



## 2. Council of Europe

### 2.1. Resolution on the implementation of the Framework Convention for protecting national minorities in Spain.

Spain ratified the Framework Convention in 1995. This Convention provides a monitoring system for assessing the level of compliance with the Convention in the member states. As a result of the monitoring, the Ministers' Committee agreed on recommendations aimed at improving the protection of minorities in the countries reviewed.

Following this system, in March 2006, Spain presented the "Second Report on Spain and on the Framework Convention for Protection National Minorities"<sup>10</sup>, in which reference is made to information from the 2001-2006 period. In February 2007, the Consulting Committee of the Framework Commission for the Protection of National Minorities published a second opinion on the situation of Spain<sup>11</sup>, to which Spain replied on September<sup>12</sup>. Finally, on 2 April 2008, the Committee of Ministers adopted the final resolution on the implementation of the Framework Convention for the Protection of National Minorities for Spain<sup>13</sup>.

This Resolution has a three-part structure. The first part mentions Spain's positive developments since the first check carried out in 2000. Secondly, it mentions the **issues raising the most concern**, among which it highlights the **limited real impact of the measures adopted; problems with implementing anti-discrimination legislation** persist, and it is stated that there is a need for a greater level of awareness in the judiciary system regarding problems of racism and race-motivated crime, taking into account that the **criminal law specified for these matters is rarely invoked and applied**; the Roma community –and, in particular, Roma women– continue to suffer situations of discrimination in access to employment, housing, social services and in access to the legal system. Efforts must be increased in gathering data on the Roma community precisely in order to address these situations of discrimination, while at the same time ensuring that the law on the protection of personal information is respected. On another topic, the Committee is concerned that the **references to the culture, history and traditions of the Roma community continue to be absent from the basic educational curriculum**, and because of the continued high level of school absenteeism of Roma girls and boys.

Due to the above, the Ministers Committee adopts –among others– the following recommendations:

- The **Spanish State must ensure** that the jurisdiction and resources of the recently established **Council for the Promotion of Equal Treatment** and Non-Discrimination of People Based on Racial or Ethnic Origin are sufficient to be able to **function effectively**.
- Continue with the efforts to **gather data** on the situation of the Roma population and those of other ethnic origins in all of the relevant spheres, including the criminal court system, with the permission of the affected party.
- Carry on with efforts to **ensure that existing legal provisions** aimed at promoting equal opportunity in accessing education **are applied appropriately by the pertinent authorities** so that they benefit all of the student body.

<sup>10</sup> Available on: [http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_2nd\\_SR\\_Spain\\_es.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_SR_Spain_es.pdf)

<sup>11</sup> Available on: [http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_2nd\\_OP\\_Spain\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_Spain_en.pdf)

<sup>12</sup> Available on: [http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_2nd\\_CM\\_Res\\_Spain\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_CM_Res_Spain_en.pdf)

<sup>13</sup> Resolution CM/ResCMN(2008)1 on the implementation of the Framework Convention for the Protection of National Minorities by Spain. Available on: [http://www.coe.int/t/dghl/monitoring/3\\_FCNMdocs/PDF\\_2nd\\_CM\\_Res\\_Spain\\_en.pdf](http://www.coe.int/t/dghl/monitoring/3_FCNMdocs/PDF_2nd_CM_Res_Spain_en.pdf)