



Updated Civil Society Monitoring Report

on the Implementation of the National Roma Integration Strategy
and Decade Action Plan in 2012 and 2013 in

SPAIN



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2005-2015

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Prepared by a civil society coalition comprising the following organizations:

Fundación Secretariado Gitano (lead organisation)
ALTER Research Group of the Public University of Navarra ■ Asociación de Enseñantes con Gitanos



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Coordinated by

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and the Roma Initiatives Office of the Open Society Foundations



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In the pilot year of 2012, the Decade of Roma Inclusion Secretariat Foundation supported reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia and Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their National Roma Integration Strategy (NRIS). These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is no official data, or alternative interpretation of published data. All reports are available at <http://www.romadecade.org/civilsocietymonitoring>

When the European Commission requested further input for assessing NRIS impact in 2012 and 2013, the Decade Secretariat supported the same civil society coalitions to update and streamline their reports.

The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with the Open Society Foundation's Making the Most of EU Funds for Roma program and the Roma Initiatives Office.



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LIST OF ABBREVIATIONS

CAEP	Centres for Special Education
CIS	Centro de Investigaciones Sociológicas
ECtHR	European Court of Human Rights
EEA	European Economic Area
EAFRD	European Agricultural Fund and for Rural Development
ERDF	European Regional Development Fund
ESF	European Social Fund
EU	European Union
EUR	Euro
FSG	Fundación Secretariado Gitano
LOMCE	Organic Law for the Improvement of Educational Quality
MECS	Ministry of Education, Culture and Sport
MFAC	Ministry of Foreign Affairs and Cooperation
MHSSEO	Ministry of Health, Social Services and Equal Opportunities
NGO	Non-Governmental Organisation
NRIS	National Roma Integration Strategy
OP	Operational Programme
PCPI	Programme for Initial Professional Qualification Training
POLCD	Operational Programme "Fight Against Discrimination"
PROA	Programme of Educational Support and Guidance



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This report follows and complements the "Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 in Spain" submitted by this same civil society coalition in May 2013. The current report recalls the most important developments and measures in 2012 and 2013, including those already mentioned in the previous report as well as new ones taking place since. It is worth noting that no major developments have taken place in recent months. As a result, this updated report will report on similar developments and measures in certain areas to those included in the previous one.

The implementation of the Spanish National Roma Integration Strategy (NRIS), adopted in March 2012, during the period under review cannot be understood without taking into account the current socioeconomic context in Spain. The Spanish NRIS was adopted in the midst of a deepening economic and financial crisis which is making it difficult to adopt new measures or to implement existing ones (mainly due to budgetary cuts), resulting in the apparent postponement of the Strategy. However, it is also giving rise to some policy responses which could lead to a deceleration or even the reversal of decades-long processes of Roma inclusion, as further explained in the report. It is also worth noting that the economic crisis, the policy responses and the related budgetary cuts seem to affect the most vulnerable sectors of Spanish society to a larger extent, including Roma.



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1. EDUCATION

1.1 Background

The educational situation of Roma has radically changed in the last three decades thanks to their generalised access to a public, universal education system free of charge. The Spanish basic education system is compulsory and free of charge from 6 to 16 years of age. Preschool education (from 0 to 6 years) is not compulsory and only its second cycle (from age 3–6) is free of charge.

In spite of significant progress achieved among the younger age cohorts, a number of challenges remain in relation to the Roma community and education, notably: the very low education level of adult Roma, with an illiteracy rate estimated at 14.5%¹ and a functional illiteracy rate between 30.6%² and 58%³ (depending on the sources consulted); high rates of early school leaving (only 22% of Roma have attended, although not necessarily finished, compulsory education);⁴ of school failure, absenteeism and/or curricular gaps; and of lack of continuity in formal education and training. These situations combined have serious consequences for the future professional careers of Roma youth and impose a barrier that must be overcome to ensure the real social and labour inclusion of the Roma population in Spain.

The transition between primary and secondary education constitutes the critical phase for a significant proportion of Roma pupils. The completion of compulsory secondary education (the so-called ESO – *Educación Secundaria Obligatoria*) is another significant barrier: approximately 80% of Roma students drop out before completing their studies.⁵

The extremely high rate of early school leaving is, therefore, among the great challenges faced by the educational community in relation to the Roma population in Spain: it is necessary to ensure that Roma families, Roma students, education centres, other education and social agents and indeed society as a whole contribute to this cause. The presence of Roma youth in post-compulsory studies, even though scarce, is gradually increasing but is still very low in comparison to the rest of the Spanish population.

Noteworthy are the larger gender imbalances within the Roma community, exemplified by higher illiteracy rates among adult Roma women (18.1% in comparison to 10.1% for men) and lower rates of enrolment into secondary education (19.4% for Roma women and 25.2% for men).

As for perceptions, there is the general feeling that the schools are not yet a friendly environment for Roma students. Even though enrolment rates have increased significantly in previous decades, the curricular content does not yet include information about Roma history, culture or any other contributions to Spanish history or cultural heritage. Mediation actions and motivation initiatives are still needed to encourage Roma families to enrol and support their children's permanent attendance in the schools. Additionally, Roma parents do not regularly participate in school boards or educational institutions' activities and many teachers still feel the success and permanent involvement of Roma children in classes is not a real objective to be achieved, but that it is more a dream or an illusion, not something real at all. All these negative per-

1 M. Laparra, *Social Diagnosis of the Roma community in Spain. A compared analysis of the Centro de Investigaciones Sociológicas survey of Roma households 2007*. (Madrid: Ministry of Health, Social Policy and Equality, 2011).

2 *Ibid.*

3 *Ibid.*

4 FSG/CIDE/MEC: "Enrolment and permanence of Roma girls in secondary obligatory education" (Madrid: Women's Institute, 2006).

5 *Ibid.*

ceptions should be addressed to improve the relationships between educational centres, Roma families and Roma students.

To better understand the Spanish educational system, we must highlight the high degree of decentralisation of educational competencies to the Autonomous Communities, which often leads to regional diversity, imbalances and at times, inequalities. While there are no legal segregated educational centres, it should be noted that there are *de facto* concentrated schools. These schools are often formed by a number of complex factors, including as a consequence of earlier housing desegregation policies that caused an accumulation of economically and socially disadvantaged populations in some neighbourhoods of large cities, including many Roma. Immigrants with low socioeconomic profiles move into these neighbourhoods as well. The current selection criteria for enroling students in institutions usually lead to these schools working with exclusively or largely immigrant and Roma students with the lowest academic results. We must emphasize that the educational level of the Roma population is low compared to that of the majority population in Spain, which itself often appears in the last places of rankings of excellence in educational performance.⁶

1.2 New Tendencies, Political Measures and Initiatives Towards Reaching the Educational Objectives Set Forth in the Strategy

During the period under review, there has been no evidence that new educational measures, resources or programmes targeting Roma or vulnerable groups as a whole have been established as a direct result of the adoption of the NRIS. In addition, the budgetary constraints affecting the political measures already implemented or planned and the new educational law to be approved (the LOMCE – see below) could undermine the progress made up to now and have a negative impact on Roma and other vulnerable groups as described below.

1.2.1 Impact of the Socio-Economic Context

In general terms, the budgetary reductions in education at all levels are the origin of a number of difficulties that will have an impact on Roma students not only in the near future but mainly in the long term, as follows:

- The reduction in the number of teachers and the increased number of students per class will translate into a less individualized approach for each student, which is especially harmful for students who need more support, such as students from vulnerable groups.
- The decline in the number of available places in public early childhood education. The previous "Civil Society Monitoring Report"⁷ already pointed out the disappearance of EDUCA3 PLAN, an initiative funded by the State government and the Autonomous Communities that aimed at achieving a quality early childhood education in the 0–3 age cohort, while covering the needs of families as regards work-life balance, with a view to compensating educational inequalities. The Educa3 Plan created or supported 1,176 early childhood education facilities with a total of 74,412 places for children from 0 to 3 years. This initiative was a key measure to provide children with required skills and abilities to enter primary education on an equal footing regardless their socioeconomic background. The elimination of this programme meant the disappearance of those centres not maintained by municipalities and Autonomous Communities and the risk that the growing tendency of enrolment into early childhood education would be reversed.
- The reduction in canteen grants in some Autonomous Communities; at this time of economic crisis, school canteens provide the only complete meal for many students from vulnerable backgrounds.
- The possible elimination of certain support programmes that were very adapted to the needs of disadvantaged students and which could put at risk their academic success, as well as the reduction of support measures only to very difficult cases (the so-called "lost causes").

6 Programme for International Student Assessment (PISA Website).

7 Decade of Roma Inclusion Secretariat Foundation: "Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 in Spain".

- ·The reduction and/or disappearance of general scholarships and support for academic materials, once again depending on the Autonomous Community, which could be considered a source of inequality within the educational system. The only known budgetary increase for scholarships is the EUR 10,000 increase for Roma students within the scholarship programme run by the Fundación Secretariado Gitano (FSG) for the 2013-2014 period.

1.2.2 *Most Important Measures in 2012 and 2013 and Impact*

1. New educational law: LOMCE – Organic Law for the Improvement of Educational Quality⁸

The draft Organic Law for the Improvement of Educational Quality (LOMCE), which is in the process of being adopted, is creating widespread controversy. While approved of by the majority of the ruling party in Parliament, it is being questioned for different reasons both at the political level and at the level of various stakeholders involved in the education system, including academic professionals, students and parents. A wide range of stakeholders have clearly expressed concerns about the new Law and its impact, mainly on the most disadvantaged groups. The association *Enseñantes con Gitanos* has released a position paper assessing the potential impact of the law on Roma.

To our understanding, the new LOMCE that should soon be approved includes several elements that might be very harmful for students from ethnic minorities or vulnerable groups. Risks especially relevant for Roma students are the following:

- The selection process and its consequences for ghetto' schools;
- Decrease of the relevance given to diversity or intercultural issues in the curriculum, focusing on grammar and mathematics curricula. No option for including content on key Roma contributions to Spanish history or culture. The elimination of the subject "Education for Citizenship" means a setback for introducing key human rights issues such as antiracism, diversity, etc.
- Selective academic career paths implying that some students will get the opportunity to achieve a baccalaureate as a step toward university while others will be limited to professional training and earlier employment. As previously highlighted,⁹ this diversity of paths may be translated into more inequality.
- Disappearance of lifelong learning for teachers: opportunities for training and keeping up-to-date will become isolated initiatives or depend on personal motivation.

There are various theoretical principles and measures throughout the law, which, according to several stakeholders, endow it with a segregating character, both in relation to students and to public and private school networks. A certain segment of the academic community, including professionals, parents and students, questions the law because they consider it to legitimize a number of measures which are consistent with the principles of selection and segregation of students, naturalization of their differences with respect to their talents, and the legitimization of those choices by technical reasons (standard tests, revalidation measures). These include selection criteria based on talent, the promotion of specialization among education centres, career paths created to respond to student typologies, the institution of performance-related measures, the establishment of school rankings and the reduction of support actions. According to the critics' experiences, when this type of approach is established, diversity is used as a differentiation factor for segregation or, where suitable, for exclusion. There is no doubt that the most vulnerable are the ones affected the most by such a process.

2. Mainstream measures to ensure that students finish Obligatory Secondary Education

Even though there are no new target programmes for Roma students offered at public institutions in order to ensure their completion of Compulsory Secondary Education, both the PROA Programme (Programme of Educational Support and Guidance) as well as the Programme for Initial Professional Qualification Train-

⁸ Ley Orgánica para la Mejora de la Calidad Educativa.

⁹ Note 7 supra.

ing (PCPI) are well-suited to the needs of Roma students. The experts we consulted have indicated concerns about the reduction or even the possible elimination of this kind of measure in the near future, which would endanger the support provided by these initiatives to Roma students.

Funded through an agreement between the Autonomous Communities and the Ministry of Education (MECS), the PROA initiative is oriented to cover the needs of reinforcement and academic support for students in Secondary Education. According to the available data, from 2005 to 2010 the financial support provided by the MECS amounted to EUR 190,639,335. In 2011, its contribution was EUR 59.7 million, while in 2012, it was EUR 60 million (updated data for the year 2013 is not yet available).

Other initiatives to combat early school leaving and school failure have experienced a decline in the number of teachers, such as the Programme for Initial Professional Qualification Training (PCPI), study classes and laboratories, the Centres for Special Education (CAEP), as well as the splitting up of classrooms, bridge classrooms, and other compensatory programmes. In general terms, there has been a continued reduction or complete elimination of the compensatory programmes specifically dedicated to diversity and the different needs of many vulnerable students.

3. Maintenance of targeted measures and initiatives to support Roma students to finish compulsory education

A number of initiatives are carried out to address one of the most relevant challenges regarding Roma and education: the transition from primary to secondary education and the completion of secondary education. Among these it is worth mentioning the *Promociona* programme, implemented by the FSG since 2009, as the one with the largest scope (nationwide) and resources. The programme is financed by the Ministry of Health, Social Services and Equality (MHSSE), the Ministry of Education, Culture and Sport (MECS), the European Social Fund Operational Programme "Fight against Discrimination", and a wide range of local and regional administrations and private entities. The main objective of the programme is the achievement of lower rates of early school leaving, while increasing the rates of academic success in the final cycle of Primary Education and Compulsory Secondary Education among Roma students, as well as promoting their permanent involvement in post-compulsory studies.

This initiative was developed during the academic year 2012–2013 in 13 Autonomous Communities and 37 cities and towns,¹⁰ with the participation of close to 1,200 students, 353 educational centres (111 primary schools, 166 secondary schools, and 76 centres combining primary and secondary schooling) and 1,023 families, especially students enrolled in compulsory secondary education. This programme is widely acknowledged as a successful initiative, as shown by its results: 91.7% of students attending the 6th grade and participating in *Promociona* passed into secondary education (89.8% girls and 94.7% boys), while 73.5% of students in the fourth year of Secondary Education or in PCPI¹¹ who participated in the programme achieved their Secondary Obligatory Education degree.

Other programmes worth mentioning at the local level of intervention are:

- The OPRÉ ROMA support programmes for Roma students implemented by the Kaler Dor Kayico Association in the Basque Country, and
- SIKLAVIPEN SAVORENÇA, a tutoring programme in three neighbourhoods of Badalona, Hospitalet de Llobregat and Barcelona run by the Pere Closa Foundation.

All these programmes, whether large or small, are jointly contributing to helping Roma students complete compulsory secondary education and enter the post-compulsory phase on their way to university.

¹⁰ Updated information from the *Promociona* programme for the academic year 2012–2013.

¹¹ PCPI is Spanish acronym for Initial Professional Qualification Programmes, second-chance programmes for obtaining a secondary obligatory education diploma.

Updated data on the educational situation of Roma in secondary education in Spain will be released in the FSG's study "Roma Students in Secondary Education: Quantitative Data", to be published by the end of November 2013. This study is financed by UNICEF-Spain and the MHSSE, with the collaboration of the MECS. Even though data from this new study cannot be presented here, it is foreseen that the data gathered will show a deterioration in the enrolment and educational success rates of Roma students.

4. Awareness-raising campaigns

Awareness-raising among Roma students, their families, education professionals and society at large is essential to achieving real change. Several initiatives are carried out by a wide range of stakeholders. Because of its large scope of action, it is worth mentioning the new campaign "Have a look at your dreams" (Asómate a tus sueños), funded by the Operational Programme "Fight against Discrimination" from the ESF and by the Spanish Income Tax the MHSSE and implemented by the FSG. The campaign aims to sensitize young Roma (from 12–16 years old) to finish their obligatory education and continue studying. With this objective in mind, 21 auditions have been carried out in 21 cities to select children for the opportunity of sharing one day with professionals in their dream job. This campaign also aims to reach political administrations to boost measures and policies compensating for disadvantages pertaining to vulnerable groups and to raise awareness among educational professionals.

The existing gap between the educational situations of the Roma community and the rest of the Spanish population contributes toward entrenching the inequalities and social exclusion experienced by a large proportion of Roma. The advances achieved during the last three decades in the educational situation of Roma students as a consequence of the establishment of a public, universal educational system that is free of charge to its users, is one of the best examples of inclusive, mainstreamed measures that are effective in combination with compensatory measures for people living with disadvantages or at risk of exclusion.

At this time of budgetary constraints and a new regulatory framework to be shortly approved, this inclusive model is at risk. We need to highlight the harms this poses to the educational levels to be achieved by many Roma students.



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2. EMPLOYMENT

2.1 Background

In Spain, the Roma population's access to salaried employment took place later and to a more limited extent than that of the rest of the Spanish population, as was explained in the "Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 in Spain" submitted some months ago.¹² This late access, together with other initial circumstances (such as the discrimination suffered by this minority and their low level of qualifications) might explain the vulnerable situation in which many Roma workers found themselves even before the start of the current crisis.

According to the available data on the Roma population and employment:¹³

- The activity rate of Roma (68.9%) is significantly higher than that of the population as a whole (60.1%), due to their early entry to the labour market, among other reasons.
- 38.5% of Roma are in salaried employment compared to 83.6% of the majority population. This enormous difference constitutes one of the key distinctive features regarding the situation of Roma in the labour market and is a factor determining the vulnerability of many Roma, given that salaried employment confers the right to social protection and labour rights.
- 26% of Roma with an occupation are dedicated to collaborating in "family economic activities", in comparison with 0.8% of the population as a whole.
- Unemployment affects the Roma population to a greater extent than the general population.
- Six out of 10 unemployed Roma found themselves in the same situation a year earlier, indicating a significant problem of long-term unemployment. More than 22% of Roma have lost their jobs in the past year.

The precarious situation faced by many Roma has been aggravated by the economic crisis affecting Spain since 2008. This crisis is hitting Roma and other vulnerable groups harder, as they must compete with a more skilled labour force in a labour market with fewer available positions available.

Concerning the participation of Roma in public work schemes and the State administration, the presence of Roma workers in the public sector has traditionally bee extremely low, due, among other reasons, to high formal demands and requirements in the selection processes for such work.

It is also important to recall the Spanish decentralised governance structure, which leads to regional differences in relation to opportunities on local labour markets, social protection systems and active policies. Those differences result in larger gaps for the citizens, including Roma, located in various Autonomous Communities.

12 Note 7 supra.

13 FSG: *Spanish and Migrant Roma Population. Employment and Social Inclusion 2011. A comparative Study*. (Bucharest, 2012). Publisher: Soros Foundation Romania. This study is built on FSG methodology developed in a previous report and updates the information gathered in 2005 by the FSG for Spain.

2.2 New Tendencies, Political Measures and Initiatives Towards Reaching the Employment Objectives Set in the Strategy

In order to overcome the current situation, the NRIS recommends two strategic lines of action to be developed: training and qualifications schemes in order to improve the employability of the Roma population, and support measures for Roma access to employment.

In the current context, the importance given to training and qualifications is fully justified, and the implementation of specific programmes targeting Roma people along with access to mainstream programmes designed for the overall population is considered essential. Likewise, the Strategy intends to promote the involvement of companies through paid apprenticeships and to encourage new technology training (ICT) for Roma.

As regards access to employment – in particular in relation to areas such as the social economy, access to micro-credit and self-employment – the Strategy mainly focuses on awareness-raising activities and informative and guidance actions. This is also the case as regards discrimination on the grounds of ethnic origin, which is probably the main barrier to the access to and permanent participation of Roma in the labour market. The actions foreseen do not seem sufficient, taking into account the dimensions of the problems faced by Roma in relation to employment.

Against this background, the targets set in the Spanish NRIS regarding employment up to 2020 seem quite moderate, though it is recognised that in light of the evolution of the general immediate forecasts, the stated objective for 2015 (50% employment among Roma, compared to 43.8% in 2011) will be very challenging to reach. Moreover, the Strategy does not state clearly the resources for achieving these targets, especially in the current adverse economic context.

2.2.1 *Impact of the Socio-Economic Context*

A report on the "Impact of the crisis on the Roma community in Spain"¹⁴ published in July this year highlights that the crisis does not affect everybody in the same way: 2011 updated data¹⁵ underscore that during the previous six years, the unemployment rate of the Roma community rose by 22.6%, compared to 10% for the majority of the Spanish population, while the proportion of Roma self-employed reached 34.7% by 2011 and the percentage of Roma salaried workers fell by 10.6%. Nowadays, while the unemployment rate of Spaniards has tripled, the Roma unemployment rate is still 17% higher, meaning that 42% of the Roma Spanish population is unemployed.

It is also relevant to stress the following figures showing that unemployment is hitting some groups in particular which include the majority of the Roma population. For example, the number of persons employed who never completed primary education fell from 335,700 in the third quarter of 2011 to 263,700 thousands in 2013. The number of persons employed who have completed primary education decreased from 1,695,800 in the third quarter of 2011 to 1,278,000 in 2013.

Due to the low level of initial qualifications among the Roma population, their access to the labour market is more difficult during such a crisis. This leads to more cases of their participating in the unregistered economy and to the precariousness of their salaried positions, including more working hours with lower salaries than before, higher flexibility and availability requested of employees and shorter contracts being concluded with them, among other matters.

Even though the income obtained from traditional jobs is not sufficient to make a living, such jobs, including metal and waste collecting, are becoming an option for many Roma (and non-Roma) families once again, families who in previous years had accessed salaried positions. While this could be considered a step backwards, it also creates a big challenge: the increasing requirements set up by the regulatory framework

14 FSG, *El impacto de la crisis en la Comunidad Gitana*. (Madrid, July 2013), only available in Spanish.

15 Note 13 supra.

approved a few years ago makes it really difficult for the increasing number of self-employed and salaried workers with very low (or no) qualifications working in this area to comply with all of the regulations and taxes required.

To tackle this situation, it is necessary to improve the social protection system and orient it toward persons at the greatest risk of poverty and exclusion (including a large proportion of the Roma population) in order to prevent extreme poverty, which has been growing very fast in the past couple of years. It is noteworthy that stakeholders perceive an increased difficulty in accessing social protection resources due to an increase of administrative prerequisites, budgetary constraints and a much longer time between the approval of subsidies and the disbursal of funds.

It is also crucial to develop further positive measures (permitting, for example, the combining of subsidies with new employment) instead of more punishing measures (e.g., loss of a subsidy if a job is rejected or if the period of time foreseen for the reception of the subsidy is exceeded). There is a risk that this system has discouraging effects for the labour integration of Roma and other vulnerable groups.

2.2.2 *Most Important Measures in 2012 and 2013 and Impact*

1. A new Strategy to combat high rates of youth unemployment

Last February (2013), the Spanish Government presented its "Strategy for Entrepreneurship and Youth Employment 2013–2016"¹⁶ including 100 measures to be implemented over the next four years to reduce unemployment among young people either through opportunities in the job market or through self-employment and entrepreneurship. This Strategy, in line with the objectives of the European Youth Guarantee, is the result of a process of dialogue and participation with social partners.

The strategy as a whole and certain measures in particular included in this package are of especial relevance for the Roma population, namely:

- a. Education, training and improved employability, particularly the creation of incentives for unemployed persons who left school early in order to obtain the compulsory secondary education qualifications;
- b. Promotion of entrepreneurship and self-employment, a mainly flat rate of low, fixed contributions to social security for young, self-employed workers that could be of relevance for self-employed hawkers, improved financing for self-employed workers and entrepreneurs, and guidance for entrepreneurs;
- c. Incentives for hiring, including incentives for part-time employment including training, elimination of social security contributions for those working through open-ended contracts, incentives for first-time job contracts (which allocates higher resources for women);
- d. Other actions aimed at promoting public-private partnerships in job searching.

The Strategy encourages a strong partnership between social and private actors and puts forward a number of mechanisms for monitoring and evaluation to oversee their planning, progress, implementation, results and impact of each proposed measure, as well as those of the Strategy as a whole. At this point we are not in a position to assess how this new Strategy has affected Roma youth, considering the short time of its implementation and the fact that information about it has not yet reached the overall population. Additionally, it is important to add that, according to the relevant stakeholders, such mainstream policies do not usually reach the most disadvantaged groups. In this sense, even though there are some measures of special relevance for the Roma population in the Strategy, it will be important to adapt them to the channels and needs of vulnerable groups to boost its effectiveness. Furthermore, while such a strategy focusing on youth unemployment is welcome, it is also essential to launch additional initiatives tackling the unemployment of other age groups.

¹⁶ Available at: http://www.empleo.gob.es/es/estrategia-empleo-joven/descargas/EEEJ_Documento_INGLES.pdf.

2. Specific funding for Roma employment in the context of the EU Structural Funds

Since 2000, Spain has allocated funding from the Structural Funds, notably the ESF, toward the social inclusion of Roma via the Operational Programme "Fight against Discrimination" and, in particular, toward Roma employment through the dedicated *Acceder* Programme carried out in the context of the Operational Programme (OP).

The *Acceder* programme, managed by the FSG all over Spain, has stood out in the last decades and has been specifically recognized in the NRIS, thanks to a number of elements: its explicit focus on Roma community labour insertion; its combination of guidance, counselling and training activities for Roma workers; its aid in Roma workers search for employment in private companies; and its follow-up to the process of labour insertion after the programme beneficiaries have started work. The *Acceder* funding model (a combination of funding from the ESF together with the MHSSE, as well as from a wide range of regional and local administrations and some private entities within the OP "Fight against Discrimination") has also promoted the establishment of partnerships. The fact that one of the five Spanish NGOs managing this OP (the FSG) works with the Roma population has enabled the development of activities specifically targeting the Roma community in the area of employment.

Since it was launched in 2000, *Acceder* has had¹⁷ 74,600 beneficiaries, facilitated the integration into the labour market of more than 20,000 people, concluded more than 50,800 job contracts, provided professional training to more than 15,000 people through 1,600 courses all over Spain and helped to create 157 new businesses. This has been achieved thanks to the close co-operation and trust of more than 17,000 companies.

It should be noted that the updated information gathered from the *Acceder* programme for the year 2013 (through the end of October) shows that the tendencies indicated in the former report are increasing, such as the impact of unemployment on the Roma community, estimated at around 42%, which is causing a remarkable increase in demand for the services provided in the context of the programme (14,063 beneficiaries in 2013)¹⁸ which address increasingly complex social situations. Furthermore, the situation of private companies makes it increasingly difficult for there to be access to jobs, while we are also witnessing a reduction in the public resources available for other options such as training, employment promotion, etc. (for example, stakeholders stress that it is really difficult for unemployed Roma to find training opportunities).

In the current context, intermediation in the labour market becomes a harder task: The 2,244 people who obtained a job contract in 2013 through *Acceder* is a figure well below the average throughout all of the periods since the launch of the Programme and also means that the ratio of placements to beneficiaries has dropped to 0.16 (the average for the period 2000–2012 was 0.27).

As previously emphasized, the new, particularly adverse context of the labour market in Spain has led to the introduction of new processes of change and adaptation within the *Acceder* Programme:

- A remarkable increase in the number of persons that turn to the programme in search of employment, including a significant number of those who found employment and then lost it in the current context of the economic crisis. An increase in demand from non-Roma (referred by Roma persons who previously used the programme) turning to *Acceder* services due to difficulties in finding a job through other programmes and because of *Acceder*'s good performance. An increase in training activities, which make the most of periods of inactivity and increase the chances of finding jobs in the future: 2,787 people participated in training courses organised in the context of the *Acceder* Programme in 2013. Between 2009 and 2012, 52.5% of the initiatives of the *Acceder* Programme were training actions.
- An increase in the resources available, thanks to the reallocation of resources within the OP (in 2012 the actions targeting Roma received an additional EUR 10 million and an additional EUR 2.1

17 Updated data as of October 2013 from the *Acceder* programme (FSG).

18 *Ibid.*

- million in 2013, which means the total budget from ESF resources, excluding co-funding, of the *Acceder* programme for the 2007-2013 period increased from EUR 41 to 53.1 million).
- A greater focus on the creation of protected employment structures through instruments such as labour integration companies/social inclusion enterprises which allow Roma to obtain work experience they cannot currently obtain on the mainstream labour market.

More funds for promoting employability

In June 2012 the Spanish Government took a really positive decision to reallocate the funds remaining in the funding period. Thanks to this measure, EUR 51 million (EUR 74 million with co-funding) was allocated to five non-profit organisations, namely, FSG, Fundación ONCE, Cáritas Española, Cruz Roja and the Organismo Autónomo de Trabajo Penitenciario y Formación para el Empleo to strengthen their programmes for improving the employability and labour integration of the target groups they address, one of which was the Roma community, with particular attention to youth. This decision was motivated by the current economic situation, in which certain intermediate bodies, mainly public ones, could not cover the co-funding required by the EU funds or were suffering from implementation bottlenecks. This has been acknowledged as a really positive initiative by different stakeholders.

Thanks to this reallocation of funds, an additional line of intervention was launched in the context of the OP "Fight against Discrimination" – "Learning through Working", aimed at launching mixed programmes combining training and employment. In the case of Roma, this is implemented as an addition axis of intervention within the *Acceder* programme.

Thanks to this new strategic line of intervention, the *Acceder* programme will provide qualifications to 280 young Roma in 14 Spanish cities and will work in tight collaboration with large companies where young Roma will have the opportunity to attend internships combined with adapted training. Even though at this early stage we do not have data to help assess its impact, the use of a methodology adapted to the needs of young Roma and the professional requirements of the companies involved makes this a promising initiative.

It is noteworthy that a model that combines training and professional experience for young Roma beginning their first labour experience through agreements with the companies where they will undergo their traineeship has proven to be very effective and has achieved the greatest results within the *Acceder* programme.

The above-mentioned information and data, along with the perceptions of many professionals working towards the labour insertion of Roma in Spain, show that access to employment by many Roma in previous years has provided many Roma families with regular incomes and the opportunity to access contributory pensions and supports. This tendency is being reversed in the context of the economic crisis as a consequence of the expulsion of mainly low-skilled Roma workers from the labour market and the impossibility for many self-employed Roma to make a living from either traditional jobs or new initiatives.

In this sense, since mainstream political measures in the field of training/qualification and employment are not yet reaching the Roma population through the regular channels, the target measures implemented since the approval of the NRIS are not covering the large segment of the Roma population that is unemployed. It is particularly worrying that the measures that are being implemented are not preventing many Roma families from suffering in very difficult situations, as they are not covered by the current social protection system, which is itself under budgetary constraint.

This situation is leading into a setback in the levels of well-being achieved by the Spanish Roma population, who have benefited from universal policies just like the rest of the Spanish society, in combination with targeted measures adapted to vulnerable groups, a model that has proven to be the most effective approach for Roma inclusion.



DECade of
ROMA
INCLUSION
2005-2015

Civil Society Monitoring

3. HEALTHCARE

3.1 Background

Even though available data¹⁹ show that the health status of the Roma population in Spain has significantly improved in the last decades, health inequalities between Roma and non-Roma remain. By way of example, certain illnesses affect the Roma population more deeply, Roma individuals perceive their own health as worse than non-Roma and there is still a gap in life expectancy.

The main reasons for the above-mentioned progress can be found in the existence during the last decade of a public, free-of-charge, universal health system, together with policies for the eradication of slums and degraded neighbourhoods in various regions. These initiatives were complemented by awareness-raising campaigns about preventive medicine and vaccination, as well as trainings for health professionals on taking an intercultural approach to medicine. However, persistently inadequate housing conditions, deficient education, and other key factors are still having an important influence on Roma health and determining the state of well-being and the living standards of many Roma.

As indicated in the previous report,²⁰ Roma persons usually show a poorer health status than non-Roma in similar socioeconomic circumstances for a variety of indicators, including higher rates of overweight and obesity, lower dental and ocular health, higher rates of self-medication and lower access to gynaecological, oral and ophthalmological services, among others.

Differences between Roma and non-Roma are thus manifest in terms of health conditions, lifestyles, habits and in the use of certain services not covered by social security, including dentistry and ophthalmological services. Gender imbalances are manifest in the fact that Roma women report a significantly worse health status than Roma men, which is especially of relevance during early and late pregnancies; Roma women tend to understand health as the absence of illness and not to consider habits and routines of prevention (for example, regular gynaecological visits). Gender imbalances in the distribution of domestic and labour responsibilities also imply more gendered differences in health status within the Roma community.

The Spanish health system consists of the combination of health care services provided by the central administration and the Autonomous Communities in charge of the provision of services. The public system includes all health care functions and services which, according to the domestic law, are under the responsibility of the public authorities. The right to access to services is achieved via the Individual Health Card issued by each regional health service, a document with which each citizen is identified as a rightful user of the entire national system.

Prior to the approval of the NRIS, the MHSSE adopted its National Health Equality Strategy in May 2010, including recommendations on the policy level to reduce health care inequalities in Spain. Currently the Ministry has prioritised nine measures grouped into four strategic channels which are the basis of the actions developed, namely:

19 M. La Parra, "Towards equality in health. Comparative study of national surveys of health to Roma and general population in Spain." (Madrid: Ministry of Health and Consumption, 2006); FSG 2009.

20 Note 7 supra.

- Action line 1: Development of information systems on health equality that guide public policies.
- Action line 2: Promotion and development of inter-sectorial knowledge and tools to strive towards "Health and equality in all policies".
- Action line 3: A comprehensive support plan for infant and adolescent health attempting to achieve equal development opportunities for all children, regardless of the status of their parents.
- Action line 4: A political visibility plan for the Health Equality Strategy and Social Determinants of Health.

There is no indication that the Strategy has been revised following the adoption of the NRIS, although the Strategy has informed the NRIS development.

3.2 New Tendencies, Political measures and Initiatives Towards Reaching Health Objectives Set in the Strategy

3.2.1 Impact of the Socio-Economic Context

Considering the current economic situation (in which Spain is affected by a crisis that started five years ago) and how it is affecting the Roma population, there is no clear evidence that, in general terms, the health status of the Roma population has deteriorated so far. Nevertheless, there are a number of problems resulting from budgetary constraints which could have a negative impact on Roma and lead to a stagnation or even a reversal of the progress achieved in previous decades. These include the increased number of bureaucratic requirements to obtaining the health card that provides access to health services; the fact that certain medicines, vaccinations and health specialties are no longer covered by the public health system; the establishment in certain Autonomous Communities of the so-called co-payment for prescriptions, etc. Likewise, it can be noted that unhealthy habits and budgetary cuts are largely affecting the most deprived families, including nutrition levels, notably of children, and access to treatments for chronic diseases (mainly for the elderly).

Another consequence of the economic crisis is the perception that certain illnesses, linked to a greater extent to socioeconomic situations, are increasing, notably mental health problems linked to depression or anxiety, which are mainly affecting women. Current changes to the public health model are directly excluding certain groups from national health system coverage, implying a change in the nature of the Spanish health system, which is moving from a universal system to a system offering wide-range coverage restricted to certain beneficiaries, as explained in the next section. Immigrant Roma and those Spanish Roma in particular who have no relations with the formal labour market and are unable to be included among the exceptions established by the new regulations now do not have the right to access health care services.

The most difficult situations are affecting Roma from eastern countries who are currently experiencing limitations in their access to public health services free of charge (unless they are among the exceptions: emergencies, pregnant women or minors), as the health care card is no longer available to them. Besides the restrictive regulatory framework, contradictory instructions for health professionals are resulting in the prevention of access even by groups included in the exceptions (for example, access to vaccination for minors, pregnant women whose illnesses are not directly related to their pregnancy and other cases witnessed).

It should be noted that, once again, there are regional disparities, as some Autonomous Communities have decided to continue offering health assistance to immigrants independent of their situation with respect to documents, as is explained below. Other budgetary restrictions are resulting in closure of health centres, mainly in small towns; and increasing ratio of health care professionals to patients, which implies less time dedicated to each patient; longer waiting lists for surgeries, clinical studies, etc.; and the reduction to or even elimination of prevention awareness-raising campaigns, among others.

3.2.2 Most Important Measures in 2012 and 2013 and Impact

1. Legal reforms modifying access to the Spanish health system

The key development in the period under consideration is the reform of the regulatory framework governing access to the Spanish health system, namely, Royal Decree 1192/2012 of 3 August 2012 and Royal Decree 576/2013 of 27 July 2013 governing health care access by non-citizens on Spanish territory. While this reform is quite recent and its full impact is therefore still difficult to assess, a number of negative elements can already be identified.

Prior to this reform, all Spanish and foreign citizens (even those in situations of administrative irregularity) including Roma residing on Spanish territory could benefit from the right to free health care.²¹ However, according to the new rules, since September 2012 and August 2013 there are certain limitations in relation to foreigners' and Spanish citizens' access to public health services, including Roma. Given the health care reform's insistence on greater administrative coherence and a reduction of territorial imbalances between Spain's regions, it is mandatory for all regional health services to comply with these new rules, following the establishment of a common national standard of health care services. In fact, nine of the 17 regional authorities in Spain have implemented these exclusionary measures almost immediately, although there remains some margin for manoeuvre, as demonstrated by the case of the Basque Country, Andalucía, Cataluña, País Vasco, Asturias, Canarias and Navarre, which decided to defend irregular immigrants' access to health care in their jurisdictions, although at different levels.²²

According to the reforms, any Spanish citizen or any foreigner with a residence permit is entitled to health care who does not declare an annual income above EUR 100,000 (in case they do not contribute to social security through their employment, for example). This implies that the following groups will not have the "right to health assistance in Spain" – i.e., the right to free (or virtually free) access to non-emergency care:

- Spanish and foreign citizens over the age of 26 and living in Spain who have never contributed into the social security system and declare an annual income above EUR 100,000 (this latter qualification is of particular importance because without its inclusion in a later draft of the law, many Roma of Spanish citizenship would have been at risk of exclusion from health services).
- Spanish and foreign citizens aged 18 to 26 who do not contribute into the social security system, who declare incomes above 100,000 EUR annually, and who cannot be beneficiaries due to their dependence on a family member or their living with a disability (a disability affecting over 65% of their total faculties).
- Foreign citizens (both EU and EEA citizens and Third-Country Nationals) aged 18 and above who are not pregnant and who do not have certificates of residence in Spain. This is of particular relevance to Roma who immigrate to Spain from EU Member States in Central and Eastern Europe and who seek work without being officially registered. This means that such persons will be denied access to free health care except in situations of emergency or maternity (although their dependent children will be entitled to free health care). However, persons without employment or residence permits (both EU citizens and Third Country Nationals) may obtain the necessary non-emergency

²¹ According to the provisions in Article 1.2 of Organic Law No 4/2000, the persons benefiting from the right to health protection and public health care were as follows:

- All Spanish and foreign citizens located in the national territory.
- Nationals of EU Member States who are entitled to the rights enshrined in EU law and from treaties and conventions signed by the Spanish State that apply to them.
- Nationals of non-EU Member States, who are entitled to the rights recognised by the laws, treaties and conventions signed by the Spanish State.

²² See "Nueve autonomías aplican a rajatabla la exclusión sanitaria a los sin papeles", *El País*, 28 November 2012. Available at: http://sociedad.elpais.com/sociedad/2012/11/28/actualidad/1354102410_619336.html. That said, there has been resistance by certain regional authorities controlled by opposition parties (Andalusia, Basque Country) as well as by numerous doctors on an individual or collective basis who refuse to implement these restrictions. In fact, the Basque Country continues to provide individual health cards to irregular immigrants, a decision ratified by the Constitutional Court on the ground that the general interest in health protection is superior to the economic objective of cost reduction. Nonetheless, the Basque health card will not be valid in the rest of the country. See "Sanidad advierte de que los 'sin papeles' no podrán usar su tarjeta fuera de Euskadi", *El País*, 18 December 2012. Available at: http://sociedad.elpais.com/sociedad/2012/12/18/actualidad/1355831164_908255.html.

care but will have to pay for it, for instance through a specific insurance scheme (the *Convenio Especial de Prestación de Asistencia Sanitaria*) costing between EUR 710 and 1,864 per year.

It is important to bear in mind that registration in the National Health System is undertaken through the certificate of residence, which in accordance with Spain's transposition of the EU's Freedom of Movement Directive (2004/58) through Royal Decree 240 is currently more difficult to obtain, especially for foreigners not in formal employment, including many Roma immigrants. In fact, foreign citizens are entitled to a residence permit if they are registered in (self-) employment, if they are registered students, if they are dependent family members of EU citizens working or studying in Spain, or if they are not a "burden" on the Spanish welfare state. The latter clause prevents a significant number of non-Spanish Roma immigrants from obtaining residence permits and, by extension, from obtaining free health care beyond emergency services and maternity care. In other words, the latter group only has access to health care in situations of emergency (with the exception of pregnant women and children).

These restrictions, in principle justified to limit social benefits to irregular immigrants and to fight against health care tourism, are likely to have a significant impact on Roma immigrants from eastern EU Member States, as they do not have any other option than irregular employment and their lack of "sufficient resources" to prevent their being categorised as a "burden" on the social security system. This said, Romani Spanish citizens are no less likely than other Spanish citizens to be entitled to public health care. The regulation implies a return to a restrictive model such as the one that was abolished in 2000 with the adoption of the Organic Law on Foreign Persons 4/2000 and puts into question the Spanish model of universal access to the public health system. The consequent lack of protection may have a negative impact on Roma health and undermine the existing dynamics of the social inclusion of Roma into mainstream health care.

Furthermore, it should be mentioned that the budgetary cuts that are being imposed on the health system are limiting its scope and capacity (less human resources, less investments into health care, introducing the system of co-payment for medicines or telecare²³ for citizens) which, however, is progressive in that it correlates to income, includes safeguards for low-income groups (earning less than EUR 18,000 annually) and unemployed persons, and is relatively low-cost in absolute terms (for example, a maximum payment of EUR 8 monthly for all prescription medicines for persons with an annual income under EUR 18,000 EUR, up to EUR 60 for persons with annual incomes above EUR 100,000). That said, these additional costs may exclude the most impoverished and marginalised sectors of the Roma population from adequate access to medicine.

Rather than reducing health care costs and streamlining services, it should be highlighted that the current reforms may have the opposite effect, by overburdening emergency health services, increasing health care costs (for example, by forcing the health system to respond to epidemics and other public health emergencies in areas with a high concentration of irregular immigrants and unregistered Roma), and also by divide society between first-class citizens enjoying full rights and second-class Spanish and EU citizens (and irregular immigrants) with restricted rights. In this context, the measures adopted do not take into account the challenges of including groups and persons in situations of vulnerability and marginalisation, including many Roma.

The impact of the economic crisis, together with recent legal developments, may jeopardize the improvements achieved in the process of including the Roma into Spain's mainstream health system and upgrading their health status. It may also challenge efforts to achieve health equity and thus hinder the achievement of Spain's poverty reduction and social inclusion objectives.

23 Telephone communication between the patient and the health professional instead of a traditional medical appointment.

4. HOUSING

4.1 Background

The housing situation of Roma has improved significantly in the last two decades thanks to the combination of the wider and more inclusive housing policies undertaken during the 1970s and 1980s, and the more recent change in the pattern of the re-housing process, moving from the model of neighbourhoods with a specific typology to a model based on resettlements in standard housing, spread throughout a municipality, complemented by measures of social support.

However, housing remains one of the most relevant problems affecting the Roma community and there are still a number of challenges to be solved, such as the eradication of remaining substandard housing (slums or deteriorated housing), problems related to the access of housing (private and public), to the quality of the equipment and facilities of households and the neighbourhoods in which they are located, so-called "residential segregation" (understood as the concentration of persons of Romani ethnic origin in certain municipalities, neighbourhoods and areas), discrimination as regards access to housing (notably as regards private housing) and the defence of victims' rights in the housing context.

At policy level, there is no specific policy regarding the Roma community and housing at State level. Action in relation to the Roma community is framed within general housing policies, notably the State Plans for Housing. These State Plans set the general framework for action, which is then translated into collaboration agreements with regional authorities (Autonomous Communities) and in some cases with local ones. In the Spanish context, most policies in the area of housing have been transferred to the regional authorities, which in addition to managing the housing policy set by the central Government can also develop their own plans and interventions. Local authorities also play an important role as regards the implementation of the actions and as promoters and managers of local properties and available land. It is also worth noting that while the legal texts and plans in the housing area at national, regional and local level do not generally mention Roma (not even those that include objectives of direct relevance for Roma, such as the eradication of slums, or those that mention other groups), in practice a number of the measures affect the housing situation of Roma, who are considered an excluded population, either explicitly or implicitly.

4.2 New Tendencies, Political Measures and Initiatives Towards Reaching Housing Objectives Set in the Strategy

4.2.1 Impact of the Socio-Economic Context

Developments regarding the housing situation of Roma during the period under consideration cannot be understood without taking into consideration the **current socioeconomic context** of Spain. The current context, the related budget cuts and the reduction of public resources available for housing policies are aggravating existing challenges and introducing new threats with regard to the housing situation of all citizens in general and vulnerable groups including Roma men and women in particular. Since the submission of the last report we are witnessing a deterioration of the situation and an increase in current challenges, including:

- Increased difficulty to access both private housing and public/social housing. In the former case, this is due, among other factors, to prices (which have not diminished proportionately with household incomes) – and difficulties in accessing credit; in the latter case, this is due to the fact that the amount of social housing is reduced compared to the current demand, which is growing constantly.
- Difficulty in covering loans/rents and other related costs due to income reduction (due to factors such as unemployment, reduction of salaries and reduction of housing subsidies). It is also important to note the difficulties being faced to cover costs such as contributions to neighbourhood associations, which leads to problems between neighbours and to challenges in social relations.

These problems are putting at risk the improvements made in access to decent housing experienced by a significant proportion of Roma families over the last few decades, and are even leading to a setback in the residential situation of Roma. This is proven by the fact that we are seeing the increase or re-emergence of problems that once were disappearing or whose impact was decreasing: an increase in substandard housing; overcrowding; evictions and even illegal occupation of properties, which had all but stopped recently. It is also worth noting that some of the evictions concern families who cannot pay rents to live in buildings managed by public administrations.

While we do not have specific data on whether the current socioeconomic context is leading to an increase of discrimination against Roma in housing, this is one area in which Roma do experience more discrimination for which it is more difficult to prove the existence of discrimination and to protect the victims, notably with regards to private housing, given that we are dealing with owners' rights and owners have the right to rent or sell their home to the person of their choice. To our knowledge, no Roma-specific measures have been taken in this sense.

4.2.2 *Most Important Measures in 2012 and 2013 and Impact*

In the current context no specific measures targeting Roma have been taken to our knowledge. We note, however, the adoption of a number of mainstream measures that, although not directly targeting Roma, are expected to have an impact (positive in some cases, negative in others), notably those Roma affected by the problems mentioned above. Nevertheless, it is worth noting that none of the initiatives described above are directly related to the NRIS and that, as explained below, in some cases (e.g., the State Plans) they are also not aligned with the Strategy and its two lines of action in terms of housing, namely: 1) the reduction of slums and substandard housing, with specific targets in relation to the reduction of slums (2% in 2015 and 0.5% in 2020) and substandard housing (6% in 2015 and 3% in 2020); and 2) improvement of the Roma community's quality of housing .

1. Policy framework at state level

At state level, two housing measures were adopted in the period under consideration. However, relevant stakeholders consider that, instead of contributing to addressing the situation, these two measures are expected to have a negative impact on vulnerable groups, including Roma, as they ignore the needs of the most vulnerable and excluded. They include:

- **State Plan for the Promotion of Rental, Rehabilitation, Urban Regeneration and Renovation 2013–2016** (*Plan Estatal de Fomento del Alquiler de Viviendas, la Rehabilitación, la Regeneración y Renovación Urbanas*)²⁴ adopted in April 2013 and replacing the State Plan for Housing and Rehabilitation 2009–2012 (PERV).²⁵ While this State Plan, in line with the previous one, pays particular attention to families with lower incomes and other vulnerable groups in relation to housing

24 Ministry of Development, *Real Decreto 233/2013, de 5 de abril, por el que se regula el Plan Estatal de fomento del alquiler de viviendas, la rehabilitación edificatoria, y la regeneración y renovación urbanas, 2013–2016*. Published in the Spanish Official Gazette (B.O.E.) on 10 April 2013. Available at: <http://www.boe.es/boe/dias/2013/04/10/pdfs/BOE-A-2013-3780.pdf>.

25 Ministry of Housing, *Real Decreto 2066/2008, de 12 de diciembre, por el que se regula el Plan Estatal de Vivienda y Rehabilitación 2009–2012* (2008). Available at: <http://www.boe.es/boe/dias/2008/12/24/pdfs/A51909-51937.pdf>.

access, it is considered insufficient to address current challenges and could be even considered a step backwards in relation to previous policy documents, including State Plan 2009-2012 and the NRIS:

- As positive elements, it is worth noting that this includes elements which are in line with the NRIS (such as measures to address substandard housing, social rental, the specific mention of disadvantaged groups, etc.) as well as some others which represent a step forward. This is the case of the requested evidence regarding income: in line with the proposal of the NRIS to "search for a Roma-adapted formula when proof of minimum income is required by autonomous communities in order to allow [Roma] access to housing in fair conditions compared to the rest of the population," the Plan allows for the possibility of using a legal declaration by the head of the family as proof of income (previously it was necessary to provide official documents such as tax declarations, which was a problem for families active in the informal market). It remains to be seen how this will be implemented by regional and local authorities.
- However, there are other elements that have either not been taken into account (e.g., the eradication of slums as well as the use of European Regional Development Fund (ERDF) are not mentioned as such) or that could have a negative impact on the Roma population (e.g., the requirement of "residing legally" to benefit from certain actions, which could leave many Roma and other vulnerable groups who do not reside legally in their houses or who live in slums outside the scope of the action). Furthermore, it should be pointed out that the amendments proposed by the members of the Working Group on Housing of the State Council of the Roma People to correct the aforementioned shortcomings and potential negative consequences have not been taken into account.
- **Law on Urban Rehabilitation, Regeneration and Renovation** (*Ley de Rehabilitación, Regeneración y Renovación Urbanas*)²⁶, adopted June 2013. We note that this piece of legislation is in line with the State Plan. While it includes positive elements such as the rehabilitation of areas of substandard housing from an integrated social, economic and environmental perspective and pays particular attention to infrastructure and interadministrative cooperation, it also features some of the negative points put forward by the State Plan, notably the need to "reside legally" to benefit from certain actions. This requirement leaves those persons who do not reside legally in their houses or who live in settlements outside of the scope of the law. As a result, there is no room for initiatives aimed at promoting the eradication of shanty towns and access to decent housing for all citizens.

The lack of explicit mention of slum eradication could be considered a missed opportunity. This is of particular relevance considering that in recent years we have witnessed a slowdown or even a paralysation of re-housing policies, which were the main mechanism for promoting desegregation and improving the housing conditions of significant sectors of the Roma community (persons in slum settlements and sub-standard housing) in Spain. This is a consequence of budgetary cuts or political (dis)agreements, and action in these areas is limited to social accompaniment²⁷ (e.g., work delivered in the largest settlement in Madrid La Cañada Real). Although there are no data or information providing a global picture of all the interventions undertaken within the context of the State Plan and outside it and assessing their scale and impact, we should, however, acknowledge the success of some of them, such as the eradication of slums in Los Asperones in Malaga (270 households) or in Penamoa in Galicia.²⁸

Another issue that deserves particular attention is the use of Structural Funds for housing interventions. While the NRIS calls for the "greater use of Structural Funds, particularly the ESF and the ERDF", this funding source, including Article 7.2 of the ERDF, has been widely underused in the current programming period, mainly due to lack of knowledge and experience and, in the current context, a lack of co-financing. To our

26 Ministry of Housing, *Ley 8/2013, de 26 de junio, de rehabilitación, regeneración y renovación urbanas* (2013). Available at: <http://www.boe.es/boe/dias/2008/12/24/pdfs/A51909-51937.pdf>.

27 Social Accompaniment: specialized support that implies working with the families in their access to a new home (rights and duties, routines, etc.) and promoting a good co-existence with neighbours. It also entails other parallel measures focusing on access to mainstream educational resources, labour market integration and access to and use of health-care facilities.

28 FSG' Housing area annual reports 2012 and 2011.

knowledge, there have been some initiatives to push for integrated housing projects under Article 7.2 of the ERDF Regulation, and even to amend the regional operational programmes to allow for integrated approaches, but at this point no such project has been officially approved. The FSG, with the support of interested public authorities, has also organized two seminars (in A Coruña and Malaga) regarding the opportunities offered by the ERDF, in particular the amendment of Article 7.2.

While some positive elements have made stakeholders hope for a positive change in the future programming period (notably the creation of an Inter-Fund Committee comprised of representatives of the ESF, ERDF and the European Agricultural Fund for Rural Development (EAFRD), as well as the creation of working groups bringing together representatives of all the funds for the preparatory work of the next programming period), there is a general concern that positive changes are not forthcoming. To our knowledge, the Spanish government does not foresee the use of Article 7.2 in the 2014–2020 programming period. However, it does plan to develop an URBAN programme for urban regeneration. It is also worth noting that recent legislative measures, such as the new State Plan, do not include the use of Structural Funds.

2. Initiatives adopted as a result of the current situation in the area of housing

The increasing challenges faced by citizens, notably the most vulnerable ones, in relation to access to and maintenance of housing (in particular the problem of evictions) have given rise to a general mobilisation by society and to a wide number of initiatives by different stakeholders (civil society organisations, public authorities, judges and, in some cases, banks) which, although isolated and dependent on the willingness of interested parties, are to a certain extent contributing toward improving this difficult situation and setting an example for similar initiatives. They include:

- **Royal Decree on Measures to Guarantee the Social Role of Housing in the Region of Andalusia** (the region with the highest number of Roma) (*Ley 4/2013 de medidas para asegurar el cumplimiento de la función social de la vivienda*)²⁹, 2 November 2013.

This piece of law, which arose from a proposal by a civil society platform representing homeowners facing eviction (*Plataforma de Afectados por la Hipoteca*), calls on the public authorities to take the necessary measures to ensure that housing fulfils its social role, recalling the "right to a house" foreseen in different national and international legislation and that it not be just considered a consumer good subject to the laws of the market. A key, innovative measure introduced by this decree in the case of evictions due to judicial foreclosure is the temporary expropriation of the housing to the bank in cases where the persons affected face special situations of social emergency (according to a number of criteria established by the law). This protection is also extended to loan guarantors and the self-employed.

Other autonomous communities (such as Navarre and the Canary Islands) are also drafting similar pieces of legislation, while others are considering it.

- **Initiative by the Ombudsman of the Autonomous Community of Catalonia.** In a recently released report on the growing phenomenon of "energy poverty" in Catalonia,³⁰ Ombudsman of Catalonia Rafael Ribó has proposed 13 measures to combat energy poverty in line with those undertaken in countries such as the United Kingdom and France. One of the measures is to foresee a "winter truce" which forbids the interruption of basic services such as water, gas and electricity during the winter period for people at risk of exclusion. Mr Ribo also recommends that providers and the persons affected reach agreements so that payment of all or some invoices corresponding to the winter period can be made during the rest of the year. Likewise, he proposes to set a social price for butane and progressive prices for water. Other measures include the creation of a working commission on the issue, the dissemination of information about energy subsidies and discounts involving the social inclusion housing network and promoting education-related initiatives to promote energy savings.

29 Available at: <https://www.boe.es/boe/dias/2013/11/02/pdfs/BOE-A-2013-11497.pdf>.

30 *Informe sobre la pobreza energética en Cataluña*, Sindic-El Defensor de Les Persones, October 2013. Available at: <http://www.sindic.cat/site/unitFiles/3532/Informe%20pobreza%20energetica%20completo.pdf>.

- **Law 1/2013 of 14 May 2013 on measures to reinforce the protection of mortgage holders, debt restructuring and social rent (the so-called "Law against Evictions").**³¹ While this new law includes some elements that could potentially be positive for vulnerable groups, it has provoked widespread controversy given that it does not include the "dation in payment" that was largely requested by social groups (in fact, the origin of this law was a citizens' initiative which gathered around 1.4 million signatures asking for retroactive dation in payment, social housing, and a halt to evictions). The law proposes a package of measures aimed at improving protection for mortgage-holders and protection for families in situations of social exclusion. While it is true that the law foresees the immediate suspension for a period of two years of the evictions of those persons or families in situations of vulnerability, the criteria set for meeting this requirement are too strict, in our view, and leave many persons outside the scope of the law.
- It is also worth noting the decision of the European Court of Justice³² which, following a request by the civil society organisation *Plataforma de Afectados por la Hipoteca*, has requested the Spanish government preventively suspend the eviction of families from a building in Girona (Catalonia) belonging to the state-run "bad bank" (the so-called SAREB-Sociedad de Gestión de Activos Procedentes de la Reestructuración Bancaria) created by the Spanish State to purge toxic assets from banks. The decision also asks the Spanish Government to present by the end of October 2013 the measures local authorities are planning to implement to avoid violating Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life, including respect for the home) of the European Convention on Human Rights, most notably in relation to minors, and especially any measures on housing and social assistance to be implemented. Once the answer from the Government is received, the ECtHR will decide whether the suspension of the eviction should be maintained.

31 Spain, Madrid, Ley 1/2013 de 14 de mayo de medidas para reforzar la protección a los deudores hipotecarios, reestructuración de deuda y alquiler social. Available at: <http://www.boe.es/boe/dias/2013/05/15/pdfs/BOE-A-2013-5073.pdf>.

32 <http://afectadosporlahipoteca.com/2013/10/17/estrasburgo-pah-exige-sareb-generalitat-alquiler-social/#escritos-estrasburgo>.



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2005-2015

Civil Society Monitoring

5. ANTI-DISCRIMINATION

5.1 Background

Anti-discrimination policies have a short history in Spanish society, both in relation to the social policies aimed at inclusion addressed in the other chapters and in relation to other European countries. These policies have not been designed to address the specific situation of Spain's largest native ethnic minority, the Roma community, but to respond to EU requirements (Equality Directives 2000/43 and 2000/78) and to address the rapid growth of the immigrant population from the late 1990s onwards, which brought issues of racism and ethnic conflict to the fore for public authorities. Generally speaking, the analysis of racism in Spain arose from the perspective of co-existence and the prevention of ethnic conflict rather than from a commitment to equal treatment and non-discrimination.

Nevertheless, in spite of mass immigration, the available information shows that the Roma community remains affected by the most negative perceptions and stereotypes from the majority population. As a consequence, members of the Roma community face an increased risk of becoming the victims of discriminatory behaviour.

- In the *Centro de Investigaciones Sociológicas (CIS)* Barometer of 2005,³³ 40% of the persons interviewed responded that they would mind having Roma people as neighbours "a lot or quite a lot", and 25.3% said they would not like their children to share a classroom with Roma students.
- Similarly, the perception of discrimination among Roma is very high. For example, 55% of Roma persons perceive they are discriminated against when seeking employment in Spain.³⁴
- According to the Panel on Discrimination on Grounds of Race or Ethnicity (2010),³⁵ the image of the Roma community is associated with "thieves, bad people, drug dealers" to a greater extent than for any other vulnerable group.³⁶

The discrimination and daily rejection experienced by the Roma community has been reported, for over eight years, in the FSG publication, *Annual Report on Discrimination and the Roma Community*.³⁷ Most cases of discrimination concern the media (around 50%) followed by employment, housing, education and access to goods and services. It is worth mentioning that discrimination cases in the area of health care seem to be limited.

33 Centro de Investigaciones Sociológicas (CIS), *Barómetro no. 2625*, November 2005. Available at: http://www.cis.es/cis/export/sites/default/-Archivos/Marginales/2620_2639/2625/e262500.html. Public rejection is highest towards Romanian Roma, as well as North Africans, as expressed in CIS surveys. See: CIS, *Actitudes hacia la inmigración. Estudio no.2.773* (September–October 2008). Available at: http://www.cis.es/cis/opencms/-Archivos/Marginales/2760_2779/2773/Es2773.pdf.

34 S. Jimenez, *Assistance to Victims of Discrimination* (2011). See also: CIS, *Encuesta Sociológica a Hogares de la Población Gitana*. No. 2664 (2006). Available at: http://www.cis.es/cis/opencm/ES/1_encuestas/estudios/ver.jsp?estudio=7820.

35 Ministry of Health, Social Policy and Equality: "Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas". (Madrid, 2011) Available at: http://www.contraladiscriminacion.com//wp-content/uploads/2011/03/2010_Panel_discriminacion_consejo.pdf.

36 See: Spanish Council for the Promotion of Equal Treatment, *Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas*. Available at: <http://www.igualdad y discriminacion.org/recursos/publicaciones/2011/panelDiscriminacion.htm>.

37 The latest available report is for the year 2012. See: FSG, *Discrimination y Comunidad Gitana. Informe Anual 2012*. Available at: http://www.gitanos.org/upload/30/06/2012_discrimination_and_the_roma_community.pdf.

- The Network for Assisting Victims of Discrimination³⁸ of the Spanish Council for Equal Treatment registered 248 cases of discrimination in the period March-September 2013.

Roma women are indeed affected to a greater extent by discrimination, as they face multiple forms of discrimination. Although social services and NGOs tend to work more frequently with them, these efforts seem insufficient to reduce their both within and outside their community.

With regards to the situation of Roma children, their fundamental rights are guaranteed in formal terms. Nevertheless, poverty and social exclusion affecting the Roma community may affect the adequate development of Roma children, in spite of the positive work undertaken by various stakeholders.

In Spain, human trafficking has not been a relevant issue for the Roma population according to our knowledge. Problems related to registration and identity papers are only faced by Roma immigrants from Eastern European countries, primarily due to the elevated costs associated with obtaining valid documentation in their countries of origin. Additionally, Roma immigrants do not always register locally in Spain (despite the local authorities' obligation to register them) and may not have applied for permits to regularise their residential and employment situations.

Although generally appraised as incomplete and insufficient by experts, the most relevant milestones in this area have been the transposition of the EU Directive itself, in force from January 2004, and the effective launch of the Council for the Promotion of Equal Treatment and Non-Discrimination of All Persons on Grounds of Racial and Ethnic Origin, which took place in 2010, almost a decade after the Directive introduced this mandatory development. The completion of the transposition of the Directive was supposed to be resolved by the ratification of a new law, the Comprehensive Equal Treatment Law, which should have been approved in 2012 but was abandoned due to the change of government in late 2011. Concurrently to the failure to pass the new law, the approval of the Comprehensive Strategy against Racism, Xenophobia and Intolerance³⁹ adopted by the Government in late 2011 did not cover the remaining breach in the transposition of the Equality Directives. This Strategy, which implied a significant advance in the protection of vulnerable groups, is, however, serving as a basis for the current Government to address relevant initiatives on the matters included and is providing the pathway for relevant stakeholders, including public officials, civic organisations and public agencies.⁴⁰ Another relevant instrument at policy level has been the Action Plan for the Development of the Roma population 2010–2012, which establishes a first chapter of activities on "citizenship, equal treatment and non-discrimination" with four objectives: Combating all forms of discrimination against the Roma population; changing their image in the eyes of the general population; combating all forms of gender discrimination; and promoting equal participation in public and private institutions.

In the NRIS, measures related to "Non-discrimination and promotion of equal treatment" are considered under "Other complementary courses of action". The NRIS also makes systematic reference to domestic anti-discrimination efforts (creation of equality bodies and specialised prosecutors, anti-discrimination legislation, mediation) in all strategic areas in an effort to achieve the mainstreaming of non-discrimination as a cross-cutting principle in all fields. It is also worth noting that explicit mention is also made of measures related to implementing a "cross-cutting gender focus".

38 Red de Centros de Asistencia a Víctimas de Discriminación por Origen Racial o Étnico.

39 Ministry of Work and Immigration, "Estrategia integral contra el racismo, la discriminación racial, la xenofobia y otras formas conexas de intolerancia" (2011). Available at: <http://www.oberaxe.es/files/datos/4ee5ba982ebe3/ESTRATEGIA-LINEA%20INTERACTIVO%208-12-2011.pdf>.

40 The adopted Strategy recognises the existence of a problem that is widespread in Europe and is also present in Spain, the harming of ethnic minorities and migrants. This strategy not only recognises the problem, but also addresses the issue in line with international recommendations as regards the collecting of data, promoting major awareness-raising of the problem, legal reforms and actions in defence of victims of hate crime. Furthermore, it elaborates the strengthening of co-operation networks between organisations and institutions, as well as the design and implementation of prevention plans targeting particular vulnerable groups. This framework addresses several problems and difficulties faced by various governments in Spain, such as the lack of statistics on hate crimes (noted by European institutions) and greater specialisation and training in public service in this regard. The Strategy places particular emphasis on employment and racial discrimination in the workplace.

5.2 New Tendencies, Political Measures and Initiatives Towards Reaching Anti-Discrimination Objectives Set in the Strategy

5.2.1 Impact of the Socio-Economic Context

In these years of economic crisis, we note a widening of the inequality gap in Spain, as well as an increase in the challenges for ethnic minorities to be treated on an equal footing with other citizens in areas such as access to goods and services, employment and housing. Likewise, although the number of registered cases of discrimination gathered by different organizations remains constant (due to the fact that many Roma never file official complaints), there is a general perception that the current context is consolidating deep-seated prejudice and social rejection of the Roma community and poses an increased risk for members of this group to become victims of discrimination. While acts of discrimination and hatred against Roma in Spain are not as serious as those identified in other parts of Europe, racism, discrimination, hatred and intolerance are issues of major concern in Spain in these times.

In this sense, the increase in the number of discriminatory and racist incidents and expressions of hatred on the Internet and social networks is particularly worrying, as discriminatory incidents online are difficult to control and combat, as they can exponentially spread really quickly and their perpetrators are often protected by anonymity. This trend is accompanied by the negative image of the Roma community that the media continue to frequently convey with a perverse impact on the community's image (around 50% of the cases reported in the FSG's *Annual Report on Discrimination and the Roma Community* every year are about the media, both the regular and the online press). The racist discourse of some Spanish political leaders is also a cause for concern.

As in the other areas, during the review period, resources for addressing equal opportunities and non-discrimination have been limited and social organisations have played a key role. It is also worth noting that, following a really positive trajectory initiated in 2010, action in the area of discrimination and many of the initiatives in this area began slow down during the review period and even came to a standstill due to political circumstances or budgetary issues (for example, the Network for Assisting Victims of Discrimination). It seems that in 2013 we are starting to witness a return to the previous, positive trajectory with the reactivation of some initiatives.

5.2.2 Most Important Measures in 2012 and 2013 and Impact

1. Public measures at state and regional level

In 2012 and 2013 we see a combination of mainstreaming and targeted measures. However, none of them is directly related to the implementation of the NRIS. At this stage we can only share the stakeholders' perceptions about these initiatives, but we cannot assess their actual (positive or negative) impacts. Key initiatives include:

- A **reform of the 1995 Criminal Code**⁴¹ is currently underway through a draft bill to amend Organic Law 10/1995 of 23 November 1995 on the Criminal Code, transposing Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law. The reform of the Code, specifically articles 510 and 607, is really positive: it classifies the crimes of incitement to hatred or racist violence and the production or distribution of materials designed to incite hatred or violence against minorities. It also includes measures to deal with the destruction of documents, files or materials used to commit these crimes. Finally it increases the sentences for these acts, in particular when they are undertaken by legal persons.

The **gradual establishment of specialized services to address cases of equality, hate crime and discrimination at a number of prosecutors' offices around Spain**, following the creation of the ones in

⁴¹ Spain, Madrid, *Proyecto de ley orgánica por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre del código penal*. Available at: <http://www.mjusticia.gob.es/cs/Satellite/es/1215197775106/Medios/1288784411175/Detalle.html>.

Barcelona, Madrid, Seville and Malaga. It remains to be seen how they will operate in practice. Another relevant step forward is the appointment by the Attorney General of a Deputy Attorney General of the Supreme Court for the safeguarding of equality and anti-discrimination.

- Re-activation of the **Network for Assisting Victims of Discrimination**⁴² and its services in 2013. Established by the Spanish Council for Equal Treatment to fulfil the function of providing independent assistance to discrimination victims, and managed by seven social NGOs⁴³ the Network's functioning and operations returned to normalcy in 2013 following intermittent functioning during its initial years of activity due to budgetary constraints (while its function was normal from mid-2010 and during all of 2011, in 2012 it practically stopped). Thanks to a grant of EUR 600,000 awarded by the MHSSEO, this country-wide network provides free, independent support and advice to persons who perceive that they have been discriminated against, in any field. This support is provided through the network of offices across Spanish territory belonging to the NGOs involved (currently 20 offices located in all Autonomous Communities and the Autonomous City of Melilla); through a toll-free telephone number (900 20 30 41) managed by staff specializing in the fight against discrimination; and through an online service offered through the Network's website www.asistenciavictimasdiscriminacion.org. The Network also aims to undertake training, information and awareness-raising actions which promote the knowledge and implementation of the principle of equal treatment and non-discrimination on the grounds of racial and ethnic origin. The operation of this Network has been very positively valued by the victims themselves, by the managing organisations, and by the administrations in charge with respect to all types of cases of ethnic discrimination. The managing organisations also positively value the involvement of both Roma and pro-Roma entities enabling specific attention to this community.
- **Participation of the Spanish Government in the Council of Europe's "Dosta!"**⁴⁴ awareness-raising campaign, which will be disseminated in Spain by the FSG thanks to a grant awarded by the Office of Human Rights of the MFAC. Several awareness-raising and information materials have been designed to contribute to achieving the objective of the campaign, that of bringing non-Roma closer to Roma citizens by breaking down the barriers caused by prejudices and stereotypes in Spain. Likewise, with a view to helping other organisations design such activities and materials, the Council of Europe, the MHSSEO and the FSG are elaborating a toolkit on how to address and eliminate the prejudices against Roma that still exist in Spain.

2. Specific measures by different stakeholders to address the lack of knowledge and awareness among relevant professionals

Particular attention is deemed necessary to one of the most relevant barriers for breaking down the prejudices and stereotypes existing in Spanish society and achieving real impact in this area: the general lack of knowledge about discrimination and racism-related aspects on the part of professionals key to the promotion of equality, such as civil servants, police forces, judges, trade unions, etc. While there is no general strategy undertaken by the government in this sense, different initiatives in this area have been undertaken by public authorities and other stakeholders at all levels. Some of them are highlighted below:

- Training and awareness-raising of civil servants in charge of public policies

Training of the public administration in general, and in particular that of the judiciary, has been unable to help the country avoid the current situation whereby many complaints and legal procedures do not take the discriminatory or racist motivations and/or circumstances of certain crimes and wrongdoing into account. Although to our knowledge the administration does not have a general strategy for training public servants in combating discrimination, there are several initiatives undertaken at regional and local level which introduce these issues and provide information about the Roma population as part of general training activities.

42 Red de Centros de Asistencia a Víctimas de Discriminación por Origen Racial o Étnico.

43 ACCEM, Cruz Roja Española, Fundación CEPAIM, Fundación Secretariado Gitano, Movimiento contra la Intolerancia, Movimiento por la Paz (MPDL) y Red Acoge.

44 See: http://www.coe.int/t/dg3/romatravellers/dosta_en.asp.

In this sense, it is worth mentioning an initiative undertaken by the MHSSEO in the context of a Progress Programme aimed at providing specific training in the areas of equal treatment and non-discrimination to the civil servants in charge of the design, implementation and evaluation of public policies to promote the consideration of these principles in all public policies and to reduce the negative impact of some public policies as regards equality. The main activities planned include exchanges of good practices, the drafting of a manual on the implementation of the principle of equal treatment, and the design and launch (as a pilot) of a training programme (both in-person and distance training) targeting civil servants.

- Training and awareness-raising among law enforcement officials

Although the role of law enforcement officials is to ensure compliance with the law and to safeguard citizens, cases of discriminatory practices by police such as ethnic profiling, racist insults during police actions and even occasionally disproportionate physical aggression are commonly recorded. To address this situation it is essential to work with these professionals.

With the aim of contributing to addressing this situation, the Platform for the Police Management of Diversity⁴⁵ was born in 2010 as a meeting point for representatives of police services and organizations working for a diverse society with a view to encouraging and promoting changes in these services so they improve their working methods and guarantee equal treatment by police forces to a diverse Spanish society, notably to minority groups who are most vulnerable. As part of its activities, on the occasion of the First National Seminar on the Police Management of the Social Diversity, organised in June 2013, the Platform presented a "Guide for the Police Management of Diversity"⁴⁶ jointly elaborated by the members of the Platform. The Guide includes a detailed presentation of common discriminatory practices and provides an overview of the legal and practical tools at the disposal of the heads of police forces to train and raise awareness among their colleagues as regards diversity, non-discrimination and victim protection in order to improve their effectiveness in their daily work in a diverse society.

Other important issues as regards police forces are the collection of information on racists, discriminatory incidents and ethnic data, as well as the development of police protocols to assist discrimination victims. Some positive initiatives, such as the identification and arrest procedures established by the police force of Fuenlabrada (Madrid region), have been identified.

- **Training and awareness-raising initiatives targeting other stakeholders**

There is a wide range of initiatives in this area undertaken by different stakeholders. One example is a training recently organized by the Spanish Federation of Associations of Roma Women (KAMIRA), together with the Council of Europe and the Human Rights Commission of the ICA Córdoba y Madrid for lawyers currently representing or hoping to represent cases related to Roma before the ECtHR.

The Network of Centres Assisting Victims of Discrimination has developed different informational leaflets and documents (usually addressed to specific groups rather than the general population) as well as awareness-raising and training activities. There are also interesting activities to highlight at regional level, such, "La Red Antirumores" (the Anti-Rumour Network) of the Basque Country, oriented toward promoting rapid responses on the ground when a rumour affecting ethnic groups arises. Initially oriented toward work on immigrant issues, Roma issues have also been included in its working materials.

There are also initiatives undertaken in cooperation with different universities. The annual anti-discrimination and awareness-raising campaigns promoted by the FSG with public funding have also achieved significant social impact both within the Roma community and in society as a whole. These campaigns have focused primarily on education and employment, including "Know Them Before Judging Them", "Your Prejudices are the Voices of Others" or "Employment Makes Us Equal".

⁴⁵ See: <http://www.gestionpolicialdiversidad.org/>.

⁴⁶ *Guía para la Gestión Policial de la Diversidad*, Plataforma por la Gestión Policial de la Diversidad (2013). Available at: http://gestionpolicialdiversidad.org/PDFactividades/guia_gestion_policial_diversidad.pdf.

To conclude, we would like to point out a number of remaining shortcomings and challenges which undermine the fight against discrimination and, in our opinion, deserve to be addressed by the adoption of specific measures:

- **Incomplete transposition into Spanish Law of the EU Racial Equality Directive (2000/43/EC).**

The completion of the transposition of the Directive was supposed to have been resolved by the ratification of a new law, the Comprehensive Equal Treatment Law, which should have been approved in 2012 but was abandoned due to the change of government in late 2011. Stakeholders consider this a missed opportunity in the promotion of equal treatment by the Spanish State and hope that the parliamentary procedure on the Equal Treatment Act will be resumed.

Concurrent with this failure to pass the new law, the approval of the **Comprehensive Strategy against Racism** at the end of the last legislative session did not cover the remaining breach in the transposition of the Equality Directives. While the Strategy is considered a step forward, further efforts should be made to ensure the effective implementation of its policy measures, notably the allocation of sufficient resources.

Another key element in this sense would be strengthening the **Council for the Promotion of Equal Treatment and Non-Discrimination of all Persons on Grounds of Racial or Ethnic Origin**, in line with the requirements of the EU Directive. Weaknesses and areas for further development include: a lack of political and managerial independence (beyond its current advisory role); a lack of a dedicated budget; a limited role, lacking a major social presence and more relevant policy; a lack of capacity to guarantee the juridical defence of victims of ethnic discrimination in the courts (since there is no service to defend, when necessary, non-discrimination - some social entities litigate as they can, but with big economic difficulties).

- **Lack of official information and data collection on discriminatory, racist or xenophobic incidents.**

In Spain, police forces and judicial services are not requested to collect ethnic data and there is no official registry of the victims of racist violence. Only a few organisations have been collecting such information in different parts of Spain for the past few years. A state-wide registry of the racist incidents detected by Spanish law enforcement officials is deemed necessary. This would also serve as an objective database, which we currently do not have, a disturbing reality that really must be addressed.

- The widespread **lack of awareness of Spanish laws promoting equal treatment and non-discrimination** in the judicial field. As a consequence, there is limited implementation of these laws in the courts, as shown by the scarce number of sentences referencing them.
- There is a **lack of integral assistance to victims of discrimination**. Some stakeholders propose the creation of an independent body to promote comprehensive assistance, counseling and accompaniment for victims of discrimination, given that the infringement of their right to equality qualifies them for protection and Spain is still lacking in that area.
- The development of a **more committed action against multiple forms of discrimination**, especially the multiple forms of discrimination experienced by Roma women and children.

6. FUNDING

6.1 Estimate of Funds Spent on Measures in the Framework of the NRIS or the Sets of Policy Measures for Improving the Situation of Roma Since 2011

6.1.1 Progress Since Adoption of the Decade Action Plan/NRIS Submission in Allocating Sufficient Budgetary Resources from National Budgets, to be Complemented by EU Funding Sources

Neither the Strategy nor the Decade Action Plan foresee a specific budget for their implementation; instead, they propose the use of existing funding sources (both targeted and general, from EU, national, regional and local authorities), but do not clearly identify them. As a result, it is not possible to monitor or assess the allocation of sufficient budgetary resources.

In addition, in recent years, most notably during the current economic crisis, we have witnessed a general decrease in many of the funding sources that could be used to implement the actions foreseen in the NRIS, which is a worrying trend. Only funds available through the EU Structural Funds have remained constant or even increased, through the reallocation of funds in the context of the OP "Fight against Discrimination". Other challenges that stakeholders are facing are the delay in the approval and/or payment of the amounts corresponding to some of these funding sources (such as the cofounding of the Structural Funds coming from public administrations, mainly regional and local administrations).

6.1.2 Territorial Approach or Other Targeting Mechanisms Followed by Budgetary Allocations

Funding for Roma integration comes from two different types of funding sources: targeted and mainstream. While it is possible to obtain data about targeted funding sources for Roma, e.g. the Roma Development Plan and the Personal Income Tax, it is difficult in the case of mainstream ones. In any case, given that the budget for the next year has not been adopted yet, it is only possible to present the data from the previous report.

The main funding sources are:

- *The Roma Development Programme.* This is funded by the MHSPE through annual calls for proposals and is executed by the Autonomous Communities and local authorities, in some cases in co-operation with non-profit organisations. There has been an important decrease in the funds available since its adoption from EUR 3 million in 1995 to the current EUR 550,000.
- *The Sharing of Personal Income Tax (IRPF).* This is the only source of funding managed directly by the MHSSEO, which has allocated funds to NGOs through an annual call for proposals since 1990. Between 2011 and 2012 it experienced a decrease of 1.84% (in 2012 the amount allocated through IRPF calls to the Roma community (2.78% of the total) amounted to EUR 5,667,656).
- *General regime subsidies* for organisations working in the areas of social services, families and childhood.
- *European Funds.* The Roma community benefits from these funds in two different ways: Specific Operational Programme "Fight Against Discrimination" (POLCD) (2000–2006 and 2007–2013 funding periods). Funded by the ESF and managed by five civil society organisations, this programme aims to promote the integration of the target groups covered by these organisations, among them Roma. It has been an initiative of major significance for the Roma integration policies. EUR 96.8 million have been made available for the whole OP in the current period (2007–2013).

The reallocation of funds still available within the OP undertaken during 2012 deserves particular mention. In June 2012, the Ministry announced the allocation of EUR 51 million (EUR 74 million with co-funding) to five non-profit organisations, namely, FSG, Fundación ONCE, Cáritas Española, Cruz Roja and the Organismo Autónomo de Trabajo Penitenciario y Formación para el Empleo to strengthen their programmes for improving the employability and labour integration of the target groups they address, one of which is the Roma community, with particular attention to youth. This decision was motivated by the current economic situation, whereby certain intermediate bodies, mainly public ones, could not cover the co-funding required by EU funds or suffer from implementation bottlenecks. This has been acknowledged as a really positive initiative by different stakeholders.

There has also been a re-allocation of funds to promote actions aimed at youth (without specifying any particular group) in the context of the regional OPs. However, given that no monitoring of this has been undertaken, it is not possible to evaluate whether it has had an impact on the Roma community.

- OPs managed by regional governments (there is no disaggregation of the funding available for actions targeting Roma).
- Budgets of *universal policies*, plans and programmes in each area indicated in the action plans, from which Roma and all citizens will benefit in general.
- *Regional budgets* oriented both specifically toward the Roma population and to the general population (with a special focus on Roma). In some regions an approximate reduction of 50% has been registered in comparison to five years ago.
- Also *local budgets*, at the municipal level.

i. Finances committed to Roma organisation capacity-building

To our knowledge there have been no new measures in this sense.

6.2 Budget Planning for 2014–2020

6.2.1 Ensuring EU Funds Will Be Allocated to Roma Inclusion for 2014–2020

The Spanish authorities are still working on the PA and the OPs. The final structure of the OP is still unknown. According to the latest information, Roma will benefit from Structural Funds in two different ways: On the one hand, it seems that the current OP “Fight against Discrimination” is becoming a huge social inclusion OP where Roma-specific actions are foreseen; and on the other hand, OPs managed by Regional Authorities may benefit Roma, depending on their willingness to include Roma directly as a target group or within mainstream measures.

To our knowledge, the use of ERDF for integrated housing interventions is not considered for the next programming period. However it seems that a, URBAN project for urban regeneration is foreseen.

6.2.2 Involvement of Independent Roma Organisations and Roma Inclusion Experts in the Planning of EU Funds for 2014–2020

The State Council of the Roma People has been invited to submit proposals for the PA covering the next programming period. Members of the Council have agreed on a common proposal for the PA regarding the use of Structural Funds for Roma inclusion during the next programming period which has been submitted to the Ministry.



Decade of Roma Inclusion Secretariat Foundation

In the pilot year of 2012, the Decade of Roma Inclusion Secretariat Foundation supported reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia and Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their National Roma Integration Strategy (NRIS). These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is no official data, or alternative interpretation of published data. All reports are available at <http://www.romadecade.org/civilsocietymonitoring>.

When the European Commission requested further input for assessing NRIS impact in 2012 and 2013, the Decade Secretariat supported the same civil society coalitions to update and streamline their reports.

The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with the Open Society Foundation's Making the Most of EU Funds for Roma program and the Roma Initiatives Office.



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