



CENTRAL COUNCIL of German Sinti & Roma



CHACHIPEN National Research Report

Antigypsyism in Spain: Democratic memory and accountability of Franco's regime

EXECUTIVE SUMMARY

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CHACHIPEN

Remembrance, Recognition,
Justice and Trust-Building



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Introduction

The research findings synthesised in this executive summary are part of a country report falling within the scope of the EU project CHACHIPEN, 'Paving the way for Truth and Reconciliation Process to address antigypsyism in Europe'. CHACHIPEN is funded by the Justice Programme of the European Commission. The project pursues the key objective of advancing the recognition and response to historically rooted and systemic antigypsyism and to achieve justice, equality, non-discrimination and the full participation of Roma as equal citizens across Europe.

The main objective of the CHACHIPEN country report on Spain has been to analyse what happened to the Roma people during the Franco regime through a set of semi-structured interviews and testimonies of Roma.

At the same time, the report aims to deconstruct the myth that antigypsyism began with the Franco regime and ended with the transition to democracy. In fact, through desk research and interviews with Roma survivors of Franco's regime and their communities, CHACHIPEN research provides evidence that antigypsyism began shortly after the arrival of the Roma people or *gitanos* in the Iberian Peninsula and remains latent today.

Antigypsyism in Spain

CHACHIPEN research covers three main periods in Spain: historically rooted antigypsyism since the Middle Ages; antigypsyism in the 20th century and Franco's repression; and the ongoing antigypsyism in democratic Spain.

Antigypsyism in the Middle Ages

At the beginning of the 15th century, the governors of Spain greeted the arrival of a community with a culture marked by the journey from East to West with enthusiasm, and the Roma pioneers received safe conduct to the Iberian Peninsula. However, that changed when the presence of Roma caravans became a daily occurrence. Once it became obvious that the Roma wanted to remain in the territories of the pre-Hispanic crowns, the initial enthusiasm of the authorities turned into a cultural conflict where the 'difference' was sanctioned and criminalised by different policies.

The first antigypsy law in Spain was passed in 1499. The Catholic monarchs had expelled the Jews from their territory seven years earlier in 1492. They then expelled the Moors in 1502. These were decisive years that coincided with the beginning of the colonisation processes of the American continent and marked the reality of Roma experience in Spain.

The Pragmatic Decree (*Pragmática-Sanción*¹) adopted by the Catholic Monarchs in 1499 urged the Roma people to abandon their traditional way of life or face banishment. This sanction prohibited nomadism and its related trades, obliging the Roma communities to settle and serve a lord as peasants. The aim was to assimilate the *gitanos* and use them as slaves or a cheap workforce.

CHACHIPEN research identifies the year 1499 as a key historical moment when antigypsyism was born in Spain. The Spanish authorities' obsession with Roma 'difference' justified controversial policies that claimed cultural annihilation was the 'only possible response'. Between 1499 and 1783, every monarch issued a Pragmatic Decree sanctioning the Roma people.

For several centuries the Roma people were forbidden to move or to practise the trades they knew best such as cattle dealers, and were limited to a very small number of trades and to work as peasant farmers, bakers or butchers. The places they could live were also restricted; they were raided and enslaved as rowers in the galleys. Their language, clothing, and eventually their identity was denied; it was even forbidden to use the term '*gitano*'.

The climax of such persecution was reached in 1749 with an attempt at biological extermination of Roma in Spain (Leblon, 1985). The then monarch Ferdinand VI of Spain (*Fernando VI*) signed an order for all municipalities to be opened at midnight by the heads of military troops and local magistrates. They were instructed to arrest all Roma, separate men from women, and children from their mothers. The aim was to make them work as slaves until they died, and with their death the Roma people in Spain would be extinguished. Sixteen years of captivity passed until the new monarch, Charles III of Spain (*Carlos III*), signed the release of those who were still alive (Martínez, 2017).

A few years later, Charles III issued a 'final antigypsy pragmatic-sanction', however. This repeated the strictures of the previous laws: limited settlement and establishment of towns where they could reside, prohibition of Gitano language, dress, and traditional trades. The only difference was that guilds and corporations were urged to accept Roma as workers (Martínez, 2017).

Today, we are at the same juncture as the starting point in 1499: the state continued to try to eliminate any trait of identity, lifestyle and mode of work. It eradicated the tools and knowledge of Roma trades to ensure they were integrated into the most impoverished sections of the population and used as cheap labour.

¹ The most important antigypsyist laws in Spain were the 'Pragmatic Decrees' (in Spanish *Pragmática-Sanción*). These were laws specific to the legal organisation of the Old Regime in Spain. They followed a different formula from cases such as Royal Decrees (*Reales Decretos*), General Orders (*Órdenes Generales*), and Royal Certificates (*Cédulas Reales*).



The historical roots of antigypsyism are always articulated under this same logic: to annihilate Roma culture and use these people as cheap labour and/or slaves. The arguments used by state institutions to achieve this goal may have varied over time, but their purpose has remained unchanged. The discourses elaborated at that time stereotyped and dehumanised Roma people as 'vagabonds', 'thieves', 'sacrilegious', 'of false identity', 'useless to society', etc.

Although the 19th century and the liberal constitutions brought great democratic advances, such as the constitutions of 1812 and 1837 that recognised the citizenship of all those born in Spanish domains, laws specifically aimed at the Roma population continued to be passed (Martínez, 2021).

In 1845, the Law on the Procedure for the Causes of Vagrancy was enacted. Although it did not expressly include Gitanos in any of its categories, it did form part of its spirit. This law was conceived as a means of control and surveillance of those who 'without any kind of roots or love of work' were deemed to be taking advantage of the revolutionary upheavals of the time for their own benefit. In 1847, for example, Roma cattle dealers were asked to provide documentation for animals not demanded by the majority population. Such a request emanated from the pre-existing prejudice that Gitanos were equated with thieves.

Antigypsyism in the 20th century in Spain and Franco's repression

The social and policy creation of the 'Gypsy²' image that has persisted since the Roma arrived on Spanish soil took an enormous turn in the 20th century when criminality was linked to the notion of collective identity. This 'criminal identity' is determined not only by psychosocial factors but also by biological traits.

The 20th century was characterised by the expansion of totalitarian power and the creation of 'racial' categories through arbitrary laws of a bio-anthropological nature. These laws attempted to separate the 'national race' from others who were labelled as 'inferior races': Gitanos in Spain were one such race.

In Europe, this manifested itself as the Roma holocaust and genocide carried out by Nazi Germany and its collaborators. In Spain, it was the profound criminological racialisation of the Roma people and its introduction into the legal sphere that has marked the fate of Spanish Roma up to the present day.

² Roma in Spain are self-defined as "gitanos". In the Spanish context to use the word "Gitano or Gitana" is correct. In this context, we highlight the derogative and negative meaning of "Gypsy" in English which is a non-Roma word and how non Roma define Roma. At the international sphere and non-Spanish/Portuguese context, the right word to use is Roma.



In Germany and Spain, both the Hitler and Franco regimes inherited an entire historically rooted antigypsy system. In Spain, the 1933 Law of Vagrants (*Ley de Vagos y Maleantes*), was passed during the Second Republic, and since Franco came to power after the Spanish Civil War it has served as a repressive legal framework against the Roma people that continues up to the present day. The law was replaced in 1970 by the Law on Dangerousness and Social Rehabilitation of 4 August, in force until 1995, but its implicit roots remain in the current legal system.

Like Hitler in Germany, Franco went further and intensified the direct persecution of the Roma. Even after the establishment of democracy in Spain, the lives of Roma today are restricted because the current legal framework is built on the repressive tool that defined the fate of the Gitanos during the Franco regime.

The regulations for the service of the Civil Guard Corps was approved by an Order of the Ministry of the Interior in 1943. Articles 4, 5 and 6 of these regulations are explicitly addressed to the Roma people. Under these regulations, the Civil Guard acted as an instrument of oppression and repression against the Roma. It was the perfect complement to the previous legal framework, and it gave absolute powers to the Guardia Civil to persecute, attack, mistreat, despise and humiliate the Roma, and to impose a regime of fear and terror.

It is important to contextualise the adoption of this regulation at the European level. The regulation was adopted just a few months after the famous Auschwitz Decree issued by Himmler on 16 December 1942. This ordered the deportation of the entire Roma population of Europe to the Gypsy Family Camp (*Zigeunerlager*) in Auschwitz-Birkenau. This was at a time when, according to Kenrick and Puxon (1972), there was an exchange of information between Spain and Germany about the 'Gypsies'. The Civil Guard Regulations were finally repealed in 1978.

Antigypsyism in democratic Spain

The legal and police persecution that had been suffered by the Roma people since the first antigypsy Pragmatic Decree enacted in 1499 did not simply disappear with the approval of the Spanish Constitution in 1978. Articles 4, 5 and 6 of the second chapter of the Civil Guard regulations that called for 'scrupulous surveillance of the Roma' were repealed the same year, but the antigypsy legacy continued to stigmatise Roma people.

The result of nearly 500 years of institutional harassment ended up crystallising in Spanish society in an institutionalised structure of discrimination and ethnic-racial domination (Cortés, 2016). Gitanos continued to be framed as an 'anomalous political object' to be 'corrected' and 're-educated' under an ethical pretext and from a position of moral and epistemic superiority over Roma in a similar manner to the previous five centuries.



Although there are no longer any antigypsy laws in force, antigypsyism continues to be articulated through different mechanisms. CHACHIPEN country research confirms the results of earlier surveys on discrimination at national³ and European level: that the effects of the institutional discourses aimed at the Roma population in Spain for centuries has led to their marginalisation and exclusion.

In addition to the violence and hatred infused by the police forces during Franco's regime, the residential segregation policies carried out in the second half of the 20th century mark the lives of Roma communities today. Isolated and segregated in peripheral neighbourhoods, Roma have to fight on a daily basis against unequal access to basic socioeconomic human rights such as education, employment and healthcare. The structure of residential segregation orchestrated during Franco's regime is still in place and there seems to be no political will to resolve it by any government, neither regional nor state. Thus, the segregated neighbourhoods, where the largest percentage of the Roma population resides today, have become neighbourhoods that generate ever greater marginalisation. This in turn fuels further social exclusion and rejection.

Conclusions and Policy Recommendations

From a methodological point of view, knowing and understanding what happened to the Roma people in the distant and more recent past must be the first step in building a society that recognises and accepts Roma diversity and, in turn, addresses and abolishes antigypsyism.

Understanding how antigypsyism was constructed during Franco's dictatorship is essential to understand how antigypsyism is articulated today, since the treatment that Franco's dictatorship meted out to the Roma is the immediate antecedent to the treatment that democracy offers the Roma today.

Recommendation 1. Collect testimonies of Roma victims of Franco's dictatorship

In this in-depth investigation into what happened to the Roma population during the 20th century, the main source of knowledge must be the Roma testimonies. Without

³ The various surveys conducted by the Sociological Research Centre (*Centro de Investigaciones Sociológicas*) to analyse the phenomenon of discrimination reveal the profound rejection suffered by the Roma population. In the [2016 survey on the perception of discrimination in Spain](#), 33 % of respondents acknowledged that they would resent having Roma as neighbours, making them the most rejected group, with data identical to those [recorded in the same survey in 2013](#).



knowing the victim's first-hand experience, we cannot understand the true meaning of the word antigypsyism and the suffering it has caused.

To date, the sources of Roma history have been constructed to serve the oppressor, rendering Roma experiences completely invisible. This invisibility is another of the mechanisms through which antigypsyism operates (Rostas, Vosyliute and Kalotay 2022). Unfortunately, many of the direct testimonies are disappearing and destined to remain only in the memory of their heirs.

For this reason, we urge that as many direct testimonies as possible are collected and the work with the second and third generations of victims of the Franco regime is continued. It is they who will help complete the puzzle of the history of the Roma people in Spain.

Recommendation 2: Get to the truth by allowing full access to documents

We consider it essential that the relationship between Francoism and Nazism in the decade between 1935 and 1945 is analysed. Why was movement of the Roma population restricted in Spain while the Roma in Europe were being deported to extermination camps? Why were new orders issued for the Guardia Civil to keep a scrupulous watch over the Roma in 1943? What were the existing relations between the Nazi paramilitary SS troops and the Guardia Civil? These are aspects that we believe need to be known by Roma and society at large.

Only a few years ago it was discovered that a list of Sephardic Jews present in Spain in 1942 was drawn up for their eventual deportation to Nazi camps. According to Kenrick and Puxon (1972) in their work 'The Destiny of Europe's Gypsies', there was also an exchange of correspondence between Spain and Germany in 1942, with Germany asking about the situation of the 'Gypsies'. Also, Hancock (1987), in his work 'The Pariah syndrome: An account of Gypsy slavery and persecution' notes that information began to be gathered about the Gypsies in Spain around that time.

There is no doubt that these issues should be a priority for the Working Commission on Memory and Reconciliation with the Roma People, approved this year within the framework of the Law of Democratic Memory. For this to happen, the Spanish government needs to allow access to all the documentation it has on the Guardia Civil from the years of the Franco regime.

We also consider it necessary to investigate the persecution and oppression of Roma women within the framework of the recently approved Law on Democratic Memory and the proposed Working Commission on Memory and Reconciliation with the Roma People. One witness spoke of a prison exclusively for Roma women in which they were



locked up for months at a time. We do not have any documentation or information about these prisons, only an oral testimony.

Therefore, it is essential to study not only the particularity of this exclusive type of prison for Roma women, but also the extent of the oppression against Roma women in a specific way that includes physical, sexual and psychological violence exercised by the spheres of power and state security forces. Furthermore, this should include an assessment of the obstetric violence perpetrated against Roma women, including forced sterilisations, during both the Franco regime and the years of democracy.

Recommendation 3: Analyse the reasons for the current residential segregation of the Roma population and how it continues to reinforce social exclusion

We consider a detailed analysis of residential segregation of the Roma population, particularly at regional levels, is vitally important. A quantitative understanding of this phenomenon would serve to unmask one of the main mechanisms by which antigypsyism is currently reproduced.

Recommendation 4: Examine why national strategies are not having the expected impact

It is also necessary to analyse the background of the main policies carried out during the years of democracy in Spain: what impact are they having, and have they approached Roma as a particularly vulnerable group only from the perspective of poverty?

As the different studies carried out at national and European level indicate, the socioeconomic situation of Roma communities throughout Europe has only worsened in recent years, despite the strong economic investment made by the European Commission in the framework of national Roma inclusion strategies. Spain has sometimes been used as an example of the integration of the Roma community, but reports carried out by the Fundación Secretariado Gitano show that the situation has worsened dramatically over the past 14 years (FSG, 2019).

Recommendation 5: Obtain reliable statistical information on the reality of the Roma people in Spain in different areas

Another difficulty lies in understanding the full magnitude of antigypsyism. Data segregated by ethnicity in Spain and in some other countries in the EU is not being collected. Surveys by social organisations and the European Fundamental Rights Agency (FRA), such as MIDIS II survey, provide a bleak picture of the reality.



There is an incipient debate within the world of Roma associations about the possible ways of collecting ethnically disaggregated data. Roma people are still suspicious of such data collection because of the possible misuse of the information. Until the debate advances and reaches some kind of consensus, it does not seem feasible for Roma people to identify themselves as Roma when there is still fear and mistrust towards the institutions and their antigypsyist legacies.

Faced with this situation, we consider it necessary to generate statistical tools that allow us to approach the reality of the Roma population's experience in the most reliable and exact way possible, respecting anonymity. Without such accurate information, it seems impossible to tackle the antigypsyism that Roma face in public and private spheres.

Recommendation 6: Learn from the experiences of other countries in addressing antigypsyism

To understand the current situation of the Roma in Spain, it is essential to know and understand their history, from their arrival on the Iberian Peninsula up to the present day. In the current Spanish context, the Law of Democratic Memory recently passed in Spain calls for the creation of a Working Commission on the Memory and Reconciliation of the Roma People. We firmly believe that to bring about justice and reparation for the Spanish Roma population it is necessary to first know and investigate the truth.

The Law of Democratic Memory is a unique opportunity for the Spanish state to provide the necessary human, financial and archival-historical resources. Knowing and promoting truth and memory about the violations against the Roma population during the Spanish Civil War and Franco's regime is key to achieving justice and offering reparation to the Roma men and women of Spain. The creation of commissions against antigypsyism, for example in Sweden (Selling, 2022) and Germany (Reuss, 2022), can be a model to show what has worked, and how the available resources can be used to avoid repeating what has not worked.

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CENTRAL COUNCIL of German Sinti & Roma



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About the project

CHACHIPEN (meaning 'truth' in the Romani language) is the abbreviated name of the project 'Paving the way for Truth and Reconciliation Process to address antigypsyism in Europe: Remembrance, Recognition, Justice and Trust-Building'. It is an EU Rights, Equality and Citizenship programme launched by CEPS, the Central Council of German Sinti and Roma, the European Roma Grassroots Organisations (ERGO) Network, the Federación de Asociaciones Gitanas de Cataluña (FAGIC), and the Asociația Fast Forward (AFF) from Romania, and funded by the German Ministry of Foreign Affairs.

This project aims to lay the foundations for the transition to justice, using tools such as truth and reconciliation processes, of historically rooted antigypsyism in Europe. Using the experiences of the Swedish and German independent commissions, the project will draw on their lessons of what has (or has not) worked. We aim to develop the potentially relevant processes to combat antigypsyism in Romania and Spain and at the EU level, to build a common narrative on Roma equality.

More about the project: <http://antigypsyism.eu/chachipen/>



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