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

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Ministry of Work and Social Affairs

State Department for social services, families and the disabled

Directorate General of Social Inclusion

COUNCIL OF EUROPE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES.-

II REPORT ON SPAIN

Following the indications of the Consultative Committee and the Template/Questionnaire, the Second Spanish Report on the Framework Convention for the Protection of National Minorities refers solely to items updating the information from the 2001-2005 period.

PART I

Introduction

Information on the structure, administrative decentralisation and other constitutional aspects are included in the report entitled "*Commentaries on the opinion of the Consultative Committee on the Framework Convention for the Protection of National Minorities (ACFC/OP/(2003)007) adopted at its eighteenth meeting on 27 November 2003*" drawn up in 2004 by the Ministry of Foreign Affairs.

Updating of demographic data.

The Spanish population on 1 January 2005 was **44,108,530**, according to official data published by the National Institute of Statistics (*Royal Decree No. 1358/2005 of 18 November, declaring the population figures resulting from the review of the Municipal Register, referred to 1 January 2005, to be official.*

Spain's **estimated** Roma population is between **650,000** and **700,000**, approximately 1.6% of the country's total population.

PART II

Article 3, points 1 and 2

The body entrusted in Spain with the gathering of demographic data is the National Institute of Statistics (INE).

The Institute collects and compiles the country's two main sources of demographic statistics: the ten-yearly Population Census, and the Municipal Register, currently updated annually according to data provided by the municipalities.

The statistical data on socio-demographic variables relative to the Spanish Roma population are not separated since *"the provision of data which may reveal ethnic origins, political opinions, religious or ideological convictions and, in general, any factors which may affect personal or family privacy, will be strictly voluntary, and consequently may be taken only following the express consent of those concerned"*¹ so that these variables do not appear in official statistics on population, employment, education, social welfare, family members, etc.

As a result, existing data on certain groups, such as the Roma, are secured fundamentally via sociological research and studies in various geographical areas. This makes it difficult to collate them since they involve different contents, authors and methodologies, although they do provide good sets of basic data on the situation of the Spanish Roma community.

Article 4

4.1 In the realm of anti-discrimination regulation, emphasis must be placed on the two European Union Directives arising from application of Article 13 of the Treaty of Amsterdam:

- Council *Directive 2000/43/CE* of 29-6-2000, implementing the principle of equal of treatment between persons irrespective of their racial or ethnic origin.
- Council *Directive 2000/78/CE* of 27-11-2000, establishing a general framework for equal treatment in employment and occupation.

In 2003, Spain transferred these provisions into the domestic legislation in *Act No. 62/2003 of 30 December, on fiscal, administrative and social measures*², Chapter III of which establishes the "Measures for the application of the principle of equality of treatment".

This Act sets up the *Council for the promotion of equality of treatment and non-discrimination of persons for reasons of racial or ethnic origin* in the Ministry of Labour and Social Affairs, as one of the measures in the field of equality of treatment and non-discrimination for reasons of persons' racial or ethnic origin.

The following are the aims of this Council: to promote the principle of equality and non-discrimination for reasons of persons' racial or ethnic origins in education, healthcare, social services and benefits, housing and, in general, the provision of and access to any goods and services, access to employment, self-employment and professional practice, membership and participation in trade union and business organisations, job conditions, professional promotion and professional and on-going training.

¹ Act No. 12/1989, the Public Statistics Act, Art. 11-2

² Article 33.4 provided for the Council's composition and operation to be regulated in a Royal Decree

The Act assigns the Council the abovementioned competences in the field of assistance to victims of racial or ethnic discrimination in the processing of their claims, and the completion of studies and reports on such racial or ethnic discrimination, as well as functions to promote measures contributing to the elimination of such discrimination, in each case formulating the appropriate recommendations.

The Ministry of Labour and Social Affairs has begun the procedures required to pass the Royal Decree regulating the composition and operation of the *Council for the promotion of equality of treatment and non-discrimination of persons for reasons of racial or ethnic origin*, with the formulation of a proposal which has been referred to the remaining Ministries so that the associated report can be issued.

Article 4.2

The information on measures designed to promote full and effective equality between the Roma and majority populations in all areas of economic, social, political and cultural life is furnished under the following headings:

I.- ACTION TAKEN WITH THE ROMA POPULATION BY VARIOUS MINISTRIES: LABOUR AND SOCIAL AFFAIRS, EDUCATION, HOUSING AND HEALTH.-

II.- LEGISLATIVE INITIATIVES AND ACTIONS RELATED TO THE ROMA POPULATION IMPLEMENTED BY AUTONOMOUS AND LOCAL ADMINISTRATIONS. (2001-2005)

I.- ACTION AMONG THE ROMA

A.- LABOUR AND SOCIAL AFFAIRS

1.- PROGRAMME FOR THE DEVELOPMENT OF THE ROMA POPULATION. DATA UPDATED IN THE 2001-2005 PERIOD.

The Labour and Social Affairs Ministry's Programme for the development of the Roma collective has continued to follow the same objectives and lines of action as described in the first report. The following are the updated data referring to the period indicated above.

1.1. Collaboration with Autonomous Communities (regional administrations) and, through them, with Local Corporations (municipalities).

Comprehensive intervention projects will continue with Roma communities, cofinanced by the Ministry of Labour and Social Affairs, the Autonomous Communities and municipalities, and managed by regional and local public administrations.

The **basic provisions** applied in collaboration between the state and regional administrations are contained in two legal texts:

- The annual *State Budget*, setting out the budget allocation to the Ministry of Labour and Social Affairs for the joint financing of projects with Roma communities.
- The annual *Resolution of the Council of Ministers* approving the distribution of the Ministry's budget credit to the Autonomous Communities and Cities, and the criteria which jointly-financed projects must meet.

The following is how projects are **financed** by the General State Administration, the Autonomous Communities and the Municipalities:

FINANCING BY THE ADMINISTRATIONS OF PUBLIC SECTOR-MANAGED PROJECTS				
YEAR	NUMBER OF PROJECTS	LABOUR MINISTRY(1) CONTRIBUTION	AUTONOMOUS COMMUNITY & LOCAL CORPORATION CONTRIBUTION	TOTAL CONTRIBUTIONS IN EUROS
2001	125	3,005,060.52	3,127,097.83	6,132,158.35
2002	126	3,065,160.00	3,192,145.31	6,257,305.31
2003	124	3,065,160.00	3,412,093.21	6,477,253.21
2004	122	3,065,160.00	3,024,584.05	6,089,744.05
2005	122	3,065,160.00	3,318,477.98	6,383,637.98

The table below details the figures from the **latest evaluation** (2003):

No. of jointly-financed projects	124
Managed by:	
▪ Municipalities	108
▪ Autonomous Communities	7
▪ Other Local Corporations (<i>Diputaciones</i> , Community Boards, Districts) and Consortiums	9
Personnel	
▪ Total no. of workers attached to the projects	440
▪ Roma	132
▪ Total no. of volunteers	106
▪ Roma	43
Project users	
▪ Total no. of users (estimate)	110,835
▪ Total no. of families	22,468
▪ Total no. of users under 16	43,227
Training-employment	
▪ No. of job training courses	157
▪ Total no. of users accessing work	813
▪ No. of jobs created (self-employment)	36

(1)Ministry of Labour and Social Affairs

The general aim of this line of collaboration in the Programme is to facilitate Roma access to social welfare systems and the goods and services enjoyed by the majority population, implementing and coordinating from the social area the activities which make this general objective possible.

Activities in the projects, by areas of intervention:

SOCIAL ACTION	<p>Information, counselling, valuation and referral to social welfare services:</p> <ul style="list-style-type: none"> . Individualised . With families . Community <p>Processing of documentation, and resource management Social monitoring of seasonal workers and families Technical support for associations Awareness campaigns Meetings, discussions, round tables, against intolerance and racism, and promotion of citizens' coexistence Volunteer training courses</p>
EDUCATION	<p>School backup and monitoring:</p> <ul style="list-style-type: none"> . Infant education . Primary education . Secondary education <p>Adult literacy and basic education Extracurricular activities for school backup and enhancement Intervention with families to cut school absenteeism Leisure and free time</p>
HOUSING AND HABITAT	<p>Home rehabilitation and upgrading Neighbourhood upgrading Educational-social activities for good use of the home Rehousing of families/family units Monitoring of rehoused families</p>
HEALTH	<p>Healthcare educational discussions and/or courses (diet, hygiene, domestic accidents ...) Vaccinations, paediatric controls Family planning Prevention and/or assistance for alcoholism, drug-dependency Other Public Health activities</p>
CULTURE	<p>Classes in Romany, flamenco, etc. Cultural visits Cultural reflection Working Groups Artistic exhibitions, cultural encounters</p>
TRAINING-EMPLOYMENT	<p>Personalised insertion programmes (job information and guidance, specialisation, accompanying, job-search techniques, etc.) Pre-training workshops:</p> <ul style="list-style-type: none"> . Trades . Driving licence . Social skills and job-hunting . Unspecified and others <p>Training-employment courses:</p> <ul style="list-style-type: none"> . Trades . Insertion (Ministerial Resolutions, Social Guarantee) . Unspecified and others

1.2. Financial and technical co-operation with NGOs working with the Roma population.

During the 2001-2005 period, the Ministry of Labour and Social Affairs continued to fund programmes of social interest with Roma communities and managed by **18 NGOs** from the Roma association movement, targeting insertion into work and into society, emphasising particularly women and young Roma.

FINANCING OF SOCIAL PROGRAMMES MANAGED BY NGOs

YEAR	SUBSIDIES OFFERED BY THE MINISTRY OF LABOUR AND SOCIAL AFFAIRS IN THE AREA OF THE ROMA PEOPLE		ANNUAL TOTAL: EUROS
	GENERAL REGIME, SOCIAL ACTION	0.52% OF PERSONAL TAX	
2001	372,627.50	2,566,321.69	2,938,949.19
2002	418,000.00	2,611,339.00	3,029,339.00
2003	528,610.00	2,716,600.00	3,245,210.00
2004	638,210.00	2,744,339.00	3,382,549.00
2005	665,830.00	2,803,981.00	3,469,811.00

TYPE OF PROGRAMME AND NUMBER OF USERS IN 2005:

TABLE OF USERS AND PROGRAMMES, BY PRIORITIES, 2005

PRIORITY	No. of PROGRAMMES	No. of USERS	SUBSIDY (€)
JOB INSERTION	43	6,306	1,017,484.00
SOCIAL INSERTION	77	27,755	1,726,855.00
VOLUNTEER WORK	1	150	18,842.00
PROGRAMMES.INNOVATORS-	1	558	40,800.00
TOTAL	122	34,769	2,803,981.00

Similarly, since 2000, **the Women's Institute**, which is attached to the Ministry of Labour and Social Affairs, has been granting subsidies to Roma women and their young counterparts, fomenting the advance toward equality, for the preparation of books and teaching material, for the organisation of seminars, meetings and other Roma women's events, dealing with aspects most affecting them, such as:

- Equality and rights
- Motivation for life-long training and the social involvement of Roma women
- Job insertion and social involvement
- Young Roma women: the advance toward equality
- Domestic violence and Roma women
- A new cultural and gender identity for Roma women in the twenty-first century.

The financing for this type of activity amounts to more than **50,000 euros per annum**.

Moreover, since 2000 the **Youth Institute**, also in the Ministry of Labour and Social Affairs, has had an agreement with the NGO the Roma Secretariat Foundation to implement the following programmes:

- Youth information activities
- Consolidation of the youth information services network
- Training activities
- Citizenship and social involvement encounters for Roma youth
- Publicity.

- Technical assistance. Based on the Foundation's experience in social intervention with young Roma, the body provides technical assistance to the young, to entities and associations, to foment and enhance the fabric of associations, extending the channels for collaboration with other institutions. It also counsels Roma youth associations about any matter of interest to them, and in their activities.

1.3. Roma participation in institutions.

As notified in the previous report, the Consultative Commission for the Roma Development Programme had functioned as a Roma participation body until the creation in 2005 of the **State Council for the Roma People** as a consultative body attached to the Ministry of Labour and Social Affairs. It is regulated in *Royal Decree No. 891/2005 of 22 July creating and regulating the State Council for the Roma People* (See the information on Article 15).

1.4. Professional training

The Ministry of Labour and Social Affairs continues to run annual training courses for professionals in the administrations working with the Roma people.

For their part, some NGOs programme training courses, particularly for Roma mediators and for volunteers working with the Roma population.

1.5. Raising the social awareness of public opinion against Roma discrimination and racism.

The Ministry of Labour and Social Affairs is supporting activities against discrimination and racism, among which the following may be mentioned:

- Financing of investigation related to media news items dealing with Roma, publication of studies and their subsequent circulation.
- Publication of social research analysing in detail and exhaustively the attitudes, motivations and causes of the scarcity of inter-ethnic relations.
- Recommendations to the media on negative news or reports occasionally appearing in the press and on radio and TV.
- Financing of the normal activities of nationwide Roma associations, designed to prevent and combat racism.
- Encounters, congresses and debates on matters of discrimination, intolerance and racism.

Likewise, the Spanish Administration has backed two awareness campaigns launched through the media at the state, regional and local levels, implemented by the **NGO the Roma Secretariat Foundation**, as part of the ESF (European Social Fund) Multi-Regional Operative Programme for the Fight against Discrimination, financed jointly by the Ministry of Labour and Social Affairs, other institutions and companies.

The slogan of the first campaign, which ran from Autumn 2004 to Spring 2005, was **"Know them before you judge them"**. That for the second, launched at the end of 2005, was **"Your prejudices are the voices of others"** broadcast throughout this year in the

same media as the previous campaign - television, radio, a website, other electronic media, commercial products, and corporate stationery.

On the other hand, these materials are also used in work with groups of pupils in a number of schools, nationally. At the same time, a guide is about to be published, targeting young people and based on the campaign, to make more effective the messages it is wished to have reach society.

1.6. Collaboration with international bodies

The European Union

The Ministry of Labour and Social Affairs collaborates and participates with the European Union not just in the area of regulation affecting the Spanish legislation (transfer and application of the two Directives on equality of treatment), but also in the development of projects and work in Programmes proposed by the European Commission.

Likewise, the Kingdom of Spain's successive National Plans of Action for Social Inclusion are framed as part of *Member States' National Plans of Action on Social Inclusion* in the "European Action Programme to Combat Social Exclusion". It must be pointed out that the Roma community is included there as a specific group for attention.

Similarly, as part of the "European Action Programme to Combat Social Exclusion", the Ministry of Labour and Social Affairs is also participating in seminars for the evaluation of Member States' projects selected for "good practice" (*Peer review programme*) and implemented with Roma people. This year the European Commission selected a Spanish programme as "good practice" for one of these international seminars.

The Ministry is also participating in study groups promoted by the European Union on the development of methodologies for the application of indicators in the field of social exclusion, and also in all European Social Protection Committee meetings.

The Council of Europe

To represent the Spanish government, the Ministry of Labour and Social Affairs has a representative at the periodic meetings and in the activities of the **Council of Europe's Group of Specialists on Roma Gypsies and Travellers**. It must also be mentioned that three Spanish Roma belong to the **European Roma and Travellers Forum** set up within the Council of Europe in November 2005.

The United Nations

The Labour Ministry continues to collaborate and participate in the meetings of United Nations bodies, where matters are dealt with in relation to Roma, and the questionnaires and reports required in the field of this group are compiled.

It is also involved in the drafting of the period Reports in compliance with the *United Nations Convention on the Elimination of all forms of Racial Discrimination*, and their review by the Committee concerned.

OSCE

As with the above bodies, the Ministry of Labour and Social Affairs collaborates with the Organisation for Security and Co-operation in Europe (OSCE), drafting reports and completing questionnaires connected with matters of racism and discrimination toward Roma.

1.7. Studies and investigation

In relation to this question, the investigation done in 2002 by a team from the Complutense University of Madrid, "**Study-Evaluation of the Roma Development**

Programme, 1989-2000”, must be highlighted. The following were the study’s most relevant conclusions on the impact of action taken as part of that Programme:

- Promoting the inclusion of the Roma question into the administrations’ political agendas: the input of greater financial and professional resources for dealing with and promoting the Roma community.
- Creating generalised Roma access to the public Social Services network.
- Producing positive repercussions of social programmes in education, healthcare, job-training and housing.
- Significant consolidation of the movement of Roma associations, through financial backing to NGOs.
- Substantial improvement to basic training levels for Roma women, and their participation in their own and in sector organisations.
- The maintenance from the Programme’s outset of sustainable job-creation, which has had a positive impact on the majority of Roma professionals, though it is still surpassed among non-Roma professionals.

A further study began in 2005, sponsored by the Ministry of Labour and Social Affairs, to compile and coordinate data from existing socio-demographic investigations on the Roma population, performed in their respective areas by the Autonomous Communities and Municipalities. The results of the report will provide relevant data on the group, in the light of current difficulties in securing real statistical data because of the protection the Spanish legislation affords to such information. The results of the report will become available in the second half of this year.

It is planned to carry out a survey of the Roma population in 2006, about its perception of the repercussions on it of societal changes wrought by social policy in recent years, and its own development within the sphere of the majority society.

2.- JOBS AND TRAINING

2.1 Structural Funds

In the framework of the 2000-2006 programming of European Union Structural Funds, there are two multi-regional Operative Plans for Combating Discrimination (PO LCDs) for Objective 1 and Objective 3 regions, jointly financed respectively by the European Social Fund (ESF) and the European Regional Development Fund (ERDF).

The European Social Fund Administrative Unit (UAFSE) in the Ministry of Labour and Social Affairs holds the authority to manage and fund both programmes, with the participation in their management of a variety of bodies in the General State Administration (DG of Emigration, DG of Immigration, DG for Immigrant Integration, the Migration and Social Services Institute - IMSERSO, the Autonomous Body for Penitentiary Work and Services, and the Women's Institute) along with non-governmental foundations and organisations (the National Institute for the Blind - ONCE, as well as Caritas, Spanish Red Cross, the Roma Secretariat Foundation, the Luis Vives Foundation and the Diagrama Foundation).

2.1.1 The Roma Secretariat Foundation in the Operative Plans for Combating Discrimination (the ACCEDER Programme)

In these thematic and multi-regional Operative Programmes, the Roma Secretariat Foundation (the FSG) presents actions co-financed by ESF and FEDER Structural Funds. The former co-finances actions forming part of the area entitled "Job integration for persons with special difficulties" and that for Technical Assistance, in both objective 1 and objective 3 regions.

FEDER backing has been possible solely in the context of these Programmes for objective 1 regions, enabling the promoters to draw on resources and infrastructures which are adequate for the tasks it is wished to carry out in two different priority areas. The FSG receives FEDER funds as part of its area headed "Education infrastructure and reinforcement for technical-professional education".

This area makes it possible to integrate ESF and FEDER contributions, improving the availability of specialised services to disadvantaged groups in the Operative Plans in objective 1 regions, fundamentally through the Measure for the "Construction, reform and fitting-out of educational and training centres (FEDER)".

Development of integrated programmes for the inclusion of the Roma population contemplated in the area co-financed by the ESF and implemented by the FSG demands the availability of adequate resources which are suitable for them to be carried through efficiently, and to achieve the desired results. As part of this FEDER measure, the FSG carries on the following actions:

- Acquisition of infrastructures, of premises in the Autonomous Communities where the programme is implemented.
- Repair and upgrading work, in all the premises used to implement the programme.
- Acquisition of equipment: furnishings, computer and communication equipment, and training resources.

2.1.2. Area of integration into the job market of persons with special difficulties (ESF)

The purpose of this area is to promote the integration into work of the disabled and those in situations or at risk of exclusion, offering them possibilities for insertion through integrated channels and job openings, and which take in actions for information, guidance, training and accompaniment and intermediation in the job market.

Action is also supported for improving the care structures, and to develop studies making it possible to enhance understanding of the magnitude of job exclusion in Spain, and its decisive factors.

In the framework of this area of job integration, the FSG participates in the measure to "Propose integration opportunities to groups at risk of exclusion from the job market", handling the actions targeting the Roma population, defined in the so-called Acceder (Access) programme and given form in the two following activities in the PO LCDs:

- Integrated insertion timetables for the Roma population, comprising the following: Awareness on the part of the young and their families; Reception and guidance in training and job-hunting; Prospecting for employment; Job monitoring and accompaniment; Support for self-employment; Training; Transfer of methodologies and materials to enable work done with Roma to be used as qualification; Quality control systems for the actions as a whole; Creation of a permanent job Observatory for Roma.
- Awareness and publicity for action involving Roma through the pursuit of actions in: Distribution of documents and information on this collective and employment; Publication of news on the website; an active awareness campaign in the fight against Roma discrimination; Specific consultancy on Roma-related matters.

2.1.3 The Area of Technical Assistance (ESF)

The aim here is to back up the work of evaluation, monitoring, control, information and publicity, to enhance the use of the resources available. There is a financial allocation for the funding of these activities, in two types of action jointly-financed by the ESF, and in which the FSG participates:

- Management, startup, monitoring and control.
- Information, equipping and evaluation.

2.1.4 Financial Endowment and implementation

The financial resources assigned by the ESF and FEDER to the FSG in 2000/2006 as part of the PO LCD for objective 1 and 3 regions is 39,826,903 euros, 9 per cent of the total allocated to both Programmes. The following is the total cost of the actions to be taken, and their distribution by fund and source of financing:

2000-2006 Programming

	TOTAL COST	ESF AID	FEDER AID	TOTAL AID	NATIONAL CO-FINANCING	FSG/ TOTAL
ROMA SECRET. FOUNDN. (FSG)	62,683,358	35,073,903	4,753,000	39,826,903	22,856,455	9%
TOTAL PO LCD OBJS 1 AND 3	701,399,711	343,658,908	99,815,195	443,474,103	257,925,608	100%

The accumulated total cost of actions runs by the FSG as part of the PO LCDs to this date is 34,256,378 euros and the certified Community aid executed has been 21,709,263 euros, these sums including final data from the period 2000-2004 and the provisional figures for 2005. This represents an implemented level of 54.51 per cent compared with the 50.82 per cent reached by all the bodies participating in the Programmes.

Implementation 2000-2005

	TOTAL PROGRAMMED AID	AID EXEC. 2000-2004	PROV. AID EXEC. 2005	ACCUMULATED AID EXEC. 2000-2005.	TOTAL ACCUM. EXEC. COST 2000-2005	AID EXEC.
ROMA SECRET. FOUNDN. (FSG)	39,826,903	17,086,828	4,622,434	21,709,263	34,256,378	54.51%
TOTAL PO LCD OBJS 1 AND 3	443,474,103	195,563,908	29,820,413	225,384,320	349,622,010	50.82%

Roma population attended through ACCEDER job schemes by sex

YEARS	MEN	WOMEN	TOTAL
2001	2,381	1,953	4,334
2002	2,112	1,816	3,928
2003	1,764	1,658	3,422
2004	1,905	1,966	3,871
2005	1,759	2,024	3,783
TOTAL	9,921	9,417	19,338

Contracts secured for the Roma population through ACCEDER job schemes 2001-2005 by sex

YEARS	MEN	WOMEN	TOTAL
2001	964	631	1,595
2002	1,342	895	2,237
2003	1,651	1,023	2,674
2004	1,827	1,571	3,398
2005	2,109	1,952	4,061
TOTAL	7,893	6,072	13,965

Likewise, as complementary activity to the ACCEDER Programme, in 2005 the Roma Secretariat Foundation completed the investigation “*Employment in the Roma population: A comparative study*” designed to reveal the reality of this group and compare the results obtained in the employment sphere with the general situation of the Spanish population as a whole.

2.2 Occupational training and employment

The Professional Training and Insertion Plan (FIP) and other Professional Training actions by the Ministry of Labour and Social Affairs include amongst their targets the unemployed or collectives with particular difficulties for job inclusion or rehabilitation, among these, Roma.

The Ministry’s financing between 2000 and 2005 amounted to **16,173,241.54 euros** for **30** programmes, in the form of mixed programmes for employment and workshop school training, trade schemes and job workshops, managed by 10 NGOs for the Roma association movement in **9** localities.

B.- EDUCATION

MEASURES ADOPTED THAT HAVE AN EFFECT ON IMPROVING THE CONDITIONS OF INTEGRATION OF THE ROMA COMMUNITY IN SPAIN

I.- GENERAL REMARKS

The Ministry for Education and Science considers it a priority to fight against discrimination and inequality, whether for reasons of birth, race, gender, religion or opinion, due to family or social background, regardless of whether they have been in existence for a long time or they appear continuously with society’s dynamics.

Organic Act 1/1990, dated 3rd October, on General Regulation of the Educational System, regulated in its 5th Title compensation for educational inequalities. To implement it, Royal Decree 299/1996, dated 28th February, was adopted, regulating the actions aimed at compensating for educational inequalities, as was Ministerial Order dated 22nd July 1999, regulating educational compensation actions in publicly funded educational centres. This block of legislation provides for actions and measures aimed at the most disfavoured groups, amongst which the Roma community is included. With this objective, agreements were concluded with the Autonomous Communities for the carrying out of actions, whilst concerted actions were carried out with other Public Administrations and with non-profit making public and private entities for the implementation of joint comprehensive intervention programmes in favour of disadvantaged social and cultural groups.

On its part, the Organic Education bill, currently going through the Cortes, establishes amongst its principles that of equity, to guarantee equality of opportunities, educational inclusion and non-discrimination, acting as a compensating element for personal, cultural, economic and social inequalities. This principle, together with the transmission and implementation of values aiding in overcoming any type of discrimination, will contribute to the integration of all the students.

The aforesaid Bill, devotes Title II to equity in education and lays down that attention to students with a special need for educational support shall be governed by principles of

normalisation and inclusion, indicating that the Public Administrations will carry out actions of a compensatory nature to avoid inequalities deriving from social, economic, cultural or ethnical factors, establishing measures with respect to schooling, charge-free education, grants and scholarships, contributing to an effective equality of opportunities.

Likewise, the Bill establishes a new area of Education for Citizenship and Human Rights, whose contents will include, amongst others, learning about, understanding and respecting the different cultures and the differences between persons and equality of rights and opportunities.

II. SPECIFIC ACTIONS AFFECTING THE ROMA COMMUNITY

The situation of the Roma population within the educational context has progressed notably, as a result of the joint efforts of educational institutions, professionals in the educational sector, associations, families and educational administrations. Nevertheless, one can still observe the different needs and problems that make the educational normalisation of these students more difficult.

Addressing these disadvantages must be deemed the co-responsibility of the different social sectors, especially bearing in mind the present system of transfer of powers to the Autonomous Communities. In this context, the Ministry for Education and Science, within its current sphere of powers, has drawn up the lines of action that are detailed below.

1. Educational Commission of the Roma People Development Programme.

The Ministry for Education and Science co-ordinates the Educational Commission of the Roma People Development Programme, comprising representatives of the Ministry for Education and Science, the Ministry of Labour and Social Affairs, of the Educational Departments of all the Autonomous Communities, of the Spanish Federation of Municipalities and Provinces and other experts and representatives of all the Roma communities at the national level.

Amongst the different lines of action decided by the Commission, priority is to be given to the following:

- Creation and publishing of teaching materials on the Roma culture:

The Commission has released an educational CD on the Roma people and its culture called "MAJ KHETANE" (more together). The intention is to offer material supplying information on the Roma culture and encouraging positive attitudes towards an intercultural society. In addition, the multimedia format chosen allows a better contextualisation of the demands for current education and a closer approach to the motives and interests of the present generation of students.

- Training in intercultural mediation:

The 1st Work Sessions on Training in Mediation with the Roma people. These have permitted the creation of a space of reflection and debate on intercultural mediation in which people and entities linked to this domain by virtue of their professional experience have been able to participate and share proposals for a consensus to design the training and intervention of Roma mediators. Likewise, the general conclusions of these Work Sessions and of the different Work Groups set up were published.

- Initial and ongoing training for teachers and those professionals who interact with the Roma people.

With the aim of strengthening awareness and respect towards, as well as knowledge of, the different minorities and, in particular, Roma culture.

2. Agreements

On 14th June 2005, the Ministry for Education and Science signed a collaboration Agreement with the "*Fundación Secretariado General Gitano*" for the period 2005-2008. The common objective of the actions will be to favour the access by Roma citizens to education and to promote more active educational policies to compensate inequalities. Within this framework, the following actions will be implemented:

- Dialogue between both parties within the framework of the study and design of legislative measures emphasising educational attention to Roma students;
- Follow-up and evaluation of the educational situation of these students;
- Design and implementation of test programmes;
- Study of the difficulties of access by the Roma population to professional and occupational training and to basic training for adults

3. Grants:

The Ministry for Education and Science, via the latest annual schemes of grants to private non-profit making institutions, has been funding several Roma bodies and associations that work in the field of educational compensation. Priority has been given to those that implement programmes directed at schooling, follow-up and control of truancy, social and cultural insertion, social and educational programmes of non-formal education and of mediation between families and educational centres.

The latest scheme offered (Ministerial Order ECI/4039/2005, dated 15th December, and published in the Official Gazette on the 24th) for the academic year 2005-06, the following bodies and associations that work specifically with the Roma people:

BODY	PROJECT TITLE	AUTONOMOUS COMMUNITY	GRANT
<i>Fundación Secretariado Gitano</i>	Intercultural Project to support & promote socially & educationally disadvantaged students	Madrid, Cantabria, Asturias, Andalusia, Castile and León, Valencia, Murcia	€ 26,000.00
<i>Gitanos de Hoy</i>	Social & School Project of Roma students in the classroom	Cantabria	€ 14,000.00
<i>Unión Romaní</i>	Follow-up & support of Roma students from Primary to Secondary School 2005-06	Galicia & Andalusia	€ 25,000.00

4. Publications

In order to promote and disseminate knowledge on the initiatives carried out, the Ministry for Education has co-financed the publication of the 25th Session of Teachers with Roma people, with a special compilation of the reflections of the different speakers who have taken part therein over the last 25 years.

In relation with the dissemination of the culture and the history, educational proposals and the policies of the different administrations with reference to the Roma people, the Ministry for Education and Science has financed, together with other educational administrations, the publication “Memorias de papel” (Paper Memories) that covers, in three volumes, different aspects of education in relation to Roma people in Spain over the last 25 years.

C.- HOUSING

Royal Decree No. 801/2005 of 1 July approving the 2005-2008 State Plan to favour citizens' access to housing, published last 13 July, sets up the state regime applicable for improving access to homes.

The Decree sets out special conditions of preferential availability for housing for certain groups with greater difficulties in access to a decent home.

The Rationale points as a priority objective to the housing plan's intention of achieving equity and preventing social exclusion.

This section goes on in particular to indicate that the plan takes account of social groups with specific needs given their personal circumstances, such as the young, large single-parent families, victims of domestic violence or terrorism etc.; the Royal Decree however refers constantly to groups in a situation or at risk of social exclusion.

Paragraph 4 of Article 2, dealing with definitions, states that the actions covered are those destined to meet the housing needs of the persons and families targeted by the Plan and who may receive the aid it creates. According to Paragraph 9, protected housing can be sold or leased, and must be the occupants' habitual and permanent accommodation.

Article 3 considers, among others, groups in a situation or at risk of social exclusion (paragraph h) defined by the specific legislation applicable to them in each case, to be the beneficiaries with a right of preferential protection.

Article 4 defines the actions which are protected, referring not just to the purchase of newly-built homes but also to the acquisition of used homes, and home rental (paragraphs 3 and 5).

Paragraph 2.c) of Article 7, referring to the calculation of family income, establishes the number of times the IPREM (Public Income Multiple Effects Indicator) may be weighted by the application by the Autonomous Communities and the Cities of Ceuta and Melilla of a single multiplicative coefficient between 0.62 and 1, according among other things not just to the number of members of the family unit, particularly if a large family or a family members is disabled, but also to other factors determined by the Autonomous Communities and the Autonomous Cities of Ceuta and Melilla, when the actual circumstances so require, and which may include the case of these risk groups.

For its part, Article 13.1 states that the use and occupation of protected homes and used homes acquired to be leased out may be assigned provisionally to persons in situations of social emergency. In such cases, the rules and procedures established for the temporary transfer of homes are to apply.

Article 15 also deals with the terms for obtaining tenants' subsidies, and provides that preference shall be given among others to persons from groups in a situation or at risk of social exclusion or because they belong to other groups granted preferential protection according to the local provisions of the Autonomous Communities and the Cities of Ceuta and Melilla (paragraphs e and f).

Article 25 refers to the amounts of direct state aid for entry and, in paragraph 4, provides that in dealing with groups in a situation or at risk of social exclusion or which form part of other groups receiving preferential protection under the local provisions of the Autonomous Communities and the Cities of Ceuta and Melilla, this sum amounts to 7,900 euros if family income is not more than 2.5 the IPREM, or 4,900 euros if such income is more than that but does not exceed 3.5 times that indicator. In both cases this represents a 900 euro increase on with the general amount established in this Article.

For its part, Article 75.4, as part of the programme of housing for young people, which can be extended to other groups such as may the subject of this report, establishes that if young applicants are in the circumstances referred to in Article 25.4 above, in groups at risk or suffering social exclusion, direct state aid for entry rises to 11,000 euros if family income is not more than 2.5 times the IPREM, and 8,000 euros if such income exceeds 2.5 times but not 3.5 times that indicator.

Finally, Article 76 of this Royal Decree provides for the young living in rented homes and who have benefited from the above aid to be entitled, as of the fifth year following the commencement of such aid, to preferential access to the ownership of a protected home.

This all means that the new actions established in this Decree will stimulate the promotion of protected homes, and so will favour access to such a home, owned or rented, for a greater number of people, and above all with preference in the terms of the Royal Decree to the young up to age 35, large families, those over 65 and their families, families comprising the father or the mother plus the children, victims of domestic violence, and the disabled and their families, along with **those belonging to a collective in a situation or at risk of social exclusion or forming part of other preferentially protected groups pursuant to the domestic provisions of the Autonomous Communities and the Cities of Ceuta and Melilla**, to whom the plan grants special protection.

These measures do not just enhance the possibility of access on an equal footing to a protected home but also, in certain cases, favour some groups who are in particularly serious situations, for whom special preference measures are advisable, such as these collectives, for example the Roma minority, which need to be dealt with differently, making possible even temporary re-housing by assigning protected homes for rental, following the fulfilment of certain conditions.

Thus Royal Decree No. 801/2005 becomes a major tool of housing policy, seeking a series of fundamental objectives such as favouring access to a decent home in particular for the most disadvantaged sectors.

D.- HEALTH AND CONSUMERS

The Ministry of Health and Consumer Affairs has signed a 2003-2008 Collaboration Agreement with the *Fundación Secretariado Gitano* (FSG), addenda to which are signed annually. To date these have led to the implementation in Spain of the actions specified in addenda 2004 and 2005. That of 2006 is in progress.

This Framework Agreement also has an international aspect that has produced the following results:

The management of the European Project “Reduction of Health Inequalities in the Roma Community”. This Project is led by FSG, with the support of this Ministry, within the framework of the Programme of Community Action in the Field of Public Health 2003-2008. Its Steering Committee met at this Ministry in February 2005. The Project comprises 11 partners from 9 countries (Portugal, Greece, Italy, Bulgaria, Romania, the Czech Republic, Hungary, Slovakia and Spain), representatives from the European Commission, from DG Sanco, from the Soros Foundation, from the European Roma Rights Centre and from the Open Society Institute.

Moreover, some of the effects of the Framework Collaboration Agreement on an international scale are:

- Our Project has been chosen by the EuroHealthNet “Health and Social Inclusion” Programme as a model of good practice with the potential for implementation in other EU Member States.
- We were asked to present our Project at the “Decade of Roma Inclusion” Seminar, organized by the World Bank and by the Open Society Institute. The FSG attended on behalf of the Ministry.
- Academic representatives from the Universities of Bulgaria and Romania have visited us to learn about our experience.
- We are advising the Andalusian School of Public Health concerning the EU-funded Twinning Project for Bulgaria “Restructuring of pilot multi-profile hospitals and developing of emergency medical care with a view to improve access to healthcare for vulnerable groups of people with a special focus on Roma”
- We have been invited by the European Roma Rights Centre and by Aids and Mobility Europe to Seminars that took place in Bulgaria and Hungary, respectively, and which were also attended by FSG on behalf of the Ministry.

Finally, this Ministry plans to hold an International Seminar on Health and the Roma Community next 26 and 27 October 2006.

II.- ROMA-RELATED LEGISLATIVE INITIATIVES AND ACTIONS IMPLEMENTED BY THE AUTONOMOUS AND LOCAL ADMINISTRATIONS (2001-2005).

The previous section sets out the measures which have been taken for the Roma population by the General State Administration. It must however also be pointed out that autonomous and municipal authorities are involved in a large number of activities with the Roma in each of their territories pursuant to the competences assigned them under the current legislation. Most of those referred to by way of continuation come within the scope of Social Affairs competences.

The most relevant activities in the period 2001-2005.

Andalusia

This Autonomous Community has a specific Administrative Unit for dealing with the Roma population, the *Roma Community Secretariat*.

This Secretariat continues to run the *Andalusia Comprehensive Plan for the Roma population*, begun in 1998.

It also jointly manages and co-finances two EQUAL programmes targeting the Roma population, one of them for women, with other institutions and NGOs.

In the city of Granada, a specific centre continues to operate for activities related to the Roma population, the "*Andalusia Roma social-cultural centre*".

Approval was given in 2003 to the *Andalusia Plan for Social Inclusion, 2003-2006* which proposes the development of actions aimed at Roma.

Aragon

The First Social Inclusion Plan in Aragon 2005/2006 treats the Roma population as one of the vulnerable collectives requiring special attention.

Asturias

The Principality of Asturias Plan of Action for Social Inclusion (2001-2003) was approved in 2001, which includes actions to be implemented with the Roma Community.

In this same Autonomous Community, in the municipality of Avilés, a *Programme for the eradication of shanty towns* was completed, and was selected as an example of good practice in the Third National Plan of Action for Social Inclusion of the Kingdom of Spain (2005-2006). This Programme was also selected as "good practice" for the *Peer review programme* implemented with the Roma as part of the "European Action Programme to Combat Social Exclusion".

Castilla-La Mancha

The *Castilla-La Mancha Regional Social Integration Plan* was approved in 2001, and includes actions with the Roma community.

Castilla y León

Palencia City Corporation implemented the 2002-2003 Municipal Ethnic Minorities Plan.

The existence is also highlighted of a Roma Cultural Centre in the city of Salamanca which carries on a variety of programmes and activities.

Catalonia

The following were the Roma-related provisions and actions in this Autonomous Community in the period 2001-2005:

- Resolution 1046/VI of the Catalan Parliament on the recognition of the identity of the Roma people and the value of their culture.
- Decree 102/2005 of 31 May, creating the Interdepartmental Commission on the Comprehensive Plan for the Roma People and the Roma Advisory Council (Official Gazette of the Regional Government of Catalonia No. 4397, of 2-6-2005).
- A Study of the Roma population of Catalonia (2003).
- Introduction of the Comprehensive Roma Plan (2005-2008).
- The Ethnic Minorities Council of Barcelona City Corporation.

Extremadura

The Regional Council for the Roma Community was created in 2001 (Decree 179/2001 of 20 November).

This Community is classified as a collective for special attention in the Extremadura Social Inclusion Plan, 2005-2007.

Galicia

The study "*The Roma community in Galicia 1990-2002*" was completed and published in 2002.

Madrid

The following provisions were published in the years from 2001 to 2005:

- Act No. 4/2002 of 27 June creating the Panel for the integration and promotion of the Roma people of the Community of Madrid.
- Decree No. 135/2002 of 25 July passing the Regulations enabling that Act.

A study was also done in 2003 to design a comprehensive plan of action for the Roma population in the Community of Madrid.

Navarre

The study of "The Roma Community of Navarre" was carried out in 2003.

Basque Country

The following provisions have been published in this Autonomous Community:

- Decree No. 289/2003 of 25 November setting up the Council for the integrated promotion and social participation of the Roma People in the Basque Country.
- The Basque Plan for the full promotion and social participation of the Roma People.

Most Autonomous Communities offer subsidies for maintenance charges, technical personnel, habitual activities and social programmes aimed at organisations representing Roma in each of their territories.

Article 5

In the field of parliamentary initiatives, it must be emphasised that, on 27-9-2005, the Congress of Deputies passed a bill **calling on the government to promote the culture, history, identity and language of the Roma people.**

It is also reported that the priority objectives of the Ministry of Culture for this government's term include the creation of an **Institute of Roma Culture**. The Ministry is at this time working on the definition and legal form of this Institute, whose main aims will include promotion of Roma culture, history and language, and their projection and transmission to society as a whole, setting up an influential forum for exchange and the promotion of initiatives.

The sectors most representative of Roma in Spain will be involved in the Institute, as will the Administrations and other social agents whose activity particularly affects the implementation of the Institute's objectives.

Article 15

Between 2001 and 2005 a number of consultative bodies has been set up at the state, regional and local levels, giving form to Roma participation in cultural, social and economic life and in public affairs.

The State

The national **State Roma Council** (*set up and regulated in Royal Decree No. 891/2005 of 22 July*).

This is the interministerial consultative and advisory collegiate body which institutionalises the collaboration and co-operation of the movement of Roma associations and the General State Administration for the implementation of social welfare policies based on comprehensive promotion of the Roma people.

It will be made up of a Chairperson (The Secretary of State of the Ministry of Labour and Social Affairs), two deputy chairpersons, a secretary and 40 members, half of these representing Ministries and the remainder representing Roma associations.

Among other things, the Council's functions include proposing measures to promote Roma people, to advise on development plans for that collective, to issue reports on matters affecting them, and to promote studies on projects and programmes.

The process is at present at the stage of the selection of the movement of Roma association representatives who shall form part of the Council, in a public call (*Order TAS/3795/2005 of 21 November, for the selection to appoint members of the State Roma Council to represent Roma associations*).

It is forecast that the Council will be formally constituted during 2006.

The Autonomous Regions

- **Catalonia:** Decree No. 102/2005 of 31 May, creating the *Interdepartmental Commission on the Comprehensive Plan for the Roma People and the Roma Advisory Council* (Official Gazette of the Regional Government of Catalonia No. 4397, 2-6-2005).
- **Extremadura:** The creation in 2001 of the *Regional Council for the Roma Community* (Decree No. 179/2001 of 20 November).
- **Madrid:** Act No. 4/2002 of 27 June creating the *Panel for the Integration and Promotion of Roma People* of the Community of Madrid.
- **Basque Country:** Decree No. 289/2003 of 25 November setting up the *Council for the Integrated Promotion and Social Participation of Roma People* in the Basque Country.

Locally:

- **Barcelona** City Corporation: the *Ethnic Minorities Council*.

Madrid, March 2006