



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

*Identifying blind spots
in Roma inclusion policy*

Prepared by:
KHETANE
FAKALI
KAMIRA
FAGEX
Kale dor Kayiko
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Although the Roma Civil Monitor pilot project, as part of which the report was prepared, is coordinated by CEU, the report represents the findings of the author and does not necessarily reflect the views of CEU. CEU cannot be held responsible for any use which may be made of the information contained there.

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LIST OF ABBREVIATIONS

BOE	State Official Newsletter
CEPG	National Advisory Council for Roma People
ECRI	European Commission Against Racism and Intolerance
ENISPGE	National Strategy for Social Inclusion of the Roma Population in Spain
FAGA	Federation of Roma Associations of Valencian Community
FAGEX	Federation of Extremadura Roma Associations
FAGIC	Federation of Roma Associations of Catalonia
FAKALI	Federation of Roma Women's Associations
FRA	European Union Agency for Fundamental Rights
FSG	<i>Fundación Secretariado Gitano</i>
KAMIRA	National Federation of Roma Women's Associations Kamira
KDK	<i>Kale dor Kayico</i>
KHETANE	<i>Khetane</i> Platform
MSCBS	Ministry of Health, Consumption and Social Welfare
MSSSI	Ministry of Health, Social Services and Equality
OBERAXE	Spanish Observatory on Racism and Xenophobia

EXECUTIVE SUMMARY

Markets as a traditional form of work

Roma in Spain are largely depending on vending at street markets, itinerant sales or agriculture, but these professions face administrative obstacles and consequences of economic crisis. The National Roma Inclusion Strategy 2012-2020 makes scarce reference to street vending as a key sector of the Roma economy in Spain, except to propose that the situation of those people who conduct this work without the appropriate administrative permits and/or social security be regularised. This leaves public employment policies aimed at the Roma population without the instruments needed, letting this responsibility fall to the regions who, in turn, do the same to the city councils.

This absence from public policies contrasts with all of the efforts and resources that are being used to improve the employment situation of Roma, through initiatives, that may well be appropriate, but that frequently fail to take into account the idiosyncrasy of the Roma, their long and deeply-rooted tradition of self-employment and family business. In consequence, the welfare state has never succeeded to reach the majority of the Roma population. Creating inclusion policies without a strong axis addressing street vending in no way responds to the needs of Roma nor an analysis of the situation conducted with even a minimum of due rigour.

Street vending is an area where public policies need to be used in a way that is institutionally coordinated and with the participation of all of the relevant stakeholders. This strategic action should be viewed from the perspective of fighting social exclusion, generating income for communities at risk of exclusion (like the Roma), fighting antigypsyism, and the promotion of cultural diversity. Additionally, the Roma inclusion policy should address gender inequality.

Antigypsyism in social networks

Since their advent at the end of the last century, social networks have substantially changed the way people communicate. Facebook, Twitter, Instagram and YouTube, among others, are establishing new forms and codes in interpersonal, family, labour, political and social relationships. It is within this context that the public image of different social groups – and minorities in particular, including racialised groups – is projected on social networks and the Internet. A cursory look at existing platforms shows us that they reproduce the same phenomena, power relations, inequalities and injustices that exist in “offline” society.

As for hate speech, we see that while there is some progress at the level of policies, the legislative framework is not sufficiently developed, since the Spanish Parliament has not yet approved an Organic Law for Equal Treatment and Non-Discrimination, despite having tried it on two occasions. The authors of this report are seeing a distortion in this area that affects the legal concepts – of hate speech and hate crime – that were conceived and developed to protect vulnerable groups.

A proposal for a *Comprehensive Law for Equal Treatment and Non-Discrimination*, that could have helped to effectively combat the hate speech through specialised prosecution services, including to further combat antigypsyism, has been presented in the Spanish Parliament twice,¹ but because of the political discontinuity (last two legislatures were terminated early) has never been adopted.

¹ Text of the legislative proposal for a comprehensive equal treatment and non-discrimination law is available at: http://www.congreso.es/public_oficiales/L13/CONG/BOCG/B/BOCG-13-B-67-1.PDF

The situation at the Council for the Elimination of Racial or Ethnic Discrimination (CEDRE),² which was established as the national equality body, remains a matter of concern: it lacks necessary independence and resources to carry out its function. After almost five years of paralysis, it has hardly done any relevant actions and meanwhile, public campaigns denouncing racism and xenophobia are non-existent and legal advice (strategic) litigation offered to victims is extremely limited.

Spanish Observatory on Racism and Xenophobia (OBERAXE) is leading a project called "Hate speech, Racism and Xenophobia: Coordinated Alert and Response Mechanisms (AL-RE-CO),"³ which aims at developing a tool for identification and analysis of hate speech on Twitter, and development of a shared strategy for collecting data on racially motivated hate, including specifically on antigypsyism.

Participation, associative movement and Roma Advisory Councils

Despite a lack of experience, or a tradition of participation or managing associations, in the late 1980s and early 1990, there was an explosion of Roma civic organisations in Spain that began appearing on the scene where interventions in Roma-related issues were developed. The creation of these "advisory bodies" and consultative bodies represents one of the new ways in which the public administration has responded to the process of maintaining social peace with the Roma population, establishing channels for dialogue and joint work with different Roma and non-Roma actors. At the end of the 20th century, the regional administrations with larger Roma populations initiated a paradigm shift in the way the situation of Roma was approached.

At present, there is a National Advisory Council for Roma (CEPG) and seven regional councils. All of them share similar characteristics, of which we would highlight the fact that they have no executive role, they only promote, advise, analyse, study, advocate, etc. All are advisory functions that are not binding on the administration, and that have a prominent role in monitoring Roma strategies.

After reviewing the operations of the CEPG, which deserves special attention because of its political importance, we detected some weak points that we would like to put forward for possible review by the competent bodies:

- Operations are insufficient to achieve the intended objectives.
- Structurally, it is dependent on the ministry that has been responsible for social policies. This has placed it in a position that lacked strength and leadership, particularly since this ministry lost political clout and funding when competence for the social policy was transferred to the regions.
- The CEPG's viability is linked to the creation of a powerful technical team, recognised by all of the Roma organisations, which can energise, provide content to and promote it.
- The council has no communication policy, and the intense work that it sometimes carries out is not disseminated.
- There is no work plan or strategic planning for this body.

² CEDRE website: <http://www.igualdadynodiscriminacion.igualdad.mpr.gob.es/home.do>

³ Project funded by the European Commission under the 2017 Rights, Equality and Citizenship Programme. Information on the project is available at: <http://www.mitramiss.gob.es/oberaxe/es/ejes/delitosodio/alreco/index.htm>

- The CEPG's procedural rules should be rewritten to provide the Council with the necessary flexibility to prevent participation being so excessively formal. The relationship between the council and legislative authorities should be regulated.
- The process of choosing the CEPG's members is not transparent enough and more measures must be introduced to make this happen. In a body of this nature, making entry more democratic is a symptom of good health and mutual appreciation.

Finally, we would like to draw attention to a serious flaw. There are no formalised channels for relations between the CEPG and the existing regional Roma bodies. This is fundamental because it is through these bodies that the evolution of public policies related to the Roma community can be observed. After all, as we have previously stated, social policies are the responsibility of the regions.

INTRODUCTION

Policies for Roma men and women have been developed for barely 40 years in Spain. The first public policy, known as the *Roma Development Plan*, was more about promoting active integration policies for the Roma population in Spain than about results and funding.

Apart from actions developed at the national level, the so-called *Comprehensive Roma Community Plans* proliferated at the regional level from the beginning of the century because most social policies in Spain were transferred to the regions (*Comunidades Autónomas*), including the areas of education, housing, participation, empowerment of women, youth, etc. The diversity of regional and local plans co-existing in Spain is illustrated in this table:

Roma Action Plan	Body in Charge
Catalan Roma Plan 2017-2020	Department of Labour, Family and Social Services
Strategy for the Development of the Roma Population in Navarra 2018-2021	Social Rights Department
Comprehensive Plan for the Inclusion of Roma in Andalucía 2018	Department of Equality, Social Policies and Conciliation
Extremadura Plan for the Promotion and Social Participation of Roma	Department of Health and Social Policies
Basque Strategy with Roma 2018	Department of Employment and Social Policies
Comprehensive Strategy of the Roma Population in Aragon 2018	Health Prevention and Promotion
Social Inclusion Strategy of the Roma Population of the Community of Madrid 2017-2021	Department of Social Policy, Families, Equality and Birth
Valencian Strategy for Equality and Inclusion of Roma	Vice Presidency and Department of Equality and Inclusive Policies
Local strategy with Roma people of Barcelona	Local Department of Social Rights, Global Justice, Feminisms and LGTBI

With the arrival of the *EU Framework for National Roma Integration Strategies up to 2020*, the Spanish government launched the *National Roma Integration Strategy in Spain 2012-2020*.⁴ This strategy has been implemented through several two years *Operational Plans*. The first one was for the 2014-2016 period, and the next one for the 2018-2020 period, as we have already developed in the two previous RCM reports.⁵ These operational plans allow the Spanish State to adapt the objectives and expected results of the National Strategy to the current situation and context.

The coalition of Roma organisations that draft the *Roma Civil Monitor* in Spain has chosen to address three topics in this report. The [first Roma Civil Monitor report](#) dealt briefly with some of these subjects, but we have decided that they require in-depth coverage given that each of them has a direct and indisputable impact on the Roma population in Spain.

⁴ National Roma Integration Strategy in Spain 2012-2020, in English available at: https://ec.europa.eu/info/sites/info/files/roma_spain_strategy_en_1.pdf

⁵ The first RCM report was focused on the horizontal precondition of the Roma inclusion – governance, fight against antigypsyism and anti-discrimination. The second RCM report concerned the four key policy fields – education, employment, healthcare and housing. All reports are available at: <https://cps.ceu.edu/roma-civil-monitor-reports>

As such, this report aims to complement those already published by the *Roma Civil Monitor*.

The authors used several research techniques in the drafting of this report. The most important were numerous in-depth interviews with key actors in the process, state-level policymakers from the Spanish Ministry of Health, Consumer Affairs and Social Welfare, representatives of associations, foundations and Roma federations, members of the National Advisory Council for Roma (CEPG) at different levels, and other professionals who agreed to be interviewed. As a final phase of the research, the authors conducted a consultation on the first draft of this report with all of the organisations that participate in the *Khetane* Platform. Along with the [first Roma Civil Monitor report](#) and the [second Roma Civil Monitor report](#), this provided excellent contributions that have enriched the final document.

The knowledge and experience brought to the process by the Roma organisations that form part of the coalition that drafted this report, and the leadership of the *Khetane* Platform, have been very valuable, both in terms of facilitating interviews and in providing documentary material.

STREET MARKETS AS A TRADITIONAL FORM OF WORK

Definition of the problem

Itinerant trading is regulated by law in Spain, specifically the Act 7/1996 on Retail Trade Management.⁶ In 2010, a royal decree was approved in 2010 to regulate the street vending,⁷ through which the EU Directive 2006/123/EC on the Services in the Internal Market was transposed into the Spanish law.

The Act's first article of this law establishes that retail trade is understood to be any profit-seeking, professionally conducted activity that involves offering any type of goods for sale to a final recipient, whether or not through an establishment. Chapter IV entitled "Itinerant or non-sedentary trade" addresses the idea of using, or not, an establishment. It provides that "itinerant or non-sedentary trades" are those activities conducted by traders, outside a permanent commercial establishment, on a regular, occasional, periodic or continuous basis, within duly authorised perimeters or places in removable or transportable commercial facilities, including truck-shops. In any case, non-sedentary sales may only be carried out in fixed, periodic or occasional markets, as well as sites set up on public roads for seasonal produce.

Article 54 of the same law establishes that "it is the city councils' responsibility to grant authorisations for the exercise of street vending within their respective municipal areas, following their specific regulations and those set out in current legislation, following their respective framework of competencies." The law favours city councils in proposing that the duration of authorisations cannot be indefinite since the number of authorisations available is limited and due to the lack of public land provided for this purpose. Also, and as an element that leaves Roma at a disadvantage, transparency and impartiality must be guaranteed in the procedure for selecting from possible candidates with adequate exposure of the start, development and outcome of this process in particular. The authorisation granted is not automatically renewed, nor does it entail any other type of advantage for the outgoing holder or anyone closely related to them. As a result of this legislation, temporary local concession results in job insecurity.

The regulatory and controlling approach of the law concerning street vending is still in place, particularly in the part that refers to itinerant traders as it states that "*those who carry out street trades must have their personal data and a document with the corresponding municipal authorisation clearly on display to the public, as well as an address for possible customer complaints.*"

On the other hand, a recent study published by FSG in 2019, says that "*the sector in which most Roma people work is street market trading: almost one in every three people work in this area [...] the second most prominent occupation for Roma men is itinerant sales or agriculture. It is worth stressing that the Roma population is concentrated in predominantly manual, low-skilled occupations, for which high educational levels are not required.*"⁸ However, Roma men and women who have spent years working in this professional activity claim that public administrations see street vendors as "*the poor of the sales trade*" and remark that "*the effects of the crisis are very clear; you are selling less and so you lower your prices to survive, but the City Council won't give us a break and just raises the annual fees.*" "*The market doesn't grow because the City Council*

⁶ Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-1996-1072>

⁷ See Royal Decree at: <https://www.boe.es/buscar/doc.php?id=BOE-A-2010-4173> (version in Spanish)

⁸ FSG (2019). *Comparative Study of the Situation of the Roma Population in Spain with Regards Employment and Poverty 2018*. Madrid. P. 37. Available at: https://gitanos.org/upload_priv/04/06/Estudio_empleo_poblacion_qitana_en_Espana_2018_fundacion_secreta_riado_qitano.pdf (access authentication required).

doesn't want it to. Again, the new generations come up against an administrative wall. Lots of young people want to set up a stall, but if they don't provide more plots, it's very difficult for them. There are 250 places, and they haven't given out any more for years, although so many people come. You just have to fill out the application and wait," witness the study's interviewees.⁹

The study entitled *The Situation and Perspectives on Self-employed Work, Especially the Itinerant Trade of the Roma Population*, carried out by the Ministry of Health and Social Policy in 2009, provides a very different insight into the market vending than that of the idyllic picture of freedom that the majority society would often like to believe. At first glance at the profiles of male and female Roma street vendors, we find 69% men versus 31% women. As it was said before, women occupy an important space in providing family assistance at the stalls. In terms of age, 34% of salespeople are under 35 years old; 44% of street sales professionals are between 35 and 50 years old, and 22% are over 50 years old.¹⁰

Another aspect of the situation experienced in the markets is the police harassment that many Roma and other racialised groups suffer when exercising this economic activity. Basque Roma Council member organisations described this phenomenon in a training session on antigypsyism held on 18 November 2019 in the city of Bilbao: "*The police intimidate and harass us, often confiscating our merchandise without any justification, verbally abusing us and making our work a nightmare. They use permits as an excuse to pointedly harass Roma people... I mean that's called racism,*" as one of the interviewees remarked. All Roma interviewed within development of this report confirmed that it is a very serious and problematic issue.

It has to be said that there is one particular group within the Roma population that has had to adapt and readapt to the changing times of street vending markets: Roma women. As Rebeca Santiago, member of the Roma movement *Gitanas por la diversidad* acknowledges: "*Street vending is a key part of the economic structure of Spanish society and has allowed Roma, and Roma women especially, to manage their lives without having to endure the antigypsyism that is out there, to be their employers and work without anyone enslaving them or changing the way they dress or speak. Without anyone stopping them from being Roma.*" And continues: "*When it comes to the importance of Roma women in street vending, you could say that women are in charge here. They drive vans five meters long as if they were toy cars. When they believe that the time has come, that the skies are not threatening to rain, they first unload the structure, and then their goods and with breath-taking skill, they begin to construct what will, in just a few minutes, become such a solid and stable market stall that it seems like it has been there forever. They manage the family economy and decide when it is time to go and buy the merchandise. When they are in the warehouses, they evaluate the quality of the goods and negotiate prices.*"¹¹ Through the interviews and information that we have been able to collect and analyse, we can divide the problems faced by street vendors into four main areas.

Economic aspects:

- Reduction of income due to the reduction of profit margins created by competition from other actors in the sector or online sales.

⁹ *Idem*.

¹⁰ *The Situation and Prospects for Self-employed Work, Especially Roma Street Vending*, p. 31. Madrid, Ministry for Health and Social Policy. 2009

¹¹ 'The last Romani traders' in Pikara Magazine, September 2018. The full text available at: <https://www.pikaramagazine.com/2018/09/mercadillo-gitanas/>

- Brands and the specialisation of the sales sector, with customers increasingly interested in “branding” and the big commercial brands that drive trends, especially in the textile and fashion sector.
- The market as a marginal space. Many people believe that markets are a marginal/peripheral shopping space with a limited specialised offer, few services and little diversity of the products offered. The idea of exclusivity does not exist in the markets. They have a very poor reputation for pickpocketing, crowding, illegal sales, etc.
- A lack of competitive product. The “outlet” effect, which we will explore in more detail later in this chapter, means that it is impossible to find the same good deals as it was ten or more years ago.
- Limited municipal investment in these street markets. Often there are no basic services and infrastructure is poor. Municipalities need to be pressured to invest in the infrastructure. How can Barcelona be a “SmartCity” with a 5G connection and yet it is impossible to have an Internet connection for buyers and businesses in the markets to use for online sales and secure payments through payment terminals without incurring data costs for vendors?

Social aspects:

- Markets are increasingly moved out of industrial zones. Markets are driven out of city centres or important squares and moved to the outskirts, to industrial estates. This makes it very difficult for older people – their regular customers – to access the market and creates the feeling of a ghetto market in the outskirts.
- The lack of organisations that could defend organised street vendors and clearly communicate their needs to public administrations at all levels.
- The lack of basic training and on-going training for market sales professionals.

Administrative aspects:

- Freezing of (in the best case) and/or reduction of space for market stalls.
- The diversity of administrative regulations in each municipality. Very different municipal taxes, many of which are very high compared to those for other types of commerce such as retail.
- The fact that it is impossible to pass shopping stalls on to family members and the uncertainty created by competitive competition that reduces the investment prospects of Roma families who work in street sales.

Political aspects:

- There are no specific laws on street trading to regulate the sector, standardising the criteria applied in different parts of the country, and correcting the disparities that currently exist between the norms of each municipality.
- Lack of political will to promote a plan to restructure the itinerant trade sector, with an understanding of its strategic importance to Roma policy. Such a plan should involve all levels of the public administration (European, state, regional and local), as well as representatives of traders and users.

Background and causes of the problem

A *Comparative Study of the Situation of the Roma Population in Spain in Relation to Employment and Poverty 2018*,¹² and *The Situation and Prospects for Self-employed Work, Especially Roma Street Vending*¹³ by the Ministry of Health and Social Policies in 2009, highlight that street vending is the activity in which most Roma people are professionally and/or continuously engaged. Almost one in three people work as street vendors or in markets. In a broader sense, we should stress the fact that the Roma population is concentrated in mostly manual and low-skilled jobs for which high educational levels are not required.

In comparative terms with the rest of society, we find notable differences concerning Roma and the labour market. The employment rate of the Roma population in Spain is 30%, which is 20ppt lower than the rest of the Spanish population. The employment rate for men is 44% while that of women is only 17%, according to the *Comparative Study on the Situation of the Roma Population in Spain with regards Employment and Poverty 2018* edited by the *Fundación Secretariado Gitano* (FSG). This difference is because Roma women continue to play a fundamental role in family responsibilities and care – a role that they assume exclusively. In terms of unemployment rates, 52% of the Roma population is unemployed, while unemployment in the rest of society is 14.5%. There is a 37-point difference between the Roma population and the rest of Spanish society. There are significant differences in the sectors in which the Roma population works compared to the rest of society. While 53% of Roma people are in paid employment, this figure is 80% for the general population. By contrast, self-employed work for the Roma population represents 47% of the total, more than 27 points higher than that of the general population – at 20%. The reason why such a high percentage of the Roma population is in self-employed work in Spain is because of street vending and markets. This is the main form of work for Roma men and women, although we should emphasise that there are differences between men and women. In fact, the work of Roma women in itinerant sales is somewhat invisible. They are not considered to be working because, as we have said, they are mostly involved in household and family-related chores and therefore live in greater insecurity.¹⁴

Making this comparison with the rest of the population throws light on a lifestyle and way of doing things that is very typical of the Roma community. It is about protecting family space – beyond households – through interactions with other Roma families and being able to make one's own decisions about working days, schedules and other factors.

As for the socio-demographic data on itinerant trading and the Roma population, in principle, a comparison of studies published in 2009 and 2019 shows a clear "thinning" of the number of people working in street trading over the last ten years. So, in 2009, 60.4% of Roma men and 39.6% of Roma women worked in street trading in Spain. In 2019 the share has significantly fallen to 43.9 % in the case of Roma men and 27.1% in the case of Roma women.

There are several reasons for this reduction in the number of people working in street trading:

¹² FSG (2019). *Comparative Study of the Situation of the Roma Population in Spain with Regards Employment and Poverty 2018*. Madrid. Available at: https://gitanos.org/upload_priv/04/06/Estudio_empleo_poblacion_gitana_en_Espana_2018_fundacion_secretariado_gitano.pdf (access authentication required).

¹³ Ministry of Health and Social Policy (2009). *La situación y perspectivas del trabajo autónomo, especialmente la venta ambulante de la población gitana [The Situation and Prospects for Self-employed Work, Especially Roma Street Vending]*. Available at: https://www.msbs.gob.es/ssj/familiasInfancia/PoblacionGitana/docs/venta_ambulante.pdf

¹⁴ *Idem*, p. 122.

- Competition from large stores and large, “low cost” textile chains have made it impossible for street vendors to offer competitive prices, services and schedules. J.H.V. Alicante, a vendor with more than 25 years of experience and his stall makes a very interesting remark on this topic: *“Years ago the market was full of life. People were willing to buy because we could offer products of a similar quality to that of traditional retailers at a reduced price. Nowadays, however, we have the large department stores and stores like Primark that are open 12 hours a day from Monday to Saturday with prices so low that if we wanted to compete with them we would have to sell below our purchase price [...] we can’t compete... opening hours, services and prices are very, very competitive [...] they are driving us out of the street trade.”*
- The economic pressure on street vendors, with the costs of being self-employed, and social security and, above all, paying local taxes to each of the municipalities in which they operate, as well as the daily payments for their pitches.
- The administrative authorisation to operate as a street vendor in the different municipalities is a process that cannot be automatically renewed or transferred to persons related to the person holding the authorisation. In other words, for years, market stalls have naturally passed from parents to children. The current legislation has eliminated this option. This uncertainty has caused many young people to look for other labour market opportunities in other sectors, although the unemployment statistics for young Roma confirm that this is an option with very little to no success.
- The “outlet” phenomenon: In a conversation at the Alicante market, A.H.V, a female market vendor told the authors: *“I used to go to some of the brands’ warehouses, and I would pick up a batch of underwear from previous years at bargain prices. Sometimes, it was almost like I was doing a favour to the people from the company because I’d be taking clothes from the old collections off their hands ... now, they don’t even want to sell them to me for a good price, because they actually sell this stuff themselves and it’s very fashionable to go to these outlets.”* Antonio Torres wrote on this topic in *O Tchachipen*: *“The earnings are in sourcing the material, the goods sell themselves. We have heard this phrase many times and seen this idea develop, and the conclusion has always been that what it means for Roma is that you have to know how to buy items that will sell at a good price. When you do that, selling is easy and profitable. Above all, you have to understand that for Roma, who buy and sell, a good investment is when the products you buy can be sold easily, otherwise, the merchandise just sits around.”*¹⁵

Compared to the average levels of the general population in employment, the educational level of street vendors is very low; 91.3% of street vendors are not educated or have only received primary level education, while 2.8% say they have completed secondary education and 5.7% have completed vocational training or high school.¹⁶ A lack of education turns into a trap for street vendors as their limited training prevents them from seeking alternatives in the sector itself or other areas, and on-going education in the field of itinerant sales is non-existent. 91% of vendors have not completed any training or management courses. Those who work in itinerant sales do not perceive a need for receiving training or the modernisation of market stalls and sales systems. Nor do we find – with exception of occasional one-off events, training offers for people who work in street

¹⁵ Torres, Antonio. “Roma People and Work II”, in the magazine, *O Tchachipen* nº 21, *Unión Romaní* 2004.

¹⁶ See: “*La situación y perspectivas del trabajo autónomo, especialmente la venta ambulante en la población gitana*” at: https://www.mscbs.gob.es/ssi/familiasInfancia/inclusionSocial/poblacionGitana/docs/venta_ambulante.pdf

vending. In this sense, it is necessary to highlight the *Mercaemprende Joven initiative*,¹⁷ a joint project by the FSG and Action Against Hunger, that received an award from the *Botín Foundation* in 2014. The project sought to generate employment among Roma youth through the professionalisation of street trade, training them in important aspects of the commercial development of their businesses, ICT and marketing.

As for the occupations of street vendors, 88% of them work exclusively in this professional activity. Regarding the types of products sold, 56.6% are textiles (clothes), followed by the sale of footwear at 19.5% and household products at 8.8%, although some vendors combine the sale of different types of product such as textiles and footwear. Some 60% of street vendors sell in 5 or more weekly markets, and 30% have 6-7 markets a week, which they go to practically 12 months a year. This is an indicator of the intensity of work and the level of dedication of people working in itinerant trade. Likewise, we find a structure of small businesses that vendors usually manage themselves (63%) and, to a lesser extent, vendors who resort to an agency or who combine managing it themselves and going to an agency or advisor at certain moments or in certain situations. On the other hand, it is an activity in which the majority of Roma people have been working for more than 20 years (37%). Just over a third of them have been working in the sector between 11 and 20 years (35%) and the rest (28%) less than ten years. Only a small percentage of them has been working in the sector for less than five years (5%).¹⁸

In these last years, we can point to the fact that street vending is at a crossroads, with a series of structural problems that must be taken into account by public administrations to guarantee the community's survival.

Policy response to the problem

Despite the strength of the data described at the beginning of this chapter, we observe that the *National Strategy for the Social Inclusion of the Roma Population 2012-2020*,¹⁹ makes limited reference to street vending as a key sector of the Roma economy in Spain, except to propose that the situation of those people who conduct this work without the appropriate administrative permits and/ or social security be regularised. This leaves public employment policies aimed at the Roma population without the instruments needed, leaving this responsibility to the regions that, in turn, do the same to the city councils. So, in this sector of strategic importance to the Roma population, there is functional deregulation and lack of coordination. This, like everything related to the field of employment, greatly determines the level of social inclusion, possibilities for socio-economic improvement, effective participation in social and political life, etc., in short, access to full citizenship.

This "absence" from public policies contrasts with all of the efforts and resources that are being used to "normalise" the employment situation of Roma people, through the design and implementation of initiatives, that may well be appropriate, but that frequently fail to take into account the idiosyncrasy of the Roma, their long and deeply-rooted tradition of self-employment and family business, as a strategy to make up for the fact that the so-called welfare state never reached the majority of the Roma population. Creating inclusion policies without a strong axis addressing street vending in no way responds to the needs

¹⁷ See promotional video for programme at:

https://www.youtube.com/watch?time_continue=20&v=4nAE0iOEn2k

¹⁸ Ministry of Health and Social Policy (2009). *La situación y perspectivas del trabajo autónomo, especialmente la venta ambulante de la población gitana [The Situation and Prospects for Self-employed Work, Especially Roma Street Vending]*. Available at:

https://www.mscbs.gob.es/ssi/familiasInfancia/PoblacionGitana/docs/venta_ambulante.pdf

¹⁹ See *National Roma Inclusion Strategy 2012-2020 (ENISPGE)* document at:

https://www.mscbs.gob.es/ssi/familiasInfancia/PoblacionGitana/docs/WEB_POBLACION_GITANA_2012.pdf

of Roma or an analysis of the situation conducted with even a minimum of the rigour required.

Street vending is without a doubt an area where public policies should be used in a way that is institutionally coordinated and with the participation of all of the relevant stakeholders. This strategic action should be viewed from the perspective of fighting social exclusion, generating income for communities at risk of exclusion (like the Roma), fighting antigypsyism, and the promotion of cultural diversity. Additionally, the public policy should address everything centred on gender inequality, putting Roma women at the centre of the action.

In this sense, there is a need to develop a Strategic Plan for Itinerant Sales, as suggested by Ms. Pilar Clavería Mendoza, President of the Federation of Roma Associations of Aragon (FAGA Aragón) and at the time of the interview the representative of street vending organisations at the national level: *"Street vending needs a boost to transform it, to get the markets out of the industrial estates and should be provided with the amenities that are needed so that people want to go there, fill them with joy, culture, and music. It is a shame, but the administrations have overlooked us and in that oversight is the present and future of the Roma People. Roma men and women! They have always driven us away from our trades, and in one way or another, the same thing is happening now. We were banned by law from the trades we engaged in when we arrived in Spain. The same happened with scrap metal, for example. For centuries, Roma cleaned away the materials and objects that people did not want from the streets and buildings, and then just a few years ago, you would start hearing about the need to recycle, but instead of turning to the Roma, along came the 'recycling' multinationals and society and governments dispensed with the Roma. The same with blacksmiths and with many other occupations. It is time now to change all of this and support street vendors and support the Roma people. It is a respectable way to make a living and if they close that door on us, a lot of us Roma men and women are going to have a really tough time. Of course, we need to adapt to the times. We need to know how to manage a business, speak English to deal with foreign tourists, so there are a lot of things to improve, but our administrations should see this support as an opportunity...a way to boost local business and stop huge, multinational companies like Primark – that have become the noose around our neck – from being the only ones to benefit. They sell at such low prices, that I know Roma who go there to 'emplear' (invest in goods to sell on) and everything. After so many years of experience, personally, it is the only option I see. So, there's that, and then they should also invest in an affordable way of paying social security contributions so that we can pay without killing our businesses and our families to do so. It's not fair that someone who makes big profits pays the same social security contributions as someone who only makes enough to get by, and sometimes not even that."*²⁰

Aunt Pilar's words are wise. There is a need for a momentum that comes from a great pact, a great deal; to transform the difficulties that street vending is experiencing into an opportunity for the Roma people and society as a whole. There is a need to understand the strategic dimension of this issue for Roma development because it is the key to opening so many doors that are still closed or just half-open. To do so, specific measures like those she describes could be touchstones of this vision for the future.

²⁰ Interview with Ms. Pilar Clavería Mendoza, October 2019.

ANTIGYPSYISM ON SOCIAL NETWORKS

Definition of the problem

In the [first Roma Civil Monitor report on Spain](#), the issues of discrimination and antigypsyism were addressed. But given the rise and severity of antigypsyist hate speech on social networks, and the public impact it creates, the authors of this report considered it necessary to explore this specific area in more depth, analysing existing public policies and projects, as well as their scope and impact. With the absence of an axis addressing antigypsyism in the National Strategy for the Social Inclusion of the Roma Population in Spain 2012-2020 (ENISPGE),²¹ there is no coordinated reference, nor do we have quantitative or qualitative evaluations from the perspective of other areas of public policy. For example, there is no data on antigypsyism in education, access to labour market, justice, housing, or other areas. ENISPGE does not refer to hate speech, as one possible expression of antigypsyism and how it affects the living conditions of Roma in Spain.

Since their emergence at the end of the last century, social networks have substantially changed the way people communicate. Facebook, Twitter, Instagram and YouTube, among others, are continually producing new forms and codes in interpersonal, family, labour, political and social relationships. It is in this context that the public image of different social groups, and minorities in particular – including racialised groups – is projected through social networks and on the internet. A cursory examination of the different social network platforms reveals that the same phenomena, power relations, inequalities and injustices that exist in “offline society” are reproduced online as well.

In these circumstances, with such changes in communication, social networks expose the most vulnerable groups to innumerable comments, dynamics, patterns, fashions and synergies that undoubtedly construct their identity – or at least the public projection of this identity – in a continually changing way, where deep ignorance and fear of difference are transformed into a need to reaffirm the hegemonic identity. These vulnerable groups are also left overly exposed in a medium that does not typically promote thought, reflection and deliberation, but, quite the opposite: where the culture is one of speed, immediacy, and “likes.” These sorts of conditions create a breeding ground for intolerance, prejudice and archetypes, and racialised social minorities like Roma suffer as a consequence.

Furthermore, in social networks, hate speech, in its different expressions, often benefits from the anonymity of those sending the messages, providing cover and giving free rein to the basest of compulsions against Roma and other groups, with no tangible, punishable, dissuasive or corrective consequences.

To everything described thus far, there is a need to add the socio-political context in which ideologies that use hatred of the “Other” – of difference – as a structural element of their proposals, and the “easy solution” to complex problems, are on the rise. These groups make planned, professional and methodical use of social networks to maximise the spread of their horrible messages and speeches, as these “new media” are characterised by their communicative potential which is relatively easy-to-use and quick in a way that some types of messages become viral.

As the *Report on Antigypsyism in the Mass Media 2018*, produced by the *Rromani Pativ*²² programme asserts: “With the emergence of social networks, the immediate and free

²¹ View the Roma National Inclusion Strategy 2012-2020 (ENISPGE) document: https://www.mscbs.gob.es/ssi/familiasInfancia/PoblacionGitana/docs/WEB_POBLACION_GITANA_2012.pdf

²² The *Khetane* Platform has been working for years on a project called *Rromani Pativ* (Roma Dignity), which draws on several networks of collaboration and action to tackle antigypsyist racism in the media and in social networks. For more information on the programme, please, visit: <http://rromanipativ.info/>

transmission of racist ideas reaches new hitherto unattainable levels. This is not to suggest, by any means, that it is the format of social networks that explains why antigypsyist speech is reproduced, a theory which chimes with certain politically conservative discourses. These new virtual platforms do not create the conditions that make the growth of antigypsyism possible, but instead amplify dominant social attitudes that already exist."²³

Battling over the conceptual question

If we talk about antigypsyism on social networks or hate speech on the Internet, we want to mention a brief conceptual description of hate speech, since we already analysed the first in the first *Roma Civil Monitor* report.

At the EU level, there is a definition of the hate speech provided in the EU Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, which obliges EU member states to punish the intentional conduct of "publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin".²⁴

To transpose the content of the mentioned Framework Decision, Spain reformed the Penal Code in 2015 including a better explanation of hate speech: Article 510 was updated in line with the definitions of the Framework Decision 2008/913/JHA.²⁵ On the other hand, the National Attorney's Office published a Memo in 2019 in order to provide guidelines to prosecutors and judges on how to interpret the article 510 of the Penal Code (on hate speech) in Spain.²⁶ The Ministry of Interior published the Action Plan to combat Hate Crimes in 2019, including measures to combat hate speech online (using algorithms and promoting research on this issue);²⁷ OBERAXE (Spanish Observatory on racism and xenophobia) translated and published ECRI Recommendation number 15 on hate speech.²⁸ It is also important to note that the category of antigypsyism has been included in the monitoring cycles of the European Code of conduct on Countering Illegal Hate Speech Online thanks to the work of *Fundación Secretariado Gitano*; this category of antigypsyism has also been included in the National Reports on Hate crimes of Spain since 2019.²⁹ Both facts are important progress in the fight against antigypsyism in Spain.

In order to ensure the implementation of the national transposition of the Framework Decision both offline and online, the European Commission agreed a European Code of Conduct on Countering Illegal Hate Speech Online from 31 May 2016,³⁰ which entails a voluntary commitment by Facebook, YouTube, Twitter, Microsoft, and Instagram to counter the spread of hate speech online. The Code of Conduct represents a step forward that builds on the self-regulatory mechanisms that each of these companies already had

²³ The Report on Antigypsyism in the Mass Media can be read at: http://rromanipativ.info/wp-content/uploads/2019/02/2018_12_12-Informe-Antigitanismo-Informativo-2018.pdf

²⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008F0913&from=ES>

²⁵ *Ley Orgánica 1/2015, de 30 de marzo* <https://www.boe.es/eli/es/lo/2015/03/30/1>

²⁶ *Circular 7/2019, de 14 de mayo* <https://www.boe.es/boe/dias/2019/05/24/pdfs/BOE-A-2019-7771.pdf>

²⁷

<http://www.interior.gob.es/documents/642012/3479677/PLAN+DE+ACCI%C3%93N+DE+LUCHA+CONTRA+LOS+DELITOS+DE+ODIO/c469581b-9e19-47a5-8340-45d138ab246a>

²⁸ http://www.inclusion.gob.es/oberaxe/es/publicaciones/documentos/documento_0002.htm

²⁹

<http://www.interior.gob.es/documents/642012/3479677/Informe+sobre+la+evoluci%C3%B3n+de+delitos+de+odio+en+Espa%C3%B1a%2C%20a%C3%B1o+2019/344089ef-15e6-4a7b-8925-f2b64c117a0a>

³⁰ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en

in place. With this agreement, companies commit to removing content that constitutes illegal hate speech within 24 hours after it has been reported by a “reliable informant”. The Code of Conduct also establishes a system for communicating the removal of content and sets out a commitment between both parties to continue working in this area and conduct a follow-up and monitoring of the implementation of this Code on an annual basis.

The hate speech is also captured in the Council of Europe Committee of Ministers Recommendation No R 97(20) from 30 October 1997 on hate speech and further developed by the Council of Europe’s European Commission against Racism and Intolerance (ECRI) in its *General Policy Recommendation n° 15: Concerning the Fight against Hate Speech* in which ECRI defines hate speech as any communicative act aimed to: *“foment, promote or instigate [...] hatred, humiliation or contempt of a person or group of people, as well as harassment, discrimination, dissemination of negative stereotypes, stigmatisation or threats with respect to said person or group of people and the justification of those manifestations for reasons of “race”, colour, ancestry, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or condition.”*³¹

On the other hand, the Movement Against Intolerance,³² a Spanish organisation that stands out for its interest in and action around hate crime, proposes the following definition of hate speech: *“hate speech is understood as any form of expression that disseminates, incites, promotes or justifies racial hatred, xenophobia, anti-Semitism or any other form of hate based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin”*.

Beyond the debate on the scope of EU definitions – as interesting as it always is – there is a distortion in this field that affects all of the legal concepts that were conceived and designed to protect vulnerable groups from hate crime and hate speech. It means that the definition of hate speech was initially conceived as a form and expression of racism and xenophobia to protect minority groups. However, the Spanish authorities, and specifically the Spanish prosecutors, seem to have a broader interpretation of what constitutes hate speech, not only referring to minority groups but also to other categories or motives such as ideology or profession. This interpretation of prosecutors who seem not to have been accepted by national courts may also have an impact on freedom of expression on the one hand and, indeed, on the lack of prosecution for serious forms of hate speech against, for example, the Roma.

On the other hand, the difficult political situation in which Spain currently finds itself, with territorial conflicts in Catalonia and the resulting positioning of the Crown, with the economic crisis and its effects on substantial sectors of the population, and with some of the behaviour of the national security bodies and forces; groups and institutions that have other legal concepts to protect them, have distorted the use of the concept of “hate crimes” and “hate speech” to address these problems. The result of this whole situation is that vulnerable groups, such as Roma, for whom the offences of hate crime and hate speech were defined, find themselves de facto without the legal concepts to provide them with the protection they need.³³ In other words, if everything is a hate crime, nothing is a hate crime; if everything is a hate speech, nothing is a hate speech.

³¹ View the complete text of ECRI’s Recommendation n° 15: <https://rm.coe.int/ecri-general-policy-recommendation-n-15-on-combating-hate-speech-adopt/16808b7904>

³² Website of the Movement Against Intolerance: <http://www.movimientocontralaintolerancia.com/>

³³ Press articles that illustrate a distortion in the use of hate speech: <https://www.estebanibarra.com/2019/10/el-observatorio-de-violencia-politica-de-cataluna-constata-el-escandaloso-incremento-de-la-violencia-politica-urbana-y-apela-a-la-responsabilidad-de-los-dirigentes-politicos/>

The authors of this report positively value the reform in 2015 to the Criminal Code, since it has allowed us to expand hateful and criminally prosecutable hate speech, in application of the jurisprudence of the European Court of Human Rights. Thanks to this reform, complaints that were previously filed are thriving since the regulations required, to punish a hate speech, that directly incited violence (which, in the vast majority of cases, is impossible to prove). However, this regulation could still be improved to, on the one hand, incorporate antigypsyism as a specific form of hate and, on the other, to shield the criminal types of hate crimes and discrimination, circumscribing them exclusively to traditionally discriminated or repressed groups.

"Subtle racism" and marker words

During an interview, Ms Celia Montoya, coordinator of the *Rromani Pativ*, told: "A very significant number of the cases we come across in the media and on social networks do not use blatantly racist terminology, but rather 'subtle racism' and 'marker words'. In that respect, addressing hate speech in social networks is complex because when it comes to this type of treatment – categorised simply as 'discriminatory', although we believe that it is the most damaging in terms of the way it affects the public image of Roma – there are still no legal instruments we can use to deal with it. Again, paralysis and political instability work against the weakest. Political parties should pass the Organic Law for Equal Treatment and Non-Discrimination, which regulates and limits this type of practice."³⁴. In this interview with Celia Montoya, she is not talking about "obvious" hate speech, but about how to combat with legal instruments the expressions that incite hatred but that use subtle racism. Celia was referring to words in Spanish such as: "reyerta, clan, patriarca" (fight, clan, patriarch), which in themselves are not discriminatory, but that the context and the intention in how they are used have a clear discriminatory intention, if not directly antigypsyist.

Background and causes of the problem

Antigypsyism "alive and kicking" on the social networks

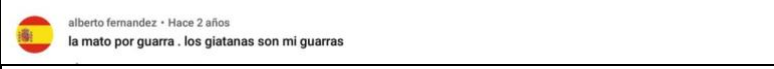
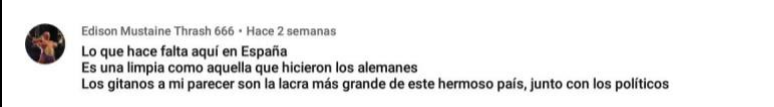


The absence of effective and fully-fledged legislative or strategic texts in a given area can often be misconstrued as a sign that there are no situations that impinge on certain population groups. cursory research reveals that there are public policies that do in fact address these elements. This is the case of antigypsyist hate speech.

In an interview, Javier Sáez del Álamo, from *Fundación Secretariado Gitano* (FSG) Department of Equal Treatment and Anti-discrimination, reported about the enormous amount of work that this organisation does in the field of hate speech and described difficulties of obtaining reliable data on cases of antigypsyist hate speech in this field because, until 2019, these data were included in data collected under the label of "racism".³⁵ So, it is impossible to demonstrate what those of us who work today in this area already know: antigypsyist hate language is still very present. Developments in this field, where disaggregated data on antigypsyism is starting to be collected, are largely due to the work and perseverance of our colleagues at the FSG, among others. When participating in forums and working groups at national and European level, and representing the organisations working with Roma people in Spain, they argue for the need to visualise antigypsyism in a disaggregated way, referring to ECRI and EU recommendations. As mentioned above, the National Report on Hate Crimes (produced by



<https://www.estebanibarra.com/2019/09/el-observatorio-de-la-violencia-politica-en-cataluna-apunta-al-bloque-independentista-como-el-causante-de-la-mayoria-de-episodios-de-violencia-en-la-zona/>
<https://www.elmundo.es/cataluna/2018/01/22/5a64ec64268e3e6f7a8b4651.html>
<https://www.elsaltodiario.com/conquista-derecho/cuerpos-policiales-delitos-de-odio>
<http://www.hazteoir.org/noticia/50011-francisco-serrano-ideologia-genero-genera-conflicto-y-odio>

the Ministry of Interior) includes this category (antigypsyism) since 2019, which is an important improvement in this field.

To illustrate how present antigypsyism is on social networks, the *Rromani Pativ* team provided these social network entries. They illustrate how serious the situation is and the need for urgent action in this regard. All of the screenshots were from active users on social networks in November 2019, when this report was written, regardless of the publication date. Moreover, on Facebook, there are much more expressions that can be described as discriminatory or of "subtle racism", but in no case do they reach the level of cruelty or viciousness of those below.

Image of the YouTube entry	Text transposed (with spelling, semantic and syntactic corrections)
https://youtu.be/yIzTeeHfZQ0	
	I'll kill her for being a slut. Gypsies are such sluts.
https://youtu.be/YUn9I-4NMMU	
	What we need here in Spain is a clear up like what they did in Germany. Gypsies, in my view, are the greatest scourge in this beautiful country, along with politicians.
https://youtu.be/gzSPc95smMU	
	Why don't you all exile and exterminate yourselves?
	It's a shame they didn't gas you all. I pray for your deaths.

Source: *Rromani Pativ*

Image of the Twitter post	Text transposed (with spelling, semantic and syntactic corrections)
https://twitter.com/Pipo13915405/status/1178064341209407490	
	Gypsy that's dead: compost for my flowerbed. These sub-humans should go fuck themselves.
https://twitter.com/chelover_/status/1162875752582455298?s=21	
	I've never felt hate like the hate I feel for gypsies for anyone else.

Source: *Rromani Pativ*

The first reaction can be to ask, how is it possible that so much hate exists, and that it is expressed with such impunity? What public policies are being developed to counter this sad phenomenon? What consequences does this phenomenon have for Roma people? What consequences does all of this have for the development of a democratic society where rights are respected? Such questions are of great concern and require coordinated, sustained action from government agents and civil society.

It should be noted that the main owners of these social networks have mechanisms established³⁶ to denounce this kind of hate speech. Through the online help/support centres of [Facebook](#), [Twitter](#) and [YouTube](#), any user can report a comment that is racist or violates people's dignity. There is no doubt that it is a vital tool, and its scope is analysed below.

On the other hand, as stated in the Guide to Combating Hate Speech,³⁷ published by the FSG in 2017: *"In recent years, social networks have spread exponentially across the globe. In addition, to be a very powerful means of communication and contact, they are often also a space for the dissemination of hate speech. Aware of this problem, the European Commission agreed with main social network and internet providers (Facebook, Twitter, Google and Microsoft) a Code of Conduct on Countering Illegal Hate Speech Online,³⁸ to address how this type of speech could be removed from social networks. The European Commission's assessed positively the way these companies are working on this point and recognised that important advances had been made and it has been evaluated that in general terms "they acted in an agile way, although there were improvements to be made in some aspects such as the response given to users about decisions not to remove content."*

This assessment contrasts with the opinion of the *Rromani Pativ* team who claims that when they used these online support/help centres, they barely received a response. In any case, the authors of this report believe that because of the communicative power that these platforms wield, and the social responsibility they should exercise, public administrations at European, national and regional levels should continue to request that IT Companies pro-actively continue to improve the responses and set up an effective, transparent and accountable type of mechanism. Currently, unless the messages are reported by a specific organisation, the company that owns the platform ignores the reports made by users too often not taking any action on their own. It could be argued that these companies do not find it important that the kinds of messages that the NGOs from the coalition participating in the development of this report have been flagging for five years or more exist on their platforms. In opinion of the authors of this report, this point is of the utmost importance because these types of measures expect civil society to shoulder the responsibility – a responsibility that lies with public administrations in the first instance, and with the companies that allow them in the second. It should be ensured that preventing online hate speech from social media platforms is the social responsibility of these companies. The authors consider that the level of commitment demonstrated by the companies behind these platforms is insufficient and is in no way proportional to the enormous profits they make from these platforms.

To illustrate the level of commitment that could be demanded, one can look at how proactive Facebook is when, for example, someone publishes images or videos that might be considered pornographic, even in cases of images that show off subtle cleavage. The policies of these platforms are more focused on preserving morality of the hegemony than on putting an end to a phenomenon that not so long ago greatly affected the lives of millions of people and that seriously threatens social and democratic development today: racism, xenophobia, anti-Semitism and antigypsyism. If they overlook any one of these expressions, they are being permissive with the phenomenon as a whole.

³⁶ This information has already been collected in various documents promoted and driven by Roma civil society organisations, such as the Federation of Associations of Roma Women (FAKALI) Pact Against Antigypsyism.

³⁷ The Guide to Combating Hate Speech can be downloaded at:
https://www.gitanos.org/upload/96/00/GUIA_COMBATIR_DISCURSO_ODIO_FSG.pdf

³⁸ The Code of Conduct can be downloaded at:
<http://www.mitramiss.gob.es/oberaxe/ficheros/documentos/CodigoConducta.pdf>

Equal treatment and non-discrimination laws are yet to be put in place

Indeed, the Spanish Socialist Workers Party (PSOE) has, on two occasions, presented the Congress of Deputies (Spanish parliament) with a legislative proposal for a Comprehensive Law for Equal Treatment and Non-Discrimination.³⁹ These initiatives were not successful because the last two legislatures in Spain were terminated early. Although they were a long time in the making, in the authors' view there was not enough participation from Roma organisations. They did, however, manage to get approval for amendments in which antigypsyism is explicitly mentioned, although these have yet to be published. Analysing the text, one can affirm that if this law were passed, it would represent an important advance in this field. The authors of this report, however, take objection to the fact that the type of law that was chosen can be difficult to apply effectively and may struggle to meet the objectives for which it was initially proposed. The authors believe that a law like this should have the status of an organic law. The fact that a "comprehensive" type of law was chosen suggests that the initiative still needs to garner social and political support, and given that it has yet to be approved, there may still be an opportunity for this important question to be reconsidered.

Even so, we insist that this should be a political priority for Spanish legislation to equip public administrations and civil society organisations with legal instruments to further tackle antigypsyism, hate speech and racism in general.

Political response to the problem

The European Code of Conduct on Countering Illegal Hate Speech Online

As mentioned above, in 2016, the European Commission drafted a *Code of Conduct on countering illegal Hate Speech online*, agreed with the principal social network platform companies: Facebook, Twitter, YouTube and Microsoft signed up. Snapchat, Dailymotion, Jeuxvideo.com, Instagram and Google+ subsequently joined in 2018 and 2019. The European Commission together with a network of civil society organisations and public authorities set up in 2016 a monitoring exercise, to assess the compliance of the commitments made by IT Companies. For Spain, "trusted flaggers" have been appointed to monitor the Code of Conduct and include *Fundación Secretariado Gitano* (FSG), Movement Against Intolerance (MCI), the State Federation of Lesbian, Gay, Transgender and Bisexual Associations (FELGTB) and the Spanish Observatory of Racism and Xenophobia (OBERAXE). These Spanish organisations also participate in the European Commission's EU High-Level Group on combatting racism, xenophobia and other forms of intolerance.⁴⁰

According to with Celia Montoya's interview from *Rromani Pativ* and with the communication team of the Federation of Roma Associations of Catalonia (FAGIC), both reiterated that they encounter innumerable cases of "subtle racism", words in Spanish such as: "*reyerta, clan, patriarca*" (fight, clan, patriarch), which in themselves are not discriminatory, but that the context and the intention in how they are used have a clear discriminatory intention, if not directly antigypsyist, but there is no evidence of the same sort of massive presence of hate speech that can be found on Twitter and YouTube. In the case of Instagram, both spoke of the difficulty of searching for this type of information systematically due to the structural characteristics of this particular social network. Regarding the impact of the Code of Conduct, the authors find in the 4th Monitoring Cycle that on Facebook in particular the number of cases of blatant/violent expressions of antigypsyist hatred has decreased.⁴¹ This fact shows that the monitoring carried out is

³⁹ Full text of the legislative proposal for a Comprehensive Law for Equal Treatment and Non-Discrimination: http://www.congreso.es/public_oficiales/L13/CONG/BOCG/B/BOCG-13-B-67-1.PDF

⁴⁰ See website: https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51025

⁴¹ See: https://ec.europa.eu/info/sites/info/files/code_of_conduct_factsheet_7_web.pdf

being positive. This trend should be consolidated, with the continuity of monitoring and probably with more measures with greater scope and budget to continue advancing in this area and thus be able to reverse the high degree of antigypsyist hate speech that still persists in this social network.

The last Monitoring Report on the Application of the Code of Conduct used for development of this report was published by EC in January 2019. This monitoring is carried out for six months, always at the end of the year, through the reports that “trusted flaggers” produce to the companies that own the social networks. The design of this monitoring process provides information about the way hate speech is developing, but the figures collected should not be used to estimate overall figures but should be understood instead as percentages for the six months in which the data was gathered, since the companies that own the main social networks know they are being monitored their response rate is higher than when they are not subject to a monitoring exercise.

In the 4th Monitoring Cycle 12,2% of the cases reported were antigypsyist hate speech. The fact that antigypsyism is now an independent ground for reporting hatred has given an important visibility to the scope of this kind of racism across social networks and providing statistics on this issue.

In particular, the authors of this report note that the process of determining who is a “trusted flaggers” should be much more transparent and participatory. At present, this is a status granted by companies that own social networks to certain organisations. In the opinion of the authors of this report, beyond the interpretation of European regulation in relation to the rights of private businesses, the supervisory function of civil society organisations should be maintained. In any case, it is incomprehensible that those whose duty it is to rectify the content displayed on their digital platforms are also responsible for determining the suitability of an informant. This stance arises from the private nature of the companies that manage social networks, giving them the ability to choose who “collaborates with them.” In the authors’ opinion, the premise should be based on the social responsibility exercised by a private body over a shared, and therefore public asset (communication) as it has been proven that they play an important role in generating public opinion and the public image of certain groups, as is the case with the Roma.

The above-mentioned report on application of the Code of Conduct states: *“Today, all of the companies fully meet the objective of reviewing most of the notifications within 24 hours, obtaining an average of over 89%. These results also include Instagram and Google+ that joined in 2018. This is a significant increase from when the Code was launched in 2016 (40% in 24 hours). [...] On average, companies are eliminating 72% of the illegal hate speech of which they have been notified. This is considered a satisfactory removal rate since some of the content marked by users could be related to content that is not illegal. To protect freedom of expression, only content deemed illegal should be removed.”*

All of these statements show that the Code of Conduct’s entry into force has brought significant improvements. Even so, two figures are noteworthy. Firstly, the breakdown of companies’ response by country, where one observes a considerable decrease in responses in Spain over the last period, from 73.8% in 2017 to 59.7% in 2018. Although the reasons for such a substantial decline is not known, there is a possibility that some of the entries reported by one of the “trusted flaggers” may be lost due to the concept of hate speech has been distorted, as noted above, and so the companies have not responded to these removal requests. In any case, there is a lack of information on the matter.

The second noteworthy information is the chart that depicts companies’ response rates, separating those given to “trusted flaggers” from those what they call “general users.” Except for Facebook, the disparity reveals the inadequacy of the system set out in the Code of Conduct. On Twitter, these figures are 88.2% and 21.1% respectively. On YouTube, they are 40.5% and 13.9%. Finally, on Instagram, they are 95.5% and 25.0%.

It is clear that in this field there is a lot of room for improvement and measures are urgently needed to make this happen.

Another aspect to keep in mind is that the report collects data on the motives of the hate speech, one of which is antigypsyism. This allows us to evaluate the impact of antigypsyist hate speech which is at 12.2%, sadly placing it as one of the primary motives for hatred, below xenophobia (17%), sexual orientation (15.6%) and Islamophobia (13%).

Finally, it should be noted that the number of requests to remove material in Spain was distributed as follows: FSG 109, FELGT 98 and OBERAXE 284 requests. No requests were submitted by MCI.

Pact to Combat Illegal Hate Speech Online

This pact, which is still under development albeit at an advanced stage, is an adapted version of the European Code of Conduct for Countering Illegal Incitement to Hatred Online to Spain. The authors of this report were given access to the draft, which is not yet public, during the interview with Ricardo Hernández. He participates in the meetings of the monitoring Committee on the Agreement to Cooperate Institutionally in the Fight against Racism, Xenophobia, LGBTIphobia,⁴² on behalf of the State Council of the Romany Population (CEPG) where he acts as coordinator of the Social Action, Equal Treatment and Non-Discrimination and European Agenda working group.

In this interview, Ricardo Hernández highlights the future strengths of the Pact, as well as the significant impact its application is likely to have on social networks: *“One of the keys to the success of this initiative will be the level of activation that the Pact garners from Roma civil society organisations, cyber activists and the different programmes that Roma organisations already run to tackle hate speech on social networks. So it is essential that we know to what extent concrete criteria for establishing ‘reliable informants’ have been established, and how they regularly interact with the companies providing social networks, and then we must continue to make the case that in recent years, Roma organisations have been creating more and more initiatives and projects on social networks and the internet, being aware that the level of hatred directed there at Roma is unfortunately enormous. Initiatives like the Pact should take advantage of the momentum behind Roma civil society organisations to create joint synergies that allow us to be more efficient in the way we eliminate or at least reduce antigypsyism online.”*⁴³ The interviewee and authors of this report analysed the draft text by comparing it to the European Code of Conduct, leading to a conclusion that that it would be necessary to appoint a “Contact Point” to the cyber-crime unit of the State Attorney General’s Office, which will play a coordinating role in the hate speech response system.

Moreover, an “Accreditation Commission for Appointing Trusted Flaggers” is also established. The commission comprises of representatives of the administrations that have drafted the pact, of the companies providing social networks and of members of civil society. Among its other roles, this commission will validate proposals for “trusted flaggers,” redressing the problematic situation created by the European Code of Conduct when giving companies the power to appoint these important figures themselves.

The document also indicates clearly that public criteria will be established for appointing “trusted flaggers.” These criteria do not seem to be excessively restrictive and that they allow participation of civil society, including Roma organisations, thereby complying with the recommendation number 5 of the document *Developing Measures to Combat*

⁴² Full text of the Agreement at: http://www.mitramiss.gob.es/oberaxe/ficheros/ejes/cooperacion/Acuerdo_insterinstitucional_original.pdf

⁴³ Interview with Mr. Ricardo Hernández, 31 October 2019

*Antigypsyism Beyond 2020: Guidance for European and National Stakeholders.*⁴⁴ These guidelines were published in 2019 by the *Alliance Against Antigypsyism*,⁴⁵ which is an initiative of Roma organisations across Europe to challenge the racism faced by different Roma groups. That recommendation says: “EU institutions and national governments must counteract and punish hate speech in public discourse: in the media, academia, from politicians, state authorities and public officials, in particular promoting counter-narratives for an inclusive society and ensuring the meaningful participation of Roma in supervisory structures. [...] Ensure the participation of Roma, Sinti, Travellers and other groups experiencing antigypsyism in all relevant institutions, such as public media boards, ethics commissions, etc. [...] Support civil society to monitor and report on hate speech against Roma, including online and work with the relevant authorities to eliminate hate speech online.” In short, it strongly recommends making public policies for Roma, with Roma. This is not just a question of aesthetics; it is a potent part of the potential success of initiatives developed by public administrations to tackle different expressions of antigypsyism.

Finally, the agreement establishes that reports will be issued with the results of the actions of the mechanism being created. These reports will show us to what extent coordinated action is needed to face up to online hate speech in Spain.

Spanish Racism and Xenophobia Observatory (OBERAXE)

The Spanish Observatory on Racism and Xenophobia (OBERAXE)⁴⁶ is attached to the Directorate-General for Integration and Humanitarian Attention. This important instrument provides abundant documentation relating to hate crimes and, to a lesser extent, hate speech.

In general, in the existing documentation on hate speech on the Internet and on social networks, disaggregated data on cases of antigypsyism has not been collected; these cases are subsumed under the category of racism/xenophobia. Concealing the apparent reality makes it difficult to identify and quantify a situation that may share some characteristics with other forms of racism, but that has specific qualities that must be addressed to design public policies and civil society actions to reduce its effects. The 2017 *Survey-Report on the Evolution of Racism and Xenophobia and Other Forms of Intolerance in Spain*,⁴⁷ published by OBERAXE itself, offers an analysis and a graphic related to the above-mentioned proposition: “The questions corresponding to relationships with Roma people, illustrated in Figure 12, were first introduced to the questionnaire in 2014. Respondents show the same relative behaviour towards Roma (accepting or rejecting coexistence with neighbours, studying or working together and personal relationships) as they do towards immigrants. However, the acceptance percentages are much lower when they concern the Roma population than with respect to the immigrant population in all of the areas analysed, and attitudes that come close to ethnocentric or symbolic racism towards Roma people could also be observed. The 2017 data does not vary much from the 2016 data.”

In this regard, it should be noted that OBERAXE has committed to disaggregating the data collected on racially motivated hate, introducing a new axis on antigypsyism in the AL-RECO project that coordinates. We have not, however, found any reference to this fact on the OBERAXE or project websites.

⁴⁴ View the complete document at: http://ergonetwerk.org/wp-content/uploads/2019/06/2019_05_31-Antigypsyism-Guidance-to-combat-antigypsyism.pdf

⁴⁵ Website of the *Alliance against Antigypsyism*: <http://antigypsyism.eu/>

⁴⁶ OBERAXE website: <http://www.mitramiss.qob.es/oberaxe/es/quienessomos/index.htm>

⁴⁷ The summarised version of this survey report can be found at: <http://www.mitramiss.qob.es/oberaxe/ficheros/documentos/evolucionRacismo2017.pdf>

Through OBERAXE, the Directorate General for Integration and Humanitarian Action is leading the project *Hate speech, Racism and Xenophobia: Coordinated Warning and Response Mechanisms* (AL-RE-CO),⁴⁸ supported by the EC in the framework of the Rights, Equality and Citizenship (REC) programme, targeted to enhance the capacity of national authorities in particular (REC-RRAC-HATE-AG-2017).

This project will last two years, starting from 1 November 2018. It has been financed to the sum of 262,973.90 EUR. The project website indicates that it aims to identify and develop indicators on hate speech on the internet, develop a tool that identifies, and analyses hate speech on Twitter, and finally designs shared strategies.⁴⁹

Authors of this report believe it is an excellent and urgently needed initiative to make public administrations act in a coordinated manner in the face of a phenomenon that is so harmful to society as a whole. On the other hand, once the IT tool that identifies hate speech is launched, we recommend that it is to be established in a way that it can be used by civil society organisations. This would bring about considerable progress to the work these organisations carry out in this area.

Provincial prosecutors specialised in hate crimes and discrimination

In the first RCM report (2018) said: *“One of the keys to combating hate crimes and antigypsyism has been the creation of a special prosecutor to deal with hate crimes and discrimination. After a ‘pilot phase’ that lasted several years, the service was implemented in 2013. All Spanish provinces now have a prosecutor specialising in hate crimes and discrimination.”* This instrument has great potential and that it should be maintained and reinforced.

Even so, in the field of examination, of the 17 existing provincial prosecutors specialised in hate crimes and discrimination, only three are playing an active role in Barcelona, Valencia and Malaga. These three prosecutors are remarkably active and are in an ongoing dialogue with the Roma associations in their geographical areas. This is what is reported to us by the Federation of Roma Associations in Catalonia (FAGIC), Regional Federation of Roma Associations of the Valencian Community (FAGA Valencia) and National Federation of Roma Women's Associations “Kamira”. *“In order to achieve progress in this important area, there should be many more prosecutors who are active de facto. They need specific training and more resources in order to be able to act effectively,”* stated Antonio Vázquez Saavedra, the Second-Vice-President of the Regional Council of the Roma of Extremadura, in an interview conducted on 15 October 2019. Antonio Vázquez went on to say that *“the associative movement really struggles to address this important issue because our technical teams develop end-user social projects and we do not have the economic resources or personnel to devote to this important issue. Prosecutors specialising in hate crimes and discrimination should be more proactive and act ex officio when the rights of a part of the citizenry are so flagrantly violated [...] socially when a minority is bulldozed in this way, it is the society as a whole that misses out. We lose our values, peaceful coexistence and our future along the way.”*

Council for Elimination of Racial or Ethnic Discrimination (CEDRE)

The Council for the Elimination of Racial or Ethnic Discrimination (CEDRE),⁵⁰ currently attached to the Secretary of State for Equality through the General Directorate for Equal Treatment and Diversity without forming part of its hierarchical structure, is Spain's Equality Body. CEDRE's situation remains a matter of concern. The Council was formed as

⁴⁸ Section of the OBERAXE website with information about the project: <http://www.mitramiss.gob.es/oberaxe/es/ejes/delitosodio/alreco/index.htm>

⁴⁹ AL-RE-CO project website: <http://alrecoresponse.eu/>

⁵⁰ CEDRE website: <http://www.igualdadynodiscriminacion.igualdad.mpr.gob.es/home.do>

a requirement of the transposition of the European Directive 2000/43.⁵¹ The Directive was transposed into Spanish law through Law 62/2003 on fiscal, economic and social measures.⁵² Article 33 provides for the creation of the Council to promote equality. All recommendations made at that time, particularly by social organisations, referred to an independent body with sufficient resources to carry out its functions. Evidently, this is not the case and that delegitimises and invalidates its actions in some way.

After almost five years of paralysis, in October 2018 we received the news that the Council had been reactivated with the election of a new president, Ángeles Solanes,⁵³ and the celebration of its first plenary session since December 2013. Since then, the Council's only activity has been issuing a statement for the April 2019 general elections. It is certainly surprising to see that this "reactivated" Council has not even updated its website since 2015. Unfortunately, Ms. Solanes is no longer in this position and the process of reactivated the council is uncertain. Without the political will to make it operational, the necessary resources to address such a multidimensional phenomenon, or the independence, this instrument, which should have been a cornerstone of the institutions' coordination of the fight against racism, is actually ineffectual. The creation of an independent body that exercises the functions assigned by European Directive 2000/43 will be a priority to develop in the immediate future.

Moreover, there are no public campaigns to denounce racism and xenophobia, and (strategic) litigation offered to victims in these cases is extremely limited, while racism with its different forms is an issue. We are currently right in the middle of developing new initiatives, and although we cannot yet analyse their impact and results, we consider it appropriate to include them in this report.

Projects initiated by civil society

One of the publications that collect cases of hate speech on social networks and the Internet is the FSG's annual Report on Discrimination and the Roma Community. The 2017 report compiled a total of 15 cases,⁵⁴ while in 2018 there were 13.⁵⁵ All of them expose the degree of hatred that exists, and although all of the cases were reported by the FSG, (as well as those already set out in this report with the monitoring of the European Code of Conduct), in more than half of the cases, entries or websites remain public. The FSG also carries out litigation against authors of hate speech and has managed to close down an anti-Roma website, with a 2,000 EUR fine and six-month prison sentence for its creator.⁵⁶ At the time of writing, three court cases on hate speech are pending.

The *Rromani Pativ* programme publishes annually a Report on Antigypsyism in the Mass Media. In addition, this programme has established various types of collaboration and action networks such as the Roma Antidiscrimination Network (RAG), which brings together working groups from Roma and pro-Roma organisations, cyber-activists, or people who are active in fighting antigypsyism, racism and xenophobia on social networks and the internet, the Web Allies (comprising various mechanisms, sites and websites that fight racism, among other causes), and finally, a network of Roma and non-Roma

⁵¹ Consult the full text of the Directive at: <https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:32000L0043&from=es>

⁵² Law 62/2003 in full at: <https://www.boe.es/boe/dias/2003/12/31/pdfs/A46874-46992.pdf>

⁵³ Press release announcing the reactivation of the CEDRE: <https://www.mpr.qob.es/igualdad/Paginas/2018/251018-racial.aspx>

⁵⁴ Roma Discrimination and Community Report 2017: http://rromanipativ.info/wp-content/uploads/2017/06/Informe_discriminacion_2017.pdf

⁵⁵ Roma Discrimination and Community Report 2018: <http://rromanipativ.info/wp-content/uploads/2019/11/Informe-Discriminacion-y-Comunidad-Gitana-2018.pdf>

⁵⁶ See news piece on the verdict: <https://www.diarosur.es/malaga-capital/condenan-seis-meses-20190930190041-nt.html>

communication professionals who are especially aware of the fight against antigypsyist hate speech and who have come to be known as “Allies with Words”. The reports for 2017,⁵⁷ 2018,⁵⁸ and 2019,⁵⁹ compile data on cases reported to the media and social networks and also analyse the racist and discriminatory language that is used. This brings added value and is very useful when it comes to designing strategies that try to neutralise these messages. The reports also track the level of responses to reports of cases in the media and on social networks. In 2018, they reported that only 42% of reports received a response and in only 13% of cases was racist or discriminatory content rectified.

Additionally, *Unión Romani* publishes its “Journalists against Racism”⁶⁰ once a year. In the last edition, a chapter was dedicated to hate speech in social networks, echoing the need for urgent action in this area.

⁵⁷ *Rromani Pativ Report on Antigypsyism in the Mass Media 2017*: http://rromanipativ.info/wp-content/uploads/2017/12/2017_12_15-Informe-antigitanismo-en-redes-y-medios-de-comunicacion-2017.pdf

⁵⁸ *Rromani Pativ Report on Antigypsyism in the Mass Media 2018*: http://rromanipativ.info/wp-content/uploads/2019/02/2018_12_12-Informe-Antigitanismo-Informativo-2018.pdf

⁵⁹ *Rromani Pativ Report on Antigypsyism in the Mass Media 2019*: <http://rromanipativ.info/wp-content/uploads/2019/12/Informe-Antigitanismo-Informativo-2019.pdf>

⁶⁰ Website of Journalists against Racism? publications: <https://unionromani.org/periodistas-contra-el-racismo/>

PARTICIPATION, ASSOCIATIVE MOVEMENTS AND ROMA ADVISORY COUNCILS

Definition of the problem

Since the arrival of democracy in Spain, one of the characteristics of the Roma movement has been that it has always been accompanied, in one way or another, by public administrations. In the early years of the new democracy, Roma associations needed this guidance. The Roma community, at that important moment in Spanish history, was far from being able to take on a public role within the Spanish state, let alone a political one. In that sense – and without examining the causes for this in too much detail – it is important to remember that the Roma population was not granted full citizenship in Spain until 1978, through the promulgation of the Spanish Constitution⁶¹ and the repeal of articles against Roma people set out in the *Guardia Civil Duty Regulations*.⁶² But it was not just a legal question; it was also a matter of serious social inequalities in general – in terms of the education and training Roma received for example – in post-Francoist Spain.⁶³

At the end of the last century, the Roma civil society wanted to take the initiative in areas like decision-making, spatial and neighbourhood management and so on. In those years, civic and social organisations began a process of geometric growth and demanded a key role in and partnership with the public administration. Structured participation meant social and civic organisations receiving recognition from public authorities and forming part of the power structures of the day.

Against the backdrop of poor education, a lack of a Roma middle class or interest in *res-publica*,⁶⁴ Roma associations began to grow in an almost spontaneous way and spread throughout the country. Ms Teresa San Román explains this explosion of associations in the following way: “The Roma social movement emerged, basically, as a new understanding of the relationship between Roma and their surroundings.”⁶⁵ In her doctoral thesis, Ms Carmen Méndez stresses the lack of an associative or participatory tradition: “*In this process, areas of resistance had to be broken down, two of which were very clear: a lack of internal structures with which to relativise democratic processes by comparing them to others of a hierarchical nature, where each person within the group has a distinct role. Roma political structures are organised around groups of relatives, authority rests with older men, men of a certain age.*”⁶⁶ Even more interesting is this following observation from one of the largest second-tier Roma organisations on Roma participation and

⁶¹ The Spanish Constitution, 1978 art. 14: “Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.”

⁶² *Guardia Civil Duty Regulations* approved on 14 May 1943, three articles that referred to the surveillance to which Roma were to be subjected, in particular articles 4, 5 and 6. For example, Article 4 established that Roma be scrupulously monitored, their documents be examined in great detail, their distinguishing traits identified, their clothing observed, in order to find out about their way of life and form an exact idea of their movements and occupations, investigating where they go to on their travels and why.

⁶³ Various authors. “Sociological Study: The Spanish Roma 1978” ASGG, Madrid 1980. According to this study 71% of Roma in Spain had not completed any studies and 27 % had only been to primary school, a figure that was much higher than the 6% and 59% of Spanish society. P. 143 and 144 in: https://www.gitanos.org/publicaciones/estudio1978/pdf/05Es_sociologico_educacion.pdf

⁶⁴ We use the Latin expression ‘Res-pública’ which translates as “the public thing” or what is currently referred to as public affairs.

⁶⁵ “The development of the political awareness of Roma” Teresa San Román presentation in the course, Integration and Exclusion of Social Minorities: The Roma people, organised by the Menéndez Pelayo International University 1998 and revised in 2008.

⁶⁶ “On the Path to Participation” Carmen Méndez López. UAB 2005.

associations at the end of the 20th century: *“Traditionally Roma have been reluctant to participate in associations for two main reasons: firstly, as heirs of an oriental culture governed exclusively by familial power relations, they believed, in their own way, that the universe evolved according to a set of immutable principles, that the future was shaped by providence and those collective movements only accelerated this unnecessarily. The world is made of time and it does not stop. Secondly, older Roma always remember distant stories of times when Roma were involved in citizens’ protest, labour, social or political movements, the authorities always ended up making Roma pay for their protests.”*⁶⁷

History and root of the problem

How can we explain the fact that Roma associations grew steadily in Spain, despite all of these weak points and with no tradition of forming associations or participation?

The answer to this question is to be found far from the Roma community. Specifically, we find it in the public administrations themselves. In an emerging democracy, administrations needed to find valid civil society partners with whom to negotiate, promote, discuss and even implement the public policies that were needed to improve the situation of Spanish society as a whole. In labour discussions, for instance, there were two main actors, on the one hand, the unions, and on the other, business employers. When it came to reducing poverty, organisations such as Caritas became legitimate partners to the administration in the fight against poverty. In the field of functional diversity (disability), the ONCE Foundation, COCEMFE, AMBAR and others were partners to the public administration.⁶⁸

The public administration’s strategy with regards to the Roma community was no different. The administration needed some partners to legitimate its actions, ideas and public policies. Roma associations, however, appeared as inexperienced in terms of relating to their surroundings. Also, they had no professional structures and a limited social base. In addition, there was one element that made them very different from other social organisations: a lot of Roma organisations were much atomised. They were established in very marginal neighbourhoods and there were only very limited relationships or networks with other organisations, Roma or others. To solve this problem and bring the Roma associative model into line with the dominant partnership model, two strategies were used.

The first was the creation of federations of Roma associations. At the beginning of the 1990s and with help from the public administration, numerous second tier (umbrella) organisations were created with the name “federation of associations”. And thus, entities such as the Federation of Roma Associations of Catalonia (FAGIC), the Federation of Roma Associations of Extremadura (FAGEX), the Federation of Roma Associations of Aragon (FAGA) and many more were born.

These regional federations were driven, in the majority of cases, by local Roma associations and by regional governments especially, to whom, in the 1990s, various administrative competencies were being transferred from the Spanish state.⁶⁹ Thus, state-held competencies such as social services, culture, education, environment, employment

⁶⁷ “The Fundamentals of Roma Thought Today” *Unión Romani* 1994 Barcelona. Quoted in “On the Path to Participation” Carmen Méndez López, Doctoral thesis, UAB 2005.

⁶⁸ The example is not complete and has only been used to provide information only to help understand the need for the public administration to find a small number of partners with various groups or communities. In this way it justifies its action to the entire group or movement, however, only a small group is called upon to enter the political agenda.

⁶⁹ The territorial model set out in the Spanish Constitution with the creation of *Comunidades Autónomas* (regions) and the attribution of specific powers to them. The process of the transfer of competence is foreseen in Article 150 of the Spanish Constitution. Thus, Article 150.2 establishes that, “the State may transfer or delegate to the regions, by means of Organic Law, powers corresponding to matters of state ownership that by their very nature are subject to transfer or delegation. The law shall provide in each case for the corresponding transfer of financial means, as well as the forms of control that the State reserves.”

and others, became part of the portfolio of regional governments who had to legislate and propose specific actions in these newly acquired competences.

Regional governments did not establish original or innovative partnership models with the Roma and simply copied the model they had developed with other groups to organise dialogue and shape possible actions with the Roma community. Thus, the idea of establishing a single partner to speak on behalf of local and federated associations was one of the regional governments' main co-optation strategies with the Roma community. It still remains one of the most important strategies at the regional level. This second-tier model was also scaled up for associations of specific Roma groups, like women or students, to facilitate dialogue with just a handful of partners.

A second strategy that public administrations used to channel dialogue through a small number of organisations was the creation of collegiate bodies. Their main function is to advise public administrations on the development of policies for Roma. We are referring to bodies known as "councils" or "advisory boards" or for the implementation of the Comprehensive Plans for the Roma Community.

Policy response to the problem

The creation of these "consultative bodies" is relatively recent. It is one of the ways public administrations started to respond to the process of maintaining social peace with the Roma community and establishing channels of dialogue and collaboration with various Roma and non-Roma actors. Many of these consultative bodies arose at a moment in time when various actors, including the administration itself, as well as federations and social entities, suggested that to improve the situation of the Roma people, action needed to be taken in various policy areas, in a coordinated and planned manner. At the end of the 20th century, the administrations of regions with large Roma populations, in collaboration with the main first and second-tier organisations, initiated a paradigm shift in the way they approached the improvement of the situation of Roma. This new paradigm was focused on the creation of Comprehensive Plans for the Roma Population that attempt, in a coordinated manner and with the participation of various branches of the administration, to make the implementation of public policies for the Roma population more effective.⁷⁰

Roma participation councils in Spain

The implementation of specific and comprehensive plans for the Roma Community in Spain led administrations and other actors to seek new management instruments, councils and roundtables. But not all Roma participation and/or representation councils were created *ad hoc* to implement the comprehensive plans. The oldest participation council is found at the local level, in Barcelona City Council, and was created back in 1998, with more than 20 years of uninterrupted activity managing municipal policy actions with Roma. This Council is tasked with promoting participation to improve the well-being and quality of life of the city of Barcelona's Roma citizens. Its composition is simple, as the Council's website states, "*it comprises non-profit Roma organisations in the city, and seeks to: 1) Promote actions supporting Roma culture; 2) Promote initiatives to combat racism; 3) Stimulate participation; 4) Provide member organisations with information; 5) Ensure that the*

⁷⁰ In some regions of Spain, comprehensive plans for the Roma community were created prior to the creation of the 2020 Strategy for Roma inclusion, and the implementation of the National Strategy for the integration of the Roma community in Spain. To provide just one example, the region of Catalonia approved the first comprehensive Roma plan in 2005. Since that date, 4 comprehensive action plans have been approved. The first was implemented between 2005-2008, the second 2009-2013, the third 2014-2016 and the fourth covers the 2017-2020 period. More information on the last two comprehensive plans can be found at:

https://treballiaferssocials.gencat.cat/ca/ambits_tematics/accio_comunitaria_i_voluntariat/accio_comunitaria/poble-gitano/

*Municipal Action Programme includes specific measures for Roma.*⁷¹ Its structure is very basic but efficient and it adheres to the fundamental principle of Roma promotion and participation. The Council works through plenaries and commissions. The plenary is composed of all 21 Roma member organisations, the municipal groups present in the city council and the person responsible for municipal policy on Roma affairs. The latter acts as the president of the Council. There is also a first vice-presidency that is reserved for participating Roma entities, and a secretary of the council. In addition, working groups are established to speed up operations. There are currently two working groups: the 'international day' working group and the Roma strategy working group. The first aims to promote and prepare events like the International Romani Day or day of commemoration in memory of victims of the Holocaust, and the second monitors the actions of the local strategy.

Although this Council predates the creation of a comprehensive Roma policy, many participation councils have been set up in Spain within the creation of these strategies.

There are similar elements in the creation of regional councils, especially with regards to their composition, denomination and functions. It is interesting to highlight how the specific weight of entities that work with or for Roma is articulated.

Roma advisory bodies at the regional level in Spain

The following table lists the names of the Roma regional councils in operation across the country.

Region	Council name	Year of creation	Composition
Catalonia	Roma Advisory Council	2005	1 president, 2 vice-presidents, of which one is held by a person elected by the Roma community, 21 members representing Roma organisations ⁷²
Region of Valencia	Roma Council of Valencia	2019	1 president, 2 vice-presidents, the members, 1 secretary; 1 vice-presidency held by a Roma person, and 24 members reserved for Roma People ⁷³
Cantabria	Council for the overall promotion and social participation of the Roma Community	2017	1 president, 1 vice-president and 16 members of which 9 represent the regional administration, 6 represent Roma organisations and intercultural organisations that working areas relating to Roma people, and 1 member representing the local administration ⁷⁴

⁷¹ The website of Barcelona's Municipal Council for Roma can be found in English at the following address: <https://ajuntament.barcelona.cat/consell-municipal-poble-gitano/en/about-us>

⁷² The full text of the last modification of the advisory council in Catalonia can be found at: https://portaljuridic.gencat.cat/ca/pjur_ocults/pjur_resultats_fitxa/?documentId=619724&language=ca_ES&action=fitxa&mode=single

⁷³ Valencia's Roma Council has an undetermined number of members, because its decree of constitution includes as members all Roma people awarded the "9 October" by the *Generalitat* (regional government) of Valencia. Thus, the number of Roma members can vary.

⁷⁴ Full text of the decree by which the Council for the Overall Promotion and Social Participation of the Roma People was created: <http://www.gitanos.org/upload/91/64/2017-1161.pdf>

Basque Country	Council for the overall promotion and social participation of the Roma Community in the Basque Country	2004	1 president, and 30 members distributed equally between 15 members of the Basque administration and 15 from associative movements: 12 Roma associations and 3 pro-Roma associations ⁷⁵
Extremadura	Regional Roma Council of Extremadura	2016	1 president, 2 vice-presidents of which one is the person who represents organisations from the Roma associative movement within the members of the council, 21 members of which 8 correspond to representatives of the regional government of Extremadura, 2 to provincial councils, 1 to the local administration and 10 to Roma organisations. 1 secretary
Castile-La Mancha	Regional Council of the Roma Community of Castile-La Mancha	2019	1 president, 2 vice-presidents, 1 of which held by a representative of the Roma associative movement Members: 1 persona for each directorate-general and regional body with competence in public health, healthcare, family affairs, women, youth, education and culture, housing and employment; 8 representatives of Roma associative movement organisations; 1 secretary ⁷⁶
Madrid Region	Roma Community Roundtable of the Madrid Region	2017	1 president, 2 vice-presidents which should be organisations working for the promotion of the rights of Roma people. 9 members that correspond to regional departments of Madrid, 3 members of the local administration, 6 for Roma NGOs and 4 for NGOs that work to promote the Roma Community ⁷⁷

At the time of writing Andalusia had presented a draft decree to create the Andalusian Roma Council.⁷⁸ The creation of this council is referred to in the comprehensive plan for the inclusion of the Roma population of Andalusia 2017-2020. In the region of Murcia, some political forces have demanded that the government of the region create a specific plan for the Roma community.⁷⁹ The regions of Aragon, Navarra, the Balearic Islands,

⁷⁵ The composition of the Council for the Overall Promotion and Social Participation of the Roma People in the Basque Country can be found at (Euskera only): http://www.euskadi.eus/contenidos/informacion/pueblo_gitano/eu_7946/adjuntos/QSAERA%20CPG%202012.pdf

⁷⁶ Between 2011 and 2013, the Regional Council of the Roma People of Castile la Mancha was operational. In 2013, this body was repealed. In 2019, it was re-established with higher-level of Roma participation and with one of the two vice-presidencies that had to be "held by a woman who represents Roma women, and the defence of the rights of the entities that work for Roma woman." Statements made by Aurelia Sánchez to Diario.es on 24 March 2019.

⁷⁷ The Royal decree applying to the composition and creation of the committee can be found at: http://www.madrid.org/wleg_pub/secure/normativas/contenidoNormativa.jsf?opcion=VerHtml&nmnorma=10087#no-back-button

⁷⁸ The information appears in various media such as: <https://unionromani.org/2019/05/16/union-romani-asistio-a-la-presentacion-del-borrador-del-decreto-de-creacion-del-consejo-andaluz-del-pueblo-gitano/> <https://elitediario.com/ultimos-tramites-para-la-creacion-del-consejo-andaluz-del-pueblo-gitano/>

⁷⁹ At the end of August 2019, el PSRM made the demand to the president of the region that a commission for Roma People be created and that it includes a comprehensive plan and representative council.

Canary Islands, Galicia and the Autonomous Cities of Ceuta and Melilla do not have Roma Councils. However, Aragon and Navarra do have comprehensive plans for the promotion of the Roma community.

In light of this analysis, we can highlight some of the elements that are common to all regional and local Roma councils:

1. The presidency is held in all councils by the head of the regional government who is responsible for addressing issues related to the Roma community. This is also the case in the municipal Roma councils and the National Advisory Council of Roma People (CEPG).
2. In cases where there are two vice-presidencies, in general, one of them is reserved for a Roma person or representative of a prestigious body working within and for the Roma community.
3. The initiating administration has particular prominence within the council. Only on rare occasions do members attached to the representation of Roma associations outnumber those representing regional and local administrations.
4. The councils do not have an executive role. Their responsibilities only extend to promoting, advising, analysing, studying, facilitating, etc. They are all advisory functions and are not binding on the administration.
5. The councils have a prominent role in monitoring regional Roma strategies. Even those that were created before the local or regional strategy include monitoring and advice as priorities. The case of Barcelona, although municipal, is the most striking as the strategy for Barcelona's Roma population was approved 25 years after the creation of the municipal council of Barcelona's Roma Community. At present, one of its working groups' main objectives is to monitor the local strategy.

The National Advisory Council for Roma People (CEPG)

The National Advisory Council for Roma People (CEPG) was created by Royal Decree 891/2005 on 22 July 2005.⁸⁰ This Royal Decree creates and regulates the National Advisory Council for Roma People. The creation of this council was promoted by the Ministry of Labour and Social Affairs and approved by the Council of Ministers on the same day. The decree establishes that the Council is a "collegiate, participative and advisory body on public, general and specific policies, which result in the overall development of the Roma population in Spain" and establishes that it will be attached to the Ministry of Labour and Social Affairs (as it was called in 2005) through the Secretary of State for Social Services, Families and Disability.⁸¹

The Council is organised as a consultative and advisory, inter-ministerial, collegiate body. The Council confers an institutional quality on the collaboration and cooperation between Roma associations and the General State Administration for the development of social welfare policies. This collaboration enables the general promotion of the Roma population. Its fundamental mission is to promote the participation and collaboration of the Roma associative movement in the development of general policies and in driving forward the promotion of equal opportunities and treatment aimed at the Roma population.

The information can be read at: <https://www.europapress.es/murcia/noticia-psrm-insta-creacion-reglamentacion-comision-pueblo-gitano-region-murcia-20190831105946.html>

⁸⁰ Royal Decree 891/2005 can be seen at the following link: <https://www.boe.es/boe/dias/2005/08/26/pdfs/A29622-29625.pdf>

⁸¹ The assigned Ministry is currently that of Health, Consumer Affairs and Social Welfare and the assigned Directorate General is the Directorate General for Family and Childhood Services.

The Council is structured through plenary sessions that are held a minimum of twice a year, and through a Permanent Commission that acts as the executive organ of the Council, which will hold at least two regular meetings per year. So, we have a council that, whether through plenaries or permanent commissions, can meet four times a year. It follows that meetings are to ideally be organised once in every three months.

In addition, the Council has different working groups. There are seven at present:

- Social action
- Equal Treatment and Non-Discrimination and the European Agenda
- Education
- Employment
- Health
- Housing
- Culture

The working groups create their work schedule and themes, in collaboration with the Ministry on which the state council depends, and in contact with the ministries that are relevant to each working group's themes. Also, the working groups have experts whose mission is to advise them.

The composition of the National Advisory Council is mixed. It comprises of representatives of the different Spanish government ministries on the one hand, and various organisations from different levels that support the Roma community on the other. The National Advisory Council comprises:

- Presidency: Secretary of State for Social Services
- First Vice Presidency: General Director of Services for Families and Children
- Second Vice Presidency: Representative of the Roma associative movement, elected by and from members of the organisations participating in the Council
- Secretary: Deputy Director-General of Social Programmes
- 40 Members

The 40 members are distributed as follows:

<i>Ministry representatives</i>	<i>Roma organisation representatives</i>
Ministry of Health, Consumer Affairs and Social Welfare (MSCBS)	<i>Unión Romaní (UR)</i>
<ul style="list-style-type: none"> • State Secretary for Social Services 	<i>Fundación Secretariado Gitano (FSG)</i>
<ul style="list-style-type: none"> • Directorate-General for Family Services and Childhood 	National Association of Roma Presence (ANPG)
<ul style="list-style-type: none"> • Directorate General for Disability Policy 	National Federation of Roma Women's Associations "Kamira"
<ul style="list-style-type: none"> • Institute for the Elderly and Social Services (IMSERSO) 	Federation of Roma Women's Associations (FAKALI)
<ul style="list-style-type: none"> • Youth Institute (INJUVE) 	Federation of Roma Associations of Navarra "Gaz Kaló"
<ul style="list-style-type: none"> • Directorate-General for Public Health, Quality and Innovation 	Regional Federation of Roma Associations of Valencia (FAGA Valencia)

Ministry of Foreign Affairs, European Union and Cooperation (MAEUEC)	Federation of Roma Associations of Extremadura (FAGEX)
Ministry of Justice	Maranatha Federation of Roma Associations
Ministry of the Interior	Association Platform of Roma Associations of Romany Cantabria
Ministry of Public Works	Regional Roma Federation of Roma Associations of Castile-La Mancha (FRGCLM)
Ministry of Labour, Migration and Social Security	Federation of Roma Associations of Catalonia (FAGIC)
<ul style="list-style-type: none"> Secretary of State for Employment 	Association of Roma Women "Alboreá"
<ul style="list-style-type: none"> National Social Security Institute (INSS) 	Federation of Roma Associations of Aragon (FAGA Aragón)
<ul style="list-style-type: none"> Directorate-General for Migration 	Sociocultural Federation "E Roma Va". Canarias
Ministry of Industry, Commerce and Tourism	Roma Youth Association of Extremadura (AJGEX)
Ministry of the Presidency, Relations with the Chamber of Deputies and Equality	Roma Promotion Association of La Rioja (APGR)
<ul style="list-style-type: none"> Government Office for Gender Violence 	Association of Teachers with Roma (AEEGG)
<ul style="list-style-type: none"> Directorate-General for Equal Treatment and Diversity 	Socio-Cultural Association of Ethnic Minorities "Unga" Asturias
<ul style="list-style-type: none"> Institute for Women and Equal Opportunities (IMIO) 	Federation of Roma Associations of Castile and León (FAGCyL)
Ministry of Planning Policy and Public Services	
Ministry of Education, Culture and Sport	

The term of office for the representative of the Roma associative movement organisations lasts four years and is renewed through a public call.

The 20 members that represent the Roma associative movement are selected through a process organised through appointment, by the Council president, at the proposal of each of the organisation interested in becoming a member. Organisations are selected through a public call issued by the Ministry responsible for the Council.

State-level organisations and groups of organisations, taking the form of confederations, federations, platforms or similar, may respond to the call. If an organisation wishes to apply but does not meet requirements, they may do so if their candidacy is endorsed by at least six organisations from the Roma associative movement, provided that they are not responding to the call themselves. These organisations may only endorse two applications.

Also, organisations must:

1. Be legally established and, where appropriate, listed in the corresponding registry, following their legal status.
2. Be non-profit.
3. Have a statutory purpose falls within the areas of social welfare or the fight against discrimination and racism, or that aim to address situations of need, marginalisation or the eradication of poverty and social exclusion that may affect the Roma population.
4. Have the scope to operate at the national level as set out in their statutes, or at least, be leaders in a particular regional field.
5. Have been formed for at least two years before the date of the public call, and have been active without interruption, except for newly formed organisations that are mainly comprised of federations or associations that have themselves existed for more than two years.
6. Have at least two years' experience of conducting efficient social interest programmes with Roma that subsidised with public funds.
7. Have volunteer staff to develop activities or programmes.

The CEPG is a mixed body, comprising of representatives of both Roma and pro-Roma organisations, but these organisations are never in the majority. The Ministries – and by consequence, the public administrations – are more heavily represented than civil society organisations. As far as the structure is concerned, the Ministry on which the Council depends is very well represented at its highest echelons. Only the second Vice Presidency is held by Roma or pro-Roma organisations proposed by the person in this position.

The CEPG has a secretariat, with staff assigned to it from the Ministry of Health, Consumer Affairs and Social Welfare (MSCBS). They assume the role of the technical secretary is to deal exclusively with calls for proposals and with the logistics of the CEPG's day-to-day business. This is a necessary task but does not do enough if the intention is to promote greater visibility and prominence of this important advisory body.

It is fair to say that the creation of the CEPG was the culmination of ten years of work during which Roma organisations demanded a fixed space for participation and dialogue between all of the organisations working with Roma groups and the State administration. After its creation and several years of operation, we observe serious problems that threaten or call into question the Council's existence.⁸²

After reviewing the CEPG's operations, which merit attention because of its political importance, we detected some shortcomings that we would like to present for possible review by the competent bodies:

- Operations are insufficient for the objectives that this body intends to fulfil: two plenary sessions per year and two working group meetings do not provide sufficient space for the government to exercise its consulting function with regards to public policies for Roma. This is undoubtedly due to underfunding. It is striking that ICT is not used to provide or expand these spaces.
- Structurally, this participatory body is dependent on the ministry that has, at different points in recent Spanish history, been responsible for social policies. This

⁸² This concern is widespread among all organisations. This scenario is described by different members of the CEPG, both past and present, in interviews that we conducted with each of them in this regard. Ricardo Hernández, José Carmona and Beatriz Carrillo in November 2019. Of course, we took the views that of each of them shared with into account while drafting the remarks that appear in this section.

has placed it in a position within the government hierarchy that has lacked strength and leadership, particularly when you take into consideration the fact that this ministry lost political clout and funding when competence for the social policy was transferred to the regions. In this vein, we said, back in our Roma Civil Monitor 2017 report, in one of our Governance recommendations: *"Promote accountability and cross-cutting activities between the National Advisory Council for Roma People and the Public Administration of the State. To achieve this, we would like to suggest that the Council be included in the structure of the Ministry of the Presidency, with its own budget to develop its own activities and to foster greater cooperation between the different Spanish Ministries."*⁸³ Despite the actions taken so far, and commitments made verbally about changing the structural dependence of this Council to the Vice Presidency of the Government, this has not yet occurred.

- The CEPG's viability is linked to the creation of a powerful technical team, recognised by all of the Roma organisations that participate in the Council, which can energise, provide content and promote the CEPG. The Roma associative movement has been demanding this for years, and despite multiple meetings to address this issue, verbal commitments, and several attempts to create this technical team, it has not yet materialised.
- The council has no communication policy, and the intense work that it sometimes carries out is not disseminated.
- The council has no work programme or strategic plan prepared with maximum participation that foresees periods of evaluation of new ideas about how it operates.
- The CEPG's procedural rules⁸⁴ should be rewritten to provide the Council with the necessary flexibility to prevent participation from being so excessively formal. The relationship between the council and legislative authorities should be regulated. It should allow non-member organisations or individual activists to participate at different levels.
- The process of choosing the CEPG's members is not transparent enough and more measures must be introduced to make this happen. In a body of this nature, making entry more democratic is a symptom of good health and mutual appreciation.

However, there is serious flaw as formalised channels for relations between the CEPG and the existing regional Roma bodies are missing, or at least they do not have a public dimension. This is fundamental because it is through these bodies that the evolution of public policies related to the Roma community can be observed and because, as we have previously stated, social policies are the responsibility of the regions. The new post-2020 EU Roma framework for equality, inclusion and participation cannot be effectively transferred to Spain without the active and coordinated participation of all of these advisory bodies. This must be a political priority for the immediate future.

⁸³ See the Roma Civil Monitor 2017 report at: http://plataformakhetane.org/wp-content/uploads/2018/11/RCM_2017_C2_Spain-electronic-PUBLISHED-ESP.pdf

⁸⁴ We have not found a published version of this document although we have had access to it through one of the CEPG member organisations.

RECOMMENDATIONS

Markets as a traditional form of work

To the Spanish Ministry of Social Security

1. To create a special self-employed status for street-trading vendors

An adapted fee within the system for the self-employed should be promoted for those people who work as street-traders, especially minority groups such as Roma, taking into consideration the specificities and peculiarities of this community. Improving the benefits that they have had to date, for example, the right to unemployment benefits and sick pay with the same conditions as those employees with regular salary.

To the Spanish Parliament

2. To approve a law on itinerant trade

To draft – with the participation of all stakeholders involved – and secure subsequent parliamentary approval of a specific law on street trading that recognises the diversity, characteristics and specific elements of this trade and that, through regulation, gives street vendors the chance to compete with large department stores and “low-cost” products.

To the Spanish Ministry of the Interior and local police

3. To regulate police operations in response to cases of police harassment in markets

To ensure protocols, that already include measures to prevent antigypsyism, are followed by State security forces and bodies to put an end to repeated episodes of harassment in markets or street-trading areas. Attempts to regularise the status of people who work in street trading should not just be a police operation but should be approached from the perspective of social intervention with the participation of professionals from the different areas of social action. It is clear that criminalisation does nothing to help resolve this complex situation.

Antigypsyism on social networks

To the parliamentary groups of the Spanish Parliament

4. To definitively approve an organic law on equal treatment and non-discrimination

To reignite and refocus the debate on the future Equal Treatment and Non-discrimination Law. This law should be given the status of an organic law. The debate must include Roma civil society, in the spirit of a truly participatory process so that the outcome delivers a law that serves as an instrument to combat all expressions that discriminate the Roma.

To the Spanish Government

5. To transform the Council for the elimination of racial or ethnic discrimination into an independent and active body as stipulated by European directive 2000/43/EC

It is necessary to improve the independence and effectiveness of this body, in particular as regards the capacity to ensure that individuals and groups that are discriminated against can fully enjoy their rights. Extension of its mandate should be considered, so that it covers, for all prohibited grounds of discrimination, the areas of employment and occupation, access to and supply of goods and services, education, social protection and social advantages, including hate speech related to these grounds in these areas. Powerful, public-funded awareness raising campaigns urgently need to be created and research studies supported. This new body must decisively promote the construction of counter-narratives, of an anti-racist narrative that dismantles simplistic and distorted

social and political arguments. Civil society must play an important role in this process. We need legal instruments that go well beyond including strategic litigation, but above all, this body must be independent and able to cast a critical eye at public policies in this field.

To the Spanish Ministry of Justice

6. Provincial prosecutors against hate crimes and discrimination must be proactive

These figures must be supported to play a much more proactive role. These prosecutors must study how they can act ex officio in the face of flagrant cases of hate speech on social networks, developing a coordinated response with Roma civil society. Roma organisations must feel that the prosecutors are on their side, following the example set by the provinces of Barcelona, Malaga and Valencia. The Ministry of Justice should promote an intense training plan on this matter so to ensure that these prosecutors are equipped with the knowledge, skills and sensitivity they need to carry out their role effectively.

To the Spanish Ministry of Health, Consumer Affairs and Social Welfare

7. To include a strand on antigypsyism as a priority in the new national strategy for policies for Roma after 2020

It is vitally important that this new perspective is included in the new strategy for Roma policies, combining it with continuity in policies to tackle poverty within the Roma community. We need objectives and lines of action, indicators and data collected to show us how actions in this field are having an impact. This is clearly transversal and requires public policies that attempt to deal with it in all of its expressions. This would require the creation of a specific working group within the Roma State Council that advises the government on what actions should be promoted and how. Specifically, to tackle antigypsyist hate speech, public policies should drive actions, equipped with the necessary resources, supporting Roma civil society, and with Roma voices and visions leading these initiatives, following the recommendations put forward by various European bodies.

To the companies that provide social networks, the Spanish Government and the European Commission

8. The social network service providers must step up their efforts and commitment to combat hate speech

Although there has been a lot of progress in this area and high hopes are held for the initiatives that are currently being implemented (Pact to combat Illegal Hate Speech Online and the AL-RE-CO project), social network providers (Facebook, Twitter, Instagram, YouTube, etc.) must increase their commitment to tackling hate speech. The mechanisms set up to delete messages are passive. If there is no one to flag their existence, messages are not deleted, and so hate speech is left on these platforms for years.

Participation, associative movement and Roma consultative councils: situation, function and results

To the Spanish Ministry of Health, Consumer Affairs and Social Welfare

9. An independent technical office for the CEPG

Provide the National Advisory Council for Roma People with an independent technical office that works to make the council more visible, active and efficient, particularly in terms of advising and collaboration with the Roma member organisations. Provide the CEPG with an independent budget to manage the technical office, its work plan and its activities autonomously. Include representation and work coordination duties in the Second Vice-President of the CEPG's portfolio.

The Spanish government should take advantage of the future new strategy to promote stable and constant collaboration between Roma council and the lines of action of the future Roma national strategy.

To the national government and regional governments with a Roma advisory body

10. To create permanent space for collaboration among Roma advisory bodies

Create a permanent space for collaboration, and the exchange of information and experiences between the various existing Roma advisory bodies, respecting their operational independence, with shared funding and regular face-to-face meetings to improve the way public policies for Roma – essentially the National Strategy Post 2020- are designed, monitored and evaluated.

To the regional governments that have not established a Roma advisory body

11. To set up regional Roma Councils at the regional level

Creation of a participatory council should be a priority in the regional political agenda. Regional councils should have an action plan, be suitably composed for Roma representation, have a structure consistent with the needs of the Roma population of the region, and be provided by the competent body, with an independent budget to fund its management and work, and with autonomy in the creation of its work plan. Additionally, it is very important that the heterogeneity of the Roma people is recognised and that entities representing Roma youth and women be included.

To the regional governments that have established a Roma advisory body

12. To strengthen regional Roma councils

Sufficient funds should be allocated for these advisory councils so that they can set their agenda autonomously and decide which topics and activities to work on. In regions where there is already a comprehensive Roma action plan, link the work of the council to the implementation of the comprehensive plans, giving support and advice on planned actions. These bodies should be able to decide on their structure and their independent work plan.

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