



SÍNDIC ANNUAL REPORT 2008

SÍNDIC
EL DEFENSOR
DE LES
PERSONES

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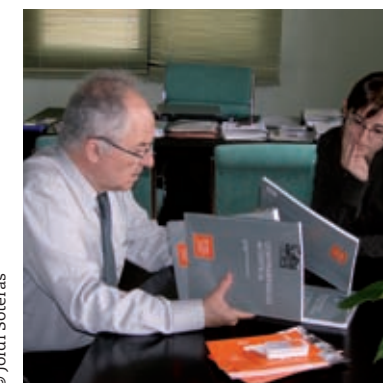
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In keeping with the trend of recent years, 2008 saw an increase in the number of complaints and queries. The Catalan Ombudsman's office has made more visits to points of Catalonia, and we have significantly improved the geographic distribution of our interventions.

We have also contacted every primary and secondary school in Catalonia, and sent them educational materials on the rights of children and youth. All of this has happened in a year in which we have implemented the Charter of Services and Good Conduct, the institution's Internal Regulations and moved to new headquarters.

The relocation to the new building, made necessary by the increase in activity, took place at the end of October. During the opening ceremony, held on December 10, and attended by over 200 people, "Opening the Doors to Rights", a travelling exhibit that will be shown around Catalonia throughout 2009, made its official debut.

The year 2009 is a special one for the Catalan Ombudsman. We are celebrating the 600th anniversary of the creation of the "Provisors de Greuges", 30 years since the Statute of 1979, which featured the figure of the Catalan Ombudsman, and the 25th anniversary of the Regulating Law and founding of the current institution. This will also be the year in which the Catalan Parliament will debate the new Regulating Law for the Catalan Ombudsman. The bill was approved in November 2008, and will make for a regulation of the Ombudsman that is consolidated and reinforced by the Statute of Autonomy.

Finally, it is the last year of this Ombudsman's term. Thus, we will sum up the work that has been done, and assume that left pending. In this regard, 2008 has brought us nearer to one of our ultimate goals. We have felt closer, and more useful, to the people. In any event, we are aware that in Catalonia we are still lacking a "culture of complaint" among citizens, but also the political class and public administrations. Therefore, the Catalan Ombudsman still has many unmet challenges, and there is much left to do.

Rafael Ribó
Síndic

MAIN DATA OF THE YEAR 2008

The Catalan Ombudsman undertook 23,710 actions (5,610 complaints, 97 ex-officio actions and 18,003 queries), which stand for an increase of 8.8% over those of 2007. There has been a 259% increase over the 2004 figure.

The highest increase was seen in queries (9.8%), followed by complaints (5.9%). The ex-officio actions remained at the same level. As for the number of people who have addressed the institution, and considering queries and complaints filed individually and collectively, the Catalan Ombudsman assisted 30,400 people in 2008.

Thanks to the dissemination efforts for the toll-free number **900 124 124** and the website **www.sindic.cat**, the channels most widely used to address the Catalan Ombudsman in 2008 were the telephone (41.8%) for queries, and e-mail (31%) for complaints and queries.

The Administration accepts and implements Ombudsman's decisions

Throughout 2008, the administrations completely or partially accepted the decisions handed down by the Catalan Ombudsman in 87% of the cases. Furthermore, it was the first year for which follow-up was conducted on the degree of compliance with the decisions. Although this is a new measure, and follow-up was begun on only 147 actions, of which 86 have already concluded, the results were very encouraging. For example, the administrations that had accepted the decisions complied with the Catalan Ombudsman's recommendations and suggestions in 96.5% of the cases.

Increase in complaints on social services

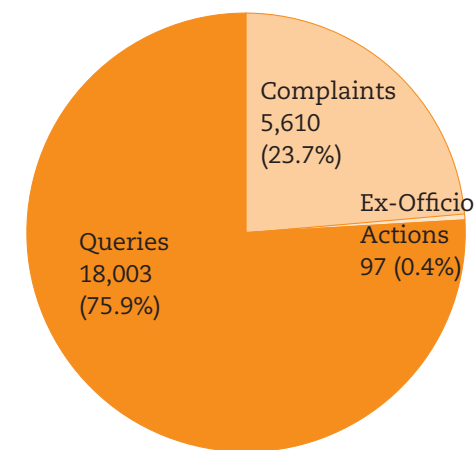
The social services area underwent an 83% increase in the number of actions over prior year. The especially high number of complaints received (1,217) made it the second most relevant area following public administration and rights.

While most of the queries concerned consumer affairs, the realm of children and adolescents saw the highest number of ex-officio actions (20.62%), followed by public administration and rights, and health, both of which stood for 14.43% of the total.



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Number and types of actions in 2008

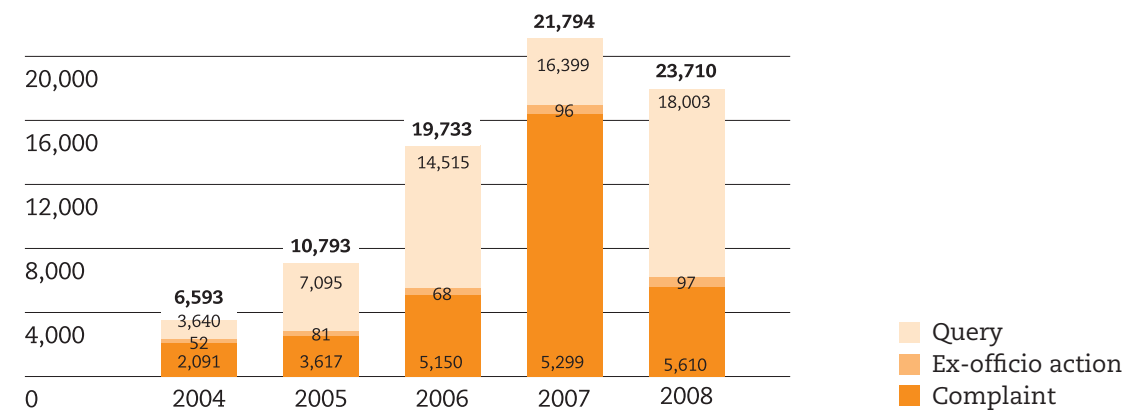


Complaints: actions promoted through disagreement, discontent or dissatisfaction with the action or lack of action by the public administration.

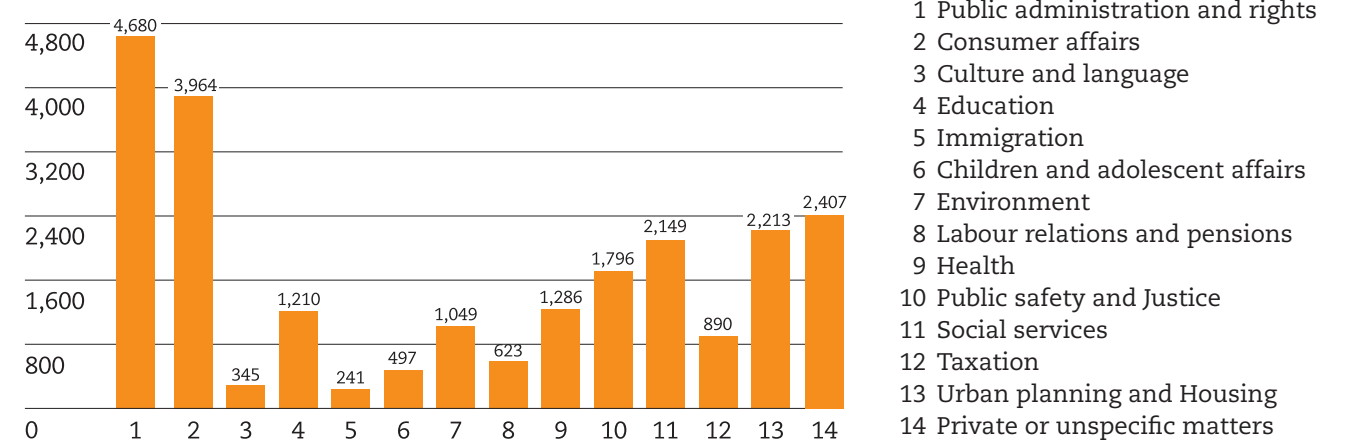
Queries: actions promoted to obtain information or guidance on a particular matter. If the case queried is suitable for a complaint, the person who has promoted/formulated it receives information about how to present it. If it is not, the person is advised on how to get information or resolve the matter.

Ex-officio actions: investigations begun at the initiative of the Síndic when it is considered appropriate to open a case in order to protect the rights of people, either to control the actions of public administrations or to uphold public rights in relevant social circumstances.

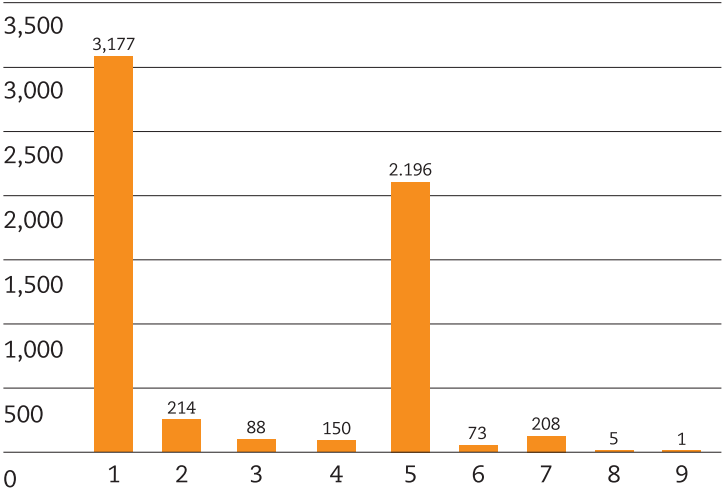
Evolution of complaints and queries over recent years



Actions by subject



Complaints and actions according to the Administration involved



- 1 Autonomous community administration
- 2 Central administration
- 3 Institutional administration
- 4 Judicial administration
- 5 Local administration
- 6 Peripheral State administration
- 7 Services of general interest
- 8 Others
- 9 Private*

*Private: matters which do not come within the Catalan Ombudsman's powers. In the case of queries, lack of competence is detected before cases are opened. In the case of complaints, it is when the cases are investigated in greater depth that they may be determined to be outside the Síndic's competence.

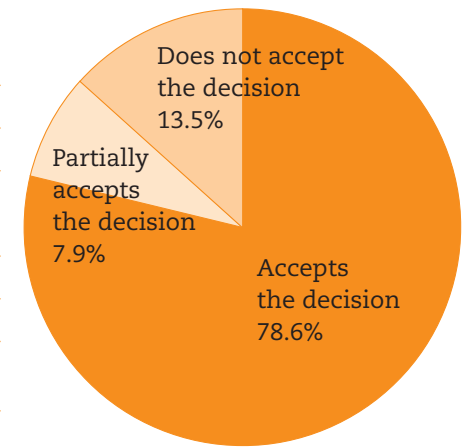
Result of the complaints and ex-officio actions conducted

Sum of the actions (complaints and ex-officio actions) handled throughout 2008; those initiated in 2008 (5,707) and those originating in 2007 (3,364). Overall, 9,071 have been handled.

Results	Total	
1 Being processed	3,627	39.98%
a Actions prior to Síndic's decision	3,041	33.52%
b Pending response from the Síndic's decision	586	6.46%
2 Actions concluded	4,867	53.65%
a Correct action of the Administration		
a ₁ Prior to the Catalan Ombudsman's intervention	1,762	19.42%
a ₂ After the Catalan Ombudsman's intervention	1,171	12.91%
b Accepts the decision	880	9.70%
c Accepts the decision	88	0.97%
d Does not accept the decision	149	1.64%
e Does not collaborate	15	0.17%
f Procedures with other Ombudspersons	383	4.22%
g Abandonment of sponsor	419	4.62%
3 h Rejected	577	6.36%

Degree of acceptance by the Administration

en els casos en què respon

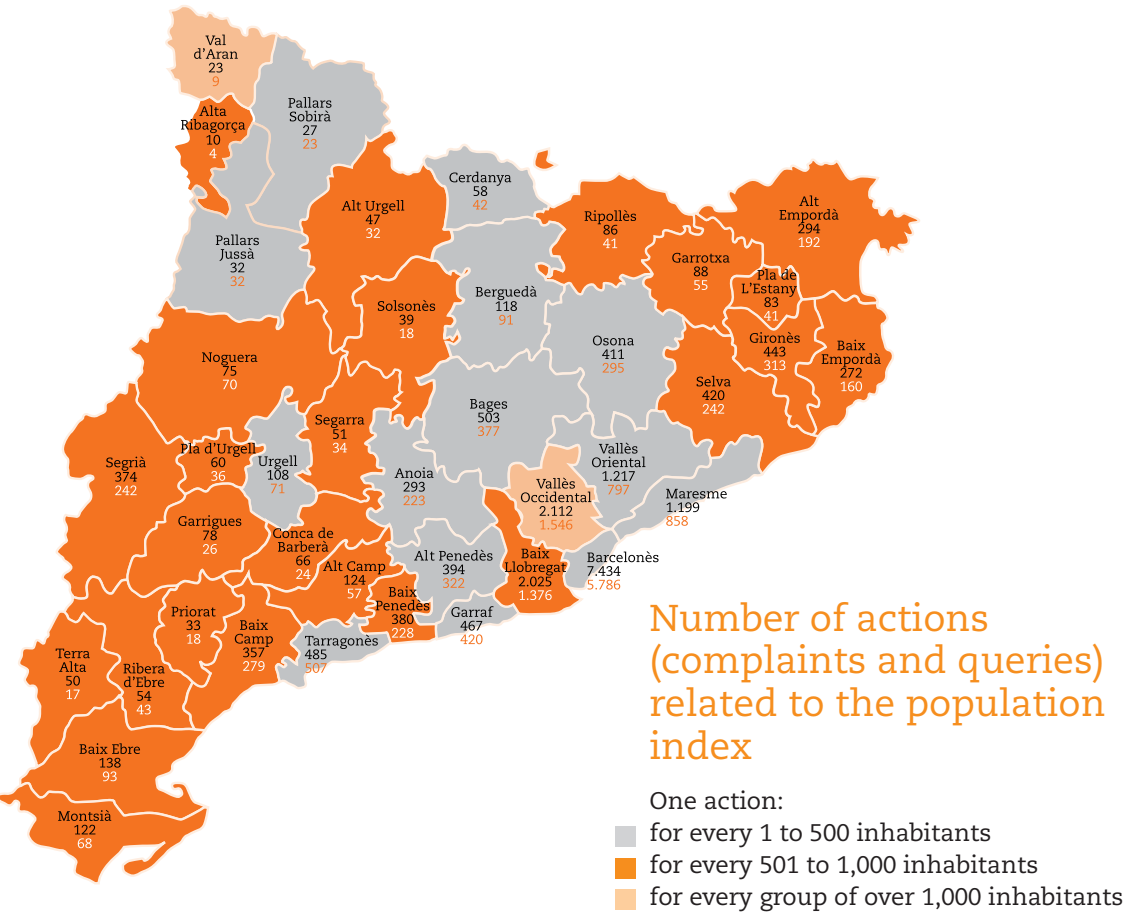


Geographical distribution of complaints and queries

As occurs every year, Barcelona province had the highest number of complaints and queries, with 16,170 (78%). Tarragona, with a total of 1,809 actions (8.8%) and Girona, with 1,738 (8.4%) reached similar figures. Finally, only 935 (4.5%) complaints and queries were received from Lleida.

There has been a notable improvement in the geographical distribution of the actions by number of inhabitants. Thus, if in 2007 the Alta Ribagorça and Val d'Aran regions saw one action per every 1,118 and 1,061 in-

habitants, respectively, in 2008 the statistics revealed that there was one intervention per 412 and 427 inhabitants. In fact, the worst results, in la Garrotxa region, were of just one action per every 608 inhabitants. Baix Penedès region, with one action per 239 inhabitants, and Alt Penedès, with one per 251, had the best results. This improvement can be attributed to the effort made to bring the institution closer to the entire territory, with the visits by the Catalan Ombudsman's office to handle complaints directly in the municipalities of Catalonia.



Number of actions (complaints and queries) related to the population index

One action:
■ for every 1 to 500 inhabitants
■ for every 501 to 1,000 inhabitants
■ for every group of over 1,000 inhabitants

Year 2008 actions in black
Year 2007 actions in white or orange

Catalan Ombudsman visits 14 municipalities

The Catalan Ombudsman visited Sant Adrià de Besòs, Badalona, Martorell, Palafrugell and Mollet del Vallès for the first time in 2008. Residents' complaints and queries were received first-hand. The institution has also taken its office to nine other municipalities, which had already been visited in prior years.

Aside from receiving citizens (a total of 177 queries and 234 complaints were registered), the Catalan Ombudsman and several of his staff members have taken these opportunities to visit social centres and Administration facilities, in addition to holding meetings with municipal representatives.

Widely varying complaints in Figueres

The first visit of the year was to Figueres, where 20 citizens were met with. The visits resulted in 16 complaints, one query, and three addenda to cases already open. The complaints received dealt with such subjects as social services, urban planning, taxation and justice.



The Pou i Pagès School, characterized by its majority of Gypsy and Moroccan-origin students, was visited by Catalan Ombudsman Rafael Ribó, and the Deputy Ombudsman for the Defence of Children's Rights, Xavier Bonal, who also made the visit to meet with the Children and Adolescent Services Unit (EAIA) of Alt Empordà region.

Shortcomings in the La Mina District transformation plan

The visit to Sant Adrià de Besòs concluded with 12 complaints, one query and one addendum to a prior complaint. Most of the complaints had to do with educational and social service problems.

Over the course of the visit, Ombudsman Rafael Ribó and other staff members toured the Mossos d'Esquadra (autonomous police) station and the municipal market. A meeting was also held with members of the La Mina District Neighbours and Associations Platform, where complaints were expressed regarding shortcomings in the Transformation Plan for the neighbourhood, the social transformation project and delays in urban improvements.

Visit to the city of Vic generates 49 visits

A total of 33 complaints, 14 queries and two addenda to open complaints resulted from the Catalan Ombudsman's visit to the city of Vic. Among the problems affecting the area, neighbours and merchants emphasized the lack of public safety and the renovation project for the Remei District.

The Catalan Ombudsman and his staff also visited the La Sínia Primary School, 70% of whose students are of immigrant origin, the Estel Special Education School, the El Remei Primary Care Clinic and the General Hospital.

Poor condition of roads and railways in Ripollès region

The Catalan Ombudsman's provisional office, located for a day in Ripoll's Casal Cívic, received 38 visits (16 complaints and 24 queries). In addition to meeting with citizens, a visit was paid to Campdenàvol Hospital, where hospital management complained about the poor condition of the county's roads and railways, which hinder access to the centre, and about the lack of DSL line coverage in the area.

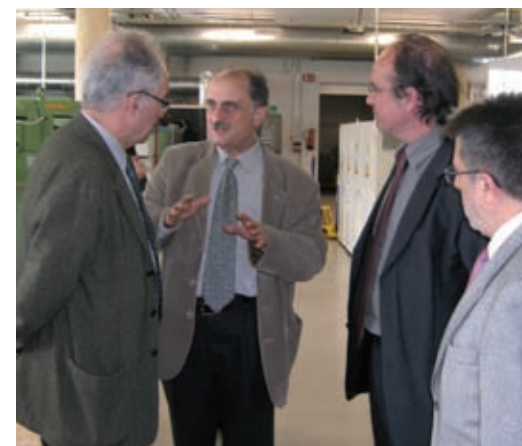
Meeting with mentally-impaired youth

The Ombudsman's trip to Martorell generated 44 visits, resulting in 28 complaints and 16 queries. The Dependency Act, urban planning and noise pollution were a few of the issues brought up by the local residents.

Ribó's time in Martorell also provided an opportunity to visit Sant Joan de Déu Hospital, the nursing home of the same name and the Mossos d'Esquadra station. Further, the Catalan Ombudsman held a meeting with the eight young people residing in an apartment provided for them by the Arc de Sant Martí (Rainbow) Association. This association works in Baix Llobregat County for the Pro Disminuïts Arc de Sant Martí Association, devoted to the care of persons with mental disabilities.

The Dependency Act, focal point of the visit to Badalona

The visit to Badalona led to 41 appointments with local citizens (29 complaints, 10 queries and two addenda). Many of the complaints were related with the Dependency Act, especially as regards delays in disability degree assessments and collection of financial aid. Other items dealt with were noise pollution, urban planning, and education.



As part of the visit, and as had been done in prior years in other municipalities, the Ombudsman presented the 2007 Annual Report to local residents and organisations.

Presentation of the Annual Report in Reus

As in Badalona, the Ombudsman took the opportunity to present the institution's annual report during his visit to Reus.

The Ombudsman's Office had 40 appointments with local residents that day, which gave rise to 20 complaints, 17 queries and three addenda to open complaints. The widely varying complaints had to do with such issues as health, education, traffic fines, taxation, housing and social services.

Second visit by Ombudsman to Les Borges Blanques

The Catalan Ombudsman spent an entire day in Les Borges Blanques, where complaints were received from local residents, and from nearby Les Garrigues County municipalities, such as Juneda, Puiggròs or l'Albí. The Ombudsman's last visit was in 2002. Overall, there were 10 complaints and 20 queries regarding urban planning, social services, the environment, health care and other issues.

Traffic fines and school pre-enrolment in Banyoles

The 20 visits from residents in Banyoles, leading to 16 complaints and four queries, covered different matters such as traffic fines, urban planning conflicts in different local councils of Pla de l'Estany County, and problems related to health care, social services and school pre-enrolment.

In addition to presenting the Annual Report, the Catalan Ombudsman visited the Mossos d'Esquadra and Municipal Police stations.

Complaints in Vielha on scant use of the Aranese language

The visit to the Val d'Aran took place over two days. On the first day, the Catalan Ombudsman heard area residents' concerns (20 complaints, five queries and eight addenda

to open cases) which had to do with noise pollution, urban planning, and linguistic normalization, due to the scant use of Aranese, (a variant of Occitan spoken in the Val d'Aran) by the Administration.

During his stay in Vielha, the Catalan Ombudsman met with Francesc Boya, Síndic d'Aran (Head of Aranese Government). They discussed the possibility of implementing an Ombudsman figure in the Val d'Aran.

To end his visit, the Catalan Ombudsman presented the new service for video-conference complaint presentation from the Vielha Library, and the Aranese-language version of the institutional website.

Presentation of educational materials for children in Gadesa

The wind farms planned in Terra Alta County were the source of complaints received during the visit to Gadesa. Others had to do with education, health care, urban planning and participation in public affairs. Overall, 19 visits were received, generating nine complaints, nine queries and an addendum.

During his visit to Puig Cavaller Primary School, the Ombudsman presented the educational program on rights, *Quan no hi ha dret, el Síndic amb tu* (When it's just not right, the Ombudsman's there), designed to inform children on their rights and obligations.

Complaint from Parent's Association of a school in Palafrugell

A total of 37 appointments were carried out in Palafrugell (17 complaints and 21 queries). A visit was also paid to the Children and Adolescent Affairs Unit (EAIA) of Baix Empordà County and the Barceló i Matas Primary School in Palafrugell, where complaints were registered by the Parents' Association on the segregation and enrolment problems suffered by the school.

The Catalan Ombudsman also visited the Palafrugell Primary Care Clinic and Palamós Hospital, which needs an enlargement and a bigger staff to meet the needs of the county's increased population.

Members of the El Trampolí Association, serving persons with mental disabilities, interviewed Ombudsman Ribó for several local television stations.

New medical centre in Mollet del Vallès

The Catalan Ombudsman received up to 46 visits in Mollet del Vallès, which generated 25 complaints, 18 queries, and three addenda to open cases. The most frequent subjects of complaint were the Dependency Act, noise pollution and the placement of telephone antennae.

The Ombudsman's staff visited the Can Vila special education school, the Plana Lledó Primary Care Clinic, the Santa Rosa nursing home and day hospital, the Mossos d'Esquadra and Local Police stations, the Security Institute of Catalonia and Mollet Hospital. Hospital management informed the Ombudsman on the health care projects underway in Mollet and around the county, such as the new medical centre, which will begin operations in early 2010.

Problems with suburban residential developments in Baix Penedès County

The year's last visit was to El Vendrell, where 36 appointments were held (26 complaints and 17 queries). The most frequent complaints were on problems related with local suburban developments in El Vendrell as well as other municipalities around the county.

In the second visit to El Vendrell (the first was in 2003), the Catalan Ombudsman and his staff visited the Vendrell Primary Care Clinic and Hospital, and the Baix Penedès School of Tourism in Comaruga.

Education and immigration, under study

Schooling for children ages 0 to 3

The Catalan Ombudsman has tracked government action on this matter to see whether the recommendations included in the report were heeded. It was thus revealed that, despite the inclusion in the Nursery School Plan 2004-2008 of a provision to create capacity for 30,000 more children, now that the Plan has concluded, there is no available information on schools' new functional capacity. The Catalan Ombudsman does take a positive view of the Draft Decree of the Catalan Autonomous Ministry of Home Affairs to regulate "ludoteques" (children's play centres used in lieu of proper nursery schools).

Registration of immigrants in the municipal census

In his report on municipal management of immigrants' registration in the local census, published in 2008, the Catalan Ombudsman outlined several problems, such as conflicts with the requisites and documents accrediting registration. He advocated greater coordination between the municipal registry and municipal services, among other recommendations.

School segregation in Catalonia

The Catalan Ombudsman has recommended several measures to combat this situation, focusing on planning, access management, compensation and information policies.

On the government side, there are some noteworthy initiatives, such as that of the local council of L'Hospitalet de Llobregat, to more evenly distribute foreign students. Also relevant is the system to detect false municipal census registrations by the Barcelona Education Consortium, and the new school zoning systems in certain municipalities.



GROUPS WITH SPECIAL PROTECTION NEEDS

The application of the Dependency Act has been the focal point in the realm of social services throughout 2008. The Catalan Ombudsman requested that the administration fulfil the terms of the act, and allocate more resources to the social policies aimed at the more underprivileged groups, such as the elderly and persons with disabilities.

He has also underscored the overcrowding of minors’ centres and the situation faced by the children’s protection system. As regards the penitentiary system, the overcrowding of centres, inmate abuse and difficulties in transfers have been grounds for complaints.

Actions	Queries			
	Complaints	Ex-officio	Total	
Women at risk	6	7	2	15
Children and adolescents	290	187	20	497
Elderly people	108	175	1	284
Immigration	194	47	--	241
Inmates in penitentiary centres	85	342	3	430
Persons with disabilities	728	585	--	1,313
Marginalization situations	124	63	--	187
Total	1,535	1,406	26	2,967

Actions in this area stood for 14.1% of the total in 2008. Complaints made for 25.2% of the total.

At-risk children and adolescents

The process of development of the Children’s Affairs Act was one of the leading topics in the realm of child’s affairs. The Catalan Ombudsman has sent the Catalan Autonomous Ministry of Social Action and Citizenship an assessment of the preliminary project, in which certain positive aspects stand out, such as the regulation of the rights of children and protection of minors in situations of vulnerability being covered in a single body. The Ombudsman has also drawn attention to the vagueness in the drafting of certain rights.

The development and distribution to all Catalan schools of the educational material, *Quan no hi ha dret, el Síndic amb tu* (When it’s just not right, the Ombudsman’s there) and the changes in the content and design of the children’s website were two relevant initiatives taken to bring the institution closer to children and youth.

Passiveness of the Administration before suspected abuse

In light of the study of cases that have reached the institution, as well as the follow-up of the Framework Protocol for actions in cases of sexual abuse and other severe abuse of minors, signed in 2006, the Catalan Ombudsman was made aware of the problems existing in Catalonia’s child protection system.

The Ombudsman detected deficiencies in schools’ recognition of signs of abuse, attributed to a lack of training in the field. He also drew attention to the Administration’s passiveness, as it does not always activate the protection mechanisms in cases of grounded suspicion of abuse. Ombudsman Ribó has insisted on the importance of coordination and networking among the various administrations involved.



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A specific report on the children’s protection system in Catalonia, on which the Catalan Ombudsman has been working throughout 2008, and plans to publish in 2009, will feature detailed discussion on the system’s shortcomings and recommendations to fight them.

Educational program When it’s just not right, the Ombudsman’s there!

With a view to making the institution known as one for the advocacy of children’s rights, the Catalan Ombudsman has designed an educational program for 3rd-cycle primary education and 2nd-cycle secondary education students.

The contents, differentiated for primary and secondary education, are developed around

five 50-minute sessions, and include various resources: cards and printed media, group activities, games, and on-line activities that make use of the contents presented in the website of the Ombudsman for Children’s Affairs.

Early in the 2008-2009 school year, the Catalan Ombudsman sent out a kit with the program to every school, shelter, residential educational activity centre and several educational organizations and children’s and adolescent affairs units in Catalonia. In all, 2,500 units of the primary program and 1,400 of the secondary program were distributed. The digital version of the program can also be downloaded from the Catalan Ombudsman’s website for children.

Overcrowding of minors' centres

Overcrowding of minors' centres and residential educational activity centres (CRAE) was the source of several complaints and ex-officio actions. Overcrowding is of special concern in certain centres where children's privacy is compromised.

This is a growing trend resulting from the increased numbers of children under care and the closure of some centres, as well as shortcomings in the family foster care system. The creation of new openings in 2008 was not sufficient to stem this trend.

There are also waiting lists for access to the CRAE, a situation that violates minors' rights to access resources suited to their needs. Additionally, the delay in assigning these resources can lead to minors attempting to flee the centres.

Elderly people

Of the complaints received having to do with the application of the Dependency Act, 24.6% (130) were related with elders. Although application of the law is discussed more in depth in the section on persons with disabilities, the relevance of the subject as con-

cerns elderly people is not to be overlooked. Some of the incidents that have yet to be resolved in the application of the regulations, such as the death of a beneficiary during the dependency assessment process, were inherent to this group.

Waiting lists for elderly centres

One of the most recurrent—but no less important—problems affecting elderly people is the insufficiency of resources to meet the existing demand. In 2008, more complaints were received regarding the management of waiting lists for residential facilities.

Beyond the complaints received, the Catalan Ombudsman got a first-hand look at the shortcomings, as well as the characteristics of elderly facilities. Institution representatives visited 11 such centres around Catalonia. The information obtained on the capacity, structure, type of users, number of employees, services, complaints and improvement proposals is highly valuable to the Catalan Ombudsman, who plans to continue with these visits in the future.

Immigration

Although the Catalan Ombudsman's actions on immigration have been cut back significantly since the Institution stopped supervising the Spanish Government's sub-delegations in Catalonia in 2007, certain interventions have been carried out in emergency cases. All of the complaints received on foreigners' affairs have been referred to the Spanish Ombudsman, after compiling all of the information and conducting a thorough study. Among the subjects of these complaints are family regrouping and residency authorizations for special circumstances.

In one of the aforementioned emergency cases, the Catalan Ombudsman decided to

intervene following a query on a foreign woman detained in the Zona Franca internment centre with a deportation order from the Spanish Government Sub-Delegation due to illegal residency status. The woman was living with her son, a minor receiving special treatment at a Barcelona hospital. Especially motivated by the situation of vulnerability affecting the minor, the Catalan Ombudsman took action before the Spanish Government Sub-Delegation and the Spanish Ombudsman, who allowed a new decision to be handed down, which replaced the deportation with a fine.

Rights of penitentiary centre inmates

Overcrowding hinders inmate transfers

The overcrowding of the penitentiary centres in Catalonia and the rest of Spain is an obstacle when transferring inmates among administrations. Examples of this situation are found in the various complaints that the Ombudsman has received from inmates; those wishing to be transferred to Catalonia, those who want to leave and others unwilling to accept a transfer due to the damages it could cause them.

Transfers within Catalonia have also been the source of complaints. Although the opening of new centres provides inmates with fresh hope of being transferred to sites closer to their families, such a solution has yet to materialize, as the creation of new facilities (Brians 2 in June 2007; Lledoners in October 2008, and Joves Quatre Camins in November 2008) has so far been largely devoted to relieving the overcrowding of other centres.





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Suggestion to improve care for inmates with mental illnesses

Following the complaints received on the current situation and treatment received by inmates with personality disorders, the Ombudsman decided to open an ex-officio action.

After an in-depth investigation into the matter, the Catalan Ombudsman found there to be a rise in the number of mentally ill penitentiary inmates. He drew attention to the lack of resources for their treatment and the Administration's insufficient supervision of them.

Among the anomalies detected are the lack of coordination between judicial and medical bodies in the enforcement of security measures, and a lack of connection between phases of patient treatment, follow-up and social reintegration. There is also a lack of specialists and specialized treatment capacity.

Special training for penitentiary and health care personnel, proper allocations to psychiatric units and the attempt to replace prison sentences with alternative punishments are among the suggestions put to the Catalan Autonomous Ministries of Justice and Health. Both ministries accepted the majority of the suggestions.

Persons with disabilities

400 complaints from the disabled on the Dependency Act

Of all the complaints received on the Dependency Act, 75% were filed by persons with disabilities. Most have had to do with the delays in the resolution of formalities, the insufficient information provided to interested parties and a lack of criteria and instruments to uniformly manage and follow up on cases. Delays in approval of the individual care program (PIA) and payment of financial aid have generated recurring complaints in recent months.

The Catalan Ombudsman recommended that the right organizational measures be implemented to correct these delays, that there be easy access to information on the formalities and that coordination improve among the services involved. There must also be a substantial increase in the avail-

able centres and services so that dependent persons receive the most appropriate aid or service.

Removal of architectural barriers, a task unfinished

According to the provisions of the law, December 4, 2008 marked the end of the 15-year period in which to draw up architectural barrier adaptation and elimination plans. Nonetheless, as has been shown by the complaints received from persons with mobility problems in the local area, and concerning various public transport services, Catalonia is still far from achieving the desired minimums.

The Catalan Ombudsman began an ex-officio action to study Catalan administrations' degree of compliance with the regulation.



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SOCIAL AND ECONOMIC RIGHTS

Catalonia’s growing school segregation phenomenon was analyzed in a special report that had a major media impact, and brought to light the need for administrations to take urgent action.

Noise pollution and the confusing regulations surrounding it stood out as key issues in the field of the environment. More ex-officio actions have taken place in the realm of health, some derived from the Ombudsman’s cycle of visits to health care facilities. In the field of housing, the Catalan Ombudsman requested that measures to streamline emancipation financial aid be applied.

Actions	Queries	Complaints	Ex-officio	Total
Education	676	523	11	1,210
Environment	941	444	9	1,394
Health	940	332	14	1,286
Work and pensions	540	79	4	623
Taxation	664	223	3	890
Housing and town planning	1,530	681	2	2,213
Total	5,291	2,282	43	7,616

Actions in this area stood for 36.2% of the total in 2008. Complaints made for 40.9% of the total.

Education

The Education Act government bill began its parliamentary process in 2008. The Catalan Ombudsman has taken a positive view of certain advancements, such as reservations of school places for students with specific educational needs. Nonetheless, he has also drawn attention to the vagueness of control mechanisms and the effect of fraudulent admissions processes.

The Catalan Ombudsman received numerous complaints on controversial admissions processes, and detected several frauds, such as the false municipal census registrations, when families choose a school for their child to attend. He also found that the mechanisms with which to control these frauds are quite weak, and that on occasion, despite receiving complaints, local councils do not investigate the case.

In March 2009, the Catalan Autonomous Ministry of Education announced the implementation of tougher measures. For example, if it is found that information has been falsified once the school year has begun, the student will lose their place at the school for the next school year, and will have to carry out the registration process again. Up to now, the student’s loss of their place was only made effective if the fraud was detected before the school year began.

Lack of capacity and schools in poor condition

The Catalan Ombudsman received complaints due to the saturation of available school offering and insufficient capacity in several municipalities.

As a result, students have been assigned to schools far from their homes, and ratios, groups and schools have been raised once the pre-enrolment process has concluded. Above



and beyond these planning problems, there are delays in the construction of new schools or remodelling of existing ones. This leads to classes being held in prefabricated portable buildings, or spaces that were not designed for this purpose. In short, the conditions for many students and teachers are precarious, in a situation that has little to do with the commitments made by administrations.

More involvement necessary to solve school segregation

After receiving much evidence in recent years on the growing school segregation in Catalonia, the Ombudsman decided to study the situation and write up a report.

The Ombudsman concluded that the sole responsibility for school segregation can not

be attached to migratory movements or residential segregation, as the report shows that school segregation in many districts is clearly higher than urban segregation. He also observed that administrations do not make sufficient use of the legal framework in force and the educational policy tools available to fight a phenomenon that is being consolidated in Catalonia’s educational system.

The establishment of school districts, opening of new centres and classes, increases or reductions of ratios, reservations of places for students with specific educational needs or affiliations between primary and secondary centres are a few examples of educational policy tools available to the education administration that can help fight school segregation and that often go unused for this purpose.

Complaints on transportation and school lunch services

Transportation and school lunch and financial aid are among the education issues that the Catalan Ombudsman receives the most complaints on. The most frequent complaints on school transportation in 2008 had to do with changes in the provision of the service, and increases in the cost or reduction in the transportation routes.

Denial of financial aid for school lunch service due to non-fulfilment of the requisites was also a source of complaints. The Catalan Ombudsman has reminded the Administration that these services constitute one of the basic areas of educational policy when it comes to guaranteeing equal education opportunities.

Environment

The year 2008 was marked by drought. This generated many queries, as did the regulatory confusion existing on noise pollution, derived from the fact that municipal legislation is not adapted to Catalan laws, and Catalan laws are not in accordance with Spanish legislation. This situation places local councils in a very uncomfortable situation.

Tourist apartments separated from residential housing

Complaints were received on the antisocial behaviour of tourist apartment users, which are a nuisance to neighbours. After holding a meeting with the Ombudswoman of Barcelona, the Catalan Ombudsman recommended that municipalities try to avoid co-existence of residential and tourist apartments. Following along the lines of this recommendation, Ciutat Vella district, which had already limited the number of tourist apartments, and closed over 400 illegal ones, announced in February 2009 that it would try to group them into entire buildings where there are no full-time residents.



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The Ombudsman also recommended that the regulations being developed jointly by the Catalan Autonomous Ministry of the Environment and Housing and that of Innovation, include a protocol of obligations and prohibitions that include, the prohibition of causing noise that may be a nuisance to neighbours, and the obligation to furnish tenants with rules for neighbourly cohabitation, and the tenants' obligation to respect them.

Measures to fight asbestos exposure

The Catalan Ombudsman opened an investigation following the complaint from an association of victims of asbestos dust exposure from Cerdanyola del Vallès, home of a company that had manufactured asbestos materials for 90 years.

After studying the case, the Catalan Ombudsman sent out a number of recommendations to various ministries of the Generalitat (Autonomous Government of Catalonia) for them to take actions that would guarantee human health and environmental prevention as regards asbestos.

Locating dump sites, preventing new sources and decontaminating tainted sites were among the proposed measures. The Ombudsman also recommended that health plans and subsidies be established, in addition to vigilance programs for affected persons. Last, he suggested an agreement be reached on the withdrawal of products containing asbestos, and asked the Administration to study the matter to determine the liable parties.

Health care

As occurs every year, many complaints were received on the waiting lists to see a specialist, for diagnostic tests and above all, surgical operations. There have been complaints on deficient care, both on a personal interaction level as well as cases of potential malpractice.

The broadening of benefits and health care services have also been studied. The Catalan Ombudsman's activity concluded with a cycle of visits to health care centres to see the facilities and dialogue with professionals working there.



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Free administration of international vaccines

The higher numbers of international travellers who visit countries in development or that pose a contagion risk for certain diseases, either for tourism or, in the case of immigrants, to visit their families, has led to the appearance of imported diseases. This has made apparent the need to establish prevention and eventual health care protocols.

At present, most international vaccination centres in Catalonia charge for their services. Centres that form part of the Foreign Services of the Ministry of Health do not charge for appointments, but those that belong to the Catalan Health Institute (ICS) or other centres do charge, and the amount varies depending on whether it is an ICS centre (13.50 euros) or not (for example, Hospital Clínic charges 35 euros). Having to pay may deter many users from getting a vaccination.

In light of this situation, the Catalan Ombudsman recommended to the Catalan Autonomous Ministry of Health that visits to international vaccination centres be offered as another benefit covered by the public health system.

Guaranteed supply to pharmacies

The Catalan Ombudsman opened an ex-officio action to study specific problems that had been detected in the supply of medicines to pharmacies. The Catalan Autonomous Ministry of Health, in response to the Catalan Ombudsman's request for information, replied that the model in force for medicine supply ensured proper coverage of the entire territory. Nonetheless, the Ministry admitted the existence of occasional problems, and claimed that the measures necessary to solve them had been taken.

The Catalan Ombudsman closed the investigation, satisfied with the Administration's response. The Ombudsman did take the opportunity to suggest to the Ministry of Health that it exercise its exclusive competencies, and enact the legislation regarding pharmaceutical organization. This legislation should require minimum stocks being kept in the distribution warehouses. Some autonomous communities, have already carried out this regulatory development.

Work and pensions

Measures to promote occupational reintegration

The management of the Catalan Employment Services (SOC), which forms part of the Catalan Autonomous Ministry of Employment, was the source of several complaints. Some referred to delays in the processing of subsidies for the courses offered by the SOC. Complaints were also received on the poor conditions of the classrooms at one of the centres where courses were given, on the deficient information given to a person in the recruitment process for a job opening and management and processing errors for subsidies of the Employment Plan.

With regard to the Generalitat's employment offices (OTG), the Catalan Ombudsman found that the Catalan Autonomous Ministry of Employment is carrying out new measures to facilitate reintegration of the unemployed. Among these measures, especially significant is the incorporation of virtual spaces into the Catalan employment offices. Throughout 2009, 300 self-service points will be installed, which will allow unemployed persons to access telematic services to attain certificates, consult job offers and training courses.

Taxation

Automobile tax exemption for persons with disabilities

Noteworthy in 2008 were the complaints related with the automobile tax exemption (IVTM) for persons with disability equivalent to or above 33%. The Catalan Ombudsman conducted a two-fold activity in this realm.

On one hand, the Ombudsman studied some local councils' refusal to retroactively apply this exemption to disabled persons.

On another note, several complaints have stemmed from certain municipalities' rejection of the application for this exemption due to discrepancies with the disability accreditation.

On the grounds of the law in both cases, the Ombudsman has suggested that the involved administrations rectify and make exemption from this tax effective. The Ombudsman also reminded them that, despite the importance of the revenue from taxation, other values must be protected, such as providing compensatory guarantees to persons with disabilities in order for them to live in full enjoyment of their rights.

Urban planning and Housing

Citizen consensus for the strategic residential area plans

The strategic residential areas were created following a 2007 decree to address the current housing needs and demand of coming years. The Administration has decided to develop them through urban planning master projects to create the most housing in the minimum possible time.

The Catalan Ombudsman made the recommendation to the Catalan Autonomous Ministry of Town and Country Planning and Public Works that it take the measures necessary for citizens to have access to the master plan case file, and be able to file allegations and make suggestions.

Mistakes in drawing for social housing in Barcelona

A mistake made by the Barcelona City Council in a drawing for social housing in this city led to complaints being filed by several persons. The Catalan Ombudsman found that the mistake was attributable to the municipal government, which included the affected parties in a drawing meant only for the residents of a given neighbourhood, when they did not meet the requisite of municipal census registration. They were thus excluded from another drawing for which they were eligible.

The fact that the affected parties did not file any allegations annulled the requirement necessary for there to be any financial liability of the Administration, and the Ombudsman recommended agreements among the parties to keep the process out of the courts and from being drawn out excessively over time.

The Catalan Ombudsman acknowledged that the Administration had not actually violated the rights of affected parties. The fact that they were aided in a public drawing only gave them a legal expectation, as the requisites for participation in the drawing had yet to be verified. The Catalan Ombudsman did not remark on the damages caused by the mistake, as there was a court case on this matter underway at that time. He did suggest that the City Council take the necessary steps to ensure that this situation does not occur again.

Delays in emancipation financial aid

Delays and slowness in the recognition of the minimum income subsidy, and the payment of the financial aid once it is recognized, were made obvious in the numerous complaints received. In many cases, the slowness has been motivated by the difficulty of correcting errors in applications, as the management of this aid is shared between the Catalan Autonomous Ministry of Environment and the Spanish Ministry of Housing.

The Catalan Ombudsman has suggested special measures to streamline the process for applications, as they have been delayed and halted for months due to technical problems.



OTHER CONSTITUTIONAL RIGHTS

Once again, the Catalan Ombudsman insisted on the malpractice of administrations that do not fulfil the obligation of responding to citizen requests in the way and time established by law. This also has a negative effect on citizen participation in public affairs.

In consumer affairs, many complaints were received in 2008 regarding the “Bicing” bicycle service of Barcelona, and a study was carried out on the situation of the municipal and county consumer affairs offices. Following the visit to the Val d’Aran, two ex-officio actions were opened in relation to this territory’s linguistic reality. At year-end, the action open since 2007 on the situation of registry offices was closed.

Actions	Queries	Complaints	ex-officio	Total
Right to good administration	3,586	1,080	14	4,680
Consumers’ rights	3,511	444	9	3,964
Linguistic rights	197	30	--	227
Rights to participate	49	66	1	116
Freedom, Safety and Justice Administration	1,099	241	3	1,343
Culture	98	20	--	118
Total	8,540	1,881	27	10,448

Actions in this area stood for 49.7% of the total in 2008. Complaints made for 33.8% of the total.

Right to good administration

Many of the complaints that the Catalan Ombudsman receives on administrative procedure have to do with traffic fines. Among the various regulatory modifications carried out in 2008 in this realm, there was a notable ruling on the Administration’s requirement to improve best administrative practices, such as in the area of personal notifications.

As regards financial liability, as is done every year, the Catalan Ombudsman insisted once again on administrations’ duty to resolve citizens’ claims by the procedures and in the times stipulated by law.

In civil service, the Catalan Government has yet to carry out the regulatory development of the Basic Statute of Public Employees, pending since its approval in 2007.

Violation of the right to response

As shown by the numerous complaints received by the Catalan Ombudsman, there are still too many cases in which administrations do not respond to citizens’ requests for information. The Administration is legally obliged to provide sufficient, grounded responses. When it does not, it incurs in poor governance and violates citizens’ rights.

Following analysis of the complaints, the Catalan Ombudsman has warned the involved administrations that when they do not fulfil their duty of responding to queries they also discourage people’s initiative to participate and collaborate. He also reminded them that even when an administration is not directly competent in a given matter, it is still obliged to guide the person presenting the query or complaint in their search for solutions.



Consumers’ rights

More agreements were signed with private companies that render services of general interest in 2008. Aside from that already formalized with Telefónica, others have been signed with Ferrocarrils de la Generalitat (Catalan Autonomous Light Rail Service), Gas Natural, Fecsa Endesa (electricity provider) and Aigües de Barcelona (water provider).

The Electrical Quality and Supply Act was signed at the end of 2008. It reaffirms water’s status as an essential service, and devotes special attention to quality. The complaints received by the Catalan Ombudsman reveal that there are some who still do not have access to this service or are unable to assume the cost.

Free arbitration services for Bicing users

After receiving many complaints on the penalizations and fines levied from the “Bicing” (public bicycle) service due to excess bicycle usage time -beyond the time allowed- the Ombudsman sent an inquiry to the Barcelona municipal government as to the method it used to detect these irregularities.

The municipal administration answered that it used a computerized system to monitor the movements of the bicycles, and that users could inform on irregularities with the bicycle anchoring system using a toll-free number.

Since the penalizations and fines were levied immediately, and users often had the perception of having left the bicycle correctly anchored and within the time allowed, the Catalan Ombudsman determined that the affected Bicing users could not prove their allegations as to what occurred.

In light of this lack of evidential resources, it is essential that users have access to conflict resolution systems alternative to the courts, such as an arbitration system. Looking further into the matter, the Ombudsman found that the general regulating terms of Bicing mention that it is associated with the Barcelona Court of Arbitration (a service that charges users), but no mention is made of the submission to the Consumer Affairs

Arbitration Board or the Transportation Arbitration Board, although both are free for citizens.

The Catalan Ombudsman found that this lack of information made for a violation of rights and suggested that Bicing inform users of the free arbitration boards that it is associated with.

Although the suggestion is still pending acceptance, Bicing has already begun a service for users to obtain an electronic receipt in case they exceed the allotted time when they have completed their route. They can use the receipt with a reader to verify whether the bicycle has been returned correctly.



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More dissemination of the municipal consumer affairs offices

A study on the operations of municipal and county consumer information offices has been the focal point of the Catalan Ombudsman's work in consumer affairs. Following completion of questionnaires sent to these offices, and the analysis of the complaints received in recent years as regards the activity of these local services, the Catalan Ombudsman has reached certain conclusions, and developed suggestions to improve the service.

The growth of complaints and queries on consumer affairs is constant, and an increased awareness of these types of rights has become apparent. Along these lines, there is a need for a better definition of the organizations that protect consumers' rights and more dissemination of the county consumer affairs offices.

It is fundamental that the consumer services unit have its own identity, with sufficient human and financial resources. Also key is the adaptation of business hours to the real needs of a municipality, and promotion of telematic access. As concerns the duties, regulatory changes must be promoted that ensure that offices assume information tasks, the resolution of claims, and the referral of complaints to the competent bodies.

Linguistic rights

In the ambit of linguistic rights in education, the Catalan Ombudsman has opened an ex-officio action to follow up on the measures that the Catalan Autonomous Ministry of Education must take to comply with the ruling of the High Court of Justice of Catalonia –confirmed in 2008 by the Supreme Court– which obliges the Catalan Autonomous Ministry of Education to consult the family's habitual language in school pre-enrolment.

Complaints have also been handled on the lack of a Spanish version of most textbooks, and, to the contrary, a complaint on the unavailability of materials in Catalan.

Catalan Ombudsman's actions on the Aranese language

The Catalan Ombudsman has conducted two actions affecting linguistic rights as they concern the Aranese language. One was opened following the Ombudsman's office's visit to Vielha, on the application of criteria to assign temporary specialists in pre- and primary schools of the Val d'Aran, which is done without taking the area's linguistic reality into account. The other has to do with the consideration that Aranese should have in the various realms of civil service when covering job openings in this territory.

Freedom, safety and Justice Administration

Alternatives to extras in identification parades

After receiving several complaints from persons selected to participate in ID parades as extras, the Catalan Ombudsman decided to study in depth the rights possibly violated and the Mossos d'Esquadra action protocol.

Those behind the complaints stated that Mossos agents stopped them on the street and summoned them to a court at short notice. Once there, they had to wait between two hours in the court. Furthermore, in some cases, the ID parade was suspended and they were not given any explanation.

Once the case was analyzed, the Catalan Ombudsman sent some suggestions to the Catalan Autonomous Ministry of Home Affairs and High Court of Justice of Catalonia (TSJC) to minimize the damages and feelings

of anxiety that these situations cause those selected.

Notifying the persons selected with sufficient time in advance, seeking alternatives to finding extras on the street (such as persons already in custody in police stations or inmates at penitentiary centres), duly informing the extras selected of the entire process and expediting the waiting time for ID parades were among the suggestions. All of the suggestions were accepted by the Catalan Autonomous Ministry of Home Affairs and the TSJC.



Civil registry service must be improved

Up to 53 complaints were included in the ex-officio action on civil registries that allowed the Ombudsman to analyze the situation of these registries, which form part of the judiciary corps, in 2007 and 2008. Among these complaints, 20 have been referred to the Spanish Ombudsman because they referred to the Central Civil Registry.

Upon conclusion of the study at the end of 2008, the Catalan Ombudsman had found that it was necessary to equip the civil registries with a telephone switchboard with at least two lines to provide information to citizens, and that it was necessary to improve face-to-face service with more information points and longer business hours.

In the area of on-line formality processing, he suggested incorporation of an appointment service for birth certificates and processing marriage licenses, proof of identity or nationality certificates. As for human resources, the Ombudsman believes that the Catalan Autonomous Ministry of Justice should cover openings with temporary personnel, and readapt permanent staff to current needs.

INSTITUTIONAL PROFILE



Over 200 people attend opening of new offices

The Catalan Ombudsman has occupied new headquarters on Passeig Lluís Companys, 7, in Barcelona, in front of the Arc de Triomf, since the end of 2008. This is the third head office the Catalan Ombudsman has had since creation of the institution, 25 years ago. Although the Ombudsman's office relocated at the end of October, the official opening did not take place until December 10. It was attended by over 200 people. Among them, the Spanish Ombudsman, the Swedish Ombudsman, the Catalan Autonomous Minister of Home Affairs, Institutional Relations and Participation, the Mayor of Barcelona, and the President of the Parliament of Catalonia.

The significant growth of the institution, caused by the increase in the number of complaints and queries, made it necessary to find new premises.

The official opening was not the only event; various groups from the social services sector were invited and given a tour of the new facility. Special events were held for children and the news media. The inaugural week concluded with an "open house" day.





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The “Opening the Doors to Rights” Exhibition

At the same time as the opening of the new offices, the Catalan Ombudsman presented the exhibit “Opening the Doors to Rights”, based on three historical dates that the institution is celebrating in 2009; we are celebrating the 30th anniversary of the creation of the “Provisors de Greuges”, 1979 years since the Statute of Autonomy and the 25th anniversary of the Regulating Law and founding of the current institution.

The showing, which portrays the usefulness of the Catalan Ombudsman to citizens through the doors that the institution has opened over its 25 years of existence, was conceived to be a travelling exhibition. It is to travel to some 15 municipalities around Catalonia until June 2009.

Second television advertising campaign

In keeping with the efforts to make the Catalan Ombudsman more accessible and get

closer to citizens, the Communication Department designed a new media campaign to increase knowledge of the figure and work of the Catalan Ombudsman around Catalonia. In addition to advertising the relocation of the offices in the print media, TV and radio adverts about the institution’s work were also broadcast. The message conveyed was that anyone, regardless of their age, origin, condition or gender, can address the Catalan Ombudsman for the defence of their rights.

The Catalan Ombudsman’s website, now available in Aranese and French

In 2008 the Catalan Ombudsman’s website, www.sindic.cat, has undergone several improvements. Versions in Aranese and French have been added to those already available in Catalan, Spanish and English. Aside from translating most of the content, the news on the Ombudsman’s actions and innovation are regularly updated in all languages, and users can file complaints and make queries in the five languages in which the website is available.

Another novelty was the makeover, in image as well as content, of the children and youth website. In 2009, at the same time as the presentation of the 2008 Annual Report, the website incorporated an application that makes it possible to consult all of the decisions from the year.

New video-conference service in Vielha

In the effort to bring the institution as close as possible to all corners of Catalonia, a video-conference service for complaint presentation has been installed in the Val d’Aran. Officially launched during the Catalan Ombudsman’s visit to Vielha at the end of June, the new system is located in the Vielha library and is the eleventh point of connection in the Institution’s video-conference network.

The Catalan Ombudsman presents his Annual Report in four municipalities

Four monographic conferences, held in June, 2008 in Badalona, Reus, Les Borges Blanques and Banyoles have been the sites of the territorial presentations of the 2007 Report. Beyond explaining the most relevant actions and most frequent problems arising in each region, the presentations have been an opportunity to directly handle local citizens’ doubts regarding the Ombudsman’s work.

Talks given in the teaching community and presentation of the Charter of Services

Throughout 2008, the Catalan Ombudsman has taken part in many public events throughout Catalonia to promote defence of people’s rights. In early March, the Catalan Ombudsman gave a presentation in the Edifici del Sucre, in the city of Vic, invited by the Senior Citizens’ University Outreach Program of Osona County.

Also within the educational realm, on April 21 he met with teachers, parents and students of the Escola Pia of Mataró. On November 26 he participated in a conference-discussion with students, teachers and parents of Mandatory and pre-University Secondary Education at the Castellar Secondary School in Castellar del Vallès. In May, Ribó took part in a discussion panel on night-time pre-University Secondary education in the Lluís de Peguera School of Manresa.

The Catalan Ombudsman presented the Charter of Services and Good Administrative Behaviour, implemented by the institution in 2008, at the second Congress on Excellence in Public Administration Management, held in Vitoria on May 30.

Relations with local and university Ombudsman Offices

The relations with local Ombudsman Offices have had mostly to do with the collaboration agreements, already signed with nearly all of them, and the creation of the Catalan Ombudsman’s Local Affairs Department.

On the university level, an Ombudsman of the Open University of Catalonia was appointed, and Rafael Ribó participated in the opening ceremony of the Annual Meeting of University Ombudsmen and Advocates.





© Ajuntament de Castellà del Vallès

Catalan Ombudsman Rafael Ribó, and the Ombudsman of Castellà del Vallès, Ignasi Giménez, sign a collaboration agreement in November, 2008.

Agreements to improve supervision of rights on the local level

Throughout 2008, the Catalan Ombudsman signed framework agreements with the provincial governments of Barcelona, Lleida and Girona, the Catalan Association of Municipalities and Counties and the Federation of Municipalities of Catalonia. This was done to promote specific agreements with local councils that would allow the Catalan Ombudsman to carry out a more agile and complete supervision of rights on the local level.

In keeping with those agreements, the Catalan Ombudsman has installed mailboxes in each municipality so that local citizens can deposit their complaints, which are regularly collected. Furthermore, Catalan Ombudsman advisors travel to every participating municipality to meet with local residents in person. The Ombudsman's activities in every area will be written up in a specific report.

The application of the agreement, which will be expanded to more municipalities in 2009, has been extremely positive for all parties.

Projects with the European Commissioner for Human Rights

The Catalan Ombudsman's collaboration with the Council of Europe's Commissioner for Human Rights, begun some 10 years ago, centred on two Ombudsman networking initiatives in 2008. On one hand, the Catalan Ombudsman worked as an observer within one of the Commissioner's pilot projects to expedite rulings of the European Court of Human Rights. The Catalan Ombudsman has also attended seminars that have taken place in the Peer-to-Peer project meant to strengthen the role of institutions in the defence of human rights.

IOI World Board Meeting in Hong Kong

The annual meeting of the International Ombudsman Institute's Board of Directors (IOI) took place in Hong Kong (China) from November 5-7 and brought together 19 of the 22 members who make it up, among them, the Catalan Ombudsman, Rafael Ribó, Director of the European region.

During the meeting, the Catalan Ombudsman renewed his commitment to work between the IOI and United Nations to promote the Ombudsman figure in new countries, as an institution to guarantee children's rights.

At the meeting, the Board selected Vienna as the new seat of the IOI to replace the current location, at the University of Alberta, in Canada.

The Catalan Ombudsman hosts a meeting of the AOMF "Bureau"

The governing body of the Ombudsmen Association of French-speaking countries (AOMF) met in Barcelona in October. A full member of the AOMF, the Catalan Ombudsman played host. Additionally, as a member of the IOI Board of Directors, and at the request of both associations, he has taken the role of go-between for their communications.

Ribó speaks in Ghent and Milan on relations among Ombudsman Offices

The Catalan Ombudsman, and other members of his staff, have spoken at numerous events around Europe throughout 2008. For example, the one organized by the Walloon Ombudsman, in which the Director for Territorial Organization and Local Relations of the Catalan Ombudsman's Office, Matias Vives, spoke on local mediation.

Within the framework of a conference entitled, "The Ombudsman's Impact", held in

the city of Ghent (Belgium), Rafael Ribó gave a presentation on relations among Ombudsman's Offices and subsidiary Ombudsman networks. Similarly, he took part in a conference in Milan on Ombudsman networking. Last, he gave the opening speech at the 6th Seminar of the European Ombudsman and Regional Ombudsmen of EU Member States, which took place in Berlin in November. The presentation, entitled, "The Guarantee of the Ombudsman's Independence", was part of a cycle of lectures on the effective work of an Ombudsman for citizens.

In the realm of children's affairs, advisor Anna Piferrer spoke in Rome on the new foster care models for foreign children, and the Deputy Ombudsman for the Defence of Children's Rights, Xavier Bonal, was a speaker at the seminar, "International Experience on the Guarantee and Projection of Children and Adolescents", which took place in Sardinia.



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The Catalan Ombudsman reported on the IOI activities at the AOMF meeting.

INTERNATIONAL CO-OPERATION

For several years now, the Catalan Ombudsman and the Catalan Agency for Development Cooperation (ACCD) have been collaborating in several cooperation projects in the Balkans. This collaboration was significantly boosted with the formalization of a framework collaboration agreement between the two organizations in 2006, which materialized with the launch of several joint projects. The Catalan Ombudsman's activities in this realm are also co-financed with resources from the Spanish Agency for International Development Cooperation (AECID) and other organizations. The Catalan Ombudsman's Office earmarks over 0.7% of its annual budget for cooperation.

Presentation of the Framework Protocol for Cases of Child Abuse in Sarajevo

The Framework Protocol for Cases of Child Abuse in Bosnia and Herzegovina was pre-

sented in Sarajevo in May 2008. Promoted by the Catalan Ombudsman, this protocol began development in 2006, when a commitment was reached with the competent organizations for them to get involved in the project.

The president of the High Judicial and Prosecutorial Council, Mr Branco Peric, chaired the presentation. The Minister of Human Rights and Refugees, Mr Safet Halilovic, and the Deputy Ombudsman for the Defence of Children's Rights, Xavier Bonal, also took part.

The event was also attended by all of the Bosnian institutions involved in the development of the protocol: Ministries of Health, Social Services, Home Affairs and Justice, as well as the Judiciary, Prosecutor's Office and Ombudsman Institutions. Also on hand were representatives of the attorney community, social work centres and NGO's that work in the realm of children's rights.

The Catalan Ombudsman leads international support for the Serbian Ombudsman

Deputy Ombudsman Laura Díez spent three months in Serbia in 2008 to advise on the implementation of the recently-created Ombudsman institution in that country. Thus, the Catalan Ombudsman was the first Ombudsman Institution to offer its full support to the new Ombudsman. Díez, in her role as international expert, wrote up a detailed report on the operations of the Serbian institution and made proposals to guide it and improve its effectiveness.

Some of her suggestions, which had to do with regulating legislation, organizational structure, competencies and relations with the Administration, have already been put in practice.

The Catalan Ombudsman's support of the Serbian Ombudsman is taking place within

a joint project with the Organization for Security and Cooperation in Europe (OSCE), co-financed by the ACCD. Within the framework of this project, a Serbian delegation, led by the Ombudsman Sasa Jankovic visited the Catalan Ombudsman's Office in Barcelona. Four conferences were also held for dissemination of the institution in Serbia.

Conference in Novi Sad on the independence of the Ombudsman

In November, the Ombudsman of Vojvodina, with the support of the Council of Europe and the OSCE mission in Serbia, held an international conference on the independence and integrity of Ombudsman institutions in Novi Sad, in the autonomous province of Vojvodina.

Deputy Ombudsman Laura Díez was responsible for discussing the experience of the Catalan Ombudsman in this realm and the conditions that guarantee budgetary autonomy of Ombudsman institutions.

Promotion of the free legal aid system in Vojvodina

The free legal aid project carried out in Serbia by the Catalan Ombudsman from 2004 to 2007, gave way to a second project, begun in 2007, to set up the same system in the autonomous province of Vojvodina. The new plan also calls for the institutionalization of two services throughout all Serbia. legal advice and in-court representation service.

The Catalan Ombudsman (with the support of the ACCD and the AECID) and the Executive Council of Vojvodina are co-financing the in-court representation service. Plans call for the legal advice services promoted within the project, which are to co-exist with existing ones, to be financed by the respective local councils and provided by the



Xavier Bonal, Deputy Catalan Ombudsman for Children's Affairs, in Sarajevo, at the presentation of the Framework Protocol for Cases of Child Abuse.

Vojvodina Bar Association. The successful implementation of such a model in Vojvodina, which stands for a third of the country's population, must serve to prove that a comprehensive system of this nature can work on a state level, as its sustainability depends on the Serbian administration progressively assuming its financing.

Over the course of 2008, 889 persons have been assisted by the legal advice services established in the framework of the project. The in-court representation service was launched in 2009.

Macedonian Ombudsman visits the Catalan Ombudsman

Macedonian Ombudsman Ixhet Memeti visited the Catalan Ombudsman in early 2008. The competencies of each institution, the relations and collaboration with their respective administrations and the effectiveness of the decisions handed down were among the items discussed.

Discussion also centred on the proposals related to the Optional Protocol of the UN Convention Against Torture and the supervision mechanisms established therein.



A delegation from the Serbian Ombudsman Institution visits the Catalan Ombudsman's headquarters.



The Síndic de Greuges de Catalunya is a member of:

IOI (International Ombudsman Institute)

FIO (Ibero-American Federation of Ombudsmen)

AOMF (Association des Ombudsmans et Médiateurs de la Francophonie)

ENOC (European Network of Ombudspersons for Children)

The Catalan Ombudsman also participates in:

European Network of Ombudsmen

Round Table of Ombudsmen of the Council of Europe

Meetings of Ombudspersons of the Mediterranean

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