



# ANNUAL REPORT 2019

## ABSTRACT

**SÍNDIC**

EL DEFENSOR  
DE LES  
PERSONES



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## ■ GENERAL CONSIDERATIONS



## GENERAL CONSIDERACIONS

The Catalan Ombudsman's 2019 Annual Report outlines all the activities carried out by the institution, highlighting for each area the most pertinent actions in a year that continued to be marked by the political context in Catalonia, mainly by the Supreme Court ruling of 14 October, which condemned 12 political and social leaders, nine of whom were sentenced to between 9 and 13 years in prison. Moreover, it is an annual report presented after the mandate of the former head of the institution expired. As of 1 March 2019, the new Catalan Ombudsman took office, and it is the responsibility of the Parliament of Catalonia to elect a new head of the institution as well as to renew other self-government institutions whose institutional terms of office have expired.

Following the system in place over recent years, and as established by the Catalan Ombudsman Act, this chapter setting forth the general considerations is followed by a second chapter containing statistical data, detailing the Catalan Ombudsman's actions in figures for this year and compared to previous years, in absolute terms and broken down by subject matter, geographical origin, user profiles, the administrations concerned, 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 outlines the ex officio actions launched in each of the areas. In the following section, as established by the Catalan Ombudsman Act, each of the Catalan Ombudsman's resolutions that were not accepted by the Administration is listed, as well as a sample of the resolutions that have been fulfilled. In accordance with the practice begun last year, this section has been presented in greater detail with statistics on the types of compliance with the Catalan Ombudsman's resolutions. The report concludes with a chapter devoted to the Catalan 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 institution submits to the Parliament of Catalonia by legal mandate. All the information on children's affairs and education is contained in the Report on Children's Rights, which was submitted to the Parliament on 25 November 2019, the full version of which can be consulted on the institution's website: [http://www.sindic.cat/site/unitFiles/6720/Informe%20infancia\\_2019\\_cat.pdf](http://www.sindic.cat/site/unitFiles/6720/Informe%20infancia_2019_cat.pdf).

Furthermore, the activities undertaken and recommendations put forward by the Catalan Mechanism for the Prevention of Torture are outlined in the corresponding report, which was submitted to the Parliament on 23 December 2019, the full version of which can also be consulted on the institution's website: [http://www.sindic.cat/site/unitFiles/6792/Informe%20MCPT%202019\\_cat.pdf](http://www.sindic.cat/site/unitFiles/6792/Informe%20MCPT%202019_cat.pdf)

Lastly, and pursuant to Law 19/2014, of 29 December, on transparency, access to public information and good governance, whereby the Catalan Ombudsman is assigned the specific competence to evaluate compliance, the fourth annual report on the evaluation of this law was submitted to the Parliament of Catalonia on 30 July 2019: [http://www.sindic.cat/site/unitFiles/6472/Informe%20transparencia%20juliol%202019\\_cat\\_ok\\_red.pdf](http://www.sindic.cat/site/unitFiles/6472/Informe%20transparencia%20juliol%202019_cat_ok_red.pdf)

The main conclusions and recommendations of the 2019 Annual Report on the Rights of Children are also summarised in the corresponding section. Later on, in the same introductory chapter, reference is made to other monographic reports submitted to the Parliament throughout the year.

Details of all the Catalan Ombudsman's actions and recommendations can be found on the following pages, and also on the website featuring all the resolutions issued throughout 2019: <https://seu.sindic.cat/Resolucions/ClientWeb/SinRes2017.html>

Subsequently, the focus is turned to the noteworthy considerations and recommendations of a general nature drawn from the activity carried out by the Catalan Ombudsman in 2019, the significance of which makes them worthy of mention.

## SOCIAL RIGHTS

This year, complaints and ex officio actions related to the protection of social rights again constituted the first block of complaints received, with 32% of the complaints opened during the year. Both in the domain of education, mainly due to complaints related to admission to centres and pre-enrolment, and the domain of health, due to waiting lists and issues regarding the rights and duties of patients, there was a slight increase in complaints compared to the previous year. The most significant increase, however, was in emergency housing situations, often with children affected. On the other hand, complaints about guaranteed minimum income, which were very numerous in 2018, dropped, although the delay or denial of this tool for social integration still constitutes a concern for the Catalan Ombudsman.

In the domain of the **right to health**, as the Catalan Ombudsman repeatedly suggested, waiting lists in the public healthcare system continue to be the reason behind numerous complaints (249 new complaints this year) and the Catalan Ombudsman had to contact the Ministry of Health to remind them of the commitment undertaken in 2015 when it changed the list of surgical procedures subject to a guaranteed maximum waiting period and established recommended timeframes for accessing other surgical procedures, for a first appointment with the specialist, for diagnostic tests and for primary care.

In particular, with regard to recommended timelines, although complaints were received over delays in accessing the services covered by order of the Ministry, they are noteworthy because they concern significant delays in waiting times for some surgeries, such as spinal surgery or morbid obesity, in a first appointment with certain specialists, such as in the case of allergology, or in access to assisted human reproduction treatments. Delays in accessibility to primary care also continued to be detected, which were already specifically outlined in the 2018 report.

In general, the Catalan Ombudsman believes that there is room for improvement in the

management of waiting lists and has encouraged the Ministry of Health to continue working to align the actual waiting times as closely as possible with those defined as reasonable in the terms of reference of the Order of 21 April 2015.

Still in the area of health, the 2019 report also covered the right of every individual to receive information about the healthcare services they can access, and to make this information about the healthcare process and alternatives to treatment understandable, on-going and complete, in oral and written form. The Catalan Ombudsman intervened in numerous instances to provide reminders, suggestions or recommendations to the Ministry of Health as regards which information should be provided at all times to the individuals concerned; that written informed consent be obtained in the event of invasive diagnostic procedures or that individuals be informed of the potential risks involved.

As mentioned above, in the area of **social services**, guaranteed minimum income continued to generate considerable complaints. Whereas in the first year of the application of Law 14/2017, of 20 July, the problems primarily related to delays in the processing and resolution of procedures, and the documentation requirements, in 2019, it was especially noted that the interpretation and application of the requirements stipulated by the law in order to benefit from this service generated major incidents and uncertainty.

In this regard, it was noted that the measurement of the income available to the applicant or household to assess their eligibility, the governing body often counts all transactions in bank account statements without differentiating or assessing the nature of the income or the possible specificities of such transactions. In addition, the Ministry understands that any financial assistance or aid from other individuals, even if sporadic in nature, must be counted; an understanding that, in the Ombudsman's opinion, is not reasonable.

There were also breaches of procedural guarantees in cases of termination of aid, basically because this decision is usually made without fulfilling the hearing procedure

and without informing the person concerned of the information taken into account for the decision and the possibility of lodging an appeal prior to the decision.

Once again in 2019, with regard to the **right to housing**, the Catalan Ombudsman must highlight the lack of adequate government response to situations of social and economic emergency in terms of housing. The year 2019 saw a rise in the number of housing emergency situations (102 complaints), as well as an increase in the time lapse between the favourable assessment of the corresponding emergency board and the allocation of housing, which in some cases can amount to a two-year wait.

The institution has been aware of the growing difficulties encountered by municipal social services in guaranteeing the emergency relocation of the individuals concerned who have already lost their regular home and have not yet been able to access the housing that must be assigned to them. This emergency relocation is often guaranteed in establishments that do not meet the needs of the individuals concerned, especially when it comes to families with dependent children and adolescents.

The government's delayed response when providing emergency housing is mainly due to the lack of sufficient housing stock earmarked for social policies. Despite the efforts undertaken by the Government of Catalonia and town and city councils, the actions carried out thus far have not proven sufficient to solve a problem that, far from being resolved, has worsened in recent years, in terms of the number of individuals concerned and in terms of the waiting time to access social housing. There is, therefore, a major social and country contract to tackle housing emergencies, which the Catalan Ombudsman is willing to drive in the coming months.

On the **right to education**, on 18 March 2019, the Pact Against School Segregation was signed in the Parliament of Catalonia, which most agents in the educational community and the institutional parliamentary spectrum have endorsed. The Pact includes 30 actions and 189 specific measures in nine areas. Among others, it foresees the rollout of regulations, through a new decree pertaining

to student admission, concerning the main instruments provided for in the Education Law of Catalonia of 2009 to combat school segregation, particularly the possibility of establishing a maximum threshold for students with special educational needs in the centres or extending the period of validity of the place reserved until the beginning of the academic year.

During 2019, several of the Pact's planned actions were already implemented. An example is the approval of Decree 31/2019, of 5 February, which overrides the complementary criteria for chronic digestive disorder and former students; the preparation of the document for the organisation and management of centres, entitled "Transparency and Access to Public Information", which limits access to the data concerning social make-up and academic results of the centres, or the establishment of the committee to appraise admission systems and the sub-committee to appraise residential segregation and the preparation of the document of proposals addressed to the Ministry of Education. This document was submitted in November 2019 to the Ministry of Education and the Parliament of Catalonia (<http://www.sindic.cat/ca/page.asp?id=499>).

Over 2019, the inaugural meeting of the Monitoring Committee was held in June, and the second meeting was scheduled for November to analyse the results of the work carried out. The Committee on the Cost of School Placement is also in operation, expected to complete its work by early 2020.

In the realm of **effective equality of women and men**, the Catalan Ombudsman approved the first Equality Plan for the period 2019-2022, which is covered in the third chapter of this report. In this plan, which is very much linked to the institution's internal functioning, actions are also envisaged so that the Catalan Ombudsman's public expressions take the gender perspective into account. In this regard, the Plan promotes the mainstreaming of the gender perspective and the LGBTI perspective in the Catalan Ombudsman's set of actions, including communication policy and outreach activities for women and the LGBTI community, with a special reference to all manifestations of violence against women and LGTBI-phobic violence.

It is also worth noting that the number of complaints received by the Catalan Ombudsman in **language matters** was still very low in 2019. And in this regard, it is worth mentioning the fifth official appraisal of the degree of compliance in Spain of the European Charter for Minority Languages, which was published in December 2019 and that is very critical of the State's compliance with the Council of Europe's international instrument. However, the model of language immersion in Catalan schools is praised, which, without neglecting the importance of multilingual education, allows Catalan to be used at all levels of education and allows students to gain proficiency in Catalan and Spanish by the end of their compulsory education.

## TERRITORY AND CONSUMER AFFAIRS

Territorial policies, which include the environment, urban planning and mobility, account for about 30% of the complaints filed with the Catalan Ombudsman in 2019. In turn, consumer rights represent approximately 10% of the complaints (but more than 20% of queries) received during this financial year.

In 2019, the **environment** was the domain that sparked the most complaints in this chapter, particularly with regard to the protection of biodiversity of spaces in urban planning, infrastructure or extraction projects (a thousand complaints, some of a collective nature) together with complaints concerning all forms of pollution. In fact, the 25th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in Madrid marked an opportunity to confirm that this phenomenon, climate change, is perhaps the greatest threat to human rights in generations which we face as a society, as the Catalan Ombudsman has repeatedly reported.

In 2018, the Catalan Ombudsman submitted a report on the rise in conflicts surrounding environmental issues and urban development in Catalonia to the Parliament of Catalonia. The report sought to analyse government actions in a context of rising territorial conflict, through urban development and

spatial planning tools, which inevitably affect the environment. The report conducts an appraisal and also examines possible solutions to these kinds of conflicts.

The Catalan Ombudsman continues to note pressure on the territory following the first signs of economic recovery in Catalonia. Despite the lessons learned from the property crisis a decade ago, there has been insufficient reflection on the adverse consequences, on resources and on the environment, which results in strictly consumerist and speculative consideration of land use. However, once investment opportunities have been recovered, the tendency is to reinstate the principles that had inspired urban development activity before the crisis. The growth in construction is beginning to have obvious territorial and environmental repercussions. And the lack of government response, whether at municipal or national level, has sparked environmental and territorial conflicts.

Examples include the POUM (Municipal Urban Planning Ordinance) in Pals, the plan for Tossa de Mar's port, the villa in Cala Golfet (Palafrugell), the Bages aerodrome and the Cerdanya aerodrome, which have been the subject of citizen complaints to the Catalan Ombudsman, and not only from those directly affected by the execution of projects, but also as a sign of the concern that the degradation of the territory may trigger, which must be protected as an asset for the benefit of all citizens.

The inability to remedy environmental damage once it has occurred, and also the cost of redressing it where possible, forces the public authorities to prioritise and ensure efficiency in the prior intervention in the design and application of preventive mechanisms. Therefore, in the presence of reasonable indications of environmental impacts, the authorities must take the most prudent and cautious option and, at the same time, the least harmful one.

Also in the area of the environment, the monographic report *Air Quality in Catalonia: Deficiencies and Recommendations* aims to analyse the government policies promoted in Catalonia as regards air quality, to determine its compliance with European and international directives, and to conduct

a SWOT (strengths, weaknesses, opportunities and threats) analysis in this area to identify the needs that the government must meet. According to the Catalan Ombudsman, the government needs to take steps to help reduce pollution. The penalty procedures launched by the European Commission confirm these needs, as well as the weaknesses of the existing air pollution prevention system.

In the metropolitan area of Barcelona, the announcement of the establishment of a low-emission zone was already noted by the Catalan Ombudsman in 2018. Regardless of the improvements that were proposed at the time, the Catalan Ombudsman believes that further actions must be taken to reduce the levels of pollutant gas emissions. According to the highest pollution rates in some districts and areas of the city of Barcelona and other municipalities, the Catalan Ombudsman is in favour of restricting access to the most polluted areas, as well as the possibility of closing them on alternate or permanent days on week days. The Ombudsman also proposed that park & ride in the metropolitan area be strengthened, which should in any case be in close proximity to train or suburban train stations and to the entrances to the zones marked by the AMB (Barcelona Metropolitan Area) based on technical analyses.

In this section, the institution also wishes to highlight two actions initiated in Terres de l'Ebre, which included several field visits by the Catalan Ombudsman's Office and its Deputy General. On the one hand, intensified plundering of olive trees in the county of Montsià, which has increased since the beginning of the process to pass the draft law on the protection of ancient olive trees in the Parliament of Catalonia.

In light of this situation, the Catalan Ombudsman suggested that the Government of Catalonia, by executive order, regulate the protection of olive trees and establish a temporary ban on the uprooting of olive trees until the ancient olive tree-protection law is passed, that measures be adopted to promote the maintenance of activity and economic viability of olive farms, and measures be established to protect the landscape and the conservation of olive

trees. Finally, the Ombudsman also suggested that a tree heritage law be rolled out.

Moreover, the Catalan Ombudsman also analysed the lack of means, resources, infrastructure and mechanisms to be able to effectively and safely implement municipal nuclear emergency plans around the Ascó and Vandellòs power stations. As a result of the investigations carried out, and based on the information provided by some twenty local organisations affected, the Catalan Ombudsman prepared the Report on Nuclear Emergency Deficiencies, submitted to the Parliament of Catalonia on 21 November 2019. The report urges the State Administration and the Government of Catalonia to sign agreements that allow the effective implementation of nuclear safety plans in accordance with Article 132 of the Statute of Autonomy of Catalonia. It includes the proposal to establish a permanent coordination body between these municipalities, the authorities of the State and the Government of Catalonia and the company operating the nuclear power plants.

In addition, the Catalan Ombudsman believes that PENTA (External Nuclear Emergency Plan of the Ascó and Vandellòs nuclear power plants), of 2009, and the Basic Nuclear Emergency Plan (PLABEN), of 2004, must be adapted to the new EURATOM European directives, which incorporate good practices following the accident at the Fukushima Japanese power station in 2011.

With regard to infrastructure, telecommunications networks must be improved, especially in population centres where there is still a lack of mobile phone coverage, for example, through agreements between the operator companies and public authorities. A telematic system to notify municipalities of the activation of PENTA must also be established. It is also urgent to improve the railway infrastructure (lines R15 and R16) as an essential evacuation route in the event of an emergency. In the same vein, the state and conservation of the roads, tracks and trails designated as the municipalities' evacuation routes must be improved.

In the area of **basic services**, the Catalan Ombudsman often reminds stakeholders that the conception of an individual as a

simple user of a company that distributes or markets electricity, water or gas must be overcome in order to move towards considering the person as the holder of the right to the service at an affordable price and with a guarantee of quality.

An example of this approach is the report *The Right to Electricity Supply: Obstacles and Solutions in Price, Access to Service and Quality Assurance*, which the Catalan Ombudsman submitted to the Parliament of Catalonia in March 2019. This report puts forward proposals to address the gradual increase in the price of electricity in recent years in the necessary context of efficiency and sustainability involved in the so-called energy transition. Among other things, the report suggests that the necessary legal and political measures be taken that allow for a 50% proposed discount on the electricity bill for domestic use, that is, on electricity supply contracts for home consumption. The report also reports that the lack of regulatory implementation of Law 24/2015 gives rise to problems for the most vulnerable consumers in terms of the inability to access the aid provided for in the law, and also helps supply companies, since they have no regulations or conventions provided for in the law, to interpret them on the basis of their interests.

## TRANSPARENCY AND THE RIGHT TO GOOD ADMINISTRATION

In the evaluation report of the *Transparency Law* for 2018, the Catalan Ombudsman highlighted the view that there was a certain slowdown in its implementation and application. This view is still palpable a year later, so the need to take action is increasingly evident, which was already called for in 2018, to redress this situation.

The 2019 evaluation report therefore emphasises that the support mechanisms of administrations with more capacity than those with less resources need to be reinforced, and that the opportunities for cooperation between administrations need to be strengthened in order to jointly coordinate the instruments foreseen by the law. In the face of a law that requires sustained organisational efforts and resources over time, and in a context in

which the generation of additional structures is not very viable, most of the obliged administrations will only be able to do so if mutual support and cooperation mechanisms are coordinated.

However, in addition to the fact that differences in capacity necessarily imply different rates of compliance, the evaluation report also emphasises that the responsibility of each administration is to prioritise its application, to identify gaps and to plan how to ensure compliance.

In short, the Catalan Ombudsman sought to highlight that the mere passage of time or the inertia of the law's application will not, after the initial rollout stage, result in substantial changes if the instruments for cooperation between administrations are not strengthened and each administration does not analyse or plan to fill the gaps.

As far as *good administration* is concerned, in 2018, it concerned the right to defence and the disclosure of information of the Administration in the taxation domain. Beyond the legal provisions in force and the application of procedural rules, the effectiveness of the right to defence calls for good administration and the adoption of good administrative practices that guarantee rights are respected and, in the event of an infringement, effective mechanisms for safeguarding and restoring rights and interests are in place.

In this regard, the Catalan Ombudsman received many complaints because individuals do not get a response to the appeals they have lodged or because they feel that the response is not sufficiently justified. The Catalan Ombudsman must often remind tax administrations that part of the right to defence includes receiving an express and justified response within the prescribed timeframe and in the appropriate manner, without undue delay, that resolves all issues arising in the proceedings concerning the application of taxes, as well as any other taxes arising therefrom.

Motive is the legal means for individuals to determine the *de facto* and *de jure* elements on which the government's decision is based, and it is crucial so that the administrative action can be contested with full possibilities

for criticism. Despite the guarantee effect that administrative silence has, in no circumstances can the Administration cease to expressly issue a resolution on the pretext of the effects of administrative silence.

In addition, whatever the means of review, a system of administrative resources capable of providing agile, appropriate and justified responses and standardising criteria generates confidence and avoids unwarranted harm and unnecessary costs for individuals. In a report on local taxes in 2019, the Catalan Ombudsman suggested that a body for economic and administrative resolutions be set up, for the entire local treasury, allowing people the opportunity for revision through administrative proceedings, at no cost, in the same manner that is envisaged for large municipalities. It should be noted that the 371 complaints received in 2019 on local taxes represent 80% of the tax complaints filed at the institution.

## FREEDOMS AND PARTICIPATION

The area of **civil rights** has, without a doubt, been marked by the Supreme Court Ruling 459/2019, of 14 October, condemning nine political and social leaders to prison terms of between 9 and 13 years for events occurring around 1 October 2017. The Catalan Ombudsman, who had already prepared a monographic report in 2018 on the disproportionate nature of criminal proceedings against these and other individuals, reiterated in 2019 that the events that took place in Catalonia during the autumn of 2017 constituted the exercise of fundamental rights to expression and to demonstration, and that the consideration of these expressions within the criminal form of sedition and the penalties imposed by those facts are manifestly disproportionate. In this regard, the Catalan Ombudsman prepared a report to analyse the possible impact of Ruling 459/2019 on the interpretation of the scope of fundamental rights and freedoms, which was submitted in January 2020.

Furthermore, Ruling 459/2019 elicited a wide response from the population, in the form of rallies, demonstrations and protests, some of which resulted in riots,

acts of vandalism and tension among the protesters and law enforcement and security forces. Although most of the mobilisations were peaceful, some revealed a hostile and violent attitude among a number of protesters, who threw blunt objects at the police. There was burning of containers and vehicles, the construction of barricades to prevent the circulation of police officials, damage to street furniture, looting of shops and even the launching of Molotov cocktails.

The violence that some of the protesters showed triggered a reaction from the security forces, in the form of kettling and dispersal operations, in order to restore public order and ensure public safety. Despite this legitimate and necessary goal, some police actions, such as indiscriminate beatings or the use of rubber bullets (by the National Police), were disproportionate.

In a report to Parliament in December, the Catalan Ombudsman stated that at the time of detention, there were police officers who used force excessively and disproportionately, and that during both transfers to police stations and during part of the arrest verbal humiliation and harassment, threats and even physical violence were used. For this reason, a thorough and impartial inquiry was launched into the allegations of excess force and violation of rights, and that any offences that may have been committed be adequately sanctioned. In this regard, it is significant that the 300 complaints regarding the actions of the security forces during 2019 are almost double those received by the Catalan Ombudsman the previous year.

There was significant progress in the area of the **right to political participation**, for people with disabilities, but not without obstacles. The Catalan Ombudsman has, on several occasions, spoken against the limitations of the right to vote of legally incapacitated individuals, which was determined by LOREG (Spanish Electoral System Act) until December 2018. According to the Catalan Ombudsman, the reform of the law to repeal these limitations was pursuant to Article 12 of the Convention on the Rights of Persons with Disabilities and complied with the recommendations made

in 2011 by the UN Committee on the Rights of Persons with Disabilities in the report on Spain.

In this context, the two instructions issued by the Central Electoral Board in 2019 (the second one, as an insufficient reaction to criticism of the first), which, in an unnecessary interpretation of the LOREG reform, give instructions to members of polling stations that led to indirect discrimination on the grounds of disability (or appearance of disability). Indeed, the first of these rulings stated that polling stations had to admit the vote of anyone “with apparent disability” who was registered in the census, but that if any member of the polling station considered that the vote of that person could not be exercised consciously, freely and voluntarily, they could “declare it in the minutes of the session”, without stopping their vote. The instruction did not clarify the consequences for the suffrage of that ballot, but did stigmatise the person concerned and could have a deterrent effect for the group. The second instruction removes the reference to the appearance of disability, but retains the title of the instruction and the content.

In view of this, the Catalan Ombudsman addressed the Central Electoral Board to recommend that they revoke part of the wording of Instruction 7/2019, since it considers that it continues to lead to a situation of discrimination of people with disabilities and their right to vote. It also addressed the Spanish Ombudsman, who supported the Catalan Ombudsman’s request to eliminate the capacity for subjective assessment of members of the polling stations, auditors and proxies to assess the nature of the vote of people with disabilities.

**Freedom of worship** is another issue the Catalan Ombudsman addressed in 2019. The 2017 Report already made reference to complaints owing to administrative obstacles in some municipalities to opening places of worship. The Catalan Ombudsman mentioned the difficult task entrusted to town councils, which they must assume to ensure the exercise of freedom of worship and, at the same time, to maintain public order in the municipality.

There are several obstacles that the Catalan Ombudsman identified in the implementation

of new places of worship for religions other than Catholicism. One is the classification of the lands where the place of worship is to be located, which requires a partial plan and the provision of basic urban services, a process that can take years. Another stumbling block is the lack of real and effective participation, which should not be limited to the process of public information or to denominations, religious communities or registered churches. In order for the planning to have the necessary human dimension, it must be opened to all those who may be interested therein through workshops and informative meetings, in which the aim is to facilitate access, especially for the most vulnerable groups. In brief, it must not be forgotten that urban planning and laws must be at the service of citizens, and that the exercise of a fundamental right cannot be completely destroyed by bureaucratic requirements, albeit legitimate ones.

## HUMAN RIGHTS PLAN OF CATALONIA

Finally, Chapter 3 of this report also reports on the submission of the first **Human Rights Plan of Catalonia** to the Government of Catalonia and the Parliament of Catalonia. Indeed, the 2017 and 2018 annual reports described the establishment, by resolution of the Catalan Ombudsman and agreement with the Institute of Human Rights of Catalonia, of the Catalan Structure of Human Rights, inspired by the UN’s Paris Principles of 1991, and the Government of Catalonia’s commission to prepare a draft human rights plan.

So, after the preparatory work of 2018, on 21 January 2019, the Structure initiated a process of debate and participation to prepare the Plan with a presentation at the Drassanes Maritime Museum in Barcelona. This process was undertaken throughout 2019, with dozens of organisations and groups rallying around 100 agora concerning various rights throughout Catalonia, with the purpose of discussing the measures of each of the rights and enhancing the Plan.

This process culminated in the approval of the Plan of Action for Human Rights in Catalonia, which was presented to the Government and the Parliament on 10

December, International Human Rights Day. The challenge remains to apply the actions proposed for the fulfilment of each right and, in the case of the Structure, to monitor and evaluate compliance with the Plan.

## SPECIAL REPORTS

One of the Catalan Ombudsman's most pertinent activities, because of their scope, is the preparation of special monographic reports, which are added to the four periodic annual reports, which are assigned to the institution by the Catalan Ombudsman's Law and the Transparency Law. This special activity is no longer a one-off or sporadic activity and has become a core part of the institution's duties. The format of the special report allows for in-depth analysis of 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 or in the corresponding committee on the basis of the subject matter. In 2019, ten extraordinary reports were drawn up and registered in the Parliament of Catalonia:

- *The Right to Electricity Supply: Price Obstacles and Solutions, Service Access and Quality Assurance.* March 2019
- *Coverage of Children in the Media.* May 2019
- *The Government of Catalonia's Fire Service and the Emergency System in Catalonia.* May 2019
- *Air Quality in Catalonia: Gaps and Recommendations.* June 2019
- *Report on Municipal Taxation in Catalonia.* October 2019
- *The Right to Child and Youth Mental Health: Guarantees for Access and Care in Residential Centres.* November 2019
- *Nuclear Emergency Deficiencies.* November 2019

- *Right to Protest and Role of Police Forces in the Mobilisations Subsequent to Ruling 459/2019.* November 2019

- *Pact Against School Segregation: Proposals for a New Decree and New Protocols for Action.* November 2019

- *Delay of the Administration in Housing Emergency Situations in Catalonia.* December 2019

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

## FINAL CONSIDERATION

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

It must be borne in mind that the threshold of 10,000 complaints filed with the institution from more than 22,000 individuals was greatly exceeded (some complaints are collective) in 2019, and over 16,000 complaints were processed. Adding the queries made to the ex officio actions launched by the institution (222), 26,000 cases were handled during the year. It is also worth noting that the Catalan Ombudsman's Office did not detect any serious obstruction of its work by any administration or company.

At this point, it is positive that the percentage of decisions fully accepted by the target exceeded 90% of those issued by this office. In fact, only 1.3% of the resolutions were rejected by the Administration. It should be noted that these percentages are significantly higher than those of the previous years.

With regard to both the processing and acceptance of the recommendations, the Catalan Ombudsman will continue to work to improve these figures. In the first case, the electronic office is already a fully-operational reality and, like 2018, it

registered over 15,000 visits. Electronic processing is once again the main channel of communication with citizens, always respecting the rights of individuals who may have difficulties with electronic resources.

Among the challenges facing the Catalan Ombudsman is that of achieving greater dissemination and presence for the institution among the population, being widely known as a guarantor of rights. The institutional section outlines the visits by the Catalan Ombudsman's Office and its deputies to different parts of the territory throughout the year. Furthermore, meetings are often held at the institution's headquarters and throughout the territory with pertinent social agents to discuss the situation of rights affecting them.

During 2019, the Itinerant Citizen Care Service made 145 trips (8 more than the previous year) and visited 106 different municipalities. These trips saw more than

1,500 visits (10% more than the previous year). As in previous years, the complaints received this year through this service exceed 10% of the institution's total.

Moreover, it is the institution's intention to continue to work in close cooperation with all relevant agents, including local and university ombudsmen, ombudsmen of the autonomous communities and the Spanish Ombudsman, as well as with relevant international organisations in the area of human rights.

These improvements and the networking activities executed will facilitate 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 appraisal that is only possible thanks to the professionalism and dedication to service of the staff of the Catalan Ombudsman's Office, whom we must thank once again this year for their service and devotion.

**■ ACTIVITIES OF THE CATALAN OMBUDSMAN  
IN 2019, IN FIGURES**



## 2. ACTIVITIES OF THE CATALAN OMBUDSMAN IN 2019, IN FIGURES

This chapter presents the main reasons behind the requests for the Catalan Ombudsman's intervention in 2019. The aim is to provide a summary of the institution's most pertinent actions, especially with regard to the reception of complaints and queries. The figures include all actions begun between 1 January 2019 and 31 December 2019. It also indicates the actions processed, which were worked on throughout the year, regardless of the year when they were initiated.

During 2019, the Catalan Ombudsman's volume of action as a whole dropped, especially with regard to the number of queries. However, complaints remain at the same numbers as in the previous year, and again, since 2015, they far exceeded the threshold of 10,000 complaints.

It is worth saying that in 2019, as a result of the differentiation of the types of cases, visits to the Catalan Mechanism for the Prevention of Torture were handled differently, rather than considering them to be ex officio actions. If added to ex officio actions, it is noted that the figures are similar to the previous year.

**In 2019, the threshold of 10,000 complaints filed was exceeded once again**

The 2019 figures were in keeping with the trend of the previous year with regard to the thematic areas in which complaints were filed, although a difference is noted. While in 2018 there was a significant increase in actions concerning the violation of civil and political rights, in 2019, this increase occurred in territorial policies, which concern urban planning, the environment and housing.

However, what is especially significant is the maintenance and even the slight increase in figures related to social policies. In this regard, as was stated the previous year, in the areas of intervention

of the Catalan Ombudsman, it is evident that 2019 continued to be an especially difficult year for individuals at risk of social exclusion. In fact, it points to a circle of social exclusion in which the same individuals repeat the same kinds of complaints over a certain period of time.

**There is a circle of social exclusion in which the same individuals repeat the same kinds of complaints over a certain period of time**

From this point of view, there is a whole group of individuals who are in long-term unemployment, have lost a job or who, despite working, have a low income that keeps them close to the poverty line. Faced with this situation, they apply for aid (especially guaranteed minimum income) that is either significantly delayed until it is settled or is denied. As a result, they have difficulty meeting their expenses and begin to find themselves in a situation of vulnerability. This translates into problems in meeting all the needs stemming from having a home, such as situations of energy poverty or housing emergency.

Finally, in the event of having dependent children, the consequences of this set of circumstances end up having an immediate, but also a long-term, effect on the children and adolescents who suffer from them, whether in education or in participation in leisure activities or, all in all, throughout their development during this stage.

The complaints filed with the Catalan Ombudsman confirm, as many studies have shown, that this situation is especially concentrated among the most vulnerable groups. Firstly, among women, who suffer from a situation of inequality, whether due to the unequal distribution of caregiving tasks for children or dependents. Added to

this are other dimensions that further exacerbate this situation of inequality, either because they have been victims of

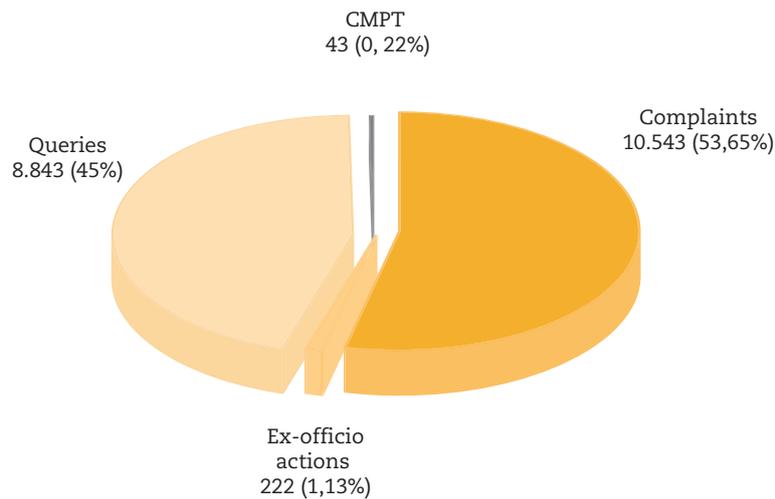
violence against women, because they have some form of disability or because they are migrants, among others.

### 1. Actions initiated in 2019

	N	%
■ Complaints	10.543	53,7
■ Ex-officio actions	222	1,1
■ Queries	8.843	45,0
■ CMPT	43	0,2
<b>Total</b>	<b>19.651</b>	<b>100,0</b>

### 2. Actions processed in 2019

	N	%
Complaints	16.889	64,1
Ex-officio actions	626	2,4
Queries	8.843	33,5
<b>Total</b>	<b>26.358</b>	<b>100,0</b>



## 2.1. FIGURES BY SUBJECT MATTER

The area of social policies once again accounted for approximately 30% of the Catalan Ombudsman's total number of complaints and ex officio actions, followed by territorial policies, which amounted to 27.9%.

In the domain of social policies, education and research were the area with the most complaints, as a result of access to education and the closure of certain year groups in a number of educational establishments. Another area that also saw considerable growth was health, especially with regard to waiting lists and patient rights and responsibilities. With regard to social services, a reduction in complaints was noted compared to the previous year, in which the figures were exceptional, as a result of all the issues arising from the processing of guaranteed minimum income.

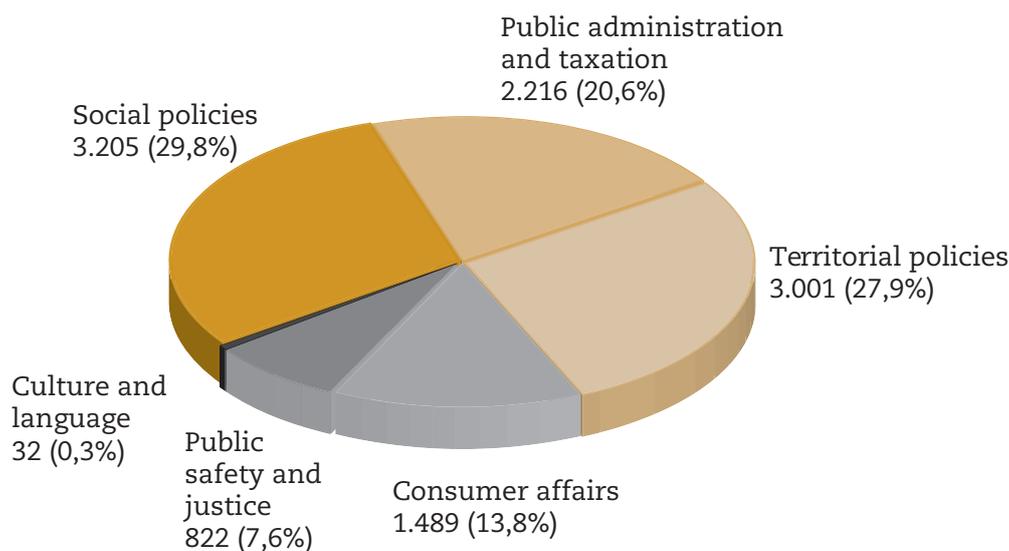
### Social policies continue to be the Catalan Ombudsman's main area of intervention

Regarding the matter of public administration and taxation, it is worth highlighting the reduction of approximately 35% in complaints compared to 2018, which is essentially confined to the area of citizen participation, as a result of the reduction of actions related to the violation of civil and political rights.

The area of consumer affairs remained stable, with a similar pattern compared to previous years. Finally, it is worth noting the 20% increase in complaints in the realm of public safety and justice, mainly sparked by the mobilisations over Ruling 459/2019 during the last quarter of the year.

## 3. Evolution of complaints and ex officio actions initiated by the Catalan Ombudsman

	2015		2016		2017		2018		2019	
	N	%	N	%	N	%	N	%	N	%
<b>Social policies</b>	3.329	30,7	3.486	33,9	2.945	28,2	3.367	31,3	3.205	29,8
Education and research	587	5,4	1.081	10,5	641	6,1	834	7,7	865	8,0
Children and adolescent affairs	925	8,5	704	6,8	632	6,1	619	5,8	662	6,1
Health care	747	6,9	814	7,9	696	6,7	680	6,3	790	7,3
Social services	921	8,5	745	7,2	643	6,2	1.068	9,9	735	6,8
Work and pensions	135	1,2	91	0,9	112	1,1	66	0,6	77	0,7
Discrimination	14	0,1	51	0,5	221	2,1	100	0,9	76	0,7
<b>Public administration and taxation</b>	1.809	16,7	1.894	18,4	2.038	19,5	2.996	27,8	2.216	20,6
Public administration and rights	1.383	12,7	1.443	14,0	1.460	14,0	2.668	24,8	1.744	16,2
Taxation	426	3,9	451	4,4	578	5,5	328	3,0	472	4,4
<b>Territorial policies</b>	2.395	22,1	2.370	23,0	2.885	27,6	1.993	18,5	3.001	27,9
Environment	1.245	11,5	824	8,0	813	7,8	1.023	9,5	2.096	19,5
Housing	327	3,0	386	3,7	338	3,2	408	3,8	328	3,0
Town planning	823	7,6	1.160	11,3	1.734	16,6	562	5,2	577	5,4
Consumer affairs	2.651	24,4	1.778	17,3	1.637	15,7	1.679	15,6	1.489	13,8
Public safety and justice	614	5,7	709	6,9	881	8,4	685	6,4	822	7,6
Culture and language	54	0,5	57	0,6	59	0,6	42	0,4	32	0,3
<b>Total</b>	10.852	100	10.294	100	10.445	100	10.762	100	10.765	100



#### 4. Number of complaints, ex officio actions and queries initiated in 2019 in the realm of social policies

Within social policies, specifically education, there was a slight increase in the volume of actions compared to the previous year, which is basically in response to complaints over admission to centres and pre-enrolment, as well as the planning and distribution of year groups. The 95.2% increase related to student rights and responsibilities is noteworthy. Compared to 2018, a similar pattern was followed in terms of the number of interventions in the case of bullying, as well as children with special educational needs and their effects (lack of curricular adaptation and support staff, etc.).

With regard to children and adolescent affairs, the previous year's situation was reproduced, and the figures concerning complaints, queries and ex officio actions that reveal the situation of risk or child neglect and the action of EAIA (Child and Adolescent Care Teams) or social services in this regard remained stable. The same pattern was noted for the impact on children arising from problems in family relationships, usually caused by a process of difficult separation or divorce processes. In addition, it should be noted, albeit to a lesser extent, the number of complaints, ex officio actions and queries arising from situations of sexual abuse and child abuse, whether current or that took place in previous years.

One of the areas showing the most significant increase (78%) is related to the rights of families. This is because this section also covers housing emergency situations that affected children, as the Catalan Ombudsman devotes greater attention to monitoring these children. As more housing emergencies arise that affect children, this section sees an increase. However, as in previous years, the problems of processing or needing more specific support for large families and single-parent families also account for a significant volume in this area.

Finally, as regards child and adolescent affairs, it is worth noting the increase in actions due to the situation of helplessness in which migrant children with no family reference points find themselves in.

The health care area saw a slight increase compared to the previous year. Again, complaints related to patient rights and responsibilities (in particular, treatment received by the patient) and waiting lists continued to be the main reasons behind complaints, queries and ex officio actions.

With regard to social services, the demand for social benefits to meet citizen needs, specifically, processing delays or the denial of guaranteed minimum income, continued to constitute the main reasons for the

Catalan Ombudsman's intervention, though to a lesser extent than the previous year. It is also worth noting the complaints filed by social services personnel, largely driven by the lack of understanding by service users when they encounter a delay or denial of their requests.

In the area of discrimination, the number of actions compared to 2018 fell due to the effect of an accumulated number of complaints from the previous year. In the

domain of gender equality, most complaints stemmed from the consequences and the lack of coordination between public authorities when a person is a victim of violence against women. In addition, the rise in ex officio actions in this area, following the implementation of the Catalan Ombudsman's Equality Plan, is noteworthy. Lastly, also notable is an institute's initiative to call on the media not to release adverts related to prostitution, on the understanding that it is an exercise in sex slavery.

4.1. Education and research	Total	%	Com-plaints	%	EO	%	Queries	%
Pre-enrollment to education and centers	433	32,1	323	38,8	12	36,4	98	20,2
Rights and obligations of students	246	18,2	121	14,5	7	21,2	118	24,3
University studies and research	166	12,3	104	12,5	3	9,1	59	12,1
Scholarships and grants	105	7,8	64	7,7	1	3,0	40	8,2
Special educational needs	101	7,5	69	8,3	3	9,1	29	6,0
Bullying	88	6,5	31	3,7	1	3,0	56	11,5
Education centers	80	5,9	49	5,9	2	6,1	29	6,0
Organization and planning of the school system	48	3,6	28	3,4	1	3,0	19	3,9
Other lessons	44	3,3	20	2,4	-	0,0	24	4,9
Teaching staff	38	2,8	22	2,6	3	9,1	13	2,7
Others	2	0,1	1	0,1	-	0,0	1	0,2
<b>Total</b>	<b>1.351</b>	<b>100</b>	<b>832</b>	<b>100</b>	<b>33</b>	<b>100</b>	<b>486</b>	<b>100</b>

4.2. Children and adolescents' affairs	Total	%	Com-plaints	%	EO	%	Queries	%
Child in risk and performance of the EAIA	267	23,0	96	16,7	24	27,9	147	29,5
Rights of families	219	18,9	129	22,4	9	10,5	81	16,2
Problems in family relationships	173	14,9	70	12,2	6	7,0	97	19,4
Child health	149	12,8	90	15,6	6	7,0	53	10,6
Education in leisure and sporting activities	91	7,8	54	9,4	2	2,3	35	7,0
Child disability	71	6,1	50	8,7	3	3,5	18	3,6
Child protection centers	62	5,3	32	5,6	13	15,1	17	3,4
Unaccompanied minors	53	4,6	27	4,7	12	14,0	14	2,8
Media and new technologies	36	3,1	11	1,9	4	4,7	21	4,2
Family fostering and adoptions	28	2,4	13	2,3	2	2,3	13	2,6
Discrimination	12	1,0	4	0,7	5	5,8	3	0,6
<b>Total</b>	<b>1.161</b>	<b>100</b>	<b>576</b>	<b>100</b>	<b>86</b>	<b>100</b>	<b>499</b>	<b>100</b>

4.3. Health care	Total	%	Com-plaints	%	EO	%	Queries	%
Rights and obligations of the user	635	42,7	308	39,1	-	0,0	327	47,0
Waiting lists	348	23,4	249	31,6	-	0,0	99	14,2
Health benefits	184	12,4	117	14,8	-	0,0	67	9,6
Disagreement with the diagnosis and treatment of the disease	88	5,9	52	6,6	-	0,0	36	5,2
Mental health	74	5,0	18	2,3	-	0,0	56	8,0
Infrastructure, management and resources	47	3,2	22	2,8	1	50,0	24	3,4
Medical assessments	31	2,1	14	1,8	-	0,0	17	2,4
Minority diseases	7	0,5	4	0,5	-	0,0	3	0,4
Others	72	4,8	4	0,5	1	50,0	67	9,6
<b>Total</b>	<b>1.486</b>	<b>100</b>	<b>788</b>	<b>100</b>	<b>2</b>	<b>100</b>	<b>696</b>	<b>100</b>

4.4. Social services	Total	%	Com-plaints	%	EO	%	Queries	%
Social inclusion (guaranteed income and non-contributory benefits)	860	55,4	386	52,7	1	33,3	473	57,9
People with disabilities (subsidies and benefits, benefit accessibility and grade)	406	26,2	207	28,3	-	0,0	199	24,4
Elderly people (subsidies and benefits, residential services and home care)	263	16,9	134	18,3	1	33,3	128	15,7
Homeless	12	0,8	3	0,4	-	0,0	9	1,1
Legal disabilities	11	0,7	2	0,3	1	33,3	8	1,0
<b>Total</b>	<b>1.552</b>	<b>100</b>	<b>732</b>	<b>100</b>	<b>3</b>	<b>100</b>	<b>817</b>	<b>100</b>

4.5. Work and pensions	Total	%	Com-plaints	%	EO	%	Queries	%
Unemployment benefit	162	45,8	33	44,0	-	0,0	129	46,6
Labor insertion	57	16,1	14	18,7	1	0,0	42	15,2
Retirement pension	51	14,4	8	10,7	1	0,0	42	15,2
Labor incapacity	38	10,7	7	9,3	-	0,0	31	11,2
Occupational training	24	6,8	10	13,3	-	0,0	14	5,1
Employment regulator files	4	1,1	-	0,0	-	0,0	4	1,4
Prevention of occupational hazards	7	2,0	3	4,0	-	0,0	4	1,4
Others	11	3,1	-	0,0	-	0,0	11	4,0
<b>Total</b>	<b>354</b>	<b>100</b>	<b>75</b>	<b>100</b>	<b>2</b>	<b>0</b>	<b>277</b>	<b>100</b>

4.6. Discrimination	Total	%	Com-plaints	%	EO	%	Queries	%
Gender equality	71	55,9	38	63,3	7	43,8	26	51,0
Discrimination by sexual orientation	30	23,6	13	21,7	6	37,5	11	21,6
Social or ideological discrimination	17	13,4	4	6,7	2	12,5	11	21,6
Racial discrimination	8	6,3	4	6,7	1	6,3	3	5,9
Religious affairs	1	0,8	1	1,7	-	0,0	-	0,0
<b>Total</b>	<b>127</b>	<b>100</b>	<b>60</b>	<b>100</b>	<b>16</b>	<b>100</b>	<b>51</b>	<b>100</b>

## 5. Number of complaints, ex officio actions and queries initiated in 2019 in the domain of public administration and taxation

As noted above, in the area of public administration and taxation, the situation prior to the economic crisis was reproduced, in which administrative procedure, administrative sanctioning procedure and public service were the main reasons behind the filing of complaints. The subject that generated the most complaints, queries and ex officio actions was government heritage, as a result of an accumulated complaint filed by the Colla Joves Xiquets de Valls, regarding the distribution of the municipal space during diades castelleres [special days dedicated to human tower building].

It is also worth noting the increase in complaints in the area of public service, related to the standardisation of public sector job vacancies compared to previous years.

In terms of administrative procedure, it is noteworthy that complaints concerning personal data protection, as well as those related to the application of electronic media in administrative procedure, began to emerge. In this regard, the impact of the regulations approved in recent years in all these areas is beginning to be detected. Finally, the increase in the number of complaints as regards citizen registration should be noted.

In the area of taxation, like every year, the local sphere is the domain that generated the most interventions by the Catalan Ombudsman, which led to the publication of the Report on Municipal Taxation for 2019.

5.1. Public administration	Total	%	Com-plaints	%	EO	%	Queries	%
Administrative procedure	720	23,4	208	12,0	5	45,5	507	37,9
Civil servants	606	19,7	403	23,3	-	0,0	203	15,2
Sanctioning proceeding and forced expropriation	603	19,6	313	18,1	-	0,0	290	21,7
Patrimony of the Administration	542	17,6	529	30,5	-	0,0	13	1,0
Citizen participation, politics and voting regime	246	8,0	93	5,4	6	54,5	147	11,0
Public liability	163	5,3	78	4,5	-	0,0	85	6,4
Authorizations and concessions	80	2,6	34	2,0	-	0,0	46	3,4
Transparency	47	1,5	30	1,7	-	0,0	17	1,3
Subsidies and benefits	38	1,2	22	1,3	-	0,0	16	1,2
Public hiring	37	1,2	23	1,3	-	0,0	14	1,0
<b>Total</b>	<b>3.082</b>	<b>100</b>	<b>1.733</b>	<b>100</b>	<b>11</b>	<b>100</b>	<b>1.338</b>	<b>100</b>

5.2. Taxation	Total	%	Com-plaints	%	EO	%	Queries	%
Local taxes	557	71,8	371	80,1	4	44,4	182	59,9
State taxes	149	19,2	48	10,4	2	22,2	99	32,6
Regional taxes	70	9,0	44	9,5	3	33,3	23	7,6
<b>Total</b>	<b>776</b>	<b>100</b>	<b>463</b>	<b>100</b>	<b>9</b>	<b>100</b>	<b>304</b>	<b>100</b>

## 6. Number of complaints, ex officio actions and queries initiated in 2019 in the area of consumer affairs

Energy consumption (electricity and gas) and telephony-related problems are the main reasons behind the Catalan Ombudsman's intervention when it comes to ex officio actions, complaints and queries. Despite the slight reduction noted across all areas, the number of complaints increased in which the

complainant voiced their grievances on account of the denial of "bono social" discount rates or bill-payment difficulties.

Another reason behind complaints were difficulties in connecting to and disconnecting from services, the cost or billing of services.

Consumer affairs	Total	%	Com-plaints	%	EO	%	Queries	%
Electricity	792	23,7	445	30,1	2	22,2	345	18,6
Telephony	718	21,5	411	27,8	-	0,0	307	16,5
Transport	451	13,5	307	20,7	5	55,6	139	7,5
Water	234	7,0	135	9,1	2	22,2	97	5,2
Gas	204	6,1	125	8,4	-	0,0	79	4,3
Administration of consumer protection	88	2,6	17	1,1	-	0,0	71	3,8
Others	860	25,7	40	2,7	-	0,0	820	44,1
<b>Total</b>	<b>3.347</b>	<b>100</b>	<b>1.480</b>	<b>100</b>	<b>9</b>	<b>100</b>	<b>1.858</b>	<b>100</b>

## 7. Number of complaints, ex officio actions and queries initiated in 2019 in the domain of territorial policies

With regard to territorial policies and, in particular, the environment, there was a significant increase in the number of complaints supporting the request for the approval of a moratorium on urban planning, extraction and infrastructural projects and licences for works related to the Montseny Natural Park. This implies that the protection of biodiversity, for the first time, was the main reason behind the complaint filed with the Catalan Ombudsman concerning the environment, exceeding the complaints over pollution, whether noise, odour, air, light or radio spectrum pollution.

In addition, it should be noted that, although the Barcelona City Council's ordinance for animal possession the previous year led to a high volume of actions by the Catalan Ombudsman, this year concern over the care and respect for pets continued to be one of the main

reasons why individuals requested the intervention of the Catalan Ombudsman.

Secondly, in the domain of urban planning, mobility and the granting of licences for works are the main reasons why complaints or queries are filed with the Catalan Ombudsman.

With regard to housing, like 2018, the housing emergency continued to be the main reason behind complaints in this area. However, there was a difference compared to the previous year, as reported in Chapter III of this report. Although complaints related to evictions were identified as the main problem the previous year, this year it was complaints related to applications for emergency housing. In this regard, the delay in the allocation of housing once the Emergency Board issued a favourable evaluation was the main problem identified in 2019.

7.1. Environment	Total	%	Com-plaints	%	EO	%	Queries	%
Protection of biodiversity	1.060	41,4	1.056	50,6	1	10,0	3	0,6
Pollution (acoustic, odoriferous, atmospheric, light or radioelectric)	777	30,3	544	26,1	2	20,0	231	49,5
Control and possession of domestic animals	172	6,7	109	5,2	1	10,0	62	13,3
Waste Management	124	4,8	83	4,0	1	10,0	40	8,6
Cleaning of public roads and abandoned plots	202	7,9	145	7,0	2	20,0	55	11,8
Activity licenses	91	3,6	54	2,6	-	0,0	37	7,9
Trees and public gardening	70	2,7	46	2,2	-	0,0	24	5,1
Control of populations of wild animals	33	1,3	22	1,1	-	0,0	11	2,4
Environmental emergencies. Floods, fires.	34	1,3	27	1,3	3	30,0	4	0,9
<b>Total</b>	<b>2.563</b>	<b>100</b>	<b>2.086</b>	<b>100</b>	<b>10</b>	<b>100</b>	<b>467</b>	<b>100</b>

7.2. Urbanism and mobility	Total	%	Com-plaints	%	EO	%	Queries	%
Mobility	373	43,6	276	48,3	1	20,0	96	34,4
Town planning and inspection	288	33,6	179	31,3	2	40,0	107	38,4
Urban planning and execution	132	15,4	83	14,5	1	20,0	48	17,2
Urbanizations not received	29	3,4	23	4,0	-	0,0	6	2,2
Others	34	4,0	11	1,9	1	20,0	22	7,9
<b>Total</b>	<b>856</b>	<b>100</b>	<b>572</b>	<b>100</b>	<b>5</b>	<b>100</b>	<b>279</b>	<b>100</b>

7.3. Housing	Total	%	Com-plaints	%	EO	%	Queries	%
Application for access to housing of social emergency	255	29,9	102	31,3	1	50,0	152	29,0
Benefits and housing subsidies (rent subsidies, basic rent subsidy)	208	24,4	69	21,2	-	0,0	139	26,5
Access and acquisition of housing	180	21,1	86	26,4	-	0,0	94	17,9
Housing conservation and maintenance	126	14,8	54	16,6	1	50,0	71	13,5
Squatting	35	4,1	10	3,1	-	0,0	25	4,8
Real estate mobbing	6	0,7	-	0,0	-	0,0	6	1,1
Others	43	5,0	5	1,5	-	0,0	38	7,2
<b>Total</b>	<b>853</b>	<b>100</b>	<b>326</b>	<b>100</b>	<b>2</b>	<b>100</b>	<b>525</b>	<b>100</b>

## 8. Number of complaints, ex officio actions and queries initiated in 2019 in the domain of public safety and justice

The figures in the realm of public safety and justice were similar to previous years, although an increase was noted in the number of complaints, mainly in the realm of the administration of justice and the action of law enforcement agencies, in particular, due to the actions of the security forces vis-à-vis the various

demonstrations that took place in 2019. In relation to the administration of justice, the increase is due to an accumulated complaint by a group of psychologists, who initiated a conscientious objection that involved the non-payment of invoices to the General Council of Psychology of Spain.

Public safety and justice	Total	%	Com-plaints	%	EO	%	Queries	%
Justice administration	585	40,8	224	28,3	4	13,3	357	58,3
Performance of the security forces	457	31,9	300	37,9	18	60,0	139	22,7
Penitentiary services	392	27,3	268	33,8	8	26,7	116	19,0
<b>Total</b>	<b>1.434</b>	<b>100</b>	<b>792</b>	<b>100</b>	<b>30</b>	<b>100</b>	<b>612</b>	<b>100</b>

## 9. Number of complaints, ex officio actions and queries initiated in 2019 in the domain of culture and language

The area of culture and language is traditionally the area that generates the least requests for the Catalan Ombudsman's intervention. Nonetheless, unlike 2018, in which the most complaints

were filed over the violation of the right to speak Spanish, in 2019, the number of complaints dropped and again presented similar figures to other years.

Culture and language	Total	%	Com-plaints	%	EO	%	Queries	%
Culture and arts	29	43,3	6	21,4	1	25,0	22	62,9
Violation of Catalan speakers' rights	22	32,8	12	42,9	3	75,0	7	20,0
Violation of Spanish speakers' rights	16	23,9	10	35,7	-	0,0	6	17,1
Violation of Aranese-Occitan speakers' rights	0	0,0	-	0,0	-	0,0	-	0,0
Others	0	0,0	-	0,0	-	0,0	-	0,0
<b>Total</b>	<b>67</b>	<b>100</b>	<b>28</b>	<b>100</b>	<b>4</b>	<b>100</b>	<b>35</b>	<b>100</b>

## 2.2. STATUS OF ACTIONS

Many cases that had accumulated were closed this year, and as a result, 27% of the complaints and ex officio actions processed during 2019 remain open, while 73% were closed. This is deemed positive, both from the perspective of the Administration and that of the Catalan Ombudsman, given that the authorities have responded to a significant number of complaints that were pending resolution and the Catalan Ombudsman, in turn, was able to close cases that had been awaiting completion for a long time.

**This year, 73% of the cases processed were closed**

As can be seen in section 2.3 of this chapter, this led to an increase in processing times, which, although not positive, is justified by this factor.

Of the actions completed, irregularities were identified in 49.3% of cases, of which 37.7% were solved with no need for a resolution from the Catalan Ombudsman. In other words, once the Catalan Ombudsman reported the problem, the Administration rectified its action. It is important to note that, compared to 2018 figures, problem resolution did not see a fall but rather an increase. However, what is even more significant is the effect borne by the full acceptance of the Catalan Ombudsman's resolutions, together with the volume of complaints concluded.

As regards the acceptance of the Catalan Ombudsman's resolutions, in keeping with the trend of previous years, in 98.7% of the cases in which irregular activity of the Administration was detected, the Catalan Ombudsman recommended or put forward measures that were fully or partially accepted.

**In 98.7% of the cases, the Catalan Ombudsman's recommendations and suggestions were fully or partially accepted**

Moreover, a reduction is noted in resolutions in which the Administration partially accepted the Catalan Ombudsman's recommendations or suggestions, unlike previous years. In fact, in 2019, this percentage amounted to 7.8% of the cases. This, as noted in previous reports, is very positive, given that the decisions of the Catalan Ombudsman follow a comprehensive logic, and the failure to accept some of the recommendations could bear an influence on the ultimate objective.

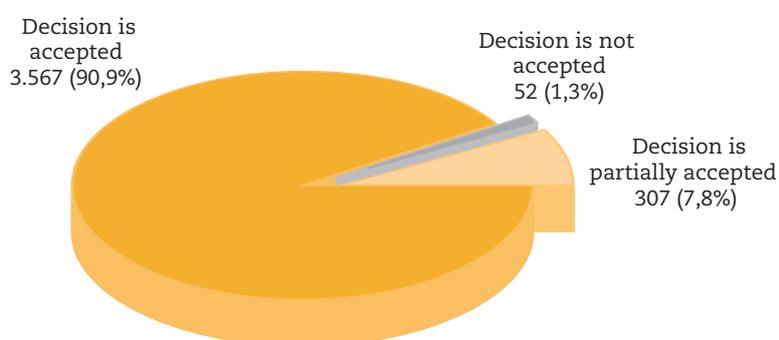
Another notable relevant factor is the effectiveness of the Catalan Ombudsman, measured by the resolution of problems and the compliance with resolutions previously fully or partially accepted by the Administration. In this regard, in 63.7% of the cases, the problem was resolved or the resolutions of the Catalan Ombudsman were complied with, while 36.2% of the cases are still in the implementation process. This latter figure, which increased compared to the previous year, is justified by the volume of case closure in 2019 and which ultimately affects subsequent follow-up.

As can be seen in Table 14, consumer affairs, social policies and public safety and justice are the areas that saw the highest percentage of overall compliance by the Administration or companies dedicated to services of general interest.

## 11. Complaints and ex-officio actions admitted for processing and in process

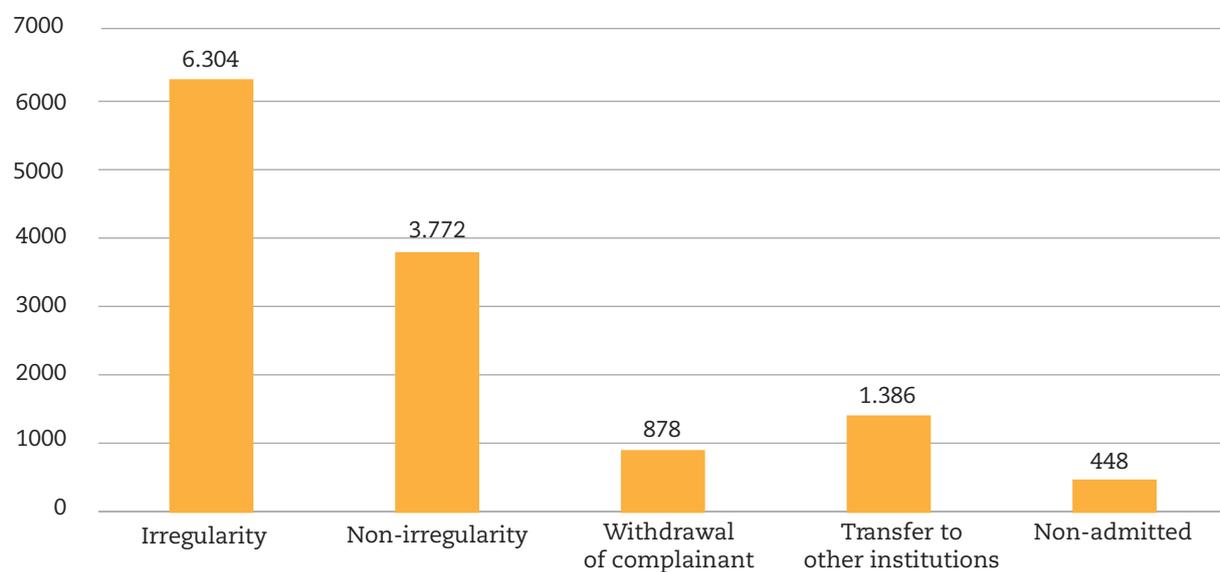
	< 2019	2019	Total	%
Admission to process	6	667	673	14,2
Waiting for more information provided by complainant	7	286	293	6,2
Waiting for more information from the Administration	220	1.324	1.544	32,7
Pending Ombudsman decision	363	428	791	16,7
Awaiting acceptance of decision by the Administration	870	341	1.211	25,6
In process of completion	124	91	215	4,5
<b>Total</b>	<b>1.590</b>	<b>3.137</b>	<b>4.727</b>	<b>100</b>

## 12. Acceptance of the ombudsman's suggestions in complaints and ex-officio actions processed in 2019



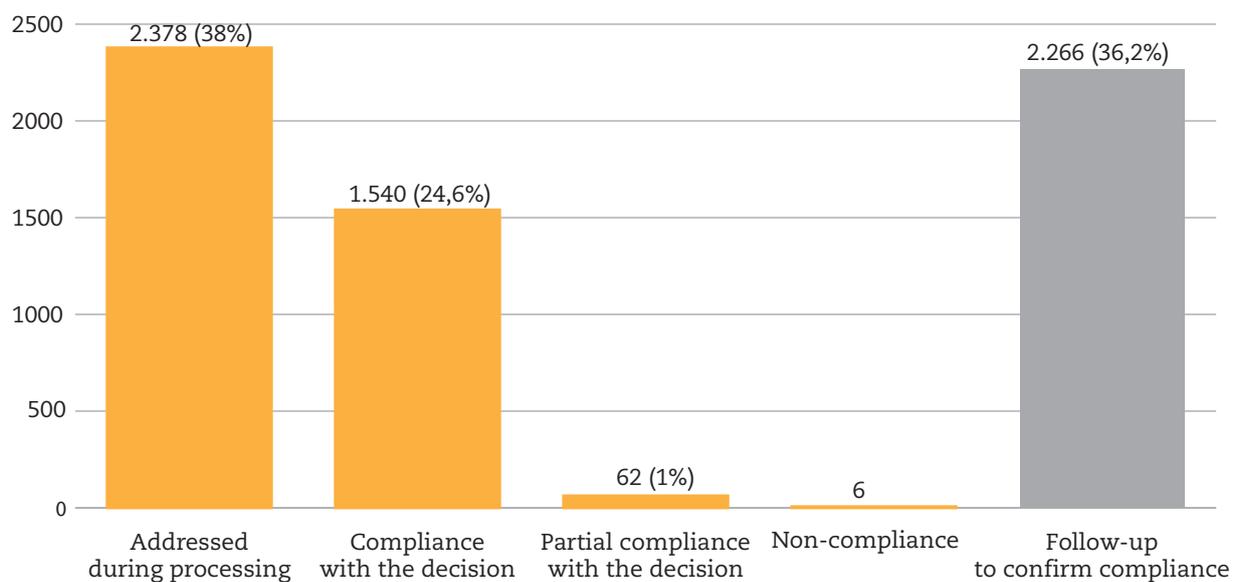
## 13. Complaints and ex-officio actions finalized

	< 2019	2019	Total	%
Irregularity	3.824	2.480	6.304	49,3
Non-irregularity	1.084	2.688	3.772	29,5
Withdrawal of complainant	143	735	878	6,9
Transfer to other institutions	44	1.342	1.386	10,8
Non-admitted	65	383	448	3,5
<b>Total</b>	<b>5.160</b>	<b>7.628</b>	<b>12.788</b>	<b>100</b>



## 14. Compliance with the ombudsman suggestions in 2019

	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>	975	54,2	415	23,1	28	1,6	3	0,2	377	21,0	1.798	28,8
Education and research	96	23,2	104	25,2	4	1,0	1	0,2	208	50,4	413	6,6
Children and adolescent affairs	101	23,2	190	43,7	22	5,1	1	0,2	121	27,8	435	7,0
Health care	512	90,0	44	7,7	1	0,2	-	0,0	12	2,1	569	9,1
Social services	249	71,6	70	20,1	-	0,0	-	0,0	29	8,3	348	5,6
Work and pensions	10	66,7	2	13,3	-	0,0	1	6,7	2	13,3	15	0,2
Discrimination	7	38,9	5	27,8	1	5,6	-	0,0	5	27,8	18	0,3
<b>Public administration and taxation</b>	303	14,6	746	36,0	10	0,5	1	0,0	1.013	48,9	2.073	33,2
Public administration and rights	216	11,2	704	36,6	5	0,3	1	0,1	997	51,8	1.923	30,8
Taxation	87	58,0	42	28,0	5	3,3	-	0,0	16	10,7	150	2,4
<b>Territorial policies</b>	522	34,2	345	22,6	21	1,4	1	0,1	638	41,8	1.527	24,4
Environment	198	37,9	256	48,9	14	2,7	1	0,2	54	10,3	523	8,4
Housing	125	89,9	10	7,2	-	0,0	-	0,0	4	2,9	139	2,2
Town planning	199	23,0	79	9,1	7	0,8	-	0,0	580	67,1	865	13,8
Consumer affairs	498	67,9	16	2,2	3	0,4	-	0,0	216	29,5	733	11,7
Public safety and justice	72	70,6	12	11,8	-	0,0	1	1,0	17	16,7	102	1,6
Culture and language	8	42,1	6	31,6	-	0,0	-	0,0	5	26,3	19	0,3
<b>Total</b>	2.378	38,0	1.540	24,6	62	1,0	6	0,0	2.266	36,2	6.252	100



## 15. Evolution of processing of complaints and ex-officio actions during 2010-2019

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
In process	4.545	5.148	4.826	4.837	6.006	7.471	6.365	4.450	6.663	4.727
Finalized	6.094	7.821	8.626	9.517	9.337	10.059	11.714	12.624	9.347	12.788
<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>	<b>17.515</b>

## 16. Number of people concerned in the complaints and queries processed in 2019

	2019
Complaints	22.993
Queries	8.843
<b>Total</b>	<b>31.836</b>

## 2.3. USER PROFILES

Of the complaints filed with the Catalan Ombudsman in 2019, 94.7% were filed by natural persons, whereas 5.3% were initiated by legal entities (non-profit organisations, companies, etc.), other administrations or other ombudsman offices.

In relation to the complaints filed by legal entities, the majority were initiated by non-profit organisations (37.6%), followed by associations of owners and residents. Political organisations and trade unions and labour groups or organisations were also present, albeit in a lower percentage.

As for non-profit organisations, most complaints were filed by entities whose

purpose is to improve the environment, or they are related to culture or social assistance. However, there were few complaints made by groups in a situation of inequality, such as women, the LGBTI community or others. In this regard, and in line with the Catalan Ombudsman's Equality Plan, one of the goals of the coming year is greater fulfilment of the needs of these groups and an increase in the number of meetings to delineate the problems they encounter.

In the case of political organisations, most of the complaints were submitted by municipal coalitions or independent groups, while fewer complaints were initiated by other political parties.

## 17. Type of person presenting the complaints initiated in 2019

	N	%
Natural persons	9.979	94,7
Legal persons	468	4,4
Administration	81	0,8
Ombudsman	5	0,0
Centre of reference	10	0,1
<b>Total</b>	<b>10.543</b>	<b>100</b>

## 18. Type of legal entity of complaints initiated in 2019

	N	%
Condominium owner and neighbor associations	150	32,1
Private companies	77	16,5
Non-profit organizations	176	37,6
Religious organizations	1	0,2
Labor organizations	24	5,1
Business organizations	6	1,3
Political organizations	34	7,3
<b>Total</b>	<b>468</b>	<b>100</b>

With regard to natural persons, the general figures reveal a difference of only a little over 4% between women who filed complaints with the Catalan Ombudsman and men. Since 2013, when this figure began to be recorded in the Catalan Ombudsman's annual reports, the pattern has been followed that when social policies are the area receiving the highest number of complaints, more complaints are filed by women than by men.

These figures are even more evident when they are broken down by subject. Thus, the most significant differences (70%-30%) lie in education and research, discrimination and child and adolescent affairs. This illustrates, once again, that it is not only that women as individuals may find themselves in a more unfavourable situation but that caregiving and family responsibility falls mainly on their shoulders, and in these areas this imbalance is even greater than in the previous year's figures.

Although not in the same proportion, these figures are reversed when it comes to areas such as taxation, culture and language, or public safety and justice. In the latter case, it has always been reported that female inmates in penitentiary centres often voice complaints when visited, rather than through other means such as by post. However, it should be noted that, with the implementation of the Catalan Ombudsman's Equality Plan, and the fulfilment of the action to increase the number of visits to women in prison, the number of complaints filed by female inmates has also increased.

However, as already pointed out at the beginning of Chapter 2, social exclusion is

more prevalent among women, either due to the situation of inequality they suffer as individuals or the shouldering of family responsibilities, and also in other groups in a more unfavourable situation. And the likelihood of being in a vulnerable situation is greater when one disadvantaged group also exhibits characteristics of another group, which exerts a multiplying effect.

It can even be asserted that, in the case of men, other factors of vulnerability or inequality need to emerge for them to find themselves in a situation of exclusion, while being women and shouldering family responsibilities are in themselves facts that can explain this situation of social exclusion.

### Social exclusion is more prevalent among women

In fact, if the profile of individuals within the so-called *circle of social exclusion* is analysed, that reality is even more apparent. In this regard, for example, complaints about housing emergencies (collected, as explained above, from both a childhood and a housing perspective), were filed in 74.4% of the cases by women, while they accounted for 52.1% in the total number of complaints, and in 45.6% of the cases they had dependent children, in 30.4% of cases they were migrants and in 8.8% they presented some form of disability.

In contrast, 25.6% of the housing emergency complaints were filed by men, of which 23.3% of cases had dependent

children, 37.2% were migrants and 14% presented some form of disability.

Regarding the language in which the complaints to the Catalan Ombudsman

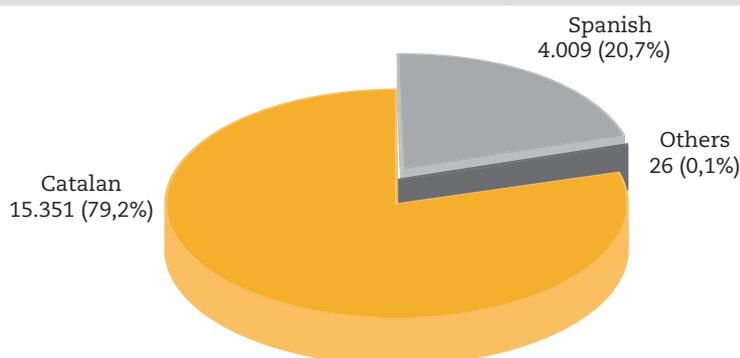
were filed, the trend of previous years was followed, although there was a slight increase in complaints filed in Catalan (77.3%) compared to complaints filed in Spanish.

## 21. Complaints processed during 2019 by gender

	Women		Men		Total
	N	%	N	%	N
<b>Social policies</b>	<b>1.850</b>	<b>62,2</b>	<b>1.124</b>	<b>37,8</b>	<b>2.974</b>
Education and research	563	70,8	232	29,2	795
Children and adolescent affairs	380	68,7	173	31,3	553
Health care	414	53,1	365	46,9	779
Social services	416	57,9	302	42,1	718
Work and pensions	36	50,0	36	50,0	72
Discrimination	41	71,9	16	28,1	57
<b>Public administration and taxation</b>	<b>930</b>	<b>45,3</b>	<b>1.125</b>	<b>54,7</b>	<b>2.055</b>
Public administration and rights	746	46,4	862	53,6	1608
Taxation	184	41,2	263	58,8	447
<b>Territorial policies</b>	<b>1.422</b>	<b>51,2</b>	<b>1.357</b>	<b>48,8</b>	<b>2.779</b>
Environment	1019	51,9	944	48,1	1.963
Housing	215	42,7	288	57,3	503
Town planning	188	60,1	125	39,9	313
<b>Consumer affairs</b>	<b>718</b>	<b>50,9</b>	<b>692</b>	<b>49,1</b>	<b>1.410</b>
<b>Public safety and justice</b>	<b>275</b>	<b>37,4</b>	<b>460</b>	<b>62,6</b>	<b>735</b>
<b>Culture and language</b>	<b>6</b>	<b>23,1</b>	<b>20</b>	<b>76,9</b>	<b>26</b>
<b>Total</b>	<b>5.201</b>	<b>52,1</b>	<b>4.778</b>	<b>47,9</b>	<b>9.979</b>

## 22. Language of complaints and queries in 2019

	Complaints		Queries		Total	
	N	%	N	%	N	%
Catalan	8.146	77,3	7.205	81,5	15.351	79,2
Spanish	2.384	22,6	1.625	18,4	4.009	20,7
Aranese-Occitan		0,0		0,0	0	0,0
Others	13	0,1	13	0,1	26	0,1
<b>Total</b>	<b>10.543</b>	<b>100</b>	<b>8.843</b>	<b>100</b>	<b>19.386</b>	<b>100</b>



## 2.4. PROCESSING TIME

The Catalan Ombudsman's processing time for complaint cases and ex officio actions increased once again, as illustrated in Table 23. However, as indicated in section 2.2 of this chapter, these figures are explained by the increase in closed cases, which was much higher in 2019 compared to 2018.

The volume of cases from previous years pending completion in 2019 resulted in longer processing times for all cases. It is worth noting

that, as in recent years, these timeframes take working days, not calendar days, into account and that they count from the admission of the complaint to the Catalan Ombudsman's issuance of the pertinent resolution (or closes the case for reasons provided by law).

However, efforts are on-going to improve these timeframes with the Administration and with all the companies involved in this procedure.

## 2.5. PROCESSING WITH ADMINISTRATIONS AND COMPANIES

This year the majority of procedures were addressed to the local Administration and the Government of Catalonia and in a fairly balanced manner. In fact, 46.6% of the procedures were executed with the local Administration and 46.5% with the Administration of the Government of Catalonia. In this regard, it breaks with the trend of recent years, in which the local Administration represented the Catalan Ombudsman's main area of intervention.

At the local Administration level, local councils accumulated approximately 95% of the cases processed. Among provincial councils, Barcelona Provincial Council accounted for more than half of the complaints and ex officio actions handled, largely by the Tax Management Agency (OGT).

As regards the Government of Catalonia, akin to the previous year, and in keeping with all of the content explained thus far, the Ministry of Health and the Ministry of Labour, Social Affairs and Families and the Ministry of Territory and Sustainability

concentrated the bulk of complaints and ex officio actions processed with the Administration of the autonomous community.

Private companies providing services of general interest kept up the trend set in previous years and made up 4.4% of the institution's processing volume. In any case, it is worth noting that companies providing services of general interest showed a high and effective level of response (processing time) and problem solving (50.7%).

The following tables show the processing status for each administration or company supervised by the Catalan Ombudsman, and, if the case is closed, its outcome.

The information is presented in this manner to meet a general demand from the administrations to take into account not only the number of complaints and ex officio actions handled, but also their closure, to show that no irregularity was detected in many cases or that the issue was resolved before the Catalan Ombudsman delivered a resolution.

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

The Catalan Ombudsman's travelling office visited 106 municipalities in the 145 journeys made in 2019. In these journeys, which aim to facilitate the filing of complaints and queries and to make the service more accessible to citizens, 1,202 complaints were collected and 432 queries were made on 1,546 visits, higher figures than in 2018.

Of the five trips made to Barcelona districts, on four occasions (Sant Andreu, Sants, Gràcia and Guinardó/Can Baró), a second day had to be arranged due to the large number of appointments requested. The same situation also occurred in Vilanova i la Geltrú.

The number of complaints collected by the travelling office accounted for 11.4% of the total number of complaints initiated by the Catalan Ombudsman in 2019.

**During 2019 the travelling office has made 145 journeys**



- Municipalities where Catalan Ombudsman's office has made a single visit during 2019
- Municipalities with single follow-up agreement and where Catalan Ombudsman's office has made multiple visits during 2019

## ■ INTERNATIONAL RELATIONS



## 5.1. INTERNATIONAL RELATIONS

### 1.1. European Ombudsman

#### European Network of Ombudsmen Conference 2019 (ENO)

Held in Brussels on April 8 and 9, 2019, the gathering brought together nine state and regional ombudsmen from across Europe, with the aim of exchanging experiences and best practices around several issues. In this edition, the Catalan Ombudsman, Rafael Ribó, was responsible for moderating one of the round tables on the new European data protection regulations, GDPR.

### 1.2. International Ombudsman Institute (IOI)

#### World Board Conference

The IOI World Board Conference was held in Mérida, Mexico, from May 14 to 17, 2019. The Catalan Ombudsman declined to attend the meeting.

#### European Board Meetings

During 2019 the European Board met twice: on January 20, 2019, in Athens, and on October 17, 2019, in Riga. The meetings discussed issues related to the strategic planning of the IOI, Institute members and new admissions, as well as the preparation for the World Conference, to be held in Dublin in 2020, and the venue for the next European Congress, to be held in 2022 in Athens, among others.

The Catalan Ombudsman, as European President, was responsible for organizing, in December 2019, the electronic election of the new Board, which will take office in May 2020, during the World Congress. The new members chosen are Andreas I. Pottakis (Greek Ombudsman), Rob Behrens (UK Ombudsman), Elisabeth Rynning (Swedish Ombudsman), Peter Tyndall (Irish Ombudsman), Maria Lúcia Amaral (Portuguese Ombudsman), Marc Bertrand (Ombudsman of Wallonia) and Nino Lomjaria (Georgian Ombudsman).

### Seminars and workshops

#### Aosta Valley, Ombudsman and Network

The seminar, held in Aosta on March 28, focused on networking by ombudsmen. The Catalan Ombudsman made a presentation to explain the networking experience at the Catalan Ombudsman.

#### Best Practice Seminar: New Powers and Possibilities: the Ombudsman and improving public service delivery

On June 21, 2019, the Catalan Ombudsman took part in a seminar organized at the University of Aberystwyth on new powers and possibilities in the framework of the ombudsman actions to improve the provision of public services. The seminar was organized by Welsh Ombudsman Nick Bennett, within the framework of the IOI, following the acquisition of his power of acting ex-officio.

#### Peer review

Held in London on September 23, 2019, the seminar consisted of presenting the results of peer reviews on the Parliamentary Ombudsman for Public Health and Services of the United Kingdom (PHSO) and the UK Local Ombudsman institution. The Catalan Ombudsman attended the seminar and highlights the experience as an example of multiple learning.

#### GDPR

The Catalan Ombudsman opened the Seminar on the new European Data Protection Law organized in Riga (Latvia) on October 16 and 17, which aimed to analyse the challenges of the new regulations regarding European Ombudsman offices, whose application implies making changes in the system of operation of the institutions of defence of rights. Estonian and Scottish ombudsmen Ülle Madisse and Rosemarie Agnew and Finland's Data Protection Ombudsman Reijo Aarnio also took part in the seminar.

### 1.3. ENOC and ENYA

#### European Network of Young Advisors (ENYA) 2019

This year 2019, the ENYA Forum was organized from 25 to 27 June in Brussels, with the support of the Belgian Children's Rights Defence Office, entitled "Let's Talk Young, Let's Talk About Children's Rights in the Digital Environment. "

This time, this European project, led by the European Network of Ombudsmen for Children, ENOC, brought together about 20 young people from different European institutions members of the ENOC to participate in the two-day ENYA Forum in Brussels. As representatives of the work done on the Catalan Ombudsman's Young Advisory Board, Jordi Aldave Onde and Blau Granell Ardanuy went to Brussels.

Recommendations on the rights of children and adolescents in the digital environment, previously discussed in June at the ENYA Forum in Brussels, were presented by some of these young people at the 23rd ENOC Annual Conference , which took place in Belfast on September 25 and 26, and were finally included in the ENOC Final Statement of 2019 on the rights of children and adolescents in digital environments. <http://enoc.eu/wp-content/uploads/2019/10/ENYA-recommendations-on-childrens-rights-in-the-digital-environment-FV.pdf>.

#### European Network of Ombudsmen for Children (ENOC) 2019

The 23rd ENOC Annual Conference, entitled "Offline / Online: A Child's World. Children's Rights in the Digital Environment" took place on September 25-27, 2019 in Belfast, Northern Ireland, United Kingdom. The conference was hosted by Northern Ireland's Commissioner for Children and Youth Koulla Yiasouma, who on the same occasion assumed the chairmanship of ENOC for next year.

The members of ENOC and ENYA, which were joined by the representatives of the European institutions for the defence of children rights, including the Deputy for Children, M. Jesús Larios, and the representatives of EU and some NGOs explored the challenges and opportunities offered by the digital world. Among other issues, there was a discussion on the need for effective regulation for greater protection of consumers, the effects on children's health, etc.

On September 27, 2019, the ENOC also organized the 23rd General Assembly, which supported the new ENOC position statements on children's rights in the digital environment and the end of detention situations in child immigration. The new ENOC board was also elected and the network priorities for 2020 were discussed. The new ENOC board is represented by: Koulla Yiasouma, ENOC president; Geneviève Avenard, children's ombudsman for France and former President of the ENOC; Bruce Adamson, Scotland's Children and Youth Commissioner and President of ENOC; Ireland's Child Ombudsman and ENOC Secretary, Niall Muldoon; and Salvör Nordal Iceland's Children's Ombudsman and ENOC Treasurer.

ENOC Final Statement of 2019 on the rights of children and adolescents in digital environments: <http://enoc.eu/?p=2694>

### 1.4. NEON (National Energy Ombudsman Network)

The Catalan Ombudsman participated in the two general meetings organized by members of the NEON. The first took place in Rome, on January 19, 2019, and the second on November 7, 2019, in Brussels.

The meetings discussed legislative developments in the European framework in the energy sector, as well as issues related to the work plan envisaged by the Network and the actions taken by some of its members.

### 1.5. International Association on Language Commissioners (IALC)

#### IALC Annual International Conference

On June 26 and 27, the Annual Conference of the International Association of Language Commissioners (IALC) was held in Toronto with the slogan “Protecting Linguistic Minorities, Building Stronger Societies”. The meeting was attended by all ombudsmen of plurilingual societies members of the association, such as Ararteko (Basque Country) and the Catalan Ombudsman. Chaired by the Irish Commissioner and President of the IALC, Rónán Ó Domhnaill, and organized by Ontario’s Ombudsman Paul Dubé, and the former Ontario French Language Commissioner François Boileau, ombudsmen from Wales, Kosovo and Flanders, among others, also attended. The speech delivered by the UN Special Rapporteur on Minorities, Fernand de Vareennes, or by the President of the Canadian Supreme Court, Richard Wagner, PC, were also highlighted.

### 1.6. Ibero-American Federation of the Ombudsman (FIO)

#### XXIII General Assembly of the Ibero-American Federation of the Ombudsman

The Ibero-American Federation of the Ombudsman held its XXIV Annual Assembly and Congress in Rio de Janeiro (Brazil), from November 26 to 28, 2019. The Catalan Ombudsman could not participate in it due to previously acquired commitments.

#### Sexual and reproductive rights and obstetric violence

As part of the Network of Women’s Ombudsmen of the Ibero-American Federation of the Ombudsman (FIO), the Coordination of the European Region of the Network organized a conference that took place in June 2019 in Vitoria-Gasteiz , on

sexual and reproductive rights, and in particular on obstetric violence.

### 1.7. ICIC, International Conference of Information Commissioners

In 2019, the Catalan Ombudsman has become part of the International Conference of Information Commissioners (ICIC). ICIC membership represents an opportunity to connect with other authorities around the world to identify trends, best practices, and strategic priorities. The Catalan Ombudsman oversees the activity of public administrations and oversees compliance with the obligations and rights established in the Law on transparency, access to public information and good governance. The Catalan Ombudsman institution, that has the responsibility to evaluate the aforementioned compliance, has been preparing a detailed annual report since 2016, with objective data and recommendations. As a new member of the ICIC, the Catalan Ombudsman will have access to the closed session of the annual conference, will be able to fully participate in the operation of the network, which includes voting on resolutions, becoming a elected member of the Executive Committee and participating in work groups.

### 1.8. Council of Europe

On March 19, 2019, the Catalan Ombudsman travelled to the Council of Europe’s facilities in Strasbourg to hold several meetings with Board members and representatives. The main meeting of the day was with the President of the Parliamentary Assembly of the Council of Europe, Liliane Maurier Pasquier. The Catalan Ombudsman also met with Günter Schirmer, head of the secretariat of the PACE’s Committee on Legal and Human Rights, and João Ary, deputy head of the Secretariat of the Committee on Political Affairs and Democracy. Finally, he also met with representatives of the European Commissioner for Human Rights and the Committee on Prevention of Torture.

## 1.9. United Nations

### Special Rapporteur of the United Nations for Minorities

On January 18, 2019, a meeting was held with the Special Rapporteur of the United Nations on Minority Issues, Fernand de Varennes, which mainly addressed issues related to the rights of foreign and minority people. In particular, the main issues raised by nomads (housing, basic needs, access to justice), immigrants or linguistic minorities were of interest to the rapporteur within the framework of his term.

### UNDP (United Nations Development Program)

On April 16, 2019, the Ombudsman met with members of the UNDP (United Nations Development Program) team, which monitors the 2030 Agenda and sustainable development goals in different countries. During the meeting, several issues were raised, such as the possibility of signing a memorandum of understanding between both institutions (IOI and UNDP), to strengthen relations between the Institute and the United Nations. In this regard, the possibility of involving ombudsmen in monitoring the implementation of the 2030 Agenda by different governments and administrative levels (state, regional and local) was considered.

### UN Ombudsman

On April 16, the Catalan Ombudsman met with United Nations Ombudsman, Shireen L. Dodson, for institutional exchange. The Ombudsman of the United Nations, in turn, explained to the Catalan Ombudsman the main complaints he received, and also the mechanisms of action planned for his office. The Ombudsman, in turn, explained the main benefits of belonging to the International Ombudsman's Institute, such as the exchange of experiences and best practices in dealing with common issues.

## 1.10. Bilateral meetings with similar institutions

### Meeting with the Portuguese Ombudsman

On February 27, 2018, the Catalan Ombudsman held a working meeting in Lisbon with Maria Lúcia Amaral, Portugal's Ombudsman, in line with the work relationships already established with the previous holders of the institution.

### Bilateral exchange PHSO – UK

The Catalan Ombudsman and the Parliamentary Ombudsman for Public Services and the Health System in the United Kingdom agreed on a bilateral exchange between the two institutions. In this way, the Catalan Ombudsman visited the British institution in Manchester on May 22 and Rob Behrens, the British Ombudsman, visited the Catalan Ombudsman on July 3, 2019. The exchange emphasized systems of attention to the people and the analysis of cases by means of computer tools, and also the project of electronic office of the Catalan Ombudsman.

### Meeting with the Ombudsman of Croatia

On October 28, 2019, the Catalan Ombudsman met with Croatian Ombudsman Lora Vidovic in Zagreb. The meeting focused on the work carried out by the Catalan Structure of Human Rights and the preparation of the Human Rights Plan, among other issues. The Catalan Ombudsman expressed, within the framework of her European IOI presidency, concerns regarding the threats that face ombudsmen, as well as the intense task that she carries out with regard to the supervision in Croatia of refugees care and of the Prevention of Torture Mechanism.

### Bilateral exchange with the defender of Slovenia

The Catalan Ombudsman and Slovenian Ombudsman Peter Svetina have agreed on a bilateral exchange between the two rights

defence institutions. Thus, the Slovenian team visited the Catalan Ombudsman on May 14, 2019. The meeting focused on explaining the internal organization and strategic planning of the Catalan Ombudsman, both in terms of the overall mandate of the institution as regards sectoral mandates (CMPT, Transparency, Human Rights Structure, Children and Adolescents, LGBTI). The Catalan Ombudsman visited the institution in Ljubljana on October 29, and several meetings were held with the Slovenian ombudsman and his team to discuss issues with the Slovenian OPCAT organization, as well as relations with the administration and of local character.

### 1.11. Others

#### 10 years commemorative event of the grievance mechanism (EIB)

The Catalan Ombudsman participated as one of the keynote speakers in the 10th anniversary of the European Investment Bank's complaint mechanism to explain the institutional collaboration between the different levels of claim mechanisms and, in particular, the Castor case. The session took place on January 14, 2019 at the headquarters of the European Investment Bank (Luxembourg).

#### 20th anniversary of the establishment of the Ombudsman in Greece

On February 21 and 22, the Greek Ombudsman organized a conference in Athens to celebrate the twentieth anniversary of the establishment of the institution in Greece. The Catalan Ombudsman accepted the honour of delivering the inaugural address, together with Greek Ombudsman Andreas Pottakis and Greek Parliament President Nikos Voutsis. Speeches by Nikiforos Diamandouros, former EU Ombudsman or Christos Giakoumopoulos, Director General of the Directorate-General for Human Rights and Rule of Law of the Council of Europe, on challenges in rights and freedoms in Greece

and Europe, they were remarkable. Giorgos Kaminis, current mayor of Athens and former Greek Ombudsman, also a member of the IOI European Board during his term as ombudsman, also highlighted the challenges of social cohesion as did Kalliope Spanou, also a former Greek Ombudsman, who led the round table on the rights of others.

#### Human Rights Institute (Columbia University)

On April 17, the Ombudsman was invited to the Human Rights Institute at the University of Columbia's School of Law, New York, to give a conference and participate in a subsequent debate on the defence of rights today in Europe, and especially in Catalonia.

One year after the Spanish Constitutional Court declared illegal the independence referendum, the Catalan Ombudsman, whose duty it is to protect and defend rights and freedoms in Catalonia, offered to the audience a summary of the main actions taken by the institution in relation to fundamental rights and freedoms. The paper was based mainly on the three reports submitted to Parliament on this matter.

#### Conference on the work of the Catalan Ombudsman in the defence of human rights

Held at the Government of Catalonia's delegation in Washington on June 28, 2019, the Catalan Ombudsman was able to explain the institution's work in defending human rights and to have a meeting with representatives of the World Bank and the Smithsonian Institute.

A meeting was also organized with Catalan residents in the US, who spoke to them about several issues related to having their residency far from Catalonia, such as issues regarding voting abroad, medical services on their return or visit to Catalonia and reception of CCRTV channels. Many of these issues have led to the opening of a complaint file at the Catalan Ombudsman.

### Meeting at the Brennan Center for Justice

The Catalan Ombudsman met with Spencer P. Boyer, director of the Washington office at the Brennan Center for Justice, on June 28, to explain role of the institution in defending rights in Catalonia and also issues related to the European presidency of the IOI, such as the human rights situation in Europe.

### Proportionality, fundamental rights and judges

On November 20 and 21, the Deputy General, Jaume Saura, was invited to participate, as an international expert, in the conferences organized by the Faculty of Law, University of Neuchâtel (Switzerland) and spoke at a round table where he explained the practical and institutional operation and the main recommendations of the Catalan Ombudsman in recent years in its dimension of Catalan Mechanism for the Prevention of Torture.



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