



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

ACFC/SR (2000) 5
(original language French)

**REPORT SUBMITTED BY SPAIN PURSUANT TO ARTICLE 25,
PARAGRAPH 1 OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

(Received on 19 December 2000)

(Appendices currently available only in Spanish)

PART ONE

INTRODUCTION

Spain offers an example of coexistence because it has, throughout its history, been influenced by the cultures and life-styles of many different peoples and population groups.

The Roma, who have preserved their cultural identity since they first came to Spain in the 15th century, are present in all nineteen Autonomous Communities (regions) and in the Autonomous Cities of Ceuta and Melilla, each of which has its own territory, language, customs and other specific characteristics.

Spain's Roma, the target of repressive laws in the past, were only recently acknowledged as fully-fledged members of the community, when the new Constitution recognised them as citizens as of right and guaranteed their fundamental rights and freedoms.

Over the years, intolerance and rejection were often majority culture attitudes, and the Roma reacted by banding together in close-knit communities, which made coexistence even harder. Conflict situations still arise, but are not widespread – though there are still occasional and worrying cases of intolerance towards Roma.

The fact that many Roma are still not treated equally, and are relegated to the fringes of society, is partly a legacy of the past, and partly due to the effects of rapid social and technological change in western society, and to the fact that basic education is lacking, and illiteracy high, in some sections of the Roma community.

Since Spain became a democracy, the political and administrative authorities have taken various measures to overcome these problems. This report describes the social policy measures implemented by the Ministry of Labour and Social Affairs in co-operation with the Roma community.

Information on the Spanish Roma Community

Social and demographic situation

- Spain's Roma are mainly sedentary, and unevenly distributed throughout the country. The largest numbers are in the Autonomous Communities of Andalusia (45%), Valencia and Murcia, and in the major cities, such as Madrid, Barcelona, Seville, Granada, Valencia and Zaragoza.
- The number of Roma in Spain is estimated at between 600,000 and 650,000.

The Spanish Roma population does not constitute a "whole", but comprises various communities – although all of them have preserved the same basic identity, culture, value system, social organisation and language (mostly based on the "caló" dialect).

- The family is the basic social unit. It plays an important role in education, work and the community, and is usually larger than non-Roma families.
- Roma have a higher fertility rate and shorter life expectancy than the rest of the population. They are thus a young community, with approximately 40% of working age (16 to 65).
- Most Roma drop out before the end of compulsory schooling. Illiteracy, both total and functional, is far more prevalent than in the population at large. Roma who take up apprenticeships or learn trades are the exception.
- The most disadvantaged Roma groups usually live in shanty towns in run-down, unhygienic surroundings.
- Sickness and disability are commoner than in the rest of the population.
- All the surveys show that the Roma are the most unpopular of the minority groups.

Employment situation

The employment situation of Roma, both male and female, differs considerably from that of the rest of the population. It is still unusual for Roma to have regular employment or work for others. They mostly engage in commercial activities, particularly as peddlers.

Some Roma are self-employed, work in the arts or are students. Others combine one of these activities with seasonal farm work. Others again, mainly young people, are unemployed.

Lastly, a small number are engaged in marginal occupations.

The following table shows the main activities of the Roma population:

	Description	Sector	% of total
Traditional Roma occupations (usually self-employed)	Undergoing transformation	- Peddling - Solid waste collection - Seasonal work	50-80%
	Own businesses	- Antique-dealers - Shopkeepers - The arts	6-16%
New Roma occupations (usually with employee status)	Unskilled	- Building industry - Public works - Unskilled civil service jobs - Other	10-16%
	Skilled	- Skilled civil service jobs - Other	

Source: Roma General Secretariat Association

PART TWO

Article 3, paras. 1 and 2

Under the 1978 Constitution, Spain's Roma are citizens in their own right.

Article 14 provides that: "Spaniards shall be equal before the law and may not be discriminated against for reasons of birth, race, sex, religion, opinion or any other condition or personal or social circumstance."

Similarly, Article 9.2 stipulates that: "It shall be incumbent upon the public authorities to promote conditions such as to ensure real and effective freedom and equality for individuals and the groups to which they belong, to remove obstacles which prevent or hinder the full enjoyment thereof, and to facilitate the participation of all citizens in political, economic, cultural and social life."

The Preamble to the Constitution states that: "The Constitution is founded on the indissoluble unity of the Spanish nation, the common, indivisible homeland of all Spaniards; it recognises and guarantees the right to autonomy of the nation's constituent nationalities and regions and solidarity between them."

The Constitution does not formally recognise or define ethnic minorities. As stated in the Preamble, it recognises and protects all the peoples of Spain and their cultures, traditions, languages and institutions.

Nor is there any state or government institution or agency responsible for minorities.

- Distribution of responsibilities

Demographic data are collected by the National Statistical Institute (INE), which compiles the two main sources of such data: the Population Census, which is carried out every ten years, and the Municipal Registers, which are updated annually on the basis of data supplied by the municipal authorities.

- Factual information

One important point must be made before we say anything on the question of social and economic data on the Roma. Information on a person's membership of a given ethnic, religious, economic or social group is protected by the Constitution, and so does not appear in official statistics on population, employment, education, social protection, family structures, etc.

As a result, the information we have on certain communities, such as the Roma, is based on sociological research and surveys carried out at local and regional level by different authors, using different methods, and with different content. These cannot be used for official purposes, although they do give us vital information on the situation of the Spanish Roma community.

The most recent state survey of the Roma population dates back to 1991¹, but some of those produced by the Autonomous Communities (regions) and provinces are more recent².

This section presents the most significant data from the various studies of the Roma community, and from government reports on the country's sociological situation. Some of the data are based on statistics collated from these sources.

Table I shows how the Roma are distributed in the various Autonomous Communities.

TABLE I:

ESTIMATED ROMA POPULATION AS A PERCENTAGE OF THE TOTAL POPULATION OF EACH AUTONOMOUS COMMUNITY

Autonomous Community	Total population*	Roma population**	Percentage of total population
Andalusia	7,236,459	286,110	3.95
Aragon	1,183,234	18,209	1.54
Asturia	1,081,834	4,780	0.44
Balearic Islands	796,483	5,423	0.68
Canary Islands	1,630,015	854	0.05
Cantabria	527,137	4,021	0.76
Castilla-La Mancha	1,716,152	33,552	1.96
Castilla y Leon	2,484,603	28,339	1.14
Catalonia	6,147,610	52,937	0.86
Extremadura	1,069,419	11,318	1.06
Galicia	2,724,544	13,741	0.50
Madrid	5,091,336	59,082	1.16
Murcia	1,115,068	33,006	2.96
La Rioja	263,644	7,361	2.79
Valencia	4,023,441	52,455	1.30
Navarra	530,819	5,954	1.12

¹ "Map of Roma Settlement in Spain", Grupo PASS, 1991, financed by the Ministry of Social Affairs

² "The Roma of Barcelona", Barcelona City Council, 2000

"Living conditions of the Roma population of Zaragoza", Association for the promotion of the Roma community in Zaragoza, 1999

"The Roma population of Andalusia", Assembly of Andalusia, Secretariat for Employment and Social Affairs, 1996

"Diagnosis of the situation of the Roma population of Castilla y Leon", Assembly of Castilla y Leon, 1995

"The Roma of Extremadura", Assembly of Extremadura, Secretariat for Social Welfare, 1993

"The Roma community in Galicia", Assembly of Galicia, 1992

"The Roma of Cantabria", Regional Directorate of Social Welfare, 1991

Basque Country	2,098,628	11,675	0.56
Ceuta and Melilla	132,225	2,030	1.54
Total	39,852,651	630,847	1.58

* Population figures taken from the Municipal Registers, updated at 1 January 1998

** Calculated by the Roma General Secretariat Association from projections based on the figures given in the "Map of Roma settlement in Spain" (Grupo PASS, 1991), the latest general study, supplemented with figures from more recent studies carried out by the Autonomous Communities, to which the same projected stable growth rate of 5.2 has been applied.

- Narrative

In answer to the question, it must be said that some Roma groups in Spain (usually those who have set up associations) do say that they belong to an ethnic minority.

Article 4

- Legal information

As well as Article 14 of the Constitution, Institutional Law 10/1995 of 23 November, establishing the Criminal Code, has an important bearing on Article 4, para. 1 of the Convention. The relevant sections read as follows:

- Article 22.4 - Aggravating circumstances: "Committing an offence for racist, anti-Semitic or other reasons involving discrimination on the basis of the victim's ideology, religion or beliefs, ethnic group, race or nationality, sex or sexual orientation or an illness or disability from which he/she suffers".

- Article 131.4: "The crime of genocide shall in no circumstances be subject to limitation."

- Article 170 (amended by Institutional Law 2/1998 of 15 June, amending the Criminal Code and Code of Criminal Procedure): "Where harm, constituting an offence, is threatened with the aim of intimidating the members of a population, ethnic, cultural or religious group, social or professional body or any other group of people, and with sufficiently serious intent, penalties more stringent than those provided for in the previous article shall be imposed."

- Article 197.5 - Offences against privacy, the right to one's own image and inviolability of the home - Discovery and disclosure of secrets: "Where the offences described in the previous paragraphs relate to personal data which reveal a person's ideology, religion, beliefs, state of health, racial origin or sexual activities, or where the victim is a minor or incapable, the most severe penalties provided for in law shall be imposed."

- Article 314: "Persons guilty of serious discrimination in employment, whether public or private, on account of a person's ideology, religion or beliefs, membership of

an ethnic group, race or nationality, sex or sexual orientation, family situation, illness or disability ..., shall be liable to imprisonment for six months to two years, or a fine equivalent to six to twelve months' salary."

- Offences committed in the exercise of fundamental rights and public freedoms guaranteed by the Constitution:

Article 510

"1. Persons inciting discrimination, hatred or violence against groups or associations for racist, anti-Semitic or other reasons relating to their members' ideology, religion or beliefs, family situation, ethnic group or race, country of origin, sex or sexual orientation, illness or disability, shall be liable to imprisonment for one to three years, or a fine equivalent to six to twelve months' salary.

2. The same penalties shall apply to persons who knowingly, or with disregard for the truth, circulate false and offensive information concerning the ideology, religion or beliefs, ethnic group or race, country of origin, sex or sexual orientation, illness or disability, of members of groups or associations."

Article 511

"1. Persons responsible for public services who refuse a person benefits or services to which he/she is entitled, on account of his/her ideology, religion, beliefs, ethnic group or race, country of origin, sex or sexual orientation, family situation, illness or disability, shall be liable to imprisonment for six months to two years and a fine equivalent to twelve to twenty-four months' salary, and shall be barred from holding public employment or office for one to three years.

2. The same penalties shall apply where the offence is committed against an association, foundation, company, corporation or its members, for reasons of ideology, religion or beliefs, or on account of one or more members' ethnic group, race, ..."

Article 512

"Persons who, in pursuing their occupation, refuse a person benefits or services to which he/she is entitled, on account of his/her ideology, religion or beliefs, ethnic group, race or nationality ... shall be barred from practising a profession or trade, or running an industrial or commercial enterprise, for a period of one to four years."

Article 515

"It shall be a punishable offence to form an illegal association. The following shall be considered as such:

...

5. Those which foster discrimination, hatred or violence against persons, groups or associations on account of their ideology, religion or beliefs, one or more members' ethnic group, race or nationality, sex or sexual orientation, family situation, illness or disability, or which incite thereto."

Article 518

"Persons who provide economic or other, and in any case significant, aid to facilitate the foundation, organisation or activities of associations coming under paragraph 5 of Article 515 shall be liable to imprisonment for one to three years, a fine equivalent to twelve to twenty-four months' salary, and a special ban on holding public employment or office for one to four years."

Article 607 - Offences against the international community - Offences against public international law

"1. Persons who, with the aim of totally or partially destroying a national, ethnic, racial or religious group, commit any of the following offences shall be liable to:"
(various penalties are specified for offences listed in decreasing order of gravity).

"2. The dissemination by any means of ideas or doctrines denying or justifying the offences listed in the preceding paragraph, or seeking to rehabilitate regimes or institutions upholding practices which lead to these offences, shall carry a prison sentence of one to two years."

With reference to Article 4, para. 2 of the Framework Convention, the specific measures adopted for the Roma community by the Ministry of Labour and Social Affairs are detailed below, and action taken on other levels is also indicated.

This concludes the information provided under the headings: legal information, distribution of responsibilities, policy, factual information, narrative, etc.

The Government's Roma Development Plan

In view of the situation described in Part One, and in accordance with the Parliamentary Bill of 3 October 1985 on a Roma Development Plan (see Appendix 1), the Government included specific funds for such a plan in the general state budget from 1989, and set up a Roma Development Plan Unit to implement the Bill.

The Unit is at present attached to the Directorate General for Social Action, Minors and the Family of the Ministry of Labour and Social Affairs.

The aims for the period covered by the plan are to give Roma improved quality of life and some degree of well-being by giving them equal access to social welfare schemes, help them to participate in public and community life, work for better relations between different social and cultural groups, strengthen Roma associations, and combat discrimination and racism towards Roma.

In pursuit of these aims, the plan has focused on promoting affirmative action for the social development of Roma communities, and co-ordinating the measures taken by public authorities and Roma organisations.

The guiding principle behind all this is to supplement the schemes and resources provided for the population at large and extend them to Roma, thus facilitating their social integration, while respecting their cultural diversity and right to be different.

The main types of action currently being taken under the Roma Development Plan are:

1. Co-operation with the Autonomous Communities (regional government) and, through them, the municipalities (local government)

The Autonomous Communities administer their own territories, and have extensive powers within their territory in the fields of social welfare, social services and assistance for the Roma.

However, the municipal authorities (councils, consortiums and associations of municipalities) are those which deal most closely with the Roma in various spheres.

Close co-operation between central government (Ministry of Labour and Social Affairs), Autonomous Communities and local authorities, involving a pooling of efforts and resources, is vital to the launching of schemes to improve the living conditions of the most disadvantaged Roma communities.

This co-operation is the subject of an agreement between the Ministry of Labour and Social Affairs and the Autonomous Communities (ACs) on the co-funding and implementation of comprehensive social action projects to assist the Roma community, save it from exclusion and help it to integrate, the aim being to satisfy the needs of the most disadvantaged groups and foster their social development.

Co-operation between central government and the ACs is also governed by the financial agreement, adopted annually by the cabinet, which determines how the Ministry's budget is to be divided among the ACs, and lays down criteria for co-funded projects (Appendix II contains the 1999 text).

Funding is arranged in such a way that ACs and/or municipalities contribute at least two-thirds of the sum determined for each AC by the Ministry.

Projects are jointly approved by central and regional government. Their essential feature is that they are comprehensive, covering social welfare, education and training, employment, health, housing and living conditions. They are co-ordinated by the public authorities responsible for them.

Typical measures are housing support for Roma families, school attendance monitoring to prevent absenteeism and stop Roma children from dropping out early, measures to supplement vocational training and improve employment prospects, health education, social work with families, action to promote Roma culture, Roma participation in the life of the community, and Roma associations, and the issuing of proper personal, family and work papers.

The Roma Development Plan Monitoring Committee is responsible for monitoring co-operation between public authorities in this area. It includes experts from the Directorate General for Social Action, Minors and the Family and representatives of

both the Autonomous Communities contributing to the budget³, and the Spanish Federation of Municipalities and Provinces (FEMP).

The Committee determines criteria for allocation of the budget, approves project information and evaluation systems and deals with all Roma-related questions which form part of its remit.

Between 1989 and 1999, the Ministry contributed a total of ESP 5,478 million to the plan, and the Autonomous Communities (or regions) and municipalities and other local authorities contributed ESP 4,159 million (see Table 2).

TABLE 2
Public funding⁴ of projects managed by the public sector

Year	Ministry contribution	AC and/or LA* contribution	Total
1989	469,825,988	292,068,462	761,894,450
1990	491,619,988	305,258,292	796,878,280
1991	500,000,000	333,266,000	833,266,000
1992	525,000,000	349,996,998	874,996,998
1993	519,750,000	346,499,998	866,249,998
1994	519,750,000	346,500,000	866,250,000
1995	519,750,000	403,977,333	923,727,333
1996	432,000,000	455,258,759	887,258,759
1997	500,000,000	382,736,610	882,736,610
1998	500,000,000	440,555,241	940,555,241
1999	500,000,000	503,215,696	1,003,215,649
TOTAL	5,447,695,976	4,159,333,389	9,637,029,365

* AC = Autonomous Community (region)
LA = Local authority (municipalities and other)

Interministerial co-ordination

Co-ordination of the action taken by the various ministerial departments is based on bilateral contacts, particularly with the Ministry of Education and Culture, and with specialised sections of the Ministry of Labour and Social Affairs (those concerned with women, youth and migration).

Relations with the Ministry of Education and Culture are flexible, and there are permanent contacts with the Sub-Directorates General for Special Education, Promotion of Diversity and Teacher Training.

At the instigation of the Ministry of Labour and Social Affairs, a working party based on these units has been set up to design special training modules for teachers working

³ All the Autonomous Communities, apart from the Canary Islands, the Basque Country, Navarra, Ceuta and Melilla

⁴ In ESP

with Roma children and build them into the Ministry of Education and Culture's training programme.

The latter Ministry has been running training courses for teachers and teaching teams dealing with Roma children in various towns and cities since the 1997-98 school year. Seventeen courses were arranged in 1998 and 1999.

2. Financial and technical support for NGOs working with Roma

Co-operation here takes two forms: technical support for organisations working for the social development of Roma, and financial support for community schemes run by non-profit-making organisations (NGOs).

Financial support takes the form of annual subsidies from the Ministry of Labour and Social Affairs. These are based on the General Social Support Scheme⁵ and a 0.52% income tax levy, and priority goes to innovative schemes, complementing those already run by the public authorities in the area concerned. The following types of scheme are subsidised:

- **Employment integration schemes:** pre-employment training, career guidance, assistance and supervision to help young people to integrate within the labour market, vocational training for groups excluded from standard training, and training for intercultural mediators.
- **Social integration schemes:** child education support, monitoring and assistance for children in compulsory schooling (primary and secondary), action to promote continuity and regular attendance (intermediate and upper levels), basic health training and education for young Roma, social training schemes in prisons, and schemes for Roma families employed as seasonal farm workers.
- **Schemes to promote and support the development of Roma women**

Subsidies for social assistance schemes for Roma totalled ESP 4,671 million throughout the country between 1989 and 1999.

TABLE 3
Ministerial funding of social schemes run by NGOs

Year	Ministerial subsidies for Roma support schemes		Annual total
	General Social Support Scheme	0.52% of income tax	
1989	68,100,000	16,612,232	84,712,232
1990	76,256,594	200,770,000	277,026,594
1991	83,000,000	198,950,000	281,950,000
1992	72,908,362	247,000,000	319,908,362
1993	54,540,000	388,200,000	442,740,000

⁵ For subsidising support schemes and day-to-day activities run by Roma associations active at national level

1994	70,156,000	398,400,000	468,556,000
1995	69,056,000	471,012,342	540,068,342
1996	64,503,000	501,279,088	565,782,088
1997	62,855,000	500,600,000	563,455,000
1998	60,150,000	529,250,000	589,400,000
1999	66,500,000	470,550,000	537,050,000
TOTAL	748,024,956	3,922,623,662	4,670,648,618

3. Roma participation in institutional structures

One of the main objectives of the Plan is to foster Roma participation in public and community life.

The participation body at state level is the Roma Development Plan Advisory Committee, which brings together representatives of central government (experts from the Directorate General for Social Action, Minors and the Family), associations active at national level, the Federations of Autonomous Communities (regions) and Roma associations (see Appendix III).

The Committee deals with such matters as the Roma community's image in the media, proposals and criteria for public action, project monitoring, associations, its own working methods, anti-racism campaigns, the activity of peddlers, international issues and other relevant themes.

4. Training

The Roma Development Plan lays special emphasis on the training of specialists and staff working on social action programmes for Roma communities.

Since 1992, the training programme of the Directorate General for Social Action, Minors and the Family has included special training for professionals working with Roma communities or helping them under the various welfare schemes.

Between 1992 and 1999, 37 training courses were run in co-operation with the Autonomous Communities, covering various training modules:

- managing social action programmes in co-operation with Roma communities,
- educational support and supervision under social action programmes,
- evaluation and analysis of pilot schemes with Roma communities,
- Roma cultural anthropology and inter-cultural relations,
- management of social programmes for Roma organisations,
- working methods and instruments for use in social action programmes for Roma,
- aid for Roma provided by the general social services: access to standard resources,
- participation of Roma organisations in institutional structures.

5. Protecting the image of the Roma, raising public consciousness and disseminating Roma culture

Marginalisation and poverty are already problems, but Spain's Roma are often ostracised simply because they belong to a separate ethnic group. This emerges very clearly from the many surveys and studies carried out, and from a number of incidents, which – although isolated - have sometimes been extremely vicious.

The Ministry thinks it vital that all action taken under the Roma Development Plan should help different ethnic groups to coexist amicably, protect the Roma image, disseminate Roma culture, and make both the public and social service professionals more aware of the Roma community's problems.

It has accordingly backed a number of campaigns and programmes (run by NGOs or in co-operation with international organisations) to promote solidarity and coexistence, heighten public awareness of individual and cultural diversity, and prevent racist attitudes and behaviour.

Measures to protect the Roma community's image and disseminate its culture include guidelines issued by the Ministry of Labour and Social Affairs, urging the media to publish nothing which reflects negatively on Roma culture, and to increase their own knowledge of that culture. Significant here is the agreement "on protection of the culture and image of ethnic minorities in the media", concluded between certain public authorities and the media in 1996.

Similarly, letters have been sent to various authorities and institutions, including the General Directorate of Police, the Centre for Social Research and the Royal Academy of the Spanish Language, urging them to be particularly careful when issuing reports on Roma or information on their culture, the aim being to avoid the stereotypes and prejudices which announcements, studies, research and even dictionary definitions sometimes embody.

Another vital aim is to give the public a positive image of Roma culture by publishing research and studies and organising special events.

Action taken to promote Roma culture includes:

- The comprehensive social projects co-funded with the Autonomous Communities (see section 1), which include: the teaching of Romany, flamenco workshops, Roma cultural days or weeks, seminars, exhibitions, cultural tours and discussion groups, etc.
- Technical and financial backing for Roma associations and NGOs working in this area takes the form of subsidies under the General Social Support Scheme (cf. section 3), and helps these associations to cover the cost of assistance schemes and day-to-day activities, many of which are aimed at promoting and disseminating Roma culture: documentation centres (Appendix IV), a bimonthly newsletter, press releases, web-sites, participation in international social networks, holding of congresses, colloquies and seminars, etc.

- Activities subsidised from the 0.52% income tax levy (see section 3) include training schemes focused on Roma history and culture, Romany language courses, and cultural events designed to promote inter-cultural coexistence and tolerance.
- All the training courses run by the Directorate General for Social Action, Minors and the Family (section 5) for professionals working with Roma community deal with Roma culture, and a special module on "Roma cultural anthropology and inter-cultural relations" has been added.
- Attendance at meetings organised in universities, social worker training centres and ministerial departments (Ministry of Education and Culture, Teaching, etc.) to provide information and training on Roma cultural anthropology and measures taken for Roma.

Combating racism is another aspect of the Roma Development Plan, and this aim must be pursued at political, legal, economic and community level.

At community level, there must be two main emphases: changing the majority's attitudes to Roma, and putting Roma on an equal footing with other Spaniards. Since 1989, various measures have been taken for these purposes under the Plan.

Anti-racism activities supported by the Ministry include:

- Financing research on media treatment of Roma; publication and dissemination of the findings;
- Publication of comprehensive, detailed studies of the attitudes and reasons which explain why ethnic groups have no contacts, and why, for example, some schools are attended almost exclusively by Roma pupils;
- Media guidelines on the negative news items and reports which sometimes appear in the press and on radio and television;
- Funding of the ongoing efforts of national Roma associations to prevent and combat racism;
- Conferences, seminars and debates on intolerance and racism.

In 1997, European Year against Racism was marked by:

- A two-day seminar on Roma, attended by Roma and non-Roma experts, at the Directorate General's headquarters. Topics included Roma culture and cultural identity, racism and inter-ethnic relations. The Directorate General thought the seminar of sufficient interest to publish the proceedings, which were widely distributed to public authorities, NGOs, institutions and other interested parties.

In 1998, a conference on "Roma communities: present situation and future challenges" was organised as a follow-up to the seminar. This was attended by many experts, political and technical representatives from the three tiers of government, professionals working with Roma, and representatives of Roma associations and federations.

- The film, "Roma women and work", produced by the Institute for Women of the Ministry of Labour and Social Affairs and financed by the European Social Fund. This includes interviews with Roma women working in various trades and sectors, and is designed to counter some of the current prejudices and stereotypes by presenting a new image of Roma women and highlighting their positive qualities.

In 1998, it was shown at a colloquy on "Roma women, training and employment", organised by the Institute for Women and the Directorate General for Social Action, Minors and the Family as part of the 3rd plan to promote equal opportunities for women and men.

- Translation into Spanish of the 1997 issues of the newsletter published by the Council of Europe's Specialist Group on Roma/Gypsies, for publication and distribution in Spain.

6. Co-operation with international organisations

The Ministry of Labour and Social Affairs works with the UN, EU, Council of Europe and OSCE bodies concerned with Roma, and sends representatives to their meetings. When asked to do so, it completes questionnaires and submits reports on the Roma community and on racism and discrimination affecting it.

We submit regular reports on compliance with the United Nations Convention on the Elimination of all Forms of Racial Discrimination and co-operate with the committee responsible for examining these reports.

It should be noted that Spain's representative on the Council of Europe's Specialist Group on Roma/Gypsies is a Roma woman. She was nominated by the Ministry of Labour and Social Affairs, after consulting the Roma organisations represented on the Roma Development Plan Advisory Committee.

Spain also participated in the first meeting on consultative mechanisms between Roma and governments (Budapest, 1996), and a Roma chosen by the Advisory Committee represented it at the second meeting (Helsinki, 1997).

Similarly, information and documentation are exchanged with representatives, researchers and fellowship-holders in various outside institutions, such as the Council of Europe, certain Romanian delegations, the embassy of the Czech Republic, etc.

Assessment of results

The information available on action taken under the Roma Development Plan covers:

- funding of programmes by various public authorities,
- the number of people covered by programmes,
- Roma and non-Roma professionals involved in programmes,
- activities carried out as part of programmes,
- organisations responsible for managing programmes.

As everyone knows, fostering the social development of minority groups who do not enjoy equality with the rest of the population is a long and costly process, and this makes it hard to assess results in terms of improved behaviour, attitudes and community relations.

However, the many studies carried out, feedback from professionals working with Roma and experience gained in the field often show that the measures taken do have some positive effects, the most significant being:

- the impact of schooling support schemes for Roma children, which have given them easier access to schooling, and reduced absenteeism, failure and drop-out rates. This, however, is the area where programmes to aid Roma families face their biggest challenge;
- the impact of social support for Roma women in the fields of education, health training and community involvement, all of which are keys to their families' development;
- confirmation that rehousing schemes cause less conflict when allocation of housing to Roma families is accompanied by social support measures;
- the significant efforts made to give a large number of young Roma training matching the Roma community's needs. It should also be noted that we are constantly on the lookout for new and better ways and means of integrating Roma in the labour market;
- the trend towards diversification of occupations, following recognition of the limitations of traditional Roma activities;
- creation of jobs for social workers of Roma and non-Roma origin;
- measures to encourage Roma participation in the life of the community and the founding of Roma associations;
- identification of Roma communities as specific groups deserving official support;
- fostering the provision of more financial, human and other resources for Roma support measures;
- the considerable efforts made to raise public and media awareness, with a view to improving the image of the Roma.

Other measures taken by regional and local authorities

The previous section describes action taken by central government to assist the Roma community. However, this report would be incomplete if it failed to mention the many measures taken for the Roma by the Autonomous Communities and municipalities, in accordance with their statutory powers and responsibilities.

Increasingly, powers and responsibilities are being decentralised, and it is safe to say that regional and local government bodies now have full control in the main areas

where the Roma community need support - housing, education, employment, social support and social services - although there are some differences between them, depending on territories, subject-matter, the extent to which responsibilities have been transferred, etc.

It should also be noted that most of the social service laws passed by the Autonomous Communities single out the "Roma minority" or "ethnic minorities" for special attention.

Without trying to provide a full list, the following initiatives by the Autonomous Communities should be mentioned:

- The Autonomous Community of Andalusia has been running a special scheme, the Comprehensive Plan for the Roma Community of Andalusia, since 1997; Castilla y Leon completed a similar plan in 1998, and other special measures for the Roma community are now being prepared. These two plans cover action in the fields of education, housing, employment, social welfare (benefits and guaranteed minimum income), health, social support and social services.
- The Autonomous Community of Andalusia has a special unit - the Secretariat for the Roma Community - which is attached to the Department of Social Affairs, and a documentation centre, the Roma Socio-Cultural Centre of Andalusia. The assembly in Seville also has a specific policy unit for Roma.
- The Autonomous Community of Murcia has an office for ethnic minorities, which deals with the region's Roma community and its problems.
- The Autonomous Communities of Castilla-La Mancha (where a study on resident Roma was conducted in 1999), Extremadura, Murcia and Valencia are bringing in special action plans for their Roma communities.
- Most of the Autonomous Communities have special subsidies to help Roma organisations on their territory to cover overheads, staff costs and expenditure on day-to-day activities and social programmes.
- Similarly, there are participation bodies at regional and local levels, some of them specific to the Roma community, others forming part of the Participation Councils for Social Welfare.
- Both the Autonomous Communities and the municipalities play a major role in co-funding programmes for Roma subsidised by the European Union.
- The public authorities promote and support projects, campaigns, seminars, workshops and forums aimed at combating racism, particularly among young people.

The latest measures for Spain's Roma population

The following measures, implemented in 1999, should be mentioned:

- The setting-up of a Sub-Committee for Roma Issues within the Committee on Political, Social and Employment Affairs of the Congress of Deputies, to review the current Roma Development Plan and propose new measures to the Government. The Sub-Committee started work in October 1999, and has organised hearings with a number of representatives and organisations.

In a report approved on 14 December 1999 (appended), the Sub-Committee considered the most urgent problems raised by the Roma community and made proposals on culture and cultural identity, housing, employment, education and training, health, social support, women's rights, the media, racism and involvement in community life.

It concluded that the next parliament should continue to study the problems raised by the Roma community, and adopt the measures needed to put members of that community on an equal footing with the rest of the population.

The current parliament will reconvene the Sub-Committee, which will pursue this work.

- Meeting in plenary session, the Regional Assembly of Murcia approved a motion for the adoption of measures to assist the Roma community, urging the Governing Council to devise and submit a "Comprehensive plan for the Roma population of the region of Murcia".

Similarly, the plenary legislative assembly of Andalusia has approved a proposal on higher education for Roma women.

- On 4 March, the 500th anniversary of the signing of the *Pragmática* (royal edict) by the Catholic Kings in Madrid in 1499, the Ombudsman of Spain and the Ombudsmen of eight Autonomous Communities signed a manifesto in support of Roma rights. This was presented at the international seminar on "Democracy, human rights and minorities" and published in the media.

- A preparatory meeting was organised at the Ministry of Labour and Social Affairs for the Spanish delegation to the Social Affairs Group meeting, convened in January 2000 to discuss the package of measures proposed by the European Commission under Article 13 of the Amsterdam Treaty - two directives and an action programme to combat discrimination and promote equal treatment.

- An Education Group - comprising representatives of Roma organisations, the Autonomous Communities, the Ministry of Education and Culture, and the Directorate General for Social Action, Minors and the Family – was set up to devise policy measures on the basis of a document prepared by the Roma organisations, with the help of various educational and social sector institutions.

- A Working Group, comprising representatives of the Directorate General for Social Action, Minors and the Family, and Roma organisations, was established to draw up new rules of procedure for the Roma Development Plan Advisory Committee.

Article 5

1. The information asked for here has already been given under "Protecting the image of the Roma and disseminating Roma culture" in the previous section.
2. There are no laws or government structures covering a general integration policy.

The legislation applying to Roma is that mentioned in the reply under Article 4:

- the Bill of 3 October 1985
- the social services legislation of the Autonomous Communities.

Article 6

1. The Spanish state and all its institutions and agencies encourage tolerance and intercultural dialogue, and accordingly take the measures they consider best calculated to promote respect and coexistence between the individuals and the groups who together make up the community.
2. The relevant legal information has been given under Article 4, para. 1.

- Factual information

Acts of discrimination on the basis of ethnic identity must be reported to the judicial authorities and the Ministry of the Interior.

Article 7

- Legal information

The Spanish Constitution recognises the right to peaceful assembly and the right of association for all citizens (Articles 21.1 and 22.1).

Article 8

- Legal information

The Spanish Constitution recognises and safeguards "the right to freely express and disseminate thoughts, ideas and opinions orally, in writing or by any other means of communication." (Article 20.1)

- **Policy**

The most representative Roma organisations and associations, most widely present in Spain and/or implementing social programmes with the Roma community, receive financial support from the central government, Autonomous Communities and municipalities.

Article 9

1. The Romany language is not recognised as an official state language. This does not prevent Roma from imparting or receiving information and ideas in that language, but unofficially and at their own discretion.

The Spanish Constitution has been translated into Romany.

Central government and other authorities provide financial support for written publications in Romany.

Care is taken to ensure that Roma are not discriminated against in the matter of media access.

2. There is nothing to prevent Roma from establishing and using their own media, subject to the normal licensing requirements mentioned by the law.

Article 10

Paragraphs 1, 2 and 3

It is safe to say that all Spanish Roma speak Castilian (the official state language of Spain) and possibly one of the other official languages (Catalan, Basque, Galician).

There is nothing to stop Roma from speaking Romany or "caló" (the Spanish Romany dialect) in private and in public. In their dealings with the authorities, however, they must use one of the four official languages.

The courts may occasionally consult Roma associations on the cultural codes and language used by Roma when making statements in court.

Article 11

1. There are no restrictions, apart from those generally specified in law, on the use of surnames and first names in the language normally spoken by the person concerned.

2. There is nothing to prevent the public display in Romany of signs, inscriptions and other information of a private character.

3. No such measures are required, since the Roma are spread throughout all the Autonomous Communities.

Articles 12, 13 and 14

These are questions for the Ministry of Education and Culture.

Article 15

The action taken by the Ministry of Labour and Social Affairs to facilitate effective participation of the Roma community in matters affecting them and in public affairs is detailed in the reply concerning Article 4, para. 2.

Article 16

Where measures taken alter the proportions of the Roma population in a given area, the rights and freedoms set out in the Framework Convention are protected by the accompanying support schemes.

Article 17, paras. 1 and 2

Neither the state nor the laws governing state bodies prevent Spain's Roma community from establishing contacts with communities, Roma or not, in other countries.

What is more, support - even financial support - is provided for meetings between Roma from different countries. In recent years, several international meetings have been held in Spain with official backing:

- the EU Roma Congress (Seville, 1994)
- the European Roma Youth Congress (Barcelona, 1997).

NGOs have also organised a number of international meetings and events with state financial backing.

Article 18

The Spanish state and its institutions encourage and promote co-operation with other countries, within and outside the EU.

In recent years, a number of co-operation and exchange initiatives, mainly involving central and east European countries, have been taken on aspects of those countries' treatment of their Roma population, Roma migration to Spain, etc.

Madrid, 13 July 2000