



MINISTRY  
OF HEALTH, SOCIAL SERVICES  
AND EQUALITY

SECRETARY OF STATE FOR  
SOCIAL SERVICES AND EQUALITY

DIRECTORATE GENERAL  
OF FAMILY AND CHILD  
SERVICES

**SPAIN REPORT ON THE FOURTH MONITORING CYCLE OF THE FRAMEWORK  
CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES  
(2009-2013)**

**DATE OF SUBMISSION: FEBRUARY 2014**

**I. PRACTICAL ARRANGEMENTS MADE AT THE NATIONAL LEVEL FOR RAISING  
AWARENESS OF THE RESULTS OF THE THIRD MONITORING CYCLE AND OF THE  
FRAMEWORK CONVENTION.**

In 2013, both the III Opinion on Spain of the Advisory Committee of the Framework Convention for the Protection of National Minorities, adopted on 22 March 2012, and the Resolution on the Implementation of the Framework Convention for the Protection of National Minorities, adopted by the Council of Europe's Committee of Ministers on 10 July 2013, were translated into Spanish.

Both translations have been circulated among the associate Roma organisations forming part of the State Council for the Roma People, namely:

- Unión Romaní.
- Fundación Secretariado Gitano.
- Federación de Asociaciones Culturales Cristianas de Andalucía (FACCA).
- Federación Andaluza de Mujeres Gitanas "Fakali".
- Federación de Asociaciones Gitanas de Cataluña
- Federación de Asociaciones Gitanas Extremeñas.
- Federación Autonómica de Asociaciones Gitanas de la Comunidad Valenciana
- Federación de Asociaciones de Mujeres Gitanas "Kamira"
- Asociación Nacional Presencia Gitana.
- Federación de Asociaciones Gitanas de Aragón
- Asociación de Promoción Gitana de La Rioja
- Federación de Asociaciones Gitanas de Navarra "Gaz Kaló".
- Federación de Asociaciones Gitanas de Castilla y León.
- Federación Regional Gitana de Asociaciones de Castilla-La Mancha
- Federación Conciencia Gitana de Extremadura (FECOGEX)
- Asociación de Mujeres Gitanas "Alboreá".

- Asociación de Enseñantes con Gitanos.
- Asociación Socio-Cultural de las Minorías Étnicas "Unga".
- Federación de Asociaciones Gitanas para la integración laboral y social, promoción y desarrollo del pueblo gitano "Calí".
- Plataforma Romanés

Likewise, the draft of this IV Report to monitor the Framework Convention for the Protection of National Minorities was distributed to all associate Roma organisations forming part of the Permanent Committee of the State Council for the Roma People, which then made contributions that were incorporated into the final document.

Both the III Opinion on Spain of the Advisory Committee of the Framework Convention for the Protection of National Minorities, adopted on 22 March 2012, and the Resolution on the Implementation of the Framework Convention for the Protection of National Minorities, adopted by the Council of Europe's Committee of Ministers on 10 July 2013 have been distributed among the Ministries of the General State Administration, who subsequently made contributions to this IV Report.

## **II. MEASURES TAKEN TO ADDRESS CORE ISSUES**

**Information concerning the "Issues for immediate action" of the Committee of Ministers' Resolution:**

**- Take more resolute measures to implement effectively the policies aimed at improving the situation and the integration of the Roma, in close co-operation with Roma representatives; ensure that these policies are adequately resourced and are not disproportionately affected by budgetary restrictions.**

**Additionally, point 60 of the Advisory Committee Opinion.**

The Spanish Government has reiterated its commitment to implementing policies aiming to improve living conditions for the Roma population. This partly materialised, at the beginning of 2012, in the **National Roma Integration Strategy in Spain 2012-2020** adopted by the Council of Ministers on 2 March.



This Strategy purported to follow on from the policies that had so far shown positive results. Although they have not yet reached full equality, in recent years indicators for Roma have improved somewhat in terms of health, employment, education, housing and the fight against discrimination, although further work is needed to rebalance inequalities. The Spanish Government shares the view of the Advisory Committee, which is to be fully committed to maintaining and improving these indicators in the coming years, particularly in view of the potential adverse effects of the economic crisis on the most vulnerable sectors of the population. Accordingly, this reality has been present in the Spain National Reform Programmes sent annually to the European Union, and during the preparation for the National Roma Integration Strategy in Spain 2012-2020, wherein all elements proven to be successful were redoubled and new efforts were included; for example, stronger cooperation between administrations or the fixing of specific inclusion targets, as well as the inclusion of specific measures aimed at Roma from other countries.

In terms of strengthening policies, a new boost has been given to cooperation with Autonomous Communities, with the technical cooperation working group with Autonomous Communities and Local Corporations being resumed (in the latter case, represented by the Spanish Federation of Towns and Provinces), aimed at collecting information on policies and programmes (at national and international level) and on the Roma population itself, sharing best practices, etc.

A participative approach was taken in the preparation of the Strategy, in line with the process followed for the Roma Development Action Plan 2010-2012. The process entailed consultation with the General State Administration, Autonomous Communities, the Spanish Federation of Towns and Provinces (FEMP in its Spanish acronym) and the most representative Roma organisations, via meetings, exchange of documentation and on-going liaison. Furthermore, the State Council for the Roma People was informed and participated throughout the process.

Following the evaluation of the Roma Development Action Plan 2010-2012, a new **Functional Plan on the Social Inclusion of Roma People 2014-2016** is now being drawn up, in close collaboration with Public Administrations and Roma organisations. In this regard, section 3.4 of the National Roma Integration Strategy in Spain 2012-2020, the "Targeting and implementation of the Strategy", foresees the launch of successive plans which will continually review the measures put

forward in order to adapt them to current needs and priorities. Based on experience and, above all, the evaluation of the 2012-2020 Plan, the new Functional Plan on the Social Inclusion of Roma People 2014-2016, to be approved in the first quarter of 2014, will serve three purposes:

- It will be a planning instrument for the General State Administration (in those areas relating to the National Roma Integration Strategy in Spain 2012-2020: education, housing, employment, health, discrimination / equal treatment, and related areas).
- An instrument to guide and coordinate the actions of Autonomous Communities.
- An instrument to support the actions of the National Contact Point (Directorate General of Family and Child Services, attached to the Ministry of Health, Social Services and Equality).

Likewise, and in line with European Commission Communication of 26 June 2013 "Steps forward in implementing national Roma integration strategies", the new plan will have to improve monitoring mechanisms, and Autonomous Communities will play a crucial role in this.

Further to previous actions in this area, the approach taken by the new Functional Plan will be a combination of: a) universal measures – or targeting disadvantaged segments of the population, which may have positive repercussions for the Roma population; and b) specific measures for the Roma population targeted towards specific issues, subsidies, etc.

The drafting of the Functional Plan 2014-2016 is being coordinated by the Directorate General of Family and Child Services, as the National Contact Point for the National Roma Integration Strategy in Spain 2012-2020:

- A draft will be sent to the organisations comprising the State Council for the Roma People in order that they submit proposals, and meetings will be held with the Council in order to keep an on-going dialogue open throughout the process.
- Meetings have been held with the ministerial departments of the General State Administration corresponding to key areas outlined in the Strategy, with the purpose of defining the deliverable measures within the Plan.
- Dialogue was opened with Autonomous Communities through a meeting of the Technical Cooperation Group held on 25 November 2013, and subsequent written contributions.



The written document will contain lines of action for all the Strategy's key areas (employment, education, health, housing), which will also be fundamental to future implementation in the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and related Intolerance.

Indeed, a particularly important measure during the period referred to in this report, has been the adoption of said **Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and related Intolerance**, passed by the Resolution of the Council of Ministers on 4 November 2011 and which was prepared as part of a diagnosis of the situation to raise the issues to be developed. It is based on three key grounds:

- a) Social diversity, which is already a reality in Spanish society but which has become greater as a result of migration.
- b) Responding to the call of the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as recommendations made by other international organisations.
- c) The need to coordinate and develop actions that have been initiated.

The Comprehensive Strategy begins by acknowledging that discriminatory attitudes and statements and acts of violence and hate due to racial or ethnic origin exist in Spanish society, and that the risk of these attitudes persisting is a threat to social harmony, cohesion and peace. Our ever-progressing society requires a broader and more effective response in order to face the challenges posed by racist and xenophobic attitudes and, consequently, in order that society may enjoy human rights and fundamental freedoms.

Two elements in the Comprehensive Strategy must be highlighted as fundamental: it being geared towards the general population, although necessarily with attention for the specific situations of certain groups such as Roma; and its attempt to include the idea of multiple discrimination and its specific approach.

The Comprehensive Strategy sets 41 targets and 129 measures in various areas, including analysis of information systems and criminal punishment of racism, racial discrimination,

xenophobia and related forms of intolerance and measures concerning education, employment, health, housing, the media, internet, sport and knowledge.

Lastly, in the period of 2009-2013, special mention must be made of the **II EU Roma Summit**, held in Cordoba in April 2010 and coinciding with the Spanish Presidency of the European Union, under the framework of the International Roma Day and with the emblem *Promoting policies in favour of the Roma Population*. This was a high-level event, not just due to the conference speakers but also the profile of the attendees, the issues discussed and the impact of the event on policies affecting the Roma population of European Union Member States.

With respect to funding, and in particular the resources provided by the Ministry of Health, Social Services and Equality to programmes that directly target Roma, budget provisions must be mentioned, particularly in the context of budget cutbacks made in response to the public deficit. The Government has continued the 23.16.231F.453.01 Roma Development Plan credit, although reducing the amount thereof, which co-finances with Autonomous Communities and by extension Local Corporations, comprehensive social intervention projects to assist Roma, prevent their marginalisation and achieve their insertion. Ministry financing amounted to 1,065,160 euros in 2009, 2010 and 2011, 510,461.69 in 2012 and 382,520.14 in 2013. Likewise, subsidies for social cooperation and volunteering programmes are offered annually, which are charged against the Personal Income Tax and Third Sector subsidies. The call of subsidies prioritises programmes that complement those being developed by Public Administrations in the various territories. Types of programmes subsidised include fundamentally labour insertion, training pathways and job access, and social insertion, including various priority programmes on social intervention with the aim of avoiding absenteeism and academic failure, support and monitoring of educational activities, adult literacy and promoting Roma women. The programmes are submitted for consideration in various annual calls by Roma associations or regional federations, as well as by other NGOs working in the sector that deal with the Roma population. Total funding from the Ministry in these calls amounted to around 8 million euros annually from 2009 to 2013.

- **Eliminate the practice of “ethnic profiling” by Police which targets persons belonging to some minority groups; increase training of the Police to combat racism and discrimination, on the basis of existing best practices.**

**Additionally, points 52, 102, 103 and 104 of the Advisory Committee Opinion.**



In relation to "ethnic profiling", the Directorate General of Police approved **Circular 2/2012 of 16 May** which indicated that the drafting of the prior Circular 1/2010 was susceptible to misinterpretation, thus giving rise to this new Circular which set the criteria to be followed by members of the National Police Force on identification procedures, the principal guidelines of which are:

- Prevention, as a basic pillar, with selective operations primarily aimed at removing illegal immigration and human trafficking networks and deporting illegal immigrants subject to on-going judicial proceedings.
- Banning foreign identification or detention quotas and *en masse* indiscriminate actions based on ethnic criteria.
- Banning unnecessary, arbitrary and abusive identification procedures.
- Avoiding the transfer of unidentified individuals to police stations for their identification, except when under suspicion of having committed a criminal offence or administrative infraction.
- Guaranteeing the rights of persons held in custody or detained when transferred to police stations, in line with Instruction 12/2007 of the Secretary of State for Security, on the conduct of security forces.
- Cutting out the practice of transferring individuals to police stations for the mere fact of their illegal residence.

In direct relation with this, and further to the recommendation of increasing police training, section 3.2.5 of the National Roma Integration Strategy in Spain 2012-2020 includes the following: *Other complementary lines of actions, "Counter discrimination and promotion of equal treatment", the mandate to "develop training for civil servants and other key agents, particularly professionals in the legal system, the police service, public servants and media professionals"*.

In this respect, the Ministry of Employment and Social Security and the Ministry of the Interior have prepared a **Handbook for training Security Forces in identifying and recording racist or xenophobic incidents**<sup>1</sup>. This publication is one of the end products of the European project

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<sup>1</sup> [http://ec.europa.eu/ewsi/UDRW/images/items/doc/31603\\_276634063.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/doc/31603_276634063.pdf) (English)

[http://explotacion.mtin.gob.es/oberaxe/inicio\\_descargaFichero.action?bibliotecaDatId=217](http://explotacion.mtin.gob.es/oberaxe/inicio_descargaFichero.action?bibliotecaDatId=217) (Spanish)

**Training in Identifying and Recording Racist or Xenophobic Incidents (FIRIR in its Spanish acronym)**, which aims to make aware and train the Security Forces (whether state, regional or local) of equal treatment and anti-discrimination due to race or ethnicity. The project has trained 165 members of the Security Forces to train trainers, who have begun a trickle-down training process to impart the acquired information, resulting in the training of more than 15,000 specialists of the Civil Guard, the National Police Force and Regional and Local Police in racism in Spain.

The Handbook offers recommendations aimed at avoiding ethnic profiling by the police when identifying individuals, particularly indicating (page 86 of the online version) "*The identification of citizens by the police when exerting law enforcement, under no circumstances may result in discriminatory or unreasonable restrictions in the exercise of rights and freedoms of national foreigners*". The Handbook also sets out recommendations of various international organisations in this respect, in particular Recommendation XXXI of the United Nations Committee on the Elimination of Racial Discrimination, the European Fundamental Rights Agency and the Commission against Racism and Intolerance of the Council of Europe in recommendation no. 11 (page 86 in the online version of the Handbook). The Handbook was circulated among the various Security Forces in support of their training.

The process begun by the FIRIR Project has continued throughout all the Security Forces, which have continued to develop the trickle-down training approach, adapting programmes to the content of the Handbook and including the training in other programmes that will be given to refresh professional knowledge on a permanent basis.

Other aspects concerning training and awareness actions carried out by the Security Forces relate to Instruction no. 7 of 12 July 2013 of the Secretary of State of Security, which launched the **Master Plan for harmony and improved security in education centres and their surrounding environment**. This Master Plan, which follows on from prior plans in this field, is the product of collaboration between the Ministry of the Interior, the Ministry of Education, Culture and Sport and other organisations and institutions, in order to provide training and awareness to pupils, teachers and parents. The actions span a number of issues considered to be of interest, including racism, xenophobia and intolerance, to be tackled in conjunction with the Spanish Racism and Xenophobia Observatory (OBERAXE in its Spanish acronym).



Moreover, the Ministry of Health, Social Services and Equality and the Council for the Promotion of Equal Treatment of all Persons without Discrimination on grounds of Racial or Ethnic Origin have launched or participated in actions such as the creation of the **Platform for Police Diversity Management**, set up on 18 June 2010 by the National Union of Local Police Chiefs and Managers (UNIJEPOL in its Spanish acronym), the Open Society Justice Initiative, the Fundación Secretariado Gitano and the Pluralism and Social Harmony Foundation, with the aim of boosting and promoting changes in the Security Forces and improving how these are carried out. The **Guide to Police Management of Diversity** was presented in June 2013 in Cordoba, in collaboration with the Ombudsman, the Ministry of Health, Social Services and Equality and various local police forces, as well as other organisations that promoted the initiative.

In parallel to this, the current **National Police Force Strategic Plan 2013-2016** contains a **vulnerable groups operative area** whereby the Police has driven measures to heighten crime prevention, the effective protection of victims and more effective investigation of crimes. In general terms, it strives to gain early knowledge of potential vulnerabilities and, if necessary, develop prevention and response plans which take into account those individuals that may suffer any form of discrimination. The Roma population is included within these groups.

Within this operative area, one of the general targets set is the *prevention of violence against minorities and those at risk of social exclusion*, with three further specific targets within this:

1. Identification of violent persons or groups that pose a threat to these vulnerable groups.
2. Development of first-response protocols with public and private institutions, bodies and entities.
3. Detection and protection of persons or groups who are susceptible to social exclusion.

A number of measures have been developed by the various responsible areas of the National Police Force in order to meet these targets, namely:

- Detection and identification of persons and/or groups that are affiliated with violent ideologies.
- Design of protocols to help victims, in conjunction with NGOs.

- Channelling of the demands of NGOs to improve the assistance provided.
- Identification and surveillance of particular areas where such persons or groups are prevalent in order to plan the necessary police action.
- Siphon off the assistance service to those persons susceptible to suffering violence and threats due to at-risk status.
- Set the precautionary measures necessary to prevent possible conflict.
- Promote awareness campaigns through social networks.

**- Investigate the reasons for the persisting concentration of Roma pupils in schools located in disadvantaged areas and with lower academic achievement, in order to eliminate these practices; ensure that the implementation of admission rules to schools does not result in discriminatory practices against Roma pupils.**

**Additionally, point 120 of the Advisory Committee Opinion.**

In general terms, the Roma population in Spain has seen significant social progress. Studies on the educational status of Roma show that there has been considerable progress in certain areas, above all infant and primary education, compared to just a few years ago. For example, more than half of Roma children are in school at age 3; in 90% of cases Roma pupils begin school in the school year that corresponds to their age; and an increasing amount of Roma families take the initiative to send their children to school. There has been progress with respect to on-going school attendance, as well as improved social interaction between Roma pupils and their classmates and teachers. Moreover, families are placing more value on education.

However, work must continue in this area – both within and outside the education community, to improve the education of Roma in a number of aspects, such as academic success in compulsory education, avoiding school leaving during secondary education, increasing the time that Roma pupils spend on study at home, increasing their critical thinking, self-esteem, autonomy and motivation; greatening teachers' knowledge of Roma culture and their inclusion in school life, providing examples of educated Roma with moderate and higher qualified jobs to motivate Roma to continue studying, work to eliminate stereotypes that many families continue to uphold of secondary schools as a dangerous environment, particularly for Roma young girls, encourage the inclusion of Roma families in parents' associations and their participation in schools, as well as improve the coordination of actions that target this community and strengthen cooperation between



the Ministry of Education, Culture and Sport, the education administration, the Roma movement and other stakeholders working in this area.

The Spanish Education Act 2/2006 of 3 May (LOE in its Spanish acronym), currently in force, sets the principles of the education system as: quality of education for all pupils regardless of their status and circumstances, fair treatment, guaranteeing equal opportunities, inclusion and eradicating discrimination, acting as a tool to offset personal, cultural, economic and social inequalities, and more. Title II of the Act, on fairness in education, indicates that pupils with specific education support needs require a different education to the standard, partly due to having joined the education system at a later age or due to personal circumstances or academic record, and their comprehensive assistance must be based on inclusion and mainstreaming. Chapter II of this title, on offsetting inequalities in education, sets out as a principle that compensatory education policies shall strengthen the education system in such a way as to avoid inequalities due to social, economic, cultural, geographic, ethnic or other factors. Lastly, chapter III of this title on schooling in public and charter schools sets admission criteria, specifically that Autonomous Communities must set the rules for admission of pupils. Likewise, it states that education administrations shall guarantee that these pupils will be educated and shall have access to the necessary resources for the optimum development of their personal skills, in addition to the targets set in general by the Act.

All the principles are contained in the recently approved **Act 8/2013 of 9 December on the Improvement of Education Quality**<sup>2</sup> (LOMCE in its Spanish acronym) which reiterates the provisions of the Education Act with respect to inclusion and the combating of racial discrimination. Section I of the LOMCE preamble indicates that only a quality, inclusive, integrating and demanding education system will guarantee equal opportunities and the possibility of each and every pupil realising his or her maximum potential. Only with quality shall the article 27.2 of the Spanish Constitution be realised: "*Education shall aim at the full development of human personality with due respect for the democratic principles of coexistence and for basic rights and freedoms*". Moreover, section XIV of this preamble states that the Recommendation (2002)12 of the Committee of Ministers of the Council of Europe to the Members States on Education for Democratic Citizenship, indicates that education for democratic citizenship is essential to promote

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<sup>2</sup> <https://www.boe.es/boe/dias/2013/12/10/pdfs/BOE-A-2013-12886.pdf>

a free, tolerant and just society that contributes to defending the value and principles of freedom, pluralism, human rights and the rule of law, which are fundamental to democracy. One of the principles that inspired the Spanish education system is the transfer and putting into practice of values that favour personal freedom, responsibility, democratic citizenship, solidarity, tolerance, equality, respect and justice, as well as help to overcome any type of discrimination. The Spanish Education System also strives to provide preparation for citizenship and active participation in economic, social and cultural life, with a critical and responsible attitude adaptable to changing situations in society.

The Spanish Education Act 2/2006, of 3 May, is amended in various aspects concerning inclusion and combating racial discrimination, which reads as follows. Section B) reads as: "*Equity that guarantees equal opportunities for the full development of personality through educational inclusion, equal rights and opportunities that helps to overcome discrimination and gives universal accessibility to education, acting as a compensating factor for personal cultural, economic and social inequalities, with special emphasis on those derived from disabilities*". A new article 2 bis is included, which includes a point (4) which indicates that the Spanish Education System shall operate under the principles of quality, cooperation, equity, freedom, merit, equal opportunities, anti-discrimination, efficient allocation of public resources, transparency and accountability. Article 68, on Compulsory learning, section 2, paragraph 2 states that education administrations shall ensure that the necessary measures are adopted to ensure equal opportunities, no discrimination and universal accessibility for the disabled. Article 79 bis, on Schooling and assistance measures, section 2 states that the schooling of pupils with learning difficulties shall be ruled by the principles of mainstreaming and inclusion and will ensure the absence of discrimination and effective equality in access and continuity in the education system. In turn, article 124, Rules on organisation, operation and harmony, indicates 1. Centres will draw up a harmony plan to include annual general programming that will include all planned activities to foster a positive climate within the educational centre, and 2. Harmony and conduct rules in centres will be mandatory and shall specify pupils' obligations and applicable corrective measures in case of breach, taking into consideration the situation and personal circumstances of each pupil. Article 127. Powers and responsibilities of the School Council, section g) indicates that one of the Council's responsibilities is to propose measures and initiatives that foster harmony in the centre, gender equality and no discrimination due to the grounds referred to in article 84.3 of the Act, the peaceful resolution of disputes, and the prevention of gender violence.



Both the LOE and the new LOMCE include the **adaptation of pupil admission processes in publicly funded education centres to avoid academic segregation** (chapter III, articles 84 to 88). This issue is strengthened in the recently passed LOMCE through the modification of section 3, article 84 to read as follows: "*Under no circumstances shall discrimination exist for reason of birth, race, gender, religion, belief or any other personal or social condition or circumstance*".

In turn, the **National Roma Integration Strategy in Spain 2012-2020** specifically provides for the following, within its strategic actions: Education, the mandate to foster measures to avoid Roma pupils being concentrated into certain educational centres or classrooms. Likewise, the Comprehensive Strategy to Combat Racism, Racial Discrimination, Xenophobia and related Intolerance includes in its section on education measures to reduce academic segregation and concentration.

Moreover, the Ministry of Education, Culture and Sport has rolled out programmes to promote diversity and favour greater integration in education centres, which include:

- **Resource Centre for Cultural Diversity in Education** (CREADE in its Spanish acronym): This is a virtual resource centre which aims to provide information, materials, advice and training to teachers, centres and groups of professionals in social and educational spheres to manage diversity from an inter-cultural point of view. The CREADE contains initiatives from public administrations, institutions, associations, NGOs and other education agents for a project to construct inter-cultural citizenship. It was presented via an online gateway conceived not only as an image and tool to disseminate the activities, but as a virtual hub for documentation and bibliographic, documentary and audio-visual resources.
- **MUSE-E programme:** The project is carried out in conjunction with the Yehudi Menuhin Foundation (FYME in its Spanish acronym) by virtue of a collaboration agreement. The project is pursued in the Autonomous Cities of Ceuta and Melilla (directly managed by the Ministry) in infant and primary schools. It is executed via the MUSE-E® method, which aims to favour social, cultural and educational integration among disadvantaged children through the arts, with funding from the Yehudi Menuhin Foundation at international level. Due to being a registered trademark, it is the only entity that may implement the programmes, and is subject to international control by the ICC.

This methodology aims to promote exceptional actions aimed at favouring the educational, social and cultural integration of disadvantaged children and young people, the creation and participation of European networks for educational, artistic and cultural cooperation and the adoption of initiatives to favour of tolerance, dialogue and solidarity of varying people and civilisations, promoting compensatory education and co-education programmes. It has been collaborating with the Ministry of Education, Culture and Sport since 1996 and with Autonomous Communities since the transfers in education matters occurred.

The purpose of this programme is social, cultural and education inclusion of pupils, preventing violence and racism, fostering tolerance, equality and the meeting of different cultures, strengthening the development of pupils' creative skills and inter-cultural enrichment, as well as making art a positive learning tool with resources to reinforce various learning methods. In Ceuta there are five infant and primary education centres and one special education centres (CEIPs Príncipe Felipe, Ramón y Cajal, Andrés Manjón, Vicente Aleixandre, Lope de Vega and CPEE San Antonio) and in Melilla four infant and primary education centres and one special education centre (CEIPs Mediterráneo, Velázquez, Juan Caro, León Solá and CPEE Reina Sofía).

- **Equality in education project. PLURALES:** Promoted by the Women's Institute and the Norwegian Government, it was set up under the framework of the Memorandum of cooperation between donating countries in the European Economic Area (EEA), namely the Norwegian Government and the Spanish Government. The project began in 2013 and will be developed until the end of 2015. The main aim of the project is to establish a methodology for intervention in schools that favours the general incorporation of the concept of equal opportunities. This experimental project arose from collaboration between national and regional educational entities. Its design is such that this shared implementation is the keystone of the project, which aims to establish Equality Plans in schools for their experimental implementation, and subsequent generalised use for a series of tools and methodologies. Participating Autonomous Regions are: Aragon, Asturias, Castile-La Mancha, Extremadura, Murcia, Navarre and Valencia and the Autonomous Cities of Ceuta and Melilla. In Ceuta it is carried out in the IES Luis de Camoens, and in Melilla, in the IES Miguel Fernández.
- **Inter-regional INTERCAMBIA Network:** The Inter-regional collaboration network was created in 2005, in collaboration with the Women's Institute, to disseminate practices and initiatives



being developed with the State and to create awareness of the efforts being made to foster equal opportunities and prevent violence against women. It creates contact with the education community (in particular teaching personnel), and educational administrations and equality organisations, as well as interested persons and entities, with the aim of exchanging knowledge and experiences in co-education. From this exchange, teaching professionals and all those interested in education may use the Intercambia Gateway to access information on news and events, as well as learning materials published in a number of formats, and co-educational projects developed in various Autonomous Communities and Cities, as well as throughout the world. The gateway was created as a "virtual hub of thematic resources" which allows users to access and disseminate valuable materials on co-education matters. The Intercambia gateway contains information and resources which include publications on Roma women.

At international level, a project co-financed by the EU PROGRESS Programme (2007-2013) has been rolled out, which aims to prepare a training programme and handbook to implement the principle of equality and anti-discrimination in the design, execution and evaluation of public policies.

In addition to the programmes mentioned, the Ministry of Education, Culture and Sport continues to give awards with the aim of ensuring equality of access to education, eradicating all types of discrimination, increasing training, improving harmony and promoting education and continual acquirement of skills. By way of example:

- **Miguel Hernández Awards:** The Ministry of Education, Culture and Sport has given this award since 2000 to recognise the work carried out by public institutions or private non-profit organisations that stand out for their contribution to lifelong learning processes, and for fostering the socially disadvantaged's access to education, as well as their contribution to overcoming traditional illiteracy and that which can result from scientific and technological progress. Recipients of this award include, in 2013, the Permanent Education Centre of the Polígono Sur in Seville (CEPER Polígono Sur), which was awarded the first prize of €38,000. This centre has launched a number of innovative projects, of which the following are worthy of particular mention:
  - “Yo mujer, yo gitana” (I, Roma woman): this is a joint project between the Akherdi i

Tromipén association and the CEPER Polígono Sur, which gave literacy lessons and dialogue about Roma culture from the perspectives of the participating women.

- Flamenco and education.

- **"Marta Mata" awards:** During the period referred to in this report, these awards were given in 2009, 2010 and 2011. By granting the Marta Mata awards for education centre quality, the Ministry of Education, Culture and Sport purported to recognise and distinguish the work and track record of teaching centres in search of quality education that guarantees academic success, favours equity and contributes to greater social cohesion. It attempted to serve as an example and a guide to other education communities, striving towards an overall improvement in the education system.

The key aim of this award was to recognise, highlight and give visibility to the journey of these non-university teaching centres that stood out for their best practices and the shared efforts of the education community in attempting to achieve quality education for all. In 2011 the "A" grade award, with a €25,000 prize, was given to the CEIP La Paz de Albacete, located in a disadvantaged neighbourhood comprising one half non-Roma, one third Roma and the remaining part foreign nationals, where illiteracy sits at around 90%. The award was given for this centre assuming the challenge of transforming the school into a true learning community, through inclusive organisation and methodology strategies, geared towards reducing school leaving and absenteeism, as well as improving harmony within the centre.

- **Awards for teaching centres that develop actions for pupils with special educational needs and to compensate inequalities:** During the period referred to in this report, these awards were given in 2009, 2010 and 2011. With these awards, the Ministry of Education, Culture and Sport purported to acknowledge, highlight and give visibility to an appropriate response by education centres to all pupils, based on attention for diversity, mainstreaming and inclusion, in the understanding that this not only guarantees the development of all pupils, but also favours equity and contributes towards greater social cohesion. These awards are granted to teaching centres that pursue actions geared towards pupils with special educational needs (due to disability or severe behavioural problems), or towards compensating inequalities (due to social, economic, cultural, geographic, ethnic or other factors). These awards recognise the work of centres that mostly work with the Roma population, such as:



- CEIP “Aníbal” in Cartagena, Murcia, which was awarded first prize in 2010, for 40,000 euros.
- IES “Montes Orientales” in Iznalloz, Granada, which was awarded first prize in 2011, for 40,000 euros.
- CEIP “María de la O” in Malaga, which was awarded first prize in 2011, for 18,000 euros.
- CEIP “Antonio Machado” in Merida, Badajoz, which was awarded first prize in 2012, for 2,000 euros.

Lastly, the Kamira Association of Roma Women and the Mario Maya Foundation have prepared a report, with funding from the European Roma Rights Center (ERRC), which performs an in-depth analysis of the situation of some so-called "ghetto" schools or schools with a majority Roma population, in order to evaluate the nature of problems, give them greater visibility and seek out solutions. The report has awoken the interest of the Ombudsman, which has requested information from the corresponding bodies in this matter.

### **III FURTHER MEASURES TAKEN TO IMPROVE THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION**

- **Consult with representatives of the Berber community regarding a possible extension of the protection of the Framework Convention to them. Also points 35 and 36 of the Advisory Committee Opinion.**

In relation to the comments of paragraphs 26 to 36 of the Advisory Committee Opinion on the scope of application of the Framework Convention to Protect National Minorities, the Spanish Government believes that no circumstances exist that lead to the conclusion that the compensatory protection mechanisms set out in the Framework Convention must be applied to other individuals or groups mentioned therein, other than the Roma population.

- **Complete without further delay the process of adoption of comprehensive anti-discrimination legislation; develop a comprehensive system of data collection on discrimination and racially-motivated offences in the justice system, in order to promote a more effective implementation of the anti- discrimination legislation in force; provide**

**adequate support to the work of the Council for the Promotion of Equal Treatment of all Persons without Discrimination on grounds of Racial or Ethnic Origin.**

**Additionally, points 43, 44, 52 and 104 of the Advisory Committee Opinion.**

On 27 May 2011, the Council of Ministers approved the Draft Bill of the Comprehensive Act on Equal Treatment and Anti-Discrimination, and referred it to the Spanish lower chamber (*Congreso de los Diputados*) for processing on 11 June. However, upon the announcement of the elections on 20 November this process was stalled. It must be remembered that at that time, an announcement has already been made as to the Spanish Government's firm commitment to combating all kinds of discrimination, whereupon it was warned that any legislative change in this area would be preceded by an in-depth study of the scale and impact of discrimination in Spain, in line with the indications received from international institutions.

In this regard, the main recommendations given by specialist international organisations do not focus precisely on Spain improving its legislation on equal treatment, but on it systematically collecting data to determine the real rate of discrimination in Spanish society and attempting to make the legislation already in force more effective.

An apt example of the above is the situation of the proposed Directive at EU level to implement the principle of equal treatment among people regardless of their religion, religious convictions, disability, age or sexual orientation, submitted by the Commission on 2 July 2008. This Directive remains at negotiation stage, partly due to a number of Member States requesting additional time to evaluate the impact of European regulations from 2000, to see where these "niches" of discrimination lie. They also requested additional impact studies from the Commission on "critical" areas such as financial products, education or health.

This is the line to be followed by the Spanish Government; firstly, it must analyse the causes and impacts of discrimination to identify and correct specific weaknesses in the anti-discrimination legislation. Additionally, we understand that pacing ourselves with the rest of Europe will avoid having to make continual and unnecessary amendments to the legislation in question.

The Ministry of Health, Social Services and Equality has already made considerable progress in preparing the **Discrimination Map**, which will help to accurately and effectively measure the most common causes of discrimination in society.



The general purpose of the map will be to discover social perceptions and potential victims of discrimination, discriminatory practices and principal data on discrimination in Spain, to thus better design anti-discriminatory practices.

The map has been divided into two separate phases. Firstly is the "sociological" phase, which uses secondary sources that collect, analyse and collate a large sample of statistics and studies on discrimination in Spain, spanning all the most common grounds, situations, manifestations and settings in which discrimination may occur. It is a first instance, approximate diagnosis of discrimination through secondary sources available that may be of great interest and use for the work of all those who require information and knowledge sources in this area, in various scopes of activity and various ways of combating discrimination. It also explores the issues that require greater analysis and presents a series of recommendations to better collect data and guide future public interventions in a way to continue to combat discrimination. Based on the recommendations of this study of secondary sources, a survey has been prepared in collaboration with the Centre for Sociological Studies on the perception of discrimination in Spain on all grounds and in various aspects of economic, social and cultural life, but particularly concerning employment and education. The principal aim of the study is to discover Spanish residents' social perception of the discrimination phenomenon, focusing on the following aspects:

- Experiences and attitudes in relation to discrimination (belonging to discriminated groups, experience as a victim or witness, attitude towards discriminated groups).
- Opinions on discrimination (existence, frequency).
- Posturing before anti-discriminatory policies (knowledge and evaluation).

The field work of this study was carried out during September 2013 through a survey to which 2,500 people resident in Spain responded. The results will be available at the beginning of 2014.

Once the "sociological" phase was completed, the design of protocols began for the collection of data for 2013 on complaints and judgments on crimes or offences that entail an element of discrimination, both by the direct committing of crimes and by the potential aggravating circumstances contained in article 22.4 of the Spanish Criminal Code. This will complete already

existing data, thanks to the work of the Ministry of the Interior and the Spanish Racism and Xenophobia Observatory (OBERAXE).

In relation to the development of an exhaustive data collection system for discrimination and race related crimes, it must be stressed that in order to meet international requirements on the collection and publication of statistics on racist incidents, in 2011 a **reform was carried out of the Crime Statistics System** (SEC in its Spanish acronym) of the Ministry of the Interior, with the aim of the system differentiating between types of racially motivated criminal offence. This was accompanied by training for the state police forces, making use of synergies created for the Training of Trainers in Identifying and Recording Racist or Xenophobic Incidents (FIRIR in its Spanish acronym), which has been mentioned in the above paragraphs of the report.

One of the key aspects of the reform within the Crime Statistics System (SEC) was to establish the definition of racism and xenophobia pursuant to the proposal of the European Commission against Racism and Intolerance (ECRI), with a view to establishing the register of racist incidents and a universal perspective of the concept of racism. In this way, we will align ourselves with neighbouring countries that have a proven track record in combating hate crimes. The SEC currently takes the definition of hate crime contexts and areas as follows:

<b>AREA DEFINITION</b>	
RACISM/XENOPHOBIA	"Any incident perceived as racist or xenophobic by the victim or any third party, including a police officer or any other witness, even should the witness not agree, as well as acts of hate, violence, discrimination, phobia and rejection of foreign nationals or persons belonging to other groups, due to race, ethnicity, nation, culture or religion.
SEXUAL ORIENTATION OR IDENTITY	Events grounded in sexual differences (*gay, lesbian, heterosexual)
RELIGIOUS PRACTICE OR BELIEF	Events grounded in conflicting stances to certain religions (Jews, Catholics, Protestants, Jehovah's Witnesses, Muslims, etc)
VIOLENCE AGAINST THE ELDERLY	Act or failure to act which produces damage, whether intended or otherwise, against a person aged 65 years or more, which undermines or endangers their physical or psychological wellbeing, their autonomy or their basic rights, objectively verifiable or subjectively perceived.



ANTI-SEMITISM	Any act of hate, violence, discrimination, phobia and rejection, made against Jews or Israeli nationals.
DISABILITY	Any act committed against a victim taking advantage of their disability, whatever form this may take (physical, psychological, old age, etc).
PENIAPHOBIA	Hate or rejection of the poor. This spans all expressions and manifestations of intolerance referring to "hate, disgust or hostility before the poor, the needy and the vulnerable"

Lastly, it must be stressed that the European Fundamental Rights Agency (FRA) has recently referred to the FIRIR project in a report, as well as the publication of the Handbook to support the training of Security Forces in identifying and recording racist or xenophobic incidents, indicating that:

*"In November 2012, Spain reinforced existing systems of data collection. The Secretary General for Immigration and Emigration of the Ministry of Employment and Social Security and the Secretary of State for Security of the Ministry of Interior jointly published a Handbook for training security forces in identifying and recording racist or xenophobic incidents. Changes made to the crime statistics system meant that security forces in Spain record crime statistics on racist and xenophobic offences, as well as on offences motivated by religious intolerance, sexual orientation, gender identity and disability. The statistics include data on the characteristics of victims and offenders as well as on the type and location of the crimes".*

This led to the FRA changing its classification of Spain from "limited" to "good available data", which is the category directly below "comprehensive data available" – a category only held by United Kingdom, Holland, Finland and Sweden.

With respect to the collaboration protocol in place between the Secretary of State for Security and the Secretary of State for Immigration and Emigration, there is a continual sharing of activities and liaison among personnel of both institutions in order to tackle the issues relating to this area.

With respect to the **Council for the Promotion of Equal Treatment of all Persons without**

**Discrimination on Grounds of Racial or Ethnic Origin**, it must be mentioned that since its founding on 29 October 2009, it has operated regularly with an increasing presence in society and increasing use of its powers.

As such, the first **Council Multiannual Work Plan 2010-2012** sets as key action cores a series of operative targets relating to the launch of the Council itself, its position in society and in relation with other key players in combating racial or ethnic discrimination, as well as the fulfilment of its duties via a series of strategic actions.

In this sense, 2010 saw the creation of the **Network of Assistance to Victims of Discrimination**, launched in collaboration with eight NGOs (two being Roma associations) which principally aims to provide impartial advice to victims of discrimination, whilst also developing a series of awareness, training and information initiatives geared towards the general population. The Network's results can be seen on the Council's website, although it must be mentioned that since its creation in 2010, it has handled more than 1,000 racial or ethnic discrimination related complaints in both the public and private sphere.

On 15 March 2012, the Network set up a coordinated service to assist discrimination victims – the Assistance Service for Victims of Racial or Ethnic Discrimination, which is coordinated by the Fundación Secretariado Gitano and run by seven social entities specialising in combating racial and ethnic discrimination which are members of the Council committees (ACCEM, CEPAIM, Red Acoge, Movimiento contra la Intolerancia, MPDL, Spanish Red Cross and the Fundación Secretariado Gitano). This service provides specialist assistance at state level to victims of discrimination. It offers in-person assistance from its general logistical office in the Fundación Secretariado Gitano in Madrid, and 20 assistance centres (in the 17 Autonomous Communities and the Autonomous City of Melilla). The entities participating in this Network have also provided 73 collaborating offices in a number of Spanish provinces to contribute to the scope of this service. In conjunction with the above, a telephone service is provided via a free phone number manned by a specialist worker (0034900203041) and a digital assistance service via website [www.asistenciavictimasdiscriminacion.org](http://www.asistenciavictimasdiscriminacion.org). In addition to this form of specialised, relatable assistance adapted to the diverse characteristics of potential victims of racial or ethnic discrimination, the service also offers information, awareness and training to the specialist workers of institutions it collaborates with (96 case workers have been trained so far) as well as other key



players in the fight against discrimination. Between 15 March 2013 and 14 December 2013, 376 incidents of racial or ethnic discrimination have been recorded.

The Council has also **regularly published studies, reports and recommendations** for public authorities and private stakeholders.

These include the preparation of the Study of the Perception of Discrimination by its Potential Victims, in 2010, 2011 and 2013 (in progress), which for the first time in Spain attempts to gain greater knowledge of the subjective perception that potential victims have of discrimination, in the spontaneous sense - by asking if the person has felt discriminated against due to ethnicity, and in the documented sense - through experience of discriminatory treatment in various aspects of everyday life.

Moreover, in 2010 the Annual Report on the status of racial or ethnic discrimination in Spain was first published, the fundamental aims of which were: to use secondary sources to provide information on the status and progress of discrimination in Spain, and the application of the principle of equal treatment regardless of racial or ethnic origin (statistics, reports, studies, etc at both Spanish and European level), to contemplate the areas in which improvements can be made to guarantee greater application of equal treatment regardless of racial or ethnic origin; to identify positive experiences in the application of equal treatment due to racial or ethnic origin that are relevant and can be applied in other organisations or institutions, or other fields; to propose recommendations to better apply the principle of and right to equal treatment regardless of racial or ethnic origin; to heighten the visibility of the Council and its activities, for it to become a reference for up to date, quality information on equality and counter discrimination; and to increase the dissemination of information on equality and counter discrimination.

The Council has also been publishing a series of reports and recommendations, of which the proposals made to political parties can be highlighted: "Inclusion of strategies and public measures to guarantee equality and non-discrimination in electoral programmes", "avoiding the use of discriminatory, racist or xenophobic speech in electoral campaigns" and "guaranteeing equal treatment and fundamental rights of Roma from Eastern Europe in Spain".

Moreover, information has been given on a number of draft bills or governmental plans or programmes, such as the II Strategic Plan on Citizenship and Integration, the Draft Bill for Equal Treatment and Counter Discrimination, or the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and related Intolerance.

Likewise, the Council has offered **training** for professionals of social institutions, public servants and other legal professionals on the prevention and eradication of racism and xenophobia, focusing on a number of aspects such as "assistance to victims of discrimination", "mediation and liaison in a case of discrimination", the prevention and eradication of hateful speech on the internet and discrimination in access to goods and services. More than 150 people have benefited from this training.

Social institutions that are members of Council committees have put together a number of publications in this area: Annual Report on Discrimination and the Roma Community, Raxen against Racism, etc. They have also pursued training for key players in the fight against discrimination (security forces, universities, teachers, among others).

Recently, on 3 December 2013, the **II Council Work Plan 2013-2016** was passed, which advocates continuity with previously mentioned strategies, yet while proposing more profound action in certain areas, such as:

- Study of ways for the Council to support litigation pursued by victims of discrimination
- Awareness for the media, inclusion social networks, to prevent and eradicate discrimination, avoiding the perpetuation of stereotypical images of racial or ethnic minorities.
- Fostering the presence of persons belonging to racial or ethnic minorities in the field of political representation.
- Study of the particular situation of women belonging to ethnic minorities.
- Measure of the impact of the crisis on minorities.

In terms of the target of driving the strategic litigation of discrimination cases by the Council, certain social institutions that belong to the Council are actually developing these themselves, such as the Fundación Secretariado Gitano which, during 2012-2013, pursued the strategic litigation in defence of a Romanian Roma woman, within the programme to combat discrimination. Strategic



litigation is another of the actions that will contribute to the correct implementation of Directive 2000/43/EC and European recommendations in this respect.

All documents published by the Council can be consulted on its website ([www.igualdadynodiscriminacion.org](http://www.igualdadynodiscriminacion.org))

- **Continue and improve the systematic collection of data and information on the situation of the Roma in various areas of life; carefully assess the impact of the economic crisis on their situation, so as to avoid further discrimination against them.**

**Additionally, points 51 and 61 of the Advisory Committee Opinion.**

Due to data protection rules, in Spain there is no census with data broken down by ethnicity, and these variables do not appear in official statistics on population, employment, education, social protection, family members, etc. In the absence of an official census, information existing on the Roma population is fundamentally obtained through sociological research and studies carried out in various areas of the country. Surveys of the Roma population are also carried out, by adapting those that are carried out for the general population.

In recent years there has been abundant research which gives a fairly realistic panorama of the situation of Roma in Spain, in terms of their numbers and their status with regards to education, health, housing and employment. These studies and research are carried out by NGOs and universities, often at the request of and funded by public administrations and central government itself. Regular analysis of the situation of Roma allows policies to be tailored to areas which suffer in comparison to the general population. The aim is to redress these differences, with the end purpose of achieving effective equality of opportunities for all citizens.

The collection of data from different areas has been an aim throughout the Action Plan for Roma Development for 2010-2012 and is complementary to the National Roma Integration Strategy in Spain 2012-2020, which dedicates a section to **Improving knowledge** where the following actions are foreseen:

- Support to the performance of studies that increase socio-demographic knowledge of the

Roma population, driving forward collaboration with state statistics bodies.

- Improve local, regional and national health information systems, to identify needs and inequalities of the Roma population and maintain a longitudinal line of study of the health of this group.
- Promotion of studies and research that evaluate the progress and difficulties experienced in the education of Roma pupils.
- Support for the development of regular studies and statistics that analyse the situation of Roma in the labour market, as well as analysis of the ways to transform and modernise itinerant trade.
- Support for the development of working tools, materials and specialist intervention methods, and the dissemination of existing successful ones.
- Support for the development of studies and research that contribute to improving knowledge of discrimination against the Roma population.
- Fostering the dissemination of best practice, the exchange of experiences and the transfer of knowledge among different territories and entities, with special attention for local level initiatives.

The **studies** published in the period corresponding to this report include:

- *“El alumnado Gitano en Secundaria. Un Estudio comparado”* (Roma pupils in secondary school. A comparative study) 2013. Fundación Secretariado Gitano, in collaboration with the Ministry of Health, Social Services and Equality, the National Centre of Education Innovation and Research, the Ministry of Education, Culture and Sport and UNICEF.
- *“Diagnóstico social de la comunidad gitana en España: un análisis contrastado de la encuesta del CIS a hogares de población gitana 2007”* (Social diagnosis of the Roma community in Spain: a comparative analysis of the Sociological Research Centre on Roma homes 2007) 2011. Coordinated by Miguel Laparra, lecturer of the Public University of Navarra.
- *“Población Gitana, Empleo e Inclusión Social. Un estudio comparado: población gitana española y del este de Europa”* (Roma Population, Employment and Social Inclusion. A comparative study: Spanish and Eastern European Roma population) 2011. Fundación Secretariado Gitano.
- *“La situación y perspectivas del trabajo autónomo, especialmente la venta ambulante en la población gitana”* (Study on the situation and perspectives on self-employment, focusing on itinerant trade among the Roma population) 2010. Coordinated by Gregorio Rodríguez Cabrero.



- *“La evaluación de la normalización educativa de las alumnas y alumnos gitanos en la educación primaria”* (Evaluation of the mainstreaming of Roma pupils in primary education) 2010. Fundación Secretariado Gitano. Madrid: Women's Institute and IFIIE.
- *“Hacia la Equidad en Salud: Estudio comparativo de las Encuesta Nacional de Salud a población gitana y población general de España”* (Towards Equity in Healthcare: Comparative study of the National Health Survey to the Roma and general population in Spain) 2009. Full report and abstracts in Spanish, English and Romani.

Other reports and documents that describe the lives of the Roma community and which allow their progress to be monitored include the report prepared by the Fundación Secretariado Gitano with support from the Ministry of Health, Social Services and Equality, entitled "The impact of the crisis on the Roma community" of 2013.

With respect to the monitoring of the types of discrimination and possible discriminatory trends, mention must be made of the public work carried out by the Spanish Observatory on Racism and Xenophobia, under the Ministry of Employment and Social Security, and the Council for the Promotion of Equal Treatment of all Persons without Discrimination on grounds of Racial or Ethnic Origin, under the Ministry of Health, Social Services and Equality, which publish regular reports on racism, xenophobia and discrimination.

The Ministry of Health, Social Services and Equality has already made considerable progress in preparing the **Discrimination Map**, which will help to accurately and effectively measure the most common causes of discrimination in society. The general purpose of the map will be to discover social perceptions and potential victims of discrimination, discriminatory practices and principal data on discrimination in Spain, to better design anti-discriminatory practices. To avoid repetition, we refer to an earlier section of the report, on the Discrimination Map.

Moreover, the Ministry for Public Development has continued to work on the preparation of the **Vulnerability Map**, identifying and discovering the areas in Spain of greatest vulnerability, through analysis of official statistical data of the population census concerning level of education, unemployment, immigration and minimum living conditions.

With respect to **health**, the following actions have been pursued to give greater visibility to the health situation of Roma, touching upon the social factors that determine health and the discovery of effective intervention methods:

A. At national and regional level:

- The 2011 creation of a specific group for the development of the Plan's health section, in conjunction with Autonomous Communities.
- Diffusion of the results of the Comparative Study of the National Health Survey for the Roma population and general population in Spain, with other work carried out as part of the Strategy at national level and in some Autonomous Communities such as Valencia, Asturias (Oviedo and Aviles), Navarre and Madrid, which have held conferences to raise awareness and disseminate the study.
- Advocacy work for the performance of the next National Health Survey to the Roma population: project submitted to the National Statistics Institute and the Health Research Fund: The National Roma Integration Strategy in Spain 2012-2020 indicates in section 5, on monitoring and review of the Strategy, that there are plans to replicate the National Health Survey for the Roma population and its comparative study with the National Health Survey for the general population. In 2014 a second National Health Survey for the Roma population will be carried out, with comparative study with that of the general population. This will provide new data on the Roma population's health situation.
- Continuity of awareness campaigns for social and healthcare professionals through conferences, courses and workshops and the dissemination of the recommendations made by the Handbook for healthcare service actions with the Roma community.
- Participation of institutions in healthcare professionals' conferences and events to give greater visibility to the comparative study of the National Health Questionnaire to the Roma and general population in Spain.
- Continued dissemination of all publications produced as a result of the work carried out on equity in healthcare for the Roma population, which can be found on the website of the Ministry of Health, Social Services and Equality:  
<http://www.msssi.gob.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/EquidadSaludyDSS.htm>
- Collaboration with social entities to train professionals and develop support resources for the prevention of drug addiction in the Roma population, particularly young people, such as the



2013 of the handbook "Health, addiction prevention and young Roma people in Europe", with the collaboration of the Government Delegation for the National Drugs Plan.

B. At local level:

Within the agreement in place between the Ministry of Health, Social Services and Equality and the Spanish Federation of Towns and Provinces (FEMP in its Spanish acronym) to boost the Spanish Network of Healthy Cities (RECS in its Spanish acronym), during this period as in prior years the strategic activities of the Network in the issue of equity were heightened. The Action Plan to develop the Convention covers actions intended for all Spanish local councils, whether or not they belong to the Network, for the execution of programmes designed for the disadvantaged in terms of poverty, health and inequality. There are currently 156 towns belonging to the Network, meaning that the project reaches 40% of the Spanish population. Also to be taken into account are those local councils that do not belong to the Network but that do request funding for programmes on inequality, poverty and health for the disadvantaged.

- **Continue to provide adequate support to the Institute of Roma Culture; take more resolute measures, at the central and regional levels, to support the preservation and promotion of Roma culture. Additionally, points 68, 69, 125 and 128 of the Advisory Committee Opinion.**

The Committee of Ministers acknowledges the importance of creating the **Institute of Roma Culture** in May 2007 as a public foundation of the Ministry of Culture (what is today the Ministry of Education, Culture and Sport), adopted by the Spanish Government, which reiterates the need to continue to increase the resources for continual adoption of measures at all levels of the administration to conserve and promote Roma culture. The Institute of Roma Culture has been working on the following issues since 2007:

a) **Publishing and circulating publications** that give greater visibility to Roma culture as a fundamental part of Roma identity, and as cultural heritage of the whole Spanish population. In line with this, it has published the Romani language learning guide *¿Sar san?* (how are you?) accompanied by courses around various cities in Spain, with positive results. Likewise it has prepared the *I Barval Phurdel* (the wind blows) poetry collection in bilingual Spanish/Romani

language, and published the scientific and artistic journal *Cuadernos gitanos* (Roma notebooks) which tackles fundamental themes of Roma culture in various artistic fields such as painting, flamenco, religion, theatre, poetry, and more.

b) **Insertion of Roma culture in the academic and university world.** To do so, the Institute of Roma Culture has reached a collaboration agreement with the University of Alcalá de Henares, which offers a subject in *Roma in Spain: History and Culture*, worth 6 credits and which has attracted significant interest from students in recent years. This university has also offered an elementary course in Romani, using the *Sar san* learning method.

Likewise, progress has been made in the initial reports and agreements to launch a **Roma library / documentation centre** which will be proposed for the University of Alcalá de Henares. Likewise, five cycles of conferences in other universities have been organised, in collaboration with varying institutions and associations (Complutense University of Madrid, University of Alicante, University of Jaen, etc).

c) **Projection of Roma culture in events and celebrations.** The proprietary cultural acts of International Roma Day, 8th April, have been bolstered, with participation in the river ceremony (in recognition of the *samudaripen* and solidarity) and fostering the 8 April Roma Culture Awards, which recognise the work carried out by Roma and non-Roma personalities in Roma culture: literature and scenic arts, painting and other arts, communication, research, peace, new creators, sport, music, etc. Likewise, since 2009 the O DIKHIPEN Roma cinema cycle has taken place annually in the Cine Doré of the Filmoteca Española (Film Institute), which focuses on various themes or personalities (such as filmmaker Carlos Saura and the legendary Roma artist Carmen Amaya. The latter took place in September 2013 in the Filmoteca Española).

d) **National and international exhibitions** on Roma culture. Of particular importance is the Romani Lives exhibition, which is an extensive exhibition of 600 to 800m<sup>2</sup> which uses virtual, visual and didactic media to explain the history and culture of the Roma population as a fundamental part of Spanish culture in literature, music, cinema and customs. Romani Lives was opened in Granada in 2012 and has toured subsequently in Madrid, Budapest, Vienna and Lisbon in 2013, and will travel to Valencia in 2014, thanks to co-financing through a European Union cultural project. Other smaller exhibitions have been more focused on specific aspects of Roma culture through photography, such as the exhibition on the International Roma Day.



e) Activities focusing on **Roma women's fight for equality**. Roma women face double discrimination, for being both women and Roma and, as such, it is vital to push forward against any kind of internal or external discrimination. As such, and in collaboration with other public and private entities, national and international conferences have been held on this subject, which have been funded by the European Union and the Council of Europe. The conclusion reached and the manifestos read have shown the need to continue pushing forward in this area.

Worthy of mention are the annual activities in collaboration between the Women's Institute and the Fundación Secretariado Gitano, actions that foster social participation and skills for Roma women, or training and awareness programmes for professionals, such as the holding of seminars and the preparation of guides and handbooks, such as: "Guide to promoting Roma women: Psycho-emotional perspective and professional development" in 2009, or the "Guide to social intervention with Roma women from the gender perspective" in 2011.

At local or regional level other initiatives have been rolled out that have given visibility to the heterogeneous reality of Roma women, such as the awareness documentary "Romnia Mujeres Gitanas de Huesca" (Romnia Roma Women of Huesca) produced by the Fundación Secretariado Gitano in collaboration with the Aragon Women's Institute, the Provincial Assembly of Huesca and the Huesca City Council.

f) Active participation in the launch of the **Academy of flamenco arts and sciences**. Flamenco is a musical philosophy and a typically Spanish identity mark where the contribution of Roma is unquestionable. The Academy of flamenco arts and sciences is an association where cultural industries such as *tablaos* participate, as do universities, intellectual groups and artists. Active participation in this cultural project by the Roma population through the Institute of Roma Culture provides access to the labour market and, through the use of music, helps the audience to understand the significance, suffering and strength of the Roma people.

According to budget allowance, the following future initiatives are planned:

a) Inclusion of Roma culture or Roma studies in the school curriculum. This would require

suitable training for teachers and the preparation of materials which accurately and positively explain the various aspects of Roma culture.

b) Launch of a Roma library or documentation centre for access by researchers or students wishing to improve their knowledge of Roma.

c) Strengthen the production of publications on Roma culture by the Institute of Roma Culture Foundation, or co-publishing with publishers.

d) Encourage the further touring of the Romani Lives exhibition to other European countries, highlighting in each of them the cultural contribution of the Roma population in each destination State. In the coming months it is foreseen that the exhibition will travel to Norway and the Czech Republic.

e) Strengthen the 8 April Roma Culture Awards as an international benchmark for Roma culture.

f) Actively and inclusively disseminate Roma culture in public and private media.

g) Encourage the fight for equality of Roma women and young girls, both internally and externally.

Progress achieved in recent years in Spain with the creation of the Institute of Roma Culture and the activities it has planned open a new road which must be reinforced in order to correct the historical problems faced by this collective.

**- Pursue and strengthen efforts to combat all forms of racism and intolerance and to promote respect for cultural and religious diversity; ensure that budgetary restrictions do not affect disproportionately the effective implementation of policies that have been launched in this respect and the work of related institutions; condemn firmly and unequivocally, investigate, prosecute and sanction effectively all expressions of racism or intolerance, including in politics and in the media. Additionally, points 80, 81, 82 and 83 of the Advisory Committee Opinion.**



In Spain, illegal actions committed against certain individuals merely due to belonging to a certain ethnicity, such as the case of Roma, are classified as "hate crimes", and are indexed under a regulation spread across various sections of the Spanish Criminal Code, which is essentially structured as follows:

- Firstly, a specific aggravating circumstances valid to any type of crime, under article 22.4 CC:
  - "4. Committing the offence for racist or anti-Semitic reasons, or another kind of discrimination related to religion or belief of the victim, ethnicity, race or nation to which he belongs, his gender, sexual orientation, illness suffered or disability."
- There are also criminal categories contained in a special section of the Criminal Code, as follows;
  - Title XV. Crimes against the rights of workers (articles 312 and 314).
  - Title XXI. Crimes against the Constitution (articles 510 to 515).
  - Title XXIV. Crimes against the international community (article 607).
  - Other specific crimes against individuals (genetic engineering - article 160; intimidation of groups - article 170; disclosure of personal data - article 197)

Based on the current criminal structure, the Government is currently working on a Draft Bill to reform the Criminal Code, which foresees a substantial reform of some of the offences classified as "hate crimes", as shall be explained in what follows,

Conversely, mention has already been made throughout this report of the numerous actions being carried out to combat all kinds of racism and intolerance and to promote respect for diversity, such as the work carried out by the Council for the Promotion of Equal Treatment of all Persons without Discrimination on Grounds of Racial or Ethnic Origin or by the Security Forces (a large part of which is also aimed at the immigrant population and religious diversity, as referred to in points 82 and 83 of the Opinion). As such, to avoid repetition, this section will mention other actions that pursue this end goal. Likewise, having mentioned budgetary issues in a prior section, we refer to this previous section to avoid repeating information.

In the combating of hate crimes and discrimination, it must be mentioned that a special prosecutor

has been appointed from the State Prosecutors' Office, with further appointments in each provincial prosecutors' office, to tackle hate crimes and discrimination.

As is well known, one of the most common forms of committing these crimes in **online**, thanks to the false sense of anonymity that the internet provides to those wishing to commit crimes, as well as the great ability of social networks to mobilise large groups of people. As such, **specialised units** pay special attention to investigation into hate and racially motivated crimes online, particularly since the entry into force of the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and related Intolerance in 2012.

Moreover, the Civil Guard actively participates in **international cooperation** in this area, via the various tools and international law enforcement cooperation bodies such as INTERPOL, EUROPOL, Councillors and Attaches of Embassies, etc., encouraging information exchanges on this type of crimes with police forces of any country of the world, allowing much more efficient investigation of this type of crime.

Additionally, the Secretary of State for Security issued Order 4/2003 to follow on from the **Police Action and Coordination Plan against Young Violent and Organised Groups**. The Civil Guard has action protocols to develop this (Service Order 26/13 of the Civil Guard DAO - GRUVIO Plan), which pays special attention to these groups when acting on xenophobic or racial grounds, and is in line with the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and related Intolerance.

Another action being developed by the Civil Guard is fostering **collaboration with NGOs** to gain knowledge of these crimes online.

Additionally, the previously mentioned **Master Plan for harmony and improved security in education centres and their surrounding environment** (renewed indefinitely via Instruction 7/2013 of the SES) includes racism and xenophobia as an issue to be raised in talks with pupils and the rest of the education community. In this way, it is hoped that the number of conferences on racism and xenophobia will rise in general due to being an issue included in the Plan, and this will have an impact on awareness activities on racist incidents occurring online.



Additionally, in terms of health, the following actions have been carried out by the Directorate General of Public Health Quality and Innovation, specifically the Area of Health Promotion of the Directorate General of Health Promotion and Epidemiology. Different lines of work have been developed in health equity with other vulnerable groups other than the Roma population, which include:

- Presentation and publishing of an "**Instrument to evaluate inter-cultural skills in mental health assistance**"<sup>3</sup>. Inequalities in healthcare among culturally diverse groups mean that inter-cultural skills must be taken into account when measuring quality in assistance centres. This Guide proposes a self-appraisal instrument for institutions to know their skills and areas for improvement, which could also serve as a basis to certify mental health centres' inter-cultural skills. The document has been prepared by a group of experts called by the Spanish Association of Neuropsychiatry, commissioned by the Directorate General of Public Health and Border Health of the Ministry of Health, Social Services and Equality between 2009 and 2011.
- Collaboration agreement between the Ministry of Health, Social Services and Equality, the Castile-La Mancha Health Service (Sescam) and the Pluralism and Harmony Foundation for research, preparation, publication and dissemination of best practices in healthcare for religious diversity.

Religious pluralism in our society is manifest in all social spheres and in all public healthcare services, respect for differences is essential to evaluating health needs and in the perception of the process of illness and recovery. Cultural beliefs and values also influence in preventive and health promotion activities.

One of the results of collaboration between the Ministry of Health, Social Services and Equality, the Castile-La Mancha Health Service and the Foundation for Pluralism and Harmony, has been the **Management guide to religious diversity in hospitals**<sup>4</sup>, which aims to propose a series of

<sup>3</sup> [http://www.msssi.gob.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/competencia\\_intercultural.htm](http://www.msssi.gob.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/competencia_intercultural.htm)

<sup>4</sup> [http://www.msssi.gob.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/diversidad\\_religiosa.htm](http://www.msssi.gob.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/diversidad_religiosa.htm)

actions that guarantee the exercise of rights recognised by law for religious freedom in a hospital context.

As regards, the condemning, prosecution and sanctioning of forms of racism, please see the section below on Spanish legislation, specifically that referring to the Spanish Criminal Code. With respect to the media, please see the corresponding section herein.

- **Consider ways of promoting a wider application of the existing legislation against racism and racially-motivated discrimination; redouble efforts to improve the training and awareness of the judiciary on these issues; consider amending the Criminal Code in order to make the current provisions on hate crime more effective. Additionally, points 93, 94 of the Advisory Committee Opinion.**

The Ministry of Justice has been adopting very significant measures under the framework of the directives of the Council of Europe's Framework Convention for the Protection of National Minorities. These include the **Draft Bill on reform of the Criminal Code** which, following approval by the Council of Ministers on 20 September 2013, is now being processed by parliament, currently in the mist of the amendments phase in the lower chamber (*Congreso de los Diputados*). This draft bill modifies the rules on inciting hate and violence to groups or minorities, for two reasons:

- On the one hand, Judgment of the Constitutional Court 235/2007 of 7 November imposes an interpretation of the crime of denying genocide which limits its application in cases where this conduct classifies as inciting hate or hostility against minorities.
- On the other hand, this is conduct that must fall under the scope of the new regulation adapted to the Framework Decision 2008/913/JAI of the Council of the European Union, which classifies the denial of genocide insofar as it is a form of inciting hate against minorities.

This is why the former articles 510 and 607 of the Criminal Code are regulated jointly, and compliant with the Framework Decision 2008/913/JAI, which is broader than the former framework, classifying two groups of conduct:



- On the one hand, of greater criminal gravity are **actions that incite hate or violence** against groups or individuals on racist, anti-Semitic or other grounds concerning ideology, religion, ethnicity or belonging to minority groups, as well **denying or glorifying crimes of genocide or against humanity** or against protected persons or goods in armed conflict committed against these groups, when this provokes or fosters a climate of violence, hostility or hate against them.
- On the other hand, **acts or humiliation or scorn** against them and the glorifying or justification of crimes committed against them or their constituting members on discriminatory grounds, without prejudice to their more serious punishment when concerning actions to incite hate or hostility against them, or conduct to favour a climate of violence.

Likewise, punishments will be increased for the commission of these crimes via **internet or other means of social communication; including measures to destruct** documents, files or materials through which a crime is committed, or to hinder access thereto, and punishment will be tightened in cases of **crime organisations** or those in which public peace is attacked or a serious sense of danger is occasioned among people. Provisions on the **criminal responsibility of legal entities** will also be included.

This new legislation will improve the current situation in which, under the literal interpretation of article 510 of the Criminal Code, a conviction cannot be given for inciting violence against individuals for reasons of race, anti-Semitism or reasons relating to ideology, religion or beliefs, ethnicity or belonging to a minority group (the law currently foresees only the "provocation" of such actions).

Conversely, the **State Prosecutor** has appointed a Prosecutor with the necessary powers to coordinate the safeguarding of equality and non-discrimination at national level, fostering the dynamic and active participation of the Public Prosecution Service in all investigations and/or judicial proceedings on offences classifiable as "hate crimes" and facilitating the reporting of these actions by the victims.

Likewise, since April 2013, each **provincial Public Prosecutor** (there being 50 provinces in Spain) has a Delegate Prosecutor charged with coordinating and activating the Public

Prosecution Service in judicially protecting equality and non-discrimination. This new role has given rise to the launch of the *Hate Crimes Services* – to use the terminology of the Comprehensive Strategy against Racism, Xenophobia, Racial Discrimination and related Intolerance, throughout the country, which operate under the coordination of the Delegate Public Prosecutor in this area.

- **Take far more resolute measures to promote access of the Roma to the media, including by supporting the training of Roma journalists; combat the dissemination of prejudice and stereotypes against Roma in the media**  
**Additionally, points 87 and 110 of the Advisory Committee Opinion.**

With respect to the media, there are a number of actions being pursued to remove the social stigma and stereotypes surrounding ethnic minorities, particularly Roma.

The Ministry of Health, Social Services and Equality currently funds two projects of the most relevant Roma organisations in Spain, with a view to combating the dissemination of prejudice and stereotypes around the Roma population through the media. This firstly materialises in support for the annual publication **Journalists against racism?** (Unión Romani), which analyses information on the Roma population published throughout the year in the media. Secondly, it co-publishes a **Practical guide for journalists: equal treatment, the media and Roma community 2010** (published in Spanish and English), with the Fundación Secretariado Gitano. This is a resource to support media professionals, to create awareness and train them in line with the principles of their professional code of conduct when creating information and contents on the situation of Roma and the discrimination they suffer. It also offers advice and specific ways to combat prejudice and stereotypes that lead to discriminatory practices in the field of communication, and provides strategies and best practice when handling with news items concerning the Roma population or other minorities, to ensure that information is published with the correct way. It also includes a glossary of terms and a bibliography and useful resources.

Moreover, the **Annual Report on Discrimination and the Roma Community** (Fundación Secretariado Gitano) has been co-financed since 2005. This report contains cases of discrimination against Roma in the areas of education, health, employment, housing, etc, and in the 2013 report (corresponding to 2012) focuses in particular on Roma in the media.



As has been indicated in the above sections, the Council for Equal Treatment and non-Discrimination of Persons for Racial or Ethnic Origin has indicated as a strategic priority to **drive forward improvements in the reporting** of news concerning ethnic or racial minorities.

A number of awareness campaigns have been launched to improve the general image of minorities, and of Roma in particular, in the eyes of the general population. These include development of activities to create awareness as instruments that have been proven effective at eradicating discriminatory treatment and recognising and managing diversity as a social asset.

Based on this belief, the Ministry of Health, Social Services and Equality has rolled out a number of awareness activities to combat this social phenomenon and contribute towards a positive recognition of differences, in favour of harmony and complete citizenship. These activities include:

- Support for the **Dosta! Campaign** of the Council of Europe <http://www.dosta.org/>  
The Secretary of State for Social Services and Equality, under the Ministry of Health, Social Services and Equality (Directorate General of Equal Opportunities and Directorate General of Family and Child Services) is providing support for the Council of Europe's Dosta! Campaign against prejudice and discrimination of the Roma community. This is a campaign created and run by the Council of Europe, whose activities in Spain are supported by the Ministry of Health, Social Services and Equality in collaboration with the Fundación Secretariado Gitano (FSG). It was presented in Spain on 9 April 2013 at the Secretary of State for Social Services and Equality, and on the Ministry's website, as well as through other activities of the FSG. The Council of Europe and the FSG (through a €5,000 subsidy from the Ministry of Foreign Affairs and Cooperation) have funded the design, production and printing of campaign leaflets and signs. A toolkit on Roma prejudice and how effective awareness campaigns and activities must be designed has also been taken and adapted to the context of Spain.

- **Plan for awareness activities to combat discrimination and foster diversity among children and adolescents.**

The Sub-directorate General of Equal Treatment and Anti-Discrimination has begun to design and execute a plan for awareness activities to combat discrimination and foster diversity among teenagers (aged 13-17 years). The project is a series of mostly online awareness activities:

- A website which provides a permanent platform for interaction that provides an element of unity and coherence to the activities being developed. The use of social media as the communication foundation of the platform will give the project permanent dialogue and continual content. The page will feature teaching and learning tools and content which may prove useful to educators and pupils, and foster equal treatment and non-discrimination.
- Activities to invigorate the project which include an online artistic activities competition as an instrument to promote diversity and combat discrimination among children and adolescents.
- A promotional video of activities for online circulation, principally intended for the audience of the awareness strategy and the intermediaries involved, lasting between 30 and 60 seconds, in Spanish and with subtitles in the co-official languages (Catalan, Galician, Basque and Valencian) and in English, as well as version of the hearing impaired.

Efforts have been made for all these activities to be particularly attractive to the target audience, always maintaining a positive tone and seeking to involve all citizens, particularly other stakeholders and social institutions that can strengthen and grow the awareness actions with children and teenagers, as intermediaries, such as education centres, families, social entities and social media outlets.

Campaign materials and contents can be seen and downloaded from the website <http://www.mezclate.es/>

In this section on the media it must be stressed that, through the 2013 Personal Income Tax call for subsidies, the Andalusian Federation of Roma Women (FAKALI in its Spanish acronym) was financed for the launch of a new programme, **Discrimination of Roma society in the media**, which seeks to achieve greater awareness in the media to make them more responsible in the creation of public opinion, and more aware of Roma population and the general population in terms of the creation of stereotypical images and their influence on the rate of discrimination. The programme includes a wide range of different actions: reference and basic actions (code of conduct, action protocol), cultural, education and training, awareness and understanding, and informative and diffusing actions.



Likewise, for Roma to have greater presence in the media, the Secretary of State for Communication has included the magazine "Roma Reflections and Culture" in its **Communications Journal**. The Communications Journal was founded as a working tool for media professionals and employees of public administrations that work with the media as part of their jobs. The Communications Journal is accessible and free to all and is edited and run by the Ministry of the Presidency, available at <http://www.lamoncloa.gob.es/ServiciosdePrensa/Agendadelacomunicacion/index.htm>. The purpose of the initiative is to allow generalist media outlets to access information and opinions published in the "Roma Reflections and Culture" magazine, which is the leading publication on the Roma population in Spain. The website of the Communications Journal also features a link to [www.gitanos.org](http://www.gitanos.org) which lists further links to other publications and up to date information on Roma in Spain.

Lastly, activities involving the media and Roma have been a recurring issue in the agendas of the meeting of the Permanent Committee and the plenary session of the State Council for the Roma People in 2013.

- **Ensure progression of Roma pupils beyond primary education, as well as their successful completion of secondary education; increase the use of school mediators in a more systematic manner; undertake a review of school textbooks in order to ensure that sufficient and adequate information on the Roma culture, history and language is provided to all pupils, at all levels of education.**

**Additionally, points 118, 119 and 125 of the Advisory Committee Opinion.**

As has been mentioned above, in general terms the Roma population has seen significant social progress. Studies on educating Roma have shown considerable progress in some areas, above all in infant and primary education, and in continued attendance at school, in comparison to just a few years ago. However, despite the progress made, education levels of young Roma are still below those of the general population, with 64% not even successfully completing mandatory secondary education (ESO in its Spanish acronym), while in the general population this accounts for just 13%

of the population<sup>5</sup>. Accordingly, work must continue both within and outside the education community, to improve this situation.

Reference has already been made above to legislation in force on education in Spain; accordingly, we will only indicate that the **National Roma Integration Strategy in Spain 2012-2020** includes as two general targets to "increase schooling rates of the Roma population in infant education" and the "universal nature of schooling and greater academic success in primary education", which include in section 3.2.1. *Strategic lines of action: Education*, taking the mandate to develop the actions detailed below in order to meet the proposed targets:

In infant education:

- Support for the inclusion of Roma in the 0-3 age range, prioritising families at risk of social exclusion.
- Awareness and understanding in families and support for families' participation in schools, as well as the training of young people as educators.
- Promotion of work-life balance.

In primary and secondary education:

- Driving forward mediation programmes between families and schools, to encourage the inclusion of Roma professionals.
- Encourage programmes to strengthen, guide and support families, in order to avoid absenteeism and early school leaving.
- Strengthen accompaniment measures to transition the change from primary to secondary school.
- Strengthen the participation of Roman pupils with learning difficulties or specific educational support needs in initial professional qualification programmes or curricular diversification projects.
- Foster measures to avoid Roma pupils being concentrated into certain educational centres or classrooms.

Some of the programmes and projects being developed include:

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<sup>5</sup> Fundación Secretariado Gitano (2013): - " El alumnado gitano en secundaria: Un estudio comparado", Madrid, Fundación Secretariado Gitano, in collaboration with the Ministry of Health, Social Services and Equality, the National Centre of Education Innovation and Research, the Ministry of Education, Culture and Sport and UNICEF.



### **Territorial Cooperation Programme to Reduce Early Abandonment of School or Training**

**Centres:** This programme aims to support specific actions and programmes with the purpose of reducing the impact of factors that incite early school leaving with no qualifications, as well as to encourage young people (in work or otherwise) who have abandoned their studies to return to the education system. The actions financed within the programme concern analysis, awareness and diffusion measures, preventive measures to increase the percentage of pupils that successfully complete mandatory education and reduce school leaving, guiding and monitoring students that have left the education system in order to encourage their reincorporation and to offer education programmes that aim to provide training for young people who have left education.

**PROA plan (reinforcement, guidance and support programmes):** Conceived as a territorial cooperation project between the Ministry of Education, Culture and Sport and Autonomous Communities, it aims to support primary and secondary teaching centres in social disadvantaged areas, with the aim of reducing academic failure. It is structured into two programmes: the School Accompaniment Programme, which is run outside school hours in primary and secondary schools, and the Strength and Support Programme, which aims for general improvements in secondary schools experiencing extreme difficulties. The plan is currently developed in approximately 4,150 centres.

**Educa3 Plan:** That has been in place since 2009, and responds to an initiative of the Spanish Government to offer quality infant education to 0-3 year olds as well as responding to families' needs to reach a work-life balance. Infant education is a basic factor in offsetting original inequalities and contributing towards greater academic success, promoting the creation of sufficient places in the first cycle of infant education and coordinating actions and cooperating with other entities to ensure the supply of education. Within the Roma population this measure is of primary importance for early years education.

### **Monitoring and support for Roma pupils from primary to mandatory secondary education.**

This programme, from the Unión Romaní, with collaboration from the Ministry of Education, Culture and Sport targets those pupils with irregular schooling and a high risk of absenteeism, who are transitioning to mandatory secondary education (ESO in its Spanish acronym), to accompany them and make them aware of education as a means for social development, as well as gain families'

understanding of this need, with special emphasis on the gender issue, due to the greater rate of exclusion within this social group.

**Promociona programme:** Programme of the Fundación Secretariado Gitano, with collaboration from the Ministry of Education, Culture and Sport and co-financing from the Ministry of Health, Social Services and Equality, which aims to encourage mainstreaming of Roma pupils and achieve their academic success in primary and mandatory secondary education, as well as foster their continued study. It attempts to work primarily with pupils and their families to compensate for difficulties that arise, and achieve academic success through the creation of the so-called Promociona classrooms. This programme works heavily with Roma women and young girls. The programme is currently developed in 13 Autonomous Communities and 31 cities, and works with more than 700 pupils.

**Aprender trabajando** (learn while working): This is a new training and employment project of the Fundación Secretariado Gitano, in collaboration with the Red Cross, which was recently launched in eight Autonomous Communities with the aim of including young people aged 18 to 30 years at risk of social exclusion in the labour market. The key elements to this initiative are the combination of theoretical training with internships in a real working environment, and a training pathway which allows participants to try different jobs within the same sector. This first year of the project has obtained the collaboration of ten large companies, whose participation is key to the successful development of the project.

In addition to the programmes mentioned, some important **informative campaigns for the Roma population** have been launched, with the aim of making Roma families aware of the importance of education. A few highlights include:

- “*De mayor quiero ser*” (when I grow up I want to be) (2010-2011) from the Fundación Secretariado Gitano in conjunction with the Ministry of Education, Culture and Sport, to provide incentives for Roma pupils and their families to continue with education.
- “*Gitanos con estudios, gitanos con futuro*” (Education provides a future for Roma) (2012). Campaign to combat early school leaving among the Roma community. While in the 2010-2011 academic year the “*De mayor quiero ser...*” campaign worked with families of primary school children on the importance of compulsory secondary education, the “*Gitanos con*



*estudios, gitanos con futuro*" puts the focus on the importance of education for Roma teenagers aged between 12 and 16 years.

- “*Con estudios, tus sueños se cumplen*” (Education makes your dreams come true) (2013). Campaign to encourage Roma pupils to complete compulsory secondary education, since currently only 20% that begin ESO complete it. This is campaign comprising a number phases which began in 20 cities by selecting a group of Roma students to be mentored for one day in their dream job, filming a documentary of the experience. It purports to make a media impact to make public administrations, agents and the whole education community more aware.

These programmes are financed for the most part by the Ministry of Health, Social Services and Equality, through the "Personal Income Tax other purposes of social interest" and the "Combat discrimination" programme of the European Social Fund, with support from the Ministry of Education, Culture and Sport.

At international level, the project **Roma families get involved: transnational methodology for working with Roma families towards their children's success in education** was launched to promote greater academic success for Roma pupils. This project was part of the LLP call for proposals. EU call for proposals EACEA No. 16/2011 in collaboration with the Fundación Secretariado Gitano and the Governments of Romania, Bulgaria and Hungary. April 2013 saw the publishing of the **Guide for Roma families towards achieving the success of their children in school. A transnational methodological proposal for professionals**. The guide is an extremely practical transnational methodology proposal targeted at professionals working in education with the Roma population, providing tools and methodological processes for working with Roma families and thus promoting the academic success of Roma pupils. The guide attempts to contribute to improving the educational status of Roma throughout Europe by fostering greater involvement of Roma parents. The guide, which has been published in Spanish, Bulgarian, Romanian, English and Hungary, includes aspects such as stages of intervention, strategies, key messages, advice, examples of best practice and a description of the profile of professionals.

Additional actions have been pursued to favour lifelong learning for better access to the job market and better job opportunities, fostering the recognition of informal learning through accreditation of

professional experience. These actions include:

**Gateway Leer.es** (<http://www.leer.es>) in collaboration with Autonomous Communities and prestigious institutions and entities, to improve academic performance of all pupils, particularly literacy.

**Gateway TodoFP.es** (<http://www.todofp.es/todofp>) with comprehensive information on professional training, Initial Professional Qualification Programmes, Dual Professional Training, and information for the accreditation of professional experience.

**Aula Mentor** (Mentoring classroom) (<http://www.mentor.mec.es/>) this is an open and flexible training initiative available online for adults wishing to acquire greater professional and personal skills. This initiative is promoted by the Ministry of Education, Culture and Sport through the Sub-directorate General of Learning and in collaboration with other public and private national and international institutions. International recognition for the Aula Mentor can be seen in the participation of a number of Latin American countries, as well as its acknowledgement as one of 14 best practices in the European Union inventory through a study led by the University of Florence, which has been published on the Aula Mentor website.

It comprises a network of more than 400 support classrooms with numerous institutions (ministries of education of Ibero-American countries, departments of education of Autonomous Communities, education centres, local entities and NGOs). There are more than 100 courses on offer for various knowledge areas. Once the activities of the course have been completed and the pupil has successfully completed an in-person test, he/she receives a completion certification from the Ministry of Education, Culture and Sport.

**National Institute of Education Technologies and Teacher Training.** (<http://www.ite.educacion.es/>) The National Institute of Education Technologies and Teacher Training (INTEF in its Spanish acronym) is the unit of the Ministry of Education, Culture and Sport responsible for ICT integration in non-university education. The website also provides access to permanent teacher training courses, the Aulas Mentor, the Centre of Innovation and Development of Distance Learning (CIDEAD in its Spanish acronym) and permanent training (the website contains information on in-person training activities organised by the Ministry of Education, Culture and Sport such as courses, conferences and events). Courses of the INTEF are aimed at, *inter*



*alia*, working on inter-culturalism and inclusion in education, using self-training materials "inclusive education: equals among diversity". They advocate inclusive school for all, without different abilities, interests, gender, cultural roles or specific needs being a factor in inequality or discrimination.

In addition to all these actions, the Ministry of Education, Culture and Sport makes an annual call for **subsidies** for a wide variety of actions to compensate inequalities:

- Subsidies to private non-profit entities for the performance of activities to target pupils with specific educational support needs and to compensate inequalities.
- Subsidies for private non-profit entities for the performance of actions for education assistance services for adults with special educational needs (due to disability or serious behavioural disorders). The call for subsidies has been in place since the 2011-2012 academic year.
- Subsidies to private non-profit entities for the performance of activities to foster the use of information and communication technologies by pupils with specific educational support needs caused by disability.
- Subsidies to private non-profit entities for the performance of activities to hold conferences and events to spread the use of education activities to adults under the framework of lifelong learning. These subsidies have been called since 2011.

In terms of **studies and reports** published during the period herein referred to, some highlights from the collections of the Institute for Teacher Training, Research and Education Innovation (IFIIE in its Spanish acronym), currently the National Education Research and Innovation Centre (CNIIE in its Spanish acronym) include:

- Publication of the 2010 CREA study " *Gitanos: de los mercadillos a la escuela y del instituto al futuro*" (Roma: from street markets to school and from high school to their futures) Madrid: CREADE-CNIIE-Ministry of Education studies.
- Publication of the 2010 study " *La evaluación de la normalización educativa de las alumnas y alumnos gitanos en la educación primaria*" (Evaluation of the mainstreaming of Roma pupils in primary education). Fundación Secretariado Gitano. Madrid: Women's Institute and IFIIE.

- Publication of the study in 2011, "*Historias de éxito: modelos para reducir el abandono escolar de la adolescencia gitana*" (Success stories: models to reduce school leaving among Roma teenagers) Gamella, J.F., Madrid: IFIIE-CREADE-Ministry of Education.
- "*Diversidad cultural y eficacia de la escuela. Un repertorio de buenas prácticas en centros de educación obligatoria*" (Cultural diversity and effectiveness in schools. A repertoire of best practices in compulsory education centres) Alonso Suárez, C. et. al. Entre manos Nº 3. IFIIE. 2011.
- "*Diversidad cultural y logros de los estudiantes en educación obligatoria. Lo que sucede en las escuelas*" (Cultural diversity and students' achievements in compulsory education. What happens in schools) Aguado Odina, T. y Grañeras Pastrana, M. CREADE studies No. 4. IFIIE. 2010.
- "*Orientación educativa. Atención a la diversidad y educación inclusive*" (Education Guidance. Helping diversity and inclusive education) Cuevas, I.; Echeita, G. et.al. IFIIE and Editorial GRAÓ, IRIF, S.L. 2011.
- "*Historias de éxito. Modelos para reducir el abandono escolar de la adolescencia gitana*" (Success stories. Models to reduce school leaving among Roma teenagers) Montserrat Grañeras , Natalia Gil, Patricia Díaz Caneja CREADE studies No.7, 2011

2013 saw the presentation of the study **Roman pupils in secondary education. A comparative study** by the Fundación Secretariado Gitano. This offers a series indicators and quantitative data that reveal an up to date panorama on the situation of Roma in secondary education. Its value lies in the ability to compare results for the population as a whole and to provide a more accurate diagnosis, which is key to then design policy. The data obtained refers to the 2011-2012 academic year, and attempts to establish the situation of Roma pupils in secondary education at this very moment. Field work to support the analysis was carried out from October to December 2012. Analysis of the data was carried out taking into account the gender perspective, due to the persistently stark difference between education received by women and men.

As regards the recommendation to increase the use of school **mediators** more systematically, it must be noted that mediation is an issue that had been dealt with at length in social intervention with the Roma population in Spain. The practice of hiring persons in a community to bring Roma families closer to education centres began in the 1980s. This figure has progressed and been consolidated into an important professional figure in multicultural contexts and, within the Roma



Development Programme, it is important to point out that school mediation programmes receive funding from the Personal Income Tax subsidies to NGOs.

Moreover, the Ministry of Education, Culture and Sport continues to update the **Professional Training Qualification** which began in 2006, as well as preparing new qualifications in response to demand from other production and service sectors. The Professional Family of Socio-cultural and Community Services provides mid and upper level training to prepare professionals working in the integration of minorities. Specifically, the higher level Social Integration Specialty (Royal Decree 1074/2012 of 13 July, State Gazette 15/08/2012) prepares participants to:

- Programme social integration activities applying the most appropriate resources and strategies.
- Design and implement actions to prevent domestic violence and evaluate their development.
- Organise and implement labour insertion programmes, evaluating their development and adjusting their focus as necessary.
- Gain communication skills making use of alternative or upscale systems, and helping people to use them.
- Mediate between people and groups by applying effective conflict management and participation techniques.

Education System Professional Training purports to respond to professional profiles such as specialists in social insertion and prevention programmes, family workers, aid assistants, social integration specialists, occupational or labour mediators, community and intercultural mediators, employment support specialists and labour accompaniment specialists. The preparation and publication of this qualification definitely contributes to protecting national minorities, by putting intermediation, social exclusion and exclusion prevention work in the hands of well-prepared professionals.

On the international stage, Spain has participated in the first phase of the **ROMED European Training Programme for Roma Mediators** launched by the Council of Europe and the Directorate General for Education and Culture for 2011-2012.

Lastly, in relation to the review of **school textbooks**, to ensure that pupils are being provided with sufficient and appropriate information on Roma culture, history and language, through collaboration between the Ministry of Health, Social Services and Equality and the Institute of Roma Culture, in 2010 a series of learning units on Roma culture were prepared for introduction in the initial stages of secondary education. Reiterating the considerations made above on the foreseen inclusion of Roma studies or Roma culture, dependent on budget allowance this would require suitable training for teachers and the preparation of materials which accurately and positively explain the various aspects of Roma culture. As has been indicated above, the University of Alcalá de Henares currently offers a six credit subject on "Roma in Spain, History and Culture", through a collaboration agreement entered into with the Institute of Roma Culture, which has seen considerable interest in recent years. This university has also offered an elementary course in the Romani language, using the *Sar san* learning method.

- **Promote actively the participation of the Roma in elected bodies at all levels; continue supporting the work of the State Council for the Roma People with a view to ensuring its regular and effective consultation on all matters of concern to the Roma; ensure that the composition of the Council fully represents the diversity of the Roma movement in Spain; promote the establishment of consultative bodies for the Roma at the regional and locals levels.**

**Additionally, points 136, 137 and 138 of the Advisory Committee Opinion.**

As regards the participation of Roma in politics, it must be noted that in 2012 the composition of the **State Council for the Roma People** was renewed, via Order SPI/2329/2011, of 24 August, calling the selection process for the appointment of members of the State Council for the Roma People in representation of the Roma movement, and concluded by Resolution of 23 February 2012, of the Secretary of State for Social Services and Equality. Subsequently, due to the dissolution of one of the member entities, a new process was opened and concluded to cover the vacant position (Order SSI/1604/2012 of 9 July calling the selection process to appoint a member to the State Council for the Roma People, in representation of the Roma movement, and Resolution of 19 September 2012, of the Secretary of State for Social Services and Equality).

Likewise, it must be indicated that the Council has continued to participate in policies of the General State Administration via the working groups established under the Council that bring



together Roma entities, independent experts and the corresponding ministries. The Council has also been consulted on a number of issues, such as during the drawing up of the Draft Bill of the Comprehensive Act on Equal Treatment or the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and related Intolerance, and the preparation of the Partnership Agreement of the European Union Cohesion Policy 2014-2020.

In terms of the recommendation on ensuring that the Council's is constituted to fully represent the diversity of the Roma movement, it must be reiterated that its composition its governed by meticulous procedural rules, including public calls and a selection process based on criteria to guarantee that the diversity of Roma movements is represented and that the process is transparent. Organisations forming part of the State Council for the Roma People are currently:

- Unión Romaní.
- Fundación Secretariado Gitano.
- Federación de Asociaciones Culturales Cristianas de Andalucía (FACCA).
- Federación Andaluza de Mujeres Gitanas "Fakali".
- Federación de Asociaciones Gitanas de Cataluña
- Federación de Asociaciones Gitanas Extremeñas.
- Federación Autonómica de Asociaciones Gitanas de la Comunidad Valenciana
- Federación de Asociaciones de Mujeres Gitanas "Kamira"
- Asociación Nacional Presencia Gitana.
- Federación de Asociaciones Gitanas de Aragón
- Asociación de Promoción Gitana de La Rioja
- Federación de Asociaciones Gitanas de Navarra "Gaz Kaló".
- Federación de Asociaciones Gitanas de Castilla y León.
- Federación Regional Gitana de Asociaciones de Castilla-La Mancha
- Federación Conciencia Gitana de Extremadura (FECOGEX)
- Asociación de Mujeres Gitanas "Alboreá".
- Asociación de Enseñantes con Gitanos.
- Asociación Socio-Cultural de las Minorías Étnicas "Unga".
- Federación de Asociaciones Gitanas para la integración laboral y social, promoción y desarrollo del pueblo gitano "Calí".

- Plataforma Romanés

It must be stressed that dialogue between the Administration and Roma movement organisations does not only occur within the Council, but also due to regular contact with associations during the call for subsidies or through communication of relevant information, etc.

- **Take measures to avoid Roma street sellers losing their source of income as a result of the implementation of the new legislation on street markets and itinerant trade; pursue the ongoing projects to eradicate slums and segregated and substandard housing, drawing on existing good practices, in order to promote the integration of the Roma families concerned in mainstream housing. Additionally, points 143, 144, 149 and 150 of the Advisory Committee Opinion.**

The **most recent report on Roma and Employment**, published in 2012 by the Fundación Secretariado Gitano and co-financed by the Ministry of Health, Social Services and Equality, reveals the impact of the economic crisis on this group's employment information in comparison to the prior study in 2005. Firstly, the rate of activity among the Roma population (68.9% for the 16-65 year age group) is slightly higher than that of the general population, while the employment rate (43.8% for this same age group) is four points lower than that of the general population, with unemployment (37.5%) being sixteen percentage points higher than the general population.

The option of salaried employment as a definitive indicator of labour insertion, preferably by young people, still represents a minority (representing only 38.5% compared to 83.65% of the active population as a whole). Additionally, access to the labour market is characterised by under-employment and temporary work, making the process of insertion highly vulnerable. It must be stressed that among the occupied Roma population, nearly 26% state their occupation as "contributing to family economic activity", thus highlighting that their situation cannot be considered mainstream.

Itinerant trade is still the most prevalent form of self-employment among the Roma population (49.7% of occupied population) despite it not guaranteeing a living income, sustainable business in the medium term and regular contributions to social security. The possibilities of young generations of Roma making a living from itinerant trade are somewhat low.



In general and compared to the population as a whole, Roma occupation is characterised by precarious employment. Some 42.3% of salaried workers work part-time, a rate that in the population as a whole only reaches 14.1%. There is also a notable difference in the rate of temporary employment, which affects 53.4% of the Roma population compared to 25.5% of the general population. Itinerant trade, principally of scrap and collection of materials, are the areas with the greatest concentration of sub-occupation. It must be indicated that the Ministry of Health, Social Services and Equality published a study on **the situation and perspectives of self-employment, particularly itinerant trade of the Roma population** in 2009<sup>6</sup> coordinated by Gregorio Rodríguez Cabrero.

The Spanish Government, with a view to tackling this reality, has foreseen in the successive actions plans for employment in Spain specific employment and training measures for the most vulnerable groups, including the Roma population. Additionally, the fact that the Roma population is included as a specific group for attention in the National Action Plans for Social Inclusion of the Kingdom of Spain (PNAIN in its Spanish acronym) must be reiterated.

Indeed, the Roma does in general benefit from employment policies. In Spain there have been a series of labour market reforms and active employment policies with the aim of favouring the hiring those who face the greatest difficulties in accessing employment and making employment policies more effective.

As such, **Royal Decree Law 3/2011 of 18 February** established a catalogue of common citizens' services for all public employment services, which include a personalised analysis of the profile, needs and expectations of the unemployed person, the design and preparation of a personalised employment pathway and an offering of professional training actions, as well as evaluation and recognition of the skills acquired from work experience through an official accreditation, where appropriate.

In turn, **Royal Decree 1/2011 of 11 February**, on urgent measures for a transition to stable employment and professional requalification of the unemployed, establishes the so-called PREPARA programme for professional requalification, for those who have exhausted their

<sup>6</sup> [http://www.msssi.gob.es/ssi/familiasInfancia/inclusionSocial/poblacionGitana/docs/venta\\_ambulante.pdf](http://www.msssi.gob.es/ssi/familiasInfancia/inclusionSocial/poblacionGitana/docs/venta_ambulante.pdf)

unemployment protection and have no rights to subsidies provided by law, entailing economic aid and the participation in active employment measures.

In 2011 the **Spanish Employment Strategy 2012-2014** was adopted, which set targets coherent with the Europe 2020 Strategy and with the commitments undertaken by Spain in its National Reform Programmes.

In turn, the **Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and related Intolerance** develops the following targets within the area of employment:

1. No limitations, segregations or exclusions due to the indicated grounds, in access to employment, including selection criteria, training for employment, professional promotion, remuneration, working hours and other working conditions, as well as suspension, dismissal or other grounds for termination of an employment contract. Likewise, no limitations, segregations or exclusion may be on the indicated grounds, in access to self-employment.
2. Promote access to and prolonged continuity in the labour market
3. Promote supervision and whistleblowing of racist and xenophobic attitudes and expressions in the area of employment.

Within the **National Roma Integration Strategy in Spain 2012-2020** employment is a priority area (as it was in the prior Action Plan for the Roma Community Development for 2010-2012), with quantitative targets being set for the medium and long term (2015 and 2020). The targets are as follows:

1. Improve access to mainstream employment and reduction of job precariousness among the Roma population:

- 1.1 Increase employment rates among the Roma population.
  - 1.2 Reduce the unemployment rate among Roma.
  - 1.3 Increase the proportion of Roma engaged in employment.
  - 1.4 Reduce the rate of temporary employment among Roma workers.
  - 1.5 Increase the proportion of self-employed Roman workers and professionals making social security contributions.
  - 1.6 Reduce the proportion of Roma engaged in the family economic activity.
-



## 2. Improve Roma's professional qualifications:

### 2.1 Increase the proportion of Roma workers engaged in qualified work.

Lastly, **Royal Decree Law 3/2012 of 10 February**, on urgent measures to reform the labour market, supports the provision of incentives to the permanent, full time contracting of young people by companies of fewer of than 50 employees, through a series of tax incentives and payments against social security contributions. Employers may progressively deduct 3,000 euros for the first worker hired below the age of 30 years. The employee may also continue to receive 25% of his/her unemployment benefit for the first year, allowing simultaneous employment and receipt of unemployment benefits for the first time. In the same way, the company may deduct 50% of the benefit that the contracted worker would have received.

New bonus payments for permanent contracting is introduced, of up to 3,600 euros during three years for the hiring of young people aged between 16 and 30 years, and 4,500 euros for the long term unemployed over the age of 45 years.

In line with the importance of **self-employment** to the Roma population, there must likewise be reference to a series of measures adopted in Spain in this area.

In Spain great encouragement has been given to regulating the individual and collective rights of the self-employed, with Act 20/2007 on the Statute for these workers which establishes a regulation for the economically dependent self-employed worker (TRADE in its Spanish acronym) and the mandate to establish a protection system for self-employed workers' termination of activities. The recent reform of the labour market brought by Royal Decree Law 3/2012 introduces new additions in the regulation of the **lump sum payment**, allowing for the possibility of the unemployed under the age of 30 wishing to be self-employed workers to receive 100% of the value of unemployment benefit in a lump sum payment.

During the period of 2009-2013, in order to favour self-employment and the social economy in the sector of itinerant trade, **reductions of 50% of social security contributions** have been established for partners of work cooperatives and the self-employed in this sector. This measure

has had a positive impact on the employment of Spanish Roma, due to itinerant trade being one of its most important sources of employment.

On the other hand, the lump sum payment of unemployment benefit to foster social economy employment and self-employment is a measure to foster and provide self-employment initiatives, by paying the real amount of the unemployment benefit to beneficiaries wishing to establish themselves as self-employed workers or as partners in a business, cooperatives or workforce owned companies. Since the publication of Royal Decree 1300/2009 of 31 July, on urgent measure for employment and to improve access to and payment of unemployment benefit as a lump sum payment, for self-employed workers, cooperatives and workforce owned companies, the maximum percentage of the unemployment benefit capitalised in a single payment is 80% of the total amount pending payment.

Certain NGOs are carrying out training and employment programmes co-financed by the European Social Fund and Spanish public administrations. An example of such programs is the **Acceder Programme (2000-2007/2008-2013)**, which is deserving of mention due to its scale and importance.

The Acceder Multiregional Programme to Combat Discrimination was created in 2000 with the main aim of effectively including the Roma population in the labour market. The programme is management by the Fundación Secretariado Gitano and co-financed by the European Social Fund and numerous public administrations. It is rolled out in various locations of 14 Autonomous Communities and uses 50 centres for its development.

The main principles of the programme include comprehensive insertion pathways for Roma, comprising: awareness for young people and their families; guidance for training and seeking employment; prospecting employment; monitoring and accompanying in the job position; supporting self-employment; training activities, transfer of methodologies and materials that can qualify the work carried out with the Roma population; quality control systems for all intervention and the creation of a permanent observatory for employment among the Roma community.

In December 2011, the Fundación Secretariado Gitano, with its Acceder programme, obtained authorisation from the Ministry of Employment and Social Security to act as a placement agency throughout Spain through the State Public Employment Service.



Following more than three years of activity, results have shown it to be an effective programme. The programme is a reference point in Europe and an example of best practice. Some data from the 2009-2013 programme includes:

Persons assisted in Acceder centres according to gender:

<b>YEAR</b>	<b>MEN</b>	<b>WOMEN</b>	<b>TOTAL</b>
2009	5,754	6,014	11,768
2010	6,214	6,654	12,868
2011	7,162	7,579	14,741
2012	7,607	8,158	15,765
2013	7,655	8,475	16,130

Contracts achieved via Acceder services, according gender:

<b>YEAR</b>	<b>MEN</b>	<b>WOMEN</b>	<b>TOTAL</b>
2009	1,529	1,926	3,455
2010	1,782	2,128	3,910
2011	1,806	2,311	4,117
2012	1,532	2,266	3,798
2013	1,900	2,556	4,456
<b>TOTAL</b>	<b>8,549</b>	<b>11,187</b>	<b>19,736</b>

Persons contracted via Acceder services, according to gender:

<b>YEAR</b>	<b>MEN</b>	<b>WOMEN</b>	<b>TOTAL</b>
2009	1,139	1,382	2,521
2010	1,341	1,545	2,886
2011	1,362	1,627	2,989
2012	1,132	1,482	2,614
2013	1,311	1,641	2,952
<b>TOTAL</b>	<b>6,285</b>	<b>7,677</b>	<b>13,962</b>

Persons who get their first job:

<b>YEAR</b>	<b>TOTAL</b>
2009	1,388
2010	1,609
2011	1,598

2012	1,296
2013	1,474
<b>TOTAL</b>	<b>7,365</b>

Persons who receive training via Acceder services, according to gender:

YEAR	MEN	WOMEN	TOTAL
2009	832	1,046	1,878
2010	1,026	1,338	2,364
2011	1,404	1,813	3,217
2012	1,497	1,736	3,233
2013	1,679	2,050	3,729
<b>TOTAL</b>	<b>6,438</b>	<b>7,983</b>	<b>14,421</b>

Another project worthy of mention is the **Diversity Management Project (GESDI 2011)**, which aims to improve equal treatment and management of diversity in the working world, strengthening the positive image of integration of immigrants and ethnic minorities in companies and professional settings. Under the framework of this programme, the **Guide for Diversity Management in professional settings**<sup>7</sup> has been published and distributed, with an eminently participative methodology, with the collaboration of a group of business and academic experts and an extended validating group (companies, business organisations, NGOs, immigrant associations, trade unions, the public sector, universities and business schools).

The **European Project ESCI I: Strategies for Citizenship and Integration (2008)** and **European Project ESCI II Local Awareness Building Plans (2009)** and the **CREADI Creation of a Virtual Resources Centre** project, all aimed to develop awareness measures intended for society as a whole (public institutions, the media, the police service, and citizen security services). They also intended to equip and implicate agents and foster the performance by companies of corporate social responsibility actions in the form of economic, commercial, labour and assistance measures to promote equal treatment and non-discrimination in companies and their social surrounds, as well as the inclusion of actions for the management of cultural diversity in human resources policy. All this aims to prevent and combat the appearance of prejudice and intolerant attitudes, discriminatory social conduct, hate, racial violence and xenophobia and to favour mutual discovery and inter-culturalism. Likewise, they pursue the inclusion of equal treatment and non-discrimination in all public policies and in the fostering of social awareness strategies linked to local participation and harmony plans.

<sup>7</sup> [http://explotacion.mtin.gob.es/oberaxe/inicio\\_descargaFichero.action?bibliotecaDatold=206](http://explotacion.mtin.gob.es/oberaxe/inicio_descargaFichero.action?bibliotecaDatold=206)



Mention should be made of some of the programmes that the Women's Institute, attached to the Ministry of Health, Social Services and Equality, is developing in this area:

- **Programme for social and labour insertion of Roma women:** Collaboration agreement with the Fundación Secretariado Gitano geared towards Roman women, to provide them with motivation and professional skills to access the mainstream labour market and for greater social participation, as well as for professionals working with this group.
- The **CLARA programme** to heighten the employability of women at risk of social exclusion or the socially excluded. Its key aim is to improve the employability of women at risk of or who are socially excluded, who suffer particular difficulties in achieving labour insertion, by gaining better qualifications for employment.

The programme is in part geared toward women belonging to ethnic minorities. It comprises the carrying out of a comprehensive, personalised social and labour insertion pathway, through an interactive methodology with a gender perspective focus, which works on personal and professional issues of the participants, using different actions aiming to increase self-esteem, labour guidance, occupation training, labour intermediation and insertion in the labour market.

This Programme is executed by signing agreements with different local entities.

- The **SARA** programme aims to motivate and accompany immigrant women for their labour and social insertion. Its fundamental aim is to improve the quality of life of immigrant women, by better equipping them with skills for social participation and employment.

The programme is intended for immigrant women who have been victims of social and cultural obstacles that hinder the socio/labour integration of this group, in particular immigrant women belonging to ethnic minorities.

It comprises the development of training with the gender perspective and inter-culturalism, adapted to the needs and characteristics of each woman, and their needs according to their diversity. It is

rolled out through an interactive methodology that works on motivation and accompaniment for women for their full participation and integration into society.

This Programme is developed through the signing of collaboration agreements with non-profit entities: the Spanish Red Cross and the CEPAIM Foundation (Consortium of Entities for Comprehensive Action with Migrants).

In terms of the references made in the Third Opinion on Spain, about Royal Decree 199/2010 governing the exercise of **itinerant trade** it must be taken into account that this rule was repealed by Judgment 143/2012 of 2 July 2012, as a result of a conflict of jurisdiction posed by the Autonomous Community of Catalonia due to the exclusive jurisdiction of Autonomous Communities on the administrative regulation of different types of trade.

As such, local and regional regulations now govern itinerant trade. Moreover, aside from specific regulations, the mandates of the Directive are clear, and itinerant trade has not been eradicated from its scope of application despite having certain peculiarities and largely affecting groups at risk of exclusion, not just the Roma population.

In terms of social security contributions, **Act 27/2011 of 1 August on the updating, modernisation and adaptation of social security**, in additional provision fifteen thereof, on "contributions to social security by self-employed workers engaged in mobile or doorstep trading", indicates that for self-employed engaged in itinerant trade, a minimum contribution shall be made to the Special Self-Employed Workers Scheme, which shall be lower than the general contribution rate set for the self-employed, under the terms and conditions set by the General State Budget Act of each financial year. This rule has materialised in **Act 17/2012 of 27 December, on the General State Budget 2013**, in article 113.Five.4 & 5, as follows:

"4. Self-employed workers engaged in mobile and doorstep trading (National Economic Activity Classification - CNAE 4781 Retail trade of food, drink and tobacco products at points of sale and street markets; 4782 Retail trade of textile products, garments and footwear at points of sale and street markets; 4789 Retail trade of other products at points of sale and street markets, and 4799 Other retail trade not in carried out in establishments, points of sale or street markets) may choose to contribute during 2013 that established in section Five.1 (858.60 euros per month) or the minimum contribution base for the special group (753 euros).



Self-employed workers engaged in doorstep selling (CNAE 4799) may choose the general contributions set out in section Five.1 in 2013, or the minimum contribution of 55%.

5. The type of contribution for the special social security scheme shall be 29.80% or 29.30% if the contributor is under the activity termination protection system. When the contributor is not covered by protection for temporary disability, the contribution rate will be 26.50% ...”

This rule will endure under the same terms for 2013, subject to revision of the contributions base as set out in the Draft Bill of the Budget Act for 2014, specifically 128.Five.4 & 5.

In terms of **housing**, the Roma Development Programme finances activities for access to dignified housing and the re-housing of Roma people, through comprehensive social programmes to inform, advise and accompany in the process of moving and adapting to a new home or rehabilitation of sub-standard housing, relations with neighbours, school support, community obligations, etc.

The **State Housing and Rehabilitation Plan 2009-2012** states as a main targets "to contribute, together with other administrations, to the eradication of sub-standard housing and slums", for which a series of aid measures was established to eradicate precarious and irregular settlements at risk of or in a situation of social exclusion, with sub-standard health and safety conditions, overcrowding and living conditions far below the minimum acceptable levels. Beneficiaries of this aid, with rights to preferential protection, are a series of groups that, in general, are at high risk of social exclusion, including family units with income that does not exceed 1.5 the Spanish Public Multiple Effect Income Indicator (IPREM), for access to rented housing, and 2.5 times the IPREM for access to house purchase, as well as the homeless or those whose slum homes have been destroyed, among others. The development of new-build protected housing was included in the Plan, as well as projects to rehabilitate and renovate deteriorated areas and neighbourhoods and the subsidising of land to build protected housing.

The **State Plan to foster housing rental, rehabilitate buildings, and regenerate and renew urban areas 2013-2016** is currently in force, which aims to guarantee the universal right to dignified housing as provided for in the Spanish Constitution.

As has been mentioned above, the Ministry for Public Development has continued to work on the preparation of the **Vulnerability Map**, identifying and discovering the areas in Spain of greatest vulnerability, through analysis of official statistical data of the Population Census concerning level of education, unemployment, immigration and minimum living conditions.

The **National Roma Integration Strategy in Spain 2012-2020** includes housing as a priority area for action (as did the Action Plan for the Roma Community Development for 2010-2012), with medium and long term quantitative targets (2015 and 2020). Targets and the detailed actions within these are as follows:

Eradication of slums:

- Promotion of the classification of "renovation areas for the eradication of sub-standard housing and slums" for slum and substandard housing developments identified in studies.
- Drive forward comprehensive intervention programmes in re-housing processes, to give preparation on the use and maintenance of housing, to encourage participation of the affected parties in all stages of the process, to encourage engaging in paid work and the use of community and education services, and to foster the use of Structural Funds (article 7.2 of the FEDER Regulations).
- Search for dignified solutions for evicted or displaced persons and families or those who have been forced to leave their condemned homes.

Access to housing and quality accommodation:

- Support for young people's access to protected social housing and rental housing, particularly for the heads of family units, as well as Roma persons who have been living in sub-standard and slum housing.
- Encourage aid to rehabilitate housing, intermediation programmes for access to housing and the transfer of private housing to public management.
- Adjust the cost of rent for public housing according to need.
- Drive forward informative measures, particularly those aimed at the Roma population, on the actions foreseen by housing plans.
- Search for solutions that are adapted to the Roma population when proof of minimum income is required, to ensure that they have access to quality housing under the same conditions as the rest of the population.



The State Council for the Roma People also dedicates a special working group to the issue of Housing.

With respect to fostering use of Structural Funds (article 7.2 of the FEDER Regulations), the Ministry of Health, Social Services and Equality has co-financed two seminars organised by the Fundación Secretariado Gitano, to promote the use of article 7.2 in local and regional housing intervention (La Coruña, 5 March 2012 and Malaga 6 May 2013).

Lastly, together with state-level actions (many of which are developed in close collaboration and with funding from Autonomous Communities), **in exercise of their housing and urban planning duties, towns and Autonomous Communities** run programmes that impact on Roma in this area, such as the Municipal Plan for the Eradication of Slums, Re-housing and Social Integration of Roma in Aviles, Asturias, which removed slums, the actions of the IRIS (Institute of Re-housing and Social Insertion) of the Community of Madrid, among others. The IRIS received the third prize of the *Dosta* award granted by the Council of Europe on 19 October 2011, for being an example of best practice in social integration of Roma living in slums. More than 10,000 people are assisted annually in this sense, with an annual budget of more than 20 million euros.

Other examples are the "Penamoa Special Plan" re-housing project, in La Coruña, Galicia, developed by the Board of Social Services of La Coruña City Council and two social entities – the Antonio Noche Association and the Fundación Secretariado Gitano, which re-housed 79 families living in segregated slum settlements to dignified housing within urban settings.

Moreover, in Segovia and within the programme for Social accompaniment of families in residential exclusion situation in the town of Segovia, the Council and the Fundación Secretariado Gitano has re-housed 69 families previously in slum settlements into mainstream housing in established neighbourhoods.

Lastly, the Office of the High Commissioner for Human Rights (OHCHR) Regional Office for Europe chose the city of Madrid to hold the event "Roma Segregated Housing as a Human Rights Challenge" and requested the input of the Ministry of Health, Social Services and Equality and the Ministry of Foreign Affairs and Cooperation in this event. The event was attended by senior

officials of the United Nations, the Spanish administration from housing, social and foreign affairs, as well as representatives from a number of countries and organisations concerning the matters affecting the Roma population.