrimination by implementing concrete actions.
- VIII. Identification tools and protocols need to be developed in a coordinated effort between hate and discrimination prosecutors, police, courts and social institutions.
- IX. Spain must create the independent equality body as ordered under Directive 2000/43/EC. The independent nature of this body will contribute to the effective assistance and protection of victims of discrimination.
- X. Action should be taken by a coalition among all European countries in light of the deplorable acts of discrimination and hatred perpetrated against the Roma community in Europe. We simply cannot look the other way when fundamental rights are at stake.
- XI. Comprehensive and effective accompaniment of victims of discrimination is urgently needed and must include the entire process, including legal defence.



# 1. The main cause of social rejection of the Roma community: Negative social image

In most of the reported cases of discrimination, we find that discriminatory behaviour is caused by associating the Roma community with widespread prejudices that are simply not true, i.e. they do not correspond to the heterogeneous nature of the community. In the cases registered we found that the reasons given by the alleged discriminators (businesspeople, real estate agencies, homeowners, discotheque managers, shopkeepers, security guards, etc.) to deny equal access to Roma in accordance with their rights, are based on engrained notions of Roma as people who: "cheat, steal, do not want to work and who are dangerous, criminals, illiterate", etc. These are expressions that people in our society use loosely when referring to this minority; a form of unconscious racism, internalised in speech, in the modus operandi of our society and, worst of all, it is tolerated. In this regard we would stress that the latest edition of the RAE (Royal Academy of the Spanish Language) Dictionary contributes to the association of this group with illicit behaviour. It replaced the 4th definition of the word "Gitano" which used to read "one who cheats or acts deceitfully," with a new definition, i.e. "*trapacero*" which, according to the 23rd edition of the dictionary, means "the use of cunning, deceit and lies to achieve a goal." The word comes from "*trapaza*" which means "a misleading and unlawful act used to gain advantage in a purchase, sale or exchange").

Notably, over 35% of the 1073 cases recorded in the course of this decade of work are in the field of the media and internet. The media<sup>1</sup> help raise awareness in our society and produce the images we have of reality. Headlines on news events which mention and even insist on the ethnic group of the suspect, contribute to the association of an entire community with an il-

licit act that *may* have been committed by one of its members. Words such as "*reyerta*" (brawl), "patriarch", "clan", etc. used to describe an event where reference is made to the Roma ethnic group, and TV programmes such as "*Palabra de Gitano*" (Roma word of honour), contribute to perpetuating the social stigma on this minority, a skewed image which is a far cry from the heterogeneous reality of this community. It is extremely important for the media to refrain from including ethnicity in their reports of events. A person's ethnic group is not relevant information insofar as it does not contribute to readers' understanding of a news story but does do terrible harm to the image of the Roma community.

To help raising awareness among media professionals, the FSG<sup>2</sup> has put together training guides for journalists with the collaboration of professionals from this sector committed to combating discrimination. The media and the entities that are familiar with the reality of the Roma community must work side by side to put an end to the spread of material encouraging the social rejection of this minority.

The use of social networks and the Internet to further these prejudices is bad enough, but what is truly worrisome is that some of the cases recorded cross the line of discrimination and enter the realm of incitement to hatred and hate speech. In this regard, the Spanish government must provide for agile and effective legal measures to put an end to the dissemination of this sort of material that violates the right to equality; web page managers must also be encouraged to eliminate this content. The FSG has learned from experience that a positive response is often received from forum administrators responsible for web pages, etc. when they are contacted directly. For instance, when a complaint is made with regard to discriminatory material published, many media eliminate it immediately.

In the light of 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. We must put an end to the negative generalizations that tarnish the image of this minority. If prejudices and stereotypes are allowed to go on unchecked, it will

1 We would highlight the statement made by the Council of Europe's Human Rights Commissioner, Nils Muiznieks on 24 October 2013: "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 been respected and whether the presumption of innocence has been upheld."

2 [http://www.gitanos.org/upload/54/77/Guia\\_Practica\\_Com\\_FinalCompleto.pdf](http://www.gitanos.org/upload/54/77/Guia_Practica_Com_FinalCompleto.pdf)  
[http://www.gitanos.org/upload/73/19/Guia\\_NetKard\\_periodistas\\_y\\_com\\_gitanapdf](http://www.gitanos.org/upload/73/19/Guia_NetKard_periodistas_y_com_gitanapdf)



be impossible to end discrimination. That is why the authorities responsible for these issues, the third sector and the media must align themselves in partner-

ship to take a correct and real approach to this ethnic minority and promote equal treatment of the Roma community.

## 2. Few complaints filed by victims of discrimination

During the course of our work these 10 years, we have shed light on only a small sample of the discrimination suffered by Roma in our society. During the nearly two years that the assistance service for victims of discrimination has been in operation, the social entities providing the service soon realized that victims are very reluctant to file complaints.

In this regard, the 2009 EU Midis survey on Minorities and Discrimination concluded that 80% of discriminatory acts committed are not reported to the police, figure which the Council for the Elimination of Racial and Ethnic Discrimination claims to be closer to 96%.

Following are the main causes for this reluctance to file complaints: lack of information concerning their rights, distrust in the protection system, assimilation of rejection and lack of familiarity with procedures and services. A close look at the causes gives us a good idea of where we should focus our efforts: first, we need to provide rights information to potential victims at grass-roots level. To that end the Assistance Service has published information brochures for victims and has conducted face-to-face information sessions in various regions. These initiatives must be continued. However, it is the State that must spearhead these awareness-raising and information initiatives just as it has done with its campaigns denouncing violence against women. Victims must feel that their government of-

ficials are going to help and protect them against discriminatory acts. Victims will trust the defence system when tools and protection procedures are agile, effective, compensatory and comprehensive. Therefore, it is very important to properly structure consultation and defence mechanisms.

At present, the legal response to racially motivated crime is lukewarm. Moreover, redress mechanisms in response to other types of non-criminal discrimination are, for all intents and purposes, non-existent. When young Roma are refused entry to an establishment due to their appearance, or Roma women are denied a job interview, or families are not able to rent a home because they are Roma, situations that many people experience on a daily basis, they become used to it and come to accept this form of rejection as normal. In addition to dialogue and mediation as ways to resolve these cases, a sanction procedure is needed to modify behaviours that should not be tolerated. If everyone agrees that vandalising public furniture is wrong and should be punished with a fine, why do we stand idly by and watch as a young girl is refused entry to a swimming pool because she's Roma?

If information and response mechanisms are improved, victims will eventually come to trust the system and denounce acts of discrimination.



### 3. Coordinated work and identification tools are a must

Networking is essential amongst all professional groups working to assist victims of discrimination, i.e. professionals from social institutions, the police, hate crime and discrimination prosecutors, lawyers and judges. Today there are resources available to address discrimination but there is not enough coordination. This could be solved with efficient networking among the 50 provincial prosecutors specialised in hate crimes and discrimination, the police, the courts and organisations that assist victims of discrimination. This would help provide a better response.

In addition to this, unified action in terms of case identification protocols and computer and recording tools in the process of defending these cases, would pave the way to effective defence, much in the same way as with gender-based violence. Also, if the police and

judicial computer systems record and specifically identify illegal discriminatory acts, we would obtain the data that has been missing up to now. As everyone will understand, it is not the same to be injured indiscriminately as it is to be injured because you are Roma. The aggravating circumstance of discrimination must be recorded and the defence strategy must take racist motivation into account. Where discrimination is a factor, it should be recorded and specific action taken not only in criminal cases but in all cases.

The lack of data and statistics in this sense renders this serious social problem invisible in Spain. Data will allow us to get a clearer idea of the dimension of the problem and contribute to the design of solutions, something that our government should be working on.

### 4. Europe must take a stand against discrimination, especially concerning racist and xenophobic speeches and actions by some political leaders

The economic crisis has prompted some political leaders from certain political groups in Europe to adopt a racist and xenophobic discourse for electoral purposes, pointing to the most vulnerable groups as the culprits of the economic crisis (Roma, immigrants, people of different faiths, etc.). This sort of discourse, in violation of European law, has had a perverse effect on co-existence and encouraged the social rejection of these groups. Furthermore, the main political parties, as well as the European Commission and the European Parliament, have done nothing even resembling a firm stance against these practices.

Anti-gypsyism in Spain and in several other European countries is an everyday reality (France, Italy, Hungary, Slovakia, Czech Republic, etc.) where acts of discrimination and violence have been perpetrated against the most vulnerable Roma communities; acts that are a direct attack on their fundamental rights (the right to equality, education, freedom of movement, etc.) guar-

anteed under a number of different laws.<sup>3</sup> Specifically we are referring to the mass expulsions, the forced return of minors as in the case of the young girl Leonarda Dibrani in France, segregated schools, racist violence, hate speech, etc. The response of the European institutions to all of this has been tepid at best. When it comes to the violation of fundamental rights, rights that form the very cornerstone of the Europe we have been building and which is based on solid values, respect for equality, social justice and co-existence, the European institutions must not look the other way as this would serve to reinforce the feeling of impunity experienced by many Roma people when their rights are violated.

3 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.



## 5. Spain must do more to defend non-discrimination and prevent the inequality gap from getting wider

Today, more than 10 years since the transposition of Directive 2000/43/EC, Spain is still without the independent equality body it needs to comply with Article 13 of the Directive. There is a Council for the Elimination of Racial or Ethnic Discrimination, but this body is not independent in terms of its budget or its makeup. We would stress the recommendations of the European Commission in this regard.<sup>4</sup> In 2015 this Council should firmly advocate the promotion and defence of non-discrimination based on racial or ethnic background through its work plan to which the necessary resources must be allocated. This must be a Council that is visible to society, that raises its voice against the deplorable acts taking place every day and that promotes appropriate actions to comply with the provisions of European legislation from which it originates. These actions, together with the assistance service provided to victims of discrimination forming part of this same body, will contribute to the defence of Equal Treatment in Spain.

Furthermore, in the sphere of Equal Opportunities, keep in mind that in these times of economic crisis, budget cuts should not stand in the way to the guarantee of basic social rights (employment, health, education, housing). The inequality gap must not be permitted to widen. In our country, however, the situation is worrisome considering the figures from the most recent FOESSA report on social development and exclusion showing that 72% of Roma live in a situation of exclusion, 54% of them in severe exclusion. This is more than double the figures from 4 years ago (26% according to FOESSA 2009) and five times more than the rest of society (9.5%). The employment exclusion rate is very high among the Roma population (78.6% in 2013), well over that of the general population. In light of this inequality gap, Spain must invest in an inclusive social protection system in which all people have access to quality public services and greater effort is put into specific compensation and activation measures adapted to the most vulnerable groups ensuring social cohesion and reducing the inequality gap.

<sup>4</sup> [http://ec.europa.eu/justice/newsroom/discrimination/news/130626\\_en.htm](http://ec.europa.eu/justice/newsroom/discrimination/news/130626_en.htm)

Recommendation from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, made in June 2013 within the European framework of national Roma integration strategies for 2020. In regards to the need for effective implementation of Directive 2000/43/EC.

# 2. Cases of discrimination collected in 2013 by area

## Cases of discrimination in the media

**1. Granada. The media. Direct discrimination.** The newspaper called "Ideal" from Granada published a story under the following headline: "The Gypsy Council expelled the family involved in the brawl from the town of Loja for one month." Mention of the ethnic group of the subjects of the news story and the use of terms such as "reyerta" (brawl) perpetuate the stereotyping of the Roma community.



CASE 1

**2. Jaen. The media. Direct discrimination.** The written press and television reported on a tragic accident in a landfill in the province of Jaen where a Roma woman lost her life.

In the media forums inviting readers to comment on news stories, we found racist and discriminatory comments towards the woman's family and the Roma community in general. An example is the racist comments inciting hatred towards the Roma community spread by this forum:

<http://www.forocoches.com/foro/showthread.php?t=3455971>

*"This morning I read the news and I freaked. Supposedly no one is allowed to enter the landfill, but people go in and out as they damn well please, and of course that includes the crème de la crème. I hope that from now on they crack down on those louts."*

*"It's a shame Hitler didn't make it to Spain."*

*"Gypsies, filthy scum."*

*"The victim was a Gypsy which means that the operator will take the heat. I would exterminate those fuckin Gypsies. Eye for an eye."*

Despite this unfortunate event, there is never any justification for racist and discriminatory remarks such as these.

Given how difficult it is to obtain a positive response in these cases, the FSG's Equality Department calls on all administrators of these forums to be more responsible when deciding to allow the posting of racist comments. Examples of this sort of permissiveness show how lightly they take their responsibility.



CASE2



- 3. Huesca. The media. Direct discrimination.** Several fights broke out in "Huesca's party district" in which some Roma youth were involved and in one of them a Roma man hit a member of the national police force. Several hard copy and digital newspapers covered the incident (*Diario del Alto Aragón*, *Heraldo de Huesca*, *radiohuesca.com*) and clearly stressed the fact that those involved in the brawls were Roma.

An example is the headline of the story in the *Heraldo de Aragón* "Two more young people arrested in relation to the fights in Huesca's party district. The police commissioner calls on the Roma patriarchs to put an end to the fighting." The *Diario del Alto Aragón* ran a similar story: The alleged instigator of the fights in the "District" is put in prison.

Following the social tension detected underlying these incidents, the head of the FSG's Equal Treatment Department and the coordinator of the FSG's Huesca chapter held a meeting with the provincial police commissioner and offered the local administrations, police forces and the Roma community their mediation services to help resolve any potential conflicts.

At that meeting, the Commissioner made racist remarks such as "obviously a Gypsy is more suspect of criminal behaviour than anyone else"; regarding the confrontation with Roma young people, "it's been a while since I had so much fun," etc.

FSG representatives in Huesca spoke with journalists from the different media (*Radio Huesca*, *cadena Cope*, *Diario del Alto Aragón*, *Heraldo de Aragón*) and complained about the fuss being made in the press about the fact that Roma were involved in the incident. They called on the media to be more fair in order to prevent the damage that is caused by making generalisation about the Roma community.

- 4. Huesca. The media. Direct discrimination.** The newspaper *Heraldo de Aragón* ran a story under the following headline: "A former Guardia Civil admitted forming part of a criminal gang that robbed Gypsy families".

Throughout the rest of the article, Roma are associated with drugs trafficking and crime. Headlines like this reinforce stereotypes and prejudices towards the Roma community in general.

- 5. Asturias. Internet. Direct discrimination.** While doing a google.es search for information on an event that took place in Aviles that apparently involved Roma, the first reference that appeared was the Car Forum which featured a series of discriminatory and humiliating comments about Roma, including the deceased.

<http://www.forocoches.com/foro/showthread.php?t=3342458>

Many of the forum participants cheered and laughed about the different comments made such as:

A real pity that it was only one, apparently hundreds were there in a half hour's time.  
*"A man dies" is the wrong headline. It should say "A Gypsy dies".*  
It makes me feel ashamed. We've read that a Gypsy has been gunned down in the street but nobody speaks of naming a street after the bullet that killed him. What a shame.  
Close call. When I first read the story I thought that a person had died.  
Well ... it is true that a Gypsy can be man's best friend. I hope he recovers. To the fuckin bonfire with the lot of em ...

These comments are evidence of the deep-rooted prejudice, hatred and racism against the Roma community, and even promote violence against them.

- 6. Salamanca. The media. Direct discrimination.** The Salamanca newspaper called *El Adelanto* published a story about events that took place in Zamora. A man, who according to the journalist was "of Roma origin", forcibly held five people captive at the premises of an insurance company.



It was completely unnecessary to mention that the person in question was Roma. The only purpose served by that is the proliferation and underscoring of negative prejudices and stereotypes against the Roma community because the acts of one individual tend to be extrapolated to the entire community.

- 7. Salamanca. The media. Direct discrimination.** A story ran on the front page of the La Gaceta Regional de Salamanca newspaper about police confiscation of a certain quantity of hashish. Later in the article the journalist specifically refers to the ethnic group of the people involved. Racist comments soon followed in the digital edition of the paper.

<http://www.lagacetadesalamanca.es/sucesos/2013/03/15/espectacular-redada-familia-buenos-aires/88626.html?#Com=1#EnlaceComentarios>

This is another example of how the media, in this case the written press, manages to create and reinforce prejudice and negative stereotypes against the Roma community by mentioning the ethnic group of the people involved in their news stories.

- 8. Salamanca. The media. Direct discrimination.** La Gaceta Regional de Salamanca newspaper reported that nine families most of them gypsies, were squatting in seven social houses belonging to the local government of Béjar (Salamanca). The families claimed that they had nowhere else to live and that they are willing to die before leaving.

<http://www.lagacetadesalamanca.es/bejar/2013/05/07/nueve-familias-bejar-ocupan-casas-vacias/92943.html>

The forum of the digital version of the paper posted a series of racist comments against Roma:

*"Free houses, free electricity, no taxes, driving without a license, cars without insurance, no liability when they have an accident, they run the Plaza Mayor (main square); send them all back to Romania which is where the SCOUNDRELS came from in the first place."*

*"WHEN YOU EVICT THEM, BE CAREFUL BECAUSE THEY'RE SPECIALISTS IN NECK BRACES TO GET INSURANCE MONEY. THEY SHOULD CHAIN THEM BY THEIR NECKS TO KEEP THEM OUT OF MISCHIEF."*

The screenshot shows the website 'LA GACETA desalamanca.es'. The main article is titled 'Nueve familias de Béjar ocupan varias casas vacías'. The sub-headline reads: 'Los inmuebles son de protección oficial y fueron construidos por la Junta en la calle Víctor Gorzo'. The date is '07.05.2013 | 04:45'. The article text states: 'TEL. Varias familias de Béjar, nueve en total, han ocupado varias viviendas de protección oficial construidas por la Junta en la calle Víctor Gorzo, que llevaban seis años vacías y sin sus propietarios.' Below the text is a photograph of a group of people, with a caption: 'Varias familias acceden a casas de la Junta | TEL'. The article also mentions: 'La entrega de las llaves de estas viviendas se han retrasado por varios problemas de tramitación de las adjudicaciones de los inmuebles. Varias familias de etnia gitana accedieron a esas viviendas porque según afirman no tienen un lugar adecuado para vivir.'

CASE 8



- 9. Salamanca. The media. Direct discrimination.** The events section of the La Gaceta Regional de Salamanca newspaper ran a story about a robbery in which the victims were Roma and the attackers Moroccan. The headline was: "Brutal robbery of a couple in a flat in Béjar to steal hashish and money."

The motive of the attack was apparently to steal money and hashish.

The coverage by the media also appears discriminatory insofar as they illustrated the article about robberies and vandalism with a photograph of people with physical characteristics typically attributed to the Roma community.

- 10. Salamanca. The media. Direct discrimination.** A journalist from the Gaceta Regional de Salamanca wrote a column entitled "Como el gitano del cerdo al hombro" (like the Gypsy with the pig over his shoulder), an opinion article on the Bárcenas case.

The writer tries to draw a comparison between a joke about Roma and *Guardias Civiles* and the alleged attitude adopted by Bárcenas in the famous case of corruption.

*"With Bárcenas behind bars and gossipmongers on tenterhooks, the uproar caused by his imprisonment has skyrocketed in response to the rumour (remember: rumours are the prelude to news) that a pen drive containing hard information about illegal payments to politicians was about to go astray or had already been 'lost', which would have knocked more than a few utterly corrupt and noteworthy figures down a few pegs.*

*Remarkable data as opposed to empty words. Pablo Ruz, the trial judge in the Gurtel case, was ready to pounce on some very incriminating evidence against Barcenas. Fraudulent transactions, imaginary firms, sloppy paperwork. In response to the evidence, the accused would only be able to offer subdued and diffuse explanations. Like the gypsy in the joke who was taken by surprise by a pair of Guardias Civiles in the middle of the night carrying a pig over his shoulder: "What have you got there?" They asked. "Oh, officers" he answered, "one hell of a fly that crawled up my back". Over Forty-eight million Euros cannot be siphoned off without leaving traces behind as they are moved from one account to another, from Switzerland to the United States and from the United States to the other end of the world. Even when discretely put out to graze, that many herds of bills must have left traces along the avenues of lies and among the brambles of so much tinkering. Barcenas does not have a bright future and more than a few of his beneficiaries are starting to sweat. On the recommendation of the Anti-fraud Prosecution Service, the judge has decreed imprisonment without bail and, whether he speaks or not, continues to leak papers or hide them, he is now behind bars in Soto del Real prison where the days drag on and the nights weigh heavy, just one more inmate in the narrow underworld of prison."*

The issue of the social image of the Roma community is especially relevant because the perpetuation of negative prejudices and stereotypes in the public opinion has serious consequences on their access to the most basic of citizen's rights and only serves to reinforce social rejection and is not an image which reflects the heterogeneous reality of this community.

- 11. Salamanca. The media. Direct discrimination.** La Gaceta Regional newspaper of Salamanca ran a story under the following headline: "A gang that stole 160 Iberian Guijuelo hams dismantled". In the events section they reported that a group of people were arrested for a robbery at a ham factory. Mention was made of the Roma ethnic group to which the alleged assailants belonged. We must remember that this mention of ethnicity is totally unnecessary since such personal information contributes nothing to the understanding of the news story but does reinforce the negative image of the Roma community by associating it with crime.

- 12. Salamanca. The media. Direct discrimination.** An article was run under the following headline in the digital version of a Salamanca newspaper, i.e. [www.salamanca24horas.com](http://www.salamanca24horas.com): "Gypsies are the greatest spendthrifts: when they have it, they spend it."

The mention of ethnicity in this article is an inaccurate generalisation insofar as it simplifies Roma diversity and reduces this community to single stereotype linked to waste of money. Such stereotypes contribute to the persistence of these incorrect beliefs with regard to the Roma community.



CASE 13

# LA VANGUARDIA Mataró - Maresme

Lunes, 12 de enero 2015

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## Familias gitanas ocupan tres casas de lujo en St. Vicenç de Montalt

Obtienen luz con generadores de gasóleo y el agua de lluvia | La propiedad ya ha presentado denuncia por ocupación

Mataró - Maresme | 07/06/2013 - 09:25h | Última actualización: 07/06/2013 - 09:42h



### 13. Barcelona. The media. Direct discrimination.

<http://www.lavanguardia.com/local/maresme/20130607/54374765308/sant-vicenç-de-montalt-ocupan-viviendas-lujo-familias-gitanas.html>

*"Sant Vicenç de Montalt.- Three nomadic Gypsy families illegally settled into a high standing housing development in Sant Vicenç de Montalt (Maresme). The homes are unfinished and therefore are not yet connected to basic services. Two other people are camped in another two homes, one of them the former security guard at the development, before the company, which had allegedly sublet the rest of the homes along the camí del Padro, went bankrupt. The town council has taken security measures in light of the social alarm caused by the development.*

*The company, Brava Parc, went bankrupt in late 2010 and abandoned the promotion known as Balcó del Balís- Can Calella; nine luxury apartments located on a prime piece of real estate along the camí del Padro. The former security guard, a man from South America who was registered as a local resident, lived in the development while employed. With the bankruptcy of the company, this man sublet four of the nine houses to a homeless person of Basque origin, who was also registered as a local resident, and recently to three Roma families.*

*Under pressure from the City Council of Sant Vicenç de Montalt, a legal representative of the development company filed a complaint to the Mossos d'Esquadra (regional police) with the intention of evicting these people. In the meantime, Social Services activated an aid protocol as the houses are only half built and do not meet liveability standards and still depend on services provided from construction facilities. For example, the occupants are supplied with electricity from a fuel-powered generator and have only rainwater to drink.*

*The presence of these families in the exclusive area of Sant Vicenç has caused a great deal of alarm throughout the neighbourhood, prompting the council to announce that "special attention shall be given to those activities that could cause problems amongst neighbours".*



CASE 14

**14. Sabadell. Internet. Direct discrimination.** The FSG office in Sabadell found this website.

<http://es-es.facebook.com/pages/Eres-m%C3%A1s-raro-que-ver-a-un-gitano-en-urgencias-esperando-solo/287954997933073>

*"You're stranger than a gypsy who goes to the emergency room alone."*

The Internet and its social networks are being used increasingly as tools to disseminate prejudice and stereotypes. Once again in Facebook we find several interest groups with strong and unfavourable ideas and opinions against people of the Roma ethnic group who are widely misunderstood.

**15. Sabadell. The media. Direct discrimination.** The newspaper El Público published comments posted by Internet users in response to the following news story:

<http://www.publico.es/actualidad/458790/dos-tercios-de-la-poblacion-gitana-vive-por-debajo-del-umbral-de-la-pobreza>

The same story was published in Catalan by a local newspaper in Sabadell under the same headline "Two thirds of the Roma population live below the poverty line."

[http://www.ara.cat/societat/Dos-poblacio-gitana-llindar-pobresa\\_0\\_953904846.html](http://www.ara.cat/societat/Dos-poblacio-gitana-llindar-pobresa_0_953904846.html)



Both papers also include discriminatory and racist comments against the Roma community. Following is an example:

*"Most or all Gypsies want to live on handouts: on the dole with a free house, free health care, free education etc. without doing a stitch of work. And I say this because few, very few, are salaried workers like the rest of us mere mortals and they don't pay taxes ... because to get all of these "free" benefits they should first have had to pay taxes and then see if they are entitled to benefits that are not universal, such as housing. In other words, someone should check whether they are disadvantaged or just lazy with their hand out and partying all day long. Being Gypsy doesn't mean that they have more rights than a payo."*

Another example of the total lack of control over forum news commentaries in the digital editions of newspapers where all sorts of racist comments are permitted.

- 16. Valencia. The media. Direct discrimination.** The *Información de Alicante* newspaper published a news item relating that "a shootout between two gypsy families over a family disagreement set off alarms in the José Antonio de Alicante neighbourhood yesterday".

Once again we find the mention of ethnicity and terms such as 'clan' which tarnish the image of the Roma community as a whole because of the association drawn between delinquency and the Roma community.

- 17. National. Internet. Direct discrimination.** While following up on a complaint made by an FSG worker in Jaen about a web page: <http://gitanosdelincuentes.weboficial.com/> featuring racist, xenophobic and homophobic content, we stumbled upon a YouTube channel that goes by the same name, i.e. "Gypsy criminals" with content inciting hatred towards the Roma community as a whole. One of the particularly offensive links is:

[http://www.youtube.com/channel/UCGx9mXEiv4Vxr5Bn\\_MhYOrw?feature=em-profile\\_comment\\_approval\\_required](http://www.youtube.com/channel/UCGx9mXEiv4Vxr5Bn_MhYOrw?feature=em-profile_comment_approval_required).

Some of the comments which prompted our complaint was:

*"We decided to create a channel showing the already well-known ugly dark side of the Gypsies."  
 "Robbery has always been (and still is) their trademark."  
 "Is very common to see them singing and dancing and clicking their heels while doing nothing"  
 "These little pricks still refuse to integrate" "they are still the kings of the picaresque" "they live on handouts without doing a lick of work."  
 "It is no picnic having to live with such scum", "these parasites have made their racial pride very clear."*

A complaint was lodged to the Computer Crime Squad in response to all of this. We also reported it to the Barcelona Hate and Discrimination Prosecutor's Office which advised us to lodge the complaint at the Computer Crime Prosecutor's Office in Galicia because that is where the authors were based. The material was removed before legal steps were taken, probably because of the complaints concerning the YouTube channel.

- 18. National. Internet. Direct discrimination.** When we looked up the word "gitano" on Frikipedia we found very racist, prejudiced and discriminatory content. We wrote to the Web page administrator but received no response.

<http://www.frikipedia.es/friki/Gitano>

We should point out that a complaint was made about this case in 2012 and we repeated our complaint in 2013.

Many of these sites remain open despite repeated complaints made by the FSG's Equality Department, the main reason being the difficulty in gaining access to the accounts of the administrators who disseminate this material.



Here are some examples of the material they publish:

*"It seems that the Gypsies were born into the world for the sole purpose of becoming thieves: their parents are thieves, they grow up with thieves, they study to be thieves and finally they end up becoming common, everyday thieves; and they'll just keep on stealing until the day they die."*

- Excerpt from the novel *"The Gypsy Girl"* by Miguel de Cervantes Saavedra

From the urban tribes of the world series:

Gypsy

Example of the tribe

The patriarch in all his glory

Habitat Under the bridge

Intelligence what's this payo?

Favourite phrase Gimme some money, payo

Dangerous? Too much for you, payo

Obsession bright metals

Notes. If they you ask for something, give it to them...

*Dark-skinned people with social power comparable to that of the Pharaohs of Alexandria, equipped for guerrilla warfare. You will always find them in groups of at least three making them a team or gang ready to take on any pair of Guardia Civil.*

*All Gypsies are cousins according to their gospel, and if you have a run-in with any of them, even in self-defence (about a 99% chance of that), you'll have to contend with all of their cousins ready to attack you with any utensil they have on hand (usually broomsticks and knives, although it is now fashionable to use guns taken from the cops). They come from Egypt, and hence their name, Egiptanos.*

*Three out of five canis believe they are gypsies or mestizos (the other two wish they were).*

*It's easy to distinguish them from all other inhabitants of the city by their dark complexion, their unmistakable aroma, their jewellery, pendants, earrings and everything else imaginable made of gold or brass, and their particular way of speaking (language: Ogrish). (Example: MA, that of the A Team).*

*Hierarchy*

*They are classified into different groups, in this hierarchical order:*

- *Patriarch / Patriháarca /: (Progenitor Gypsy Mathusalem Gitaniil or PGM) current whereabouts unknown. Any gypsy who makes it to age 60, or to age 65 if for some strange reason he serves prison time, becomes a patriarch and wields absolute power. He's the equivalent of an absolute monarch in the payo world.*
- *Father / Páaaapa /: Dominant male of each clan. They come ready-trained and mainly engage in street vending, driving their dilapidated vans and procreation.*
- *Mother / Máaama /: Intercourse partner of the dominant male or Father, physically resembles a cross between an Orc of Mordor and Marujita Diaz. Their weight is always between 90 and 160 kilos. She is responsible for giving birth, cooking, cleaning the house, keeping the pups alive and serving Father as if she were a maid or servant. She also often goes on missions to find lost items, such as handbags and wallets, and to bother payos in parks trying to read their palms or sell them roses. When Father isn't home, it's the Mama who takes charge of the family "business".*
- *Tano / Tano /: Elite unit, between 20 and 35 years old, comparable to a Summon of Final Fantasy VII. They are skilled in handling knives and guns, as well as in the art of magic and high-speed driving and are also very experienced in battle.*
- *Cousin / Priiimo /: The scourge of youth, between the ages of 12 and 20. This is the last stage of training for Gypsies. During this period, they get to know other local young people, their network of contacts expands, they begin to offer their services as bodyguards for the weakest members for a small fee, they sharpen their first knives and cause a raucous in the discotheques.*
- *Chele / Cheli /: The neonates of the clan, ages 5 to 12. This is the age at which they begin to go out, start smoking, get their first piercing and earn a nickname which they will have for the rest of their life. The nickname can be any Spanish word and may arise from any situation. These are the scourge of the youngest females of the society. As everyone knows, Gypsies become aware of their sexuality at an early age and try to seduce all the girls using their usual repertoire of "compliments" and typical lines they have learned from their elders. It is also at this age when they start negotiating with various herbs (such as rosemary, for example) and watching films not suitable for children.*



- 19. National. The media. Direct discrimination.** On 18 February 2013 the NGOs belonging to the State Council of the Roma People and the Roma Cultural Institute, along with other groups and social organizations, released a communiqué denouncing the series called "Roma word of honour" broadcast on channel 4 television.

We felt the need to inform society in general and the media in particular of our common view regarding a programme that we believe gives a sensationalist, superficial, stereotypical and biased view of the Roma people, belittling their ancient culture and its wide-ranging diversity.

It undermines the enormous efforts that institutions and organizations of all kinds have been making to overcome a historical situation of discrimination and inequality vis-à-vis the majority society. We believe the undignified way the programme depicts children and Roma women to be particularly serious.

The sensationalist and lurid generalisations made by "Roma word of honour" are completely inappropriate, especially considering that what is at stake is nothing less than the social image of a vulnerable minority such as the Roma.

The member NGOs of the State Council of the Roma People lodged complaints before the following bodies:

- the director of the Channel Four Television
- the Audiovisual Council of Andalusia
- the Audiovisual Council of Catalonia
- the Audiovisual Council of Navarre
- the Ombudsman
- the Ministry of Health, Social Services and Equality

Along with the numerous complaints a legal assessment of the case was made. When it comes to how Roma are portrayed in certain media, the defence of non-discrimination is at loggerheads with the defence of the freedom of information, even if the latter is detrimental to the right to equality and dignity of the Roma people.

- 20. National. Internet. Direct discrimination.** The FSG's Alert Service informed us of Twitter comments and a website posting xenophobic and racist remarks about Roma:

*Anti gitanos @Anti\_GitanOs 6h*

*"MESTIZOS, SONS OF BITCHES, YOU ARE A DISEASE INFECTING ARYAN PURITY. WE SHOULD FOLLOW THE EXAMPLE OF HUNGARY AND OTHER EUROPEAN COUNTRIES"*

We contacted the administrator of the account requesting the removal of these racist comments that incite hatred towards the Roma community as a whole. We filed a complaint against that Twitter account and the user was blocked.

- 21. National. Internet. Direct discrimination.** The FSG's Alert Service informed us of a webpage link to racist and xenophobic material attacking the image and dignity of the Roma community.

EXCERPTS FROM THIS RACIST, ANTI-ROMA WEB PAGE CALLED "Gypsy criminals"

<http://gitanosdelincuentes.weboficial.com/>

The home page of the blog features an open invitation to all members and users of the page in question to "speak ill" of the Roma community in general and must thus be considered as an incitement to hatred of the Roma community.



*"Racist or realistic? Are we more racist than the gypsies? Enter, read and discover for yourself the reality surrounding us today in the 21st century. Discover the best kept secrets of the most hated ethnic group on the planet: customs, lifestyle, Gypsies today, social marginalisation, integration, disinterest... who is to blame?, society, ourselves, the Gypsies.*

*Claiming human rights and using Gypsy NGOs and Spanish citizenship, we need to know a little more of this subculture rooted in the past and how, by playing the victim, they have succeeded in acquiring power that others of us do not have through organisations, grants and subsidies that support them; and that with an illiteracy rate of over 62% in this country."*

This blog is still open despite having reported this material to the administrator.

Web address hidden, copy of the above: [www.gitanomalo.webuda.com](http://www.gitanomalo.webuda.com)

**22. National. Internet. Direct discrimination.** The FSG's Alert Service informed us of xenophobic and racist Twitter remarks posted about Roma.

There are still many social network user accounts that we have to deal with because of these types of racist comments inciting hatred against the Roma community and mocking Roma customs. Following is an example of these comments on twitter from a user named El Jueves. These were later re-tweeted by other users and followers:

*5 reasons why we need a Gypsy Pope: <http://ow.ly/iRb2Z>*

*The Church and Gypsies. The difference is that Roma at least know how to have fun. We therefore believe that the election of the Pope should be like a gypsy wedding. This means:*

- 1. Election of the Pope: All the Prefereti join together. They free the Holy Spirit. The first one who captures the dove and puts it in a parakeet cage wins.*
  - 2. Prueba del Pañuelo (virginity test): The candidate is subjected to a test of honour in front of all of those present. The candidate must go down on all fours, a handkerchief is placed in the anus and if comes out stained four times the verdict is clear. That candidate is elected.*
  - 3. Festive atmosphere: The Cardinals emerge from the Sistine Chapel, stand at the door of the Cathedral and applaud while singing Gregorian chants. Those who feel inclined can spontaneously burst out in song.*
  - 4. A spectacular procession: The new Pope is carried into St. Peter's Square. Once there, he strips off the tunic and does some fancy flamenco footwork. His mother cries.*
  - 5. A Three-day party with drugs for the whole family: Mind you, I speak of the Great Catholic Family. This would make Woodstock look like the night before final exams. Holy drugs.*
- In short, what we need is not a Pope from Milan nor a black pope. What we need is undoubtedly a Gypsy Pope. .*

In this case we made our complaint directly to the account administrator.

**23. National. The media. Direct discrimination.** Channel Six TV broadcast a documentary about drugs trafficking and made specific reference to Roma when reporting on traffickers. The documentary was called "The Power of Paca" which only served to reinforce the image of crime and marginalisation of this community. Rather than taking a thought-provoking approach to the reality of social exclusion, the documentary reinforced the social rejection of these people.

El poder de la Paca

[http://www.lasexta.com/programas/equipo-investigacion/poder-paca-equipo-investigacion\\_2013030600254.html](http://www.lasexta.com/programas/equipo-investigacion/poder-paca-equipo-investigacion_2013030600254.html)

After further investigation we discovered that the programmed had been uploaded on YouTube by an extreme right character who calls himself "Race War":



<http://www.youtube.com/watch?v=Z2LR-NFWfvU>

The broadcast of programmes like this simply fans the fire of stereotypes and prejudices towards the Roma community as a whole, identifying the latter with crime and drugs trafficking.

- 24. National. The media. Direct discrimination.** We received an email from a person informing us of a cartoon featuring caricatures of people in prison posing as Roma. The message reads:

*To the Secretariado Gitano:*

*I'm not Roma myself but I live in Albaicín (Granada) and in my 25 years I have had the opportunity to know Roma starting in preschool and in normal everyday life; sons and daughters of tourism entrepreneurs and artists such as singers, dancers and famous guitarists. I believe it is insulting to say that Roma are well integrated. Please bear with me for a minute as I explain. That assertion could be interpreted to mean that by nature they are not well integrated and that those that are integrated are an exception to the rule. While applauding the integration of the sectors most discriminated against in society is positive insofar as it encourages this process to continue, we must be very careful of how we approach this issue paying attention to the socio-economic context; what may be positive in one situation may be an insult in another for the reasons I have just explained.*

*I am writing to you after seeing a drawing intended to be humorous in the El País newspaper. I decided not to read the article and simply held on to the impression caused by the caricature, the same impression made on the large percentage of "readers" who buy a newspaper and flip through it without completing reading each and every page.*

*Description:*

*A cell with Luis Barcenás inside accompanied by a guitarist and a singer, all three dressed as inmates.*

*Impression:*

*It is common and normal for Roma to be imprisoned and they themselves feel comfortable.*

*I believe that this is motive enough to lodge a formal complaint but I decided to address this to you and not the El País newspaper so that you, as an institution that strives to safeguard integration and equality, can take the action you see fit.*

The Equality Department first expressed its gratitude to this person for informing us of the case and then we wrote to the Press Ombudsman but have not yet received a reply.

- 25. National. Internet. Direct discrimination.** It is not uncommon to find pages in Facebook (social network) with anti-Roma content inciting hatred and violence. This network allows users to create interest groups. In this case, we came across a group that discussed and responded to the following survey (fake, of course):

*The Fundación Secretariado Gitano conducted a nationwide survey with the following question: who would you prefer to have as your next-door neighbour, A Gypsy family or a well known ETA (terrorist group) militant. The vast majority preferred a fucking ETA murderer. That's a good indication of anti-Gypsy racism.*

Thanks to the action taken by other users who denounced this group, Facebook banned their page. Nevertheless, content of this nature is all too frequent on the different social networks and its detection and elimination is usually complex. Action taken by private citizens as in this case is key to combating racism and discrimination against the Roma community on the Internet.

- 26. National. The media. Direct discrimination.** In a TV programme on Channel 5 they were discussing pictures relating to a news story about a pyromaniac woman whom the police caught "red-handed" trying to set fire to a lot in Madrid. The journalist made specific mention that the woman arrested was Roma.

As we have already pointed out in other similar cases, the mention of ethnicity adds nothing to the story and only serves to reinforce the negative image that people have of the Roma community



- 27. National. Internet. Direct discrimination.** An Internet page lifted posters from one of the Fundación Secretariado Gitano's educational campaigns and manipulated them in an extremely offensive way as an insult to the Roma community. The page can be found at:

<http://www.burbuja.info/inmobiliaria/guarderia/444737-gitanos-estudios-gitanos-futuro.html>

These manipulated posters were first reported in 2012 by the Fundación Secretariado Gitano (state case n° 35 from the 2013 Discrimination and the Roma Community report) to the Secretariat of State for Telecommunications, the Ministry of Industry, Energy and Tourism and to the Attorney General's Office for possible transfer to the Prosecutor for Computer Crime, the result being the dismissal of the proceedings.

After lodging our complaints the website in question, [www.burbuja.info](http://www.burbuja.info), eliminated everything related to the education campaign and we were grateful for that collaboration in removing material that incited hatred and racism against the Roma community.

However, this is not the case with this other website which has posted practically the same previously reported material.

<http://circonio-cubico.tumblr.com/post/34898687390/gitanos-con-estudios-gitanos-con-futuro>

The Equality Department requested the removal of this material but we have not received any positive response. Unfortunately, this is how these cases tend to go; first of all, it is very difficult to contact the discriminating party and secondly, we find that there are hardly any resources available to deal with these cases of discrimination disseminated on the Internet.

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**National. The media. Direct discrimination.** La Gazeta, an information and analysis newspaper belonging to the Intereconomía press group, published an article entitled "The Freaky State" where it is asserted that money spent on disseminating Roma culture was "money wasted" and made the point that this money comes from taxpayers' pockets. Following are some excerpts from the article:

"This huge number of free-loaders who live on the dole, together with our tremendously creative politicians, inevitably leads to the creation of public agencies whose aims are absurd.

We have agencies involved in selling horse semen, spreading gypsy culture, defending the glass sector, promoting gambling or admiring the Catalan landscape. Following is a just a small sampling of public companies comprising a really freaky country."

- 29. National. The media. Direct discrimination.** In the reader comments section of the digital version of the of the El País newspaper article entitled "750,000 ways to be a Gypsy," we found a list of racist comments that are an affront to the Roma community; comments perpetuating stereotypes and prejudices with no regard for the truth. The following comments were made in response to an article giving a positive portrayal of the Roma community highlighting its heterogeneous nature:

[http://sociedad.elpais.com/sociedad/2013/09/02/actualidad/1378145891\\_110802.html](http://sociedad.elpais.com/sociedad/2013/09/02/actualidad/1378145891_110802.html)

*"The reality that I've witnessed is one of families that attack social workers and professional mediators, that do not send their children to school, that are always involved in shady businesses (small-time drug pushers, stealing copper ...), that pay no heed at all to "laws made by payos" and that harbour contempt for and are aggressive towards others. I say congratulations to those who live like the rest of us, who make their living in outdoor markets and by mobile trading and who seek to improve their standard of living and educate their children."*

*"I couldn't agree with you more on that count, Pelayo. Three years ago, the Community of Madrid sent several families of gypsies to live in my building and since then community life here has been absolutely unbearable. They have no respect for anyone. The filth is indescribable. The community areas now look like Beirut after a bombing. And they react aggressively when anyone tries to reason with them. What a great job our government administrations are doing! All the neighbours who can go elsewhere, do, but those of us who can't, well we're being treated with anti-anxiety drugs. And to add insult to injury, with our tax money!"*



- 30. National. Internet. Direct discrimination.** The following question appeared on the Yahoo! Answers page with a comment, the aim of which was to contact other Roma studying to enter the national police force:

*"Are there Roma police officers in Spain?"*

*Hi, I'm Roma, I have a law degree and now I'm studying to become a national police inspector. And my question is: are there Roma police officers in Spain? Thanks in advance."*

*Although the question had no other purpose than to contact other Roma in this sector, the writer received the following reply:*

*"I don't know of anyone but there could be, but it seems unfair that junkies can become police."*

Another example of how the Roma community is associated with crime and drugs.

- 31. National. The media. Direct discrimination.** "Summer holidays are over and hundreds of Gypsy children are back to copper today." (Translator's note: in Spanish, "vuelta al cole" mean back to school after the summer break. The Spanish word for copper is "cobre" making this a play on words given the similarity between "cole" and "cobre".)

To laugh or not to laugh; that is the question posed by *El Mundo Today*, the popular satirical online newspaper. As explained by one of its directors, there are no limits, but "the more controversial, sordid or delicate the issue is, the more ingenious the humorist must be to achieve the objective".

One of the most recent texts published on the website in response to "Hundreds of Gypsy children are back to copper today" states as follows: "Neither the Fundación Secretariado Gitano nor the Union Romani, two of the most active organisations in defence of this ethnic minority, were at all happy about this post".

The Department of Equality sent a complaint letter to this media requesting the removal of the article because it created and reinforced the negative image of the Roma community as a whole (and specifically identified children with theft and vandalism).

We received the following response:

*"We would like to clarify two things in this regard:*

*- El Mundo Today is not part of the media as you affirm and its directors are not journalists. As indicated in the legal notice available on the website itself, El Mundo Today includes satirical fictional texts which, as such, employ caricature, exaggeration and stereotype with humorous intent. The purpose of the website is entertainment and not education or information. The legal notice also points out that its content targets adults and it is assumed that the latter possess the ability to contextualize and understand what they are reading (even though some, unfortunately, confuse satire with journalism and fiction with reality).*

*- The author of the text that you refer to uses a simple play on words (replacing the word "cole" [school] with the word "cobre" [copper]) and takes advantage of the similarity between these two words to give visibility to the fact that you do not need to go to so-called underdeveloped countries to find children who do not enjoy the right to go to school. You can find them right here in Spain. What this satire actually does is draw attention to this issue through humour. The author in no way, shape or form intended to make fun of those children. A less biased reading of the article would suffice to see this; fortunately, this was the interpretation of the bulk of El Mundo Today's readers. We understand and respect that there are groups especially sensitive to certain issues, but we cannot accept that those groups attribute intentions to us that are simply not true, based on an interpretation that manipulates the essential meaning of the text and its real context.*

*El Mundo Today has frequently come under pressure from different organisations that have threatened us to get us to withdraw certain articles. Usually this pressure comes from commercial brand names. Be this as it may, we are not willing to tolerate censorship, not only out of respect for our own freedom of expression but out of respect for our readers who understand and share our understanding of satire.*

*Kind regards,*

*El Mundo Today*

*Tomorrow's news.*

*(www.elmundoday.com)*"



This post opens the debate on the limits of humour in public media and whether this sort of humour should be respected when it is at the expense of a minority subject to so much ridicule already.

- 32. National. Internet. Direct discrimination.** The following comments about the FSG were found on an extreme right wing website:

<http://circulo-identitario-nietzsche.blogspot.com.es/2013/07/secretariado-gitano-todo-un-campeon-en.html>

*"NIETZSCHE IDENTITY GROUP*

*ARIAN ARCH-VANGUARDISM FOR ABORIGINAL EUROPEANS – ANTI-GLOBALIZATION – AUTOCHTHONOUSISM  
– RACIALISM – ANTICAPITALISM – NATIONALISM AND SOCIALISM – SPAIN*

*26 July 2013*

*Secretariado Gitano, champion of the art of procuring public subsidies*

*Given that all people of Spanish nationality are considered equal under the law and the prohibition of discrimination on ethnic grounds, gypsies with Spanish nationality are entitled to all of the benefits of having said nationality. However, in Spain there are also laws that, in violation of this prohibition of discrimination on ethnic grounds, protect so-called positive discrimination (affirmative action) on ethnic grounds, and since Gypsies are an ethnic group typically included among those to which affirmative action is applied, the result is that many Gypsies with Spanish nationality also enjoy a number of exclusive benefits just for being Gypsies that are not available to everyone."*

The article accuses the Roma community of being a sort of privileged group and also criticizes the FSG for receiving subsidies. This website features many articles on white supremacy and what they call "anti-white racism" (the name they give to anti-racist policies).

The FSG wrote to the manager of this site and as a result the page was closed down.

- 33. National. Internet. Direct discrimination.** These links with clearly discriminatory and racist material towards the Roma community were received through the news alert service of the FSG.

[https://twitter.com/Anti\\_GitanOs](https://twitter.com/Anti_GitanOs)

Here are the links

YouTube: <http://www.youtube.com/channel/UCxBtgPmVYP6bWvNoN0m599g>

Blog: <http://anti-gitanos.blogspot.com.es>

One of the blocked Twitter accounts added a message on YouTube at:

<http://anti-gitanos.blogspot.com.es/>

That closes with the sentence "A good Gypsy is a dead Gypsy" and a picture of a funeral [http:// antigitanos.blogspot.com.es/](http://antigitanos.blogspot.com.es/)

This is a clear example of the sort of racism running rampant on the Internet, unencumbered by forum managers or other authorities whose job it is to keep this from becoming public. These comments could be considered incitement to racism which is a criminal offence under Article 510 of the Criminal Code.



CASE 33

- 34. National. The media. Direct discrimination.** The channel 6 programme called "Investigation" aired a special looking into theft in the commercial sector and the resale of stolen merchandise on the street.

[http://www.atresplayer.com/television/programas/equipo-de-investigacion/temporada-1/\\_2013092000342.html](http://www.atresplayer.com/television/programas/equipo-de-investigacion/temporada-1/_2013092000342.html)

The report made specific mention that the people involved were Roma.

- 35. National. The media. Direct discrimination.** A Spanish newspaper picked up a news story run in English and Irish newspapers about a blond Roma girl. The authorities believed the girl had been abducted by the couple who were actually her parents, who were Roma, based on differences in skin colour.

[http://www.elperiodico.com/es/noticias/sociedad/irlanda-devolvera-familia-gitana-rumana-custodia-hija-2777534?utm\\_source=rss-noticias&utm\\_medium=feed&utm\\_campaign=portada](http://www.elperiodico.com/es/noticias/sociedad/irlanda-devolvera-familia-gitana-rumana-custodia-hija-2777534?utm_source=rss-noticias&utm_medium=feed&utm_campaign=portada)

In the end it was proven that the girl was the biological daughter of the Roma parents.

*"Ireland returns the custody of a girl to her rightful parents, a Romanian Roma family.*

*DNA tests show that the light-skinned, blue-eyed blond child was their biological offspring.*

*The Irish authorities returned the custody of a 7 year old girl to a Romanian Roma couple after DNA tests confirmed that she is their biological daughter, according to the family. The 21-year-old sister of the girl, who cannot be identified for legal reasons, told the press that her mother was unable to eat or sleep during the two nights that her little girl was under the guardianship of the Irish Health Service Executive (HSE)."*

This is another example of prejudice against the Roma community; situations that trigger sensationalist news stories involving the Roma community.





- 37. National. The media. Direct discrimination.** [http://www.estrelladigitales.es/espaa/Mossosmovilizan-efectivos-detener-camellos\\_0\\_1505849432.html](http://www.estrelladigitales.es/espaa/Mossosmovilizan-efectivos-detener-camellos_0_1505849432.html)

A news report on a police intervention literally read as follows:

*"The operation focused on a married couple from a Gypsy clan that sells drugs on the streets; more arrests expected."*

The use of the term "clan" and mention of the ethnic group of the people involved once again perpetuates stereotypes and prejudice against the Roma community. The news story resorts to inductive language which indirectly links those involved in the news story with a particular ethnic group.

The equality department sent a letter but did not hear back.

- 38. National. Internet. Direct discrimination.** We found blatantly racist content inciting hatred towards the Roma community in the following Internet blog: <http://anti-gypsy.blogspot.com.es/>

Following are some examples of the sort of comments made:

*"It bothers me to see that the only ones who speak out against these people are those with an extreme right-wing ideology. I can't understand why leftists and other types of people defend them. Simply adhering to an ideal makes being leftist equivalent to anti-racist. That may be the case (to each his own ideal), but they must realise that this kind of "lowlife" couldn't care less about ideals, they don't care that there are people who try to defend them, they just keep on stealing, extorting, killing and committing crimes in general. And when they steal or hurt people, they don't know if those people are left-wing or if they defend the Roma cause; they just don't care. It is one thing to be anti-racist and another to be realistic. PEOPLE ON THE LEFT AND RIGHT, WAKE UP."*

*"Boycott Gypsy traders. You never know where these people gets their clothes, shoes, watches and all sorts of gadgets. Does anyone ever think about that? Where do they get those huge amounts of clothes and accessories? Many people think that the brand names they sell are imitations and many of them are. But a lot of those clothes are authentic and they're being sold by people who are supposedly poor. It just makes me suspect that everything is stolen. It wouldn't be a bad idea to take the money spent on subsidies and meals for politicians and use it to investigate all these goings on."*

The same blog features videos with the following content:

- Gypsies assault and rob two people during the course of a traffic-related argument.
- 4.5 million Euros found in a Gypsy shantytown.

The Equality Department tried to have the page shut down but has been unsuccessful thus far.

- 39. Caceres. The media. Direct discrimination.** A local newspaper from Extremadura called Hoy ran a news story about the theft of cherries and mentioned the ethnic group of the alleged robbers.

<http://www.hoy.es/v/20130625/navalmoral/policia-local-incauta-kilos-20130625.html>

- 40. Caceres. The media. Direct discrimination.** The newspaper Periódico de Extremadura ran a story which mentioned the ethnic group of those involved. The headline was: "Young man arrested for a shooting last July in Aldea Moret". In the article the journalist used terms such as "clan". As already noted, the use of these terms only serves to perpetuate prejudices and stereotypes.



- 41. Lugo. The media. Direct discrimination.** The Lugo newspaper called Progress published a story about power outages in a town where many Roma families live. The author highlighted illegal electricity connections and also mentioned the ethnic group of the families allegedly stealing that electricity.

The ethnicity of the people involved in a news story is not relevant information and simply serves to perpetuate stereotypes towards the Roma community as a whole.

- 42. Lugo. The media. Direct discrimination.** The newspaper called La Voz de Lugo printed the following headline: "Young Gypsies in the city of Lugo are lost and roaming aimlessly in streets and parks." This headline is clearly insinuating that the young Roma of Lugo do not want to work or study.

The Equality Department wrote a letter of complaint to the newspaper but received no response.

- 43. La Coruña. Internet. Direct discrimination.** The FSG's Lugo office sent us a link to an anti-Gypsyism blog containing xenophobic and racist remarks:

"<http://antigitanismo.blogspot.com.es/2011/02/empezando-por.html?zx=a0c7e2ad93df547f>

1000 reasons why we should hate Gypsies.

Following are 1000 reasons to hate gypsies, all justified from my own experiences. Everything I write is under oath; I am not lying."

The Equality Department unsuccessfully requested the closure of the blog.

- 44. La Coruña. The media. Direct discrimination.** The regional newspaper called La Voz de Ferrol ran an article under the following headline: "Five women accused of shoplifting in shops located in Ferrol and Narón enter a plea bargain."

The article goes on to mention that the accused reside in Roma settlements in the area. Ethnicity is personal data protected by law. Again, mention is made of this ethnic group which is irrelevant information for the understanding of the news story.



CASO 43



- 45. Narón. The media. Direct discrimination.** The local newspaper called El Diario de Ferrol ran a story about a sexual assault against a young girl from Naron. The article published the initials and ages of the accused, explicitly stated their place of residence and the fact that they were Roma

The details of the alleged perpetrators are not needed to gain an understanding of the news story and do harm to the Roma community living in the settlement referred to in the article and to the rest of the Roma community in the area.

- 46. Madrid. The media. TV.** Direct discrimination. A young Roma woman fell victim to the social effects of the TV programme called "Roma word of honour". She reports that her classmates mock her by imitating the way of speaking and using the terms of the "Gypsies" portrayed on that programme.

The FSG informed the young woman that we, together with other member organisations belonging of the State Council of the Roma People, have complained about this programme to various public agencies but unfortunately without success since Roma families themselves consent to take part in the programme and are paid for doing so.

- 47. Madrid. Internet. Direct discrimination.** A van was announced for sale on a used car web page together with the following comment:

*"FORD - TRANSIT 25 20 CV*

*For sale: 2003 Ford transit, white, 2.5 tdc1 120 horsepower, 190,000 km, a/a d/a c/c e/e, three seats, inspection expired and the clutch slips, otherwise runs... Gypsies need not enquire."*

In this case it was impossible to contact the discriminator because this advert only had a reference number. However, the Equality Department did send a letter of complaint to the supervisor and administrator of the forum to avoid situations like this in the future.



## Cases of discrimination in access to goods and services

- 1. Jaen. Access to goods and services. Direct discrimination.** Three Roma women called at the FSG office in Jaen to tell us what happened when they went to exchange a shirt at a well-known clothing store. The cashier at the shop said that the shirt could not be exchanged because the label did not match the garment code.

After proving that the label actually did coincide with the code on the shirt, the manager said: *'I'm going to give you a refund but I'm sick of making getting these returns with swapped tags ... in fact you know who these people are who swap the tags; I can give you their names ...'*

In light of these comments, one of the girls asked the manager for a complaint form and told her that she was offended by her attitude and felt discriminated against by these comments which were made because she was Roma.

In the end, the manager apologised.

- 2. Jaen. Access to goods and services. Direct discrimination.** The FSG Coordinator in Linares was at a mobile phone shop and witnessed a Roma woman who approached the counter to request information. After the woman had left the establishment, an elderly man addressed the sales clerk saying "All Roma are alike. They always want to be served first and jump the queue wherever they are, in the hospital, everywhere". The clerk nodded. The FSG coordinator spoke up explaining that she did not agree and explained that not all people are the same nor do they behave in the same way in all situations. The man remained steadfast in his opinion and the clerk claimed that the woman lived in a Roma neighbourhood and then commented that "a leopard cannot change its spots".

The shop manager then came out of her office and explained that being Roma does not mean being a delinquent and offered examples of corrupt officials such as Bárcenas.

Again, prejudice and stereotypes with respect to the Roma community lie at the root of this discriminatory attitude.

- 3. Huesca. Access to goods and services. Direct discrimination.** A Roma woman participating in an FSG employment programme in Huesca reported suffering discrimination when she went to the local branch of her bank to ask for an advance of 100 Euros on her pay check. The assistant director told her that she needed proof of income which the woman provided. Since she received aid from INAEM (employment office) she had to request an official certificate there and, to do that, she had to make an appointment.

She decided to go to another branch office of her bank and the assistant director there told her that if it were up to him he would give her the advance but the transaction needed to be authorised by her home branch. He then told her that he didn't understand why they hadn't given it to her already.

- 4. Huesca. Access to goods and services. Direct discrimination.** An FSG social intervention worker accompanied a Roma woman who was experiencing difficulties. During the course of this intervention, she witnessed poor treatment and felt that the social worker at the public housing office was intentionally making it difficult for this woman to access a basic service. i.e. a housing application.

The Roma woman explained that:

In order for a person in need to apply for housing, the first requirement is a report issued by the social worker from the local municipal office. When I requested this report from the social worker, she told me that she couldn't issue it because I had failed to do something at the office; that my dossier was incomplete. She then sent me to a different social worker and gave me an appointment for one month later.



Given the urgency of her situation, she decided to go to the municipal office the very next day to request the report that she needed. There the social worker repeatedly refused her request without explanation.

This led to a confrontation between the social worker and the Roma woman who needed the report. Ciudad Real. Acceso a bienes y servicios. Discriminación directa. Una mujer gitana nos comenta que estando de compras en un supermercado de su localidad,

- 5. Ciudad Real. Access to goods and services. Direct discrimination.** A Roma woman shopping at her local supermarket reported that she

*"heard people talking about how dirty Roma people were and that their hygiene was atrocious. She told them that these stereotypes were untrue and the people in question apologised."*

6

**Talavera de la Reina. Access to goods and services. Direct discrimination.** A Roma woman reported that four months earlier she had gone to her local drug store and the manager there accused her of theft and of selling stolen perfume. The Roma woman responded by telling the manager that she earns her living by selling other types of products and that if he had evidence of wrongdoing then he should show her.

She went back to this shop on four different occasions and each time she was harassed and insulted by the manager. Each time she entered the shop the manager would say: "Gypsy shit, you're all the same; all cut from the same cloth." The woman tried to reason with him and asked him for proof that she had stolen merchandise from the shop. She then requested a complaint form. The manager refused to give her the form.

In the end, the victim tried to sort things by speaking to the manager's mother (a neighbour of hers), but the latter responded by making a scene, assaulting and insulting the woman in public and loudly accusing her of theft.

This is a typical example of discrimination in access to goods and services based on one's ethnic group and especially affects women who are often subjected to disproportionate surveillance at shops simply because of their race.

- 7. Sabadell. Access to goods and services. Direct discrimination.** A Roma participant in our ACCEDER employment programme was hired through an occupation scheme at a childcare centre in Vapor Lonch, the facility where the city of Sabadell's Department of Economic Development is located.

At the end of her contract she informed us that the person responsible for managing the childcare service did not treat Roma and non-Roma equally when it came to admitting children into the day-care programme. She made it more difficult for Roma women who approached the service to enrol their children.

She told us that she didn't say anything while she was working there for fear of being fired.

- 8. Valencia. Access to goods and services. Direct discrimination.** Three Roma teachers from Cuenca travelled to Valencia to attend the 33rd Conference of Teachers of Roma students.

Upon their arrival at Valencia train station they took a taxi to the conference venue. Their destination was a well-known place in the old part of the downtown area called Plaza del Horno de San Nicolás.

The three young teachers were busy talking with one another during the drive. They believe that is how the taxi driver realised that they were Roma. After about 5 minutes, the driver told them that he didn't know where the street was and made no effort whatsoever to try to locate the address.



He spoke to them in a very unfriendly way and they responded by saying that they really needed to arrive as soon as possible as they were already late. They then told him that if he didn't know how to take them to their destination, they needed to get out and find another taxi. He said that was fine with him but that they still had to pay him, and then added: "You people are always going to very strange places." They asked him what he meant, i.e. if he was referring to "Gypsies", and then informed him that their destination was in the city centre.

They asked him to let them out of the taxi and told him he was being rude and that if he didn't know how to get them to their destination, it was unfair to try to charge them anything. Nevertheless, they paid the taxi driver and got out of the taxi. Once they were on the sidewalk, the driver threw the money they had just paid him out the window.

This made them feel awful and, on top of that, the cab driver's prejudice made them arrive late to the event.

- 9. Caceres. Access to goods and services. Direct discrimination.** A group of friends went to a disco in the city of Badajoz. They told us how disappointed they were when the doorman refused them entry claiming that "we only let people we know in". They were convinced that the real motive was the fact that they are Roma.

This is a clear case of direct discrimination on the part of the managers of this discotheque.

Often it is young people who allow themselves to be turned away from these places without even trying to exercise their rights as citizens to enter a public place. Sometimes the reason is that they are not aware of their rights and other times they simply accept that Roma are treated in this discriminatory fashion.

- 10. Caceres. Access to goods and services. Direct discrimination.** The FSG office in the city of Caceres reported the case of a Roma girl who told the waiter in a cafeteria that he was cute. She and her friends ordered another drink but the waiter had complained to his manager who told the girls that they would not be served.

They went outside for a minute to meet another friend but were refused entry when they tried to go back in.

Earlier, they had witnessed a loud argument amongst a group of young people but they had nothing to do with that and those people were not asked to leave.

The following Saturday, the girl returned to the same place with her mother and both were refused entry without any explanation.

They called the police to mediate but the situation only became more tense. They demanded an explanation of why they were being denied entry given that they had not done anything wrong. The police asked to see their ID cards and when they refused the police grabbed them roughly by the arm.

The women decided against filing a complaint for fear of reprisals

- 11. Pontevedra. Access to goods and services. Direct discrimination.** A young Roma woman came to the Pontevedra office of the Fundación Secretariado Gitano to complain about treatment received from a social worker. She stated that the social worker refused to process her aid application and had shown a disrespectful attitude towards her.

This young woman is living in a precarious situation without any sort of public assistance and the aid she receives from other organisations is in the form of one-time stipends that barely even cover her most basic needs. Her most pressing need was rental payment as she was already several months behind.



On her most recent visit to the social worker, the latter refused to process her public assistance application arguing that she didn't need it because she could live with a family member and that she was young and able-bodied but didn't want to work. The social worker went as far as to tell this young woman that there was only one Roma person she trusted (someone she knew and who had worked) and that all the rest were the same, i.e. they don't want to work and would rather get by on the dole



## Cases of discrimination in education

- 1. Madrid. Education. Direct discrimination.** At a school where the Foundation is involved with the Promociona Educational Programme, some Roma families complained of prejudicial treatment; they feel that their children receive an excessive number of suspensions and disciplinary bulletins.

After looking into the situation through FSG employees in Madrid who work directly at the school, we requested a meeting with the school administration to report on these incidents taking place in classrooms with Roma students.

After contacting the school administration on several occasions to discuss this situation, we were finally able to propose and develop awareness-raising workshops with support from teachers and students at the school to keep incidents such as these from reoccurring.

- 2. Madrid. Education. Direct discrimination.** The FSG's alert service informed us of an email from a non-Roma father who complained that the students at the school his son attends put on a play for the entire student body and their families in which the characters were Gypsies; in other words, giving a stereotyped image of the Roma community which is not representative. The FSG's Equality Department got in touch with the school to discuss the case and to explain that extracurricular activities such as these only serve to consolidate and disseminate stereotypes towards the Roma community perpetuating a negative image towards this group as a whole.

3

**Madrid. Education. Direct discrimination.** We received a phone call from the director of a school in Alcalá de Henares. She told us that several parents of Roma children enrolled at the school had complained about the racist way in which one of the teachers was treating their children. The director told us that she had the same suspicions but had no evidence and needed to find out more and prove that what the parents were saying was true.

We offered the parents the toll-free number and email address for our assistance service for victims of discrimination and suggested that they get in touch with us and give us their testimony in person in order to verify the information later with the teacher and determine the best strategy to remedy the situation.

We received a call from the father who reported that the parents of the students concerned had requested a meeting with that teacher. He promised to inform us of the outcome of that meeting and asked us not to intervene until we knew the results of the meeting.

After the meeting, the parents told us that the teachers were committed to staying more on top of these incidents in the classroom and to inform the school administration, thus showing a willingness to solve problems.

- 4. Caceres. Education. Direct discrimination.** The FSG in Caceres accompanied two Roma girls who were making a late school enrolment application. The regional Department of Education in Caceres furnished them a list of schools and they saw that there were still openings available for students applying late.

The students went to the school they had chosen from among the options proposed by the Department of Education based on the number of openings still available. When they tried to enrol at that school they were told that "classrooms are overcrowded". This response prompted us to accompany the girls to the Department of Education where we heard the secretary speaking on the phone and stating that there was no such overcrowding (she had the figures showing the number of students enrolled in each school in the province), thus proving that these students were rejected on the basis of ethnic prejudice.



We heard the administrative assistant herself speaking on the phone to the head of the school in question:

*"I've already heard all of those stories; it is your duty to enrol these students."*

The young girls told us that they did not want to file a complaint for fear of reprisals.

- 5. Almendralejo. Education. Direct discrimination.** The FSG in Merida struck a verbal agreement for a theoretical and practical training internship with a local business for a job as a cafeteria assistant. For the practical training, a person from the company tried to arrange an internship with different schools in the town of Almendralejo (near Mérida). The FSG confirmed the situation of discrimination after receiving the call from the company informing us that it was impossible to arrange the internship due to the refusal by several administrators to allow Roma interns in their schools. The course, part of a Professional Competence Certificate, could not be completed because the internship is an essential part of the training.

This is an example of the barriers faced by many young Roma today in trying to access training and employment.

- 6. Zaragoza. Education. Direct discrimination.** R, a woman from Zaragoza who does not want to reveal her identity, took part in a training course together with a staff member of the Acceder employment programme in Alicante. R lives in a suburb of Zaragoza where there are no utilities, i.e. no electricity, water and not even sidewalks. She decided to go back to school to improve her future so she enrolled in a semi-private school close to her home where she could take adult classes. When R started she was the only Roma person at the school (now there are three because her children currently attend the same school). Many families complained when they learned that R was studying at the school. On several occasions they asked her to leave the classroom and took her to another room where they checked to see if she had lice. They also checked her children for lice in the presence of their classmates. She told us that on one occasion a mobile phone went missing and they made her open her handbag in front of the rest of the class, unfairly accusing her of stealing it. She was the only person asked to open her handbag. No other student was under suspicion. R was so humiliated that she automatically opened her bag every day to show her classmates that she hadn't taken anything. She then stopped carrying a bag at all and transported her books under her arm so that no one would accuse her of theft.

The victim decided against filing a complaint or grievance.

- 7. Barcelona Education. Direct discrimination.** A 13-year old Romanian boy was enrolled in a Barcelona secondary school by the FSG's Eastern Roma-Catalonia team in January 2013 as part of a work plan with his mother's family.

In early March we received a call from the mother who told us that her son had had a problem in class and asked us to mediate with the teacher and to see whether the teacher would explain why she decided to sit the boy next to the window.

On March 5th 2013 we met with the mother and her son to establish the facts. According to the child, he felt bad because he had been made to sit next to the open window because of the foul smell in the classroom which he was being blamed for. The mother was both worried and angry because not only was her son suffering discrimination at the hands of the teacher, he was also in danger of becoming ill as the weather was very cold.

When we approached the school with this complaint we were told that it was a temporary situation. No further explanation was offered.

- 8. Asturias. Education. Direct discrimination.** The Fundación Secretariado Gitano's Promociona Programme was in operation in a Secondary School in Aviles. However, when we proposed the presentation of the awareness-raising campaign "Roma with an Education, Roma with a Future" which included a press conference and putting up posters around the school, the administration opposed claiming that an event such as this would only



serve to reinforce the negative image of the school by associating it with Roma students and social problems and this would have a negative effect on the school's future enrolment.

Despite the negative response we received to our request in which "fear" of losing non-Roma students at the school was explicit, we highlighted the good cooperation we had observed on the part of the administration, the counselling department and head teachers in coordinating with FSG staff members in implementing the Promociona Programme and other inclusive and innovative teaching experiences.

- 9. Huesca. Education. Direct discrimination.** At a meeting of the participation board of the Urban Initiative, where the Huesca Town Council informs social organisations about investments made through this initiative, the representative of the FSG requested that money be invested in the promotion of the Roma community, especially in the area of education through the Promociona Programme.

The representative of the architects said, and we quote: "Schools already have the tools they need for Roma to do well. The problem is that Roma have no interest at all in academic studies or vocational training." The FSG representative then told this person that his prejudiced comments were the product of his stereotypes and that the Roma community had its particular idiosyncrasies requiring specific projects for its advancement.

After the meeting, the representative of the architects approached the FSG representative to clarify his position and make it clear that he had nothing against the Roma community and had not wanted to offend anyone.

- 10. Zaragoza. Education. Direct discrimination.** FSG workers at the Zaragoza office were caught by surprise when an individual rebuked them saying: "We thought we should let you know that we are the only normal ones in this neighbourhood, especially judging from what you have going on in there (alluding to the Roma children participating in the after-school tutoring programme called Promociona).

The FSG staff members responded by saying that we are all normal but each person is what s/he is. The man answered that in that neighbourhood people insulted and threatened others, making it clear that he was talking about the Roma people living in the neighbourhood.

They then unsuccessfully tried to reason with the man and tell him that generalisations like these should be avoided.

- 11. Almeria. Education. Direct discrimination.** A Roma man approached the FSG office in Almeria to tell us that his son had been pushed by one his classmates and as a result he broke his arm, was treated in the emergency room and needed rehabilitation.

Since the accident happened at school, the father asked them to take responsibility for the medical assistance and, when they refused, he filed a complaint.

The FSG's Equality Department contacted the man's lawyer to offer our support and counsel in terms of racial and ethnic discrimination issues.

A hearing took place and the judge ruled in favour of the director of the school. The father of the injured child disagreed with the ruling and felt discriminated against stating that "these things happen because we are Roma". In his view, the judge did not consider the evidence he proposed.

- 12. Almeria. Education. Direct discrimination.** The mother of a child told us of how her son went to enrol at the school where his older brother was enrolled and the administrator at the school instructed him to submit the required documents the next day. Upon returning to submit the documents, he noticed that his name was on the list and they even called his name in class but in the administrative office, when they realised who his older brother was, they told him that there was no room for him.



The FSG's Equality Department contacted the mother to tell her what she needed to do, i.e. file a complaint with the Almeria Department of Education regarding the ill treatment and request the admission of her son at the school since his name really was on the lists.

The mother decided against that and moved her son to another school. She said that she didn't want to force the issue because they would have it in for her son from the beginning and that would be worse for him.

- 13. Jaen. Education. Direct discrimination.** An FSG Acceder employment programme participant enrolled in Adult classes to earn his secondary school diploma.

He told us that in Spanish class the teacher was lecturing about the origin of the Spanish language: "it comes from Latin and also has words from Arabic and Romany...". At that point, one of the other students said: "That makes no sense. The Gypsies didn't give us anything. They should all be burned ...", to which the young man replied: "be careful, you might be sorry for what you just said" to which the student replied "who's going to make me sorry?" The young man then replied: "it could be me as I am Roma."

After a long conversation, in the end non-Roma student apologised to the Roma student.

- 14. Cadiz. Education. Direct discrimination.** The FSG office in Cadiz reported the case of a Roma woman who called in at the academy where her son was receiving support classes because one of the teachers had made a racist comment against Roma claiming that "they smell bad".

The mother lodged a complaint at the local police station because she felt that this comment was aimed at her son and feared that the child could have further difficulties with this teacher. In any case, she decided to move her son to a different after-school academy for fear of reprisals.



## Cases of discrimination in the area of citizen security

- 1. Seville. Citizen security. Direct discrimination.** The FSG received an email from a Roma youngster telling of disproportionate and violent action on the part of the state police and security forces in a district of Seville with about 3000 homes where many Roma families live. He reported that police attacks in the neighbourhood were broadcast by a private television station without any respect for the Roma families living there or for the Roma community in general.

The FSG's Equality Department analysed the TV news broadcast and, while it is true that at one point the programme pointed out the importance of avoiding generalizations and reported on the police action and not the groups they were acting against, we took note of the discriminatory, prejudiced and stereotyped tone that the ensuing debate took towards the Roma Community.

- 2. Linares. Citizen security. Direct discrimination.** A Roma family from Linares wanted to lodge a complaint against the raids police were making in their neighbourhood. They told us that the police were acting disproportionately and with no apparent reason, and in many cases assaulted people who had nothing to do with the police action.

The FSG's Equality Department proceeded to confirm this information and discovered that the family filing the complaint had legal representation as several of its members were directly affected by these actions. The trial is still pending.

- 3. Malaga. Citizen security. Direct discrimination.** An FSG worker in Malaga informed us that a young Roma man was arrested at the Malaga airport because he was carrying gold. The young man told us that he was arbitrarily detained at the Malaga airport while he was trying to catch his flight to London to pursue his professional activity (sale of gold) and was subjected to degrading treatment and discrimination by several police officers who participated in the detention. The young man felt that he was being treated poorly because he was Roma. Despite repeatedly stating that his activity was completely legitimate and that he could provide invoices and documents certifying the legal origin of the samples and merchandise he was carrying, he was not permitted to defend himself or make any arguments but rather was taken directly to the police station where he was held for 72 hours before appearing before a court.

- 4. Malaga. Citizen security. Direct discrimination.** We received information from a Roma man who is national police officer. He told us that ever since the chief inspector of the National Police met his mother and realized that he was Roma, he has been suffering discrimination to the point that the chief filed charges against him for stealing confiscated steroids and burglary.

According to his testimony this was not true and he proved that it was not true. Moreover, five of his co-workers vouched for him at the hearing highlighting his work merits.

- 5. Zaragoza. Citizen security. Direct discrimination.** A young Roma couple told us that they went to the Utebo police station to report a traffic accident that they were involved in. The police officers went with them to the scene of the accident and told them that: *"There are so many skid marks that it is impossible to tell where the accident took place"*.

Later the couple returned to show the police their medical reports to which they responded:

"Ah, this is what happened to your wife and nothing happened to you. How are you going to get hurt if you were driving at 50 km/hour. If that were the case, the injuries would not be this serious."



The young couple told us that they felt vulnerable. They thought that the officers were going to help and tell them what they needed to do after a traffic accident. However, that was not the case at all. This police did not believe them and they didn't know what to do.

For fear of possible reprisals, they decided not to take any action.

- 6. Badajoz. Citizen security. Direct discrimination.** The alleged victim in this case, a Roma man, told us that he was sitting in Ave Maria de Don Benito Park with an acquaintance when a National Police car stopped and two officers got out, approached the man and ordered him to stand against the wall. They then frisked him and tried to handcuff him. He objected and told them that he was not a criminal and asked them why they wanted to put handcuffs on him. The officers warned him not to resist and said: "like all gypsies you have a bad temper."

One of the officers asked the other for help and used physical violence to put the handcuffs on him. Once the handcuffs were on him, they pushed him hard and he fell and hit his face giving him a serious black eye and an open wound on his eyelid requiring three stitches.

Following that incident, he was taken to a medical clinic where he received initial treatment. He was then immediately put in a police station holding cell where he remained overnight, with the aggravating circumstance that the victim is asthmatic and disabled.

The young man informed us that throughout the process he felt morally and physically abused for no apparent reason. He is a respected citizen and nothing like this has ever happened to him before.

The Equal Treatment Department contacted the lawyer handling the case who told us that she assisted the detainee and lodged the complaint reporting the facts. The officers involved in the incident were identified in the complaint. She also told us that she requested an examination of the alleged victim by a forensic doctor and is still waiting. She advised the detainee to gather all the medical reports he has.

Also, when she offered him further assistance she informed us that the alleged victim had decided to request legal aid and therefore she would no longer be representing him (she alluded to her legal fees as the reason).

- 7. Badajoz. Citizen security. Direct discrimination.** A Roma family living in Merida decided to travel to visit a sick relative in Zalamea de la Serena. On the way they stopped to ask directions when suddenly they were stopped by two Guardia Civil vans. They told us that everyone was frisked, even the young family members travelling with them.

When they told the policemen that they were on their way to visit a sick family member, they allowed them to continue their journey.

The police refused to respond when they asked they why they had been frisked.

The victims told us that they felt very bad because the police stopped them because they were Roma.

They were unable to identify the vehicles or the officers because it was night and they were afraid.

- 8. Naron. Citizen security. Direct discrimination.** A group of women, six Roma and one non-Roma, were exercising together in the A Gandara district when a national police patrol car pulled up beside them. The driver of the vehicle rolled down the window and, in a derogatory and mocking tone said: "Now that's quite a little group you have there."

The driver then rolled up the window and drove on.

The group of women had not time to reply or make a comment. They told us that the police officer made them feel uncomfortable. .



**9. Pontevedra. Citizen security. Direct discrimination.** In the province of Pontevedra a young Roma man crashed his car into a wall to keep from hitting another car. A Guardia Civil unit accused the man of driving over the speed limit. The young man claimed that he had not and that he had simply been distracted. He was given a breathalyser test which was negative. The officer then began to pressure the young man into admitting an offence and threatened to detain him for having several minors in his vehicle (all family members and over the age of 14).

Because of the threats made by the police officers, he ended by admitting the traffic violation and signed a confession for fear of reprisals.

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**Madrid. Citizen security. Direct discrimination.** A Roma woman from Alcobendas informed us that she was with her niece shopping at her local supermarket when she realised that a security guard was watching her every move. As the guard was following her, the woman decided to ask him if there was any problem but he offered no answer. Instead, he pulled out his phone and called the police.

Soon thereafter, 3 police cars and 8 police officers pulled up in front of the supermarket (local and national police) and cornered the woman and her niece to keep them from leaving the premises. They asked to see their documentation without explaining why.

The woman was then escorted by 6 officers to a room in the supermarket to be searched to check if she had stolen anything. The niece was then subjected to the same treatment.

Given that they found no stolen merchandise, the woman asked the officers to apologise for the mistreatment and public humiliation they had suffered in front of all the other shoppers. The officers laughed at this suggestion and refused to apologise.

The security guard also accused the woman of belonging to a gang of Romanian Roma who shoplift in supermarkets. The security guard insisted on this despite the fact that the accused woman had shown her Spanish ID card, had explained that she was born in Alcobendas and had never been charged with stealing anything.

The victim decided to report the incident to the police. In order to complete her complaint, she asked the store manager for the security guard's details but he refused to provide them. The woman lodged her complaint against the supermarket and, to her surprise, the security guard decided to put his version of the events in writing on the same complaint sheet without the permission of the victim.

As a result of this incident, the woman has suffered several anxiety attacks and for weeks has experienced an intense feeling of anxiety, shame and anguish.

**11. Madrid. Citizen security. Direct discrimination.** A young Romanian Roma man came to FSG headquarters in Madrid to report the following incident. He had bought a car engine at a junkyard that same morning (he showed us the receipt). In the afternoon two national police vans showed up in his neighbourhood. They saw the engine that the young man had bought sitting on a pallet and accused him of stealing it. He insisted that he had not stolen it and when he went to get the receipt the police grabbed him ordered him to lie on the ground. He resisted because he had recently had a leg operation and told the officer that he couldn't bend the leg. The police officer then began to physically abuse him in front of his young children, his wife and neighbours and relatives who live there. The witnesses asked the police to stop but they kept beating him and at one point banged him against the wall.

The victim said he was going to file charges against the police for assault and they immediately took him into custody and drove him to the police station where he was seen by a physician. The physician issued a report stating that the man had self-inflicted wounds. They then took the man to Infanta Leonor hospital, where he received treatment for the wounds. He was not given any medical report. After treatment he was taken back



to the police station. The victim stated that he wanted to file charges against the police and the next thing he knew he was thrown into a holding cell at the police station.

The police claimed that the man was taken into custody for domestic violence and resisting authority. His wife repeatedly stated that he had not assaulted her. Nevertheless, they told us that they are awaiting a hearing for these charges.

We would note that the number and intensity of police checks is usually much higher in neighbourhoods such as the Cañada Real in Madrid where many Roma live.

**12. Murcia. Citizen security. Direct discrimination.** The following incident involving four Roma boys happened in Murcia. The children were at a family kiosk that sells sweets when four police vans that were apparently on a routine patrol around the neighbourhood showed up. The vehicles stopped suddenly and armed police officers carrying shields got out and told the boys to line up against the wall with their hands in the air. They hit them repeatedly with their shields and weapons.

The boys who suffered this attack claimed that they had not resisted authority. They started by hitting the boys in the legs and knees. The victims, battered and bewildered, obeyed police orders without any resistance. One of the people there tried to calm the children telling them to do what they were told and to not to be afraid so that the police could finish their work and leave.

When the police went inside the kiosk one person asked them if they had a warrant to which the officer announced: "I'm the warrant".

This police intervention, considered illegal and disproportionate, was reported to the Public Prosecutor of the Autonomous Community and also to the Government Delegation of Murcia. We have not yet received a response from the authorities.

A Coruña. Citizen Security. Direct discrimination. The people reporting this incident were on their break in the middle of an examination to earn their secondary education diploma at a school in A Coruña. It happened at approximately noon inside the school building.

Two plain-clothes men came up to them and identified themselves as police officers. One of them had a badge hanging around his neck. They asked the complainants, two Roma men, to go outside with them. They did this in front of all the people gathered there (several hundred) and asked to see their ID cards. The complainants obeyed the orders and went outside, even though the officers failed to tell them the reason. Once they were outside, the police first turned their attention to one of the men. He gave them his ID card and both officers recorded it. They then ordered him to empty his pockets and placed all of his belongings on top of a nearby wastebasket. Then they addressed the other person and repeated the same operation. One of them asked why they were being checked to which the officers responded that they had received a call from the school but would not reveal the reason for the call. After seeing that these two men had done nothing wrong, the officers left without any further explanation and without asking for documentation or checking any other person there. One of the men went to the school administration office to enquire about the police check. The director admitted that they called the police because they had seen people outside the school premises consuming illegal substances but did not say who. The police officers only checked the two complainants even though they were not committing any crime or consuming any substance.

After the exam, at approximately 13:30, they went to the A Coruña branch of the Fundación Secretariado Gitano to request advice; they were visibly shaken.

That same day in the afternoon, FSG staff members went personally to the Eduardo Pondal adult education school where the incident had occurred. They informed the administration of the complainants' intention of filing a complaint for discrimination and asked them why they had called the police. They then denied that the phone call had been made by the school administration.



The Equality Department sent a letter of complaint to police headquarters in A Coruña expressing our displeasure over what had happened.



## Cases of discrimination in employment

- 1. Almeria. Employment. Direct discrimination.** A non-Roma girl started working in a restaurant as a kitchen assistant and signed a full-time employment contract extending to the end of season. She told the FSG that her work mates were very happy with her work.

Not long after that, one of her work-mates discovered that her husband was Roma. From that moment on she was treated differently, especially by the manager. They then changed her work schedule for no apparent reason and informed her that instead of a full-time job she would only be working two hours a day.

In light of her need of work and to generate some income no matter how small, the girl, was prepared to sign the new conditions of her contract, but then the manager told her that her services were no longer needed and that her job was being given to her brother.

Soon after that the girl heard comments to the effect that the reason she was dismissed was that she refused to accept the new contract conditions proposed.

- 2. Granada. Employment. Direct discrimination.** An FSG employment programme beneficiary in Granada told us that he has always had contact with Roma and lives in an area with a considerable Roma population although he himself is not Roma. This man found a job as a warehouse worker and after five days of work his boss asked him where he lived and he said in the north of Granada. The boss then told him that he was sorry, that he was doing a pretty good job, but that his policy was not to work with anyone from that part of town and therefore he could no longer work there. So, he had to leave that job and continue looking for work.

This is a clear case of discrimination by association. Discrimination by association is a type of discrimination that people may suffer for their relationship with others.

- 3. Huelva. Employment. Direct Discrimination.** Mobile trading on the beaches of Punta Umbria has always been one of the main sources of income for many Roma families. However, FSG workers from Huelva reported that the Town Hall, instead of helping families engage in this economic activity considering their economic situation and the fact that they needed help with the necessary paperwork, they awarded these mobile trading services to a company through a public tender process.

A local family affected by this measure complained that this was not fair; they had been selling goods on these beaches for over 20 years and had contacted the Town Hall to get the necessary paperwork to continue engaging in this activity. They also argued that they had no other source of income.

The families have not yet received any response.

- 4. Huesca. Employment. Direct Discrimination.** The enterprise mediator from the FSG office in Huesca reported that she visited a company in the laundry sector. When she made the appointment she identified herself as being from the Acceder Employment Programme but once there she mentioned she worked for the Fundación Secretariado Gitano. The manager who met her there exclaimed, "well we're off to a bad start" and spoke of the bad experiences he had had and said that he didn't want to take any chances. The enterprise mediator explained the objectives of the work the FSG does and invited him to think about how his attitude was adversely affecting the Roma community, i.e. limiting their likelihood of finding a job. She also explained that potential workers could not be held accountable for what other workers before them had done.

The laundry manager argued that he simply wanted a person who was willing to work. During the conversation we discovered that his negative experience with the Roma community was actually limited to just two cases. He said that in both cases the workers left their jobs claiming the work was too hard and they were tired. He also mentioned that his experience with immigrant workers was not good either. He insisted that he tried to



help these people but that they took advantage of him and now he's taking no chances. he said he needed two people for the summer but he already had feelers out through his social networks.

He also mentioned that he has a responsibility to his employees who want co-workers who work hard and they wouldn't be very happy if he hired a Roma person.

At the end of the interview, the enterprise mediator invited the manager to use our services and offered him a short-list of proven workers.

When they followed up after a prudent waiting period they were still unable to get a positive response from the laundry manager.

It is quite common for business people in charge of hiring to base their rejection of the Roma community on possible negative repercussions on their business. However, this justification does not exempt them from their responsibility for this sort of direct discrimination.

**5. Zaragoza. Employment. Direct discrimination.** A Roma woman came to the FSG office to tell us that she was offered a trial day of work as a waitress in a cafeteria. When she finished, the owner and manager of the café told her that they were very happy with the work she had done and would call her to sign a contract in early May.

The next day when she called to ask when she should come by and what papers she needed to sign the contract, she was told that they had already chosen someone else for the waitress job.

The woman claims that she was not given a chance due to her ethnic background.

**6. Huesca. Employment. Direct discrimination.** The coordinator of the FSG team in Huesca reported that that she contacted a sporting goods store in Huesca after seeing a job offer in the paper. They requested an apprentice for a sporting goods store. The FSG introduced itself as the Acceder employment programme and the company was very keen on collaborating and made an appointment.

In the interview, as soon as it came out that Acceder was part of the Fundación Secretariado Gitano, the person from the company became less keen to collaborate. She insisted that she herself was not racist but would not hire Roma because they shoplift in her store.

The store is on the street named Ramón y Cajal, close to the Perpetuo Socorro neighbourhood where there is a high percentage of Roma population. She said that she had seen many cases of shoplifting by Roma. She spoke of a specific case where she filed charges and there was a hearing.

The FSG representative tried to explain how unfair it is to judge an entire group based on the actions of a few and gave her examples of Roma who work at the Foundation and in other companies and of people who have successfully completed training and found jobs through this programme.

The person tried to justify her opinion saying that it depends on the type of company and asked us to understand her position. She even asked us not to say that she was reluctant to hire Roma. We told her that the FSG's mission was to raise awareness about these types of attitudes based on prejudice.

This is a clear example of the difficulty encountered by Roma people in finding a job. These are barriers which are difficult to overcome no matter how much organisations such as ours engage in awareness-raising and dialogue. Direct discrimination, prohibited under Directive 2000/43/EC, is once again at the forefront in these cases.

**7. Huesca. Employment. Direct Discrimination.** The FSG received a job offer from a woman who approached the FSG office in Huesca. The woman said that she needed a person to take care of her granddaughter for a few hours in the afternoon and did not have anyone, which is why she came to us for help. When the FSG told her about its employment programme, she was pleasantly surprised.



The FSG proposed two Roma girls whose profile corresponded to the job description.

After the first interview with the girl who was finally selected for the post, everything indicated that she was going to be hired. They exchanged phone numbers and the girl visited the home of the woman who needed her services.

The next day, however, the woman sent a text message to the girl saying that a family member was going to take care of her daughter and therefore her services were not needed.

The girl told us that she didn't understand since the woman herself told her that she didn't have anyone to take care of her daughter and that she was thrilled with this arrangement. She then told us that the issue of her ethnicity came up on the day she went to the woman's home.

- 8. Cuenca. Employment. Direct discrimination.** An FSG employment programmes beneficiary from Ciudad Real filed a complaint at the Town Hall of the City of Minglanilla because she felt discriminated against for being Roma. She told us that in the interview to get into the bee-keeping course offered by the Town Hall, they only asked her two questions: whether he had a driving license and if she had any previous knowledge of bee-keeping.

The FSG suggested asking around to see if the other interviews were similar and they found that they were not. Other interviews of successful candidates were much longer. In any case, this person met all of the requirements called for to get on to this employment course.

Here again we see the great difficulty that many Roma have in finding a job when they have certain physical traits that associate them with this ethnic group.

- 9. Cuenca. Employment. Direct discrimination.** In early March 2013 a collaboration agreement was signed with the Inditex group for seven Roma ACCEDER programme participants to engage in non-labour learning activities in clothing stores: Pull & Bear, Stradivarius, Lefties, Kiddys Class and Berskha that the group has in the town of Cuenca.

This practical experience was managed directly by the company representative at the head office who facilitated the whole process so that everything would proceed seamlessly.

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

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

Throughout the entire internship (which lasted until April 3rd, 2013), we had ongoing contact with the girls receiving their practical training and the managers of each shop. Evaluation on both sides was very positive.

Once the training period had concluded, the enterprise mediator visited each of the shops to pick up the forms and to get a final assessment of the experience. When she went to the Pull & Bear shop (two girls did their training there), she discovered that there was a new manager who said that she had thrown the papers away because the enterprise mediator had taken too long to come around to collect them and because the experience had not been positive. When the enterprise mediator asked her why she thought that the experience was negative, especially considering that she had not supervised the training and the former manager had given them a positive assessment, she said that it was because one of the girls went on sick leave for tendinitis the last week of her internship. The enterprise mediator pointed out that her absence was justified by a medical report to which the manager responded "with these people, it's always the same story". The enterprise mediator chastised her saying that any worker, in training or an employee, may become indisposed. In this case the absence was justified by a physician. She also told her that she had no business throwing away a document that served as proof of training that had been agreed to by the representatives of the Inditex group.



**10. Talavera de la Reina. Employment. Direct discrimination.** An employment programme beneficiary approached the Acceder Programme in search of job offers. The person was given information on two job offers, one from an energy company that was offering a commercial post. He was called for an interview to be held at a local café. They agreed on a date and time and the employer asked him:

*- "Sorry for being so direct, but can I ask you a question: Are you Roma? The applicant answered that he was to which the employer replied:  
- I'm sorry but my company is not interested in hiring Gypsies, Romanians or Ecuadorians ..."*

This is a case of direct discrimination in the labour market prohibited by Directive 2000/43/EC and under Spanish law.

**11. Sabadell. Employment. Direct Discrimination.** The FSG Sabadell office was seeking training internships for a catering course organised by the Acceder Programme in Sabadell.

The enterprise mediator contacted a catering company, a family business, which had already worked with Acceder on other occasions and had even hired a girl who did an internship there in the past. The mediator explained that they were looking for training opportunities for their students and the company expressed interest, especially after the positive results they had with that girl they had hired. They were also interested in possible tax breaks for new hiring.

After not hearing from the company for some time, the FSG called and spoke with the wife of the man whom they had spoken to before. This woman asked them if Roma would be taking part in the training.

They replied that there were indeed Roma students on the course as well as non-Roma and North Africans, but assured her that if she met them all, she would not know who was who.

The woman then said that she wanted Spaniards to which we answered that Roma are Spaniards. She then said: "Well, you know what I mean."

We then explained how the students had been carefully chosen and that all had proven to be very responsible people who want to learn the catering business. The woman accepted this and allowed us to explain the programme.

In the area of employment, Roma people who do not have the stereotyped physical appearance typically attributed to this group, usually have an easier time finding a job and have no problems keeping it. However, discrimination arises when, one way or another, they are identified as Roma. That is when we see cases of harassment and wrongful dismissal. These are clear examples of discrimination based on ethnic origin.

**12. Sabadell. Employment. Direct discrimination.** The FSG Sabadell office was seeking training internships for a catering course organised by the Acceder Programme in Sabadell. They called a catering company in reply to an email received through the hospitality guild in Sabadell looking for companies willing to take students for their practical training.

The FSG introduced itself and explained the training it offers and the collaboration channels it envisaged. Their interlocutor at the restaurant then asked whether we were going to send "Gypsies" and our response was that we don't know because we choose the students who best meet the profile requested. The person could be Roma, non-Roma or North-African.

The woman said that that was fine and that they would be willing to accept a student trainee.

Afterwards, that same person said that she would be reluctant to host a Roma or North African trainee because she had a bad experience in a business in Sabadell (Ca n'Oriach).



She was told that the student selected (in this case non-Roma) was a good fit for the profile of the company and we explained that collaborating with the FSG could be a good opportunity to get some positive references of Roma people and do away with stereotypes and prejudices.

The manager of the restaurant claimed to have had a bad experience with a Roma employee and said that she wanted nothing more to do with people from that ethnic group.

Another case of racial or ethnic discrimination in access to employment.

- 13. Badajoz. Employment. Direct discrimination.** A Roma woman working for a cleaning company told us that she felt discriminated against by one of her company's customers. The victim did office cleaning and sensed that the client did not want her there.

A few days later the head of the cleaning company told the victim that she was being moved to another location and would no longer be working for that client.

- 14. Mérida. Employment. Direct discrimination.** The company Golden Buyer was interviewing for two openings. Two Acceder Programme participants (sisters) sent in their resumes but changed their surname from Silva to "Sila". They did this in the hopes of at least getting to the interview stage. The two sisters were short-listed after the interview and, along with one other candidate, advanced to the last stage of the process which was a role play. After the role play one of the sisters asked if there was any type of person to whom they should not offer their services (she was thinking about minors) and the response from the trainer was: "Gypsies no. They're driving down gold prices and they're dishonest." The two sisters looked at one another and felt uncomfortable and decided to speak with the trainer and tell her that they themselves are Roma. The trainer was surprised and immediately apologised. The two sisters were informed that same day that they were not selected for the job. Given that there were only three finalists for two opening (two of the finalists being the Roma sisters), they figured that at least one of them should have been hired. The fact that one of the job openings was not filled is proof of discrimination.

Moreover, the fact that one of the girls was not getting any interview calls until she decided to change her surname and then not only got an interview but made it to the final stage in the hiring process, serves as additional proof of discrimination.

- 15. Badajoz. Employment. Direct discrimination.** The FSG established a contact at the recently opened Lizarrán restaurant in El Faro. The FSG's standard practice is to introduce themselves as "Acceder Enterprises" and "Incorporación La Caixa". From the very beginning we spoke about the possibility of internship training and the manager was very open to this. In late October we defined the number of trainees that would be taken on, the background they should have, number of hours, etc.; the manager even suggested that it was very likely that one of the interns would be hired.

We put together a short-list of the most appropriate candidates who could benefit the most from the experience. We then forwarded CVs of the pre-selected candidates to the manager who would then choose the two interns. This e-mail was sent from the FSG's labour counselling account (@gitanos.org, with the FSG footer) rather than from the labour market intermediation account (@accederempresas.com, with the Acceder footer). Fifteen minutes after sending the e-mail, the manager sent back the following response:

*"I'm sorry but I have informed the franchises and this is not going to work; human resources tells us that they have to take a closer look at this. We will stay in touch, thanks."*

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**Badajoz, Employment. Direct discrimination.** The victim in this case, an Acceder enterprise mediator from Don Benito, reported that when she visited the company “Ramán repair shop” the manager told her in no uncertain terms that he wanted nothing to do with Gypsies in his business and then went on to make derogatory remarks and did not let the mediator make her proposal. He literally said that he wanted nothing to do with Gypsies because of the bad impression they make on customers and because they bring their entire families by the workplace and they’re never happy; I have sufficient work but I want nothing to do with them, either as workers or trainees.

The enterprise mediator was insulted by the way she was treated.

She simply wanted to include that event in this report.

**17. Badajoz. Employment. Direct discrimination.** On the first day of practical training in “Kitchen Basics”, one of the kitchen workers called Vanessa was chatting with Manuel (the victim) and said: “I know that you’re a Gypsy and you should know that I’m racist”. He felt intimidated and uncomfortable. He tried to continue the conversation and understand the reasons she may have for saying something like this but they were not clear so he focused on his work.

He immediately informed us of this situation and the fact that he felt very uncomfortable as a trainee there and said that he did not know how to react if a similar incident occurred.

We visited the place and spoke with Manuel and Keyla (another student trainee who witnessed the incident). They informed us that nothing further happened with Vanessa, only that she was very demanding of them (but that did not appear to have anything to do with racism but rather seems to be the way she relates with the people under her charge).

In order to take full advantage of the internship, and given that there were no further incidents, we encouraged them to complete the training and make the most of the experience. We also warned them to inform the FSG if any further incident took place so that we could take the necessary measures.

Through follow-up phone calls and visits, the trainees told us that Vanessa’s attitude had completely changed, that she was very friendly with both of them and they felt much more comfortable.

When the internship was completed, we informed our contact person at the Hotel Río of what had happened. This person informed the management of Hotel Río and spoke with Vanessa who acknowledged the incident but explained that she had never referred to the Roma community but rather to the Romanian population. When Manuel said: “but that’s racism,” she replied “well then, yes, I must be a racist.”

In any case, Vanessa apologised for creating a stressful and uncomfortable situation. She also pointed out that she didn’t think it was a big deal. To her it was just another conversation; none of the trainees indicated that they were bothered or that they found her comments offensive.

**18. Badajoz. Employment. Direct Discrimination.** The victim went for a job interview for a position as an assistant cook at the bar called La Santina. He was accompanied by his mother because the post had originally been offered to her but she couldn’t accept it because she was busy. The interview took place in the kitchen of the bar and Antonia’s mother noted that the majority of the workers were men and commented that this could make Antonia uncomfortable given that she’s Roma. In any case, they continued showing interest in the job and the employer told her she could begin that same afternoon (June 7th). However, later that day they called her and told her she wasn’t needed for the time being and that if they needed her they would call. Antonia contacted the bar some time later and they repeated the same thing: if they needed her they’d call.

**19. Badajoz. Employment. Direct discrimination.** Academia 21 has an agreement with the FSG for electromechanical training internships with various workshops in the Don Benito neighbourhood. When they told the manager that the trainees were Roma students he refused to accept them saying that “we don’t want any Gypsies here.



They'll come around here with their entire family to ask for favours making a very poor impression on our current and potential customers”.

All of the workshops said the same thing. Following are the discriminating businesses:

- *Talleres Suizo.*
- *Mecánica Ramón.*
- *Talleres Las Cruces.*
- *Taller José Banda.*

**20. Madrid. Employment. Direct discrimination.** The FSG received notice of a discriminatory incident through its alert service. It had to do with the dismissal of a young Roma man simply for being Roma. He told us that had been working in the company for a year and a half and had not had any problems before. He feels certain that one of the bosses overheard a conversation he had with his co-workers about ethnic groups.

We thanked the young man for reporting the incident since knowledge of these discriminatory situations allows us to shed light on the discrimination that the Roma Community continues to suffer in the area of employment.

**21. Basque Country Employment. Direct discrimination.** A participant in the Acceder employment programme received a tip from her labour counsellor and called a company to inquire about a job offer as a clinic assistant. They told her that it was a one-year post and that she would need a certified diploma. The enterprise mediator replied that there was a person with a long track record and excellent references and, despite not having a certified qualification, she took part in a course at the Town Hall and is currently working on getting her diploma certified. The worker at the employment agency then asked us to go ahead and send the person in so that they could assess her candidacy. At that point the enterprise mediator mentioned that the candidate had been to this employment agency before and that she was Roma. The person then said that she remembered who the candidate was and insisted that the certified diploma was an indispensable prerequisite.

This is a clear example of how people are treated differently based only on the prejudices and stereotypes that people have of the Roma community.

**22. Basque Country Employment. Direct discrimination.** Someone from the FSG labour counselling department went to speak to a clothing store manager to find out why two trainee students from the Acceder Programme were dismissed.

The person responsible for security said these girls had stolen articles from the store and that nearly all of the Roma trainees who do their practical training at the shop end up shoplifting. He went on to say that if it were up to him, no person coming from the FSG would be allowed to do their training at that shop. He also said that that the workers are fearful of Roma trainees and that is why they prefer not to discuss this any further.

In this case, negative prejudices and stereotypes towards the Roma community played a significant role in the dismissal. The person in charge of security had never even met the people he is rejecting but assumes that the majority of negative events taking place in that shop are caused by members of the Roma community.



## Cases of discrimination in health-care

- 1. Jaen. Health. Direct discrimination.** A mediator from Jaen went to a health clinic for a pap smear screening. The doctor asked her for her personal details and when she asked her for her ID number and the women told her the doctor was amazed and said "so you know your ID number?" to which the mediator replied: "Yes, that and many more things." The doctor then continued with the questionnaire.

This case is an example of prejudice against the Roma community related to education.

- 2. Talavera de la Reina. Health. Direct discrimination.** A young man who is an Acceder employment programme beneficiary told us that his 14 year old son needed braces on his teeth. In January he took out a private health insurance policy and was given a 50% discount.

This insurance included dental work done at this clinic. They took an x-ray and the man paid 14 Euros for it.

A few days later the child went to the clinic with his mother for another x-ray and observed how other patients paid for the medical services after receiving treatment.

When it was her son's turn the medical assistant at the desk told her that according to the law she had to make payment before the child received his treatment. The mother said that everyone else was paying afterwards to which the assistant replied that it didn't matter what everyone else did. She said she understood if the woman would rather not pay in advance but if that was the case she would have to leave.

The mother asked for a complaint form on which the assistant wrote that treatments costing over 100 Euros must be paid in advance.

The mother felt discriminated against because the assistant treated her differently because she was Roma.

She decided to call the insurance company to see if she could get her son's treatment at a different clinic.

- 3. Barcelona Health. Direct discrimination. A Romanian Roma man participating in FSG educational programmes in Catalonia burned himself in an accident at home.** A local FSG staff member accompanied the young man and his family to the health clinic (he had no health-care card) to make sure he received treatment and to apply for a health-care card.

Upon leaving the clinic after treatment we discovered that the doctor who treated him had given the family a note which said:

*"Assign physician. (not me if possible) lol. As soon as possible to facilitate prescriptions, etc. Rafa".*

Writing a note like that and giving it to the family clearly implies predetermined and prejudiced ideas, the only plausible explanation being that the doctor assumed that they could not read. This is a widespread stereotype people have of the Roma community.

- 4. Barcelona Health. Direct discrimination. FSG staff members in Barcelona reported that certain health care centres were refusing to treat Romanian Roma children.**

Medical care is a right protected under Organic Law 1/96 of 15 January 1996 on the Legal Protection of Minors, upholding the right to health care for aliens under 18 in Spain, even if they have not established legal residence in Spain and are not included within a family unit with legal residence.

The FSG Equality Department sent a well reasoned letter of complaint informing the authorities that failure to uphold this right is an act of discrimination.



- 5. Alicante. Health. Direct discrimination.** A student informed us that when she was doing an internship as a clinical assistant at a hospital in Alicante, A Roma woman came in for treatment. When it came time for the patient to be bathed, one of the other workers asked "Who wants to bathe the Gypsy"; no one volunteered. The clinical assistant trainee who was Roma herself, offered to bathe the patient and was accompanied by a certified nurse's aid. In the middle of the process, the nurse's aid said "this is disgusting, I'm out of here" and left the student on her own with the patient. The woman had manicured nails, hair clean and body and showed no sign of poor hygiene.

The student informed the family of what had happened so that they could take appropriate action



## Cases of discrimination in housing

- 1. Aragon. Housing. Direct discrimination.** A Roma girl from Aragón and participant in an FSG development programme reported that she felt discriminated against for being Roma. She told us that after several attempts to contact a real estate agent on the phone she was finally told that the owner of the flat explicitly said that she does not want a Gypsy renting her place. Spaniards or Blacks were fine, but no Gypsies.

This was after the girls had already done all of the paperwork and she was particularly interested in this flat due to its location. The real estate agency promised to talk to the owner again.

The agency then told the owner that the person interested in renting the flat is Roma and has an income and employment contract. The owner refused to listen and made it very clear that she didn't want Roma in her home; that was her only condition.

This is another clear example of the barriers faced by the Roma Community in accessing decent housing.

- 2. Huesca. Housing. Direct discrimination.** A meeting was held between the municipality of Huesca, the FSG and homeowners representatives. The purpose of the meeting was to discuss the robberies that had occurred in the communal garage. Fuel tank caps had been broken and cars broken into. Two of the families living in this block of flats had been resettled there from the Mártires neighbourhood. Addressing the Roma families the president of the homeowners association said: "They're all the same. They don't know how to live in community. You can only speak to them individually; when there is more than one that's the end of the conversation. They're vengeful too; if they suspect you've done something to hurt them they'll cut your tyres."

The attempt made to reason with the president of the homeowners association and raise his awareness regarding the injustice of discriminating against an entire community for isolated incidents was unsuccessful.

- 3. Asturias. Housing. Direct discrimination.** A family with five children, all with some type of disability between the ages of 45 and 51, and one of the sisters with an 80% disability went to the FSG in Castrillón (Asturias).

They told us that their house had caught fire due to lightning which caused a short in the wiring. The FSG staff ran into some difficulties in helping the family deal with the insurance company.

Meanwhile, the family was living in a temporary shelter they had made themselves. The insurance workers finally finished repairing the house but did a shoddy job and water was seeping in.

The family tried to call the insurance company on numerous occasions but were unable to solve the problem. Finally, with no prior notice to the family or the FSG, a worker from an company associated with the insurance company came to the house to assess the damages.

Soon thereafter, the insurance company sent a text message to the owner of the house declaring the case closed since the policy did not cover damage to the land but only the house itself, claiming that the damage was caused by movements of earth resulting from misuse by the owners.

We requested a copy of the police report describing the movements of earth (the family had called the police to have an official record of what had happened) caused by heavy winter rains.

After several months of living in conditions not suited to people with disabilities, i.e. the shack the family had built on their land to live provisionally, the family decided to fix their home without the help of the insurance company. The FSG offered to write a letter to the insurer to complain about the way they were treated as clients, but the family asked us not to intervene as they felt it would be useless. They believed that the insurance company was ignoring them because they are Roma and they felt discriminated against.



- 4. Mérida. Housing. Direct discrimination.** A young Roma couple was looking for a house to rent so that they could move in together. They answered an advertisement in a real estate publication and spoke to the realtor who explained the minimum conditions that had to be met to rent the houses he had available.

The young Roma couple chose the one they liked best and closed the deal by telephone directly with the owner. All that remained was to meet and sign the lease.

They made an appointment with the owner and as soon as he saw them he claimed that the house had already been rented to somebody else and that he was sorry but there was nothing he could do. The young couple reminded him of their telephone conversation but he refused to budge.

A few days later the couple went by the flat and saw the "for rent" sign still in the window.

They told us that they felt discriminated against for being Roma saying: "The same thing always happens. We try to rent a flat but people don't want Roma in their homes even though we pay the rent."

- 5. Lugo. Housing. Direct discrimination.** A Roma girl answered an advertisement for a rental flat and the owner made an appointment to show the house and discuss the rental conditions. When they meet, the owner claimed that the flat was already rented and didn't even show it to her.

The girl realised what had happened and said that she was subject to discrimination for being Roma.

One more example of the difficulties and barriers encountered by the Roma community in seeking housing.

- 6. La Coruña. Housing. Direct discrimination.** The FSG was helping a family that was participating in one of its programmes look for a flat.

We contacted the local real estate agency and they had three flats in their database which met the family's needs.

We went there and introduced ourselves as the social intervention department of the Fundación Secretariado Gitano and they said: "It's very difficult for Roma to find a flat. If I tell owners that the people who want to rent their flat are Roma they'll tell me that I'm crazy."

We told him that the agency's job is to mediate between the landlord and the potential tenant and he responded: "I know all of the owners and none of them want to rent to Roma." He then told us that he didn't want to help the FSG with its search and even though we found flats in his database that met the needs of our programme participants, we decided not to contact them since they refuse to rent to Roma.

- 7. Pontevedra. Housing. Direct discrimination.** A Roma woman was looking for a flat for her family. She called a real estate agency from the Pontevedra office of the Fundación Secretariado Gitano. The estate agent, unable to identify the victim as Roma over the telephone, told her that he could offer her that flat and two others in the area. They then made an appointment to meet a few hours later.

The estate agent met the woman and showed her one of the flats and then told her that the one she just saw and the other two were already rented.

- 8. Madrid. Housing. Direct discrimination.** A young Roma girl told us that she was being harassed by her landlord because she is Roma and that she was afraid the situation would get out of hand. Ever since the landlord realised that she had rented her flat to a Roma family she did everything possible to discourage them, to the point that the young girl filed a complaint with the police to prevent possible violence.



This is another everyday example of the sort of direct discrimination the Roma community faces in renting a flat when all that people see is the fact that they are Roma.

- 9. Murcia. Housing. Direct discrimination.** A Roma family signed a one-year renewable lease with a real estate agency. When they moved in, they found out that the neighbours had called the owner to tell her that she had rented her flat to "Gypsies" and that they were worried and that she should get rid of them.

After several phone calls, the owner of the flat came to face the neighbours and defend the Roma family.

This is a typical example of discrimination in the area of housing which many members of the Roma community are still suffering despite its prohibition by Directive 2000/43/EC and Spanish law.



## Cases of discrimination in other areas

1. **Almeria. Others. Direct discrimination.** A Roma man came to the Almeria office of the Fundación Secretariado Gitano to request help in buying a car. He decided to search the Internet. He found an interesting offer and contacted the seller by telephone. When they met to do the paperwork, the seller informed him that he had decided not to sell it because his wife wanted it.

The man did not understand this explanation because he could have decided that before they had made the effort to meet. He believed that it was because he is Roma.

2. **Jaen. Others. Direct discrimination.** An FSG mediator and a coordinator from the Jaen office met at a store where they were looking at bracelets when another customer referring to the bracelets in a derisive tone said: "they're very Gypsy-ish".

The two friends looked at one another as they decided whether they should say something or not when a bracelet from another counter fell to the floor and broke. The girl was distracted and missed the opportunity to say something.

The use of the expression "Gypsy-ish" in this context in reference to the bracelets is another stereotype of the Roma community which has nothing to do with Roma culture.

3. **Jaen. Others Direct discrimination.** A young FSG staff member from Jaen told us that in January 2013 while at a religious service in Torredonjimeno (Jaen) of the Evangelical Church of Philadelphia, the children of some of the worshippers left the service during one of the religious activities. Next to the church there is a wall where the children of the churchgoers often go to play. The owner of the property where the children were playing came out of his house and threw a bucket of water on the stone ledge to keep the children from sitting there. He intentionally splashed one of the children saying: "you Gypsies are all the same".

The children told their parents and everyone came out of the church and some words were said.

The young man decided it was best to let things be to keep them from shutting down the premises they use as a church for their daily service.

4. **Malaga. Others Direct discrimination.** A young Roma man was in the process of becoming separated from his spouse. She made a habit of speaking to her husband and his relatives in a disrespectful and racist manner. These incidents even took place in the police station and the court but no action was ever taken by the authorities. The family was concerned about what would happen to the couple's two young children. Despite the many complaints filed before the family court and the orders issued by that court (for failure to comply with visitation rules, child support and other elements of the order), no action had been taken to execute the legally binding measures to ensure the best interests of the children.

5. **Valencia. Others Direct discrimination.** A Romanian Roma woman came to the FSG's offices in Valencia to report discrimination against her for being Roma and Romanian. She had applied for a disability pension and after five years had still not received any response.

We went with all of the documentation and requested information at the local health clinic. The staff there told us that there was no file opened under that name.

The woman told us that she was going to file another pension application with more recent documents (medical reports, etc.).



- 6. Badajoz. Others Direct discrimination. A middle-aged Roma man sold us that he started to feel bad one day as he was walking down the street.** He had been having anxiety attacks for some time. He went into a pharmacy to buy the medicine he needed to treat his anxiety. The pharmacist gave the man the medicine and he asked her for a glass of water so that he could take a capsule. The pharmacist refused and told him to leave saying that if he so urgently needed to take his pill, he should go into a bar and ask for a glass of water.

The man said that he felt discriminated against and closely watched from the moment he set foot in the pharmacy. He's sure that it was because he is Roma.

- 7. Badajoz. Others. Direct discrimination.** An FSG staff member works out regularly at a gym in Badajoz. She is treated well enough by the other people there but always hears comments or little "jokes" about Roma.

One day she heard a girl exclaim:

"Ay *sumamaa!*" in a loud voice imitating the way Roma speak.

The FSG worker asked her why she spoke that way and the girls answered that it was only a joke. The worker insisted and the girl said that that was how they talk on the TV programme "Roma word of honour".

The girl apologised and ensured her that she meant no offence.

- 8. La Coruña. Others Direct discrimination. There is a nameplate on the door of the Coruña branch of the Fundación Secretariado Gitano that people were vandalising: they pasted yogurt lids over the word "gitano", stuck gum on it, etc.** One day someone painted over the word "gitano" as seen in the photograph.

The FSG Equality Department then decided to report these incidents to the Town Hall and asked them to take the necessary measures because this shows disrespect and rejection of the work we are doing with the Roma community and of the Roma Community itself.

No further incidents occurred.

- 9. Navarre. Others Direct discrimination. A young Roma girl was with a Roma friend at a supermarket in the town of Ansoáin.** The manager there asked them to open their handbags which they did. He then threatened to call the police if they ever came back and so they decided to leave. Once they were outside, a municipal patrol car stopped and the police asked to see their handbags. The girls obeyed given the insistence of the officers and the fact that they felt intimidated. The police confirmed that there were no stolen articles and told them that the supermarket manager had called them.

A few weeks later, the girls told us that one of them had been summoned to appear at a court hearing for shoplifting but had no idea why. At the hearing the young girl said that the prosecutor offered her a plea of six days imprisonment on weekends and/or holidays. The girl was shocked and due to the pressure she felt from the prosecutor's threat that if she didn't sign the plea bargain the judge would give her a stiffer sentence, she signed the plea out of fear and ignorance.

The girl was very intimidated by this treatment and the comments people were making.

- 10. Ciudad Real. Public spaces. Direct discrimination.** An FSG staff member from Ciudad Real reported the following:

He was in a public park skating when he came across some other young people who started to say things about Roma: "all Gypsies are fuckin' cowards. They always bring their families into it whenever they get into a fight." A non-Roma boy spoke up saying they shouldn't criticise people like that without even knowing them.



They quieted down after that.

This is another example of how easy it is to judge the Roma community as a whole without even considering the negative consequences that comments like these can have. Unfortunately, there are many prejudices and stereotypes targeting the Roma community as a whole.

**11. Ciudad Real. Public spaces. Direct discrimination.** Nine students were returning home by train after having attended the II Session of the University Diploma in Social Intervention with the Roma community offered by the Public University of Navarre. Before they even had a chance to sit down, one of the other passengers in the train told them to quiet down. The students assumed that the woman was referring to someone else because they hadn't even found a seat yet. A short time later the same woman got up and chastised them ordering them to keep quiet because she wanted to sleep and saying "you're always the same ones, I know you."

When the woman saw that the students were dumbfounded she tried to rectify her words saying "you people from Andalusia always cause a raucous wherever you go; I lived in Andalusia for many years, in Huelva". The students answered that she was being unreasonable and pointed out that she was already complaining before the train even pulled out of the station. They also asked her what she meant by "I know you" (they suspected that she meant that she knew they were Roma given that only one of them actually was from Andalusia). In the end, the woman decided not to discuss the issue any further and did not address them any more for the rest of the trip.

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**Barcelona. Public spaces. Direct discrimination.** The FSG Barcelona office informed us of a situation that apparently happens regularly. At a popular plaza the local Barcelona police chase away the Romanian Roma who typically go there to eat and rest. This police action is not in response to any sort of disorderly conduct on the part of these people; they do not make excessive noise and this happens at noontime.

The police pressure is accompanied by:

- Verbal comments associating these people with delinquency but without any evidence or apparent reason other than pure prejudice.
- Excessive force such as bringing along the cleaning service ordering them to take away their trolleys (work tool for the people there who collect scrap metal) without even letting them recover their personal belongings (documentation, mobile phones, etc.).
- Using the municipal cleaning service to perform duties that have nothing to do with maintaining a public space but rather to expel a group of people from it.

Public spaces are areas where all people are entitled to be and move freely.

This is a clear example of direct discrimination prohibited by Directive 2000/43/EC.

**13. Barcelona Dignity. Direct discrimination. A Romanian Roma couple went to the DGAIA (Directorate-General for Children and Adolescents) to renounce custody of their recently born daughter.** They were accompanied by the FSG mediator and coordinator in Barcelona. During the process, the jurist at the DGAIA, EFI5, made xenophobic comments about whether the parents of the child were Roma or not. She started by asking them "Are you Roma?". When they said yes, she commented that "people want to adopt blond, blue-eyed children". Then she looked at the mother of the child and seeing that she had blue eyes said "In your case, maybe not, given that the mother has blue eyes".

The jurist then asked "Do the parents or grandparents of the child have a genetically transmissible disease"?

In our view, these questions are an affront to personal dignity in addition to being discriminatory. Moreover they are irrelevant bearing in mind the situation and only serve to perpetuate stereotypes against the Roma community as a whole.



- 14. Sabadell. Dignity. Direct discrimination.** The ACCEDER office in Sabadell organised a certificate course in basic restaurant and bar operations in collaboration with SOC (Employment Service of Catalonia).

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

On the day of the course a girl called requesting information. A member of the staff informed her that the training session had already begun and that, in any case, priority was given to Roma participants since the Fundació Secretariado Gitano was co-funder and co-organiser.

That sparked the following comment: "It's always the same. Everything is for the fucking Gypsies who don't even want to work." She then slammed down the phone.

- 15. Sabadell. Dignity. Direct discrimination.** A North African man and a Roma man were victims of discrimination at a shop where they went for an interview for a training session.

The two young men were looking at clothes and noticed that the cashier said something to the security guard who stopped them at the door and wanted to frisk them.

When they refused, he told them they had to go with him to a private office. They refused that as well and then lifted their shirts to show that they were not hiding anything.

They then left the shop.

The young men felt discriminated against and believed that the guard considered them suspects because of their physical appearance (ethnic characteristics) and not because he had any real suspicion that they had stolen anything.

- 16. Valencia. Dignity. Direct discrimination.** A woman who had recently taken part in the Acceder Programme told the FSG counsellor that she wanted access to the details she provided at a guidance appointment because she didn't believe they were going to help her because she is non-Roma. The counsellor (not the same one who spoke with her at her previous appointment) explained that this was not true and that only a certain percentage of non-Roma should be allowed to take part in the programme since we are an organisation catering mainly to the Roma population. We explained that once a person was admitted into the programme, Roma and non-Roma were treated exactly the same.

The woman made a series of discriminatory comments such as: "in this country, all the help goes to Gypsies and immigrants", "Gypsies hang out all day long eating sunflower seeds", "aid is given to Gypsies and the non-Gypsies, those that made this country what it is, are dying of hunger", etc.

The staff members tried to refute her discriminatory comments against Roma and immigrants one by one and explained to her that she herself was being discriminatory and that there were close to 12000 Roma in Alicante and obviously not all were the same and that she was generalising specific cases and applying them to an entire community. She concluded with a very unpleasant comment: "All the Gypsies from Alicante should go and live in Tabarca" (a small island off the coast of Alicante).

- 17. Madrid. Dignity. Direct discrimination.** A Roma woman claimed that her husband died due to negligence in prison where he was not given the medicine he needed for his ailment.

We requested information from the medical file of that person at the prison, the same information that they refused to give the wife and we were unsuccessful as well.

The wife continued with no response from the competent authorities from whom we requested information and, in the end, decided to desist.



- 18. Seville. Other. Direct discrimination.** The Documentation Centre of the Fundación Secretariado Gitano sent us this link from a digital newspaper in Andalusia that published an interview with the Regional Minister of Health and Social Welfare of Andalusia who made the following statement which appeared in the headline:

"The best guarantee of equality in health-care is if the banker is sleeping next to the Gypsy's bed."

<http://www.andalucesdiario.es/ciudadanxs/la-mejor-garantia-de-igualdad-es-que-el-banquero-este-acostado-al-lado-de-la-cama-del-gitano/>

Political representatives should be more aware of the damage they cause with statements such as these.

- 19. Jerez. Other. Direct discrimination.** The Diario de Jerez newspaper published statements made by the president of the Jerez football club: "we are not vandals and we are not Gypsies."

The Equality Department sent a letter of complaint to the football club about the president's statements because with these words he was identifying the entire Roma community with vandalism and delinquency.

That had a positive effect. Shortly after receiving our complaint he publicly apologised saying: "I have many Roma friends and it was not my intention to offend anyone and if I did, I apologise."

- 20. Malaga. Other. Direct discrimination.** The weekly publication called "El Comarcal", part of a Malaga newspaper, published an interview with the PSOE spokesperson in Malaga. When the spokesperson was asked about the employment scheme implemented by the government he said: "PP presented itself to the voters as the party of employment, the party that defended the workers; with all due respect, that's as absurd as a Gypsy wearing a civil guard uniform."

The Equality Department sent a letter of complaint to the spokesperson advising him that public figures should defend ethnic minorities and not make comments which tarnish the image of the Roma community. Shortly thereafter, the spokesperson did apologise for his unfortunate comments about the Roma community.

21

- Cuenca. Other. Direct discrimination.** We received a complaint through our alert service about the following commentary published in the Diario de Cuenca newspaper:

"It was like comparing God to a gypsy. Without the support of my town, I would never have been able to proceed."

It is important to note that disparaging expressions like these tarnish the image of the Roma community and have an even greater impact when published in the media.

- 22. Salamanca. Other. Direct discrimination.** The local section of La Gaceta Regional de Salamanca newspaper ran a story under the headline "The Town Hall bolsters security in the San José, El Tormes and La Vega neighbourhoods," areas on the outskirts of town where a large number of Gypsies live. The president of the Barrio de San José Neighbourhood Association warned that although there is not much violence or crime, complaints focus on co-existence problems with "some groups of Roma".

The article concludes by saying co-existence has been good for years "regardless of ethnic group".

- 23. National. Other. Direct discrimination.** The digital newspaper called Informacion.es put the following headline on an interview with best-selling novelist Ildfonso Falcones: "Gypsies do not want to change the system but rather take advantage of it."

Throughout the interview, the author continually associated the entire Roma community with poverty and delinquency, thereby reinforcing negative prejudices and stereotypes towards the Roma community.



There have been numerous cases of romaphobia and anti-gypsyism in nearly all European countries in 2013 and 2014. Following is just a small sample. For a more complete analysis of the serious situation in Europe see: <http://www.amnesty.org/en/news-and-updates/report/europe-we-ask-justice-europe-s-failure-protectroma-racist-violence-2014-04>

**24. France. Other. Anti-Roma discourse by Minister Valls and forced evictions of Roma families.** In September 2013, six months before municipal and European elections, France stepped up its offensive against the Roma population. The Minister of the Interior, Manuel Valls, was interviewed on television where he associated the Roma minority with "street begging and crime", further pointing out that "these groups have a lifestyle that is radically different from ours" and stressed that the "only solution is the dismantling of camps and expulsions" of Romanian and Bulgarian Roma. These anti-Roma declarations were strongly criticised by human rights organisations in all of Europe.

Also in 2013, many Roma were forcibly evicted from settlements in different French Cities (20,000 people according to NGO reports. As denounced by Amnesty International, these evictions did not comply with French law and failed to respect the circular that the French police sent out to local authorities.

The suit filed by the French association called La Voix des Roms (Voice of the Roma) resulted in the current French Prime Minister Manuel Valls being called to testify for these statements. The association claims that these declarations could constitute a crime of incitement to racial hatred against the Roma people.

**25. Romania. Other. Forced eviction of Roma families in Eforie Sud.** More than 20 Roma families who lived on Agricola street in the Romanian town of Eforie Sud in Southeast Romania were forcibly evicted twice over a span of two weeks.

On 27 September 2013, after receiving an eviction notice seven days prior, more than 100 Roma who lived on Agricola street, half of whom were children, were evicted from their homes where they had been living for over 20 years. The houses did not have a building permit but the local authorities had partially acknowledged that the families had some sort of property rights. Some of the residents were registered at the town hall, had ID cards where their address clearly indicated *Agricola Street* and their homes had electricity and water.

More than 20 homes were torn down in less than an hour and the residents lost most of their possessions. On 30 September, several of the evicted families were told to temporarily move to a school in ruins. The rest of the families were forcibly evicted for a second time on 11 October when the local authorities and the police demolished the improvised shelters they were living in ever since the first eviction.

**26. Hungary. Other. Anti-Roma hate speech delivered by a political leader.** On 5 January 2013 the Hungarian newspaper called *Magyar Hirlap* published an opinion article by Zsolt Bayer, journalist and co-founder of the governing party called Fidesz. The article contained the following passage regarding Roma:

"A large percentage of Roma are not fit for co-existence; they are unable to live among human beings. These people are animals and they behave as such. If they come up against resistance, they kill. They want whatever they see. If they can't have it, they take it and kill for it. Their animal brains are only capable of producing unintelligible sounds and they only understood brute force. These animals should not exist. Absolutely not. This situation must be resolved immediately, no matter what it takes."

This type of hate speech is especially dangerous in Hungary. Six Roma were assassinated in a series of violent racial attacks just a few years ago. Extreme right-wing groups regularly organise racist marches to intimidate and harass Roma. There is a general climate of prejudice and hatred against the Roma population and hate speech has become accepted in public discourse. The situation is so serious that the ultra right-wing anti-Roma party called Jobbik managed to get 20% of the votes in the most recent elections.

**27. Slovakia. Other. Excessive police force against Roma citizens.** According to media reports and non-governmental organisations, on the afternoon of 19 June 2013, 63 police officers entered the settlement on Budulovská Street (in the city of Moldavanad Bodou in eastern Slovakia) to carry out an investigation into a "rise in criminal



activity". Police violence resulted in over 30 people injured who, according to the media and community activists, did not resist the police. Many small children were among those injured.

According to international human rights law, police use of force must be proportional, legitimate and necessary. The Basic Principles on the Use of Force and Firearms limit police use of force and firearms to situations when it is inevitable and proportionate to achieve a legitimate objective, and this was certainly not the case.

Amnesty International and the European Roma Rights Centre are also concerned by the announcement made that police are planning to continue carrying out similar interventions "especially in areas where there has been a rise in crime". The areas listed in the media as possible targets for future police intervention are well-known Roma settlements.

**28. Italy. Other. Forced evictions and the transfer of families to special camps for Roma.** On 12 September 2013, about 35 Roma families were evicted from their makeshift settlement on the Via Salviati in Roma and taken to a segregated camp against their will. Amnesty Italy, Associazione 21 Luglio and the European Roma Rights Centre (ERRC) all witnessed the operation and are concerned because the police action failed to uphold human rights standards or procedural guarantees.

This action was the result of Mayor Marino's instructions in the 5 August 2013 order to immediately transfer all people and their belongings to the large official camp called Castel Romano. This is the second time that Roma have been evicted from Via Salviati which is only a few kilometres away from the centre of Rome. The Roma community sent an open letter to Mayor Marino clearly stating that they do not want to live in a ghetto. Castel Romano is a mega-camp exclusively for Roma and is about 25 kilometres outside the city. Living in this isolated area makes it extremely hard for Roma to access employment or education thus making social inclusion enormously difficult.

On numerous occasions the Via Salviati Roma community requested a meeting with the authorities to discuss and try to change the disastrous policies implemented by the preceding authorities. In the open letter to the mayor, they asked him to implement effective inclusion policies. According to information received from the NGOs, the authorities paid no heed to the request.

Human rights groups also criticised the eviction claiming that it failed to comply with procedural standards and guarantees laid down in international regulations. There was no consultation with the Roma families affected and no suitable alternative living arrangement foreseen. The special camps for Roma cannot be considered a suitable alternative form of housing. It has been proven that living in settlements such as these hinders one's access to essential social and economic rights and has a very negative impact on the lives of their inhabitants which is a violation of the most basic human rights.



### 3. The Castellar and Estepa cases: two examples of hate crimes against the Roma community

Sara Giménez Giménez.

Attorney at Law Responsible for the Area of Equality. FSG

When we stop to think of the rejection suffered by the Roma community in Spain, it is truly worrisome to see racism taken to its highest level: racism engendering violence as was the case in the summer of 2014 in two towns in Andalusia, Estepa and Castellar.

Following is a description of the two cases: In the aftermath of alleged robberies in the case of Estepa and a dispute resulting in material damages in the case of Castellar in which several Roma were involved, a group of people decided not to wait for justice to take its course but rather to take justice into their own hands, organising themselves and taking violent racist action against the Roma community living in those two towns. They demonstrated without the authorisation of the Government Delegation and some residents made racist and hateful statements such as: *‘Gypsy shit get out of our town; sons of bitches, out of Castellar. We’re going to burn down your houses, we’re going to run you Gypsies out of town.’* They used violence against several Roma families and burned down their homes.

What we have here is an unjust and disproportionate illegal reaction which goes against the most basic ethical rules and codes of co-existence. There is sufficient evidence for these incidents to be considered racist crimes described in our criminal code (Articles 510, 170, 22.4, etc.). I believe that the following question needs to be addressed: in cases where the fundamental rights of Roma families are violated, where is the outcry of our society, our political leaders, the media, organisations defending people’s rights...? This outcry was sorely missed this summer. There was thunderous public silence in response to a very serious incident affecting many people, children and seniors among them, whose lives and personal safety were endangered when their homes were set on fire. Our society, supposedly educated to uphold democratic values, showed no indignation and made no response to this disproportionate reaction. This leads me to my next question: if these incidents had targeted some other group, would society have reacted with the same indifference?

The reaction to racist violence should be immediate and all stakeholders should get involved: hate and discrimination prosecutors, police forces, lawyers, organisations working to uphold people’s rights, the media and the Spanish society at large. Each one of us plays a vital role in building a democratic society that is respectful of fundamental rights; this is something we cannot overlook in times of economic difficulty; to the contrary, we must be more vigilant than ever.

In the first of the two cases that took place in Estepa, the Hate and Discrimination Crime Prosecutor is taking action at the behest of the FSG’s Equality Department. In the second case which occurred in Castellar, the special prosecutor of Jaen together with the social organisations forming part of the State Council of the Roma People have filed charges calling on the justice system to defend the victims of these regrettable acts.

Racial or ethnic hate crimes constitute an imminent danger in our society as we have recently witnessed in the terrible events that occurred during several football matches, the 243 complaints filed before the Catalonia regional police with racial or ethnic discrimination being the main motivating factor in 41% of these crimes or misdemeanours<sup>1</sup>, the report on the evolution of hate crimes in Spain drawn up by the Secretariat of State for Security<sup>2</sup> and the recommendations made by international organisations such as the Fundamental Rights Agency (FRA), the European Commission against Racism and Intolerance (ECRI)<sup>3</sup>, and others. National and European legislation in this area<sup>4</sup> needs to be developed and seriously implemented in Spain by the different

1 2013 Report by the Hate and Discrimination Crime Service of the Barcelona Provincial Public Prosecutor.

2 <http://www.interior.gob.es/documents/10180/1207668/Informe+sobre+los+delitos+de+odio+en+Espa%C3%B1a+2013.pdf>

3 [http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation\\_N13/REC13-2011-37-ESP.pdf](http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/REC13-2011-37-ESP.pdf)

4 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.



legal entities responsible. This is not very complicated but so far there is an almost complete lack of case law in this area. We must take advantage of the 50 special provincial prosecutors set up to deal with hate and discrimination crime and our police and judicial forces must work side-by-side with the organisations helping potential victims of hate and discrimination.

Spain is in the process of building this mechanism. We are taking steps forward through the creation of police protocols accompanied by specialised training for this professional sector but we need to move forward more decisively. It is not difficult or expensive to set up an effective system to defend people from hate and discrimination crimes but does require political will, training and awareness-raising of the stakeholders if we expect to generate a powerful protection system,

possibly based on the model developed by Spain to protect women from gender-based violence. It is high time that victims of hate crimes be defended, protected and duly compensated. As is well known, to date many victims fail to file complaints and instead silently endure this violation of their rights because they fear reprisals, do not trust the system and have come to accept rejection as something normal.

As a professional in the legal field, I believe that proper enforcement of the law in response to crime corrects illicit behaviour, teaches people that permissiveness is not an option and therefore prevents the violation of people's rights. In my view, this is the path which needs to be taken in these matters and our judges and prosecutors have a major role to play.

## 4. Area of Equal treatment and non-discrimination. Ten years of work

Since 2003, the Fundación Secretariado Gitano's Area of Equal Treatment and non-discrimination has worked to defend the equality of the Roma community as one of the fundamental pillars of social inclusion. Our activity is based on the provisions of Directive 2000/43/EC of 29 June 2000 on the implementation of the principle of equal treatment between persons irrespective of racial or ethnic origin.

Specifically, we have addressed the fight on discrimination from different angles, especially lending assistance and guidance to Roma suffering discrimination because of their ethnic origin in all fields, employment, education, housing, public and private services, the media and Internet, etc.

We can boast many accomplishments over these ten years of work: development of an identification and intervention methodology for cases of racial or ethnic discrimination, strategic defence of victims with positive results in some cases, making the everyday reality of the rejection faced by the Roma community more

visible through our annual publication, the development of training initiatives targeting key professionals, participation in national and European networks implementing actions that have political and social impact on enhancing the defence of equality, etc.

However, there is still much to be done bearing in mind the discrimination and hate crimes that this minority is subject to in Spain and the rest of Europe, the scant number of complaints filed for acts of hatred and discrimination, the persistent negative image of the Roma Community sparking acute social rejection, the lack of effective victim protection mechanisms and the almost complete lack of legal enforcement by the courts. All of this sheds light on the work lying ahead for all of those involved in defending fundamental rights and equality in which our government plays a crucial role.

The 1073 cases of discrimination collected by our Department over the last ten years are just a small sample of the reality of discrimination and the work done by the FSG. Following is a breakdown of these cases:

### A decade. Data from 2003–2013 broken down by area

From 2003 to 2013, the Equality Department of the Fundación Secretariado Gitano has registered a total of 1073 cases of discrimination. Following are the main areas:

MAIN AREAS	
Education	76
Access to goods and services	117
Citizen security	70
Health-care	16
Housing	123
Employment	180
Other (dignity and public spaces)	106
Media and the Internet	385

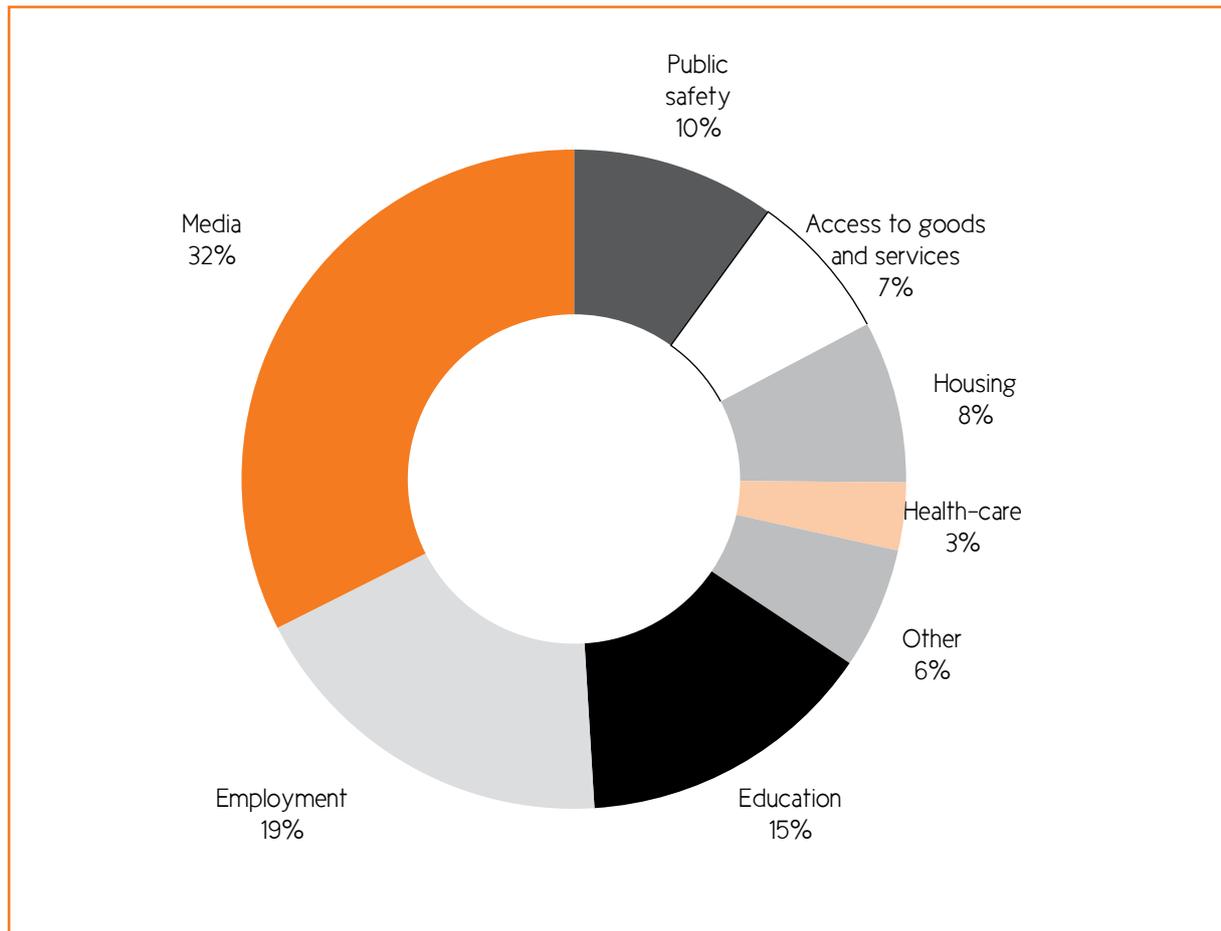


# 5. Presentation of disaggregated data

In this section we present the disaggregated data from the 151 cases collected by the FSG in 2013.

## Areas of discrimination:

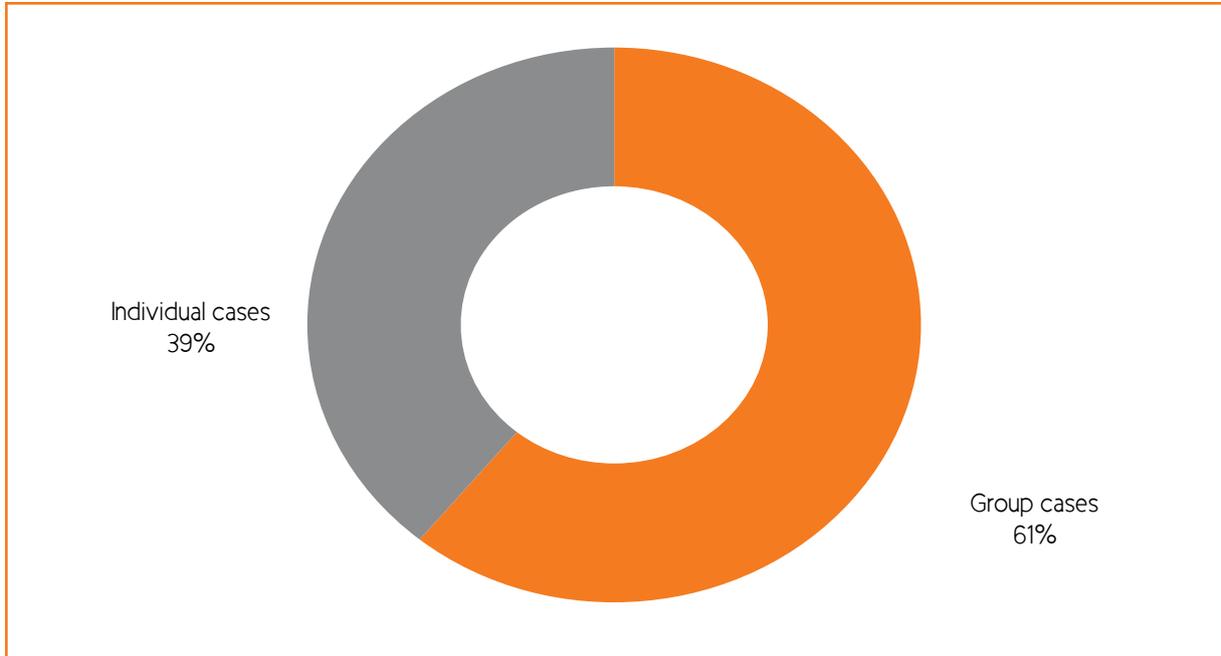
- Education: 15
- Access to goods and services: 11
- Citizen security: 12
- Health-care: 5
- Housing: 9
- Employment: 22
- Other: 28
- The media: 49





## 1. Cases:

- Group: 92
- Individual: 59



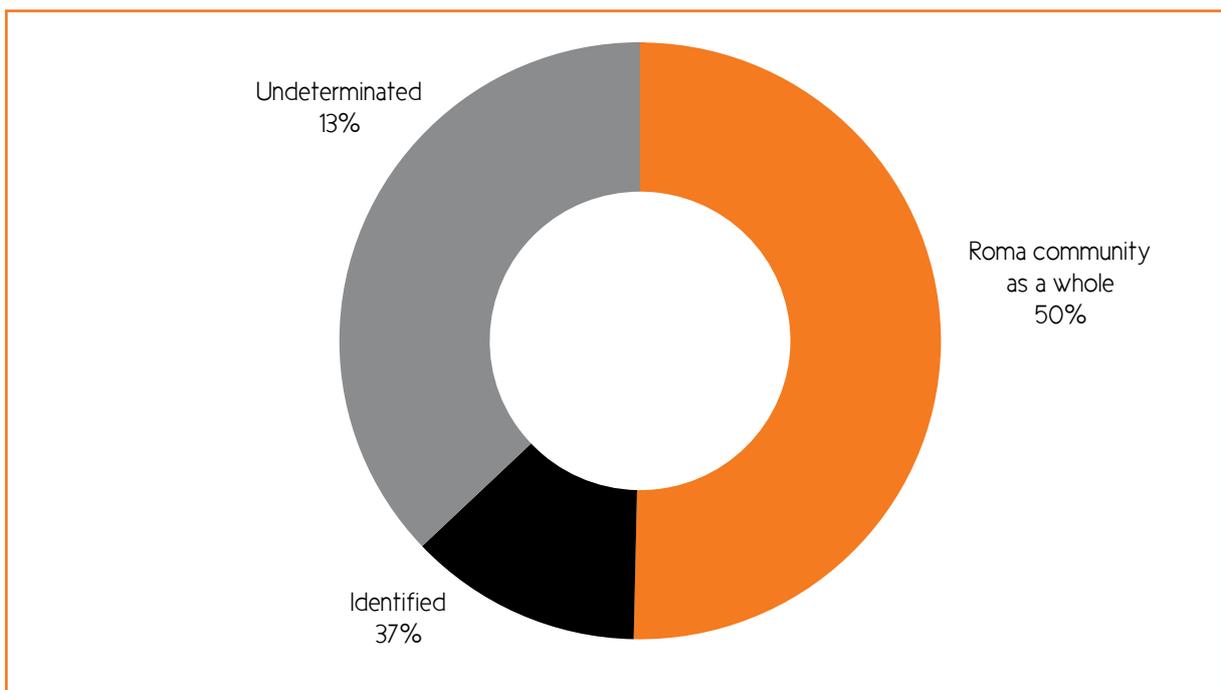
## 2. Victims:

Of the 151 cases collected,

No. of cases where people were identified: 76

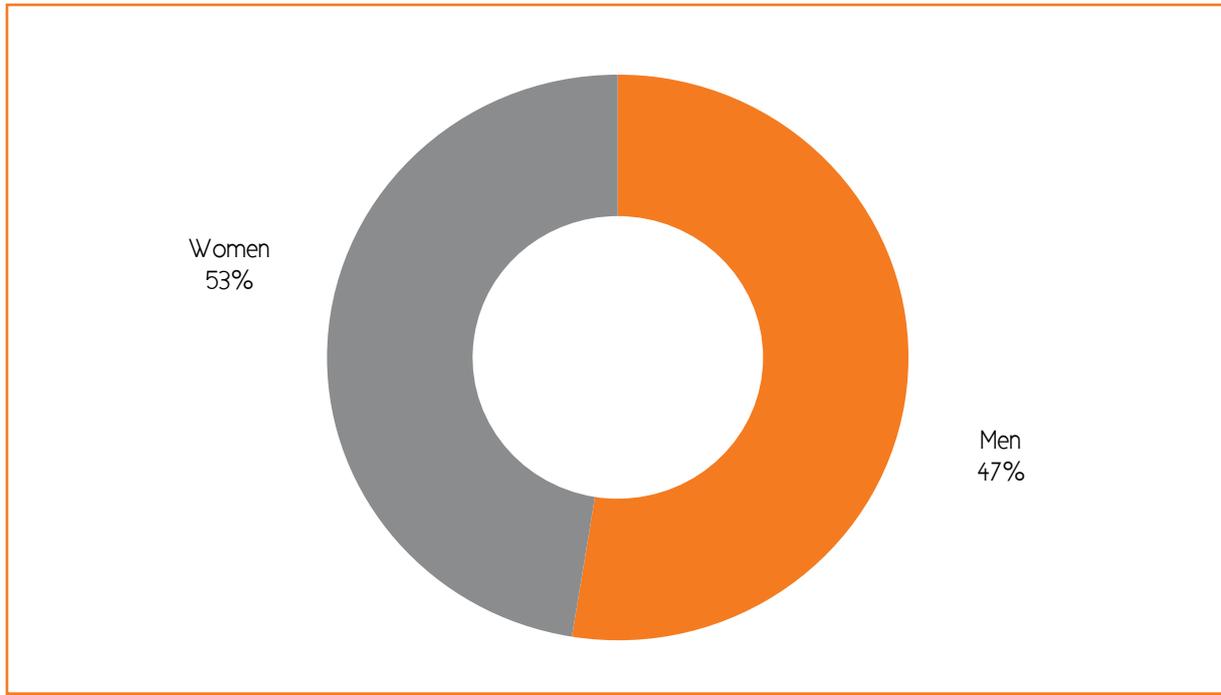
No. of cases affecting the Roma community as a whole: 56

No. of cases affecting an undetermined number of people: 19



### 3. Gender

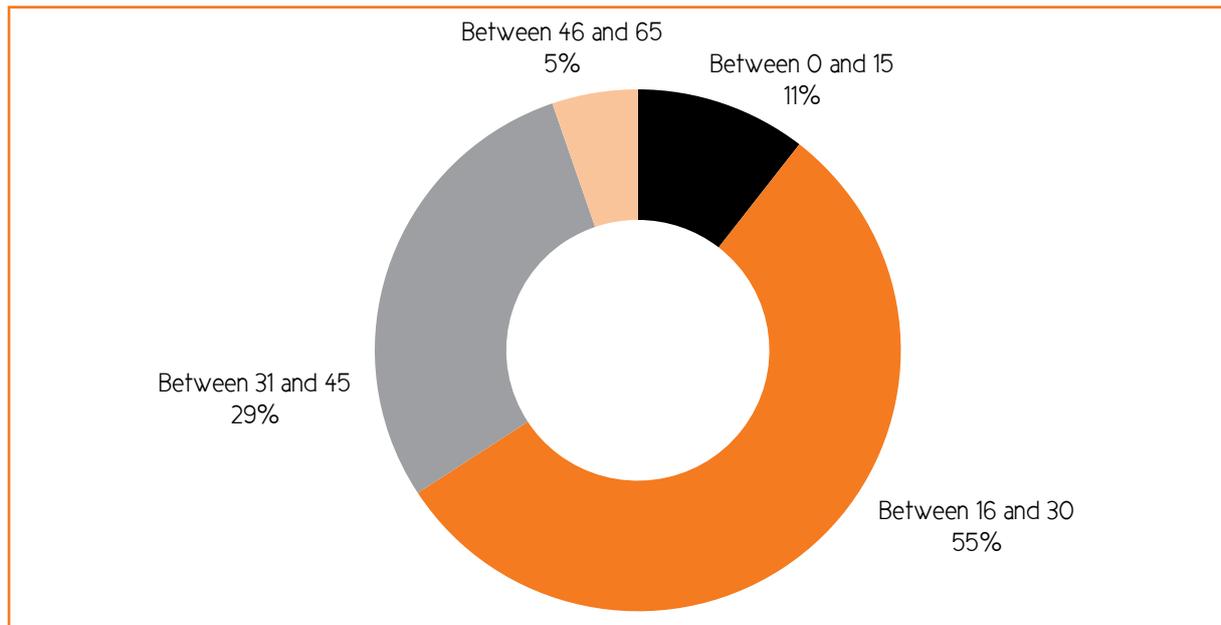
A total of 158 victims were identified.  
83 women and 75 men.





#### 4. Age of the victims

- Ages were as follows:
  - Between 0 and 15: 19
  - Between 16 and 30: 97
  - Between 31 and 45: 24
  - Between 46 and 65: 18
- (A total of 158 people were identified)





**Putting discrimination  
in context**





# 1. Liquid racism

Fernando Rey Martínez

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## I. Is there racism in Spain?

Despite all of the advances made, despite the fact that Spain's co-existence model between social groups is better in many aspects than in other European countries, why is there still powerful resistance to ethnic equality? The reason is that the victories are in the fight against the consequences of the problem, not its causes. And that is because in Spain racism is very powerful but is hardly perceived as such; often not even by the victims. The reason? The main form of racism in our society is unconscious and accepted as something normal or natural; it is low intensity. It is a type of racism that, with the permission of Zygmunt Bauman, I've chosen to call liquid racism in juxtaposition to the classic "solid", violent and conscious racism.

We Spaniards are scandalised of even the thought of racism which is prohibited in the daily diet of political ideas. That explains why there are no expressly racist parties. In other words, when one speaks of racism the idea that comes to mind is Martin Luther King or Mandela, i.e. something foreign to Spain. Moreover, some indicators show that the situation of ethnic minorities in Spain is better than in other countries. This has prompted our political leaders (not generally adept at deep analysis) to believe that racial discrimination is not a serious problem here and that we can even be proud of our track record. The pressure to fight against racist discrimination which comes mostly from Europe, leads us to conceal racism even more by means of an insincere politically correct discourse (the disease persists while the symptoms are camouflaged). It is hard to solve a problem that is not acknowledged.

Of all the hate speech, the racist kind, closely related to the rest, especially xenophobia (and in Spain Islamophobia), is the one with the darkest historical pedigree. It is based on the old social system of slavery and is at the core of ethnic cleansing such as that advocated by the Nazis and is, together with homophobia, the most degrading of all hate speech because it not only entails the exploitation of a group of people in benefit of others but also, on a deeper level, is "the murder of the soul" of its victims (F. Douglas) to the extent that it calls for

their dehumanisation. In the eyes of the racist, people of other ethnic groups are not fully human. In fact the etymology of the word "race" (radix or root) indicates original caste, lineage, and that refers back to animals, but not to all, only those that can be domesticated. In other words, the word "race" refers back to slavery: slave (inferior race) as a type of domesticated animal for the purpose of pleasing his master.

It is strange that racism even exists today because in historical terms it was first based on theology and then on pseudo-science, but today we know that there are no human races. In other words, the concept of race is not scientific. There are no races but there is racism. It is surprising that some people continue to believe that there are races, bearing witness to their profound ignorance. Worse still is the belief that some races are superior to others and the most surprising thing of all is that racists (despite all evidence to the contrary) automatically include themselves among the members of the superior race. This is what I call bomb-proof self-esteem.

However, this old-school racism is not mainstream in Spain (but cannot be underestimated: Internet is teeming with it, neo-Nazi groups, etc.); the main racist current has mutated and is found under a different guise. I will now try to paint a picture of it.

## II. What is liquid racism?

Classic racism, the old sort, was founded on the (false) biological doctrine of inequality between races. It received a major doctrinal boost in the 19th century as justification for European colonial conquest during that period. In that century, this old slave-based racism morphed into "scientific" racism. Pierre-André Taguieff (*La couleur et le sang. Doctrines racistes à la française*, Mille et une nuits, 1998), points to two argumentative strategies that explain this shift from slavery-based racism to "scientific" racism: the negation of reality (racism was not racism) and rationalisation of reality, both religious (inequality between races as part of God's plan and



which appears in the Bible) and naturalist (biologically-based racial inequality and the superiority of some races over others as an outcome of the survival of the fittest principle (theories of social Darwinism). And then we have to add the racist operation *par excellence*: "projection" which means blaming the victim for getting him/herself into the situation of disadvantage. This is a conservative rationalisation based on the conviction that the world has a natural just order and therefore disadvantaged people either deserve their lot in life or have earned it. According to this school of thought there are no "innocent victims".

It goes without saying that the ideological mechanisms underpinning this old-school racism still persist (negation and projection) even though their biological basis has been objectively proven false. Classic *avant la lettre* racists such as those belonging to Nazi movements have an objectively outrageous ideological basis but their actions are sadly real. In any event, they are a minority. It is a different phenomenon that is worrisome today. Federico Javaloy ("The New Face of Racism", *Annals of Psychology*, 1994, pp. 19–28) describes it quite well. D.O. Sears and D.R. Kinder were the first ones to talk about "neo-racism" or "symbolic racism" back in 1970. Language is vital to this new variety of racism inasmuch as it does not directly reveal its true nature but rather lurks behind presumptions, suppositions and implicit assertions. It is both subtle and indirect and is therefore able to shroud itself in an air of social respectability and find acceptance in political discourse.

The symbolic racism described by Sears and Kinder was based on prejudice against African-Americans but disguised itself as a defence the American way of life in contrast to theirs. Applying this to Spain: Roma, immigrants, etc. do not contribute to the development of the country but do just the opposite; they barely make any valuable social contribution and, in return, receive an abundance of public benefits. The recent declarations made by the Mayor of Vitoria claiming that Algerians and Moroccans live mostly off of public aid is a good example. Aid measures or affirmative action targeting these minorities are seen as unfair. The very existence of discrimination is denied: there is no inequality in access to education, employment or housing; many believe that everyone has the same opportunities (and even that minorities take unfair advantage of social rights and services –and that these are undeserved) and if Roma and other minorities have higher unemployment rates or inferior jobs or training, it is strictly their own fault.

Neo-racism manages to conciliate its prejudices with a favourable view of equal treatment. Moreover, it rejects racism but it also rejects the measures designed to combat it. Criticism of ethnic minorities is subtle (for example, statistics are used to demonstrate that the

number of members of ethnic minorities in prison is substantially higher than that of the overall population); they reject overly obvious stereotypes and shameless discrimination. They exaggerate cultural differences. This liquid racism conceals racial hostility and uses a type of language as politically correct as it is false thus achieving acceptance in public but rejection in private. It causes people to shun the idea of co-existence and replaces the biological concept of race with culture ("our culture" as opposed to that of others) and inequality with difference (discrimination replaced by legitimate difference, stressing a multi-cultural rather than inter-cultural approach: all cultures are respectable but each one should proceed in its own lane and not mix with any other).

To better understand this concept of liquid racism that is so typical of Spanish society, we must be conscious of one of its main elements: many people exhibit neo-racist behaviours without even realising it. In fact, they would probably energetically and sincerely reject racism and xenophobia. This type of racism is often unconscious. The overwhelming majority of people perceive racism as something profoundly wrong from a moral, social, cultural and legal point of view and is therefore something that we ideologically prohibit. But racist prejudices remain intact. This contradiction arises because we consciously suppress racism but it re-emerges over and over the first chance it gets.

### III. Examples of liquid racism.

There are many examples from everyday life that will help us to better understand the concept of liquid racism and prove that it is alive and well. The woman who refuses to rent her flat to a Peruvian Ph.D. student. The security guard who follows the Roma woman around from the moment she enters the shop until she leaves. The manager of the municipal swimming pool who "invites" the Roma woman and her daughter to get out of the pool so as not to pollute the water. The waiter who kicks a group of Moroccans out of the nightclub so that they don't "intimidate the customers". The employer who refuses to hire a person the minute s/he discovers they are Roma. These are but a few of many examples that all share something in common: the discriminators do not realise that their actions are based on racist prejudice and the victims are ignorant of, do not trust and will not make use of the redress mechanisms that are available to combat discrimination (which, but the way, still need to have the rust shaken off them but I'll address that another day). This and more occurs every single day. And no one is held accountable.



Allow me to give two examples of a type of discrimination in which the public authorities partake by action or omission (and thus the name "institutional discrimination").

The definition of the word "*gitano*" found in the Dictionary of the Spanish Royal Academy (official dictionary of the Spanish language). The first and principal definition describes *gitanos* as members of a group not originally from Spain that came from India and "spread over a large part of Europe" and that "are still nomads to a large degree" and "have their own physical and cultural characteristics". This definition is not only a far cry from reality but also reinforces the idea that the Roma "are not our people": they come from a far-off land, they not only live among us but also in other places and they constantly move around (and maybe in wagons?) which completely prevents them from being considered "one of us". This is a racist definition with xenophobic undertones, although one should acknowledge the skill with which they were able to assert so many negative things with such precision.

The sixth dictionary definition is even more sincere. The editor removes the mask: *gitano* is "someone who commits fraud or misleads". But we could even take exception to the fifth definition which, at first glance, appears positive: *gitano* is "a person who endears him/herself to others with grace or art. Typically used as a compliment, especially when referring to women". Sexist undertones are introduced here. While the expression "*qué gitana eres*" (you're so gypsy-like) would appear to be a folkloric compliment, it is actually an insult because it evokes dishonesty and manipulation, albeit gracious. A simple systematic analysis suffices to confirm this point: the dictionary defines the word "*gitanería*" as "affection and flattery, sweet talk, in the style used by Gypsy women". In the style used by Gypsy women. It would then stand to reason that all Gypsy women are artfully manipulative? This sounds like it's right out of one of those black and white Spanish films from the 1930s or 40s. The only thing missing from the editor's definition is to add that after the *gitanería* flirting, what Gypsy women love to do is go off to the tavern to dance Flamenco. But it is the word "*gitanear*" (verb form) that provides hard evidence of the negative connotation of the word *gitanería* inasmuch as the first dictionary definition is "gratify or flatter using *gitanería* to get what one wants" but the second definition minces no words and is much more to the point: "to attempt to deceive when buying or selling". Hence, the author of the Dictionary of the Royal Academy of the Spanish Language is very clear on this point: a Gypsy is a person who "is not one of us" and who deceives, in a more or less reprehensible or amusing manner (in this case, Gypsy women which adds an interesting sexist undertone to the mix).

Another example: the racist and xenophobic declarations made by some political leaders. Why in France is a militant National Front extreme right-wing party

member sentenced to nine months in prison and five years of disqualification for uploading a photograph of the French Minister of Justice next to a picture of baby monkey onto his Facebook page with the caption: "at 18 months and now" while in Spain a town mayor like the Mayor of Badalona is absolved in spite of distributing leaflets, holding campaign meeting and making statements on television asserting that the Romanian Roma living in his city are a "plague" and an "ulcer" and claiming that "there are groups of people in this country that have come here for the sole purpose of stealing and committing crimes"? An then we have the insolence of the Mayor of Sestao referring to immigrants as "shit" and ensuring that he would deal with the problem by "chasing them from Sestao by beating the shit out of them". Of course their respective political parties came to their defence saying that while the expression used may have been unfortunate, these people were not in any way racist or xenophobic. Naturally I am well aware of the breadth of the freedom of expression, and much more in the political arena, but our legal system is failing us when a politician can get away scot free with statements such as these. Here, all the emphasis has been placed on the Criminal Code which covers the different types of hate crime in an ambiguous manner rendering it virtually useless. The criminal response to these acts must be improved but at the same time, we need to bring back the notion of an equal treatment law whereby an independent institution (possible the Ombudsman with a view to keeping costs down) would administratively sanction these acts in the form of a fine. But of course, if there is no racism in Spain, why devote time and energy to a problem that doesn't even exist?

#### IV. How should liquid racism be dealt with?

Liquid racism requires specific strategies because the battle here does not take place within the realm of improving living standards. In other words, this is not an issue for social services (although the latter continue to be very important: someone once said that the first human right is being able to have breakfast each morning and the rest follow). Liquid racism is fought on the battlefield of ideology, symbolism and communication. And this brings us to four key areas: education, culture, the media and politics. If the Spanish Parliament were a mirror image of the plural makeup of our society, there would be 7 Roma MPs and 5 Roma senators in each legislative period and this same proportion applies to all regional and local parliaments and to public and private institutions alike. This flagrant deficit in political representation about which only a handful of people seem to care, makes Roma second-class citizens and speaks poorly of the quality of democracy in Spain.



## 2. The role of political leaders in combating discrimination. European Parliamentary Elections 2014

Gonzalo Montaña and Carolina Fernández  
*International Department, FSG.*

2014 was a year of elections in Europe and we have heard promises of change and proposals for improvements from the different parties. These European Parliamentary elections, held for the eighth time in history, presented us with the different political options, some of which were new in the European political scenario, with their different messages. And these elections were more important than we may have thought. Ratification of the new European Commission was contingent upon the make-up of the European Parliament. This means that in the May 2014 elections, we decided on the legislative and executive powers of the European Union (EU), although the European model does not correspond exactly to Spain's system of government and its different branches.

The Roma population, Europe's most numerous minority (with an estimated population of between 10 and 12 million) continues to be the one facing the most discrimination and whose poverty and social exclusion levels are totally unacceptable. The impact of policies targeting Roma inclusion remains very weak; a long-term focus is needed to reduce the wide gap separating the Roma population from the majority population.

Recent publications in Spain and the rest of Europe (the Fundamental Rights Agency of the European Union – FRA, Discrimination Map in Spain, Report on social development and exclusion FOESSA) provide us with disturbing figures: 90% of Roma in Europe live below the poverty line and one out of every five Roma in the EU has been the victim of racist violence. In our country, data show that 72% of the Roma population live in a situation of exclusion and 35.4% of the majority population would feel uncomfortable having Roma neighbours.

In light of this, what role should Europe's political leaders play to improve the situation? What should we demand of our representatives?

The economic crisis we are undergoing is an ideal breeding ground for political parties that promote themselves through hate speech, xenophobia and rac-

ism and these most recent European elections were certainly no exception. Blaming the economic situation on the weakest (immigrants, Roma, those with different religious beliefs) is a typical tactic these parties use to strengthen their position and attract the attention of outraged voters. The traditional mainstream parties tend to turn a blind eye to this type of speech and, even more worrisome, they sit idly by as some Member States violate the treaties and directives prohibiting these behaviours and public statements. It's safe to say that there is a certain degree of tolerance on the part of political parties towards anti-Roma discourse. And once again, the Roma people find themselves in a situation of defencelessness.

The Fundación Secretariado Gitano carried out an intense campaign prior to the European Parliamentary elections held on Sunday May 25th. Through meetings with the main political parties, dissemination of concrete proposals and the publication of a dossier of documents, links and pertinent news clippings, we tried to encourage electoral debate on the situation of the Roma population in the European context, denounce racist and hate speech by xenophobic parties running for election and raise awareness as to the relevant role played by European institutions, especially the Parliament and the Commission, in the decisions affecting all citizens, including the Roma population.

Given the broad representation in the European Parliament of political parties with very little interest in a plural, inclusive and democratic Europe, the FSG expressed its discontent and called on the major parties to keep the promises they made in their electoral platforms, especially concerning the inclusion of the Roma population, and to not form pacts, under any circumstances, with parties that defend xenophobic and discriminatory speech and endanger the European project. We especially demanded greater forcefulness from our political representatives in Europe against clearly racist anti-Roma speech and acts. It is up to the European Parliament to be the leader in denouncing practices that violate European treaties and directives. We trust that the new



Parliament will firmly defend equality, cohesion and respect for fundamental rights and will continue supporting the development of a European framework of inclusion and equal treatment policies for the Roma minority.

The Roma community has traditionally had scant political representation in the European institutions. Juan de Dios Ramírez Heredia was the first Roma member of the European Parliament and, more recently, two Roma women from Hungary were elected as MEPs: Viktória Mohácsi from 2004–2009 and Lívía Járóka, an MEP for two legislative periods, 2004–2009 and 2009–2014. This latter representative has left an important legacy in terms of political clout and defence of the rights of the Roma community in European institutions. Lívía Járóka was the driving force behind, among other initiatives, the European Framework for the National Roma Integration Strategies and has been a staunch defender of the rights of Roma women at the European Parliament.

We congratulate the two Roma persons elected to the new European Parliament in May of 2014: Soraya Post, a human rights activist, will represent the Swedish *Feminist Initiative* party and Damian Draghici, who up to now was a senator in Romania's Parliament and advisor to the Romanian Prime Minister on Roma issues, was elected as a member of Romania's *Social Democratic* party. Soraya Post was active from the outset, petitioning for the creation of a specific intergroup on the Roma community in the European Parliament. She managed to mobilise many political groups and get support from different sectors although in the end the intergroup was not formed. However, an intergroup on anti-racism and diversity was formed and will be the ideal forum within the Parliament to promote and endorse actions to combat discrimination.

Lastly, this new European Parliament was responsible for ratifying the new Commissioners and the President of the European Commission. The former Barroso Commission was instrumental in putting the Roma issue on the European agenda at the highest level and pressured Member States to submit national strategies designed to improve the integration of the Roma people. But it was clearly the Vice-president and Commissioner responsible for Justice and Citizenship, Viviane Reding, who spearheaded the fight against anti-Roma speech and violation of the rights of the Roma community. She forcefully stood up to France during the mass expulsions of Roma families but in the end did not receive the support she needed to censure the French government. Reding is one of the few political leaders who has taken a firm stance in defence of the Roma population.

The current President of the European Commission, Jean Claude Juncker, has designed a Commission with a low social profile but in which Fundamental Rights seem to be in a privileged position through the defence of the Charter of Fundamental Rights under the leadership of the first Vice-president of the Commission, Frans Timmermans.

What we expect of our European political leaders, i.e. this new Commission and the recently elected European Parliament, is commitment to the inclusion of the Roma population and firm defence of the rights of all European citizens, including the Roma community. As organisations representing the civil society, it is our duty to insist that our public representatives raise their voices and condemn all discriminatory speech or conduct which violates the rights of Roma or any other European citizen.



# 3. The case of Xavier García Albiol v. Romanian Roma from Badalona:

## “Anything goes is unacceptable in political discourse”

Oscar Vicario García.  
*Lawyer.*

I, as a lawyer, find it hard to imagine just how difficult, if not impossible, it must have been to get to the truth in the legal suit filed against the current Mayor of Badalona, Xavier García Albiol, for his insistent, publicly disseminated, racist and xenophobic insults against the Romanian Roma community of his city, even though this truth is clear and public knowledge. Racist and xenophobic insults made and publicly disseminated as part of a deliberate strategy, launched the offending politician into the Mayor’s Office of Catalonia’s third most important city.

But even more mind-boggling was how, once “the legal truth” had been established, the overwhelming majority of Spanish judges and magistrates failed to interpret said truth in accordance with European law and with the interpretation of fundamental rights by the European Court of Human Rights.

### I. Initiation of the proceeding and difficulties in initiating oral proceedings.

I have been following the politician in question since May 2007 and am familiar with his tendency to link all types of immigration to crime and insecurity.

But it was not until the beginning of 2010 that Mr. Albiol initiated an incessant anti-immigration campaign with no scruples or limits. With the deliberate objective of getting himself elected as mayor, he made it very clear that he would keep irregular immigrants from being able to register at the Town Hall and continued with his public campaign insulting the Romanian Roma of Badalona and disseminating massive amounts of false information about them: calling them a plague and cancer, accusing them of coming to Spain for the sole purpose of committing crime, of causing insecurity, being dirty, delinquent and bad neighbours. These are just some of the things he said in reference to this group which, and this

tops them all, he said would never be able to integrate into society.

In light of these facts, and although the Barcelona Hate Crime Public Prosecutor was already six months into an investigation of Mr. Albiol, in my opinion he had committed a crime under Article 510(2) of the Criminal Code punishing those who:

“aware of the falsehood or reckless disdain for the truth, disseminate damaging information regarding groups or associations based on their ideology, religion or belief, ethnic group or race, national origin, sex, sexual orientation, disease or disability.”

It was relatively clear that what we have here is a crime of dissemination of collective slander with reckless disdain for the truth, and that this constituted eventual fraud as a subjective element of the crime; at the time the crime was committed, Mr. Albiol was a candidate for the mayor’s office. And naturally, politicians in the opposition do not have the same information as those in office. As proof of this, when Mr. Albiol was elected mayor he could verify that the insulting information that he himself had disseminated was false.

According to the statistics and data that I furnished for the hearing from the National Statistics Institute (INE), in 2010 Badalona had a population of 1,017 people of Romanian nationality. For that same hearing, Mr. Albiol, as Mayor and therefore head of the city’s Local Police force, submitted a report that he himself had commissioned showing that 88 Romanian residents had been arrested in 2010, a number that mysteriously grew to 248 at the oral proceedings stage. These figures refer to Romanians and not necessarily Roma. Maybe he was mixing figures.

These statistics show, beyond a shadow of a doubt (as we had asserted from the beginning), that Mr. Albiol had acted with reckless disdain for the truth.

Apparently for Mr. Albiol, the end (power and the Mayor's Office as he himself insinuated) justified the means (slander and the attribution of that slander to a defenceless group that he criminalised). If the electorate, suffering from an economic crisis that it did not cause, heard what it wanted to hear, i.e. anti-Roma promises (this time only if they were Romanian), and despite the dishonesty and irresponsibility of his message, Mr. Albiol would undoubtedly manage to get the necessary votes ("I'm only two town councillors away from winning the Mayorship" he said and put in writing) to meet his objective as unfortunately was the case; his campaign basically revolved around these attacks.

It was also reasonably clear from my vantage point that the criminal case against Mr. Albiol was an experiment, i.e. no case law whatsoever to turn to for support, and that the law on which the charges were based had been utterly and completely ignored up to that point (and since then as well). We were aware of the difficulties we were up against in this case where what was on the table was nothing less than the fundamental right of freedom of expression, opinion and information of a professional politician (and member of a democratic party that has usurped all of the power in our country) and who was acting in an electoral campaign. On the other end of the table, the right to honour and dignity of an especially vulnerable and socially stigmatised group, the Romanian Roma. Quite likely the most stigmatised group.

It was also quite clear that the European Court of Human Rights (ECHR) had twice upheld the convictions handed down in Europe against other active politicians in their countries in the *Féret v. Belgium* (16/07/2009) and *Jean Marie Le Pen v. France* (20/04/2010) judgments where the judge entrusted with interpreting human rights law at the Council of Europe advocated the restriction of the freedom of expression of these two active politicians and also established boundaries to the freedom of expression in the political arena.

And we here in Spain were so convinced that we also had our *Féret* and our *Le Pen* and that the Spanish courts would judge the facts in accordance with international standards, especially considering the lack of national case law.

We quickly came to the realisation of something that we already knew: that nobody in this society (or any other) cares about Romanian Roma, except when it comes to putting them in prison or, better yet, subjecting them to immediate deportation, individually or collectively, as they are the true dregs of society.

The court battle could not have been more one-sided, even more so in criminal court. But the truth is the truth

and despite the David and Goliath proportions of the proceeding, we simply had to react to this attack, this utterly irresponsible use of politics. And we especially could not allow a person to reach the Mayor's Office thanks, to a large degree, to this obvious crime.

We believed that allowing this to happen was tantamount to doing nothing at all. Looking the other way was to give him the green light.

How frustrating it was to see how the leaders of the major political parties, who until then had used these incidents against Mr. Albiol in their political battles for the different mayorships and claimed to staunchly oppose xenophobic hate speech, did not think twice about using it for their own electoral purposes.

We sincerely believed that the good and legitimate end of being put into a position of power through a democratic election could never be justified by the means used to attain it: criminalising an entire group of people. "Everything goes" to get oneself into power is unacceptable and citizens deserve better than such irresponsible use of the freedom of expression which, although a constitutionally protected fundamental right in all democratic societies, has and must have its limits and these, at times (and only at times), are crystal clear.

The *actio popularis* suit was filed jointly by two associations: SOS RACISM and the FEDERATION OF ROMA ASSOCIATIONS OF CATALONIA (FAGIC). The judge in charge of investigating and hearing the case made things as difficult as possible for the plaintiffs and immediately declared the case inadmissible. That decision was appealed, together with the public prosecutor, to the Provincial Court which ordered the initiation of the judicial investigation. So, the case got under way with a judge who had no interest in hearing it.

Once a statement was taken from Mr. Albiol at the order of the court, the facts put forward by the parties and admitted by the accused proved that what was at stake was a legal issue and not the determination of facts or the perpetrator.

To our astonishment, that same judge ordered full dismissal of the case alleging that no crime had been committed. We filed a second appeal, again with support of the representative of the Public Prosecution Service (who had to deal with differences in interpretation and technical-legal criteria but who, despite these difficulties, made convincing arguments that strongly supported the appeal). Chamber 8 of the Barcelona Provincial Court overturned the dismissal and ordered the investigative judge to initiate an abbreviated proceeding marking the end of the investigative stage. According to the Provincial Court, this was not a case of verbal



excess but rather an excess constituting an offence thus justifying the filing of accusations.

Were it not for the full support of the representative of the Provincial hate crime and discrimination prosecutor of Barcelona, they could have applied the so-called Botín-doctrine.

It was also disappointing to see how the Federation of Roma Associations of Catalonia (FAGIC), decided to distance itself from the case.

## II. Oral Proceedings and Acquittal in first instance.

The Oral Proceeding received major media attention between the supporters of our position and those who considered us little more than a group of "idealistic hippies", censors of free speech who sought, through a political lawsuit, to remove Mr. Albiol, legitimate representative of the people of Badalona, from office.

Although this politician was at least forced to testify for several hours before a court about his actions against this disadvantaged group and that was a victory from a democratic point of view, the Magistrate Judge, Mr. Ignasi de Ramon Forns of Criminal Court No 18 of Barcelona, delivered his judgment on 10 December 2013 acquitting the Mayor.

That judgment absolved him of the crime of incitement to hatred, violence and discrimination (Article 510.1 of the Criminal Code) with solid arguments in line with the interpretation of the law established by the judgments in the Europa Bookstore and Kalki Bookstore (also known as the Indo-European Studies Group) cases. Applying the legality and criminal specificity principle, the judge ruled that according to Article 18 of the Criminal Code, incitement to commit a crime must be direct incitement to commit a crime, and Mr. Albiol had not done that.

And this is true. Mr. Albiol's criminal conduct was limited to spreading slanderous information about a group with reckless disregard for the truth. In other words, he publicly and repeatedly insulted and defamed a group of people because of their ethnicity and nationality: the Romanian Roma residing in Badalona.

In our view, the arguments contained in the judgment to acquit Mr. Albiol of the crime under Article 510.2 were not legally sound and are nearly identical to the ideological argument put forward by Mr. Albiol himself when he insisted that the information he spread was neither

racist nor xenophobic. We believe that in this aspect the reasoning underpinning the judgment is inconsistent: it is "very unusual" for slander considered degrading to be protected by freedom of expression while insults are not. However, in this latter case there was no "animus injuriandi" (an added requirement for common libel in slander cases against individuals) despite calling them criminals and thieves among many other things. And then the same old argument: that Mr. Albiol would have said the same about any other person who was not a Romanian Roma.

Ultimately what we see in the judgment is full ideological alignment with the exculpatory version of Mr. Albiol. And this was pointed out from the very beginning of the Oral Proceedings

## III. Regarding the right to a second hearing from the point of view of the victim. Regarding the judgment dismissing the appeal and the dissenting opinion calling for a conviction.

Once Mr. Albiol was acquitted by decision of the three Magistrates with different interpretation criteria, the media attention automatically subsided and the most interesting phase of the proceeding from a legal point of view got under way.

We filed a remedy of appeal against the judgment and after several long months of waiting important differences developed among the three judges with regard to our request for a trial and the presentation of evidence in second instance, including further statements from Mr. Albiol.

On the one side were the judges that did not feel it necessary to hold a public hearing as they were sufficiently enlightened or to examine evidence in second instance; on the other side was Judge María José Magaldi Paternoso, who did feel it necessary or to be more precise, admissible, to examine evidence on appeal.

Both sides presented reasonable and very solid arguments, and this can be considered a very advanced study of forgotten second instance law from the point of view of the accused but also of the victim. If the victim has always been the most overlooked party in our criminal justice system, "tell me, how are his rights being protected in second instance".

When we get into the merits of the case and look closely at Judgment No. 713 of 22 July 2014, where the Judges, Pedro Martín García and Javier Arzuza Arrugaeta,



follow the same reasoning as the "a quo" Judge and rule that under Article 510(2) of the Criminal Code, the information disseminated should be considered a crime of libel. And they make a classical interpretation of crimes of libel between individuals, with the added requirement which we call "animus injuriandi". They therefore support the first instance judgment, considering that Mr Albiol did not act with intent to slander but rather with the intention of informing or highlighting a problem of co-existence and even to capture votes for his campaign, establishing in Spain what we call "animus electorandi", in view of which anything goes and neutralising "injuriandi".

However Judge María José Paternoso Magaldi, whom we believe (and not because of her dissenting opinion) to be one of the Judges with the most thorough understanding of these matters (remember her very complete judgment where she was Rapporteur in the judgment that acquitted Pedro Varela Gueiss of a crime under Article 510.1 of the Criminal Code), delivered a novel dissenting opinion in line with European law and case law of the Strasbourg Court.

In her dissenting opinion she makes it quite clear (and this is novel to Spain) that Article 510(2) of the Criminal Code does not have to be analysed as a crime of slander between individuals. She shows us that that regulation is something different and consists of disseminating slanderous information (of which the active subject

may or may not be the author) for which "animus injuriandi" is not a requirement at all, the only requirement being that said information be objectively slanderous towards the group under attack, that the perpetrator was aware that the information was false (direct intent) and that he acted with reckless disregard for the truth (conditional intent).

This is exactly what Mr. Albiol did with the Romanian Roma in Badalona in the opinion of the dissenting Judge who was in favour of a conviction and partially upheld our appeal.

Dissenting opinions like this one remind us of the dissenting opinion of the Supreme Court Judge Andrés Martínez Arrieta in the Kalki Bookstore case and proves once again that in complex and unprecedented cases where such fundamental rights come into play such as freedom of expression and opinion on the one hand and the right to honour and dignity on the other, the majority judgments fail to interpret the law in accordance with European law and international standards; while the dissenting opinions, coincidentally delivered by the best specialists in this area of law, look past the border of Spain and go in the opposite direction.

We are left, however, not with hope but with the conviction, one that we have observed time and again: "in law, the dissenting opinions of today are the Judgments of tomorrow".



## 4. Political representatives give their views on discrimination

Gaspar Llamazares Trigo  
*Member of Parliament, United Left Party*

### *1. Does racial or ethnic discrimination exist in Spain?*

Roma have been subject to discrimination for six centuries. Since then in Spain and in other countries, the varying degrees of violent racism against them has slackened but has not disappeared. The crisis that Europe is mired in cannot be used as a pretext to re-stigmatise and persecute the Roma community as has unfortunately occurred in the past; that ever present underlying risk of "low intensity" discrimination can escalate into "maximum risk" as has happened in other European countries. We continue to bear witness to outbreaks of racial violence in local communities that are still treated with permissiveness, indifference and impunity. There are political leaders, media and social network Internet users that spread negative stereotypes and prejudices that contaminate the social psyche and get passed down from one generation to the next.

Many Roma have been relegated to an underground economy and are still marginalised in areas such as employment, education, housing and political participation processes as pointed out in the annual 'Discrimination and the Roma Community' reports.

The institutions have advanced further than the society in eliminating the stigmas affecting the Roma people. Despite a rise in regulatory instruments to sanction ethnic discrimination, there are cases that are cause for concern among some police and private security officers. Anti-discrimination legislation is not enforced in Spain and very few cases of discrimination actually reach the courts because they are not identified as such.

### *2. What are your concerns in the sphere of social rejection of the Roma community in Spain?*

I am particularly concerned about the way that certain politicians and the media treat the Roma community. There are many examples of rejection. In the area of justice, a Roma person is much more likely to be subjected to identity checks by the police than non-Ro-

ma. There is an over-representation of Spanish Roma inmates in the prison population. Access to health-care (Roma life expectancy is 10 years lower than that of the rest of the population) is another important shortcoming, and the child mortality rate is much higher.

Every day there are cases of people who are unable to rent a flat or park their camper at a campsite because they are Roma. Spanish civil legislation does not recognise the legal effects of the Roma marriage rite. Roma women in particular have suffered from this lack of recognition. On a number of occasions the courts have refused to award them widow's pensions despite having been married according to the traditional Roma rite as from an early age, having contributed to the Social Security system for a great many years and possessing the Spanish Libro de Familia (Family Record).

The unemployment, underemployment and underground employment rates are higher amongst the Roma community than the rest of the population. That being the case, over one third of those who are employed work in mobile trading and in the field of construction. Women are employed in the services sector engaging in unskilled labour activities.

### *3. How can a political leader contribute to promoting equality?*

The State, through its legislative, executive and judicial branches of government, must set up the necessary measures to guarantee the right to equality through its education, employment, health-care and housing policies. But this is not being done. It would suffice to note that 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. The EU Framework for National Roma Integration Strategies needs to be further developed in Spain and priority should be put on seeing to it that 2014-2020 European funds are earmarked for this objective. We also need to promote the implementa-



tion of the National strategy to combat racism, racial discrimination, xenophobia and other related forms of intolerance and the National Roma Integration Strategy (2012–2020).

Political parties should promote sufficient cross-cutting budget allocations in all ministries and fully commit to the effective involvement of Roma civil society. The social protection model in place since the 1980s has been quite inclusive of Roma and has always benefited this community. In 1989 the National Roma Development Plan was implemented to compensate the inequality they face. Specific complementary programmes are needed to boost school enrolment and labour market access for the Roma population.

While problems do persist, improvements are noticeable: more Roma children are attending pre-school and there are more accompaniment programmes geared to helping Roma find jobs; there are also mediation programmes to help close the gap between Roma and non-Roma communities in the area of housing and access to health-care. Important strides have also been made in eradicating shanty towns.

The political parties running for election must commit to a truly integrated society. If not, the electoral debate will remain exclusively in the hands of political parties that represent rejection, hatred and discrimination.

*4. If Parliament were a true reflection of social plurality, there should be 7 Roma Members of Parliament and 5 Senators, without even mentioning the lack of representation in regional and local government. What steps need to be taken to address this lack of democratic representation?*

In Spain an estimated 650,000 to 725,000 Roma live in Spain accounting for 1.5% of the total population. Under-representation is notorious, as it is amongst other groups as well such as Spanish emigrants. As political parties we are mainly responsible for this situation because we do not boldly promote candidates that would provide more plural representation.

At one time Spain did have a Roma European Parliamentary member, Juan de Dios Ramirez Heredia. Today we're envious of Sweden where Soraya Post, a Roma woman, represents the Feminist Initiative Party in the European Parliament. Our target should be to promote greater participation among Roma youth in political parties and social organisations. Institutional recognition of

the Roma people must be based on claiming the right to be respected, to have access to the same opportunities and therefore, to live free of discrimination, free of social exclusion for being different; a people that speaks with a single voice and remains united to overcome the historical inequality it faces.

*5. Are you familiar with the situation of Roma women? Do you think they are subject to multiple discrimination in Spain?*

Despite the silent revolution that has swept through society in recent years, Roma women still suffer dual discrimination, for being women in a patriarchal society and for belonging to a marginalised ethnic minority. They therefore need greater support, especially considering that they are the main caretakers and transmitters of the values and culture of the Roma people.

Although few women are full-time salaried workers, there are more and more Roma women who aspire towards the mainstream labour market and are initiating training processes. Also, the overwhelming majority of girls are enrolled in school. Although many drop out at the transition between primary and secondary school, those that do decide to continue studying are more likely to finish than their male counterparts.

Change is in the air for Roma women, the real driving force behind the transformation of this community. Although they often meet with resistance from the men of their own community, they are spearheading a gradual process which includes university level studies. While there are still very few university graduates, 8 out of every 10 Roma who earn a university degree are women. As for positions of responsibility, there are very few Roma women who take part in politics and associations still have a short history. As for the labour market, unemployment rates are highest for Roma women, the main reason being the stereotyped image and prejudices that employers have of them.

The integration of Roma women requires change in the perception and prejudices of the entire community. Enrolment at school is the main factor contributing to their full integration in society.

Roma women want to be heard. They study, work outside the home and drive. Discriminated against and stereotyped, they are organising themselves to claim their rights and promote diverse feminism.



## Gonzalo Robles Orozco *Secretary for Social Participation of the People's Party*

### *1. Does racial or ethnic discrimination exist in Spain?*

Spain has made considerable progress in recent decades to eradicate all forms of discrimination, based on race or gender. There is always room for improvement and this is the path that the People's Party wants to take because we do not believe that one's ethnic group or physical characteristics make them superior or inferior to anyone else. In our view, all citizens are equal and our policies target them, while paying particular attention to the most disadvantaged for whatever reason. We hold periodic meetings with representatives of all citizens in the institutions where we have representation and in our party. We listen to their demands and complaints and try to respond through measures to improve their situation.

### *2. What are your concerns in the sphere of social rejection of the Roma community in Spain?*

The main aspect that needs to improve may be integration. Integration in two different directions: from the rest of the society that needs to accept the Roma community as an essential part of our society and from the Roma Community by showing its willingness to form part of the society. This brings us to the issue of everyone's rights and duties. The possible social rejection some people feel may be more due to cultural issues and a certain degree of ignorance and also to the image often portrayed in the media, rather than to real rejection of the Roma community. In the view of PP, the key is integration. In fact, the Roma community has publicly supported the policies of our party on numerous occasions with a view to improving co-existence among all Spaniards.

### *3. How can a political leader contribute to promoting equality?*

By working and engaging everyone in dialogue, without exception. We do not believe that there is a generalised social conflict between the Roma community and the rest of society, but it is important to continue with integration policies and to foster training so that in the future the Roma Community is not left out of our system with all that that would imply.

### *4. If Parliament were a true reflection of social plurality, there should be 7 Roma Members of Parliament and 5 Senators, without even mentioning the lack of representation in regional and local government. What steps need to be taken to address this lack of democratic representation?*

The People's Party has never advocated a quota system. We do not believe that percentages are a true reflection of plurality. We believe that the people who represent PP do

so with their work, their worth and their commitment to the citizens. In PP we pay no attention to whether our members are men or women or Roma or from any other ethnic group. In fact we have had Roma candidates in our party. Education from a very early age is key for the integration of this community and that goes hand-in-hand with their participation at all levels of society, including politics.

### *5. Are you familiar with the situation of Roma women? Do you think they are subject to multiple discrimination in Spain?*

The People's Party has met with representatives of the Roma community on many occasions and our meetings have always been productive. This is a complex issue because we have deeply rooted traditions mixed with the desire to form part of a society that is advancing swiftly. The best balance would be for this community to keep its traditions, which are part of Spanish culture, while also integrating in society following the educational parameters of the rest of society thus allowing them to reach positions of responsibility in all areas. Our society is sometimes inclined to discriminatory behaviour against that which is different or unknown. It is therefore vitally important for Roma women to develop professional careers in all areas, just like any other woman in our society.

Nevertheless, I would note that Spanish Roma women are a role model in Europe. They are pioneers and are prioritising education for their daughters, to the point that they are leaving Roma men behind. Many of them have a university education and are in a position to develop fruitful professional careers.

Today there are active enterprising women with a great deal of initiative in the sphere of social participation. At national and regional level there are educated women engaging in different professions (lawyers, teachers, social workers, administrative assistants, business people...) who serve as an example and spark change.

Education is the cornerstone of advancement of Roma women and this is where we see the greatest progress. Their expectations have evolved and they now put a higher priority on education. No longer are schools considered alien and hostile; they now represent new opportunities.

They are also leading an important associative movement and are involved in European fora where their voice is heard loud and clear.

The People's Party supports the Roma People and works with them to achieve their full integration.



Pablo Iglesias Turrión

Secretary General of the Podemos Political Party

### 1. Does racial or ethnic discrimination exist in Spain?

The power and wealth of the political caste and the oligarchy in Spain has historically supported itself on the systematic exclusion and discrimination of social groups who have suffered violation of their most fundamental rights for decades. The internal divisions among those of us who live and suffer in this country have always been fostered by the political caste to prevent us from organising ourselves and questioning power and the people wielding it. They want us to be in conflict: natives against immigrants, non-Roma against Roma, etc. but they are gradually realising that we are united and no longer deceived by their ploys. While it is true that the situation of the Roma population has improved over the last 30 years, the economic “crisis” of recent years has hit them harder than other less disadvantaged social groups putting them back practically where they started. For these reasons I believe that ethnic discrimination is still alive in Spain and the measures implemented by the Government during the economic crisis are contributing to its increase at institutional and interpersonal level.

### 2. What are your concerns in the sphere of social rejection of the Roma community in Spain?

Our concern over the social rejection of the Roma population revolves around several aspects. As I already mentioned, the way the crisis has hit them and the measures adopted by the governing party have affected the Roma population, allowing discrimination and prejudices to flourish stronger than ever and keeping the real culprits responsible for the crisis from being discovered. Many Roma families have been evicted from their homes, most of them with children; aid requirements have become increasingly stricter and ordinances controlling mobile trading, scrap metal collection, etc. have become tougher. The issue of early school leaving and academic failure, already targeted as a problem before the crisis, should be a priority in combating discrimination against the Roma population. Early school leaving rates among Roma adolescents are in the vicinity of 64%, i.e. 30 points higher than the national average, not only endangering their present but also putting the entire society’s future at risk. Concerning the world of work, we are especially concerned about the high unemployment rates among the Roma population and the discrimination they face in selection processes reported by a number of different civil society groups. Employment is a key instrument guaranteeing a dignified life for individuals and their families and also contributes to social inclusion and equality with the rest of society. Lastly, in an attempt to be brief, we are

particularly concerned about the violation of the rights of non-Spanish Roma (especially from Eastern Europe) who in many cases are experiencing extreme poverty. A large percentage of these people do not have housing, their right to health-care has been violated and it is virtually impossible for them to find employment due to the social rejection they are subject to. All of these factors limit them to street begging in many cases and living conditions that are inconceivable in a European country.

### 3. How can a political leader contribute to promoting equality?

In Podemos, our commitment to equal rights for all citizens is in our DNA and we are also aware that this means paying special attention to the most vulnerable sectors of society. To do that we believe that the best solution is to work alongside civil society organisations like this one to put together proposals that enable us to deliver that equality, in the belief that it is not achieved with political will alone but also with strategically designed and well managed hard work. We know that in recent years the best results have been achieved thanks to universal policies aimed at improving living standards and targeting the entire population (housing, education, health-care, employment, etc.) combined with other more specific policies designed to empower the Roma population. In addition to implementing appropriate policies with adequate funding, Podemos aims to achieve equality through the public interventions of its spokespersons and practices in the daily work of the organisation. As is common knowledge, all of the participants in Podemos must sign an Ethical Principles contract which explicitly prohibits any type of action against human rights or that discriminates against people based on gender ethnic origin, religion, nationality, etc.

### 4. If Parliament were a true reflection of social plurality, there should be 7 Roma Members of Parliament and 5 Senators, without even mentioning the lack of representation in regional and local government. What steps need to be taken to address this lack of democratic representation?

The aim of the initiatives designed to empower the Roma population is their full and effective participation in all aspects of society, and that includes politics. Many social groups are under-represented in elected bodies and this must gradually change. To that end, in addition to empowerment, awareness-raising initiatives are important insofar as they favour a rich exchange of ideas between the Roma community and the rest of society. But maybe the most important thing that Podemos can



do in this regard has already begun. Until now, politics has been an opaque activity engaged in by men in ties sitting in their offices. Thanks to social mobilisation, the 15M movement and Podemos, this is changing and citizens have more and more mechanisms at their disposal to be actively political rather than passive. Bottom-up politics is being practised in the neighbourhoods. And this new type of politics encourages participation of all citizens and is starting to break down barriers and help groups historically discriminated against participate on a level playing field.

*5. Are you familiar with the situation of Roma women? Do you think they are subject to multiple discrimination in Spain?*

Roma women are shouldering an important part of the consequences of the crisis. In families where gender roles are still rather differentiated, it is the women who

apply for aid, who taken in their sons, daughters and grandchildren who are not able to make it on their own and they have entered the labour market where they have had to accept conditions doing unskilled jobs that could be described as exploitation (geriatric and child-care, cleaning, etc.). Where early school leaving rates are similar for Roma boys and girls, the girls drop out more because of family obligations. In this context it is fair to say that Roma women face double and even triple discrimination which enormously complicates their lives and they are showing extraordinary strength in overcoming these adverse conditions. I think that it is admirable that a large percentage of Roma girls are going back to school after having dropped out. This is where we should concentrate our efforts, in recognising the enormous effort made by Roma women and empowering them so that they can gain access to all areas of social life.



Ramón Jauregui Atondo

Member of the European Parliament PSOE (Socialist Party)

*1. Does racial or ethnic discrimination exist in Spain?*

Yes, but it is less obvious than in other countries. As Spaniards we accept people who are different, we respect them, require that their rights be respected but we do not live as equals.

*2. What are your concerns in the sphere of social rejection of the Roma community in Spain?*

What concerns me the most is the negative and often disparaging opinion that many people in Spanish society have of the Roma community.

*3. How can a political leader contribute to promoting equality?*

With speeches, declarations and pedagogy. With initiatives and proposals to promote full equality.

*4. If Parliament were a true reflection of social plurality, there should be 7 Roma Members of Parliament and 5 Senators, without even mentioning the lack of re-*

*presentation in regional and local government. What steps need to be taken to address this lack of democratic representation?*

It is up to the Roma community to make itself present in public representative fora. If a Roma person joins a political party and presents his/her candidacy for councillor or parliament, s/he would not face any discrimination. But unfortunately, very few members of that community participate in politics and in political parties.

*5. Are you familiar with the situation of Roma women? Do you think they are subject to multiple discrimination in Spain?*

I believe that Roma women are, first and foremost, women and as such have to fight for equality just like any other woman. I also think that women from the Roma community have to wage a particular fight for equality against habits, customs and internal laws that discriminate against them or subject them to male-dominated codes of conduct.





**Headway made  
in combating  
discrimination in  
2013-2014**





# 1. The situation in Europe

## I. Recommendations from the Council of the EU on the inclusion of the Roma community

In December 2013 the EU Council published a series of recommendations to implement effective measures for Roma inclusion in the Member States. The aim of these Recommendations is to provide Member States with guidance to enhance the effectiveness of their measures and bolster the application of their national Roma inclusion strategies and their political and social measures.

In order to promote the full equality of Roma in everyday practice, the Council of the European Union recommends “implementing an effective policy containing measures to guarantee equal treatment and respect for fundamental rights, including equal access to education, employment, health-care and housing” and goes on to detail a series of concrete measures in these areas.

The document contains a recommendations section on non-discrimination and the Roma community encouraging states to guarantee the effective practical execution of Directive 2000/43/EC, specifically calling on them to make sure that administrative rules at national, regional and local level are not discriminatory and do not give rise to segregation.

It also urges EU Member States to implement measures to combat discrimination and prejudice against Roma and to combat anti-gypsyism in all spheres of society while raising awareness as to the benefits of integrating the Roma and proposing the adoption of effective measures to combat anti-Roma hate speech, stereotypes and any other types of conduct inciting discrimination against the Roma people.

## II. 8th meeting of the European Platform for Roma Inclusion

Under the slogan “Urgent change is needed among Roma youth and children”, on 27 June 2013 the European Commission organised the 8th meeting of the European Platform for Roma Inclusion in Brussels. The Commissioner for Employment, Social Affairs and Inclusion, László Andor, and the Commissioner for Justice, Fun-

damental Rights and Citizenship and Vice-president of the EC, Viviane Reding, were on hand for the event and underscored the need to take bigger steps forward in social inclusion, equality and the fight on discrimination against Europe’s Roma population.

Commissioner Andor stressed that Roma youth should benefit as a specific group under the youth guarantee schemes. He also recalled that “EU funds and specifically European Social Fund resources can help provide other ways to facilitate the Roma population’s transition from the classroom to the labour market. These include drawing up or enlarging schemes targeting children and adolescents from disadvantaged environments, including Roma.”

Commissioner Reding highlighted the importance of launching the European framework of National Roma Inclusion Strategies but questioned the progress made in this connection and underscored the need to involve regional and local administrations in their implementation and to appropriately allocate funds (mainly Structural Funds) for their full development.

She urged close collaboration and coordination between the different levels of government and the civil society. She also noted that little progress has been made in involving local authorities in social inclusion projects and stressed that not enough national funds are being earmarked for Roma inclusion and the fact that European funds are available but go unused due to lack of co-funding. “Policies targeting the Roma population are not a luxury but rather an obligation.”

## III. FRA report on the Framework Decision regarding racism and xenophobia and victims of hate crimes.

In 2013 the FRA published a new report entitled “Opinion of the European Union Agency for Fundamental Rights on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of hate crime”.

The conclusions reached, based on evidence gathered and analysed by the FRA, including large scale surveys and its specific and annual reports, illustrate the variety

of hate crimes ranging from everyday acts by individuals in the street or on the Internet to serious crimes perpetrated by extremist groups or totalitarian regimes.

It also proposes 25 action measures to comply appropriately with the Framework Decision on Racism and Xenophobia, including calling on Member States to make sure that political parties or associations do not promote hate speech or other forms of discrimination against ethnic minorities.

The report makes several references to anti-gypsyism and Roma victims, calling attention to the recent rise in cases of romaphobia in different EU countries and the difficulties Roma victims have in exercising their rights.

The report can be downloaded from the FRA's website:

<http://fra.europa.eu/en/opinion/2013/fra-opinion-framework-decision-racism-and-xenophobia-special-attention-rights-victims>

#### IV. Sweden publishes a "White Paper on abuses and rights violations of Roma during the 1900s."

In 2013 the Swedish government published a chilling report on policies implemented in Sweden during the 20th century against Roma in its country.

The publication of this report entitled "White Paper on abuses and rights violations of Roma during the 1900s"

represents a major step forward in policies to combat discrimination. It is a public acknowledgement of the racist anti-Roma policies carried out by the different Swedish governments throughout the 20th century, with special mention of its intention to recognise the damage it caused and apologise to victims.

The Swedish government also ordered the compulsory inclusion of this Paper in Sweden's educational system such that from this year forward, students will study Sweden's dark anti-Roma past and the reality of the discrimination suffered by the Roma community in this country.

The Paper reports on practices such as censuses taken of Roma with biometric data, forced sterilisation of Roma women (1934-1974), kidnapping of Roma newborns by government institutions, border controls prohibiting Roma from entering the country, systematic denial of access to housing and the right of Roma to register as local residents in the towns where they lived, segregation of Roma students in special schools, police abuses, hate speech by political representatives and numerous acts of discrimination in access to employment and goods and services.

English version to download:

[www.government.se/legal-documents/2015/03/ds-20148/](http://www.government.se/legal-documents/2015/03/ds-20148/)

*White Paper on abuses and rights violations of Roma during the 1900s.*



### White Paper on abuses and rights violations of Roma during the 1900s



## 2. National

### I. Assistance service for victims of discrimination based on racial or ethnic origin

The Assistance Service for victims of discrimination based on racial or ethnic origin is a free national resource designed to assist victims of racial or ethnic discrimination which provides support and independent advice to those subject to discrimination in the areas of employment, education, housing, access to goods and services, etc.

This service is one of the activities of the Committee for the Elimination of Racial and Ethnic Discrimination, hereafter the "Committee" and is linked to the implementation of Article 13 of Council Directive 2000/43/EC which provides that "Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin," giving these bodies the competence to independently assist victims of discrimination, conduct studies and publish independent reports and formulate recommendations regarding these matters. The Ministry of Health, Social Services and Equality along with the Committee have awarded this service to the Fundación Secretariado Gitano (FSG) to perform some of the duties called for under the Directive together with 7 social organisations.

These social service providers are specialised in combating discrimination<sup>1</sup> and are in direct contact with potential victims of discrimination:

- Spanish Catholic Migrations Commission (ACCEM)
- Spanish Commission for Refugee Aid (CEAR).
- Spanish Red Cross

- CEPAIM Foundation
- Fundación Secretariado Gitano (FSG)
- Movement against Intolerance (MCI)
- Movement for Peace (MPDL)
- Acoge Network (RA)

The service is provided nationwide and from its creation (15 March 2013) until now it has opened 21 official offices and 83 collaborating offices in all the Autonomous Communities of Spain and the Autonomous City of Melilla. It has a total of 104 offices serving those who may need our services. There is also a free telephone support service (900 20 30 41) and help through the website run by skilled personnel. The services brochure has been translated into five languages (English, French, Arabic, Romanian and Chinese) in order to reach the greatest possible number of people who could need our support and counselling.

The Service's objectives are:

- 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.
- To provide a nearby information and awareness service adapted to the real situation of potential victims of discrimination and the various sectors of the population.
- 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 race or ethnic origin.

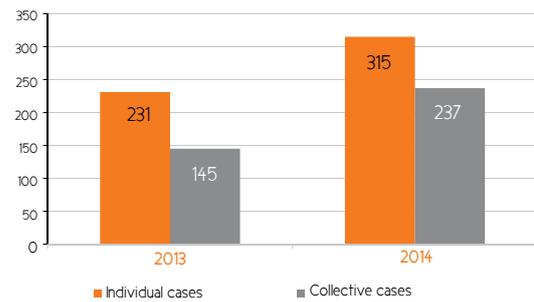
<sup>1</sup> The Assistance Network for Victims of Discrimination was created in 2010 and is a network of social organisations that formed part of the Council for the Advancement of Equal Treatment (now called the Committee for the Elimination of Racial or Ethnic Discrimination). Together with the victim assistance group of the aforementioned Council, it developed a work methodology to provide assistance in cases of racial or ethnic discrimination. This methodology is still applied today by the network of organisations providing this service.



Following are the main results:

- Number of incidents of discrimination recorded in the period (2013–2014). From 15 March 2013 to 14 September 2014, the assistance service for victims of discrimination addressed a total of 806 cases of discrimination, 475 individual cases and 331 collective cases.

Graph 1. Cases addressed by the Assistance Service. Period 2013–2014



### Number of incidents of discrimination by area (2013–2014).

Area	Individual cases: n=475	Collective cases n=331	Total n=806
Employment	88	84	172
Education	30	27	57
Health	49	6	55
Housing	45	20	65
Sports	7	3	10
Access to justice	14	0	14
Citizen security	91	21	112
Culture	1	0	1
Social Services	32	12	44
Communication and Internet	11	113	124
Access to goods and services	47	19	66
Other	61	25	86

### Information and awareness raising actions:

Together with the activity carried out during the first year of work, in this new period of service (March 2014 to March 2015), with a view to providing opportunities for participation, coordination, work, reflection and exchange between the service provider organisations, we have been working on creating Monitoring Committees at territorial level designed to analyse, reach consensus on and establish general lines of cooperation and joint action on the ground where the Assistance Service is officially set up.

The aim of these Committees is to promote the spread of the service throughout the territory, get information to potential victims and encourage coordinated work

by involving other local agents and social organisations in our efforts. These Committees serve as an operational instrument with which we intend to bolster the work being done by the Service in the territories.

To date, over 200 potential victims of discrimination have benefited from awareness-raising and information actions planned and implemented to defend the right to equality through the territorial commissions in Valencia, Andalusia, Catalonia and Castile–Leon. The objective for 2015 is to continue forming the rest of the territorial committees in the other Autonomous Communities and continue engaging in information and awareness-raising in each of them.



## Training of key agents:

In March 2014 the Service organised several training initiatives to promote specialised training in equal treatment and non-discrimination for several different professional groups in different Autonomous Communities.

Specifically, we ran five regional training conferences on equal treatment and assistance for victims of racial or ethnic discrimination targeting jurists and social and public service professionals in Valencia, Madrid, Seville, Toledo and Santiago de Compostela, and an awareness-raising and results presentation conference in Salamanca.

Over 300 professionals from different walks of life took part in these conferences, all working in one way or another to assist potential victims of racial or ethnic discrimination or to promote and defend equal treatment.

To supplement the technical training of all of the professionals rendering these services, we continued with our training and capacity building efforts. The third edition of the Nationwide Training Session for Workers of the Assistance Service for Victims of Racial or Ethnic Discrimination was held on 10 July 2014. Thirty professionals from the different social organisations comprising the Service took part in the training conference.

In 2015 it is very important for the Committee's service to consolidate its work and continue its forceful defence of the Right to Equal Treatment and no racial or ethnic Discrimination.

Assistance service website: [www.asistenciavictimas-discriminacion.org](http://www.asistenciavictimas-discriminacion.org)

## II. Council of Victims of Hate and Discrimination Crime. Victims of racism, xenophobia, anti-gypsyism, homophobia, anti-Semitism, islamophobia and other forms of intolerance.

1. The Council of Victims of Hate and Discrimination Crime, presented on 24 April 2014, is a pioneer initiative in Europe arising from the decision to organise victims and solicit the support of experts and specialised organisations in this area. This initiative was launched following the approval of the European Directive on the rights of victims 2012/29 whose initial tasks were to address the Victims Statute currently being debated in the Spanish Parliament and promote a Law on the Protection

of Hate Crime Victims conceived to guarantee legal assistance, humanitarian aid and protection, information and comprehensive recovery measures, adaptation of legislation and other measures to provide effective support to victims of racism and intolerance. The Law should also guarantee specific training and coordination of all of the agents involved in the process (police and security forces, prosecutors, forensic experts, psychologists, judges, associations, etc.) to ensure that the needs of victims of hate crime are met at all times by specialists and their rights guaranteed.

2. The Council has based its efforts on the vast body of work carried out by the Movement against Intolerance for over 20 years serving nearly 1,400 people, most of whom were immigrants but also other groups such as Roma, LGBT and other minorities. Victim support services include filing of complaints, accompaniment in legal proceedings, identification of witnesses, initial self-protection measures, legal advice and private prosecution, or in court by means of public prosecution and humanitarian support have been offered in the framework of these efforts. This work has been supported by different public institutions, especially the Secretariat-General for Migrations in the framework of the Comprehensive Strategy against racism, xenophobia, racial discrimination and other related forms of intolerance approved by the Cabinet in 2011. This government is executing many of its measures, such as: *"...The role of NGOs working with governments to improve legislation, monitor and report incidents of racism and xenophobia, act as spokespersons for victims of hate crimes..."*
3. The Council of Victims groups together and is the direct voice of the victims, with the support of a network of organisations committed to this cause and experts and professionals contributing their experience and know-how in defence of the rights of victims of hate and discrimination crimes. Two groups of organisations accompany victims: the Support Network is composed of a number of entities organising their efforts throughout the territory and the Advisory Commissions are formed by experts and professionals who implement social initiatives, studies and research in support of victims.

These organisations are based on the principle that victims are a priority from the international perspective of Human Rights making it vital to act and adhere to the resolutions of the United Nations, the European Union, the European Commission against Racism and Intolerance (ECRI), the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE), that define hate crime as "Any

criminal offence, including offences against persons or property, where the victim, premises, or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support, or membership with a group that may be based upon race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor." Hate crime, also referred to as crime motivated by prejudice, bias or intolerance, refers to the criminal negation of the intrinsic dignity of individuals and the universality of human rights resulting in rejection of diversity, the right to equality and to be different and negation of the principle of tolerance as defined under the UNESCO-United Nations declaration in terms of respect, acceptance and appreciation of human diversity.

Furthermore, the European Directives on equal treatment and crime victims and the Framework Decision on Racism and Xenophobia, endorse intervention by civil society in support of victims of discrimination, defining the latter as: "an act or omission in which persons are treated less favourably than others are, have been or would have been treated in a corresponding situation and where an apparently neutral provision, criterion or practice would put persons, for reasons of intolerance, at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. Similarly, regarding victimisation caused by extreme hate speech, the European Committee of Ministers of the Council of Europe in its Recommendation (97) 20 of 30 October 1997 defines hate speech as: "Hate speech shall mean 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 Council of Victims of hate crime and discrimination was formed to give a voice to victims and work to combat racism, xenophobia, anti-Semitism, islamophobia, anti-gypsyism, homophobia, misogyny, sexism, aporophobia, totalitarianism, negrophobia, transphobia and any other manifestation related to intolerance, discrimination and hate crime, including neo-fascism and aggressive nationalism. And also to work in favour of enforcing the resolutions of international bodies in this area, especially the UN, OSCE, the Council of Europe and the European Union, and develop legislation that truly protects victims of hate crime.

### III. Report by the Hate and Discrimination Crime Service of the Barcelona Provincial Public Prosecutor. Year 2013.

The Hate and Discrimination Crime Service of the Barcelona Provincial Public Prosecutor began to formally provide services in October 2009 and was the first service of its kind in a Spanish prosecution office. In 2013, a total of 50 delegate prosecutors were appointed throughout Spain, at least one to each provincial capital.

As of the end of 2013, that service had completed its fourth year of work specialising in hate crimes and discrimination based on race, ethnic origin, sexual identity, belief, religion, sex or disability.

In this report the Service again expresses its concern over the high number of acts that go unreported as highlighted by national bodies such as the State Council for Equal Treatment and Non-discrimination (Ministry of Health, Social Services and Equality), and international organisations such as the European Union Agency for Fundamental Rights. Proof of this is the low number of discrimination crimes and misdemeanours reported in 2013 to police and security forces. A breakdown of complaints filed shows that the number one discrimination factor is ethnic and national origin (41.2%) followed by political persuasion (28%) and sexual orientation (18.5%).

One of the objectives of this document, in light of the absence or lack of statistical data regarding crimes motivated by hate or the wilful discrimination of people by reason of their race, ethnic or national origin, sexual orientation, belief, religion, sex or disability, is to furnish information on the number of cases heard in the courts and prosecution services for crimes motivated by discrimination and to monitor each proceeding from the time the complaint is filed until the case is resolved.

The data contained in the report were obtained from police reports submitted to the service in virtue of the "processing of criminal acts motivated by hate or discrimination" by the *Mossos d'Esquadra* (regional police of Catalonia) and data furnished by all other police forces, the National Police and the Guardia Civil, and thanks to artisanal monitoring designed by the Service itself once these cases have been heard.

The report also breaks down the information by crime, investigation dossiers ordered by the hate and discrimination crime service of the Barcelona Provincial Public Prosecutor's office, requests for dismissal and indictments submitted and judgments delivered (convictions, acquittals and those considering discrimination as an aggravating circumstance).



In addition to these figures, the report refers to the “hidden figure” of crimes that go unreported. While the number of these crimes is not known, evidence would indicate that it is very high, i.e. the results furnished by the Fundamental Rights Agency (FRA) in the EU Midis

Survey on Minorities and Discrimination<sup>2</sup> which calculates that 80% of the discriminatory acts in Europe go unreported; figure that the Committee for the Elimination of Racial Discrimination believes to be 96% in the case of Spain.

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<sup>2</sup> <http://fra.europa.eu/en/publication/2012/eu-midis-data-focus-report-6-minorities-victims-crime>





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





# 1. Awareness-raising campaign

## YoSoyTu (I am you)

In 2013, the then Directorate-General for Equal Opportunities (now merged into the Institute for Women and Equal Opportunity) conducted an awareness-raising campaign on diversity through the social networks mostly targeting adolescents under the slogan YO SOY TU (I am you). MÉZCLATE (mix)

The campaign's graphic support was a series of young people of different ethnic origin who are briefly introduced alongside the words: 'I am of a different sex, racial or ethnic origin, religion, ideology, age, capacity, sexual orientation. I help make the society more plural and full of alternatives. Respect me and long live diversity.'

The campaign's different activities were designed to attract the attention of adolescents between the ages of 13 and 17. It maintained a positive and participatory tone seeking their involvement and especially that of other agents and social institutions that, as intermediaries, are in a position to reinforce and multiply the awareness-raising effect (the family, social entities, the educational community and the media).

The following elements were included in the campaign:

- A promotional video of the project and posters for on-line dissemination, all available in Spanish, Galician, Catalan, Basque, Valencian and English. The video is also available in a narrated version for the blind.

**YO SOY TÚ**

Yo soy de diferente sexo, origen racial o étnico, religión, ideología, edad, capacidades, orientación sexual.

Yo contribuyo a que esta sociedad sea más plural y esté llena de alternativas.

**Respétame y vive la diversidad.**

**#mezclate**

Participa en nuestro:  
CONCURSO **#mezclate**  
Y VIVE LA DIVERSIDAD

[www.mezclate.es](http://www.mezclate.es)

Facebook, Twitter, YouTube icons

QR code

MPO/18013/005-S



- On-line art contest focusing on: music, photography and storytelling, used to disseminate artistic initiatives promoting diversity and non-discrimination among adolescents.
- Web platform ([www.mezclate.es](http://www.mezclate.es)) for the art contest, specialised teaching resources and information on the social and institutional resources available for those seeking guidance or assistance.

The project was publicised through the most popular social networks used by the target population and the popular actor, rap artist and YouTuber, JPelirrojo, was on hand to help make the messages go viral.

A new version of this same campaign will be launched in 2015 in light of its popularity and the funding received

from the European Union Programme for Employment and Social Solidarity (PROGRESS JUST/2013/ PROG/ AG/AD) earmarked to fund good national practices promoting equal treatment and non-discrimination.

In this new version, the campaign's materials and creativity will be updated and new material introduced to foster participation and offer information on topics not covered in the first edition such as discriminatory harassment, anti-rumour networks, etc. Of course, a new edition of the On-line art contest will be held focusing on music, photography and storytelling to disseminate artistic initiatives promoting diversity and non-discrimination among adolescents. There will be two institutional events: the first to kick off the campaign and the second at the end which will include the awards ceremony.



## 2. Hate crime action protocol for police and security forces

On 15 December 2014 the Secretary of State for Security, Francisco Martínez, chaired the inauguration of the first Action Protocol for Police and Security Forces in Cases of Hate Crime.

The Protocol is a document that systematically lists all of the aspects that a police officer should be familiar with and take into consideration when responding to a hate crime. It covers issues ranging from what should be included in the reports (such as polarisation factors) so that judges and prosecutors know from the very outset what they are dealing with, to how to appropriately attend to victims and the importance of maintaining permanent contact with social representatives.

The Secretary of State for Security stressed that this Protocol marked the first time that police forces were provided with a tool to help identify and standardise police practice.

Francisco Martínez stated that protection of society's most vulnerable and the fight against discrimination and hate crime is a priority that the Ministry of the Interior has been working on since the beginning of the legislative period and that this Protocol would serve to build a long human chain of professionals from the media, police and security forces, NGOs and the society at large, all coming together to help the victims of these crimes to report them and in the early identification of hate speech resulting in physical, psychological and verbal violence.

This Protocol, together with the first report on the evolution of hate crimes in Spain in 2013 drawn up by the Secretariat of State for Security, has given visibility to victims of this type of crime, has helped develop more effective security policies to protect fundamental rights and provides support to other ministries offering assistance.

This Action Protocol for Police and Security Forces provides an overview of all the conducts violating criminal or administrative law and includes polarisation indicators listing the evidence that must be compiled and incorporated into police reports so that prosecutors and judges have sufficient rational evidence of criminality allowing them to issue indictments and, as the case may be, convictions.

The so-called doctrine or culture of hatred is not only spread through conferences or speeches made before groups of people; many criminal groups use the Internet and social networks for this purpose. That is why the Ministry of the Interior included a specific section in the action Protocol to pursue crimes committed using the Internet.

The measures suggested by the Ministry of the Interior to fight against this sort of criminal practice include a special section of the Ministry of the Interior web page (<http://www.interior.gob.es/es/web/servicios-al-ciudadano/delitos-de-odio>) that provides information and support to victims, families, friends and others. Also, the creation of the figure of the social interlocutor will contribute to closer ties with the civil society and serve as a communication bridge between the different stakeholder groups. Brochures will be distributed in several languages to transmit the basic information and raise societal awareness.

Support for victims of hate crimes offered through the Ministry of the Interior website includes basic information on what a hate crime actually is, why it must be reported and other links of interest, supplemented by information brochures to help identify and, where appropriate, report these crimes to police and security forces.

The action Protocol for police forces and web page support will contribute to making victims more visible and thus providing them with better services. These two elements, together with greater emphasis on training and awareness-raising among police and security forces, will help increase the number of complaints filed so as to more effectively fight this type of crime.

The drafting of the protocol, the web page and the victim support brochure, together with the far-reaching reform of the reporting and registering of incidents linked to the Criminal Statistics System, puts Spain at the vanguard of European countries in the fight against this phenomenon as attested to in the most recent report of the European Union Agency for Fundamental Rights (FRA).

In summary, the aim of this Protocol and the web page is to give greater visibility to victims, enhance training and awareness-raising of police forces, improve care



given to victims, facilitate the filing of complaints, enhance the accuracy of the reports sent to judges and prosecutors and complete the discrimination map.

For more information see:

<http://www.interior.gob.es/web/servicios-al-ciudadano/delitos-de-odio>



# 3. Investing in equality and non-discrimination: towards more efficient and inclusive public policies

## I. Training manual for the transversal application of the equality and non-discrimination principle in the design, execution and evaluation of public policies.

In 2013 and up until June 2014, the then Directorate-General for Equal Opportunity (now the Institute for Women and Equal Opportunity), in collaboration with the National Institute for Public Administration, has developed a project co-financed by the European Commission under the Progress Programme, to enhance training and capacity building of high-ranking public administration officials regarding the incorporation of the equal treatment and non-discrimination principle in their daily work. This covers all stages of the public policy cycle, i.e. from design to implementation and execution to evaluation. This is what is known as mainstreaming the equal treatment and non-discrimination principle.

As this requires good training tools, a training manual was compiled with the technical assistance of the consulting firm *FRESNO the right link*.

This manual was conceived to raise the level of knowledge of public administration managers and pre-managers regarding the cross-cutting application of the equality and non-discrimination principle in the design, execution and evaluation of public policies for the purpose of incorporating said principle into the professional practice and the organisational environment of their day to day activity.

The manual is divided into two blocks:

- Block 1: "Learning about equality", furnishing key introductory information. The six sections in this block offer general information with bibliographical referen-

ces that can be used by those who want to delve deeper into the material. Issues related with the concept of discrimination, applicable law, mediation and the compiling of data on discrimination are addressed, as are specialised bodies and the benefits of diversity.

- Block 2: "Practical tools for the cross-cutting application of the principle of equality and non-discrimination" describes a series of tools that can be used to design, implement and evaluate public policies and manage public services, a human resources team or a department. It includes examples and references to experiences that can be useful in implementing the different tools presented.

This manual also supplements a programme designed to train government programme managers regarding how to enhance the transversal application of the equality and non-discrimination principle. It is also available for all departments that want to organise courses or training initiatives on this subject.

This Manual was compiled by combining an analytical model based on secondary sources with a participatory method through discussions and qualitative social research techniques in which approximately 150 people participated, mostly from public administrations (General State Administration, Autonomous Communities and local administrations), but other key players as well, namely trade unions, public enterprises and NGOs.

It is a publication of the Deputy Directorate-General for Equal Treatment and Non-discrimination of the Ministry of Health, Social Services and Equality (now part of the Institute of Women and Equal Opportunities). It can be downloaded at the following link:



[https://www.msssi.gob.es/ssi/igualdadOportunidades/noDiscriminacion/documentos/Manual\\_cast\\_invertir\\_igualdad.pdf](https://www.msssi.gob.es/ssi/igualdadOportunidades/noDiscriminacion/documentos/Manual_cast_invertir_igualdad.pdf)

## II. Promoting equality and non-discrimination through European Structural and Investment Funds 2014–2020.

### *Guidelines and recommendations for intermediate bodies and fund beneficiaries*

This guide was compiled with a dual purpose in mind: to guide intermediate bodies and beneficiaries of European Structural and Investment Funds 2014–2020 (EIE funds) and to apply the equality and non-discrimination principle in the management of said funds.

In this connection, the guide offers practical recommendations, examples and experiences designed to inspire intermediate bodies and fund beneficiaries on what types of actions and measures are the most effective when applying this principle.

The guide is divided into four blocks:

- Block 1 describes the main novelties in the new regulation that will directly affect the 2014–2020 EIE Fund management cycle, from the planning and implementation phase to monitoring and evaluation.
- Block 2 offers guidelines on how to apply the horizontal principle of equality and non-discrimination.
- Block 3 includes practical recommendations on how to design and implement operations related to the in-

vestment priority “combating all forms of discrimination and promoting equal opportunity”, in line with the actions and measures laid down in the Association Agreement between Spain and the European Union. For each of the challenges included in the Association Agreement, there is a description of the challenges faced, the most effective actions and measures to address those challenges and success stories that can serve as a reference.

- Block 4 offers an overview of the most important issues in the area of equality and non-discrimination (key concepts, applicable laws, specialised institutions and bodies).

This guide is especially intended for administrative and managing units and intermediate bodies of all EIE funds (ESF, ERDF and EAFRD) of the General State Administration and Autonomous Communities and for bodies that, while not attached to the public administration, are going to be involved in the management of operational programmes (in the case of the ESF, several private intermediate bodies are expected). It is also intended for units responsible for fostering and promoting the equality and non-discrimination policies of the public administrations (national, regional and local).

It is a publication of the Deputy Directorate-General for Equal Treatment and Non-discrimination of the Ministry of Health, Social Services and Equality (now part of the Institute of Women and Equal Opportunities), in collaboration with the Directorate-General for Autonomous Work, Social Economy and Social Responsibility of Undertakings of the Ministry of Employment and Social Security. It can be downloaded at the following link:

[http://www.msssi.gob.es/destacados/docs/Guia\\_Inclusion\\_social\\_y\\_Fondos\\_estructurales.pdf](http://www.msssi.gob.es/destacados/docs/Guia_Inclusion_social_y_Fondos_estructurales.pdf)



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

The Roma community is Europe's most rejected ethnic minority. The aim of the NET-KARD project is to address this reality by enhancing the transfer of already existing methodologies in the fight against discrimination of the Roma people in the different countries participating in this project.

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 NET-KARD project is funded by the European Union Fundamental Rights and Citizenship Programme (DG Justice) and the implementing association is composed of the following organisations: Fundación Secretariado Gitano (coordination), EAPN – European Anti Poverty Network/ Portugal (EAPN Portugal), Alto Comissariado para a Imigração e Diálogo Intercultural, I.P. (Portugal), Centrul de Resurse Juridice (Romania), Fundatia Secretariatul Romilor (Romania), Ufficio Nazionale Antidiscriminazioni Razziali (Italy) and IISMAS – Istituto Internazionale Scienze Mediche Antropologiche e Sociali (Italy).

The richness of this association ensures a comprehensive approach to the fight on discrimination: National equal treatment bodies, NGOs with experience in supporting the Roma community, academic experts, police forces and legal organisations from Spain, Portugal, Ro-

mania and Italy work together to implement the project and disseminate 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 for victims. To achieve this goal, the project's methodology is based on the creation of networks among key actors.

Several work seminars were held in 2013 in Spain and Italy to conduct a comparative analysis of the legal framework applicable to discrimination and to identify the main impediments standing in the way to the proper defence of rights in the case of Roma victims.

In 2014 a national seminar was held in each partner country and an international conference was held in Madrid with key agents from 10 European countries to promote networking among professionals in this field.

Four NET-KARD handbooks were also published under this project targeting the four key agents (journalists, jurists, NGOs, and police) to provide them with tools and useful examples of how to combat anti-gypsyism. The handbooks are published in 5 languages and are available at:

[https://www.gitanos.org/que-hacemos/areas/igualdad\\_de\\_trato\\_y\\_no\\_discriminacion/netkard.html](https://www.gitanos.org/que-hacemos/areas/igualdad_de_trato_y_no_discriminacion/netkard.html)



# 5. PAYO TODAY, a humorous way to drive home a point with journalists

At the end of 2014 the Fundación Secretariado Gitano launched an awareness-raising initiative targeting journalists and the media. The main aim was to invite them to think about the responsibility they have in forming people's image of the Roma community.

The initiative consists of a four-page printed newspaper called *PAYO TODAY* (NON-ROMA TODAY), a video simulating a TV news programme and a dissemination strategy in the social networks. Humour is the fundamental ingredient. It turns the tables on media outlets that still make unnecessary mention of the ethnic group of those involved in news stories even when it does nothing to aid in the comprehension of the news item using inappropriate terms such as "reyerta" (brawl) "clan", "patriarch", "race"... ). *PAYO TODAY* features headlines such as: "The health department states that Payos are the source of the recent outbreak of Ebola (a parody of a real recent headline that read: "The Health Department states the Roma people are at the origin of the measles outbreak"), "Little payo Nicholas, symbol of his species", "Iglesias warns that he will eliminate the payo caste of 78" and many others.

This initiative is just part of the work that the Fundación Secretariado Gitano and other organisations are doing to call for fair media coverage that is better adapted to Spanish Roma today by drawing attention to some poor journalistic practices. Along these same lines, in 2010 we published the *Practical Handbook for Journalists. Equal treatment, media and the Roma community*.

The awareness-raising initiative *PAYO TODAY*, with the support of the Ministry of Health, Social Services and Equality and the European Social Fund, included the postal distribution of 4,000 copies of the "newspaper" to press, radio and television in all of Spain and it was hand-delivered at the entrance of some newspaper outlets by FSG workers.

The strategy employed in social networks was particularly relevant and to that end an Internet micro site was created ([www.payotoday.com](http://www.payotoday.com)) which contains the different elements of the campaign: PDF version of the newspaper (with changing content and even with the

participation of followers in the social networks with a headline contest); TV news programme; ten measures to improve the journalistic treatment of the Roma community; examples of "poor journalistic practices," etc.

Although this initiative targeted journalists, its broad acceptance by the media, its humour and the parallel social network strategy contributed to wide-ranging dissemination among the general public and was the subject of television reports on the programme called *El Intermedio* (channel 6), *La2 Noticias* (RTVE-Spanish Radio and Television), RTV News of Castile-Leon; on the radio (*A vivir que son dos días* of the SER, *Julia en la onda* of Onda Cero, etc.) and in print and digital press (*El País*, *Planeta Futuro*, and more than 30 other references.





## 6. Training activities implemented by the Fundación Secretariado Gitano

The Area of Equal Treatment and Non-Discrimination of the Fundación Secretariado Gitano has continued in 2013 and 2014 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.

Activities have mainly targeted jurists, law enforcement officials, workers at social entities and university students.

The FSG's Area of Equality participated in the following training activities through which it distributed information on equal treatment and the Roma community.

- Participation as receivers and givers of training in the activity called "Fundamental Rights Platform Meeting" organised by Youth-Jeunesse of the Council of Europe on 19 November 2013 at FSG headquarters in Madrid. This activity targeted a group of Roma youth and addressed the work being done to combat discrimination, types of racial and ethnic discrimination under European Directive 2000/43/EC and discussions on the concept of multiple discrimination in their everyday lives. A total of 16 young people took part in this training.
- Speakers at the "First Technical Seminar on academic success and the Roma community". This seminar was held on 22 November 2013 in Alcobendas in the conference hall of the ValdeASFuentes sports complex. The seminar focused on absenteeism and academic failure as the main educational problem facing the Roma community today and also addressed racial and ethnic discrimination in the classroom. 100 people, mostly educational professionals, attended.
- Organisation and participation in the "Equal treatment and Non-discrimination conference, understanding different realities" mainly targeting police and security forces in the region of Extremadura. This conference was held in Mérida and Don Benito on 3-4 December 2013.
- Training action under the I Training Scheme for Police and Security Forces of the Traffic, Citizen Safety, Transport and Civil Protection Council of the Don Benito Town Council (Extremadura).
- Participation in a training session organised by the Kamira Federation called "Strategic Litigation. Mechanisms to combat discrimination in the media. Participation of the Hate and Discrimination Crime Prosecution Service." This event was held in the conference hall of the Ministry of Health, Social Services and Equality on 19 December 2013. The main objective was to take a closer look at strategic litigation and how to respond to media communications when they can spark indirect discrimination in the light of the proposed amendment of Article 510 of the criminal code (incitement to discrimination) and the increase in the number of anti-hate prosecutors appointed throughout Spain.
- Participation in the seminar on Equal Treatment and Non-discrimination organised by the ERA (European Rights Academy) in Trier (Germany) held on 10-11 February 2014. This training mainly targeted interested lawyers in the sphere of equal treatment and non-discrimination of the different social organisations throughout all of Europe. 70 professionals attended the training.
- Presentation of Equality and anti-gypsyism research at the Faculty of Law of the University of Salamanca on 30 April 2014. Approximately 100 students attended that session.
- Participation in the "Technical Training Conference on Equal Treatment and Non-discrimination". This conference was organised by the Department of Employment and Social Policies of the Basque Government. It addressed the reality of equal treatment and non-discrimination from different perspectives and zoomed in on different groups: LGTB, the Roma community and immigrants. The conference was held on 21 May 2014 in the conference hall of the Bilbao hostel.
- Teaching module on Discrimination and the Roma Community at the Public University of Navarre (Pamplona). This activity forms part of the Specialised Course on social intervention with the Roma commu-

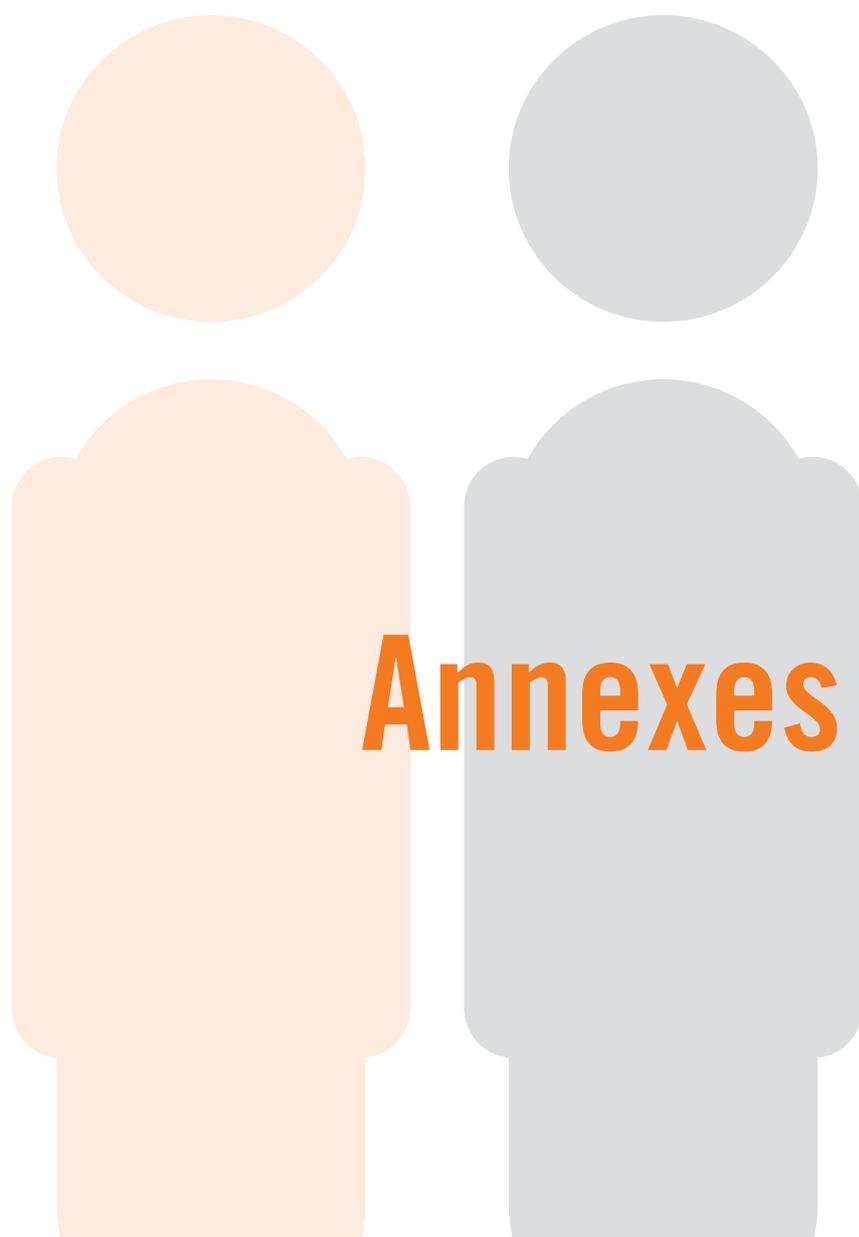


nity. Participation in the II in-person session held on 30 and 31 May 2014. 25 students attended.

- Speakers at the training course on diversity for high-ranking officials of the Madrid local police in collaboration with the Platform for Police Management of Diversity. Held on 10 and 11 June at Madrid's local police training facility. 80 students attended.
- Internal training course on Equal Treatment and Gen-

der Equality targeting FSG staff in Santiago de Compostela (Galicia) on 23 June 2014. 22 professionals attended the training.

- Organisation and teaching of a training conference on "Equal Treatment and Roma community" for police forces. This initiative was in collaboration with the local police of Vigo and was held on 26 June 2014. 40 local police officers attended.



# Annexes



# Annex I: Legislation in force

## National

- Draft version of the Crime Victim Statute. September 2014. 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 recast text of the Law on social order infractions and penalties.
- Organic Law 4/2000 of 11 January on the rights and freedoms of aliens in Spain and their social integration.
- Action protocol for law enforcement officials when dealing with hate crime and violations of anti-discrimination law. Official Gazette of the Guardia Civil, No 1, Section 1, p. 51-108, 7 January 2015.
- Law 11/2014 of 10 October 2014 guaranteeing the rights of lesbians, gays, bisexuals, transgenders and intersexuals and to eradicate homophobia, biphobia and transphobia. Autonomous Community of Catalonia.

## European Union

- Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).



- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.
- Council Directive 2000/43/EC of 29 June implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.
- Charter of Fundamental Rights of the European Union. OJEC C, 364/1 of 18 December 2000.
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 laying down minimum standards on the rights, support and protection of victims of crime, replacing Council Framework Decision 2001/220/JHA.

## International

- Instrument of ratification of the Convention on the Rights of persons with disabilities done at New York on 13 December 2006, ratified by Spain on 23 November 2007. Official State Gazette (BOE) No 96 of 21 April 2008.
- Instrument of ratification of the Framework Convention for the Protection of National Minorities (number 157 of the Council of Europe) done at Strasbourg on 1 February 1995. Official State Gazette (BOE) No 20 of 23 January 1998.
- Resolution of 5 April 1999, Convention for the protection of human rights and fundamental freedoms, BOE-A-1999-10148 (Council of Europe).
- The Universal Declaration of Human Rights adopted by the General Assembly in Resolution 217 A (III) of 10 December 1948.
- International Covenant on Economic, Social and Cultural Rights adopted and open for signing, ratification and accession by the General Assembly through Resolution 2200 A (XXI) of 16 December 1966.
- International Covenant on Civil and Political Rights adopted and open for signing, ratification and accession by the General Assembly through Resolution 2200 A (XXI) of 16 December 1966.
- Discretionary Protocol of the International Covenant on Civil and Political Rights adopted and open for signing, ratification and accession by the General Assembly through Resolution 2200 A (XXI) of 16 December 1966.
- Second Discretionary Protocol of the International Covenant on Civil and Political Rights to abolish the death penalty adopted and open for signing, ratification and accession by the General Assembly through Resolution 44/128 of 15 December 1989.

- International Convention on the Elimination of all Forms of Racial Discrimination adopted and open for signing, ratification and accession by the General Assembly through Resolution 2106 A (XX) of 21 December 1965 CERD.
- 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.
- 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.
- ECRI General Policy Recommendation No 13 on combating anti-gypsyism and discrimination of Roma, Council of Europe 24 June 2011.



# 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>
- Dosta! 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.asp](http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/default_en.asp)

- ERIO  
<http://www.erionet.eu/>
- EUROMA  
<http://www.euromanet.eu/>
- EU DG Justice  
[http://ec.europa.eu/justice/discrimination/roma/index\\_en.htm](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/partners/women/international-roma-womens-network/>
- 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](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](http://www.echr.coe.int/Documents/FS_Roma_ENG.pdf)







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