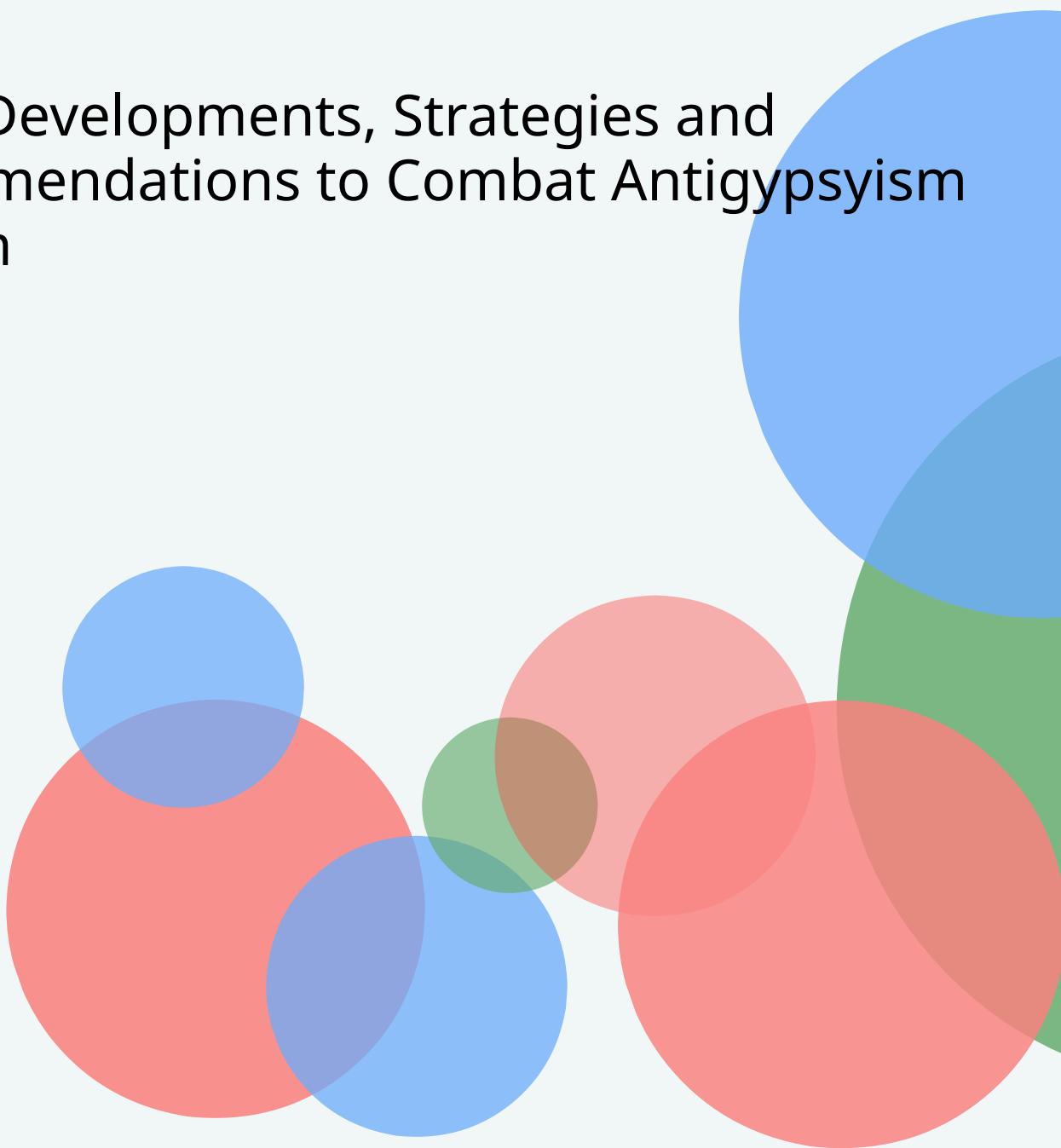


Latest Developments, Strategies and Recommendations to Combat Antigypsyism in Spain



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The JEKHIPE Project

The JEKHIPE project, *Reclaiming our past, rebuilding our future: new approaches to fighting antigypsyism against Roma*, is a CERV-funded project aimed at improving the lives of Roma by addressing systemic and institutional antigypsyism, promoting transitional justice, fostering knowledge-building and awareness, and strengthening Roma identity and participation.

It is a follow-up to an earlier CERV project called 'CHACHIPEN', officially titled *Paving the way for a Truth and Reconciliation Process to address antigypsyism in Europe. Remembrance, Recognition, Justice and Trust-Building*. Concluded in 2023, CHACHIPEN introduced an innovative transitional justice-based approach to raising awareness of systemic injustice and ongoing antigypsyism in policymaking, while advocating for a comprehensive truth and reconciliation strategy.

JEKHIPE focuses on multiple levels of policy-making, including research, monitoring, advocacy, networking, alliances building, awareness raising, capacity building, and empowerment. It aims to engage with national and European institutions, academia, politicians, justice mechanisms, state authorities, civil society, and Roma communities themselves to challenge the status quo on approaching Roma issues, particularly antigypsyism, and propose mechanisms for increased accountability by national governments.

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Abstract

This Country Briefing has been created within the framework of the project 'JEKHIPE' – Reclaiming our past, rebuilding our future: new approaches to fighting antigypsyism', a continuation of the project CHCHIPEN: Paving the way for Truth and Reconciliation Process to address antigypsyism in Europe: Remembrance, Recognition, Justice and Trust-Building. It presents the current situation of the Working Commission on Memory and Reconciliation with the Roma People, created under the Democratic Memory Law and other policies, as detailed in the CHCHIPEN Spanish National report. The Briefing is divided into four parts. It begins with a background about the CHCHIPEN project and the political context in which the project was implemented in Spain. It then presents the current situation under a new Spanish XIV legislature. Finally, it outlines several conclusions and recommendations related to the process of Truth and Reconciliation in Spain.

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1. Background

1.1. CHCHIPEN project

The Centre for Policy Studies (CEPS), together with the Central Council of German Sinti and Roma, ERGO Network, FAGiC from Spain and AFF from Romania, implemented the EU project 'CHCHIPEN – Paving the way for Truth and Reconciliation Process to address antigypsyism in Europe: Remembrance, Recognition, Justice and Trust-Building' funded by the EU Rights, Equality and Citizenship programme and German Ministry of Foreign Affairs. The project aimed to lay the foundations for transitional justice, via tools like Truth and Reconciliation processes as a way to address historically rooted antigypsyism in Europe.

The project produced four country reports including a Spanish National Report on 'Antigypsyism in Spain: Democratic memory and accountability of Franco's regime'¹ by Pedro Casermeiro Cortés and Anabel Carballo-Mesa. The report's main aim was to examine and analyse the evolution of institutional antigypsyism in Spain over time; how the State of Spain has systematically legislated against Roma; the fate of Roma in Spain during Franco's dictatorship; and the development of antigypsyism into an institutional form of racism.

Research was conducted using a combination of primary and secondary sources and divided into three different periods in order to understand historically rooted antigypsyism marking the fates of Roma during Franco's dictatorship. The first time period examined was from the Middle Ages to the start of the 20th Century, which saw the emergence of institutionalised antigypsyism guiding subsequent persecution, expulsion, assimilation, and pursuit of genocide. The second time period focused on antigypsyism in the 20th Century with particular focus on the Spanish Civil War and the subsequent dictatorship under Franco. A third and final time period covered antigypsyism in democratic Spain which special focus on the fields of housing, education, health, police protection, and institutional protection. These three periods were complemented by an executive summary, conclusions, a set of final recommendations, and questions for future research.

The main conclusion of the report was that, despite the fact that there is no anti-Roma law in Spain today, antigypsyism continues. After more than 500 years of antigypsyism, it has crystallised within the institutions and mentality of Spanish society. The hatred and violence promoted by the police forces during Franco's regime, as well as the residential segregation policies promoted since the second half of the 20th century mark the current situation of inequality of Roma people in Spain. Inequality in access to

¹ <https://antigypsyism.eu/antigypsyism-in-spain-national-research-report/>.

basic resources such as education, employment or health care generates further social marginalisation of Roma and, consequently, social rejection.

The report proposed six recommendations linked to questions for future research: 1. Collect the testimonies of Roma victims of Franco's dictatorship 2. Allow full access to documents, as connected to Law 20/2022, 19th October, on Democratic Memory. Under this law, a Working Commission on Memory and Reconciliation with the Roma People was to be created within six months of approval of the law. This recommendation urges the collection of testimonies on experiences under Franco's dictatorship (as a central source in building understanding on the impact of antigypsyism and the suffering it has caused) and access to all archives, including the Civil Guard archives, in order to reconstruct the history of the Roma during the Francoism. Full access to the Civil Guards archives can also reveal information concerning the Spanish police and the SS and their historical relationship to Roma communities. 3. Conduct in-depth analysis of current residential segregation as a main mechanism for reproducing antigypsyism today. 4. Analyse the (limited) impact of the National Strategy for Equality, Inclusion and Participation 2021 – 2030 and other previous national plans on the lives of Roma in Spain. 5. Address the need to have reliable statistical information across all fields of enquiry in order to tackle antigypsyism accurately and effectively. Finally, 6. Learn from other countries' experiences in addressing antigypsyism and include Roma civil society and Roma people in the reconciliation process.

1.2. Background and political context. Legislation and measures related to Pueblo Gitano and Antigitanismo in the 14th Legislature of the Congress of Spain (2019-2023).

In the 14th Legislature of the Congress of Spain, significant efforts were made to address the longstanding historical injustices faced by the Pueblo Gitano (Roma people) and to combat antigitanismo (antigypsyism). These efforts were carried out through several key legislative actions and policy measures aimed at promoting inclusion, truth, justice, and reconciliation.

The 14th Legislature marked a pivotal moment in Spain's approach to addressing the historical and present-day challenges faced by the Roma community. Through these legislative actions, Spain has made significant strides towards recognizing and combating antigypsyism, promoting the inclusion of the Roma population, and ensuring that the history of the Roma people is preserved and taught for future generations. Here is a summary of the most important initiatives and laws passed during this period.

1.2.1. Subcommittee for a State Pact to Fight against Antigypsyism and for the Inclusion of the Roma People

One of the most critical steps taken during the 14th Legislature was the establishment of a Subcommittee for a State Pact To Fight Against Antigypsyism and for the Inclusion of the Roma People. The creation of the Subcommittee was approved by the plenary session of the Spanish Congress of Deputies on May 20, 2021,² and then was formally constituted on October 20, 2021. After several extensions, it concluded its work in February 2023,³ with its final report being approved by the Subcommittee on February 17, 2023,⁴ and subsequently ratified by the plenary session of the Spanish Congress on March 30, 2023.⁵ This process culminated in the formalization of the State Pact to Fight Against Antigypsyism.

The Subcommittee was tasked with formulating a comprehensive strategy to address antigypsyism, a deeply rooted form of racism that has historically marginalized the Roma community in Spain. It was established with the following objectives: 1. Analyse public policies implemented under the framework of the National Strategy for the Social Inclusion of the Roma Population in Spain 2012-2020; 2. Address the various dimensions of antigypsyism as a specific form of racism; and 3. Propose the drafting of a report containing diagnoses and recommendations to ensure effective responses to the challenges outlined in the New Strategic Framework for Equality, Inclusion, and Participation of Roma People in the EU 2020-2030.

² BOLETÍN OFICIAL DE LAS CORTES GENERALES. XIV LEGISLATURA. Serie D Núm. 281. El Pleno del Congreso de los Diputados, en su sesión del día de hoy, ha acordado la creación, en el seno de la Comisión de Derechos Sociales y Políticas Integrales de la Discapacidad, de la Subcomisión para el estudio de un Pacto de Estado contra el Antigitanismo y la Inclusión del Pueblo Gitano. Palacio del Congreso de los Diputados, 20 de mayo de 2021,

https://www.congreso.es/public_oficiales/L14/CONG/BOCG/D/BOCG-14-D-281.PDF#page=3.

³ BOLETÍN OFICIAL DE LAS CORTES GENERALES. XIV LEGISLATURA. Serie D Núm. 587. Aprobación Por La Comisión Del Informe De La Subcomisión Para El Estudio De Un Pacto De Estado Contra El Antigitanismo Y Por La Inclusión Del Pueblo Gitano. Palacio del Congreso de los Diputados, 28 de febrero de 2023,

https://www.congreso.es/public_oficiales/L14/CONG/BOCG/D/BOCG-14-D-587.PDF.

⁴ BOLETÍN OFICIAL DE LAS CORTES GENERALES. XIV LEGISLATURA. Serie D Núm. 577 Informe aprobado por la Subcomisión para el estudio de un Pacto de Estado contra el Antigitanismo y la Inclusión del Pueblo Gitano, constituida en el seno de la Comisión de Derechos Sociales y Políticas Integrales de la Discapacidad. Palacio del Congreso de los Diputados, 17 de febrero de 2023,

https://www.congreso.es/public_oficiales/L14/CONG/BOCG/D/BOCG-14-D-577.PDF#page=27.

⁵ BOLETÍN OFICIAL DE LAS CORTES GENERALES. XIV LEGISLATURA. Serie D Núm. 605. El Pleno del Congreso de los Diputados, en su sesión del día 30 de marzo de 2023, ha aprobado sin modificaciones el texto del Acuerdo de la Comisión de Derechos Sociales y Políticas Integrales de la Discapacidad, relativo al Informe de la Subcomisión para el estudio de un Pacto de Estado contra el Antigitanismo y la Inclusión del Pueblo Gitano, creada en el seno de dicha Comisión. Palacio del Congreso de los Diputados, 30 de marzo de 2023, https://www.congreso.es/public_oficiales/L14/CONG/BOCG/D/BOCG-14-D-605.PDF#page=18.

The Subcommittee emphasized the need to combat antigypsyism through legal frameworks, social policies, and educational reforms. The State Pact to Fight Against Antigypsyism calls for the Spanish monarchy to officially recognize and abolish the series of historical anti-Roma (anti-Gypsy) laws that were enforced in Spain over centuries. These laws contributed to the marginalisation, discrimination, and persecution of the Roma people. The Pact emphasizes the need for state-level recognition as part of broader efforts to address historical wrongs and promote social cohesion. Recognition would serve as a symbolic step towards reconciliation, acknowledging the injustices faced by the Roma community and reaffirming Spain's commitment to equality, justice, and the fight against antigypsyism (See the Annex of this Briefing for further information on its composition).

1.2.2. Article on Historical Memory and Reconciliation of the Roma People in the National Law on Democratic Memory

A significant development during the XIV Legislature was the incorporation of a specific article in the National Law on Democratic Memory addressing the Historical Memory and Reconciliation of the Roma People. This article formally acknowledges the historical persecution and systemic discrimination endured by the Roma community in Spain, including mass arrests, deportations, and social exclusion.

The article mandated the establishment of a Working Commission on Memory and Reconciliation to investigate and document these historical injustices. The Commission is responsible for applying the principles of truth, justice, and reparation, ensuring that the experiences of the Roma people are fully integrated into Spain's broader efforts to confront and preserve its historical memory.

In fulfilling its mandate, the Commission will collaborate closely with the Council of Democratic Memory and Roma organizations, ensuring the active participation of those directly affected. Additionally, the article emphasizes the importance of reconciliation and education, aiming to prevent historical amnesia and to foster greater societal awareness of the struggles faced by the Roma community.

1.2.3. Approval of Plans for Roma Inclusion (2021 – 2030)

The National Strategy for the Equality, Inclusion, and Participation of the Roma People 2021-2030⁶, was approved by the Spanish government in November 2021. It is a comprehensive framework aimed at improving the living conditions of the Roma

⁶ Ministry of Social Rights and 2030 Agenda. Estrategia Nacional para la Igualdad, Inclusión y Participación del Pueblo Gitano 2021-2030, https://www.mdsociales2030.gob.es/derechossociales/poblaciongitana/docs/estrategia_nacional/Estrategia_nacional_21_30/estrategia_aprobada_com.pdf.

population and reducing social inequalities in key areas such as education, employment, healthcare, and housing. However, one of its central pillars is the fight against antigypsyism, a specific form of racism targeting Roma communities, which is recognized as a significant barrier to their full inclusion in society.

This strategy recognizes that antigypsyism is a persistent obstacle which encompasses prejudice, stigmatization, and systemic discrimination against Roma individuals. It manifests in various ways, including:

1. Discrimination in Access to Services: Roma individuals often face barriers when trying to access basic services such as education, healthcare, and housing due to discriminatory attitudes.
2. Social and Cultural Prejudices: Negative stereotypes perpetuated by media and public discourse frequently depict the Roma as a homogeneous group linked to crime or marginality.
3. Violence and Hate Crimes: In extreme cases, antigypsyism leads to verbal abuse, physical violence, and attacks on Roma communities and their homes.

The Spanish strategy adopts a transversal approach to address antigypsyism, focusing on several key areas:

1. Public Awareness and Education: Promotion of Roma culture and the historical contributions of the Roma people to Spanish society.
2. Legislative and Judicial Framework: Strengthening anti-discrimination laws. Establishing specific mechanisms to record and prosecute hate crimes motivated by antigypsyism.
3. Institutional Strengthening: Training public officials, including educators, police officers, and social workers, to recognize and respond to cases of antigypsyism.

Spain's approach aligns with the European Union's Strategic Framework for Roma Equality, Inclusion, and Participation 2020-2030⁷, which also identifies the fight against antigypsyism as a top priority. The European Commission has urged Member States to incorporate specific measures against antigypsyism in their national policies, recognizing systemic discrimination as a significant obstacle to social cohesion and socioeconomic development. Despite legal and policy advancements, combating antigypsyism faces considerable challenges, including societal resistance and a lack of clear indicators to measure Roma inclusion and antidiscrimination progress.

⁷ EU Roma Strategic Framework For Equality, Inclusion And Participation For 2020 – 2030. Brussels, 7 October 2020, https://commission.europa.eu/document/download/99cc0720-68c2-4300-854f592bf21dceaf_en?filename=eu_roma_strategic_framework_for_equality_inclusion_and_participation_for_2020 - 2030.pdf.

1.2.4. Modification of the Spanish Criminal Code to include antigypsyism as a Hate Crime

One of the most significant legal changes during the XIV Legislature was the modification of the Spanish Penal Code⁸ to include antigypsyism as a recognized hate crime motivation. In July 2022, the Spanish Criminal Code was amended to include 'antigypsyism' as a specific motive in aggravating circumstances and hate crimes. These amendments were introduced through Organic Law 6/2022 of July 12, which complements Law 15/2022 of July 12, on comprehensive measures for equality and non-discrimination.

Amendment to Article 22.4 of the Criminal Code: Article 22.4 establishes aggravating circumstances in the commission of crimes. Following the reform, antigypsyism was added as a specific aggravating factor. The current text reads: 'Committing the crime for racist, antisemitic, antigypsyist motives or other forms of discrimination related to the ideology, religion, or beliefs of the victim; the ethnic group, race, or nation to which they belong; their sex, age, sexual orientation, or gender identity; reasons of gender, aporophobia, or social exclusion; the illness they suffer from; or their disability, regardless of whether these conditions or circumstances actually exist in the person targeted by the behaviour'.

Amendment to Article 510 of the Criminal Code: Article 510 defines hate crimes. The reform included antigypsyism as one of the motives that can lead to such crimes. The updated text of sections 1 and 2 states: '1. Those who publicly foment, promote, or incite directly or indirectly hatred, hostility, discrimination, or violence against a group, part of it, or an individual due to their membership in that group for racist, antisemitic, antigypsyist motives, or other reasons related to ideology, religion or beliefs, family status, the ethnic group, race, or nation of its members, their national origin, sex, sexual orientation, or gender identity, for reasons of gender, aporophobia, illness, or disability shall be punished with a prison sentence of one to four years and a fine of six to twelve months'.

These changes aim to recognize and combat discrimination and hate crimes specifically targeting the Roma community in Spain more effectively. The explicit inclusion of antigypsyism in the Criminal Code addresses a historical demand from this group and strengthens the state's commitment to fighting all forms of discrimination.

⁸ Ley Orgánica 6/2022, de 12 de julio, complementaria de la Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación, de modificación de la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal. Publicado en: «BOE» núm. 167, de 13 de julio de 2022, <https://www.boe.es/eli/es/lo/2022/07/12/6>.

1.2.5. Inclusion of Roma History in National Law on Democratic Memory

The Law 20/2022, of October 19, on Democratic Memory was published in the Official State Gazette (BOE) on October 20, 2022⁹. This legislation aims to recover, safeguard, and disseminate Spain's democratic memory, recognizing and providing reparation to those who suffered persecution or violence during the Civil War and the Franco dictatorship. The Law on Democratic Memory includes provisions to recognize and teach the history of the Roma people in Spain. The law aims to ensure that persecution and discrimination faced by the Roma community is included in national educational curricula, as part of Spain's broader effort to reconcile with its past.

Specifically, the Law 20/2022 on Democratic Memory, in its Twelfth Additional Provision, establishes the creation of a Working Commission on the Memory and Reconciliation with the Roma People in Spain. This Commission is tasked with drafting a report that outlines the necessary measures to apply the principles of truth, justice, reparation, and guarantees of non-repetition concerning the historical situation of the Roma community in the country. The provision specifies that, within six months from the law's entry into force, and at the proposal of the department responsible for democratic memory, the Commission will be constituted.

On April 23, 2024, the Council of Ministers of Spain approved the creation of the Working Commission¹⁰ which, as outlined in Law 20/2022, aims to draft a report addressing the necessary measures to apply the principles of truth, justice, reparation, and guarantees of non-repetition regarding the historical situation of the Roma community in Spain. The Commission will include representatives from various ministries, autonomous communities, local entities, and Roma organizations, ensuring broad and diverse participation in the process of reconciliation and historical recognition.

This measure responds to a longstanding demand of the Roma community in Spain and seeks to acknowledge and redress the injustices they have faced throughout history. The creation of the Commission is part of the government's broader efforts to promote democratic memory and reconciliation with all groups that have suffered persecution and discrimination in the past.

⁹ Ley 20/2022, de 19 de octubre, de Memoria Democrática. Publicado en: «BOE» núm. 252, de 20/10/2022. Entrada en vigor: 21/10/2022. <https://www.boe.es/eli/es/l/2022/10/19/20/con>.

¹⁰ El Gobierno crea comisiones sobre reconciliación con el pueblo gitano, reparación a víctimas de la guerra y la dictadura y vulneración de derechos humanos al inicio de la democracia. Nota de prensa. Ministerio de Política Territorial y Memoria Democrática, 23 abril 2024, <https://mpt.gob.es/portal/prensa/actualidad/noticias/2024/Abril/20240423.html>.

2. The current situation in Spain

2.1. The Democratic Memory Law

The aim of the Law 20/2022, of 19 October, on Democratic Memory¹¹ is to recognise those who suffered persecution or violence, for political, ideological, thought or opinion, conscience or religious belief, sexual orientation, and identity reasons, during the period between the coup d'état of 18 July 1936, the Spanish Civil War, and Franco's Dictatorship until the entry into force of the Spanish Constitution of 1978. It aims additionally to promote victims' moral reparation and the recovery of their personal, family, and collective memory, as well as the adoption more broadly of measures aimed at combating division among citizens and promoting bonds of union around shared values, principles and constitutional rights.

The law initially identified 13 different victim groups that did not include Roma people. However, following the incorporation of an additional twelfth provision, Roma were integrated within the law. The additional provision states that 'within a period of six months, and at the proposal of the head of the department responsible for democratic memory, a working commission on Memory and Reconciliation with the Roma People in Spain shall be set up, which shall draw up a report on the measures to apply the principles of truth, justice, reparation and non-repetition in relation to the historical situation of the Romany population in Spain. In any case, the participation of the Council of Democratic Memory, the public administrations as a whole and the associations and organisations representing the Roma population at the state level, through the State Council of the Roma People, will be guaranteed'.

Despite the fact that the Working Commission on Memory and Reconciliation with the Roma People should have been established by April 2023, it has not yet materialised — for reasons as yet unknown. Roma organisations of the State Council of the Roma People have pushed (and continue to push) for its creation as soon as possible. A Press Note by the Spanish Government was published on April 23rd, 2024¹² attempting to outline the aims and composition of the Commission. According to this Press Note, the Commission's main aim is to draw up a report on the measures necessary for the application of the principles of truth, justice, reparation and non-repetition regarding the historical situation of Roma people in Spain. The report has to be completed within one year. The note details the prospective composition of the Commission as made up of:

¹¹ <https://www.boe.es/buscar/pdf/2022/BOE-A-2022-17099-consolidado.pdf>. It is important to highlight the approval Law 20/2022, of 19 October, on Democratic Memory was approved just one month before the publication of the final CHACHIPEN project report.

¹² https://mpt.gob.es/dam/es/portal/prensa/notas_de_prensa/notas/2024/04/20240423_COMISIONES_MD.pdf.

- Head of the Secretariat of State for Democratic Memory, who will as Chair;
- The Head of the Directorate General for Victim Support and Promotion of Democratic Memory, who will hold the Vice-Presidency;
- Members: one person, with the rank of at least director general, from each of the Ministries of the Presidency, Justice and Relations with Parliament; Education, Vocational Training and Sport; Culture; Social Rights, Consumption and Agenda 2030; Equality; and Inclusion, Social Security and Migration;
- Persons appointed by the Minister of Territorial Policy and Democratic Memory: two persons representing the autonomous communities and cities of Ceuta and Melilla at the proposal of the Territorial Council of Democratic Memory; two persons representing local entities at the proposal of the Spanish Federation of Municipalities and Provinces (FEMP); eight persons representing the associations and organisations representing the Roma people at the state level, members of the State Council of the Roma People at the proposal of said Council; two persons with expertise in the study of matters related to the Roma population in Spain and the field of recovery of democratic memory at the proposal of the Head of the State Secretariat of Democratic Memory; and one person representing the Council of Democratic Memory at the proposal of said Council.

The following are the latest updates regarding the Working Commission:

- 8 Roma organisations were selected by secret vote in July 2024 (as voted by the 20 Roma organisations from the Roma State Council).
- Following an official complaint from one organisation regarding the selection process, an extraordinary plenary session of the State Council of the Roma People ratified/confirmed on 16 September the 8 Roma entities that will form part of the Working Commission.
- The Working Commission has not yet been created. While the Government of Spain issued a press release, no further official documentation has been produced nor information regarding the status of the establishment of the Commission or why this process has been delayed.
- No official date has been set for the constitution of the Working Commission and Roma organisations are still waiting for the Secretariat of State for Democratic Memory to set an agenda. Again, no official documentation has been produced concerning the working format and or process of the Working Commission, although Roma organisations believe it will operate as other working groups from the State Council of the Roma People with a monthly meeting ultimately producing a report over an 'established period'.
- Finally, it is important to mention that the Working Commission will focus not only on the period beginning with the Spanish Civil War and subsequent

Franco Dictatorship, but a longer-term perspective starting from the Middle Ages. This is thanks to a petition from several Roma organisations in Spain ultimately accepted by the Secretariat of State for Democratic Memory.

Given the limited information available on the creation of the Commission and its future functions, it is not possible at this stage to draw many conclusions as to whether or not it will have the impact desired by Roma organisations. Even so, taking into account the different reports carried out during the implementation of the CHACHIPEN project, we can conclude that:

1. Lessons learned from other countries (notably Germany and Sweden) with respect to timing, independence of Commissions, representation, ownership, and budget and funding are, regrettably, not being taken into account.
2. As previously detailed, the agreement for the creation of the Commission for Memory and Reconciliation with the Roma People in Spain Council of Ministers was approved on 23 April 2024. According to this agreement¹³, the Commission will have only one year to produce a report on 'the necessary measures to apply the principles of truth, justice and reparation in relation to the historical situation of the Roma people in our country' (Emphasis added). The German and Swedish Antigypsyism Commissions were both constituted for two years. In the case of Germany, several issues were dropped due to time constraints. The CHACHIPEN report clearly indicates that an adequate timeframe is essential to the overall success of such Commissions (Reuss, 2022). If two years was not enough to fulfil the task of produce comprehensive reports detailing *all* the necessary measures to fully implement the principles of truth, justice and reparation in Germany and Sweden, it can be understood that this would be even more challenging in half that time. Indeed, the final report from CHACHIPEN ultimately concluded one year is not enough (Carballo-Mesa et al., 2023: 3).
3. With respect to the Commission's prospective composition — without yet knowing the names of the individual persons who will ultimately form it, but taking into account the agreement approved by the Council of Ministers on 23 April 2024 — there will only be eight people selected by the eight Roma entities in turn elected by vote by the State Council of the Roma People. The rest of the Commission will be composed mostly of politicians and non-experts in the field chosen by the authorities themselves or by the Territorial Council of Democratic Memory. The Presidency of the Commission will be held by the Secretary of State for Democratic Memory and the Vice-Presidency by the Directorate General for Victim Support and Promotion of Democratic Memory. While the two experts in

¹³https://mpt.gob.es/dam/es/portal/prensa/notas_de_prensa/notas/2024/04/20240423_COMISIONES_MD.pdf.

the study of issues related to the Roma population in Spain and in the field of recovery of democratic memory have yet to be proposed by the Secretary of State for Democratic Memory, there are, as of today, no Roma academics or researchers who form part of this Commission. While most of the individuals chosen by the Roma associations are themselves Roma and may have researched the persecution of the Roma during Franco's regime, the Commission's research will nonetheless be limited without the presence of experienced and knowledgeable Roma academics or researchers.

4. One of the crucial issues highlighted by the final report of the CHACHIPEN project is the need to ensure the independence of the Commission. In the Swedish case, total dependence on the government (including a minister) made its Commission vulnerable to possible changes of government and at the same time called into question its credibility for both Roma and non-Roma (Selling, 2022). By contrasts, one of the strengths of the German Commission was its total independence from the authorities. In the case of Spain, although the Commission has not yet been created, it will be clearly dependent on the Spanish government, i.e. the Ministry of Territorial Policy and Democratic Memory, which holds the Presidency and the power to select members. This is the same Ministry that has failed to clarify the reasons why it has taken so long to establish the Commission. This total dependence on the Spanish Government may influence the work of the people who will make up the Commission and ultimately have a negative impact on future results, thus limiting the voice and representation of the Roma People in Spain.
5. Similarly highlighted in the final report of the CHACHIPEN project is the issue of funding and budget, on which no information is available at the moment. This will be one of the main factors to be taken into account in assessing the success of the report prepared by the Commission, but which cannot be assessed at this time.
6. Yet another other factor to be taken into account, but on which no information is available, is the functioning of the Commission itself. The recommendations made in the final report of the CHANCHIPEN project call for the active participation of Roma civil society, including public hearings for Roma people, especially those who have suffered persecution during Franco's regime and during democracy. It also recommended a well-designed agenda and timetable be adapted to the objectives and tasks of the Commission. These factors are of great concern, especially because the Romany organisations that form part of the State Council of the Romany Population and that are in contact with the Spanish Government have no information whatsoever on the internal functioning of the Commission, as well as the mechanisms for participation.

Once again, it is not possible to make an assessment of this issue without relevant information.

7. Finally, it is of great concern that the recommendations made by the CHACHIPEN national research report on Spain (Casermeiro Cortés and Carballo Mesa, 2022) have not thus far been taken into account, especially as this is the only specific report that exists on this subject. The collection of testimonies should be an essential part of the preparation of the final report of Commission, as should access to documents held in government archives (civil guard, state security forces, judicial system, etc.). Although we cannot analyse in detail whether these recommendations *will* be taken into account, the time set for the creation of the commission's report (one year) is too short for researchers and academics to have the time effectively work with and incorporate different sources (oral and archival) and to comprehensively outline measures for the application of the principles of truth, justice, reparation and non-repetition regarding the historical situation of the Romany population in Spain. The fact that Roma organisations have demanded that the report include the persecution of the Roma population in Spain since the first pragmatic act of 1499 may have a negative effect as practically, it introduces 500 years more of history to be analysed in the period of one year. Even though it is true that the Law of Democratic Memory does not do justice to the whole history of antigypsyism in Spain, the Law would emphasises the period of the Spanish Civil and Dictatorships as one of the least researched periods in the history of the Gypsy People in Spain and the effects of which are still felt by Roma people today. Whether this extension of temporal focus will prove to have been a good decision will have to be analysed in future.

The role that the National Strategy for Equality, Inclusion and Participation of the Roma People in Spain (2020 - 2030) may have in the monitoring of this Commission and in the implementation of the measures that are established once the report is finalised, is unknown. The National Strategy was approved in October 2020 and the Law of Democratic Memory two years later in October 2022 and no action aimed at recognition or processes of truth, justice, reparation and non-repetition foreseen at that time. Currently, the Spanish National Strategy makes no mention whatsoever of a Memory Commission or the Law of Democratic Memory.

Regarding antigypsyism, the National Strategy has a strategic line focused on antigypsyism and non-discrimination linked to the equal opportunity and non-discrimination axis. In this regard, there are two main objectives: First, to reduce antigypsyism, including stigmatisation, intersectional and multiple discrimination, hate crimes, and antigypsyism hate speech; and second, to increase the capabilities of victims of discrimination and antigypsyism in the exercise of their rights, guaranteeing their assistance, guidance, and specialised support.

On the other hand, the report for the study of a State Pact against Antigypsyism adopted on the 30th of March of 2023 does refer to the Commission on Memory. In the horizontal measures proposed by the report, the first is dedicated to combating and preventing antigypsyism. In this field, 41 recommendations are presented. The first mentions the constitution of the Working Commission on Memory and Reconciliation with the Roma People in Spain, and states 'that it should draw up a report on measures to apply the principles of truth, justice, reparation and non-repetition in relation to the historical situation of the Romany population in Spain, with the active participation of Romany civil society and the State Council of the Roma People'¹⁴.

Among the 41 proposals to combat and prevent antigypsyism, in addition to the creation of the Working Commission on Memory, the report highlights measures such as: promoting the symbolic but express repeal of all anti-Roma legislation enacted since the Royal Pragmatic Act of the Catholic Monarchs in 1499, through a solemn act presided over by King Felipe VI with the participation of the Government, the Congress of Deputies and the Senate, as well as civil society and the Roma people; promoting the creation of a High Commission for the real and effective equality of the Roma population, as a body that forms part of the General State Administration, whose main objective is to fight against inequality and antigypsyism within the framework of the National Strategy for the Equality, Inclusion and Participation of the Roma People (2021-2030); allocating a concrete and quantifiable budget to the National Strategy for Roma Equality, Inclusion and Participation 2021-2030, in order to, among other issues, combat antigypsyism, discrimination, harassment, hate crimes and incitement to hatred against the Roma people; creating a permanent State Observatory against Antigypsyism, organically dependent on OBERAXE, with the aim of monitoring cases of antigypsyism in the public and private sphere, without prejudice to the observatories that may be promoted by the Autonomous Communities; and establishing a monitoring mechanism, with adequate resources, responsible for investigating complaints about anti-Roma discrimination pogroms within the Ministry of the Interior.

The creation of the Commission is a great opportunity for the Spanish state take into account previous research and recommendations, lessons from other countries, and ultimately to do justice and make reparations for the 600 years of anti-Roma history on its territory.

2.2. The Pact against Antigypsyism

The study of a State Pact against Antigypsyism and for Roma Inclusion, which contains 158 action proposals, was approved by the plenary of the Spanish Parliament on March

¹⁴ https://www.congreso.es/public_oficiales/L14/CONG/BOCG/D/BOCG-14-D-587.PDF#page=3

30, 2023¹⁵. The report was drawn up by a subcommittee created within the Committee on Social Rights and Integrated Disability Policies, includes a set of conclusions on Roma inclusion, equality and participation, the institutionalisation of the fight against antigypsyism in the European institutions, and parliamentary precedents relating to the Roma people. The 158 proposals for action are divided into eight specific areas: horizontal measures; sectoral measures; measures against multiple discrimination; intersectional gender perspective; studies, research, surveys and reports; financing; monitoring of the State Pact; and the framework of competences for the application of the measures.

Measure 157 proposes the creation of a Permanent Commission for the Monitoring and Evaluation of the State Pact against Antigypsyism. Regarding this action proposal, the Spanish Government has not yet done anything and it is not known whether this measure will be implemented or not, as the executive has not made any statement so far on the matter.

Regarding the Competence Framework, measure 158 states: 'The references to plans, strategies, protocols or mechanisms made in this report are understood to be without prejudice to the competences that, in the different matters concerned for their implementation, may be held by the Autonomous Communities and without prejudice, for their part, to the powers attributed to the different bodies of the Central State Administration. Both shall be exercised within the scope of the principles of cooperation and collaboration between public administrations, as referred to in Law 40/2015, of 1 October'¹⁶. This means that regardless of which administration is responsible for some of the proposed measures, they should coordinate with each other in order to achieve better results.

The implementation of these proposals must be executed by different administrations and at different levels. There are measures that are political and, therefore, the responsibility of the Spanish Government and the regional and local governments to carry out, and there are measures that must be included in different plans and/or strategies and will be implemented by the administrations or by the Roma organisations themselves. In the absence of the creation of this Permanent Monitoring and Evaluation Commission of the State Pact against Antigypsyism, it will be very difficult to know what is being implemented.

¹⁵ https://www.congreso.es/public_oficiales/L14/CONG/BOCG/D/BOCG-14-D-587.PDF#page=3.

¹⁶ Ibid.

2.3. The National Strategy for Equality, Inclusion and Participation 2021 – 2030

The National Strategy for Equality, Inclusion and Participation 2021 – 2030 was approved by the Council of Ministers in November 2021 and its first Operational Plan in June 2023. Despite its late approval, the Spanish government has created two progress reports, the first one on the actions carried out in the framework of the Strategy for the years 2021 - 2022¹⁷ and the second one for the year 2023 (which has not yet been made public). That there is a report on the implementation of the Strategy for the years 2021 and 2022, when the Operational Plan was approved at the beginning of 2023, is curious.

In relation to the National Strategy and its implementation, it is important to understand the Spanish context. The National Strategy depends on the Ministry of Social Rights, Consumption and Agenda 2030. As it is a state-level Strategy responsibility lies with the Spanish Government, however as Spain is a decentralised country (it combines the principle of unity of the nation with the principle of political autonomy of the regions), many issues included in the National Strategy fall under the competence of the governments of the Autonomous Communities or regional governments. For instance, the four main axes of the National Strategy: housing, education, employment, and health:

In the case of housing, Article 148.1.3 of the Spanish Constitution of 1978 empowered the Autonomous Communities to assume full competence in housing matters. They do this through their Statutes of Autonomy. At the state level, the Spanish Government designs a National Strategy with objectives, guidelines, strategies and actions on housing that the Autonomous Communities then have to implement.

Where education is concerned, these competences are distributed among: The General State Administration (Ministry of Education, Vocational Training and Sports); the Autonomous Communities (Regional Ministries or Departments of Education); and in the cities of Ceuta and Melilla, are assumed by the Ministry itself¹⁸. Organic Law 3/2020 of 29 December (LOMLOE), passed in 2020, which amends the Organic Law on Education (LOE) of 2006, regulates the education system and establishes the distribution of educational competences between the Government and Autonomous Communities. This distribution of competences between the different levels of government makes it difficult not only to implement the actions proposed in the National Strategy, but also to follow up and monitor them.

¹⁷https://www.mdsociales2030.gob.es/derechos-sociales/poblacion-gitana/docs/estrategia-nacional/po_23_26/IP_2021_2022_vf.pdf.

¹⁸https://administracion.gob.es/pag_Home/Tuespacioeuropeo/derechosobligaciones/ciudadanos/educacion/sistema-educativo/organizacion.html

Health is the responsibility of the Autonomous Communities, and its financing is accounted for within the regional financing system. Therefore, the budget items earmarked for health expenditure and investment, including primary care, are included in the budgets of each of the Autonomous Communities. In this case, not all Autonomous Communities allocate the same budget to health, their priorities may be different, making it difficult to evenly implement the measures proposed in the National Strategy in relation to health.

In the case of employment matters, in accordance with Article 149.1.7 of the Spanish Constitution, the State has exclusive competence over labour legislation, without prejudice to its execution by the Autonomous Communities. In this sense, the Autonomous Communities are responsible for implementation, i.e. for carrying out all those actions that are necessary for the application of the regulations. However, in the execution of this power, the Autonomous Communities are empowered to approve internal or organisational regulations.

Due to this decentralisation and distribution of competencies in matters that are extremely important, the Spanish Government coordinates with the governments of the Autonomous Communities through the Technical Cooperation Group with Autonomous Communities on the Roma People¹⁹. This Technical Cooperation Group is made up of representatives of the Directorate General for Family Diversity and Social Services (belonging to the Ministry of Social Rights and Agenda 2030), representatives of the Autonomous Communities in the areas of Social Action, Social Services and Social Inclusion, and representatives of the Spanish Federation of Municipalities and Provinces (FEMP). It was created in 2010 with the aim of exchanging information between the different administrations on actions carried out with the Roma population. In principle, this Technical Cooperation Group also functions as a tool or mechanism for monitoring the implementation of the National Strategy. Unfortunately, the Roma organisations of the State Council of the Roma People do not form part of this cooperation group, despite having requested to be a part of it.

It should be noted that the State Council of the Roma People, created in 2005 by Royal Decree 891/2005 of 22 July, is the inter-ministerial, consultative, and advisory collegiate body attached to the Ministry of Social Rights and Agenda 2030. The Council gives an institutional character to the collaboration and cooperation of the Roma associative movement with the General State Administration for the development of social welfare policies, enabling the promotion of the Roma population. The State Council of the Roma People is made up of a Presidency (Secretary of State for Social Rights), two Vice-Presidencies (the first corresponds to the Director General for Family Diversity and Social Services and the second to a representative of one of the twenty associations that

¹⁹<https://www.mdsocialesa2030.gob.es/derechos-sociales/poblacion-gitana/colaboracion-ccaa/grupo-cooperacion-tecnica.htm>.

form part of the State Council of the Roma People), the Secretariat (civil servants from the Directorate General for Family Diversity and Social Services), twenty memberships made up of ministerial representatives, and another twenty memberships made up of entities from the Roma associative movement. The appointment of the latter is regulated by a ministerial order that publishes the call for the selective process and establishes the assessment criteria.

Despite the existence of a State Council of the Roma People that includes twenty Roma organisations from all over Spain, its tasks in the follow-up and monitoring of the National Strategy are non-existent. And since competences are so widely distributed among governments at different levels, it is very difficult to supervise or keep abreast of the implementation by the different responsible bodies.

The 2023-2026 Operational Plan²⁰ approved in June 2023 specifies which measures the General State Administration has to develop and implement in relation to the three main axes of the National Strategy: Inclusion (Housing and essential services, Employment, Health, Education, Poverty and social exclusion and the digital divide), Equality (Antigypsyism and Non-Discrimination, Equality between Men and Women and against violence towards women, Promotion and recognition of Roma culture), and Participation (Participation of the Roma population and the Roma associative movement). In the area of antigypsyism and non-discrimination, competences are shared between the Ministry of Equality (General Directorate for Equal Treatment and Ethnic-Racial Diversity) and the Ministry of Inclusion, Social Security and Migration (Oberaxe). For some specific measures, they collaborate with the Ministry of Social Rights and Agenda 2030, among others.

Regarding residential segregation, the National Strategy does not include any specific measures. Although objective 14 of the Operational Plan 2023-2026 deals with reducing the concentration and residential segregation of the Roma population, it does not indicate any specific measure(s). The Plan refers to the different programmes of the State Plan for Access to Housing 2022-2025, with programmes and measures aimed at people in vulnerable situations but does not have any programme aimed at the Roma population specifically. While Roma people can be considered 'vulnerable', this omission is surprising that given the latent antigypsyism at all levels of society and existing residential segregation. It should also be remembered that it is the Autonomous Communities that are responsible for housing, so the situation may vary from one region to another.

As mentioned above, neither the National Strategy nor the Operational Plan contains measures or actions related to truth, justice, reparation and non-repetition processes

²⁰https://www.mdsocialesa2030.gob.es/derechos-sociales/poblacion-gitana/docs/estrategia-nacional/po_23_26/PLAN_OPERATIVO_2023-2026.pdf.

or to the creation of the Working Commission on Memory. These documents only mention the recognition of Roma culture and the promotion of positive narratives to recognise Roma memory.

As for the financing of the National Strategy, this is quite complex given the distribution of competences not only between the different levels of government (state, regional, and local), but also between the different ministries of the state administration and the different departments of the regional and local administrations. It should also be borne in mind that many of the actions included in the National Strategy and the Operational Plan are implemented through general plans and programmes, i.e. aimed at society in general or at vulnerable groups more broadly.

At the national level, two forms of financing stand out in particular: the Roma Development Plan and the call for subsidies charged to 0.7 % of Personal Income Tax (IRPF). The Roma Development Plan has a current budget of EUR 2 million (up to 2021 the figure was EUR 412, 00; in 2021 EUR 1 502 500; and in 2023 EUR 2 million). This credit is managed by the Autonomous Communities (all with the exception of the Basque Country and Navarre due to their special tax regimes) and the cities of Ceuta and Melilla. The money is not distributed equally among the Autonomous Communities. In fact, in 2023, Andalusia took 38.04 % of the total budget²¹. This appropriation is intended to meet the needs of the most disadvantaged Roma and to promote the development of the Roma population, within the framework of the commitments made by the Government in the National Strategy for the Equality, Inclusion and Participation of the Roma Population 2021-2030 and its Operational Plans.

The call for subsidies charged to 0.7 % of Personal Income Tax (IRPF) is aimed at non-profit organisations and/or associations in general, those that implement proposed projects. The call has different objectives and priorities, and the entities present their projects. The allocated state budget for this call in 2024 was EUR 73 825 197.30²² and of this total, 5.25 % (EUR 3 883 135.07²³) was allocated to Roma organisations with projects aimed at the Roma population. It should be noted EUR 2 964 422.41 (76.34 %) went to a single pro-Roma organisation, the Fundación Secretariado Gitano. The rest was distributed among 5 Roma organisations and one pro-Roma organisation.

In addition to these funding tools available to the National Strategy, the different Ministries that are responsible for the implementation of some of the measures adopted in the National Strategy will dedicate funds from their own budget in amounts

²¹<https://www.mdsocialesa2030.gob.es/derechos-sociales/poblacion-gitana/colaboracion-ccaa/plan-desarrollo-gitano.htm>.

²²<https://www.plataformatercersector.es/sites/default/files/20230922%20Resoluci%C3%B3n%20Ampliac%C3%B3n%20Credito.pdf>.

²³<https://www.plataformatercersector.es/sites/default/files/RESOLUCI%C3%93N%20DE%20CONCESI%C3%93N%2000%2C7-2023.pdf>.

they deem appropriate. The same applies to funds allocated by the Autonomous Communities for the implementation of the measures for which they will be responsible. In future, it will be interesting to analyse the budget allocation to general mainstreaming policies that the Roma population can benefit from and the specific budget allocation for the Roma population.

The National Strategy mentions the importance of the use of European Funds, especially the European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF), both at the state and regional level. According to the progress report 2021-2022 of the National Strategy, funding from European Structural Funds (ESF and ERDF), for this period make up 33.63 % of the funding of specific measures, representing the largest source of funding, followed by the Strategy's own funds (27.58 %) and funding from state and regional income tax (IRPF) (19.31 %). For the year 2023, the progress report (not yet officially published) states that, according to the information provided by the actors in the period 2023, funding from European Structural Funds (ESF+ and ERDF) represents 36.80 % of the funding of specific measures, remaining the largest source of funding for this type of measures, followed by own funds (26.32 %) and funding from state and regional income tax (IRPF) (16.71 %).

In relation to the progress of the measures proposed in the National Strategy, progress report 2021-2022 shows that the General State Administration and the Autonomous Communities have continued previous years' initiatives. In 2022 (once the National Strategy for Equality, Inclusion and Participation of the Roma People was approved), 15.36 % of the initiatives were launched as new actions, 65.36 % were still being implemented and 19.28 % were completed. Most of the latter have been small-scale actions (50.98 %), followed by policy measures (37.25 %) and national programmes (11.76 %). In 2022, for all actors as a whole, the implementation of Roma-specific measures (49.7 %) and social inclusion measures targeting vulnerable population groups (35.3 %) predominates over positive adaptations to ensure access to sectoral policies (15.0 %). Measures specifically targeting the Roma population were implemented in all strategic areas with greater intensity. The thematic areas in which the development of these measures at state level was observed are culture (100 %), health (88.89 %), Roma participation (83.33 %), poverty, social exclusion and digital divide (77.78 %), employment (75.0 %), equality between Roma men and women (66.67 %), and housing and essential services (60.0 %). Social inclusion measures targeting vulnerable groups were mostly implemented in the field of education (50.0 %), antigypsyism and non-discrimination (42.8 %) and equality between Roma men and women (33.3 %). By contrast, in the Autonomous Communities, social inclusion measures aimed at vulnerable groups have a greater weight across different strategic lines, compared to the General State Administration. The application of inclusion measures in the field of housing and essential services (70.0 %), employment (53.33 %) and education (51.11 %) stand out.

The data in the 2023 progress report is similar to that of 2021-2022. As it has not yet been made public, no specific reference has been made here, with the exception of the funding described above.

Currently, the consortium of Presencia Nacional Gitana, Plataforma Khetane and FAGiC is beginning to prepare the second cycle of the monitoring country report which will be focused on the implementation of the National Roma Strategy for Equality, Inclusion and Participation, since its approval until now. The report is expected to be finished by February 2025.

3. Conclusion

The XIV Legislature of the Spanish Government marked a historical moment in Spain by approving several key legislative actions and policy measures aimed at promoting inclusion, truth, justice and reconciliation in relation to the Roma People. Additionally, for the first time, the Legislature had three Roma as members of the Spanish Parliament. This is likely to have had a significant impact on progress made during that Legislature.

Many policies and programmes were stopped due to the elections of May 2023. Spain's 15th legislature began on 17 August 2023 and the investiture of the President on 16 November 2023, thus creating Spain's new government. Since this time, priorities have changed and new policies, programmes, and measures have been slow to implement. Significantly, Roma are absent in the new Legislature of the Spanish Parliament.

In addition to the political context, the functioning of the State Council of the Roma People (CEPG) does not help to speed up processes. The Permanent Commission of the State Council of the Roma People, which is the 'executive' of the Council, and the Plenary of the Council, through which the proposals are voted on, both meet twice a year. At the end of 2022 and beginning of 2023, the Council was focused on the approval of the Operational Plan of the National Strategy for Equality, Inclusion and Participation 2021 – 2030. The CEPG's operation was interrupted by the 2023 elections and only resumed its normal functioning during the first quarter of 2024. The majority of programmes and policies aimed at the Roma people have to go through the plenary session of the Council, such as the 8 Roma associations selected to be part of the Working Commission on Memory (or the individual appointed by them).

These factors do not accelerate the implementation of mechanisms or programmes in favour of the Roma in Spain. Rather, it appears that progress made during the previous legislature has been effectively put on 'stand by' and is not a priority for the current legislature. Certainly, the absence of Roma in the Spanish Parliament contributes to the current situation of uncertainty regarding policies affecting the Roma.

To date, the Working Commission on Memory has still not been officially constituted. According to the expectations of the Roma organisations of the State Council of the Roma People, it was expected to be officially constituted in October or November 2024, almost a year and a half later than required by law. Unfortunately, no Roma organisation has any updated information on how the Commission will eventually be composed or function.

Seemingly, the only ongoing measures, according to the progress reports made by the Spanish Government, are those adopted in the Operational Plan 2023-2026 of the National Strategy for Equality, Inclusion and Participation of the Roma People. Although

the final text of the Operational Plan was approved in June 2023, according to the 2021-2022 progress report, the various competent authorities have been carrying out actions even before the Operational Plan was approved. It should be reiterated that the Law on Democratic Memory was approved in October 2022 and although the National Strategy was approved in 2021, the Operational Plan approved in June 2023 does not include any measures related to the Law on Democratic Memory and, consequently, to the Working Commission on Memory. This is undoubtedly a missed opportunity to be able to at least follow up the Working Commission on Memory with the monitoring mechanisms used by the Spanish Government to supervise the actions included in the National Strategy.

As far as the State Pact against Antigypsyism and its 158 proposed measures are concerned, the situation is more complicated. Here, measures have to be implemented by different actors at different levels, although where the direct responsibility for the implementation of these measures lies is not specified. While responsibility can often be deduced, this gap means that many responsibilities are not assumed. Undoubtedly, measure 157 on the creation of a Permanent Commission for the Monitoring and Evaluation of the Pact of State against Antigypsyism would address the uncertainty that currently exists within Spanish Roma civil society regarding the future of the Pact of State against Antigypsyism.

3.1. Policy recommendations

Recommendations related to the National Law on Democratic Memory and the creation of the Working Commission on Memory:

Recommendation 1: Ensure that the Working Commission is set up as soon as possible, along with the final objective for which it was created: a report on measures to apply the principles of truth, justice, reparation and non-repetition in relation to the historical situation of the Roma people in Spain.

Recommendation 2: Take into consideration the National Research Report on Spain and joint report by the researchers of the EU CHACHIPEN project 'Paving the way for Truth and Reconciliation Process to address antigypsyism in Europe. Remembrance, Recognition, Justice and Trust-Building' and its recommendations based on the experiences and lessons learned from Germany and Sweden. These recommendations include: that timing be sufficient so that the Commission can carry out all the activities entrusted to it with scientific quality; that the Commission have the necessary independence to be able to work freely and without political interference; that the active participation of the Roma People be ensured and that public hearings be included with the intervention of witnesses who were persecuted and discriminated against during the Dictatorship; that the Commission be allocated a decent budget and funding that

does justice to the tasks to be carried out; that there be full access to the different types of archives which holds documentation on Roma; and that the participation of Roma academics and researchers be prioritised as a prerequisite of the scientific design, coordination, and implementation of undertaken research.

Recommendation 3: Ensure that Roma are 'compensated' for 700 years of antigypsyism in Spain.

Recommendation 4: Promote the creation of an accessible virtual platform within the Subdirectorate General of State Archives that brings together historical documentary collections, archives, etc. relating to the Roma People (measure 28 of the report of the Pact State against Antigypsyism).

Recommendation 5: Investigate in a transversal, intersectional, and interdisciplinary way with the experiences of Roma people during the period of the Spanish Civil War and the Franco dictatorship exclusively.

Recommendation 6: Link the Working Commission on Memory with the National Strategy and with Spain's future anti-racism law, so that independent monitoring mechanisms can be established at all levels.

Recommendation 7: Take into account and prioritise any measures proposed in relation to truth, justice, reparation and non-repetition processes and in relation to antigypsyism that are included in the report on the State Pact against Antigypsyism.

Recommendations related to the State Pact against Antigypsyism:

Recommendation 8: Immediately implement measure 157 on the creation of a Permanent Commission for the monitoring and evaluation of the State Pact against Antigypsyism.

Recommendation 9: Create a body in charge of the coordination and management of the State Pact against Antigypsyism or include these tasks and functions within the Permanent Commission suggested in Measure 157 of the State Pact against Antigypsyism.

Recommendation 10: Allocate a decent budget for the implementation of all measures proposed in the State Pact against Antigypsyism report.

Recommendation 11: Demand that the different relevant actors assume their responsibilities as soon as possible so that the proposed measures are implemented.

Recommendations related to the National Strategy of the Equality, Inclusion and Participation of the Roma People 2021-2030:

Recommendation 12: Align all policies aimed at Roma inclusion with each other so that they have a significant effect and greater impact on Roma communities.

Recommendation 13: Align the National Strategy of the Equality, Inclusion and Participation of the Roma People with other national strategies such as those dealing with Housing, Racism, Education, Youth, Women, and Gender Violence, among others.

Recommendation 14: Allocate a sufficient budget to achieve the objectives set out in the different programmes.

Recommendation 15: Ensure the equitable distribution of funding for projects and programmes implemented by Roma organisations, especially European funding.

Recommendation 16: Include the Roma entities of the State Council of the Roma People in the Technical Cooperation Group to make implementation and monitoring more transparent.

Recommendation 17: Ensure the complementary coordination and collaboration mechanisms between governments at different levels (central, regional, and local) to achieve better results, given the potential for political differences at the local and regional levels to compromise cooperation.

Recommendation 18: Create a monitoring and follow-up commission independent from the Spanish government to ensure greater transparency and reliability of data and to include Roma. Further ensure that this task is not undertaken by any Roma entity but by individual Roma with experience in the field.

Recommendation 19: Change the voting mechanisms or composition of the State Council of the Roma people to guarantee that Roma associations have more decision-making power in matters that directly affect the Roma People.

Recommendation 20: The National Roma Contact Point should not be taken over by an existing department of the Spanish Government such as the Directorate General for Family Diversity and Social Services. A unit composed of civil servants and Roma should be created to ensure the participation of Roma in the management of the National Strategy. This unit should have a permanent character and not hire Roma on a temporary basis to take on administrative support tasks.

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Annex

Subcommittee for a State Pact to Fight against Antigypsyism and for the Inclusion of the Roma People: Composition and Expert Hearings

The Subcommittee included MPs from all parliamentary groups. Among its members were Roma deputies, such as Sara Giménez (Citizens), Beatriz Carrillo (Socialist Group), and Ismael Cortés (Unidas Podemos), who provided direct insights into the realities and challenges faced by the Roma community.

- Socialist Group (PSOE)
- Popular Group (PP)
- Confederal Group of Unidas Podemos-En Comú Podem (UP-ECP)
- Republican Group (ERC)
- Citizens Group (Cs)
- Basque Group (EAJ-PNV)
- Euskal Herria Bildu Group (EH-B)
- Mixed Group

Expert Hearings Presented in front of the Subcommittee for the State Pact To Fight Against Antigypsyism. 80% of the experts listed below identified themselves as members of the Roma community.

16 de febrero de 2022 (Diario Sesiones núm. 591 de 16 de febrero de 2022).

- D. Juan de Dios Ramírez Heredia, Presidente de Unión Romaní.
- D. Pedro Aguilera Cortés, Director de la Federación de Asociaciones Gitanas Catalanas
- D.^a Manuela Fernández Ruiz, activista social y responsable del Organisme de Protecció i Promoció de la Igualtat de Tracte i la No-discriminació de la Generalitat de Catalunya.
- D.^a María Teresa Suárez Vega, Subdirectora General de Participación, Desarrollo Humano y Territorial de la Fundación Secretariado Gitano.

9 de marzo de 2022 (DS núm. 611 de 9 de marzo de 2022).

- D.^a Teresa Cortés Moreno, Vicepresidenta de la Asociación de Mujeres Romí Calí de Baleares.
- D. Demetrio Gómez Ávila, Presidente de Ververipen.

16 de marzo de 2022 (DS núm. 619 de 16 de marzo de 2022).

- D.^a Carmen Santiago Reyes, Presidenta de la Federación Nacional de Asociaciones de Mujeres Gitanas KAMIRA.
- D.^a Elisabeth Borja Jiménez, representante de la plataforma Romanes de Cantabria.
- D. Antonio Martín Castillero, Presidente Adjunto de la Federación Andaluza de Hermandades Gitanas, activista por los derechos y obligaciones del Pueblo Gitano y director del Área Social y Emprendimiento de la Hermandad Gitana de Andalucía.

23 de marzo de 2022 (DS núm. 635 de 23 de marzo de 2022).

- D. Javier López Gutiérrez, responsable del Sistema Estadístico y Atención a Víctimas de la Dirección General de Coordinación y Estudio de la Secretaría de Estado de Seguridad del Ministerio del Interior.
- D.^a Séfora Vargas Martín, abogada penalista/administrativista, escritora, experta en Comunidad Gitana, secretaria de la Asociación Zoralipé y Presidenta de la Asociación para la Promoción Integral y Desarrollo Económico del Pueblo Gitano (APROIDEG).
- D. Fabián Daniel Sánchez García, Presidente de la Asociación Nacional Presencia Gitana.
- D. Ricard Valentí Gutiérrez, Presidente de la Associació de Joves Gitanos de Gràcia.

5 de abril de 2022 (DS núm. 642 de 5 de abril de 2022).

- D. Antonio Guerrero León, Presidente de la Fundación Antonio Guerrero, de atención temprana.
- D.^a Tamara Clavería Jiménez, Presidenta de la Asociación de mujeres gitanas de Euskadi.
- D.^a Silvia Heredia Martín, licenciada en Ciencias del Trabajo por la Universidad de Córdoba y diplomada en Relaciones Laborales.

11 de mayo de 2022 (DS núm. 675 de 11 de mayo de 2022).

- D.^a María Rubia Jiménez, presidenta de la Asociación Intercultural Nakeramos.
- D. Manuel Amador Monreal, secretario de la Federación Regional Gitana de Asociaciones de Castilla-La Mancha.
- D. Ricardo Hernández Jiménez, técnico superior en integración social y coordinador general en la Federación de Asociaciones Gitanas de Navarra Gaz Kaló.

18 de mayo de 2022 (DS núm. 679 de 18 de mayo de 2022).

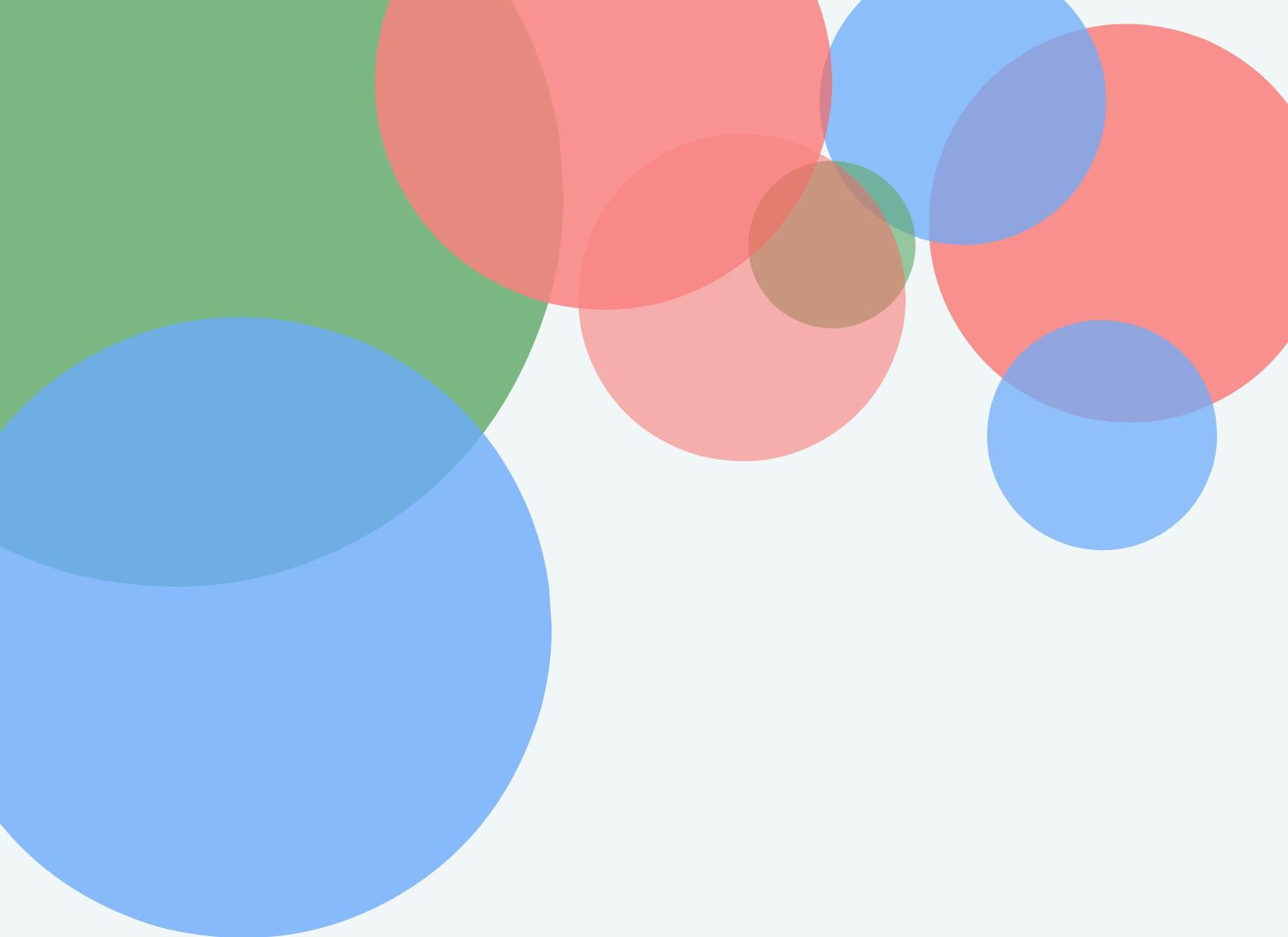
- D.^a Patricia Bezunartea Barrio, directora general de Diversidad Familiar y Servicios Sociales y vicepresidenta primera del Consejo Estatal del Pueblo Gitano (CEPG).
- D.^a Rita Bosaho Gori, directora general de Igualdad de trato y Diversidad Étnico Racial.
- D. Enrique Jiménez Gabarri, presidente de la Asociación de Promoción Gitana de La Rioja.
- D.^a Sarah Carmona, doctora en Historia del Arte y Arqueología por la Universidad de Aix-Marseille y profesora en la Universidad de Deusto y la Universidad de Córcega Pasquale-Paoli.

25 de mayo de 2022 (DS núm. 689 de 25 de mayo de 2022).

- D. Fernando Rodríguez Rey, Fiscal de Sala Delegado Coordinador contra los delitos de odio y discriminación.
- D. Fernando Rey Martínez, catedrático de Derecho Constitucional de la Universidad de Valladolid.
- D. Iñaki Vázquez Arencón, socio fundador de la consultora social gitana La Fragua Projects.

29 de junio de 2022 (DS núm. 725 de 29 de junio de 2022).

- D.^a María del Carmen Filigrana García, miembro de la Junta Directiva de la Federación de Asociaciones de Mujeres Gitanas FAKALI.
- D. Juan Silva de los Reyes, abogado.



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