



21 June 2004

**SHADOW REPORT  
OF THE EUROPEAN ROMA RIGHTS CENTER**

**on the Kingdom of Spain's fifth periodic report**

**to the Committee on Elimination of Discrimination against Women  
(CEDAW 31<sup>st</sup> Session  
6 to 23 July 2004)**

**A. EXECUTIVE SUMMARY**

The European Roma Rights Center (ERRC)<sup>1</sup>, an international public interest law organisation, respectfully submits written comments on the Kingdom of Spain's fifth periodic report<sup>2</sup> ("State Report") for consideration of the Committee on Elimination of Discrimination against Women ("Committee") at its 31<sup>st</sup> Session from 6 to 23 July 2004.

This report addresses the situation of Romani<sup>3</sup> women in Spain and the particular problems they encounter in accessing the protections against discrimination and other human rights violations offered by the Convention on the Elimination of All Forms of Discrimination against Women ("Convention"). Romani women in Spain have been subject to intersectional discrimination on the basis *inter alia* of gender and ethnicity. Discrimination against Roma is widespread in Spain. Romani women's experience of discrimination is heavily influenced by their gender, creating particular kinds of obstacles above and beyond -- as well as compounded with -- problems posed by racial discrimination.

Unfortunately, data on Romani women's access to facilities in education, employment, health and political participation is for the most part lacking. The Spanish government has refused to collect data on ethnic minorities, claiming that the information relating to a person's membership in an

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<sup>1</sup> The European Roma Rights Center (ERRC) is an international public interest law organisation which monitors the situation of Roma in Europe and provides legal defence in cases of human rights abuse. Further information on the European Roma Rights Center is available on the web at [www.errc.org](http://www.errc.org)

<sup>2</sup> Fifth Periodic Report of State Parties: Spain (CEDAW/c/ESP/5) p.94 available at <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N03/330/27/IMG/N0333027.pdf?OpenElement> (last visited on 16 June 2004)

<sup>3</sup> In Spain, the term "Gitanos" is widely used in designating the ethnic group which is conventionally referred to as Roma or "Gypsies" in English. Hereinafter, the term "Roma" and its adjective form "Romani" are used in reference to Roma/Gypsies/Gitanos.

ethnic group is protected by the Constitution. While Article 18 of the Spanish Constitution protects the privacy of the individual and family, it does not *per se* prohibit the collection of data. It is clear from the European Directive and other EU documents on data protection that it is possible to collect data on ethnic minorities while conforming with privacy and data protection concerns. Jurisprudence of UN human rights mechanisms also emphasise the importance of data that is dis-aggregated on the basis of sex and ethnicity in assessing the extent to which States are in compliance with their obligations on equality and non-discrimination.

In the run-up to the current review by the CEDAW of Spain's compliance with the Convention, the ERRC has undertaken targeted desk and field research into the situation of Romani women in Spain. A summary of the findings of this research follows:

Article 2: Spain has recently incorporated elements of the European Directives 2000/43 (European Race Directive) and 2000/78 (European Employment Directive) into its domestic legislation. Article 13 of the European Race directive requires the creation of a specialised body charged with monitoring the guarantees therein on discrimination on the basis of race, and requires that adequate remedy be provided in cases of abuse. Under Spanish law, however, this specialised body is reportedly to be a department within the Ministry of Labour and Social Affairs, a factor that may seriously undermine its independence. In general, implementation of Spain's very new anti-discrimination law framework has yet to be assessed. Dramatic disparities in access to justice have in recent years been documented however. The Spanish non-governmental organisation *Barañi Project* published a study "Roma Women and the Spanish Criminal Justice System", which documents the disproportionate overrepresentation of Romani women in Spanish prisons. This study analyses the discriminatory forces in the criminal justice system and notes that discriminatory attitudes towards Roma have a serious impact on prosecution and conviction of Romani women.

Article 4: The Roma Development Plan of the Spanish government was put in place to alleviate the situation of the Romani community. Romani participation in designing projects has reportedly been marginal. Recently, an evaluation of the plan was completed, but gender concerns were hardly mentioned in the evaluation, much less mainstreamed. The Spanish government's Fourth Plan on Equal Opportunities for Women and Men does not address any concerns that are specific to Romani women, such as that Romani women face particular and significant barriers in accessing employment.

Article 5: Romani women's experience of domestic violence is influenced by their position as women belonging to a marginalised community in Spain. Some churches reportedly play an important role in the organisation of domestic relations and preventing physical abuse, but these relations are cast in patriarchal terms that value female submission and male protection. Romani women are often reluctant to use the mainstream mechanisms for combating gender violence, including filing complaints, for fear of further perpetuating images of the "violent Romani man". Interviewees suggest that as a first step, Romani women and girls should have independent spaces in which taboo subjects such as domestic violence can be discussed. They also call for greater co-operation between Romani women's organisations and mainstream women's organisations.

Article 7: A few Romani women have occupied high profile and responsible positions in inter-governmental organisations. However, much needs to be done to promote wider political participation of Romani women. Romani women's associations are a recent phenomena and many of them do not have resources to mobilise women. Political parties do not put up many Romani candidates in the party list.

Article 10: Discrimination in the education system is a reality for many Romani children. Incidents of vehement opposition to the admission of Romani children in schools by non-

Romani parents have been reported from Spain. A disturbing tendency of segregation of Romani children in public schools has also been reported. A disproportionate number of Romani girls drop out of school after elementary school and the reasons attributed include patriarchal values that place a premium on female "honour".

Article 11: Roma in Spain tend to be employed in the informal economy: as street-vendors, garbage collectors, domestic workers and so on. All research suggests that Romani women tend to be more unemployed than Romani men. Significantly, research also shows a great deal of prejudice on the part of employers and co-workers towards employing Romani women, so much so that some of them claim to be non-Roma from Latin American countries. Job creation programmes such as the "ACCEDER" programme for Roma have been found to have a gendered impact; women tend to be concentrated in lower paid jobs than men. Unfortunately, the State Report and other government document focus on training for women, ignoring the role of discrimination in employment.

Article 12: The poor living conditions of many Roma have a serious impact on their health. Research suggests that Romani women tend to be more unhealthy than women belonging to the general population. Research has found that women's life expectancy is lower in Romani communities, and child mortality rates are higher among girls than among boys. Romani women have complained of the hostility they have experienced at the hospitals and also of the tendency to segregate all Romani women together in some health care facilities.

Article 16: Romani marriages are not recognised in Spain and the consequences of this are borne disproportionately by women, given that many of them are unemployed. A case is pending before the Spanish Constitutional Court on this issue.

In view of the above, the ERRC recommends that Government of the Spain:

1. Collect and publish in a form readily comprehensible to the public disaggregated data on the basis of sex and ethnicity on the situation of Romani men and women in the fields of education, housing, employment, health care, and other relevant sectors.
2. Without delay, ratify Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Without delay, ratify the Additional Protocol to the European Social Charter, providing for a Collective Complaints mechanism.
3. Ensure that the "Council for the Promotion of Equal Treatment and Non-Discrimination of People on Grounds of Racial or Ethnic Origin" is a fully independent body, that is adequately staffed and funded, and that it is competent to examine issues related to intersectional discrimination.
4. Officially recognise Roma as an ethnic minority.
5. Encourage and provide incentives for the inclusion of women from minorities, particularly Romani women, in the national and local administration, law-enforcement bodies and the judiciary.
6. Devise comprehensive programmes for the rehabilitation of women prisoners who have completed their terms. Provide long-term sustainable measures to ensure that they are fully reintegrated into society.
7. Reconceptualise the Roma Development Plan as a programme of positive action to ensure equality in practice, taking into account the history of discrimination of the Romani community in Spain and the continuing impact of racism at all levels of Spanish society.

8. Require that gender concerns are mainstreamed and greater participation of Romani men and women is ensured in designing, implementing and monitoring of projects under the Roma Development Plan.
9. Require the Institute of Women's Affairs to develop programmes targeted at Romani women and girls that aim to improve their access to health, education, employment and political participation and also provide services to combat violence against them. Facilitate the development of links between Romani women's organisations and mainstream women's organisations.
10. Undertake urgent measures to remedy the under-representation of Romani women in public institutions.
11. Address on a priority basis the disproportionately high rates of school abandonment among Romani girls.
12. Take urgent measures to put an end to the overrepresentation of Romani boys and girls in public schools and provide comprehensive measures to ensure that all Romani children in Spain enjoy full and unimpeded access to mainstream education. In this regard, pay particular attention to how compensatory education programmes have led to segregation of Romani children.
13. Ensure that teachers receive adequate training on the cultural specificities of minority communities in Spain, and on the obligation not to discriminate, in particular in those schools with a significant number of Romani pupils.
14. Investigate levels of unemployment among Roma women and develop and implement initiatives to address the root causes of their limited access to employment.
15. Develop and implement effective programmes aimed specifically at improving the access of Romani women and girls to healthcare; replicate instances of good practice in provision of health education, such as the training of Romani women health mediators, which is being successfully implemented in other countries.
16. With a view to ensuring that Romani women and girls do not suffer discriminatory treatment in accessing healthcare, provide information to medical personnel on minorities in Spain, particularly as regards the Romani minority, and training on the legal obligation not to discriminate.
17. Provide training to both public and private actors in Romani history, cultural practices and the contributions of the Romani community to Spain.
18. At the highest levels, speak out against the problem of anti-Romani sentiment, which particularly affects the capacity of Romani women to fully enjoy all their rights. Address the problem of widespread racism, and gender stereotyping by developing resource materials and conducting comprehensive training for national and local administration, educational institutions, law-enforcement authorities, the judiciary, health-care providers, media, and other key institutions.

## **B. DETAILED DISCUSSION**

### **I. Background information on Roma in Spain**

Roma have been living in Spain since the fifteenth century. At various points of their history in Spain, Roma have been subjected to serious persecution, beginning with an anti-Roma law in 1499 and followed by a series of attempts at collective expulsion, mass arrests and forced assimilation. Discriminatory legislation against the Romani population such as Civil Guard police regulations and the Law on Social Danger existed until 1978, when the Constitution formally prohibited any obstacle to the Roma exercising full rights as Spanish citizens.

It is estimated by the State that the Spanish Romani population comprises around 600,000-650,000 persons.<sup>4</sup> The Roma have yet to be recognised by the State either as an ethnic minority or as a national group such as the "pueblos" of Basques or Catalonians. Spain does not have any national governmental institution responsible for the situation of the country's minority groups.

### **II. The need for data disaggregated by sex and ethnicity**

In its Concluding Observations on Spain's third and fourth periodic report, the Committee noted "a lack of data and information on the situation of other groups of particularly vulnerable women."<sup>5</sup> In the State report, the Spanish government asserts that it does not collect data on the Romani community because "any attempt to quantify the gypsy population must take into account the fact that data on membership of this ethnic group are protected by the Constitution."<sup>6</sup> Spain has made similar submissions in its report to the Advisory Committee on the Framework Convention on National Minorities.<sup>7</sup>

Article 18 of the Spanish Constitution protects individual and family privacy as well as personal reputation.<sup>8</sup> Paragraph (4) of this article states that "The law shall restrict the use of data processing in order to guarantee the honour and personal and family privacy of citizens and the full exercise of their rights." It is clear that Article 18(4) is meant to respect individual and family privacy. It therefore appears that what Article 18(4) envisages is restrictions on identification of individual(s) and disclosure of personal information and not a complete prohibition on data collection.

This interpretation is in harmony with the European Union data protection framework. Most recently, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 "on the protection of individuals with regard to the processing of personal data

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<sup>4</sup> Report submitted by Spain pursuant to article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities part one (ACFC/SR(2000)005, December 2000) available at [http://www.coe.int/T/e/human\\_rights/Minorities/2\\_FRAMEWORK\\_CONVENTION\\_\(MONITORING\)/2\\_Monitoring\\_mechanism/3\\_State\\_reports/1\\_First\\_cycle/1st\\_SR\\_Spain.asp#TopOfPage](http://www.coe.int/T/e/human_rights/Minorities/2_FRAMEWORK_CONVENTION_(MONITORING)/2_Monitoring_mechanism/3_State_reports/1_First_cycle/1st_SR_Spain.asp#TopOfPage) (last visited on 8 June 2004) (hereinafter referred to as "FCNM Report").

<sup>5</sup> Report of the Committee on the Elimination of Discrimination Against Women, Twentieth session (19 January-5 February 1999), twenty-first session (7-25 June 1999) (General Assembly Official Records Fifty-fourth session Supplement No. 38 (A/54/38/Rev.1) para 273.

<sup>6</sup> State Report p. 87.

<sup>7</sup> Spain FCNM Report, part two.

<sup>8</sup> Constitution of Spain, 1978.

by the Community institutions and bodies and on the free movement of such data" states: "(a) 'personal data' shall mean any information relating to an identified or identifiable natural person hereinafter referred to as 'data subject'; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity".

Recommendation No. R(97) 18 of the Council of Europe Committee of Ministers concerning the protection of personal data collected and processed for statistical purposes, distinguishes between "personal data" relating to an identified or identifiable individual and "anonymous" data where the individual is not identifiable.<sup>9</sup> The Committee of Ministers notes that "[statistical results] are not personal data, as they are not linked to an identified or identifiable natural person."<sup>10</sup>

In the absence of data that is disaggregated on the basis of sex and ethnicity, it is difficult to assess the extent to which Romani women have been able to access facilities in sectors such as education, employment, housing, health and political participation. Information is drawn from anecdotal evidence, testimonies and informal surveys, which are inadequate substitutes for properly conducted data collection and processing exercises in the above-mentioned sectors. Policies drawn in the absence of comprehensive data may not necessarily meet all of the requirements of the targeted group. In fact, the Spanish government itself has acknowledged in its FCNM report that the data it relies on comes from varied sources and notes that "the information we have on certain communities, such as the Roma, is based on sociological research and surveys carried out at local and regional level by different authors, using different methods, and with different content".<sup>11</sup> Significantly, in Spain's second National Action Plan on Social Inclusion, the Spanish government has acknowledged the importance of collection of data relating to the Roma community's access to a range of services and states its intention to "gather updated information on the Gypsy population through reports and research, and to evaluate the impact of the corresponding social policies."<sup>12</sup>

Reports of UN monitoring bodies, intergovernmental and non-governmental organisations have also stressed the importance of collecting and disaggregating data on the basis of ethnicity and gender. For instance, the Committee on Elimination of Racial Discrimination (CERD) in its General Recommendation no.25 notes that "Data which have been categorised by race or ethnic origin, and which are then disaggregated by gender within those racial or ethnic groups, will allow the States parties and the Committee to identify, compare and take steps to remedy forms of racial discrimination against women that may otherwise go unnoticed and unaddressed."<sup>13</sup> The European Monitoring Centre on Racism and Xenophobia's (EUMC) report "Breaking the

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<sup>9</sup> See Appendix to Recommendation No. R (97) 18.1 Definitions, at: <http://cm.coe.int/ta/rec/1997/97r18.html>

<sup>10</sup> See Explanatory Memorandum to Recommendation No. R(97) 18 of the Committee of Ministers to Member States concerning the protection of personal data collected and processed for statistical purposes, adopted by the Committee of Ministers on 30 September 1997, at the 602nd meeting of the Ministers' Deputies, at: [http://cm.coe.int/ta/rec/1997/ExpRec\(97\)18.htm](http://cm.coe.int/ta/rec/1997/ExpRec(97)18.htm)

<sup>11</sup> State FCNM report, part two.

<sup>12</sup> Second National Action Plan on Social Inclusion of the Kingdom of Spain (2003-2005) p.29 (hereinafter referred to as "second National Action Plan on social inclusion") p. 29, available at: [http://www.europa.eu.int/comm/employment\\_social/news/2001/jun/napincl\\_es\\_en.pdf](http://www.europa.eu.int/comm/employment_social/news/2001/jun/napincl_es_en.pdf), (last visited on 16 June 2004). "National Action Plans" are developed by European Union Member States within a policy framework existing since 2000.

<sup>13</sup> Committee on the Elimination of Racial Discrimination *General Recommendation No. 25: Gender related dimensions of racial discrimination*: 20/03/2000 (Fifty-sixth session, 2000) para 6.

Barriers: Romani Women and Access to Public Health Care" (hereinafter referred to as "EUMC Report") notes how data collection serves several purposes that promote genuine equality.<sup>14</sup> After referring to the various inter-governmental and national initiatives in Europe on this issues, this report lays down guidelines on data collection that seek to provide information without violating privacy.<sup>15</sup> The Open Society Institute's EU Accession Monitoring Program (EUMAP), in its report on the situation of Roma in Spain (hereinafter referred to as "EUMAP Report"), notes the concerns of Romani leaders who point out that while the national statistical institute systematically compares the data pertaining to various autonomous communities, this is never done for Roma anywhere in Spain by the Government.<sup>16</sup>

It is clear that the legal arguments against data collection on ethnic minorities, including the Roma, are flawed. Since there is scant comprehensive information on the situation of Roma, particularly Romani women in various sectors, there is an obvious need for disaggregated data, particularly on sex and ethnicity.

### **III. Discussion by Article of the Convention of the Situation of Roma in Spain**

#### **Article 1: Definition of Discrimination**

##### **Intersectional discrimination**

In recent times, international human rights mechanisms have come to recognise that women across the world suffer from the impact of "intersectional discrimination"<sup>17</sup> owing to their race, ethnicity, religion, class, disability, alien status and/or other criteria. The Beijing Platform of Action declared that:

Many women face particular barriers because of various diverse factors in addition to their gender. Often these diverse factors isolate or marginalize such women. They are, inter alia, denied their human rights, they lack access or are denied access to education and vocational training, employment, housing and economic self-sufficiency and they are excluded from decision-making processes. Such women are often denied the opportunity to contribute to their communities as part of the mainstream.<sup>18</sup>

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<sup>14</sup> *Breaking the Barriers: Romani Women and Access to Public Health Care* (EUMC 2003) p.35.

<sup>15</sup> *Id.*, at p.36-37.

<sup>16</sup> *The Situation of Roma in Spain* in *Monitoring the EU Accession Process: Minority Protection Volume II Case Studies in Selected Member States* (Open Society Institute 2002), available at: [http://www.eumap.org/reports/2002/eu/international/sections/spain/2002\\_m\\_spain.pdf](http://www.eumap.org/reports/2002/eu/international/sections/spain/2002_m_spain.pdf) (last visited on 16 June, 2004).

<sup>17</sup> The term "intersectionality" refers to "[b]oth the structural and dynamic consequences of the interaction between two or more forms of discrimination or systems of subordination. It specifically addresses the manner in which racism, patriarchy, economic disadvantages and other discriminatory systems contribute to create layers of inequality that structures the relative positions of women and men, races and other groups. Moreover, it addresses the way that specific acts and policies create burdens that flow along these intersecting axes contributing actively to create a dynamic of disempowerment." *Report of the UN Expert Group Meeting on Gender and Racial Discrimination*, 21-24 November 2000, Zagreb, Croatia available at <http://www.un.org/womenwatch/daw/csw/genrac/report.htm> (last visited on 8 June 2004) (hereinafter to be referred to as UN Expert Group Report).

<sup>18</sup> *Beijing Platform for Action*, adopted at the Fourth World Conference on Women, 4-15 September 1995, Beijing, China (A/CONF.177/20/Add.1, paragraph 225) available at

This understanding of the impact of intersectional discrimination has been adopted by other UN mechanisms such as the Committee on the Elimination of Racial Discrimination (CERD)<sup>19</sup> and the World Conference Against Racism.<sup>20</sup>

### **How does intersectional discrimination affect Romani women?**

Discrimination against Roma is widespread in Spain and Romani women in Spain are subordinated by the intersection *inter alia* of race/ethnicity and gender. Public opinion surveys show intolerance of Roma is up to two times higher than that against Moroccans, who are the second most poorly viewed group in Spain. Up to 40% of the total population express an explicit prejudice against Romani men and women. A considerable percentage even believes that Roma are not Spanish citizens and should be expelled from the country. Such attitudes are found among all socio-economic classes, with a particularly alarming level of intolerance among university students.<sup>21</sup> In fact, the Spanish government has acknowledged that Roma are the most poorly viewed minority in Spain.<sup>22</sup>

Numerous cases of discriminatory acts such as forced evictions of Romani families and expressions of racial hostility against Roma by private actors have been reported in Spain in recent years.<sup>23</sup> Amnesty International has documented several cases of race-related abuse, torture and other ill treatment of immigrants and ethnic minorities including the Roma at the hands of both public authorities as well as private citizens.<sup>24</sup> The EUMAP report has noted that significant barriers exist in Spain that prevent Romani men, women and children from accessing education, employment, housing and healthcare.<sup>25</sup> This report also refers to the racism in the

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<http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm#framework> (last visited on 8 June 2004) (hereinafter referred to as "Beijing Platform for Action").

<sup>19</sup> Committee on the Elimination of Racial Discrimination *General Recommendation No. 25: Gender related dimensions of racial discrimination*: 20/03/2000 (Fifty-sixth session, 2000).

<sup>20</sup> *The Durban Declaration and Programme of Action* p.11 para. 69 (The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 31 August-7 September 2001) available at <http://www.unhchr.ch/pdf/Durban.pdf> (last visited on 8 June 2004); See generally, *Gender Dimensions of Racial Discrimination* (Office of the High Commissioner for Human Rights, 2001) available at <http://www.unhchr.ch/pdf/wcargender.pdf> (last visited on 8 June 2004).

<sup>21</sup> Patricia Barbadillo Griñan. "Extranjería, racismo y xenofobia en la España contemporánea". Centro de Investigaciones Sociológicas. Madrid 1997; Juan Diez Nicolás. "Los españoles y la inmigración". Colección Observatorio de la Inmigración. Ministerio de Trabajo y Asuntos Sociales. Madrid 1999; Tomas Clavo Buezas. "Crece el racismo, también la solidaridad". Tecnos. Madrid 1995; "El Racismo Que Viene, otros pueblos y culturas vistos por profesores y alumnos". Tecnos. Madrid. 1990.

<sup>22</sup> FCNM Report, part one.

<sup>23</sup> See "Romani Houses to be Demolished in Spain" Roma Rights No.4 2000 p.22; "Romani Children Blocked from Enrolling in School in Spain and Serbia and Montenegro" Roma Rights No.1 2002 p.105; "Parents of 633 students boycott the admission of three Romani children in Spain" Roma Rights No.2 2000 p.14; "Forced Evictions of 1000 Roma in Spain" Roma Rights No.3 1999 p.16. Roma Rights is the Quarterly publication of the ERRC, available also on the Internet at: [http://lists.errc.org/publications/roma\\_rights/](http://lists.errc.org/publications/roma_rights/)

<sup>24</sup> *SPAIN-Crisis of identity: Race-related Torture and Ill-treatment by State Agents* AI INDEX: EUR 41/001/2002 16 April 2002 available at <http://web.amnesty.org/library/Index/engEUR410012002?OpenDocument&of=COUNTRIES%5CSPAIN> (last visited on 9 June 2004).

<sup>25</sup> See generally EUMAP report, pp.283-359.



administration of criminal justice and cases of racially motivated violence by officials and private individuals.<sup>26</sup>

Spain does not recognise Roma as an ethnic minority. In fact, when it ratified the Council of Europe's Framework Convention on National Minorities, Spain neither made a declaration listing recognised ethnic minorities, nor defined the concept of a "national minority".<sup>27</sup> However, its report to the Advisory committee on the Framework Convention, focused entirely on the Roma. In the State Report to the CEDAW Committee, the government states that in Spain, "the term 'ethnic minorities' refers, in particular, to the gypsy population."<sup>28</sup> The Roma development programme<sup>29</sup> of the government and the autonomous communities has occasionally provided grants for NGO-sponsored courses in Romano-Caló, a language spoken by some Spanish Roma. Thus, the approach of the Spanish government to the issue of recognising a distinct Romani identity can at best be described as ambiguous. This approach stands in marked contrast to the recognition of various territorial nationalities in the Spanish Constitution. Some Romani activists have drawn a connection between the lack of recognition as an ethnic minority and institutionalised racism. For instance, Mr. Diego Luis Fernández Jiménez said "The problem in Spain is not the racism of some private individuals (which should be sanctioned) but institutionalised discrimination: the State does not recognise Roma either as an ethnic minority, or as a non-territorial 'nation' (*pueblo*). The Romani question, ignored for the last 15 years and still absent from the political agenda, is a question of political will and not a matter of social assistance schemes."<sup>30</sup>

Both United Nations and intergovernmental monitoring bodies have expressed concern about the situation of the Roma in Spain. Recently in its concluding observations on Spain, the Committee on the Elimination of Racial Discrimination (CERD) noted that while Spain had made some progress in this regard, it continued to be concerned about "the difficulties still faced by a large part of them in the fields of employment, housing and education, as well as about reported cases of discrimination in daily life."<sup>31</sup> In April of this year, the Committee on Economic, Social and Cultural Rights (CESCR), after taking note of the efforts taken by Spanish government in this respect, observed that "Roma population remain in a vulnerable and marginalised situation in the State party, especially with regard to employment, housing, health and education."<sup>32</sup>

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<sup>26</sup> Ibid.

<sup>27</sup> EUMAP report, p.338.

<sup>28</sup> State Report, p.87.

<sup>29</sup> In the State Report, references were made to the "Gypsy Development Programme", whereas in the FCNM Report the same Programme has been designated as "Roma Development Plan". Hereinafter, we shall be referring to this as the "Roma Development Plan" [RDP].

<sup>30</sup> Observations made in an interview held on 6 November 2001, quoted in EUMAP report, p.349.

<sup>31</sup> *Concluding observations of the Committee on the Elimination of Racial Discrimination : Spain* para.15 (sixty-fourth session 23 February-12 March 2004) (CERD/C/64/CO/6) available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/8443398e4bd3fde9c1256e980049896e?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/8443398e4bd3fde9c1256e980049896e?Opendocument)

<sup>32</sup> *Concluding Observations of the Committee on Economic, Social and Cultural Rights: SPAIN* para.9 (E/C.12/1/Add.99) (Thirty-second session 26 April – 14 May 2004) available at <http://www.ohchr.org/tbru/cescr/spain.pdf> (last visited on June 14 2004).

The European Commission Against Racism and Intolerance ("ECRI"), in its second report on Spain (hereinafter referred to as "ECRI second report"), observed that

Roma/Gypsies suffer from societal prejudice and face disadvantage and discrimination in many areas of life spanning from education to employment, housing and health... ECRI is also concerned at manifestations of racial violence, notably on the part of local communities, against the Roma/Gypsy population and urges the Spanish authorities to ensure a prompt and effective official response to any such actions."<sup>33</sup>

As the pre-ambular statement to the Convention makes clear, "eradication of apartheid, of all forms of racism, racial discrimination [...] is essential to the full enjoyment of the rights of men and women."<sup>34</sup> The climate of pervasive racial hostility and discrimination in Spain has a serious impact on Romani women's enjoyment of their rights. To take one example of how intersectionality often works, stereotypes about Romani women are connected to their sexuality as well as the supposed proclivity of Roma to criminal activities. For instance, in a very revealing statement, a policeman accused in April 2001 of sexually assaulting a Peruvian woman in custody told the judge: 'the gitana'<sup>35</sup> has been detained for drug trafficking and is trying to damage [my] reputation."<sup>36</sup> Thus, even though the woman in question was not of Romani origin, the kind of narrative that has been deployed is instructive of the nature of discrimination Romani women encounter. Thus, stereotypes surrounding the willingness of Roma to engage in crime converge here with a supposedly cunning abuse of female sexuality by Romani women.

The patriarchal attitudes and discrimination Romani women suffer in their families and within their communities is also profoundly shaped by the experiences of Romani men and women as members of a marginalised community. Field research shows that women are often charged with a lot of responsibilities in many families, often without adequate decision-making power. In this regard, social service programmes for the Roma has a "gendered" impact on Romani men and women. As these programmes – whether housing relocation to high-rises, minimum income benefits or job training workshops – are dedicated to families, women tend to bear the brunt of all the work.<sup>37</sup> Very often it is women who are tasked with attending the workshops and meetings in each of these areas, yet they are often not given decision-making power or greater independence to commensurate with the responsibilities.

The ERRC is aware of the Spanish Government's intention to develop activities related to equal treatment and opportunities in order to combat discrimination against Roma, as well as design programmes in order to further gender equality within the Romani community.<sup>38</sup> However, we would like to draw the government's attention to the intersectional character of discrimination, which creates particular kinds of burdens for Romani women. We would emphasise that discrimination against Roma and discrimination against women should not be viewed as distinct

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<sup>33</sup> *The European Commission Against Racism and Intolerance: Second Report on Spain* (Adopted on 13 December 2002) paras.43, 48 (CRI (2003) 40) available at [http://www.coe.int/T/E/human\\_rights/Ecri/1-ECRI/2-Country-by-country\\_approach/Spain/Spain\\_CBC2\\_pdf.pdf](http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Spain/Spain_CBC2_pdf.pdf) (last visited on 8 June 2004).

<sup>34</sup> Introduction to the Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

<sup>35</sup> A term commonly used to refer to Romani women in Spain.

<sup>36</sup> Quoted in EUMAP Report, p.336.

<sup>37</sup> Aware of this possible imbalance, Fundación Secretariado General Gitano (FSGG) in Andalusia has begun an adult education programme for Romani men.

<sup>38</sup> Second National Action Plan, p.29

processes, instead their interconnected character must be taken into account while devising policies and programmes for the Romani minority in Spain.

## **Article 2: Legislative and policy measures against discrimination**

Article 2(d) of the Convention requires the state parties "to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation." Spain has recently incorporated the European Directives 2000/43 (European Race Directive)<sup>39</sup> and 2000/78 (European Employment Directive)<sup>40</sup> into its domestic legislation. However, this process has not been completely satisfactory. One of the requirements of the Race Directive is the creation of a specialised body to promote equal treatment irrespective of race and ethnic origin. Under Spanish domestic law as it currently stands, this specialised body (which is called "Council for the Promotion of Equal Treatment and Non-Discrimination of People on Grounds of Racial or Ethnic Origin") is to be a department in the service of the Ministry of Labour and Social Affairs. Given the fact that discrimination against the Roma and other ethnic minorities in Spain by public authorities remains a serious concern, it is unfortunate that the body charged with monitoring this issue is not an autonomous entity.<sup>41</sup> Also, the extent to which this specialised body will examine questions relating to intersectional discrimination that women belonging to ethnic and racial groups face, remains to be seen. Other elements of the new anti-discrimination law have yet to be tested and thus assessment of the full implementation by Spain of the anti-discrimination *acquis* -- in particular, the full access of individuals to justice in instances in which they have suffered discriminatory harms -- cannot yet be fully undertaken.

### **Discrimination in the Criminal Justice System**

Though the 1978 Constitution eradicated discriminatory legislation against Roma, such as the special surveillance by the Civil Guard or the Law of Social Danger, prejudices about the proclivity of Roma to criminal activities are entrenched in the criminal justice system. This has particularly serious consequences for Romani women.

The Spanish non-governmental organisation *Barañi* Project has published a study "Roma Women and the Spanish Criminal Justice System."<sup>42</sup> This study documents the disproportionate overrepresentation of Romani women in Spanish prisons. During 1999, the *Barañi* team interviewed 290 Romani women in twelve prisons, and carried out in-depth interviews with numerous persons from the criminal justice system — police, prosecutors, judges and prison officials. According to the study, although Roma comprise approximately 1.5% of the total population of Spain, over 25% of Spanish women inmates are Romani. The study draws a connection between the widespread racism among public officials and the society at large and the imprisonment of these Romani women. It analyses the discriminatory forces in the criminal justice system itself. The study documents various steps in the chain of events, including police

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<sup>39</sup> Council Directive 2000/43/EC of 29 June 2000 "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin", available at [http://www.era.int/www/gen/f\\_13176\\_file\\_en.pdf](http://www.era.int/www/gen/f_13176_file_en.pdf) (last visited on 14 June 2004).

<sup>40</sup> Council Directive 2000/78/EC of 27 November 2000 "establishing a general framework for equal treatment in employment and occupation", available at [http://europa.eu.int/comm/employment\\_social/fundamental\\_rights/pdf/legisln/2000-78\\_en.pdf](http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/legisln/2000-78_en.pdf) (last visited on 14 June 2004).

<sup>41</sup> According to the ECRI General Recommendation no.7 on national legislation to combat racism and racial discrimination, "[t]he law should provide for the establishment of an independent specialised body to combat racism and racial discrimination at national level".

<sup>42</sup> *Roma Women and the Spanish Criminal Justice System*. The Barañi Project, Ed Metyel, Madrid 2001.

actions and strategies aimed at arrests; failure by prosecutors and judges to presume innocence; failure to provide alternatives to prison; inadequate legal aid and other issues leading to high levels of incarceration for long periods of time.

The study notes that discourse analysis of members of the criminal justice system indicates a strong pattern of bias, combined with systematic denial by individuals that they could be responsible for discriminatory treatment. Based on empirical evidence, the study observes that, compared with non-Romani women, Romani women are more actively pursued by police and other criminal justice officials when warrants are pending against them; are more likely to be targeted by police for spontaneous searches; have fewer guarantees in arrest procedures; are more likely to be tried, found guilty, and imprisoned; are less likely to receive alternatives to prison, less likely to be paroled, and less likely to receive pardons. The study notes that long sentences often in maximum-security prisons have destructive effects on women and very negative effects on their children and families. Unfortunately, Romani associations are reluctant to discuss this issue for fear that the information would only confirm widely prevalent myths of Roma as delinquents or criminals.

The discriminatory treatment meted out by the criminal justice system goes hand-in-hand with the unwillingness of many Roma to report crime. Interviews with Roma have confirmed their deep mistrust of the criminal justice system. Roma are even less likely to report cases of racism or discrimination.<sup>43</sup> Their mistrust of the system is reflected in a 2003 survey of 183 Roma women and 168 Roma men. 40% of Romani women and 35% of Romani men surveyed claimed to have "zero" confidence in judges, and 25% and 27% respectively claimed to have "little" confidence. Opinions regarding police were similar, with 42% of Romani men and women expressing "zero" confidence and 28% "little" confidence.<sup>44</sup>

The foregoing leads to the conclusion that access to justice is one of many instances in which the intersectional discrimination Romani women experience manifests itself. There is a need for substantial action on the part of stakeholders to build their confidence and trust in the administration of justice. An independent anti-discrimination body would play an important role in raising awareness, as well as tackling the widespread phenomena of intolerance and discrimination.

#### **Article 4: Temporary Special Measures**

##### **Affirmative action programmes for the Roma in Spain**

Article 4 of the Convention lays down that "Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention." In its general recommendation no. 25 on temporary special measures the Committee has clarified that:

Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men.

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<sup>43</sup> Refusal to report cases to the criminal justice system has been confirmed by the representative of the Area for the Promotion of Equal Treatment at the FSGG, whose job includes collecting data on cases of discrimination across the country. The FSGG's "Roma" magazine in its April 2003 issue provides a more in-depth analysis of such reports by the victims. Daniel Wagman: "Reports against Racism" in *Gitanos, Pensamiento y Cultura*. Nº 19.

<sup>44</sup> Data provided by the Colectivo IOE, Madrid, in a study still pending publication for the EUMC.

States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.<sup>45</sup>

In the State Report, the Government notes that the Institute for Women's Affairs, "an autonomous agency operating under the Ministry of Labour and Social Affairs,"<sup>46</sup> has co-operated with the Asociación Secretariado General Gitano for Romani women in helping Romani women find employment.<sup>47</sup> It also refers to the "Gypsy Development Programme" under which "grants have been provided for a number of comprehensive social intervention projects".<sup>48</sup> It may be noted that the government has provided information related to these programmes in the section titled "Exclusion" of the State Report.<sup>49</sup> This is in line with the vision underlying many of these programmes, which while providing targeted assistance to Romani women, is one that treats Romani women and the Roma population generally, as a "group-at-need" rather than as a group of right holders. The misplaced emphasis on social assistance means that this only generates dependence of the target group, and consequently causes resentment in the rest of the population.

In its second National Action Plan on Social Inclusion, the Spanish government notes that programmes under the Roma Development Plan (RDP) are targeted at "improvement of access to and use of public resources: reinforcement and support for required schooling of the Gypsy population, increasing training and entrance into the job market, promoting health education, providing support in forced changes of residence and generalising social aid for families."<sup>50</sup> Under the RDP, there has been very little acknowledgement of discrimination and its impact on the marginalisation of Roma. Thus it may be noted that the RDP is oriented primarily as a social welfare programme for an "at-risk" group rather than as a comprehensive mechanism for the protection of rights and the distinct identity of the Roma minority. It does not promote the processes of empowerment and cultural, social and political awareness.

Romani participation in devising projects under the RDP is another concern. The Committee on Economic, Social and Cultural Rights in its concluding observations on Spain directed the State party to "continue and strengthen its efforts to address the situation of the Roma population, increasing at the same time the involvement of Roma associations in the planning and implementation of such programmes."<sup>51</sup>

As the funding for the RDP is distributed on a year-by-year basis, it limits the possibility for long term projects, leading to what many experts call a "band-aid" approach. An evaluation (the only

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<sup>45</sup> Committee on Elimination of Discrimination Against Women *General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures* para 12 available at [http://www.un.org/womenwatch/daw/cedaw/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/General%20recommendation%2025%20(English).pdf) (last visited on 9 June 2004).

<sup>46</sup> State Report, p. 7.

<sup>47</sup> *Id.*, at p.94.

<sup>48</sup> *Ibid.*

<sup>49</sup> State Report, p.86.

<sup>50</sup> Second National Action Plan, p.11.

<sup>51</sup> *Concluding Observations of the Committee on Economic, Social and Cultural Rights: SPAIN* para. 26 (E/C.12/1/Add.99) (Thirty-second session 26 April – 14 May 2004) available at <http://www.ohchr.org/tbruc/cescr/spain.pdf> (last visited on June 14 2004).

one in 15 years) of the RDP has just been completed and shares many of these criticisms.<sup>52</sup> Ms Maria Jose Jimenez Cortiñas, vice president of the Roma Women Association Adikerando of Vigo, told ERRC researchers that Government policies oriented to Roma are "pathetic". She stated, "These are not social policies, but rather only measures that favour organisations keeping the Romani community dependent on charity."<sup>53</sup>

An evaluation of the Plan was completed recently. Unfortunately, the gender dimension was not mainstreamed into this process. In fact, there is a total absence of any discussion on how the Programme has affected women, except for a quote from NGOs saying that Romani women have benefited from some projects. Thus, important issues such as the need for projects targeted at Romani women and the "gendered" impact of projects under the RDP, was not addressed.

In the State Report, the Government refers to the CLARA Programme for women "at risk of being excluded to become integrated into society and into work force."<sup>54</sup> One of the target groups of this Programme is women belonging to ethnic minorities.<sup>55</sup> This programme is aimed at insertion into the job market and does not provide women with resources aimed at combating discrimination. Therefore, as in the case of RDP, this programme is also flawed in that the target group is treated as a group at risk and not as rights-holders.

The State report refers to the Fourth plan on Equal Opportunities for Women and Men and notes that the primary objective of this plan is to include gender mainstreaming in public policies.<sup>56</sup> Unfortunately, this equality plan makes no specific reference to the situation of Romani women. It does not propose any policies or programmes that would take into account the particular kinds of discrimination and other disadvantages Romani women face. For instance, Romani women are completely absent in its proposals on preventing violence against women. As noted with respect to the RDP, a comprehensive understanding of the problems faced by Romani women in Spain is lacking in the activities that the Institute for Women's Affairs and other departments for women's affairs within the autonomous communities and local governments have devised for the benefit of Romani women. Aid tends to be in reaction to specific problems or due to a particular demand.

In this regard, there have been some promising developments recently. Four Autonomous Communities have created or are in the process of creating their own Roma Development Programmes. Andalusia's programme highlights the need for specific Romani women plans, and the Basque Country's programme for the "Integral Advancement and Social Participation of the Romani People" also is gender-oriented and includes plans for advancing associative movements, fighting gender violence and health education. Yet another encouraging development is the Granada City Council's III Municipal Plan for gender equality. This incorporates a detailed section on the subject titled "Interculturality, Diversity and Plurality: Roma women and female immigrants." The 2001-2005 plan is based on findings from research that was carried out with the participation of associations that led to identifying needs that are to be addressed by the plan.<sup>57</sup>

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<sup>52</sup> Alvira, Franciso Martin. "Estudio – Evaluación del programa de desarrollo Gitano 1989-2000". Provisional draft.

<sup>53</sup> ERRC interview with Ms. Maria Jose Jimenez Cortiñas, March 25 2004, Madrid.

<sup>54</sup> State Report, p. 59.

<sup>55</sup> Ibid.

<sup>56</sup> State Report, p. 14.

<sup>57</sup> Among the priorities of the Romani women consulted, those that stand out most are of a civic nature: a centre for advice and orientation for Romani women on all the subjects that affect them; public recognition of the identity of Roma women and the promotion of their language and culture; places to get together and be heard;

Though these plans appear promising in that they have integrated the concerns of Romani women, this has to be followed through with the development of imaginative projects with the participation of Romani women.

## Article 5: Sex Role Stereotyping and Prejudice

### Violence against Romani Women

The CEDAW committee in its general recommendation no. 19 on violence against women has stated that:

Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms.<sup>58</sup>

Like women belonging to the majority community, Romani women are also subject to domestic violence. Romani women are usually very cautious in discussing the topic with researchers. Researchers were told that "The question of gender violence is a somewhat taboo subject. Romani women do not talk about this. Sometimes someone refers to 'other women' who suffer violence. Sometimes there have been cases of a woman's own mother approving of her son in law hitting her daughter."<sup>59</sup> Some of the interviews expressed the view that the increasing autonomy of Romani women due to education and employment has had various consequences. On the one hand, many men are actively supporting women's greater autonomy and empowerment. On the other hand some men have adopted hard-line authoritarian attitudes.<sup>60</sup>

Another important factor is reportedly the role of the Evangelist church. Almost half the Spanish Roma are members of the Evangelist church, and the church has considerable influence over the ordering of domestic life. Some activists have criticised the church for promoting conservative roles.<sup>61</sup> While its activities have reportedly led to a decrease in alcohol and drug abuse and domestic violence among men, it works within a patriarchal framework, affirming women's submission and men's protective role.

The stereotypes of the "violent Romani man" and the community's "proclivity to crime" has a serious impact on the manner in which Romani women deal with domestic violence. Ms. Sara Jiménez, a lawyer, told ERRC researchers, "Gender violence exists in all cultures, but I think this should be handled with care, in that unfortunately when there are incidents of this type the

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promotion of associations; public awareness campaigns for Romani women; and the promotion of new role models to eradicate negative stereotypes, etc.

<sup>58</sup> Committee on Elimination of Discrimination Against Women *General Recommendation No. 19 (11th session, 1992) on Violence against women* para. 11.

<sup>59</sup> ERRC interview with Ms. Isabel Jiménez, March 30, 2004, Zaragoza.

<sup>60</sup> ERRC interview with Ms. Raquel Saavedra, March 26, 2004, Extremadura.; A similar view was expressed in ERRC interview with Mr. Pedro Aguilera, March 31, 2004, Barcelona.

<sup>61</sup> ERRC interview with Ms. Carmen Mendez, March 31, 2004, Barcelona.

majority society points at this as reaffirming negative stereotypes about Roma. Generalisations are made about the 'violent Romani man'.<sup>62</sup> Romani women therefore, rarely take recourse to the measures proposed to fight gender violence, as they frequently do not trust the structures set up in a society where racial prejudice against the Roma is widespread. This is a clear example of intersectionality, showing how gender in combination with race stereotypes creates a particular kind of burden for the Romani woman victim of domestic violence in that she is left without any recourse to a remedy that would uphold her rights.

Members of women's associations believe that as a first step Romani women and girls should have independent spaces where they can meet to discuss taboo topics. Another issue that needs to be addressed is the need to have greater co-operation between Romani women's associations and the mainstream women's associations. Some Romani women demand an overhaul of Romani associations, with an infusion of people from the younger generation in decision-making capacities in these associations. They also demand resources from the Institute for Women's Affairs and the Ministry of Social Affairs.

The UN Expert Group Report noted that "intersectional discrimination which results in subordination creates consequences for those affected in ways which are different from consequences suffered by those who are subject to one form of discrimination only, be it based on race, gender or some other form of discrimination".<sup>63</sup> The field research on Romani women's experiences of domestic violence and the manner in which they have sought to deal with it confirms this. Unfortunately, the government's schemes to prevent gender-based violence does not seem to take into account the disadvantages faced by women belonging to marginalised groups. It is, however, absolutely important to factor in the intersectional dimension of discrimination in drawing up a policies on gender-based violence.

## **Article 7: Political and Public life**

### **Participation by Romani women**

The Committee has stressed the importance of political participation in advancing women's human rights. In its general recommendation no.23 on article 7, the Committee stated that:

It refers to the exercise of political power, in particular the exercise of legislative, judicial, executive and administrative powers. The term covers all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels. The concept also includes many aspects of civil society, including public boards and local councils and the activities of organisations such as political parties, trade unions, professional or industry associations, women's organisations, community-based organisations and other organisations concerned with public and political life.<sup>64</sup>

There have been some developments in Spain in recent times with respect to the political participation of Romani women. For instance, a Romani woman Ms. Carmen Santiago represented the Spanish government to the Council of Europe's Specialist group on Roma/Gypsies until March 2001, when she was replaced by another non-Romani government

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<sup>62</sup> ERRC interview with Ms. Sara Jiménez, March 30, 2004, Huesca, Aragón.

<sup>63</sup> UN Expert group report *supra* note 17, part C.

<sup>64</sup> Committee on Elimination of Discrimination Against Women General Recommendation No. 23 (16th session, 1997) on Article 7 (political and public life) para 5.



official. More recently, another Romani woman, Ms. Pilar Heredia came very close to being elected to the Spanish parliament. However, apart from these high profile examples, much needs to be done to enhance Romani women's participation in all sectors of public life.

One of the criticisms raised against Romani associations is that they have very little political clout and this has an impact on the extent to which Romani women can become politically active. The government uses the Romani organisations increasingly to handle certain social services, and they rarely have the possibility to play a more active political role. In an interview with the ERRC,<sup>65</sup> Ms. Pilar Heredia stated that she believes it is time for real politics, noting that serious political awareness and participation are the only tools that can replace those small efforts to address "such a big wound" to achieve real progress.

Many of the women interviewed by the ERRC blamed their own communities for not being better organised and more politically or socially aware, while others noted that the changes in women's roles is largely due to the work of Romani associations, particularly women's groups. The situation of Romani organisations in different regions in Spain offer differing interpretations. For example, due to the larger size of the Romani population in Andalusia, Roma there seem to have a greater political voice and Romani organisations seem often to have more resources than elsewhere in Spain. By contrast, the Romani population in Madrid has been segregated in marginal shantytowns, considerably limiting a larger political involvement for Romani organisations. Political parties blame Roma for not seeking a more active role, yet the parties are accused of not really having an interest in the Romani community, nor in promoting positive action to put Romani men and women on election lists.<sup>66</sup>

Another drawback is that while the associations are a very important sector for social activity, they have suffered various crises in the definition of their role. Overall, women's associations are an important recent phenomenon. But they also have their share of problems. Many of the more modest organisations complain that they barely receive government funding and that they are overshadowed by the larger, more professional groups that obtain more financing and thus emerge in the eyes of the State and general public as the only representation of Roma. Although these smaller organisations offer quality services, it would be difficult for them to play a significant role in political activities or promote a Romani women's liberation movement in the absence of sufficient resources.

Assessment of Romani participation would be incomplete without discussion of the role of the Evangelical movement.<sup>67</sup> As noted earlier, it is estimated that nearly half the Roma in Spain define themselves as Evangelists. Questioned on the matter, experts and association representatives expressed a sense of ambivalence towards the extent to which the church can foster an active social and political participation of Romani women.<sup>68</sup> On one hand, they said the church and its

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<sup>65</sup> ERRC interview with Ms. Pilar Heredia, April 6, 2004, Madrid.

<sup>66</sup> According to statistics from Aguilera (2000), there were only 17 Roma candidates in the last elections, 15 of which were for municipal elections. Only two of these were elected. Of the 17 candidates, only three were female. A Roma woman won a certificate of election for the first time in history in Spain's most recent general elections (March 2004).

<sup>67</sup> On this issue, see: Méndez, C. (2001): "Roma Women between Catholicism and Pentecostalism," in *Roma Women Conferences at the UIMP*, Valencia: Generalitat Valenciana. Gay Blasco, P. (1999): *Gitanos of Madrid. Sex, Gender and the Performance of Identity*. Oxford: Berg.

<sup>68</sup> Numerous experts commented on this issue: ERRC interview with Mr Juan Gamella March 30, 2004 Granada; ERRC interview with Ms Raquel Saavedra March 26, 2004, Extremadura; ERRC interview with Ms. Carmen Méndez March 31, 2004, Barcelona; ERRC interview with Mr. Pedro Aguilera March 31, 2004 Barcelona; ERRC interview with Ms. Sara Jiménez, March 30, 2004 Huesca, Aragón.

activities provide a new platform that caters to the Roma communities' spiritual and social needs and allows women to have certain independence and broader social contacts. But at the same time, it is a movement with a conservative view of women's role in the family and society and reaffirms the status quo – beginning with the fact that only men can be pastors. There have been some promising changes recently and some pastors have begun to support some causes that could influence certain progress for Romani women, such as education for girls or directing job-training courses.

Finally, although Spain's second National Action Plan to combat social exclusion includes several proposals to promote education, healthcare and employment, there are no proposals to promote the political participation of Roma, let alone Romani women.

## **Article 10: Education**

### **Education of Romani girls and women**

In the State Report, the Spanish Government has provided data on education that is disaggregated on the basis of sex.<sup>69</sup> It reports that a higher percentage of women now complete education at all levels.<sup>70</sup> However, in the absence of data that is also disaggregated on the basis of ethnicity, it is impossible to assess the extent to which girls and women belonging to marginalised groups such as Roma have fared in the education system.

Romani children continue to be disadvantaged in accessing educational opportunities. In recent years, some incidents of non-Romani parents opposing the admission of Romani children in schools have been reported.<sup>71</sup> In an incident widely reported in the Spanish media, journalists from *TeleMadrid*, a private local television station in Spain, conducted tests of kindergartens using hidden video cameras (a lawful practice in Spain), in order to document discriminatory practices in admissions procedures. One journalist was given extensive advice by a member of the state organisation of kindergartens as to how to open a kindergarten such that no Romani children would be admitted. The interviewed official sternly admonishes the journalist, who had posed as a person wishing to open a kindergarten, not to admit any "Gypsy children" at all, "or else soon you will be swamped with Gypsies." In the video recording, the same administrator advises the journalist not to explicitly discriminate, "since this would be illegal", but rather to place Romani children indefinitely on a waiting list until the parents' interest in enrolling their children waned.<sup>72</sup>

It appears that some compensatory education programmes, meant to promote education and thereby, social integration, may have led to segregation of Romani children and the perpetuation of damaging stereotypes against the Romani community. For instance, in the 1980s, the Madrid Autonomous Community initiated a Compensatory Education Program for children with scholastic handicap. As of December '99, almost half the primary school students in this program were Romani. Researchers note that there is a clear tendency to define *a priori* Romani children as requiring compensatory education and for them to continue in this programme during their entire school education. Research shows how this programme helped entrench detrimental attitudes

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<sup>69</sup> State Report p.38.

<sup>70</sup> Ibid.

<sup>71</sup> EUMAP report *supra* note 16 p.306; Also see *supra* note 23.

<sup>72</sup> Romani Children Blocked from Enrolling in School in Spain and Serbia and Montenegro Roma Rights No.1 2002 p. 105.

about Romani children's motivation and scholastic ability. Out of a total of 299 Romani students enrolled in Madrid's public high-school as of December '99, 168 were in compensatory programmes and a third of these are in only two schools, creating a clear situation of segregation.<sup>73</sup>

The EUMAP report notes that after the abolition of bridge schools for Romani children in 1986 and the mainstreaming of Romani children's education a new-segregationist tendency has emerged: public schools situated near Romani neighbourhoods became Roma-dominated or Roma-only schools, following the withdrawal of non-Romani children by their parents who were reluctant to send their children to school together with Romani children.<sup>74</sup> International monitoring bodies such as the UN Committee on Elimination of Racial Discrimination, UN Committee on the Rights of the Child, and European Commission on Racism and Intolerance has taken note of this disturbing scenario and has urged the Spanish government to take appropriate steps including the creation of an education commission comprised of Romani civil society organisations and public officials to examine and evaluation of all steps taken to promote desegregation.<sup>75</sup>

Recent research by the Fundación del Secretariado General Gitano (FSGG)<sup>76</sup> indicates that nearly all Romani boys and girls in Spain are enrolled in primary education (from ages six to 12). However, there is a shortfall of Romani students attending secondary school. Higher levels of poor academic performance than the general population and school absenteeism continue to affect Romani children's complete access to education (according to the ECRI second report absenteeism is as high as 70% for Romani children over the age of 14 and for Romani girls over the age of 14, the figure is very high: 90%)<sup>77</sup>.

Another recent report<sup>78</sup> shows that there are various reasons for early school abandonment rates among Romani girls, though one of the main reasons is Romani families' increased control over girls as they enter adolescence. Multiple interviewees expressed a fear that the amount of freedom allowed in secondary school could "threaten" the young women and their families' "honour".<sup>79</sup> School education is an area where parent's attitudes towards girls' education is heavily influenced by gender stereotypes. As one expert suggested, when a family has a low social status, school abandonment rates among boys and girls are equal; but in families with more financial and academic resources, often more importance is frequently placed on controlling women than on fostering their education.<sup>80</sup>

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<sup>73</sup> The results of this research was published in Fernando Villareal and Daniel Wagman (ed) *Roma, Travellers, and Discrimination, a Transnational Study* (FSGG, 2000).

<sup>74</sup> EUMAP report, p.302.

<sup>75</sup> See Concluding Observations by the Committee on the Elimination of Racial Discrimination: Spain. 19/04/2000 (Fifty-sixth session 6-24 March 2000) para. 10; Concluding observations of the Committee on the Rights of the Child: Spain Thirtieth session (13 June 2002) para. 42; ECRI second report *supra* note 33, para. 44.

<sup>76</sup> Fundación Secretariado General Gitano (2002): *Evaluation of School Situation of Romani students in Primary Education*, FSGG, Madrid.

<sup>77</sup> ECRI second report para. 44.

<sup>78</sup> *The Issue of Roma Women. Reflections on Education and Social Change*. Begoña Pernas, 2004, I.R.I.S.

<sup>79</sup> Romani Women in focus group, IONE Research, 20003 (Interviews on file with ERRC Researchers).

<sup>80</sup> ERRC interview with Ms. Alexandrina Da Fonseca, March 25, 2004.

According to some Roma associations, the number of Roma pursuing university education is estimated to be around 500. *Fundación Secretariado General Gitano* (FSGG) is carrying out a programme called "Facilitating the access and the continuity of Roma young students in intermediate and University studies". The programme provides both pedagogical and financial support for Romani students in order to facilitate university education. Though not aimed specifically for them, Romani women have benefited from the programme.

Another promising model to foster Romani education has been developed in Barcelona by the *Fundación Pere Closa*. The *Siklavipen Savorença* programme ("Education for Everyone" in Romani language) is targeted to help the highest number of Romani students make the transition from primary into secondary education. The project officers worked closely with Romani children, their families and school staff. They have taken into consideration the particular barriers that Romani girls face in accessing secondary education. Educational, cultural and social activities have been organised under the programme. Nearly all of the students who enrolled in this programme are still in secondary education and every year more and more students participate.

In its second National Action Plan on social inclusion, the Spanish government has signified its intention to promote education of Roma at all levels from elementary school to university and, significantly, the education of Romani girls forms an important priority.<sup>81</sup> This is a step in the right direction. For these laudable goals to be realised, concrete steps need to be taken. In this regard, the government and the autonomous communities should consider, on a priority basis, the possibility of replicating the good practice models described above in other regions within Spain. The Institute for Women's Affairs and the women's affairs departments within the autonomous communities should also work closely with Romani women's organisations in developing projects that promote education of Romani girls and women at all levels.

## **Article 11: Employment**

### **Romani women's access to employment**

The data provided in the State Report on women's access to employment is not disaggregated by ethnicity. Therefore, it is not possible to assess the extent to which Romani women have been able to access employment opportunities. A number of Romani men and women are employed in the informal economy, as street vendors, domestic servants, farm hands, solid waste collectors and so on. About 40% of the Romani population is considered active in these areas.<sup>82</sup> Other figures estimate that between 50-80% work as street vendors, garbage collectors or seasonal farm hands; 10-15% are employed in the construction industry and in the case of women, as cleaning ladies or domestic help. There is a small but important group of about 5-15% who are antique dealers, shop owners, artists, musicians and a very small number of professionals.<sup>83</sup> There are very few Roma who continue to work in once more traditional jobs such as wicker workers, blacksmiths or horse traders.

A survey from the Autonomous Community of Valencia provides some more specific data on the employment status of Roma.<sup>84</sup> The active population stands at 55%, of which 42% are

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<sup>81</sup> Second National Action Plan *supra* note 19, p. 29-30.

<sup>82</sup> *Report from the Roma Development Programme*. Ministry of Labour and Social Affairs. March, 2004.

<sup>83</sup> "Roma and employment" in *Gitanos; Pensamiento y cultura*. No. 2, October 1999. Ed FSGG.

<sup>84</sup> "Situation and Socio-economic Problems of the Romani Community in the Community of Valencia" by Grupo EMER for the Generalitat of Valencia. 1991. We chose this study even though it is from the 90s because it is one of the most rigorous, with a huge selection of interviewed Roma. Also, there are no indications that the situation has improved in recent years.

employed and 17% unemployed. Of those who are employed, 23% claim some form of seasonal work, and only 12% steady work. 21% of women call themselves housewives.

The average annual income per family member is seven times less in comparison with the general population in Valencia.

56% of men over 16 years of age and 28% of women are wage earners, while 65% of potentially active women do not have any sort of paid job (33% in the case of men). In terms of work conditions, the majority of wage earners do not have a work contract and only 19% have steady jobs. Nearly 70% of self employed Roma do not have a Government Tax License.

Regarding job satisfaction, 56% are "not very" or "not at all" satisfied. 75% would change their job if they had the chance. Those who believe that a change of job is unlikely cite three main impediments:

Lack of offer:	34%
Discrimination:	31%
Lack of training:	30%

65% of potentially active Romani women do not carry out any economic activity, compared with only 33% of Romani men. When asked about their level of satisfaction with this situation 1.6% are "very satisfied", 8% "somewhat satisfied", 25% "have no other choice", 27% are "not really satisfied", and 36% "not at all satisfied". 74% of these women want to participate in economic activity, and 92% of these feel that they have the skills to do so.

In the State Report there is very little acknowledgement of the impact of discriminatory attitudes on Romani women's access to employment opportunities. The focus on training programmes, workshops and seminars for women reveals the assumption that women's lower employment figures are a result of their inadequate education alone.<sup>85</sup> Barring some passing references to discrimination on the basis of sex, the impact of stereotypical attitudes about gender roles on women's access to employment opportunities is not addressed in the State Report.

Interestingly, this failure to recognise the debilitating impact of prejudicial attitudes and discrimination can be found with respect to the government's approach to employment of Romani men and women also. For instance, the Spanish Parliament issued a report on the problems of the Romani community at the end of 1999. The section on employment recognised the Romani community's alarming economic situation and lack of participation in the labour market. Yet, it does not refer to barriers caused by discrimination, but rather attributes the situation to "lack of job training," "lack of family role models and examples," and the existence of "certain cultural habits that have a negative effect on accessing employment."<sup>86</sup>

The magazine *Gitanos*<sup>87</sup> published interviews with the Labour Minister, the Madrid Community's Minister of Employment and the President of Madrid's Municipal Institute for Employment and Professional Qualification (IMEFE) on the subject of Roma and employment. The first two interviews make no mention of discrimination as an obstacle to employment, and the third says that the main problems are due more to "being unqualified than racial discrimination." Not only does refusal to acknowledge the importance of discrimination make measures to fight it more

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<sup>85</sup> State Report, pp.57-63.

<sup>86</sup> BOCG, No. 520, December 17, 1999.

<sup>87</sup> *Gitanos, Pensamiento y Cultura Magazine*. No. 2. October 1999

difficult, but it also creates a dynamic of blaming the victim. The absence of Roma from the labour market is interpreted as proof that "they don't want to work," and that "they don't want to integrate themselves", thus reinforcing some of the most damaging stereotypes, most of which are in radical contrast to the attitudes and desires expressed by the large majority of Romani men and women.

According to a Spanish lawyer who was interviewed by ERRC, qualified men and women who apply to low-skilled jobs often camouflage their Romani identity in order to be hired.<sup>88</sup> She quoted comments from job insertion agents which note that direct discrimination in accessing employment is an unfortunate reality for Romani men and women in Spain and that according to the agents, while some potential employers explicitly say that they do not want to hire Roma, others claim they do not hire Roma because of possible tension with other workers or clients. She specifically quotes a job placement agent who recalled how he "whitewashed" the photographs attached to CVs so that the Romani candidates would at least receive an interview.<sup>89</sup>

Discrimination against Romani women is particularly acute. Romani organisations such as Fundación Secretariado General Gitano have tried to draw attention to the disadvantages Romani women face.<sup>90</sup> The EUMAP report quotes a study conducted by the IONE project that states that:

The main employment problem of Romani women is discrimination. In spite of what is commonly believed, it is not lack of education, culture, the existence of alternatives more appropriate with the cultural habits, and not even *machismo* within Romani families. All these elements exist and influence the manner in which Romani women approach work, but first and foremost, there is discrimination.<sup>91</sup>

The IONE study project also quotes some Romani women who stated that they have taken to pretending that they are from Brazil or Cuba to obtain jobs.<sup>92</sup> The EUMAP report also quotes the president of the organisation "Romí Serseni", who notes that "one of every three employed Romani women complain of problems with their non-Romani colleagues ... they feel hostility and rejection in tens of small gestures – changes of tone, manner of speaking, hiding bags when a Romani man shows up, insulting looks. Frequently, in cases like this, the boss notices that there is tension between employees and prefers to dismiss the Romani woman to avoid problems. Or the Romani woman simply leaves because she does not feel good; she feels discriminated against and humiliated."<sup>93</sup> The ECRI second report on Spain also notes that discrimination at the point of recruitment and at the workplace is particularly severe for Romani women.<sup>94</sup>

Street vending, an economic activity that many Romani women engage in has become increasingly precarious for them due to excessive taxation, stricter eligibility conditions for trade

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<sup>88</sup> ERRC interview with Ms. Cristina Domínguez Robles March 10, 2004, Madrid.

<sup>89</sup> Ibid.

<sup>90</sup> See Fundación Secretariado General Gitano. *Observatorio 02. Empleo y Comunidad Gitana (Observatory 02. Employment and the Roma Community)*. Madrid, 2003. p. 73.

<sup>91</sup> Quoted in the EUMAP report, p.312.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> ECRI second report, para 45.

licences resulting in possible indirect discrimination. There are also allegations of discourteous and hostile attitudes on the part of the police officials as reflected in the testimony by one Romani woman street vendor who stated, "They took me to the police station for not having my identity card. I'd left it at home, so they held me until my husband came with my ID at six o'clock. I spent all day in the police station for selling carnations."<sup>95</sup>

One successful job creation programme targeted at Roma is the "ACCEDER" programme an EU-supported programme administered by the Fundación Secretariado General Gitano (FSGG). It has offices in 44 locations in 13 Autonomous Communities. It includes job training, job orientation and help and support in finding employment. This programme has assisted 16,961 participants and has secured employment for 5,385 Romani individuals, 44% of whom are women. The underlying idea behind this example is that Roma are willing and ready to receive job training and to work, and that discrimination is a reality that must be dealt with. Widespread comments by the experts highlight in particular Roma women's motivation and desire for change. And most of all, it shows that despite obstacles, well designed, long-term and sufficiently funded programmes can achieve tremendous advances within the job market.

However, concerns remain. Most of the employment made available under the programme is temporary, with the average duration of the job being 73 days. Also, an evaluation of the programme reveals gender differences in the kinds of jobs taken by Romani men and women. For instance, 42.7% of the jobs that women accessed were in the cleaning and street sweeping sector, with the next categories being far behind; kitchen helpers and store clerks, both comprising 5.8% of the jobs. On the other hand, only 12.6% of the men were employed in the cleaning sector. The cleaning sector jobs contracts are of an average duration of 57 days and an average monthly wage of 572 Euro, only surpassing the wages for domestic work.<sup>96</sup> Another important fact is that the women participants in the programme showed a clear interest in accessing better paid positions, as is evident from the fact that the most requested job training is in information technology followed by hair styling.

Spain's second National Action Plan on Social Inclusion has acknowledged the necessity of promoting Romani women's employment.<sup>97</sup> However, the emphasis is once again on "social integration" "literacy" and "training" and the discrimination Romani women face in the labour market does not merit specific mention. The training programmes, while equipping Romani women with important skills, should not be treated as the sole remedy for the disadvantages Romani women face in accessing employment. Anti-bias training for employers and equipping Romani women with the resources to fight discrimination should also be incorporated into the employment generation projects.

## **Article 12: Health**

### **Romani women's health**

According to the estimates by the Fundación Secretariado General Gitano, around 120,000 to 180,000 Roma lack "sufficient health care services".<sup>98</sup> On the whole, the Romani population

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<sup>95</sup> Romani Women in focus group, IONE Research, Fundación Mujeres 2000 (On file with ERRC Researchers).

<sup>96</sup> *Observatorio-02, Empleo y Comunidad Gitana*. FSGG. Madrid 2003.

<sup>97</sup> Second National Action Plan, pp.29-30, para. 3.6.6

<sup>98</sup> Fundación Secretariado General Gitano: "Políticas de inclusión y minoría gitana" en *Gitanos Pensamiento y Cultura* ("Inclusion Policies and the Roma Minority" in *The Roma. Thinking and Culture*) No. 11 and 18. Madrid, 2003. p.43

suffers from more illnesses than the population as a whole and their life expectancy is lower (some estimates say that the difference with the rest of the population can reach even 10 years).<sup>99</sup> Roma in Spain reportedly have higher incidences of congenital malformations, infant mortality due to infections, nutritional problems, injuries and chronic illnesses such as tuberculosis or hepatitis. Adults have a higher rate of degenerative diseases, hypertension, cholesterol, coronary and circulatory problems, and diabetes. And according to testimony by social workers, there are also problems of depression and mental illness, though these have yet to be officially recorded.<sup>100</sup> Factors contributing to the poor health status among Romani men and women include:

The marginalisation and poverty of a majority of Roma, and the absence of specific policies and norms to prevent and treat health problems in the Romani community.

The quality of healthcare services and the obstacles that Roma women encounter when trying to access such services. Both are intertwined, and help explain why Roma have a lower life expectancy than the general population.

Research indicates that health problems are more pronounced among Romani women. Many of them are charged with taking care of whole families that they seek help only when they are seriously ill. Doctors Sánchez and Dorado, in their report on the Spanish Roma population for the *ROMEUROPE* European programme, note a higher prevalence of hepatitis B among pregnant Romani women, among whom infection rates are 8.4%, as against 1.4% of the general population. Many Romani women suffer from diseases that do not correspond to their age: diabetes, high blood pressure, cardiovascular disorders, arthritis etc. According to a study published by the Roma Women Association "Romí", women's life expectancy is lower in Roma communities, and child mortality rates are higher among girls than among boys.<sup>101</sup> The EUMC report on Romani women's health notes that the age of marriage and childbearing in some Romani communities in Granada may be increasing with awareness of the importance of education and economic independence.<sup>102</sup>

Racial abuse at the hands of hospital personnel has been reported from Spain. The EUMC report notes that "It takes many forms, including being laughed at, told dirty comments, yelled at for being unable to read, and reprimanded for living in dirty conditions. One woman in Madrid whose large family came to visit her in a maternity ward recounted how a nurse asked 'if she brought the whole tribe with her' then demanded that she get out of bed despite being in pain to 'get the tribe out' of the ward."<sup>103</sup> Disturbing reports of the tendency of some medical personnel to segregate Romani women in the same room has also been reported in Spain. For instance, one interviewee noted that "If a Romani woman has a baby and there's another Roma woman at the hospital, they check the list to see if she's a Roma and put them in the same room."<sup>104</sup>

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<sup>99</sup> Fundación Secretariado General Gitano: "La Comunidad gitana y la Salud" en *Gitanos. Pensamiento y cultura*. (The Roma Community and Health" in *The Roma. Thinking and Culture*) No. 15 Madrid, 2002. p.24.

<sup>100</sup> Gamella, Juan (1996): *La población gitana en Andalucía*, Sevilla: Junta de Andalucía.

<sup>101</sup> Fernández, María Dolores: "La problemática de la salud en la comunidad gitana." ("Health problems of the Roma community") lecture given during the *Las comunidades gitanas: actualidad y retos de futuro* Congress (*Roma communities: Current situation and future challenges*) Ministry of Labour and Social Affairs. Madrid, 24th and 25th March 1998.

<sup>102</sup> EUMC Report, p.53.

<sup>103</sup> Ibid.

<sup>104</sup> Romani Woman in a focus group, Villarreal, Wagman and Pernas, 2002. (on file at the ERRC).



There is a direct correlation between health and the living conditions of the many Roma. It is estimated that up to 80% of the people who live in shacks, shanties or temporary pre-fab housing in Spain are Roma. Some cities have constructed a complex of high-rise buildings that lack adequate services or which are physically and symbolically separated from the city limits, making it difficult for Romani families to access facilities like hospitals, employment and education. Unfortunately, poor living conditions are often treated by medical personnel as "cultural characteristics" of the Roma.

Spain's second National Action Plan on social inclusion makes clear that steps shall be taken to promote primary health care with particular emphasis on pre-natal check ups, paediatric and gynaecological care. However, as in the case of other sectors, the government should also strongly examine the extent to which discriminatory attitudes affect Romani women's access to health care and take remedial steps. The EUMC report notes that "as populations diversify in terms of traditions and lifestyles, institutions must take on the challenge to guarantee access to care in a non-discriminatory manner."<sup>105</sup> One step that has been adopted in countries such as Romania is the training of health mediators, individuals who can provide para-medical services for Roma families.<sup>106</sup> It would also be important to provide anti-bias training to medical personnel as also inform them about the particularities of Romani customs and traditions.

### **Article 16: Marriage and Family Life**

#### **Lack of recognition of the Romani marriage in Spain**

Article 16 of the Convention requires State parties to "take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations". Spain does not recognise traditional common law Romani marriages. More often than not, the consequences of this lack of recognition are borne by Romani women.

In 2002, a Spanish Romani woman, Ms. María Luisa Muñoz, challenged before the Constitutional Court the Madrid High Court's decision that "Romani weddings are not part of our current legal system". María Luisa Muñoz and her husband, Mariano Dual, got married in 1971 under traditional Romani rites, paid National Insurance Contributions for 20 years and had a "*Libro de Familia*" (official book containing family details) with the names of their six children. However, when the husband died in December 2000, the Social Security office denied her widow's pension, so she initiated a series of legal actions in order to assert her rights. In May 2002, the Madrid Social Court decided in favour of the appeal, but seven months later the High Court of Justice of Madrid revoked this sentence, refusing to recognise the marriage. As of June 2004, the case was still pending before the Constitutional Court.<sup>107</sup>

#### **The situation of Romani women immigrants in Spain**

In its concluding observations on Spain's fourth periodic report, the Committee directed the Spanish government to take steps to alleviate the vulnerable situation of immigrant foreigner women in Spain. Specifically, the Committee stated that "the situation of these women workers should be assessed in greater depth, with particular emphasis on the types of work, legislative

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<sup>105</sup> EUMC Report, p.105.

<sup>106</sup> For more information on Romani health mediators, see EUMC Report, p.107.

<sup>107</sup> Maria Luisa Muñoz v. Instituto Nacional de la Seguridad Social (Tribunal Constitucional Nº de Registro. 7084-2002). There have been other cases also where Romani women have been denied widows pension on account of lack of recognition of Romani marriages. For a case in Barcelona, see [http://lists.errc.org/rr\\_nr1\\_2000/snap5.shtml](http://lists.errc.org/rr_nr1_2000/snap5.shtml), (last visited on 21 June, 2004).

provisions governing their employment, and de facto situation. It also recommends that measures be taken to improve their level of literacy, including legal literacy."<sup>108</sup>

In the last few years there has been a steady flow of Romani immigrants from Eastern Europe, largely from Romania, but also from Bulgaria and other countries. There are no accurate figures on how many Romani immigrants are currently living in Spain, but the numbers are certainly in the many thousands. Many do not have residence permits and live on the edges of a number of cities in unregulated camps. More immigrant Romani men than women are entering the job market. In the absence of alternatives, many Romani women have been forced to beg in the streets. Some Romani immigrants receive aid through general programs for immigrants. However the great majority of Romani immigrants are unassisted by official programmes.

The Spanish Government, in its second National Action Plan on Social Inclusion, has suggested some measures to promote the full integration of immigrants in Spain, including action to promote their entrance into the labour market and promotion of inter-cultural awareness and anti-discrimination training. These positive intentions should be followed up by concrete action with the co-operation of civil society.

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<sup>108</sup> Report of the Committee on the Elimination of Discrimination Against Women, Twentieth session (19 January-5 February 1999), twenty-first session (7-25 June 1999) (General Assembly Official Records Fifty-fourth session Supplement No. 38 (A/54/38/Rev.1) para 273.