



# ANNUAL REPORT 2018

## ABSTRACT

SÍNDIC

EL DEFENSOR  
DE LES  
PERSONES



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## ■ GENERAL CONSIDERATIONS



## GENERAL CONSIDERATIONS

The Catalan Ombudsman's 2018 Annual Report reflects all of the activities carried out by the Catalan Ombudsman's Office, highlighting for each area the most relevant actions in a year that has continued to be marked by the political context of the country, chiefly regarding the intervention of the Government of the Generalitat, due to the application of Article 155 of the Spanish Constitution, until the end of May. Furthermore, the year has ended with six members of the former government, the Speaker of the Catalan Parliament in the previous legislature, and two civil society leaders in pretrial custody, accused, among other crimes, of rebellion. They are now on trial for these charges. Within this context, in May the Catalan Ombudsman presented a new report on the penal disproportion being applied to the political conflict, in addition to the application of Article 155 of the Spanish Constitution. The report was debated in a Plenary Session of the Parliament in November. On another note, on occasion of the hunger strike by some of the prisoners, which lasted three weeks, the Catalan Ombudsman intervened for humanitarian reasons in December, asking the prisoners to end it.

This annual report is the last one that will be presented by this Catalan Ombudsman within the term he was appointed for in a plenary session of the Parliament of Catalonia on February 10, 2010. As of March 1, 2019, on occasion of the nine-year anniversary of the Catalan Ombudsman's taking of office, the procedures to elect a new Ombudsman or Ombudswoman must be begun, pursuant to the terms of Article 8 of Law 24/2009 of December 23, on the Catalan Ombudsman.

Following the system in place over recent years, and as established by the Catalan Ombudsman Act, this chapter on general considerations is followed by another containing statistical data detailing the Ombudsman's actions in figures for this year and compared to prior years, in absolute terms and broken down by subject matters, geographical origin, user profiles, affected administrations, etc.

The third chapter describes, by subject matter, the most significant actions carried out this

year. It features a number of complaints included as examples, and reports on the ex-officio actions launched by the Ombudsman in each of the areas. In the following section, as established by the Catalan Ombudsman Act, each of the resolutions of the Catalan Ombudsman not accepted by the Administration is listed, as well as a sample of the resolutions that have been fulfilled. This year, as a new development, this section has been presented in greater detail with statistics on the types of compliance with the Ombudsman's resolutions. The report concludes with a chapter devoted to the Ombudsman's institutional and dissemination activities.

This report on the annual activity of the Catalan Ombudsman must be considered to be complemented by the three other annual reports that the Catalan Ombudsman's Office presents to the Parliament of Catalonia by legal mandate. All of the information on children's affairs and education is taken up in the Report on children's rights, delivered to the Parliament on November 20, 2018, the full version of which can be consulted on the Catalan Ombudsman's Office's website ([http://www.sindic.cat/site/unitFiles/5792/Informe%20infancia\\_18\\_def.pdf](http://www.sindic.cat/site/unitFiles/5792/Informe%20infancia_18_def.pdf)). Furthermore, the activities performed and recommendations made as Catalan Mechanism for the Prevention of Torture are taken up in the pertinent report, delivered to the Parliament on December 28, 2018, the full version of which can also be consulted on the Catalan Ombudsman's Office's website ([http://www.sindic.cat/site/unitFiles/5877/Informe%20MCPT%202018\\_cat.pdf](http://www.sindic.cat/site/unitFiles/5877/Informe%20MCPT%202018_cat.pdf)).

Last, and pursuant to Law 19/2014, of December 29, on transparency, access to public information and good governance, which attributes to the Catalan Ombudsman the specific competency to evaluate compliance, the third annual report on evaluation of this law was presented to the Parliament of Catalonia on July 23, 2018 ([http://www.sindic.cat/site/unitFiles/5526/Informe%20transparencia\\_17\\_cat\\_def\\_reduit.pdf](http://www.sindic.cat/site/unitFiles/5526/Informe%20transparencia_17_cat_def_reduit.pdf)).

In any event, the report features a brief summary of the main recommendations from the Children's Affairs and Education Department (Chap. III, par. 7), and lists the 47 visits that have been made as the Catalan

Mechanism for the Prevention of Torture to facilities where there are individuals deprived of liberty (Chap. III, par. 30). Reference is also made to the Catalan Ombudsman's activity in transparency and right to access public information (Chap. III, par. 10). Subsequently, in the same chapter, reference is made to other monographic reports delivered to the Parliament throughout the year.

Details on the Catalan Ombudsman's actions can be found in the following pages, and also on the website featuring all of the resolutions issued throughout 2018 (<https://seu.sindic.cat/Resolucions/ClientWeb/SinRes2017.html>).

Following this, the focus is turned to the considerations and the recommendations of a general nature that can be derived from the activity carried out by the Catalan Ombudsman, the significance of which makes them worthy of mention.

## PROTECTION OF SOCIAL RIGHTS

This year, complaints about the protection of social rights have rebounded for the first time in many years. They make up the first block of complaints that the Catalan Ombudsman's Office receives, with 32% of the complaints opened during the year. This has been an especially difficult year for individuals at risk of social exclusion, and at no time in history has the Catalan Ombudsman received as many complaints in which a single individual describes numerous inter-related problems that place them in a situation of social emergency and severe vulnerability. Additionally, it is worth noting that most of the complaints in these areas have been filed by women, often with dependent children or who are caretakers of dependent individuals, which makes clear the gender bias of social exclusion.

Among the matters related with social rights handled by the Catalan Ombudsman in 2018 there are some that stand out due to the volume of complaints and their relevance in the impact they have on rights. One of them, of a positive nature, is the recovery of the universal right to access the National Health System following the repeal of the Royal Decree-Law 17/2012. On the other hand, the management of the right to guaranteed income under Law 14/2017, of 20 July, and the

difficulties to make effective the right to dignified and affordable housing.

In the area of the **right to health**, the Catalan Ombudsman wishes to express his satisfaction with the publication of Royal Decree-Law 7/2018, of 27 July, on universal access to the National Health System, which reverted Royal Decree Law 16/2012. Furthermore, in October, the Spanish government withdrew the complaint of unconstitutionality against the Catalan Law 9/2017, on the universalization of health care.

With these steps, the terms of the opening statement of Royal Decree Law 7/2018 were made effective: access to the National Health Care System in conditions of fairness and universality as a right of all individuals. The guarantee of the exercise of this right and the effective protection of citizens' health takes on even more importance when the citizens deprived of normalized health care belong to especially vulnerable groups, threatened with social exclusion, such as foreign citizens not registered or authorized to reside in Spain.

In fact the Royal Decree-Law, in alignment with the recommendations of the Catalan Ombudsman and the report presented by the Catalan Ombudsman's Office in May of this year, dissociates the status of being insured by the Social Security system, and associates it with habitual residence in Spanish territory. This becomes the key element to recognize access to the right to health care. Thus, all persons of Spanish nationality and foreigners who have established their residence in Spanish territory will once again be entitled to the right to health protection and health care, without discrimination.

With regard to the **minimum guaranteed income**, last year's report mentioned the approval and entry into force of Law 14/2017, of 20 July. In its first year of validity, the Catalan Ombudsman has received hundreds of complaints on refusals of the income or supplementary benefits, and has met with the platform that promoted the Law. The Catalan Ombudsman has detected numerous and varied shortcomings, as is described in the relevant section of Chapter 3 of this report, including significant gaps in the information provided to interested parties on the various benefits established in the Law, the guaranteed minimum income and

the benefits supplementary to the financial assistance, pensions and state benefits, especially as regards the mode of benefits supplementary to financial assistance and pensions other than non-contributory pensions.

These shortcomings are manifested, for example in the fact that a single application has been provided for the two types of benefits, and that initially, the type of benefit being applied for is not identified. The gaps in the information can also be detected in the administrative resolutions handed down in these procedures, which is especially serious when the benefit is denied, because the individuals are unaware of the elements of judgement that the managing authority has based its resolution on, such as the economic income or resources calculated, the number of members in the family unit, etc.

Furthermore, significant delays in the resolution of cases have been detected. Everything indicates that the implementation of these procedures was not accompanied by appropriate measures suited to meet the volume of applications generated. However, it is worth noting that in the final months of the year, complaints for this reason have diminished substantially, and the figures provided by the Administration indicate that waiting times have also been reduced.

Last, the fact that its rules have not been implemented over one year following the Law's entry into force is a serious deficiency. This implementation is necessary, for example, to assign and clarify the specific competencies and duties of the various bodies and services, to define in detail the procedural formalities of the applications and to make effective the possibility to grant benefits in exceptional cases that should make it possible to handle situations not initially covered by the law.

Violations of the **right to housing** remain a constant in our society, and this has been translated into an extraordinary increase of the complaints in the area this year, especially concerning the inappropriate response of administrations to evictions of vulnerable individuals, among other reasons, due to the lack of sufficient social housing

stock, and due to the collapse of the residential emergency boards.

As regards the first matter, the monographic report presented in February of this year puts the focus on the role of SAREB in the allocation of sufficient social housing stock. As is known, SAREB was created with the aim of enabling financial entities to transfer all of their devalued real estate investments, in order to put them on the market and recover as much as possible for the Spanish tax administration. Incomprehensibly, lawmakers made no provision as to the obligation to allocate part of these assets to social policies. SAREB is one of the real estate companies with the most assets in Spain, and some of the main locations of its real estate holdings are in Catalonia.

Notwithstanding this, SAREB has shown very little willingness to solve the difficulties of access to affordable housing, and the Catalan Ombudsman believes that the Spanish government should legislate SAREB's obligation to transfer at least 30% of its housing stock for use as social rental properties.

On the other hand, the complaints received this year point to a significant increase in social and economic emergency situations. These are very serious situations that stem from the loss of habitual residence, chiefly as a consequence of judicial eviction proceedings, which require an immediate response from the Administration.

The emergency boards have a backlog of cases due to the rise in housing needs and excessively lengthy case resolution periods. Furthermore, the already-excessive delays in assignment of a housing unit once the board has issued a favorable evaluation, a matter on which the Ombudsman issued a warning last year, have only increased. In light of all this, the Catalan Ombudsman believes there can be no further postponement of an action plan to solve the residential emergency situations caused to individuals due to the loss of their homes, or other serious causes contributing to housing needs.

The gender perspective is not to be overlooked in the eviction phenomenon. After all, two thirds of the complaints in this subject matter are filed by women, most with

dependent children. Persons with disabilities are also especially affected by this situation, to the extent that 10% of the interventions for evictions were for individuals from this population group.

## TERRITORY AND CONSUMER AFFAIRS

With the beginnings of the economic recovery and greater access to resources by public administrations, public and private development projects have begun to proliferate. In some cases, private projects do not take individual rights into sufficient account, especially of neighbors, and they are carried out without taking the consultation and participation phases seriously. Damages and the nuisance caused may be inevitable, and in some cases must be assumed as the general interest requires it, but the maximum diligence must be observed in their planning and management to avoid these consequences as much as possible, and make co-existence possible.

As refers to the private area, the Catalan Ombudsman is still concerned about the **proliferation of urban development projects with speculative characteristics**, as he expressed in the monographic report presented in May of this year. The irreversible impacts on the territory, and the lack of consideration of the zero alternative as a real possibility in the environmental impact reports, are just a few of the Ombudsman's observations.

As concerns the environment, the Catalan Ombudsman has studied the measures taken by the Municipal Government of Barcelona to reduce the **high levels of air pollution** in the city and its metropolitan area. Bearing in mind that the main problem is nitrogen dioxide, which surpasses the annual average limit set by the European Union, and that 80% of the NO<sub>2</sub> from traffic comes from diesel vehicles, the Municipal Government has approved traffic restrictions inside a low-emissions area within the ring roads in the event of NO<sub>2</sub> pollution. Plans establish that by 2020 the highest-polluting vehicles will not be allowed to drive inside this low-emissions zone.

The Catalan Ombudsman believes that these measures are necessary, although

certain some specific needs must be borne in mind, such as retired or reduced-mobility individuals who cannot afford to purchase a new vehicle. Further, these initial measures are insufficient. Others must be weighed, such as the use of bicycles, carpooling, use of alternative-energy vehicles, improved connection in the public transportation network in the Barcelona metropolitan area, the closure of the most polluted urban areas, creation of a congestion tax, etc.

In the area of **basic utilities**, understood as a right, two matters especially concerned the Catalan Ombudsman in 2018. On one hand, the practical difficulties for access to the “bono social” (discount rate for vulnerable consumers) for electricity, already mentioned in last year's report. Second, complaints regarding debt collectors harassing vulnerable individuals as they sought to collect on unpaid utility bills.

Regarding the “bono social” for electricity, the Catalan Ombudsman already stated that the approval of Royal Decree 897/2017 created a complex and confusing management procedure for this discount. It was foreseen that this difficulty would only get worse, as these are procedures and activities that must be conducted by vulnerable individuals, and that involve administrations and companies of different levels and competencies.

Unfortunately, the complaints received in 2018 have confirmed this prediction, showing the exclusion from the electricity “bono social” of groups that, as recipients of widow's pensions, were entitled to this benefit in their electricity bill according to the previous regulations, in force since 2009. The need to renew the application for the “bono social” in 2018 by all of those who were previously entitled to it generated many complaints as well, especially due to the problems arising from processing the application with energy marketing companies.

On another note, the Catalan Ombudsman has received complaints on the **utility debt collection practices** carried out by debt collection agencies contracted by utility companies, as regards individuals in situations of energy poverty. These

complaints reported telephone harassment, and receipt of letters claiming debts, with warnings of the filing of legal actions, or the reporting of a debtor's personal details to credit bureaus. The Catalan Ombudsman believes that it is unacceptable for an individual in a situation of legally accredited energy poverty be subjected to persecutorial collection processes for basic utility debt owed to a utility company, when said company is fully aware of the risk of residential exclusion that exists.

### TRANSPARENCY AND THE RIGHT TO GOOD ADMINISTRATION

One of the most relevant regulatory implementations of 2018 was the entry in force, on 25 May 2018, of Regulation (EU) 2016/679 of the European Parliament of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. As of that time, any provision taken up in Organic Law 15/1999, of 13 December, on personal data protection, or any other rule that may enter into contradiction with the system established in Regulation (EU) 2016/679 will be automatically displaced by its content, given the direct applicability of community regulations.

Nonetheless, as many precepts of the Regulation refer to European Union member states' implementation of them, the Spanish government is working on a draft process for an Organic Law on personal data protection and guarantee of digital rights to adapt internal law to the model established in community regulations. Last December 6, the BOE (Spanish Official Bulletin) published Organic Law 3/2018, of 5 December, on personal data protection and the guarantee of digital rights.

As explained in the pertinent section, this year the Catalan Ombudsman received a number of complaints on the publication or dissemination of individuals' names and surnames, in some cases, with their National ID numbers (DNI). Although the Regulation 2016/679 was not applicable, the Catalan Ombudsman has attempted to examine them in accordance with the judicial principles and bases that justify their processing, taken up in the mentioned

text, because the situations they describe are not isolated cases, and can be reproduced under the validity of the new regulation.

Furthermore, this regulation may come into conflict with Law 19/2014, on **transparency and access to information**, the evaluation of which is up to the Catalan Ombudsman, by mandate of the regulatory text itself. In fact, among the legal limits of the right to access, the one it most frequently conflicts with is the right to protection of personal data. Outside the cases in which, pursuant to the Law, the data are not accessible without the consent of the owner (especially protected data relative to the commission of crimes) and any considered accessible at a general level (identification data related with the organization and operation of the administration), the administration must weigh both rights to determine whether the right to access data, or the right to maintain confidentiality, should prevail.

In his evaluation report, the Catalan Ombudsman stated that, three years from its entry into force, he had perceived a certain slowing in its implementation and application. Therefore, many of the shortcomings detected in 2017 in each of the areas regulated in the Law continued, in general terms, in a similar situation one year later. The exceptional institutional situation that Catalonia went through in 2017 and 2018 is not unrelated to this perceived slowing in the implementation of the Law. The situation had a special impact on the Autonomous Catalan Administration (Generalitat), due to the delays in initiatives requiring political promotion. But there was also a secondary effect on all other administrations, considering the referential role that the Generalitat plays in developing the contents taken up in the Law and cooperating in its implementation.

But slowness is perceived at a still deeper level. The Ombudsman observes that as the most basic elements of the law are organized, it is becoming increasingly evident that the more complex instruments will not be implemented at a general level in all administrations, if the cooperation and mutual support mechanisms among them are not reinforced

## FREEDOM OF EXPRESSION AND POLITICAL PARTICIPATION

This year has seen a jump in requests for the Ombudsman's intervention in the area of civil and political rights, many of them linked to expressions and violations of the freedom of expression or the neutrality of public spaces. Debate on the limits of the freedom of expression has been a constant in Catalan society throughout 2018, and the Catalan Ombudsman has made his position known on occasion of complaints and ex-officio actions on numerous expressions of this fundamental right. The starting point for all such cases is, as the European Court of Human Rights has stated, that "Freedom of expression has consistently been held to be one of democratic society's 'essential foundations' and, therefore, the legitimate purposes in Article 10, paragraph 2, must be narrowly construed."

One of the most divisive controversies seen in 2018 regarding the limits of the freedom of expression had to do with the exhibition of different types of protest signs, photographs, banners, yellow ribbons and other elements on the facades of individual residences and the walls, gates, grilles, floors, and other sites of public spaces. Furthermore, some buildings of the autonomous and local administration have displayed protest signs, photographs, banners, ribbons and other elements of the same color, either on facades or balconies, or in the premises where public service is provided.

In this framework, the Catalan Ombudsman believes that the Administration cannot limit the exercise of the right to free expression beyond the legally-established exceptions, but that it is obliged to intervene to regulate, not prohibit, some aspects related with these expressions to the degree that they affect the enjoyment of other rights also protected by the legal code. Considering that those of assembly and free demonstration in public spaces are fundamental rights guaranteed by the legal code, any restriction or limitation of their free exercise must be restrictively interpreted. Additionally, these are rights reserved by organic law, so that they can only be limited in the legally-established cases.

As specifically regards the posting of signs and other elements with ideological

connotations in public administration premises, the Catalan Ombudsman reminded the complainants that this had to be understood as an exercise of freedom of expression of natural persons that, materially, carry out these actions, not the administration as such. He also underscored that public buildings, and in general all property devoted to public use or to public services, must be devoted to their general use or the provision of public services, and may only exceptionally be the object of other uses, and provided these do not contradict general interests.

Another potential contravention of the freedom of expression are the **hate crime** complaints filed with relation to certain actions and expressions of individuals who have protested or expressed rejection of the police intervention on October 1, 2017. In this institution's view, it cannot be understood under any reasonable concept that law enforcement agencies or corps could consider a vulnerable group that could well be victims, as parties responsible for such a crime.

In the realm of restrictions on freedom of expression and the penalization of legitimate expressions, Amnesty International recently published a study exposing the abusive application of anti-terrorist provisions. The study demonstrates cases in which judicial authorities have used Article 578 of the Criminal Code to repress expressions of a political nature, especially in social media and the artistic community. The study concludes that the impact of this article has devastating effects on individuals: from high fines to long periods of exclusion from the public sector, and even prison sentences.

Still on the topic of freedom of expression, in this case affected by a certain lack of gender perspective by the administration, the Catalan Ombudsman has received dozens of complaints regarding **attire in public areas**, such as topless bathing in municipal pools or nudism beaches.

Attire, as a means of exercising freedom of expression, can only have limitations prescribed by law, aimed at achieving a legitimate objective in accordance with international law, and that are necessary and proportionate to achieve this purpose.

There are attire practices, such as topless bathing on beaches, that are widely accepted in society. Their prohibition in similar contexts, such as public swimming pools, would make for an unjustified and disproportionate restriction of women's freedom of choice. Additionally, it can be classified as gender discrimination, because it is a type of regulation that only affects women.

Therefore, in the case of topless bathing, there is possible gender discrimination as a consequence of the rules that regulate swimming dress code, and that only refer to women, when dress, as a form of exercising freedom of expression, can only have proportional limits prescribed by rules with the status of law and that are based, among others, in reasons of public health or morals. Therefore, there should not be legal or social obligations that make for any type of discrimination as a consequence of religious or cultural traditions.

### STRUCTURE OF HUMAN RIGHTS IN CATALONIA AND HUMAN RIGHTS PLAN

The 2017 annual report described how, by the Catalan Ombudsman's Resolution of 23 May 2017, the Catalan Structure of Human Rights was created in collaboration with the Institute of Human Rights of Catalonia, and inspired by the UN's Paris Principles of 1991.

In September of that year, the Structure received the assignment from the Catalan government to draw up a human rights plan for Catalonia, a process that began with the appointment following a public call, of its advisers council, made up of 20 people and entities associated with different fields of human rights.

Throughout 2018, the Structure approved a catalog of 27 human rights, and has drawn up diagnostic studies related with the situation of these rights in Catalonia and proposals for improvement. These documents are now being debated among the most relevant organizations in each subject area, as a step prior to the dissemination and consultation with society in general, in a process that must lead to the preparation of a proposal for the national human rights plan.

All of the documents and contributions that are produced can be consulted on the website [www.estructuradh.cat](http://www.estructuradh.cat).

### SPECIAL REPORTS

One of the Catalan Ombudsman's most relevant activities, because of their scope, is the preparation of special monographic reports, in the form of the four regular annual reports, as is assigned to the Catalan Ombudsman's Office by the Catalan Ombudsman Act and the Transparency Act. This special activity has become more significant in recent years, and is no longer a sporadic or special activity, but an important, routine part of the Catalan Ombudsman's Office's duties. The format of the special report makes it possible to analyze in depth topics that cannot be addressed with sufficient scope in individual complaints. Aside from their public dissemination, the reports are registered in the Parliament of Catalonia and are the subject of debate in the Catalan Ombudsman Committee. This year, eight special reports have been written and registered in the Catalan parliament:

- *The right to housing: urgent matters.* February 2018
- *Castor Project: Bases for an audit.* March 2018
- *Report on universalization of health care.* May 2018
- *Violation of fundamental rights and public freedoms on occasion of the penal reaction to the Oct. 1 referendum and application of Article 155 of the Spanish Constitution.* May 2018
- *The increase in environmental and urban planning conflicts in Catalonia.* June 2018
- *Pluralism in the schools of Catalonia as a guarantee of non-indoctrination.* July 2018
- *The situation of migrant children without family members of reference in Catalonia.* September 2018
- *The "Sindicatura Municipal" as an independent Ombudsman. The situation in Catalonia.* December 2018

All of these reports can be consulted on the Catalan Ombudsman's website. Most of them are discussed in Chapter 3 of this annual report.

## FINAL CONSIDERATION

The conclusion of the Catalan Ombudsman's term is the perfect occasion to highlight a number of matters that represent key future challenges in the attainment of rights in Catalonia. By no means an exhaustive list, the following areas are mentioned:

- The fight against social and economic inequality, especially certain groups such as children and individuals who belong to minority groups.
- The consideration of housing as a fundamental right, and not only as a financial object, to truly implement universal access to dignified, affordable housing.
- Equal opportunities in education and the fight against segregation as a means to guarantee this equality.
- The guarantee of migrants' rights, for economic causes, or for refugee status, with special impact on children, who arrive in our country without family members of reference.
- The guarantee of children's condition as citizens with full rights and capacity to inform themselves and participate in social and political life.
- Awareness of and fight against male-on-female and LGTB-phobic violence.
- Awareness of and fight against child and sexual abuse.
- The substantial reduction in levels of air pollution in our cities, from the standpoint of people's right to health.
- The future of young people of our country in a setting of occupational precariousness and degradation of higher education, with the consequent talent drain.
- New technologies' impact on rights, and the scope of these rights in the digital realm,

considering matters such as protection of personal data and the technology gap between generations.

- The consideration of territory as a heritage to be preserved as an individual and collective right of this and coming generations.
- The right of all individuals in our society to actively participate in political decisions, and for this participation to be facilitated, free from restrictions.

For all of these reasons, the Catalan Ombudsman reiterates his encouragement of the Catalan Parliament and Executive Branch to promote measures to progressively address these challenges.

Furthermore, the Catalan Ombudsman takes a positive view of the willingness of all administrations and companies with which he interacts, both toward the processing of complaints and the receptiveness to suggestions.

It must be borne in mind that this year the Catalan Ombudsman has once again received over 10,000 complaints from over 14,000 individuals (some complaints are collective) and that over 15,000 have been processed. Adding the queries presented to the ex-officio actions launched by the Catalan Ombudsman's Office (267) 26,000 cases have been handled throughout the year.

It must also be highlighted that the Catalan Ombudsman's Office has not detected severe obstructions of its task by any administration or company, although it must be acknowledged that the Spanish Government's direct rule over the Autonomous Catalan Government in the first half of the year slowed the processing of responses, especially regarding the acceptance of the Síndic's decisions.

In this point, it is positive that the percentage of decisions completely or partially accepted by the target organization exceeds 97% of those handed down by this office. In fact, only 2.4% of the decisions have been rejected by the Administration, while another 25.1% have only been partially accepted. However, it must be remembered that these percentages are higher than those of the prior year and therefore, there is still room

for improvement by administrations when it comes to accepting the Catalan Ombudsman's suggestions.

The Catalan Ombudsman will continue to work to improve these figures, both as regards the processing as well as the acceptance of the recommendations. In the first case, the electronic office is already a fully-operational reality, with over 15,000 visits, tripling the figures of last year. Electronic processing is now the main channel of communication with citizens, always respecting the rights of individuals who may have difficulties with electronic resources.

Important among the challenges faced by the Catalan Ombudsman is that of achieving greater dissemination and presence of the Catalan Ombudsman's Office among the population, being widely known as a guarantor of rights. In the institutional realm, the visits by the Catalan Ombudsman and his deputies to different parts of the territory throughout the year are described. Further, there have been frequent meetings at the Catalan Ombudsman's Office's headquarters and around the territory with relevant social agents to discuss the situation of rights affecting them.

Throughout 2018, the territorial citizen service unit has made 136 trips, and visited 105 different municipalities. As in prior

years, the complaints received through the traveling citizen service unit stood for more than 10% of the Catalan Ombudsman's Office's total.

The Catalan Ombudsman has also furthered his efforts to formalize unique supervision agreements with local councils, because this office has a significant local Ombudsman dimension. After all, over half of the complaints filed and processed have had to do with the local administration, the vast majority regarding local councils. Therefore, two new supervision agreements (Cerdanyola del Vallès and Cervera) have been signed, making for a total of 36 agreements in force.

Furthermore, this office has the will to keep working in close cooperation with all relevant agents, including local and university ombudsmen, autonomous ombudsmen, the Spanish Ombudsman as well as the competent international organizations in the area of human rights.

These improvements and the networking activities carried out will enable the maintenance and growth of the positive opinion of this office held by those who have been in contact with it. It is a positive opinion that is only possible through the professional attitude and dedication to service of the Catalan Ombudsman's staff, who must be thanked for yet another year for their service and devotion.



**■ ACTIVITIES OF THE CATALAN OMBUDSMAN  
IN 2018, IN FIGURES**



## 2. ACTIVITIES OF THE CATALAN OMBUDSMAN IN 2018, IN FIGURES

This chapter presents the most significant figures of the Catalan Ombudsman's activity for 2018. The aim is to provide a summary presentation of the most relevant actions taken by the Catalan Ombudsman's Office. The data cover the complaints begun between January 1 and December 31, 2018. Also indicated are the actions processed, which are those worked on throughout the year, regardless of when they were begun.

Throughout 2018, the number actions launched by citizens has risen, both by number of complaints and number of queries, with respect to the prior year. In fact, this year has seen the second-highest number of complaints received, following 2015, as they have surpassed the 10,000 complaint mark, while 9,987 queries have been received.

The 2018 data show increased activity in two particularly relevant areas. First, an increase in actions targeting public administration, specifically in citizen participation, as many individuals believe their civil and political rights have been violated; this includes the right to demonstration or freedom of expression, the right to be represented by the leaders they have voted for or the neutrality in usage of public spaces, among others.

Nonetheless, the most significant increase this year was seen in the area of social policies. 2018 has been an especially difficult year for persons at risk of social exclusion. In fact, never in its history has the Catalan Ombudsman's Office received as many complaints in which the same person presents various problems vis-à-vis the Administration, all of them inter-

related, and that place them in a situation of social emergency and serious vulnerability, from which it is increasingly difficult to escape.

For example, there are frequent complaints from individuals for whom the guaranteed citizen income has not been ruled on, or has been denied, and who are unable to pay their utility bills because they are in a situation of energy poverty. They are eventually evicted from the homes where they live, which they either owned or rented. On another note, if they have children, this situation also translates into a lack of benefits to cover the minors' basic needs (books, school supplies, etc.) or in school enrollment problems.

Obviously, these are the visible consequences for individuals in a situation of poverty or risk of social exclusion, without bearing in mind the risks for health or development of the child as a consequence of having to live through such circumstances.

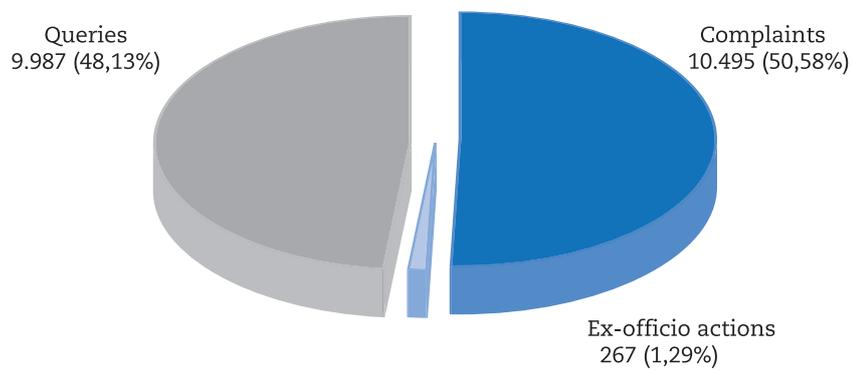
Most complaints in these areas have been presented by women. Gender is very much a part of this reality, either because of the situation itself, or because of having to provide care for dependent children or adults. In fact, the link between the phenomenon of social exclusion and the gender perspective has been made clear, either in the distribution of work, the unequal division of care-taking tasks among members of the family, as well as cases of male-on-female violence. All such problems are inherent to gender. These are conclusions that can be drawn from the analysis of the figures.

**1. Actions initiated in 2018**

	N	%
■ Complaints	10.495	50,58
■ Ex-officio actions	267	1,29
■ Queries	9.987	48,13
<b>Total</b>	<b>20.749</b>	<b>100</b>

**2. Actions processed in 2018**

	N	%
Complaints	15.375	59,14
Ex-officio actions	635	2,44
Queries	9.987	38,42
<b>Total</b>	<b>25.997</b>	<b>100</b>



## 2.1. FIGURES BY SUBJECT MATTER

The area of social policies is still above 30% of the complaints made to the Catalan Ombudsman, as opposed to the prior year, followed by the area of public administration and taxation, which reached 27.8%.

Social policies have seen an increase of 66.1% in the number of complaints and ex-officio actions in social services. These have specifically focused on delays in the processing, or in the denial of guaranteed citizen income, in addition to the difficulties in attaining benefits, to be able to meet daily needs. There has also been a 30% rise in complaints and ex-officio actions regarding education and research. To the contrary, there has

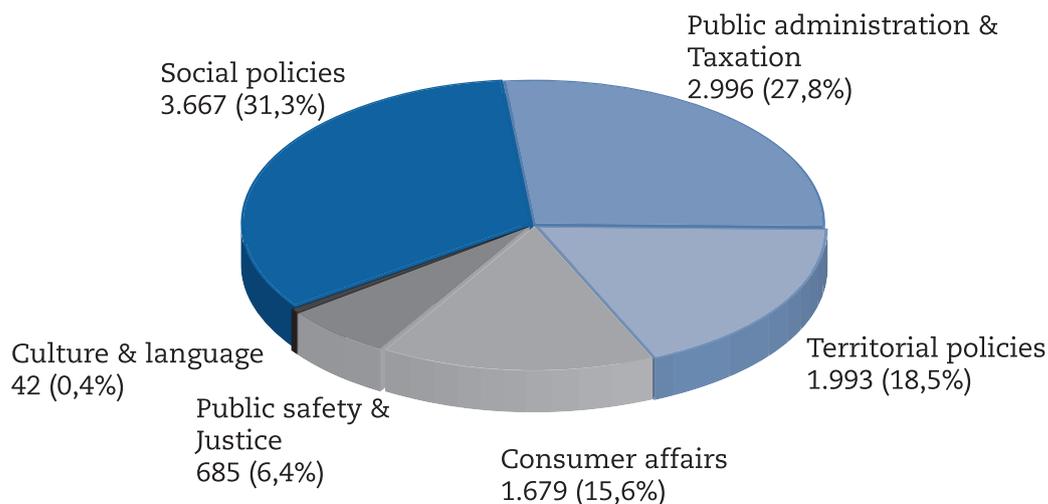
been a diminishment in the complaints on discrimination, and work and pensions.

**Evictions and minimum guaranteed income are the main issues of social policies' complaints**

In the area of public administration, there has been an 82.7% jump, mainly linked to complaints on the violation of citizens' rights as concerns their participation in public affairs. On the other hand, there has been a major drop in complaints and ex-officio actions concerning territorial policies. All other areas, such as consumer affairs, culture and language, and public safety and justice, kept up the same trends observed in prior years..

## 3. Evolution of complaints and ex-officio actions over the years

	2014		2015		2016		2017		2018	
	N	%	N	%	N	%	N	%	N	%
<b>Social policies</b>	<b>3.115</b>	<b>31,3</b>	<b>3.329</b>	<b>30,7</b>	<b>3.486</b>	<b>33,9</b>	<b>2.945</b>	<b>28,2</b>	<b>3.367</b>	<b>31,3</b>
Education and research	685	6,9	587	5,4	1.081	10,5	641	6,1	834	7,7
Children and adolescent affairs	674	6,8	925	8,5	704	6,8	632	6,1	619	5,8
Health care		6,3	747	6,9	814	7,9	696	6,7	680	6,3
Social services	948	9,5	921	8,5	745	7,2	643	6,2	1.068	9,9
Work and pensions	174	1,7	135	1,2	91	0,9	112	1,1	66	0,6
Discrimination	6	0,1	14	0,1	51	0,5	221	2,1	100	0,9
<b>Public administration and taxation</b>	<b>2.302</b>	<b>23,1</b>	<b>1.809</b>	<b>16,7</b>	<b>1.894</b>	<b>18,4</b>	<b>2.038</b>	<b>19,5</b>	<b>2.996</b>	<b>27,8</b>
Public administration and rights	1.828	18,4	1.383	12,7	1.443	14,0	1.460	14,0	2.668	24,8
Taxation		4,8	426	3,9	451	4,4	578	5,5	328	3,0
<b>Territorial policies</b>	<b>1.701</b>	<b>17,1</b>	<b>2.395</b>	<b>22,1</b>	<b>2.370</b>	<b>23,0</b>	<b>2.885</b>	<b>27,6</b>	<b>1.993</b>	<b>18,5</b>
Environment	1.053	10,6	1.245	11,5	824	8,0	813	7,8	1.023	9,5
Housing		2,3	327	3,0	386	3,7	338	3,2	408	3,8
Town planning		4,2	823	7,6	1.160	11,3	1.734	16,6	562	5,2
Consumer affairs		22,2	2.651	24,4	1.778	17,3	1.637	15,7	1.679	15,6
Public safety and justice	593	6,0	614	5,7	709	6,9	881	8,4	685	6,4
Culture and language	34	0,3	54	0,5	57	0,6	59	0,6	42	0,4
<b>Total</b>	<b>9.955</b>	<b>100</b>	<b>10.852</b>	<b>100</b>	<b>10.294</b>	<b>100</b>	<b>10.445</b>	<b>100</b>	<b>10.762</b>	<b>100</b>



#### 4. Number of complaints, ex-officio actions and queries initiated in the social policy area

Within social policies, specifically education, there has been a 75.9% rise in the number of complaints regarding the planning and distribution of class groups, and general organization of the school system by the Administration. That said, there have been fewer complaints expressing disagreement with the assignment, scales and scoring established during the pre-registration period. Also significant is the 28.9% increase in the number of the Catalan Ombudsman's interventions as a consequence of possible situations of school bullying, while the number of interventions regarding children with special educational needs and their affectations (lack of support staff, lack of curricular adaptation) has remained at the same level as last year.

In the area of children and adolescent affairs, what concentrates most of the Catalan Ombudsman's activity is the impact on children arising from problems in family relations, normally caused by difficult separation or divorce processes, which can mean problems in communication and visit schedules, custody or the relationships of respect among adult family members, among others.

On another note, there has been an increase in the number of complaints, queries and ex-officio actions related to situations of risk or vulnerability, and the actions of the Equip d'Atenció a Infància i Adolescència (Children's and Adolescents' Affairs Unit,

EAIA) or Social Services addressed to these problems.

The rights of families is another area in which the number of interventions has diminished, but at the same time, a greater diversity of topics have been dealt with. These issues range from attaining the single-parent family certificate or a large family certificate, to the differences between the two certificates in terms of rights and benefits, or the affectations that are derived from separations with shared-custody arrangements on the loss or use of the large family certificate. This area also includes aspects such as the impact suffered by children in cases of evictions of families, or the problems derived from surrogate pregnancies.

Another area that is growing are the interventions derived from the lack of financial support or specialized staff in situations of a child with disabilities or health problems.

The health care area has followed the same trend as in prior years, in which most complaints focused on the treatment received by the patient, the lack of human resources and infrastructures to provide health care, waiting lists and the operation of all medical benefits.

In the social services realm, the increase in activities is essentially based on the demand

for social benefits to meet the needs of citizens, and specifically, processing delays and denials of guaranteed citizen income, and also the failure to resolve the appeals presented, or delayed payment. In fact, the number of actions that have to do with social inclusion has risen by 175.5% over prior year.

The delay in resolving the grants of basic-need benefits, for guaranteed citizen income or other pensions further worsens the situation of individuals in situations of vulnerability and may eventually generate consequences in other areas, such as housing, that impede the capacity to recover

and depart from this situation of vulnerability.

In the end, actions in the area of discrimination still form a minority within the area of social policies, even though gender equality or discrimination due to sexual orientation or identity will form the basis of the Catalan Ombudsman's interventions. Therefore, discrimination for reasons of sex/gender cannot be understood on an isolated basis, as there are other factors such as sexual orientation, social class, disability, age, etc., that configure a map of multiple, intersecting forms of discrimination.

<b>4.1. Education and research</b>	<b>Total</b>	<b>%</b>	<b>Com-plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Organization and planning of the school system	285	22,1	270	33,8	-	0,0	15	3,3
Pre-enrollment to education and centers	182	14,1	109	13,6	5	14,7	68	14,8
University studies and research	209	16,2	112	14,0	1	2,9	96	21,0
Rights and obligations of students	126	9,8	51	6,4	6	17,6	69	15,1
Scholarships and grants	105	8,1	73	9,1	5	14,7	27	5,9
Bullying	107	8,3	44	5,5	1	2,9	62	13,5
Special educational needs	103	8,0	65	8,1	4	11,8	34	7,4
Other lessons	62	4,8	31	3,9	2	5,9	29	6,3
Education centers	60	4,6	35	4,4	6	17,6	19	4,1
Teaching staff	8	0,6	1	0,1	2	5,9	5	1,1
Others	45	3,5	9	1,1	2	5,9	34	7,4
<b>Total</b>	<b>1.292</b>	<b>100</b>	<b>800</b>	<b>100</b>	<b>34</b>	<b>100</b>	<b>458</b>	<b>100</b>

<b>4.2. Children and adolescents' affairs</b>	<b>Total</b>	<b>%</b>	<b>Com-plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Child in risk and performance of the EAIA	252	22,6	82	16,2	37	33,0	133	26,8
Problems in family relationships	189	17,0	63	12,4	2	1,8	124	25,0
Child health	130	11,7	75	14,8	8	7,1	47	9,5
Child disability	126	11,3	90	17,8	4	3,6	32	6,5
Rights of families	123	11,0	80	15,8	4	3,6	39	7,9
Education in leisure and sporting activities	119	10,7	53	10,5	4	3,6	62	12,5
Child protection centers	93	8,3	28	5,5	37	33,0	28	5,6
Family fostering and adoptions	39	3,5	19	3,7	4	3,6	16	3,2
Media and new technologies	24	2,2	8	1,6	3	2,7	13	2,6
Unaccompanied minors	18	1,6	8	1,6	8	7,1	2	0,4
Discrimination	2	0,2	1	0,2	1	0,9	-	0,0
<b>Total</b>	<b>1.115</b>	<b>100</b>	<b>507</b>	<b>100</b>	<b>112</b>	<b>100</b>	<b>496</b>	<b>100</b>

<b>4.3. Health care</b>	<b>Total</b>	<b>%</b>	<b>Com- plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Rights and obligations of the user	389	29,0	177	26,4	3	33,3	209	31,5
Waiting lists	321	23,9	223	33,2	-	0,0	98	14,8
Health benefits	197	14,7	121	18,0	2	22,2	74	11,2
Disagreement with the diagnosis and treatment of the disease	124	9,2	41	6,1	-	0,0	83	12,5
Infrastructure, management and resources	99	7,4	58	8,6	1	11,1	40	6,0
Mental health	85	6,3	16	2,4	1	11,1	68	10,3
Medical assessments	42	3,1	18	2,7	-	0,0	24	3,6
Minority diseases	12	0,9	6	0,9	-	0,0	6	0,9
Others	74	5,5	11	1,6	2	22,2	61	9,2
<b>Total</b>	<b>1.343</b>	<b>100</b>	<b>671</b>	<b>100</b>	<b>9</b>	<b>100</b>	<b>663</b>	<b>100</b>
<b>4.4. Social services</b>	<b>Total</b>	<b>%</b>	<b>Com- plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Social inclusion (guaranteed income and non-contributory benefits)	1.383	64,5	680	64,4	2	16,7	701	65,1
People with disabilities (subsidies and benefits, benefit accessibility and grade)	442	20,6	213	20,2	3	25,0	226	21,0
Elderly people (subsidies and benefits, residential services and home care)	310	14,5	159	15,1	7	58,3	144	13,4
Homeless	8	0,4	3	0,3	-	0,0	5	0,5
People with addictions	2	0,1	1	0,1	-	0	1	0,1
<b>Total</b>	<b>2.145</b>	<b>100</b>	<b>1056</b>	<b>100</b>	<b>12</b>	<b>100</b>	<b>1077</b>	<b>100</b>
<b>4.5. Work and pensions</b>	<b>Total</b>	<b>%</b>	<b>Com- plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Retirement pension	112	32,9	25	37,9	-	0,0	87	31,8
Unemployment benefit	104	30,6	15	22,7	-	0,0	89	32,5
Occupational training	40	11,8	13	19,7	-	0,0	27	9,9
Labor incapacity	32	9,4	5	7,6	-	0,0	27	9,9
Labor insertion	30	8,8	2	3,0	-	0,0	28	10,2
Prevention of occupational hazards	18	5,3	5	7,6	-	0,0	13	4,7
Employment regulator files	1	0,3	-	0,0	-	0,0	1	0,4
Others	3	0,9	1	1,5	-	0,0	2	0,7
<b>Total</b>	<b>340</b>	<b>100</b>	<b>66</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>274</b>	<b>100</b>
<b>4.6. Discrimination</b>	<b>Total</b>	<b>%</b>	<b>Com- plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Gender equality	105	62,1	78	80,4	2	66,7	25	36,2
Discrimination by sexual orientation	48	28,4	12	12,4	-	0,0	36	52,2
Social or ideological discrimination	9	5,3	4	4,1	1	33,3	4	5,8
Racial discrimination	6	3,6	2	2,1	-	0,0	4	5,8
Religious affairs	1	0,6	1	1,0	-	0,0	-	0,0
<b>Total</b>	<b>169</b>	<b>100</b>	<b>97</b>	<b>100</b>	<b>3</b>	<b>100</b>	<b>69</b>	<b>100</b>

## 5. Public administration and taxation

In public administration and taxation, aside from authorizations and grants, the area that has most increased is that of citizen participation, and electoral policy and system, which in recent years have gained greater presence as a consequence of the political process in Catalonia.

Specifically, the areas that have generated the greatest number of interventions have been the difficulties to swear in the president of the Autonomous Government of Catalonia, expressions and violations

of the freedom of expression, difficulties in voting from foreign countries or neutrality of public spaces.

In taxation, the local area tends to generate the most interventions by the Catalan Ombudsman; specifically, real estate tax, urban land appreciation tax and the waste collection fee, in addition to the difficulties in dividing payments or finding other mechanisms by which to settle debts.

<b>5.1. Public administration</b>	<b>Total</b>	<b>%</b>	<b>Com-plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Authorizations and concessions	1.155	27,9	1.077	40,5	-	0,0	78	5,3
Citizen participation, politics and voting regime	897	21,6	566	21,3	6	66,7	325	22,0
Sanctioning proceeding and forced expropriation	627	15,1	285	10,7	-	0,0	342	23,1
Administrative procedure	528	12,7	163	6,1	3	33,3	362	24,5
Civil servants	482	11,6	298	11,2	-	0,0	184	12,4
Public liability	221	5,3	100	3,8	-	0,0	121	8,2
Patrimony of the Administration	132	3,2	106	4,0	-	0,0	26	1,8
Transparency	50	1,2	31	1,2	-	0,0	19	1,3
Subsidies and benefits	31	0,7	20	0,8	-	0,0	11	0,7
Public hiring	24	0,6	13	0,5	-	0,0	11	0,7
<b>Total</b>	<b>4.147</b>	<b>100</b>	<b>2.659</b>	<b>100</b>	<b>9</b>	<b>100</b>	<b>1.479</b>	<b>100</b>

<b>5.2. Taxation</b>	<b>Total</b>	<b>%</b>	<b>Com-plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Local taxes	465	70,0	254	78,4	3	75,0	208	61,9
Regional taxes	137	20,6	35	10,8	1	25,0	101	30,1
State taxes	62	9,3	35	10,8	-	0,0	27	8,0
<b>Total</b>	<b>664</b>	<b>100</b>	<b>324</b>	<b>100</b>	<b>4</b>	<b>100</b>	<b>336</b>	<b>100</b>

## 6. Number of complaints, ex-officio actions and queries initiated in the consumer affairs area

Energy (electricity and gas) and water consumption have the most significant increases in consumer affairs complaints. Specifically, the interventions focus on the difficulties to expediently process customer on-boarding, the cost and billing of services, payment difficulties and

denials of “bono social” discount rates, response to faults by utility companies, or changes from analogue to digital meters. In fact, interventions due to disagreement with the actions of electrical utility companies have risen by 22.6%.

Consumer affair	Total	%	Com-plaints	%	EO	%	Queries	%
Electricity	967	25,5	539	32,4	1	7,7	427	20,2
Telephony	804	21,2	400	24,0	-	0,0	404	19,1
Transport	578	15,3	403	24,2	6	46,2	169	8,0
Water	276	7,3	157	9,4	5	38,5	114	5,4
Gas	212	5,6	123	7,4	-	0,0	89	4,2
Administration of consumer protection	57	1,5	17	1,0	-	0,0	40	1,9
Others	895	23,6	27	1,6	1	7,7	867	41,1
<b>Total</b>	<b>3.789</b>	<b>100</b>	<b>1.666</b>	<b>100</b>	<b>13</b>	<b>100</b>	<b>2.110</b>	<b>100</b>

## 7. Number of complaints in the territorial policy realm

In the territorial policy realm, the main impact of 2018 has been derived from the increased number of interventions in the housing area due to evictions. In fact, interventions due to evictions, which until this year had stood for a minority in the housing area, have risen by 303.2% over prior year, and are configured as the main reason for intervention by the Catalan Ombudsman in this area. This problem was especially concentrated in the Barcelona metropolitan area.

It is in this area, in which social inequalities acquire even greater relevance, and in which an individual's belonging to an especially vulnerable group—7.5% of interventions due to evictions affect individuals with disabilities—or gender inequalities are especially visible. Therefore, 62% of the complaints due to evictions have been filed by women, most of whom have dependent children. Furthermore, 62.5% of the group of individuals that the

Catalan Ombudsman's Office identified in a report as squatters were women, the majority of whom had dependent children. Salary differences, occupational precariousness and family burdens, mostly assumed by women, as they refer to children as well as elderly and dependent persons, increase the possibilities of falling into social exclusion.

Second, another problematic area has to do with the applications for social housing, either for difficulties in accessing them, or due to a lack of housing.

As concerns the environment, pollution is still citizens' main concern, along with compliance with the ordinances for the possession of animals.

Last, mobility and control over works permits emerged as the main reasons for intervention by the Catalan Ombudsman in urban planning matters.

<b>7.1. Environment</b>	<b>Total</b>	<b>%</b>	<b>Com-plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Pollution (acoustic, odoriferous, atmospheric, light or radioelectric)	607	41,8	411	40,5	4	57,1	192	44,8
Control and possession of domestic animals	251	17,3	199	19,6	-	0,0	52	12,1
Activity licenses	172	11,8	129	12,7	-	0,0	43	10,0
Waste Management	137	9,4	91	9,0	-	0,0	46	10,7
Cleaning of public roads and abandoned plots	78	5,4	64	6,3	-	0,0	14	3,3
Trees and public gardening	77	5,3	48	4,7	-	0,0	29	6,8
Protection of biodiversity	46	3,2	33	3,2	2	28,6	11	2,6
Control of populations of wild animals	23	1,6	22	2,2	-	0,0	1	0,2
Environmental emergencies. Floods, fires	13	0,9	6	0,6	1	14,3	6	1,4
Animal pests	10	0,7	8	0,8	-	0,0	2	0,5
Others	38	2,6	5	0,5	-	0,0	33	7,7
<b>Total</b>	<b>1.452</b>	<b>100</b>	<b>1016</b>	<b>100</b>	<b>7</b>	<b>100</b>	<b>429</b>	<b>100</b>

<b>7.2. Urbanism and mobility</b>	<b>Total</b>	<b>%</b>	<b>Com-plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Mobility	356	41,5	262	47,0	1	25,0	93	31,4
Town planning and inspection	270	31,5	171	30,6	1	25,0	98	33,1
Urban planning and execution	116	13,5	68	12,2	2	50,0	46	15,5
Urbanizations not received	42	4,9	26	4,7	-	0,0	16	5,4
Others	74	8,6	31	5,6	-	0,0	43	14,5
<b>Total</b>	<b>858</b>	<b>100</b>	<b>558</b>	<b>100</b>	<b>4</b>	<b>100</b>	<b>296</b>	<b>100</b>

<b>7.3. Housing</b>	<b>Total</b>	<b>%</b>	<b>Com-plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Evictions	254	29,3	129	31,7	-	0,0	125	27,3
Access and acquisition of housing	249	28,8	82	20,1	-	0,0	167	36,5
Housing conservation and maintenance	146	16,9	73	17,9	-	0,0	73	15,9
Benefits and housing subsidies (rent subsidies, basic rent subsidy)	127	14,7	70	17,2	-	0,0	57	12,4
Application for access to housing of social emergency	49	5,7	42	10,3	-	0,0	7	1,5
Squatting	9	1,0	4	1,0	-	0,0	5	1,1
Real estate mobbing	5	0,6	3	0,7	-	0,0	2	0,4
Others	27	3,1	4	1,0	1	100,0	22	4,8
<b>Total</b>	<b>866</b>	<b>100</b>	<b>407</b>	<b>100</b>	<b>1</b>	<b>100</b>	<b>458</b>	<b>100</b>

## 8. Number of complaints, ex-officio actions and queries in the area of public safety and justice

The area of public safety and justice has minimally reduced the volume of interventions as compared to prior year, both in terms of Penitentiary Services and the Justice Administration, or the action of

law enforcement agencies. Although in prior years penitentiary services has been the sub-area that required the most intervention, this year it has been the work of the Justice Administration.

<b>Public safety and justice</b>	<b>Total</b>	<b>%</b>	<b>Com-plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Justice administration	534	39,4	137	21,8	2	3,5	395	59,0
Penitentiary services	492	36,3	336	53,5	15	26,3	141	21,1
Performance of the security forces	328	24,2	155	24,7	40	70,2	133	19,9
<b>Total</b>	<b>1.354</b>	<b>100</b>	<b>628</b>	<b>100</b>	<b>57</b>	<b>100</b>	<b>669</b>	<b>100</b>

## 9. Number of complaints, ex-officio actions and queries initiated in the culture and language area in 2018

Traditionally, culture and language have been areas in which citizens have filed few requests for the Catalan Ombudsman to intervene. Nonetheless, there has been

an increase in the number of complaints in which it is considered that the rights of citizens whose preferential language is Spanish have been violated.

<b>Culture and language</b>	<b>Total</b>	<b>%</b>	<b>Com-plaints</b>	<b>%</b>	<b>EO</b>	<b>%</b>	<b>Queries</b>	<b>%</b>
Violation of Spanish speakers' rights	38	50,0	23	57,5	-	0,0	15	44,1
Violation of Catalan speakers' rights	20	26,3	13	32,5	1	50,0	6	17,6
Culture and arts	13	17,1	4	10,0	1	50,0	8	23,5
Others	5	6,6	-	0,0	-	0,0	5	14,7
Violation of Aranese-Occitan speakers' rights	0	0,0	-	0,0	-	0,0	-	0,0
<b>Total</b>	<b>76</b>	<b>100</b>	<b>40</b>	<b>100</b>	<b>2</b>	<b>100</b>	<b>34</b>	<b>100</b>

**2.2. STATUS OF ACTIONS**

41.6% of the complaints and ex-officio actions processed over this year are still open, while 58.4% have been closed. Therefore, the percentage of concluded complaints is lower than in prior years. This is interpreted as a negative development, as it is due to the administrations' delay in providing a response to the Catalan Ombudsman. Although there clearly exists a spirit of cooperation among administrations, it is also true that the Administration is increasing its response times, both to information requests (42.8% of cases) as well as resolution acceptance (by 31.3%).

Of the closed interventions, some irregularity has been detected in 41.2% of the cases, of which, in 53.9% of the cases the problem has been solved with no need for a resolution from the Catalan Ombudsman. In other words, once the Catalan Ombudsman has informed it regarding the problem, the Administration has corrected its actions.

In keeping with the trend of recent years, in 97.5% of the cases in which irregular activity of the Administration has been detected, the Catalan Ombudsman has recommended or suggested measures that have been totally or partially accepted.

Although these are results that reflect the positive cooperation among administrations, and the acceptance of the considerations presented by the Catalan Ombudsman, it is also true that the number of cases in which the resolution is partially accepted has continued to rise (25.1% in 2018 versus 22% in 2017). Although partial acceptance is preferable to rejection, it is also true that the entirety of recommendations and suggestions of the Catalan Ombudsman follow a comprehensive logic, and the non-acceptance of some recommendations could have an influence on the ultimate objective.

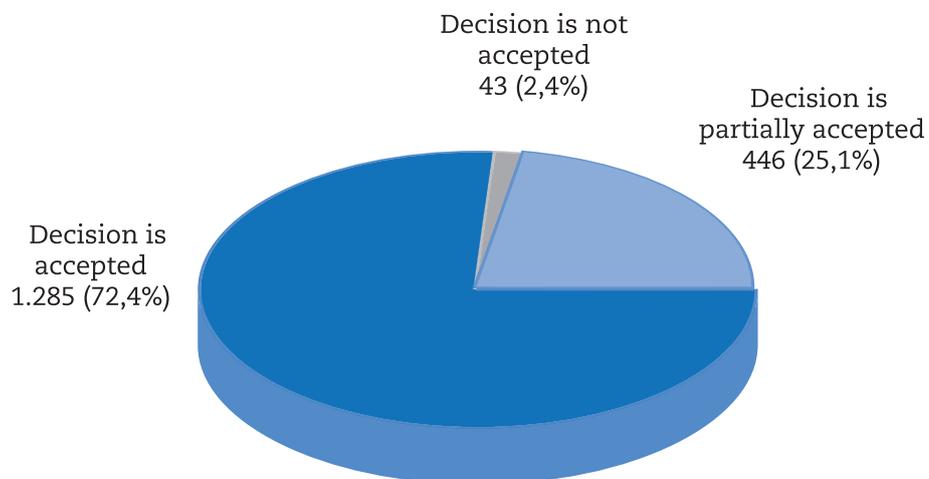
Observing the level of acceptance is not the only relevant factor. The effective compliance with the Catalan Ombudsman's resolutions is also important. Therefore, in 79.1% of the cases the problem has been resolved, or the resolution that the Administration has partially or totally accepted has been complied with, while 20.9% of the cases are still in the implementation process.

As can be seen in Table 14, territorial policies, public administration and taxation, and public safety and justice are the areas in which there is the highest percentage of overall compliance by the Administration or companies devoted to serving the general interest.

**10. Complaints and ex-officio actions admitted for processing and in process**

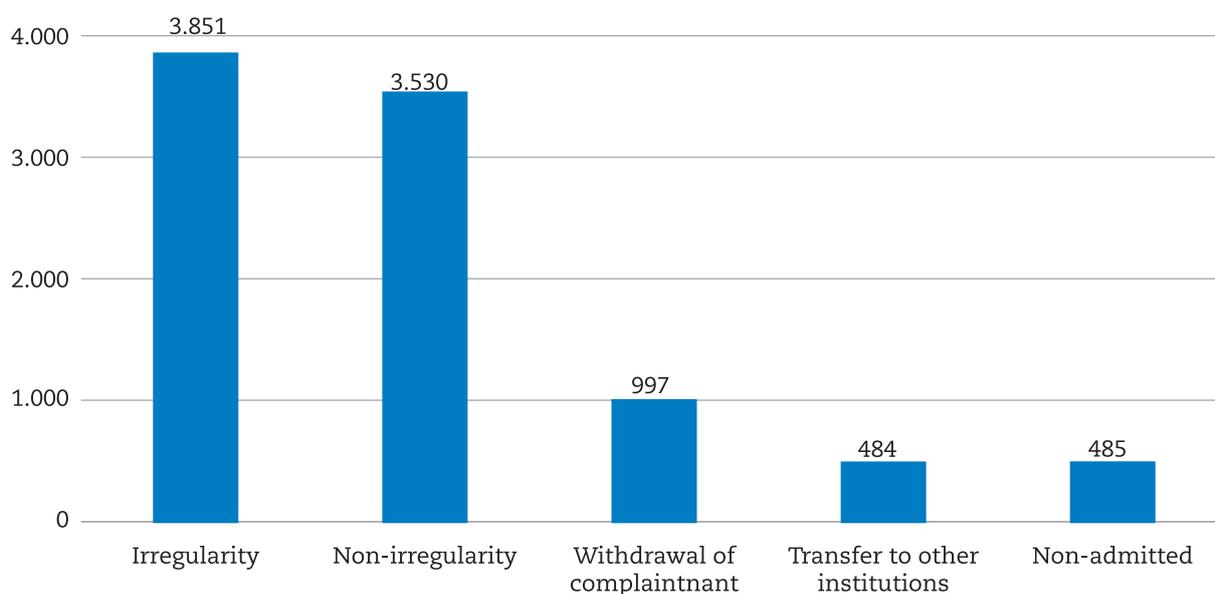
	< 2018	2018	Total	%
Admission to process	37	581	618	9,3
Waiting for more information provided by complainant	6	144	150	2,3
Waiting for more information from the Administration	304	2.584	2.888	43,3
Pending Ombudsman decision	112	570	682	10,2
Awaiting acceptance of decision by the Administration	1.465	635	2.100	31,5
In process of completion	120	105	225	3,4
<b>Total</b>	<b>2.044</b>	<b>4.619</b>	<b>6.663</b>	<b>100</b>

### 11. Acceptance of the ombudsman's suggestions in complaints and ex-officio actions processed in 2018



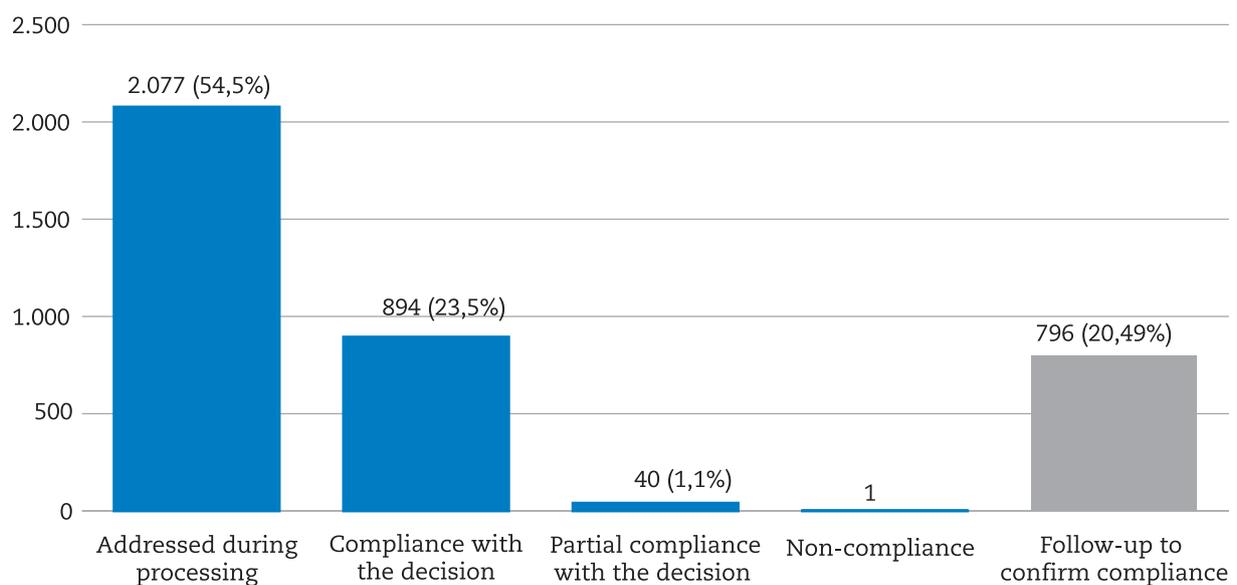
### 12. Complaints and ex-officio actions finalized

	< 2018	2018	Total	%
Irregularity	2.171	1.680	3.851	41,2
Non-irregularity	869	2.661	3.530	37,8
Withdrawal of complainant	114	883	997	10,7
Transfer to other institutions	24	460	484	5,2
Non-admitted	26	459	485	5,2
<b>Total</b>	<b>3.204</b>	<b>6.143</b>	<b>9.347</b>	<b>100</b>



### 13. Compliance with the ombudsman suggestions in 2018

	Addressed during processing		Compliance with the decision		Partial compliance with the decision		Non-compliance		Follow-up to confirm compliance		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>Social policies</b>	<b>680</b>	<b>44,4</b>	<b>424</b>	<b>27,7</b>	<b>27</b>	<b>1,8</b>	<b>0</b>	<b>0,0</b>	<b>400</b>	<b>26,1</b>	<b>1.531</b>	<b>100</b>
Education and research	85	22,7	182	48,5	7	1,9	-	0,0	101	26,9	375	100
Children and adolescent affairs	78	23,7	107	32,5	11	3,3	-	0,0	133	40,4	329	100
Health care	330	71,4	98	21,2	2	0,4	-	0,0	32	6,9	462	100
Social services	171	71,3	33	13,8	7	2,9	-	0,0	29	12,1	240	100
Work and pensions	7	70,0	2	20,0	-	0,0	-	0,0	1	10,0	10	100
Discrimination	9	7,8	2	1,7	-	0,0	-	0,0	104	90,4	115	100
<b>Public administration and taxation</b>	<b>291</b>	<b>51,9</b>	<b>174</b>	<b>31,0</b>	<b>2</b>	<b>0,4</b>	<b>1</b>	<b>0,2</b>	<b>93</b>	<b>16,6</b>	<b>561</b>	<b>100</b>
Public administration and rights	215	48,8	148	33,6	2	0,5	1	0,2	75	17,0	441	100
Taxation	76	63,3	26	21,7	-	0,0	-	0,0	18	15,0	120	100
<b>Territorial policies</b>	<b>584</b>	<b>57,3</b>	<b>265</b>	<b>26,0</b>	<b>8</b>	<b>0,8</b>	<b>0</b>	<b>0,0</b>	<b>163</b>	<b>16,0</b>	<b>1.020</b>	<b>100</b>
Environment	318	58,2	120	22,0	3	0,5	-	0,0	105	19,2	546	100
Housing	87	65,4	32	24,1	-	0,0	-	0,0	14	10,5	133	100
Town planning	179	52,5	113	33,1	5	1,5	-	0,0	44	12,9	341	100
<b>Consumer affairs</b>	<b>441</b>	<b>75,6</b>	<b>14</b>	<b>2,4</b>	<b>1</b>	<b>0,2</b>	<b>-</b>	<b>0,0</b>	<b>127</b>	<b>21,8</b>	<b>583</b>	<b>100</b>
<b>Public safety and justice</b>	<b>68</b>	<b>73,1</b>	<b>13</b>	<b>14,0</b>	<b>2</b>	<b>2,2</b>	<b>-</b>	<b>0,0</b>	<b>10</b>	<b>10,8</b>	<b>93</b>	<b>100</b>
<b>Culture and language</b>	<b>13</b>	<b>65,0</b>	<b>4</b>	<b>20,0</b>	<b>-</b>	<b>0,0</b>	<b>-</b>	<b>0,0</b>	<b>3</b>	<b>15,0</b>	<b>20</b>	<b>100</b>
<b>Total</b>	<b>2.077</b>	<b>54,5</b>	<b>894</b>	<b>23,5</b>	<b>40</b>	<b>1,1</b>	<b>1</b>	<b>0,0</b>	<b>796</b>	<b>20,9</b>	<b>3.808</b>	<b>100</b>



**14. Evolution of processing of complaints and ex-officio actions during 2010-2018**

	2010	2011	2012	2013	2014	2015	2016	2017	2018
In process	4.545	5.148	4.826	4.837	6.006	7.471	6.365	4.450	6.663
Finalized	6.094	7.821	8.626	9.517	9.337	10.059	11.714	12.624	9.347
<b>Total</b>	<b>10.639</b>	<b>12.969</b>	<b>13.452</b>	<b>14.354</b>	<b>15.343</b>	<b>17.530</b>	<b>18.079</b>	<b>17.074</b>	<b>16.010</b>

**15. Number of people concerned in the complaints and queries processed in 2018**

	2018
Complaints	25.657
Queries	9.987
<b>Total</b>	<b>35.644</b>

**2.3. USER PROFILES**

A total of 95.3% of the complaints filed with the Catalan Ombudsman in 2018 were presented by natural persons, while 4.7% were filed by legal entities (non-profit organizations, companies, etc.) other administrations or other Ombudsman's offices. Of the total of legal

entities, the vast majority are condominium owner communities and non-profit organizations in general. Companies and trade unions, and labor groups or organizations were also present, albeit in a lower percentage.

**16. Type of person presenting the complaints initiated in 2018**

	N	%
Natural persons	10.003	95,3
Legal persons	443	4,2
Administration	40	0,4
Ombudsman	3	0,0
Centre of reference	6	0,1
<b>Total</b>	<b>10.495</b>	<b>100</b>

**17. Type of legal entity of complaints initiated in 2018**

	N	%
Condominium owner and neighbor associations	156	35,2
Private companies	52	11,7
Non-profit organizations	148	33,4
News media	1	0,2
Labor organizations	53	12,0
Business organizations	5	1,1
Political organizations	28	6,3
<b>Total</b>	<b>443</b>	<b>100</b>

In terms of natural persons, the general figures do not reveal excessive differences between the number of complaints presented by men or women, although women stand for five percentage points more than men throughout the entirety of the complaints and queries handled by the Catalan Ombudsman's Office. In general terms, when the number of complaints on social policies increases, there is also an increase in the complaints filed by women. A two-fold discrimination has come about in this area: first, for being a woman and second, for needing some sort of assistance. In other words, women tend to be more vulnerable to social problems, and more especially in times of crisis or austerity policies. The statistics show that women use social services more than men.

When broken down further, this reality appears in the percentage given above. In all areas covered in social policies, the majority of complainants are women. Furthermore, in some specific areas, such as education and research, or children and adolescent affairs, over 60% of the complainants are women. Along these lines, it is not only that women as individuals may find themselves in a more unfavorable situation, but that the work as caretaker, and other family burdens, fall to women, for the most part.

On the other hand, the complaints on public safety and justice, culture and language or taxation tend to be presented more often by men than by women. In fact, there is another way to present complaints. For example, female inmates in penitentiary centers do not have the custom of sending complaints by post. Rather, they tend to do so more frequently on the visits made to penitentiary centers.

Notwithstanding this, the most serious aspect is the impact on certain groups in

critical situations that place them on the threshold of situations of poverty or social exclusion. For example, of all the complaints presented in 2018, 5% were presented by individuals who have migrated from other countries. Further, 3.6% were presented by persons who claim to have some sort of disability.

Nonetheless, this distribution is irregular if compared by subject matters, and even more so, in the case of the main problems that have increased in 2018. For example, as has been indicated, 62.5% of the complaints regarding evictions were presented by women (when the percentage of women presenting overall is 52.2%). In 25.6% of the cases the complaints were migrants, and in 7.8% of the cases, persons with disabilities.

If the figures affecting social inclusion policies and specifically, the problems of the lack of sufficient financial benefits to cover basic needs, are analyzed, it can be observed that in 55% of the cases the complaints were presented by women, in 18.8% of the cases by migrants and in 5.6% of the cases by persons with disabilities. It is true that the individuals with disability can normally resort to other benefits for persons with disabilities or in situations of dependency, prior to the financial aid included in social inclusion policies.

Last, power cuts and payment problems make up a group of complaints that have been presented in 59% of the cases by women, in an area in which they only stand for 47.9% of the complaints.

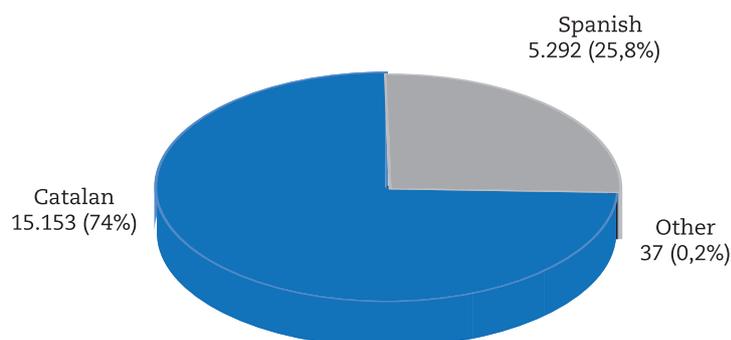
With regard to the language in which the complaints are filed with the Catalan Ombudsman, the same distribution seen in other years was preserved, with 74% presented in Catalan and 25.8% in Spanish.

**18. Complaints processed during 2018 by gender**

	Women		Men		Total	
	N	%	N	%	N	%
<b>Social policies</b>	<b>1.885</b>	<b>60,8</b>	<b>1.213</b>	<b>39,2</b>	<b>3.098</b>	<b>100</b>
Education and research	520	69,3	230	30,7	750	100
Children and adolescent affairs	320	63,9	181	36,1	501	100
Health care	372	56,4	287	43,6	659	100
Social services	582	56,6	447	43,4	1.029	100
Work and pensions	35	54,7	29	45,3	64	100
Discrimination	56	58,9	39	41,1	95	100
<b>Public administration and taxation</b>	<b>1.467</b>	<b>51,1</b>	<b>1.406</b>	<b>48,9</b>	<b>2.873</b>	<b>100</b>
Public administration and rights	1.331	52,1	1.223	47,9	2.554	100
Taxation	136	42,6	183	57,4	319	100
<b>Territorial policies</b>	<b>958</b>	<b>52,6</b>	<b>865</b>	<b>47,4</b>	<b>1.823</b>	<b>100</b>
Environment	493	53,0	437	47,0	930	100
Housing	220	43,9	281	56,1	501	100
Town planning	245	62,5	147	37,5	392	100
<b>Consumer affairs</b>	<b>758</b>	<b>47,9</b>	<b>823</b>	<b>52,1</b>	<b>1.581</b>	<b>100</b>
<b>Public safety and justice</b>	<b>145</b>	<b>24,6</b>	<b>444</b>	<b>75,4</b>	<b>589</b>	<b>100</b>
<b>Culture and language</b>	<b>9</b>	<b>23,1</b>	<b>30</b>	<b>76,9</b>	<b>39</b>	<b>100</b>
<b>Total</b>	<b>5.222</b>	<b>52,2</b>	<b>4781</b>	<b>47,8</b>	<b>10.003</b>	<b>100</b>

**19. Language of complaints and queries in 2018**

	Complaints		Queries		Total	
	N	%	N	%	N	%
Catalan	7.895	75,2	7.258	72,7	15.153	74,0
Spanish	2.586	24,6	2.706	27,1	5.292	25,8
Aranese-Occitan	1	0,0	2	0,0	3	0,0
Other	13	0,1	21	0,2	34	0,2
<b>Total</b>	<b>10.495</b>	<b>100</b>	<b>9.987</b>	<b>100</b>	<b>20.482</b>	<b>100</b>



## 2.4. PROCESSING TIME

In keeping with the trend of prior years, the Catalan Ombudsman's processing time has continued to increase. While it took an average of 132.5 days to close a case in 2017, in 2018 it took an average of 140 days. This can be explained in large part by the Administration's longer response time frames. This was true for the autonomous Catalan government and the local administration. It is worth noting that, in recent years, these time frames take in

account working days, not calendar days, and that they count from the admission of the complaint until the Catalan Ombudsman hands down the pertinent resolution (or closes the case due to any of the scenarios established by law).

In any event, work is ongoing to improve this dynamic both in the Catalan Ombudsman's and administration's procedures.

## 2.5. PROCESSING WITH ADMINISTRATIONS AND COMPANIES

The increase in areas of the Catalan Ombudsman's area of intervention has also led to a greater number of types of administrations, companies and organizations related with this office when it comes to processing and resolving complaints and ex-officio actions. In fact, Law 17/2015, of 21 July, on effective equality between men and women; Law 19/2014, of 29 December, on transparency, access to public information and good governance, or Law 11/2014, of 10 October, to guarantee the rights of lesbians, gays, bisexuals, transgender and intersexual individuals, and to eradicate homophobia, biphobia and transphobia are examples of how the Catalan Ombudsman's degree of intervention has increased in subject matters beyond the public administration itself.

This year, there has been an increase in the number of processes and complaints presented on the local administration (52.3%), with respect to the Autonomous Catalan Government (38.8%), so that the trend of the prior year has continued, in which it was already indicated that the local government stood for the Catalan Ombudsman's first area of action.

At the local administration level, once again, local councils accumulated approximately 90% of the cases processed. Among the provincial councils, that of Barcelona concentrated over 90% of the complaints and ex-officio actions handled, mostly for the Organisme de Gestió

Tributària (Tax Management Agency, OGT).

As regards the Generalitat (Autonomous Government of Catalonia), and in keeping with all of the content explained until now, the Autonomous Ministries of Health; Labor, Social Affairs and Families; and Territory and Sustainability stand for the majority of complaints and ex-officio actions processed regarding the autonomous administration.

Private companies that provide services of general interest have kept up the trend set in other years, and make up 4.8% of this institution's processing volume. In any event, it is worth noting that the companies providing services of general interest have a high and effective response (processing time) and problem resolution performance (45.4%)

The following tables show the processing status for each administration or company that has been the object of supervision by the Catalan Ombudsman and, if the case is closed, its result.

The information is presented this way to meet a general demand on the part of the administrations to take in account not only the number of complaints or ex-officio actions handled, but also their closure, to show that in many cases, no irregularity has been detected, or that the problem was solved before the Catalan Ombudsman handed down a resolution.

## 2.6. TERRITORIAL PRESENCE OF THE CATALAN OMBUDSMAN'S OFFICE

The visits made by the Catalan Ombudsman's Office in 2018 have been 136 to 105 different municipalities. Overall, 1,402 appointments have been completed, giving rise to 1,132 complaints and 406 queries.

The increase of the follow-up agreements has led to one or more visits to municipalities such as Manresa, where up to four visits were made. In Barcelona five visits were made to different districts. The number of complaints collected by the traveling office stands for 10.7% of the total of those begun by the Catalan Ombudsman in 2018.

**In 2018 the Catalan Ombudsman's Office has visited 136 municipalities**



- Municipalities where Catalan Ombudsman's office has made a single visit during 2018
- Municipalities with single follow-up agreement and where Catalan Ombudsman's office has made multiple visits during 2018



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