



SÍNDIC ANNUAL REPORT 2004

SÍNDIC

EL DEFENSOR
DE LES
PERSONES

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The Report we are presenting is an attempt to make an assessment of our Institution's activities over the past year. In this case, before making a review of 2004, I would like to emphasise that this has been a year of transition, marked by a change at the Institution, as on 1 July I took up the post of Síndic. I did so recognising the task carried out by the Síndic Anton Cañellas over the past few years and hoping and desiring to work to achieve a greater public profile for what we do.

We have ended 2004 with a 14% increase in complaints and queries from all over Catalonia. We have had a great deal of work to do in dealing with and managing the queries and complaints that have been addressed to us. And I hope that in future this work will multiply, because what I want to do is to reach all corners of our territory and groups making up our society.

With this in mind, we have changed the corporate image of the Síndic to show ourselves as we are: close to the people, accessible and useful. Along the same lines, we have planned various actions such as, for example, greater presence in the communications media and an increased presence in social institutions, schools, immigrant community centres and prisons.

We want to get nearer to people, particularly by protecting the rights of the groups who most need protection, solving specific problems in a direct way that keeps us close to those we are dealing with. However, as well as looking out for the rights of people, we also want to carry out social education work so that everyone takes on our commitment to and responsibility for the society we all form part of.

We know our work is effective and we are also working to improve this effectiveness even more. To achieve this, we would like to be able to rely on all possible allies, both administrations and other organisations, companies and institutions, as we will need to work together with them now or in the future. This is because our main objective is for the Síndic to become, more than ever and with the help of everyone, the people's protector.

I am aware that it is my job to guarantee the right everyone has to good administration and that this means that I, and my team, must act both as supervisors of and collaborators with the Administration, so that together we can build a fairer country that shows increasing solidarity.

Rafael Ribó
Síndic

MAIN DATA OF THE YEAR 2004

The total number of actions recorded in 2004 was 5,276 – 14% more than the number received in 2003. There has been a considerable increase, as in previous years growth fluctuated between 2% and 4%.

Of these actions, 55% correspond to complaints, almost 1% to ex-officio actions and just over 44% to queries, either by telephone or in person.

The Síndic has gone out around his territory in order to get closer to people and to make it easier to access the Institution from any point in Catalonia. In 2004, the Síndic visited Sant Feliu de Llobregat, Sabadell and Sort, where he dealt with many complaints and queries.

The following pages show in detail the subject areas where there have been most actions, together with the geographical distribution of complaints and queries.

Administrations accept the Síndic's recommendations in 93% of cases

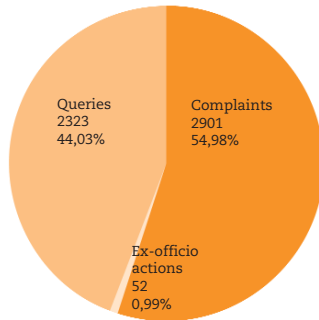
In actions where the Síndic has made a recommendation or suggestion, the Administration involved has accepted the resolution in 93% of cases. As can be seen in the last graph of page 5, in only 2.2% of cases to which the Administration responded did it not accept the recommendations made.

We should have into account we refer to the 27,3% of cases managed by the Síndic. Regarding the rest of the actions, either the Síndic considers there has not been any irregularity by the Administration or they are still waiting for a response. Also there are

some cases with a complete lack of response by the administrations.

To reduce the response time, the Síndic has taken various measures. So, the Síndic now repeats a request for information to the Administration involved only once after having initially asked for it. This repetition can be made in writing, by telephone, in person or by summoning representatives of the Administration to the Institution. We trust that, with this procedural change, the administrations will understand our concern for the importance of speeding up the response process.

Number and types of actions. Year 2004

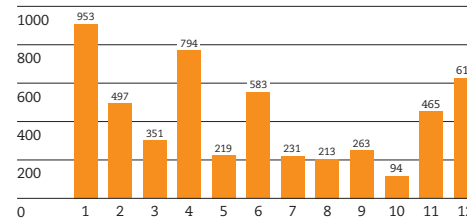


Complaints: actions filed through disagreement, discontent or dissatisfaction with the action or lack of action by the public administration.

Queries: actions filed to obtain information or guidance on a particular matter. If the case queried is suitable for a complaint, the person who has formulated it receives information about how to present the complaint; if it is not, the person will be given information on how to get information or resolve the matter.

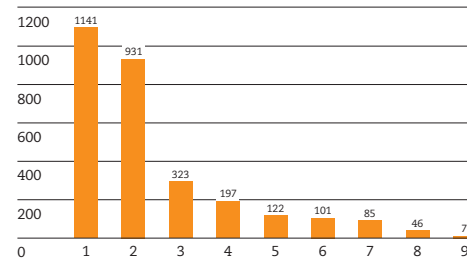
Ex-officio actions: investigations begun at the initiative of the Síndic when it is considered appropriate to open a case in order to protect the rights of people, either to control the actions of public administrations or to uphold public rights in relevant social circumstances.

Total actions by subject



- 1 General administration
- 2 Consumer
- 3 Immigration
- 4 Town planning
- 5 Health
- 6 Public safety and justice
- 7 Social services
- 8 Work and pensions
- 9 Taxation
- 10 Universities and culture
- 11 Childhood and education
- 12 Private

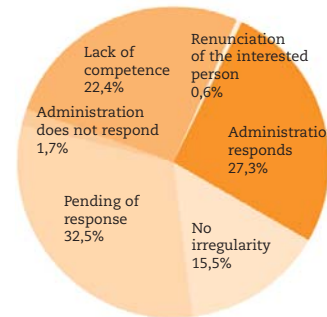
Actions by level of administration involved



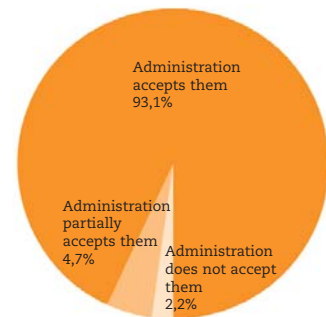
- 1 Local administration
- 2 Autonomous community administration
- 3 Peripheral State administration
- 4 State administration
- 5 Private
- 6 Judicial administration
- 7 Privatised public services
- 8 Professional associations universities and chambers
- 9 Other administrations

Private: matters which do not come within the Síndic's powers. In the case of queries, lack of competence is detected before cases are opened. In the case of complaints, if when the case is investigated in greater depth it is detected that they are beyond the Síndic's powers and involve private matters, they remain outside the Síndic's competence.

State of the Síndic's actions to 31-12-2004



Degree of acceptance of the Administration's responses



Rafael Ribó is chosen as Síndic

On 1 July, Rafael Ribó i Massó took up his post as Síndic in a ceremony held at the Catalan Parliament presided over by the speaker of the chamber, Ernest Benach. Ribó replaces Anton Cañellas i Balcells, who had led the Institution since 1993.

The new Síndic, who was born in Barcelona in 1945, is a graduate in economic sciences and in law from the University of Barcelona and a PhD in political, economic and business sciences from the same university.



© Jordi Cayamantegre

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Changes in internal organisation

A new organisational model has been implemented in the Institution during 2004 because of the increase in work and because of the new challenges set, such as the promotion of the work of the Síndic and the attempt to bring him closer to everyone living in Catalonia. With this in mind, the departmen-

tal co-ordinators have been established. These figures involve dividing the Institution's different areas of action into four big blocks, so that the co-ordinator is responsible for promoting and directing the tasks of each of these activities, both concerning matters directly related with processing of complaints and ex-officio cases and involving relations with the public and other institutions.

The co-ordinators' departments are the following:

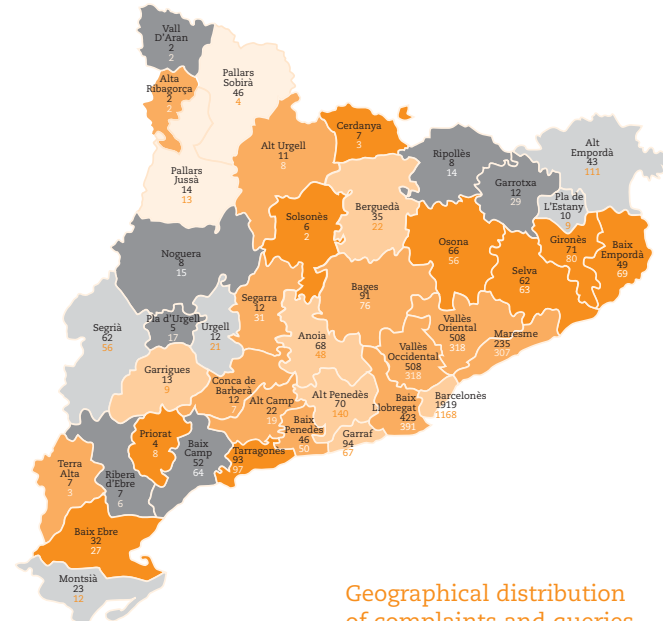
Social and institutional relations, including the regional planning (environment, town planning and housing), financial/taxation, universities and culture. This department also includes relations with social organisations, institutional relations and the service providing attention to people.

Public safety and prisons, which includes penitentiary institutions, public safety, administration of justice and religious affairs.

Studies and Parliamentary Relations, including general administration (administrative procedure, public functions, responsibility for heritage and participation in public affairs), relations with the Parliament and the co-ordination of studies and investigations.

Health and Social Affairs, including the areas of health, consumer affairs, social services, employment and pensions.

The communication department was also created in December 2004 to integrate the normal tasks of management of and relations with the communication media with other activities aimed at strengthening the positioning of the Institution. The priority aim of this measure is to consolidate the social recognition of the Institution and its functions, making it easier for everyone to access it, especially for those who need it because of their vulnerable position.



Geographical distribution of complaints and queries

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

Geographical origin of the promoters of actions recorded in 2003 and 2004

- One action:
- for every 1 to 1.000 inhabitants
- for every 1.001 to 1.500 inhabitants
- for every 1.501 to 2.000 inhabitants
- for every 2.001 to 2.500 inhabitants
- for every 2.501 to 3.000 inhabitants
- for every 3000 + inhabitants

Actions 2004 in black colour
Actions 2003 in white and orange colours

In absolute terms, the greatest number of actions originate from people living in the most populous counties: Barcelonès, Vallès Occidental and Baix Llobregat. But, if complaints are related to the number of inhabitants in each county, it can be seen that Pallars Sobirà and Pallars Jussà are the only counties where one complaint has been recorded for every 1,000 inhabitants. In Berguedà, Garrigues, Barcelonès, Alt Penedès, Garraf and Anoia, one complaint has been presented for every 1,000 to 1,500 inhabitants.

In 2004, the Síndic went to the counties of Baix Llobregat, Vallès Occidental and Pallars Sobirà to deal with the inhabitants' complaints at first hand. As normally happens in connection with these visits, the three counties have shown an increase in requests addressed to the Síndic this year, especially Pallars Sobirà, where the figure increased from 4 complaints and queries in 2003 to 46 in 2004.

The Síndic's trips out of the office

The idea of the Síndic's trips out of the office to different towns and villages in Catalonia is to bring the figure and functions of the Síndic physically closer to the people who want to raise an issue with him, and to spread knowledge of the Institution. It also allows him find out on the ground about the various situations, conflicts and deficits that both public administrations and citizens can suffer. The visit also makes use of the opportunity to settle with the public administrations involved matters raised by the public and awaiting resolution.

On these visits, the Síndic is accompanied by the assistant for the protection of children's rights, who visits schools and has interviews with teachers and pupils, as well as deals with queries raised by the public in the area of childhood and adolescence.

The Síndic's office began visits in November 1996, and since then 38 have been made. During 2004, visits were made to Sant Feliu de Llobregat, Sabadell and Sort. In 2005, up to the month of June, the Síndic's office has travelled to Manresa, Cornellà de Llobregat and Móra d'Ebre.

One of the Síndic's aims is to intensify the number of visits and make use of them to discover directly the real situations and problems in his territory. Although queries can be made by post, fax and e-mail, the physical presence of the Síndic encourages the public to raise the issues that concern them and considerably increases the number of complaints and queries in each county visited.

Anton Cañellas makes his last visit as Síndic to Sant Feliu de Llobregat

The Síndic Anton Cañellas and his team dealt with 11 visitors to the Sant Feliu Ateneu during Cañellas' last visit as Síndic, on 9 June 2004. He received a total of three complaints and two queries; in six cases he

gave guidance to members of the public so they could present their complaints. There were various subjects of complaints and queries: childhood, guarantees in administrative proceedings, town planning, the environment, taxation, housing, responsibility for heritage, mental disabilities and public functions.

During his stay, the Síndic was received at Sant Feliu Town Hall and at the Baix Llobregat County Council. The assistant for the protection of children's rights, Jordi Cots, visited the Nadal primary school and, together with the Síndic, had a meeting with the town's Childrens' Council.

Rubbish and medical waiting lists at the centre of complaints in Sabadell

The first visit by the new Síndic, Rafael Ribó, took place on 26 October 2004 in Sabadell. During the visit, the Síndic and his team dealt with 49 visitors to the Pere Quart community centre.

Problems concerning the municipal administration were involved in a considerable number of complaints. Various residents' associations and people presented complaints against the refuse collection charge.

Some complaints were also presented about medical waiting lists and others concerning the lack of fairness in the regional distribution of resources covering mental health. Immigration and environmental cases and the temporary employment situation of different groups of public employees also prompted complaints. The total number of complaints presented was 34. 10 members of the public were given guidance so they could later make a formal complaint; five visitors had only queries.

Accompanied by the assistant for the protection of children's rights, Jaume Funes, the Síndic went to Castellar del Vallès, and met education officers, teachers from the city's

two secondary schools and the City Council to deal with the problem of violence by young people. For his part, the assistant, Jaume Funes, also visited the Andreu Castells nursery school.

In Sort, complaints are made to the Síndic about the lack of communications in mountain areas

The visit to Sort, on 30 November 2004, was particularly useful to get to know and understand the problems specifically affecting the high mountain areas, especially in the county of Pallars Sobirà. So, the problems concerning communications, both by road and telephone, should be noted in addition to, unusually, difficulties in getting effective access to the new information technologies.

The difficulties suffered by members of the population without their own vehicle in getting to specialised medical care centres were also recorded, as well as conflicts related to town planning and the social debate on the ideal model for economic growth.

In total, 43 visitors were received at the County Historical Archive. Of the total number of visitors, 30 presented complaints, seven received guidance on doing so later, and six had queries. The assistant for the protection of children's rights, Jaume Funes, visited the Àngel Serafi Casanovas primary school, where he gave two talks to the pupils and, together with the Síndic, he visited the Hug Roger III secondary school, where he had contact with pupils, teachers and parents. As usual, the Síndic met the Mayor and members of the County Council.



© Eduard Albina, Dñat de Sabadell

GROUPS WITH A SPECIAL NEED FOR PROTECTION

The protection of social rights is the main concern of the Síndic, who keeps a particular watch on the protection of social rights which, because of the level of social consciousness they currently enjoy or because they affect marginalised groups, must be given the highest possible guarantees.

In this context, elderly people, gender equality, immigration, social exclusion and the prison system are the Síndic's priority areas of action. The Institution is trying to break the trend that shows the people who need the Síndic most are the least likely to go to him.

| Actions | complaints | ex-officio | queries | total |
|--------------------------------------|------------|------------|------------|------------|
| Elderly people | 44 | - | 30 | 74 |
| Phys. disability and mental handicap | 37 | - | 20 | 57 |
| Poverty and social services | 50 | 1 | 36 | 87 |
| Women and violent situations | 5 | 2 | 6 | 13 |
| Unprotected children | 103 | 6 | 47 | 156 |
| Immigration | 286 | 1 | 64 | 351 |
| Inmates at penitentiary centres | 86 | 15 | 5 | 106 |
| Total | 611 | 25 | 208 | 844 |

Actions in this area have made up 18.1% of the total number of actions managed by the Síndic in 2004

Elderly people

The problems often facing elderly people derive from the financial and social consequences of retirement, mental and physical deterioration and the increase in situations of loneliness.

Policies on old age have taken on greater importance because the number of retired

people is high and it will increase even further. Despite this, the complaints received by the Institution show that the services and resources offered to elderly people fall far short of the demand.

Home care needs more resources

The volume of complaints concerning home care services has been considerable in 2004. We consider that this service is a key element in ensuring that elderly people who need help can go on living at home for as long as possible. The Síndic believes efforts must be made directed at strengthening the resources in the home care service and, at the same time, making sure these resources can be allocated and managed quickly and flexibly, with co-ordination of all parties involved.

The Síndic prepares a report on abuse

It is often difficult to distinguish between correct actions, incorrect actions and abuse, as we are facing an issue of personal conscience and social values. Physical violence is easy to determine, but verbal violence, disrespectful attitudes and situations of abandonment or negligence can pass unnoticed in many cases, without forgetting the financial abuse elderly people are too often subjected to.

Abuse of elderly people should not only be seen as a problem to be solved and dealt with privately but it should also have a public dimension, with social and institutional involvement, as we are infringing the fundamental rights of the people affected. For this reason, the Síndic will issue a report on this situation, making it one of his priority responsibilities over the next two years.

Too often, we talk about a problem that is invisible but which exists. It is invisible because only a very small number of abuse cases come to light, while the vast majority are ignored by society, denied by those who

should make sure they are prevented, and subject to little public action.

Disabled people

The lack of residential places causes many difficulties for families

The lack of places available in residential centres for mentally handicapped people continues to be one of the reasons that most often brings citizens to our institution. From the complaints that reach the Síndic, we have seen that these circumstances leave those involved unprotected or that their families have to face situations of anguish and helplessness that are difficult to bear for long periods of time. This can make it almost impossible for people to live together.

The public social services system should be able to deal with all the most serious and urgent cases, above all in the case of disabled people with associated behavioural difficulties. An effort needs to be made to double the budget for this group, as the ratio of direct care staff must be increased at the centres looking after these people.

The Welfare and Family Department has publicly declared the aim of creating 300 new residential places for people with disabilities. We hope this provision will be complied with very soon.

The Síndic detects irregularities in the adapted transport service

In accordance with the Act for promoting accessibility and removing architectural barriers, by the end of 2006 all means of transport will have to be accessible. Despite this, during 2004, the Síndic has continued to receive complaints about accessibility on means of transport. That transport should be accessible is one of the factors determining the level of integration and social participation of people with disabilities.



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Concerning the problem of adapted transport, the Síndic has the perception, based on the complaints received on this issue, that not all the members of the public who need the service are currently receiving it and that, in some cases, those who receive it do not have continuity of the benefit guaranteed.

While we await the new legal framework which will definitively fix the standards and conditions for providing the adapted service, as we understand it, the co-operation and finance mechanisms for this service must be brought together to ensure that it reaches everyone who needs it.

New forms of poverty

In addition to traditional poverty, measured in financial terms and in lack of access to basic services, people also go to social services with new forms of impoverishment. These new forms of poverty particularly affect groups like the unemployed and single women looking after children who sum disadvantages for different sectors, such as marginalised children, persons abandoned in the third age, youth without expectations and ethnic minorities.

The new form of poverty, which causes exclusion, is the result of a chain which begins with the deprivation of rights and continues with lack of access to basic resources and lack of social recognition. The Síndic wants to place a special emphasis on equality of opportunity in the fields of education and health and work against vulnerability in the labour market, gender equality and situations of extreme financial dependency, understanding that these aspects are fundamental in the fight against social exclusion.

From the content of complaints, we have observed that there are people who go to social services asking for help, even though they do not suffer from destructured fami-

lies or social situations, because they have lost their job and cannot find another one. The financial problem of not finding work leads them to lose their home, or vice versa, and the most fragile sector of this group falls into marginalisation.

These situations arise within the context of a precarious job market, with difficulties in accessing housing and a benefit system that is not sufficient to allow those people affected to live decently.

We understand that an answer must be given to problems directly related to situations of extreme poverty to improve the quality of life of people in need. But the administrations must not restrict themselves to acting to solve this problem – which has already been well known for years – quickly. They must also carry out important prevention work to avoid situations of marginalisation. This prevention work should be as co-ordinated and wide-ranging as possible, as the majority of situations of poverty are the result of a variety of causes.

Women and violent situations

The specific characteristics involved in the serious problem of violence against women – as the initial concealment of the facts, on one hand, as well as judicial intervention from the time they come to light, among other reasons – describe cases that do not come to the Síndic on the initiative of the affected women. However, given the scale of the problem and the direct physical and mental effect it has on the rights of people, the Síndic has begun a series of ex-officio actions aimed at visiting reception centres for abused women run by the Administration. In this way, he is once again taking up an action carried out in 2002 to check whether they meet the needs of the victims and whether the failings the Síndic then warned of have been corrected.



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Unprotected children and adolescents

The practice of putting some children into institutions needs to be reviewed

In 2004, the Síndic has paid special attention to situations where children have been put into institutions and has dealt with cases in which it was clear that such situations needed to be reviewed. Other circumstances have also been detected demonstrating the lack of co-ordination between the social services child care and protection teams, above all in cases of support for families or the monitoring of young people who have left the centres.

The complaints have demonstrated, among other situations, the impossibility of offering resources and aid to prevent the separation of children from their families; the separation of brothers and sisters admitted to different centres; the unnecessarily long time children are kept in reception centres to study their situation, and alleged inappropriate treatment in certain residential centres.

The Síndic has begun an ex-officio action involving visiting the largest residential centres during 2005. These are the centres

which, because of their size, find it most difficult to care for children and adolescents in a personalised way.

The Síndic proposes a special plan to put an end to child begging

The Síndic has raised with the competent institutions the need to undertake a special plan to eradicate begging with children and concerning educational intervention. He has also recommended carrying out actions going beyond dissuasion, with which forms of intervention would be developed to combat this practice based on determined, preventive action by social services.

Monitoring and intervention in bullying at school

The institution has also received complaints from fathers and mothers, and in some cases from adolescents themselves, relating to situations of possible bullying at school by classmates.

The Síndic's action regarding this issue has focused in the first place on urging intervention by the educational administration to speed up changes and prevent unnecessary suffering. But he has also asked for a review in each case of whether the school was carrying out personalised education monitoring of the person affected, as well as the support measures put into practice and the actions of the Department of Education.

With the idea of getting to the bottom of this issue, some cases will be worked on in depth with the schools involved in 2005. In addition, an ex-officio action and a monographic study have been opened jointly with the Ararteko (Basque Ombudsman).

Ex-officio action on a case of youth violence in Castellar del Vallès

The Síndic has begun an ex-officio action as a result of a situation of bullying among adolescents which occurred in Castellar del Vallès, as the case showed elements of confrontation going beyond the school. Following the death in a motorbike accident near the school of an adolescent considered to belong to a particular type of youth group, and also an unfortunate comment by another adolescent, a series of threats and attempted confrontations were generated which required police intervention. Faced with the resulting situation, the adolescent under threat changed school and his family moved house.

The event happened in a context of systematic youth confrontation. With his intervention, which remains open, the Síndic wanted to find out how the municipal administration was directing the situation, how the institution involved had acted, and how the Catalan government departments affected by these events had become involved in planning for the future.

The Síndic values positively the all-encompassing and integrated responses by the town council and the town's two secondary schools in attempting to carry out educational monitoring of the adolescents involved in confrontation.



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Immigrants and the public administration

Dysfunctions in the management of cases involving immigration

The administrative management of the phenomenon of immigration is one of the areas with greatest need for improvement in the current administration of matters concerning foreigners. During 2004, over-long delays and procedural problems for presenting applications (having to wait as long as nine months for appointments, requirements to attend personally, etc.) largely explain the problems of the position of foreigners in this country and, above all, the insecurity and instability of their situation. This situation particularly affects the immigration office in Barcelona, shown by the absolutely unreasonable waiting times for simply presenting applications.

Proposals to improve immigration regulations

The institution considers that the regulations developed by the Immigration Act significantly improve the pre-existing regulatory situation, but some provisions promoting the Administration's capacity for action and the position of the immigrant before it have not been included.

In December 2004, the Síndic proposed a series of measures to improve the immigration regulations and the regularisation process that had been announced. Among the proposals, it was suggested that more time should be given for the process to facilitate the collection of reliable documents, and that the administration should be less rigid in establishing the registration certificate as the sole method of accrediting a stay in Spain.

Once the standardisation process began, the means of accrediting a stay were extended,

using "registration by omission". This measure has made it possible to increase the number of people included in the process. The fact that a regulation whose content has been widely debated should have to be changed before the process it regulates has finished is inappropriate and creates legal insecurity.

Concerning non-extraordinary normalisation, that is, settlement, the Síndic suggested more flexible requirements to encourage employment relationships using any means of proof, and even exempting the employer from penalties under certain conditions.

He also proposed reducing the requirements necessary for achieving settlement, eliminating the need to have family connections or expanding this concept to other family members. In this way, it could be considered that if a person has been here three years and has an employment contract, settlement has taken place.

In addition, the requirement for a one-year employment runs up against the fact that it is very unusual to issue initial contracts for a year, so it would be advisable to reduce this period to six months.

Faced with the continual improvisation and changes in the laws and regulations over the past few years, with the new immigration regulations and this extraordinary regularisation process, a clear immigration policy could have been begun, providing for both the rights of people fleeing poverty in their countries and the needs of the home employment market, as well as the joint responsibility of everyone for social problems.

Unfortunately, the chance to achieve this has been missed and, now the process has finished in 2005, the Síndic repeats that the basic problems are caused by the absence of an immigration policy and by the failure to

forecast the effects this regulation could have, which has caused a lack of legal security detrimental to squatters and immigrants.

Rights of inmates in penitentiary centres

The problem of prison overcrowding demonstrates the need to create new penitentiary centres in accordance with criteria more appropriate for the purpose of rehabilitation and the desire to make all of society jointly responsible. Along these lines, and while there is an increase in the prison population, it will be important to maintain security levels in penitentiary centres and to make sure prison professionals can preserve or improve their level of involvement with inmates.

As for the preparation of prisoners to return to freedom, we have asked the prison social services to monitor each person more accurately until they are actually released.

Visit to all the prisons in Catalonia

The Síndic, accompanied by other members of his team, visited all the penitentiary centres in Catalonia on his own initiative during the second half of 2004. In all the centres, he exchanged impressions with officials, workers, inmates and management. The Síndic is preparing a monographic report as a result of these visits.

Although the Catalan administration has made a considerable effort to keep the existing centres in good condition through renovation, maintenance and alteration work, this is not sufficient to resolve the situations of overcrowding, which threaten the constitutional objective of prison sentences, focused on rehabilitation.

One of the first conclusions drawn from the visits is the need to move closer to all these



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people in various ways, not just through visits but using multi-channel tools, such as a complaints box in prisons or e-mail, among others. The Síndic is preparing a publicity plan to bring the institution closer to prisoners and to make access to its services easier.

The Catalan government is the only autonomous community administration that has taken on the management of prisons. There are currently eleven centres, nine closed and two open-plan, as well as two hospitals for the physically and mentally ill.

SOCIAL AND ECONOMIC RIGHTS

The rights to education, medical care and housing are some of the fundamental rights included in our legal framework. Despite this, the fact that the problems in these areas represent the bulk of the Síndic's activities indicates that it is often difficult to guarantee recognised rights. This situation occurs both because of particular failings of administrations and because of other structural problems which the Síndic has been reporting on for years, such as health waiting lists and difficulties in accessing housing.

| Actions | complaints | ex-officio | queries | total |
|-------------------|--------------|------------|------------|--------------|
| Education | 261 | 2 | 46 | 309 |
| Health | 142 | 3 | 74 | 219 |
| Work and pensions | 101 | 1 | 111 | 213 |
| Housing | 84 | | 64 | 148 |
| Environment | 223 | 1 | 89 | 313 |
| Town planning | 253 | 1 | 79 | 333 |
| Total | 1.064 | 8 | 463 | 1.535 |

Actions in this area have made up 32.9% of the total number of actions managed by the Síndic in 2004

Education

The number of complaints because of the lack of nurseries grows

We have detected an increase in complaints and queries related to the education of children aged under three. The bulk of these complaints must be placed within the problems deriving from the absence of places

and the fragility still affecting the curriculum for this educational stage. In this area, we believe the priority is the need to find solutions to new family situations, and especially the fact that both parents are working outside the home, as well as the fact that the number of single-parent families is increasing.

We have recommended to the Department of Education that it should meet its commitment to establish a regulation guaranteeing the educational nature of nurseries, the urgency of extending educational inspection and the need to ensure that everything involved in the establishment of a new nursery is accompanied by a coherent teaching plan.

To continue studying this problem, in 2005 the Síndic has undertaken an ex-officio action covering nurseries and other educational and family support resources.

The new model of nurseries in Barcelona

During 2004, the Síndic made a series of recommendations and considerations to Barcelona City Council about the new model of nurseries being established. The Síndic's recommendations were made after he received more than 150 complaints from members of the nursery education community against the new model. To find out about the situation, as well as asking the City Council for information, the Síndic met the municipal heads of education and visited various nurseries.

One of the suggestions addressed to the City Council proposed a rigorous, objective assessment of the effects of the new model before it became generalised. The distribution of educators throughout the day was also recommended, in accordance with the children's needs, along with ensuring a minimum level of stability for professionals contracted via outside companies.

Irregularities in the pupil enrolment process

Complaints received have led the Síndic to analyse the enrolment and admission process for pupils at schools for another year. This time, he has centred his study on allegedly false registrations, where the address the future pupil is supposed to live at does not exist, carried out with the intention of gaining access to a particular school.

In some cases, the Síndic's intervention has given rise to an investigation of the facts, with attention paid to the rights of the family disadvantaged by this. Generally, we have recommended improvements to the regulation of the enrolment process, and also better co-ordination between the administrations involved in order to prevent these practices.

Health

We act to guarantee the universal right to health care

The Síndic has opened an ex-officio action to formally propose making public health care universal and free, as there is a segment of the population that cannot access it. These are people who are not registered with social security and who have annually calculated financial resources above the minimum professional salary, so they are not considered poor. It must be remembered that health spending is currently financed through general taxation and, therefore, health contributions are not linked to social security registration or contributions.

Waiting lists and reimbursement of medical expenses

The long waiting lists, both for operations and for external visits to specialists or diagnostic tests, make it difficult for members of the public to access health care when they



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consider it necessary. This means many people pay for operations in private clinics and then unsuccessfully attempt to have the costs this has caused them reimbursed.

The Síndic considers that the choice made by members of the public to go to private centres when they are suffering from a serious or urgent problem is a symptom of the problem of long waiting lists and that the public authorities must find mechanisms to resolve this situation, instead of using it as a mechanism for containing public expenditure.

We call for new drug addict treatment centres

The situation in which people suffering from drug dependency and their neighbours have to live together has, in certain cases, led to public safety problems, a fact making the compatibility of care facilities and resources for patients difficult. Coinciding with the dismantling of the services offered to drug users in the Can Tunis district of Barcelona, the Síndic has asked the Administration to create new centres for attending to the needs of drug addicts as patients and to expand the possibilities for treating them.

At the same time, we have begun a task to educate the public in order to get everyone to see the need from this social service and to take joint public responsibility in accepting its physical location, properly distributed throughout the territory.

Hepatitis C infection at the Hospital del Mar in Barcelona

Following the publication of various news items in the Press at the beginning of October 2004 about the possible infection with hepatitis C of 18 patients cared for at the Hospital del Mar in Barcelona, an ex-officio action was begun to monitor administrative activity and check whether citizens' rights had been preserved.



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The Síndic reminded the Department of Health that, although the hospital management had begun the proper investigations about the origin of the infection and that it had been declared to the Public Health Agency, the Department itself should investigate and analyse what happened in case it was the result of an irregularity in the organisation and action of those managing the centre. If this was the case, it should have begun the corresponding disciplinary and, if appropriate, penal action.

Now, in 2005, the Department of Health has informed the Síndic that it has accepted all the proposed actions.

Employment rights and social security benefits

Low widows' benefits

The position of widows with insufficient pensions has been reported by the Síndic several times, above all because of the low level of pensions received by people who contributed to old-age and invalidity insurance (SOVI), aggravated by the legal incompatibility with any other pension in the social security system.

Finally, the Spanish Government has announced the compatibility of SOVI pensions with other pensions, such as those for widows.

Precarious employment mainly affects young people and women

Excessive use of temporary contracts, the lack of use of part-time contracts and the difficulty of reconciling family and working life are factors that do not help reduce the unemployment rate or to make it possible, above all for women, to make work compatible with maternity. The level of temporary work continues to be very high and above

the European average, largely affecting women and young people.

In this context, we can detect a failure to comply with the rights of those affected to stable employment.

The challenge of protecting domestic work

The protection of people who do self-employed domestic work – part-time or exclusively – continues to be a challenge for the public authorities. Everything points to the fact that compulsory insurance cannot be taken out by a large part of the group affected. If, on the other hand, affiliation is established on a voluntary basis, this would basically provide protection for the people with greatest financial resources and, consequently, less need for protection.

The right to housing

Lack of publicly developed housing

The number of publicly developed homes available is low and insufficient. Although the lack of public housing affects a broad sector of the population lacking financial resources to buy a home on the free market, this problem is hardest on particular social groups, such as young people, elderly people and people at risk of social exclusion. The complaints received from elderly people are particularly worrying and demonstrate the shortage of homes with services for this group. In Barcelona alone, the waiting list to receive a home with services stands at 984 people.

Difficulties in obtaining aid for purchases

There are increasing numbers of people who have difficulties in obtaining aid to buy a home. This situation is due above all to the



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Complaints about the noise of air conditioning at a shopping centre

In October 2004, the neighbours of the Glòries shopping centre in Barcelona presented a complaint to the Síndic about the noise caused at night by the air conditioning and cooling equipment installed on the roof of the shopping centre.

The Síndic ordered Barcelona City Council to seal off the shopping centre's air conditioning equipment if the works to reduce the noise pollution it was causing had not been finished before 31 March 2005.

At another meeting with the chief officers responsible for the district of Sant Martí, the Síndic's representatives recommended that the City Council should comply with its own resolution and seal off the air conditioning equipment on 31 March 2005 if acoustic screens had not first been installed to reduce the noise and the machines causing it had not been changed.

The shopping centre has begun to apply the corrective measures asked for by the City Council, but part of the screening of the installation still remains to be done. The Síndic is following up this action during 2005.

New bill on odour pollution and stench

A complaint presented by a group of residents of Banyoles about the bad smell caused by the activity of a factory led the Síndic to study smells originating from industrial activities which, when they come to be considered a nuisance or unbearable, can affect health or the right to intimacy and a decent quality of life.

After analysing the regulatory framework, the Síndic asked the Catalan Environment and Housing Minister about the Departments plans to draw up a proposal for regulations on this matter and about its content.

big difference between housing market prices and the prices officially fixed by the government. In addition, looking to the immediate future, it seems that, rather than improving, the situation is getting worse, as market prices are rising faster than the maximum sale prices for the purposes of Administration aid can be fixed.

Property harassment of old people

As can be seen in the actions carried out in 2004, the Administration needs to intervene in cases of property harassment, especially of old people who suffer from a serious lack of protection and who have to stand strong psychological pressure because of this harassment. Although the Administration may end up intervening, the time it takes to do so means that the rights of those affected are still infringed.

Relationship with the environment

Control of noise pollution in a noisy society

The majority of complaints we receive about noise pollution are due to disturbances within the home. The home is the essential intimate space for people and when this intimacy is attacked, the fundamental right to enjoy a decent quality of life is trampled on.

Concerning regulations applicable for fighting noise pollution in the private area of homes, these can basically be grouped into two large blocks. The first affects the characteristics and conditions of the source, such as machinery and, in general, all the material elements required to carry on industrial or commercial activity, which must be submitted to certain corrective measures. The other block is made up of legal regulations and actions referring to protection and the constructional features of the home.

The Department of Environment studied the regulatory frameworks of certain countries in order to consider their possible application to Catalonia. Later, a Parliamentary resolution of 13 October 2004 urged the Government to present a bill on odour pollution. The outline of this bill has been presented in 2005.

Concerning the Banyoles issue, the Síndic also visited the town council in 2004.

Complaints about barking dogs

Some members of the public complain about the administration's failure to act when faced with the nuisance caused by barking dogs, both in their owners' homes and in pounds.

Although there is a mixture of regulations making it difficult to intervene effectively when faced by this kind of nuisance, an appeal must also be made to the civilised behaviour of animal owners, who, as well as having some rights, also, like everyone, must comply with their social duties.

Town planning

Complaints about delays by local councils in town planning matters

The intervention of local councils in the building activities of individuals continues to generate a considerable number of complaints. Delays in processing complaints, the lack of information to complainants about municipal action, the shelving of town planning disciplinary procedures and failure to enforce municipal resolutions concerning town planning are the most common reasons for complaint.

These delays are worrying because the law provides that, when faced with works not matching the planning permission and which have not been legally approved, a



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local council with the proper powers can suspend them, but if the Administration acts too slowly this measure is not complied with, and the work ends up being established illicitly. It is therefore important that local councils take a proactive attitude and carry out preventive tasks in this area. It is also important to bear in mind the issue of sound insulation when it comes to making regulations and monitoring the building of homes.

OTHER CONSTITUTIONAL AND STATUTORY RIGHTS

As well as concerning himself with social and economic rights, and also with sectors of the population with particular needs for protection, during 2004 the Síndic has dealt with many matters referring to other important rights.

Of these, the most significant include good administration for all people living in Catalonia. In 2004, the Síndic has worked to achieve an overall improvement in the action and operation of the administrations, with particular attention to the most often recurring or serious administrative defects and keeping a particular watch over people's rights.

Work in the area of security and the administration of justice – important because it reflects the dispersal of competences between the Spanish administration and the Catalan government; the matters dealt in guaranteeing linguistic rights, and those referring to the right to proper participation ensuring compliance with democratic rules should also be highlighted.

| Actions | complaints | ex-officio | queries | total |
|-------------------------------------|--------------|------------|--------------|--------------|
| Linguistic rights | 38 | 1 | 7 | 46 |
| Universities and culture | 31 | - | 17 | 48 |
| Rights to participate | 33 | - | 4 | 37 |
| Consumers' rights | 180 | 4 | 313 | 497 |
| Responsability for heritage | 31 | - | 29 | 60 |
| Public safety and admin. of justice | 152 | 11 | 314 | 477 |
| Right to good administration | 238 | 26 | 319 | 583 |
| Administrative contracting | 376 | - | 208 | 584 |
| Charges | 32 | - | 54 | 86 |
| Taxation | 143 | - | 120 | 263 |
| Public functions | 143 | 3 | 40 | 186 |
| Total | 1.159 | 19 | 1.106 | 2.284 |

Actions in this area have made up exactly 50% of the total number of actions managed by the Síndic in 2004



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Linguistic rights

Concerning the right of citizens of Catalonia to use their own language in all areas, we would like to highlight the Síndic's actions faced with failures to comply with current regulations concerning linguistic normalisation. These actions have largely been carried out concerning the use of Catalan in the institutional sphere, basically legal (civil registries and courts) and in the peripheral administration of the Spanish State (State Tax Administration Agency, Administrative and Financial Court, and Telecommunications Inspection Office), although also in the socio-economic area of activity.

Some complaints have also been received concerning the lack of use of Spanish by the Catalan administrations, which have been followed up with the relevant recommendations if any linguistic right has been infringed.

The Síndic demands a law authorising the use of Catalan in registries

During 2004, we have dealt with two complaints concerning the impediments facing justices of the peace from Arbúcies and Anglès when it comes to making entries in Catalan in the civil registries, as the Judge at Santa Coloma de Farners, instructed them to make all of them in Spanish.

An Act from 1957 which has not been repealed provides that Spanish is the only language that can be used for entries in civil registries. This rule goes directly against the rights recognised in the Statute of Autonomy and the Linguistic Policy Act which recognise the full validity and effectiveness of registry entries made in Catalan.

Because of this, the Síndic went to the Spanish Prime Minister's department to ask it to promote a legal reform of the Spanish regulations, which has been carried out at the end of June 2005. Along the same lines, in October 2004, the Spanish Ministry of Justice

and Catalan Department of Justice signed a protocol recognising, for the first time in this sphere, the multilingual reality of the Spanish state, with full respect for the competences of autonomous communities which, like Catalonia, have their own official language.

In addition, the process of amending the 1957 Act and its regulations has been carried out and the Directorate General of Registries and Notaries Public will allow entries to be made and registry certificates issued both in Catalan and Spanish.

Rights to participate

As in recent years, in 2004 the Síndic has received various complaints from people elected to posts who come across impediments in their task of monitoring municipal management. In these cases, the Síndic has reminded the parties in conflict about the legal framework governing the local councillors' right of access to information. Concerning rights to participation, complaints also continued to be received concerning the difficulty opposition groups have in accessing municipally-owned communication media.

The Síndic demands a national compact to ensure the right to information and political pluralism

A complaint from professional committees and the works councils at seven public communications media in Catalonia led the Síndic to present a study and make a series of considerations at the beginning of 2005 concerning the way electoral information is given in blocks, and the imposition of a communications feed by political parties at electoral meetings.

Workers for the communications media are complaining about the rigidity of having to give electoral information in certain blocks of time depending on the electoral results at

the previous elections. This makes their task difficult and affects pluralism in news reporting.

On this issue, as he has already made public, the Síndic considers that, although ensuring pluralism in news slots is a form of turning a basic element of democracy into reality, care must be taken so that restrictions infringe the public media professionals' right to information as little as possible.

On the imposition of a communications feed by parties or organisations, the Síndic considers that, except in extreme cases, the professionals themselves should capture the video and audio signal that would later be edited to make up the information for broadcast.

To redress this problem and define the criteria properly, the Síndic has asked for a national pact ensuring both the right to information and truthful communication during electoral periods and possible restrictions protected by law. This compact would contribute to professionalising this information, preventing various corporate actions, and it could guarantee the political pluralism of this country, putting forward criteria for a future electoral law in Catalonia.

Consumers' rights

Many complaints continue to arise in consumer affairs because of problems related to telecommunication services, ranging from the difficulty members of the public have in formulating complaints to telephone service operators or in cancelling a service, to the delay in repairing breakdowns or problems in accessing services in places far from urban centres.

Electrical problems caused at times of high consumption have led us to begin an ex-officio action to assess the Catalan government's management concerning compliance with

the quality obligations imposed on the distributor companies.

Our Institution must be able to ensure protection of people's rights, whoever is providing public services, in the general interest. For this reason, the Síndic has asked for an extension of his powers so that he can also supervise companies supplying public services of general interest.

Telephone's service 010 and 012: cheaper after the Síndic's action

Following the Síndic's recommendations, Barcelona City Council and the Catalan government have improved their telephone information services, 010 and 012 respectively. The Síndic's indications referred, among other things, to the price of calls, which had an additional rate (0.55 euros for three minutes plus VAT) and the possibility that members of the public could carry out some procedures and actions on free lines at the normal rate.

In this respect, the Catalan government has informed the Síndic that, during 2005, the telephone service for attention to the public will have a service for carrying out procedures open 24 hours a day, every day, without additional charges, as the Síndic recommended. It also plans that a new telephone tender process could reduce the price of the



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service – as the Síndic had also recommended – which will continue to be paid-for for other requests. The Government has also announced that it has stopped diverting calls using 012 to other Catalan government bodies in order to avoid the extra cost of the call, and that now operators on 012 are telling members of the public directly where they have to phone.

As for Barcelona City Council, a free telephone line for attention to the public has been set up using which notification, information on incidents, and suggestions about the city and the services provided by the City Council, such as street cleaning, can be given.

Freedom, security and the administration of justice

There are needs to be greater awareness among the public and co-operation between local councils, in the location of prisons and centres for juveniles

Although the building of a penitentiary centre causes an impact on the environment and there is a certain fear of greater insecurity, the Síndic notes that there is currently a lack of public awareness in this area, which is translated into the rejection of anything that causes nuisance and inconvenience.

We want to carry out and maintain educational work explaining that these facilities are necessary as an integral part of our society, and that the purpose of the penitentiary services is merely to provide elements and tools for getting people who are in prison back into society. To achieve this objective and put an end to the current situation of overcrowding, the Síndic proposes building more centres spread across the territory but smaller in size, combining good management and

good use of staff, but without losing sight of the aim of rehabilitation.

Recently, the Síndic has detected various types of resistance and difficulties in reopening or establishing residential educational action centres (CRAES) in some municipalities, among other reasons because of a lack of co-operation or even impediments from local councils.

It must be remembered that the children living in a residential centre are also residents of the municipality where the centre is, and that professionals in the sector have always supported the decentralisation of these facilities. Although these centres belong to the Catalan government, care of children is a power shared with the local councils, which also ought to involve their professionals in this field, get to know how these centres work and, if possible, collaborate with them.

Faced with these difficulties when it comes to seeking sites for prisons, centres for juveniles and other facilities, the Síndic is proposing a national pact between all political and social forces to decide where to establish these facilities. In the pact the Síndic is proposing, everyone would have to assume their share of joint responsibility.

Precarious conditions for people going into the Verneda Centre

The Síndic visited the La Verneda Centre for the Internment of Foreigners in order to follow up a complaint received about the treatment given to the inmates and the alleged precarious and unhealthy conditions characterising the centre.

The first conclusion from the visit is that it would be a good idea to replace this centre with some larger, more modern facilities. Until that is possible, the Síndic is proposing a set of recommendations to the Spanish



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Government Office in Catalonia for improving various aspects of it, such as the state of hygiene of the cells and the comfort of the mattresses. He is also proposing that inmates should be able to enjoy some occupational activities and that, when going into the centre, they should be provided with a basic hygiene kit.

Judicial slowness continues to lead to complaints from the public

Delays and slowness in processing judicial matters continue to generate a large number of complaints.

The Síndic's conclusion in this respect is that, despite the fact that the judicial administration is providing an essential service to society, the resources it is provided with are far below its current needs. Among the factors affecting judicial slowness, we find court offices with insufficient resources and inadequate spaces and with greater workloads than they can cope with; a territorial distribution of jurisdictional bodies that does not always meet the needs of the population they have to deal with; inadequate numbers of judicial and non-judicial staff; difficulties in filling vacancies, and an excessively bureaucratic operational system.

One factor that also makes it difficult for the administration of justice to work properly in Catalonia is the dispersal of powers between the Spanish State and Catalan Government administrations. In the current situation, although the Catalan Government has had powers over the maternal resources and staff of court offices transferred to it, it has very little say in the territorial boundaries affecting jurisdictional bodies in Catalonia or the management of non-judicial staff.

The right to good administration

The use of new technologies must be encouraged in administrative activity

This year we have paid specific attention to the issue concerning the encouragement of new technologies in administrative activity. Specifically, we have suggested the notification of administrative actions by telematic means, which could improve the provision of public services without, however, involving a reduction in guarantees for processes or additional financial costs to the public. This system could be suitable, for example, for reducing very frequent problems in the practice of giving notice of traffic fines.

We must note that some members of the public who want to receive notifications of administrative actions affecting them telematically cannot have this desire satisfied because neither the technical nor legal resources to do it are available.

Excessive regulation and bad management in charging for urban solid waste

During 2004, there have been discrepancies concerning the establishment or amendment, municipal by-laws concerning the charges or public prices for the collection of solid wastes in many of the municipalities making up the Barcelona metropolitan area.

The Metropolitan Water Services and Waste Treatment Organisation has the power to manage solid waste from these municipalities. This organisation approved two charges: one for waste generated in private homes and another for waste generated in other spaces. In addition, a considerable number of local councils approved financial by-laws adapting or regulating the old refuse collection charge, which is now called the "charge for collection of solid urban waste".

The members of the public who have complained to the Síndic about this tax mention the little information provided by the administrations when they approved it and the disparity of criteria adopted by the municipal administrations to quantify the rate of the charge. According to those affected, this is translated into the fact that the sums to be paid for the provision of similar services are substantially different depending on where a person lives.

Although he is waiting to receive more information from the local councils so he can give a judgment, the Síndic considers that the administrations involved in the collection and treatment of this waste should co-ordinate their competences and review the regulations they have approved. According to the Síndic, the first conclusion that can be drawn is that excessive regulation – especially considering the way in which it has been applied – has led to public perplexity and justified ignorance, and that people feel "mistreated" by the different administrations, which have not made as good a use of their powers as should be expected.



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Public functions

The Síndic notes the lack of a clear and effective regulations covering harassment at work

Over the last few years the number of complaints by public employees about situations of mobbing. Despite the fact that several judgments have been handed down recently, the Síndic considers that there are no clear and effective regulations, in spite of the recommendations made by the Institution to the public authorities for them to adopt legal and regulatory measures, both to regulate the protection of workers and to avoid and prevent bullying.

The deficit concerning resources for clearly demonstrating bullying has also been noted and, for this reason, the Síndic is proposing that a study should be begun to find out about current powers and resources and, in this way, to be able to suggest specific measures, such as the creation of a protocol for applying the current regulations most effectively and, if necessary, bringing forward some amendments to the regulations to deal with these conflicts.

INSTITUTIONAL PROFILE

Conference commemorating the 20th anniversary of the Síndic de Greuges Act

On 13 December 2004, a ceremony was held at the Catalan Parliament to commemorate the 20th anniversary of Act 14/1984, 20 March, regulating the operation of the Síndic.

The ceremony, which was the first in a series of three conferences, consisted of a speech by the former Prime Minister of Catalonia, Jordi Pujol, who spoke about the "Síndic and the protection of rights in the Catalan self-government". Pujol assessed the effect of the Síndic on the protection of rights in Catalonia and the exercise of self-government in the 20 years the Síndic Act has been in force. During the event, homage was also paid to previous holders of the post, Frederic Rahola and Anton Cañellas, in recognition of their work.

Autonomous Community Ombudsmen debate their powers over the regulation of some public services, such as telephony

The second conference, on 7 and 8 June 2005 at the Catalan Parliament, was focused on the new social challenges and possible ways in which Ombudsmen can intervene. With the participation of the ombudsmen from Spanish autonomous communities and experts in various fields, the conference was a setting for debating the problems of immigration, the aging of the population and the new forms of poverty.

On the second day of this conference, solutions were also sought to new and worrying situations, such as noise pollution and the regulation of public services (telephony, electricity, transport, etc.).

The third conference, also in Barcelona, in September 2005, will be an international one



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and will deal with the expansion of ombudsman institutions and the different models for action in Europe.

The Ombudsmen from Ireland, Sweden, Austria, France, Greece, Spain, Belgium (both the Flemish Ombudsman at federal level and the Walloon Ombudsman at regional level) and Amsterdam will take part, together with the European Ombudsman, the autonomous community ombudsmen and the Síndic, Rafael Ribó.

First Round Table of European regional Ombudsmen

On 2 and 3 July 2004, the first Round Table of Regional European Ombudsmen, organised by the Commissioner for Human Rights and the Congress of Local and Regional Authorities of the Council of Europe, together with the Síndic, took place in Barcelona.

This was the first time the Council of Europe organised a meeting of regional ombudsmen from Europe. The aim was to boost the regional ombudsman institutions which,

The former President of Generalitat, Jordi Pujol, assessed the repercussion of the Síndic in the protection of rights in Catalonia during the last 20 years

Local ombudsmen and the Síndic signed an agreement in Manlleu in order to create a common network to guarantee a better service to people

because of their closeness to the public, are an important tool for protecting human rights. The Round Table was also intended to create synergies in a network of collaboration supporting the various ombudsman functions. The meeting, which was held on the site of the Universal Forum of Cultures, brought together representatives of the regional Ombudsman's offices from all over Europe (Spain, Belgium, Bosnia-Herzegovina, Serbia and Montenegro, Switzerland, Italy, the United Kingdom, Russia, Austria and Germany). The European ombudsmen dealt with matters of interest broken down into three blocks: the tasks and resources of regional ombudsmen, the right to housing and the protection of the right to a clean, safe environment.

Co-operation agreement with local Ombudsmen

On 20 December 2004, in Manlleu the Síndic signed a co-operation agreement with Catalan local ombudsmen in order to guarantee a better service to people going to any of these institutions. The agreement was signed with most of the municipalities in Catalonia that have such a figure: Am-



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posta, Argentona, Badalona, Cambrils, Figueres, Girona, Granollers, Igualada, l'Esca-la, Lleida, Manlleu, Mataró, Mollet, Reus, Ripoll, Rubí, Sant Boi de Llobregat, Santa Coloma de Gramenet, Terrassa, Vilafranca del Penedès, Vilanova del Vallès and Vilanova i la Geltrú.

Thanks to this agreement, people presenting a complaint to the Síndic concerning a local administration that has its own ombudsman will be informed of the possibility of presenting it to the local Síndic.

In addition, local ombudsmen will send the Síndic complaints presented to them referring to administrations other than their own local one. In these cases, the local ombudsmen can include their own report to help with processing the complaint.

Conference with the Basque Ararteko

On 14 and 15 December, a delegation from the Síndic's office, led by the Síndic himself, Rafael Ribó, went to Vitoria to take part in a conference with the *Ararteko* (Basque Ombudsman).

The purpose of the conference was to encourage the exchange of experiences and knowledge between members of both institutions and to begin lines of co-operation on projects of common interest. The schedule for the conference included six workshops covering general administration, social services, education, housing, the environment, consumer affairs, public safety, data protection, relations with the public, public profile, the internal organisation of the institution and relations with the Parliament.

In addition, the Síndic, accompanied by the *Ararteko*, made an official visit to the Basque Parliament, received by its then speaker Juan María Atutxa, and also had an offi-

cial meeting with the Basque Prime Minister, Juan José Ibarretxe.

Course on the Síndic de Greuges at the UAB

During 2004, the second university course on "The Síndic de Greuges" was held at the Autonomous University of Barcelona. The positive reception for the first course in 2003 meant that the second was open to all students at the University and not only those from the Law Faculty, who had done the first course.

This year, it was once again a free-choice credit, arranged in 16 sessions. The lecturers included various professionals, lecturers from the Autonomous University, and staff from the Síndic's team. The different and complementary view these people can give, based on their knowledge, means students can be provided with a theoretical and a practical view of the subjects explained.

Consultative and advisory bodies

During 2004, the Síndic has created two consultative bodies in order to improve the Institution's work.

Social Council: body for consultation and proposals

Made up of people working in the area of social exclusion, the Social Council is a body for consultation and proposals created in order to have direct contact with the real social situation based on the perception of people with direct, proven experience of this problem.

Among its functions, we would like to highlight that of giving opinions on the Síndic's patterns of behaviour concerning the pro-

tection of individual and group rights. It also makes recommendations about preventive policies, gives basic criteria for new proposed regulations and suggests the correction of certain administrative practices.

The Social Council is made up of Josep M.ª Bastús, Joan Batlle, Salvador Busquets, Anna Gudiol, Teresa Losada, Carme Manich, Narcís Martí, Pepe Menéndez, Pilar Mercadé, Ismael Palacín, Benjamí Pamplona, Ignasi Parodi, Lourdes Perramon, Mercè Porrera, Eduard Sala and Marta Torras. The Barcelona Ombudswoman, Pilar Malla, is also invited to all its meetings.

Council of Experts: advisory committee

This committee has been created in order to have direct contact with experts with knowledge of particular areas of the social situation and operation of the public administration.

The Council of Experts advises the Síndic on general directives to improve administrative action, prepares reports and studies concerning the Institution's powers, gives guidance and advice on the drawing up of the annual report and draws up improvement proposals to provide the Síndic with a better knowledge of society.

The Council of Experts is made up of Xavier Bonal, Carme Borrell, Joaquim Casal, Jaume Curbet, Mercedes García Arán, Joaquim Giol, Carles Ramió, Aleix Ripoll, Jordi Sánchez and Joan Subirats.

The Síndic and the Ararteko, on the image together with the Basque Lehendakari, Juan José Ibarretxe, began lines of cooperation on projects of common interest



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INTERNATIONAL CO-OPERATION ACTIVITIES

Co-operation in the Balkans

Since 1999, the Síndic has been working on legal co-operation projects with some of the Balkan countries in order to contribute to strengthening the rule of law there. This co-operation work has taken the form of support both for ombudsman institutions and other legal institutions, such as the judiciary, public prosecutors and lawyers, in Bosnia-Herzegovina, Serbia and Montenegro and, occasionally, Macedonia and Kosovo.

Until the end of 2003, most of the co-operation activities in the Balkan region were organised within the framework of the Spanish Institutional Programme, jointly run by the Síndic, the Spanish Ombudsman and the Madrid Bar Association, and largely financed by the Spanish Agency for International Co-operation.

The commitment acquired to the Balkan institutions and the expectations created following the good results from the projects begun have led the Síndic to decide to continue co-operating with these institutions even though this Spanish Institutional Programme.

Free legal aid in several towns in Serbia

In November 2004, a project was established to promote free legal aid in various towns in Serbia. The origins of this project can be found in a pilot project from the Spanish Institutional Programme resulting in the institutionalisation of free legal aid in the city of Nis.

The Síndic Anton Cañellas took part in the official launch of the project, having been invited by the Bar Association and the city Council of Nis, on 26 April 2004. The scheme makes it possible for all members of the public without financial resources to have legal advice and expert assistance before the courts.

The aim of the current project, run by the Síndic and co-financed by the Spanish Agency for International Cooperation, is to promote the establishment of free legal aid throughout the Republic of Serbia. The idea is to extend the model implemented in Nis and to establish the basis for the future recognition of this model of free legal aid in the legal system.

After making a trip to Serbia at the end of December 2004 to identify the Bar Associations and local councils meeting the requirements to be able to take part in the project, the Síndic has now signed agreements with the Bar Association of Vojvodina (autonomous region of Serbia) and Pancevo City Council (in the Vojvodina region) and with the Bar Association and the City Council in Sabac.

The Síndic helps with the creation of an ombudsman for Serbia

Since the year 2001, when the first bill was drawn up in order to establish an ombudsman in the former Federal Republic of Yugoslavia, the Síndic has co-operated with the Serbian institutions to help to create this institution.

The Síndic's co-operation in this area has been shown with several official visits. The Síndic, Rafael Ribó, was in Belgrade on 28 and 29 September, invited by the Stability Pact for South Eastern Europe, to take part as a speaker in the conference entitled: "The Ombudsman in South Eastern Europe: strengthening international co-operation". At the end of this conference, the first presentation of the Bill establishing the Ombudsman for Serbia was made to all those taking part.

On 22 November, the Deputy to the Síndic, Laura Díez, took part in the round table "Public Administration Reform and Democratisation of Society- Law on Ombudsman", which served to present and dis-

cuss the Bill drawn up by the Serbian Ministry for Public Administration.

Although the experts gave a good rating to the bill, the text also attracted considerable criticism. Firstly, the requirement that all administrative and judicial resources should have to be exhausted as a prerequisite for the Ombudsman's intervention was questioned. The fact that the choice of the Ombudsman in Parliament could be made with an unqualified majority was also criticised.

The Organisation for Security and Co-operation in Europe (OSCE) and the Síndic have designed a joint support programme for the future institution, which will begin work as soon as the Serbian Ombudsman is appointed.

Turkey organises an international conference to analyse the bill to establish an ombudsman in that country

On 10 and 11 December of 2004, the Síndic Rafael Ribó, invited by the Greek Ombudsman and the Turkish Parliament, took part in the conference organised in Istanbul entitled "Setting up an ombudsman institution". The main purpose of the event was to discuss the bill drawn up for this objective and also to reflect on various aspects of the daily work of ombudsman institutions.

The Síndic took part in the conference with his counterparts from Austria, France,

Ireland, Greece, Belgium, Sweden, Estonia, Poland, the European Ombudsman and the Commissioner for human rights of the Council of Europe. In his contribution, the Síndic indicated that the Turkish Ombudsman's remit had to be defined so as not to exclude any sector of political activity. He also valued positively the possibility that the Ombudsman could act on his own initiative and suggested that the law should expressly provide for the Ombudsman's function as a mediator and promoter of regulatory reforms.

Contribution to public consultation on the creation of a European Union Fundamental Rights Agency

A European Commission communiqué of October 2004 opened a period of public consultation on issues concerning the establishment of the European Fundamental Rights Agency in 2005, the Commission presented a proposal for the regulation of the Agency based on the contributions made by institutions and organisations that have taken part in the consultation.

The Síndic took part in the consultation, issuing a report to the Commission with various considerations concerning the mandate, matters dealt with and geographical areas covered, the tasks and the structure of the Agency, and the mechanisms for dialogue with civil society and co-operation with other human rights institutions.



The Ombudsman of Vojvodina (autonomous region of Serbia) did a study visit to the Síndic to know the operation and activities of the institution

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