



# SÍNDIC ANNUAL REPORT 2007

SÍNDIC

EL DEFENSOR  
DE LES  
PERSONES

# SUMMARY

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Aware of how important it is to keep the Catalan Ombudsman's work in the public eye, and with the objective of reaching the greatest possible number of people, we have devoted great efforts and resources to disseminating our institution and its work in recent years. In the same way, major investments have been made to increase the effectiveness and quality of our work. The year 2007, in which significant steps have been taken to improve our service and usefulness, has been especially marked by this accomplishment.

The Ombudspersons' Coordination Seminars, held by the Catalan Ombudsman in Barcelona last October, were entitled "Ombudsman's Offices and Their Usefulness". The meeting acted as a vehicle for analysis and self-criticism, in which we took note of the unfinished tasks and the lines of work to follow to make the most of our institution's potential in the defence of people's rights.

This has also been a year marked by serious commitment to improving the effectiveness and efficiency of our interventions. Thus, we have developed the Charter of Services and Good Conduct of the Catalan Ombudsman, by which, as regards our relations with citizens, we pledge to work with more sensibility, openness, receptiveness and capacity to provide solutions to their claims.

As you will see over the following pages, the approval of the Statute of Autonomy has brought about new competencies and challenges. The exclusivity in the monitoring of the Catalan Autonomous Administration and dependent bodies as well as the increased number of organizations subject to our supervision has made for a strengthening of our activity. Additionally, we have promoted visits by the Ombudsman throughout Catalonia, and launched a video conference claim-filing system.

Our work must progressively improve. We have achieved awareness among 60% of Catalans, 10% more than in prior year. That notwithstanding, I'm aware that there are many landmarks yet to accomplish, and that with the Charter of Services as our guide, I pledge to keep working for the Catalan Ombudsman to reach more people, and especially, for our service to be more flexible, more useful and of higher quality.

Rafael Ribó  
Síndic (Catalan Ombudsman)

## MAIN DATA OF THE YEAR 2007

The Catalan Ombudsman handled 21,794 actions (5,229 complaints, 96 ex-officio actions 16,399 queries) that stand for an increase of 10% over 2006.

Overall, 37,347 persons were served, as some complaints were sent on a collective basis, or involved several affected parties. This figure stands for an increase of 28% over prior year, and must be attributed to the institution's dissemination efforts to make itself known and improve its service.

Among the most noteworthy information, there is also a 41% increase in ex-officio actions, or those actions undertaken by the Catalan Ombudsman on his own initiative. Also noteworthy is the consolidation of the website and e-mail usage, which with 2,169 complaints and 4,118 queries, has undergone a 32% increase.

### **The Administration cooperates and accepts decisions**

Continuing the trend begun in recent years, administrations totally or partially accepted the recommendations and suggestions of the Catalan Ombudsman in 89% of the cases in 2007. This percentage refers to the 21% of the actions concluded in 2007 in which it was necessary to hand down a decision. It must be noted that over half of these actions were closed without any need for a decision because it was found that the Administration had conducted the affair in the proper way. As for cases of lack of collaboration by administrations with the investigations of the Catalan Ombudsman, the figure was quantitatively insignificant.

### **Ex-officio actions in the defence of the most vulnerable**

The public administration and rights department handled the highest number of complaints (22.4%). Urban planning (12%) and Public safety and Justice (11.6%) took second and third place respectively.

Almost half of the ex-officio actions opened by the Catalan Ombudsman in 2007 (42.7%) were related with the defence of the rights of the most vulnerable social groups, such as children and adolescents, persons with disabilities, the elderly and inmates at penitentiary centres.

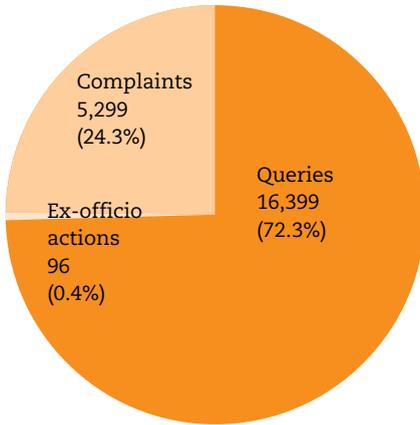


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## Number and types of actions in 2007

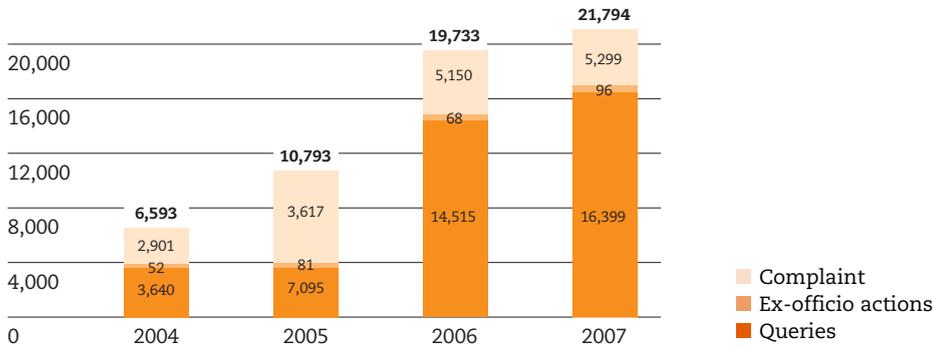


**Complaints:** actions promoted through disagreement, discontent or dissatisfaction with the action or lack of action by the public administration.

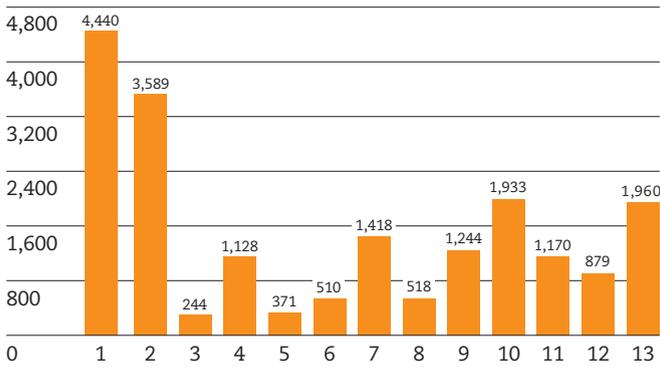
**Queries:** actions promoted to obtain information or guidance on a particular matter. If the case queried is suitable for a complaint, the person who has promoted/ formulated it receives information about how to present it. If it is not, the person is advised on how to get information or resolve the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

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

## Evolution of complaints and queries over recent years

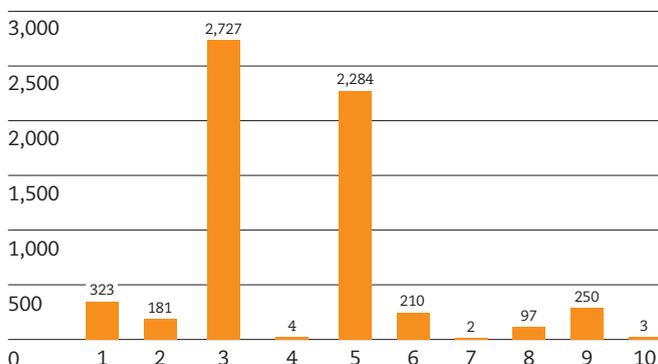


## Actions by subject



- 1 Public administration and rights
- 2 Consumer affairs
- 3 Culture and language
- 4 Education
- 5 Immigration
- 6 Children and adolescent affairs
- 7 Environment and quality of life
- 8 Labour relations and pensions
- 9 Health care
- 10 Public safety and Justice
- 11 Social services
- 12 Taxation
- 13 Urban planning and Housing

## Complaints and actions according to the Administration involved



- 1 Central administration
- 2 Peripheral State administration
- 3 Autonomous community administration
- 4 Other autonomous communities' administrations
- 5 Local administration
- 6 Judicial administration
- 7 Electoral administration
- 8 Institutional administration
- 9 Privatised public services
- 10 Private\*

Private: matters which do not come within the Catalan Ombudsman's powers. In the case of queries, lack of competence is detected before cases are opened. In the case of complaints, it is when the case is investigated in greater depth that they may be determined to be outside the Síndic's competence

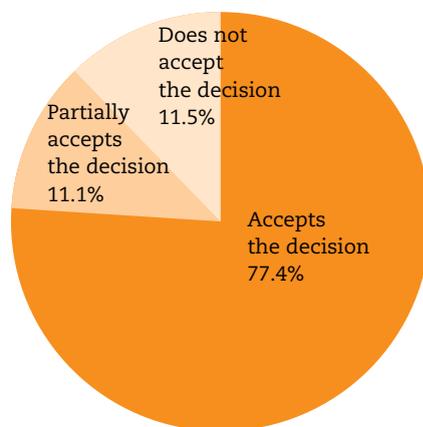
## Result of the complaints and ex-officio actions conducted

Sum of the actions (complaints and ex-officio actions) throughout 2007; those initiated in 2007 (5,395) and those from 2006 (2,930). Overall, 8,325 have been handled.

Results	Actions	Percentage
<b>1 Being processed</b>	<b>3,152</b>	<b>37.9%</b>
a Actions prior to Síndic's decision	2,621	31.5%
b Pending response from the Síndic's decision	531	6.4%
<b>2 Actions concluded</b>	<b>4,444</b>	<b>53.4%</b>
a Correct action of the Administration		
a <sub>1</sub> Prior to the Síndic's intervention	1,684	20.2%
a <sub>2</sub> After the Síndic's intervention	838	10.1%
b Accepts the decision	717	8.6%
c Partially accepts the decision	103	1.2%
d Does not accept the decision	107	1.3%
e Does not collaborate	38	0.5%
f Procedures with other Ombudspersons	501	6%
g Abandonment of sponsor	456	5.5%
<b>3 Not admitted</b>	<b>729</b>	<b>8.7%</b>

## Degree of acceptance by the Administration

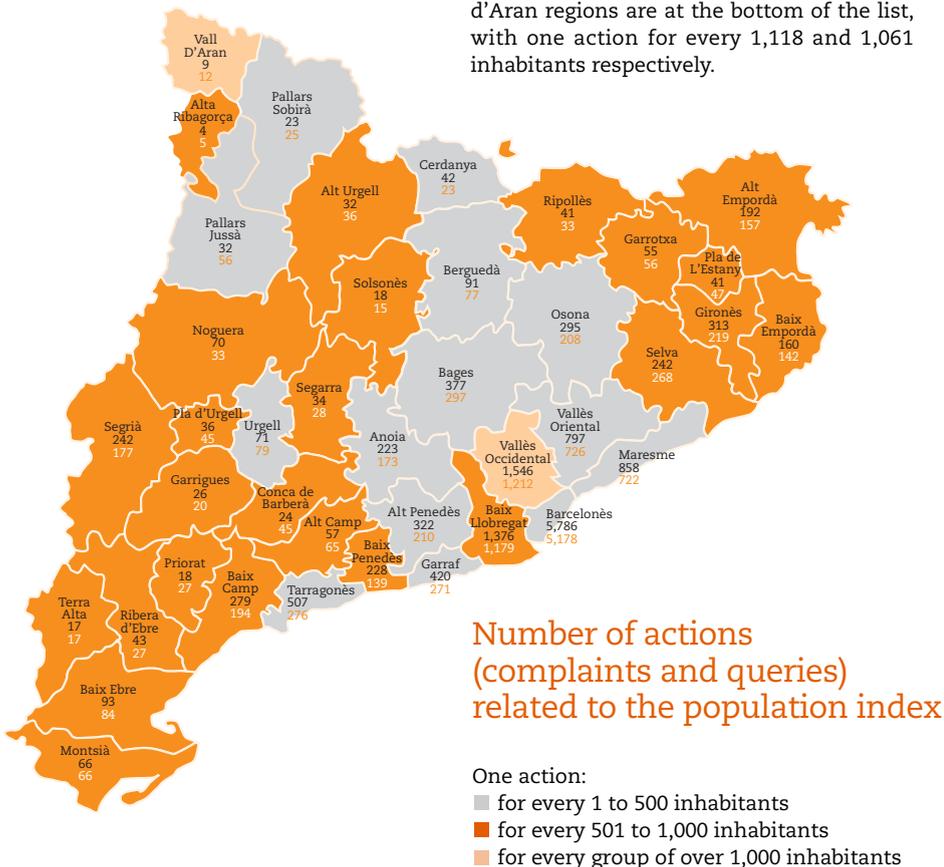
in cases in which it is relevant



## Geographical distribution of complaints and queries

With 12,100 actions, standing for 80% of the total, Barcelona province was the one with the highest number of actions. Tarragona province came in second place, with 1,334 actions (9%) as opposed to last year, when Girona was the second territory in number of complaints and queries. Girona had 1,086 (7%) and Lleida 588 (4%) actions in 2007.

In terms of the proportion of actions to the number of inhabitants, Alt Penedès was first, with one action (complaint or query) for every 300 inhabitants. This is mostly attributable to the visit of the Ombudsman's office to Vilafranca del Penedès, where he received 74 visits. Second, as in 2006, was the Pallars Sobirà, with one action per every 307 inhabitants. The Alta Ribagorça and Vall d'Aran regions are at the bottom of the list, with one action for every 1,118 and 1,061 inhabitants respectively.



## Visit to Tarragona, Lleida and Girona

The Catalan Ombudsman visited every provincial capital in 2007. In addition to Barcelona, where the institution's headquarters are located, the office of the Catalan Ombudsman took one-day trips to Tarragona, Lleida and Girona to handle complaints and queries and to present the institution's annual report to civil society and several local organizations.

Aside from these three cities he also visited, in alphabetical order, Cerdanyola del Vallès, Calella, Terrassa, Balaguer, Vilafranca del Penedès and Molins de Rei. In all, he made nine trips, resulting in 401 citizen visits (178 complaints and 223 queries). This figure is the highest registered since the institution has been making these visits, and represents a highly significant increase over 2006, when there were 259 visits. In the first quarter of 2008, the Catalan Ombudsman has already been to Figueres, Sant Adrià de Besòs and Vic.



## Complaints on Health care in Cerdanyola del Vallès

On 17 January, 2007 the Catalan Ombudsman visited Cerdanyola del Vallès, receiving 47 visits (32 complaints and 15 queries). Noteworthy among the complaints filed, were those related with the topics of Health care, such as waiting lists or the poor operation of a Primary Health Care Clinic.

The visit to the Pere Calders Secondary School was a chance to give a presentation to senior-year students, and concluded with a complaint from the Parents Association (AMPA) regarding some shortcomings of the school. The El Safareig Women's Services Centre also addressed the Catalan Ombudsman to notify him of certain problems with the administration. Last, the Catalan Ombudsman visited the Montserrat Montero Foundation, which manages three residential facilities for persons with severe mental disabilities.

## Noise derived from tourist leisure activities in Calella

The 37 visits that the Catalan Ombudsman received in Calella generated 19 complaints and 18 queries. In addition to the usual claims on health care and transport, a complaint was filed on the location of a sewage treatment plant in the county, and several were derived from the noises caused by leisure establishments, typical in a tourist municipality such as Calella.

During the visit, Catalan Ombudsman Ribó, his deputies and some advisors took the opportunity to visit various local centres and organizations. For example, management of the L'Encenall social integration support centre told about the work they do. During the visit to the Calella Primary Care Clinic and Sant Jaume Hospital, several problems that are recurrent in many municipalities were discussed, such as the shortage

of staff and overload of services. Last, visits were made to the Carles Salicrú Primary School and Bisbe Sevilla Secondary School.

### **Two ex-officio actions following the visit to Terrassa**

The Catalan Ombudsman's late-March visit to Terrassa concluded with many more queries than complaints, focused mostly on housing and social service issues. A total of 33 visits were received (9 complaints and 25 queries).

The Catalan Ombudsman Ribó and various members of his team visited the facilities of Càritas Terrassa, the Prodis Foundation, the Busquets Foundation, the Terrassa Mutual Insurance facility, the IEAIA (Children and Adolescent Services Unit) of Terrassa and the Penitentiary Hospitalization Unit of Terrassa Hospital.

The Catalan Ombudsman decided to open two ex-officio actions following the visit to the Prodis and Busquets Foundations. The first was on the terms of access to financial aid for assisted residences and apartments for disabled persons. The other investigation focused on the problems of the homeless persons and those in educational residence facilities (CRAE).

### **Tarragona ranks highest in number of visits**

The Catalan Ombudsman visited Tarragona in June 2007. It is the city where he received the most visits in the 11 years he has been travelling around Catalonia. The queries and complaints received covered a wide range of topics. Overall, there were 44 complaints and 30 queries, some of which referred to the processing of Municipal Planning Organization Program (POUM).

In addition to receiving visits, the Catalan Ombudsman's staff visited Joan XXIII Hospital and the Pere Mata Institute for Persons

with Mental Disabilities of Reus. Catalan Ombudsman Ribó personally presented the 2006 report especially emphasizing the problems detected in Tarragona Province and its counties. The presentation was also an opportunity for him to engage in direct dialog with representatives of the area's association community.

### **Interview with inmates of the Ponent Penitentiary Centre**

The Ombudsman's visit to Lleida culminated with 34 visits, that gave rise to 15 complaints and 19 queries. As in Tarragona, the Catalan Ombudsman took the chance to present his annual report during a meeting especially addressed to local associations and social organizations.

Rafael Ribó, accompanied by deputies and advisors, made several visits to different centres and institutions of the municipality. They visited Santa Maria and Arnau de Vilanova Hospitals, the Marimunt CRAE minor's centre and the office of the municipal EAIA. He also took the chance to visit the Ponent Penitentiary Center, and hold several interviews with inmates who had requested a meeting with him.

### **Ex-officio actions on health issues in Girona**

The Catalan Ombudsman travelled to Girona in late June, where he received 53 visits (27 complaints and 26 queries) from citizens residing in all parts of the province. The complaints and queries discussed covered a wide array of topics, such as pensions, consumer affairs, education, town planning, or the major infrastructure projects affecting the area. The presentation of the annual report, which met with a very positive reception, focused on the problems detected in the counties of Girona Province.

The Catalan Ombudsman and his staff devoted much of their time to visiting Josep Trueta Hospital and the Salt Psychiatric Hospital (Martí Julià Medical Center). Josep Trueta staff members informed the Catalan Ombudsman of two issues that led to the opening of two ex-officio actions.

### **Rural topics occupy most of the visit to Balaguer**

Irrigation issues, transgenic products and agricultural subsidies were some of the topics discussed by residents during the Catalan Ombudsman's late-September visit to the capital of la Noguera. Overall, 28 visits were received, registering 18 complaints and 10 queries.

The Catalan Ombudsman visited the La Noguera open centre, located in the Firal neighbourhood of Balaguer, which provides services to children and adolescents facing social risk. To make the most of his trip to the counties of Lleida, the Ombudsman also travelled to Soses and Alcarràs for a first-hand look at the municipal shelters for seasonal workers. In Soses, he also visited the Day Centre and Adult Mental Health Centre (Jaume d'Urgell Hospital).

### **Problems for substitute teachers in Vilafranca**

The Catalan Ombudsman received up to 74 visits in Vilafranca del Penedès, that led to 42 complaints and 33 queries. The most recurrent subject was the problem faced by substitute teachers who had to make long commutes to reach the schools they are assigned to, as they were too far from the teachers' places of residence.

During his time in the municipality, the Catalan Ombudsman visited the assisted rental housing for the elderly built by the Local Council, the Alt Penedès Development and Early Attention Centre, the Oriol Badia Justice Centre, the Sant Francesc Elders' Home and the La Granada Local Council.

### **Visit to a school for dyslexic students in the Baix Llobregat**

The year concluded with a late-November trip to Molins de Rei, where 19 visits were received, that gave rise to 17 complaints and 2 queries. Making the most of his agenda in the county, the Catalan Ombudsman visited the Solidança Association in Sant Joan Despí, and the Brot School, a special education centre mainly oriented to students with dyslexia.



## Catalan Ombudsman's reports spur Administration to action

### School-based Harassment (Bullying)

The Special Report *Co-existence and Conflict in Schools*, subject of Committee debated in February, 2007, includes several recommendations mainly addressed to the administrations involved. Among them, increased allocation of resources and efforts and the involvement of teachers and other mediators in school-based harassment (bullying) cases.

Following these suggestions and actions taken from other areas, the Catalan Autonomous Department of Education published a guide on abuse and harassment among students in July, 2007.

### Noise pollution

In his report on the problem of noise pollution, subject of a mid-year Committee debate, the Catalan Ombudsman found that local councils felt a lack of support from the rest of administrations in applying the Noise Pollution Protection Act.

Following Royal Decree 1367/2007, which develops Spain's State Law on Noise of 2003, the Department of Environment and Housing must adapt Catalan legislation for Catalan local councils to overcome legal uncertainty and adjust their ordinances to the new framework.

### The right to housing

The report "*The right to housing: obstacles and limitations*," which the Catalan Ombudsman presented in July, was the subject of Committee debate on October 8, which happened to be the same day that the Autonomous Catalan Government and 33 other organizations signed the National Pact for Housing.

At the end of the year, the Parliament of Catalonia approved the Right to Housing Act, which refers to certain affairs that the Catalan Ombudsman suggested in the report, such as the regulation of the required housing standards or overcrowding of a home.

### Schooling for children ages 0 to 3

This report was written following the complaints received on this topic, which showed the existence of inequalities in the access to preschool education for children ages 0 to 3. Among the Catalan Ombudsman's main recommendations were to improve admissions conditions, reduce territorial inequalities and improve conditions for sector professionals.

### Penitentiary study system

In the *Comparative Study of the European and Catalan penitentiary systems*, the Catalan Ombudsman showed that in recent years Catalonia and Spain had achieved their highest imprisonment rates in history. In light of this reality, he recommended, among other measures, sweeping legislative reforms that would strengthen effective alternatives to the use of prison sentences.

Furthermore, in 2007 the Catalan Ombudsman presented a report on the treatment of psychological harassment in Catalan administrations and another on the protection of the self-employed.



## GROUPS WITH SPECIAL NEED FOR PROTECTION

The entry in force of the Dependency Act revealed an excessive slowness in the assessment and allocation of financial aid. In children's affairs, we have seen growth in the complaints on adoption processes and intrafamiliar conflict.

As for inmates' rights, interventions on overcrowding issues have continued and an investigation on a case of alleged abuse was begun. Furthermore, the Catalan Ombudsman proposed that all Ombudsman institutions take an active role in the application of the Optional Protocol of the Convention against Torture.

Actions	queries	complaints	ex-officio	total
At-risk women	6	7	2	15
Children and adolescents	271	225	14	510
Elderly persons	135	74	4	213
Immigration	241	130	--	371
Inmates at penitentiary centres	71	298	5	374
Disabled persons	275	198	6	479
Marginalization situations	127	42	2	171
<b>Total</b>	<b>1,126</b>	<b>974</b>	<b>33</b>	<b>2,133</b>

Actions in this area stood for 11.2% of the total in 2007. Complaints made for 18.7% of the total.

### At-risk children and adolescents

The number of complaints related with children and adolescent affairs grew by 25% in 2007, which is partially attributable to the Catalan Ombudsman's efforts to bring the institution closer to this group. Over the coming years, our objective is to reach the maximum number of children and young people through the updating and dissemination of the children's website and the release of educational materials concerning rights.

Among the initiatives carried out in 2007, especially noteworthy is the Youth Advisors Council (CAJ) made up of 14 young people from various Catalan secondary schools. The Council, which regularly meets at the Catalan Ombudsman's Office, has the aim of providing children and youth's viewpoint on the defence of the rights that affect them.

### Lack of proactivity in the defence of minors under guardianship

Although the child protection system has its shortcomings, the Síndic found that in many of the complaints received, the Administration acted correctly. That said, it would be desirable for the teams of the Directorate General for Childhood and Adolescence Services (DGAIA) to be more flexible in promoting the participation of the biological family in their relationship with children under guardianship. It was also observed that the Administration should take a more proactive stance toward the defence of these children.

Furthermore, according to the complaints received, there are still coordination problems among the administrations involved in the protection of children. Some of these shortcomings were revealed in the ex-officio action begun in June following the



The Youth Advisors Council meets every two months at the Catalan Ombudsman's main offices.

abuse suffered by “Clàudia”, a young girl from the town of Salou. The investigation showed that the DGAIA failed to detect the medical injuries as an identifier of abuse, and that the Catalan Autonomous Department of Health and the Prosecutor's Office committed certain irregularities.

### **Vulnerability of immigrant minors in repatriation processes**

Following several complaints on the lack of guarantees in repatriation procedures for regrouping of unaccompanied immigrant minors, the Síndic decided to open an ex-officio action.

He found noteworthy differences between the number of proposals filed and repatriation decisions handed down, and a low number of enforced repatriation orders. This caused (and is still causing) difficulties for the administrations involved, as the constant threat of repatriation impedes the socio-educational and occupational work to be done with these minors, and motivates escapes that endanger their physical and moral safety.

After studying the legal framework, the Síndic addressed the Catalan Autonomous Ministry of Social and Citizen Action, and through the Spanish Ombudsman, the Spanish Government Sub-delegation in Barcelona. The Ministry responded that the Directorate General for Child and Adolescent Services merely makes the repatriation proposal to the government sub-delegation and notifies the minor involved that such a proposal has been made.

The Spanish Ombudsman, who responded once the year 2008 had begun, stated that he believed that the minors' right to be lis-

tened to was not fully guaranteed, and recommended that the hearing be carried out with the necessary legal aid and advising. The government sub-delegation of Barcelona was also asked to review the 72 pending repatriation rulings.

In May, 2008, the Catalan Ombudsman is waiting to receive a response from the Catalan Autonomous Ministry of Social and Citizen Action on its position in certain cases, and the possibility of developing a comprehensive action protocol.

### **Proposal to promote mediation in intrafamilial conflicts**

The Catalan Ombudsman received a number of complaints and queries regarding the situation of children affected by the separation of their parents. After analyzing the cases and in light of the opinion of certain associations seeking the regulation of shared custody, the Catalan Ombudsman determined it expedient for the administrations and judicial bodies to promote agreements between couples to honour the “best interest of the child” principle. As part of this effort, the Catalan Ombudsman conveyed to the Catalan Autonomous Ministry of Justice the advantages of referring the parties to a mandatory informative mediation session prior to or at the same time as the trial.

The Ministry notified the Catalan Ombudsman that it is making several efforts to disseminate the advantages of mediation. Among these, the implementation of a mediation service in the courts of the Family Division of Barcelona, visits to various other courts to promote mediation and dissemination and training seminars addressed to court system staff members and officers of Social Services, Mossos d'Es-



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quadra Autonomous Police Force, the Barcelona Police Department, etc. It also opened 13 information points on mediation in collaboration with local councils, associations and county councils.

## Elderly people

In addition to the already existing waiting lists and the lack of beds in assisted residential centres, 2007 also saw the rise of problems due to the delay in the publication of the selection process, and hence the allocation, of financial aid for the elderly. This delay led to several complaints, after which the Catalan Ombudsman suggested that the selection process be published and carried out as soon possible.

It should be noted that a modification was made to the Residential Centre, Day Centre and Elderly Housing Aid Program in 2007. The financial situation of the family unit is no longer a requisite for aid eligibility. The lack of economic resources of the interested party is all that must be accredited. This step, like that of the prior year that updated the public prices of the social services for the elderly, led to a drop in complaints referring to the refusal of aid applications on

economic grounds. In any event, it must be remembered that these processes must go hand in hand with an increase in services, and expedient, coordinated management of the demand.

### **Ex-officio action to track the application of the Dependency Act**

The Personal Autonomy and Services for Persons in Situations of Dependency Promotion Act came into force in 2007. Although it is not exclusively addressed to elderly people, they are one of the most affected groups.

Despite the fact that the Catalan Ombudsman did not receive many complaints related with the Law in 2007, and that only the rights derived from the law for persons with major dependency had to be recognized, the Síndic opened an ex-officio action to follow-up on the application process. After requesting information from the Catalan Autonomous Ministry of Social and Citizen Action, the Catalan Ombudsman detected various difficulties in the performance of assessments, such as problems in the workings of the state operating system, the need to adapt and train the personnel involved and certain management issues.

Almost all of the complaints received referred to the delays in the recognition of the dependency situation. Along these lines, the Catalan Ombudsman considered that in this first phase the system's effectiveness was excessively slowed. This is evident from the low amount of financial aid granted and the few individual care plans written up, as well as the fact that the first aid packages were not paid out until year-end. The Síndic underscored the need for there to be enough resources to handle the entire demand.

## Immigration

Although in 2007 the Síndic ceased his supervision of the Spanish government sub-delegations in Catalonia, which no longer respond to his requests for information, assessment activities and research on matters affecting the immigrant population were carried out.

### Local councils must standardize census management criteria

Management of the municipal census shows the importance of the local administration in the integration of the immigrant population. Further, local councils have fundamental competencies in social services, health care, education and housing. For this reason, and given the complaints processed in recent years regarding the census of immigrants, the Síndic published a monographic report on this situation.

The report discusses the relevance of census management, as census registry has become a condition for immigrants to access certain rights. Additionally, according to regulations, they are obliged to regularly renew their registration in the census as long as they do not have a permanent residence permit, and the police can access the information. These measures have caused certain conflicts.

Based on a questionnaire developed by the Carles Pi i Sunyer Foundation sent to a sample of local councils, the Report outlined a number of conclusions and recommendations. Among them: the need for criteria used by the local councils to be standardized, the compliance with the regulations in force, greater coordination of the census with other municipal services, the maximum guarantee that foreigners be kept current of the census removals agreed ex-officio and a closer monitoring of police access to the data.



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### The Catalan Ombudsman visits seasonal worker shelters

The Catalan Ombudsman himself and several members of his staff visited the facilities used as shelters for the seasonal migrant workers in various municipalities in 2007. These visits, carried out with the objective of learning first hand about the state and conditions of these centres, were also good to grasp the main challenges facing municipalities in terms of immigration. Specifically, visits were made to the shelters in Alcarràs, Soses, Barberà de la Conca and Masllorç.

### Rights of inmates in penitentiary centres

As in prior years, the Síndic emphasized the situation of overcrowding in penitentiary centres. Worse, it was detected that overcrowding had overcome all forecasts in 2007, mainly as a result of the legislative reforms from 2003 and 2007, which have consolidated prison as the sole answer to crime.

### **Catalonia sees an increase of 450 inmates in one year**

In his Special report *Comparative Study on the European Penitentiary Systems*, presented to Parliament at year-end, the Catalan Ombudsman argued that Spain had one of Europe's highest penitentiary populations, and that it was undergoing constant growth. Along these lines, in Catalonia the number of inmates went from 8,970 in December, 2006 to 9,423 in December, 2007.

Although the new Brians 2 correctional facility has helped decongest some centres, mainly the Barcelona Men's Correctional Facility, if the inmate population growth rate continues unchecked, the new centre will soon exceed its 1,500-person capacity. Therefore, the overcrowding problem must be resolved with sweeping legislative reforms, and a less-restrictive penitentiary enforcement model, such as the application of alternative punishments.

### **The role of the Ombudsman in the application of the Protocol Against Torture**

The concept of abuse covers physical and mental actions toward persons and the conditions in which sentences are served. This is the origin of the *penal harshness* concept, taken to mean a number of harmful effects suffered by a person due to incarceration. The degree of punitiveness of Spanish criminal legislation is one of Europe's highest.

2006 marked the entry into force of the Optional Protocol of the Convention Against Torture and Other Cruel or Inhuman or Degrading Treatment or Punishment, that establishes a system of visits to all of the signatory countries' detention centres. The states have agreed to designate *national preventive mechanisms* to carry out the visits. The Catalan Ombudsman

proposed to the Catalan and Spanish governments, and the Parliament of Catalonia that the Ombudsman's institutions undertake this duty.

### **Abuse complaints at Brians 1**

Following a significant number of complaints from various inmates of the Brians 1 Penitentiary Centre for abuse or unnecessary roughness, the Síndic opened an *ex-officio* action. Several staff members visited the centre on several occasions to investigate the incidents.

After conducting interviews with the inmates, and in light of the information provided by the Catalan Autonomous Ministry of Justice, the Catalan Ombudsman determined that these were not isolated incidents, but rather recurrent actions performed by civil servants in certain units. Specifically, these consisted of inappropriate search conduct and excessive search frequency, demeaning actions and remarks, threats, non-disclosure of information and passive attitudes among other civil servants.

Although these incidents were reported repeatedly, and centre administration as well as the Secretariat of Penitentiary Services were duly informed of them, the investigations came up against probatory difficulties due to the presumption of veracity applied to civil servants.

In light of this situation, the Catalan Ombudsman sought an urgent legislative deployment of the jurisdiction of penitentiary supervision, and considered opening an *ex-officio* action for the Catalan Parliament to sponsor a legislative proposal.



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## Disabled persons

### Accessibility measures lacking

Catalan administrations' compliance with accessibility regulations is still incomplete, despite the regulations' term that plans for adaptation and elimination of architectural barriers must be ready before December 4, 2008. The Síndic detected that accessibility measures were still lacking in 2007, and opened two ex-officio actions on the matter.

One of the investigations focused on the elimination of architectural barriers for persons with visual disabilities and the other, more generic, on the degree of compliance with accessibility regulations among Catalan administrations.

### Slowness in recognition of the degree of disability

As in the prior year, the Catalan Ombudsman spoke once again on the need to reduce the duration of disability recognition procedures. The institution acknowledged the Administration's determination, specifically that of the Catalan Autonomous Ministry of Social and Citizen Action, to

resolve this situation with certain specific measures, such as additions to the staffs responsible for assessments. In any event, the Síndic sought to make some recommendations in order for the maximum resolution periods stipulated by law to be respected.

Thus, he recommended that the Department follow through with the proposed increase in personnel, and that it conduct a regular follow-up on the resulting effectiveness. He also suggested organizational improvements to the assessment units. The Ombudsman also reminded the Ministry that the information provided must be exact, in-depth and detailed. Lastly, he recommended that there be coordination between the assessment processes for disability and dependency. By the response given from the Catalan Autonomous Ministry of Social and Citizen Action, the Síndic deemed that most of his recommendations had been accepted.

With regard to disability reassessments, the Ombudsman also stressed the importance of a preliminary examination, and a direct exam be made of the interested party.

## At-risk women

### Shortcomings in the gender violence procedures

The Catalan Ombudsman took note of the Administration's steps to eradicate gender violence (a problem that has recently taken on a public dimension, with a major presence in the media). To wit, a network of public support services.

Thus, the processing and resolution of gender violence cases is hindered due to a lack of staffing and material resources in the gender violence courts, as well as service centres, meetings points, specialized psychological support units, etc. What is more, only the women abuse courts of Barcelona work exclusively, which means that in all other judicial districts, gender violence complaints are handled by first instance and trial courts.

In addition to the excessive slowness in handling the proceedings, another recurrent complaint has had to do with the treatment received by victims from court staff members. The Síndic also opened an ex-officio action to follow-up on battered women's shelters.



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### In favour of social consensus for the protection of prostitution

The irregular situation of most prostitutes impedes their access to public administrations and institutions out of fear of deportation or arrest. Although prostitution is not illegal in Spain, it is not recognized as a legal activity, either. Thus, there is a legal void as regards the monetary exchange between prostitutes and their clients, making the protection of rights all the more difficult.

Aware of the need to protect one of the most vulnerable social groups and one with a higher risk of social exclusion, the Síndic opened an ex-officio action to promote dialog and social and institutional consensus toward prostitution in 2007.

# SOCIAL AND ECONOMIC RIGHTS

Irregularities in the school enrolment process and shortcomings in the pre-school offering for children ages 0 to 3 stood out in the field of education. With regard to noise, the Catalan Ombudsman's report on noise pollution established a reference document for the administrations.

Town planning and the access to housing were also addressed. Regarding health rights, part of the focus was on care for mental illness patients. The regulation and access to medical records and the activities of the Catalan Institute of Medical Evaluations were also objects of the Síndic's attention.

Actions	queries	complaints	ex-officio	total
Education	670	452	6	1,128
Environment	905	507	6	1,418
Health care	898	337	9	1,244
Work and pensions	409	107	2	518
Taxation	633	242	4	879
Town planning and housing	1,324	635	1	1,960
<b>Total</b>	<b>4,839</b>	<b>2,280</b>	<b>28</b>	<b>7,147</b>

Actions in this area stood for 37.4% of the total in 2007. Complaints made for 43.8% of the total.



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## Education

2007 saw an increase in interventions on education over the prior years, from 835 last year to 1,128 in 2007. The Ombudsman's own investigations (ex-officio actions) rose from two to eight.

Certain difficulties in complying with certain commitments included in the National Education Pact were found. Among them, application of the "sixth hour", consolidation of education public service and educational planning, which still has not dealt with centres working with prefabricated temporary buildings and school segregation.

### Action needed to prevent false census registrations

The school admissions process gave rise to 19 complaints regarding irregularities committed by families, who claimed fraudulent circumstances to obtain more points, as well as with possible wrongdoings by the schools themselves to alter the results of the lists.

Feigned pathologies and fraudulent census registrations are some of the most common strategies to avoid those centres with higher school segregation levels. In the course of the investigation of the complaints it was also determined that some local councils

fail to apply all the available resources to verify the census registrations or fail to take action despite evidence of irregularities.

Although the Catalan Autonomous Ministry of Education has had preventive mechanisms to combat these frauds for some years now, the irregularities persist. The requirements to demonstrate one's true residential domicile need to increased.

It was also found that some centres do not correctly assess the lists to select the admissions of students. Specifically, complaints were received on subsidized schools in Manresa and Premià de Mar. The situations were resolved following the Síndic's intervention and follow-up from the Ministry's inspection services.

### Shortcomings in schooling for ages 0 to 3

Aware of the shortcomings in the educational system for children ages 0 to 3, the Síndic drafted a special report to analyze the situation. The study, presented in Parliament in September, analyzed the available capacity of Catalonia's preschools. Although it is higher than the average in the rest of Spain, it is still insufficient. Territorial and social inequalities related with accessibility were also studied.

As for quality, it made special mention of the non-compliance with certain requirements, such as the student-professional ratios, and took note of shortcomings in employees' working conditions.

Ensuring the continuity, with improvements, of the Plan for Creation of Public Schools Offering, setting minimum obligatory school enrolment rates, and including new access criteria with more weight attached to family income were some of the Catalan Ombudsman's proposals to overcome these shortcomings.

In the report, the Ombudsman also proposed stricter regulation of the "play centres" (ludoteques) and other services that operate as nursery schools. This plea was reiterated in April, 2008 following the death of a baby in a play centre in the Horta-Guinardó District of Barcelona, which revealed certain irregularities in the operation of the facility.

### Environment

The Catalan Ombudsman's report on noise pollution, presented at the beginning of the year, has become a document of reference for the administrations subject to supervision, especially local councils, and for the Ombudsman himself when handling complaints related with this problem.



The Catalan Ombudsman also found that administrations need to be more proactive in the realm of waste, odours and mobile telephone antennae. He also opened an ex-officio action on the impact of pigeons in people's lives. This culminated in the acceptance of the local councils involved. los ayuntamientos implicados.

### **Tighter control over emergency vehicle sirens**

Some of the most recurrent noise complaints were related with the nuisance caused by certain vehicles. Thus, the noise from ambulance sirens, especially around the Hospital Clínic in Barcelona, where the fire department is also located, led to an investigation by the Catalan Ombudsman.

In addition to signing collaboration agreements with different associations related with medical transport to regulate ambulance traffic, the Barcelona City Council has made several moves to combat the situation. They have delimited five sensitive areas around the main hospitals inside which the use of sirens is prohibited. They have also planned training sessions for ambulance drivers or the conversion to sound-reducing pavement on the streets around the Hospital Clínic, among other measures.

The Ombudsman's office reminded the municipal government of other aspects that must be insisted on. Among others, the extension of training to fire department vehicle drivers, establishing new and lower daytime noise emission limits and the granting of subsidies to reduce the level of ambient noise. It was also recommended that the Barcelona Police Department run checks on the sirens over a specific time.

Complaints have also been received on the noise caused by certain public vehicles that keep their engines running when stopped,

such as buses, coaches or taxis, which also keep their radios on, and whose drivers use loud speaking voices in the early morning and on holidays.

## **Health care**

In addition to the waiting lists and the recognition of the rights and obligations of the patient, topics that have carried over from prior years, in 2007 the Síndic also expressed his views regarding care of the mentally ill. Specifically, he began several ex-officio actions to assess effectiveness of the comprehensive wardship over the health of persons with mental illnesses.

He also opened an ex-officio action following the increase in violent behaviour and aggression toward health care professionals by patients and their families in primary care centres and public hospitals. After investigating the situation, he recommended to the Catalan Autonomous Ministry of Health, and other entities, that it study the possible conflict points to take measures, and that it promote training of its personnel to confront conflictive situations.

Last, many visits have been made to the health care centres of municipalities during which the Catalan Ombudsman's staff has met with facility management to learn more about their challenges and the improvements they need.



**Suggestions to improve treatment at the ICAM**

After receiving several complaints, the Síndic opened an ex-officio action related with the treatment that the evaluating doctors of the Catalan Institute of Medical Evaluations (ICAM) gave patients and the consideration of decisions that the patients themselves can provide.

Regarding the personal treatment given at the ICAM, the subject of 17 complaints in 2007, the Catalan Ombudsman reminded the Ministry of Health of the need to treat patients in a considerate, polite way, and to offer them the maximum possible information on the procedures affecting them, while also ensuring that the information given is understood.

As for the consideration of the reports or decisions given by the ICAM doctors, the Catalan Ombudsman gave his opinion, without ever questioning the technical independence of the ICAM, that all medical reports and test results available should be taken into account, both those contributed by the patient as well as those that the ICAM may request from its consultants.

**Intervention to guarantee medical history access rights**

Although access to one's medical history constitutes a basic right of patients or their relatives, the Catalan Ombudsman received complaints on the violation of this right. Most of them were from relatives of deceased patients denied access to their medical histories. Thanks to the Síndic's intervention, after studying the case, hospitals have shown that the requests for documentation have been fulfilled.

An ex-officio action was opened regarding the creation of a single medical history per patient. Such records could be shared across

all the various health care facilities. The Síndic takes a favourable view of the actions carried out in this field by the Ministry of Health, but has also urged the expedited approval of the decree for creation of the shared medical history program. This is a measure that must be accompanied by the financing necessary to broadly implement the project.

**Work and pensions**

Throughout 2007, the effort carried out by the official authorities to promote employment has been clear. Especially noteworthy are the Spanish law for the Regulation of Occupational Placement Companies, the Royal Decree regulating the supported employment program (aimed at promoting work by disabled persons in the regular job market) and the orders and instructions handed down by the Catalan Autonomous Ministry of Labour. These measures have strengthened occupational placement mechanisms for more disadvantaged social groups.

**Socio-occupational placement companies must be bolstered**

Although the Catalan government does not have competencies in the administration of unemployment benefits, it does have them for active employment policies, such as development and occupational training, and intermediation in the job market. In this realm, the Catalan Autonomous Ministry of Labour has continued to adopt measures to improve the operation of occupational placement policies and expand them to more recipients.

However, the activity of the Ministry of Labour has been questioned from several angles, according to the complaints received at the institution. Some are related with a possible lack of attention toward the unem-

ployed, and others with alleged prejudices of sector teaching staff and finally, on the use of training contracts in the case of young employees.

The Síndic has begun a study on the subject of the social-occupational insertion companies (already reported by the Catalan Ombudsman in 2006, when he suggested the regulation and deployment of promotion and development measures for these companies). The report, to be presented in 2008, means to legitimize the development of placement companies for various situations of poverty, such as the precariousness of employment, the evolution of the real estate market or changes in family models and immigration.

### **Insufficient pensions for the elderly**

Despite the reassessment of pensions, the Catalan Ombudsman continued to receive complaints, as they are still insufficient, especially those for the elderly. Many have had to address the Spanish Ombudsman in order for that institution to process their complaints, as social security pensions are overseen by the INSS, of Spanish state competency. In addition to this effort, the Catalan Ombudsman insisted that pensions be adjusted to the minimum interprofessional wage.

Complaints were also received on permanent disability benefits; on one hand due to the lack of recognition of this condition, and on the other for disagreement with the revision of the degree of permanent disability.

## **Taxation**

### **Reduction of the water surcharge in cases of system failures**

The application of the water surcharge in cases of leaks was the source of several complaints. Complaints were also received

regarding the obligation of the conveyancer of a home to pay for the water surcharge as long as the water policyholder is not modified, and on the broadening of water consumption banding for people with a physical disability.

In the first case, the complaints stemmed from the fact that, when there were leaks, as consumption rose, the surcharge to pay was very high, as the surcharge rates increase with water usage levels. The Catalan Ombudsman believes, and has notified the Catalan Autonomous Department of Environment and Housing, that in these cases, applying the surcharge based on consumption bands does not promote saving, which is the surcharge's main objective. Therefore, the surcharge should not be applied when the policyholder has not been able to prevent the system fault, despite acting with the necessary diligence, and taking steps to minimize the consequences.

## **Town planning and housing**

The parliamentary process surrounding the new Right to Housing Act, and the signature of the Housing Pact have been at the centre of the debate on the access to housing throughout 2007. The debate was accompanied by a special report by the Catalan Ombudsman on the situation of this basic right in Catalonia.

Mobbing, the Carmel district subsidence, and aid for access to housing and renovations have also marked the Catalan Ombudsman's interventions with regard to housing. As for town planning, the situation of the housing developments built in the 1960's and 70's was approached, and attention drawn to the need for the Administration to focus on evaluating qualitative aspects of town planning.



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### Compensation with interest for the Carmel subsidence victims

The Catalan Ombudsman opened an ex-officio action to investigate the causes and results of the Carmel district subsidence as a consequence of the Barcelona Metro Line No. 5 works. Among the most recurrent complaints of the affected residents were those related with the criteria for payment of expense allowances and compensations, the urgency of homes and aid for the evacuees, the planned demolition for the buildings affected and the inspections to determine the status of the rest of the buildings.

Many of these initial issues were progressively resolved as agreements were signed. Furthermore, most of these agreements featured a clause granting the Catalan Ombudsman the right to suggest to the Administration the best way to settle conflicts on specific contents in cases of discrepancies between the two parties.

Specifically, due to a disagreement with regard to the terms of payment of compensation by the Administration, the Catalan Ombudsman stated that the authorities should pay the legal interests on the com-

pensatory amount derived from their delayed disbursement. Following the Ombudsman's intervention, the Administration paid out the compensations with the agreed interest without prejudice to the affected parties.

### Proposals to guarantee the right to housing

Over 2005 and 2006 the Catalan Ombudsman received a total of 339 complaints (132 in 2005 and 207 in 2006) related with housing problems. Of them, 247 were studied to write the Catalan Ombudsman's Special Report: "The right to housing: obstacles and limitations", presented in Parliament in mid-July, 2007. Access and purchase (88 cases) and conservation and maintenance of housing (85) were the subject of a majority of claims.

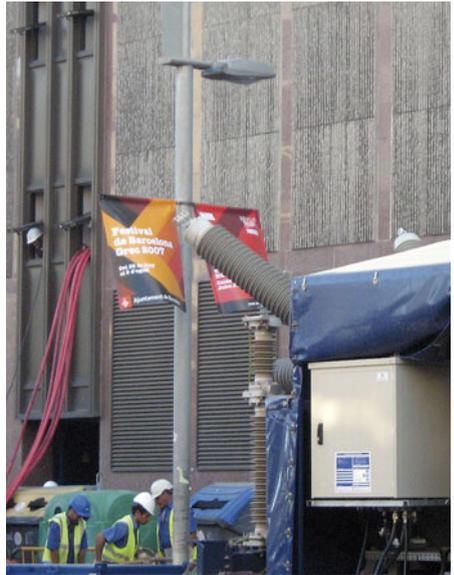
Among the most relevant conclusions and recommendations of this report is the fact that the right to housing is a basic one, indispensable for a person's comprehensive development. According to the Catalan Ombudsman, to guarantee the exercise of this right, more land should be available for development, in addition to more social housing and more funding. The latter area is where public and private activity must be coordinated.

The coordination of public and private activity must include the following figures: the government of Catalonia, local councils, the financial sector, social organizations and the entire range of legal figures (attorneys, notaries, property conveyancers and judges) to do away with the obstacles to the exercise of the right to housing.

## OTHER CONSTITUTIONAL RIGHTS

The Síndic has found that the lack of response from administrations is one of the main grounds for complaint, and has reiterated that administrative silence violates the principles of good administration. Delays in conflict resolution also continue to be common practice.

Regarding consumer affairs, 2007 was marked by the July power cut in Barcelona and incidents in the RENFE train service. An ex-officio action was also opened with the objective of visiting several Catalan autonomous and local police stations.



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Actions	queries	complaints	ex-officio	total
Right to good administration	3,196	1,178	14	4,388
Consumers' rights	3,167	415	7	3,589
Linguistic rights	127	37	6	170
Rights to participate	43	9	--	52
Freedom, safety and Justice Administration	1,228	310	6	1,544
Culture and universities	66	8	--	74
<b>Total</b>	<b>7,827</b>	<b>1,957</b>	<b>33</b>	<b>9,817</b>

Actions in this area stood for 51.4% of the total in 2007. Complaints made for 37.5% of the total.

## Right to good administration

Given the numerous complaints on the silence of administrations in response to citizens' requests, the Catalan Ombudsman insisted that they must comply with the obligation to legally respond to claims and information requests.

A possible violation of rights was also detected in the area of traffic violation punishment procedures. Thus, various individuals filed complaints on penalties levied without sufficient evidence or through incorrect notice-serving practices.

### **Workplace mobbing, an infringement of regulations**

The Catalan Ombudsman completed a detailed study on workplace mobbing in Catalan public administrations. The report, which stemmed from several complaints from employees of the Generalitat and local administrations, features a number of recommendations.

According to the Síndic, this problem must be addressed with a comprehensive perspective, and dealt with on four key angles: preventive, conceptual, procedural and sanctional. It should be typified as an infringement of regulations in Catalan public administrations, as the current legislation does not sufficiently regulate all harassment scenarios.

Civil servants' collective bargaining and other agreements must place it in the framework of workplace risk prevention, as it involves severe psychosocial risk. Furthermore, a protocol must be designed that stipulates what action must be taken by the victim as well as representatives of the staff and involved administration in case of a complaint.

### **The Provincial Government of Barcelona agrees to provide access to archive data**

A woman filed a complaint because the Provincial Government of Barcelona had denied her application to personally consult data from the Historical Maternity Archive. Specifically, she wanted information on a relative to map out her family tree. Although the Provincial governments did provide part of the information, for direct access to archive data they asked for a personal authorization, as the data were classified as personal.

After investigating the case and getting information from both parties, the Catalan Ombudsman suggested that the Provincial Government rectify its decision pursuant to the terms established in the regulations that govern the exercise of the right to document access. According to them, all persons have the right to access the documents that form part of closed administrative procedures. In the end, the Provincial Government accepted the Catalan Ombudsman's recommendation.

## Consumers' rights

The agreement signed with Telefónica was the first of several that the Catalan Ombudsman plans to sign with several basic service companies, as the new Statute grants him competencies to supervise their activity. The general opinion is that this first agreement has worked very well, although there are still certain shortcomings in the universal provision of telephone service.

Preliminary negotiations with other companies for the formalization of similar agreements are already underway. Among them are Gas Natural, the Agbar group and Fecsa-Endesa.



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In 2007, an ex-officio action was also opened on the operation of municipal and county consumer affairs offices and a report on water was written.

### **Compensation due to those affected by RENFE service failures**

The ex-officio action begun in 2006 regarding the constant failures, delays and overcrowding of the RENFE commuter rail network continued, and even intensified, throughout 2007. The partial suspension of service on the C2, C7 and C10 commuter lines, which also affected mid and long-distance trains, was the manifestation of the problems already identified by the Catalan Ombudsman in his 2006 decision.

The numerous complaints received regarding this incident showed a wide range of consequences, such as a lack of night-time rest among users, additional expenses from

the hiring of child caretakers or having grandparents assume such a role, and the need to recover hours in the workplace, among many others.

In light of this situation, the Síndic first deemed that there was a need for a clear, public explanation on the reasons why investment in Catalonia's railway infrastructure had been cut off. It would also be necessary for the responsible parties to assume the technical and construction liabilities and that there be an assessment of the material and moral damages caused.

Along these lines, the Catalan Ombudsman, who conveyed these conclusions to Renfe, Adif, the Catalan Department of Territorial Policy and Public Works and the Spanish Ombudsman, insisted that the persons affected be compensated in order for them to recover their trust in good administration.

### **Appropriate response by Fecsa-Endesa to the July power cut**

The failure of a high voltage cable on 23 July, 2007 triggered the interruption of electrical power supply to nine districts of the city of Barcelona and four municipalities of the metropolitan area.

The incident caused damages to business owners and individuals. Many residents also had to suffer the noise, heat and smoke given off by the generators provisionally installed.

The Catalan Ombudsman opened an ex-officio action to analyze the events and supervise the compensation process for those affected. Several conclusions were drawn from this investigation. The investigation revealed the fragility of Barcelona's electrical grid, which requires the Administration to more closely monitor the service provision and ensure its condition as a universal right.

It also showed that Fecsa-Endesa's response to affected citizens was appropriate. That is probably why, after setting the compensation, very few complaints were received on the subject.

## Linguistic rights

### **Discrimination against Catalan in the Justice Administration gives rise to complaints**

The right to linguistic option in the courts was a reason for several complaints and three ex-officio actions in 2007. According to the Statute, everyone has the right to use their language of choice in their dealings with the Justice Administration, the Prosecutor's Office, notaries and public registries. They also have the right to receive official documentation issued in Catalonia in the chosen language. For this reason, Justice Administration personnel must have appropriate and sufficient knowledge of the official languages.

One of the ex-officio actions was opened following the refusal of the Badalona Registry Office to hold a wedding ceremony in Catalan. The other came after the judge of the Vilafranca de Penedès Registry Office declared null and void the entries made in Catalan in the cause books of two Magistrates' courts. Last, the actions of the judge presiding the "Isanta Case" were also analyzed, as she allegedly obliged a witness to testify in Spanish (not allowing them to do so in Catalan - N.d.T).

In all of these investigations, as well as in his handling of the complaints, the Catalan Ombudsman reiterated that the Judiciary must use all its power to prevent the violation of linguistic rights.

## Freedom, security and the administration of justice

Delays in the conduct of proceedings were the main source of complaint in judicial subject matter. In addition to this situation, related with the lack of human and material resources, complaints have also arisen due to deficient facilities, rudeness on the part of the civil servants and sub-standard operation of registry offices.

In the realm of public safety, complaints centered on the excessive time necessary to file a police report, and the absence of complaint sheets in Mossos d'Esquadra (Catalan Autonomous Police) stations.

An ex-officio action was opened to visit police stations throughout Catalonia, and highlight the most relevant aspects of their operation. The visits will continue in 2008. The need for hands-on training among new officers joining the force became apparent.





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### Investigation into abuse at the Les Corts precinct

The Catalan Ombudsman opened an ex-officio action on the alleged aggressions at the Les Corts Precinct of Barcelona, after news of such incidents appeared in the media.

The Department of Home Affairs conducted its own report of the incidents, and the status of the investigations, in which it stated that it had decided to install a hidden camera in the precinct's search area following several reports of abuse. This camera recorded the allegedly abusive police behaviour, of which the Prosecutor's Office was notified. Judicial proceedings ensued. The offi-

cers involved were suspended from duty as a precautionary measure.

The Catalan Ombudsman later learned that the officers had rejoined the force, though they were stationed elsewhere. The Ombudsman's Office decided to leave the ex-officio action open to take diligent action if other similar cases arise.

# INSTITUTIONAL PROFILE

## Awareness of the Catalan Ombudsman increases 10% in one year

Thanks to the awareness-raising work to familiarize citizens with the Catalan Ombudsman, the percentage of awareness of the institution among adults over 18 in Catalonia increased by 10 points in 2007.

The study, conducted in the last quarter of the year, showed that three out of every four persons surveyed (63%) knows the Catalan Ombudsman. This familiarity notwithstanding, it is clear that much is left to be done to reach certain population groups, and to more widely disseminate the institution's work and mission.

## Complaints via video conference from 10 municipalities

The Catalan Ombudsman has had a new complaint filing system since February 2007: the video conference. The service, in keeping with the institution's objective to get as close as possible to all Catalan counties, was activated in 10 strategically-distributed municipalities in this initial phase. Figueres, Girona, la Seu d'Urgell, Lleida, Manresa, Reus, Tarragona, Tortosa Tremp and Vic.

To make the best use of the existing resources, an agreement was signed with the Bar



The territorial presentations of the report discussed the specific situations of every area.

Association of Catalonia, which has enabled video conferences from eight bar associations. In a second phase, plans call for a broadening of this service to more municipalities.

## Presentations of the Annual Report in Tarragona, Lleida and Girona

As in 2006, with its two sectorial presentations of the Annual Report –to elderly and children's groups–, other presentations of the report were conducted in 2007, this time with a territorial bent. The presentations were carried out in Tarragona, Lleida and Girona on the same day as the Catalan Ombudsman's visit to those cities.

Especially addressed to organizations and social groups, these meetings have been good to keep up direct dialog with the representatives of the association community in every territory. In the presentations, mention was made of the problems taken up in the report that were affecting each area.

Plans call for a repetition of such presentations in 2008. Presentations are planned for Badalona, Les Borges Blanques, Banyoles and Reus over this year.



The Forum of Citizen Rights brought together various figures from the world of culture to discuss the role of Ombudspersons



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### Organization of the Ombudspersons' Coordination Seminars

The 22nd running of the Coordination Seminars, in which all of Spain's autonomous ombudspersons and the Spanish Ombudsman took part, was held in Barcelona from October 22-24, under the organization of the Catalan Ombudsman. The monographic subject of this running was "Ombudsman's Offices and Their Usefulness". It was analyzed from various specific approaches: education, social services and health care.

The Seminar was structured over three round tables, moderated by three university professors: Fabiola Mota, professor of Political Science of the University of Murcia; José Vicente Gómez, university lecturer of Political Science of the University of Madrid and John Subirats, full professor of Political Science of the Autonomous University of Barcelona. The framework presentation was given by Gabrielle Kuckso-Stadlmyer, full professor of the University of Vienna, who offered a comparative analysis of Ombudsman institutions in Europe.

The sixth running of the Forum of Citizen Rights, consisting of two round tables open to the public, was held as part of the Seminar. The first featured speakers from the Red Cross, Càritas, Sevilla Acoge and the Bar Association of Barcelona. The second was a panel of several renowned writers and intellectuals: Luisa Etxenique, Javier Marías, Carme Riera, Manuel Rivas and Aitana Sánchez Gijón as moderator.

### The Catalan Ombudsman hosts the ENOC Annual Meeting

In September, 2007, the Catalan Ombudsman organized the eleventh running of the meeting held every year by ENOC, the European Network of Ombudspersons for Children.

With one hundred participants, the meeting discussed support for children with special needs and featured presentations from the institutions of Croatia, Ireland, Madrid, Scotland and Wales. Additionally, external speakers representing UNICEF and the United Nations Committee on the Rights of the Child took the floor. Workshops on various topics were also held.

To conclude, a declaration on the rights of children and adolescents with disabilities was unveiled. The Deputy to the Catalan Ombudsman for the Defence of Children's Rights, Xavier Bonal, was appointed president of the ENOC. In this post, which he will hold until the 2008 meeting, Bonal participated in various international events, such as the Second Global Meeting of Independent Human Rights Institutions for Children held in New York at the UN at the end of 2007.



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The Coordination Seminar analyzed the usefulness of Ombudsman's offices.



One hundred people participated in the ENOC Annual Meeting, organized by the Catalan Ombudsman in Barcelona.

### **Activities of the International Ombudsman Institute**

Catalan Ombudsman, Rafael Ribó, as director of the European Board of Directors of the IOI (International Ombudsman Institute), and also in his role as member of the World Board of Directors, took part in several meetings of this organization.

He attended the three meetings of the European Board of Directors, in Barcelona, Athens and Strassbourg, and the Annual Meeting of the World Board, held in Australia in November. Catalan Ombudsman Ribó was assigned the mission of chairing a committee on regionalization in this meeting of the World Board. He was also asked to explore collaboration possibilities with the UN Committee on the Rights of the Child to drive the establishment of Ombudsman institutions in countries where none exist.

### **AOMF Assembly and meeting of ombudspersons of the Mediterranean**

The “Association des Ombudsmans et Médiateurs de la Francophonie” (AOMF) held its 5th Congress and General Assembly in the African city of Bamako (Mali) in December, 2007, with the participation of Catalan Ombudsman Ribó. The congress was entitled “The Ombudsman, guarantor of the balance between collective and individual rights”.

The Director of Territorial Planning and Local Relations, Matias Vives, participated, in November, in the First Meeting of Ombudspersons of the Mediterranean, held in Rabat, and attended by some 50 representatives of several institutions in the region. The meeting, which concluded with the Morocco Declaration, will be repeated in Marseilles 2008.

### **Visit to Ireland and participation in the European Ombudsman Institutions Seminar**

Rafael Ribó visited the Irish and Northern Irish Ombudspersons to learn more about the operation of the two institutions. In his meetings with Emily O’Reilly and Tom Frawley, respectively, they discussed different topics.

In 2007, the Síndic also received a visit from Portugal’s “Provedor de Justiça”, the penitentiary ombudsman of the Republic of Argentina, representatives from the penitentiary ombudsman’s office of Chile and the Ombudsman’s institution of Cordoba Province, Argentina.

As regards seminars, 2007 marked the running of the National and European Union Ombudspersons Seminar, organized by the European Ombudsman. Catalan Ombudsman Ribó participated as representative of the autonomous ombudspersons of Spain.

### **Collaboration with local and university ombudspersons**

Three new local ombudspersons have been appointed in 2007, in the municipalities of Viladecans, Arenys de Munt and Sant Cugat del Vallès, making for a total of 38. The Catalan Ombudsman has collaboration agreements in place with most of them, which are working quite well.

The agreement signed with most Catalan university ombudspersons is still being applied. According to this agreement, those addressing the institution are informed of the possibility of presenting a complaint to the university ombudsperson when the subject is of the university realm.

Both local as well as university ombudspersons addressed the Catalan Ombudsman to seek his opinion or legal support on a given intervention.

## INTERNATIONAL CO-OPERATION

The Catalan Ombudsman put new energy behind his international cooperation projects in 2007. He has been involved in this activity since 1999, and earmarks 0.7% of the annual budget for it. Furthermore, the Catalan Ombudsman receives resources from the Catalan Development Cooperation Agency (ACCD), the Spanish Agency for International Cooperation and other international bodies that co-finance certain projects.

### **Protection for abused minors in Bosnia and Herzegovina**

The Catalan Ombudsman continued work on the second phase of the cooperation project in Bosnia and Herzegovina, co-financed by the Catalan Development Cooperation Agency (ACCD) and with the aid of the NGO Balkan Human Rights Network. This phase is meant to coordinate the actions of all institutions involved in the prevention or investigation of minor abuse through the signature of a basic action protocol.

A Bosnian delegation visited the Catalan Ombudsman in July with the objective of establishing the general principles for this Framework Protocol based on the experience of a similar protocol applied in Catalonia. To make the most of their stay in Barcelona,

the working group also visited the Catalan Autonomous Ministry of Social and Citizen Action.

In November, a second meeting took place in the municipality of Vlasic, participated in by members of the Catalan Ombudsman's team and the Bosnian working group, analyzing the proposals of the drafting sub-committee appointed during the Barcelona visit. The final version has been prepared in 2008 and is planned to be signed in the spring of this year.

### **Results of the implementation of free legal aid in Serbia**

The results achieved after years of work on the project to establish free legal aid in Serbia were presented in 2007. With majority financing from the Spanish Agency for International Co-operation (AECI), this project consisted of the creation of free legal advice and in-court representation services in several Serbian municipalities.

The results, presented by Catalan Ombudsman Rafael Ribó in June in Belgrade, and according to which over 16,000 persons have benefited from free legal aid since 2003, are proof of the viability and success of the pro-



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Serbian delegation's visit to the Catalan Ombudsman's office within the framework of cooperation projects.

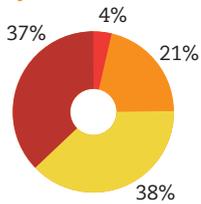
## OVERALL STATISTICS ON THE FREE LEGAL AID SERVICES IN SERBIA

YEAR 2003 - YEAR 2006

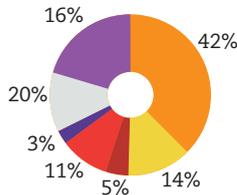
### LEGAL ADVICE SERVICE:

12,462 persons served: Men 54% Women 54%

By economic situation:



By area:

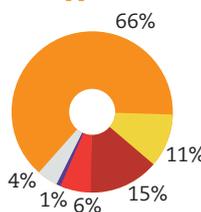


- Employed
- Unemployed
- Pensioners
- Dependents
- Civil
- Extra-judicial
- Criminal
- Labour
- Executive
- Administrative
- Other

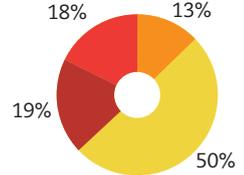
### IN-COURT REPRESENTATION:

818 applications received Men 36% Women 64%

818 applications accepted



Applicant Profile



- Civil
- Extra-judicial
- Criminal
- Labour
- Executive
- Administrative
- Employed
- Unemployed
- Pensioners
- Dependents

ject. Of the beneficiaries, 15,641 received legal advice, and 898, in-court representation. The majority are unemployed persons and pensioners.

Since mid-2007, work has been underway on the establishment of this service in the autonomous province of Vojvodina, and its implementation throughout all Serbian territory.

#### Support for the Serbian Ombudsman

In September, the Catalan Ombudsman signed an agreement with the OSCE (Organization for Security and Cooperation in Europe) Mission in Serbia to carry out support activities for the new Serbian Ombudsman institution in 2008.

Among them, study visits to Barcelona by the Serbian Ombudsman and other members of his team, the posting of an international expert at the Serbian Ombudsman institution for four months (an initiative underway since April, 2008) and the organization of five conferences in Serbia to disseminate the role of the institution.

#### Mission to Jordan and Senegal

As member of the Board of Directors of the European Region of the IOI (International Ombudsman Institute), Rafael Ribó travelled to Jordan in early 2007 to work as a counsellor in the process of establishment of that country's Ombudsman. Following this initial contact, and at the Catalan Ombudsman's invitation, a Jordanian delegation visited Catalonia later on to learn more about the judicial system and the Ombudsman's work.

Ribó also chose the meeting of the "Association des Ombudsmans et Médiateurs de la Francophonie" (AOMF) to promote a collaboration project with the Senegalese Ombudsman. The project will allow the personnel of this African institution to participate in training at the Catalan Ombudsman's Barcelona offices, as well as those of the Wallonia and Luxembourg ombudspersons.



**The Síndic de Greuges de Catalunya is a member of:**

IOI (International Ombudsman Institute)

FIO (Ibero-American Federation of Ombudsmen)

AOMF (Association des Ombudsmans et Médiateurs de la Francophonie)

ENOC (European Network of Ombudspersons for Children)

**The Catalan Ombudsman also participates in:**

European Network of Ombudsmen

Round Table of Ombudsmen of the Council of Europe

Meetings of Ombudspersons of the Mediterranean

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