



# ANNUAL REPORT 2021

## ABSTRACT

SÍNDIC

EL DEFENSOR  
DE LES  
PERSONES



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## ■ GENERAL CONSIDERATIONS





## GENERAL CONSIDERATIONS

The 2021 report of the Catalan Ombudsman includes all the activity carried out by the institution and highlights the most significant actions for each area in a year marked again by different waves of the Covid-19 pandemic, with the consequent effects not only on the healthcare system, but on a wide range of rights and the economic activity of the country. Both this year's data and much of the substantive issues addressed in this report are influenced by this ongoing exceptional situation. The year 2021 also ended with the announcement of the agreement of the main political forces represented in the Parliament of Catalonia to renew the statutory institutions, including the head of the Catalan Ombudsman, as the current head has been demanding since 2019.

Following the system adopted in recent years, and as established by the Catalan Ombudsman's Law, this chapter on general considerations is followed by a second chapter on statistical data that reflects the Catalan Ombudsman's actions in terms of this year's data and in relation to previous years, in absolute terms and segregated by subject matter, geographical origin, user profile, affected public administrations, etc.

The third chapter reports the most significant actions of this year by subject, while reflecting some complaints as examples and providing an account of all the official action begun in each area. Below, as established by the Catalan Ombudsman's Law, is a list of each of the Catalan Ombudsman's resolutions that have not been accepted by the public administration, as well as a sample of resolutions that have won compliance. Following the practice started four years ago, this section has been expanded with data on the forms of compliance with the Catalan Ombudsman's resolutions. The report concludes with a chapter on the Catalan Ombudsman's institutional and dissemination activities.

This report on the annual activity of the Catalan Ombudsman must be viewed as supplemental to the other annual reports that the institution presents to the Parliament of Catalonia by legal order. All information on children and education is contained in the *Informe sobre els drets de l'infant* ("Report on the

Rights of the Child"), which was delivered to the Parliament of Catalonia on 21 December 2021 and can be viewed in full at the institution's website: [https://www.sindic.cat/site/unitFiles/8322/Informe%20Infancia%202021\\_def.pdf](https://www.sindic.cat/site/unitFiles/8322/Informe%20Infancia%202021_def.pdf)

Likewise, the activity and the recommendations formulated as the Catalan Mechanism for the Prevention of Torture are reflected in the corresponding report, which was delivered to the Parliament of Catalonia on 28 December 2021 and which can also be consulted at the institution's website: [https://www.sindic.cat/site/unitFiles/8329/Informe%20MCPT%202021\\_cat\\_def.pdf](https://www.sindic.cat/site/unitFiles/8329/Informe%20MCPT%202021_cat_def.pdf)

Finally, in April 2021, the fifth report of the Catalan Ombudsman on the evaluation of the Law on Transparency, Access to Public Information and Good Governance was submitted to the Parliament of Catalonia, which can be found at this link: [https://www.sindic.cat/site/unitFiles/7722/Informe%20Transparencia%20Abril%202021\\_ok.pdf](https://www.sindic.cat/site/unitFiles/7722/Informe%20Transparencia%20Abril%202021_ok.pdf)

Later in this introductory chapter, reference is made to other monographic reports submitted to the Parliament of Catalonia throughout the year.

Details of all the actions and recommendations of the Catalan Ombudsman can be found on the following pages and on the website, which contains all the resolutions issued during 2021. Below are the general considerations and recommendations that spring from all the activity carried out throughout the year 2021 by the Catalan Ombudsman and must be highlighted for their importance.

## PROTECTION OF SOCIAL RIGHTS

Once again, actions linked to social policies are the most important for the institution of the Catalan Ombudsman, accounting for more than 40% of new complaints and almost 60% of new official actions.

These rights once again highlight the **effects on the right to health caused by the outbreak of the SARS-CoV-2 virus** in Catalonia and the world. The year 2021 was one of mass vaccination of the population in Catalonia, and we cannot fail to stress the enormous

effort expended in the research to develop vaccines against the clock; the distribution and organisation effort exerted by public administrations to vaccinate the entire population that requested it; and, no doubt, the huge effort of all the (healthcare and non-healthcare) professionals involved in the development and implementation of the planned vaccination strategy. Certainly, this process has prompted many complaints from the public in relation to issues such as difficulties in accessing information on the place and date of vaccination, logistical incidents, established vaccination priorities, difficulties in obtaining the Covid certificate and more. Ex officio proceedings have been opened to address these matters. However, these incidents have been resolved and continue to advance throughout the year, as the Catalan Ombudsman has recommended the maximum possible extension of the vaccination process from the outset (recently, in children and with third doses), as part of a transparent process in which the public has all the information available to the public administrations.

Surely, however, the greatest impact of Covid-19 on the right to health lies not so much in the infection itself, nor in preventive measures, including the vaccine, but in the **effects it has had on primary care and waiting lists**. In the Catalan healthcare system, which was already suffering from tension and delays at both ends, the outbreak of the pandemic has increased pressure on primary care centres and delayed diagnoses of serious illnesses due to longer and longer waiting lists.

With regard to primary care, the use of telephone appointments during the first months of the year has not been accompanied by sufficient technological means to implement it, so instead of appearing as a valid alternative, affected people have viewed it as an impediment to accessibility. That is why the Catalan Ombudsman has urged the public administration to improve technologies so that people view the complementary communication tools offered to them as a new opportunity to relate, and not as a hindrance. In any case, the Catalan Ombudsman recalls that face-to-face visits must be guaranteed whenever necessary and should be increased to deal with all

pathologies and not just urgent ones, to the extent that the situation allows.

In short, the Catalan Ombudsman thinks that tackling the primary care situation no longer allows for further delays. As such, the plan for strengthening and transforming primary and community care under way must be implemented determinedly and firmly, which will only be possible if it is accompanied by sufficient human, technological and financial resources.

In addition, the fact that attention has had to be directed towards dealing with Covid-19 has **slowed down ordinary activity**, affecting visits with specialists, prescribed tests, scheduled operations and new demands. Beyond the waiting lists that this produces, the Catalan Ombudsman is concerned about the effect that delays in care may have on the state of health and quality of life of those affected, especially when it comes to such significant illnesses as heart disease or cancer. The Catalan Ombudsman believes that a firm and ambitious action plan must be able to plan waiting list management in detail and to minimise the impact that Covid-19 is having on non-Covid pathology as much as possible, while taking action to ensure that these patients are given care and a quick diagnosis that will allow specialists to intervene as soon as possible. In any case, the Catalan Ombudsman calls for execution of the *Covid fund* (9 billion euros) in the state budget, paying out the part that belongs to Catalonia.

In the **fight against poverty**, the pandemic has only increased the at-risk-of-poverty rate in Catalonia. Thus, it is more urgent than ever to make progress in **redefining existing benefits** and setting up a new protection system that is better suited to the real needs of the socially and economically vulnerable. Emblematic in this sense is the poor result of guaranteed basic income, which, apart from problems that have already been dealt with extensively in previous reports and that largely persist (lack of clarity in the resolutions and the various changes made, difficulties in obtaining accurate and up-to-date information, shortcomings in extinction procedures, etc.), raises problems arising from the legal configuration of the benefit, as the established requirements leave out many situations of objective need. We must

therefore assess situations of need in a reasonable and balanced way, framed around the purposes of the benefit, and address situations of need and the fight against poverty from a real rights perspective.

The **Social Emergence Board**, created by the Catalan Ombudsman with various social organisations, has continued to work to propose the bases it considers necessary to establish a social protection system that guarantees people's right to live in a fair, egalitarian and cohesive society. In this vein, the Catalan Ombudsman notes that during this unprecedented crisis, many people have had trouble meeting their basic needs without the response of public administrations to provide specific solutions with the urgency required by the circumstances, as discussed in the meeting between the Social Emergence Board and the president of the Government of Catalonia (Generalitat) in December 2021. The current crisis has also shown that social organisations have been playing a key role in immediately and urgently meeting these needs, which is why legal and budgetary recognition of these organisations and of the third sector is urgent.

One of the clearest signs of poverty is the **difficulty in obtaining or maintaining adequate housing**. The pandemic has made it harder to access and maintain usual housing, while simultaneously revealing that the social housing stock managed by public administrations is insufficient and cannot even respond to residential emergencies caused by the loss of the usual home within a reasonable time.

Proof of this are the many complaints received from people who have lost their usual home and are waiting to be able to access social housing after obtaining a favourable assessment from the relevant emergency board. These people wait for months to gain access to housing, and in some cases even years. Meanwhile, social services relocate them to temporary accommodations that often do not suit their needs, especially families with dependent children and adolescents. We must act urgently through the joint and coordinated action of the various public administrations and public and private actors involved in housing. Moreover, in line with several previous monographic reports (2015, 2018), the Catalan Ombudsman insists

on the need to increase the number of social housing units. The NextGenerationEU fund can be a great opportunity to reverse the current housing shortages, which the Government of Catalonia (Generalitat) should not let go to waste.

Economic and social vulnerability also encompasses **public utilities** (electricity, water, gas) with the increasing number of people suffering from energy poverty. However, as pointed out in the 2020 annual report, the actions of the various public administrations have so far partially cushioned its impact on the most vulnerable people and families. Fortunately, the central government has approved a series of extraordinary measures that essentially extend the guaranteed supply of electricity, water and gas to vulnerable consumers until 28 February 2022, while prohibiting any cuts. A new category of vulnerable consumer has also been created for the purposes of receiving the social voucher and special protection against interruptions of supply. In Catalonia, progress was made on implementation of the Law 24/2015 of measures to tackle energy poverty, which led to an agreement between the Government of Catalonia (Generalitat) and Endesa to forgive the debt accumulated by around 35,000 families between the years 2015 and 2020.

In the sphere of education, the **Pact against School Segregation** is being rolled out more slowly than initially planned. Some of the most significant actions have already been carried out, such as the approval of Decree 11/2021, on student admissions, and the preparation of the report *Estimació del cost de la plaça escolar a Catalunya* ("Estimating the cost of a place in school in Catalonia"), but the planned actions must be carried out decisively and without delay, particularly on use of the instruments provided for in the new decree on student admissions and in its financial report. The intensity accompanying this stage will shape the ability to achieve real structural changes. This is why the Catalan Ombudsman considers it necessary to use the main instruments provided for in the Decree on student admissions to grant financial aid to schools to teach students with specific education needs, approve the protocol for using place reservations and increase resources for centres of high complexity.

In terms of discrimination, this year has seen an increase in attacks on people belonging to the LGBTI community, some of them very serious. As part of its Equality Plan, the Catalan Ombudsman has opened *ex officio* proceedings in the most serious cases identified in Catalonia and has asked each of the competent public authorities in this matter for information on the care that the victims are receiving, the possibility of launching new campaigns or intensifying action to deal with and prevent this type of violence, identification of the most serious situations and coordination between Catalan ministries and public administrations involved in combating LGBTI-phobic violence. The Catalan Ombudsman welcomes the answers received, which show the importance of interministerial work and the participation of all related social actors and associations.

## WOMEN'S RIGHTS

In a context in which progress has been made in the legal recognition of the rights of women and in which the Government of Catalonia has a Ministry of Equality and Feminisms, it still faces and confirms **discrimination and violence against women** on a daily basis based on their gender. In fact, this year's report exposes situations that negatively impact women's rights and that the Catalan Ombudsman has tackled throughout 2021 as part of the mandate of Law 17/2015, of 21 July, on effective equality between women and men, and of the most recent Law 19/2020, of 30 December, on equal treatment and non-discrimination.

Naturally, the most serious expression of the violation of women's rights lies in all forms of violence and harassment of which they are victims because of their gender, which we find in the most diverse spaces and environments, such as on the job, in the culture and in education. The institutional response has often been lukewarm and only occurs when the media report the situation. The proliferation of anti-harassment protocols is not enough if there is no firm desire to enforce them with respect to women, who in no case should be victimised again, but also with guarantees for the alleged aggressor.

Particularly serious are **sexual assaults on minors**, which have increased this year

compared to previous years. It has also been found that there is not enough protection of adolescent girls against sexual exploitation in residential centres of the child protection system. Adolescents cared for by the protection system are especially vulnerable to sexual exploitation and are at significantly higher risk of this form of victimisation than the general child population.

In terms of sexual and reproductive health, we noticed this year that not all women in Catalonia can access the **voluntary termination of their pregnancy where they live**. This is the case of women who live in healthcare regions of Lleida and Alt Pirineu i Aran, who cannot access surgical abortion because all the professionals in the leading hospitals are conscientious objectors. In Alt Pirineu i Aran, patients do not even have access to voluntary termination of their pregnancy by pharmacological means.

The Catalan Ombudsman believes that the Catalan Health Service should provide women throughout Catalonia with the possibility of choosing and accessing the method to voluntarily terminate their pregnancy, under the conditions established in the regulations, in the area where they live. It also recommends that the necessary action be taken to ensure territorial equity in access to voluntary abortion, increasing human and material resources to make it possible if necessary. Regarding conscientious objection, the Catalan Ombudsman recalled that it can only be exercised individually and that in no case can it affect access to service. Given the situation in a hospital, the Catalan Ombudsman understands that the Catalan Ministry of Health must act without further delay to reconcile both rights, and without letting respect for one of them (conscientious objection) harm full enjoyment of the other (women's right to terminate their pregnancy). The Catalan Ministry of Health has accepted these recommendations and is committed to making them effective as soon as possible.

In terms of **access to the civil service**, the Catalan Ombudsman has detected some practices that continue to **treat people differently due to maternity**, usually in the stages prior to temporarily getting offered a job, as well as when a civil servant is actively employed, such as by replacing a candidate for being pregnant. The principle of non-

discrimination requires that public workers who are obviously still in active service during their maternity leave are not at a disadvantage compared to the rest for the purpose of collecting a salary supplement that is only deserved if a minimum number of working hours can be proven. At the same time, discriminatory behaviour can arise even if no employment relationship has been begun. This can be true of some of the most notorious consequences of discrimination, such as women's access to employment due to maternity.

**Tax discrimination has also been identified**, with an unjustified impact on women. This is the case for the tax treatment of the amounts received for caring for children affected by cancer or other serious illness. These benefits naturally compensate both parents for the loss of wages they suffer when they must cut working hours due the need to take care of the affected children; but because mothers are the ones who overwhelmingly provide this care, they suffer a gender impact that needs to be made visible. However, it turns out that non-civil servants receive these amounts as an economic benefit, as a subsidy, and are therefore not subject to personal income tax. For civil servants, this reduction in working hours is counted as income from work and is subject to taxation. Therefore, the same measure of social protection, with the same content, object and purpose, is treated differently for tax reasons depending on the employment relationship of the beneficiary.

The Catalan Ombudsman believes that the inequality in the tax issue described above has no objective and reasonable justification. The end result is that both the object and purpose of the social protection measure are distorted, while an unjustifiable comparative grievance is also created, violating the principles of tax equality and justice. In this regard, we have addressed the High Commissioner of Parliament, since the affected taxes are collected by the central government.

## RIGHTS OF PEOPLE WITH DISABILITIES

Another vulnerable group that has received special attention from the Catalan

Ombudsman this year has been people with disabilities.

Paying adequate attention to the needs of **people in a vulnerable situation due to dependency or disability** is an essential part of social policy and must be a priority in an advanced society aimed at the full enjoyment of the rights of everyone forming part of it.

**Official recognition of disability** is the tool necessary for people with disabilities to gain access to the measures taken to make full participation in society effective in all areas. As such, delays in assessing and resolving the procedure impede access to services and may impair the development of people's training, capacity-building and job placement. We must therefore modify the tracks and simplify the procedure for recognising situations of dependency and the right of access to services and economic benefits linked to the appropriate adaptations to make it more flexible.

The **non-existence, insufficiency or inadequacy of resources** is also serious, as it makes it impossible for people to effectively access the service once the public administration has already assessed their situation and has determined that they need a specific service. Here, we must provide more residential vacancies for people with intellectual disabilities and behavioural disorders or other factors of added complexity, focusing especially on creating resources that can effectively meet these cases' needs.

**Shortcomings related to accessibility** also make the full integration and participation of people with disabilities very difficult. Thus, public administrations must urgently intensify action to lift barriers of all kinds and adapt spaces and services. Furthermore, all their services and activities must incorporate the principle of full accessibility as a main feature.

This situation is particularly serious when it occurs **in the usual home in relation to people who have reduced mobility** and live in homes with architectural barriers that are not adapted, or often are not easily adaptable to their situation, which could easily lead to an incident, such as an accident, worsening health conditions and/

or age. Concern about the growing number of residential emergencies in recent years, coupled with the lack of sufficient public resources to respond to residential emergencies caused by the loss of housing, has led to situations of need for housing that are also very serious, have often gone unnoticed and have not been sufficiently addressed. Thus, the Catalan Ombudsman draws attention to these situations of lack of adequate housing, which can also be very serious situations of need for housing, and which affect the physical and mental health of those affected.

Regarding **access to job opportunities for people with disabilities**, a group with very high unemployment rates, we find a lack of more decisive action by the public administration. Now more than ever, we need active employment policies that consider the special difficulties of this group. These policies must be committed to promoting programmes and methodologies such as Treball amb Support (“Work with Support”), which not only takes care of these people’s job placement, but also helps them to keep their jobs, providing them with career guidance and paying attention to their possible emotional support needs.

Finally, we find tax discrimination among this group as well. The protected **assets of people with disabilities** are configured as a body of assets isolated from the rest of the property and rights of the beneficiary and is immediately and directly linked to meeting the life needs of a person with a disability, favouring the constitution of these assets and tax-free contributions by third parties. This year the Catalan Ombudsman has stated that the constitution of these assets and the tax-free contributions enjoy certain tax benefits under the Law, yet they are not recognised by the state Tax Agency when the funds have been provided in accordance with the Civil Code of Catalonia. The Catalan Ombudsman considers this unequal tax treatment to be unjustified, as it prevents real and effective equality between people with disabilities and the rest of the citizenry, as required by Article 9.2 of the Constitution.

## TERRITORY AND CONSUMPTION

A characteristic of our times is that even though the vast majority of people describe themselves as ecological and sensitive to global and local problems in **protecting the natural environment**, when public administrations take specific action to reduce pollution, they are opposed by the groups most directly affected. These situations may reflect social attitudes that are not in solidarity with tackling global challenges and public administrations’ insufficient planning and information.

If last year we referred to the low-emission zone imposed in the metropolitan area of Barcelona, this year the Catalan Ombudsman has received hundreds of complaints about the configuration of the **carbon dioxide emissions tax** on mechanical traction vehicles. It has also received a significant amount of complaints related to the waste collection system implemented in several Catalan municipalities, especially the implementation of the door-to-door system in the Sant Andreu del Palomar district of Barcelona. The Catalan Ombudsman has also acted ex officio and held many meetings with local bodies and representatives that, despite declaring themselves in favour of renewable energies, rejected the model established by Decree-Law 16/2019, of 26 November, on urgent measures for the climate emergency and the promotion of renewable energies; an instrument that has been replaced by Decree Law 24/21 this year (validated by the Parliament of Catalonia on 1 December 2021).

All the aforementioned activity can be improved and, in fact, the Catalan Ombudsman has recommended improvements to the public administration regarding configuring the CO<sub>2</sub> tax (such as not taxing vehicles that are deregistered), readjusting waste management (adapting it to the needs of each district or municipality), drawing up a sectoral territorial plan to implement renewable energies and prioritising their use in degraded or already altered soils.

New measures must be implemented while respecting human rights. Door-to-door is the most efficient system for recycling waste, both in quantity and quality. It has a similar cost to other more common but less efficient

systems and the public is becoming active in reducing and collecting waste, which promotes recycling. The tax on polluting vehicles is aimed at protecting the environment. This tax needs to be maintained and strengthened. And, of course, only the widespread implementation of renewable energies throughout Catalonia will allow us to honour international commitments in the fight against climate change.

Therefore, without harming the defence of individual rights and the right to a good public administration, the **Catalan Ombudsman will continue to support measures aimed at protecting the natural environment and the environmental balance.**

A key factor in protecting the environment is the achievement of **sustainable mobility through the promotion of public transport.** Certainly, this year there has been a gradual increase in the use of public transport, but without reaching pre-pandemic levels. While this may be due in part to telecommuting and distance education, the fact is that by the end of the year the congestion on our roads and cities is comparable to or higher than it was in 2019, leading us to conclude that the decline in the use of public transport has to do with the fear of contagion.

Many of the complaints received this year relate to crowds of people inside train cars or buses without maintaining any safe distance and without gauging control, as the public has internalised that idea that social distancing is an essential tool in the fight against Covid-19 and its spread. Only by increasing the capacity and frequency of circulation, as users have always demanded, will we make public transport useful and attractive, which will have a positive effect on more fluid and sustainable mobility.

In terms of consumption, 2021 has been characterised by an **exorbitant rise in the price of energy**, which has basically been transferred to the bills of people who have a contract with the regulated tariff (the PVPC). The rise in the price of gas and CO2 emission rights in international markets, together with geopolitical factors and the post-pandemic economic recovery, have led

to a significant rise in electricity bills in late 2021 compared to previous years.

The impact of the price of electricity during 2021 has once again highlighted consumers' difficulties in understanding the electricity bill and the different line items composing it, as seen by many complaints received at the institution. The Catalan Ombudsman has stated this on several occasions in previous years and has called for simplification and clarity of information. Though unproductive thus far, these efforts are even more necessary due to the steep rise in the price of electricity during the 2021, which since June been overlapping with a change in tolls aimed at changing consumers' habits towards a more efficient use of electricity by breaking the day into three periods (peak, flat and valley) of hourly discrimination for the energy consumed and the possibility of having two different potencies on a contract, for valley hours and for peak hours.

The complaints received show the **difficulties that many people face when accessing the electric social voucher**, since applying for it involves a procedure that has proven to be cumbersome and quite inflexible over the years, especially for the most vulnerable consumers. Although the design of the electric social voucher should have allowed the beneficiaries to receive it almost automatically, several complaints received show that the 2020 voucher has not yet been paid, which is why the Catalan Ombudsman decided to initiate the current investigation.

## CIVIL AND POLITICAL RIGHTS

Unlike in 2020, the restrictions on mobility in the first half of 2021 (municipal lockdowns, curfews) have not prompted a significant number of complaints to the institution, probably because the legal assets and the fundamental rights in attendance have been properly weighed.

In this area, perhaps the most significant event has been **the granting of pardons to people convicted** by STS 459/2019, an issue that has been studied by the Catalan Ombudsman in a monographic report, delivered to the Parliament of Catalonia in

September and debated in commission in November.

Prior to the pardons, the **Parliamentary Assembly of the Council of Europe approved the report “Should politicians be prosecuted for statements made in the exercise of their mandate?”**, directly linked to this issue. The report, which is firmly based on the jurisprudence of the European Court of Human Rights and the rulings of other institutions of the Council of Europe, such as the Venice Commission, includes reflection and proposals previously made by the Catalan Ombudsman in recent years.

Among other things, the report addresses the necessary (non-criminal) political treatment of the conflict; the modification or reinterpretation of crimes such as sedition, rebellion and embezzlement; the granting of pardons; the cessation of legal proceedings against others for cases related to the referendum on 1 October and dialogue between the parties. It also recommends the immediate release of all politicians who fit the definition of political prisoners established by Resolution 1900 (2012) and notes the non-existence of violence in the actions of October 2017. The report further states that in Europe there is no room for the criminal prosecution of politicians in acts carried out in the exercise of their office and that freedom of expression and the possibility of questioning the status quo of a state must be protected.

In this context, the Catalan Ombudsman has asked the Parliament of Catalonia to help to supervise the report and to set up a specific commission or working group to monitor and assess the level of compliance with the action taken and recommendations gathered.

In recent years, and 2021 has been no exception, **demonstrations in Catalonia**, almost all of them peaceful, have had over 10,000 participants. The few dozen that led to riots and fighting, particularly following the imprisonment of rapper Pablo Hasel, have received widespread media coverage and have called into question the model of public order and of guaranteed rights, if not the police model, in Catalonia.

The Catalan Ombudsman is following up on this discussion, which is now being debated in the Parliament of Catalonia, and has

opened investigations into allegedly disproportionate **police actions** at some of these demonstrations. In any case, the Catalan Ombudsman insists that public order police action must comply with the principles of proportionality, suitability, congruence and opportunity in the defence and protection of legal property. In addition, police intervention teams must have agents trained in mediation techniques, negotiation and alternative and peaceful conflict resolution.

More broadly, the agents of all security forces, who must always be properly identified, must behave properly in their interactions with the public at all times, whom they must always assist and protect as long as the circumstances so advise or require; and provide complete and comprehensive information on the causes and purpose of any intervention.

## LANGUAGE RIGHTS

Catalonia’s language policy, particularly *immersió lingüística* (“linguistic immersion”) in the education system, has been **a factor of non-partisan social cohesion and structure** for decades. This good system is threatened today by demagogic attacks that underestimate reality and the social and scientific consensus around education, in addition to the constitutional and legal mandate and the recommendations of the main European bodies dealing with the language issue.

**The establishment of a 25% quota of classes in Spanish** generally, across the education system, interferes with the current clear legal framework that, according to the data available thus far, Spanish is already a true vehicular language in our education system, as established by the same constitutional framework.

In fact, during its term of office, the Catalan Ombudsman has had the opportunity to comment on several occasions on the non-existence of a real conflict in this matter, as evidenced by the few complaints received at the institution and the fact that by 2021, only eight families had enforced judicial application of the Spanish language quota, which is now generally imposed.



The linguistic model of Catalonia ensures knowledge of both official languages by all students at the end of compulsory education. It is a fully valid model, recognised internationally as a good pedagogical model that fosters coexistence and respect for students independently of their needs and their origin.

Research demonstrates that the system is beneficial for students of non-Catalan speaking origin and that the differences in knowledge between Spanish-speaking students taught in Catalan and students taught in Spanish are not significant, here or in comparison with other monolingual communities. Nevertheless, we should probably reflect on the territorial adaptation and flexibility of the model, based on the autonomy of the centres that use it only for educational reasons.

Failure to implement this educational model, which enjoys explicit support beyond Catalan institutions, can lead to a risk of social and linguistic segregation and negatively affect the language skills of Catalan children from non-Catalan-speaking families who do not have the opportunity to talk about it or work on it in their immediate environment. It also brings other benefits from a social point of view, such as the recognition of linguistic diversity, so important in today's multilingual society.

Finally, this should be another expression of the plurality of the Spanish state and of its linguistic diversity, which must be protected under the terms of Article 3.3 of the Spanish Constitution.

## INTERNATIONAL RELATIONS

The year 2021 was the last one of Rafael Ribó's term as president of the European chapter of the International Ombudsman Institute, a position he had held since 2016, and that he had previously held from 2009 to 2012. Rafael Ribó has been the director of the International Board uninterruptedly since 2009.

During his term, the European Board and Conference meetings were held in Barcelona in 2010, focused on the debate on

immigration and rights. Other important seminars and conferences included those addressing the challenges of human rights in the dilemma between security and freedom and the last one organised in the city, which sparked a discussion on artificial intelligence and rights.

Noteworthy activity during the presidency of the Catalan Ombudsman included the establishment of a programme to assist threatened ombudsman institutions, the Council of Europe's approval of the Resolution on the Ombudsman and the approval of the Venice Principles of the European Commission for Democracy through Law (better known as the Venice Commission). Intensive work has also been done to consolidate the ombudsman model and institutions through mechanisms such as peer review.

## EXTRAORDINARY REPORTS

One of the most important activities of the Catalan Ombudsman, due to its scope, is the creation of extraordinary monographic reports, which are added to the periodic annual reports entrusted to the institution by the Catalan Ombudsman Act and the Transparency Law. This extraordinary activity has been more consistent in recent years, ceasing to be sporadic or one-off and becoming a central part of the institution's functions. The extraordinary report format allows for in-depth analysis of issues that cannot be addressed extensively in individual complaints. In addition to their public dissemination, the reports are registered in the Parliament of Catalonia and are the subject of debate in the Catalan Ombudsman's Commission or in the committee responsible for the matter. This year, five extraordinary reports have been prepared and registered in the Parliament of Catalonia:

- *Expansió, reglamentació i ús de les pistoles elèctriques entre les policies de Catalunya. Gener 2021* ("Expansion, regulation and use of electric pistols among the police of Catalonia. January 2021")
- *El paper dels ajuntaments en la lluita contra la segregació escolar. Març 2021* ("The role of local councils in the fight against school segregation. March 2021")

- *Protocol de detecció d'alumnat amb necessitats educatives específiques i ús de la reserva de places. Maig 2021* (“Protocol for the detection of students with specific educational needs and the use of place reservations. May 2021”)
- *La concessió de l'indult parcial a les persones condemnades per la sentència 459/2019 del Tribunal Suprem. Setembre 2021* (“The granting of a partial pardon to persons convicted by Supreme Court ruling 459/2019. September 2021”)
- *L'educació inclusiva a Catalunya. Setembre 2021* (“Including education in Catalonia. September 2021”)

All these reports, as well as the 40-odd singular supervision reports for municipalities and counties with which the Catalan Ombudsman has an agreement, can be found on the Catalan Ombudsman's website.

## FINAL THOUGHTS

### Catalan Ombudsman and public administrations

The Catalan Ombudsman welcomes the good disposition of all the public administrations and companies with which it interacts, both in terms of processing complaints and receptivity to the suggestions.

This year, over 18,000 complaints were lodged with the institution, beating out the previous record at close to 12,000. There were also more than 12,700 inquiries and many official processes were initiated (264). In all, nearly 25,000 cases were opened during the year, 14% more than the previous year, which was an extraordinary year. The Catalan Ombudsman has not observed any serious situations of obstruction of its work by any public administration or company, even though the quarantines, confinements and other restrictions throughout the year have slowed down the public administrations' responses for much of the year. This slowdown, corrected at the end of the year, led to longer processing deadlines for complaints.

Following the trend of previous years, in 98% of the cases in which an irregular action by

the public administration has been detected, all or part of the measures suggested or recommended by the Catalan Ombudsman have been accepted.

Both in terms of processing and accepting the recommendations, the Catalan Ombudsman will continue to work to improve these numbers. Digital processing is once again the main means of communication with the public, though with full respect for the rights of people who have trouble with electronic methods of communication.

The challenges that the Catalan Ombudsman sets out for itself include raising awareness and spreading information about itself among the population, becoming widely known as a guarantor of rights. The institutional section reports on the meetings and visits of the Catalan Ombudsman and its deputies to various parts of Catalonia throughout the year. Meetings are also frequent at the institution's headquarters and across Catalonia with important social stakeholders to discuss the situation of the rights affecting them. Both have been shaped by pandemic-related mobility restrictions and have often been held virtually.

These restrictions have once again impacted the itinerant office of the Catalan Ombudsman. During 2021, this service was available online during the first half of the year. From summer onwards, face-to-face visits were resumed, while maintaining the possibility of online assistance. The arrival of the omicron variant, however, returned everything to virtual mode in December. A total of 115 visits were made by the Catalan Ombudsman's office in 2021: 74 were made virtually and 41 in person. A total of 880 complaints were received and 762 inquiries were made, for a total of 1,642 actions.

At the same time, the institution wishes to continue working closely with all important actors, including local, regional and university ombudsmen, the Spanish Ombudsman and major international human rights bodies.

These improvements and networking help to maintain and increase the value of those who approach the institution. These

welcome developments will only be possible thanks to the professionalism and dedication of the team that makes up the Catalan Ombudsman, despite the difficulties arising from the pandemic.

Finally, since March 2019, the staff and services of the Catalan Ombudsman have been prepared for the institutional renewal agreed by the Parliament of Catalonia, without failing to attend to and promote the guarantee of rights and freedoms of all. For this reason, a detailed informative guide on the institution and a book by subject have been prepared, together with the results of the audit of the Public Audit Office and the peer review prepared by the Parliamentary and Health Service Ombudsman of the United Kingdom and the Federal Ombudsman of Belgium after examining this institution for two months.

### **Catalan Ombudsman and rights**

For a full guarantee of rights and freedoms, and with constant work in favour of good administration, by virtue of the statutory task that defines the mission of the Catalan Ombudsman, at the end of this annual report we must stress the following, above all faced with the growing vulnerability that has been further demonstrated by the Covid-19 pandemic:

Firstly, overcoming the pandemic highlights the need to devote more resources to primary care, the consideration and professionalisation of health care staff, research and technological renewal.

Secondly, the frontal attack on segregation is a guarantee of equity in education, and together in public service and both public and public-private schools, it is based on full respect for children's rights.

Thirdly, dedication to imbalance in the social pillar is urgently required. Accessible and universal benefits are needed, with accompanying policies especially for the elderly, which encourage cultural and structural change in the face of discrimination such as by gender. It is also important not to obstruct residential registration and work for migrants.

Fourthly, policies must be promoted in favour of the right to enjoy nature as a matter for all starting from implementation of the zero hypothesis. Reducing the pollution produced during the pandemic should be a lesson and a basis for setting goals for the future.

Fifthly, we must achieve the effective right to self-government with full disposition by the shared government in the Catalan, Spanish and European spheres. Demands for political freedoms can never be contrary to the Penal Code.

Chapter II of the Catalan Ombudsman's annual report presents the main reasons why people have asked the Catalan Ombudsman to intervene throughout 2021. It describes the institution's most significant related actions, especially when receiving complaints and inquiries. The data show all the actions started between 1 January and 31 December 2021. The actions processed are also reported, which are those that have been worked on during the year, regardless of the year when they began.

Although the annual report was heavily marked by the appearance of Covid-19 in 2020, the declaration of the state of emergency, mobility reduction measures and other factors, this year there has been a transition from problems arising from Covid-19 and its effects on various spheres in people's lives to problems that were already there in previous years (evictions, childcare, sexist violence, non-payment of aid) and could lead to the beginning of a more serious social and economic situation than what has been observed in recent years.

The volume of action of the Catalan Ombudsman has increased again compared to previous years in 2021. Specifically, only two years yielded higher figures than 2021 (the years 2009 and 2012, when the economic crisis was particularly severe, both in the private and public sectors).

In fact, this year the number of complaints initiated by the Catalan Ombudsman has reached almost 12,000, a figure that had never been reached by the institution. Further clarification is needed on the action

taken by public administrations in response to the inquiries received, especially with regard to Covid-19 mobility restrictions, with a 25% rise over the previous year.

For most years, social policy has been the area with the most complaints, but this year the increase is mainly in the areas of health and education and research, which are the most affected by the emergence of Covid-19.

Although the 2020 annual report indicated that it was still too early to measure the social and economic consequences that would result from the public health emergency and the action taken, they have been detected in 2021, especially with regard to housing and the problems of coping with household energy costs.

Despite the variability, the data confirm that the most vulnerable groups are responsible for filing the highest number of complaints and inquiries. First are women who suffer from inequality either due to the unequal distribution of tasks involved in childcare or caring for dependent people. Other factors may further increase this inequality, whether because women have been victims of gender-based violence, they have a disability, they are migrants, etc.

In fact, the most significant increase in complaints and ex officio actions by the Catalan Ombudsman has occurred in the area of discrimination (149%), which refers both to the lack of policies with a gender perspective and gender inequality in the private sphere, such as the increase in gender-based violence and LGTBI-phobic aggression across Catalonia.

**■ ACTIVITIES OF THE CATALAN OMBUDSMAN  
IN 2021, IN FIGURES**



## 2. ACTIVITIES OF THE CATALAN OMBUDSMAN IN 2021, IN FIGURES

Chapter II of the Catalan Ombudsman's Annual Report presents the main reasons why people have requested the Catalan Ombudsman's intervention during the year 2021. In this sense, it informs about the most relevant actions of the institution, especially regarding the complaints and inquiries received. The data show all the proceedings opened between 1 January 2021 and 31 December 2021. It also informs about the proceedings that have been handled during 2021, regardless of their year of opening.

Although during 2020 the annual report was marked by the appearance of Covid-19, the imposition of the state of emergency or mobility reduction measures, among others, this year there is a transition between the problems arising from Covid-19 and the effects on the various spheres of citizens' life, but also a number of problems that were already observed on previous years (home evictions, childcare, sexist violence, non-payment of social benefits) and which could lead to the beginning of a more serious social and economic situation than the one that has been observed in recent years.

**Health and education and research are the most affected areas by the appearance of Covid-19**

During 2021, the number of proceedings opened by Catalan Ombudsman has increased again compared to previous years. There are only two years with higher figures than those obtained in 2021, which are in 2009 and 2012, when the economic crisis was particularly severe, both in the private and public sectors. In fact, this year the number of complaints initiated by the Catalan Ombudsman has reached almost 12,000, a figure that had never been reached before. In relation to the inquiries received, which have increased by 25% compared to the previous year, it has been detected that more clarification is needed on the measures taken by the administrations,

especially with regard to the mobility restrictions during the Covid-19 pandemic

Most years, social policies have been the area with the most complaints, but this year the increase is mainly in the areas of health and education, which are the most affected by the appearance of Covid-19.

Although the 2020 annual report stated that it was still too early to measure the social and economic consequences that would result from the health emergency and the measures implemented, in 2021 these consequences are detected, especially with regard to housing or the problems of citizens to cope with household energy costs.

**In 2021 the volume of actions addressed by the Catalan Ombudsman has increased with respect to previous years**

Regarding the profile of people who file complaints and inquiries, despite its variability, the data confirm that the majority of complaints are filed by the most vulnerable groups. Firstly, women, who suffer from inequality, due to the unequal distribution of childcare duties and care for dependents. In addition, there are other dimensions that further increase this situation of inequality in women, whether because they have been victims of sexist violence, because they have a disability or because they are migrants, among others.

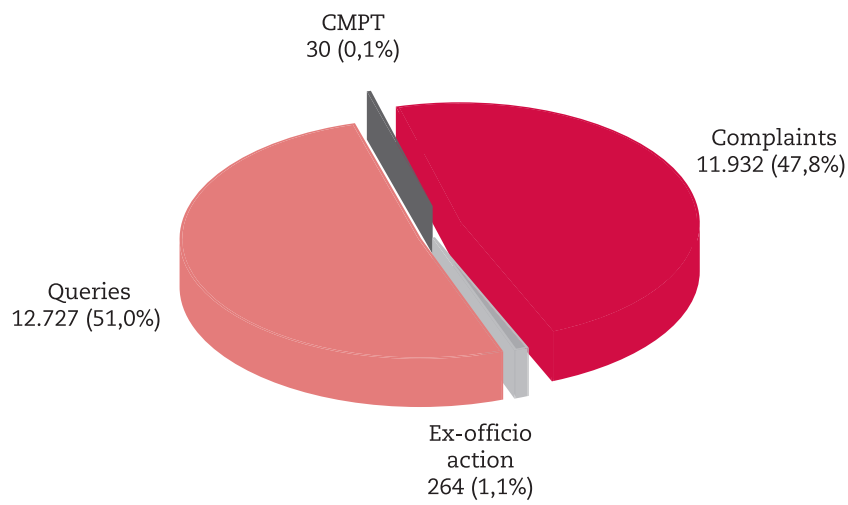
In fact, it is especially noteworthy that the most significant increase in complaints and ex officio proceedings at the Catalan Ombudsman has occurred in the field of discrimination (149%), which refers both to the lack of policies with a gender perspective and situations of gender inequality in the private sphere, and to the increase in sexist violence or LGTBI-phobic aggressions in Catalonia.

**1. Actions initiated in 2021**

|                      | N             | %            |
|----------------------|---------------|--------------|
| ■ Complaints         | 11.932        | 47,8         |
| ■ Ex-officio actions | 264           | 1,1          |
| ■ Queries            | 12.727        | 51,0         |
| ■ CMPT               | 30            | 0,1          |
| <b>Total</b>         | <b>24.953</b> | <b>100,0</b> |

**2. Actions processed in 2021**

|                    | N             | %            |
|--------------------|---------------|--------------|
| Complaints         | 18.450        | 57,8         |
| Ex-officio actions | 699           | 2,2          |
| Queries            | 12.727        | 39,9         |
| CMPT               | 30            | 0,1          |
| <b>Total</b>       | <b>31.906</b> | <b>100,0</b> |





## 2.1. FIGURES BY SUBJECT MATTER

Social policies account for 40% of all complaints and actions taken by the Catalan Ombudsman, followed by public administrations and taxes, which shows an increase over the previous year essentially due to the elections to the Parliament of Catalonia and the action taken on Covid-19 during the electoral period.

**Social policies exceed 40% of the volume of the Catalan Ombudsman's actions followed by public administration and taxes**

There has been an increase in complaints about some areas of social policy and a slight decrease in others over the previous year. Complaints about the healthcare sector, which already showed a significant increase over the previous year, have continued to rise, both in terms of pandemic management (Covid-19 certificates, antigen tests, vaccination, etc.) and its consequences for the sector (waiting lists, delays in diagnosis and others). The rise in complaints about education and research is also heavily influenced by action that has been taken in schools as a result of Covid-19 (information provided to families before the start of the school year, the compulsory use of masks, the confinement of school groups, etc.). Complaints referring to childhood and adolescence show a slight decrease compared to the previous year, although they remain higher than in previous years in general. This is also a result of the action

taken in leisure education, child healthcare and child risk or neglect.

Complaints and ex officio proceedings about labour relations have decreased, which in the previous year had been shaped by the management of temporary employment regulation (ERTO) and the difficulties in getting an appointment or contacting the public service.

Finally, there has been an increase in discrimination, especially related to gender equality, and a significant rise in LGBTBI-phobic aggression, especially in nightlife settings.

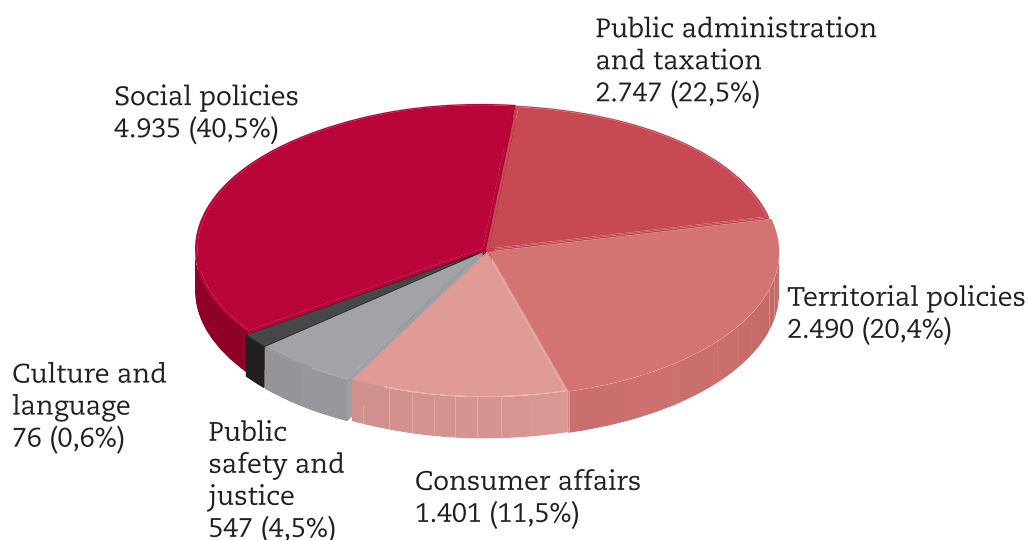
There has been a rise in the number of complaints about the public administration and taxes, motivated particularly by the process and the constitution of the electoral boards for the elections to the Parliament of Catalonia on 14 February 2021. There have also been many complaints about the civil service and administrative coercion, as can be seen below.

The scope of territorial policies continues to shrink compared to previous years due to the decrease in complaints about the environment and urban planning.

The area of consumption remains stable, with similar behaviours compared to other years, although the most pronounced growth occurred during the last half of 2021 due to the rise in energy costs and the difficulties in paying them. Finally, there was a drop in complaints about public safety and justice.

## 3. Evolution of complaints and official actions initiated in the Catalan Ombudsman

|   | 2017          |              | 2018          |              | 2019          |              | 2020          |               | 2021          |               |
|---|---------------|--------------|---------------|--------------|---------------|--------------|---------------|---------------|---------------|---------------|
|   | N             | %            | N             | %            | N             | %            | N             | %             | N             | %             |
| <b>Social policies</b>                    | <b>2.945</b>  | <b>28,2</b>  | <b>3.367</b>  | <b>31,3</b>  | <b>3.205</b>  | <b>29,8</b>  | <b>4.244</b>  | <b>36,5%</b>  | <b>4.935</b>  | <b>40,5%</b>  |
| Education and research                    | 641           | 6,1          | 834           | 7,7          | 865           | 8,0          | 1.329         | 11,4%         | 1.676         | 13,7%         |
| Children and adolescent affairs           | 632           | 6,1          | 619           | 5,8          | 662           | 6,1          | 945           | 8,1%          | 842           | 6,9%          |
| Health care                               | 696           | 6,7          | 680           | 6,3          | 790           | 7,3          | 885           | 7,6%          | 1.458         | 12,0%         |
| Social services                           | 643           | 6,2          | 1.068         | 9,9          | 735           | 6,8          | 883           | 7,6%          | 750           | 6,1%          |
| Work and pensions                         | 112           | 1,1          | 66            | 0,6          | 77            | 0,7          | 149           | 1,3%          | 77            | 0,6%          |
| Discrimination                            | 221           | 2,1          | 100           | 0,9          | 76            | 0,7          | 53            | 0,5%          | 132           | 1,1%          |
| <b>Public administration and taxation</b> | <b>2.038</b>  | <b>19,5</b>  | <b>2.996</b>  | <b>27,8</b>  | <b>2.216</b>  | <b>20,6</b>  | <b>2.301</b>  | <b>19,8%</b>  | <b>2.747</b>  | <b>22,5%</b>  |
| Public administration and rights          | 1.460         | 14,0         | 2.668         | 24,8         | 1.744         | 16,2         | 1.618         | 13,9%         | 1.421         | 11,7%         |
| Taxation                                  | 578           | 5,5          | 328           | 3,0          | 472           | 4,4          | 683           | 5,9%          | 1.326         | 10,9%         |
| <b>Territorial policies</b>               | <b>2.885</b>  | <b>27,6</b>  | <b>1.993</b>  | <b>18,5</b>  | <b>3.001</b>  | <b>27,9</b>  | <b>2.784</b>  | <b>24,0%</b>  | <b>2.490</b>  | <b>20,4%</b>  |
| Environment                               | 813           | 7,8          | 1.023         | 9,5          | 2.096         | 19,5         | 1.806         | 15,5%         | 1.585         | 13,0%         |
| Housing                                   | 338           | 3,2          | 408           | 3,8          | 328           | 3,0          | 288           | 2,5%          | 248           | 2,0%          |
| Town planning                             | 1.734         | 16,6         | 562           | 5,2          | 577           | 5,4          | 690           | 5,9%          | 657           | 5,4%          |
| Consumer affairs                          | 1.637         | 15,7         | 1.679         | 15,6         | 1.489         | 13,8         | 1.440         | 12,4%         | 1.401         | 11,5%         |
| Public safety and justice                 | 881           | 8,4          | 685           | 6,4          | 822           | 7,6          | 675           | 5,8%          | 547           | 4,5%          |
| Culture and language                      | 59            | 0,6          | 42            | 0,4          | 32            | 0,3          | 176           | 1,5%          | 76            | 0,6%          |
| <b>Total</b>                              | <b>10.445</b> | <b>100,0</b> | <b>10.762</b> | <b>100,0</b> | <b>10.765</b> | <b>100,0</b> | <b>11.620</b> | <b>100,0%</b> | <b>12.196</b> | <b>100,0%</b> |



#### 4. Number of complaints, ex officio actions and consultations initiated in 2021 in the field of social policies

In the field of social policy, the subject of health was the main reason for the intervention of the Catalan Ombudsman in 2021. There were two main types of health-related complaints: those directly related to the pandemic and the Covid-19 situation and those related to the healthcare infrastructure, benefits and services affected by limited resources as a consequence of Covid-19.

Thus, the problems of vaccination, the choice of the type of vaccine and the circumstances for issuing the Covid-19 certificate have been the most common variants of the first type of problems. Aspects that did not directly affect Covid-19, the closure of health centres, the lack of specialised staff and the cancellation of diagnostic tests and operations have also been widely discussed this year at the institution of the Catalan Ombudsman.

There is also a growing number of complaints about mental health. The increasing visibility of mental illness also helps to detect the shortcomings and difficulties that people with mental health illnesses face in the healthcare sector.

Education and research is the area with the second-most complaints. As noted in previous reports, this subject is heavily influenced by mass movements. Thus, while complaints and inquiries about social services or housing respond more to particular questions, many families or the students themselves take action in education and research-related situations that they understand to be violations of their rights.

Examples of this include the use of online examinations, the enactment of the Decree Law on the Information of Vaccinated Persons in Education Centres, disagreement with the closure of private training centres and language teaching centres due to Covid-19 mobility restrictions and problems in accessing certain lines of education.

However, pre-enrolment and access to school, the preparation of tests and

examinations, the situation of schools dealing with the pandemic and students with special educational needs continue to account for a significant number of complaints in this area.

Regarding childhood and adolescence, family rights (with special attention to residential emergencies) was the subject of the most complaints, inquiries and ex officio actions this year. In fact, there are more and more complaints about evictions with families, many of them single-parent families with dependent children, as well as the difficulties that many families face in balancing work and family life in light of the action taken against Covid-19.

As noted in the 2020 annual report, activities related to children's leisure, recreation and sport have prompted the Catalan Ombudsman's intervention, mainly regarding pandemic-related restrictions on mobility. Thus, there were complaints about the resumption of sports competitions, with discrimination of children by age and competitive level.

In addition, as in the previous year, children with disabilities or health problems have been particularly affected during this period, which has increased the burden on families, especially single-parent and large families.

Again, complaints, inquiries and ex officio actions related to the risk or neglect of children and the action of the child welfare teams (EAIA) or social services, or the impact of children's problems in family relationships, usually stemming from a conflicting separation or divorce process, accounted for a significant amount of the Catalan Ombudsman's interventions. Finally, though to a lesser extent, there was a notable number of complaints or inquiries about situations of child sexual abuse and mistreatment, whether occurring in 2021 or in previous years.

The area of social services has remained stable this year, with the Catalan Ombudsman taking nearly one thousand

actions related to social inclusion and the need to provide aid to people in vulnerable situations. The main problems are the failure to grant guaranteed basic income and the delay in granting it or in resolving the appeal presented by the people against the failure to grant it.

There has also been an increase in complaints about the resolution or review of dependency. As such, people with physical, mental or sensory disabilities have also seen their lifestyle affected by the closure of day centres and employment centres.

Compared to 2020, the number of complaints, inquiries and ex officio actions related to the management of residences fell due to the Covid-19 outbreak and the difficulties in visiting relatives residing there.

The Catalan Ombudsman's intervention in labour relations and pensions was on a level comparable to most years, unlike the previous

year, in which there was a greater degree of intervention due to the problems in contacting the public services that manage unemployment benefits, ERTO, etc. Given the limited scope of powers with which the institution can intervene in the matter, most of its actions are consultations related to unemployment benefits, job placement or situations of temporary or permanent disability. However, there is a need to create a new sub-subject relating to balancing work and family life, as the Catalan Ombudsman is beginning to receive inquiries and complaints related to the problems of performing well at work while supporting the family and home life at the same time, especially in situations of confinement that have affected school groups.

Finally, in the area of discrimination, as noted above, the number of actions has increased compared to 2020, especially because of a rise in aggression linked to sexist and LGBTBI-phobic violence.

| <b>4.1. Education and research</b>             | <b>Total</b> | <b>%</b>     | <b>Queixes</b> | <b>%</b>     | <b>AO</b> | <b>%</b>     | <b>Consultes</b> | <b>%</b>     |
|--|--------------|--------------|----------------|--------------|-----------|--------------|------------------|--------------|
| Pre-enrollment to education and centers        | 293          | 13,1         | 198            | 12,1         | 12        | 30,8         | 83               | 14,6         |
| Rights and obligations of students             | 889          | 39,6         | 779            | 47,6         | 5         | 12,8         | 105              | 18,5         |
| University studies and research                | 276          | 12,3         | 172            | 10,5         | 2         | 5,1          | 102              | 17,9         |
| Scholarships and grants                        | 80           | 3,6          | 49             | 3,0          | 3         | 7,7          | 28               | 4,9          |
| Special educational needs                      | 121          | 5,4          | 77             | 4,7          | 4         | 10,3         | 40               | 7,0          |
| Bullying                                       | 111          | 4,9          | 56             | 3,4          | 2         | 5,1          | 53               | 9,3          |
| Education centers                              | 195          | 8,7          | 156            | 9,5          | -         | 0,0          | 39               | 6,9          |
| Organization and planning of the school system | 73           | 3,3          | 31             | 1,9          | 1         | 2,6          | 41               | 7,2          |
| Other lessons                                  | 127          | 5,7          | 93             | 5,7          | 1         | 2,6          | 33               | 5,8          |
| Teaching staff                                 | 20           | 0,9          | 7              | 0,4          | -         | 0,0          | 13               | 2,3          |
| Others   | 60           | 2,7          | 19             | 1,2          | 9         | 23,1         | 32               | 5,6          |
| <b>Total</b>                                   | <b>2.245</b> | <b>100,0</b> | <b>1.637</b>   | <b>100,0</b> | <b>39</b> | <b>100,0</b> | <b>569</b>       | <b>100,0</b> |

| <b>4.2. Children and adolescents' affairs</b> | <b>Total</b> | <b>%</b>     | <b>Queixes</b> | <b>%</b>     | <b>AO</b> | <b>%</b>     | <b>Consultes</b> | <b>%</b>     |
|---|--------------|--------------|----------------|--------------|-----------|--------------|------------------|--------------|
| Child in risk and performance of the EAIA     | 270          | 18,6         | 118            | 15,5         | 22        | 27,8         | 130              | 21,2         |
| Rights of families                            | 398          | 27,4         | 218            | 28,6         | 15        | 19,0         | 165              | 27,0         |
| Problems in family relationships              | 195          | 13,4         | 81             | 10,6         | 5         | 6,3          | 109              | 17,8         |
| Child health                                  | 161          | 11,1         | 111            | 14,5         | 4         | 5,1          | 46               | 7,5          |
| Education in leisure and sporting activities  | 210          | 14,4         | 130            | 17,0         | 7         | 8,9          | 73               | 11,9         |
| Child disability                              | 87           | 6,0          | 57             | 7,5          | 7         | 8,9          | 23               | 3,8          |
| Child protection centers                      | 75           | 5,2          | 23             | 3,0          | 12        | 15,2         | 40               | 6,5          |
| Unaccompanied minors                          | 7            | 0,5          | 2              | 0,3          | 3         | 3,8          | 2                | 0,3          |
| Media and new technologies                    | 9            | 0,6          | 4              | 0,5          | -         | 0,0          | 5                | 0,8          |
| Family fostering and adoptions                | 32           | 2,2          | 16             | 2,1          | 2         | 2,5          | 14               | 2,3          |
| Discrimination                                | 10           | 0,7          | 3              | 0,4          | 2         | 2,5          | 5                | 0,8          |
| <b>Total</b>                                  | <b>1.454</b> | <b>100,0</b> | <b>763</b>     | <b>100,0</b> | <b>79</b> | <b>100,0</b> | <b>612</b>       | <b>100,0</b> |

| <b>4.3. Health care</b>                                      | <b>Total</b> | <b>%</b>     | <b>Queixes</b> | <b>%</b>     | <b>AO</b> | <b>%</b>     | <b>Consultes</b> | <b>%</b>     |
|--|--------------|--------------|----------------|--------------|-----------|--------------|------------------|--------------|
| Rights and obligations of the user                           | 1.311        | 47,1         | 624            | 43,2         | 3         | 21,4         | 684              | 51,6         |
| Waiting lists  | 208          | 7,5          | 133            | 9,2          | -         | 0,0          | 75               | 5,7          |
| Health benefits  | 294          | 10,6         | 181            | 12,5         | -         | 0,0          | 113              | 8,5          |
| Disagreement with the diagnosis and treatment of the disease | 61           | 2,2          | 23             | 1,6          | -         | 0,0          | 38               | 2,9          |
| Mental health  | 77           | 2,8          | 27             | 1,9          | 0         | 0,0          | 50               | 3,8          |
| Infrastructure, management and resources                     | 250          | 9,0          | 130            | 9,0          | 3         | 21,4         | 117              | 8,8          |
| Medical assessments  | 84           | 3,0          | 16             | 1,1          | -         | 0,0          | 68               | 5,1          |
| Minority diseases  | 46           | 1,7          | 28             | 1,9          | 1         | 7,1          | 17               | 1,3          |
| Others   | 452          | 16,2         | 282            | 19,5         | 7         | 50,0         | 163              | 12,3         |
| <b>Total</b>   | <b>2.783</b> | <b>100,0</b> | <b>1.444</b>   | <b>100,0</b> | <b>14</b> | <b>100,0</b> | <b>1.325</b>     | <b>100,0</b> |

| <b>4.4. Social services</b>  | <b>Total</b> | <b>%</b>     | <b>Queixes</b> | <b>%</b>     | <b>AO</b> | <b>%</b>     | <b>Consultes</b> | <b>%</b>     |
|--|--------------|--------------|----------------|--------------|-----------|--------------|------------------|--------------|
| Social inclusion (guaranteed income and non-contributory benefits)                 | 914          | 49,0         | 292            | 39,2         | 2         | 33,3         | 620              | 55,6         |
| People with disabilities (subsidies and benefits, benefit accessibility and grade) | 493          | 26,4         | 253            | 34,0         | -         | 0,0          | 240              | 21,5         |
| Elderly people (subsidies and benefits, residential services and home care)        | 393          | 21,1         | 187            | 25,1         | 3         | 50,0         | 203              | 18,2         |
| Homeless   | 46           | 2,5          | 11             | 1,5          | 1         | 16,7         | 34               | 3,0          |
| Legal disabilities   | 19           | 1,0          | 1              | 0,1          | -         | 0,0          | 18               | 1,6          |
| <b>Total</b>   | <b>1.865</b> | <b>100,0</b> | <b>744</b>     | <b>100,0</b> | <b>6</b>  | <b>100,0</b> | <b>1.115</b>     | <b>100,0</b> |

| 4.5. Work and pensions             | Total      | %            | Com-<br>plaints | %            | EO       | %            | Queries    | %            |
|------------------------------------|------------|--------------|-----------------|--------------|----------|--------------|------------|--------------|
| Unemployment benefit               | 343        | 44,7         | 28              | 37,8         | -        | 0,0          | 315        | 45,7         |
| Labor insertion                    | 133        | 17,3         | 13              | 17,6         | 2        | 66,7         | 118        | 17,1         |
| Retirement pension                 | 51         | 6,6          | 6               | 8,1          | -        | 0,0          | 45         | 6,5          |
| Labor incapacity                   | 52         | 6,8          | 3               | 4,1          | -        | 0,0          | 49         | 7,1          |
| Occupational training              | 37         | 4,8          | 15              | 20,3         | -        | 0,0          | 22         | 3,2          |
| Employment regulator files         | 34         | 4,4          | 4               | 5,4          | -        | 0,0          | 30         | 4,3          |
| Prevention of occupational hazards | 8          | 1,0          | 2               | 2,7          | 1        | 33,3         | 5          | 0,7          |
| Work and family life conciliation  | 12         | 1,6          | 2               | 2,7          | -        | 0,0          | 10         | 1,4          |
| Others                             | 97         | 12,6         | 1               | 1,4          | -        | 0,0          | 96         | 13,9         |
| <b>Total</b>                       | <b>767</b> | <b>100,0</b> | <b>74</b>       | <b>100,0</b> | <b>3</b> | <b>100,0</b> | <b>690</b> | <b>100,0</b> |

| 4.6. Discrimination                  | Total      | %            | Queixes    | %            | AO        | %            | Consultes | %            |
|--------------------------------------|------------|--------------|------------|--------------|-----------|--------------|-----------|--------------|
| Gender equality                      | 151        | 72,6         | 98         | 83,1         | 6         | 42,9         | 47        | 61,8         |
| Discrimination by sexual orientation | 45         | 21,6         | 16         | 13,6         | 8         | 57,1         | 21        | 27,6         |
| Social or ideological discrimination | 12         | 5,8          | 4          | 3,4          | -         | 0,0          | 8         | 10,5         |
| Racial discrimination                | -          | 0,0          | -          | 0,0          | -         | 0,0          | -         | 0,0          |
| Religious affairs                    | -          | 0,0          | -          | 0,0          | -         | 0,0          | -         | 0,0          |
| <b>Total</b>                         | <b>208</b> | <b>100,0</b> | <b>118</b> | <b>100,0</b> | <b>14</b> | <b>100,0</b> | <b>76</b> | <b>100,0</b> |

## 5. Number of complaints, ex officio actions and consultations initiated in 2021 in the field of public administration and taxes

Complaints and inquiries about public administrations have also seen a significant increase in 2021, driven by three key factors. Firstly, as noted above, the electoral process (and particularly the constitution of polling stations during the pandemic) prompted many consultations with the Catalan Ombudsman. This led to the start of two ex officio actions to study incidents with personal protective equipment in some polling stations during the elections of 14 February 2021.

Secondly, regulatory changes regarding access to the civil service and selection processes are increasing significantly and are expected to have a special impact from 2022 onward. These changes are aimed at reducing temporary employment in the public administration and supporting the staff stabilisation processes that have begun or will begin next year. In fact, the Catalan Ombudsman has started various ex officio actions, such as to stabilise temporary staff in public administrations, reserve jobs for people with disabilities in calls for applications for temporary employment and provide transparency in temporary employment provisioning processes.

Thirdly, the sanctions have generated a significant number of inquiries and complaints, especially related to the effects of the Constitutional Court's Ruling of 14 July 2020, which partially considers the appeal of unconstitutionality filed against Royal Decree 463/2020, of 14 March, in relation to the sanctioning proceedings.

Again, as pointed out last year, complaints about the management of appointments for public services and digital administration issues continue to rise.

Complaints about digital identity, electronic processing problems, browser issues, digital certification systems or hybrid systems that combine electronic processing and paper processing are increasingly common.

Moreover, there are still many procedures in which the public administration could use interoperable data to avoid having to request them, but the use of these tools is not widespread. This has led to some ex officio actions, such as guaranteeing the right of applicants for public jobs not to submit documents held or prepared by the public administration.

Finally, people are increasingly aware of their right of access to public information and may ask to access it when, in some cases, the public administration does not respond to their requests. People also ask about personal data protection.

As every year, the local level is the one that usually prompts more action from the Catalan Ombudsman on tax issues. This year in particular, the institution has continued to receive many complaints and inquiries about the rise in the metropolitan tax. There was also a notable number of actions related to non-compliance with the tax on vehicle carbon dioxide emissions.

Some ex officio actions were also begun, such as the expansion of sections of the water fee in cases of shared custody, the tax processing of the amounts received in relation to the care of children affected by cancer or a serious illness, the personal income tax processing of the contribution to the protected assets of people with disabilities, the study of the tax on the increase in the value of urban land and others.

| 5.1. Public administration                        | Total        | %            | Com-plaints  | %            | EO        | %            | Queries      | %            |
|---|--------------|--------------|--------------|--------------|-----------|--------------|--------------|--------------|
| Administrative procedure                          | 772          | 19,1         | 209          | 14,9         | 1         | 4,8          | 562          | 21,5         |
| Civil servants                                    | 692          | 17,1         | 445          | 31,8         | 6         | 28,6         | 241          | 9,2          |
| Sanctioning proceeding and forced expropriation   | 777          | 19,2         | 319          | 22,8         | 4         | 19,0         | 454          | 17,3         |
| Patrimony of the Administration                   | 41           | 1,0          | 24           | 1,7          | -         | 0,0          | 17           | 0,6          |
| Citizen participation, politics and voting regime | 1.259        | 31,2         | 148          | 10,6         | 8         | 38,1         | 1.103        | 42,1         |
| Public liability                                  | 144          | 3,6          | 69           | 4,9          | -         | 0,0          | 75           | 2,9          |
| Authorizations and concessions                    | 93           | 2,3          | 40           | 2,9          | -         | 0,0          | 53           | 2,0          |
| Transparency                                      | 64           | 1,6          | 36           | 2,6          | -         | 0,0          | 28           | 1,1          |
| Subsidies and benefits                            | 171          | 4,2          | 99           | 7,1          | 2         | 9,5          | 70           | 2,7          |
| Public hiring                                     | 27           | 0,7          | 11           | 0,8          | -         | 0,0          | 16           | 0,6          |
| <b>Total</b>                                      | <b>4.040</b> | <b>100,0</b> | <b>1.400</b> | <b>100,0</b> | <b>21</b> | <b>100,0</b> | <b>2.619</b> | <b>100,0</b> |

| 5.2. Taxation  | Total        | %            | Com-plaints  | %            | EO       | %            | Queries    | %            |
|----------------|--------------|--------------|--------------|--------------|----------|--------------|------------|--------------|
| Local taxes    | 1.358        | 74,4         | 1.051        | 79,7         | 5        | 62,5         | 302        | 60,4         |
| State taxes    | 122          | 6,7          | 27           | 2,0          | 2        | 25,0         | 93         | 18,6         |
| Regional taxes | 346          | 18,9         | 240          | 18,2         | 1        | 12,5         | 105        | 21,0         |
| <b>Total</b>   | <b>1.826</b> | <b>100,0</b> | <b>1.318</b> | <b>100,0</b> | <b>8</b> | <b>100,0</b> | <b>500</b> | <b>100,0</b> |

## 6. Number of complaints, ex officio actions and consultations initiated in 2021 in the field of consumer affairs

Especially during the second half of 2021, energy consumption (electricity and gas) was the main reason for the Catalan Ombudsman to intervene. Indeed, the rise in electricity costs is one of the main reasons for non-compliance, along with complaints about the social voucher and payment problems, which has led the Catalan Ombudsman to start ex officio proceedings.

Regarding telecommunications, the Síndic launched a study to review the content of the legal concept of universal telecommunications

service to ensure a sufficient response to current connectivity needs. While supplies have always been a reason for many consumer inquiries and complaints, in 2021 there have been complaints about public transport and the restriction of lines and timetables resulting from Covid-19 mobility restrictions. In this sense, the Catalan Ombudsman took remarkable ex officio action for the agglomerations of Rodalies commuter train lines 1 and 2 during the summer season. Also noteworthy is the action taken on pricing in the T-Mobilitat ticketing and validation system.

| Consumer affairs                      | Total        | %            | Com-plaints  | %            | EO        | %            | Queries      | %            |
|---------------------------------------|--------------|--------------|--------------|--------------|-----------|--------------|--------------|--------------|
| Electricity                           | 1.074        | 29,1         | 592          | 42,8         | 5         | 27,8         | 477          | 20,8         |
| Telephony                             | 568          | 15,4         | 272          | 19,7         | 3         | 16,7         | 293          | 12,8         |
| Transport                             | 335          | 9,1          | 161          | 11,6         | 6         | 33,3         | 168          | 7,3          |
| Water                                 | 348          | 9,4          | 174          | 12,6         | 2         | 11,1         | 172          | 7,5          |
| Gas                                   | 243          | 6,6          | 136          | 9,8          | -         | 0,0          | 107          | 4,7          |
| Administration of consumer protection | 115          | 3,1          | 29           | 2,1          | -         | 0,0          | 86           | 3,7          |
| Others                                | 1.013        | 27,4         | 19           | 1,4          | 2         | 11,1         | 992          | 43,2         |
| <b>Total</b>                          | <b>3.696</b> | <b>100,0</b> | <b>1.383</b> | <b>100,0</b> | <b>18</b> | <b>100,0</b> | <b>2.295</b> | <b>100,0</b> |



## 7. Number of complaints, ex officio actions and consultations initiated in 2021 in the field of territorial policies

The Catalan Ombudsman was called to intervene in slightly less territorial policy issues this year. In absolute terms, the figures are similar to those of the previous year, but the increase in the scope of social policies has reduced this value in relative terms. As noted in education and research, this is one of the areas that many people complain about. Thus, many complaints that have reached the institution have been about the actions of public administrations regarding the Gloria storm in the Ebro Delta and the implementation of the pilot door-to-door waste collection plan in the Sant Andreu district of Barcelona.

However, noise, air pollution, gas emissions, light pollution, etc. continue to be the main reasons for the Catalan Ombudsman's intervention.

In relation to urban planning and mobility, this year there were still complaints from people who have motorhomes about the lack of infrastructure or prepared spaces that would allow them to practice the motorhome lifestyle and associated leisure and recreational activities.

As in the previous year, the residential emergency and the problems arising this year in terms of rent subsidies continued to be the main housing-related reason for complaints. Ex officio actions were taken due to the difficulties that the elderly may have in accessing subsidies for paying rent and the "Mediation Network for Social Rent" programme was studied.

| 7.1. Environment   | Total        | %            | Com-plaints  | %            | EO        | %            | Queries    | %            |
|--|--------------|--------------|--------------|--------------|-----------|--------------|------------|--------------|
| Protection of biodiversity   | 109          | 5,3          | 76           | 4,8          | 1         | 6,7          | 32         | 6,5          |
| Pollution (acoustic, odoriferous, atmospheric, light or radioelectric) | 621          | 29,9         | 377          | 24,0         | 10        | 66,7         | 234        | 47,8         |
| Control and possession of domestic animals                             | 130          | 6,3          | 74           | 4,7          | -         | 0,0          | 56         | 11,4         |
| Waste Management   | 123          | 5,9          | 98           | 6,2          | -         | 0,0          | 25         | 5,1          |
| Cleaning of public roads and abandoned plots                           | 102          | 4,9          | 56           | 3,6          | -         | 0,0          | 46         | 9,4          |
| Activity licenses  | 92           | 4,4          | 40           | 2,5          | 1         | 6,7          | 51         | 10,4         |
| Trees and public gardening   | 78           | 3,8          | 49           | 3,1          | -         | 0,0          | 29         | 5,9          |
| Control of populations of wild animals                                 | 33           | 1,6          | 21           | 1,3          | -         | 0,0          | 12         | 2,4          |
| Environmental emergencies. Floods, fires.                              | 787          | 37,9         | 779          | 49,6         | 3         | 20,0         | 5          | 1,0          |
| <b>Total</b>   | <b>2.075</b> | <b>100,0</b> | <b>1.570</b> | <b>100,0</b> | <b>15</b> | <b>100,0</b> | <b>490</b> | <b>100,0</b> |

| 7.2. Urbanism and mobility   | Total        | %            | Queixes    | %            | AO       | %            | Consultes  | %            |
|------------------------------|--------------|--------------|------------|--------------|----------|--------------|------------|--------------|
| Mobility                     | 417          | 36,7         | 282        | 43,2         | -        | 0,0          | 135        | 28,2         |
| Town planning and inspection | 357          | 31,5         | 202        | 30,9         | 2        | 50,0         | 153        | 32,0         |
| Urban planning and execution | 277          | 24,4         | 134        | 20,5         | 2        | 50,0         | 141        | 29,5         |
| Urbanizations not received   | 27           | 2,4          | 13         | 2,0          | -        | 0,0          | 14         | 2,9          |
| Others                       | 57           | 5,0          | 22         | 3,4          | -        | 0,0          | 35         | 7,3          |
| <b>Total</b>                 | <b>1.135</b> | <b>100,0</b> | <b>653</b> | <b>100,0</b> | <b>4</b> | <b>100,0</b> | <b>478</b> | <b>100,0</b> |

| 7.3. Housing  | Total      | %            | Queixes    | %            | AO       | %            | Consultes  | %            |
|---|------------|--------------|------------|--------------|----------|--------------|------------|--------------|
| Application for access to housing of social emergency               | 182        | 22,7         | 56         | 23,0         | -        | 0,0          | 126        | 22,8         |
| Benefits and housing subsidies (rent subsidies, basic rent subsidy) | 229        | 28,6         | 79         | 32,4         | 2        | 50,0         | 148        | 26,8         |
| Access and acquisition of housing                                   | 119        | 14,9         | 44         | 18,0         | 1        | 25,0         | 74         | 13,4         |
| Housing conservation and maintenance                                | 84         | 10,5         | 28         | 11,5         | -        | 0,0          | 56         | 10,1         |
| Squatting   | 42         | 5,2          | 6          | 2,5          | -        | 0,0          | 36         | 6,5          |
| Real estate mobbing   | 9          | 1,1          | 1          | 0,4          | -        | 0,0          | 8          | 1,4          |
| Others  | 136        | 17,0         | 30         | 12,3         | 1        | 25,0         | 105        | 19,0         |
| <b>Total</b>  | <b>801</b> | <b>100,0</b> | <b>244</b> | <b>100,0</b> | <b>4</b> | <b>100,0</b> | <b>553</b> | <b>100,0</b> |

**8. Number of complaints, ex officio actions and consultations initiated in 2021 in the field of public safety and justice**

There were less complaints and queries about public safety and justice than the previous year, although it is true that there are still problems with the functioning of civil registries and the saturation of the courts as a result of Covid-19. With regard to the actions of the security forces, ex officio actions have been begun to investigate the security measures of the police stations of the Mossos d'Esquadra

and to analyse the police activity following demonstrations and protests due to the imprisonment of Pablo Hasel.

Finally, the restrictions and security adopted by prisons because of the pandemic have been one of the reasons why the Catalan Ombudsman was asked to intervene. Several official actions were also begun for assaults on prison staff.

| Public safety and justice          | Total        | %            | Com-plaints | %            | EO        | %            | Queries    | %            |
|------------------------------------|--------------|--------------|-------------|--------------|-----------|--------------|------------|--------------|
| Justice administration             | 568          | 46,6         | 181         | 35,2         | 5         | 15,2         | 382        | 56,9         |
| Performance of the security forces | 319          | 26,2         | 138         | 26,8         | 13        | 39,4         | 168        | 25,0         |
| Penitentiary services              | 331          | 27,2         | 195         | 37,9         | 15        | 45,5         | 121        | 18,0         |
| <b>Total</b>                       | <b>1.218</b> | <b>100,0</b> | <b>514</b>  | <b>100,0</b> | <b>33</b> | <b>100,0</b> | <b>671</b> | <b>100,0</b> |

**9. Number of complaints, ex officio actions and consultations initiated in 2021 in the field of culture and language**

Culture and language is traditionally the area that produces the fewest requests for the Catalan Ombudsman to intervene. However, during the year the number of complaints about violations of the rights of

Catalan speakers has increased. In this regard, an ex officio action related to culture and the arts focused on how the closure of bookstores on weekends due the pandemic had an impact on the right to culture.

| Culture and language                          | Total      | %            | Com-plaints | %            | EO       | %            | Queries   | %            |
|---|------------|--------------|-------------|--------------|----------|--------------|-----------|--------------|
| Culture and arts                              | 42         | 27,1         | 26          | 37,1         | 1        | 16,7         | 15        | 19,0         |
| Violation of Catalan speakers' rights         | 69         | 44,5         | 33          | 47,1         | 5        | 83,3         | 31        | 39,2         |
| Violation of Spanish speakers' rights         | 25         | 16,1         | 8           | 11,4         | -        | 0,0          | 17        | 21,5         |
| Violation of Aranese-Occitan speakers' rights | -          | 0,0          | -           | 0,0          | -        | 0,0          | -         | 0,0          |
| Others  | 19         | 12,3         | 3           | 4,3          | -        | 0,0          | 16        | 20,3         |
| <b>Total</b>                                  | <b>155</b> | <b>100,0</b> | <b>70</b>   | <b>100,0</b> | <b>6</b> | <b>100,0</b> | <b>79</b> | <b>100,0</b> |

## 2.2. STATUS OF ACTION

This year, 67% of the complaints and ex officio actions processed have been completed, while 33% remain open, which breaks the dynamics of previous years, in which the number of completed cases was higher than 70%. This is explained by the sheer volume of complaints made, especially during the last quarter of 2021, when compared to previous years. Therefore, it has not been possible to do all the necessary research or investigate the cases to be able to resolve them and almost 50% of the files are pending response by the public administration.

**This year, 67% of the cases processed were closed**

Some irregularity was detected in 52.2% of the completed actions, slightly more than the previous year, and in 39% of these the problem has been solved without the need for a resolution from the Catalan Ombudsman. In other words, once the Catalan Ombudsman reported the problem, the public administration corrected its action.

Regarding acceptance of the resolutions of the Catalan Ombudsman, and following the trend of previous years, in 98.7% of the cases in which irregular actions taken by the administration have been detected, they have been fully or partially accepted or the action suggested or recommended by the Catalan Ombudsman and only 1.3% of resolutions are not accepted by public administrations.

Another important issue is the effectiveness of the Catalan Ombudsman, measured in solving problems and compliance with resolutions that have previously been accepted in whole or in part by the public administration. Chapter IV of this report examines in more detail how the Catalan Ombudsman's resolutions have been complied with.

**In 98,7% of the cases, the Catalan Ombudsman's recommendations and suggestions were fully or partially accepted**

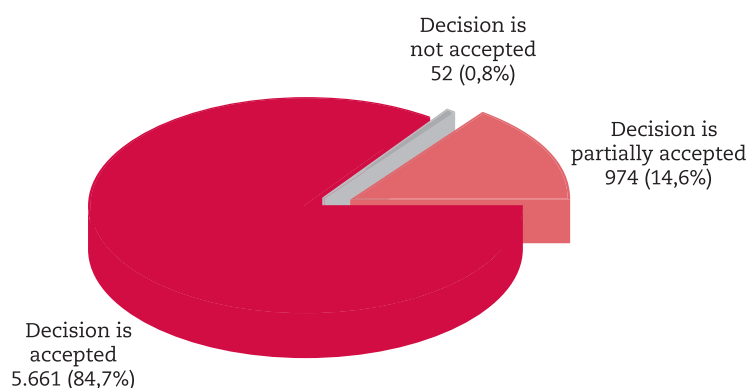
Thus, in 58.7% of the cases, the problem has been resolved or the resolutions of the Catalan Ombudsman have been complied with, while in 41.3% of the cases, they are still being implemented. This latest figure, which has increased compared to the previous year, is explained by the volume of case closures that have occurred this year and end up having an impact on subsequent follow-up.

Consumption and public safety and justice are the areas in which there has been a higher percentage of overall compliance by the public administration or companies providing general services.

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

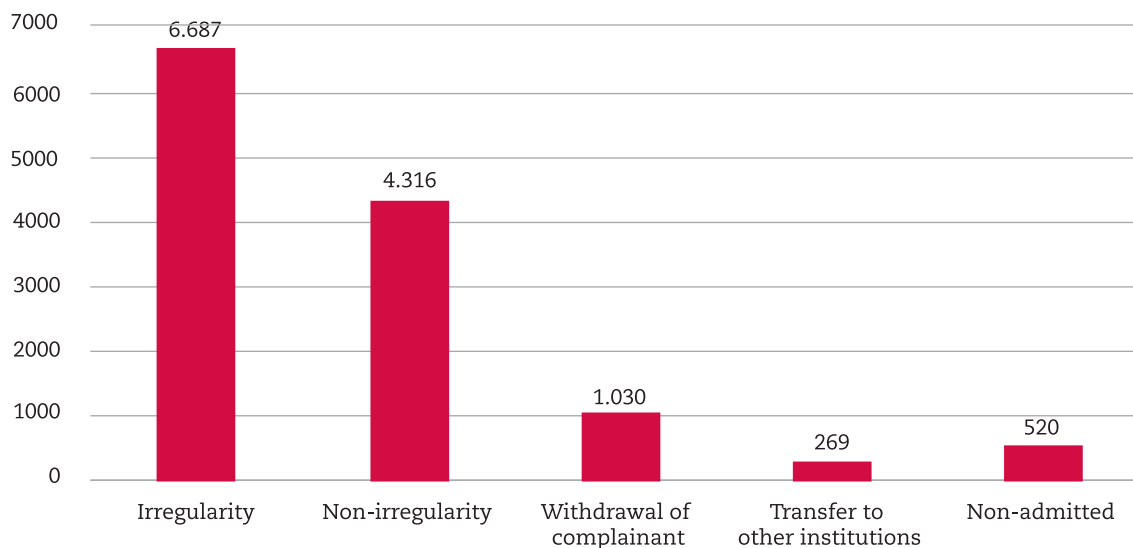
|   | < 2021       | 2021         | Total        | %            |
|---|--------------|--------------|--------------|--------------|
| Admission to process                                  | 5            | 1.576        | 1.581        | 25,0         |
| Waiting for more information provided by complainant  | 3            | 626          | 629          | 9,9          |
| Waiting for more information from the Administration  | 466          | 1.069        | 1.535        | 24,3         |
| Pending Ombudsman decision                            | 190          | 533          | 723          | 11,4         |
| Awaiting acceptance of decision by the Administration | 687          | 924          | 1.611        | 25,5         |
| In process of completion                              | 134          | 114          | 248          | 3,9          |
| <b>Total</b>  | <b>1.485</b> | <b>4.842</b> | <b>6.327</b> | <b>100,0</b> |

## 11. Acceptance of the ombudsman's suggestions in complaints and ex-officio actions processed in 2021



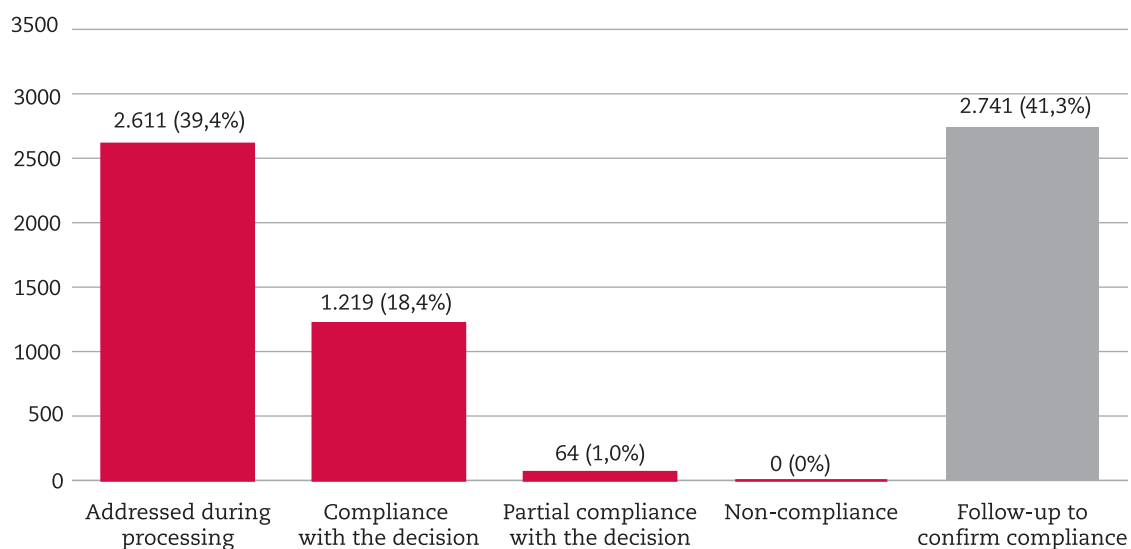
## 12. Complaints and ex-officio actions finalized

|                                | < 2021       | 2021         | Total         | %            |
|--------------------------------|--------------|--------------|---------------|--------------|
| Irregularity                   | 3.894        | 2.793        | 6.687         | 52,2         |
| Non-irregularity               | 1.209        | 3.107        | 4.316         | 33,7         |
| Withdrawal of complainant      | 278          | 752          | 1.030         | 8,0          |
| Transfer to other institutions | 29           | 240          | 269           | 2,1          |
| Non-admitted                   | 58           | 462          | 520           | 4,1          |
| <b>Total</b>                   | <b>5.468</b> | <b>7.354</b> | <b>12.822</b> | <b>100,0</b> |



## 13. Compliance with the ombudsman suggestions in 2021

|   | Addressed during processing |      | Compliance with the decision |      | Partial compliance with the decision |     | Non compliance |     | Follow-up to confirm compliance |      | Total |       |
|---|-----------------------------|------|------------------------------|------|--------------------------------------|-----|----------------|-----|---------------------------------|------|-------|-------|
|   | N                           | %    | N                            | %    | N                                    | %   | N              | %   | N                               | %    | N     | %     |
| <b>Social policies</b>                    | 999                         | 35,8 | 539                          | 19,3 | 34                                   | 1,2 | -              | 0,0 | 1.221                           | 43,7 | 2.793 | 42,1  |
| Education and research                    | 239                         | 17,7 | 277                          | 20,5 | 8                                    | 0,6 | -              | 0,0 | 830                             | 61,3 | 1.354 | 20,4  |
| Children and adolescent affairs           | 127                         | 19,5 | 142                          | 21,8 | 22                                   | 3,4 | -              | 0,0 | 359                             | 55,2 | 650   | 9,8   |
| Health care                               | 315                         | 82,5 | 52                           | 13,6 | -                                    | 0,0 | -              | 0,0 | 15                              | 3,9  | 382   | 5,8   |
| Social services                           | 293                         | 79,0 | 63                           | 17,0 | 3                                    | 0,8 | -              | 0,0 | 12                              | 3,2  | 371   | 5,6   |
| Work and pensions                         | 9                           | 69,2 | 3                            | 23,1 | -                                    | 0,0 | -              | 0,0 | 1                               | 7,7  | 13    | 0,2   |
| Discrimination                            | 16                          | 69,6 | 2                            | 8,7  | 1                                    | 4,3 | -              | 0,0 | 4                               | 17,4 | 23    | 0,3   |
| <b>Public administration and taxation</b> | 537                         | 26,6 | 283                          | 14,0 | 13                                   | 0,6 | -              | 0,0 | 1.189                           | 58,8 | 2.022 | 30,5  |
| Public administration and rights          | 411                         | 22,9 | 221                          | 12,3 | 8                                    | 0,4 | -              | 0,0 | 1.158                           | 64,4 | 1.798 | 27,1  |
| Taxation                                  | 126                         | 56,3 | 62                           | 27,7 | 5                                    | 2,2 | -              | 0,0 | 31                              | 13,8 | 224   | 3,4   |
| <b>Territorial policies</b>               | 443                         | 48,0 | 168                          | 18,2 | 13                                   | 1,4 | -              | 0,0 | 299                             | 32,4 | 923   | 13,9  |
| Environment                               | 173                         | 57,5 | 75                           | 24,9 | 6                                    | 2,0 | -              | 0,0 | 47                              | 15,6 | 301   | 4,5   |
| Housing                                   | 77                          | 72,0 | 19                           | 17,8 | 1                                    | 0,9 | -              | 0,0 | 10                              | 9,3  | 107   | 1,6   |
| Town planning                             | 193                         | 37,5 | 74                           | 14,4 | 6                                    | 1,2 | -              | 0,0 | 242                             | 47,0 | 515   | 7,8   |
| Consumer affairs                          | 74                          | 25,7 | 197                          | 68,4 | 1                                    | 0,3 | -              | 0,0 | 16                              | 5,6  | 288   | 4,3   |
| Public safety and justice                 | 554                         | 94,1 | 19                           | 3,2  | 3                                    | 0,5 | -              | 0,0 | 13                              | 2,2  | 589   | 8,9   |
| Culture and language                      | 4                           | 20,0 | 13                           | 65,0 | -                                    | 0,0 | -              | 0,0 | 3                               | 15,0 | 20    | 0,3   |
| <b>Total</b>                              | 2.611                       | 39,4 | 1.219                        | 18,4 | 64                                   | 1,0 | -              | 0,0 | 2.741                           | 41,3 | 6.635 | 100,0 |



#### 14. Evolution of the processing of complaints and ex-officio actions during 2012 -2021

|              | 2012          | 2013          | 2014          | 2015          | 2016          | 2017          | 2018          | 2019          | 2020          | 2021          |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| In process   | 4.826         | 4.837         | 6.006         | 7.471         | 6.365         | 4.450         | 6.663         | 4.727         | 5.114         | 6.327         |
| Finalized    | 8.626         | 9.517         | 9.337         | 10.059        | 11.714        | 12.624        | 9.347         | 12.788        | 13.299        | 12.822        |
| <b>Total</b> | <b>13.452</b> | <b>14.354</b> | <b>15.343</b> | <b>17.530</b> | <b>18.079</b> | <b>17.074</b> | <b>16.010</b> | <b>17.515</b> | <b>18.413</b> | <b>19.149</b> |

#### 15. Number of people concerned in the complaints and queries processed in 2021

|              | 2021          |
|--------------|---------------|
| Complaints   | 15.967        |
| Queries      | 12.727        |
| <b>Total</b> | <b>28.694</b> |

### 2.3. USER PROFILES

The vast majority (95.9%) of the complaints received by the Catalan Ombudsman in 2021 were filed by individuals, while 4.1% were lodged by legal entities (non-profit organisations, companies, etc.), other administrations and other ombudsmen.

Most complaints filed by legal entities were filed by non-profit organisations (32%), followed by homeowners' and residents' associations (30.7%). There was a rise in complaints and ex officio actions filed by political organisations compared to the previous year (14.4%). A lower percentage was filed by companies and unions or labour groups or organisations.

With regard to individuals, the incorporation of this information into the Catalan Ombudsman's systems is predetermined by the content of the complaint. In other words, this information is collected if it follows from the description or subsequent development of the complaint, but it is not requested through a predefined questionnaire given to the person concerned, in accordance with personal data protection regulations.

Since 2013, when this statistic began to be collected in the Catalan Ombudsman's annual reports, the trend has been maintained according to which the number of complaints is always higher for

women than for men when social policy is the area with the most complaints. Thus, the general data show a higher percentage in the number of complaints filed by women (52.8%) compared to complaints lodged by men (47.2%).

These data are even more evident when disaggregated by subject. Thus, the most significant differences (70%-30%) occur in education and research, childhood and adolescence or discrimination, especially in terms of gender equality, which shows once again that it is not only an issue of women as subjects finding themselves in a more unfavourable situation, but of care providers and workers, with the burden of family falling mainly on them.

Although not in the same proportion, these data are reversed when it comes to areas such as public administration, taxes or territorial policies, although in the latter case, the highest number of complaints filed by women, largely from single-parent or large families, reproduces the trend detected in social policies.

During 2021, family burdens have increased due to security measures, reduced mobility and the confinement of school groups. Inequalities have been increased in sharing responsibility for burdens between men and women, both in

terms of childcare and the care of dependents. This is one of the justifications for opening a new subject in the field of labour relations and pensions, which is the balance of work and family life.

#### 16. Type of person presenting the complaints initiated in 2021

|                     | N             | %            |
|---------------------|---------------|--------------|
| Natural persons     | 11.445        | 95,9         |
| Legal persons       | 437           | 3,7          |
| Administration      | 37            | 0,3          |
| Ombudsman           | 7             | 0,1          |
| Centre of reference | 6             | 0,1          |
| <b>Total</b>        | <b>11.932</b> | <b>100,0</b> |

#### 17. Type of legal entity of complaints initiated in 2021

|   | N          | %            |
|---|------------|--------------|
| Condominium owner and neighbor associations | 134        | 30,7         |
| Private companies                           | 76         | 17,4         |
| Non-profit organizations                    | 140        | 32,0         |
| Religious organizations                     | 1          | 0,2          |
| Labor organizations                         | 21         | 4,8          |
| Business organizations                      | 2          | 0,5          |
| Political organizations                     | 63         | 14,4         |
| <b>Total</b>                                | <b>437</b> | <b>100,0</b> |

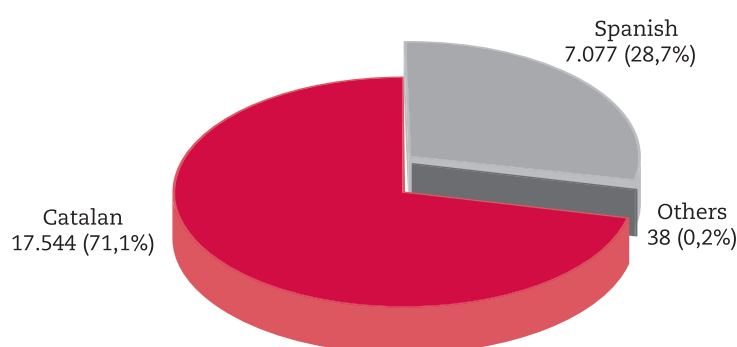


## 18. Complaints processed during 2021 by genre

|   | Women        |             | Men          |             | Total         |
|---|--------------|-------------|--------------|-------------|---------------|
|   | N            | %           | N            | %           | N             |
| <b>Social policies</b>                    | <b>2.978</b> | <b>63,5</b> | <b>1.713</b> | <b>36,5</b> | <b>4.691</b>  |
| Education and research                    | 1.172        | 73,2        | 429          | 26,8        | 1.601         |
| Children and adolescent affairs           | 491          | 66,3        | 250          | 33,7        | 741           |
| Health care                               | 791          | 55,3        | 639          | 44,7        | 1.430         |
| Social services                           | 417          | 56,9        | 316          | 43,1        | 733           |
| Work and pensions                         | 28           | 38,9        | 44           | 61,1        | 72            |
| Discrimination                            | 79           | 69,3        | 35           | 30,7        | 114           |
| <b>Public administration and taxation</b> | <b>1.088</b> | <b>42,4</b> | <b>1.479</b> | <b>57,6</b> | <b>2.567</b>  |
| Public administration and rights          | 569          | 45,1        | 694          | 54,9        | 1.263         |
| Taxation                                  | 519          | 39,8        | 785          | 60,2        | 1.304         |
| <b>Territorial policies</b>               | <b>1.121</b> | <b>48,6</b> | <b>1.184</b> | <b>51,4</b> | <b>2.305</b>  |
| Environment                               | 706          | 47,8        | 772          | 52,2        | 1.478         |
| Housing                                   | 267          | 44,9        | 328          | 55,1        | 595           |
| Town planning                             | 148          | 63,8        | 84           | 36,2        | 232           |
| Consumer affairs                          | 669          | 50,5        | 656          | 49,5        | 1.325         |
| Public safety and justice                 | 158          | 32,0        | 335          | 68,0        | 493           |
| Culture and language                      | 25           | 39,1        | 39           | 60,9        | 64            |
| <b>Total</b>                              | <b>6.039</b> | <b>52,8</b> | <b>5.406</b> | <b>47,2</b> | <b>11.445</b> |

## 19. Language of complaints and queries in 2021

|                 | Complaints    |            | Queries       |            | Total         |            |
|-----------------|---------------|------------|---------------|------------|---------------|------------|
|                 | N             | %          | N             | %          | N             | %          |
| Catalan         | 8.291         | 69,5       | 9.253         | 72,7       | 17.544        | 71,1       |
| Spanish         | 3.627         | 30,4       | 3.450         | 27,1       | 7.077         | 28,7       |
| Aranese-Occitan | -             | 0,0        | -             | 0,0        | -             | 0,0        |
| Others          | 14            | 0,1        | 24            | 0,2        | 38            | 0,2        |
| <b>Total</b>    | <b>11.932</b> | <b>100</b> | <b>12.727</b> | <b>100</b> | <b>24.659</b> | <b>100</b> |



## 2.4. PROCESSING TIME

The processing time for complaints and ex officio actions has risen again, unlike in 2020. This is explained firstly by the delay of the administrations in responding to the Catalan Ombudsman, both in terms of requests for information and in terms of acceptance of resolutions. Secondly, it is because the number of files referred to the State Commissioner or other institutions increased in 2020, with a very short processing time.

The Catalan Ombudsman is promoting new ways of collaborating with the public administration to clarify and resolve any doubts that may arise, such as the use of videoconferencing. The aim is to improve efficiency.

In addition, the expected improvement in the use of the generic processing tool by the

Government of Catalonia (Generalitat) has not yet been detected. In fact, although the generic processor was introduced as a file management tool to improve the control and internal processing of the Catalan Ombudsman's requests to the Government of Catalonia (Generalitat) in mid-May, it coincided with the approval of Decree 21/2021, of 25 May, on the creation, designation and determination of the area of competence of the ministries of the Government of Catalonia (Generalitat) and, consequently, with a whole set of organisational changes of the Autonomous Administration.

However, both institutions' commitment to improve access to data of interested parties is still pending, through an interoperability platform that reduced requests between both public administrations.

## 2.5. PROCESSING WITH ADMINISTRATIONS AND COMPANIES

This year, most procedures were done with the Government of Catalonia (Generalitat) and the local public administration, and in a fairly balanced way. In fact, 46.9% of the procedures were done with the local administration, while 46.2% were done with the regional administration. Again, unlike the previous year, the trend of the rest of the years is repeated, in which the local public administration represented the Catalan Ombudsman's main area of activity.

In relation to the Government of Catalonia (Generalitat), in the same way as the previous year, but especially as a result of the Covid-19 outbreak, the bulk of the complaints and ex officio actions of the Autonomous Administration were sent to the Catalan Ministries of Health, Education and Social Rights.

As for the local public administration, the city councils received 83.5% of the files processed, followed by the metropolitan bodies. Regarding provincial councils,

Barcelona Provincial Council received the vast majority of the procedures, largely from the Tax Management Body.

Private companies providing general services maintained the trend of previous years and processed about 4%. Companies providing general services have a high and effective level of response (processing time) and problem resolution.

The following tables set out the status of the procedure and the result if it has been completed for each public administration or company supervised by the Catalan Ombudsman.

The information collected meets a general demand from the public administrations to quantify not only the number of complaints and ex officio actions processed, but also their completion, to show that no irregularity has been detected at a high level of cases or the problem was solved before the Catalan Ombudsman issued a decision on it.

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

The pandemic and the associated mobility restrictions have shaped the itinerant service of the Catalan Ombudsman's office. Until the summer, people had to be attended to electronically, by phone call and video call, without travel or face-to-face service, but with a date dedicated to each municipality.

The first in-person meetings of 2021 took place in Castelldefels on 15 June and became widespread starting in July.

Unfortunately, in early 2022, it was necessary to return to telematic visits while waiting for healthcare statistics to improve.

After resuming face-to-face meetings and taking advantage of the experience gained during the months of telematic visits only, people who requested the service were offered to choose between being attended face-to-face or through video call, so that a more complete and flexible service could be offered.

**During 2021 the travelling office has made 115 visits, 41 in person and 74 online**

During 2021, a total of 115 visits were made by the Catalan Ombudsman's office, with 74 online visits and 41 in-person visits.

Eighty-nine municipalities have been visited, all with a single care agreement, most of them county capitals and the most populated cities in the country. In La Cerdanya, telematic visits have been provided at the county level. In Aran, although the dissemination is also county-based, face-to-face visits took place in Vielha.

A total of 880 complaints were received and 762 inquiries were made, for a total of 1,642 actions.



- Municipalities where Catalan Ombudsman's office has made a single visit during 2021
- Municipalities with single follow-up agreement and where Catalan Ombudsman's office has made multiple visits during 2021



## ■ INTERNATIONAL RELATIONS



## 5. INTERNATIONAL RELATIONS

### 5.1. INTERNATIONAL RELATIONS

#### 1. INTERNATIONAL OMBUDSMAN ASSOCIATIONS

##### 1.1. European Ombudsman

###### Seminars

###### ■ *AI and e-government in public administrations*

This webinar, organized by the European Network of Ombudsmen, aimed to put on the table the debate on the application of artificial intelligence and e-government in public administrations.

###### ■ *Institutional care, the use of EU funds and lessons from the pandemic*

This webinar, organized by the European Network of Ombudsmen, aimed to inform attendees of the measures available to the European Commission to monitor EU funds to ensure that they are used to promote the rights of people with disabilities and the rights of the elderly to an independent life. The European Ombudsman shared the ex-officio investigation into European funding to promote independent living. The session was followed by the Director of Cabinet.

###### Meetings

###### ■ *Meeting with the European Ombudsman*

On 21 September, the Catalan Ombudsman had a meeting in Brussels with the European Union Ombudsman's team to discuss different issues related to the environment in Catalonia, such as the situation in the Ebre delta, derived from the important effects of the Gloria storm. The European Ombudsman stated that the European Commission was handling a procedure for infringement against Spain for non-compliance with the directives related to areas of special protection for biodiversity and for birds, which include the Ebre and Llobregat deltas.

The Catalan Ombudsman also raised the issue of the possible expansion of El Prat Airport, which he studied as part of an ex officio action relating to the possible effects that this expansion could have on the protection of the natural spaces of the Llobregat delta. The European Commission also denounced the lack of action of the administrations in the protection and preservation of this space.

##### 1.2. International Ombudsman Institute (IOI)

###### ■ *World Conference and Assembly*

The 12th World Conference of the International Ombudsman Institute was held on 26 and 27 May 2021, for the first time in history in digital format due to the pandemic. Organized by the Irish Ombudsman, the title of the conference was "Giving Voice to the Voiceless", which turned out to be even more important given the impact of the pandemic on the already disadvantaged.

Sessions were organized in different time slots, so that members from different time zones could be allowed access. The online conference was attended by members of ombudsman offices around the world, who shared international best practices in their work with the groups of people most in need of ombudsman intervention. True to the theme of the conference, on the different sessions it was discussed the ombudsman's approach to ensuring the best possible service and assistance in order to ensure that the rights of vulnerable groups, such as detainees, the elderly,

children and adolescents, refugees and asylum seekers, the unprotected or the disabled, were maintained and respected. The conference also addressed the challenges facing ombudsman offices during the Covid-19 health crisis and how they have been overcome.

The end of the 12th IOI World Conference also marked the end of the presidency of Irish Ombudsman Peter Tyndall, who served as President of the IOI from 2016 to 2021. From 26 May 2021, Chris Field, the Western Australian ombudsman, took over.

#### ■ *European Assembly*

As part of the World Congress, and also in digital format, the Catalan Ombudsman organized the European Assembly of the International Ombudsman Institute.

As European President, the Catalan Ombudsman addressed the situation of all its members, spoke about future challenges and explained the work done over the past two years.

In his speech, Rafael Ribó emphasized the seminars that have been organized, including the one in January 2018 in Tallinn, on human rights in the digital age, which addressed the contemporary challenges in the digital society and the role of human rights defenders; the environmental rights workshop, organized by the Ararteko, also in 2018, which provided an opportunity to discuss the role of advocates in addressing current challenges, such as pollution or climate change; or the artificial intelligence workshop, organized by the Catalan Ombudsman during 2020, which became a meeting point between operators and large companies, international institutions, administrations, defenders and civil society, and which allowed to debate and design a strategy on the basis of respect for human rights.

This meeting was the last chaired by the Catalan Ombudsman, who has been President of the European Board of Directors since 2009, a position he renewed on 11 November 2016, with the support of his European counterparts. The newly elected president of the European chapter was the Greek ombudsman, Andreas Pottakis.

#### ■ *European Board meetings*

In addition to the members' assembly, the Catalan Ombudsman chaired three meetings of the IOI European Board in 2021. Held on 4 February, 29 April and 6 May, all in digital format. The meetings focused on the balance sheet of the current board, the timing and organization of the elections, the follow-up to the organization of the World Conference, and other matters of interest to the Institute.

The IOI European Board, after the end of Rafael Ribó's presidency, is chaired by Andreas Pottakis, the Greek Ombudsman, and vice-chaired by Rob Behrens, the United Kingdom's Ombudsman. The other directors who are part of the Board are Maria Lucía Amaral, Ombudsman of Portugal; Marc Bertrand, Ombudsman of Wallonia; Nino Lombjaria, Ombudsman of Georgia, and Peter Svetina, Ombudsman of Slovenia.

#### *Workshops*

##### *Manchester Memorandum: The Art of the Ombudsman*

The UK Parliamentary and Health Service Ombudsman (PHSO), in collaboration with the International Ombudsman Institute, organized a workshop on the Manchester Memorandum in this British city on 9 and 10 November 2021.

The debate focused on the mechanisms of peer review and the Venice Principles (approved by the Commission on Democracy and Law of the Council of Europe, better known as the Venice Commission), the development of a competency framework for ombudsman offices, mechanisms for reaching vulnerable and marginalized people from ombudsman offices and, finally, brand building around the term *ombudsman*.

##### *Advancing the Rights of Older People in an Age of Longevity*

"Advancing the Rights of Older People in an Age of Longevity" was the title of the



international online conference organized by the Ombudsman of Israel's office, together with the IOI and the AOM, on 1 December 2021. The sessions focused on addressing the challenges facing ombudsman institutions around the world related with the defence and advance of the rights of older people.

### 1.3. ENOC and ENYA

#### ■ *European Network of Young Advisors (ENYA)*

The Catalan Ombudsman's Youth Advisory Council, represented by Àngela Valldepérez and Joan Boixaderas, took part in an online session of the ENYA Forum, which this year was organized by Malta on 1 and 2 July, with the title "Let's Talk Young, Let's Talk about the Impact of Covid-19 on Children's Rights".

ENYA (European Network of Young Advisors) is a participatory project for children and adolescents carried out with the support of the European Network of Advocates for Children (ENOC). The purpose of this network is to bring together the young people involved with the members of the ENOC and to facilitate the transmission of their opinions related to the theme of the annual work of the ENOC.

Participating boys and girls from different European territories (Albania, Andalusia, the Basque Country, Bulgaria, Catalonia, Scotland, France, Wales, Greece, Northern Ireland, Iceland, Italy, Malta, Montenegro, Norway, Slovakia and Ukraine) discussed the impact of Covid-19 on the rights of children and adolescents.

#### ■ *European Network of Ombudsmen for Children (ENOC)*

The 25th ENOC Conference, "Covid-19 and Children's Rights: Lessons for the Future", was held in Athens on 27, 28 and 29 September in a hybrid format: face-to-face and virtual. The Deputy for the Defence of Children's and Adolescents' Rights participated virtually in the ENOC Conference and in the General Assembly. Children and adolescents also took part in the Conference through the ENYA European Network of Young Advisors.

The central theme of the annual conference was the effect of the pandemic on children's rights and learning for the future. The Assembly of Members discussed and voted on a joint statement addressing recommendations to the relevant institutions and administrations to take all necessary measures and policies to ensure the rights of children, especially the most vulnerable, and to ensure the involvement of children in the design and the implementation of these measures.

#### ■ *European Union Agency for Fundamental Rights (FRA)*

A representative of the Catalan Ombudsman's Youth Advisory Council, Àngela Valldepérez, together with young representatives from other European territories members of ENYA, participated in person in a hybrid session at the Fundamental Rights Forum, organized by the FRA, on 12 October from 10:15 a.m. to 11:15 a.m. (CET) in Vienna, on "Learning for the Future: The Impact of Covid-19 on Children's Rights." Her presentation was on the subject of protection against violence.

The Forum had a hybrid format and was broadcast live from Vienna City Hall and five other European cities: Strasbourg, Geneva, Warsaw, Ljubljana and Oslo. For two days, more than 140 different conferences, workshops and debates took place on the six main topics: A human rights-oriented digital age; the fight against hatred and discrimination; migrants in transit; social rights are human rights; strengthening human rights practice; defend the rule of law and ensure access to justice.

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

#### ■ *Meeting with the Federal Energy Ombudsman of Belgium*

On 22 September, in Brussels, the Catalan Ombudsman met with Eric Houtman, Federal Energy Ombudsman of Belgium and a member of NEON, to discuss the increase in the price of electricity in Spain, but also in Europe.

During this meeting, the Catalan Ombudsman proposed the need for a joint

statement by all members of NEON to call on the European Union to take the necessary measures to allow access to basic supplies for all persons to an affordable price.

The work proposed by the Catalan Ombudsman consisted of a comparative analysis of the measures taken by the different governments to detect the practices that best protect the most vulnerable consumers, who with the arrival of winter could see their situation aggravated.

#### ■ *General Assemblies*

The Catalan Ombudsman, as a full member of the National Energy Ombudsmen Network (NEON), has taken part in all the meetings that have taken place this year, on 3 February, 30 June, 29 September, 21 October and 15 December.

These meetings addressed issues related to the general interest of the electricity sector, such as renewable energies and their implementation, conflict resolution mechanisms and the European directive governing them (ADR and ODR), and other issues related to vulnerable consumers and energy poverty.

The NEON network, of which the Catalan Ombudsman has been a member since 2012, facilitates the exchange of information, experience and good practices between its members.

### 1.5. AOMF

#### ■ *Training on communication*

On 20 May 2021, the Association of Francophone Ombudsmen and Mediators organized a training seminar on communication, with the aim of addressing two central issues: the development of a communication plan and the strategic vision for an ombudsman institution, and the application for mobile phone devices. The Director of Cabinet and Communication took part in the training.

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

#### ■ *Member meetings*

In virtual format, the meetings of the members of the Association on Language Commissioners were held on 17 June, 29 September and 16 December 2020 (finally held on 27 January

2022), all in virtual format. These meetings addressed issues related to the admission of new members and proposed activities in accordance with the needs identified to members, as well as an exchange of information on the most relevant issues of each institution.

### 1.7. Ibero-American Ombudsman Federation

#### ■ *Seminar on the principles of Venice and ombudsman institutions in the protection of human rights in Latin America and Europe*

On 11 and 12 May 2021, the Ibero-American Ombudsman Federation organized an online seminar on the Venice Principles, with the aim, among other things, of integrating different perspectives on the work of the ombudsmen in Latin America, evaluating them in accordance with the standards of the Venice Principles, and also addressing the challenges faced by ombudsman institutions in the context of states of emergency, notably in relation to the Covid-19 pandemic.

#### ■ *FIO Congress 2021. Santo Domingo. Pandemic, good administration and human rights*

The Ibero-American Ombudsman Federation organized the FIO 2021 Congress in a hybrid format (digital and face-to-face) in the city of Santo Domingo on 24, 25 and 26 November 2021. The Catalan Ombudsman was not able to participate.

### 1.8. AOM

#### ■ *Meeting and General Assembly (Nafplio, Greece)*

The 11th Meeting and General Assembly of the Mediterranean Ombudsman Association (AOM) was held in Nafplio, Greece on 4 and 5 October 2021. Entitled “The Mediterranean: from the Sea that separate us to the Sea that unites us”, the debate focused on three subsessions: People on the move and human rights; Mediterranean energy sources: sustainability and fair use, meeting our needs, and climate change and natural disasters. The Catalan Ombudsman was represented by the Director of Cabinet and Communication. The conference was chaired by the Greek Ombudsman Andreas Pottakis and was attended by the President of the Hellenic

Republic, Katerina N. Sakellaropoulou. The Mediterranean Ombudsman Association was founded in 2008, with ombudsmen or similar institutions in the wider Mediterranean basin. The mission of the Association is to defend human rights, develop cooperation and exchange good practices between peer institutions. The common goal of its members is to promote the principles of the rule of law and to raise awareness among the citizens of the Mediterranean about their rights and obligations, with the aim of creating and consolidating conditions of freedom, justice and equality for the peoples of the Mediterranean.

### 1.9. International Conference on Information Commissioners (ICIC)

The Catalan Ombudsman has been a member of the International Conference on Information Commissioners (ICIC) since October 2019. The ICIC aims to protect and promote the rights of transparency and access to information worldwide. Its board agreed for the annual meeting scheduled for 2021 to be postponed to 2022.

### 1.10. Bilateral relations

#### ■ Meeting with the Andorran Ombudsman, Marc Vila

On 19 March, the Catalan Ombudsman held a bilateral meeting with its Andorran counterpart, Marc Vila, and members of his team, at the headquarters of the Catalan Ombudsman. The meeting served to bring together various cross-border actions, in addition to cases that have been studied in both institutions. He also took the opportunity to review the various international associations to which both institutions belong.

#### ■ Meeting with the Greek Ombudsman (online)

On 14 and 28 May, the Catalan Ombudsman and his Greek counterpart, Andreas Pottakis, together with members of their respective teams, held bilateral meetings to discuss various issues concerning the International Ombudsman Institute and the chairmanship of the European section of the Institute.

#### ■ Meeting with the representative of the Government of Catalonia to the European Union, Gorka Knörr

On 22 September 2021, the Catalan Ombudsman met with the representative of the Government of Catalonia to the European Union, Gorka Knörr. During this meeting, the Catalan Ombudsman conveyed to the representative the torts suffered by Catalonia that were being handled in the European Union, such as the cases of the Ebre and Llobregat deltas, among others. The representative offered the facilities of the Brussels delegation so that the Catalan Ombudsman could attend to the media at a press conference.

#### ■ Meeting with the Parliamentary and Health Service Ombudsman of the United Kingdom in Manchester

Following the work begun during the Manchester seminar, the Catalan Ombudsman met on 24 November with the Parliamentary and Health Service Ombudsman of the United Kingdom, Rob Behrens. The meeting addressed issues such as peer reviews and evaluation systems, so that the standards set out in the Venice Principles can be transferred to ombudsman offices, to improve the effectiveness and efficiency of their work.

#### ■ Meeting with the Guatemalan Human Rights Ombudsman

The meeting was organized by the Catalan Agency for Development Cooperation, as part of the visit to Catalonia of the Guatemalan Human Rights Ombudsman (a counterpart to the Catalan Ombudsman) and the Forensic Anthropology Foundation of Guatemala, to exchange knowledge with the Government of Catalonia in the field of recovery of the historical memory, the search for missing people, judicial archives, human rights and good practices in the health crisis, among others.

Accompanied by members of his team, the Guatemalan Ombudsman, Augusto Jordán Rodas Andrade, met with the Catalan Ombudsman and Deputy General on 12 November at the headquarters of the Catalan Ombudsman.

### 1.11. Others

#### ■ **Webinar: “The role of Ombudsman and Mediator institutions in the promotion and protection of human rights, good governance and the rule of law”**

Organized online on 7 April by the Ombudsman of the Kingdom of Morocco, the Council of Europe and the Venice Commission, the webinar aimed to improve the knowledge of ombudsman institutions on the importance of the Resolution of the United Nations and the Venice Principles as the first global standard for the protection and promotion of ombudsman institutions.

The United Nations General Assembly adopted the United Nations Resolution on Mediation and Ombudsman Institutions on 16 December 2020. The Resolution represents a strong endorsement of the key principles of ombudsman institutions, such as independence, objectivity, transparency, fairness and impartiality. It is a more important step in achieving global recognition for the work of ombudsman institutions in promoting good governance, human rights and the rule of law.

The Director of Cabinet and Communication followed the session.

#### ■ **Webinar: “High-Level Meeting on CoE Recommendation on NHRIs”**

The adoption by the Committee of Ministers of the Council of Europe of the Recommendation on the Development and Strengthening of Effective, Pluralistic and Independent National Human Rights Institutions represents a milestone in furthering the central role of national human rights institutions in the promotion and protection of people and their rights in Europe, also through effective cooperation with the Council of Europe.

The seminar, which took place on 26 April, was attended by European human rights institutions and key players from the Council of Europe. Its main objective was to explore ways to further strengthen cooperation and support between the Council of Europe and human rights institutions at national level, and to achieve meaningful participation in the Council of Europe, following the adopted Recommendation.

The meeting was co-organized by the European Network of National Human Rights Institutions (ENNHRI) and the German Presidency of the Committee of Ministers of the Council of Europe.

## 2. INTERNATIONAL BODIES

### 2.1. Council of Europe

#### ■ **Parliamentary Assembly: Should politicians be prosecuted for statements made in the exercise of their mandate?**

On 21 June 2021, the Parliamentary Assembly of the Council of Europe voted in favour of approving the report *Should politicians be prosecuted for statements made in the exercise of their mandate?* This report has been the result of a long process of elaboration, based on a parliamentary motion and the support of the General Secretariat of the Directorate General Human Rights of the Council of Europe, and has led to trips to the countries under study, with the support of the respective governments, including, therefore, the Spanish Government. The report is firmly based on the jurisprudence of the European Court of Human Rights and the rulings of other institutions of the Council of Europe itself, such as the Venice Commission.

The work in Catalonia was made with the collaboration of the Catalan Ombudsman, at the request of the Council of Europe and the rapporteur, Boris Cilevičs, and also of the Technical Assistance Directorate of the Spanish Congress. On the one hand, the Catalan Ombudsman held meetings and interviews of the rapporteur’s team with entities in our country; and, on the other hand, the Catalan Ombudsman’s reports on rights and freedoms were used as a basis and supporting documents.

The report addresses, among other things, the necessary political -non-criminal-treatment of the conflict; the modification or reinterpretation of crimes such as sedition, rebellion and embezzlement; the granting of pardons; the cessation of legal proceedings against others for cases related to the 1st of October Catalan Referendum, and the dialogue between the parties. It also recommends the immediate release of all politicians who fall within the definition of political prisoners established by Resolution 1900 (2012), and determines the non-existence of violence in the actions of

October 2017. The report also states that in Europe there is no room for criminal prosecution of politicians for statements made in the exercise of their mandate, and that freedom of expression and the possibility of questioning the status quo of a state must be protected.

The same report envisages following up for a year on the achievement of the recommendations made. In this context, the Catalan Ombudsman asked the Parliament of Catalonia to contribute to this supervision and to set up a specific commission to monitor and assess the level of compliance with the measures and recommendations contained in the report.

Given the experience of the Catalan Ombudsman institution in the matter under analysis by the Commission, and given the work carried during the preparation of the Cilevičs report, the Catalan Ombudsman has proposed to the President of the Parliament that the institution has a permanent oversight status within the Commission.

■ ***On-line Side Event: Should politicians be prosecuted for statements made in the exercise of their mandate?***

The Catalan Ombudsman organized a parallel session to discuss freedom of expression in accordance with the European Convention on Human Rights, on 21 June, before the vote took place in the Parliamentary Assembly of the Council of Europe on the draft resolution “Should politicians be prosecuted for statements made in the exercise of their mandate?”, in plenary session. On 3 June, the Council of Europe’s Committee on Legal Affairs and Human Rights approved the draft resolution, which called on the Spanish authorities to reform the crimes of rebellion and sedition to avoid disproportionate penalties for non-violent transgressions or to avoid them being interpreted as invalidating the decriminalization of the organization of illegal referendums of 2005.

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