



Civil Society Monitoring Report

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

SPAIN



DECADE OF
ROMA
INCLUSION
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



Written by

Miguel Laparra ■ Carolina Fernández Díez ■ Marta Hernández Enríquez
Jesús Salinas Catalá ■ Andreas Tsolakis

Coordinated by

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and the Roma Initiatives Office of the Open Society Foundations



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This report was prepared by a civil society coalition comprising the following organisations: *Fundación Secretariado Gitano* (FSG – lead organisation), ALTER Research Group of the Public University of Navarra (*Universidad Pública de Navarra* – UPNA) and the *Asociación de Enseñantes con Gitanos* (AECG). The lead researcher of the coalition is Miguel Laparra (UPNA – ALTER Research Group) and the project manager is Humberto García González-Gordon (FSG).

The authors of the report are: Miguel Laparra (UPNA – ALTER Research Group – lead researcher), Carolina Fernández Díez (FSG), Marta Hernández Enríquez (FSG), Jesús Salinas Catalá (AECG) and Andreas Tsolakis (FSG), with the collaboration of Javier Arza (UPNA) in coordinating and synthesising the results of the interviews conducted by students of the UPNA in the framework of the research.

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In the pilot year of 2012, the Decade Secretariat decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia, Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic. In addition, the Decade Secretariat made a template public in order to encourage additional civil society actors to monitor the implementation of National Roma Integration Strategies (NRIS) and Decade Action Plans.

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 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 not official data, or alternative interpretation of published data.

The project is co-ordinated by the Decade of Roma Inclusion Secretariat Foundation in co-operation with the Making the Most of EU Funds for Roma programme and the Roma Initiatives Office of the Open Society Foundations.



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EXECUTIVE SUMMARY

The present report emphasises the significant advances that have been taking place in Spain since the late 1970s in terms of improving living conditions and promoting the social inclusion of Roma, a process facilitated by democratisation and the mobilisation of large sectors of civil society in favour of Roma inclusion, an expansive labour market from the late 1990s – which was built on labour intensive economic sectors and incorporated a significant number of Roma in remunerated employment, and the universalisation of the welfare State, which was generally inclusive of Roma. Universal and free health care has significantly improved the health status of Roma; minimum income schemes have prevented extreme material deprivation among many Roma; the access of many Romani families to social housing in desegregated urban contexts have contributed to reducing (although not eliminating) ethnic concentration and territorial marginalisation; and education has been increasingly inclusive of Romani children.

However, the processes of social inclusion and the improvement of living conditions among Roma, in spite of a decline in traditional economic activities, persistent poverty for a certain segment of the Roma population and racial discrimination in all social fields, are at risk and could come to a standstill with the onset of the crisis and its aggravation in the past five years. Moreover, the policy responses to the crisis could lead to a deceleration and even a reversal of decades-long processes of Roma inclusion. It is worth noting that the economic crisis and the policy responses seem to affect to a larger extent the most vulnerable sectors of Spanish society, including Roma.

The report thus highlights the complicated national social, economic and political context in which the Spanish National Roma Integration Strategy (NRIS) was adopted. The Spanish NRIS is highly valued as a strategic policy document, which aims to tackle comprehensively the disadvantages of the Romani community through an integrated approach, delineates adequate instruments and co-ordination mechanisms to achieve further advances in Roma inclusion, and allows public authorities to measure progress through well-defined qualitative and quantitative indicators. Nevertheless, it must be emphasised that the NRIS was adopted in the midst of deepening economic crisis, which is leading to significant budget cuts, especially in public health care and education as well as minimum income schemes, which are strategic areas of Roma inclusion. On its side, the fight against discrimination has been subsumed under the overarching objective of generating employment and achieving a more flexible labour market, which further excludes 'non-competitive' Romani workers from a shrinking job pool, as manifested by a threefold rise in unemployment rates among Roma since 2008. Welfare cuts and the crisis of the labour market have generated a manifest degradation of living conditions among many Romani families since 2008.

It seems that the austerity measures could cause the apparent postponement of the implementation of the NRIS, as there is no indication that new public investments have been approved as a direct result of the adoption of the Strategy. The crisis and austerity could therefore be considered as the underlying structural determinants of present and future Roma inclusion processes, and could condition negatively the NRIS's implementation and its potential to improve Roma living conditions in the coming years.

Structural requirements

The chapter highlights the specificities of Spain's governance system: The Spanish State is characterised by substantial decentralisation, especially as regards social policies. As a consequence of Spain's decentralised

governance structure, the role and competences of the central administration are limited and social policies cannot be considered without taking into account the regional and local authorities. This system has also generated regional differences regarding the policies for Roma inclusion and the welfare benefits to which Roma (as well as the rest of the population) are entitled.

Since 1989, initiatives related to Roma social inclusion have been framed in the nationwide Roma Development Programme, which has represented a key political and financial instrument in this area, with a specific budget line in the State's General Budget since its creation, and a step forward in improving the situation of the Romani population. This national level programme remains in force in the form of the 2010-2012 Action Plan for the Development of the Romani population, which has been complemented by regional plans in some of Spain's 17 Autonomous Communities, including Andalusia, the Basque Country, Catalonia, Extremadura, Galicia, Navarre and Castile-La Mancha. These plans have undoubtedly contributed to the so-called 'Spanish model of Roma inclusion'. A possible explanation of the relative success of the so-called 'Spanish Model' is the combination of public universal services and specific measures, adequately co-ordinated with the public services network and aimed at mainstreaming.

Since 1989, the co-ordination of public policies for the promotion and improvement of the living conditions of the Romani population in Spain, as well as for co-operation with the non-profit organisations working towards Roma inclusion, has been undertaken by the Service for the Roma Development Programme under the responsibility of the Directorate General for Family and Childhood attached to the State Secretariat of Social Services and Equality of the Ministry of Health, Social Services and Equality. However, as a relatively small unit within the central Government Ministry, with limited political capacity within the Government in comparison with economic ministries and affected by the most significant budget cutbacks, the Service for the Roma Development Programme's capacity to have leverage on general Government policies is limited, according to most stakeholders consulted. Its human and financial resources¹ are scarce if we take into account the existing needs and challenges. In addition, this unit does not have the capacity to implement its own initiatives due to the lack of competence of the central administration in most of the areas related to Roma inclusion, including education and active employment policies. In this context, the Service has a general role, aimed at setting the general framework and political guidelines and the lines of co-operation between the different actors (public administrations, social organisations and other relevant stakeholders), and fostering policies for the promotion and development of the Romani community. The decentralised governance process also affects the flow of information between administrative levels and has an impact on effective co-ordination. The Sectorial Social Affairs Conference (coordinating body between the central Government and the Autonomous Communities) does alleviate some of the obstacles to efficient and effective vertical co-ordination. However, it addresses such a wide range of topics that it is difficult to assess the amount of time and effort that it devotes to Roma issues.

The inclusion of civil society organisations, including Romani NGOs, in the governance process has been facilitated by the creation of the formal consultative body, the State Council of the Romani People. The latter provides an institutional framework for collaboration and co-operation between the General State Administration and the representatives of the organisations which work on the promotion and integration of the Romani community. In spite of numerous limitations, for example in relation to its organisational makeup, its capacity to influence policy and to generate social impact, it constitutes an undeniable step forward as regards the recognition of the Romani community.

Furthermore, Spain's National Roma Integration Strategy (NRIS) adopted in 2012 goes a long way towards bringing order and consistency to the actions and programmes already existing in Spain for the Romani population. Perhaps the most innovative contribution is the system of indicators and quantifiable objectives and targets, which will make its assessment in the future easier. The elaboration of the NRIS was based on a participatory approach, and involved key stakeholders, including central, regional and local (through the Spanish Federation of Municipalities and Provinces – FEMP) administrations as well as representative

¹ The unit manages programmes targeting specifically the Romani community which amount to some EUR 12 million a year (including the amounts for actions of co-operation between public administrations managed directly by local administrations and those for the promotion of the welfare of the Romani community managed by social organisations).

of civil society organisations working for Roma inclusion (through the State Council of the Romani People). One year after its adoption, it seems that the NRIS is still mainly a theoretical framework that remains to be implemented, as well as mainstreamed into the different policies and initiatives at all administrative levels. Its effective implementation by the National Contact Point – the aforementioned Directorate General for Family and Childhood in charge of Roma Inclusion Plans – is likely to be affected by the previously mentioned limitations.

Another relevant limitation is the lack of knowledge of different stakeholders about the NRIS and how to implement it on the ground. Most stakeholders consulted consider that there is a need for further political commitment to its implementation to address issues such as the lack of specific budgeting. It is too early to assess the effectiveness of the mechanisms foreseen for the monitoring and evaluation of the NRIS. The Spanish Strategy should be positively appraised for including a clear and specific framework for monitoring and evaluation, including by setting measurable indicators, but it remains to be seen how it will be implemented.

The chapter emphasises that the current context of economic crisis and the associated budget cuts in key public services could affect to a larger extent vulnerable groups and persons, including Roma. The combined weakening of economic activity and of the welfare system could threaten the advances made in the past three decades in relation to Roma inclusion.

Anti-discrimination policies

Anti-discrimination policies are relatively new in Spain. These policies have been elaborated in part 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 to the fore issues of racism and ethnic conflict for the public authorities. These policies were not designed to address the specific situation of Spain's largest native ethnic minority, the Romani community.

This chapter insists on the fact that, in spite of mass immigration, the Romani community remains affected by the most negative perceptions and stereotypes from the majority population. As such Romani persons continue to face a particularly high risk of being victims of discriminatory behaviour.

Although discrimination may be considered a 'fact of life' for many Roma, an increasing proportion of Romani report their having experienced discrimination in various fields (access to housing, employment, privately-owned places accessible to the public, and to a relatively limited extent public services, as well as ethnic profiling by the police). Romani persons' growing awareness of discrimination is, in part, a positive result of awareness-raising efforts by State agencies such as the Council for the Promotion of Equal Treatment and Non-Discrimination of Persons on Grounds of Race and Ethnicity (Council for Equal Treatment), as well as by non-governmental organisations through mass campaigns focusing primarily on employment and education.

In relation to civil registration and identity documents, the Spanish Romani population no longer faces problems concerning their registration or documentation. The most marginalised sectors of the community who lacked registration and/or national identity cards, resolved these matters in the 1980s. However, Romani immigrants from Eastern European countries do face registration issues, primarily due to the elevated costs associated with obtaining valid documentation in their countries of origin. Additionally, Romani migrants do not always register on local registries in Spain (despite the obligation to do so for local authorities) and may not have applied for permits to regularise their residential and employment situation. The lack of registration in Spain prevents access to social rights – including health care and benefits.

The fight against discrimination is a recent phenomenon, and is hindered by scarce information and data collection on discriminatory incidents, as well as the lack of a requirement for police forces and judicial services to collect ethnic data. Training of civil servants who are central to the fight against discrimination (such as the police forces and judges) is under way, but significant gaps remain in achieving a main-

streaming of anti-discrimination in the public sector. Nonetheless, the chapter highlights several positive institutional developments, including the recently created prosecutors' offices addressing hate crimes and discrimination (Barcelona being the first), the Comprehensive Strategy against Racism, Xenophobia and Intolerance adopted in late 2011, the identification and arrest procedures established by the police force of Fuenlabrada (Madrid region) and the Network for Assisting Victims of Discrimination established by the Council for Equal Treatment, which involves Spanish NGOs, as cases of good practice.

However, the fight against discrimination is undermined by the incomplete transposition into Spanish Law of the EU Racial Equality Directive, and by the abandonment of the projected Equal Treatment Act in late 2011. The latter, which would have allowed Spain to comply more fully with EU Law, is regarded by most stakeholders consulted as a missed opportunity in the promotion of equal treatment by the Spanish State.

With regards to the situation of Romani children, their fundamental rights are guaranteed in formal terms. Nevertheless, poverty and social exclusion affecting the Romani community may affect the adequate development of Romani children, in spite of the positive work undertaken by various NGOs to fight against early school leaving among them.

Romani women are affected by multiple forms of discrimination. Although social services and NGOs tend to work more frequently with them, this seems insufficient to reduce the disadvantages of Romani women both within and outside their community.

Concerning human trafficking, a plan on trafficking in human beings has recently been approved, but its impact cannot yet be assessed.

Education

In general terms, Spanish Roma are characterised and differentiated by their low formal educational level in comparison with the rest of the population. In spite of significant progress among the younger age cohorts in the past decades, the general level of schooling of Roma is significantly lower than that of the general population. The academic level of adult Roma is very low, with high illiteracy and functional illiteracy rates, and high rates of early school leaving and academic failure.

Gender imbalances among Roma are more accentuated than in the majority population, with higher illiteracy rates among Romani women, especially in the older age cohorts, and lower overall academic levels (including a 6% difference in the proportion of Romani males and females reaching compulsory secondary education).²

The situation of Romani students in the Spanish educational system has radically changed in the last three decades. The democratisation of Spanish society and State has consolidated a public, universal and free educational system which has expanded its capacity and is hosting students in the context of increasing social and ethnic diversity. Compensatory educational policies, together with the allocation of specific resources and legislation promoting the standardisation of inter-cultural approaches to schooling, have enabled the emergence of an educational framework of a public, universal and free character which, complemented by the Penal Code which penalises the discrimination on the ground of culture and ethnic origin, offers the opportunity to defend the citizenship of Roma. In fact, by ensuring their virtually universal enrolment in mainstream education in conjunction with the provision of material support to compensate socio-economic disadvantages (including canteen grants and grants for school materials), and by offering the regulatory conditions (through legislation recognising the principle of inter-culturalism in education) to promote their right to cultural recognition, the educational framework in Spain can be considered to be inclusive of Roma. Although there are still some elements to be addressed, this educational framework

2 M. Laparra, *Diagnóstico social de la comunidad gitana en España. Un análisis contrastado de la Encuesta del CIS a Hogares de Población Gitana 2007* (Madrid: Ministry of Health, Social Policy and Equality, 2011). Available at: http://www.msc.es/ssi/familiasInfancia/inclusionSocial/poblacionGitana/docs/diagnosticosocial_autores.pdf.

is fostering the regular presence in school of Romani children, as most Romani families have regarded the need for their children to join the educational system to be the only way out of marginalisation, but also as a preparation for, and access to, occupations other than street trading.

Romani children aged one to three years have recently begun their gradual incorporation into pre-school programmes. This constitutes a fundamental change that breaks the habit of over-protecting children in Romani families. There is also a very high enrolment rate in the second phase of pre-school programmes and primary education (three to 12 years).

The current transition from primary to secondary education (at the age of 12) involves however a series of challenges as regards the permanence of Romani children in school, especially in post-compulsory education (pending the publication of the latest study on Romani students in the formal education system, it is estimated that the school leaving rate among Romani students reaches 70-80% in secondary education, both compulsory and non-compulsory).³ This leaves too many of them out of the formal educational system. Romani children are usually enrolled for a period of 10 years in primary schools, which is enough time to socialise and get to know the teachers, creating a familiar and trusted atmosphere. In secondary schools, students are enrolled only for a period of four years, and are taught each subject by different teachers, with teachers changing over the course of the four years. In addition, personalised tutoring is more limited and Romani families find such an environment less capable of ensuring control of their children within the school. This is compounded by a fear of the nature of relationships between their children and their non-Romani peers, together with a deeply embedded rejection of *apayamiento* (assimilation) implied by permanence in the educational system. Moreover, the phase of adolescence which tends to limit the desire to study subjects they do not like, the caring role that Romani girls begin to assume (eg. taking care of younger siblings and assuming new domestic tasks) and the fact that Romani boys begin working with their father or seek other work, as well as early courtship and marriage, all contribute to fostering high drop-out rates among Roma both in the transition between primary and compulsory secondary schooling and during secondary schooling itself. While factors internal to the Romani community play a role in fostering absenteeism and early school leaving, experts consider that external factors also play an important role in generating high drop-out rates among Roma. These factors are both direct and indirect forms of discrimination: an institutional form of discrimination, which manifests itself in ethnic concentration and segregation in some public schools, and generates structural impediments to permanence in school and academic success. Direct discrimination on grounds of race/ethnicity is also a factor: in 2011, an average of 7-8% of Romani respondents (with 5 to 11 cases per year since 2009) considered that they had experienced direct discrimination on grounds of race in the classroom or in the registration process to access a particular course or programme.⁴

The involvement of Roma in higher education is relatively anecdotal, with an estimated 0.3% (Centre of Sociological Research/*Centro de Investigaciones Sociológicas* [CIS]) to 1.1% (*Fundación Secretariado Gitano* [FSG]) of the Romani population reaching higher education.⁵ There is no reliable data on university students of Roma ethnicity, and there is evidence of no more than 200 individual Romani students annually, although it is likely that many more are 'invisible' and have no interest in being recognised as Roma. In any case, there is a manifest under-representation of Roma in tertiary studies. Of the 1,633,183 students in tertiary education in the 2010-2011 academic year, no more than 200 were Roma, when there should be circa 28,000 proportionate to their demographic weight.⁶ The few available studies concur in observing that the vast majority of Roma who reach university are women (in Andalusia, 8 out of 10 university students of Roma ethnicity are women).

During the year 2012, there is no evidence that new specific educational measures, resources or programmes targeting Roma were implemented as a direct result of the adoption of the NRIS, and according

3 *Ibid.*

4 FSG, *Discriminación y Comunidad Gitana 2012* (2013). Available at: http://www.gitanos.org/upload/28/98/Informe_discriminacion_2013_FSG.pdf.

5 M. Laparra, (2011), *op.cit.*

6 Data extrapolated from the most recent census in 2011: Total population of 46,815,916 and an estimated Romani population of 800,000. See National Statistics Institute (INE) at: www.ine.es.

to the experts consulted it seems that there is no alignment between general educational policies and the NRIS. This implies that the impact of the NRIS cannot be measured at this stage, but it is expected to be limited given the significant budget cuts undertaken in the past two years in this area, which are likely to threaten the implementation of the positive measures foreseen in the Strategy.

In fact, the aforementioned advances in terms of enrolment and permanence in school among the younger age cohorts might be undermined in the medium-term by the generalised cutbacks in educational budgets that have been taking place both at the national and regional level since 2010 – the Ministry of Education has for example undergone a budget cut of 37% since 2010 (i.e. a total of 6.3 billion EUR, including a 14.4% decline between 2012 and 2013), while the cuts have averaged 20% in Spain's regions. The central Government expects that total cuts in educational budgets between 2010 and 2015 will reach one percentage point of GDP (to 3.9%).⁷

Given the shared competencies in education between the central and regional governments,⁸ budget cuts are not implemented to the same extent among regions, and hence impact the State provision of education differentially, which is intensifying regional disparities in terms of the quality of education. Experts furthermore consider that the privatisation process of the management of schools is intensifying disparities between (fully or State-subsidised) private schools where those children with more resources tend to be concentrated, and a public school system, where the bulk of ethnic minorities (immigrants and Roma) take part, which is generally under-funded and under-staffed and which is affected by the territorialisation of poverty and exclusion by generating some 'ghetto' schools in which more than 80% of the student body is Romani.

It remains to be seen whether and the extent to which these cuts will affect the educational promotion of Roma. They may increase the abovementioned barriers, including the segregation of some Romani students in public schools, which are in many cases under-funded, and undermine Roma access to early childhood education, and may slow down the positive dynamic process of educational promotion and inclusion that has taken place through compensatory and awareness-raising measures.

Employment

The access of the Romani population to salaried employment in Spain took place late – it only started to be a relevant phenomenon from the 1960s – and was only partial, which explains the vulnerable situation of many Romani workers, even prior to the current economic crisis. Indeed, this context of crisis – notably due to its impact on low skilled jobs – has hit Roma, who normally hold more precarious, less skilled and more vulnerable positions, particularly hard. As a consequence, it has led to the deceleration of the process of Roma participation in salaried employment.

The difficulties faced by Romani workers to access employment are much bigger than in the case of the majority population and all the employment indicators are worsening at the moment (even more intensively than for the rest of Spanish population). The NRIS implicitly recognises that these negative effects will not be compensated until 2020. It is also worth noting that considerable differences do exist between Spanish regions in relation to local labour markets, social protection programmes and active policies.

7 "El presupuesto de Educación cae un 14,4 %, 1.944,73 millones de EUR en 2013", *Expansión*, 29 September 2012. Available at: <http://www.expansion.com/agencia/efe/2012/09/29/17661837.html>.

"Los presupuestos educativos pierden más de 6.300 millones desde 2010", *El País*, 2 December 2012. Available at: http://sociedad.elpais.com/sociedad/2012/12/02/actualidad/1354468473_616956.html.

8 Ministry of Education, *Organización del sistema educativo* (2013). Available at: <http://www.mecd.gob.es/educacion-mecd/en/areas-educacion/sistema-educativo/principios-fines/administracion-educativa.html>. The central Government exercises exclusive competence in regulating basic aspects of the educational system, such as ensuring a homogenous school curriculum and reducing inequalities in education (for instance through a significant bursary programme). Autonomous Communities have the competence to implement basic national regulations, to regulate non-basic aspects of the education system as well as the direct management of the school system.

To address this situation, it is considered necessary to redesign and improve the social protection system and orient it to persons at greatest risk of poverty and exclusion (including a large proportion of the Romani population) in order to prevent extreme poverty, which has been growing very fast in the past couple of years. An activation strategy to maintain and enhance the active potential in the Romani population and to allow the reincorporation of the unemployed into the labour market through the provision of new jobs is also necessary.

Against this background, the targets proposed in the Spanish NRIS regarding employment seem quite moderate for a period of eight years, although it is recognised that in light of the evolution of the general immediate forecasts, the stated objective for 2015 (50% employment among Roma, from 43.8% in 2011) will be very difficult to reach. In addition, the Strategy does not state clearly the means used to achieve these targets, especially in the current adverse economic context.

The Strategy proposes two strategic lines of action, notably training and qualifications – as instruments to improve the employability of the Romani population – and access to employment. The importance given to training and qualifications seems fully justified in the current context, which has notably led to the reduction of the pool of jobs with low qualifications. The Strategy proposes a combination of specific programmes targeting Romani people at risk of exclusion along with access to mainstream programmes. It also 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, informative and guidance actions. This is also the case as regards discrimination on the ground of ethnic origin, which is probably the main barrier for the access and permanence of Roma in the labour market. Foreseen actions do not seem sufficient taking into account the dimensions of the problems faced by Roma in relation to employment.

The models implemented in Spain to provide young people with a first labour experience – combining training and professional experience with a labour contract, in some cases directly, in others through agreements with the companies in which they will do their traineeship – are in line with the importance given in the Spanish Strategy to paid internships in companies (dual training). It is also in line with the reform proposed in relation to professional training and the plan on youth employment which have recently been presented, although it remains to be seen how these proposals will be implemented.

The reduction of the proportion of Roma dedicated to collaborating in family economic activities proposed in the NRIS will also have an impact on Romani youth, as well as women, as it is a situation which mainly affects these groups. It is also true that Romani youth, especially women, have been a priority target in the regular work undertaken both by public social services and within the labour integration programmes of non-governmental organisations.

With regard to the participation of Roma in public work schemes and the State administration, the presence of Romani workers in the public sector was traditionally really low, due, among other reasons, to high formal demands and requirements in the selection processes.

As far as the incentives for leaving unemployment and social assistance benefits are concerned, in general terms, no system has been designed to promote the search of employment through positive measures (allowing for example the combining of subsidies with new employment), instead of punitive measures (e.g. losing the subsidy if a job is rejected or if the time foreseen for the receipt of the subsidy is exceeded). There is a risk that this system has dissuasive effects for the labour integration of Roma and other vulnerable groups.

Finally, this chapter analyses specifically the *Acceder* Programme, a labour intermediation programme which emerged in 2000 with the objective of effectively incorporating the Romani population in employment. Funded mainly by the European Social Fund (ESF), within the Operational Programme Fight Against Discrimination (POLCD), the Programme has proven its value and converted itself in a reference point and a

good practice model at the European level. The *Acceder* programme, referred to on several occasions in the Spanish NRIS, is considered by experts and by Spanish Government sources to play a key role in contributing to achieving the NRIS's objectives in relation to Roma employment rates and employability, as well as in reducing rates of poverty and exclusion among Roma.

Health

In spite of a lack of longitudinal data, experts and Romani respondents in the most recent survey on the matter (2007) agree in observing that there has been a significant improvement of the health status of the Romani community in Spain in the last decades, in large part thanks to the development of universal health coverage, together with policies for the eradication of shanty towns and degraded neighbourhoods in various regions (Autonomous Communities). However, some areas require additional efforts to eliminate existing health inequalities between Roma and non-Roma, as highlighted for instance in the Spanish NRIS and past surveys.

Romani persons generally show a poorer health status than non-Roma in similar socio-economic circumstances – and unsurprisingly, than non-Roma in higher income cohorts – for a variety of indicators, including lower life expectancy, higher rates of being overweight, 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 and habits, and the utilisation of certain services not covered by social security, including dentistry and ophthalmological services. Gender imbalances are manifest in the fact that Romani women report a significantly worse health status than Romani men.⁹

In spite of the advances achieved by national and regional health programmes involving comparative surveys, targeted awareness-raising campaigns for the promotion of preventive medicine among Roma and inter-cultural training sessions and materials for health professionals, it seems that there is a risk of witnessing an stagnation of progresses and a deterioration of the health conditions of vulnerable groups, including Roma, in light of recent socio-economic and policy developments.

Increases in unemployment and poverty rates in the context of economic crisis, combined with a deterioration of public health services – caused by budget cuts as well as rapid increases in demand, causing a saturation of many services, including health emergency services – may affect negatively the health status of Roma in the coming years. At the same time, the recent health care reform introduced by the Spanish Government calls the existing Spanish model of medical protection and its universal nature into question by formally excluding certain groups from the national health system's coverage. This is the case in particular of immigrant Roma and those Spanish Roma who have not had a relation with the formal labour market and are unable to be included among the exceptions established by the new regulation, although there is no evidence that Spanish Roma have been denied access to the public Health Insurance Card or to health care services. Nonetheless, it seems that there exist increasing impediments to the access of Bulgarian and Romanian Roma to the Health Insurance Card, and hence, to non-emergency health services.

The chapter highlights the divergence between observable positive institutional and policy developments, including the NRIS and the Health Equality Strategy targeting the Social Determinants of Health on the one hand, and the political, legislative and macro-economic tendencies which seem to lead to the curtailment of universal health provision on the other, which undermine the fundamental right to quality health care by Roma (especially immigrants from eastern European countries). Although the EU Directive on cross-border health care adopted in February 2011 (7056/11) enshrines the right of EU citizens to receive health care in other Member States, some provisions (preservation of the right of Member States to organise their own health care systems, including the control of costs) allow Member States to limit access

9 D. La Parra, *Hacia la equidad en salud. Estudio comparativo de las encuestas nacionales de salud a población gitana y población general de España, 2006* (Madrid: Ministry of Health and Consumption and FSG, 2009). Available at: <http://www.mspsi.gob.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/comuGitana.htm#estudioEPG>.

of non-residents to non-emergency treatment by limiting the application of the rules on reimbursement, or by establishing restrictions to access or systems of prior authorisation to manage inflows and outflows of patients.¹⁰ The Spanish Government's health reform built on these provisions to limit access of EU citizens to its health care system. While the reform was intended to fight against health tourism, in practice it also limits the access of many immigrants, including Roma, to specialised and cost-intensive health care.

At the same time, it seems that there is a misalignment of the Spanish NRIS's health objectives with other policy and institutional developments, which implies that the Common Basic Principle of mainstreaming Roma issues in general policies (no.4) is insufficiently applied in the Spanish context, while the principle of explicit but not exclusive targeting (no.2) is affected by declining targeted resources for health-related actions with Roma.

These central tendencies may put in danger the decades-long process of inclusion of Roma in Spain's mainstream health system and the improvement of Roma's health status and even imply some setbacks in the medium-term. They may also undermine efforts to achieve health equity and thus hinder the achievement of Spain's poverty reduction and social inclusion objectives in the framework of the Europe 2020 Strategy.

Housing

The housing situation of Roma has improved significantly in the last two decades thanks to the combination of the 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 specific typology* to a model based on resettlements in *normalised* housing, spread all over the municipality, complemented with measures of social support.

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

In addition, the current socio-economic context, and the reduction of public resources available for housing policies, seem to aggravate existing problems and bring new threats to the housing situation for all citizens in general, and vulnerable groups, including Roma, in particular, which may put at risk the improvements in access to decent housing experienced by a significant proportion of Romani families during the last decades. These problems, which include among others difficulties in accessing private and public housing and covering the cost of buying or renting a house (due to the reduction of income), are leading to two serious problems: evictions and overcrowding.

There is no specific policy regarding the Romani community and housing at State level and legal texts generally do not mention this group. Action in relation to the Romani community is framed within the general housing policies, notably the successive State Plans for Housing. These State Plans set the general framework for action, which is then translated into collaboration agreements with regional, and in some cases local, authorities, which are the ones with competence in the area of housing and urban planning and therefore are in charge of the implementation of the interventions.

We are currently in a period of transition. A new State Plan for the Promotion of Rental, Rehabilitation, Urban Regeneration and Renovation 2013-2016 (*Plan Estatal de Fomento del Alquiler de Viviendas, la Rehabil-*

10 In addition, the Directive allowed a period of 30 months from its adoption (28 February 2011) for Member States to transpose the Directive's provision into national legislation, which means that infringement procedures cannot be initiated until September 2013. Council of the European Union, "Directive on cross-border healthcare adopted", press release, 28 February 2011. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lisa/119514.pdf.

itaci3n, la Regeneraci3n y Renovaci3n Urbanas),¹¹ which will replace the current State Plan for Housing and Rehabilitation 2009-2012 (PERV)¹², has just been adopted. This means that the interventions carried out during 2012 or ongoing were planned (both those in the context of the State Plan or of other plans and initiatives as well as those directly managed by social organisations) before the Spanish NRIS was adopted. Nevertheless, it is important to note that the State Plan 2009-2012 was considered when preparing the NRIS and therefore in general terms the objectives and lines of action of the NRIS are in line with those of the State Plan and the interventions undertaken in its context.

As regards the new State Plan, it seems insufficient to address the current challenges and could be even considered a step back in relation to the previous policy documents, including the State Plan and the Spanish NRIS. While we find elements which are in line with the NRIS (e.g. measures to address substandard housing, social rental, specific mention to disadvantaged groups, etc.) and in some cases represent a step forward (e.g. requested evidence regarding income), there are other elements that have not been taken into account (e.g. the eradication of slums as well as the use of ERDF are not mentioned as such) or could have a negative impact on the Romani population (e.g. the requirement of "residing legally" to benefit from certain actions). 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 Romani People to correct the aforementioned shortcomings and potential negative consequences have not been taken into account. It is hoped that the Draft Law on Urban Rehabilitation, Regeneration and Renovation (*Anteproyecto de Ley de Rehabilitaci3n, Regeneraci3n y Renovaci3n Urbanas*),¹³ which is currently being discussed in the Parliament, goes beyond the State Plan and puts forward final solutions to the problem of slums and substandard housing.

Re-housing policies have been the main mechanism to promote desegregation and improve the housing conditions of significant sectors of the Romani community (those persons in slum settlements and substandard housing). Until now, all policy documents related to Roma integration and housing policy paid particular attention to the eradication of slums and to the reduction of substandard housing. However, as already mentioned, the recently adopted State Plan 2013-2016 does not make any explicit mention of the eradication of slums and introduces a requirement which could leave many Roma who do not reside legally in their houses or live in slums outside the scope of the actions. Access to quality housing and accommodation has also been another key area of action until now with several measures proposed in the NRIS and the two State Plans, including the promotion of social housing (for rental, sale, rental with the option of sale and for specific or particularly vulnerable groups) as well as support to access housing for renters and buyers. These measures have had a very important impact on the Romani community historically, although in some cases they have led to the concentration of Roma in certain areas or neighbourhoods.

Housing is, however, one of the areas in which Roma experience more discrimination and where 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.

While the Spanish NRIS and the State Plans foresee the use of comprehensive, integral interventions, we do not have specific evidence on whether and how this approach has been implemented. In general terms we note that these approaches are more common at the local/regional level (a number of existing initiatives throughout the Spanish territory are mentioned in the chapter). This type of intervention would require close horizontal co-ordination (at State as well as at regional and local levels), an area where further developments are needed.

As regards vertical co-operation, implementation of housing interventions implies the close co-operation between State and regional authorities (Autonomous Communities), through the conclusion of co-operation agreements for the implementation of the State Plans, and co-operation through mechanisms such as the Sectorial Conference on Housing and Land and the bilateral commissions for the monitoring of the Plan. Co-operation with local authorities takes place through the regional authorities, except in the case

11 *Royal Decree 233/2013*, published in the Spanish Official Gazette on 10 April 2013. Available at: <http://www.boe.es/boe/dias/2013/04/10/pdfs/BOE-A-2013-3780.pdf>.

12 *Royal Decree 2066/2008*, of 12 December 2008. Available at: <http://www.boe.es/boe/dias/2008/12/24/pdfs/A51909-51937.pdf>.

13 See: http://www.congreso.es/public_oficiales/L10/CONG/BOCG/A/BOCG-10-A-45-1.PDF.

of some interventions, including in areas of particular relevance for Roma, that foresee the conclusion of agreements with both the regional and local authorities. Institutional co-operation and consultation with civil society organisations is mainly organised in the context of the State Council of the Romani People, notably through the Working Group on Housing.

While the Spanish NRIS asks for the “greater use of Structural Funds, particularly the ESF and the ERDF”, the use of this funding source is not explicitly mentioned in any of the State Plans. There have been some initiatives to push for integrated housing projects under Article 7.2 of the ERDF Regulation, but at this point no project has been officially approved. A current problem in relation to the use of these funds is the co-financing.

As concerns data, the NRIS gathers information from the most recent sources available regarding Roma and housing situation. In general terms, it is difficult to gather specific information on Roma and housing interventions because data on ethnic origin is not collected.

In order to address some of the most pressing issues affecting Roma in relation to housing, relevant actors consider that the Government should take into account the objectives of the NRIS in the area of housing in the Draft Law on Urban Rehabilitation, Regeneration and Renovation, including the eradication of slums and substandard housing. They also recommend that the Government urgently adopts measures to avoid the eviction of families with few resources and promote access to affordable housing to prevent increasing problems such as overcrowding or, in extreme cases, homelessness. Housing policies for the rehabilitation of neighbourhoods and restoration of buildings in urban and sub-urban areas should also be promoted, providing the necessary public equipments and promoting economic activities, with the aim of combating the deteriorated conditions, residential segregation and concentration in which many Romani families still live. Finally, the Government should take full advantage of the opportunities offered by EU funds for integrated housing interventions, by providing technical assistance, reducing administrative burdens, facilitating access to co-funding, and combining funds.



RECOMMENDATIONS

On the basis of the main findings and considerations of this report and the input provided by stakeholders during consultation, and although multiple recommendations could be made to improve the functioning of institutions with respect to the Romani community at many levels and areas, this “civil society coalition” has opted to focus on a selection of robust recommendations of a strategic character. In each of the areas in focus in this report, in addition to a more exhaustive list of important recommendations, we highlight a small number of fundamental measures that we consider should be implemented urgently (within the coming year) to alleviate the degradation in living conditions and setbacks in the process of including Roma and allow for the fulfilment of both NRIS targets and, ultimately, Europe 2020 objectives regarding the reduction of poverty/exclusion, employment and education.

Recommendations on structural requirements

Measures of an urgent character on structural requirements

- Strengthen, develop and endow the administrative unit responsible for Roma policies (i.e. the National Contact Point as identified in the Spanish NRIS) with adequate human and financial resources to ensure a high level executive body within the Government for policy co-ordination in planning and implementation.
 - Reform the State Council of the Romani People by enhancing the functions of representation and social participation assigned to it, sustaining the participation of Romani associations and of the social organisations working with the Romani community. To this purpose, its working groups should be provided with the necessary means to realise effectively their work. Furthermore, the official planning, monitoring and evaluation documents of public policies in this field should be formally debated and ratified in plenary meetings.
 - Establish stable co-ordination mechanisms between the reformed and strengthened National Contact Point and the State Council of the Romani People.
 - With regard to the Structural Funds, given the difficulties of financing public policies foreseen for the coming years, it is important to reinforce the lines of work already undertaken with a view to achieving a broader and more efficient use of the funds and a real impact on the Romani community.
1. *Strengthen, develop and endow the administrative unit responsible for Roma policies (i.e. the National Contact Point as identified in the Spanish NRIS) with adequate human and financial resources* to ensure a high level executive body within the Government for policy co-ordination in planning and implementation.
 - For the next step of the National Strategy, a new model of organisation should be designed with enough management autonomy for developing each line of activity foreseen in the NRIS, with competency for co-ordinating the ministries involved, for involving the Autonomous Communities and municipalities and giving technical assistance to the State Council of the Romani People.
 - The reinforced National Contact Point should create a governing body with direct participation of all Autonomous Communities, oriented to the shared design, monitoring, evaluation and communication to the public of all policies relevant to the Romani community in the framework of the NRIS.

- The National Contact Point should focus on developing and formalising the work of the planned Technical Co-operation Group. This would require formalising institutionally the involvement of the Autonomous Communities in the Group in the planning, monitoring and evaluation of the NRIS, and take fully into account (indeed, comply with) the recommendations of the Group.

2. *Reform the State Council of the Romani People by:*

- Enhancing the functions of representation and social participation assigned to it, sustaining the participation of Romani associations and of the social organisations working with the Romani community.
- To this purpose, its working groups should be provided with the necessary means to realise effectively their work.
- The official planning, monitoring and evaluation documents of public policies in this field should be formally debated and ratified in its plenary meetings.
- Incorporate representatives of the participation and monitoring organisms established in the distinct Autonomous Communities.

3. *Stable co-ordination mechanisms between reformed and strengthened National Contact Point and State Council of the Romani People* should be established to ensure effective civil dialogue on issues and policies relevant to the Romani community.

4. *Elaborate a systematic plan for collecting information* that should include at least the actions implemented in the Autonomous Communities in different fields and their specific impact on the Romani community, as well as a statistical plan for the elaboration the surveys and specific studies that maintain and update, with adequate frequency, the system of indicators needed to assess the fulfilment of objectives included in the NRIS.

5. *With regards to Structural Funds, given the financing difficulties of the public policies foreseen for the coming years, it is important to develop the lines of work already undertaken with a view to achieving broader and more efficient use of funds and to achieving a real impact on the Romani community:*

- Keep initiatives in place that have proven their value towards the social inclusion of the Romani population such as the Operational Programme Fight Against Discrimination in Spain. The preliminary results of an impact assessment of the OP, which will be published in the coming months, demonstrate its efficiency and effectiveness.
- Smooth the process of combining different funds (mainly ESF and ERDF).
- Ensure that funds are not focused exclusively on employment, but rather employment, education and exclusion in equal measure, encouraging the development of an integrated approach, which has proven to be the most effective one.
- Ensure greater involvement of local and regional authorities and make certain that Structural Funds that reach the local level are used for the social inclusion of Roma.
- Provide spaces for the participation of civil society organisations in the development of local strategies that could affect disadvantaged groups.
- Strengthen the partnership principle and ensure that partners are involved in every phase of the process, from planning to evaluation. Technical assistance and global grants should be used as key tools to consolidate and improve the results of partnerships.
- Simplify procedures in order to facilitate the access of key players to EU funds.
- Increase the role of Monitoring Committees to assess the impact of actions co-financed by Structural Funds for Roma inclusion, inviting Member States to report on progress achieved in improving the social inclusion of Roma.
- Strengthen civil society participation, particularly of Roma themselves, in Monitoring Committees.

Recommendations on anti-discrimination

Measures of an urgent character in the fight against discrimination

Strengthen 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 recommendations made by different organs:

- Guarantee its political independence and managerial autonomy.
- Endow it with adequate own resources to develop the tasks assigned to it.
- Guarantee the juridical defence of victims of ethnic discrimination.
- Enhance its social presence and the public knowledge of its mission and functions.
- Strengthen the existing network of centres of assistance to victims.

1. *Resume the parliamentary procedure of the Equal Treatment Act*, ensuring the achievement of an adequate and sufficient transposition of Directive 2000/43/EC. Even if this first recommendation was not given effect, the following could be developed:
 - In parallel to the parliamentary procedure for the ratification of the new law, a widespread information campaign should be developed through information media on its contents and practical implications, in order to ensure that the information reaches the general public, institutions and potential victims of discrimination.
 - Particular attention should be paid to ensuring that professionals in the judicial system and in the security forces are aware of the contents of this law.
 - Develop a penalty system through administrative channels, to enhance the capacity for direct intervention of the public administration in this field.
 - Develop a systematic and comprehensive registry of victims and of incidents involving racism or discrimination.
2. *Strengthen 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 recommendations made by different organs:
 - Guarantee its political independence and managerial autonomy.
 - Endow it with adequate own resources to develop the tasks assigned to it.
 - Guarantee the juridical defence of victims of ethnic discrimination.
 - Enhance its social presence and the public knowledge of its mission and functions.
 - Strengthen the existing network of centres of assistance to victims.
3. *Develop the Comprehensive Strategy Against Racism*.
 - Assign sufficient resources for the effective implementation of its policy measures.
4. *Develop more committed action against multiple forms of discrimination, especially the multiple forms of discrimination experienced by Romani women and children*.
 - Implement awareness-raising programmes targeting Romani women and aimed at enhancing the knowledge of their rights in the face of discrimination, abuse and violence.

Recommendations on education

Measures of an urgent character in education

- Sustain the Educa3 Plan and create a sufficient number of free places in childhood education centres, with schedules aimed at a reconciliation of work and family life.
- Sustain programmes facilitating the transition from primary to secondary school while combating absenteeism and early school leaving.
- Promote mediation programmes between Romani families and education centres in order to build a relationship of trust between teachers and Romani families, help Romani parents internalise the benefits of formal education and obtain their active involvement in the schooling of their children.

We consider the recommendations and objectives of the Spanish NRIS, approved by the Council of Ministers in March 2012, as valid and necessary, but maybe too optimistic and not too realistic given the current situation. However, some objectives included in the Action Plan for the Development of the Romani population 2010-2012, approved by the Spanish Government, are missing from the NRIS but need additional specification and development, as elaborated below:

1. *Increase schooling of Romani Children in Early Childhood Education:* Increase the proportion of Romani children who attend kindergarten prior to compulsory education (<6 years), from 74-87% to 95% in 2020. The general population has a rate of 97.5% (Specific objective 1.1).
 - In line with the objective of increased proportion of Romani children who attend kindergarten prior to compulsory education (<6 years) to 95% in 2020, the Government should maximise support to families through targeted measures including parental awareness campaigns, kindergartens' outreach programmes, training of teachers and employing Roma in assisting positions.
 - The Government should sustain the Educa3 Plan and create a sufficient number of free places in kindergartens, with schedules aimed at a reconciliation of work and family life.
 - Develop awareness-raising actions among Roma to facilitate their involvement in kindergarten.
 - Enhance co-ordination mechanisms between social and education services at the local level to better monitor and evaluate inclusion processes.
2. *Universalise education and increase the academic success of Romani students in primary education:* Increase the enrolment of Romani children in primary education (6-12 years), from 96.7% to 99% in 2020. The rate among the general population is 99.9%.

With a view to achieving this objective, State authorities in collaboration with civil society organisations should pursue existing awareness-raising actions among Romani families to help them internalise the benefits of formal education and to obtain their active involvement in the formal schooling of their children. A possible avenue could be the promotion of a mediation programme between Romani families and education centres to enhance their understanding of the education system, which would involve the following actions:

 - Normalise relationships between schools and Romani families by incorporating the latter in the school parents' associations and school councils,
 - Promote the creation of a parents' school to help Romani parents endorse their necessary involvement in the school life,
 - Create spaces and moments to build a relationship of trust between teachers and Romani families in primary schools;
 - Incorporate the culture and history of the Romani people in the school curricula, from an inter-cultural perspective and methodology;
 - With a view to contributing to this objective, State authorities should promote, in collaboration with the Autonomous Communities, the treatment of Romani culture in the curriculum of primary and secondary education, considering the recognition of the Roma as a group with their own language and cultural identity.
 - State authorities should foster collaboration with the publishers of textbooks to prepare materials on Romani culture with a view to introducing issues related to this ethnic and cultural minority, and mainstreaming teaching on Romani culture within generic themes of the various cycles and courses.
 - State authorities should also promote the treatment of cultural diversity and racism in the course Education for Citizenship, as an excellent opportunity to promote the positive value of the Romani population.
3. *Reduce rates of absenteeism* (defined as absences from school for periods of more than three months) in primary education from 31-22% to 10% in 2020. In the case of the general population, the proportion is 0%.
 - In order to reduce rates of absenteeism, State authorities must promote the necessary measures of school monitoring and support, in the framework of the so-called Programmes of strengthening, guidance and support (*Programas de refuerzo, orientación y apoyo* – PROA). The awareness-raising campaigns and mediation programmes between schools and Romani families, as described in relation to objective 1.2, would play a key role in bringing the school closer to Romani families to achieve greater involvement of the latter in the educational process of their

children and in school life, and in monitoring and combating more effectively absenteeism among Romani children.

4. *Increase the number of Romani children enrolled in the course that suits their age, from 69-81% to 90% in 2020. In the case of the general population, the rate is 94%.*
 - In line with the NRIS's objective of achieving the enrolment of Romani children in a course that suits their age, State authorities should promote the aforementioned mediation and awareness raising actions, along with the development of educational projects utilising community-based and inclusive methodologies that contribute to motivation and learning, with additional support within the classroom (with professors and volunteers), as well as the participation of Roma reference points or role models who give visibility and credibility to the benefits of school/academic success.
 - Existing educational (including homework) support programmes should be expanded (PROA, Promociona, Siklavipen Soverença, etc.).
5. *Increase the completion rate of compulsory secondary education and increase the academic success of Romani students at this stage.*
 - Increase enrolment in secondary education of Roma aged 13-15 years, from 78-71% to 90% in 2020. The general population has a 98% rate.
 - With a view to enhancing academic success of Romani children in compulsory secondary education, State authorities should implement some of the mediation and homework support programmes mentioned above, and also pay particular attention to the transition phase between primary and secondary education, by promoting within school curricula a programme for children's preparation for secondary schooling, which would involve students and their families, and include visits and activities in secondary schools.
 - Equally, State authorities should promote a programme to prepare adolescents for the transition to post-compulsory secondary and higher education – both for professional training and university – which would develop a series of activities and advisory and support services related to labour opportunities related to specialisations in professional training centres and strategies to access university.
 - Ensure the compliance with the principle of equal opportunities of the Roma girls and boys, both within the families and the educational area.
 - Reduce drop-out rates before the completion of compulsory education and increase the proportion of Romani students who achieve the compulsory secondary education ESO degree.
 - In line with the objective of reducing early school leaving rates and increasing completion rates in secondary schools among Romani pupils, State authorities should consolidate vocational and professional training and counselling programmes in the last two years of the secondary school curriculum, but also in adult learning centres, in order to facilitate the transition from school – or from inactivity or under-employment – to employment.
 - The authorities should also strengthen programmes involving the Roma associative movement to motivate Roma to remain in school through Romani role models.
 - State authorities should identify and disseminate best practices in inter-cultural education, especially in schools with a high percentage of Romani students.

The aforementioned school support and mediation programmes would stimulate the involvement of Romani families in the formal schooling of their children and contribute to reducing drop-out rates.

6. *Increase the level of education of the adult Romani population: Reduce the illiteracy rate among Roma (> 16 years), from 13-8.7% to 3% in 2020. The proportion of the general population who is illiterate currently stands at 2.2%.*
 - With a view to reducing illiteracy rates, the State authorities should further develop explicit measures and programmes of lifelong learning, literacy, vocational and professional guidance and training, such as the Centres of Adult Education, *Acceder*, and Employment workshops.
7. *Reduce the proportion of Roma aged 18-24 who neither study nor receive training, and dropped out of compulsory education early, from 90.9% to 80% in 2020. The general population is 31.2%*
 - In order to fulfil the NRIS target related to reducing the proportion of Roma who neither work, study or are in training, the aforementioned measures of transition to secondary school and to post-compulsory education, homework support and mediation programmes, professional and vocational training, and "second-chance" adult schools should be implemented.
8. *Increase the rate of Roma who have completed post-compulsory education from 2.6% to 8% in 2020 (42.1% in the case of the general population).*

- In line with the NRIS objective of increasing the proportion of Roma who have completed post-compulsory education, State authorities should invest in a universal, means-tested bursary programme for access to professional training and universities.
- 9. *Continue to promote knowledge and raise awareness about the situation of Roma in the field of education.*
 - State authorities should promote studies and research to assess the progress and difficulties of the educational situation of Romani students.
 - Furthermore, State authorities should identify and disseminate good practices in relation to the academic success of Romani students.
- 10. Train the teaching staff to develop an intercultural education in which Roma culture is considered on an equal footing with the other cultures of the Spanish State.
 - State authorities should promote the permanent training of teaching staff incorporating in the Resource and Teacher Training Centres, specific courses on Roma culture in the education centres, as well as resources and materials to address these issues and intercultural education consultants to provide technical assistance to education centres.

Recommendations on employment

With regard to employment, we conclude that new responses are required from the Public Administration. The main area of *employment should be specially considered as the first priority* right now. At the moment, and as a consequence of the current economic crisis, this area is the one that has undergone the greatest deterioration in the past four years. The lack of employment in most Romani families is directly affecting the rest of the strategic areas of Roma inclusion (education, health, housing, etc.) and it is the key contributing factor to the worsening of their living conditions.

Recommendations of an urgent character on employment

- Guarantee a minimum income to those households affected by poverty. Current programmes run by the Autonomous Communities should be fostered (especially in some regions), widening the coverage (limiting restrictive requirements and making the procedure more flexible and faster). These general programmes should have a significant impact in maintaining decent living conditions in Romani households.
- A comprehensive strategy for activation should be built for the recipients of unemployment and welfare benefits and this strategy should take into account the special needs of Romani people. The strategy would be a combination of training (measure 1), job search (measure 4), transitional employment (measure 3, 5 and 6) and other measures (balancing work and family life, also for the unemployed; promoting mobility, etc.)
- Improve the transition from school to the labour market: It is necessary to promote access to vocational training for those who are successful in compulsory secondary education and for those who fail in it. Furthermore, more transitional schemes such as Escuelas Taller (workshop schools) and Casas de Oficios (employment workshops) are needed for the Spanish youth and Roma should enter as a priority.

The following measures should be taken into consideration in the design of policies:

1. *Improve the skills of Romani workers (both unemployed and employed).* This objective, included in the NRIS remains relevant. It is important to break the cycle of initial lack of qualifications and this should be approached through a comprehensive life long learning strategy, including education and training.
2. *Retain Romani children in schools as long as possible as the best employment policy for youth.* The programmes of support and prevention of school drop-out should be specifically targeted to the Romani population. Completing compulsory secondary education is a challenge and a requirement for the coming years.
3. *Improve the transition from school to the labour market.* It is necessary to promote access to vocational training both for those who are successful in compulsory secondary education and for those who fail in it.

- Furthermore, more transitional schemes such as Escuelas Taller (workshop schools) and Casas de Oficios (employment workshops) are needed for the Spanish youth and Roma should enter as a priority.
4. *Increase access to salaried employment.* Reducing inequalities in employment is directly related to firmly promoting the occupation of Roma in salaried activities, combining both mainstream and targeting policies:
 - Consider objectives for the reduction of unemployment of the most vulnerable groups in employment agencies and public employment services.
 - Scale up the model promoted by the *Acceder* Programme (and the Operational Programme Fight against Discrimination) that has proven to be a useful way to access the labour market and to promote social change by promoting successful models for the community, the companies and other stakeholders.
 5. *Promote the development of social enterprises for social inclusion.* It is important to maintain some opportunities for a job experience even in low skilled jobs, especially in context of a serious reduction of places in the labour market. However, the qualifying results of these enterprises should also be reinforced.
 - Reinforce existing schemes in some Autonomous Communities and increase financial help to compensate for the cost of attending.
 - Promote social clauses in public procurement that take into account the social functions of enterprises that are hiring disadvantaged workers (disabled or socially excluded).
 6. *Promote transitional public work schemes,* especially as an alternative to long-term receipt of welfare benefits.
 7. *Guarantee a minimum income to those households affected by poverty.* Current programmes run by the Autonomous Communities should be fostered (especially in some regions), widening the coverage (limiting restrictive requirements and making the procedure more flexible and faster). These general programmes should have a significant impact in maintaining decent living conditions in Romani households.
 8. *Build a comprehensive strategy for activation* for the recipients of unemployment and welfare benefits and this strategy should take into account the special needs of Romani people. The strategy would be a combination of training (measure 1), job search (measure 4), transitional employment (measure 3, 5 and 6) and other measures (balancing work and family life, also for the unemployed; promoting mobility...)
 9. *Improving self-employment and mobile trading* is now more important than to increase the number of self-employed:
 - Policies announced to promote entrepreneurship should take into account the most vulnerable groups and should be considered an opportunity to improve self-employment among Roma and reduce under-employment.
 - Special support is required to promote the modernisation and diversification of Roma family businesses and specific measures to access credit should be applied.
 10. *Structural Funds should be devoted to promoting the employment and education of the most excluded.* In times of crisis, the ESF and the ERDF should be a source of funding for social cohesion. The Spanish Government has to defend in the new Regulations the weight of the fight against poverty and social exclusion, as well as to continue investing ESF resources in Roma-targeted projects.

Recommendations on health

Measures of an urgent character on health

- Maintain the universal and affordable, if not free, character of the public health system, retaining the high quality of health care and access to affordable medicines. Underpin free and universal health care provision with comprehensive interventions on the social determinants of health.
- Focus health interventions on Romani children through free vaccination programmes, awareness-raising actions to combat obesity and unhealthy eating habits and free or means-tested access to dentistry and ophthalmological services.
- Focus health interventions on families through awareness-raising actions and programmes of preventative medicine whereby Romani families normalise their relationship with a General Practitioner rather than use emergency services, which hinders effective monitoring of the health status of the members of a given family and undermines the possibility of treatments and preventative medicine.

1. *Address the social determinants of health from a holistic perspective.* The social determinants of health are the circumstances in which persons are born, grow, live, work and grow old, and they go a very long way towards explaining health inequities. Taking into account the fact that members of the Romani community are particularly vulnerable to the impact of the social determinants on their health, it is necessary to develop integrated, if not integral, actions aimed at improving Roma health in the strategic areas of housing, education and employment.
 - This requires the creation of effective inter-sectorial co-ordination mechanisms to achieve synergies and alignments for more coherent action, which is consistent with the integrated approach promoted in the Spanish NRIS.
 - This also implies reasserting the principle of universal and affordable, if not free, health care and providing financial and human means to achieve effective universal provision. Ensure access to health care for people excluded from the labour market and for immigrant persons, including Roma from eastern European countries.
 - Guarantee the access of low income households to special prosthesis, aids, medicines and services that are not generally covered by the Spanish Health system (dental health, hearing aids, eyeglasses, some medicines and vaccines, or special diets, for example), in order to fulfil Health Target 2.3 of the Spanish NRIS.
2. *Consolidate and mainstream health programmes targeting the Romani community, focusing on Romani families and Romani children.*
 - *Roma youth and children* must be considered a priority target group. Given that the Romani population is particularly youthful, giving priority to youth and children as beneficiaries of health prevention and promotion measures is among the actions that are most likely to improve the health status of the Romani community and reduce health inequities.
 - Furthermore, it is important to take into account the fact that children and youth are more permeable and receptive to any kind of intervention. Health interventions should focus on Romani children through:
 - free vaccination programmes,
 - awareness-raising actions to combat obesity and unhealthy eating habits as well as adequate hygiene,
 - free or means-tested access to dentistry and ophthalmological services.
 - *Work with Romani families* to promote preventative medicine, healthy habits and normalise relations with a single General Practitioner.
 - Launch new awareness-raising actions aimed at changing the traditional concept of health that dominates in some sectors of the Romani community, and intensify investments in preventive medicine.
 - Reinforce measures of health promotion and disease prevention in the national health system and other sectors, with a view to improving the personal perception of health among Roma, in accordance with Health Target 1.1 of the Spanish NRIS.
 - Promote healthy lifestyles, with improvements in eating habits, reduction in the consumption of tobacco and alcohol (especially among male adults and youth), increase in physical activity and particular attention on prevention measures against being overweight and obesity (especially child and female obesity), to fulfill Health Targets 1.3, 1.4 and 2.2. of the Spanish NRIS.
 - *Inclusion of a gender perspective.* Any intervention aimed at reducing the health inequities affecting the Romani community must give particular attention to the situation of the Romani women and their needs. The inclusion of a gender perspective is not only justified by the inequalities between men and women and the multiple forms of discrimination and disadvantages affecting Romani women, but also because of the multiplier effect of interventions aimed at women, given their fundamental role in the organisation of the family and the domestic economy, and their decisive role in the transmission of values and habits.
 - Improve the conduct of mammograms and pap smears for Romani women, and improve the access to gynecological services and the monitoring of pregnancy, to fulfill Health Target 1.5 of the Spanish NRIS.
3. *Tackle discrimination against Roma in health care.* The phenomenon is present and it needs to be addressed. Moreover, some Roma might face multiple discrimination (i.e., on different grounds and as

a result of several factors acting together, such as ethnicity, gender, disability, age, etc.), which often remains hidden, under-reported and unchallenged.

- Enhance the accessibility and use of health care services among Roma, in accordance with the recommendations of the Spanish NRIS. Programmes targeting the Romani community must aim to address the specific needs and peculiarities of Roma through mainstream services. In the face of such a complex reality, short-term, ad hoc and intermittent initiatives are likely to fail. Stable programmes, developed over the medium-to long-term with sufficient resources, are needed to address Roma disadvantages, but such explicit targeting must be limited in time and always be oriented towards mainstreaming to prevent the creation of parallel, second-class services.
 - Diversity training for health care professionals. It is necessary, in accordance with the NRIS, to achieve better inter-cultural preparation of health professionals to address ethnic and cultural diversity with a view to working better with the Romani community and to address the social determinants of health.
4. *Advance research on Roma health.*
- The scarcity of studies on Roma health significantly hinders the launch and effective implementation of interventions adapted to the reality and needs of the Romani community. Giving continuity to existing studies such as the aforementioned Health and the Romani Community study with a view to understanding social determinants of Roma health, identifying relevant trends and understanding their causes, and developing strategic interventions.

Recommendations on housing

Measures on an urgent character on housing

- Take into account the housing objectives of the NRIS in the Draft Law on Urban Rehabilitation, Regeneration and Renovation, including the eradication of slums and substandard housing.
 - Adopt measures to avoid evictions of families with few resources (including renegotiation of payments or other transitory solutions) and promote access to affordable housing (i.e. social housing, empty houses, etc.) in order to prevent increasing problems such as overcrowding or, in extreme cases, homelessness.
 - Promote housing policies for the rehabilitation of neighbourhoods and restoration of buildings in urban and sub-urban areas, providing the necessary public equipments and promoting mobile trading and other economic activities, with the aim of combating the deteriorated conditions, residential segregation and concentration in which many Romani families still live.
 - Take full advantage of the opportunities offered by EU funds (mainly European Regional Development Fund and European Social Fund) to undertake integrated housing interventions, by providing technical assistance, reducing administrative burdens, facilitating the access to co-funding and combining funds.
1. *Housing policies should be understood as part of the social policies* and, therefore, be oriented to prevent the risk of social exclusion and to promote social cohesion. Together with the residential conditions, other factors such as education, health, social services and employment should be taken into account when considering the improvement of the living conditions of the most vulnerable groups, such as the Romani population. In addition, housing policies should be developed with an integrated/inclusive approach, which promotes cohabitation and inclusion of Roma in society.
 2. *Promote long-term, stable and sustainable housing strategies at all levels.* This is particularly relevant in the case of the eradication of slums, where isolated interventions should be replaced by comprehensive strategies that prevent the concentration of Romani families and set long-term objectives including the social accompaniment and follow-up of the resettled families.
 3. *Take into account the housing objectives of the NRIS in the Draft Law on Urban Rehabilitation, Regeneration and Renovation,* including the eradication of slums and substandard housing.

4. *Adopt measures to avoid evictions of families with few resources* (including renegotiation of payments or other transitory solutions) and promote access to affordable housing (i.e. social housing, empty houses, etc.) in order to prevent increasing problems such as overcrowding or, in extreme cases, homelessness.
 - Reinforce measures for mediation and intervention in the real-estate market, since it does not cover the needs of the society as a whole (social rental housing, construction and management of public housing, mediation in the real estate market in collaboration with non-profit organisations, etc.).
 - Simplify the requirements and administrative burdens set in housing policies in relation to access to housing and subsidies.
5. *Promote housing policies for the restructuring of neighbourhoods and restoration of buildings in urban and sub-urban areas*, providing the necessary public equipments and facilities and promoting mobile trading and other economic activities, with the aim of combating the deteriorated conditions, residential segregation and concentration in which many Romani families still live.
6. *Take full advantage of the opportunities offered by the EU funds* (mainly European Regional Development Fund and European Social Fund) to undertake integral housing interventions, by providing technical assistance, reducing administrative burdens, facilitating the access to co-funding and combining funds.
7. *Support studies and research* to get updated information about the housing conditions of the Romani population.
8. *Promote the monitoring and evaluation of public housing interventions.*

LIST OF ABBREVIATIONS

ADIGSA	Agència de l'Habitatge de Catalunya
AEcG	Asociación de Enseñantes con Gitanos
CAEP	Centre for Special Education
CAM	Autonomous Community of Madrid
CCAA	Autonomous Community
CEIP	Pre-school and Primary Education Centres
CERD	Committee on the Elimination of Racial Discrimination
CEU	Central European University
CIS	Centre of Sociological Research
DG	Directorate General
EC	European Commission
EAFRD	European Agricultural Fund for Rural Development
ECRI	European Commission against Racism and Intolerance
ERDF	European Regional Development Fund
ESF	European Social Fund
ESO	Compulsory secondary education
ERRC	European Roma Rights Centre
EURoma	European Network on Social Inclusion and Roma under the Structural Funds
FAEDEI	Federation of Associations of Social Inclusion Enterprises
FEMP	Spanish Federation of Municipalities and Provinces
FOESSA (Foundation)	Fomento de Estudios Sociales y Sociología Aplicada
FSG	Fundación Secretariado Gitano
GDP	Gross domestic product
GP	General Practitioner
ICT	Information and Communication Technologies
INE	National Statistics Institute
IRIS	Institute of Re-Housing and Social Inclusion
IRPF	Personal Income Tax
LOGSE	Organic Law on the General Organisation of the Education System LOMCE: Organic Law for the Improvement of Educational Quality
MEC	Ministry of Education and Culture

MtM	Making the Most of EU Funds for Roma
NGO	Non-Governmental Organisation
NHS	National Health System
NRIS	National Roma Integration Strategy
OBERAXE	Spanish Observatory on Racism and Xenophobia
OMC	Open Method of Co-ordination
OP	Operational Programme
PCPI	Programs for Initial Vocational Training
PEVR	State Plan on Housing and Rehabilitation (2009-2012)
POLCD	Operational Programme Fight Against Discrimination
PROA	Programme of Educational Support and Guidance
REF	Roma Education Fund
RIO	Roma Initiatives Office
RMI	Minimum Income for Integration
SNHS	Spanish National Health Surveys
SPE	Public Employment Service
STE	Trade Union of Education Workers
UPNA	Public University of Navarre (Universidad Pública de Navarra)

INTRODUCTION

The following report builds upon the “Research Plan for the Elaboration of a Shadow report on Spain” and has been prepared jointly by the Fundación Secretariado Gitano (FSG), the Asociación de Enseñantes con Gitanos (AEcG) and the Public University of Navarre UPNA-ALTER Research Group. The report will be included in the Civil Society Monitoring of the Implementation of the NRIS and Decade Action Plans.

The Decade of Roma Inclusion Secretariat (in co-operation with the Open Society Foundations’ Roma Initiatives [RIO] and Making the Most of EU Funds for Roma [MtM] programmes and consulting with the European Commission) prepared a detailed template of reporting. Using this template, civil society coalitions can monitor the local implementation of NRIS or Decade Action Plans in the four priority areas (employment, education, housing, health), in the fields of anti-discrimination, gender equality, fight against poverty, and in terms of structural requirements (such as co-ordination with local authorities and civil society, use of EU Funds, mainstreaming of Roma inclusion measures, adequacy of monitoring and evaluation, etc.).

With this monitoring report, civil society and relevant stakeholders will provide alternative information to Decade Progress Reports submitted by State parties to the International Steering Committee and to the European Commission on implementation of their NRIS. Those reports are meant to channel local knowledge into national and European level policy processes and reflect on the real social impact of Government measures. The monitoring reports seek additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.

The report has been developed on the basis of a methodology that relies on both quantitative analysis of the available statistical data related to the key targets of the NRIS and the Decade Action Plan of the Spanish State, complemented with an examination of the evidence generated through qualitative research methods –i.e. structured and semi-structured interviews involving the participation of a group of Romani and non-Romani students of the UPNA’s Diploma in Social Intervention with the Romani Community, and the documentary analysis of relevant official and unofficial documents (see Annex on the research methodology underpinning the report).

To prepare this document the interviews were carried out with representatives of the Government at State, regional and local level as well as representatives from the civil society: NGO members of the State Council for the Romani People and NGOs participating in the Network of Centres Assisting Victims of Discrimination of the Council for Equal Treatment.



1. STRUCTURAL REQUIREMENTS

Background

This chapter cannot be understood without taking into account the administrative framework of Spain. The Spanish Administration has been characterised by extensive decentralisation since 1978 (into 17 regional authorities, i.e. Autonomous Communities), especially as regards social policies. Local authorities also have some relevant competences in these areas. As a consequence of this governance structure, the role and competences of the General State Administration are limited and social policies cannot be considered without taking into account the regional and local authorities. This system has also generated differences between the regions as regards the policies for Roma inclusion. This differentiation process could have produced stronger adaptation to the local needs of different Romani groups, but it may also have generated regional imbalances regarding the benefits obtained by Romani persons (and by the rest of the general population) in each of the regions.

A brief overview of the Spanish institutional framework for Roma issues is also deemed necessary. Since 1989, initiatives related to Roma integration have been framed in the Roma Development Programme, which has represented a key political and financial instrument in this area, with a specific budget line in the State's General Budget since its creation, and a step forward in improving the situation of the Romani population.

This national level programme has had an extended trajectory (it still exists in the form of an Action Plan for the Development of the Romani population 2010-2012) as well as a regional dimension with the development of regional plans in some of the Spanish Autonomous Communities, including Andalusia, the Basque Country, Catalonia, Extremadura, Galicia, Navarre and Castile-La Mancha, with different timings.

The NRIS, adopted in 2012, is a significant advancement in the process of giving order and consistency to the actions and programmes already existing in Spain for the Romani population, showing formally what has been recognised as the "Spanish model of Roma inclusion" at the European level. The latter, in spite of its shortcomings, reflects the achievements made in terms of access of Roma to economic and social rights, which is a key element of their social inclusion.

The current moment in time, with the recent approval of the NRIS in Spain and in other EU countries, provides a historic opportunity to consolidate the steps taken so far and to address pending issues in order to advance towards the real and effective inclusion of Roma in Spanish and European society.

But in the current context of economic crisis, we also need to prevent that the advancements that have taken place in the last 30 years in terms of the social inclusion of the Romani community in Spain do not disappear due to the current context, in which political measures are taken to diminish the universal welfare system, which has contributed so much to the inclusion of Roma in Spain.

A weak administrative unit for a complex task

In the framework of the General State Administration, the main responsibility of the co-ordination of Roma issues is held by the *Directorate General (DG) for Family and Childhood* attached to the State Secretariat of Social Services and Equality of the Ministry of Health, Social Services and Equality (the name of this Ministry

has changed in the successive Governments).¹⁴ This DG holds the responsibility for, *inter alia*, fostering public policies for the promotion and improvement of the living conditions of the Romani population in Spain, promoting co-operation with nongovernmental organisations working on Roma inclusion, and promoting and managing collegiate bodies for the analysis, debate and proposals regarding the Romani population. Within this DG, there is an administrative unit, the Roma Development Programme Unit (*Servicio del Programa de Desarrollo Gitano*), dealing specifically with Roma issues through this programme.¹⁵ Since its launch in 1989 it has been the main financial and policy instrument for the development of actions aimed at the social development and the improvement of the living conditions of the Romani community. As regards human resources, in the Roma Development Programme Unit one head of service, two heads of section and two assistants deal specifically with Roma issues. In addition, within the Directorate General for Family and Childhood, the Vice-Director and the Deputy Vice-Director devote a great deal of their time to this area and part of the time of one head of area and the members of another service (made up of one head of service, two heads of section and one assistant) is allocated to issues related to the management of credits, monitoring and external co-operation. Finally, the Deputy Directorate General of NGO and Volunteering also works in this area.

This unit is not an autonomous agency but an ordinary service, the management of which is integrated within the Directorate General. In some cases this could be a limitation, both in terms of political capacity and of management and flexibility, in others it could open up more opportunities. It is also important to note the decentralised structure of the Spanish Government as regards social policies, including policies related to Roma, which are a competence of the regional authorities. The Service has a general role, aimed at setting the general framework and political guidelines and the lines of co-operation between the different actors (public administrations, social organisations and other relevant stakeholders), and fostering policies for the promotion and development of the Romani community. As a “service”, the authority and competence of this unit to coordinate policies across ministries is very limited, depending on the good relationship built in previous contacts, and this is also a problem for coordinating the regional Governments’ policies on Romani community. The same applies to the co-operation with the authorities in charge of managing EU funds. The unit does not have the competence for that and its influence is very limited.

Because of its administrative structure and lack of competence in most of the areas related to Roma inclusion, this unit does not implement its own initiatives. It cooperates with the Autonomous Communities and local authorities as well as civil society organisations and provides them with funds for the implementation of the actions (see section on funding).

The different actors involved in the promotion and integration of the Romani population acknowledge the role played by the Ministry and, in particular, of the Directorate General. However, they are also aware of the limitations they face as a consequence of the limited resources and the current administrative organisation. This administrative weakness has been brought to light particularly clearly by the qualitative changes in the institutional framework produced during the past years (European directives and policies, a new plan, a new strategy, the new State Council of the Romani People, etc.).

No Romani representative has ever worked in the Directorate General for Family and Childhood. This is mainly due to the current system of access to the public administration, based on public examinations, which makes the access of Roma more difficult. In contrast to other countries, notably those in which the Romani community is recognised as an ethnic minority, in Spain there is no specific channel for Roma to access the public administration.

However, it is important to note that there have been members of the Romani community in local and regional administrations: Some Roma have held the positions as heads and civil servants of the Roma secretariats responsible of specific plans or councils; others have been members of regional parliaments or advisers to regional Governments. Nevertheless we can’t identify any difference between the national and the sub-national levels in general criteria on this topic.

14 *Royal Decree 200/2012*, of 23 January, establishing the general structure of the Ministry of Health, Social Services and Equality. Available at: <http://www.boe.es/boe/dias/2012/01/24/pdfs/BOE-A-2012-1034.pdf>.

15 <http://www.msc.es/politicaSocial/inclusionSocial/poblacionGitana/programaDesarrolloGitano/home.htm>.

Involvement of Autonomous Communities, local authorities and civil society organisations

The Directorate General for Family and Childhood of the Ministry of Health, Social Affairs and Equality is in charge of drafting, implementing and monitoring the NRIS 2012-2020, which was adopted in February 2012.¹⁶ The Roma Development Programme Unit, belonging to this Directorate General, considers that the involvement of stakeholders was positive during the drafting process, but it would have wished for a higher degree of contributions from relevant stakeholders (the timing was one of the reasons for the limited participation, according to DG assessment).

This participatory approach to the NRIS, in line with the process used for the elaboration of the Action Plan, involved – through meetings, communication and information mailings – eight ministries of the national administration (those related to the most important areas for the integration of Romani population), Autonomous Communities and local authorities (represented by the Spanish Federation of Municipalities and Provinces) as well as the most representative organisations working for the promotion and integration of the Romani community (for more information, see Annex I of the NRIS).

The NRIS foresees a number of mechanisms to ensure the involvement of the different actors in the implementation process. However, they have not been put in place yet or have just been launched and therefore it is difficult to evaluate their role and impact on the implementation. This is the case of its line of action “Fostering the role of the *Roma Technical Co-operation Group*”, placed in the National Contact Point (i.e. the DG). This Group gathers representatives from the central, regional and local administrations with the aim of promoting mutual information sharing concerning the Roma-related policies implemented at these three administrative levels and the operative roll-out and follow-up of measures that require involvement from all three levels. Another initiative, still under planning, is the Inter-Fund Committee, comprising representatives of the ESF, the ERDF and the EAFRD, with the aim of improving the co-ordination of programming, follow-up and review of the use of Structural Funds for Roma inclusion.

Autonomous Communities

Co-operation between the central and regional authorities (Autonomous Communities) is essential in the Spanish context, characterised by a high level of decentralisation of powers and competencies. In particular, the competences as regards personal social services and, in general, social policies (health care, education, training and active employment policies, housing, etc.) are decentralised and fall under the competence of the Autonomous Communities, limiting the role of the General State Administration. As regards Roma issues, the Ministry of Health, Social Services and Equality sets the general framework and provides some funds, to be complemented by the regional and local authorities, for the development of projects aimed at the integration of the Romani community. Regional authorities are in charge of deciding on the use of the funds of the Roma Development Programme and their management, selecting the initiatives to be funded based on their own criteria.

Even the only one capacity of the central administration to decide on how the money is distributed between the regional authorities has not been used since the Roma Development Programme started 24 years ago and fund distribution remains unchanged. The instruments used for co-ordination with the Autonomous Communities have neither been modified during this long period nor adapted to the circumstances. Likewise, the State authorities and the Autonomous Communities used to sign agreements of technical and financial co-operation; however, now the regional authorities submit information directly on the programmes that have been approved (using their own criteria) and the Ministry registers the delivered reports. As a consequence, there is limited information about the use of national funds, their impact and effectiveness. Thus, the only tool that the Ministry still has at its disposal to have an influence on the regional level is the distribution of funds between the Autonomous Communities; however, as already mentioned, the amounts have not been changed for years (probably because it would lead to a protracted political debate).

16 See: <http://www.msc.es/politicaSocial/inclusionSocial/poblacionGitana/SpanishRomaStrategy.pdf>.

Furthermore, stakeholders at the regional and local level consider that, given that there is a limited transmission of information and involvement of the different levels, it is difficult to align the regional and local plans with the national, not to mention European, ones.

The difficult articulation between the two levels (central and regional) already existed with the former Roma Development Programme. Now, the implementation of the National Action Plan and the NRIS at the national level and the adoption of the EU Framework for National Roma Integration Strategies (EU Framework), have further brought to light this contradiction. On the one hand, the responsibility of designing strategies and complying with the demands of the EU Framework is formally centralised at State level, on the other, a highly decentralised model relies on the competencies of Autonomous Communities for basic social inclusion programmes.

This decentralised model would probably need a different model for conducting central policy efforts. This contradiction, which can also be seen in other social policy areas subject to the Open Method of Coordination (OMC – eg. inclusion strategy) should give priority to the regions as key actors in the initial process of consultation and debate, building a decision-making model to allow them to achieve a more concrete impact on decision-making, which would likely ensure greater involvement on their part. On the contrary, consultations with the Autonomous Communities and the request for information on their forecasts (as the Ministry does now) have shown a very poor mechanism to achieve a clear impact by this strategic level of the Spanish administration.

Notably, the Autonomous Communities have launched regional plans, with different designations, aimed at Roma integration, which precede in many cases the approval of the European initiative and the National Action Plan itself (Andalucía, Catalonia or the Basque country). However, the case of the Plan for Roma in Navarre may have been a response to the establishment of European and national policies in this regard.

There seems to be also insufficient information on the volume of resources that the Autonomous Communities invest in initiatives aimed at the integration of the Romani community, despite the programmes that are jointly funded by the Ministry. This is related to the fact that there is room for improvement as regards the level of co-operation and co-ordination at the horizontal level.

The NRIS raises the issue of the reinforcement of the role of the Sectoral Social Affairs Conference (called since January 2013, Territorial Council of Social Services and Systems for the Autonomy and Attention to Dependency), which is the co-ordinating body between the central Government and the Autonomous Communities. This body covers topics related to social services and dependency and it is difficult to estimate the amount of time and effort it will devote specifically to Roma issues in the future.

The Roma Technical Co-operation Group may have greater operational capacity, but this will have to be assessed in the future. Its technical configuration may be useful in improving the collection of data, but it seems difficult that it will become the space in which the Autonomous Community (CCAA) can become more politically involved in the implementation and development of the strategy.

Local Authorities

As mentioned before, local authorities were not directly consulted in the design of the NRIS; it was expected that their contribution would come through the Autonomous Communities and the Spanish Federation of Municipalities and Provinces, which were involved in the process.

However, this “indirect participation” is perceived as insufficient by local authorities. While recognising the value of the FEMP and its participation in the process, they consider that it is difficult for a single organisation to represent the specific and particular cases of all municipalities. On the other hand, the level of information sharing and involvement of the municipalities and the provinces in the debate varied from region to region.

Civil society organisations

Other key actors are the civil society organisations working for the promotion and integration of the Romani community. They are considered as the “clients” and partners of the Ministry. The public administration considers that there is regular contact and co-operation with these organisations; both those receiving funds from the Ministry and those that take part in the State Council of the Romani People (see next section).

The Ministry shared the draft of the Strategy with the organisations taking part in the State Council of the Romani People as well as other interested civil society organisations. The Ministry considers the contributions received from some of these organisations to be positive. The evaluation made by these organisations varies: Some of them consider that their input was adequate and others that the consultation process was scarce and limited. Due to the timing, it was not possible to discuss the Strategy within the framework of the meetings of the State Council of the Romani People and, thus, the Strategy was not formally approved by this Council.

The State Council of the Romani People

The State Council of the Romani People, created by Royal Decree 891/2005, represents the institutional framework for collaboration and co-operation between the General State Administration and the representatives of the organisations which work on the promotion and integration of the Romani community (the organisations are appointed every four years by the Ministry through an open public call based on a number of selection criteria that it decides). It is a body of consultation and advice to public authorities on public policies with a direct impact on the integral development of the Romani community (all legislative texts on Roma issues should be shared with the Council). It develops its role through work in plenary as well as in a number of working groups covering key areas for the integration of the Romani community (currently there are five working groups: employment and social action, education, culture, health and housing).¹⁷

Thus, this Council should play the key role as regards the participation of the target group (the Romani community and the organisations working for its promotion and integration) in the implementation of the Strategy. The changes regarding the composition of the Council and its working groups that took place during 2012 slowed down the work of this body, including as regards the Strategy and its implementation. It is hoped that now that the internal reorganisation process has concluded, the full potential of the Council will be used. Likewise, co-ordination will be encouraged with consultation and advisory bodies existing in certain Autonomous Communities with respect to Roma-related affairs.

Civil society organisations taking part in the Council consider it to be an undeniable step forward as regards the recognition of the Romani community. What remains to be seen is how this body is used in practice in order to take full advantage of its potential role in the design, monitoring and evaluation of measures related to the Romani community.

As already mentioned, it would be useful to begin to involve the regional and local authorities in the Council. There was an attempt to involve them in the working groups but due to different reasons this did not occur. Some of the organisations taking part in the Council trust that this will happen in future. The representation of regional councils of similar characteristics has not taken place in the State Council either.

To sum up the main areas that should be addressed in the future:

- Lack of capacity to influence and generate an impact. For a series of reasons, it has not achieved the impact expected. This was the case when the mid-term report “Action Plan 2010-2012” was developed. The process was open to both public and civil society organisations, but the involvement was considered scarce. This year will open new opportunities for more extended involvement, given that the assessment of the current plan and the elaboration of the next one will take place.

17 For further information, see: <http://www.msssi.gob.es/politicaSocial/inclusionSocial/poblacionGitana/consejoEstGitano.htm>.

- The Council has strong potential to make proposals and design policies; however to this end, there is a need to count on an adequate structure and/or institutional support to ensure that its proposals are taken into consideration.
- The procedures governing the Council could be more flexible and simple. For example, the structuring process of the Council, including the election of its representatives in the different organisations has been extremely slow and has hindered the development of its full potential.
- Members should have an increased role as regards the leadership of the Council. It is led by State administrations and not by the members.
- In relation to the working groups, some are more fruitful than others. In many cases, the ministries contend that they lack competencies in the fields addressed.
- The roadmap and action plan of the Council remain quite undeveloped, and little is demanded of participating organisations.
- This organ has turned out to be an insufficient instrument to promote the inclusion of Roma issues high on the political agenda or to achieve the mainstreaming of Roma issues in general policies.
- The Council has not managed to fully involve key public authorities, including regional and municipal governments, in its activities.
- There is no proper channel to allow the participation (even if it is indirectly) of organisations which are not members of the Council.
- There is limited awareness and knowledge about the existence and work of the body. Regional and local authorities and the organisations working with Roma which are not members of the Council have scarce knowledge of the Council and it is widely unknown to a large majority of the Romani community and non-Roma. Further efforts to promote this body (through awareness-raising campaigns and other tools) should be undertaken.

These areas of consideration and improvement have been confirmed by the qualitative analysis that has been undertaken for the preparation of this report (by UPNA students).

Administrative co-ordination (in the Central State Administration)

There is no regular mechanism of co-ordination and consultation on Roma issues at horizontal level between ministries at the level of the Central State Administration. Until now, co-operation and consultation have mainly taken place in the context of specific initiatives, such as the elaboration of policy documents like the National Action Plan or the NRIS.

The involvement of different ministries in the State Council of the Romani People does not allow (as some actors would pretend) proper co-ordination among them, which would probably need a different platform and procedure. The Council's main objective is to raise proposals and channel demands from civil society organisations and the Romani population.

The NRIS foresees a "National Contact Point" with a strong role of co-ordination. Nevertheless, the Contact Point, which is actually the current Directorate General in charge of the Plan, faces a number of limitations as regards the implementation of the Strategy and the aspects related to coordination.

Mainstreaming the National Roma Integration Strategy

For the moment, it seems that the NRIS is mainly a theoretical framework which remains to be translated into the different concrete policies and initiatives planned at all levels. In general terms, stakeholders consulted note that the policies, plans and initiatives already existing in areas of relevance to the integration of the Romani community (employment, education, housing, health and anti-discrimination) have not been adapted yet and thus, further action is still needed to translate the Strategy into practice. Stakeholders also hope that the NRIS will be taken into account when developing general policies, plans and initiatives in these fields, which does not seem to be the case for the initiatives undertaken since the adoption of the NRIS.

For example, in the National Reform Programme of 2012 (adopted in September 2012)¹⁸ there is only one reference to the Romani community (in the area of education concerning early school leaving). Therefore we could consider that there is no real incorporation of Roma integration issues in the document. It is hoped that in the future there will be more intense and effective co-ordination with the departments in charge of planning and of the follow-up of the National Reform Programme.

In contrast, the NRIS systematically takes into consideration the different plans that it should complement:

- The National Reform Programme
- The 2020 Strategic Framework for European Co-operation and Training
- The Spanish Employment Strategy 2012-14
- The National Health Equality Strategy
- The State Housing and Rehabilitation Plan 2009-2012
- The Human Rights Plan
- The II Strategic Citizenship and Integration Plan 2011-14
- The National Integral Strategy against Racism, Racial Discrimination and Xenophobia and Other Types of Intolerance

The fact that the NRIS identifies clearly the mainstream policies that it should complement and contribute to in the future could be considered a positive element.

Discrepancies between mainstream and targeted policies

As indicated in the research plan for the elaboration of the present report, this is a difficult question to answer in the Spanish context. In this section we have tried to assess positive and negative aspects of both types of policies. Largely, the progress made in Spain over the last decades is due to a combination of:

- General social policies following an inclusive perspective (focusing them on the entire population, without exception), which has enabled Roma to access various social protection systems, in a generalised manner.
- Specific measures targeting the Romani population which is faced with particular difficulties in accessing universal services due to their disadvantaged social situation or social exclusion. This has proven to be an indispensable complement which has served to make up and compensate for the historic disadvantages of the Spanish Romani population.

The Spanish experience shows that there is a need for the combination of universal public services and specific measures, adequately co-ordinated with the public services network and aimed at mainstreaming. If specific measures are part of the system for social protection or the system for activating employment, they will have a higher probability of achieving the effective social inclusion of the Romani population. On the contrary, if they are outside the system and co-ordination is poor, there is the risk of increasing segregation and generating rejection by the majority population, who may consider them as undeserved privileges for Romani persons.

From a broader historical perspective, there are clear examples in Spain of how a general policy oriented towards inclusion can have perverse effects on a given social group, such as the Romani community, if no effort is made to adapt to its specific situation and peculiarities. This was the case in the 1990s with the implementation of the Organic Law on the General Ordering of the Educational System (*Ley Orgánica de Ordenación General del Sistema Educativo* – LOGSE). This law, which opened broad possibilities to attend to difference, has probably had positive effects on the educational level of the majority population in Spain. However, by prolonging compulsory schooling from 14 to 16 and bringing forward the transition from primary to secondary school to the age of 12 (often in different centres from those where

18 http://www.empleo.gob.es/es/sec_trabajo/debes_saber/pnr/index.htm.

students received primary education, without a specific strategy for adaptation to Romani population), this reform had the unintended consequence of bringing the exit of Romani students (especially girls) from the school system forward. Roma practically disappeared from secondary education in spite of its compulsory character and its virtual universality among the general population.¹⁹ Today, the secondary schooling of Romani children is affected by significant deficits, as is explained in the corresponding chapter of the present report.

At present, the most severe contradictions between mainstream and targeted policies oriented to social inclusion (of the Romani community as well as of other groups in situations of exclusion) stem from the application of budget austerity to social policies. The latter causes a reduction of the corpus of support teachers, of programmes of health education, of the social housing stock, of programmes of protected employment and/or adapted to the Romani community (to cite only some relevant examples).²⁰ It is not a question of a contradiction *sensu stricto* between mainstreaming and targeting. The impact of the budget cuts is being felt more acutely in the specific programmes developed from the general social protection systems and aimed at the disadvantaged groups and persons, as extensions or adaptations of their universal orientation. This result is highly paradoxical given that it is currently taking place while the implementation of the NRIS should go in the opposite direction.

Monitoring and evaluating the NRIS

According to the majority of the sources consulted, the NRIS is still a theoretical framework, which still has to be implemented. Arguably, the actions currently developed are neither directly related to, nor have they emerged from, the NRIS; they are rather a continuation of the actions already being implemented.

There are multiple reasons for this, including:

- Lack of time to develop the actions indicated in the NRIS since its adoption (April 2012).
- Limited human resources existing at the different levels of administration, particularly within the General State Administration, to implement the initiatives proposed (several of the planned measures have not been implemented yet due to these limitations).
- Lack of funding sources to develop the initiatives (even more important in the actual context).
- Time needed to inform the different implementing agencies and decide on how to implement some of these initiatives.
- Changes in the representatives of the administration in the State Council of the Romani People due to the change of government.
- Changes within the State Council of the Romani People (which has involved changes of the composition of the Council, election of new members of its Permanent Commission and of the working groups).

It is necessary to underline the lack of knowledge that seems to exist between different stakeholders on the NRIS and/or on how to implement it on the ground. At the General State Administration and in some way at the regional level, the Strategy itself is apparently known, but it is not clear how it should be put into practice. As a result, it has not yet been fully integrated in their respective actions. At the local level, in many cases, it is not known. As we already commented, it seems that there is room for improvement of the channels established for the transmission of the information; in many cases, the actors obtained information about the Strategy through other channels and sources than the ones foreseen (e.g. NGOs) and/or they were aware about the initiative because of their particular interest in it and their own initiative to look for the information. This lack of information and understanding about the NRIS could be a barrier for its adequate implementation.

19 Belén Cardiel, "Educación y comunidad gitana", in *Informe sobre la situación social y tendencias de cambio en la población española*, ed. M. Laparra (Madrid: Ministerio de trabajo y Asuntos Sociales, 2007).

20 More detailed information on these transformations is provided in the corresponding chapters.

As concerns the Action Plan for the Development of the Romani population 2010-2012 for Spain, the Ministry of Health, Social Services and Equality has recently submitted a progress report on the different initiatives included in the Decade Action Plan.²¹

As concerns the NRIS, it is too early to assess the effectiveness of the mechanisms foreseen for monitoring and evaluation. The Spanish Strategy foresees a clear and specific framework for monitoring and evaluation, but it remains to be seen how it will be implemented.

It is worth noting that Spain is one of the few Member States that includes further specifications on these mechanisms in their NRIS: It details what the monitoring will entail, including the method and the reporting system and the Department with ownership of the process (it is foreseen that the National Contact Point will monitor the NRIS in collaboration with national, regional and local authorities and with the involvement of the Romani representatives through the State Council of the Romani People).

It is also one of the few Member States that describes how the foreseen mechanism will be part of the implementation process and includes references to regular assessment or evaluation reports that could potentially be used at a certain point in time to revise, amend or adapt the objectives and activities of its Strategy so as to adapt to new challenges or realities. In particular, during 2012, the Strategy co-existed with the Action Plan for the Development of the Romani population 2010-2012. Once the execution period of this Plan comes to an end, successive three year plans are scheduled to follow it. Coinciding with the creation of future three year plans, and pursuant to the evaluation of these, the NRIS's targets will be updated accordingly and the measures proposed will be revised to adapt them to the needs and priorities detected. It falls to the National Contact Point to undertake the follow-up of planned measures, the mid-term evaluation in 2015 and the update of targets, as well as the final evaluation.

It also sets precise and specific indicators for monitoring and evaluation of the NRIS and its objectives. Whether they will be met and will be effectively taken into consideration as the evaluation progresses remains to be seen. For example, some of the indicators are related to specific studies foreseen for the following years and which require funding; if there is no funding, there will be no studies and therefore no possibility to use certain indicators. Nevertheless, the innovation that this system of indicators and targets introduces in the approach to Roma policy should be underlined. Previously, a common official statement by the Spanish Kingdom, both as regards the national and European level, was that there is no official data and no legal possibility to collect them.²² In our opinion, these indicators and targets suppose:

- The official assumption of statistics generated by different actors, usually civil society organisations (collected in the NRIS).
- The commitment to produce them in the future through official statistical bodies.
- A clear reference for evaluating the implementation and also for promoting social awareness in the future.

The current efforts of the EU Agency for Fundamental Rights to develop a series of agreed indicators at the European level is also mentioned as a positive initiative.

Stakeholders consider monitoring and evaluation as a key area; it has always been the problem of social policies, which in some cases have tended to focus on funding but not on how the funds are used. For example, the central administration has institutional data only; it has no information and data on impact. In general terms, there should be a re-focus of evaluation systems: They should focus on real impacts rather than in terms of mere inputs. Actors receiving funds, both public and private, should be obliged to report on them and provide as much information as possible on their impact on the Romani community (directly and/or indirectly). The monitoring and evaluation of the use of the funds should be integrated systematically.

21 Ministry of Health, Social Services and Equality, *Decade of Roma Inclusion 2005-2015 Progress Report 2011. Spain.*

22 *Ibid.*

Budgetary resources

It is important to begin by mentioning that the Strategy does not foresee a specific budget for its implementation. Instead, it proposes the use of existing funding sources (both specific and general, and coming from European, national, regional and local authorities), but does not clearly identify them.

In addition, the last years have seen a decrease in the funds available for Roma integration, and notably during the current economic crisis. Another challenge is the delay in the approval and/or payment of the amounts corresponding to some of these funding sources. For example, the allocation of funds from the Personal Income Tax (IRPF) for 2012 was only published in the Spanish Official Gazette in November; in the same month, the amount corresponding to the Roma Development Programme was budgeted but not yet approved, as the State budget was not yet approved.

Main funding sources

Among the funding sources for Roma integration there are specific and general budget lines, including:

- *The Roma Development Programme.* This is funded by the Ministry of Health, Social Policy and Equality through annual calls for proposals and executed by the Autonomous Communities and the 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 3 million EUR in 1995 to the current 550,000 EUR.
- *The sharing of Personal Income Tax (IRPF).* This is the only source of funding managed directly by the Ministry of Health, Social Policy and Equality, 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 Romani community (2.78% of the total) amounts to 5,667,656 EUR).
- *General regime subsidies* for organisations working in the areas of social services, families and childhood. In 2012 a decrease of more or less 10% was estimated.
- *European Funds.* The Romani community benefits from these funds in two different ways:
 - Specific Operational Programme Fight Against Discrimination (POLCD) (period 2000-2006 and 2007-2013). Funded by the ESF and managed by five civil society organisations, it 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. 96.8 million EUR have been made available for the whole OP in the current period (2007-2013).
 - Operational Programmes 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 citizens in general will benefit.
- *Regional budgets* oriented both specifically to the Romani 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 5 years ago.
- Also *local budgets*, at the municipal level.

While it is possible to obtain data on the specific funding sources for Roma, e.g. the Roma Development Plan and the Personal Income Tax, we have ascertained the difficulty in obtaining accurate information on the funds that benefit Roma in the context of the general programmes (as proven by the different attempts made by organisations such as the ESF management unit). There are a number of reasons for this: The most important one is the fact that Spain has no law, rule or regulation of any kind defining the concepts of “race” or “ethnicity”.²³ As a consequence, no data on ethnicity can be gathered (in

23 Spain has no law, rule or regulation of any kind defining the concept of “race” or “ethnicity”, despite the fact that racial or ethnic origin has been recognised by the Ministry of Health, Social Policy and Equality as being one of the main causes of discrimination in Spain or that Article 14 of the Spanish Constitution of 1978 includes, *inter alia*, the principle of equal treatment and non-discrimination on the grounds of “birth, race, gender, religion, opinion or any other personal or social condition or circumstance.” Thus, public agencies do not regularly collect statistical data on ethnicity.

addition, some Romani people maybe do not want to be identified as such) and it is necessary to use other methods to collect the information indirectly. However, such alternative methods are not always precise (e.g. considering the funds allocated to Romani organisations or those used in areas in which there is a high percentage of Roma residents). The micro-territorial approach proposed in other countries is not useful in the case of Spain given the fact that the Spanish Romani population is dispersed in different areas (most Romani persons live in urban areas and less than 5% in isolated settlements or ghettos). The new system of social indicators introduced in the NRIS could change this situation in the future generating more information on Romani community. The need for this information has repeatedly been noted by researchers and by NGOs, although debate on its necessity sometimes emerges in Romani organisations.

Structural Funds

According to the information available, throughout 2011, the units responsible for the management of the Structural Funds, namely the European Social Fund (ESF), the European Regional Development Fund (ERDF) and the European Agricultural Fund for Rural Development (EAFRD), were invited to take part in the consultation process regarding the NRIS. The first two ones took part in the preparatory meetings but not the last one. Particular attention was paid to the involvement of the Managing Authority of the ESF, as the latter constitutes one of the key financial and policy instruments for Roma integration. Representatives of this unit involved in the management of the Operational Programmes, particularly the Operational Programme Fight against Discrimination, and the transnational Network EURoma (European Network on Social Inclusion and Roma under the Structural Funds), met several times with officials of the Ministry, as well as with the expert on Roma issues helping in the elaboration of the NRIS. Working meetings between stakeholders were organised to analyse the needs, identify the challenges and debate proposals.

In relation to the Structural Funds and in particular the ESF, we note the completion of some of the measures included in the NRIS, which were already in process at the moment of its elaboration:

- Regarding the Operational Programme Fight Against Discrimination, although we cannot talk about a re-programming given the difficulty of making substantial changes in ongoing programmes, there has been a re-allocation of the funds still available. In June 2012, the Ministry announced the allocation of 51 million EUR (74 million if we add the 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 them the Romani community, with particular attention to youth. This decision was motivated by the current economic situation, where certain intermediate bodies, mainly public ones, could not cover the co-funding required by EU funds or suffer 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 Operational Programmes. However, given that no monitoring has been undertaken, it is not possible to evaluate whether they have had an impact on the Romani community.
- In relation to the promotion of the transnational dimension, the ESF Managing Authority submitted, in the framework of a call for proposals to “Reinforce learning networks for a more effective implementation of transnational actions under the ESF 2007-2013,”²⁴ a proposal to create a Network to promote learning at policy level on the inclusion of the Romani community. This Network, which has been recently approved, shows strong commitment on the part of the Spanish Government, which has committed itself to providing co-funding for the network.

24 For further information see: <http://ec.europa.eu/social/main.jsp?catId=325&langId=en&callId=349&furtherCalls=yes>.

The latter network will serve to reinforce, from a political point of view, the work undertaken by the European Network on Social Inclusion and Roma under the Structural Funds (EUROMA).²⁵ Created in 2007 by the ESF Administrative Unit in Spain and the FSG with the aim of promoting the efficient use of Structural Funds for the social inclusion of the Romani population, has proven its value over the years, and is one of the instruments that will be reinforced. This Network is financed through the OP Technical Assistance and Transnational and Interregional Co-operation.

Finally, the ESF Managing Authority also promotes the transnational dimension through its active participation in the Learning Network on Transnational Co-operation in the context of the ESF.²⁶

The 2014-2020 period of EU funds

The preparatory work of the next programming period is at an early stage and has been launched in a context of uncertainty, pending approval of the Spain's General State Budget and the Structural Funds' Regulations. Following the analysis of the context, the Directorate General for EU Funds of the Ministry of Economy and Taxation has created a working group gathering the representatives of the units in charge of managing the ESF, the ERDF and the EARFD in order to work on Spain's Partnership Contract. Representatives from the different General State administrations are invited to take part in these meetings in order to analyse the situation in their respective fields of intervention, and notably to check whether the *ex ante* conditions set by the Regulations are met and, if this is not the case, when they will be met.

The *ex ante* conditions included in the ESF with a direct reference to the Romani community offer a key tool to promote Roma inclusion in the EU funds (in order to receive the funds, it will be necessary to take into account these conditions) and to foster policy co-ordination between the different layers of administration in this area. While some of the conditions related to Roma integration are already met, further efforts will be required to meet others.

The European Commission has recently provided Spanish authorities with the Position Paper on Spain, which will form the basis of "informal" discussions between Spain and the EC to elaborate the Partnership Contracts and the future Operational Programmes prior to the beginning of "formal" discussions, which will take place once the Regulations are in place (foreseen for September 2013). Although the European Commission does not mention explicitly the Spanish NRIS, in contrast to other countries, it does mention the social inclusion of the Romani community and the need to continue investing in specific fields such as employment and education on several occasions. The initial reaction of relevant Spanish authorities such as the ESF Managing Authority and the Ministry of Economy and Taxation has been positive and it is hoped that this translates into guaranteeing the continuity and reinforcement of the actions currently undertaken. Nonetheless, no decision has yet been taken on the organisation of the future Operational Programmes.

Following this first phase of analysis, the relevant stakeholders have been involved in the process. At this point, the State Council of the Romani People has been formally informed of the process for the elaboration of the Partnership Contract and how different stakeholders may contribute. The organisations taking part in the Council have jointly agreed on a specific proposal regarding the use of the Structural Funds for Roma inclusion during the next programming period. This document, including a variety of recommendations, has been submitted to the Government to contribute to the elaboration of the Partnership Contract. It remains to be seen whether these proposals will be incorporated in the final version of the Partnership Contract. In addition, the Ministry plans to create an Inter-fund Committee.

25 This network was created in 2007 by the Administrative Unit of the European Social Fund in Spain and the FSG, with the aim of promoting the efficient use of Structural Funds for social inclusion of the Romani population. The network unites management authorities of the Structural Funds (principally ESF) and bodies responsible for Roma policies in 12 countries. Information available at: <http://www.euromanet.eu>.

26 For further information see: <http://www.transnationality.eu>.

Sustainability and political commitment

Most of the actors consulted consider that further commitment is needed to address issues such as the fact that the NRIS does not have a specific budget for its implementation and that the amounts allocated to foreseen funding sources are currently being reduced. Furthermore, any national, regional or local funding will be difficult to secure in the current context of economic crisis and budgetary austerity. It remains to be seen how things will eventually turn out, notably once the issue of how the Strategy will be implemented and what funding sources will be employed for this purpose is clarified.

However, stakeholders consulted stress that, in the current context, it will be difficult that there is a real commitment on the part of the Government, and as well as sustainability of the measures related to the social inclusion of the Romani community. On the contrary, there is a risk of stagnation and even reversal of the advancements of the last 30 years due to the current context where the political measures adopted could undermine the universal welfare system, which has made a fundamental contribution to the inclusion of Roma in Spain. As a positive initiative worth mentioning is the increase of the funds allocated to the Operational Programme Fight Against Discrimination, as already explained. Article 7(2) of the ERDF Regulation also offers a lot of potential but further action to implement it on the ground is still needed.

EU funds accessibility for small projects

The civil society organisations consulted hope that there will be an increased simplification regarding EU funds and that they will reach all organisations, at all levels (national, regional and local) and with different degrees of capacity.

The public authorities consulted affirm their awareness of this challenge, which has come up in the process of planning of the upcoming programming period. However, no decision has been taken yet on how to address it given the early stage of the negotiations.

In general terms, there is an agreement that further simplification is needed. However, it will be difficult to find solutions to some of these elements, e.g. the issue of co-funding, given that up to now the Government has never provided funds to cover 100% of the expenses (according to the draft regulations on Structural Funds the only case in which no co-funding is needed is the thematic line on transnationality/social innovation).

In light of the inputs gathered, it is important to note that the complex administrative requirements, the advance of money and notably the co-funding are a challenge not only for small projects and organisations but also for bigger projects and organisations, which do not have the resources to match the funds even if they have the capacity and experience needed in the management of EU funds. This is of particular relevance in the current context in which public administrations have limited financial resources and cannot provide funds to be used as co-funding, forcing organisations to resort to seeking credit to advance matching funds (in a context of limited liquidity on the credit market) and thereby fall in the trap of indebtedness.

It is also worth noting that some actors consulted consider that not all organisations should be expected to manage EU funds directly; however, they should all have the possibility to benefit from them. Therefore, when talking about simplification we should not focus only on the access to the direct management of projects and programmes but also consider other mechanisms available for NGOs to benefit from EU funds, such as global grants, capacity-building and technical assistance.

Conclusion

Stakeholders coincide in providing a clearly positive assessment of the work realised by the administrative unit responsible for the Programme for Roma Development in Spain. It has constituted an innovative initi-

ative since its creation more than 20 years ago, and has contributed effectively to the integration process of the Romani community. However, in recent years, the reach and the implications of the challenges assumed regarding the inclusion of the Romani community have gradually increased (in terms of international commitments, national and regional plans, specific strategies to be developed in the EU Framework, new participatory organs, etc.). In this context, the responsible administrative unit has experienced some limitations in terms of human and financial resources as well as regarding its political capacity and its power to incite the collaboration of diverse actors.

On the other side, there is a lack of effective inter-administrative co-ordination mechanisms among the different ministries of the central administration, which leaves the involvement of each of them to depend on conjunctural factors of interest or informal collaboration dynamics.

However, perhaps the essential element is the difficulty in involving the regional authorities (i.e. Autonomous Communities, strategic actors given their competencies in relation to social policies) in the elaboration of the strategies for the inclusion of the Romani population as well as in the implementation, monitoring and evaluation processes. The political inter-administrative co-ordination organ, the Sectorial Conference of Social Affairs, in which all Autonomous Communities participate, has a field of competencies that is excessively broad to allow it to focus fully on the Roma issue. It remains to be seen whether the Technical Co-operation Group on Roma will suppose an advance along these lines in the future. One may argue that genuine mainstreaming is still weak both in horizontal terms (inter-sectoral) and vertical terms (levels of policy-making) by crediting the Spanish authorities for having commitment to innovations and basic mainstream thinking.

Finally, the creation of the State Council of the Romani People has been appraised by all consulted actors as a notable advance in the recognition of the Romani community as a “people” and as channel with significant potential for the social participation of the Romani community itself in affairs that affect its members. However, there is still room for improvement as regards its capacity to channel the demands of the Romani population and achieve real influence on decision-making in the different public administrations.

With regards to the impact of European policies on the Romani community through the use of the Structural Funds, the role of the Operational Programme Fight Against Discrimination has been recognised as positive, although extending the possibility to access all the funds remains a pending issue that needs to be addressed.

2. ANTI-DISCRIMINATION

Background

Anti-discrimination policies have a short history in Spanish society both in relation to the social policies addressed in other chapters and aimed at inclusion, and to other European countries. Only with a large influx of immigrants between the mid-90s and the end of the past decade did the issues of racism begin to be the subject of some attention in public policy, and even then these phenomena had limited relevance for the Romani community.²⁷

Generally speaking, the analysis of racism arose preferentially from the perspective of co-existence and the prevention of ethnic conflict rather than from a commitment to equal treatment and non-discrimination.

Nonetheless, the available information continues to demonstrate that the manifestations of the worst perceptions and negative stereotypes by the Spanish society are directed towards the Romani community. This is why members of this community face an increased risk of being victims of discriminatory behaviour both from the overall population and institutions.

- In the CIS Barometer of 2005,²⁸ 40% of the persons interviewed responded that they would mind having Romani people as neighbours “a lot or quite a lot” and 25.3% would not like their children to share the classroom with Romani students.
- Similarly, the perception of discrimination among Roma is very high. For example, 55% of Romani persons have perceived discrimination when seeking employment.²⁹
- According to the *Panel on Discrimination on Grounds of Race or Ethnicity* (2010), the image of the Romani community is associated with “thieves, bad people, drug dealers,” in higher proportions than for any other vulnerable group.³⁰
- The discrimination and daily rejection experienced by this community has been reported, for over seven years, in the publication of the FSG, *Annual Report of Discrimination and the Romani Community*.³¹

In the table below, we have selected some indicators of situations detected by a Romani population sample in comparison with other potentially discriminated groups. Although some changes are observed in the two available surveys (possibly due to the sample size in some cases), the general trend shows the Romani community as one of the most discriminated by Spanish society.

27 An example of this may be found in the reports of the Spanish Observatory on Racism and Xenophobia (OBERAXE) that, under the Ministry of Labour and Immigration, focused almost exclusively on the reaction of Spanish society to the migration phenomenon, without addressing issues of racism towards other ethnic minorities, such as the Spanish Romani community.

28 Centro de Investigaciones Sociológicas (CIS), *Barómetro no. 2625, de noviembre de 2005* (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* (Septiembre-Octubre 2008). Available at: http://www.cis.es/cis/opencms/-Archivos/Marginales/2760_2779/2773/Es2773.pdf.

29 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/opencms/ES/1_encuestas/estudios/ver.jsp?estudio=7820.

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

31 The latest available report is for the year 2011. See: FSG, *Discrimination y Comunidad Gitana. Informe Anual 2011*. <http://www.gitanos.org/publicaciones/discriminacion11/>.

Table 1. Proportion of Roma who have experienced some of the situations described and identify them as being on grounds of race or ethnicity

Experiences of discrimination	2010		2011	
	%	Difference*	%	Difference*
House owners would not rent the house to them	30	+2	28	+7
They were asked for their identification document in the street	37	=	34	-2
Their suitcase, purse or merchandise was inspected without reason	37	+13	29	+6
They were rejected in a job interview	45	+18	43	+16
They were not allowed into a nightclub, a bar, a restaurant, a movie theatre or a store	33	+12	19	+7
They felt looked down on in shops and other businesses	49	+22	46	+20
They received taunts, insults or harassment from other children	26	+3	11	-4
They received bad treatment by health services	19	+12	8	+3

* Difference with other ethnic minorities (percentage points)

Source: "Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas" and "Estudio anual sobre la discriminación por origen racial o étnico (2011): la percepción de las potenciales víctimas 2011"

Lack of registration and identity documents

The Spanish Romani population no longer faces problems concerning their civil registration or documentation. The most marginalised sectors of the community who lacked registration and/or national identity cards resolved these matters in the 1980s. None of the institutions or persons contacted reported any concerns regarding this issue, which could put Romani people's access to their civil, political or social rights at risk.

A different situation concerns the non-Spanish Romani migrants from eastern Europe, mainly from Romania and, to a lesser extent, Bulgaria. This group, impossible to quantify at present, sometimes does not register on local registries (despite the obligation to do so for local authorities) and may not have applied for permits to regularise their residential and employment situation. Sometimes, it is difficult to address the lack of valid documentation in the country of origin due to the high administrative fees (fees for passports and certificates at the consulate are expensive). The low purchasing power of Romani migrants often prevents them from registering, which in turn hinders their regularisation in Spain (which requires a proof of having sufficient financial resources and other documents that most Romani migrants cannot provide). In some cases, the exclusion and marginalisation of these persons is in itself a difficulty for the access and maintenance of appropriate documentation.³²

The registration of Roma by the Spanish authorities is undertaken without stating their ethnic identity to avoid any discrimination or persecution. This is clearly positively appraised both by the experts interviewed as well as by organisations working on Roma integration. However, the lack of official registration has been offset by many specific studies that, while preserving anonymity, provide official data on the size of the Romani community (national and from eastern Europe), its social situation or developments. One of the latest studies about the situation of Romani migrants from Romania and Bulgaria in Spain provided a comparative analysis of the respective situations between migrant Roma and Spanish Roma in the field of employment and some aspects of social inclusion.³³

While it may be said that the failure to register, which causes problems in access to social resources, is confined to small groups of Romani migrants, the absence of official information on the Romani community often makes it difficult to follow the objectives established for their inclusion process.

³² Interviews with FSG experts.

³³ This research was carried out by the FSG within a transnational project funded by ESF Romania, the EU-Inclusive project co-ordinated by the Soros Foundation Romania, OSI Bulgaria and Cassa della Carita Milano, in 2010-2012. FSG, *Spanish and Migrant Romani Population in Spain. Employment and Social Inclusion. 2011* (2012). Available at: http://www.gitanos.org/upload/14/10/Situatia_romilor_-_english.pdf.

Fight against anti-Roma discrimination and racism

The Action Plan for the Development of the Romani population 2010-12 of Spain's Ministry of Health, Social Policy and Equality noted prejudice to be the primary barrier to the social inclusion of the Romani population, which maintains an anachronistic and stereotypical social image, generally reinforced by the media.³⁴ The Network of Centres Assisting Victims of Discrimination has also underlined the scarce social awareness on the right to equality, showing how several prejudices and stereotypes persist towards the Romani population.³⁵

Thus, this Plan establishes a first chapter of activities on "citizenship, equal treatment and non-discrimination" with four objectives: Combat all forms of discrimination against the Romani population; change their image in the eyes of the general population; combat all forms of gender discrimination; and promote equal participation in public and private institutions.

Nevertheless, this inspiring orientation faced initial difficulties when the projected Comprehensive Equal Treatment Law (the first foreseen activity and a key element for many others) was abandoned following early elections in 2011. Thus, it was not possible to fully comply with the objectives foreseen in the Plan to address the main problems related to ethnic discrimination of the Romani population.

There is a lack of knowledge of aspects related to racism and discrimination on the part of professionals who are key to the promotion of equality such as police or judges. Until now, the administration in general, and in particular justice, has no training addressing discrimination specifically. This training could help avoid the current situation where a lot of complaints and legal procedures do not take into account the racist or discriminatory motivation and/or circumstances included in certain crimes and faults.

Although there is no general strategy to train these public servants in combating discrimination, several activities have been identified at regional and local level which introduce these issues and provide information on the Romani population in general training activities (see the following point on institutional discrimination). At the same time, these issues are not integrated in other existing instruments and initiatives that could be relevant to the fight against racism and discrimination, such as the labour and education laws and inspectorates.

As established by the projected Comprehensive Equal Treatment Law, it is necessary to establish and implement a sanctions regime in the administrative procedure in the same way as it is established in other normative fields (e.g. road safety). It constitutes another form of educating and correcting offensive and harmful types of behaviour, which in this case violate a fundamental right, through punitive measures.

Another key shortcoming relates to official information on discriminatory, racist or xenophobic incidents. In Spain, there is no official registry of victims of racist violence. Only a few organisations have been collecting information in different parts of Spain for the past few years.³⁶

The Committee on the Elimination of Racial Discrimination (CERD) has argued that "they are preoccupied by the lack of official data on racist and xenophobic incidents, on the number of allegations made, on the judicial actions undertaken, on the convictions handed down, on the penalties imposed for felonies or crimes aggravated by racial motives, in accordance with Article 22.4 of the Criminal Code of the State, and the reparations conceded to the victims."³⁷

34 Ministry of Health, Social Policy and Equality, Government of Spain, *Action Plan for the Development of the Romani population 2010-2012* (2011). Available at: http://www.msc.es/politicaSocial/inclusionSocial/poblacionGitana/docs/INGLES_ACCESIBLE.pdf.

35 *Red de Centros de Asistencia a Víctimas de Discriminación por Origen Racial o Étnico* (Network of Centres Assisting the Victims of Discrimination), *Informe de Resultados 2010* (Madrid: Dirección General para la igualdad en el Empleo y contra la Discriminación / Consejo para la Promoción de la Igualdad de Trato y No Discriminación de las Personas por el origen Racial o Étnico, 2012).

36 Comité para la Eliminación de la Discriminación Racial (Sos Racismo Madrid, FSG, Comisión Española de Ayuda al Refugiado), "Examen de los informes presentados por los Estados partes de conformidad con el artículo 9 de la Convención. Observaciones finales" (CERD/C/ESP/CO/18-20) 78º periodo de sesiones (2011).

37 *Ibid.*

As a positive element, we can highlight the creation of prosecutors' offices addressing hate crimes and discrimination (Barcelona being the first) as well as the existence of a prosecutor for hate crimes and discrimination in the Supreme Court. These new legal instruments have been very well valued by experts.

Other positive activities have also been developed by the Council for the Promotion of Equal Treatment and Non-Discrimination on Grounds of Racial or Ethnic Origin. Especially relevant is the Network of Centres Assisting Victims of Discrimination, the surveys on discrimination as perceived by potentially affected groups, and several recommendations (see point 4 on this Council).

The former Spanish Government adopted the Comprehensive Strategy against Racism, Xenophobia and Intolerance in late 2011. This document implied a significant advance in the protection of vulnerable groups.³⁸ The adopted Strategy recognises the existence of a problem that is widespread in Europe and is also present in Spain – harming 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, and the design and implementation of prevention plans targeting particular vulnerable groups. Although the content of this legal framework did not fully transpose the European Racial Equality Directive it informed the Spanish NRIS and other legal documents.

With the approval of this framework, several problems and difficulties faced by various governments in Spain, such as the lack of statistics on hate crimes (claimed by European institutions) and greater specialisation and training in public service in this regard, have been addressed.

The Comprehensive Strategy against Racism, Xenophobia and Intolerance, which places particular emphasis on employment and racial discrimination in the workplace, was subject to consultation of the Forum for the Social Integration of Immigrants, the Council for the Promotion of Equal Treatment and non-Discrimination on Racial or Ethnic Origin, the Inter-Ministerial Commission on Immigration and the State Council of the Romani People.

Even though it was approved at the very end of the previous Government's term at a very delicate moment (early elections and low political support), this Strategy is 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 officers, civic organisations and public agencies.

Social awareness

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. In its initial phase of functioning in 2010, the Network involved more than 570 persons and more than 125 institutions or organisations in informational, training or awareness-raising activities.³⁹

At the regional level, there are also interesting activities to highlight, as, for example, "La Red Antirumores" (Anti-rumour network) of the Basque Country, oriented to promote a quick reaction on the ground when a rumour affecting ethnic groups is arising. Initially oriented to work on immigrant issues, Roma issues have also been included in the working materials. At the moment, it is too soon to assess the impact of this innovative project.

Other kinds of dissemination activities are oriented towards developing stronger knowledge about Romani community (history, culture, customs, social problems) rather than directly aiming to prevent discrim-

38 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>.

39 Red de Centros de Asistencia a Víctimas de Discriminación por Origen Racial o Étnico (Network of Centers Assisting the Victims of Discrimination) (2011), *op.cit.*

inatory behaviour. One of them is the Day of the Romani Community, which is organised annually at the national level and in several regions and counts on the participation of political authorities and some impact in the media.

The annual anti-discrimination and awareness-raising campaigns promoted by the FSG, with public funding, have also achieved significant social impact both within the Romani 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”.⁴⁰

Nevertheless, all these well-intentioned activities are far from sufficient due to the resilience of prejudice and stereotypes in Spanish society, as was stated by civil society organisations: “The social awareness-raising actions aimed at breaking prejudices and stereotypes developed to date remain insufficient.”⁴¹

Awareness of the Romani community

Many persons, especially among the Romani population, continue to live discrimination as a fact of life, as something that is so frequent as to be inevitable and part of daily life. As a consequence, in many cases, persons are not aware of the fact that they are being discriminated against. Only 4.3% have complained about receiving discriminatory treatment in the past year.⁴²

According to Special Eurobarometer 263 on Discrimination in the European Union, less than a fourth of the Spanish population declared that they knew their rights in case of being victims of discrimination or harassment, which constitutes one of the three lowest rates of awareness of rights in the EU-25 countries. Thus victims of discrimination usually lack information on the means to obtain reparation and face numerous obstacles in accessing justice.⁴³

With regard to Roma’s perception of discrimination, 45.4% of Roma surveyed by the FSG in 2005 felt discriminated against in Spain in relation to the labour market.⁴⁴ Concretely, almost a third of respondents felt discriminated against in their access to employment, and one sixth in employment. Such discrimination takes places to a greater extent for low-skilled workers (17.5% difference).⁴⁵ The historical, daily experiences of discrimination of many Roma influence negatively their expectations of finding a job. Many Roma that would like to be candidates for a job offer ultimately do not take the decision of presenting themselves to job interviews because they think that they will not be appointed simply for being Roma.⁴⁶ Discrimination reduces the expectations for accessing contracted employment and the lack of expectations influence the stereotypes and prejudices of entrepreneurs and society in general, who think that Roma do not want to work instead of understanding that they would like to do so but do not feel welcome.

Institutional discrimination

Taking into account the developments analysed in Section 2, some international independent bodies argued that there is a need for further training of the Spanish public administration in human rights, equality

40 For further information see: http://www.gitanos.org/campannas/conocelos_antes_de_juzgarlos.html.es.

41 Comité para la Eliminación de la Discriminación Racial (2011), *op.cit.*

42 Red2Red, *Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas* (Madrid Consejo para la Promoción de la Igualdad de Trato y No Discriminación de las Personas por el Origen Racial o Étnico, 2011).

43 Centro por Los Derechos Económicos y Sociales, *Informe Alternativo Conjunto para el Comité de Derechos Económicos, Sociales y Culturales* (2012).

44 More than 55% of the Roma surveyed by the Centro de Investigaciones Sociológicas (Centre of Sociological Research) made such a claim in relation to access to employment. Another 42% felt discriminated against in access to public services and places (for example bars, discos, swimming pools), and another 34% in accessing rental housing. CIS (2006), *op.cit.*

45 FSG, *Romani population and employment, a comparative study* (Madrid: FSG, 2005), 112-113. Available at: <http://www.gitanos.org/publicaciones/estudioempleo/madrid/06.pdf>.

46 Interviews with FSG *Acceder* workers. Madrid: 19 June 2010.

and non-discrimination and that many members of vulnerable and marginalised groups are discriminated against when accessing public goods and services.⁴⁷

The access of Romani population to public services and benefits is usually valued as acceptable in general terms, as can be seen in other chapters (education, health, social services, etc.) although the final achievements in these systems are much lower than for the general population. Roma are more present in social assistance (mean-tested) programmes related to income guarantees or minimum income schemes, usually receiving lower benefits than persons registered in the main social security contributory system. Nevertheless, there is a general consensus identifying the access to public services as a meaningful explanation for the improvements in the social conditions of Romani community in Spain.

Although there is no data to confirm this, it seems that Roma (both Spanish and migrant) are asked by the police to identify themselves far more often than the rest of the population, as manifested by 26% of respondents to the 2006 CIS survey of Romani households.⁴⁸ As there is no requirement to collect ethnic data in such cases, it is difficult to obtain concrete data on these situations with a view to preventing them.

A positive experience in this sense can be seen in the Fuenlabrada (Madrid region) police department. It has begun to implement an initiative to, on the one hand, promote social inclusion and diversity, and on the other, to address ethnic profiling in identifications by the police. Every time police officers ask someone to identify him or herself, they have to fill a document that indicates why they have taken such a decision. This allows both collecting information and, more importantly still, forcing the person undertaking the identification to reconsider the reasons for the identification.

The Council for the Promotion of Equal Treatment and Non-Discrimination of all Persons on Grounds of Racial or Ethnic Origin

In 2003, Law 62/2003 that transposed the European Directives 2000/43 and 2000/78 created an organ for the promotion of equal treatment and discrimination of persons based on racial or ethnic origin. In 2007, its mission, composition and functions were regulated. In January 2010, the Council adopted its first Action Plan for 2010-2013 and started to act effectively.

The launch of the Council came quite late: A decade after the ratification of the Directive that required it. Its functioning in this initial phase was considered limited because of a number of factors such as a lack of independence, structure and own resources (including a limited budget): It belongs to the current Ministry of Health, Social Services and Equality, lacking autonomy as regards administrative and budgetary managing arrangements (they are managed directly by the Ministry) and without its own staff. The funds available for the Council activities total 800,000 EUR, although only 6% were spent in 2012. Finally, stakeholders consulted stressed the fact that the Council is not very well known among the general population⁴⁹ and it does not have the capacity to litigate directly in cases of discrimination (neither it has any punishment ability or quasi judicial function). The responsibility for assisting the victims lies on civil society organisations taking part in a network of centres created by the Council.

As one of the main functions of the Council is to provide independent assistance to the victims of discrimination in pursuing their complaints, the Council created, funds (with 600,000 EUR) and coordinates a Network of Centres Assisting the Victims of Discrimination, managed by social non-governmental organisations.⁵⁰ Within this country-wide network, persons who perceive that they have been discriminated against could be supported by a legal expert. The other functions of the Council are related to publishing studies,

47 Centro por Los Derechos Económicos y Sociales, *Informe Alternativo Conjunto para el Comité de Derechos Económicos, Sociales y Culturales* (2012).

48 CIS (2006), *op.cit.*

49 This assessment was shared by numerous interviewees.

50 Accem, Cruz Roja Española, Fundación CEPALM, FSG, Movimiento Contra la Intolerancia, Movimiento por la Paz, el Desarme y la Libertad, Red Acoge y Unión Romani.

investigations and reports in the field of its competences as well as promoting measures and elaborating proposals to encourage equal treatment and the eradication of discrimination.

The operation of this Network has been very positively valued by the victims themselves, by the managing organisations and by the administrations in charge, in relation to all types of cases of ethnic discriminations, and the involvement, among managing organisations, of both Romani and pro-Romani entities enabling specific attention to this community. Nevertheless, its initial years of activity were affected by the intermitence of its functioning due to budgetary constraints: while its function was normal from mid-2010 and during all 2011, in 2012 it practically stopped, while its operations are expected to return to normalcy in the financial year 2013.

In 2010, 235 cases were addressed (188 individuals and 47 groups), and there were clear signs of discrimination in 212 cases. Twenty percent of the individual cases and 40% of collective cases corresponded to the Romani community. These were mostly cases of direct discrimination (61% individuals and 85% groups) in all areas, but particularly in employment, the access to goods and services, and related to law enforcement authorities. Most of the cases addressed (54%) took place in areas belonging to the public administration and most of them tended to be solved through various pre-judicial mechanisms (30% dialogue, 15% mediation and 9% conciliation), and only 14% through complaints.

In 2011, the cases addressed were more than double (590 cases, 337 individuals and 253 groups). Seventeen percent of individual cases concerned the Romani population and, the highest proportion, 46%, of collective cases also related to Roma. Employment (19%), housing (17%) and media (17%) were the main areas of discrimination. There was a significant increase in detected cases related to private organisations (52% of collective cases). The prejudicial mechanisms remain the most important methods (47% dialogue, 9% mediation) and a significant proportion of the cases had no solution available (42%). The general assessment remains very positive for the organisations involved and also for the Council.

Other activities by the Council have been very well evaluated by the experts and civil society organisations, including Romani organisations. They include the publication of two surveys (2010 and 2012) on perceived discrimination by potentially affected groups, periodical reports on discrimination and some recommendations, one of them on eastern European Romani migrants.⁵¹

To summarise, the establishment of the Council for the Promotion of Equal Treatment and Non-Discrimination of All Persons on Grounds of Racial or Ethnic Origin is possibly the most important development related to the recent transposition of the EU Equality Directives. Nevertheless, there are some weaknesses and areas for further improvement which should be taken into consideration such as the ones noted by the Committee on the Elimination of Racial Discrimination, which describes its weaknesses and emphasises the need for further development:⁵²

- It should be, as indicated in the European Directive, independent (not only advisory as now).
- It should have its own budget.
- It should have a stronger role, mayor social presence and more relevant policy.
- It should also address the need for defence of victims in courts, since there is no service to defend, when necessary, non-discrimination (some social entities litigate as they can, but with big economic difficulties).

51 On the activities of the Council, see: <http://www.igualdadynodiscriminacion.org/home.do>.

52 Comité para la Eliminación de la Discriminación Racial (2011), *op.cit.*

European Court of Human Rights and EU Racial Equality Directive⁵³

European Court of Human Rights

According to an analysis of racial discrimination in the case law of the European Court of Human Rights by the Professor Fernando Rey included in FSG's "2012 Annual Report on Discrimination and Romani community", two phases can be identified as regards ECHR case law:

- A first one characterised by few guarantees and poor legal arguments.
- A second one, in which the Court starts taking seriously the protection of ethnic equality and integrates the categories of the anti-discrimination law from Anglo-Saxon law which in turn follows the system of the European Union.

In general terms, we acknowledge that there has been a positive and undeniable evolution in the recognition and protection of the rights of Romani persons in the context of the European Court of Human Rights. However, despite progress, there are still several shadows and gaps that should be addressed. The most important one is the fact that the concepts related to the prohibition of discrimination are not always properly used. This is the case of two of the rulings regarding school segregation of Romani children: *Orsus and Others v. Croatia* of 16 March 2010⁵⁴ and *D.H. and Others v. The Czech Republic* of 13 November 2007.⁵⁵ Another example is the fact that in the three last rulings of the Court regarding racist violence (which even led to death) racist motivation was not considered to have been present despite evidence proving the contrary. Likewise, in some fields, for example in the eviction of caravans, the line of argument which is still used is negative. Another weakness of the case law remains the use of categories of the anti-discrimination law which are not really clear and well defined. An example of this is the case of "La Nena", a Spanish Romani woman – Maria Luisa Muñoz – who was denied the right to receive a widow's pension by the highest court in Spain because she and her partner were married according to Romani tradition and not civil or religious regulations and took her case to the European Court with the help of the FSG. The Court built its arguments on the (general) right to equality and not on the (specific) right to not suffer racial discrimination.

The case of "La Nena"⁵⁶ is the most relevant case concerning Spain. The ruling in favour of Ms Muñoz was really important as it involved a reversal of the ruling of the Spanish Constitutional Court, which was perceived to be an example of a "race blind" approach- i.e. indifferent to the ethnic factor. In addition, it was considered that the Spanish Constitutional Court lacked a serious interpretation of racial discrimination as only two cases of racial discrimination had been previously decided. It is important to note that the ruling cannot be seen as a legal recognition of Romani marriage, an issue that comes under the competence of each country's internal legislation, but as a way to provide a fairer solution to the particular case of this woman as well as to address the discriminatory treatment by the Court. However, although the ruling does not have a general effect or objective that could possibly be applied to many other cases, we are aware of the case of another woman whose right to receive a widow's pension was recognised based on the case of "La Nena".

EU Racial Equality Directive

Even though the Spanish legal framework included some important elements of protection against discrimination (the Constitution, the Workers' Statute, the Civil Code or Penal Code), the problem was, according to legal experts on the matter, the lack of enforcement.

What was missing was a comprehensive legal framework, an explicit legal mandate to the authorities and the development of intervention tools in this field. It is on these aspects that the European Racial Equality

53 European Council, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2000).

54 See: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-97689>.

55 See: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83256>.

56 See: http://www.gitanos.org/upload/94/43/51_52AFondo.pdf. See also: <http://www.errc.org/article/roma-rights-2-2009-multi-ple-discrimination/3564/5>.

Directive should have had a dramatic effect (Council Directive 2000/43/EC of 29 June 2000). Spain, however, postponed the transposition of the Directive, and it did not enter into effect until January 2004 following the adoption of Law 62/2003.

This law has been extensively appraised as an incomplete transposition, highlighting the lack of clarity as to the valid evidence to prove discrimination (especially indirect discrimination), the lack of independence of the Anti-Discrimination Council or the lack of means for their direct intervention and assistance to victims. Other aspects of concern raised by experts are the definition of the concept of direct discrimination from a rather narrow perspective or the fact that the principle of protection against victimisation is transposed into Spanish law, but only in the field of labour.

But beyond the formal legal gap that the Spanish transposition presents, perhaps what has hindered its impact to the greatest extent has been the widespread lack of knowledge and understanding of its contents, not only on the part of the general public but also of the judicial system itself.⁵⁷

This is why non-profit organisations working with the Romani community, as well as those supporting the immigrant population, had high expectations for a newly projected Comprehensive Equal Treatment Law,⁵⁸ which should more properly transpose the EU Directive and solve many of the limitations of the previous transposition of 2003. This bill, already presented to the Parliament, was likely to be approved in the previous legislature in late 2011, but with early elections and the subsequent dissolution of the Parliament, it was nothing more than a project, with the consequent frustration of the stakeholders involved in these issues.

This proposal was important because it would have adequately transposed the European anti-discrimination framework, and contained institutional and legal tools and procedures similar to those of the most advanced European countries. Furthermore, this act intended to consolidate the right to equal treatment adapted to an increasingly complex social context. Some of the positive elements of this Bill were as follows: the relevant participation of public bodies and social organisations in the elaboration of the piece of legislation (in contrast with the elaboration of the Racial Equality Directive) and the inclusion of the reversal of the burden of proof in discrimination cases (a rule that has been used in Spain from many years now).

Romani children

One of the main Romani organisations in Spain stated that “Children’s fundamental rights are absolutely guaranteed,” and this is basically true in formal terms. Nevertheless, poverty and social exclusion affecting the Romani community call into question the adequate development of Romani children.

As we can see in the chapter on education, school segregation is in some cases a meaningful problem affecting Romani and migrant children. There are no specific measures oriented to reduce the concentration of ethnic minorities in some schools.

Early school leaving is also very important among Romani children, related to a very high level of school failure. Resources to help children with learning difficulties due to social or personal disabilities have been reduced for the years 2012 and 2013 and this may cause a worsening of the educational situation of Romani children.

Finally, child protection agencies tend to organise interventions with Romani children on the basis of different criteria (i.e. reducing the standards for shelter or other kinds of protection), arguing the cultural specificity (family-based values) of the Romani community. Nevertheless, there is no data on differences between Romani and non-Romani children in cases of neglect, abuse or violence, partly because of a lack of concrete demands to address these issues on the part of Romani organisations.

57 Ramírez-Heredia 2005; Cachón 2007; Andueza 2009.

58 Proyecto de Ley integral para la igualdad de trato y la no discriminación. Available at: http://www.igualdadynodiscriminacion.org/novedades/novedades/2011/pdf/2011_proyecto_ley_igualdad.pdf.

Romani women

The Action Plan for the Development of the Romani population 2010-2012,⁵⁹ with action areas related to economic, social and cultural rights, includes the objective of “combat(ing) all forms of gender discrimination” and of “promot(ing) equal participation of Romani women and men in the various public and private institutions.”

Actually, social services and NGOs tend to work more frequently with Romani women, but this priority is not sufficient to reduce the disadvantages they face both within and outside their community.

There is no specific programme aimed at addressing the specific and multiple forms of discrimination affecting Romani women (for being woman and for belonging to an ethnic minority). According to the FSG, 69% of the registered cases of discrimination affect Romani women. The public agencies promoting gender equality, both at national and regional levels, usually organise activities with Romani women, funding different organisations working with them. As has been recognised by different experts and organisations, “It is true that there are funds for some civil society organisations to develop activities with Romani women (through the Institute of Women).”

For example, in 2011, more than 200 women participated in a wide range of actions, within the collaboration agreement maintained since 1999 between the Institute of Women and the FSG, which funds the Programme of Social and Labour Integration of Romani Women.

One of the most relevant programmes aimed at the employment of the Romani population at the national level, the *Acceder* programme, has achieved a gender balance, with Romani women constituting more than half of its beneficiaries: 53% of the 64,000 beneficiaries and 52% of the 43,000 labour contracts obtained.⁶⁰

Human trafficking

A plan on trafficking in human beings has recently been approved, but its impact cannot yet be assessed.

Conclusion

Taking into account the scarce development of anti-discrimination policies in Spain until the ratification of Directive 2000/43/EC (in spite of the protection that the juridical framework already provided in this field), the ground covered since then can be assessed in clearly positive terms. In this process, the two most relevant milestones have been the transposition of the EU Directive itself, in force from 1 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 or Ethnic Origin, which took place in 2010, almost a decade after the Directive introduced its mandatory development.

The launch of the Council managed to incorporate the objective of equal treatment in public policies: It set in motion, in collaboration with social organisations with long experience in this field a network of assistance to victims of discrimination, while developing awareness-raising actions; anti-discrimination was incorporated in Spain's Action Plan for the Development of the Romani population (2010-2012) and in its NRIS (2012-2020); it published reports periodically on discrimination, elaborated specific recommendations on various themes (for example, Romani migrants from eastern Europe) and produced specific surveys to assess the perception of groups potentially subjected to discrimination.

59 Ministry of Health, Social Policy and Equality, *Action Plan for the Development of the Romani population 2010-2012*.

60 See: http://www.gitanos.org/que-hacemos/areas/empleo_y_formacion_profesional/acceder.html.

The principal shortcoming of the process, the transposition of the Directive, which was generally appraised as incomplete and insufficient by experts, 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 which lingered as a mere 'project of law' due to the change of Government that took place in late 2011. The drafting procedure and the contents of the law itself should have resolved the other key pitfall of equal treatment: The lack of knowledge of the law and of their rights by victims in the new European framework. Concurrently to the failure to pass the new law, the approval of the Comprehensive Strategy against Racism approved at the end of the last legislature could not cover the remaining breach in the transposition of the Equality Directives.

In this context, the recommendations of the present civil society coalition are oriented towards the recuperation of the trajectory initiated in 2010 (see the recommendations at the beginning of this document).



3. EDUCATION

Background

The Spanish Romani population is characterised by a relatively low formal educational level in comparison with the majority population. The general level of schooling of Roma is significantly lower than in the case of the general population. The academic level of adult Roma is very low, with high illiteracy and functional illiteracy rates, and high rates of early school leaving and academic failure.

In fact, in spite of significant progress among the younger age cohorts in the past decades, the general level of schooling of Roma remains significantly lower than in the case of the general population. The academic level of adult Roma is very low, as illiteracy rates are estimated at 14.5% (CIS)⁶¹ while the rate is lower than 2% for the whole of the Spanish population. Many Roma over 16 years of age have no studies and are functionally illiterate: Between 30.6% (CIS) and 58% (FSG) of Roma present signs of functional illiteracy. Another 31.2% (CIS) to 22.4% (FSG) only completed their primary schooling, implying that only 22% of Roma have reached (but not necessarily completed) the level of compulsory secondary education.

Gender imbalances within the Romani population are more accentuated than in the majority population, with, for instance, 18.1% of Romani women who are illiterate and 10.1% of Romani men, and 19.4% of Romani women having reached compulsory secondary education compared to 25.2% of Romani men (although the proportions of Romani men and women with primary schooling (complete or incomplete) are similar – circa 60%).⁶²

The situation of Romani students in the Spanish educational system has radically changed in the last three decades, with significant progress in terms of educational achievement among the younger age cohorts in the past decades. The democratisation of Spanish society and State has consolidated a public, universal and free educational system which has expanded its capacity and is hosting students in a context of increasing social and ethnic diversity. In addition to the gratuity and general inclusiveness – for example, through legislation promoting the standardisation of inter-cultural approaches to schooling – of public education, Roma have benefited from compensatory measures aimed at reducing educational inequalities, such as canteen grants, grants for school materials.

The advances with regard to formal schooling are manifest in observing generational differences in terms of academic level: While only 29% of the 45-64 year age cohort has primary or further education, the proportion increases to 78.6% for the 16-24 year age cohort. In turn, illiteracy rates for these two cohorts are respectively 28.5% and 2.4%, indicating tectonic shifts in the relationship between (and perceptions of) the public education system and the Spanish Romani community. These advances are also gradually and slowly reducing the wide breach between Roma and non-Roma in terms of formal educational achievement.⁶³

The decentralisation of the competences in the field of education to regional authorities leads to diversity and in some cases inequality as regards education policies in general and those aspects with a direct impact on Roma in particular. In Spain education is a competence shared by the State administration and the Autonomous Communities. The competences of the General State Administration are mainly limited

61 M. Laparra (2011), *op.cit.*

62 *Ibid.*

63 *Ibid.*

to setting the general framework/regulations, but the development and adaptation of this framework to the specific circumstances of each region falls under the competence of the Autonomous Communities. Local authorities also play a key role with competences in areas such as the control of school absenteeism, the request of the necessary education centres according to their inhabitants, the provision of the pieces of land for building the public education centres for pre-school, primary and secondary education and the surveillance and maintenance of education centres.

The Spanish basic education system is compulsory and free of charge from 6 to 16 years of age. Pre-school education, until 6 years of age, is not compulsory and the first cycle (0-3 years) is neither compulsory nor free.

It is also worth noting that factors such as the changes (sometimes every four years) of the central and regional governments and the conservative or progressive trends of the governing political parties – and their direct influence on the way they address education – have an impact on the limited sustainability of the reforms in the field of education.

However, despite these factors, stakeholders consulted observe that in general terms, there seems to be a trend for education policies to think about the reception of immigrants and consider the schooling of Romani children in marginalised areas as solved or, even worse, impossible. In this context, available compensatory resources are in many cases used for the immigrant children and, unfortunately, Romani children are still included in general policies related to the attention of “problematic cases” (marginalised, conflictive, repeaters, etc.). Another relevant aspect relates to the lack of consideration of the different cultures existing in the Spanish State, including the Romani culture, in the academic field. An example is the latest law on education, which developed the idea of inter-cultural education, but by more thinking about the culture(s) of the migrant population than about the different cultures within the Spanish State.

During the year 2012, there is no evidence that new specific educational measures, resources or programmes targeting Roma were implemented as a direct result of the adoption of the NRIS, and according to the experts consulted there has been no alignment between general educational policies and the NRIS. This implies that the impact of the NRIS cannot be measured, but it is expected to be limited given the significant budget cuts undertaken in the past two years in this area, which are likely to threaten the implementation of the positive measures foreseen in the Strategy.

In fact, the aforementioned advances in terms of enrolment and permanence in school among the younger age cohorts, might be undermined in the medium-term by the generalised cutbacks in educational budgets that have been taking place both at the national and regional level since 2010 – the Ministry of Education has for example undergone a budget cut of 37% since 2010 (i.e. a total of 6.3 billion EUR, including a 14.4% decline between 2012 and 2013), while a region like Castile-La Mancha has reduced its educational budget by 29% in the same period (the cuts have averaged 20% in the rest of Spain’s regions). The central Government expects that total cuts in educational budgets between 2010 and 2015 will reach one percentage point of GDP (to 3.9%).⁶⁴

The new draft law on education of the current Government, expected to enter into force in 2014-2015, may imply a setback for the Romani population and lead to a certain degree of school segregation, not within the schools but between schools. On the one hand, the governing bodies of the education centres will have the power to select the students; on the other there is an education system that involves different types of education centres (public, private and subsidised schools). In addition, the current circumstances of economic crisis and the reduction of the welfare state will also have an impact on the Romani families as it will make more difficult to have access to consolidated rights (grants for books and school materials, school meals, grants for university, etc.).

64 Expansión (2012), *op.cit.* El País (2012), *op.cit.*

Romani students in early childhood education (0-6 years)

The first cycle of early childhood education (0-3 years) is neither compulsory nor free. The public nursery schools belong to the municipalities and used to be subsidised by the central Government (through the Ministry of Education's Educa3 Plan) and the Ministries of Education of the Autonomous Communities. There is a significant imbalance between the offer and demand of places in public pre-school centres, generating waiting lists for limited available places. Families with fewer resources are given priority access to the latter, which favours Romani families. According to the Ministry of Education (MEC), 96% of the population was schooled in this first phase of formal education in the academic year 2005/6, while only 62.7% were enrolled among Roma (according to the 2006 CIS survey).

The second cycle of early childhood education (4-6 years) is not mandatory but free, and is imparted in so-called Pre-school and Primary Education Centres (CEIP). Within this age cohort, there is an almost complete incorporation of the general population (98.5% according to the MEC), while Romani families enrol 86% of their children (CIS).

Early childhood education plays a vital role in offsetting inequalities and allowing Romani children to initiate primary education with the same knowledge and skills as their non-Romani peers. Experts unanimously agree that infancy is the most important of all phases of a child's development, and that any stimulus and learning leaves a lasting imprint.

An important policy initiative in relation to early childhood education is the Educa3 Plan, an initiative of the previous Government, which aims to offer quality early childhood education in the 0-3 age cohort, while responding to the needs of families for work-life balance, with a view to compensating educational inequalities. The Educa3 Plan implied an investment of 100 million EUR annually between 2008 and 2010, from the Ministry of Education together with additional funds from the Autonomous Communities, and meant the creation or expansion of 1,176 early childhood education facilities with a total of 74,412 places for children from 0 to 3 years.⁶⁵ In 2012, this investment was discontinued, which in many cases meant the disappearance of the early childhood education centres not maintained by municipalities and Autonomous Communities, and thereby the inability to create the 300,000 places previously foreseen and needed. According to the *Asociación Enseñantes con Gitanos*,

We return to a conceptualisation of first cycle of early childhood education based on charity rather than education *per se*, which implies under-valuing the learning of a transcendental nature that takes place in this phase, which is primordial for cognitive and social development, as well as for the early detection of educational needs, which allows their prevention and treatment. It also hides the difficulties that families in marginalised contexts face in providing their children's access to toys, IT and didactic materials, as well as the obvious difficulties in transmitting certain kinds of instruction. It is here that inequality among children begins between those who are enrolled in this initial cycle of education and those who are not; an inequality that will be presumably dragged along in their schooling process because their preparation is not the same.⁶⁶

School places remain insufficient in numbers in the case of the initial cycle of early childhood education (0-3 years) in the public system, but this is not the case in the second cycle of early childhood education (3-6 years).

In the last two years, the number of first cycle places has declined, as have grants for books and school supplies and meals. Canteen grants guarantee for the most vulnerable groups, a proper meal on a daily

65 Ministry of Education *Resolución de 3 de junio de 2011, de la Dirección General de Evaluación y Cooperación Territorial, por la que se publica el Acuerdo del Consejo de Ministros de 27 de mayo de 2011, por el que se aprueban los criterios de distribución del crédito, así como la distribución resultante, para la aplicación en el año 2011 del plan de extensión e impulso del primer ciclo de educación infantil Educa3, aprobados por la Conferencia Sectorial de Educación* (2011). Available at: <http://www.boe.es/boe/dias/2011/06/20/pdfs/BOE-A-2011-10722.pdf>.

66 *Asociación Enseñantes Con Gitanos*, Analysis of the impact of current educational policies in the public education system. Position paper of the Association *Enseñantes con Gitanos* (Vigo: September 2012). Data from the Programme Educa3 is from the website of the Ministry of Education.

basis, allowing parents more time to obtain the resources to support the family, while it is a key incentive for students to remain in school throughout the school day. At the same time, the scarcity of places in public pre-school programmes and the allocation of grants to families with limited economic resources generate feelings of unfairness and may stimulate further rejection of Roma beneficiaries on the part of the majority population.

In general terms, stakeholders observe a decrease in the investments in education at all levels - national, regional and local – as well as a decline in the number of teachers, an increase in the ratio of students per classroom and a limitation of the resources allowing student needs to be addressed adequately.

There are no specific programmes for Romani children offered at institutional levels to bring the Romani children closer to early childhood education. There are some programmes funded by municipalities for local Roma associations, but they seem to be insufficient.

Romani students in compulsory education (6-16 years)

At the primary education level (6-12 years) it can be stated that there is a schooling rate of nearly 100% (96.7%) for both Romani boys and girls. This figure confirms a positive progression in enrolment and permanence in school in comparison with data from 2002 (90.8% according to a 2002 study by the FSG).

According to the 2006 survey of the CIS, at the stage of compulsory secondary education (13-16 years), the 13 to 15 years cohort has an enrolment rate of 78.1% while the 16 year-old cohort (corresponding to the final year of compulsory education) undergoes a significant drop to 57%, i.e. more than half of Romani students are no longer in the classroom by 16 years of age.

The opinion of teachers working with Romani students is that this data is optimistic, and their perception of reality is rather more negative, because, even admitting these enrolment data, this does not signify actual or effective schooling, or even regular attendance. Nevertheless, there will not be any further available data or alternative studies until the latest study of the FSG on Roma and secondary education will be made public.⁶⁷

Measures to ensure that Romani children complete compulsory education

No specific programmes for Romani students are offered at an institutional level. But due to its characteristics, the PROA Programme (Programme of Educational Support and Guidance) is well suited for Romani students in need of reinforcement and academic support. It is funded through an agreement between the Autonomous Communities and the Ministry of Education. From 2005 to 2010, the Ministry of Education funded the programme with 190,639,335 EUR. In 2011, the contribution of the Ministry of Education was of 59.7 million EUR. In 2012, it was 60 million EUR.⁶⁸ Other services to combat early school leaving and school failure have experienced a reduction in the number of teachers, such as the Programmes for Initial Vocational Training (PCPI), study classes, the Centres for Special Education (CAEP), as well as the splitting of classrooms, laboratories and *bridge* classrooms and other compensatory programmes. Generally speaking, there has been a large reduction of the programmes specifically dedicated to diversity.

Foundations and NGOs working with Romani students are beginning to develop support and tutoring programmes. But they lack State resources and act from outside the education system. The institutional ones have diminished or disappeared and the ones managed by Foundations and NGOs have increased, only partially compensating public retrenchment.

67 FSG, *El Alumnado Gitano en Educación Secundaria: Datos Cuantitativos. Un Estudio Comparado Sobre la Situación Educativa de la Comunidad Gitana (The Roma Student Body in Secondary Education: Quantitative Data)* (2013).

68 Data about PROA implementation can be found on the Ministry of Education, Culture and Sports website and in the Spanish Official Gazette (BOE) dated 31 January 2013 (for 2012).

The programme with the greatest amount of resources and with a nationwide scope is the FSG's *Promociona* programme, which has been growing during the past years. It aims to reduce early drop-out rates and achieve higher rates of academic success. It is developed in 13 Autonomous Communities and 37 cities and towns. This initiative has been carried out since 2009 with the participation of close to 1,200 students, 270 educational centres (73 primary schools, 138 secondary schools, and 59 centres combining primary and secondary schooling) and 950 families, especially with students who are enrolled in compulsory secondary education. The programme is financed by the Ministry of Health, Social Services and Equality, the Ministry of Education, Culture and Sport, the European Social Fund Operational Programme Fight against Discrimination, as well as by a wide range of local and regional administrations and private entities. The programme has achieved an 80% success rate among student beneficiaries.⁶⁹

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

- OPRÉ ROMA. Support programmes for Romani students. Kaler Dor Kayico Association. Basque Country.
- SIKLAVIPEN SAVORENÇA. Tutoring programme in three neighbourhoods of Badalona, Hospitalet de Llobregat and Barcelona. Pere Closa Foundation.

These programmes are having measurable success in helping Romani students to complete compulsory secondary education and enter post-compulsory stages on their road to university. The available quantitative data on these points are the following (pending the final results of the FSG's 2013 survey on Romani students in secondary education):⁷⁰

- Enrolment in primary education (6-12 years): 96.7%.
- Enrolment in secondary education (13-15 years): 78.1%.
- Enrolment in secondary education (16 years): 57%.
- Among Romani students enrolled in compulsory secondary education, approximately 80% drop out before its completion.
- The highest drop-out rates are found among boys, especially in the early stages of ESO.
- Romani girls tend to drop out of school particularly in the transition from primary to secondary education.
- The proportion of Romani students passing all subjects is 31.9%, compared to 58.1% of non-Romani pupils.
- The proportion of Romani students attending remedial education programmes is 39%, compared to 14% of non-Romani pupils.
- The percentage of Romani children with a curricular gap of over two years is 68.4%, compared to 25.8% of non-Romani children.
- Romani girls enrolled in school are achieving more successful educational processes than Romani boys.

Updated data will be released in the FSG's study *Roma Students in Secondary Education: quantitative data*, to be published mid-2013. This study is financed by UNICEF-Spain and the Ministry of Health, Social Services and Equality, with the collaboration of the Ministry of Education, Culture and Sport.

Alternative options for those who leave school early

The new Education Act (Organic Law for the Improvement of Educational Quality [*Ley Orgánica para la Mejora de la Calidad de la Educación* – LOMCE] close to being legislated), will impose three selective tests

69 Information available at: <http://www.gitanos.org/que-hacemos/areas/education/promociona.html>.

70 Ministry of Health, Social Policy and Equality, *Diagnóstico social de la comunidad gitana en España Un análisis contrastado de la Encuesta del CIS a Hogares de Población Gitana 2007* (Social diagnosis of the Romani community in Spain. A contrasted analysis of the CIS survey of Romani homes 2007) (Madrid: Ministry of Health, Social Policy and Equality, UPNA and FSG, 2011). Available at: http://www.mspes.es/ssi/familiasInfancia/inclusionSocial/poblacionGitana/docs/diagnosticosocial_autores.pdf. Institute of Women and FSG, *Incorporación y trayectoria de niñas gitanas en la E.S.O.* (Incorporation and trajectory of Romani girls in Compulsory Secondary Education – ESO) (Madrid: FSG and Institute of Women, 2006). Available at: <http://www.gitanos.org/publicaciones/incorporaciongitanaseso/>.

(at the end of the primary, secondary and higher secondary cycles) which could, according to some, lead to an early segregation of students such as Roma and immigrants.⁷¹ In fact, the Education Act will establish selective itineraries: Some students will reach the baccalaureate as a step to university; others will be confined to professional training a step to obtaining an early job, i.e. diversity may translate into more entrenched inequality.

The only remaining alternative to the approach of the draft Education Act, which several observers hope will not be eliminated, is the Programme for Initial Vocation Training (*Programas de Cualificación Profesional Inicial*) for students over 16 years of age. These programmes aim to address diversity by offering an alternative that allows students to obtain the ESO degree while concurrently obtaining a professional qualification, which facilitates their access to employment, without needing to extend formal schooling beyond the age of 18.

Concentration schools/segregated schools

Since the establishment in Spain of a democratic state in 1978, no educational policies specifically aimed at Roma have been legislated besides the so-called “bridge schools” (1978-1986), that were created as segregated schools for Romani children in settlements and slums, through an agreement between the Catholic Church and the Ministry of Education. Since then, education legislation has not referred explicitly to Roma, including the Royal Decree of Compensatory Education (1983) that provided funds to “compensate the disadvantages of some students in entering or remaining in the educational system, because of their disadvantaged place of residence, social and economic level.”

Concentration schools are often formed by a number of complex factors, such as the urban deterioration of some areas due to economic and social dynamics, the relocation policies or the choices by parents about the school of their children, for example.

In these neighbourhoods, if there is only one school, it is conditioned by the characteristics of the students and their families living in the neighbourhood. If the neighbourhood is very large, usually a concentration school emerges, where the enrolment of Romani and non-Romani children in situations of poverty and/or exclusion takes place concurrently to the exit of non-Romani and Romani students with higher educational expectations and desire to remain in the educational system, who enrol in other schools (publicly-subsidised private school and public schools within or beyond the neighbourhood, with a much lower proportion of students from marginalised or vulnerable families). As argued by Teresa San Roman,

The failure of many multi-ethnic experiences can be largely explained by the existence of a single school that accepts people from different ethnic minority groups and the so-called hopeless cases from the majority population, while the rest of the schools remain mono-ethnic from the majority population and gain prestige at the expense of the open school, sometimes through racist disrepute of the latter.⁷²

Generally speaking, all large cities feature neighbourhoods of this kind that engender this type of school. Housing policies continue to foster the construction of social housing neighbourhoods that perpetuate such concentrations along both ethnic and socio-economic lines. Paradoxically, this tendency could also be further developed by a recent measure giving parents the freedom to choose the school where their children will be enrolled. Therefore, there is a risk that housing and education policies in some cases foster Roma concentration in schools, accompanied by immigrant students in recent years.

It is worth highlighting another type of concentration that takes place in education centres. The way the organisation of these centres is undertaken to address the specific needs of students for additional support

71 M.F. Enguita, *Retorno al pasado: vuelve el examen de ingreso* (2012). Available at: <http://enguita.info/retorno-al-pasado-vuelve-el-examen-de-ingreso/>.

72 T. San Román, “Pluriculturalidad y marginación”, in *Sobre Interculturalitat*, ed. T. San Román (Girona: Fundación SER. GI., 1992).

is translated into the implementation of measures that are, per se, segregating. This is the case, for example, of the distribution of students of a centre according to their educational level, which often results in the creation of classrooms where the vast majority, if not the totality of students, are Roma and/or immigrant.

A key factor in the eradication of segregated schools is the implementation of policies preventing such concentrations and promoting the distribution of Romani students in all schools of the neighbourhood or city. Likewise, Romani families will have to express the intention and have the ability to exercise their right to choose a school for their children.

The European Commission against Racism and Intolerance (ECRI) “strongly recommends that the Spanish authorities review the method of admission of students in public and private schools and take other measures as may be necessary to ensure an equitable distribution of Spanish students, migrants and Roma in different schools.”⁷³ ECRI has evidence of the existence of some “ghetto” schools of migrants or Romani children in some parts of the country, and discriminatory practices in the admission process, allowing private schools (including State-subsidised schools) to select students.

In general terms, concentration schools are of a public character, and rare exceptions may be identified in the case of private schools sponsored by public administrations. Thus the Trade Union of Education Workers (*Sindicato de Trabajadores de la Enseñanza – STEs*) “urges the correction of this situation, primarily for reasons of social justice, while it denounces the lack of control over State-subsidised private schools that do not comply with constitutional rights and educational legal obligations.”⁷⁴ There have been various cases of publicly-subsidised private schools setting up (arguably illegal) barriers to students on grounds of ethnicity or poverty.

Some stakeholders argue that segregation could be entrenched in coming years if current trends persist. The aforementioned draft Education Act (LOMCE), the ratification of which by Parliament is imminent, may contribute to school segregation by creating rules of admission that empower the management of education centres to select students.

Thus, some consider that this could lead to an elitist education system that “naturalises” separation, which does not segregate within, but rather between, schools.⁷⁵

Inclusive education / Inter-cultural education

Some schools and institutes explicitly aim to achieve cultural diversity in their educational project, especially since the arrival of immigrant students. However, in most cases this has been limited to welcome plans, “inter-cultural” celebrations and tutorial actions against racism and for the acceptance of diversity. As regards the inclusion of cultural diversity in the curriculum and the use of appropriate methodologies, as well as the inclusion of Romani culture, it occurs only in exceptional cases.

During the last two years there is no evidence of improvement in the inclusion of Romani culture in norms and regulations related to primary or secondary education curricula. The only mention is made in the

73 ECRI, *IV Report on Spain* (February 2011). Recommendation no. 65.

74 Confederación de Sindicatos de Trabajadores y Trabajadoras de la Enseñanza (Confederation of Trade Unions of Education Professionals), *Comunicado sobre el 4º Informe ECRI sobre España* (9 February 2011). Available at: http://www.stes.es/prensa/110210_Comunicado_4o_informe_ECRI.pdf.

75 A recent study on school segregation of Roma in Spain has shown that in half of 23 schools surveyed in four different cities of Spain, Romani students represent between 50% and 100% of the student population. However, in none of the neighbourhoods where these schools are located does the Romani community exceed 50% of the total population. Nevertheless, the sample is too small to be considered representative and is likely to skew results towards higher rates of ethnic concentration in schools than in reality. This said, the issue of ethnic segregation it highlights gains added salience in light of the privatisation process of public education, which intensifies the emergence of a two-tier school system, with a well-financed (often publicly-subsidised) exclusionary private school system for wealthier social strata and an under-funded and under-staffed public school system where poorer social strata and ethnic minorities (including Roma) are concentrated. See: C. Santiago and O. Maya, *School Segregation of Romani Students in Spain* (Madrid: KAMIRA and the Mario Maya Foundation, 2012). Available at: http://www.romadecade.org/school_segregation_of_romani_students_in_spain_2012.

decrees established in 2002 by the Autonomous Communities of the Canary Islands and Valencia. The LOMCE will not promote the inclusion of cultural diversity in school curricula as it will assign more time for instrumental subjects: Mathematics and language, which will render the incorporation and allocation of time to subjects about other cultures more difficult.

Regarding textbooks, no up-to-date studies are currently available. The two investigations carried out in 2000 and 2001 concurred in making the following assertion:

The Roma are still missing in textbooks. The few references to Roma issues are always under the category of *problem*. Problem in the past, in history and geography texts describing persecutions and anti-Roma laws; problems in the present day in social science texts and literature, confining them with immigrants in situations of marginalisation, or using them as literary characters with negative stereotypes. And even when intentions are good, there are mistakes, a lack of knowledge of Romani culture and always, always, stereotypical images: Decontextualised photos and drawings, folkloric, penalising [...].⁷⁶

Training of teachers

Initial and university training

There is scarce recognition or courses on Romani culture in university education curricula, nor even in early childhood or primary education or in the University Master of Teacher Training. Only four or five experiences of individual professors (out of a total of 130,116 academics in Spain in 2011) who, by their own initiative and assuming extra work, have been able to convince their departments to introduce subjects on Romani culture among university curricula.

In the last two years four experiences must be highlighted:

- Public University of Navarre (UPNA): "Diploma in social intervention with the Romani community." Coordinating Professor: Miguel Laparra. This initiative is a result of a collaboration agreement between the UPNA and the FSG, with the support of the Ministry of Health, Social Services and Equality.
- University of Murcia. Faculty of Education: Quarterly module on "Roma and inter-cultural education." Taught by José Francisco Pérez Caselles, Professor in the Department of Research Methods and Diagnosis.
- University of Alcalá de Henares. Agreement between the University and the Roma Cultural Institute to offer a course on "Roma from Spain; history and culture." Quarterly and optional for all degrees, mainly addressed to the social studies, with a validity of six credits. The course is taught by two Romani teachers: Araceli Cañadas Ortega, philologist, and Nicolás Jiménez González, sociologist and expert on Romani language.
- Autonomous University of Barcelona. Department of Social Anthropology: module within the PhD degree: "Marginalisation and Exclusion: the Roma", taught by Teresa San Román.

Life long training

There is arguably a need to pay further attention to teacher lifelong training. As far as we know, the Ministry of Education, Culture and Sport has not dedicated any financing in 2012 to teacher lifelong training.

The Autonomous Communities have also reduced the number of Resource and Teacher Training Centres and of specialists and trainers in inter-cultural education. Within this limited offer, it is considered that there is a lack of training proposals on the topic of cultural diversity in the educational system and especially in the case of Roma.

⁷⁶ *Asociación Enseñantes con Gitanos*, "Study of inter-culturality in textbooks", in *Documentary Centre Bulletin no. 23* of the Association Teachers with Roma (Madrid: 2001).

Mediator training

The issue of mediation continues to generate an open debate ranging from the ethnicist and culturalist postures rooted in the notion of *natural mediation*, which attribute this figure exclusively to persons of Romani ethnicity, to the mainstreaming approach of universities, which proposes that mediation should be rooted in the professionalism and skills that all professionals in social-educational intervention must comply with, arguing that a "new form of social intervention can be helpful in managing cultural diversity in Spanish society as a whole."⁷⁷

Between these standpoints, institutions and organisations have found it necessary to give some training to Roma who were already doing some kind of mediation or educational intervention among Romani families and institutions (schools, social services of municipalities, health centres, hospitals, etc.), such as:

- "European training course for Roma mediators" – Romed, Council of Europe, Spanish Ministry of Health, Social Services and Equality.
- "Training of inter-cultural mediators", Unión Romaní.
- "Training workshop for cultural mediators", Fundación Secretariado Gitano.

Currently, inter-cultural mediators are working in a diverse group of programmes managed by foundations and Romani associations, and subsidised both by public (municipalities, Autonomous Communities, ministries and the EU institutions) and private institutions (primarily savings bank foundations). They are developed mainly by Romani people with disparate skills and qualifications, ranging from illiteracy to university degrees, and from varying perspectives and conceptions of mediation: School monitoring tutors, school promoters, cultural mediators, inter-cultural mediators, socio-cultural mediators, conflict managers, neighbourhood mediators, health mediators, civic officers, etc.

Awareness-raising among Romani parents

It is necessary to emphasise the heterogeneous situations and complex positions of Romani families. On one hand, the perception by Romani families of the school and the educational system, as theirs, as familiar, is not yet widespread, even though they do not doubt its benefit to their children. There are some barriers that disconnect Romani families from the educational system, and this problem is shared by all stakeholders: Families, children, youth, teachers and all administrations, including the school administrations.

Some families cling to traditions that devalue the school and create an ambiguous relationship with the school, which is transmitted to their children. Rejection or rigidity on the part of the school is thus perceived as justifying early school leaving.

Some teachers show little interest in improving relations with families, thereby turning schools into enclosed spaces, with little or no relationship with their immediate environment.

There is a need to shift the model of teacher-student-families relationships, towards giving value to the educational function of the school with conviction, mutual respect, empathy and a welcoming attitude.

At the same time, the hard work of numerous (if not the majority of) teachers and parents must be given recognition. In schools located in slums, teams of teachers with a high level of awareness are created, and seek the complicity and participation of parents. In these cases, the trust of Romani families in school progresses, although a step continues to be missing in the full commitment by Romani parents of the formal schooling process of their children, i.e. the participation of Romani families in school boards and school participation bodies.

77 C. Giménez, "Cómo hemos llegado y por qué estamos aquí? Sobre las etapas, retos, oportunidades y riesgos de la mediación inter-cultural" ("How did we get here and why are we here? On the phases, challenges, opportunities and risks of inter-cultural mediation"). DE@ACUERDO journal, (December 2007).

Awareness-raising campaigns by NGOs such as the FSG (with the support of the Ministry of Health, Social Services and Equality and the ESF Operational Programme Fight Against Discrimination) are actively contributing to Romani families' involvement in school life. Among others, we can mention the following:⁷⁸

- 'Roma with Studies, Roma with a Future'
- 'When I grow up, I Want To Be ...'
- 'Get to know them before judging them'
- 'Your prejudices are the voices of others'.

It is also worth mentioning the recent publication of the "Guide for working with Romani families towards achieving the success of their children at school. A transnational methodological proposal for professionals" developed in the context of a FSG-led European Commission Lifelong Learning Programme, with the collaboration of the Ministry of Education, Culture and Sport and co-financed by the Ministry of Health, Social Services and Equality.⁷⁹

The work of Roma mediators involved in approaching the families and schools is also helping to raise awareness among Romani families of the need for their children to stay in school and improve their formal education.

In a current context defined by heterogeneity, some parents demonstrate an acute awareness and commitment to the education of their sons and daughters, but not always with the expected results, given the continued prevalence of early school leaving. Equally, a solvent socio-economic situation is not a guarantee of academic success and permanence in the school system. At the same time in the most marginal neighbourhoods there is a huge influx of Romani students into secondary schools.

Conclusion

The Romani population continues to show the lowest rates of schooling and academic success in Spain, associated with the highest rates of rejection and social exclusion. Notwithstanding significant advances in the past decades in terms of enrolment, Spanish Roma have not yet achieved the levels of formal education and qualification of the general population. In spite of a very high enrolment rate in primary education, there remains an excessive level of absenteeism, academic failure and early school leaving among Roma; curricular achievements remain lower than those of their peers, combined with the persistence of a deficit of social relationships in the classroom and acceptance of school rules, a significantly higher use of compensatory and school support resources than the rest of the students, and scarce involvement of Romani families in school. Furthermore the positive developments observed in educational processes could be under threat of stagnation, and even reversal, in the context of the economic, social and political crisis in which Spain and Europe are immersed, as discussed earlier.

Although the NRIS presents an interesting model for intervention in the area of education (experts insist on the advances supposed by the combination of both qualitative and quantitative indicators and targets), the objectives and forecasts seem difficult to fulfil given current developments. The extent to which these cuts will affect the educational promotion of Roma remains to be seen. However, there is a general concern about the incongruence between the NRIS's objectives and the current financial cutbacks and shrinking of the public education system through a reduction in the teacher body, through layoffs and non-replacement of retired teachers, wage freezes and cuts of teachers, increases in the teacher-student ratio in the classroom and the disappearance of some programmes providing support to students with difficulties. These measures could further extend the segregation of Romani students in public schools, which in many cases lack the necessary resources, and undermine their access to early childhood education and care, which plays a fundamental role in reducing educational inequalities. More specifically, Roma could be affected negatively by the following cuts:

⁷⁸ Additional information available at: <http://www.gitanos.org/actualidad/campañas/>.

⁷⁹ See: http://www.gitanos.org/upload/67/55/guide_roma_families_en.pdf. Also available in Bulgarian, Hungarian, Romanian and Spanish at: http://www.gitanos.org/centro_documentacion/publicaciones/fichas/98181.html.es.

- Reduction in the number of free places in pre-school programmes. This may provoke a setback in generalising the early enrolment of Romani children in school.
- Reduction in canteen grants, which provide an important incentive for permanence in school, in addition to providing a significant source of material support for families in situations of economic vulnerability.
- Elimination or weakening of certain school programmes serving to provide additional support to fight against early school leaving and to improve academic achievements.
- Reduction in the financing of educational programmes of Roma civil society associations and NGOs. The disappearance or weakening of associative programmes aimed at raising the awareness of Romani families and that have become a 'bridge' between them and the education system.



4. EMPLOYMENT

Background

In Spain, the participation of the Romani population in salaried employment started to be a relevant phenomenon from the 1960s, in parallel with the process of economic development, industrialisation and urbanisation of the whole country (beyond the traditional industrial areas of the Basque Country and Catalonia). Nevertheless, the access of Roma to salaried employment took place later and to a more limited extent than that of the rest of the Spanish population. The process of incorporation in the labour market accelerated since the 1980s, and especially since the mid-1990s, but the current economic crisis has reversed this process due to the fact that Romani persons usually hold more precarious, less skilled and more vulnerable positions than the rest of the population.

Activity rates are higher for Roma than for the rest of the population due to high rates of early school leaving and lower life expectancy. For example, in 1990, the activity rate of Roma in the Autonomous Community of Valencia was 60%, 9 percentage points above that of the overall population in that community. However, unemployment rates have always been structurally very high, ranging between 30%⁸⁰ and 40%⁸¹ according to various studies undertaken at regional level.

The developments experienced by Spanish society of economic crisis in the 1970s followed by restructuring and modernisation in the 1980s, had a number of consequences on the Romani community, notably the deceleration of the process of participation in salaried employment, the progressive reduction of certain traditional activities – such as collection of scrap metal or activities as day labourer in the agricultural sector- and the expansion of mobile trading.⁸²

Thanks to the period of strong employment growth taking place in Spain between 1995 and 2008, the process of participation in salaried employment of the Romani community, which experienced a deceleration since the 1970s, resumed.

In 2005, the activity rate was 69.3% for Roma over 16 years of age, above the national average, and the unemployment rate was 13.8% (only 3.5 percentage points above the national average). Almost half of those occupied (49.1%) were salaried (about 145,000), something that had not happened since such records were kept.⁸³ This optimistic diagnosis could be tempered when taking into account the extent of under-employment: one out of four persons occupied worked helping in a family business and 42% of them expressed their willingness to work more hours. In the whole Spanish population, only 0.8% were working in a family business in 2011 and 81.4% of them did not want to extend their working time.

80 Conselleria de Trabajo y Seguridad Social, "Situación y Problemática Socio-Económica del Pueblo Gitano Residente en la Comunidad Valenciana", in *Estadístiques d'ocupació* nº 65, of May/90 of the Generalitat Valenciana.

81 A. García García, *La comunidad gitana en Navarra* (Pamplona: Fundación Secretariado General Gitano, 2003). Data extracted from the Survey of Assisted Population (Government of Navarra and Universidad Pública de Navarra, 1997).

82 The case of Galicia shows this process well: The occupation rate in mobile trading was 39% in 1983, 52% in 1990 and 627% in 2000. Consejería de Familia e Promoción do Empleo, Mujer y Juventud, *A comunidade xitana en Galicia 1990-2000* (Santiago: Xunta de Galicia, 2002).

83 EDIS/FSG, *El empleo en la población gitana* (Madrid: FSG, 2005).

Measured in terms of equivalent full-time working days, the employment rate dropped to 42.8% and the unemployment rate reached 38.2%.⁸⁴ This situation of vulnerability had an impact on the perception of many of the active persons in situations of under-employment who identified themselves as unemployed: 42.4% of the active population identified themselves as unemployed.⁸⁵

To properly assess the achievements regarding the labour market integration of Roma in the period preceding the actual crisis, it is necessary to take into account the context of strong economic growth, strong employment growth and the arrival of an important flow of immigrants for integration in low-skilled jobs. In this context, it is particularly relevant to stress that the Romani community benefited very little in terms of access to employment, which accounts for the considerable barriers that still need to be overcome to achieve the mainstreaming of the Romani community in terms of employment.

In the context of the labour market crisis that started in Spain in 2009, the script of past crises has been repeated: Job destruction has affected much more the Romani community, especially temporary workers; part of those affected have returned to self-employed activities; and the unemployment rate has exploded well above that of the country as a whole, in itself quite spectacular.

Table 2. Main employment indicators of the Spanish Romani population. 2005 and 2011

	Spanish Romani population		Total population in Spain	
	2005	2011	2005	2011
Activity rate	69.3	68.9	57.4	60.0
Unemployment rate	13.8	36.4	9.16	21.6
Employment rate	59.7	43.8	52.1	47.0
Contributing family workers rate	24.2	26.0	1.6	0.8
Services sector rate	75.9	86.9	64.1	74.0
Part-time employment rate	42.0	42.3	12.4	13.8
Salaried employment rate	49.1	38.4	81.7	83.4
Temporary employment rate	70.9	53.4	33.3	25.3

Source: EDIS/FSG, "Spanish and migrant Romani population in Spain. Employment and social inclusion – 2011. A comparative study", based on data by INE (2011) *Encuesta de Población Activa*

Job search and job promotion

The targets proposed in the Spanish NRIS regarding employment seem quite moderate for a period of 8 years, although it is recognised that in light of the evolution of the general immediate forecasts, the stated mid-term objectives for 2015 will be difficult to reach. Basically, the NRIS proposes to achieve, by 2020, employment rates similar to that of the period preceding the crisis (60% for the total employment rate for Roma; 48% of Roma in salaried activities) and assuming an unemployment rate higher than prior to the crisis (20%), with a slight reduction of under-employment (20% of Roma dedicated to collaborating in family economic activities) and job precariousness (no estimate).

The Strategy does not state clearly the means to be used to achieve these targets, especially in the current adverse economic context. In the description of the strategic lines of action, priority is given to training and qualifications as instruments to improve the employability of the Romani population. This is the area in which we can see a higher degree of commitment and where activities are set more clearly.

84 M. Laparra and J.M. del Pozo, "Empleo y ocupación en la comunidad gitana" in *Informe sobre la situación social y tendencias de cambio en la población gitana*, ed. M. Laparra (Madrid, Ministerio de Trabajo y Asuntos Sociales, 2007).

85 B. Sánchez Rubio and A. Fernández, "La situación laboral de la población gitana: conocimiento y reconocimiento" in *Diagnóstico social de la comunidad gitana en España. Un análisis contrastado de la Encuesta del CIS a Hogares de población Gitana 2007*, ed. M. Laparra (Madrid: Ministerio de Sanidad y Política Social. Dirección General de Política Social, de las Familias y de la Infancia, 2011).

The Strategy proposes a combination of specific programmes targeting the Romani people at risk of exclusion with access to mainstream programmes and it intends to promote the involvement of companies through paid apprenticeships. It also aims to encourage new technology training (ICT) for Roma.

This importance given to training seems fully justified in a context of a tightening of the labour market, which has notably led to the reduction of the low-skilled jobs pool (the types of jobs to which Roma were overwhelmingly having access prior to the crisis).

Job search assistance

The Spanish NRIS 2012-2020 aims to improve the access to employment of Roma by encouraging informative actions on information, guidance and intermediation services of the Public Employment Services. Greater efficiency in job search seems therefore a key element, along with training, in order to achieve the above-mentioned quantitative targets.

In the area of labour intermediation, the *Acceder* Programme, run by the FSG, has stood out in the last decade thanks to several elements: Its explicit focus on the Romani community, the combination of guidance, counselling and training activities of the beneficiary workers, with the search for employment in private companies and the follow-up of the process of labour insertion after the beneficiary has started the job. This programme is considered an international benchmark as regards the intervention with Roma in the area of employment and its practices have been transferred to other countries and organisations.

The *Acceder* Programme is funded by the European Social Fund together with the Ministry of Health, Social Services and Equality, as well as by a wide range of regional and local administrations and some private entities within the Operational Programme Fight against Discrimination. The fact that one of the five Spanish NGOs that manage the Operational Programme (FSG) is working with the Romani population has enabled the development of activities specifically targeting the Romani community in the area of employment. This is the mission of the *Acceder* Programme. Since it was launched in 2000 it has had 70,800 beneficiaries, facilitated the integration in the labour market to more than 19,400 people, concluded more than 47,700 job contracts, provided professional training to more than 15,000 people through 1,600 courses all over Spain and helped to create 143 new businesses. This was achieved thanks to the close co-operation and trust of more than 17,000 companies.

The Programme currently faces a challenge of considerable dimensions due to the impact of the economic crisis. On the one hand, the impact of unemployment among the Romani community, estimated around 40%, is causing a remarkable increase of the demand (15,851 beneficiaries in 2012), with increasingly complicated social situations. On the other hand, the situation of the companies makes it increasingly difficult to have access to jobs while the reduction of public resources hinders the use of other resources (e.g. training, employment promotion, etc).

In the current context, intermediation in the labour market becomes a harder task: The 2,569 people who obtained a job contract in 2012 through *Acceder* is a figure well below the average throughout all periods since the launch of the Programme, but it also means that the ratio placements/beneficiaries has dropped to 0.16 (the average for the period 2000-2012 is 0.27).

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 had found employment and lost it in the current context of economic crisis.
- An increase in the number of beneficiaries who do not belong to the Romani community (they already represent 1/3 of the beneficiaries) due to difficulties in finding a job through other programmes and the good performance of *Acceder*, referred by Romani persons who had previously used it. Only some basic information on employment offers and some guidance in looking for a job is provided to non-Romani users of the *Acceder* Programme, redirecting them to other services afterwards.

- An increase in training activities, which make the most of the periods of inactivity and increase the chances to find a job in the future: 3,179 people participated in training courses organised in the context of the *Acceder* Programme in 2012. Between 2009 and 2012, 52.5% of the initiatives of the *Acceder* Programme were training actions.
- An increase of the resources available thanks to the reallocation of resources within the Operational Programme (in 2012 the actions targeting Roma received 10 million additional EUR; therefore the total budget (ESF resources, excluding co-funding) of the *Acceder* programme for the programming period 2007-2013 increased from 41 to 51 million EUR).
- 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 that they cannot currently have in the mainstream labour market.

Social Inclusion Enterprises

Social inclusion enterprises are scarce in Spain: A total of 167 of this kind of social companies are registered by Federación de Asociaciones Empresariales de Empresas de Inserción (FAEDEI), employing a total of 4,563 workers (2,435 of whom are workers in inclusion processes), and generating a total of 87 million EUR.⁸⁶

There are considerable differences among territories regarding the model (different combinations of the business dimension and the social purpose), the level of public recognition, the legal protection or the financial subsidies awarded to these companies. As a consequence, while there is no exhaustive census about this type of company, based on available data it seems that the development of these structures is very unequal in the different territories: 77% of these enterprises are located in Catalonia, the Basque Country and Navarre.

The approval in some Autonomous Communities of social clauses which allow keeping a certain percentage of the contracts of public administrations for these companies or the introduction of social selection criteria have favoured a certain expansion of the activity of these companies in some areas, and therefore the employment of persons facing a situation of difficulty. There were 844 workers in inclusion processes in 2008, and this figure was 1,329 in 2011.

Nevertheless, as a result of the considerable reduction of the public resources devoted to these companies, in many places the subsidies allocated to social inclusion companies have disappeared or have been greatly reduced. In many cases, as a consequence, and also affected by a context of general reduction of the demand, many of the existing social insertion companies are experiencing significant problems of viability for the future. The percentage of public funding was 20% in 2011 but this proportion is expected to be significantly lower in 2012-13. The Spanish NRIS 2012-2020 does not foresee any specific measure aimed directly at the creation of sheltered employment or the promotion of social inclusion enterprises, as a mechanism of training and labour integration.

Against this background, and despite the limited dimension of the experiences in place, the proportion of Romani employees in social inclusion companies is proportionally lower than the percentage of Roma in the population affected by social exclusion as a whole. Particularly in relation to the Romani community, the *Acceder* Programme has launched four social insertion companies (Vedelar, Uzipen-Madrid, Nabut y Uzipen-Castilla y León).

Public work schemes

The presence of Romani workers in the public sector has traditionally been very low. The percentage of Romani persons working in the public sector is 3.9% compared to 17.6% for the population as a whole.⁸⁷ This under-representation of Roma in the public sector could indicate that there is a very notable gap with the

⁸⁶ Federación de Asociaciones Empresariales de Empresas de Inserción (FAEDEI), *Memoria Social 2011* (2012). This is the only association of social inclusion enterprises in Spain and almost all social enterprises are members.

⁸⁷ FSG/EDIS, *Romani population, employment and social inclusion. A comparative study: Spanish and migrant Romani population in Spain* (Madrid: FSG, 2012).

majority population regarding their training and professional experience, which limits their objective employability. The selection is based on the principles of equality, merit and capacity (in public and usually anonymous examinations) and it is guaranteed by strong administrative and judiciary controls. Thus, direct ethnic discrimination does not seem to be a relevant factor for explaining this potential gap in accessing public employment, as the case could be in the private sector, where the situations of discrimination are quite usual (for more details see chapter on anti-discrimination). As regards other situations of labour discrimination, like in the case of women, the access to public employment and the promotion at work within the public administration has been easier for women than in private companies. However, this has not been the case for Roma.

It is also worth noting that in the Spanish labour market, public employment is a highly valued option due to the stability and status it offers. This has led to the setting up of high formal demands and requirements in the selection processes, well above the functional requirements of the jobs themselves, which could be considered as a mechanism of social closure that has affected especially the Romani community and could be interpreted in a certain way as a mechanism of indirect discrimination.

Although there is no available data, it seems that a considerable proportion of these jobs are probably offered by transitional public work schemes, such as *Empleo Social Protegido* (sheltered employment for welfare recipients) in Autonomous Communities and the State-funded *Plan de Fomento del Empleo Agrario* (public employment for farm labourers in rural areas of Andalusia, Extremadura and Castilla-La Mancha) which included 147 million EUR in 2013 and 0.5 million working days. In these schemes, offering low skilled jobs, the participation of the Romani population could be higher in relative terms than its demographic weight within the Spanish population (although probably below what unemployed Roma would comparatively need). In other transitional public schemes such as *Obras y Servicios de Interés General y Social* (transitional employment scheme run by the Public Employment Service), which sometimes require a minimum qualification, the participation of Romani population is much slower.

First work experience programmes

Actions specifically aimed at the integration of youth in the labour market, providing them with a first labour experience have been implemented in Spain through programmes such as the *Talleres Escuela* (workshop schools), the *Casas de Oficios* (trade centres) and the *Talleres de Empleo* (employment workshops). All these models combine training and professional experience with a labour contract, in some cases directly, in others through agreements with the companies in which they will do their traineeship.

There is no available data on the participation of unemployed Roma in these programmes. We can only say that young Roma are entering these programmes in a certain proportion. Nevertheless, the huge growth of unemployment among Spanish youth is probably increasing competition for access and it could make the access of Roma more difficult in the years to come.

These transitional programmes are in line with the importance given in the Spanish NRIS to paid internships in companies (dual training), which is also in line with the reform proposed in relation to professional training and the plan on youth employment recently presented, should be of a special interest for young people entering the labour market. However, it remains to be seen how these proposals are applied, what is their scope of action, the conditions in which the internships take place (remuneration, training capacity, etc.) as well as the results they can have in terms of labour integration.

Removing barriers to (re)enter the labour market

Discrimination in accessing a job

Ethnic discrimination is probably the main barrier for accessing employment for Romani workers. Some evidence may be found in the chapter on anti-discrimination.

The NRIS foresees the development of awareness-raising campaigns to eradicate discrimination in relation to access, retention and advancement of Roma in employment, which could be considered insufficient to address the dimensions of this problem (and is even below the activities developed during past years).

The chapter on anti-discrimination analyses the scope of the main activities in this area.

Incentives for leaving unemployment and social assistance benefits

The system of incentives most commonly used in the Spanish model of social protection for unemployed people is mainly related to the temporal limitation of the subsidies, both those of a contributory nature (the unemployment insurance of *Prestación por Desempleo*) and those of a social assistance nature (the Unemployment Benefit, Agricultural Subsidy, Active Insertion Income or *PREPARA*).

In Spain there is no system of guaranteed minimum income, which guarantees the continuation of these subsidies. Only in some Autonomous Communities (such as the Basque Country), the right to minimum income is recognised. In the other Autonomous Communities, there are programmes of welfare benefits, more or less discretionary, with a higher or lower level of generosity and coverage, but generally with a temporary limitation. Therefore, in general terms, we acknowledge that no system has been designed to promote the search of employment through positive measures (allowing for example to combine receipt of the subsidy with a new employment),⁸⁸ instead of punitive measures (e.g. losing the subsidy if a job is rejected or if the time foreseen for receipt of the subsidy is exceeded).

This system may have dissuasive effects for labour integration, notably if the job offers are temporary, of short duration and with low salaries. The trend, in a context of reduction of employment, is to fully use the subsidies granted.

There is a wide concern that this system may have a negative effect on the Romani community due to the risk of chronification as regards the available social assistance. Nevertheless, available data do not support this hypothesis. In times of economic prosperity, the employment of the Romani community had increased. The temporary limit of the subsidies and the limited amounts in many cases are reasonable explanations for this, going beyond other cultural explanations related to their attitude to employment. Studies analysing this question in Spain show that the percentage of Romani beneficiaries of the assistance subsidies which remain continually out of work for long periods of time is more than double that of the rest of recipients. However, it is worth noting that it concerns a minority (around one third of the beneficiaries) and that the Romani households that receive this type of benefit seem to be lower than 20% in the communities with higher levels of coverage.⁸⁹

Rather than a chronification of the social benefits, the situations generated by the crisis should be mainly understood as characterised by a lack of social protection due to the extent of the situations of unemployment. Expenditure on minimum income of the Autonomous Communities has doubled in these years (from 114,257 in 2008 to 223,940 in 2013)⁹⁰ but this growth has been insufficient to compensate for the increase of the social needs of the population as a whole⁹¹ and severe poverty, measured on a constant scale of 3,982 EUR in 2011, has moved from 4.2% to 7.2% of the whole population.⁹² While there is no verified data on the Romani community at the moment (new estimates are expected at the end of the year

88 Only the Basque Country has a relatively broad programme to incentivise employment in parallel to its minimum income scheme, which allows for the accumulation of incomes for a period of time to limits that are significantly higher than the minimum wage.

89 M. Laparra C. Corera, *et al.*, *La garantía de ingresos mínimos en Navarra. Un estudio evaluativo de la Renta Básica 1990-2001* (Pamplona: Departamento de Bienestar Social Deporte y Juventud del Gobierno de Navarra, 2003).

C. Corera, M. Laparra, *et al.*, *Diagnóstico sobre la exclusión social en Navarra* (Pamplona: Gobierno de Navarra / Universidad Pública de Navarra, 2010).

90 Ministry of Health, Social Services and Equality, *Informe sobre las Rentas Mínimas de Inserción 2011* (Madrid: Ministerio de Sanidad, Servicios Sociales e Igualdad. Dirección General de Servicios para la Familia y la Infancia, 2012).

91 M. Laparra and B. Pérez Eransus, (eds.), *Crisis and Social Fracture in Europe. Causes and Effects in Spain* (Barcelona: "la Caixa" Welfare Projects) (2012). Available at: http://obrasocial.lacaixa.es/deployedfiles/obrasocial/Estaticos/pdf/Estudios_sociales/vol35_en.pdf.

92 Report of the Research Centre for Equality and Social Integration (*Centro de Investigación para la Igualdad y la Integración Social (CIPARAIIS)*). Forthcoming publication.

from the FOESSA Report), the observers consulted agree that this low coverage has probably been higher in the Romani community and the hypothesis that severe poverty among this group has doubled seems rather conservative.

Special actions for Romani women and youth

The NRIS specifically addresses the reduction of the proportion of Roma dedicated to collaborating in family economic activities, a situation of under-employment that affects especially women and youth. This proportion has increased relatively even in the period of crisis and has reached 26% of the persons with an occupation (not in absolute terms however, due to the reduction in the employment rate). Many of these people, who consider themselves as unemployed, would like to have a salaried job. Against this background, the reduction proposed (to 20%) seems limited with regards to the needs and expectations of the Roma.

It is true that the youth, especially women, have been a priority target in the regular work undertaken both by public social services and within the labour integration programmes of the social entities: for example, 57% of the people who obtained job contracts through the *Acceder* Programme are women and 65% are under 35 years old.

Self-employment and entrepreneurship

The NRIS proposes the provision of support for the regularisation and normalisation of undeclared professional activities (notably mobile trading and rubbish collection), through information and guidance actions. It aims to increase the proportion of Romani professionals and self-employed workers (unsalaried) contributing to the social security system, which stood at less than 60% before the crisis and that, according to the target set, should rise to 75% by 2020.

In these years of crisis, within the Romani community, self-employment has done better than salaried employment. As a consequence, in relative terms, it has increased from 23.8% of the persons employed in 2005 to 34.5% in 2011, although there has been no increase in absolute terms. This evolution is mainly due to the destruction of salaried employment rather than the outcome of any public programme supporting self-employment.

A study carried out specifically on self-employment within the Romani community, and focused especially on mobile trading, pointed out the importance that these activities have in contributing to sustaining the households, but it also showed the strong limits they have as basis for social promotion: These include a low level of productivity⁹³ as a consequence of the lack of modernisation and diversification, increasing competence that led to the saturation of the market and a tendency to increase the public regulations and restrictions in relation to certain activities, which limit them significantly.⁹⁴ No changes have been observed to this trend since the adoption of the Strategy.

On the contrary, sales and profits in Roma family businesses are declining because of the shrinking demand for almost every trade in Spain. Mobile trading, against some predictions, has also been affected negatively. These difficulties have increased because of aggressively competitive strategies developed by big companies and other trading networks (including Chinese trading companies).⁹⁵

93 The net yield calculated for mobile trade was around 1,177 EUR per month.

94 G. Rodríguez Cabrero, *La situación y perspectivas del trabajo autónomo, especialmente la venta ambulante de la población gitana* (Madrid: Ministerio de Sanidad y Política Social, 2009).

95 This is the evaluation of the qualitative analysis done by Romani interviewers referred to in the Annex: J. Arza, "The NRIS: The point of view of regional and local stakeholders".

Access to micro-credit

The NRIS refers specifically to the promotion of access to micro-credit, but with the only commitment of “encouraging informative actions”. No direct actions are foreseen in the area of the private financial system, nor public financing measures in this area. There are no quantified targets specified in this field.

Only some very small initiatives are working in Spain at the moment. The most clearly structured as a micro-credit programme is run by the public credit institute in relation with some foundations belonging to the former regional saving banks. Nevertheless, this initiative is mainly intended to solve ordinary needs in daily life, and only in very few cases are investments in family business considered for funding.

On the contrary, the financial system in Spain is currently in a deep process of restructuring, which has made access to credit very difficult to everyone, in striking contrast to the huge amounts of money transferred to the banks from the public sector (at European and national level). In this context, obtaining credit is almost impossible for most of the Romani families and to have more information about micro-credits, as the NRIS proposes, is likely to have a limited effect. The lack of credit is a clear handicap for meeting the needs of Roma family businesses (especially mobile trading) for updating, diversifying and increasing productivity.

Geographical dimensions

As elaborated in other chapters, huge differences do exist between Spanish regions related to local labour markets, social protection programmes and also active policies.

Conclusion

Access to salaried employment has been late and partial and this explains the vulnerable situation of many Romani workers even prior to the current economic crisis. So its impact in destroying low-skill jobs has affected to a larger extent Roma and a renewed deceleration of the process of incorporation in the labour market (i.e. *salarization*) is taking place again.

The difficulties in improving the access of Romani workers to employment are increasing rapidly and all the employment indicators for Roma are worsening at the moment (even more intensively than for the rest of the Spanish population). Adding to the labour market contraction, Roma family businesses are facing growing problems related to limited access to credit, stagnant or declining productivity, increasing regulations and intensifying competition, which reduce their sales and profits. These trends are causing an intense deterioration of family budgets and significantly affect the living conditions of the Romani population.

The NRIS implicitly recognises that these negative effects will not be compensated until 2020 and the approved objectives could thus be considered quite modest.

In this context, it is necessary that social protection oriented to those sectors of the population at greatest risk of exclusion (a large proportion of the Romani population) is redesigned and improved to prevent the further growth of extreme poverty among Roma.

An activation strategy to maintain and enhance the active potential of the Romani population and to allow the re-incorporation of the unemployed into new jobs is also very much needed. In this sense, it is recommended that the NRIS is revised to respond adequately to the new situation.

5. HEALTH

Background

In the last decades, there has been a significant improvement of the health condition of the Romani population in Spain thanks to the development of policies guaranteeing health protection for the whole population (i.e. universal health coverage), together with policies for the eradication of slums and degraded neighbourhoods from certain Autonomous Communities.⁹⁶ However, some areas still require further efforts to eliminate health inequalities between Roma and non-Roma.

The National Survey on Health and Roma, which was conducted in 2006 in the context of a collaboration agreement between the FSG and the Ministry of Health, provides detailed information regarding the health situation of Roma compared to that of the general population by including the same questions as the ones included in the Spanish National Health Surveys (SNHS) of 2003 and 2006.⁹⁷ The survey highlights that Roma show a poorer health status for a variety of indicators compared not only to social groups in a better socio-economic situation but also to non-Roma in similar socio-economic circumstances. Differences are manifest in terms of health conditions, lifestyles and access to certain services. Gender imbalances are manifest in the fact that Romani women report a significantly worse health status than Romani men.⁹⁸ The survey on Health and Roma will be repeated in the coming year, following the same methodology, by the University of Alicante in collaboration with the Spanish Ministry of Health, Social Services and Equality and with the technical assistance of the FSG.

It is worth noting that in Spain competences in health matters are shared between central (basic legislation, administrative co-ordination and foreign health matters) and regional (provision of services) administrations.⁹⁹ The National Health System (NHS) of Spain therefore consists in the co-ordinated combination of the health care services of the central administration and of the Autonomous Communities. It comprises all health care functions and services which, according to the law, are under the responsibility of the public authorities. The 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 NHS.

The modifications that have recently been introduced by the Government in relation to access to the health system¹⁰⁰ call the existing Spanish model of medical protection and its universal nature into question by limiting the access of certain groups from the national health system's coverage. This is the case in particular of all adult foreigners, and Spanish Roma who have not had a relation with the formal labour market and are unable to be included among the exceptions established by the new regulation (declaring income below 100,000 EUR annually). While Spanish Roma are sheltered from the exclusionary provisions

96 In spite of a lack of longitudinal data, experts and Romani respondents in the most recent survey on the matter from 2007 agree in observing that there has been a significant improvement in the health status of Roma, thanks to generalised access to public health services, vaccination programmes, and preventative medicine (including campaigns against drug use) campaigns.

97 D. La Parra, *Hacia la equidad en salud. Estudio comparativo de las encuestas nacionales de salud a población gitana y población general de España, 2006* (Madrid: Ministry of Health and Consumption and FSG, 2009). Available at: <http://www.mspsi.gob.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/comuGitana.htm#estudioEPG>.

98 *Ibid.*

99 Spanish Head of State, *Constitución Española* (1978). Articles. 148.1.21 and 149.1.16. Available at: http://www.lamoncloa.gob.es/NR/rdonlyres/79FF2885-8DFA-4348-8450-04610A9267F0/0/constitucion_ES.pdf.

100 Spanish Head of State (2012a), *Real Decreto-ley 16/2012, de 20 de abril, de medidas urgentes para garantizar la sostenibilidad del Sistema Nacional de Salud y mejorar la calidad y seguridad de sus prestaciones.*(2012). Available at: <http://www.boe.es/boe/dias/2012/04/24/pdfs/BOE-A-2012-5403.pdf>.

of the health care reform, Romani immigrants, both EU citizens and third country nationals, find themselves in a situation of particular vulnerability, considering the difficulties they face in accessing a residence permit, which is a precondition for obtaining the Individual Health Card, as will be elaborated below.

Furthermore, the budgetary cuts that are currently taking place in the health sector, which are estimated to amount to a combined 10.6% decline in national and regional health care budgets since 2010 (i.e. a 6.7 billion EUR cut, equivalent to 150 EUR per patient),¹⁰¹ may also have a negative impact in the medium- to long-term on the health situation of Roma as well as the general population by undermining the quality of public health care. There is a risk that these budget cuts are entrenched in the medium-term and lead to a *de facto* consolidation (and social acceptance) of the aforementioned exclusionary measures.

Coverage of Health Services

A fundamental characteristic of the Spanish health system in the past three decades has been its free, universal nature. Spanish Roma – and until recently, any person – thus enjoy the same right to health coverage as other Spanish citizens in relation to health care and basic social security and services. In this sense, they enjoy the same extensions and restrictions in terms of health coverage as the rest of the citizenry. What may however differ in some cases is the use made by Roma population of health care services, as will be explained subsequently, given the specificities of the Romani population's health conditions.

Before the recent reform of the rules regarding access to the health system, which entered into force in April 2012 and was complemented by an additional Royal Decree on the condition of beneficiary of health assistance,¹⁰² all Spanish and foreign citizens – even in situations of administrative irregularity – including Roma, residing on the national territory could benefit from the right to free health care.¹⁰³ However, according to the new rules, from September 2012 there are certain limitations in relation to the access to public health services both for Spanish and foreign citizens, 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 implemented the exclusionary measures almost immediately, although there remains some margin for manoeuvre, as demonstrated by the case of the Basque Country, which has decided to defend irregular immigrants' free access to health care in its jurisdiction.¹⁰⁴

According to the reform, any person of Spanish citizenship or any foreigner with a residence permit are entitled to health care if, in case they do not contribute to social security (through employment for example), they do not declare annual incomes above 100,000 EUR. This implies that the following

101 6.700 millones menos para sanidad" *El País*, 17 February 2013. Available at:

http://sociedad.elpais.com/sociedad/2013/02/16/actualidad/1361029181_888112.html.

102 Spanish Head of State (2012a), *op.cit.* Spanish Head of State (2012b), *Real Decreto 1192/2012, de 3 de agosto, por el que se regula la condición de asegurado y de beneficiario a efectos de la asistencia sanitaria en España, con cargo a fondos públicos, a través del Sistema Nacional de Salud.*

103 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 the treaties and conventions signed by the Spanish State and applicable to them.

- Nationals of non-EU Member States, who are entitled to the rights recognised by the laws, treaties and conventions signed.

104 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 parties in the opposition (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*, 2013). Available at: http://sociedad.elpais.com/sociedad/2012/12/18/actualidad/1355831164_908255.html.

groups will not have the “right to health assistance in Spain” – i.e. 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 to the social security system and declare an annual income above 100,000 EUR (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 to the social security system, declare income above 100,000 EUR annually and cannot be beneficiaries through dependence on a family member or with a disability (disability over 65% of total faculties).

Foreign citizens (both EU and EEA citizens and third country nationals) aged 18 and above and who are not pregnant, who do not have certificate 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 seek work without being officially registered. This means that such persons will be denied access to free health care except in emergency situations or maternity, although their dependent children will be entitled to free health care. However, persons without employment or a residence permit (both EU citizens or third country nationals) may obtain the necessary non-emergency care but have to pay for it, for instance through a specific insurance scheme (*Convenio Especial de Prestación de Asistencia Sanitaria*) costing between 710 and 1,864 EUR per year).¹⁰⁵ Bear in mind that registration in the NHS is undertaken through the certificate of residence, which in accordance with Spain’s transposition of the EU’s Freedom of Movement Directive (2004/58)¹⁰⁶ through Royal Decree 240/2007¹⁰⁷ is currently more difficult to obtain, especially for foreigners not in formal employment, including many Romani 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.¹⁰⁸ The latter clause affects a significant number of non-Spanish Romani immigrants from residence permits and, by extension, from 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).

The restrictions, in principle justified to limit social benefits to irregular immigrants and to fight against health care tourism, is likely to have a significant impact on Romani immigrants from eastern EU Member States, given their confinement in irregular employment and their lack of “sufficient resources” to prevent their being categorised as a “burden” on the social security system. This said, Roma of Spanish citizenship are not less likely than other Spanish citizens to be entitled to public health care. This regulation implies a return to a restrictive model such as the one that had been abolished in 2000 with the adoption of the Organic Law on Foreign Persons 4/2000,¹⁰⁹ 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 Roma social inclusion in mainstream health care.

Furthermore, we should mention that the budgetary cuts that are being imposed on the health system are limiting its scope and capacity (less human resources, less investments in health care, introducing the system of co-payment of medicines or telecare for citizens) which however is progressive by being correlated to income, includes safeguards for low income groups (inferior to 18,000 EUR annually) or unemployed

105 Sanidad y las CCAA aprueban el seguro sanitario para inmigrantes irregulares”, *Público*, 3 October 2010. Available at: <http://www.publico.es/espana/443333/sanidad-y-las-ccaa-aprueban-el-seguro-sanitario-para-inmigrantes-irregulares>.

106 European Parliament and Council, *Directive 2004/58/EC of the European Parliament and the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States* (2004). Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:229:0035:0048:en:PDF>.

107 Spanish Head of State, *Real Decreto 240/2007, de 16 de febrero, sobre entrada, libre circulación y residencia en España de ciudadanos de los Estados miembros de la Unión Europea y de otros Estados parte en el Acuerdo sobre el Espacio Económico Europeo* (2007). Available at: <http://www.boe.es/boe/dias/2007/02/28/pdfs/A08558-08566.pdf>.

108 Exhaustive information provided on the Spanish Ministry of Interior’s website: <http://www.interior.gob.es/extranjeria-28/ciudadanos-de-la-union-europea-718/estancia-y-residencia-722?locale=es>.

109 Spanish Head of State, *Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*, (2000). Available at: <http://www.boe.es/boe/dias/2000/01/12/pdfs/A01139-01150.pdf>.

persons, and is relatively low in absolute terms (for example, a maximum payment of 8 EUR monthly for all prescription medicines for persons with annual income under 18,000 EUR, to 60 EUR for persons with annual incomes above 100,000 EUR).¹¹⁰ This said, the additional costs may exclude the most impoverished and marginalised sectors of the Romani population from adequate access to medicines.

According to the stakeholders consulted, rather than reducing health care costs and streamlining services, the reform may have the opposite effect by overburdening the emergency health services, increasing the costs related to health care (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 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, it could be considered that the measures adopted are not taking into account the challenges of inclusion of groups and persons in situations of vulnerability and marginalisation, including many Roma.

The Spanish Ministry of Health, Social Services and Equality is trying to minimise the negative consequences of the health care reform by further developing its National Health Equality Strategy.¹¹¹ Adopted in May 2010, the Strategy includes recommendations on the policy strategies that, from various levels and sectors of the Administration, should be rolled out or boosted in order 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 action developed, namely:

- Action line 1: Development of information systems on health equality that guide public policies.
- Action line 2: Promotion and development of inter-sectoral 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 the parents.
- Action line 4: Political visibility plan for the Health Equality Strategy and Social Determinants of Health.

While the National Strategy on Equality in Health informed the development of the NRIS, there is no indication that for the moment it has been revised in accordance with the principles and lines of action developed in the NRIS.

A specific National Working Plan on Equality in Health targeted at the Romani community was also adopted in 2003, which provided for the elaboration of the aforementioned National Survey of Health and Roma, training sessions for health professionals, and the publication and dissemination of support materials, among others. This Plan, which was initially implemented through the Collaboration Agreement between the Ministry and the FSG (2003-2008), is now developed with the co-operation of the Working Group on Health of the State Council of the Romani People.

No information is yet available on the impact of the recent health care reform on the Romani community, but the FSG is currently elaborating a broader report, based on an internal consultation process, on the impact of the crisis and reforms on the Romani community, which will include a specific assessment of the impact of health care reform on Roma. It is expected to be published this spring/summer.

110 Additional information available on the Ministry of Health, Social Services and Equality’s website:
<http://www.msc.es/gabinetePrensa/rd162012/home.htm>.

111 Commission on the Reduction of Social Inequalities in Health in Spain, *Moving Forward Equity. A Proposal of Policies and Interventions to Reduce Social Inequalities in Health in Spain* (2010). Available at:
http://www.mspes.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/docs/Moving_Forward_Equity.pdf.

Registration documents and access to health services

As further explained in the chapter on anti-discrimination (Chapter II, section 1), the Spanish Romani population no longer faces problems concerning their registration or documentation. The most marginalised sectors of the community who lacked registration and/or national identity cards resolved these matters in the 1980s. However, as explained in the previous section, the current reform may lead to some formal barriers in relation to the access of Roma to health services, although this is limited to a specific proportion of Roma. Spanish Roma who have never participated in the formal labour market and declare income above 100,000 EUR may face difficulties in obtaining an Individual Health Card in coming years).

On the contrary, Romani immigrants from eastern European countries seem to face registration issues due to various reasons, as mentioned in the chapter on anti-discrimination. The lack of registration documents (including both formal employment in Spain prevents access to social rights, including health care). This is particularly relevant in light of the recent legal developments, which sets as a requirement for citizens from other EU Member States to have access to the public health care system obtaining a certificate of residence.

It is also important to recall that the health system is a shared competence of the central and regional authorities and therefore rules and requirements set to have access may change from region to region. Therefore, it has to be clarified in the future how each region implements the new law and the effects on the limitation of the access of different groups (Roma and non-Roma). As already mentioned, nine regional authorities implemented the health reform immediately, while a group of regions ruled by parties different of the party in Government at national level (Asturias, Andalusia, Basque Country, Catalonia) have decided not to implement the reform, for example by continuing to issue individual health cards to irregular immigrants (as in the case of the Basque country), or only implemented the reform partially (this is the case of various regions controlled by the party in Government, including Valencia, Galicia, Castile- León) by retaining certain mechanisms of access with a view to guaranteeing the inclusion of groups vulnerable to the reform's restrictions (chiefly irregular immigrants). The extension of social welfare programmes, which could allow the access to the Health Card, is also different in each region.¹¹²

Access to basic, emergency and specialised services

The general population has adequate access to emergency, basic and specialised services both in principle and in practice, as manifested by various surveys of patient assessments of the quality of public health care in Spain, which show that more than 70% of respondents (in 2012) consider that the health system functions well or very well (68% in 2008, but 73% in 2011)¹¹³ and more than 75% consider their health to be good or very good (up from 70% in 2006).¹¹⁴ There are services and programmes covering the needs of the social groups at risk of poverty and or/exclusion (i.e. marginalised, segregated, etc.) but the budget cuts are affecting the sustainability of these services, which in many cases are being developed by non-governmental organisations (health teams in settlements, social intervention teams working on access to health care and/or preventive medicine). In other words, the efforts realised with the populations experiencing disadvantages (in rural areas, in situations of exclusion, with drug addiction problems, etc.), and which had achieved significant advances in terms of reducing health inequities, are currently undergoing a stagnation and even a reversal. It is not possible to assess the extent to which the NRIS is being taken into account on the basis of the information collected among stakeholders.

112 Médicos del Mundo provided a useful, exhaustive comparative map of the respective regions' implementation of the health care reform three months after its entry into force. See: Médicos del Mundo, *Semáforo de la Aplicación de la Reforma Sanitaria* (2012). Available at: <http://www.medicosdelmundo.org/derechoacurar/mapa-semaforo/#mapa>.

113 An example is the latest 'health care barometer' of the Ministry of Health, Social Services and Equality. See: ABC, "Los españoles ponen un 6.5 de nota a la sanidad española", 14 February 2013. Available at: <http://www.abc.es/sociedad/20130214/abci-barometro-sanitario-2012-201302131821.html>.

114 National Statistics Institute, "Encuesta Nacional de Salud 2011-2012", (2013). Available at: <http://www.ine.es/prensa/np770.pdf>.

The same comments as in section 1 apply to here. In the current context of reforms, according to respondents, no particular new efforts have been made to improve access to health services but requirements set to access these services have changed and could have an impact on Roma.

As concerns the access of Roma to these services, the aforementioned Survey on Health and Roma¹¹⁵ provides detailed information regarding the access of Roma to basic, emergency and specialised services and compares it with the rest of the population. As shown by the study, rather than a problem of lack of access, we should refer to inadequate access in some cases in Spain. According to the study, we encounter two different situations in relation to access to the health system:

- Universal health care has meant a substantial improvement in Roma access to general medical services, hospitals, emergency rooms and access to medicines. However, the comparatively worse health status of this sector of the population sometimes implies more frequent use of these services in comparison with the general population. In fact, 91% of Spanish Romani respondents to a recent survey had used public health services in the past year, compared with 69% of Romani immigrants from eastern European countries, 75% of Moroccans and only 50% of Indian-Pakistani immigrants, indicating relatively high levels of awareness of their rights to health care among Roma, especially Spanish Roma.¹¹⁶ The comparatively worse health status of Roma is indeed an issue of health equity as well as social determinants, so the question is whether the system does anything specific to tackle health inequities beyond universal provision; unfortunately the budget cuts could undermine the effective implementation of the aforementioned National Health Equality Strategy, which is aimed at reducing such inequities.
 - The public health system absorbs the bulk of medical visits and hospitalisations of the Romani population.
 - The percentage of cases where the Romani population needed medical attention and did not receive it is very similar to that of the general population (this indicator is one of the lowest within the European countries).
 - General medical check-ups, however, are less frequent among the Romani population, which more frequently turn to physicians for the diagnosis or treatment of more acute pathologies.
- Access of the Romani population is lower in the case of services not covered by the National Health System or in cases where prevention is of fundamental importance (as opposed to direct treatment of illnesses): Dental health (not covered by the NHS), prevention practices among women (including breast cancer screening chiefly due to a lack of awareness of the importance of preventive medicine among Roma rather than barriers to access) and access to hearing aids or eyeglasses (not covered by the NHS).¹¹⁷

There are no particular measures related to Romani women, but rather general measures for the female population as a whole. Nevertheless, specific programmes oriented to health education and awareness previously oriented their activities to women and children.

Discrimination and the right to medical information, consent, and confidentiality

Health is one of the areas in which fewer cases of direct discrimination are reported (only a few cases are reported every year in the annual Report of Discrimination and the Romani Community)¹¹⁸ and with the

115 D. La Parra, (2009), *op.cit.*

116 Spanish Council for the Promotion of Equal Treatment, *Estudio anual sobre la discriminación por el origen racial o étnico: la percepción de las potenciales víctimas 2011*, (2012). Available at: http://www.igualdadynodiscriminacion.org/recursos/publicaciones/2012/documentos/2012_panel_2011.pdf.

117 The health care reform adds some prescription medicines, prostheses, and non-emergency outpatient services on the list of services excluded from the NHS, along with dental and ophthalmological and hearing services. In the case of the new excluded items, as mentioned there are some safeguards for persons with a low-income (including the unemployed). In the case of dental and other specialist services excluded from NHS coverage, out-of-pocket payment, or contracting a private insurance scheme is needed.

118 The latest available report is for the year 2011. See: FSG, *Discrimination y Comunidad Gitana. Informe Anual 2011* (2012). Available at: <http://www.gitanos.org/publicaciones/discriminacion12/>.

lowest perceived discrimination among Roma. According to a 2006 CIS survey of the Romani community,¹¹⁹ only 16.3% of the Romani persons surveyed felt they were treated worse or felt discriminated against because of their ethnic origin in the health services (health centres, hospitals), a rate that had been halved half a decade later. In fact, the 2012 Annual Survey of Perceived Discrimination of the Spanish Council for the Promotion of Equal Treatment and Non-Discrimination of All Persons on Grounds of Racial and Ethnic Origin showed that only 8.8% of Spanish Romani respondents (9.7% of Romani immigrants, and an average of 9.2% of all respondents) who visited a health centre declared they had suffered some kind of discriminatory treatment in the health sector (a lower percentage than in 2010). For example, 0% of Spanish Roma were hindered in obtaining an individual health card, while 3.9% of non-Spanish Roma experienced such barriers. Discrimination figures in relation to health services are significantly lower than in other fields (e.g. among Spanish Roma, 23.8% of respondents felt discriminated against in education, 34% in their treatment by the police, 35.6% in the access to housing, or 50.9% in employment).¹²⁰

However there are a number of aspects which, although they cannot be considered as discrimination (either of a direct or indirect nature), have a negative impact on Roma health. These aspects are rather related to the way in which the service is provided (knowledge and awareness of the specificities of the Romani culture, adaptation of services, including the amount of time and information provided to patients by medical staff, when needed...). As already mentioned, the recent health care reform could be considered as an indirect form of discrimination against immigrant persons, including Roma from eastern European countries, on grounds of nationality and income.

As far as the available mechanisms for addressing complaints and redressing violations are concerned, there are various means of defence of the rights of patients: Complaints desks located in the health centres themselves; and the *Defensor del Paciente* (Patient Ombudsman) of Autonomous Communities¹²¹ and the national health administration. Beyond the public health administrations, the national Ombudsman has the competence to register complaints and take legal action on behalf of victims of discrimination by all State administrations and State-owned companies – at central, regional and local levels.

In relation to public health services, there is the possibility to file a complaint before the person responsible of the service and depending on the seriousness of the case, it can also be taken to the national Ombudsman, although to our knowledge, no case of discrimination towards Roma in health care has been submitted to the latter. In the case of private health services, the victim of discrimination can file a complaint within the health centre itself or at the Office of Consumers and Users. In both cases, if discrimination is really serious, it can be considered a crime and be taken to court in accordance with the EU Equality Directive 2000/43 transposed into Spanish Law through Law 62/2003 and Royal Decrees 1262/2007 and 1044/2009.¹²² To our knowledge, no cases have been submitted either to the Office of Consumers and Users or to the courts by Roma.

The Network for Assisting Victims of Discrimination (the so-called 'Antennas' Network) is another possibility for discriminated patients, but very few cases of discrimination against Roma are detected in health services (see Chapter II) – those rare cases of discrimination in health care reported (only one case of indirect discrimination towards Bulgarian and Romanian Roma in Valencia) have furthermore not resulted in any subsequent judicial action.¹²³

119 CIS, *Encuesta Sociológica a Hogares de la Población Gitana* (2006). Available at: http://www.cis.es/cis/open/cm/ES/1_encuestas/estudios/ver.jsp?estudio=7820.

120 Council for the Promotion of Equal Treatment, *Estudio anual sobre la discriminación por el origen racial o étnico: la percepción de las potenciales víctimas 2011* (2012). Available at: http://www.igualdadnondiscriminacion.org/recursos/publicaciones/2012/documentos/2012_panel_2011.pdf.

121 See, for example: *Defensor del Paciente* (Patient Ombudsman) in the Madrid regional administration. Available at: http://www.madrid.org/cs/Satellite?pagename=ComunidadMadrid/CM_Presentacion_FA/fichaConsjeria_Organismo&cid=1142439327332&c=CM_Presentacion_FA&language=es.

122 European Council, *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin* (2000). Spanish Head of State, *Ley 62/2003, de 30 de diciembre, de medidas fiscales, administrativas y del orden social*, (2003). For information on Royal Decrees 1262/2007 and 1044/2009 regulating the composition, mandate, competencies and organisation of the Spanish Council for the Promotion of Equal Treatment, please refer to: <http://www.igualdadnondiscriminacion.org/elConsejo/antecedentes/home.htm>.

123 See: FSG, *Discriminación y Comunidad Gitana: Informe Annual 2012*, (2012) Available at: http://www.gitanos.org/centro_documentacion/publicaciones/fichas/97196.html.es.

These mechanisms could be improved in order to ensure that they are well known by the citizenry and in order to facilitate access to them, through awareness-raising campaigns targeted at vulnerable groups on the part of national and regional health authorities and by guaranteeing the independence of the Council for the Promotion of Equal Treatment (see chapter I). The role of the Ombudsman should also be reconsidered as it only provides recommendations but does not impose sanctions and therefore there is no compensation for the victims.

Legislation on patients' rights and its implementation

In this section we provide information on the general legislation existing in Spain on the matter; however, it may be difficult to assess its impact on the Romani community.

In Spain, the rights of patients are enshrined in various laws, beginning with the Spanish Constitution,¹²⁴ which consecrates the fundamental right to health protection, and with the General Law on Health Care of 1986,¹²⁵ which established the fundamental rights and obligations of patients, as well as general principles of universality and equity. In parallel, various Autonomous Communities had elaborated their own regulatory frameworks prior to the entry into force of specific national legislation on matters related to patient rights (i.e. the Law 41/2002 on the autonomy of patients and rights and obligations with regard to clinical information and documentation), the development of which is to a large extent under the responsibility of the Autonomous Communities.¹²⁶

The European Charter of Patients' Rights,¹²⁷ which is rooted in the EU Charter of Fundamental Rights ratified as part of the Lisbon Treaty, also establishes a series of rights of patients and to which the Member States have been invited to abide to by the European Economic and Social Committee on Patients' Rights.

Corruption in health care

Although no data is available, corruption, understood here as informal payments charged for health care services (that should be provided free of charge or at a specified cost at the point of delivery), has not been identified in the Spanish public health system by either public authorities or by civil society organisations. Relevant observers such as Transparency International have not highlighted health care as among the objects of corrupt or fraudulent practice in Spain.¹²⁸ There is no official recognition of any corruption in health care.

Targeted health awareness campaigns (preventative measures, medical checks, pre- and post-natal care, family planning and immunisation)

We are not aware of targeted health awareness campaigns undertaken by public authorities directly related to the adoption of the NRIS, although the Madrid regional Government recently signed a collaboration agreement with the Federation of Roma Associations "Kali" to develop awareness-raising campaigns regarding child vaccination and the prevention of breast cancer among Romani women as well as the use

124 Spanish Head of State (1978), *op.cit.*

125 Spanish Head of State, *Ley 14/1986, de 25 de abril, General de Sanidad* (1986). Available at: <https://www.boe.es/buscar/doc.php?id=B0E-A-1986-10499>.

126 Spanish Head of State, *Ley 41/2002, de 14 de noviembre, básica reguladora de la autonomía del paciente y de derechos y obligaciones en materia de información y documentación clínica* (2002). Available at: <https://www.boe.es/boe/dias/2002/11/15/pdfs/A40126-40132.pdf>.

127 Text available at: http://ec.europa.eu/health/ph_overview/co_operation/mobility/docs/health_services_co108_en.pdf. See also: European Economic and Social Committee, *Opinion of the European Economic and Social Committee on Patients' Rights*. 2008/C 10/18 (2008). Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:010:0067:0071:EN:PDF>.

128 See: Transparency International, *Country Overview. Spain* (2013). Available at: http://www.transparency.org/country#ESP_Overview.

of mainstream health services by the Romani population.¹²⁹ There are awareness-raising actions developed at the local level in the framework of programmes implemented by NGOs such as the Unión Romani and the FSG. In the past year, general awareness-raising actions in health, including the fight against drug addiction, have been developed by the Red Cross and others in sub-urban marginalised settlements such as the Cañada Real in Madrid, which benefit both non-Roma and Roma.

The issue of child vaccination is well controlled and managed by the public health system, for the entire population. Two years ago, an outbreak of measles took place in two Autonomous Communities in neighbourhoods with a high concentration of Roma, which were rapidly and effectively controlled thanks to the collaboration of health centres and social organisations. The health authorities identified the cause of the outbreak to be the lack of vaccination among some residents, including adults and children, Roma and immigrants.

Within its lines of action, the Ministry of Health, Social Services and Equality has developed different information and awareness-raising tools to promote equality in health addressed to different stakeholders (health professionals, decision-makers in this area, etc.). Specifically in relation to Roma and health, several awareness-raising tools have been developed, in co-operation with civil society organisations working with the Romani population. They include the video “The Art of Healthy Living”,¹³⁰ elaborated in the context of the Working Group on Health of the State Council of the Romani People, and several guides and handbooks such as the publication “Health and the Romani community”¹³¹ and the “Handbook for Action in the Area of Health Services with the Romani community.”¹³²

The impact of these awareness-raising campaigns and preventive activities is difficult to assess. Assessment could only be based on the changes noticed regarding health habits. Unfortunately, no data is available to assess changes in habits and lifestyles in a systematic manner. However, we know that, for example in relation to issues of child weight problems and obesity, medical authorities are concerned about the high rates of obesity among Roma, and medical staffs are making efforts to raise the awareness of families regarding eating habits, but encounter difficulties in actually changing them.

The integrated approach to health and its co-ordination requirements

As was analysed in chapter I in relation to other areas, at the level of the central administration until now there has not been any mechanism for formal and regular co-ordination; co-operation has mainly taken place in the context of specific initiatives, such as the elaboration of policy documents, including the NRIS.

In this context, the relevant authorities in charge of health care hold informal contacts, whenever considered necessary, with the Roma Development Programme Unit of the Ministry of Health, Social Services and Equality, which holds the main responsibility on Roma issues.

There is also a specific working group on health in the context of the State Council of the Romani People. This working group gathers representatives of the State administration in charge of health and Roma issues as well as representatives of a number of the civil society organisations with membership of the Council.¹³³

129 Madrid Health Portal, “La Comunidad refuerza las actuaciones de integración sanitaria con la comunidad gitana”, 21 January 2013. Available at: http://www.madrid.org/cs/Satellite?cid=1354183194158&language=es&pageid=1159444389315&pagename=PortalSalud%2FCM_Actualidad_FA%2FPTSA_pintarActualidad&vest=1159444389315.

130 Video available at: <http://www.msps.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/video.htm>.

131 Ministry of Health and Consumption and FSG, *Health and the Romani Community* (2007). Available at: http://www.mspsi.gob.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/docs/Health_and_the_Roma_Community.pdf.

132 FSG, *Handbook for Action in the Area of Health Services with the Romani Community* (2005). Available at: <http://www.mspsi.gob.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/docs/handbookHealthServices.pdf>.

133 For additional information on the functioning and competencies of the Council, please refer to: State Council of the Romani People, *Reglamento de Funcionamiento Interno* (Ministry of Health, Social Services and Equality, 2012). Available at: <http://www.msc.es/politicaSocial/inclusionSocial/poblacionGitana/consejoEstGitano.htm#organiza>.

This group has been working since the creation of the State Council, but in the present phase of renovation, its composition has changed: It is now limited to the Ministry of Health, Social Services and Equality as well as Romani organisations. The local and regional administrations do not participate in the State Council, neither in the plenary nor working groups. All groups meet at least twice a year and as the new phase has only just begun, the working plan is currently being elaborated.

The NRIS mentions mechanisms of administrative co-operation and participation; in the case of health care as well as other fields, each Ministry has a sectoral commission which addresses sectoral issues with regional Governments. In relation to some issues, the FEMP (Spanish Federation of Municipalities and Provinces) is also involved. The State Council of Romani People has been requesting that the co-ordination with Autonomous Communities and municipalities is improved given their shared competencies in health matters. For instance, in relation to administrative co-operation and participation, it makes the following demands:

- Establishment of mechanisms to ensure an impact on the health of Roma by the various public strategies and plans of the Ministry of Health, Social Services and Equality and of Autonomous Communities.
- Promotion of Roma collaboration and participation and their associative fabric in intervention processes.
- Promotion of cross-sectoral work and activities, fostering co-ordination with other entities and action plans, in all territorial areas as well as with other institutions.
- Improvement of the co-ordination with paediatric services in order to promote actions aimed at the dissemination of information, awareness-raising and training with Roma, particularly immigrants from eastern European countries.
- Support and added impetus to diversity-related training activities, inter-cultural capabilities and equality of (male and female) professionals that work in the area of health.
- Cultural adaptation of resources when necessary.

Financial allocations

The NRIS was adopted when the crisis was becoming entrenched in Spain. A key area of financing is the Personal Income Tax (IRPF), which, under the social inclusion priority, allows allocating funds to NGOs.¹³⁴ Significant financing is also provided through the National Plan Against Drugs and the National Plan on AIDS, although there has been a marked decline this year, especially in the case of the latter. Through the Plan on Drugs, interventions can be developed in relation to the prevention of access and consumption, and healthy habits, among others. The Roma Development Programme also allocates some financing for health interventions, but the amounts earmarked to this Programme have been declining gradually over the years.

Conclusion

In conclusion, the fundamental issues regarding Roma health and the governance process of Roma access to health care are:

- Observable positive institutional and policy developments, including the NRIS and the Health Equality Strategy targeting the Social Determinants of Health.
- Political, legislative and budgetary tendencies which could have a negative impact and lead to the curtailment of universal health provision, undermining the fundamental right to quality health care, for Roma (especially immigrants from Eastern European countries).
- An observed misalignment of the Spanish NRIS's health objectives with other policy and institutional developments, which implies that the Common Basic Principle of mainstreaming Roma

¹³⁴ Taxpayers can dedicate 0.7% of their income tax to social NGOs and/or the Catholic Church upon declaring their income.

issues in general policies (no.4) is arguably applied insufficiently in the Spanish context, while the principle of explicit but not exclusive targeting (no.2) is affected by declining targeted resources for health-related actions with Roma.

These central tendencies may put in danger the decades' long process of inclusion of Roma in Spain's main-stream health system and the improvement of Roma's health status and even imply some setbacks in the medium-term. They may also undermine efforts to achieve health equity and thus hinder the achievement of Spain's poverty reduction and social inclusion objectives in the framework of the Europe 2020 Strategy.



6. HOUSING

Background

Access to housing and to more normalised residential and urban environments that took place in the 1970s and 1980s thanks to the development of wider and more inclusive housing policies was one of the key factors for the improvement of the living conditions of the Romani population and, as a consequence, the improvement of their social integration. As confirmed by recent evidence as well as relevant stakeholders including members of the Romani community, since then, the situation of Roma in relation to housing has improved significantly, as regards both the eradication of slums as well as access to and the quality of housing. According to one of the latest studies,¹³⁵ which in 2007 analysed the housing conditions of some 90,000 Romani households, 88.1% of Roma live in normalised housing and only 3.9% in shacks or similar types of housing compared to 10% in 1991.¹³⁶

However consulted sources agree that housing remains one of the most relevant problems affecting the Romani community. They highlight the following:

- The remaining high number of Roma living in slums and deteriorated housing, which could be considered substandard (according to the previously mentioned study, 3.9% and 7.8% respectively).
- Problems related to the access to housing and the quality of services and infrastructure within the houses (due to the low quality of the constructions or the lack of adequate maintenance) and the neighbourhoods in which Roma live (due to non-existence or inadequate maintenance). According to an analysis of Romani households in the CIS survey in 2007,¹³⁷ 8.5% of Romani households were lacking any basic services, 45.7% had garbage collection problems and 19.5% were lacking suitable urban facilities. Another relevant problem, linked to the previous ones, is the high degree of overcrowding of households (29.4% according to the same study).
- The persistence of the so-called 'residential segregation', i.e. a concentration of persons of Roma ethnic origin in certain municipalities, neighbourhoods and areas. In some cases, this is a consequence some of the re-housing policies used, which did not take into account the importance of distributing the beneficiaries in different areas/buildings instead of concentrating them, in others it is related to the fact that Romani families tend to concentrate in areas where the price of housing is lower.
- Discrimination against Roma. Housing is one of the areas in which Roma experience more discrimination (notably as regards private properties) and where it is more difficult to determine the existence of discrimination on the grounds of racial or ethnic origin and to protect the right of victims to equality.

In addition, the current socio-economic context, the budget cuts and the reduction of public resources available for housing policies seems to aggravate the existing challenges and brings new threats with regard to the access to housing of the population, in general, and of Romani men and women, in particular. There are several factors that make it difficult for many Romani families to access a decent house and may lead to a setback in relation to the residential situation of Roma. They include:

135 FSG, *Mapa sobre vivienda y comunidad gitana en España*, 2007 (Madrid: Ministry of Housing and Fundación Secretariado Gitano, 2008). Available at: <http://www.gitanos.org/publicaciones/mapavivienda/>.

136 Grupo Pass, *Mapa de la Vivienda Gitana en España* (Madrid, Asociación Secretariado General Gitano, 1991).

137 M. Laparra, (2011), *op.cit.*

- Increased difficulty to access both private housing (due among others to the prices – which have not diminished proportionately with household incomes – and the difficulties in accessing credit) and social housing (the number of social houses is reduced compared to the current demand, which is growing constantly).
- Difficulty to cover the loan/rent and other related costs due to the reduction of income (due to factors such as unemployment, reduction of salaries and reduction of the subsidies related to housing).

These aspects are leading to two problems: evictions and overcrowding (in some cases directly related to the first one). There is a contradiction in relation to the housing market in Spain: On the one hand there is a high number of houses that are empty and on the other hand people cannot access housing or are evicted. According to the 2011 census by the National Statistics Institute,¹³⁸ there were a total of 25.2 million dwellings, of which 13.7% (i.e. 3.4 million) were empty (a number 10.8% higher than 10 years ago).

At policy level, there is no specific policy regarding the Romani community and housing at State level. Action in relation to the Romani community is framed within general housing policies, notably the subsequent 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 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 the local properties and the land available.

It is also worth noting that while generally the legal texts and plans in the housing area at national, regional and local level do not mention Romani – not even those that include objectives of a direct relevant for Roma, such as the eradication of slums, or those that mention other groups - in practice a number of the measures affect explicitly or implicitly the housing situation of Roma, which is considered an excluded population.

We are currently in a period of transition. A new 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*),¹³⁹ which will replace the current State Plan for Housing and Rehabilitation 2009-2012 (PERV),¹⁴⁰ has just been adopted. This means that the interventions carried out or ongoing during 2012 were approved in the context of the State Plan 2009-2012, already in place when the Spanish NRIS was adopted. However, it is important to note that the State Plan 2009-2012 was considered when preparing the NRIS and therefore in general terms the objectives and lines of action of the NRIS are in line which those of the State Plan and the interventions undertaken in its context.

As regards the new State Plan for the Promotion of Rental, Rehabilitation, Urban Regeneration and Renovation 2013-2016, consulted experts consider that it is insufficient to address the current challenges and that it could even be considered a step backward in relation to the previous policy documents, including the State Plan and the Spanish NRIS. While we find elements which are in line with the NRIS (e.g. measures to address substandard housing, social rental, specific mention of disadvantaged groups, etc.) and in some cases represent a step forward (e.g. requested evidence regarding income), there are other elements that, as explained later on in this chapter, have not been taken into account (e.g. the eradication of slums as well as the use of ERDF are not mentioned as such) or could have a negative impact on the Romani population (e.g. the requirement of “residing legally” to benefit from certain actions). It should be pointed out that the amendments proposed by the members of the Working Group on Housing of the State Council for the Romani People to correct the aforementioned shortcomings and potential negative consequences have not been taken into account.

138 Data available at: http://www.ine.es/censos2011_datos/cen11_datos_res_edi.htm.

139 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 on 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>.

140 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>.

It is hoped that the Draft Law on Urban Rehabilitation, Regeneration and Renovation (*Anteproyecto de Ley de Rehabilitación, Regeneración y Renovación Urbanas*),¹⁴¹ which is currently being discussed in the Parliament, goes beyond the State Plan and puts forward final solutions to the problem of shanty towns and substandard housing. In the present chapter we will analyse the measures included in the Spanish NRIS as well as in the 2009-2012 and the 2013-2016 State Plans in each of the areas addressed.

As concerns the provision of data regarding housing and the Romani community and the quantification of performances, any attempt to quantify the scale of intervention will have to be partial (some Autonomous Communities or specific interventions undertaken by social organisations) and approximate (there is no record of ethnic origin). Given the fact that housing interventions can be undertaken by a wide range of stakeholders at different levels, it is difficult to provide a global overview of the interventions implemented. In addition, it does not seem to be any specific evaluation of the actions undertaken. The main and most recent sources of information in this area are the ones included in the NRIS and already mentioned in this report.¹⁴² This chapter also includes some data provided by the Ministry regarding the interventions undertaken in the context of the 2009-2012 State Plan.

Desegregation and non-discriminatory access to housing

In Spain, housing policies have traditionally consisted in the promotion and regulation of the private activity of house building. Housing policies through support/subsidies granted to property/real estate developers and buyers, have focused mainly on promoting the real estate market as an economic driver as opposed to guaranteeing widespread access to housing. Housing has been considered an investment rather than a right. Different methods have been used to support the access to housing, such as the reserve of pieces of land for social housing, rotary housing, subsidies for rent through the networks for intermediation and inclusion of properties in the rental market, local ownership of land, areas of rehabilitation with an integral approach, which take into account all areas relevant to cover the basic needs of persons, and support designed to encourage self-rehabilitation actions.

However, during the last decade public authorities started to understand the need to apply new measures and to diversify the resources related to the access to housing of the entire population, but especially for those segments of the population which are most vulnerable. Examples of these policies may include mediating the rental process, management by public authorities of private properties which are handed over to them for their rental or the management of housing programmes by non-profit entities, acting as tutors of inclusion processes starting with access to housing. This new tendency opened many opportunities for vulnerable groups such as Roma, to access housing. Nevertheless, it is important to note that the current reduction of resources may put at risk many of the interventions which were promoting desegregation and equal access to housing (e.g. programmes aimed to the eradication of slums or intervention in segregated areas, measures of social accompaniment, etc.).

Desegregation

Re-housing policies were usually the main mechanism in Spain to promote desegregation and improve the housing conditions of significant sectors of the Romani community (those persons in slum settlements and substandard housing). Thanks to these programmes, the percentage of Romani households in slums or similar types of housing has been reduced from 10% in 1991¹⁴³ to 3.9% in 2007.¹⁴⁴

All policy documents related to Roma integration and housing until now paid particular attention to the eradication of slums and to the reduction of substandard housing. However, as already mentioned, the

141 Congress of Deputies, "Proyecto de Ley de rehabilitación, regeneración y renovación urbanas", 12 April. Available at: http://www.congreso.es/public_oficiales/L10/CONG/BOCG/A/BOCG-10-A-45-1.PDF.

142 FSG (2008), *op.cit.* M. Laparra (2011), *op.cit.*

143 Grupo Pass (1991), *op.cit.*

144 FSG (2008), *op.cit.*

recently adopted State Plan 2013-2016 does not make any explicit mention to this important problem, as opposed to the NRIS and the previous State Plan,¹⁴⁵ which was the first plan on housing at State level in which this objective appeared. In addition, the new requirement introduced requesting the beneficiary to “reside legally” could leave outside the scope of the actions many Roma, and other vulnerable groups, who do not reside legally in their houses or live in slums. Against this background, we could say that the new State Plan does not seem aligned with the objectives of the NRIS but it also represents a step back and leaves aside the needs of the most vulnerable and excluded persons from society. The NRIS includes two lines of action in terms of housing: 1) the reduction of slums and substandard housing and (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) the improvement of the quality of housing for Romani community.

In addition, according to sources consulted, the current cuts threaten the continuation of many of the programmes related to the elimination of slums (or launch of new ones) as well as the intervention in segregated neighborhoods (rehabilitation of houses, improvement of infrastructures, etc.).

The re-housing interventions that have taken place in 2012 or are still ongoing are those already planned before the adoption of the NRIS. In some cases these interventions have been undertaken in the context of the State Plan for Housing and Rehabilitation 2009-2012 and the regional agreements concluded with regional and local authorities to implement the Plan, and in others directly by public authorities and/or social organisations. There are some data on specific interventions, but there are no data and information that provide a global picture regarding all the interventions undertaken, within the context of the State Plan and outside, and assess the scale and impact of such interventions. As an example, according to the latest information provided by the Ministry on Housing, in the last years three interventions have been carried out in the context of the State Plan to eradicate slums, including Los Asperones in Malaga (270 households), Camino de Enmedio y Cogullada in Zaragoza (28 households) and Arecha Serpemar in Santander (22 households). Interventions related to housing for particularly vulnerable groups concern more than 3,300 households and those related to areas of integral rehabilitation cover more than one million households.

In addition, there are no official data on the number of Roma living in segregated environments, because it is difficult to quantify and because it is not possible to gather data on ethnic origin. As already mentioned, according to the Map on Housing and Romani Community elaborated in 2007,¹⁴⁶ at that moment there were 3.9% of households segregated in slums (and around 5% in segregated housing representing 4,297 households), varying the situation from region to region (ranging from 34% in Galicia to a really low percentage, even no slums, in areas such as the Canary Islands, La Rioja and Ceuta), and the percentage of Romani homes considered to be substandard housing was 7.8%. Since the elaboration of the housing map action has been undertaken in relation to several slums (such as the interventions mentioned before as well as others in areas such as Huesca, Segovia, Santander, Madrid, etc.),¹⁴⁷ and therefore we do not have updated data on whether the remaining ones have extended in size or if new ones have been created. It is important to mention that many of these interventions have been undertaken with an integral and integrated approach and in co-operation with social organisations.

145 In line with the NRIS, the 2009-2012 State Plan included as a priority objective the eradication of slums and substandard housing, and included among the groups with the right to preferential attention homeless people and persons affected by the interventions to eradicate slums.

146 FSG (2008), *op.cit.*

147 Huesca (Aragon). Multi-disciplinary intervention in the neighbourhood of the Mártires del Barrio del Perpetuo Socorro (from 2011 to 2015). Implemented by the Department of Social Welfare and the local authority of Huesca, funded by European funds (URBAN) and the city hall. Beneficiaries: around 208 persons, 140 of whom were Romani.

Segovia (Castile-León). Programme for the re-housing of families in the slums of Carretera de Madrona and Tejerín (67 families, 288 persons). Developed between 2006 and 2011 with the involvement of the local authority of Segovia, the Department of Social Services of the Regional Authority of Castilla y León and social organisations. Beneficiaries: some 165 people.

A Coruña (Galicia). Special Plan for the Eradication of Slums in Pena Moa (launched in 2008, for a 6-year period). Implemented by the city hall of A Coruña. Beneficiaries: over 420 persons.

Equal access to housing

Several measures are proposed in the NRIS and the two State Plans to promote the equal access to housing, including the promotion of social housing (for rental, selling or for specific groups or groups particularly vulnerable) as well as the support to the access to housing for renter and buyers (see also specific section on social housing). It is also important to note that both State Plans pay particular attention to families with lower incomes and other vulnerable groups in relation to the access to housing. The new Plan on Housing also includes a positive measure which will facilitate the access of Roma to housing. In line with the proposal of the NRIS to “search for Roma adapted formula when proof of minimum income is required by autonomous communities, in order to allow them access to housing in fair conditions compared to the rest of the population,” the Plan allows the possibility to use as evidence for income a legal declaration by the head of the family (previously it was necessary to provide official documents such as tax declarations, which was a problem for families who were active in the informal market). It remains to be seen how this will be implemented by regional and local authorities.

Discrimination and housing

The area of housing is one of the areas in which Roma experience more discrimination (notably as regards private properties) and where it is more difficult to determine the existence of discrimination on the grounds of racial or ethnic origin and to protect the right of victims to equality. No specific measures to address the situation have been taken until now.

In relation to access to public housing, there is no evidence of cases of discrimination, not even in the case of non-Spanish Roma, which according to the law have the right to housing if they meet certain requirements. However, requirements such as the one mentioned before regarding the way in which income had to be documented in the context of the 2009-2012 State Plan could have a negative impact on the ability of Roma to access housing. The minimum income requested to have access to public housing varies depending on the region and the type of public housing. Families that do not have a minimum income are entitled to a minimum income for integration (*renta minima de insercion, RMI*) should they meet the criteria set by each Autonomous Community). As far as private housing is concerned, the number of cases of discrimination (both in relation to purchase and rental of properties) seems to be quite high, especially in the second option of rental housing. However, while as shown by different surveys carried out in the last years, a high percentage of Roma perceive discrimination in this area,¹⁴⁸ most cases are not reported (only between 10 and 15 cases out of the 110-120 cases reported in the annual Report of Discrimination and the Romani Community¹⁴⁹ concern the area of housing). Given that we are dealing with owners' rights, owners have the right to rent or sell their home to the person of their choice, and this is not considered to be a violation of the fundamental right to non-discrimination. In this context it is difficult to protect and defend the victims of discrimination in courts.

It is also worth mentioning the Comprehensive Strategy against Racism, Xenophobia and Intolerance adopted in late 2011,¹⁵⁰ which also addresses the area of housing and proposes a number of actions to be undertaken, among them, the establishment of effective monitoring mechanisms to eliminate discrimination in this area as well as mechanisms of complaint and assistance to victims, and awareness-raising actions targeting the real estate sector and other relevant stakeholders. However, while the Strategy sets out a really good framework for action, it does not include budgetary resources to allow implementation of the actions. Social organisations are calling on the Government to allocate the necessary resources to allow the full implementation of the Strategy.

148 According to the CIS, 33.6% of Roma felt discriminated against when accessing rental housing and 22.7% when buying a house. CIS (2006), *op. cit.* See also: Spanish Council for the Promotion of Equal Treatment, *Annual survey of perceived discrimination of the Council for the Promotion of Equal Treatment and Non-Discrimination of All Persons on Grounds of Racial and Ethnic Origin* (2012). Available at: http://www.igualdadynodiscriminacion.org/recursos/publicaciones/2012/documentos/2012_panel_2011.pdf.

149 FSG (2012), *op. cit.*

150 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>.

Finally, according to most stakeholders interviewed, there is a need to promote awareness-raising actions in this field both addressed to professionals in the sector as well as the Romani community itself.

The main contradiction in this area was the residential segregation resulting from some of the policies adopted up to the 1990s. As regards re-housing policies, over the years, we have seen a change in the pattern of the resettlements, moving from the model of neighbourhoods with specific typology - which gathered together some sectors of the population previously living in shanty towns and as a result, duplicated the same situations of segregation and lack of opportunities for the resettled persons, although in houses with better conditions- to a model based on resettlements in normalised housing, spread all over the municipality, and measures of social support. Examples of experience applying this approach can be found in the next sections.

However we still notice that there is a high concentration of Roma in certain areas or neighbourhoods, in which certain typologies of housing persist (really deteriorated housing, slum settlements, houses in settings for other purposes, etc.). Social housing can also lead to other kind of segregation as in many cases this type of households are concentrated in a specific building or in a specific area of the building and has different characteristics, normally clearly identifiable, than the others. This could be considered more properly a process of stigmatisation of housing but without urban segregation from the rest of the neighbourhoods, in which these buildings use to be integrated.

Local integrated housing approaches: access to public utilities and social infrastructure

The analysis of transformation towards a more integrated approach and the various forms of access to new housing requires a time perspective much longer than the reporting period. In general terms we note that integrated housing approaches are more common at local level than at other levels.

There are a number of initiatives throughout the Spanish territory that have applied this integrated approach such as the ones of the Institute for Re-housing and Social Integration (IRIS) of the Autonomous Community of Madrid, the Municipal Housing and Land Company of the municipal authority of Madrid, the ADIGSA in Catalonia,¹⁵¹ the Decree regarding housing for social integration established by the Government of Navarre,¹⁵² the Resettlement Plan of Avilés¹⁵³ or, more recently, the plan of A Coruña City-Hall,¹⁵⁴ among others.

By way of example, we could mention the Institute of Re-housing and Social Inclusion (IRIS) of the Autonomous Community of Madrid (CAM), which has been widely recognised at national and international level (most recently with the Dosta award of the Council of Europe). Set up in 1998, the IRIS is a public body under the Secretariat of Housing of the CAM aimed at the re-housing of families living in slums and sub-standard housing (through the provision of houses for rental) and the accompaniment and support of the families that have been re-housed (through an integral social intervention) as well as other beneficiaries of social housing who are still in need of support to achieve their social integration. To this end, their interventions build upon an integral approach combining the process of re-housing with measures of social support for the beneficiaries (framed into three programmes: social programme, programme of education and programme of employment). In 2011, with a budget of around 20 million EUR, the IRIS provided support to some 2,200 families (representing almost 9,000 persons), it worked in 7 slums and undertook the re-housing of 170 families.¹⁵⁵

151 Information available at: <http://www.agenciahabitatge.cat/wps/portal/>.

152 Information available at: http://www.navarra.es/home_es/Actualidad/Sala+de+prensa/Noticias/2009/10/27.

153 Information available at: <http://www.ayto-aviles.es/SilverMaster50/AytoAvilesPortal/portal/cn/Home/Inicio>.

154 Information available at: <http://www.coruna.es/>.

155 For further information see: http://www.madrid.org/cs/Satellite?c=PVIV_Generico_FA&cid=1142494644870&language=es&page-id=1142469208871&pagename=PortalVivienda%2FPVIV_Generico_FA%2FPVIV_pintarGenerico.

As regards data available on Roma and access to public utilities and social service infrastructure, there are no recent data other than those in the reports already mentioned, which show that there are clear differences between the regions:

- According to the contrasted analysis of the 2007 CIS survey to Romani households:¹⁵⁶
 - 19.5% of Romani households lack suitable urban facilities.
 - 8.5% of Romani households lack any basic services.
 - 45.7% of Romani households have moisture problems.
 - 29.4% of Romani households are overcrowded.
- The 2007 Map on Housing and Romani Communities provides details on the equipment, resources and basic services in the areas in which Roma live depending on the area/type:

	Historical centre/ Old quarter	Peripheral neighbourhoods	Segregated areas in urban settings	Housing dispersed and integrated in the municipality
Garbage collection	98.0%	91.2%	69.5%	98.3%
Public transport	99.6%	77.4%	41.4%	79.7%
Paved roads	96.0%	91.1%	38.5%	96.1%
Public street lights	98.2%	91.9%	59.2%	97.0%
Sewage system	98.0%	91.1%	44.8%	96.1%
Running water	97.6%	92.1%	63.8%	98.1%
Electricity	98.2%	92.8%	70.1%	98.0%
Health centre/walk in clinic	89.2%	76.3%	48.3%	94.0%
Primary school	92.5%	84.0%	50.0%	94.6%
Secondary school	73.8%	68.4%	41.4%	82.0%
Parks/sports facilities	88.6%	78.9%	28.7%	92.8%
Civic and/or cultural centres	85.9%	70.1%	32.8%	88.0%
Social services	96.2%	88.1%	71.8%	96.4%

Availability, affordability and quality of social housing

In Spain, the scope of social housing is limited compared to other EU countries, as a consequence of the development of the Spanish housing market which, as explained before, was considered as an economic driver and was mainly controlled by for-profit private promoters with little control by public authorities. Since the creation of the Ministry of Housing in 2004, efforts have been made to promote social housing through the subsequent State Plans on Housing by including some options and incentives to encourage public and private actors to make available more social housing (through new promotions or the rehabilitation of existing ones) for a population with less resources.

National public housing policies, in the form of State plans, have included different types of social housing, including housing for rent, selling or rental with the option to buy (after a set number of years of rent, the beneficiary is entitled to buy the property and a percentage of the amounts paid by the renter is considered to be a partial advance payment and deducted from the selling price). Each Autonomous Community has then adapted the general State guidelines to its own context. In addition, each Autonomous Community can design its own plans in relation to social housing. Municipalities also play a key role as promoters and managers of the local properties and as regards the land through the Urban Development Plans. Against this background, policy regarding social housing, including the requirements for this type of housing (types, use, quality, maximum price set, etc.) and how to access it vary from region to region and

¹⁵⁶ M. Laparra, (2011), *op.cit.*

we cannot provide general data valid throughout the whole Spanish territory. The measures set in relation to social housing (for rent, for sale and for specific or particularly vulnerable groups) have had a very important impact on the Romani community historically, although, as already explained, in some cases it may have contributed to their territorial segregation. The 2009-2012 State Plan included a specific action line related to the “promotion of social housing for particularly vulnerable groups and other specific groups,” including persons with low income, homeless, beneficiaries of re-housing interventions or belonging to other groups in a situation or at-risk of social exclusion.

The new State Plan also addresses the social housing, giving priority to the promotion of stock of social housing available for rental. It also foresees some subsidies to beneficiaries of social housing. However, currently there are a number of factors that make access to social housing (in all its forms) more difficult such as the reduction of promotions due to the current economic situation and the higher demand for social housing, the lower income of families (which as a consequence cannot afford covering the costs related to housing, even social housing) and the difficult access to credit (in relation to housing for sale). As already mentioned the price of social housing available for sale and rent varies depending on the regions. As regards social rent, in some cases it is adapted to the level of income of the families.

As already mentioned, the main contradiction in relation to the access of Roma to social housing in the 2009-2012 State Plan concern the difficulties faced in meeting some of the requirements set, such as the requirement to prove income with official documents such as the tax declaration or payrolls (many Roma do not have these documents as they work in the informal economy, such as women working as domestic servants). The change introduced by the new law in this area clearly represents a step forward.

As far as quantifiable data are concerned, given the fact that social housing is managed at regional and local level, it is difficult to provide a detailed overview of the situation and the possible developments made. Some partial data can be provided in relation to social housing for selling based on the information available from the Ministry of Housing.¹⁵⁷ According to this data, the number of social houses built (belonging to the different types of social houses) in 2012 in the context of the State and regional plans was 53,332. There is no data on the current State Plan as it has recently been adopted.

A comprehensive cross-sectoral approach of urban planning including education, employment and health care

First of all, it should be mentioned that in the case of Spain the specific reference to rural areas does not seem particularly necessary given that in Spain most Roma live in urban or sub-urban areas.

In the area of housing the Spanish NRIS foresees the “encouragement of integral intervention programmes, in the process of rehousing, that favors training for the use and maintenance of housing, the involvement of persons affected in all phases of the process, access to employment and the use of community and education services; boosting the use of Structural Funds (art. 7.2 of the ERDF Regulations).” Both State Plans also mention that for the interventions related to vulnerable groups, social services intervene involving other areas.

However, we do not have specific indications on whether this integral approach has been implemented in the interventions undertaken in the context of the State Plans or the agreements with the regional and local authorities at national, regional and local level. For this approach to be implemented, it would be necessary to promote the horizontal co-operation between relevant public administrations. As explained in the chapter on structural requirements, at the level of State administration, until now there has not been any mechanism for formal and regular co-ordination; co-operation has mainly taken place in the context of specific initiatives, such as the elaboration of policy documents, including the National Action Plan or the NRIS. In this context, the Ministry of Public Works, which is in charge of housing policy, holds informal contacts, whenever considered necessary, with the Roma Development Programme Unit of the Ministry

of Health, Social Services and Equality, which holds the main responsibility for Roma issues. However, the general assessment is that the level of collaboration could be furthered.

Furthermore, the most important co-ordination should be developed at regional level, where the main competences for housing policies are located, and local level, which is in charge of the implementation of specific interventions. At this level, only a few concrete experiences have been developed partially coordinating these areas (see for example the Programme of VIS and VAIS in Navarre, Housing for Social Inclusion, run jointly by the housing department and the social services department).

Use of the European Regional Development Fund (ERDF)

The Spanish NRIS calls for the “greater use of Structural Funds, particularly the ESF and the European Regional Development Fund (ERDF) based on current experience and in line with guidelines given in the regulatory drafts for the period 2014-2020”, but the use of this funding source is not explicitly mentioned in the previous (2009-2012) or the new (2013-2016) State Plans on Housing. In fact, there is no specific mention to the European funds (not even the ESF).

To our knowledge, there have been some initiatives to push for integrated housing projects under the 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 project has been officially approved. In 2012, the Fundación Secretariado Gitano, with the support of the A Coruña town council, organised a seminar to provide main stakeholders with information on the opportunities offered by the amendment of Article 7.2 of the ERDF regulation. Local and regional decision-makers, as well as representatives of different public administrations concerned and representatives of civil society organisations were invited to this seminar. So far, no project has been submitted. The FSG is organising a similar seminar in Málaga on 6 May 2013 with the objective of pushing political and social decision-makers to undertake an integrated housing project under this regulation.

The Madrid Regional Government, through the Institute for Re-housing and Social Integration, has made a step forward and even submitted a proposal for amendment of their Regional OP to include an integrated housing project during the current programming period. However, due to technical reasons, the project is currently blocked. The Ministry of Treasury is not aware of any other initiative. A current problem to be solved in relation to the use of these funds is the issue of co-financing. Regional and local authorities do not have funds to be able to co-finance the interventions at European level.

However, there are several elements that show that there may be a positive change in the future.

- We are aware that in the preparatory work for the next programming period, the DG for EU Funds of the Ministry of Economy and Taxation has created a working group gathering the representatives of the units in charge of managing the ESF, the ERDF and the EARDF in order to work on the Spanish Partnership Contracts. The NRIS also foresees the creation of an Inter-Fund Committee, comprising representatives of the ESF, ERDF and the EAFRD, to improve the programming co-ordination, follow-up and review of the use of Structural Funds for Roma Inclusion.
- The State Council of the Romani People has been invited to submit proposals for the Partnership Agreement of the next programming period. Members of the Council have agreed on a common proposal for the Partnership Agreement, already submitted to the Ministry, which includes, among others, proposals for the use of the Structural Funds for integrated housing projects.

Involvement of regional and local authorities, local Romani and non-Romani communities

Civil society organisations working for the promotion and integration of the Romani community

Institutional co-operation and consultation mainly takes place in the context of the State Council of the Romani People, notably through the Working Group on Housing. This Working Group gathers representatives of the State administration in charge of housing and Roma issues as well as representatives of a

number of the civil society organisations which hold membership in the Council.¹⁵⁸ Following the changes that occurred in the Council in 2012, and notably the election of the members of the Council for the next four years, the members of the Working Group on Housing were elected and it held its first meeting of this period on 14 March 2013.

Civil society organisations taking part in the Council consider that it offers an excellent platform to participate and provide advice on public policies related to housing, however this co-operation has to be adequate and well articulated to take full advantage of its role. In light of how the consultation process for the State Plan has taken place we see that there is still room for improvement: The State Plan was shared with the members of the Council at the end of the process, when the draft proposal was almost closed, the time given to provide feedback was short (about one week) and none of the amendments presented were not taken into consideration in the final proposal.

Co-operation with Autonomous Communities

Co-operation between State and regional authorities in the area of housing is essential given that the competences as regards housing and urban planning are decentralised and fall under the competence of the regional and local authorities. In practice, this means that the implementation of the multi-annual plans set by the Government falls to the Autonomous Communities and the cities of Ceuta and Melilla, which do this within an agreed common framework and within the limits of the budgetary resources provided by the State. Except some funds reserved by the Ministry for direct intervention, the rest of the funds are allocated to the Autonomous Communities, which also provide additional funds.

For this purpose, the Ministry concludes co-operation agreements with these entities for the execution of the Plan, the duration of which corresponds with the duration of the Plan. These agreements include the following information:

- All objectives agreed (number of interventions to be financed, specifying the types of actions as well as the number of houses as well as its estimate distribution per year).
- Mechanisms for monitoring and evaluation as regards the fulfilment of the objectives, as well as communication and information between the two authorities, including the possible implementation of IT systems of common use.
- The creation of a bilateral commission of monitoring, to be jointly chaired by the representative of the Ministry of Housing and of the Department/Office in charge of housing policy at regional level.
- Budgetary commitments of the State and regional administrations as regards the types of interventions to be co-financed.
- Commitments as regards the management of the Plan, including the instruments and measures to be adopted by each administration for its execution and the subsidies that correspond to the creation and management of the one-stop shop for housing policy, rehabilitation offices and registries for beneficiaries.
- Protocols of information and communication to citizens regarding the participation of public authorities in the funding of interventions foreseen in the Plan.

There are also a number of mechanisms created to monitor the Plan involving representatives of regional authorities:

- Sectoral Conference on Housing and Land (acting according to Article 5 of Law 30/1992),¹⁵⁹ created for monitoring the Plan. This is a body of multi-lateral and sectoral co-operation which gathers representatives of the Ministry of Public Works and representatives of the bodies with competences in relation to housing and land in the Autonomous Communities.

158 Information on the organisation of the State Council of the Romani People is available at: <http://www.msc.es/politicaSocial/inclusionSocial/poblacionGitana/consejoEstGitano.htm#organiza>.

159 Spanish Head of State, *Ley 30/1992. de 26 de noviembre. de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común* (1992). Available at: <http://www.boe.es/boe/dias/1992/11/27/pdfs/A40300-40319.pdf>.

- Bilateral commissions for monitoring the Plan. These commissions are set up between the State administration and each of the Autonomous Communities and the cities of Ceuta and Melilla, which adhere to the State Plan in the context of the co-operation agreements that are concluded between them.

The currently mechanism of implementation allows for the State and regional authorities to co-ordinate themselves and for the State authorities to agree with the Autonomous Communities on the actions to be undertaken (and do continuous monitoring). However, it is up to the Autonomous Communities to decide on which actions will be undertaken depending on the particular circumstances and priorities of their regions. This means that it is possible that the actions included in the general framework set by the General State Administration will be reflected and adopted in the regional plans. Each Autonomous Community normally gives priority to the objectives and interventions they consider more relevant for their region. In relation to those with an impact on Roma, we can expect that those communities with a high percentage of Roma (e.g. Andalusia, etc.) will adopt these measures but not others.

Co-operation at local level

Co-operation with local authorities takes place through the regional authorities. However, in order to finance interventions foreseen in the State Plans, it is necessary to conclude agreements with the Autonomous Communities and the local authorities in which the interventions are going to take place. This is the case of interventions with direct relevance to the Romani community (i.e. in the 2009-2012 Plan areas of integral rehabilitation, areas of urban renovation, support for the eradication of slums and promotion of housing for particularly vulnerable groups or other specific groups on land belonging to the municipalities; in the new draft law also programmes related to urban regeneration and renovation and of protected housing for rental).

In addition, the new State Plan foresees that when the Sectoral Conference on Housing and Land addresses questions related to the Plan, the Spanish Federation of Municipalities and Provinces can be invited as an observer.

Conclusion

The housing conditions of the Romani community in Spain have improved significantly in the last decades thanks to a combination of the inclusive housing policies undertaken in the 1970s and 1980s during the development of the welfare state in Spain, and the more recent change in the re-housing process from neighbourhoods with a specific typology to normalised housing.

However, there are still a number of challenges to be addressed, most notably:

- The remaining high percentage of Roma living in slums (around 4%) and substandard housing (12%), which, linked to other problems such as residential segregation, access to public and private housing or discrimination, make it difficult to eliminate the residential inclusion of the Romani community.
- The impact of the current socio-economic context, and the reduction of public resources available for housing policies, which could aggravate the existing challenges and brings new threats with regard to the access to housing of the population, in general, and the most vulnerable groups, including Roma, in particular. We find relevant problems that make it difficult for many Romani families to access to a decent house and that may represent a stagnation and even a step back regarding housing improvements experienced by a significant number of Romani families in the last two decades. These include the increased difficulty in accessing private and public housing and the difficulty of paying their mortgage/rent due to the reduction of income (due to factors such as unemployment, reduction of salaries, reduction of the subsidies related to housing). These aspects are leading to two problems: evictions and overcrowding (in some cases directly related to the first one).

While the Spanish NRIS gathers properly the main challenges faced by the Romani population as regards their housing situation, addressing mainly the necessary reduction of slums and substandard housing, as well as access to adequate housing and accommodation, there is a concern that it will not be possible to take into account and meet the objectives of the NRIS due to the current economic context, which is leading to important reductions in available resources and, in some cases, the need for further political will. An example is the new 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*), which is not fully aligned with the objectives set in the NRIS, leaving aside some of them (e.g. the eradication of slums and the use of ERDF are not mentioned as such) or including other elements which could have a negative impact on the Romani population (e.g. the requirement of “residing legally” to benefit from certain actions). It is also worth noting that amendments proposed by the members of the Working Group on Housing of the State Council to address these shortcomings and potentially negative points in the State Plan have not been taken into consideration. It is worrying to see that the Plan has not taken into consideration one of the most relevant problems experienced by the Romani population (as well as other vulnerable groups), and one of the specific objectives of the NRIS - the eradication of slums. While this new State Plan aims to re-orient housing policies to guarantee the fundamental right of all persons to decent and adequate housing, it could leave aside the needs of the most vulnerable and excluded persons from society.

It is hoped that the Draft Law on Urban Rehabilitation, Regeneration and Renovation (*Anteproyecto de Ley de Rehabilitación, Regeneración y Renovación Urbanas*),¹⁶⁰ which is currently being discussed in the Parliament, goes beyond the State Plan and puts forward final solutions to the problem of shantytowns and substandard housing.

Finally, it is worth mentioning that the initiatives undertaken during the period considered by this report were approved in the context of the State Plan for Housing and Rehabilitation 2009-2012, already in place when the NRIS was adopted. While the State Plan was considered when preparing the NRIS and the objectives and lines of action of the NRIS are therefore generally in line with those of the State Plan and the interventions undertaken in its context, we cannot say that they are directly linked to the NRIS.

160 Congress of Deputies (2013), *op.cit.*

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ANNEX I: INFORMATION GATHERING METHODOLOGY

In order to provide a nuanced and valid assessment of the data adapted to the specific context of Spain, the report has been developed on the basis of a methodology that relied on the following key sources of information:

1. Available **statistical data** related to the key targets of the Spanish NRIS and the Decade Action Plan.
2. **Documentary analysis** of relevant official and unofficial documents at national, regional and local levels directly or indirectly concerning the situation of Romani persons in the areas covered by the study. They included legal documents, Government reports and studies as well as reports, studies and assessments produced by well-respected civil society organisations and information media. This approach aimed to bridge potential gaps between official and unofficial approaches and assessments regarding the fulfilment of the NRIS's objectives.
3. **Qualitative analysis** through structured and semi-structured interviews with relevant stakeholders and informed observers who could provide feedback on the implementation of the NRIS and Decade Action Plan and their impact on the ground. Particular attention was paid to gathering the input of Roma both directly and/or through the organisations working for their promotion and integration and/or the professionals in direct contact with them (for further information, see table included below). The following stakeholders were interviewed:

Government representatives	
National level	Representatives from the ministries involved in the implementation of the NRIS/Decade Plan and Roma policies/social inclusion policy, including the Service of the Roma Development Programme (Ministry of Health, Social Policy and Equality) as well as other ministries covering the areas analysed in the report.
Regional level	Representatives from the Autonomous Communities in which there is a specific Roma strategy/plan, notably the persons in charge of these strategies/plans in Andalusia, Navarre, Basque Country, Catalonia and Extremadura.
Local level	Representatives from different local authorities to assess the impact of the NRIS at local level.
Related Bodies/Councils	
Council for the Promotion of Equal Treatment and Non-Discrimination of all Persons on Grounds of Racial or Ethnic Origin	
State Council of the Romani People	
Civil society organisations	
* priority has been given to the organisations which hold membership in the State Council of the Romani People (in particular those active in the Autonomous Communities in which there are a specific Roma strategy/plan) and of the Network for Assisting Victims of Discrimination established by the Council for Equal Treatment.	
Fundación Secretariado Gitano (national level)	
Asociación de Enseñantes con Gitanos (national level)	
Federación de Asociaciones de Mujeres Gitanas "Kamira" (national level)	
Unión Romaní (national level)	
Cruz Roja (national level)	
Federación Española de Municipios y Provincias (national level)	
Federación de Asociaciones Gitanas de Cataluña, FAGIC (Catalonia)	
Federación Navarra de Asociaciones Gitanas Gaz Kalo (Navarre)	
Gao Latcho Dron (Basque Country)	
Asociación Romani Tierra de Barros (Extremadura)	
Federación Andaluza de Mujeres Gitanas (FAKALI) (Andalusia)	

4. **Qualitative diagnosis** on the views of the regional and local stakeholders made by the students of the UPNA's Diploma in Social Intervention with the Romani Community, mainly Romani professionals who work in different programmes of social intervention with the Romani community. The analysis builds upon relevant resources as well as the input gathered through interviews with different stakeholders (public authorities and civil society stakeholders), combined with their own experience and knowledge in the different areas as Roma professionals and as Romani persons. The following table includes information on the Autonomous Communities analysed, the organisations interviewed and the student in charge of the interview:

Autonomous Community	Student	Organisation
Andalusia	Emilio Hurgal Carmen Postigo Luis Samuel Santiago Azucena Fernández Ruth Heredia Manuela Moreno Rosario Cortés María Vélez Sara García	<ul style="list-style-type: none"> - Unión Romani Andalucía - Government of the Autonomous Community of Andalusia (Roma Secretariat) - Government of the Autonomous Community of Andalusia, Provincial Delegation of Health and Social Welfare - Comisionado para el Polígono Sur (Sevilla) - City Council of Córdoba (Department of Social Services) - City Council of Línea de la Concepción - City Council of Algeciras (Area of Social Welfare) - Volunteer School Albolafia in Córdoba - Education counsellor of a secondary education centre in La Línea de la Concepción - Roma socio-cultural centre of Granada - University of Granada - Asociación Anaquerando - Asociación Romí - Youth association Ardiñelo Caló - Roma priest
Aragón	Rebeca Jiménez	<ul style="list-style-type: none"> - Fundación Secretariado Gitano
Castile- La Mancha	M ^a . del Rosario Montoya	<ul style="list-style-type: none"> - City council of Ciudad Real (Area of Social Welfare, Elderly and Family) - Fundación Secretariado Gitano
Catalonia	Ángel Fernández Ainhoa Carbonell	<ul style="list-style-type: none"> - Member of the Parliament of Catalonia - Fundación Pere Closa - Asociación AASS of Girona
Castile-León	M ^a . Paz García Sebastián Vargas Celia Gabarri	<ul style="list-style-type: none"> - Government of Castile-León, Department Families and Social Policies. - City council of Palencia (representatives of the sections on Family, Social Welfare and Elderly and the Local Plan on Ethnic Minorities) - Federación asociaciones gitanas - Asociación gitana Palencia - Fundación Hogar Esperanza de León
Community of Valencia	Antonio Mejías Consuelo Correa Lucía Argilés Demetrio Gómez	<ul style="list-style-type: none"> - City council of Alicante (different representatives) - City council of Valencia (different representatives) - Asociación Enseñantes con Gitanos - Asociación ALANNA - Asociación Arakerando
Extremadura	Rocío Tapia	<ul style="list-style-type: none"> - Government of Extremadura (Department of Health and Social Policy) - Asociación Romani Tierra de Barros
Galicia	Lorena Varela	<ul style="list-style-type: none"> - Government of Galicia (Area of Social Inclusion) - APNA
Autonomous Community of Madrid	Lali Camacho Gina Acaso Amparo Borja Ana Vázquez Javier Sáez	<ul style="list-style-type: none"> - Government of the Community of Madrid (different services: Service on Prevention and Minimum Income; Programme on Public Health with Vulnerable Groups; Directorate General Primary Health Attention) - Federación Kali asociaciones gitanas - Asociación Barró - Asociación Romí Sersení
Murcia	Moisés Moreno Lourdes Santiago	<ul style="list-style-type: none"> - Regional Government of the Autonomous Community of Murcia (Service of Programmes of Inclusion and Social Co-Responsibility) - City council of Murcia (Area of Social Services) - Sports Club Calé
Navarre	Iñigo Iriarte Nekane Martínez Cristina Sádaba	<ul style="list-style-type: none"> - Government of Navarre - Federación Gaz Kalo de asociaciones gitanas of Navarre - Employment Service of Navarre
Murcia	Moisés Moreno Lourdes Santiago	<ul style="list-style-type: none"> - Regional Government of the Autonomous Community of Murcia (Service of Programmes of Inclusion and Social Co-Responsibility) - City council of Murcia (Area of Social Services) - Sports Club Calé

This report was prepared by a civil society coalition comprising the following organisations: *Fundación Secretariado Gitano* (FSG – lead organisation), ALTER Research Group of the Public University of Navarra (*Universidad Pública de Navarra* – UPNA) and the *Asociación de Enseñantes con Gitanos* (AEcG). The lead researcher of the coalition is Miguel Laparra (UPNA – ALTER Research Group) and the project manager is Humberto García González-Gordon (FSG).

The authors of the report are: Miguel Laparra (UPNA – ALTER Research Group – lead researcher), Carolina Fernández Díez (FSG), Marta Hernández Enríquez (FSG), Jesús Salinas Catalá (AEcG) and Andreas Tsolakis (FSG), with the collaboration of Javier Arza (UPNA) in coordinating and synthesising the results of the interviews conducted by students of the UPNA in the framework of the research. The following organisations have been involved in the advising on the report: the Decade of Roma Inclusion Secretariat Foundation (Decade Secretariat), the Central European University's Department of Public Policy, the European Roma Rights Centre, Habitat for Humanity, the Roma Education Fund, and from the Open Society Foundations: Making the Most of EU Funds for Roma programme, the Roma Initiatives Office, and the Roma Health project.

In the pilot year of 2012, the Decade Secretariat decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia, Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic. In addition, the Decade Secretariat made a template public in order to encourage additional civil society actors to monitor the implementation of National Roma Integration Strategies (NRIS) and Decade Action Plans.

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 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 not official data, or alternative interpretation of published data.

The project is co-ordinated by the Decade of Roma Inclusion Secretariat Foundation in co-operation with the Making the Most of EU Funds for Roma programme and the Roma Initiatives Office of the Open Society Foundations.



Decade of Roma Inclusion Secretariat Foundation

Teréz körút 46.

1066 Budapest, Hungary

www.romadecade.org