

Strasbourg, 2 April 2008

ACFC/OP/II(2007)001

## ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

### Second Opinion on Spain, adopted on 22 February 2007

#### EXECUTIVE SUMMARY

Since the adoption of the Advisory Committee's first Opinion in November 2003, Spanish authorities have introduced a number of measures which have improved the implementation of the Framework Convention. Steps have been taken to strengthen Spain's legislative provisions for combating discrimination and numerous initiatives have been launched, at national and regional levels, to improve access to education, social services and the labour market for Roma and other disadvantaged groups. Spain's high degree of decentralisation, which is currently deepening through a process of statutory reforms, has facilitated the promotion of cultural identities and diversity as the Autonomous Communities exercise broader powers in many fields.

State and regional authorities are giving increasing attention to the protection and promotion of Roma identity and culture and to the need to involve Roma actively in the preparation and implementation of policies that are likely to affect them.

Problems persist, however, in the implementation of existing legislation for combating discrimination. Roma still face particular difficulties and discrimination in their access to employment, education, housing, health and social services. Efforts to collect ethnically-disaggregated data need to be expanded in order to diagnose and remedy this situation adequately. Further training is needed for police, prosecutors and judges regarding the problems of racism and racially-motivated crime, bearing in mind that the relevant criminal law provisions are rarely invoked.

There is a need to raise awareness among the general public about the cultures of all groups living in Spain and to foster intercultural dialogue. Recent pronouncements in favour of promoting Roma identity and culture need to be consolidated in concrete achievements. Roma presence in the media remains negligible and further efforts are needed to ensure their effective participation in elected bodies at local, regional and national levels.

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

**SECOND OPINION ON SPAIN**

1. The Advisory Committee adopted the present Opinion on Spain in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the second State Report (hereinafter the State Report), received on 10 April 2006, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Madrid and Seville from 20 to 24 November 2006.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Spain. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Spain, adopted on 27 November 2003, and in the Committee of Ministers' corresponding Resolution, adopted on 30 September 2004.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Spain.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Spain as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

## **I. MAIN FINDINGS**

### **Monitoring process**

6. The Advisory Committee wishes to underline the considerable improvement that has characterised Spain's approach to the Framework Convention's monitoring process under the second monitoring cycle once the state report was submitted. In the first cycle, there was no visit to Spain and it was not possible to hold discussions with the relevant authorities or to discuss the potential value of the Framework Convention to interested parties. In the second cycle, a visit did take place and this enabled fruitful discussions between the Advisory Committee and Government and non-governmental actors. However, the Advisory Committee regrets that there was a delay of more than two years in Spain's submission of its second state report, a matter which hampered the monitoring of the Framework Convention in Spain. Furthermore, prior to the report's submission, no formal consultations were organised by Spain with interested groups nor with some of the key Government departments and regional authorities. The Spanish authorities have assured the Advisory Committee that the third state report will be submitted in a timely fashion.

7. Spain adopted a constructive approach to the monitoring process following submission of the second state report, which contained information about policy developments concerning Roma in a number of fields. Spain's decision to invite the Advisory Committee to visit the country provided an excellent opportunity for the Advisory Committee to have a direct dialogue with representatives of the Government and minority groups and, on one occasion, with both together. The Advisory Committee welcomes the constructive and open spirit of discussions held with the authorities during the country visit and looks forward to continuing this dialogue also after the adoption of the present Opinion. This should include the possible organisation of a follow-up seminar that would help raise awareness of the Framework Convention among both public authorities and minority groups alike.

### **Scope of application of the Framework Convention**

8. The Advisory Committee notes that Spain continues to view Roma as the only group to be protected under the Framework Convention. The Advisory Committee encourages the Spanish authorities to examine the possibility of extending the Framework Convention's protection also to Spain's population of Berber origin, which has been calling for official recognition and further protection of their culture for several years. The Advisory Committee has not been informed of specific demands from other groups whose culture, language and traditions are different to that of the majority, even though it considers that the Framework Convention may also benefit them. It regrets that very little information about the Framework Convention exists among the persons concerned, and among members of the relevant public administrations. It encourages the authorities to make a determined effort to promote awareness of the Framework Convention throughout the population.

### **General legislative and institutional framework**

9. Spain has no legislation specifically on the protection of national minorities as this is not a concept that is recognised in Spain. Many of the principles contained in the Framework Convention are reflected in numerous constitutional and legislative provisions concerning non-discrimination and equality. Since the first monitoring cycle, Spain has developed further its legislative framework for combating discrimination and has introduced new provisions aimed at

improving access to social services for economically and socially vulnerable groups. In addition, the Spanish Parliament has recently adopted a ‘Non-binding proposal on the recognition of the rights of Roma’ which calls on the Government to introduce a number of important measures in respect of Roma.

10. Spanish legislation and policy measures of relevance to Roma are mostly designed for persons belonging to economically and socially vulnerable groups rather than specifically for Roma. The exceptions, at the State level, are the ‘Non-binding proposal on the recognition of the rights of Roma’ and Spain’s Roma Development Plan, which earmarks funds from the State Budget for projects aimed at the Roma community. Both approaches are important and need to reinforce one another.

11. There is a need to establish a stronger mechanism to coordinate the work of the various Ministries involved in developing and implementing policies of relevance to Roma in order to avoid policy fragmentation in this field. The Advisory Committee recalls the excellent coordination achieved between Spain’s Ministries during the Advisory Committee’s country visit and hopes that this occasion will contribute to strengthening inter-departmental cooperation in Spain on policies of relevance to Roma.

12. In general, Spain’s high degree of decentralisation has facilitated the promotion of cultural identities and diversity by allowing the Autonomous Communities to exercise broad powers in many relevant fields. At the same time, Spain’s political decentralisation means that a number of positive initiatives adopted at the national level of relevance to persons belonging to minorities, *inter alia*, in the fields of housing and education, need further action by the Governments of Autonomous Communities in order to be effective. The need for close cooperation between the central State administration and the Governments of Autonomous Communities is particularly noticeable within Spain’s Roma Development Plan, whose implementation requires the financial and political commitment of Autonomous Communities and municipalities, resulting in considerable variation in the plan’s impact across regions.

### **Combating discrimination**

13. Spain’s legislative provisions for combating discrimination have recently been strengthened; this has included the extension of the protection against discrimination, by public or private entities, to additional relevant fields. Problems persist, however, in the implementation of some of these provisions. These include continuing delays in setting up a specialized body, envisaged in Spanish law, that will provide assistance to victims of discrimination on grounds of racial or ethnic origin.

14. Notwithstanding various positive initiatives, shortcomings in the design and operation of the Roma Development Plan mean that many Roma still face particular difficulties and discrimination in their access to employment, housing and social services. It is positive that efforts have begun to collect data on the situation of Roma, without which it is difficult to design and implement effective measures for combating discrimination. These efforts should be broadened to cover all relevant fields and larger population samples, while ensuring that safeguards are in place concerning the protection of personal data. The provisions and implementation of Spain’s Roma Development Plan should be substantially strengthened.

### **Protection and promotion of Roma identity and culture**

15. There has been an appreciable increase in the level of attention given to the protection and promotion of Roma identity and culture by State and regional authorities. In this context, the Spanish authorities have announced their intention to establish a new Institute of Roma Culture, whose competences will include, *inter alia*, conducting research in the field of Roma language, culture and history and raising awareness of these issues among non-Roma. These pronouncements in favour of providing greater recognition to the distinct culture and identity of Roma still need to be consolidated through the adoption of concrete legislative, institutional and financial measures.

### **Promoting tolerance and intercultural dialogue**

16. A range of instruments, both legal and institutional, have been developed in Spain to accommodate the rapidly increasing diversity of Spanish society. Awareness-raising campaigns aimed at combating racial prejudices have also been organised at national and regional levels. Notwithstanding these efforts, non-governmental organisations report an appreciable increase in the number of persons expressing intolerant views toward Roma and persons of immigrant origin, suggesting that more substantial measures to advance inter-ethnic tolerance and dialogue are needed.

17. A number of racially-motivated attacks have taken place in different parts of Spain, although the absence of official data on racist violence and crime makes it difficult to determine the dimensions of the problem. In spite of improvements in the human rights training afforded to the police, disproportionate numbers of stops and checks and cases of physical and verbal abuse against Roma and persons of immigrant origin, by law-enforcement officials and security personnel, continue to be reported.

### **Roma access to the media**

18. Although steps have been taken by the Governments of certain Autonomous Communities to facilitate Roma access to and presence in public radio and television, there are no programmes produced by and addressed to Roma in most Autonomous Communities nor in public media broadcast at the national level.

### **Education**

19. There has been considerable progress towards achieving the full education of Roma children at primary level. Non-governmental organisations also report an increasing interest among Roma in obtaining secondary school education. Nevertheless, persistent problems remain in this area, including high levels of absenteeism, high drop-out rates and lower school performance among Roma students. A further cause for concern is the increasing concentration of Roma and immigrant children in certain public schools that are academically poorer. The Advisory Committee is pleased to note that legislative provisions have recently been introduced in Spain aimed at improving access to education for vulnerable groups and notes that these measures should be implemented in ways that also benefit Roma.

### **Participation**

20. The recent establishment of a State-level Consultative Council for the Roma People represents an important step in the direction of involving Roma in the preparation and

implementation of policies that are likely to affect them. However, the Advisory Committee regrets that, whereas more and more Roma are seeking to bring about changes to their situation by participating in political processes, their representation in elected bodies at both regional and national levels continues to be negligible.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Scope of application

##### *Findings of the first cycle*

21. In its first Opinion, the Advisory Committee noted that, even though no groups are formally recognised as national minorities in Spain, the protection afforded under the Framework Convention is available to Roma.

22. Noting the long-standing presence of other linguistic and cultural groups on the territory of Spain, the Advisory Committee encouraged the authorities to examine more closely the question of the scope of application of the Framework Convention, in consultation with the groups potentially concerned.

##### *Present situation*

#### a) Positive developments

23. The Advisory Committee welcomes the fact that Spain views Roma as a group to be protected under the Framework Convention.<sup>1</sup> In further dialogue with the Advisory Committee, the Spanish authorities appeared to express an open approach to the relevance of Article 6 of the Framework Convention in respect of persons belonging to other ethnic, cultural or linguistic groups living on the territory of Spain. In this context, the Advisory Committee welcomes the opportunity it had during the country visit to meet, in addition to Roma representatives, representatives of other groups, whose cultures, languages and traditions are different to those of the majority.

#### b) Outstanding issues

24. The Advisory Committee regrets that no consultations with potentially interested groups have been organised by Spanish authorities, nor has the question of extending the Framework Convention's scope of application been the subject of discussions within key Government departments.

25. Following information received from various sources, including members of the Spanish parliament, the Advisory Committee particularly regrets that such consultations have not been organised with Spain's population of Berber origin (of Muslim religion and Tamazight language). Traditional inhabitants of the Rif (an area also encompassing part of Morocco and Algeria), Berbers are estimated to form up to 50% of the population of the Spanish autonomous city of Melilla (located on the northern coast of Africa) and are present in much smaller proportions elsewhere.<sup>2</sup> The Advisory Committee notes that, while the authorities of Melilla have begun to provide opportunities for students of Berber origin to learn their language in public primary schools, representatives of the Berber population have been calling for official recognition and further protection of their culture for several years.

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<sup>1</sup> Spain's Roma population is estimated to constitute between 800,000 and 1 million, spread out across Spain's 17 Autonomous Communities, with the majority living in Andalusia (more than 40%), Extremadura, Madrid, Valencia and Catalonia. Whereas some Roma have achieved high levels of education and economic well-being, this Opinion focuses on the situation of the majority of Roma who face often severe socio-economic difficulties.

<sup>2</sup> According to Spain's latest population census, Melilla's total population stood at 66,411 in 2002.



26. The Advisory Committee regrets that very little information about the Framework Convention exists among groups living in Autonomous Communities with special linguistic status, whose culture, language and traditions are different to that of the majority of the Spanish population. The Advisory Committee notes that the languages of these groups are officially recognised and protected under the Spanish Constitution and statutory law, and also receive protection under the European Charter for Regional or Minority Languages.<sup>3</sup> Whilst noting that the concept of “national minority” is not used by persons belonging to these groups and whilst recognising the Spanish Government’s view that the Framework Convention is not applicable to them, the Advisory Committee regrets that discussions have not been held regarding the Framework Convention’s potential relevance in respect of these groups, including in areas outside the territories where they are present traditionally or in substantial numbers.

#### *Recommendations*

27. Information about the Framework Convention should be made available to all potentially interested persons, and public authorities should consider organising consultations on the Framework Convention’s scope of application also with groups other than Roma.

28. The Advisory Committee encourages the Spanish authorities to examine the possibility, in consultation with the persons concerned, of extending the Framework Convention’s protection to the population of Berber origin and to additional groups, including non-citizens as appropriate, on an article-by-article basis.

### **Article 4 of the Framework Convention**

#### **Combating discrimination**

##### *Findings of the first cycle*

29. In its first Opinion, the Advisory Committee found that the anti-discrimination provisions in Spanish legislation were rarely applied in practice and that the cases coming before the courts did not reflect the actual number of acts of discrimination or racism.

30. The Advisory Committee hoped that the establishment of a specialised body for combating discrimination, envisaged by the authorities, would make recourse to the relevant legislation more effective and raise awareness in Spanish society about discrimination.

##### *Present situation*

#### a) Positive developments

31. The Advisory Committee notes with satisfaction that Spain’s legislative provisions for combating discrimination have recently been strengthened through measures taken in December 2003 to transpose European Council Directives 43/2000 and 78/2000 into Spanish legislation. The resulting legislation<sup>4</sup> reinforces the previous provisions in a number of ways, including by extending protection against discrimination, by public or private entities, to additional relevant fields, including employment, vocational training, social protection, social advantages, education, access to and supply of goods and services such as housing and places of entertainment. The transposed legislation also calls for the creation of a specialized body that

<sup>3</sup> European Charter for Regional or Minority Languages, Application of the Charter in Spain, Initial monitoring cycle, Strasbourg, 21 September 2005, ECRML (2005) 4.

<sup>4</sup> Law 62/2003 of 30 December 2003 on fiscal, administrative and social measures, in Chapter III on Measures for the application of equal treatment of Title II on Social Measures.

will provide assistance to victims of discrimination – the “Council for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin” (henceforth, the Council on Equal Treatment). The Advisory Committee notes the assurances given by the Spanish authorities as regards the independence of this envisaged body, *inter alia* by proposing the inclusion of non-governmental organisations, trade unions and other civil society actors in its board of directors.

32. The Advisory Committee is pleased to note that, in addition to the Ombudsperson at national level, regional Ombudspersons, empowered to receive and act on complaints of discrimination with respect to the actions of public authorities, now exist in eleven out of Spain’s 17 autonomous communities. This is important in view of the decentralisation of legislative and regulatory competences in a number of key areas relevant to minority protection, including education and housing policy. The Advisory Committee takes note of the commendable efforts made by the Ombudspersons of Andalusia and Galicia to highlight shortcomings in their respective Administrations’ policies toward Roma, particularly in regard to the latter’s access to housing.

b) Outstanding issues

33. According to information received from non-governmental organisations, the number of discrimination complaints registered in Spanish courts is very small compared to the number of acts of discrimination that, reportedly, continue to take place in all key sectors of economic and social life. The Advisory Committee regrets that precise information on incidents of discrimination, and on the registration of complaints concerning discrimination in courts, is not systematically collected in Spain. Such data is needed to evaluate properly the effectiveness of anti-discrimination provisions.

34. The fact that victims of discrimination rarely appeal to courts suggests that there is little awareness of, and confidence in, available remedies for combating discrimination within Spanish society. The Advisory Committee is concerned about reports which suggest that there is not enough awareness within the Spanish judiciary of the problem of discrimination and provisions against it. The Advisory Committee regrets in this context the way in which Directives 43/2000 and 78/2000 were transposed into Spanish law, without prior consultations with civil society, without a parliamentary debate, and without a subsequent effort to disseminate information about the Directives to relevant circles.

35. The Advisory Committee notes with regret that, three years after the adoption of the law transposing the Directives, the Council on Equal Treatment envisaged in the law has still not been set up. Precise information regarding the competences, budget and staff of the envisaged Council, which will determine the latter’s independence, is still not available as the draft Royal Decree regulating these issues has still not been adopted. According to information received by the Advisory Committee, it is intended to locate the Council within the Directorate General for the Integration of Immigrants of the Ministry of Labour and Social Affairs. If this is the case, it will be important to ensure its independence.

36. The Advisory Committee also notes that the Council will operate at the national level, without regional branches, despite the highly decentralised nature of Spain’s internal organisation.

*Recommendations*

37. The Advisory Committee urges the authorities to redouble efforts to raise awareness about the problem of discrimination and of available remedies both among the general public and within key circles (police, media, prosecuting authorities, judges).

38. The Council on Equal Treatment should be established without further delay and care should be taken to ensure that the Council's competences and resources are sufficient to ensure its independence and its capacity to provide adequate assistance to persons who have been victims of discrimination.

**Efforts to ensure full and effective equality in respect of Roma***Findings of the first cycle*

39. In its first Opinion, the Advisory Committee found that considerable socio-economic differences remained between a large number of Roma and the rest of the population, in spite of efforts made under the Government Roma Development Plan. Noting that cases of discrimination were recorded in various sectors, the Advisory Committee called on the authorities to take more determined action to remedy this state of affairs.

*Present situation*

## a) Positive developments

40. Since its inception in 1989, the Government Roma Development Plan has continued to guarantee a steady, if limited, supply of funds for remedying the often severe socio-economic difficulties faced by many Roma. As the only Government programme at the national level designed specifically to improve the social integration of Roma (all other programmes aim to promote the social and economic integration of other vulnerable groups as well, including women, immigrants, the disabled and the unemployed), the Roma Development Plan has helped to ensure that Roma issues remain visible and are mainstreamed in the activities of key Ministries. The Roma Development Plan has also encouraged Autonomous Communities and Municipalities to devote attention to Roma issues, by involving regional and local governments directly in the design and operation of the projects that it has financed.

41. Andalusia has been the most active Autonomous Community in this regard, developing a wide range of programmes for Roma under its own 'Integrated Plan for the Roma Community', initiated in December 1996. Andalusia's pro-activeness is reflected in its receiving the largest share of State funding under the Roma Development Plan, although the bulk of Andalusia's 'Integrated Plan for the Roma Community' is financed through its own regional budget.

42. The Advisory Committee notes with satisfaction that Spain has also used European Union funds to strengthen efforts to ensure full and effective equality in respect of Roma, particularly in the field of employment, where large-scale vocational training and job insertion programmes for persons who are in a situation or under risk of exclusion, including Roma, have been implemented.

43. The Advisory Committee is pleased to note that Roma women, who continue to face particular problems entering the labour market, have made considerable advances in recent years. Progress has been achieved, above all, through the efforts of Roma women themselves, as the emergence of numerous highly active associations of Roma women, particularly in Andalusia, indicates. The Advisory Committee welcomes the support that these women have

received from the Government of Andalusia, in particular the Department for Equality and Social Inclusion, including the development of a special vocational training programme for Roma women, *Eurorromi*.

44. Steps have also been taken in recent years to improve Roma access to housing. At the regional level, which is where most competences lie in this field, public authorities in Andalusia and Madrid have abandoned the ill-devised practices of the past that relocated the inhabitants of informal settlements into “special neighbourhoods” (*barrios de tipología especial*) on the peripheries of cities. Intended as provisional housing, these sites have in many cases ended up becoming permanent and substandard “ghettos” inhabited largely but not exclusively by Roma. The Advisory Committee welcomes in particular the efforts made by the Instituto de Realojamiento e Integración Social (IRIS) of the Community of Madrid and its staff, to dismantle informal settlements and “special neighbourhoods” and provide their inhabitants with new, publicly-subsidised housing in ordinary neighbourhoods. The Advisory Committee also notes that the Andalusian Ombudsperson has played a significant role in promoting new housing developments for Roma.

45. The Advisory Committee notes with interest that a new State Housing Plan, covering the period 2005-2008, has been adopted by the Spanish Government, which aims to facilitate citizens’ access to housing.<sup>5</sup> Although it does not specifically mention Roma, it identifies ‘persons at risk or in a situation of social exclusion’ as requiring particular assistance and calls for an increase in the construction of publicly-subsidised housing. According to information provided by the authorities, progress implementing the new State Housing Plan is well underway in most Autonomous Communities.

46. The Advisory Committee welcomes the increased attention of Spanish authorities to the inequalities which Roma continue to face in the field of health, in spite of the fact that public health care in Spain is free-of-charge. A number of positive initiatives have been developed, including the award-winning Navarre Community Health Programme for Roma, which trains mediators to assist the 7,000 Roma living in Navarre to communicate with public health officials. The Ministry of Health and Consumption has signed an agreement with the non-governmental organisation Fundación Secretariado Gitano, enabling the latter to train health mediators in other Autonomous Communities. In 2006, the same Ministry established a special budgetary line to support programmes initiated by municipalities aimed at making health services more accessible to Roma and other vulnerable groups.

#### b) Outstanding issues

47. Shortcomings in the design and operation of the Roma Development Plan, some of which had already been identified by the Advisory Committee during the first monitoring cycle, continue to undermine its achievements. The Advisory Committee is concerned, firstly, by the limited size of the budget allocated to the Roma Development Plan (approximately 3 million euros per annum), which has remained the same since the Plan’s inception in 1989. The funds made available under the Plan, moreover, can only be used to cover projects initiated by Autonomous Communities or Municipalities (who are obliged to match two-thirds of any funding they receive), resulting in considerable variation in the Plan’s impact across regions.

48. According to the information received from key NGOs working on Roma issues, the Plan’s limited budget creates only a weak incentive for regional and local authorities to propose

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<sup>5</sup> Real Decreto 801/2005 por el que se aprueba el Plan Estatal 2005-2008, para favorecer el acceso de los ciudadanos a la vivienda, 1 July 2006.

projects; and many of the projects proposed tend to be discontinued and ineffective. The Development Plan's lack of strategic vision also continues to be criticised by NGOs, who note that the absence of clear goals makes the Plan difficult to evaluate and has meant that its targets tend to be decided according to the needs and interests of regional and local authorities, often with only limited Roma involvement (see comments under Article 15 below). This lack of strategic vision has resulted in the neglect of certain key issues in the programmes implemented under the plan, above all, the issue of the maintenance and development of Roma culture (see also comments under Article 5).

49. Even in the field of employment, the area which has received the most attention, large numbers of Roma still face particular difficulties. According to estimates provided by non-governmental organisations, substantial numbers of Roma do not have salaried jobs, work on a temporary basis and depend on the informal economy, with no social protection. Existing vocational training and job insertion programmes are not, it seems, having an adequate impact. Some of the reasons brought to the Advisory Committee's attention include the low level of education of Roma participating in these programmes (see also comments under Article 12), which means that they still have difficulties competing with non-Roma on the labour market; the fact the programmes tend to train participants for low-level jobs which do not ensure stability in employment; and the presence of discriminatory attitudes among employers.

50. Advances made by Roma women in gaining access to training and employment, particularly in Andalusia, still characterise only a minority, as Roma women throughout Spain continue to be particularly vulnerable to discrimination on the basis of gender as well as ethnicity and socio-economic status.

51. Notwithstanding the pioneer actions taken in a number of regions to improve access to housing for Roma, estimates provided by the Spanish authorities indicate that considerable numbers continue to live in segregated and sub-standard accommodation. According to reports produced by the Galician and Andalusian Ombudspersons, the main factors contributing to this situation are the soaring costs of property, the insufficient availability of publicly-subsidised housing, and widespread discriminatory attitudes among property owners who refuse to sell or rent out apartments to Roma.<sup>6</sup> According to the Galician Ombudsperson, many Roma families also face difficulties fulfilling some of the legal requirements for obtaining access to publicly-subsidised housing, including the requirement to submit social security and tax payment receipts in order to demonstrate a family's income level.

52. There are still incidents of evictions of Roma living in informal settlements. These incidents, frequently related to urban re-planning schemes, have in some cases resulted in the displacement of Roma families without the offer of appropriate alternative accommodation. The Advisory Committee is also concerned about the situation of Roma living in informal settlements identified for removal by public authorities, who cannot benefit from the re-housing schemes offered to other residents due to their arrival on the affected sites after the cut-off dates established by the authorities. While recognising the limits on the ability of public authorities to provide alternative housing for large numbers of people, the Advisory Committee is concerned that steps need to be taken at a State level to provide appropriate alternative accommodation for Roma who may become homeless following the closure of informal settlements.

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<sup>6</sup> See especially, Defensor del Pueblo Andaluz, Informe Especial al Parlamento de Andalucía, Chabolismo en Andalucía, December 2005; Informe Extraordinario do Valedor do Pobo sobre a situación da Poboación Xitana de Galicia, 2005.

53. Whilst commending the Ministry of Housing's objective of increasing the construction of publicly-subsidised housing, the Advisory Committee notes that one of the requests formulated by non-governmental organisations – to include the eradication of segregated and substandard informal settlements among the objectives of the State Housing Plan – has not been accommodated. Since housing is an area where regulatory competences are decentralised, the Advisory Committee notes that the practical implementation of this law requires the adoption of specific housing programmes at regional and local level.

54. The health situation of many Roma continues to be problematic. It is estimated that Roma have a life expectancy that is ten years lower than the average person. High unemployment and other socio-economic difficulties impact directly on their health situation. Moreover, few clinics and hospitals are equipped to meet the particular needs of Roma: intercultural mediators are rarely present; health-care professionals are rarely trained on Roma culture; hospital regulations are not able to accommodate certain Roma cultural features, such as the active involvement of the extended family.

55. According to information received by the Advisory Committee, the proportion of Roma among women prisoners is disconcertingly high, although the Government does not have reliable data on this issue (see also section on data collection below). Reports also indicate that Roma are affected by disproportionate stops and checks by law-enforcement officials (see also comments under Article 6).

#### *Recommendations*

56. The authorities should, as a priority, seek further resources to support specific programmes aimed at ensuring effective equality in respect of Roma, especially Roma women, in their access to employment, housing, health care and other social services, while continuing to promote full enjoyment by Roma of mainstream programmes in these fields. The behaviour of employers, landlords, health providers and professionals in the criminal justice system should be monitored and those responsible for discriminatory practices must be brought to justice.

57. The authorities should investigate whether the practice of relocating the inhabitants of informal settlements in “special neighbourhoods” continues in any part of Spain and, if so, remedial measures should be adopted immediately.

58. In the case of lawful evictions, public authorities should organise prior consultations with the community or individuals concerned in order to reach solutions that are acceptable to all the parties, including through the offer of appropriate alternative accommodation, in accordance with the Committee of Ministers' Recommendation Rec(2005)4 on improving the housing conditions of Roma and Travellers in Europe.

59. Efforts should be made to remedy the shortcomings identified in the current Roma Development Plan during the process of drafting the second Plan currently in preparation. This should be accomplished, *inter alia*, by involving Roma in the design, implementation and monitoring of the relevant programmes, by ensuring adequate funding at the State and regional levels, and by organising regular independent evaluations.

## **Data collection**

### *Findings of the first cycle*

60. In its first Opinion, the Advisory Committee took note of the view of the Spanish authorities that Spanish legislation does not allow for the gathering of information on individuals' ethnic origin. Pointing out that the lack of reliable statistical data on the various population groups may hinder efforts to ensure full and effective equality, the Advisory Committee urged the authorities to identify means of obtaining such data, while ensuring the necessary safeguards are in place for protecting personal data.

### *Present situation*

#### a) Positive developments

61. The Advisory Committee was pleased to note, in the exchanges it maintained with representatives of Spain's key Ministries, that there is widespread awareness of the importance of obtaining information about the situation of ethnic groups in order to ensure the adequate design and implementation of measures for combating discrimination. The same awareness was expressed by representatives of the regional authorities whom the Advisory Committee met in Andalusia and Madrid. The Advisory Committee notes that Spanish legislation allows for the gathering and processing of data on ethnicity in certain circumstances, with the previous and informed consent of the individuals concerned.<sup>7</sup> Whilst data on ethnicity has never been collected in Spain in the context of a government census, the Advisory Committee is pleased to note that methods of obtaining information about the situation of ethnic groups are gradually being devised and implemented.

62. Spain's Ministry of Housing and Ministry of Health and Consumption have both recently embarked on projects, in cooperation with non-governmental actors, aimed at conducting large-scale surveys of the housing and health situation of Roma in 2007. In the field of employment, the design and implementation of vocational training and job insertion programmes throughout Spain has been assisted by survey data, analysed in terms of age, sex and geographical distribution, collected on an annual basis from the programmes' participants by the non-governmental organisation Fundación Secretariado Gitano that is largely funded by governmental and European Union grants.

#### b) Outstanding issues

63. Whilst commending the efforts that Spanish authorities are making to collect information about the situation and needs of Roma in the areas of health, housing and employment, the Advisory Committee notes there are still important areas where no data on ethnicity exists at all. The criminal justice system, where Roma are reported to be affected by discrimination, is one such area.

64. The Advisory Committee also notes that the methods currently used to collect such data, based on surveys, are useful for providing approximations of the types of problems facing Roma; however, the surveys conducted so far are not comprehensive and do not provide the type of detailed, reliable data that is needed in order to diagnose problems at local level and provide appropriate solutions. This type of systematic data collection is particularly important in view of

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<sup>7</sup> According to Spain's 1999 Law on Data Protection, data on ethnicity can be gathered, processed and transmitted if a law permits it for public interest reasons or if the person concerned explicitly agrees with processing this type of information. The same possibility is provided for in Spain's 1989 Law on Statistics.

the decentralisation of many key minority-relevant competences in Spain (which means that the problems Roma face may vary from region to region), and in view of the heterogeneity which characterises the Roma community.

*Recommendations*

65. The Advisory Committee urges the Spanish authorities to pursue further their efforts to collect data on the situation of ethnic groups in all relevant spheres, including the criminal justice system. Care should be taken to ensure that the collection, processing and dissemination of this data, which should be as comprehensive as possible, respect, at all times, the safeguards contained in the Committee of Ministers' Recommendation No. R (97) 18 concerning the protection of personal data collected and processed for statistical purposes.

**Article 5 of the Framework Convention**

**Protection and promotion of Roma culture and identity**

*Findings of the first cycle*

66. In its first Opinion, the Advisory Committee considered the efforts made to foster the promotion of the culture and traditions of Roma insufficient and called on the authorities to offer greater support in this regard.

67. The Advisory Committee encouraged the authorities to examine, in consultations with the Roma, the needs and demands related to the preservation of their language and to identify ways of remedying any shortcomings.

*Present situation*

a) Positive developments

68. The Advisory Committee observes with satisfaction that, following growing Roma demand for greater recognition of their culture, public authorities in Spain have taken steps to recognise the Roma's distinct cultural identity. At the national level, the lower house of the Spanish parliament (*Congreso de los Diputados*) adopted a 'Non-binding proposal on the recognition of the rights of Roma', on 27 September 2005, which calls on the Government to promote greater awareness of Roma culture, language and history; to consult with Roma when adopting legislative acts that may affect their culture; to make use of the new Consultative Council for the Roma to identify the aspirations of Roma, *inter alia*, in cultural life (see comments under Article 15 below); and to establish an Institute of Roma Culture.<sup>8</sup>

69. At the regional level, the Advisory Committee welcomes the continuing efforts made in this direction by Andalusian public authorities starting in 1996, when the Parliament of Andalusia passed an 'Act of official recognition of the contribution of Roma culture to the culture of Andalusia', which *inter alia* established 22 November as the Day of the Andalusian Roma. The inauguration in Granada, on 22 November 2006, of the first ever museum dedicated to Roma women, initiated by an association of Roma women with the financial support of the Municipal Government of Granada and the Autonomous Government of Andalusia, represents a commendable example of Roma cultural promotion. It is also positive that references to Roma culture and the need to protect it have been included in the new statutes of autonomy of Catalonia, adopted on 18 June 2006, and Andalusia, adopted on 18 February 2006. Legislatures

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<sup>8</sup> Proposición no de Ley sobre el reconocimiento de los derechos del pueblo gitano, 27 September 2005.



in Aragon and Castilla-la-Mancha are reportedly also considering the inclusion of such references in the context of their own autonomy statute reforms.

70. The Advisory Committee is pleased to note that, in April 2006, the Spanish Minister of Culture announced the decision to open an Institute of Roma Culture in 2007. According to the draft Royal Degree regulating the new Institute, its aim will be to develop and promote the culture, traditions and language of Roma, and to seek their social integration, *inter alia* by ensuring the participation of Roma in both national and international cultural events; promoting intercultural dialogue between Roma and non-Roma; and promoting research in the field of Roma language, culture and traditions. The Government of the Autonomous Community of Madrid has issued a similar announcement as regards setting up a regional Centre for Roma Culture in Madrid.

71. The Advisory Committee welcomes the debate that is taking place in Spain regarding the role that language could play in the cultural identity and self-confidence of Roma. According to the information received by the Advisory Committee, there is a growing interest among some Roma in the preservation of *caló*.<sup>9</sup> Certain Roma are also interested in the introduction of a novel, standardised form of Romani. The Advisory Committee welcomes the fact that research on this issue is envisaged as one of the competences of the new Institute of Roma Culture to be established in Spain.

b) Outstanding issues

72. Much work remains to be done in order to translate into practice the recent statements of public authorities in Spain in favour of promoting Roma culture and identity. In Andalusia, where important efforts are being made to promote Roma culture, Roma continue to be under-represented in the bidding for regional funds offered for cultural activities. The Advisory Committee is not aware of any practical initiatives adopted in recent years to promote the use and study of *caló*. As regards the envisaged Spanish Institute of Roma Culture, the Advisory Committee notes that size and sources of the Institute's budget have still not been determined.

73. Although some attention has been given to the protection and development of Roma culture and identity (see comments under Article 12 for examples), the Advisory Committee notes that the Roma Development Plan continues to focus on socio-economic considerations. While recognising that remedying the continuing inequalities faced by Roma in social and economic life must remain a priority in Government policies (see comments under Article 4 above), the Advisory Committee reminds the authorities that enhancing the cultural confidence of persons belonging to national minorities also contributes to their social and economic integration.

*Recommendations*

74. The Advisory Committee urges the authorities to ensure the effective implementation of the parliamentary 'Non-binding proposal on the recognition of the rights of Roma' in order to protect and promote Roma culture and identity. Undue delays in the establishment of the Institute of Roma Culture should be avoided and adequate means should be allocated to enable the Institute to fulfil the important tasks it has been assigned.

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<sup>9</sup> *Caló*, which is reportedly spoken less and less by new generations of Roma, has been described as a hybrid language composed of isolated Romani words using the grammar of local Spanish languages (Castilian, Catalan, Basque, etc.)

75. The authorities at all levels are urged to pay more attention and give greater support to measures for protecting and promoting Roma culture and identity in the new Roma Development Plan, currently under preparation.

76. The authorities should organise consultations on language issues with Roma representatives and identify the needs, ways and means of responding to the aspirations of Roma in this regard.

## **Article 6 of the Framework Convention**

### **Promoting tolerance and intercultural dialogue**

#### *Findings of the first cycle*

77. In its first Opinion on Spain, the Advisory Committee noted that attitudes of rejection or hostility towards Roma and immigrants were still found among the population, as well as the media and on the part of certain authorities, and it called on the authorities to take further steps to remedy this situation.

#### *Present situation*

##### a) Positive developments

78. The Advisory Committee notes that a number of anti-racism campaigns have been organised at national and regional levels in Spain since the first monitoring cycle. Particularly noteworthy has been the nation-wide awareness-raising campaign, *Conócelos antes de juzgarlos* (Know them before you judge them), aimed at combating racist attitudes towards Roma, designed and managed by a non-governmental organisation. The Advisory Committee is pleased to note that the campaign received the political backing of the Spanish Government and was assisted by Spanish public and private TV, which agreed to broadcast the campaign clips free-of-charge.

79. More generally, as regards the media's contribution to the promotion of tolerance and intercultural dialogue, the Advisory Committee notes the important initiative taken by a federation of Roma associations to analyse the treatment of Roma in the Spanish press. Known collectively as *Periodistas contra el racismo* (Journalists against Racism), these studies have resulted in a set of valuable recommendations for media professionals to help combat racism against Roma. Laudable efforts have also been made by Catalonia's audiovisual council (Consell de l'Audiovisual de Catalunya) to improve the quality of reporting on Roma and immigrant groups, including the production of a guide containing the contact numbers of human rights, immigrant and Roma NGOs, to encourage journalists to diversify their sources of information.

80. The Advisory Committee welcomes the establishment, within Spain's Ministry of Labour and Social Affairs, of a system of monitoring the media's portrayal of immigrants and Roma, which includes admonishing those media outlets that broadcast pejorative messages about these groups. The additional competences which Catalonia's audiovisual council has acquired to monitor and sanction media outlets which broadcast programmes containing hate speech are also to be welcomed. The Advisory Committee welcomes the recent announcement concerning the envisaged establishment of a State Audiovisual Council that would be responsible, *inter alia*, for monitoring and ensuring that radio and TV broadcasters demonstrate respect for human rights and cultural pluralism in their programming.

81. The Advisory Committee is pleased to note that the authorities are developing a range of instruments, both legal and institutional, to accommodate the rapid increase in immigration and diversity in Spanish society.<sup>10</sup> The adoption, in December 2004, of Royal Decree 2393/2004 implementing the Aliens Law 14/2003, enabled 600,000 foreign workers living in Spain without legal status, who fulfilled certain conditions, to obtain work and residence permits through a special “normalisation” procedure, thereby facilitating their social inclusion.

82. The Advisory Committee also welcomes the establishment in 2005 of a ‘Support Fund for the Reception and Integration of Immigrants and the Reinforcement of Education’, which has channelled large amounts of State funds into measures adopted by Autonomous Communities and Municipalities to facilitate access for immigrants to employment, education, social services, housing and health care. These measures have been co-financed by the Autonomous Communities, which in most cases have adopted their own regional programmes aimed at promoting the integration of their immigrant populations. The European Union has also represented an important source of funding for integration efforts, particularly in relation to job training and fighting discrimination in the labour market.

83. As regards education, the Advisory Committee welcomes the introduction, by the Law on Education adopted on 4 May 2006, of specific measures aimed at improving access to education for students from disadvantaged communities including by strengthening intercultural education (see comments under Article 12 below). The growing number of immigrant children in Spanish schools appears to have resulted in an increased awareness, among Spanish authorities and school teachers alike, of the value of intercultural perspectives on education, a development which is also benefiting Roma children.

84. A Forum for the Social Integration of Immigrants has been in operation since 1994 to provide immigrants’ associations and public authorities with a platform for dialogue. The Advisory Committee is pleased to note that this Forum has recently been strengthened following the adoption, in January 2006, of Royal Decree 367/2001, making it mandatory for the Government to consult with the Forum in all decisions affecting the social integration of immigrants and refugees.

85. The Advisory Committee welcomes the current process of statutory reforms (recently completed in the case of Valencia, Catalonia and Andalusia) which has facilitated the promotion of cultural identities and diversity in Spain by extending further the powers of Autonomous Communities in a number of relevant fields (see also comments under Article 5 above). Laudable efforts continue to be made in most Autonomous Communities with special linguistic status to develop the use of their co-official and minority languages. The Advisory Committee also notes that a debate is taking place in Spain about the possibility of introducing Catalan, Basque and Galician as working languages in the Spanish parliament.

#### b) Outstanding issues

86. The Advisory Committee notes that, notwithstanding certain positive initiatives, more should be done by the authorities to combat racist attitudes and intolerance amongst elements of the population and to make the general public aware of the dangers of racism and intolerance. According to a recent survey of public attitudes produced in Spain, 40% of Spaniards would dislike “strongly or quite strongly” to have Roma as neighbours and 25% of Spaniards would

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<sup>10</sup> Since the year 2000, the number of foreigners in Spain has grown by approximately 2 million. In September 2005, the number of foreigners registered in municipal registers (where immigrants, irrespective of legal status, need to register in order to access social services) was 3,730,610 or 8.5% of Spain’s total population.

not like their children to be in the same class as Roma children.<sup>11</sup> Non-governmental organisations working with immigrants report an appreciable increase in the number of persons expressing intolerant views towards foreigners, and a steep rise in the number of people who associate immigration and crime.

87. Efforts at self-regulation do not appear to be producing appreciable results as regards the treatment of immigrants and Roma in Spanish mainstream press and broadcast media. The role of the media in constructing and perpetuating negative images of these groups has been documented in various studies, which indicate that a considerable proportion of news reported on immigrants is connected to crime and poverty. The Advisory Committee particularly regrets the continuing tendency of journalists to mention the ethnic origin of suspected criminals from Roma or immigrant groups when this information is not of relevance. Although rare, certain radio and TV stations (including some very popular ones) have also broadcast programmes that contain openly xenophobic messages against immigrants and Roma.

88. Continuing delays in the resolution of the case of “Euskaldunon Egunkaria”, the Basque-language daily which was closed down in February 2003 due to alleged links between members of its editorial board and terrorist circles, have hampered efforts to promote mutual respect and understanding through the media in the Basque Country.

89. According to information received by the Advisory Committee, persons of immigrant origin continue to face particular difficulties and discrimination in obtaining access to employment, housing and social services, suggesting that more substantial integration measures should be adopted. The Advisory Committee notes with concern that Spain’s immigrant population includes considerable numbers of Roma and persons of African origin who are often in a particularly vulnerable social and economic situation. Although efforts have begun to adapt public services to the growing diversity of Spanish society, progress has so far been slow. The fact that immigrant children and Roma are concentrating in certain public schools (see also comments under Article 12) has been criticised by many observers, *inter alia*, by the Spanish Ombudsperson, who has called on the authorities to adopt measures aimed at achieving a more equitable distribution of immigrant students among schools, including publicly-funded private schools.<sup>12</sup> Schools that have taken on large numbers of students of immigrant origin tend to be over-crowded and under-resourced, and few teachers have received adequate training on intercultural education.

90. The Advisory Committee regrets that developments related to the process of administrative and political decentralisation have in some cases involved polarised debates and tensions that have negatively affected relations between Spain’s cultural and linguistic groups.

### *Recommendations*

91. The authorities are urged to take resolute action to raise awareness of the cultures and conditions of all groups living in Spain. Promotion of an intercultural dialogue would also help to bolster tolerance and combat prejudice.

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<sup>11</sup> Barometro del Centro de Investigaciones Sociológicas – CIS, November 2005, Estudio No. 2625.

<sup>12</sup> See for example, Recommendation 7/2005 of the Spanish Ombudsperson on the adoption of measures aimed at remedying the concentration of immigrant students with special education needs in certain public schools of the City of Madrid, adopted on 12 January 2005.

92. Efforts are needed to strengthen self-regulation within the media to improve the implementation of ethical codes on human rights and respect for diversity, including through the establishment of a State Audiovisual Council.

93. The Advisory Committee encourages the authorities to pursue further their integration efforts, above all by continuing to adapt public services, including the education system, to the needs of immigrants.

### **Ethnically motivated crime**

#### *Findings of the first cycle*

94. The Advisory Committee noted in its first Opinion that, although increasingly rare, acts of violence motivated by racial or ethnic hatred continued to be reported. The Advisory Committee urged the authorities to take all necessary steps to counter ethnically motivated crime, ensuring that information about this phenomenon is adequately gathered and processed.

#### *Present situation*

##### a) Positive developments

95. The Advisory Committee welcomes the establishment in 2005 of a Spanish Observatory on Racism and Xenophobia, given the task of monitoring the occurrence of these phenomena.<sup>13</sup> The Advisory Committee has received encouraging information that the Observatory is currently developing a system of collecting data on incidents of violence motivated by ethnic or racial hatred, on organisations that promote hatred or violence on these grounds, and on the number of related cases coming before courts and the outcome of these cases.

##### b) Outstanding issues

96. According to information received from non-governmental organisations and other sources, a number of racially motivated attacks have taken place in different parts of Spain since the first monitoring cycle. Roma have regrettably been the targets of some of the most violent incidents, including the Cortegana case in Huelva (a province of Andalusia), where a protest demonstration organised by members of the town council in January 2005, in the wake of murders that were attributed to the Roma, escalated into a violent attack on a Roma settlement. Attacks by members of extreme right-wing groups on immigrants continue to be recorded. Attacks on synagogues and mosques in a number of cities have created growing feelings of insecurity among Jews and Muslims living in Spain.

97. The Advisory Committee regrets that no official data on racist violence and crime are currently available in Spain. It is also regrettable that there is no registration of complaints of incidents of racist crimes brought before the Courts. This lack of data contributes to the limited awareness in Spain of issues relating to racism and ethnically motivated violence. In a recent survey conducted by the Centre for Sociological Research, only 0.5% of the population considered racism as one of the top three problems in Spain.<sup>14</sup> The lack of official data on racist violence and crime also means that the extent of the phenomena is difficult to determine, thus complicating efforts to adopt suitable remedies.

<sup>13</sup> It took five years to set up this Observatory, which had been announced as early as 2000 in Law 4/2000 on the Rights and Liberties of Foreigners in Spain and their Social Integration, 11 January 2000.

<sup>14</sup> Barometro del Centro de Investigaciones Sociológicas – CIS, November 2006, Estudio No. 2662.

98. The Advisory Committee is concerned that there is not enough awareness within the Spanish criminal justice system of the offence of racism and ethnically motivated violence. Although the dimensions of the problem are difficult to determine in the absence of official data, according to information at the disposal of the Advisory Committee, Spanish criminal law provisions establishing racist motivation as an aggravating circumstance and laws on incitement to discrimination, hatred and violence on racial grounds are rarely applied. In this respect, the Advisory Committee is encouraged by the recent news it has received concerning the first sentence ever issued by a Spanish court punishing those responsible for the incitement of racial hatred over the Internet.

*Recommendations*

99. The Advisory Committee urges the authorities to pursue efforts to collect data on racism and ethnically motivated violence, including through proposals for the Spanish Observatory on Racism and Xenophobia to carry out this work.

100. The authorities should organise further training for prosecutors and judges regarding existing provisions on racial motivation in criminal law, and raise their awareness of the problem of racism and racially-motivated violence and of the need to counter it.

**Conduct of law-enforcement officials**

*Findings of the first cycle*

101. In its first Opinion, the Advisory Committee expressed concern about reports of persistent hostility and abusive behaviour by the police toward Roma and irregular migrants, including minors. The Advisory Committee called on the authorities to combat this phenomenon by strengthening supervisory and independent monitoring mechanisms within the police forces, stepping up police training in human rights and multiculturalism, and encouraging recruitment into the police of persons from the most vulnerable groups, particularly Roma.

*Present situation*

a) Positive developments

102. According to non-governmental organisations, there has been a perceptible improvement in the human rights training received by Spanish police in recent years, although still not enough emphasis is placed in this training on policing in minority communities. The Advisory Committee welcomes the recent decision to pursue courses on Roma culture also in the Academy of the Guardia Civil, based in Baeza, which will include the participation of Roma associations.

103. The human rights training received by the three existing regional autonomous police forces in Spain (the Catalan *Mossos d'Esquadra*, the Basque Autonomous Police and the Navarran Autonomous Police) is reported to be particularly good, especially as regards intercultural training and treatment of persons belonging to minorities.

b) Outstanding issues

104. The Advisory Committee deeply regrets that, notwithstanding improvements in the human rights training afforded to the police, cases of verbal and physical abuse against Roma and persons of immigrant origin, including minors, by law-enforcement officials are still being reported by non-governmental organisations. Following the bomb attacks in Madrid of March 2004, there seems to be a particular increase in allegations of police abuse against persons

belonging to minority groups. The Advisory Committee is also concerned about reports concerning violent attacks on foreigners and Roma by members of private security bodies, including on the underground systems of Madrid and Barcelona but also in bars and clubs in several Spanish cities.

105. The Advisory Committee regrets that steps have not been taken to establish an independent police complaints mechanism in Spain, in accordance with the recommendation made in the last two reports by the European Commission against Racism and Intolerance.<sup>15</sup> According to the information received by the Advisory Committee, current internal systems of supervision of police forces in Spain are not always effective. The Advisory Committee is not aware of any steps taken to encourage the recruitment and retention in the police forces of persons belonging to minority groups in order to achieve a more diverse institution.

#### *Recommendations*

106. The human rights training received by police forces in Spain should be strengthened, particularly in relation to the treatment of persons belonging to minority groups, using the good practices displayed by Spain's three regional autonomous police forces. Efforts are needed to encourage the recruitment into the police of persons belonging to the most vulnerable groups.

107. Efforts are needed to improve the supervision of the conduct of police forces, both by strengthening existing internal systems of control and by establishing an independent complaints mechanism. Adequate supervision is also needed over the activities of members of private security bodies.

### **Article 8 of the Framework Convention**

#### **Right to manifest one's religion and establish religious institutions**

##### *Present situation*

108. The Advisory Committee notes that large numbers of Roma have converted to the Evangelical Church,<sup>16</sup> a minority religion identified in Spanish legislation as having "recognised presence" (*notorio arraigo*) on the territory of Spain.<sup>17</sup> In view of this development, and in view of the growing number of adherents to Judaism and Islam, the Advisory Committee is pleased to note the debate taking place in Spain as regards establishing a more equitable distribution of public funding for minority religions.

109. The Advisory Committee welcomes the adoption of a decree, in June 2006, authorising Evangelical as well as Jewish and Islamic services for prisoners in gaols, thereby providing persons belonging to these minority religious communities with rights already enjoyed by followers of the Catholic Church in this respect. The Advisory Committee also notes that, since 2005, public funds are now also allocated to support the educational, cultural and social activities of minority religious communities with "recognised presence" in Spain.

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<sup>15</sup> ECRI, Second Report on Spain, adopted on 13 December 2002, CRI(2003) and ECRI, Third Report on Spain, adopted on 24 June 2005, CRI(2006)4.

<sup>16</sup> Although precise figures are not available, Roma conversions have taken place in particular to the Evangelical Church of Philadelphia.

<sup>17</sup> According to Spain's 1980 Law on Religious Freedom, religious communities with "recognised presence" in Spain enjoy the right to sign special accords with the State that enable them to receive public funding. Judaism, Islam and Evangelical Christianity are recognised as religions with "recognised presence" in Spain, understood in terms of their historical presence, permanence across time and number of followers.

110. Notwithstanding the increased support given to their activities at the State-level, it appears that Evangelical Christian churches have, on a number of occasions, encountered difficulties at local level receiving permissions to build places of worship. In this respect, the Advisory Committee notes with satisfaction that the Ministry of Justice has initiated a campaign to educate municipal governments about their legal obligations in respect of minority religious groups.

*Recommendation*

111. The authorities should continue to promote the conditions necessary for persons belonging to minorities to manifest their religion and to establish religious institutions and organisations. This should include measures to strengthen the dialogue between the relevant authorities and religious communities on the construction of places of worship, and measures to raise awareness about existing legislation on religious freedom among relevant circles.

**Article 9 of the Framework Convention**

**Roma access to the media**

*Findings of the first cycle*

112. In its first Opinion, the Advisory Committee noted that access by Roma to the public media and their presence in the media was limited and called on the authorities to identify means, including financial support as appropriate, of helping the Roma to improve this situation.

*Present situation*

a) Positive developments

113. The Advisory Committee is pleased to note that, although the situation varies considerably across regions, efforts have been made by the governments of certain Autonomous Communities to allocate broadcasting time to Roma issues on publicly funded radio and TV. The Advisory Committee is particularly pleased to note the efforts made by the Government of Andalusia, which provides financial support for Andalusia's public radio station to broadcast a half-hour programme produced by and for Roma on a weekly basis. Andalusia's public television station has also broadcast a documentary series on Roma traditions and everyday life.

114. Roma radio programmes are sometimes broadcast at local level in other Autonomous Communities, but they tend to be precariously financed. One positive development brought to the Advisory Committee's attention was the emergence, in April 2006, of a new internet radio service, entirely run and financed by Roma associations, especially Roma women, based in the province of Barcelona. This radio service, *Rromane Glasură* (Roma Voices), aims at reversing the poor visibility and frequent stereotyping of Roma women in the mass media by giving Roma women a platform to have their voices heard.

115. As regards the print media, the Advisory Committee welcomes the regular publications produced by Union Romani (Spain's largest federation of Roma associations): *Nevipens Romani*, a fortnightly publication, and *I tchatchipen*, a quarterly publication; and by Fundación Secretariado Gitano (Spain's largest non-governmental organisation working with Roma), which produces the bi-monthly magazine *Gitanos*. These magazines are funded by the Spanish Ministry of Labour and Social Affairs (under the Roma Development Plan) and the European Union. The Advisory Committee welcomes the fact that all three publications are accessible on the internet, thereby reaching out to a larger audience.



## b) Outstanding issues

116. The Advisory Committee regrets that the good practices found in Andalusia as regards enabling Roma access to and presence in the media are not reproduced in other Autonomous Communities, nor are such practices encouraged in national level public broadcast media, where programmes produced by and addressed to Roma do not exist. On the contrary, documentaries and news items that touch upon the life of Roma broadcasted on national radio and television too often focus on situations or events that are damaging to the image of Roma (see comments under Article 6 above).

117. While acknowledging the positive role of the internet in diversifying access to the media for persons belonging to national minorities, the Advisory Committee notes that new, digitalized media, including internet services, are not readily available to all social groups. The Advisory Committee is therefore concerned about the virtual absence of programmes produced by and for Roma on traditional media supports and regrets that few Roma in Spain have the training and resources needed to produce such programmes.

*Recommendation*

118. The authorities are urged to take steps to support the participation of Roma in the media at the national and regional levels, including, as appropriate, by providing financial assistance to Roma initiatives in this regard, by providing training to Roma journalists, and by encouraging media self-regulation to combat stereotypes of Roma in the media.

**Article 12 of the Framework Convention****Ensuring equal access to education for Roma***Findings of the first cycle*

119. In its first Opinion, the Advisory Committee found that, in spite of progress made in this area, equality of opportunity in access to education was still not secured for Roma, and called on the authorities to make increased efforts to remedy shortcomings.

*Present situation*

## a) Positive developments

120. The Advisory Committee welcomes the progress made in achieving the full education of Roma children at primary level (according to one study, 94% of Roma children are in school at the age of 6). While there are various reasons for this improvement, the Advisory Committee notes the important contribution made by the system of Roma school mediators, set up by Autonomous Communities and Municipalities and administered jointly with Roma associations. These mediators have encouraged school attendance and improved relations between Roma families and schools.

121. The Advisory Committee was pleased to learn that, although Roma school attendance after primary school drops steeply in all Autonomous Communities, more and more Roma parents are beginning to recognise the value of secondary school education. According to reports received from NGOs and Roma associations, although incidents of racism and hostility in school premises have in some cases occurred, relations between Roma and non-Roma students tend to be positive, and this is helping to change the perception many Roma have of schools as hostile environments.

122. The Advisory Committee welcomes the introduction of provisions in the new Law on Education, adopted on 4 May 2006, aimed at improving access to education for vulnerable groups (see also section on Intercultural education below).<sup>18</sup> This includes a series of measures aimed at improving interaction between students in schools (Plan para la promoción y mejora de la convivencia escolar); additional funding to support remedial classes and activities for students that require special assistance; and a considerable increase in the availability of grants and scholarships for students facing economic difficulties. Equality guarantees concerning student admission criteria in public and publicly-funded private schools have also been included in the law, which explicitly calls for measures to prevent the concentration of students from disadvantaged communities in particular public schools.

b) Outstanding issues

123. While noting the progress made, there are still high levels of absenteeism and lower school performance among Roma children when compared with non-Roma children. Although the only figures available to the Advisory Committee regarding Roma in primary schools date back to 2002 (these indicate that 54% of Roma children have irregular patterns of attendance and 67% achieve below average results),<sup>19</sup> Roma associations and non-governmental organisations maintain that the situation has not changed. Whilst acknowledging the positive contribution of school mediators, the Advisory Committee has received complaints from Roma representatives that public authorities do not take sufficient responsibility for Roma education. More needs to be done to integrate school mediators into the school system as currently mediators tend to intervene only once problems between schools and Roma families have arisen.

124. The Advisory Committee is concerned about the minimal presence of Roma children in pre-school education, which is often an important prerequisite for the successful integration of Roma children in school. It also notes that more attention needs to be given to the provision of adult education programmes, given the high levels of illiteracy among adult Roma and recognising that the value adults give to education influences children and their education.

125. The Advisory Committee is also concerned about the reports it has received that point to an increasing concentration of Roma (and immigrant) pupils in schools that are academically poor, due to the movement of non-Roma families out of neighbourhoods with high Roma populations. The Advisory Committee is not aware of any practical measures taken by local, regional or central authorities to stop this tendency, notwithstanding the calls made for such measures in the new Law on Education and by the Spanish Ombudsperson (see also comments under Article 6 above).

126. Difficulties ensuring equal access to education for Roma are much more severe at the secondary school level, particularly for Roma girls. The Advisory Committee regrets the reports it has received indicating high drop-out rates for Roma girls between primary and secondary school – a pattern which is driven in part by the wishes of Roma parents, who continue in many cases to withdraw their daughters from school after primary-level education. However, the high-drop out rate which also affects boys, suggests that other factors are also at play, including economic difficulties as well as difficulties that Roma pupils face identifying with the content of the school curriculum (see section on Intercultural education below) and seeing their studies compensated in the labour market.

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<sup>18</sup> Title II of the new law is dedicated to “Equality in Education”.

<sup>19</sup> Evaluación de la normalización educativa del alumnado gitano en educación primaria’, FSGG, Madrid 2002.

127. NGOs working with Roma have drawn attention to the fact that, whilst the new Law on Education sets out a number of important objectives, its implementation depends largely on the actions taken at the level of Autonomous Communities, which is where most competences relating to education lie. Similarly, the law leaves it in the hands of school boards to identify the mechanisms for preventing the concentration of children from disadvantaged communities in particular schools. These school boards are made up of representatives of the government of the Autonomous Community in question, the relevant local authorities, parents, teachers, and the public and publicly-funded private schools in a given Autonomous Community.

#### *Recommendations*

128. The relevant authorities should take steps to provide appropriate support, including financial support, to pre-school education, school mediators and other initiatives aimed at preventing absenteeism, school drop-out and under-performance in schools. The presence of mediators should be established and developed within the school system.

129. The implementation of the new Law on Education by Autonomous Communities, Municipalities and school authorities should be monitored carefully to ensure that Roma children benefit from the increase in resources and attention to equality envisaged by the law. The measures taken by school boards to prevent the concentration of children from disadvantaged communities in particular schools should also be monitored to ensure that they are in conformity with the equality guarantees concerning admission criteria for public and publicly-funded private schools enshrined in the new Law on Education.

130. The relevant authorities should take steps to provide appropriate support, including financial support, for adult literacy education for Roma.

### **Intercultural education**

#### *Findings of the first cycle*

131. In its first Opinion, the Advisory Committee called on the authorities to make increased efforts to integrate Roma more effectively in schools, particularly by including more information about Roma, their history, culture and traditions, in teaching material.

#### *Present situation*

##### a) Positive developments

132. The new Law on Education has introduced a compulsory subject entitled “Education for Citizenship and Human Rights” which will cover, *inter alia*, the importance of respect for cultural diversity. According to the law, all students must attend one course on this subject in primary schools, and two courses in secondary schools.

133. The growing number of immigrant children in Spanish schools is leading to an increased awareness among public authorities in Spain of the value of intercultural perspectives on education. The Advisory Committee welcomes the assurances it was given by the Spanish Ministry of Education that this development will also benefit Roma children.

134. The Advisory Committee is pleased to note, in this connection, the production in 2005 by Roma associations, with the financial assistance of the Spanish Ministry of Education, of a CD-ROM containing interactive teaching materials on Roma history and culture for distribution in schools (see also comments under Article 5 above). Teaching materials on Roma culture and

history have also been produced by the Andalusian Government and distributed to schools within the Autonomous Community.

b) Outstanding issues

135. As the Spanish system of education stands today, there are no references to Roma culture, history or traditions in school textbooks, curricula or teacher training courses. The Advisory Committee regrets that the entry for Roma in the highly-regarded Dictionary of the Royal Language Academy continues to include disparaging references.

136. The Advisory Committee notes that, as responsibility for the management of education has been transferred to the Autonomous Communities, the new Law on Education of May 2006 establishes a framework which regional and local authorities must develop in their own regional legislation, including by drawing up their own school curricula. The Advisory Committee notes, for instance, that whereas the law requires the introduction of courses covering respect for “cultural diversity”, the actual cultures to be respected (e.g. Roma culture) are not listed in the law. It is therefore important to ensure that the law’s provisions are implemented in the Autonomous Communities in ways that also benefit Roma.

*Recommendations*

137. The relevant authorities must ensure that the culture, history and traditions of Roma have an adequate presence in school curricula and in teaching materials. A review of dictionaries and other reference books should be undertaken to ensure that there are no disparaging references to persons belonging to minority groups.

138. It is necessary to ensure that the intercultural dimensions of the new Law on Education are implemented also to the benefit of Roma.

**Article 14 of the Framework Convention**

**Education in Roma languages**

*Findings of the first cycle*

139. In its first Opinion, the Advisory Committee called on the authorities to look into existing needs, together with the persons concerned, as regards providing courses in *caló* in public education, and to continue assisting non-governmental organisations providing such courses.

*Present situation*

a) Positive developments

140. The Advisory Committee notes that there is a growing interest among Roma representatives in the preservation of *caló*, and it welcomes the debate that is taking place among public authorities and Roma representatives in Spain on ways and means of achieving this. See comments under Article 5, paragraphs 70 and 71 above.

141. The Advisory Committee welcomes the financial support that the governments of certain Autonomous Communities, including the Basque Country, have provided to non-governmental organisations offering courses on Romani.

## b) Outstanding issues

142. The Advisory Committee is not aware of any initiatives at the level of the State or at the level of Autonomous Communities aimed at introducing the teaching of *caló* in public education. According to the information at the disposal of the Advisory Committee, the provision of language courses is rarely identified as a funding objective in the government assistance allocated to Roma associations and non-governmental organisations working with Roma.

*Recommendations*

143. The authorities are called on to consult with Roma representatives to identify the needs and demands of Roma in this regard.

144. Government assistance allocated to Roma associations and non-governmental organisations working with Roma should identify the provision of language courses as a funding objective.

**Article 15 of the Framework Convention****Roma participation in the design and implementation of integration programmes***Findings of the first cycle*

145. In its first Opinion, the Advisory Committee noted that efforts made by the Government to reduce the social exclusion and marginalisation of Roma had proved unsuitable and ineffective, and urged the authorities to involve Roma more closely in the design and application of the relevant policies.

*Present situation*

## a) Positive developments

146. In their dialogue with the Advisory Committee, the Spanish authorities have noted the benefits of working closely with non-governmental organisations in the design and implementation of programmes for Roma. It is commendable that, in addition to the funds allocated by the State to the Roma Development Plan, approximately 3 million euros per year have been allocated, since 1999, to projects proposed and implemented by NGOs and Roma associations that work to promote the social integration of Roma. The Advisory Committee welcomes the agreement reached between the State and NGOs in 2006, increasing the amount of funds dedicated to the work of NGOs in general. Additionally, Autonomous Communities supplement the funds available to NGOs and Roma associations with their own budgetary contributions.

## b) Outstanding issues

147. Many Roma representatives have expressed dissatisfaction with the current distribution of public funds among Roma associations and NGOs, which they claim is highly unbalanced and places certain large, already well-funded NGOs in a much more influential position than others. Roma representatives have also reported that they are not always consulted when decisions are taken on the allocation of public funds, nor in the design and management of the programmes that receive the funding.

### *Recommendations*

148. The Advisory Committee calls on the relevant authorities to ensure that public funds are distributed among non-governmental organisations and Roma associations on the basis of fair and transparent procedures, *inter alia* by consulting Roma representatives in the process of allocating the funds. Care should be taken to ensure that these organisations have the confidence of Roma and their representatives.

149. The authorities should also ensure that Roma are actively involved in the design, development, implementation and monitoring of all programmes aimed at promoting their social and economic integration. It is important to avoid establishing privileged relations with any particular non-governmental organisation or association.

### **Electoral representation of Roma**

#### *Findings of the first cycle*

150. In its first Opinion, the Advisory Committee called on the authorities to identify means, in consultation with those concerned, to improve the representation of Roma in elected structures.

#### *Present situation*

##### a) Positive developments

151. The Advisory Committee notes with satisfaction that, whereas Roma associations have traditionally focused their activities on socio-economic issues, more and more Roma are now seeking to bring about changes by participating in political processes. The Advisory Committee is therefore pleased to observe that Spain's two main political parties have, on various occasions, included persons of Roma origin on their party lists. In the case of Valencia and Extremadura, these party lists have enabled Roma candidates to be elected onto the regional parliaments. The Advisory Committee also welcomes the fact that there are two Roma political parties in Spain that operate at local level.

##### b) Outstanding issues

152. Although it is difficult to obtain a precise picture of the situation in view of the lack of adequate data in this regard, the above initiatives have not been able to reverse the long-standing marginalisation of Roma from Spanish political life. With the exception of Valencia and Extremadura, Roma political participation is negligible in the Autonomous Communities and at the municipal level. The Advisory Committee notes, moreover, that at the national level, there are no persons of Roma origin in the Spanish parliament (although there used to be one Roma representative in parliament in the past.)

#### *Recommendation*

153. The Advisory Committee urges the relevant authorities to examine the situation, in close consultation with the persons concerned, and identify ways and means of encouraging the participation of Roma in elected bodies at all levels.

### **Consultative mechanisms**

#### *Findings of the first cycle*

154. In its first Opinion, the Advisory Committee urged the authorities to take the necessary measures to render existing consultation structures and mechanisms for Roma more effective.

*Present situation*

## a) Positive developments

155. The Advisory Committee welcomes the recent establishment of a Consultative Council for the Roma People, whose aim is to consult and advise the Government of Spain on general policies that affect Roma and on specific policies aimed at promoting effective equality and non-discrimination of Roma.<sup>20</sup> The Council is made up of 40 members, twenty representing Government representatives from different Ministries, and the other twenty representing Roma NGOs and public associations. The Council has in turn elected a smaller Permanent Commission (formed by 7 associations and 7 Government representatives). The Advisory Committee is pleased to note that 50% of the Permanent Commission consists of women.

156. Although it is still too early to tell whether the Council will prove an effective instrument for the State to consult with Roma associations, the Advisory Committee notes with approval that both the Council and the Permanent Commission will meet regularly, and that further meetings can be convoked on petition of one third of their members. This represents a clear improvement on the previous Advisory Commission for the Roma Development Plan, which in practice consisted of an informal group of key NGOs that met on an *ad hoc* basis with long periods of inactivity. The Advisory Committee welcomes the assurances given by the Spanish authorities that the Council is expected to play an active role in the drafting of the new Roma Development Plan.

157. The Advisory Committee is pleased to note that consultative councils for Roma have also been set up by a number of Autonomous Communities, including the Basque Country, Catalonia, Extremadura and Madrid. This is particularly important in view of the highly decentralised nature of many Roma-related competences.

## b) Outstanding issues

158. The absence of a single body or department in charge of Roma issues within the State Administration (with the exception of the thinly staffed unit in charge of the Roma Development Plan within the Ministry of Labour and Social Affairs) means it will be necessary to identify suitable interlocutors for the Consultative Council within all the relevant ministries. The same process of identifying suitable interlocutors would be valuable in the Spanish parliament in view of the dissolution of the parliamentary sub-committee set up in 1999 to examine Roma problems.

159. The Advisory Committee regrets that only a handful of Autonomous Communities have set up their own consultative councils for Roma. The consultative councils that have been set up at regional-level (such as the Forum for the Integration and Promotion of Roma of the Community of Madrid)<sup>21</sup> do not always have sufficient resources and political support to ensure their effectiveness.

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<sup>20</sup> The Royal Decree establishing the new Consultative Council was adopted on 22 July 2005 ('Real Decreto 891/2005, de 22 de julio, por el que se crea y regula el Consejo Estatal del Pueblo Gitano'). The Council's first constitutive meeting took place on 29 June 2006.

<sup>21</sup> Mesa para la Integración y Promoción del Pueblo Gitano.

*Recommendations*

160. Efforts are needed to ensure the effectiveness of the recently established Consultative Council for the Roma People, including the identification of suitable interlocutors for the Council in the State Administration and Parliament.

161. The Roma Council should be adequately consulted throughout the process of preparing the new Roma Development Plan, in monitoring its implementation and evaluating its progress. Efforts should also be made to ensure that Roma associations not included in the Council have opportunities to influence the Council's work as well.

162. The authorities should encourage Autonomous Governments and Municipalities to establish their own consultative mechanisms to ensure the effective participation of Roma in public affairs also at the regional and local levels.

**Article 18 of the Framework Convention**

**Transfrontier cooperation**

*Present situation*

a) Positive developments

163. The Advisory Committee is pleased to note the examples of transfrontier cooperation between Roma associations and non-governmental organisations in Spain and other European countries. One such project, proposed and implemented by a Roma association from Extremadura, has received financial support from the Government of the Autonomous Community of Extremadura. Another non-governmental organisation has also initiated programmes with Roma in Bosnia Herzegovina, the Czech Republic and Hungary.

b) Outstanding issues

164. According to information received from Roma associations, the future of smaller transfrontier cooperation initiatives is often at risk due to lack of secure financing.

*Recommendation*

165. The Advisory Committee recalls the important role of transfrontier cooperation in the promotion of mutual understanding and confidence, and encourages the authorities to offer support, wherever possible, for such initiatives.



### III. CONCLUDING REMARKS

166. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Spain.

#### **Positive developments**

167. Since the adoption of the Advisory Committee's first Opinion in November 2003, Spanish authorities have introduced a number of measures which have improved the implementation of the Framework Convention.

168. Steps have been taken to strengthen Spain's legislative provisions for combating discrimination, including by extending protection against discrimination, by public or private entities, to all relevant fields.

169. Numerous initiatives have been launched, at national and regional levels, to improve access to social services and the labour market for Roma and other vulnerable groups. It is positive that public authorities have recognised the importance of obtaining data on the situation of ethnic groups in order to achieve this aim.

170. There has been considerable progress towards achieving the full education of Roma children at primary level. Recent legislative provisions aimed at improving access to education for students from disadvantaged communities, including by increasing funding for remedial classes and student grants, should add further to this trend.

171. Spanish authorities have publicly endorsed the need to protect and promote the distinct culture and identity of Roma, a positive development that is also reflected in the Spanish Government's intention to open an Institute of Roma Culture to operate at national level.

172. The recent establishment of a nation-wide Consultative Council for the Roma People represents an important step in the direction of involving Roma in the preparation and implementation of policies that are likely to affect them.

#### **Issues of concern**

173. Although efforts have been made to improve the situation of persons belonging to minorities, the impact of these efforts remains in many respects limited. Problems persist in the implementation of existing legislation for combating discrimination, including the continuing delay in setting up a specialized body that will provide assistance to victims of discrimination on racial or ethnic grounds. There is also a need to step up awareness within the judicial system of problems related to racism and racially-motivated crime, bearing in mind that the relevant criminal law provisions are rarely invoked.

174. Notwithstanding various positive initiatives, Roma, and in particular Roma women, still face particular difficulties and discrimination in their access to employment, housing and social services and, reportedly, in the treatment they receive within the criminal justice system. Efforts to collect data on the situation of Roma need to be expanded in order to remedy this state of affairs, while ensuring due respect for the safeguards concerning personal data protection.

175. References to Roma culture, history and traditions continue to be virtually absent in school curricula and teaching materials. It will be necessary to ensure that the new legislative provisions introducing a subject on cultural diversity into school curricula will be implemented in ways that also benefit Roma.

176. Few Roma have the necessary training and resources to participate in the production of radio, television and print media. News items that touch upon the life of Roma tend to perpetuate negative stereotypes.

177. In spite of progress made, difficulties ensuring equal access to education for Roma remain considerable, with Roma students revealing higher levels of absenteeism, higher drop-out rates and lower school performance than non-Roma children, especially at secondary school level. There is an increasing concentration of Roma (and immigrant pupils) in schools that are academically poorer.

178. Roma representatives consider that they are not sufficiently consulted in the design, implementation, monitoring and evaluation of programmes aimed at promoting their social and economic integration, nor in decision-making concerning the allocation of public funds to non-governmental organisations working with Roma.

### **Recommendations**

179. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Establish without further delay a specialised body for combating discrimination, and ensure that its competences and resources are sufficient to operate effectively; redouble efforts to raise awareness, about the problems of discrimination and racially-motivated crime among the police, prosecuting authorities, judges, and media, as well as the general public;
- Step up activities aimed at increasing understanding of minority cultures among the population of Spain; take effective measures to encourage intercultural dialogue among all persons living on the territory of the State;
- Closely involve Roma representatives in the design, implementation, monitoring and evaluation of programmes aimed at promoting social and economic integration, including in the process of drafting a new Roma Development Plan;
- Pursue further efforts to collect data on the situation of Roma and other ethnic groups in all relevant spheres, including the criminal justice system, in consultation with the persons concerned;
- Consolidate the public pronouncements in favour of providing greater recognition to the distinct culture and identity of Roma through the adoption of concrete legislative, institutional and financial measures;
- Take steps to support the access to and presence in the media of Roma, and continue to encourage media self-regulation to combat stereotypes of Roma in the media;

- Ensure that existing legislative provisions aimed at promoting equal access to education for vulnerable groups are adequately applied by the relevant authorities in ways that also benefit Roma;
- Ensure the effectiveness of the recently established Consultative Council for the Roma People, and make efforts to ensure that Roma associations not included in the Council also have opportunities to influence the Council's work.