



**Equal treatment and  
the Roma community:  
headway made in 2005**



## Introduction

**D**ifferent initiatives were implemented in Spain in 2005 which have made a significant contribution to fostering equal treatment as concerns the Roma community. In this connection, seven best practices are presented in this report which were chosen mostly from the areas of legislation, specialised research and social awareness raising based on their innovation and contribution to combating discrimination against Roma.

These are actions undertaken by the public authorities and civil society alike at the state, regional and local levels covering the fields of housing, employment, institutional recognition and the fight against discrimination and the negative social image of Roma.

Firstly, the State Council of the Roma People is a recently created Roma associative movement encouraging participation and collaboration, whose main functions include fostering equal treatment and opportunity for the Roma population.

Also within the framework of institutional recognition, the non-legislative motion of 27 September 2005 represents an historic initiative, urging the government for the first time to promote the culture, history, identity and language of the Roma people.

The Special Report of the Andalusian Ombudsman on shanty towns takes a critical look at the suppression policy applied to settlements and relocations undertaken since 1997 and has had a very important effect on that sector of the Roma population in risk of social exclusion by proposing alternatives and recommendations incorporating the fight on discrimination with a view to definitive eradication of the problem.

Also by means of a Special Report, the Valedor do Pobo (Ombudsman) of Galicia analyses the current situation facing the Roma population in that Autonomous Community in the fields of housing, socio-labour situation, health-care, education, social and political participation and social benefits, and includes a practical and theoretical study on ethnic discrimination.

In the realm of the civil society, we focus on the two phases of the Fundación Secretariado Gitano's social awareness raising campaign: "Get to know them before judging them" and "Prejudice means letting others put words in our mouths", disseminating their respective messages through television and radio spots and



graphic works to combat prejudice on the part of the majority society based on ignorance and stereotypes when it comes to Roma.

And lastly, the study “Roma population and Employment”, also promoted by the FSG, furnishes objective and updated data on the labour situation of the Roma community for the purpose of defining future policies, comparing the results with the overall situation of the general population as described by the Active Population Survey (Spanish acronym EPA) and analysing the discrimination variable in gaining access to and holding down a job.

## The State Council of the Roma People

On 22 July the Ministry of Labour and Social Affairs approved, by virtue of Royal Decree 891/2005, the creation of the State Council of the Roma People as a collegiate and advisory body to formalise the participation and collaboration of organisations related to the Roma population in the area of social welfare. This new body aspires to serve as a forum for reflection and coordination between the different social players, the non-governmental organisations related with the Roma associative movement and the General State Administration and also seeks to gather the aspirations, demands and proposals focusing on the integral advancement of the Roma people and to provide assistance in the planning of actions proposed by the Administration.

One of the Council’s guiding principles is to achieve harmonious coexistence between the different groups and cultures comprising our society by proposing actions contributing to the development of a mindset enriching its diversity. The Council will also act as a guardian of equal opportunity, equal treatment, gender equality and non-discrimination of the Roma population.

The Council’s prime goal is to promote participation in and collaboration with the Roma associative movement in the implementation of general policies and in providing impetus for the advancement of equal opportunity and treatment targeting the Roma population. As laid down in the Royal Decree and in observance of the established aims, the State Council of the Roma People shall undertake the following duties:

- a) Formulate proposals and act as an advisory body regarding measures focusing on the integral advancement of the Roma population, within the framework of the powers attributable to the General State Administration, incorporating the principle of transversality.
- b) Provide advisory support in the design, development, evaluation and follow-up of Roma development plans.
- c) Submit initiatives regarding programme funding targeting the Roma population and distribution criteria.



- d) Issue opinions and reports regarding regulatory projects and other initiatives related to the Council's aims submitted to it for consideration and which affect the Roma population, especially as concerns the implementation of the equal opportunity and equal treatment regulation.
- e) Promote communication and the exchange of opinions and information between the Roma population and the society at large.
- f) Channel requests and proposals made by non-governmental organisations focusing on the Roma population and on remedying inequality with a view to facilitating coexistence and social cohesion between Roma citizens and the general society.
- g) Gather information on legislation, programmes and activities carried out by the General State Administration having regard to the Roma community and likewise on that undertaken by regional and local administrations and international organisations.
- h) Encourage studies of projects and programmes related with the integral advancement of the Roma community and awareness raising initiatives regarding coexistence with the Roma people.
- i) Collaborate and cooperate with other similar councils and institutions at the international, regional, local or any other level working in defence of human rights.
- j) Formulate timely proposals in respect of policies, funds and programmes of the European Union and other international organisations and gather information, where appropriate, on Spain's positions and proposals in international fora related with the Roma population, without prejudice to the competences of the General State Administration in these matters.k) Elaborar un informe periódico en el que se incluyan propuestas dirigidas a mejorar las políticas sociales con la comunidad gitana.
- k) Draw up reports at regular intervals which include proposals whose purpose is to improve social policies targeting the Roma community.
- l) Carry out any other functions attributed to it and having to do with the implementation of Roma development plans and those which, within the scope of its competences, are attributed to the Council by any legal or regulatory provision.



## Non-legislative motion of 27 September 2005 urging the government to promote the culture, history, identity and language of the Roma people

On 27 September 2005 the Congress of Deputies unanimously passed a non-legislative motion tabled by Esquerra Republicana de Catalunya (ERC) urging the government to promote the culture, history, identity and language of the Roma people, a measure which could significantly contribute to the fight against ethnic discrimination, especially of the structural and indirect sort.

The ERC representative, Josep Andreu Domingo who defended the proposal, highlighted the need to “make reparation for past injustices” inflicted on this people since the time of their arrival to the Iberian Peninsula in the 15th century and who did not share the same rights as the rest of the citizenry until the enactment of the first Spanish Constitution in 1812. Despite this milestone, special laws remained on the books which permitted discrimination for reason of ethnic origin at the hands of the Government and the police, a situation which remained unchanged during the Franco dictatorship through legal provisions such as the Ley de Vagos y Maleantes (Loitering and Delinquency Law) and the Civil Guard Regulation. He also pointed out that today, despite full recognition of legal equality for the Roma people with the rest of society guaranteed by the 1978 Spanish Constitution, equal opportunity is not a reality in light of the ongoing economic, cultural, social and political marginalisation they are subjected to.

The discourse of the other political parties was similar and Domingo Tabuyo, a socialist MP, also referred to the initiatives which the Government is undertaking in this regard such as the future Roma Culture Institute. The MP from the PP party, Miguel Ángel Barrachina, defended the cultural heritage Spain has received from the Roma people which he referred to as a “misunderstood and poorly treated minority”.

Through this non-legislative motion, the Congress of Deputies specifically urges the Spanish Government to:

- a) Undertake a campaign to disseminate Roma language, culture, history and identity, targeting the Roma population in particular and the rest of the population in general.
- b) Consider the opinion of legally constituted Roma organisations when developing cultural and social legal initiatives which could affect Roma culture, language and identity. In this regard, as part of the consultation process preceding the presentation of a new education law, the Spanish Government will gather proposals from Roma organisations working in that field.



- c) Defend full recognition of the identity, culture and language of the Roma people as European heritage at the European Union level. In this connection, respect for this identity, culture and language will be defended before the European Union and established as an essential prerequisite for the entry of new member states.
- d) Undertake the necessary legal formalities for the recognition of Romani as a language of Spain with the rights and guarantees recognised in the European Charter for Regional or Minority Languages.

### **Special Report by the Valedor do Pobo (Ombudsman) regarding the situation of the Roma population in Galicia**

The special report of the Valedor do Pobo regarding the situation of the Roma population in Galicia was drafted in 2005 and submitted in January 2006. The report first provides an historical perspective on the Roma community in demographic terms, territorial distribution and population structure and then goes on to analyse the current situation in the fields of housing, the socio-labour situation, health-care, social and political participation and social welfare. The study also looks at action taken by the public authorities and social entities with regard to this sector of the population and at social discrimination from both a theoretical and practical standpoint. In this regard, chapter III includes a study of cases of discrimination gathered by different entities including the Fundación Secretariado Gitano and the office of the Valedor do Pobo itself.

The first conclusion reached in the report stemming from an analysis of these cases and in-depth interviews with the victims and experts in the field, is that the Roma population continues to suffer rejection at the hands of a sector of society based on the blanket attribution to the entire community of a series of stereotypes formulated in negative terms and passed down through the ages (Roma are "lazy", "troublemakers" "delinquents") and on the identification of all Roma men and women and their tradition with the poorest sector and therefore with the subculture of marginalisation. In short, the report concludes that the Roma population is the target of different forms of direct discrimination from the majority society both in terms of relations among individuals as well as in dealing with public institutions where in most cases it can be considered indirect discrimination.

In the private sector, access to rental housing is the most prevalent type of discrimination described. It also confirms that the rejection suffered by many Roma jobseekers is a direct consequence of discriminatory practices and not due to their scant training or professional qualifications because a high proportion of this rejection is found in jobs requiring no particular skill. The report likewise shows that Roma expe-



rience strong feelings of discrimination and rejection when accessing certain public services such as commercial premises or entertainment centres.

As for indirect discrimination in gaining access to public services it indicates, for example in the area of training, that certain apparently neutral selection requirements (in terms of educational standards) which must be met to take part in vocational training or employability improvement initiatives, put Roma individuals at a disadvantage given that the latter's academic level tends to be low.

Another example of indirect discrimination at the hands of the education administration has to do with the Cultural Diversity Plan which is mostly focused on language support for the immigrant population while failing to consider Roma when applying compensatory educational measures.

It was likewise found that certain apparently neutral application requirements for government subsidised housing, while objectively justifiable, put a large proportion of the Roma population at a disadvantage especially when it comes to justifying income, bearing in mind that we are referring to a social group facing serious obstacles in gaining access to salaried work, which tends to be self-employed and whose level of income is frequently very low often leading to work in the underground economy.

The report likewise highlights the difficulties encountered in determining indirect discrimination which tends to take the form of practices stemming from stereotypes or mechanisms which are apparently neutral and are employed in a relatively explicit way. In this context, the system generates discrimination which can emerge via agents with discriminatory intent, which is rooted in macro-social and institutional mechanisms or a combination of the two.

In the view of the Valedor do Pobo, the current situation of the Roma population in Galicia and the perspective for future advancement are determined by the interaction between social exclusion and discrimination, factors which feed off of one another forming a vicious circle. In this connection the report asserts that, to the degree that social policies ignore the link between exclusion and discrimination, they themselves must be considered as clear expressions of indirect discrimination.

Emphasis is also placed on the essential role played by Roma associations which are called upon to make a more concerted effort to increase their degree of representativeness and dynamic participation and to get past the victimisation stage which calls for preferential treatment implying de facto segregation and thus postponing full-fledged social normalisation.

The report concludes with a series of recommendations focusing, inter alia, on the public authorities in the areas of housing, employment and vocational training, education, health-care and social services.





## Special Report by the Andalusian Ombudsman concerning shanty towns

The aim of this Special Report approved in December 2005 is to provide the public authorities with an intervention model whereby to deal with the elimination of settlements and the relocation of their residents in a dignified manner in light of the fact that eight years after the 1997 approval of the Shanty Town Eradication Plan in Andalusia, settlements of this nature continue to form part of the prevailing social reality.

This initiative undertaken by the Andalusian Ombudsman is based on a fact which is vital for the advancement of equal treatment of the Roma community, i.e. shanty-town living is not a situation meriting tolerance nor is it the fruit of Roma idiosyncrasy (although the majority of those residing in these settlements are indeed Roma) because, as pointed out in the Report, the majority of Roma families today live in standard housing. These shanty towns at best offer substandard living conditions in which hundreds of families are just getting by in the hopes of being resettled as soon as possible in suitable housing arrangements. Necessary measures must therefore be urgently adopted to do away with all of these settlements.

This process has been carried out in Andalusia under markedly divergent criteria and methodology, even within the same city. This means that the results of eradicating these settlements has sometimes been positive and at others very negative over the short and medium term. In this connection, the Report points out that in most cases it was urban development rather than a sense of solidarity which was responsible for the elimination of shanty towns and the relocation of settlement dwellers.

The Andalusian Ombudsman also stressed that certain relocation methods must be abandoned due to their discriminatory nature. This is the case of offering a lump sum of money to families to persuade them to leave their place of residence or mass resettlement in a particular location without a serious social support programme. In the first case it should come as no surprise that the majority of those who receive these payments, regardless of initial commitments made, will not use the funds to acquire a home; in the second, the building in which the families are resettled will inevitably become a ghetto. Therefore, resettlement in promotional artificial towns, transitional neighbourhoods, special neighbourhoods, provisional housing and similar are to be avoided because, as mentioned above, these will not only turn into ghettos but also, over the medium term, the deterioration of the homes and infrastructures and the difficulty encountered in normalising their lives will end up generating, regardless of the social, architectural and urban planning approach used, new shanty-town settlements.

The report also seeks to refute one of the many firmly entrenched clichés regarding the lifestyle of these families and which has an enormous effect on promot-





ing a negative social image conceivably generating rejection and discrimination; i.e. that many of the families prefer living in the settlements to remain beyond the reach of the law with a view to protecting their illegal activities.

As stated in the Report, this stereotype may hold true in a few isolated cases. It is not true, however, that a high percentage of shantytown dwellers are involved in activities requiring the protection of marginal enclaves in which to flourish.

Of the recommendations included in the Report for the elimination of the settlements and to guarantee dignified and non-discriminatory resettlement, we would highlight the proposal to draw up municipal shanty-town eradication plans with the backing of all political parties and the generation of specific administrative structures for that purpose provided with the technical, social and educational teams needed to carry out the tasks assigned them.

The Andalusian Ombudsman likewise holds that the direct provision of housing to families constitutes, in view of the existing deficit within the Autonomous Community, positive discrimination helping to fulfil a constitutional right (Art. 47 Spanish Constitution) and to guarantee one of the pillars of political and social order, i.e. personal dignity (Art. 10 Spanish Constitution).

When it comes to establishing the general criteria to be followed in the resettlement process, it is important to hear the opinions of the shanty-town dwellers, the patriarchs, family networks, neighbourhood groups, NGOs and associations who are involved in the process or will be involved in some way in the execution of the plan, without prejudice to the fact that the responsibility is clearly in the hands of public officials.

And lastly, the Report also includes a series of financial recommendations to obtain the resources needed to guarantee resettlement and the social, health-care and educational support for families. The Report likewise recommends maintaining contact with neighbourhood groups and Roma associations with a view to creating reciprocal information links to facilitate dispute settlement and to table initiatives focusing on greater social cohesion.



## “Prejudice means letting others put words in our mouths”: phase two of the Fundación Secretariado Gitano’s awareness raising campaign entitled “Get to know them before judging them”

The Fundación Secretariado Gitano has implemented an awareness raising campaign in 2004-2006 funded by the European Social Fund. This is a media campaign to combat stereotypes and prejudices levelled at the Roma community which has adopted the slogan “Get to know them before judging them”.

Its main objective is to get society to reflect on the serious discriminatory effects caused when people are judged on their appearance and conclusions reached based on preconceived ideas and generalisations.

The campaign was designed by the Saatchi & Saatchi advertising agency and is composed of different graphic elements, TV and radio spots, Internet banners and a song, along with other elements, to help transmit a clear message of anti-discrimination.

In the first phase of the campaign, the FSG called on society to think about whether it makes sense to judge an entire group of people based on the actions of a few of its members. The creative elements encourage reflection on the absurdity of generalisations and stereotypes and the messages conveyed encourage viewers to get to know Roma individuals personally in the hopes that they will realise that their reality does not match the stereotypes with which they have been tagged.

All of the productions of the first phase are based on a common creative graphic element: “This page is black”. The viewer sees these words written on a bright yellow background where a small black dot can be found in the upper corner. This message is accompanied by the words: “This is how we view the Roma community. Get to know them before judging them. Fundación Secretariado Gitano. European Social Fund”.





The second phase of the campaign seeks to delve deeper into discriminatory mechanisms: when stereotypes take root in the collective social psyche they turn into prejudices giving rise to irrational suspicions and fears concerning everything related to the stigmatised group.

All too often our prejudices are the result of letting others put words in our mouth: those who have taught us in school, the social context in which we grew up, individuals we have met or have seen in the media.



A recent study that the FSG entrusted to the consultant firm Salvetti & Llobart reveals information that is of vital importance in addressing this social image problem, i.e. that stereotypes are rooted much more in the image portrayed by mass media and second-hand information than in direct experiences or relationships with Roma. These words spoken by others become lodged in our belief systems, make themselves heard through our actions and are manifested in unconscious and absurd ways. This situation calls for reflection because in a mature society which encourages personal autonomy and independence we cannot let others put words in our mouths.

The aim of the launching of phase two of the campaign in November 2005 was to increase that 15% of the Spanish population which, according to the impact study conducted after phase one, recalled the campaign and had begun to alter the image they had of the Roma community.

This survey, entrusted to the consulting firm Emer GfK, consisted of a quantitative part to determine the number of people who recalled having seen the campaign and a qualitative part focusing on people's perception of the message and creativity looking ahead to phase two. In general terms it indicates that changes are taking place in the Roma community and that the Roma people are making a concerted effort to advance in society. The idea of the advances made over the last 30 years is thus reinforced as are the firm steps taken towards social and institutional recognition.



## Fundación Secretariado Gitano Study “Roma population and Employment”

In the middle of the year 2004 the Fundación Secretariado Gitano, within the framework of the Multi-Regional Operational Programme to Combat Discrimination of the European Social Fund (ESF) for the period 2000-2006, suggested conducting a research project on the situation of the Spanish Roma community in respect of employment. The main objective was not only to gain insight into the reality facing the Roma population in respect of employment and compare the results with the general situation of the Spanish population at large, but also to formulate a demographic characterisation based on data concerning the population such as breakdown by age groups, sex, level of studies, marital status, number of children and state of health.

No recent, empirical, nationwide studies have been done on the Roma population thus making it all the more necessary to conduct a specific study on employment in order to find out::

- Activity, inactivity, employment and unemployment rates;
- Profiles of employed, unemployed and inactive persons;
- Similarities and differences between the Roma population and the overall Spanish population;
- Effect of the discrimination factor;
- Differences between men and women in gaining access to employment.

The research project entrusted to the consulting group known as Equipo de Investigación Sociológica (EDIS, S.A.) was broken down into nine sections including a description of the methodology, characteristics of the Roma population as a whole, employment status, active population, active Roma population, unemployed Roma population, inactive Roma population, the perception of Roma regarding discrimination and summary and conclusions.

Methodology was based on the Active Population Survey (Spanish acronym EPA) conducted quarterly by the National Statistics Institute so as to facilitate comparisons with the situation facing the Spanish population as a whole. A total of 1,500 Roma men and women over the age of 16 were interviewed out of a total estimated population of 475,000 persons. With a view to making the survey's final results as comparable as possible with those of the EPA, they were broken down into status data, activity, employed, unemployed and others.

The survey showed that, despite prevailing social and labour barriers, Roma enter the labour market earlier meaning that their work life is longer than that of the rest of the Spanish population and their inactivity rate (30.7%) is lower than that of their non-Roma counterparts (43.9%). This early emergence into the world of



work means that unemployment is highest among youth (under the age of 25) with an overall rate which is four percentage points above the national rate.

51.5% of the Roma population have salaried employment compared with 81.6% for the Spanish population on the whole. However, the most salient characteristic of Roma employment is its lack of stability: 42% have part-time contracts, 71% have temporary contracts and 15% work without any contract at all.

The employment difficulties faced by Roma women are comparable to those encountered by Spanish women in general. However, the scant participation of Roma men in domestic chores does not hold the women back from participating in greater numbers in vocational training courses and other training schemes (17.6% versus 13.1%).

Despite this situation, the figures show a significant and manifest interest in training and labour market integration; 8 out of 10 Roma believe that if they participated in some sort of training course they would have an easier time finding employment.

Knowledge of the parameters defining the target population helps in understanding some of the aspects reflected in the employment figures. Low educational levels, scant participation in mainstream training resources, limitations in access to new technologies and 5.2 times more members who have not completed primary school studies in comparison with the overall Spanish population, paints a bleak picture of marked disadvantage when it comes to labour market access.

In addition to the official statistical variables, one further query was included in the questionnaire in order to know the subjective perception of the interviewees concerning possible discrimination when seeking employment or training. The exclusion of the Roma population from the labour market is a key part of the situation of social discrimination outlined in the report. 45.4% of those interviewed stated that they felt discriminated against at some point. This proportion comes out to approximately 215,000 Roma individuals who claimed to have suffered direct discrimination in the employment search process or at the workplace. The highest incidence of marginalisation was encountered by unemployed male job-seekers between the ages of 25 and 34.

The use of the same variables employed in establishing official statistics to draw comparisons with regularly collected data on the overall Spanish population highlights the urgent need for socio-labour inclusion measures tailored to the Roma community. Despite their prolonged presence in the labour market and their desire to receive vocational training to gain labour skills, the Roma population still has hurdles and barriers to overcome in order to achieve full socio-labour incorporation.

As stated above, the expectations and desire to find gainful employment and the manifest motivation of Roma women and youth to receive the training needed



for labour market integration, point to a workforce which, more than anything, wants to work. This should not conceal but rather corroborate and draw attention to the problems and difficulties faced by Roma men and women today in the labour market, i.e. poor skills, underemployment, marginalisation and unemployment putting them at a serious social disadvantage vis-à-vis the overall Spanish population.

This study presents the key ideas needed to understand this group's demographic makeup, its economic and labour situation and gender perspective, thus making it essential reading for the formulation of proposals calling for wide-ranging inter-institutional coordination at all levels.