***Questions:***

1. What are the key challenges and issues of racial discrimination in your country/region today and how do you work to address them?
2. What has been your experience, as civil society, of engaging with CERD to date?
3. How can the CERD improve and enhance its engagement with civil society, and its work on racial discrimination for greater impact on the ground?

**1. What are the key challenges and issues of racial discrimination in your country/region today and how do you work to address them?**

In Spain, the Roma community remains one of the most rejected social groups[[1]](#footnote-1), society still has a negative social image of this minority, which, as shown in the FSG annual Reports on Discrimination and the Roma Community[[2]](#footnote-2), results into discrimination in areas such as the access to employment, housing, goods and services or education. This discrimination affects the exercise of other fundamental and social rights, which have a direct impact on the social inclusion of this community[[3]](#footnote-3).

There are a number of areas that are particularly worrying for us: the multiple discrimination faced by Roma women, the discriminatory and hate speech used by media and internet, the police identification checks based on ethnic profiling and the situations of segregation in education of Roma girls and boys. Moreover, we note cases which go beyond discrimination and that represent expressions of anti-gypsyism (racist demonstrations of neighbourhoods, aggressions, burning of housing, hate speech in media and social networks).

In this context, it is essential that the cases of discrimination and hate crime against Roma are addressed properly. To this end, it is crucial that this topic is a priority on the political agenda, that the existing criminal legislation in Spain (current reform of the Penal Code) is applied by all legal stakeholders (up to now, in cases of hate crime for racist reasons, the aggravating circumstances of racism have rarely been considered in the Courts, which have not, strictly speaking, applied these aggravating circumstances included in the Spanish Penal Code).

A coordinated work of all existing services (public prosecutor´s offices for hate crime and discrimination, police forces, lawyers, bodies and services to support victims of discrimination…) is necessary to offer protection to the Roma community. There are some mechanisms and certain progress has been made but we are still missing an integral piece of law, which covers all relevant areas (i.e. prevention, assistance and reparation of the victims) and facilitates a system of coordination of different areas and relevant stakeholders. The global approach applied for the defence of the victims of gender violence should serve as example.

It is also worth noting that in the cases of discrimination that cannot be considered as a crime there is a legal vacuum and as a result, there is a widespread feeling of impunity of the cases of daily discrimination faced by Roma. This daily discrimination is important, not only because it is directly related to the enjoyment of a fundamental right but also because it has a direct impact on Roma’s social inclusion. Therefore, it is essential to count on a legal framework that contributes to addressing it: an Integral Law on Equality, which guarantees the defence and reparation of the victims and which includes prevention and awareness-raising on this matter. This Integral Law should serve to adequately transpose the Directive 2000/43/CE into Spanish law. An example of the lack of proper transposition is the fact that Spain does not have an independent Equality Body as required by this Directive. In addition, the current Equality Body (the Council for the Elimination of the Racial and Ethnic Discrimination) currently does not have a president and needs a boost (this is particularly important to ensure a proper functioning of its related Racial or Ethnic Discrimination Support Service)[[4]](#footnote-4).

Moreover, we are lacking a system of data collection of the cases of discrimination and hate crime. It is vital to know and record the reality in order to assess the impact and the consequences and establish the adequate solutions. The invisibility resulting from the lack of data or of real data is a problem of paramount importance.

Currently the majority of victims do not report the situations of discrimination because of different reasons: they perceive them as normal situations, they are scared of reprisals or they do not trust our institutions. It is therefore vital to inform and raise awareness of the victims on their rights and how to exercise them. Activating effective guarantee systems which include an integral accompaniment and support to victims (judicial and extrajudicial) is another essential aspect.

Against this background, the Fundación Secretariado Gitano (FSG) develops the following actions:

* Coordination of the Victims of Racial or Ethnic Discrimination Support Service, which involves since 2013 eight entities, including the FSG[[5]](#footnote-5).
* Advocacy actions targeting public authorities in order to promote the development and enactment of new laws and the existence of bodies that contribute to combat discrimination acts.
* Training of key actors in the fight against discrimination (lawyers, police forces, media, etc.) and technical assistance to tackle the root causes of discrimination.
* Since 2010, we are part of a Platform for Police Management of Diversity[[6]](#footnote-6) to encourage and promote change in police services, and improve operating procedures to ensure a diverse society and non-discriminatory police action, especially with regard to the most vulnerable minority groups.
* Strategic litigation defending equal treatment and hate crimes against Roma population in the Courts.
* Social awareness-raising actions including our annual Reports on Discrimination and the Roma Community, and social awareness-raising campaigns.

1. **What has been your experience, as civil society, of engaging with CERD to date?**

In 2011, the FSG submitted, together with SOS Racismo and CEAR, a shadow report to United Nations Committee on the Elimination of Racial Discrimination.

We participate in the meetings of relevant actors organised by the Spanish Ministry of Foreign Affairs.

We monitor the recommendations made to the Spanish government and take into account the latest recommendations (2016).

1. **How can the CERD improve and enhance its engagement with civil society, and its work on racial discrimination for greater impact on the ground?**

Some actions could be considered:

-Widely disseminate the information on the functions and work of the Committee and on different options for civil society to engage with it.

-Organise an annual contact with the Committee to monitor progress as regards discrimination and the Roma community. It is important that there is work done prior to the submission of the reports every 4 years.

- Training and capacity-building of NGOs and civil society on the use of the mechanisms of the Committee.

- Facilitate the participation of all NGOs, even if they do not have a consultative status.

- Count on a space for collaboration and training which allows the Committee to provide training on this matter and on advocacy strategies to FSG.

1. Eurobarometers on discrimination 2005, 2007, 2015 https://www.msssi.gob.es/ssi/igualdadOportunidades/noDiscriminacion/documentos/monografia\_empleo\_13.pdf , [↑](#footnote-ref-1)
2. <https://www.gitanos.org/que-hacemos/areas/equal_treatment/annual_report.html> [↑](#footnote-ref-2)
3. See the 2014 report of the FOESSA Foundation: <http://www.foessa2014.es/informe/uploaded/descargas/VII_INFORME.pdf> [↑](#footnote-ref-3)
4. [www.asistenciavictimasdiscriminacion.org](http://www.asistenciavictimasdiscriminacion.org), <https://www.gitanos.org/que-hacemos/areas/equal_treatment/victims.html> [↑](#footnote-ref-4)
5. <https://www.gitanos.org/que-hacemos/areas/equal_treatment/victims.html> [↑](#footnote-ref-5)
6. <https://www.gitanos.org/que-hacemos/areas/equal_treatment/police.html> [↑](#footnote-ref-6)