

SÍNDIC ANNUAL REPORT 2005

SÍNDIC

EL DEFENSOR
DE LES
PERSONES

SUMMARY

■ INTRODUCTION 3

■ MAIN DATA OF THE YEAR 2005 4-9

■ GROUPS WITH A SPECIAL NEED FOR PROTECTION

Children and adolescents 10

Elderly people 12

Immigration 12

Rights of the inmates of penitentiary centres 14

Disabled people 14

Cases of exclusion 15

■ SOCIAL AND ECONOMIC RIGHTS

Education 16

Housing 17

Environment 18

Health 19

Employment and Pensions 20

Taxes 21

■ OTHER CONSTITUTIONAL AND STATUTORY RIGHTS

Right to good administration 22

Consumer rights 24

Linguistic rights 24

Participatory rights 24

Freedom, security and Administration of Justice 25

■ INSTITUTIONAL PROFILE 27-29

■ INTERNATIONAL COOPERATION 30-31



2005 has been my first full year as Síndic (Catalan Ombudsman). Consequently, my new team and I can now draw up an overall balance of the task that we have carried out for a whole year.

In the report for 2004, we emphasized that a transition year was involved and we expressed the desire to lend greater projection to the Catalan Ombudsman and to draw the Institution nearer to people. One year later, we consider that we have been moving in the right direction.

We have increased the number of trips away from our headquarters in Barcelona. Moreover, we have lent impetus to these trips, taking advantage of them to visit organisations, schools and social facilities, which helps us to become better acquainted with our country's social reality.

In the year 2005 we conceptualised a considerable part of the outreach elements that have seen the light of day at the beginning of 2006, a new website and a new magazine and brochures. These are elements and efforts aimed at increasing our level of acquaintanceship among the Catalans.

We have also intensified the preparation of special reports on topics in the social sphere and we have increased the number of study visits to diverse counterpart institutions. On the occasion of the Symposium in commemoration of the 20th anniversary of the Catalan Ombudsman Act, we have consolidated our ties with other ombudsmen.

We have worked to provide an agile quality service. This has not been easy in a year when we have registered a 59% increase in actions over 2004. We know that we are a little better known, but we have also observed that the large increase in queries demonstrates the citizens' lack of acquaintanceship with the mechanisms possessed by the administrations to allow people to express and formally address their complaints. For this reason we encourage all the public bodies to disseminate knowledge of these mechanisms and means.

Our relationship with the administrations has been smooth, but when it has been necessary we have not hesitated to publicly condemn situations of injustice and to make the most appropriate recommendations to prevent such situations. This is our main task and, in this respect, 2005 has been a good year. We know that we still have a long road ahead and much work to carry out in order to become more agile, transparent and effective, but today the Catalan Ombudsman is a little more useful than one year ago as this Institution is more accessible and can reach more people.

Rafael Ribó
Catalan Ombudsman

MAIN DATA OF THE YEAR 2005

In the year 2005, the Catalan Ombudsman has increased his actions by 59% over 2004. This notable increase has materialised in a total of 8,373 actions, divided into 3,617 complaints, 4,675 queries and 81 ex-officio actions. In the year 2004, there was a 14% increase in actions.

The most spectacular increase has been registered in queries, which doubled with respect to the previous year. This demonstrates the fact that many persons are unacquainted with the information and citizen services offered by the administrations to answer questions and attend to petitions, which leads these people to address themselves directly to the Catalan Ombudsman.

Complaints increased by 25% and ex-officio actions by 55%. The growth of actions has been the result of the effort that the Institution is making to draw nearer to all people, an effort which has translated into the change in the institutional image, the increase in the number of trips throughout Catalonia, and a greater presence in the media.

Increased collaboration of the administrations

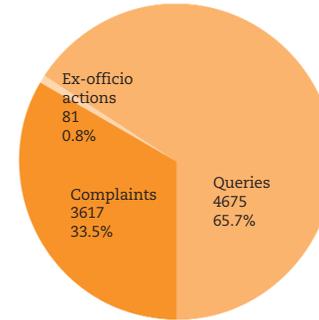
The administrations have accepted the resolutions issued by the Catalan Ombudsman in the year 2005 in 94% of all cases. There has also been an improvement in the administrations' average time of reply to the Catalan Ombudsman's requests for information. While this average reply time stood at about three months in the year 2004, in 2005 there was a substantial number of cases where the administrations answered within 30 days and the final average figure was about two months. This greater agility shows, in general, that there is a better predisposition of the government bodies and the public bodies to collaborate with the Catalan Ombudsman. It also ratifies the utility of the new resources used by the Institution to improve its effectiveness, such as visits in person to the administrations and telephonic reminders.

In addition to the 3,698 complaints and ex-officio actions initiated in the course of 2005, the Catalan Ombudsman has processed 1,903 more, which had been started in previous years but had not yet been closed. Of all these actions, which total 5,601, 79% had already been concluded by 31 December 2005, while 55% of the actions initiated in 2005 had been finished by that date.

By thematic areas, the public administration concentrated 17% of the total actions in 2005. Consumer affairs represented 12.15% and public safety and justice represented 9.89%.



Number and type of actions in the year 2005



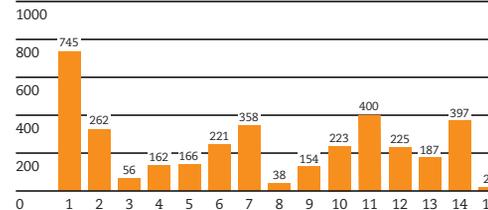
Complaints: actions undertaken to express disagreement, discontent or dissatisfaction with the action or lack of action of the public administration.

Queries: actions undertaken to obtain information or guidance on a particular matter. If the queried case is susceptible to be grounds for a complaint, the person who has formulated it receives information about how to submit the complaint; if it is not susceptible, the interested person will be notified about where to obtain information or resolve the matter.

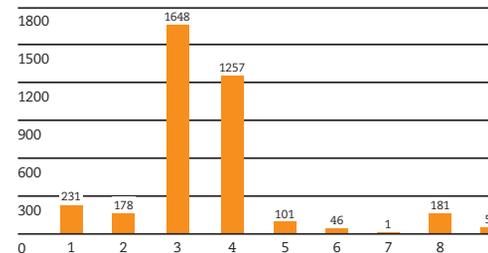
Ex-officio actions: investigations begun at the initiative of the Catalan Ombudsman when it is considered appropriate to open a file in defence of the rights of people, either to supervise the actions of the public administrations or to uphold public rights in situations involving significant social circumstances.

- 1 Public administration and rights
- 2 Consumer affairs
- 3 Culture and linguistic standardisation
- 4 Education
- 5 Immigration
- 6 Children and adolescents
- 7 Environment
- 8 Citizen participation
- 9 Health care
- 10 University and culture
- 11 Public safety and justice
- 12 Social services
- 13 Taxes
- 14 Town planning and housing
- 15 Private or unspecified

Complaints according to area



Complaints and ex-officio actions, according to the administration involved



- 1 State administration
- 2 State peripheral administration
- 3 Autonomous regional administration
- 4 Local administration
- 5 Judicial administration
- 6 Institutional administration
- 7 Electoral administration
- 8 Privatised public services
- 9 Private or unspecified

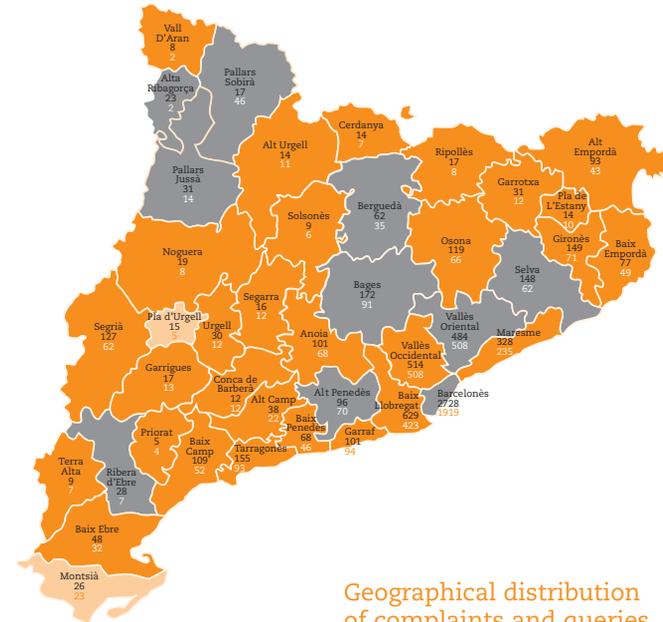
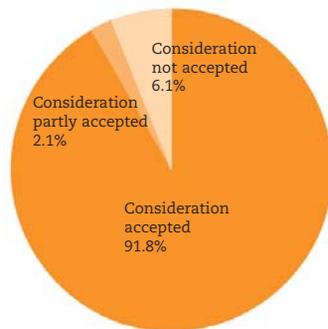
Private: matters that do not fall within the Catalan Ombudsman's competences. In the case of queries, the Síndic's lack of competence is determined before files are opened. In the case of complaints, his lack of competence is determined on investigating the case in greater depth.

Results of the managed complaints and ex-officio actions

A total of 3,698 complaints were initiated in the year 2005, to which must be added the 1,903 that had already been started the previous year. The final figure of managed complaints is 5,601.

Results	actions	percentage
1-Pending reply to the Catalan Ombudsman's considerations and requests for information	2046	36.5%
2-Actions finished	2814	50.3%
a-Correct action of the administration	1269	22.7%
b-The administration accepts the Catalan Ombudsman's consideration	1002	17.9%
c-The administration partly accepts the Catalan Ombudsman's consideration	23	0.4%
d-The administration does not accept the Catalan Ombudsman's consideration	67	1.2%
e-The administration does not collaborate on the Catalan Ombudsman's investigation	17	0.3%
f-Forwarded to other ombudsmen	415	7.4%
g-Dismissed by the promoter	21	0.4%
3-Actions not admitted	741	13.2%

Degree of acceptance by the administration in cases where the administration replies



Geographical distribution of complaints and queries

Although most of the actions originated in Catalonia, it should be mentioned that in 17% of cases, the great majority of which involved queries, the promoter did not specify this circumstance. 1.42% of the actions originated in the rest of Spain or abroad.

The counties that registered the highest rates of complaints and queries, that is to say, those with the lowest number of inhabitants per action, were Alta Ribagorça (with 165 inhabitants / action), Pallars Sobirà (with 392 inhabitants / action) and Pallars Jussà (with 410 inhabitants / action). At the other end, the counties with the lowest rates of complaints and queries were Montsià (with 2,384 inhabitants / action) and Pla d'Urgell (with 2,117 inhabitants / action).

As occurred in the previous year, the Pyrenean counties are those which registered the highest action rates. Barcelonès county, which registered 800 actions more than in 2004, now also forms part of the group of counties registering the highest rates of complaints and queries.

Number of actions (complaints and queries) versus population rate

Geographical provenance of the promoters of actions registered in 2005 and 2004

- One action:
 - for every 1 to 1000 inhabitants
 - for every 1001 to 2000 inhabitants
 - for every 2001 to 3000
- Year 2005 actions in black and year 2004 actions in white or orange

The Catalan Ombudsman's office makes more trips

In 2005, the Catalan Ombudsman, Rafael Ribó, accompanied by various members of his team, visited the Catalan towns of Manresa, Cornellà de Llobregat, Móra d'Ebre, El Pont de Suert, Santa Coloma de Farners and Granollers. With these trips, the Catalan Ombudsman seeks to draw the Institution nearer to all the people and to simplify access to it so that they may acquaint themselves first-hand with its operation, and submit complaints or make queries personally, without the need to travel to its headquarters in Barcelona.

Trips of this type have continued to increase in 2006 and until 30 April, the Catalan Ombudsman has transferred his office for a day to the Raval district in Barcelona, and to the towns of Tàrraga, l'Hospitalet de Llobregat and Amposta.

The Catalan Ombudsman visits the station district in Sallent on his trip to Bages county

On 10 February 2005, the Catalan Ombudsman visited Manresa to attend to the complaints and queries of the citizens of Bages county. During his visit, the Catalan Ombudsman held working meetings with the mayor of Manresa and with the president of the Bages County Council, respectively. He also visited the station district of Sallent to obtain first-hand knowledge of the actions that were being carried out in connection with the risk situation of the houses threatened by collapse in that area.

Throughout the whole day, the Catalan Ombudsman and his advisers received 35 visits, which gave rise to 19 complaints and 9 queries. This was the second trip of the Catalan Ombudsman's office to Manresa. The first trip to this town took place on 1 April 1998.

32 complaints and 7 queries in Cornellà de Llobregat

The complaints and queries on town planning and housing, followed by those on general administration, formed the focus of the visits of the residents of Cornellà de Llobregat on 13 April 2005, when the Institution travelled to that town in Baix Llobregat county. There the Catalan Ombudsman received a total of 36 visits, which gave rise to 32 complaints and 7 queries.

The Catalan Ombudsman held a working meeting with the mayor of Cornellà, Antonio Balmón, and visited the Sant Jordi socio-sanitary centre and the occupational reintegration company Recibaix. As a result of the first visit, the Catalan Ombudsman opened an ex-officio action on residential places for elderly people and waiting lists. The deputy for the defence of children's rights, Jaume Funes, and an adviser from the Institution went to the special education centre Can Mercader, the secondary school Esteve Terrades and the nursery school La Trepa.

The mayor of Móra d'Ebre discusses illegal constructions

During his visit to Móra d'Ebre on 16 June 2005, the Catalan Ombudsman held a working meeting with the president of Ribera d'Ebre County Council and another working meeting with the mayor of that town, who conveyed his concerns to the Catalan Ombudsman about the illegal constructions in the protected areas of the municipal district. They also studied the consequences of the plague of black fly.

The Catalan Ombudsman visited the Julio Antonio secondary school where he gave a talk to the students and met with the director's team and some teachers. Later he visited the Natzaret home for the elderly. The deputy for the defence of children's rights visited the Santa Teresa school and the Lluís Viñas nursery and primary school. The Institution received a total of 13 visits, which gave rise to 11 complaints.

Alta Ribagorça county demands the financing of the Internet broadband service

The Catalan Ombudsman visited El Pont de Suert on 21 September, receiving 20 complaints and 5 queries.

As usual, the Catalan Ombudsman made several visits on this occasion, including a visit to a secondary school in the county (IES El Pont de Suert), where he gave a talk to the students about rights and obligations which led to a discussion and an exchange of views. He also visited the Ribagorça nursery and primary school.

The president of Alta Ribagorça County Council, Joan Peralada, addressed the Catalan Ombudsman about the problem of financing Internet broadband technology in the county, which involves costs that the Council defrays even though they are not incumbent on it. To clarify the situation, the Catalan Ombudsman opened an ex-officio action. As a result of the meeting with the mayor of El Pont de Suert, Albert Alins, the Catalan Ombudsman, Rafael Ribó, also undertook to open an ex-officio action aimed at determining which of the 24 population nuclei of the municipality may be considered to be aggregated, therefore forming part of the Single Plan for Works and Services of Catalonia (PUOSC), since at present only 8 population nuclei there are so considered.

The Catalan Ombudsman receives 40 visits in Santa Coloma de Farners

On his stay in Santa Coloma de Farners on 23 November 2005, the Catalan Ombudsman received 40 visits which gave rise to 34 complaints and 8 queries. There, the Catalan Ombudsman held working meetings with the first deputy mayor of Santa Coloma and with the manager and secretary of Selva County Council. He also visited the Sant Salvador d'Horta nursery and primary school and the Santa Coloma secondary school, where he met with the teachers of the two centres.



© Sinatic

The Senior Court of Granollers expounds on its shortage of resources

The Catalan Ombudsman's trips for the year 2005 closed with a visit to Granollers on 14 December. On this occasion the Catalan Ombudsman met with the mayor of the town and with the president and vice president of Vallès Oriental County Council. He also visited the premises of the Senior Court, where the senior judge and some of her assistants explained to him the problems that they had because of the shortage of human and material resources.

The Catalan Ombudsman also visited Sant Jordi day hospital for persons with Alzheimer's disease, the mental health day centre situated on the same premises, and the facilities of the Roca Umbert Arts Factory. The Catalan Ombudsman received a total of 27 visits, 18 of which gave rise to complaint actions.

The bill of the Statute of Catalonia extends the Síndic's competences

The Statute of Catalonia, approved by the Parliament of Spain and backed in a referendum on 18 June, attributes to the institution of the Catalan Ombudsman greater competences than it has possessed until now. The new Statute provides that the Catalan Ombudsman will benefit from exclusivity of action in all matters relating to the Catalan administrations, including a mention on the local administration. Moreover, the Catalan Ombudsman shall supervise the companies that supply or manage services of general interest.

GROUPS WITH A SPECIAL NEED FOR PROTECTION

The most vulnerable groups of society, such as elderly people, disabled people or unprotected children, require special attention if it is wished to prevent them from falling into exclusion. In 2005, continuing along the path begun the previous year, the Catalan Ombudsman has strengthened the actions relating to the rights of these people.

Notable among the activities carried out were diverse actions and recommendations connected with the protection of children in cases of abuse, and the drafting of a special report on the homeless phenomenon in Catalonia.

Actions	queries	complaints	ex-officio	total
Children and adolescents	62	221	11	294
Elderly people	57	74	2	133
Women and situations of violence	15	7	0	22
Immigration	95	166	1	262
Inmates of penitentiary centres	21	193	3	217
Disabled people	54	89	5	148
Situations of exclusion	41	62	4	107
Total	345	812	26	1183

The actions in this sphere represented 17% of the total actions in 2005.

Children and adolescents

Since the year 1991, in each annual report the Catalan Ombudsman has given an alert on the hardly suitable functioning of the protection of minors in Catalonia. In the last five years, the Catalan Ombudsman has issued, in a prominent way, diverse warnings about



© Sanku

the saturation of workloads of the Childhood and Adolescence Assistance Teams (EAIA), about the difficulties in fulfilling some of their functions, and about the obsolescence of the protocols on abused minors.

Unfortunately, this situation has come to the public attention again as a result of the dramatic experience of a little girl from Montcada i Reixac called Alba C. C. The Catalan Ombudsman investigated this case in depth in an ex-officio action, which was closed at the beginning of May 2006 with a report that reviews the action of the administrations, but which also makes a set of recommendations addressed to improving the systems for the protection of children and the coordination of all the bodies involved.

Review of the protocol of action in cases of sexual abuse

In order to review the "basic protocols for intervention in situations of abuses and grave mistreatments", the Catalan Ombudsman has promoted diverse meetings on the highest level. These protocols, signed from 1999 to 2004, refer to the action of the professionals (police, health professionals, public prosecutors and judges, etc.) who act in the course of the whole judicial process, in cases of mistreatment of minors.

The first meeting took place at the Catalan Ombudsman's headquarters in July 2005 and, in addition to the Catalan Ombudsman, Rafael Ribó, and his two deputies, also in attendance were representatives of the administrations of justice and of welfare and the family, respectively.

As from that first meeting, a technical commission has been working to prepare a proposal for updating the protocol. Likewise, the follow-up commissions of the demarcations of Girona, Lleida and Terres de l'Ebre are assessing the possibility of introducing changes in the respective protocols.

The last high-level meeting, which took place in April 2006 at the Catalan Ombudsman's headquarters, closed with the will and agreement of the parties in attendance to put in place a framework agreement on protocols by summer 2006.

Recommendations for improving police facilities for minors

In 2005 the Catalan Ombudsman publicly condemned the poor condition of the facilities in which detained minors are found, and the condition of the facilities which the Office for Assistance to Minors and the Central Unit for Minors of the Catalan police (Mossos d'Esquadra) share in Barcelona.

The Catalan Ombudsman has considered that these facilities are unsuitable and he made this known in a resolution issued at the end of the year, in which he recommended that the departments of the Interior, of Justice, and of Welfare and the Family should take measures to carry out the suitable adaptation of these premises and to improve their functioning and the training of the professionals in charge of them.

Immediate guardianship of lone immigrant minors

As a consequence of the request from diverse civic and professional bodies connected with the sphere of childhood, the Catalan Ombudsman has carried out an exhaustive follow-up of the situation of the immigrant minors who find themselves alone on reaching Barcelona and who are accommodated by the system for protection of minors. The result of this action has been the special report The Situation of Lone Immigrant Minors, submitted to and debated in the Catalan Parliament in January 2006.

The report states that this is a complex structural phenomenon which requires clear guidelines and that it is the responsibility of society as a whole and not just that of the administration. The Catalan Ombudsman proposes that the Catalan Government should immediately assume the guardianship of the minors, and that a coordinated policy should be applied by the various administrations.



© Xavier Bernat/Avui

More protection for minors in trials

In the month of May 2005, the Catalan Ombudsman conveyed to the Defensor del Pueblo of Spain and to the Catalan parliamentary groups of the Spanish Congress of Deputies, an urgent proposal of legislative modification aimed at changing Section 707 of the Criminal Procedure Act and thereby assuring better conciliation of the rights of minors and the defence of the accused in judicial processes.

The Catalan Ombudsman conveyed the urgent proposal of change after receiving a complaint from two female minors who were to testify before their presumed attacker, accused of four offences of continued sexual abuses.

In accordance with the protocol on sexual abuses and other mistreatments which is customarily used in this type of case, the two minors, accompanied by professionals, had already given evidence before the judge and parties, and their testimony had been recorded so that it would be used again in the hearing, thus avoiding a direct confrontation, as long as the judge were to consider it appropriate.

In the case of these girls, the presiding judge, contrary to the reports of the team of experts of the Department of Justice, considered it "indispensable" for the minors to appear and give evidence and he refused to allow them to do so protected by a screen, as had been requested. One of the girls was unable to give evidence because she suffered a nervous breakdown and the judge finally acquitted the accused due to lack of substantial evidence.

As a result of this case, in order to prevent similar situations from arising in the future, all the Catalan political groups accepted the Catalan Ombudsman's proposal. At present, the Spanish Congress has already accepted a joint proposal to modify the Act and the Spanish Defensor del Pueblo has notified the Catalan Ombudsman that the Minister of Justice has also accepted the proposal.

Elderly people

Once again this year, the shortage of residential places has continued to form a substantial part of the complaints received by the Catalan Ombudsman in connection with elderly people. Although residential accommodation should not necessarily be the primary resource used to attend to elderly people, homes for the elderly are practically the only possible alternative within the social model existing today in Catalonia.

On speaking of elderly people, it should be borne in mind that this is a group with transversal problems. In this case, property harassment, health and pensions are topics that affect elderly people most directly, even though they are not rights dealt with in the specific area of the elderly.

Immediate measures are required to alleviate the shortage of residential places

The Catalan Ombudsman has demanded immediate measures to alleviate the shortage of residential places for elderly people, even though the approach to this problem is linked to the approval and deployment of the future Social Services Act, now under preparation.

These measures focus on three fields: the administration should increase the budgets applied to the needs of elderly people and their families; alternatives should be found to attend to elderly people in their homes, and the management of the social services should be improved.

The shortage of residential places and resources is present in most complaints. The delays in obtaining a residential place bring about situations of anguish for families who, if they can afford it, often need to resort to private centres. The Catalan Ombudsman has opened an ex-officio action to acquire a deeper acquaintance with the present situation.

Immigration

The delays in the formalities of issuing and renewing permits for immigrants and in the resolution of administrative appeals increased in 2005 with respect to previous



© Tereza Abdalla

years. This situation, which is possibly aggravated by the increase in the volume of work that was entailed by the immigrant normalisation process carried out between the months of February and May, has been the focus of many of the Catalan Ombudsman's actions.

The Institution has detected dysfunctions in the telematic system for making prior appointments to submit applications for work and residence permits. Although this system was implemented in principle to prevent long queues from forming in front of the immigration affairs offices, it has become a hurdle rather than enabling access to these premises. The Catalan Ombudsman has intervened, suggesting some improvements to unblock the appointment system.

The immigrant normalisation process creates confusion

The application of the normalisation process has been excessively slow and

complicated, evidencing the fact that the administration of immigrants lacks human and material resources to swiftly meet the expectations that this process had aroused.

In addition to the shortage of resources, there has also been a lack of planning and of a uniform criterion when applying the rules in all the offices that have managed the permits. The hasty entrance of the town councils into the procedure for issuing municipal registration certificates has entailed comparative grievances among the applications of foreign workers, and confusion between these people and the town councils themselves.

The Catalan Ombudsman has positively valued the efforts that have been made with the aim of favouring many of the immigrants in irregular situations, but he has suggested that the management should be much more agile in the future.



© Jordi Guàrdia Avui

Rights of the inmates of penitentiary centres

Overcrowding in Catalonia's penitentiary centres is a circumstance that the Catalan Ombudsman corroborated first-hand on the visits that he made in the course of the year to all the country's prisons. Indeed, it is a reality that creates an enormous difficulty for the possible reintegration of inmates.

The penitentiary population rate of the prisons of Catalonia and of Spain, with figures of 119 and 142 persons per 100,000 inhabitants, respectively, is one of the highest in Europe.

This circumstance is not the result of an increase in delinquency, but rather it is due to multiple factors, including the increased duration of punishments resulting from the latest legal reforms that have been approved, and from a more restricted access to penitentiary benefits.

Some of the most common problems observed on the occasion of these visits have been the following: the inmates have too many hours during each day without any occupation, in the prison centres there is a

lack of productive workshop areas and of opportunities to work, there are difficulties in transferring inmates between Catalonia and the rest of Spain, and the infrastructure of common services is clearly scarce.

Disabled people

Most of the complaints connected with disabled people focus on the lack of public support and the delay in the process of assessing degrees of disability.

The benefits and public grants available for providing the personal assistance that this group requires are completely inadequate. In this respect, the Catalan Ombudsman positively values the initiative of the Toledo Pact, which agreed to urge the Government of Spain to prepare a study on the present situation of family protection and to promote the necessary measures.

As is now unfortunately customary, the Institution has continued to condemn the great shortage of places for mental disabilities in residential and socio-sanitary centres, a situation that causes anguish and vulnerability to the affected families.

Wheelchair-accessible taxis

At the end of 2005, the Catalan Ombudsman received a complaint from a person with a motor disability which set out this person's objection to the lack of a wheelchair-accessible taxi service in the municipalities of Santa Coloma de Gramenet, Badalona and Sant Adrià del Besòs, a service that was already being provided in the city of Barcelona. The person concerned had previously requested the administration to set up this service.

After the Catalan Ombudsman requested the three town councils involved for information to allow him to study the case, all three municipalities approved a cooperation agreement with the Barcelonès County Council to start up this service. According to this agreement, the County Council provides, in a unified way to the three municipalities, a wheelchair-accessible transport service for disabled persons with reduced mobility. This service went into operation in March 2006.

Cases of exclusions

Absence of a public policy on the homeless phenomenon

In December 2005, the Catalan Ombudsman submitted a special report to the Catalan Parliament on the Homeless Phenomenon in Catalonia, in which he draws attention to the need to deal with this phenomenon which, though little known, requires integral public policies.

The document deals with the problems of people who are stigmatised by society and who survive thanks to private contributions in most cases. In addition to the shortage of resources and the lack of coordination in assistance to homeless persons, who number over 8,000 in Catalonia alone, there is the fact that the administrations which work on assistance to this group approach these problems without taking into consideration personal circumstances.

Because of this, work is carried out in an uncoordinated way in the various spheres – social services, health, employment, etc. – very little consideration is given to the particularities of this group, and standard responses are offered that do not help to solve problems that often require individualised handling and a long follow-up process.



© Román Abella

SOCIAL AND ECONOMIC RIGHTS

The Catalan Ombudsman continues to receive complaints on the waiting lists for health care and on the difficulties in finding a worthy dwelling. These problems affect a large number of people and pose difficulties in the path towards an advanced social model. The assurance of these social rights requires greater efforts to be made and more resources to be provided by the administrations.

In recent years there has also been an increase in complaints relating to the environment, a factor characteristic in modern society. These complaints call for suitable policies.

Actions	queries	complaints	ex-officio	total
Education	131	162	5	298
Housing	139	132	1	272
Environment	190	358	7	555
Health	170	223	6	399
Employment and pensions	248	154	8	410
Taxes	132	187	1	320
Town Planning	159	265	1	425
Total	1169	1481	28	2679

The actions in this sphere represented 38% of the total actions in 2005.

Education

Difficulties in integrating pupils with a disability

Although the rules of law establish that pupils with a disability shall receive schooling preferably in ordinary educational centres, in practice this situation still entails many difficulties because of the lack of planning and resources.

The Catalan Ombudsman has received diverse complaints from family relations of pupils with special educational needs, who were opposed to the administration's decision that such boys and girls should receive schooling exclusively in special education centres. Moreover, the Institution has begun an ex-officio action to investigate the excessive difficulties in school integration that it has detected in the counties of Garrotxa, Pla de l'Estany, Vallès Oriental, and Baix Llobregat.

The Government of Catalonia accepts the Catalan Ombudsman's recommendation on the regulation of nurseries

Once again this year, the Institution continued to receive complaints and to initiate ex-officio actions relating to the poor functioning of some of the privately-owned nurseries. The Catalan Ombudsman, who had already been requesting for a long time that the administration should regulate these centres, has continued to insist on the urgent need to inspect the educational conditions of these facilities in order to assure minimum levels of quality. He has also recommended a greater planning and control of the facilities other than nurseries that operate as educational centres for children aged 0 to 3 years despite the fact that they do not hold the respective authorisation.

In the year 2006, as a result of presumed maltreatments committed by personnel of a nursery/playpark in Vilanova i la Geltrú, the Catalan Ombudsman has initiated an ex-officio action and has requested Vilanova Town Council and the departments of the Presidency, Education, and Welfare and the Family for information on the legality of that centre and on the supervision and inspection of that facility by the administrations involved. Moreover, the Catalan Ombudsman has persisted in demanding the regulation of children's services.

The Institution has celebrated the response of the Government of Catalonia since, just one day after being informed by the Catalan Ombudsman of the possible deficiencies of



this situation, the Department of Education announced that it would pass an order to require that all the centres operating as nurseries shall hold an authorisation which, moreover, shall be displayed in a visible place for the public.

Intervention of the Catalan Ombudsman in cases of school absenteeism

The director of a secondary school in a town in Barcelona province, concerned about the unjustified school absenteeism of two lower secondary school girls, contacted the Catalan Ombudsman to request his intervention in these cases. The person concerned had requested repeatedly, without receiving any reply, for the administration to carry out an educational follow-up of the two girls.

The Catalan Ombudsman intervened to request that the municipal social services and the Catalan Police should carry out a follow-up of the situation of the girls. After studying the girls' personal circumstances, the administration decided that one of them should be transferred to a centre attached to the Directorate-General for Child Assistance.

Housing

The difficulty in obtaining a dwelling is a reality that the Catalan Ombudsman observed throughout the year 2005, both through the complaints received and the social debate in connection with this situation.

It is worrying that a growing situation observed is that the impossibility in obtaining a dwelling leads some persons to occupy empty dwellings, both publicly and privately owned, without any legal authorisation.

The Catalan Ombudsman is working on a monographic report on the problem of the right to housing, which he will submit to the Catalan Parliament in the course of 2006.

Recommendations for the fight against property harassment

The root of this harassment lies in the confluence of two factors: the expectations of increased value or urban speculation of the owners of dwellings, and the fact that many of the people affected by this problem belong to vulnerable groups, such as elderly persons, young people with precarious wages and persons living in situations of poverty.

In many cases it is difficult to classify the types of property mobbing because the mechanisms of exerting pressure are highly varied and are often difficult to define from the penal standpoint.

Within the frame of a symposium on the right to housing that was held in Barcelona in April 2006, the deputy to the Catalan Ombudsman, Laura Díez, presented a set of recommendations to the administrations with the aim of avoiding and preventing property harassment. Prominent among these recommendations are the following: the promotion of specific actions in degraded districts of city centres in order to assure the re-accommodation of evicted persons, the modification of the rules of law on urban leases, bearing in mind the situation of the most vulnerable groups, and the creation of free public advice services on these matters. As far as preventive measures are concerned, lines of aid to tenants should be promoted in a stable agile way, and a network of social-inclusion apartments should be fostered.

Unified register of applicants for protected housing

Just as the Catalan Ombudsman has been able to corroborate from the numerous complaints received, many people who wish to obtain state-subsidised housing encounter not only clearly insufficient availability, but also a further obstacle: disinformation and excessive bureaucracy involved by the pertinent formalities. The people concerned need to visit all the public administrations and bodies that manage the set of protected dwellings in order to submit an application or to register on the waiting lists.

The creation of a unified register of applicants for state-subsidised housing, in accordance with what is established in the rules of law, will speed up and make formalities easier. For this reason, the Catalan Ombudsman requests that the administration should take the necessary measures to speed up its implementation.

Environment

The increase in the complaints relating to noise, odour and water pollution is an example of the growing importance that is being lent to the rights of an economically advanced society. Accordingly, the rights to people's privacy, to peaceful coexistence, and to the prevention of health-risk situations are demanded increasingly by Catalan society. The role of the administrations is to assure that these rights are enforced and to ensure that the new generations will inherit an environment in good condition.

Respect for residents and traditions in the regulation of the sound of bells

In the year 2005, the Catalan Ombudsman received complaints originating in a district of Barcelona and in a town in the city's metropolitan area, with respect to the disturbance caused to some neighbours by the ringing of church bells at night.

After investigating the cases and requesting information from the town councils involved, the Catalan Ombudsman recommended the town councils to include bell ringing within the municipal rules on matters of sounds. The Catalan Ombudsman considers that it is necessary to regulate these activities in order to preserve what is considered a rooted cultural tradition, and at the same time make it compatible with the legitimate right to repose.

It would be necessary to regulate these conflicts and to establish a sound intensity value in the respective municipal ordinances, so that bell ringing may be halted if it surpasses the respective maximum values.

After the intervention of the Catalan Ombudsman, one town council of the metropolitan area of Barcelona has reached an agreement with the parties involved to adapt and shorten the ringing, except on special dates. Diverse technical measures have also been taken in Barcelona to adapt the incidence of the sound. In any event, a

reply is still pending from both town councils on the regulation of this sound in the municipal rules and regulations, just as was recommended by the Catalan Ombudsman.

Complaints about the third runway of Barcelona Airport

The entry into service of the third runway of Barcelona Airport has led to complaints from residents of Gavà and Castelldefels, due to the purported lack of action by the authorities to reduce the noise produced by the airplanes. The Institution, which had already spoken out critically on this subject five years earlier on the occasion of the approval of the Master Plan for the airport, addressed the Defensor del Pueblo to request him for information on his actions derived from complaints that he had also received in connection with the same problem. The Catalan Ombudsman has also requested information from the Department of the Environment and Housing.

According to the information received, the project for the airport established the condition of preparing, a soundproofing plan for the homes involved before 2005. It was also necessary to provide, before the entry into service of the third runway, a plan for supervision and management of take-off and landing operations, which was to include alternatives for minimising the impact on the affected areas, including Gavà-Mar.

The Defensor del Pueblo and the Catalan Ombudsman coincide on the fact that, for as long as the necessary soundproofing is not carried out, AENA (the public agency for airports and flight control) shall take upon itself the liability and assume the pertinent damages and indemnifications.

Consumers shall receive information on water drinkability

With respect to the drinkability of water, the Catalan Ombudsman's concern is to assure that consumers receive, in an effective way, information on the risk they run, consid-

ring the situation of loss of water quality. This disclosure shall be assured on the basis of the principles of precaution and transparency, and within the established normative framework.

The administration shall ensure that the supplier companies notify their customers as to the lack of drinkability of water. The Catalan Ombudsman has received diverse complaints from groups of home-owners and neighbourhood associations about the delay in receiving such notification.

Health

Despite the specific measures and the hours devoted by health professionals, the waiting lists of the Catalan health-care system continue to form an important problem, with respect to consultations, diagnostic tests, treatments, and surgical operations.

The Catalan Ombudsman has requested that the long waiting times be corrected and he has initiated various ex-officio actions to study this problem and to assess the measures that the administration has adopted so that solutions may be found.

With regard to the private management of certain services, the Catalan Ombudsman has received complaints about purported dysfunctions of some centres. For this reason, the Institution has reminded the Department of Health that the administration shall supervise and inspect the activities of these centres in order to preserve their quality.





© Frank Abrah

The drug consumption room at Vall d'Hebron

The Catalan Ombudsman opened an investigation as a result of the complaints filed by the residents of Barcelona's Vall d'Hebron neighbourhood about the establishment of a drug consumption room. After studying the case, the Catalan Ombudsman considered that, despite the fact that no irregularity had been incurred by the administration, it was necessary to study the load that is borne by this specific neighbourhood on diversifying the services among the various neighbourhoods and towns.

The Catalan Ombudsman considered that this facility works to meet the need for new health-care services and resources addressed to attending persons with drug dependence. These facilities shall contribute to prevent the marginalisation of this group and to encourage assistance to it from the health-care standpoint.

Nevertheless, the Catalan Ombudsman requested the Department of Health and the

Public Health Agency of Barcelona to maintain and strengthen communication between the municipal administration and the bodies and associations representing the neighbourhood's residents, in order to assure the harmonisation of the various interests at stake and, in short, the service in the general interest.

Employment and pensions

Delays in the subsidies of occupational reintegration programmes

The Catalan Ombudsman has received complaints from occupational integration companies because of the long delays in receiving the pertinent subsidies from the administration, something that jeopardizes the reintegration programmes and harms their task in favour of persons in risk of exclusion.

In addition to studying these cases, the Catalan Ombudsman is also investigating

the lack of deployment of the Act on legislative measures to regulate the occupational integration companies, since at present they do not have sufficient means to develop and reach out with the programmes of grants.

The Institution has requested the cooperation of the Department of Labour and the bodies that are attached to it in order to increase the subsidies for occupational training and integration, since there are some endemic groups that require support and grants from the administrations, such as unemployed people over 45 years of age, people at risk of marginalisation, and people with a disability.

Taxes

Action on the legitimacy of the green zone

The new system that regulates parking in the street known as the Area verda or green zone, has aroused the rejection of many residents of Barcelona. The Catalan Ombudsman has received complaints that question the authority of Barcelona City Council to take such measures. After investigating the case, the Institution has considered that the green zone is a legitimately adopted political choice.

With respect to the collection of a parking fee, which has also been a subject of complaint, the Catalan Ombudsman considers that this is a measure which is established by law and which is therefore just.

As for the treatment that the city council shall apply to non-residents of the green zone and to the vehicles of the workers of the companies located in the area, the Catalan Ombudsman is still waiting for the city council to send him the pertinent information.

Acceptance of the recommendations on compensation for the Civil War

The Catalan Government has accepted a recommendation from the Catalan Ombuds-

man to reopen the period for requesting compensation for deprivation of liberty due to events of political intentionality as a result of the Spanish Civil War. Moreover, the financial compensations shall be tax-exempt from the personal income tax (IRPF). In the year 2004, the Catalan Ombudsman made this recommendation to the Department of the Presidency, which gave him a negative reply. Afterwards the Catalan Ombudsman initiated an ex-officio action since complaints about this problem continued to be received.

In addition to sending it to the Executive Council, the Catalan Ombudsman sent his recommendation to the Parliament so that the parliamentary groups could study the possibility of changing the rules. Indeed, the rules have finally been modified and new applications may be submitted as from January 2006, with no deadline.

The Catalan Ombudsman also persisted in recommending that these compensations of the Catalan Government could be declared tax-exempt on the return for the personal income tax (IRPF), as were the similar compensations granted by the State. The Catalan Ombudsman considered that this different tax treatment was discriminatory. The Congress of Deputies had pronounced itself in the same sense by means of a draft motion.

This year the act on the general budgets of the State for 2006 establishes the tax-exemption from the IRPF for this type of compensation.



© Francesc Melián-Arri

OTHER CONSTITUTIONAL AND STATUTORY RIGHTS

There are other spheres of the public administration on which the Catalan Ombudsman focused his actions. Firstly, the Catalan Ombudsman's role in the defence of the right to good administration is crucial to assure the smooth operation of the administrative mechanics and citizen participation in the making of public decisions.

Moreover, the Institution has also dealt with matters relating to consumer rights and the duties of the administration, matters that lead to numerous complaints and queries, especially with respect to telecommunications.

The supervision of the security forces and of the judicial operation, which is also a focus of a substantial part of the Catalan Ombudsman's work, represented almost 10% of the actions in 2005.

Actions	queries	complaints	ex-officio	total
Right to good administration	669	745	10	1424
Consumer rights	747	262	8	1017
Linguistic rights	33	43	3	79
Participatory rights	7	38	2	47
Freedom, security and administration of justice	387	200	2	589
Culture	10	13	0	23
Total	1853	1301	25	3179

The actions in this sphere represented 45% of the total actions in 2005.

The right to good administration

The administration has the duty to listen to citizens and to inform them, to act with rigour and responsibility, to foster participation and to enable access for all people. The Catalan Ombudsman's mission is to ensure that the administration acts in accordance with these principles to serve and attend to people.

By thematic areas, the right to good administration was the area with the highest percentage of the Catalan Ombudsman's actions in 2005: 17% of the total. This area includes the complaints and queries on administrative procedure, the public function, responsibility for heritage, and administrative recruitment.

Dysfunctions in the notifications of traffic fines

The Catalan Ombudsman has detected irregularities in the procedure used by the Catalan Traffic Service (SCT) to inform citizens of the traffic fines imposed on them.

The SCT limits itself to serving notification of the police report and of the penalising resolution to the address at which the vehicle is registered or at which the driver's licence of the interested party is registered, and no other possible domicile is sought until reaching the attachment procedure due to non-payment of the penalty. This may lead to the situation where presumed offenders receive no notification of the respective penalties before the procedure for attachment of their current accounts is already underway, whereby such persons are unable to exercise their rights of defence and allegation.

The Catalan Ombudsman has given warning about this situation to the Department of the Interior and he has urged it to provide a quick solution to this dysfunction.

Normative changes for the partial retirement of public officials

In 2005, various public officials complained to the Institution about not being able to go into partial retirement. Given this situation, the Catalan Ombudsman addressed both the Spanish Defensor del Pueblo and the parliamentary groups of the Parliament of Catalonia with the request that they should adopt measures to carry out the pertinent normative changes.

This retirement modality entails a reduction in the employees' working day and of their wage, and the simultaneous formalisation of a relief contract with a new employee. In addition to the Catalan Ombudsman, diverse bodies have recommended that this possibility should be extended to public officials.

Exemption from fees for disabled people

In October 2005, the Catalan Ombudsman recommended to the Catalan Government that disabled people should not have to pay the fee in force at that time to apply for the recruitment processes of the Catalan Government.

In his recommendations, the Catalan Ombudsman argued that this measure is fully coherent with the provisions of law, which imposes on the public administrations the obligation to promote the integration of people with a disability. The Catalan Ombudsman also recalled that this dispensation was already a reality in all the tests to accede to the central administration of Spain and to the administrations of some of the autonomous regions.

As a result of the Catalan Ombudsman's intervention, at the beginning of 2006 the Government modified the act on fees to include this exemption from payment for all people with a disability of 33% or more.



© Xavi Gual, Avui

Consumer rights

The Catalan Ombudsman considers that broadband must be a universal service

In the year 2005, the Catalan Ombudsman observed an increase in complaints from consumers who demanded that broadband access to the Internet should be considered a universal service. To assess and investigate this possibility, the Catalan Ombudsman has prepared a special report, which he will send to the European Ombudsman and submit to the Catalan Parliament in 2006.

The Institution has also initiated an ex-officio action to investigate the scope of this service in rural areas. Aware that the possibility of broadband access to the Internet is a factor of territorial balance and cohesion that is not yet a reality in all Catalonia, the Catalan Ombudsman has investigated and assessed the projects started up by the Catalan Government in recent years with the aim of extending broadband access to rural areas and educational environments.

Specifically, he has requested information on the projects' performance status, the coverage that has been achieved and the degree of compliance with the engagements undertaken by the companies in charge of carrying them out.

Recommendations on the establishment of integrated social transport fares

As a result of an ex-officio action undertaken to assess the integrated public transport fare system in the Barcelona area, at the end of 2005 the Catalan Ombudsman conveyed a set of recommendations to the Department of Territorial Policy and Public Works. The Catalan Ombudsman requested a resolution from the Metropolitan Transport Authority (ATM) to establish integrated transport vouchers (allowing the use of up to three methods of transport on each individual trip) with a discount for elderly people and disabled people.

In reply to the Catalan Ombudsman's recommendation, the board of directors of the ATM informed that all the administrations that form it have accepted the recommendation but that there were discrepancies with respect to its management, financing and standardisation criteria. The Catalan Ombudsman also addressed the ATM to request that it should promote the use of alternative transport vouchers to the single ticket, which is not integrated and does not allow transfer to various methods of transport.

The Catalan Ombudsman is waiting at present for the parties involved to reach an agreement on implementing these initiatives.

Linguistic rights

The Catalan Ombudsman has corroborated that good linguistic coexistence is prevalent in Catalonia. Despite the conflictive atmosphere that some spheres have sought to convey, the reality is that the country's two co-official languages, Catalan and Spanish, coexist without confrontation.

In this sphere, the Institution attends rigorously to all the linguistic complaints that are posed to it and guides the people involved with respect to the best ways of solving private matters. In this respect, the number of queries made to the Institution in relation to presumed infringements of linguistic rights increased in 2005, in line with the rest of the Catalan Ombudsman's spheres of action. Over 75% of these queries were related to the infringement of the right to live in Catalan.

Participatory rights

The Catalan Ombudsman has defended maximum assurance of pluralism in the publicly-owned media. Moreover, with respect to the assurance of the rights of political participation, the Institution has proposed that recognition be granted to the right of the political representatives to temporarily leave their seats in parliament for a justifiable reason.



© Breda

Political plurality in the media of Barcelona Provincial Council

A political group submitted a complaint to the Catalan Ombudsman at the end of 2004 in which it denounced that Barcelona Provincial Council was restricting "political pluralism in its media". According to the complaint, the political groups of the opposition did not have a chance to express their opinions or news in either the magazine or the web page of the Provincial Council.

The Catalan Ombudsman has always advocated that the citizens' right to information shall be shaped as a right that is tied to political pluralism, a fundamental value in a democratic society, and therefore that the municipally-owned media shall take into consideration the plurality of political options present in the city council. The Catalan Ombudsman applied the same reasoning to the case of the Provincial Council, bearing in mind, moreover, that the political representatives of this body are chosen by indirect suffrage (and not directly by the citizens' votes).

Specifically, the Catalan Ombudsman suggested to the Provincial Council that, "so

as to better assure political pluralism", it should design a space in the magazine DB and on its website in which the various political groups could express their opinions, in a manner that is in proportion to their representation. All the political groups of the Provincial Council reached an agreement in the plenary session held in the month of June 2005, so that there would be one representative from each party on the editorial board of the magazine DB. They also reached a consensus on the fact that the Publications Institute, in which all the political groups are represented, should carry out the functions of an editorial council in the Local Audiovisual Network (XAL), and that on the website a link should be established to the websites of all the political parties that form the plenary assembly.

Freedom, security and administration of justice

Urgent improvements to assure the swiftness of judicial actions

As a result of the actions carried out by the Institution, based both on complaints

received and actions promoted at its own initiative, the Catalan Ombudsman has observed in many cases an excessive delay in judicial actions. With a view to improving this situation, the Catalan Ombudsman considers it urgent to introduce the appropriate legal reforms and to endow the courts with the resources necessary to assure effectiveness and swiftness in the administration of justice.

The Catalan Ombudsman has also observed an insufficiency of information-processing equipment to assure that the persons involved in a judicial process or formality can follow up their case. In order to offset these technical shortcomings, the Institution recommends that the administration of justice should promote a more personalised and closer treatment so that the interested persons will be able to access the information that they request.

The Catalan Ombudsman requests the regulation of prostitution

The Catalan Ombudsman has received numerous complaints relating to the problems of prostitution in Barcelona, from both the sex workers themselves and from local residents affected by this activity.



© Jemp Lascabla-Avella

Prostitution is currently not regulated by law in Catalonia and although its practice is not an offence, the people who practice it are lacking in recognised rights. After studying and assessing these problems, the Catalan Ombudsman proposed to Barcelona City Council and to the departments of the Interior and of Health, that they should regulate prostitution.

The Catalan Ombudsman recommends the legal and normative regulation of sex work to preserve the rights of all, including both the persons who practice it and the local residents and merchants on the streets where prostitutes are found. It would be necessary to prepare a State law dealing with this situation in an integral comprehensive way, taking into consideration the opinion of the groups affected and taking advantage of the path opened by the Court of Justice of the European Communities which establishes, in a decision, criteria for the self-employed practice of prostitution.

The regulation would also have to involve a reform of the Penal Code, with respect to the offences relating to prostitution and corruption of minors, to the rights of workers, and to human trafficking. The modification of the labour laws is one of the Catalan Ombudsman's proposals as well.

INSTITUTIONAL PROFILE



© Sinar

The expansion of the Ombudsman Institution formed the focus of the lectures given at the international ombudsmen's meeting that the Catalan Ombudsman held in Barcelona in September 2005.

The Catalan Ombudsman brings together in Barcelona some of the foremost European ombudsmen

On 29 and 30 September, the 3rd Symposium in commemoration of the 20th anniversary of the Act on the Catalan Ombudsman brought together in Barcelona the leading ombudsmen of Europe to study the ombudsmen's working models from three perspectives: from the standpoint of their function; from their spheres of action and the relationship between the various instances (supranational, state-level, regional and local); and as seen from their tasks as promoters of the defence of rights.

Lectures were given by the ombudsman of Ireland, Emily O'Reilly; the deputy to the Defensor del Pueblo, María Luisa Cava de Llano; the ombudsman of Sweden, Mats Melin; the federal ombudsman of Belgium, Herman Wuyts, and the ombudsman of the Walloon region, Frédéric Bovesse; the ombudsman of the city of Amsterdam, Ulco van de Pol; the ombudsman of Austria, Peter Kostelka; the European ombudsman, Niki-foros Diamandouros; the ombudsman of

Greece, Yorgos Kaminis; the Médiateur de la République Française, Jean-Paul Delevoye, and the Commissioner for Human Rights of the Council of Europe, Alvaro Gil-Robles.

The conclusions drawn from the symposium include the resolution to promote cooperation and networking between the European ombudsman, the State ombudsmen and the regional ombudsmen with a view to defending the rights of persons.

Study visits to the ombudsmen of Austria and Sweden

In order to gain an acquaintance with the operation of other similar institutions and to exchange experiences, Rafael Ribó and other members of his team made two study visits to European ombudsman offices in the year 2005. These visits provide knowledge of new working methods, some of which may be applied afterwards to the Institution of the Catalan Ombudsman, while serving at the same time as a way of spreading knowledge about the Catalan Ombudsman and about the country that this Institution represents.

The Ombudsman of the town of Palamós signed the cooperation agreement of the local ombudsmen with the Catalan Ombudsman. The mayor of the town also attended the signature ceremony



A visit was made to the office of the federal ombudsman of Austria on 4 and 5 April. Diverse working sessions were held to study general aspects of the institutional systems in Austria and Catalonia, and to study the specific way in which the respective Institutions operate.

The visit to Sweden took place on 24 and 25 October. The Swedish ombudsman is the oldest ombudsman institution in the world. This was a very beneficial visit since it allowed a far-reaching knowledge to be obtained about working circuits, procedures and public disclosure.

Participation in meetings of international ombudsmen's associations

- The 10th Congress of the Ibero-American Federation of Ombudsmen (FIO) held from 14 to 17 November in Asunción (Paraguay). The congress was devoted to the protection of children and adolescents.
- 4th Congress and General Assembly of the Association of Ombudsmen and Médiateurs of the French-Speaking Countries (AOMF), from 28 to 30 November in Paris. The topics that were discussed were the alternative paths for the resolution of conflicts, the ethical challenges posed by social and moral scientific evolution, and globalisation.
- 9th annual meeting of the European Network of Ombudsmen for Children (ENOC) from 21 to 23 September in Warsaw. The topics discussed were the protection of the

rights of children in situations of family separation and the protection of the rights of unaccompanied and separated children.

More local ombudsmen sign the cooperation agreement with the Catalan Ombudsman

Over the course of 2005 and in the opening months of 2006, further local ombudsmen of Catalonia have signed a cooperation agreement with the Catalan Ombudsman, just as had been previously done by the majority of the local ombudsmen in a joint assembly held in December 2004 in Manlleu. Collaboration agreements with the Catalan Ombudsman have now been signed by the local ombudsmen of Palamós and of Sant Feliu de Guixols, in 2006 by the ombudsman of Gavà and the municipal ombudswoman of Ulldecona.

Thanks to this agreement, the persons who submit to the Catalan Ombudsman a complaint relating to a local administration that has its own ombudsman are informed of the possibility of submitting it to the local ombudsman. Moreover, the local ombudsmen convey to the Catalan Ombudsman the complaints that have been submitted to them which relate to administrations other than the local one. The agreement and the existence of local ombudsmen have fostered the surfacing of irregularities and thanks to this cooperation both the local ombudsmen and the Catalan Ombudsman have registered an increase in the volume of complaints received.

Third edition of a course on the Catalan Ombudsman at the UAB

For the third time the Catalan Ombudsman has organised jointly with the Autonomous University of Barcelona (UAB) a one-credit free-choice course that seeks to make known the task carried out by the Catalan Ombudsman and to draw the Institution closer to the academic world with the aim of promoting the study and investigation of human rights within the university sphere.

The course began on 20 October and ended on 15 December, with over 30 registered students from diverse faculties of the Autonomous University.

Visits to social bodies and NGOs

The Catalan Ombudsman and his team have a special interest in achieving a close acquaintance with social bodies and NGOs that work in fields relating to social and economic rights. In 2005, Rafael Ribó, accompanied by other members of his team, visited organisations such as El Lloc de la Dona, Casal Marianao (in the town of Sant Boi de Llobregat), Acció Solidària Contra l'Atur, Casal d'Infants del Raval, Prisba, and Arrels Fundació. They also visited social bodies when the Catalan Ombudsman travelled away from his office to other localities in Catalonia.

Furthermore, the Catalan Ombudsman has a Social Council formed by persons who work in the sphere of social exclusion. This council meets regularly and gives the Institution a distinct direct view of social reality.

Outreach campaign and new website

In February 2006, the Catalan Ombudsman carried out an outreach campaign aimed at increasing the degree of acquaintance with the Institution and its mission of defending the rights of persons vis-à-vis the actions of the administration.

The public outreach activities are also aimed at giving people the closest possible image of the Institution and enabling access to it.

The campaign was based mainly on two media: radio and television. In the first phase, Televisió de Catalunya, Antena 3 in its territorial disconnection band, Catalunya Ràdio and Ràdio Tele-Taxi were the media chosen to disseminate the spots on the Catalan Ombudsman. These actions form part of the Catalan Ombudsman's new projection plan, which began to be unfolded with the Institution's change of corporate image in July 2005 and was strengthened with the creation of a new website and with new publications.

In the year 2006, the Catalan Ombudsman plans to carry out new outreach campaigns in the print media and to repeat the outreach spots in the audiovisual media. A new website also went into operation at the beginning of 2006. With a predominance of the Institution's new colour, orange, the website enables users to submit complaints and make queries online in an easy agile way. The new sections include "The Catalan Ombudsman in 1 Minute", which makes known the Institution by giving a quick and very graphic look at the Catalan Ombudsman and his task.

New sectorial web pages will be posted soon, such as that of the children's ombudsman, addressed especially to children and young people; the web page of the patients' ombudsman and that of the Catalan Ombudsman in the prisons.



INTERNATIONAL COOPERATION

The international cooperation task of the Catalan Ombudsman is focused mainly on legal cooperation projects with various Balkan countries. With his cooperation, which began in the year 1999, the Catalan Ombudsman is contributing to strengthening the rule of law in the countries of the former Yugoslavia. The Catalan Ombudsman's activities have been strengthened in support to the ombudsman institutions and other judicial bodies in Bosnia and Herzegovina, Serbia and Montenegro and, occasionally, in Macedonia and Kosovo.

Project of establishing free legal aid in Serbia

The purpose of this project, co-financed by the Spanish Agency for International Cooperation (AECI), is to turn judicial protection into a real and effective right for the most economically disadvantaged citizens, which will assure all people's access to justice under conditions of equality, regardless of whether or not they may have financial means.

This includes two lines of work: the progressive extension, in the territory, of a network of municipalities that will provide these services through the Bar Associations, on the one hand, and through the sensitisation of the Serbian authorities with respect to a future constitutional and legal recognition of this model of free legal aid, on the other.

The Catalan Ombudsman offers technical assistance and training, and finances the first twelve months of the Free Legal Advice and 100 files of the spell of court duty. The Serbian towns chosen for the establishment of the services are Sabac and Pancevo. The town councils and the Bar Associations of

these places have signed cooperation agreements with the Catalan Ombudsman in which they assure the continuity of the legal aid once the project comes to an end. Afterwards, the municipality of Zrenjanin joined this network and has financed this service from the outset.

The Nis Bar Association and Town Council also participate in the project, contributing the experience that they already have in these services, which were implemented in the town in 2003 in a pilot project carried out by the Catalan Ombudsman together with the Spanish Ombudsman and the Madrid Bar Association.

Promotion of the Ombudsman in Bosnia and Herzegovina

The specific goal of the programme, which is co-financed by the Catalan Agency for Development Cooperation (ACCD), is the creation of permanent institutionalised paths of communication between the various ombudsman institutions, the Public Prosecutor's Office and the Judiciary of Bosnia and Herzegovina and also between other institutions connected with the protection of abused minors. The aim is to reach this goal through two actions.

One is the preparation and follow-up of a cooperation agreement between the ombudsmen and the High Judicial and Persecutorial Council, in order to foster the discussion and performance of the ombudsmen's recommendations. The agreement was signed by the Bosnian institutions in Sarajevo on 29 November 2005.

The second action involves the preparation and performance of a follow-up of a basic protocol on abused minors, which will be signed by the ombudsman, the Public Prosecutor's Office, the Ministries of Justice, of the Interior, of Health and of Social Affairs, in order to coordinate the actions of all the institutions involved, so that only strictly necessary actions will be carried out, preventing the aggravation of the delicate emotional situation of minors and their victimisation.



© SINC

The Catalan Ombudsman has been the promoter of similar initiatives in Catalonia. In 2001, he signed an agreement with the General Council of the Judiciary, and since 1999 he has promoted the signing of protocols on abused minors, which are under review to improve and fortify them.

An institutional visit of a delegation of the Catalan Parliament and the Catalan Ombudsman to Bosnia and Herzegovina

From 25 to 30 November, a delegation of the Institution and the Parliament of Catalonia visited Bosnia and Herzegovina. The delegation was formed by the Catalan Ombudsman, Rafael Ribó; the director for Social Affairs and Relations with the Parliament, Maria Jesús Larios; the Head of Foreign Affairs and Cooperation, Judit Salas; and the five spokespersons of the parliamentary groups of the Catalan Ombudsman's commission, and the lawyer of the commission, Ismael Pitarch. Also accompanying the delegation were Arantxa Díaz, coordinator of cooperation projects, and Zeina Mogharbel, chief of the Mediterranean Area, Asia and Eastern Europe, of the Catalan Agency for Development Cooperation.

The purpose of the visit was to familiarise the members of the Catalan Parliament with the institutions with which the Catalan Ombudsman works in Bosnia and Herzegovina and with the cooperation projects that the Catalan Ombudsman is carrying out.

To this end, the Catalan delegation held meetings in the city of Mostar and in the capitals of the two entities of Bosnia and Herzegovina, Sarajevo (Federation of Bosnia and Herzegovina) and Banja Luka (Republika Srpska). Additionally, on 29 November the delegation took part in the official presentation of the signing of the cooperation agreements between the High Judicial and Prosecutorial Council, and the ombudsman institutions.

The Catalan Ombudsman has promoted the signing of cooperation agreements between the Judiciary, the Public Prosecutor's Office and the ombudsman of Bosnia and Herzegovina.

The fact that the programme of meetings highlighted both the standpoint of the various territories of Bosnia and Herzegovina and the foremost challenges that the country is now facing, as well as the attitude of the Bosnian authorities towards the ombudsman, enabled the goal of the trip to be reached.

Participation in activities organised by other institutions

- Seminar in Greece on the handling of environmental cases.

The seminar was organised by the Greek ombudsman and its goal was to strengthen the skills of the participants with respect to the processing of environmental complaints in a coordinated and unified way.

Participating in the seminar were members of the ombudsman offices of the Balkans. The only participants from outside the region were the Catalan Ombudsman and the Austrian ombudsman.

The adviser Silvia Vèrnia gave a presentation focussing on the resolution of complaints on water management matters.

- International conference in Serbia and the ombudsman in multicultural societies.

The ombudsman of Vojvodina invited a representative of the Catalan Ombudsman to this international conference, which also included the participation of representatives from Serbia, Montenegro, Hungary, Bulgaria, Macedonia, Romania, Bosnia and Herzegovina, Croatia, Kosovo, Albania, Greece, Sweden, Slovenia and Italy.

Maria Jesús Larios, the Catalan Ombudsman's director for Social Affairs and Relations with the Parliament, gave a lecture on the role of the ombudsman in the social integration of immigrants and explained the various actions that the Catalan Ombudsman has carried out in this sphere.

The town of Sabac is one of the Serbian localities where the Catalan Ombudsman has begun a cooperation project aimed at establishing free legal aid.



© SINC

SÍNDIC

EL DEFENSOR
DE LES
PERSONES

Síndic de Greuges de Catalunya
Josep Anselm Clavé, 31
08002 Barcelona
Tel 933 018 075 Fax 933 013 187
sindic@sindic.org
www.sindic.org

