

# Discrimination and the Roma community



## Special Issue on **ANTI-GYPSYISM**

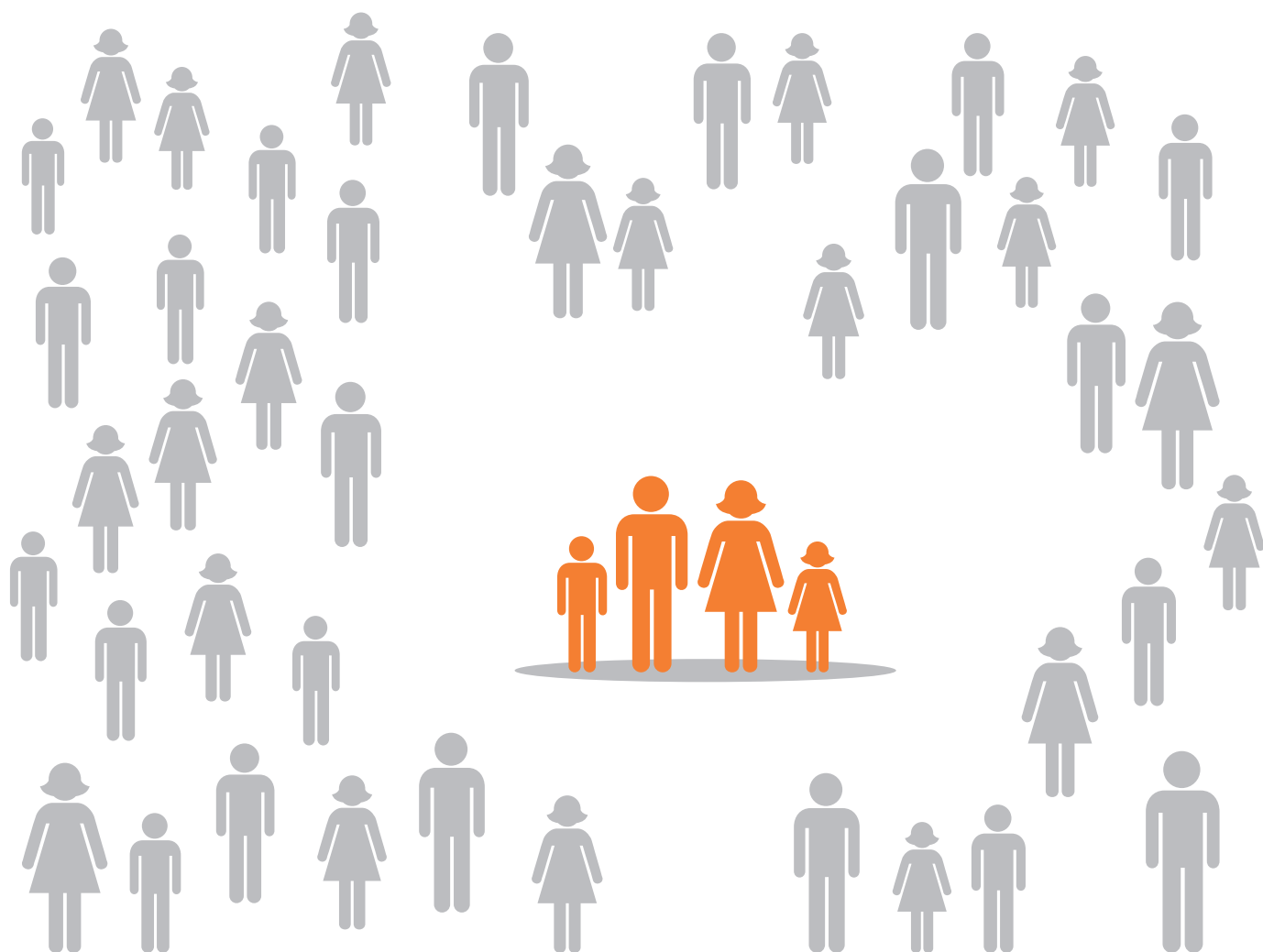
Opinion pieces, analyses and bibliography

Presentation of 154 cases of discrimination and hate crimes, 2015

Progress and bests practices in the fight against discrimination



# Discrimination and the Roma community



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Presentation of 154 cases of discrimination and  
hate crimes, 2015

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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 XII Report on Discrimination and the Roma Community. For 12 years running we have published this report whose main objective is still to raise awareness about and denounce discrimination which unfortunately continues to plague the Roma community. The report describes **154 cases of discrimination** and zooms in on a central theme, “anti-Gypsyism”, while also highlighting progress and best practices in this area.

This year’s report addresses a central theme, **anti-Gypsyism**, a necessary term to refer to a specific type of racism manifesting itself through violence, hate speech and discrimination against the Roma people. We believe that the use of this term marks progress in shedding light on the social rejection of this segment of society and it is vital that this not go unnoticed or be watered down by using more general terms. It is essential to analyse this specific type of racism and promote solutions, as we are facing a major social problem that must be solved with the tools provided by democratic states and rule of law. We find ourselves before a type of racism that triggers an array of actions that undermine the right to dignity, the right to equality and the integrity of this ethnic minority. Rights that are recognised and protected in our legal system and under international law but which are violated time and again for simply being Roma.

The cases we record annually confirm that anti-Gypsyism is an obstacle to equal opportunity insofar as the exercise of other social rights such as employment, education and housing is equally essential for a dignified life. Therefore, in order to move forward in the inclusion of the Roma community and the exercise of citizenship, it is absolutely necessary to end all forms of discrimination. To that end, the FSG will continue to promote and reinforce this strategy with staff members specialised in this field in 28 municipalities.

For over 11 years, the Fundación Secretariado Gitano’s (FSG) Department of Equality has been recording cases and assisting and advising Roma who are repeatedly subjected to every-day ‘low intensity’ discrimination. But make no mistake about it, this discrimination is insidious (e.g. people refuse to sell or rent Roma a home, they are not invited to job interviews, they are refused entry to shops, they are denied places at school, they are scorned when taking public transport, they are subject to racist comments in public, etc.). We also encounter violent cases of discrimination in the form of hate speech and hate crime, quite commonplace in social networks in Spain (“Gypsies belong in the gas chamber” or the web page called “Death to all Gypsies”), and racist neighbourhood demonstrations to expel Roma from towns. Unfortunately in some other European countries, there are a great many expulsions and violent attacks.

We believe that it is high time to promote one of the basic pillars of modern democratic nations, dignified and equal treatment of people, and to that end we will work to make the authorities fulfil their constitutional mandate under Article 9.2 which ensures the protection of the fundamental rights of all people, specifically the Roma people. We are also working to empower victims of discrimination, paying particular attention to



Roma women given the importance of informing them of their rights and of the tools at their disposal to defend themselves.

We must ensure that the three branches of our government—executive, legislative and judicial—take action to defend the fundamental right to dignity and equality as this will give rise to an important social benefit, namely the building of a tolerant, cohesive and intercultural society. Moreover, it is vital that third sector organisations working for the promotion and defence of fundamental rights team up with us in defending the trampled rights of the Roma community. In conclusion, we need to build a better society, and if part of our society is a victim of permanent and paralysing racism, then we must be doing something wrong. We must all join forces to turn this situation around.

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

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

Lastly, we are grateful for the collaboration of Manuel Angel Río, Ramón Flores, Helios Garcés and Valeriu Nicolae, professionals who work day in and day out to defend equality. Also, a special thanks to all the victims of ethnic discrimination who have put their trust in our Foundation for 12 years now and have come to us for help in defending their rights. For all of these reasons, the FSG will continue to work forcefully to defend the right to equality and combat anti-Gypsyism.

*Sara Giménez Giménez*

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



**Cases of  
discrimination**



# Conclusions

An analysis of the 154 cases recorded in 2015 shows that **cases of discrimination against Roma are still very prevalent in Spanish society** in all areas of social life: negative image in the media, hate speech, discrimination in access to employment and housing, exclusion from leisure centres, etc.

## The issue of under-reporting must be addressed

- One thing that is particularly striking is that in **the vast majority of cases, victims do not report discrimination** despite the fact that such acts are an affront to their self-esteem and dignity. Fear of reprisals, complex procedures, ignorance of their rights or how to exercise them should be taken as warning signs indicating that our country is very weak when it comes to protecting or defending people's rights in the face of racist acts.

## A response from the judicial sector is urgently needed

- Another important conclusion emerging from these data and the scant compensation and number of legal judgments actually handed down, is **that there are serious shortcomings in legal defence mechanisms and access to justice**. We believe that greater agility and coordination among key stakeholders is needed, as is **better investigation of the facts by police and prosecutors. Evidence and testimony needs to be gathered swiftly and effectively and investigations should be conducted at their own initiative** rather than waiting for complaints from individuals or witness statements.

## Multiple discrimination against Roma women

- The data collected this year also show (and this is just the tip of the iceberg since the vast majority of cases are never brought to our attention) that Roma women are victims of discrimination more often than men. **The fact is that Roma women face multiple discrimination, i.e. for being Roma and for being women**. Excessive surveillance in supermarkets, distrust in job interviews, refusal to rent to them and grotesque and over-the-top stereotypes on 'junk' TV programmes, target Roma women more often than men.

## It is important to talk about anti-Gypsyism

- We need to publicly denounce the fact that anti-Gypsyism remains a deeply rooted reality in Spanish society and in the rest of Europe. It is important to speak about anti-Gypsyism because it is a way to visualise, analyse and promote solutions to a specific sort of racism which gives rise to all kinds of discrimination, hate speech and hate crime towards the Roma community.

**Anti-Roma hate speech runs rampant with total impunity in the social networks and on the Internet.**

Text messages and comments that incite hatred and even the extermination of Roma are allowed in the media and on websites. While the recent reform of the criminal Code does include penalties for



such crimes, real and effective prosecution is virtually non-existent which renders such legal texts meaningless. The fight against anti-Gypsyism, a specific form of racism that has serious repercussions on the lives of thousands of people, should be a public policy priority. Just as the fight against gender violence has been on the political agenda for years and great strides have been made in improving care for victims and raising public awareness of the problem, combating anti-Gypsyism should also be a clear and visible challenge for policy makers who need to promote concrete measures supported by reasonable budgets. In this regard, the adoption of a comprehensive law on equality, including preventive, awareness-raising and punitive measures, and support of the work of the Council for the Elimination of Racial and Ethnic Discrimination, would be an important step forward in defence of the right to non-discrimination.

Real equality for Roma citizens is still a pending challenge for society; progress in this connection would enhance democracy in society at large making it more dignified and just.

# Recommendations

With a view to addressing and effectively solving the aforementioned problems, we propose the following recommendations:

1. We recommend more proactive policies and campaigns targeting vulnerable groups, including Roma, informing the latter of their rights and the resources available to them to report cases of discrimination, the objective being to improve their access to the complaint process and increase the visibility of these cases.
2. A more proactive attitude on the part of hate crime and discrimination services of provincial prosecutors' offices is needed as is heightened awareness on the part of judicial practitioners (court clerks, judges, lawyers, etc.) and security forces (national, regional and local police) as to the need to stress the discriminatory or hate component of many incidents and complaints filed in Spain. We must put an end to legal impunity prevailing in many of these cases and send a clear message to potential discriminators that such acts will not be tolerated under the Rule of Law.
3. As discrimination affects Roma men and women differently, we would like to call on equality agencies and services and governments responsible for ensuring effective equality between men and women to take account of these situations where the ethnic component must be addressed from the perspective of gender and to adapt their services and campaigns to this reality.
4. We also call on the media, especially television, to paint a realistic picture of the diversity of the Roma people and to refrain from using this minority for commercial purposes. This means being particularly careful with the negative way that Roma women are often portrayed. Presentation of the Roma people through stereotypes does serious damage to the image of this community and, in turn, fans the fires of anti-Roma racism, hostility and discrimination. The media must assume their responsibility in this connection as opinion formers and disseminators of public image.
5. We recommend the implementation of more effective and visible measures against hate speech on the Internet and in the media, not only through criminal prosecution but also by means of prevention campaigns that heighten society's awareness of the damage caused by racist hate speech in the lives of many people, including specific campaigns against anti-Gypsyism.





# Cases of discrimination gathered by the FSG in 2015

## Cases in the media

- 1. National. Television. Direct discrimination.** In December 2014, following the broadcast of the Christmas lottery on Spanish Television, a special programme was broadcast called The Morning on Channel 1 which connected to various points in Spain where people had won the most important lottery prizes. Among other cities, the programme hosted by Mariló Montero went to Leon where a reporter interviewed some local lottery winners, specifically a Roma family.

During the program the presenter interviewed several Roma, one of whom explained his work as a painter and jewellery maker. Minutes later, the Spanish television host said: "A Gypsy is always a Gypsy. He'd sell you a bridge if he could."

<http://www.elplural.com/2014/12/22/la-ultima-de-marilo-es-gitano-puro-esta-vendiendote-la-moto/>

We feel comments like these are inappropriate as they reinforce the negative stereotype depicting Roma as cheats.

- 2. National. Film: Direct discrimination.** In July 2015 the Bajo Ulloa film called "Rey Gitano" (Gypsy King) premiered. We received several complaints from Roma and non-Roma viewers saying that the film, under the guise of humour, featured many stereotypes and clichés about the Roma community, many of them negative.



CASO 2

- 3. National. Press. Direct discrimination.** A newspaper story appeared LA RAZÓN newspaper under the headline: "Tenant of an evangelist Gypsy". The story claimed that one of the main suspects in what was known as "Operación Neptuno" had been arrested for threatening a witness. This was the police case in which several fans of the Atletico football club killed a man called Jimmy, a young fan of the Riazor football club.

According to the story, the suspect rented a flat owned by an "Evangelist Gypsy". This fact had nothing to do with the story but nonetheless was part of the headline.

The news story was biased in the sense that it linked the Roma community with crime and violence. Even though the detainee was not Roma, the headline encouraged readers to associate Roma with the crime.

The FSG wrote the newspaper pointing out this poor journalism and as a result of the complaint it withdrew the story from its online edition a few days later.



CASO 3

- 4. National. Newspaper. Direct discrimination.** The ABC newspaper published a story on 12 January 2015 about a fight between two people in a bar in the town of Barajas. The dispute led to an assault with a firearm; one of the men shot the other with a shotgun seriously injuring him.

The brief news item mentioned three times that the assailant was Roma, a fact totally irrelevant to the story. The secondary headline drew attention to the man's ethnicity: "The alleged assailant, 78 and Roma". The article then reiterated that the "shots were taken by a 78-year-old Roma man", and then for the third time in the final paragraph under the secondary headline "Roma feud", the article explained that the assailant had had a previous argument with another Roma man.

This repeated mention of the ethnic background of the assailant in the context of a story about a violent crime immediately identifies Roma and crime.

<http://www.abc.es/madrid/20150112/abci-tirotea-cliente-error-201501121414.html>

- 5. National. Television. Hate speech.** In January 2015 the TV channel 'Telecinco' expelled the Chunguitos as contestants on the TV show 'Big Brother VIP' because of homophobic statements they made during the programme.

Despite the immediate and welcome statement published by the National Federation of Lesbians, Gays, Transsexuals and Bisexuals asking people not to identify the entire Roma community with these statements (limiting their criticism of the homophobic comments to the two people involved), the news of the expulsion sparked numerous anti-Roma outbursts in social networks accusing all Roma of being homophobic and encouraging anti-Roma hate speech in various media.

This is an example of a racist phenomenon called 'homonationalism' which consists of using a persecuted or discriminated minority to discriminate against another minority (in this case, using the LGBT community to argue that "all Roma are homophobic" in an attempt to justify anti-Roma racism).

<http://www.ideal.es/gente-estilo/201501/14/chunguitos-lian-nuevo-prefiero-hijo-deforme-antes-maricon-20150114194525.html>

- 6. National. Television. Hate speech.** In February 2015, Channel 4 TV broadcast a programme called 'The Gypsy Kings' starring the brothers Juan and Jose Salazar, popularly known by their stage name The Chunguitos.

The programme featured a continuous display of luxury and excessive opulence, something quite alien to Spanish Roma families.

Portraying such a distorted image could even lead to 'incitement to hatred' towards Roma by others facing situations of exclusion. Proof of this is that only a few minutes after the beginning of the broadcast, people began publishing numerous anti-Roma comments on social networks (hate speech).



CASO 6





Although the people on the show were individuals or families who only represent themselves, the programme constantly identified the term 'Gypsy' (in the title of the programme, advertisements, voices in off and the stars themselves) with the image of the Roma community as a whole.

The selection of characters and families deliberately provoked unhealthy morbose curiosity and sensationalism and the characters are whimsical and only interested in money and luxury and are also illiterate, uneducated and rude. In other words, the programme deliberately used stereotypes and caricatures in a format conforming to all of the conventions of 'junk TV'.

For all these reasons, the State Council of the Roma People issued a statement of complaint in various media and also sent a letter directly to the producer of the programme. Despite these complaints, Channel Four decided to continue with the broadcast throughout 2015 and launch a new season in 2016.

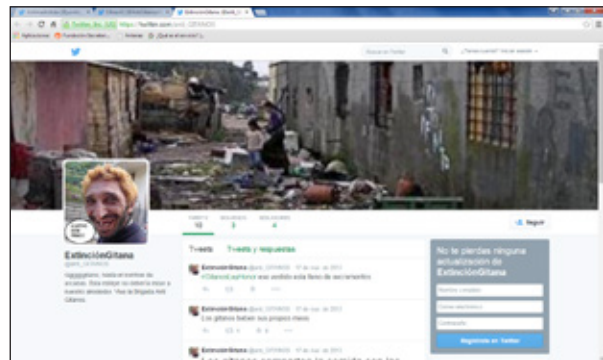
**7. National. Social networks. Hate speech.** Twitter has become an ideal media for the spread of anti-Roma hate speech. In 2015 the FSG detected multiple accounts with clear anti-Roma content featuring humiliating and insulting messages designed to tarnish the image of the Roma people and link Roma to delinquency and crime.

[https://twitter.com/yonkis\\_gitanos](https://twitter.com/yonkis_gitanos)

<https://twitter.com/AntiGitanosAE>

[https://twitter.com/anti\\_GITANOS](https://twitter.com/anti_GITANOS)

The FSG filed complaints against these accounts through Twitter's complaint tool but they have not been removed.



CASO 7



CASO 8

8.

**National. Internet. Hate speech.** In early 2015 the FSG's Department of Equality and Anti-Discrimination detected a web page designed to slander and insult the Roma people.

<http://es.metapedia.org/wiki/Gitanos>

The page mimicked the Wikipedia format but the focus of its articles is racist, supremacist and extreme right-wing.

Texts such as the following can be found among the voluminous racist content targeting Roma:

"Their extremely uncivil behaviour, high crime rate and their tendency to abuse children (even their own) are just some of the reasons why they are considered undesirable and one of the races most despised by the entire world. They are feared for abducting children and then forcing them to beg on the streets."

The FSG sent a letter to the webmaster of that site denouncing this discriminatory and racist content and requesting the removal of such anti-Roma material but received no response.

**9. National. Television. Tarnishing the image of the community.** On 25 May 2015 a new TV series call "Anclados" (Anchored) was launched. It is produced by Mediaset and Globomedia and broadcast during prime time on Telecinco (Channel 5) and affiliated stations.

It is a comedy that stereotypes certain groups and social classes. Characters include the posh, low-class cleaning woman, the wanna-be-policeman security guard, the Nazi work boss, the typical Andalusian and the Asian-Catalan.

There is also a Roma character (Raimundo Heredia) and several of his relatives (mother, cousin) portraying the absolute worst stereotypes of the Roma community: drugs, crime, slums and stereotyped language and expressions.

Although the character of Raimundo is depicted in a supposedly positive light (ex-prison inmate who wants get back into society and study law), the general portrayal of the Roma characters and the comments and generalisations made by other characters, especially the security guard, about the Roma community are particularly grotesque: "I wasn't referring to a person. I said a Gypsy." "A very dangerous Gypsy, as if there was any other kind." Lawyers? Nothing but defenders of terrorists, criminals and Gypsies."



The social organisations comprising the State Council of the Roma People, including the FSG, drafted a press statement and wrote a letter to the producer denouncing the serious damage that this programme has caused to the image of the Roma community and their dignity.

- 10. National. Press. Direct discrimination.** On 2 July 2015 the newspaper El Correo de Andalucía ran a story in digital format about an altercation between Roma and police at a hospital in Seville. The article repeatedly referred to the ethnic background of those involved and used the term "Gypsy clan". This information was not all relevant to the news story and only serves to reinforce negative stereotypes about the Roma community.

<http://elcorreoweb.es/sevilla/tres-detenidos-y-seis-heridos-en-una-pelea-en-el-virgen-del-rocio-AA552570>

- 11. National. Press. Direct discrimination.** On 4 July 2015 the newspaper Ideal de Granada published a story about a shooting that occurred in Linares (Jaen). The author used exaggerated language (machine guns, gunslingers, imminent death, war) and made numerous references to the fact that those involved were Roma, characterising the latter as members of "rival clans" (Mallarines and Pikikis).



This way of reporting the news creates a link between the Roma community and crime which, in turn, fans the fires of anti-Roma social discrimination.

- 12. National. Internet, social networks. Hate speech.** In July 2015 we detected a Facebook page entitled "LH Anti-Gypsies" devoted to spreading hate speech against the Roma community.

We reported this page to Facebook with the tool they designed for this purpose. A few days later Facebook replied indicating that the page did not violate its rules. However, after filing a second complaint, they finally eliminated the page and sent us the following notification:

"We have removed the content that you reported (group).

We reviewed the group that you reported and found language inciting hatred. As this violates our community rules, we removed the page. Thank you for your complaint. We have informed LH ANTI-GYPSY of our decision but made no mention of the party that filed the complaint."

This is an example of dissemination of hate speech in social networks. It also goes to show that reporting tools must be used as sometimes they are effective in getting such pages eliminated.

- 13. National. Internet. Hate speech.** On 20 July 2015 the FSG filed a complaint with the Attorney General's Office requesting the closure of the website 'Death to the Gypsies'.

The site includes numerous anti-Roma racist statements and incites violence against this community. This is a flagrant violation of our laws and the rights of individuals insofar as it is an indisputable crime of hate speech.

On 30 July 2015 the prosecutor's office informed us that it would investigate that page to locate the parties responsible with the help of the prosecutor of the computer crime office.

It later reported that it was unable to remove the page as it was hosted on a server in the US. We were offered the possibility of requesting an international Letter Rogatory either through the prosecutor's office or directly by the FSG.



CASO 13

- 14. National. Press. Direct discrimination.** On 28 June the newspaper Mediterráneo Digital ran a story under the headline:

Roma man arrested in Valencia for having 670 birds in the boot of his car.

This is another example of poor journalism. Mentioning the ethnic group of the detainee in a story of this kind adds nothing and only serves to strengthen negative stereotypes about the Roma community.

<http://www.mediterraneodigital.com/sucesos-espana/ultimas-noticias-sucesos-espana/detenido-un-gitanoen-valencia-por-llevar-670-pajaros-en-el-maletero-del-coche.html>



CASO 14

- 15. National. Press. Direct discrimination.** Following the publication of an article in the newspaper *El Periódico* about attempted genocide of Roma in Spain, several comments from readers and anti-Roma racist content were published.

<http://www.elperiodico.com/es/noticias/sociedad/genocidio-gitano-4396748>

*They do not respect the basic rules of co-existence; they feel superior, remain outside of society and frequently resort to boycott. They always play the 'racist' card when they want to conceal some sleazy behaviour. I'm 54 years old and I have always lived near them. Given their gregarious behaviour, they benefit from discrimination (with subsidies, of course)."*

*"Why is it that Gypsies are self-marginalised in all countries where they live. If they do not want to integrate, nobody will do it for them, and they do quite well for themselves; they contribute little to society, but receive all services... health, grants, housing... And in countries like Romania they 'spread' them across half of Europe. They pass the problem on to others. Enough is enough; repatriate them and let each country deal with their own Gypsies. They are just as likely to integrate as Muslims." It's up to you."*

This is another example of poor journalism. The media are responsible for monitoring the comments of their readers when they represent an affront to the dignity of individuals or social groups.



16.

**National. Press. Direct discrimination.** On 12 August the newspaper Mediterráneo Digital published a story under the headline: Boy in coma after a Gypsy man from Raval hit him in the head with a skateboard

<http://www.mediterraneodigital.com/portada/nacional/edicion-cataluna/barcelona/un-gitano-del-raval-de-jaen-coma-a-un-chico-dandole-en-la-cabeza-con-un-monopatin.html>

This is another case of poor journalism. Mentioning the ethnic group of the detainee in a story of this kind adds nothing and only serves to strengthen negative stereotypes about the Roma community.

This newspaper frequently mentions the ethnic background of suspects when crimes or violence are committed by Roma. Given this track record, and the fact that the editorial team is composed of well-known extreme right-wing people (Saenz de Ynestrillas, Vidal Quadras, Salvador Sostres, etc.) this anti-Roma journalistic approach can be interpreted as deliberate.

**17. National. Social networks. Hate speech.** A twitter user contacted the FSG to report an account that was spreading anti-Roma hate material.

We reported this account to the Twitter services for promoting hate speech and it was eliminated a few days later.

This is an example of how citizen cooperation and the work of associations can help reduce hate speech on social media with the help of the companies responsible for these networks.



CASO 17





CASO 18

### 18. National Internet. Hate speech.

In 2015 we found a personal blog by Josué Ferrer on which he published an article with anti-Roma and racist comments about Romanian Roma. Among other things he asserted:

Many blog readers added comments of the same type insulting the Romanian Roma community.

*"Make no mistake about it: Romanian Gypsies do not come here to work but rather to take advantage of those who do work. They do not contribute to our social security system but take from it in the form of handouts. They come to take advantage of us; to get free healthcare, education, school meal grants, free textbooks, public housing, social assistance, etc. Everything completely free of charge. And what do they offer us in return? Shanty towns, drug dealers, beggars, gorillas, organised crime, child pickpockets and tax evasion. Nothing good. There's a name for when a person lives at the expense of others without contributing anything positive in exchange: it's called parasitism. I applaud Berlusconi for having been brave enough to expel such lowlife from his country without worrying about what people would say."*

We wrote the author and explained that this kind of discourse, i.e. hate speech, is a crime and requested that he remove the article, to which he agreed. This article is no longer online.

### 19. National. Television. Direct discrimination.

In a 27 October 2015 broadcast at 12 noon, the programme called Espejo público (public mirror) reported on a series of conflicts that occurred at outdoor markets in Galicia involving some Roma families.

During the newscast, a video was playing on the right side of the screen which had nothing at all to do with story being told; it was not even filmed in Galicia and did not feature any of the people mentioned in the story. This video showed a group of Roma violently attacking other people and several cars with metal bars. According to a YouTube source, this video was actually filmed in 2014 and apparently in the Czech Republic. That is the conclusion drawn from the original video:

<https://www.youtube.com/watch?v=VSINP8sH-40>



Broadcast of that video over and over again while reporting the news made viewers believe that those images were recorded at the market in Galicia and that the perpetrators were Spanish Roma from that region of Spain. This is a clear act of journalistic manipulation, with the aggravating circumstance that it generates and disseminates a very negative image of the Roma community and, more specifically, of the Roma in Galicia who were the subject of the news story and whom viewers obviously identified with the violent people in the video.

Furthermore, the news programme emphasized that the people involved were Roma even though such information does nothing to help viewers understand the story but only contributes to creating a negative image of the Roma community.

The FSG wrote to the directors of Antena 3 TV denouncing the case. The directors responded by apologising and acknowledging their mistake but did not publish a rectification as we had requested.

We also reported this case to the Arbitration, Complaints and Ethics Commission of the Spanish Federation of Journalist Associations. They responded by requesting more information which we forwarded to them. To date we have not heard back.

**20. National. Social networks. Hate speech.** On November 6th the journalist Belen Rodriguez, who collaborates with the programme Big Brother, posted this comment on her twitter account: "comparing Sofía with Paula is like comparing God to a Gypsy. And now you can call me whatever names you want."

Her tweet received many responses criticizing this sort of discriminatory comment. The FSG also used the Twitter tool available to denounce cases such as these.

In the end, the journalist withdrew the tweet.



CASO 20

@belenrdguez tu tuit es racista. No pongo cuestiono tu profesionalidad pero una comunicadora no debe fomentar el trato discriminatorio.



**Belén Rodríguez T.L.** ✓  
@belenrdguez

No puedes seguir a @belenrdguez ni ver los Tweets de @belenrdguez. [Más información](#)

**21. National. Social networks. Hate speech.**

In November 2015 we came across a post by a Facebook user which, under the guise of humour, linked Roma with ignorance.

Although such posts use humour to deny any intention of discrimination or hatred, the fact is that they reproduce a stereotype which tarnishes the image of the Roma people by associating them with ignorance and lack of culture.



CASO 21

**22. National. Television. Direct discrimination.** During the special New Year's Eve programme on public Spanish Television (Channel 1), the comedian Jose Mota did a skit called Ocho apellidos payos (Eight non-Roma surnames—a parody of the well known Spanish comedy film called Ocho Apellidos Vascos 'Eight Basque Surnames' or 'Spanish Affair').

Under the guise of humour, the comic resorted to many stereotypes about the Roma people: ethnic purity, inbreeding, machismo, etc., while all the time allegedly imitating the way Roma speak:

<http://www.rtve.es/alacarta/videos/especiales-nochevieja-con-jose-mota/pais-cuento-ocho-apellidos-payos/2936317/>

Once again, humour and comedy are used as a pretext to mock and ridicule a minority, in this case Roma. Comedians wash their hands of the damage that programmes like this do to minorities. Maybe they should realise that the damage suffered by a minority which is often the brunt of mockery and which already has a bad social image, is not comparable to humour at the expense of a person or group with power and a positive image.



CASO 22



- 23. National. Press. Direct discrimination.** On 1 December 2015 the newspaper El Mundo reported on a neighbourhood in the Vallecas area of Madrid where conflicts were brewing between neighbours.

<http://www.elmundo.es/madrid/2015/11/30/565cafab46163fcd448b45f2.html>

The story highlighted the fact that some of those involved in the conflict were Roma thus linking them to violence and crime. As we have stated before, this way of reporting the news undermines the social image of Roma.

- 24. Navarre. The media. Hate speech.** On 11 February 2015, the newspaper Diario de Navarra ran a story on a fight between several young men and commented on the Roma ethnicity of two minors allegedly involved:

[http://www.diariodenavarra.es/noticias/navarra/mas\\_navarra/2015/02/10/fallece\\_menor\\_tafalla\\_herido\\_muy\\_grave\\_tras\\_una\\_pelea\\_194697\\_2061.html](http://www.diariodenavarra.es/noticias/navarra/mas_navarra/2015/02/10/fallece_menor_tafalla_herido_muy_grave_tras_una_pelea_194697_2061.html)

Such mention of ethnic origin is unnecessary and sparks some readers to take part in anti-Roma hate speech. In relation to this news story, the FSG received an anonymous email with the following message: :

*"Message: Hello and good evening. I write you to shit on your fucking dead and on the remains of your fucking mother. You receive your handouts of course because you are a marginalised race and you must integrate. Well you're well integrated in Tafalla where your 15 and 16-year-olds are killing 17 year old kids. Olé. HUMAN WASTE"*

- 25. National. Social networks. Hate speech.** A message was published on Facebook and a photo of a comment on Twitter regarding the Gipsy King TV show broadcast on Channel 4 on which Maribel ML makes some very serious racist comments about the Roma community:

"I hope you all exterminate yourselves" to name just one.

This goes to show that television programmes that stereotype Roma generate hate speech and discrimination.



CASO 25

- 26. National. Social networks. Direct discrimination.** A YouTube user (TorbeCanta) posted a song on his channel called "I'm a Romanian in Madrid" personifying a number of anti-Roma stereotypes (violence, sexism, poverty, crime). The video is clearly racist and xenophobic and sparked many anti-Roma comments on the YouTube channel itself.

<https://www.youtube.com/watch?v=hmjWDS-bMNg>

A young Romanian woman (non-Roma) responded to this video explaining that it "confuses Romanians with Gypsies" insisting that Gypsies are a different group (i.e. not Romanians) and that non-Roma Romanians have nothing to do with them (in her view, non-Roma Romanians are good people while Gypsies are not).

[https://www.youtube.com/watch?v=CKwdZUgQ8\\_8](https://www.youtube.com/watch?v=CKwdZUgQ8_8)

This is a particularly glaring case because the video recorded by the young Romanian (Tatiana Sofia) is in response to a racist and xenophobic video, but in her reply she herself proves to be racist as she only values non-Roma Romanians while disparaging Romanian Roma.

The FSG denounced both videos but they were not removed either by their authors or by YouTube.

- 27. A Coruña. The media. Hate speech.** The newspaper El Ideal Gallego, published two news stories, one on the 7th and the other on the 10th of January 2015, about a kidnapping: :

*"Resident of the Conservera Celta shanty town arrested for enslaving an indigent person". The article claimed that the person arrested was a "Portuguese Gypsy" and it employed discriminatory language when referring to him as a "member of a Gypsy clan from the village of A Pasaxe". The story also claimed that the event formed part of Roma culture, referring to the so-called "Gypsy collector". "Despite this sinister aspect of the case, there are those who point out that the alleged victims could be "collected persons". It is a Gypsy custom to collect people who are living on the street in precarious conditions and give them a place to live."*

In the February 10th story: "Social Services have taken charge of those allegedly kidnapped by shanty-town dwellers" another ethnic comment was made: "the City Council is assisting the three elderly persons allegedly kidnapped by a clan of Gypsies from the Conservera Celta settlement".

Neither of the two articles made any mention of the presumption of innocence and both used ethnic marker terms such as 'clan' which conjure up negative stereotypes. Suggesting that this event is related to Roma culture maligns both the culture and the people who form part of it.

The FSG sent a complaint letter together with information to the media outlet but received no reply.

- Lugo. Press. Direct discrimination.** On 13 May 2015 the newspaper La Voz de Galicia published a story about stolen copper. It links the incident to a "Gypsy village".

[http://www.lavozdegalicia.es/noticia/lugo/2015/05/13/hallan-200-toneladas-metales-procedencia-dudo-sacarqueixo/0003\\_201505L13C19910.htm](http://www.lavozdegalicia.es/noticia/lugo/2015/05/13/hallan-200-toneladas-metales-procedencia-dudo-sacarqueixo/0003_201505L13C19910.htm)

The FSG wrote to the director of the newspaper but received no reply. This newspaper makes a habit of mentioning Roma ethnicity in its articles about crime, violence and theft. However, in the case of crimes committed by non-Roma it makes no mention of ethnic group. This serves as proof of discriminatory treatment in its journalistic practices.



- 29. 29. A Coruña. Internet.** Direct discrimination. On 11 March 2015 a member of the FSG team told us that he had come across a blog that was offensive to Roma and particularly disrespectful of the families affected, including his own.

The blog can be found at <http://camaraenristre.blogspot.com/es/>

The photography blog consisted of a series of entries with varied themes. The author writes "My camera, Nefer and I go in search of everything we believe can be photographed, abandoned places, tourist sites, vehicles and much more; anything which sparks feelings, good or bad. You are the judge of that." One of the entries was entitled: "Death and Gypsies" for which the author photographed tombstones and mausoleums of deceased Roma in the cities of Coruña and Ferrol (photographs taken in the cemeteries of Santa Cecilia Feáns, in Coruña and Catabois in Ferrol, according to the victim).

The photographs were accompanied by text in which the author described how she believed death was experienced by Roma. The photographs were also accompanied by comments about the decorative elements on the tombs. We believe that both the text and photographs were a violation of the privacy and dignity of the deceased persons and their families. The photographer did not ask permission to do what she did. The texts contained stereotyped messages and terms expressing prejudice against Roma:

*"In several of the cemeteries we visited we found large groups of Roma gathered around the niche of the deceased person and they even bring chairs so the elderly can sit during visits that last for hours."*

*"They fill the entire niche and the surrounding area with flowers. We've never seen anything like this before which is why I'm making this post. Nearly everyone has a photo of the deceased, his nickname, and a verse from the Gospel, and other details. But it's better to see all of this in the pictures."*

*"This is how they mourn: women dress in black and wear a long headscarf, long-sleeved blouse and skirt that is never tight and the length must be between the knee and ankle. The longer it is, the more strict the mourning. Widows must wear mourning clothes for at least 10 years. Children, brothers and sisters of the deceased must be in mourning for one year but until just recently it was five. Men must be unshaven and wear a scarf knotted at the neck and a long-sleeved black shirt. While they are in mourning they do not drink alcohol, do not go to parties, do not watch TV, do not go to bars, do not have marital relations, and the list goes on and on."*

On 8 April 2015 this case was brought to the attention of the Ombudsman of Santiago at a meeting with the FSG and the FSG also reported the blog to the website itself.

Following these complaints, the author removed this post from her blog.

- 30. A Coruña. The media. Hate speech.** The Voz de Galicia newspaper published an editorial in March 2015 entitled "Another one about flawed Gypsies" written by Sandra Faginas criticizing two television programmes, Palabra de Gitano (Roma word of honour) and Gipsy Kings. In her analysis, the author made comments about Roma in general, failing to draw a distinction between the characters on the programme and the rest of the Roma community:

*"(...) They've delved into the bizarre world of Gypsies (...)"*

*"Great excitement not only for the expansion of the Caló dictionary (Romany dialect spoken in Spain) but for the satisfaction of seeing how well one lives in that world. We can only wonder at so much good fortune. Because seeing these young girls painted up like dolls taking part in their commitment rite at the age of 14 makes one realise that applauding honour is no longer appropriate. No matter how they dress it up."*

[http://www.lavozdeg Galicia.es/noticia/television/2015/03/03/gitanos-trospidos/0003\\_201503G3P57992.htm](http://www.lavozdeg Galicia.es/noticia/television/2015/03/03/gitanos-trospidos/0003_201503G3P57992.htm)

The FSG sent a letter to complain about the tone of the article and the stereotypes it encouraged. We did not receive any reply.

- 31. Vigo. Press. Direct discrimination.** On 23 September 2015 the Faro de Vigo newspaper ran a story under the headline "Roma gang robs homes in the town of Pontearreas while their owners are inside"

<http://www.farodevigo.es/comarcas/2015/09/23/banda-etnia-gitana-asalta-casas/1318565.html>

The article makes numerous references to the ethnic group of the robbers, information which is irrelevant to the story.

- 32. Pontevedra. Press. Direct discrimination.** On 26 October 2015 the Diario de Pontevedra newspaper published an article about a fight between young people at a school. The story claimed that the victim of the attack was being treated by the emergency services adding that "the alleged assailants were a group of Gypsy youth", a fact that is not relevant to the story.

The FSG sent a written complaint to the person responsible for the news story.

<http://diariodepontevedra.galiciae.com/noticia/456927/trasladan-en-ambulancia-un-alumno-del-ies-de-poio-tras-recibir-una-paliza-de-unos>

- 33. Vigo. Press. Direct discrimination.** On 21 October 2015 the Faro de Vigo newspaper ran a story about a shooting in the town of Vigo under the headline "Gypsy man shot during an ambush in the Valladares tunnel in Vigo".

<http://www.farodevigo.es/gran-vigo/2015/10/21/despliegue-policial-coia-posible-tiroteo/1335801.html>

The article repeatedly mentions the ethnic group of those involved and their involvement in drug trafficking.

The department wrote to the newspaper to enlighten them about their use of inappropriate terms such as "clan" in the article.

CASO 32

### **Trasladan en ambulancia a un alumno del IES de Poio tras recibir una paliza de unos compañeros**

**El suceso causó gran estupor y preocupación en el centro, donde hasta ahora nunca se habían producido incidentes similares**

Lunes 26 de Octubre de 2015 | J. Casal | Poio

Una disputa entre varios alumnos del IES Fontenla de Poio, Pontevedra, terminó este lunes con uno de los estudiantes herido y trasladado a un centro sanitario. Los presuntos agresores serían un grupo de chavales de etnia gitana.

- 34. Caceres. Press. Direct discrimination.** On 12 March 2015 the Caceres edition of the newspaper HOY published a story about a girl who died after being thrown from a moving car.

"Young girl dead in Caceres after being thrown from a moving vehicle on the A-66"

<http://www.hoy.es/caceres/201503/12/muere-mujer-arrojada-coche-20150312004534-v.html>

The FSG sent a letter explaining why it considered this to be poor journalism.



**35. Salamanca. Social networks. Hate speech.** In May 2015 a photo was uploaded on a Facebook profile with a leaflet signed by the National Social Centre of Salamanca (a neo-Nazi organisation) urging the residents of a local neighbourhood in the city to go out and protest against "GYPSIES AND NORTH AFRICANS" whom he accused of being the cause of insecurity and drugs trafficking.

We were also told that some Roma in the area were harassed and insulted in a threatening manner.

A letter was sent to the hate crime prosecutor and to the government deputy-delegation.

The National Social Centre of Salamanca issued a statement denying responsibility for these leaflets.

<http://www.lagacetadesalamanca.es/salamanca/2015/05/01/centro-social-nacional-denuncia-folletos-racistas-nombre/143100.html>

**36. Salamanca. Press. Direct discrimination.** On 4 May 2015 the Gaceta de Salamanca newspaper ran a story about the arrest of a person driving without a license. Later in the article the journalist mentioned that the alleged offender was Roma.

<http://www.lagacetadesalamanca.es/sucesos/2015/05/04/pillado-in-fraganti-volante-pese-carne/143254.html>

**37. Salamanca. The media. Direct discrimination.** On 28 September 2015 the paper edition of the newspaper La Gaceta Regional de Salamanca published a story about a drug-related shooting and pointed out that the perpetrators were from a Roma family.

<http://www.lagacetadesalamanca.es/sucesos/2015/09/28/pistoleros-alcaldes-ajustaban-cuentas-deudas-negocios-droga/156062.html>

Once again the news outlets succumb to the stereotype of linking drugs with the Roma community.

The issue from the previous day and subsequent issues featuring follow-up stories about the same event all mention Roma.

The same holds true for the digital edition. The opinion forum features anti-Roma discriminatory views.

The FSG sent a letter of complaint to the news outlet and noted that the journalist (Mercedes Casal) systematically points out if Roma are involved when the story is about violence or crime. .







- 38. Oviedo. Press. Direct discrimination.** On 13/02/2015 the Oviedo edition of the newspaper La Nueva España ran a story about the arrest of two minors for scratching a teacher's car and writing insults on it. The author noted that the detainees were Roma even though this is not relevant to the case.

<http://www.lne.es/oviedo/2015/02/13/menores-oviedo-detenidos-causar-danos/1712797.html>

*"The two Roma adolescents age 15 admitted that they were responsible for the damage."*

In contrast, the newspaper El Comercio published the same story but with no mention of ethnic group.

The FSG sent a letter of complaint to the news outlet.

- 39. Gijon. Press. Direct discrimination.** On 17/03/2015 the newspaper El Comercio featured a story about the 10th Anti-racism Conference organised by the Gijon city council whose slogan was "tolerance with no buts". The story outlined the content of the conference planned for 21 March, Anti-racism Day, to be held in Gijon.

The newspaper allowed readers to comment on the news story and this is where the discriminatory act occurred. All the comments were offensive and clearly discriminatory and were not filtered by the paper.

Following are some of the statements made:

*"The problem is that we're being asked for 0 tolerance of racism but most of them are more racist than the non-Roma and impose their lifestyles on us. From times immemorial Roma have remained aloof. Rather than live with they live off of non-Roma, i.e. social salary, free housing, free schools, free day-care. I must admit that they have improved compared to when they first came from the shanty towns and were given entire buildings of flats in different parts of Gijon. It was not long before the lifts stopped working and you could see donkeys in the windows and everything was in shambles. Now they have entire neighbourhoods at their disposal paid for by the non-Roma, but when it comes to work... not many are interested unless it conforms to their laws and conditions."*

*"If they would only stop making excuses based on their absurd traditions and behave like the rest of the world they wouldn't have half the problems they have now."*

*"A thousand freeloaders, beggars."*

*"A thousand on the dole—flats, salaries, utility bills... Moreover, they deal in scrap metal and other black market jobs without paying taxes or social security so as not to lose out on the benefits they get from their friend, the MODEL, at the town hall."*

*"Tolerance of Roma? I would say that in 90% of the cases it depends on them and not others. It is in their hands. They're the only ones responsible. If they behaved like any other civilised person I don't think many people would be intolerant of them."*

This is an example of where the media should take a more active role in filtering racist or hateful comments as they are an affront to human dignity.

- 40. Huesca. Prensa. Discriminación directa.** En el periódico Heraldo de Aragón, los días 3 y 4 de marzo de 2015, al publicar una noticia sobre un enfrentamiento entre varias personas y la policía de Huesca, se hacía referencia, los dos días, a que las personas implicadas eran de etnia gitana.

[http://www.heraldo.es/noticias/suplementos/2015/04/06/un\\_policia\\_local\\_recibe\\_tiro\\_perdigon\\_acudir\\_avisos\\_falso\\_altercado\\_huesca\\_349474\\_314.html](http://www.heraldo.es/noticias/suplementos/2015/04/06/un_policia_local_recibe_tiro_perdigon_acudir_avisos_falso_altercado_huesca_349474_314.html)

*"A local police officer was shot in the arm with a pellet gun yesterday while responding to an alleged emergency call."*

*"Five men, all Gypsies, were travelling in a car and, according to the same sources, when the police officers approached the men emerged violently from the vehicle and started beating the officers because, apparently, the driver had no license and feared he would be arrested."*



- 41. 41. National. Social networks.** Direct discrimination. Three years ago, following the FSG's education campaign that included posters featuring students from the Promociona Programme, a website (forocoches) manipulated those images by inserting anti-Roma racist comments.

At that time the Zaragoza office informed the FSG of what had happened as one of the students on the posters was from that city. We filed a complaint with the webmaster and the posters were taken down.

In 2015 the mother of this student from Zaragoza informed us that the posters had simply been moved and were now hosted on another website.

We informed the person responsible for this site of the severity of the case since the picture depicts minors and requested that the manipulated posters be removed.

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

Since the server where the page is hosted is not in Spain, the FSG wrote a letter to the American company responsible and used the complaint tool called Tumblr.com requesting the removal of this content. In the end it was removed. .

*Hello,*

*We've removed this content, but you may need to clear your browser's cache to see the removal. If you need info on how to clear your browser's cache, you can find that here: <http://www.wikihow.com/Clear-Your-Browser?~Cache>*

*Depending on the strain on our servers, it can sometimes take up to three hours for the changes to take effect. Please let us know if you have any other questions.*

*Tumblr Trust & Safety*

*[tumblr.com/abuse](http://tumblr.com/abuse)*

This shows that it is useful to denounce these pages to service providers.

- 42. National. Internet. Hate speech.** Racist comments were aired on an Internet forum targeting a group of Roma women who complained about the definition of the word 'Gypsy' in the dictionary of the Royal Academy of the Spanish Language (RAE):

<http://www.burbuja.info/inmobiliaria/temas-calientes/590045-rae-se-baja-pantalones-cambiara-definicionde-gitano.html>

*Here are some of them:*

*"I think it was a fucking shame that they changed the definition for those offended women."*

*"Uppercase letters have accent marks just like lowercase ones, and one cannot speak of 'xenophobia' when referring to a group of people who have been fucking with us for over six centuries. Maybe the fat lady on the poster should have known that before she called anyone 'uncultured'."*

These comments were eliminated following our complaint..

- 43. National. Press. Direct discrimination.** On 02/09/2015 the newspaper 20 Minutes published a story about a dispute between two families.

<http://www.20minutos.es/noticia/2547132/0/cinco-heridos/reyerta-mazarron/ingresados-estado-grave-fuera-de-peligro/>

*Seven people were arrested in MURCIA following the brawl between the Mazarrón clans. The Civil Guard and neighbours next to the body of a woman who died in a massive brawl that occurred after a car ran over a pedestrian in the town of Mazarrón in Murcia. The person most seriously injured is a 15-year-old who was stabbed in the neck and was taken to Santa Lucia de Cartagena hospital in stable condition. The Civil Guard arrested six people who are charged with severe disorderly conduct and murder.*

*The Civil Guard arrested seven people for their alleged involvement in a brawl that broke out between two Gypsy clans in Mazarrón which, so far, has resulted in one death and five serious injuries. Four men and three women were arrested and charged with severe disorderly conduct and murder according to sources close to the investigation. The five people who were injured on Wednesday in the brawl between two families in the town of Mazarrón (Murcia) remain hospitalised in different hospitals throughout the region.*

This news story uses the sort of language typically employed by the press to refer to situations involving Roma: reyerta (brawl) and clan. These terms are related to crime and conflict thus reinforcing the negative image of the Roma people.

A letter of complaint was sent to the news outlet but no response was received.

- 44. Almería. Prensa. Discriminación directa.** El periódico 20 Minutos en su edición de Almería de 25/12/2015 44. Almería. Press. Direct discrimination. On 25/12/2015 the newspaper 20 Minutos ran a story about the murder of a man in Roquetas de Mar.

<http://www.20minutos.es/noticia/2637795/0/muerte-arma-blanca/guineano-roquetas-mar/altercados-gitanos/>

- 45. The fact that the aggressor was Roma and that many Roma live in the neighbourhood was repeated several times; totally irrelevant to the case.**

*Government deputy delegation sources informed the EFE (international news agency) that the aggressor(s) responsible for the murder are Gypsies, which is why a police blockade was set up to try to prevent clashes in the Cortijos de Marín neighbourhood between sub-Saharan African immigrants and residents of this neighbourhood where many Gypsies reside*



## Cases of discrimination in access to goods and services

- 1. Almeria. Access to goods and services. Direct discrimination.** A group of young Roma were organising a bachelor party for one of them and decided to go to downtown Almeria.

The group of 15 young people approached a pub in the city centre. They told us that when they tried to go inside the doorman said: "Hey! Where do you think you're going? You can't go in there ... so many Gypsies together can't be up to anything good."

They were angered by this but ultimately decided to go elsewhere so as to not spoil their friend's bachelor party.

The FSG's Equality and Anti-Discrimination Department encouraged them to request a complaint form from the pub where they were refused entry. They were unaware of that option but again stated that they did not want to spoil their friend's night out.

In any case, they felt discriminated against.

- 2. Almeria. Access to goods and services. Direct discrimination.** A young Roma man had plans to go out with some friends on a Saturday to a place in Aguadulce (Almeria).

Upon reaching the place, he and his friends decided to go in when the doorman asked them if they were members of the establishment. When they told him that they were not, the doorman replied that they could not go in.

One of the young men then said that he saw two people go in whom he knew were not members. The doorman then said "get out of the way, you're blocking the door. As we've told you before, we don't want Gypsies here."

The young men decided to go elsewhere and not file a complaint.

- 3. Granada. Access to goods and services. Direct discrimination.** A Roma man contacted the FSG's Equality and Anti-discrimination Department to inform us about a series of discriminatory incidents that young people in Motril were subjected to.

He told us that the main night-life sites in Motril were discriminating against these young people by refusing them entry simply because they were Roma.

He told us about an incident that happened to his niece. She was planning to go a summer bar at the beach in Motril with a friend, both Roma and residents of Motril, when the doorman denied her entry but was willing to let her friend in (who didn't look Roma).

They turned to the FSG's Equality and Anti-discrimination Department for information about their rights in situations like these. The FSG explained how to organise a seminar for young people to inform them of their rights in such situations and sent them printed material on rights and discrimination.

- 4. Alicante. Access to goods and services. Direct discrimination.** Three Roma girls went shopping to a clothing store in Alicante. The store security guard followed them all through the shop never taking his eyes off of them. The girls felt so harassed that they decided to ask him why he was following them to which he replied in an unpleasant tone "I do as I please. This is my job."

This sort of harassment made the girls feel very uncomfortable so they decided to speak to the person in charge of the shop. The person in charge grabbed the clothes they were holding and told them that they were not going to try anything on. She then made them show her their handbags to see if they had taken anything.



which they hadn't. The girls then repeatedly requested a complaint form which the owner refused to give them and then called the Civil Guard. When the police officers arrived they told the girls that they had been called to sort out a situation of disorderly conduct. Seeing that there was nothing disorderly about the situation they informed the girls that it was their right to fill out a complaint form at the shop and advised them that they could also file a formal complaint for the way they had been treated.

The girls did file a complaint at the Consumers' Office and also called in at the FSG for information about how to file a proper complaint.

Our department helped them file an official complaint at the police station.

The FSG territorial office also made an appointment with the person in charge of the shop in Alicante to inform her first-hand about everything that had happened.

This case of discriminatory treatment had quite an impact and was covered by the press.

**5. Santander. Access to goods and services. Direct discrimination.** A young Roma girl in Santander told us that she felt her bosses were discriminating against her in the clothing shop where she works.

She told us that she was hired to keep an eye on Roma entering the shop. She was told to make sure that they do not steal anything.

She told us that she felt very uncomfortable with this situation but could not do or say anything for fear of being sacked.

**6. Talavera de la Reina. Access to goods and services. Direct discrimination.** A group of Roma boys called in at the FSG office in Talavera de la Reina to inform us of a situation in which they felt discriminated against.

They told us that they had been frequenting a gaming café called "El Molino de Mejorada" for several years.

However, as of a few months ago, they noticed that both the waiter and the owner of the premises started making racist comments such as "you Gypsies only cause fights and raucous". On other occasions they switched off the TV and gaming machines where they were playing in order to get them to leave.

The boys asked for a complaint sheet but the owner refused.

The boys then called the local police to force the owner to give them the complaint form. The boys filled in the form and submitted it at the local user and consumer office in the hopes preventing such incidents in the future.

**7. Puertollano. Access to goods and services. Direct discrimination.** Every weekend young Roma would go to a discotheque in the town of Puerto Llano but would be refused entry "because they were Gypsies" in the words of the security guards.

One day they called the local police to report this discriminatory treatment. The youngsters told us that the treatment received from the local police was even worse than that of the security guard as the police told them that "everyone has the right to decides who enters their home".

They had no idea what to say or do. They did not feel supported or protected by the police.

The FSG's equality department informed them of their rights in discriminatory situations such as this.



- 8. León. Access to goods and services. Direct discrimination.** Three Roma women agreed to meet at a cafe in Leon close to where they lived. The owner stopped them at the door claiming she had the right to refuse them entry. The three women asked the reason why and the owner said she "did not need to explain herself". The three of them turned around and left but then one of them went back inside and asked for a complaint form. The owner refused and then said that she had surveillance cameras and was going to call the police.

A few minutes later the police arrived. Each party presented her version of the events and the police filled out the incident report. Once the police officers had all the information, they themselves advised the victims to file a complaint form at the Castile–Leon Regional Government office.

One of the victims came to the Foundation for help in filling in the complaint form. The complaint was filed but we have yet to receive a response.

- 9. Mérida. Access to goods and services. Direct discrimination.** A group of Roma girls from Merida told us that when they were about to enter a karaoke bar in their neighbourhood the doorman told them they could not go in because "Gypsies were not allowed in his establishment".

The girls told him that this was illegal but he responded by claiming that it was indeed legal and that he was exercising his right of admission.

The girls came to the FSG office to tell us that they felt powerless and found no other explanation for the doorman's attitude other than racism. In the end they decided against taking any further action.

- 10. Mérida. Access to goods and services. Direct discrimination.** A Roma woman in mourning told us that every time she entered a certain shop the security guard would follow her around.

On one occasion she asked him if he was following her because she was Roma or because she was in mourning.

The security guard did not answer and walked away from her.

She told us that the same thing happens with other Roma women in the same supermarket.

The women said that they didn't know whether this was a personal decision taken by the security guard or if he was following orders. In any case, they were sure that he followed them because he thought they were going to steal food from the supermarket.

- 11. Murcia. Access to goods and services. Direct discrimination.** A group of young Roma arranged to meet at the entrance to a discotheque but when they were about to enter the doorman told them a private party was going on and that he couldn't let anyone in. They waited near the door for a few minutes and noticed that other people were let in and that the doorman didn't say anything about a private party.

They requested a complaint form but were ignored by both the discotheque manager and the doorman.

They told us that they felt discriminated against and remained near the entrance of the establishment for a while shouting that this was a racist establishment as they wanted people to know that this discotheque discriminated against Roma.



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**Basque Country. Access to goods and services. Direct discrimination.** While visiting the city of Bilbao, a Roma woman entered a sports shop in the company of the person she was taking care of and the latter's nephew. The woman took two pairs of leggings off the rack to try on but then decided to put one of them back. As she walked towards the changing room, she was approached by the security guard and taken to a room where she was searched and accused of stealing the other pair of leggings. The security guard made her undress claiming that she was wearing the leggings under her trousers (indeed she was wearing ones that were similar but purchased a different day). The woman tried in vain to explain that she had only taken one pair to the changing room and had returned the other pair to the rack and that the pair she was wearing was old and that this could all be confirmed without making her undress.

She was made to stand there in her underwear in front of the security guard. She felt humiliated, discriminated against and was sure that it was all because she was Roma.

When the person she was taking care of realised what was happening she entered the room requesting an explanation and asked to speak to the manager. They gave her a 'help us to improve' form. They never explained the real reason she was put through this ordeal.

Our department advised this woman who filed a complaint at the courthouse.

Months later the court convicted the guard and ordered him to pay a fine for false accusation.

Despite the conviction, the victim told us that she remained unsatisfied as the humiliation she suffered was much greater than the fine the guard was ordered to pay. She also told us that she would never go back to that shop.



## Cases of discrimination in education

- 1. Granada. Education. Indirect discrimination.** A 66-year-old Roma man contacted us to tell us about a situation that he believed was discriminatory.

The man was enrolled in a religious sciences course and needed one more subject to earn his degree.

Up until then he had not encountered any problems. However, in an oral exam one of the examiners asked him his name and when he told them he began to laugh.

They then asked him if he was Roma.

The FSG Equality Department got in touch with the chairperson of the examining board who assured us that the examiners were not racist.

A few weeks later we received a call from the student who told us that he had passed the course with flying colours (8.5 out of 10) and wanted to thank us for our help.

- 2. Talavera de la Reina. Education. Direct discrimination.** A 19-year-old Roma woman was taking part in an FSG training session as she was preparing to take her secondary school equivalence exam.

The woman, who had a young daughter, told us that she had requested financial assistance for school supplies and books from a fund that was apparently managed by a local social organisation. When she told them that she was Roma they said that they couldn't help her because that would cause problems with other families.

The young woman felt discriminated against and commented that 'we all end up paying for one person's deeds'.

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- Ciudad Real. Education. Direct discrimination.** For personal reasons a Roma family had to move to another city and they enrolled their child in the school nearest to their home.

The child got on very well with the other students in his class and had a best friend until the latter's parents learned that he was Roma. His classmates stopped inviting him to birthday parties (inviting everyone but him). During recess the next day the boy asked his friend if he was still his best friend and why he hadn't invited him to his birthday party. The child told him that his parents instructed him not to play with the 'Gypsy child'.

The boy's mother said she was going to talk to her son's teachers to inform them of the situation which she considered discriminatory.

- 4. Mérida. Education. Direct discrimination.** A young girl went to enrol in her neighbourhood school. The administrative assistant asked whether she was Roma to which she replied in the affirmative.

They then advised her not to apply since someone else (a non-Roma student) could make better use of her place. The girl was deeply offended and told the administrator that she was going to file a complaint. At that point the assistant apologised and admitted that she had been out of line. In the end the girl was able to enrol.

- 5. Mérida. Education. Direct discrimination.** A Roma woman had two sons in school. In the class of one of her sons, some of his classmates complained that their sandwiches had gone missing. What had happened was





that some other students had taken the sandwiches as a joke but everyone's first reaction was to 'blame the Gypsies'.

The Roma boy was hurt by these comments. He told his mother what had happened and she talked to his teachers who apologised and then reprimanded the class saying that such behaviour was unacceptable. The students also apologised.

- 6. Mérida. Education. Direct discrimination.** A Roma woman explained how in her daughter's class the teacher's reading glasses went missing. Without any sort of inquiry or question, she turned immediately to the section of the class where the Roma children were sitting, including the woman's daughter.

The Roma children felt bad and powerless for being blamed for the missing glasses. They told her that they had not taken the glasses but the teacher did not believe them.

A short while later the glasses turned up. A fellow teacher had found them and put them away for safekeeping. Despite this glaring mistake, the teacher did not apologise to the group of Roma students.

- 7. Don Benito. Education. Direct discrimination.** The educational counsellor and teacher at the FSG's Don Benito office went to visit local schools to inform students about the Promociona Programme. On one visit, while meeting with the head teacher and three other teachers, she heard the following comments:

*"They form ghettos with their little cliques"; "Gypsies don't study"; "the boys want to play around with the non-Roma girls but marry a respectable Gypsy. They all say that"; "some use their intelligence for bad purposes", etc.*

The counsellor told the teachers that they were making her uncomfortable with their racist comments about Roma children, upon which the teachers immediately apologised.

- 8. Pontevedra. Education. Direct discrimination.** At a school in the city of Pontevedra, a Roma student and his brother were 'invited' to change schools due to a complaint lodged by a family for an alleged act of aggression against a child.

We spoke with the school administration to see how we could work together to help the child adapt to the school as soon as possible since, according to records, he apparently needed specific educational support. However, both the teachers and school administrators told us that our help wasn't needed and that they would take care of everything internally and would contact the family.

Two months later, the family informed us they were going to move to another city as the school had not contacted them.

The mother told us that the school made no attempt to help or support her children. She felt sure that this was because they were Roma.

- 9. Pontevedra. Education. Direct discrimination.** A Roma student in Pontevedra was unable to go on a school trip because his mother could not pay the bus fee that the school required. It was brought to our attention that this school had a policy of paying these fees upon request by families that were unable to pay them so that no student would be left out of school trips.

However, the boy's teacher did not say anything to the school administration and told the child's mother that if she didn't pay the boy would not be allowed to go on the school trip. The teacher excluded the boy when



tallying up the number of student and deciding what size bus to hire. The mother then told the teacher that she would pay the required fee but needed a little bit more time. However, the school administration was never informed of the mother's intention and as a result the child was not included in the class trip.

The teacher argued that the child's parents had other priorities and commented that "they apparently had enough money for tattoos".

The day of the school trip the child went to school but there was no room for him on the bus so he had to return home. That was when other people at the school realised what had happened. Had they known earlier, the school would have paid the child's bus fee and would have hired a bigger bus.

This is a clear case of discrimination in the form of hindering access to a school activity.



## Cases of discrimination in the area of employment

- 1. Almeria. Employment. Direct discrimination.** On 11 and 13 April 2015, the Almeria branch of the Fundación Secretariado Gitano ran a training course on safety and handling of forklifts. The training company Proyectos Formativos Europa was hired to teach the course.

On 13 April we did the practical training on the premises of the company called Vegacañada SA. While the students were working with the machinery, the teacher left several documents and his car keys on top of a pallet and mentioned to only some of the students to be careful as he was leaving his things there. One of the students picked up those pallets with the forklift and the teacher's things fell off but the car keys were missing. According to the person responsible for the training company, when the teacher realised his keys had gone missing he mentioned that he suspected that they had been stolen because he saw some students looking at his car earlier.

To make matters worse, two workers from the company said to the teacher "what do you expect when you work with people like this" in reference to the Roma pupils.

A few days later one of the directors of Vegacañada SA contacted the training company to tell them that the keys had been found inside the warehouse.

- 2. Jaen. Employment. Direct discrimination.** During the first stage of the Acceder programme, the 10 candidates for the Learning by Doing programme in the city of Jaen were interviewed by the Director of Human Resources of the collaborating company who approved all 10 saying that they were suitable candidates for a work experience in the company.

This company, a supermarket chain, is one of the largest in the province of Jaen.

The head of HR proposed that the students be placed in supermarkets near their homes.

One of the students lived in a town called Mengíbar, close to Jaen, with a high Roma population and where one of the supermarkets was located. This student requested to be placed at that supermarket.

When the company realised that this young man was going to do his work experience in his home town, the HR director contacted our coordinator to tell her that if the supermarket customers became aware that our work experience student was Roma, sales could suffer. The argument given was that there had been recent incidents between Roma and non-Roma in the town.

In the end, the young man was sent to a supermarket in the capital city to do his training.

- 3. Seville. Employment. Direct discrimination.** A young woman applied for a number of different jobs at the town hall of La Rinconada on several occasions but never received any response. This woman decided to go to the Mayor's office in person. She met with the Deputy Mayor and explained her situation and how important it was for her to find a job.

The Deputy Mayor then asked her if she was Roma, to which she answered in the affirmative. At that point she told her dismissively that "Roma do not work and there certainly is not any work for you here". She followed that up with racist comments such as "you Gypsies are thieves and are lazy". At that same moment the Mayor was walking by and so the victim told him what had just occurred. The Mayor, smiling wryly and ignoring everything she said, told her that his co-worker (the Deputy Mayor) took care of those things and walked off leaving her in mid-sentence.

The victim also approached the social workers in the area to seek employment and apply for welfare benefits but they always turned her down and requested documentation that she had already submitted. According to the victim, the social workers always told her that her papers had been lost and that she was not entitled to any benefits.



**4. Zaragoza. Employment. Direct discrimination.** A young Roma woman began working in a shop in Zaragoza only to discover that the owner disliked Roma in general and made racist comments when Roma people entered his shop. This young woman did not look Roma and she decided not say anything for fear of losing her job. In any case, she often felt discriminated against.

**5. Zaragoza. Employment. Direct discrimination.** An FSG beneficiary told us he had been working for three years in a large company. They always called him during peak sales periods. One day they asked him if he was Roma and he told them that he was.

A few days later they dismissed him according to the temporary employment agency (TEA). The reason given was that he failed the trial period, which was baffling both for the worker and the TEA.

The worker decided not to take any action because he didn't want to miss out on future job opportunities with the TEA but feels certain that the dismissal had to do with his being Roma.

**6. Zaragoza. Employment. Direct discrimination.** A Roma woman was listed in the job bank of a hospital in Zaragoza as a cleaning person and was waiting to be called to work. She told us that the company had skipped her turn (according to the order on the list) several times and when she complained they told her that it had been a mistake. She checked with the union and they told her that the listing order in the job bank must be respected in all cases.

With this information in hand, she filed a complaint with the company. The manager told her that they could not hire her because, according to company rules, no more than two people from the same family are allowed to work in the same place (she, her sister and her niece are listed). This was why not they could not call her any more. Her sister overheard her co-workers saying "I wonder if all of the Gypsies think they're going to work here now"..." and suspects that they had something to do with them not calling her sister back. Furthermore, she doubts that such a rule even exists.

The FSG called the company and spoke with the manager who told us that:

*"It is company policy that no more than two people from the same family can work at the same place. We are happy with her performance and would like her to stay in the job bank as a substitute. Also, we would have no objection to her having her own job position in another service, for example in Walqa. The bargaining agreement they have at the Provincial Hospital is better and she would make 30% more. The job bank is for substitutions whereas a post is awarded on the basis of company criteria and is independent of the job bank. Priority is now being given to workers with disabilities and especially to victims of gender violence. I have spoken personally with the person in question and I explained that it is company policy that three people from the same family cannot work at the same place. We feel bad that she thinks we did not offer her a post at the hospital because she is Roma. If that were the case, her sister and niece would not have jobs there. This person has performed well and has always proven willing to work."*

**7. 7. Alicante. Employment.** Direct discrimination. The enterprise mediator of the Acceder Programme visited the human resources manager of a company with the aim of offering them work experience candidates (4-6). The manager introduced himself as a member of Incorpora of the Caixa Bank. He explained how the programme worked, the duties he performed, the types of jobs that the company typically recruited for and the new job openings they would need to fill for a ready meals business that was about to open. They already knew that they were going to have to hire cleaning personnel. The enterprise mediator showed them the résumés that she had for that job description. When the manager looked at the CVs he said, "but this one's a Gypsy, and this one



too, no, no, I don't want to work with Gypsies. I've had them working here in the past and I don't want any more.' The enterprise mediator tried to reason with him and offered to show him references she had for these workers from past employers. Unfortunately she was unable to change his mind.

The FSG sent a letter of complaint to the head of HR but did not receive any response.

- 8. Valencia. Employment. Direct discrimination.** We spoke with a company that makes awnings. The enterprise mediator called them to offer our services through the Acceder Programme and explained that this was an FSG initiative. They did not let us explain any further. Instead, they gave us an email address and suggested we send detailed information. They did not answer our email in which we requested information on the types of jobs they needed to fill. One of our service beneficiaries and a person who had applied for a job at that company told us that in the past they had flatly refused to hire Roma workers.

Since we received no reply from them, we resent the email to which the company replied as follows:

*Good Morning.*

*The Human Resources Department would like to inform you that the candidacy you registered through our web page is valid for one year and you therefore do not have to re-register during that period.*

*We should also remind you that, in accordance with the Data Protection Act, we cannot accept hard-copy versions of résumés. The only way to register is through the web.*

*Kind regards,*

- 9. Talavera de la Reina. Employment. Discrimination.** A participant in the Acceder Employment Programme was actively searching for employment once she had completed her 'Learning by Doing' work experience in the catering sector. She informed the FSG that she had learned that they were looking for a waitress at a bar near her home. She phoned to inquire about the job and spoke with the owner who told her to come by when she could. She met with the manager and told him about her experience and that she could begin that very day. However, the manager told her to send him her CV and that he would get in touch.

A few days later the girl went back, this time accompanied by her sister (who has dark skin). They asked to see the manager saying that they wanted to give him the CV in person but were immediately told that the bar was not hiring.

They believe that this negative reaction was because the receptionist identified them as Roma. However there is no way to prove this as no specific comments were made.

- 10. Talavera de la Reina. Employment. Discrimination by association.** A new participant (non-Roma) called in at the FSG to sign up for the Acceder employment programme. She told us in the interview that she was having difficulty finding a job. She was encountering a lot of negative responses and when people saw her surname (Heredia) some would even ask her outright if she was Roma.

This is a clear case of discrimination by association.

- 11. Ciudad Real. Employment. Direct discrimination.** The FSG conducted a theory training course to prepare candidates for the job of 'salesperson' with the option of work experience in a company for those earning good grades in the theoretical part.

With a view to bringing more companies on board for students to do their work experience, the FSG's enterprise mediator visited a business where he asked to speak to the manager or owner. He was introduced to the owner (Juan) and explained the FSG's employment programme. He also mentioned that he was from a training and employment centre. The owner seemed quite interested and even proposed another work centre that could host more work experience students.



At that stage the enterprise mediator began to explain that this training activity was the goal-oriented part of the Fundación Secretariado Gitano's Acceder Employment Programme. He explained the specific dates and tried to explain our work methodology (skill-based selection, etc.). That was when the owner interrupted him to say "We don't want Gypsies in our store. We're fed up with Gypsies and all the problems they cause". Despite the explanations of the enterprise mediator the owner persisted in his belief that Roma would cause problems in his business because of their friends, family members, etc.

He did not allow them to continue with the presentation.

The FSG's Equality Department sent a letter of complaint together with information about the Acceder Employment programme and other work experience programmes in an attempt to change their mind but we never heard back from them.

- 12. Ciudad Real. Employment. Direct discrimination.** The FSG conducted a theory training course to prepare candidates for the job of 'salesperson' with the option of work experience in a company for those earning good grades in the theoretical part.

The enterprise mediator got on the phone with the head of Human Resources of a chain of shops in the downtown area and explained the salesperson training programme and the proposal for work experience for our participants in their chain of shops. The HR manager was open to the idea for other companies in the group but not this chain.

The main reason was that the area manager did not want Roma in his shops.

- 13. Barcelona. Employment. Direct discrimination.** Following five months of theoretical and practical training in a company, one of our participants in the Learning by Doing programme was given a good assessment in terms of learning, adapting to the company, responsibility and dependability. The store managers repeatedly expressed their willingness to hire him. When he was about to finish the course and it looked like he was going to be hired, one of the store managers told us that he wasn't the best candidate for that shop and the reason was directly related with his appearance (skin tone and foreign looking).

This Acceder participant was subsequently hired at another store of the same chain.

We should point out that this company has collaborated with Acceder on many occasions and the results have been positive in terms of learning and placement of students. There were no other cases or situations of discrimination in the company; only at that particular shop.

- 14. Sabadell. Employment. Direct discrimination.** We contacted a company to try to arrange a work experience for our students in the ACCEDER Employment programme.

The manager seemed very interested in the proposal and requested an interview with our programme participant. We later spoke with the manager to see how the interview had gone and she told us that they couldn't accept her because she was Roma. The manager insisted that she was not prejudiced but that her local customers were as the shop was in downtown Sabadell where customers were 'very demanding'.



- 15. Badajoz. Employment. Direct discrimination.** The FSG visited a business with a group of students who had trained as bakery and confectionery assistants to apply for work experience and the students asked straight away if they were Roma. Some of them said yes and asked if that was a problem.

A brief discussion ensued with the businessman about negative perceptions associated with Roma, but when it was apparent that he wasn't going to change his mind, they left.

- 16. Mérida. Employment. Direct discrimination.** An FSG programme participant told us that he had never felt rejected by his co-workers but they did not know that he was Roma. One day he told them that he was Roma and proud of it.

After that everything changed radically.

*"I have encountered general discrimination against Roma many times in my life but I never thought I personally would be subjected to this sort of treatment."*

The young man did not want to take any action against his co-workers. He also decided not to say anything to his boss for fear of losing his job.

- 17. Mérida. Employment. Indirect discrimination.** An FSG service user explained that when he started working at a private company he noticed indirect acts of discrimination. He simply wasn't treated in the same way as other employees in the company.

Treatment was different insofar as his co-workers didn't speak to him and his boss never tired of making his job as miserable as he could.

In the end he quit his job. They seemed to think he was there to rob them instead of fulfilling his duties.

- 18. Don Benito. Employment. Direct discrimination.** A labour counsellor visited a wood carpentry business to try to set up a work experience. She identified herself as an employee of the Fundación Secretariado Gitano and explained the work experience programme. The head of the company was friendly, but at the end of the conversation, when they were negotiating the number of participants and dates, he said: "but I won't take any Gypsies".

The counsellor ended the conversation and decided to look elsewhere. The FSG's Equality Department sent a letter of complaint to the company but did not receive a response.

- 19. Badajoz. Employment. Direct discrimination.** During a visit to try to arrange a work experience at a company for students studying business, the manager said that she didn't want her shop to be identified with the Roma community and for that reason was not willing to take on Roma girls in a work experience programme.

- 20. Badajoz. Employment. Direct discrimination.** During a visit to try to arrange work experience at a company for students studying business, the manager said "Gypsies are always up to no good. They're all the same and I don't want problems in my shop".

- 21. Santiago de Compostela. Employment. Direct discrimination.** A young participant in the Learning by Doing project was working as a cashier at a supermarket. One day, when she asked a customer if she wanted a bag, the customer replied that she didn't but in a very unpleasant manner and went on to say: "I have enough already with having to deal with you", referring to the fact that the cashier was Roma. According to the victim, the client was unpleasant and had a racist attitude.



She mentioned the incident to the manager who told her to pay no attention to people like that and that it was not worth complaining about and was not the first time something like that had happened.

The Equality Department got in touch with the mediator who confirmed that those comments were made by a specific customer and that the majority of the supermarket's other customers were very happy with her.

**22. Santiago de Compostela. Employment. Direct discrimination.** A young woman was working as a cashier at a shop as part of a work experience scheme under the Learning by Doing programme. A customer was waiting by the door for his wife. As they were leaving, this customer turned to his wife and said in a loud voice while staring aggressively at the victim: "I never thought I'd see the day. Gypsies working!".

**23. Santiago de Compostela. Employment. Direct discrimination.** A young girl taking part in the Learning by Doing programme was working as a cashier. A couple who was behind the person she was checking out started speaking in a loud voice about whether the cashier was Roma or not.

At one point in the conversation they said "with the unemployment rate as high as it is in Spain, I just can't understand why anyone would give a job to a Gypsy. It's shameful!"

The victim spoke with her co-workers about the incident. They thought it was wrong but told her not to give it a second thought and that it was something that she would have to get used to.

**24. Santiago de Compostela. Employment. Direct discrimination.** A young participant in the Learning by Doing programme was working at a fishmonger and noticed an elderly couple looking in her direction. She asked if she could help them to which they replied: "Ugh ... Gypsies cutting my fish!" and refused to let her wait on them.

The victim spoke with a co-worker about the incident who told her not to worry about it and that she might as well get used to it.

These cases show that although discrimination and racism are a daily occurrence in the lives of many Roma, mainstream society tends to trivialise it and not give it the importance it deserves.

**25. Santiago de Compostela. Employment. Direct discrimination.** A young Roma woman working as a cashier in a work experience scheme told us that once a customer left her parcels and wallet on the checkout counter and went back to pick up a few articles that she had forgotten.

A second customer said to her:

*"You should be more careful with these people (referring to Roma). They're thieves."*

When she returned with the articles she had forgotten, the second customer told her "quick, check your wallet".

The young Roma woman looked at her and said "I'm not a thief". The original customer responded by saying she trusted her.

This is another case of malicious slander based on negative stereotypes (Roma are thieves).





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**Pontevedra. Employment. Direct discrimination.** A young Roma woman submitted an application along with the required documentation for a job opening offered by a company and subsidised under the Lugo provincial Government programme called BEN EMPREGADO II.

The victim's name was at the top of the public list of candidates as she had attained the highest score.

The opening was for kitchen staff.

A meeting was held between the company and the selected candidate. The company was given an envelope with the personal details of the worker and company managers had five days to hire her. If they didn't hire her within that period, they would lose the subsidy.

Several days passed and the company still had not contacted the selected candidate. At that point, the candidate contacted the company.

The company manager tried to convince the woman to turn down the job offer telling her that she was not going to like the working conditions or the salary. The victim repeatedly said that she was interested in the job and asked if the problem was that she was Roma. The manager said that it wasn't but decided not to hire her.

The Equality Department sent a letter of complaint to the Provincial Government of Lugo which answered us and apologised for this situation of obvious discrimination. They explained that they could not do anything because the company had renounced the subsidy.

**27. Caceres. Employment. Direct discrimination.** In a Chinese home ware company, one of the managers in charge of personnel told the FSG enterprise mediator that during the Christmas season they usually take on more staff because of increased sales during that period.

The enterprise mediator then asked if she could submit some résumés that met the conditions for the type of worker the company was looking for.

When the manager realised that the candidates were Roma he said NO. Although he himself was not racist, he didn't want them in his shop because of problems in the past and his bosses (Chinese) didn't want to hire them.

The mediator told him that his comments were racist and discriminatory but she was unable to change his mind



## Cases of discrimination in the area of health-care

- 1. Linares. Health. Indirect discrimination.** A Roma woman in Linares had a heart attack requiring immediate surgery.

When the physician saw that the patient was Roma he treated her with contempt and disgust. Family members told us that the doctor didn't know the patient's name and therefore called her 'Gypsy' in a disrespectful manner.

The family members were very upset and after speaking with the FSG's Equality Department, decided to lodge a complaint. Upon learning of the complaint, the physician spoke with the family, again with a discourteous tone, saying "I have an insurance company and you Gypsies have made me lose a lot of money".

The family told us that they didn't know why he said this but that they felt discriminated against for being Roma.

- 2. Don Benito. Health. Direct discrimination.** A 35-year-old pregnant Roma woman went to the hospital emergency room for an issue related to her pregnancy.

The woman was very anxious and nervous as she feared for herself and her baby. She asked the attending physician if her husband or mother, who were in the waiting room, could accompany her to which the physician replied: "I'm sick and tired of the whole lot of you, you want your grandmother, your cousin, your...! You're a big girl now. You're 35 and I'm sure you'll understand." The victim tried to respond and addressed the physician as 'dear' but before she could say anything else the physician interjected: "I'm not your 'dear', I'm your doctor".

At that point the victim began to cry and kept quiet for fear of not receiving the care she required.

The victim did not file a complaint as she was unaware of her rights. She told us that had she known about the services offered by the FSG, she would have filed a complaint for lack of professionalism.

- 3. Madrid. Health. Direct discrimination.** A Roma woman went to her health centre emergency room with her 16-month-old child who had fever and a sore throat. When the woman approached the information counter to get an emergency room appointment the receptionist asked her for her health card and told her that without it she couldn't give her an appointment. The mother, who was distraught, told her that she did not have her card with her because she had left the house in a hurry and didn't realise that she wasn't carrying her card. The woman was accompanied by her partner and other family members.

Without another word, the receptionist called the security guard and asked them to leave saying that without the card she could not help them. The mother then pleaded with her saying that her son had a fever and that she was very worried.

The receptionist simply told the security guard to usher them out.

In the end, the mother had to send one of the family members back home to get the health card. She told them that she was going to file a complaint for the racist and discriminatory way she had been treated and was also going to inform the health centre administration.



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**Madrid. Health. Direct discrimination.** A Romanian Roma woman approached a health centre with her 9 year-old-son to have stitches removed from his finger which had got caught in a door.

When she presented her health card at the receptionist counter she was told that it was no longer valid, that the rules had been changed and that she now had to present other documentation such as a passport.

The mother said that her son did not have a passport. The worker then took a pair of scissors and cut up the child's health card.

The FSG's Equality Department got in touch with the health centre to remind the staff there that according to immigration law pregnant women, minors and medical emergencies are entitled to medical care without having to show a health card.

The health centre manager told us that he would inform the staff to prevent this from happening in the future.

**5. Mérida. Health. Direct discrimination.** A Roma girl along with other patients was waiting her turn to see the physician at a health centre.

While they were waiting another Roma girl came in, skipped the queue, and walked directly into the physician's examining room.

One of the men who was waiting and who had witnessed what had just happened, made several comments such as "all Gypsies are the same, no respect for anyone," without realising that a Roma girl was sitting waiting her turn just like everyone else. The girl turned to him and said that she disagreed with him, that she was Roma and was waiting just like him.

The man felt bad and apologised.



## Cases of discrimination in housing

- 1. Almeria. Housing. Direct discrimination.** An FSG services user in Almeria reported that he answered a 'for rent' sign he saw on a flat. He reached an agreement with the owner over the phone to rent the house. They discussed the rental conditions and the young man met all the requirements. A few days later he met with the owner to see the flat.

Upon arriving at the flat, the first thing the young man noticed was that the owner's jaw dropped when he saw that his potential renter had dark skin and long hair.

He never saw the flat because the owner told him that he had already rented it to someone else.

- 2. Zaragoza. Housing. Direct discrimination.** A Roma woman went to a real estate agency in search of a flat to rent. After submitting all of the required documentation which the real estate agent confirmed met all the requirements for a rental lease, the agency put the woman in contact with the owner of a flat which met all of her needs.

When the real estate agent gave the owner the full name of the prospective tenants he said: "I don't want to rent to Gypsies."

The real estate agent told the woman that the house she was interested in was no longer for rent.

- 3. Zaragoza. Housing. Direct discrimination.** A participant in the FSG's Acceder Employment Programme in Zaragoza, together with her husband, went to visit a flat for rent in a neighbourhood they were interested in. When they arrived at the flat they were met by a neighbour who, unaware that they were Roma, told them that a few Gypsy families lived in the area but that they didn't have a negative impact on the neighbourhood. He also told them that there were "several schools for the kids and that the Gypsy children only attended one of them, that the area was fairly quiet and that the Gypsy families only lived on one block".

The family didn't say anything for fear of losing this house which they wanted to rent.

- 4. Zaragoza. Housing. Direct discrimination.** An FSG programme participant called the owner of a rental flat in which she was interested to make an appointment to see it. When she met the owner the latter asked her if she was Roma and she said yes.

The owner then replied that he was sorry but that there were other people interested and there was no point in showing her the flat.

- 5. Santander. Housing. Direct discrimination.** A Roma woman was searching for a flat to rent and within a few days had found one that met her needs and called the real estate agency.

After the usual questions about the characteristics of the flat, the real estate agent asked the potential tenant if she was Roma. When she said that she was, the agent told her that the owner had left very explicit instructions that he would "not rent his flat to Gypsies or immigrants".

The woman decided not to take any action.



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**Talavera de la Reina. Housing. Direct discrimination.** A young man told us that he was working in a hotel in the town where he lived and was looking for a flat to rent for him, his wife and two-year-old son (he was living with his parents and other family members at the time).

He contacted a real estate agency and informed them of his economic employment situation.

After providing the agency with the necessary documentation (pay stubs, contract, etc.) the agent told him that everything was in order, that she didn't anticipate any problems and would call him if there were any problems.

When they went to see the flat, the owner told him that he did not want to rent it to them, that the pay stubs were invalid and he had other potential tenants. He even said that he wanted 'Spanish' tenants. That angered the young man who told the owner that he was indeed Spanish AND Roma.

The young man felt helpless and told us that he was having a very difficult time finding a decent flat for his family.

**7. Cuenca. Housing. Direct discrimination.** An FSG programme participant answered several 'flat for rent' ads. She spoke on the telephone with the owners.

In principle, one of the owners seemed perfectly willing to rent his flat to this woman and her family.

They arranged a meeting and that is when the owner had a change of heart. He suddenly had no intention of reaching an agreement with her.

However the girl insisted and they agreed to meet again to do the paperwork but she never heard from him after that first meeting.

A few weeks later she told us that the flat had not been rented yet. The conclusion that she and her partner reached was that they didn't want to rent the flat to Roma tenants.. She mentioned that she felt discriminated against by flat owners on several other occasions as well.

**8. Cuenca. Housing. Direct discrimination.** A Roma family from a town in Cuenca moved to a town in Guadalajara. They moved because the town hall had announced that they were offering housing and employment to families who registered as residents in the village. The reason was that the town hall wanted to keep the local school open and needed more residents.

This family applied to the town hall and after a number of meetings all of the formalities were under way.

When the town councillor announced at the city council plenary that this family was Roma, the entire plenary decided to cancel the housing and employment arrangements because the people of the town "did not want any Gypsies and they feared a pull factor that could fill the town with Gypsies".

This family, that had moved there at the request of the town hall, had registered as town residents and enrolled their children in the local school, had to leave the village because the council said that they were not wanted there.

The FSG's Equality Department sent a letter of complaint to the council and personally contacted the town councillor who had publicly stated that the town "had not discriminated against anyone".

The family told us that once again racism and rejection of Roma prevented them having a normal life like any other family.



- 9. Ciudad Real. Housing. Direct discrimination.** In a town of Ciudad Real, the social work section of a banking institution was implementing a social rental housing scheme. Three Roma applied for homes through this scheme. After submitting all the documentation and having met all the requirements, the institution sent them an information letter informing all three that they had each been awarded a social rental flat.

*Dear Sir,*

*We would like to inform you that as of today, we are waiting for the resolution of some incidents detected at the development POBLETE - OLMOS.*

*However, next Friday, 23 October 2015, we will contact you and all the other interested parties to explain the current situation regarding the award process of the flats in question.*

*Kind regards,*

A few weeks later, once it was known that the three families that were going to occupy those flats in the village were Roma, the institution began to delay the moving date and in the end they cancelled the whole arrangement due to alleged problems of co-existence and structural issues with the building. They never specified the reasons why the programme was cancelled.

The FSG's Equality Department contacted the General Director of housing programmes at the bank and he told us that they would look into what had happened and that "they were committed to helping the disadvantaged and the failure of the programme had nothing to do with discrimination".

We are still working with this family to help them resolve their housing difficulties.

- 10. Palencia. Housing. Direct discrimination.** An FSG programme beneficiary called in at our office to report an incident involving families in his block of flats and other non-Roma families who created an association openly hostile towards Roma.

The Department of Equality sent a letter to the mayor of Palencia to inform him of this situation and so that he could take the necessary measures to deal with a possible violent attack against the Roma families living there. The association intended to evict the Roma families living in that block of flats.

We are still awaiting a response from the mayor.

- 11. Sabadell. Housing. Direct discrimination.** A young man was in the process of moving into his new flat when a group of people from the neighbourhood approached him and said:

*"Look what we have here. Gypsies are moving into the neighbourhood. Now we really need to watch our backs."*

The young man decided against causing an embarrassing situation or confrontation. He told us that he ignored the comment but from then on feared that they might do something to him or harm a member of his family.

- 12. Sabadell. Housing. Direct discrimination.** A Roma family moved into a rental flat in downtown Terrassa (Barcelona). Immediately after their arrival, the neighbours began gossip and wonder about the arrival of this family (a couple and a baby). Previously they had overheard racist comments about the Roma community.

Since that time (more than 6 months ago), contact with neighbours was minimal.



Shortly after that, the president of the homeowner's association knocked on this family's door to tell them that they could not hang their laundry in the place where they were hanging it. The family used a metal structure to hang their clothes to dry and had no other way of drying their clothes. The president began making threats about reporting them to the police and ended his tirade by saying:

*"IN THIS COMMUNITY WE DO NOT WANT TO LIVE LIKE GYPSIES."*

The family later tried to speak with the president to discuss what had happened and especially to address the comments he had made but he refused to speak to them. In the end, the young couple had to leave the flat on account of the discrimination.

- 13. Don Benito. Housing. Direct discrimination.** A Roma woman called up a real estate agency in the town of Cáceres and asked about what flats were available. The receptionist immediately told her that they had a flat she might be interested in and asked her to come into the office to discuss the rental conditions.

When she walked into the office and they saw that she was Roma, they told her that the flat had just been rented by someone else.

She said that they were very pleasant on the phone but changed their tune once they saw her.

- 14. Don Benito. Housing. Direct discrimination.** A Roma woman responded to an Internet advert for a rental flat. The owner asked for her given name (not her surname) and ID card number. Several calls went back and forth and the owner sent a friend of his to show the woman the flat.

Everything was fine until they spoke again to sign the contract. The owner asked her for all of her details including her surname and address. Upon seeing her surname, the owner asked her if she was Roma and she said that she was. The owner then told her that he was no longer interested in renting his flat.

The woman decided against filing a complaint and did not want us to get involved but felt discriminated against when trying to rent a flat.

- 15. Mérida. Housing. Direct discrimination.** A young Roma man needed to rent a flat and after making several calls found a real estate agency that offered a number of rental properties that seemed ideal.

He set up an appointment with the agency to see one of the flats and talk about all the details such as price, etc.

When the owners saw them in person and realised they were Roma, they immediately told them that the flat had been rented. The young man told us that he felt very bad because he knew that they didn't want to rent him the flat because he was Roma.

- 16. Mérida. Housing. Direct discrimination.** A young Roma woman saw a 'for rent' sign on a flat she was interested in and called the owner on the phone. On the phone it sounded like he was interested in renting her the flat..

They made an appointment to see the flat and discussed the price.

When they met in person, the owner did not mince words. He exclaimed "I will not rent my house to Gypsies" and then closed the door and refused to speak to the prospective tenant.

The woman felt discriminated against for being Roma.



- 17. Mérida. Housing. Direct discrimination.** A Roma family that did not have a home informed the FSG's Department of Equality that they had been trying to rent a flat for more than three months.

They had contacted several real estate agencies and once responded to an advert for a house that was very close to where they were living at the time. The family told us that things would always go well on the phone but when they met with owners to see the flat and discuss price, contracts, etc., they would get turned down immediately because they were Roma.

*The family told us that on one occasion they went through the whole rental process with the help of a relative who did not look Roma.*

*That was how they were finally able to rent a flat. Later, when the owner realised they were Roma, he didn't say anything because they paid their rent on time every month.*

- 18. Santiago de Compostela. Housing. Direct discrimination.** A young woman was looking for a flat to rent. She saw a 'for rent' advert and called the owner who seemed very interested.

She saw the flat and liked it and both parties seemed happy to sign an agreement. When they had reached an agreement and everything seemed final, the mother of the owner showed up (the mother was the actual owner) and asked the potential tenants if they were Roma.

When they said that they were, the owner told them that she would not rent the flat to them because she was sure they would destroy it.

The daughter of the owner scolded her mother for the way she had acted.

In the end, the young woman was not able to rent the flat.

- 19. Mérida. Housing. Direct discrimination.** A Roma woman was the only Roma person living in her block of flats. At one of the meetings of the homeowner's association, the president said there was a problem with the electricity bill because someone had hooked up their electricity to the community meter which was why they were receiving higher than normal electricity bills. One of the neighbours directly accused the Roma woman who denied having anything to do with the problem.

After the meeting, they agreed to ask the electricity company to come and check the meters. A few days later, a technician came and identified the problem which had to do with a faulty meter.

It then became clear that the Roma woman had not connected the electricity in her home with the community meter. The homeowner's association apologised publicly for their mistake.

- 20. Madrid. Housing. Direct discrimination.** A Roma family had long been suffering insults and threats from neighbours in the block of flats where they lived. Apparently, the treasurer of the homeowner's association informed the other owners that the Roma family had not paid the monthly homeowner fee for years.

The family explained that it was undergoing rough economic times, that they were unemployed and could not pay the entire lump sum and offered to pay what they owed in instalments.

The treasurer, taking account of the supporting evidence confirming the poor economic situation of the family, agreed to the proposal. However, when this topic was discussed with the entire homeowner's association, they





rejected the family's proposal claiming that they themselves were also having economic difficulties and no one was offering them payment facilities.

In the end, the family could not make payment under the conditions imposed and a claim for default on payment was lodged by the homeowner's association.

The family told us that they would most likely sell their flat and move somewhere else as they feared violent attacks from their neighbours.



## Cases of discrimination in police services

- 1. Almeria. Police services. Racial discrimination.** A young Roma participant in the Acceder employment programme paid a visit to the FSG office in Almeria and informed us that he was stopped by the police at the entrance to the building and was asked to show them his identification. The police then proceeded to frisk him in an overzealous manner.

The man told the police officers that he was going up to the FSG office because he had an appointment with the labour counsellor as he was looking for work.

This apparently struck the officers as funny and told the man that they didn't believe him

Later we discovered that the police stopped the young man because apparently he had parked his car in a place known for drug sales.

- 2. Almeria. Police services. Direct discrimination.** A group of young Roma between the ages of 16 and 20 approached the FSG office in Almeria to report that for some time now a national police patrol car was following them and they had no idea why. In fact, one day these young people were in the square in their neighbourhood and the police asked to see their ID cards and frisked them.

One of the boys said that he had been frisked three times within the span of a month.

They told us that they felt defenceless and discriminated against because they were singled out and frisked but none of the non-Roma youth who were in the square that day were subjected to this treatment.

- 3. Linares. Police services. Direct discrimination.** A Roma family was shopping in a mall in Linares when they saw their five-year-old son with a handbag that was not his. The parents were frightened. They reasoned that, given the reputation that Roma had of being thieves, if they turned the bag in to the security office and something was missing, the security officers would think that they had stolen it.

Given their dilemma, they decided to deposit the bag in a mailbox.

The following month they received a phone call from the police station and were asked to come in to make a statement about the handbag (someone had seen them and reported it to the police).

The family made their statement explaining everything that had happened and why they were afraid of being accused of theft.

In the end, everything was cleared up and there were no negative consequences.

- 4. Valencia. Police services. Direct discrimination.** A Roma woman from a suburb of Valencia contacted the Department of Equality to report the disproportionate use of force and violence by the local police in her home when she called them for help in a case of domestic violence.

She told us that a family member who had schizophrenia had a sudden violent outburst and she was unable to control him. She told us that she had explained these circumstances to the police but apparently they didn't believe her.

- 5. Valencia. Police services. Direct discrimination.** The FSG Valencia office works regularly with many Roma families from Romania. Recently some of them, specifically those residing in the Cabañal neighbourhood, were



fined for storing scrap metal in their homes (for performing this activity without the requisite environmental license).

The amount of the fines was very high and disproportionate in the light of the economic circumstances of many of these families.

The Department of Equality got involved, in collaboration with other social entities including the Valencia office of the FSG, in trying to resolve this situation we consider discriminatory. Many of these families are being harassed and treated violently in an attempt to get them to move out of the neighbourhood.

Our Department has also lent its support to the court appointed lawyers assigned to our case after we lodged an appeal for reversal that was ignored by the local authorities.

We are currently still working on these sanction proceedings as the families affected by the fines now want to lodge a complaint against the city council.

- 6. Santander. Police services. Direct discrimination.** A young man told us that he was with some friends drinking alcohol on the street on a Saturday night in a square located at some distance from the houses in the neighbourhood. There were other young people doing exactly the same thing but the local police only approached them, asked to see their car license and registration and told them they could not be there.

Two months later they received a fine for "loud music from their car's sound system". He told us that this fine was unfair and had witnesses who saw what really happened. He claimed that his car was locked and that the stereo was not on.

The Department of Equality contacted the town hall to verify these facts. Despite the efforts made by our Department to clarify the facts and confirm what this young man had told us, the officer in charge of such sanctions informed us that the police officers were both witnesses (in other words they verified one another's version of the facts) and said that nothing could be done to change that.

The young man felt powerless, unprotected and discriminated against.

The sanction was appealed with the help of the Department but the appeal was lost and the fine upheld.

- 7. Don Benito. Police services. Direct discrimination.** A man was walking down a street in the town of Don Benito when two National Police officers whistled at him. The man turned and asked the officers why they had whistled at him as if he were a dog.

A few days later he told the Department of Equality that he received a police sanction for resisting authority and was given a period of time during which to file an appeal. The man, who felt humiliated, did not appeal the sanction within the stipulated period and a few days later received a second letter informing him that since he did not make any submissions or provide any evidence contradicting the charges made, the latter were considered true and proven and he had to pay a fine of 150 Euros.

The Department lodged an appeal to a higher court but it was not admitted. The man felt discriminated against and unprotected but decided to take no further action and pay the fine out of fear.

- 8. Mérida. Police services. Direct discrimination.** A Roma girl was walking with her sister on a main street in the city of Merida where there are many shops when a robbery took place nearby. The police arrived at the scene and seeing these two brown-skinned girls they approached them immediately and asked to their ID cards and show them what they were carrying in their handbags.



When the officers realised that they had nothing to do with the robbery, they walked away without another word.

The young girls felt intimidated and didn't know what to do.

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**Badajoz. Police services. Direct discrimination.** Two Roma girls were trying on clothes in a shop. Suddenly an alarm went off and the manager immediately called the police (he said that this was standard protocol). The police arrived and from among all the customers in the shop at the time, they only searched these two girls.

The situation became tense when the police asked to see their ID and they refused saying that they had not done anything wrong.

The girls felt violated by the way they were treated by the police and contacted a lawyer because they were thinking of lodging a complaint against the shop and to that end requested a copy of the shop's video recordings so they could prove that they had not taken anything.

**10. Madrid. Police services. Direct discrimination.** A group of Roma and non-Roma friends met at an outdoor café when suddenly the police showed up and approached one of them directly (the one with dark skin) telling her to hand over the drugs that the officer had allegedly seen. The girl was smoking a cigarette and had no idea what the police were talking about.

A few minutes later, three patrol cars arrived and a woman police officer patted her down and also removed some of her clothing in the process.

The police never found the drugs they were looking for.

The girl, under the advice of our Department and in collaboration with the MCI (Movement Against Intolerance), lodged a complaint against the police officer who was charged in court for degrading treatment of the victim.

However, once learning that the hearing could have negative consequences for the victim resulting from a possible counterclaim lodged by the police officer, she decided to withdraw her complaint.

**11. National. Police services. Racial discrimination.** On 2 March 2015 the El Mundo newspaper published a story about a recording of a National Police inspector asking an officer to illegally detain a Roma person and accuse him of crimes committed by another person. .

*Specifically, the inspector asked the officer in charge of robberies to "accuse the Gypsy of all the crimes committed by a bloke with a white thing on his bicycle".*

The case was reported and investigated.

Given the seriousness of the case, the Platform for Police Management of Diversity made a statement expressing their grave concern and requested that criminal proceedings take account of the anti-Roma racist nature of the police action proposed by the inspector and called for an appropriate response in the light of the aggravating circumstance of discriminatory bias.



- 12. Ciudad Real. Police services. Direct discrimination.** A young Roma man lost his wallet which contained his ID card, credit cards, etc.

When he realised that it had gone missing, he went to the nearest police station to report the loss. The police officer asked him to explain what had happened. The officer then informed him that he would have to wait at least three days to file the complaint in case someone found the wallet and returned it. That way they could avoid unnecessary paperwork.

The young man was puzzled by this and left the police station without fully understanding why the officer had not let him file the complaint. He was very concerned.

The Department called the police station to ask about this situation and they explained how they handle cases like these. They told us that the young Roma man was lying and that they only said that to save themselves the trouble of filing a complaint. They also said that the man ran from the police station, that he didn't file the complaint and was easily dissuaded from doing so.

We told the officer that the man did indeed want to file a complaint and was entitled to do so and that police services are responsible for informing and assisting citizens.

The officer remained silent and did not apologise.

- 13. Don Benito. Police services. Direct discrimination.** The national police in Don Benito stopped a Roma man as part of a routine road check and found a metal bar in his car which they confiscated. A few days later he received notice of an infraction. The police officers claimed that the metal bar was a dangerous weapon because it had a 15 cm. reinforcement welded on to it.

The man explained that he used that metal bar as a walking stick and that this was a Roma custom. The police officers ignored his explanations and confiscated it.

The man told us that they didn't understand and that he was going to pay the fine to avoid possible problems in the future.

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

The next morning his mother went down to the police station to lodge a complaint and to the school to tell them what had happened. At the police station they told her that she could not lodge a formal complaint. The most she could do was submit a grievance.

Our Department contacted the family which was distraught about what had happened and felt certain that it was because they are Roma. They told us that they felt unprotected and defenceless both by the police and the school.



**15. Asturias. Police services. Direct discrimination.** A young Roma man was fined by the Civil Guard for illegal possession of scrap metal.

The young man, who admitted to possession of scrap metal, wanted to lodge a complaint for the treatment received by the Civil Guard officers and appeal the sanction. He told us that they acted in a discriminatory and violent fashion. He did not resist in any way and yet was subjected to racist remarks.

In the end he decided against taking any action for fear of reprisals.



## Cases of discrimination in other areas and hate speech

1. **Jerez de la Frontera. Others. Hate speech.** On 22 November 2015, like every other year, Andalusia Roma Day was celebrated in Andalusia. The local press published a report on the different events that were organised in the town of Jerez de la Frontera.

A few days later, the FSG office in Jerez de la Frontera received an anonymous letter containing this newspaper clipping and message.

"What a pity that Hitler didn't eliminate you all!!!"



2. **Almeria. Others. Direct discrimination.** The FSG Almeria office was moving to a new location and therefore was out visiting different properties.

In one of the visits, the person who was showing the property asked exactly what the FSG did. When one of the workers explained that this is an NGO working for the advancement of the Roma people, the person's attitude changed completely and he said that he had to leave and wasn't able to show them any more properties. Upon leaving he said: "Next door there is a law firm and you might disturb them with so many people coming and going all the time."



The FSG workers decided not to take any action. They simply wanted that episode to appear in this discrimination report.

- 3. Jaen. Others. Direct discrimination.** A young non-Roma woman told the FSG provincial coordinator in Jaen that her nephew called in at the FSG office in Linares to enrol in a course. When he was informed that the course was for Roma only he said: "Of course. Everything's for the Gypsies but they do put it to good use."

The coordinator explained the enrolment protocol and operation of the Acceder training course and added that the FSG was an intercultural organisation that tried to help both Roma and non-Roma but that the percentage of Roma receiving training should be greater considering their special circumstances

The woman understood and apologised. They agreed with the decision taken.

- 4. Malaga. Others. Direct discrimination.** A young Roma man went to visit his parents (elderly, the father is blind and works for the ONCE, the mother is a housewife suffering from a heart disease). When he entered his parents' home he discovered that a neighbour was there attacking them verbally. The neighbour's outrage had to do with a problem in the homeowner's association which was being blamed on this family.

He shouted: "You always act like this. You can't get on with anybody. You are thieves and freeloaders. You take advantage of everything and but never contribute anything."

The young man interceded on behalf of his parents when the aggressor head-butted him, to which the man responded in legitimate self-defence.

A misdemeanour hearing was held a few days later and both the aggressor and victim appeared as the accused parties.

Over and above the misdemeanour hearing at the local criminal court of Malaga, the victim filed charges for threats and insults.

The Department of Equality acted as an advisor with regard to the discrimination factor since the Roma family felt that their rights as citizens had been violated.

- 5. Zaragoza. Others. Racial discrimination.** A family went to their local bank to apply for a mortgage. As soon as the bank director saw them he told them that many banks did "gitanadas" (tricky or dishonest acts) with the mortgages they offered. Then he explained that what he meant was that other banks offered mortgages on cheaper houses or provided rental arrangements instead of mortgages. In fact, he referred this family to one of those banks because he thought it would be very difficult for them to get the sort of standard mortgage they were looking for.

The family felt scorned and not taken seriously. However they decided not to take any action.

- 6. Talavera de la Reina. Others. Direct discrimination.** There were complaints from neighbours in a block of flats about a group of eight Roma young people who would meet at a square close to the building and have loud religious discussions.

The town hall decided to call a meeting to which they invited neighbourhood associations (not only of that particular neighbourhood) and the local Residents' association.

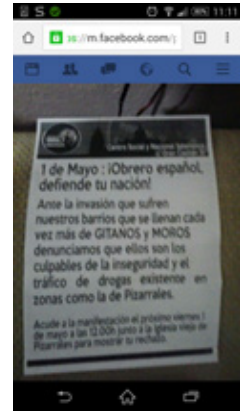
The result of that meeting was a municipal order prohibiting being out in the street after midnight.





These young people informed us that a series of discriminatory acts against Roma took place in the neighbourhood after that order was issued. They felt that they were being watched more closely than other people in the neighbourhood.

- 7. Salamanca. Others. Hate speech.** A Roma youngster received a message on his mobile phone with a picture taken from Facebook of a leaflet signed by the National Social Centre of Salamanca (a neo-Nazi organisation) urging the residents of a local neighbourhood in the city to go out and protest against "GYPSIES AND NORTH AFRICANS" who, according to them, were the cause of insecurity and drugs trafficking.



Some Roma in the area were harassed and insulted in a threatening manner.

- 8. Salamanca. Others. Direct discrimination.** We received a phone call from a programme participant who told us about a dispute with the president of the Salamanca Football Federation who prohibited a team from remaining in the league (last year that same team was a contender for the league championship). When he was asked why, he argued that the other teams were afraid of them (all the players were Roma).

Last year there was a team with Roma and non-Roma players which caused a fracas and were expelled.

The young man told us that this decision was not fair and confirmed that "we all pay the price for a few bad apples".

- 9. Sabadell. Others. Direct discrimination.** A Roma woman felt discriminated against by a Social Security worker when she was arranging her widow's pension. She explained that when she was initiating the process and requesting information, the civil servant laughed at her and said "money, that's all you people come here for".

The woman told her that the reason she was there applying for her pension was very sad and nothing to laugh about. The worker then apologised and proceeded to process the woman's application.

- 10. Mérida. Others. Direct discrimination.** A young Roma man contacted a painting company to ask for an estimate for some home improvements he wanted to make.

When the company representative visited the man's home, he asked him if he was Roma and he replied that he was.

Then the representative told him that they could not provide the service because one time a Roma family refused to pay the bill for work they had done and so they decided that they would never work for Roma people again.

The man said that this wasn't fair, that "we're all paying for what one person did". He then asked him what would happen if a non-Roma person refused to pay. Would the company stop working for all non-Roma as well?

- 11. Mérida. Public spaces. Direct discrimination.** A child was being mischievous in a supermarket and so his mother chided him and told him he had to behave because if not the Gypsies were going to come and take him away.



A Roma woman witnessed this scene and told us that it made her feel sad to overhear a mother use the threat of some imaginary Gypsy kidnapper to scare her son into behaving himself.

- 12. Badajoz. Others. Direct discrimination.** A worker at the FSG Badajoz office called a social worker from a nearby town to ask for information on Roma families living there as she was drawing up a housing map.

During the course of the conversation the social worker said jokingly "they're all fully integrated and mainstreamed, I mean they're not riding around in carts and donkeys or anything like that".

When the FSG worker told her where she worked, the social worker apologised.

- 13. A Coruña. Others. Hate speech.** This anonymous e-mail came to us through the FSG's Documentation Centre.

*"Message: Why is it that when you Gypsies behave like hyenas, pulling out knives at the drop of a hat (you even bring knives to your wedding ceremonies), the FSG doesn't say anything? You are, by far, the most despised of all groups. There must be a reason."*

- 14. Madrid. Dignity. Direct discrimination.** At a workers' meeting the union representative said: "I can't understand why the company hires Gypsies and other riffraff."

The Equality Department met with the two workers who were witness to those comments. After that meeting, the Department requested additional information and related documentation so as to be able to intervene, but we never heard from the two workers again.

- 15. Alicante. Others. Direct discrimination.** A group of Roma and non-Roma students were taking a post-graduate course in Systemic Family Therapy at the University of Alicante. While introducing a role-play exercise, one of the Master's degree students made a comment to the Roma woman: "You can take charge of this exercise because since you are in contact with Gypsies, you must know a lot of them" implying that since they were Roma, they must know a lot about prison inmates, the main theme of the workshop.

The Alicante office of the FSG contacted the professor in charge of the Master's programme to explain the work we do for the advancement of the Roma community and she apologised for the incident..

- 16. National. Others. Statement by a public representative.** The deputy councillor for education in the region of Madrid stated that Roma kids prefer to ride around in the family caravan than study.

Carmen Gonzalez, the new No. 2 in the area of education, also asserted that students who "arrive to Spain in patera boats (used by refugees and other immigrants to reach the coast of Spain and other Mediterranean countries) have no interest in attending school". Her first term of office in this position was under the administration of Esperanza Aguirre and at that time she defended the "right of immigrants and gypsies to remain ignorant".



- 17. National. Others. Internet advertising.** An internet company selling tee-shirts with the words "we kill Gypsies" printed on them, advertised its product on the social networks.



The advertisement was taken down after complaints by several Roma groups including the FSG Equality Department.

- 18. National. Others. Hate speech.** Statements and tweets made by the footballer from the Real Betis football club, Dani Ceballos, were published in a Seville newspaper. They went as follows:

*"In my neighbourhood you didn't need to score three goals to be able to take the ball home. Being a Gypsy was enough".*

- 19. National. Others. Hate speech.** Statements made by a representative of the police union were published in a newspaper in Andalusia.

In those statements, the union called for the withdrawal of a fifth grade textbook for the subject 'Citizenship Education' because of "racist allusions to the police".

The reason for the protest was a story in the text book about a Roma woman who exited a shop after purchasing a video console and was frisked by the police before she was even given the opportunity to show them the receipt.

The Department of Equality got in touch with them and after explaining the general context of discrimination against the Roma community, they proposed collaboration with the FSG and the organisation of conferences to raise awareness about the work the police services are doing.

We also believe that it is unfair to generalise when referring to the work carried out by the police.

- 20. National. Others. Legislation.** We received an anonymous e-mail about a law dating back to 1905 "Royal Decree of 24 April 1905 approving the implementing regulation concerning undocumented cattle" making explicit mention of Gypsies and associating them with illegal trafficking in cattle:

*"Article 2: In compliance with the Royal Order of 8 September 1878, cattle confiscated by the Civil Guard or the authorities from Gypsies and livestock smugglers at fairs and markets, void of documents certifying lawful ownership, and where the rightful owner is unknown, shall be considered undocumented and therefore governed by this regulation."*

The Department of Equality discovered that this Royal Decree is still in force although it is rarely enforced except in some small backward towns that use it to allow certain livestock farmers to take possession of cattle that is not theirs. In any case, it goes without saying that the Roma people should not be singled out in this way in a legal text.

- 21. Ciudad Real. Others. Statements made by political officials.** On 20 October 2015, José Luis Gismera was expelled from the Guadalajara trade union called CSI.F for a series of serious offences. He made the following statements in relation to his expulsion: "This is Gypsy behaviour, street mafia."

<http://www.europapress.es/castilla-lamancha/noticia-gismera-presentara-demanda-vulneracion-derechosfundamentales-ser-expulsado-csif-guadalajara-20151020111611.html>



**22. Andalusia. Others. Direct discrimination.** A young married couple was in the midst of a separation process. The woman, non-Roma, filed a suit against her husband (Roma) claiming that he was a delinquent and marginalised and associated these negative characteristics with the fact that he is Roma.

The young man told us that he felt discriminated against. One of the social worker reports featured a description of the neighbourhood where his family lived: "...where one could see crashed cars, robberies and the sale of hashish...". She managed to associate these images with the entire Roma community after one short visit.

Our Department got in touch with the court appointed lawyer who was handling the case and counselled him on equal treatment and non discrimination law and advised him to highlight the discriminatory and racist sentiment of his estranged wife's family in all his briefs.

The lawyer informed us that the situation was very difficult because the mother spent all of her time filing charges and, as they were completely unfounded, they were immediately rejected by the courts..

# European cases<sup>1</sup>

## 1. School segregation in Nyíregyháza, Hungary.

In 2015 the Hungarian Court of Appeals upheld the lower court ruling against segregated school in Nyíregyháza, a town in Eastern Hungary. **In its judgment, the Court of Appeals stated that it is illegal to educate Roma children separately**, even in the case of church-sponsored schools, and ordered that no new groups of students be admitted to the school. Thus, the Hungarian courts took a firm stance against the ethnic segregation of children at school. Unfortunately, the Ministry of Education has not heeded the high court's ruling and maintains its policy of active school segregation.

## 2. New cases of expulsions and evictions of Roma families in France

**Between January and February 2016, 2 582 Roma were forcibly evicted by police and security forces in France:** that comes to 300 people per week. These evictions were carried out in violation of French law and of France's obligations pursuant to European and international human rights law.

The ERRC and the League of Human Rights (LDH) recorded 19 forced evictions during the first two months of 2016. According to French and international law, the authorities must provide alternative accommodation for people who are evicted from their homes. However, this is often not the case. In fact, emergency shelter was offered in only 11 evictions.

Not only is this eviction policy useless, it is illegal. There are several cases pending before the European Court of Human Rights. Many NGOs have called on the European Commission to take action against France for breach of EU law that prohibits this type of ethnic harassment.

Meanwhile, the number of Roma evicted from their homes is expected to rise even further. In March 2016, more than a thousand people were left homeless, cast out onto the streets of Roubaix, Marseille, Nantes and the greater Paris region.

## 3. Italy: segregated "Gypsy camps" are still a reality in 2015

According to the 2015 annual report published by the 21 July Association, ([http://www.21luglio.org/wp-content/uploads/2016/04/Rapporto\\_annuale\\_2015\\_def\\_web.pdf](http://www.21luglio.org/wp-content/uploads/2016/04/Rapporto_annuale_2015_def_web.pdf)) despite repeated observations filed by international organisations and the objectives laid down in its national inclusion strategy, Italy still segregates and discriminates against the Romany and Sinti communities. **Funding has been earmarked for the design and construction of new "Gypsy camps" and the reconstruction of already existing ones, forced evictions have taken place and there is a climate of anti-Roma hostility and intolerance in political discourse and the media.**

According to the report, of the approximately 180 000 Roma and Sinti living in Italy, approximately 35 000 live in emergency housing and nearly 20 000 have gone to the settlements designed and managed by government institutions. There are 145 "Roma only" settlements, 76% of which are located in Veneto, Tuscany, Piedmont, Lombardy, Lazio, Emilia Romagna and Sardinia, and there are 10 "reception centres", 93% of which are located in Milan, Rome and Naples. 86% of Roma in "camps" live in Lazio, Campania, Lombardy and Tuscany, and the Lazio region.

Although one of the priorities of Italy's National Strategy is to do away with the "camp policy", in 2015 the government continued to build new "camps" or renovate already existing ones. From Vicenza to Genoa and from

<sup>1</sup> The cases appearing in this section are only a small sample of anti-Roma discrimination throughout Europe. In 2015 there were many cases of anti-Gypsyism and Roma-phobia in many European countries.



Pistoia in Naples to Lecce, the government continues to implement policies which, over the years, have been a source of marginalisation and human rights violations.

International monitoring bodies have made many recommendations to Italy, including the European Commission against Racism and Intolerance (ECRI) and the United Nations Committee on Economic, Social and Cultural Rights and, in 2016, the Human Rights Commissioner of the Council of Europe, Nils Muižnieks, sent a letter to Prime Minister Matteo Renzi calling for action to end the segregation of Roma in the "camps".

One of the main obstacles hindering the effectiveness of integration policies targeting Roma and Sinti is anti-Gypsyism, i.e. the climate of hostility and intolerance against Roma and Sinti which has gained momentum thanks to stereotypes and hate speech on the part of politicians and institutional representatives. **In 2015, the National Observatory of the 21 July Association detected 265 cases of incitement to hatred against Roma and Sinti, 55% of which were classified as very serious. 89% of the cases were by politicians with a clear predominance (37%) of the representatives of the Northern League.**

The Annual Report also addresses the situation in Rome, where today nearly 8 000 people are living in settlements, slums and 'reception centres'. In 2015 alone, local authorities in the capital carried out 80 forced evictions (a 135% increase over the previous year when there were 34). These actions, which are a violation of human rights and international law, affected 1 470 people, including women and children, with a total cost of more than EUR 1.8 million, i.e. EUR 1 255 for each person evicted.

#### **4. Serbia: Refusal to register the births of Roma children.**

A suit was filed by the European Network on Statelessness, the ERRC and the NGO Praxis Serbia before the Constitutional Court of Serbia to annul a legal provision allowing registrars to delay the registration of births. **Many Roma in Serbia, after years of exclusion and discrimination, especially in the 1990s with forced displacement, have no identification documents.** When Roma women give birth in Serbia, registrars refuse to register the birth. This law, now before the constitutional court, allows registrars to delay the registration of births for an indefinite period of time in order to verify the data to be entered in the birth register. This violates the basic right of all children to be registered immediately after birth and to be given a name and a legal personality.

<http://www.errc.org/cms/upload/file/serbia-birth-initiative-7-march-2016-english.pdf>

# Presentation of disaggregated data

In this section we present the disaggregated data from the 154 cases collected by the FSG in 2015.

## Definitions of case categories:

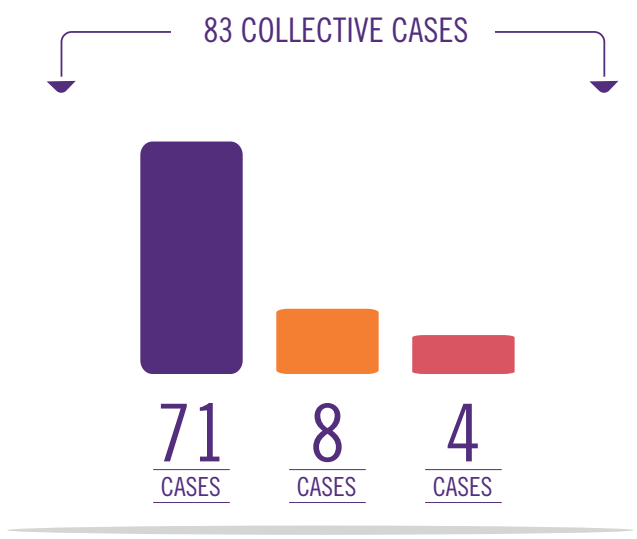
- 1) **Individual cases:** where discrimination or hate crime is perpetrated against a specific and identified person.
- 2) **Collective cases;** three sub-categories:
  - **General collective cases:** those affecting the image of the entire Roma community or which promote hatred towards the entire Roma community (i.e. poor journalistic practices such as citing ethnic groups in the article or hateful anti-Roma language in social networks, "all Roma are...").
  - **Collective cases with unidentified victims:** those affecting a specific group of Roma whose exact number cannot be determined (i.e. when the case affects a group of people but we do not know who they are or how many).
  - **Collective cases with identified victims:** those discriminating against a group of Roma who are identified (i.e. five Roma youngsters are banned from entering a discotheque).



# CASE ANALYSIS



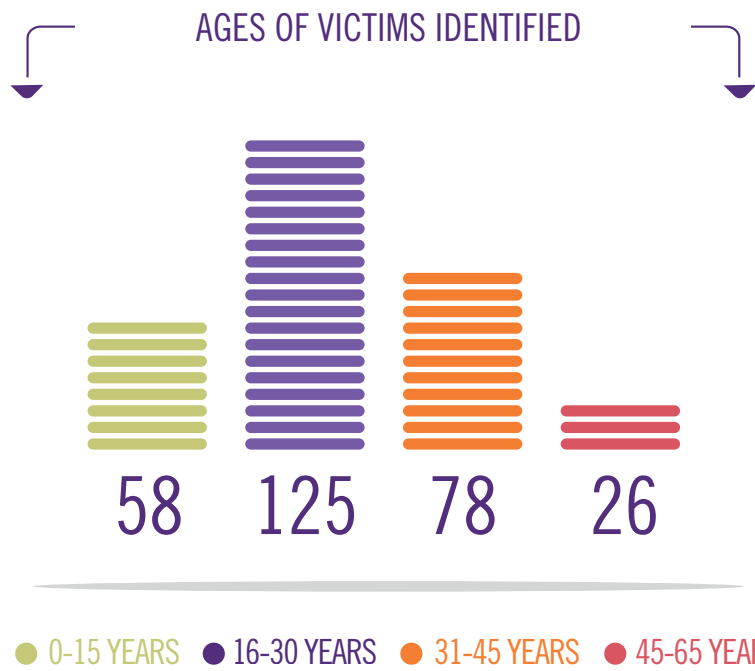
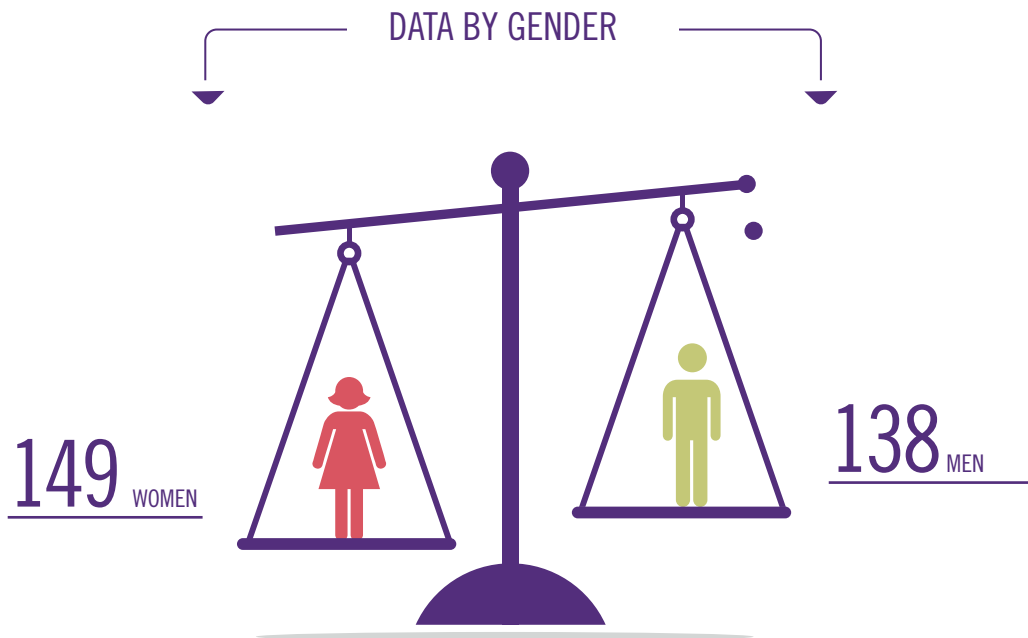




- Roma community in general
- Collective cases with identified victims
- Collective cases with unidentified victims



## ANALYSIS OF VICTIMS



TOTAL VICTIMS: 287



**AN ANALYSIS  
OF ANTI-GYPSYISM**





# Towards a definition of anti-Gypsyism

Valeriu Nicolae

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*"Rarely does anyone stop to say what it is and what is wrong with it."  
Kwane Anthony Appiah on the use of racism*

The purpose of this paper is to develop a definition of anti-Gypsyism. I will start by giving an example of anti-Gypsyism in Romania.

On October 25, 2005, in the flat of an ethnic Romanian man in Bucharest, police discovered the body of an 11-year-old Roma girl who had been raped, killed, and cut into hundreds of pieces. A Romanian newspaper, *Adevarul*, published the news on October 26. Had the victim been Romanian and the murderer Roma, and bearing in mind the country's long tradition of racially-motivated pogroms, one can only speculate as to what bloody manifestations of collective punishment might have been meted out as a consequence. The Haredeni atrocities of 1993 serve as a grim reminder of what can happen (Pro Europa, 2000). The evening of October 26, a talk show on the Romanian TV station OTV included two items related to Roma: one concerning the rape and murder of the Roma girl, and the other about a fight involving Roma. During the broadcast, several commentators suggested that the murder was related to the fact that Roma parents are unable to take care of their children. Comments on the fight involving Roma included the suggestion from a caller carried live on TV that "Gypsies should be shot dead."

The thesis of this essay rests on the premise that majority's attitudes towards, and pervasive hostility to, the presence of Roma minorities in Europe represent a factor potentially destabilizing to the European societies. This challenge to stability and peaceful interethnic coexistence needs to be understood as a complex, multi-faceted, pan-European issue, and the means to address this challenge should be complemented by diplomacy. The indicator of this potential for ethnic conflict is the growing anti-Gypsyism in Europe—a form of racism particular to the situation of Roma in Europe and capable of adapting to changes in this situation. Before describing the potential role for diplomacy and Roma

diplomats, it is important to set out a clear definition and description of anti-Gypsyism.

Currently, no recognized or widely accepted definition of anti-Gypsyism is available. This definition builds on a previous one published on the site of European Roma Information Office (ERIO, 2005) I argue here that anti-Gypsyism is a distinct type of racist ideology. It is, at the same time, similar, different, and intertwined with many other types of racism. Anti-Gypsyism itself is a complex social phenomenon which manifests itself through violence, hate speech, exploitation, and discrimination in its most visible form. Discourses and representations from the political, academic and civil society communities, segregation, dehumanization, stigmata as well as social aggression and socio-economic exclusion are other ways through which anti-Gypsyism is spread.

Anti-Gypsyism is used to justify and perpetrate the exclusion and supposed inferiority of Roma and is based on historical persecution and negative stereotypes.

Despite the fact that anti-Gypsyism fits academic descriptions of racism, until very recently the academy/ academics in writings/ discussions/ analyses of racism have by and large ignored or simply paid cursory attention to the plight of the Roma, and have not made much effort to theorize/analyze the discrimination faced by Roma. Dehumanisation is pivotal to anti-Gypsyism. I understand dehumanisation as the process through which Roma are often seen as a subhuman group closer to the animal realm than the human realm. Even those rare cases of seemingly sympathetic portrayals of Roma seem to depict Roma as somehow not fully human, at best childlike. Roma are in the best cases described as freespirted, carefree, happy, and naturally



graceful. All these characteristics are frequently used to describe animals.

This chapter outlines a definition of anti-Gypsyism, showing that the phenomenon has profound similarities with the complex of phenomena called racism..

### I. Neo-Racism or Differentialist Racism

Many authors regard the latest manifestations of racism against different minority groups in Europe as what Baker (1995) and Taguieff (2001) call "differentialist" racism. Seen by both authors as a form of racism focused not on biological but cultural differences and what its perpetrators call "natural preference" for a specific "cultural" group this form of racism promotes the incompatibility of cultures and has similar results as biological racism. According to Rorke (personal interview in 2006) this is "a profoundly more dangerous, more insidious form of racism, it has a longer shelf life and can infect the mainstream of political thought and action with greater ease than biological racism. The point made by proponents of differentialist/new racism is that biological racism was fatally discredited with the defeat of German Nazism and in the wake of the Holocaust. When it comes to Roma, biological racism is alive and well; dehumanisation is still central to the anti-Roma discourses. Rorke also considered anti-Gypsyism to be "protean and polymorphous." This complements what Rorke wrote in 1999:

Although *anti-ciganism* remains well-nigh ubiquitous, like most forms of prejudice it is neither static in terms of its content, nor is it somehow spread evenly across the politics of the European continent. Within different states prejudice against Roma is either less or more pervasive, more or less overt, manifests itself to differing degrees and in very specific direct and indirect forms against Roma, and takes its bearings from the flows and eddies of wider political developments.

Recent surges of anti-Gypsyism in Europe (Nicolae 2006) and, in particular, in England and Italy are explained through cultural clashes rather than biological heredity but the effects are the same as we are witnessing violent social conflicts (Slovakia, Romania, Hungary) and dissolution of social bonds.

This type of interpretation based on cultural differences fails to take into consideration social psychological research carried out in various countries (Spain-Pérez, Chulvi and Alonso, 2001; Pérez, Moscovici and Chulvi, 2002; Chulvi and Pérez, 2003; Marcu and Chrysochoou, 2005). This research has revealed that, unlike

other minorities, the Roma are perceived as being closer to the animal realm than to the human one. In Romania for example, while the prejudice against the Hungarians was expressed (2005) in terms of negative human attributes (e.g., *hypocrite*), prejudice against the Roma was expressed in terms of negative animal traits (e.g., *wild*). Given the existing high level of contact between the majority population and the Roma, it is clear that dehumanisation is not based on misconceptions or ignorance on the part of the majority population. Instead, dehumanisation of the Roma appears to be a legitimising myth that serves to justify the majority's abusive behaviour towards this minority.

The pogroms against Roma in Romania at the beginning of 1990s that resulted in over a hundred burned houses and tens of victims, as well as the frequent attacks by skinheads, are often justified by a part of public opinion makers, intellectuals, and mass-media through presenting the Roma victims as subhuman species (Nicolae 2006). Dehumanisation of Roma and other ethnic groups has a long historical pedigree and made the mid 20th century genocide easier to perpetuate and neglect.

Refusal to acknowledge or outright denial of the Romani Holocaust has helped preserve the marginalisation of Roma Holocaust victims (Nicolae 2005) and the existing status quo that places Roma in the position of non-citizens or pariahs.

Many academics underline the superficiality of differentialist racism. For example, Balibar (1991) writes: "the neo-racist ideologues are not mystical heredity theorists but realist technicians of social psychology." According to Balibar, it is only at a superficial level that differential racism "does not postulate the superiority of certain groups or peoples in relation to others but 'only' the harmfulness of abolishing frontiers, the incompatibility of life-styles and traditions." His point is particularly relevant in the case of anti-Gypsyism, as behind the talk of difference between the majorities and Roma, old notions of hierarchy remain intact as proved by the polls in Europe (see OSCE report, *Anti-Gypsyism in European Mass Media* (2005)). Unfortunately, there seems to be no doubt in the minds, actions, and policies of the majorities whose life-styles are deemed to be modern and civilized and whose are not.

Anti-Gypsyism manifests itself not only through racial categorization, which postulates the inferiority of Roma, but mainly through straight-forward dehumanisation of Roma. Anti-Gypsyism, therefore, can be defined as a form of dehumanisation, because prejudice against the Roma clearly goes beyond racist stereotyping where-

by the Roma are associated with negative traits and behaviour.

Through dehumanisation, the Roma are viewed as less than human; and, being less than human, they are perceived as not morally entitled to human rights equal to those of the rest of the population.

Other authors describe this as delegitimisation (Bar-Tal, 1989; 1990) or moral exclusion (Staub, 1987; Opatow, 1990).

The failure by European states (e.g., Italy and Netherlands) to accord official recognition of group status is quite different in intent and outcome to dehumanising racism, but is in my opinion an institutional dimension of anti-Gypsyism. Neither Italy nor Netherlands officially recognize Roma as national ethnic minorities, despite recognizing other national minorities.

## II. Biological racism

*"And yet, though there are no races,  
racism certainly exists!"  
Jacquard and Pontalis (1984)*

Racism is a relatively new concept and according to Zack (1996) *The Oxford English Dictionary* dates the earliest appearances of the term "racism" to the 1930s. In fact racism was at the basis of exclusion and violent conflicts since long before.

A series of theories find the roots of biological racism (racism based on an essentialist notion of race, which links itself to nationalism and to the state) much earlier than the 19th century theory of Arthur de Gobineau considered the father of biological racism and the first to write about distinct human races in his publication *Essai sur l'inégalité des races humaines* (1853–55) Zack (1996) considered that "modern concepts of race derive from eighteenth and nineteenth century pseudo-science that rationalized European colonialism and chattel slavery" (p. 3).

As Zack, Williams (1995) believes racism preceded the theories of Gobineau and argues that racism was created to justify the enslavement in Africa as he introduces the early concepts of racism link to the "the rationalization of slavery."

Kant is also seen by Zack (1994) to have contributed to the creation of European concept of racism as he drew

on Aristotle's theory of essences of natural kind where he thought barbarians to be natural slaves.

Probably the earliest introduction of racist concepts one can find in Plato (2002) who wrote in "The Republic" that there are people "constructed of intrinsically inferior material" (p.39). In 1940, Ruth Benedict defined racism as "the dogma that one ethnic group is condemned by nature to congenital inferiority and another group is destined to congenital superiority" (p. 21)

Scientific or biological racism, based on 19th century theories of biological superiority and inferiority of races, is largely seen as compromised and no longer acceptable in political and public discourse. However, in the case of Roma, we often still encounter virulent forms of biological racism, both in political and public discourse (OSCE, 2005).

Long before biological theories of race surfaced in Europe, Roma faced persecution. Banned from living in several European countries, enslaved in what was then Romanian territory, accused of playing a role in the killing of Jesus and often identified with criminals (Lucassen and Willems, 2001), Roma have been continuously rejected by the majority populations.

The European Commission country reports often underline the structural racism against Roma in countries of Central and Eastern Europe, yet some of those countries have already joined the EU and others will join soon. Violence and acts of discrimination, including state-sponsored rejection, which seem impossible for any other minorities, are often occurrences in the case of European Roma.

For example, in 1998, Great Britain re-imposed visa restrictions on Slovakia in order to prevent Romani asylum seekers from having their case heard in the UK. In summer 2001, the UK government established a "pre-clearance" of air passengers at the Prague airport, which served to single out Romani passengers and prevent them from boarding airplanes destined to the UK (BBC, 2001).

Also in April 2001, the UK government adopted a "special" border policy, singling out persons belonging to seven named groups: Kurds, Roma, Albanians, Tamils, Pontic Greeks, Somalis and Afghans, for "special" measures. Of these groups, Roma and Kurds do not hold passports stating their ethnicity (Roche, 2001).

European Roma are not a homogenous group. Roma can range in appearance from fairedskinned and blue-eyed to very dark-skinned and black-eyed, with the two extremes often seen in the same community or even family. Roma share many physical features with Arabs,

Turks, Indians, as well as Europeans. Roma in Europe follow a number of different religions: Christianity (Orthodox, Catholic and Protestant), Islam (both Shia and Sunni), Judaism, as well as atheism. Many Roma are unable to speak Romani. Even those who speak Romani may have difficulties understanding each other as the various dialects are quite different across Europe. Therefore, this measure, which was in place until 2004 in the UK, demonstrated a form of state sponsored discrimination against Roma that somehow operated despite the fact that there is no sure way to identify Roma. The policy cannot be logically based on any known criteria of racial discrimination: appearance, skin colour, religion, or language. The experience of the Czech reporters who proved that the Czech Roma with a darker skin colour was stopped while his whiter colleague was granted the permission to leave for the UK in 2001 suggests that this was in fact a case of imagined biological differences between Roma and others.

Anti-Gypsyism in the UK is not demonstrated only in state policy, but also through official and popular sentiment. Jack Straw, in charge of British diplomacy until May 2006, is known for derogatory comments (transcript interview available at [v.nicolae@diplomacy.edu](mailto:v.nicolae@diplomacy.edu)) targeting "travellers," who he saw as good for nothing but defecating at people's doors

"Should we let Gypsies invade England?" was the title of a poll in January 2004. Around 20,000 people paid to call in and tell readers of the *Daily Express* that they were not going to put up with the "gyppos." The poll was part of a larger media campaign in the British press led by tabloids which lasted for several months (ERIO, 2004). The government reacted by starting talks about measures to restrict access for Roma to the UK.

UK Prime Minister Tony Blair said in the following days in the House of Commons: "It is important that we recognise that there is a potential risk from the accession countries of people coming in." One day later, accordingly, the *Daily Express* echoed Blair, with banner headlines "Gypsies: you can't come in."

The ideas of Arthur de Gobineau are still widespread in Europe and salient when it comes to Roma. The fear of degeneration coming from mixing of majority "races" with Roma is held by a majority.

According to a 1999 poll, less than 1% of non-Roma Bulgarians can imagine marrying a person of Romani origin (Nahabedian, 2000). In 2003, a Gallup poll in Romania discovered that 93% of Romanians would refuse to accept Roma in their families (IPP/Gallup, 2003). In a poll conducted by Focus Institute in 1999 in Slovakia, 80% of the interviewees said that they would never allow their children to marry a Roma (Pisarova, Slovak Spectator).

In an opinion poll conducted among Slovenian secondary school students in 1993, 60.1% said they would avoid any contact with Roma (Ramet, 2005). In a survey conducted in 1986 and 1988 at Spanish schools, 70% of the teachers said they would be upset if their child married a Roma (Calvo Buezas, 2001).

Park (1950) writes that race relations "are not so much the relations that exist between individuals of different races as between individuals conscious of these differences." The results of the polls quoted above in Romania and Bulgaria (both with a Roma population of about 10%) seem to indicate that anti-Gypsyism has been internalised by a good number of Roma, besides the majority populations. Opinion polls in Luxembourg (Legrand, 2004), Malta and Denmark (European Values Study, 1999) show that anti-Gypsyism operates even in the absence of direct contact with the Roma. The poll shows that 25% of Luxembourgish people would not like to have Roma as neighbours, despite the fact that according to the census, no Roma live in Luxembourg. The strongest rejection is found among workers and housewives, the lowest among people who have a liberal profession. Over 30% of those interviewed in Malta declared that they would not want to have Roma as neighbours. No Roma reside in Malta, according to the official census. The report shows that 15.2% of respondents in Denmark would not like to have Roma as neighbours. In Denmark, practically no Roma reside (less than 0.001%)

Despite no social interaction, in conflicts and, in most cases, in any form of contact, the majority populations reject Roma. This reinforces my view that anti-Gypsyism is a racist ideology which has strong similarities with specific forms of racism such as anti-Semitism. Anti-Gypsyism often serves to justify the existing social order whereby the Roma are permanently kept in an inferior social position.

Anti-Gypsyism is also reflected in the form of false consciousness on the part of the Roma themselves. A significant number of Roma deny their roots in an attempt to escape the social stigma associated with Roma identity. Most of them, especially the profession-





ally successful Roma, manage to hide their parentage and eventually lose their ethnic identity and assimilate to the majority that normally rejects Roma. This is usually not possible for other groups facing racism and could be held as an argument that anti-Roma feelings are not based on race or ethnicity, but on stereotypes and historical prejudices against Roma. This is well-reflected in the discrepancies between the estimated number of Roma and the lower results of official censuses as reflected by the documents of the Council of Europe.

A tremendous amount of energy is spent in justifying or legitimising political, economic, and cultural exclusion of Roma. Prejudices against Roma are based not only on race, but on a combination--unique in each region or country--of religion, language, culture and physical appearance. Moreover, Roma are identified based on neighbourhoods, villages, regions or countries where they live, social class, "specific Roma" professions, speaking patterns, clothing, and even behaviour. This complex exercise of building negative stereotypes directed at Roma based on whatever features are shown by the Roma in a particular area is not typical of racism, which focuses on race or ethnicity alone, as shown by a few key features such as skin colour, language, or religion. In this way, anti-Gypsyism is able to adapt and Roma remain targeted regardless of the changes they make in their social status, living conditions, and practices, as long as they admit to being Roma.

Ambalvaner Sivanandan, director of Britain's Institute of Race Relations, wrote in 1973 that racism was "an explicit and systematic ideology of racial superiority." By 1983, he had come to think that "racism is about power, not prejudice." In 1985, he related it to "structures and institutions with power to discriminate." Anti-Gypsyism includes features from all of his definitions of racism; however, it is not reduced to only those. Anti-Gypsyism is a very specific form of racism, an ideology of racial superiority, a form of dehumanisation and of institutionalised racism. It is fuelled by historical discrimination and the struggle to maintain power relations that permit advantages to majority groups. It is based, on the one hand, on imagined fears, negative stereotypes, and myths and, on the other, on denial or erasure from the public conscience of a long history of discrimination against Roma. It ignores not only events where Roma were killed with bestiality, but also any non-stereotypical characteristics in the life of Roma. Prejudices against Roma clearly go beyond racist stereotyping which associates them with negative traits and behaviours.

Dehumanisation is its central point. Roma are viewed as less than human; being less than human, they are

perceived as not morally entitled to human rights equal to those of the rest of the population. Like any ideology, anti-Gypsyism can adapt as Roma remain targeted, regardless of the changes they make in their social status, living conditions, and practices, as long as they admit their ethnic roots.

Anti-Gypsyism has such contempt for reason, facts, and intellectual debate that it requires little effort to justify its often ideological contradictions and changes, a feature that links it strongly with fascism.

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# ECRI Recommendation on anti-Gypsyism.

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The European Commission against Racism and Intolerance (ECRI) is a human rights body of the Council of Europe, composed of independent experts who monitor cases of racism, xenophobia, anti-Semitism, intolerance and discrimination based on 'race', nationality, ethnic origin, religion or language in the 47 countries of the Council of Europe. They draft reports and make recommendations to Member States<sup>1</sup> and then perform follow-up checks to verify compliance and publish follow-up reports on each State.<sup>2</sup>

Recommendation No. 3 refers to the prevention of racism against Roma. It was drafted in 1998, indicating that at that early date the Council of Europe had already detected an alarming rise in anti-Gypsyism in Europe, and it provides some general guidance on how to combat this type of racism.

Years later, in 2011, after the grave incidents of Romaphobia that occurred in several European countries in the first decade of the 21st century, ECRI decided to draft a much more detailed recommendation in which it coined the term 'anti-Gypsyism'.

This *General Policy Recommendation No.13 on combating anti-Gypsyism and discrimination against Roma* is a much more in-depth document featuring concrete measures to prevent and combat discrimination in areas such as education, employment, housing, health-care, hate crime, police services, anti-Roma speech in the media, access to goods and services and hate speech on the Internet, and features a number of other complementary measures. It is a document that clearly describes the effect that discrimination has on many aspects of the lives of Roma, and sheds light on the link between anti-Gypsyism and the situation of disad-

vantage and inequality facing Roma throughout Europe. This important recommendation was drawn up by a number of different professionals who are experts on racism and anti-Gypsyism, including the Spaniard Pedro Aguilera who was Spain's representative to ECRI for several years.

This recommendation is key in understanding that the areas that we tend to associate with the 'social inclusion' of the Roma community, i.e. employment, education, health-care and housing, cannot be addressed independently of anti-Gypsyism, an underlying factor which has been deeply rooted in European societies for centuries and that affects all these areas and prevents Roma from fully exercising their citizenship.

This analysis by ECRI encourages us to change the way policies address Roma issues by unveiling the root causes and effects of discrimination and hate crime. This change would mark the end to the so-called 'Roma issue' (an expression which puts the focus on the Roma community and, consequently, part of the blame as well), and the beginning of the 'anti-Gypsyism issue' which is where the crux of the problem really lies. According to this approach, the aim is to identify these exclusion and discrimination processes present in mainstream society and invest much more effort in educating the society at large with a view to dismantling the prejudices and stereotypes about the Roma people.

1 The four reports on Spain are available at [http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Spain/Spain\\_CBC\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Spain/Spain_CBC_en.asp)

2 ECRI website [http://www.coe.int/t/dghl/monitoring/ecri/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/default_en.asp)



# European Roma youth and the fight on anti-Gypsyism

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In an effort to address the challenges that Roma youth face every day, in 2012 the Council of Europe decided to take a step forward by creating the first programme specifically designed for Roma youth, i.e. the "Roma Youth Action Plan", as a way to empower Roma young people, get them more politically active and especially to combat anti-Gypsyism.

Through a co-management system (unique in Europe) where governments and youth representatives sit down at the same table to hash out the strategic and political priorities of the youth sector, taking young people's ideas into account in the design, implementation and evaluation of the European policies specifically affecting them, the Council of Europe created the Roma Youth Action Plan where the main partners are international Roma organisations such as FERYP, the Roma Initiatives Office of the Open Society Foundation, the European Roma Rights Centre, the Roma Education Fund, Ternype and the European Youth Forum, to name just a few. The programme and its activities are coordinated and implemented based on this structure.

One of the activities included under this plan was the creation and drafting of "Mirrors", a manual for human rights education to combat anti-Gypsyism created by the group of experts mentioned earlier and representatives from the Council of Europe.

A special feature of this manual was that its activities were tested in different countries such as Spain, Greece, Hungary, Italy, Montenegro and Romania, and were subsequently reviewed and applied in the final version of the manual, with a view to making sure that the activities it included truly addressed the problem of racism against Europe's Roma community; racism shaped by the social and economic realities of each country, but with the disturbing and well documented common denominator of anti-Gypsyism.

This manual has achieved two milestones. First of all, the compiling of the manual itself. This text was prepared by people who have combated (and suffered) anti-Gypsyism first-hand. Thanks to Roma and youth organisations, the concept of anti-Gypsyism (and Ro-

maphobia) has been included as an essential priority when addressing Roma inclusion in Europe, where anti-Roma racist and xenophobic crimes and incitement to hatred go unpunished in many countries, and where politicians trivialize or ignore the seriousness of hate speech and hate crimes committed against the Roma community.

In this connection, education is crucial if we expect to achieve tangible results that are more than just theory filling the pages of useless reports; results obtained through education must be applicable to social realities in Europe today. To that end, Mirrors can play a crucial role in the long term. On the one hand, by raising awareness among young people that anti-Gypsyism is not simply a 'Roma issue' but rather a social problem the root of which must be addressed, and secondly by encouraging interaction between activists, intellectuals and Roma and non-Roma workers which is essential if we expect to achieve fully inclusive and intercultural societies

The second milestone of the manual is its very preparation, drafting and implementation. It is quite unusual for large national or international institutions to include such active participation from civil society. And Roma youth, accounting for nearly 60% of the Roma population in Europe, must play a major role in this process.

Current social trends show that both Roma and non-Roma young people are losing interest in traditional ways of engaging in politics and participating in society. However, this does not mean that young people as a whole are less interested in politics.

Therefore youth policies, especially those affecting Roma communities, should be re-focused to open new opportunities for participation.

To do this, we will need to change the definition of and appreciation for participating in civil society by embracing new forms of collaboration. Democracy is based on the meaningful participation of young Roma

to promote active citizenship and social responsibility and to improve mechanisms of understanding.

During the last 4 years there has been growing recognition of the importance of youth participation (and not just Roma) in decision-making, and efforts have been made (perhaps not always successful, but efforts just the same) to engage youth which have led to better drafting, implementation and evaluation of policies. The Roma Youth Action Plan is a good example of this. Despite the many improvements and revisions still needed, this action plan has been driven by a growing consensus that the participation of Roma youth has not only proven to be of clear value, but is also a civil right.

Regarding Spain, the Mirrors manual should be taken as an excellent example of a best practice in both senses, i.e. its content and the way it was drawn up.

Anti-Gypsyism runs rampant throughout the country disguised as indifference and humour, with the complicity of the media. Therefore, human rights education focused on fighting this social menace should be included on the political agenda of Spain's national and regional governments.

The Roma community, through its students, young graduates, activists and intellectuals, must provide the voice and use their talent to generate opinion and put anti-Gypsyism on the public debate agenda. We need real evidence-based research on youth development which entails listening to the experiences and aspirations of young Roma taking part in activities, programmes, projects and policy making.

We also need to reformulate the concept of citizen participation which means changing the way the Roma community gets involved in policy decisions that affect them. Although Spain has created channels for participation and dialogue with the Roma community, they have barely begun to develop mechanisms that truly reflect the problems facing Roma when it comes to interaction with the rest of society and the perception society has of us.

That is why Roma youth must become more deeply engaged. We have been offered many mechanisms that have barely been explored with a wide range of specialised institutional or informal arrangements to engage young people such as youth councils, student councils, youth associations, youth branches of political parties and a host of other organisations and institutions at local and national level. However, Roma are barely present in these participatory fora.

Roma inclusion in these areas would contribute to community development and participation in policy-making affecting not only the Roma community, but the entire society.

We must shed our fear and engage politically through new mechanisms for citizen participation. Ever since Spain's return to democracy, the associationism has played a role which, by definition, is the responsibility of the government. Even so, the role of Roma youth and their place has never been well defined. They have always been in a sort of no man's land.

Moreover, we cannot forget that the welfare and safety of citizens is the responsibility of the State. The civil society takes part, or should take part in formulating the policies which guarantee welfare and the recognition of those rights and freedoms.

And it goes without saying that Roma organisations should play an important role. But Roma youth, the Roma community in general and of course governments, must not forget that associations should be a mechanism for dialogue and policy-making and that they not a magic wand able to fix all social ills.

A good example of a huge lost opportunity was the Decade for Roma Inclusion. Despite politicians' promises to build bridges of dialogue and share 'best practices', the problems of anti-Gypsyism suffered by the Roma community on a daily basis continue to be ignored by the institutions, and the Roma community continues to face greater discrimination than any other group in Spain has ever endured.

As Zeljko Jovanovic pointed out at the closing ceremony of the Roma Decade, too many stakeholders have entrenched themselves in the industry of EU-funded projects. While these activities could lead to limited improvements at national level, they have been insufficient and ineffective in creating and promoting equality and combating discrimination. Priority has been given to short-term results and, possibly due to fear, mistrust or simple ignorance, programme developers have not invested in policies implemented over the long term.

Naturally, Roma civil society has a clear responsibility for urging national, regional and local governments to fight in favour of inclusion and against anti-Gypsyism, but institutions must also be unequivocally committed to attacking the roots of the problem.

Local and regional authorities could take a major step forward if they are able to come up with new participatory mechanisms for Roma youth, working closely with young students, graduates, activists and free-thinkers to develop strategies for the implementation of effec-

tive policies for Roma communities and in favour of youth participation.

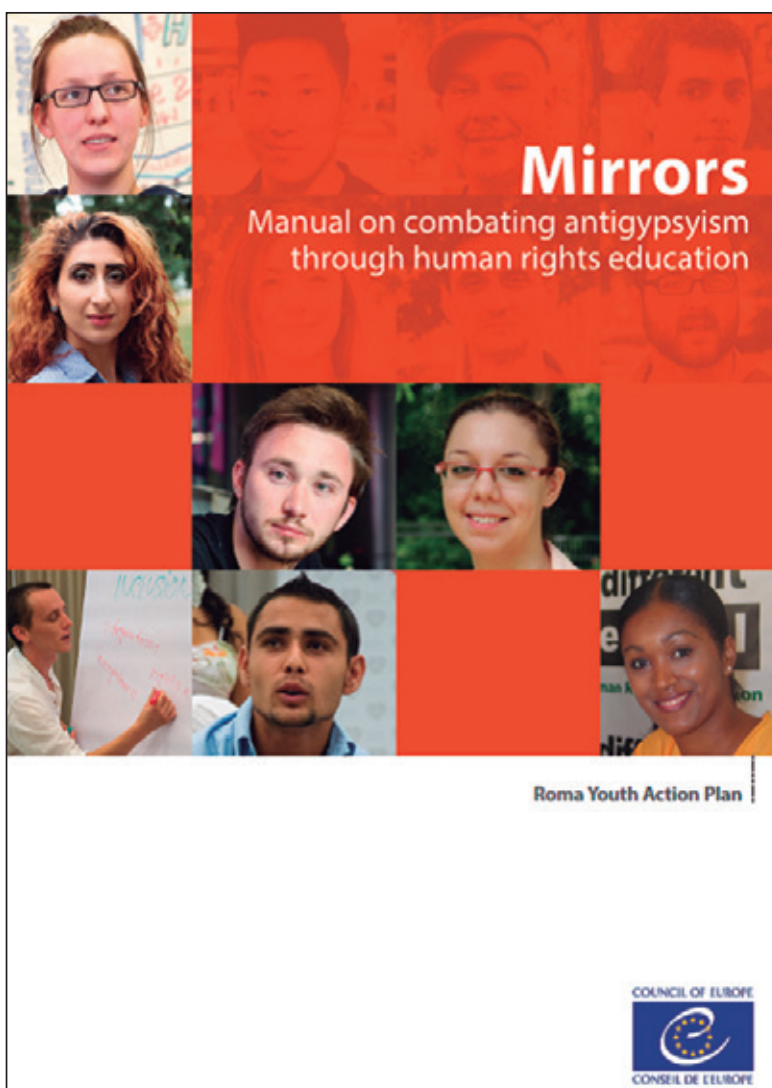
If Roma youth get involved, municipalities, regions and youth councils will be better equipped to understand the needs and concerns of the Roma community and to participate actively in the design and implementation of effective and inclusive policies. Also, resources could be allocated for issues of great importance for young people and their communities and more efficient use could be made of such resources.

Moreover, the participation of young people in policy-making would gradually reduce the gap between the majority society and the Roma community. Participation of the main Roma stakeholders in discussions and policy-making, in a spirit of consensus and dialogue, will result in results-based policies striking a balance between the different ideas and perceptions that these two parts of society have of one another.

In short, it would lessen the gap between cultures and put us on the path towards a truly intercultural society.

Only when Roma youth wake up, step up and realise their potential, and stop expecting others to take responsibility, will we bring about a change in the way we create policy. And this is the only way that the Roma community and the rest of society can gain more trust in our public institutions.

Mirrors, is nothing more than a manual. The Roma youth Action Plan is nothing more than a policy of the Council of Europe. But if we contribute our small grain of sand to their implementation at national and local level, they can begin to make a significant contribution to building societies where one can speak openly, discuss and debate the major trends affecting European societies and thus tackle the root cause of anti-Gypsyism, a cancer infecting Roma communities and societies in general. Maybe Mirrors is just a manual, but it could eventually become an a major force.





# A critical look at anti-Gypsyism

## A de-colonial approach

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### I. The rule and the exception

As a general rule, conventional analyses of anti-Roma racism lead to positions that go beyond ideological and political debate. In our opinion, any view proposing to directly short-circuit racist discourse is bound to address the ideological nucleus from which the problem germinates: rejection by power-holders of the subversive nature of being different.

First of all, we must adopt a strict and critical view of past history.

Many of the most important events in the life and death of the Roma people have been analysed from external, colonial, paternalistic, and sometimes even folkloric points of view.

In the *Resource Guide to combat anti-Gypsyism*, a project launched thanks to the hard work done by the Regional Federation of Roma Associations of Valencia (FAGA), we simply propose to reopen the scope within which to address anti-Gypsyism. These discriminatory acts should not be viewed as isolated events but rather as an old ideology with deep historical, philosophical and political roots.

However, contrary to how this might appear, we are not looking back on the miseries and intrigues of our past to apply them to the present in a romantic and anachronistic way. Our aim, which is particularly ambitious, is to expose the overwhelmingly simple truth that paradoxically nourishes the irrationality of anti-Gypsyism; i.e. Europe has chosen not to heal its wounds, and that's why they are now open and bleeding. We argue that, according to a critical reading of history from a de-colonial point of view, anti-Gypsyism originated with the emergence of modern nation-states. In this regard, it cannot be divorced from the dynamics set in place to carry out the other genocides on which the European continent was built, long before the Holocaust (Porraj-

mos / Samudaripen in Romany) perpetrated by the Nazis during World War II.

### II. A review of past history and reinterpretation of the present

Events such as the so-called re-conquest of Al Andalus, the expulsion of the Jews, the forced conversion of the Moors, colonialism in the Americas and Asia, the enslavement of millions of Africans, witch-burning and anti-Roma persecution, represent only a few of the least studied dimensions of the cultural reverse ushered in with the emergence of a political, economic and social system called Capitalism. Based on the works of renowned intellectuals and political activists such as Enrique Dussel, Ramon Grosfoguel, Silvia Federici and others, we have tried to rescue the analysis of anti-Gypsyism from the dynamics of welfarism where it has been held captive by a large number of NGOs.

Similarly, a critical look at the present means, as Marx warned us, making the necessary effort to transform it. The current rise in paradigmatic anti-Roma events since 2008 is essentially the resurgence of archaic European dynamics, unenthusiastically addressed by the political class. These words may be received with a bit of scepticism due to their harshness. But our intention is not to make the reader suffer and feel frustrated, but rather to provide an explanation and put anti-Gypsyism on its proper geopolitical map. Mass expulsions, lynch mobs, media criminalisation, police harassment, forced sterilisations; the past is being repeated with astonishing ease right before the astonished eyes of anti-racist Europe. Feeling horrified is not enough. The challenge is to explain the horror; strip it down and see it for what it really is.

Normally, especially in our part of the world, most efforts made try to incorporate the Roma population into the average lifestyle of the majority society. Naturally,



we can only be pleased that Roma and non-Roma have been able to improve their standard of living. However, we know that the situation affecting a large proportion of Roma did not happen by chance. Therefore, as Roma observers, **our role is to constantly remind ourselves and everyone else of a self-evident fact: anti-Gypsyism is not a Roma problem. Bearing the foregoing in mind, it is obvious that we cannot radically transform the lives of Roma without combating anti-Gypsyism.**

Anti-Gypsyism is a problem rooted in the majority society. We have grown up in a society that tends to treat symptoms but not the underlying disease. Of course we should resolve the imbalances that widen the gap between Roma and non-Roma. But this would be absolutely useless unless we address the root cause of such imbalance. "We argue that the situation of defencelessness and exclusion characterising many segments of our population is a consequence of the old and persistent phenomenon of anti-Roma racism. We further argue that the biggest problem facing the Roma people is not child malnutrition, illiteracy, early school leaving, poverty or defencelessness, but rather the root cause of all of this: anti-Gypsyism. Furthermore, we firmly assert that this is one of the fundamental and most alarming problems facing Europe as a whole." (Resource Guide to combat anti-Gypsyism, 2014)

### III. What is anti-Gypsyism?

As Professor Marcus End (2010) pointed out "it is important to understand anti-Gypsyism as an ideology, a form of communication, a set of images and stereotypes that have been constructed, perpetuated and re-affirmed by majority societies". Why do we incessant-

ly repeat, insist and sound the warning alarm regarding this issue? The traditional approach has been to consistently target Roma. The time has come to redirect our approach and put the focus where it belongs: on the majority society. Anti-Gypsyism, like any other form of racism, can be traced back to the new dialogic needs of power-holders resulting from their overarching project: the creation of dominant national identities.

We need to face up to a dark, denied and invisible dimension of our identity: we establish ourselves in opposition to others / against others / on top of others. One cannot ignore the obvious: power-holders need to discipline, annihilate and coerce those social elements that do not fit into their political map. History offers a long list of dominant identities. There are numerous examples of how the standardisation process works to build a new collective imagination. Discourse is fiercely imposed on one's very way of life.

In the case of the Roma People, 'gypsyism', created by non-Roma to describe Roma, people of flesh and blood, plays a key role: the creation of an antagonistic and conflictive identity irredeemably incompatible with the values of the ideal society. Unfortunately, even the oppressed eventually assimilate that discourse thus justifying the attack on their own lives in the view of the majority society.

We simply must create new strategies to combat anti-Gypsyism, linking this battle up with many other noble ones fought and whose heart beats to the rhythm of the words attributed to Zapatista: "build a world with enough room for many worlds". To accomplish this, we need to rethink political concepts and listen to the voices of the victims, the denied ones: those who resist. They are the ones who possess the key to their own liberation.





# The dark side of the expansion of the ethnic boundaries of public policy: ethnic-based protests against the resettlement of Roma populations in today's Spain

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The conflict caused by Roma relocation programmes is one of the least known aspects of the late expansion of the ethnic limits of social policies in Spain. Although from the standpoint of inter-ethnic relations the inclusive effects of these policies have been slow in coming, of varying effectiveness and have a lot of room for improvement, in recent decades government administrations have raised living standards to more dignified levels for a large proportion of the increasingly heterogeneous (also in terms of housing) Spanish Roma community, and have increased opportunities for intercultural coexistence. But they have also promoted the redefinition of traditional prejudices against Roma, the proliferation of new competitive interdependencies in neighbourhoods, schools and other social spaces where the numbers of Roma are increasing and there is a higher likelihood of open conflicts between neighbours in the form of protests where ethnic claims abound.

I present here the general dynamics of one of those neglected phenomena of discrimination and social mobilisation that has been occurring recently in Spain: protests and collective neighbourhood actions against projects to resettle Roma families. Lastly, a few words about intervention based on knowledge of these ethnic conflicts. These cases have arisen despite the dwindling numbers of these programmes in a country where most major relocation processes of Spanish Roma have already come to an end and, let us not forget, that collective public ethnic exclusion is increasingly considered unacceptable.

## I. Understanding anti-Roma demonstrations and the logic of exclusion in the case of resettlement projects

Demonstrations and the interruption of traffic in reaction to confirmation or even rumours of resettlement, occupation of land intended for the relocation of Roma families and other forms of protest and popular boycott grounded on ethnic divides are, by far, the most frequent type of anti-Roma mobilisation in Spain's cities in the last thirty-five years. Often these demonstrations occur repeatedly forming part of cycles of ethnic protest rather than one-off events. Protests against relocation, unlike the also frequent cases of educational discrimination in the 1980s, are also known for their ability to move the masses. Moreover, these ethnic events typically employ different pressure and boycott tactics (as explained above) in the same scenario. These situations produce leaders and foster solidarity among neighbours that fracture the universalist principles normally attributed to neighbourhood movements.

From among the most notorious cases –of the hundreds of demonstrations recorded in the city of Madrid and other parts of Spain– I will describe one that struck the Madrid neighbourhood of Villaverde in the hot autumn of 1991. Tens of thousands of working class people took part in protests for weeks. Traffic on the M30 beltway was interrupted on a daily basis. Neighbourhood watch groups worked in shifts camping on the site proposed for the relocation project (and not for a mall as local residents were expecting) to resettle some eighty Roma families from stigmatised shanty towns. Enclaves that the very administration responsible for resettlement helped create decades before proceeding to tear them down, only to continue, in the 1990s,



putting members of the same ethnic group all together in city neighbourhoods. A formula which again proved counterproductive and was discarded but which was responsible for an unprecedented number of Roma who went from the slums to the streets of the Villaverde Alto part of Madrid.

In this case, as in so many others, we were witness to the emergence of leaders and populist personalities such as Nicanor Briceño who stir up neighbourhood discontent where rejection of the stigmatised and stigmatic presence of Roma merged with a more massive and indignant perception of class discrimination between poor and rich neighbourhoods, the latter being exonerated from these relocation processes. This outburst of discontent is paradoxical for the fate of the neighbourhood movement. First of all, this anti-Roma solidarity and flurry of protests fractured the universalist tradition of combating urban discrimination which had been the mainstay of the neighbourhood movement but which lost steam during the transition to democracy in Spain. **This movement did, however, have a dark side in the form of ethnic exclusion during massive relocation processes which, in the early 1980s, improved the living conditions of a large percentage of Madrid's working class while keeping most Roma, who endured worse situations of residential exclusion, in their caravans and last in line for the major housing operations.**

Although in the end the demonstrators failed to achieve their objective, demonstrations organised for the purpose of excluding other social groups, such as those in Villaverde, did mark the recovery of the once lost neighbourhood movement; at least judging from the number of people who joined together against the Roma. Also, this all took place within a broader context of moral decay and citizen insecurity linked to the heroin crisis which gave rise to the expansion of 'vigilante groups' especially focused on the neighbourhoods where resettled Roma lived.

These groups employed a sort of 'popular justice' and became the enforcers of rights and a type of exclusion called 'differential neo-racism'. This manifestation of racism was sustained, in a context where the focus was on cultural differences, by the acceptance of segregation as the only model capable of preventing clashes between cultures considered inevitable if traditional boundaries and balances between communities were not maintained. Hence, in situations of resettlement and conflict, neighbours reacted in a reactionary way. Typically they call for a return to the status quo of segregation where the two communities live parallel lives.

In this general context, three forms of exclusion typically emerge in the context of relocation. First, there is fear that their neighbourhood will be next. In other words the widespread fear of devaluation of the lo-

cal environment and, by extension, real estate prices once 'politicians' impose the coexistence of stigmatised groups which, are quite likely to stigmatise their surroundings. In a country where most working-class people are home-owners, discourse highlighting the uncontrollable devaluation of the environment and property prices is a strategic action employed to legitimise exclusion; not an ethnic ruse with no real basis. The presence or the threat of relocated Roma families, given the stigmatic potential in the areas where this occurred, often contributed to the devaluation of the image of these neighbourhoods. Even just a superficial look at urban sociology shows that between adjacent residential neighbourhoods with comparable facilities, a large proportion of the differences in housing prices are due to the presence of stigmatised groups in one of them, and this produces a 'drag down effect' of which the residents of areas chosen for relocation programmes are only too well aware.

Secondly we have the discourse of *triple discrimination* allegedly affecting the majority population living in areas chosen for resettlement. First, as noted in the case of Villaverde, relocation policies are identified with class discrimination between neighbourhoods that are invariably the receivers of stigmatised groups and those others exonerated from doing their part for inter-ethnic solidarity. Second, confirmation of relocation becomes confirmation of the widespread belief that one's neighbourhood has been officially abandoned. This discourse is repeatedly manifested where the planned relocation comes in the wake of other previous ones where no intensive social work was done. It also appears in run-down neighbourhoods with limited and precarious social infrastructure, i.e. in places where there are empty lots and where promises had been made to neighbourhood communities (broken in the end) that green areas, schools, or other services would be introduced to improve the quality of neighbourhood life and raise property values (shopping centres, etc.). Third, neighbourhoods receiving relocated people perceive this an unfair use of scarce public resources. The granting of public housing to Roma families where such housing is extremely scarce is interpreted, even by those who previously benefited from such grants, as preferential treatment by the administration and a form of discrimination which has the pernicious effect of diminishing the likelihood of social integration and advancement of the culturally dominant majority.

Thirdly, although closely linked to the preceding one, we have the *diverted poverty* discourse. This is based on the strategic distinction between the 'mainstream poor' –those who appreciate the opportunity received and who make an effort to conform to the rules of neighbourly coexistence and legitimate work– and the 'diverted poor' –those who do not appreciate the opportunities for integration and advancement provided



to them with scarce public resources. In these cases **we have the litany of clichés about the inability of the 'Roma culture' to properly use housing and adapt to living in a community environment.** A variation of the 'diverted poor' discourse is that of the 'unrequited gift', i.e. nothing given in return for resocialisation efforts made. It is widely believed that the administration provides these benefits without requiring anything in return such as behavioural and attitudinal changes justifying the investment made by the state at the expense of other citizens.

In many aspects, these ways of understanding exclusion are manifestations of the new relations of interdependence and inter-ethnic competition caused by the relocation process. However, these discourses used in conflict scenarios reproduce the three most traditional elements of prejudice against minorities, as many Roma who have suffered discrimination first hand know all too well. The first two elements, ubiquitous in the case of rejection of the Roma population, are 'over-representation' and 'asymmetry', i.e. the tendency to judge the whole group based on the negative behaviour and deviant images projected by a small fraction of the minority group. This stigma is reinforced by the still disproportionate number of members of the Roma community who still form part of the so-called 'culture of poverty'. This fosters the third element of prejudice: the 'error of intrinsic attribution': the tendency to use culture-based shortcuts which means attributing the existence of negative behaviours and traits to previously substantiated cultural particularities or group idiosyncrasies. These are, however, often the consequence of strictly social situations and conditions, such as those caused by poverty and historical exclusion.

## II. Different conditions enabling anti-Roma mobilisations: the formulas chosen for relocation

Perceived risks, inter-ethnic comparative disadvantage arguments and the ethnic shortcuts alluded to above, are common in relocation scenarios. However, despite the ubiquity of local discontent that they generate, not all relocations of Roma families have the same likelihood of unleashing demonstrations. The type of resettlement planned plays a critical role in the likelihood of demonstrations.

Although it was a long time coming, and suffered setbacks along the way, the widely resisted resettlement formulae applied to Roma families in the last thirty-five years have evolved from the sort of relocation where

minority groups were all put in the same place –typical of the 1980s and early 90s– to formulae that prioritise the relocation of limited quotas of Roma families spread out among buildings of flats where settled majority populations live, or among diverse new social housing –the most advanced relocation measures developed after failed attempts to preserve group identities and public funds. This was the type of relocation implemented by IRIS in Madrid.

Gradually discarded, with some unfortunate exceptions, there are two reasons that explain why the type of resettlement that kept ethnic groups together was used for decades. On the one hand, choice of this type of resettlement was influenced by the symbiotic relationships that often exist between urban development interests and many Roma family resettlement operations, hastily applied after years of unjustified postponement. This leads one to wonder about the aim of inclusion incorporated into these programmes and explains their poor design with perverse effects on neighbourly relations. Moreover, ideas about 'multiculturalism' and the poor who were able, to a greater or lesser degree, adapt to mainstream services, put forward by many of the ideologists and technicians of the social intervention agencies, also had an influence on relocation programmes that kept ethnic groups intact. Although from the very beginning the results of the experiment indicated that these 'model villages' should be dismantled –called dung heaps by the press–, many officials insisted (especially in the 80s) on the need for a transition-adaptation period for families taken from the slums and put in 'standard housing'. They even spoke of the need to protect them from racism from the majority society and from other dangers that could erode their identity, customs and development patterns, and also highlighted the alleged preferences of the relocated families to remain among members of their own ethnic group. This was particularly the preference of the 'Patriarchs'.

There are substantial differences in the likelihood of neighbourhood rejection depending on which Roma family relocation formula is employed out of the different ones used in our recent history. **Thus, the most frequent, numerous and sustained anti-Roma demonstrations were linked to relocation projects** that, by keeping the ethnic group intact but much closer to the majority society, modified the ethnic makeup of the surrounding urban area and multiplied competitive interdependencies between established groups and the newcomers in terms of consumption and collective activities such as schools that increasing numbers of Roma children were attending as relocation expanded in the second half of the eighties, referred to as an 'avalanche' of Roma children in the schools of working class neighbourhoods.

### III. The conflictive experience of relocation processes: lessons learned

At least one lesson can be taken from Spain's experience of relocating Roma families: the difficulty of achieving acceptance and subsequent coexistence of groups whose racial stigma was partially the result of former state policies.

Increased segregation of the Roma community in the latter part of the Franco regime played a key role in the escalation of conflicts with the Roma community. This was a result of urban expansion and unequal treatment by government design in the distribution of social housing which was rarely available to those hundreds of thousands of Roma families that, in their early years in the cities, frequently lived in shanty towns and inter-ethnic slums. At that time, only non-Roma families made their way out of the slums and into social housing.

Later, when the authorities decided it was finally time to relocate the Roma communities from the shanty towns, the predominance of Roma-only neighbourhoods proved to have a perverse effect on inter-ethnic relations. This formula helped solidify stigmas that hindered the acceptance of Roma in the neighbourhoods where they were relocated, even under later more enlightened

relocation programmes such as those based on the dispersion of limited quotas of Roma families throughout already established working-class neighbourhoods in flats acquired by local governments on the open property market.

There are a number of reasons to continue implementing these dispersion-based relocation programmes which the Spanish authorities were so late in adopting. First of all, integrating small numbers of families in several different neighbourhoods in standard living conditions, takes away the argument frequently used by those denouncing the negative effects of putting Roma all together in "their own neighbourhoods". Thus, in places where relocation involves one or a few families per building of flats, instead of tens of families concentrated in one part of a neighbourhood, discrimination become more diffuse and it becomes much more difficult to recruit people to take part in anti-Roma activities. Furthermore, dispersed relocation helps to neutralise associated discrimination known as 'location effects'. The unequal treatment to which Roma citizens are frequently subjected (when seeking employment, for example) becomes worse when a member of a stigmatised minority comes from a stigmatized neighbourhood. This is well known by many Roma citizens whose work résumés are thrown directly into the dust bin when potential employers see their place of residence.

In addition to these analyses of anti-Gypsyism, see the bibliographical references in Annex III.



The image features two stylized human figures, one orange and one grey, positioned side-by-side. The text is overlaid on the figures in a bold, orange, sans-serif font. The text is arranged in three lines: 'PROGRESS IN CASE' on the top line, 'LAW AND BEST' on the middle line, and 'PRACTICES' on the bottom line. The orange figure is on the left and the grey figure is on the right. The text is centered horizontally between the two figures.

**PROGRESS IN CASE  
LAW AND BEST  
PRACTICES**







# Practical Handbook for the investigation and prosecution of hate and discrimination crimes

The 'Practical Handbook for the investigation and prosecution of hate and discrimination crimes' was published in December 2015. This document was drafted by a working team at the Centre for Legal Studies and Specialised Training (CEJFE) of the Generalitat de Catalunya (regional government of Catalonia), directed by the Coordinating Prosecutor of the Hate and Discrimination Crime Service of the Barcelona Provincial Public Prosecutor, Miguel Angel Aguilar, recipient of the 2015 FSG Award.

This handbook, whose great value resides in the conscientious way it addresses legal concepts, is the first of its kind published in Spain. It is written to help those who, in one way or another, are responsible for the investigation and prosecution of this type of criminal offence, particularly judges, prosecutors, court clerks, medical examiners, judicial office staff, lawyers and law enforcement officials.

Its aim is to provide practical tools for police and judicial investigation and for the prosecution of criminal offences motivated by hatred and discrimination. It seeks to raise awareness and help train officials and professionals who, in one way or another, are involved in the long and sometimes complex legal process of clarifying facts, identifying perpetrators and determining criminal responsibility.

The material includes:

- A conceptual approach to discrimination and hate crime.
- An analysis of the problems that prevent or hinder the effective prosecution of these crimes.
- A review of the regional, national and international legal framework on hate and discrimination.
- A compilation of recommendations by international organisations in the field.
- An analysis of the articles of the Criminal Code that affect this area and concrete examples of how they should be applied.
- Guidelines to improve the investigation of these events and aid for victims.
- A compendium of best practices and recommendations for the effective investigation of this type of crime.

The Handbook can be downloaded at:

[http://justicia.gencat.cat/web/.content/home/ambits/formacio\\_\\_recerca\\_i\\_docum/biblioteca\\_i\\_publicacions/publicacions/manual\\_investigacion\\_delitos\\_odio.pdf](http://justicia.gencat.cat/web/.content/home/ambits/formacio__recerca_i_docum/biblioteca_i_publicacions/publicacions/manual_investigacion_delitos_odio.pdf)





# Fair and Effective Police Stops

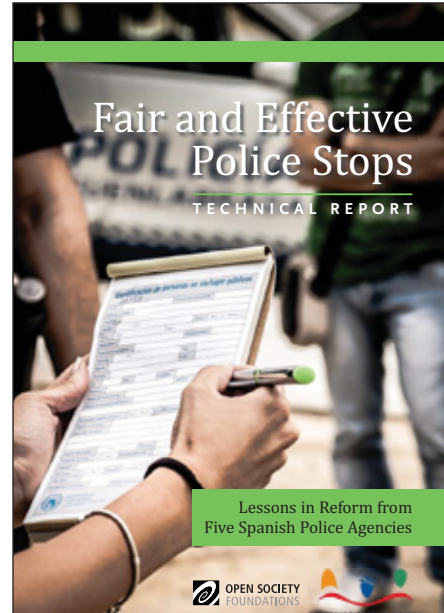
Police services, authorities and civil society groups worldwide have been working to develop best practices with a view to offering impartial and effective police services. Recently, five Spanish police services (Fuenlabrada, Castellón, Pedrezuela, Girona and the Catalan police), embarked upon an ambitious programme of reforms aimed at reducing the use of ethnic profiling and increasing the effectiveness and fairness of police stops and ID checks.

Their collective experience shows that change is possible. Through a series of measures detailed in this report, these police services reduced the ethnic disproportionality of police stops and increased their effectiveness while also reducing the total number of people stopped. This had the added benefit of improving relations with ethnic minority communities and other groups of our diverse society.

This report is both a description of this endeavour to reform and a proposal, based on practical experience, of how future reforms can be carried out and the results that can be achieved. It combines a narrative explanation of how the reforms were applied with data from participating police services on the impact of these reforms. Impartial and effective police stops serve as a roadmap for all public police services seeking to improve the fairness and effectiveness of the job they do.

This report is a joint publication of the Platform for Police Management of Diversity (PGPD) and the Open Society Justice Initiative and can be downloaded in English at:

<https://www.opensocietyfoundations.org/sites/default/files/fair-effective-police-stops-20160208.pdf>





# A handbook for lawyers defending Roma and Travellers. Council of Europe

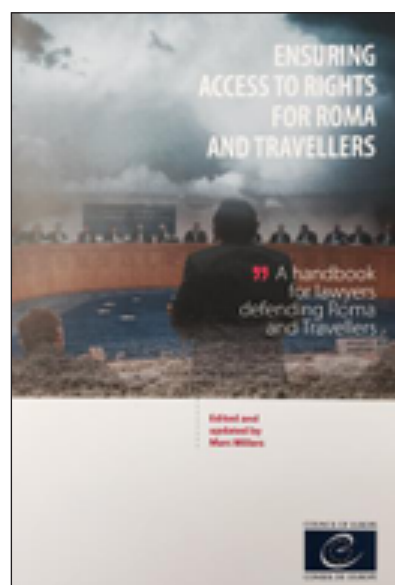
The Council of Europe has just published a handbook for lawyers who defend Roma in discrimination cases entitled "Ensuring access to Rights for Roma and Travellers". The manual is intended to familiarise those providing legal assistance, particularly Roma or pro-Roma NGOs, with the European Convention on Human Rights and the functioning of the European Court of Human Rights. If used properly by professionals familiar with their intricacies, the Convention and the European Court can become two very powerful tools serving to defend the rights of minorities and protect them from prejudice and abuse of power.

This publication is divided into four sections, starting with a practical and a theoretical approach to the Convention and the implementation mechanism used by the Court. The last two sections contain an analysis of relevant case law on anti-Gypsyism, with an explanation of the Convention and the specific articles cited and how they refer to the everyday situation of Roma in European countries. It concludes with an exercise consisting of related case studies including specialised

comments and answers to the most frequently asked questions.

This handbook provides a good introduction to human rights law. It is extremely useful for professionals who work with and for disadvantaged minorities, deepening their knowledge of case law on anti-Gypsyism and human rights doctrine in Europe.

[http://www.lmcb.com/news/2016/02/23/council\\_of\\_europe\\_publishes\\_handbook\\_for\\_lawyers\\_defending\\_roma\\_and\\_travellers/](http://www.lmcb.com/news/2016/02/23/council_of_europe_publishes_handbook_for_lawyers_defending_roma_and_travellers/)





# Judgment of the European Court of Human Rights: Case of Boacǎ and others v. Romania



This judgment of the European Court of Human Rights (reference 40355/11), delivered on 12 January 2016, deals with a complaint of police abuse with the aggravating circumstance of racism against several Roma.

In 2006, in the Romanian city of Clejani, a young Roma woman was attacked by unknown assailants. The victim went to the police station with some family members to report the assault. The family was attacked in front of the police station by several people with sticks and stones. After this incident, police officers went to the home of the this Roma family and arrested several of its members **using excessive force and insulting them (dirty Gypsies, wretches, miserable)** and called them *tigani*, a Romanian term which is very offensive.

After conducting an investigation and analysing testimony and evidence, the European Court of Human

Rights ruled that police action against these Roma individuals violated Article 3 of the European Convention on Human Rights that prohibits inhumane or degrading treatment and **Article 14 that prohibits discrimination on the basis of racial or ethnic origin.**

The Court ordered Romania to compensate the victims in the amount of 11.700 euro.

This is a landmark decision as very few ECHR rulings recognise a **breach of Article 14 on discrimination. Judging from the way the police insulted and degraded the victims during the arrest, this is a clear case of anti-Roma racist discrimination.**

The full judgment is available in English at:

<http://hudoc.echr.coe.int/eng?i=001-159914>



# New ESF Operational Programme for equal opportunities for Roma women



Through a public tender process, the Fundación Secretariado General Gitano (FSG) was declared the end beneficiary of the Operational Programme for Social Inclusion and Social Economy (POISES) and of the Operational Programme for Youth Employment (POEJ) for the new European Social Fund programming period 2014–2020.

The FSG has been managing Structural Funds since the year 2000 under the Operational Programme to Combat Discrimination which ended last December 31st and will be replaced in part by the new POISES. The FSG's extensive experience in managing Structural Funds has led to excellent results in promoting Roma access to the labour market through the Acceder programme and in promoting education through the Promociona Programme.

the Operational Programmes are part of the new programming period 2014–2020, although this call will cover the period from 1 January 2016 to 31 October 2019 for POISES and to 31 December 2018 for the POEJ.

According to the resolution published in the Official State Gazette (BOE) on 5 January 2016, in response to the call for the selection of operations to be financed by the ESF under the POISES and POEJ (BOE of 28 July 2015), the FSG will carry out the following projects:

- **POISES - Promoting equal opportunity and the social and labour market integration of Roma women, while also focusing on multiple discrimination.** The project is designed to improve the social and labour market integration of vulnerable groups, particularly Roma woman, by promoting equal opportunities, gender equality

and combating all forms of discrimination, with a special focus on multiple discrimination faced by Roma women and on victims of gender violence. The ESF has allocated € 2 000 000 for this project.

- The FSG will also manage an additional three programmes: **POEJ-Integrated insertion pathways for young people, Acceder; POEJ-Initiative to enhance the employability of young Roma: "Learning by Doing" and training initiatives; and POISES-Integrated pathways for the social and labour market inclusion of the Roma population (Acceder-Promociona).**

In short, the results of this call show support for the work that the FSG has been doing since the year 2000 through programmes supported by Structural Funds, taking advantage of the opportunity offered by this European financial instrument to enhance the social and working conditions of the Roma population and to achieve good employment results.

In addition to this, for the next programming period the FSG has made a firm commitment to fight discrimination and promote equal treatment and equality between men and women by presenting this new programme targeting Roma women in vulnerable situations which includes actions to prevent and address situations of gender violence and multiple discrimination.

These are high-impact programmes that we hope will continue contributing to social transformation and the overall advancement of the Roma community throughout Spain.



# Royal Decree on the Victim of Crime Statute

The **Victim of Crime Statute**, Law 4/2015 of 27 April 2015, transposing 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, was approved in April 2015.

**This is an important step forward insofar as it is the first law that recognises victims of hate crimes, including those suffering aggression or violence based on their ethnic group which is the case of many Roma in Spain.**

The Royal Decree implementing some of the provisions contained in the Statute was passed on 11 December 2015 (BOE of 30 December 2016) to ensure that victims' rights are upheld and to regulate Victim Assistance Centres.

This Royal Decree mainly implements the provisions of the Victim of Crime Statute to ensure that public authorities recognise and protect victims' rights.

To that end, public administrations are urged to adopt and promote the development of action protocols and coordination and collaboration procedures in which victims' rights advocates and other similar groups will participate.

The law provides that police decisions not to provide victims with interpretation or translation of the proceedings must always be reasoned and such reasons must be included in the police report.

It reaffirms that victims are entitled, free of charge, to confidential assistance and support services provided by the government and Victim Assistance Centres. It likewise foresees the possibility of allowing government officials and Victim Assistance Centres to extend assistance and support entitlement to family members, even if not victims themselves, in the case of particularly serious offences.

It also creates the Victim Advisory Board, a broadly representative advisory body. This Advisory Board will play different roles in ensuring respect for the rights of victims and the proper functioning of the assistance scheme. With counsel from this Board, the Ministry of Justice may periodically assess the victim assistance scheme and propose measures and reforms through the Council of Ministers that it deems necessary to best protect victims.

We would note that the Royal Decree stipulates that special protection will be afforded to **victims of crimes with racist or anti-Semitic undertones**, or those related to ideology, religion or beliefs, family status or the fact that **its members belong to a particular ethnic group**, race or nation, or because of their national origin, sex, sexual orientation, gender, illness or disability (Chapter IV, Article 30(3)(b)(7)).

This is particularly important in providing sufficient protection to Roma who are victims of crimes motivated by anti-Gypsyism and Romaphobia.

<https://www.boe.es/boe/dias/2015/12/30/>



# European Parliament resolution on Cohesion Policy and Marginalised Communities



On 24 November 2015 the plenary of the European Parliament voted in favour of the report on "Cohesion Policy and Marginalised Communities" (2014/2247 (INI)). This report was prepared by MEP Terry Reintke at the request of the Parliament's Committee on Regional Development.

The report draws attention to the urgent need to address the social situation of marginalised communities and stresses the important role that cohesion policy plays in supporting economic and social inclusion. It also recalls that marginalised communities such as Roma were introduced as a cohesion policy target group owing to growing concern and the commitment to combating social exclusion, **especially highlighting the plight of the Roma community**. This report, therefore, welcomes the legislative framework for cohesion policy 2014–2020 and introduces new elements that strengthen the initial focus by extending funding opportunities and inserting mechanisms to ensure that support for marginalised communities in keeping with European values and objectives and takes account of the need to involve these groups in the entire process.

The report likewise urges legislators to take account of systematic discrimination, **emphasising the important role played by anti-Gypsyism when it comes to analysing the reasons for the exclusion**.

Moreover, the report analyses how Structural Funds were used in the last programming period (2007–2013) and calls on the European Commission and Member States to encourage the use of these European resources in the next one (2014–2020).

Among other recommendations, the European Parliament:

- Calls for better coordination and stronger links between national strategies for marginalised communities, including National Roma Inclusion Strategies, National Poverty Reduction Strategies, strategies for the inclusion of other marginalised communities, and on the Commission to follow up closely, the country-

specific recommendations issued on the social inclusion of marginalised communities.

- Calls on the Member States to make full use of the funds; emphasises the need for a special focus on funding measures that go beyond targeted action under the thematic objective for social inclusion, combating poverty and any discrimination, favouring an integrated and systematic approach.
- Points out that awareness of structural and systemic inclusion is not only called for on the part of society as a whole but is especially essential for the work of decision-makers and stakeholders at all administrative levels and other public bodies involved; calls on all public stakeholders and training institutes **to carry out a thorough analysis of the causes of discrimination and marginalisation, and to raise awareness of the fact that xenophobia and racism, and all types of marginalisation leading to systemic exclusion**, including anti-Gypsyism, must be eliminated; calls on the Commission rigorously to enforce and monitor EU legislation on discrimination; calls on public employment services to provide high-quality, needs-based tailored services.
- Calls on the Commission to offer the technical support needed to improve the administrative capacity of bodies involved in the administration of the Structural Funds, and calls on the Member States to provide advice and administrative assistance, e.g. by organising training and by helping with aid applications and explanations, so as to make it easier for marginalised communities such as Roma to obtain information concerning European and national funding programmes in support of entrepreneurship and employment and to submit the relevant applications.

The European Parliament wants to play an active role in the 2014–2020 programming period, ensuring that the actions carried out with structural and European investment funds reach the most disadvantaged groups, including part of the Roma community.



This approach provides a strategic opportunity to improve the situation of the excluded part of the Roma community.

The text is available in all EU languages at:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FTEXT%2BTA%2BP8-TA-2015-0402%2B0%2BDOC%2BXML%2BV0%2F%2FEN&language=EN>





## Assistance and guidance Service for victims of ethnic discrimination: new era, new challenges.



The Assistance and Guidance Service for Victims<sup>1</sup> is provided by the Council for the Elimination of Racial and Ethnic Discrimination attached to the Women's Institute for Equal Opportunities of the Ministry of Health, Social Services and Equality. This service has been available since 2013 but was revamped with a new contract in October 2015. The Fundación Secretariado Gitano was chosen in the open call for applications to coordinate this service which it provides along with seven other social organisations: ACCEM, Spanish Commission for Refugee Aid (CEAR), Spanish Red Cross, CEPAIM Foundation, Movement against Intolerance, Movement for Peace MPDL and the ACOGE Network.

One of the new challenges that this service has taken on is to gain the trust of victims as many fail to report incidents because they are still wary of protection systems: only 10% file formal complaints. Another challenge is to improve coordination among key actors at national, regional and local level. Focus is also put on the need to boost the activity of the Council for the Elimination of Racial and Ethnic Discrimination as the body constituted in compliance with Directive 2000/43/EC.

Mention should also be made of the new structure for the 2015–2017 period which will have 87 offices throughout Spain, 20 officers and 67 collaborators. The service also has a website, [www.asistenciavictimasdiscriminacion.org](http://www.asistenciavictimasdiscriminacion.org),

e-mail, [info@asistenciavictimasdiscriminacion.org](mailto:info@asistenciavictimasdiscriminacion.org) and a toll-free phone number 900 20 30 41.

The methodology used by the eight organisations forming part of the service was merged into a common action protocol and specialised database to register discriminatory incidents.

Work is done in two main areas: assistance, counselling and guidance for victims of racial or ethnic discrimination; and information and awareness-raising targeting key professionals and potential victims of racial or ethnic discrimination.

Between 13 October 2015 when the contract was signed and 13 January 2016, the Assistance and Guidance Service for Victims of Discrimination worked on a total of 111 cases, 58 of which were individual and 53 collective.

According to service figures, in both individual and collective cases Spanish Roma and North Africans were the two groups facing the most discrimination.

Data show that Spain's Roma community is subjected to a high level of discrimination.

Victims of racial or ethnic discrimination during this quarter were from over **19 different countries**.

<sup>1</sup> <http://www.asistenciavictimasdiscriminacion.org/>



# New ECRI Recommendation on hate speech

ECRI has just published a new recommendation on the need to combat hate speech

ECRI GENERAL POLICY RECOMMENDATION NO. 15 ON COMBATING HATE SPEECH, 8 December 2015.

ECRI defines hate speech as:

*"[...] 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, immigrants and people of immigrant origin."*

In today's constantly changing society, growth in hate crime is partly attributable to dissemination on the Internet and the different social networks which are so popular among young people.

So-called *hate speech* is not spread as it was in the past, i.e. through conferences or speeches organised and publicised in advance to audiences that specifically went in person to hear them. Today, many criminal groups take advantage of new technologies and spread their messages of hate to a wide audience instantly and with little effort. They are able to contact literally millions of people through their electronic devices.

This Recommendation is a complete analysis of all areas where hate speech is found. It explains the context in which it occurs, conflict with freedom of expression, case law, support measures for those subjected to hate speech, how to deal with it in the media and Internet, the responsibilities of public administrations and businesses and the different types of penalties and possible legal approaches.

The Recommendation includes a particularly important section which urges public authorities and Internet companies to work together to monitor and prosecute this type of speech on the Internet and social networks. Our experience in the fight against anti-Roma hate speech is that reporting is not enough to get those responsible to remove websites featuring this sort of content. We need to come up with a clearer and more effective protocol that can be applied by judicial practitioners and, to that end, a coordinated effort among Internet service providers is vital.

European Commission  
against Racism and Intolerance



Commission européenne  
contre le racisme et l'intolérance

We hope that this recommendation will serve to raise awareness of business, government, police and judicial services and encourage them to more effectively address the phenomenon of hate speech.

The recommendation can be downloaded in English and French at:

[https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation\\_N15/REC-15-2016-015-ENG.pdf](https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N15/REC-15-2016-015-ENG.pdf).

[http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation\\_N15/REC-15-2016-015-FRE.pdf](http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N15/REC-15-2016-015-FRE.pdf).

Case law from the European Court of Human Rights on hate speech:

[http://www.echr.coe.int/Documents/FS\\_Hate\\_speech\\_ENG.pdf](http://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf).



# Annexes



# Annex I:

## Legislation in force

### National

- [The Crime Victim Statute](#), Law 4/2015 of 27 April 2015.
- [Organic Law 1/2015 of 30 March 2015](#), amending the Criminal Code Act, Organic Law 10/1995 of 23 November 1995.
- [Law 19/2007 of 11 July 2007](#), prohibiting violence, racism, xenophobia and intolerance in sports.
- [Organic Law 3/2007 of 22 March](#), safeguarding effective equality between women and men.
- [Law 62/2003 of 30 December 2003](#), on fiscal, administrative and social order measures. Chapter III. "Measures for the enforcement of the equal treatment principle").
- [Legislative Royal Decree 5/2000 of 4 August 2000](#), establishing the consolidated text of the Law on social order infractions and penalties.
- [Organic Law 4/2000 of 11 January](#), on the rights and freedoms of aliens in Spain and their social integration.
- [Action protocol for law enforcement officials](#), on hate crime and other acts infringing discrimination laws. Official Gazette of the Civil Guard, No 1, section 1, p. 51-108 of 7 January 2015
- [Law 11/2014 of 10 October 2014](#), guaranteeing the rights of lesbians, gays, bisexual, trans-gender and inter-sexual persons and eradicating homophobia, biphobia and transphobia. Autonomous Community of Catalonia.

### European Union

- [Council Framework Decision 2008/913/JHA](#) of 28 November 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law.
- [Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006](#), on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).
- [Council Directive 2004/113/EC](#) of 13 December 2004, implementing the principle of equal treatment between men and women in the access to and supply of goods and services.
- [Council Directive 2000/78/EC](#) of 27 November 2000, establishing a general framework for equal treatment in employment and occupation.
- [Council Directive 2000/43/EC](#) of 29 June, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.
- [Charter of Fundamental Rights of the European Union](#). OJEC C, 364/1 of 18 December 2000.
- [Directive 2012/29/EU of the European Parliament and of the Council](#) of 25 October 2012, laying down minimum standards on the rights, support and protection of victims of crime, replacing Council Framework Decision 2001/220/JHA.



## International

- [Instrument of ratification of the Convention on the Rights of persons with disabilities](#), done at New York on 13 December 2006, ratified by Spain on 23 November 2007. Official State Gazette (BOE) No 96 of 21 April 2008.
- [Instrument of ratification of the Framework Convention for the Protection of National Minorities](#), (number 157 of the Council of Europe), done at Strasbourg on 1 February 1995. (Official State Gazette No 20, of 23 January 1998).
- [Convention for the protection of human rights and fundamental freedoms](#), (Council of Europe).
- [The Universal Declaration of Human Rights](#), adopted by the General Assembly in Resolution 217 A (III) of 10 December 1948.
- [International Covenant on Economic, Social and Cultural Rights](#), adopted and open for signing, ratification and accession by the General Assembly through Resolution 2200 A (XXI) of 16 December 1966.
- [International Covenant on Civil and Political Rights](#), adopted and open for signing, ratification and accession by the General Assembly through Resolution 2200 A (XXI) of 16 December 1966.
- [Discretionary Protocol of the International Covenant on Civil and Political Rights](#), adopted and open for signing, ratification and accession by the General Assembly through Resolution 2200 A (XXI) of 16 December 1966.
- [Second Discretionary Protocol of the International Covenant on Civil and Political Rights, to abolish the death penalty](#), adopted and open for signing, ratification and accession by the General Assembly through Resolution 44/128 of 15 December 1989.
- [International Convention on the Elimination of all Forms of Racial Discrimination](#), adopted and open for signing, ratification and accession by the General Assembly through Resolution 2106 A (XX) of 21 December 1965 CERD.
- [Convention on the Elimination of all Forms of Discrimination against Women](#), adopted and open for signing, ratification and accession by the General Assembly through Resolution 34/180 of 18 December 1979 (CEDAW).
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), adopted by the General Assembly through Resolution 45/158 of 18 December 1990 ICRMW.
- [Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#), passed by the General Assembly through Resolution 47/135 of 18 December 1992.
- [Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value](#), adopted on 29 June 1951 by the General Conference of the International Labour Organisation at its 34th meeting.
- [Convention concerning Discrimination in Respect of Employment and Occupation](#), adopted on 25 June 1958 by the General Conference of the International Labour Organisation at its 42nd meeting.
- [Declaration on Race and Racial Prejudice](#), approved by the General Conference of the United Nations Educational, Scientific and Cultural Organisation on 27 November 1978.
- [Convention against discrimination in education](#), adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organisation
- [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 against 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>
- Campaña Dostal  
<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 Justicia  
[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.advocacy.net.org/page/irwn>
- Open Society Foundations  
<http://www.opensocietyfoundations.org/explainers/roma-and-open-society>
- Osce–Odhir Roma and Sinti  
<http://www.osce.org/what/roma>
- Policy Center  
<http://www.policycenter.eu/>
- Roma Education Fund  
<http://www.romaeducationfund.hu/>
- Roma Virtual Network  
<http://www.valery-novoselsky.org/romavirtualnetwork.html>
- Roma Youth Action Plan  
[http://www.coe.int/t/dg4/youth/Training/Roma/2013\\_FEB\\_Roma\\_Youth\\_and\\_Council\\_of\\_Europe\\_en.asp](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/>
- Tribunal Europeo de Derechos Humanos  
[http://www.echr.coe.int/Documents/FS\\_Roma\\_ENG.pdf](http://www.echr.coe.int/Documents/FS_Roma_ENG.pdf)



# Annex III.

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