

Introduction to the *Fundación Secretariado Gitano*

The FSG is a non-profit intercultural organisation comprised of both men and women. Since its founding in 1982, its objectives have focused on the integral advancement of the Roma people with due consideration for their particularities having regard to culture, social issues and gender thus accounting for the integration of the Area of Gender Equality and the Area of Equal Treatment in the Foundation's organisational chart; Gender Equality taking charge of programmes, analyses, actions and measures which offset the additional difficulties faced by Roma women and Equal Treatment working for the advancement and defence of the rights of the Roma community based on non-discrimination and equality.

While the Roma community has traditionally been confronted with situations of discrimination and marginalisation, Roma women have faced even greater difficulties being subject to multiple discrimination: for reason of gender, ethnic background and social origin.

The Roma Community

Today, Spain is one of the four EU countries with the highest Roma population accounting for approximately 8% of the entire European Roma population, giving it important relative weight vis-à-vis the overall European population. However, despite being Spain's most important ethnic minority and its nearly six centuries of history in the country, the Roma community is a cultural group whose social integration process has been anything but easy and it continues to be the most rejected group in Spanish society and one of the most excluded in social and economic terms.

Roma women, as an ethnic group forming part of the Spanish society, face a different situation with respect to the majority insofar as they are affected by three factors: the fact of being women in a patriarchal society, belonging to an ethnic minority which is the one most negatively viewed by mainstream society and belonging to a culture which considers women almost exclusively as mothers and wives thus limiting their possibility for advancement.

Grounds for concern regarding compliance with the Articles of the Convention.

Article 2. Despite advances in the area of non-discrimination based on gender and ethnic background, enforcement of the anti-discrimination rule remains minimal.

While 2008 was marked by a few important milestones regarding the advancement of Equal Treatment and non-discrimination in all areas, we once again face a certain sluggishness in the effective implementation of Directive 2000/43/EC and the preventive measures promoted by the different State Administrations.

The **lack of data broken down by sex and ethnic group** makes it difficult to acquire an accurate idea of the degree to which Roma women have access to services such as education, employment, housing, health-care and political participation. This is particularly relevant in light of the fact that Spain's Social Inclusion Schemes do acknowledge the importance of collecting updated information on the Roma population through reports and research in order to assess the impact of today's social policies and design tomorrow's.

Article 3: Gender-based violence: Roma women encounter difficulties gaining access to services offered through victim care networks.

The prevailing lack of awareness of Roma culture on the part of the majority society **limits the access of Roma women to mainstream resources to help victims of gender-based violence**. Another of the reasons why few women make use of these resources is the fact that this access is generally contingent upon the filing of a complaint. For many Roma women, filing a complaint against their aggressor means recognising the failure of the Community's internal mechanisms to solve the problem, in addition to denouncing a member of their own community to a non-Roma institution which could lead to rejection or ostracism by their community and few people are willing to risk renouncing their ties and sense of group membership. It is therefore essential to bear these difficulties in mind and try to adapt services to the needs of Roma women because at present many have nowhere to turn.

Article 5: Stereotypes. The media promote stereotypes about Roma women by generalising the actions of one or a mere few to the entire community.

The **media** promote stereotypes of the Roma community, especially of Roma women, by generalising the actions of one or a mere few to the entire group and this has a devastating effect. There is a general lack of control over the different digital newspaper fora where, despite rules prohibiting racist commentaries, in practice their publication is permitted. The biased and stereotyped depiction of the Roma reality in the news is indicative of an overall lack of knowledge. News stories are also often accompanied by images or photographs which are clearly derisive towards Roma women, making note of the ethnic origin of those involved in the news story when this has no relevance whatsoever.

Article 7. Public and political life.

Despite advances made at national level in terms of the **participation of women in political life**, the participation of Roma Women is scarce (this is known despite the fact that there are no quantifiable data). Although there are rules on the books requiring a balanced composition of women and men in lists of candidates running for elections, we do not find any reference or action to the participation of Roma women despite their suffering multiple discrimination, more serious than that faced by the rest of the women in mainstream society, making their opportunities to take part in political life and decision-taking processes even more scarce vis-à-vis the men of their community.

Article 10. Education: Although legally everyone must be enrolled in school until the age of 16, the public administrations do not always implement measures to guarantee permanence in school.

Education is a fundamental right and as such comes under the heading of social justice and is an essential tool in building a truly democratic and participatory society where both individual and collective human rights are respected. Within this framework, education must be guaranteed to men and women during the course of their lives on an equal footing regardless of ethnic or cultural background and must adapt to the specific needs and conditions of different groups supporting the diversity and idiosyncrasies of different social groups while guaranteeing that teacher training is void of any sexist, racist or discriminatory stereotypes. In this connection, as pointed out by the Committee in the Spanish Government report, insufficient effort is being made, despite some advances, to keep Roma girls and adolescents from dropping out of the educational system.

Article 11: Employment

In the area of **employment**, Roma women have a lower activity rate, higher unemployment, account for a greater share of temporary and part-time work and shoulder the brunt of family obligations, especially those in the 16 – 29 age bracket (according to data collected through the Multi-Regional Operational Programme to Combat Discrimination – FSG Acceder). It is therefore important to stress that the ad hoc

public policies over the last several years aiming at the labour market integration of Roma women are not enough insofar as they do not contribute to eliminating these inequalities.

Article 12: Health

In addition to suffering a poorer state of health, Roma women and girls make inappropriate use of health-care services, on occasion by abusing them and sometimes for failing to take advantage of them. There is often a lack of understanding between Roma women and health-care providers, often caused or exacerbated by the lack of awareness that these professionals have of Roma culture. There are two major weaknesses in the way the health-care system addresses this issue:

- Health-care services have great difficulties in employing flexibility in the face of "differences" and this has to do with the lack of tailored protocols.

- The lack of empathy skill training and the failure to address "cultural" aspects in university studies.

The few programmes implemented (with some exceptions) are characterised by their fragmentation, discontinuity and lack of evaluation. In any case, according to data obtained¹ sufficient and appropriate measures are not being taken to resolve these deficiencies and difficulties facing Roma women and the Roma community in general in gaining access to health-care resources.

Article 15

As already mentioned, we assess the public initiatives recently implemented at national, regional and local level in a very positive light and we believe that efforts should be made to implement them in all of Spain. However, these measures must be provided with sufficient means and the political and institutional support needed to function properly.

Article 16: Failure to recognise the Roma marriage rite.

Article 16 of the Convention on the elimination of all forms of discrimination against women requires States Parties to "take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations". Spanish civil legislation does not recognise the legal effects of the Roma marriage rite. Roma women in particular have suffered from this lack of recognition insofar as on a number of occasions the courts have refused to award them widow's pensions despite having been married according to the traditional Roma rite as from an early age, having contributed to the Social Security system for a great many years and possessing the Spanish *Libro de Familia* (Family Record) where the births of their children have been duly recorded, as we will analyse in a specific case further on.

Recommendations:

- Raise the awareness of victims of discrimination as to their rights and provide them with all available information on the mechanisms to defend those rights. Implement counselling, accompaniment and assistance measures for victims of discrimination and enlighten key agents when it comes to anti-discrimination law (the media, police, jurists and those working directly with victims).
- Make progress in the analysis of situations of **multiple discrimination suffered by many Roma Women** and in the drafting of laws which make provisions for much more complex situations of this sort.

¹ Health and the Roma Community. Analysis of action proposals. *Dirección General de Salud Pública* (Directorate-General for Public Health). Ministry of Health and Consumer Affairs, FSG. Madrid, 2005.

- Demand that political measures go hand-in-hand with the law because despite a robust legal framework, situations of discrimination are far from being eliminated thus proving that **legislative measures are not enough to combat discrimination**; the new Comprehensive Equal Treatment Act and the creation of the *national body for the promotion of equal treatment*.
- Collect and publish data broken down by sex and ethnic origin on the status of Roma men and women in the spheres of education, housing, employment, health and other relevant issues.
- Foster and provide **incentives for the inclusion of Roma women in politics** and in the decision-making process.
- Require the Ministry of Equality and the Women's Institute to develop programmes focused on facilitating the access of Roma women to health, education, employment and participation in political life and likewise the creation of counselling services to combat gender-based violence.
- Place a special priority on the **disproportionate early school dropout rate of Roma girls** when devising inclusion policies targeting the Roma community with particular focus on the step from primary to secondary school. Implement measures to provide incentive (scholarships and other support measures) to Roma women to continue with their middle school and university studies.
- Investigate the underlying causes of **unemployment among Roma women** and develop initiatives to remove barriers to employment.
- Encourage the presence of women in advisory and representative bodies (State Council of the Roma People and regional councils).