



SÍNDIC ANNUAL REPORT 2009

SÍNDIC
EL DEFENSOR
DE LES
PERSONES

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The Síndic (Catalan Ombudsman) has been growing since 2004. Now, six years on, with one term completed and a new legal, social and economic framework, it is time to look back on the work done and use the experience acquired to take on new challenges.

We have a new Statute that includes a chapter on rights with terms that are absolutely innovative on a worldwide scale, such as the competency to supervise the private companies that render public services or the possibility to file claims and appeals before the Council of Statutory Guarantees.

We also have a new Catalan Ombudsman Act, of December 30, 2009, which among other things, extends the ombudsman's term of office, gives the ombudsman the capacity to consult administrations telematically, and makes the institution Catalan Authority for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment.

As we face this new legal framework, and in the midst of today's economic crisis, with the difficulties entailed in ensuring social benefits and guaranteeing the rights of equal opportunities, we have much work to do. We must improve and transform the administrations, but we want to be a Catalan Ombudsman institution that is collaborative, an institution in the people's service that helps guarantee the right to good administration under the criteria of the code of best administrative practices.

We will continue along the lines of making the institution better known and open to everyone, to put rights and obligations at the centre of our collective priorities and create a true network of rights in Catalonia.

I can state that wherever I go, as Catalan Ombudsman since 2004 and as European president of the International Ombudsman Institute (IOI) since June 2009, I have found genuine interest in the work done and the measures taken to defend rights in Catalonia. It is precisely this will to give a higher profile to the institutions that work to this end that Barcelona will host the assembly of European ombudsmen of the IOI, which will discuss the new challenges of the organization under the slogan, "Europe, an open society", in October 2010.

Rafael Ribó
Síndic (Catalan Ombudsman)

OUTSTANDING FIGURES FOR 2009

The Catalan Ombudsman undertook 24,960 actions (5,941 complaints, 105 ex-officio actions and 18,914 queries), which stand for an increase of 5.2% over those of 2008. The Catalan Ombudsman's interventions have quadrupled since 2004, the year Rafael Ribó began his term.

As for the number of people who have addressed the institution, and considering queries and complaints filed individually and collectively, the Catalan Ombudsman assisted 28,504 people in 2009.

The telephone, used to make 15,448 queries, was the most frequently-used means of contacting the Catalan Ombudsman. The majority of complaints were filed by regular mail (3,025) and over the Internet (2,524). As for the language used, 69.6% of the complaints were filed in Catalan, while 30.3% were in Spanish. Three were processed in Aranese and four in French.

Violation of rights in 24% of cases

60% of the interventions were concluded without finding any wrongdoing by the administrations. To the contrary, in 24% of the cases processed (1,129), the Catalan Ombudsman has detected violations of rights, and has handed down a decision with recommendations and suggestions addressed to the administrations involved. They accepted the decisions in 89% of the cases.

Users give the Catalan Ombudsman a 7

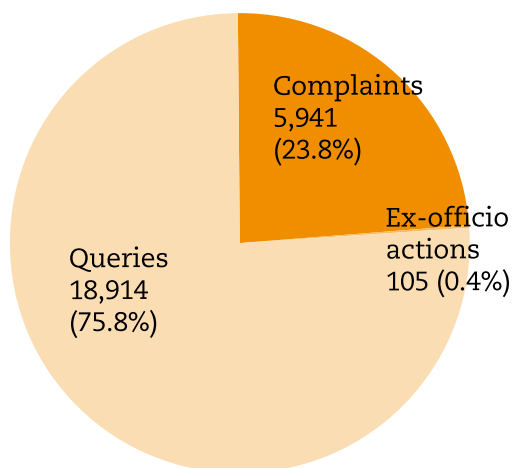
Whenever the decision on a complaint is sent to the claimant, the Ombudsman sends a satisfaction questionnaire along with it. The response has been overwhelmingly positive, both in the participation (40%) as well as users' comments and evaluation with a score of 6.98 on their degree of overall satisfaction with the service received.

Increase in complaints from social sectors

For the first time, and as opposed to prior years, urban planning and housing (with 1,068 complaints) and social services (with 1,019 complaints) were the areas in which the most complaints were received, followed by those on the public administration (1,016). As in the prior year, consumer affairs is the area on which the most complaints were received (3,950).



Number and types of actions in 2009

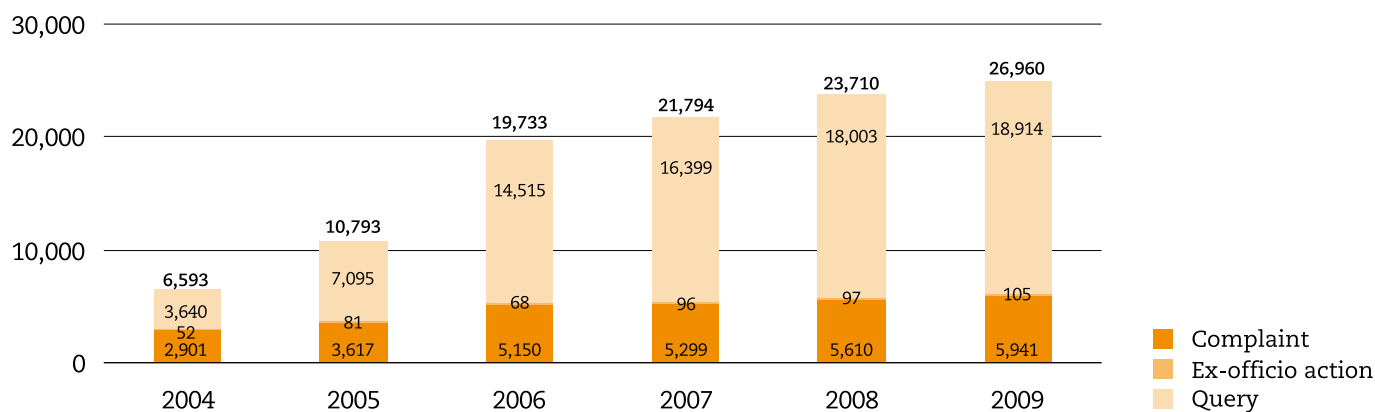


Complaints: actions promoted through disagreement, discontent or dissatisfaction with the action or lack of action by the public administration.

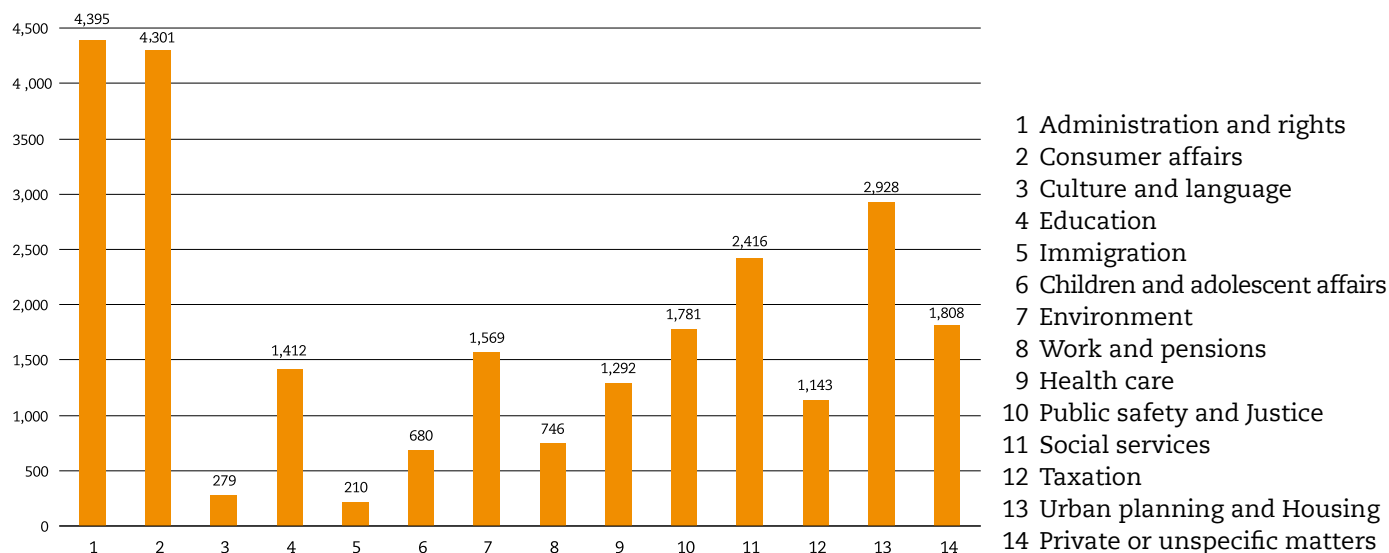
Queries: actions promoted to obtain information or guidance on a particular matter. If the case queried is suitable for a complaint, the person who has promoted/formulated it receives information about how to present it. If it is not, the person is advised on how to get information or resolve the matter.

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.

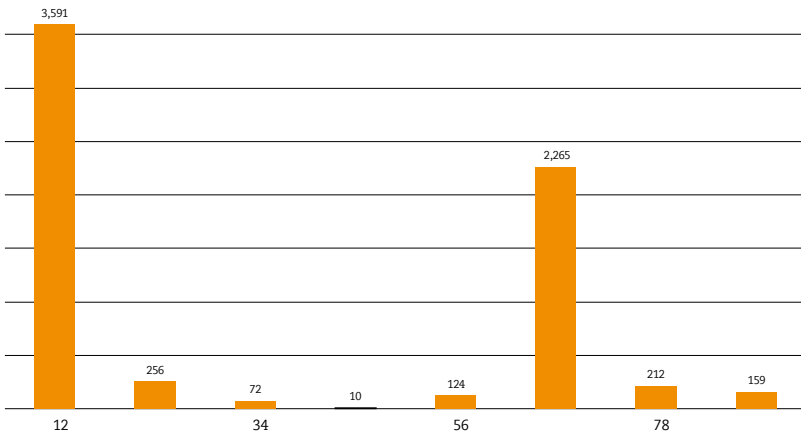
Evolution of complaints and queries over recent years



Actions by subject



Complaints and interventions by affected administration



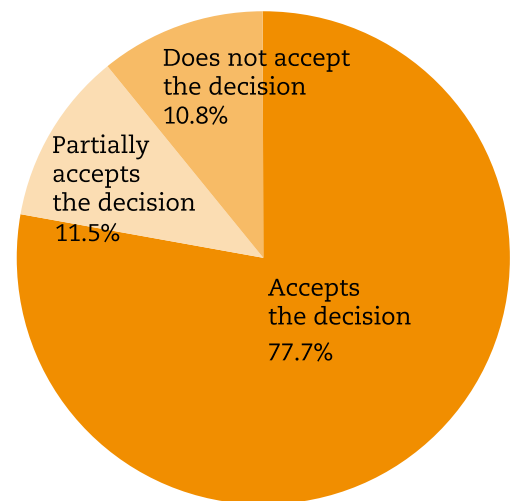
- 1 Autonomous community administration
- 2 Central administration
- 3 Institutional administration
- 4 Judicial administration
- 5 Local administration
- 6 Peripheral State administration
- 7 Services of general interest
- 8 Others

Result of the complaints and ex-officio actions conducted

Sum of the actions (complaints and ex-officio actions) handled throughout 2009; those initiated in 2009 (6,046) and those originating in 2008 (3,743). A total of 9,789 have been handled.

Results	Total	
1 Being processed	4,507	46.04%
a Actions prior to Síndic's decision	3,837	39.20%
b Pending response from the Síndic's decision	670	6.84%
2 Actions concluded	4,750	48.52%
a Correct action of the Administration		
a ₁ Prior to the Síndic's intervention	1,405	29.08%
a ₂ After the Síndic's intervention	1,442	14.73%
b Accepts the decision	877	8.96%
c Partially accepts the decision	130	1.33%
d Does not accept the decision	122	1.25%
e Does not collaborate	13	0.13%
f Procedures with other Ombudspersons	245	2.50%
g Abandonment of claimant	516	5.27%
3 h Rejected	532	5.43%

Degree of acceptance by the Administration



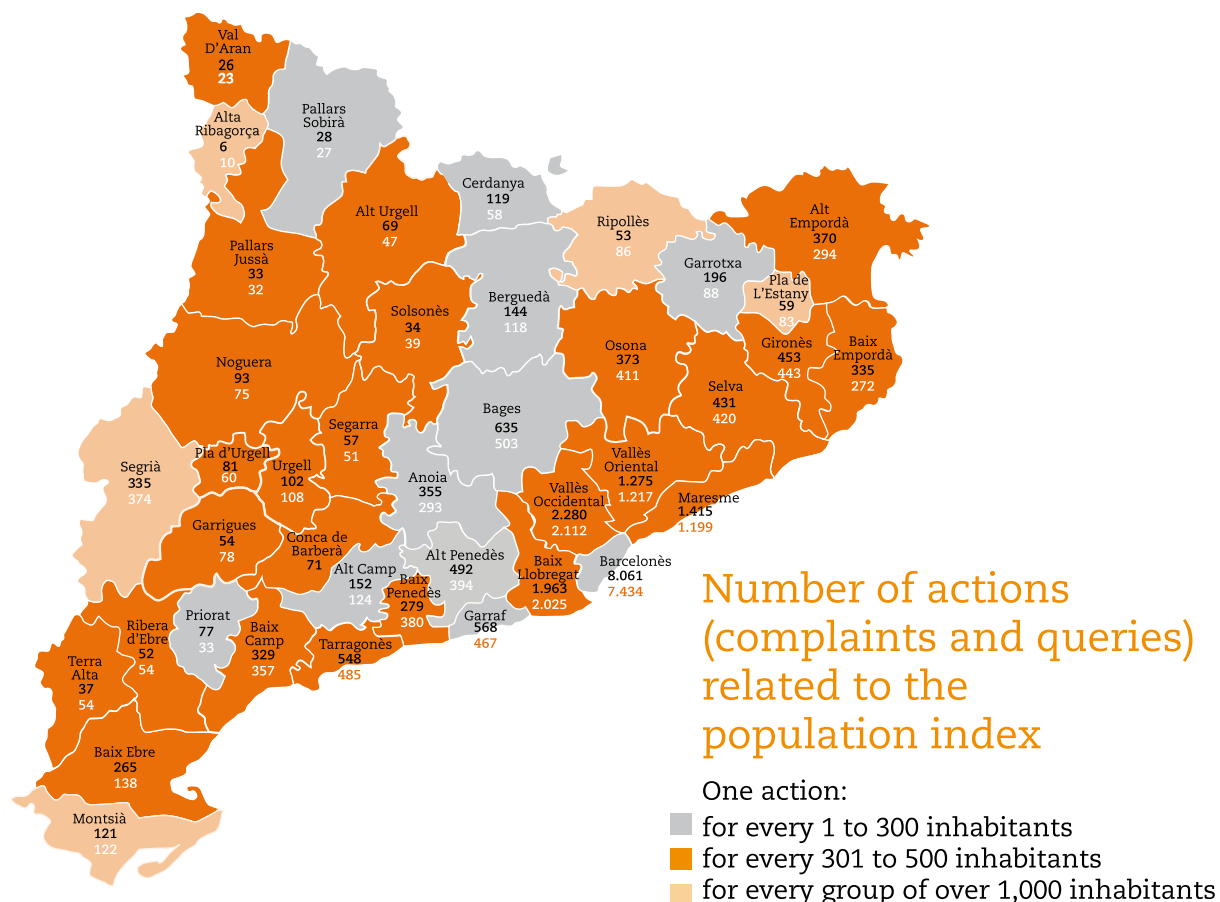
Geographical distribution of complaints and queries

Barcelona province had the highest number of complaints and queries, with 15,755 (78.3%). Tarragona came in second, with 2,003 (8.9%) followed by Girona, with 1,931 (8.6%). Last, 937 were received from Lleida (4.2%).

The geographic distribution of the actions by number of inhabitants had a positive proportion in 2009. As described in the previous report, this is attributable to the greater number of trips by the Catalan Ombudsman's office to the cities and towns of Cata-

lonia. Pla de l'Estany, with one intervention for every 628 inhabitants, is the county with the lowest ratio. Priorat county had the highest proportion, with one action for every 130 inhabitants.

In fact, the actions taken in this county have risen from 33 in 2008 to 77 in 2009. This increase is directly related with the visit of the Síndic's team to Falset in the month of May. La Cerdanya, visited in September, is in second place with one action per 157 inhabitants.



Catalan Ombudsman visits 15 municipalities

For the first time, the Catalan Ombudsman visited Santa Coloma de Gramenet, Cardona, Sant Feliu de Guíxols, Sant Cugat del Vallès, Roses and Sitges, where he collected local complaints and queries first-hand. Additionally, the institution travelled with its office to nine municipalities that had been visited in prior years: Nou Barris (Barcelona), la Seu d'Urgell, Falset, Olot, Mollerussa, Martoró, Tortosa, Puigcerdà and Valls.

Aside from receiving citizens (a total of 285 queries and 295 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 varied complaints in Santa Coloma de Gramenet

The first trip of the year was taken to Santa Coloma de Gramenet, where 24 visits were received, giving rise to 13 complaints and 14 queries. The complaints received dealt with such subjects as social services, urban planning, education, housing and health care.

The trip was capped with a visit to the Beethoven Primary School and a meeting with the school's principal, which offered proof of the improvement in facilities as a result of the remodelling works completed on the building, and that the school is working along a positive educational evolution, despite the rise in newly arrived students over recent years.

A meeting was also held with the children and adolescent services unit (EAIA) which highlighted the positive inclusion of two professionals on the staff.

Trip to Cardona generates 22 visits

The most recurrent complaint on the Cardona trip was the management of the senior citizen civic centre, brought up a total of five times. Among the 22 visits received (13 complaints and 9 queries), subjects such as telephone service, town planning, civil service and health care were also addressed.

The situation that this Bages County municipality is going through, with a population that has shrunk due to the closure of the mine in 1990, and the disappearance of the textile industry, was the focal point of the interview between the Catalan Ombudsman and Cardona mayor Josep Maria Sala.

Ex-officio action in the Antaviana Primary School in Nou Barris district

The result of the visit to Nou Barris (Barcelona) was a total of 102 visits. Overall, the Catalan Ombudsman gathered 63 complaints and 39 queries.

The vast range of subject matters discussed led to a diversity of grounds for complaints, and included topics such as delays in the application of the Dependency Act and matters of town planning, noise, housing and consumer affairs (Renfe and Fecsa).

The Catalan Ombudsman and his staff also visited the Turó and Antaviana Primary Schools, both of which have high concentrations of immigrant students.

The Catalan Ombudsman brought an ex-officio action on the situation of the facilities and surroundings he found at the Antaviana Primary School. The visit to Nou Barris also allowed the Ombudsman to call on the Guineueta primary care clinic and the Nou Barris Nord mental health centre.



Training of health care professionals in Seu d'Urgell

The Catalan Ombudsman's provisional office in Seu d'Urgell, located at the Edifici de les Monges building, took 28 visits (11 complaints and 17 queries). Beyond receiving the locals, Ombudsman and staff visited the Fundació Sant Hospital de la Seu d'Urgell, where administrators outlined the problems inherent to hospitals in mid-sized municipalities, in this case accentuated by the town's geographic situation. For example, education of their professionals is no easy task, because if they leave for other hospitals, they temporarily abandon their units, and there are not many professionals willing to travel to the municipality to conduct training programs. Problems derived from the lack of health care professionals also repeatedly occur.

Small facilities at the Falset primary care clinic

The visit to Falset was marked by 34 visits, that gave rise to 14 complaints and 20 queries, on a broad diversity of topics, such as town planning, noise pollution and social services.

The Ombudsman also took the opportunity to visit the Falset primary care clinic, where the facilities have been outgrown by user demand.

This has made it necessary to offer some services, such as physical therapy, at the local sports centre until building expansion works can be carried out. The delegation also paid a visit to Pius Hospital in Valls, where in addition to the usual problems of health care centres, members were shown the facility's deficient communications with the public transit system.

Tax issues, focal point of the visit to Olot

The trip to Olot tallied 42 appointments (32 complaints and 20 queries). Many of the complaints were related with tax issues, such as the land registry, gift and inheritance tax, special taxes or personal income tax.

During the visit, several facilities in the county were toured, such as the social co-operative La Fageda and the Sant Jaume Hospital, where it was demonstrated that its size was too small to handle the patient population, and for which maximum efficiency must be sought. According to plans, a relocation to new premises will be made in a few years.

Presentation of the Annual Yearbook in Mollerussa

The institution's annual yearbook was also presented during the Catalan Ombudsman's visit to Mollerussa, placing special emphasis on the problems detected in Mollerussa and the Pla d'Urgell. At the event, the Catalan Ombudsman's travelling exhibit "Opening the doors to rights" was also presented.

Throughout the day, 24 visits were received, giving rise to five complaints and 19 queries. Issues around town planning, work and noise were the main drivers behind the complaints and queries.

Second visit to Mataró

As was done in the year 2000, the Catalan Ombudsman's office spent a day in the town of Mataró. Overall, 38 complaints and 33 queries were received on topics related with health care, education, school pre-enrolment, etc. The institution's annual report was also presented, with discussion centering on the problems detected in Mataró and the Maresme area in general.

Complaints on student distribution in Tortosa

The 16 visits received in Tortosa rendered nine complaints and seven queries, and addressed one main subject: the distribution of students between the town's two secondary schools by the Catalan Autonomous Ministry of Education during the pre-enrolment period.

The visit to Tortosa was also an occasion for the Catalan Ombudsman's team to present the institution's annual report, and discuss the content and materials of the Ombudsman's travelling exhibit, "Opening the doors to rights", on display in the Baix Ebre capital for one week.

18 appointments during the visit to Sant Feliu de Guíxols

The visits, taken throughout the day at the Vilartagues civic centre, led to 8 complaints and 10 queries, mainly on tax and town planning matters. Social services and education were among the other sources of the complaints and queries received.

This was the Catalan Ombudsman's third trip to the Baix Empordà area, where visits had already been made to la Bisbal and Palafrugell.

Haphazard communications in la Cerdanya

Matters related with town planning, education and the haphazard communications in la Cerdanya, especially train service, were the most-discussed topics throughout the day. Overall 49 visits were received, from which 23 complaints and 26 queries were filed.

On his second tour of Puigcerdà (the first was in 1998), the Catalan Ombudsman visited Puigcerdà Hospital, where administrators told of the excessive turnover of health care professionals and the efforts that must be made to retain them. During his visit to the Mossos d'Esquadra territorial police station, local officers outlined matters related with the four law enforcement agencies intervening in the area, due to its status as a border territory, and the different population dynamics between the ski and summer seasons.

Complaint in Sant Cugat due to slow processing of subsidies

In Sant Cugat del Vallès, 26 visits were received (nine complaints and 17 queries) on problems related with social services, town planning and traffic fines, among other matters.

The Catalan Ombudsman visited the National Police station at the behest of the mayor to see first-hand the poor condition of the facilities, which he conveyed to the Spanish Ombudsman. Additionally, in the Sant Cugat Ateneu cultural association, he was informed of the problems caused for this non-profit organization by the slow processing of subsidies it receives from the public administration.



Over the course of the trip to Sant Cugat, the Catalan Ombudsman's delegation also visited the northern metropolitan region emergency centre, the Bellaterra fire station and the Sant Cugat and Valldoreix primary care clinics, managed by the Mútua de Terrassa insurance company.

Maritime territorial delimitation in Empuriabrava and Roses

In Roses, 35 visits were received, which generated 17 complaints and 18 queries. With regard to the problems discussed, the Catalan Ombudsman decided to open an ex-officio action on the maritime territorial delimitation made by the Ministry of the Environment in Empuriabrava and Roses. The Catalan Ombudsman also paid a visit to the area.

The information and complaints gathered were conveyed to the Spanish Ombudsman, who has competencies to supervise the Spanish administration. Complaints were also received on other topics such as noise, social services and town planning.

Complaint of a school in Sitges

The trip to Sitges gave rise to 37 visits (21 complaints and 16 queries). Noise pollution, civil service, town planning, pensions and social services were the subjects of some of the problems addressed.

During the visit, the county facilities were visited, such as the Agnès Primary School, a school with 180 students set up in prefabricated classroom buildings.

The school's Parents' Association filed a complaint on the conditions of the facility. The Catalan Ombudsman's staff also travelled to the Fundació Hospital Residència Sant Camil and the Sitges Primary Care Clinic.

Deficiencies in the Valls Police Station

The year's last visit was to Valls, where 39 appointments were held (18 complaints and 21 queries). Some of the most common complaints had to do with urban planning and delays in processing the subsidies established in the Dependency Act.

Over the course of the visit to the Alt Camp capital, the Catalan Ombudsman and his staff toured the local police station (where they heard the station chief's concerns over the shortcomings in the facility), and the recently opened Mossos d'Esquadra premises.

Code of best administrative practices

This Code, delivered to Parliament in September and sent to all local councils, county councils and four provincial governments, contains 17 principles of good administration designed to facilitate public administration's making this right effective. It is also meant for persons to know their rights when addressing the Administration.

Diagnosis on child protection

The special report *The protection of children at high social risk in Catalonia* outlines the situation of the child protection system and analyzes shortcomings of the system and their consequences on possible violations of children's Rights.

Aside from describing the saturation in the residential realm, the lack of care-giving families and the coordination problems among the various services involved, in addition to other shortcomings, the report recommends the inclusion of a specific catalogue of children's rights in the child protection system, that a complete study be carried out on the social profiles and the needs of at-risk children.

GROUPS WITH SPECIAL PROTECTION NEEDS

For the first time, Social Services was the subject area that registered the most actions. The impact of the crisis has also been made visible through the increase in complaints derived from marginalization situations.

The Catalan Ombudsman carried out the first diagnosis on the child protection system in Catalonia. In relation with Immigration, as of this year complaints on the processing of the initial work permit for foreigners can be handled by the Catalan Ombudsman. The Ombudsman has also drawn attention to the unreasonable delays in the management of the Dependency Act and has suggested creation of a public entity to supervise affairs related to persons with disabilities.

Actions	queries	complaints	ex-officio	total
Women at risk	3	5	2	10
Children and adolescents	448	215	20	683
Elderly people	191	234	--	425
Immigration	156	51	--	207
Inmates in penitentiary centres	103	295	4	402
Persons with disabilities	953	642	6	1,601
Marginalization situations	246	143	1	390
Total	2,100	1,585	33	3,718

Actions in this area stood for 15.8% of the total in 2009. Complaints made for 25.4% of the total.

At-risk children and adolescents

The presentation in the Parliament of the report *The protection of children at high social risk in Catalonia*, in June 2009, was one of the year's highlights. The widely disseminated report offers the first overall diagnosis of the protection system in Catalonia and among others, describes the saturation in the residential area and the shortage of care-giving families. The report also outlines difficulties in some professional sectors to detect signs of child abuse, and a regulatory void in regulating the conditions of certain protection resources.

In juvenile justice, part of the Catalan Ombudsman's activity has focused on evaluating the possible violations of rights derived from the application of the SAVRY program (Structured Assessment for Violence Risk in Youth). The Catalan Ombudsman stated in the report that the conclusions reached would be outlined in an upcoming decision, handed down April 22, 2010.

To celebrate the 20th anniversary of the approval of the UN Convention on Children's Rights, in November, the Catalan Ombudsman held a commemorative ceremony that brought together a broad representation of the groups that work in children's affairs in Catalonia.

Suggestion on financial aid for international adoption accepted

Following complaints received on the financial aid for international adoption, both for the delays in collecting it as well as those related with the time periods in which to file the applications, the Catalan Ombudsman decided to open an ex-officio action.



© Antonio Rubio

The investigation concentrated on studying the requirements and the response system for this financial aid, meant to give economic support to families to allay the expenses derived from procedures to adopt children from other countries. Once the situation had been analyzed, the Catalan Ombudsman suggested to the Catalan Autonomous Ministry of Social and Citizen Action that it modify the requirements to qualify for the aid and use flexible criteria to set time frames for application filing. The objective was to make them more equitable.

The Ministry accepted the suggestion and extended the period for presentation of the financial aid application until March 31, 2010 for families that had adopted (or taken part in foster care) in the last quarter of 2009. This allows more time to present the accrediting documents.

Solutions to care for unaccompanied immigrant minors

Throughout 2009, age testing was conducted on unaccompanied minor immigrants, even when they held valid passports.

Both the Directorate General for Children and Adolescent Services (DGAIA) as well as the Public Prosecutor's Office consider the medical tests to be valid, and process deportation orders for the youths whenever the tests indicate that they are over 18 years of age.

In the investigation of the case of 13 Sub-Saharan youths expelled from the El Bosc shelter while the minors were awaiting medical testing, it was found that the DGAIA does not activate wardship or residency permit mechanisms.

This situation keeps them from accessing educational or training programs and leaves them in a legal limbo: they are not considered minors by the DGAIA, and as they have papers that certify that they are minors, they can not formally access the network of adult shelters.

dividual care program (PIA), notification of the decision, resolution of claims and settlement of the derived benefits. In all of these phases, delays come about that impinge on the rights of the persons interested in obtaining the benefits they are entitled to by this law.

Elderly people

Administrative problems and the delays in processing certain cases related with the Dependency Act have been the sources of many complaints related with the elderly.

As for the procedures for recognition of dependency situations, the Catalan Ombudsman has received numerous complaints due to non-compliance with the terms established for the implementation of the entire process, and in all phases of the procedure, from assessment of the situation of dependence, to the development of the in-

Lack of information on application of the Dependency Act

The lack of information, or confusing or inaccurate information on the procedure for recognition of dependency has caused numerous complaints. For example, the Catalan Ombudsman has learned of incidents related with the notification of Individual Care Program (PIA) decisions.

These incidents have come about due to several reasons, like users are not notified of the decision before payment is made or the amount of the relevant benefit is not indicated.



Sometimes, also, erroneous amount is indicated, or the decision does not include the accrediting details of the benefits granted with the breakdown of delayed payments, etc.

This situation worsens when the Administration does not respond to users' requests for information or clarification.

The Catalan Ombudsman has found that one of the reasons for this is sometimes a lack of information in the Administration itself, given the vast array of bodies and information that form part of the procedure. That is why the Ombudsman has reminded the Administration of the need to implement formulas that improve coordination among all involved bodies.

The Catalan Autonomous Ministry of Social and Citizen Action notified the Catalan Ombudsman that it is developing a computerized management application that will be integrated throughout the systems and agents who take part in developing the Dependency Act.

Immigration

Although the Catalan Ombudsman has not been directly supervising immigration complaints since 2007, as this is a competency of the Spanish Administration, orientation tasks have been performed, and the Spanish Ombudsman has been sent all the complaints received and information gathered on this topic.

Since 2009, the Catalan Ombudsman supervises the Catalan administration, which has executive competencies in authorizing foreigners to work. This is a competency that the Catalan Statute of Autonomy grants the Generalitat (Autonomous Government of Catalonia) that must be conducted in coordination with the Spanish state.

Rights of penitentiary centre inmates

Over the course of 2009, among other penitentiary affairs, an ex-officio action was opened to analyze the prices of the products sold in the prison shops, which are controlled by the Centre for Reinsertion Initiatives (CIRE), following presentation of six complaints decrying their prices, which were higher than those of shops in the surrounding area.

Two ex-officio actions were also opened on the orders given to penitentiary centres when establishing criteria and conditions on the procedure to grant private communications in general, and when both members of a couple are incarcerated in penitentiary centres.

Although the Catalan Ombudsman acknowledges the efforts of the Autonomous Ministry of Justice to create new penitentiary capacity, the number of inmates is growing at such a high pace that there is little inmate turnover, making it impossible to alleviate the severe overcrowding problem affecting the penitentiary system. The Catalan Ombudsman has proposed that alternative measures other than penitentiary sentences be applied more often, that more probationary measures be handed down and that temporary prison usage be diminished.

67 inmates served via video-conference

Like every year, many of the inmates' complaints and queries were filed by them in person during the visits of the Catalan Ombudsman's staff to the penitentiary centres. In addition to this method, 2009 saw an increased use of video-conferences, a highly effective and expedient system that facilitates inmates' access to the Catalan Ombudsman, as it is more limited for them than for other citizens.



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By law, communications between inmates and the institution can not be suspended or be the object of any type of administrative intervention or restriction. Along these lines, the video-conference has been readily accepted among inmates, who use it more every year.

Specifically, 27 video-conferences were conducted in 2009, making for a 27% increase over 2008. They can be broken down as follows: 6 with the Brians 1 Penitentiary Centre; 5 with Brians 2; 9 with Quatre Camins; 2 with Lledoners; 4 with Ponent and 1 with the Tarragona Penitentiary Centre. A total of 67 inmates have been served.

Persons with disabilities

Just as with the elderly, the complaints filed with relation to disabled persons reveal shortcomings in the existing resources, which can translate into nearly unsustainable situations.

Furthermore, the necessary care for this group is jeopardized by age discrimination in the access to certain forms of financial aid —the recognition of the degree of disability equal to or greater than 33% must be completed before the disabled person turns 65— and because some of this financial aid is no longer offered, such as the former aid for services.

Suggestion to create a public body with responsibility for wardship of disabled persons

Although few complaints have been received with regard to wardship of adults with disabilities, the Catalan Ombudsman is aware that there can be difficulties in assigning the most appropriate wardship. The cases of persons with mental illness who have social problems, and who are often users of alcohol or other controlled substances are the most conflictive.

Following an ex-officio action, the Síndic became familiarized with the Ministry of Social and Citizen Action's work to improve this situation. Thus, the legal and social protection of persons with limited capacity is a service provided by non-profit legal entities, and it is not stipulated that the public administration take direct responsibility for it.

The Catalan Ombudsman has suggested that, without prejudice to the work carried out by non-profit organizations, the Administration create a public entity responsible for the wardship of disabled adults. This measure would make it possible to reduce the waiting time for wardship, more effective protection would be achieved, and risk situations diminished.

The Catalan Ombudsman studies the accessibility conditions to premises and communications

Three ex-officio actions have accounted for the Catalan Ombudsman's activity in the study of accessibility conditions for persons with disabilities.

The first, on the promotion of accessibility and the elimination of architectural barriers in various environments, would be complemented with a fourth action specifically devoted to the study of accessibility conditions in the Barcelona metro system.

The second has to do with the Administration's best practices in the implementation of accessibility measures for persons with visual disability and blindness, and the third, devoted to accessibility in communications, studies the development and use of various support mechanisms for communication by Catalan administrations.

As part of these actions, the Catalan Ombudsman has requested information from the involved administrations to establish the degree of compliance of the various accessibility measures taken up in the law. In terms of accessibility in communication, the Ombudsman has followed up on the progress of the recently-approved Catalan Sign Language Act, and has sent a query to the Administration on the development of legislative initiatives that regulate other support measures for oral communication in Catalonia.



SOCIAL AND ECONOMIC RIGHTS

The effects of the crisis have marked the right to education, as education has undergone budget cuts, and the right to work, since Catalonia was the autonomous community with the highest part of its workforce affected by staff adjustment plans in 2009.

The Catalan Ombudsman has reminded the Administration that it needs to have more involvement in issues of noise pollution, nuclear security and town planning, and has called attention to the disorganised management of the basic emancipation benefits. In health care, there was a significant follow-up of reproductive health rights.

Actions	<i>queries</i>	<i>complaints</i>	<i>ex-officio</i>	total
Education	860	535	17	1,412
Environement	1,108	455	6	1,569
Health care	934	345	13	1,292
Work and pensions	659	86	1	746
Taxation	874	267	2	1,143
Urban planning and housing	1,853	1,068	7	2,928
Total	5,288	2,756	46	9,090

Actions in this area stood for 38.6% of the total in 2009. Complaints made for 44.2% of the total.

Education

The economic crisis has marked the activity of the Catalan Ombudsman as regards education, which has suffered its effects in services such as transport and the school lunchroom, coverage of students' specific educational needs and the provision of vocational training. Other consequences were reductions in support staff and other services in the schools and delays in the execution of the new school construction projects.

Budgetary restrictions undermine the equality and quality of education

The year 2009 saw an increase in complaints on the allocation of teaching and support personnel to schools. Especially noteworthy is the complaint filed by the Education Division of the CCOO Trade Union, signed by some 100 schools, expressing their disagreement with the progressive elimination of allocations for educational innovation programs, teaching staff, and educational support hours in schools.

The Catalan Ombudsman reminded the Ministry of Education that, despite these cutbacks, the schools' specific educational needs were no less significant in the 2009 school year and that this affects students.

Financing shortfalls were also visible in the temporary character of school facilities. The Catalan Ombudsman has opened an ex-officio action to analyze the planning of school construction projects and has highlighted the existing territorial irregularities.

In Girona, 40% of public primary and secondary schools have temporary facilities. In Camp de Tarragona the percentage is 32% and in Central Catalonia, 29%. Many complaints have also been received due to excessive delays in construction of new facilities.



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The Catalan Ombudsman has requested that the budget freeze not affect the geographic and economic accessibility of school transport services and has called attention to the excessively restrictive income criteria to qualify for school lunchroom benefits.

Improved regulation of educational welcome spaces

The Catalan Ombudsman has recommended that the Catalan Autonomous Ministry of Education better regulate the educational welcome spaces (EBE), as the two pilot experiences begun in the 2008-2009 school year in Vic and Reus, and in 2009-2010 in Cornellà de Llobregat do not violate rights, but could in the future if their goals and operation are not more specifically regulated.

Without proper regulation, the objectives could become distorted in practice and become spaces for school segregation.

For example, in cases of shortages in the school offering and saturation of capacity, when immigrant children's stays in the EBE could be extended, or also in cases of a lack of co-responsibility among educational actors in welcoming newly-arrived students.

The regulation of these spaces must consider information on their voluntary nature, the maximum length of stay for children arriving to them, the maximum number of students per professional, and the certification that the professionals should be required to hold.

The protocols and systems to refer the children from the welcome spaces to schools must also be specified, with special consideration given to situations of school segregation in the allocation of classroom spaces, and also considering periods of the school year most suitable for the incorporation of newcomers from the welcome spaces.

These regulations would prevent possible violations of children's rights to immediate school enrolment in conditions of equal opportunity.

Environment

More involvement needed from local councils to fight noise pollution

The nuisances caused by the loading and unloading of merchandise for supermarkets installed in residential buildings were grounds for recurrent complaints in 2009. Although these operations are regulated by municipal ordinances when licenses are granted for the operation of supermarkets, conditions regarding sites and schedules are often ignored.

The Catalan Ombudsman has urged the local councils involved in the complaints to improve this situation, adapt the operations to the ordinances and if necessary, modify them to ensure respect for the neighbours' rights.

The majority have accepted the Catalan Ombudsman's recommendations and are prepared to take measures, such as sonometric studies or ordering the companies causing the noise to reduce it by using rubber sound-proofing mats.

With the complaints on noise pollution, the Catalan Ombudsman's objective is for the local councils to take action, and prevent the problem from becoming entrenched and ending up in court. This is the case of a complaint on the nuisances caused by lorry traffic at a company located in front of a private residence.

The Local Council's failure to heed the Catalan Ombudsman's recommendation to implement solutions has led to a court sentence against the Local Council (of a municipality with fewer than 6,000 inhabitants) which must compensate the damaged party with 12,000 euros.



Deficient management of the Ascó nuclear plant leak

The Catalan Ombudsman conducted an investigation on the leak of radioactive particles at the Ascó nuclear plant at the end of 2007. The aim was to discover at what point the rights of the persons living in the vicinity of the plant, as well as those working there and visitors to the plant may have been violated when plant management already knew there was a leak and had not notified the Nuclear Security Council.

The decision, handed down in September 2009, states that the actions of the power plant's management may have violated the right to security of all the persons affected by the leak (area residents, plant employees and visitors) and the entire population's right to receive true information. For this reason, the Catalan Ombudsman made a recommendation to the Autonomous Ministry of Economy and Finances for it to explore the necessary regulatory modifications to make possible a greater presence of the Catalan government in the realm of nuclear security, and the development of the competencies outlined in the Statute.

The Ombudsman also suggested that new information gathering and transfer systems be created so that, in case of leaks, the area local councils would be able to inform the local residents. This is information that must also be provided to plant employees.

Health care

Actions in health care have taken place in four main areas: waiting lists, shared medical records, multiple chemical sensitivity syndrome and reproductive health.

Attention has also been focused on Parliament's approval of the ruling on care for fibromyalgia and chronic fatigue syndrome,



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and the measures adopted by the Autonomous Ministry of Health in accordance with this ruling were investigated.

The treatment received in the visits to the Catalan Institute of Medical Evaluations (ICAM), the programmed health care transport service and the difficulties in having a natural birth in the public health care system were some of the other matters handled by the Catalan Ombudsman following complaints received.

Parents' right to choose the gender of their children

Based on the different complaints filed, reproductive health has been one of the most outstanding topics of 2009.

Following the complaint of a couple, a member of which suffers Alport's Syndrome, a severe illness with genetic pathology linked to the X chromosome, the Catalan Ombudsman reminded the Autonomous Ministry of Health of parents' right to determine their children's gender in certain cases of hereditary diseases.

The Ombudsman's office has also received several complaints on the long waiting lists for fertility treatments, which often imply that, due to reasons of time or age, they can not be properly carried out.

The Catalan Ombudsman has sent a recommendation to the Ministry of Health that it take the actions necessary to improve toward a realistic planning of in vitro fertilization, making it accessible and effective, and rectify the long waiting periods for the treatments and ensure equal access, so that a fertility treatment of higher quality may be offered.

An ex-officio action was also opened in 2009 to gather information on the day-after pill dispensation procedure.

Work and pensions

Strict adherence to criteria in processing staff adjustment plans

Catalonia was the autonomous community with the most employees affected by staff adjustment plans (ERO) in 2009. In fact, the number of cases was much higher than last year, and the Catalan Ombudsman has received several complaints on allegedly flawed proceedings.

The Catalan Ombudsman reminded the Autonomous Ministry of Labour that it work to ensure that this tool is not used for any other purpose; in other words, that it must strictly observe criteria over the entire proceedings and the grounds that justify them.

The Catalan Ombudsman also addressed the Ministry of Labour to request information on the specific cases filed as complaints, such as that of representatives from a company for the damages caused to them by the processing of an ERO, and another case, in which the claimants believed that the company may have modified the criteria for selection in the staff adjustment plan.

Taxation

A broad range of complaints were received on the tax administration, some of them recurrently, such as those that have to do with the property tax (IBI), or ordinances that may not be fully compliant with the law.

Modification of the ordinance that regulates the property tax collection

The lack of response by the Barcelona Provincial Government to a request from a resident of Parets del Vallès to divide the property tax (IBI) among the various owners of a parking



space gave rise to the Catalan Ombudsman's intervention in the case. Initially, the Provincial government dismissed the request, citing various regulations, among them the fiscal ordinance regulating IBI of Parets del Vallès.

The ordinance establishes the possibility of dividing the tax payable with the condition that all taxpayers register the payment of their share on a direct debit basis in a bank.

The Catalan Ombudsman proposed that the fact that the claimant did not have this information should not mean that she be the only party obliged to assume payment of the property tax, and that the Administration should notify each of the owners of the percentage of tax they must pay. The Parets del Vallès Local Council accepted the proposal. As regards the ordinance, the Catalan Ombudsman suggested modification of its content on the obligation to pay by direct debit when there is more than one taxpayer. The Provincial Government heeded this suggestion.

Urban planning and housing

Local councils must lead town planning adjustment processes

Residents of several unfinished housing developments have addressed the Catalan Ombudsman to complain about the lack of mandatory services. The Catalan Ombudsman, after studying every case and requesting information from the involved parties, reminded the local councils that they can not leave their competencies in exclusively private hands.

Local councils must maintain supervision and management roles over the town planning activity, and promote the actions of individuals especially when the housing development is fully consolidated for construction and when it is the de facto habitual residence of many citizens.

Automated system for payment of the basic emancipation benefits

The high number of complaints received regarding the difficulties of Catalan youth in collecting the basic emancipation benefits led the Catalan Ombudsman to open an ex-officio action. Although the payment of this benefit is made by the Ministry of Housing, its management is left up to the Autonomous Community Administration and in Catalonia, it is carried out by the public company Adigsa.

According to the complaints, among the problems are the delays in rulings on applications and in payments, slow processing of information changes and the lack of information and coordination between Adigsa and the Ministry of Housing.

In the investigation by the Catalan Ombudsman's office, which addressed the Autonomous Ministry of the Environment and Housing (parent of Adigsa) and the Spanish Ombudsman to request information, the administrations involved justified the delay in the fact that the regulations governing the benefit established the bank draft as the only method of payment. In Catalonia, it is common for rent benefits to be paid by direct debit, and the lack of foresight had led to them being processed manually, according to the Ministry.

Both the Ministry and the Autonomous Government of Catalonia took steps to rectify this lack of planning. First, the pertinent regulations were modified, and second, the Catalan Administration hired support staff to perform manual verification of the payment. An automated system to perform this task was implemented in 2010.

However, other problems remain to be solved, such as the lack of diligence and information, and the Catalan Ombudsman continues to closely supervise the Administration's activity.

OTHER CONSTITUTIONAL RIGHTS

The complaints received show that the administrations repeatedly ignore the right to access public information, and that regulatory and structural measures must be taken. In light of the obstacles of some local councils when registering foreigners “sans-papiers”, the Catalan Ombudsman issued the reminder that the role of the municipal census is to reflect municipal reality.

The supervision of the private companies that provide public services has focalised the activity in consumer affairs. Additionally, the Ombudsman’s office requested that the T-12 public transport pass be issued free of charge and suggested the Justice Administration enact reforms to prevent situations such as that of the eviction of protesters from the University of Barcelona.

Actions	queries	complaints	ex-officio	total
Right to good administration	3,306	931	8	4,245
Consumers’ rights	3,950	341	10	4,301
Linguistic rights	185	24	3	212
Rights to participate	65	85	--	146
Fredoom, safety and Justice Administration	1,259	511	11	1,781
Culture	53	8	--	61
Total	8,818	1,900	32	10,746

Actions in this area stood for 46.5% of the total in 2009. Complaints made for 30.9% of the total.

Right to good administration

Since December 31, 2009, Catalan citizens have been entitled to exercise the rights of electronic access to public services of the State Administration competential realm. They can also exercise these rights on the autonomous community and local administration levels whenever the budgetary availability makes it possible. In this context, the Catalan Ombudsman has urged Catalan administration to expedite the process to guarantee these rights. The Catalan Government approved a decree to promote and develop electronic infrastructure within the Generalitat (Autonomous Catalan Administration).

With regard to public information, the Catalan Ombudsman insisted that the Administration must have connected databases and indices that contain the information in their power, ordered so as to be able to respond to any request for information. The complaints have made clear the need to undertake legal and organizational reforms to ensure this right in the most appropriate way. In the processing of these complaints, it was found that administrations often take too long to respond, or otherwise hinder the exercise of this right.

Síndic reminds local councils of the role of the municipal census

Given the varying criteria followed by local councils when registering immigrants in the municipal census, the Catalan Ombudsman once again had to remind them that the main use of the municipal census is to be a reflection of municipal reality and any modification to use it for other ends would clearly distort this purpose.

Among the most significant complaints received in this area, especially noteworthy is the Tortosa Local Council’s refusal to admit applicants to the municipal census if they could not furnish a certificate of occupancy.



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The Tortosa Local Council petitioned for this requisite to be mandatory, as an instrument to detect and correct situations of overcrowding and substandard housing, according to a protocol of the Local Government Council.

The Catalan Ombudsman deemed that this Local Council agreement modified the legal system governing the municipal census, that it did not have the regulatory standards required by the legislation in force, that it could affect rights and could not be considered a mandatory requirement in any case.

The Ombudsman also opened an ex-officio action to study the measure proposed by the local council of Vic, by which foreigners wishing to register in the municipal census would have to hold Spanish work or residency permits.

Against gender discrimination in public employment

Following the complaint from a teaching post applicant who was unable to attend the tests because she was giving birth, after which the Autonomous Ministry of Education denied her the possibility to take the test at a later date, the Catalan Ombudsman studied the case.

After its analysis, the Catalan Ombudsman decided to open a general ex-officio action, and suggested that the Ministry of Governance and Public Administrations establish general criteria, and avoid discrimination on the grounds of gender in access to public employment due to reasons related with pregnancy or maternity.

The Catalan Ombudsman believes that there are sufficient legal grounds to decide to postpone the tests for women who are in the final stages of their pregnancy, or who have just given birth. The Catalan Ombudsman reminded legislators that Catalonia's Statute of Autonomy refers to equal opportunities between men and women in the access to civil service, and in guaranteeing that women not be discriminated against on the grounds of pregnancy or maternity. The Organic Law for Effective Equality Between Women and Men and the Basic Statute of Public Employees establish similar terms.

The Ministry of Governance accepted the Catalan Ombudsman's proposal of establishing a specific clause delimiting the administration's actions in these cases in the general terms that govern selection processes.

Consumers' rights

The Catalan Ombudsman supervised companies that provide services of general interest (electricity, telephony, water and transport) according to the competencies granted to the institution by the Statute of 2006. The Catalan Ombudsman's office has also signed collaboration agreements with these companies.

In 2009, electrification problems related with remote residential developments, in addition to billing and estimated meter reading issues, were discussed with Fecsa Endesa.

As for Telefonica, complaints have been lodged on access to universal telephony in different parts of Catalonia, such as the Aiguestortes i Sant Maurici National Park, and in residential developments of Olius, Pallaresos or Monistrol de Calders. Complaints received on Gas Natural had to do with the regular installation inspections.

The T-12 transport pass should be free

The Catalan Ombudsman received a number of complaints this year on the entry into force of a new public transport pass valid in the Barcelona metropolitan area for minors between 4 and 12 years of age. The main reason for the complaint was that, despite being free, the T12 bears a 35 euro issue and management surcharge. After investigating the case, the Catalan Ombudsman handed down a decision in early 2010, and suggested the pass be completely free of charge, as the 35 euro surcharge users now pay is unjustified.

In the decision, the Catalan Ombudsman focused mainly on two aspects of the new pass: its cost and the requirement of holding a National ID Card (DNI) to accredit the identity of the pass-holder. The Ombudsman's suggestions were sent to the Autonomous Ministry of Territorial Policy and Public Works, the Metropolitan Transport Entity and the Barcelona City Government.



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Linguistic rights

Health care centres must use the Catalan language

A number of complaints related with the exercise of linguistic rights in various health care centres were received in 2009. The Catalan Ombudsman has repeatedly addressed the Autonomous Ministry of Health for this reason.

One of the complaints had to do with the passes issued following appointments at Bellvitge Hospital, made out in Spanish by default, according to the claimant. Nevertheless, the Ministry of Health stated that patients can choose the language of these notes.

Claims were processed from two patients from the Palamós and Figueres Hospitals who were required to address the doctors treating them in Spanish. In both cases, the Catalan Ombudsman requested information on the measures taken by the Ministry of Health in compliance with the law on linguistic training for the foreign health care professionals working in the Catalan system.

Freedom, safety and Justice Administration

Structural shortcomings do not justify judicial delays

The majority of complaints received by the Catalan Ombudsman refer to the right to trial without undue delays. The study of the complaints has brought to light the fact that the slowness in the processing of certain trials was due to a structural cause of the judicial body, the heavy workload borne by the court or the backlog of cases pending rulings.

The Catalan Ombudsman found violations of the right to not suffer delays in all of these cases.

Additionally, this right is not identified with the duration of the trial or with non-compliance with trial time limits. For that reason, in cases whose complexity justified the duration of the trial, the Catalan Ombudsman was unable to determine that these were undue delays.

Improvements in the Mossos following the eviction of the UB

After receiving eight complaints decrying the allegedly disproportionate action of the Mossos d'Esquadra (Catalan Autonomous Police) anti-riot police forces against the demonstrators protesting the eviction of the students occupying the University of Barcelona (UB) on March 18, 2009, the Catalan Ombudsman opened an ex-officio action to investigate the matter.

This institution compiled the information that had appeared in the news media, and detected certain problems in the police interventions. There were contradictions in the orders received by the anti-riot police, the use of force by these officers, which was not always aligned with the principles of congruence, opportunity and proportionality, and missing identification numbers from

some officers, which kept potential victims of violence from reporting the case, etc.

The Ministry of Home Affairs admitted dysfunctions, such as there being reasonable doubt on the appropriateness of the day chosen, on action being taken under uniform criteria on a diverse demonstration, and the fact that at times the intervention did not comply with the principle of proportionality in the use of force.

Following this, measures were implemented, such as: the Mossos d'Esquadra's mission to analyze possibilities to improve the resources of its mobile brigade, to increase its numbers and review its protocols; formalization of a collaboration agreement with the Journalists' Association to facilitate the identification, communication and training of journalists; and the announcement of a new mediation unit to be created within the Mossos d'Esquadra police force.



INSTITUTIONAL PROFILE



The “Opening the Doors to Rights” Exhibition

The “Opening the Doors to Rights” exhibition, officially unveiled in December, 2008 with the opening of the institution’s new headquarters, began its route around 20 Catalan towns and cities in mid-January 2009. In towns like Sant Sadurní d’Anoia, schools

showed a keen interest in visiting the exhibit. The opportunity was taken to give the students informative talks.

In one year’s time, the exhibit travelled over 2,500 kilometres, reaching 21 Catalan municipalities in 16 counties. Over these 12 months, more than 6,000 people have visited the Catalan Ombudsman’s exhibition.

25th Anniversary of the first Catalan Ombudsman Act

To celebrate the 25th anniversary of the first law regulating the Síndic, and the creation of the institution, the Catalan Ombudsman hosted a working day on the right to good administration on March 27, 2009.

Officially opened by President of the Autonomous Government of Catalonia, José Montilla, and closed by the President of the Catalan Parliament, Ernest Benach, the event brought together renowned speakers from the domestic and international realms, such as European Ombudsman Nikiforos Diamandouros or full university professor and Italian Constitutional Court judge, Sabino Cassese. Also on hand was a broad representation of Ombudsmen from various Spanish autonomous communities, who shared their experiences and viewpoints on what constitutes good administrative conduct.

Conference on children's rights

The Catalan Ombudsman analyzed the application of the United Nations Convention on Children's Rights on the 20th anniversary of its application in a working day, which took place at the Catalan Ombudsman's headquarters on November 16, 2009.

The conference, entitled: Seminar on the Situation of Children's Rights in Catalonia, brought together a representative group of experts and professionals from the world of children's affairs and analyzed the progress made to guarantee children's rights in Catalonia on the legislative level. The Convention is definitely better known now than it was at the time of its approval, and public references to it are made with increasing frequency.

Nonetheless, the various sessions made it clear that we are still far from its full and effective application. The persistent difficulties in applying the Convention can be seen in various legislative details, but above all when it comes to implementing it in areas such as education or the protection of children.

Presentation of the Annual Yearbook

The Catalan Ombudsman took the opportunity to offer a territorial presentation of the prior year's (2008) yearbook on the four trips taken in the month of June, 2009.

These presentations, given in Mollerussa, Mataró, Tortosa and Sant Feliu de Guíxols, have mainly been aimed at organizations and associations, placing special emphasis on the topics affecting each area.





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New agreements for supervision of rights on the local level

The Catalan Ombudsman continued to sign individualized supervision agreements with local councils throughout 2009. A framework agreement was signed with the Provincial Government of Tarragona, in addition to specific ones with the local councils of Cardedeu, Sant Pere de Ribes, Barberà del Vallès and Canet de Mar. 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 Catalan Ombudsman has also agreed to produce an annual report describing the actions taken by the institution in the areas relevant to each local council. The reports can be viewed on the Catalan Ombudsman's website.

Pròom dera Val d'Aran

In 2009 the Síndic d'Aran (Head of the Aran Valley Government) and the Catalan Ombudsman signed a collaboration agreement to guarantee the rights of persons in the Valley with a view to achieving the maximum efficiency, combining proximity with security, and to attach a unique status to the Catalan Ombudsman in the Occitanian world.



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The Ombudsman of Austria, Peter Kostelka, with his successor as European President of the IOI, the Catalan Ombudsman, Rafael Ribó.

In addition to other things, this unique status means that when the Catalan Ombudsman supervises the various administrations of that region, he takes on the name of Pròom dera Val d’Aran and that he serves in Aranese language the people who address the institution’s office requesting it.

The Catalan Ombudsman, appointed chairman of the IOI European Board of Directors

Throughout the year, the Catalan Ombudsman took part in the meetings of the European Board of Directors of the International Ombudsman Institute (IOI), which have been held in Vienna, Stockholm and Belfast, in February, June and September, respectively. The most recent meeting saw Rafael Ribó chairing the board for the first time following his election as European president during the World Conference and General Assembly held in Stockholm. As European president and director, Ribó is also a full member of the organization’s worldwide board.

This appointment has also entailed the establishment in Barcelona of the European

region headquarters. In fact, during Rafael Ribó’s term of office, specifically in the fall of 2010, he will host the European regional assembly in Barcelona, which will bring most European Ombudsmen to the capital of Catalonia. Over the course of the meeting, work will be done on the vision of Europe as an open society with respect to the rights and duties of immigrants and the roles of Ombudsmen in the defence of these rights and duties.

The Ombudsman attends the 6th AOMF Congress and General Assembly

The 6th AOMF (Association des Ombudsman et Médiateurs de la Francophonie) Congress was held in 2009, entitled “Ombudsmen, politics and justice: toward equitable access to rights.”

At the conference, held in Quebec (Canada) from September 7 to 9, the Catalan Ombudsman was invited to give a presentation on Ombudsmen’s role vis-à-vis the application of international conventions on human rights, along with Guido Schuermans, one of Belgium’s federal Ombudsmen.

The Catalan Ombudsman, at the behest of the IOI and AOMF board of directors, and in his role as chairman of the IOI European Board of Directors and full member of the AOMF, acts as a communication liaison between the two associations.

Annual meeting of the ENOC in Paris

The Catalan Ombudsman attended the 23rd Annual Meeting of ENOC (European Network of Ombudspersons for Children) in Paris. The Deputy Ombudsman for the defence of Children's Rights, who had formed part of the Bureau since 2006, concluded his term as member of the association at the 2009 annual ENOC meeting, in accordance with the organization's by-laws.

The central theme of the meeting was the best interest of the child principle. Speakers from the Council of Europe, UNICEF, the European Commission and the European Agency of Human Rights also took part.

Relations with local and university Ombudsman Offices

The Catalan Ombudsman held a seminar with all of Catalonia's local Ombudsmen to discuss aspects related with the application of the Dependency Act in the municipal realm, noise issues in the new environmental legal framework, and the conduct of local police forces in relation with the types of complaints. Some of the Catalan Ombudsman advisors also attended the 2nd Training Workshop of the Fòrum SD and the 4th Training Seminar for Local Ombudsmen, at which electronic administration was discussed.

On the university level, especially noteworthy was the Catalan Ombudsman's signing of the collaboration agreement with the Ombudsman of the Open University of Catalonia (UOC), Josep Coll, and the participation in the Annual Meeting of University Ombudspersons and Advocates of the Vives University Network, held in Valencia, along with the Valencian Ombudsman, José Cholbi.



Catalonia's local ombudsmen took part in a working day held by the Catalan Ombudsman on the 21st of May, 2009.

INTERNATIONAL COOPERATION

The Catalan Ombudsman continues to carry out international cooperation projects, in step with this institution's wish to contribute to a safer, fairer and more supportive international community.

For yet another year, development cooperation has mostly taken place in the Balkans, especially Bosnia and Herzegovina and Serbia. The economic contribution devoted to this area has been progressively rising, until reaching its current level of over 0.7% of the annual budget.

Additionally, it makes use of resources from the Catalan Agency for Development Cooperation (ACCD), the Spanish Agency for International Development Cooperation (AECID) and other international organizations, such as the Organization for Security and Cooperation in Europe (OSCE) Mission to Serbia, that co-finance its projects

Free legal aid in Vojvodina (Serbia)

This project came on line in 2008 and is articulated around two lines of work: first, establishment of the legal advice service and in-court representation throughout the territory of the Autonomous Province of Vojvodina (27% of the total population of Serbia) and on another, contribution to institutionalization of free legal aid in the territory of Serbia through a sensitization effort addressed to Serbian authorities.

The Catalan Ombudsman, along with the ACCD and the AECID, co-finances the in-court representation with the Executive Council of Vojvodina. As for the legal advice service, the Catalan Ombudsman's Office promotes establishment of services that exist alongside the current offering and that are financed by the local councils and provided, just like the in-court representation service, by the Vojvodina Bar Association. It is also responsible for covering the project's administrative and logistical expenses with its funding.



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The Catalan Ombudsman continues to carry out international cooperation projects in the Balkans.



Institutionalization of free legal aid in the territory of Serbia has been promoted.

Support for the Serbian Ombudsman

The Catalan Ombudsman and the OSCE Mission (Organization for Security and Cooperation in Europe) to Serbia have signed a memorandum of understanding to reinforce two specific areas of the Serbian institution, that devoted to persons deprived of liberty and children's rights.

Plans call for the project to be carried out until September 2010 with the co-financing of the AECID and aims to achieve the following results: a specialized Ombudsman website for children and young people, informative material for primary and secondary school students, internal procedural rules to apply to on-site supervision of places where there are persons deprived of liberty, a strategic campaign document addressed to persons deprived of liberty and a general communication strategy.

Within the framework of this project, in 2009 a delegation from the Serbian Ombudsman institution, led by the deputies for children's affairs and persons deprived of freedom visited the Catalan Ombudsman.

The goal of their trip was to gather the information necessary to develop effective methodology for the promotion of Ombudsman activities in children's affairs, and establish working methodology for the supervision of detention and penitentiary centers.

A delegation from the Catalan Ombudsman's office traveled to Belgrade to meet with the task force responsible for developing the penitentiary/detention center visit methodology for in-depth discussion of the working document that the Serbian group sent to their Catalan peers.



A delegation of the Serbian Parliament visited the Catalan Ombudsman.

Institutional visit to Serbia and Bosnia and Herzegovina

In March, a delegation made up of Catalan Ombudsman Rafael Ribó, part of his staff and members of the Parliament of Catalonia visited Serbia and Bosnia and Herzegovina with the objective of familiarizing MP's with the free legal aid project in Vojvodina (Serbia) and Serbian Ombudsman institutions with which the Catalan Ombudsman collaborates, while also disseminating the free legal aid project among its potential users. In Bosnia and Herzegovina, the objective was to familiarize Catalan deputies with that countries' Ombudsman institutions.

The Catalan delegation met with the Ombudsmen of Serbia, Belgrade, Vojvodina, and the three Ombudsman office-holders of the Bosnia and Herzegovina Federation.



The Síndic de Greuges de Catalunya (Catalan Ombudsman) is a member of:

IOI (International Ombudsman Institute)

FIO (Ibero-American Federation of Ombudsman)

AOMF (Association of Francophonie Ombudsman and Mediators)

ENOC (European Network of Ombudspersons for children)

European Network of Ombudsmen

The Síndic also participates in:

Round Table of Ombudsmen of the Council of Europe

Association of Mediterranean Ombudsmen

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