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



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Fifth Report submitted by Spain

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MINISTRY
FOR HEALTH, CONSUME AFFAIRS
AND SOCIAL WELFARE

SECRETARY OF STATE FOR
SOCIAL SERVICES

GENERAL DIRECTORATE OF SERVICES FOR
FAMILIES AND CHILDREN

**SPAIN REPORT ON THE FIFTH MONITORING CYCLE OF THE FRAMEWORK
CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

(2014-2018)

DATE OF SUBMISSION: MARCH 2019

The Government of Spain in this period reiterates its commitment to continue implementing policies aimed at improving the living conditions of the Roma by developing the **National Roma Integration Strategy in Spain 2012-2020**, adopted by the Council of Ministers on 2 March, 2012, through the **Functional Plan 2018-2020**, having conducted a mid-term evaluation of the Strategy and an evaluation of the **Functional Plan on the Social Inclusion of Roma 2014-2016**.

The **Mid-term Monitoring Report (*Evaluation*) of the National Strategy (2012-2016)** analyzes the degree of achievement of objectives and progress made since the adoption of the strategy, following the evaluation of the **Functional Plan on the Social Inclusion of Roma 2014-2016**, and identifies the challenges for the next period 2018-2020. This report, as a novelty with previous stages imposed by the strategy, has been developed based on studies and surveys available that, from a longitudinal perspective and consistent with those used as a basis to identify the objectives of the strategy, enabling comparisons between the situation of the Roma and the whole of the Spanish population in different areas. These studies are:

- The Roma students in high school: a comparative study. Ministry of Education, Culture and Sports and Fundación Secretariado Gitano (FSG) 2013 in collaboration with Tomillo Economic and Social Studies Center and the Ministry of Health, Social Services and Equality and the United Nations International Children's Emergency Fund (UNICEF).
- Study-Map on Roma housing. Prepared by the Ministry of Health, Social Services and Equality and the Fundación Secretariado Gitano in 2016, taking into account the preliminary results of 2015.

- National Survey of Health to the Roma Population. Prepared by the Ministry of Health, Social Services and Equality in 2014.
- The opinion and recommendations gathered in the debate "Work approaches to promote social inclusion of the Roma at the local level" have also been taken into account, organized by the General Directorate of Services for Families and Children in collaboration with the Government of Navarra and the State Council for the Roma People in September 2016.
- Also taken into account the views of the various management centers of the General State Administration and the departments responsible for policies of social inclusion of the Roma of the autonomous communities, which annually answer a questionnaire to prepare a progress report.

These are the achievements, by areas:

- Education: Improvement of the educational level of the Roma adults, increase in the percentage of Roma students enrolled in compulsory secondary education and, for the first time, data are available regarding the school dropout rate and the graduation rate in compulsory secondary education, which will allow establishing objectives to 2020.
- Employment: There is no updated information, since the last study was published in 2013 with data from 2012.
- Housing: In general, the Roma has improved their situation regarding access and maintenance of housing.
- Health: In general, the health of the Roma has remained at similar levels.

During 2017 the Functional Plan on the Social Inclusion of Roma 2014-2016 was extended and the **2017 Progress Report**, as a novelty compared to previous years, relates the measures implemented directly to each of the objectives and lines of action of the Strategy, showing that this implementation has mainly contributed to advance two objectives of the Strategy: improve access to normalized employment and reduce job precariousness among the Roma and increase in completion of Compulsory Secondary Education and increase in academic success of Roma pupils at this stage. They have also contributed to advancing other lines of action of the Strategy, such as social inclusion, non-discrimination and anti-gypsyism, equality and gender violence,

culture, citizenship and participation. As for areas, 61.2% of the measures have been made in social inclusion, education and employment. And 90% of the measures have been implemented by the autonomous communities. Regarding the type of population to which they are directed, 69% are specific to the Roma and 24% are inclusion measures aimed at vulnerable groups. Finally, as regards the type of key actor with which public administrations collaborate, entities of the Roma association movement are the majority organizations.

Regarding **funding**, from the resources provided by the Ministry of Health, Consume Affairs and Social Welfare to programs directly aimed at the Roma, 82% of the budget has been allocated to employment, social inclusion and education actions and has increased from € 8,833,904.99 in 2015 to € 14,217,963.26 in 2017. The regional funding to specific measures has also increased significantly compared to previous years. And the contribution of the ESF to specific measures has increased from € 8,111,140 in 2015 to € 9,903,042.52 in 2017, and has been distributed by 85% in the area of employment, by 6% in education and in 5% in education and social inclusion. In addition, five autonomous communities used resources to co-finance programs and specific measures to promote the social inclusion of the Roma.

Within the budget of the Ministry of Health, Consume Affairs and Social Welfare, there is the credit 23.16.231F.453.01 Roma Development Plan, through which they are co-financed, together with the autonomous communities and, through these, with local corporations, comprehensive social intervention projects for care, prevention of marginalization and social inclusion of the Roma. The total budget in 2017 exceeded € 2,200,000, and currently efforts are being made to increase it significantly.

Also within the budget of the Ministry of Health, Consume Affairs and Social Welfare, and on an annual basis, subsidies are convened for the implementation of social cooperation and volunteer programs charged to the tax allocation of Personal Income Tax for Individuals (PIT) and subsidies to the Third Sector, which as a novelty in 2017, 80% of this endowment was transferred to the autonomous communities.

In the cited calls, priority is given to programs that are complementary to those developed by public administrations in the different territories. The types of programs that are subsidized are those of employment, training routes and access to employment fundamentally, and social integration, among which are several priority programs related to social intervention to prevent absenteeism and school failure, support and monitoring of educational activities, adult literacy and promotion activities for Roma women. The programs are presented to the different annual calls by Roma



associations or regional federations, as well as by other non-governmental organizations that work in the sector and that work with the Roma.

The **Functional Plan 2018-2020** incorporates guidelines that should guide the actors involved in the coming years and that are the result of the experience and knowledge acquired since the approval of the Strategy. Based on these guidelines, the actions to be carried out by the different management centers of the General State Administration, that will be responsible for carrying out the actions included in this Functional Plan and for reporting on its implementation, are specified. It also proposes a framework of actions to be carried out by the autonomous communities and local entities, and that can also inspire social entities, with the aim of achieving greater alignment and connection of social inclusion policies and access to the rights of the Roma, reinforcing the connection with strategies, plans or set of measures of many autonomous communities and some local entities, aimed at promoting social inclusion and respecting the Roma rights, aligned with the National Roma Integration Strategy in Spain 2012-2020.

The Functional Plan 2018-2020 includes measures to be carried out in the four key areas of action of the Strategy (education; employment; housing; and health) and also incorporates five other lines of action (social inclusion; equality and gender violence; non-discrimination and anti-gypsyism; culture; and citizenship and participation), which, throughout the process, have been considered essential to promote, as they are suitable to complement the work that must be done in these four fundamental areas.

As a novelty with respect to previous years and processes, in the elaboration of the Functional Plan 2018-2020 in 2017, a further step was taken in the multi-actor governance, combining the bilateral consultation with the key actors and the organization of a one day workshop, with the aim of achieving greater interaction and creating synergies among the actors.

The **Directorate General of Families and Child Services**, as the National Contact Point of the Strategy, is responsible for monitoring the European and international agenda in relation to the social inclusion of the Roma and for putting into practice the

commitments that from it derive. In particular, and related to the Council of Europe, it participates in the Ad-hoc Committee of Expert on Roma Issues (CAHROM), coordinates and prepares reports on the implementation of measures of the Framework Convention for the Protection of National Minorities, supports actions that derive from the DOSTA campaign and its awards, acts as interlocutor with the different agencies and institutions of the Council of Europe (ECRI, etc.) and cooperates with the various initiatives and programs that have been launched by the Council of Europe (JUSTROM, ROMED, ROMACT, ROMACTED). In addition, at the national level, it is responsible for carrying out planning and implementation tasks, compilation and monitoring, participation of Roma civil society, transfer of knowledge and good practices, analysis and study and dissemination of information.

The **State Council for the Roma People** and the entities of the Roma association movement play a fundamental role in the implementation of the Strategy and the Functional Plan, as they know closely the needs of the Roma and the problems they face, develop and implement many of the specific programs in collaboration with public administrations and have a long work history in the field and know the most effective methods to ensure that this population has access to and enjoys their rights and, above all, to achieve their involvement and participation. The State Council for the Roma People, created in 2005, is the collegiate interministerial body consultative and advisory nature, attached to the Ministry of Health, Consume Affairs and Social Welfare, in which the collaboration and cooperation of the Roma association movement and the General Administration of the State is institutionalized for the development of social welfare policies based on the development and integral promotion of the Roma. The main purpose of this Council is to promote the participation and collaboration of the Roma association movement in the development of general policies and in driving the promotion of equal opportunities and treatment for the Roma. The Council is structured in Plenary, which meets at least twice a year, and in a Permanent Committee that acts as the executive body of the Council, which will hold at least two regular meetings a year. The activity of the Council is organized through six working groups: Social Action, Equality of Treatment and non-discrimination and European Agenda; Education; Employment; Health; Housing; and Culture. These working groups are formed by representatives of the competent Ministry in the matter, Roma association movement and experts in the field.

Regarding education area and in relation to objective 1.2. of the Strategy, " Universal schooling and increasing academic success among Roma pupils in Primary Education", the **MUS-E Program** is included as a measure for the educational and



cultural integration of students in situations of social disadvantage through artistic activities in primary, secondary and special education centers, promoted by the Yehudi Menuhin Foundation (FYME), which has the collaboration of the Ministry of Education and Vocational Training, Ministry of Health, Consume Affairs and Social Welfare and the ministries of education of the 11 autonomous communities in which it develops, plus the regional cities of Ceuta and Melilla, as well as municipalities and other entities at the municipal level. It promotes coexistence through the development of children's capacities and the recognition of cultural diversity. The purpose of the program is the work from the arts as a tool that favors the social, educational and cultural integration of students and their families which improve their performance in the classrooms.

Another measure included in this objective is the elaboration of didactic materials about the Roma for Primary Education and Secondary Education, a measure that is addressed by the **Education Work Group of the State Council for the Roma People**, coordinated by the National Center of Innovation and Educational Research (CNIIE), which consists of 20 didactic units on culture, anti-gypsyism and history, to be included in the school curriculum and which, in the case of Primary Education, has already been handed over to the Council for review and, in the case of Secondary Education is pending to perform and review. In the last plenary session of the State Council for the Roma People held in October 2018 it was agreed that from this working group an impulse should be given to the preparation of the 20 didactic units of Secondary Education. And at the last meeting of the Education Working Group, held in November 2018, a study was proposed to gather information on the schooling of Roma students. From the analysis of this research results, it is intended to establish a line of action, with specific measures, to achieve the educational objectives proposed in the Strategy in terms of reducing school concentration.

In addition, the current Government has promoted a legislative amendment that will reverse the education cuts introduced by **Royal Decree-Law 14/2012, of April 20, on urgent measures to rationalize public spending in education**, repealing articles 2, 3 and 4 referred to:

- The possibility of rising up to 20% of the maximum ratios of students per classroom for Compulsory Primary and Secondary Education.

- The increase of the teaching part of the day of the teaching staff up to a minimum of 25 hours in Pre-school and Primary Education and 20 hours in the remaining non-university education.
- The substitution of teachers in public teaching centers only after ten school days have elapsed since the situation giving rise to said appointment.

The current situation of the parliamentary procedure is as follows: the Congress of Deputies has approved the Draft Law to improve the conditions for the performance of teaching and teaching in the field of non-university education and is pending approval in the Senate. This act shall apply from the beginning of the school year immediately after its entry into force.

On the other hand, the Laws of General State Budgets since 2016 have established a replacement rate of 100% for access to bodies of teaching officials in public administrations with educational competencies. Both measures imply a clear improvement of the conditions for the teaching performance and a guarantee of the quality standards of teaching, which has a special impact on students with specific needs for educational support.

The **Organic Law 2/2006, of May 3, of Education**, establishes among the principles of the Spanish educational system, the following:

- Equity, which guarantees equal opportunities for the full development of the personality through education, educational inclusion, equality of rights and opportunities that help overcome any discrimination and universal accessibility to education and act as compensating element of personal, cultural, economic and social inequalities, with special attention to those that derive from any type of disability.
- The transmission and implementation of values that favor personal freedom, responsibility, democratic citizenship, solidarity, tolerance, equality, respect and justice, as well as helping to overcome any type of discrimination.

These principles are transferred with specific provisions to Primary Education, Compulsory Secondary Education, Vocational Training and Baccalaureate.

Likewise, in order to guarantee fairness, in Title II it deals with the groups of students that require educational attention different from the ordinary one for presenting some specific need for educational support and establishes the necessary resources to undertake this task with the objective of achieve its full inclusion and integration. It specifically includes the educational treatment of students that requires certain



supports and specific attention derived from social circumstances, physical, mental or sensory disability or that manifest serious behavioral disorders.

The adequate educational response to all students is conceived based on the principle of inclusion, understanding that only in this way is the development of all guaranteed, equity is favored and a greater social cohesion is contributed.

Attention to diversity is a need that covers all educational stages and all students, that is, it is about contemplating diversity as a principle and not as a measure that corresponds to the needs of a few.

The Law also deals with the compensation of inequalities through specific programs developed in school teaching centers or in geographical areas where a compensatory educational intervention is necessary, and through scholarships and study aids, which aim to guarantee the right to education for students with unfavorable socioeconomic conditions. The programming of schooling in public and private agreed schools must guarantee an adequate and balanced distribution among the schools of students with a need for educational support.

From the Ministry of Education and Vocational Training has been promoted the ***Draft Organic Law by amending Organic Law 2/2006, of May 3, Education***, which has been submitted to public consultation and interested parties, with a an approach based, among other aspects, on the best interests of the child, equal treatment and non-discrimination and the participation of students and their families. It incorporates, among the principles of the Spanish educational system, the effective fulfillment of the rights of children as established in the Convention on the Rights of the Child, of November 20, 1989, and its optional protocols, recognizing the best interests of the child, their right to education and the State's obligation to ensure their rights. It will be added, both in Primary and Secondary Education, a subject of Education in civic and ethical values, in which special attention will be paid to knowledge and respect for Human Rights and Children and equality between men and women. In addition to including the reference to the study of Roma culture in the curriculum of the different stages of basic education, it introduces legislative measures aimed at equal opportunities for students, among which include:

- More inclusive education, with a continuous and integrating evaluation of the results, eliminating the final evaluation tests of Primary Education, Compulsory

Secondary Education and Bacculaureate, and facilitating the autonomy of the centers based on a reflection on a strategic plan in which framing the educational project, so that the plan should start with an analysis of internal and external evaluations and may lead to a commitment with the Administration to improve the center.

- Reduction of early educational abandonment, with reinforcement measures that allow schools to improve the level of competence of those students that require it, with special emphasis on attention to the diversity of the students and the development of a program to improve opportunities that diversify the curriculum and enable the degree in Compulsory Secondary Education for those students who have significant learning difficulties after receiving support measures in the first two years of Compulsory Secondary Education or to whom this measure is favourable.
- Reduction of repetition rates, through the adoption of ordinary educational measures prior to repetition.

On the other hand, there have been **announcements of subsidies** aimed at private non-profit entities, aimed at the attention of students with specific need for educational support and the compensation of inequalities in education.

In addition, this Ministry has developed the following activities:

- Collaboration in the organization of the **III Educational Day for the Roma Population, Gender Perspective and Education with the Roma Community** (Madrid, November 28, 2016).
- Collaboration in the organization of the **First State Congress of School Coexistence** (2017). The II Congress is currently being organized. It is expected to be held in April 2019.
- **Publications:** The culture of the Roma people in the curriculum of compulsory education, through their presence, absence and perception in textbooks. Edition 2017. In addition, two publications "didactic materials for primary and secondary education on the Roma" are being prepared: history, culture, language. The authors were selected by the Director of the Institute of Roma Culture and the Second Vice President of the State Council for the Roma People. They are expected to be ready for publication in 2019.
- Lifelong learning courses for teachers aimed at working on interculturality and inclusion in the educational field:
 - Inclusive education: equal in diversity (2014-2015).

- School life: prevention and intervention. (2016-2017-2018). A new edition is planned for 2019.
- Collaboration in summer courses of the Menéndez Pelayo International University: Coexistence, participation and prevention of discrimination and violence in the classroom (2015). Measures and actions for the care and improvement of school coexistence (2016). School life: prevention and intervention (2016-2017-2018). Measures and actions for the care and improvement of school coexistence (2016).
- Approval and development of the Strategic Plan of School Coexistence, in cooperation with the educational administrations of the autonomous communities. One of the 7 axes is inclusive education. The Plan has 8 lines of work, with objectives and specific measures in each of them, whose purpose is to generate spaces characterized by equal dialogue. Here are some measures that have been developed to date or that will be implemented in a short period of time:
 - Activation of the State Observatory of School Coexistence.
 - Teacher training to deepen issues of coexistence and inclusion.
 - Coordination with other Ministries and associations (Ministry of Labor, Migration and Social Security in the FRIDA Project, whose objective is the prevention of racism and xenophobia in the classroom).
 - Agreements with different Ministries (Agreement to cooperate institutionally in the fight against racism, xenophobia, LGTBfobia and other forms of intolerance).
 - Agreements, protocols and collaboration between the Ministry of Education and Vocational Training and different entities to promote measures that contribute to the prevention, detection, attention and overcoming of violence, security and peaceful coexistence (Buentrato Program, to promote good treatment and the prevention of violence and abuse by improving coexistence in the centres, agreement with the Yehudi Menuhin Foundation, for the educational and cultural integration of children and young people in unfavourable situations through artistic activities, collaboration with Google in the "Somos más" project against hate speech and radicalism).

In the area of employment, the Ministry of Labor, Migration and Social Security has made efforts to adapt the application of the European youth guarantee program so that there is greater access to it by less favored young people, among who is part of the Roma youth.

Within housing area, objective 3.1. of the Strategy "Eradication of slums and sub-standard housing", it is necessary to highlight the publication and dissemination of the study **Study-Map on Roma housing, 2015** carried out by the Fundación Secretariado Gitano and Daleph, financed and elaborated under the supervision of the Directorate General of Services for Families and Children of the Ministry of Health, Consume Affairs and Social Welfare, and with the participation of the **Housing Working Group of the State Council for the Roma People**. The main objective of the study was to obtain comparable information on the evolution of the situation of the Roma with respect to housing since the last map made in 2007, which allows us to:

- Know the segregated settlements and substandard housing that still exist in reality
- Know the habitat conditions where the Roma is located.
- Check the evolution of the situation with reference to the Map on Roma Housing, 2007, comparing the habitat conditions of the Roma with respect to the whole of the Spanish population.

From the data collected, it can be seen that the quantitative objectives set in the 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 in Spain, in part for the desire of many Roma families to improve their living conditions and in part for the public interventions carried out over the last few years, which have contributed to improve the housing in which the Roma live and their environment, and to reduce the difficulties in the process of social inclusion of Roma families and of the entire community.

Within the area of health and for the achievement of the objective "Improvement of the health status of the Roma and reduction of social inequalities in health: intervention in the adult population and in the child population", we must highlight the work carried out in the field of **Health Work Group of the State Council for the Roma People**. Throughout 2017, within the framework of this working group, recommendations were defined to advance the promotion of the health of the Roma, in light of the results of the **Second National Survey of Health to the Roma**. These measures were approved by the **Working Group of representatives of autonomous communities**



in Health and the Roma Community and incorporated into the Functional Plan 2018-2020. It is a package of 27 measures, with indicators of monitoring and evaluation, and with the assignment of responsible persons, of which the Working Group of representatives of autonomous communities has determined seven minimum commitments for the 2018-2020 period:

1. Identification of health areas / health centers where there is a greater Roma population to intensify interventions such as training, active recruitment, etc.
2. Dissemination of the results of the Second National Survey of Health to the Roma Population, 2014.
3. Incorporation of the health needs of the Roma population in a transversal way in strategies, programs and state and autonomous health plans or with impact on health.
4. Conducting training sessions on health equity and the Roma population.
5. Advocacy for the incorporation of the equity approach and social determinants of health in the curricula of medicine, nursing and social work.
6. Support for the work carried out by the Equi-Sastipén network.
7. Appoint a reference in the autonomous communities for health and the Roma population.

These measures have been presented to the Public Health Commission, where the autonomous communities are represented through the Directors General of Public Health.

More and more autonomous communities are proposing policies to reduce health inequalities that affect the Roma. At the local level, since 2018 the Ministry of Health, Consume Affairs and Social Welfare funds local health promotion interventions through the agreement with the **Spanish Federation of Municipalities and Provinces (FEMP)** to strengthen the **Spanish Network of Healthy Cities and Implementation Local Strategy for Health Promotion and Prevention in the National Health System**, for members of the Spanish Network of Healthy Cities. To do this, these interventions must respond to the lines prioritized in the Functional Plan 2018-2020 and involve the participation of Roma organizations in their development.

The FEMP is the representative entity of the local entities, and contributes to favor the coordination of the local policies regarding the social inclusion of the Roma.

And from the Ministry of Health, Consume Affairs and Social Welfare, actions have been carried out aimed at promoting the equality of the Roma in the field of health through training and awareness actions for health professionals. In particular, the development of an audiovisual material aimed at professionals is being finalized, emphasizing the idea that the discrimination suffered daily by Roma has negative effects on health and explains that some of its results are worse than those of most disadvantaged groups of the majority population. This same idea is developed in different training actions, both online in the framework of the training program of the **Health Promotion and Prevention Strategy**, and in different face-to-face training activities developed primarily by the **Equi-Sastipén Network**. One of these training actions consisted of motivating and training representatives of autonomous communities within the framework of the **XIX School of Public Health of Menorca** to carry out advocacy and communicative actions in favor of health promotion for the Roma with health professionals, political decision-makers and the population general.

As for the conference organized annually under the State Council for the Roma People, the Government of the Principality of Asturias has offered to organize a conference in 2019 in Oviedo around health and Roma community.

Within the line of action of social inclusion, the **Fund for European Aid to the most deprived (FEAD)** provides food aid and social inclusion measures, with the aim of helping people out of poverty. The FEAD Functional Program contributes to achieving the national goal of poverty reduction of 1.4-1.5 million people, covering the basic needs of the beneficiaries and providing them with social and labor assistance to increase their employability and social inclusion, and it is regulated in Regulation 223/2014 of the European Parliament and the Council, of March 11, 2014, and the Spanish Functional Program for its management. It is a National Fund managed by two intermediate bodies: the Spanish Agricultural Guarantee Fund (FEGA), the Ministry of Agriculture and Fisheries, which is responsible for the distribution of food, and the Directorate General of Families and Child Services, of the Ministry of Health, Consume Affairs and Social Welfare, which is in charge of the implementation of the accompanying measures, carried out through: the delivery to all the beneficiaries of the food aid of information about the closest social resources; and the direct subsidy to the Associated Distribution Organizations (OAR) so that they apply measures of social accompaniment to the beneficiaries of the food aid. The Administrative Unit of the European Social Fund is responsible for the certification of expenses to the



European Commission, which finances it by 85%. Of the total budget of the FEAD, Spain will allocate 662.84 million euros throughout the program, of which 563.39 million will come from the Fund and the remaining 15% from national co-financing. Of this total, the Ministry of Health, Consume Affairs and Social Welfare is responsible for managing 5% of the cost of food purchases for accompanying measures, that is, 30.64 million euros. In the period 2014-2018 a total of 463.99 million euros has been budgeted for this program. FEAD program has benefited to more than 1,300,000 people. Although data on ethnicity are not available, it is estimated that an important number of Roma families have participated in the Program.

The **Technical Cooperation Group with autonomous communities on the Roma** should also be highlighted, which was set up in 2010 with the aim of exchanging information among different administrations on actions carried out with the Roma, and thus promoting a greater connection of the National Strategy with the autonomic and local strategies. At present ten autonomous communities have a strategy or plan or are in the process of preparation or approval and most of the autonomous communities take into account the Strategy when designing and implementing their policies, especially those related to social policies and of inclusion, which in many cases give rise to the promotion of specific actions and programs or that take into account the Roma. The group is made up of representatives of the Ministry of Health, Consume Affairs and Social Welfare and the departments responsible for the social inclusion policies of the Roma of the autonomous communities.

Within the line of action of gender equality and equality of opportunities between men and women and gender violence, it is worth mentioning the **State Observatory on Violence against Women**, which is a collegiate body attached to the Ministry of the Presidency, Relations with Courts and Equality. , whose presidency is held by the titular person of the Government Delegation for Gender Violence, which is foreseen in the **Organic Law 1/2004, of December 28, of Measures of Integral Protection against Gender Violence**, and with the following functions : advice, evaluation, institutional collaboration, preparation of reports and studies and proposals for action on gender violence. **Royal Decree 253/2006, of 3 March**, establishes the functions, the operating regime and its composition. From then until now, there have been important milestones in the fight against the different forms of violence against women:

- Council of Europe Convention to prevent and combat violence against women and domestic violence. Istanbul 2011. Ratified by Spain in 2014.
- United Nations, 2030 Agenda for Sustainable Development, approved in 2015, whose objective 5 is gender equality.
- Spain: State Pact against gender violence 2017.

A modification of this Royal Decree is underway, which will strengthen and promote this body and enhance its participatory nature, and will comply with a series of measures formulated in the Report of the Subcommittee of the Congress for a State Pact on gender violence, approved by the Plenary of the Congress on September 28, 2017, and in the Report of the Presentation of Study for the development of strategies against gender violence, approved by the Senate Plenary on September 13, 2017. In this modification, the extension of the composition of the observatory is contemplated to include women's organizations of groups of special vulnerability. From the Government Delegation for Gender Violence, a draft has been drawn up that includes organizations of Roma women to be part of the observatory.

Within the line of action of non-discrimination and anti-gypsyism, the Ministry of the Interior has carried out the following actions:

- **Report on the evolution of incidents related to hate crimes in Spain, 2017.**
- **Plan of action to combat hate crimes:** It is coordinated by the Secretary of State for Security, being the National Office for the Fight against Hate Crimes, dependent on the Coordination and Studies Office, responsible for its promotion, coordination and supervision. Its objectives are the prevention and prosecution of hate crimes and the improvement of the response of security forces and bodies. It has 4 strategic axes:
 1. Improvement of the specific training of the security forces and bodies of the State.
 2. Improvement of hate crime prevention systems. In this axis, anti-Gypsyism appears for the first time as a specific area of racism, as has been done by the Fundamental Rights Agency of the European Union (FRA).
 3. Care for victims.
 4. Efficiency and rigor in the police response to this type of crime.

One of the main objectives is to reduce the infradenunciation of these crimes, especially high in cases of discrimination and attacks on social networks. The collaboration of NGOs and specialized associations has been fundamental in

identifying the specific needs of vulnerable groups and reflecting them in a plan that highlights the importance of crimes that are especially harmful to democratic quality.

- Implementation of **the Protocol of Action of the Security Forces and Bodies for Hate Crimes and Behaviors** that violate the legal norms on discrimination, which arises from the need to establish uniform and unified rules or guidelines addressed to the agents of the police bodies for the identification, correct collection and codification of racist incidents, xenophobic or discriminatory conducts, and determination of the specific elements to take into account in the police actions to be followed. To carry out this protocol, the **Support Manual for the training of security forces and bodies in the identification and registration of racist and xenophobic incidents**, edited by the Ministry of Employment and Social Security in collaboration with the Ministry of Interior, was taken into account. Inside. The police bodies must make the maximum diffusion, among all the components of the Police Institution, of this protocol, as well as include within their training plans those aspects that are developed in it. This protocol develops the following aspects:
 - Behaviours that violate the criminal and administrative law.
 - Indicators of hate crimes.
 - Phases of police action:
 1. First steps.
 2. Content of the police report.
 3. Responsible.
 4. Witnesses.
 5. Communication to the judicial authority and the Public Prosecutor's Office.
 6. Concurrence of criminal and administrative procedures.
 - The Victims: attention, protection and guidance. The statement of the victim.
 - Hate crimes committed through the Internet and social networks.
 - Violence in sport.
 - Register of incidents related to hate crimes.
 - Relations with communities and NGOs of victims and defense of human rights.

In the Ministry of Justice, it is the Directorate General of Legal and International Cooperation, specifically the Subdirector General for Justice Affairs in the

European Union and International Organizations, which is responsible for detailed monitoring of human rights through confessions, and works in these two lines:

1. Prosecutor's offices specialized in hate crimes.
2. Training initiatives aimed at judges and prosecutors in which issues related to the Roma have been addressed.

In 2005 the reform of the Criminal Code was carried out and this affected the regulation of hate speech crimes. Bodies and security forces, prosecutors and courts are competent to carry out the measures of investigation, prosecution or sanction for such offenses.

The Ministry of the Presidency, Relations with the Courts and Equality, through the Directorate General for Equality of Treatment and Diversity, has carried out the following actions:

- **Council for the Elimination of Racial or Ethnic Discrimination:** created in 2007 to advise victims of discrimination independently, publish studies, research, reports with autonomy and independence and promote measures that contribute to equal treatment. By Order PCI / 1025/2018, of October 3, the new President of the Council for the Elimination of Racial or Ethnic Discrimination, Ángeles Solanes Corella, was appointed and on October 25, 2018 the Council was reactivated, with the following functions:
 1. Advise victims of discrimination independently.
 2. Publish studies, research, reports with autonomy and independence.
 3. Promote measures that contribute to equal treatment.
 4. Prepare and approve the Annual Activity Report.

And in the plenary session of December 20, 2018, the Work Plan 2019 of the Council for the Elimination of Racial or Ethnic Discrimination was approved, with the incorporation of contributions channeled by the coordinators of the different working groups.

- One of the relevant services within the **Council is the Assistance and Guidance Service for Victims of Racial or Ethnic Discrimination**, provided since 2013. This service has been renewed, reinforced and endowed with greater coverage and stability. The coordination is in charge of a specialized non-governmental organization, the Fundación Secretariado Gitano in collaboration with 7 other NGOs (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-) , which are social entities deeply involved and with extensive

experience in the promotion of equal treatment and the fight against racial or ethnic discrimination. The assistance provided by this Service to potential victims of racial or ethnic discrimination in any field (education, health, housing, employment, etc.) is by telephone, electronic and in person, through centers present in all the autonomous communities and in the autonomous city of Melilla. This Service is free and offers independent support and advice to people who are or have been discriminated against because of their racial or ethnic origin in any field (education, health, housing, employment, etc.). It currently has 87 offices at the state level, 20 official offices and 67 collaborators, which have served between 2013 and 2017 a total of 2,541 cases of which 1,499 were individual and 1,042 were collective. The contract has been extended in 2018 to provide continuity until October 2019.

- Preparation of **reports of activities of the Assistance Service for Victims of Racial or Ethnic Discrimination**, which contain statistical data that allow quantifying the intersectionality present in some groups as well as having a global view of the different groups affected and their characteristics.
- Recommendations for the treatment of the Roma in the media, 2016: it is a document with recommendations to the media to improve the information treatment of the Roma in Spain, promoted by the Communication Working Group of the Council for the Elimination of Racial or Ethnic Discrimination, in the elaboration of which several representative entities of the Roma members of the State Council for the Roma People participated.
- In 2016, **training on equality and non-discrimination** was conducted, **aimed at the technical staff of non-governmental organizations (NGOs)** that work with potential victims of discrimination (for example, with Roma). Its main objective was to improve the theoretical and practical knowledge about assistance to victims of discrimination based on racial or ethnic origin (identification of incidents, intervention techniques, action protocols, etc.).
- Since 2010, the **Study on the perception of discrimination by racial or ethnic origin on the part of potential victims** is being prepared. It is driven from the **Working Group on Studies and Reports of the Council for the Elimination of Racial or Ethnic Discrimination**. It is a longitudinal study, based on a survey of 1,660 people belonging to ethnic minorities (among them, Roma population) in

our country, which has been carried out three times and from which the fourth application will be repeated in 2019. Its objective is to clearly determine risk groups to clarify the development and implementation of public policies. In its elaboration there was participation and interaction of the different agents involved in the development of the Roma as well as sharing of plans of the different ministerial departments and study of the complementarity with the actions of civil society.

- In 2016, the **second comprehensive survey on the perception of discrimination in Spain** was carried out, in collaboration with the Center for Sociological Research (CIS). Its objective is to give continuity to the task of measuring and quantifying the discrimination that began in 2013. As a result of the exploitation and analysis of its data, the report has been published: **Evolution of the perception of discrimination in Spain. Analysis of the IMIO-CIS 2013 and 2016 surveys**. This resulting report offers a comparative analysis of the data from the two surveys, thus tracing the evolution over time of the reality of discrimination in our country. For its elaboration, different methodologies have been combined that have gone beyond the descriptive to investigate the causes and trends that have been detected. The study has been supplemented with data from other surveys and reference studies at European level in this area, which has allowed to know not only the perception, but the direct experience of discrimination and the evolution of discriminatory attitudes.
- Support and follow-up in the processing of the ***Integral Law Proposal for Equality of Treatment and Non-Discrimination*** and in the creation of the authority for equal treatment and non-discrimination, with competences beyond discrimination based on the racial or ethnic origin of people. Support and follow-up of the ***Proposition of Law against discrimination based on sexual orientation, identity or expression of gender and sexual characteristics, and social equality of lesbian, gay, bisexual, transsexual, transgender and intersex***.
- Publication of the guide **How to act in cases of discrimination and hate crimes and intolerance (guide for professionals and practical guide)**, published in 2015, where resources are identified and practical information is offered to improve assistance to victims of discrimination and hate crimes.
- Since the year 2013, the **DOSTA! Campaign** of the Council of Europe against the stereotypes of the Roma, has been developed and disseminated through a collaboration agreement of the Secretary of State for Equality, the Directorate General of Families and Child Services, the Ministry of Foreign Affairs and Cooperation and the Fundación Secretariado Gitano.

- Development and implementation of the **YOSOYTÚ Diversity program**, aimed at young people from 13 to 20 years old with the aim of promoting positive messages regarding diversity among this segment of the fundamental population in order to avoid the reproduction of stereotypes that generate discriminatory behaviour (including anti-gypsyism). It was carried out in 2015, within the framework of a program financed by the European Commission, and the collaboration of a Roma entity was requested to contact young people who could face this campaign. Within this program, the web www.mezclate.es presents different materials and a complete program of awareness activities. The portal has a section to help young people who suffer or have witnessed acts of discrimination by sex, race or ethnicity, disability, as well as a section entitled "a little history", where examples of people who, despite of the barriers faced by the intolerance of their environment, have left their mark and a legacy of collective achievements.
- Participation in the working group on good practices and challenges in the current context of the Spanish asylum system as members of the **Inter-Ministerial Commission for Asylum and Refuge (CIAR)** in the field of reception and integration of applicants for international protection and asylum for being victims of persecution based on discriminatory motives (UNHCR).
- Participation in the project **We are more, against hate and radicalism** promoted by Google, which aims to prevent and raise awareness in the field of hate speech and violent radicalization. It is carried out with the collaboration of 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, Consume Affairs and Social Welfare (Secretary of State for Social Services); Red Aware (Alliance of Women Against Radicalization and Extremism); FeSP-UGT through the Intercultural Classroom; the NGO Jóvenes y Desarrollo; and Google, through the global YouTube Creators for Change initiative. It has 2 axes:
 1. Training, with workshops in schools and educational centres throughout the country.

2. Awareness, with a communication campaign with collaborations with creators that will help amplify positive messages through their videos in 2018-2019.
- Participation in the **Agreement between various Ministries and institutions to cooperate institutionally in the fight against racism, xenophobia, LGBTIphobia and other forms of intolerance**. Signed on September 19, 2018 between the General Council of the Judiciary, the State Prosecutor's Office, the Ministry of Justice, the Ministry of the Interior, the Ministry of Education and Vocational Training, the Ministry of Labor, Migration and Social Security, the Ministry of the Presidency, Relations with the Courts and Equality, the Ministry of Culture and Sports and the Center for Legal Studies, with the aim of combating racism, intolerance, LGBTIphobia and any other form of discrimination.
 - Presentation in 2018 of the project **Improving Victim Assistance of hate crime and hate speech: Building trust for a better analysis, training, assistance and data-collection to the European call REC-RRAC-HATE-AG-2018**, with the Ministry of the Interior, Ministry of Justice and the General Council of the Spanish Law as collaborating partners. This Project has two axes:
 1. Training on hate crimes.
 2. Detection of hate speech in social networks.

In the formative axis, the development of training to members of the forces and security bodies of the State in this matter is foreseen, so that they can perform a better detection, assistance and accompaniment of the victims.

In the axis of detection of hate speech, the implementation of a tool for the detection of hate speech in social networks is foreseen to create targets for the implementation of awareness and information campaigns when increases in said discourse are detected in specific areas or specific temporary moments, as well as according to the reason for the discrimination in question.

Its development is scheduled for 2019 if granted.

- Regarding the fight against LGBTIphobia, two of the priority areas are education and employment, given the situations of homophobic and transphobic bullying that, even today, continue to exist in schools and work centers. For this reason, two specific projects are being promoted in these two areas: **Project Embracing Diversity: an educational responsibility. Training sessions to combat homophobic and transphobic bullying / Project Advancing in management of LGBT diversity in the public and private sector (ADIM)**.

The **Spanish Observatory of Racism and Xenophobia (OBERAXE)**, under the Ministry of Labor, Migration and Social Security, collects information on projects, surveys, resources, reports and studies, promoted by the Secretary General of



Immigration and Emigration and by other ministerial departments, entities and institutions, in order to serve as a platform for knowledge, analysis and promotion of work to combat racism, racial discrimination, xenophobia and other forms of intolerance, as well as incidents and hate crimes . All this through collaboration with public administrations and civil society at the national, European Union and international levels.

The lines of action of the OBERAXE are framed in the **Comprehensive Strategy against racism, racial discrimination, xenophobia and other related intolerance** approved by the Council of Ministers on November 4, 2011 and address, on the one hand, the international commitments assumed for Spain in matters of racism and xenophobia and, on the other hand, for the needs, demands and hopes of Spanish society itself. These are the priority axes:

- Coordination and cooperation.
- Analysis of the situation: reports of the evolution of racism, xenophobia and other related intolerance in Spain are published every year.
- Education: **FRIDA Project 2014-2017, training for the prevention of racism, xenophobia and related intolerance in the classroom**. In a first phase, it was co-financed by the European Union through the Progress 2013 Program for Employment and Social Solidarity and since 2016 it is the responsibility of the General Secretariat for Immigration and Emigration. Its objective is to train and sensitize teachers, responsible for educational centers and the educational community in the prevention and detection of racism, xenophobia and other forms of intolerance, as well as in Human Rights. It is carried out in collaboration with the National Center 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. 1,400 teachers and education officers from all the autonomous communities have already participated. The **Support Manual for the prevention and detection of racism, xenophobia and other forms of intolerance in the classroom** has been published as a work tool for trainers, teachers' centers, social organizations and the academic sphere in general. The Manual has been widely disseminated to education agents in the autonomous communities, immigrant associations and

NGOs, universities, unions and public administrations, among others. It has had a great acceptance by those responsible for education and has promoted the training of teachers in racism, xenophobia and other forms of intolerance in some Autonomous Community (Castilla y León). It has facilitated the Valencian Community to incorporate information on the motivation of the incidents that are notified to its PREVI registration system. The new Coexistence Plan of the Ministry of Education and Vocational Training includes the prevention and treatment of intolerance in its different forms. And it has supposed a model of coordination and institutional collaboration and with civil society, and there is a requirement on the part of the representatives of the autonomous communities to maintain the line of work initiated with it. The actions of interest in this axis, published on the Observatory website are: Educational materials "# SomosMás, against hate and radicalism"; Master Plan for coexistence and safety in educational centers and their surroundings; Campaign all against bullying; Intercultural Classroom; Blog CONVIVES; Edex; Educational notebooks ACCEM; Program Good treatment of the ANAR Foundation; Educatolerance; Intercultural Schools Network; ICT Resources on racism; Educational promotion of the Roma; European campaign against Internet intolerance.

- Employment.
- Security Forces and Bodies.
- Incidents and hate crimes.
- Media.
- Health.

Within the line of action of promotion of culture is included as a measure the coordination, implementation and monitoring of the Action Plan of the **Institute of Roma Culture** for the dissemination and promotion of History and Heritage and the cultural creation of the Roma.

The budget dedicated to specific measures in this area was € 302,576.57 in 2017, involving the General State Administration and the autonomous communities, by 92% and 8% respectively. The Progress Report 2017 shows that it is necessary to implement cultural measures that show the diversity of the talent of the Roma, although much progress is being made in the dissemination of this talent, as can be seen in these examples:

- Goya Award 2019 for the best novel address to Arantxa Echevarría, for her film "Carmen and Lola", a film about the history of 2 Roma women.

- There are 2 programs on public radio dedicated to the Roma: Gitanos (National Radio of Spain) and Ververipen: Diversidad Gitana (municipal public radio of the Madrid City Council).
- There are 2 popular initiatives through "change.org" to be recognized by UNESCO as the intangible cultural heritage of Humanity the Zambra Gitana del Sacromonte Granadino and Rumba Gitana Catalana. Apart from Flamenco, which is already part of this Intangible Cultural Heritage of Humanity since 2010.

Another measure is the celebration of the **International Day of the Roma People** and other acts that promote knowledge and recognition of the historical memory of the Roma, such as the **Samudaripen**.

The work of the **Culture Working Group of the State Council for the Roma People** stands out in this line.

Within the last line of citizenship and participation, the work of the working groups of the State Council for the Roma People and the participation of the State Council for the Roma People in thematic work meetings organized by the Directorate General of Families and Child Services of the Ministry of Health, Consume Affairs and Social Welfare, related to the Roma, as well as the financing of the maintenance and operation of state-level organizations of the Roma association movement.

Both the Strategy and the Functional Plans 2014-2016 and 2018-2020 have been prepared with the contributions and collaboration of the State Council for the Roma People and once they have been drafted, it has been ratified by them.

On the part of the General State Administration, the support to the State Council for the Roma People is materialized in the constant dialogue that is maintained between the different ministries that have members within it, namely: Foreign Affairs, European Union and Cooperation; Justice; Inside; Promotion; Education and Professional Training; Work, Migrations and Social Security; Industry, Commerce and Tourism; Presidency, Relations with the Courts and Equality; Territorial Policy and Public Function; Culture and Sports; and Health, Consume and Social Welfare. Thus, they attend their ordinary and extraordinary plenary sessions, the Permanent Commission and participate in the different work groups, by reason of matter, that make contributions to both the Strategy and the Functional Plans.

In the period 2014-2018 the following days of meeting and debate have been organized:

- **The youth guarantee (youth employment initiative) and the Roma population: opportunities and challenges (Sevilla, 2014).**
- **European funds and Roma population (Mérida 2015).**
- **Work approaches to promote the social inclusion of the Roma population at the local level (Pamplona 2016).**
- **Functional Plan 2017-2020 of the National Roma Integration Strategy in Spain 2012-2020 (Madrid 2017).** With the following objectives:
 - Reflect on the priorities of the new Functional Plan and the most effective type of actions with the greatest impact on the Roma.
 - Discuss the actions that must be prioritized from the different administrative levels (state, autonomous and local) and from the social entities, trying to improve the coordination of all the actors and their resources.
 - Propose improvements and action guidelines for the different areas to be promoted in the new functional plan.
- **Early schooling and school success in the Roma population (Alicante 2017).**
- **Anti-gypsyism: keys to prevent and combat it (Santiago de Compostela 2018).** The objective of this seminar was to gain first-hand knowledge of the scope in Spain and Europe and its consequences, and to exchange experiences and draw lessons based on measures or actions implemented by different institutions and organizations to address the challenge of combating anti-gypsyism. As a result of the debate, action priorities emerged for the coming years in terms of victim assistance, awareness-raising and training and reporting.