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

**COMMENTS OF THE GOVERNMENT OF SPAIN
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY SPAIN**

(received on 11 December 2007)

REMARKS ABOUT THE REPORT OF THE CONSULTATIVE COMMITTEE ON THE II SPAIN'S REPORT FOR THE CONVENTION OF THE COUNCIL OF EUROPE ON THE PROTECTION OF NACIONAL MINORITIES

1. Remarks related to the implementation of the convention and to intercultural tolerance

The determination of the implementation field of the Framework Convention in Spain is the result of considering the Spanish socio-political reality and the constitutional framework, which ensures equal treatment and non-discrimination to any person or group.

Articles 3 and 6 of the Convention Pages 8 and 9

25 and 26 – The references to the possibility to change the mentioned implementation field to include other groups specially identified as speakers of the same language already enjoy the due protection within the legal framework of the Council of Europe itself, such as the European Charter of Regional and Minority Languages.

Page 20

88 – As for the contents of the paragraph, it is not considered to be appropriate that specific cases taken one by one and on which judicial decisions have been made are taken into account by the Consultative Committee. As this is concerned, the Spanish Government has already informed the Council of Europe on the use of the euskera language in the media when it sent the second report on the compliance with the European Charter of Regional and Minority Languages. Thus, references like the one included in this point of the Committee's document concerning the respect to and the promotion of the Basque language are included in the field of the previously mentioned Charter.

II. Remarks related to the Programme for the Development of Gypsies, funding and participation of NGOs and of the Gypsy population.

Main results

Page 6 – Participation:

20 – It happens that Gypsy people are still poorly represented in jobs with the Spanish public administrations. One of the reasons are the requirements to accede to these posts. The access to officials' posts within the Spanish administrations takes place through public announcement published in the State Official Gazette and the tests are several examinations whose contents

depend on the level of the post and on the matter corresponding to the administration to which the candidates wish to accede.

An indispensable requirement for all posts is to be a Spanish citizen and to have given qualifications. This is a handicap for most Gypsies, since their level of education is usually low, as the number of those finishing secondary or University education is still low, in spite of the progress made in recent years.

However, public administrations and political institutions do have some representatives of the Gypsy population. However, autonomic and, above all, local administrations have recruited Gypsies for specific actions or for given programmes, for instance to act as mediators in different fields, as teachers for some training actions or as advisors on given matters related to the Gypsy population.

The setting up last year of the State Council of the Gypsy People and the agreement reached in the last meeting of its Permanent Commission on 21 September 2006, namely to set up five working groups in the field of action of the Ministries that belong to it – Employment and Social Action, Culture, Education, Health and Housing – will decisively contribute to increase the participation of the Gypsy population in the actions related with the fields that most directly concern them.

Article 4 of the Convention

Page 12.- Efforts to ensure the complete and effective equality of the Gypsy population.

47- The specific public funding of the Programme for the Development of Gypsies by the Ministry of Labour and Social Affairs exceeds as a whole the figure of six million euros per year and is done in the two following ways:

- **Cooperation of the Ministry with the autonomous communities**, which contributes **3,065,160 euros per year** through agreements signed between the two administrations, whereas autonomous communities, local councils and other corporations must finance at least two thirds of the said amount, which amounted in 2006 to 3.3 million euros.
- **Financial and technical cooperation with the NGOs** and associations working with the Gypsy population. The amount financed by the Ministry in 2006 has been of **3,303,830 euros**, that gave support to the programmes of social interest submitted to the public announcements to obtain subsidies from the Ministry.

48- On the other hand, although the public State budget has not been substantially increased since the programme was set up, this has decisively helped to strengthen the cooperation between administrations, promoting the increase in the financial efforts aimed at the Gypsy population made by the

administrations. Likewise, since 1989 they have acted as an agent intensifying the relations of the associative Gypsy movement with town councils, developing social and training actions for these people. As a result of the continuance in time of the Programme for the Development of Gypsies, its effectiveness is visible for its contribution to the development of the economic and social life standard of the Gypsy population in Spain.

Article 15 of the Convention

Page 29 – Participation of the Gypsy population in the design and implementation of the integration programmes

147 – The NGOs may apply for public funds as subsidies with the purpose to carry out actions for the economic and social integration of the Gypsy population. These programmes must be designed and implemented by the NGOs according to the criteria set in the announcement to apply for them.

Recommendations

148 – **We request the removal of this recommendations since:**

Public funds are allocated with absolute transparency and objectivity, as:

- The approval of the budgets is done by Parliaments, the national and those of the autonomous communities.
- The announcements to apply for public funds (subsidies) are made basing on the principles of transparency, concurrence and competitiveness. The announcements contain the objective criteria and the requirements to be fulfilled both by the concurrent organizations and by the programmes submitted to bid.
- Their distribution and later granting are published by the Official Gazettes, of the State and of the Autonomous Communities.
- The subsidies are granted precisely taking into account the criteria of management capability of the Gypsies organizations and after technical assessment of the social programmes applying for the subsidies. In this sense it must be said that **there is a high heterogeneity** among the Gypsies organizations that apply to obtain funding for their programmes.

Likewise, concerning the involvement of the NGOs representing the associative Gypsy movement in the distribution of public funds, these participate in the consultative and participation bodies set up with this purpose.

Within the Ministry of Labour and Social Affairs, besides the State Council of the Gypsy People, there is the **State Council of NGOs**, one of whose functions is to put forward proposals and debate and approve the proposals for subsidies to the different organizations of the different social sectors. **Two organizations of the associative Gypsy movement are represented** in this body, and, in turn, they are members of the State Council of the Gypsy People too.

149 – **Taking into account what has been previously stated , it is considered that this paragraph should be deleted, since its dissemination can give rise to division**

and conflicts between the organizations of the Spanish Gypsies associative movement, something which is undesirable for the internal cohesion of the organizations themselves and for their relations with the different administrations.

Page 31 – Procedures for consultation

155 – The State Council of the Gypsy People is made up by a president, a first vice-president, a second vice-president, and 40 members – 20 of them representatives of the General State Administration and 20 representatives of the Gypsy associative movement -, and a secretary.

The Permanent Commission of the State Council of the Gypsy People is made up by a president, the second vice-president and the secretary of the Council, together with the 6 representatives of the General State Administration and the 6 representatives from the NGOs of the associative Gypsy movement, who in turn are also members of the Council.

158 – Presently and since the State Council of the Gypsy People was launched, all partners of the other Ministries involved in the different policies particularly concerning the Gypsy population, are identified, since each of the 20 members of the Council belonging to the General State Administration represents the mentioned ministries.

This table contains the posts of the members of the State Council of the Gypsy People representing the corresponding ministries

| MINISTRY | POST |
|--|--|
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Director for Social Inclusion, 1st vice-president of the Council |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Sub-director for Social Programmes. Secretary of the Council |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Sub-director for NGOs and Volunteering |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | Director of the Women's Institute |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Director of the National Institute for Social Security |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Director for the Integration of Immigrants |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Director for Labour |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Director of the Institute for the Elderly and for Social Services (IMSERSO) |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Director for Sectorial Policies on Disability |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Director of the Institute for the Youth |
| MINISTRY OF LABOUR AND SOCIAL AFFAIRS | General Director for Families and Children |
| MINISTRY FOR PUBLIC ADMINISTRATIONS | General Director for Cooperation with the Autonomous Communities |
| MINISTRY OF FOREIGN AFFAIRS AND COOPERATION | General Director for United Nations, Human Rights and Multilateral Organisations |
| MINISTRY OF CULTURE | General Director for Cultural Cooperation and Communication |
| MINISTRY OF ECONOMY AND FINANCE | General Technical Secretary |
| MINISTRY OF EDUCATION AND SCIENCE | General Director for Education, Training and Educational Innovation |
| MINISTRY OF THE INTERIOR | General Director for Home Policy |
| MINISTRY OF JUSTICE | General Director for Religious Affairs |
| MINISTRY OF THE PRESIDENCY | General Technical Secretary |
| MINISTRY OF HEALTH AND CONSUMER AFFAIRS | General Sub-director for the Promotion of Health and Epidemiology |
| MINISTRY OF HOUSING | Parliamentary Advisor at the Minister's Office |

Concerning the identification of the partners in the Spanish Parliament, the situation is as follows:

The Parliament sets up commissions and sub-commissions on the main subjects for which the General State Administration is responsible and that concern the whole Spanish population and therefore also the Gypsy population, like for instance: justice, interior, housing, education and science, culture, health and consumer affairs, drugs, etc.

- 159- Although not every Autonomous Community has its own council for the Gypsy population, the setting up of these and other forums where Gypsy population can speak in favour of its rights and express its demands is constantly spreading..

The **I Report** on Spain already pointed out that most **Laws on Social Services of the Autonomous Communities** mention the “*Gypsy minority*” or the “*ethnic minorities*” as deserving specific attention of the regional administrations, most of which have developed specific action plans for the Gypsy population. Most Autonomous Communities make announcements for subsidies to cover maintenance, technical staff, regular activities and expenses of social programmes. These subsidies are meant for the representative Gypsy organisations within their respective territories. It should be highlighted that the Spanish Gypsy population was already included in the I National Action Plan for Social Inclusion (Spain being the first European country to do it), as well as in all successive NAPs.

Legislative initiatives and actions related to the Gypsy population, that have been developed by autonomic and local administrations in the period 2001-2005, are mentioned in the **II Report**. However, and concerning the participation bodies existing in the Autonomous Communities, we remind of those set up in the three fields, national, autonomic and local:

National:

- **Spanish Council of the Gypsy People:** Royal Decree 891/2005 of 22 July
- **Foundation Institute for Gypsy Culture:** Order CUL/1842/2007 of 31 May, *by which the Foundation Institute of the Gypsy Culture is registered with the Foundations Registry.* (<http://www.boe.es/boe/dias/2007/06/21/pdfs/A27029-27030.pdf>)

Autonomic:

- **Catalonia:** Decree 102/2005 of 31 May, *setting up the Inter-departmental Commission for the Integral Plan of the Gypsy People and the Advisory Council of the Gypsy People* (Official Journey of the Generalitat de Catalunya nº 43497 of 2-6-2005)
- **Extremadura:** Decree 179/2001 of 20 November, setting up the *Regional Council for the Gypsy Community*

- **Madrid:** Act 4/2002 of 27 June, setting up the **Panel for the Integration and Promotion of the Gypsy People** of the Community of Madrid.
- **Basque Country:** Decree 289/2003 of 25 November, setting up the *Council for the Integral Promotion and the Social Participation of the Gypsy People* in the Basque Country.

Local:

- Municipality of **Barcelona:** the *Council of Ethnic Minorities*.

III. Remarks concerning Equal Treatment and Non-discrimination

Article 3 and conclusions of the Convention

Pages 5, 10, 11, 33 and 34

General remark on the launching of the *Council for the promotion of equal treatment and non discrimination of persons on grounds of racial or ethnic origin*, attached to the Ministry of Labour and Social Affairs.

13, 35, 38, 173 and 179 – Concerning the paragraphs of the referred Report, as has already been stated in the Report updating the II Report, it is reported that the mentioned proposal of passing the Royal Decree regulating the composition, competences and functioning of the *Council for the promotion of equal treatment and non discrimination of persons on grounds of racial or ethnic origin*, is presently in the stage of previous information before the State Council, and its approval by the Council of Ministers is foreseen for the second half of the present year.

IV. Remarks related to education:

Article 12 of the Convention

Pages 25, 26 and 27

General remark on the information given by Spain in the Second Report, as well as on that obtained by the Committee itself in the meetings held during its follow-up visit to Madrid and Seville in November 2006.

The positive evaluation concerning the education policies implemented following the recommendations of the Ministers' Committee on the First Report should be ratified.

It also should be stated that all this is coherent with the Working Plan adopted by the Education Working Group, that stems from the State Council of the Gypsy People and has been approved by the plenary session of the mentioned Council. This is a recently set up body with important competences to boost and coordinate the social policies aimed at these groups.

Anyhow, the Department will carry on going into depth in the measures taken and in the working line, with the purpose to mainstream them and in this way reach real equality of opportunities in the field of education for the pupils of the different minority cultures, with a special emphasis on the treatment of Gypsy culture, following the mentioned recommendations.

124 – Pre-school Education (from 0 to 2 years) is not compulsory in Spain. However, the different Spanish authorities competent for the matter are making great efforts to offer these services to Gypsy families. The Autonomous Communities, both through their own funding and through the

Programme for the Development of Gypsies, offer actions to provide schooling for Gypsy children of this age. However, Gypsy children have access to public schools from the age of 3, within the programmes established by the Spanish education system, and it happens that 74% of Gypsy children have attended pre-school education or have been in nursery schools before acceding to elementary school (from 6 to 11 years of age). It should be highlighted that 100% Spanish Gypsy children attend this cycle of Elementary School.

125 – In the second line of this paragraph, where it says: “...an increase in the proportion of Gypsy and immigrant children in academically poor schools...”. Thinking of what could be understood from this sentence, it is necessary to clarify that in the national field there are not “special or academically poorer schools” for the socially or economically disadvantaged population, all schools having the same academic consideration. However, in schools with different problems special reinforcement, guidance and support (Plan PROA) programmes are in place. They have been implemented by the Ministry of Education and Science and the Autonomous Communities and are combined with regular mainstream teaching.

V. Remarks related to the promotion of identity, tolerance and inter-cultural dialogue

Article 5 of the Convention Pages 16 and 17

72, 74, 135, 136, 139, 140 and 171 – Foundation Institute for Gypsy Culture.

With this initiative, the Ministry of Culture promotes for the first time the acknowledgement of the Gypsy culture and its contribution to the cultural heritage of the Spanish people as a whole.

The Foundation Institute for Gypsy Culture is the first entity, which , from national public sector and within the specific field of culture, arises with the purpose to acknowledge and value the contribution of the Gypsy culture to the Spanish culture as a whole.

On past 31 May and in the Ministry of Culture, chaired by the Minister, took place the constituent meeting of the Board of Trustees of the Foundation Institute for Gypsy Culture.

This entity of the national public sector, whose setting up was authorised by the Cabinet on past 9 March, has the following aims:

- To put forward actions aimed at achieving an harmonious living together of the different groups and cultures that make up our society.
- To develop and promote the Gypsy culture and language in all their expressions.
- To establish mechanisms and strategies that effectively contribute to preserve and develop the cultural heritage of the Gypsy community.

The Foundation, attached to the Ministry of Culture, has the Ministries of Labour and Social Affairs, Public Administrations, Foreign Affairs and Cooperation, and Education and Science among the trustees of its board; as well as the Autonomous Communities that decide to participate in the Foundation, the Spanish Federation of Municipalities and Provinces (FEMP) and the State Council of the Gypsy People, represented by its second vice-president.

Three representatives, elected among entities and groups of the civil society in the cultural field and qualified professionals acknowledged for their knowledge and experience related to Gypsy matters, also belong to the Board of Trustees of the Foundation.

In the constituent meeting of the Foundation it was agreed to appoint Mr Diego Fernández Jiménez, born in Aguilar de la Frontera (Córdoba), a practicing lawyer since 1985, as Director of the Institute for Gypsy Culture. Linked to the Gypsy movement since his early youth, he has held different organic posts in different organisations. He has worked several times with the emigrants' forum of the European Union, has been member of the Roma Forum and is presently member of the International Legal Board, where legal responses to different cases of racism occurred in Europe in recent years are analyzed.

Likewise, agreed decisions were made on the appointment of the Vice-president of the Foundation, which went to Mr Juan de Dios Ramírez Heredia, acknowledge for his professional career for the defence and acknowledgement of the rights of Gypsy people. It was also decided to appoint a Delegate Committee of the Board of Trustees, made up by five members, as well as to approve an Action Plan of the Foundation for the year 2007.

By setting up the Foundation Institute for Gypsy Culture, the Spanish Government fulfils the motion approved by the Chamber of Deputies on 27 September 2005, by which the Government was urged to promote the culture, history, identity and language of the Gypsy people.

The headquarters of the Foundation Institute for Gypsy Culture are in Madrid.

The General State Budgets for 2007 include a contribution by the Ministry of Culture of 600,000 euros as an initial funding of the Foundation to launch its activities and operation.

The draft General State Budgets for 2008 foresees a contribution of 700,000 euros by the Ministry of Culture for the operation and activities of the Foundation.

Working Group on Culture of the State Council of the Gypsy People

The Working Group on Culture, set up by the **Standing Commission of the State Council of the Gypsy People**,

The Working Group on Culture, set up by the **Permanent Commission of the State Council of the Gypsy People**, is made up by three representatives of the General State Administration, nine representatives of associations and federations of the Gypsy populations and two experts, one of them the Director of the Foundation Institute for Gypsy Culture.

The first meeting of the Working Group on Culture was held on 23 March, where the following commitments were made:

1. Put forward a proposal to the Permanent Commission of the State Council of the Gypsy People for the Foundation Institute for Gypsy Culture to join the national strategy for the European Year of Intercultural Dialogue (2008).
2. To involve the Departments of Culture of the Autonomous Communities to collaborate in the Working Group on Culture.
3. To promote the collaboration of the General Directorates and Bodies of the Ministry of Culture in order to develop joint actions with the Working Group on Culture. As an example, a series of Gypsy movies with the possible collaboration of the National Film Theatre could be organised.

Besides, the members of the Working Group were given detailed information on all aids, grants and subsidies from the Ministry of Culture. Following the foreseen time schedule, the second meeting will be held on next 10 July 2007.

Article 6 of the Convention

Pages 18, 19, 20 and 21 – Promotion of tolerance and intercultural dialogue

78 a – 93

Concerning article 6, *Promoting tolerance and inter-cultural dialogue*, the Council of Europe has been informed that the Government of Spain has set up through Royal Decree 267/2007 of 16 March a **National Commission for the Promotion and Boosting of Intercultural Dialogue**, shaped as a collegial body with institutional representatives designed to coordinate the action of the different public administrations of the State in the framework of the *European Year of Intercultural Dialogue (2008)*.

This commission is an answer to the initiative of the European Commission on the European Year of Intercultural Dialogue, adopted as decision of the Parliament and the Council on 18 December 2006, almost one year after its adoption by the XXXIII General Conference of the UNESCO, the *Convention on the Protection and promotion of the diversity of cultural expressions*, ratified by the European Council in its session of 18 May 2006, and that entered into force on 18 March 2007, which meant a decisive boost to interculturality.

The launching of this Commission ensures the participation of the State, the Autonomous Communities, the local entities and the civil society in the actions of the European year of Intercultural Dialogue. Its **functions** include the following:

- To disseminate the objectives of the European Year of Intercultural Dialogue (2008).
- To promote the intercultural dialogue with the purpose to favour the objectives set up in the UNESCO-Convention on the protection and promotion of the diversity of cultural expressions.
- **To stimulate the participation of the Non Governmental Organisations, public entities and administrations, in the projects on cultural diversity and intercultural dialogue.**
- To work up and decide a **national programme** of events to be held in 2008, and to coordinate the different initiatives, respecting the autonomy of the promoting entities in order to achieve an integrated and supportive celebration.
- To promote the exchange of information and experiences made in this field.
- **To appoint the national representative in the committee or body helping the European Commission to organize and celebrate the European Year of Intercultural Dialogue.**
- Any action derived from the organization and celebration of the European Year of Intercultural Dialogue that requires the involvement of the National Commission.

- At the end of the year, to work up a report on the actions included in the State programme of event, with the purpose to send it to the Council of Europe and disseminate it.

Makeup of the Commission

This Commission is chaired by the First Vice-president of the Government and Minister of the Presidency. The vice-presidency of the Commission will be held by the Minister of Culture.

Besides, this collegial body will have the Deputy Secretaries of the Ministries of Foreign Affairs and Cooperation; Justice; Economy and Treasury; Education and Science; Labour and Social Affairs; Public Administrations, and Culture; three representatives of the Autonomous Communities; a representative of the Spanish National Commission for Cooperation with the UNESCO; a representative of the Spanish association of local entities in the national field; three representatives of organizations of the civil society, at the proposal of the Ministry of Culture. The Director General for Cultural Cooperation and Communication of the Ministry of Culture will act as secretary.

With this initiative, the Government of Spain shows the resolute commitment with the promotion of cultural diversity and intercultural dialogue, and its

purpose to make a **permanent process** of this, ensuring the mobilization of the civil society, provided for in article 2.c) Functions of the Commission, which, as stated above, will be part of the Commission with three representatives.

Likewise, the Ministry of Culture has prepared a **national strategy**, which will not be definitive until the Autonomous Communities give their opinion in the meeting of the Commission that will be soon convened.

VI. Remarks related to health matters

Article 4 of the Convention

Pages 12, 14 and 15

46, 54 and 62 – The Ministry of Health and Consumer Affairs has signed a Collaboration Agreement with the Foundation Gypsy Secretariat with the purpose to efficiently reduce the lack of equity suffered by the Gypsy community with respect to the population at large and to ease a better access by them to the socio-health services, through the awareness raising of the actors implied in the binomial health and Gypsy community, and the implementation of specific actions that allow to reduce the inequalities that this community has traditionally suffered in matters of health. The Foundation Gypsy Secretariat is a NGO that is broadly represented in the national field and whose staff is made up of over 40% workers of the Gypsy ethnic group.

In the framework of this Agreement, and from 2003 until now, since no reliable data were previously available, the following actions have been carried out:

1. An Analysis of the Socio-Health Situation of the Gypsy Community, made by a multidisciplinary team of experts in this matter, that was examined and approved by representatives of Gypsy associations representative of the whole Spanish State, scientific societies, political executives with responsibilities in the national field and in the field of all Autonomous Communities, professionals of the academic sector, etc. Afterwards a document with these contents was published in Spanish and English and disseminated both in Spain and in our European environment, in electronic format and on paper, with more than 2,000 copies.
2. Drafting of a “Guide for Action with the Gypsy Community in the Health Services”, addressed to the different professionals of the Socio-Health Services, and whose content is a series of socio-cultural recommendations to guide their intervention in the daily practice when the patients belong to the Gypsy ethnic group, with the purpose to contribute to the development of socio-health services that are culturally appropriate for this population, in order to satisfy their health needs knowing and respecting their cultural identity.
3. Research work (using the most comprehensive available information on the Gypsy population) on the health situation of the Gypsy community and on their access to the regular health services, following the same patterns as the National Health Survey. The analysis, assessment, recommendations and proposals for intervention derived from this survey will be carried out by a multidisciplinary team of experts in these themes, as well as by a representative of the Health Group of the State Council of the Gypsy People. They will later be set out in a final seminar to be attended by a qualified and broad representation of the Gypsy associations, politicians with

responsibilities in the Autonomous Communities and in the national field, scientific societies, etc. All proposals will be discussed and agreed there, with the purpose to later publish and disseminate them in Spain and in our European environment.

4. Training courses for mediators, both Gypsies and non-Gypsies, and others addressed to professionals of the socio-health field who are working with this community.
5. Preparation, publishing and dissemination of specific materials addressed to the Gypsy population and to professionals who work with it.
6. All analysis, recommendations and actions carried out in the framework of this Agreement have a gender perspective and the highest possible participation and consensus of a significant part of the Gypsies associations has been sought.
7. All recommendations and actions in the framework of this Convention have been disseminated through the Working Group for the Promotion of Health. All Autonomous Communities are members of this Group and have directly been involved in them.

On the other hand, this Ministry is well aware of the great influence on the health of persons and social groups of broad determinants, like ethnic group, gender, education, employment, housing and social environment. Due to all this, one of the objectives set in the Working Group on Health of the State Council of the Gypsy People, the number 6, refers to the need to “raise awareness of the significance that the different sectorial policies take into account the influence of their decisions on health, in this case the health of the Gypsy community”, with the aim that there is a coordination of the work carried out by the different Ministries involved in the development of the policies concerning this population.

The Health Group of the State Council of the Gypsy People is presently making a list of the implemented actions, specifically with Gypsy population in the national field, by the Gypsy associations, the National Health System, the Departments of Health of all Autonomous Communities and the Spanish Municipalities that are included in the Network of Healthy Cities. This information seeks to up-date the analysis of the health needs of the Gypsy population in order to be able to act in a more appropriate way to improve the standards of life and health and give equality of opportunities in the access to health services and in what relates to the possibilities to lead a healthy life.

Finally, it is the purpose of this Ministry that, once the term of this Convention comes to an end in 2008, a higher number of Gypsy associations finds its place and is represented within it.

VII. Remarks related to behaviour and training of the police forces:

Article 6 of the Convention

Pages 22 and 23

101, 102, 103, 104, 105, 106 and 107

Concerning the content of the mentioned paragraphs, the following is reported:

- 1.- In line with the “Code of behaviour for the Law enforcing officials” of the United Nations General Assembly, and by the “Statement on the Police” of the Council of Europe, the Basic Principles of Action of the law enforcing agents, provided for by O. L. 2/86 of 13 March, for Security Forces and Corps, provides for, among other principles, “political neutrality and impartiality, non discrimination on grounds of ethnic origin, religion and opinion, prohibition of discriminatory or abusive practices, and respect to the honour and dignity of persons”.
- 2.- Against the behaviour mentioned above, the Disciplinary Rules of the National Police Corps provides for different types of punishment, which, according to the seriousness of the fault, can reach the **separation** from service.
- 3.- It can be seen on the other hand that the mentioned basic principles of action, the human rights, the multiculturalism, the immigration and the social values in general are part of the training programmes and actions of the officials of the National Police Corps, as well as of the training programmes given by these to other foreign police forces.

Likewise, it should be highlighted that the number of persons of minority communities joining the Corps is increasing year after year.

- 4.- It should be highlighted that, regardless of their nationality and other circumstances, all persons belonging to minority communities have access to the programmes of police protection and to compensations foreseen for the victims of social crimes and violence (terrorism, white slavery, gender or family violence, protection of minors, etc.) in the same conditions as persons belonging to majority communities.

The police activity for the different groups of citizens and ethnic minorities, carried out at a higher level through the Programme for Citizen Participation, follows the same line, according to the provisions of the Strategic Lines of Action of the General Police Directorate of January 2005, in order to know better the incidence of crime on them and to facilitate their participation in the security programmes of their concern; this activity is supplemented with the procedure for Complaints and Suggestions established by Instruction n° 7/2007, of the State Secretariat for Security, whose follow-up and management is competence of the Sub-directorate General for the Inspection and Security Services, under the ORDER INT/1513/2005 of 13 May, that sets up a file of Complaints and Suggestions according to Organic Law 15/1999 of 13 December, on the Protection of Personal Data.

- 5.- It should be highlighted that in the Service for Legal Assistance of the **State Counsel Office**, no actions are registered as a result of complaints against officials of the National Police Corps related to facts of racism or xenophobia.
- 6.- The concrete policies being applied to favour the social integration of the Gypsy community concerning access to the training that allows to enter the Civil Guard Corps, the Act 42/1999 of 25 November, on Rules for the Personnel of the Civil Guard Corps and its implementing rules provides that this will take place through publicly announced contest, free competitive examination where the constitutional principles of equality, merit and capability, as well as the principle of publicity, are guaranteed in any case.

Presently and in order to accede to the different scales, the members of the Civil Guard receive a specific training, included in the corresponding curricula, on the problems of racism and Human Rights, namely:

For the scale of Corporals and Guards, their curriculum, approved by Order PRE/1478/2006 of 5 May, includes basic contents related to the knowledge of the social reality, named “The society and the police corps”, and “Human Rights. International rules applied to the Police Corps”.

The curriculum to accede to the scale of NCOs, approved by Order PRE/1480/2006 of 5 May, contains basic contents, those specifically named “Racism and Xenophobia” and “Human Rights”.

- 7.- In the framework of stronger awareness raising, and in order to promote the acquaintance with the identity of the Gypsy people, and, in short, tolerance, during the academic year 2006-2007, a “Symposium on awareness raising, rapprochement to and knowledge of the Gypsy people by the Civil Guard” was held in the Academy of Guards and NCOs. The Association “Yerbabuena” was involved in organising and giving the course. A strong point of the symposium has been stressing the importance of knowing the customs and language of the Gypsy people, as well as the figure of the “mediator”, proposed by the Gypsy group to facilitate the relationships with its community.

It deserves to be highlighted that these symposia are intended to be held again in next academic cycles.

VIII. Remarks related to racial violence and minority religions:

**Article 6 and 8 of the Convention
Pages 21, 23 and 24**

96- In relation to the last lines and specifically the sentences: *“the attacks against synagogues and mosques in some cities have caused growing feelings of insecurity among Jews and Muslims living in Spain,* we have to say that such statement is absolutely false.

The incidents affecting synagogues or mosques were extremely few in the last years, and none of them has been described as “attack” or has had any significance in the Courts. What has happened in some cities (without this being a widespread practice) is that some offensive graffiti have been seen in some streets, not necessarily close to the temples. Namely, some graffiti were seen in September 2006 in the building where the president of the Israeli Community of Asturias is living, as well as some cases of threats by phone, like the ones suffered in December 2005 by a Jewish couple in Mallorca and a few anti-Semitic graffiti in a few banks, apparently caused by a campaign in the Internet.

As far as the mosques are concerned, there have been only some demonstrations of residents against the erection of mosques in their vicinity, always without violence. The local authorities and the respective Muslim communities are in talks with these associations of residents.

Tr. (draft): C. S.