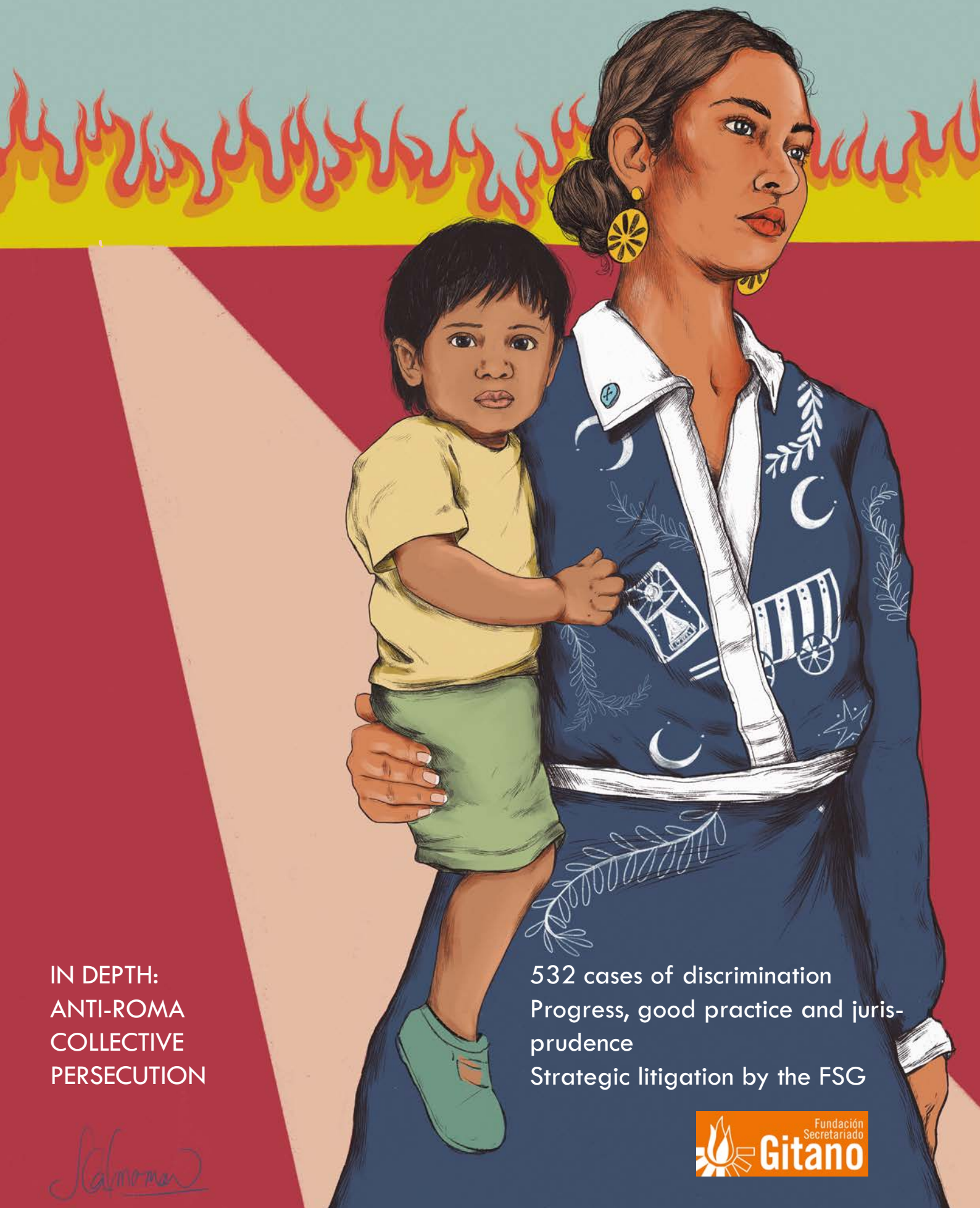


Discrimination and the Roma Community

Annual report FSG 2023



IN DEPTH:
ANTI-ROMA
COLLECTIVE
PERSECUTION

532 cases of discrimination
Progress, good practice and juris-
prudence
Strategic litigation by the FSG

Salvadora

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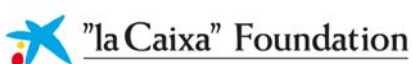
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Chapter 1



Introduction





Introduction

Once again the Fundación Secretariado Gitano (FSG) presents its Annual Report on Discrimination and Roma community. This report is fundamental for our work in the fight against discrimination and antigypsyism, since it allows us to draw attention to specific, documented cases of discrimination which regrettably many Roma people suffer in our country. Attention is given to these cases within the framework of the *Victims of Racial or Ethnic Discrimination Support Service*, a nationwide and free service under the auspices of the Council for the Elimination of Racial or Ethnic Discrimination (CEDRE), that depends on the General Directorate for Equal Treatment and Ethno-Racial Diversity of the Ministry of Equality. The Service is provided in coordination with seven leading NGOs, with the FSG as the coordinating entity. Attention to these cases is offered by both the specialist team affiliated to the aforementioned programme and the experts in equality from the programme *Calí, for the equality of Roma women*, funded by the European Social Fund.

As well as relating the cases of antigypsyism and discrimination against the Roma community dealt with in 2022, the actions carried out and the results obtained in each instance, each year this report addresses a particular topic which is analysed in depth. This year the topic is **anti-Roma collective persecution**, which refers to expulsions of Roma families which occur in some areas when there is a conflict between a Roma person and non-Roma person. This extremely serious phenomenon constitutes one of the most extreme, deep-rooted and historical forms of antigypsyism, and has occurred several times in our country. The latest two known cases were last year, in Peal de Becerro and in Íllora. In both cases, as a result of a conflict, part of the non-Roma population of the towns organised to assault, harass and expel the Roma families, who had to urgently abandon their homes and move to other towns in the area. This phenomenon is similar to the “pogroms” which have occurred in various countries and times against Jews, although fortunately in the anti-Roma cases in Spain there have not been any mortal victims. These acts are hate crimes which constitute a serious violation of human rights, and which have an enormous impact on families, especially on minors, who see their rights abused and are subjected to a serious situation of stress and discrimination.

To analyse this phenomenon, we have invited contributions from different experts with perspectives from different fields: from academia, from the defence of human rights, from the police force and from the international context. We also put forward, based on the experience of our own organisation, a series of recommendations for the different actors involved to improve the response to this type of cases. It seems unacceptable to us in this day and age that these collective punishments against Roma families continue to occur, in which there is an unjust attempt to shift the blame for the acts of an isolated individual onto the whole community, sometimes putting at risk their lives, and the integrity of their property and housing. These are acts of harassment and violence, with attempts to burn housing and belongings, anti-Roma graffiti, and insults and threats, in which all Roma people pay for the actions of a single person. It goes against the rule of law for one part of the citizenry to take justice into their own hands when the presumed perpetrator of a crime is a Roma person; the legal responsibility is individual, but when it comes to the Roma community it becomes collectivised. This shows once again that antigypsyism is deeply rooted in Spanish society and that we must improve coexistence in communities as well as knowledge of the reality and diversity of the Roma people, the protocols for prevention and the approach of local authorities and police forces.

With regard to cases of discrimination, this year we have taken up and addressed 532 cases, a very similar figure to last year's. We can observe two trends from this data: on the one hand, acts of discrimination against Roma people continue to occur across all areas of social life: education, employment, health, housing, access to goods and services etc., which constitutes a barrier to the full enjoyment of fundamental rights for these people; on the other hand, we find greater empowerment among the victims of these cases; Roma people are more aware of their right to equality and report these situations with much greater frequency, seeking justice and redress.



In this report we also set forth good practice and jurisprudence. To this end, I would like to refer to the development of the Law of Equal Treatment and Non-Discrimination, which was passed last year in our country. This is a much-needed law, whose adoption we encouraged and celebrated, especially for its inclusion of reform to the penal code with respect to antigypsyism. Nevertheless, we want to express our concern because **the law stipulates the creation of an independent authority**, to be responsible for directing the procedures included in the law, as well as for actions for prevention of and intervention in cases of discrimination. More than a year has passed since the law was passed, but this authority has not yet been created, nor do we have information about its budget or resources. On another note, we are worried that on many occasions the administrations in charge of enforcing this law are not sufficiently trained to apply it, and in many cases are not even aware of its existence. For this reason, we urge the relevant authorities to adopt the necessary measures to ensure the effective application of this law.

I also wish to give due appreciation to the **renewal of the Support Service for Victims from the Council for the Elimination of Racial or Ethnic Discrimination (CEDRE) in 2022, which has been greatly strengthened in terms of human and financial resources**, with increases in its operating hours, its offices and its specialist staff. Another very important landmark in bringing this service closer to the victims has been the activation of a free hotline, 021, which is facilitating the reporting of cases of discrimination. We value this initiative by the Ministry for Equality, and also the commitment by the authorities to a topic as important as the fight against discrimination and victim support.

We must not pass by a dramatic event which began in 2022 and which is also affecting the Roma people. I am referring to **the Russian invasion of Ukraine, and the war** which has broken out in the country. This war has meant that many people, including some Ukrainian Roma, have had to emigrate to other countries. Unfortunately, cases have come to light in which the welcome that Roma refugees have received in other countries has been discriminatory, in that they have not received the same support as their non-Roma compatriots.

We would like to highlight **the role that our Experts in Equality, in the vast majority Roma women from our Calí, for the Equality of Roma women programme, have been playing throughout Spain**. The incorporation of this professional profile has represented an improvement not only in the support given to the victims of discrimination and antigypsyism but also in the knowledge that Roma people have of their rights when faced with discrimination.

This year **we have continued to count on strategic litigation as a methodology to achieve favourable legal rulings for victims of discrimination and antigypsyism**; to improve the response of the courts and their jurisprudence in these cases; and to sensitise all authorities and society as a whole to the human impact of discrimination and the importance of taking measures to tackle it. In this regard, I would like to highlight two very important legal decisions which have been handed down in 2022: the sentence in a case of neighbourhood anti-Roma harassment in Burgos, and the court-based settlement which led to a company compensating a young Roma woman and recognising a dismissal as null due to discrimination. All our strategic litigation cases are presented here in a dedicated chapter.

To finish, I would like to thank the institutions which have supported us in the production of this report. In this regard, we thank both the Ministry of Social Rights and Agenda 2030, for financial support in the publication and distribution of this report, and the Ministry of Equality and the Council for the Elimination of Racial and Ethnic Discrimination, since the cases that we address and present in this report are handled within the framework of its specialised victims support service. We also thank all the professionals from different fields who accompany the victims of discrimination throughout the process.

And of course, as always, our greatest thanks go to each and every one of the victims of discrimination and antigypsyism, for the trust they place in the FSG and for their courage when it comes to reporting their cases.

Sara Giménez
President of Fundación Secretariado Gitano.

Chapter 2



Conclusions and summary of cases of discrimination



General summary of cases opened in 2022.

Conclusions and recommendations.

In 2022 the FSG has obtained information about and addressed 532 cases of discrimination, a similar number to the cases compiled in the previous annual report. In this chapter we compile the summary of the documented cases, whose details can be found in the [full version of this report](#) (only available in Spanish). Also, we include a series of recommendations for authorities to ensure an effective response to discrimination towards the Roma community and anti-Roma hate incidents in each area.

1. CONCLUSIONS AND GENERAL RECOMMENDATIONS

Awareness among Roma about cases of discrimination has increased, but there are still barriers which limit the adoption of more active measures of reporting and which affect access to justice.

Based on our experience, we can establish five general conclusions:

- 1) With regard to the reporting of cases, we have observed two apparently contradictory trends. On one hand, **we have detected an increased awareness among victims about reporting cases, and an increased interest in defending their human rights.** Many Roma understand that these cases are discriminatory anti-Roma acts which violate their rights and attack their human dignity. But, on the other hand, despite exposing these cases and seeking support, sometimes people who have suffered these incidents do not want to make a complaint or report: there is still a certain degree of mistrust of authorities and state institutions when it comes to reporting cases or beginning legal proceedings. In other words, **victims want their cases to be taken on, and ask for accompaniment and information about their rights and how to act when faced with these cases, but on many occasions they are reluctant to take formal legal steps.** Reasons for this include fear of encountering problems with the person or company responsible for the discrimination, possible negative repercussions in the future, weariness of the complexity or slowness of certain procedures or even the perception of impunity in anti-Roma discrimination cases, a situation which represents a serious **obstacle to access to justice.**
- 2) **Positive results in cases of strategic litigation serve as an incentive, and trigger more active attitudes towards reporting. We have reinforced our work in strategic litigation, taking more cases of discrimination and anti-Roma hate before the courts, and providing a solid legal defence and complete accompaniment to victims throughout the legal process.** In this respect, another barrier which could be influencing the aforementioned trend towards non-reporting of certain cases is that **there are not many positive resolutions in the reported cases, i.e. resolutions which acknowledge an anti-Roma motive for the crimes, offer due redress to the victim and in which measures are taken to ensure that the incidents will not be repeated.** We have observed that when we obtain a positive resolution or a guilty verdict, there is an increased trend towards reporting new cases, because the utility of reporting as a way of defending the rights of the Roma becomes better understood. Thus, on the contrary, **impunity incentivises under-reporting.**



- 3) As in other years, we have also encountered many cases of intersectional discrimination, in which other circumstances of vulnerability as well as Roma ethnicity have come to bear. **Gender is one of the most common factors in intersectional discrimination; in effect, Roma women face very complex social barriers, so they need specialised support and accompaniment**, such as that provided by the Experts in Equality who work within the framework of the *Calí Programme, for the equality of Roma women*. Another relevant and alarming situation is the intersectional anti-Roma discrimination **against children, adolescents and people with disabilities**, above all the field of education

As can be seen in detail in [the full version of this report](#) (which details each of the cases, the actions taken and the results obtained), numerous cases of discrimination and hate crimes against Roma people are still occurring in Spain, in all areas of social life. **These cases are also related to the propagation of messages of anti-Roma hate on the internet and social networks, which range from negative stereotypes and the spreading of fake news to incitation of violence against the Roma.**

- 4) **The new framework of protection and support for the victims of racial or ethnic discrimination constitutes a qualitative advance in guaranteeing the right to equal treatment and non-discrimination.** On one hand, the approval of the Comprehensive Law for Equal Treatment and Non-Discrimination offers a broader framework of protection against discrimination, and on the other, **the Victims of Racial or Ethnic Discrimination Support Service from the CEDRE has been strengthened with more human and financial resources.** This represents more specialised and interdisciplinary capacity for attention, counselling and guidance for victims.¹ We also see as positive the recent approval of the **“Strategic Framework for Citizenship and Inclusion against Xenophobia 2021-2027”** given that it represents the implementation in Spain of the EU Anti-Racist Plan of Action, even though gaps remain with respect to the fight against antigypsyism which we hope will be addressed during its implementation.
- 5) That said, **we regret that these normative advances are not being applied in a totally effective way, above all with respect to the Comprehensive Law for Equal Treatment and Non-Discrimination.** In effect, the Independent Authority for Equal Treatment has not been created, despite the six months that the law stipulated for its creation having passed. Likewise, we have shown that on many occasions the different relevant authorities are not applying this law, which demonstrates the need to keep making progress in training all public employees to understand the implications of anti-discrimination law, including the provisions around infringements and for penalties in the law’s different fields of application.

1 - For more information, see the chapter on Good Practices in this report.

Based on these conclusions and the background elements, we would like to make a series of proposals and recommendations to improve the response to discrimination and antigypsyism, with an intersectional focus:

- The **effective application of the Comprehensive Law for Equal Treatment and Non-Discrimination** approved in July 2022, above all with respect to the application of the sanctions system by the relevant authorities and the creation of the **Independent Authority** which the law provides for in its Section III.
- The **training in the new Comprehensive Law for Equal Treatment and Non-Discrimination for all the key actors in this field:** the judiciary, prosecutors, legal professionals and state security services.
- **The application of an aggravating factor for antigypsyism to be incorporated into the Penal Code** in 2022 (art. 22.4) thanks to the new Comprehensive Law for Equal Treatment and Non-Discrimination, in cases of crimes against Roma which have an anti-Roma component.
- The effective application and continuous revision of the “Strategic Framework for Citizenship and Inclusion against Xenophobia 2021-2027.”
- The establishment and provision with sufficient resources **of specialised programmes of complete support for Roma women**, above all those in the most vulnerable situations, with a view to empowering them in the exercise of their rights in the face of intersectional discrimination.

2. SUMMARY OF CASES OF DISCRIMINATION BY AREA AND SPECIFIC RECOMMENDATIONS

1. Discrimination and antigypsyism in the media.

In the field of **communications media** in 2022 we have recorded 68 cases. The majority of them are news reports on cases of violence, delinquency or criminality, which mention people’s ethnicity. In these cases, as we have been doing for years, we write to the media explaining that mentioning ethnicity when it is not relevant to understanding the report goes against the ethical code of communications media, and stigmatises the social image of the Roma. In some cases, the media acknowledge the error and remove the mention to ethnicity, and also commit to desisting from this bad practice. This shows the usefulness of this awareness-raising work on the part of the FSG. However, in many other cases, media do not respond or rectify, which shows that there is still much to be done to overcome this type of discriminatory bad practice, which surprisingly continues to occur.

We also frequently find anti-Roma comments published by readers of the online versions of newspapers. While always taking into account freedom of expression, we remind these media that they must moderate this content to guarantee that racist and anti-Roma expressions are not published.



With the objective of improving the social image of the Roma community and thus prevent other types of discrimination that Roma people can suffer, we issue a call to:

- **Communications media**, to apply what the Comprehensive Law for Equal Treatment and Non-Discrimination stipulates in its Article 22: to avoid any type of discrimination in the treatment of the news, and to promote a non-stereotyped image of different people and population groups. Reporting that gives a negative image of the Roma people can lead to hostile attitudes, violent attacks and discrimination against Roma people.
- **Authorities** at every level of administration, to **promote self-regulation agreements in the media, as well as awareness and sensitivity campaigns** which show a positive image of the Roma community, diverse and not stereotyped and reflective of the richness of its culture, in such a way as to generate counter-narratives against prejudices and hate speech.
- Those responsible for content moderation in the news published on online versions of newspapers, **to analyse and eliminate rapidly hate speech and anti-Roma comments published by readers on reports in which Roma people are involved.**

2. Messages of anti-Roma hate spread by users of social media.

In the section dedicated to cases on social media and hate speech on the internet, we found 217 cases, 28 more than the previous year. Fundación Secretariado Gitano has participated for the last 8 years in the European Commission's monitoring rounds of the code of conduct signed by internet companies to remove illegal hate speech from social networks. In 2022, the seventh round of monitoring was held; in the same year, FSG detected and reported 206 cases on networks such as Facebook, Twitter and YouTube, which are included in the [full version of this report](#). This increase in the number of total cases with respect to the previous year is due to the fact that in this round FSG reported more cases to the EU than in 2021. Unfortunately, in 2022 anti-Roma hate speech was, for the first time, the most frequent type in Europe, in comparison with other types of hate (antisemitic, homophobic, Islamophobic etc.), making up 16.8% of the total cases.²

Some of these are extremely serious cases, given that they call for violence or even the extermination of Roma people, or that they dehumanise them, comparing them to animals. This type of messages, as well as being illegal and seriously harming the honour and dignity of the Roma, can provoke people into action, meaning serious instances of attacks and violence against Roma men, women and even children. The majority of these cases were removed by the platforms concerned, after they were reported by FSG. We appreciate that there is an increasingly greater commitment from these companies to the monitoring and removal of these anti-Roma messages, even though the response to our reports has been rather uneven, depending on the platform. For example, Twitter showed a very low level of removal of hate speech in comparison with the other social media companies. In total, 79% of the content reported by Spain was removed.

2 - <https://www.gitanos.org/actualidad/archivo/137025.html.en>

We have selected below some of these messages, which illustrate the seriousness of their content:

- *Gypsies are more dogs than dogs.*
- *They should be thrown out of Spain immediately (referring to the Roma)*
- *They're gypsies, they have no country or king. Rats.*
- *Gypsies = rats from the sewer.*
- *Gypsies are like cockroaches.*
- *Look at the filthy fucking gypsies, there they're eliminating them.*
- *Let's kill gypsies.*
- *Now I want to go and kill gypsies.*
- *Killing gypsies should be legal.*
- *To the gas chamber.*

For all that has been left in evidence above, we issue a call to:

- **The main social media companies**, to stay engaged and **to improve their response in the face of anti-Roma hate**, removing illegal hate content at the earliest opportunity as established in Article 22 of the Comprehensive Law for Equal Treatment and Non-Discrimination about the internet and social media.
- **A correct application of what is stipulated in the new European Law of Digital Services**,³ passed in 2023, with respect to the transparency of algorithms, disinformation, fundamental rights and removal of illicit content.
- **Online forums**, to start engaging in the fight against anti-Roma hate speech, moderating comments and removing the most serious messages of hate.

3. Denial of access to goods and services for discriminatory reasons, and with a gender bias.

In the section related to **access to goods and services**, this year we found numerous cases of discrimination (70 cases). These are cases which occurred in restaurants, bars and nightclubs, swimming pools and other leisure facilities, where Roma people have been denied entry simply because of their ethnicity.

A very frequent case of this type is the excessive vigilance of Roma women in shopping centres and supermarkets, where security guards closely watch these women, or accuse them of having stolen. These constitute cases of intersectional discrimination (given that they occur above all against women), which create serious distress, and a feeling of humiliation and harassment, given that these women are exposed to a situation in front of other customers which offends their dignity and their public image.

For the cases of access to goods and services, FSG has various strategies: in some cases, we present formal complaints or encourage the victims to ask for complaint forms. In other cases, we mediate between the manager of the premises, nightclub, bar, supermarket etc., in order that they

3 - https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment_en



acknowledge their mistake and stop denying access to these people. In more serious cases, we lodge a complaint with the Consumers' Office or via other legal routes.

Article 17 of the Comprehensive Law for Equal Treatment and Non-Discrimination refers to non-discrimination in the supply of goods and services and Article 21 establishes the prohibition of discrimination in access to premises or establishments. In principle this should permit a more effective approach to this kind of cases. However, the relevant authorities in consumer rights are not applying this legislation effectively, which again shows the need for an independent authority for equal treatment, to ensure compliance with non-discriminatory principles in access to goods and services. As an example of a positive result, we highlight a case which occurred in Valladolid in 2022, in which two Roma women were asked to have their bags checked in a shop. After being advised by FSG, they sent a complaint to the managers of the business, who responded by apologising to the women and committing to not allowing this type of discriminatory surveillance to occur again.

We issue a call to::

- **The municipal managers of Consumers' Offices** to correctly apply the Comprehensive Law for Equal Treatment and provide a timely and appropriate response in cases where discriminatory treatment is reported.
- **Companies and providers of public goods and services**, to ensure that staff respect the principle of equal treatment at all times and refrain from discrimination, **in accordance with articles 17 and 21 of the Comprehensive Law for Equal Treatment and Non-Discrimination.**

4. Discrimination and antigypsyism towards Roma students

In the **field of education**, we have recorded 44 cases this year. They cover diverse situations of discrimination toward Roma students. In some cases they are comments from teachers about the Roma community, containing stereotypes, prejudices and generalisations. These stereotypes are especially pronounced when they are about Roma girls, for whom teachers sometimes have very low expectations with an emphasis on gender roles -a clear example of intersectional discrimination. Another type of cases is those of harassment or bullying amongst students, meaning non-Roma students who insult or assault Roma children because of their ethnicity. All these cases also occur in a context of segregated schooling for Roma students, a phenomenon about which we have not received explicit reports but which has been documented and constitutes a type of ethnic discrimination that undermines equal access to quality education for Roma boys and girls.

As an example of a positive outcomes, we highlight a case which occurred in Madrid. A 9-year-old Roma girl was accused of theft by a classmate, with anti-Roma phrases directed at the girl. From this moment on, the rest of the students stopped speaking to the girl, who suffered several anxiety attacks and had to be taken to casualty on numerous occasions. The educational centre did not activate its harassment protocol. The girl's mother went to the educational centre on several occasions to express her concern about what had happened. The mother was counselled about the situation of anti-Roma harassment that her daughter was suffering, and the mother and the father were accompanied to place a report with the Diversity Management Unit of the Municipal Police Force

in Madrid. This report was then presented to the Public Prosecutor of Hate Crimes in Madrid, and, due to the inaction of the school management in such a serious case, was also sent to the Office for the Inspection of Education. The ruling issued by the public prosecutor's office recognised the incident as a case of anti-Roma harassment and transferred the case to the juvenile prosecution service. This case is pending resolution.

With the aim of preventing this type of situations in educational environments, we issue a call to educational authorities at both the national and regional level, as well as to the whole educational community to take measures designed to:

- **Take measures to reduce segregation** in education as laid out in the framework of an Educational Inclusion Plan against Segregation in Education, taking into account the information contributed by the *Exploratory pilot study on school segregation of Roma students*,⁴ published by the Ministry of Education and Professional Training and the FSG.
- Investigate, penalise and provide a correct response to the **harassment that Roma boys, girls and adolescents** suffer in educational centres because of their ethnic origin, applying what is **stipulated in the new Comprehensive Law for Equal Treatment and Non-Discrimination in its Article 13**.
- We ask the **Office for the Inspection of Education**, at all levels, to intervene in these cases to guarantee respect for equal treatment and non-discrimination and the fight against antigypsyism in education, focusing on the child's best interest.
- To incorporate **texts and educational materials about the history of the Roma people and against antigypsyism in the curricula of all the Autonomous Regions**, such as those published by the Ministry of Education for primary⁵ and secondary⁶ education.

5. Discrimination in employment: barriers to equality of opportunity

In the **field of employment** we have detected a few more cases than in the previous year: 46 cases in 2022 compared to 40 cases in 2021. In general, they are cases of companies refusing to accept a CV when the candidate for the position is Roma, or refusing to interview the candidate when the company realises the person's ethnicity. In the workplace there is also discrimination, when Roma people who are working in a company receive humiliating, insulting or negative comments from bosses or colleagues, or are unjustly accused of thefts taking place in the businesses they work in. We observe that in many cases the victims do not want to report these cases, for fear of repercussions when it comes to looking for other work in the same area, or because of the difficulty of proving a racist motive. These are important factors which explain the high levels of under-reporting which occur in our country.

As an example of a positive result, as well as a legal ruling for unfair dismissal in Jaén (which is detailed in the section about litigation), we highlight a case which occurred in Zaragoza in which a

4-<https://www.gitanos.org/actualidad/archivo/136556.html.en>

5-<https://sede.educacion.gob.es/publiventa/materiales-didacticos-sobre-el-pueblo-gitano-para-educacion-primaria/educacion-primaria/24970>

6- <https://sede.educacion.gob.es/publiventa/materiales-sobre-historia-y-cultura-del-pueblo-gitano-para-educacion-secundaria-educar-frente-al-antigitanismo/educacion-secundaria-mundo-gitano/25684>



disabled Roma man was the recipient of harassment by his boss. After the man was counselled by the FSG, a written report was presented to the Mediation and Adjudication Service of Aragón. The business owner contacted the man, requesting a meeting with the FSG. Later the case was attended at the mediation service together with the company, and there was an agreement to change the victim's position in the company in order to distance him from the boss in question. He rejoined the company in the new position and in a safe and healthy environment, free from discrimination.

All these discriminatory practices constitute an enormous barrier to the inclusion in the workforce of Roma people, and the exercise of their right to work. This form of discrimination prevents people from having a decent life and affects their personal and professional development. For this reason, we issue a call to:

- **Companies**, to include in their activities **the development of specific plans about equality of treatment and non-discrimination**, to improve their attention to ethnic diversity, and to carry out sensitivity initiatives among human resources personnel to eradicate stereotypes and allow equal access to the world of work, following the anti-discrimination precepts in the Statute of Workers' Rights and the Comprehensive Law for Equal Treatment in Article 9.
- **Labour inspectors**, to investigate, and where necessary penalise, incidents of discrimination and antigypsyism which take place in the workplace.

6. Discrimination in healthcare (health centres and hospitals)

In the **field of healthcare** we have recorded 18 cases in 2022, almost the same number as in the previous year (16). The most frequent cases are of hostile treatment towards Roma patients by medical staff, nurses or security guards, or negative comments about the Roma. Some especially noteworthy cases refer to the recording in medical reports of the ethnicity of the patient, something which is prohibited by Spanish law.

As an example of a positive outcome we provide a case which occurred in Albacete; a young Roma woman went to the casualty department of Albacete hospital because she was suffering from cardiac problems. While in the waiting room, she heard a doctor speaking on the telephone saying "I'm not going to attend that gypsy" and "I have more important things to do than attend the gypsy." The woman returned to the hospital accompanied by the local police and filed a police report and then a complaint in the patient care office.

In this area, we issue a call to the national and regional health authorities to **develop measures for equality of treatment and prevention of discrimination**, and for the improvement of intercultural competence among health professionals to avoid biases and prejudices when they attend Roma people. It is of fundamental importance that the personnel who commit these anti-Roma discriminatory acts in the performance of their professional duties are duly penalised, so that these behaviours do not go unpunished.

Likewise, we recommend health authorities that they inform and train their staff about the contents of the Comprehensive Law for Equal Treatment and Non-Discrimination in **its Article 15, pertaining to healthcare**.

7. Discrimination carried out by the police forces: police stops and identifications based on ethnic profiling continue to take place.

In the area of **police services** we have detected 18 cases in 2022, a lower number than in the previous year (with 26 cases). Most of these are cases of police identifications based on ethnic profiling, a bad police practice which Roma people are frequently subjected to. There have also been cases of prejudiced or impolite treatment by police officers towards Roma people.

A case which illustrates this type of bad police practice occurred in Valladolid, when two Roma women were identified by the police, and received insulting anti-Roma comments from one of the officers. An email of complaint was sent to a National Police Inspector, who responded that what had happened was unacceptable, and that the officer in question would be reprimanded for their conduct. At the same time, the Inspector apologised to the two women.

Therefore, we urge the Security Forces and Corps to adopt the following recommendations:

- Introduce identification forms and independent bodies to allow the **monitoring of police actions** to prevent ethnic profiling checks, and avoid the use of discriminatory profiling without objective justification, **as stipulated in Article 18 of the Comprehensive Law for Equal Treatment and Non-Discrimination, which also pertains to private security services.**
- Establish independent **oversight mechanisms** for police services to ensure that acts of discrimination and disrespect for human rights do not occur.
- Encourage the **recruitment of Roma officers** to make police forces more representative of the society they serve.
- Improve the **practical training** of officers with regard to the principle of non-discrimination and effective and unbiased police actions, including better knowledge and application of the **“Action Protocol for Security Forces and Corps for Hate Crimes and Conduct that Violates Legal Standards on Discrimination.”**

8. Discrimination against Roma people in the area of housing: difficulties finding rented accommodation due to anti-Roma prejudices.

In the **area of housing** we continue to find cases of discrimination (29 cases), although fewer than in the previous year (when there were 40). The most common cases revolve around the refusal of some estate agencies or landlords to rent or sell a flat when they discover that the person or family who wishes to buy or rent it is Roma. Another type of cases has to do with coexistence, meaning cases of non-Roma neighbours who react in a hostile way to the fact that there are Roma neighbours in the building, or who unjustly report some Roma families to the police in order to harass them. There are also cases of evictions and dispossessions of Roma families where the requirements to respect human rights in this type of situations have not been met.

In this respect, we would like to highlight a case which occurred in Teruel: in the neighbourhood of Pomecia there has been a settlement with numerous poor-quality dwellings for decades, most of which are inhabited by Roma people; a decree from 2018 ordered the demolition of 26 of these residences. The FSG brought up this case in a strategic lawsuit, seeking to disallow the possibility

of eviction on the principle of the prolonged and tolerated residence of the families in the Pomecia neighbourhood. Added to this was their vulnerable situation and the need for a prior ruling of proportionality, which would take into account the lack of alternative accommodation to house the large number of families. The sentence issued in June 2023 acknowledged these arguments and ordered the cessation of the demolition of the properties (for more information about this case, see the chapter on litigation).

We appreciate that the Comprehensive Law for the Equal Treatment and Non-Discrimination, in its Article 20, prohibits discrimination in the domain of housing, by both individuals and companies, as well as by service-providers in the sector of sales, rental and real estate brokerage such as advertising portals; this prohibition also includes private individuals who publish offers of rental or sale of properties. We also view very positively the fact that the new Housing Law incorporates among its aims the need to eradicate poor-quality housing settlements. This phenomenon disproportionately affects Roma people, as has been demonstrated in the *Study of the characteristics and circumstances of people living in slum and substandard housing settlements in Spain* (FSG, 2023).⁷

Furthermore, with the aim of guaranteeing Roma people's right to housing, we urge authorities to take the following measures:

- The development of housing and town planning policies which respect the right to equality of treatment and prevent discrimination, including residential segregation, **as stipulated in the Article 20.1 of the Comprehensive Law for Equal Treatment and Non-Discrimination.**
- The implementation of the provisions of the **new Housing Law**, with a more complete approach to situations of residential segregation and slum settlements, and the **establishment of housing alternatives**, both in the short and long term, for those families living in these settlements.
- **Respect for legally established procedures** in evictions and relocations carried out by the municipal authorities, in which the best interest of the child is paramount.
- The approval of a **National Plan for the Eradication of Slums**, with an adequate budget and the implications of all the Autonomous Region, in line with the provisions of the EU Parliamentary Resolution⁸ of October 2022 about settlements and residential segregation of Roma communities.

9. Discrimination in other areas and anti-Roma hate crimes

We include other cases of discrimination in a final section; these are cases that do not occur in a specific area (22 cases). Here we include some cases which are not hate crimes, such as aggressions or violent threats towards some Roma people on public roads, arson attacks and also threatening anti-Roma graffiti on various buildings and public spaces, which are examples of anti-Roma hate speech. **Sometimes these cases are anti-Roma collective persecutions, similar to pogroms, such**

7- Available at

https://www.gitanos.org/estudios/study_of_the_characteristics_and_circumstances_of_people_living_in_slum_and_substandard_housing_settlements_in_spain.html.en

8 - <https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:52022IP0343&from=EN>

as those which occurred in Peal de Becerro and in Íllora in 2022. These types of cases are analysed in the “In Depth” section.

In order to improve the response of the relevant authorities to hate crimes with an anti-Roma motivation, as reflected since last year in Article 22.4 of the Penal Code, we recommend:

- **That all police forces, at all levels, create police diversity management units** inspired by the good practices spearheaded by some local police forces, such as Madrid, Fuenlabrada and Burgos. In fact, many of these cases show the usefulness of having a **specific unit for the police management of diversity** in the application of the suitable protocols in the face of anti-Roma incidents and hate crimes.
- To sections of provincial prosecutors’ offices specialised in hate crimes and discrimination: we recommend that they promote and coordinate, in their respective areas, criminal proceedings aimed at the investigation and prosecution of discriminatory behaviours, as **stipulated in Article 32.1 of the Comprehensive Law for Equal Treatment and Non-Discrimination, about the Public Prosecution Service.**
- **That the members of the Public Prosecution Service receive mandatory specialised training** related to groups which tend to suffer discrimination, including members of the Roma community (Article 32.3 of the Comprehensive Law for Equal Treatment and Non-Discrimination).
- Regarding collective anti-Roma persecution, we ask local authorities (public officials, politicians, police officers, authorities, etc.) to comply with the **CEDRE Recommendation**⁹ on this matter.

10. Cases of discrimination and antigypsyism detected at the European level

Lastly, we have reserved a section for the situation of antigypsyism in Europe. Here we include just a few of the cases which exemplify the difficult situation that many Roma people experience in many countries. In addition to the numerous cases of hate crimes against Roma individuals and families in many countries in Europe, **we highlight an event of special importance for the year 2022: the war in Ukraine.** The war which broke out in 2022 due to Russia’s invasion of Ukraine has had an enormous impact on the lives of the Ukrainian population. Many people have had to abandon their homes and flee from the country, among them Ukrainian Roma people. During 2022 we have been able to gather information about how the already especially vulnerable situation of the Roma in Ukraine generated an especially critical situation for them in the context of the invasion. This includes **the detection of some cases of unequal and discriminatory treatment that some Roma refugees from Ukraine have experienced.**

Some cases of discriminatory treatment have been reported in neighbouring countries (Moldova, Slovakia, Hungary, Romania and Poland), received by Roma refugees in these countries once they managed to cross the borders.

9 - https://igualdadynodiscriminacion.igualdad.gob.es/novedades/novedades/2022/pdf/Recomendacion_CEDRE_prevenir_practicas_antigitanas.pdf



Accordingly, it is worth recalling the fundamental role that the institutions of the European Union have in establishing an anti-discriminatory regulatory framework and in the fight against antigypsyism.¹⁰

This is why we call on these institutions to:

- Ensure the adoption and effective implementation in all Member States of the **national action plans against racism**, in line with the statements in the Commission's Communication "A Union of Equality: **EU Anti-Racism Action Plan 2020-2025**".¹¹
- **Revise Directive 2000/43/CE**, in order to broaden the areas where discrimination is prohibited and **expressly incorporate the terms "antigypsyism" and "intersectional discrimination"**, as in the Spanish Comprehensive Law for Equal Treatment and Non-Discrimination.
- Apply the EU Parliamentary Resolution of October 2022, on the situation of Roma families who live in settlements, which recognises the existence of **"structural and institutional antigypsyism" at the European level**.
- **Promote the use of European structural and investment funds (especially the ESF+)** to improve the situation of the Roma in Europe, with special emphasis on the fight against antigypsyism.
- Approve the **Proposals for Directives**, currently in development, **on the rules relating to equality bodies**, in order to strengthen the functions, capacity and independence of these bodies.

10- For more information about the EU recommendations in this area, see the Appendix at the full version of this annual report.

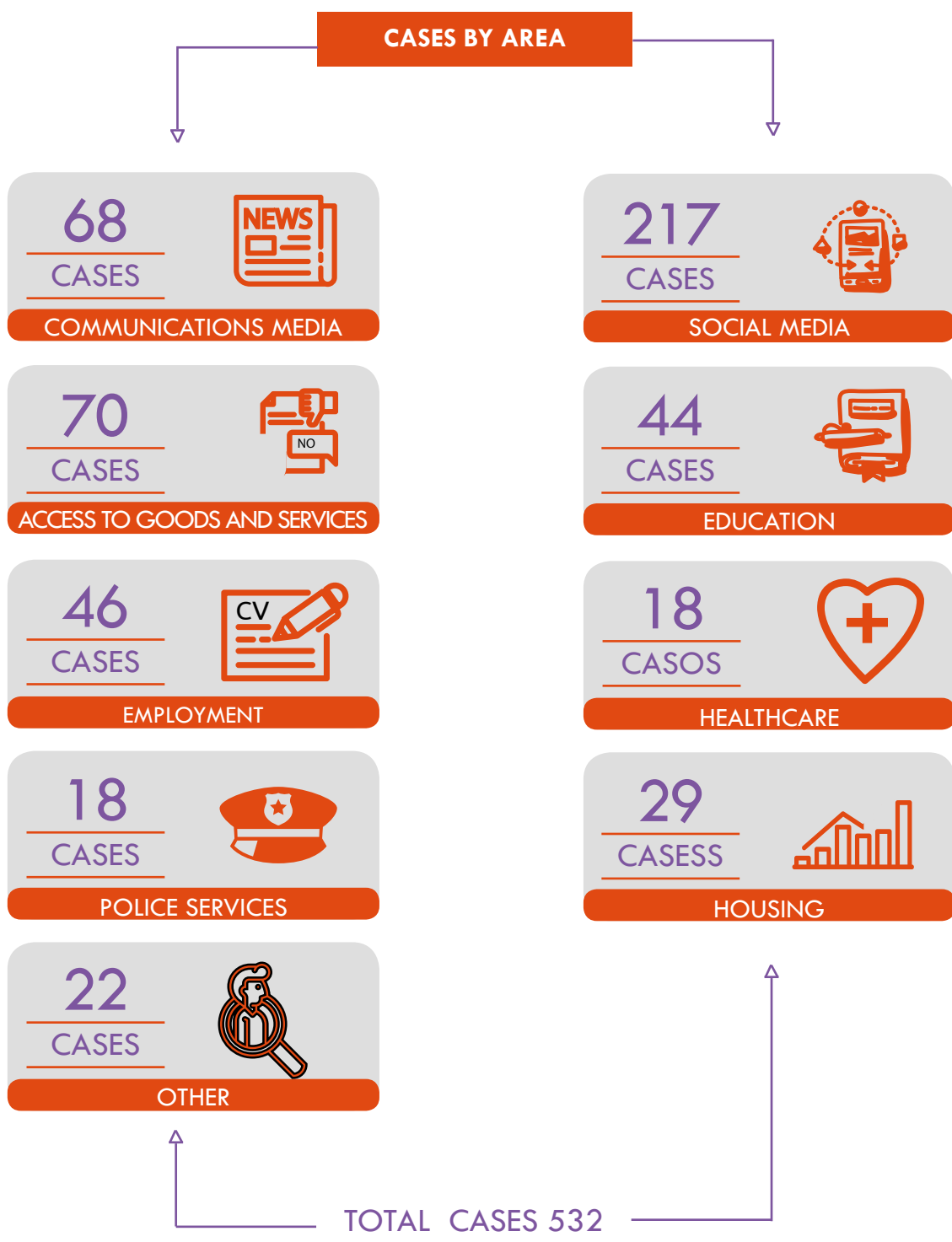
11 - <https://www.gitanos.org/actualidad/archivo/131837.html>

Presentation of disaggregated data

In this section we present the disaggregated data corresponding to the 532 cases collected during the year 2022 by the FSG.

Definitions regarding case categorisation:

- 1) **Individual Cases:** When the discrimination or hate crime is directed against a specific, identified person.
- 2) **Collective Cases, three sub-categories:**
 - **The Roma community in general:** cases that affect the image of the entire Roma community or promote hatred of the entire Roma community (for example: bad practices in newspapers in which ethnicity is cited in the report, or anti-Roma hate phrases on social media, “all Roma are..”).
 - **A case with undetermined victims:** Undetermined collective case: cases which affect a specific group of Roma people, whose exact number cannot be quantified (for example: the case of a group of young people who are denied entry to a nightclub because of their Roma ethnicity; it is a collective group, but we do not know who they are nor how many there are).
 - **A case with identified victims:** a case in which a group of Roma people are discriminated against, and in which we know how many and who they are (for example: 5 Roma teenagers are prevented from entering a nightclub).



CASES OF INTERSECTIONAL DISCRIMINATION → 38

ANALYSIS OF CASES

INDIVIDUAL AND
COLLECTIVE DATA

149
INDIVIDUAL
CASES



383
COLLECTIVE
CASES

383 COLLECTIVE CASES



293
CASES
AGAINST
THE ROMA
COMMUNITY
IN GENERAL



85
COLLECTIVE
CASES WITH
IDENTIFIED
VICTIMS



5
CASES WITH
UNIDENTIFIED
VICTIMS



ANALYSIS OF VICTIMS

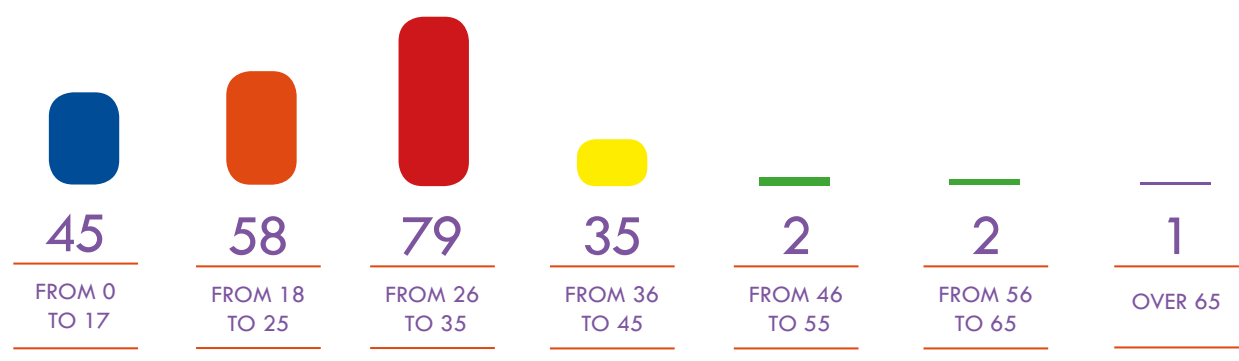
DATA BY GENDER
PEOPLE IDENTIFIED 222

121
WOMEN



101
MEN

AGES OF IDENTIFIED VICTIMS



TOTAL NUMBER OF VICTIMS IDENTIFIED 222



**Strategic litigation undertaken
in cases of discrimination,
hate crime and antigypsyism**







Introduction: the focus of strategic litigation at the FSG

At the FSG we approach strategic litigation in a comprehensive manner, not in isolation but rather as a tool which is complementary to many others, such as assistance to victims, outreach campaigns, training, political advocacy and the promotion of good practices. In most cases, the people we work with in strategic litigation are participants in one of our programmes, and there has been prior social intervention work by our teams. In many of the cases we bring before the courts we carry out, previously or in parallel, other extrajudicial interventions, which may impact the approach and resolution of the cases. These activities include claims or complaints to institutions or consumers' offices, complaints to the Ombudsman's Office, complaints to labour inspectorates, etc.

Once again this year we present in this chapter the most symbolic cases of discrimination and anti-Roma hate crimes in which we have applied strategic litigation as a methodology. They have been selected due to the seriousness of the events, or because they are the most common cases, or because of their context and the situation of the people affected. In all of them we have initiated legal proceedings, either in the Provincial Prosecutors' Office for Hate Crimes and Discrimination or in the relevant courts or tribunals depending on the matter in question.

Most of the proceedings have been brought on the initiative of the FSG after a thorough assessment of the facts, the testimony of the victim, the evidence and the likelihood of success. In all cases we have selected the most strategic to be represented in court by lawyers with expertise in human rights, in antidiscrimination law and in the most relevant legal field on a case-by-case basis.

Once more this year, we would like to recognise the effort that our teams have made in the territory and above all the Experts in Equality, specialised in equality of treatment and gender equality. This team of more than 30 professionals, mostly Roma women who form part of the *Calí Programme, for the equality of Roma women*, are the focal point for attention and counselling as well as for detecting the most representative cases, and they accompany the victims of discrimination and anti-Roma hate in an informed and empathetic manner.

It is important to emphasise the commitment, time and effort that are dedicated to each case of discrimination and antigypsyism, and which have been the driving force in making the cases of strategic litigation go beyond the courts and spread into forums and spaces where these subjects have been absent, such as public debates, in public opinion and in policy agendas.

All this is done with the aim of changing mentalities in society; there are many stereotypes and prejudices which still persist about the Roma population. It is important to raise public awareness and to highlight situations of antigypsyism so that they can be addressed and condemned by society as a whole, thus generating the social changes which are needed for the realisation of principles of equality of treatment, human rights and social justice. Likewise we are working to ensure that the intersectional approach is applied in jurisprudence, fundamentally in cases that specifically affect Roma women, so that they receive specific, serious responses recognising the aggravated nature of the discrimination.

In addition, strategic litigation opens up the possibility of applying national legislation and international standards around human rights, and also European jurisprudence, especially from the European Court of Human Rights. It also calls into question some legal loopholes that we have encountered in the application of legal strategies. In this regard, it is important to bring attention to the passing of the Comprehensive Law for Equal Treatment and Non-Discrimination, which took place in July 2022 and whose application in practice ought to make the right to equality and non-discrimination real and effective. Furthermore, antigypsyism has been explicitly enshrined in the Penal Code, as an aggravating factor in Article 22.4 and in the specific crimes of Articles 510, 511 and 512 of the Penal Code. This new regulatory framework opens up the possibility on the one hand of undertaking a greater number of legal strategies and on the other of requiring judges and prosecutors to apply the specific typification of racism that antigypsyism constitutes.

Finally, it should be noted that cases of strategic litigation would not be possible without the courage and persistence of those who have the support of FSG in reporting antigypsyism, who face very long reporting and legal procedures which do not always prosper, and do so always with a view to defending not only their own rights but those of all the people who have suffered similar discrimination and rights violations

Summary of strategic litigation cases initiated in 2022 and follow-up of those initiated in previous years

In 2022 we have advised and accompanied 29 cases in court proceedings, 15 of them initiated this year and the other 14 follow-ups to cases initiated in previous years. Of these cases, there have been court appearances and judicial representation in a total of 11 cases. Of all these proceedings, **the case of the settlement of La Pomecia in Teruel, where we appeared in court to avoid 26 Roma families being made homeless**, should be highlighted. In this case we obtained a favourable resolution, since the claim of the appellant, who was seeking the eviction of the families, was rejected, precisely on the basis of the vulnerability of the families and the need for a prior ruling of proportionality. The eviction became subject to the condition of the existence of alternative housing for all the families. Of the rest of the cases which have not had judicial representation, six proceedings have been closed and only one of them has had a favourable resolution, in which **the existence of anti-Roma harassment at school was acknowledged, suffered by a 9-year-old Roma female student**.

Below we summarise all the cases of strategic litigation in which we have accompanied the victims, with or without judicial representation, and which have been ongoing throughout 2022.

A. CASES REPORTED DURING THE YEAR 2022

1. **The case of the violation of fundamental rights of 26 Roma families in the neighbourhood of La Pomecia (Teruel).**
2. **Contentious Administrative Appeal for violation of fundamental rights stemming from the demolition of housing without alternative accommodation in the Cañada Real (Madrid)**
3. **The case of denial of access to a campsite in Cistierna (León) to nine families due to their Roma ethnicity**
4. **The case of hate speech on the internet forum Burbuja.info**
5. **The case of denial of entry to a shop to a woman and her niece due to their Roma ethnicity**
6. **The case of attacks, insults and threats against the Roma families of Peal de Becerro (Jaén)**
7. **The case of attacks, insults and threats against the Roma families of Íllora (Granada)**
8. **The case of the anti-Roma harassment of a nine-year-old Roma girl in a school in Madrid**
9. **The case of threats and harassment based on their Roma ethnicity of two Roma men in a jumble sale in a town in A Coruña**
10. **The case of injury aggravated by antigypsyism of an autistic Roma minor by one of the workers at an educational centre in Madrid**
11. **The case of the denial of widow's benefit to a Roma woman in Seville**
12. **The case of the denial of rental of premises to a Roma man due to his ethnicity in Jaén**
13. **The case of neighbourhood aggression aggravated by antigypsyism towards three Roma families in a town in Granada**



14. **The support and collaboration with other entities in a case of violation of the right to housing of a Roma family**
15. **The case of assault with a vehicle of a Roma man and the violation of his rights due to lack of information and assistance in Talavera de la Reina**

B. FOLLOW-UP OF CASES REPORTED BY FSG IN PREVIOUS YEARS¹²

16. **The case of an assault aggravated by racism against a Roma adolescent in Castellón**
17. **The case of assault aggravated by racism against a Roma woman in Ontur (Albacete)**
18. **The case of denial of access to premises to 14 young people for their Roma ethnicity in Jerez¹³**
19. **The case of violation of rights of a young Roma woman convicted for a robbery she did not commit in a shopping centre in Madrid**
20. **A report filed with the Public Prosecutor's Office in Santander for hate speech via WhatsApp audios in Cantabria**
21. **A report filed with the Public Prosecutor's Office in Madrid for anti-Roma hate speech in the internet forum Burbuja.info**
22. **A report filed with the Public Prosecutor's Office in Cádiz for anti-Roma hate speech via WhatsApp audios**
23. **A report filed with the Public Prosecutor's Office in Jaén for anti-Roma hate speech via the social media platforms Twitter and Facebook**
24. **A report filed with the Public Prosecutor's Office in Huelva for anti-Roma hate speech via social media**
25. **The case of neighbourhood harassment with an anti-Roma motive against a family in Badajoz**
26. **The case of denial of widow's benefit to a Roma woman**
27. **The case of attempted murder aggravated by racism for an arson attack against the habitations of an extended Portuguese Roma family**
28. **The case of violation of basic rights in Cañada Real**
29. **The case of anti-Roma hate speech disseminated via social media. Report filed at the Provincial Prosecutor's Office in Madrid**

12- In this section we collect the cases reported in previous years, which are included in our previous Annual Discrimination Reports. Here we report on the latest developments in the proceedings initiated by the FSG.

13 - https://cadenaser.com/emisora/2019/07/15/radio_jerez/1563187162_904253.html

Conclusions

1. Through these strategic litigation cases undertaken by FSG, significant progress has been made:

- ▶ The possibility of transferring to national case law the human rights standards of international bodies in the fight against discrimination and racism, as well as the jurisprudence of the European Court of Human Rights.
- ▶ Some existing legal loopholes have been called into question and this has contributed to the adoption of new regulatory frameworks (Comprehensive Law on Equal Treatment and Non-Discrimination and changes to the Penal Code).
- ▶ With the practice and experience from the years we have been litigating from the FSG, we are acquiring tools and establishing coordination networks with key agents in the legal administration (specialised prosecutors, judges and lawyers), and we have created synergies and alliances with organisations working in the fight against racism and discrimination.
- ▶ One of the most important achievements is being able to reach those who have suffered acts of discrimination or hate who are not able to undertake legal proceedings themselves, because of fear of reprisals, lack of knowledge of the legal system or the high costs of legal representation. This is one of our main objectives: to accompany people throughout the long and complex situations which are difficult to handle individually.
- ▶ When aggressors have to answer to the law, even when the final resolution of the case is not in favour of the victim (in many instances due to the application of the principle in criminal law of minimal intervention), the perception of impunity for their aggressors that exists in Roma communities is reduced, trust in institutions increases and the reporting of cases goes up.
- ▶ We draw attention to types of cases which recur constantly, such as the denial of goods and services or the intersectional discrimination that Roma women suffer in shopping centres. They are cases which are repeated year after year, and which we continue to report and denounce.
- ▶ The Roma people we accompany and represent in court tell us that they feel empowered- they are asserting and exercising their rights and doing so as holders of these rights. Litigation gives a voice to and empowers those Roma men and women who decide to report their cases to demand their rights and those of their people.

2. However, it should be noted that a number of difficulties arise when dealing with strategic litigation in cases of discrimination, hate crimes and antigypsyism:

- ▶ The lack of an adequate response by the legal administration in cases of discrimination and antigypsyism generates a feeling among the victims that their abusers have impunity, and this re-victimises them. This is despite the creation of the Provincial Prosecutor's Offices for Hate Crimes and Discrimination, a very important advance that guaranteed specialisation in this type of crimes. However, this specialisation in the wider legal system is still non-existent.
- ▶ In this regard, it should be emphasised that the complexity of these cases of discrimination and anti-Roma hate requires a comprehensive approach with a focus on human rights, diversity and gender, which is currently practically non-existent.
- ▶ Anti-Roma prejudice still exists in judicial and police spheres, as does a lack of empathy toward the victims. Ethnic biases continue to be applied, on occasion aggravated by gender bias.



- ▶ In criminal proceedings the taking of evidence gives rise to many difficulties, given that only the aggressors' and the victims' testimonies are available. In these cases, the outcome is usually the dismissal of the case "due to contradictory versions of events". Since the reversal of the burden of proof cannot be applied, it is difficult for criminal proceedings in cases of discrimination to prosper.
- ▶ The slowness of prosecutions, which can take up to seven years to reach the oral hearing stage (see the case of Castellón). As well as constituting undue delays and thus violating the right to a fair trial, this creates an impression of impunity and failure of the system to deliver justice, and causes great emotional stress for the victims.
- ▶ The low percentage of convictions against those responsible for acts of discrimination and racism in general and cases of antigypsyism in particular. Likewise, there are cases in which convictions do occur, but where the specific aggravating factor is not applied.
- ▶ The difficulty of obtaining convictions in cases of anti-Roma hate speech on the internet and social networks, due to the difficulty of assigning authorship, or ambiguity in the boundaries between freedom of expression and hate speech.

3. In addition, from the victim's perspective, there are other obstacles that hinder access to justice:

- ▶ Time limits sometimes work against victims: they need time to assimilate what has happened to them and make the decision to file a report, and the legally established deadlines for many procedures do not allow them to take that time.
- ▶ Furthermore, many procedures take too long, which prevents victims from receiving prompt and effective restitution.
- ▶ The delay in the holding of oral hearings also works against victims, who do not remember the fact of the case in detail or do not recognise the perpetrator in the identification parade, resulting in acquittals.
- ▶ Sometimes beginning a legal process creates expectations in people that are later not met, given that the difficulties mentioned above prevent the processes from concluding in a satisfactory way for the victims.

4. Considering all the circumstances described above, it would be positive to make further progress in the police and judicial response to cases of hate crimes and discrimination:

- ▶ There is a need for a training plan for national Security Forces and Corps. Despite the progress made in the fight against hate crimes and discrimination with the creation of specialized hate crime units within the state security forces and corps, many officers still do not have sufficient training to deal with this type of crimes and there are still strong prejudices and stereotypes against the Roma community.
- ▶ Outreach and training of key actors in the legal field (judges, prosecutors, public defenders) remains essential to help combat prejudices, which influence the approach to cases and call into question the testimony of victims, and to deepen the intersectional focus and knowledge of national and international norms and standards applicable in cases of hate crimes, discrimination and antigypsyism.

- ▶ The creation of provincial prosecutors' offices specialised in hate crimes and discrimination was a great step forward in the fight against all forms of racism, including antigypsyism, something we have been able to verify in many of the cases we have taken to court. Nonetheless, it is important to provide them with more resources and to promote coordination with the entities that work in the fight against discrimination and hate crimes, thus facilitating the follow-up of reported cases.
- ▶ Despite the fact that data on cases of antigypsyism are already incorporated into the records and statistical reports of the Public Prosecutor's Office, they need to be disaggregated in order to be accurate and comparable. This will allow us to effectively monitor the application of legal frameworks, and thus better take on the fight against antigypsyism.

Chapter 4



In Depth: Anti-Roma collective persecution





Anti-Roma collective persecution: recommendations for a correct institutional and social response based on the cases of Peal de Becerro and Íllora in 2022.

María del Carmen Cortés Amador

Fundación Secretariado Gitano

Introduction

In the summer of 2022, two deplorable episodes of extreme antigypsyism occurred: one in Peal de Becerro (Jaén) on the 16th of July, and the other in Íllora (Granada) on the 15th of August. In both cases, residents of these localities demonstrated publicly, in extreme cases even damaging homes or vehicles, demanding the expulsion or banishment of all the Roma families as they considered them guilty of crimes allegedly committed by a Roma person. In essence, it was a question of blaming the whole Roma community for deeds committed by individuals. A reaction that would be unthinkable if it happened to the majority population, is something that has regrettably come to be “normalised” when the people who find themselves in this situation are Roma.

And the events of Peal de Becerro and Íllora are not isolated cases. Collective punishment and persecution of Roma people have always existed. In our country, we can date it to 1499, when a series of laws, or ‘pragmáticas’, began to be issued which sought the elimination of the Roma and their culture.

From that moment on, more than 200 anti-Roma laws have been enacted, some as recent as the one prohibiting the use of the Roma language, Caló, considered “delinquent slang” during Franco’s dictatorship.

The main objective of this persecution of the Roma, both in the past and in the present, was and is “to clean the Roma” from the neighbourhoods or towns where they are living with other populations, and to blame them for anything that happens, highlighting to this end their ethnicity and culture as supposed triggering factors for the behaviours or events that have occurred.

In recent history in Spain, from 1984 in Torredonjimeno (Jaén) to 2019 in El Pozo (Madrid), there have been numerous, recurrent episodes of anti-Roma persecution, demanding the expulsion of Roma families from towns.

What happened in Peal de Becerro and Íllora in 2022 shows the extent to which these historical forms of anti-Roma persecution and harassment, attempts at collective punishment of the Roma community, persist in our society, and thus the need to reflect on what measures authorities at all levels should take, as well as the societal changes that need to happen to prevent these types of occurrences.

Without doubt, one of the main changes and/or lessons that should take place in our society is society-wide empathy towards Roma victims of these incidents. Why has the social majority accepted and normalised these attacks against Roma people? Why does the majority of society look away? Silence and inaction from society at large, and from political leadership, strengthen the chances of these attacks against the Roma people occurring again.

2. Cases of anti-Roma collective persecution which occurred in 2022 in the towns of Peal de Becerro and Íllora

The events in Peal de Becerro and Íllora in 2022 show the extent to which this type of profoundly anti-Roma reactions, which anyone would consider consigned to the past, lamentably continue to occur. In these towns two homicides took place: one in Peal de Becerro (Jaén) on the 16th of July 2022 and the other in Íllora (Granada) on the 15th of August 2022. A few hours after

the events and following police intervention, the alleged perpetrators, both Roma men, were immediately brought before the courts. Despite this, in both cases, repeated mass demonstrations were called (some of which were unauthorised) to demand the banishment of the Roma families from both towns. In the context of the demonstrations, some residents attacked the houses of relatives of the alleged perpetrators and also those of other Roma families, throwing stones, overturning vehicles and burning their property to shouts of “they’ve got to be thrown out”, “murderers”, “death to the gypsies” or “gypsies out”. Graffiti with the same expressions was also painted on some houses. As a consequence of all this and of the feeling of lack of protection by authorities experienced by the people affected, the Roma families of both towns fled, terrified by the fear of reprisals, of losing their lives and those of their families.

Specifically in Íllora, compounding the situation, the mayor released statements condemning the violent death of the young man and expressing solidarity with his family; however he did not condemn the serious attacks against the Roma families, nor did he offer support for the repair of the damage to their homes or protection for the victims of these attacks. Likewise, he made some statements in which he explicitly announced that the Mayor’s Office would do everything possible to “banish” these people (referring to the Roma people allegedly involved).

Recommendations for an improved institutional and social response in cases of anti-Roma collective persecution

For more than 40 years, Fundación Secretariado Gitano has been stressing the importance of preventing racial or ethnic discrimination, as well as the most serious situations of antigypsyism, with specific measures and protocols based on its experience, but also on the analysis and modus operandi of these attacks.

These events did not just happen in isolation. If we were to analyse the motivations which probably influenced the evolution of both the historical and current manifestations of anti-Roma animus, we could identify the following:

- **Dehumanisation** of the Roma people: unworthy, heretical, inferior beings, etc.
- The presumption of “**guilt**” as opposed to the presumption of **innocence**.
- **Persistent and fixed stereotypes and social prejudices** associated with negative characteristics and negative adjectives. These have a direct impact not only on the rejection of the Roma community in every area of social life and every social space, but also on the way people relate to the Roma.
- The existence of structural and social antigypsyism, which is “**normalised and permitted**”, causes social immobilisation and the assumption that these attacks are normal for Roma people.
- The persistence of discourses with generalising ideas which deny the social and cultural diversity within the Roma population. This leads to the failure to recognise any social and cultural transformation.
- Lack of knowledge of the social and economic situation of the Roma community today, as well as their history, especially in educational environments.

The current regulatory framework around equal treatment and non-discrimination is sufficient to guarantee the protection and defence of human rights and, in particular, the right to equal treatment and non-discrimination of Roma people in the face of any attack and violation of these rights. However, we still see that there are often shortcomings in the correct application of the regulations, above all in situations of antigypsyism as normalised as the incidents of anti-Roma collective persecution. What would have occurred if the people implicated in these deplorable incidents had not been Roma? What would have happened if the mayor of Íllora had taken a stand in favour of the affected Roma families?

The main consequences for the Roma of their situation of inequality and exclusion are **indifference** (“Roma lives do not matter”), the non-recognition or **devaluation** of the right to redress and compensation of the victims of these



anti-Roma attacks and **social immobilization** around the defence of the fundamental rights of the Roma people, the right to their image, to bodily integrity, the right to equal treatment and right to be free from discrimination, among others.

In Spain, the defence and protection of the Roma cause continues to be a residual and non-priority issue not only for a large part of the institutions of our society, but also for society in general. The existence of serious situations of segregation and educational failure; the unemployment rate; the existence of slums and substandard housing; the situation of social disadvantages that especially affect Roma girls and young women, as well as sick and disabled elderly people; all these make it more difficult for affected families to recover from anti-Roma attacks that they may have suffered. Likewise, these circumstances also make it more difficult for the social majority to take a stand in their defence.

For this reason, we consider it vitally important to adopt measures and/or recommendations with the aim of actively preventing anti-Roma practices that can encourage harassment and the expulsion of Roma people from the localities where they live:

To the Sub-delegations of the Government:

- The importance of extreme vigilance in those gatherings or meetings which are unauthorised or not communicated to the relevant authorities. In both cases, there were concentrations of people, demonstrations or meetings of more than 350 people, some of which were unauthorised, in public or emblematic areas of the towns where anti-Roma comments and declarations were voiced, which gave rise to confrontations against the Roma or even violent acts towards people and/or their property. Similarly, if a serious situation of collective risk is foreseen, which could give rise to disturbances of the public order, authorities should intervene immediately with the dissolution or prohibition of the gathering. Likewise, an increase or reinforcement of agents of the law should immediately be ordered.

- The immediate identification by police of the person or people responsible for the infractions and crimes committed during these demonstrations, and where appropriate, the initiation of proceedings against agitators or those who promoted or organised the actions.
- To prioritise the physical protection and the safety of the Roma families of the town, and of their property, rather than trying to persuade them to flee the town in order to “avoid greater evils”.
- Specific training programmes about antigypsyism aimed at Security Forces and Corps (especially in at the local level), with a special focus on the applicable regulations. The attention given by the security forces should be carried out free of stereotypes and prejudices, and should be objective and impartial. Likewise, and in the event that Roma people are assaulted or physically abused, the possible existence of aggravating circumstances of antigypsyism should be evaluated in accordance with the provisions in the Penal Code, and should be recorded in the corresponding police reports and documentation.

To the local authorities regarding the public order and people's safety.

Public officials should be responsible when issuing communications or statements about events in the traditional media and on social media, Local officials and other relevant authorities must refrain from making public judgments or comments in favour of some residents and against others. The most direct consequence is the spreading of fear and a feeling of insecurity and defencelessness on the part of Roma families towards the nearest institutions.

To social services in communities: Comprehensive attention for the affected Roma families. As they carry out their public roles and competences, social services in communities must provide and guarantee the necessary attention and offer the resources and public services available under

equal conditions and without any discrimination. They must accompany families and provide special attention if there are minors or infirm elderly people. They must ensure that basic needs, and medical needs in the case of the unwell, are met. In the event that the public authority does not have these resources, it must seek support for the affected towns from other neighbouring administrations or authorities.

- Immediate action must be taken to remove graffiti which spread hate speech, as well as the graffiti “murderers”, “get out” painted on the homes of the alleged perpetrators in Calle Sol (Peal de Becerro).
- Establish a local community action and emergency protocol with the aim of identifying victims, their relatives and close associates as quickly as possible, and of offering them necessary information.
- The establishment of local programmes to allow the reconstruction or improvement of neighbourhood coexistence between Roma and non-Roma people in the affected localities.

As an advanced, democratic society which defends human rights, it cannot be forgotten that the responsibility of citizenship in the face of hate pertains to everyone, and that the rights of the Roma are also human rights. Nor can we allow a minority to promote persecution and violence towards Roma people and not ourselves react against this violence. Faced with violence carried out towards Roma people we cannot look the other way.





Collective blame and punishment: the Nazi legacy that still haunts Europe's Roma

Bernard Rorke

European Roma Rights Centre

The spectre of collective punishment still haunts Europe, Roma are the principal targets for punitive and public acts of mob violence, and the sombre truth is that very few Europeans give a damn about the perils faced by their Romani fellow-citizens. In March 2019, the European Roma Rights Centre (ERRC) published a fact sheet on mob violence and collective punishment, and warned of the threats facing Romani communities in countries where antigypsyism has been mainstreamed as an 'acceptable form of racism'. Unfortunately, this warning proved all too prescient and was followed by vicious mob attacks on Romani communities in Bulgaria, Italy and France in the run up to the European elections.

In the years since there has been no let-up in the scapegoating of Roma, as the far-right—often in cahoots with supposedly centre-right parties—has continued to mobilize against 'ethnic replacement', multiculturalism and so-called gender ideology. No effort has been spared pedalling conspiracy theories, targeting visible minorities, and spreading lies and disinformation through both mainstream and extremist media outlets. Part of the fallout from this momentum is that Roma have continued to be singled out for collective blame and collective punishment by cynical nativist politicians and neo-fascist mobsters.

With the outbreak of COVID-19, in May 2020 [Marija Pejčinović Burić, Council of Europe Secretary General](#), expressed her worry that "some politicians blame Roma for the spread of the virus" and warned against measures "that could result in further compromising the human rights of Roma and hampering their equitable access to the provision of basic public services, most importantly health care, sanitation, and even fresh water." Her worries were well-founded. In Bulgaria, for example, the quarantines and curfews which led to the blockading of Romani neighbourhoods, marked an 'ethnicization of the pandemic': the punitive measures targeting Roma were disproportionate, unrelated to actual

infection rates, and later acknowledged to have been largely ineffective.

The over-securitized and ethnic-specific approach was harshest in Yambol, which was fully quarantined and blockaded for 14 days. On the morning of the 14th May, a helicopter sprayed nearly 3,000 litres of detergent to 'disinfect' the Romani neighbourhood. Far-right MEP Angel Dzhambazki called for the closure of 'all Romani ghettos everywhere', describing them as the 'real nests of infection'.



There is nothing incidental about this, anti-Roma racism has proven to be a crucial component of the far-right armoury, and it is so deeply embedded in the institutions of state and society that the public reaction to acts of violent collective punishment against Roma is at best ambivalent, and all-too-often, openly supportive. Those who dissemble and argue that such violence against Roma are rare incidents of little significance, and usually the product of 'understandable tensions', wilfully ignore a history of bloody oppression, mob violence and summary 'justice'.

A short history of persecution

For there is nothing novel about this kind of anti-Roma racism, and the parallels with antisemitic violence in the last century are worthy of note. The word pogrom usually evokes memories of atrocities committed by roving bands of Jew-haters such as the Black Hundreds, amidst the collapse of the Russian empire; and it was the [Kishiniev pogrom](#) of 1903 that “ushered in the start of pogroms as a national institution”, and offered “a jarring glimpse of what the new century might well hold in store”. Roma would also be singled out for collective punishment throughout the twentieth century, victims of public cruelty orchestrated with official connivance, targeted because of their pariah status and their ethnicity.

The grim genealogy of Roma persecution stretches from officially sanctioned ‘Gypsy-hunts’ and edicts of banishment in the seventeenth century to mass extermination in the mid-twentieth century Holocaust, and persecution and expulsion in the course of ethnic cleansing at the end of the millennium.

After the fall of the dictatorship in Romania, Roma became targets in the 1990s for communal violence and collective punishment, which sometimes culminated in the expulsion of entire communities. On September 20, 1993, following a fatal stabbing incident, three Romani men were killed by a mob in the village of Hadareni. During the pogrom, 13 Romani houses were set on fire and destroyed and four other dwellings were seriously damaged.

A sense of just how perilous the situation was for Roma in Romania at that time can be garnered from reports which reveal that police were frequently slow to arrive at the scene of the violence, and typically would not intervene to protect the Roma being attacked. In a macabre echo of earlier pogroms, it was reported that mobs of villagers assembled to the sound of church bells before descending upon Roma neighbourhoods to beat, burn and loot.

The twentieth century closed with the last Balkan war, and the Roma in Kosovo were caught between, and targeted for, alleged collusion by paramilitary combatants from both sides. In a

wave of ‘[reverse ethnic cleansing](#)’ at the end of the war, Albanian extremists raped and murdered Roma, mobs plundered and burnt down entire Romani neighbourhoods, forcing thousands to flee for their lives and precipitating the forced migration of as many as 100,000 Roma from Kosovo.

Italy: where ‘normal citizens’ carry out ‘acts of inhuman violence’ against Roma

In March 2021, the Italian Supreme Court dismissed the appeals of four individuals convicted for their role in anti-Roma pogrom where an informal camp was firebombed and completely destroyed near Turin in 2011. This shocking mob violence, which forced the inhabitants to flee for their lives, was sparked by a completely false allegation of sexual assault. The Court confirmed the first instance judgment and the opinion of the sentencing judge, Paola Trovati, who declared that the hate crimes committed were “*the product of an ancestral and never-subsided ethnic hatred towards Gypsies*” which led “*normal citizens*” to carry out “*acts of inhuman violence*”.

In 2018, [The Guardian](#) reported on warnings of a dangerous acceleration in attacks on immigrants and minorities after 12 shootings, two murders and 33 physical assaults were recorded in the two months since the Lega leader Matteo Salvini, became interior minister.

Soon after taking office, Salvini announced his decision to move ahead with mass camp clearances and round-ups of foreign Roma, by declaring on TV that “*Irregular foreigners will be deported via agreements with other countries, but Italian Roma unfortunately, we have to keep them at home.*” Particularly chilling was [Salvini’s notorious call](#) for a “*mass cleansing street by street, piazza by piazza, neighbourhood by neighbourhood.*”

By November 2018, the UN Office of the High Commissioner for Human Rights (OHCHR) warned of the dangers posed for society with such frequent resort to hate speech at high political levels and noted that “hate speech has become normalized, and manifestations of hatred has become permissible.” The OHCHR reviewed numerous inflammatory statements by politicians, including members of Government. Included in this shocking litany of racist abuse were statements

that Romani people, they should “*have their hands cut off*”, should “*work harder and steal less*”; and according to public statements by Italian Members of the European Parliament, “*Gypsies are the dregs of the society.*”

A decade earlier, Prime Minister Berlusconi’s *Emergenza Nomadi* with its demonization of Romani people, heralded a prolonged period of harassment, expulsions, mob violence and pogroms against Roma communities. In Ponticelli near Naples, in May 2008, after a 16-year-old Romani girl was charged with attempted kidnapping of a child, a 300-strong mob armed with baseball bats and Molotov cocktails razed the largest camp forcing Roma families to flee without their possessions through a gauntlet of violent locals. Images of burning camps and frightened faces of Roma children on pickups watching their former homes in flames made international media headlines.

Dismissing international criticism, Umberto Bossi stated that “People do what the state can’t manage” and Minister of Interior Roberto Maroni stated, “that is what happens when gypsies steal babies, or when Romanians commit sexual violence.” According to the results of a poll by the national Italian newspaper *La Repubblica* conducted in May 2008, 68% of Italians wanted to deal with the “Roma Gypsy problem” by expelling all of them.

France: “the majority of Roma should be delivered back to the borders”

Riots in July 2010, in the village of Saint-Aignan by *Gens du Voyage* after a 22-year-old French Traveller was shot and killed by police during a car chase, provided French President Nicolas Sarkozy with a pretext to launch a series of measures directly targeting Bulgarian and Romanian Roma.

A state policy of collective punishment effectively kicked off with Sarkozy’s declared intent in 2010 to raze Roma camps to the ground and deport Roma en masse back to Romania and Bulgaria. The inflammatory rhetoric was followed by punitive policy measures and the deliberate infliction of hardship upon Roma through forced evictions and deportations. The kerfuffle created by the authorities about Roma was by any standards

extraordinary when one considers that in a country of 66.3 million inhabitants, the ‘migrant’ Roma never amounted to more than 20.000 people.

Any grounds for optimism that a Socialist government might herald a more humane approach were soon dashed. The new Interior Minister, Manuel Valls proved to be even more enthusiastic about mass evictions than Sarkozy, and infamously declared in 2013 that “*the majority [of Roma] should be delivered back to the borders. We are not here to welcome these people*”; *Roma lifestyles are clearly in confrontation with French ways of life – they could never be integrated.*”

Bulgaria: “rampant intolerance manifested towards minority groups”

Following a violent incident in the village of Vojvodinovo near Plovdiv on 6 January 2019, which left a member of the Bulgaria special forces hospitalized, anti-Roma protests demanding the demolition of all Roma houses in the village were organised. In attendance at the protests were local residents, members of extremist groups, football ultras and army personnel who made retaliatory threats to Romani people.

The Minister of Defence and Deputy Prime Minister for Public Order and Security, Krasimir Karakachanov—leader of the xenophobic and far-right Internal Macedonian Revolutionary Organization party (IMRO) further inflamed the situation by declaring to the media that:

“Gypsies in Bulgaria have become exceptionally insolent. ... This cannot continue. The tolerance of Bulgarian society has run out. [...] The truth is that we need to undertake a complete program for a solution to the Gypsy problem.”

In an overt call for collective punishment of an entire Romani community for the actions of two individuals, he called on local authorities to deal with the matter, demanding the removal of so-called “illegal homes” in the Romani neighbourhood in the village. Five homes were demolished almost immediately, just three days after the incident, on the purported basis that they were found unsuitable for habitation. The following day, ten more homes were destroyed.

Fearing further violence, some 200 Roma fled the village to nearby Plovdiv. The Commissioner for Human Rights of the Council of Europe, Dunja Mijatović, visited the displaced families and was “dismayed by the degradation, insalubrity and lack of basic services”. She reported that the children were attending an inferior segregated school, the parents had lost their jobs and were struggling to find employment, and had abandoned their plans to return to Voyvodinovo, “where they were no longer welcome and where they were in danger of losing their home.” When the Commissioner met the local authorities, she reported that they appeared indifferent to the situation of the families concerned.

On 6 February 2019, IMRO released what they have repeatedly referred to, in wilfully sinister terms, proposed policies “to resolve the Gypsy problem”. Among the proposals were demolitions of all homes without proper documentation and ‘limiting births’ of Romani mothers.

In the report on her 2019 visit to Bulgaria, Commissioner Mijatović, noted with alarm the rampant intolerance manifested towards minority groups in Bulgaria, and drew attention drawn to the fact that the mob violence in Voyvodinovo was part of a wave of anti-Roma rallies occurring across Bulgaria, where such orchestrated mob violence often set the scene for subsequent eviction and demolition orders affecting Roma. She also noted that over the years, such disturbances, demolitions and forced evictions take place in the context of election campaigns as politicians scapegoat Roma as part of their political communication.

The Commissioner notes in particular that in certain cases forced evictions take place in the context of election campaigns as some politicians tend to instrumentalise and scapegoat Roma as part of their political communication.

The Commissioner also recalled the events in Gabrovo in April 2019, where for four consecutive nights, mobs roamed the streets, attacking Roma houses, vandalizing furniture and shouting ‘Death to the Gypsies’. The houses were empty because Roma having seen and heard the mobs had already fled into the forest. Many families subsequently left the city.

As sociologist [Stefan Krastev](#) noted, such cases had been recurring for years, sparked off by relatively minor altercations, “but in the racially-biased lens of most mainstream and social media, such incidents acquire the status of a metaphor of the supposedly privileged position of Roma in Bulgarian society.” Despite being perhaps the most socially-deprived social groups, Krastev points out that Roma are “paradoxically perceived by many ethnic Bulgarians as privileged receivers of social assistance and rights, pampered by political elites at the expense of ordinary people who work and pay taxes.”

Such public acts of mob violence and collective punishment targeting Romani neighbourhoods has long been enabled and facilitated by racists in both government and opposition parties. Scapegoating Roma would routinely spike in the run-up to elections, and the orchestrated ‘carnivals’ of collective anti-Roma violence provided temporary distractions from the incessant corruption scandals.

Some measure of the calibre of the ruling elite can be garnered from the appointment in 2017, of Patriotic Front henchman and Deputy Prime Minister, Valeri Simeonov, to lead the National Council on Co-operation on Ethnic and Integration Issues. [Simeonov](#), had infamously declared in parliament that the Roma, “are brazen, feral, human-like creatures that demand pay without work, and collect sickness benefits without being sick. They receive child benefits for children that play with pigs on the street, and for women that have the instincts of stray dogs.”

In an open letter on May 29, nearly 400 Bulgarian human rights activists and intellectuals denounced the appointment of this “pronounced supporter of fascist and neo-Nazi ideology.” Simeonov was subsequently convicted for these comments, but two years later was acquitted of hate speech charges by a three-member panel of Bulgaria’s Supreme Administrative Court.

Hungary: Neo-Nazi killing spree to solve the ‘social situation’ and ‘restore order’

February 2023 marked the 14th anniversary of the murder of five-year-old Robika Csorba and



his father Robert, victims of a murderous series of attacks on Roma settlements across Hungary in 2008 and 2009. Against a backdrop of racial incitement, prejudiced press reporting and far-right mobilisation, with calls for crusades and final solutions to the 'Gypsy problem', six Roma were slain and over 50 others wounded in the wave of far-right terror, which left the maimed and the bereaved severely traumatised. After midnight on 23 February 2009, in the village of [Tatárszentgyörgy](#), attackers first threw Molotov cocktails, setting the Csorba family home ablaze. On hearing the bangs, Robert grabbed his two eldest children, while his partner took the youngest child Maté. As Robert fled the burning house, holding Robika close to his chest and Bianka by his side, a waiting gunman opened fire hitting all three. Only Bianka would survive. The far-right Magyar Garda militia had staged mass meeting in Tatárszentgyörgy before the fatal attack. The speeches were full of anti-Roma racism and threats of punitive violence.

In their testimony following their capture, the killers claimed that had attended the inauguration the Magyar Garda but had found them 'ridiculous' and unfit to solve the 'social situation'; and their indictment noted that they resolved to arm themselves to take an active role in 'restoring order', and selected their targets based on media reporting, "their attention drawn to wherever there was a significant Roma-Hungarian conflict."

The murders stopped, but the survivors, the bereaved and the wider Roma community were left traumatised; and neither was there any let-up in hate speech, calls for collective punishment, and direct intimidation of Roma by the extreme right. At a mass rally in Budapest to mark the founding of the 'new' Hungarian Guard, Jobbik leader Gábor Vóna declared: "*We need to roll back these hundreds of thousands of Roma outlaws. We must show zero tolerance towards Roma crime and parasitism... Any Roma who did not conform should leave the country.*" Outside the capital, collective punishment increasingly took the form of mass rallies by far-right groups descending on Roma neighbourhoods.

Conclusion

Events in Peal de Becerro (Jaén) on 17 July 2022 where a mob of many hundreds shouting "*¡Asesinos fuera!*" (murderers out), looted and burned six homes, threatened Romani families, and daubed the word *asesinos* on the walls of dozens of their houses sent shock waves through Spain. [Ismael Cortés MP](#), recalled the 1986 pogroms of Martos (Jaén), which led to the flight of the Gitanos population after the burning of their homes declared: "*History repeats itself. The eternal return of Antigitanism*"; and he issued a firm repudiation of the toxic notion of collective blame:

"Ethical and legal responsibility for any crime always lies with a particular individual or a group of individuals. Responsibility for a crime can never be attributed to abstract entities such as cultures, ethnicities, races or religions. Always, always, always, there are individual responsibilities."

It should be cause for alarm that a population, singled out for extermination by the Nazis and their fascist allies just eighty years ago, can be targeted publicly by far-right forces across Europe in the 21st Century; stigmatised and singled out for collective punishment by mainstream politicians and neo-Nazi movements alike, while ethnic majority populations remain publicly indifferent and ambivalent. At the very least it points to the urgent need for a public Europe-wide 'reckoning with history' to shed light and spread knowledge about the mass atrocities against the Roma people in the past, and mobilization by progressive forces against present-day atrocities.

In 1938, Hannah Arendt wrote: "That the Jews are the source of anti-Semitism is the malicious and stupid insight of anti-Semites." As though nothing was learned from the Holocaust, such malicious and stupid insights can be heard today with reference to the Roma. Mainstream political leaders who indulge in anti-Roma rhetoric for short term electoral gain, who fail to condemn or even tacitly condone acts of collective punishment and mob violence against Roma, stand accused of perpetuating this pernicious form of eliminationist racism. Not only do such politicians dishonour the dead, but by virtue of their collusion, they imperil the living. In these dark times, to be silent is to be complicit.

Antigypsyism and neighbourhood violence in Spain: a failure to learn lessons from repeated triggers and patterns of conflict

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Something is amiss. Something that continues to be ignored in neighbourhood political struggles, even in the most nascent and least supported practices of historical memory against antigypsyism. Many residents' struggles against urban discrimination in Spanish working-class neighbourhoods have taken the form of ethnic solidarity, via boycotts of relocations of Roma families and even of the schooling of Roma students, although this latter with less frequency, convening power and duration.

There are, nonetheless, differences between the two types of conflicts cited above and those which, on the other hand, make up the continuously changing map of civilian anti-Roma violence in Spain. Thus, the possibilities and patterns of development of the conflicts that do not go beyond the threshold of ethnically-focused protest, such as the actions against relocation of Roma families, have varied in accordance with the evolution of the political process of relations and litigations with the Roma during the democratic period. This frequently conflictive process has included the public deployment of traditional anti-Roma prejudices, but it has also been characterised by the creation of new frameworks of ethnicised meanings and by attempted forms of neighbourhood discrimination that have changed over the years. These have modulated and adapted to the new forms of inter-ethnic interdependence, as well as to the new legitimacy and framework of rights that the Roma have won from democracy despite social resistance to their inclusion (Río-Ruiz, 2014; 2018).

On the other hand, the episodes of anti-Roma violence have maintained -at least since the latter days of the dictatorship- very little variation in their triggers and their patterns of development, as well as in their orientational framework, meaning and ethnically-focused importance, which act in various scenarios as a rallying cry against local Roma minorities. The ritualised festivals of anti-Roma violence represent, notwithstanding

marginal innovations in accordance with local circumstances, a succession of episodes of "low-intensity ethnic terrorism", whose patterns of evolution were identified twenty years ago in a book supported by the Fundación Secretariado Gitano (Río 2003). There I revealed how those who participate in different roles which make up these conflicts, act under a structured and regulated protocol of collective action, which allows us to explain how they arise and under which order of interactions the events take place. Despite these regularities, the authorities, both local and from outside the community, continue to act without learning the appropriate lessons to avoid these situations. Furthermore, they are cases which, despite their recurrence in Spain when in other countries the rights and accepted legitimacies of Roma citizens have improved notably, tend to be rapidly buried in newspaper archives. We usually remember the precursors of ethnically-motivated violence, which is often poorly redressed in terms of justice and restoration of coexistence, but when once again and in another place it is too late.

The media treatment of these cases usually resorts to volcanic metaphors, but this kind of descriptions of aggrieved and shaken residents who cannot contain their outburst **dilute the importance of antigypsyism as a conditioning factor in the range of possibilities for the residents' actions.** It is true that practically all the community attacks against families, animals and properties of Roma communities have been set off by previous, unjustifiable interpersonal violence. It is also true that many times the critical event that ritually unifies a crowd to be indiscriminately against the Roma has been a homicide or serious assault. Yet it is also true that assaults that can be categorised as minor have also provoked spirals of ethnically-motivated violence. The most serious case in democratic times -Martos, 1986, when thirty homes were set on fire- was preceded precisely by a minor assault by one resident on another, non-Roma, resident.



If we are to talk about a Roma resident as a victimiser, these events, whether minor, serious or as irreparable as a homicide, cease to be evaluated as dramatic and unjustified results of abuses, disputes and interpersonal quarrels between neighbours. There is no risk of a local majority uniting to assault and destroy with bulldozers, torches or machetes the residential neighbourhoods of white European minorities that are home to the perpetrator of several murders of young native women. On the contrary however, it only takes one Roma resident to be implicated in a homicide for events which could be judged as interpersonal, if critical, to come to be assessed, by local populations and now in the new windows to hate comprised by social media, through the lens of some of the worst traits attributed to Roma people; they are accused indiscriminately of transgressions and of being a continuous threat to the most valued rules of neighbourhood order and safety: the right to physical integrity, which (according to widespread prejudices) is especially violated by the Roma, who resort at the slightest friction to a wide range of lethally violent conduct as their calling card in society.

Therefore, one feature of these cases is their asymmetry: the uneven playing field when it comes to evaluating and reacting against a deed depending on the perception of the ethnicity of its perpetrator. Another feature is over-representation: the tendency to judge a whole community for the despicable deeds of one of its most deviant members. Another is cultural substantialisation: the tendency to evaluate the acts of members outside the group as inherent to the pattern of behaviour of that out-group, instead of as an individual deviation without a specific cultural framework. Even rumours, which in many cases appear in the hours immediately following the events, are evaluated with ethnically-coded parameters. The lack of information is often redirected via stereotyped narratives about the behaviour of the minority.

On the other hand, manifestations of antigypsyism reveal that different trajectories and roots of different Roma families in the localities where conflicts take place do not eliminate the risk of experiencing violence, boycotts, harassment and pressure from the neighbourhood even to the point of being exiled. The wise, accumulated Roma memory which on many occasions marks

the flight of Roma families from scenarios where they intuit indiscriminate ethnic violence, frequently recognises generalised implications. The logic of individualisation of crimes is suspended. Cases abound in which the so-called “most integrated” also suffer violence. They suffer it regardless of their direct or indirect responsibility in the associated crimes. They suffer it regardless of their history of communal life in the towns. These cases show to what extent violence is the hard core of racism. How where for the one day that ethnically-motivated crowds march, it not only takes a long time for the grass to grow back, but the destruction of inter-ethnic bridges built sometimes over generations, yet fragile and difficult to repair, is consolidated.

In fact, along with the division of integrated roles between groups which are more violent architects and groups which are facilitators that incite and support anti-Roma violence when it breaks out, another characteristic of these cases is the community pressure which leads to the silencing of local dissidence around the resident responses on offer. This mob cohesion is combined with the ineffectiveness of local authorities in containing the residents. **The abundant irresponsibility of local authorities in participating in or allowing acts of neighbourhood protest that are a prelude to racist violence adds to the extreme cases where tension and hatred unleashed at the community level is used politically by mayors' offices,** as happened in Mancha Real in 1991, or two years before in Sanchonúño in Segovia. Nonetheless, even when the local authorities pay a political price for not facilitating and not justifying the anti-Roma violence, as happened in Torredonjimeno in 1984 and in Martos in 1986 with mayors accused of not being “on the side of the people”, experience shows the low effectiveness of local powers in the containing and peaceful channelling of this type of crowds.

More detailed mention should be made of the role played in these cases by the media, above all the provincial media, which are especially subject to localist clienteles and interests. Given the bad image which these cases give of localities and provinces, the media's denunciation of the ethnically-motivated nature of these events is increasingly lukewarm. Strikingly, the media treatment that episodes of antigypsyism received in the early period of democratic Spain was much

more critical and in accordance with a human rights approach, than that which is being offered to episodes of antigypsyism in the 21st century. Faced with these cases which continue to occur, as shown by the recent events dealt with in other sections of this report, I agree that it is necessary to definitively draw up an institutional action protocol that can provide a rapid and effective social and legal response to situations unworthy of a nation governed by the rule of law, which is often suspended in the case of Roma citizens.

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Three ideas to end anti-roma programs

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We give the name anti-Roma pogroms to the collective acts of violence carried out against groups of Roma for the simple fact of being Roma. In this type of episode the aggressors form together as an anonymous mob, which acts representing the supposed interests of the common good. Those who are attacked are attacked because they belong to a Roma group or family and not because of any specific behaviour: they are punished for being and not for *doing*. The cause or justification of these violent acts is usually a deed committed by a specific Roma person, but the responsibility for this is placed on the whole group to which the perpetrator belongs, in contravention of the principle of individual criminal responsibility which holds in democratic societies.

Historically, collective punishments have been used in wars and invasions as intimidatory measures to terrorise a population, with the aim of preventing hostile acts and even if they involved striking the guilty and the innocent alike. Legally, this type of punishment was prohibited after The Second World War in the Geneva Conventions of 1949, but unfortunately these punishments still occur, and the Roma continues to be subjected to them, although nowadays these punishments are not imposed by political or legal powers but by groups made up of the civilian population. Nevertheless, tolerance for these pogroms from public discourse and the lack of forceful legal sentences that recognise the racial discrimination that sustains these violent acts, means that they continue to occur with considerable impunity. Example of this are the pogroms of Torredonjimeno in 1984, Martos¹⁴ in 1986, Mancha Real in 1991, Castellár in 2008 and 2014, and more recently in Íllora and Peal de Becerro¹⁵ in 2022.

In this text I share three ideas about this type of racist violence, with the aim of thinking deeply about the phenomenon with reference to a structural perspective on antigypsyism¹⁶ and in order to refine the solutions that we can equip ourselves with for the eradication of this violence. We cannot approach these episodes as a mere problem of public order; we need an in-depth analysis of their causes to be able to find the right solutions to deal with them.

First idea: anti-Roma pogroms are not the result of the rise of the far-right and the proliferation of hate speech.

It is an indisputable reality, as upheld by the Public Prosecutor's Office specialised in hate crimes, that intolerant speech and hate towards minorities, including the Roma population, have increased in recent years as cause or effect of the greater presence of far-right messages in the media and in institutions. However, we cannot reduce the reality of anti-Roma pogroms to this one cause since, as we have seen, they have occurred throughout history, both before the democratic period in Spain and during the transition to democracy, and afterwards. There have been pogroms against Roma people both when the majority of the country has voted for socialist governments and when the right and the far-right have taken political power. This fact forces us to look for the historical and structural causes of this phenomenon, and to make the analysis of the matter much more complex.

Second idea: Anti-Roma pogroms are viewed in the collective imagination as episodes of civilian self-defence and not as acts of racist violence.

14- <https://ctxt.es/es/20190403/Firmas/25445/dia-internacional-del-pueblo-gitano-fascismo-antigitanismo-pastora-filigrana.htm>

15 - <https://www.elsaltodiario.com/antigitanismo/la-memoria-historica-del-pueblo-gitano-sigue-sumando-incendios->

16- <https://ctxt.es/es/20160713/Politica/7135/gitanos-gitano-fobia-martos-1986-incendio-memoria-historica.htm>

The version of these events that is represented in the media, and thus the majority public perception of them, is of a collective response of residents in the face of a threat to their safety caused by a Roma group. Hence, most of the discourses around this phenomenon are split between those who justify the violence -since it consists of an act of self-defence- and those who condemn it as being against the law and as “taking the law into one’s own hands”, abandoning legal channels such as law enforcement agencies and courts. Rarely, therefore, are these acts of collective violence condemned for their racist dimension and their violation of fundamental rights. Therefore, the approach to this violence is presented as a topic of debate in which there may be several democratically valid positions: for or against the lynching of Roma families. What is not expressed is a discourse of total rejection, as of something that clashes head-on with the constitutional order and with human rights.

Third idea: Political and media power is reluctant to face up to the fact that pogroms are acts of racism because that would mean admitting that antigypsyism is structural.

If a group of football fans shout “fucking monkey” at a racialised footballer, it is easier for public opinion to roundly condemn this act as racist than the burning of the houses of Roma families at the hands of a mob of enraged residents. This is because, in football, the perpetrators of the aggression are a definite group of people- hooligans or extremists. They do not represent the majority of society, but are rather a deviation from it, a failure of the system. Extremist groups or Nazis are never an “us”- in the collective imagination, they are faceless, dangerous and uncivil people whom we do not know. These radical extremists are not our colleagues at work, mothers and fathers of schoolchildren, the shop assistant or the hairdresser. However, in anti-Roma pogroms the aggressors are “normal people”. The phrase “it was The People” has been used as justification for the perpetrators in some of these instances. They are not youth wearing swastikas whose hobby is beating people up; they are people who, the day after setting fire to houses of Roma people, take their children to school and give them fruit for breakfast, who visit their parents on Sundays

and who pay their taxes. To admit that all these people are racist is to admit that the whole society is racist. Racism, in this case antigypsyism, is thus emerged as something structural- not as a failure of the system, but as the system itself. To accept this position means questioning the prevailing structure, and this is not so easy to do from positions of power which benefit from the status quo.

Conclusions

These three ideas are intended to put on the table the need to accept that antigypsyism is structural and that admitting this is the first step to being able to propose solutions to this violence. That it is structural means that the idea of the inferiority or sub-humanity of the Roma people currently underlies political, economic, cultural, administrative and legal decisions. It is the idea that the Roma population does not meet the minimum standards of humanity to have the same rights as the rest of society, and that the social exclusion that a large part of the Roma population suffer is due to their own idiosyncrasies.

In the hegemonic discourse, the Roma are not sufficiently developed, hard-working, rational or enlightened to deserve a better situation than the one they have today. Antigypsyism is therefore a bias widely shared by the majority population. The culture represented by the phrases “comb your hair, you look like a gypsy” or “behave yourself and don’t be like a gypsy” form part of everyone’s collective imagination. Antigypsyism consists in placing the Roma population in a position symbolic of what should not be. The perennial example of the uncivilised. It is these social consensuses which create the justification for the idea that the whole Roma community deserves to be punished for a deed committed by one individual from that community, thus denying the individuality of Roma as people. Because the Roma are not people who bear of rights, they are a “whole” defined as inferior, parasitic and dangerous. This is why the whole community, including children and the elderly, pays the price- because Roma as individuals do not exist in the collective imagination.



To dismantle these myths and beliefs which deny Roma people of their full humanity, it is necessary to understand how they have been constructed. How the history of persecution of the Roma population is an attempt to annihilate a culture. A culture that is presented as subversive to the economic and social role that Power has historically assigned to the Roma population: that of occupying the social and economic sectors with the lowest recognition and compensation. The persecution and stigmatisation of the Roma people over centuries have mainly been caused by the need to subject this population to ways of life that are productive for the economic powers, at the cost of limiting their autonomy and identity. The historical resistance of the Roma population against this destiny has been punished with stigmatisation and social exclusion. For all these reasons, the recovery of the history of the Roma is still a necessary task.

The fight against antigypsyism is a fight for the universality of human rights. If we construct societies in which the collective imagination and the prevailing discourses deny that all lives have the same worth, and if society justifies the idea that there are people who deserve to be punished for who they are and not for their deeds, there is potential danger for everyone, and not just the Roma. Because a society which operates a hierarchy of humanity will always need a group of humans to put at the bottom of the pyramid, and no-one is safe from occupying this position sooner or later. The fight against antigypsyism is therefore a fight at all costs for the universality of the most fundamental rights; for this reason, this cause does not only belong to the Roma, but to all of us.



Rhetorics of antigypsyism: a threat to coexistence in neighbourhoods.

Jose Luis Berrón Velasco.

Officer of the Racism and Xenophobia group of the Diversity Management Section. Municipal Police of Madrid.

Introduction.

The master plan of the Municipal Police Force of Madrid accepts that one of the main threats in diverse societies is intolerant and discriminatory behaviours. These behaviours which have come to be called hate crimes, constitute one of the main concerns for security and citizens' coexistence because of their impact on their victims, on groups and especially because they harm one of the foundations of the Spanish Constitution, which is the model of plural and diverse coexistence. In the European space, efforts are made to highlight these crimes, with the aim of establishing the most adequate means and resources to eradicate them, and it is from the need to address these incidents that the Diversity Management Station of the Municipal Police Force of Madrid has been providing its services since 2017. Since the founding of the Diversity Management Station, one of the main focuses has been to foster a permanent dialogue between different entities, foundations and associations, which represent those vulnerable groups who suffer hate crimes. One of these entities with particular relevance is the Fundación Secretariado Gitano, with which the Police Force of Madrid has maintained a collaboration agreement since 2019.

Antigypsyism, Islamophobia, antisemitism, aporophobia and LGBTIphobia are concepts which identify different forms of rejection of human diversity. They are observable in actions, rhetoric or speech, and not only represent a potential attack on fundamental rights, but can also resignify public spaces in a city as spaces of fear and prejudice, and break down neighbourhood harmony.

Escalation of conflict

On the 20th of March 2019, Madrid awoke to headlines which across the board informed of some disturbing incidents: "Second day of trouble in Vallecas outside the house of the alleged

murderer of a local resident". These disturbances were related with a fatal stabbing which had occurred the Sunday before, in El Pozo. These initial disturbances showed a level of reaction which exceeded any collective or neighbourly expression of reject or indignation over the violent death of a local resident, and were first attended by the Municipal Police Force of Madrid via the Security Support Unit and the Police Intervention Unit of the National Police Force, in an attempt to contain them.

The first disturbing impression of these incidents was that they threatened to escalate, which demanded the creation of a high visibility preventative operation for as long as was necessary, with the purpose of deterring any acts of violence. That deployment was coordinated by the Integrated District Police Station of Puente de Vallecas, and was maintained until the month of July, operating 24 hours a day and involving patrols from the district itself, nearby districts, callsigns from the Security Support Unit, patrols from the Reinforcement Police Station and callsigns from the Diversity Management Station.

Expressions of antigypsyism

Thanks to the close communication that there has always been between the Fundación Secretariado Gitano and the Municipal Police Force of Madrid, report was made of the proliferation of *anti-Roma graffiti* in the neighbourhood of Vallecas, where the stabbing had taken place. This alerted the Diversity Management Station, since if the existence of this graffiti was confirmed, the conflict could take a worrying turn as it would be an indicator that a situation of high risk for coexistence in the neighbourhood was unfolding. The graffiti that was registered was a powerful indication that the fine line between collective indignation at the violent event and a very dangerous

“culturalisation of the conflict” was being crossed, and of the imputation of that event [the violent death of a local resident] to “the Roma” as a group. While “the culturalisation of conflict” (Gómez and Martínez, 2014) is explained as a phenomenon that takes place when one of the parties to the conflict is an immigrant, in this case it operates in a similar way when, paradoxically, Spanish Roma residents are attributed the same “otherness” as foreigner would be.

Spreading messages, expressions or rhetoric that attempts to point the finger of blame for violence, fear or insecurity in neighbourhoods at “the Roma”, is the seed of prejudice that threatens coexistence, and is the prelude to hate crimes, which are above all crimes of prejudice. After hearing the complaint from Fundación Secretariado Gitano, the Diversity Management Station opened five cases of graffiti which confirmed this anti-Roma rhetoric. Once the graffiti had been recorded, it was immediately erased by SELUR services. On the 8th of April 2019, International Roma Day, and in the midst of that escalation of conflict in Vallecas, the “2nd Anti-Rumour Forum of Usera” was held, in which methodologies for overcoming antigypsyism were presented. The Diversity



Management Station participated, along with other presentations, and stressed that the most important tool against hate speech, beyond legal action, is “counter-narratives” from society itself against *antigypsyism*.





Conclusions

In summary, it can be concluded that those turbulent weeks confirmed that there are indicators or elements in the critical incidents or conflicts in neighbourhoods to which institutions, citizens, specialist teams of social intervention and the media must pay attention. It is a matter of identifying, in time, anti-Roma or racist rhetoric which arises opportunistically as a result of incidents or conflicts, and seeks to culturalise them, attributing them not to the individual responsible for them but to a social group. This dynamic gives rise to the dangerous oppositional construction encapsulated in the pronouns “us” (the residents), versus “them” (the Roma) (Van Dijk, T. 1994). It is a matter of identifying in time that flashpoint which, not infrequently, is fed by the sensationalist treatment of some media and social networks, and of being aware of the risk that is carried by losing the narrative of coexistence (always in dispute), to that of hostility and prejudice. We cannot forget that in the organisation of hate and its rhetoric, the fundamental purpose and objective of its spreaders is to try to achieve an alignment where a visceral response of “communal” hate can be expected (Ahmed S., 2017). It is for this reason that in the Racism and Xenophobia group of the Diversity Management Station we keep in mind two keys which we believe are fundamental: recommendation 4 of the ECRI relating to the fight against hate speech, which urges us to fight against this rhetoric via a “counter-narrative”, and the need to promote community work and intercultural mediation across

neighbourhoods, which can promote participation spaces, coexistence and exchanges among the residents of the districts of Madrid (Giménez, C. 2009; Ahmed, S. 2017).

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Chapter 5



Good practice and jurisprudence

Good practice and jurisprudence





1. Good practices

Approval of the Comprehensive Law for Equal Treatment and Non-Discrimination.

On 30th June of 2022 the [Comprehensive Law for Equal Treatment and Non-Discrimination](#) was passed. Since the beginning of the process 12 years ago, the FSG has promoted the formulation and approval of this law and made contributions to its content with a focus on gender and human rights and based on European and international standards, with the aim that the law would provide for all measures appropriate for the eradication of all forms of discrimination and antigypsyism.

Sara Giménez, current president of Fundación Secretariado Gitano, has been one of the main forces behind this law, first as part of the FSG team that began its design together with a group of experts convened by Pedro Zerolo; and then from her seat as a member of Parliament. Fundación Secretariado Gitano, also promoted the creation of the **Alliance for the Equal Treatment Law** to strengthen the joint work of the social organisations that work with potential victims of discrimination, and we have made important contributions to the content of the law.

The approval of this law is an important step forwards in Spain for the protection of the right to equality, and it will have a very special impact on the Roma community, one of the groups which faces most situations of discrimination and of course antigypsyism. Fundación Secretariado Gitano has been documenting cases of discrimination for many years and supporting and advising victims of discrimination who, thanks to this law, will have their own channel of reporting. In this regard, we value highly the fact that the law provides for the creation of an **Independent Authority**, charged with protecting and promoting equality of treatment and non-discrimination, although we regret that a year after its approval this Authority has not yet been created. In addition, we consider it very relevant that the **introduction of antigypsyism into the penal code as one of the motives that can give rise to a hate crime** has been included in the law, via a final provision. Among other positive aspects, the law provides for an administrative penalty regime for those discriminatory

incidents which do not constitute a crime. We also value positively the incorporation of **and special attention to intersectional discrimination**, to be taken into account in the application of measures and sanctions. Finally, we highlight the introduction of **support measures for victims of discrimination**.

Despite the significant progress made by the law, **we regret that issues such as protection and compensation of victims remain to be addressed more adequately**, and that measures or instruments to guarantee them have not been adequately developed. Also, the law provides for an **infractions and penalty regime for discriminatory incidents**, but it is presented in an ambiguous manner. Likewise, we regret that with respect to the use of racial or ethnic profiling by Security Forces and Corps and private security firms, there is no adequate regulation for the eradication and penalisation of these practices.

Recommendation of the Council for the Elimination of Racial or Ethnic Discrimination (CEDRE), to prevent anti-Roma practices that encourage the harassment and expulsion of Roma families from their places of residence

The Council for the Elimination of Racial or Ethnic Discrimination, following the serious incidents which took place in both Peal de Becerro (Jaén) on 17th July 2022 and in Íllora (Granada) on the 15th of August 2022, decided in October 2022 to prepare and publish a Recommendation to prevent this kind of practice.

The Recommendation recognises that “these serious anti-Roma attacks are not isolated cases, but a practice that on many occasions follows the same pattern and has several precedents in Spain, as well as in other European countries. In all these cases the seriousness of the acts of violence carried out requires an adequate response from all the authorities responsible for their prevention, as well as for the protection and safety of all citizens on equal terms, focusing on preventing and eradicating acts such as those

described, as well as any other example of structural or occasional antigypsyism.”

It is essential that authorities act and continue to implement their protocols against hate crimes, since in many cases their actions are crucial in addressing and solving these serious cases of antigypsyism, as analysed in the In-Depth section of this annual report.

We appreciate the CEDRE’s commitment with this situation; it has reacted quickly and decisively in the preparation of this report.

https://igualdadynodiscriminacion.igualdad.gob.es/novedades/novedades/2022/pdf/Recomendacion_CEDRE_prevenir_practicas_antigitanas.pdf

Manual for police action. Racism, xenophobia and other forms of intolerance. Municipal Police of Madrid.

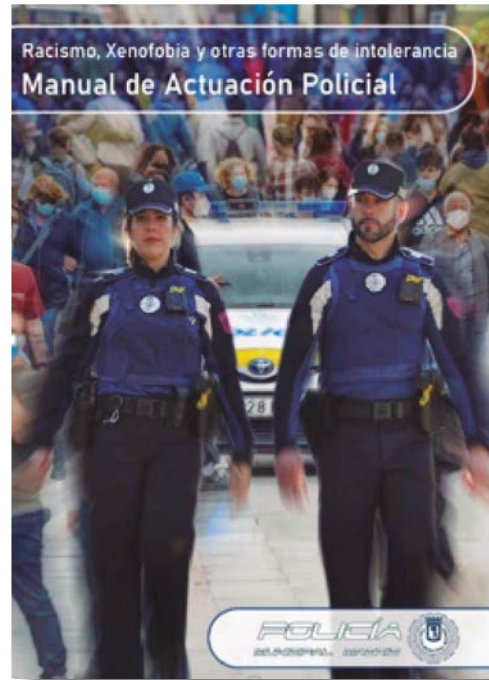
Within the framework of the Clara Project, the *Manual for police action. Racism, xenophobia and other forms of intolerance* was published in 2022, coordinated by the Municipal Police Force of Madrid.

The manual has been drawn up based on the results of the working sessions of the Clara Project with the Local Learning Community (LLC) of the city of Madrid. The LLC was made up of Officers from the Municipal Police Force of Madrid, and representatives from the following social entities: the Chinese Association of Spain, Association of Afro-European Jurists, the Taybe Association, The Rueda Association, the Spanish Commission for Refugee Aid, La Merced Migration Foundation and the Fundación Secretariado Gitano, **which was in charge of preparing the section about antigypsyism.**

The manual is presented in two distinct parts: a first, practical part, structured as a basic guide for police actions, and a second theoretical part, made up of a series of articles written by experts, which allows us to look in depth at the different types and motivations of discrimination and intolerance, and to improve the quality of police attention for victims. The practical part, which constitutes the core of the Manual, starts with a section dedicated to hate crimes indicators, which

are key in determining the motivations of the perpetrator when they carry out discrimination.

The theoretical part deals with victim care, with good practices for immediate intervention in hate crime cases. It is aimed at Security Forces and Corps **and includes cases of antigypsyism.**



The Victims of Racial or Ethnic Discrimination Support Service from the Council for the Elimination of Racial or Ethnic Discrimination (CEDRE) has been strengthened.

The Victims of Racial or Ethnic Discrimination Support Service is a public, national and free service of attention and guidance for victims of racial or ethnic discrimination that the Council for the Elimination of Racial and Ethnic Discrimination is obliged to provide. The Council is a chartered organisation currently under the auspices of the Ministry for Equality, the General Directorate for Equal Treatment and Ethno-Racial Non-Discrimination, and was created in 2009 in compliance with Article 13.1 of [Directive 2000/43/EC](#), which implemented the principle of equal treatment between persons irrespective of racial or ethnic origin.

The main objective of this Service is to provide assistance to victims of racial or ethnic discrimination in order to promote equal treatment and racial or ethnic non-discrimination. Its activities



include direct assistance to people who suffer, have suffered or know about situations of discrimination based on racial or ethnic origin, and telematic assistance via online inboxes or via a telephone hotline for victims of discrimination. Such assistance may be directed both to the person or group who may be discriminated against and to those close to them.

On the 24th of May 2022, after the FSG won a public tender, a new contract with the public administration was signed for the provision of this Service, with the coordination of the Fundación Secretariado Gitano, for a period of two years. This Service is provided together with 7 social organisations (ACCEM – CEAR – The Spanish Red Cross – The Cepaim Comprehensive Action for Migrants Foundation – Movimiento por la Paz (Movement for Peace-MPDL) – Red Acoge and Association Rumiñahi). **This new contract strengthens the Service, giving it a greater budget and more staff, and expanding the number of offices and their opening hours.**

The Service is present throughout Spain and is provided via a network of 23 physical offices distributed by entity as follows:

ACCEM (Western Andalusia, The Basque Country, Aragon and Principality of Asturias), Association Rumiñahi (Region of Murcia and Community of Navarra), Spanish Red Cross (Balearic Islands and Tenerife), Cepaim Foundation (Ceuta, Castilla - La Mancha, Community of Valencia, Extremadura and an additional office in Níjar (Almería)), CEAR (Gran Canaria and Eastern Andalusia), Movimiento por la Paz - MPDL (Madrid, Melilla, Catalonia, Cantabria) and Red Acoge (Castilla y León, La Rioja, Galicia) and Fundación Secretariado Gitano (additional office in Madrid). In the previous contract the number of offices at the territorial level was 21; in this new contract this has been extended, with the offices in Tenerife and in Ceuta.

The hours of on-site attention have been extended from 12 hours per week to 37.5 hours per week. Each of these offices is headed by a technician with a higher degree and who is dedicated exclusively to the Service. All these offices are open in the morning from 10 a.m. to 2 p.m. and in the afternoon from 4 p.m. to 8 p.m., with 30 minutes flexibility in the timetable.

In addition to these official offices, which are required by the contract with the administration, many of the NGOs' headquarters are access points for the Service (more than 100 in total), which thus add their own resources in order to expand and improve their attention to victims of discrimination.

The presence of the Support Service in the different Autonomous Regions has made it possible to provide assistance to victims of racial or ethnic discrimination at the state level, **and in 2022 they assisted a total of 1 570 discriminatory incidents (1 084 cases are individual and 471 cases are collective)**, with direct attention given to 1 557 people, of whom 667 women and 507 men have been accurately identified. Of the 1 570 discriminatory incidents, **648 cases affected Roma people**. These cases have been attended within the framework of this contract by the experts of the Calí Programme, who are the specialists of reference at the CEDRE Service access points.

Institutional campaign "Yes, it's Racism"

With the aim of encouraging the reporting of discrimination, the Ministry of Equality launched the campaign **"Yes, it's Racism"** on the 25th of November of 2022.

The campaign was aimed both at the people who suffer racial discrimination most intensely and at



the general population and showed situations of racial discrimination, seeking their identification by, and the solidarity of, all of society. At the same time, it encourages people who have witnessed situations of racial discrimination to show solidarity and denounce it, focusing on the fact that the best tool for fighting racism is its rejection by all of society. It also tries to combat the current situation of under-reporting: only 18.2% of people who say they have experienced a discriminatory situation claim to have filed a complaint, according to the CEDRE's own studies.

The campaign consists of a TV spot and pieces for radio, print media, digital media and outdoor advertising in all provinces and Autonomous Cities.

The campaign and its materials can in different languages are available at:

<https://www.igualdad.gob.es/comunicacion/campanas/Paginas/campana-si-es-racismo.aspx>

Good practices in Europe:

Resolution on the situation of marginalised Roma people living in settlements in the EU.

With this Resolution, passed with a large majority by the European Parliament (EP) on the 5th of October of 2022, the EP has taken an important step forward in improving the living conditions and equality of opportunity of thousands of Roma people who suffer severe residential exclusion and poverty in these informal, segregated settlements in the European Union.

Of particular relevance is the mandate given to the European Commission for the implementation of a European Action Plan for the eradication of Roma settlements until 2030. This provides Member States with guidelines and specific objectives to implement, with existing financial resources, actions to support people in getting out of situations of deep marginalisation, as formulated in Article 28 of the Resolution of the European Parliament. The idea of incorporating this Plan was a proposal of the FSG and FEANTSA, which is why we particularly appreciate its inclusion in the Resolution.

The improvement of the situation of Roma people living in settlements should be urgently addressed through the adoption of a European Action Plan led by the Commission. This Plan should aim for the eradication of the existing segregated settlements in which many Roma people live, as a way of guaranteeing the right to decent housing and improving the living conditions of the most marginalized communities in Europe (including having an inclusive environment). The improvement in housing of the Roma population remains one of the areas where more investment is needed, given that 61% of Roma people still suffer from residential deprivation in Europe.

https://www.europarl.europa.eu/doceo/document/TA-9-2022-0343_EN.html

European Parliament Resolution on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle Eastern, Latin American and Asian descent.

This is the first European Resolution specifically dedicated to intersectional discrimination. Although in its general title it refers to women of African, Middle Eastern, Latin American and Asian descent, the text **also includes numerous references to Roma women.** Unfortunately, the latter do not appear in the main wording of the Resolution.

The Resolution asks Member States to develop and adopt national action plans against racism and racial discrimination, including that which occurs against Roma people. It calls for awareness-raising through various means, such as campaigns and specific training to combat discrimination, unconscious biases and gender and diversity segregation in the labour market, with the aim of counteracting prevailing prejudices, as evidenced **by the structural barriers faced by Roma women** and women from other ethnic minorities.

It calls on Member States to put an end to the practices of forced sterilization, forced abortion and forced contraception, in general but also for women with disabilities and for Roma women.

Mention is made of the fact that women are not a homogeneous category, and that understanding their diversity is essential to ensure that policy development does not continue to discriminate or ren-

der invisible, directly or indirectly, certain groups of women, for example socioeconomically disadvantaged women of African, Middle Eastern, Latin American, Roma and Asian descent.

The Resolution recognizes **the high unemployment rate of Roma women**, and that this cannot be explained by a single factor, such as discrimination based on ethnic origin, gender or socioeconomic status, since these causes are mutually reinforcing.

https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.html

7th Monitoring Round of the EU Code of Conduct against hate speech online

In 2022, The European Commission published the results of the 7th Monitoring Round of the EU Code of Conduct against online hate speech. One of the most relevant conclusions is that **anti-Roma messages are the most frequent hate speech on social networks in Europe**.

To respond to the proliferation of racist and xenophobic hate speech online, the European Commission and four major technology companies (Facebook, Microsoft, Twitter and YouTube) presented a Code of Conduct to counter illegal hate speech online on the 31st of May of 2016. Since then, Instagram, Snapchat, Dailymotion, Jeuxvideo.com, TikTok, LinkedIn and, in spring 2022, Rakuten Viber and Twitch, joined the Code.

Unfortunately, the 2022 results show a decrease in the companies' notification and reaction per-

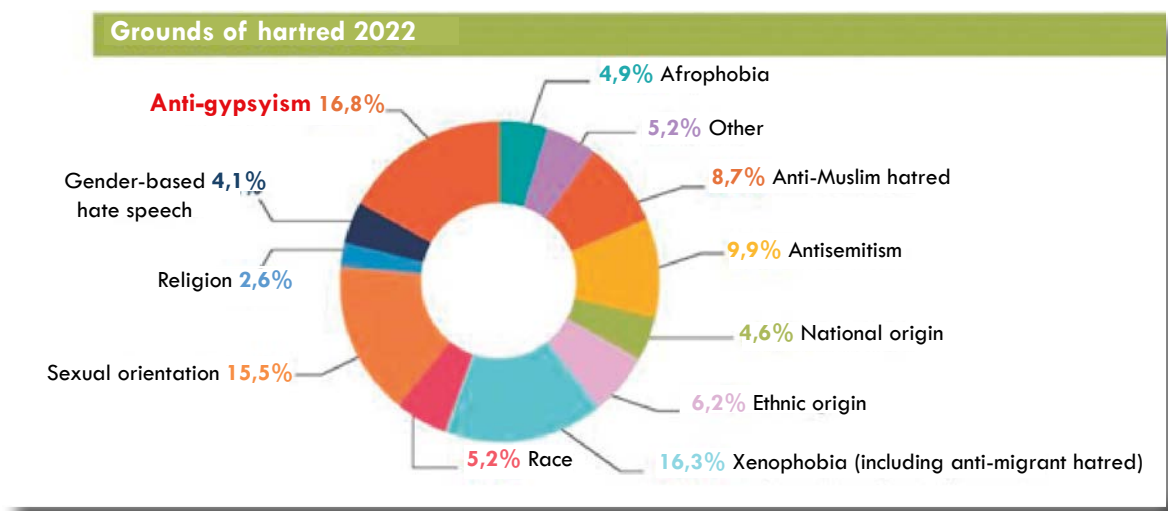
formance: the number of notifications reviewed by companies within 24 hours decreased compared to the last two monitoring exercises, from 90.4% in 2020 to 81% in 2021, and 64.4% in 2022. The removal rate, at 63.6%, is also considerably lower than at its peak in 2020 (71%). Only YouTube has improved in this parameter, compared to the last two years. However, there is a positive evolution in the frequency and quality of the companies' response to users, something that the Commission had asked companies to do in its 2021 report.

Companies reviewed 64.4% of notifications within 24 hours, which shows a decrease compared to the last two years of monitoring (81% in 2021 and 90.4% in 2020). Only TikTok increased its response rate (from 82.5% in 2021 to 91.7% in 2022).

The removal rate was 63.6%, similar to that of 2021 (62.5%), but lower than that of 2020 (71%). YouTube improved its removal rate in 2022 (90.4%), compared to 2021 (58.8%). All other IT companies removed less content than in 2021, in some cases with minor variations (Facebook removed 69.1 % in 2022 and 70.2 % in 2021; Twitter removed 45.4 % and 49.8 %, respectively).

69.6% of the content inciting murder or violence against specific groups was removed, while content using defamatory words or images against certain groups was removed in 59.3% of cases.

Since the 5th cycle, these monitoring rounds have included antigypsyism as a specific category, which allows for greater visibility and recognition of this type of racism. **The year 2022 is particularly worrying because anti-Roma speech ranks first in**



the percentages coming from the study: 16.8% of the reported cases are hate speech against the Roma community. That is, of **the 3 634 cases reported in the 21 states which participated in the round, 610 were anti-Roma hate comments or messages. Fundación Secretariado Gitano reported 205 of these cases (the highest number from the 6 rounds in which it has participated).**

<https://commission.europa.eu/system/files/2022-12/Factsheet%20-%207th%20monitoring%20round%20of%20the%20Code%20of%20Conduct.pdf>

The European Roma Rights Centre publishes a report on police violence and institutional racism against the Roma in 6 European countries.

A report published in June 2022 by the European Roma Rights Centre (ERRC) highlights widespread institutional racism towards Roma people in the



security forces of six EU Member States: Bulgaria, Hungary, Ireland, Italy, Romania and Slovakia. The report, *Brutal & Bigoted: Policing Roma in the EU*, reveals a widespread culture of impunity among European police forces and finds that failings in protecting Roma people, as well as in adequately investigating racially motivated hate crimes, are common to law enforcement in all six countries. The report recommends the urgent need for the creation of a binding EU Charter for Common Basic Standards to enshrine non-discriminatory, non-racist and rights-compliant policing across the Union.

The President of the ERRC, Đorđe Jovanović, made the following statement: "We have been reporting

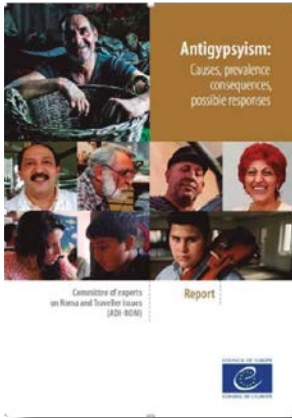
and litigating cases of police brutality against Roma for years; about 50% of all our active legal cases relate to police misconduct. Last year, the Black Lives Matter movement generated sudden public awareness of racist policing in Europe and led to a certain political movement in the EU to address widespread institutional racism in police forces. We want this issue to remain on the European agenda. This report, as well as future research, combined with our monitoring, our advocacy work and our litigation provide more than enough evidence of the problem. What we need now is the courage and political will in Brussels and in the Member States to do something about it."

The report is based on recent research conducted by the ERRC and the global criminal justice watchdog Fair Trials, into the experience of Roma people in European criminal justice systems. This research project, which is being carried out in eight European countries, described how "Romani communities are not only heavily targeted, but even harassed and provoked by the police." Evidence from this new report highlights that there are problems related to access to justice, in addition to specific incidents of police brutality. Numerous documented cases reveal that police agencies are institutionally racist; that antigypsyism is clearly evident in the ways in which Roma communities are monitored; and that there is official tolerance at the highest levels, with a culture of impunity within law enforcement forces when it comes to the mistreatment of Roma people.

http://www.errc.org/uploads/upload_en/file/5397_file1_brutal-and-bigoted-policing-roma-in-the-eu.pdf

Further developments in the fight against antigypsyism in Europe

The year 2022 has been very active in initiatives against antigypsyism in Europe. The Council of Europe published a comprehensive *Report on antigypsyism*, analysing its causes and its establishment in Europe, and suggesting possible responses to combat it.



<https://edoc.coe.int/en/roma-and-travellers/11121-antigypsyism-causes-prevalence-consequences-possible-responses.html>

Elsewhere, the FRA published the results of its survey on the situation of Roma people in 10 European countries, noting that antigypsyism is still very widespread in many of these countries, although it also recognises some improvements with respect to the previous study in 2016.

<https://www.gitanos.org/actualidad/archivo/137183.html.en>



We would also like to point out positive initiatives in three European countries.

SWEDEN published its Action Program to Combat Antigypsyism in 2022, with a series of concrete measures and indicators to address this problem over the next 5 years.

<https://www.government.se/information-material/2023/02/action-programme-to-combat-antigypsyism/>

In the same year, **FRANCE** published a report on the defence of the rights of Roma people, prepared by the Ombudsman. This is an innovative document because until recently France had not produced any documents or reports recognizing the existence of ethnic minorities in its country.

<https://www.defenseurdesdroits.fr/rapport-pour-une-protection-effective-des-droits-des-personnes-roms-268>

GERMANY has led two important initiatives in the fight against antigypsyism. Firstly, the publication of its National Strategic Framework on the Roma, which gives great importance to the fight against antigypsyism, and secondly, the appointment of the first **Commissioner for combatting discrimination against Sinti and Roma**, Mehmet Daimagüler.

https://www.bmi.bund.de/SharedDocs/downloads/EN/publikationen/2022/2022-eu-roma-strategic-framework.pdf?__blob=publicationFile&v=4

<https://www.dw.com/en/daimag%C3%BCler-anti-gypsy-discrimination-is-every-germans-problem/a-61964288>

Finally, we highlight the creation of two European networks related to the fight against antigypsyism, of which Fundación Secretariado Gitano is a member. It is a network led by the ERRC, centred on the defence of the rights of Roma people, and the **Facing Facts** network, dedicated to improving the approach to hate crimes and hate speech, which includes the fight against antigypsyism among its objectives.

http://www.errc.org/uploads/upload_en/file/5367_file4_spanish-lanzamiento-de-la-red-europea-para-la-defensa-de-los-derechos-de-las-personas-gitanas.pdf

<https://www.facingfacts.eu/facing-facts-network-announcement/>

**FACING
FACTS**



2. Jurisprudence

This section presents the judgments issued by the European Court of Human Rights in the year 2022, in reference to cases of discrimination against Roma people.

L.F. v. Hungary (No. 621/14) 19th of May 2022

The case concerned an inspection of the claimant's home - retrospectively justified as necessary in order to verify compliance with building regulations and for the allocation and/or review of housing benefits - in 2011 by a delegation of the local mayor's office. The inspection took place against a backdrop of tensions between Roma and non-Roma inhabitants.

The Court considered that the reasons furnished by the mayor's office for the inspection had no basis in fact. Building regulations had not been applicable in the case and a decree cited in respect to housing benefits was irrelevant because there was no official procedure pending that would have allowed the authorities to enter the claimant's home.

The claimant, Mr. L. F., now deceased, was a Hungarian national. He was born in 1956 and lived in Gyöngyöspata, Hungary. His widow and children were granted permission to continue the claim on his behalf.

On the 13th of October of 2011 a delegation from the mayor's office, accompanied by the police, came to the applicant's home. The delegation inspected and measured all the rooms of the claimant's apartment, while the police officers waited outside. The claimant was not informed of the purpose of the visit.

Other Roma families in Gyöngyöspata were also reportedly subjected to similar inspections.

The inspections were apparently carried out in the context of the mayor of Gyöngyöspata's project to introduce a social scheme based on the idea that benefits should only be paid to residents who contributed to the development of the community and who respected law and order.

The claimant filed two criminal complaints on the 19th of October of 2011 and 25th of June of 2012, alleging unlawful entry onto private property. In the second complaint he also drew the authorities' attention to a **possible racist motive behind the inspection**.

Following inquiries, the police twice decided not to open an investigation. The claimant challenged the latter decision and the prosecutor's office ordered further investigation, which they decided not to carry out.

The claimant unsuccessfully contested the suspension decision before the prosecutor's office, who finally determined in July 2013 that the inspection had not constituted a crime since the mayor was empowered by municipal decree to review social benefits annually or when necessary.

The court held that there had been a violation of Article 8 (right to respect for housing) of the Convention, finding that the reasons given by the mayor's office for the inspection had no legal basis. Conversely, the Court declared the claimant's complaint inadmissible due to non-exhaustion of domestic remedies under Article 14 (prohibition of discrimination) of the Convention in conjunction with Article 8.

Paketova et al. v. Bulgaria (no. 17808/19 and 36972/19) 4th of October, 2022

The applicants in the case¹⁷, fifty-one members of several Roma families, living in a village called Maritsa in the region of Plovdiv, claim that they **were forced to leave their homes** following a fight in the village between one of the applicants and another person: a military man, non-Roma, who suffered injuries and was taken to the hospital. The applicant implicated in the conflict and his brother were sentenced to prison. This was followed by a series of protests, threats and acts of antigypsyism by extremist groups in favour of the serviceman. That same day, **the mayor of the**

17 - <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-13807%22%7D>



town arrived in the neighbourhood where the Roma families lived and ordered them to leave; fearing for their safety, some left immediately and others waited in hiding in their homes to leave the following day. The Government confirmed that the protests were directed against the Roma inhabitants of the village. The police had been informed that **the non-Roma majority wished to expel the Roma from the area and demolish their houses**, as they considered them to have been built illegally. As for the Roma community, the authorities denied them protection in an environment of racially motivated hostility, nothing was done about the racist way in which the media addressed the issue, linking the Roma community with a “dirty and untidy” way of living. Both the Prime Minister and the Deputy Prime Minister supported the statements of antigypsyism.

The court held that there had been a violation of Article 8 (right to respect for private and family life and home) taken in conjunction with **Article 14 (prohibition of discrimination)** of the Convention, finding that the cumulative effect of the omissions of the different authorities, in terms of their obligations, had given rise to a situation in which all the applicants had been expelled from their home, without legal consequences. The applicants were unable to peacefully enjoy their private and family life and their homes and were not afforded the required protection of their rights. It was recognised that the omissions of the authorities resulted in the Roma being expelled from their homes after the anti-Roma protests, and that they were unable to return.

X et al. v. Albania (no. 73548/17 and no. 45521/19) 31st of May 2022

The claimants¹⁸, Albanian citizens of Roma and Egyptian [ethnic Albanian minority] ethnicity, filed a complaint for discrimination and segregation at their children’s school, due to the overrepresentation of Egyptian and Roma pupils at the Naim Frashëri elementary school in Korça. Following the segregation complaint filed with the government by the European Roma Rights Centre (ERRC) and other organizations, the Commissioner for Protection against Discrimination issued a legally binding

18- [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22002-13669%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-13669%22]})

decision in which he found that Roma and Egyptian children educated at this school were victims of indirect discrimination. The parents alleged that they had complained to the authorities about this situation and that the Commissioner for Protection against Discrimination had subsequently ordered the Ministry of Education and Sport to take “immediate measures to improve the situation and change the ratio between Roma, Egyptian and other pupils attending the school.” They also alleged that they were victims of a difference in treatment in the exercise of the right to inclusive education guaranteed by domestic law. The claimants did not challenge the Government’s argument that this situation was unintentional. However, discrimination potentially contrary to the Convention may result from a de facto situation without there necessarily being discriminatory intent.

The Court **recognized a violation of the prohibition of discrimination**, and found that the state had not implemented the necessary measures against segregation. Likewise, it found in the present case that the delays in implementing appropriate anti-segregation measures and the failure to implement some of them had no objective and reasonable justification. The Court ruled unanimously in favour of the claimant families and awarded each of them EUR 4,500 in moral damages, and considers that the respondent state must take measures to put an end to the discrimination that the Roma and Egyptian pupils are victims of.

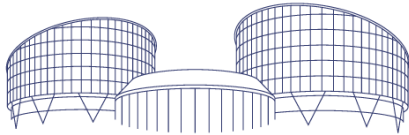
Elmazova et al. v. North Macedonia (No. 11811/20 and No 13550/20) 13th December 2022

The applicants in the case¹⁹ are 87 North Macedonian citizens of Roma ethnicity, parents and pupils who complain that they suffer segregation without any objective and reasonable justification. The applicants allege that there are 80% of pupils enrolled in the school in Bitola are Roma. With re-

19- <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7520346-10322827&filename=Judgment%20Elmazova%20and%20Others%20v.%20North%20Macedonia%20-%20Court%20finds%20segregation%20in%20breach%20of%20the%20Convention%20in%20two%20schools%20.pdf>

gard to Shtip, **the applicant children were placed in Roma-only classes separated from the rest of their classmates. This had led to these children receiving a lower quality education.**

The court held that there had been a **violation of Article 14 (prohibition of discrimination) of the Convention** read in conjunction with Article 2 (right to education) of Protocol No. 1 of the Convention in the present case, finding that, while there might be no discriminatory intent on the part of the state, the de facto situation had no objective justification and therefore amounted to **educational segregation**. The Court further considered that measures should be taken to ensure the end of segregation of Roma pupils in schools, in this case under Article 46 (binding force and enforcement of judgments) of the Convention. It reiterated the importance of a society free from racial segregation and that inclusive education is the most appropriate means of guaranteeing the fundamental principles of universality and non-discrimination in the exercise of the right to education. The Court ruled that the State should pay each of the applicant households 1,200 euros for moral damage.



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME
