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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

**OPINION ON SPAIN**

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## **EXECUTIVE SUMMARY**

Following the receipt of the initial State Report of Spain on 19 December 2000 (due on 1 February 1999), the Advisory Committee commenced the examination of the State Report at its 10<sup>th</sup> meeting on 2 to 6 April 2001. The Advisory Committee adopted its opinion on Spain at its 18th meeting on 27 November 2003.

The Advisory Committee notes with satisfaction that, although Roma are not officially recognised as a national minority in Spain, they are entitled to the protection afforded by the Framework Convention. The Advisory Committee also notes that in Spain, the promotion of cultural identities and diversity is facilitated by the high degree of decentralisation and broad powers exercised by the Autonomous Communities in many relevant fields.

The authorities need to give greater consideration to the establishment of an effective policy, absent at the moment, for implementing the principles set out in the Framework Convention. As the preparation and implementation of such a policy are closely linked to the personal scope of application of the Framework Convention, future consultations with the groups potentially concerned could provide the necessary clarifications. In this context, it might also be useful to establish a dialogue with the population of Berber origin living in Ceuta and Melilla.

The Advisory Committee welcomes the authorities' efforts to improve the situation of the Roma through the Governmental Roma Development Programme. Despite the measures taken, it is important to note that considerable socio-economic differences persist between a large number of Roma and the rest of the population, and that the former still face marginalisation and social exclusion.

Special attention should be given to promoting Roma culture, language and traditions, in order to facilitate a better integration and participation of Roma in Spanish society. More appropriate measures should be devised and implemented in co-operation with the persons concerned, to promote the full and effective equality of Roma in such fields as employment, health, housing, access to public services and education.

Although Spanish society is characterised by a general climate of tolerance, it should be noted that attitudes of rejection or hostility as well as incidents of discrimination persist towards Roma and other vulnerable groups, sometimes involving public authorities. Further preventive measures, awareness raising measures and reinforced sanctions are indispensable to fight this phenomenon more effectively.

## **I. PREPARATION OF THE CURRENT OPINION**

1. The initial State Report of Spain (hereinafter referred to as “the State Report”), due on 1 February 1999, was received on 19 December 2000. The Advisory Committee commenced its examination of the report at its 10<sup>th</sup> meeting, which took place from 2 to 6 April 2001.

2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the Spanish authorities on 14 September 2001. The Spanish Government replied to the questionnaire on 12 March 2002.

3. In preparing this opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.

4. The Advisory Committee adopted this opinion at its 18<sup>th</sup> meeting, on 27 November 2003, and decided to transmit it to the Committee of Ministers.<sup>1</sup>

5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

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<sup>1</sup> The Advisory Committee decided, at its 12<sup>th</sup> meeting on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting a “Proposal for conclusions and recommendations by the Committee of Ministers” (Section V of the earlier opinions) and to introduce a new Section IV, entitled “Main findings and comments of the Advisory Committee”. The Advisory Committee also decided to submit its “Concluding remarks” in Section V instead of Section IV. These changes are effective as from 30 November 2001 and they apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention adopted by the Committee of Ministers in October 2001.

## II. GENERAL REMARKS

6. The Advisory Committee notes that the State Report, submitted 22 months late, contains brief information on the legal basis of the protection of Spanish Roma and that, although the report devotes considerable space to presenting the “Programme of the state administration for the development of the Roma population” (hereinafter referred to as the Governmental Roma Development Programme), the information given on relevant practice is limited.

7. The Advisory Committee is not aware of any consultations between the Ministry of Labour and Social Affairs, which drafted the State Report, and other governmental structures at central or regional level. The Advisory Committee regrets the fact that, in the course of the process which led to the drafting of the State Report, the authorities did not organise consultations with representatives of the interested parties and the independent bodies working in the field of human rights protection. The Advisory Committee urges the Spanish authorities to organise such consultations in the future. In a general way the Advisory Committee encourages the Spanish authorities to take steps to increase awareness of the Framework Convention and its explanatory report and of the rules governing the monitoring procedure at international level, *inter alia* by publishing and distributing the State Report and other relevant material.

8. As a preliminary remark, the Advisory Committee points out that the State Report does not provide the necessary information on Spain’s position with regard to the personal scope of application of the Framework Convention; yet that information is essential to any assessment of the manner in which Spain applies the Convention<sup>2</sup>. The Advisory Committee notes in this connection that it had difficulty in forming an opinion about government policy on the protection of national minorities as such, since neither the State Report nor the Government’s reply to its questionnaire gave any information other than that mentioned above.

9. The Advisory Committee wishes also to highlight its regret that it was not in a position to make use of the possibility, in accordance with rule 32 of Resolution (97) 10, of visiting Spain, in due time, to meet the relevant representatives of the government and of the civil society, despite having indicated its readiness to do so on several occasions. While noting the last-minute information provided by the authorities concerning the possibility of organising a visit to Spain in 2004, the Advisory Committee saw fit, as the second monitoring cycle of the Framework Convention commences in respect of Spain in February 2004, to finalise the first monitoring cycle for this country before that deadline. Nonetheless, the Advisory Committee considers that such meetings provide an opportunity to obtain, through direct dialogue with representatives of various sources, the information and clarification needed to prepare and adopt its opinions in the best possible circumstances.

10. It should also be pointed out that, in the specific comments which follow, the Advisory Committee deals mainly with the situation of the Roma, since the Report submitted by the Spanish authorities concentrates on this group of persons. However, the Advisory Committee notes that the Framework Convention could play a part in the protection of other groups, if such an approach were to be accepted by the authorities, after consultation with the interested parties. In this connection the Advisory Committee refers to its comments concerning the personal scope of application of the Framework Convention in relation to Article 3 below.

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<sup>2</sup> In this connection, see the comments on Article 3 below.

11. In the following part of the opinion, it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern prove over time to have been underestimated.

### **III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19**

#### **Article 1**

12. The Advisory Committee notes that Spain has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

#### **Article 2**

13. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 3**

14. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Spanish Government is therefore deemed to be the outcome of this examination.

15. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

16. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

17. The Advisory Committee notes that the term “national minority” is not defined in law in Spain, which has no legislation specifically on the protection of national minorities. The Advisory Committee also notes that there is no list of officially recognised national minorities and that no declaration or reservation was lodged by Spain when depositing its instrument of ratification of the Framework Convention.

18. The Advisory Committee notes that in law, the Roma<sup>3</sup> are not recognised either as a Spanish “people” or as a national minority, although some of them have submitted requests to the authorities to that end. By way of example, the “Toledo Manifesto”, a declaration presented to the various political parties by a Roma political and social movement founded in February 2000, called on the authorities to recognise the Roma as a “people” and embodied the main expectations of those Roma who stand to gain from such legal recognition. In particular, the document called for recognition of their linguistic identity, the establishment among Roma of an elected democratic structure able to

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<sup>3</sup> For the purposes of this opinion the Advisory Committee has used the term “Roma” in a generic way to denote persons belonging to this population. The Advisory Committee notes that in the State Report, the authorities employ the term “Gitanos” to designate these persons. In the absence of official figures, the authorities estimate the Roma population at about 600,000 to 650,000, though certain non-governmental sources put the figure at over 800,000 people. According to the authorities, the majority of these persons are settled and are scattered throughout the country, the largest numbers being in the autonomous communities of Andalusia, Valencia and Murcia and in cities such as Madrid, Barcelona, Sevilla, Granada, Valencia and Zaragoza.



promote and defend their rights, the granting to Roma of appropriate access to the public media in order to promote their image and their interests, and the creation of a cultural institute for Roma. This appeal, like other similar initiatives, does not appear to have received the full attention of the authorities. More recently, in the context of the written exchanges occasioned by the monitoring under the Framework Convention, the Spanish authorities have provided clarification on their official position in this regard, stating that the Spanish Roma community does not constitute a national minority. Moreover, this position was borne out at domestic level by the Spanish Senate's rejection of a recent motion calling for such recognition.

19. The Advisory Committee nonetheless welcomes the fact that, even though Roma are not formally recognised at national level as a national minority, the authorities intend to give them the protection accorded by the Framework Convention. This approach is implicitly confirmed by the fact that the State Report is devoted to the measures taken to improve the situation of the Roma.

20. In connection with the information provided under Article 3 of the Framework Convention, the State Report refers to the Preamble to the Spanish Constitution of 1978, which recognises and protects "all Spaniards and all the peoples of Spain in the exercise of human rights, of their cultures and traditions, and of their languages and institutions". Several terms are used in the Constitution to designate the country's population in its entirety ("the Spanish people" in Article 1.2, "all Spaniards" in the Preamble, "the Spanish Nation" in the Preamble and Article 2) and its components ("the peoples of Spain" in the Preamble, "the nationalities" in Article 2).

21. The Advisory Committee notes that, when ratifying the European Charter for Regional or Minority Languages in April 2001, the authorities entered a declaration stating which languages were considered in Spain as regional or minority languages<sup>4</sup>. In the absence of any express indication concerning the groups which the Government regards as national minorities and in so far as the linguistic dimension is a fundamental factor in identity<sup>5</sup> for the "peoples" or "nationalities" of Spain, the Advisory Committee wonders what is the status of the groups so designated in relation to the Framework Convention.

22. Certainly the Advisory Committee has recently taken note of the fact that the Spanish authorities do not accept any inclusion of "nationalities" of Spain in the scope of application of the Framework Convention.<sup>6</sup> That being the case, in the absence of in-depth discussions with the authorities and contacts with the persons concerned, it is not possible, or even desirable, for the Advisory Committee to conclude whether it would be appropriate or inappropriate to treat these groups as national minorities. Moreover, since they are recognised as "peoples" by the Spanish Constitution, it may be that they would not wish to be designated nor treated as national minorities.

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<sup>4</sup> "Spain declares that, for the purposes of the mentioned articles, are considered as regional or minority languages, the languages recognized as official languages in the Statutes of Autonomy of the Autonomous Communities of the Basque Country, Catalonia, Balearic Islands, Galicia, Valencia and Navarra. For the same purposes, Spain also declares that the languages protected by the Statutes of Autonomy in the territories where they are traditionally spoken are also considered as regional or minority languages. [...]".

<sup>5</sup> According to official sources, a language or dialect other than Spanish is in use in 6 of the 17 Autonomous Communities. The Spanish authorities have not provided precise information of the numbers of persons speaking the above-mentioned languages. This linguistic plurality is reflected in law by a "co-officiality" regime instituted under Article 3 of the Constitution. Under this regime, the languages used in Spain other than Spanish are also official languages in the Autonomous Communities concerned by virtue of the latter's Autonomy Statutes: Basque in the Basque Country and Navarre, Catalan in Catalonia and the Balearic Islands, Galician in Galicia, Valencian in the Autonomous Community of Valencia. Of the 6 autonomy statutes concerned, 4 refer to the regional language as the "own language" of the Autonomous Community. In so far as the respective languages are not spoken throughout their territories, this reference does not appear in the statutes of the Autonomous Communities of Valencia and Navarre. The following are also protected by the Autonomy Statutes of the respective communities, while not being recognised as official languages: Asturian in Asturias, the different variants of Aragonese in the Autonomous Community of Aragon, and Aranese in Catalonia. It is interesting to note in this connection the special judicial and administrative regime which the Valley of Aran enjoys within the Autonomous Community of Catalonia, and the special status accorded to Aranese inside that territory – as co-official language, under the legislation governing linguistic policy in the Autonomous Community of Catalonia.

<sup>6</sup> The position set out in recent correspondence with the Spanish authorities in the context of the monitoring under the Framework Convention.

23. However, the Advisory Committee is of the opinion that, if these persons were to evince interest in the protection afforded by the Framework Convention in the context of a dialogue with the authorities, that this possibility should not be ruled out and that this protection should not be denied to them *a priori*. Consequently, the Advisory Committee invites the authorities to envisage consultations with the groups potentially concerned in order to discuss these matters. As linguistic boundaries do not always coincide with territorial divisions, it might be helpful also to consider as part of this dialogue, and if the parties concerned show the relevant interest, the situation of Catalans, Basques, Galicians or Valencians living in areas outside those where they are present traditionally or in large numbers, as well as Spanish speakers living in the Autonomous Communities with special linguistic status.

24. The Advisory Committee finds that there are in Spain, apart from the linguistic groups mentioned above, other groups, such as the Jews, which the Government does not seem to regard at this stage as being protected by the Framework Convention. The Advisory Committee also notes the lack of any reference, either in the State Report or in the authorities' reply to its questionnaire, to the population of Berber origin (of Muslim religion and *Tamazight* language) living in the autonomous towns of Ceuta and Melilla, two Spanish enclaves in northern Africa. According to various sources, this population shares identity features which distinguish it from the majority population and is said to have already voiced its desire to preserve its own cultural identity. In view of the above, the Advisory Committee is of the opinion that it would be possible to consider the inclusion of persons belonging to additional groups, including non-citizens as appropriate, in the application of the Framework Convention on an article-by-article basis, and the Advisory Committee takes the view that the Spanish authorities should consider this issue in consultation with those concerned.

#### **Article 4**

25. The Advisory Committee finds that the principles of equality and non-discrimination are safeguarded in Spain by numerous constitutional and legislative provisions. Thus, while Article 14 enshrines the principle of non-discrimination of Spaniards, Article 1.1 of the Constitution includes equality as one of the main values of the Spanish legal order.

26. The Advisory Committee notes that, in addition to a large number of provisions to counter discrimination in the Criminal Code, the principle of non-discrimination is contained in various laws and regulations<sup>7</sup> under civil and administrative law in several important spheres such as employment, education and access to services. The Advisory Committee also notes that there are clauses outlawing discrimination on grounds of language in the various Autonomy Statutes of the Autonomous Communities.

27. While welcoming the efforts made to develop this anti-discrimination legislation, the Advisory Committee considers it desirable to review all the existing provisions in order to ensure that all relevant spheres are covered. Similarly, it is essential to ensure that protection is afforded against any discrimination either by public authorities or by private entities. The Advisory Committee expresses the hope that the current measures designed to transpose European Council Directive 2000/43/CE of 29 June 2000, on implementation of the principle of equality of treatment between persons irrespective of race or ethnic origin, will make it possible to remedy any shortcomings and where necessary adopt additional measures to combat discrimination.

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<sup>7</sup> This includes Law 5/80 on employment, Law 8/88 on offences against employment legislation and sanctions applicable, Law 7/80 on religious freedom, Law 1/90 on the education system, Organic Law 10/2002 on the quality of education, Law 8/2000 on the rights of aliens, etc.

28. Although remedies are available to the victims of acts of discrimination (including the possibility of appeal to the Constitutional Court), it appears that anti-discrimination provisions are rarely applied in practice and that the cases which come before the courts do not reflect the actual number of acts of discrimination or racism. The Advisory Committee notes that a reform of the Spanish justice system designed, *inter alia*, to render these judicial protection remedies more accessible and effective, is under way.

29. The Advisory Committee notes furthermore that in Spain there is no specialist body to combat discrimination, racism and intolerance which could be made responsible, *inter alia*, for monitoring the application of the afore-mentioned legislation. The Advisory Committee notes with approval that the authorities envisage the establishment of such a structure. Given the fact that, at least at present, the afore-mentioned provisions are scattered among a large number of standard-setting texts and in some cases lack clarity and coherence, it believes that this body could play an important coordination and guidance role so as to render them more effective. The Advisory Committee furthermore hopes that the authorities will include training and awareness activities among the attributions of this body, both for the population and for the circles concerned (police, justice, media, public authorities, etc.).

30. The Advisory Committee notes that problems of discrimination are not explicitly mentioned as part of the mandate of the Ombudsman and that very few complaints directly linked to discrimination or racism have been lodged with this institution. It is nonetheless encouraging to see that this dimension has been indirectly taken into account in the manner of dealing with certain complaints. It should also be noted that, in response to complaints by Roma in this connection, the Ombudsman has made recommendations relating to the situation of Roma in the matter of housing and education. The Advisory Committee further notes that most of the Autonomous Communities have ombudsmen and expresses the hope that these institutions will give appropriate attention, within their terms of reference, to questions linked to the principles of equality and non-discrimination.

31. While acknowledging the efforts made by Spain to promote full and effective equality, the Advisory Committee is concerned by the considerable socio-economic differences between a considerable number of Roma and the rest of the population. The Advisory Committee notes that a development programme for the Roma population (the Governmental Roma Development Programme) was launched by the Spanish Government already in 1988. Specific financial resources were earmarked for its implementation in the general State budget and a special administrative unit was created in the Ministry of Labour and Social Affairs. This programme, broadly described in the State Report, was aimed particularly at an improvement in the living conditions of Roma, their fuller involvement in all areas of public life, a reduction in the gulf between them and the rest of the population, and better cohabitation with the other communities inside Spanish society.

32. The Advisory Committee observes with concern that, despite the measures taken and the progress achieved in the different areas covered by this programme, Roma still face marginalisation and social exclusion and that discriminatory attitudes to them are evident in many fields. For example, according to various sources of information, the number of persons living below poverty level is markedly higher among the Roma than among the majority. The representatives of non-governmental organisations criticise the above-mentioned programme in particular for no longer being suited to the present situation of Roma and point to inadequate resources, the very limited involvement of Roma in its implementation and the lack of sufficient coordination or strategic vision. The Advisory Committee notes that publication of the stocktaking report commissioned by the Government on the programme is eagerly awaited in the circles concerned, together with proposals for new measures to bring about a clearer improvement in the situation. The Advisory

Committee wishes to emphasise in this connection that the authorities, which have a duty to ensure respect for the principles of equality and non-discrimination, should give the new programmes being devised in this field the political support that is vital to their success.

33. More specifically, particular problems remain over access to employment, where a sizeable proportion of Roma (approximately 46% according to some sources) remain unemployed. In this sphere, Roma are at a disadvantage both because of their low standard of education and vocational specialisation and because of hostile and discriminatory attitudes on the part of potential employers. These attitudes affect Roma women especially, both in recruitment and in the workplace. The Advisory Committee welcomes recent initiatives aimed at vocational training for young Roma, and the development of counselling and guidance programmes for them. It also takes note of the measures taken by the Autonomous Communities to foster the recruitment of persons from disadvantaged groups, especially Roma. However, the Advisory Committee wishes to stress that more determined action is required in combating the discriminatory attitudes observed in this field and urges the authorities to ensure effective enforcement of the relevant legislation. Specific efforts are needed to encourage and prepare Roma women to enter the labour market and to promote the reevaluation of their role in the family and in society, while respecting the traditions peculiar to Roma lifestyle and culture.

34. Roma also face serious difficulties over housing. A large proportion of the Roma population live in precarious conditions, and are also affected by the phenomena of drugs and violence. In some cases, initiatives on the part of the authorities to offer provisional rehousing pending a more lasting solution to their tenancy problems have met with opposition from those concerned, as well as from human rights defence organisations. The Advisory Committee notes that the opponents of these measures fear that these temporary solutions might lead to new forms of marginalisation or isolation.

35. The Advisory Committee is deeply concerned by cases of refusal by the local population to accept the settlement of Roma groups on the outskirts of certain localities, and the violent incidents generated by such refusal.<sup>8</sup> Although isolated, these cases are all the more serious when, according to certain sources, the local authorities take sides instead of preventing and forestalling such incidents. The Advisory Committee considers that this state of affairs calls for particular attention on the part of the government, which ought to take all necessary steps to counter the phenomenon while at the same time respecting local autonomy and the distribution of competencies between central, regional and local authorities (see also the comments in respect of Article 6 below).

36. Disparities are also observed with regard to education (see also the specific comments in respect of Article 12 below), access to public services and medical care. The Advisory Committee is worried by the reports which mention an infant mortality rate much higher and life expectancy much lower than for the rest of the population. In order to foster a significant improvement in the situation of the Roma population in the health field, the Advisory Committee considers that the authorities should take more suitable measures, including measures under specific prevention and promotion programmes among the communities concerned.

37. The Advisory Committee notes that, although these problems have received priority attention from the authorities, in many cases the measures taken have proved unsuited to the Roma lifestyle and traditions, and consequently ineffective. It should also be stressed that, despite a strong sense of identity and a common ethnic origin, the Roma population of Spain is very heterogeneous

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<sup>8</sup> The Ombudsman has had to intervene in a number of situations linked either to access to housing or to cases of forced eviction of Roma from their place of residence.

in terms of level of education, vocational skills, way of life and beliefs. For this reason it is essential that the authorities at every level (central, regional and especially local) consult Roma representatives in order to take their lifestyles and socio-economic circumstances fully into account. On this point the Advisory Committee wishes to draw the authorities' attention to the guidelines offered in Committee of Ministers' Recommendation No. (2001) 17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe.

38. The Advisory Committee further notes that certain sources<sup>9</sup> report a disproportionate number of Roma, and especially Roma women, in Spanish prisons. The Advisory Committee is of the opinion that this situation deserves examination by the authorities, who should verify, in the light of the non-discrimination principle, that the reasons for this are not linked to shortcomings in the administration of justice (see also the comments in respect of Article 6 below).

39. The Advisory Committee wishes to draw attention to another matter which could have implications for Spain's efforts to implement the principle of full and effective equality, namely the availability of reliable demographic and socio-economic indicators for the different population groups in the country. In this connection the Advisory Committee notes that the latest population and housing census was held in November 2001 and that the results are expected to be made public in their final form in late 2003.

40. The Advisory Committee notes however that the authorities do not consider themselves legally entitled to gather information on individuals' ethnic origin; their position on this is based primarily on Article 16.2 of the Constitution and on Organic Law 15/1999 on the protection of private data.<sup>10</sup> The Advisory Committee takes the view that gathering such data is nonetheless helpful and is compatible with the principles of the Framework Convention, provided it is coupled with the necessary safeguards to protect the persons concerned from abuses, particularly with regard to the collecting, processing and dissemination of such data without informing and obtaining the prior consent of those concerned.

41. The Advisory Committee considers that the government ought therefore to try to identify the most appropriate means of obtaining reliable statistical data on the composition of the population, broken down by age, sex and geographical distribution, while respecting the principles contained in Committee of Ministers' Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes. This is a factor that may have considerable impact on the preparation and monitoring of measures designed to ensure full and effective equality, as well as on the work of the international supervisory bodies aiming to ensure that Spain meets its obligations under the Framework Convention.

42. The Advisory Committee welcomes the fact that, without prejudice to the existence of the above-mentioned constitutional principles, such data are gathered at local level, particularly on the Roma population, on the basis of Municipal Registers and estimates derived from sociological studies.<sup>11</sup> The Advisory Committee considers it essential that the gathering and processing of this information be conducted in conformity with the safeguards referred to above (see paragraph 40) and with respect for the right guaranteed by Article 3 of the Framework Convention to choose freely whether or not to be treated as a person belonging to a national minority.

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<sup>9</sup> European Commission against Racism and Intolerance (ECRI), Second report on Spain, December 2002, CRI(2003)40

<sup>10</sup> See in this connection the observations of the Spanish authorities on the Second report adopted on Spain in December 2002 by the European Commission against Racism and Intolerance, CRI(2003)40.

<sup>11</sup> Where the Roma are concerned, a specific study entitled « Map of gypsy housing in Spain » was carried out in 1991, financed by the Ministry of Labour and Social Affairs (similar, more recent, studies are available in certain Autonomous Communities or large towns).

## Article 5

43. The Advisory Committee notes that the protection of “all Spaniards and all the peoples of Spain in the exercise of human rights, of their cultures and traditions, their languages and their institutions” appears in the Preamble to the Constitution and that Article 46 thereof makes the public authorities responsible for guaranteeing the protection and encouraging the enrichment of the historical, cultural and artistic heritage of the peoples of Spain.

44. The Advisory Committee notes that, despite the socio-economic difficulties with which they are confronted, the Roma assert with determination the common cultural identity which they share over and beyond specific local features, and which they wish the authorities to recognise and support. In this context, the Advisory Committee finds that there is no real legal framework or coherent public policy aimed at fostering the promotion of the Roma culture, language and traditions.

45. The Advisory Committee welcomes the fact that the parliamentary sub-committee set up to examine Roma problems concluded<sup>12</sup> that specific State action was needed in this regard. It also recognises that numerous measures to improve the situation of these persons have been taken under the Governmental Roma Development Programme. Nevertheless, according to various sources, since the Programme is geared more to the social component, it pays insufficient attention to the identity component and does not succeed in bringing about the necessary conditions for the preservation and development of the culture and essential features of Roma identity.

46. The Advisory Committee further notes that the openness shown by the authorities at various levels is not always reflected in tangible support measures for the cultural development of this community. For example, in spite of positive reactions by all the parliamentary groups and the municipality of Madrid to the request from several Roma organisations, in 2001, for the necessary political support for the establishment of a Roma cultural centre in Madrid, there has been no forward movement on this matter since. The Advisory Committee notes in this context the concerns expressed by Roma representatives with regard to their language, which some of them believe is at risk of disappearing (see in this connection the comments in respect of Articles 10 and 14 below).

47. The Advisory Committee also takes note of the difficulties faced by those Roma who wish to follow their traditions and engage in itinerant trade, a traditional occupation in this community but often prohibited or discouraged by local authority regulations. In so far as this is an essential element in this population’s culture and identity, the Advisory Committee considers that the authorities should ensure that no undue obstacles are placed in the way of its preservation and development.

48. The Advisory Committee is of the opinion that suitable institutional strategies and mechanisms are needed, possibly entailing legal recognition of the status of Roma as well as of their language, in order to contribute more effectively to the preservation and development of their culture. The Advisory Committee urges the authorities to identify, together with the persons concerned, the means whereby their identity may be more fully valued.

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<sup>12</sup> « Report of the Sub-Committee to examine Roma problems », Official Journal of Parliament, Chamber of Deputies, no. 520, 17 December 1999.

## Article 6

49. In the light of the information available to it, the Advisory Committee believes that Spanish society is characterised by a general climate of mutual tolerance, respect and understanding. The Advisory Committee is however concerned by the persistence, both among the population and on the part of certain authorities, of attitudes of rejection or hostility towards certain persons, especially Roma and, despite some improvement in the situation recently, immigrants, particularly Africans. The Advisory Committee points out in this connection that the scope of application of Article 6 of the Framework Convention is wide and that it also covers immigrants, refugees and persons belonging to other groups which have not lived traditionally in the country in question.

50. The Advisory Committee welcomes the fact that media coverage of questions linked to racism and xenophobia has been constantly monitored in recent years, particularly by non-governmental organisations, but notes that their reports mention persistent shortcomings in this field. These reports state, *inter alia*, that instead of helping vulnerable groups to integrate into Spanish society, certain media continue to present information in such a manner as to reinforce existing negative stereotypes with regard to such groups. Thus Roma representatives believe that the negative image often associated with the Roma identity is in part due to the media, which continue to convey images of marginality and delinquency in respect of them. The Advisory Committee recalls in this connection the principles laid down in Committee of Ministers Recommendation No. 97 (21) on the media and promotion of a culture of tolerance, and invites the authorities to take them into account when taking action.

51. The Advisory Committee welcomes the measures already taken by the authorities to foster a climate of tolerance and intercultural dialogue. For example, it welcomes the specific training given to professionals working with Roma and the agreements entered into by certain administrations with the media concerning media treatment of these issues, as well as consciousness-raising among research institutes and State cooperation with the NGOs working in this field. The Advisory Committee also notes the publication and broad distribution of a series of periodic reports on intolerance in Spain as part of a wide-ranging project launched in 1999. Similarly, it takes note of the campaign to foster intercultural coexistence and combat racism and xenophobia launched in 2002 by the Institute for Migration and Social Services. However, it needs to be pointed out that, despite these actions, studies and public opinion polls still reveal the persistence of racist and xenophobic attitudes in Spain. The Advisory Committee considers that additional efforts are needed in this field and urges the authorities to address more suitable measures to the circles concerned.

52. As far as education is concerned, the Advisory Committee welcomes the introduction into secondary education of a compulsory subject covering diversity and intercultural dialogue. At the same time, the Advisory Committee encourages the review of the whole school curricula with a view to ensuring that it properly reflects the cultural diversity of the Spanish society.

53. The Advisory Committee takes note of the closure in February 2003 of the only daily newspaper published wholly in the Basque language (“Euskaldunon Egunkaria”), in the context of an investigation into possible links between members of its editorial board and terrorist circles. The Advisory Committee is of the opinion that the authorities should demonstrate a balanced approach and take all necessary precautions in such circumstances in order to ensure that the measures taken are proportionate to the aim pursued. In the Advisory Committee’s opinion, it is vital, when such measures are taken, to preserve the spirit of tolerance, intercultural dialogue and mutual respect in which the media, like culture and education, are a fundamental factor.

54. The Advisory Committee notes that there exist in Spain, albeit in isolated cases, "skinheads" and other extremist groups which are clearly active and are at the origin of violent acts of racism and incite such acts via the Internet or by other means. The Advisory Committee notes that certain sources report an increase, in recent years, in the number of members or sympathisers of these movements. The Advisory Committee considers that the authorities should pay special attention to this phenomenon and endeavour to counter it through appropriate preventive measures and sanctions.

55. The Advisory Committee observes at the same time that official information on the number of racially or ethnically motivated acts of violence is insufficient, and urges the authorities to take additional measures in order to ensure that this information is properly gathered and processed. Nevertheless, instances of violence committed by persons belonging to the local majority against members of minority communities (Roma or immigrants from Africa), and even public statements reflecting a xenophobic attitude on the part of members of local authorities, are still being reported in practice, albeit more and more infrequently (see also the comments in respect of Article 4 above). There are also reports of instances of religious intolerance which have led in some cases to incidents with the local population, particularly in connection with the building of mosques. The Advisory Committee is concerned by these events and urges the authorities to take all necessary steps to counter them.

56. The Advisory Committee is deeply concerned about reports of persistent hostile and abusive behaviour (checks on a discriminatory basis, verbal and/or physical insults and violence) by members of the police forces against Roma, which, if true, would not be compatible with Article 6 the Framework Convention. Furthermore, in relation to aliens<sup>13</sup>, *inter alia* in Ceuta and Melilla, allegations of procedural irregularities, inconsistent application of relevant legislation and ill treatment by certain police officers, have been made. The Advisory Committee is especially concerned by cases in which these irregularities affect unaccompanied children. The Advisory Committee urges the Government to identify suitable remedies to the dysfunctions reported, including through the overall programme to regularise and coordinate questions relating to foreign residents and immigration into Spain, adopted in March 2001.

57. The Advisory Committee is also concerned at the dysfunctions which, according to some sources, are reported in the investigation of these abuses by the police, in the rare cases where complaints are lodged. The Advisory Committee is of the opinion that in order to combat these phenomena, the authorities should step up training in human rights and multiculturalism in the police forces, including by encouraging recruitment into the police of persons from the most vulnerable groups, particularly Roma. It is moreover essential to strengthen the existing supervisory mechanisms and make sure that independent monitoring mechanisms are also available.

58. The Advisory Committee further notes that, as compared with the number of incidents of racial discrimination reported by various sources, a racial motive for acts committed is recognised in very few cases coming before the courts. The Advisory Committee urges the Government to take all necessary measures to increase awareness of these problems among those working in the justice system (see also the comments in respect of Article 4 above).

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<sup>13</sup> According to official estimates, there are some 1,300,000 aliens (3.2% of the population) legally resident in Spain.



**Article 7**

59. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

## Article 8

60. Based on the information currently available, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

## Article 9

61. The Advisory Committee notes that, according to Article 20 of the Constitution, which recognises and secures freedom of expression, the law guarantees access to the media for “representative social and political groups, while respecting the pluralism of society and of the different languages of Spain”. Furthermore, Spanish law makes provision, among the principles governing the activities of the mass media, for the observance of political, religious, social, cultural and linguistic pluralism.

62. With regard to Roma, the Advisory Committee notes that public television in Spain transmits no regular programmes in the Roma language. There are a few Roma radio programmes at local level, financed on a very precarious basis, some of which have in fact ceased to exist because of financial difficulties. Generally speaking, coverage of Roma and their preoccupations is rare in radio and television programmes, and those that are devoted to them often portray situations or events that are damaging to their image. The Advisory Committee is concerned by this state of affairs and considers that the authorities should look for appropriate solutions, including financial support as appropriate, in order to give Roma better access to the media.

63. In this connection, the Advisory Committee welcomes the fact that the parliamentary sub-committee to examine Roma problems acknowledged, in its above-mentioned report (see footnote 12 above) the necessity to devote greater effort to the needs of the Roma where media access and presence are concerned. The Advisory Committee welcomes the recent initiatives taken by the authorities in this regard, and takes note in particular of the drafting of a guide intended to improve the image of Roma conveyed by the media. The Advisory Committee is of the opinion that the introduction of specific training in Roma culture in schools of journalism might be one of a number of effective ways of enhancing the presence of Roma in audiovisual programmes, in terms both of frequency and of content.

64. Where print media is concerned, the Advisory Committee notes that, as indicated in the State Report, the State accords financial support at various levels to publications in the Roma language. It welcomes the existence of some important Roma publications financed by the State or local authorities (in Spanish or Catalan, with summaries in English and Roma language). While commending these efforts, the Advisory Committee observes that Roma regard these publications as insufficient and would like to have newspapers published more regularly, and even daily newspapers. The Advisory Committee takes the view that the authorities should examine the situation in co-operation with those concerned and verify, as appropriate, whether additional support could be given so as to remedy the shortcomings observed.

## Article 10

65. The Advisory Committee notes that a relatively small number of Roma in Spain speak *caló*, which is not legally recognised as a distinct language by the authorities. While freely used in public and private, *caló* cannot be used in dealings with the administrative authorities, only the four co-official languages being authorized for this purpose. The authorities consider that the Roma of Spain speak a hybrid language composed of words from *Romany* but using the rules of Spanish

grammar and in most cases influenced by the local language. At the same time, the Advisory Committee notes that the above-mentioned parliamentary sub-committee recognizes in its report (see footnote 12 above) the distinct identity of the language spoken by the Roma in Spain.

66. The Advisory Committee notes that, in view of its important value to Roma culture, the Roma organizations in Spain regard the recognition and preservation of *caló* as fundamental. The Advisory Committee is also aware that the Roma are dispersed throughout Spain and that the various communities use local variants of *caló*, which places an additional challenge in terms of asserting their linguistic identity. The Advisory Committee however considers that the authorities should examine the real needs and demands in this respect with the persons concerned and, in consultation with them, identify ways of remedying any shortcomings. In this connection, the Advisory Committee wishes to commend initiatives such as that of the municipality of Barcelona, which displayed Christmas greetings in *caló* alongside Catalan, Spanish and English, as examples of good practice in promoting the public use of this language (see also the comments in respect of Article 5 above and Article 14 below).

### **Article 11**

67. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### **Article 12**

68. The Advisory Committee notes with approval that, according to Roma sources, there has been a substantial improvement in the past ten years with regard to access to schooling for Roma children from age 6 and to completion of studies. More recent initiatives designed to include specific training for teachers working with Roma children, the incorporation of human rights education and the teaching of diversity in the teaching syllabus should also be mentioned. Likewise welcomed are the conferences and cultural events recently devoted to Roma by private higher education establishments.

69. The Advisory Committee observes nonetheless that Roma are still facing difficulties in this sphere. Their situation is markedly different from that of the rest of the population, so that equal opportunities for access to education is not yet secured to them. The Advisory Committee recalls in this context the principles set out in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/gypsy children in Europe, and encourages the authorities to ensure that they are fully complied with in their own action.

70. In concrete terms, the Advisory Committee notes that, despite recent measures taken by the authorities, shortcomings persist with regard to absenteeism and the level of education attained by Roma children. Similarly, difficulties are reported over the integration of Roma children into pre-school education. Families' socio-economic difficulties, poor family support for education and lack of information are among the factors underlying this situation. The Advisory Committee encourages the authorities to make additional efforts to remedy the outstanding problems.

71. The Advisory Committee notes with concern in this connection reports of a large concentration of Roma children in certain public schools as a result of their rejection, in other schools, by the population and teachers. The Advisory Committee welcomes the measures taken in recent years by the central and territorial authorities to curb this phenomenon, and the introduction of remedial programmes to facilitate the integration of these children into school. Despite these initiatives, the fact remains that the degree of interaction between Roma children and other children

remains slight and they continue to run the risk of isolation. The Advisory Committee is of the opinion that the authorities should examine this situation and take all necessary measures to prevent these children being unduly grouped together and isolated.

72. The Advisory Committee is concerned that in Spain, according to various sources, the school curricula do not reflect to an adequate extent the cultural diversity of the country (see also relevant comments under Article 6 above). In particular, the Advisory Committee notes that, except for certain initiatives taken on an *ad hoc* basis, information about the Roma, their history, culture and traditions, is absent from school textbooks. By contrast, even if these are isolated instances, there are definitions and references which are damaging to the image of Roma in highly regarded Spanish dictionaries such as the one published by the Royal Academy of Languages. The Advisory Committee is pleased to note that these references have already been the subject of criticism at national level (by the Ombudsman, among others) and at international level, and urges the authorities at all levels to ensure that such damaging references are no longer allowed to appear in curricula, dictionaries, textbooks or other teaching materials.

### **Article 13**

73. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### **Article 14**

74. The Advisory Committee notes with concern that opportunities for the Roma to learn their language are virtually non-existent today in the Spanish school system. It should be pointed out that, apart from *ad hoc* support granted by the State to non-governmental organisations providing courses in *caló*, there is no specific government policy to promote such learning, which is practically absent from the public education syllabus. The Advisory Committee calls on the authorities to look into existing needs and, together with the persons concerned, identify the best ways of meeting them. Likewise, the authorities are encouraged to continue assisting projects devised by civil society in this field.

### **Article 15**

75. The Advisory Committee acknowledges that the internal organization of Spain, which is characterized by a high degree of decentralization, in itself constitutes an effective means of valorising cultural identities and diversity. The broad autonomy enjoyed by territorial structures and the sectoral powers attributed to them are such as to foster wide-ranging participation in the various spheres of public life.

76. Where Roma are concerned, the Advisory Committee notes the existence at central level of an Advisory Commission for the Governmental Roma Development Programme, as well as multi-sectoral working parties to promote coordination of the work of the various competent ministries and departments. The Advisory Committee also notes that in some Autonomous Communities there are specific structures attached to the territorial executive or legislative authorities, some of which include Roma representatives, intended to intervene in the definition and application of policies set in place by the Autonomous Communities with respect to Roma, in their own areas of competence. The State Report also mentions the existence, at central, as well as at regional and local level, of specific participation bodies for the Roma population.

77. The Advisory Committee also welcomes the establishment, in 1999, of a parliamentary sub-committee to examine Roma problems with the task of reviewing the governmental programme designed to improve their situation. Like that sub-committee, the Spanish Ombudsman and the ombudsmen of several Autonomous Communities (in a jointly signed manifesto in March 2000) have recognized the need for the authorities at every level to take concerted action to reduce the social exclusion and marginalization of Roma.

78. The Advisory Committee acknowledges that some positive developments have taken place in this field, and notes in this connection the technical and financial support given by the State to non-governmental organizations carrying out programmes to help Roma participate better in public life. Among programmes which have had some impact, it singles out those devoted to the schooling of Roma children, the participation of Roma women in social life and the formation of Roma associations. The Advisory Committee is of the opinion that the authorities should give more support to Roma associative efforts, focusing especially on the initiatives developed by women and young people in this community.

79. While welcoming this increased awareness, the Advisory Committee observes that the socio-economic difficulties facing Roma make their effective participation in social, economic and cultural life, and in the taking of decisions concerning them, very difficult. At the same time, it seems that the measures taken in the framework of the Governmental Roma Development Programme have had only limited impact, due *inter alia* to the inappropriate functioning of the related institutional infrastructure and the low level of Roma involvement.

80. The Advisory Committee observes at the same time that, in order to participate more fully, Roma are endeavouring to promote an active, determined communication strategy. However, their efforts to achieve representation in elective structures through the inclusion of Roma candidates on party political lists have produced only very modest results. The Advisory Committee notes in this respect that the Roma have on several occasions (including in the Toledo Manifesto in February 2000, mentioned in paragraph 18 above of this opinion) expressed themselves in favour of the institution of a democratic representative body with consultative powers *vis-à-vis* the various administrative authorities and able to promote their interests more effectively. In view of Article 9.2 of the Spanish Constitution, which gives the public authorities responsibility for promoting conditions conducive to equality and effective participation, the Advisory Committee urges the authorities to take the necessary measures to render existing consultation structures and mechanisms more efficient and at the same time to develop additional participation arrangements, in conjunction with the persons concerned.

#### **Article 16**

81. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 17**

82. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 18**

83. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

**Article 19**

84. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE**

85. The Advisory Committee believes that the main findings and comments set out below could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

##### **In respect of Article 3**

86. The Advisory Committee *finds* that, even though no groups are formally recognized as national minorities in Spain, the protection afforded under the Framework Convention is available to Roma. The Advisory Committee further *finds* that the question of the scope of application of the Framework Convention should be examined more closely by the authorities and *considers* that consultations with the groups potentially concerned could provide the necessary clarifications.

##### **In respect of Article 4**

87. The Advisory Committee *finds* that the anti-discrimination provisions in Spanish legislation are rarely applied in practice and that the number of cases which come before the courts do not reflect the actual number of acts of discrimination or racism. The Advisory Committee further *finds* that there is no specialized body in Spain to combat discrimination and *considers* that such a body, which the authorities intend to set up, could make recourse to the relevant legislative provisions more effective and raise awareness in Spanish society about discrimination.

88. The Advisory Committee *finds* that considerable socio-economic differences remain between a large number of Roma and the rest of the population, in spite of the efforts made under the Governmental Roma Development Programme. The Advisory Committee *considers* that more determined action is needed in order to improve the living conditions of those concerned and narrow the gap identified. The Advisory Committee *finds* that cases of discrimination against Roma are recorded in different sectors and *considers* that more suitable measures are needed in order to remedy this state of affairs.

89. The Advisory Committee *finds* that, according to the authorities, Spanish legislation does not allow the gathering of information on individuals' ethnic origin. However, the Advisory Committee *finds* that the lack of reliable statistical data on the various population groups may hinder the Spanish authorities' efforts to ensure full and effective equality. The Advisory Committee *considers* that the authorities should therefore try to identify means of obtaining reliable data in this respect, while making sure that the necessary safeguards are in place for protecting personal data.

##### **In respect of Article 5**

90. The Advisory Committee *finds* that the efforts made to foster the promotion of the Roma culture, language and traditions are insufficient and *considers* that the authorities should pay more attention to, and offer greater support in connection with the related concerns of the persons at issue.

##### **In respect of Article 6**

91. The Advisory Committee *finds* that attitudes of rejection or hostility towards Roma and immigrants are still found among the population, as well as in the media and on the part of certain

authorities. The Advisory Committee also *finds* that, although they are increasingly rare, racially or ethnically motivated acts of violence continue to be reported by various sources. The Advisory Committee *considers* that further steps are required in order to remedy these shortcomings, with regard both to the gathering and processing of relevant information and to awareness raising in the relevant circles such as the media, the police and the courts. With regard to the work of the police, the Advisory Committee *considers* it essential to strengthen the existing supervisory mechanisms and make efforts to ensure the existence of independent monitoring mechanisms.

### **In respect of Article 9**

92. The Advisory Committee *finds* that access by Roma to the public media and their presence in them are limited and *considers* that the authorities should identify means, including financial support as appropriate, of helping the Roma to improve this situation. The Advisory Committee furthermore *considers* that the authorities should identify additional means of offering Roma greater support in the print media sector, in accordance with the existing needs.

### **In respect of Article 10**

93. The Advisory Committee *finds* that the authorities should examine, in consultations with the Roma, the needs and demands related to the preservation of their language and *considers* that they should identify ways of remedying any shortcomings.

### **In respect of Article 12**

94. The Advisory Committee *finds* that, in spite of the progress made in this area, equality of opportunity in access to education is not yet secured to Roma. The Advisory Committee *finds* that they continue to encounter difficulties with regard to pre-school education, absenteeism, the level of education attained, and isolation in certain schools. The Advisory Committee *considers* that the authorities should make increased efforts to remedy these shortcomings and, in order to integrate Roma more effectively in schools, pay particular attention to the information given on them through teaching material.

### **In respect of Article 14**

95. The Advisory Committee *finds* that Roma in Spain have virtually no opportunities for learning their language in the country's public education system. The Advisory Committee *considers* that the authorities should look into the situation in this area and identify ways of meeting, as appropriate, any eventual demands.

### **In respect of Article 15**

96. The Advisory Committee *finds* that, according to various sources, the steps taken by the Government to reduce the social exclusion and marginalisation of Roma have proved unsuitable and ineffective. The Advisory Committee further *finds* that the means available to Roma for taking part in decision-making that concerns them are inadequate and their level of participation is very limited. The Advisory Committee *considers* that the authorities should review the existing structures and mechanisms in this respect and develop, in consultation with those concerned, additional consultation and representation arrangements in order to foster their effective participation in social, economic and cultural life.



## V. CONCLUDING REMARKS

97. The Advisory Committee considers that the concluding remarks below reflect the main thrust of the present opinion and that they could therefore serve as the basis for the corresponding conclusions and recommendations to be adopted by the Committee of Ministers.

98. The Advisory Committee notes with satisfaction that, although Roma are not officially recognised as a national minority in Spain, they are entitled to the protection afforded by the Framework Convention. The Advisory Committee also notes that in Spain, the promotion of cultural identities and diversity is facilitated by the high degree of decentralisation and broad powers exercised by the Autonomous Communities in many relevant fields.

99. The authorities need to give greater consideration to the establishment of an effective policy, absent at the moment, for implementing the principles set out in the Framework Convention. As the preparation and implementation of such a policy are closely linked to the personal scope of application of the Framework Convention, future consultations with the groups potentially concerned could provide the necessary clarifications. In this context, it might also be useful to establish a dialogue with the population of Berber origin living in Ceuta and Melilla.

100. The Advisory Committee welcomes the authorities' efforts to improve the situation of the Roma through the Governmental Roma Development Programme. Despite the measures taken, it is important to note that considerable socio-economic differences persist between a large number of Roma and the rest of the population, and that the former still face marginalisation and social exclusion.

101. Special attention should be given to promoting Roma culture, language and traditions, in order to facilitate a better integration and participation of Roma in Spanish society. More appropriate measures should be devised and implemented in co-operation with the persons concerned, to promote the full and effective equality of Roma in such fields as employment, health, housing, access to public services and education.

102. Although Spanish society is characterised by a general climate of tolerance, it should be noted that attitudes of rejection or hostility as well as incidents of discrimination persist towards Roma and other vulnerable groups, sometimes involving public authorities. Further preventive measures, awareness raising measures and reinforced sanctions are indispensable to fight this phenomenon more effectively.