

Spain
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and
Travellers

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Executive Summary

Overview: Policy and Legal Framework

This report starts with desk research consisting of five broad chapters, which constitute the first part of this report.

The first chapter relates to the legal and policy framework in Spain as far as housing and Roma/Travellers issues are concerned. Three key ideas must be taken into account.

The first one is that in Spain there has not been a real public housing policy for long. Profit-making housing developers have been controlling the housing market with very little public input, and both state-subsidised housing units and social housing are under-developed in comparison with other EU countries. The enormous rise in housing prices in recent years has made it even more difficult for low-income families to afford decent housing, particularly taking into account that housing ownership is by far the preferred option in Spain. Rental housing is very limited in Spain has also been marked by enormous price increases in recent years.

The second consideration relates to the difficulties in comparing the housing situation of the Roma and the non-Roma in both quantitative and qualitative terms, and therefore to have an accurate picture of the formers' housing position in Spain. Spanish law forbids the collection of racial or ethnic data, so that in statistical terms the Roma are not distinguished from the rest of Spaniards.

The third consideration relates to the current political structure of Spain. In addition to public housing policies being limited in Spain, many public housing-related powers have been transferred to the 17 regional governments. Research must then focus on the regional level, posing an added difficulty to the writing of this report because of the multiplicity of governments and bodies to be examined.

That having been said, the first thing to add is that in Spain there is neither a single housing-related legal text nor a housing plan specifically mentioning the Roma community. Not even those plans launched to eradicate shanty towns, most of whose inhabitants belong to this ethnic minority, mention the Roma. Moreover, Roma are not mentioned in the Spanish Constitution.

Nevertheless, despite having public housing policies of limited scope and not having data related to the Roma as such, it is known that a number of them are excluded in housing as well as in other issues. Many action plans and measures have been launched in Spain to compensate for the 'invisibility' of this population in the general legal and policy framework related to housing.

This chapter also reports that in Spain there is neither any protection against forced evictions nor any regulations regarding issues such as halting sites and mobile homes.

It also examines components relevant to housing and/or to Roma and Travellers in existing national gender equality and disability legislation and policy. Both certainly include housing-related contents but very few references, if any, to the Roma community.

This chapter ends with an analysis of the impact that legislation and general public policies have had on the housing situation of Roma and Travellers. Regarding housing legislation, which, as it has been said, is rather weak in Spain and does not make any reference to this population, its impact has likely not been very great. Public policies in general have only had limited success, with the exception of some very specific local plans that must be considered as examples of good practice.

The second chapter starts out by saying that the 'invisibility' of the Roma community in housing laws and plans finds its correlate in significant gaps in data, making it impossible to provide a thorough picture of the situation of Roma in comparison to non-Roma.

This second chapter consists of quantitative data on the housing situation of Roma and Travellers, impaired by the reported prohibition on collecting ethnic-related data as well as by the absence of quantitative information about several issues, such as the number of sedentary, semi-sedentary, or itinerant Roma individuals. It is not known how many of these individuals are in Spain, although figures around 600,000 people are the most frequently mentioned. There is also not quantitative data regarding the number of Roma living in encampments; about the number of forced evictions, or about the number of halting sites.

What is well known, however, is that part of the Roma population, which has been a particularly vulnerable group in Spain for a long time, still suffers from very bad housing conditions. These conditions are in turn one of the main hindrances for Roma to improve their quality of life. This is proven by a number of reports which reveal significant differences between the overall and the Roma populations in terms of housing space, housing tenancy, home facilities, and so on. It is important to note however, that comparisons are neither always possible nor fully orthodox because of the previously mentioned gaps in data. The Roma continue to be the main inhabitants of shanty towns and substandard forms of housing in Spain, a situation which currently appears to affect around 12 per cent of the Roma population in Spain. This represents a decrease of 19 points from 1991. The most extreme examples of housing exclusion seem to be currently affecting around 4.6 per cent of the Roma population in Spain, a percentage much lower than the one provided in 2002 by the same source, which estimated it to be between 12 and 14 per cent. These changes are obvious signs of a positive evolution.

The third chapter details qualitative data regarding access to decent housing, quality of housing, segregation, discrimination, informal settlements, encampments, and forced evictions. A section within this chapter is specifically devoted to non-Spanish Roma.

Access to decent and quality housing appears impaired by economic difficulties, different cultural patterns, and extensive discrimination and prejudices. These different causes many times have a cumulative effect on housing exclusion. It is difficult to know the exact weight of each of these causes due, again, to the lack of ethnically disaggregated data in Spain and to an inadequate knowledge base on the Roma population in Spain.

These research gaps affect other issues mentioned in this chapter such as segregation, informal settlements, encampments, and forced evictions. Oftentimes, only anecdotal data, such as summaries of particular cases and incidents can be offered to describe the situation.

Non-Spanish Roma and in particular Eastern European Roma experience the worst housing exclusion in Spain. This exclusion includes both those living in rented flats, where overcrowding, bad housing conditions, lack of basic electric appliances and of basic furniture are common facts; and those living in encampments, which often do not have any facilities at all.

The fourth chapter outlines relevant case law and complaints relating to the housing situation of Roma and Travellers. The chapter presents the public bodies recording and/or processing complaints or allegations of housing rights violations. These bodies include, for example, the equality body arising from the transposition of EU Directives 2000/43/EC and 2000/78/EC, which has not, however, started to operate yet; the Spanish Observatory on Racism and Xenophobia; national and regional Ombudsmen; and the Barcelona-based Agency for Non-Discrimination.

This chapter continues with a summary of housing complaints affecting the Roma population and of the only closely-related court decision. In this regard, it has to be noted that racial discrimination as an aggravating circumstance is seldom found by Spanish judges and that racism-related offences are often treated as mere faults.

The fifth chapter describes two examples of good practice: the local plan *Avilés por una convivencia intercultural. Plan de erradicación del chabolismo* [Avilés in support of cross-cultural relationship. Plan for the eradication of local shanty towns] and the work done by the *Instituto de Realojamiento e Integración Social, IRIS* [Agency for Social Re-accommodation and Integration, (IRIS)] in Madrid.

The second part of this report summarises the main findings derived from the interviews conducted with experts in this field.

1. Desk research

1.1. Legal and policy framework

1.1.1. Protection of the right to adequate housing in national legislation

As one of the signatory parties of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on the Elimination of All Forms of Racial Discrimination (CERD), and the European Social Charter (ESC), among other international and European binding legal instruments, Spain is obligated to protect human rights for all in the country, including minorities.

The right to adequate and decent housing for all Spaniards is stated in article 47 of the Spanish Constitution¹, with only one specific population (the elderly) explicitly mentioned in another article (number 50) as entitled to special protection in housing-related matters. The right to adequate and decent housing is also acknowledged in the Statutes of Autonomy of the regional governments.

No article of the Spanish Constitution specifically references the Roma population, as the Constitution does not recognise the concept of ethnic minority. However, article 14 does state that all the Spaniards are equal before the law, and that discrimination based on race, sex, religion or any other personal or social circumstance is prohibited.

Despite the legal recognition of the right to adequate and decent housing, the role of the Public Administrations in the field of housing has been traditionally and increasingly characterised by an indirect approach, meaning that they focus on measures to help people to purchase flats in the free housing market rather than on building social housing. In this way, Spanish housing policy has been and remains much more limited than other social policy areas, such as education and health, as well as than housing policies in other EU countries. Housing rights are thus far from being guaranteed in the practice. As a European level policy assessment found, Spain appears to be one of the EU countries with less developed or integrated housing policies². In the assessment report, the *Fundación Secretariado Gitano* (FSG) [Secretariado Gitano Foundation], a very representative national Roma organisation, is quoted as stating that the main obstacle to eradicating shanty towns, most of whose inhabitants are members of the Roma minority, is not the lack of economic resources but rather failure to execute public responsibilities³. Public

¹ Spain/Constitución Española (31.10.1978), available at: http://www.la-moncloa.es/NR/rdonlyres/79FF2885-8DFA-4348-8450-04610A9267F0/0/constitucion_ES.pdf (22.12.2008).

² B. Edgar (Joint Centre for Scottish Housing Research) (2004) *Policy measures to ensure access to decent housing for migrants and ethnic minorities*, p. 19, available at: http://ec.europa.eu/employment_social/social_inclusion/docs/decenthousing_en.pdf (19.01.2009).

³ B. Edgar (Joint Centre for Scottish Housing Research) (2004) *Policy measures to ensure access to decent housing for migrants and ethnic minorities*, p. 27, available at:

authorities fail to see that the eradication of shanty towns is a complex matter that should be tackled in an integrated and concerted way.

As a result, profit-making housing providers have been allowed to dominate the housing market in Spain, making housing access rather difficult for low-income families, including the Roma. Social housing is not widely available in Spain, and Public Administrations do not adequately contribute to increasing the quantity of social housing.

In this regard, a recent Spanish Ministry of Labour and Social Policy report describing the social situation of Roma in Spain⁴ identified various stages in the history of housing for Roma. The first one relates to the 1980s, when a great number of Roma families had access to decent housing in normalised urban environments. The second one began in the 1990s, when Spain achieved a degree of economic development that had never been reached before, allowing many people to purchase new homes, including second homes. Therefore, the housing market in Spain underwent a deep change and gradually became the cornerstone of Spanish economic development. Paradoxically, housing prices also increased as the number of dwellings built also increased. At the same time, Public Administrations, finding themselves incapable of controlling speculative housing development, abandoned their role as social housing promoters and left the housing market practically in the hands of private profit-making entities. Progress achieved in housing for the Roma in previous decades was interrupted. This trend continues.

Due in part to increased public awareness of this situation and to remedy the heretofore low weight of housing-related matters in public policies in Spain, a specific housing ministry was created in April 2004⁵. Since its creation, this ministry has attempted to promote state subsidised housing and to give priority to rented housing over housing ownership, but with unclear results. This means that despite a broad recognition of the right to adequate housing for everyone, many people have been and are still excluded in Spain from decent housing.

Spanish housing public policies have mostly taken the shape of a number of successive housing plans at the national level, the most recent of which relates to the period of 2009-2012⁶, and is called *Plan Estatal de Vivienda y Rehabilitación* [Spanish Plan for Housing and Rehabilitation].⁶ Although without explicitly mentioning the Roma population the Plan is relevant, as the homeless and individuals and families living in shanty towns that are being eradicated are among the beneficiaries of the measures foreseen. In fact, the eradication of shanty towns is one of the sub-programmes within the Plan - the first time that this objective has been included in a national-level housing plan.

All these plans have dealt primarily with supporting housing acquisition⁷ and, as said before, with promoting the private building sector as one of the main drivers of Spanish economy. Some

http://ec.europa.eu/employment_social/social_inclusion/docs/decenthousing_en.pdf (19.01.2009).

⁴ M. Laparra (coord) (2007) *Informe sobre la situación social y tendencias de cambio en la población gitana. Una primera aproximación*, Madrid: Ministerio de Trabajo y Asuntos Sociales; Universidad Pública de Navarra, available at:

http://www.igualdadopportunidades.es/archivos/doc_30102007_17524.pdf (22.01.2009).

⁵ Spain/Real Decreto 553/2004 por el que se reestructuran los departamentos ministeriales (17.04.2004), available at: <http://www.boe.es/boe/dias/2004/04/18/pdfs/A16003-16006.pdf> (13.01.2009).

⁶ Spain/Real Decreto 2066/2008, por el que se regula el Plan Estatal de Vivienda y Rehabilitación 2009-2012 (12.12.2008), available at: <http://www.boe.es/boe/dias/2008/12/24/pdfs/A51909-51937.pdf> (31.12.2008).

⁷ In Spain, housing ownership is much more extended than house renting.

incentives to encourage the construction of social dwellings by both private and public entities are included to offset the support for private development. As we will see further on, these incentives are not broadly used.

The 2002-2005 housing plan, for example, was complemented by a Decree⁸ including measures aimed at favouring access to decent housing for the least privileged populations, in agreement with National Action Plans for Social Inclusion (see section 1.1.5).

Two years later, this Decree was modified by another one⁹ that stated that state subsidised housing constituted a discreet sector, and that substantial populations with low and medium economic resources continued to be unable to afford decent housing. This Decree also stated that the state-subsidized housing provisions of the then current housing plan were inadequate, as prices in the open housing market had risen considerably while the need for social housing had accordingly increased. Consequently, this new Decree intended to achieve an increase in the number of social housing units built by trying to make this submarket more attractive to private investors. This strategy was weakened by contradictorily allowing investors to raise the price ceiling.

The next housing plan entered into force on July 2005,¹⁰ and continued the same policies: to increase the weight of the social housing submarket in the face of steady price increases in the open housing market and wage moderation policies. This made access to affordable, decent housing rather difficult for many citizens and particularly for the most excluded populations like the Roma, as they were employed outside the official labour market.

The Decree establishing this 2005-2008 housing plan was modified in 2008 to improve some aspects related to social housing.¹¹

As is the case with the Spanish Constitution, none of these plans makes any explicit reference to the Roma population, despite references to other groups such as youth, single parent families, the elderly, and the disabled. As noted, the plans also include the eradication of shanty towns and substandard forms of housing.

A recent Royal Decree regarding land law is among other relevant national housing-related laws.¹² Its aim is to lay down the basic conditions for ensuring equality regarding the rights and

⁸ Spain/Real Decreto 1/2002 sobre medidas de financiación de actuaciones protegidas en materia de vivienda y suelo del Plan 2002-2005 (10.01.2002), available at: <http://www.mviv.es/es/pdf/normativa/decreto0205.pdf> (30.12.2008).

⁹ Spain/Real Decreto 1721/2004 por el que se modifica el Real Decreto 1/2002, de 11 de enero, sobre medidas de financiación de actuaciones protegidas en materia de vivienda y suelo del Plan 2002-2005, y se crean nuevas líneas de actuaciones protegidas para fomentar el arrendamiento de viviendas (23.07.2004), available at: <http://www.mviv.es/es/pdf/normativa/RD17212004.pdf> (30.12.2008).

¹⁰ Spain/Real Decreto 801/2005, por el que se aprueba el Plan Estatal 2005-2008, para favorecer el acceso de los ciudadanos a la vivienda (01.07.2005), available at: <http://www.mviv.es/es/pdf/normativa/BOE130705.pdf> (30.12.2008).

¹¹ Spain/ Real Decreto 14/2008, por el que se modifica el Real Decreto 801/2005, de 1 de julio, por el que se aprueba el Plan Estatal 2005-2008, para favorecer el acceso de los ciudadanos a la vivienda (11.01.2008), available at: <http://www.boe.es/boe/dias/2008/01/12/pdfs/A02301-02310.pdf> (30.12.2008).

¹² Spain/Real Decreto Legislativo 2/2008, por el que se aprueba el texto refundido de la ley de suelo (20.06.2008), available at: <http://www.boe.es/boe/dias/2008/06/26/pdfs/A28482-28504.pdf> (30.12.2008).

duties related to land. In this regard, the law establishes that all citizens are entitled to decent, adequate, and available housing and to not suffer from any discrimination concerning the use of public and collective facilities.

In Spain, moreover, most housing-related policies have been transferred to regional governments to manage. Their recent regional housing plans and laws do not make any reference to the Roma population either, although they may mention other vulnerable populations. This is the case, for instance, of the *Ley para el derecho a la vivienda* [Law for the right to housing], which was passed by the Catalan government in December 2007.¹³ This law refers to children and youth, the elderly, women who have experienced gender-based violence, migrants, separated or divorced individuals who have lost the right to shared housing, the homeless, and individuals who are to be re-accommodated because of urban development plans. In addition to managing housing policy, which concerns access to housing, building-related issues, urbanism, land, architecture, and the planning of investments in these areas, Autonomous Communities may also design their own action plans related to council houses.

Town councils, finally, also play an important role both as promoters and managers of local properties and in land-related matters through the so-called Plans for Urban Action.

Although, as noted above, our review of recent regional housing laws, plans and regulations revealed that not one explicitly mentioned the Roma, as we will see, a number of other national and regional plans and measures explicitly or implicitly affect housing matters and the Roma population because Roma have been recognised as an excluded group. These other plans and measures belong to the following categories:

- Specific plans for the eradication of shanty towns (section 1.1.4).
- Spanish-wide national action plans for social inclusion (section 1.1.5).
- Regional action plans for social inclusion (section 1.1.5).
- Regional plans for ethnic minorities or for the Roma ethnic group (section 1.1.5).

As we will see, these other plans intend to improve the situation of the Roma in Spain in housing as well as in other areas. However, the current and persistent exclusion of part of the Roma minority in Spain leads to conclusions that these other plans have not been fully successful either.

Protection against forced evictions

In Spain there is neither any protection against forced evictions nor any regulations regarding issues such as halting sites and mobile homes. Forced evictions were one of the problems detected by the United Nations Special Rapporteur on Adequate Housing after his visit to Spain at the end of 2006 (see more references in section 1.1.8 below).

¹³ Catalunya/Ley 18/2007 del derecho a la vivienda (28.12.2007), available at: http://mediambient.gencat.cat/Images/43_145276.pdf (05.01.2009).

Housing laws and regulations affecting Roma and Travellers

Our review of general housing laws and regulations that can affect Roma and Travellers has revealed that the Catalan law on the right to housing was the first one in Spain to have defined and considered overcrowding. In this law, an overcrowded dwelling is defined as one where an excessive number of people live, given the facilities and the standard acceptable occupation rate in Catalonia (10 m² minimum per person). The law permits an excessive number of individuals to live in a given housing unit only when all occupants have blood ties and provided that this number neither manifestly contravenes healthy and hygienic conditions nor creates problems with neighbours.

This law has also been considered as the first in Spain to have addressed housing in terms of rights instead of in terms of public policies. It is also the first to explicitly mention EU Directives 2000/43/EC and 2000/78/EC.

The Andalusian government is currently drawing up a new housing law along the same lines as the Catalan one, that is, a law that will explicitly establish the legal right to adequate and decent housing, as the very title of the bill proves: Draft bill for the right to housing.¹⁴ As usual, this draft bill does not specifically mention the Roma population, although it makes a generic reference to groups with special difficulties in accessing housing.

1.1.2. Specific protection of Roma and Travellers rights in national legislation

The only (implicit) protection of Roma and Travellers rights in Spanish legislation is article 14 of the Spanish Constitution, as referred in section 1.1.1 above.

It should also be mentioned that in 2005 the lower house of the Spanish Parliament unanimously approved a motion on the recognition of the rights of the Roma ethnic minority¹⁵.

1.1.3. Legislative or administrative decisions regarding “ethnic” data collection

In Spain, it is legally forbidden to ask people about their racial or ethnic origin. Statistical data are thus not disaggregated by ethnicity in any field. This prohibition is stated in the *Ley Orgánica 15/1999 de Protección de Datos de Carácter Personal*¹⁶ [Organic Law 15/1999 of Personal Data Protection]. Article 7 states that personal data regarding ethnic origin, health, and sexual life are particularly worthy of protection. Moreover, creating files with the only aim of collecting personal

¹⁴ See more information on:
<http://www.juntadeandalucia.es/viviendayordenaciondelterritorio/www/servlet/descargacopt?up=19656>. (14.01.2009).

¹⁵ See more information on:
http://www.congreso.es/public_oficiales/L8/CONG/DS/PL/PL_114.PDF (28.01.2009).

¹⁶ Spain/Ley Orgánica 15/1999, de Protección de Datos de Carácter Personal (13.12.1999), available at: <http://www.boe.es/boe/dias/1999/12/14/pdfs/A43088-43099.pdf> (08.01.2009).

data relating to ideology, union membership, religion, beliefs, racial or ethnic origin, and sexual life are illegal.

Article 16.2 of the Spanish Constitution also states that no one is obliged to declare his/her ideology, religion or beliefs¹⁷.

Many opinions have been voiced and have been reported in previous reports of this NFP about the fact that the non-collection of ethnic data should be revised. The Advisory Committee on the Framework Convention for the Protection of National Minorities considers that some ethnically disaggregated data collection is compatible with the principles of the Convention, provided that certain safeguards are in place.¹⁸

1.1.4. General public policy on housing targeting specifically the Roma and Traveller housing situation

Andalusia adopted a comprehensive plan to eradicate shanty towns was at the end of 1997.¹⁹ Although the plan does not provide a timeframe for implementation, we have learned that it was foreseen to be in operation for two years. It is interesting to note that not even a specific plan to eradicate shanty towns, which are primarily inhabited by the Roma minority, explicitly mentions this population.

This Plan was evaluated in a special report²⁰ carried out by the Andalusian Ombudsman at the end of 2005. The evaluation was not very enthusiastic about achievements realized as part of the Plan (see our national data collection report 2006).

No other examples of such general housing public policies at the regional level have been detected in Spain in the period from 2000-2009. As for local examples, many Spanish municipalities have launched plans to eradicate shanty towns and substandard forms of housing. In this report three plans are described. These examples are located in the towns of Avilés, Burgos and Cáceres.

The municipality of Avilés (Asturias) has a comprehensive plan to eradicate shanty towns that can serve as an example to other municipalities. In fact, two such plans have been implemented in this town, the first initiated in 1989 and the second in 2000. Implementation of the second plan included the eradication of all local shanty towns. This plan was presented to the 2002 Dubai

¹⁷ Spain/Constitución Española (31.10.1978), available at: http://www.boe.es/datos_iberlex/normativa/TL/ConstitucionCASTELLANO.pdf (22.12.2008).

¹⁸ See for instance <https://wcd.coe.int/ViewDoc.jsp?id=106887&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>. (14.01.2009).

¹⁹ Andalucía/Consejería de la Presidencia/Acuerdo del Consejo de Gobierno por el que se aprueba el Plan Integral de Erradicación del Chabolismo en Andalucía, available at: <http://www.juntadeandalucia.es/boja/boletines/1998/52/d/1.html> (09.01.2009).

²⁰ Defensor del Pueblo Andaluz (2005) *Informe especial al Parlamento. Chabolismo en Andalucía*, available at: http://www.defensorand.es/informes_y_publicaciones/informes_estudios_y_resoluciones/informes_especiales/informe_0004/TEXTO_PAGINADO/index.html (09.01.2008).

International Award for Best Practice, where it was qualified as 'good', and was included within the URB-AL programme. Recently, this plan also received a United Nations award.²¹ More information on this plan is found in section 1.5 as it was selected as one of the two good practices to be included in this study.

Since December 1997, a programme called Dual has been implemented in Burgos (Castilla-León)., Funded by a private Foundation and the local government, Dual aims to eradicate the local shanty towns and all other substandard housing.²²

In Aldea Moret (Cáceres, Extremadura), the local authorities developed a comprehensive plan to eradicate all the local shanty towns and substandard forms of housing (*Proyecto de intervención social integral en Aldea Moret 2000-2002*²³ [Project for a comprehensive social intervention in Aldea Moret 2000-2002]. This project was highlighted as good practice in the Third National Action Plan for Social Inclusion in Spain 2005-2006 (see section 1.1.5).

1.1.5. 'Positive action' measures to improve the housing situation of Roma and Travellers

Although, as we have seen, housing laws and plans make no specific mention of the Roma population in Spain, a number of social policies have specifically targeted this ethnic group in housing-related as well as in other matters.

This is the case of the *Programa de Desarrollo Gitano* [Roma Development Programme], which was launched nationally in 1985 and which remains the only national programme addressing exclusively the Roma community, particularly Roma women and children. The most recent information regarding this programme is contained in the 2007 evaluation report,²⁴ where a summary of the projects carried out with Roma families in all Spanish Autonomous Communities is included.

Other measures are related to the Spanish Action Plans for Social Inclusion (PNAIs). The first one (*Plan Nacional de Acción para la Inclusión Social del Reino de España 2001-2003* [First National Action Plan for Social Inclusion in Spain 2001-2003],²⁵ which estimated that over 30 per cent (168,000 people) of the Roma population in Spain was excluded or at risk of exclusion in 2000, included comprehensive measures that encompassed education, housing, health, training,

²¹ See more information at: <http://www.aytoaviles.es:8003/office/NP%20resumen%20erradicacion%20Chabolismo%20Aviles.doc> (09.01.2008).

²² See more information at: <http://www.fundacionlesmes.org> (09.01.2009).

²³ See more information on: http://antiguo.cermi.es/documentos/descargar/ANEXOV_BuenasPracticas.doc (29.12.2008).

²⁴ Ministerio de Educación, Política Social y Deporte, *Programa de Desarrollo Gitano. Memoria de evaluación 2007. Proyectos de intervención social integral para la atención, prevención de la marginación e inserción del pueblo gitano*, available at: <http://www.mepsyd.es/dctm/mepsyd/politica-social/inclusion-social/memoria-gitanos-2007.pdf?documentId=0901e72b80035eb7> (09.01.2009).

²⁵ Spain/Ministerio de Trabajo y Asuntos Sociales (2001) *Plan Nacional de Acción para la Inclusión Social del Reino de España 2001-2003*, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/napincl2001es_es.pdf (29.12. 2008)

employment, and social services. This Plan also intended to eradicate substandard forms of housing and to favour access to decent housing.

In order to improve the situation of these excluded or at-risk of exclusion Roma individuals and families, the Plan included, among others, the following measures:

- to develop comprehensive social action programmes with Roma communities in the fields mentioned above;
- to reduce the number of excluded Roma individuals and families living in substandard dwellings;
- to develop anti-discrimination measures by reinforcing the policies of equality of treatment and opportunity; and,
- to collect updated information about the situation of the Roma population in Spain and about the impact of Roma policies by carrying out social studies.

The second national social inclusions action plan (*II Plan Nacional de Acción para la Inclusión Social del Reino de España 2003-2005* [Second National Action Plan for Social Inclusion in Spain 2003-2005]²⁶ also made some references to the Roma population, considering them to be a particularly vulnerable group in regards to housing and other matters. The plan also included the eradication of shanty towns.

The third national action plan (*III Plan Nacional de Acción para la Inclusión Social del Reino de España 2005-2006* [Third National Action Plan for Social Inclusion in Spain 2005-2006]²⁷ continued to consider about 30 per cent of the Roma population as being excluded or at-risk of exclusion. The fact that this figure was the same as in previous plans is not explained, meaning there was no discussion of whether or not progress had been achieved under previous plans or whether there was new data. The plan did however outline the projects carried out previously to improve the living conditions of Roma individuals.

The current national action plan (*IV Plan Nacional de Acción para la Inclusión Social del Reino de España 2006-2008*) [Fourth National Action Plan for Social Inclusion in Spain 2006-2008]²⁸, whose estimated budget for the 2006-2007 period was more than 56593 million Euros, also refers to the Roma population. The plan does contain some new objectives, including among others:

- developing specific plans at the regional level; and,

²⁶ Spain/Ministerio de Trabajo y Asuntos Sociales (2003) *II Plan Nacional de Acción para la Inclusión Social del Reino de España 2003-2005*, available at:

<http://antiguo.cermi.es/texto/especiales/IINPAIN03052003.asp> (29.12.2008).

²⁷ Spain/Ministerio de Trabajo y Asuntos Sociales (2005) *III Plan Nacional de Acción para la Inclusión Social del Reino de España 2005-2006*, available at:

http://ec.europa.eu/employment_social/social_inclusion/docs/2005/es_es.pdf (30.12.2008).

²⁸ Spain/Ministerio de Educación, Política Social y Deporte (2008) *IV Plan Nacional de Acción para la Inclusión Social del Reino de España 2006-2008*, available at:

<http://www.mepsyd.es/dctm/mepsyd/politica-social/inclusion-social/2008-plan-nacional-accion.pdf?documentId=0901e72b80028116> (22.12.2008).

- drawing up a map of the Roma population and housing.²⁹

As pointed out in paragraph 37, in addition to action plans for social inclusion at the national level, in Spain regional action plans for social inclusion have been launched in most Autonomous Communities. These plans are funded by local, regional, national, and/or European contributions. However, not all of them explicitly mention the Roma minority in housing-related or in other matters. This is in part due to the size of the Roma community in the respective regions. As for the plans that include references to the Roma ethnic group, as we also see below, in some of them all housing-related measures are addressed to exclude groups in general. In other words, there is neither a separate mention of the Roma community in the housing area nor a single measure addressing the Roma only in these plans. This is probably so as not to further stigmatise this population.

The Canary Islands, Castilla-la Mancha, Navarra, and la Rioja were the first Spanish Autonomous Communities where regional action plans seeking to lessen social exclusion were launched.

The plan adopted in the Canary Islands³⁰ does not make any reference to the Roma population.

In Castilla-La Mancha, only information regarding the plan that followed the first one is currently available on the internet. This plan³¹ consists of four strands, one of which is devoted to measures targeting socially vulnerable or excluded Roma individuals and families. The general objective of this strand is to achieve the social, educational, and residential integration of the excluded or vulnerable Roma. However, the housing section of this plan makes no explicit reference to this population.

The Navarra-based plan³² acknowledges that a great deal of the Roma families living in this Community were suffering from social exclusion, but it does not include differentiated measures or objectives for this ethnic group.

Only a very brief summary is currently available regarding the plan carried out in the Autonomous Community of La Rioja.³³ This summary does not include any reference to the Roma population.

Andalusia, Aragón, The Basque Country, Castilla-León, Extremadura, Galicia, and Madrid developed social inclusion plans at a later stage.

²⁹ This objective has already been accomplished, see in section 1.2 a report drawn up by the Secretariado Gitano Foundation.

³⁰ Canarias/Consejería de Bienestar Social, Juventud y Vivienda (sd) *Plan de integración social contra la pobreza y la exclusión social en Canarias*, available at: http://www.gobcan.es/bienestarsocial/shop/prod_5593/bdfd8b50-f318-404e-9a0f-d4e67f55b000.pdf (08.01.2009).

³¹ Castilla-La Mancha/Consejería de Bienestar Social (sd) *II Plan de Integración Social*, available at: <http://www.jccm.es/social/aintegracion/plan.htm> (08.01.2009) and at: http://ldei.ugr.es/ani/normativas/ComunidadesAutonomas/PDF/CastillaLaMancha/IIPlanRegionalIntegracion2002_2005.pdf (09.01.2008).

³² Navarra/Departamento de Bienestar Social, Deporte y Juventud (1999) *Plan de lucha contra la exclusión social en Navarra 1998-2005. Una respuesta a las situaciones de pobreza y marginación social*, available at: http://www.navarra.es/home_es/Gobierno+de+Navarra/Organigrama/Los+departamentos/Asuntos+Sociales+Familia+Juventud+y+Deporte/Publicaciones/Publicaciones+propias/Asuntos+Sociales/Eclusion+Social.htm. (07.01.2009).

³³ La Rioja/Consejería de Servicios Sociales (1999) *Plan de acción contra la exclusión social en la Rioja (1998/2002)*, available at: <http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=446663> (07.01.2009),

In Andalusia, the plan was adopted for the period of 2003-2006.³⁴ The Roma Community is mentioned as a particularly vulnerable population in general, and is specifically mentioned in relation to a number of issues. With regards to housing, the plan foresees supporting those Roma individuals with very severe socioeconomic needs living in shanty towns. This plan also includes support of Roma Travellers coming to Andalusia to work in seasonal jobs.

In Aragón, the plan was scheduled for the period of 2005-2006.³⁵ Within the housing area, a measure to abolish shanty towns and to improve substandard forms of housing is included, within which some specific local actions affecting the Roma population are noted.

Regarding the Basque Country, there is no available information on the first plan but only regarding the second one, which covers the period of 2007-2009.³⁶ This plan, however, does not make any reference to the Roma ethnic group.

In Castilla-León, the plan was adopted for the period of 2004-2007.³⁷ Although many references are made to the Roma population living in this Autonomous Community, the housing area does not include any specific mention of this ethnic group, although they are described as one of several populations excluded or at-risk of exclusion.

In Extremadura, the plan was in force during the period of 2005-2007.³⁸ As in some other Autonomous Communities, no explicit reference is made to the Roma ethnic group when referring to the populations excluded in housing-related issues.

Galicia is another of the Autonomous Communities where a regional plan on social inclusion was implemented in a second stage, from 2001-2006. No information is currently available on this plan on internet. However, the subsequent plan is available, which is to be in operation between 2007 and 2013.³⁹ The plan includes one explicit measure to favour Roma access to rented housing within a strategic objective to facilitate access to housing for socially under-privileged individuals with low incomes.

³⁴ Andalucía/Consejería de Asuntos Sociales (2003) *Plan Andaluz para la Inclusión Social 2003/2006*, available at: http://www.juntadeandalucia.es/igualdadybienestarsocial/opencms/system/bodies/Programas_Solidaridad/Planes/Plan_Andaluz_para_la_Inclusion_Social/Plan_Andaluz_para_la_Inclusion_Social_2003-2006_web.pdf (07.01.2009).

³⁵ Aragón/Departamento de Servicios Sociales y Familia (2005) *I Plan de Inclusión Social en Aragón 2005/2006*, available at: <http://portal.aragon.es/portal/page/portal/SSOCIAL/PLANINCLUSION/INCLUSION.PDF> (08.01.2009).

³⁶ Euskadi/Departamento de Justicia, Empleo y Seguridad Social (2008) *II Plan interinstitucional de inclusión social 2007-2009*, available at: http://www.juslan.ejgv.euskadi.net/r4519077/es/contenidos/plan_programa_proyecto/inclusion_social_2009/es_inclsoci/adjuntos/PLAN%20CASTELLANO.pdf (09.01.2009).

³⁷ Castilla y León/Consejería de Familia e Igualdad de Oportunidades (2005) *Plan regional sectorial de acciones para la inclusión social 2004-2007*, available at: <http://www.jcyl.es/scsiau/Satellite/up/es/Institucional/Page/PlantillaDetalleContenido/1141754559475/Redaccion/1179469985111/?asm=jcyl&tipoLetra=x-small> (08.01.2009).

³⁸ Extremadura/Consejería de Bienestar Social (sd) *Plan Inclusión Social 2005-2007*, available at: http://ie.juntaex.es/proyectos/planinclusion-social/PLAN_INCLUSION_SOCIAL.pdf (08.01.2009)

³⁹ Galicia/ Consellería de Treballo e Benestar (sd) *II Plan Galego de Inclusión Social 2007-2013*, available at: http://benestar.xunta.es/documentos/texto_ll_plan_rev.pdf (19.05.2009).

In the Autonomous Community of Madrid, a plan was adopted for the period of 2002-2006.⁴⁰ Despite a number of references being made to both the Roma population and to housing issues, no specific mention is made in the plan about Roma and housing. Moreover, none of the housing-related measures included make any specific reference to the Roma population.

Catalonia and Valencia are the two Autonomous Communities where such regional action plans have been adopted most recently.

In Catalonia, the plan covers the period of 2006-2009.⁴¹ Although in the area of housing this plan includes measures to eradicate substandard forms of housing and to combat social exclusion, there is no explicit mention of the Roma ethnic group.

In the plan adopted in Valencia,⁴² the Roma population is considered a vulnerable group together with the disadvantaged elderly, the disabled, women and youth in difficulty, migrants, families and children in risky situations, the homeless, and prisoners. One of its specific objectives targets the excluded Roma population through two measures. The first measure encompasses comprehensive programmes in all inclusion-related fields. The second measure addresses Roma women specifically, by facilitating their labour and social integration through co-operation with a number of NGOs. The actions planned to accomplish this aim are not mentioned.

In the field of comprehensive regional plans for the Roma population (see categories in section 1.1.1.), Andalusia is the first Spanish Autonomous Community where such a plan was launched (1997-2000).⁴³ This plan is still in operation, as Andalusia regularly calls for the development of local action plans managed by local administrations in a number of fields, with housing among them⁴⁴.

The Basque Country is another Autonomous Community where a comprehensive plan for the Roma population has existed since 2005.⁴⁵ This one contains the following housing-related

⁴⁰ Madrid/Consejería de Familia y Servicios Sociales (2002) *Plan contra la exclusión social de la Comunidad de Madrid 2002-2006*, available at:

<http://www.madrid.org/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobheadername1=Content-Disposition&blobheadervalue1=filename%3DPlan.pdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1158593113771&ssbinary=true> (07.01.2009).

⁴¹ Catalunya/Departament de Benestar i Família (2006) *Pla per a la inclusió i la cohesió social a Catalunya. Visió, necessitats, conceptes, estratègia. Construint la resposta*, available at:

http://cv.uoc.es/DBS/a/materials/portada/ambits/es/inclusio/pdf/pla_complet.pdf (08.01.2009).

⁴² Valencia/Conselleria de Benestar Social (sd) *Inclusión social. Plan estratégico de la Comunidad Valenciana 2006-2008*, available at:

<http://www.bsocia.l.gva.es/portal/portal?docid=1800> (07.01.2009).

⁴³ Andalucía/Consejería de Asuntos Sociales (1996) *Acuerdo de 26 de diciembre de 1996, del Consejo de Gobierno, por el que se aprueba el Plan Integral para la Comunidad Gitana de Andalucía*, available at: <http://www.juntadeandalucia.es/boja/boletines/1997/22/d/updf/d2.pdf> (31.12.2008).

⁴⁴ See

<http://www.juntadeandalucia.es/igualdadybienestarsocial/opencms/system/modules/com.opencms.presentationCIBS/paginas/detalle.jsp?tipoContenido=/Planes/&contenido=/ComunidadGitana/Planes/P.I.C.G.A> (05.01.2009).

⁴⁵ Euskadi/Departamento de Vivienda y Asuntos Sociales (2005), *Plan vasco para la promoción integral y participación social del pueblo gitano*, available at:

http://www.gizaetxe.ejgv.euskadi.net/r40-2175/es/contenidos/informacion/pueblo_gitano/es_7946/adjuntos/PLAN.pdf (31.12.2008).

objectives: improving housing conditions and the access of Roma men and women to housing, and providing the Roma community with improved information about housing plans and programmes.

In Catalonia, an Integrated Plan for the Roma People was launched in 2006.⁴⁶ This plan includes measures in the field of housing, among others. These measures are: giving priority to re-housing Roma individuals and families in rehabilitated neighbourhoods while avoiding their over-concentration in specific places; signing employment agreements with housing providers for the maintenance of public works; encouraging the participation of Roma associations in the monitoring of action programmes; promoting the access of Roma youth to housing; funding housing acquisition or renting by Roma people; funding research regarding examples of good practice in overcoming inequalities in housing; and transforming neighbourhoods that have been designated “priority neighbourhoods” from the urban and social perspectives.

1.1.6. Housing components and components relevant to Roma and Travellers of existing national gender equality legislation and policy

The *Ley Orgánica 3/2007 para la igualdad efectiva de mujeres y hombres* [Organic Law 3/2007 for the effective equality of women and men]⁴⁷ mentions housing as one of the fields in which the principle of equality must be respected. In this regard, public policies and plans for housing access must include measures devoted to realizing equality between women and men. This law also states that the Spanish government will promote housing access by women in need or at-risk of exclusion. The Roma ethnic minority, however, is not mentioned in this law.

The *Plan Estratégico de Igualdad de Oportunidades 2008-2011* [Strategic Plan for Equality of Opportunity 2008-2011], adopted by the Spanish government on December 2007,⁴⁸ also refers to housing matters in its first strategic objective. This objective states that activities will take into account the gender perspective and diversity management in the provision of services and care by public bodies in the fields of health, education, employment, justice, safety and housing. One of the actions planned within this objective relates to the delivery of specific training courses for employees dealing directly with women who are excluded or at-risk of exclusion, which Roma women noted as one such group. This constitutes the only explicit reference to Roma in the plan. Within the same objective, women excluded or at-risk of exclusion are also identified as beneficiaries of enhanced co-ordination among the different actors that facilitate their comprehensive care and monitoring, as well as of the design of specific analytic instruments and tools.

As part of the second strategic objective, public powers commit themselves to lead policies fostering the inclusion of women who are excluded or at-risk of exclusion. Housing is also

⁴⁶ Catalunya/Departament de Benestar i Família (2006) *Pla integral del poble gitano a Catalunya*, available at: http://www.gencat.net/governacio-ap/ACCIO_CIUTADANA/DOCS-FORMULARIS/Pla_poble_gitano.pdf (12.1.2009).

⁴⁷ Spain/Ley Orgánica para la igualdad efectiva de mujeres y hombres (22.03.2007), available at: http://www.migualdad.es/igualdad/Documentos/Ley_Igualdad_Esp.pdf (12.02.2009).

⁴⁸ Spain/Ministerio de la Igualdad (2007) *Plan Estratégico de Igualdad de Oportunidades 2008-2011*, available at: <http://www.migualdad.es/igualdad/PlanEstrategico.pdf> (12.01.2009).

mentioned as one of the fields where quality indicators must be designed to assess actions related to assistance, monitoring, and inclusion.

1.1.7. Housing components and components relevant to Roma and Travellers of existing national disability legislation and policy

The *Ley Orgánica 51/2003 de igualdad de oportunidades, no discriminación y accesibilidad universal de las personas con discapacidad* [Organic Law 51/2003 of equality of opportunity, non-discrimination and universal accessibility of disabled individuals]⁴⁹ makes no reference to the Roma population and includes a single reference to housing issues. According to the law, in all buildings where disabled individuals live or work, rehabilitation should be carried out in order to make these buildings fully accessible to the disabled, provided that the total cost of these works does not exceed a given amount.

As a further development of this law, the *Primer Plan Nacional de Accesibilidad 2004-2012* [First National Accessibility Plan 2004-2012]⁵⁰ was launched. This is a text where many references to housing issues are to be found, concerning both shared use residences and flats.

Regarding shared use, an analysis focused on accessibility revealed that none of the buildings evaluated complied with all the accessibility criteria. As for the flats, bathrooms were not wheelchair accessible in any flat evaluated. In this regard, Strategy 14 of the plan includes measures to adapt buildings, which is an obvious concern for both residences of shared use and the flats. Finally, it must be said that no references to the Roma minority are made in this plan.

1.1.8. Impact of legislation on the housing situation of Roma and Travellers

The transposition of the Race Equality Directive 2000/43/EC has had little impact on the housing situation of the Roma population.

Given that Spanish housing-related legislation is, as said, rather weak, and that references to the Roma and Travellers are non-existent in legal texts in this area, the impact of national legislation on the housing situation of the Roma minority cannot be expected to have been very great. Moreover, legislation has been passed within a framework of increasing difficulties associated with housing access.

The following figures regarding the construction of state-subsidised housing units, the most common form of accommodation for the Roma, illustrate the low effectiveness of housing-related

⁴⁹ Spain/Ley Orgánica 51/2003 de igualdad de oportunidades, no discriminación y accesibilidad universal de las personas con discapacidad (02.12.2003), available at: <http://www.boe.es/boe/dias/2003/12/03/pdfs/A43187-43195.pdf> (12.01.2009).

⁵⁰ Spain/Ministerio de Trabajo y Asuntos Sociales (2003) *Primer Plan Nacional de Accesibilidad 2004-2012. Por un nuevo paradigma, el diseño para todos, hacia la plena igualdad de oportunidades*, available at: http://www.seg-social.es/imserso/dependencia/ipna2004_2012.pdf (12.02.2009).

laws and plans and the work still to be done for making housing accessible to everyone (see section 1.2 below). According to the *Instituto Nacional de Estadística* (INE) [National Statistics Institute], in 1990, the first year such registers were initiated and around the time when the housing market became the cornerstone of economic development in Spain (see comments above), 61,000 state subsidised housing units were completed out of a total number of 282,100 housing units (a non-planned target), constituting a percentage of 22. In 2007, the last complete year for which these data are known, 67,100 state subsidised housing units were finished, out of a total number of 646,900 housing units, a percentage of only 10.37.⁵¹ (See Table 1 Annex 1).

1.1.9. Impact of general public policies on the housing situation of Roma and Travellers

General public policies have also had a very limited impact on the housing situation of Roma and Travellers in Spain.

In its third and most recent report on Spain,⁵² the European Commission against Racism and Intolerance (ECRI) stated that according to the evaluation of the Roma Development Programme (see section 1.1.5 within this report), carried out by the Spanish Authorities following a recommendation made by ECRI in its previous report on Spain, advances had been achieved for the Roma population in a number of fields, with housing among them. This recent report, however, was not fully positive. ECRI noted that funding of the Roma Development Programme had not increased since its previous report, and that the programme does not sufficiently take into account the different dimensions of disadvantage, most notably discrimination, that members of the Roma community face.

Specifically in the housing field, ECRI's report states that according to a number of NGOs, although positive initiatives have been carried out in some Autonomous Communities, regional and local governments lack adequate political will and clear strategies. This report also recommended that Spanish authorities take further steps to address racial discrimination in the private housing market, and announced that the Spanish government was reportedly preparing a plan for the promotion of equality of opportunity for the Roma population, although there was no further information regarding this.

A report by the Council of Europe's Commissioner for Human Rights on the occasion of a visit to Spain⁵³ also makes reference to the situation of the Roma, and points out that housing is one of the main difficulties Roma faces. As in the case of the aforementioned ECRI report, it notes some improvements as well as some shortcomings related to the Roma Development Programme.

⁵¹ Instituto Nacional de Estadística, *Estadísticas de la construcción*, available at: <http://www.ine.es/jaxi/tabla.do?path=/t38/bme2/t07/a081/l0/&file=1300007.px&type=pcaxis&L=0> (27.02.2009).

⁵² European Commission against Racism and Intolerance (ECRI) (2006) *Third report on Spain*, pp. 23-26, available at: http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/spain/Spain%20third%20report%20-%20cri06-4.pdf (14.01.2009).

⁵³ Commissioner for Human Rights (2005) *Report by Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Spain 10-19 March 2005 for the attention of the Committee of Ministers and the Parliamentary Assembly*, available at: <https://wed.coe.int/ViewDoc.jsp?id=927685&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679> (14.01.2009).

The Advisory Committee on the Framework Convention for the Protection on National Minorities expresses a similar opinion.⁵⁴ The Committee evaluates as particularly positive the public policies in the Autonomous Communities of Andalusia and Madrid, which instead of following the ill-advised practices of the past and relocating the inhabitants of informal settlements into 'special neighbourhoods' on the peripheries of cities, many of which ended up becoming permanent and substandard ghettos, have provided residents of informal settlements with new publicly-subsidised housing in ordinary neighbourhoods.

This Committee, however, regrets that the Spanish Housing Plan for 2005-2008 (see section 1.1.1) did not include among its objectives the eradication of all segregated and substandard informal settlements. The report does not include any instances of specific discrimination.

1.2. Quantitative data on the housing situation of Roma and Travellers

The 'invisibility' of the Roma community in terms of specific housing laws and policies in Spain finds its correlate in the lack of data regarding the Roma, meaning that it is not possible to provide a thorough picture of the situation. Due to the prohibition on collecting ethnic data (see section 1.1.3 above) most extant data related to them comes from direct surveys of this population, rather than from more generalized statistics, which would allow for comparisons with the non-Roma population. Moreover, the Roma are not always explicitly mentioned when social exclusion is debated, although in the public sphere there is a general that Roma are an excluded population. Paradoxically, this general view can lead to higher stigmatisation, as Roma are perceived as a homogenous group. Collecting ethnic data might allow greater visibility into the heterogeneity of the Roma population.

As another example of this public 'invisibility', it is interesting to note that the websites of some regional Ombudsmen in Spain (Navarra, La Rioja) do not include the Roma within their target populations. A special report⁵⁵ undertaken by Valencia related to the most disadvantaged groups in housing area mentions youth, women, the elderly, the disabled, and migrants, but not Roma.

1.2.1. Number of Roma and Travellers in the country

Due to the reported legal prohibition on collecting ethnically-related data in Spain (see section 1.1.3), the number of Roma individuals is not known. Reports and advocates often provide a figure of around 650,000.

This being the case, the number of sedentary, semi-sedentary, and itinerant Roma individuals in Spain is not known either, although it is widely agreed that the great majority of Spanish Roma

⁵⁴ Advisory Committee on the Framework Convention for the Protection of National Minorities (2008) *Second Opinion on Spain, adopted on 22 February 2007*, p.5, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4858d97a2> (19.05.2009).

⁵⁵ Síndic de Greuges de la Comunitat Valenciana (2005) *El acceso a la vivienda en la Comunidad Valenciana por los colectivos más desfavorecidos. Informe especial a las Cortes Valencianas*, available at: <http://www.sindicdegreuges.gva.es/Informes/Informe%20Especial%20Vivienda/Informe%20Especial%20Vivienda.pdf> (02.02.2009).

are currently sedentary.⁵⁶ The first National Action Plan for Social Inclusion in Spain 2001-2003, for instance, pointed out that in Andalusia 85 per cent of the Roma had been living in the same municipality for more than 15 years.⁵⁷ This is not the case for some of the Eastern European Roma who has been increasingly arriving in Spain.

1.2.2. Data on housing conditions

According to a national survey conducted of 1,610 Roma households at the end of 2006 by the *Centro de Investigaciones Sociológicas* (CIS) [Centre for Sociological Research],⁵⁸ the average Roma household has 4.71 members. The average number of rooms (including bedrooms, the living room and the dining room) is 3.63. Given the legal prohibition on collect ethnically-related data, the only comparison we can make is to look at the data related to all Spanish households and compare this to the Roma survey data. An added complication in comparing these two data sets is that the national data is found in the Population and Housing Census conducted by the National Statistics Institute in 2001,⁵⁹ whose results were made public in 2004, so that we will be making a comparison between data from different periods. According to the data from the National Statistics Institute, the average number of household members for all Spanish households is lower (3.57) and the average number of rooms is higher (4.35) so overcrowding is more likely to be found among Roma families (see tables 2-3 in Annex 1).

Concerning this issue, according to a recent map (October 2008) on the housing situation of the Roma population in Spain created by the Secretariado Gitano Foundation,⁶⁰ in 7.8 per cent of the neighbourhoods surveyed, the average number of individuals per housing unit is over seven, a datum from which it is possible to infer the existence of extensive overcrowding .

This map was carried out in the framework of an agreement signed with the Spanish Ministry of Housing to carry out a *Plan de actividades para favorecer el acceso de la comunidad gitana a la vivienda* [Plan of activities to favour housing access by the Roma community], an objective mentioned in the Fourth National Action Plan for Social Inclusion in Spain 2006-2008, (see section 1.1.5). This report is an update of a previous study carried out in 1991 and aims to assess progress. This is a very ambitious report as it includes information from 1,150 Spanish municipalities where 2,955 neighbourhoods or settlements and 92,770 housing units are located, and where around 460,000 Roma individuals live. It thus has to be considered the most illustrative and updated picture of the present situation of the Roma community in housing-related

⁵⁶ See for instance: <http://www.mepsyd.es/politica-social/inclusion-social/poblacion-gitana.html> (15.01.2009).

⁵⁷ Spain/Ministerio de Trabajo y Asuntos Sociales (2001) *Plan Nacional de Acción para la Inclusión Social del Reino de España 2001-2003*, p. 53, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/napincl2001es_es.pdf (29.12.2008)

⁵⁸ Centro de Investigaciones Sociológicas (2006) *Encuesta sociológica a los hogares de la población gitana*, available at: http://www.cis.es/cis/openem/ES/1_encuestas/estudios/ver.jsp?estudio=7820&cuestionario=9034&muestra=14325 (16.01.2009).

⁵⁹ Instituto Nacional de Estadística (2004) *Censo de Población y Viviendas 2001*, available at: <http://www.ine.es/jaxi/menu.do?type=pcaxis&path=%2Ft20%2Fe242&file=inebase&L=0> (21.01.2009).

⁶⁰ Fundación Secretariado Gitano (2008) *Mapa sobre vivienda y comunidad gitana en España 2007*, available at: <http://www.gitanos.org/publicaciones/mapavivienda> (22.12.2008).

matters.⁶¹ It must also be said that this study has been designed to be a preliminary step in the development of a future permanent observatory on housing and the Roma population.

1.2.3. Data on housing tenure of Roma and Travellers

According to the Spanish-wide survey mentioned in the section above,⁶² 49.3 per cent of the Roma households interviewed were living in a home of their own, 33.8 per cent were in rented housing, and 16.2 per cent were living in a home that had been left to them on a cheap or free-of-cost basis. Among those owning their own homes, 31.7 per cent of these Roma households had bought a state subsidised flat whilst 64.0 per cent had obtained their flat through the free market. Although comparing this data with national level data presents the same limitations as noted above, the comparison is illustrative. Nationally, rates of home ownership are much higher (see Table 4 in Annex 1).

1.2.4. Number of Roma/Travellers living in regulated encampments

As in the case of the lack of accurate numeric figures regarding the Roma population mentioned in section 1.2.1., there are no available data regarding the number of Roma and Travellers living in regulated encampments either.

1.2.5. Number of Roma/Travellers living in unregulated encampments

There are no available data regarding this item for the same reasons pointed out in the previous section.

1.2.6. Number of Roma/Travellers living in segregated settings

Concerning this issue, according to the recent map on the housing situation of the Roma population in Spain conducted by the Secretariado Gitano Foundation,⁶³ 72.6 per cent of Roma people live in non-segregated neighbourhoods, 15.7 per cent live in dwellings scattered and integrated within the municipalities where they are located, and around 4.6 per cent live in

⁶¹ In Spain, it is estimated that around 650,000 Roma individuals live (there is no way to have an accurate figure).

⁶² Centro de Investigaciones Sociológicas (2006) Encuesta sociológica a los hogares de la población gitana, available at: http://www.cis.es/cis/opencm/ES/1_encuestas/estudios/ver.jsp?estudio=7820&cuestionario=9034&muestra=14325 (16.01.2009).

⁶³ Fundación Secretariado Gitano (2008) Mapa sobre vivienda y comunidad gitana en España 2007, available at: <http://www.gitanos.org/publicaciones/mapavivienda> (22.12.2008).

segregated areas. This last percentage constitutes the group experiencing the most extreme housing exclusion (see table 5 in Annex 1).

In this regard, it is interesting to note that the same organisation had estimated this last percentage to be between 12 and 14 per cent in a study⁶⁴ carried out in 2002. The decrease is certainly a sign of positive evolution.

Another of the main results of this report showing progress since the previous report is that the percentage of those of its members excluded, identified as those living in substandard forms of housing, has decreased from 31 per cent to around 12 per cent. Despite this positive evolution, quite a number of Roma households remain excluded. This progress, which is corroborated by other sources,⁶⁵ could be the result of the efforts of the Roma individuals themselves, as well as of the programmes implemented by a number of NGOs, including the Secretariado Gitano Foundation (see table 6 in Annex 1).

The percentage of Roma individuals living in substandard forms of housing in Spain provided by this study (12 per cent) is corroborated by another recent report, which estimates it to be between 10 and 12 per cent.⁶⁶

Another recent study in which the aforementioned organisation is involved is focused on Galicia,⁶⁷ the Spanish Autonomous Community where 34.13 per cent of Roma individuals still live in segregated settlements of substandard forms of housing or in shanty towns. This is quite high given that nationally, about 12 per cent of Roma experience this extent of housing exclusion. It must be stressed, however, that this figure for Galicia includes both Spanish and foreign Roma, and that the latter are not usually taken into account in these studies. The exact figure is 3,381 Roma individuals living in a total number of 39 shanty towns or segregated settlements of substandard forms of housing.

In 2005, the Galician Ombudsman drafted a special report⁶⁸ on the situation of the Roma community in this Autonomous Community. In the area of housing, the report stated that one out of three Roma individuals still lived in substandard forms of housing. Despite having appeared as a result of the gradual eradication of shanty houses, these houses did not represent decent accommodation either.. This report also pointed out that access to normalised housing was one

⁶⁴ I. Rodríguez (2002) “La relevancia de la vivienda en los procesos de inclusión social con la Comunidad Gitana”, in *Gitanos. Pensamiento y Cultura*, No 16, pp. 20-24, available at: <http://www.gitanos.org/upload/75/46/16Dossier.pdf> (16.01.2009).

⁶⁵ See for instance: Observatori DESC (2008) *Derecho a la vivienda y políticas habitacionales: Informe de un desencuentro. Informe elaborado a partir de la misión oficial en el Estado español del Relator Especial de Naciones Unidas para el Derecho a una Vivienda Adecuada*, available at: http://www.descweb.org/files/derecho%20a%20la%20vivienda%20y%20politic%20habitacionales_0.pdf (13.01.2009).

⁶⁶ FEANTSA España, *Informe anual 2008 Estado español. Soluciones residenciales para personas sin-hogar*, available at: http://www.feantsa.es/IMG/pdf/Informe_espanol_vivienda_-_2008_ES.pdf (04.02.2009).

⁶⁷ Xunta de Galicia; Fundación Secretariado Gitano (sd) *O chabolismo e a infravivenda en Galiza. Informe de situación 2007*, available at: http://www.gitanos.org/upload/31/40/chabolismo_11-3-08.pdf (23.12.2008).

⁶⁸ O Valedor do Pobo (2005), *Informe extraordinario do Valedor do Pobo sobre a situación da poboación xitana de Galicia. Ano 2005*, available at: <http://www.valedordopobo.com/index.php?s=115&i=22> (15.01.2009).

of the main persisting hindrances to the normalisation of this ethnic group, particularly in rented housing.

1.2.7. Data on household type and size

Concerning this issue, the map conducted by the Secretariado Gitano Foundation⁶⁹ reveals that:

- Forty one point one per cent of Roma people surveyed had access to the dwellings where they live through the free market, 50.0 per cent live in state-subsidised housing units, and 6.7 per cent gained access to housing through other ways⁷⁰ (see table 7 in Annex 1).
- Thirteen point five per cent of Roma people live in a one-family detached house; 18.5 per cent in a one-family semi-detached house; 26.2 per cent live in a flat or apartment in buildings with fewer than ten flats; 28.3 per cent live in a flat or apartment in buildings with more than ten flats; 0.2 per cent live in buildings not intended to be housing; 6.7 per cent live in very deteriorated dwellings; 3.9 per cent live in caves and shanty towns; 0.5 per cent live in barracks or similar transitional housing units; and 0.3 per cent live in mobile homes. These last five housing situations constitute those Roma individuals having been classified as 'excluded' in the same report (12 per cent living in a total of 10,811 housing units; in 1991, the number was 17,644) (see table 8 in Annex 1).

1.2.8. Data on the forced evictions

There are no data concerning this issue. It must be said, however, that in 2004 the Committee on Economic, Social and Cultural Rights (CESCR) of the United Nations indicated its concern regarding the increase in the number of individuals affected by forced evictions in Spain, and urged the Spanish government to provide comparative and disaggregated data in this regard.⁷¹

⁶⁹ Fundación Secretariado Gitano (2008) Mapa sobre vivienda y comunidad gitana en España 2007, available at: <http://www.gitanos.org/publicaciones/mapavivienda> (22.12.2008).

⁷⁰ Concerning this item, a significant difference is to be found between this study and the one conducted by the Centre for Sociological Research, in which the percentage of those Roma having achieved their flat through the free market is much higher (64 per cent). This difference could be explained considering that this other research only concerned home ownership whilst the one conducted by the Secretariado Gitano Foundation dealt with both home ownership and rented housing.

⁷¹ Committee on Economic, Social and Cultural Rights (2004) *Consideration of reports submitted by States Parties under articles 16 and 17 of the Covenant. Concluding observations of the Committee on Economic, Social and Cultural Rights. Spain*, available at:

1.2.9. Data on access of Roma/Travellers to public utilities

According to the Spanish-wide survey conducted at the end of 2006 by the Centre for Sociological Research,⁷² neighbourhoods inhabited by Roma (and easily accessible neighbourhoods nearby) enjoyed access to a number of public and community services. Eighty seven point nine per cent had a health centre, 95.4 per cent had a primary school, 75.6 per cent had a secondary school, 41.9 per cent had a vocational training centre, 65.1 per cent had a sports centre, 78 per cent had a park, 78 per cent had a nursery, 56.8 per cent had a cultural centre, and 68.3 per cent had an elderly community centre (see table 9 in Annex 1).

This study also revealed that electricity existed in 98.4 per cent of the Roma dwellings, running water was available in 97.6 per cent of them, 96.6 had a shower or bathtub, 96.1 had a toilet, and 92.1 had hot water (see table 10 in Annex 1). It has not been possible to obtain this information for all Spanish households.

The map conducted by the Secretariado Gitano Foundation⁷³ provides additional data on this issue:

- Around 80 per cent of the dwellings and neighbourhoods where Roma people live have a satisfactory level of facilities and services, with the most frequently cited deficiency being a lack of public transport. Thirty seven point four per cent stated that the buildings in which their flats are located are in acceptable condition; 35.1 per cent reported that street maintenance is good; 34.9 per cent, a plurality of the interviewees, stated that communication with other areas of the city is good; a plurality of 35.2 per cent stated that they felt the area in which they live is safe; and, a plurality of 32 per cent explained that they did not feel they experience particular vulnerability (see tables 11 and 12 in Annex 1).

The study conducted by the same organisation in Galicia reveals that 90 per cent of the segregated settlements consisting of substandard forms of housing or shanty towns are provided with electricity, 87 per cent have access to a water supply, 82 per cent have acceptable communications with the greater local area, 79 per cent have waste-disposal systems, and 53.8 per cent of these sites must be considered as degraded. Around 90 per cent of these sites have access to nearby health centres, schools, and social service centres. However, social and cultural issues may limit Roma communities' full enjoyment of health centres. Around 10 per cent of these sites are located near rubbish heaps, a percentage that is relatively high given that these heaps are currently being dismantled in Spain. Two out of 3 of these sites are located in places where flooding is a serious risk. Forty one per cent of the sites are also in close proximity to

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.99.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.99.En?Opendocument) (03.02.2009).

⁷² Centro de Investigaciones Sociológicas (2006) Encuesta sociológica a los hogares de la población gitana, available at: http://www.cis.es/cis/opencm/ES/1_encuestas/estudios/ver.jsp?estudio=7820&cuestionario=9034&muestra=14325 (16.01.2009).

⁷³ Fundación Secretariado Gitano (2008) Mapa sobre vivienda y comunidad gitana en España 2007, available at: <http://www.gitanos.org/publicaciones/mapavivienda> (22.12.2008).

heavy car and train traffic. It is also important to add that in 60 per cent of these sites the number of inhabitants is currently increasing, while the population is decreasing in only 15 per cent of them. In addition, the rate of increase in the number of inhabitants is higher than the rate of increase in the number of shanties, meaning that overcrowding is increasing (see table 13 in Annex 1). This is often because new couples go to live with parents.

There is less information regarding the age of the settlements in Galicia. According to this report, active policies are focused on improving the living conditions of these sites rather than on eradicating them. In addition, 36 per cent of them are not benefiting from any sort of positive public measures.

1.2.10. Data on available halting sites

There is no information on this issue.

1.2.11. The impact of housing conditions on a number of rights

As for research assessing the impact of housing conditions on the rights to education, employment, and health, the aforementioned Population and Housing Census conducted by the National Statistics Institute in 2001⁷⁴ includes a number of tables correlating educational level and employment status with housing quality and with housing and environmental problems.

The only significant correlations, however, are found between level of education obtained and housing quality and between level of education and housing tenure. Both correlations reveal that the lowest educational levels correspond to the lowest category of housing quality and tenure. However, this does not reveal causality; we don't know whether housing conditions impact educational level or the reverse – low education leads to few possibilities in the labour market and thus insufficient income to rent or purchase housing. No correlation has been found between these data and health status (see tables 14-15 in Annex 1).

1.3. Qualitative information of the housing situation of Roma and Travellers

Besides economic difficulties, different cultural patterns between the Roma and the non-Roma and extensive discrimination and prejudices are described as two added difficulties limiting access to adequate housing for the Roma population. Indeed, housing has sometimes been considered to be the domain where discrimination is most acute. Discrimination has also exacerbated underlying economic difficulties, as for instance in relation to the granting of mortgages by banks.

⁷⁴ Instituto Nacional de Estadística (2004) *Censo de Población y Viviendas 2001*, available at: <http://www.ine.es/jaxi/menu.do?type=pcaxis&path=%2Ft20%2Fe242&file=inebase&L=0> (21.01.2009).

In its Second Opinion on Spain, the Advisory Committee on the Framework Convention for the Protection of National Minorities,⁷⁵ for instance, states that despite undeniable progress, problems persist in the implementation of existing legislation and that Roma still face particular difficulties and discrimination in their access to housing as well as in other areas.

A very thorough study conducted in Catalonia, revealed that while 3 per cent of the Roma interviewed mentioned racism and prejudices as the reason for having encountered difficulties in housing access, 12 per cent attributed these difficulties to economic or bank problems.⁷⁶ Whilst economic difficulties appear to be the most important barrier for Roma individuals who wished to *purchase* a flat (72 per cent of the interviewees), racism and prejudices are a barrier primarily mentioned by those who wished to *rent* a flat (19 per cent of the interviewees). Non-Roma individuals, real estate agencies, and housing owners may not want Roma people as neighbours, although there are no real arguments behind their refusal, which appear to be merely based on prejudices. The Roma are considered to be a homogeneous community that lives only in very precarious conditions. These prejudices and stereotypes are assumed by the professionals involved in urban and housing projects so that racism subtly contaminates most of these projects, continuing to produce exclusion (See table 16 in Annex 1).

Regarding discrimination, the Spanish-wide survey conducted by the Centre for Sociological Research, which has been referenced in section 1.2 above,⁷⁷ questioned the Roma surveyed about whether they ever felt they had been treated unfavourably or in a discriminatory way because of their belonging to this ethnic minority. Regarding housing-related matters, 33.6 per cent and 22.7 per cent stated that they had felt they had been treated this way when looking to rent or to buy a flat respectively (See Table 17 in Annex 1).

While it is impossible to prove or to measure this discrimination in Spain, it has been frequently mentioned by a number of sources, such as NGOs like the Secretariado Gitano Foundation and SOS Racismo, and has been noted in previous reports of the Spanish Focal Point.

In this regard, the Secretariado Gitano Foundation has been publishing annual reports on discrimination against the Roma in a number of fields, among which is housing, for a number of years. These reports collect and describe examples of discrimination in a methodical way. References to these reports are to be found in sections below.

One of these reports⁷⁸ states that in Spain there is an important fracture between anti-discrimination rules and institutional practices, explaining partly how ethnic minorities continue to suffer from discrimination in a number of social fields.

⁷⁵ Advisory Committee on the Framework Convention for the Protection of National Minorities (2008) *Second Opinion on Spain, adopted on 22 February 2007*, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4858d97a2> (19.05.2009)

⁷⁶ M. Sánchez Aroca (Dir.) (2005) *Estudi sobre la població gitana de Catalunya. Informe final*, Barcelona: Fundació Pere Tarrés, Generalitat de Catalunya, available at: <http://www.gencat.net/benestar/publica/pdf/Estudi%20sobre%20la%20poblacio%20gitana%20de%20Catalunya.pdf> (16.01.2009).

⁷⁷ Centro de Investigaciones Sociológicas (2006) *Encuesta sociológica a los hogares de la población gitana*, available at: http://www.cis.es/cis/openem/ES/1_encuestas/estudios/ver.jsp?estudio=7820&cuestionario=9034&muestra=14325 (16.01.2009).

⁷⁸ Fundación Secretariado Gitano, *Discriminación y comunidad gitana. Informe anual 2005*, p. 43, available at: <http://www.gitanos.org/publicaciones/discriminacion05> (04.02.2009).

These views are also corroborated by the report the United Nations Special Rapporteur on Adequate Housing wrote about the housing situation in Spain after his visit at the end of 2006.⁷⁹ In addition to stating that the current homeownership model may have a negative impact on low-income housing options and calling for State intervention, the report calls for immediate attention to be paid to particular groups, including the Roma. The Special Rapporteur seems to have been particularly shocked by Roma settlements in Sevilla (Andalusia) and stated that he '[had] never seen people living in such bad conditions'.

Examples of discrimination also appear in SOS Racismo's annual reports.

1.3.1. Quality of housing available to Roma and Travellers

As we have seen, affordability is certainly considered to be the major difficulty for the Roma in terms of access to decent housing, although this can not be statistically illustrated due to the lack of ethnically disaggregated economic statistics in Spain. Only data for the Spanish population in general can be provided, which show how the economic efforts made by Spanish families to purchase a flat, regardless of quality, have continuously increased with only a slight decrease in the last quarter of 2008 after the highest relative increase ever was registered in the third quarter⁸⁰ (See table 18 in Annex 1).

In terms, still, of affordability, and despite the lack, once more, of accurate data, it is well known that the Roma are on average poorer than the non-Roma, so that it is extremely difficult for them to have access to decent housing in the overall context of price increases.

In terms of habitability, the surveys mentioned in section 1.2 above are the only available sources. From them, it can be inferred that around 12 per cent of Roma people live in low-quality housing units, and that 20 per cent live in dwellings and neighbourhoods with an unsatisfactory level of facilities and services.

Regarding accessibility to adequate housing, national housing plans (see section 1.1.1) are purportedly aimed at delivering selective support to those social groups experiencing the highest difficulties in accessing decent housing.⁸¹ However, what should be primarily considered is what the real outcome of all these provisions has been.

The current Spanish Plan for Housing and Rehabilitation,⁸² for instance, considers that among its beneficiaries the following populations should be regarded as deserving special protection: low-

⁷⁹ Human Rights Council (2008), *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari. Addendum. Mission to Spain*, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G08/105/31/PDF/G0810531.pdf?OpenElement> (13.01.2009).

⁸⁰ Banco de España, *Indicadores del mercado de la vivienda*, available at: http://www.bde.es/infoest/si_1_6.pdf (17.03.2009).

⁸¹ See for instance Spain/Real Decreto 1/2002 sobre medidas de financiación de actuaciones protegidas en materia de vivienda y suelo del Plan 2002-2005 (10.01.2002), p. 1, available at: <http://www.mviv.es/es/pdf/normativa/decreto0205.pdf> (30.12.2008).

⁸² Spain/Real Decreto 2066/2008, por el que se regula el Plan Estatal de Vivienda y Rehabilitación 2009-2012 (12.12.2008), available at: <http://www.boe.es/boe/dias/2008/12/24/pdfs/A51909-51937.pdf> (31.12-2008).

income families, individuals trying to purchase their first home, people under 35 or over 65, women having suffered from gender-based violence, victims of terrorism, individuals affected by natural catastrophes, large families, single-parent families with children, dependant and disabled individuals, divorced and separated individuals, the homeless, and individuals and families that had been living in shanty towns that are being eradicated. Roma are not mentioned as such.

In Catalonia, el *Pacte Nacional per l'Habitatge 2007-2016* [National Housing Agreement 2007-2016]⁸³ mentions as particularly vulnerable and therefore in need of special protection in housing-related issues the elderly, youth, migrants, large and single-parent families. Ethnic minorities are not mentioned, although some Roma fall into the vulnerable populations described.

Regarding housing location, one of the reports included in section 1.2⁸⁴ reveals that services were available in or near the neighbourhoods where Roma individuals were living at different rates (varying from 41.9 per cent for vocational training centres to 95.4 per cent for schools). These percentages that cannot be compared with the situation for the non-Roma population, as no comparable data exists.

No data have been found regarding housing in terms of cultural adequacy.

1.3.2. Issues of spatial and social segregation

Regarding spatial and social segregation, the first thing to be said is that in Spain this phenomenon has been studied much more in connection with migrants than in connection with the Roma population; we have not found a single study specifically dealing with the Roma and housing-related segregation. In contrast, educational segregation of the Roma has raised greater interest in Spain.

An annual report by the Secretariado General Gitano⁸⁵ recounts an incident that occurred in El Ejido (Andalusia), a town where various serious migration-related incidents have also occurred over the years. In 1998, the town council erected a wall in a neighbourhood where many Roma families were living. This wall almost completely isolated the Roma as they were deprived of easy access to public transport and other services. Seven years later, this wall, which was to be provisional, still existed.

An aforementioned report by the same organisation⁸⁶ estimates, as it has been said, that around 12 per cent of the Roma live in housing units located in segregated neighbourhoods. This situation, however, is more common in some Autonomous Communities, including Galicia (34.13 per cent), Asturias (13.1 per cent), the Balearic Islands (13 per cent), and Cantabria (10 per cent).

⁸³ Generalitat de Catalunya (2007), *Pacte Nacional per l'Habitatge 2007-2016*, available at: http://mediambient.gencat.net/Images/43_127253.pdf (30.01.2009).

⁸⁴ Centro de Investigaciones Sociológicas (2006) Encuesta sociológica a los hogares de la población gitana, available at: http://www.cis.es/cis/opencm/ES/1_encuestas/estudios/ver.jsp?estudio=7820&questionario=9034&muestra=14325 (16.01.2009).

⁸⁵ Fundación Secretariado Gitano (2006) *Discriminación y comunidad gitana. Informe anual 2006*, p. 45, available at: <http://www.gitanos.org/publicaciones/discriminacion06/informe137.pdf> (02.02.2009).

⁸⁶ Fundación Secretariado Gitano (2008) *Mapa sobre vivienda y comunidad gitana en España 2007*, available at: <http://www.gitanos.org/publicaciones/mapavivienda> (22.12.2008).

The problem is virtually non-existent in other areas, such as the Canary Islands, La Rioja, and the town of Ceuta.

1.3.3. Access to private housing

As stated before, the Secretariado Gitano Foundation has been issuing reports on discrimination against the Roma population for a number of years. One of the cases included in the most recent report⁸⁷ is an example of discrimination in access to private housing which is particularly interesting because it an interviewee revealed prejudicial beliefs. A female student called a flat owner to ask some survey questions, and the woman with whom she was speaking asked her whether she was Roma because she did not want anything to do with Roma and was not going to rent her flat to any of them. This occurred in Salamanca (Castilla-León) in January 2008. As part of this same survey, a real estate worker raised objections to renting a flat to a Roma when he was asked by the interviewer if he would have any problem doing so. Finally, the flat owner on behalf of whom the real estate worker acted argued that she did not want to rent her flat to any individuals with no permanent job.

In its previous annual report,⁸⁸ the same organisation also reported having conducted a similar exercise of situation testing in Cáceres (Extremadura) the year before.

In the housing field, quite a number of the cases described in these reports relate to violent reactions by non-Roma families when learning that Roma families are going to live next to them. These reactions are not a surprise if one takes into account the results of a survey conducted by the Centre for Sociological Research in 2005.⁸⁹ In this survey, the Roma appeared as one of the two populations that the greatest percentage of individuals would consider a big nuisance to have as neighbours (see table 19 in Annex 1).

In October 2007, some non-Roma in the small village of Pontecaldeas (Galicia) tried to prevent a Roma family from purchasing a house. Two Roma families were re-located to the village, and in May 2008, swastikas, Ku Klux Klan crosses, and xenophobic messages appeared in the village.

1.3.4. Access to social housing

One of the cases included in one of the annual reports issued by the Secretariado Gitano Foundation⁹⁰ relates to access to social housing. In Alcantarilla (Murcia) a Roma boy was rejected as a candidate to buy a state-subsidised flat despite his meeting all the requirements. He

⁸⁷ Fundación Secretariado Gitano (2008) *Discriminación y comunidad gitana. Informe anual FSG 2008*, p. 33, available at: http://www.gitanos.org/servicios/documentacion/publicaciones_propias/fichas/32960.html (02.02.2009).

⁸⁸ Fundación Secretariado Gitano (2007) *Discriminación y comunidad gitana. Informe anual 2007*, p. 61, available at: <http://www.gitanos.org/publicaciones/discriminacion07/resumen.pdf> (02.02.2009).

⁸⁹ Centro de Investigaciones Sociológicas (2005) *Barómetro noviembre 2005*, available at: http://www.cis.es/cis/opencm/ES/1_encuestas/estudios/ver.jsp?estudio=5118 (02.02.2009).

⁹⁰ Fundación Secretariado Gitano (2006) *Discriminación y comunidad gitana. Informe anual 2006*, p. 34, available at: <http://www.gitanos.org/publicaciones/discriminacion06/informe137.pdf> (02.02.2009).

was told by a friend of his who worked in a real estate agency that the reason for the rejection was his ethnicity.

In section 1.4.2 we report a number of complaints that were made to the Ombudsman of Castilla-León regarding applications for state-subsidised housing units submitted by Roma individuals, who after two years still had not received any answer yet. Seventeen Roma also lodged a complaint alleging that they had been excluded from the selection process for the granting of 17 rented flats.

In the past, we have reported on a number of racist and violent incidents that occurred in several places in the Autonomous Community of Galicia where Roma families were being re-accommodated in social housing units.

In February 2008, the mayor of Pontevedra (one of the four Galician capitals) was known to be trying to prevent three Roma families from being re-accommodated in the town. He even asked for a good-conduct certificate for all the members of these families and ordered their water supply be cut. In addition, demonstrations have been held where expressions such as 'Long Live Racism!' have been reported. It is interesting to note that in the neighbourhood where these Roma families were to settle down, around 600 other Roma individuals had been living for years with no apparent problems with the non-Roma. Finally, these three Roma families, which were alleged to be involved in drug-trafficking, were moved to another neighbourhood while two non-Roma local leaders were denounced by the *Asociación del Pueblo Gitano* [Association of the Roma People] on the grounds of that they had violated fundamental rights, and coerced and threatened the Roma families.

In March 2008, similar problems occurred in A Coruña, another of the four Galician capitals, following a rumour that a number of Roma families would be re-accommodated in three local neighbourhoods. In relation to this case, discriminatory and racist comments and threats appeared on the internet. The *Tribunal Superior de Justicia de Galicia* [High Court of Galicia] has announced its intention to investigate these threats.

A problem that is much mentioned in relation to access to social housing by Roma, while not discrimination, lies in the fact that many of them are not able to comply with some of the requirements for being candidates for social housing units. This is the case for instance of the requirement to submit payslips, which many Roma do not have because they work in non-formal jobs. An example of a non-formal job is the domestic service, although to our knowledge very few Roma women are involved in this sector. We cannot however, be categorical, as there is no ethnically disaggregated data in this regard.

1.3.5. Forced evictions

As commented in sections 1.1.1 and 1.2 above, in Spain there is neither any legal protection against forced evictions nor any data on this issue. In addition, no specific reports have been found on this subject, so in this section only a very specific recent relevant case is mentioned.

It occurred in Torrelavega (Cantabria) on November 2008 and has drawn the attention of the Spanish Ombudsman.⁹¹ According to regional Roma associations, members of this ethnic

⁹¹ See http://www.defensordelpueblo.es/herramientas/admin_noticias/uploads/Alerta%2026-11-08.pdf (20.05.2009).

minority were evicted from their dwellings by the local council in a racist and xenophobic way, although we do not have any specific information specifying the type or manner of this treatment. In addition, some of the families were evicted in the middle of winter without any alternative accommodation being offered. For some days, they lived in cars (including children). One of the Roma families affected has lodged an appeal against the town council.

Some references to evictions also appear in the aforementioned Second Opinion on Spain by the Advisory Committee on the Framework Convention for the Protection of National Minorities,⁹² as they describe incidents where Roma living in informal settlements were evicted. These incidents are said to often relate to urban re-planning schemes, which may entail the eviction of Roma families without the offer of any appropriate alternative accommodation. This has been, for instance, clearly the case of Roma families being forced to move from the Poble Nou neighbourhood (Barcelona, see section 1.3.6 below).

This is also the case of some evictions that occurred in the municipality of Sestao and described in an annual report by the *Ararteko* [The Basque Ombudsman]⁹³ Roma families were evicted with no provisions having been made for the Roma families affected to have access to decent housing

Some information contained in the sections below also includes references to eviction.

1.3.6. Legality and legalisation of settlements

During his visit to Spain in 2006, the United Nations Special Rapporteur on Adequate Housing seems to have been particularly shocked by Roma settlements in Sevilla (Andalusia) and stated that he had 'never seen people living in such bad conditions'.

As reported and regretted by the Advisory Committee on the Framework Convention for the Protection of National Minorities,⁹⁴ the Spanish Housing Plan 2005-2008 (see section 1.1.1) did not include among its objectives the eradication of segregated and substandard informal settlements, which has been included, however, in the most recent national housing plan, as reported in section 1.1.1 above.

The Eastern European Roma residing in Spain are those mostly likely to live in the worst housing conditions, which in Spain means encampments. In general, these encampments do not have any facilities at all.

An exception to this state of affairs is the *Programa Caminante* [Walking Programme], managed by the Vitoria town council (the capital of the Basque Country)⁹⁵ and praised as an innovative initiative by the Basque Ombudsman.⁹⁶

⁹² Advisory Committee on the Framework Convention for the Protection of National Minorities (2008) *Second Opinion on Spain, adopted on 22 February 2007*, pp. 13-14, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4858d97a2> (19.05.2009).

⁹³ Ararteko, *Informe al Parlamento Vasco 2006*, pp. 885-905, available at: http://www.ararteko.net/RecursosWeb/DOCUMENTOS/I/I_240_3.pdf (19.02.2009).

⁹⁴ Advisory Committee on the Framework Convention for the Protection of National Minorities (2008) *Second Opinion on Spain, adopted on 22 February 2007*, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4858d97a2> (19.05.2009)

⁹⁵ See more information on:

This programme is mostly but not solely addressed to the Romanian Roma living in Vitoria in mobile homes. The town council has looked for the most suitable council land to accommodate them and has provided them with new facilities in order to improve their living conditions: kitchen, dining room, laundry, an ironing service, bathrooms, showers, and a social assistance office. The aim of this programme is to help these families to achieve the necessary capacities to be able to enjoy an adequate standard of living in this town. The project entails four stages with each participating family:

- A personalised contact with and monitoring of each family;
- Day-to-day work with them according to their respective situation;
- Reception in a local service (sheltered homes, etc); and,
- Normalised integration in a dwelling within the town.

The programme includes a number of supplementary activities such as: school enrolment for the children, social work, coverage of basic needs, training in social abilities, social and labour integration, health training, training in healthy food habits, and educational activities.

A Roma long-standing encampment is located in the neighbourhood of Poble Nou (Barcelona). As reported by SOS Racismo,⁹⁷ in August 2002, the Barcelona town council was accused by some organisations of evicting Romanian, Portuguese, and Spanish Roma from the site they were occupying as if they were mere objects and without offering them any alternative place to go.

One year later, as also reported by SOS Racismo,⁹⁸ around 100 Roma families continued living in dreadful conditions in caravans and lorries in the same site, without a proper census having been conducted. Some of these families had been living in this neighbourhood for more than seven years and had also been evicted more than once. The most recently arrived families (Romanians) were living in plastic shanties.

In 2005, as again reported by SOS Racismo,⁹⁹ another site in Barcelona (neighbourhood of Sant Andreu) was occupied by Galician and Portuguese Roma families, some of whom had come from Poble Nou. The settlement continued to receive other Roma families. After 11 months of being in Sant Andreu, they were also evicted by the town council, a procedure which was criticised by the Catalan government because a reintegration plan for these same families that had been agreed with the town council itself was about to be launched.

Another recently established informal settlement affects a fairly high number of Romanian Roma. Around 2,000 members of this population arrived in the summer of 2007 in the municipality of La

http://www.vitoriagasteiz.org/we001/was/we001/Action.do?idioma=es&aplicacion=wb021&tabla=contenido&uid=60a4cd2b_11d4c34a56e_7fcb (20.02.2009).

⁹⁶ Ararteko, *Informe al Parlamento Vasco 2006*, p. 558, available at:

http://www.ararteko.net/RecursosWeb/DOCUMENTOS/1/1_240_3.pdf (20.02.2009)

⁹⁷ Federación Estatal de SOS Racismo, *Informe anual 2003 sobre el racismo en el Estado español*, p. 272.

⁹⁸ Federación de Asociaciones de SOS Racismo del Estado español, *Informe anual 2004 sobre el racismo en el Estado español*, p. 64.

⁹⁹ Federación de Asociaciones de SOS Racismo del Estado español, *Informe anual 2006 sobre el racismo en el Estado español*, pp 65-66.

Herrera, (Albacete, Castilla-La Mancha), with 400 inhabitants. They slept under the pines, in tents or on broken mattresses on lands belonging to the Spanish Ministry of the Environment.

Our experience is that in Spain informal settlements are dismantled and not legalised so there is not any sort of legalisation procedure. Not even the aforementioned Walking Programme, as commented by one of its managers, can be considered to be an example of legalisation.

1.3.7. Movement, encampment facilities and use of private land

No information can be added to what has been said in the section immediately above.

1.3.8. Access to public utilities

Nothing much can be said in addition to what has been previously reported regarding this issue, that is, that:

- Around 80 per cent of the dwellings and neighbourhoods where Roma people live have a satisfactory level of facilities and services, with the lack of public transport being the most frequent deficiency.¹⁰⁰
- Public utilities are available in or near the neighbourhoods where Roma individuals are living at percentages ranging from 41.9 per cent (vocational training centres) to 95.4 per cent (schools).¹⁰¹
- Infrastructure and sanitation are particularly bad in encampments and informal settlements.

1.3.9. Access and quality of housing for third country Roma/Travellers immigrants (especially for Roma/Travellers EU nationals)

Research carried out in the framework of an Equal project called Lungo Drom,¹⁰² which was focused on the Eastern European Roma living in the Autonomous Communities of Andalusia,

¹⁰⁰ Fundación Secretariado Gitano (2008) Mapa sobre vivienda y comunidad gitana en España 2007, available at: <http://www.gitanos.org/publicaciones/mapavienda> (22.12.2008).

¹⁰¹ Centro de Investigaciones Sociológicas (2006) Encuesta sociológica a los hogares de la población gitana, available at: http://www.cis.es/cis/openem/ES/1_encuestas/estudios/ver.jsp?estudio=7820&cuestionario=9034&muestra=14325 (16.01.2009).

¹⁰² R. Martínez (coord) (2008) *La población rrom del Este Europeo en el Arco Mediterráneo. El largo camino hacia la inclusión social*, Cartagena: ASPROSOCU, available at: <http://www.cepaim.org/data/Ressources/observlungo.pdf> (27.02. 2009).

Catalonia, Murcia, and Valencia, describes, among other issues, the housing conditions of this population. They often live in rented flats, frequently inhabited by more than one family; in temporary or permanent encampments; or in abandoned or ruined buildings. In the last two cases, housing conditions are extremely precarious, with no water, electricity, or hygienic services. In addition to difficulties in affording decent housing, this population is negatively impacted by prejudices and discrimination. Discrimination is often two-dimensional, as Eastern European Roma experience discrimination as migrants and as Roma.

Previous research (2006) undertaken by the Catalan Government¹⁰³ focused on Eastern European Roma migrants living in Catalonia. Although Catalonia is the Autonomous Community that the aforementioned study considers to be the one in Spain where the housing conditions of the European Eastern Roma are the least bad, the conditions found were sub-standard. Among other problems, the report describes overcrowding (from 15 to 20 individuals belonging to three or four families living in the same housing unit); high rental fees (between 500 and 700 € for flats of about 50 m²); bad housing conditions (inadequate water, electricity, and gas facilities); lack of basic electric appliances; and lack of basic furniture.

No information has been found relating to Roma asylum seekers.

1.3.10. Campaigns undertaken by authorities to inform the Roma/Traveller communities on their right to adequate housing

None has been found.

1.3.11. Impact of housing deprivation on the overall situation of Roma and Travellers

We can end this section highlighting what we have stated so far: according to the Secretariado Gitano Foundation,¹⁰⁴ around 12 per cent of the Roma population in Spain must be considered as excluded from adequate housing. This obviously impacts other fields such as employment, education, and health, thus reinforcing a cycle of social exclusion. Indeed, all these fields influence each other, making it very difficult for those Roma affected to improve their living conditions.

¹⁰³ Generalitat de Catalunya, Departament de Benestar i Família (2006) *Gitanos procedents de l'Europa de l'Est a Catalunya*, available at: http://www.gencat.net/benestar/publica/pdf/Tripa_gitanos.pdf (06.02.2009).

¹⁰⁴ Fundación Secretariado Gitano (2008) Mapa sobre vivienda y comunidad gitana en España 2007, available at: <http://www.gitanos.org/publicaciones/mapavivienda> (22.12.2008).

1.4. Case law and complaints relating to the housing of Roma and Travellers

1.4.1. Public bodies recording and processing complaints or allegations of housing rights violations and racism and discrimination in housing

The first public body to consider is the equality body arising from the transposition of Directives 2000/43/EC and 2000/78/EC to the Spanish legal system. These Directives relate to the monitoring of any examples of discrimination on ethnic grounds and their reparation. In Spain, this body has been called *Consejo para la Promoción de la Igualdad de Trato y No Discriminación de las Personas por el Origen Racial o Étnico* [Council for the Promotion of Equality of Treatment and Non-discrimination on Ethnic or Racial Grounds].

Its mission¹⁰⁵ has been stated as the following: the promotion of the principle of equality of treatment and non-discrimination of individuals on grounds of their racial or ethnic origin; in education; health; social services and benefits; housing; the general access to any goods and services; employment access; self-employment; and in the membership of and participation in trade unions and employers' organisations, regarding working conditions, career development, vocational training and lifelong learning.

Some of its aims are: 1) delivering independent assistance to victims of racially-grounded direct or indirect discrimination when processing their complaints; and 2) carrying out independent reports on discrimination due to racial or ethnic origin and on respect of the principle of equality.

This body, however, has not yet started to operate yet. The most recent news is that a Ministerial Order¹⁰⁶ gave notice to the social organisations selected for its membership, all of which engage in activities related to the promotion of equality of treatment and non-discrimination on grounds of racial or ethnic origin.

The second body to consider is the *Observatorio Español del Racismo y la Xenofobia* (OBERAXE) [Spanish Observatory on Racism and Xenophobia], because two of its aims are collecting and monitoring racially-based complaints and supporting the Council for the Promotion of Equality of Treatment and Non-discrimination on Ethnic or Racial Grounds.

Other public bodies are the Ombudsmen, which in Spain exist both at the national and at regional levels, that is, in the majority of Autonomous Communities.

Another example, this one at the local level, is the Barcelona-based *Oficina per la No Discriminació* (OND) [Agency for Non-Discrimination] considered to be the first one in Europe at

¹⁰⁵ Spain/Real Decreto 1262/2007, por el que se regula la composición, competencias y régimen de funcionamiento del Consejo para la Promoción de la Igualdad de Trato y No Discriminación de las Personas por el Origen Racial o Étnico (21.09.2007), available at: <http://www.boe.es/boe/dias/2007/10/03/pdfs/A40190-40195.pdf> (13.02.2009).

¹⁰⁶ Spain/Orden IGD/18/2009 (08.01.2009), available at: <http://www.boe.es/boe/dias/2009/01/19/pdfs/BOE-A-2009-908.pdf> (13.02.2009).

the local level that deals with discrimination on the grounds of gender, physical or mental health, age, and geographical origin.

None of these bodies deal only with discrimination in the area of housing.

1.4.2. Complaints data regarding Roma and Traveller housing

Regarding specific complaints, we have detected one registered by the *Defensor del Pueblo Español* [Spanish Ombudsman].¹⁰⁷ He stated that he was aware of the difficulties some Roma people were encountering (in 2004) to buy or to rent flats in O Porriño (Pontevedra, Galicia). The local Roma said they were faced with their neighbours' mistrust so many times they had to use third parties to be able to buy or rent a flat. The Spanish Ombudsman got in touch with the regional and local administrations concerned, where no complaints were said to have been received regarding racism or xenophobia against the Roma. The research the Spanish Ombudsman had started was then stopped due to lack of proof.

In addition, we have monitored all the reports conducted since 2000 by all the regional Ombudsmen in Spain.

Regarding them, we have only detected five complaints included in the annual report 2001¹⁰⁸ by the *Procurador del Común de Castilla y León* [The Ombudsman of the Autonomous Community of Castilla and León]. These complaints were made by inhabitants of substandard forms of housing in the town of Segovia who had applied more than two years before for state-subsidised housing units but had not yet received any answer. At the same time, the complainants showed their concern about the exclusion of 17 Roma individuals from the selection process for the granting of 25 rented flats. After an inquiry, the regional Ombudsman considered that these families had been unduly excluded. This could be, then, an example of discrimination in the access to social housing, as was mentioned in section 1.3.4.

In Annex 1 we summarise all the available information we have been able to collect in this matter, which is based only on the two references above (Spanish Ombudsman and the Ombudsman in Castilla y León). But as has been stated many times, the existence of few complaints does not necessarily mean that housing abuses or discrimination against the Roma do not occur.

1.4.3. Key exemplary decisions by courts, specialised bodies or tribunals relating to the housing of Roma and Travellers

Regarding decisions by courts, specialised bodies, or tribunals related to the housing situation of Roma and Travellers, only a very old one by the Spanish High Court has been found. Due to its

¹⁰⁷ Defensor del Pueblo Español, *Informe anual 2005*, pp. 106 and 401 available at: <http://www.defensordelpueblo.es/index.asp?destino=informes1.asp> (16.02.2009).

¹⁰⁸ Procurador del Común de Castilla y León, *Informe anual 2001*, pp. 1647-1658, available at: <http://www.procuradordelcomun.org/documentacionB7.php> (17.02.2009).

importance, we have included it in Annex 2.¹⁰⁹ The Court condemned the Madrid town council, which had opened a ditch of about three metres wide and one metre deep and erected a parapet that isolated about 400 dwellings that were inhabited by around 3,000 Roma individuals. The pretext was the prevention of criminal activities. The Spanish High Court argued that a number of interventions (such as police control) had violated the principle of equality recognised by the Spanish Constitution, as these interventions had subjected all the inhabitants of this area to a degree of discrimination, harassment, and control that no other neighbourhood in Madrid had ever experienced. The disproportionate treatment was determined to be based solely on prejudices against the Roma.

There are few court decisions related to housing and Roma or Travellers. The European Network Against Racism (ENAR) has pointed out that racial discrimination as an aggravating circumstance is seldom recognized by Spanish judges and racism-related offences are often treated as mere faults.¹¹⁰

1.5. Identifying good practices

One of the most unanimously recognised best practices has already been mentioned in this report and included as a good practice in our national report 2005: *Avilés por una convivencia intercultural. Plan de erradicación del chabolismo* [Aviles in support of cross-cultural relationship. Plan for the eradication of local shanty towns].

The following summarises this project:

- Title: *Avilés por una convivencia intercultural. Plan de erradicación del chabolismo* [Aviles in support of cross-cultural relationship. Plan for the eradication of local shanty towns].
- Organisations/Institutions: *Ayuntamiento de Avilés* (Avilés Town Council); *Gobierno de Asturias* (Government of Asturias, the regional government)]; *Fundación San Martín* (San Martin Foundation, a non-profit making building company); *Secretariado Gitano* Foundation.
- Type of organisation/institution: government.
- Type of initiative: Community cohesion-social integration.
- Total budget and sources of funding: 9,017,802.3 € from the local council and the regional government for the period 1999-2007.

¹⁰⁹ Spain/Tribunal Supremo/STS 78/1988 (17.01.1988), available at: http://www.poderjudicial.es/jurisprudencia/pdf/28079130011988102696.pdf?formato=pdf&K2DocKey=E:\SENTENCIAS\20051011\28079130011988102696.xml@sent_TS&query=%28gitano%29%3CAND%3E%28%3CYESNO%3E%28fecha_resolucion+%3E%3D+19880101%29%29%3CAND%3E%28%3CYESNO%3E%28fecha_resolucion+%3C%3D+19880228%29%29 (20.02.2009).

¹¹⁰ D. Lorente; L. Alonso (ENAR) (2007) *ENAR Shadow Report 2006. Racism in Spain*, p. 21, available at: http://cms.horus.be/files/99935/MediaArchive/national/Spain_2006.pdf (23.02.2009).

- Rationale: This plan broke with the traditional model of accommodating the Roma minority group in isolated neighbourhoods because of this model being associated with outcomes such as: urban environmental degradation, lack of safety, overcrowding, bad relations among neighbours, and so on. This traditional model also led to a concentration of ethnic minorities in specific neighbourhoods, a measure which was planned as provisional but which many times ended up lasting for the long-term duration and creating real ghettos.
- General objective: Complete eradication of shanty towns in Avilés through access to normalised housing units, and measures supporting the social and labour integration of the Roma population and the promotion of cross-cultural links. Housing relocation was paid by the Roma families themselves, which were provided with financial support for the purchase of basic appliances (washing machine, refrigerator, cooker, etc.) and furniture. The flats were paid by the Fundación San Martín through local and regional public funds.
- Specific objectives:
 - Housing: Facilitating access to decent housing to facilitate social integration and renewal of the urban environment where the shanty towns were located.
 - Training and employment: Improving the employment rate of the Roma minority.
 - Education: Making the Roma population more aware of the importance of formal education and achieving full school enrolment of all Roma children.
 - Health: Promoting healthy habits in order to improve living conditions.
- Target group: Local Roma families.
- Time frame and location: 2000-2007 (second stage), town of Avilés.
- Brief description of main activities: The plan consists of 28 measures, which were unanimously agreed on by all the local political groups. As said above, it broke with the traditional model of isolated neighbourhoods to accommodate Roma individuals displaced by shanty town eradication and opted for their integration in normalised dwellings located in different areas within the town (innovative approach).
- Involvement of Roma and Travellers in the design, implementation and assessment: Four associations of Roma youth and women were created and promoted during the plan. A working team called

'Ethnic Minorities' was set up, and beneficiaries took part in the decisions regarding the type of flats, the neighbourhoods where they preferred to move, and so on. A survey was also conducted among the beneficiaries.

- Any specific focus on Roma women, children, the elderly or persons with disabilities: Children were assisted through an extensive vaccination programme and paediatric health monitoring. Gender issues were not taken into account in the plan.
- Difficulties and limitations encountered: Residents' associations should have participated more in order to prevent any rejection of the Roma community by non-Roma neighbours, Roma individuals should be made more aware of the importance of how training relates to their employment prospects and of the importance of active involvement in the social inclusion processes they are the beneficiaries of, and, finally, further monitoring of the families re-accommodated should be conducted.
- Any impact assessment or other evaluation: The plan was evaluated in a published study.¹¹¹ Regarding housing, because this was an integrated project which, as said above, also included measures in the fields of employment, education, and health, all the local shanty towns were eradicated and 120 Roma families were re-accommodated in decent flats in two stages. The last shanty town was demolished in 2007 and all the families were moved to normalised flats. None of the families that had been living in shanty towns subsequently moved to another shanty town. The project was qualified as 'good' at the 2002 Dubai International Award for Best Practice, which recognised the improvement in housing conditions. In 2006, the United Nations qualified this plan as 'best' regarding the re-accommodation and the social integration of ethnic minorities in Avilés.
- Sustainability: The plan has been declared as sustainable by its promoters. One of its partners, the *Constructora Benéfica San Martín* [Saint Martin Charitable Builders], became a Foundation and it now intermediates between those individuals living in substandard forms of housing and the housing market. The town council is monitoring new construction, and, as of now, no new shanty towns have appeared.
- Possibilities for transferability and mainstreaming: As a result of this plan, a "programme of access to rented housing by ethnic minorities 2005-2007" was launched. In 2008, this programme was reshaped as the "programme for housing access for people in

¹¹¹ E. Agulló; et al (2004) *Erradicación del chabolismo e integración social de los gitanos en Avilés. Investigación, evaluación y propuestas*, Oviedo: Universidad de Oviedo; Ayuntamiento de Avilés.

vulnerable situations", targeting single-parent families, victims of gender-based violence, migrants, and families excluded or at-risk of social exclusion. A number of other municipalities both within and outside this region (Asturias) have asked for information about this plan with a view to implementing it in their respective localities. Many have adopted at least parts of its approach, strategy, and/or contents.

The second example of good practice, relates to the *Instituto de Realojamiento e Integración Social* (IRIS) [Agency for Social Re-accommodation and Integration].

- Title: *Instituto de Realojamiento e Integración Social* (IRIS) [Agency for Social Re-accommodation and Integration (IRIS)].
- Organisation: IRIS is a public body attached to the Department of the Environment, Housing, and Town and Country Planning of the Madrid regional government.
- Type of institution: government.
- Contact information and internet link: Francisco Javier Ramírez Caro, Avenida de Asturias, 39, 28029 Madrid, T. 91 405 96 34, secretaria.dg@iris.madrid.org
- Type of initiative: Community cohesion-social integration.
- Total budget and sources of funding: 29,027.762 € (for the year 2008), from the regional government.
- Rationale: IRIS tackles social exclusion in an integrated way, as in addition to housing-related measures its work also concerns social support, including health; education; and employment. Given that in the case of the Roma, social exclusion is linked to a number of cultural traits, IRIS' methodology includes awareness-raising activities and considers social accompaniment as a fundamental part of their work. IRIS intends to assist a majority of their beneficiaries to obtain new housing and to avoid future institutional dependency.
- General objectives: IRIS was created in 1998, although a predecessor group working with disadvantaged populations had been in place for more than 20 years. It has two basic aims:
 - Providing a dwelling for those individuals meeting the criteria specified in IRIS' founding documents, generally those who require housing to be able to progress and integrate socially; and
 - Facilitating the social integration of individuals and families living in shanties or substandard forms of housing, and of other families and individuals that despite having had access to state-

subsidised housing unit continues to be in need of social support.

- Specific objectives:

- Breaking with the long-term institutional dependency to which many of these families have become accustomed;
- Promoting the educational integration of young and adult Roma individuals;
- Helping Roma adults to acquire the skills necessary for finding and maintaining employment;
- Facilitating social cohesion through improved relations between Roma and non-Roma families living nearby; and
- Co-operation with town councils in the eradication of shanty towns, while avoiding that families are re-accommodated in specific buildings, neighbourhoods, and districts.
 - Target group: Primarily members of the Roma minority and other disadvantaged groups that live or have lived in shanty towns and that have been re-accommodated in normalised dwellings.
 - Time frame and location: From 1998 onwards; Autonomous Community of Madrid (city and province).
 - Brief description of main activities: The work of IRIS consists of seven stages:
 - Analysing the situation and evolution of local areas of substandard forms of housing; in 2008 17 settlements or shanty towns were thoroughly examined, which included a total of 1,384 housing units;
 - Preparing families for their re-accommodation in conventional flats through the involvement of social workers; teachers; and social educators, who visit the families on a daily basis. In 2008, 593 families in six different locations were assisted through 12,498 actions and 538 minors were monitored in school matters;
 - Buying and exhaustively remodelling the flats bought to be in perfect condition: in 2008, IRIS bought 57 new dwellings;
 - Granting and renting the flats while taking into account a number of considerations such as location, size, etc: in 2008, 1,913 housing-related applications from 1,030 families were received;

- Re-accommodating the families and demolishing shanty towns, a stage in which all IRIS working teams participate in order to integrally support the families affected: in 2008, 38 families were re-accommodated and 60 shanties demolished;
- Supporting the families during their social inclusion process through a personalised integration pathway that consists of regular visits and contacts with non-Roma neighbours, mutual help strategies, etc.; and,
- Monitoring the appropriate use of the dwellings granted.
 - Involvement of Roma and Travellers in the design, implementation and assessment: the IRIS has two Roma technicians who deal with labour guidance within the employment programme.
 - Any specific focus on Roma women, children, the elderly or persons with disabilities: Roma children and youth are paid special attention through the educational programme, which encompasses pre-school and mandatory education. For Roma women, some specific services also exist, such as those focused on literacy, social skills, and leisure and spare time.
 - Difficulties and limitations encountered: Although families are planned to be re-accommodated in a way that avoids their concentration in specific places, housing prices many times limit such a balanced distribution. Other difficulties and limitations relate to the non-existence of rapid mechanisms to check the emergence of new shanty towns; and, to some traits of the Roma culture, which stills favour extended families and earlier age of marriage than in non-Roma families, making housing needs also appear earlier.
 - Any impact assessment or other evaluation: Internal evaluations are very important to IRIS, and they have been undertaken regularly since 2003. In addition, its work has been recognised as one of the best examples of public policies carried out in the European Union regarding the most disadvantaged Roma populations. In this regard, IRIS has been highlighted as a pioneer initiative because it combines re-accommodation with educational measures and personalised monitoring and support of participating families. In 2006, it was evaluated by the University of Granada in the study *IRIS, un modelo de intervención social en la Comunidad de Madrid. Su impacto en la población realojada y en las relaciones vecinales* [IRIS, a model of social intervention in the Community of Madrid.

Its impact on the relocated population and on community relations.[The study highlighted the following points:

- More than 4,000 dwellings have been granted over 20 years to families that had been living in shanty towns;
- More than 6,000 shanties have been demolished in this period;
- At least 38 per cent of the families re-accommodated in flats have been helped with regularisation issues and 40 per cent of them have been supported to access benefits, pensions, etc.;
- More than 71 per cent of the families re-accommodated have been helped in education-related matters so that now practically all the children regularly attend school;
- Forty six per cent of the family members have participated in measures aimed at labour integration; and
- In 12 per cent of the families, IRIS' work has been essential to helping the family achieve normalisation concerning the Spanish public health system.
 - Sustainability: Through the monitoring of the families re-accommodated, IRIS looks for its work to be sustainable. In addition, it has recently (December 2008) launched a new community service called ASIVECAM, whose aim is to create permanent social support networks to favour the relationship among neighbours in areas where there is a high conflict rate and to prevent the emergence of new conflicts in new re-accommodation areas. This service is jointly being implemented by IRIS, the *Instituto de Vivienda de Madrid* (IVIMA) [Madrid Housing Agency] and the *Dirección general de Vivienda y Rehabilitación* [General Direction of Housing and Rehabilitation].
 - Possibilities for transferability and mainstreaming: IRIS' experience has drawn the attention of the Czech government in a number of fora, as well as of several countries including Hungary, Romania, Colombia, and the Bilbao town council (Basque country), among others. Those responsible for this project believe that their working model, focused on social accompaniment, participation, and empowerment, is fully transferable to other contexts and populations.

1.6. Major national projects targeting the housing situation of Roma and Travellers that are not included in the previous section

As mentioned at the end of section 1.1.4 above, two other housing projects benefiting the Roma and Travellers have been broadly praised in Spain.

The first one is the Dual Programme.¹¹² It is a municipality-based initiative that has been conducted since December 1997 by the *Fundación Lesmes* [Lesmes Foundation] in the city of Burgos (Castilla-León) through an agreement with the town council to eradicate shanty houses and substandard housing. In addition to the main project aim of re-accommodating all local Roma families in normalised flats all over the city and facilitating their labour and social integration, the initiative includes a number of supplementary activities such as providing information to target families and family education before and after the re-accommodation. These have contributed to the programme's success.

Family education activities include capacity building in the fields of health, training, employment, domestic economy, family organisation, social skills, and housing maintenance.

The initiative is now working with 78 families, with the total number ever served being 110. Bakinet, one of the two major Roma settlements in the city, has been completely demolished, and all 60 families that had been living there have been successfully re-accommodated in other areas of the city. These have been the two major project achievements to date.

The involvement of Roma families is ensured through monthly meetings in which the objectives of family education are negotiated and agreed.

The project has qualified as 'good' in the 2004 and 2008 editions of the Dubai International Award for Best Practice and has been included in Spanish Catalogues of Good Practice.

The project and the work of the Lesmes Foundation are periodically evaluated by the *Fundación Lealtad* [Lealtad Foundation], a pioneer non-profit Spanish organisation that was created in 2001 with a view to increasing the trust of Spanish society in NGOs. In order to accomplish this aim, the Foundation issues independent and objective information and reports on Spanish NGOs.

¹¹² See more information at: <http://www.fundacionlesmes.org> (25.05.2009)

Concerning the Lesmes Foundation, references can be found at the internet addresses of the Lealtad Foundation included in this footnote.¹¹³

The second initiative is the 'Project for Comprehensive Social Intervention in Aldea Moret'. This project was mentioned as a good practice in the Third National Action Plan for Social Inclusion in Spain 2005-2006. It was also qualified as 'good' in the 2002 Dubai International Award for Best Practice.

The project was conducted from 2000-2002 in the Aldea Moret neighbourhood (Cáceres, Extremadura), 25 per cent of whose 8,000 inhabitants belong to the Roma minority. The main project aim was to improve the living conditions of these families and to provide them with equal access to housing, education, employment, and health services. The project led to the end of many of the housing-related deficiencies the neighbourhood had experienced over the years.

The local residents' associations had a very high level of participation during project development.

¹¹³ <http://www.fundacionlealtad.org/web/jsp/organizaciones/mostrarOrganizacion> and Fundación Lealtad, *Guía de la transparencia y las buenas prácticas de las ONG 2008*, available at: http://www.fundacionlealtad.org/intranet/uploads/publicaciones/GUIA_LEALTAD%202008_ligero.pdf (25.05.2009).

2. Field research – interviews

This chapter summarises the main findings derived from interviews conducted with relevant national authorities and civil society representatives from organisations found on a list provided by the FRA itself.

The interviewees were:

- Official of VINCLE-ARA, an association of social research and action. The interview was held in Barcelona on the 24th of February.
- Official of Secretariado Gitano Foundation. The interview was held in Madrid on the 26th of February.
- Adviser for the Minister of Housing. The interview was held in Madrid on the 13th of March.
- Official of the Ministry of Housing. The interview was held in Madrid on the 13th of March.
- Official of *Asociación de Mujeres Gitanas Españolas Romi* [Association Romi of Spanish Roma Women]. The interview was held in Madrid on the 17th of March.

2.1. Brief description of the methodology

All interviews were conducted face-to-face using the questionnaires provided by the FRA.

No telephone interviews were held due to the technical difficulties associated with recording them given that many NGOs did not have the necessary equipment installed.

Time pressure presented another problem; it is not really easy to find a date for face-to-face interviews because organisations and institutions usually have a very heavy workload.

2.2. Summary of main points including exemplary illustrative quotes

One of the most outstanding points is the persistence of shanty towns and substandard forms of housing in Spain in the twenty-first century, particularly in Madrid, Andalusia, Galicia, and Asturias. Moreover, most of their

inhabitants belong to the Roma minority. Other Roma live in substandard forms of housing, while others are segregated in public housing neighbourhoods. These all arise in part from inequality in housing access, combining with other persisting unfortunate phenomena to hinder social cohesion.

It must be added that in many cases, substandard forms of housing were conceived as a transitional step between shanty towns and normalised housing units, and that this phase is not always as short-term as planned. This transitional step should be abolished completely. Eradicating shanty towns and substandard forms of housing is clearly a pressing need in Spain. These forms of housing violate the right to decent housing and represent discrimination considering, as has just been said, that most of their inhabitants are Roma individuals and families.

In addition, the eradication of shanty towns and substandard forms of housing should be carried out with a more integrated and systematic approach than has been the usual way. That is, sporadic interventions should be abandoned and efforts should focus on the real problem behind shanty towns and substandard forms of housing: social exclusion and all its side effects, such as lack of safety in these areas. Spain should urgently remove all shanty towns and renew all the neighbourhoods with substandard forms of housing, an objective that the current Spanish government has committed itself to achieve in the current term of office and one that could be managed through the most recent national housing plan.

There is not only a lack of integrated housing policies but also of widely-agreed criteria on the best way to proceed in re-accommodation and urban renewal.

Another particular aspect to which more attention should be paid relates to re-accommodation procedures. For the Roma ethnic group, the extended family is of the utmost importance. These procedures should thus try to avoid that relatives who had been living in close proximity are re-accommodated in very distant places. Moving to better housing can be traumatic for some Roma individuals; aspects of the transition should be taken into consideration.

Another pressing issue because it has not been accorded sufficient attention is the need to work with non-Roma neighbours living in the areas where Roma families are going to be re-accommodated in order to avoid rejection by the former.

In Spain, there are a number of differences among Autonomous Communities regarding the eradication of shanty towns; in some communities shanty towns have been completely eradicated, although in some cases they have been replaced by less visible but still substandard forms of housing. Regional differences are mostly due to the implementation or non-implementation of housing policies by regional and local governments, given the fact that the central government only designs the general framework and being regional and

local Administrations are left to implement housing policies in their respective territories. This means that much depends on the political will of regional and local Administrations.

The added needs of particular groups of Roma/Travellers including women, children, the elderly, and persons with disabilities are broadly acknowledged, although no specific measures regarding them seem to have been taken in re-accommodation initiatives. In some cases, great mistakes were made. For example, some Roma families with individuals with disabilities were re-accommodated in buildings with no lift.

According to an official of the Association Romi of Spanish Roma Women, this mistake affected more than one Roma family in Madrid, although she has not been able to provide us with the exact number. In all the cases, the problem was solved; all the Roma families affected were moved to other buildings with a lift, albeit with a delay of between six months and two years.

For the Spanish Ministry of Housing, the key priorities are clear and relate to what has been recognised as an anomalous situation - the persistence in Spain in the 21st century of shanty towns and substandard forms of housing and the fact of most of their inhabitants belong to the Roma minority.

All the organisations and institutions interviewed agree that the human and economic resources allocated to improving the housing situation of Roma and Travellers are inadequate.

Moreover, Roma associations and NGOs tend to agree that state institutions have not adequately prioritised the housing needs of Roma and Travellers.

Despite the inadequate attention and resource commitment, housing policies exist at the national, regional, and local levels that are said to have greatly benefited the Roma population, particularly in the last 15 years. Regarding the impact of (general) housing policies on the situation of Roma and the Travellers in other fields, one of the interviewees raised an interesting specific point: re-accommodation in normalised housing units has meant that Roma families and individuals assume greater expenses than when they were living in shanty towns or in substandard forms of housing. Therefore, some members of re-accommodated families have had to look for normalised jobs and have become more aware of the importance of training and of being registered in official employment agencies, which has in turn allowed them to receive unemployment benefits if they lose their job. This has undeniably been an added step forward towards integration.

The impact of this, however, has not been accurately measured in Spain, so interviewees referred to this issue in a rather general way.

Regarding examples of good practice, perhaps particular aspects of different specific initiatives should be highlighted rather than programmes as a whole. So rather than analysing initiatives globally it might be better to examine how different initiatives have dealt with particular issues. According to this view, for initiatives to be considered as examples of good practice, it should be proven that they have addressed housing-related problems in an integrated way and have paid due attention to the social dimension. We could say that some initiatives that were well-planned and that had the potential to be examples of good practice instead ended up as examples of ill practice because they failed to address the social dimension, thinking that the work to be done consisted solely of re-accommodation.

Regarding discrimination or inequality, the same interviewee referred to before also commented on an aspect of overcrowding we had not heard of before. Roma associations have worked to convince Public Administrations that were eradicating shanty towns that multi-generational households should not necessarily be re-accommodated in the same household as this would constitute overcrowding.

Regarding the fight against discrimination in housing, it can be inferred from the interviews that this is an issue that NGOs and Roma associations are more concerned about than the public administrations or, at least, than the Spanish Ministry of Housing.

Annex 1: Statistical tables

Table 1. Typologies of housing units built

	1990	2007
Total number of housing units finished	282,100	646,900
Total number of state subsidised housing units finished	61,000	67,100
Results in percentages	21.62%	10.37%

Source: Instituto Nacional de Estadística, Estadísticas de la construcción

Table 2. Number of people living in Roma households in 2006 and number of people living in all Spanish households in 2001

Number of people in Roma households	Percentage of households	Number of people in all Spanish households	Percentage of households
1	2.3 %	1	7.0 %
2	10.3 %	2	17.66 %
3	15.1 %	3	22.50 %
4	23.5 %	4	30.57 %
5	21.1%	5	13.60 %
6	11.5 %	6	5.25 %
7	7.7 %	7	1.90 %
8 or more	8.5 %	8 or more	1.50 %
Average number of members	4.71		3.57

Sources: Centro de Investigaciones Sociológicas, Encuesta sociológica a los hogares de la población gitana and Instituto Nacional de Estadística, Censos de Población y Vivienda 2001

Table 3. Number of rooms in Roma housing units in 2006 and in all Spanish housing units in 2001

Number of rooms in Roma housing units	Percentage of households	Number of rooms in all Spanish housing units	Percentage of households
1	1.9 %	1	0.54 %
2	8.9 %	2	2.44 %
3	31.5 %	3	9.60 %
4	43.5 %	4	20.01 %
5	11.0 %	5	38.20 %
6	1.9 %	6	19.82 %
7	0.7 %	7	5.24 %
8 or more	0.2 %	8 or more	4.21 %
Unknown	0.5 %	Unknown	-
Average number of rooms	3.63		4.35

Sources: Centro de Investigaciones Sociológicas, Encuesta sociológica a los hogares de la población gitana and Instituto Nacional de Estadística, Censos de Población y Vivienda 2001

Table 4. Housing tenure among Roma families in 2006 and among all Spanish families in 2001

	Percentages for Roma families	Percentages for all Spanish families
Home ownership	49.3 %	82.17 %
Rented home	33.8 %	11.38 %
Flat left on a cheap or free-of-cost basis	16.2 %	2.65 %
Others/Unknown/Unrecorded	0.8 %	3.81 %

Sources: Centro de Investigaciones Sociológicas, Encuesta sociológica a los hogares de la población gitana and Instituto Nacional de Estadística, Censos de Población y Vivienda 2001

Table 5. Location of housing units in the respective municipalities in 2007

	Number of housing units	Percentages
Old city	12,687	13.7 %
Central neighbourhoods	21,519	23.2 %
Peripheral neighbourhoods	33,161	35.7 %
Segregated areas	4,297	4.6 %
Dwellings scattered and integrated within the municipality	14,553	15.7 %
Unknown	5,748	6.2 %
Unclassified	805	0.9 %
Total	92,770	100.0 %

Source: Fundación Secretariado Gitano, Mapa sobre vivienda y comunidad gitana en España 2007

Table 6. Normalised and non-normalised forms of housing in 1991 and 2007.

	1991		2007	
	Number of housing units	Percentages	Number of housing units	Percentages
Normalised one-family flats or apartments	38,530	68.6 %	80,299	88.1 %
Very deteriorated dwellings	9,664	17.2 %	6,223	6.7 %
Caves and shanty towns	5,624	10.0 %	3,578	3.9 %
Barracks or similar transitional housing units	2,261	4.0 %	500	0.5 %
Buildings not intended as living spaces	95	0.2 %	196	0.2 %
Mobile homes	Unknown	Unknown	314	0.3 %
Total	56,174	100.0 %	91,110	100 %

Source: *Fundación Secretariado Gitano, Mapa sobre vivienda y comunidad gitana en España 2007*

Table 7. Housing units where Roma families live according to means of housing access in 2007

	Number of housing units	Percentages
Through the free market	38,161	41.1 %
State subsidised housing units	46,382	50.0 %
Other means of housing access	6,196	6.7 %
Unknown/Unrecorded	1,226	1.3 %
Unclassified	805	0.9 %
Total	92,770	100.0 %

Source: *Fundación Secretariado Gitano, Mapa sobre vivienda y comunidad gitana en España 2007*

Table 8. Housing units where Roma families live according to type of building in 2007

	Number of housing units	Percentages
One-family detached house	12,517	13.5 %
One-family semi-detached house	17,126	18.5 %
Flat or apartment in buildings with less than 10 flats	24,272	26.2 %
Flat or apartment in buildings with more than 10 flats	26,384	28.4 %
Buildings not intended as living spaces	196	0.2 %
Very deteriorated dwellings	6,223	6.7 %
Caves and shanty towns	3,578	3.9 %
Barracks or similar transitional housing units	500	0.5 %
Mobile homes	314	0.3 %
Unknown/Unrecorded	855	0.9 %
Unclassified	805	0.9 %
Total	92,770	100 %

Source: *Fundación Secretariado Gitano, Mapa sobre vivienda y comunidad gitana en España 2007*

Table 9. Existence of a number of public services in or near the neighbourhoods where Roma people lived in 2006. Results in percentages

	Yes	No	Unknown	Unreported
Health centre	87.9 %	11.9 %	0.1 %	0.1 %
School	95.5 %	4.1 %	0.5 %	0.0 %
Secondary school	75.6 %	21.4 %	3.0 %	0.0 %
Vocational training centre	41.9 %	42.3 %	15.1 %	0.7 %
Sports centre	65.1 %	30.6 %	4.2 %	0.1 %
Park	78.0 %	20.9 %	0.7 %	0.4 %
Nursery	78.0 %	18.2 %	3.8 %	0.1 %
Cultural centre	56.8 %	34.3 %	8.7 %	0.1%
Elderly community centre	68.3 %	25.0 %	6.4 %	0.2%

Source: *Centro de Investigaciones Sociológicas, Encuesta sociológica a los hogares de la población gitana*

Table 10. Facilities in Roma housing units in 2006. Results in percentages

	Yes	No	Unrecorded
Electricity	98.4 %	1.6 %	0.1 %
Running water	97.6 %	2.3 %	0.2 %
Shower or bathtub	96.6 %	3.2 %	0.2 %
Toilet	96.1 %	3.5 %	0.4 %
Hot water	92.1 %	7.7 %	0.2 %

Source: Centro de Investigaciones Sociológicas, Encuesta sociológica a los hogares de la población gitana

Table 11. Facilities and services in the neighbourhoods where Roma people live. 2007. Results in percentages.

	Yes	No	Unknown/unrecorded
Refuse collection	94.1 %	4.2 %	1.7 %
Public transport	79.4 %	18.7 %	1.9 %
Paved streets	89.0 %	9.2 %	1.7 %
Street lighting	93.0 %	5.2 %	1.7 %
Sewer system	91.6 %	6.7 %	1.8 %
Running water	93.6 %	4.6 %	1.7 %
Electricity	94.2 %	4.1 %	1.7 %

Source: Fundación Secretariado Gitano, Mapa sobre vivienda y comunidad gitana en España 2007

Table 12. Assessment of the buildings and neighbourhoods where Roma people live in 2007, 1 meaning a very positive assessment and 5 a very negative one. Results in percentages of neighbourhoods/settlements

	1	2	3	4	5	Unkno wn/ Unrep orted
Building condition	8.0 %	27.7 %	37.4 %	16.2 %	8.6 %	2.0 %
Street maintenance	13.8 %	35.1 %	30.1 %	12.0 %	7.0 %	2.1 %
Communication	18.6 %	34.9 %	28.4 %	10.6 %	5.4 %	2.1 %
Law and order	14.9 %	35.2 %	30.4 %	11.3 %	6.0 %	2.2 %
Existence of situations of particular vulnerability	12.3 %	27.6 %	32.0 %	15.5 %	9.2 %	3.4 %

Source: Fundación Secretariado Gitano, Mapa sobre vivienda y comunidad gitana en España 2007

Table 13. Traits of shanty towns or of segregated areas of substandard forms of housing where Roma people live in Galicia in 2007. Results in percentages

	Yes	No
Provision of electric energy	90 %	10 %
Provision of water supply	87 %	13 %
Good communication	82 %	18 %
Provision of waste-disposal systems	79 %	21 %
Degraded condition	53.8 %	46.2 %
Availability of health centres, schools and social services centres	90 %	10%
Proximity to rubbish tips	10 %	90 %
Serious risk of flooding	66.6 %	33.3 %
Heavy car and train traffic	41 %	59 %

Source: Xunta de Galicia; Fundación Secretariado Gitano, *O chabolismo e a infravivenda en Galiza. Informe de situación 2007*

Table 14. Correlation between housing facilities and educational levels in 2001. Results in percentages

	Individual heating	Collective heating	Heaters, stoves, etc	Air conditioning	Toilet
Illiterates	20.03 %	3.15 %	50.8 %	8.52 %	98.59 %
Uneducated	27.98 %	4.67 %	46.04 %	10.04 %	98.48 %
Primary education	35.19 %	7.24 %	41.07 %	12.07 %	98.90 %
Secondary education	41.91 %	10.33 %	34.69 %	17.81 %	99.21 %
High education	48.70 %	19.02 %	24.73 %	24.49 %	99.49 %

Source: Instituto Nacional de Estadística, *Censos de Población y Vivienda 2001*

Table 15. Correlation between housing tenure and educational levels in 2001. Results in percentages

	Fully paid owned home	Non-fully paid owned home	Owned home donated or inherited	Rented home	Cheap or free-of-cost home	Other housing tenures
Illiterates	37.38 %	35.01 %	6.70 %	12.77 %	3.53 %	4.62 %
Uneducated	56.69 %	16.12 %	10.76 %	10.00 %	2.40 %	4.02 %
Primary education	54.69 %	18.19 %	10.04 %	10.73 %	2.36 %	3.99 %
Secondary education	49.10 %	26.74 %	7.10 %	10.96 %	2.44 %	3.67 %
High education	48.45 %	30.46 %	5.50 %	10.47 %	2.19 %	2.93 %

Source: Instituto Nacional de Estadística, Censos de Población y Vivienda 2001

Table 16. Difficulties encountered in housing access by Roma individuals in Catalonia in 2005. Results in percentages

No difficulties	58 %
Economic difficulties	9 %
Unspecified difficulties	9 %
Bank problems	3 %
Racism and prejudices	3 %
Other difficulties	18 %

Source: Estudi sobre la població gitana de Catalunya. Informe final

Table 17. Perception of having been treated unfavourably or discriminatorily in a number of situations because of belonging to the Roma minority in 2006. Results in percentages

	Yes	No	Unrecorded
When looking for a job	55.2 %	42.9 %	1.9 %
When trying to have access to some public service or facility	42.6 %	55.8 %	1.6 %
In health services	16.3 %	82.1 %	1.5 %
By the police	25.9 %	69.4 %	4.7 %
In legal services	18.4 %	75.0 %	6.6 %
When trying to rent a flat	33.6 %	61.8 %	4.6 %
When trying to buy a flat	22.7 %	70.3 %	7.1 %
In schools, nurseries, secondary schools or universities	20.3 %	77.1 %	2.6 %
In shops and big stores	33.1 %	64.9 %	2.0 %
Other situations	1.7 %	0.0 %	98.3 %

Source: Centro de Investigaciones Sociológicas, Encuesta sociológica a los hogares de la población gitana

Table 18. Economic efforts made by Spanish families to buy a flat as percentages of their income

March 2007	43.1 %
June 2007	44.1 %
September 2007	45.1 %
December 2007	46.1 %
March 2008	45.9 %
June 2008	45.9 %
September 2008	48.1 %
December 2008	46.8 %

Source: Banco de España, Indicadores del mercado de la vivienda

Table 19. Populations you would not like to have as neighbours. 2005. Results in percentages

	Much	Quite	Little	Not at all	Do not know	Do not answer	(N)
People who have been in prison	14.5 %	25.7 %	28.7 %	24.9 %	4.7 %	1.6 %	(2485)
Roma people	15.5 %	24.7 %	25.6 %	30.7 %	2.7 %	0.8 %	(2485)
Students	0.6 %	3.0 %	17.9 %	76.7 %	1.3 %	0.4 %	(2485)
Extreme left-wing people	5.8 %	10.9 %	19.5 %	57.0 %	6.0 %	0.7 %	(2485)
Alcoholics	12.6 %	28.7 %	27.9 %	27.2 %	2.5 %	1.0 %	(2485)
Extreme right-wing people	10.4 %	16.3 %	19.2 %	47.2 %	5.7 %	1.2 %	(2485)
Large families	0.8 %	2.3 %	15.2 %	79.7 %	1.1 %	1.0 %	(2485)
People with psychical problems	6.8 %	21.2 %	28.9 %	38.4 %	3.9 %	0.9 %	(2485)
Migrants	4.5 %	9.8 %	26.6 %	55.5 %	2.4 %	1.2 %	(2485)

Source: Centro de Investigaciones Sociológicas, barómetro noviembre 2005

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	2000 - 2009
Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)	6 (all related to housing)
Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)	5 (all related to housing)
Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)	One of these complaints, the one that had been submitted to the Spanish Ombudsman regarding facts occurred in the Galician municipality of O Porriño, was closed down by this institution on grounds of lack of proof regarding the existence of discrimination. The other five complaints, which had been submitted to the Ombudsman of the Autonomous Community of Castilla y León,
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age).	
Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)	

Annex 2: Court, specialised body or tribunal decisions

Case title	Court Decision of 17 January 1998 ¹¹⁴
Decision date	17/01/1988
Reference details (type and title of court/body; in original language and English [official translation, if available])	Tribunal Supremo [Spanish High Court]
Key facts of the case (max. 500 chars)	The Madrid town council had opened a ditch of about three metres wide and one metre deep as well as erected a parapet that isolated about 400 dwellings, where 3,000 thousand Roma people lived, from the rest of the urban environment under the pretext of preventing criminal activities. It was the Asociación Nacional Presencia Gitana that brought the case to the justice, which sentenced against the Madrid town council, which lodged an appeal against the court decision.
Main reasoning/argumentation (max. 500 chars)	The Court sentenced against the Madrid town council arguing that the principle of equality recognised by the Spanish Constitution had been violated by a number of interventions (police control, etc.) that had subjected all the inhabitants of the area to discrimination, harassment and control. The Court also argued that there was no other area in Madrid all of whose inhabitants had been treated this way and that this discrimination was solely based on prejudices against the Roma.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court sentenced that the Madrid town council was to pay costs.

¹¹⁴ This is the only name having been given to this Court decision.

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