



ERIO MEETING, DISCRIMINATION AGAINST ROMA IN HEALTH AND HOUSING BRUSSELS 14 NOVEMBER 2018.

The majority of the cases regarding housing are related to refuse to rent a house to Roma families/individuals, directly by owners, or an order to discriminate addressed to house renting companies.

The cases on health are related to stereotypes by professionals, negative comments, etc. or writing down the ethnicity of the patient in medical reports (which is illegal). It is very unusual to refuse assisting persons for being Roma (some cases of Roma from Romania in irregular legal situation).

See annual Reports, 2013-2018.

https://www.gitanos.org/que-hacemos/areas/equal_treatment/annual_report.html

CASE OF DEMOLISHING HOUSES IN CAÑADA REAL, ROMA FAMILIES

On February 13, 2018, the General Direction of Urban Plan of the Madrid City Council had directed a series of material actions that ended with the demolition of several houses in which Roma families resided.

Among the affected houses was the Roma family Maya Borja, father and mother and 3 children under 6, 4 and 1 year old.

From the FSG we have accompanied, advised and represented the Maya Borja family in the necessary actions to determine the illegality and violation of fundamental rights that ended with the demolition of the family's home.

From the FSG we have counted on the provision of legal services of an administrative expert in coordination with the Department of Equality. This case seems strategic because it will allow us to advance in the recognition of housing rights and non-discrimination of the population group to which it directs its activity.

The demolition of the house by the way in fact supposes the violation of the following fundamental rights:

1. The right to their physical and moral integrity, protected by article 15 of the Spanish Constitution ("CE")

2. The right to security, especially of children, regulated in Article 17 of the EC

3. The right to the inviolability of the home, as well as to its honor and personal and family privacy, recognized in Article 18.1 and 18.2 of the EC

4. The right to defense and effective judicial protection, proclaimed in Article 24 of the EC

5. The right not to be discriminated against promulgated in Article 14 of the EC

The set of material actions object of the present appeal has not been communicated nor motivated by any authority, the ultimate expression of the arbitrary unconstitutionality of the Administration.

The day of the facts some houses were demolished and others, in a situation of analogous nature, were left standing. We were never explained why only the Roma houses was among those affected.

The discrimination consisting in treating equal situations in a different way

It seems equally clear on this occasion; resulting in a violation of the right of the complainants not to be discriminated against.

Some of the actions that we have carried out in this case:

- Preliminary legal-strategic advice in case of violation of fundamental rights, specifically the right to Equality in housing
- Procedural representation of the Maya Borja family in a process of protection of fundamental rights initiated against the administrative action that led to the demolition of their home. Said representation includes the preparation and execution of all the necessary procedural steps up to obtaining a judgment, including the request for precautionary measures, preparation of all the pertinent briefs and, as the case may be, assistance at sight.
- The procedural representation will include the presentation of as many appeals as necessary against a hypothetical judgment rejecting the trial court (Superior Court of Justice of Madrid, Constitutional Court and / or European Court of Human Rights).

CASE OF DISCRIMINATION IN PUBLIC HOSPITAL

On December 19, 2017 in the town of Jaén in the hospital Urgencias Hospital Médico Quirúrgico. (Hospital of public ownership). At Second floor Urology, my father was hospitalized about 5.30 pm on the same day in room 2018. In the room there is another man hospitalized with his family. At about 7 pm the nurses enter the room and ask us to go out to my mother and me, who accompanied my father. The family of the other patient also goes out into the hall. After a few minutes, while we were a few meters away from the other family, in the corridor, we observed and suffered the following situation: a nurse passes by the other family who asks if they can all be together, if they can stay in the hallway. Responding this nurse (the only male who was in the plant) "you can stay, as you are not gypsies, because when they are gypsies, they always bind it, if they were gypsies they would not let them stay", (all in a high ironic tone, with sarcasm, and making it very clear in a message with a louder voice than anyone in the corridor).

My family is a Roma family and at that moment we feel our dignity deeply damaged. As we don't comply with the stereotypes (like poorly dressed, very dark skinned, with bad civic behavior ...), this man allowed himself to make that incitement to hatred.

On December 21, 2017, we filed a complaint form at the hospital. Last March 12, 2018 we called the hospital to find out if they had processed the letter and they responded that we would have an

answer shortly, but two months have passed since this fact and we request an immediate response.

We request that the hospital management take the appropriate disciplinary measures with the worker, that the worker personally apologizes. And compensate the moral damage produced. That the facts exposed violate the right to Equal Treatment and not racial or ethnic discrimination.

THE PERSON RESPONSIBLE FOR THE HEALTH SERVICE REQUESTED APOLOGIES TO THE DISCRIMINATOR AGENT AND REMEMBER HIM THE OBLIGATION TO SHOW AN ADEQUATE TREATMENT.

OUR WORK IN HEALTH

Health promotion, understood as the process which provides people the necessary means to exert a major control on their own health to improve it, is the main target of Health Area of the FSG.

The FSG, from its territorial headquarters and the coordination of central departments, intends to contribute to the promotion of the health of Roma Community. To make it possible, we focus on actions aiming at strengthening abilities and capacities both individual and communal. we also consider performances aiming at modifying social, environmental and economic conditions. In this sense, collaboration with socio-sanitary staff and professionals from public and private entities are considered as working priorities.

MAIN LINES OF WORK

- Technical attendance and advice. Technical support to private and public entities to solve health demands. Nowadays, these kind of demands are rising up in a large number of hospitals.
- Health promotion activities in several Spanish Autonomous Communities aiming to strength and develop skills for healthy habits within the Roma community. The contents are selected and worked through the organization of workshops on balanced diets, disease prevention, health education...
- Drug prevention actions. Through the Romano Sastipen Programme we promote activities to prevent the consumption of substances addressed to minors and Roma youth. Ludic and socialcultural workshops and activities are organised for developing a healthy leisure and free time, together with informative sessions about the consumption and effects of different substances.
- Development of educational material. Addressed to Roma population and professionals.
- Transnational cooperation actions: Exchange of good initiatives and actions preventing drug addiction within the Roma community.
- Awareness and revitalization actions of the Roma population regarding HIV-AIDS. Activities informing and raising awareness towards the virus and the disease.
- Investigation and Analysis. Conventions and approved projects have contributed to the creation of this line of work based on the study of the social determinants that contribute to health inequalities of the Roma population.

OUR WORK IN HOUSING

Since 1999, the FSG has been developing various projects in the field of housing. In 1999, the FSG launched a project of accompaniment of families re-housed by the municipal housing company, which supposed the initiation of a housing line of action in the FSG's work. Over the years, this experience was transferred to and consolidated in other Autonomous Communities of Spain such as Asturias, Navarre, Murcia, Galicia, Andalusia or Castile-León, allowing the FSG to respond to explicit demands of the regional and local administrations as well as to the reality experienced by beneficiary families.

The Housing Area of the FSG develops **two strategic lines of action**, with a view to solve the situation of residential exclusion still affecting an important proportion of the Roma population in Spain:

- Facilitate the access of the Roma community to decent housing in inclusive and mainstream contexts.
- Advance knowledge of the situation of the Roma community in relation to housing, with a view to contributing to and influencing the development of policies and action plans.

A turning point in addressing the housing inequalities experienced by the Roma community was reached with the elaboration of the **Housing Map of the Roma Community in Spain, 2007** by the FSG in the framework of the Collaboration agreement signed with the Spanish Ministry of Housing in 2006 and 2007. It contributed to achieving an up-to-date **diagnosis of the housing situation of Roma and to identifying the principal pockets of inequality and exclusion**.

Study-Map on housing and Roma Population 2015

In 2012, the Spanish government elaborated the National Roma Integration Strategy 2012-2020, which includes actions in four key areas (education, employment, housing and health) with year objectives reviewed by the European Commission. To accomplish these objectives, in the area of housing **a replication of the Study Map on Housing and the Roma Community 2007 was set to be made in 2015**. In this context, the Ministry of Health, Social Services and Equality (MSSSI) issued a tender and awarded the contract to carry out the study to the Fundación Secretariado Gitano (FSG), which developed the task in collaboration with Daleph. This nationwide Study-Map was conducted under the supervision of the Directorate-General for Family and Children's Services of the Ministry of Health, Social Services and Equality, with the support, on a consultative basis, of representatives of the Housing Working of the State Council of the Roma People, of the Ministry of Public Works and invited experts.

The methodology used was similar to that used in the **previous studies in 2007 and 1991** (also undertaken by the FSG), in order to be able to compare the information obtained and observe the changes occurred over the last years.

Some of the conclusions of the study-Map 2015 are as follows (executive summary can be downloaded here):

- Despite the cliché that links Roma population with slum housing and segregated settings, results show that a 92.88% of the Roma population live in standard housing.
- The **slum housing rate of Roma households has decreased** (from 10% in the first study carried out in 1991 to 3.9% in the 2007 study and 2.1% in the 2015 study). The same trend is observed as regards sub-standard housing (down from 21.4% in 1991, to 7.8% in 2007 and 6.46% in 2015). The Study-Map shows that in those municipalities where interventions for residential inclusion of Roma families were carried out, progress and improvements occurred at all levels: living conditions, access to employment, children's education, etc.).

- Despite this positive trend, **still more than 9,000 Roma families in Spain live in sub-standard housing conditions** without the minimum standards of habitability (of them, still more than 2,000 live in shacks).
- The Study-Map shows that the **economic crisis has affected the socio-residential situation of the Roma population**: there is a downward trend in the access to free-market housing (which is considered an important element of standardisation in social inclusion processes); an increase in subsidised housing (which means that many families had to resort to public support) and an increase in other forms of access to housing (an indicator that housing needs have not been fully covered and families are forced to look for non-standard options like self-construction or living in other types of constructions).
- The Study-Map also shows that in the past few years, as a consequence of the economic crisis, **the most vulnerable neighborhoods have been the most neglected in terms of public investment**, which leads to a clear risk of deterioration of utilities, facilities and services.