



# Civil society monitoring report on implementation of the national Roma integration strategies in Spain

Focusing on structural and horizontal  
preconditions  
for successful implementation of the strategy

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## LIST OF ABBREVIATIONS

CEDAW	Committee on the Elimination of Discrimination against Women
CERED	Council of Equality and Non-Discrimination
CEPG	State Council for the Roma Community
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMPGB	Barcelona Municipal Council for the Roma Community
ECRI	European Commission Against Racism and Intolerance
FAGA	Federación de Asociaciones Gitanas de Alicante
FAGIC	Federation of Roma Associations of Catalonia
FAKALI	Federation of Roma Women's Associations
FSG	Fundación Secretariado Gitano
IMIO	Institute for Women and Equal Opportunities
INAP	National Institute of Public Administration
INJUVE	Youth Institute of Spain
MEP	Member of European Parliament
MP	Member of Parliament
OBERAXE	Spanish Observatory of Racism and Xenophobia
OND	Office for Non-Discrimination



## EXECUTIVE SUMMARY

There have been some significant changes with regards Roma inclusion at Spanish level after establishing democracy. Improved access to education and public health services could perhaps be considered one example of Roma inclusion. However, we are still far from reaching optimum levels of political representation, general society's acceptance of the Roma community, and the overcoming of antigypsyism.

### Governance and overall policy framework

The Roma community is not recognized as an ethnic minority in Spain. The national law does not recognize Roma community as a cultural minority either, something that other regions in Spain, has actually do in their regional law. In many situation, the Roma are still receiving an unfair or a paternalist treatment, somewhat romantic or even worse, as second-class citizens that are not part of the Spanish society after 600 years living in the country.

Roma is the community with a lowest rate of participation in comparison with the rest of society. It seems worse in the field of representativeness. In the current parliamentary distribution, there are 1896 available seats gathered in the national parliament, the senate and the 17 autonomic parliaments. From these, only one is occupied by a Roma person. Having in mind that there are approximately one million of Roma people in Spain, it is a very low representativeness.

However, in the last 30 years there have been different "Roma councils" at different levels to promote cooperation between the Roma and the public administration. The most important is The National Council of the Roma Community in Spain, but there are others at regional and local context.

The new strategy to Roma community have helped to integrate all the specific programmes linked to Roma Community. The programmes are funded from a share of the citizens tax to social programmes, at national, autonomic and local level. The total of the investment done was more than 7.6 million EUR for the past 2016. Its 34% was managed by one organization alone. After that, there was a recent modification in the system of funds division in the 2017. The new trend is to promote the limelight of regions, but the total gathered has been reduced to some 3.1 million EUR (one organization has been granted 86% of the total amount allocated in 2017).

### Anti-discrimination

Despite adoption of anti-discrimination law 14 years ago, the discrimination against Roma population is ongoing problem. The Equality Organisation responsible for implementation of the anti-discrimination law is not independent, it has been without leadership for more than three years and has not conducted any specific campaigns to combat antigypsyism.

The level of reporting by victims is very low, and the response of the judicial authorities is not very effective (there have been very few convictions). In this regard, it is worth mentioning that an assistance service for victims operates under the aegis of the Council for the Elimination of Racial or Ethnic Discrimination.

In the field of education, there is no specific plans or programmes initiated by the administration to eliminate educational segregation – which continues to be a reality for a considerable proportion of Roma students. A broad and scientific study to detect the extent of such cases of school segregation – as well as plans to combat them – has yet to be carried out.

When it comes to residential segregation, several local and regional government projects, with the support of some specialised NGOs, have significantly reduced the prevalence of shanty towns over the past 15 years. However, there are still many segregated

neighbourhoods where most of the population is Roma and where adequate services, transport and so on are lacking.

With regard to living standards and sanitation, in recent years a reduction can be observed in the number of Roma people living in both shanty towns (from 10% in 1991 to 2.17% in 2015), and in substandard housing (from 21.4% in 1991, to 6.46% in 2015).

In 2015, the Ministry of the Interior published a protocol to address hate crimes and discrimination,<sup>1</sup> which included a definition of antigypsyism and contact points in each province. Some local police have also developed training programmes in non-discrimination and the prevention of hate crimes for their staff (e.g. in Fuenlabrada, Madrid, A Coruña, Burgos, etc.). Police in Madrid or in Catalonia have special units on fight against antigypsyism and provide officers with trainings. In terms of the prevention of ethnic profiling, an issue which greatly affects Roma people, a Programme for Effective Police Identification) was developed in six Spanish cities in 2010. It is, however, a private initiative from the Platform for Police Diversity Management and does not receive any public support at state level

### Addressing antigypsyism

Although antigypsyism has existed throughout history, the definition and use of the term in Spain is relatively recent and not widespread used in the political discourse and documents. There is no evidence that the Spanish State and Autonomous Communities had made efforts to transpose or include the recommendations on antigypsyism of European organisations at state or regional levels. At the local level, however, one relevant antigypsyism programme was identified, that has the potential to be scaled up and applied in other cities: Barcelona's Office for Non-Discrimination carries out various 'workshops to tackle antigypsyism' and 'an introduction to activism in secondary education', which aims to train young people to conduct workshops on antigypsyism and other forms of racism, and to introduce secondary school students to activism.

The lack of legal recognition of the Roma community as an ethnic minority or cultural group, does not help to promote actions to reduce antigypsyism in Spanish society. In addition to a lack of interest among political actors, examples of antigypsyism are all too prevalent on online social networks – in all sorts of areas of life.

Regrettably, the structure that should ensure and promote the fight against antigypsyism within the administration – the Council for the Elimination of Racial or Ethnic Discrimination – has not been operational for years. NGOs engage in the fight against antigypsyism by responding to incorrect information about Roma that appears in the media, social networks and on the internet. No campaigns or analyses of antigypsyism have been conducted by the public administration.

One of the keys to combating hate crimes and antigypsyism has been the creation of a special prosecutor for dealing with hate crimes and discrimination. After a 'pilot phase' that lasted several years, the service was rolled out in 2013. All Spanish provinces now have a prosecutor specialised in hate crimes and discrimination.

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<sup>1</sup> The protocol is available at <http://gestionpolicialdiversidad.org/PDFdocumentos/PROTOCOLO%20ODIO.pdf>

## INTRODUCTION

There are barely 40 years of policy development in favour of the Roma in Spain, the first public policy was known as the "Gypsy development plan" that has wanted more than results and budget to promote active policies to promote the integration of the Roma people in Spain.

In addition to the actions that have been developed at the state level, since the beginning of the century, so-called "comprehensive plans with the Roma community" have proliferated at the regional level, due to the fact that most social policies in Spain are transferred to the Autonomous Communities (Regions), including the areas of education, housing, participation, the empowerment of women, youth, etc. These policies have gone through different stages, depending on the socio-economic moment of the country and the interest of regional authorities in promoting comprehensive plans for the Roma community.

With the arrival of the European strategy for Roma integration, the Spanish government launched the Strategy for social inclusion of the Roma community 2012-2020. This strategy has been implemented in several biannual "operational plans", the first was for the period 2014-2016 and now it is about to approve the 2018-2020 year. These operational plans allow the Spanish state to adapt the objectives and expected results of the national strategy to the moment and the situation in which we find ourselves.

To carry out our report we have had several research techniques, the most important has been to conduct various in-depth interviews with key actors in the process, policy makers at the State level of the Ministry of Health, Social Services and Equality of Spain, representatives of associations, foundations and Roma federations, Roma Council members at different levels and other professionals who have volunteered to be interviewed by our team.

Knowledge and experience contributed by the group of Roma entities that are part of the working group of this report and the leadership from the *Khetane* Platform have been valuable, both for facilitating the interviews and for the documentary archives that they have provided.

To conclude, we have taken into account the reports made by the public administration itself and by entities and observatories on discrimination, racism and antigypsyism.

## GOVERNANCE AND OVERALL POLICY FRAMEWORK

### Representing the interests of Roma in the parliament

Legal guarantee of the right to vote enjoyed by the majority of Roma does not translate into large numbers of the community exercising that right through electoral processes and referenda.<sup>2</sup> Several factors influence the decision to participate in elections. On the one hand, we have what we call 'structural' factors, which in principle have the greatest influence on the Spanish Roma community. On the other hand, we have factors that have to do with the contemporary political context. Both sets of factors have unequal influence on society and the Roma community. Within the latter, they have a disproportionate effect on the so-called 'socially excluded', including a large group of Roma in Spain.

With regard to the contemporary political context, two barriers can be identified that affect Roma communities when exercising their right to vote. Firstly, access to information; and secondly, a lack of interest in political issues. Politics and elections are seen by many Roma men and women as concepts over which they have little or no influence. A negative and fatalist attitude pervades whereby participation is seen as pointless when, at the end of the day, the Roma community will continue as it did before. This point of view translates into a lack of interest in 'public issues' and, in turn, political participation. In terms of structural context, the difference is even clearer. It is also more difficult to deal with given its intrinsic relationship to the Roma community's socio-economic situation, and the scant attention paid to it in campaigns aiming to secure votes from these groups.

In 2011, the Alternativas Foundation published a study on social exclusion and abstention in Spain.<sup>3</sup> One of the conclusions of the study was that of those groups identified as socially excluded, the Roma community was the least likely to participate in the electoral process. The study also found that of the 20 electoral districts in Spain<sup>4</sup> showing the highest levels of abstention in the 2008 elections, the majority corresponded with those that had large concentrations of Roma.<sup>5</sup> According to the 2009 FOESSA report, only 10% of the Roma community 'always' vote in elections compared to 53.2% among the wider, 'included' population, and 38.2% for socially excluded groups.<sup>6</sup>

Social exclusion is the main obstacle to Roma political participation, followed by a lack of interest or expectation in the power of the vote i.e. if it is 'worth anything'. Political elites not living up to their pre-election promises once in power is seen as a further disincentive to Roma communities voting.

Activist Miguel Ángel Vargas suggests that barriers could be due to 'a traditional mistrust of political participation among a community which has been mistreated, victim to forced integration and the curtailment of its freedoms and, on the other hand, wilfully silenced. The primary aim of most Roma NGOs is to pacify Roma communities. It is not in their

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<sup>2</sup> See for example: Gómez B and Trujillo M. '*Los excluidos también pueden votar: abstención y exclusión social en España*' (The excluded can also vote: abstention and social exclusion in Spain). Alternativas Foundation, 2011.

<sup>3</sup> *Idem.*

<sup>4</sup> The constituency in Spain was divided into electoral sections. Each section includes a maximum of 2,000 voters and a minimum of 500. Each municipality has at least one section.

<sup>5</sup> Gómez B and Trujillo M op. cit. p. 16. For example, neighbourhoods such as Polígono Sur in Seville, Sant Cosme in Prat de Llobregat (Barcelona), Palma-Palmilla in Málaga, Las Mil Viviendas in Alicante, etc. Neighbourhoods all known for their high percentage of Roma.

<sup>6</sup> The FOESSA report is led and edited by the FOESSA Foundation and aims to provide an overview of social development in Spain in terms of social structure, inequality and poverty, social relations and international cooperation. Further information can be found at: <http://www.foessa.es/>

interest to have a socially active group capable of political engagement, that might demand the right to decide its future'.<sup>7</sup>

In recent years, several initiatives have been launched with the aim of encouraging Roma men and women to take part in the electoral process. Also, pressure has been placed on political parties to include more members of the Roma candidates on their electoral lists. Similarly, at every election, the *Unión Romaní* runs a campaign named 'As for Roma, where are we on the lists?' to remind political parties of the benefits of including Roma in their lists.<sup>8</sup> The results of this campaign was 47 Roma candidates at local election, 14 from *Partido Popular*, 12 from right party *Vox*, and 12 from Left movement called *Podemos*, rest of candidates from different local parties.<sup>9</sup>

Spain is a unitary state comprised of 17 regions, or 'autonomous communities', each with its own regional representatives. So, the state administration of Spain is made up of the *Cortes Generales*, comprising the Congress of Deputies (the Parliament) and the Senate, 17 autonomous parliaments and two autonomous city assemblies.<sup>10</sup>

The total number of seats at any given time, considering both the Spanish Parliament and all of the Autonomous Parliaments, is 1,868.<sup>11</sup> Currently, only one of these 1,868 seats is occupied by a Roma person, namely Silvia Heredia Martín. She is currently MP for Seville in the Spanish Congress of Deputies.

However, this absence of Roma men and women among elected members of parliament is nothing new. From the transition to democracy onwards, the Roma community has only ever had, at most, a handful of members in the chamber of representatives. The most well-known of these is Juan de Dios Ramírez Heredia, former member of the Congress of Deputies, MEP, and one of the MPs who signed the Spanish Constitution of 1978. Meanwhile, only two parliaments in the Autonomous Communities (Regions) have had members Roma backgrounds: Francisco Saavedra Santos (Extremadura Assembly) and Manuel Miguel Bustamante Batista (Member of the Valencian Parliament).

At present, Roma community interests are given parliamentary representation via motions made by parliamentary groups in the various committees and subcommittees.<sup>12</sup> In the current parliamentary term there have only been three initiatives in the Congress of Deputies related to the interests of the Roma community, all of which are so called 'non-legally binding' proposals.<sup>13</sup> The first of these motions, which was debated and approved

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<sup>7</sup> El País, 21 March 2011.

<sup>8</sup> <https://www.euroxpress.es/noticias/y-los-gitanos-en-que-puesto-vamos-en-sus-listas>

<sup>9</sup> <http://www.elmundo.es/espana/2015/05/23/555f8c2a22601dab5d8b45af.html>

<sup>10</sup> Spain has 17 'autonomous communities': Andalusia, the Balearic Islands, the Canary Islands, Cantabria, Catalonia, Galicia, La Rioja, Navarra, the Basque Country, Aragón, Castilla La Mancha, Castilla and León, Community of Valencia, Extremadura, Community of Madrid, Region of Murcia and Principality of Asturias (all with a single-chamber parliament) and two autonomous cities of Ceuta and Melilla (which each have an assembly).

<sup>11</sup> This calculation of the number of seats does not include the 54 seats that correspond to the Spanish state in the European Parliament and where currently there are no Spanish Roma men or women. The distribution of seats is as follows: Andalusia: 109; Extremadura 69; Castilla La Mancha 33; Castilla and León 84; Catalonia 135; Community of Valencia 99; Galicia 75; the Basque Country 75; Cantabria 35; Navarra 50; Asturias 45; Aragón 67; Madrid 129; La Rioja 33; the Balearic Islands 59; the Canary Islands 60; Murcia 45; Ceuta 25; and Melilla 25.

<sup>12</sup> In the XII legislature there are, in addition to the plenary session, 19 permanent legislative committees and subcommittees, 9 permanent non-legislative committees, 2 research committees and 6 mixed committees. The full list and titles of all committees is available at: <http://www.congreso.es>

<sup>13</sup> The PNL (Spanish abbreviation for 'non-legally binding proposal') is an initiative in the regulations of chamber (see 'Title X'). PNLs are non-binding proposals on all types of topics presented by parliamentary groups and also texts referring to initiatives that arise in the Cortes Generales. Texts and resolutions in the form of PNLs serve to urge the government, or one of its members, to take a concrete action forward, to

in the plenary session of the parliament, was proposed by the *Unidos-Podemos-En Comú Podem-En Marea* group and concerned the 'promotion of public policies to address the situation of the Roma community in the educational sphere'. The second and third proposals were debated and approved by parliamentary committee. The *Popular* parliamentary group presented a non-legally binding proposal concerning the 'inclusion of the Roma community in historical discourse'. Then, the *Socialista* parliamentary group debated a proposal on 'measures to support the Roma community' which urged the government to declare 8 April official 'Roma Day', and recognise the Roma flag (blue and green with a 16-spoked red wheel), and the anthem of the Roma People ('*Gelem Gelem*').

In the Spanish Congress of Deputies, there is no parliamentary committee with an exclusive mandate to deal with issues affecting the Roma community. Rather, it falls to various specific committees to deal with proposals and reports from the parliamentary groups.

In previous terms, only one parliamentary subcommittee was created with a Roma focus during the 6<sup>th</sup> legislature on 1999. This subcommittee, was created within the Committee for Social Policy and Employment, to examine what it referred to as the 'Roma problem'. Surprisingly, its report, published in 1999 describes the Roma community using negative terminology, specifically as a 'problem'.<sup>14</sup> The conclusions of the subcommittee were disappointing. In the words of José Manuel Fresno: "*We cannot but qualify the conclusions of this subcommittee (which contain inaccuracies and errors) as vague and superficial, especially with regard to its proposals. That is to say, the subcommittee's sole recommendation is to consider that in the next government the chamber continue to delve further into the study of the Roma problem, and to adopt whatever measures are necessary to bring about equality between this group and the rest of Spanish society*".<sup>15</sup> Unfortunately, no subsequent legislature has felt it necessary to re-establish the subcommittee as recommended in the report.

At the level of the 17 autonomous communities, only the Catalan Parliament has an 'intergroup'. Created by the *Mesa del Parlament* (Parliamentary Bureau), the intergroup comprises one member of every parliamentary group, and occasionally external figures. Its role is to promote social and ideological renewal, social awareness, solidarity, and friendship with other peoples, countries and cultures. The intergroup as a body was established in article 70 of the regulations of the Catalan Parliament. The regulation stipulates that the intergroup cannot promote initiatives or parliamentary procedures.

The Roma intergroup has been in place since the start of the 10<sup>th</sup> legislature in 2008.<sup>16</sup> It is comprised of one member from every parliamentary group with representation in the chamber. These in turn nominate members of the Roma community to join the government body.

As part of International Roma Day celebrations, various autonomous community parliaments carry out a range of initiatives to raise the profile of the Roma community such as institutional declarations, ceremonies involving the Roma flag, and parliamentary receptions.

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assess the opinion of the majority within the Cortes on a given subject, or to lay the foundations or principles regarding any actions to be taken forward by public administration.

<sup>14</sup> The subcommittee's report is available at: [https://www.gitanos.org/upload/43/92/Rev\\_1\\_.04\\_-\\_Dossier.pdf](https://www.gitanos.org/upload/43/92/Rev_1_.04_-_Dossier.pdf)

<sup>15</sup> Roma magazine, *El Globo*, edition no.1 and *Revista Gitanos: Pensamiento y Cultura*).

<sup>16</sup> See the website of the Roma intergroup of the Catalan Parliament: [https://www.parlament.cat/web/composicio/intergrups/IPG-fonts-informacio/index.html?p\\_id=20838](https://www.parlament.cat/web/composicio/intergrups/IPG-fonts-informacio/index.html?p_id=20838)

On 22 November 2017, all political powers in the Andalusian Parliament signed the 'Pact against Antigypsyism'. Proposed by the organisation 'Fakali', the pact seeks to develop measures against discrimination and racism suffered by Roma people.<sup>17</sup>

It is fortunate that no openly racist or anti-Roma party has had representation in any of the parliaments, at state or autonomous community level. If there had been, these initiatives would have been much more difficult to pursue. Currently no racist or xenophobic party has parliamentary representation at national level. However, the same cannot be said at the municipal level.

### Mainstreaming Roma inclusion across ministries and other national level public authorities

The body in charge of managing policies on behalf of the Roma community is the Ministry of Health, Social Services and Equality<sup>18</sup>, in particular, the General Directorate of Services for the Family and Children. This government body has, among its various functions, the role of advancing public policies for the promotion and improvement of living conditions for the Spanish Roma population and the promotion of co-operation with non-governmental organisations in areas related to social action programmes, social inclusion, and children.<sup>19</sup> In addition, the department has been chosen as the National Contact Point with the EC and the Autonomous Communities (Regions) regarding policies concerning the Roma community. In Spain, there are no specific or ethnic based bodies that have the mandate to exclusively promote specific policies for the Roma community. Rather, it is through the leadership of this Directorate and collaboration with Roma organisations that impetus is given to establishing initiatives such as the National Strategy for Roma Inclusion 2020.

The ministry establishes working groups to coordinate with the various other ministries according to 'units of competence' – for example, housing, culture, and education. It also collaborates with specific bodies such as the Institute for Women and Equal Opportunities or the INJUVE (Youth Institute of Spain). The approach takes a horizontal rather than hierarchical perspective.<sup>20</sup>

Spain's administration is highly decentralised in areas such as health, culture, youth and employment. Thus Autonomous Communities (Regions) can establish policies to support the Roma community through each of these areas of competence. In other areas, such as housing or education, the national government establishes minimum frameworks for action.

The Ministry of Health, Social Services and Equality, as a National Contact Point, organises meetings with the various Autonomous Communities (Regions) to analyse and collaborate on the monitoring and implementation of the National Strategy with respect to the Roma community.<sup>21</sup>

The *Consejo Estatal del Pueblo Gitano* (State Council for the Roma Community or CEPG) was set up in 2005. An inter-ministerial body of a consultative and advisory nature, its purpose is to improve the participation of Spanish Roma civil society organisations and

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<sup>17</sup> More information is available at: <http://www.fakali.org/2-uncategorised/460-todas-las-fuerzas-politicas-se-comprometen-a-combatir-el-antigitanismo>

<sup>18</sup> Royal Decree 424/2016 of 11 November, which establishes the basic organisational structure of the ministerial departments.

<sup>19</sup> Royal Decree 485/2017 of 12 May, in which the basic organic structure of the Ministry of Health, Social Services and Equality is developed.

<sup>20</sup> Interview with Mr. José Miguel Machimbarrena, head of programme area, General Secretary of Social Programmes of the Ministry of Health, Social Services and Equality.

<sup>21</sup> *Idem*.

officialise their collaboration with the central state administration to promote equal opportunities and treatment for the Roma population.<sup>22</sup>

The Council's structure is mixed in that it comprises national ministries and government departments as well as NGOs that work with the Roma population. It is formed of a president, two vice-presidents, 40 members and a secretary. One of the vice-presidencies is led by a person elected by the NGOs in the CEPG. NGOs in the Council have 20 representatives, two of which must be from women's organisations and one from a youth organisation.<sup>23</sup>

Training and awareness raising for public sector workers in Spain is led by the National Institute of Public Administration (INAP). Meanwhile, the autonomous communities have training bodies that are their exclusive competence – for example, the Catalan School of Public Administration or the Institute of Public Administration of Andalusia.

In the preparation of this report, the authors have analysed various training plans from public administration training institutes in Spain and did not encounter any that were specifically devoted to diversity and the Roma community. In some cases, we found examples of training courses on gender violence. We found one on intercultural mediation, cultural diversity and access to citizenship, but noted it had not been used since 2011.<sup>24</sup>

Awareness raising and training initiatives on the Roma community do, however, exist for state security forces and for some regional ones. For example, in Catalonia, seminars and specific training on interculturalism and the Roma community are held regularly. Training of this type is undertaken by all new recruits studying at the National Police School and the *Institut de Seguretat Pública de Catalunya*.

In Spain, articles 23.2 and 103.3 of the Spanish Constitution regulate access to public office and in turn to the ministries.<sup>25</sup> These articles state that entry into the civil service should be in accordance with the principles of equality, merit and ability. The generic wording of these articles makes it impossible to introduce positive discrimination measures on behalf of people of Roma origin. This affects all types of civil servant positions in the ministries be they full-time, temporary or part-time.

There is a pilot scheme in Catalonia that has managed to bypass some of the constraints of this legal straitjacket in order to hire young people from Roma backgrounds in public administration (the *Pla Integral de la Comunitat Gitana de Catalunya* or Integral Plan for the Roma Community in Catalonia). According to Ramón Vilchéz, responsible for the plan: 'The hiring of these people is the consequence of a new way of working, that is to say, a change of dynamics. Roma people who have received education must be given relevant work to promote higher education and inspire the rest of the Roma population. Our role is to improve the training and employment situation of Roma people... It's about creating a

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<sup>22</sup> Royal Decree 891/2005, of 22 July, in which the State Council for the Roma Community is created and regulated.

<sup>23</sup> The current composition of the State Council for the Roma Community is available at: <http://www.msssi.gob.es/va/ssi/familiasInfancia/PoblacionGitana/ConPuebloGitano.htm>

<sup>24</sup> If we perform a search on the web port of the of the *Escola d 'Administració Pública de Catalunya* the result is '0 results found', as can be seen in the following link: [http://formacio.eapc.gencat.cat/infoactivitats/AppJava/BuscarActividades.do;jsessionid=n2Q\\_77c9Ch0-t7fXuRDluy5hmeHXBCjjc795qhU06AD-8A7qq0S!1601670228?method=buscar](http://formacio.eapc.gencat.cat/infoactivitats/AppJava/BuscarActividades.do;jsessionid=n2Q_77c9Ch0-t7fXuRDluy5hmeHXBCjjc795qhU06AD-8A7qq0S!1601670228?method=buscar). We found a similar response on the website of the Institute of Public Administration of Andalusia. However, we have found a training course on cultural diversity that was held in 2011.

<sup>25</sup> The Spanish Constitution of 1978 establishes in article 23.2: '[citizens] also have the right to accede under conditions of equality to public functions and positions, in accordance with the requirements laid down by the law' and in article 103.3: 'The law shall lay down the status of civil servants, the entry into the civil service in accordance with the principles of merit and ability, the special features of the exercise of their right to union membership, the system of incompatibilities and the guarantees regarding impartiality in the discharge of their duties.'



positive image for society at large which shows that Roma men and women are capable of the same work if they are put on an equal footing.’

As a result of these affirmative actions, 35 Roma men and women, the majority of them young, now work as teachers, financial managers, directors of public amenities, facilitators, mediators or even within the work of the *Pla Integral del Poble Gitano*. *Generalitat de Catalunya* itself.<sup>26</sup>

### Mainstreaming Roma inclusion across local authorities

Spain is a large country with 8,124 municipalities, of which only two exceed a million inhabitants and 63 exceed 100,000 inhabitants.<sup>27</sup> Thus, any attempt to carry out a detailed examination of the strategic plans of all municipalities in Spain is beyond the scope of this report. As stated elsewhere in this report, one has to take into account administrative decentralisation and the application of the principle of subsidiarity and how these give local municipalities a wide portfolio of competences.<sup>28</sup> With regard to Roma communities, these competences include housing, education, non-discrimination, participation and evaluation, assessing social situations and immediate assistance to those who are in, or are at risk of falling into, social exclusion. Within this context of competences and decentralisation, there are no *ad hoc* mechanisms – other than political debate or bringing cases before a tribunal – to guarantee that local authorities comply with their tasks and obligations.

In recent years, some local governments, especially those in the more populous municipalities, have created the figure of the ‘ombudsman’ or ‘citizen’s advocate’. Barcelona, for example, has introduced such a role in the form of its *Síndica de Greuges*.

The *Síndica de Greuges* is a one-person body, working alongside the Municipal Administration, whose role is to defend the fundamental rights and the public liberties of Barcelona’s citizens as well as non-residents in the city. In order to achieve this goal, it supervises the activities of the municipal administration and the public services that depend on it, especially everything to do with the rights and liberties established in the European Charter for the Safeguarding of Human Rights in the City.<sup>29</sup>

The holder of this role must carry out their functions from a position of complete independence and impartiality and cannot be instructed by any municipal authority or political group. The Barcelona *Síndica de Greuges* occasionally meets with the city’s Roma associations and at the request of Roma organisations.<sup>30</sup>

Another local authority safeguarding mechanism in Barcelona, in this case specialising in equality and non-discrimination, is the Office for Non-Discrimination (OND). Created in 1998, the office aims to guarantee human rights at a local level, and to address discrimination-related human rights violations. The service is provided to all city residents, with special emphasis on forms of discrimination related to origin, cultural or religious affiliation, sexual orientation and gender identity, etc. The OND works particularly

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<sup>26</sup> The full article on this initiative can be read at: <http://www.museuvirtualgitano.cat/es/2017/06/29/el-pla-integral-del-poble-gitano-promou-la-contractacio-de-gitanos-i-gitanes-per-formar-part-dels-equips-tecnics-dinstitucions-publicues/>

<sup>27</sup> See Wikipedia: [https://es.wikipedia.org/wiki/Anexo:Municipios\\_de\\_Espa%C3%B1a#Municipios\\_m.C3.A1s\\_poblados](https://es.wikipedia.org/wiki/Anexo:Municipios_de_Espa%C3%B1a#Municipios_m.C3.A1s_poblados)

<sup>28</sup> The law that regulates local administration in Spain is the ‘Law 7/1985, of 2 April 2, Law Regulating the Rules of Local Government.’ This law can be downloaded (with its modifications) from: <https://www.boe.es/buscar/act.php?id=BOE-A-1985-5392>

<sup>29</sup> See the website of the Office for Non-Discrimination: <http://ajuntament.barcelona.cat/oficina-no-discriminacio/es/quienes-somos>

<sup>30</sup> The last meeting was held on 17 October. An overview of the meeting can be found at: [http://sindicadegreugesbcn.cat/pdf/premsa/nota\\_761510066360.pdf](http://sindicadegreugesbcn.cat/pdf/premsa/nota_761510066360.pdf)

intensively on thematic priorities: discrimination and hate speech, civil rights, freedom in the use of public space, and full citizenship.<sup>31</sup>

At the local level, advisory bodies working with Roma communities start to appear. The oldest of these 'Roma municipal councils' is that of the city of Barcelona, created in 1998 – the *Consell Municipal del Poble Gitano de Barcelona* (CMPGB). The Barcelona Municipal Council for the Roma Community is a consultative body that acts as a stable platform for discussion and debate on questions referring to improving the well-being and quality of life of Roma in the city. It comprises Roma non-profit organisations in the city and seeks to:

- Support actions to promote Roma culture
- Foster initiatives to combat racism
- Stimulate participation.
- Provide information for all the organisations involved in the Council
- Ensure the Municipal Action Programme includes specific measures for the Roma people.

On an operational level, the Council is comprised of two working groups: the national day working group and the Roma people strategy working group. The aim of the former is to encourage participation in events such as International Roma Day or acts to commemorate Holocaust victims, and the latter seeks to follow up local strategy actions.<sup>32</sup>

One of the responsibilities of the CMPGB is the monitoring of the *Estrategia Local amb el Poble Gitano de Barcelona*.<sup>33</sup> This comprehensive plan, known simply as the 'Roma Strategy', was developed in 2005. It is founded on four strategic action areas for 2020 in the fields of education, housing, health and employment and includes two crosscutting objectives with regard to gender and culture.

One of the most impressive aspects of the strategy was its development. Led at the political level by the city council itself, the process ensured the participation of a wide range of interested parties through discussion forums, working groups and other participatory processes in the various city neighbourhoods.

Finally, we come to another case of good practice from Barcelona: the city's internal training plan on human rights and diversity, approved by the full city council in November 2016.

The plan's objectives are to raise awareness and incorporate a human rights and diversity-based approach into all aspects of the day to day working life of Barcelona's local government. In addition, the training plan establishes training activities, capacity building, assistance with and promotion of a culture of human rights and diversity.<sup>34</sup>

Continuing with Barcelona, the role of promoting policies and initiatives in favour of the Roma community falls to the municipal government, however, these actions receive support and encouragement from city's Roma associations. Organisations within and beyond the Municipal Council have become authentic champions of active anti-discrimination and equality policies. They are also committed to positive awareness raising, though, for example, the celebration of Roma Language Day on 8 April.

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<sup>31</sup> The Office for Non-Discrimination is guided by the government measure published in July 2017: [http://media-edg.barcelona.cat/wp-content/uploads/2017/07/13140410/00\\_MesuradeGovern\\_juliol.pdf](http://media-edg.barcelona.cat/wp-content/uploads/2017/07/13140410/00_MesuradeGovern_juliol.pdf)

<sup>32</sup> Source: *Consell Municipal del Poble Gitano de Barcelona*, <http://ajuntament.barcelona.cat/consell-municipal-poble-gitano/en/about-us>

<sup>33</sup> The full text of the strategy can be downloaded from: [http://ajuntament.barcelona.cat/consell-municipal-poble-gitano/sites/default/files/Estrategia-poble-gitano\\_2.pdf](http://ajuntament.barcelona.cat/consell-municipal-poble-gitano/sites/default/files/Estrategia-poble-gitano_2.pdf)

<sup>34</sup> The government measure can be consulted in full at: <http://ajuntament.barcelona.cat/dretsidiversitat/sites/default/files/Pla-formacio-DDHH.pdf>

## Promoting empowerment and participation of Roma

Of all the bodies that promote self-empowerment initiatives for the Roma people, it is Roma organisations themselves that are most prominent in working for the development and support of the community.

Local, regional and national governments support Roma participation in three main ways:

1. financially, by grants to organizations at different levels and of different types aimed at supporting development and delivery of programs, projects or activities in favour of Roma communities,
2. by supporting Roma's participation at different levels, pushing up the constitution of advisory bodies,
3. supporting campaigns to promote Roma visibility and symbolical recognition.

On the one hand, we have, at the local level, various empowerment initiatives launched and managed by the Roma community itself, the most widespread of which is the '*asociación Gitana*' (Roma Association). However, it is difficult to quantify the number of Roma organisations that exist in Spain today. Many of them are of a voluntary nature, they have few professional posts especially Roma, and they depend on local grants or generalist programmes for their survival. This dependence reduces the possibility of speaking with one voice at the local level, especially when that voice is of a critical nature.

On the other hand, we have a group of regional organisations or those working on specific thematic areas.<sup>35</sup> These generally operate within the structure of the Federations of Roma Associations umbrella organisation, which in turn work to support federated bodies. These organisations are in a better position to carry out empowerment initiatives at the regional level, but unfortunately, they are highly dependent on the public administration with regard to resources and subsidies.

Finally, at the state level, we find bodies in the form of federations, associations or foundations that manage their own programmes and initiatives.

In recent years, new schemes have emerged to empower Roma groups who, in addition to sharing an important ethnic identity, also have some other characteristic in common e.g. diversity, being university students, forming an alternative group, etc.

Among these groups, the initiative of the 'Feminist Roma Women's Association for Diversity' is worth highlighting. The association's mission is 'to promote equality between Roma men and women, build a feminist approach and combat the tripartite condition of invisible Roma woman'. Another interesting empowerment scheme is the *Campus Rom* in Catalonia, which aims to be 'a network of mutual support between Roma people who dream of accessing Higher Education'.

In the field of youth, '*Aire Nuevo Calo*' and the '*Asociación de Jóvenes Gitanos Extremeños*' (Association of Young Roma of Extremadura) are well-established platforms for Roma youths to share concerns, information and knowledge. The authors would like to emphasise that the '*Asociación de Jóvenes Gitanos Extremeños*' represents young people in the State Council for the Roma Community. This is the first time that a youth organisation has been appointed as a member of this governmental advisory body.

Finally, the '*Kale Amenge*' initiative defines itself 'as an independent Roma organisation which, from a non-colonial perspective, aims to contribute to the collective emancipation of Roma people. By producing critical knowledge and confronting racist narratives and

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<sup>35</sup> With regard to thematic areas: the most numerous are Roma womens organisations such as the Kamira Federation or the Fakali Federation. Regarding territorial ones, the scope of intervention is generally linked to the Autonomous Community. The most notable are e.g. FAGIC (Catalonia); FAGEX (Extremadura); and FAGA (Valencia).

practices, this emerging organisation contributes to putting an end to the mechanisms of racist structural domination that underpin the discrimination of our people’.

One the characteristics that these groups all have in common is their use of online social networks. For example, none of the movements have functioning websites, yet all are active on Facebook, Instagram, etc.

A shared distribution of power and responsibility predominates in these organisations, rather than the more traditional, top-down pyramid structure and approach to work of other organisations. Some, like *Kale Amenge*, openly declare themselves as assemblies. All have shifted their primary focus away from social service ‘development’ or ‘improvement’ schemes for the Roma community to giving a voice to certain groups that, despite being Roma, do not identify with such support initiatives.

These new approaches, and the increasing impact of the work of more traditional associations, could have benefited from new professional personnel and more efficient methods of self-organisation if the ‘National Strategy for the Social Inclusion of the Roma Population 2012-2020’ had a more integrated approach. The Spanish strategy has focused on promoting actions in the four policy areas suggested by the European Commission.<sup>36</sup> However, in 2013 the Commission itself issued a recommendation to the Member States on ‘effective Roma integration measures in the Member States’<sup>37</sup> in which it suggested the implementation of ‘cross-cutting policy measures’ such as: ‘support the active citizenship of Roma by promoting their social, economic, political and cultural participation in society, including at the local level, since the active involvement and participation of Roma themselves, including through their representatives and organisations, is crucial for the improvement of their living conditions, as well as for the advancement of their social inclusion. (Council Recommendation to Member States 2013/C 378/01).

The most commonly used approach in encouraging Roma participation in policymaking consultations are the so-called ‘Roma Community Councils’. The doyen of these community councils in Spain is the *Consell Municipal del Poble Gitano de Barcelona* (Barcelona Municipal Council for the Roma Community). Created in 1998, it acts as a stable platform for discussion and debate on questions relating to improving the well-being and quality of life of Roma in the city.

The above table shows the Roma councils in Spain and their fields of activity. These councils exist at the local, regional and national levels.

Name	Level	Parent body	Approval date	Information on organisational structure
State Advisory Board for the Roma Community	National	Directorate General of Services for the Family & Children	2005	<a href="#">State Advisory Board for the Roma Community website</a>
Barcelona Municipal Council for the Roma Community	Local	Citizens’ Rights, Participation & Transparency	1998	<a href="#">Barcelona Municipal Council for the Roma Community website</a>

<sup>36</sup> The four areas of the strategy are education, health, housing and employment.

<sup>37</sup> The full text can be downloaded from: [http://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:32013H1224\(01\)&from=en](http://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:32013H1224(01)&from=en)

Roma Community Regional Council of Extremadura	Regional	Directorate General of Social Policies and Children and Family	2016	<a href="#">Roma Community Regional Council of Extremadura</a>
<i>Consell Assesor del Pla Integral Poble Gitano de Catalunya</i>	Regional	Directorate General for Civic & Community Action	2004	<a href="#">Consell Assesor del Pla Integral Poble Gitano de Catalunya website</a>
Roma Community Regional Council of Castilla La Mancha	Regional	Directorate General for Social Action & Co-operation	2013	<a href="#">Roma Community Regional Council of Castilla La Mancha website</a>
Ethnic Minorities Regional Advisory Council of Murcia	Regional	Ministry of Family & Equal Opportunities, Government of Murcia	2004	Mixed structure of social and public administrators.  <a href="#">Ethnic Minorities Regional Advisory Council of Murcia website</a>
Roma Community Discussion Forum of Madrid	Regional	Directorate General of Social Services and Social Integration	2017	The forum is expected to be created following the implementation of the inclusion plan for the Roma community in Madrid. The text is available at:  <a href="http://www.madrid.org/bviretual/BVCM014008.pdf">http://www.madrid.org/bviretual/BVCM014008.pdf</a>

Source: compilation by the authors.

In 2010, the Ministry of Equality created the Council for the Participation of Women, a body for dialogue between women's associations and the national-level public administration. Roma women were represented on this council through the Association of Roma Women of Alboreá. However, the council's activity levels have been very uneven – for example, no meetings took place during the period 2014-2017. At present, the Ministry of Health has convened a selection process for social organisations to join the council.

The Spanish Youth Council is a platform of youth organisations established in law in 1983. It comprises the Youth Councils of the autonomous communities and youth organisations at the national level and seeks to encourage the participation of young people in political, social, economic and cultural development. There are no Roma organisations with full rights in this council, but the *Fundación Secretariado Gitano* and *Unión Romani* are associated members in the platform. Various platforms and federations that promote the participation and representation of the Roma community receive support from the administration, of which perhaps the most active in terms of representation and networking is the *Khetane* Platform.<sup>38</sup> This platform brings together the majority of organisations of the State Council for the Roma Community and has as its mission to: 'Strengthen the internal and external coordination of the Roma association movement in Spain through the complementarity of its actions and representation before public administrations and other social agents. This will enable it to improve its effectiveness in

<sup>38</sup> The bodies that make up Khetane are: the Association of Roma Women Alboreá, Madrid, the Roma Conscience Federation of Extremadura (FECOGEX), the Kamira National Federation of Roma Women Associations, the Association for Roma Promotion of La Rioja (APGR), the Federation of Roma Associations of Navarra (GAZ KALO), the Federation of Roma Women Associations (FAKALI), the Federation of Roma Associations of the Autonomous Community of Valencia (FAGA-VAL), the Unga Socio-Cultural Association of Ethnic Minorities of Asturias, the Federation of Roma Associations of Aragón (FAGA-ARA), the Federation of Roma Associations of Extremadura (FAGEX), the Regional Roma Federation of Castilla La Mancha (FRGCLM), and the Federation of Roma Associations of Catalonia (FAGIC).

the fight against inequalities, in the promotion of equal treatment and in the institutional recognition of the Roma People'. The *Khetane* Platform acts as a hub for participating CEPG organisations, co-ordinating preparatory meetings, developing strategic action plans in collaboration with other council members, promoting dissemination campaigns, and representing Roma demands at national level.

### Guarantees for the effectiveness of programmes with the largest budgets

In 1989, the first specific programme for the Roma community, the Roma Development Programme, was launched. The programme was aimed at 'promoting and financing social intervention projects in the most disadvantaged Roma communities, encouraging co-ordination of the actions of the various regional administrations with the representative organisations of the Roma association movement. Such actions have as a guiding principle, the facilitation of access to existing resources in the Public System of Social Services and use of resources in the different social protection systems, so that the Roma men and women are incorporated into society on the same terms as rest of the population, but always respecting their cultural diversity'.<sup>39</sup>

The Roma Development Programme is still in force today and is managed by the national government in collaboration with the various autonomous communities which commit to co-financing the activities that will be implemented in their regions. The programme had an investment on the part of the central administration of 412,500 EUR in 2015 and 355,516 EUR in 2016.

One of the defining features of the programme is the enormous range of initiatives that are carried out. So, for example, if we examine all initiatives instigated in 2016, we encounter social and labour mediation actions, comprehensive municipal programmes, community interventions, etc. The result is a veritable hotchpotch where municipalities and autonomous communities receive funding to develop activities at very different levels and outcomes. The table below shows the contribution of each administration during the year 2016:

2016	Amount in EUR			
	State Central Administration	Autonomous Community	Local Organizations	Total
Andalusia	103,678 EUR	182,883 EUR	363,712 EUR	650,274 EUR
Aragon	8,302 EUR	19,066 EUR	10,765 EUR	38,133 EUR
Asturias	13,227 EUR	15,000 EUR	21,040 EUR	49,267 EUR
Balaeric Islands	9,940 EUR	-	20,060 EUR	30,000 EUR
Canary Islands	2,083 EUR	30,000 EUR	-	32,084 EUR
Cantabria	6,248 EUR	22,846 EUR	-	29,094 EUR
Castilla La Mancha	7,890 EUR	9,921 EUR	7,352 EUR	25,163 EUR
Castilla León	35,800 EUR	119,644 EUR	-	155,444 EUR
Catalonia	38,262 EUR	38,262 EUR	-	76,524 EUR
Extremadura	21,024 EUR	14,016 EUR	-	35,040 EUR
Galicia	28,412 EUR	1,628 EUR	178,524 EUR	208,564 EUR
Murcia	29,233 EUR	137,507 EUR	-	166,740 EUR

<sup>39</sup> Evaluation of the Roma Development Programme, 2007.

La Rioja	3,284 EUR	6,567 EUR	-	9,851 EUR
Community of Valencia	44,008 EUR	208,062 EUR	-	252,070 EUR
Ceuta	2,063 EUR	2,063 EUR	-	4,125 EUR
Melilla	2,063 EUR	2,063 EUR	-	4,125 EUR
<b>TOTAL</b>	<b>355,516 EUR</b>	<b>809,528 EUR</b>	<b>601,453 EUR</b>	<b>1,766,497 EUR</b>

Source: own compilation based [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2017-1623](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2017-1623)

Since 2012, specific national-level programmes for the Roma community, have been integrated into the National Strategy for the Social Inclusion of the Roma Community. This strategy is compatible with regional Roma integration plans. At present, seven autonomous communities have approved specific Roma intervention plans.<sup>40</sup> At local level, various initiatives exist, however, we have only been able to identify one city that has approved a strategy for the Roma community, i.e. Barcelona, which in 2015 approved its *Estrategia local amb el Poble Gitano de Barcelona*. This strategy's objectives include actions to promote inclusion, social cohesion, awareness and knowledge of Roma culture from the point of view of equality and non-discrimination. It is based on principles on the defence of rights and cultural diversity recognised at international, European, state and regional levels.<sup>41</sup>

### Civil society's access to funding for Roma inclusion activities

The most important mechanism for funding Roma programmes is what is colloquially known as the IRPF (income tax). This actually refers to a programme of: 'grants for implementing activities of general interest charged to the tax assignment of Personal Income Tax of Physical Individuals, corresponding to the Secretary of State for Social Services and Equality'.

From 1987 onwards, Spanish taxpayers have had the option of contributing part of their taxes to 'programmes of social interest'. Organisations that work with Roma communities receive subsidies that fluctuate from year to year in terms of money granted and the number of organisations benefitting from such funding. In 2016, for example, NGOs (national and regional) received a total of 7,621,311.90 EUR for programmes aimed at the Roma community. In 2017, the Constitutional Court ruled in favour of the *Generalitat de Catalunya* on a dispute regarding the vulnerability of devolved responsibilities and allocation of subsidies.<sup>42</sup> It declared that the distribution of such subsidies should be made in a mixed national/autonomous community model. This change in practice has caused concern to Roma organisations who have experienced a considerable reduction in state subsidies, and regional bodies now face considerable competition within the different regional calls.

<sup>40</sup> Plan for the Promotion and Social Participation of the Roma Community, Extremadura; the Comprehensive Plan for the Roma Community of Andalusia; the *Pla Integral del Poble Gitano of Catalonia*; the Comprehensive Plan for Attention to the Roma Population of the Autonomous Community of Navarra; the Plan for Social Inclusion of the Community of Madrid's Roma Community; the Comprehensive Plan for the Roma Population of La Rioja; the Basque Plan for the Comprehensive Promotion and Social Participation of the Roma Community.

<sup>41</sup> The full text of the local strategy of Barcelona can be downloaded from: <https://www.boe.es/boe/dias/2017/07/22/pdfs/BOE-A-2017-8621.pdf>

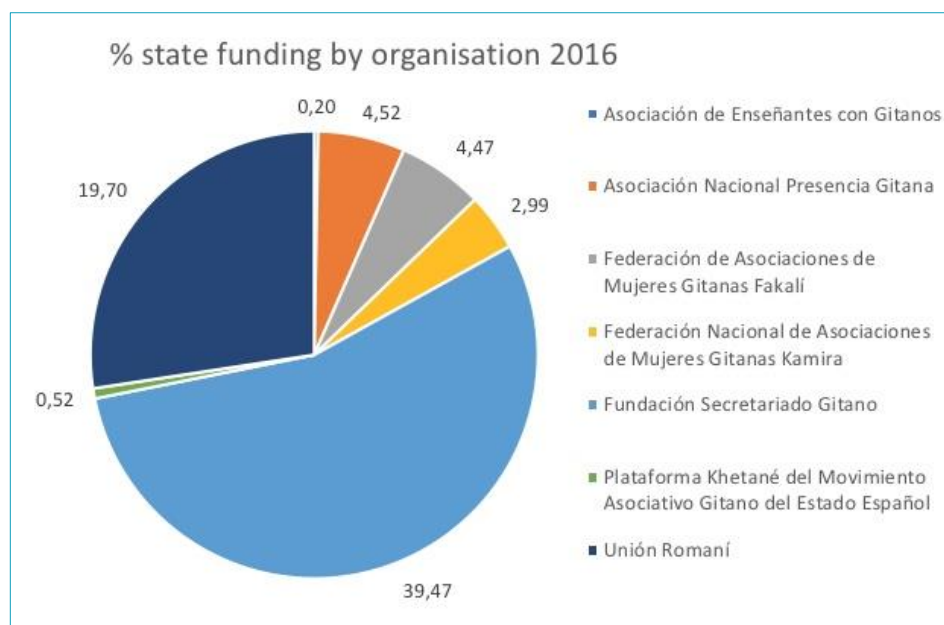
<sup>42</sup> The full text of the ruling of the constitutional court is available at: <https://www.boe.es/boe/dias/2017/07/22/pdfs/BOE-A-2017-8621.pdf>

The following table shows grants awarded to NGOs working with Roma communities in 2016:

NGOs supported by Income Tax Generated Grants in 2016	Amount received	%
Asociación Barró	50,000 EUR	0.66
Asociación de Enseñantes con Gitanos	15,464 EUR	0.20
Asociación de Mujeres Gitanas Alboreá	49,443 EUR	0.65
Asociación de Promoción Gitana de Zaragoza	51,906 EUR	0.68
Asociación Gitana Anaquerando	28,330 EUR	0.37
Asociación Gitanos de hoy	34,350 EUR	0.45
Asociación Nacional Presencia Gitana	344,338. EUR	4.52
Asociación Socio-Cultural de las Minorías Étnicas Unga	112,050 EUR	1.47
Asociación Socioeducativa Llere	45,489 EUR	0.60
Federación Autónoma de Asociaciones Gitanas de la Comunidad Valenciana	430,630 EUR	5.65
Federación de Asociaciones de Mujeres Gitanas Fakalí	340,295 EUR	4.47
Federación de Asociaciones Gitanas de Aragón	100,200 EUR	1.31
Federación de Asociaciones Gitanas de Castilla y León	168,400 EUR	2.21
Federación de Asociaciones Gitanas de Cataluña	527,440 EUR	6.92
Federación de Asociaciones Gitanas Extremeñas	216,630 EUR	2.84
Federación Maranatha de Asociaciones Gitanas	49,000 EUR	0.64
Federación Nacional de Asociaciones de Mujeres Gitanas Kamira	227,644 EUR	2.99
Federación Regional Gitana de Asociaciones de Castilla La Mancha	122,150 EUR	1.60
Fundació Privada Pèrea Closa, per a la Promoció dels Gitanos a Catalunya	89,743 EUR	1.18
Fundación Secretariado Gitano	3,008,270 EUR	39.47
Plataforma de Asociaciones Gitanas de Cantabria, Romanés	68,330 EUR	0.90
Plataforma Khetane del Movimiento Asociativo Gitano del Estado Español	40,000 EUR	0.52
Unión Romaní	1,501,210 EUR	19.70
<b>TOTAL:</b>	<b>7,621,312 EUR</b>	<b>100</b>



Regarding the distribution of funds between organisations at the state level for 2016, the percentages are set out in the graphic below:



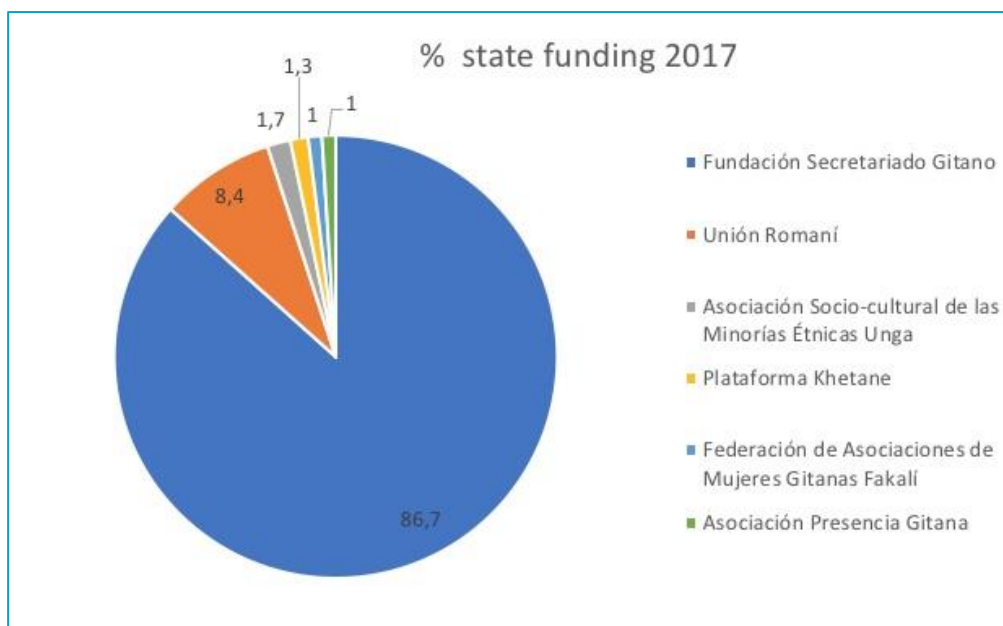
Source: the authors.

Firstly, resources are distributed between the different organisations in a *'remarkably uneven manner, a situation that continues to be repeated over time. For most NGOs this has an unbalancing effect on their level of professionalization and an impact on the effectiveness and efficiency of the projects that some of them carry out. This is a recurring source of conflict between NGOs that work with the Roma community, and it has fuelled - and continues to fuel - the debate on whether the recipients of public resources for the Roma community, or at least the most prominent, should be organisations led by Roma or not'*.<sup>43</sup>

On the other hand, as we can see, organisations at the regional level receive a much smaller proportion of the funds. Most of them receive less than 1% of the total amount distributed and only two receive more than 5%: FAGA (Federación de Asociaciones Gitanas de Alicante) Valencia with 5.65% and FAGIC (Federació d' associacions Gitanes de Catalunya) Catalonia with 6.92%. Financing received by the others ranges between 0.19% and 4.87% of the total assigned.

<sup>43</sup> Interview with Ricardo Hernández, Gaz Kalo Federation and vice president of the 2nd Khetane platform.

In 2017, the total amount of state funding was lowered to only 3,111,318 EUR and the percentage differences increased significantly, as the following table illustrates:<sup>44</sup>



Source: created by the authors on the basis of information sent to NGOs by *Unión Romani*.

Regarding specific and general activities and initiatives, in the field of women we can highlight two relevant initiatives. On the one hand, the Tax programme called IRPF-2016 programme included a call for, 'promotion and education programmes to improve the health of the Roma population, with a special emphasis on women'. The following table provides an overview of the subsidies and organisations that received support.



Source: created by the authors based on information provided at [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-14333](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-14333)

We would like to highlight the fact that the organisation that receives the largest subsidy is a mainstream organisation, working with people at risk of social exclusion and not with the Roma community specifically: Caritas Spain receives almost 25% of the total amount allocated to this programme. According to its statutes, Caritas 'aims, through its

<sup>44</sup> At the time of writing, we cannot provide information on the distribution of funds at the regional level given that not all of the calls have been finalised. We cannot confirm whether the distribution has been greater or smaller because of a lack of available data. For this reason, we have compared 2016 and 2017 using state organisations only.

confederate members, to carry out the charitable and social work of the church in Spain. It is dedicated "to the service of God's people to promote and coordinate the Christian message of goodwill, and to promote human advancement and the overall development of all people".<sup>45</sup>

The question here is not whether or not mainstream programmes contribute to the dilution of Roma initiatives, but rather whether mainstream organisations participate in targeting programmes aimed at the Roma community. This may have been very valid in the 1980s but nowadays, Roma organisations have sufficient professionalism, expertise and knowledge to manage these programmes and initiatives themselves, especially in areas such as Roma women and health.

Looking at the example of Roma women, we find that participation in mainstream programmes is lower, although clear and resolute progress is being made. We analysed the *Institute for Women and Equal Opportunities'* (IMIO) call to allocate grants supporting associations and foundations at state level in 2016 and 2017. In the 2016 resolution we found that the IMIO had supported 56 state-level organisations and that 3 of them were federations or associations of Roma women (FAKALI; Alborea and Kamira). In the 2017 call, we found that 73 organisations had received subsidies, including the same 3 Roma women's organisations.

Similarly, at regional level, we were surprised to discover that none of the grants awarded by the Catalan Institute for Women (*Institut Català de les Dones*) in 2016 went to an association of Roma women (or Roma association), and just one association (Kamira) was included in the call for support for programmes in 2017.<sup>46</sup>

According to the 2017 Monitoring Report on the 2016-2017 Operational Plan,<sup>47</sup> the thematic areas of action in which the greatest number of programmes have been implemented for the Roma community are: education (23%); equality and non-discrimination (19%), culture and social participation (14%), health (10%) and employment (10%).

The NGOs that work with the Roma community receive direct assignments within this so-called call.

According to the Monitoring Report on the 2016-2017 Operational Plan, 62% of the measures implemented during the plan were for the Roma community specifically, 15% adaptation measures to guarantee access to specific measures, 10% adaptation to guarantee access to mainstream measures and 13% were devoted to mainstream measures. Programmes carried out in Spain with the Roma community have a wide range of targets as we have seen in the previous sections.

We cannot but highlight the fact, that, despite the efforts and resources invested in recent years, the European Court of Auditors found that Andalusia had not adhered to investment priorities for the 2014-2020 programming concerning the integration of marginalised groups, such as the Roma community. Although Andalusia has a large Roma population, with an extremely high percentage of marginalised people, the Andalusian government has, in its policies and measures ignored its responsibility to include Roma as a priority".<sup>48</sup>

<sup>45</sup> Article 10 of Caritas Spain's statutes.

<sup>46</sup> The full list of projects approved in Catalunya and Andalusia can be consulted on the web pages <http://www.juntadeandalucia.es/organismos/igualdadypoliticassociales/consejeria/adscritos/iam.html> and <http://dones.gencat.cat/ca/inici/>

<sup>47</sup> Not public in the moment of the report development.

<sup>48</sup> Interview with Sandra Heredia from FAKALI, the federation of Roma women's associations. The text referred to in the interview can be found at: [https://www.eca.europa.eu/Lists/ECADocuments/SR16\\_14/SR\\_ROMA\\_ES.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR16_14/SR_ROMA_ES.pdf)

## ANTI-DISCRIMINATION

### Implementing the Racial Equality Directive.

The application of the Directive put the question of racial discrimination on the Spanish political agenda, but 14 years after its transposition it cannot be described as having been 'successful' in prohibiting discrimination against the Roma community. The ECRI recommended that a new comprehensive Equality Law is adopted, given that there is no legal framework in place to adequately deal with discriminatory acts that do not constitute a crime.<sup>49</sup>

The Council of Equality and Non-Discrimination (CERED) responsible for this directive is not independent, nowadays, this council is under the Ministry of Health, Social Affairs and Equality organigram. However, the CERED has been without leadership for more than three years and has not conducted any specific campaigns to combat antigypsyism.

The present situation of the CERED – currently a collegiate body attached to the Institute for Women and Equal Opportunities – is a cause for concern. The Council originated as a requirement for the transposition of Directive 2000/43. The directive was transposed to Spanish law through Law 62/2003 on fiscal, economic and social order measures. Article 33 provides for the creation of the Council in order to promote equality. All of the recommendations made at the time, particularly by social organisations, referred to an independent body with sufficient resources to carry out its functions. In the decree of its creation, however, the CERED was assigned to the Ministry of Labour and Immigration. After successive ministerial amendments, Royal Decree 200/2012 assigned the CERED to this department through its Directorate for Equal Opportunities.

The CERED currently has no defined leadership and no appointed president. Its annual work plan has come to a standstill and lacks any clear direction. It seems that the role of the CERED has been reduced to that of a victim support service. This service, as we have said, is coordinated by a social organisation with the participation of seven other social organisations that defend and promote non-discrimination within different communities. Perhaps the Spanish government should take the CERED into account or provide it with sufficient resources. Appointing a president, convening a meeting and establishing a plan of action for 2018-2020 would be one option. Another possibility would be creating a new, totally independent council, which sits outside the ministerial structure, and is endowed with the necessary resources and mandate to carry out its role.

The level of reporting by victims is very low, and the response of the judicial authorities is not very effective (there have been very few convictions). In this regard, it is worth mentioning that an Assistance Service for Victims of Racial or Ethnic Discrimination<sup>50</sup> was created by the Ministry of Health, Social Services and Equality. It was operational from March 2013 to March 2015 and then for a second period from October 2015 to October 2017, and it has been extended until October 2018. The service operates under the aegis of the Council for the Elimination of Racial or Ethnic Discrimination and is carried out by eight social organisations that provide assistance and support to the victims of discrimination throughout Spain, totally free of charge.

The service has dealt with 940 cases of discrimination against the Roma community.<sup>51</sup> It also develops information and awareness-raising actions on the subject of equal treatment

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<sup>49</sup> Ibid, para 23-26, p. 15-16.

<sup>50</sup> <https://asistenciavictimasdiscriminacion.org/>

<sup>51</sup> Information provided by the Fundación Secretariado Gitano, one of the 8 social organisations that run the service. The other organisations that run the service are: the Catholic Commission on Migration (ACCEM); Spanish Refugee Aid Commission (CEAR); Spanish Red Cross; Cepaim Foundation; Movement against

and non-discrimination for both key actors and potential victims. The intervention methodology used by the service specialises in providing assistance to victims (with a protocol of action based on dialogue, mediation, reporting of incidents, and the filing of complaints with agencies). Noteworthy, the service is not authorised to bring cases to the court and represent victims, what leaves many of them in a situation of helplessness, and biased their expectations, because despite recognizing discrimination, no solution is given.

According to the 2014 annual report (the last report to have been published on the service's website), the Roma community represented 18% of the total number of individual cases attended, second only to the Maghreb community. An individual case is understood to be a 'single incident in which a person has felt discriminated against (said incident may have affected more than one person, as long as they can be identified)'.<sup>52</sup> Meanwhile, collective cases – of which the Roma community accounts for 52% of those dealt with by the service – refer to an 'incident in which a collective group has felt discriminated against (the number of people affected by said incident is indeterminate)'.<sup>53</sup>

Discrimination against the Roma community continues to be a daily reality. The community itself lacks sufficient knowledge of its rights and how to exercise them. This issue needs to be addressed from various angles and must include information about rights, as well as support and assistance to victims that is both holistic and on-going.

To improve access to justice, the Kamira Federation launched a project "Defending Victims"<sup>54</sup> aimed at advocating for provision of specific legal aid to victims of discrimination and hate crime for free of charge (paid by the public authorities); similar to aid provided to victims of gender-based violence. Within the project, since 2016 the Federation has been detecting and reporting cases of discrimination and training lawyers, police and associations. As result of the advocacy efforts, free legal aid services have been established by bar associations of Madrid, Barcelona, Malaga, Seville and Cordoba (costs are covered by regional governments) and negotiations for launch of this service in other parts of the country continue. Since the project's launch, at least ten proceedings for alleged crimes detected within the project have been launched.

In recent years, initiatives have been launched to promote sexual diversity within the Roma community, a novel approach that highlights the community's heterogeneity and diversity. It is civil society once again that is leading this process with initiatives like '*Ververipen, Rroms for diversity*', defined as a '*space for Roma and non-Roma to fight for respect for diversity within our communities, families...*' The Roma community and our organisations cannot ignore the social reality and change that surrounds them and, by pure coherence of action and thought, we have the obligation to be more respectful of the difference and diversity within our communities so as not to punish these diverse Roma men and women with the same persecution or indifference that we, the Roma people, have suffered as a community throughout history'.<sup>55</sup>

In the same vein, the '*Rroma LGTBQI. Roma people and affective-sexual diversity*' seminar-workshop was held in Madrid in May and June of 2017. The seminar, led by a group of Roma and Roma activists, aimed to form a working group to analyse and debate issues affecting Roma people who do not conform to the heteropatriarchal model. As

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Intolerance; Peace Movement; Movement for Peace, Disarmament and Freedom (MPDL); and the Welcome Network (*Red Acoge*).

<sup>52</sup> Assistance service for victims of discrimination, activity report 2014 p.16.

<sup>53</sup> *Idem*.

<sup>54</sup> An online for for reporting cases of discrimination is available at: <http://federacionkamira.es/contacto/>

<sup>55</sup> Ververipen's activities can be found at [https://www.facebook.com/pg/Ververipen/about/?ref=page\\_internal](https://www.facebook.com/pg/Ververipen/about/?ref=page_internal)

members of a community that has historically been subject to discrimination, these people often find themselves side-lined by both the white LGBTQI movement, and by spaces of pink capitalist socialisation where activism is effectively neutralised. Focused on the emergence of Roma LGBTQI activism in Madrid, '*Rroma LGBTQI*' was the first meeting of its kind held in Spain and indeed Europe, to hold an in-depth discussion where the group's own perspective was the starting point, rather than being led by external actors or as an object of study for others. The conclusions of the seminar are in the drafting stage and will be made public during 2018.

## Educational and residential segregation

The educational administration has no specific plans or programmes to eliminate educational segregation, which continues to be a reality for part of the Roma student body. A broad and scientific study to detect the extent of school segregation has yet to be conducted and there are no plans to combat the phenomenon.

In 2014, the situation of certain neighbourhoods and schools was analysed for the first time. The research was led by Kamira Federation and the Mario Maya Foundation under the title, 'School segregation of Roma (*Gitano*) students in Spain'.<sup>56</sup> The study wanted to check whether there were any schools where Roma represented 85-95% of the student body regardless of whether or not this corresponded to the percentage of Roma living in the neighbourhood. The research was conducted in 11 neighbourhoods in the provinces of Barcelona, Córdoba, Madrid and Badajoz. 28 schools in the area were visited. In the neighbourhoods visited, there was a large Roma population, although it never represented more than 50% of the total population. The results were very clear. In eight of the schools, Roma students accounted for over 80% of the student body (in Barcelona, Córdoba and Badajoz), and in 3 of the schools visited, Roma students constituted between 50-79.9%. The research found no objective reasons to justify this high concentration of Roma students and made proposals to improve the situation. They included improving research in the area for example, in order to determine the real scale of the problem, setting out rules for a balanced distribution of students, registering students to avoid the overrepresentation of some minorities or groups, and progressively redistributing enrolment between nearby centres to avoid a concentration of Roma students in one particular centre in the area. Following the study's, still in 2014, the Kamira Federation filled a complain to the Ombudsman. The complain has not been concluded yet, but the Ombudsman visited a ghetto school in Córdoba and called for the eradication of Roma school segregation in primary schools. The Ministry of Education has not answered this call, yet.

2018-2020 Inclusion Plan, or at least the draft version of the Plan, includes measures to implement strategies to avoid and reduce the concentration of Roma students in some educational establishments.

When it comes to residential segregation, several local and regional government projects, with the support of some specialised NGOs, have significantly reduced the prevalence of shanty towns over the past 15 years, but there are still many segregated neighbourhoods where most of the population is Roma and where adequate services, transport and so on are lacking.

From the central administration, housing measures, like the Housing Map,<sup>57</sup> launched by the Ministry of Health, Social Services and Equality and compiled by the *Fundación*

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<sup>56</sup> The report can be found at: <http://federacionkamira.es/wp-content/uploads/2015/11/Informe-de-Segregaci%C3%B3n.pdf>

<sup>57</sup> The housing map can be downloaded at the following address: [https://www.gitanos.org/centro\\_documentacion/publicaciones/fichas/117552.html](https://www.gitanos.org/centro_documentacion/publicaciones/fichas/117552.html)

*Secretariado Gitano* (Roma Secretariat Foundation, FSG), have provided detailed information about the residential situation of the Roma population in Spain.

With regard to living standards and sanitation, in recent years a reduction can be observed in the number of Roma people living in both shanty towns (from 10% in the first study carried out in 1991, to 3.9% in the 2007 study, and 2.17% in 2015), and in substandard housing (from 21.4% in 1991, to 7.8% in 2007 and 6.46% in 2015).<sup>58</sup>

The housing study shows that in those municipalities where interventions have been carried out to improve the socio-residential inclusion of Roma families, progress and improvements have been made at all levels: in living conditions, in access to employment, in the education of minors, etc. Despite this positive trend, however, more than 9,000 Roma families in Spain live in substandard housing and living conditions (over 2,000 of them still live in slums). In these dwellings, access to drinking water and sanitation is precarious or non-existent.

A State Housing Plan, launched by the Ministry of Development (the result of consultations with NGOs and other relevant actors) was approved with specific plans to address substandard housing and relocate vulnerable groups (the Roma population is explicitly included). The plan is managed through agreements with regional governments.

On the other hand, over the last few years, while the 2013-2016 State Housing Plan was in force, we were unable to identify any measures undertaken by the central administration to prevent evictions or forced evictions, which have affected many Roma families over the last 10 years of economic crisis. Evicted families are not informed, nor do they receive adequate advice about their rights. International human rights protocols on evictions are not respected. The only existing measures have come from NGOs that work in the field (the Anti-Eviction Platform, or the Mortgage Victims platform, etc...).

In any case, this is not an issue that concerns the Roma community exclusively. The economic crisis of the last years set the issue of evictions centre stage with families who were directly affected losing their homes when unable to pay the mortgage.

Continuing in the context of the crisis of the last 10 years, the *Fundación Secretariado Gitano* published a report in 2013 entitled, 'The impact of the crisis on the Roma community'. With respect to housing, the report noted, among other things, 'that the levels of substandard housing, slums, occupations and illegal hook-ups by some Roma people in a situation of despair, were on the rise.'<sup>59</sup>

### Discriminatory behaviour by police, misconduct by prosecutors or courts

In 2015, the Ministry of the Interior published a 'Protocol of Action for Security Forces and Agencies to address Hate Crimes and Behaviour that Violates Legal standards in the field of Discrimination'<sup>60</sup>, for National Police and the Civil Guard. The protocol included a definition of antigypsyism and contact points in each province through police of "proximity to citizen".

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<sup>58</sup> A press release from *Fundación Secretariado Gitano* can be found at: <https://www.gitanos.org/actualidad/prensa/comunicados/117408.html>

<sup>59</sup> *Fundación Secretariado Gitano* report on 'the impact of the crisis on the Roma community' 2013, p. 21. The complete text can be found at [https://www.gitanos.org/upload/09/50/el\\_impacto\\_de\\_la\\_crisis\\_en\\_la\\_comunidad\\_gitana.pdf](https://www.gitanos.org/upload/09/50/el_impacto_de_la_crisis_en_la_comunidad_gitana.pdf)

<sup>60</sup> The protocol is available at <http://gestionpolicialdiversidad.org/PDFdocumentos/PROTOCOLO%20DIO.pdf>

The Ministry of the Interior has been publishing, since 2013, an annual report on cases of hate crime since 2015 but there is no breakdown for cases of antigypsyism. Only racism and xenophobia are discussed, which represent the highest percentage of cases.<sup>61</sup>

In 2016, the Secretary of State for Security created a National Office to combat hate crimes.

Some local police have also developed training programmes in non-discrimination and the prevention of hate crimes for their staff (Fuenlabrada, Madrid, A Coruña, Burgos, etc.). In 2016, the local police force of Madrid created a Diversity Management Unit (which provides training on antigypsyism to its members in an on-going manner). The *Mossos d'Esquadra* in Catalonia has, for a number of years now, had a protocol on hate crimes and discrimination in place as well as specialist units. Those who take the basic training course also receive intercultural training and one of the training modules includes Roma.

In terms of the prevention of ethnic profiling, an issue which greatly affects Roma people, the PIPE programme (Programme for Effective Police Identification) was developed in six Spanish cities in 2010. It is, however, a private initiative from the Platform for Police Diversity Management and does not receive any public support at state level.<sup>62</sup>

In the field of justice, from 2013, specialised services have been in place for many years in the 50 provincial prosecutors' offices that are spread over the territory to combat hate crimes and incidents of discrimination. This represented an important step in the fight against Roma discrimination, and some bar associations and NGOs have trained prosecutors and judges to avoid bad practices and apply the law in this area. However, the Ministry of Justice has no on-going strategy to train all of its prosecutors and judges in these matters and to avoid bad practices. The number of convictions where racial/ethnic discrimination is an aggravating factor is very low, suggesting that the current legislation is not adequately applied. Some prosecutors are not very active in this area when they could act *ex officio* in cases of hatred or discrimination.

In terms of the judiciary, it is worth noting that some training sessions for judges were carried out by the General Judiciary Council. We would like to highlight, however, the lack of response from the courts in this matter. One of the main problems is the fact that cases of antigypsyism do not reach them.

Finally, the legal system needs to be supplemented. We have a penal code that covers some discriminatory behaviour and incitement to hatred and violence but a comprehensive equality law – like that proposed in the failed 2011 initiative (which should be taken up again) – is required to address discriminatory behaviour that does not constitute a crime, in order to ensure that this sort of behaviour does not go unpunished.

## Right to free movement

On paper, they can exercise this right in Spain, but Roma (mostly Romanian) face a high degree of hostility and discrimination. They also experience difficulties in accessing health services in some cases and accessing employment and housing in particular. There are, on the other hand, one-off projects organised in some Spanish cities (and in collaboration with some NGOs) to accompany these people when accessing public services, with a special focus on the schooling of minors. Although they receive a mention in the Spanish National Strategy, there are no state actions in place to address the specific situation of Roma.

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<sup>61</sup> <http://www.interior.gob.es/web/servicios-al-ciudadano/delitos-de-odio/estadisticas>

<sup>62</sup> More information about this initiative at [http://gestionpolicialdiversidad.org/PDFactividades/Programa%20PIPE%20con\\_cuestionario.pdf](http://gestionpolicialdiversidad.org/PDFactividades/Programa%20PIPE%20con_cuestionario.pdf)



## ADDRESSING ANTIGYPSYISM

### Institutional settings for fighting discrimination and addressing antigypsyism

Although antigypsyism has existed throughout history, the definition and use of the term in Spain is relatively recent. In reviewing the main measures taken by the public administration, we did not find any dedicated recommendations, statements or programmes that had been developed by the administration itself to reduce, condemn or tackle antigypsyism as a global phenomenon in Spanish society.

When it comes to the institution that represents Spanish citizens, the Congress of Deputies (Spanish Parliament), the situation is no better. In order to shed light on the matter, we analysed initiatives developed in the Spanish parliament on the Roma community during the present and past legislature. The results of our analysis of the use of parliamentary instruments during the tenth legislature and over the current legislature is illuminating: not one of the hearings, questions, or non-legally binding proposals etc. take antigypsyism into consideration.

Legislature term		XII (7/2016- now)	X (12/2011- 1/2016)
Type of activity	Theme		
Hearings	State Council	1	
	Crisis situation and the Roma Community		3
	National Strategy		1
Written questions to the government	Granting of financial aid		4
	Education		2
	State Council		1
Institutional declaration	Celebration of Roma Day		1
Non-legally binding proposals	Roma holocaust		1
	Definition of the term 'Roma' Royal Spanish Academy		1
	Discrimination		1
	Housing		1
	Health		1
	National Strategy		1
	Institutional support		1

Source: Prepared by the authors on the basis of data found on the web pages of the Congress of Deputies. There is no information available on the 9<sup>th</sup> legislature because of its short existence.

Moreover, we were surprised to discover that most non-legally binding proposals, where the theme of 'antigypsyism' could be considered – the Roma holocaust, discrimination and the use of the term 'Roma' (*Gitano*) etc. – had been left without effect because processing 'had expired'.<sup>63</sup> In other words, when the legislature came to an end, it had still not been carried out.

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<sup>63</sup> Upon the dissolution of Congress or at the expiry of its term, all business pending examination and decision by the House shall lapse, except for such business as must constitutionally be transacted by the Permanent Deputation". (Standing Orders of the Spanish Congress, Section 207). Available at: [http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist\\_Normas/Norm/standing\\_orders\\_02.pdf](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/standing_orders_02.pdf)

In the autonomous communities, however, we did find a declaration made by the Catalan Parliament (*Parlament de Catalunya*) in which the persecution and genocide of the Roma people was recognised. This statement was made during the plenary of 29 March 2007. In this statement the Catalan Parliament, 'affirms and acknowledges that the Roma people living in Spain and in Catalonia specifically, have been the victim of a historic and ongoing genocide' and 'laments all of the racist and antigypsyist laws that Catalan institutions have devised or supported, and all of the situations that have prompted the abuse, discrimination and vulnerability faced by Roma people throughout history.' Furthermore, 'it commits to working to ensure that effective and inclusive policies are applied ... with the objective of achieving equality of opportunities...'.<sup>64</sup>

We did not find any evidence that the Spanish State or autonomous communities had made efforts to transpose or include the recommendations of European organisations at the state or regional level. For example, General Policy Recommendation No. 13 on combatting anti-Gypsyism and discrimination against Roma was approved by the European Commission against Racism and Intolerance (ECRI) in 2011.<sup>65</sup> Many of its recommendations in various areas (employment, education, media, housing) have not been taken into account by lawmakers.

At the local level, however, we found one relevant action with regard to antigypsyism that has the potential to be scaled up and applied in other cities. Barcelona's Office for Non-Discrimination carries out various 'workshops to tackle antigypsyism' and 'an introduction to activism in secondary education', which aims to train young people to conduct workshops on antigypsyism and other forms of racism, and to introduce secondary school students to activism.

The lack of legal recognition of the Roma community as an ethnic minority or cultural group, does not help to promote actions to reduce antigypsyism in Spanish society. In addition to a lack of interest among political actors, examples of antigypsyism are all too prevalent on online social networks – in all sorts of areas of life.

The Spanish Observatory of Racism and Xenophobia (OBERAXE)<sup>66</sup> reports to the General Secretariat of Immigration and serves as a platform for knowledge, analysis and the promotion of work to combat racism, racial discrimination, xenophobia and other forms of intolerance, as well as incidents of hate and hate crimes. This is achieved through collaboration with public administrations and civil society at the national, European Union and international levels.

One of its flagship publications is a report on the 'Evolution of racism, xenophobia and other related forms of intolerance in Spain'.<sup>67</sup> This report collects information on attitudes towards emigration and the migrant community. The Roma community is excluded from the study.

The public administration in Spain does not directly manage any initiatives that work to eliminate discrimination, racism and/or antigypsyism. It does, however, finance initiatives, through a number of programmes, that support civil society organizations to raise awareness of and denounce antigypsyism.

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<sup>64</sup> The text of the declaration is available in full at [https://www.parlament.cat/web/activitat-parlamentaria/declaracions-institucionals/index.html?format=D&p\\_id=12810055](https://www.parlament.cat/web/activitat-parlamentaria/declaracions-institucionals/index.html?format=D&p_id=12810055)

<sup>65</sup> The text of the Recommendation is available at [https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation\\_N13/REC13-2011-37-ESP.pdf](https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/REC13-2011-37-ESP.pdf)

<sup>66</sup> The observatory web address: [www.empleo.gob.es/oberaxe/es](http://www.empleo.gob.es/oberaxe/es)

<sup>67</sup> A summary of the report is available at <http://www.empleo.gob.es/oberaxe/ficheros/documentos/InfCortoRacismoVsCortaInternet.pdf>

According to a follow-up report on the Operational Plan of the National Strategy for the Social Inclusion of the Roma Community (2014-2016), initiatives financed in 2016 by the various public administrations for civil society in the area of equality and non-discrimination (including the fight against antigypsyism) represented 7% of the total resources invested in specific programme measures. A total of 735,886 EUR was allocated to promoting equal treatment and non-discrimination. 11 measures were approved in 2016.

The most well-known of these initiatives is the 'Discrimination and Roma Community Report'.<sup>68</sup> This report has been carried out without interruption since 2005. Its main objective is to raise awareness of and denounce the discrimination suffered by the Roma community in Spain. The 2016 report focused on antigypsyism. More than 100 cases of discrimination and racism towards the Roma community have been analysed since 2005. The cases come from different areas, such as goods and services, employment, housing, health, police services, hate speech and, above all, media and mass media. The most significant rise in cases can be observed in the field of social networks, above all on Twitter and Facebook.

The Fundación Secretariado Gitano considers that the use of this term represents progress 'in highlighting the social rejection faced by this sector of society. It is vital that it is not left undetected or diluted by the use of mainstream terms'.<sup>69</sup>

The next best practice that we would like to analyse, and highlight is the '*Rromani Pativ*' project. This project, led by the Khetane Platform, seeks to respond to the inaccurate handling of information about the Roma population that appears in the media, on social networks and on the internet. It does so through the creation of a local response network, facilitating the projection of a public image of the Roma people that contributes to overcoming the current situation of discrimination and ostracism.

The project published a Report on antigypsyism on the web and in the media for the year 2017,<sup>70</sup> which analysed various cases of antigypsyism in the media and on social networks.

The project uses a traffic light system to categorise cases and an accessible accompanying website makes it easy to view and track. The red section includes news that you want to denounce. The orange section includes a collection of responses from the web (a letter, a tweet in response etc.). Finally, the green section presents reactions from the particular communication channel or person in question with an antigypsyist attitude.

In addition, the project includes several articles by experts working in the fight against discrimination and antigypsyism. It also contains an interesting section on positive references i.e. rather than perpetually examining negative news or actions, it instead highlights research or positive articles published on the web.

Another example of good practice in the fight against antigypsyism centres on raising awareness of antigypsyism as a concept and providing mechanisms to counteract it. Perhaps the best resource guide we found in Spain was the '*Gitanizate* guide to resources for countering antigypsyism',<sup>71</sup> published by the Autonomous Federation of Gypsy Associations of Valencia (FAGA). In addition to the originality of its title ('Make yourself Roma'), the guide aims to provide ordinary people – both Roma and non-Roma – with resources so that (a) they are able to identify antigypsyism and how it relates to racism

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<sup>68</sup> The annual reports are available in an on-line format on the Fundación Secretariado Gitano website [https://www.gitanos.org/centro\\_documentacion/publicaciones/cuadernos\\_tecnicos.html.es](https://www.gitanos.org/centro_documentacion/publicaciones/cuadernos_tecnicos.html.es)

<sup>69</sup> 2016 report on discrimination and the Roma community.

<sup>70</sup> The project report is available at [http://rromanipativ.info/wp-content/uploads/2017/12/2017\\_12\\_15-Informe-antigitanismo-en-redes-y-medios-de-comunicacion-2017.pdf](http://rromanipativ.info/wp-content/uploads/2017/12/2017_12_15-Informe-antigitanismo-en-redes-y-medios-de-comunicacion-2017.pdf)

<sup>71</sup> The "*Gitanizate*" guide is available at <http://gitanizate.com/panel/data/adjuntos/27042015204308.pdf>

in general; and (b) they have theoretical foundations on which to understand antigypsyism from an anti-racist perspective. Finally, the guide tells readers how, where, and via which channels they can denounce cases of antigypsyism, and which organisations to turn to for protection and support. The added value of this guide is its overview of cases in Europe and its work in collaboration with a network of other Roma and non-Roma entities.

In the same vein, Fakali, the Federation of Roma Women's Associations, launched the, 'Pact against Antigypsyism Protocol'.<sup>72</sup> This text represents a bid to provide an in-depth analysis of the phenomenon of antigypsyism, especially in its relationship with the media and social networks, and to provide useful tools and instruments to combat the propagation of discriminatory ideas, attitudes and behaviour which have disastrous consequences for the Roma community.<sup>73</sup>

As far as the media is concerned, the Autonomous Community of Catalonia has a 'Bureau for Diversity in the Audio-visual sector', a body that brings together people from different cultural groups, media, institutions, companies, professional communities, research groups, support organisations, universities and other persons and bodies interested in promoting a better representation of multiculturalism and diversity in the audio-visual media of Catalonia. Its objective is to help promote coexistence, respect, knowledge and exchange between people of different cultural affiliations, and a shared approach to developing and renewing Catalan cultural identity. It is worth noting that a Roma journalist is one of the bureau's fulltime members.

This Bureau for Diversity collaborated in the development of a series of, 'Recommendations for the treatment of the Roma community in the media', developed by Kamira, the Federation of Gypsy Women's Associations, and published by the Institute for Women and Equal Opportunities.<sup>74</sup> The recommendations are addressed to communications professionals, communication companies and authorities. It also includes an inclusive language guide and reference material.

Despite these resources, partisan language and discriminatory news in the media continue to be the norm. This brings us to another report from yet another civil society organisation which monitors Roma related news published by a range of sources i.e. the 'Journalists against racism, the Spanish press on the Roma community'. Published annually since 1997, this is the most exhaustive monitoring publication that we encountered. According to *Unión Romani*, the organisation responsible for the study, it is an exhaustive report that analyses the way the media have treated information relating to Roma over the previous year.

One phrase has appeared recurrently in the monitoring report's since more than ten years: the Spanish press continues to cover the Roma community in a biased manner. On too many occasions, a slanted view of the facts is presented which perpetuates a stereotyped view of Roma people.

### Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and media

The Council's Framework Decision 2008/913/JHAI on combating certain forms and expressions of racism and xenophobia by means of criminal law is an instrument to tackle racism against the Roma community.

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<sup>72</sup> The full text of the pact can be downloaded from [https://www.fakali.org/pdfs/pacto-contra-el-antigitanismo\\_protocolo-de-actuacion.pdf](https://www.fakali.org/pdfs/pacto-contra-el-antigitanismo_protocolo-de-actuacion.pdf)

<sup>73</sup> Extracted from the presentation of the protocol, available at: <http://www.fakali.org>

<sup>74</sup> The recommendations can be downloaded from: <http://www.inmujer.gob.es/publicacioneselectronicas/documentacion/Documentos/DE1691.pdf>

The Council must ensure that certain serious manifestations of racism and xenophobia are punished with effective, proportionate and dissuasive sanctions. However, the practical implementation (transposition and implementation) of the Framework Decision still leaves many questions open to interpretation. On the one hand, state legislation includes a limited definition of the expressions of racism and xenophobia that are punishable through criminal law (limiting cases where a 'clear and present danger' can be demonstrated for instance), so that reported incidents are not sanctioned. On the other hand, a large proportion of incidents are not reported for fear of reprisals or because of a lack of confidence in the police, prosecutors or courts. This shows that measures have not yet been put in place to ensure that crimes where the motivation and precondition is antigypsyist are effectively prosecuted.

The proliferation of social networks allows people to easily express their opinion (whether justified, thoughtful, considered or otherwise...) in 140 characters or posted on a wall that can be accessed by millions of social network users. This has contributed to the exponential rise of hateful and anti-Roma discourse in Spain; varying from the emergence of pages that directly express hatred towards an entire community – or a desire for the total annihilation of the Roma people in the most extreme cases – to the shameless use of stereotypes to mock the Roma community.

The political class is not excluded here. Although its official discourse is politically correct, the same cannot be said for that of all of its members. Take, for example, the Deputy Minister for Education in Madrid, Doña Carmén González, who said in an interview that, 'students from minority groups, who are risk of social exclusion, do not want to study.' That is why she wanted to focus on Roma schoolchildren, 'a boy just wants to go to the market in the van (*fregoneta* sic) with his father to sell fruit' she said, arguing that young Roma, 'have been brought up in a culture where it is frowned upon to move up the social ladder through education' and so, 'it is difficult for them to fight the weight of their culture'<sup>75</sup>.

But perhaps the most open anti-Roma campaign that we have seen in the Spanish political arena arose in the city of Badalona, near Barcelona, where mayor Don Xavier García Albiol (currently leader of the *Partido Popular* in Catalonia) began a campaign to 'clean up' and 'finish with' the Romanian Roma community. He claimed that Romanians were, 'a plague and a blight on the city' and that the, 'Romanian Roma community has come to this city to commit crimes and to steal.' It was the first time that a public official of the state was brought before a judge for committing a racist crime. He was, however, acquitted by the magistrate who considered that it had not been his intention to defame. Despite the severity of the statements made by this particular politician, he is not representative of the majority, and we can affirm that the mainstream political parties do not tend to use expressions or make overtly racist or antigypsyist statements in general.

As far as discourses on antigypsyism are concerned, the public administration has not run any campaigns or carried out analyses of the phenomenon. In 2016, the *Junta de Andalucía* signed a pact against antigypsyism promoted by Fakali, the Federation of Roma Women. Some city councils have undertaken actions to promote a positive awareness of the Roma community (Alicante, Valencia, Madrid, Barcelona, etc.).

Many Roma and other anti-racist organisations have carried out their own awareness-raising campaigns, created alternative narratives, or set up programmes or training for journalists and media, etc. but this is always done on a tight budget and as a private initiative without the support of any state subsidies.

One of the keys to combating hate crimes and antigypsyism has been the creation of a special prosecutor for hate crimes and discrimination. This service was created within

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<sup>75</sup> [http://www.eldiario.es/sociedad/Cifuentes-Educacion-viceconsejera-inmigrantes-estudiar-declaraciones-racistas\\_0\\_409109872.html](http://www.eldiario.es/sociedad/Cifuentes-Educacion-viceconsejera-inmigrantes-estudiar-declaraciones-racistas_0_409109872.html)

Barcelona's provincial prosecutor's office in order to provide a specialised response to crimes against equal treatment and discrimination. After a 'pilot phase' that lasted several years, the service was rolled out in 2013. All Spanish provinces now have a prosecutor specialised in hate crimes and discrimination.

One of the characteristics of this service is that – in addition to establishing an on-going dialogue and close collaboration with the security forces, agencies, and public administration representatives – the specialised prosecutors are also in direct dialogue with organisations that work to combat discrimination.<sup>76</sup>

We can attest that there are concrete strengths in the fight against hate crimes, antigypsyist discourses and rhetoric, exist within the administration, society and the media. As highlighted in the section on anti-discrimination for example, state security forces have created specific protocols providing officers with tools to fight discrimination and avoid any direct or indirect discrimination on the part of the police. Specific training on human rights and non-discrimination has been included by the security forces themselves in police training schools throughout Spain – both at the state level (National Police and Civil Guard) as well as the regional and local levels (*Mossos d'Esquadra* in Catalunya and various local police).

The creation of specialised prosecutor's offices is a strong point in the fight against discrimination and hate crimes that deserves to be highlighted. That said, progress needs to be made in providing information about the prosecutor's office and making victims aware of its existence, particularly within the Roma community. Victim support needs to be promoted, and security forces must ensure that possible hate or racist crimes are properly recorded in reports and statements, in a manner that is clear and concise.

In the area of antigypsyism and discrimination towards the Roma community, there are various initiatives led by social organisations. In addition, the Ministry of the Interior publishes a report on, 'The evolution of incidents related to hate crimes in Spain'.<sup>77</sup> It would be interesting if in the same way that the category 'antisemitism' is reported, successive reports included a category on 'antigypsyism'.

Organic law 1/2015 modified the 1995 penal code. This modification re-defined the crime of incitement to hatred and violence, establishing penalties of up to four years of imprisonment for those who, '*encourage, promulgate, or incite, directly or indirectly, hatred, hostility, discrimination or violence against a group, a part of that group, or against any individual belonging to that group for racist, anti-Semitic and other reasons related to ideological, religious or other beliefs, family situation, membership of a particular ethnic group, race or nation, nationality, sex, sexual orientation or sexual identity, for reasons of gender, illness or disability*'. We understand that this new definition and the rise in sentences is a positive instrument to tackle and prevent hate crimes in Spain.

Structural and Investment Funds finance actions to raise awareness of equal treatment and the fight against discrimination against the Roma population. There is a special focus on discrimination faced by Roma women, with training for the Roma community and key stakeholders, and support for the victims of discrimination (Calí program, managed by the Fundación Secretariado Gitano 2016-2019).

Finally, another strength worthy of note here concerns, 'knowledge and visibility'. Thanks to reports and victim support services, we now have more case data to increase the

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<sup>76</sup> On the creation of the service we recommend Ms. Cristina Güerri's Criminology and Public Prevention Policies degree paper, 'The prosecutor's specialisation in hate crimes and discrimination' available at: [https://www.upf.edu/documents/3223424/5780340/TFG\\_Cristina\\_Guerri.pdf/2f0a0941-4dfe-4278-8fa6-f2cf93d97f49?version=1.0](https://www.upf.edu/documents/3223424/5780340/TFG_Cristina_Guerri.pdf/2f0a0941-4dfe-4278-8fa6-f2cf93d97f49?version=1.0)

<sup>77</sup> The last report currently available is that of 2016 which is available in its entirety at: <http://www.interior.gob.es/documents/10180/5791067/ESTUDIO+INCIDENTES+DELITOS+DE+ODIO+2016.pdf/c5ef4121-ae02-4368-ac1b-ce5cc7e731c2>

visibility of the problem of discrimination and antigypsyism in Spain. The role of social organisations in this field is invaluable, especially while leadership and direction is lacking at the CERED.

But we must also highlight weaknesses. We find, for instance, that the fight against discrimination and hate crimes against the Roma community is not a priority for all political parties although, as a matter of human rights protection, it should be.

While the Ombudsperson is considered as independent and effective institution,<sup>78</sup> the CERED is criticised for a lack of independence, lack of investigation powers and the right to initiate and participate in court proceedings, as well as for its institutional development (annual reports not produced, the chair not appointed or no visible activities carried out).<sup>79</sup>

The reform of the penal code in this area is not properly applied and prosecutors of hate crimes and incidents of discrimination must be more active in responding to criminal offenses that have this racist component.

Roma people who are victims of ethnic discrimination must be empowered, so that they receive information, support and repair to guarantee and defend their rights. This is fundamental when it comes to addressing such extremely low levels of complaints.

The authorities responsible for promoting equality between women and men have no specific plans or actions to promote the non-discrimination of Roma women. The Spanish state is not implementing the recommendations made by international organisations in this matter, specifically policy recommendation No. 13 on combatting antigypsyism set out by ECRI (the European Commission against Racism and Intolerance), nor those of the CDESCR, CERD or the CEDAW.<sup>80</sup>

Leading internet and online social network companies, such as Google, Facebook and Twitter, should work to promote the application of the code of conduct in the field of hate crimes and discrimination proposed by the European Commission. See results of this high-level group (51 reported cases of antigypsyism on social networks in May 2017, 25 of which withdrawn, and 116 cases in December 2017, 100 withdrawn).<sup>81</sup>

Approved police protocols to combat hate crimes and incidents of discrimination are not sufficiently applied. Discriminatory acts need to be thoroughly investigated and data that takes antigypsyism into consideration must be compiled.

Key professionals in this area (police, prosecutors, lawyers, judges, social organisations that provide assistance to victims, etc.) are not sufficiently trained or coordinated in this respect. In spite of the training now included for the security forces, police continue to practice ethnic profiling – something that considerably affects Roma – and no national training plan or specific laws exist to eliminate the practice.

The Victim Assistance Service cannot litigate, it can only provide mediation and extrajudicial resolutions which limits its capacity to manage and defend victims. Today, inflammatory speeches on social networks and in the digital press largely enjoy impunity,

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<sup>78</sup> ECRI Report on Spain (fifth monitoring cycle). Adopted on 5 December 2017, published on 27 February 2018. Para. 28, p. 16. Available at: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Spain/ESP-CbC-V-2018-002-ENG.pdf>

<sup>79</sup> *Ibid*, para 23-26, p. 15-16.

<sup>80</sup> <https://www.gitanos.org/actualidad/archivo/116317.html>;  
<https://www.gitanos.org/actualidad/archivo/83748.html>;  
<https://www.gitanos.org/actualidad/archivo/112669.html>

<sup>81</sup> Information about the European Union's code of conduct at: [http://ec.europa.eu/newsroom/document.cfm?doc\\_id=45032](http://ec.europa.eu/newsroom/document.cfm?doc_id=45032)

as we have seen in the reports on discrimination published by the *Fundación Secretariado Gitano*, the *Unión Romaní* and the *Khetane* Platform.

The National Strategy for the Social Inclusion of the Roma Community does not have indicators on antigypsyism, nor a specific budget to combat it.

Police, legal and civil society actors that attend to victims of discrimination should be coordinated. We propose a model like that used for victims of gender violence.



## RECOMMENDATIONS

### Governance and overall policy framework

Establish campaigns to promote Roma community participation into elections at the local, regional and state levels.

To promote raising awareness among Spanish political parties to include Roma in their electoral lists with high possibilities to be elected.

To provide Roma councils with a specific budget for their activities and dissemination and promotion campaigns, including a technical office.

To promote accountability and cross-cutting activities between Roma National Council and National Public Administration. To achieve this recommendation, we would like to suggest including Roma National Council under the Ministry of the Presidency structure, including their own budget to develop Roma National Council own activities and to foster greater cooperation among different Spanish Ministries.

To open coordination frameworks among public administration different levels (national, regional, local), in cooperation with the Roma National Council to deal with guarantees policies and programs addressed to the Roma Community.

To promote actions linked to the objectives of the 2020 strategy at the local level and promote empowerment in activities at the local level from the grassroots.

To Promote specific actions to advance in the empowerment and participation of women and young people.

To Promote actions that recognize the heterogeneity and diversity of the Roma community

Given the new IRPF (Taxes grants) distribution, to analyse and consider distribution consequences among non-profit organizations. Including solutions to support long and well experienced Roma organizations in Roma Community inclusion.

To carry out actions to improve the knowledge of the operation of European and national funds to the Roma grassroots entities

To Propose to the regional administrations their engagement and development of specific plans for the Roma community, with clear budgets and focused on local level and finalist actions.

### Anti-discrimination

The Council for the Elimination of Racial or Ethnic Discrimination is not active and has no presidency, it is urgent to take the initiative from the public administration to overcome the situation of "stand-by" into the council.

To set up a completely independent equality body, as established in Directive 2000/43.

It's necessary to adopt an equality integral law, to provide, among other things, a legal framework for discriminatory acts that do not constitute a crime.

It is necessary to empower Roma people victims of ethnic discrimination, to provide them legal and support information, including support and repairing throughout the process of guarantee and defence of their rights, it is a fundamental element to combat the levels of infra-complaint.

## Addressing antigypsyism

Spanish State should promote efforts and resources to implement different recommendations of international organizations such as *Recommendation n°13 On combating anti-Gypsyism and discrimination against Roma*<sup>82</sup> and resolutions from the Committee for the elimination of Racial or ethnic Discrimination.

Companies that lead social networks and the Internet such as Google, Facebook, Twitter, should further promote the application of the code of conduct promoted by the European Commission in the field of hate crimes and discrimination.

Carry out institutional campaigns that are aimed at raising awareness of antigypsyist expressions in specific areas (housing, health, employment, media, social networks, etc.).

The approved police protocols in the fight against the crimes of discrimination and hatred are not sufficiently applied; it is necessary to carry out precise investigations of the discriminatory facts, to collect data contemplating anti-Gypsyism.

The Victim Assistance Service cannot litigate, it can only be dedicated to mediation and extrajudicial resolutions that amputate the capacity of management and defence of the victims, it is necessary to equip it with capacity to litigate.

Taking in consideration that Roma National Inclusion Strategy does not have neither indicator on anti-Gypsyism, nor a specific budget to fight against it we strongly recommended to include indicators and allocated and specific budget in the fight against anti-Gypsyism

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<sup>82</sup> Available at: [https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation\\_N13/e-RPG%2013%20-%20A4.pdf](https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/e-RPG%2013%20-%20A4.pdf)

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