



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Committee of Ministers
Comité des Ministres

**Resolution CM/ResCMN(2008)1
on the implementation of the Framework Convention for the Protection of National Minorities
by Spain**

*(Adopted by the Committee of Ministers on 2 April 2008
at the 1023rd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Spain on 1 September 1995;

Recalling that the Government of Spain transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 10 April 2006;

Having examined the Advisory Committee’s second opinion on Spain, adopted on 22 February 2007, and the written comments of the Government of Spain, received on 11 December 2007;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Spain:

a) Positive developments

Since the adoption of the Advisory Committee’s first opinion in November 2003, Spanish authorities have introduced a number of measures which have improved the implementation of the Framework Convention.

Steps have been taken to strengthen Spain’s legislative provisions for combating discrimination, including by extending protection against discrimination, by public or private entities, to all relevant fields. In September 2007, the law setting up the Council for the promotion of equal treatment and non-discrimination of persons on grounds of their racial or ethnic origin was adopted.

Numerous initiatives have been launched, at national and regional levels, to improve access to social services and the labour market for Roma and other vulnerable groups. It is positive that public authorities have recognised the importance of obtaining data on the situation of ethnic groups in order to achieve this aim.

There has been considerable progress towards achieving the full education of Roma children at primary level. Recent legislative provisions aimed at improving access to education for students from disadvantaged communities, including by increasing funding for remedial classes and student grants, should add further to this trend.

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

Spanish authorities have publicly endorsed the need to protect and promote the distinct culture and identity of Roma, a positive development that is also reflected in the recent opening by the Spanish Government of an Institute of Roma Culture that operates at national level.

The recent establishment of a nationwide Consultative Council for the Roma People represents an important step in the direction of involving Roma in the preparation and implementation of policies that are likely to affect them.

b) Issues of concern

Although efforts have been made to improve the situation of persons belonging to minorities, the impact of these efforts remains in many respects limited. Problems persist in the implementation of existing legislation for combating discrimination and there is a need to step up awareness within the judicial system of problems related to racism and racially-motivated crime, bearing in mind that the relevant criminal law provisions are rarely invoked.

Notwithstanding various positive initiatives, Roma, and in particular Roma women, still face particular difficulties and discrimination in their access to employment, housing and social services and, reportedly, in the treatment they receive within the criminal justice system. Efforts to collect data on the situation of Roma need to be expanded in order to remedy this state of affairs, while ensuring due respect for the safeguards concerning personal data protection.

References to Roma culture, history and traditions continue to be virtually absent in school curricula and teaching materials. It will be necessary to ensure that the new legislative provisions introducing a subject on cultural diversity into school curricula will be implemented in ways that also benefit Roma.

Few Roma have the necessary training and resources to participate in the production of radio, television and print media. News items that touch upon the life of Roma tend to perpetuate negative stereotypes.

In spite of progress made, difficulties ensuring equal access to education for Roma remain considerable, with Roma students revealing higher levels of absenteeism, higher drop-out rates and lower school performance than non-Roma children, especially at secondary school level. There is an increasing concentration of Roma (and immigrant pupils) in schools that could, consequently, have a lower academic level.

Roma representatives consider that they are not sufficiently consulted in the design, implementation, monitoring and evaluation of programmes aimed at promoting their social and economic integration. They also express the wish to be more involved in decision making concerning the allocation of public funds to non-governmental organisations working with Roma. Public funds allocated by the state are approved by the parliament and distributed in a transparent manner based on public calls for proposals.

2. Adopts the following recommendations in respect of Spain:

In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Ensure that the competences and resources of the newly established Council for the promotion of equal treatment and non-discrimination of persons on grounds of their racial or ethnic origin are sufficient to operate effectively; redouble efforts to raise awareness, about the problems of discrimination and racially-motivated crime among the police, prosecuting authorities, judges, and media, as well as the general public;
- Step up activities aimed at increasing understanding of minority cultures among the population of Spain; take effective measures to encourage intercultural dialogue among all persons living on the territory of the state;

- Closely involve Roma representatives in the design, implementation, monitoring and evaluation of programmes aimed at promoting social and economic integration, including in the process of drafting a new Roma Development Plan;
 - Pursue further efforts to collect data on the situation of Roma and other ethnic groups in all relevant spheres, including the criminal justice system, in consultation with the persons concerned;
 - Consolidate the public pronouncements in favour of providing greater recognition to the distinct culture and identity of Roma through the adoption of concrete legislative, institutional and financial measures;
 - Take steps to support the access to and presence in the media of Roma, and continue to encourage media self-regulation to combat stereotypes of Roma in the media;
 - Pursue efforts to ensure that existing legislative provisions, including the Law on Education, aimed at promoting equal access to education and equal opportunities for vulnerable groups are adequately applied by the relevant authorities in ways that benefit all pupils;
 - Ensure the effectiveness of the recently established Consultative Council for the Roma People, and make efforts to ensure that Roma associations not included in the Council also have opportunities to influence the Council's work.
3. Invites the Government of Spain, in accordance with Resolution (97) 10:
- a.* to continue the dialogue in progress with the Advisory Committee;
 - b.* to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.