

Sr. Thomas Hammarberg  
Comisario de Derechos Humanos  
Consejo de Europa  
Estrasburgo

Madrid, 26 de mayo de 2011

Estimado Comisario:

Tengo el gusto contestar su carta del pasado 9 de mayo, en la que se refiere a su visita a España los días 4 a 6 de abril 2011 en la que tuvo ocasión de reunirse con las diversas autoridades responsables de políticas de integración de la población gitana, así como visitar programas y proyectos en los tres niveles administrativos de nuestro país, estatal, autonómico y local.

Para este Ministerio es una gran satisfacción el interés y valoración general que realiza el Consejo de Europa de nuestras políticas de inclusión social de la población gitana. Y, en ese sentido, me alegra saber que ha identificado varios casos de buenas prácticas que pueden servir de ejemplo para otros países europeos. También he leído con interés sus comentarios y sugerencias para seguir mejorando desde la perspectiva de la protección de los derechos humanos de los gitanos.

Le adjunto un informe con algunas precisiones y reflexiones que consideramos deben tenerse en cuenta.

Aprovecho la ocasión para enviarle un cordial saludo,



Leire Pajín Iraola

COURTESY TRANSLATION

Mr Thomas Hammarberg  
Commissioner for Human Rights  
Council of Europe  
Strasbourg

Madrid, 26 May 2011

Dear Commissioner,

I have the great pleasure to answer your letter of 9 May, in which you refer to your visit to Spain on 4-6 April, during which you had the opportunity to meet with the different authorities responsible for policies on Roma inclusion, and to get to know the programmes and projects in all three levels of government in our country: state, regional and local.

The interest shown and the general assessment made by the Council of Europe as regards our policies on the social inclusion of Roma have given this Ministry great satisfaction. In this sense, I am pleased that several cases of good practice have been identified, which can serve as an example to other European countries. I have also read with interest your comments and suggestions for further improvement in the protection of the human rights of the Roma.

Please find attached a report with some clarifications and reflections that we believe should be taken into account.

May I take this opportunity to extend my very warm regards to you,

Leire Pajín Iraola



**LETTER REPORT FROM THE COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE TO THE MINISTER OF HEALTH, SOCIAL POLICY AND EQUALITY WITH REGARD TO THE PROTECTION OF THE HUMAN RIGHTS OF THE ROMA POPULATION IN SPAIN.**

25 May 2011

On 4, 5 and 6 April 2011 Mr Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, visited Spain with the aim of getting to know the situation of the Roma population in Spain, mainly with respect to the protection of their human rights.

Following this visit, the Commissioner sent a letter to the Minister of Health, Social Policy and Equality with the purpose of maintaining the dialogue initiated with the Spanish authorities. In his letter, the Commissioner notes that there is good practice at both the state and regional level, identifies outstanding issues in the areas of employment, housing, healthcare, education, the fight against discrimination and *anti-Romanism*, and makes a series of recommendations to the Spanish authorities in connection with these issues.

**- Roma access to employment**

The decline in the Roma employment rate mentioned in the letter is not correct. **The 35% decrease refers to the decrease in the number of contracts to users under the Acceder Programme and not to Roma population as a whole. The letter should reflect this nuance.**

***In his letter, the Commissioner recommends the Spanish Government to maintain its political and financial support to the existing employment programmes, including the ACCEDER Programme, as well as to provide for other type of measures to ensure that the Roma population is not disproportionately affected by the current economic crisis.***

Through the Roma Development Programme, the Ministry of Health, Social Policy and Equality has been developing policies for the inclusion of Roma into the labour market since 1989. Its aim is to continue to promote their inclusion into the labour market, which is realised thanks to the technical and financial support of the Autonomous Communities and, through them, the local councils and NGOs that develop programmes for the inclusion of Roma population into the labour market, including the ACCESS programme.

Last year, there has also been progress in Active Employment Policies, since social and labour inclusion personalised itineraries have been recognised as a subjective right of citizens. Their main purpose is to generate a service catalogue based on the principle of equality, regardless of the Autonomous Community of residence, and that citizens perceive it as a right, knowing they have the right to individualised assistance on this matter. On the other hand, a job training reform has been proposed, thus more economic resources will be allocated to sectors with higher inclusion probabilities, such as renewable energy. Besides, they also seek to restore the balance of funds, allocating more funds for unemployed training and reducing the amount allocated for employed training. Although both initiatives do not directly affect Roma population, they have an indirect impact on Roma population.

Finally, it should be noted that Spain has expressly identified Roma population as a vulnerable population group in the National Reform Plan, within the framework of the EU 2020 Strategy, with special emphasis on the area of employment.

- **Adequate housing and healthcare**

*In his letter, the Commissioner recommends national and regional authorities in Spain to develop appropriate programmes to eradicate the still-existing shantytowns and provide decent housing for the entire Roma population.*

*Furthermore, the Commissioner, in view of the forthcoming intervention in the "Cañada Real Galiana", which he welcomes, recommends taking into account the participation of all stakeholders in this process, including the NGOs working on the spot and the shantytown residents.*

The Government of Spain has established, through the State Housing and Restoration Plan, a **shantytown eradication aid programme**, which co-finances programmes enshrined in a comprehensive action aimed at the eradication of shantytowns. The State, the Autonomous Communities and the relevant municipalities participate in these programmes. This new programme was set up in 2009, and three agreements have been signed in Andalusia, Aragon and Cantabria to date. The Autonomous Communities are responsible for territorial planning, urbanism and housing, thus they are the ones to propose such shantytown eradication programmes, along with the relevant municipality.

On 5 May 2011, the Ministry of Housing organised a **Conference on the eradication of shantytowns and the improvement of housing conditions for the Roma population** in order to disseminate and promote these policies, with the participation of representatives in the field of housing from all the Autonomous Communities and from the Committee on Housing and Urban Development of the FEMP (Spanish Federation of Municipalities and Provinces), as well as members of the Group on Housing of the Spanish State Council for the Roma Community.

Regarding the next intervention in the *Cañada Real Galiana*, the Autonomous Community of Madrid and the various municipalities through which the *Cañada Real Galiana* extends should be responsible for its design and implementation, as pointed out by the Commissioner in his letter.

We should also mention that the Plenary Meeting of the Spanish Council for the Promotion of Equal Treatment of All Persons without Discrimination on Grounds of Racial or Ethnic Origin recently adopted a Recommendation to the Public Authorities and Political Parties on the Treatment of the Roma from Eastern Europe<sup>1</sup> (Recommendation "Ensuring equal treatment and fundamental rights of Roma population from Eastern Europe in Spain"), which explicitly refers to the need of ensuring and fostering the participation of the Roma community from Eastern Europe in the development, implementation and evaluation of public policies on housing,

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[http://www.igualdadynodiscriminacion.org/ss/Satellite?c=CND\\_Publicacion\\_FA&cid=1244651473056&language=cas\\_ES&pagename=ConsejoNoDiscriminacion%2FCND\\_Publicacion\\_FA%2FCND\\_detalle&pid=1264005795831](http://www.igualdadynodiscriminacion.org/ss/Satellite?c=CND_Publicacion_FA&cid=1244651473056&language=cas_ES&pagename=ConsejoNoDiscriminacion%2FCND_Publicacion_FA%2FCND_detalle&pid=1264005795831)

education, health, training, employment and social inclusion affecting them. It also includes a series of proposals concerning housing (as well as other areas).

***As per healthcare, the Commissioner invites the authorities to fully implement the Recommendation (2006)<sup>10</sup> of the Council of Europe on better access to health care for Roma and Travellers in Europe, which underlines that decent housing and a satisfactory sanitation infrastructure is a sine qua non for improvement of the health status of Roma and Traveller communities.***

As regards health, the Ministry of Health, Social Policy and Equality would like to clarify that the data in his letter refer to earlier studies, which were conducted locally. The most recent and most relevant study, since it has been the first nationally representative study on the health of the Roma population, was conducted in the framework of the National Strategy for Health Equity for the Roma population. This study consisted of a National Health Survey in the Roma population that was subsequently compared with the National Health Survey in the general population of Spain. This comparative study proves the existing social inequalities in health, and it has served to prioritise and determine the objectives in the Health Area of the Action Plan for the Development of the Roma Population. One of the lines of work within the framework of the National Strategy for Equity in Health for the Roma population is the dissemination of the findings of this study.

Moreover, we would like to point out that the Action Plan for the Development of the Roma Population 2010-2012 and, namely, the Health Area, were submitted to the Public Health Committee in June 2010 for the information of the Directors-General of Public Health of the different Autonomous Communities, thus strengthening the collaboration with the Autonomous Communities, which are responsible for this issue, and advancing the implementation of the measures outlined in the Health Area of this Action Plan.

The Health Promotion Area of the Ministry of Health, Social Policy and Equality has been boosting the implementation of the National Strategy for Equity in Health since 2003. Besides, the Strategy is being developed in collaboration with the Group on Health of the Spanish State Council of the Roma Community (CEPG) since 2006, in which all members participate actively, deciding the courses of action to be followed.

All publications resulting from these actions can be found on the website of the Ministry (MSPSI):

<http://www.mspsi.es/profesionales/saludPublica/prevPromocion/promocion/desigualdadSalud/comuGitana.htm#saludComuGitana>

Another line of work which is currently being developed under the Strategy is equity in health for Roma children, with the aim of developing intervention strategies that promote a good beginning in life.

Given the experience of the Group on Health of the CEPG in the development of the Roma community, and particularly in health with its study on Health and the Roma Community, the Spanish model is being a reference for other European countries.

On the other hand, with respect to what the Commissioner remarks on the *Cañada Real Galiana*, we know that 4% of the Roma population in Spain lives in shantytowns and that although the responsibility of eradicating these shantytowns belongs to the Autonomous Communities, from the point of view of health, we would like to confirm that these shantytowns represent an important obstacle to combat social inequalities in health, thus efforts to eradicate them should be prioritised.

- **Access to quality education for Roma children**

*In his letter, the Commissioner recommends the Spanish Government to take all necessary measures to provide quality education in all educational areas, including those with a Roma majority, given the existence of a de facto educational segregation due to spatial segregation.*

With respect to the degree of concentration of enrolled Roma children according to some studies carried out by the Autonomous Communities, schools with Roma children from 3 to 5 years old (pre-school), and Roma children from 6 to 16 years old (primary and secondary education, which are compulsory) represent about 33% of the total number of schools, distributed in state and semi-private schools. Although the latter are below 10%, they amount to 18% in five Autonomous Communities (Andalusia, Aragon, Catalonia, Extremadura and Galicia).

The basic rules concerning the right to education aim at guaranteeing quality education for all students, on equal conditions and ensuring equal opportunities, as well as educational inclusion and non discrimination, thus education can act as a compensatory element of personal, cultural, economic and social inequalities.

Additionally, it ensures the compensation of inequalities through specific programmes developed in educational centres or in geographic areas where a compensatory educational intervention is necessary, and through scholarships and study grants, which aim to ensure the right to education of students with low socioeconomic conditions.

The Ministry of Education is also carrying out several measures which, although not specifically addressed to Roma population, they do affect them in a special manner and influence educational standardisation. We can highlight the following measures: call for grants to non-profit organisations for the carrying-out of activities intended to help students with special needs of educational support and to compensate inequalities in education (this year, three projects on Roma population have been subsidised); prize awarding to those educational centres that develop actions intended to compensate inequalities in health; announcement of scholarships and study grants; programme for the reduction of early school leaving and training to promote the return of young leavers with insufficient or without qualifications; PROA Plan (Programme for Reinforcement, Guidance and Support), aimed at achieving quality education for all, enriching the educational environment and involving the local community, as well as establishing direct assistance to students and interaction with families and the environment.

On the other hand, social inclusion policies addressing Roma are developed through the Roma Development Programme, led by the Ministry of Health, Social Policy and

Equality. One of the mainstays to achieve their inclusion is education, therefore programmes are funded, inter alia, to promote early childhood education (0-6 years) and compulsory schooling (6-16 years) of Roma children and adolescents, as well as to encourage social accompaniment activities for Roma families in this area; innovative and comprehensive programmes to prevent school absenteeism and leaving, with special emphasis on Roma girls, as well as programmes on out-of-school educational support and reinforcement; programmes that facilitate their continuity and permanence in middle and high school education levels; and social accompaniment programmes for Roma families experiencing special difficulties.

*In his letter, the Commissioner invites us to use a series of tools developed by the Council of Europe in the framework of the Project "Education for Roma Children in Europe", which can be very useful for developing measures to ensure that a greater number of Roma children complete compulsory education.*

At this Ministry we will consider the review of such tools by the Group on Education of the Spanish State Council for the Roma Community, which includes representatives of the Ministry of Education, the Ministry of Health, Social Policy and Equality, NGOs, as well as experts in the field, for its potential dissemination.

Moreover, the Ministry of Health, Social Policy and Equality is carrying out some actions that are in line with these issues, as is the co-financing of the **"The School Colours" Teaching Unit**, produced by the Foundation Institute for Roma Culture (under the Ministry of Culture). This Unit is intended for students in second cycle of secondary education, and consists of a student's book for its distribution in schools and Roma associations and NGOs involved in education. It seeks to adapt the contents of secondary education to the situation of the Roma population by introducing contents in the school curriculum through textbooks, thus students can see themselves reflected in their workbooks, and their culture is also shown to the rest of students who in most cases are not acquainted with it and hence do not understand it.

#### **- Dosta! Campaign**

*In his letter, the Commissioner recalls that this Government would advance Roma inclusion implementing the Dosta! Campaign in Spain.*

On 20 May, the Special Representative of the Secretariat General for Roma Issues of the Council of Europe invited the Ministry to launch the Dosta! Campaign in Spain during the bilateral meeting held with the Secretary General for Social Policy and Consumer Protection and the Director General for Social Policy, Families and Children. The Secretary General expressed her interest in fostering it and requested more information about it, pending to specify in the near future its implementation in Spain.