




FIFTH OPINION ON SPAIN

Advisory Committee
on the Framework
Convention for
the Protection of
National Minorities
(ACFC)



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Secretariat of the Framework Convention for the Protection of National Minorities
Council of Europe
F-67075 Strasbourg Cedex
France

www.coe.int/minorities

TABLE OF CONTENTS

SUMMARY OF THE FINDINGS	4
RECOMMENDATIONS	5
Recommendations for immediate action	5
Further recommendations	5
Follow-up to these recommendations	5
MONITORING PROCEDURE	6
Preparation of the state report for the fifth cycle	6
Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee	6
Country visit and adoption of the Fifth Opinion	6
ARTICLE-BY-ARTICLE FINDINGS	7
Scope of application (Article 3)	7
Data collection and population census (Article 3)	8
Legal framework for combating discrimination (Article 4)	9
Institutional framework for combating discrimination (Article 4)	10
Equality data and measures to promote full and effective equality (Article 4)	12
Roma Integration Strategies (Article 4)	13
Preservation and development of minority cultures and identities (Article 5)	15
Tolerance and intercultural dialogue (Article 6)	16
Policing and respect for human rights (Article 6)	18
Hate speech and hate crime (Article 6)	19
Portrayal of minorities in the media (Article 6)	21
Minority printed media and broadcasting (Article 9)	22
Use of minority and official languages (Article 10)	22
Textbooks and teaching materials, teacher training and intercultural education (Article 12)	23
Effective access to education (Article 12)	24
Effective participation in public affairs and decision-making processes (Article 15)	25
Effective participation in socio-economic life – access of Roma to employment (Article 15)	27
Effective participation in socio-economic life – Access of Roma to health care (Article 15)	28
Effective participation in socio-economic life – Access of Roma to housing (Article 15)	29
Bilateral and multilateral co-operation (Articles 17 and 18)	30

SUMMARY OF THE FINDINGS

1. Spain continues to apply the provisions of the Framework Convention exclusively to Spanish citizens of the Roma community. Both the awareness and understanding of the Framework Convention remain limited in Spain. Few efforts have been made to promote it or to engage in dialogue with other groups that may wish to benefit, or have already expressed interest in benefiting, from its provisions.
2. Generally speaking, the level of integration of the Spanish Roma and the general climate of tolerance in Spain, including towards migrants, refugees and asylum seekers, is satisfactory. At national level there are almost no instances of hate speech against Roma in political discourse. However, the number of migrants, refugees and asylum seekers differs greatly between the various Autonomous Communities, and this may have an impact on the level of tolerance towards “visible minorities” and on manifestations and expressions of intolerance, particularly on social media and in certain political statements at local and regional level. The prevalence of negative stereotypes, including in print, the audiovisual media and official Spanish language dictionaries, also needs to be looked at it in more detail.
3. Spain has remained active in promoting the equality of Roma and has continued to implement policies and programmes to improve the social inclusion of Roma in all fields of daily life. Some significant progress has clearly been made in school performance and attendance and health and rehousing policies in some parts of Spain, notably through measures developed under the National Roma Integration Strategy 2012-2020 and its Operational Plans and under similar strategies devised by some Autonomous Communities.
4. Discrimination towards persons belonging to the Roma community nevertheless persists in certain areas, such as education, rented housing and employment. Comprehensive anti-discrimination legislation has not yet been enacted and the structures in place to promote equal treatment and address individual cases of discrimination at central and regional levels require further strengthening, in particular the Spanish Ombudsperson’s office. The recognition of anti-Gypsyism as a motivated bias in data collection by the police in 2019 is a welcome step towards providing a more effective institutional detection and response to hate crimes when they occur. Such efforts now need to be consolidated and implemented throughout the country; however, anti-Gypsyism has not yet been recognised as a specific form of racism in the judicial system or included as an aggravating factor in the Criminal Code. Existing human rights and non-discrimination training for police officers (with a focus on Roma) has produced positive results and needs to continue, as the work of the police and their interaction with persons belonging to the Roma community was generally viewed positively by numerous interlocutors, with some exceptions concerning ethnic profiling by the police when asking for identity papers on the streets.
5. Clearer targets, adequate funding and effective monitoring involving Roma representatives are needed to ensure that relevant policies and programmes achieve their intended effect in other specific policy areas, such as more systematically addressing school dropouts and absenteeism, reducing unemployment or rehousing Roma families who are still living in slums in certain Autonomous Communities and municipalities by means of adequate urban planning programmes. Gender equality would benefit from a more systematic mainstreamed approach in various parts of the National Roma Integration Strategy. New areas of activity should also be explored though additional independent research, such as the impact of early marriages on school dropouts and absenteeism, especially in the transition from primary to secondary education, or the use of illicit drugs among young Roma people.
6. The overall impression remains that the system of protection that has been developed relies on policies to combat poverty and social exclusion, whereas the development of policies of empowerment has been side-lined. Roma participation in political and public affairs remains limited, with the exception of political representation of Roma in Parliament, which increased following the 2019 general elections. Weaknesses identified previously with regard to the State Council for the Roma People have not been resolved, limiting its effectiveness and its capacity to influence policymaking. A key challenge for the future is to broaden Roma participation beyond the limited area of issues that are important for Roma themselves and to mainstream their participation in public life in all aspects of Spanish society.
7. The authorities continue to support the Institute for Roma Culture and initiatives related to the culture and history of Roma, but more efforts are needed to ensure that all elements of Romani culture are preserved, promoted, and accepted as an integral part of Spanish culture, and that Roma history is more systematically included in school curricula throughout Spain.

RECOMMENDATIONS

8. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Spain.

9. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures to improve the implementation of the Framework Convention further:

Recommendations for immediate action

10. The Advisory Committee urges the authorities to adopt comprehensive anti-discrimination legislation, which should also apply to non-citizens; ensure better access to and increase awareness about existing legislation and legal remedies, targeting the Roma community in particular; and increase funding for legal aid.

11. The Advisory Committee urges the authorities to further enhance the human and financial capacity of the Spanish Ombudsperson's office so as to ensure that it can fulfil its mandate of promoting equal treatment and non-discrimination, including for the Roma community, and raise awareness about relevant rights and remedies.

12. The Advisory Committee urges the authorities to amend Article 22.4 of the Criminal Code to include anti-Gypsyism explicitly, alongside anti-Semitism and the other aggravating circumstances already listed in the Article.

13. The Advisory Committee urges the authorities to extend intercultural education and to introduce Romani history and culture into school curricula, textbooks and teaching materials at state level and in all Autonomous Communities with a view to increasing knowledge among the general population and reducing the prevalence of negative stereotypes; and to provide teacher training accordingly.

14. The Advisory Committee urges the authorities to ensure that the right to education is guaranteed for all children by enforcing compulsory school attendance until the age of 16; to this end, it urges the authorities to intensify programmes to further reduce school absenteeism and early dropouts among Roma children, especially from primary to secondary education; to promote educated Roma as role models; and to assess and combat the root causes of school dropouts, involving members of the Roma community and the competent authorities in this process.

Further recommendations

15. The Advisory Committee reiterates its call to the authorities to increase general awareness about the Framework Convention among Spanish Roma and any other groups that might wish to benefit from the protection afforded by the Framework Convention, and to engage in constructive dialogue with those who have already expressed an interest in benefiting from its provisions in the past, so as to ascertain whether they are still interested in such protection. It also invites the authorities to publish the text of the Framework Convention and opinions of the Advisory Committee on relevant official public websites in the state and Autonomous Communities' official languages.

16. The Advisory Committee calls on the authorities to take urgent steps to set up an independent equality body or to ensure that the Council for the Elimination of Racial and Ethnic Discrimination be given its full independence, a broad mandate, sufficient resources and freedom to select its own staff in line with relevant international standards.

17. The Advisory Committee calls on the authorities to ensure that the next phase of the National Roma Integration Strategy strengthens co-ordination with the Autonomous Communities; to encourage all Autonomous Communities to develop their own strategy; and to allocate the resources needed for sustainable implementation of national and regional strategies.

18. The Advisory Committee calls on the authorities to broaden Roma-related policies beyond the remit of social welfare institutions by also involving education, employment, housing and other relevant authorities more closely, especially at regional and municipal levels.

19. The Advisory Committee calls on the authorities to take appropriate steps so that official Spanish language dictionaries do not contain any derogatory words or convey any negative stereotypes about Roma.

20. Without prejudice to the editorial independence of the media, the Advisory Committee calls on the authorities to promote ethical reporting that avoids stereotyping, particularly as regards the ethnic affiliation of perpetrators of crimes.

21. The Advisory Committee calls on the authorities to improve the representation of Roma, both men and women, in the public services at central, regional and local levels, through affirmative measures for recruitment, retention and promotion, including internships and training, and the provision of scholarships, which would enable them to apply for such positions.

22. The Advisory Committee calls on the authorities to improve the functioning of the State Council for the Roma People, including its mandate and resources, as well as its co-operation with the Autonomous Communities, for instance by involving Roma representatives in the Technical Group for Co-operation with the Autonomous Communities.

23. Despite considerable progress achieved in recent years in improving the access of Roma to decent housing, the Advisory Committee reiterates its call to the authorities to address the remaining problems of substandard housing in applicable Autonomous Communities and municipalities through targeted programmes to eradicate those slums still in existence and through relevant accompanying measures aimed at providing Roma with affordable, decent and adequate housing, in line with Article 47 of the Constitution.

Follow-up to these recommendations

24. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth cycle Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present Opinion.

MONITORING PROCEDURE

Preparation of the state report for the fifth cycle

25. The state report, due on 1 February 2019, was received on 1 April 2019¹ and includes data provided by various ministries, public services and entities. The representatives of Spanish Roma or pro-Roma associations represented in the State Council for the Roma People were consulted during its preparation.

26. In its letter to States Parties dated 5 July 2018 announcing the fifth monitoring cycle, the Advisory Committee asked member states to pay particular attention to gender equality in their reporting. The Advisory Committee welcomes the inclusion of a number of gender-related items of information in the state report.²

Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

27. The Advisory Committee was informed that the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention in Spain and the Committee of Ministers' Resolution CM/Res (2016)10 on the implementation of the Framework Convention in Spain have been shared and discussed, at national level, with the State Council for the Roma People. The state reports and the opinions of the Advisory Committee are published in Spanish and English on the website of the Ministry for Social Rights and 2030 Agenda.³ No follow-up event involving the Advisory Committee, addressing the specific recommendations in its Fourth Opinion, has taken place.

Country visit and adoption of the Fifth Opinion

28. This fifth-cycle Opinion on the implementation by Spain of the Framework Convention for the Protection of National Minorities (hereinafter "the Framework Convention") was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers.⁴ The findings are based on information contained in the fifth state report, other written sources and information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Madrid, Toledo (Castilla-La Mancha), and to Santiago de Compostela and Vigo (Galicia) from 2 to 5 December 2019. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 20 February 2020, was transmitted to the Spanish authorities on 6 March 2020 for observations, according to Rule 37 of Resolution (2019)49. Observations were received by the Secretariat on 6 and 14 May 2020.

* * *

29. A number of the articles in the Framework Convention are not covered in the present Opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be reduced or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a state of affairs which may be considered acceptable at this stage may not necessarily be so in further monitoring cycles. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

¹ See fifth state report available in [English](#) and [Spanish](#).

² See fifth [state report](#), pages 15-16, which provide information about the State Observatory on Violence against Women, a collegiate body attached to the Ministry of the Presidency, Relations with Courts and Equality, whose president is appointed by the Government Delegation on Gender Violence as per Organic Law 1/2004 on Integrated Protection Measures against Gender Violence. This Royal Decree is currently undergoing an amendment, which will strengthen and promote this body and enhance its participatory nature, complying with a series of measures set out in the Report of the Subcommittee of the Congress for a State Pact on gender violence and in the Senate Report presenting a study on the development of strategies against gender violence, both approved in September 2017. In this amendment, it is planned to extend the membership of the observatory to include women's organisations of especially vulnerable groups, including Roma women's organisations, as proposed by the Government Delegation on Gender Violence.

³ See [Website of the Ministry of Social Rights and 2030 Agenda](#).

⁴ The submission of the state report, which was due on 1 February 2019, was regulated by Resolution (97)10. However, the adoption of this Opinion was regulated by [CM/Res\(2019\)49](#) on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, as adopted by the Committee of Ministers on 11 December 2019.

ARTICLE-BY-ARTICLE FINDINGS

Scope of application (Article 3)

30. Spain continues to apply the provisions of the Framework Convention to Spanish citizens of the Roma⁵ community (*comunidad gitana*) despite the fact that there is no formal recognition of the notion of 'national minority' within the meaning of the Framework Convention in the Spanish Constitution, in which Article 14 guarantees equality to all Spanish citizens.⁶

31. Some members of the State Council for the Roma People informed the Advisory Committee during the visit that there was an ongoing discussion among the Spanish Roma community on whether their official recognition as a 'national minority' by the state entailed any added value. Some of the interlocutors of the Advisory Committee clearly stated that such official recognition would improve the situation.

32. The Advisory Committee reiterates that the Framework Convention was designed to be a living instrument, to be implemented in very diverse social, cultural and economic contexts and to be adjusted to changing situations, and that for it to be applied to a group of persons, they did not necessarily need to be formally recognised as a national minority, the term did not need to be defined and nor did they have to have a specific legal status.

33. The Advisory Committee regrets that the Spanish authorities persist in their restrictive interpretation of the scope of application, whereas they could consider using its provisions to manage the challenges posed by the rich linguistic and cultural diversity across the different regions of Spain. The Advisory Committee also notes that Roma community members and associations would welcome a debate on the added value that their official recognition as a 'national minority' could entail.

34. As regards the limitation of the scope of application to Spanish citizens of the Roma community, the Advisory Committee wishes to reiterate its general viewpoint that the application of a citizenship criterion may have a restrictive

and discriminatory effect and should therefore be avoided in favour of an inclusive approach that considers whether there is a legitimate ground to differentiate access based on citizenship for each right separately.⁷ It also wishes to recall that "citizenship is not a basis upon which *a priori* to exclude the enjoyment of minority rights. Indeed, both the philosophy and international law of human rights confer minority rights on the bases of specific differentiated needs and desires which relate to all human beings within the jurisdiction of the State, precisely in contradiction to the citizen/alien distinction."⁸

35. Therefore, the Advisory Committee considers that the distinction in the scope of application between Spanish citizens of Roma ethnic affiliation and foreign Roma⁹ could be lifted in the future, bearing in mind the longstanding positive practice by the authorities not to distinguish between Spanish and foreign Roma when implementing certain programmes designed to promote the full and effective equality of Roma (see further below under Articles 4 and 15). Bearing in mind that only 4% to 6% of the Roma population living in Spain are not Spanish citizens,¹⁰ an inclusive approach and implementation on an article-by-article basis of those elements shared by the two communities would contribute to the impact of the Framework Convention and help to avoid any unjustified and arbitrary distinctions between citizens and non-citizens of Roma ethnic affiliation.¹¹

36. During the fifth cycle visit, the Advisory Committee was not made aware of any other groups of persons seeking protection under the Framework Convention. At the same time, the Spanish authorities have not made dedicated efforts to spread and increase knowledge about the Framework Convention and its objectives, nor have they engaged in constructive dialogue with groups who have already expressed an interest in benefiting from the provisions of the Framework Convention in the past.¹² Consequently, there is little awareness about the Framework Convention in Spain.¹³

⁵ The Spanish terms '*gitano(s)/gitana(s)*' (Gypsy/Gypsies), '*la comunidad gitana*' (the Gypsy community) or '*el pueblo gitano*' (the Gypsy people) are used to designate Spanish Roma in the state report. These terms are not pejorative in the Spanish context and are employed by both the community and the authorities. Since, however, the English term 'Gypsies' is pejorative in several member states of the Council of Europe, the present Opinion, in line with the Council of Europe glossary on Roma-related terminology, uses the term 'Roma' or 'Roma community' or 'Roma people' to designate Spanish citizens of Roma ethnic affiliation. The term "Roma community" used in singular form shall be taken to be an inclusive term comprising all the various sub-groups making up the Spanish Roma community. For example, in Galicia, there are three different sub-groups: Castilian (Zamora) Roma, Galician Roma, and Portuguese Roma.

⁶ The [Communication contained in a Note Verbale from the Permanent Representation of Spain to the Council of Europe](#), dated 14 November 2016, states: "[...] Spain reiterates that, in line with its constitutional provisions, it has consistently interpreted the Framework Convention in the sense that no national minority exists in its territory. The Framework Convention applies to the Spanish citizens of the "comunidad gitana" (roma, gypsies) although these citizens do not constitute a national minority."

⁷ ACFC [Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 29.

⁸ See [Report on non-citizens and minority rights, adopted by the Venice Commission](#) (Venice, 15-16 December 2006), para. 84.

⁹ The term '*romaníes*' is used in Spanish to designate non-citizens of Roma ethnic affiliation living in Spain and corresponds to the term 'Roma' in its narrow sense used internationally (see the Glossary on Roma-related terminology of the Council of Europe). The present Opinion will use the terms 'foreign Roma' or 'non-citizens of Roma ethnic affiliation' to designate this category of the population.

¹⁰ Percentage based on estimates provided in paras. 44 and 45.

¹¹ ACFC [Thematic Commentary No. 4](#), 2016, para. 15.

¹² See para. 11 of the Fourth [Opinion](#) of the Advisory Committee on Spain, adopted on 3 December 2014, about persons belonging to Basque, Catalan and Galician cultures and languages and Oliventine Portuguese-speakers living close to Portugal.

¹³ The Ministry of Foreign Affairs has, however, recently published a new text on its website: "Spain attaches great importance to the conventional activity of the Council of Europe. It has signed 135 Treaties and Conventions. You can access its details and specialised webpages through the Council of Europe webpage www.coe.int".

37. The Advisory Committee also regrets that the authorities have stated that they do not see any need to have the Framework Convention translated into the languages recognised as co-official languages in the Statutes of Autonomy of the Autonomous Communities concerned.¹⁴

38. The Advisory Committee reiterates its view that the standards that are currently applicable in Spain do not in themselves make the protection of the Framework Convention superfluous for persons with different cultures and languages to those of the majority population, living in the Autonomous Communities where their language has co-official or protected status under the Spanish Constitution, the statutory laws of the relevant Autonomous Communities and the European Charter for Regional or Minority Languages. This is even more true for persons belonging to the above-mentioned groups who live outside the areas where their language has co-official or protected status since these persons receive considerably less support for the protection of their respective languages and cultures.¹⁵ The Advisory Committee therefore wishes to reiterate the importance of the enjoyment of minority rights in practice, whether or not the persons concerned are officially recognised in the Spanish legal system as belonging to national minorities.

39. The Advisory Committee reiterates its call to the authorities to increase general awareness about the Framework Convention among Spanish Roma and any other groups that might wish to benefit from the protection afforded by the Framework Convention, and to engage in constructive dialogue with those who have already expressed an interest in benefiting from its provisions in the past, so as to ascertain whether they are still interested in such protection. It also invites the authorities to publish the text of the Framework Convention and opinions of the Advisory Committee on relevant official public websites in the state and Autonomous Communities' official languages.

40. The Advisory Committee encourages the authorities to continue with their approach of applying the provisions of the Framework Convention to Spanish citizens of the Roma community and to continue also applying it on an-article-by-article basis to non-citizens of Roma ethnic affiliation living in Spain with regard to needs shared by the two communities so as to better reflect a practice at policy and programming levels.

41. The Advisory Committee invites the authorities to consult Roma on the potential added value of officially recognising the Roma as a national minority through a large panel of members and associations of the Roma community.

Data collection and population census (Article 3)

42. According to the state authorities, legal impediments¹⁶ prevent questions about ethnic affiliation from being included in Spain's population census, although this interpretation is disputed by the Spanish Ombudsperson. Consequently, the National Statistics Institute (INE), which is responsible for collecting demographic data for purposes including the ten-year population census and keeping the municipal register based on data provided by the municipalities, does not disaggregate data relating to the Roma population and does not intend to include any questions about ethnic affiliation in the forthcoming census.

43. The authorities informed the Advisory Committee that, in the absence of any official census disaggregated by ethnic affiliation, existing information on the Roma population is obtained primarily through sociological research and studies, often financed by the state,¹⁷ and carried out at national, regional or local level by various independent entities. Surveys are also carried out for the Roma community taking those conducted for the general population as a model.

44. On the basis of many sociological studies, surveys and mapping exercises conducted in recent years, the estimated number of Spanish Roma ranges from 500 000 to 1 500 000.¹⁸ Estimations from the state authorities range from 750 000 to one million, based on a study carried out in 2007.¹⁹ However, the authorities have repeatedly expressed some caution about the estimated data, raising doubts about both their own data and those provided by European institutions such as the European Union Fundamental Rights Agency, because the total estimated figures remain approximate and were compiled using differing methods (such as temporary projections based on previous studies, aggregates of local data calculated in different ways and studies on housing conditions focusing on particular neighbourhoods). For example, the Study-Map on Housing and Roma Population from 2015²⁰ puts the Roma population at 516 862 individuals, with more than 40% of them living in Andalusia. However, as stated in this Housing Map, this figure does not constitute a census of the Roma population, since only the population residing in neighbourhoods with a high concentration of Roma was surveyed, meaning that integrated and therefore "invisible" Roma living in city centres were excluded. Consequently, the actual total number of persons affiliating to the Roma ethnic group in Spain is, in all likelihood, much higher. According to more recent studies by

¹⁴ See Declaration contained in the instrument of ratification of the European Charter for Regional or Minority Languages, deposited by Spain on 9 April 2001: "Spain declares that, for the purposes of the mentioned articles, are considered as regional or minority languages, the languages recognised as official languages in the Statutes of Autonomy of the Autonomous Communities of the Basque Country, Catalonia, Balearic Islands, Galicia, Valencia and Navarre."

¹⁵ Fourth [Opinion](#) of the Advisory Committee on Spain, para. 13, page 6.

¹⁶ According to Article 11.2 of the [Law 12/1989, of 9 May 1989, on the Government Statistics Act](#), "data that may reveal ethnic origin, political opinions, religious or ideological beliefs and, in a general sense, any particulars relating to personal and family privacy shall be supplied on a strictly voluntary basis, and may therefore be collected only with the prior express consent of the parties concerned."

¹⁷ Some studies are financed by the Ministry of Social Rights and 2030 Agenda, but others are carried out without any funding from the ministry, such as FOESSA Foundation studies.

¹⁸ The [National Roma Integration Strategy of Spain 2012-2020](#) gives an estimate of 725 000 to 750 000.

¹⁹ Laparra, M. (co-ord.) (2007): '*Informe sobre la situación social y tendencias de cambio en la población gitana. Una primera aproximación*', Madrid, Ministerio de Trabajo y Asuntos Sociales.

²⁰ See [Study Map on housing and the Roma population](#), 2015.

the FOESSA Foundation, the figures range between 800 000 and 1 500 000 people.²¹

45. In addition, the authorities have stated that the Roma population in Spain has increased with the arrival of foreign Roma, mainly from Romania and Bulgaria, especially since 2002, and then since 2007.²² The number of Roma whose citizenship is either Romanian or Bulgarian, and who exercise their right of free movement and residence in Spain as EU citizens, is difficult to quantify since they are integrated into large contingents of Romanian and Bulgarian citizens who have taken temporary or permanent residence in Spain, and because there are no records of the ethnicity of foreigners in Spain. Studies and research projects, especially those conducted by non-governmental organisations managing programmes aimed at Roma immigrants, do provide some data. According to the latest housing map, 2 002 homes are inhabited by an estimated 10 160 Roma persons from Eastern Europe. Following consultations with two NGOs on this matter,²³ the authorities stated in their National Roma Integration Strategy 2012-2020 that some 40 000 to 50 000 Roma immigrants were present in Spain (90% from Romania, 6% from Bulgaria and the rest from other European countries, including Portugal).

46. Certain interlocutors among the Spanish Roma community and the Spanish Ombudsperson's office indicated to the Advisory Committee during the visit that they would welcome it if a specific question on ethnic affiliation was included in the next population census.

47. The Advisory Committee reiterates that reliable information and knowledge about the ethnic and linguistic composition of the population is an essential condition for implementing effective policies and measures to protect persons belonging to national minorities and for helping to preserve and assert their identity. Therefore, provided that basic safeguards are respected,²⁴ the respective data should be adequately processed, analysed and displayed.²⁵ It should also be possible to give multiple answers to questions on languages used in daily communications. Furthermore, minority representatives should be consulted on the organisation and operation of such data collection processes.²⁶

48. The Advisory Committee acknowledges that there is controversy over how to obtain reliable and up-to-date information on the number of persons affiliating to the Roma community within a given country but considers that introducing non-mandatory and open-ended questions on

ethnic affiliation in the Spanish population census would provide more reliable data on the ethnic composition of the population in Spain to support the development and monitoring of specific policies. The Advisory Committee would reiterate that "the method and the wording of the question used to collect ethnicity data can influence the choices that respondents make regarding their ethnic identity and current ethnic identification. The subjective nature of the topic, together with the requirement to allow increasing numbers of persons of mixed ethnicity to identify themselves (and/or their children) as such, requires that information on ethnicity be acquired through self-declaration of a respondent, and also that respondents have the option of describing their identity in their own words. Census questions should therefore provide, in addition to any pre-coded response options, the facility for write-in (open) responses."²⁷ Furthermore, the Advisory Committee is concerned that in the 2011 population census²⁸, questions about linguistic affiliation were only addressed in Autonomous Communities with co-official languages and have not been made publicly accessible on the website of the National Statistics Institute.

49. The Advisory Committee strongly encourages the authorities to engage in consultation, especially with Roma, on including non-mandatory and open-ended questions on ethnic and linguistic affiliations throughout the entire country in the next population censuses.

Legal framework for combating discrimination (Article 4)

50. A comprehensive anti-discrimination bill intended to fill the gaps in anti-discrimination law was first introduced in Parliament in 2011 but then withdrawn because of the early elections of 2012. It was reintroduced in 2018 but, because of the dissolution of the Parliament in 2019, all bills have been withdrawn, including the Comprehensive Bill for Equal Treatment and Non-discrimination.²⁹

51. The existing anti-discrimination provisions are contained in Article 14 of the Constitution,³⁰ and in Articles 27 to 43 of Law 62/2003, which transposed EU equality directives 2000/43 and 2000/78 and amended over 50 existing laws. According to Article 14 of the Constitution and the case law of the Constitutional Court,³¹ discrimination based on all personal or social circumstances and conditions is prohibited; however, the grounds of language, citizenship and national or ethnic origin are missing from the Constitution and from other legal provisions. In addition, the Spanish Constitution does not formally grant equal rights to all

²¹ Lorenzo, F. J. (2014) '*Pobreza y exclusión social en España: consecuencias estructurales de nuestro modelo de crecimiento sobre exclusión y desarrollo social en España*'.

²² When the visa requirement was eliminated and when these two countries joined the European Union.

²³ The two non-governmental organisations are *Fundación Secretariado Gitano* and *Unión Romani*.

²⁴ Principles of confidentiality, voluntary self-identification - as protected in Article 3 of the Framework Convention, and free and informed consent (see *Thematic Commentary No.4*, para.9; and ECtHR Grand Chamber judgement [no. 20452/14](#) in the case of *Molla Sali v. Greece*).

²⁵ ACFC *Thematic Commentary No. 4*, para. 16.

²⁶ *Ibid*, para.17.

²⁷ See [UNECE recommendations](#), in particular page 149, para. 707 of the Conference of European Statisticians Recommendation for the 2020 Censuses of Population and Housing", United Nations Economic Commission for Europe, New York and Geneva, 2015.

²⁸ See question no.3 in the [2011 census questionnaire](#).

²⁹ On 13 February 2019, Parliament rejected the draft general state budget presented by the government. As a result, on 4 March 2019, the President of the Government dissolved the Parliament and called for general elections on 29 April 2019.

³⁰ Article 14 of the [Spanish Constitution](#) reads as follows: "Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance."

³¹ Constitutional Court, no. 137/2000, 29.05.2000 under II.1.

individuals, just to Spanish citizens, a point which has been regularly criticised both by the European Commission against Racism and Intolerance (ECRI)³² and the United Nations Committee on the Elimination of Racial Discrimination (CERD).³³

52. Law 62/2003 defines and prohibits direct and indirect discrimination and provides for the general possibility of positive action on the grounds of racial and ethnic origin and for the sharing of the burden of proof in discrimination cases.³⁴ However, Law 62/2003 has only introduced a provision on compensation and fines in the field of employment, which applies to the whole area of social law as of 2015 (Article 183 of Law 36/2011 on social jurisdiction), but there is no general rule providing for compensation in all discrimination cases,³⁵ and this may discourage complainants with a Roma ethnic affiliation.

53. The Advisory Committee considers that a fragmented approach to anti-discrimination legislation does not guarantee adequate protection against discrimination. It also considers that comprehensive legislation against discrimination should be adopted by States Parties, drawing inspiration from the relevant provisions of ECRI General Policy Recommendations.

54. Although Law 62/2003 is largely in line with ECRI General Policy Recommendation No. 7, the Advisory Committee is concerned that few discrimination cases have been brought to court by persons belonging to the Roma community under the relevant provisions of this Law, supposedly because of a general lack of awareness about it and a lack of funding for strategic litigation.

55. The Advisory Committee regrets that no comprehensive equality and anti-discrimination legislation has been enacted yet as a result of political instability over recent years and emphasises that there is a considerable need for such a law. The Advisory Committee wishes to recall that the bill that was pending before the Parliament in 2011 was widely praised as it contained three important features: it provided guarantees for individuals in the form of mechanisms to ensure that rights would be exercised; it was wide-ranging, redressing deficiencies and imbalances in various spheres; and it was comprehensive, covering all grounds and fields.³⁶ Consequently, anti-discrimination provisions continue to be found in separate laws, and there is no single equality body in charge of dealing effectively with all forms of discrimination. At the same time, the Advisory Committee is pleased to note that several Autonomous Communities have adopted anti-discrimination legislation.

56. The Advisory Committee urges the authorities to adopt comprehensive anti-discrimination legislation, which should also apply to non-citizens; ensure better access to and increase awareness about existing legislation and legal remedies, targeting the Roma community in particular; and increase funding for legal aid.

Institutional framework for combating discrimination (Article 4)

57. The Council for the Elimination of Racial or Ethnic Discrimination was set up in 2007 to advise victims of discrimination, publish studies, research and reports, promote measures that contribute to equal treatment and approve the annual activity report.³⁷ It worked only partly after 2015 before being fully reactivated in October 2018. It is made up of several working groups. In December 2018, the Council for the Elimination of Racial or Ethnic Discrimination adopted its 2019 Work Plan.

58. Certain interlocutors of the Advisory Committee questioned the independence of the Council for the Elimination of Racial or Ethnic Discrimination since this structure is still answerable to the Ministry of the Presidency, Relations with the Courts and Equality and, specifically, to its Directorate General for Equality of Treatment and Diversity. They also emphasised that the Council lacks investigative powers and has no right to initiate and participate in court proceedings.³⁸

59. The Advisory Committee considers that the rules on the appointment of the staff of the Council for the Elimination of Racial or Ethnic Discrimination are not sufficiently clear and transparent, and shares the view already expressed by ECRI that the Council should be a separate legal person placed outside the executive. The government should not have a decisive influence on the selection of the persons holding leadership positions in the Council; the latter should have its own budget and separate premises and should appoint its own staff. It should also have the right to receive complaints concerning racism and discrimination. It should have appropriate investigative powers and the right to initiate, and participate in, court proceedings.³⁹

60. The Assistance and Guidance Service for Victims of Racial or Ethnic Discrimination is one of the services that has been set up under the Council for the Elimination of Racial or Ethnic Discrimination. It was established in 2010, suspended in 2012, and reactivated in April 2013, with greater coverage and stability. Co-ordination of the service is provided by the *Fundación Secretariado Gitano* in conjunction with seven

³² See ECRI fifth [report](#) on Spain (adopted on 5 December 2017 and published on 27 February 2018), para. 1, page 11.

³³ CERD 2016: para. 8a.

³⁴ See reference to respective Articles of Law 62/2003 in ECRI fifth [report](#) on Spain, paras. 13 and 14, page 13.

³⁵ ECRI fifth [report](#) on Spain, para. 18, page 14.

³⁶ More specifically, it lists the grounds covered by European directives (gender, race or ethnic origin, age, disability, religion or belief and sexual orientation), and also adds disease and sexual identity in addition to a generic wording including "any other personal or social condition or circumstance" which reflects the expression "other reasons" found in the [Spanish Constitution](#). With regard to the fields covered, the Bill explicitly refers to all the fields of EU Directives [2000/43](#) and [2000/78](#).

³⁷ Fifth [state report](#), page 18. By Order PCI / 1025/2018, of 3 October 2018, a new President of the Council for the Elimination of Racial or Ethnic Discrimination was appointed, and, on 25 October 2018, the functions of the Council were reactivated.

³⁸ In this respect, see a similar assessment in ECRI's fifth [report](#) on Spain para 23, page 15, as well as the interim follow-up recommendations on page 37, where ECRI recommends the authorities to make the Council for the Elimination of Racial or Ethnic Discrimination independent and provide it with the competences and powers outlined in ECRI's General Policy Recommendations Nos 2 and 7.

³⁹ See ECRI fifth [report](#) on Spain, para. 26, page 16.

other non-governmental organisations,⁴⁰ all of which are social bodies deeply involved and with extensive experience in the promotion of equal treatment, the fight against intolerance and racial or ethnic discrimination and in the support to be provided to immigrants and refugees. The service provides free independent support and advice to potential victims of racial or ethnic discrimination in any field (education, health, housing, employment, etc.) by telephone, online and in person.

61. As regards individual complaints of discrimination, the Advisory Committee welcomes the valuable work of the Assistance and Guidance Service for Victims of Racial or Ethnic Discrimination, which is intended to serve as a first port of call for victims of racial or ethnic discrimination and provides ongoing advice to them free of charge. In addition to the network's headquarters in Madrid, twenty offices are now in operation, with at least one in each Autonomous Community, together with an office in the Autonomous City of Melilla.⁴¹ The Advisory Committee notes with interest that the Assistance and Guidance Service for Victims of Racial or Ethnic Discrimination dealt with a total of 4 515 cases between 2013 and 2019, of which 2 717 were individual cases and 1 798 collective. Although the service is not specifically intended for Roma victims, 1 483 of the total number of cases related to the Roma population, 652 being individual cases and 831 collective cases, and such cases amounted to almost 35% of the total number of cases dealt with by the service.

62. The Advisory Committee welcomes the reactivation of the Assistance and Guidance Service for Victims of Racial or Ethnic Discrimination under the Council for the Elimination of Racial or Ethnic Discrimination and takes note that the contract which was extended in 2018 until the end of October 2019 will be renewed once more in 2020.⁴² It also takes note that almost €2 million of state funding was allocated to the service between October 2015 and October 2019 (approximately €500 000 per year). The Advisory Committee, however, reiterates its regret that the Assistance and Guidance Service for Victims of Racial or Ethnic Discrimination does not have the capacity to litigate on behalf of victims and is only very rarely able to take on strategic litigation owing to a lack of sufficient human and financial resources. In addition, the lack of an equality body empowered to handle individual complaints through informal procedures means that victims of discrimination are often hampered in their access to courts, as such proceedings prove too costly and difficult for them. In this respect, an additional hindrance is the fact that discrimination appears

mostly to occur in the private sector (in fields such as access to employment, access to goods and services and access to housing, where it is reported that there is still a widespread belief that the principle of freedom of contract prevails over that of equal treatment).⁴³

63. The Spanish Ombudsperson (*Defensor del Pueblo*)⁴⁴ continues to play an important role in ensuring equality and thus fighting racism and intolerance in cases involving allegations of misconduct by public authorities or civil servants. He has the powers to initiate investigations *ex officio*⁴⁵ or in response to a complaint, and to suggest amendments to regulations to the legislature or the executive.

64. In addition, nine Autonomous Communities have their own Ombudsperson institution, namely Andalusia, Aragon, the Basque Country, the Canary Islands, Castile and Leon, Catalonia, Galicia, Navarre, and Valencia. During the visit, the Ombudsperson of Galicia (*Valedora do Pobo*) informed the Advisory Committee that this institution deals with complaints, asks for clarifications from public authorities, conducts investigations and makes recommendations. It can also conduct *ex officio* investigations if it is alerted to an issue through the media or the Galician branch of the *Fundación Secretariado Gitano*. In 2005 this institution published an extraordinary report on the situation of the Roma in Galicia.⁴⁶

65. The Spanish Ombudsperson's office expressed regrets that due to a severe lack of human and financial resources, it cannot have a separate department on equal treatment and non-discrimination⁴⁷ and cannot sufficiently concentrate its work on alleged cases of discrimination concerning persons belonging to the Roma community. Consequently, the Ombudsperson has had to make strategic choices and favour other priorities and target groups.

66. As is the case for hate-motivated criminal offences (see Article 6 below), the Spanish Ombudsperson indicated that Roma rarely report discrimination, as a result *inter alia* of low awareness of their rights and of the available avenues of redress and a lack of confidence that taking action will change the outcome. The Ombudsperson of Galicia reported a decrease in complaints submitted by the Roma community.

67. The Spanish Ombudsperson has nevertheless intervened in a few cases concerning alleged discrimination by public authorities towards persons belonging to the Roma community in the fields of education⁴⁸ and housing.⁴⁹ It also opened two *ex officio* investigations concerning the use of the derogatory terms '*gitanada*' and '*trapacero*' (see Article 5 below). The Spanish Ombudsperson also received

⁴⁰ Spanish Red Cross, ACCEM, *Fundación CEPAIM*, *Movimiento contra la Intolerancia*, Network *Acoge*, Movement for Peace and Disarmament and Freedom (MPDL) and Spanish Commission for Refugee Assistance (CEAR).

⁴¹ See fifth [state report](#), page 19.

⁴² The winner of the new contract is again *Fundación Secretariado Gitano* together with seven other organisations. Since October 2019, the continuation of the Service has been ensured.

⁴³ See Fourth [Opinion](#) of the Advisory Committee on Spain, para. 19, page 8.

⁴⁴ Established under [Organic Law 3/1981](#).

⁴⁵ Article 9.1 of the [Organic Law 3/1981](#).

⁴⁶ Valedora do Pobo, '*A situación da poboación xitana de Galicia. Informe extraordinario*', 2005.

⁴⁷ In 2012, due to the financial crisis, the equal treatment department of the Spanish Ombudsperson was merged with the migration department, which also deals with gender-based violence. The Spanish Ombudsperson also acts as the national preventive mechanism against torture, although it has not received any additional funding for this task.

⁴⁸ The Ombudsperson intervened in a case filed by the *Federación Nacional de Asociaciones de Mujeres Gitanas KAMIRA* concerning segregation in Al-Bolafia school in Cordoba and in a case concerning the reluctance of a Cordoba secondary school to accept Roma students.

⁴⁹ The Spanish Ombudsperson also intervened in Cortegana where Roma have been expelled and their houses burned.

complaints concerning stereotyping of Roma in the media and addressed them to the State Audiovisual Media Council.⁵⁰ When they relate to hate speech, the Spanish Ombudsperson directs complaints to the Prosecutor's Office.

68. The main areas of concern identified by the Ombudsperson of Galicia relate to housing (due to numerous cases of substandard housing for Roma in Galicia), access to employment and compliance with education requirements. This institution also conducted *ex officio* investigations in cases when someone with Roma ethnic affiliation was denied access to public services. It also reported receiving complaints from individuals about racist-motivated acts denying access to social services for Roma.

69. The Advisory Committee takes note of the Spanish Ombudsperson's involvement in issues concerning gender-related issues, police practices of ethnic profiling, school segregation and denial of health care to migrants (see below for more, under Articles 6, 12 and 15 respectively). It welcomes the fact that the avenue of redress provided by the Spanish Ombudsperson appears to be relatively well known, and its independence generally recognised,⁵¹ although it observes that the number of complaints submitted by Roma reportedly remains low compared with the level of discrimination they face and compared with other groups, such as women victims of domestic violence or migrants.⁵² Indeed, the Advisory Committee is concerned by the alarming data provided in the 2019 Annual Report on Discrimination published by the *Fundación Secretariado Gitano*⁵³ (see below, under Article 4 on Equality data).

70. Against this background, the Advisory Committee underlines the particular importance of awareness-raising amongst the Roma community on measures they can take when faced with discrimination, and of ensuring that they are not prevented from accessing justice in such cases due to a lack of awareness and financial means. In this respect, the Advisory Committee welcomes awareness-raising events held by the Ombudsperson of Galicia to highlight problematic areas, as well as good practices and progress made.

71. The Advisory Committee urges the authorities to further enhance the human and financial capacity of the Spanish Ombudsperson's office so as to ensure that it can fulfil its mandate of promoting equal treatment and non-discrimination, including for the Roma community, and raise awareness about relevant rights and remedies.

72. The Advisory Committee calls on the authorities to take urgent steps to set up an independent equality body or to ensure that the Council for the Elimination of Racial and Ethnic Discrimination be given its full independence, a broad mandate, sufficient resources and freedom to select its own staff in line with relevant international standards.

Equality data and measures to promote full and effective equality (Article 4)

73. The Spanish authorities have expressed recognition that policy measures to promote equality can be more effective if based on reliable data. They also acknowledge that collecting data could better determine the actual frequency of discrimination in Spanish society and help authorities to correct any specific weaknesses identified in the existing legislation.

74. During the last monitoring cycle, the authorities took some additional steps towards gathering more comprehensive data on discrimination and access to equality. Several studies were carried out, such as 'Roma students in secondary education in Spain: a comparative study'⁵⁴, a 'Study-Map on housing and the Roma population',⁵⁵ a 'Second National Survey on the Health of the Roma Population',⁵⁶ and a comparative study on 'The situation of

⁵⁰ The State Audiovisual Media Council was set up by the [General Law on Audiovisual Communication from 2010](#) (see Chapter V of the Law).

⁵¹ The Spanish Ombudsperson was accredited with "A" status by the Global Alliance of National Human Rights Institutions (GANHRI).

⁵² The Spanish Ombudsperson acknowledges that Roma rarely come to this institution with complaints and only a short section is devoted to them in the equal treatment chapter of its annual report.

⁵³ See *Fundación Secretariado Gitano* [annual report on Discrimination 2019](#).

⁵⁴ This [study](#) was carried out in 2013 by the Ministry of Education, Culture and Sports and the *Fundación Secretariado Gitano*, in collaboration with Tomillo Economic and Social Studies Centre, the Ministry of Health, Social Services and Equality and UNICEF.

⁵⁵ The [Study-Map on housing and the Roma population](#) by the *Fundación Secretariado Gitano* and Daleph was financed by the Ministry of Health, Social Services and Equality and published in September 2016 on the basis of data collected in 2015.

⁵⁶ See the [Second National Survey on the Health of the Roma Population](#) (2014) by the Ministry of Health, Social Services and Equality.

Roma: employment and poverty 2018⁵⁷ (For information and data relating to education-related studies, see Article 12 below; for studies related to employment, health and housing, see Article 15 below). Training on equality and non-discrimination was also provided to technical staff of non-governmental organisations working with potential victims of discrimination, including Roma.⁵⁸

75. Activity reports by the Assistance Service for Victims of Racial or Ethnic Discrimination contain statistical data that make it possible to quantify the extent to which some groups are intersectional and gain an overview of the various groups affected by racial or ethnic discrimination and their characteristics. The *Fundación Secretariado Gitano*'s 2019 Annual Report on Discrimination⁵⁹ shows that, in 2018, 334 cases of discrimination and anti-Gypsyism were reported and investigated, which is a significant increase in relation to the 232 cases documented in the previous edition. The right to housing is still one of the many areas of concern, particularly the refusal by individuals to rent homes or apartments to persons belonging to the Roma community because of their ethnic origin.

76. A periodical study on the perception of discrimination by racial or ethnic origin,⁶⁰ based on a survey of 1 660 people belonging to "ethnic minorities" (among them Roma) and overseen by the Working Group on Studies and Reports of the Council for the Elimination of Racial or Ethnic Discrimination, has been carried out four times since 2010 and provides a comparative and measurable analysis of the evolution overtime of the actual situation regarding discrimination of Roma and migrant communities in Spain.⁶¹

77. The Advisory Committee emphasises the importance of regularly collecting reliable and disaggregated equality data⁶² on the number and situation of persons belonging to national minorities so as to better evaluate the impact of policies and measures affecting these groups⁶³ and to devise new sufficient and proportionate policies for national minorities to compensate for their differences with the general population.

78. The Advisory Committee acknowledges the authorities' efforts to collect equality data based on various surveys in different areas. The fact that several of these surveys are conducted periodically allows for comparisons over time. This periodical review should be pursued and extended to all areas under investigation and cross-checked with civil society surveys and reports, e.g. the annual reports on discrimination by the *Fundación Secretariado Gitano*.

79. The Advisory Committee takes note and welcomes past and existing training programmes on human rights and non-discrimination with a Roma focus. It considers, however, that more investment should be made in such training, particularly for judges, prosecutors, lawyers, public officials and social workers, so as to overcome discrimination and structural disadvantages faced by persons belonging to the Roma community. Intersectional discrimination should also be covered by the training programme.

80. The Advisory Committee encourages the authorities to make better use of disaggregated data collected through surveys when devising targeted policies, and to provide further training on non-discrimination, including intersectional non-discrimination, with a Roma focus, for judges, prosecutors, lawyers, public officials and social workers.

Roma Integration Strategies (Article 4)

81. The Spanish authorities reiterated their commitment to continuing to implement policies aimed at improving the living conditions and social inclusion of Roma and combating anti-Gypsyism by further developing the National Roma Integration Strategy 2012-2020 (hereinafter "the Strategy"),⁶⁴ and extending the Operational Plan on the Social Inclusion of Roma for 2018-2020 (hereinafter "the Operational Plan"). In 2017, a mid-term monitoring report on the Strategy (covering 2012-2016) provided an analysis of the degree to which objectives had been achieved and progress had been made since the adoption of the strategy. Following the evaluation of the 2014-2016 Operation Plan, new challenges and priorities were identified for 2018-2020.

82. One of the new features of the 2017 Progress Report compared to previous years was that it described the measures implemented directly under each of the Strategy's objectives and lines of action, showing that this process has mainly helped to advance two objectives: firstly, to improve access to formal employment and reduce job insecurity among Roma; secondly, to promote increased completion of compulsory secondary education and an increase in the academic success of Roma pupils. Measures adopted by the authorities have also helped to promote other lines of action, such as social inclusion, non-discrimination and anti-Gypsyism, equality and gender violence, and culture, citizenship and participation. 61.2% of the measures have been carried out in the spheres of social inclusion, education and employment, and 90% of them have been implemented by the Autonomous Communities. Regarding the type of

⁵⁷ The comparative study '[The situation of Roma: employment and poverty 2018](#)' was published in September 2019.

⁵⁸ The main objective of a 2016 training programme was to improve the theoretical and practical knowledge about assistance to victims of discrimination based on racial or ethnic origin through the identification of incidents, intervention techniques, and action protocols.

⁵⁹ See *Fundación Secretariado Gitano* [annual report on Discrimination 2019](#).

⁶⁰ The objective of this periodical study is to determine risk groups and identify which public policies should be further developed and implemented. Various ministerial departments and members of the Roma Community helped to prepare this study and devise action plans that would complement Roma civil society activities.

⁶¹ Other sociological studies show the existence of some discriminatory practices in Spain on the labour market for immigrants (especially from Morocco). See for instance, María Ramos, Lex Thijssen, Marcel Coenders, '[Labour market discrimination against Moroccan minorities in the Netherlands and Spain: a cross-national and cross-regional comparison](#)', "Journal of Ethnic and Migration Studies", June 2019.

⁶² Equality data include *inter alia* qualitative studies, surveys, interviews, and anonymous testing. For more information on what is expected in terms of equality data, see [European handbook on equality data](#) (2016 revision). See also '[Equality data indicators: Methodological approach Overview per EU Member State Technical Annex](#)' published by the European Commission in 2017.

⁶³ ACFC Thematic Commentary No. 4, para.66.

⁶⁴ The [National Roma Integration Strategy of Spain 2012-2020](#), adopted by the Council of Ministers on 2 March 2012.

groups targeted by the measures, 69% are specific to Roma and 24% are inclusion measures targeting vulnerable groups.

83. With regard to funding, out of the resources provided by the Ministry of Health, Consumer Affairs and Social Welfare⁶⁵ to programmes directly targeting the Roma, 82% of the budget was allocated to employment, social inclusion and education activities, increasing from approximately €8.8 million in 2015 to approximately €14.2 million in 2017. Regional funding for specific measures also increased significantly compared to previous years. Furthermore, the contribution of the European Social Fund to specific measures increased from approximately €8.1 million in 2015 to approximately €9.9 million in 2017 and was allocated in proportions of 85% to the area of employment, 6% to education and 5% to social inclusion.⁶⁶

84. The National Contact Point for the EU in charge of co-ordinating and supervising the planning, implementation and monitoring of the Strategy and its Operational Plan is the Directorate General of Families and Child Services,⁶⁷ which operates under the Ministry of Health, Consumer Affairs and Social Welfare. In addition, at national level, this Directorate is responsible for analysing and disseminating information, transferring knowledge and good practices and securing the participation of Roma civil society, including in the State Council for the Roma People.

85. The State Council for the Roma People plays a fundamental role in the implementation of the Strategy and its Operational Plan. Members of the State Council develop and implement many of the specific programmes in collaboration with public services. The presence of Roma members in the State Council guarantees the involvement and participation of the Roma community in the planning and monitoring of the Strategy and its Operational Plan. The State Council comprises six working groups, namely Social Welfare, Equal Treatment, Non-discrimination and the European Agenda; Education; Employment; Health; Housing; and Culture. These working groups are formed by representatives of the relevant ministry and Roma associations and experts in the given field (see Article 15).

86. The Technical Group for Co-operation with the Autonomous Communities on Roma was set up in 2010 to exchange information among various services about activities carried out for and with Roma, fostering greater links between the national strategy and the Autonomous Communities' local strategies. The Technical Co-operation Group is made up of representatives of the Ministry of Health, Consumer Affairs and Social Welfare and the departments of the Autonomous Communities' responsible for Roma social

inclusion policies and contributes to the annual progress report of the implementation of the Strategy by reporting information about measures undertaken by the respective Autonomous Communities in favour of the Roma.

87. At present seven Autonomous Communities⁶⁸ have developed their own Roma integration strategy or plan and have used their own resources to co-finance programmes and specific measures to promote the social inclusion of Roma. Another three Autonomous Communities are in the process of doing so. Most of the Autonomous Communities take national strategy goals into account when devising and implementing their own strategy and policies, especially those related to social welfare policies and social inclusion, which in most cases give rise to the promotion of specific actions and programmes that cater for Roma. This is the case in Galicia, which was the first Autonomous Community to develop its own strategy.⁶⁹ In other Autonomous Communities, such as in Castilla-La Mancha, the choice was made to include Roma components in mainstreamed social welfare plans, although some municipalities with large Roma populations have devised specific action plans.⁷⁰

88. The Advisory Committee welcomes the strong commitment from the authorities to continue fighting poverty and improving the living conditions and social inclusion of Roma in the four key action areas of the Strategy (education, employment, housing and health). It also welcomes the incorporation of five other lines of action into the Operational Plan for 2018-2020 (social inclusion; equality and gender violence; non-discrimination and measures to combat anti-Gypsyism; culture; and citizenship and participation). The Advisory Committee would like to highlight the complementarity of these five additional lines of action with the four fundamental areas of social inclusion. In particular, it welcomes the focus on Roma women and gender violence.

89. The Advisory Committee considers however that gender equality should be mainstreamed throughout the Operational Plan for 2018-2020, all subsequent Operational Plans and all identified thematic priorities and lines of action. In addition, authorities at all levels should pay further attention to gender equality within the Roma community, addressing for instance multiple discrimination resulting from early and arranged marriages, domestic violence⁷¹ and the alleged traditional roles of women and girls within Roma families, and analysing the impact of policies and programmes from a gender perspective. To this end, the Advisory Committee welcomes the CALÍ programme which promotes the equality and empowerment of Roma women, focusing in particular on those who suffer multiple discrimination and domestic violence. It also welcomes the

⁶⁵ Since the visit of the Advisory Committee to Spain, this ministry has been renamed the Ministry of Social Rights and 2030 Agenda.

⁶⁶ In the budget of the Ministry of Health, Consumer Affairs and Social Welfare, there is a specific budget line for the Roma Development Plan, through which social intervention projects for care, social inclusion and preventing the marginalisation of Roma are co-financed. The total budget in 2017 exceeded €2.2 million, and, according to the authorities, efforts are currently being made to increase it significantly. In addition, the budget of this ministry grants annual subsidies for the implementation of social co-operation and volunteer programmes, funded by Personal Income Tax for Individuals (PIT). A new feature in 2017 was that 80% of this endowment was transferred to the Autonomous Communities.

⁶⁷ Since the visit, this Directorate General has been renamed the Directorate General for Family Diversity and Social Services and operates under the Ministry of Social Rights and 2030 Agenda. It continues to act as the EU National Focal Point.

⁶⁸ Andalusia, Aragon, Basque Country, Catalonia, Galicia, Navarre and Valencia.

⁶⁹ Approximately 13 400 Roma reside in Galicia.

⁷⁰ Approximately 40 000 Roma reside in Castilla-La Mancha. Ciudad Real, Toledo, Albacete and La Roda are among the cities with the largest Roma population in this Autonomous Community.

⁷¹ A high prevalence of domestic violence within the Roma community was reported by the Ombudsperson of Galicia and by a Roma women's association from Castilla-La Mancha. Very often such cases remain unreported.

fact that certain Autonomous Communities, such as Castilla-La Mancha, pay particular attention to the empowerment of Roma women and their representation in their regional consultation bodies.

90. The Advisory Committee notes that most Roma integration issues in the Autonomous Communities and municipalities visited are handled and co-ordinated by Social Welfare Departments while at state level they are dealt with by the Ministry of Health, Consumer Affairs and Social Welfare. Whilst on the one hand, the Advisory Committee acknowledges that this is an important entry point for such policies, on the other hand, it may reinforce the impression that Roma are nothing more than beneficiaries of social welfare. Therefore, the Advisory Committee would welcome it if other departments (dealing with education, employment, equality, etc.) took a more leading role and ownership of Roma-related policies, especially at regional and local levels. The Advisory Committee also observes that core state responsibilities, and, in the case of Autonomous Communities, shared or devolved responsibilities are often outsourced to certain non-governmental organisations for the implementation of Roma-related programmes, studies or awareness campaigns. While it recognises the quality and commitment of these non-governmental organisations, the Advisory Committee emphasises that this does not absolve the authorities of their responsibility to ensure that measures are taken in a sustainable and accountable manner, in line with the obligations of the Framework Convention.

91. The Advisory Committee calls on the authorities to ensure that the next phase of the National Roma Integration Strategy strengthens co-ordination with the Autonomous Communities; to encourage all Autonomous Communities to develop their own strategy; and to allocate the resources needed for sustainable implementation of national and regional strategies.

92. The Advisory Committee calls on the authorities to broaden Roma-related policies beyond the remit of social welfare institutions by also involving education, employment, housing and other relevant authorities more closely, especially at regional and municipal levels.

93. The Advisory Committee encourages the authorities to mainstream gender equality in all the parts of the next phase of the National Roma Integration Strategy, to pay greater attention to gender equality within the Roma community, addressing double discrimination, early marriages, and the alleged traditional roles of Roma women and girls within Roma families, and to analyse the impact of policies or programmes from a gender equality perspective.

94. The Advisory Committee encourages the authorities to assess the respective roles of public authorities and civil society organisations in the delivery of public services for the Roma community, especially at the regional and local levels, with a view to ensuring that such services are delivered in a consistent and accountable way and with satisfactory quality.

Preservation and development of minority cultures and identities (Article 5)

95. The Advisory Committee notes that according to Article 46 of the Spanish Constitution, “the public authorities [shall] guarantee the conservation and promote the enrichment of the historical, cultural and artistic heritage of the peoples of Spain and the assets that comprise it, whatever their legal regime and ownership.”

96. The National Roma Integration Strategy for 2012-2020 includes a specific line of action on the “Promotion of Culture”, which is co-ordinated and monitored by the Culture Working Group of the State Council for the Roma People, comprising representatives of the Ministry of Culture and representatives of Roma associations. The Action Plan also includes measures taken from the Action Plan of the National Institute of Roma Culture⁷² aimed at disseminating and promoting Romani history, cultural creation and heritage, including through art and films. The total annual budget dedicated to measures promoting Romani culture and history was approximately €302 500 in 2017 and €325 000 in 2018, financed by the General State Administration and the Autonomous Communities (92% and 8% respectively).⁷³ In addition, since 2011, a course on Romani language and culture has been taught at the University of Alcalá.⁷⁴

97. The 2017 Progress Report describes some positive initiatives, such as the 2019 Goya Award awarded to Arantxa Echevarría, for her film “*Carmen y Lola*”, which tells the story of two lesbian Roma women.⁷⁵ Other measures include the annual celebration of International Roma Day (8 April) and the organisation of events that promote knowledge and recognition of the historical memory of the Roma, such as the genocide of the Roma during the Second World War (“Samudaripen”). Two popular initiatives run through “change.org” are currently trying to get UNESCO to recognise the *Zambra Gitana del Sacromonte Granadino* and *Rumba Gitana Catalana* as parts of the Intangible Cultural Heritage of Humanity.⁷⁶ (With regard to the promotion of Romani culture in the school curriculum, see Article 12 below).

98. Several of the interlocutors of the Advisory Committee pointed to the lack of any major progress in the promotion of Romani culture and identity at state level or in certain Autonomous Communities. Criticisms focused in particular on the lack of references to Romani culture as an integral part of the Spanish culture in school curricula.⁷⁷ When they do exist, mentions of Romani culture are too often limited to folklore traditions such as music and dance. Some of the interlocutors in Castilla-La Mancha complained about the lack of knowledge of Romani culture among social workers and mediators.

99. The Advisory Committee reiterates that establishing suitable conditions for persons belonging to minority groups to be able to preserve and develop their cultures and to assert their respective identities is considered essential for an integrated society. While this overall inclusive perspective in

⁷² According to the authorities, the Autonomous Community of Catalonia is in the process of creating its own Roma Culture Institute.

⁷³ According to information provided by the authorities, no EU funds are used for this type of activity.

⁷⁴ Since 2011, more than 180 students from different academic backgrounds have enrolled in this course.

⁷⁵ This film was highlighted on several occasions by various interlocutors as a powerful means of showing Roma from a different perspective and addressing diversity and tolerance, including within the Roma community.

⁷⁶ See [report by the Association of teachers teaching to Roma](#), chapters 8 to 11.

⁷⁷ See in this respect the [analysis and position of the Association of teachers teaching to Roma](#), pages 79-82.

Spain is in principle commendable, it can have the adverse side effect that less mainstreamed elements of the Romani culture do not receive adequate support or attention and that stereotypes are reproduced rather than genuine cultural expressions.

100. In this context, the Advisory Committee notes that the cultural contribution of Spain's Roma to the state's history and the fact that this has enriched the identity of all Spaniards is not contested in Spain. The Advisory Committee welcomes the authorities' commitment to financially support more initiatives related to the culture and history of Roma following the creation of the Institute of Roma Culture in 2007, but considers that further measures are needed to show and promote the cultural diversity and talent of Roma. The Advisory Committee regrets that Roma are not sufficiently aware of the rights they have under the Framework Convention to promote their culture and identity.

101. The Advisory Committee encourages the authorities to place even more emphasis in the next Operational Plan of the National Roma Integration Strategy on promoting the culture and history of Roma, and their contribution to Spanish society, and to provide sustainable funding for the promotion of Romani culture in general.

Tolerance and intercultural dialogue (Article 6)

102. Spain is a culturally diverse country, which also has significant migrant and refugee communities.⁷⁸ The Spanish Observatory of Racism and Xenophobia (OBERAXE) carried out an annual review of the situation and development of racism, xenophobia and other forms of intolerance in Spain using nationwide surveys carried out among Spanish citizens aged 18 or over by the Sociological Research Centre (CIS). The information collected is used to produce reports which give a clear picture of trends in Spanish society's perception of and attitudes towards immigration, helping to shape public policies on the integration of immigrants and combating racism, racial discrimination, xenophobia and intolerance.

103. A report on trends in racism, xenophobia and other forms of intolerance was published in 2018⁷⁹ based on the data collected in the 2016 survey of attitudes towards immigration.⁸⁰ Comparison of the findings of the 2016 survey of Spanish attitudes and perceptions regarding immigration with those of previous years reveals an improvement in almost all the variables used to measure racist, intolerant or xenophobic attitudes among the survey population, the results for 2016 being the best in almost every respect of all those ever recorded (from 2007 to 2016). In 2016, 54.3% of those surveyed had a positive perception of immigration (the highest percentage recorded since the absolute high of

58.7% in 2007). The percentage of negative perceptions (25.7% in 2016) was also the lowest since 2007 (23.6%).

104. The idea that immigrants should enjoy the same basic rights as Spanish people has also continued to gain ground. In 2016 it attained the highest levels ever in every area measured: 87.9% of those surveyed considered that immigrants properly settled in Spain should be able to become Spanish citizens, the same percentage thought they should have the right to bring their families to Spain, and 93.7% agreed that they should have the right to receive unemployment benefits. Best ever results were also recorded in respect of opinions on whether immigrants should be expelled in the event of long-term unemployment (down to 35.1%); the idea that immigrants are good for school life scored 74.4%, while the idea that their presence lowers the standard of education dropped to 40.8%.

105. The report released by OBERAXE also includes questions relating to relations and neighbourhood life with the Roma population⁸¹, revealing variables in terms of acceptance of different types of relations with Roma.

106. No specific study has been released in Spain to assess the general climate of tolerance towards Roma in particular, with the exception of the "Special Eurobarometer on Discrimination in the European Union-Roma".⁸² According to this study, Spain is the EU country where citizens report they have most Roma friends (55%) and is one of the EU countries where citizens report they would feel most comfortable with having a Roma person in the highest elected political position (72%). These results, however, are not so positive when citizens are asked whether they would accept having Roma children as classmates, whether Romani history and culture should be covered in school lessons and teaching materials or if society would benefit from better integration of Roma.

107. The authorities indicated that attitudes towards Roma generally vary depending on the experience (positive/negative) of citizens. Since 2013 the authorities have attempted to combat stereotypes by adapting, developing and disseminating the Council of Europe's DOSTA! campaign⁸³ against prejudice and stereotypes towards Roma.⁸⁴ In addition, the YOSOYTÚ Diversity programme, targeting young people between the ages of 13 and 20, was developed and implemented with the aim of promoting positive messages regarding diversity among this fundamental segment of the Spanish population so as to avoid the propagation of stereotypes that generate anti-Gypsyism and discriminatory behaviour.⁸⁵ A web portal was

⁷⁸ For example, refugee communities in Castilla-La Mancha originate mainly from Syria, Venezuela, Ecuador, and Sub-Saharan Africa, whilst immigrants mainly originate from Morocco.

⁷⁹ For the first time the report contains a section focusing specifically on 'Immigrant Women and Integration', featuring data and factors affecting women immigrants, the stereotypes associated with them, their place in the labour market and their integration into Spanish society.

⁸⁰ See [2016 survey of attitudes towards immigration](#).

⁸¹ Such as living in the same neighbourhood or on the same block as Roma, renting accommodation to Roma tenants, working or studying with Roma colleagues, working under a Roma boss, letting your children bring Roma friends home, letting your children marry Roma, sending your children to schools with Roma pupils.

⁸² This survey, ordered by the European Commission, Directorate-General for Justice and Consumers, was published in May 2019.

⁸³ See [Spain-related page of the Dosta! campaign website](#).

⁸⁴ Through a co-operation agreement between the State Secretary for Equality, the Directorate General of Families and Child Services, the Ministry of Foreign Affairs and Co-operation and the *Fundación Secretariado Gitano*.

⁸⁵ This programme was carried out in 2015 and financed by the European Commission, with the collaboration of a Roma entity

set up⁸⁶ to provide materials and a range of potential awareness-raising activities.⁸⁷

108. Furthermore, the project “We are more, against hate and radicalism” promoted by Google and carried out in 2018-2019 with the collaboration of various ministries and civil society organisations⁸⁸ helped to prevent hate speech and violent radicalisation. Its two main areas of activity were training workshops in schools and education centres throughout the country and awareness-raising through a communication campaign supported by YouTube video creators, who helped to pass on positive messages through their videos.

109. Approximately one million Euros is being invested in measures and programmes to combat discrimination against Roma and reduce negative attitudes and stereotyping among key players, mainly public services (education, employment, health, housing, media, legal practitioners, justice). This includes raising awareness about Romani culture and history and disseminating information about their contribution to society. Other measures are designed to support victims of discrimination and promote mediation and intercultural activities, generally at local level.⁸⁹ Awareness-raising campaigns on discrimination against Roma are also conducted by civil society and are helping to change images by promoting Roma role models.⁹⁰ The Ombudsperson of Galicia has also taken steps to promote Roma role models and showcase Roma success stories.

110. All the interlocutors of the Advisory Committee during its visit claimed that the increasing influence of the far-right political party VOX, which actively campaigns against migrants, refugees and asylum seekers, had not affected the level of tolerance towards Roma. The Advisory Committee was told that VOX has not made any public declarations against Roma and, by some of its interlocutors, that making anti-Roma statements – at least during national elections – would in fact be counterproductive for any political party.⁹¹ The assertiveness of this remark needs to be tempered where it comes to local and regional elections.

111. It was also stated by several interlocutors of the Advisory Committee that the current situation in Catalonia did not have any impact on relations between persons belonging to the Roma community and the rest of the Spanish population, or between Roma living in Catalonia and those living in the rest of Spain. The Advisory Committee regrets,

however, that it was not able to consult Roma from Catalonia directly on this matter as neither of the two Roma associations from Catalonia that had been invited by the authorities to the meeting with the State Council for the Roma People came to Madrid.

112. The Advisory Committee points out that Article 6(1) of the Framework Convention obliges states to take effective measures to promote mutual respect, understanding, and co-operation among all persons living on their territory.

113. The Advisory Committee is pleased to note the overall climate of tolerance and openness to the Roma community which prevails as an integral and traditional part of Spanish society. The OBERAXE studies show that the Spanish population’s attitudes towards migrants and refugees continue to be welcoming, and more so than their European neighbours, regardless of whether the immigrants come from EU countries or elsewhere. The Advisory Committee observes however that the number of migrants, refugees and asylum seekers differs greatly between the various Autonomous Communities,⁹² and that this may have an impact on the level of tolerance towards “visible minorities”, and on manifestations and expressions of intolerance, notably on social media, or in political statements at local and regional level. It also takes note that although mixed marriages exist, they are often viewed negatively, both by Roma and by non-Roma.

114. The Advisory Committee notes that a wide range of projects and measures to promote tolerance and intercultural dialogue set out in the National Roma Integration Strategy were implemented during the reporting period, including by the Autonomous Communities of Galicia and Castilla-La Mancha, and by several associations. The role of the intercultural mediator in the Galician branch of the *Fundación Secretariado Gitano* should be highlighted as a positive practice in this respect. It also notes that nineteen Spanish cities or municipalities are part of the Intercultural Cities Programme of the Council of Europe and have set up intercultural municipal councils or strategies.⁹³

115. While acknowledging the firm commitment and initiatives of the authorities at national and municipal levels to promote tolerance and intercultural dialogue in society in line with Article 12(1) of the Framework Convention, and welcoming the involvement of external donors in this process, the Advisory Committee wishes to point out that the primary

⁸⁶ See [YOSOYTÚ Diversity programme web portal](#).

⁸⁷ The portal also has a section to help young people who suffer, or have witnessed, acts of discrimination on grounds of sex, disability, race or ethnicity, together with a section entitled “a little story”, giving examples of people who have left their mark and a legacy of collective achievements despite the impediments of an intolerant environment.

⁸⁸ Including the Ministry of Justice; the Ministry of the Interior (Secretary of State for Security and CITCO); the Ministry of Education and Vocational Training (CNIIE); the Ministry of Employment, Migration and Social Security (Secretary General for Immigration and Emigration and OBERAXE); the Ministry of Health, Consumer Affairs and Social Welfare (Secretary of State for Social Services); Red Aware (Alliance of Women Against Radicalisation and Extremism); FeSP-UGT through the Intercultural Classroom; the NGO *Jóvenes y Desarrollo*; and Google, through the global YouTube Creators for Change initiative.

⁸⁹ See 2018 progress report on the implementation of the [National Roma Integration Strategy of Spain 2012-2020](#).

⁹⁰ See for instance the [video of the campaign “El Tatuaje Que Más Duele - Testimonios”](#) by the *Fundación Secretariado Gitano*.

⁹¹ The [Organic Law 6/2002](#) provides for the judicial dissolution of a political party which persistently promotes, justifies or excuses the exclusion or persecution of persons on the grounds of their ideology, religion or belief, citizenship, race, sex or sexual orientation; it also includes legal provisions making it a requirement to withdraw public funding for such parties.

⁹² The Autonomous Community of Castilla-La Mancha and Toledo municipality drew the Advisory Committee’s attention to the large number of refugees and asylum seekers they welcome. By comparison, the number of refugees in Galicia is relatively low, with only 700 refugees arriving in this region over the last three years.

⁹³ See the [list of Intercultural Cities](#).

responsibility for addressing the above lies with the state authorities. Heavy reliance on external funding can undermine the authorities' ownership of the implementation process and hamper the effectiveness and long-term impact of this work.

116. According to the Advisory Committee, the fact that there are TV programmes or official Spanish language dictionaries that continue to reinforce stereotypes does not help to foster tolerance, respect and intercultural dialogue; quite the contrary in fact as it increases anti-Gypsyism. A particularly problematic example that was raised was that Spanish Roma are described as “*trapaceros*” (“swindlers”) in the Spanish language dictionary published by the Spanish Royal Academy of Sciences, which had refused to amend this definition of ‘*gitanos*’ despite a public campaign “*Yo no soy trapacero*”⁹⁴ and had only agreed in 2015 to specify that the word “is offensive and discriminatory” in the online version of the dictionary.⁹⁵ The word “*gitanada*” also appears in this dictionary as an equivalent of “*trapacería*” (“scam”).⁹⁶ In the Advisory Committee’s view, official bodies such as the Spanish Royal Academy of Sciences have a particular responsibility to refrain from reinforcing or legitimising negative stereotypes. (See Article 4 for *ex officio* investigations conducted by the Spanish Ombudsperson on the use of these derogatory terms).

117. The Advisory Committee calls on the authorities to take appropriate steps so that official Spanish language dictionaries do not contain any derogatory words or convey any negative stereotypes about Roma.

118. The Advisory Committee encourages the authorities at all levels to progressively move from a project-based to a more structural and sustainable approach in promoting tolerance and intercultural dialogue.

119. The Advisory Committee invites the authorities to encourage Spanish municipalities which have not done so to set up their own intercultural municipal councils and strategies.

Policing and respect for human rights (Article 6)

120. The Spanish police provide general education and training related to human rights, racial and other forms of discrimination, and combating xenophobia and racism at various levels of policing. Roma associations are often involved as trainers and/or co-organisers.⁹⁷

121. The Ministry of the Interior continues to support training programmes in the Police Academy, covering specific lectures for police officers.⁹⁸ In addition, a practical guide for professionals entitled “How to act in cases of discrimination and hate crimes and intolerance” was published in 2015, and includes resources and practical information to help improve assistance to victims of discrimination and hate crimes.

122. The practice, initially introduced in Catalonia, to have some police officers acting as focal points for Roma or migrants has now been applied throughout most of the Autonomous Communities. The number of police officers of Roma ethnic affiliation is unknown however; and is reported to be limited. The Advisory Committee was told that there is currently no strategy for improving the representation of ‘minorities’ or diversity within the law enforcement agencies.

123. The Advisory Committee notes that past human rights and non-discrimination training for police officers (with a focus on Roma) have produced positive results. The work of the police and its interaction with persons belonging to the Roma community were talked of positively by many of the interlocutors of the Advisory Committee during the visit. Some exceptions were reported, however, particularly in relation to ethnic profiling by the police when asking for identity papers on the streets. Stop and search practices have to avoid being discriminatory to Roma so that police officers are not perceived as enemies.

124. The Advisory Committee is particularly pleased that persons belonging to the Roma community have been systematically involved in training activities as trainers and co-organisers. The Advisory Committee believes however that in due course a proper evaluation of the performance of trained police officers will be needed to assess the long-term effectiveness of such courses.

125. The Advisory Committee encourages the authorities and law enforcement bodies to continue to promote respect for human rights and involve persons belonging to the Roma communities in their training and awareness-raising activities and, in due course, to assess the effectiveness of training programmes.

126. The Advisory Committee encourages the authorities to increase the representation of Roma in law enforcement bodies.

⁹⁴ The [video of the campaign](#).

⁹⁵ See [online definition of “gitano”](#), sub-definition no. 5.

⁹⁶ See [online definition of “gitanada”](#).

⁹⁷ For example, *Federación Nacional de Asociaciones de Mujeres Gitanas KAMIRA* based in Cordoba has jointly hosted several training courses with and for the police, including in Madrid and Cordoba. The Galician branch of the *Fundación Secretariado Gitano* participates as a trainer in the training courses to prevent discrimination provided by the police academy, the Galician Academy for Security.

⁹⁸ For instance, training on applicable rules for stop and search was conducted with the Fuenlabrada Municipal Police (Madrid Community).

Hate speech and hate crime (Article 6)

127. A comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Other related Intolerance was approved by the Council of Ministers on 4 November 2011. The lines of action of this strategy address, on the one hand, the international commitments entered into by Spain in the areas of racism and xenophobia and, on the other, the needs, demands and hopes of Spanish society itself. Following the adoption in 2014 of a Protocol of Action of the Security Forces and Bodies for Hate Crimes and Behaviour, a support manual for the training of security forces was issued to help the police identify and record hate crimes and racist and xenophobic incidents.⁹⁹ In addition, an Action Plan to combat hate crimes¹⁰⁰ was devised by the Ministry of the Interior in January 2019.¹⁰¹

128. OBERAXE collects and analyses information on racism, racial discrimination, xenophobia and other forms of intolerance in collaboration with the Secretary General of Immigration and Emigration, other relevant ministerial departments and institutions, civil society, and European and international institutions. OBERAXE publishes annual analytical reports on the evolution of racism, xenophobia and other related intolerance in Spain. (See above under Article 6, Tolerance and Intercultural Dialogue).

129. The Criminal Code contains several regulations¹⁰² related to hate crime and provisions addressing hate speech in the media. Article 22.4 in particular refers to a criminal offence committed “for racist or anti-Semitic reasons, or another kind of discrimination related to ideology, religion or belief of the victim, ethnicity, race or nation to which he/[she] belongs, his/[her] sex, sexual orientation or identity, and grounds related to gender, illness or disability”. It does not, however, expressly mention anti-Gypsyism¹⁰³ (*antigitanismo*) as one of the possible grounds of bias.

130. In this respect, the authorities consider that “the response of Spanish criminal law against hate crimes and discrimination constitutes a comprehensive solution, dealing with the diverse range of events that may occur in this context. Apart from specific terminological definitions that may have been included in legislative texts in accordance with very specific historical contexts, the will of the legislator has been to address the protection of equality without generating a semantic debate that could hamper the prosecution of these crimes.” Furthermore, they consider that “the inclusion of excessively specific perimeters of legislative protection, such as the inclusion of the term ‘anti-Gypsyism’

among the specific elements subject to criminal prosecution, could have been interpreted by its very name as a form of exclusion of other ethnic and cultural structures that also suffer discrimination. The current substantive formulation, far from being an indeterminate legal concept, allows for criminal punishment over a much broader range of criminal action directed against diversity.”

131. During the visit, several of the interlocutors of the Advisory Committee considered however that the hate speech-related article in the Criminal Code was too vaguely worded to be used effectively by relevant equality bodies, particularly the State Audiovisual Media Council, and regretted that the Criminal Code did not expressly mention anti-Gypsyism as one of the possible grounds of racist bias.

132. The National Hate Crimes Office collects statistics on hate crime¹⁰⁴ and since 2013, has published an annual report on the evolution of incidents related to hate crimes in Spain.¹⁰⁵ Comparison between 2013 (1 172 cases) and 2018 (1 600 cases) shows an increase;¹⁰⁶ however, according to some, it might also be due to the fact that people are becoming more aware and willing to report. On the other hand, the European Union Fundamental Rights Agency (FRA) estimates that 80-90% of offences are under-reported. The grounds for hate crime are mainly linked to ideology, racism/xenophobia and LGBT. Racism is constant at around 30-37% of all hate crimes. Anti-Semitism is very low; only nine cases were reported in 2018;¹⁰⁷ however, the authorities acknowledge that there is a high level of under-reporting among the Jewish community. A slight growth in discriminatory incidents has been noted, but, according to interlocutors of the Advisory Committee, it cannot be correlated with the appearance of the far-right political party Vox. Since 2017, hate crime related to ideology has gone up.

133. In the education sector, a Support Manual for the prevention and detection of racism, xenophobia and other forms of intolerance in the classroom was published as a tool for teacher training, education centres and the academic sphere in general.¹⁰⁸ Prevention and treatment of intolerance was included in the Ministry of Education and Vocational Training’s new Co-existence Plan,¹⁰⁹ and training on preventing racism, xenophobia and related intolerance in the

⁹⁹ See [state report](#), page 17.

¹⁰⁰ See the [Action Plan to combat hate crimes](#).

¹⁰¹ This Action Plan includes 47 measures to help police be more responsive and attentive to victims.

¹⁰² See in particular Articles 22.4, 314, 510, 511, 512 and 515.4 of the [Criminal Code](#).

¹⁰³ See [ECRI General Policy Recommendation N° 13 on combating anti-Gypsyism and discrimination against Roma](#), which provides a definition of “anti-Gypsyism” as a specific form of racism.

¹⁰⁴ The National Hate Crimes Office does not monitor hate speech; OBERAXE monitors it on Twitter. However, this Office has an alert co-ordination mechanism called ALRECO that can alert the authorities if certain groups are targeted by hate speech.

¹⁰⁵ The Advisory Committee received reports from 2013 to 2018.

¹⁰⁶ According to the *Fundación Secretariado Gitano*, hate crime and speech against Roma is also on the rise.

¹⁰⁷ There were six cases reported in 2017 and seven in 2016.

¹⁰⁸ This manual was already available for teacher training on racism, xenophobia and other forms of intolerance in Castile and Leon and has facilitated collection of information on the motives for incidents in Valencia’s PREVI registration system. See also [state report](#), pages 23-24.

¹⁰⁹ Activities devised as part of this Plan include *inter alia* the education materials “# SomosMás, against hate and radicalism”, a Master Plan for coexistence and safety in education centres and their surroundings, a campaign entitled “all against bullying”, a Blog called CONVIVES, and a European campaign against intolerance on the Internet. For more information, see [state report](#), page 24.

classroom was provided to 1 400 teachers and education officers through the FRIDA Project.¹¹⁰

134. The Advisory Committee reiterates that hate speech and hate crime concern and threaten society as a whole. Law enforcement agents should therefore be appropriately trained to ensure that such incidents are prevented, identified and recorded, and duly investigated and punished through targeted, specialised and prompt action.¹¹¹

135. The Advisory Committee would also refer to a Council of Europe recommendation of 2017, which calls on all its member states to “ensur[e] that where legislative texts refer to other specific forms of discrimination targeting particular groups (for example, anti-Semitism, Islamophobia, Christianophobia, gender-based discrimination), those texts refer to anti-Gypsyism on an equal footing”.¹¹²

136. The Advisory Committee takes note of the generally rather comprehensive legal framework on hate crimes and hate speech and of various training programmes and projects aimed at raising-awareness and combating hate crimes intended for the police and teachers. Overall, hate speech and hate crime seem to be relatively rare. However, on the basis of data provided by civil society, instances of online hate speech need to be more systematically addressed.

137. The Advisory Committee observes with interest that anti-Gypsyism is recognised as a specific form of racism by several public institutions¹¹³ and certain local authorities and Autonomous Communities.¹¹⁴ The term is also widely used among civil society and its recognition is actively promoted by the Spanish Roma association. A Roma women’s association has even set up an observatory to document the phenomenon in Spain.¹¹⁵ A Declaration on Strategies against Anti-Gypsyism was recently adopted by participants in an international conference held Tenerife in December 2019.¹¹⁶

138. The Advisory Committee particularly welcomes the recent inclusion of anti-Gypsyism among other listed forms of racist-motivated bias¹¹⁷ in the statistics of the National Hate

Crimes Office. It would also expect the recognition of anti-Gypsyism as a specific form of racism to be reflected in Spain’s anti-discrimination legislation and listed as a general aggravating circumstance for any offence under Article 22.4 of the Spanish Criminal Code, as is the case already with anti-Semitism,¹¹⁸ bearing in mind that historical evidence also exists for the Roma community¹¹⁹ and considering the indisputable nature of the discrimination and anti-Gypsyism reported to and dealt with annually by the Assistance and Guidance Service for Victims of Racial or Ethnic Discrimination and equality bodies.

139. The Advisory Committee also welcomes the fact that data on hate crimes are regularly collected and published through annual reports on the evolution of incidents related to hate crimes.¹²⁰ It is difficult however to assess any cases of anti-Gypsyism based on existing data collection since the National Hate Crimes Office only began collecting such data in 2019. The Advisory Committee considers that forthcoming data on anti-Gypsyism might need to be treated with caution because of the alleged under-reporting of hate crime incidents by the Roma population. In this connection, the Advisory Committee welcomes the recent application for mobile phones to report discrimination and hate crimes online filed by *Federación Nacional de Asociaciones de Mujeres Gitanas KAMIRA*¹²¹ and encourages closer co-operation between KAMIRA, police offices throughout Spain and the Hate Crimes National Office to ensure more adequate reporting of the actual circumstances of hate crime incidents.

140. The Advisory Committee urges the authorities to amend Article 22.4 of the Criminal Code to include anti-Gypsyism explicitly, alongside anti-Semitism and the other aggravating circumstances already listed in the Article.

141. The Advisory Committee strongly encourages the authorities to take measures to encourage alleged victims of anti-Gypsyism, hate speech and hate crimes to report to the police and/or to equality bodies.

¹¹⁰ This project, co-financed by the European Union, and under the responsibility of the General Secretariat for Immigration and Emigration, was carried out in 2014-2017 in collaboration with the National Centre for Research and Educational Innovation (CNIIE) of the Ministry of Education and Vocational Training, all the Autonomous Communities, the autonomous cities of Ceuta and Melilla and civil society. More information in [state report](#), page 23.

¹¹¹ ACFC [Thematic Commentary No. 4](#), para. 56.

¹¹² See Recommendation CM/Rec(2017)10 of the Committee of Ministers to member States on improving access to justice for Roma and Travellers in Europe, in particular recommendation 5(x).

¹¹³ In 2018, the Ministry of Health, Consumption and Social Welfare and the State Council for the Roma People organised the first Theme Day on Anti-Gypsyism in Santiago de Compostela, Galicia.

¹¹⁴ The Autonomous Community of Andalusia is currently drafting a Strategy to fight anti-Gypsyism. Eleven Spanish municipalities (out of approximately 8 000) and one Autonomous Community (out of 17) have endorsed the [Declaration against anti-Gypsyism](#), opened for signature in March 2017 by the Congress of Local and Regional Authorities of the Council of Europe. Whilst welcoming existing signatories, Roma interlocutors felt this was insufficient.

¹¹⁵ ‘Observatorio de Discriminación contra el Antigitanismo’. See also the Pact against anti-Gypsyism ([Pacto contra el antigitanismo-Protocolo de actuación](#)) produced by the *Federación de Asociaciones de Mujeres Gitanas FAKALI*.

¹¹⁶ The Conference [Declaration](#), adopted in Santa Cruz de Tenerife on 13 December 2019, recommends state, regional and local authorities to *inter alia* structure their Roma inclusion policies from the perspective of rights, incorporating anti-Gypsyism as a particular source of inequality. Participants in the Tenerife Conference also asked civil society organisations to ensure that anti-Gypsyism becomes the backbone of their activities and to form alliances to fight against anti-Gypsyism so that elected officials and state and regional governments are made aware of the pressure from civil society and the need to incorporate the fight against anti-Gypsyism into their political agenda.

¹¹⁷ In Spain statistics on grounds for crime also include aporophobia (fear of the poor).

¹¹⁸ See para. 135 for the list of motives listed under Article 22.4 of the [Criminal Code](#).

¹¹⁹ In Spain, between 1499 and 1978, more than 270 legal orders and provisions were promulgated against Roma. Source: [magazine no.34 of the Association of teachers teaching to Roma](#).

¹²⁰ The Advisory Committee received reports from 2013 to 2018.

¹²¹ See [KAMIRA application for mobile phones to report discrimination and hate crimes online](#).

Portrayal of minorities in the media (Article 6)

142. Several interlocutors of the Advisory Committee reported the prevalence of negative stereotypes about Roma in TV programmes, including in prominent national broadcasts, such as the TV programmes “*Palabra Gitana*” and “*Gypsy Kings*”. Whilst these programmes have been discontinued, they continue to be watched on the Internet. The Advisory Committee also heard concerns from representatives of the Roma community about unnecessary mentioning of their ethnic affiliation in certain newspapers. They also complained about the lack of independence of the State Audiovisual Media Council, which is in charge of dealing with complaints related to discrimination in the media, as this body is answerable to the Ministry of the Presidency, Relations with Courts and Equality.

143. The Advisory Committee was informed that in 2016, the Communication Working Group of the Council for the Elimination of Racial or Ethnic Discrimination, working with several members of the Roma associations represented in the State Council for the Roma People, drew up a set of recommendations for the treatment of Roma in the media. Furthermore, one of the measures included in the Action Plan to combat Hate Crimes, adopted in January 2019, is to improve how the media reports on the ethnic background of perpetrators of crimes. The National Hate Crimes Office held a special event with journalists on how to deal with this issue. The detection of hate speech on social networks is also one of the objectives of a 2018 European Union-funded project on “Improving victim assistance of hate crime and hate speech: building trust for a better analysis, training, assistance and data-collection”.¹²²

144. While respecting editorial independence, the Advisory Committee considers that the media should not mention information on ethnic affiliation to the public unless strictly necessary. Such information should not reinforce negative stereotypes against the group in question as it is not conducive to facilitating intercultural dialogue, a principle enshrined in Article 6(1) of the Framework Convention.

145. The Advisory Committee notes that manifestations and expressions of intolerance towards Roma persist, as is also the case with migrants and refugees, and are found occasionally in the print and audiovisual media but more especially on the Internet (social media). In this respect, it regrets the absence of an independent audiovisual media regulatory authority and considers that alleged cases of negative stereotyping in the media and hate speech committed on the Internet should be more systematically investigated, prosecuted and sanctioned on the basis of the recent reform of the Criminal Code.

146. Without prejudice to the editorial independence of the media, the Advisory Committee calls on the authorities to promote ethical reporting that avoids stereotyping, particularly as regards the ethnic affiliation of perpetrators of crimes.

147. The Advisory Committee encourages the authorities to set up an independent media regulatory authority and to step up efforts to ensure that all alleged cases of hate speech, including those committed on the Internet, along with those in

the print and audiovisual media, are effectively monitored, and that offenders are prosecuted and sanctioned where applicable.

¹²² See [state report](#), page 22.

Minority printed media and broadcasting (Article 9)

148. According to information provided in the state report, there are two programmes on public radio dedicated to the Roma: *Gitanos* (broadcast on Spanish National Radio) and *Ververipen: Diversidad Gitana* (broadcast on the municipal public radio of Madrid City Council).

149. The abundance of information and media available in today's digital media environment does not lessen existing state obligations to facilitate the production and dissemination of content by and for national minorities.¹²³

150. The Advisory Committee points that the division of media audiences according to linguistic backgrounds may enhance the formation of separated and mutually exclusive public spheres.¹²⁴

151. The Advisory Committee welcomes the existing provision of radio programmes for Roma but considers it insufficient. It considers that further measures to address the diversity in society should be taken to enable Roma access to media outlets.

152. The Advisory Committee encourages the authorities to increase the number of public radio and TV programmes on and for Roma, in close consultation with representatives of the community.

Use of minority and official languages (Article 10)

153. Castilian Spanish is the official state language¹²⁵ and is spoken by 98.9% of the total Spanish population.¹²⁶ Co-official languages are recognised in the Statutes of Autonomy of several Autonomous Communities, i.e. the Basque Country, Catalonia, the Balearic Islands, Galicia, Navarre and Valencia.¹²⁷

154. As stated in the fifth report of the Committee of Experts on the European Charter, "the status of Caló, i.e. the traditional (non-territorial) language of the autochthonous Roma (Calé) population of the Iberian Peninsula is still unclear. There are at least two varieties spoken in Spain:

Castilian Caló and Catalan Caló so they might even be treated as two languages. On the other hand, they might also be classified as varieties of Castilian and Catalan with lexical elements from Romani."¹²⁸

155. The Advisory Committee is concerned that the absence of any nation-wide research or targeted policy measures in this field may reflect a general lack of information about and awareness of the usage of Caló. In this respect, the Advisory Committee takes note that in its recent recommendation on the application of the European Charter for Regional or Minority Languages by Spain,¹²⁹ the Committee of Ministers invited the Spanish authorities to clarify the situation of Caló as a non-territorial language.¹³⁰

156. Interlocutors of the Advisory Committee belonging to the Roma community made no specific request regarding the use of Caló in relations with the administrative authorities or its teaching within the formal education system. They did, however, express concerns about its disappearance.¹³¹ While older generations are more knowledgeable and have a better command of Caló, younger generations use only a few words. The Advisory Committee was told, however, that Caló is sometimes used for communication on social media by the younger generation and that this could be a way to revitalise its use. It became clear that despite its marginalised use, Caló is seen as part of the identity of the Spanish Roma community.

157. The Advisory Committee considers that, given the average age of those who are still speaking it, Caló might be endangered and if the authorities do not act, there is a risk that it will disappear. Resolute support is therefore needed, and the media, in particular social media, could play a central role in a process of linguistic revitalisation, not for the sole linguistic purpose of keeping Caló alive, but for maintaining the cultural link between persons belonging to the Roma communities and Caló.

158. Furthermore, certain interlocutors of the Advisory Committee said that some members of the Roma community may be interested in learning Romani, their original language,

¹²³ OSCE High Commissioner for National Minorities, [Tallinn Guidelines on National Minorities and the Media in the Digital Age](#), February 2019, para. 7.

¹²⁴ ACFC [Thematic Commentary No. 4](#), para. 70.

¹²⁵ See Section 3 of the [Spanish Constitution](#): "All Spaniards have the duty to know it and the right to use it. The other Spanish languages shall also be official in the respective self-governing communities in accordance with their statutes. The richness of the different linguistic modalities of Spain is a cultural heritage which shall be specially respected and protected."

¹²⁶ According to the [Survey of the Involvement of the Adult Population in Learning Activities](#) distributed by the National Institute of Statistics on the basis of data from 2016 with regard to the languages in Spain that are native languages or languages that are not native but used, 98.9% of the population speaks Spanish, 17.5% speaks Catalan (in Catalonia and in the Balearic Islands), 6.2% speaks Galician, 5.8% speaks Valencian (a variety of Catalan in the Valencian Community) and 3.0% speaks Basque (in the Basque Country and in the Basque-speaking area of Navarre). Less than 5 000 persons speak Aranese (official in the northwest of Catalonia - Vall d'Aran - along with Catalan).

¹²⁷ For more details, see the Declaration contained in the instrument of ratification of the European Charter for Regional or Minority Languages submitted by Spain and page 7 of the [Fifth report of the Committee of Experts of the European Charter for Regional or Minority Languages in respect of Spain](#), adopted on 20 March 2019.

¹²⁸ [Fifth report of the Committee of Experts of the European Charter for Regional or Minority Languages in respect of Spain](#), page 75.

¹²⁹ [CM/RecChL\(2019\)7](#) adopted by the Committee of Ministers on 11 December 2019.

¹³⁰ The Advisory Committee notes that the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX) took the opportunity to visit Spain in December 2018 and examine developments in depth while drawing up its [fifth evaluation report](#) on Spain (adopted on 20 March 2019). The Advisory Committee refers to the detailed findings and recommendations in this report and to Committee of Ministers' [Recommendation CM/RecChL\(2019\)7](#) on the application of the Language Charter by Spain (adopted on 11 December 2019). For more information, see also the [state periodical report](#) on the implementation of the European Charter for Regional or Minority languages (submitted by Spain in English on 28 September 2018).

¹³¹ During the visit, the Advisory Committee was informed that Galician is also not used among the four Roma groups present in Galicia – namely Castilian (or Zamora) Roma, Galician Roma, Portuguese Roma and non-citizens of Roma ethnic affiliation, mostly from Romania). According to some of the interlocutors of the Advisory Committee, they all speak Castilian Spanish.

which was lost due to persecution during the 18th century, with a view to being able to better communicate with large parts of Roma communities outside the Iberian Peninsula who have kept up the use of the Romani language. In this regard, the Advisory Committee underlines that past assimilation policies make the revitalisation and maintenance of the Romani language essential to promote efforts by persons belonging to the Roma community to preserve their culture and for them to be able to exchange with Roma communities living elsewhere in Europe.

159. The Advisory Committee encourages the authorities to support independent academic research on the linguistic status of Caló and its usage, and, after due consultation with Caló speakers, to determine the need for the development and implementation of a plan within the framework of the National Roma Integration Strategy and relevant strategies or action plans of Autonomous Communities in order to preserve, revitalise and maintain Caló and enable its transmission to, and popularisation of its use among, younger generations.

160. The Advisory Committee recommends that the authorities consider, in close co-operation with the Spanish Roma community, providing education in Romani to those interested, making use of existing Romani teaching materials available in Europe and of native speakers of Romani residing in Spain.

Textbooks and teaching materials, teacher training and intercultural education (Article 12)

161. Measures to promote intercultural education have been taken by the Ministries of Education and Culture and the Institute of Roma Culture, which have developed mutual co-operation and have jointly held a series of events related to Romani history and/or culture. A Strategic School Co-Existence Plan has been approved and set up in co-operation with the education authorities of the Autonomous Communities. One of the seven policy dimensions is inclusive education. In this respect, lifelong learning courses¹³² and summer courses¹³³ on interculturalism and inclusion in the education field are provided for teachers.¹³⁴

162. A publication in 2017 analysed the presence and perception of Romani culture in textbooks in the compulsory education curriculum. In addition, the Education Working Group of the State Council for the Roma People, co-ordinated by the National Centre of Innovation and Educational Research (CNIIE), is supervising the preparation of two teaching packages on Romani culture and history for primary and secondary schools to be published in 2020.¹³⁵

163. A recently published Analytical Report on the Representation of Roma in European Curricula and Textbooks - covering Andalusia, Catalonia, Valencia and Madrid - reveals that Spain refers to Roma in a combined geography and history course, in an optional subject on the cultural and artistic heritage of Andalusia and in cross-curricular sections focusing on the development of intercultural competence. Spain is in fact the only country surveyed “where a discussion of Roma is part of cross-curricular guidelines to promote intercultural competence, tolerance and respect for diversity”.¹³⁶

164. This survey, however, only examined the curricula and textbooks in four Autonomous Communities. Several of the Roma interlocutors of the Advisory Committee complained that most of the time, curricula and textbooks hardly refer to Romani history and culture; their stories and voices remain marginal, if not ignored, in the educational environment, and they are seldom portrayed within the context of a diverse society. The only recent positive example, which was mentioned by several of these Roma interlocutors, was the inclusion of Romani history and culture in the school curriculum and textbooks in Castile and Leon.¹³⁷

165. Criticism was also voiced concerning the lack of ‘interculturality’ in the concept of ‘inclusive education’ as practised in Spain.¹³⁸ Many teachers do not seem to understand what intercultural education means.¹³⁹ As a result, education policies, school curricula and teaching materials do not take sufficient account of Romani culture and history.

166. From other perspectives, some sociological studies have showed that teachers are neither aware of immigrant

¹³² For instance, on: “Inclusive education: equal in diversity” (2014-2015); “School life: prevention and intervention” (2016-2017-2018-2019); “Measures and activities for the cultivation and improvement of school co-existence” (2016); “School life: prevention and intervention” (2016-2017-2018), and “Measures and activities for the cultivation and improvement of school co-existence” (2016).

¹³³ Such as the summer courses run by the Menéndez Pelayo International University on ‘Co-existence, participation and prevention of discrimination and violence in the classroom’ (2015).

¹³⁴ For example, teacher training courses designed to look more deeply into issues of co-existence and inclusion have been developed under the Strategic School Co-existence Plan in co-operation with the education authorities of the Autonomous Communities. Other training for primary and secondary school teachers addressed “Education provision for the Roma school population” and “Inclusive centres educating in diversity”.

¹³⁵ It consists of 20 education units covering Romani culture and history, and anti-Gypsyism. For more information, see [state report](#), page 10. Furthermore, according to additional information received from the authorities, an “Orientation Protocol for the inclusion of Romani history and culture in the school curriculum and teaching practice” has just been published.

¹³⁶ See the [Analytical Report on the Representation of Roma in European Curricula and Textbooks](#) published by the Council of Europe, the Roma Education Fund and the Georg Eckert Institute for International Textbook Research on 5 February 2019. The study covers the subjects of history, civic education and geography in 21 member states of the Council of Europe, including Spain, and focuses on the 10-18 age group, covered in most countries by lower and upper secondary schooling (namely ISCED levels 2 and 3).

¹³⁷ According to the authorities, the Autonomous Community of Navarre has recently set up a working group in charge of preparing new materials to integrate Romani culture and history into its education curriculum. The Autonomous Community of Catalonia has also introduced, in its [‘Plan integral del pueblo gitano en Cataluña 2017-2020’](#), several projects promoting the Romani culture, language and history - see chapter 8.6 Culture of this Plan (in Spanish).

¹³⁸ See [Association of teachers teaching to Roma, Magazine no.34 ‘Currículum y diversidad -cultural. La cultura gitana en un currículum intercultural e inclusivo’](#).

¹³⁹ See [Association of teachers teaching to Roma, Magazine no.31, ‘Educación y Pueblo Gitano’](#).

pupils' stereotypes nor of their own. Consequently, they are not providing sufficient pedagogical responses to deal with situations in which immigrant pupils are disrespected. On the one hand, this fosters racist and xenophobic societies while on the other, teachers' low expectations of these immigrant pupils affect their academic achievements and dropout rates.¹⁴⁰

167. The Advisory Committee reiterates that States Parties are expected to review the curricula and textbooks in subjects such as history, religion and literature regularly so as to ensure that the diversity of cultures and identities is reflected, and that tolerance and intercultural communication are promoted.¹⁴¹ It would also refer to a current initiative by the Council of Europe aimed at recommending member states to include the history of Roma in school curricula and teaching materials.¹⁴²

168. The Advisory Committee welcomes the measures taken to develop teaching materials on Roma for primary and secondary education and encourages the authorities, and the Education Working Group of the State Council for the Roma People in particular, to give their support to the review of secondary education teaching units. Given that the textbooks and curricula of various Autonomous Communities tackle the topic of diversity and multiculturalism, the Advisory Committee considers that knowledge about Roma should therefore be systematically introduced in all curricula, and for all students.

169. The Advisory Committee wishes to highlight the positive example of Castile and Leon Autonomous Community, which recently introduced Romani history and culture into its school curriculum. It points out, however, that there is a need for all Autonomous Communities to mention the historical presence of Roma in Spain and their contribution to the national cultural heritage, and to introduce the compulsory teaching of Roma history into the new Education Law that is being drafted, along with the related school curricula, textbooks and teaching materials so as to increase this knowledge among all Spanish students.

170. The Advisory Committee urges the authorities to extend intercultural education and to introduce Romani history and culture into school curricula, textbooks and teaching materials at state level and in all Autonomous Communities with a view to increasing knowledge among the general population and reducing the prevalence of negative stereotypes; and to provide teacher training accordingly.

Effective access to education (Article 12)

171. Article 80 of Organic Law 2/2006 of 3 May 2016 requires the authorities to devise compensatory measures aimed at persons, groups and geographical regions faced with unfavourable circumstances, and to provide the necessary economic resources to do so.¹⁴³ The government has recently promoted a legislative amendment that will reverse the education cuts introduced in 2012. Furthermore, the draft Organic Law amending Organic Law 2/2006 puts the emphasis on a more inclusive form of education for students with specific educational needs through increased education and training opportunities, reducing early school dropouts and repetition rates and measures to prevent any type of segregation for socio-economic reasons or on grounds of racial or ethnic origin.

172. Several priority programmes subsidised by the government are related to social intervention to prevent absenteeism and school failure, support and monitoring of education activities, adult literacy and the promotion of education schemes for Roma women.¹⁴⁴ Under the specific objective of the National Roma Integration Strategy to provide universal schooling and increase academic success among Roma pupils in primary education, the MUS-E Programme promotes educational and cultural integration of students in situations of social disadvantage through artistic activities in primary, secondary and special education centres.¹⁴⁵ Several education programmes, such as PROA+ (Programme for reinforcement, guidance and support), seek to address the needs of students who are educationally disadvantaged as a result of their personal and/or socio-economic or cultural environment. Furthermore, the Ministry of Education and Vocational Training is currently devising various actions plans, such as the Strategic Plan for Education and Inclusive Training (2020-2024) and the Strategic School Living Plan (phase II - 2020 -2024).

173. The 2017 and 2018 Progress Reports on the National Roma Integration Strategy 2012-2020 show progress in the completion of compulsory secondary education and the school performance of Roma students. Between 2005 and 2018, the number of Roma aged 16 or over who had not studied or were illiterate was reduced by almost half.¹⁴⁶ The number of Roma who had completed secondary and higher education tripled.¹⁴⁷ The number of adult Roma with an education beyond primary school doubled.¹⁴⁸ The government intends to promote the integration of Roma students into mainstream schools through the new

¹⁴⁰ See Joaquim Prats, Blanca Deusdad, Joan Cabre, *School xenophobia and interethnic relationships among secondary level pupils in Spain*, "Education and Change", 2017.

¹⁴¹ ACFC [Thematic Commentary No.3](#), page 11. See also OSCE High Commissioner for National Minorities (2012), [The Ljubljana Guidelines on Integration of Diverse Societies](#), page 56.

¹⁴² At the time of the adoption of this Opinion, [Recommendation CM/Rec\(2020\)2 of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials](#) was still under discussion in a Committee of Ministers' Rapporteur Group and had therefore not yet been adopted by the Committee of Ministers.

¹⁴³ ECRI fifth [report](#) on Spain, para. 14, page 13.

¹⁴⁴ These programmes are prepared by Roma associations or regional federations in response to annual calls, or by other non-governmental organisations working in the sector and with Roma.

¹⁴⁵ This [programme](#), which insists on co-existence and the recognition of cultural diversity, is promoted by the Yehudi Menuhin Foundation (FYME), in collaboration with the Ministry of Education and Vocational Training, the Ministry of Health, Consumer Affairs and Social Welfare and the ministries of education of the eleven Autonomous Communities, plus the regional cities of Ceuta and Melilla, and other municipalities.

¹⁴⁶ From 71.2% to 36.4%.

¹⁴⁷ From 5.3% to 14.21% for secondary and from 1.1% to 3.15% for higher education.

¹⁴⁸ From 28.8% in 2005, this figure increased to 40.7% in 2011 and reached 63.54% in 2018.

Operational Plan of the National Roma Integration Strategy so as to achieve the educational objectives proposed in the Strategy.¹⁴⁹

174. The authorities nevertheless acknowledge that Roma still face special challenges in the education field compared to the general population including a lower number of enrolments in early childhood education and higher education, school failure, a high number of school dropouts, especially at primary and secondary level, a gender gap, school segregation,¹⁵⁰ little coverage of Romani culture and history in curricula, and the negative impact of anti-Roma attitudes in educational practices.¹⁵¹ Furthermore, illiteracy rates remain high among the Roma community.¹⁵²

175. There are however geographical disparities. Unlike in other parts of Spain, in Castilla-La Mancha, most Roma children attend preschool from the age of three. There is however a gap from primary to secondary education. In Galicia, enrolment rates have gone up at both primary and secondary level as a result of educational measures taken under the Regional Roma Integration Strategy of the Government of Galicia, but very few Roma are university graduates. Semi-itinerant Portuguese Roma families now also tend to let their children finish the school year.

176. According to several of interlocutors of the Advisory Committee, Roma do not have equal access to education and the education authorities have not taken any measures to adapt the school system to the cultural specifics of the Roma population. Scholarships are provided but they often arrive too late in the school year. Education professionals tend also to orientate Roma students towards the kind of professions where no secondary or higher education is needed, like collecting scrap metal or selling cattle. To counter low expectations in the school environment but also among Roma students themselves, the Galicia branch of the *Fundación Secretariado Gitano* has created an award to recognise the efforts of Roma students who have overcome difficulties in the education field. Another support scheme run by the *Fundación* is the Promociona Programme which promotes the educational mainstreaming of Roma students with a view to achieving higher academic standards, facilitates the transition between primary and compulsory secondary education and promotes continued middle and/or higher studies and vocational training. This tailored programme involves different stakeholders: students, families, schools and social workers.¹⁵³ Several awareness-raising campaigns on promoting Roma access to education have been organised, the most recent being '*El pupitre*

gitano', which was run by the *Fundación Secretariado Gitano*.¹⁵⁴

177. Cases of school segregation or classes for Roma children only have been reported to the Advisory Committee. This phenomenon is often due to the spatial exclusion of so-called "Roma neighbourhoods" or the fact that non-Roma parents have been gradually removing their children from certain schools attended by Roma children. Some secondary schools also bar access to Roma students (see above under Article 4). In Galicia, however, there is a higher level of inclusion in the education system due to a regulation under which there can be a higher number of students in a classroom if Roma children are present. Criticisms were also made by some interlocutors concerning the progressive ghettoisation of education establishments in all major cities and the lack of any institutional response to this development.¹⁵⁵

178. The Advisory Committee was told that head teachers usually inform the social welfare services about absences and they will conduct investigations if families do not succeed in returning their children to school.¹⁵⁶ The Advisory Committee considers that there is a lack of adequate research or investigation and consultation with the Roma community about the root causes of absenteeism and school dropouts. There is some controversy about the possible impact of early marriages within the Roma community, in which the authorities argue that this does play a role, while some non-governmental organisations claim that it does not.

179. The Advisory Committee urges the authorities to ensure that the right to education is guaranteed for all children by enforcing compulsory school attendance until the age of 16; to this end, it urges the authorities to intensify programmes to further reduce school absenteeism and early dropouts among Roma children, especially from primary to secondary education; to promote educated Roma as role models; and to assess and combat the root causes of school dropouts, involving members of the Roma community and the competent authorities in this process.

Effective participation in public affairs and decision-making processes (Article 15)

180. In the 2019 general elections, four persons affiliated to the Roma ethnicity were elected as deputies to the Spanish Parliament, namely two men and two women on the lists of different political parties.¹⁵⁷ However, the actual participation of Roma in public affairs and in decision-making processes is still low on the whole.

¹⁴⁹ in line with a proposal by the Education Working Group of the State Council for the Roma People made in November 2018.

¹⁵⁰ According to information provided by the authorities, a study map that would provide statistical data on school segregation of Roma students in Spain is being conducted and shall be available by the end of September 2020.

¹⁵¹ Around 70% of the Roma do not have a basic education. Government data from 2013 show that around 17% of Roma students drop out aged 15 and 31% aged 16. The dropout rate is 61% for Roma boys and 64% for girls. In Castilla-La Mancha, eight out of ten Roma students do not complete secondary education. In Galicia, enrolment in primary and secondary education is better than average for Spain as a whole.

¹⁵² According to the European Union Agency for Fundamental Rights, 70% of Spanish adult Roma are either illiterate or functionally illiterate.

¹⁵³ See leaflet on the [Promociona programme](#) (in Spanish).

¹⁵⁴ See [El pupitre gitano video](#).

¹⁵⁵ See [Association of teachers teaching to Roma, magazine no.33](#).

¹⁵⁶ Toledo municipality works with a police mediator ("chupete") to speak to parents and try and bring children back to school.

¹⁵⁷ A Roma man for *Unidas Podemos*, a Roma woman for the Spanish Socialist Labour Party (PSOE), a Roma woman for *Ciudadanos*, and a Roma man for the People's Party of Spain (PP). A Roma woman also stood for the May 2019 local elections on the list of the far-right VOX party in Algeciras, Andalusia.

181. The State Council for the Roma People (hereinafter the “State Council”)¹⁵⁸ is the collegiate inter-ministerial consultative and advisory body attached to the Ministry of Health, Consumer Affairs and Social Welfare, which provides its executive secretariat. The State Council comprises twenty representatives of the general state authorities and twenty representatives of Roma associations¹⁵⁹. The main purpose of the State Council is to promote the involvement and co-operation of Roma associations in the development of general social welfare policies concerning them and in driving the promotion of equal opportunities and treatment for the Roma community. The presence of Roma members on the State Council guarantees the involvement and participation of the Roma community in the planning and monitoring process of the Strategy and its Operational Plan. The State Council comprises six working groups, focusing on Social Welfare, Equal Treatment, Non-discrimination and the European Agenda; Education; Employment; Health; Housing; and Culture. These working groups are formed by representatives of the relevant ministry, representatives of Roma associations and experts in the given field. The National Roma Integration Strategy and the Operational Plans for 2014-2016 and 2018-2020 were prepared in co-operation with the State Council.

182. The budget allocated to the National Roma Integration Strategy’s line of action on “Citizenship and participation” contributes to the work of the working groups of the State Council for the Roma People ensuring that the State Council for the Roma People takes part in thematic Roma-related meetings and financing the maintenance and operation of the state-level bodies of the Roma associations.

183. During its visit, the Advisory Committee heard some criticism from Roma representatives concerning the composition of the State Council focusing on the lack of representation of and any permanent participation by Autonomous Communities, bearing in mind that they play an important role in the implementation of the National Roma Integration Strategy (or their own regional strategies), co-finance a number of programmes or measures and have devolved or shared responsibilities in certain policy areas (e.g. education, health and employment). Consequently, although they welcomed the fact that the Roma associations represented on the State Council are able to advise and sometimes influence the state authorities, they could not do likewise with regard to the Autonomous Communities. A desire for the structure of the State Council for the Roma

People to be mirrored in each Autonomous Community was also expressed during the visit.

184. The Advisory Committee reiterates that it is essential that the legal status, role, duties, membership and institutional position of consultative bodies be clearly defined.¹⁶⁰ This includes the scope of consultation, structures, rules governing appointment of their members and working methods.¹⁶¹ It also points out that appropriate attention should be paid to the inclusiveness and representativeness of consultative bodies.¹⁶² This implies, *inter alia*, that where there are mixed bodies, the relative proportions of minority representatives and officials should not result in the latter dominating the work.¹⁶³ Adequate resources should be made available to support the effective functioning of consultative mechanisms.¹⁶⁴

185. The Advisory Committee considers that the election of four persons affiliated to the Roma ethnicity to the Spanish Parliament, including both men and women and persons on the lists of different political parties, is a great improvement compared to previous years. This also reflects a large degree of democratic awareness on the part both of the mainstream political parties and of the voters and contributes to the integration of societies.

186. However, bearing in mind the low level of participation of Roma in public affairs as a whole, the Advisory Committee considers that, instead of focusing primarily on the State Council for the Roma People as a consultative body in implementing the priorities of the National Roma Integration Strategy (see above), the Spanish authorities at the central, regional and local levels should also take steps to devise mechanisms to enhance the participation of Roma at the political level. In particular, the state should encourage the participation of Roma on political party lists, in line with para. 78 of Thematic Commentary no. 2.¹⁶⁵

187. Furthermore, to increase the participation of Roma in public administration in general, the Advisory Committee considers it essential for the Spanish authorities to enhance the participation of Roma in public life through decisive, targeted and positive measures, such as offering traineeships in public administration and providing state scholarships, which would enable them to pursue careers in the public services, public media, or academia. The key challenge is to broaden Roma participation beyond the limited area of issues that are important for Roma themselves and to mainstream their participation in public life in all aspects of Spanish society. This would include participation in professions such

¹⁵⁸ It was established by Royal Decree 891/2005 on 22 July 2005, meets at least twice a year in plenary and includes a Standing Committee, which acts as the executive body of the State Council, holding at least two regular meetings a year.

¹⁵⁹ The [state report](#) refers to the ‘Roma association movement’ to reflect the fact that some of these associations might not be Roma-led non-governmental organisations. This is to be understood when the present Opinion refers to ‘Roma associations’.

¹⁶⁰ ACFC [Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, paragraphs 107 and 108.

¹⁶¹ ACFC [Thematic Commentary No. 2](#), para. 116. See also [The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note](#), OSCE-HCNM, September 1999, point 12.

¹⁶² ACFC [Thematic Commentary No. 2](#), para. 111.

¹⁶³ ACFC [Thematic Commentary No. 2](#), para. 109.

¹⁶⁴ ACFC [Thematic Commentary No. 2](#), paras. 119, 138 and 139. See also [The Lund Recommendations](#), OSCE-HCNM, point 13.

¹⁶⁵ “[p]olitical parties, both mainstream and those formed by persons belonging to national minorities, can play an important role in facilitating participation of persons belonging to national minorities in public affairs. Internal democratic processes of selection of their candidates by mainstream parties are crucial in ensuring participation of persons belonging to national minorities. Inclusion of minority representatives in mainstream political parties does, however, not necessarily mean the effective representation of the interests of minorities.” ([ACFC Thematic Commentary No. 2](#), para.78).

as journalism, as well as in public institutions such as elected and executive bodies and the judiciary. A good example is the proposal to include Roma women's organisations in the composition of the State Observatory on Violence against Women.

188. After many years of progressive and relatively successful social integration policies, the Advisory Committee is of the opinion that the time has come to encourage and empower the Roma community to take their destiny into their own hands: More investment is needed to empower Roma, particularly women and the younger generation, to create new leadership and role models¹⁶⁶ and assist Roma with the establishment of grassroots organisations in Autonomous Communities where no such organisations exist. Whilst in Castilla-La Mancha, the Advisory Committee was able to meet with several Roma organisations, including the Federation of Roma associations of this Autonomous Community, in Galicia there are no Roma associations, except the regional branch of the *Fundación Secretariado Gitano*, despite the presence of four different Roma groups. The Advisory Committee welcomes the fact, however, that the *Fundación Secretariado Gitano* takes on Roma as volunteers or employees, thus contributing to their empowerment.

189. The Advisory Committee calls on the authorities to improve the representation of Roma, both men and women, in the public services at central, regional and local levels, through affirmative measures for recruitment, retention and promotion, including internships and training, and the provision of scholarships, which would enable them to apply for such positions.

190. The Advisory Committee calls on the authorities to improve the functioning of the State Council for the Roma People, including its mandate and resources, as well as its co-operation with the Autonomous Communities, for instance by involving Roma representatives in the Technical Group for Co-operation with the Autonomous Communities.

Effective participation in socio-economic life – access of Roma to employment (Article 15)

191. In employment, the Ministry of Labour, Migration and Social Security has made efforts to adapt the application of the European youth guarantee programme to make it more accessible to disadvantaged young people including Roma. The types of programme that are subsidised under the Operational Plan 2018-2020 are those that improve access to employment, reduce job insecurity and provide vocational training.¹⁶⁷

192. The ACCEDER programme,¹⁶⁸ set up in 2000 and implemented in fourteen Autonomous Communities and 56 locations, is one of the rare programmes that has provided job opportunities. It is tailored to individual needs and ambitions, using an IT tool devoted to this purpose, but also

takes family circumstances into consideration, and involves a job prospector who accompanies the individual to the local employment office. The purpose is to help to lift the initial barriers and make people progressively autonomous and self-confident by teaching them basic and transversal skills. The CLARA programme, which was designed to heighten the employability of women who are socially excluded or at risk of social exclusion, also targets Roma women, whilst the SARA programme aims to motivate and support immigrant women in their integration into the labour market and society. In 2017, the Spanish state allocated €2.2 million to a joint programme that includes the ACCEDER programme, PROMOCIONA in the education field, LEARN WORKING for Roma youth employment, and CALÍ for Roma women's employment.

193. Article 314 of the Criminal Code prohibits discrimination in public and private employment on the grounds of belonging to an ethnic group. However, several interlocutors of the Advisory Committee stated that discrimination in the field of employment exists, and many Roma registered in job centres are discriminated against during job interviews.

194. Despite the abovementioned policy measures, the employment situation of Roma remains precarious. According to the European Union Agency for Fundamental Rights (FRA), 70% of Spanish young Roma are unqualified or not studying. According to a 2012 survey on Roma and employment, some 42.3% of salaried Roma workers were employed part-time (compared to 14.1% for the general population). 53.4% of the Roma population were in temporary employment compared to 25.5% of the general population. September 2019 saw the publication of the comparative study 'The situation of Roma: employment and poverty 2018'.¹⁶⁹ This new study reveals the low presence of the Roma population in the labour market, which is combined with job insecurity and an unemployment rate of up to 52% (more than three times that of the general population which is at 14.5%), and the disadvantages suffered by Roma women in all areas owing to their dual status as women and Roma, with an employment rate reaching only 16%.

195. During the visit, the Advisory Committee was told about the increasing difficulties that Roma have in performing their traditional jobs.¹⁷⁰ Most of them are condemned to job insecurity and obliged to work in all kinds of uncertain and low-paid jobs. The level of poverty among Roma in Spain therefore remains high, with over 80% suffering from poverty or extreme poverty. In Vigo, 43% of the Roma the Galicia branch of the *Fundación Secretariado Gitano* works with are on minimum income support.

196. Several of the Roma we talked to in Castilla-La Mancha also expressed concerns that refugees might be given priority

¹⁶⁶ A positive example is the good co-operation by the Government of Castilla-La Mancha with Roma associations and the strong support from this Autonomous Community for increasing participation of Roma women in the regional consultation body.

¹⁶⁷ Roma associations or regional federations and other non-governmental organisations working in this sector and with Roma are entitled to respond to the various annual calls for grant applications for such activities.

¹⁶⁸ See English page of the [ACCEDER programme](#).

¹⁶⁹ Comparative study 'The situation of Roma: employment and poverty 2018', September 2019.

¹⁷⁰ Spanish Roma often work as scrap metal collectors, minor traders or sellers on markets or in agriculture. The Portuguese Roma group does seasonal work and travels around the country in caravans.

under local employment plans.¹⁷¹ They would welcome financial support for micro-projects and a stronger focus in the National Roma Integration Strategy on employment and vocational education programmes.

197. The results of some sociological research have shown that, while most groups of immigrant origin do not show significantly lower participation in employment than the majority group, the employment status of immigrants in terms of involuntary part-time work and over-education is substantially worse, especially since the 2008 economic crisis.¹⁷²

198. The Advisory Committee reiterates that “in order to promote effective integration of persons belonging to disadvantaged minority groups in socio-economic life, comprehensive and long-term strategies should be designed and implemented. [...] Adequate resources need to be provided in a timely manner at all levels of operation, especially locally. Furthermore, the implementation of such policies should be carefully monitored, and their impact evaluated, in close co-operation with representatives of the minorities concerned, with a view to adapting and strengthening them over time”.¹⁷³

199. The Advisory Committee encourages the authorities to combat discrimination and further promote the integration and socio-economic participation of Roma in the labour market, expanding on the experience of the ACCEDER programme.

Effective participation in socio-economic life – Access of Roma to health care (Article 15)

200. In 2017, the State Council for the Roma People's Health Working Group defined a plan and recommendations to advance the promotion of the health of Roma in the light of the results of the Second National Roma Health Survey¹⁷⁴ carried out in 2014.¹⁷⁵ The Plan establishes five specific objectives¹⁷⁶ and consists of a package of 27 measures, incorporated into the Operational Plan for 2018-2020, along with monitoring and evaluation indicators and the assignment of reference persons. The Working Group on equity in health

for the Roma population in the Autonomous Communities has established seven minimum commitments for 2018-2020.¹⁷⁷

201. Under the Operational Plan for 2018-2020¹⁷⁸ of the National Roma Integration Strategy, three transversal lines of action have been adopted in the health field, namely to foster special programmes to promote health and illness prevention among the Roma population;¹⁷⁹ to step up the involvement of the state government, Autonomous Communities and local governments, and co-ordination among them, in the implementation of the measures agreed upon; and to incorporate a gender perspective and equity into the steps taken.

202. Various materials have been devised over the years to assist health professionals in achieving equity in health for the Roma people, such as a guide on action for health services, qualitative studies on lifestyles and a health promotion manual. In addition, an online training course for health professionals on equity in health for the Roma people is currently under preparation, in collaboration with the Equi-Sastipén Roma network¹⁸⁰

203. At the local level too, since 2018, under the Agreement on Strengthening Spain's Healthy Cities Network and as part of the local implementation of the Strategy for Health Promotion and Illness Prevention¹⁸¹, the annual provision in the 2018-2020 Operational Plan for aid to local authorities has included an allowance for financing health improvement and prevention initiatives for Roma. Under this strategy, it has been possible to carry out a first health survey of Roma children.¹⁸²

204. Several Autonomous Communities have introduced mediation programmes in the health field.¹⁸³ The state authorities, however, do not consider this a solution in itself, since they think the focus should be on structural measures implying awareness raising, training and capacity building of all health professionals in intercultural competencies.

205. Data was collected through the 2014 National Roma Health Survey on tobacco and alcohol consumption by subjects aged 16 or over.¹⁸⁴ Anti-smoking campaigns aimed

¹⁷¹ In some localities of Castilla- La Mancha Roma associations protested that employment policies designed for vulnerable groups did not include Roma as beneficiaries.

¹⁷² See Fernández-Reino, [‘Employment Outcomes of Ethnic Minorities in Spain: Towards Increasing Economic Incorporation among Immigrants and the Second Generation?’](#), “Social Inclusion”, 2018, no.3 (vol 6).

¹⁷³ [ACFC Thematic Commentary No. 2](#), para.49.

¹⁷⁴ See [the Second National Roma Health Survey](#).

¹⁷⁵ See a [summary in English of the findings of the First National Roma Health Survey](#). The Mid-term Monitoring Report on the National Roma Integration Strategy for 2012-2016 concluded that, despite the measures taken, the health of Roma had remained the same.

¹⁷⁶ Learn more about the health of Roma people and identify areas for priority intervention; identify Roma health needs in order to raise awareness among decision-makers, technical services and public opinion; improve training on Roma health issues for health professionals and social workers; identify and encourage means of improving health and prevention for Roma people; improve structures for co-ordination between the various stakeholders.

¹⁷⁷ See [state report](#), page 13, for details about these commitments.

¹⁷⁸ See the [Operational Plan for 2018-2020](#).

¹⁷⁹ For example, preventing smoking, encouraging a healthy diet and exercise, and preventing obesity, with a focus on women.

¹⁸⁰ The Equi-Sastipén Roma network, founded in 2010, is made up of 22 Roma associations working with three universities and various experts. The work of this network has been acclaimed by the World Health Organisation (WHO) [as an inspiring example](#).

¹⁸¹ Supported by the Ministry of Health, Consumption and Social Welfare and the Spanish Federation of Municipalities and Provinces.

¹⁸² See the [Report of the First Health Survey of Roma Children](#), (pp. 50 to 64).

¹⁸³ See the EQUI-HEALTH- International Office for Migration (IOM) report [‘Health Mediation models in the EU-Examples of good practices’](#) which provides an analysis of various health mediation programmes, including in Spain as a whole and Catalonia in particular.

¹⁸⁴ These data show that, on average, Roma men smoke more than Spanish men in all age groups. By contrast, Roma women smoke less than the national average in all age groups. The average age at which people start smoking is lower in the Roma population than in the general population. As to alcohol, reported consumption over the previous two-week period is lower among Roma men and women than in the Spanish

at the Roma population have been carried out in Navarre and Asturias.¹⁸⁵ During the visit to Galicia, the Advisory Committee was alerted to the fact that illicit drug consumption, in particular of cannabis, is a problem among young Roma. Drug dependency is having an impact on their mental health, and consumption is rising. This issue does not seem to have been sufficiently addressed by the authorities in national surveys on Roma health.

206. The Advisory Committee welcomes the fact that the conclusions of the Second National Roma Health Survey led to the development of 27 specific measures, particularly support for the Equi-Sastipén Roma network, training programmes for health care professionals, and the appointment of a reference person for health and the Roma population in the Autonomous Communities. The Advisory Committee also welcomes the production of an awareness-raising video called “Sastipen=Health”¹⁸⁶ on the effects of discrimination in health issues affecting Roma.¹⁸⁷

207. Furthermore, the Advisory Committee takes note of the preparation of a Third National Roma Health Survey and its inclusion in the Inventory of Statistical Operations, along with the Oviedo Declaration on measures to promote health and social welfare in the Roma population and address inequalities in health.¹⁸⁸ The Advisory Committee is seriously concerned that Roma women’s life expectancy is twenty years lower than for women from the general population.

208. The Advisory Committee encourages the authorities, in close co-operation with Roma associations, to address specific health challenges among the Roma community through training for health professionals and targeted research, including by paying more attention to illicit drug consumption among young Roma in the next national Roma health survey.

Effective participation in socio-economic life – Access of Roma to housing (Article 15)

209. The 2015 Study Map on Housing and the Roma Population (hereinafter “the Map on Roma Housing”),¹⁸⁹ financed by the Ministry of Health, Social Services and Equality and prepared by the *Fundación Secretariado Gitano* and Daleph, collected information on dwellings housing persons belonging to the Roma community, distributed by type of neighbourhood. The Map on Roma Housing compiled information about a majority of Spanish and foreign Roma¹⁹⁰

but did not collect information about some of the groups and families that are not visible because they are fully integrated into society or because they simply do not identify as Roma. Despite its limitations, the Map on Roma Housing provided some information in the absence of a census regarding the size of dwellings and geographical distribution per Autonomous Community, as well as identifying certain housing-related problems faced by Roma. According to the Map on Roma Housing, 94% of the so-called “Roma population’s neighbourhoods/settlements” are mostly inhabited by Spanish Roma, 2.5% mostly by Portuguese Roma and 3.5% mostly by Roma from Eastern Europe.

210. Quantitative objectives set by the National Roma Integration Strategy in terms of housing have been achieved in general terms, since there has been a progressive improvement in the socio-residential conditions of the Roma community in Spain due in part to the desire of many Roma families to improve their living conditions and in part to the public measures introduced over the last few years, which have helped to improve the housing conditions, living environment and social inclusion of many Roma families. As a result of the Aid Programme for the eradication of shanty towns and rehousing programmes implemented under the Spanish Plan for Housing and Rehabilitation, the Autonomous Community of Madrid, as well as authorities in Barcelona (Catalonia), Segovia (Castile and Leon), Avilés (Asturias) and Malaga (Andalusia), managed to relocate thousands of Roma families from slums into standard housing where rent is subsidised to below market level.¹⁹¹

211. Nevertheless, despite some cities’ and Autonomous Communities’ considerable efforts and investment in developing infrastructure and rehousing projects for the Roma community, slums still exist as a result of persistent disparities at regional and municipal levels: whilst the overall number of slums in Spain has been reduced over the years to 2.2% in 2015¹⁹² in Galicia for example slums still represented 14% of housing at the time of the visit of the Advisory Committee. Consequently, certain Roma interlocutors of the Advisory Committee complained that Article 47 of the Constitution, which states that “all Spaniards are entitled to enjoy decent and adequate housing” is not respected for the entire Roma population. Other concerns expressed by interlocutors include the lack of proper urban planning, discrimination against Roma attempting to rent flats or houses, evictions from homes due to pressure from

population as a whole. However, when the timescale under consideration is the previous 12 months, the amount of alcohol Roma men report having consumed is higher than the national average for men. The same does not apply to Roma women. In addition, among those Roma who do drink alcohol, periods of intensive consumption are much more frequent than those reported by the rest of the Spanish population.

¹⁸⁵ For example, see the [presentation](#) of the [anti-smoking campaign for the Roma population in Asturias](#) in connection with the 2018 funding allocation to local authorities for health promotion.

¹⁸⁶ See [‘Sastipen=Health’ awareness-raising video](#).

¹⁸⁷ It was produced by the Ministry of Health, Consumer Affairs and Social Welfare, the Health Working Group of the State Council for the Roma People and the Equi-Sastipén Roma network. A 2010 video, ‘The Art of Healthy Living’, focused on the social determinants of health.

¹⁸⁸ The [Oviedo Declaration](#) (in Spanish) was adopted in November 2019 at a meeting on ‘Health and the Roma population’ held by the State Council for the Roma People, the Ministry of Health, Consumer Affairs and Social Welfare and the Principality of Asturias. The text was approved by the Standing Committee of the State Council, the Social Services Committee delegated by the Territorial Social Services Council and the SAAD Care and Independence System and the Public Health Committee of the Inter-territorial Council of the National Health System.

¹⁸⁹ See also footnote no.55 related to the [Study Map on housing and the Roma Population](#).

¹⁹⁰ According to this housing study map, it is estimated that 2 002 homes are inhabited by 10 160 Roma persons from Eastern Europe.

¹⁹¹ See CAHROM [Thematic report on legalisation of Roma informal settlements, rehousing solutions and alternative measures to evictions](#).

¹⁹² According to page 14 of the Executive Summary of the [2015 Study Map on housing and the Roma population published by the Ministry of Health, Consumer Affairs and Social Welfare in September 2016](#), the percentage of slum housing was 10% in 1991. This figure dropped to 3.9% in 2007 and was further reduced to 2.2% in 2015.

neighbours¹⁹³ or the fact that when Roma families are offered social housing no account is taken of family growth and this results in overcrowded flats.

212. The Advisory Committee wishes to stress that poor housing conditions have a negative impact on socio-economic life and regrets the general lack of progress in improving the substandard housing conditions faced by too many Roma families. Roma slums remain an unaddressed problem in various parts of Spain, particularly in Galicia.

213. Despite considerable progress achieved in recent years in improving the access of Roma to decent housing, the Advisory Committee reiterates its call to the authorities to address the remaining problems of substandard housing in applicable Autonomous Communities and municipalities through targeted programmes to eradicate those slums still in existence and through relevant accompanying measures aimed at providing Roma with affordable, decent and adequate housing, in line with Article 47 of the Constitution.

Bilateral and multilateral co-operation (Articles 17 and 18)

214. Spain has acted as the co-ordinator for the EUroma Network which has promoted the use of structural funds for the Roma community, involving 15 EU countries, since 2006.¹⁹⁴

215. Although not focusing just on Roma, the European Proximity Project, co-ordinated by OBERAXE, is a transnational project approved in 2016 by the Directorate-General of Justice of the European Union.¹⁹⁵ Its objective is to identify and share best practices at the local level to address racism, xenophobia and other forms of intolerance, such as innovative neighbourhood schemes and awareness-raising programmes for local/municipal police.¹⁹⁶

216. The Advisory Committee also takes note that the Ministry of Health, Consumer Affairs and Social Welfare's Directorate General of Families and Child Services has been very active at international level.¹⁹⁷

217. Galicia and the north of Portugal are a Euro-region and work closely together on a number of matters, but not really on Roma issues. The only example of bilateral co-operation on Roma-related issues is an exchange of practices between the *Fundación Secretariado Gitano* and the Portuguese authorities on the ACCEDER programme for employment integration.

218. The Advisory Committee encourages the authorities to strengthen bilateral contacts with Portugal on Roma-related projects, making use of the Euro-region comprising Galicia and the north of Portugal.

219. The Advisory Committee invites the authorities to further develop bilateral and multilateral co-operation with other states in the field of Roma policy implementation, involving members of the Spanish Roma community, so as to increase exchanges of efficient practices.

¹⁹³ For example, a Roma family in Victoria, in the Basque Country had to leave their apartment under pressure from their neighbours.

¹⁹⁴ See [EUroma Network](#).

¹⁹⁵ The [project JUST/2015/RRAC/AG](#) spanned two years, starting in 2017 and ending on 12 March 2019.

¹⁹⁶ In addition to OBERAXE, participants included the City of Madrid (municipal police); Lisbon Municipal Police, Portugal; Riga Municipal Police, Latvia; the Estonian police and border police; the Ministry of Justice of Finland; the University of Milan; the TRABE Association, Spain; the Foundation for Access to Rights, Bulgaria; Bradford Hate Crime Alliance, United Kingdom; the Spanish Ministry of the Interior; ECCAR (European coalition of cities against racism) and ENP (European Network of Policewomen).

¹⁹⁷ This Directorate is responsible for monitoring the European and international agenda in relation to the social inclusion of Roma. In particular, and in relation to the Council of Europe, it participated in the Ad-hoc Committee of Experts on Roma and Traveller Issues (CAHROM), co-ordinates and prepares reports on the implementation of measures enshrined in the Framework Convention for the Protection of National Minorities, supports activities that derive from the DOSTA! awareness campaign against prejudice and stereotypes towards Roma and its awards, liaises with the different agencies and institutions of the Council of Europe (ECRI, etc.) and co-operates with the various initiatives and programmes that have been launched in this field (JUSTROM, ROMED, ROMACT, and ROMACTED).

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected, as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available in English and French, as well as in Spanish and Catalan among other languages.

This Opinion contains the evaluation of the Advisory Committee following its fifth country-visit to Spain.

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