



**Equal treatment
and Roma community
in 2005**



The most significant step forward in the sphere of equal treatment and the Roma community was the passing of Royal Decree 891/2005 of 27 July creating the State Council of the Roma People with the purpose of promoting participation in and collaboration with the Roma associative movement in the development of general policies and in encouraging the advancement of equal opportunity and treatment targeting the Roma population.

In this connection, the Royal Decree's main functions include the issuing of opinions and reports on the implementation of equal opportunity and equal treatment legislation and this, despite the fact that it is not a specific anti-discrimination measure, represents an essential step in helping members of the Roma community feel that they are on an equal footing with the rest of the citizens in terms of equal rights and duties.

Moreover, in the field of education, Art. 84.3 of the Draft Organic Law on Education passed on 22 July 2005 and undergoing Senate approval procedure at the time this text went to press, states that "under no circumstances shall discrimination for reason of birth, race, sex, religion, opinion or any other personal or social condition or circumstance be tolerated". The Draft Law also includes a set of measures to combat school segregation in an effort to achieve a more balanced distribution of special education students between public and state-funded private schools. Thus, without restricting the family's right to freely choose the school they want to enrol their child in, the law envisages the possibility of creating "commissions or admission guarantee boards" to monitor the proper distribution of students with special educational needs by establishing a proportion of these students per school and guaranteeing the necessary personnel and economic resources to offer needed support. Compensatory measures will be upheld as well for groups in disadvantaged situations including Roma and immigrants.

It is in the area of immigration where the greatest headway has been made when it comes to equal treatment through measures such as the "Support fund for the hosting and integration of immigrants" established in 2005 and paying particular heed to anti-racism and xenophobia programmes and the "Strategic Plan for Citizenship and Integration" to be implemented in 2006 for the purpose of establishing strategic lines of action to encourage the integration of immigrants in Spain with equal treatment and the fight on discrimination among its main pillars.



All of this goes to show that while the fight on racism is taking on increasingly greater relevance in immigration policy, the Roma issue continues to be addressed almost exclusively from a social inclusion perspective which, as we have pointed out on a number of occasions, could lead to the marginalisation of the entire community by overlooking those members who, while not exactly in risk of exclusion, continue to suffer from racism and ethnic discrimination.

In this connection, attention should be drawn to the fact that the Council for the advancement of equal treatment and non-discrimination of persons for reasons of racial or ethnic origin, created as part of the transposition of Directive 2000/43/EC into Spanish legislation, will finally be attached to the Directorate-General for the Integration of Immigrants under the auspices of the Ministry of Labour and Social Affairs, rather than being situated within a broader context having to do with the guarantee of fundamental rights which would include, also from a formal point of view, all ethnic minorities.

The Ministry of Labour and Social Affairs is still working on the draft Royal Decree which will regulate the Council's makeup, competences and operational regime and may be passed during 2006. Despite the slowness of the process by which the body was created, one of the principal advances included in the draft was the creation of a State Public Sector Foundation attached to the Council in order to guarantee, in practice, the independence called for under Directive 2000/43/EC, a requirement which had not been considered in its transposition into Spanish law.

However, despite the approval of these and other measures designed to fight discrimination against the Roma, significant headway has not been made in Spain in 2005. Quite to the contrary, in fact. The last CIS (Sociological Research Centre) barometer survey done in November 2005 revealed some worrisome data such as: "one out of every four Spaniards would not like their children to be taught in the same classroom alongside Roma children" and "over 40% would be somewhat or very unhappy to have Roma neighbours".

In 2005 the media have once again played a major role in the spread of prejudice and stereotypes concerning Roma, further tarnishing an already damaged social image. Specifically, the so called Farruquito Case led to the generalisation of an isolated and individual affair to the entire Roma community whose values, principles and customs were unfairly judged, criticised and ridiculed by public opinion.

In addition to the media, this report shows that in 2005 Roma have continued to be the target of discriminatory practices in such essential areas as employment, health, housing and education and have been the victims of acts of racial violence such as those which occurred in Cortegana (Huelva) at the beginning of the year.



And lastly, it is important to point out that although these functions will presumably be assumed by the Council for the advancement of equal treatment and by the Spanish Racism and Xenophobia Observatory, formally created by virtue of Organic Law 14/2003, to date there is no public body with a mandate to conduct research on discrimination, to carry out awareness raising campaigns to promote a more realistic and positive image of the Roma people or to systematise or study the nature and characteristics of discrimination, especially in the public sector.

In this connection, we would like to make special mention of two initiatives undertaken by the Fundación Secretariado Gitano: the social awareness raising campaign entitled "Get to know them before judging them" and whose second phase is known as "Prejudice means letting others put words in our mouths", designed to combat prejudice against Roma based solely on "what people say about them"; and the study entitled Roma Population and Employment whose main objective is to shed light on the reality facing the Roma population in the area of employment and to compare the results obtained with the prevailing situation of the overall population as reflected in the Active Population Survey (Spanish acronym EPA).