

CRI(2021)3

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF SPAIN
SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 1 December 2020¹

Published on 23 February 2021

¹ Except where specifically indicated, any developments which occurred after 16 September 2020, the date on which the response of the Spanish authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, have not been taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1) *In its report on Spain (fifth monitoring cycle), published on 27 February 2018, ECRI recommended that the Spanish authorities take urgent steps to set up an independent equality body or to ensure that the Council of Elimination of Racial and Ethnic Discrimination (CERED) be made independent and be provided with the competencies and powers outlined in ECRI's General Policy Recommendations Nos. 2 and 7.*

ECRI has been informed by the Spanish authorities that work is underway to improve the quality of a draft Act on Equality of Treatment and against all Form of Discrimination. According to the authorities, this new act would serve as a basis for the creation of an independent equality body with sufficient human and budgetary resources.

The preparatory work for the draft act has been reportedly interrupted by the two snap elections held in 2019 before a Government could be formed in early 2020. Nonetheless, ECRI notes that the present coalition Government of Spain has included the preparation of such an act in its coalition agreement (point 5.1.2.).

As regards the Council of Elimination of Racial and Ethnic Discrimination (CERED), its status has not been enhanced and its available human and budgetary resources have not been reinforced since the publication of ECRI's fifth report. As a consequence, ECRI considers that it is still not independent of the Government and that its staffing and budget remain very limited. At present, it can only focus its activities on assistance to victims and on research.

ECRI appreciates that the holding of two parliamentary elections within a year in 2019, as well as difficulties caused by the Covid-19 pandemic, have delayed the legislative work on a new Act on Equality of Treatment and against all Form of Discrimination and thereby also the creation of a truly independent and sufficiently mandated and resourced equality body. ECRI looks forward to the adoption of such an act.³ At the same time, ECRI is obliged to note that there is no time schedule for its preparation and adoption.

Consequently, ECRI considers that in the present state of affairs, its recommendation has not yet been implemented.

2) *In its fifth report on Spain, ECRI reiterated its recommendation from its fourth report (paragraph 69) and strongly recommended that the Spanish authorities develop and implement a set of activities for ensuring that the share of Roma children completing obligatory schooling quickly increases.*

ECRI was informed of the efforts made by the Spanish authorities to implement the Spanish National Roma Integration Strategy 2012-2020 and the Operational Plan for the years 2018-2020. While recognising that some of the elements of the Operational Plan contain measures that are aimed at facilitating and promoting the education of Roma children and preventing pupils from leaving school early, ECRI regrets to note that no new statistical data on Roma children completing obligatory schooling are available since the publication of ECRI's fifth report. As a result, it is not possible for ECRI to conclude that the measures taken as part of the Strategy and Operational Plan have had a real impact on the compulsory school completion rates among Roma.

³ Reference should be made in this regard to the recommendation made by ECRI in paragraph 22 of its fifth report.

On a more positive note, ECRI welcomes the implementation of some projects by civil society actors, whereby educational support is provided to Roma in some autonomous regions. ECRI further notes that in the Region of Valencia the regional government has approved a decision to offer educational support to Roma.

Moreover, ECRI notes that the coalition agreement of the current Government of Spain includes an objective about ending the segregation of Roma in schools (point 2.1), as well as a declared intention to prevent pupils from leaving compulsory schooling before completing it. However, there are at present no concrete proposals on how to achieve this, nor is there any reference to related funding.

ECRI recognises that the school closures and the ensuing distance education, which occurred in Spain in 2020 as a result of the Covid pandemic, added to the challenges many Roma children face in completing their compulsory schooling. Nonetheless, ECRI has to note that since the publication of its fifth report, no new concrete measures have been introduced in order to ensure that the share of Roma children completing obligatory schooling increases, and that there are no statistical data indicating a rise in that share.

As a consequence, ECRI considers that its recommendation has not been implemented.

